

MAJORITY MEMBERS:

VIRGINIA FOXX, NORTH CAROLINA,  
*Chairwoman*

JOE WILSON, SOUTH CAROLINA  
GLENN THOMPSON, PENNSYLVANIA  
TIM WALBERG, MICHIGAN  
GLENN GROTHMAN, WISCONSIN  
ELISE M. STEFANIK, NEW YORK  
RICK W. ALLEN, GEORGIA  
JIM BANKS, INDIANA  
JAMES COMER, KENTUCKY  
LLOYD SMUCKER, PENNSYLVANIA  
BURGESS OWENS, UTAH  
BOB GOOD, VIRGINIA  
LISA C. MCCLAIN, MICHIGAN  
MARY E. MILLER, ILLINOIS  
MICHELLE STEEL, CALIFORNIA  
RON ESTES, KANSAS  
JULIA LETLOW, LOUISIANA  
KEVIN KILEY, CALIFORNIA  
AARON BEAN, FLORIDA  
ERIC BURLISON, MISSOURI  
NATHANIEL MORAN, TEXAS  
JOHN JAMES, MICHIGAN  
LORI CHAVEZ-DEREMER, OREGON  
BRANDON WILLIAMS, NEW YORK  
ERIN HOUCHEIN, INDIANA



COMMITTEE ON  
EDUCATION AND THE WORKFORCE  
U.S. HOUSE OF REPRESENTATIVES  
2176 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-6100

MINORITY MEMBERS:

ROBERT C. "BOBBY" SCOTT, VIRGINIA,  
*Ranking Member*

RAÚL M. GRIJALVA, ARIZONA  
JOE COURTNEY, CONNECTICUT  
GREGORIO KILILI CAMACHO SABLÁN,  
NORTHERN MARIANA ISLANDS  
FREDERICA S. WILSON, FLORIDA  
SUZANNE BONAMICI, OREGON  
MARK TAKANO, CALIFORNIA  
ALMA S. ADAMS, NORTH CAROLINA  
MARK DESAULNIER, CALIFORNIA  
DONALD NORCROSS, NEW JERSEY  
PRAMILA JAYAPAL, WASHINGTON  
SUSAN WILD, PENNSYLVANIA  
LUCY MCBATH, GEORGIA  
JAHANA HAYES, CONNECTICUT  
ILHAN OMAR, MINNESOTA  
HALEY M. STEVENS, MICHIGAN  
TERESA LEGER FERNÁNDEZ,  
NEW MEXICO  
KATHY E. MANNING, NORTH CAROLINA  
FRANK J. MRVAN, INDIANA  
JAMAAL BOWMAN, NEW YORK

December 18, 2023

The Honorable Miguel Cardona  
Secretary  
U.S. Department of Education  
400 Maryland Avenue, S.W.  
Washington, D.C. 20202

Dear Secretary Cardona:

The recent announcement by the Department of Education (Department) that it intends to delay the implementation of an executive order tackling antisemitism by another year is appalling. Executive Order (EO) 13899 ("Combating Anti-Semitism") was signed on December 11, 2019.<sup>1</sup> Every year since the signing of the EO, the Department has indicated its intention to issue a notice of proposed rulemaking to amend its Title VI regulations<sup>2</sup> to come into compliance with the EO. It never has.

The day before Hanukkah, the most visible Jewish holiday in the United States, the Department announced its decision to once again punt on its responsibilities to Jewish students. We wish we were surprised. A full four years after the signing of the EO, the Department has not issued even a *proposed* rule, pushing this down the line as well. To be clear: not only has the Department failed to meet its obligation to create rules necessary for the execution of the EO, but it is also delaying any such action by another year. This is particularly egregious in the face of increased anti-Jewish hatred sweeping across American schools and college campuses which deserves action from the Department now, not later.

Secretary Cardona, your inaction on necessary and defensible rulemaking has left institutions of higher education and schools unprepared for and unwilling to address the fires of antisemitism that have swept campuses this fall. Letters sent to your Department from Jewish groups and concerned Americans across the country have gone unanswered, and the Committee receives calls and emails daily from parents and students reporting antisemitism at their schools.<sup>3</sup> You

<sup>1</sup> Exec. Order No. 13899, 84 Fed. Reg. 68779 (Dec. 16, 2019).

<sup>2</sup> Title VI of the Civil Rights Act of 1964; 34 CFR part 100.

<sup>3</sup> AAF Coalition Letter on Combating Anti-Semitism, Nov. 15, 2023; DFI Policy Coalition Letter on Antisemitism and Title VI, Dec. 7, 2023.

claim to take the fears of Jewish students seriously, but your words are undercut by your failure to address those fears through the Department's regulatory process.

There are also concerns about the seriousness of your Department's Title VI antisemitism investigations and the possibility that their outcomes have been predetermined. The day after your Department announced civil rights investigations of several schools, you said the following: "Look, if an institution refuses to follow the law to protect students, we would withhold dollars. That said . . . I haven't spoken to a college leader that doesn't want to do everything they can. Right now what we're doing is giving them resources."<sup>4</sup> It is difficult to trust the Department to investigate violations of Title VI when your own public statements suggest that you have already come to your own conclusions about the scope of the problem and have decided that alleged efforts by schools satisfies their legal obligations.

Secretary Cardona, the Committee implores you to stop delaying implementation of the EO and to propose regulations that will strengthen Title VI to protect besieged Jewish students and faculty on our campuses. It is time to back up your words with actions. By no later than Friday, December 29, 2023, please provide the Committee with an explanation of why the regulation has been pushed so far down on your regulatory agenda. Should you need clarification on this request, please contact Committee staff member Gabriella Pistone at Gabriella.Pistone@mail.house.gov or 202-225-0806 within five (5) days of receipt of this letter.

Sincerely,



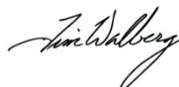
Virginia Foxx  
Chairwoman, U. S. House Committee on  
Education and the Workforce



Joe Wilson  
Member of Congress



Glenn "GT" Thompson  
Member of Congress



Tim Walberg  
Member of Congress



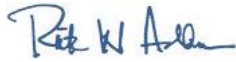
Glenn Grothman  
Member of Congress




Elise M. Stefanik  
Member of Congress

---

<sup>4</sup> Quoted in Bianca Quilantan, *Education Secretary: Schools That Protect Students Will Keep Their Money*, POLITICO, Nov. 17, 2023, <https://www.politico.com/news/2023/11/17/cardona-unlikely-schools-under-investigation-will-lose-federal-funds-00127799>.



Rick W. Allen  
Member of Congress



Jim Banks  
Member of Congress



James Comer  
Member of Congress



Lloyd Smucker  
Member of Congress



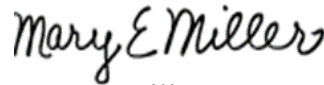
Burgess Owens  
Member of Congress



Bob Good  
Member of Congress



Lisa C. McClain  
Member of Congress



Mary E. Miller  
Member of Congress



Michelle Steel  
Member of Congress



Ron Estes  
Member of Congress




Julia Letlow  
Member of Congress



Kevin Kiley  
Member of Congress



Aaron Bean  
Member of Congress



Eric Burlison  
Member of Congress



Nathaniel Moran  
Member of Congress



John James  
Member of Congress



Lori Chavez-Dereemer  
Member of Congress



Brandon Williams  
Member of Congress



Erin Houchin  
Member of Congress