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. 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 to come into compliance with the EO.

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.

You

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2 Title VI of the Civil Rights Act of 1964; 34 CFR part 100.
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.” 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 satisfy 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

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Rick W. Allen  
Member of Congress

Jim Banks  
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Lloyd Smucker  
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Burgess Owens  
Member of Congress

Bob Good  
Member of Congress

Lisa C. McClain  
Member of Congress

Mary E. Miller  
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Michelle Steel  
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Ron Estes  
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Julia Letlow  
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Kevin Kiley  
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Aaron Bean  
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Eric Burlison  
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Nathaniel Moran  
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Lori Chavez-Deremer  
Member of Congress

Erin Houchin  
Member of Congress

John James  
Member of Congress

Brandon Williams  
Member of Congress