

RESOLUTION OF INQUIRY REQUESTING THE PRESIDENT AND DIRECTING
THE SECRETARY OF EDUCATION TO TRANSMIT, RESPECTIVELY, CER-
TAIN DOCUMENTS TO THE HOUSE OF REPRESENTATIVES RELATING TO
THE REDUCTION IN FORCE AND OTHER DOWNSIZING MEASURES AT
THE DEPARTMENT OF EDUCATION

APRIL 29, 2025.—Referred to the House Calendar and ordered to be printed

Mr. WALBERG, from the Committee on Education and Workforce,
submitted the following

ADVERSE REPORT

together with

MINORITY AND DISSENTING VIEWS

[To accompany H. Res. 237]

The Committee on the Education and Workforce, to whom was referred the resolution (H. Res. 237) of inquiry requesting the President and directing the Secretary of Education to transmit, respectively, certain documents to the House of Representatives relating to the reduction in force and other downsizing measures at the Department of Education, having considered the same, reports unfavorably thereon with an amendment and recommends that the resolution as amended not be agreed to.

Strike all after the resolving clause and insert the following:

That the President is requested, and the Secretary of Education is directed, to transmit, respectively, to the House of Representatives, not later than 14 days after the date of the adoption of this resolution, unredacted copies of all documents, memoranda, legal opinions, notes from meetings, records (including telephone records, electronic mail records, and screenshots), correspondence (electronic or otherwise), and other communications (or any portion of any such communications) that are in the possession of the President or the Secretary, respectively, and refer or relate to the following:

- (1) The closure of the Department of Education.
- (2) Any reduction in force or other downsizing measures at the Department of Education.
- (3) Any actions taken pursuant to the Secretary of Education's March 3, 2025, communication to staff entitled "Our Department's Final Mission".
- (4) Any actions taken pursuant to any Executive Order of the President directing the Secretary of Education to take steps to facilitate the closure of the Department of Education.
- (5) Any determinations made by the Executive Office of the President, the Secretary of Education, or the staff of the Department of Education that the staff remaining at the Department after any reduction in force, other

downsizing measure, or closure would be sufficient to ensure that the Secretary could faithfully execute the Federal laws that Congress has directed the Secretary to enforce or implement, including—

- (A) title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.);
- (B) title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.);
- (C) the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.);
- (D) section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794);
- (E) title II of the Americans with Disabilities Act of 1990 (42 U.S.C. 12131 et seq.);
- (F) the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.);
- (G) the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.);
- (H) the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.);
- (I) the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.);
- (J) the Education Sciences Reform Act of 2002 (20 U.S.C. 9501 et seq.);
- (K) section 444 of the General Education Provisions Act (20 U.S.C. 1232g) (commonly known as the “Family Educational Rights and Privacy Act of 1974”); and
- (L) section 445 of the General Education Provisions Act (20 U.S.C. 1232h) (commonly known as the “Protection of Pupil Rights Amendment”).

PURPOSE

The stated purpose of H. Res. 237 is to request the President and direct the Secretary of Education to transmit certain documents to the U.S. House of Representatives relating to the Department of Education’s (the Department) reduction in force and other downsizing measures. The Committee believes H. Res. 237 was introduced in an attempt to upend the Majority’s agenda, occupy the Department in unnecessary and overly burdensome production requests, and stop the efforts of this Administration to reassign the Department’s main functions to other agencies and return education to the states as much as possible. As such, the Committee reported H. Res. 237 adversely to the House with the recommendation that it do not pass.

COMMITTEE ACTION

117TH CONGRESS

First Session—Hearing

On June 24, 2021, the Committee on Education and Labor held a hearing on “Examining the Policies and Priorities of the U.S. Department of Education.” The purpose of the hearing was to examine the policies and priorities of the U.S. Department of Education. During the hearing, Representative Tim Walberg (R-MI) stated his belief that the ability to meet the needs of individual students is most effectively met at the local level and told Secretary Cardona that the best way to improve student achievement is to return control of education to the states. Testifying before the Committee was U.S. Department of Education Secretary Miguel Cardona, Washington, D.C.

On November 15, 2021, the Committee on Education and Labor held a joint Subcommittee on Early Childhood, Elementary, and Secondary Education and Subcommittee on Higher Education and Workforce Investment hearing on “Examining the Implementation of COVID–19 Education Funds.” The purpose of the hearing was to conduct oversight of the Education Stabilization Fund (ESF).

Testifying before the subcommittees were The Honorable Cindy Marten, Deputy Secretary, U.S. Department of Education, Washington, D.C.; The Honorable James Kvaal, Under Secretary, U.S. Department of Education, Washington, D.C.

Second Session—Hearing

On May 26, 2022, the Committee on Education and Labor held a hearing on “Examining the Policies and Priorities of the U.S. Department of Education.” The purpose of the hearing was to examine the policies and priorities of the U.S. Department of Education. Testifying before the Committee was U.S. Department of Education Secretary Miguel Cardona, Washington, D.C.

118TH CONGRESS

First Session—Hearings

On February 8, 2023, the Committee on Education and the Workforce held a hearing on “American Education in Crisis.” The purpose of the hearing was to examine the state of American education, including K–12 education, postsecondary education, and workforce development. Testifying before the Committee was Ms. Virginia Gentles, Director, Education Freedom Center, Independent Women’s Forum, Arlington, VA; Dr. Monty Sullivan, President, Louisiana Community and Technical College System, Baton Rouge, LA; Mr. Scott Pulsipher, President, Western Governors University, Salt Lake City, UT; and the Honorable Jared Polis, Governor, State of Colorado, Denver, CO.

On May 16, 2023, the Committee on Education and the Workforce held a hearing on “Examining the Policies and Priorities of the U.S. Department of Education.” The purpose of the hearing was to examine the policies and priorities of the U.S. Department of Education. During the hearing, Representative Lloyd Smucker (R–PA) referenced the Department’s failed audit and asked Secretary Cardona, “How can taxpayers trust your Department of Education to spend their money wisely if you and your staff can’t even account for how much money you’re spending?” Testifying before the Committee was U.S. Department of Education Secretary Miguel Cardona, Washington, D.C.

Second Session—Hearing

On May 7, 2024, the Committee on Education and the Workforce held a hearing on “Examining the Policies and Priorities of the U.S. Department of Education.” The purpose of the hearing was to examine the policies and priorities of the U.S. Department of Education. During the hearing, then-Chairwoman Virginia Foxx (R–NC) stated her belief that education is most effective when it is handled at the local level and pointed out that the word education does not appear in the constitution. Testifying before the Committee was U.S. Department of Education Secretary Miguel Cardona, Washington, D.C.

119TH CONGRESS

First Session—Hearing

On February 5, 2025, the Committee on Education and Workforce held a hearing on “The State of American Education.” The

purpose of the hearing was to examine the state of American education. During the hearing, Representative Bob Ounder (R–MO) mentioned the inverse relationship between increased funding for the Department of Education and student achievement. Testifying before the Committee were Mrs. Nicole Neily, President, Parents Defending Education, Arlington, VA; Dr. Preston Cooper, Senior Fellow, American Enterprise Institute, Washington, D.C.; Mrs. Janai Nelson, President and Director-Counsel, NAACP Legal Defense Fund, Washington, D.C.; and Mr. Johnny C. Taylor, Jr., President and CEO, Society for Human Resource Management, Alexandria, VA.

Legislative Action

On March 21, 2025, H. Res. 237 was introduced by Ranking Member Bobby Scott (D–VA). The bill was referred solely to the Committee on Education and Workforce. On April 9, 2025, the Committee considered H. Res. 237 in legislative session and reported it adversely, as amended, to the House of Representatives by a recorded vote of 18–12. The Committee considered the following amendment to H. Res. 237:

1. Representative Ounder offered an Amendment in the Nature of a Substitute that made two minor technical edits. The amendment was adopted by voice vote.

COMMITTEE VIEWS

INTRODUCTION

Resolutions of inquiry are a legitimate tool of Congress to demand information from the Executive Branch, particularly when the Executive Branch has not been forthcoming. Committee Republicans offered multiple resolutions of inquiry during the 117th Congress attempting to uncover information about the Biden-Harris administration’s illegal student loan schemes and collusion with teachers unions during COVID to keep students locked out of their school buildings.¹ Republicans offered those resolutions after multiple efforts to acquire that information from the Biden-Harris administration through hearings² and other ordinary oversight activities.³ In one of those cases, Committee Republicans patiently waited through more than a year of stonewalling by the Biden-Harris administration before forcing a vote on a resolution of inquiry.⁴

By contrast, the Trump administration has been forthcoming with information. Despite this transparency, the minority has still skipped all the ordinary oversight steps. This reveals that H. Res. 237 is a political exercise, not a genuine effort to gather information.

¹H. Res. 1295, <https://www.congress.gov/bill/117th-congress/house-resolution/1295?s=2&r=1>; H. Res. 1296, <https://www.congress.gov/bill/117th-congress/house-resolution/1296?s=4&r=1>, and H. Res. 1273, <https://www.congress.gov/bill/117th-congress/house-resolution/1273?s=6&r=1>.

²Opening Statement, Committee on Education and Labor Hearing on “Examining the Policies and Priorities of the U.S. Department of Education, May 26, 2022, <https://edworkforce.house.gov/calendar/eventsingle.aspx?EventID=408318>.

³Rep. Foxx and Sen. Burr Letter to Secretary Cardona, June 15, 2022. https://edworkforce.house.gov/uploadedfiles/6.15.22_foxx_and_burr_to_cardona_re_student_loan_forgiveness.pdf.

⁴Reps. Foxx and Owens Letter to Secretary Cardona, May 10, 2021, https://edworkforce.house.gov/uploadedfiles/5.10.21.tued_letter3.pdf.

What's more, the minority argues that the presence of the Department of Education (Department) is critical to the success of students and families. They also sought to argue that the Trump administration's actions to reduce the size and scope of the Department have left the agency unable to fulfill its Constitutional obligations to faithfully execute the laws for which it has responsibility. Neither is true.

The Department of Education Has Not Improved Education

Since the Department of Education was created, K–12 per pupil spending in the United States has ballooned from just under \$2,300 per student to more than \$15,600.⁵ That is an increase of 245 percent when adjusted for inflation. Unfortunately, improvements in student achievement have not accompanied all the additional spending. According to the National Assessment of Educational Progress, 13-year-olds are reading at about the same level now as they were in 1971.⁶ Only 30 percent of American eighth graders are proficient in reading, and only 28 percent are proficient in math.^{7,8} Between 2019 and 2023, the decline of U.S. eighth graders on an international math assessment was among the highest among tested countries.⁹

Unfortunately, we're doing no better in postsecondary education. Right now, cumulative student loan debt is over \$1.6 trillion.¹⁰ Increases in tuition and fees have continually outpaced inflation, and results are abysmal.¹¹ The national six-year graduation rate for colleges and universities is just over 60 percent.¹² Rather than reforming the failing status quo, the Biden-Harris administration doubled down, proposing about \$1 trillion in new spending to shift student loan balances from college graduates to taxpayers, many of whom didn't go to college or have already fulfilled their loan repayment obligations.¹³

Committee Republicans believe that, after four and a half decades of failure, it is time to try a different approach. Rather than trying to control education from Washington, DC, states and local communities should be given more power. Rather than continuing to trust the ineffective education system, we should trust students and families.

⁵“U.S. Public Schools—Average Expenditure per Pupil 1980–2016.” *Statista*, <https://www.statista.com/statistics/185135/average-expenditures-per-pupil-in-public-schools/>.

⁶“NAEP Reading: National Trends and Student Skills.” *Nationsreportcard.gov*, https://www.nationsreportcard.gov/reports/reading/2024/g4_8/national-trends/?grade=4#achievement-level-trends.

⁷“NAEP Mathematics: National Trends and Student Skills.” *Nationsreportcard.gov*, https://www.nationsreportcard.gov/reports/mathematics/2024/g4_8/national-trends/?grade=4#achievement-level-trends.

⁸“NAEP Reading: National Trends and Student Skills.” *Nationsreportcard.gov*, https://www.nationsreportcard.gov/reports/reading/2024/g4_8/national-trends/?grade=4#achievement-level-trends.

⁹NCES. “Trends in International Mathematics and Science Study (TIMSS)—Overview.” *Ed.gov*, National Center for Education Statistics, <https://nces.ed.gov/timss/>.

¹⁰“Student Loan Debt Statistics.” *Education Data Initiative*, *EducationData.org*, <https://educationdata.org/student-loan-debt-statistics>.

¹¹“College Tuition Inflation Rate.” *Education Data Initiative*, <https://educationdata.org/college-tuition-inflation-rate>.

¹²“NCES Fast Facts Tool” *National Center for Education Statistics*, <https://nces.ed.gov/fastfacts/20-year-grad-rate>.

¹³“The Total Cost of Student Debt Cancellation.” *Committee for a Responsible Federal Budget*, www.crfb.org/blogs/total-cost-student-debt-cancellation.

The Department of Education is Fulfilling Its Responsibilities

The minority also argued that the Trump administration is failing to fulfill its responsibilities to faithfully execute the laws under its jurisdiction. Unfortunately, the Biden-Harris administration showed us just what failure to faithfully implement laws looks like. To cite just a few examples, the Biden-Harris administration destroyed the Free Application for Federal Student Aid and the college dreams of low-income students;¹⁴ they failed to enforce Title VI of the *Civil Rights Act* when antisemitic harassment and discrimination exploded on college campuses;¹⁵ and then attempted to impose rules under Title IX undermining the rights of women and girls that were judged by a federal court to “exceed the Department’s authority under Title IX, violate the Constitution, and [be] the result of arbitrary and capricious agency action.”¹⁶ Yet, despite these glaring failures, the minority seemed disinterested in noticing or calling out these serious failures of the Biden-Harris administration to faithfully execute the laws under its jurisdiction.

Far from following in this path of failure, the Trump administration is fulfilling its responsibilities. Just in the weeks leading up to the Committee’s consideration of H. Res. 237, the Trump administration’s Department took action under the laws laid out in the resolution, including:

- Announcing a negotiated rulemaking process under the *Higher Education Act* to begin the effort to fix what the Biden-Harris administration broke in the student loan programs.¹⁷
- Putting out guidance regarding states’ and school districts’ obligations under the *Family Educational Rights and Privacy Act* (FERPA);¹⁸
- Launching investigations into states’ and school districts’ violations of FERPA;¹⁹
- Taking steps to ensure state and school district compliance with Title VI of the *Civil Rights Act*;²⁰

¹⁴ “Fewer Freshmen Enrolled in College This Year Following Troubling FAFSA Cycle,” Katherine Mayer, October 28, 2024, <https://www.brookings.edu/articles/fewer-freshmen-enrolled-in-college-this-year-following-troubling-fafsa-cycle/#:~:text=It's%20not%20good.,largest%20declines%20in%20FAFSA%20filing>.

¹⁵ “The Biden-Harris Administration Has Failed to Combat Campus Antisemitism,” Jonathan Pidluzny, October 14, 2024, <https://americafirstpolicy.com/issues/the-biden-harris-administration-has-failed-to-combat-campus-antisemitism>.

¹⁶ *State of Tennessee, et al. v. Miguel Cardona, et al.* Page 1, <https://www.tn.gov/content/dam/tn/attorneygeneral/documents/pr/2025/2025-1-title-ix.pdf>.

¹⁷ Department of Education Announcement, April 3, 2025, <https://www.ed.gov/about/news/press-release/us-department-of-education-office-of-postsecondary-education-announces-negotiated-rulemaking>.

¹⁸ Department of Education Announcement, March 28, 2025, <https://www.ed.gov/about/news/press-release/us-department-of-education-directs-schools-comply-parental-rights-laws>.

¹⁹ Department of Education Announcement, March 27, 2025, <https://www.ed.gov/about/news/press-release/us-department-of-education-launches-investigation-california-department-of-education-alleged-ferpa-violations> and Department of Education Announcement, March 28, 2025, <https://www.ed.gov/about/news/press-release/us-department-of-education-launches-investigation-maine-department-of-education-alleged-ferpa-violations>.

²⁰ Department of Education Dear Colleague Letter, February 14, 2025, <https://www.ed.gov/media/document/dear-colleague-letter-sffa-v-harvard-109506.pdf>; Department of Education Frequently Asked Questions, March 1, 2025, <https://www.ed.gov/media/document/frequently-asked-questions-about-racial-preferences-and-stereotypes-under-title-vi-of-civil-rights-act-109530.pdf>; and Department of Education Announcement, April 3, 2025, <https://www.ed.gov/about/news/press-release/ed-requires-k-12-school-districts-certify-compliance-title-vi-and-students-v-harvard-condition-of-receiving-federal-financial-assistance>.

- Taking aggressive action to protect women and girls from discrimination in violation of Title IX;²¹ and
- Holding Harvard accountable for its failure to protect Jewish students from harassment and discrimination.²²

While the Biden-Harris administration neglected these laws or intentionally misconstrued them to pursue political ends, the Trump administration is aggressively enforcing them even as it makes the important case that these responsibilities could better be handled by other agencies and the states.

CONCLUSION

The debate over this resolution was fundamentally a debate about competing visions for education. Committee Republicans believe in an education system that does not trap students into failing schools; that allows all parents—not just the wealthy and well-connected—to exercise school choice for their children; that makes college available for all who want it but where multiple pathways to successful careers and lives are also available and respected; that sees parents as partners rather than enemies.

The Trump administration shares this vision. It wants to eliminate bureaucracy where it impedes educational achievement. Where federal guardrails are needed, for example to protect the civil rights of students, the Trump administration wants to streamline bureaucracy so that the federal government can best fulfill its responsibilities.

Unfortunately, the minority's vision is to maintain the status quo that has failed so many students. By rejecting this resolution, the Committee demonstrates it rejects an education system that puts systems before students and families. Dispensing with this resolution will make it easier for Congress and the Trump administration to continue the important work of fixing what the Biden-Harris administration broke and trusting states, students, and families with education decisions.

SUMMARY

H. Res. 237 demands from President Trump and Secretary of Education McMahon any documents and other materials that are in the President's or Secretary's possession related to the topics listed below. The resolution demands that the materials be transmitted to the House of Representatives within 14 days of the House's adoption of the resolution.

The topics covered by the demand for materials are:

- Efforts to close or downsize the Department of Education (Department);
- The Department's reductions in force; and
- Determinations made by the President, Secretary, or other staff of the Department that remaining Department staff are sufficient to ensure the faithful execution of the following laws:
 - Title IX of the *Education Amendments of 1972*.

²¹ Department of Education Announcement, March 19, 2025, <https://www.ed.gov/about/news/press-release/us-department-of-education-office-civil-rights-concludes-maine-department-of-education-violating-title-ix>.

²² "Trump Administration Sends Harvard a List of Demands to Protect Federal Funds," Michael C. Bender and Stephanie Saul, April 3, 2025, <https://www.nytimes.com/2025/04/03/us/politics/trump-harvard-funding-demands.html>.

- Title VI of the *Civil Rights Act of 1964*.
- The *Individuals with Disabilities Education Act*.
- Section 504 of the *Rehabilitation Act of 1973*.
- Title II of the *Americans with Disabilities Act*.
- The *Age Discrimination Act of 1975*.
- The *Elementary and Secondary Education Act of 1965*.
- The *Higher Education Act of 1965*.
- The *Carl D. Perkins Career and Technical Education Act of 2006*.
- The *Education Sciences Reform Act of 2002*.
- The *Family Educational Rights and Privacy Act* (Section 444 of the *General Education Provisions Act*).
- The Protection of Pupil Rights Amendment (Section 445 of the *General Education Provisions Act*).

H. RES. 237 SECTION-BY-SECTION SUMMARY

The bill is named, “Of inquiry requesting the President and directing the Secretary of Education to transmit, respectively, certain documents to the House of Representatives relating to the reduction in force and other downsizing measures at the Department of Education.”

The resolution clause of the bill requests the President and demands the Secretary of Education transmit to the House of Representatives no later than 14 days after adoption of the resolution, the unredacted copies of all documents, legal opinions, notes from meetings, and other communications that refer to the following:

- Efforts to close or downsize the Department of Education (Department);
- The Department’s reductions in force; and
- Determinations made by the President, Secretary, or other staff of the Department that remaining Department staff are sufficient to ensure the faithful execution of the laws for which the Department has responsibility, including: Title IX of the *Education Amendments of 1972*; Title VI of the *Civil Rights Act of 1964*; the *Individuals with Disabilities Education Act*; Section 504 of the *Rehabilitation Act of 1973*; Title II of the *Americans with Disabilities Act of 1990*; the *Age Discrimination Act of 1975*; the *Elementary and Secondary Education Act of 1965*; the *Higher Education Act of 1965*; the *Carl D. Perkins Career and Technical Education Act of 2006*; the *Education Sciences Reform Act of 2002*; the *Family Educational Rights and Privacy Act of 1974* (section 444 of the *General Education Provisions Act*); and the Protection of Pupil Rights Amendment (section 445 of the *General Education Provisions Act*).

EXPLANATION OF AMENDMENT

The amendment in the nature of a substitute is explained in the body of this report.

APPLICATION OF LAW TO THE LEGISLATIVE BRANCH

Section 102(b)(3) of Public Law 104–1 requires a description of the application of this bill to the legislative branch. H. Res. 237 directs the Secretary of Education to transmit certain documents to

the House of Representatives relating to the downsizing measures at the Department of Education. H. Res. 237 is applicable to the Department of Education's downsizing measures and therefore does not apply to the Legislative Branch.

UNFUNDED MANDATE STATEMENT

Pursuant to Section 423 of the Congressional Budget and Impoundment Control Act of 1974, Pub. L. No. 93-344 (as amended by Section 101(a)(2) of the Unfunded Mandates Reform Act of 1995, Pub. L. No. 104-4), the Committee traditionally adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office (CBO) pursuant to section 402 of the Congressional Budget and Impoundment Control Act of 1974. However, a cost estimate was not made available to the Committee in time for the filing of this report.

EARMARK STATEMENT

H. Res. 237 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of House rule XXI.

ROLL CALL VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires the Committee Report to include for each record vote on a motion to report the measure or matter and on any amendments offered to the measure or matter the total number of votes for and against and the names of the Members voting for and against.

Date: 4/9/25

COMMITTEE ON EDUCATION AND WORKFORCE RECORD OF COMMITTEE VOTE

Roll Call:3

Bill: H.Res.237

Amendment Number:N/A

Disposition: Adopted by a Full Committee Roll Call Vote (18y-12n)

Sponsor/Amendment: Motion to adversely report bill; as amended

Name & State	Aye	No	Not Voting	Name & State	Aye	No	Not Voting
Mr. WALBERG (MI) (Chairman)	X			Mr. SCOTT (VA) (Ranking)		X	
Mr. WILSON (SC)	X			Mr. COURTNEY (CT))		X	
Mrs. FOXX (NC)	X			Ms. WILSON (FL)		X	
Mr. THOMPSON (PA)	X			Ms. BONAMICI (OR)		X	
Mr. GROTHMAN (WI)	X			Mr. TAKANO (CA))		X	
Ms. STEFANIK (NY)	X		X	Ms. ADAMS (NC)		X	
Mr. ALLEN (GA)	X			Mr. DESAULNIER (CA)		X	
Mr. COMER (KY)			X	Mr. NORCROSS (NJ)			X
Mr. OWENS (UT)	X			Ms. MCBATH (GA)			X
Ms. MCCLAIN (MI)			X	Ms. HAYES (CT)		X	
Mrs. MILLER (IL)	X			Ms. OMAR (MN)		X	
Ms. LETLOW (LA)	X			Ms. STEVENS (MI)			X
Mr. KILEY (CA)	X			Mr. CASAR (TX)		X	
Mr. RULLI (OH)	X			Ms. LEE (PA)		X	
Mr. MOYLAN (GU)	X			Mr. MANNION (NY)		X	
Mr. ONDER (MO)	X						
Mr. MACKENZIE (PA)	X						
Mr. BAUMGARTNER (WA)	X						
Mr. HARRIS (NC)	X						
Mr. MESSMER (IN)	X						
Mr. FINE (FL)	X						

TOTALS: Ayes: 18

Nos: 12

Not Voting: 6

Total: 36 / Quorum: / Report: 18y-12n

(21 R - 16 D)

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

In accordance with clause (3)(c) of House rule XIII, the goal of H. Res. 237 is to request the President and direct the Secretary of Education to transmit certain documents to the House of Representatives relating to the reduction in force and other downsizing measures at the Department of Education.

DUPLICATION OF FEDERAL PROGRAMS

No provision of H. Res. 237 establishes or reauthorizes a program of the Federal Government known to be duplicative of another Federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

STATEMENT OF OVERSIGHT FINDINGS AND RECOMMENDATIONS OF THE COMMITTEE

In compliance with clause 3(c)(1) of rule XIII and clause 2(b)(1) of rule X of the Rules of the House of Representatives, the committee's oversight findings and recommendations are reflected in the body of this report.

NEW BUDGET AUTHORITY AND CBO COST ESTIMATE

The Committee has not received a cost estimate for the bill from the Director of the Congressional Budget Office.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

H. Res. 237, as reported by the Committee, makes no changes to existing law.

MINORITY VIEWS

Introduction

President Trump ran for re-election in part on a promise to shut down the U.S. Department of Education (Department).¹ A bi-partisan consensus of legal scholars agrees this is an act the President does not have the power to do.² Nevertheless, his Administration is attempting to abolish the Department, with little apparent regard for the statutory duties Congress has placed on the Department and its officers.

On March 21, 2025, Ranking Member Bobby Scott (D-VA) introduced H. Res. 237 in the House with all Democratic Members of the Committee on Education & Workforce as original co-sponsors. This resolution of inquiry (ROI) directs the President and the Secretary of Education (Secretary) to provide to the Congress all documents in their possession related to plans to shut down or drastically reduce in size the U.S. Department of Education. Rather than let this resolution come to the floor for consideration by the full House, the Majority chose to report it out of Committee adversely, destroying nearly any chance it will be considered further. Our colleagues in the Majority have wasted no opportunity lauding themselves as champions of accountability and transparency. In killing H. Res. 237, their actions speak louder than their empty words.

The Administration's Dubious Dismantling of the Department of Education

The Department of Education was created by an Act of Congress, the *Department of Education Organization Act*, (the DEOA) and it would take an Act of Congress to abolish it.³ The DEOA establishes most of the offices at the Department, and the leadership of those offices.⁴ The DEOA does not contemplate most staff positions beyond the direct leadership of these offices, giving the Department wide discretion over staff and organization. However, most education laws vest the Department with authority over certain areas

¹ E.g., Graham Kates, *Can Trump Dismantle the Department of Education? It Won't be Easy, Experts Say*, CBS News (Feb. 4, 2025), <https://www.cbsnews.com/news/trump-dismantle-education-department/>; Time Staff, *Read the Full Transcript of Donald Trump's 2024 Person of the Year Interview with TIME*, TIME (Dec. 12, 2024), <https://time.com/6972022/donald-trump-transcript-2024-election/>.

² E.g., Laura Mannweiler, *Can Trump Really Dissolve A Government Agency?*, USNews, Feb. 11, 2025, <https://www.usnews.com/news/politics/articles/2025-02-11/can-trump-really-dissolve-a-government-agency-like-usaid-or-the-department-of-education>.

³ Pub. L. No. 96-88, 93 Stat. 669, Oct. 17, 1979.

⁴ E.g., Department of Education Organization Act, 20 U.S.C. § 3403 (“There shall be in the Department an Office for Civil Rights, to be administered by the Assistant Secretary for Civil Rights appointed under section 202(b). Notwithstanding the provisions of section 412 of this Act, the Secretary shall delegate to the Assistant Secretary for Civil Rights all functions, other than administrative and support functions, transferred to the Secretary under section 301(a)(3).”) (emphasis added); see also Henry Hogue & Rebecca Skinner, Cong. Rsch. Serv., R48425, U.S. Department of Education: Background and Statutorily Established Officers, Positions, and Offices (2025), <https://crs.gov/reports/pdf/R48425/R48425.pdf>.

and place duties upon the Secretary and other officials.⁵ In addition, there are laws that place specific requirements on certain offices at ED—for example, the Office for Federal Student Aid is a “performance-based organization” per the *Higher Education Act*.⁶

Neither the lack of legal authority nor the statutory requirements Congress has placed on the Department have stopped the President and his Administration from attempting to dismantle it. Committee Democrats, acting in concert with House and Senate Democrats, have asked the Administration to provide information about their actions. These requests range from simple inquiries for credible statistical information about the nature of their actions, to requests to review analysis we have been assured the Department made regarding its ability to function within the law. Throughout this process, the administration has not been transparent, forcing Democrats to use H. Res. 237 in attempt to gather necessary information about the Department’s actions.

Democratic Attempts to Seek Information as Administration Guts Department

Prior to the President’s inauguration there were 4,133 employees at the Department.⁷ On January 28, the U.S. Office of Personnel and Management (OPM) sent a blast email to nearly all federal employees presenting them with an option to resign by February 6, 2025 in exchange for a continuation of pay and benefits through September 2025.⁸ The offer was made with the understanding that layoffs would be occurring in the Executive Branch and there was no guarantee of such a generous severance package in a general layoff.⁹ This program, termed the “Deferred Resignation Program” and commonly referred to as the “Fork in the Road”, was accepted by approximately 75,000 federal employees, including approximately 259 Department employees (6.2% of the 4,133 Department employees prior to President Trump’s 2025 inauguration).¹⁰ In February, the Department was authorized by OPM to offer Voluntary Separation Incentive Payments (VSIP), lump-sum payments of up to \$25,000 an agency that is downsizing or restructuring can make as an incentive for employees to voluntarily separate.¹¹ 313 employees (7.6% of pre-Trump ED) took the VSIP offer. Notwithstanding the question of whether the President has the power to take these actions, Committee Democrats have concerns about the

⁵ *E.g.*, Individuals with Disabilities Education Act § 606, 20 U.S.C. § 1405 (“*The Secretary shall ensure that each recipient of assistance under this title makes positive efforts to employ and advance in employment qualified individuals with disabilities in programs assisted under this title.*”) (emphasis added).

⁶ Higher Education Act of 1965, 20 U.S.C. § 1018 (“*There is established in the Department a Performance-Based Organization (hereafter referred to as the “PBO”) which shall be a discrete management unit responsible for managing the administrative and oversight functions supporting the programs authorized under title IV of this Act, as specified in subsection (b).*”) (emphasis added).

⁷ *E.g.*, Press Release, U.S. Dep’t of Educ., U.S. Department of Education Initiates Reduction in Force, Mar. 11, 2025, <https://www.ed.gov/about/news/press-release/us-department-of-education-initiates-reduction-force>.

⁸ E-mail from Off. of Personnel & Mgmt. to Employees of the U.S. Fed. Govt., (Jan. 28, 2025, <https://www.opm.gov/fork/original-email-to-employees/>).

⁹ *See id.* (“At this time, we cannot give you full assurance regarding the certainty of your position or agency but should your position be eliminated you will be treated with dignity and will be afforded the protections in place for such positions.”)

¹⁰ U.S. Dep’t of Educ., *supra* n. 7.

¹¹ *Id.*

efficacy and logic behind them, especially in the wake of subsequent actions taken at the Department.

On February 2, the Committee learned via media reports that Department employees were being placed on administrative leave based on their attendance at trainings on diversity mandated by Department leadership during the first Trump administration.¹² The surreal decision of the current administration to punish employees for acting in accordance with decisions made by an earlier iteration of the same administration called into question whether the Department was doing adequate analysis before making decisions. On February 5, Ranking Member Scott joined with House Appropriations Committee Ranking Member Rosa DeLauro (D-CT), and Senate Health, Education, Labor, and Pensions (HELP) Committee Ranking Member Bernie Sanders (I-VT), Senate Appropriations Committee Ranking Member Patty Murray (D-WA), and Senate Appropriations Committee's Subcommittee on Labor, Health and Human Services, Education, and Related Agencies Ranking Member Tammy Baldwin (D-WI), inquiring in part about these Department employees who have been placed on administrative leave.¹³ To date, Ranking Member Scott has not received a response to this inquiry.

In early February, the Committee heard rumors, unsubstantiated via communication from the Department that the Department, seemingly at the behest of the U.S. Department of Government Efficiency Service (DOGE), was cancelling contracts for ongoing federal research at the Institute of Education Sciences (IES). These rumors were finally confirmed in press reports later that month.¹⁴ IES is established in the DEOA, and the *Education Sciences Reform Act* (ESRA) and other statutes place significant responsibilities on it.¹⁵ Ranking Member Scott and 12 other Committee Democrats joined a host of other Members and Senators again asking the Acting Secretary for details including: which offices or staff at the Department made these decisions, what analysis determined what contracts were cancelled, and which contracts covered the “statutory functions” of IES.¹⁶ The Department’s final response in relation to this request was received nine days after H. Res. 237 was marked up and was unresponsive to the majority of questions posed in the request.

¹² *E.g.*, Yamiche Alcindor, *Union official says Education Department employees were placed on leave after taking diversity training during Trump's first term*, NBCNews, Feb. 2, 2025, <https://www.nbcnews.com/politics/donald-trump/union-official-education-department-employees-leave-dei-training-rcna190337>.

¹³ Letter from Ranking Member Scott et al., to Denise Carter, Acting Secretary, U.S. Dep’t of Educ., (Feb. 5, 2025), https://democrats-edworkforce.house.gov/imo/media/doc/scott_deलाuro_sanders_murray_baldwin_demand_answers_on_trumps_plans_to_dismantle_education_department.pdf.

¹⁴ *E.g.*, Ryan Quinn & Katherine Knott, \$900 million in Institute of Education Contracts Axed, Inside Higher Ed, Feb. 12, 2025, <https://www.insidehighered.com/news/faculty-issues/research/2025/02/12/900m-institute-education-sciences-contracts-axed>.

¹⁵ 20 U.S.C. § 3419 (“There *shall be* in the Department of Education the Institute of Education Sciences, which shall be administered in accordance with the Education Sciences Reform Act of 2002 by the Director appointed under section 114(a) of that Act.”); 20 U.S.C. § 9511 (“In carrying out the mission described in paragraph (1), the Institute *shall compile statistics, develop products, and conduct research, evaluations, and wide dissemination activities in areas of demonstrated national need* (including in technology areas) that are supported by Federal funds appropriated to the Institute”)(emphasis added).

¹⁶ Letter from Ranking Member Scott et al., to Denise Carter, Acting Secretary, U.S. Dep’t of Educ., (Feb. 21, 2025), https://democrats-edworkforce.house.gov/imo/media/doc/bicameral_oversight_letter_to_ed_re_doge_cuts_to_important_education_research.pdf.

On March 3, the Honorable Linda McMahon was confirmed U.S. Secretary of Education by a 51–45 vote of the Senate.¹⁷ That same day the Secretary sent a memo to all Department employees entitled “Our Department’s Final Mission.”¹⁸ Her message stated in part,

The Department of Education’s role in this new era of accountability is to restore the rightful role of state oversight in education and to end the overreach from Washington. This restoration will profoundly impact staff, budgets, and agency operations here at the Department. In coming months, we will partner with Congress and other federal agencies to determine the best path forward to fulfill the expectations of the President and the American people.¹⁹

The “Final Mission” is constructed around two false premises. The first is apparent, that the Department can be dissolved unilaterally by the Chief Executive. While the memo begrudgingly admits that there is a role for Congress to play in “the path forward”,²⁰ this admission has not been followed by detailed information on such “mission”. This point was made clear at the markup hearing by Representative Jahana Hayes (D–CT). In defending H. Res. 237, Rep. Hayes made the point that if the Department shared its plans and vision for the Department with Congress, there was a considerable chance that some Committee Democrats, would agree with portions of the plan. But, in the absence of any information regarding the plans for the Department, the only thing she and Committee Democrats are left to deduce is there is no plan or one that fails to live up to the statutory requirements on the Department.

The second, and arguably more pernicious false premise in the “Final Mission” memo is the framing that the President and Secretary are merely acting to send education “back to the states”. Elevating this as the main principle guiding the restructuring of the Department is a dead giveaway that the actions being taken are politically motivated. This is because states are, have been, and always will be, the main operators of and decisionmakers in public education in America, regardless of conservative claims to the contrary.

The federal government plays a limited, but crucial, role in supporting American educational systems. The Department’s mission is to promote student achievement and global competitiveness by fostering educational excellence and ensuring equal access to high-quality learning opportunities. The Department does this by providing funding, guidance, and supports to states and local governments, educational institutions, and individuals to expand educational opportunity and attainment, and providing important protections to all students in pursuing a high-quality education. It remains to be seen how the Department will be able to continue this

¹⁷ 171 Cong. Rec. S1455 (daily ed. Mar. 3, 1985) (roll call vote No. 99 Ex).

¹⁸ Memo from Linda McMahon, Sec’y, U.S. Dep’t of Educ. to Employees of the Dep’t, (Mar. 3, 2025), <https://www.ed.gov/about/news/speech/secretary-mcmahon-our-departments-final-mission>).

¹⁹ *Id.*

²⁰ *Id.*

mission in the wake of recent actions, which makes H. Res. 237 so critical.

Most Americans believe that all students deserve opportunity, resources, and support to reach their full potential no matter where they live, the color of their skin, or how much their family earns. Public schools and the Department exist because students, with and without disabilities, in every state and neighborhood have the right to an education that imparts academic lessons, life skills, and a lifelong love of learning. Parents and educators know that America's students need more opportunities to succeed, and we need to strengthen our public schools where 90 percent of students—and 95 percent of students with disabilities—learn. Students across the country benefit from programs run by the Department, especially lower-income students and their families in rural, suburban, and urban communities, students and families who qualify for federal grants or loans to receive career training or attend 2- and 4-year colleges, and students with disabilities. H. Res. 237 is necessary to show how the Department is planning (or not planning) to address these gaps we know exist in education.

This fundamental disconnect between the actual role the Department plays in education and how Republicans characterize its role was on full display during the markup of H. Res. 237. In a passionate speech, Representative Michael Rulli (R-OH) claimed that the “hundreds of billions of dollars that have been thrown at the Department of Education” are not getting to local school districts and is instead being spent for “admin process” and “philosophy that the Department of Education does in Washington, DC”.²¹ He also held up declines in scores on the National Assessment of Educational Progress (NAEP) from 2019–2023 as an indictment of the Department, and suggested a dissolution of the Department and sending \$4 to \$5 million dollars to every school district would be a better use of funds.

We must first address the logical inconsistencies in the speech itself. Half of the speech argued that increases in education spending are not resulting in better education, for example highlighting discrepancies between school systems in his district that received “\$8,000 to \$9,000 per student” with ones that received upwards of “\$30,000 per student”.²² But the speech concluded arguing how beneficial it would be to send Department dollars (at his estimate approximately \$4–\$5 million per district) directly to school districts. If you accept the premise that more money per student does not increase educational outcomes, it would be hard to see the value in sending additional money directly to districts.

However, concerns raised over federal education dollars flowing to local school districts seemed less an indictment of actions taken by the Department, but ones taken by the state of Ohio. Rep. Rulli referred to the “home rule law” in Ohio.²³ Whatever strictures the state of Ohio places on cities and townships in how it can spend its funds are problems internal to the state and have nothing to do with the Department. And again, if the flow of money to local dis-

²¹ *Markup of H. Res. 237 Before the H. Comm. on Educ. & Labor*, 119th Cong. (Apr. 9, 2025) (statement of Rep. Michael Rulli), https://www.youtube.com/live/wmS_n6GR57L.

²² *Id.*

²³ *Id.*

tricts was the concern, it seems to belie his argument that education before the Department—his harkening to “200 years where local one-room schoolhouses were able to educate kids in this country”—seems to be a red herring.²⁴ Similarly, the invocation of NAEP score decline from 2019–2023 to prove any point beside the fact that the pandemic was especially damaging to education is disingenuous.

But finally, Rep. Rulli was simply flat out wrong when it comes to the money going to his district from the Department. During her speech on H. Res. 237, Rep. Suzanne Bonamici (D–OR) provided detailed statistics the \$1,592 per student attending public schools that went to Ohio’s 6th Congressional District, including:

- \$1,592 per student attending public schools (9% Ohio’s sixth congressional district’s public schools support);
- \$160.9 million for K–12 resources and staffing in public schools;
- \$36.1 million authorized under Title I of the *Elementary and Secondary Education Act*; and
- \$28.8 million in Special Education Grants²⁵

Based on obvious fundamental misunderstandings about the role of the Department, and the Administration’s ability to unilaterally dismantle it, on March 6, Ranking Member Scott again joined with Representative DeLauro and Senators Sanders, Murray, and Baldwin in a letter reiterating previous information requests around Department employees placed on leave or laid off and conveying concerns actions being taken could be “a series of steps intended to illegally terminate the Department.”²⁶ To date Ranking Member Scott has not received a response.

On March 11, 2005 the Department announced it was commencing a Reduction in Force (RIF) action that would impact nearly 50% of the ED workforce.²⁷ Despite requests, the Department has still not sent Committee Democrats a definitive list of the positions that were reduced at the Department, or the staffing levels in the offices of the Department. We have had to rely on information gathered by external organizations.²⁸ Such information suggests that the majority of cuts were made in the Department’s Office for Civil Rights (OCR) and the Office of Federal Student Aid (FSA), two of the offices with arguably the most crucial federally-mandated role in education. On March 20, Ranking Member Scott and Committee on Oversight and Government Reform Ranking Member Gerry Connolly (D–VA) sent a letter to Secretary McMahon with further requests for information around the reduction in force and its relation to the statutory responsibilities of the Department, reiterating requests Committee Staff made when the RIF

²⁴ *Id.*

²⁵ Nat’l Educ. Ass’n, How much funding does my public school get from the federal government?, Apr. 4, 2025, <https://www.nea.org/resource-library/how-much-funding-does-my-public-school-get-federal-government>.

²⁶ Letter from Rep. Scott et al., to Linda McMahon, Sec’y, U.S. Dep’t of Educ., (Mar. 6, 2025, https://democrats-edworkforce.house.gov/imo/media/doc/bicameral_oversight_letter_to_secretary_mcmahon_re_education_department_layoffs.pdf).

²⁷ U.S. Dep’t of Educ., *supra* n. 7.

²⁸ E.g., James Murphy, *Three Charts Showing Who Secretary McMahon Cut at the Department of Education*, Education Reform Now (Mar. 12, 2025) <https://edreformnow.org/2025/03/12/three-charts-showing-who-secretary-mcmahon-cut-at-the-department-of-education/>.

was first announced.²⁹ To date the Committee has not received a response.

The RIF announcement was followed just nine days later by President Trump issuing Executive Order 14242, *Improving Education Outcomes by Empowering Parents, States, and Communities*, which directs the Secretary to “take all necessary steps to facilitate the closure of the Department of Education and return education authority to the States, while continuing to ensure the effective and uninterrupted delivery of services, programs, and benefits on which Americans rely.”³⁰

Resolutions of Inquiry and Their Role in Oversight

The last time the Committee considered any ROIs was the 117th Congress, when Republicans were in the minority. Their usage was patently a political stunt. Unlike the 117th Congress, the issue at question in H. Res. 237 is not “in dispute”. In 2022, the Republicans sought information about topics that were either open legal questions at the time, or the brain children of far-right conspiracy theories. Here it is indisputable that the President has ordered the Secretary of Education “to the maximum extent appropriate and permitted by law, take all necessary steps to facilitate the closure of the Department of Education.”³¹ H. Res. 237 simply seeks to get documentation to show how the Government is taking these steps within the confines of the law.

Second, the majority claims that this request is not timely and that their ROIs were filed only after months of not having their inquiries answered by the Department. During markup, Rep. Robert Onder (R-MO) made this very point suggesting Committee Democrats had not gone through the necessary oversight steps before introducing H. Res. 237. However, currently the Trump Administration, with the help of unelected billionaires is dismantling the Department, and other institutions of the federal government, at breakneck speed, with little to no Congressional oversight. H. Res. 237 is necessary now because in another 5–6 months the Department may be reduced to a point where the initial analyses we requested cannot help us make informed decisions on how to proceed based on the current status of ED, or the documents may simply no longer exist.

Conclusion

By reporting H. Res. 237 out of Committee, the majority has effectively killed it. It remains to be seen if the Department will ever share details of its plans with Committee Democrats. The details of how the Department plans to ensure it can still faithfully execute the laws Congress has charged it with may never see the light of day. The oversight aegis of the Committee rests with the Majority, which heralds its dedication to transparency and accountability

²⁹ Letter from Rep. Scott & Rep. Connolly to Linda McMahon, Sec’y, U.S. Dep’t of Educ., (Mar. 20, 2025), https://democrats-edworkforce.house.gov/imo/media/doc/ranking_members_scott_and_connolly_call_for_an_immediate_halt_to_the_illegal_dismantling_of_ed.pdf.

³⁰ Exec. Order No. 14,242, 90 Fed. Reg. 13,679, (Mar. 20, 2025), <https://www.govinfo.gov/con-tent/pkg/FR-2025-03-25/pdf/2025005213.pdf>.

³¹ *Id.*

in press releases and speeches.³² We ask they put their political capital where the mouths are, and pursue the information from the Department that H. Res. 237 sought to compel, and prove that oversight and accountability are real concepts and not merely empty promises.

ROBERT C. “BOBBY” SCOTT,
Ranking Member.
 JOE COURTNEY,
 FREDERICA S. WILSON,
 SUZANNE BONAMICI,
 MARK TAKANO,
 MARK DESAULNIER,
 JAHANA HAYES,
 GREG CASAR,
 JOHN MANNION,
Members of Congress.

³² *E.g.*, Press Release, H. Comm. On Educ. & Workforce, Chair Walberg, House GOP Leadership, and Committee Chairs Issue Joint Statement on Budget Reconciliation (Mar. 24, 2025) (“The House is determined to send the president one big, beautiful bill that secures our border, keeps taxes low for families and job creators, grows our economy, restores American energy dominance, brings back peace through strength, and makes government more efficient and more accountable to the American people.”); Press Release, H. Comm. On Educ. & Workforce, Chair Walberg Statement on House Passage of DETERRENT Act (Mar. 27, 2025) (“The lack of transparency around foreign relationships with our nation’s universities should concern every American as we see stolen research, antisemitic propaganda, and academic censorship.”); Press Release, H. Comm. On Educ. & Workforce, College Presidents to Answer for Mishandling of antisemitic, Violent Protests—May 7th at 10:15 A.M. (Apr. 10, 2025) (“For the past few years, our Committee has played a critical role in both uncovering the rampant antisemitism on college campuses and holding administrators accountable,” said Chairman Walberg.”).

DISSENTING VIEWS

To: Education & Workforce Committee
From: Office of Rep. Haley Stevens
Re: Dissenting Views

On April 9, 2025, I was unable to vote on Motions to Report on (3) H. Res. 237—Resolution of Inquiry on the Dismantling of the Department of Education to the House of Representatives in the Education & Workforce Committee Markup.

Had I been present, I would have voted no on this measure.

HALEY M. STEVENS,
Member of Congress.

