

United States Senate

WASHINGTON, DC 20510

July 10, 2025

The Honorable Russell Vought
Director
Office of Management and Budget
725 17th Street NW
Washington, DC 20503

The Honorable Linda McMahon
Secretary
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

Dear Director Vought and Secretary McMahon:

We are writing to demand an immediate end to the illegal withholding of nearly \$7 billion in federal education formula grant funds our states and communities are expecting for the coming school year, which is set to begin in just a few weeks in some communities. These funds were made available by the bipartisan Full-Year Continuing Appropriations and Extensions Act, 2025, signed into law on March 15, 2025. Yet, instead of supporting the tens of millions of students and adult learners intended to benefit from these investments, the administration has chosen to continue an unprecedented and opaque “programmatic review” of these formula grant funds past the July 1, 2025, date these funds became available for allotment to states. This delay not only undermines effective state and local planning for using these funds to address student needs consistent with federal education law, which often takes place months before these funds become available, but also flies in the face of the nation’s education laws which confers state and local educational agency discretion on permissible uses of federal formula grant funds.

We are shocked by the continued lack of respect for states and local schools evidenced by this latest action by the administration. Late on June 30, 2025, the Department of Education (“Department”) informed states that it would not release fiscal year 2025 funds expected on July 1 before completing a “review” of six programs.¹ The Department even noted ironically that it “remains committed to ensuring taxpayer resources are spent in accordance with the President’s priorities and the Department’s statutory responsibilities.”² Apparently, the Department needs a refresher course on its statutory responsibilities.

The Full-Year Continuing Appropriations law requires funds to be allocated under the terms and conditions of the fiscal year 2024 appropriations law. This includes a requirement that “\$1,329,673,000 shall be for part B of title IV”, which is the authority for the Nita M. Lowey 21st Century Community Learning Centers program. This authority requires the Secretary to allot funds to each state for subgrants for before, after, and summer school programming.³ The law further describes the allotment formula, authorized state and local activities, and other program requirements.⁴ By withholding these funds from states, the Department will impact programs for

¹ <https://www.aasa.org/resources/blog/ed-announces-its-withholding-many-fy25-funds>

² <https://commonwealthbeacon.org/education/review-suddenly-holds-up-108m-in-education-grants/>

³ 20 U.S.C. 7172

⁴ 20 U.S.C. 7172-7176

nearly 1.4 million students served by 10,000 summer and before and afterschool programs around the nation, which the Department's latest performance report showed supported significant improvements in student attendance, grades, and teacher reports of student engagement in learning.⁵ These centers also help working parents by providing a safe and productive place for their children to be after the school day ends and during the summer months.⁶ It is beyond comprehension why the administration would want to jeopardize these outcomes.

The Full-Year Continuing Appropriations law also requires the Department to use \$890 million to carry out part A of title III of the Elementary and Secondary Education Act. The purpose of the program is to ensure English learners (ELs) and immigrant students have access to the resources they need to attain English language proficiency and reach the same challenging academic standards as their English-proficient peers, which will prepare them to fully participate in society and the workforce as they grow older. Part A of title III specifies the allotment formula, permissible uses of funds and other program requirements⁷ for this program serving more than 5 million EL students enrolled in the nation's public schools. Yet, the administration's review will disrupt school hiring decisions and cause real and immediate harm to EL students.⁸

The Department issued preliminary allocations to states on May 29, 2025, stating that "The Full-Year Appropriations and Extension Act, 2025 provides \$629,600,400 for formula grants to States to carry out adult education and literacy activities."⁹ Just more than a month later, the Department issued its curt memo indicating that the funds would not go out on July 1, 2025, as just promised in the May preliminary allocations. This pause could jeopardize services to more than 1.2 million adult learners working to develop foundational literacy and numeracy skills needed to enter and succeed in workforce training and health, financial, digital, and information literacy skills necessary for full participation in community and civic life.¹⁰ The withholding will have an even more significant impact on 12 states that rely on these funds for 70 to 75 percent of their adult education programs.¹¹

The withholding also extends to more than \$2 billion for Supporting Effective Instruction State Grants. According to the Department's latest report, more than half of these funds are used for professional development for teachers and other educators, and nearly one-third of school districts used the funds to recruit, hire, and retain effective educators.¹² Nearly \$1.4 billion is being withheld for Student Support and Academic Enrichment Grants and \$375 million for Migrant Education programs. All these programs were funded in fiscal year 2024 and continued

⁵ <https://www.ed.gov/media/document/21st-cclc-annual-performance-report-92724-108033.pdf>

⁶ <https://afterschoolalliance.org/documents/21stCCLC-Overview-2024.pdf>

⁷ 20 U.S.C. 6821-20 U.S.C. 6849

⁸ <https://www.k12dive.com/news/education-department-withholds-Title-funding-after-school-English-learners-/752116/>

⁹ <https://aefla.ed.gov/media/95/download?attachment>

¹⁰ <https://www.ed.gov/media/document/py2023-spr-national-summary-109814.pdf>

¹¹ <https://www.newamerica.org/education-policy/edcentral/trumps-funding-delay-will-devastate-adult-literacy-programs/>

¹² <https://www.ed.gov/media/document/state-and-district-use-of-title-ii-part-funds-2023-24-109457.pdf>

by the Full-Year Appropriations Act. This rash decision will only worsen school working conditions and teacher shortages.

It is unacceptable that the administration is picking and choosing what parts of the appropriations law to follow, and you must immediately implement the entire law as Congress intended and as the oaths you swore require you to do. While the administration continues to deny federal funds to our states and local communities that they are expecting as the law requires, it has found time to move expeditiously to award funding to the Kennedy Center and acknowledged it is required to do so by the appropriations law. In its action here, the Department stated in a recent waiver proposal, “The waiver will allow the Department to issue a continuation award in FY 2025, as directed by Congress to the currently funded 84.351A AENP [Arts in Education National Program] project at an amount consistent with the amount awarded in FY 2024.”¹³ While it’s true the appropriations law requires such an action, it does so as well for billions in funding for state grants the Department recently informed states it will not release.

The administration’s “programmatic review”—with no public information about what the review entails, what data the administration is examining, or a timeline for such review—appears to be an intentional delay that will result in school budget cuts in every State. In multiple statutes, Congress has prohibited the Federal government from directing or controlling state and local education decisions with these dollars.¹⁴ This programmatic review may be in violation of these longstanding and bipartisan prohibitions.

We might be more inclined to believe the administration’s stated interest in ensuring federal funds were properly used if its actions to date didn’t tell a different story. The Department has impeded a review by the Office of Inspector General, which is charged with promoting the efficiency, effectiveness, and integrity of the Department’s programs and operations.¹⁵ Earlier this year, the administration terminated contracts for regional educational laboratories and grants required for comprehensive centers, which help states and districts use research and evidence in addressing local challenges of policy and practice.¹⁶ It has also halted evaluations of federal literacy programs, adult learning strategies, and strategies to help teens with disabilities transition from high school to college or work.¹⁷

We insist you immediately reverse your decision to illegally withhold federal education funding appropriated by Congress and provide the funds as the law requires. Such an action would represent a faithful execution of the law as required by the Constitution and a benefit to the tens of millions of students and adult learners that are intended to benefit from these federal education investments.

Thank you for your attention to this matter.

¹³ <https://www.regulations.gov/document/ED-2025-OESE-0021-0001>

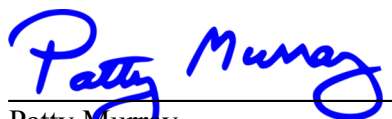
¹⁴ 20 U.S. Code § 7907, 20 U.S. Code § 7906a, 20 U.S. Code § 2306a, 20 U.S. Code § 6575.

¹⁵ https://democrats-edworkforce.house.gov/imo/media/doc/bicameral_letter_to_secnrmahonreedoig.pdf

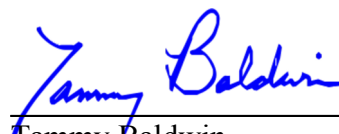
¹⁶ <https://www.newamerica.org/education-policy/edcentral/federal-education-cuts-halt-technical-assistance-programs/>

¹⁷ <https://hechingerreport.org/proof-points-restart-ed-contracts/>

Sincerely,



Patty Murray
Vice Chair
Senate Committee on
Appropriations



Tammy Baldwin
Ranking Member
Appropriations Subcommittee
on Labor, Health and Human
Services, Education, and
Related Agencies



Bernard Sanders
United States Senator
Ranking Member, Committee
on Health, Education, Labor,
and Pensions



Mazie K. Hirono
United States Senator



Cory A. Booker
United States Senator



Lisa Blunt Rochester
United States Senator



Jack Reed
United States Senator



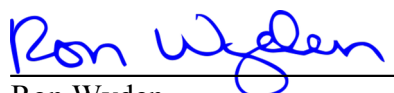
Richard Blumenthal
United States Senator



John Fetterman
United States Senator



Christopher A. Coons
United States Senator



Ron Wyden
United States Senator



Jeanne Shaheen
United States Senator



John Hickenlooper
United States Senator



Richard J. Durbin
United States Senator



Martin Heinrich
United States Senator



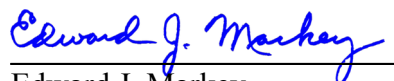
Chris Van Hollen
United States Senator



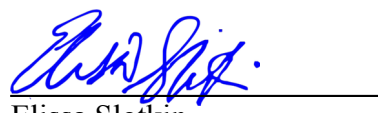
Andy Kim
United States Senator



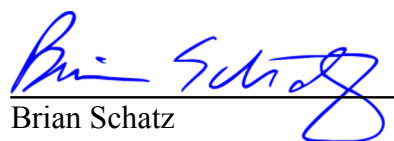
Margaret Wood Hassan
United States Senator



Edward J. Markey
United States Senator



Elissa Slotkin
United States Senator



Brian Schatz
United States Senator



Alex Padilla
United States Senator



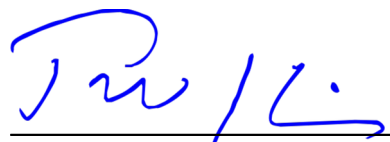
Tina Smith
United States Senator



Sheldon Whitehouse
United States Senator



Elizabeth Warren
United States Senator



Tim Kaine
United States Senator



Maria Cantwell
United States Senator



Gary C. Peters
United States Senator



Angela Alsobrooks
United States Senator



Tammy Duckworth
United States Senator



Jeffrey A. Merkley
United States Senator



Charles E. Schumer
United States Senator