



U.S. House of Representatives
Washington, DC 20515

June 22, 2021

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

Dear Secretary Cardona:

We write to you seeking greater transparency and insight into actions taken by the U.S. Department of Education that threaten American students' education at all levels. Specifically, we have concerns with your recent guidance affecting federal financial assistance for higher education students and your lack of oversight into how K-12 and higher education institutions are wastefully spending COVID-19 relief funds.

The Biden administration's decision to overturn former President Trump's policy for federal financial aid, which put American students pursuing post-secondary education first, is especially alarming. Instead of helping American students, the new guidance offers access to \$36 billion in American taxpayer dollars to undocumented and international students for "emergency" federal college aid.

During consideration of H.R. 1319, the nearly \$2 trillion spending bill which allocated your Department its largest tranche of funding ever, Republican members of the House Committee on the Budget and House Committee on Education and Labor introduced motions to ensure that no funding in the bill would be distributed to non-citizens. None of these were accepted by the Democrat Majority, and it is disappointing that the Department has subsequently failed to put American students first. **Instead of granting deference to Americans who have suffered over the past year, Congressional Democrats, and now the Biden administration's Department of Education, appear to be giving preferential treatment to non-citizens, international students, and undocumented students who will now receive Americans' hard-earned taxpayer dollars.**

The issues we have seen in higher education are mirrored by your Department's weak leadership on reopening schools. President Biden and Congressional Democrats argued that additional coronavirus aid was necessary to reopen schools; yet, the Congressional Budget Office (CBO) showed that 70 percent of elementary and secondary education spending under the *American Rescue Plan* will occur in 2023 or later.¹ With the majority of schools returning to in-person learning, what is this money needed for years from now? We are seriously concerned that many

¹ "Estimated Budgetary Effects of H.R. 1319, American Rescue Plan Act of 2021, Detailed Tables, Congressional Budget Office, March 10, 2021, <https://www.cbo.gov/publication/57056>

schools and school districts have begun and will continue to wastefully spend billions of American taxpayer dollars.

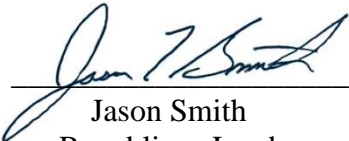
These concerns give rise to the following questions:

1. What oversight is your Department conducting over how institutions of higher education and school districts are spending their allocated federal funds?
2. How will your Department ensure that American students are the primary beneficiaries of higher education funds from the federal government?
3. Can you please provide the amount of Elementary and Secondary Emergency Relief (ESSER) Funds that remain unobligated? If all relevant funding has already been obligated, what oversight efforts will your Department be conducting to ensure that these funds do not fall victim to fraud, waste, abuse, or mismanagement?
4. President Biden's fiscal year 2022 budget proposal requested approximately \$103 billion for your Department—a 41 percent increase from last year—on top of nearly \$200 billion provided through the Elementary and Secondary School Emergency Relief (ESSER) Fund, which was appropriated during the pandemic. How do you plan to use funds that remain unobligated that were previously provided to address the pandemic? Will these be repurposed, rescinded, or reallocated in any way?
5. For what purposes are schools using their federal relief? Can you please provide specific program names, items purchased, or other uses of this federal relief?


We hope you share our desire to eliminate inefficiencies and curb wasteful spending. As the stewards of American taxpayer dollars, this is a duty we must uphold. We must likewise ensure that American students are not sidestepped to bolster non-citizens' education.

We look forward to receiving your response by July 1, 2021.

Sincerely,



Jason Smith
Republican Leader
Committee on the Budget



Virginia Foxx
Republican Leader
Committee on Education and Labor

cc: The Honorable Shalanda D. Young, Acting Director, Office of Management and Budget
Mr. Eugene Sperling, American Rescue Plan Coordinator, The White House