Trump Administration Sidesteps Congressional Authority on Education

The following table outlines core education priorities reflected in the Senate Labor-H bill, contrasted with actions taken by the Trump Administration to dismantle the Department of Education and encroach on Congress's power of the purse.

Republican Senators who voted for the Labor-H bill include Sen. Lindsey Graham (SC), Sen. Jerry Moran (KS), Sen. John Kennedy (LA), Sen. Cindy Hyde-Smith (MS), Sen. John Boozman (AR), Sen. Katie Britt (AL), Sen. Markwayne Mullin (OK), Sen. Mike Rounds (SD), and Sen. Shelley Moore Capito (WV). The bill passed committee with overwhelming bipartisan support, 26–3.

Topic	Senate Report Language	White House/USED Actions
Transferring USED responsibilities to other agencies	"**None of the funds appropriated in this or any other appropriations Act may be used to transfer significant responsibilities related to the carrying out of title I, part A of the ESEA or parts B or C of the IDEA from the Department of Education to another department or agency.** Provided, That this section shall not apply to any activities explicitly authorized by any other law: Provided further, That **the Department of Education shall support staffing levels necessary to fulfill its statutory responsibilities** including carrying out programs, projects, and activities funded in this title of this Act in a timely manner." (Sec. 314 of the Labor-H bill)	During the October 10 RiFs, the Trump Administration attempted to eliminate the Office of Formula Grants and the Office of Special Education Programs (OSEP), which are responsible for disseminating Title I and IDEA funding, respectively. Without these offices, there will be no remaining personnel to carry out Title I, part A of ESEA or parts B or C of the IDEA – suggesting that the Administration will soon attempt to transfer these core programs out of the Department of Education entirely. Most recently, the Trump Administration announced a series of Inter-Agency Agreements to transfer key education offices and programs (including the Office of Elementary and Secondary Education, which administers Title I) out of the Department of Education. This move is unconstitutional and directly undermines Congressional authority.

Topic	Senate Report Language	White House/USED Actions
Changes in reallocations	"The Committee directs the Departments funded in this act and CNCS to **consult with the Committee on any actions expected to significantly increase or decrease current or future costs** of programs they administer." (pg. 8)	In July, the Trump administration illegally withheld nearly $7 billion in K-12 funding, which had already been allocated by Congress. This included funding for: afterschool and summer school programs, academic enrichment, teacher training, migrant education, and English language learners. These freezes wreaked havoc on school districts across the country, who scrambled to shut down summer programs, freeze teacher training and hiring, and adjust their budgets for the new school year. Rumors have swirled regarding a new rescissions package targeting education, following the passage of an initial recissions bill that targeted foreign aid and public media. This funding instability has left districts across the country in a state of perpetual uncertainty and vulnerability. Poor and rural districts that disproportionately rely on federal funds are hit hardest.
Timely, efficient, and consistent grantmaking	**"It is critical that the Federal grant making process is implemented in a timely, efficient, and consistent manner.** The Committee directs the Departments funded in this act and CNCS to ensure that funding opportunity announcements are posted, noncompeting continuation awards are made, new grants are awarded, and funding is disbursed all in a timely, efficient, and consistent Manner." (pg. 9)	President Trump and OMB illegally withheld over $400 billion in Congressionally allocated funds. This includes grants for family engagement centers, magnet schools, and education research. The Administration has long claimed they have been conducting a "programmatic review" of funding, which has served as a long and burdensome excuse for executive overreach. Notably, the October 10 RiFs attempted to eliminate several offices responsible for these withheld grants, leaving no remaining personnel to ensure they are disseminated.
Non-competing continuation awards	"The Committee also directs the Departments funded in this act and CNCS to provide a report to the Committees listing all grants during the previous month for which a scheduled non-competing continuation award was not made within 14 days of the end of the previous period of performance, including an explanation for the delay." (pg. 9)	

Topic	Senate Report Language	White House/USED Actions
Grant delays	"**The Committee directs the Departments funded in this act and CNCS to ensure grant recipients do not experience unjustified delays in drawing down grant funds**." (pg. 9)	
Grant terminations	"**The Committee has long required advance notification prior to issuing grant awards, and includes a new comparable requirement for advance notification prior to terminating grants.** The Committee directs the Departments funded in this act and CNCS to provide a report within 120 days of enactment of this act of all grants that were terminated or discontinued in fiscal year 2025, including a justification for the termination or discontinuation, and any grants that were subsequently reinstated or partially reinstated. The Committee directs the Departments funded in this act and CNCS to include a timely appeals process for such actions, and provide a decision on any appeals within 30 days." (pg. 9)	In February, President Trump unilaterally terminated $900 million in contracts for the Institute for Education Sciences. There was remarkably little transparency about which grants were cancelled, though the terminations involved many ongoing studies that have been halted before generating any findings. Contractors and grant recipients had no structured appeals process and have instead relied upon public pressure and litigation–which has been largely unsuccessful so far.
Staffing & Layoffs	"The Department is directed to provide the Committee with a staffing report identifying the total FTE and non-personnel allocations supported by the student aid administration, Office for Civil Rights, and Office of Inspector General appropriations, and the FTE and non-personnel allocations for each program office supported by the program administration appropriation provided by this act. In addition, the Department shall provide on a monthly basis the number of on-board staff, attrition, approved hires not yet on-boarded and projected full-year FTE usage, including approved hires, and actual non-personnel expenses, for each program office supported by, and in total for, each of the student aid administration, program administration, Office for Civil Rights, and Office of Inspector General appropriations provided in this act." (pg. 321)	The Trump administration has continued to conduct mass layoffs across agencies without transparency regarding who has been fired, why they have been fired, and how the agencies will continue to function in their absence. This has rendered the Department of Education incapable of fulfilling their statutorily mandated responsibilities, and it represents a monumental abuse of executive authority.

Topic	Senate Report Language	White House/USED Actions
IES Staffing	"The Committee directs the IES Director and NCES Commissioner to submit administrative and staffing plans for their respective centers outlining staffing ceilings by national center, the factors considered in allocating staffing ceilings by national center, actual FTE by national center, and an explanation by national center for FTE changes from the preceding quarter. Additionally, the Committee directs the IES Director and NCES Commissioner (with Department and NAGB input as necessary) to **describe the planned use of resources and FTEs to meet all statutory deadlines and requirements of ESRA related to education statistics, data collections, research, evaluations, assessments, surveys, and reports.**" (pg. 312)	President Trump called for a near-total elimination of the Institute for Education Sciences in his budget request, and when both chambers refused to do so, he forged on through mass firings and illegal withholdings under the guise of a "redesign." The Trump Administration cancelled $900 million in IES contracts. They've withheld funding for nearly every core program in FY25, including: statewide data systems, special education research, statistics, the National Assessment for Student Progress (NAEP), and Regional Education Laboratories (RELs). And in March, nearly half of IES employees were laid off.
School Improvement	"The Committee appreciates steps the Department has taken to improve compliance with ESEA requirements for school support and improvement. These include the targeted monitoring of ESEA provisions, additional rounds of targeted monitoring on school improvement requirements, and issuance of comprehensive guidance on school support and improvement requirements. **The Department must continue to increase its efforts to ensure compliance of these requirements at all levels, including through additional technical assistance, support, and monitoring**" (pg. 268)	As part of the October 10 RiFs, President Trump attempted to eliminate the entire School Support and Accountability Office–purging the federal government of the designated personnel and expertise needed to monitor and support school improvement efforts across the country.
Office of Civil Rights	"**The Committee notes the importance of OCR in enforcing Federal civil rights laws and directs the Department to continue to post a list of all open investigations and case resolution documents.** The Committee also requests that OCR provide the Committee with quarterly reports on the average case processing timelines for each category of directed investigations and compliance reviews and the number and type of complaints dismissed, opened for investigation, closed, or resolved." (pg. 322)	The Trump Administration has made several attempts to gut the Office of Civil Rights. During the March RiFs, 243 OCR employees were fired, cutting the office by nearly 50% and eliminating 7 regional offices. During the October 10 RiFs, the Administration attempted to fire an estimated 132 additional OCR workers. The Administration has not been transparent about the number of complaints dismissed, opened for investigation, closed, or resolved, yet it is clear that the number of remaining OCR employees is completely insufficient to handle the ongoing caseload.