Congress of the United States

Washington, DC 20515

October 23, 2026

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

Murray Bessette
Principal Deputy Assistant Secretary
Office of Planning, Evaluation and
Policy Development
400 Maryland Ave., SW
Washington, DC 20202

Dear Secretary McMahon and Principal Deputy Assistant Secretary Bessette:

We are writing to express our opposition to the Department of Education's new requirement that grant recipients submit a written justification every time they request payment from pre-approved grants.[1] This requirement creates an unnecessary barrier to essential funding, and it is particularly troubling that it is set to take effect on November 1, 2026, when the school year is already well underway.

The Department of Education's funding plays a critical role in supporting students, teachers, and schools across the country. These resources sustain the instruction and services students count on every day to learn and succeed. For example, Title I, Part A funds support additional reading and math instruction in schools serving high concentrations of students from low-income families, while the Individuals with Disabilities Education Act (IDEA), Part B funds help pay special education teachers' salaries and provide essential services for students with disabilities.[2] For students struggling to read or those who need specialized support, timely access to these resources can mean the difference between moving forward or falling behind in their education. Any new requirement that could delay drawdowns of grant funding raises serious concerns and risks creating an unnecessary barrier to the educational services students depend on.

On September 28, 2026, the Department of Education's Office of Planning, Evaluation and Policy Development (OPEPD) sent a memorandum to all U.S. Department of Education grant recipients imposing new written-justification requirements for grant-payment requests.[3] The memorandum stated that beginning November 1, recipients across the Department's programs must submit a justification of no more than 255 characters for every payment request. Each justification issued by the recipient must identify the relevant department program, list expense categories and amounts totaling the request, and state the date range of the expenses.[4] In practice, this means every drawdown will depend on a written entry that the Department can deem "invalid or incomplete." If a justification triggers additional review, the payment can be held pending further explanation. For a small district with limited finance staff and tight cash flow, even a temporary delay could jeopardize payroll or interrupt services for students.

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[1] Memorandum from Murray Bessette, Principal Deputy Assistant Secretary and Acting Assistant Secretary, Office of Planning, Evaluation and Policy Development, U.S. Department of Education, to All U.S. Department of Education Grant Recipients, *Mandatory Written Justifications for Payment Requests to Implement Executive Order 14222* (Sept. 28, 2026), https://coenet.org/wp-content/uploads/2026/09/9.28.26_Defend_the_Spend_Memorandum_to_Grantees.pdf.

[2] U.S. Department of Education, "Title I, Part A: Improving Basic Programs Operated by Local Educational Agencies," accessed October 14, 2026, https://www.ed.gov/grants-and-programs/formula-grants/school-improvement-grants/title-i-part-improving-basic-programs-operated-local-educational-agencies.; U.S. Department of Education, "IDEA Grants to States (Part B, Sec. 611)," accessed October 14, 2026, https://www.ed.gov/grants-and-programs/formula-grants/formula-grants-special-populations/idea-grants-states-part-b-sec-611

[3] *Id.*

[4] *Id.*

The administration has characterized this requirement as part of its "Defend the Spend" initiative, implemented pursuant to Executive Order 14222, which seeks to make federal spending transparent.[5] But the Department has not explained how this new requirement would meaningfully improve transparency beyond existing safeguards. A 255-character self-reported note from a school district is not an audit, nor is it a substitute for meaningful financial oversight. Education grantees already face rigorous reporting, auditing, and fiscal-control requirements meant to ensure that federal funds are used for their intended purposes and that recipients are held accountable for their use.[6] Layering a new, one-size-fits-all requirement onto these existing safeguards adds administrative burden for states and districts and risks avoidable delays in the delivery of federal resources.

What this requirement actually does is give the Department a new point at which to pause a drawdown of congressionally appropriated funds, without specifying a standard for determining whether a justification is "invalid or incomplete" or a deadline for resolving a payment flagged for review. Alongside its efforts to dismantle the Department of Education without congressional approval, withhold congressionally appropriated education funding, shift core education responsibilities to other federal agencies, and weaken requirements for services that support children and families, the Trump administration is creating yet another bureaucratic hurdle between federal education dollars and the students those funds are meant to support.[7] Congress has already appropriated these resources. The Department should deliver them, not create new opportunities to delay their release.

Congress appropriated these funds to support public education and expand opportunities for students, not for the administration to slow-walk their disbursement by creating new bureaucratic red tape. The Department should ensure that these resources reach students promptly and are used for their congressionally authorized purposes, rather than burdening educators and grant recipients with additional paperwork that risks delaying essential funding. Accordingly, we request that the Department of Education and OPEPD provide written responses to the following questions by November 13, 2026:

1. What specific statutory authority does the Department rely on to impose new requirements on the disbursement of congressionally appropriated funds?
2. On what basis did the Department of Education determine that formula programs such as Title I, Part A and IDEA Part B are covered by this announcement?
3. What standard will the Department of Education use to decide whether a justification is "invalid or incomplete"?
4. Will justifications be reviewed by staff, by automated systems, or by both?
5. How many Department of Education staff have been assigned to review justifications?
6. What is the maximum time between a grantee's submission and the release of funds?

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[5] Exec. Order No. 14222, *Implementing the President's "Department of Government Efficiency" Cost Efficiency Initiative*, 90 Fed. Reg. 11095 (Mar. 3, 2025), https://www.federalregister.gov/documents/2025/03/03/2025-03527/implementing-the-presidents-department-of-government-efficiency-cost-efficiency-initiative.

[6] Understanding the Uniform Guidance, Graduate School USA, https://www.graduateschool.edu/learn/grants-management/understanding-uniform-guidance; Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, 2 C.F.R. pt. 200, subpt. F, https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200/subpart-F.

[7] *See*, e.g., NEA Today, https://www.nea.org/nea-today/all-news-articles/plan-abolish-education-department-one-year-later; N.Y. Times (Sept. 25, 2026), https://www.nytimes.com/2026/09/25/us/politics/white-house-rescissions-education-and-health-funds.html; Politico (June 16, 2026), https://www.politico.com/news/2026/06/16/trump-to-shift-special-ed-to-xx-in-latest-move-to-shutter-education-department-00963237; Associated Press (September 29, 2026), https://apnews.com/article/head-start-preschool-trump-family-engagement-26b949c4b02214ea68e386109f28d743.\

7. Will a payment request be deemed approved if the Department does not act within that time?
8. For grants already subject to this requirement through partner agencies, what share of payment requests has been delayed?
9. Is there a process to expedite a request when a delay threatens payroll or services?
10. Has the Department of Education estimated the administrative burden and cost this requirement will impose on states, districts, institutions of higher education, and community-based organizations?
    a. If so, please provide that analysis.

We urge the Department of Education and the Office of Planning, Evaluation and Policy Development to reconsider this new mandate and ensure that no grant payment is delayed, denied, or withheld because of it. America's students deserve better than unnecessary obstacles to the resources they need. Students, teachers, and families should not bear the cost of new administrative obstacles to funds that Congress has already provided. Thank you for your attention to this matter, and we look forward to your response.

Sincerely,

Raja Krishnamoorthi
Member of Congress

Eleanor Holmes Norton
Member of Congress

Glenn F. Ivey
Member of Congress

Shri Thanedar
Member of Congress

Adelita S. Grijalva
Member of Congress

Jennifer L. McClellan
Member of Congress

Lucy McBath
Member of Congress

Gilbert Ray Cisneros, Jr.
Member of Congress

Emily Randall
Member of Congress

Jared Huffman
Member of Congress

Chellie Pingree
Member of Congress

Alma S. Adams
Member of Congress
Ranking Member, Subcommittee
on Higher Education and
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Judy Chu
Member of Congress