

Congress of the United States

Washington, DC 20515

June 18, 2025

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

Dear Secretary McMahon:

We write to express our deep opposition to attempts, including the Interagency Agreement (IAA) dated May 21st, to move the administration of any aspect of career and technical education (CTE) programs authorized under the *Carl D. Perkins Career and Technical Education Act of 2006*¹ (Perkins) or the adult education programs authorized under the Adult Education and Family Literacy Act in Title II of the *Workforce Innovation and Opportunity Act* (WIOA)² from the Department of Education to the Department of Labor (Labor). Congress authorized the Department of Education to carry out career and technical education programs, most recently with the bipartisan reauthorization of Perkins in 2018 and adult education programs in WIOA. Congress also appropriates funding annually, on a bipartisan basis, to the Department of Education to carry out career and technical education programs and adult education programs. You have also acknowledged in congressional testimony, that only Congress is responsible for determining whether to dismantle the Department of Education and its programs. We write to remind you that it is not within your authority to move the administration of these programs to any other agency. Perkins CTE and adult education are education programs whose purpose is to expand educational opportunities to youth and adults. Any attempt to move these programs to Labor would fundamentally alter the purposes of those programs and risk turning them into short-term job training programs, no different than those that are funded under WIOA. Most importantly, it would upend decades of work that took place at the state and local level to embed CTE programs into secondary and postsecondary offerings and improve the quality of CTE and adult education.

Congress passed the *Strengthening Career and Technical Education for the 21st Century Act* in 2018 to reauthorize *Perkins* and clearly vested responsibility for administering the law to the Department of Education.³ The law also vests the Secretary of Education with various responsibilities, including: allotting funds to States;⁴ rulemaking under the law;⁵ assisting States in establishing State-determined levels of performance required under the law;⁶ carrying out numerous reporting requirements;⁷ making grants to outlying areas;⁸ making grants to Indian tribes, Alaska Natives, and Native Hawaiian organizations;⁹ reviewing and approving State plans;¹⁰ working with States to implement improvement activities;¹¹ withholding a portion of an eligible agency's allotment if the agency is not properly implementing improvement activities;¹² waiving distribution rules for

¹ 20 USC 2301, et al.

² 29 USC 3271

³ 20 USC 2302(45).

⁴ 20 USC 2321,

⁵ 20 USC 2398

⁶ 20 USC 2323(b)(3)(A)(i)(II)

⁷ 20 USC 2323(b)(3)(C)(iv); 20 USC 2324(a)

⁸ 20 USC 2325

⁹ 20 USC 2326

¹⁰ 20 USC 2342(f)

¹¹ 20 USC 2343(a)(2)

¹² 20 USC 2343(a)(3)

Perkins formula dollars under certain circumstances;¹³ and enforcing maintenance of effort requirements;¹⁴ among other activities. But the law does not contain any provisions that would permit you to offload your responsibilities to another agency.

Additionally, Congress authorized the Secretary of Education to carry out adult education programs in Title II of WIOA. As part of that title, Congress directed the Secretary to undertake various responsibilities in administering the adult education programs, including awarding grants to eligible agencies;¹⁵ determining allotments for formula disbursements;¹⁶ awarding grants to outlying areas;¹⁷ carrying out fiscal management provisions;¹⁸ enforcing supplement not supplant and maintenance of effort provisions;¹⁹ carrying out national leadership activities;²⁰ awarding grants to state for integrated literacy and civics education;²¹ and carrying out certain reporting requirements.²² WIOA Title II does not contain any provisions that would permit you to offload your responsibilities to another agency.

Congress also passes annual, bipartisan appropriations that provide funding to the Department of Education to carry out the Perkins career and technical education programs and the WIOA Title II adult education programs. As part of that annual appropriations process, Congress does *not* provide affirmative authority to the Department of Education to transfer career and technical education funding or adult education funding to Labor. In fact, the only transfer authority provided to the Department of Education by the annual appropriations bill is the authority to transfer *one percent* of discretionary funds between education appropriations accounts, so long as no such appropriation is increased by more than three percent by any such transfer.²³ Such a limited transfer within the Department of Education is not what you are contemplating here.²⁴ Moreover, transfers of any other type, including the type contemplated by the Department's May 21 IAA with the Department of Labor, are prohibited by section 512 of Division D of the Further Consolidated Appropriations Act, 2024 (and maintained by the Full-Year Continuing Appropriations and Extensions Act, 2025), which states, "None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act."²⁵ As with the authorizing statutes, the annual appropriations process clearly requires the Department of Education to carry out both Perkins career and technical education programs and adult education programs.

In testimony to Congress, you have stated that you will follow the law.²⁶ In May, before the House Appropriations Subcommittee on Labor, Health and Human Services, Education and Related Agencies, you testified that only Congress can abolish the Department of Education and end its functions, stating in reference to yourself and President Trump, "We both know and understand that the Department of Education cannot be closed unless Congress votes to do that."²⁷ But, troublingly, you also said about the Department that, "It is

¹³ 20 USC 2351(b)

¹⁴ 20 USC 2391(b)

¹⁵ 29 USC 3291(b)

¹⁶ 29 USC 3291(c)

¹⁷ 29 USC 3291(e)

¹⁸ 29 USC 3291(g)

¹⁹ 29 USC 3331

²⁰ 29 USC 3332

²¹ 29 USC 3333

²² 29 USC 3333(d)

²³ Sec. 302 of Division D of the Further Consolidated Appropriations Act, 2024, P.L. 118-47.

²⁴ <https://storage.courtlistener.com/recap/gov.uscourts.mad.281941/gov.uscourts.mad.281941.147.1.pdf>

²⁵ Sec. 512 of Division D of the Further Consolidated Appropriations Act, 2024, P.L. 118-47.

²⁶ <https://www.help.senate.gov/hearings/nomination-of-linda-mcmahon-to-serve-as-secretary-of-education>

²⁷ <https://appropriations.house.gov/schedule/hearings/budget-hearing-us-department-education>

actually a pass-through mechanism for funding that is appropriated by Congress. And whether the channels of that funding are through HHS or whether they're funneled through the DOJ, or whether they're funneled through Treasury or SBA or other departments, the work is going to continue to get done."²⁸

Respectfully, federal agencies are not interchangeable entities that simply hand out money to states and localities. Instead, each agency provides its own specific expertise in the administration of federal programs, in this case education programs. The Department of Education has the expertise in working with state educational agencies, institutions of higher education, and local school districts in the administration of these programs. Schools in local communities and state educational agencies rely on the guidance and technical expertise from the educational experts at the Department of Education to carry out these programs. Congress recognizes the expertise that specific agencies provide and very deliberately decides which agency to vest authority with when passing laws. Congress was similarly clear in 2018, when it vested the Department of Education with the authority to carry out Perkins career and technical education programs and did not provide any mechanism in the law for the Department to transfer that authority to another agency.

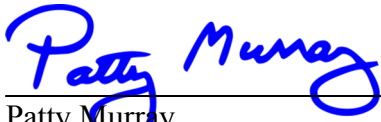
The May 21 IAA flies in the face of laws enacted by Congress, annual appropriations requirements, and practice in states. The IAA also seems to purport to transfer the administration of grant funding for CTE and adult education programs to the Department of Labor, while maintaining some policy functions for CTE and adult education programs at your Department. This likely would mean states, institutions of higher education, and school districts would have to work with two federal agencies in the administration of these programs, leading to delays in agency decision-making and grant administration. This will likely lead to increased inefficiency in the administration of these important programs.

We have a simple demand - to follow our nation's education and appropriations laws as Congress wrote them. Congress authorized the Department of Education to carry out Perkins career and technical education programs and adult education programs and Congress annually appropriates funding to the Department of Education to carry out these programs. Relying on interagency agreements drafted behind closed doors with no notice to the lawmakers who are responsible for the authorization and appropriations for these programs cannot be considered "working with Congress" as one of your staff recently claimed you were doing on this matter.²⁹ Should the Trump Administration have ideas for changing which agency should administer the federal career and technical education program and adult education program, then the administration needs to propose its ideas to Congress for full and fair consideration through the normal legislative process. In the meantime, we urge you to cease plans to implement this IAA immediately and implement CTE and adult education programs as specified in authorizing and annual appropriations laws. If you continue to flout the very clear reading of the law in this case, it will affirm deep concerns we have about how you will faithfully execute all laws you are tasked with carrying out as the Secretary of Education.

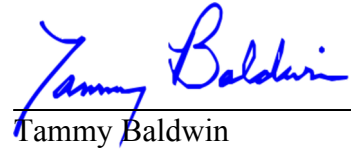
Sincerely,

²⁸ <https://appropriations.house.gov/schedule/hearings/budget-hearing-us-department-education>

²⁹ <https://workshift.org/career-education-without-college/>



Patty Murray
Vice Chair
Senate Committee on
Appropriations



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



Robert C. "Bobby" Scott
Member of Congress
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Rosa L. DeLauro
Member of Congress
Ranking Member, Committee on
Appropriations