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PENNSYLVANIA

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ON INTELLIGENCE

SPECIAL COMMITTEE ON AGING

# United States Senate

WASHINGTON, DC 20510

December 8, 2023

The Honorable Chuck Schumer  
Majority Leader  
United States Senate  
Washington, DC 20510

The Honorable Mitch McConnell  
Minority Leader  
United States Senate  
Washington, DC 20510

The Honorable Tammy Baldwin  
Chair  
Subcommittee on Labor, Health and Human  
Services, Education, and Related Agencies  
Senate Committee on Appropriations  
United States Senate  
Washington, DC 20510

The Honorable Shelley Moore Capito  
Ranking Member  
Subcommittee on Labor, Health and Human  
Services, Education, and Related Agencies  
Senate Committee on Appropriations  
United States Senate  
Washington, DC 20510

Dear Majority Leader Schumer, Minority Leader McConnell, Chair Baldwin, and Ranking Member Capito:

As discussions around Fiscal Year (FY) 2024 appropriations continue, I request that you prioritize an increase in funding for the Office for Civil Rights (OCR) within the Department of Education (ED). A national increase in antisemitic and Islamophobic incidents following Hamas' horrific terrorist attack on October 7, 2023, has underscored the urgent need to address the overall national rise in discriminatory sentiment and action over the past several years. As Chairman of the Health, Education, Labor, and Pensions Subcommittee on Children and Families, I am especially concerned about how this harassment and discrimination is affecting our Nation's students in schools and on college campuses.

The work of OCR is essential to the federal government's response to antisemitism and Islamophobia and ensuring that students across the Nation can learn free from harassment or discrimination. Through the enforcement of several federal civil rights laws, including Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, Title II of the Americans with Disabilities Act, and the Boy Scouts of America Equal Access Act of 2001, OCR ensures all students, regardless of race, color, national origin, sex, age, or disability, are able to access an education. OCR enforcement of Title VI obligations extends to a prohibition on discrimination or harassment based on a student's actual or perceived "shared ancestry or ethnic characteristics"

and “citizenship or residency in a country with a dominant religion or distinct religious identity”.<sup>1</sup> These protections are necessary and important to assuring Jewish and Muslim students they will have safe educational access.

In addition to addressing complaints of discrimination or harassment, OCR provides technical assistance, publishes resources and guidance, and collects and reports on critical civil rights data, proactively supporting the more than 79 million individuals at institutions receiving federal financial assistance.<sup>2</sup> Fostering safe, inclusive educational environments in which students can learn and grow preemptively prevents the perpetuation of discriminatory harm.

In FY 2022, OCR received 18,804 complaints, the highest in the agency’s history.<sup>3</sup> This rise in reported discrimination and harassment in our schools is mirrored off campus as well. The Federal Bureau of Investigation reported 11,643 hate crime incidents in 2022, an increase from 2021, with the top biases motivating these crimes being anti-Black, antisemitic, and anti-gay sentiments.<sup>4</sup> OCR has endeavored to expediently investigate complaints, despite a dramatic reduction in Full Time Equivalent (FTE) staff; in FY 1981 OCR had an FTE staff of approximately 1,100 compared to only 546 FTE staff in FY 2022.<sup>5</sup> Efficiently allocating OCR’s resources will pose an even greater challenge following October 7. OCR announced several investigations following complaints of alleged antisemitic and Islamophobic harassment.<sup>6</sup> From October 7-23, 2023, incidents of antisemitic harassment, vandalism, and assault are reported to have increased by 388 percent over the same period the year prior.<sup>7</sup> Disturbingly, many of these reports have come from students on college campuses who describe witnessing antisemitic graffiti and vandalism and being subject to virtual harassment and violent threats.<sup>8</sup> While this is a dangerous surge, it is not new. It is a spike that is built on the foundation of a five-year upswing in mounting antisemitism.<sup>9</sup>

Insufficient funding should not be a barrier to enforcing vital civil rights laws. Unfortunately, the FY 2024 funding bill proposed by Republicans in the House of Representatives sets the budget for OCR at \$105 million, a 25 percent reduction from FY 2023 funding levels.<sup>10</sup> I appreciate that at a time when the Senate Committee on Appropriations is tasked with weighing difficult funding decisions the Committee chose to at least maintain the prior year’s funding for OCR.<sup>11</sup> However, this surge in hate demands an equivalent increase in resources to ensure that OCR has sufficient capacity to conduct swift, thorough investigations and proactively work with schools to establish policies that will prevent discrimination.

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<sup>1</sup> <https://www.ed.gov/news/press-releases/us-department-education-reminds-schools-their-legal-obligation-address-discrimination-including-harassment>

<sup>2</sup> <https://www2.ed.gov/about/reports/annual/ocr/report-to-president-and-secretary-of-education-2022.pdf>, 6.

<sup>3</sup> Ibid., 5.

<sup>4</sup> <https://cde.ucr.cjis.gov/LATEST/webapp/#/pages/explorer/crime/hate-crime>.

<sup>5</sup> <https://www2.ed.gov/about/reports/annual/ocr/report-to-president-and-secretary-of-education-2022.pdf>, 8.

<sup>6</sup> <https://www.ed.gov/news/press-releases/us-department-educations-office-civil-rights-announces-list-open-title-vi-shared-ancestry-investigations-institutions-higher-education-and-k-12-schools>

<sup>7</sup> <https://www.adl.org/resources/press-release/adl-records-dramatic-increase-us-antisemitic-incidents-following-oct-7>

<sup>8</sup> <https://www.adl.org/resources/report/campus-antisemitism-study-campus-climate-and-after-hamas-terrorist-attacks>

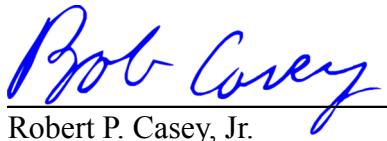
<sup>9</sup> <https://www.adl.org/resources/report/audit-antisemitic-incidents-2022>

<sup>10</sup> <https://docs.house.gov/meetings/AP/AP07/20230714/116252/BILLS-118--AP--LaborHHS-FY24LHSSubcommitteeMark.pdf>, 147.

<sup>11</sup> [https://www.appropriations.senate.gov/imo/media/doc/fy24\\_lhhs\\_bill\\_text.pdf](https://www.appropriations.senate.gov/imo/media/doc/fy24_lhhs_bill_text.pdf), 158.

In both chambers of Congress, my colleagues have been vocal about their concern for the safety and well-being of our Nation's students amid a rise in antisemitism. The United States Congress has a responsibility to pair moral leadership with substantive action. Adequately funding the agency tasked with ensuring all students can safely and freely access an education is essential at this moment in history and should be an action we can all collectively support. Thank you for your consideration of my request and this serious funding need.

Sincerely,

A handwritten signature in blue ink that reads "Bob Casey". The signature is written in a cursive, flowing style.

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Robert P. Casey, Jr.  
United States Senator