

THE FOUR-PAGE AMNESTY: *UNITED STATES V. HARVARD* AND THE INVENTION OF TITLE VI'S ONGOING-VIOLATION REQUIREMENT

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On August 13, 2026, the District of Massachusetts needed only four pages to dismiss the United States' Title VI enforcement action against Harvard University,¹ and in those four pages it held that a university may violate Title VI for two academic years, keep every federal dollar it received, and defeat the United States by outwardly behaving itself once the government's letter arrives. The order is short, and the brevity is not accidental: the reasoning cannot survive a longer look at the statute, the precedent, or the district court's own prior findings.

The order is particularly astounding because the author of those prior findings is the author of the order. In August 2024, in *Kestenbaum v. President and Fellows of Harvard College*,² Judge Richard Stearns reviewed the same campus and refused to dismiss a private Title VI suit brought by Jewish students. He called Harvard's response to their harassment "at best, indecisive, vacillating, and at times internally contradictory," warned that crediting the university's public statements would "reward Harvard for virtuous public declarations that for the most part . . . proved hollow when it came to taking disciplinary measures against offending students and faculty," and concluded that "the facts as pled show that Harvard failed its Jewish students."³ Two years later, those facts barely rate a footnote, which declines to "further rehearse" the 2023–24 allegations because prior opinions, including his own, had already fleshed them out.⁴ What matters now, the court says, is the calendar: the government alleged only three later incidents, all in March 2025, and none after June 30, 2025, when the agency formally advised Harvard of its failure to comply. Those incidents were "too isolated and episodic" to show continuing institutional non-compliance, and without an ongoing violation there was no case.⁵

Here is the problem in a nutshell: The ongoing-violation requirement on which the dismissal rests appears nowhere in the text of 42 U.S.C. § 2000d-1; the order's treatment of the government's

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¹ Memorandum and Order on Defendant's Motion to Dismiss, *United States v. President & Fellows of Harvard Coll.*, No. 1:26-cv-11352-RGS (D. Mass. Aug. 13, 2026), ECF No. 65 [hereinafter Order].

² *Kestenbaum v. President & Fellows of Harvard Coll.*, 743 F. Supp. 3d 297 (D. Mass. 2024).

³ *Kestenbaum*, 743 F. Supp. 3d at 309–10.

⁴ Order, *supra* note 1, at 2 n.1 (citing *Kestenbaum*, 743 F. Supp. 3d at 303–05, and *President & Fellows of Harvard Coll. v. U.S. Dep't of Health & Human Servs.*, 798 F. Supp. 3d 77, 92–102 (D. Mass. 2025)).

⁵ Order, *supra* note 1, at 2.

claim to recover funds already disbursed contradicts forty years of Supreme Court precedent treating such recovery as the collection of a debt; footnote three of the order conducts merits review of agency action on the pleadings, against the party entitled to every inference; and the inference at the center of the opinion, that quiet on campus is evidence of a cured campus, inverts the burden the Supreme Court's voluntary-cessation cases assign *and* contradicts a public record showing that the quiet was produced by concealment.

All that, in four pages.

Thankfully, as this Essay will explain, there are still a few enforcement paths that remain open for the government.

I. DOES SECTION 2000D-1 REQUIRE AN ONGOING VIOLATION?

Section 2000d-1 authorizes each funding agency to effect compliance with Title VI by "the termination of or refusal to grant or to continue assistance" or "by any other means authorized by law," subject to a proviso: no action shall be taken until the agency "has advised the appropriate person or persons of the failure to comply with the requirement and has determined that compliance cannot be secured by voluntary means."⁶ The government provided that notice on June 30, 2025, and filed suit on March 20, 2026. The order holds the suit fails because the complaint alleges no noncompliance after the date of the notice.⁷

The statutory text will not carry that holding. It speaks of "the failure to comply," a completed event, the very thing the notice is about; notice of a failure necessarily *follows* the failure. Nothing in the section conditions enforcement on the violation persisting after the letter arrives, and the order quotes no language to that effect because no such language exists. What the order calls the statute's "compliance-oriented focus"⁸ is real, but it proves too much: if post-notice good behavior defeats every remedy, then the statute's only sanction for two years of violation is the letter itself, and Congress paired its compliance incentive with consequences precisely because letters alone do not move institutions. The order imported a mootness-like requirement into a notice provision, and the mootness cases discussed in Part IV warn against the very inference that it drew.

The strongest defense of the order is one it gestures at without making: if Harvard stopped once notified, then compliance was secured by voluntary means after all, the precondition was never truly met, and the statute achieved its purpose without a lawsuit. The argument has force at first glance, but it fails on an equivocation. A recipient's Title VI obligations run in two directions: forward, to operate its programs without discrimination, and backward, to answer for the years it drew federal funds on assurances it was breaking.⁹ Cessation addresses only the first. Compliance includes the second, which is why voluntary resolution in practice means a

⁶ 42 U.S.C. § 2000d-1.

⁷ Order, *supra* note 1, at 2–3.

⁸ Order, *supra* note 1, at 3 n.3.

⁹ See *Bennett v. Ky. Dep't of Educ.*, 470 U.S. 656, 663 (1985) (when assurances given as a condition of federal funds "were not complied with, the Federal Government is entitled to recover amounts spent contrary to the terms of the grant agreement").

settlement: remedial measures, repayment or waiver, commitments the agency can enforce.¹⁰ Harvard offered the United States none of that; it kept the money, kept litigating, and produced only the quiet this order would later credit as if it were a cure. Cessation is not compliance, and the gap between the two is what the voluntary-cessation cases discussed in Part IV exist to police, since stopping when caught is otherwise just a simple litigation strategy.¹¹

Harvard will of course answer that its 2025 reforms and commitments were in fact such measures; its own amended complaint catalogs them.¹² But those were commitments to private plaintiffs, to its task force, and to itself. None was an agreement with the United States, and every one of them was already on the books on June 30, 2025, when the agency determined that voluntary compliance *could not be secured*.¹³ A recipient that, upon notice, ends the alleged discrimination and fully remedies its prior noncompliance presents a different case, and quite possibly no case at all. Harvard is demonstrably not that recipient.

Title VII shows how such preconditions are policed when a court looks at them with a measure of healthy doubt, because Title VII contains a precondition built on the same blueprint. Before the EEOC may sue an employer, Congress requires it to attempt conciliation: tell the employer what it is accused of, and try to resolve the matter by informal agreement before litigating. Employers sued after an allegedly deficient attempt make exactly the argument footnote three accepted here, that the agency skipped a mandatory step and the suit must therefore die. In *Mach Mining, LLC v. EEOC*,¹⁴ a unanimous Supreme Court answered that argument on both ends. Judicial review of the conciliation attempt is “narrow,”¹⁵ confined to whether the agency told the employer what it was accused of and gave it a chance to remedy the practice; courts do not grade the quality of the negotiation or second-guess the agency’s judgment that further talk would be pointless. And when the attempt genuinely falls short, “the appropriate remedy is to order the EEOC to undertake the mandated efforts to obtain voluntary compliance,” with a stay of the action while it does.¹⁶ The case pauses; it does not end. A precondition Congress wrote to produce negotiation is honored by producing negotiation, not by extinguishing the claim.

The order did the opposite on both ends at once. Where *Mach Mining* prescribes deferential review of the agency’s pre-suit judgment, footnote three demanded a demonstrated rational basis at the pleading stage, on no record at all. Where *Mach Mining* prescribes completion as the cure for a defective precondition, the order treated the perceived defect as a reason to end the case outright. Title VI contains no provision expressly authorizing a stay for conciliation, and the analogy is structural rather than controlling.¹⁷ But the design principle does not depend on the stay

¹⁰ See 45 C.F.R. § 80.8(d) (requiring, before resort to other means, notice of the failure and of the action to be taken, the lapse of at least ten days, and additional efforts to persuade the recipient to comply and to take corrective action).

¹¹ See *infra* notes 43–45 and accompanying text.

¹² First Amended Complaint ¶¶ 56–67, President & Fellows of Harvard Coll. v. U.S. Dep’t of Health & Human Servs., No. 1:25-cv-11048-ADB (D. Mass. May 13, 2025), ECF No. 59 [hereinafter First Am. Compl.] (cataloguing Harvard’s 2024 and 2025 policy changes and commitments, including the January 2025 adoption of the IHRA definition of antisemitism).

¹³ Order, *supra* note 1, at 2 (statutory notice provided June 30, 2025); First Am. Compl., *supra* note 12 (filed May 13, 2025).

¹⁴ *Mach Mining, LLC v. EEOC*, 575 U.S. 480 (2015).

¹⁵ *Id.* at 483.

¹⁶ *Id.* at 495; see 42 U.S.C. § 2000e-5(f)(1).

¹⁷ Compare 42 U.S.C. § 2000e-5(f)(1) (expressly authorizing a stay of a Title VII action so that conciliation may be completed), with 42 U.S.C. § 2000d-1.

mechanism: had the district court doubted the agency's voluntary-compliance determination, the lawful responses were to test it on a record and, if it failed, to order the process completed. Dismissal inverts the incentive the provision exists to create. A recipient that resolves matters with the agency binds itself: remedial commitments, monitoring, terms the government can enforce. Under this order, a recipient that declines to resolve, litigates, and waits out the notice keeps the money and takes on no obligations at all. A statute designed to make cooperation the sensible choice cannot mean that refusing to cooperate is the winning strategy.

The order closes by insisting that its ruling is "limited to the specific circumstances presented here, where there is no plausible allegation of noncompliance following statutory notice."¹⁸ Those circumstances are not narrow. Violations, followed by notice, followed by temporary quiet will recur whenever a sophisticated recipient changes course once funding is threatened, which is to say, in every enforcement action the government is ever likely to bring. The government told the court as much, warning that the rule would make it "virtually impossible for the United States to win a Title VI suit because a reasonable defendant would cease its indifference as soon as the United States threatens to withhold funding."¹⁹ The court dismissed the warning as a "fevered forewarning of potential havoc," then adopted the forecast and declared it a happy ending: a defendant scared into behaving is the statute working as intended.²⁰ Until, of course, it isn't.

II. MAY THE UNITED STATES RECOVER FUNDS FOR A COMPLETED VIOLATION?

The order assumes, without deciding, that the government may use "any other means authorized by law" to recover funds Harvard drew during the violation years, then rejects that backward-looking claim for the same reason: because nothing happened after notice.²¹ But recoupment is retrospective by definition, and notice necessarily postdates the violations it identifies. On the order's logic, the remedy it assumed into existence can never be exercised, by any agency, against any recipient, in any case.

The Supreme Court's federal-grant cases point the other way. *Bell v. New Jersey*²² held that the Federal Government is entitled to recover grant funds spent in violation of the conditions on which they were given.²³ *Bennett v. Kentucky Department of Education*²⁴ described such recovery as "more in the nature of an effort to collect upon a debt than a penal sanction," in terms that map onto this case without alteration: "The State gave certain assurances as a condition for receiving the federal funds, and if those assurances were not complied with, the Federal Government is entitled to recover amounts spent contrary to the terms of the grant agreement."²⁵ And *Barnes v. Gorman*²⁶ describes Title VI itself as Spending Clause legislation "much in the nature of a

¹⁸ Order, *supra* note 1, at 4.

¹⁹ *Id.* at 3 (quoting Pl.'s Opp'n at 31 n.6).

²⁰ *Id.* at 3–4.

²¹ *Id.* at 2 & n.2.

²² *Bell v. New Jersey*, 461 U.S. 773 (1983).

²³ *Id.* at 782.

²⁴ *Bennett v. Ky. Dep't of Educ.*, 470 U.S. 656 (1985).

²⁵ *Id.* at 662–63.

²⁶ *Barnes v. Gorman*, 536 U.S. 181 (2002).

contract,” whose recipients are on notice of the remedies traditionally available for breach.²⁷ The implementing regulations complete the architecture: every recipient signs an assurance of compliance that gives the United States a right to seek judicial enforcement, and the “other means” contemplated by the statute expressly include a Department of Justice proceeding to enforce “any assurance or other contractual undertaking.”²⁸ Bell and Bennett arose under other grant programs and involved administrative recovery, and none of these cases decides that § 2000d-1 authorizes this particular action or the recovery of every dollar Harvard drew. What they establish is narrower: a completed breach of federal funding conditions is not categorically remediless. Narrower is enough, because the order’s error is categorical: a completed violation is not an obstacle to these remedies; a completed violation is what they exist for. At minimum, the authorities demanded analysis. Instead, they received a negative assumption and a footnote. A debt does not vanish because the debtor behaves once the letter arrives. According to the court, however, getting caught now apparently cures everything.

III. MAY A COURT DEMAND THE AGENCY’S RATIONAL BASIS ON THE PLEADINGS?

Footnote three of the order deserves its own separate attention. On a motion to dismiss, where all the well-pleaded facts are accepted as true and reasonable inferences are drawn for the plaintiff, the court faulted the government for failing to identify “any rational basis” for the agency’s statutory determination that compliance could not be secured by voluntary means.²⁹ That determination is the agency’s to make under the proviso, and where review of agency action under the section is available, it proceeds under the Administrative Procedure Act’s arbitrary-and-capricious standard, on an administrative record, ordinarily at summary judgment.³⁰ Harvard knows the procedure, because Harvard used it: when the university challenged the government’s funding freeze, it received full APA review on cross-motions for summary judgment in *President and Fellows of Harvard College v. HHS*, and won.³¹ Here the government’s determination was dispatched in a footnote, without a record, with the inference drawn against the pleader, under a heightened pleading element found nowhere in Rule 8³² or the statute. The Supreme Court has twice held, unanimously, that courts may not impose heightened pleading requirements of their own design; a demand for greater specificity “must be obtained by the process of amending the Federal Rules, and not by judicial interpretation.”³³ Nor can the footnote be recast as ordinary plausibility screening. Plausibility tests the sufficiency of a complaint’s factual allegations,³⁴ and

²⁷ *Id.* at 186–87 (quoting *Pennhurst State Sch. & Hosp. v. Halderman*, 451 U.S. 1, 17 (1981)); see also *Cummings v. Premier Rehab Keller, P.L.L.C.*, 596 U.S. 212, 219 (2022).

²⁸ 45 C.F.R. § 80.8(a); see also 45 C.F.R. § 80.4 (requiring assurances of compliance that provide the United States a right to seek judicial enforcement).

²⁹ Order, *supra* note 1, at 3 n.3.

³⁰ See 42 U.S.C. § 2000d-2; 5 U.S.C. § 706(2)(A).

³¹ *President & Fellows of Harvard Coll. v. U.S. Dep’t of Health & Human Servs.*, 798 F. Supp. 3d 77 (D. Mass. 2025), *appeal docketed*, No. 25-2230 (1st Cir. Dec. 30, 2025).

³² See Fed. R. Civ. P. 8(a)(2).

³³ *Leatherman v. Tarrant Cnty. Narcotics Intelligence & Coordination Unit*, 507 U.S. 163, 168–69 (1993); see also *Swierkiewicz v. Sorema N.A.*, 534 U.S. 506, 514–15 (2002) (quoting *Leatherman*, 507 U.S. at 168).

³⁴ See *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (“A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.”); *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007).

this complaint alleged the notice and the determination in terms. The footnote did not find those allegations implausible; it demanded the evidence behind them, and the line between what a plaintiff must plead and what it must eventually prove is one the Court has maintained for decades.³⁵

Footnote three gets one thing right: Harvard's refusal to meet the government's demands is not, by itself, noncompliance with Title VI. But that answers a merits argument the government had not yet been required to make. The complaint alleged the statutory notice and the statutory determination. At the pleading stage those allegations are taken as true, and whether the determination was adequately grounded is a question for a record, in whatever posture the parties reach one, not a question a footnote may resolve against the pleader by noticing the absence of proof that no rule yet required.

IV. IS SILENCE EVIDENCE OF COMPLIANCE?

The order's central factual inference is that the absence of post-notice incidents shows the problem has passed. But the quiet it found so probative arrived under guard. By March 2025, Harvard was operating under two antisemitism settlements,³⁶ an Office for Civil Rights investigation, a presidential task force, and undivided federal scrutiny, and the *Kestenbaum* record had already described Jewish students removing visible markers of Jewish identity and avoiding Jewish events.³⁷ Obviously incident counts fall when the targets hide out of fear. Harvard's own amended complaint in its funding lawsuit conceded that all was not well, and that there is still "much work to do."³⁸

Then came a public warning against mistaking this very silence for compliance. On July 2, 2026, six weeks before this order, 170 Harvard faculty and staff published an open letter reporting that during the previous year, the very period the court reads as recovery, Jews and Israelis at Harvard wore baseball caps over their kippot, tucked in their Stars of David, and scrubbed Jewish-sounding names or activities from their resumes, and that students describing these experiences insisted on anonymity for fear of retribution.³⁹ The essay published alongside the letter

³⁵ Cf. *Swierkiewicz*, 534 U.S. at 510 (a prima facie showing "is an evidentiary standard, not a pleading requirement").

³⁶ See Dhruv T. Patel & Grace E. Yoon, *One Day After Trump Takes Office, Harvard Settles Two Antisemitism Lawsuits*, HARV. CRIMSON (Jan. 21, 2025), <https://www.thecrimson.com/article/2025/1/21/harvard-settles-antisemitism-lawsuits/> [<https://perma.cc/57CN-MLY3>].

³⁷ *Kestenbaum v. President & Fellows of Harvard Coll.*, 743 F. Supp. 3d 297, 304–05 (D. Mass. 2024).

³⁸ First Am. Compl., *supra* note 12, ¶ 5 (acknowledging that there is still "much work to do" (quoting Alan M. Garber, *Our Resolve*, HARVARD UNIV.: OFF. OF THE PRESIDENT (Mar. 31, 2025), <https://www.harvard.edu/president/news/2025/our-resolve/> [<https://perma.cc/BR5C-2L2C>])).

³⁹ Open Letter from Harvard Faculty & Staff to Jewish and Israeli Students (July 2, 2026), <https://www.thefp.com/api/v1/file/63774b56-6b71-4607-81e4-a40a5a0de1ab.pdf> [<https://perma.cc/AL4E-3DZG>]; Mark C. Poznansky & Jacqueline A. Hart, *Harvard's Antisemitism Problem Has Gone Underground*, THE FREE PRESS (July 2, 2026), <https://www.thefp.com/p/harvards-antisemitism-problem-letter> [<https://perma.cc/LRV9-GWBA>]. The letter was not before the court. It postdates the operative pleading, see Amended Complaint, *United States v. President & Fellows of Harvard Coll.*, No. 1:26-cv-11352-RGS (D. Mass. June 8, 2026), ECF No. 38, and no party cited it. The government's opposition, filed three weeks after the letter appeared, does not mention it, and neither does Harvard's reply or the order. See Pl.'s Opp'n, *United States v. President & Fellows of Harvard Coll.*, No. 1:26-cv-11352-RGS (D. Mass. July 22, 2026), ECF No. 56; Def.'s Reply Mem., *United States v. President & Fellows of Harvard Coll.*, No. 1:26-cv-11352-RGS (D. Mass. Aug. 3, 2026), ECF No. 63. The government did not move to supplement its pleading under Rule 15(d), and on a Rule 12(b)(6) motion the court could not have

supplied the poignant headline: “Harvard’s Antisemitism Problem Has Gone Underground.” Its authors’ point was analytical, not rhetorical: when hate goes quiet on a campus, it has either been eliminated or it has morphed into more insidious forms, and what Harvard’s own community witnessed over the past year appears to be the latter.⁴⁰ Under *Davis v. Monroe County Board of Education*,⁴¹ the injury a hostile environment inflicts is measured by denial of equal access to the institution’s resources and opportunities;⁴² a student who must hide the identity that marks her for harassment in order to get through the day is being denied that access in the most literal sense available.

The closest doctrinal analogue allocates the burden in precisely the opposite direction from this order. Under the Supreme Court’s voluntary-cessation cases, a defendant claiming that its reform moots a controversy “bears the formidable burden of showing that it is absolutely clear the allegedly wrongful behavior could not reasonably be expected to recur.”⁴³ The doctrine exists, the Court has explained, because otherwise “a defendant could engage in unlawful conduct, stop when sued to have the case declared moot, then pick up where he left off,”⁴⁴ and it remains formidable even for formal governmental assurances of changed conduct.⁴⁵ The doctrine does not govern a Rule 12 motion, and the quiet here began before the complaint was filed. What it supplies is a warning: treating temporary quiet as conclusive proof of reform is an inference the Supreme Court has refused to draw even from formal governmental assurances of changed conduct. This order drew it from silence. Substitute LGBT students for Jewish students, with 170 faculty attesting that they conceal their identity on campus out of fear, and no court would accept the resulting quiet as proof of a healed institution. The analysis does not or should not change because the students are Jews.

V. WHAT OPTIONS REMAIN?

The government is not out of moves; it is holding three at once, has already played the first, and nothing about pursuing all of them concedes that the order was correct.

First, the appeal, which the government noticed on August 27.⁴⁶ A Rule 12(b)(6) dismissal is reviewed *de novo*, and the order’s holding and the two premises beneath it present pure questions of law: whether § 2000d-1 contains an ongoing-violation requirement, whether *Bell*, *Bennett*, and *Barnes* permit recoupment of funds drawn during a period of noncompliance, and whether a statutory precondition may be tested for rational basis on the pleadings. The order’s own insistence that it is limited to its circumstances invites the court of appeals to treat its rule as error rather than doctrine. Even a panel that accepted the order’s premise could match the remedy to

weighed the letter without converting the motion into one for summary judgment. *See* Fed. R. Civ. P. 12(d), 15(d). The letter is cited here simply for what it shows about the unwarranted inference the order drew, and for the record on which the government’s next complaint should be built. *See infra* Part V.

⁴⁰ Poznansky & Hart, *supra* note 39.

⁴¹ *Davis v. Monroe Cnty. Bd. of Educ.*, 526 U.S. 629 (1999).

⁴² *Id.* at 650–51.

⁴³ *Friends of the Earth, Inc. v. Laidlaw Env’t Servs. (TOC), Inc.*, 528 U.S. 167, 190 (2000).

⁴⁴ *Already, LLC v. Nike, Inc.*, 568 U.S. 85, 91 (2013).

⁴⁵ *See* *FBI v. Fikre*, 601 U.S. 234, 241–44 (2024).

⁴⁶ Notice of Appeal, *United States v. President & Fellows of Harvard Coll.*, No. 1:26-cv-11352-RGS (D. Mass. Aug. 27, 2026), ECF No. 67.

it: a complaint faulted for pleading too little recent conduct is the textbook candidate for dismissal without prejudice, and the order never says which kind it entered. That silence should be resolved on appeal, not litigated later as a preclusion question.

Second, it can build a new enforcement action on the order's own terms. The dismissal rests entirely on the absence of alleged noncompliance after June 30, 2025. That is the paradigm of a curable defect: the order finds no futility, addresses no prejudice, and bars nothing the government has not yet pled. The faculty letter describes ongoing conduct within that window, and describes why it goes unreported. The letter is not itself evidence that Harvard was deliberately indifferent to that conduct, but it is a documented reason to investigate, and a map of where to look. A fresh investigation directed at the post-notice period, a new notice and a documented determination under the implementing regulations,⁴⁷ and a complaint pleading what that investigation finds would satisfy the ongoing-violation requirement as the district court has framed it, while the appeal contests whether the requirement exists at all. Arguing in the alternative is how the government can litigate around an erroneous rule while working to erase it.

Third, the administrative track remains open, and it is the route Congress expressly prescribed. Section 2000d-1's termination procedure runs through the agency: an opportunity for hearing, an express finding of noncompliance on the record, a full written report to the committees of Congress with jurisdiction over the program, and a thirty-day waiting period before termination takes effect.⁴⁸ Judicial review comes afterward, under § 2000d-2, on the administrative record the process itself produces.⁴⁹ The process is slower and more demanding than a lawsuit, but it would yield the one thing this litigation has so far lacked: a complete record. Harvard can challenge that route too, as it did in 2025, but it would be litigating against that record rather than a footnote, and an agency that finishes the process arrives in court in the strongest posture the statute offers.

CONCLUSION

In 2024, the court held that the facts as pled showed Harvard failed its Jewish students. In 2026, it treated the absence of post-notice allegations as erasing every consequence the United States sought for that failure. Harvard may ultimately prove that it reformed. The United States may ultimately fail to prove its claims. But neither question can be answered by inserting into Title VI words Congress did not write. A four-page order can dismiss a case. It cannot amend an Act of Congress.

⁴⁷ 45 C.F.R. § 80.8(c)–(d).

⁴⁸ 42 U.S.C. § 2000d-1 (requiring, for termination, an express finding on the record after opportunity for hearing, a full written report to the committees of the House and Senate having legislative jurisdiction over the program, and the lapse of thirty days thereafter).

⁴⁹ 42 U.S.C. § 2000d-2.