



## **Protecting Federal Trust Responsibility and Ensuring Stability in Tribal Education Funding**

### **Federal Trust Responsibility to Native Education and Service Disruptions**

Last week, the Trump-Vance Administration issued several [Executive Orders \(EOs\)](#) affecting federal funding, directing sweeping agency reforms. In response, the Office of Management and Budget (OMB) issued a [memorandum](#) instructing Federal agencies to review and potentially freeze funding streams deemed noncompliant with these EOs. Although the memorandum was quickly rescinded, it caused significant disruption and uncertainty for programs, organizations, and governments that rely on federal grants and funding.

Whenever federal funding disruptions occur, Tribal Nations are disproportionately affected. While the initial OMB memo has been rescinded, the Executive Orders mandating agency reviews on Diversity, Equity, Inclusion, and Accessibility (DEIA) and Climate Justice (CJ) remain in place. The White House has clarified that certain programs and accounts may still be subject to review, raising concerns about potential funding halts.

These include Tribal-specific accounts, accounts with Tribal set-asides, and programs serving Tribal Nations and Tribal organizations. The National Indian Education Association (NIEA) continues to monitor these developments and advocate for the preservation of open funding streams. NIEA is also working to ensure that Federal agencies uphold their treaty and trust obligations to Indian Country and distinguish these critical accounts from DEIA programs.

### **Exemptions and Continuing Challenges**

The rescission of the OMB memorandum unfroze most accounts initially flagged for review. However, the executive orders on DEIA and CJ remain in effect, meaning Federal agencies—including the Department of Education (ED), the Department of the Interior (Interior), and the Department of Health and Human Services (HHS)—are likely still identifying programs that could be subject to future freezes or modifications.

One critical concern is whether Indian Education programs are being classified under DEIA. Tracking the reasons behind specific funding freezes or administrative actions remains difficult. NIEA has received reports that some Department of Education employees overseeing Indian Education programs were placed on administrative leave pending compliance reviews. As of February 4, 2025, at least one of these employees has been reinstated and returned to the Office of Indian Education (OIE). NIEA remains committed to ensuring the federal government upholds tribal sovereignty and recognizes the distinct legal status of Indian education funding, separate from DEIA initiatives.

## **Secretarial Order 3416: Ending DEI Programs and Ensuring Treaty and Trust Obligations**



Secretarial Order 3416, which aims to implement the Executive Orders on DEIA for the Department of the Interior, includes critical language affirming the federal trust responsibility and providing limitations to protect Tribal sovereignty. Specifically, it states:

"Nothing in this Order shall be construed to eliminate, rescind, hinder, impair, or otherwise affect activities that implement legal requirements independent of the rescinded equity-related EOs, including but not limited to: the statutory authorities, treaty, and/or trust obligations of the Department and its Bureaus/Offices to Tribal Nations and the Native Hawaiian Community."

This language serves as an important safeguard, but it currently only applies to the Department of the Interior. NIEA urges the Administration to issue similar Secretarial Orders or memoranda across all federal agencies that provide critical services to Tribal Nations, with strong enforcement mechanisms to ensure treaty and trust obligations are upheld.

### **Advocacy and Call to Action**

NIEA has identified accounts in the original OMB memo that were flagged for freezing. While most have been unfrozen following the memo's rescission, uncertainty remains regarding ongoing agency reviews under existing Executive Orders. If you have been notified that an account is or will be frozen, or if a federal education program administrator has been placed on leave, please contact NIEA. We are collecting and verifying information to communicate with the Administration and Congress and assess the impact of these executive actions on Native education. You can find our survey collecting responses [here](#).

NIEA remains steadfast in ensuring the federal government upholds its trust obligations to Tribal Nations. We will continue working alongside national Native advocacy organizations and Tribal governments to protect funding streams essential to Native education. We encourage you, your schools, and your Tribal Nations to write to the Administration expressing your concerns. A template letter on protecting the trust and treaty obligations to Native education can be found [here](#). Additional statements, letters, talking points, and materials will be shared as the situation evolves.

For further information on NIEA's advocacy efforts or to report funding disruptions, please contact NIEA Federal Policy Director, Julia Wakeford, [jwakeford@niea.org](mailto:jwakeford@niea.org)