



USET

SOVEREIGNTY PROTECTION FUND

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Transmitted Electronically
To TribalConsultation@ed.gov

March 6, 2026

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

Dear Secretary McMahon,

On behalf of the United South and Eastern Tribes Sovereignty Protection Fund (USET SPF), we submit these comments to the Department of Education (ED) in response to its Tribal consultation on the Interagency Agreements (IAAs) between ED and the Departments of the Interior (DOI) and Labor (DOL) for the administration of certain ED programs. During the sole Tribal consultation hosted by ED on February 10, 2026, Tribal leaders and education advocates raised serious concerns regarding the transfer of programs from ED to DOI and DOL. Primarily, these concerns centered on the lack of prior and informed Tribal consultation occurring before the IAAs were signed, as well as how ED will ensure the continuity and stability of funding, services, and support to Tribal Nations, citizens, and communities during and after this transition period. While USET SPF is aware that the transfer of ED programs to DOI will occur through a “pass-through” mechanism with current ED staff managing these programs transitioning to DOI, questions remain regarding the future operation of these programs and ED’s goals for improving service delivery through these IAAs. There is also no information yet on DOL’s plans for integrating ED programs into its service delivery operations. For these reasons, ED and its partner IAA agencies must conduct additional and ongoing consultation activities with Tribal Nations to determine management and oversight procedures for these programs, as well as seek input from Tribal Nations on how to assume administration of these programs through self-determination and self-governance agreements.

USET SPF is a non-profit, inter-Tribal organization advocating on behalf of thirty-three (33) federally recognized Tribal Nations from the Northeastern Woodlands to the Everglades and across the Gulf of Mexico.¹ USET SPF is dedicated to promoting, protecting, and advancing the inherent sovereign rights and authorities of Tribal Nations and in assisting its membership in dealing effectively with public policy issues.

¹ USET SPF member Tribal Nations include: Alabama-Coushatta Tribe of Texas (TX), Catawba Indian Nation (SC), Cayuga Nation (NY), Chickahominy Indian Tribe (VA), Chickahominy Indian Tribe–Eastern Division (VA), Chitimacha Tribe of Louisiana (LA), Coushatta Tribe of Louisiana (LA), Eastern Band of Cherokee Indians (NC), Houlton Band of Maliseet Indians (ME), Jena Band of Choctaw Indians (LA), Mashantucket Pequot Indian Tribe (CT), Mashpee Wampanoag Tribe (MA), Miccosukee Tribe of Indians of Florida (FL), Mi’kmaq Nation (ME), Mississippi Band of Choctaw Indians (MS), Mohegan Tribe of Indians of Connecticut (CT), Monacan Indian Nation (VA), Nansemond Indian Nation (VA), Narragansett Indian Tribe (RI), Oneida Indian Nation (NY), Pamunkey Indian Tribe (VA), Passamaquoddy Tribe at Indian Township (ME), Passamaquoddy Tribe at Pleasant Point (ME), Penobscot Indian Nation (ME), Poarch Band of Creek Indians (AL), Rappahannock Tribe (VA), Saint Regis Mohawk Tribe (NY), Seminole Tribe of Florida (FL), Seneca Nation of Indians (NY), Shinnecock Indian Nation (NY), Tunica-Biloxi Tribe of Louisiana (LA), Upper Mattaponi Tribe (VA), and the Wampanoag Tribe of Gay Head (Aquinnah) (MA).

Because there is Strength in Unity

The Delivery of Education is a Trust and Treaty Obligation

The provision of education to Tribal Nations and Native people remains a foundational aspect of federal trust and treaty obligations. Ensuring that the necessary federal dollars and resources are available for quality education is essential to upholding the education promises the federal government made to Tribal Nations in perpetuity. We remind ED that Congress has enacted a rigorous system of funding for Native education and workforce development through various statutes. Carrying out these legal mandates—with the required full appropriations and technical assistance—should provide Native students and communities with the high-quality education and training we deserve, thereby upholding the federal government’s trust and treaty obligations to provide these services. However, as ED begins transfer of certain programs for management by DOI—specifically the Bureau of Indian Education (BIE)—and DOL, historic issues related to the lack of funding and persistent deficits in resources, staffing, and facilities remain. ED, and its IAA partners, have not indicated how it will work to improve the management and service delivery of these programs to support the education priorities of Tribal Nations, our citizens, and our communities.

In addition, since ED acted preemptively in signing these IAAs prior to initiating informed consultation with Tribal Nations, our schools, parents, and communities are now subject to heightened concerns on education and workforce development funding availability and service delivery for our citizens. While the BIE has voiced assurances that there would be no disruption to grant funding already allocated for the current academic year, the lack of transparency on a plan—if any—has compounded concerns regarding the future operation of these programs. Further, with most Native students attending non-Tribal public schools and a large portion of federally impacted school districts serving Native students, the transfer of ED programs and any agency reforms must ensure continued and streamlined delivery of funds and services in these areas for our students, as well. Shifting the responsibility to manage these programs from ED to BIE must not create additional layers of bureaucracy that could stifle the federal government’s trust and treaty obligations to provide education and training services.

ED Programs Must Be Improved to Support the Goals of Tribal Self-Governance and Self-Determination

Since DOI and DOL will be operating as “pass-through” agencies to manage and disburse funds for certain ED programs, further consultation is required with Tribal Nations to determine how these programs will continue operations. There have been no details regarding how current management structures at DOI and DOL will be altered, how the migration of ED employees to DOI and DOL will maintain points of contact for funding and service delivery or technical assistance, or how the agencies intend to improve these programs to better serve our citizens and communities. Ultimately, USET SPF recommends that these respective agencies host additional, ongoing consultations with Tribal Nations to receive input on this transition while exploring opportunities to improve or create new avenues for directly awarding education and workforce development funds to Tribal Nations. Specifically, these consultations should center around program and service delivery improvements through mechanisms such as P.L. 93-638 (638) self-governance contracts and compacts and consolidation of workforce development and training programs into P.L. 102-477 (477) Plans for Tribal Nations.

Further, we understand that ED will still be responsible for hiring to fill vacancies for program administration, rather than the IAA agencies assuming hiring responsibilities to manage the transferred ED programs. USET SPF urges ED to, where appropriate, hire the necessary personnel needed—with an emphasis on hiring qualified Native candidates knowledgeable of our issues—to fill vacant positions required to uphold its trust and treaty obligations to provide education and training services to Tribal citizens. Further, ED should seek ways to support 638 agreements for Tribal Nations to assume responsibilities for managing these programs should we desire to do so. Moving forward, ED must address the loss of federal officials that held critical institutional knowledge of these programs for education and

workforce development operations in Indian Country. Like other Tribal-serving areas of the federal government, ED is reeling from the loss of personnel from the reductions in force, deferred resignation, and early retirement programs initiated last year. This has created a scenario that undermines trust, creates confusion, and increases administrative burden for existing federal personnel and Tribal Nations, which are already operating with limited capacities. If ED desires for this programmatic transfer to be successful in addressing the administrative burdens hampering education and workforce development service delivery for Tribal citizens and communities, then this effort will require continuity, transparency, and ongoing engagement and consultation with Tribal Nations. ED seeks to remove bureaucracy and improve education and training service delivery to Tribal Nations. This can only be accomplished by working and consulting with Tribal Nations to determine the best path forward in administering these critical programs.

Conclusion

USET SPF supports federal mechanisms to increase Tribal control of Indian education, promote Tribal sovereignty, and build internal capacity for Tribal Nations to operate robust education and workforce development programs. While ED is focused on transferring critical programs that support Native students and communities, this must not translate into an abrogation of its trust and treaty obligations. Since ED will still be statutorily responsible for meeting its obligations to Tribal Nations, citizens, and communities, it must continue to provide the necessary personnel, technical assistance, and resources to its IAA and Tribal Nation partners to effectively and efficiently maintain education and training programs and services for our citizens and communities.

In addition to fulfilling these trust and treaty obligations, ED must also provide the support and resources necessary for Tribal Nations to exercise our inherent sovereignty to assume authority in managing education and workforce development programs and services should we decide to do so. This must include a broad approach, in collaboration with its IAA partners, to invest in the infrastructure and human resources required to deliver high-quality education and training, as well as the necessary obligation of federal funds to support Native students attending Tribal and public schools. Moving forward, we anticipate continued dialogue and the exchange of ideas with ED and its partners to develop solution-oriented mechanisms that appropriately address these issues. First and foremost, however, this must begin with ED and its IAA partners hosting additional Tribal consultations to determine a path forward in the transfer and administration of these programs and services to meet the education and workforce development priorities of Tribal Nations. Should you have any questions or require further information, please contact Ms. Liz Malerba, USET SPF Director of Policy and Legislative Affairs, at LMalerba@usetinc.org or 615-838-5906.

Sincerely,



Chief Kirk Francis
President



Kitcki A. Carroll
Executive Director