



**THURSDAY, MARCH 20, 2025**

Dear Colleagues:

As you are likely aware, today the President signed an [Executive Order](#) directing "the Secretary of Education, to the maximum extent appropriation and permitted by law...to facilitate the closure of the Department of Education...." We recognize that this is a troubling chapter in the long history of education in the United States, but this action does not change the facts about TRIO, its status as a legislated program authorized in statute, and our proud history, which is bolstered by strong bipartisan support. In light of this Executive Order, COE wishes to outline a few basic facts.

**Executive Orders Cannot Rescind Statutes.** An executive order is a signed, written, and published directive from the President that manages operations of the federal government. With an executive order, *the President cannot write or rescind a statute* but rather direct federal agencies how to implement a statute. The United States Supreme Court has made clear that the "the President's power, if any, to issue the order must stem either from an act of Congress or from the Constitution itself." (*Minnesota v. Mille Lacs Band of Chippewa Indians*, 526 U.S. 172, 188-89 (1999), quoting *Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 579, 585 (1952))

**TRIO Programs are Codified in Statute.** Congress established the TRIO programs in federal law. Those laws have been reauthorized nearly a dozen times and have been signed by presidents of both parties. *TRIO existed for over a decade before Congress even created the U.S. Department of Education in 1979.* TRIO's authorizing statutes clearly direct the Education Secretary to carry out TRIO programs. Specifically, the law provides that "[t]he Secretary shall, in accordance with the provisions of this division, carry out a program of making grants and contracts designed to identify qualified individuals from disadvantaged backgrounds, to prepare them for a program of postsecondary education, to provide support services for such students who are pursuing programs of postsecondary education, to motivate and prepare students for doctoral programs, and to train individuals serving or preparing for service in programs and projects so designed." (20 U.S.C. § 1070a-11)

**There is Strong Bipartisan Support for TRIO Programs.** TRIO programs achieve college access and success for low-income students, first-generation students, and students with disabilities at institutions across the country. TRIO's goals and results have inspired durable, bipartisan support in Congress, thanks to the tireless work of our community. Now, more than ever, we need to show our strength to Republicans and Democrats alike. (A

current list of the bipartisan, bicameral Congressional TRIO Caucus is available [here](#).)

**We must build on the success of this past week's Policy Seminar, at which over 1,000 TRIO professionals, students, and alumni visited more than 400 offices on Capitol Hill. It is critical that our community continues to engage with our elected officials on the local level to build and maintain relationships so we can count on congressional support against the rapidly-evolving landscape in Washington.**

You may wish to send an email about this matter to your Senators and House Representatives using [this tool](#) on the COE website. As COE continues to monitor this situation, we will share more details about specific action TRIO advocates can take to protect our programs.

As always, thank you for your continued support of TRIO students and programs.

Sincerely,

**Kimberly Jones**  
President  
Council for Opportunity in Education

