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What is Project 2025?

IT'S SUBTITLE IS "PRESIDENTIAL TRANSITION PROJECT"

IT IS A 900-PAGE "MANDATE FOR LEADERSHIP" BLUEPRINT
FOR RADICALLY RESHAPING THE ENTIRE FEDERAL GOVERNMENT
AGENCY BY AGENCY

"THIS IS AN AGENDA PREPARED BY AND FOR CONSERVATIVES WHO HAVE BEEN
READY ON DAY ONE OF THE TRUMPADMINISTRATION TO SAVE OUR COUNTRY
FROM THE BRINK OF DISASTER"

THIS IS THE 9TH EDITION OF THIS PLAN, WHICH HAS BEEN IN EXISTENCE SINCE 1981

Where did Project 2025 come from?

- ▶ Project 2025 was authored and published by at least 140 **former Trump administration officials**. Including 6 former Cabinet Secretaries
- ▶ They partnered with the Heritage Foundation, a conservative Think Tank that **opposes** abortion and reproductive rights, LGBTQ rights, immigrants' rights, and **racial equity**
- ▶ The Heritage Foundation President Kevin Roberts also previously worked on President Trump's transition team in 2016, and has described his organization's role as "**institutionalizing Trumpism.**"
- ▶ It plans a radical consolidation of power in the **Executive Branch** of the federal government
- ▶ It is a **federal policy agenda** and blueprint for a radical restructuring of the executive branch, **whether it is legal or not!**

The 4 Conservative Promises

- ▶ The Foundation of Project 2025 is based on 4 Conservative Promises:
 - ▶ Restore the family as the centerpiece of American life and protect our children.
 - ▶ Dismantle the administrative state and return self-governance to the American people.
 - ▶ Defend our nation's sovereignty, borders, and bounty against global threats.
 - ▶ Secure our God-given individual rights to live freely—what our Constitution calls “the Blessings of Liberty.”

What are Some of the Plans/Proposals Included in Project 2025?

MAJOR GOAL: deleting the following terms from EVERY federal document:

- **diversity, equity, and inclusion (“DEI”),**
- sexual orientation and gender identity (“SOGI”),
- gender, gender equality, gender equity, gender awareness, gender-sensitive,
- abortion, reproductive health, reproductive rights,
- **and any other term (“Disadvantaged, Underserved, Rural, Minority, Low income, etc.)** used to deprive Americans of their First Amendment rights out of every federal rule, agency regulation, contract, grant, regulation, and piece of legislation that exists.

What are some of the plans/proposals included in project 2025? (cont'd)

- radically expanding oil drilling in federally protected lands (“Drill Baby Drill”)
 - Drilling by itself is not a bad thing, the question is who is CONTROLLING THE DRILLING? AYES, the Pima Indian
 - There are still federal lands within Indian Reservations and within States
- banning books and curriculum about slavery, Indian history, Japanese History,
 - Basically this is REVISIONIST history
 - The Navajo Codetalkers were removed from all Pentagon websites UNTIL TRIBES PUSHED BACK!
 - IRA HAYES, the Pima Indian who helped raise the U.S. Flag on Iwo Jima was also removed from Pentagon websites because of “DEI.”
- ending free and reduced school lunch programs
 - But what about the farmers that benefit from the sales of produce to these programs?
 - They have already ended the healthy school lunch programs begun by Michelle Obama
- defunding the FBI
 - Flowers of the Killer Moon
- packing the federal judiciary with far-right judges

What Are Some of the Plans/Proposals Included in Project 2025? (cont'd)

- ▶ **GUTTING DIVERSITY, EQUITY AND INCLUSION FROM THE ENTIRE FEDERAL GOVERNMENT**
 - ▶ WHAT HAPPENS TO TITLE 25 OF THE UNITED STATES CODE?
- ▶ **GUTTING THE RIGHT TO UNIONIZE**
 - ▶ THIS WOULD TAKE AWAY THE POTENTIAL FOR TRIBES TO PARTNER WITH UNIONS TO CREATE JOBS, LIMIT TRAINING OPPORTUNITIES
- ▶ **MASS DEPORTATIONS**
 - ▶ AFFECTING TRIBES ALONG THE NORTHERN AND SOUTHERN BORDERS
- ▶ **ABUSING WARRANTLESS SURVEILLANCE**
- ▶ **UNLEASHING UNDUE FORCE ON PROTESTORS**
 - ▶ VIOLATION OF FIRST AMENDMENT FREE SPEECH
- ▶ **SEVERELY LIMITING VOTING ACCESS**
 - ▶ THIS IS FURTHERING WHAT STATES ARE ALREADY DOING TO STOP THE NATIVE VOTE
- ▶ **CENSORING ACADEMIC DISCUSSIONS ABOUT RACE, GENDER, AND SYSTEMIC OPPRESSION**
- ▶ **ROLLING BACK TRANS RIGHTS**
- ▶ **ENDING MARRIAGE EQUALITY**
 - ▶ TWO SPIRIT PEOPLE HAVE BEEN A PART OF INDIAN COUNTRY SINCE THE BEGINNING OF TIME – TIME IMMEMORIAL

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What Effect Will This Change in Agenda Have on Tribes?

These are NOT new issues

- The History of Federal Indian Policy is littered with efforts by the federal government to eliminate Indians and Indian Tribes
- 1995-NCAI Resolution SD-95-017 – passed because “..some members of Congress and virtually all Republican Presidential candidates are calling for the elimination of all affirmative action, set-asides and other preferences for minorities and women...”
- 1953-Turtle Mountain Tribe, among others, were at the top of the TERMINATION list.

The **stated results of Project 2025** are “The Conservative Promise lays out many tools including:

- how to fire supposedly “unfireable” federal bureaucrats;
- how to close wasteful and corrupt bureaus and offices;
- how to muzzle woke propaganda at every level of “government”;
- how to restore the American people’s constitutional authority over the Administrative State;
- how to save untold taxpayer dollars in the process.
- This book, this agenda, the entire Project 2025 is a plan to unite the conservative movement and the American people against elite rule and woke culture warriors.
- All of this to achieve a “conservative” Policy agenda

SO HERE WE GO TO SEE WHAT THEY ARE UP TO THIS TIME!

What Effect Will This Change in Agenda Have on Tribes?

Executive Office of the President controls these Agencies:

- National Security (including the Dept. of Defense).
 - The authors say "The Department of Defense "is a deeply troubled institution." It has emphasized leftist politics over military readiness
 - "the Biden Administration's profoundly unserious **equity** agenda"
- Natural Resources,
- Energy
- Science.
- Health.
- Education
- Income Maintenance
- Labor
- Transportation
- Justice
- Homeland Security
 - Will basically become a VASTLY EXPANDED Immigration Service
- Treasury Commerce and Housing

What Effect Will This Change in Agenda Have on Tribes?

STATE DEPT.

The next President should recalibrate how the State Department handles **treaties and agreements**, primarily by restoring constitutionality to these processes.

The next Administration must end blind support for **international organizations**. This will affect any future implementation of the **United Nations Declaration on the Rights of Indigenous Peoples** (UNDRIP)

INTELLIGENCE

They want to give the President the power to **spy on U.S. citizens in our own country**

What Effect Will This Change in Agenda Have on Tribes?

- ▶ **“MANAGING THE BUREAUCRACY”** involves the following agencies:
 - The **Office of Personnel Management (OPM)**
 - Is in charge of implementing Indian Preference for federal government positions;
 - The **Merit Systems Protection Board (MSPB);**
 - They hear the appeals of cases involving Indian Preference
 - The **Federal Labor Relations Authority (FLRA)** serves as an independent mediator to maintain fair labor practices within the federal government
 - The **Office of Special Counsel (OSC)** functions to **protect federal employees and applicants from prohibited personnel practices (PPPs)**, by prosecuting violations of the **Whistleblower Protection Act** and the **Hatch Act** .

What Effect Will This Change in Agenda Have on Tribes? (cont'd)

- ▶ SECTION 2 – THE COMMON DEFENSE
- ▶ DEFENSE DEPT
 - WILL DO AWAY WITH TRIBAL SET ASIDES FOR DEFENSE CONTRACTS
 - BUT **TERO IS TRIBAL LAW** SO CHANGE IN FEDERAL POLICY WILL NOT AFFECT TEROs, BUT IT WILL AFFECT FEDERAL FUNDING FOR CONSTRUCTION AND OTHER PROJECTS
- ▶ DEPARTMENT OF STATE

What Effect Will This Change in Agenda Have on Tribes? (cont'd)

- ▶ SECTION 3 GENERAL WELFARE
- ▶ ENVIRONMENTAL PROTECTION AGENCY
- ▶ Executive Order 12898
- ▶ Executive Order 12898 of February 16, 1994: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, directs federal agencies to make achieving environmental justice part of its mission – GOES AWAY
- ▶ Executive Order 13175
- ▶ Executive Order 13175 of November 6, 2000: Consultation and Coordination With Indian Tribal Governments, establishes regular and meaningful consultation and collaboration with tribal officials in the development of Federal policies - GOES AWAY
- ▶ All of this is happening in the name of EXTENDING THE REACH OF THE EXECUTIVE BRANCH OF THE FEDERAL GOVERNMENT.

CIVICS LESSONS REVISITED

- ▶ BUT THE CONSTITUTION SAYS THERE ARE **THREE COEQUAL** BRANCHES OF THE FEDERAL GOVERNMENT:
 - EXECUTIVE – THE PRESIDENT
 - LEGISLATIVE - CONGRESS
 - JUDICIARY – THE COURTS

CIVICS LESSONS REVISITED

- ▶ SO AS PROJECT 2025 GOES INTO PLACE, AND THE EXECUTIVE BRANCH IS EXPANDED, THIS RAISES SOME **CONSTITUTIONAL QUESTIONS** SUCH AS:
 - WHAT HAPPENS TO OUR TREATIES?
 - MAYBE NOTHING – THEY ARE CREATURES OF **INTERNATIONAL** LAW
 - WHAT HAPPENS TO THE STATUTES (LAWS) PASSED BY CONGRESS RELATING TO INDIAN TRIBES (especially Title 25)?
 - THE **EXECUTIVE** BRANCH CANNOT MAKE LAWS OR RESCIND LAWS
 - **THE LEGISLATIVE BRANCH (Congress)** CARRIES THE CONSTITUTIONAL POWER TO MAKE LAWS
 - **THE LEGISLATIVE BRANCH (Congress)** CARRIES THE CONSTITUTIONAL POWER OF THE PURSE
 - THE **EXECUTIVE** BRANCH DOES HAVE THE POWER TO CONTROL THE FEDERAL AGENCIES (but supposedly not those that are intended to be independent?)
 - THE **JUDICIAL** BRANCH PROVIDES THE “GUARD RAILS” THAT KEEP THE EXECUTIVE AND LEGISLATIVE BRANCHES IN THEIR RESPECTIVE LANES

CIVICS LESSONS REVISITED

- ▶ SO THE FOUNDERS INTENDED THE COURTS TO BE THE PRIMARY CHECK AND BALANCE ON THE OTHER TWO BRANCHES
 - ▶ THAT SHOULD SOLVE PROBLEMS SUCH AS PROJECT 2025, WHICH SEEKS TO GIVE A MUCH EXPANDED ROLE TO THE EXECUTIVE BRANCH
 - ▶ CAN WE DEPEND ON THE CURRENT SUPREME COURT TO DO ITS JOB?
 - ▶ MAYBE?
 - ▶ THE CONSENSUS IN INDIAN COUNTRY HAS BEEN TO TRY TO STAY OUT OF THE SUPREME COURT IF POSSIBLE, AS IT HAS NOT BEEN PARTICULARLY FRIENDLY TO TRIBES
 - ▶ THE SUPREME COURT PROJECT AT NARF SEEKS TO BE THE NATIONAL CLEARINGHOUSE TO REVIEW POTENTIAL SUPREME COURT CASES **BEFORE** THEY ARE FILED

CIVICS LESSONS REVISITED

- ▶ SO OUR TRIBAL COUNCILS HAVE THE TASK OF FIGURING OUT HOW TO KEEP INDIAN COUNTRY SAFE AS PROJECT 2025 IS GOING INTO EFFECT
- ▶ TRIBES WILL TRY TO WORK WITH THOSE YOU CAN – Puyallup Example
 - ▶ GET THE NEXT GENERATION OF LAWYERS IN THE PIPELINE
 - ▶ MAKE SURE YOUR TRIBAL MEMBERS, TROS, AND TRIBAL GOVERNMENTS KNOW THE FOUNDATIONAL LAWS THAT RUN THEIR GOVERNMENT
- ▶ I WAS TAUGHT BY SAM DELORIA AND MARIO GONZALEZ THAT “WHEN YOU GO INTO THAT WHITE MAN’S COURT, YOU HAVE TO KNOW THAT WHITE MAN’S LAW **BETTER** THAN THAT WHITE MAN.”
- ▶ SO REVIEW YOUR TRIBAL CIVICS – **REMEMBER ONLY YOUR TRIBE CONTROLS TRIBAL LAW**
- ▶ REVIEW YOUR FEDERAL CIVICS
 - ▶ KNOW WHICH BRANCH CONTROLS YOUR CONTRACTS, FUNDING, REGULATIONS, ETC.
 - ▶ KNOW WHERE TO APPEAL NEGATIVE DECISIONS
 - ▶ KNOW WHO THE PLAYERS ARE IN THIS ADMINISTRATION
 - ▶ List of Appointees: CBS, NPR, The Guardian, New York Times, Politico, etc.



TIME TO STRETCH AND GET READY FOR ROUND 2

DO YOUR RESEARCH

- ▶ Please review the trainings on Project 2025 and Indian Preference previously presented at the 2024 NPTC Fall Conference and at the CTER National Conference.
 - ▶ THEY ARE ALSO AVAILABLE ON THE CTER WEBSITE
- ▶ Be sure to note THE SOURCES of Indian Preference, whether they come from a LAW, A COURT CASE, or an ADMINISTRATIVE RULE/REGULATION. **The source of the preference will determine whether it is within the reach of the Executive Branch.**
- ▶ Before Trump was elected, my advice was to review your high school Civics, including how the tribal, state and federal governments work.
- ▶ In order to effectively address the Trump administrations actions, **we need to know which powers are held by which branch of government.** With that information, we can then analyze whether any of the 3 branches of government is exceeding its constitutional authority.

DO YOUR RESEARCH

- ▶ Next, remember that the take away from Project 2025 is the Trump administration is seeking to **expand the reach** of the Executive Branch.
- ▶ However, the U.S. Constitution requires 3 **coequal** branches of government.
- ▶ So, when this expansion of the Executive Branch **infringes** on the powers of the Legislative (Congress) and Judicial (the courts) Branches, (this has already happened), then the Tribes must decide how to handle and ultimately stop these unconstitutional incursions.
- ▶ How can tribes get this done? NEXT STEPS

NEXT STEPS – SHORT TERM

▶ **SHORT TERM**

- ▶ If you have any unspent federal funds (Head Start, Federal Highway funds, tribal school or college funds, Dept. of Aging Funds, ARPA or Inflation Reduction Act monies, Infrastructure funds, etc.), get them spent or obligated immediately. What you can expect is the Trump administration to take these funds back if they are sitting unspent.
- ▶ Quarterly EEOC grant monies to Tribal TEROS are already lost, as the Trump Administration has already dismantled the EEOC!
- ▶ Tribes should begin budgeting as if these funds will NOT be coming in again.

NEXT STEPS – SHORT TERM

- ▶ Program administrators and tribal leaders should remember that signed contracts and grant agreements are the only things that matter for compliance. Continue to follow those contracts until specifically told otherwise.
- ▶ Use available tax credit incentives: Energy tax credits made available through the Inflation Reduction Act are still active and can help reduce the cost of capital projects and ongoing utility costs. Technology upgrades may also be eligible for these credits, which are directly paid to tax-exempt tribal entities.
- ▶ If your tribe has legal counsel or lobbyists in Washington, D.C., your Tribal Council is probably in constant contact with them. Stay in communication with your Tribal Council. Ask the Council to pass on information affecting your program or funds as soon as they get the information. Also be sure to communicate your program's needs to your Tribal Council so they can relay them to your Washington D.C. legal counsel/lobbyist.
- ▶ Your Tribal Council will continue to be in touch with your congressional delegation. Whether Republican or Democrat, Tribes need to be sure our congressional delegations know our needs and get them on the action list of our congressmen. They represent us ALL.

NEXT STEPS – SHORT TERM

- ▶ Continue to enforce your Tribal TERO laws. The federal government cannot control Tribal laws.
- ▶ Continue to cultivate good relationships with your state and local partners. If you have project agreements that are employing tribal members, keep those projects going. The federal government cannot control state or local laws (unless the source of funds is federal).
- ▶ Continue to cultivate good relationships with your Union partners if that works for your tribe. If there are not construction projects in your area or federal funds dry up, now is a good time to send some tribal members for training through union apprenticeships.
- ▶ Continue to monitor the websites of the national and regional Tribal organizations (ATNI, Great Plains Tribal Chairman's Association, USET, AFN, NCAI, NAFOA, NITA, NIGA, NIGC, ETC.)

NEXT STEPS – SHORT TERM

- ▶ Remember the Trump administration will only be in power for 4 years. Trump cannot run again.
 - ▶ The “loopholes” he is bragging about DO NOT EXIST!
- ▶ There will be midterm elections coming up in two years, so begin to do your part NOW to organize for a better result for your tribe in the midterm elections.
- ▶ Next, Tribes may want to consider Long Term Strategies

LONG TERM STRATEGIES

- ▶ In the longer term, Tribes need to develop our own “Tribal Response Center.” Thanks to attorney Mario Gonzalez for the name.
- ▶ The idea is to partner with an existing organization or create a new non-profit organization whose purpose is to monitor and analyze federal Executive Branch administrative actions, keep tribes apprised in a timely manner, and make recommendations to counter, handle or manage these actions, especially if they involve coordinating joint action among tribes.
- ▶ It would function similar to the Tribal Supreme Court Project at the Native American Rights Fund (NARF).
- ▶ The Heritage Foundation has been working on Project 2025 and/or Agenda 47 since 1981.
- ▶ We need to be planning ahead as well for that 7th generation to come.

CURRENT STATE OF EXECUTIVE ORDERS

- ▶ How many Executive Orders has Trump signed since coming into office, and what tribal issues do they concern?
 - ▶ In 2025, Donald J. Trump signed 116 Executive orders (from EO 14147 through EO 14262)
 - ▶ <https://www.federalregister.gov/presidential-documents/executive-orders/donald-trump/2025>
 - ▶ In Executive Order 14148 of January 20, 2025 (Initial Rescissions of Harmful Executive Orders and Actions), I rescinded 78 Presidential orders and memoranda issued by then-President Biden.
 - ▶ This included Executive Order 14049 of October 11, 2021 (White House Initiative on Advancing Educational Equity, Excellence, and Economic Opportunity for Native Americans and Strengthening **Tribal Colleges and Universities**).
 - ▶ Rescinded EOs discussed the advancement of LGBTQ+ rights, environmentally sustainable defense practices, defense acquisition processes, labor standards for federal employees and **tribal policy**.

CURRENT STATE OF EXECUTIVE ORDERS

Executive Orders Passed

- ▶ **Executive Orders Affecting Tribes and Jobs that have been PASSED include:**
 - ▶ Federal Recognition of the Lumbee Tribe of North Carolina
 - ▶ Unleashing Alaska's Potential: "This executive order facilitates the development and production of natural resources on federal and state lands in Alaska, including the Arctic National Wildlife Refuge, and prioritizes the development of liquified natural gas (LNG) and its transport from Alaska to other regions of the U.S.
 - ▶ the order also requires the secretary of the interior to **"review all Interior guidance regarding the taking of ... land into trust"** for the benefit of Alaska Natives and "all Public Land Orders withdrawing lands for selection of Alaska Native Corporations to determine if any such agency action should be revoked"
 - ▶ The order also directs the interior secretary to **deny** a request pending before the U.S. Fish and Wildlife Service to establish an Indigenous sacred site in the Arctic National Wildlife Refuge, **rescind the National Park Service's final rule entitled "Alaska; Hunting and Trapping in National Preserves"** (July 3, 2024), and **review the framework of hunting, fishing and subsistence rights in Alaska.**

CURRENT STATE OF EXECUTIVE ORDERS

Executive Orders Passed

- ▶ One Executive Order declares a national energy emergency and seeks to address this emergency by expediting energy and infrastructure projects; facilitating the supply, refinement and transportation of energy; and assessing vulnerabilities in the domestic energy sector. It aims to utilize domestic energy resources and international alliances to create more jobs, BUT
 - ▶ **The term “Energy DOES NOT include wind or solar...”**
- ▶ Putting People Over Fish: Stopping Radical Environmentalism to Provide Water to Southern California
 - ▶ This order aims to allow rainwater in Northern California and water flowing from northern snow melt to be more beneficial in the Central Valley and Southern California.

CURRENT STATE OF EXECUTIVE ORDERS

Executive Orders Passed

- ▶ Another Executive Order **freezes the hiring of federal civilian employees in the executive branch**. Any federal civilian position that is vacant at noon on Jan. 20, 2025, may not be filled, and no new position may be created except as otherwise provided for in this executive order.
 - ▶ However, this order **does not apply** to military personnel of the armed forces or positions related to immigration enforcement, national security or public safety.
 - ▶ Nothing in this order shall adversely impact the provision of Social Security, Medicare, or veterans benefits.
- ▶ Another Executive Order issues a **regulatory freeze** on all executive departments and agencies to review pending and existing laws and regulations. The freeze mandates that unpublished rules be withdrawn and unenacted rules be delayed.

THE DOGE EXECUTIVE ORDERS

- ▶ One Executive Order **establishes the U.S. Department of Government Efficiency (DOGE) as an official federal agency, rather than a non-governmental advisory group** as President Donald Trump initially announced.
- ▶ By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered:
 - ▶ Section 1. Purpose. It is the policy of my Administration to focus the executive branch's enforcement resources on regulations squarely authorized by constitutional Federal statutes, and **commence the deconstruction of the overbearing and burdensome administrative state.** Ending Federal overreach and is a priority of my Administration. **restoring the constitutional separation of powers** limited to
- ▶ A second Executive Order focuses on combating federal overreach. Agency heads, along with their U.S. Department of Government Efficiency (DOGE) team leads and the director of the Office of Management and Budget (OMB), will **initiate a process to review all regulations.** Within 60 days of this order, agency heads, with consultation from the U.S. attorney general, will identify and classify different regulations. Within 60 days of this order, agency heads will provide the administrator of the Office of Information and Regulatory Affairs (OIRA) within the OMB a list of all regulations identified by class. The administrator of OIRA will consult with agency heads **to create a Unified Regulatory Agenda to rescind or modify these regulations.** Agency heads, with consultation from the OMB director, shall direct the termination of all such enforcement proceedings that do not comply with the U.S. Constitution, laws or administration policy.

THE DOGE EXECUTIVE ORDERS

- ▶ A third Executive Order pushes to increase transparency for government spending and government employee accountability. The order states that each agency head, with assistance as requested from the agency's U.S. Department of Government Efficiency (DOGE) team lead, will build a **centralized technological system to record every payment issued by the agency**. This system will include a mechanism for the agency head to pause and rapidly review any payment for which the approving employee has not submitted a brief, written justification within the technological system. Each agency head, along with the agency's DOGE team lead, shall **review all existing covered contracts and grants** and, where appropriate and consistent with applicable law, terminate or modify.

THE DOGE EXECUTIVE ORDERS

- ▶ A fourth Executive Order aims at **stopping taxpayer resources being used by illegal aliens**. The head of each executive department or agency will identify all federally funded programs that currently permit illegal aliens to obtain any cash or non-cash public benefit and take all appropriate actions to align such programs with this order and applicable federal law.
 - ▶ Within 30 days of this order, the director of the Office of Management and Budget and the administrator of the U.S. DOGE Service, with the Assistant to the President for Domestic Policy, will identify all other sources of federal funding for illegal aliens...
- ▶ A fifth Executive Order calls for the implementation of a plan to **reduce the size of the federal bureaucracy** through the U.S. Department of Government Efficiency (DOGE). The plan is to be submitted by the director of office of management and budget and shall include provisions to **reduce hiring and remove positions and agencies that are deemed unnecessary**.
 - ▶ All of this is being done with no review and no criteria upon which to base these decisions!

Executive Orders Reducing the Federal Bureaucracy

- ▶ One Executive Order aims to reduce the size of the federal government to increase accountability and efficiency, reduce inflation and promote American freedom and innovation. The order calls for the elimination or severe reduction of the Presidio Trust, Inter-American Foundation, U.S. African Development Foundation and U.S. Institute of Peace, and revokes the Presidential Memorandum of November 13, 1961 (Need for Greater Coordination of Regional and Field Activities of the Government).
 - ▶ **Based on this Executive Order, in mid-March, DOGE terminated leases for 200 Bureau of Indian Affairs offices.**
- ▶ Another Executive Order targets reducing federal bureaucracy deemed unnecessary by the president. The following governmental entities and programs will be eliminated to the maximum extent consistent with applicable law: the Federal Mediation and Conciliation Service, United States Agency for Global Media, Woodrow Wilson International Center for Scholars in the Smithsonian Institution, Institute of Museum and Library Services, United States Interagency Council on Homelessness, Community Development Financial Institutions Fund and Minority Business Development Agency.

CURRENT STATE OF EXECUTIVE ORDERS

Executive Orders Revoked/Changed

- ▶ **Executive Orders Affecting Tribes and Jobs that have been REVOKED include:**
- ▶ Executive Order 14112 of December 6, 2023 (Reforming Federal Funding and Support for Tribal Nations to Better Embrace Our Trust Responsibilities and Promote the Next Era of Tribal Self-Determination).
 - ▶ President Trump said these actions were necessary to “end radical ideology, eliminate wasteful regulations and prioritize the interests of American citizens.”
 - ▶ However, the document did not provide specific details regarding the reasoning behind the revocation of Order 14112, **leading many tribal leaders to believe the administration may be conflating tribal sovereignty with DEI programs and worry about potential challenges to self-determination efforts.**
- ▶ Executive Order 14126 of September 6, 2024 (Investing in America and Investing in American Workers).
- ▶ Executive Order 14119 of March 6, 2024 (Scaling and Expanding the Use of Registered Apprenticeships in Industries and the Federal Government and Promoting Labor-Management Forums).
- ▶ Executive Order 14026 of April 27, 2021 (Increasing the Minimum Wage for Federal Contractors).
 - ▶ **This includes Tribes with federal construction and other contracts.**

CURRENT STATE OF EXECUTIVE ORDERS

Executive Orders Revoked/Changed

- ▶ Project 2025 recommends moving Indian housing programs from HUD to the Department of the Interior.
 - ▶ This change could affect the largest source of housing assistance for native communities, the Indian Housing Block Grant, which provided \$150 million in grants in fiscal year 2024.
- ▶ Starting Dec. 3, 2024, tribal disaster declarations will follow new procedures outlined in FEMA's [2024 Tribal Declarations Interim Guidance](#).
- ▶ BUT Executive Orders have limited staying power, as they can easily be reversed by the next president. And that's if they survive the legal challenges.
- ▶ Let's take a look at some pressing issues here in the Northwest.

PRESSING NORTHWEST ISSUES

- ▶ As of March 18, 2025, the Trump administration has announced the cancellation of leases for at least 12 Indian Health Service facilities and 25 Bureau of Indian Affairs offices, representing nearly 30% of all agency locations, including one each in Toppenish, Washington, and Lapwai, Idaho, as part of an effort to decrease federal office space.
 - ▶ Tribal officials have expressed concern that policy decisions affecting their communities — like unilateral lease terminations, blocked funds used for fighting wildfires, and disabled payment systems for Native American health organizations — **are being made without legally mandated, official government-to-government consultation between the U.S. and tribes.**
 - ▶ Concerns about services being swept up in anti-DEI — diversity, equity and inclusion — efforts at the federal level drove **120 tribal leaders to testify on Capitol Hill in February**, advocating for funding and stability for the programs and agencies that fill the U.S. government's trust and treaty obligations.
 - ▶ Now let's look at some of the legal challenges being brought against the Trump administration.

EXECUTIVE ORDER-RELATED LITIGATION

- ▶ The Environmental Protection Agency has terminated \$20 billion in clean energy funding agreements, including \$1.5 billion earmarked for Indian Country.
 - ▶ 2 federal lawsuits have been filed by grant recipients demanding the release of nearly \$12 billion in EPA funding that they say has been illegally frozen.
 - ▶ **For Indian Country**, the termination of EPA's grant funding represents a significant setback for tribes' energy sovereignty efforts, as projects and development programs have been halted in response. The funding of the eight nonprofit recipients included \$1.5 billion in clean-energy funds for Native communities.
- ▶ One Executive Order was signed late in the evening on March 14, directed the CDFI Fund and six other federal entities to “eliminate all non-statutory components” and reduce operations “to the minimum presence and function required by law.”
 - ▶ Treasury officials wrote on March 21, 2025 that the “CDFI Fund programs and related activities are statutorily authorized. **The CDFI Fund is operating as normal and does not anticipate any disruptions to the programs,**

EXECUTIVE ORDER-RELATED LITIGATION

- ▶ A federal court in Rhode Island issued a temporary order on Jan, 31 **blocking the administration from pausing federal funding in 22 states** and Washington, D.C., though questions remain about its impact on tribal nations given their unique sovereign status.
- ▶ Several federal judges have blocked Trump's 'blatantly unconstitutional' executive order that aims to end birthright citizenship
 - ▶ Birthright citizenship: Judge blocks Trump's 'blatantly unconstitutional' executive order | CNN Politics
 - ▶ The Judge states this Order violates the 14th Amendment
 - ▶ Birthright citizenship of Native Americans questioned by Trump administration | Juneau Empire

EXECUTIVE ORDER-RELATED LITIGATION

- ▶ **Dept. of Labor** - A federal judge on Tuesday issued a preliminary injunction that prevents the U.S. Department of Labor from requiring government contractors and grant recipients to certify they do not operate any diversity, equity and inclusion programs that run afoul of anti-discrimination laws until further order from the court.
 - ▶ The U.S. District Court for the Northern District of Illinois issued the ruling in response to a lawsuit filed by Chicago Women in Trades, that receives several grants from the Department of Labor.
 - ▶ The lawsuit argues that the EO infringes on their First Amendment right to free speech, and is so broad in its definition of DEI that it makes compliance impossible.

EXECUTIVE ORDER-RELATED LITIGATION

- ▶ On Friday, March 7, 2025, three Tribal Nations (Pueblo of Isleta, Prairie Band Potawatomi Nation, and Cheyenne Arapaho Tribes) along with Native students (Ella Bowen, Kaiya Brown, Danielle Ledesma, Victor Organista, and Aiyanna Tanyan) sued the United States Department of Interior and Office of Indian Affairs.
 - ▶ The case, brought by the Native American Rights Fund (NARF) in the U.S. District Court for the District of Columbia, challenges the staff reductions at the Bureau of Indian Education (BIE) and the BIE-run schools, Haskell Indian Nations University (Haskell) and Southwestern Indian Polytechnic Institute (SIPI).
 - ▶ The loss of staff throughout BIE, Haskell, and SIPI violates Tribal Treaty rights and the right to prioritize the fields of study in the schools; Native students' rights to receive adequate post-secondary education; and BIE's obligation to maintain school health and safety (25 U.S.C. 2003). Additionally, those staff reductions happened without the Tribal Nations notification and consultation required by the law (25 U.S.C. § 2011 and 25 CFR § 32.4 (a) and (q)).I started

EXECUTIVE ORDER-RELATED LITIGATION

- ▶ **THE DOGE ORDERS** - Nonprofits and advocacy groups argue that the executive order violates the Federal Advisory Committee Act, which governs how advisory committees are created and operated.
 - ▶ Remember the Nondelegation Doctrine from the Brackeen ICWA case?
 - ▶ Isn't that being violated by Trump's delegation of power to Elon Musk?
- ▶ DEI Orders - The National Association of Diversity Officers in Higher Education and others have sued alleging that Trump's orders suppress free speech and threaten millions in federal grant money **appropriated by Congress**.
 - ▶ A federal judge on Feb. 21 temporarily blocked the Trump administration from terminating or changing federal contracts they consider equity-related.
- ▶ **Dismantling the Education Department** – The Groups suing argue that Trump exceeded his constitutional authority and violated the Administrative Procedure Act.
- ▶ **Ending Collective Bargaining for Federal Workers** - The National Treasury Employees Union called Trump's order a “brazen, illegal attack on workers and unions” that stripped “frontline federal employees of their lawful right to organize.”
- ▶ How Many of Trump's Executive Orders Are Being Challenged? – US News and World Report is collecting these as more lawsuits are filed.

POTENTIAL TRIBAL STRATEGIES

- ▶ **TRIBES ARE NOT DEI!!!**

- ▶ As POLITICAL ENTITIES, we are Tribal Nations with Treaty Rights to whom the United States owes a TRUST RESPONSIBILITY.

- ▶ NOW IS THE TIME TO USE THIS!

- ▶ Use the Nondelegation Doctrine from Brackeen.

- ▶ The Doctrine of Sovereign Immunity – applies to ALL governments

- ▶ BUT Sovereign Immunity will not protect a government/government entities when they ACT OUTSIDE THE SCOPE OF THEIR AUTHORITY.

- ▶ BUT remember Trump vs. the United States?

- ▶ This is the case where the Supreme Court held:

- ▶ Under our constitutional structure of separated powers, the nature of Presidential power entitles a former President to **absolute immunity from criminal prosecution** for actions within his conclusive and preclusive constitutional authority. And he is entitled to at least presumptive immunity from prosecution for all his official acts. **There is no immunity for unofficial acts.**

- ▶ 23-939 Trump v. United States (07/01/2024)

POTENTIAL TRIBAL STRATEGIES

- ▶ The APPOINTMENTS CLAUSE of the US Constitution
 - ▶ The Supreme Court has interpreted this clause to distinguish between two types of federal officers:
 - ▶ **PRINCIPAL** officers who must be appointed by the President and confirmed by the Senate
 - ▶ **INFERIOR** officers who Congress allows to be appointed by the President, the Judiciary, and the department heads.
- ▶ So the billion dollar question is IN WHICH CATEGORY DOES ELON MUSK FALL?
 - ▶ Pending litigation will argue that MUSK is a PRINCIPAL officer, and must be confirmed by the Senate.
- ▶ https://constitution.congress.gov/browse/essay/artII-S2-C2-3-1/ALDE_00013092/#:~:text=on%20Appointments%20Clause-,ArtII.,in%20the%20Heads%20of%20Departments.&text=important%20government%20positions.-,See%20ArtII.,Historical%20Background%20on%20Appointments%20Clause.&text=Buckley%2C%20424%20U.S.%20at%20126,of%20power%20between%20the%20branches.
- ▶ Now YOU ARE READY TO ATTACK THE FORT!
- ▶ THANKS FOR YOUR TIME AND ATTENTION.

MEDIA COVERAGE RESOURCES

- ▶ [Delegation Commends Secretary Burgum's Announcements on NPR-A, Coastal Plain, and PLOs](#)
- ▶ [What Trump's executive orders mean for Native American students in Minnesota | MPR News](#)
- ▶ [Soo Tribe leader advocates in D.C. as federal reorganization threatens tribal interests](#)
- ▶ [Landmark MMIP report removed from federal websites as Trump administration targets DEI initiatives | Arizona Mirror](#)
- ▶ [Trump cuts funding to tribal libraries, turns agency focus to 'American exceptionalism'](#)

MEDIA COVERAGE RESOURCES

- ▶ How Trump's funding freeze for Indigenous food programs may violate treaty law
- ▶ The Trump administration slashed staff at two tribal colleges. Students are suing.
- ▶ "Excluding Indians": Trump admin questions Native Americans' birthright citizenship in court
- ▶ https://www.firstnations.org/news/the-face-of-disruption-impacts-of-usda-funding-cuts-on-tribal-food-systems/?bbeml=tp-pck9Q6QNPEiuBt3JmyTokQ.jVQFmike7OUCcTGObNN3PRw.resTTTSQEd0iK7WH2ZiRYnA.lwfY_TNbLpkCcC9m98NK06A

MEDIA COVERAGE RESOURCES

- ▶ <https://tribalbusinessnews.com/sections/health-care/15078-nansemond-indian-nation-sues-virginia-over-medicaid-reimbursement-discrimination>
- ▶ <https://ictnews.org/news/trump-administration-ends-civil-rights-agreement-for-native-students-in-south-dakota>
- ▶ <https://ictnews.org/news/rfk-jr-rescinds-indian-health-service-layoffs>
- ▶ <https://ictnews.org/news/life-or-death-consequences-layoffs-throw-indian-country-into-turmoil>
- ▶ <https://ictnews.org/news/abrupt-federal-layoffs-expected-to-hit-tribal-programs>
- ▶ <https://ictnews.us4.list-manage.com/track/click?u=ee83519a17075b9d5a2c44042&id=a36a6ddcf2&e=4b7d0aa090>

MEDIA COVERAGE RESOURCES

- ▶ [President Trump targets Indian education in first round of executive actions - Indianz.Com](#)
- ▶ [White House OMB Clarification Memo.pdf](#)
- ▶ [Trump Fires National Labor Relations Board Prosecutor Jennifer Abruzzo - The New York Times](#)
- ▶ [Trump's attempt to overturn birthright citizenship uses century-old Native American case | CBC News](#)
- ▶ [Immigration actions have tribes concerned and readying IDs : NPR](#)
- ▶ [Trump's executive orders: Key impacts on tribal entities | Wipfli](#)
- ▶ [<https://www.eeoc.gov/newsroom/removing-gender-ideology-and-restoring-eeocs-role-protecting-women-workplace>](#)

OTHER RESOURCES

▶ **RESOURCES**

- ▶ Link to Executive Orders
- ▶ <https://www.whitehouse.gov/presidential-actions/>
- ▶ [Tracking Trump's Cabinet Confirmations - The New York Times](#)
- ▶ [everyone appointed to trump cabinet - Search Images](#)
- ▶ [Federal judge blocks Trump administration's funding freeze, tribal programs protected for now](#)
- ▶ Federal Bar Assn Government Update
- ▶ <https://mailchi.mp/225a6052e29a/fba-government-relations-update-november-33806?e=87a2c5947c>
- ▶ Link to Indian Country Today Weekly Newsletter
- ▶ <https://www.flipsnack.com/CFE76FBBDC9/the-weekly-01-30-25/full-view.html>
- ▶ [Turtle Talk](#)
- ▶ Link to MSNBC Newsletter Covering Trump's First 100 Days
- ▶ [**email@mail.msnbc.com**](mailto:email@mail.msnbc.com)

OFCCP - Department of Labor Statement

▶ OFCCP - Department of Labor Statement

▶ **Ending Illegal Discrimination and Restoring Merit-Based Opportunity**

▶ On January 21, 2025, the White House and President Donald Trump issued an Executive Order: "[Ending Illegal Discrimination and Restoring Merit-Based Opportunity](#)", which revoked Executive Order 11246. For 90 days from the date of this order, Federal contractors may continue to comply with the regulatory scheme in effect on January 20, 2025.

▶ The Office of Federal Contract Compliance Programs shall immediately cease:

▶ Promoting "diversity".

▶ Holding Federal contractors and subcontractors responsible for taking "affirmative action"; and

▶ Allowing or encouraging Federal contractors and subcontractors to engage in workforce balancing based on race, color, sex, sexual preference, religion, or national origin.

▶ It is important to note that requirements under Section 503 of the Rehabilitation Act, 29 U.S.C. 793, and the Vietnam Era Veterans' Readjustment Assistance Act (VEVRAA), 38 U.S.C. 4212, both enforced by OFCCP, are statutory and **remain in effect**.

▶ Additional information regarding OFCCP's current activities will be forthcoming in the upcoming weeks.

▶ If you have any questions, please [contact the OFCCP Customer Service Helpdesk](#) at 1-800-397-6251 or 711 for TTY-Based Telecommunications Relay Service.

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▶ This newsletter will need to be updated periodically. All of us involved with TEROs, please feel free to submit any additional information you might have to me at tmchipp@gmail.com for further dissemination to our membership.

▶ As I said before, this is not a time to throw up our hands. It is a time to take action on behalf of our Tribal people and continue to be the warriors for Tribal sovereignty that we are.

▶ Bernice Delorme, General Counsel

▶ Council for Tribal Employment Rights

▶ Northern Plains TERO Coalition