



2025 Summaries of Presidential Executive Orders and Directives with Impacts for Tribal Human Services

PART ONE

Updated March 24, 2025

Introduction

President Trump and his Administration have signed dozens of executive orders and directives (EOs) covering a broad range of issues, including diversity, equity, and inclusion programs; workforce and hiring; LGBTQI+ and gender, federal funding availability, and others that may impact tribal and urban Native human service programs. Some of the EOs won't take effect immediately, and many are expected to be immediately challenged in court. This document outlines some of the EOs and directives that may affect tribal nations and urban Native organizations directly or indirectly and provides additional resources to track EO's and inform your responses.

You can find an updated list of executive orders published in the Federal Register at www.federalregister.gov/presidential-documents/executive-orders/donald-trump/2025

Title: [Ending Radical and Wasteful Government DEI Programs and Preferencing](#) (Executive Order 14151 Issued January 20, 2025)

Summary: Executive Order (EO) 14151 seeks to end “radical and wasteful” Diversity, Equity, and Inclusion (DEI) programs, directing the Office of Management and Budget (OMB), Attorney General, and Office of Personnel Management (OPM) to coordinate the termination of DEI-related mandates, policies, and programs across federal agencies. Agencies must eliminate DEI offices, positions, and programs within 60 days, report contractors and grantees involved in DEI initiatives, and assess the impact and cost of previous DEI actions. Additionally, federal employees are required to report any contract or personnel description changes since November 5, 2024, that could have obscured any DEI connections. The OPM Director, with assistance from the Attorney General, will review and revise all existing federal employment practices to ensure they prioritize individual performance and advance the policy of “equal dignity and respect.”

Potential Impacts for Tribal Human Services: One challenge in assessing the potential implications of EO 14151 is its broad use of DEI-related terminology, such as “any equity-related actions,” which could be interpreted differently across federal agencies. While EO 14151 mentions concerns about public waste and discrimination linked to equity action plans, it lacks a clear process for assessing these issues, as well as how implementing federal employment practices focused on individual initiative, skills, performance, and hard work will result in “equal dignity and respect.” The lack of clarity on assessment and implementation raises concerns about the scope

of the directive and its potential impact on tribal nations and programs that serve Native children, families, and communities.

A potential concern with EO 14151 is its attempt to conflate DEI with the Indian preference policy in hiring. Authorized by Congress through the Indian Reorganization Act of 1934 ([Title 25, USC, Section 472](#)), Indian preference is a tool used by the Bureau of Indian Affairs (BIA) in the Department of Interior (DOI) and the Indian Health Service (IHS) in the Department of Health and Human Services (HHS), to encourage qualified American Indian and Alaska Native (Native) individuals to seek employment within the BIA and IHS. Utilizing Indian preference in recruitment and hiring practices recognizes the importance of creating a workforce that is representative and knowledgeable of the communities served by these federal agencies. The Indian preference policy also promotes tribal sovereignty by ensuring that Native people are engaged in key decision-making roles within federal agencies that influence funding, resources, and programming to tribal communities. The federal government has a trust responsibility to protect and support tribal sovereignty, culture, and welfare. Therefore, it is essential that the workforce overseeing and managing federal funding is knowledgeable about the experiences and needs of tribal communities, enabling federal agencies to take deliberate action in strengthening tribal sovereignty.

Another potential impact of EO 14151 could be federal funding and programs established for tribal nations. While Congress has authorized funding and programs for tribal nations in a number of areas, including in human services programs under the Department of Health and Human Services (HHS) and the Department of Interior (DOI), there have been reports of the Administration viewing tribal funding and programs as DEI related. Tribal nation funds and programs are authorized to serve tribal communities and meet the federal government's trust responsibility to Native people and tribal nations. HHS and DOI funding and programs reserved for tribal nations are based upon tribal nations as sovereigns and the political relationship tribal nations have with the federal government, not because of the racial status of Native people or diversity, equity, or inclusion goals.

Following the release of Executive Order 14151, newly confirmed Secretary for the Department of Interior (DOI), Doug Bergum, issued [Secretary's Order 3416](#) that exempts the Department's treaty and trust obligations to tribal nations from DEI policies identified in Presidential Executive Order 14151. Following the DOI Order, the Office of General Counsel for the Department of Health and Human Services (HHS) issued an [advisory opinion](#) (25-01) in response to a question about applying of Executive Order 14151 to Indian Health Services programs. They state that Executive Order 14151 and a number of related executive orders should not be interpreted to rescind, eliminate, hinder, or impair the Department's legal obligations to tribal nations. While these departmental orders and opinions are helpful, there are still questions about how the policies of the new Administration will impact tribal nation human service program funding, federal staffing for programs that tribal nations administer, and changes for state programs that will trickle down to Native children and families in state human service systems.

While it is difficult to forecast the full impact of Executive Order 14151 on the federal government's trust obligations to tribal nations, it will be important to monitor this executive action and elevate

standing policies like Indian preference and federal programming established for tribal nations that promote tribal sovereignty and the federal trust responsibility.

Next Steps for Tribal Nations and Urban Native Organizations:

- NICWA is recommending tribal nations and urban Native organizations closely track any changes to their federal program funding or other federal resources that support human services programs in their communities. These changes may include reduced or discontinued funding, diminished opportunities for training or technical assistance, reductions in federal or state staff that address Native programs, or changes in policies regarding tribal consultation or tribal flexibility in program operations. It is important to document these changes and try to pinpoint the source of the change and justification. This information should be communicated to leadership within tribal governments and urban Native organizations, with consideration given to sharing it with members of Congress and other key congressional leaders.
- As new political appointees fill critical roles within HHS, DOI, and other federal agencies, utilize opportunities to educate department leadership on tribal sovereignty and the federal trust responsibility. This should include the authority of Congress to establish programs for Native people and tribal nations.
- One way for tribal leaders to ensure that tribal priorities and interests are clearly and regularly communicated is through direct tribal consultation. This formal process requires federal agencies to consult with tribal nations before making decisions on policy or program changes that may affect them, providing tribal leaders with an opportunity to be heard and consider tribal concerns or recommendations. Consultation can happen between a single tribal nation and federal representatives or larger convenings of multiple tribal nations. Tribal programs are encouraged to work with their tribal leadership on opportunities to request tribal consultation regarding the impacts of executive orders and actions. Tribal consultation can be helpful as many of the recent executive orders will require subsequent regulatory action to be fully implemented.
- Elevate the importance of maintaining tribal offices and units within federal agencies to ensure that federal programs have the appropriate expertise and staff who have the appropriate knowledge and experience to guide the effective implementation of federal programs within Indian Country.

Additional Resources:

- View the [memorandum](#) issued by OPM outlining how federal agencies are directed to implement EO 14151.
- View DOI [Secretary's Order 3416](#), which exempts the Department's treaty and trust obligations to tribal nations from DEI policies identified in Presidential Executive Order 14151 and related orders.
- View the HHS Office of General Counsel [advisory opinion](#) (25-01) that addresses DEI policies with Indian Health Services and other HHS programs for Native people.

- Monitor the [Political Appointee Tracker](#) to stay informed on the nomination and confirmation status of cabinet positions and administrative leadership within HHS and DOI.
- Track litigation challenges to administration actions at www.justsecurity.org/107087/tracker-legal-challenges-trump-administration-actions.
- Track executive orders published in the Federal Register at www.federalregister.gov/presidential-documents/executive-orders/donald-trump/2025.

Title: [Ending Illegal Discrimination and Restoring Merit-Based Opportunity](#) (Executive Order 14173 Issued January 21, 2025)

Summary: Executive Order 14173 mandates that all federal grants or contracts certify compliance with “anti-discrimination” laws and prohibit programs promoting diversity, equity, and inclusion (DEI) that violate these laws. It directs the Office of Management and Budget (OMB) to eliminate all references to DEI, including related programs and mandates. Agencies and the Attorney General are tasked with advancing “anti-DEI” actions in the private sector and providing enforcement recommendations. The order also calls for reports identifying potential investigations of large corporations, nonprofits, and higher education institutions. Additionally, it rescinded EO 11246, which required affirmative action provisions in government contracts. Following the order, the Office of Personnel Management (OPM) instructed federal agencies to place DEI staff on administrative leave, remove all DEI-related media, and terminate DEI contractors by January 22, 2025.

Potential Impacts for Tribal Human Services: A key challenge in evaluating EO 14173 is the lack of clarity on how DEI programs violate “anti-discrimination” laws, as the executive action acknowledges, and how the broad application of DEI, DEIA (diversity, equity, inclusion, and accessibility), or “under whatever name they appear [DEI, DEIA]” may be interpreted across federal agencies. This action may undermine programs, policies, and staffing that specifically address systemic inequities in the workforce and services for vulnerable or underserved populations, like tribal communities. By concentrating solely on merit-based criteria, especially given a subjective definition of merit, the action may overlook proven approaches to improving services for disadvantaged or underserved populations. In addition to considerations regarding the sovereign status of tribal nations and the federal trust responsibility, federal programs, policies, and staffing that address tribal community needs also reflect merit-based considerations. Federal programs and policies that value local tribal solutions and tribal nation governance are often more effective and demonstrate higher merit when compared to non-tribal solutions regarding reducing barriers to service access and effectively addressing societal concerns like child abuse and neglect. Depending upon the implementation of EO 14173, it can potentially have detrimental effects on tribal nations, state programs that serve Native people, and nonprofit organizations that partner with tribal nations and states to improve service outcomes for Native children and families.

Next Steps for Tribal Nations and Urban Indian Organizations:

- NICWA recommends Tribal nations or urban Native organizations closely track any changes to federal program funding or other federal resources that support human services programs in their communities. This may come in the form of reduced or discontinued funding, limited opportunity for training or technical assistance, reductions in federal or state staff that address Native programs, or changes in policies regarding tribal consultation or tribal flexibility in program operations. It is important to document these changes and identify the source of the change and justification. This information should be shared with leadership within tribal governments or urban Native organizations with consideration given to communicating details to congressional delegations and other key members of Congress.

- As new political appointees fill critical roles within HHS, DOI, and other federal agencies, utilize opportunities to educate department leadership on tribal sovereignty and the federal trust responsibility. This should include the authority of Congress to establish programs for Native people and tribal nations. One way for tribal leaders to ensure that tribal priorities and interests are clearly and regularly communicated is through direct tribal consultation. This is a formal process that requires federal agencies to consult with tribal nations before making decisions on policy or program changes that may affect them, providing tribal leaders with an opportunity to be heard and consider tribal concerns or recommendations. This can happen between one tribal nation and federal representatives or in larger convenings of multiple tribal nations. Tribal governments can explore opportunities to request tribal consultation regarding the impacts of executive orders and actions. Tribal consultation can be helpful as many of the recent executive orders will require subsequent regulatory action to be fully implemented.
- Elevate the importance of maintaining tribal offices and units within federal agencies, to ensure federal programs have the appropriate expertise with staff who have the appropriate knowledge and experience to guide effective implementation of federal programs across Indian Country.

Additional Resources:

- EO 14173 summaries: <https://www.reedsmith.com/en/perspectives/2025/02/predictably-unpredictable-dei-blocked-federal-money-still-in-play> or <https://www.akingump.com/en/insights/alerts/executive-order-ending-dei-and-affirmative-action-for-federal-contractorsgrant-recipients>
- View DOI [Secretary's Order 3416](#) that exempts the Department's treaty and trust obligations to tribal nations from DEI policies identified in Presidential Executive Order 14151 and related orders.
- View HHS Office of General Counsel [advisory opinion](#) (25-01) that addresses DEI policies with Indian Health Services and other HHS programs for Native people.
- Monitor the [Political Appointee Tracker](#) to stay informed on the nomination and confirmation status of cabinet positions and administrative leadership in HHS and DOI.
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- Track executive orders in the Federal Register at www.federalregister.gov/presidential-documents/executive-orders/donald-trump/2025.

Title: [Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government](#) (Executive Order 14168 Issued January 20, 2025)

Summary: This executive order requires the United States to recognize only two sexes, male and female. It directs the Executive Branch to enforce all sex-protective laws under the lens of two sexes. EO 14168 directs government-issued identification documents to only recognize two sexes. It further prohibits the use of federal funds to promote gender ideology and requires all federal agencies to remove references that promote gender ideology. This includes statements, policies, regulations, forms, communications, or other internal and external messages related to lesbian, gay, bisexual, transgender, queer, and non-binary people (LGBTQ+) and communities or LGBTQ+ equity. Federal agencies are directed to revise forms to only include an individual's sex as male or female and omit any request for gender identity, as well as rescind any guidance related to LGBTQ+ equity and terminate any contracts related to LGBTQ+ equity.

Potential Impacts for Tribal Human Services: While the full implications of EO 14168 are complex, its impact on how gender identity is addressed in areas such as human and social services, education, healthcare, and other spaces could greatly affect Native children and families. For instance, while tribal governments are sovereign, many rely on federal funding and technical assistance to provide essential services to their communities. Any shift in federal policy could impact funding, regulations, and the types of services that tribes are able to provide their communities, including the provision of human services that support safe and individualized care for Two-Spirit and LGBTQ+ children, youth, and their families.

EO 14168 could also impact Native communities by disregarding traditional gender roles and values. The order emphasis on a binary understanding of gender could conflict with Native cultural beliefs, which vary across Native communities but often recognize multiple gender identities (i.e., Two-Spirit or other specific terms for gender-variant members in Native languages) and their unique social and spiritual roles in their communities. Imposing a narrow view of gender that disregards Native perspectives and the needs of Two-Spirit and LGBTQ+ relatives could potentially deepen divisions within families and communities, as well as educational and social settings.

Next Steps for Tribal Nations and Urban Indian Organizations:

- Identify safe avenues to care and services for Two-Spirit and LGBTQ+ children, youth, and their families, ensuring access to resources and protection from discrimination or harm.
- Strengthen awareness and understanding of Native perspectives on gender identity within communities. Share this knowledge with others, such as state and county human service providers who serve Two-Spirit and LGBTQ+ children, youth, and their families.
- Monitor changes in policies and programs that support Two-Spirit and LGBTQ+ and document the changes, including the source. Try to pinpoint the justification for the changes. Build alliances with tribal nations, tribal organizations, Native nonprofits, key congressional allies, and community supporters to amplify the stories of Two-Spirit and LGBTQ+ relatives impacted by this executive action. Explore opportunities to develop strategies that safeguard the rights, safety, and health of Two-Spirit and LGBTQ+ relatives.

Additional Resources:

- View the [memorandum](#) issued by the OMP for steps on how federal agencies are being directed to implement EO 14168.
- View DOI [Secretary's Order 3416](#) that exempts the Department's treaty and trust obligations to tribal nations from DEI policies identified in Presidential Executive Order 14151 and related orders.
- View HHS Office of General Counsel [advisory opinion](#) (25-01) that addresses DEI policies with Indian Health Services and other HHS programs for Native people.
- Monitor the [Political Appointee Tracker](#) to stay informed on the nomination and confirmation status of cabinet positions and administrative leadership in HHS and DOI.
- Track litigation challenges to administration actions at www.justsecurity.org/107087/tracker-legal-challenges-trump-administration-actions.
- Track executive orders in the Federal Register at www.federalregister.gov/presidential-documents/executive-orders/donald-trump/2025.

Title: [Restoring Accountability to Policy-Influencing Positions Within the Federal Workforce](#)
(Executive Order 14171 Issued January 20, 2025)

Summary: The memorandum reinstates Executive Order 13957 of October 21, 2020, titled [Creating Schedule F in the Excepted Service](#), with some additional amendments. The previous executive order, which was rescinded in early 2021, creates a new employment status of “excepted service” for some positions in the Federal government that are described as being of “confidential, policy-determining, policymaking, or policy-advocating character.” This new employment status would be able to place federal employees into a category where their positions are viewed more as appointed positions by the Administration rather than a civil servant who serves as a non-partisan, public employee. Appointed positions are more like “at-will” positions where an employee can be removed without cause, as opposed to a more deliberate process evaluating performance. The memorandum calls out the importance that agency heads have “additional flexibility to assess prospective appointees without the limitations imposed by competitive service selection procedures” and “the flexibility to expeditiously remove poorly performing employees from these positions without facing extensive delays or litigation.” Under the Civil Service Reform Act of 1978, federal employees have traditionally received unique protections that include advance notice of disciplinary actions and safeguards against politically motivated or arbitrary firing. This reclassification would exempt some federal employees from these protections (the exemption is made possible in the same act), as well as streamline hiring for these positions by not requiring a competitive examination in the hiring process. The memorandum also clarifies that although federal employees in this new status “are not required to personally or politically support the current President or the policies of the current administration”, they are required to “faithfully implement administration policies to the best of their ability, consistent with their constitutional oath and the vesting of executive authority solely in the President”, with failure to do so as grounds for dismissal.

Which positions would be reclassified to this “excepted service” employment status is still not entirely clear, although the 2020 executive order listed several characteristics of the positions that could be affected. These include “substantive participation in advocacy, development, or formulation of policy, especially of regulations and guidance” and “substantive policy-related work in an agency or component that primary focuses on policy.” Given the broad range of employment characteristics many in the federal workforce, especially those in management positions, could be considered eligible for reclassification into accepted service. The 2020 executive order directed agencies to submit a list of possible positions to convert to this status to the Director of the Office of Personnel Management (OPM), who would have the authority to make the final decision about converting the positions. While the 2025 memorandum directs agencies to submit these lists to the OPM Director, the final decision-making process will come at the recommendation of the President.

Potential Impacts for Tribal Human Services: Federal staff that work in positions that work with Tribal Human Services, including those that work for the Administration for Children and Families under the Department of Health and Human Services (HHS) and the Bureau of Indian Affairs under the Department of Interior (DOI), could be reclassified in this new employment status, previously known as Schedule F, now relabeled as “Policy/Career”. This reclassification emphasizes the importance of those in these positions to follow the direction of the President and the executive

branch. These positions would be subject to a more streamlined hiring process that could have fewer considerations for specific candidates' experience or knowledge regarding services to tribal communities and see reduced competition for these positions. These newly reclassified positions could also be subject to an employment termination process without as many safeguards for notice or unwarranted removal. This could result in federal staff with critical experience working directly with tribal human service agencies or urban Native organizations being moved into a less protected employment status, where they feel less confident to share important critiques of federal policy or programs without risking their jobs. If this were to occur, it could lead to federal program changes becoming harder to identify and implement and possibly more turnover in these uniquely skilled positions.

Next Steps: To learn more about how specific positions and agencies are affected by this executive order, tribal nations can contact the specific federal agency that work with their tribal human services programs. Contact information for regional offices for the Administration for Children and Families can be found [here](#), and for regional offices for the Bureau of Indian Affairs can be found [here](#).

Additional Resources:

- View DOI [Secretary's Order 3416](#) that exempts the Department's treaty and trust obligations to tribal nations from DEI policies identified in Presidential Executive Order 14151 and related orders.
- View HHS Office of General Counsel [advisory opinion](#) (25-01) that addresses DEI policies with Indian Health Services and other HHS programs for Native people.
- Monitor the [Political Appointee Tracker](#) to stay informed on the nomination and confirmation status of cabinet positions and administrative leadership in HHS and DOI.
- Track litigation challenges to administration actions at www.justsecurity.org/107087/tracker-legal-challenges-trump-administration-actions.
- Track executive orders in the Federal Register at www.federalregister.gov/presidential-documents/executive-orders/donald-trump/2025.

Title: [Reforming the Federal Hiring Process and Restoring Merit to Government Service](#) (Executive Order 14170 issued January 20, 2025)

Summary: This executive order ends the practice of considering factors of “Diversity, Equity, and Inclusion” in federal hiring practices. It calls upon federal agencies to no longer consider “impermissible” factors in the hiring process and gives examples of such factors as “one’s commitment to illegal racial discrimination under the guise of ‘equity’” and “one’s commitment to the invented concept of ‘gender identity’ over sex.” This memorandum calls for a Federal Hiring Plan to be put into place within 120 days of the executive order (published on January 2025) that is developed with the Director of the Office of Management and Budget, the Director of the Office of Personnel Management, and the Administrator of the Department of Government Efficiency (DOGE) and sent to agency heads. This Plan calls for federal agencies to both “prevent the hiring of individuals based on their race, sex, or religion” and to “prevent the hiring of individuals who are unwilling to defend the Constitution or to faithfully serve the Executive Branch,” as well as other steps aimed to make the hiring process in Federal agencies more streamlined and efficient.

The language in the executive order that prohibits hiring practices based on a person’s race, sex, or religion is part of larger efforts the Trump administration is implementing to move away from policies of affirmative action or including factors of “diversity, equity, and inclusion” in hiring processes. This order calls for a return to “merit-based” hiring and defines “merit-based” as the opposite of a process considering diversity, equity, and inclusion because a person’s race and gender will not be considered in their hiring process. Affirmative action and other “diversity, equity, and inclusion”-based metrics have been included in the hiring processes for Federal programs since the Civil Rights Era in response to histories of race and sex-based discrimination to ensure equal opportunity for people from marginalized backgrounds to access positions in the Federal government.

Potential Impacts for Tribal Human Services: This executive order has the potential to change the demographic makeup of Federal agency personnel. There are concerns that this executive order could be viewed as modifying or replacing Indian Preference in hiring, a policy in hiring that operates at the Bureau of Indian Affairs (BIA) under the Department of the Interior and the Indian Health Service (IHS) under the Department of Health & Human Services that gives preference to qualified individuals who have American Indian or Alaska Native heritage. Indian Preference is based on federal law (Indian Reorganization Act of 1934 and other federal laws) and recognizes the important knowledge and experience that Native applicants possess in providing services to tribal communities. In addition, Indian Preference also requires applicants to demonstrate other subject matter and skills-based expertise (merit-based). The BIA and IHS each provide direct services within tribal communities and have contributed to the development of community-based services and effective administration of tribal programs in many reservation and urban Native communities.

Next Steps: To learn more about how specific positions and agencies are affected by this executive order, tribal nations can reach out to the specific agency that works with their tribal human services programs. Contact information for regional offices for the Administration for Children and Families can be found [here](#), and for regional offices for the Bureau of Indian Affairs can be found [here](#).

Additional Resources:

- View DOI [Secretary's Order 3416](#) that exempts the Department's treaty and trust obligations to tribal nations from DEI policies identified in Presidential Executive Order 14151 and related orders.
- View HHS Office of General Counsel [advisory opinion](#) (25-01) that addresses DEI policies with Indian Health Services and other HHS programs for Native people.
- Monitor the [Political Appointee Tracker](#) to stay informed on the nomination and confirmation status of cabinet positions and administrative leadership in HHS and DOI.
- Track litigation challenges to administration actions at www.justsecurity.org/107087/tracker-legal-challenges-trump-administration-actions.
- Track executive orders in the Federal Register at www.federalregister.gov/presidential-documents/executive-orders/donald-trump/2025.

Title: [Return to In-Person Work](#) (Presidential Memorandum Issued January 20, 2025)

Summary: This memorandum calls for the termination of remote work arrangements and to require Federal employees to only work in-person on a full-time basis going forward. Federal agencies have been directed to push all of their employees who were previously working in remote positions to return to full-time work in their respective in-person offices.

There are some provisions of agreement with federal workers' unions that allow for agencies to determine the appropriate level of remote work, but a follow-up memo on February 3, 2025, from the Office of Personnel Management stated that "provisions of collective bargaining agreements that conflict with management rights are unlawful and cannot be enforced."

Potential Impacts for Tribal Human Services: In the years following the outbreak of the COVID-19 pandemic in the United States, many public agencies, along with private organizations, have allowed workers to work from home offices to prevent the spread of disease and to generally accommodate employees to whom working in in-person offices would be less accessible. In agencies like the Administration for Children and Families (ACF), this has meant federal employees have been able to live and work remotely while staying near tribal communities. This change could mean that federal employees might need to choose between relocating to work in person at a federal office or staying in the community. This can have the effect of separating federal employees from the tribal communities they serve and decrease their ability to gather meaningful community input and the knowledge to effectively communicate a tribal nation's needs and agenda in their work. This change could also impact how many people representing tribal communities are able to work for agencies like ACF, as positions away from tribal communities are in many ways, inaccessible for Native people. To learn more about programs and agencies that are affected by this push to in-person work, tribal nations are encouraged to contact the relevant regional federal agency or office with which they coordinate on human service programs.

Next Steps: To learn more about how specific positions and agencies are affected by this executive order, tribal nations are encouraged to contact the specific federal agency that works with their tribal human services programs. Contact information for regional offices for the Administration for Children and Families can be found [here](#), and for regional offices for the Bureau of Indian Affairs can be found [here](#).

Additional Resources:

- View DOI [Secretary's Order 3416](#) that exempts the Department's treaty and trust obligations to tribal nations from DEI policies identified in Presidential Executive Order 14151 and related orders.
- View HHS Office of General Counsel [advisory opinion](#) (25-01) that addresses DEI policies with Indian Health Services and other HHS programs for Native people.
- Monitor the [Political Appointee Tracker](#) to stay informed on the nomination and confirmation status of cabinet positions and administrative leadership in HHS and DOI.
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- Track executive orders in the Federal Register at www.federalregister.gov/presidential-documents/executive-orders/donald-trump/2025.

Title: [Hiring Freeze](#) (Presidential Memorandum Issued January 20, 2025)

Summary: This memorandum issues a freeze on hiring for any civilian Federal position that was vacant as of the time of the issuing of this order at noon on January 20, 2025. There are some exceptions to this, including military personnel, positions regarding immigration enforcement, national security, or public safety, and if not hiring a position would adversely affect Social Security, Medicare, or Veterans' benefits services. This freeze is directed to continue for 90 days, while the Director of the Office of Management and Budget, the Director of the Office of Personnel Management, and the Administrator of the United States Department of Government Efficiency submit a plan to reduce the size of the workforce of the federal government. Federal agencies are also directed to submit plans about their intentions to improve efficiency in their departments by reducing their workforce.

Potential Impacts for Tribal Human Services: The combination of this executive order with other memoranda concerning the changes in federal hiring practices could significantly impact workforces that collaborate with tribal human service agencies, including federal staff employed by the Administration for Children and Families (ACF) and the Bureau of Indian Affairs (BIA). With federal staffing levels at BIA agency offices where staff provide direct services to tribal communities already low and other agencies like ACF having few staff with substantial experience in serving Native communities, the further reduction of staffing could significantly reduce the ability of federal agencies to provide support and assistance to tribal communities. It could also have the effect of reducing tribal participation in federal human services programs, resulting in fewer services to children and families at risk for social problems such as child abuse and neglect.

Next Steps: To learn more about how specific positions and agencies are affected by this executive order, tribal nations are encouraged to reach out to the specific agency that works with their tribal human services programs. Contact information for regional offices for the Administration for Children and Families can be found [here](#), and for regional offices for the Bureau of Indian Affairs can be found [here](#).

Additional Resources:

- View DOI [Secretary's Order 3416](#) that exempts the Department's treaty and trust obligations to tribal nations from DEI policies identified in Presidential Executive Order 14151 and related orders.
- View HHS Office of General Counsel [advisory opinion](#) (25-01) that addresses DEI policies with Indian Health Services and other HHS programs for Native people.
- Monitor the [Political Appointee Tracker](#) to stay informed on the nomination and confirmation status of cabinet positions and administrative leadership in HHS and DOI.
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- Track executive orders in the Federal Register at www.federalregister.gov/presidential-documents/executive-orders/donald-trump/2025.

Title: [Regulatory Freeze Pending Review](#) (Presidential Memorandum Issued January 20, 2025)

Summary: The memorandum prohibits federal agencies from proposing or issuing any federal regulations (proposed rule or final rule) until a department head appointed by the President approves the regulations. Additionally, consider postponing any federal regulations that have been issued (published as a final rule), but have not taken effect within 60 days of the date of the memorandum. In many cases, a final rule does not take effect until 60 days after it has been issued. Based on the criteria in the memorandum, this could apply to any final rule published after November 19, 2024. The memorandum also allows further public comment on any federal regulations that are postponed under the 60-day window. The memorandum uses a definition of “rule” that would include a regulatory action or guidance document that includes any substantive action by a federal agency that promulgates or is expected to lead to the promulgation of a final rule or regulation, including notices of inquiry, advance notices of proposed rulemaking, and notices of proposed rulemaking. This could also include any agency statement of general applicability and future effect of a rule that issues a policy on a statutory, regulatory, or technical issue or an interpretation of a statutory or regulatory issue. While it is not uncommon for a new incoming administration to review previously issued regulations, especially those issued in the last months of the previous administration, the breadth of what is considered a “rule,” “regulatory action,” or “guidance document” could lead to a review of agency policy that is broader than is usually done.

Potential Impacts for Tribal Human Services: As is often the case, many agencies are rushing to finish regulatory or other policy work they have identified as a priority near the end of an administration. This was certainly the case with the Biden Administration, which issued several final rules and policy guidance documents related to human services programming in their last year in office. Many of these final rule and policy documents improved the capacity of tribal programs to administer federal programs effectively.

Next Steps: To learn more about the risk of previous federal agency regulations or policy guidance being postponed, tribal nations can begin by first identifying the date the policy was issued to compare with the 60-day window described above. Secondly, contact the regional [Administration for Children and Families \(ACF\) Office](#) to inquire about the new Administration’s review criteria and any information on the process that can be shared. Additionally, feedback on the value of a specific regulation or policy may be shared with the ACF regional office, with a request that it be communicated to ACF office staff in Washington, DC.

Additional Resources:

- View DOI [Secretary’s Order 3416](#) that exempts the Department’s treaty and trust obligations to tribal nations from DEI policies identified in Presidential Executive Order 14151 and related orders.
- View HHS Office of General Counsel [advisory opinion](#) (25-01) that addresses DEI policies with Indian Health Services and other HHS programs for Native people.
- Monitor the [Political Appointee Tracker](#) to stay informed on the nomination and confirmation status of cabinet positions and administrative leadership in HHS and DOI.

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- Track executive orders in the Federal Register at www.federalregister.gov/presidential-documents/executive-orders/donald-trump/2025.

Title: [Policy on Adhering to the Text of the Administrative Procedures Act](#) (HHS Office of the Secretary Policy Statement published in the Federal Register on March 3, 2025)

Summary: Effective immediately, the policy rescinds current policy on Public Participation in Rule Making (known as the Richardson Waiver) and realigns the Department of Health and Human Services' (HHS) rule-making procedures with the Administrative Procedures Act (APA), which describes procedures for federal agencies' issuance of rules and regulations. An agency generally must publish a notice of proposed rulemaking in the Federal Register, allow the public an opportunity to participate in the rulemaking process through submission of "written data, views, or arguments," and publish a final rule including a statement of the rule's basis and purpose. The APA provides an exemption from these requirements for "matter(s) relating to agency management or personnel or to public property, loans, grants, benefits, or contracts" 5 U.S.C. 553(a)(2). The APA also permits agencies to forgo these requirements for "good cause" when the procedures are "impractical, unnecessary, or contrary to the public interest" 5 U.S.C. 553(b)(B). In 1971, HHS adopted a policy, the Richardson Waiver, waiving the APA's statutory exemption from procedural rulemaking requirements for rules and regulations related to public property, loans, grants, benefits, or contracts. This effectively required the Department to use the APA's notice and comment procedures for these matters. The policy also directed the Department to use the good cause exception "sparingly." The new March 3rd policy requiring adherence to the APA characterizes the prior policy as "contrary to the clear text of the APA," imposing obligations "beyond the 'maximum procedural requirements.'" Citing additional costs imposed, lack of efficiency, and impeding flexibility to adapt quickly to legal and policy mandates, the policy regards "matter(s) relating to agency management or personnel or to public property, loans, grants, benefits, or contracts" as being exempt from the notice and comment procedures of 5 U.S.C. 553, except as otherwise required by law. Agencies and offices within the Department have the discretion to apply notice and comment procedures to these matters. Additionally, the good cause exception should be used as appropriate.

Potential Impacts for Tribal Human Services: In recent Administrations, both Republican and Democratic, in any given year, half a dozen to a dozen proposed rules with significant implications for tribal human services have been published for comment. The comment period was used effectively by tribal advocates to share information about how the proposed rule may impact tribal programs as well as Native families and communities, often highlighting potential unintended consequences or the need for greater flexibility in implementation. Taking into account tribal feedback, many final rules improved the capacity of tribal programs to administer federal programs effectively. Absent the opportunity to inform the federal rulemaking process, a greater proportion of final rules may be ill-informed and have unintended consequences or even cause real harm to Native communities and families.

Next Steps: As the Department shares its policy priorities and the subjects about which it may promulgate rules, tribal nations can advocate through their regional [Administration for Children and Families \(ACF\) Office](#) and the ACF office in Washington, DC, about the need for notice and comment procedures in order to create policy that is more likely to work as intended and produce the desired outcomes. Additionally, advisory vehicles like the HHS Secretary's Tribal Advisory Committee and the ACF Tribal Advisory Committee, as well as formal tribal consultation

opportunities, including budget consultation, will be even more critical to providing information about tribal needs and priorities as well as tribal human services context.

Additional Resources:

- View Office of General Counsel for the Department of Health and Human Services (HHS) [advisory opinion](#) (25-01) that addresses DEI policies with Indian Health Services and other HHS programs for Native people.
- Monitor the [Political Appointee Tracker](#) to stay informed on the nomination and confirmation status of cabinet positions and administrative leadership in HHS and DOI.
- Track litigation challenges to administration actions at www.justsecurity.org/107087/tracker-legal-challenges-trump-administration-actions.
- Track executive orders in the Federal Register at www.federalregister.gov/presidential-documents/executive-orders/donald-trump/2025.

For more information regarding these executive orders and directives, please contact Evan Roberts, NICWA government affairs and community development specialist, at evan@nicwa.org.