



# Grounded in Policy: How Program Work Shapes Strategy in Uncertain Times

USET Tribal Best Practices Conference

July , 2025

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# Administration: Actions to Date

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# Administration Policy Priorities v. Implementation Actions



- The Administration has set forth several **policy priorities**, such as:
  - Eliminating DIEA and EJ
  - Reducing "waste, fraud, and abuse"
  - Stopping illegal immigration
  - Modifying the education system
- It has taken **actions to implement** those policy priorities, such as:
  - Federal hiring freezes and layoffs
  - Pausing and reallocating federal funds
  - Canceling contracts and grants
  - Canceling leases
  - Immigration operations
  - Removal of data from federal websites
- Indian Country has felt ***collateral impacts***

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# EO: IMPLEMENTING THE PRESIDENT'S "DEPARTMENT OF GOVERNMENT EFFICIENCY" COST EFFICIENCY INITIATIVE



- "Transform federal spending on grants, contracts, and loans"
  - Centralized system listing all agency payments and justifications
  - Review all spending with a goal of reducing or reallocating
    - Prioritize higher ed and foreign entities for "waste, fraud, and abuse"
  - Review contracting and grants processes
  - "Real property disposition" - terminate leases (60 days)
  - Overseen by DOGE
  - Complete within 30 days (end of March)

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# OMB Memo: Guidance on Agency RIF and Reorganization Plans



- Implementation of "Workforce Optimization" E.O.
- Phase 1: Agency RIF and Reorganization Plans (ARRP)
  - Due March 13, 2025
  - Initiate large-scale reductions in force
  - Agency restructuring
- Phase 2: ARRP
  - Due April 14, 2025
  - Office consolidations, relocations, and new management structures
  - Additional RIFs

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# Infrastructure Permitting



Trump Admin priority: Simplifying, streamlining, expediting permitting, esp. energy development

- Several executive orders/actions, incl. “Unleashing American Energy”
  - Revise regulations governing permitting and domestic energy production, utilize all available authorities to increase domestic energy production and expedite/complete existing projects
  - Revoke CEQ authority to promulgate regs, direct CEQ to issue NEPA guidance
- 2/25: CEQ issues interim final rule rescinding NEPA regs, effective 4/11
  - To be replaced with encouragement that agencies voluntarily use 2020 Trump-era NEPA reg
  - Pursuant to District Court ruling that CEQ doesn’t have the authority to issue binding regs
- Congress holding hearings to “improve” permitting processes

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# One Big, Beautiful Bill Act



## Administration's Goal

- Make Trump tax cuts permanent
- Increase funding for southern border and defense

## Funding cuts and program changes

- Medicaid and SNAP Work Requirements
  - AI/AN Exempt
- Changes to the tax code
  - Phase out of IRA tax credits
  - Adoption tax credit parity for Tribal Nations
- Energy/Environment
  - Oil and gas lease sales
  - Rescind clean energy and environmental monitoring funding
  - Expedited permitting with a fee

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# Coalition for Tribal Sovereignty

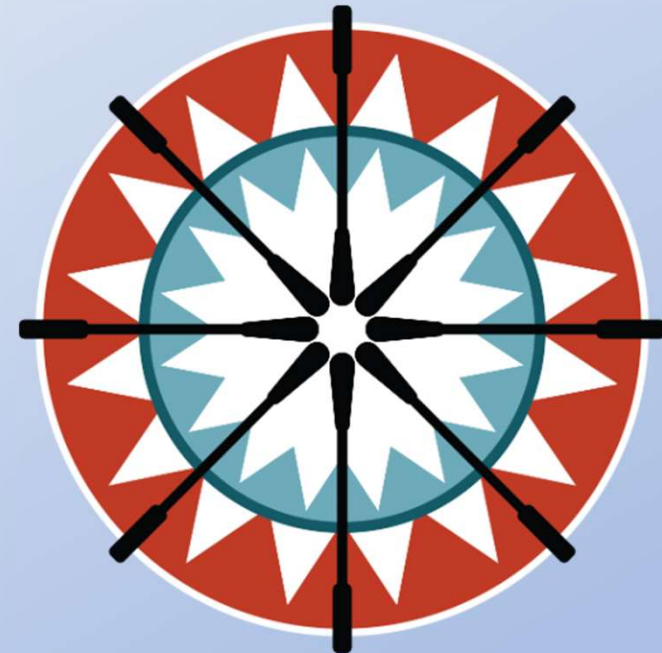
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# Coalition for Tribal Sovereignty



- Group of Tribal organizations came together around advocacy and unity
  - 35 Tribal organizations and growing
- Formed rapid response team - "Worker Bees"
  - Policy & Advocacy
  - Communications
  - Litigation
  - Document Drafting
  - Impact Analysis



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# CTS Work Product



- Joint Tribal Org Letters to the White House, Federal Agencies, and Congress
- CTS Meeting Toolkit
- Tools for Use at Tribal Consultations
- Template Material for Use by Congressional Offices
- Template Material for Use by Tribal Nations and Tribal Organizations
- Analyses for Use By Tribal Nations and Tribal Organizations
- Guides for Use By Tribal Nations and Tribal Organizations

***\*\*We have more material underway, and we are constantly adding more to the list.\*\****

***All housed on the Coalition webpage: [www.coalitionfortribalsovereignty.org](http://www.coalitionfortribalsovereignty.org)***

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# Topline Messaging to Administration



- Indian Country is being **unintentionally swept up** in the Administration's broad implementation of its policy priorities.
- Tribal programs are **not like** other federal programs.
- We have important **shared priorities** that we would like to pursue in partnership with the Administration.
- But we have instead been using all our energy to **protect** existing Tribal programs from inadvertent harm.

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# Four Main Requests to Protect Indian Country



Our topline asks are:

- *Engage* with us—prior to taking action—so we can help the Administration understand how we fit into the carve-outs;
- *Affirmatively state* that programs and funding delivered to Tribal Nations and Tribal citizens and communities are delivered in recognition of our unique political status and trust and treaty obligations;
- *Exempt* us from any pauses or reductions to federal funding; and
- *Exempt* all Indian Country-serving positions and offices from any *workforce reductions* or hiring freezes .

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# Upcoming CTS Toolkit Release: Administratively Appealing Grant Terminations



## 1. Current best practices for managing federal grants

## 2. What to do if you receive a grant termination notice

- Explains the anatomy of a termination notice (how to review, key details to look for, etc.), what the options are for responding to a termination, the general timeline for submitting an appeal, and key considerations for deciding whether to appeal.

## 3. Administrative appeal vs. litigation

- Explains these two different paths, including potential pros and cons of both.

## 4. What to do after you appeal your grant termination

- Explains how to use a grant appeal letter as an advocacy tool with congressional representatives, SCIA, agency leadership, and other key stakeholders / decisionmakers.

## 5. How to close out your grant

- Explains what to do if your grant is not reinstated and considerations for maximizing recovery of termination and closeout costs under 2 C.F.R. § 200.472.

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# Litigation: Current Status & Considerations

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# Litigation Tracking



- According to Law360, there are **currently over 270 cases** against the Trump Administration. Courtwatch says more than 400 cases have been filed since the Administration took office.
- We are tracking **more than 60 cases**, focusing on those most likely to impact Indian Country or those showing overall trends or important changes in law.
- For example, we are watching cases related to:
  - The funding freeze;
  - Termination of certain federal funding sources, including those Tribal Nations access;
  - Termination of federal contracts;
  - RIFs and voluntary resignation or buy out programs; and
  - Immigration, where Tribal citizens' constitutional birthright citizenship is discussed by DOJ.

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# Trends



- CRS reported that there were **25 nationwide injunctions** against the Administration in its first 100 days.
- As of 7/7, there were **7 Temporary Restraining Orders** and **64 Preliminary Injunctions** providing relief while cases move through the courts on the merits.
- We have seen many **lower courts** rule the Administration has acted unlawfully, with many ruling that it usurped powers that belonged to another branch of the federal government.
- However, the Administration has appealed many preliminary decisions up to the US Supreme Court's emergency docket, with Law360 reporting a **73% win rate from the high court.**
- The Administration has already succeeded in changing US Supreme Court precedent, for example doing away with **nationwide injunctions.**
- The Administration has begun bringing its own **affirmative litigation** to stop others from doing things it does not like.

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# Indian Country Litigation Against Administration



- **Pueblo of Isleta v. Burgum – Education Case.**
  - Case brought by NARF on behalf of three Tribal Nations and individual students.
  - Pending in DC District Court, with the Administration's answer due 7/14.
  - Challenges staff reductions at BIE schools and Haskell and SIPI.
  - Argues statutory violations based on failure to consult.
- **Webber v. DHS – Tariffs Case.**
  - Blackfeet Tribal citizens argue Canadian tariffs violate their treaty rights.
  - The case is now focused on the proper venue, with the plaintiffs arguing it should stay in federal district court rather than the U.S. Court of International Trade because it is an Indian law case.
- **Appalachian Voices et al. v. U.S. Environmental Protection Agency et al. – EPA Grant Case.**
  - Plaintiffs brought a class action suit and included a Tribal Nation and others for terminated EPA grant funding.
  - The case focuses on general claims tied to termination of federal funding and does not make Indian Country specific arguments.
  - The case will now go through the class certification process.

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# Considerations Before Bringing Litigation

## Potential to Create Bad Case Law

- Arguing Indian Country should not be swept up in initiatives to do away with **DEI**—for example when federal grants are terminated for DEI-related reasons—risks the Administration arguing against Indian Country in court that the particular grant is **race based** and not protected by *Mancari*.
- Arguing the Administration is violating **trust and/or treaty obligations** by harming us in a particular way risks the Administration arguing that the particular obligation is **not legally enforceable** under existing case law.

## Potential to Harm Ongoing Positive Dialogue with the Administration

- Indian Country has already succeeded in protecting some major programs via advocacy with individuals in the Administration and/or in Congress. Litigation has the potential to make those conversations harder.

## Ongoing Coordination

- Many in Indian Country are already discussing the pros and cons of litigation. Bringing litigation without adequately coordinating with others in Indian Country risks undermining each other's arguments.

***\*\*Make sure to coordinate with others in Indian Country before bringing litigation. The CTS litigation subgroup of the worker bees is a good place to start.\*\****

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# Grant and Finance Considerations

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# Financial Considerations



- Funding disruption and contingencies
- Cash position, Strategy shift & Funding projections
- Unrestricted cash positions | Resourceful use of IDC
- Philanthropic giving
- Restricting spending to cover only major necessities
- Hiring interruptions | Exceptions where it impacts org ability to operate
- Monitoring draw requests weekly and allowing funds to flow into accounts prior to distributing funds out to vendors and contractors.
- Working closely with funding partners to employ strategies around incumbrances

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# Grant & Contract Considerations



NOFO delays-leading to possible issues with adherence to OMB standard submission timelines-reducing access to federal resources

- USET is facing slight delays to date- possible implications on distribution of subrecipient agreements to membership (delayed contracts and first payments). Causes impact to access to federal funding for Tribal Nations.

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# OMB 200.340-Termination



The federal award may be terminated in part of its entirety as follows:

(4) “By the federal agency or pass through entity pursuant to the terms and conditions of the federal award, including, to the extent authorized by law, if an award no longer effectuates the program goals or agency priorities”.

in use for termination of award. Historically has always been a process OMB follows, including remediation process before term of award issued. 200.340 not used in most NOA’s which federal government has always used as the official contract between a recipient and an agency.

- Specific words used as “Flags” for award reviews in relation to DEI. PO’s contacted and questioned on awards, but not recipients.

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# Administrative process delays within agencies



- Encourage the agencies to either issue formal communication if there hasn't been any, or to continue with processing administrative requests (carryovers, budget redirections, prior approvals, contract selections). By delaying these processes, execution on grant activity is significantly impacted, leading to delays in drawdown of funding, and increased likelihood of unexpended funding and agency reviews of carryover and NCE's.
- Can lean into relationships with PO/GMO's to advocate that any delays are addressed.

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# How Tribal Program Staff Can Assist

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# Recommendations for Tribal Program Staff



- **Report what you are seeing on the ground**
  - Grant terminations, funding delays, new requirements, federal staffing losses, etc.
- **Quantify Impacts of new policies**
  - Loss of funding, permitting changes, lack of federal guidance, etc.
- **Know your rights as a Tribal Nation and federal grantee**
  - Consider appeals process, creative responses to new requirements, etc.

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# Questions??

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