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# Federal Government Transition Update - 1.24.25 [1]

January 24, 2025 by Riley Black [2]

Dear Colleagues,?

As we communicated to you on January 22, President Trump has issued more than 40 executive actions and rescinded nearly 80 prior executive orders, some of which will impact the university community. Executive orders are meant to shape and manage operations of the federal government and generally have the force of law, although their legal effect is contingent on appropriate use of presidential authority. Some of these actions may be subject to legal interpretation and/or challenge. Executive orders cannot create new agency authority, that authority resides with Congress. We expect more presidential orders and directives over the coming days and weeks. Our legal and federal relations teams are analyzing the potential impacts on all four of our campuses and we will continue to communicate with you during this time.

It is important to remember, to implement major elements of his agenda over the next four years, President Trump will also need to utilize the federal rulemaking process, which requires public notice and comment; and work with Congress, where narrow majorities may necessitate bipartisanship to enact most legislation.

To expedite our analysis and communication to you, we are reviewing executive actions by topic. Priority issues we are reviewing include issues related to potential impacts on grants and grant funding, diversity, equity and inclusion initiatives (DEI), and immigration. Our team will provide a more detailed compliance analysis as federal agencies announce final directives and issue implementation guidance within the timeframes set forth by the executive orders. Additionally, it is likely some issues addressed in the recent presidential actions may be subject to immediate action by federal courts. The following are some initial orders we are analyzing and monitoring:

- Ending Radical and Wasteful Government DEI Programs and Preferencing [3] (January 20, 2025). Directs federal agencies "to the maximum extent allowed by law" to terminate their DEI, DEIA and environmental justice offices, positions, initiatives and programs. Federal agencies have 60 days to provide the White House Office of Management and Budget (OMB) with a list of federal contractors who have provided DEI training to the federal government and grantees who have received federal funding "to provide or advance DEI, DEIA, or 'environmental justice' programs, services, or activities since January 20, 2021."
- Ending Illegal Discrimination and Restoring Merit-Based Opportunities [4] (January 21, 2025). Directs the Attorney General and Secretary of Education to issue guidance to higher education institutions in the next 120 days on how to comply with the Supreme Court’s 2023 holding in *Students for Fair Admissions, Inc. v. President and Fellows of Harvard College*

(143 S. Ct. 2141), which struck down race-based affirmative action in college admissions. Encourages the private sector, including institutions of higher education with endowments over $1 billion, to end "illegal DEI discrimination and preferences." The order reaffirms free speech protections for institutions of higher education and clarifies that the directive does not prohibit "persons teaching at a Federally funded institution of higher education as part of a larger course of academic instruction from advocating for, endorsing, or promoting" DEI activities prohibited by the executive order. Read the fact sheet [5].

- Defending Women from Gender Ideology Extremism and Restoring Biological Truth To The Federal Government [6] (January 20, 2025). Defines gender as male and female within the federal government. Directs the Department of Health and Human Services to provide guidance on sex-based definitions within 30 days. Thereafter, federal agencies will have 120 days to update all documents to comply with the new definition of gender. Prohibits federal funds, including grants and contracts, to promote gender ideology. Rescinds previous guidance issued by federal agencies, including related Title IX guidance issued by the Department of Education.

We are also tracking other notable presidential actions taken since January 20, 2025 that focus on the immigration system, including:

- Protecting The American People Against Invasion [7] (January 20, 2025)
- Protecting the United States From Foreign Terrorists and other National Security and Public Safety Threats [8] (January 20, 2025)
- Protecting the Meaning and Value of American Citizenship [9] (January 20, 2025)
- Declaring A National Emergency At The Southern Border Of The United States [10] (Proclamation, January 20, 2025)
- Realigning the United States Refugee Admissions Program [11] (January 20, 2025)
- Guaranteeing the States Protection Against Invasion [12] (January 20, 2025)
- America First Trade Policy [13] (Memo, January 20, 2025)

Our team is closely monitoring the impact these actions will have on our campuses, especially as they are operationalized by federal agencies over the coming weeks and months. We encourage campuses to follow existing campus policy, as well as federal FERPA protections, and reach out to University Counsel and other appropriate campus resources for additional support as necessary.

We are also actively monitoring and engaging with the national higher education associations and our congressional partners on how federal agencies are beginning to operationalize directives from the President, including temporary freezes on agency communications, contract renewals, grant reviews, public panels, travel, and more. We are particularly attuned to the pauses underway at the Departments of Energy and Health and Human Services that are directly impacting some of our research faculty. Brief pauses in governmental activities during transition periods are not uncommon, however we recognize the uncertainty, worry, and potential impact these disruptions create for campus and research operations, particularly if they are ongoing for more than a short time. While we anticipate these actions will only last a few weeks, we are actively monitoring the situation and will provide more updates as they are announced by Energy and HHS.

We are here for you and encourage you to reach out to your campus leadership with questions and to discuss impacts to your projects, programs, and departments. We also

encourage you to reach out to your program managers directly, as we understand the communications freeze does not apply to individual communication with grantees.

The Office of University Counsel and the Office of Federal Relations will continue to analyze the potential impacts of recent executive actions and their ongoing implementation on the university's mission and the people who work and learn on our campuses. We are working closely with the President and the Chancellors and encourage you to work through your campus leadership with questions. Please be on the lookout for more information in the coming days and weeks, which you can find at?cu.edu/office-government-relations/federal-relations [14].?

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