

American Indian Law & Policy

Outlook for the 119th Congress & the Trump Administration

Key Takeaways

- Expect changes to political and career service employees at the agencies, which will impact current and pending Tribal projects, especially those involving highly specialized areas.
 - In addition to the anticipated turnover in political officials in the normal course of the political transition, President Trump has promised a government shake up, including among others the potential relocation of certain agency headquarters, reassignment of career service employees and elimination of certain agency initiatives like diversity, equity & inclusion programs.
 - Transition delays, including as part of the political appointment process, would not only affect the agency areas dependent on the key appointees but cause potential inertia among lower visibility agencies and subareas.
 - Changes to career service employees, especially efforts to clear the way for the Trump administration's priorities, may result in key turnover with an impact on highly specialized subareas in direct conflict with the priorities of the Trump administration, especially with regards to land resource issues and climate change initiatives housed within the Bureau of Land Management and Reclamation.
 - Such changes among career services employees would be significant for tribes, as many of the current and ongoing priorities adopted by the agencies, even ancillary initiatives, would be stymied by a lack of such employees and support to focus on their current projects and programs.

Additional Insights

- President Trump may continue to support the Tribal-related policies that his administration initiated and championed during his first Presidency.
 - Specific policy priorities and goals remain unclear, but President Trump's penchant for loyalty is likely to lead to the renewal of political appointment relationships with familiar Republican Tribal advocates and officials at the agencies.
 - This would also include continuing efforts and support for programs and initiatives that were started and supported during the first Trump administration, for example the groundwork and implementation of the Section 105(l) lease program, investment in water resources and negotiations related to addressing drought in the West, efforts to address crime and Tribal justice oversight over Tribal lands and streamlined processes for oil & gas development including on Tribal lands.
 - The de-prioritization of certain federal agency priorities in favor of state management may also result in cuts to Tribal-specific agency areas that expanded during the Biden administration in furtherance of Biden-specific Tribal consultation and executive orders.

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- The next Congress is likely to focus on Tribal priorities that fit in with larger congressional priorities such as tax, the reauthorization of the Farm Bill and the reauthorization of the federal surface transportation programs.
 - There also may be a redirection of federal resources away from Indian Country priorities, either through congressional action, or through an adjustment of federal investment priorities established through the Justice40 Initiative.

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