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## MEMORANDUM

TO: **Interested Parties**  
FROM: **Penn Hill Group**  
DATE: **January 24, 2025**  
SUBJECT: **President Trump's Initial Executive Orders and Presidential Memoranda**

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On January 20 and 21, the first two days of his new Administration, President Trump signed Executive Orders and Presidential Memoranda addressing a wide range of policy areas and administrative issues. The purpose of this memorandum is to summarize those documents that address or will have an impact on education and workforce development or will affect the operations of the U.S. Departments of Education and Labor. This summary follows.

### **Gender Identity**

An [Executive Order](#) titled "Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government" declares that it is the policy of the United States that there are two sexes, male and female, with an individual's sex based on "immutable biological classification" established at the time of birth. It directs all Federal agencies to enforce sex-based rights, policies, opportunities and accommodations so as to protect men and women as biologically distinct sexes and to use the term "sex," rather than "gender," in policies and documents. Further, it orders agencies not to fund or promote gender ideology<sup>1</sup> and to "remove" agency statements, policies, regulations, forms and communications that promote or otherwise inculcate gender ideology.

### **Diversity, Equity and Inclusion (DEI)**

An [Executive Order](#) titled "Ending Radical and Wasteful Government DEI Programs and Preferencing" orders the Office of Management and Budget (OMB) to coordinate the termination of "all discriminatory programs, including illegal DEI and 'diversity, equity, inclusion, and accessibility' (DEIA) mandates, policies, programs, preferences, and activities in the Federal Government". It also directs the Office of Personnel Management (OPM) to review and revise Federal employment practices, union contracts and training programs to ensure that they are consistent with the purposes of the order.

Further, the order directs all Federal agency heads to:

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<sup>1</sup> The Executive Order defines "gender ideology" as follows: "Gender ideology" replaces the biological category of sex with an ever-shifting concept of self-assessed gender identity, permitting the false claim that males can identify as and thus become women and vice versa, and requiring all institutions of society to regard this false claim as true. Gender ideology includes the idea that there is a vast spectrum of genders that are disconnected from one's sex. Gender ideology is internally inconsistent, in that it diminishes sex as an identifiable or useful category but nevertheless maintains that it is possible for a person to be born in the wrong sexed body.

- Terminate all DEI, DEIA and environmental justice offices and positions, as well as all equity action plans and initiatives, equity-related grants or contracts, and DEI or DEIA-related performance requirements for employees, contractors, or grantees;
- Provide OMB with a list of all: (1) agency DEI, DEIA, or environmental justice positions, committees, programs, services, activities, budgets and expenditures in existence on November 4, 2024, and an assessment of whether any of these have been relabeled in an attempt to preserve their pre-November 4 function; (2) Federal contractors that have provided DEI training or training materials to the agency; and (3) grantees that have received Federal funding to provide or advance DEI, DEIA or environmental justice programs, services or activities since January 20, 2021;
- Direct the deputy agency head to: (1) assess the operational impact (e.g., number of new DEI hires) and cost of the Biden Administration’s DEI, DEIA and environmental justice programs and policies; and (2) recommend actions to align the agency’s programs, activities, policies, regulations, guidance, employment practices, enforcement activities, contracts, grants, consent orders and litigating positions with the policy of “equal dignity and respect” set forth in this Executive Order.

The Order also directs the Assistant to the President for Domestic Policy to convene monthly meetings of agency heads in order to hear reports on the prevalence and costs of DEI, DEIA and environmental justice policies, programs, etc., in agency programs; discuss barriers to compliance with the Executive Order; monitor and track agency compliance with the Order; and identify potential areas for additional legislative action.

Note that the Order does not define the terms “Diversity, Equity, and Inclusion,” “Diversity, Equity, Inclusion, and Accessibility” and “environmental justice.”

A related but separate [Executive Order](#), titled “Ending Illegal Discrimination and Restoring Merit-Based Opportunities” also criticizes DEI and DEIA policies and orders agencies to terminate all “discriminatory and illegal preferences, mandates, policies, programs, activities, guidance, regulations, enforcement actions and requirements.” It further directs agencies to combat private-sector DEI preferences, mandates, policies, programs and activities.

In furtherance of those objectives, this second Order, among other things:

- Revokes four Executive Orders, and one Presidential Memorandum, issued between 1965 and 2016 and dealing with diversity and inclusion, environmental justice and equal employment opportunity;
- Directs the Office of Federal Contract Compliance Programs in the U.S. Department of Labor (DOL) to cease promoting diversity, holding Federal contractors responsible for taking “affirmative action”; and allowing contractors to practice workforce balancing based on race, color, sex, sexual preference, religion or national origin;

- Prohibits Federal contractors and subcontractors from having employment, procurement and subcontracting practices that consider race, color, sex, sexual preference, religion or national origin in a manner that violates the nation’s civil rights law;
- Requires the deletion of references to DEI, DEIA and similar terms and principles from Federal processes, guidance and acquisition and grant-making procedures;
- Directs all agencies to take actions to end the use of “illegal discrimination and preferences, including DEI” in the private sector. Toward that end, the Order directs the U.S. Department of Justice (DOJ) to prepare, in consultation with relevant agencies, a “strategic enforcement plan” that: (1) identifies key “sectors of concern” within each agency’s jurisdiction; (2) identifies the most “egregious and discriminatory DEI practitioners” in each sector; (3) sets forth a plan for deterring DEI programs or principles that constitute illegal discrimination or principles, including, for each agency up to nine potential civil compliance investigations of corporations, large nonprofit organizations, foundations with assets of at least \$500 million, State or local bar and medical associations and institutions of higher education (IHEs) with endowments of over \$1 billion; (4) potential litigation, regulatory action and subregulatory guidance; and
- Requires the Departments of Justice and Education to jointly issue, within 120 days, guidance to all State and local educational agencies (LEAs), and all IHEs that receive Federal grants or whose students receive Federal loans, regarding measures and practices required to comply with the Supreme Court’s *Students for Fair Admissions v. President and Fellows of Harvard College* decision.

### **Free Speech and Censorship**

In an [Executive Order](#) titled, “Restoring Freedom of Speech and Ending Federal Censorship,” the President declares that it is the policy of the United States, briefly, to: (1) secure the right of the American people to engage in constitutionally protected free speech; (2) ensure that no Federal employee or agency engages in or facilitates conduct abridging constitutionally protected free speech; (3) ensure that no taxpayer resources are used to abridge free speech; and (4) identify and correct any past Federal misconduct related to censorship of free speech. The Order further directs the Attorney General to investigate and report on any activities of the Federal government over the last four years that were inconsistent with that policy.

### **Suspension of Refugee Admissions**

An [Executive Order](#) suspends the admission of refugees into the United States effective January 27, with the Department of State and the Department of Homeland Services (DHS) jointly authorized to admit refugees on a case-by-case basis. Otherwise, the admission of refugees will be resumed when the President determines that doing so would be in the national interest. The order also directs DHS to determine the extent to which, consistent with applicable law, State and local officials can be more involved in determining the placement or resettlement of refugees in their jurisdiction.



## Illegal Immigration

An [Executive Order](#) titled “Protecting the American People Against Invasion” declares that it is the policy of the United States to “faithfully execute the immigration laws against all inadmissible and removable aliens” and “to achieve the total and efficient enforcement of those laws, including through lawful incentives and detention capabilities.” The order focuses mainly on law enforcement, detention and deportation issues. Activities carried out pursuant to the order could have an impact on schools and colleges, but there are no provisions that specifically address education or workforce development.

## Other Executive Orders and Policy Memoranda Affecting the Departments of Education and Labor (along with Other Federal Agencies)

The following documents include directives to all Federal agencies, including the Departments of Education and Labor.

- An [Executive Order](#) titled “Return to In-Person Work” orders all agencies to take all necessary steps to terminate remote work arrangements and require employees to return to in-person work on a full-time basis (with exemptions as necessary).
- A [Presidential Memorandum](#) titled “Regulatory Freeze Pending Review” orders agencies not to issue any proposed or final regulations until they are reviewed by agency heads appointed by the new Administration (with OMB authorized to grant exemptions in emergency situations). It also orders agencies to consider delaying (for the purpose of further review) the effective date of any rule that has been published in the Federal Register but has not yet taken effect.
- A [Presidential Memorandum](#) orders a hiring freeze, covering all Federal agencies but exempting military personnel and positions related to immigration enforcement, national security, and public safety and any actions that would affect the provision of Social Security, Medicare or veterans’ benefits. Further, the Order directs OMB to prepare and submit, within 90 days, a plan to reduce the size of the Federal workforce through efficiency improvements or attrition. Once that plan is submitted, the hiring freeze will end, except with respect to the Internal Revenue Service.<sup>2</sup>
- A [Presidential Memorandum](#) titled “Delivering Emergency Price Relief for American Families and Defeating the Cost-of-Living Crisis” directs all agencies to “deliver emergency price relief, consistent with applicable law, to the American people and increase the prosperity of the American worker.” This Memorandum lists types of actions that agencies might take, one of which is to “create employment opportunities for American workers, including drawing discouraged workers into the labor force.”

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<sup>2</sup> The IRS freeze will end when the Secretary of the Treasury determines that it is the national interest to lift it.

- An [Executive Order](#) titled, Restoring Accountability to Policy-Influencing Positions within the Federal Workforce” reinstates the “Schedule F” hiring authority that was initiated late in the first Trump Administration and terminated under President Biden. Under these policies, Federal positions of a “confidential, policy-determining, policy-making, or policy-advocating character” are not covered by Civil Service employment protections. The new Order makes some changes to the original provisions, including replacing the term “Schedule F position” with “Policy/Career position” and stating:

“Employees in or applicants for Schedule Policy/Career positions 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. Failure to do so is grounds for dismissal.”

- An [Executive Order](#) titled “Establishing and Implementing the President’s ‘Department of Government Efficiency’”: (1) renames the existing United States Digital Service<sup>3</sup> as the United States DOGE Service (USDS) within the Executive Office of the President; and (2) establishes, within the USDS, a U.S. DOGE Service Temporary Organization, terminating on July 4, 2026 and charged with advancing the DOGE agenda, which the Order describes as modernizing Federal technology and software so as to maximize government efficiency and productivity..

The Order also directs each Federal agency to establish a DOGE Team of at least four members (which the order says will “typically” include a team lead, an engineer, a human resource specialist and an attorney) to advise the agency head on implementing the President’s DOGE agenda. Agencies are to take all necessary steps, consistent with law, to ensure that the USDS has full and prompt access to all unclassified agency records, software systems and information technology systems.

- An [Executive Order](#) titled “Reforming the Federal Hiring Practice and Restoring Merit to Government Service” directs the Assistant to the President for Domestic Policy to, within 120 days, develop and send to the agencies a Federal hiring plan that, briefly:
  - Prioritizes the recruitment of individuals who are committed to improving the efficiency of the Federal government, passionate about the ideals of the American republic and committed to upholding the law;
  - Prevents the hiring of individuals based on their race, sex, or religion;
  - Implements, to the greatest extent possible, technical and alternative assessments;

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<sup>3</sup> The United States Digital Service, prior to this action, provided consulting services to Federal agencies on improving their use of information technology.

- Decreases the “time to hire,” government-wide, to under 180 days;
- Improves communication with job candidates;
- Integrates modern technology into the recruitment and selection process; and
- Ensures that agency leaders are active participants in implementing the new processes.

This Executive Order also calls for: (1) the Federal hiring plan to include specific agency plans to improve the allocation of Senior Executive Service positions; (2) the plan to provide specific best practices for the human resources function in each agency, which the agencies are to implement; and (3) OPM to establish performance metrics to evaluate the success of the changes provided for in the Order.

### **Rescission of Previous Executive Orders and Presidential Memoranda**

In an [Executive Order](#) titled “Initial Rescissions of Harmful Executive Orders and Actions,” the President rescinded 78 Executive Orders and Presidential Memoranda signed by President Biden. The rescinded actions related to or affecting education and workforce development include:

- Executive Order (EO) 13985: Advancing Racial Equity and Support for Underserved Communities through the Federal Government
- EO 13988: Preventing and Combatting Discrimination on the Basis of Gender Identity or Sexual Orientation
- EO 14000: Supporting the Reopening and Continuing Operation of Schools and Early Childhood Education Providers
- EO 14021: Guaranteeing an Educational Environment Free From Discrimination on the Basis of Sex, Including Sexual Orientation or Gender Identity
- EO 14031: Advancing Equity, Justice, and Opportunity for Asian Americans, Native Hawaiians, and Pacific Islanders
- EO 14045: White House Initiative on Advancing Educational Equity, Excellence, and Economic Opportunity for Hispanics
- EO 14049: White House Initiative on Advancing Educational Equity, Excellence, and Economic Opportunity for Native Americans and Strengthening Tribal Colleges and Universities

- EO 14050: White House Initiative on Advancing Educational Equity, Excellence, and Economic Opportunity for Black Americans
- EO 14075: Advancing Equality for Lesbian, Gay, Bisexual, Transgender, Queer, and Intersex Individuals
- EO 14084: Promoting the Arts, the Humanities, and Museum and Library Services
- EO 14091: Further Advancing Racial Equity and Support for Underserved Communities through the Federal Government
- EO 14094: Modernizing Regulatory Review
- EO 14124: White House Initiative on Advancing Educational Equity, Excellence, and Economic Opportunity Through Hispanic-Serving Institutions

The Order also provides that, in order to effectuate these rescissions, “the heads of each agency shall take immediate steps to end Federal implementation of unlawful and radical DEI ideology.”