



# **Presidential Actions & the Choral Field**

## **Key Updates and Developments**

Wednesday, May 12, 2025  
4:00 - 5:00 PM ET

# Welcome!

- All attendees are on mute and off camera
- Please use the chat & introduce yourself
- Send us questions via webinar Q & A option
- Not recording the webinar as information changes daily
- Slides and resources will be available post webinar

# Speakers



**Christopher Eanes**  
President & CEO  
Chorus America



**Jessica Mendieta**  
Policy Associate  
National Council of  
Nonprofits



**Amy Fitterer**  
Gov Affairs Consultant  
Chorus America



**Dorothy Deng**  
Partner  
Whiteford Law

# Today's Agenda

- i. Welcome from the President & CEO
- ii. About Chorus America's Government Affairs
- iii. Overview of Presidential Actions & Court Cases
- iv. Guidance for the Nonprofit Choral Community
- v. Q & A
- vi. Final Remarks



**Christopher Eanes**  
**President & CEO**  
**Chorus America**

# **Our Mission and Vision**

**Chorus America strengthens singing communities with the advocacy, connections, and resources they need to be a vital part of society.**

**Chorus America envisions a vibrant society in which diverse singing communities affirm and share the full range and depth of our humanity.**

# Thank you to our Sponsor





**Amy Fitterer**  
**Gov. Affairs Consultant**  
**Chorus America**



# Work Closely with Coalitions & Partners

- Cultural Advocacy Group
- Performing Arts Alliance
- Charitable Giving Coalition
- National Council of Nonprofits
- National Assembly of State Arts Agencies
- ASAE
- Council on Foundations
- National Coalition on Arts Preparedness
- And more!

# Representing Choruses

- Before Congress, the White House, and Federal Agencies
- Ongoing Issues:
  - Funding for the arts
  - Charitable giving / Tax incentive
  - Visas for foreign guest artists
  - Arts in Education
  - Disaster Support and Preparedness
  - Other issues

# Chorus America Provides:

- Written Government Affairs Updates
  - Highlighting government actions that impact choruses
- Action Alerts to Send Letters to Congress
- Member Education Programs on Advocacy & Lobbying
- Written Testimony to Congress on behalf of the field
- A Seat at the Table in Advocacy Coalitions
- Opportunities to Visit Legislators on Capitol Hill
- Visit our Resources Page:

[chorusamerica.org/navigating-policy-changes](https://chorusamerica.org/navigating-policy-changes)

# What can you do?

## Communicate with Chorus America, Congress, and your Peers!

1. Complete **Chorus America's Form** (sent weekly) to share your specific impact stories and concerns
2. Send emails to your **policy makers** – they need to know how federal actions are impacting the choral community in their district.
  - a. <https://www.usa.gov/elected-officials>
3. Stay in touch with your **peers** in the arts and broader nonprofit community
  - a. Members - keep in touch through the Online Community's Open Forum

# Contact us!

[membership@chorusamerica.org](mailto:membership@chorusamerica.org)



**Jessica Mendieta**  
**Policy Associate**  
**National Council of**  
**Nonprofits**

# Presidential Actions and the Choral Field: Key Updates and Developments

## Chorus America

Jessica Mendieta, Policy Associate

March 12, 2025



National  
Council of  
**Nonprofits**

**Champions for the public good**

# Networks of the National Council of Nonprofits





1

# Executive Updates

# Executive Orders: A Summary

**What They Are:** Guidance and directives to federal agencies on their operations and policies.

## How they Work

- Not legislation; Congress cannot overturn them.
- Cannot override federal law.
- Effective unless expire, rescinded, revoked, or nulled in court.
- Only a sitting President can rescind executive orders.

# Executive Orders

## General FAQs on Executive Actions Impacting Nonprofits



Updated March 16, 2025

**There are so many executive actions being taken by President Trump. Which ones do I have to worry about?**

See [NCN's Executive Orders Affecting Nonprofits Chart](#) for the most updated information on which executive orders directly and indirectly affect charitable nonprofits. Some of the provisions are more specifically targeted at nonprofit organizations' activities, and others will have more indirect impacts. There are also individual memos and guidance that are being issued by agencies - and a lot more are to come - that will have an impact on nonprofits. And, there are lots of rules and actions from prior Administrations being rescinded, so it's important to stay up to date on changes of directives that you had previously been required to follow. The Chart is regularly updated with this information.

### Federal Grants and Contracts

**Do I have to worry about these actions if my organization doesn't receive federal funding?**

Yes. While some of these directives are specifically tied to what is being done with federal funds, including federal funds that pass through other entities like states, the federal government can also enforce some of the new directives for all entities that are required to follow federal laws, even if they do not have direct funding. And, as charitable nonprofit organizations, they can impact your 501(c)(3) status.

**What if my organization receives federal funds but doesn't use those funds for prohibited activities?**

Many of the executive actions being implemented are threatening to take federal funds away for activities being conducted by organizations on the whole, regardless of the specific activity paid for by federal funding. So, it may not matter if you use federal funds for prohibited activities or if the funding is from a different source. Furthermore, since concepts like "diversity, equity, and inclusion" are not defined yet by the Administration, and there will remain legal challenges as the Administration declares different activities illegal, it is not clear what activities will be specifically unlawful.

There will also likely be new conditions and limitations placed on the federal funds that you receive through federal assistance (any federal funding or benefits that go to your organization for your use directly or that you pass along to your community members), grants, or contract payments so attention should be paid to those rules and conditions as they are released.

**Can the federal government cancel my contract or grant because they say it doesn't align with the executive orders?**

The federal government, in law, has broad discretion to cancel federal grants and contracts. However, the answer to this question is that it will be specific to your particular grant or contract. Every agency has its own rules and procedures, different contracts and grants have their own terms and conditions, and different statutory and regulatory requirements for different federal programs apply. It also may depend on how this funding is terminated, how Congress funded

## 90+ (and counting)

- Diversity, Equity, and Inclusion
- Federal Government
- Immigration
- LGBTQ+
- Environment
- Census and Community Engagement
- Houses of Worship/Faith-Based
- Public Service Loan Forgiveness
- And more

# Executive Orders

## General FAQs on Executive Actions Impacting Nonprofits



Updated March 11, 2025

**There are so many executive actions being taken by President Trump. Which ones do I have to worry about?**

See [NCP's Executive Orders Affecting Nonprofits Chart](#) for the most updated information on which executive orders directly and indirectly affect charitable nonprofits. Some of the provisions are more specifically targeted at nonprofit organizations' activities, and others will have more indirect impacts. There are also individual memos and guidance that are being issued by agencies - and a lot more are to come - that will have an impact on nonprofits. And, there are lots of rules and actions from prior Administrations being rescinded, so it's important to stay up to date on changes of directives that you had previously been required to follow. The Chart is regularly updated with this information.

### Federal Grants and Contracts

**Do I have to worry about these actions if my organization doesn't receive federal funding?**

Yes. While some of these directives are specifically tied to what is being done with federal funds, including federal funds that pass through other entities like states, the federal government can also enforce some of the new directives for all entities that are required to follow federal laws, even if they do not have direct funding. And, as charitable nonprofit organizations, they can impact your 501(c)(3) status.

**What if my organization receives federal funds but doesn't use those funds for prohibited activities?**

Many of the executive actions being implemented are threatening to take federal funds away for activities being conducted by organizations on the whole, regardless of the specific activity paid for by federal funding. So, it may not matter if you use federal funds for prohibited activities or if the funding is from a different source. Furthermore, since concepts like "diversity, equity, and inclusion" are not defined yet by the Administration, and there will remain legal challenges as the Administration declares different activities illegal, it is not clear what activities will be specifically unlawful.

There will also likely be new conditions and limitations placed on the federal funds that you receive through federal assistance (any federal funding or benefits that go to your organization for your use directly or that you pass along to your community members), grants, or contract payments so attention should be paid to those rules and conditions as they are released.

**Can the federal government cancel my contract or grant because they say it doesn't align with the executive orders?**

The federal government, in law, has broad discretion to cancel federal grants and contracts. However, the answer to this question is that it will be specific to your particular grant or contract. Every agency has its own rules and procedures, different contracts and grants have their own terms and conditions, and different statutory and regulatory requirements for different federal programs apply. It also may depend on how the funding is terminated, how Congress funded

# Federal Government

- Hiring Freeze
- Return to in-person work
- “Initial rescissions of harmful executive orders and actions”
- “Ensuring accountability for all agencies”
- “Regulatory freeze pending review”

# Executive Orders

## General FAQs on Executive Actions Impacting Nonprofits



Updated March 10, 2025

**There are so many executive actions being taken by President Trump. Which ones do I have to worry about?**

See [NCN's Executive Orders Affecting Nonprofits Chart](#) for the most updated information on which executive orders directly and indirectly affect charitable nonprofits. Some of the provisions are more specifically targeted at nonprofit organizations' activities, and others will have more indirect impacts. There are also individual memos and guidance that are being issued by agencies - and a lot more are to come - that will have an impact on nonprofits. And, there are lots of rules and actions from prior Administrations being rescinded, so it's important to stay up to date on changes of directives that you had previously been required to follow. The Chart is regularly updated with this information.

### Federal Grants and Contracts

**Do I have to worry about these actions if my organization doesn't receive federal funding?**

Yes. While some of these directives are specifically tied to what is being done with federal funds, including federal funds that pass through other entities like states, the federal government can also enforce some of the new directives for all entities that are required to follow federal laws, even if they do not have direct funding. And, as charitable nonprofit organizations, they can impact your 501(c)(3) status.

**What if my organization receives federal funds but doesn't use those funds for prohibited activities?**

Many of the executive actions being implemented are threatening to take federal funds away for activities being conducted by organizations on the whole, regardless of the specific activity paid for by federal funding. So, it may not matter if you use federal funds for prohibited activities or if the funding is from a different source. Furthermore, since concepts like "diversity, equity, and inclusion" are not defined yet by the Administration, and there will remain legal challenges as the Administration declares different activities illegal, it is not clear what activities will be specifically unlawful.

There will also likely be new conditions and limitations placed on the federal funds that you receive through federal assistance (any federal funding or benefits that go to your organization for your use directly or that you pass along to your community members), grants, or contract payments so attention should be paid to those rules and conditions as they are released.

**Can the federal government cancel my contract or grant because they say it doesn't align with the executive orders?**

The federal government, in law, has broad discretion to cancel federal grants and contracts. However, the answer to this question is that it will be specific to your particular grant or contract. Every agency has its own rules and procedures, different contracts and grants have their own terms and conditions, and different statutory and regulatory requirements for different federal programs apply. It also may depend on how this funding is terminated, how Congress funded

# Diversity, Equity and Inclusion

- “Initial rescissions of harmful executive orders and actions”
- “Ending illegal discrimination and restoring merit-based opportunity”
- “Ending radical and wasteful government DEI programs and preferencing”

# Executive Orders

## General FAQs on Executive Actions Impacting Nonprofits



Updated March 10, 2025

**There are so many executive actions being taken by President Trump. Which ones do I have to worry about?**

See [NCN's Executive Orders Affecting Nonprofits Chart](#) for the most updated information on which executive orders directly and indirectly affect charitable nonprofits. Some of the provisions are more specifically targeted at nonprofit organizations' activities, and others will have more indirect impacts. There are also individual memos and guidance that are being issued by agencies - and a lot more are to come - that will have an impact on nonprofits. And, there are lots of rules and actions from prior Administrations being rescinded, so it's important to stay up to date on changes of directives that you had previously been required to follow. The Chart is regularly updated with this information.

### Federal Grants and Contracts

**Do I have to worry about these actions if my organization doesn't receive federal funding?**

Yes. While some of these directives are specifically tied to what is being done with federal funds, including federal funds that pass through other entities like states, the federal government can also enforce some of the new directives for all entities that are required to follow federal laws, even if they do not have direct funding. And, as charitable nonprofit organizations, they can impact your 501(c)(3) status.

**What if my organization receives federal funds but doesn't use those funds for prohibited activities?**

Many of the executive actions being implemented are threatening to take federal funds away for activities being conducted by organizations on the whole, regardless of the specific activity paid for by federal funding. So, it may not matter if you use federal funds for prohibited activities or if the funding is from a different source. Furthermore, since concepts like "diversity, equity, and inclusion" are not defined yet by the Administration, and there will remain legal challenges as the Administration declares different activities illegal, it is not clear what activities will be specifically unlawful.

There will also likely be new conditions and limitations placed on the federal funds that you receive through federal assistance (any federal funding or benefits that go to your organization for your use directly or that you pass along to your community members), grants, or contract payments so attention should be paid to those rules and conditions as they are released.

**Can the federal government cancel my contract or grant because they say it doesn't align with the executive orders?**

The federal government, in law, has broad discretion to cancel federal grants and contracts. However, the answer to this question is that it will be specific to your particular grant or contract. Every agency has its own rules and procedures, different contracts and grants have their own terms and conditions, and different statutory and regulatory requirements for different federal programs apply. It also may depend on how this funding is terminated, how Congress funded

## LGBTQ+

- “Initial rescissions of harmful executive orders and actions”
- “Defending women from gender ideology extremism and restoring biological truth to the federal government”

# Executive Orders

## General FAQs on Executive Actions Impacting Nonprofits



Updated March 10, 2025

**There are so many executive actions being taken by President Trump. Which ones do I have to worry about?**

See [NCN's Executive Orders Affecting Nonprofits Chart](#) for the most updated information on which executive orders directly and indirectly affect charitable nonprofits. Some of the provisions are more specifically targeted at nonprofit organizations' activities, and others will have more indirect impacts. There are also individual memos and guidance that are being issued by agencies - and a lot more are to come - that will have an impact on nonprofits. And, there are lots of rules and actions from prior Administrations being rescinded, so it's important to stay up to date on changes of directives that you had previously been required to follow. The Chart is regularly updated with this information.

### Federal Grants and Contracts

**Do I have to worry about these actions if my organization doesn't receive federal funding?**

Yes. While some of these directives are specifically tied to what is being done with federal funds, including federal funds that pass through other entities like states, the federal government can also enforce some of the new directives for all entities that are required to follow federal laws, even if they do not have direct funding. And, as charitable nonprofit organizations, they can impact your 501(c)(3) status.

**What if my organization receives federal funds but doesn't use those funds for prohibited activities?**

Many of the executive actions being implemented are threatening to take federal funds away for activities being conducted by organizations on the whole, regardless of the specific activity paid for by federal funding. So, it may not matter if you use federal funds for prohibited activities or if the funding is from a different source. Furthermore, since concepts like "diversity, equity, and inclusion" are not defined yet by the Administration, and there will remain legal challenges as the Administration declares different activities illegal, it is not clear what activities will be specifically unlawful.

There will also likely be new conditions and limitations placed on the federal funds that you receive through federal assistance (any federal funding or benefits that go to your organization for your use directly or that you pass along to your community members), grants, or contract payments so attention should be paid to those rules and conditions as they are released.

**Can the federal government cancel my contract or grant because they say it doesn't align with the executive orders?**

The federal government, in law, has broad discretion to cancel federal grants and contracts. However, the answer to this question is that it will be specific to your particular grant or contract. Every agency has its own rules and procedures, different contracts and grants have their own terms and conditions, and different statutory and regulatory requirements for different federal programs apply. It also may depend on how this funding is terminated, how Congress funded

## Worth Noting

- “Restoring freedom of speech and ending federal censorship”
- “Restoring Public Service Loan Forgiveness”
- “Establishment of the White House Faith Office”
- Other rescissions of executive orders
  - Census counts
  - Directing federal agencies to provide access to voter information

# More On Executive Orders

Some will not take effect immediately, and many are expected to be immediately challenged in court.

## What This Means for Charitable Nonprofits

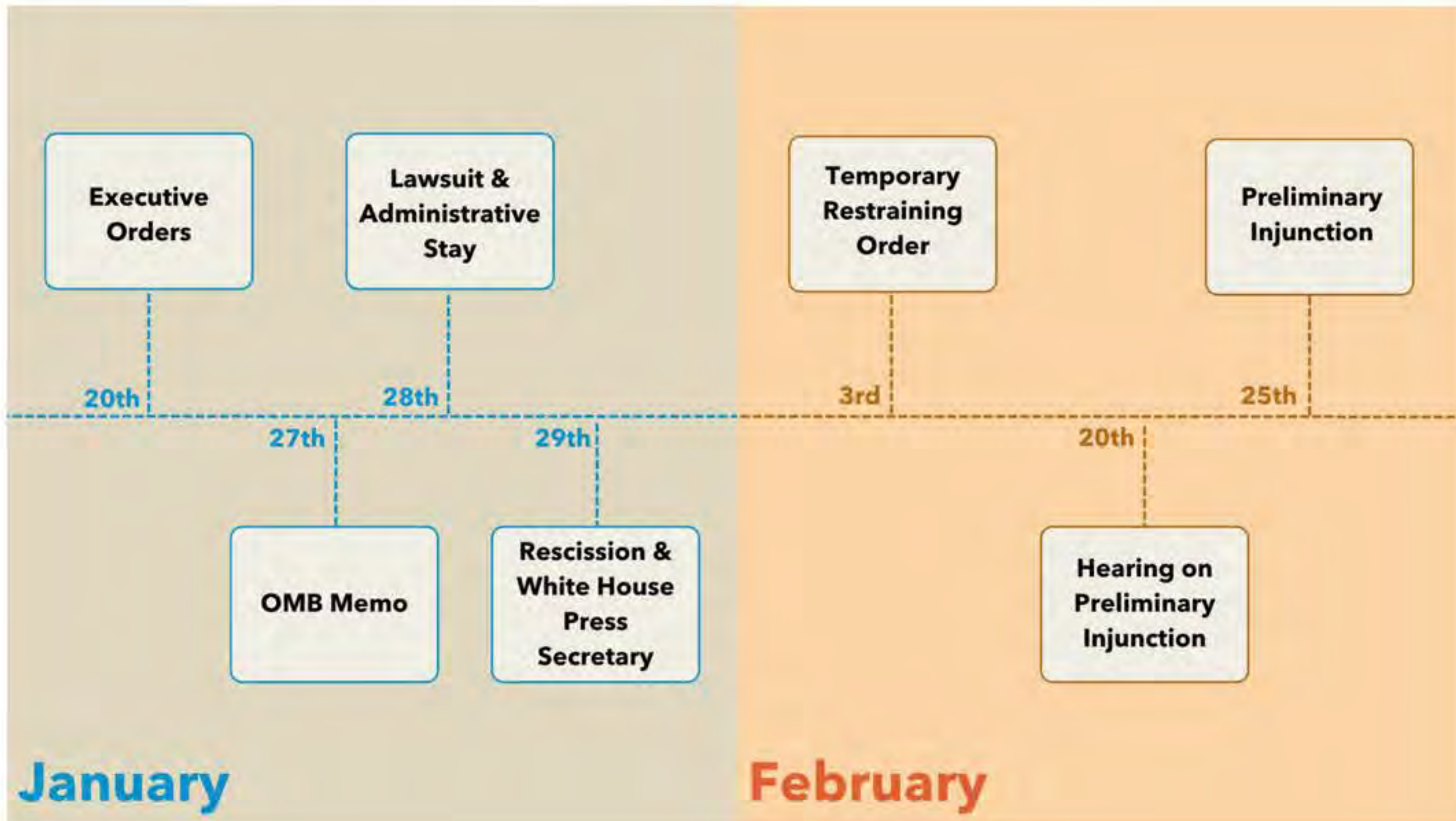
- Keeping up with executive orders and their related actions
- Charitable nonprofits can advocate **and** lobby



2

# Judicial Updates

# NCN et. al. v. OMB



**Thank You**



**Dorothy Deng**  
**Partner**  
**Whiteford Law**

## DEI Executive Orders Overview (Updated March 11, 2025)

- Executive Order 14151: Ending Radical and Wasteful Government DEI Programs and Preferencing (Jan 20, 2025)
  - Termination of “equity-related” grants or contracts
- Executive Order 14173: Ending Illegal Discrimination and Restoring Merit-Based Opportunity (Jan 21, 2025)
  - Certification requirement for federal contracts and grants
  - Enforcement plan to deter private sector illegal DEI programs within 120 days; nonprofits mentioned (assets > \$500M, higher ed endowments > \$1B)
  - Does not prohibit persons teaching at a Federally funded institution of higher education from advocating for and promoting DEI as part of a large course of academic instruction.
- DOJ Memo (Feb 5, 2025), OPM Memo (Feb 5, 2025), DOE Dear Colleague Letter (Feb 14, 2025), DOE FAQ re Racial Preferences (Feb 28, 2025)

# Gender Ideology Executive Order Overview (Updated March 11, 2025)

- Executive Order 14168: Defending Women From Gender Ideology Extremism and Restoring Biological Truth to the Federal Government
  - The U.S. recognizes only two sexes
  - All federal agencies replace “gender” with “sex” in official communications, policies, documents, forms, and regulations.
  - Prohibits federal grants to organizations promoting “gender ideology”
- OPM memo (January 29, 2025)
  - Terminate contracts and grants that promote or inculcate gender ideology
  - Turn off features that prompt users for their pronouns; all agency forms only use “sex” and not “gender”
  - Intimate spaces designated for women are by biological sex

## Legal Challenges (Updated March 11, 2025)

- National Association of Diversity Officers in Higher Education Et Al v. Trump Et Al.
  - Termination, Certification, and Enforcement Threat provisions are unconstitutionally vague and violate due process, and likely to infringe on free speech
  - Preliminary Injunction Order granted February 21, 2025
  - Notice of appeal and motion to stay filed Feb 24; motion to stay denied March 3
- Rhode Island Latino Arts, et al. v. National Endowment for the Arts Et Al.
  - National Queer Theater, The Theater Offensive, Theatre Communications Group (Represented by the ACLU); Complaint and Motion for Preliminary Injunction Filed on March 6, 2025
  - Unconstitutionally vague, restricts free speech, exceeds NEA's statutory authority under the Administrative Procedure Act.
  - Seek declaration that: 1) Assurance of Complaint, and 2) prohibition on funding projects that promote gender ideology are unconstitutional
  - Declaration by Defendants filed on March 10, 2025; NEA assurance of compliance instructions updated March 11, 2025
  - Motion for Preliminary Injunction hearing now scheduled for March 27, 2025 at 10:0 AM

## NEA Assurance of Compliant (updated March 11, 2025)

- Currently subject to preliminary injunction issued on February 21, 2025
  - Must certify compliance with statutes outlined, all NEA regulations and all applicable executive orders
  - Anti-discrimination statutes enumerated
  - Grant recipients must comply with anti-discrimination laws, not operate programs promoting DEI that violate any anti-discrimination laws
- Pending outcome of litigation in Rhode Island, NEA is not requiring any grantee to make any “certification”
  - Grant recipients shall not use federal funds to promote gender ideology
  - Ruling anticipated after March 27, 2025 hearing



# Risk Assessment for Choral Groups (Updated March 11, 2025)

- Red Light: Race plus Affirmative Action in “Competitive Process for a Benefit” (FAQ #3)
  - Eligibility requirements excluding participation based on race
  - Targets and goals to achieve diversity (or “racial balancing”) based on race;
  - Reserved seats, vacancies, or awards based on race; “Diversity slate” for hiring
  - Preferred treatment of candidates based on race
  - Use of race as metrics to evaluate performance
- Green Light
  - Collection of demographic data, provided there is no discrimination
  - Non-restricted Employee Resource Groups
  - Educational, cultural, historical observances (Black History Month)
  - Educational programs in particular cultures, heritages, and areas of the world
  - Accessibility and disability-related accommodations

**Thank you for joining us today.**

**[membership@chorusamerica.org](mailto:membership@chorusamerica.org)**

*Continue the conversation in our  
member's Open Forum*