



Federal Judges and Project 2025: What is at Stake in this Election

VOTE FOR THE BUILDING TRADES!

NYS BUILDING TRADES
OFFICERS MEETING
SARATOGA SPRINGS, NY
JULY 30, 2024

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Federal Courts – Lifetime Appointments

Trump – 4 years

Court	Total Number of Judges	Trump confirmed Judges	Trump Confirmed Percent of Total
Supreme Court	9	3	33%
Courts of Appeals	179	54	30%
District Courts	677	174	26%

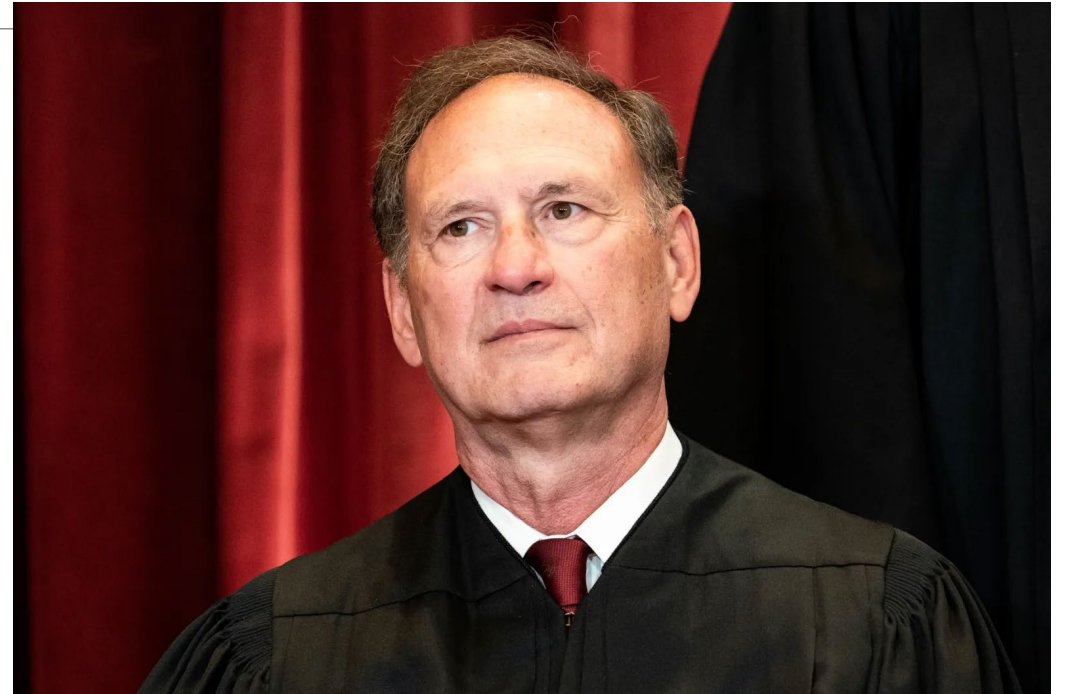
Biden – 3.5 years

Court	Total Number of Judges	Biden confirmed, Vacancies, number nominated to fill those vacancies	Biden Percent of Total
Supreme Court	9	1	11%
Courts of Appeals	179	42 confirmed 1 vacancy 6 awaiting confirmation	23% confirmed 27% with pending
District Courts	677	156 confirmed 44 vacancies 20 awaiting confirmation	23% confirmed 26% with pending

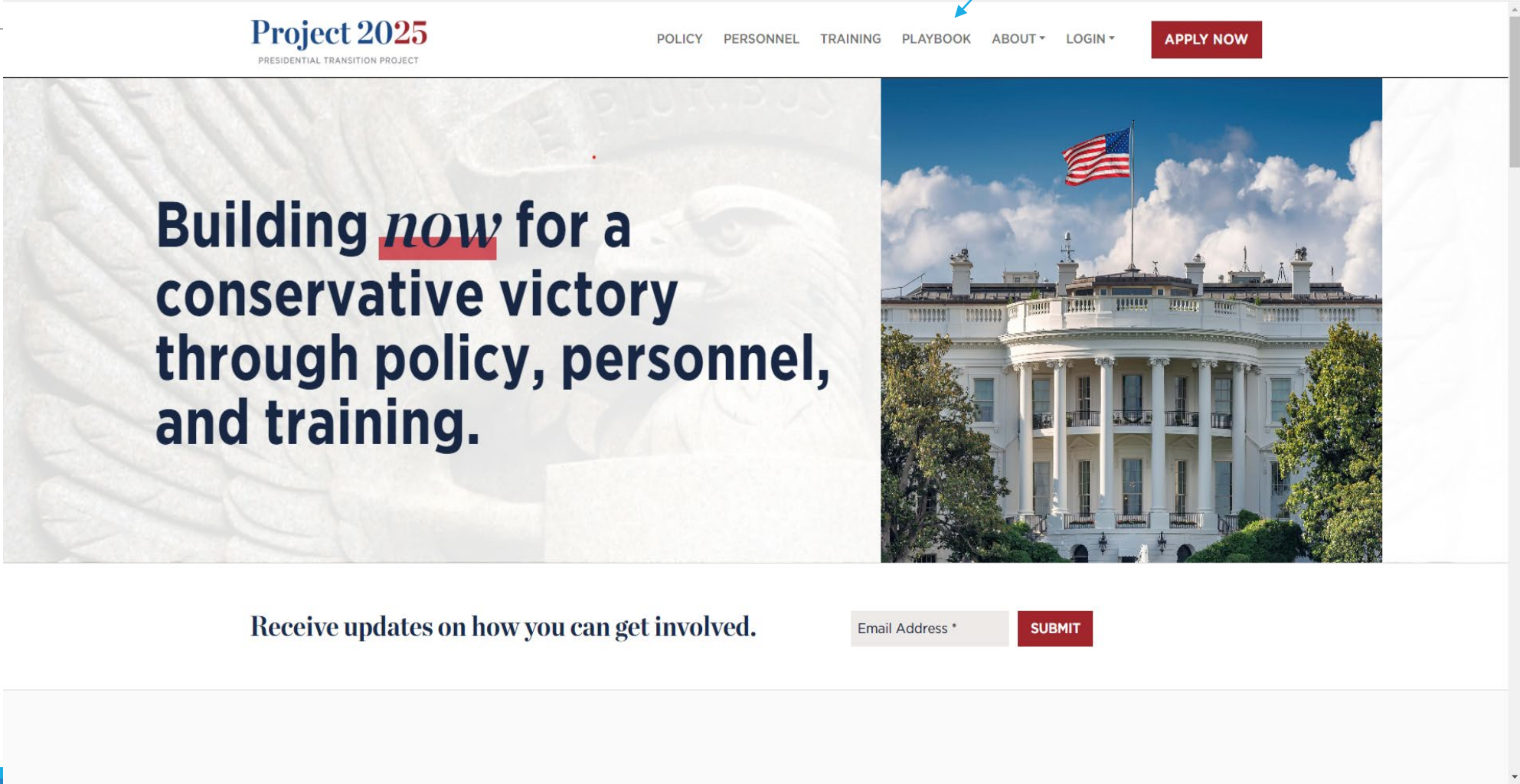
76 yrs old



74 yrs old



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Project 2025 “Mandate for Leadership” 920 Page Playbook for Trump Administration

Mandate *for* Leadership The Conservative Promise

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PRESIDENTIAL TRANSITION PROJECT

Project 2025 “Mandate for Leadership” 920 Page Playbook for Trump Administration

- But Trump doesn't know anything about Project 2025, right?
- 38 people wrote Project 2025
- 31 of 38 were nominated to positions in Trump Administration or were on the 2016 Transition Team for Trump
- Bernard McNamee wrote the energy section
 - Trump appointed him to FERC

Project 2025 “Mandate for Leadership” 920 Page Playbook for Trump Administration

- Jonathan Berry wrote the labor section
 - Head of DOL policy office during Trump Administration
- David Burton co-authored tax section
 - On OMB transition team for Trump Administration
- William Walton co-authored tax section
 - On Treasury transition team for Trump Administration
- Stephen Moore co-authored tax section
 - Trump nominated him to Federal Reserve
 - Withdrew from consideration after sexist remarks revealed

Project 2025 – Energy Policy

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2025 Presidential Transition Project

Support repeal of massive spending bills like the Infrastructure Investment and Jobs Act (IIJA)³ and Inflation Reduction Act (IRA),⁴ which established new programs and are providing hundreds of billions of dollars in subsidies to renewable energy developers, their investors, and special interests, and support the rescinding of all funds not already spent by these programs.

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Needed Reforms

- **Eliminate carbon capture utilization and storage (CCUS) programs.**

Despite the recent expansion of the 45Q tax credit for carbon capture utilization and storage (CCUS) to \$87 per ton, most carbon capture technology remains economically unviable, although private-sector innovations are on the horizon. CCUS programs should be left to the private sector to develop.³⁵ If the office continues any CCUS research, that research should be focused more on innovative utilization.

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Highlight text

LOAN PROGRAM OFFICE (LPO)

Mission/Overview

“LPO’s mission is to finance next-generation U.S. energy infrastructure,” serve “as a bridge to bankability for breakthrough projects and technologies,” and “de-risk[] them at early stages of investment so they can be developed at commercial scale and achieve market acceptance.”⁵⁵ The Biden Administration directed the program to subsidize the Administration’s “net zero” energy transition away from conventional fuels by 2050 and to promote union jobs and domestic supply chains.⁵⁶

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Needed Reforms

Taxpayers should not be backing risky business ventures or politically preferred commercial enterprises. To save tax dollars and reduce current risk, the new Administration:

- **Should not back any new loans or loan guarantees.**
- **Should seek to sunset DOE’s loan authority through Congress and eventually eliminate the Loan Program Office.**

Project 2025 – Labor Policy

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- **End PLA requirements.** Agencies should end all mandatory Project Labor Agreement requirements and base federal procurement decisions on the contractors that can deliver the best product at the lowest cost.
- **Repeal Davis-Bacon.** Congress should enact the Davis-Bacon Repeal Act and allow markets to determine market wages.

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EDUCATION AND VOCATIONAL TRAINING

Apprenticeships. The next Administration should return to prior policy and implement an industry-recognized apprenticeship program separate from the Registered Apprenticeship Program (RAP) and explore how best to modernize, streamline, and eliminate duplication in the RAP. For roughly 80 years, the RAP—

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- **Congress should expand apprenticeship programs outside of the RAP model, re-creating the IRAP system by statute and allowing approved entities such as trade associations and educational institutions to recognize and oversee apprenticeship programs.**

In addition, religious organizations should be encouraged to participate in apprenticeship programs. America has a long history of religious

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2025 Presidential Transition Project

WORKER VOICE AND COLLECTIVE BARGAINING

Non-Union Worker Voice and Representation. American workers lack a meaningful voice in today's workplace. Between 50 percent and 60 percent of workers have less influence than they want on critical workplaces issues beyond pay and benefits. Even managers are twice as likely to say their employees have *too little* influence rather than *too much*. But America's one-size-fits-all approach undermines worker representation. Federal labor law offers no alternatives to labor unions whose politicking and adversarial approach appeals to few, whereas most workers report that they prefer a more cooperative model run jointly with management that focuses solely on workplace issues. The next Administration should make new options available to workers and push Congress to pass labor reforms that create non-union "employee involvement organizations" as well as a mechanism for worker representation on corporate boards.

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Duty of Fair Representation. Unions have a duty of fair representation to their members, yet they too often abuse that duty to use their members' resources on left-wing culture-war issues that are unrelated, and in fact often harmful, to union members' own interests.

- **The NLRB should take enforcement or amicus action advancing the position that political conflicts of interest by union leadership can support claims for breach of the duty of fair representation in a manner analogous to financial conflicts of interest and analogous to breaches of the fiduciary duty of loyalty in other areas of law.**

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- **Discard “card check.”** Congress should discard “card check” as the basis of union recognition and mandate the secret ballot exclusively.

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Contract Bar Rule. Although current labor law allows a union to establish itself at a workplace at more or less any time, the calendar for any attempt to decertify a union is considerably more constrained. If a union is recognized as a collective bargaining agent, then employees may not decertify it or substitute another union for it for at least one year under federal law (the “certification bar”). Similarly, when a union reaches a collective bargaining agreement with an employer, it is immune from a decertification election for up to three years (the “contract bar”). A typical consequence of these rules is that employees must often wait four years before they are allowed a chance at decertification. Employees then have only a 45-day window to file a decertification petition; if the employer and union sign a successor contract, then the contract bar comes into play once again—meaning employees with an interest in decertification must wait another three years.

- **Eliminate the contract bar rule.** NLRB should eliminate the contract bar rule so that employees with an interest in decertification have a reasonable chance to achieve their goal.

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Hazard-Order Regulations. Some young adults show an interest in inherently dangerous jobs. Current rules forbid many young people, even if their family is running the business, from working in such jobs. This results in worker shortages in dangerous fields and often discourages otherwise interested young workers from trying the more dangerous job. With parental consent and proper training, certain young adults should be allowed to learn and work in more dangerous occupations. This would give a green light to training programs and build skills in teenagers who may want to work in these fields.

- **DOL should amend its hazard-order regulations to permit teenage workers access to work in regulated jobs with proper training and parental consent.**

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- **Congress should amend the NLRA to authorize collective bargaining to treat national employment laws and regulations as negotiable defaults.** For example, this reform would allow a union to bless a relaxed overtime trigger (e.g., 45 hours a week, or 80 hours over two weeks) in exchange for firm employer commitments on predictable scheduling.

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Rather than being daunted, President Trump issued three executive orders:

Executive Order 13836, encouraging agencies to renegotiate all union collective bargaining agreements to ensure consistency with the law and respect for management rights;²⁶

Executive Order 13837, encouraging agencies to prevent union representatives from using official time preparing or pursuing grievances or from engaging in other union activity on government time;²⁷ and

Executive Order 13839, encouraging agencies both to limit labor grievances on removals from service or on challenging performance appraisals and to prioritize performance over seniority when deciding who should be retained following reductions-in-force.²⁸

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Mandate for Leadership: The Conservative Promise

All were revoked by the Biden Administration²⁹ and should be reinstated by the next Administration, to include the immediate appointment of the FLRA General Counsel and reactivation of the Impasses Panel.

Congress should also consider whether public-sector unions are appropriate in the first place. The bipartisan consensus up until the middle of the 20th century held that these unions were not compatible with constitutional government.³⁰ After more than half a century of experience with public-sector union frustrations of good government management, it is hard to avoid reaching the same conclusion.

Fully Staffing the Ranks of Political Appointees. The President must rely legally on his top department and agency officials to run the government and on top White House staff employees to coordinate operations through regular Cabinet and other meetings and communications. Without this political leadership, the career civil service becomes empowered to run the government without democratic legitimacy. While many obstacles stand in his way, a President is constitutionally

Project 2025 – Tax Policy

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Intermediate Tax Reform. The Treasury should work with Congress to simplify the tax code by enacting a simple two-rate individual tax system of 15 percent and 30 percent that eliminates most deductions, credits and exclusions. The 30 percent bracket should begin at or near the Social Security wage base to ensure the combined income and payroll tax structure acts as a nearly flat tax on wage income beyond the standard deduction. The corporate income tax rate should be reduced to 18 percent. The corporate income tax is the most damaging tax in the U.S. tax system, and its primary economic burden falls on workers because capital is more mobile than labor.¹⁷ Capital gains and qualified dividends should be taxed at 15 percent. Thus, the combined corporate income tax combined with the capital gains or qualified dividends tax rate would be roughly equal to the top

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Wages vs. Benefits. The current tax code has a strong bias that incentivizes businesses to offer employees more generous benefits and lower wages. This limits the freedom of workers and their families to spend their compensation as they see fit—and it can trap workers in their current jobs due to the jobs' benefit packages. Wage income is taxed under the individual income tax and under the payroll tax. However, most forms of non-wage benefits are wholly exempt from both of these taxes.

To reduce this tax bias against wages (as opposed to employee benefits), the next Administration should set a meaningful cap (no higher than \$12,000 per year per full-time equivalent employee—and preferably lower) on untaxed benefits that employers can claim as deductions. Employee benefit expenses other than *tax-deferred* retirement account contributions should count toward the limitation, whether offered to specific employees or whether the costs relate to a shared



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