

Federal Government Transition Update - 2.21.25 ^[1]

February 21, 2025 by [Natalie Barry](#) ^[2]

Dear Colleagues,

As the week concludes, we would like to provide you with recent updates on federal issues of importance to CU's campuses and communities.

Office of Civil Rights Dear Colleague Letter

This week, University Counsel has been analyzing the [Dear Colleague letter](#) ^[3] issued by the U.S. Department of Education's Office for Civil Rights. The letter outlines the administration's broad interpretation of universities' obligations under Title VI of the *Civil Rights Act of 1964* following the Supreme Court's 2023 decision in *Students for Fair Admissions v. Harvard*.

CU issued the following statement today: "*The University of Colorado complies with state and federal law. According to the Feb. 14 letter, we anticipate there may be additional guidance provided by the department. As with all of the recent directives released during the federal transition, the university will continue to analyze them to assess the potential impact to CU.*"

APLU also sent a [letter](#) ^[4] today that urges the Department to provide additional information and clarity about the nature and scope of the requirements for institutions. The letter strongly encourages the administration to promulgate any new requirements through the federal rulemaking process, which offers the opportunity for public comment.

Recent Court Actions

[Today](#) ^[5], the U.S. District Court of Rhode Island considered arguments from 22 states, including Colorado, on the need to continue to block the administration from freezing federal funding, including research grants to universities. While the court did not issue a ruling today, a decision on whether to grant a preliminary injunction is expected within a week. A temporary restraining order (TRO) will remain in effect until there is further action from the court. The U.S. District Court in D.C. is also considering a request for a preliminary injunction in a separate lawsuit on the funding freeze filed by nonprofits and small businesses. Currently, a nationwide TRO is in effect due to this case.

A federal judge in the U.S. District Court of Massachusetts extended a temporary restraining order preventing the NIH from imposing a standard facilities and administrative (F&A) costs rate of 15 percent until the court resolves the request for a preliminary injunction. Today's ruling was administered following three separate lawsuits from 22 State Attorneys General (including Colorado), the AAMC, and AAU in conjunction with ACE, APLU, and ten universities. While the three cases have not been consolidated, the judge considered them together at today's hearing. CU provided declarations of impact at the request of the Colorado

Attorney General in the states' lawsuit. The declarations explain the impact the proposed policy would have on biomedical research at the university.

Gender Affirming Care

On February 19, Colorado was added to a lawsuit [6] against the Executive Order "Protecting Children from Chemical and Surgical Mutilation," which would prohibit federal funds to institutions that perform gender-affirming care to those under the age of 19. Following the new lawsuit and a TRO announced with it, some of CU's clinical partners amended their policies on delivering gender-affirming care. Denver Health announced [7] patients under 19 will be able to continue to receive medication such as puberty blockers and hormone therapy and Children's Hospital of Colorado [8] announced plans to resume gender-affirming medical care, including puberty-blocking and hormone-based care. CU supports our clinical partners in their efforts to ensure we are able to treat patients in Colorado in line with the latest federal guidelines.

Finally, in response to the Executive Order "Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government [9]," the Department of Health and Human Services (HHS) released guidance and definitions [10] on February 19 regarding gender and sex. The guidance states that there are "only two sexes: male and female" and that HHS "will use these definitions and promote policies acknowledging that women are biologically female and men are biologically male." With this announcement, the federal government (which includes all federal forms) will only recognize males and females as genders.

Federal Funding

The Senate adopted a budget resolution this week on a vote of 52-48. Meanwhile, the House plans to vote on its own budget resolution next week. The Senate is taking a two-bill approach to reconciliation, the process that allows lawmakers to pass budget legislation along party-lines with a simple majority in the Senate. In contrast, the House plans to advance a single budget resolution inclusive of all the President's domestic priorities, including border security, defense, energy production, extension of the 2017 tax cuts, and \$1.5 trillion in spending cuts.

Meanwhile, the current continuing resolution (P.L. 118-158 [11]) temporarily funding federal agencies and programs expires on March 14. If lawmakers fail to pass new funding measures for Fiscal Year 2025, which began on October 1, or enact another short-term funding patch, the federal government is expected to shut down. Given the Republican majority's narrow margins in the House and Senate, lawmakers will need to advance funding legislation with Democratic support. Democratic leadership has signaled it intends to withhold its support for any funding legislation unless the administration provides assurances it will spend the money Congress appropriates.

Moreover, if Congress fails to pass new funding bills by April 30, automatic spending cuts will take effect under the *Fiscal Responsibility Act* (P.L. 118-5 [12]). CU Federal Relations will continue to closely monitor this evolving issue and provide timely updates, so the campuses may adequately prepare for potential impacts to our people and operations.

We recognize the uncertainty and worry the current federal climate may have on our campus communities. We want to assure you the Federal Relations and General Counsel teams are

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[13] [https://nam02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.cu.edu%2Foffice-](https://nam02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.cu.edu%2Foffice-government-relations%2Ffederal-relations%2Ffederal-transition-updates&data=05%7C02%7Cnatalie.barry%40cu.edu%7C12a1516ab2ea4014bd1208dd52cfc1c4%7Ce889e28)

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[14] <https://www.cu.edu/blog/government-relations/tag/federal-transition-updates>