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Federal Government Transition Update - 3.14.25 [1]

March 14, 2025 by Natalie Barry [2]

Dear Colleagues,

Please find a federal government update from our teams on recent developments.

Federal Funding

The Senate passed legislation today on a 54-46 vote to fund the federal government through September 30 and avert a shutdown at midnight. The House passed the bill, dubbed the *Full-Year Continuing Appropriations and Extensions Act, 2025* (H.R. 1968 [3]) on a 217-213 vote on March 11. The seven-month continuing resolution increases defense funding by $6 billion and decreases non-defense spending by $13 billion. It retains language prohibiting changes to F&A rates, but omits earmarks, programmatic adds, and report language, which provide important direction to the executive branch on how to spend congressionally appropriated federal funds. The absence of these provisions will afford the administration more discretion in how it spends the funds for the remainder of Fiscal Year 2025.

Office for Civil Rights Launches New Title VI Investigations

The U.S. Department of Education's Office for Civil Rights (OCR) today announced new investigations into 45 universities, including UCCS, under Title VI of the Civil Rights Act of 1964. The universities are under investigation for "allegedly engaging in race-exclusionary practices in their graduate programs." OCR's investigation centers around schools' partnering with "The Ph.D. Project [4]."

UCCS Chancellor Sobanet issued the following statement: *"Our campus was notified late Thursday that the U.S. Department of Education is investigating a complaint regarding our College of Business' use of a faculty recruiting platform, hosted by The PhD Project. At this point, we believe we have only used this platform to advertise open faculty positions, one tool of many our college uses to recruit qualified faculty. Like universities across the country, we use various platforms to seek and recruit the best teaching and research talent for our students. We are in the process of gathering additional information about this complaint and will comply with the request from the department in a timely manner. We want to say clearly, however, that UCCS does not discriminate in its recruitment or hiring practices."*

While these are unprecedented times, which can be scary and confusing, responding to OCR complaints is something University Counsel is well versed in doing on behalf of the university.

Department of Education Announces Reductions in Force

The U.S. Department of Education announced [5] on March 11 it will implement a nearly 50

percent Reduction In Force (RIF). This will reduce Department staffing from over 4,000 to roughly 2,183. All divisions within the Department are impacted, including Federal Student Aid, International and Foreign Language Education, Postsecondary Education, the Institute of Educational Sciences, and the Office for Civil Rights. The layoffs follow Secretary McMahon's promise [6] to shutter the Department as well as a February 11 executive order [7] calling for "large-scale" RIFs across federal agencies and programs. The Department of Education is among the first federal agencies to initiate its RIF, explains [8] *Politico*. The Department said it will "continue to deliver all statutory programs" including student loans, Pell Grants, and competitive grants.

Colorado joined a coalition of 20 other states on March 13 in a lawsuit [9] to stop the layoffs and prevent the "illegal dismantling" of the Department, which was created by Congress in 1979 via the *Department of Education Organization Act* (PL 96-88 [10]). APLU sent a letter [11] to Secretary McMahon to raise concern about the scale of the cuts being implemented, which will have "a drastic and immediate effect" on public universities.

Courts Order Federal Agencies to Reinstate Probationary Employees

A U.S. District Court Judge for the District of Maryland on March 13 ordered [12] 18 federal agencies, including the Departments of Agriculture, Commerce, Education, Energy, Health and Human Services, Homeland Security, Labor, State, Transportation and Treasury, to reinstate probationary employees laid off following the February 11 executive order [13] directing federal RIFs. Earlier that day, a U.S. District Court Judge for the Northern District of California ruled from the bench that the Departments of Defense, Treasury, Energy, Interior, Agriculture and Veterans Affairs must offer fired probationary employees their jobs back, reports [14] *Politico*, because the administration "shunted aside federal laws that dictate the procedures for a so-called RIF."

Political Appointments and Departures

The White House sent new nominations to the Senate for consideration on March 11. Nominees include Paul Dabbar for Deputy Secretary of Commerce; Joseph Edlow for Director of United States Citizenship and Immigration Services; Ethan Klein for Associate Director of the Office of Science and Technology Policy; Timothy John Walsh, a Coloradan, for Assistant Secretary of Energy; and more. *The Washington Post*, which is tracking appointments that require Senate confirmation, reports [15] the President has selected 235 nominees, 31 of whom have been confirmed.

Additionally, the White House withdrew former U.S. Representative Dave Weldon as its nominee to run the Centers for Disease Control and Prevention (CDC) yesterday due to growing concern about his views and congressional record on vaccines, *Politico* reports [16]. The move came hours before his Senate confirmation hearing. In addition, Shelly Lowe, Chair of the National Endowment for the Humanities, resigned her post at the request of the President this week, *The Hill* reports [17].

We recognize the challenges and uncertainty on our campuses during this time of change at the national level. We assure you the Federal Relations and General Counsel teams are monitoring developments to keep you informed. We appreciate all that you do and will continue to do for CU, and together we will navigate these changes. Please know we are here for you, and we are working closely with the President and Chancellors as well as the

Colorado congressional delegation. We encourage you to contact your campus leadership with questions. Please visit the CU System Federal Transitions Update [18] page for up-to-date communications and federal memos.

Kerry Tipper, Vice President, University Counsel??

Danielle Radovich Piper, Sr. VP External Relations and Strategy

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