



# FEDERAL UPDATE

## February 2017

The Report on Congressional & Administration Activities

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### IN THIS ISSUE

<b>WASHINGTON UPDATE</b> .....	<b>1</b>
<b>BUDGET AND APPROPRIATIONS</b> .....	<b>1</b>
<b>CONGRESSIONAL LEGISLATIVE ACTIVITY</b> .....	<b>2</b>
<b>POLICY AND REGULATORY UPDATE</b> .....	<b>5</b>
<b>ADVOCACY UPDATE</b> .....	<b>7</b>
<b>FEDERAL CAMPUS ENGAGEMENT</b> .....	<b>7</b>

### WASHINGTON UPDATE

Jan. 3 marked the first day of the 115<sup>th</sup> Congress. The California congressional delegation welcomed one new senator and five new House members: Sen. Kamala Harris (D-CA); Rep. Ro Khanna (D-CA-17); Rep. Jimmy Panetta (D-CA-20); Rep. Salud Carbajal (D-CA-24); Rep. Nanette Diaz Barragán (D-CA-44); and Rep. Lou Correa (D-CA-46). In January, the University of California (UC) Office of Federal Governmental Relations (FGR) shared with the California delegation “welcome packets” highlighting the important relationship between UC and the federal government. Additional information is included below.

On Jan. 20, Donald Trump was sworn in as the 45<sup>th</sup> president of the United States. As in prior inaugural years,

FGR compiled and shared with campus government relations directors a fact sheet about the inaugural events.

In the days following his inauguration, President Trump issued a number of executive orders, some of which have impacted the University. FGR is closely monitoring executive actions – please see below for an overview of President Trump’s immigration-related executive order and the University’s responses.

Confirmation hearings for President Trump’s cabinet nominees began on Jan. 11 and continue. As of Feb. 7, the Senate confirmed seven nominees – an overview of where each nominee stands in the process is included below. On Jan. 31, President Trump also announced Neil Gorsuch as his Supreme Court nominee.

### BUDGET AND APPROPRIATIONS

The federal government is operating under a Fiscal Year (FY) 2017 Continuing Resolution (CR) until April 28. It remains unclear whether Congress and President Trump may choose to enact a detailed package of “regular” appropriations before then, or extend the CR for the remainder of the fiscal year with limited changes to the previous year’s funding levels and directives for federal agency programs.

With a new administration and unfinished FY 2017 appropriations, the FY 2018 budget process is expected to start slowly. The President’s budget request, which is traditionally sent to Congress in early February, may not be submitted until late spring – although media reports

indicate that a “skinny budget” could come out sometime in February. Subsequently, Congressional hearings and deliberations may be similarly delayed.

### **Budget and Appropriations Advocacy**

FGR continues to advocate, in partnership with our campus and lab colleagues, for the University’s research, education and health care priorities through the budget and appropriations processes. In these efforts, we will also continue to work with partners and coalitions, including the NDD (Non-Defense Discretionary) United coalition.

For additional information, please contact Marjorie Duske at [Marjorie.Duske@ucdc.edu](mailto:Marjorie.Duske@ucdc.edu) or 202-974-6306; Carolyn Henrich at [Carolyn.Henrich@ucdc.edu](mailto:Carolyn.Henrich@ucdc.edu) or 202-974-6308; or Julie Clements at [Julie.Clements@ucdc.edu](mailto:Julie.Clements@ucdc.edu) or 202-974-6309.

## **CONGRESSIONAL LEGISLATIVE ACTIVITY**

### **Affordable Care Act**

President Trump and Republican leaders have announced repeal of the Affordable Care Act (ACA) and passage of an alternative health care measure as one of their top policy priorities. Senate and House budget resolutions passed on Jan. 12 and 13, respectively, triggered the budget reconciliation process necessary to repeal many provisions of the ACA. Republicans have not yet presented an alternative health care bill and it remains unknown when that measure will be introduced or go into effect.

UC, having supported the ACA primarily because of provisions promoting health care coverage and affordability by way of expanded Medicaid; federal subsidies for the purchase of health care insurance through state marketplaces; and commercial insurance market regulations, maintains any repeal of the ACA must be followed with simultaneous implementation of an alternative health care measure that builds on the ACA’s strengths, thereby ensuring Americans have equivalent or better access to affordable health care. Also, any alternative health care legislation must make UC Health “whole,” thereby reinstating uncompensated care funds and hospital inflationary updates that UC Health relied on prior to enactment of the ACA so UC Health can remain a vital safety net for vulnerable patient populations.

Just a few hours after being sworn in to office, President Trump issued an executive order titled “[Minimizing the Economic Burden of the Patient Protection and Affordable Care Act Pending Repeal](#).” While the executive order does not refer to any specific provisions of the ACA, it states an intention to afford states more flexibility in carrying out the ACA. There are numerous potential actions that could be taken with respect to the ACA and FGR is assessing them and their potential impact.

FGR will continue to monitor the Trump administration and specifically the actions of the Department of Health and Human Services to determine what provisions may be affected by executive orders, as well as what their effects on UC Health’s delivery of health care services and its patient population. In conjunction with UC Health, FGR is actively coordinating an advocacy response to an ACA repeal and alternative legislation with its leadership and government relations directors, in addition to collaborating with numerous national partners, including the American Hospital Association, Association of American Medical Colleges,

California Hospital Association and America's Essential Hospitals. For additional information, please contact Julie Clements at [Julie.Clements@ucdc.edu](mailto:Julie.Clements@ucdc.edu) or 202-974-6309.

### **H.R. 589, the Department of Energy (DOE) Research and Innovation Act, passed House**

In late January, the House passed [H.R. 589](#), the Department of Energy (DOE) Research and Innovation Act, which represents bipartisan and bicameral efforts from last Congress to reauthorize DOE Office of Science research programs. H.R. 589 improves technology transfer activities at the national labs and reauthorizes major research collaborations such as the Energy Innovation Hubs and the Energy Frontier Research Centers, several of which include UC campus researchers as principal investigators and research partners. The bill also makes changes to help the Advanced Research Projects Agency-Energy (ARPA-E) partner with private companies on research projects. H.R. 589 does not, however, authorize funding levels for these programs, as UC, other universities and the scientific community have consistently advocated. In the coming months, FGR will continue to work for the highest possible funding levels for the DOE Office of Science programs. For additional information, please contact Chris Carter at [Chris.Carter@ucdc.edu](mailto:Chris.Carter@ucdc.edu) or (202) 974-6310.

### **Cabinet Nominations (as of Feb. 7)**

On Jan. 10, **Gen. John F. Kelly** appeared before the Senate Homeland Security and Governmental Affairs Committee for a hearing on his nomination to be secretary of the Department of Homeland Security. FGR worked with Sen. Harris' staff on questions about the Deferred Action for Childhood Arrivals (DACA) program. Gen. Kelly told the committee that non-violent, law abiding individuals would continue to not be a high priority for deportation. On Jan. 20, the Senate voted 88-11 to confirm Gen. Kelly. Sen. Feinstein voted in favor and Sen. Harris voted against confirmation.

On Jan. 10, **Sen. Jeff Sessions** (R-AL) appeared before the Senate Judiciary Committee for a hearing on his nomination to be attorney general. FGR worked with Sen. Feinstein's staff on questions about the DACA program. Confirmation hearings continued on Jan. 11. The Senate has not voted on the nomination.

On Jan. 11, **Rex W. Tillerson** appeared before the Senate Foreign Relations Committee for a hearing on his nomination to be secretary of the Department of State. On Feb. 1, the Senate voted 56-43 to confirm Tillerson. Sens. Feinstein and Harris voted against the nomination.

On Jan. 11, **Elaine Chao** appeared before the Senate Commerce, Science and Transportation Committee for a hearing on her nomination to be secretary of the Department of Transportation. On Jan. 31, the Senate voted 93-6 to confirm her. Sens. Feinstein and Harris voted in favor of the nomination.

On Jan. 12, **Gen. James Mattis** appeared before the Senate Armed Services Committee for a hearing on his nomination to be secretary of the Department of Defense. On Jan. 20, the Senate voted 98-1 to confirm General Mattis. Sens. Feinstein and Harris voted in favor of the nomination.

On Jan. 12, **Rep. Mike Pompeo** (R-KS-4) appeared before the Senate Intelligence Committee for a hearing on his nomination to be director of the Central Intelligence Agency. On Jan. 20, the

Senate voted 66-32 to confirm Rep. Pompeo. Sen. Feinstein voted in favor and Sen. Harris voted against the nomination.

On Jan. 12, **Ben Carson** appeared before the Senate Banking, Housing and Urban Affairs Committee for a hearing on his nomination to be secretary of the Department of Housing and Urban Development. The Senate has not voted on the nomination.

On Jan. 17, **Betsy DeVos** appeared before the Senate Health, Education, Labor and Pensions Committee for a hearing on her nomination to be secretary of the Department of Education. Committee Republicans strongly supported DeVos, but Committee Democrats highlighted her lack of experience and potential conflicts of interest. FGR worked with Sen. Patty Murray's (D-WA) staff on questions that were asked about the Higher Education Act, Title IX and sexual assault, Pell Grants and student loans, among other topics. The Senate confirmed DeVos on Feb. 7 in a vote of 51-50, with the tiebreaking vote cast by Vice President Mike Pence. Sens. Feinstein and Harris voted against the nomination.

On Jan. 17, **Rep. Ryan Zinke** (R-MT-at-large) appeared before the Senate Energy and Natural Resources Committee for a hearing on his nomination to be secretary of the Department of Interior. The Senate has not voted on the nomination.

On Jan. 18, **Wilbur Ross** appeared before the Senate Commerce, Science and Transportation Committee for a hearing on his nomination to be secretary of the Department of Commerce. The Senate has not voted on the nomination.

On Jan. 18, **Rep. Tom Price** (R-GA-6) appeared before the Senate Health, Education, Labor and Pensions Committee for a hearing on his nomination to be secretary of the Department of Health and Human Services. The Senate Finance Committee held a second confirmation hearing on Jan. 24. The Senate has not voted on the nomination.

On Jan. 18, former **Gov. Nikki Haley** (R-SC) appeared before the Senate Foreign Relations Committee for a hearing on her nomination to be representative of the U.S. to the United Nations. On Jan. 24, the Senate voted 96-4 to confirm Gov. Haley. Sens. Feinstein and Harris voted in favor of the nomination.

On Jan. 18, **Scott Pruitt** appeared before the Senate Environment and Public Works Committee for a hearing on his nomination to be administrator of the U.S. Environmental Protection Agency. The Senate has not voted on the nomination.

On Jan. 19, former **Gov. Rick Perry** (R-TX) appeared before the Senate Energy and Natural Resources Committee for a hearing on his nomination to be secretary of the Department of Energy. The Senate has not voted on the nomination.

On Jan. 19, **Steven Mnuchin** appeared before the Senate Finance Committee for a hearing on his nomination to be secretary of the Department of the Treasury. The Senate has not voted on the nomination.

On Jan. 24, **Rep. Mick Mulvaney** (R-SC-5) appeared before the Senate Budget Committee for a hearing on his nomination to be director of the Office of Management and Budget. The Senate has not voted on the nomination.

On Jan. 24, **Linda McMahon** appeared before the Senate Small Business and Entrepreneurship Committee for a hearing on her nomination to be administrator of the Small Business Administration. The Senate has not voted on the nomination.

On Feb. 1, **David Shulkin** appeared before the Senate Veterans' Affairs Committee for a hearing on his nomination for secretary of the Department of Veterans Affairs. Hearings are scheduled to continue on Feb. 7.

On Feb. 7, **Andy Puzder** is scheduled to appear before the Senate Health, Education, Labor and Pensions Committee for a hearing on his nomination for secretary of the Department of Labor.

As of Feb. 7, congressional hearings for the following nominees have not been scheduled: Gov. **Sonny Perdue** (R-GA), nominee for secretary of the Department of Agriculture; former Sen. **Dan Coats** (R-IN), nominee for director of national intelligence; and **Robert Lighthizer**, nominee for U.S. trade representative.

## **POLICY AND REGULATORY UPDATE**

### **Immigration-Related Executive Orders**

On Jan. 27, President Trump signed an executive order related to immigration that includes provisions that impact international students and scholars at UC campuses. The executive order "[Protecting the Nation from Foreign Terrorist Entry into the United States](#)" outlines the "increased vetting" President Trump promised during his campaign.

Provisions in the executive order that could potentially affect foreign nationals at UC include:

- Restrict entry into the U.S. for 90 days for individuals from seven countries – Iran, Iraq, Libya, Somalia, Sudan, Syria and Yemen.
- Direct the secretary of the Department of Homeland Security (DHS), secretary of the Department of State and the director of national intelligence to evaluate if countries do or do not provide sufficient information about visa applicants to the U.S. to vet them for terrorism risk. Countries determined to not be providing sufficient information will be given 60 days to improve, and if after that, they are still not up to par, DHS, in consultation with the State Department, will produce a list of those countries and the president will prohibit foreign nationals of those countries from entering.
- Accelerate the development of a biometric-based "entry-exit" tracking system.
- Suspend immediately the Visa Interview Waiver Program and instead require in-person interviews for all non-immigrant visa applicants, subject to specific statutory exceptions.
- "Adjust" visa reciprocity agreements to assure they are truly reciprocal in terms of fees, validity periods and other provisions.

UC has actively opposed the "Protecting the Nation from Terrorist Entry into the United States" executive order through the following actions:

- UC President Janet Napolitano and the 10 university chancellors issued a [statement](#) expressing UC's deep concern with the executive order; the University also issued [guidance](#) for the UC community. FGR electronically shared both of these documents with the California congressional delegation and has been in direct contact with select offices.
- The University of California system signed onto the [American Association for the Advancement of Science-led letter](#) of opposition, along with 170 scientific societies and other universities, which details the potential challenges to the U.S. science and engineering capacity as a result of the executive order.
- President Napolitano joined more than 100 national security leaders in signing onto a [letter](#) to senior government officials urging agencies to push for a reversal to the executive order.
- UC expressed support to all members of the California congressional delegation for House and Senate legislation to rescind the order: [S. 240](#) in the Senate – introduced by Sen. Dianne Feinstein (D-CA) and co-sponsored by Sen. Kamala Harris (D-CA), among others – and [H.R. 724](#), the Statue of Liberty Values (SOLVE) Act, in the House – introduced by Reps. Zoe Lofgren (D-CA) and John Conyers, Jr. (D-MI) and co-sponsored by a majority of the California delegation. UC encouraged immediate action on the legislation and also requested that those who had not yet co-sponsored the legislation, consider supporting it.
- UC Office of the President put together [a system-wide website](#) that provides news, resources and support for those affected by President Trump's executive orders on immigration.

This issue is of great concern to the University of California, which enrolled more than 500 students on its ten campuses from the affected countries in fall 2016. Specifically, the executive order restricts the ability of our students, faculty, staff and other members of the UC community from being able to study, teach and conduct research – the fundamentals that make up the core of UC's mission as a public research institution.

In addition to the recent immigration-related executive orders, there have been reports that President Trump might also issue executive orders to end the Deferred Action for Childhood Arrivals (DACA) program; make a number of changes to H-1B and other employment-based visas; and address the costs to the federal government of "aliens" (legal and illegal) receiving federal means-tested public benefits. As of Jan. 31, these orders had not been issued.

As we learn more about the impact these potential actions will have on our campuses, the progress of the legislation to rescind the executive order or any other actions, we will provide updates. For additional information, please contact Carolyn Henrich at [Carolyn.Henrich@ucdc.edu](mailto:Carolyn.Henrich@ucdc.edu) or 202-974-6308.

### **Addressing Sexual Violence and Sexual Assault on College Campuses**

In early January, then-Vice President Joe Biden made one last appeal in his capacity as vice president to college administrators to fight back against campus sexual assault, leaving a strong parting message from an administration that heavily advocated for sexual assault prevention and response efforts in recent years.

Biden sent a [letter](#) to college presidents highlighting the importance of “creating an environment where all students are treated with dignity and respect; where men and women feel empowered to step up and speak out against sexual violence; and where survivors of sexual assault no longer feel ashamed to come forward and ask for the help they desperately want and deserve.”

In January, the Obama White House also released a [guide](#) for college administrators, which outlines best practices on the issue. The recommendations include activities already underway at UC such as: establishing a coordinated campus and community response to cases of sexual misconduct; implementing ongoing prevention and education programs; adopting a clearly defined grievance process; encouraging and facilitating the reporting of sexual misconduct; conducting regular campus-climate surveys to assess the problem at individual schools; and encouraging transparency.

Shortly after the White House actions, Sens. Robert Casey (D-PA) and Patty Murray (D-WA) sent a [letter](#) to then-President-elect Donald Trump, asking that he preserve guidance the Department of Education outlined for institutions of higher education, which provided them with important tools they need to address sexual assault on campuses. For additional information, please contact Carolyn Henrich at [Carolyn.Henrich@ucdc.edu](mailto:Carolyn.Henrich@ucdc.edu) or 202-974-6308.

## ADVOCACY UPDATE

### **115<sup>th</sup> Congress Welcome Packets**

On Jan. 25, FGR delivered individual member-specific packets to the California congressional delegation welcoming them to the first session of the 115<sup>th</sup> Congress and highlighting the University’s valuable relationship with the federal government. In addition, UC FGR electronically shared that information with the chiefs of staff, legislative directors, press secretaries and all legislative assistants across the California congressional delegation, connecting with more than 300 congressional staff. The packets included the following documents:

- [Letter](#) from President Napolitano to the California congressional delegation;
- [UC at a Glance](#) fact sheet; and
- UC in your district [legislative district maps](#) (targeted for each office).

## FEDERAL CAMPUS ENGAGEMENT

- On Jan. 10, Reps. Mike Thompson (D-CA-5), Mark DeSaulnier (D-CA-11), Barbara Lee (D-CA-13), Debbie Dingell (D-MI-12) and Donald Norcross (D-NJ-1), attended the “The Future of Work, Wages and Labor” event at the **UC Berkeley Labor Center**.
- On Jan. 17, Rep. Mark Takano (D-CA-41) held a town hall meeting at **UC Riverside**.

**Federal Update**

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***For more information on the items in this report or on federal governmental relations activities, please contact the Office of Federal Governmental Relations***