



# FEDERAL UPDATE

## January 2015

The Report on Congressional & Administration Activities

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### WASHINGTON UPDATE

January was an active month with the convening of the 114th Congress, several advocacy events occurring and regulatory issues being addressed. In addition to the election of congressional leaders, each chamber began the process of organizing their committees. Highlights about the organization of the 114th Congress are included below.

Additionally in January, President Barack Obama delivered his State of the Union where he highlighted his budget

proposals and initiatives for the upcoming year. Details about the President's speech and how they relate to the priorities of the University are below.

January also saw a significant amount of activity around federal regulations including comments to White House on additional executive actions that can be taken to address immigration and comments on the recently proposed teacher preparation rules. Additional comment periods on regulations are coming due in early February. Highlights about these regulations and comment periods are below.

### CONGRESSIONAL LEGISLATIVE ACTIVITY

#### **Convening of the 114<sup>th</sup> Congress**

On January 6th, the House and Senate convened the 114th Congress and elected their leaders. In the Senate, Mitch McConnell (KY) was named Majority Leader and John Cornyn (TX) will serve as Majority Whip. John Thune (SD) will serve as conference chairman and John Barrasso (WY) will serve as chairman of the Republican Policy Committee. For the Democrats, Harry Reid (NV) will serve as Minority Leader and Richard Durbin (IL) will serve as Minority Whip. In the House John Boehner (OH) will continue to serve as Speaker of the House, Kevin McCarthy (CA) will serve as Majority Leader, and Steve Scalise (LA) will serve as Majority Whip. For the Democrats, Nancy Pelosi (CA) will remain Minority Leader, Steny Hoyer (MD) as Minority Whip, and Jim Clyburn (SC) as Assistant Leader. Xavier Becerra (CA) will remain as the Chairman of the House Democratic Caucus. Following the election of the leaders, the House and Senate Committees are currently holding their organizational meetings. This process should be completed within the upcoming weeks. Following the conclusion of this process legislative action, including congressional hearings, are expected to begin in earnest.

#### **President Obama's State of the Union Address**

On January 20, President Obama gave his [2015 State of the Union](#) address. He spoke to a number of education, research and healthcare related issues. In his speech, the President

highlighted his proposal to make community college free for students for two years, to simplify, consolidate and expand education tax benefits to improve college affordability, and to simplify the student aid application (FAFSA) so that more students take advantage of financial aid. Additionally, the President spoke about the need for America to invest in research and development while citing precision medicine and the BRAIN Initiative as examples of where significant growth and progress can occur. Advanced manufacturing was an additional issue that the President highlighted urging for the continuation in support and development of manufacturing institutes and funding for start-ups.

### **Patent Legislation**

Legislation to target patent “trolls” is expected to be considered in Congress again this year. As soon as the first week of February, House Judiciary Chairman Bob Goodlatte (R-VA) plans to introduce a bill that would be the same as HR 3309, the “Innovation Act,” which passed the House in late 2013. Senate Judiciary Committee Chairman Grassley (R-IA) has also included patent reform on the committee’s agenda for 2015.

UC will continue to work with all stakeholders in an effort to ensure that as legislation to address patent litigation abuses moves through Congress, it also protects the rights of good faith patent holders, including UC and other universities trying to commercialize discoveries. For more information, contact Marjorie Duske at [Marjorie.Duske@ucdc.edu](mailto:Marjorie.Duske@ucdc.edu) or 202-974-6306, or Kamala Lyon at [Kamala.Lyon@ucdc.edu](mailto:Kamala.Lyon@ucdc.edu) or 202-974-6312.

## **POLICY AND REGULATORY UPDATE**

### **New Pell Grant Maximum Award Announced**

The Department of Education (ED) released its Pell Grant Disbursement Schedule for the 2015-16 award year, which begins on July 1, 2015. This is the official accounting for Pell Grants, and ED has announced that the maximum grant will be \$5,775. This new total includes the mandated, annual automatic consumer price index (CPI)-adjusted increases, and represents a \$45 increase above the 2014-15 maximum award.

This new total is below the \$100 increase that had been estimated in the President’s FY 2015 budget request, the Senate appropriations subcommittee bill, and the Continuing Resolution that extended federal spending through December 11th last year. Even after the final FY 2015 spending bill was enacted in December, the Department released its initial estimate and showed the increase in the Pell grant maximum award to be \$120 over last year, projecting a total of \$5,850.

As a result, when the official payment schedule confirmed the lower maximum Pell award, advocates were disappointed. According to ED, “The amount of change varies with the CPI for the preceding calendar year. That ended Dec. 31. The final CPI for 2014 came out in mid-January – two weeks ago. Good news is that inflation grew at the lowest rate in a half dozen years and way below the OMB estimate. Bad news is that Pell max will go from \$5,730 to \$5,775 in 2015-16 school year. Only up \$45.” For additional please contact Carolyn Henrich at [Carolyn.Henrich@ucdc.edu](mailto:Carolyn.Henrich@ucdc.edu) or 202-974-6308.

**UC Submits Comments on Education Policy**

UC has responded recently to a number of calls for public comment on important higher education issues. UC sees responding to such requests and offering recommendations for how policies, regulations and rules can be improved, as an important advocacy role for the University.

**White House Request for Information (RFI) on Visa and Reforms**

The White House requested public comments on actions that the President and federal agencies could take administratively to ease the processing of immigration-related rules, as part of the executive actions on immigration President Obama announced last November. The President sent a memorandum to the heads of executive departments and agencies on the subject of modernizing and streamlining the U.S. immigrant and nonimmigrant visa system, and the call for comment is seen as a way to help inform the development of such recommendations. The comments and recommendations may be accessed [here](#).

Across our ten campuses, UC enrolls more than 32,000 international students and employs more than 10,000 international faculty and academics, and UC's international students and scholars make a net financial contribution to the state's economy of nearly \$1.3 million. Our campuses offered a number of recommendations for how the visa approval and renewal processes could be streamlined to save time, ease some of the current backlog in processing, and increase efficiency and accountability.

**Federal Comments on Teacher Preparation Issues**

In November 2014, the Department of Education issued a Notice of Proposed Rulemaking (NPRM) for teacher preparation programs, which aimed to improve the quality and accountability of teacher preparation programs around the country. However, as proposed, the rules would impose extraordinary costs and administrative challenges on the teacher education programs for the UC Schools and Departments of Education and the California Department of Education, and neither California nor UC has the infrastructure or program capacity to comply with the rule as proposed. The rule does not acknowledge different states' current approaches to evaluation of teacher preparation programs, and as a result, all of UC's teacher preparation programs would be rated as "low-performing" according to the proposed rule.

UC fully embraces the goal of high quality teacher preparation across the United States and strongly endorses the adoption of program outcomes as one important means of judging program quality. However, our campuses expressed concern that the regulatory changes proposed by ED are flawed in certain principal respects that would compromise UC's ability to sustain and improve high-quality programs.

UC outlined its concerns to ED and suggested that the Department set up a pilot test in states that are well positioned to use state-level data as a means of differentiating among programs of teacher education, and test the reliability and validity of the proposed approach. This would help other states to learn how best to use multiple measures of effectiveness to enhance program quality before imposing an accountability system that has not been validated under more low-stakes conditions.

## **Federal Comments on the Department of Education Draft Framework for the College Ratings System**

President Obama directed the Department of Education to develop and publish a new college ratings system by the 2015-16 school year that would recognize institutions that are succeeding at enrolling students from all backgrounds, improving affordability, and helping students graduate on time. In December 2014, ED released a draft framework for the ratings system and asked for public comment. The purposes of the ratings system is to help colleges and universities measure and improve across shared principles of access, affordability, and outcomes; provide better information about college value to students and families as they select institutions; and generate reliable and useful data for policymakers and the public to use in holding colleges and universities accountable for key performance measures.

President Napolitano has been in close discussion with the Department of Education Under Secretary Ted Mitchell about this issue, and UC is coordinating a system wide response through the Office of Federal Governmental Relations, IRAP, IMPAC, Student Affairs, and Academic Affairs. Comments are due on February 17, 2015.

In general, UC supports efforts to increase transparency; provide family and students with information when selecting an institution for higher education; and, ensure that taxpayer funded student financial aid is directed to institutions that show success in the areas of access, affordability and accountability. It is sensible for the federal government to set minimal standards that assess institutional performance, which can help students and their families who want help in making higher education decisions.

UC does very well when it comes to scorecards and ratings (given our campuses' performance in Washington Monthly, US News and World Reports, Kiplinger or Shanghai Jiao Tong University world rankings, as examples) and will continue to work with ED in developing metrics.

For additional information about UC's comments on education policy please contact Carolyn Henrich at [Carolyn.Henrich@ucdc.edu](mailto:Carolyn.Henrich@ucdc.edu) or 202-974-6308.

## **FAA Policy and Regulation of Drones**

For several months, FGR has been working closely with ORGS, UC General Counsel, our campus colleagues and UC's peer institutions through AAU and APLU, on issues related to the Federal Aviation Administration's (FAA) plans to craft new regulations governing the use of small unmanned aircraft systems (sUAS), commonly called drones. The FAA is expected to release a proposal soon; however the agency has acknowledged that a final rule may not be in place for up to two years. In the interim, UC researchers and other sUAS operators on our campuses are likely to require assistance navigating what is a confusing and rapidly evolving regulatory landscape for the use of these technologies.

Many researchers and sUAS operators complain that the current FAA process to authorize drone use is cumbersome and inefficient, and is hindering both research and the educational use. There is also some indication the FAA believes that some operators are now violating their prescribed authorizations, and the agency may take more aggressive enforcement actions. One avenue of relief being pursued by commercial sUAS operators (such as the film industry) is called a Section 333 exemption petition. The FAA is encouraging "umbrella" petitions by like-

users as a way of gaining approval to operate drones for various purposes. Due to the technical nature of the filing process, AAU and APLU are now working with a Washington, DC law firm to coordinate Section 333 petitions for member universities. The University of California has indicated its initial interest in being a part of this effort, although, several questions about cost and other issues remain.

The stakes are high for universities and the federal government. High-profile news stories of drone use (and abuse) among the public at large now color the policy discussion in Washington, even as commercial sUAS manufacturers and operators petition Congress and the Administration for swifter loosening of restrictions on their use. Unmanned systems are a potentially lucrative U.S. industry, so the FAA is charged with striking a balance between their integration into the national airspace and the need for public safety. Congress has already held two hearings this year – the House Transportation and Infrastructure Committee concerning FAA certification processes (including sUAS operation), and the House Science, Space and Technology Committee concerning sUAS research and development issues. The Science Committee’s hearing was most relevant to university sUAS operator concerns, with members demonstrating a growing awareness of both the rapid pace of technologies and applications, and the regulatory hurdles faced by both.

FGR will continue to work closely with UC and external stakeholders on both the legislative and rulemaking processes, and on interim efforts to facilitate UC research and other operations involving sUAS to be conducted. For more information, contact Chris Carter at [Chris.Carter@ucdc.edu](mailto:Chris.Carter@ucdc.edu) or 202-974-6310.

## ADVOCACY UPDATE

### **President Napolitano Updates Congressional Leaders about UC’s Efforts to Combat Sexual Assault and Violence**

In late January, following the UC Board of Regents Meeting, President Napolitano notified congressional leaders about the work and goals the University of California has completed in addressing sexual assault and violence on campuses. In a letter sent to thirteen members of Congress, President Napolitano provided them with a copy of the [Report to the President: President’s Task Force on Preventing and Responding to Sexual Violence and Sexual Assault – PHASE II, January Milestones](#) and highlighted the recommendations that the task force successfully implemented, including the creation of a confidential student advocate and support office on each UC campus. The letter also highlighted the creation of the [systemwide website](#) to provide students with resources and information related to sexual assault and violence. For further information, please contact Carolyn Henrich at [Carolyn.Henrich@ucdc.edu](mailto:Carolyn.Henrich@ucdc.edu) or 202-974-6308.

### **President Napolitano Engages with Congressional and Association Leaders**

In mid-January, UC President Janet Napolitano traveled to Washington DC to engage with elected officials and national associations to update them on the work of the University. President Napolitano met with leadership from the Center for American Progress to highlight the UC Presidential Initiatives and to discuss opportunities for ongoing engagement. Additionally, President Napolitano met with Department of Education Under Secretary Ted Mitchell to discuss the college ratings system, the proposed rule on teacher preparation, and the Department of

Defense’s Tuition Assistance (TA) Program. In addition, President Napolitano met with Senator Michael Bennet (D-CO) to discuss the Senator’s proposed legislation to simplify the FAFSA and the federal student aid process. Also, President Napolitano met with Senator Elizabeth Warren (D-MA) to discuss the Senator’s efforts to strengthen student-consumer protections and to provide an update on the work of the University to combat sexual assault and violence on college campuses.

**UC Hosts Congressional Briefing on Brain Research**

On January 29, UC FGR hosted a Capitol Hill briefing for the California congressional delegation, other congressional leaders and federal agency officials, entitled “Navigating and Comprehending the Human Brain.” The briefing featured presentations from Dr. Cameron Carter, director of the Center for Neuroscience and the Imaging Research Center, UC Davis; Dr. Christopher Giza, director of the Steve Tisch BrainSPORT Program, UCLA; and Dr. Bruce Miller, director of the Memory and Aging Center, UCSF. The event was moderated by David Moore, senior director of government relations for the Association of American Medical Colleges. Prior to the briefing Doctors Carter, Giza and Miller met with representatives from the offices of Leader Pelosi, Congresswoman Matsui, Congressman Lieu and the House Appropriations Committee to advocate for support for federal medical research programs in the National Institutes of Health, National Science Foundation and Department of Defense. Briefing materials including the speaker presentations and a fact sheet on ongoing brain related research at UC are available [here](#). For further information, please contact Shoshana Derrow at [Shoshana.Derrow@ucdc.edu](mailto:Shoshana.Derrow@ucdc.edu) or 202-974-6309.

**Federal Update**

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