



December 20, 2019

Stephanie Valentine
PRA Coordinator
Director of the Information Collection Clearance Division
Department of Education
550 12th Street, SW, PCP, Room 9089
Washington, D.C. 20202-0023

Mr. Paul Ray
Acting Administrator
Office of Information and Regulatory Affairs
Office of Management and Budget
Eisenhower Executive Office Building
1650 Pennsylvania Avenue, NW
Washington, DC 20503

Dear Ms. Valentine and Mr. Ray,

As president of the Association of Public and Land-grant Universities (APLU), I write to urge the Office of Management and Budget to reject the Department of Education's request for emergency review of the new proposed Information Collection Request (ICR) on Foreign Gifts and Contracts Disclosures published in the Federal Register by the Department on December 17, 2019, Docket No. [ED-2019-ICCD-0154](#).

APLU is a research, policy, and advocacy organization dedicated to strengthening and advancing the work of public universities in the U.S., Canada, and Mexico. With a membership of 243 public research universities, land-grant institutions, state university systems, and affiliated organizations, APLU's agenda is built on the three pillars of increasing degree completion and academic success, advancing scientific research, and expanding engagement. Annually, member campuses enroll 4.9 million undergraduates and 1.3 million graduate students, award 1.3 million degrees, employ 1.3 million faculty and staff, and conduct \$44.9 billion in university-based research.

The Department of Education is requesting OMB to conduct an "emergency review" of its proposed information request, which means the time for public comment is severely curtailed from the normal process. The shortened timeframe does not allow enough time for thoughtful and meaningful submission and review of comments. We also do not agree that this instance meets the criteria for an "emergency review". Under federal guidance regarding the Paperwork Reduction Act (PRA) (<https://pra.digital.gov/clearance-types/>), an "emergency review" is "a rare type of approval granted only when there is a time-sensitive need for the collection based on very specific criteria for reasons outside of the agency's control." A collection is only eligible for this type of approval if the standard PRA approval process would cause likely public harm or missing a court-ordered or statutory deadline.

APLU member institutions take seriously their responsibility to ensure transparency around their relationships with foreign entities. Institutions develop these relationships to expand educational opportunities for both domestic and international students and enhance scientific collaborations that advance research strengthening our nation's health and economic competitiveness. Given the public need and the increased interest by members of Congress, we understand the Department's new focus to ensure Section 117 compliance. But the Department needs to provide further clarity and appropriate time to adopt needed business operation changes to ensure universities are able to appropriately respond. We urge the Department of Education to work collaboratively with the higher education community to develop clear requirements that balance the interests of appropriate transparency and the complicated nature of reporting.

We also support two comments that were filed by the American Council on Education that expand on how the Department of Education fails to meet the requirements for emergency review and other statutory concerns. To this end, I respectfully urge OMB to allow for the full 30-day comment period and reject the Department's request.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter McPherson", written over a light blue horizontal line.

Peter McPherson
President, APLU