



March 10, 2020

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

**RE: Agency Information Collection Request – Foreign Gift and Contracts Disclosure –  
Docket No. ED-2019-ICCD-0114**

Dear Ms. Valentine,

As president of the Association of Public and Land-grant Universities (APLU), I write to offer comments on the proposed Agency Information Collection Request – Foreign Gift and Contracts Disclosure – Docket No. ED-2019-ICCD-0114 published in the Federal Register on February 10, 2020.

APLU is a research, policy, and advocacy organization dedicated to strengthening and advancing the work of public universities. With a membership of over 200 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, our U.S. member campuses enroll 4.3 million undergraduates and 1.2 million graduate students, award 1.2 million degrees, employ 1.1 million faculty and staff, and conduct \$46.8 billion in university-based research.

We appreciate that the Department has made a number of clarifying changes to its 2019 *Information Collection Request* proposal, but questions still remain. Institutions still question the need to include individual tuition and student fee payments as reportable transactions under Sec. 117. Tuition payments are a regular and fully appropriate operational actions made by all students, both international and domestic. To imply through regulation that tuition payments fall into the category of possible undue foreign influence is simply wrong. In fact, we know there are members of Congress currently working on legislation that would specifically exclude tuition payments from Sec. 117 reporting, recognizing such payments are wholly distinct from areas that are of rightful concern. Tuition payments do not influence curricular decisions or research priorities.

Universities also have significant concerns about the *Information Collection Request* requirement to report personally identifiable data of foreign donors without significant protections for the privacy of these donors. As a reminder, Sec. 117 currently provides that institutions are to report “the aggregate dollar amount of such gifts attributable to a particular country. The country to which a gift is attributable is the country of citizenship, or if unknown, the principal residence for

a foreign source who is a natural person.” The personal information is only required if the individual’s citizenship is unknown. The Department’s proposal to require reporting of the name and address of every foreign donor could have a significant chilling effect on the willingness of individual international donors to give to U.S. colleges and universities, especially if individuals are from countries that may have more restrictive views on religious and academic freedoms.

We also support comments that were filed by the American Council on Education that expand on concerns about the reporting of personally identifiable data and confidentiality of donors and legal definitions involving institutions and foundations.

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. Yet the Department’s reinterpretation of reporting responsibilities under Section 117 has created an unneeded adversarial environment between institutions and the Department. Indeed, the Department has launched investigations and made statements to the media about institutions that have voluntarily done their own audits and come forward to correct past reporting errors.

Institutions need cooperative advice and appropriate time to adopt needed business operation changes to ensure they are able to appropriately respond to, and comply with, a regulation the Department has never previously enforced. 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 very complicated nature of these reporting requirements, which the Department is proposing to expand significantly.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter McPherson". The signature is fluid and cursive, written in a professional style.

Peter McPherson  
President, APLU