



Tennessee Independent Colleges and Universities Association
555 Marriott Drive, Suite 315, Nashville, Tennessee 37214
615-242-6400, ext. 201
Office of the President

November 1, 2019

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

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

Dear Agency Officers,

The Tennessee Independent Colleges and Universities Association (TICUA) is an association of 34 nonprofit regionally accredited colleges and universities. TICUA concerns itself with the impact of federal regulations, policies, and practices on the administrative burden its member institutions.

TICUA and its members understand the importance of assuring accurate disclosure of the information required by Section 117 of the Higher Education Act. We share the commitment to seek to avoid undue foreign influence in the conduct of vital research and education at U.S. institutions of higher education, and to transparency in the conduct of such activities. Working with our member institutions, we are striving to find the necessary balance between maintaining an open academic culture and adopting to evolving disclosure practices. We are, however, concerned that the Department of Education's (ED) proposed information collection will not enhance accomplishment of these goals, and unfortunately may have the opposite effect.

We appreciate that ED is seeking to facilitate the collection of the statutorily required information through development of a separate information collection instrument that will be submitted electronically. We also appreciate that ED has sought to use the e-App application for Approval to Participate in Federal Student Aid Programs for this purpose but has found it to be unsuitable. We encourage ED to work with the regulated community to develop an electronic system for the collection of information that minimizes administrative burden associated with the submission of the information. Such a system should include the capability to upload information via csv or similar formats that facilitate bulk submissions, and to make corrections or updates to previously submitted reports.

We note that the documents published by ED related to the information collection request are inconsistent with regard to the statutorily mandated \$250,000 threshold for reporting foreign gifts and contracts. The Federal Register Notice and the second paragraph of Part 1 in the Supporting Statement reference the \$250,000 threshold. Part 2 of the Supporting Statement, however, states that "The plain language and Congressional purpose of Section 117 is for the institutions subject to this

information request to disclose fully **all** (emphasis added) foreign money funneled to them, and for this information to be made readily available to the public.” We urge ED to clarify this inconsistency and define what is meant by “all.” If in fact the intent is to collect information on all foreign gifts, tuition payments, and contracts regardless of amount, ED needs to cite the legal authority for departing from the statutorily mandated threshold.

Another of our main concerns is the burden of the proposed enhanced information collection particularly with regard to the posting requirement. The ED estimate of 10 hours to complete the required reporting is an extreme underestimate. We understand from some of our member institutions that the **existing** hour burden of Section 117 filing is at least several times that. The cost and resource implications are substantial. This again appears to run counter to the government’s goal of reducing administrative burdens.

Please know, too, that we share many of the concerns and recommendations expressed in the comment letter submitted to ED by the American Council on Education. We believe the goal of streamlining and modernizing Section 117 reporting would benefit greatly from stakeholder input and would improve ED’s insight into foreign funding coming to institutions. We urge ED to consider deferring the proposed information collection and consulting more widely with representatives of the higher education community. The Federal Demonstration Partnership is one forum that could be helpful. We stand ready to participate in this process.

Respectfully,

A handwritten signature in cursive script that reads "Claude Pressnell".

Dr. Claude Pressnell
President