



Council On Governmental Relations

*An Association of Research Institutions*

March 11, 2020

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

Dear Ms. Valentine,

Subject: [Docket No. ED-2019-ICCD-0114](#).

I am writing to you on behalf of the Council on Governmental Relations (COGR), an association of 188 research universities and affiliated academic medical centers and independent research institutes. COGR concerns itself with the impact of federal policies and regulations on its member institutions.

COGR institutions take concerns about foreign influence very seriously, as well as the responsibility to be transparent about their relationships with foreign entities. And while we recognize the changes that the Department made to its 2019 Information Collection Request proposal, questions and concerns remain, as expressed in the comments submitted by the American Council on Education, which we have joined.

In particular, with regard to donor information, the revised reporting requirements now promise confidentiality as business and financial information under FOIA Exemption 4, however the outcome of disclosure requests is unpredictable and potentially problematic. Another concern is the rebuttable presumption that a gift to or contract with a legal intermediary that operates substantially for the benefit of an institution (e.g. a foundation) must be disclosed. This interpretation goes beyond the Department's statutory authority to require reporting under Sec. 117, which is limited to "institutions" as defined in the statute.

As expressed in other higher education comment letters, we are concerned that the Department has chosen not to engage in formal rulemaking or to work collaboratively with stakeholders regarding the Section 117 reporting requirements. This is especially vexing since the community has actually been asking for clarity and guidance. The Department's uncooperative approach does not enhance the necessary working relationships between institutions of higher education and the federal government in addressing these concerns, and in fact makes it more difficult to achieve the ultimate objective of greater transparency.

We urge the Department to reconsider its approach and work more collaboratively with the higher education community to achieve our mutual goals of countering the risks of undue foreign influence in the activities of our member institutions. We also urge the Department to engage in a normal regulatory notice and comment process to clarify the reporting obligations under Section 117.

Sincerely,

A handwritten signature in blue ink that reads "Wendy D. Streit". The signature is fluid and cursive.

Wendy D. Streit  
President