



December 17, 2019

Ms. Stephanie Valentine
PRA Coordinator, Strategic Collection and Clearance
Governance and Strategy Division
Office of Chief Data Officer
U.S. Department of Education
550 12th Street, SW PCP, Room 9089
Washington, DC 20202-0023

Dear Ms. Valentine:

On behalf of the Association of Jesuit Colleges and Universities (AJCU), I would like to express concern with and opposition to the U.S. Department of Education's request for expedited review and emergency processing of the new proposed Information Collection Request concerning Foreign Gifts and Contracts Disclosures (Docket number ED-2019-ICCD-0154).

As you may know, AJCU represents twenty seven institutions in the United States including major research universities; smaller colleges and universities that combine the liberal arts and professional studies; and one strictly liberal arts college. All of our institutions are committed to academic excellence, service, leadership and caring for the whole person.

Earlier this year, AJCU wrote to the Department highlighting numerous issues of concern related to the new information collection request under the Paperwork Reduction Act of 1995 (ED-2019-ICCD-0114). Today, as we begin to review the updated Paperwork Reduction Act Burden Statement which outlines a new set of proposed changes to the reporting under Section 117 of the Higher Education Act, it seems that a lack of clarity and questionable requirements remain. Given our continued concerns about the changes in reporting requirements, this request for an emergency process limiting the comment period (and as a result expediting the reporting deadline) seems more onerous. It is unrealistic to expect that institutions, especially ones that may not have been required to report in the past, will be able to be fully compliant by January 31, 2020.

We respectfully ask you to reject the emergency process and consider the will of Congress, instead. In an accompaniment to HR 1865, Congress made specific requests of the Department intended to ensure appropriate

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GONZAGA UNIVERSITY, WA
JOHN CARROLL UNIVERSITY, OH
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SANTA CLARA UNIVERSITY, CA
SEATTLE UNIVERSITY, WA
SPRING HILL COLLEGE, AL
UNIVERSITY OF DETROIT MERCY, MI
UNIVERSITY OF SAN FRANCISCO, CA
UNIVERSITY OF SCRANTON, PA
XAVIER UNIVERSITY, OH

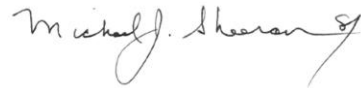
oversight and transparency while allowing for a common understanding of expectations and a reasonable period for compliance in the collection of information. Report language states, *“The agreement directs the Department to engage with IHEs to ensure requirements under Section 117 are clear and to provide guidance to IHEs to ensure they are aware of their responsibilities. As the Department provides guidance on this issue or modifies reporting methods or requirements, IHEs should be given adequate time to ensure proper reporting. The Department should brief the Committees within 45 days of enactment of this Act on efforts to engage with the stakeholder community, efforts to provide greater guidance and clarity on reporting requirements, and any additional information on agency efforts to comply with such section.”*

This fair and reasonable request promotes the best interest of the nation by allowing for the development of clear criteria and requirements to enable the U.S. Department of Education to effectively engage in its important oversight role.

Finally, AJCU would like to be associated with the comments submitted by the American Council on Education. Their legal analysis of the required criteria to establish emergency review and their argument that the Department has failed to meet those criteria are sound.

Thank you in advance for your consideration of our comments. If you have any questions, please contact Jenny Smulson, Director of Government Relations for AJCU at jmulson@ajcunet.edu or 202.862.9893.

Sincerely,



Rev. Michael J. Sheeran, S.J.
President
Association of Jesuit Colleges and Universities