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November 5, 2019

Director of the Information Collection Clearance Division  
U.S. Department of Education  
550 12<sup>th</sup> Street, S.W., PCP, Room 9089  
Washington, D.C. 20202-0023

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

Dear Ms. Valentine:

On behalf of the University of Wisconsin System, I write in support of the comments made by the American Council on Education and sister higher education associations regarding the Information Collection Request (ICR) published in the Federal Register by the U.S. Department of Education (ED) on September 6, 2019, Docket No. ED-2019-ICCD-0114.

The University of Wisconsin System – a collection of 26 campuses and statewide extension, serving 170,000 students -- takes seriously recent security concerns raised by federal policymakers regarding undue foreign influence. We share a strong interest with the government in safeguarding the integrity of government-funded research and intellectual property resulting from it. Furthermore, encouraging, enabling and protecting academic freedom and free speech from untoward influence and/or interference – foreign or domestic – is a cornerstone of American higher education.

There are two points of the letter that we wish to highlight:

Institutions must abide by Sec. 117's statutorily required reporting requirement. However, the Department's proposed information collection would go far beyond the plain language of Sec. 117, clearly directing institutions to make disclosures of a vastly expanded amount of information and documents, unfortunately with no statutory basis. Further, the manner in which other aspects of the proposed information collection is organized and written makes the information collection subject to differing reasonable interpretations, including interpretations well beyond what Sec. 117 requires. These shortcomings put institutional administrators and staff in the unenviable position of being confused by the proposed information collection's directives concerning how an institution should comply with Sec. 117, while at the same time being threatened with criminal prosecution if they "willfully" fail to accurately disclose the information and documents as described in the information collection.

Moreover, there would be a significant increase in burden and cost to institutions to address the volume and nature of the additional information. We believe that the time it will take for institutions to comply with this expansion of the foreign gift reporting requirements is underestimated. New reporting requirements are particularly burdensome for our research-intensive universities, as well as our smaller campuses where research is also conducted but with fewer faculty and staff. We believe the Department's information collection request requires such a large amount of information that could actually undermine, as opposed to increase, the transparency of the relationships colleges and

universities have with foreign individuals and entities, and/or efforts to identify nefarious conduct or inappropriate relationships. The Department's actions also risk a chilling effect on foreign giving and the willingness of foreign entities to enter contractual agreements with colleges and universities.

We respectfully ask that these comments be considered, and thank you for your work on behalf of higher education.

Sincerely,

A handwritten signature in black ink, appearing to read "Ray Cross". The signature is fluid and cursive, with the first name "Ray" and last name "Cross" clearly distinguishable.

Ray Cross  
President  
University of Wisconsin System