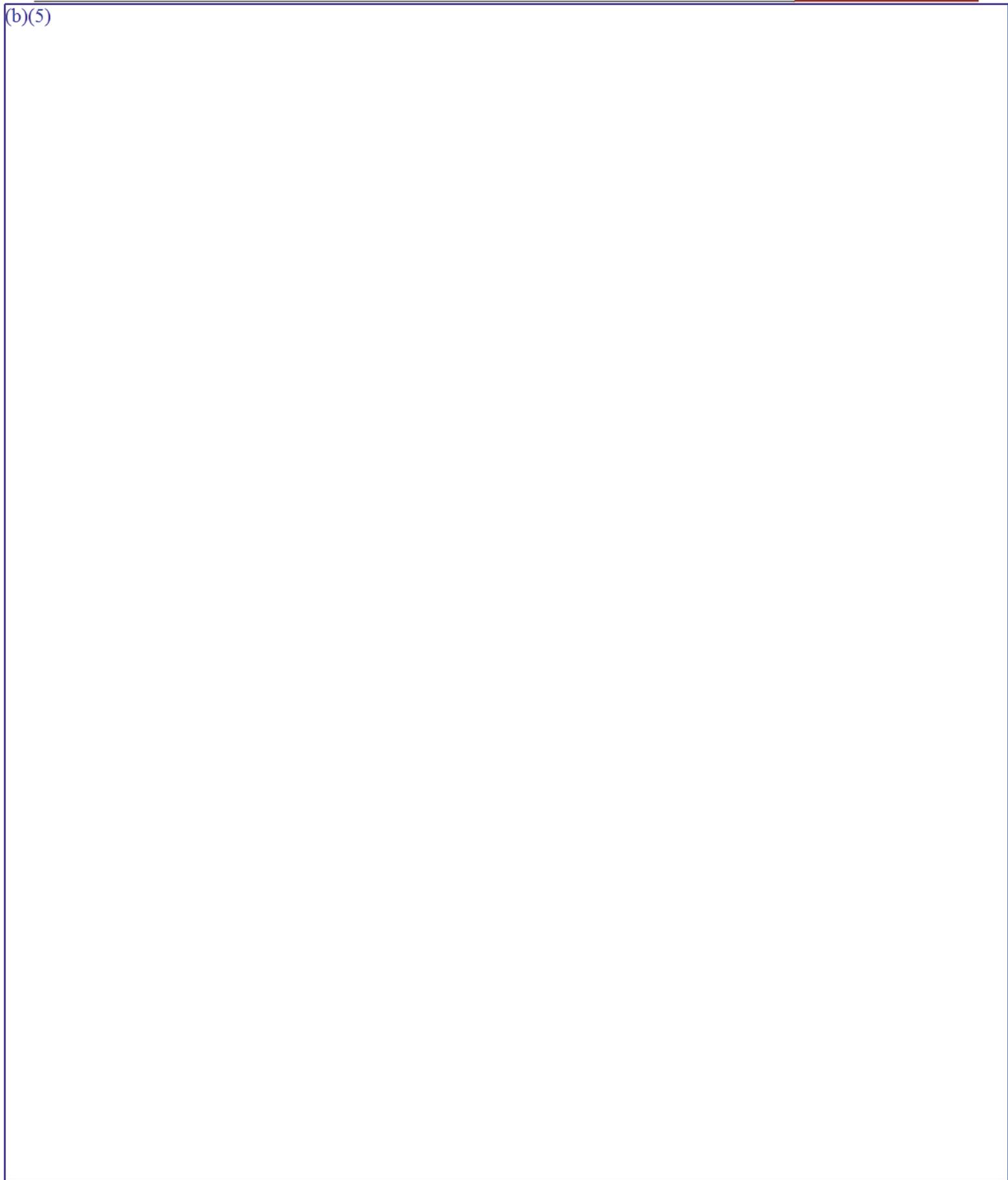


[PORTFOLIO CHECK- IN – BUCKY METHFESSEL – CUI//PRIVILEGE]

November 30, 2022

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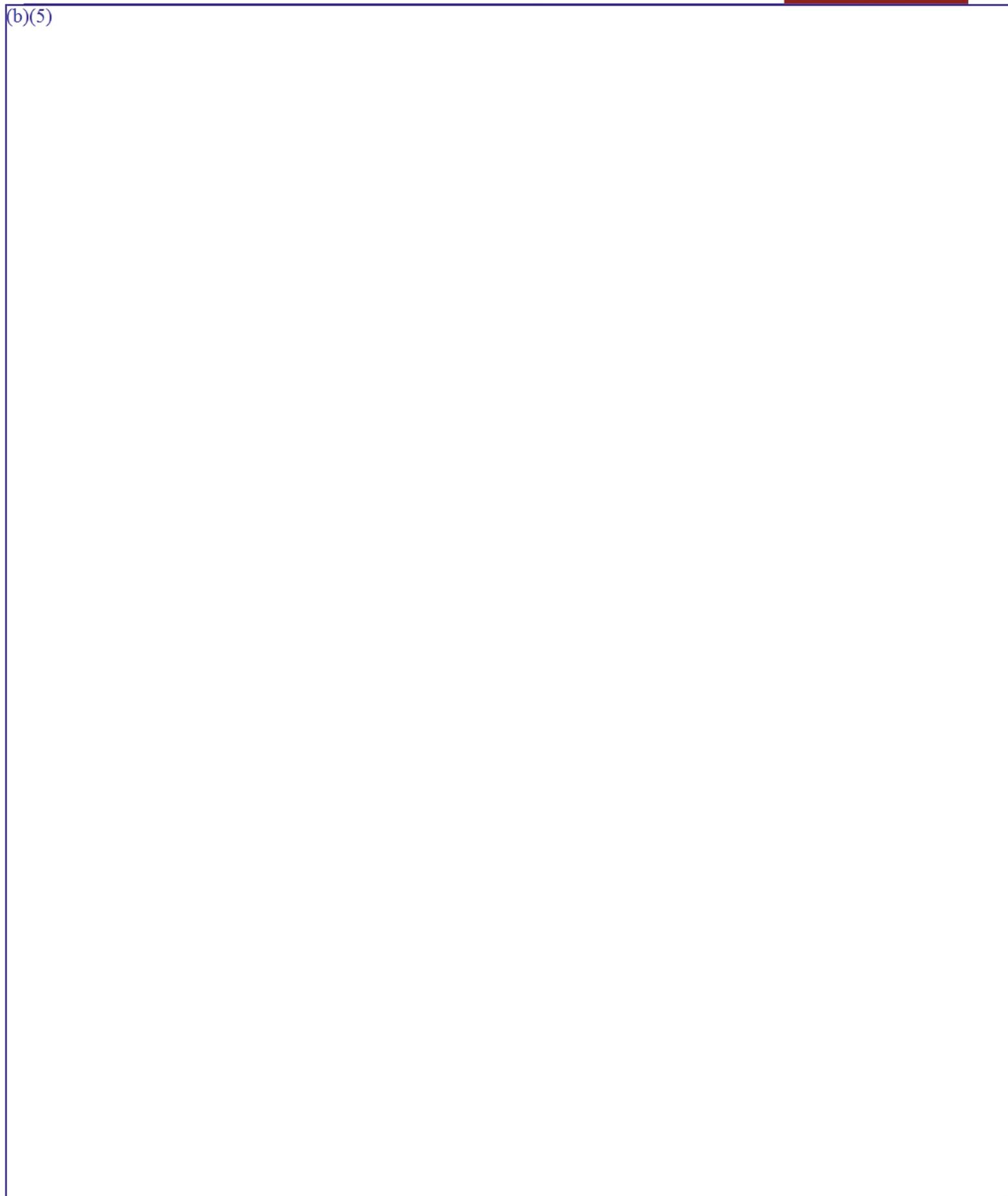
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November 30, 2022

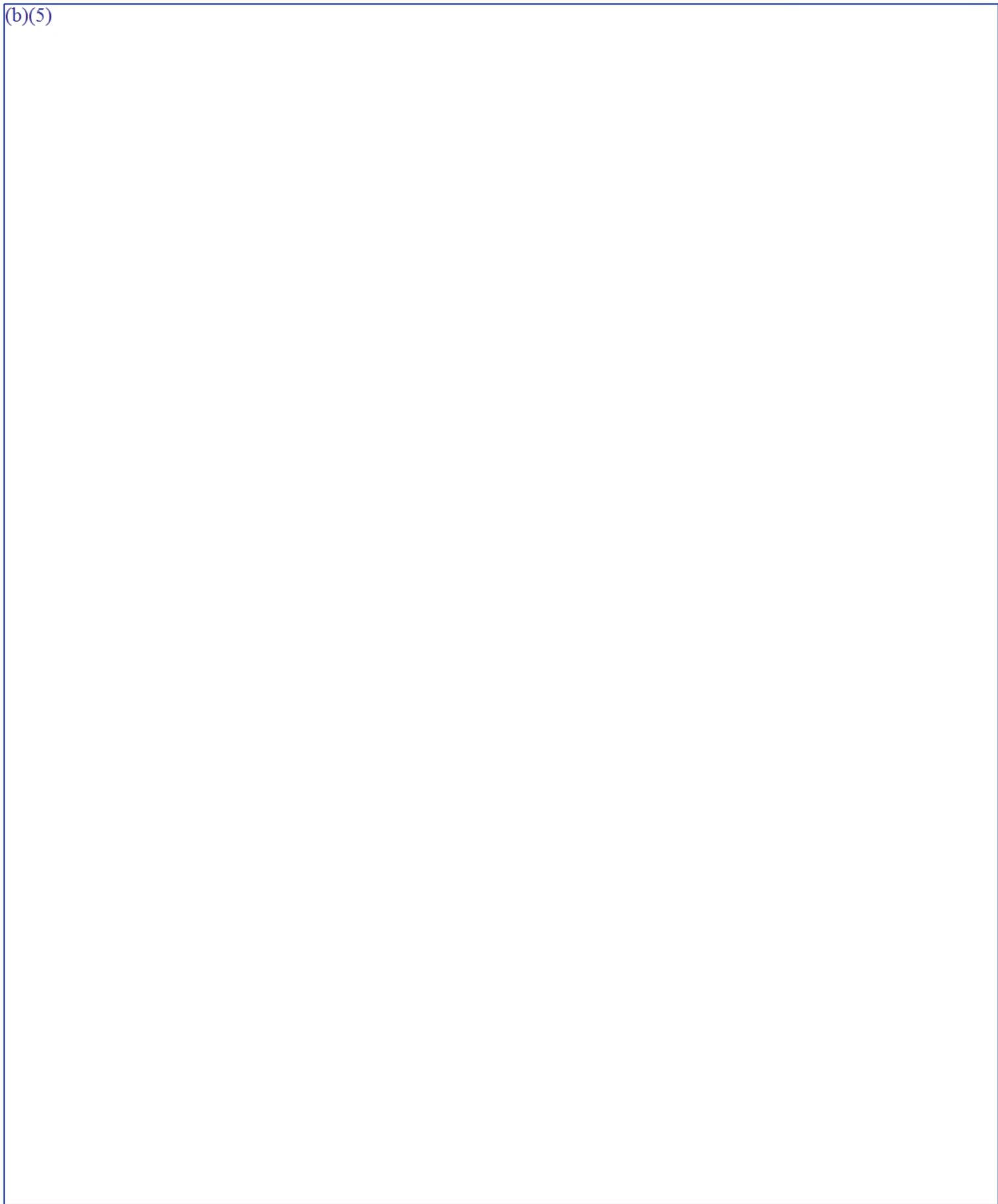
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November 30, 2022

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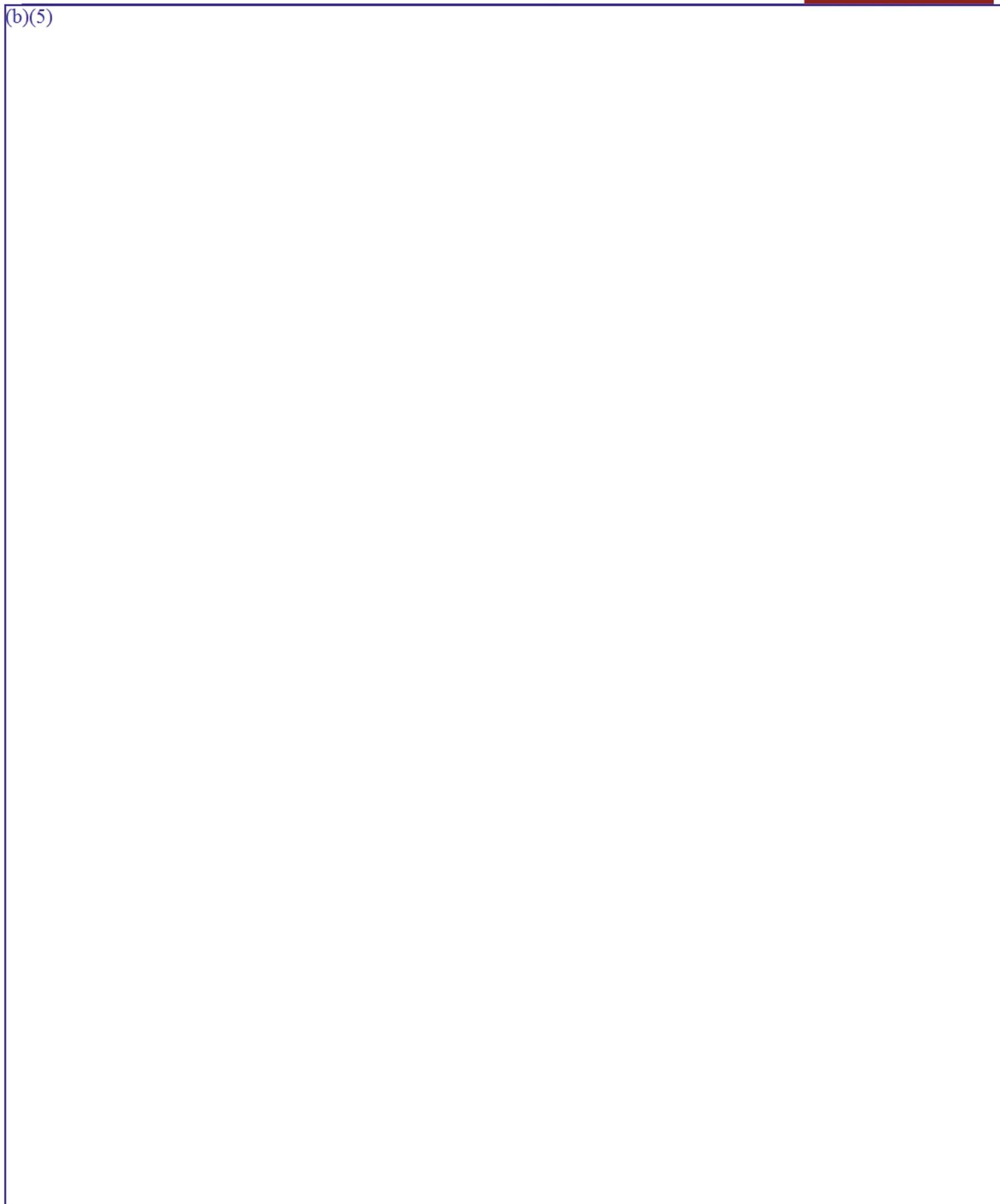
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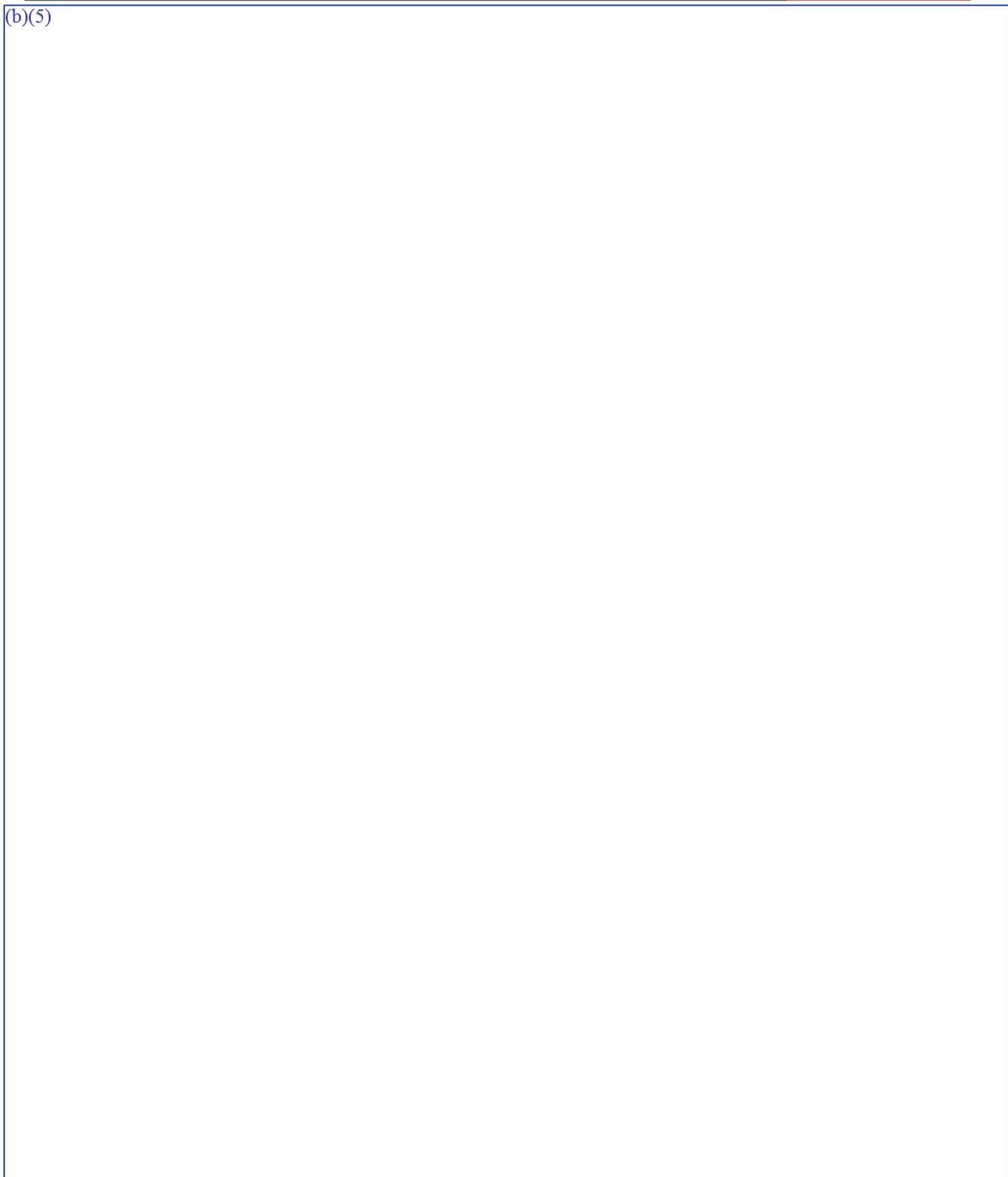
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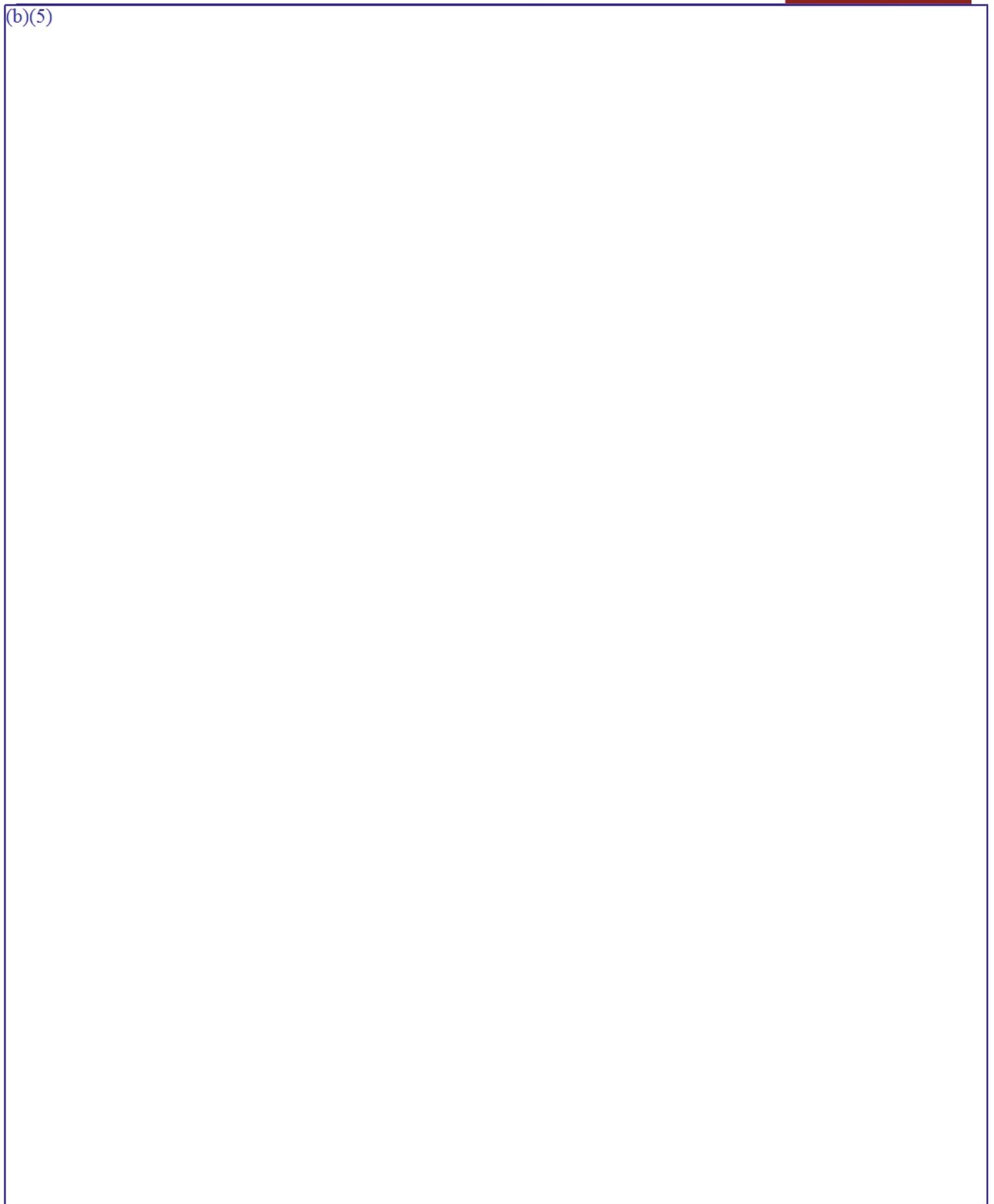
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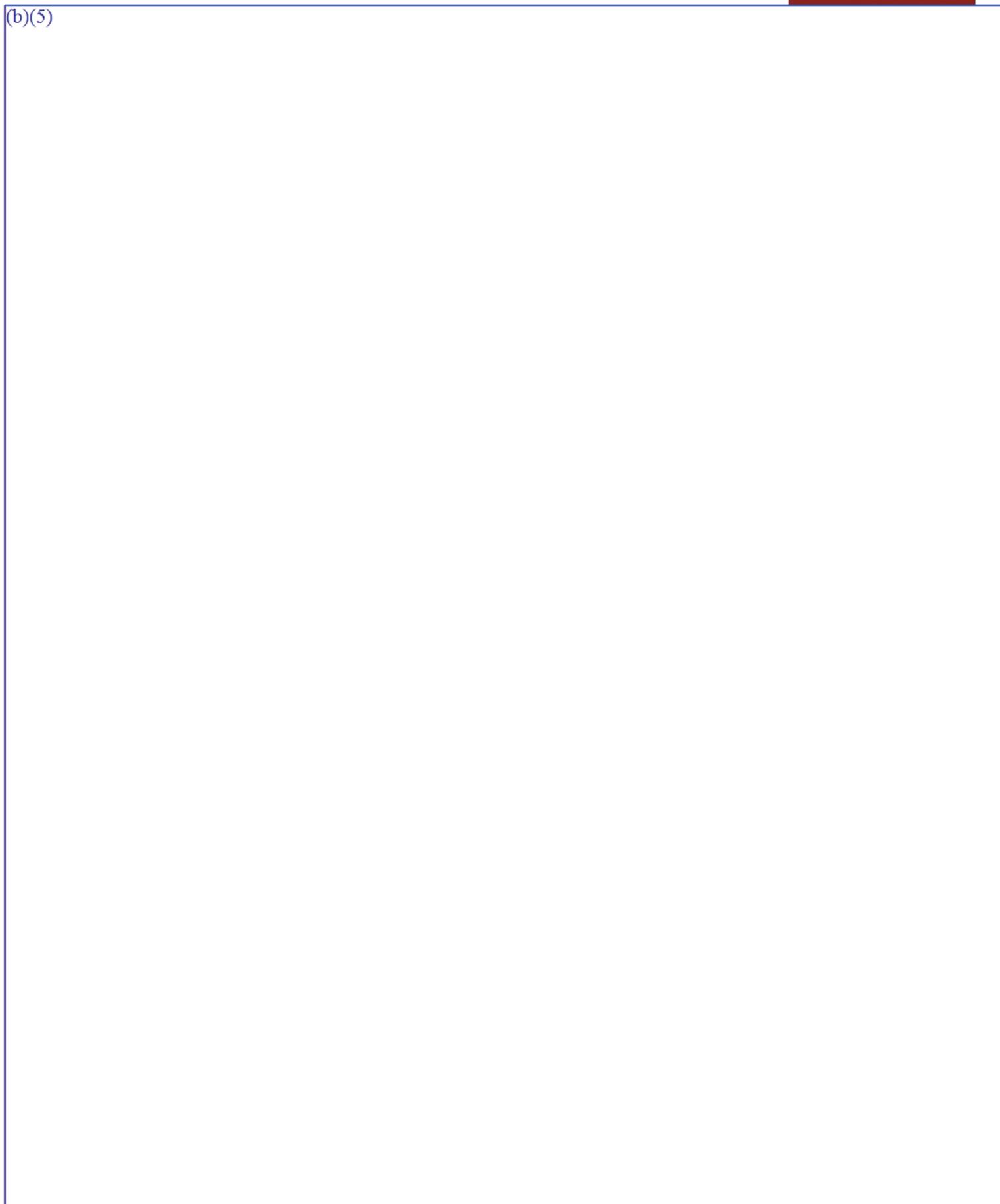
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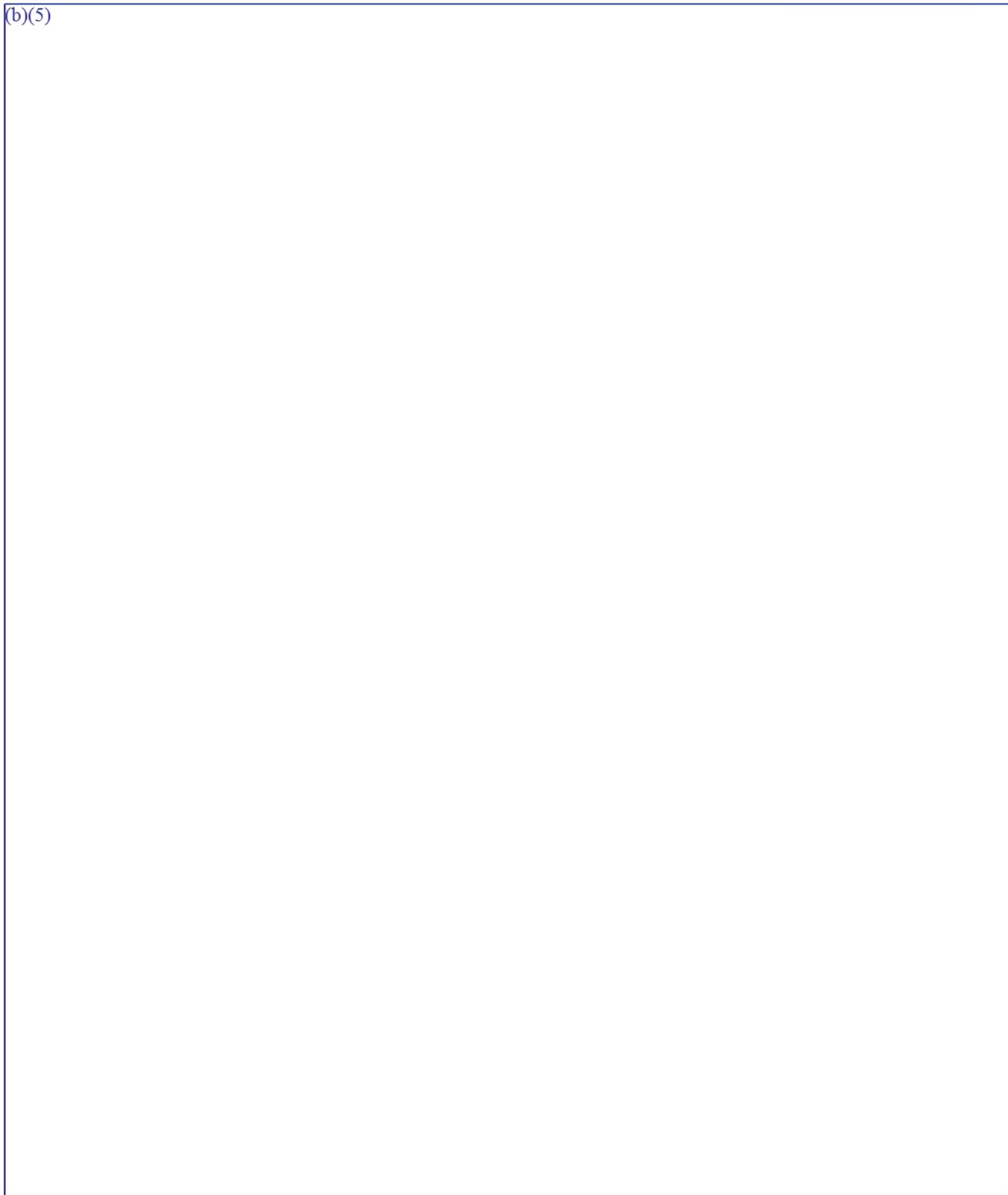
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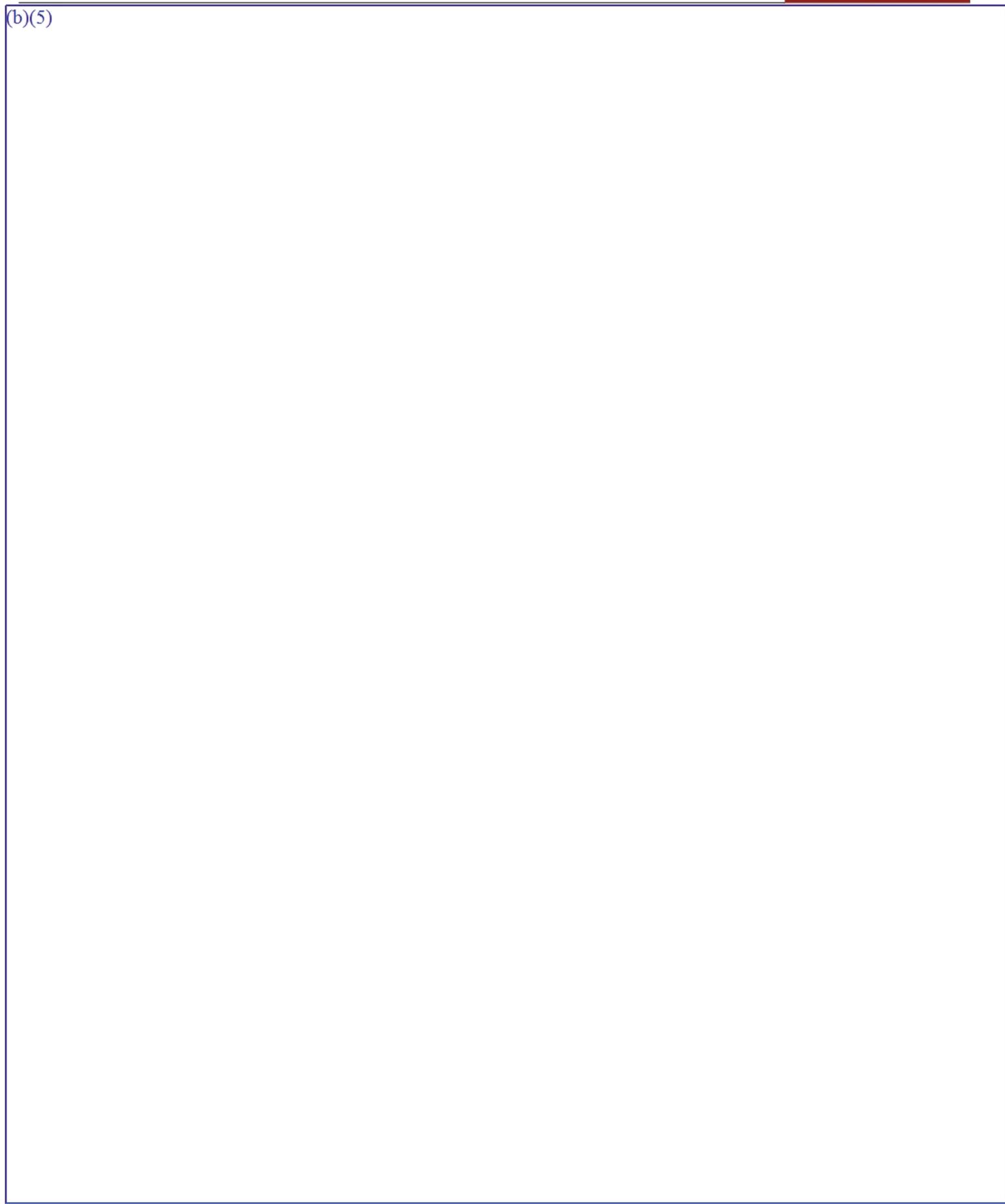
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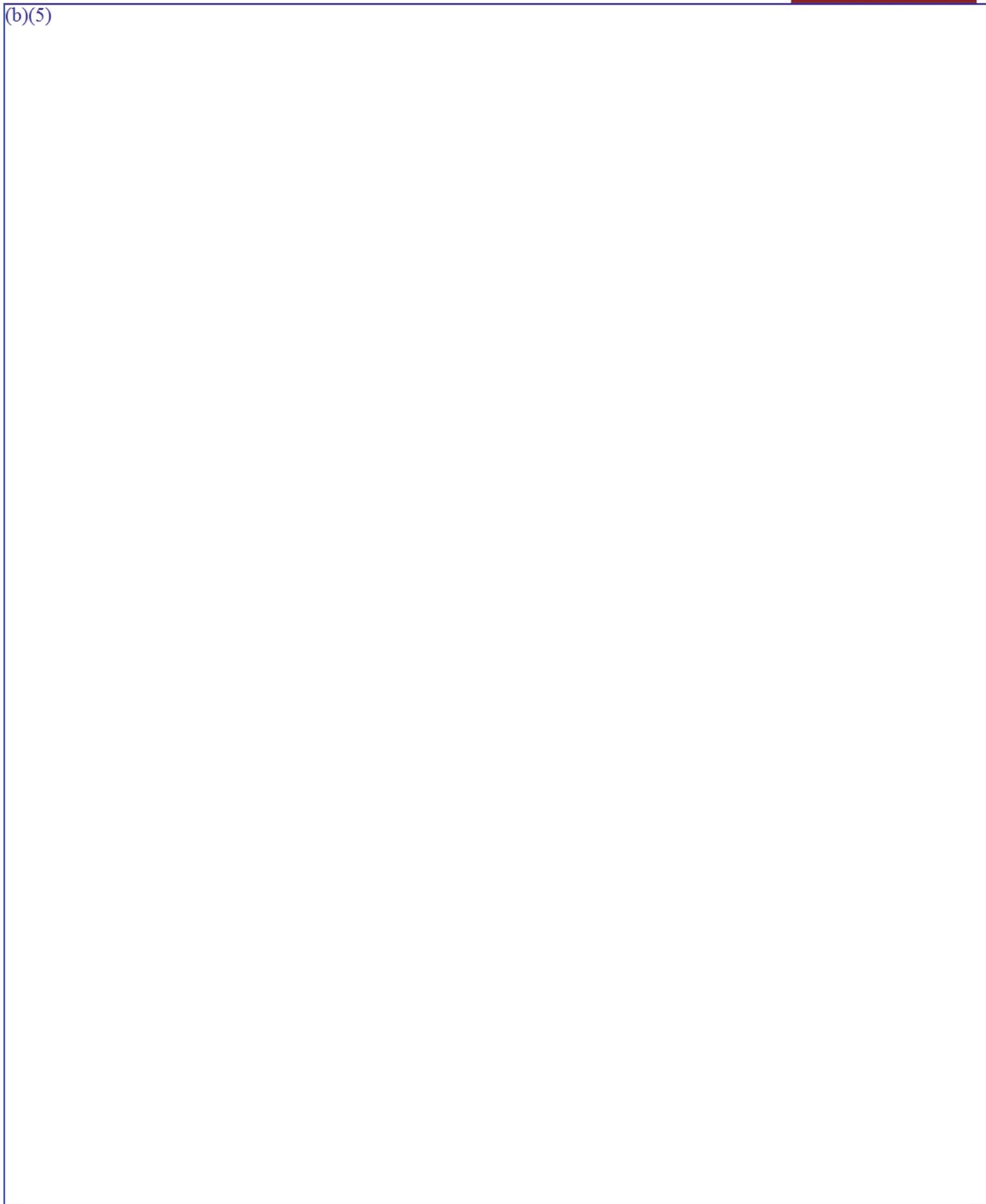
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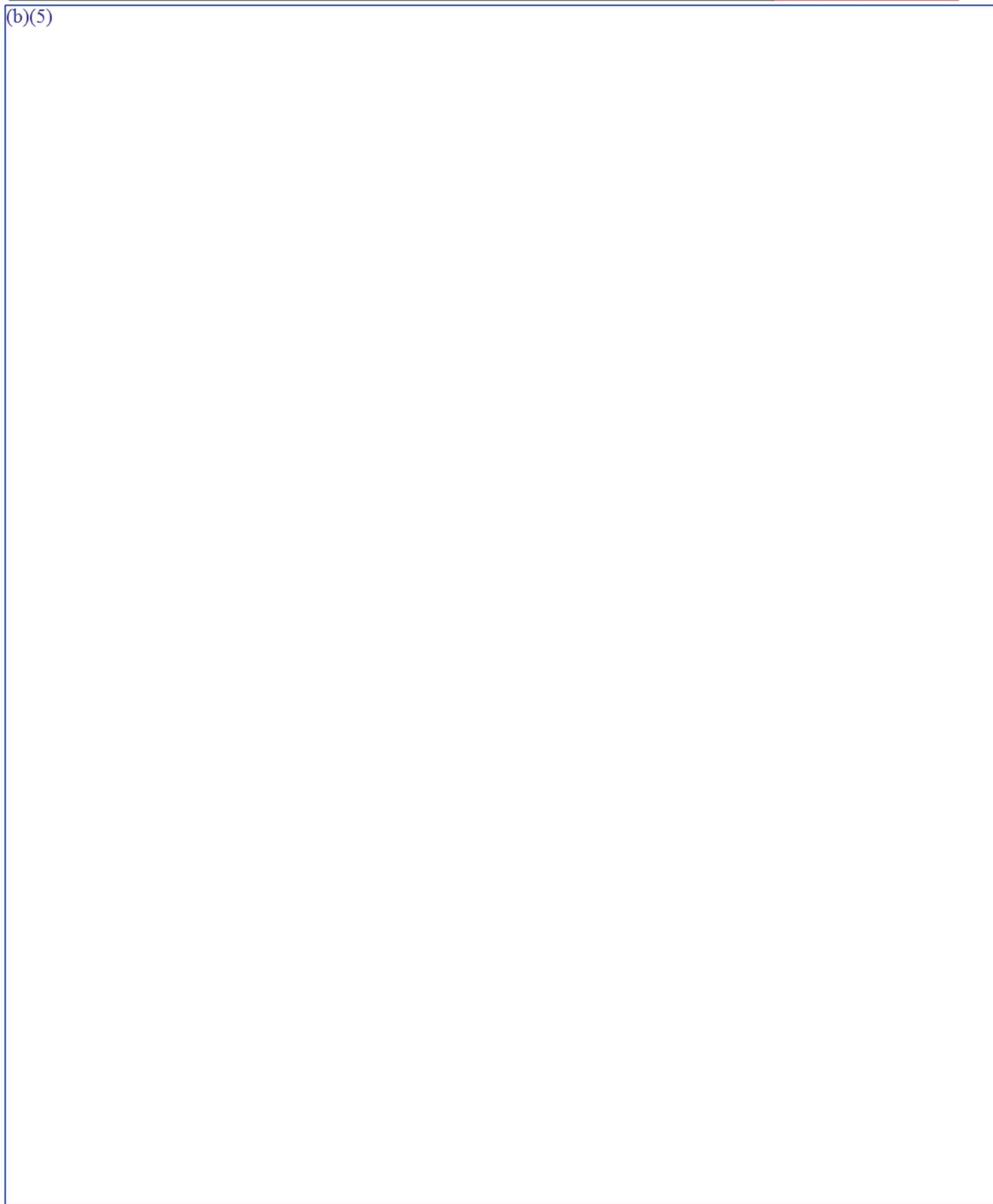
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November 30, 2022

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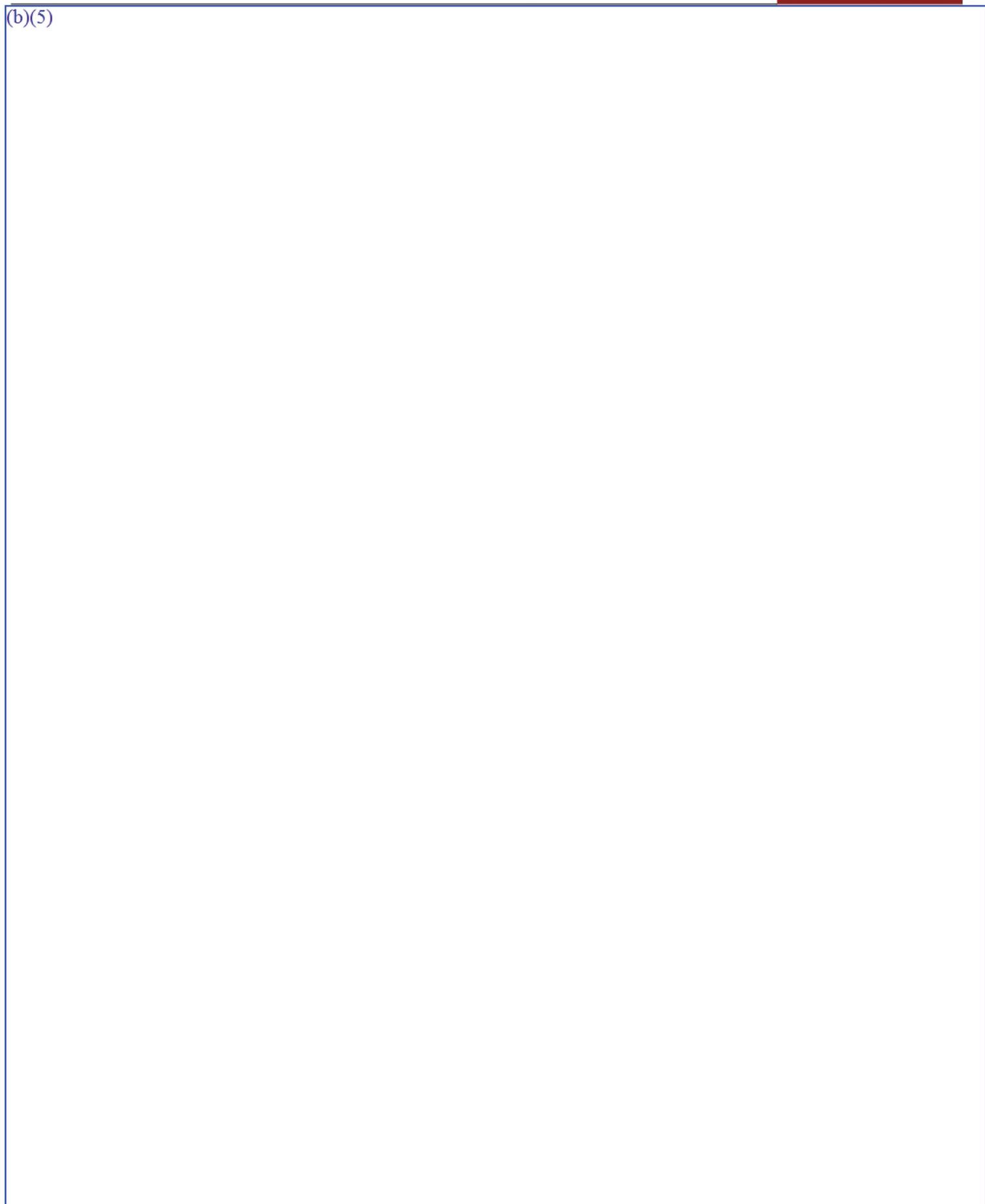
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[PORTFOLIO CHECK- IN – BUCKY METHFESSEL – CUI//PRIVILEGE]

November 30, 2022

(b)(5)



From: Cordray, Richard
Subject: Fwd: Section 117
To: Bureau, Lisa; Harry, Deborah; McGinnis, Colleen
Sent: December 12, 2022 4:21 PM (UTC-05:00)

FYI

Begin forwarded message:

From: "Hartle, Terry" <THartle@acenet.edu>
Date: December 12, 2022 at 3:21:25 PM EST
To: "Muenzer, Melanie" <Melanie.Muenzer@ed.gov>
Cc: "Cordray, Richard" <Richard.Cordray@ed.gov>, "Brown, Lisa" <Lisa.Brown@ed.gov>
Subject: Section 117

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Melanie --

This is just my occasional check in to see where things stand on Section 117. We had a zoom call with some of the ED staff several months ago and reiterated our oft-stated desire to address some of the reporting challenges that campuses face. As you might recall, the Department was unwilling to take questions at that session and we asked for another call with campus people included and the opportunity to ask questions in real time. We haven't heard anything since then.

The next reporting system ends on January 31 and, while it is clearly too late to do anything before we hit that deadline, we will have a good amount of time to make changes before the July 31, 2023 deadline. Since it does not appear that Congress will impose new requirements in the short term, we would like to see if we can make improvements before we reach the next deadline.

Colleges and universities have a clear obligation to report foreign gifts that meet the threshold specified in the law. However, as we have discussed the complexity, confusion and awkwardness of the current reporting framework undermines the ability of schools to meet their responsibilities. We remain anxious to work with ED to improve the reporting framework and campus compliance.

Terry

Tracking and OMB Number: (XX) 1845-NEW

(b)(5)

**SUPPORTING STATEMENT
FOR PAPERWORK REDUCTION ACT SUBMISSION**
Foreign Gifts and Contracts Disclosures

(b)(5)

withheld pursuant to section

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of the Freedom of Information and Protection of Privacy Act

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Tracking and OMB Number: (XX) 1845-NEW

Revised: 12/12/2022

**SUPPORTING STATEMENT
FOR PAPERWORK REDUCTION ACT SUBMISSION**
Foreign Gifts and Contracts Disclosures

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One Dupont Circle NW
 Washington, DC 20036
 (202) 939-9300
 acenet.edu

August 16, 2022

Melanie Muenzer, Chief of Staff
 Office of the Under Secretary
 U.S. Department of Education
 400 Maryland Avenue SE
 Room 7E300
 Washington DC 20202

Lisa Brown, General Counsel
 Office of the General Counsel
 U.S. Department of Education
 400 Maryland Avenue, SE
 Room 6E301
 Washington DC 20202

Richard Cordray, Chief Operating Officer
 Office of Federal Student Aid
 U.S. Department of Education
 830 First Street, NE
 Washington DC 20202

Dear Ms. Muenzer, Ms. Brown, and Mr. Cordray:

On behalf of the American Council on Education (ACE) and the participating associations, thank you for providing an update on the Department of Education's (ED) efforts around Section 117 and answers to questions from our institutional members during our virtual meeting on June 23. The information and presentation by your teams was helpful, and we were happy to distribute the slides from that meeting to our larger community. We were pleased to learn that ED plans to close the outstanding Section 117 investigations that remain open; that ED will address the concerns and issues with the existing reporting portal; and that Section 117 management will be transferred back to Federal Student Aid (FSA).

We hope that we can continue our engagement on the important issue of Section 117 reporting, and specifically, we would like to follow up regarding the need for timely changes to the reporting portal, and also be put in contact with the person or office who will be handling Section 117 following the transfer from OGC to FSA. In addition, we would like to schedule a second meeting where higher education participants can ask questions of ED in real time and have a more robust discussion. For example, we remain concerned that there continues to be questions and confusion around "cash in" vs. conditional value.

In our view, the information ED shared on June 23 reflects a substantial expansion of Section 117 reporting requirements, similar to what was proposed in the November 2019 and December 2019 "Information Collection Request" (ICR). As we stated at that time, the 2019 ICR process did not take into account substantial community comments or concerns, including that the "...ICR continues to clearly exceed the specific statutory authority set out in Sec. 117 by significantly expanding the disclosure reporting required under the statute."¹ We also remain concerned that ED continues to assert that Section 117 compliance is tied to an institution's

¹ <https://www.acenet.edu/Documents/Sec-117-Updated-ICR-Comment-Letter-Memo.pdf>

Program Participation Agreement (PPA) for the purposes of Title IV federal student aid.² As we stated in our letter of December 14, 2020, the existing statute sets out ED's Section 117 authority and enforcement mechanisms. Accordingly, we respectfully request that ED withdraw its interpretation that "[a]n institution's failure to adequately report Section 117 gifts and contracts is a violation of an institution's participation in the HEA programs and PPA under 20 U.S.C. 1094(a)(17)."

In addition, the recently passed CHIPS and Science Act of 2022 (H.R.4346) included Section 10339B Foreign Financial Support, which requires institutions of higher education receiving National Science Foundation (NSF) funding to submit to the NSF Director an annual disclosure report on any foreign gifts or contracts of \$50,000 or over. While this is an NSF reporting requirement, it does reference the definitions used in Section 117 of the Higher Education Act. We hope to engage with NSF as this provision is implemented, but as Congress creates additional reporting provisions aligned with Section 117, it will be important to have a clear understanding of Section 117 reporting requirements. Ultimately, we hope that through continued engagement and discussion with higher education stakeholders, we can improve implementation of Section 117 and address the requirements of the existing statute.

We look forward to continuing to work with ED to improve Section 117 administration by sharing questions and ensuring that the reporting required by the statute results in greater transparency regarding foreign gifts and contracts. We look forward to a future meeting where we can ask questions, and hope that the improvements to the reporting portal can be made before the next deadline.

Sincerely,

(b)(6)

Terry Hartle, Senior Vice President

Cc: Hilary Malawer, Deputy General Counsel, Office of the General Counsel
Kevin Slupe, Special Counsel, Office of the General Counsel
Joanna Mikulski, Senior Policy Advisor, Domestic Policy Council
Debbie Altenburg, Associate Vice President for Research Policy and Government Affairs, Association of Public and Land-grant Universities (APLU)
Robert Hardy, Director of Research Security and Intellectual Property, Council on Governmental Relations (COGR)
Toby Smith, Vice President for Policy, Association of American Universities (AAU)

² <https://www.acenet.edu/Documents/Comments-memo-ED-Section-117-121420.pdf>

From: Muenzer, Melanie
Subject: FW: Section 117
To: Vivaldi Lanauze, Carlos
Cc: McGinnis, Colleen; Desmond, William
Sent: December 18, 2022 11:38 PM (UTC-05:00)

Hey –

Can you schedule this for mid-January. We'll have some follow-up to do on our end before we meet. We don't need Lisa or Rich C, but looping Colleen and Will in case they want to attend or have suggestions for others from ED. I'd like to keep this very small as we won't have a lot of updates.

Thanks

From: Muenzer, Melanie
Sent: Sunday, December 18, 2022 11:37 PM
To: Hartle, Terry <THartle@ACENET.EDU>
Cc: Cordray, Richard <Richard.Cordray@ed.gov>; Brown, Lisa <Lisa.Brown@ed.gov>; Vivaldi Lanauze, Carlos <Carlos.Vivaldi@ed.gov>
Subject: RE: Section 117

Terry –

My apologies for the delay in responding.

I think it would be useful to schedule a brief check-in after the holidays in January. I'm looping Carlos who can find us some time. Let me know if there are others you'd like to include from ACE.

Thanks

From: Hartle, Terry <THartle@ACENET.EDU>
Sent: Monday, December 12, 2022 3:21 PM
To: Muenzer, Melanie <Melanie.Muenzer@ed.gov>
Cc: Cordray, Richard <Richard.Cordray@ed.gov>; Brown, Lisa <Lisa.Brown@ed.gov>
Subject: Section 117

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

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Terry

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December 22, 2022

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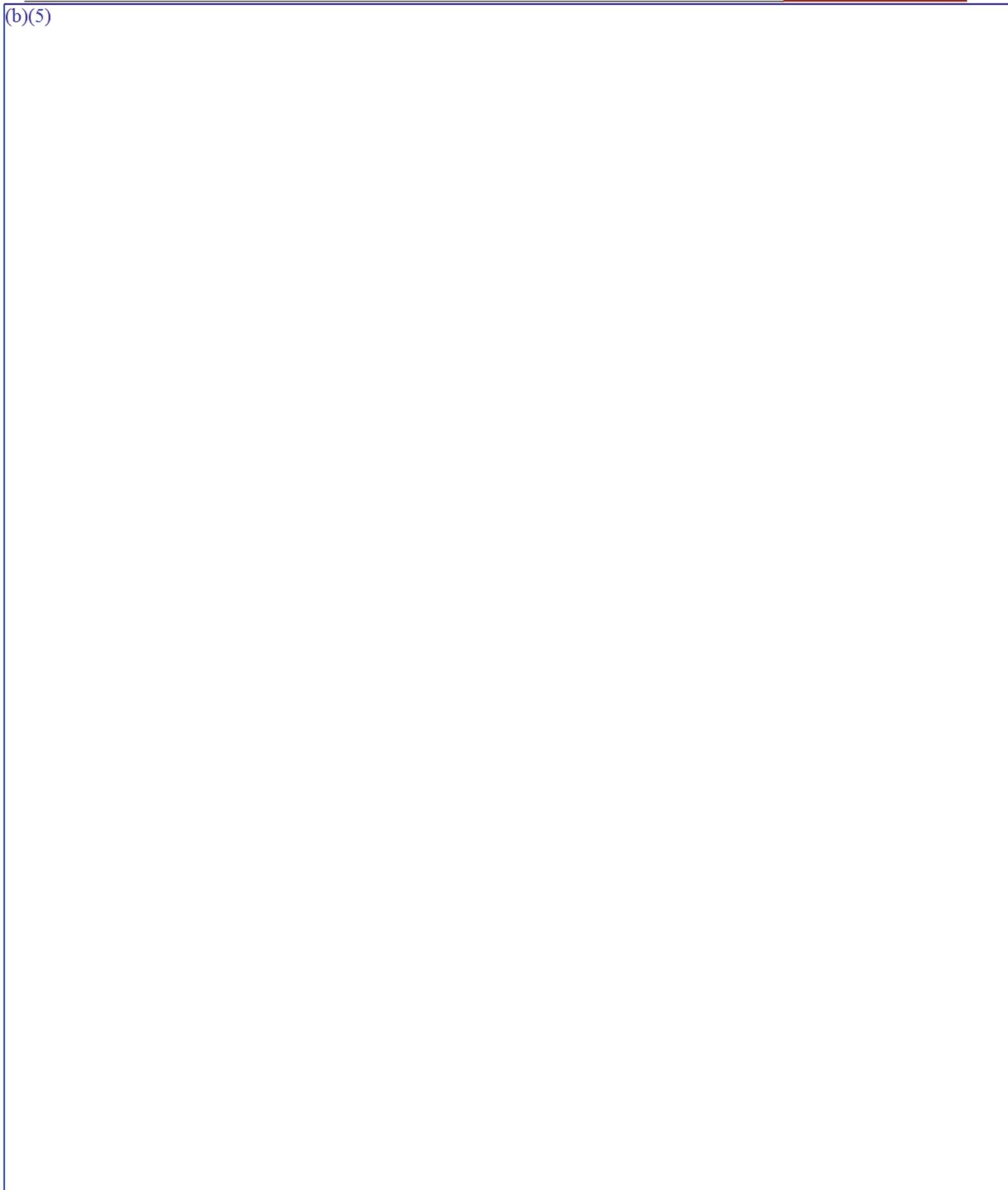
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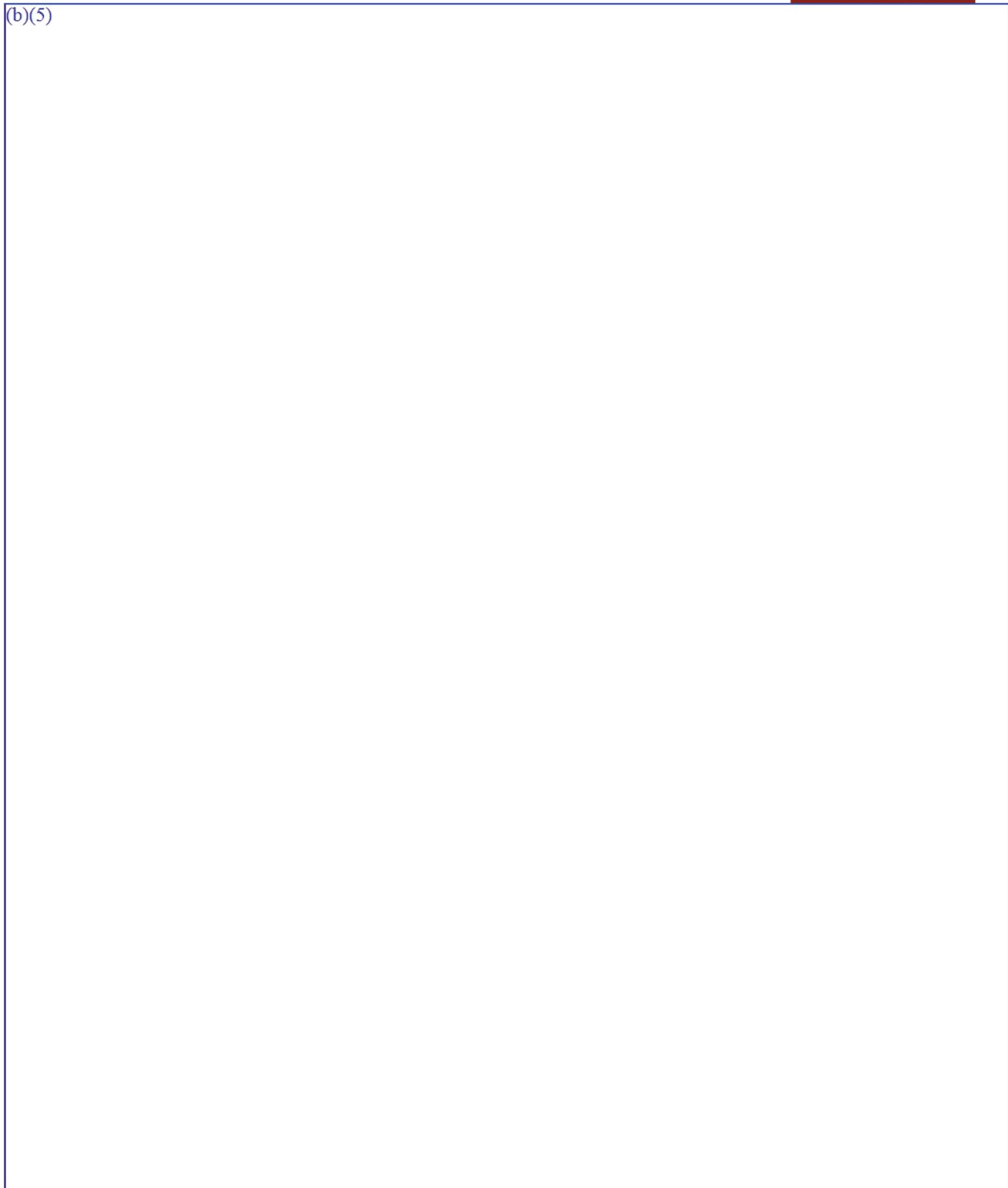
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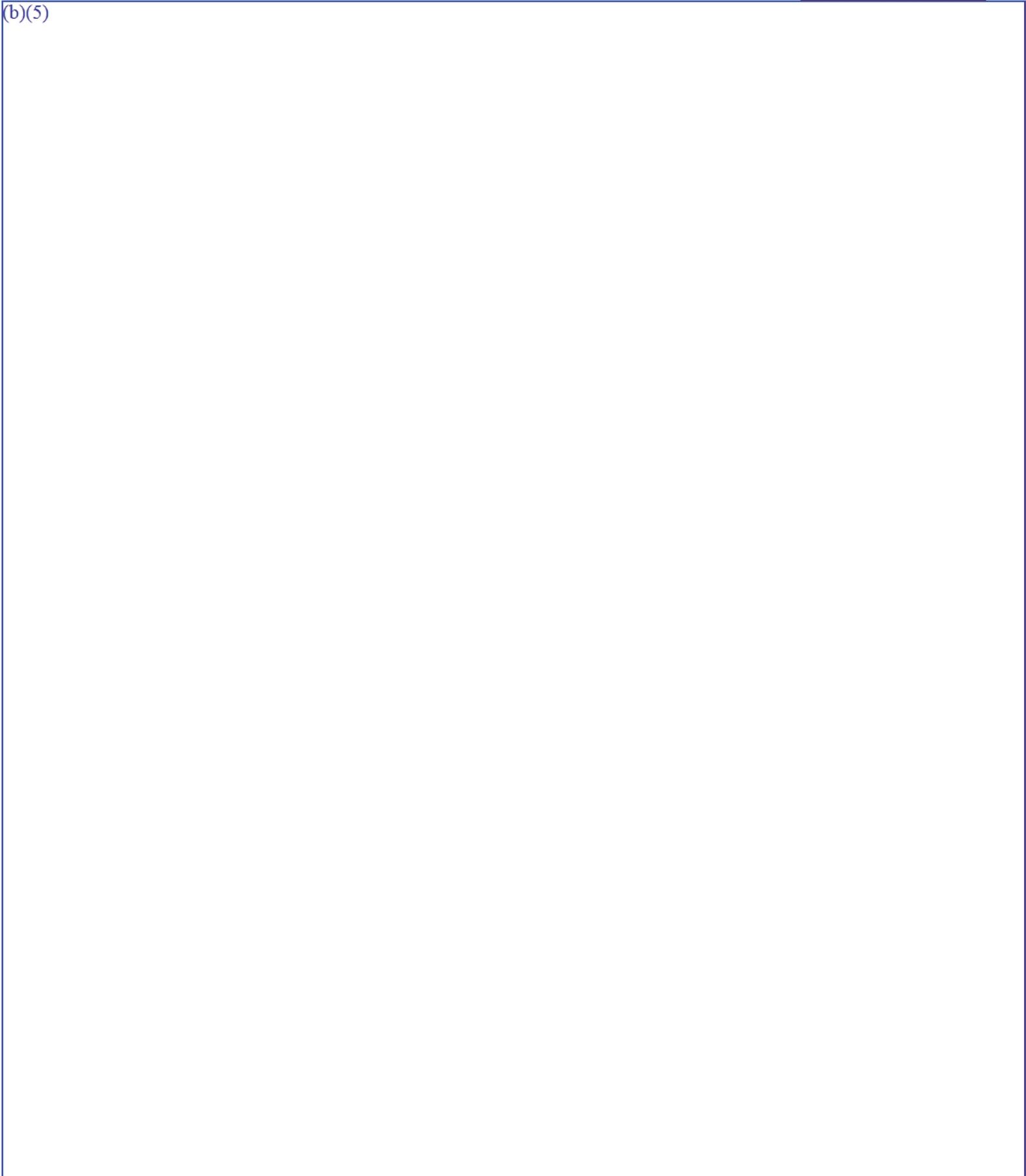
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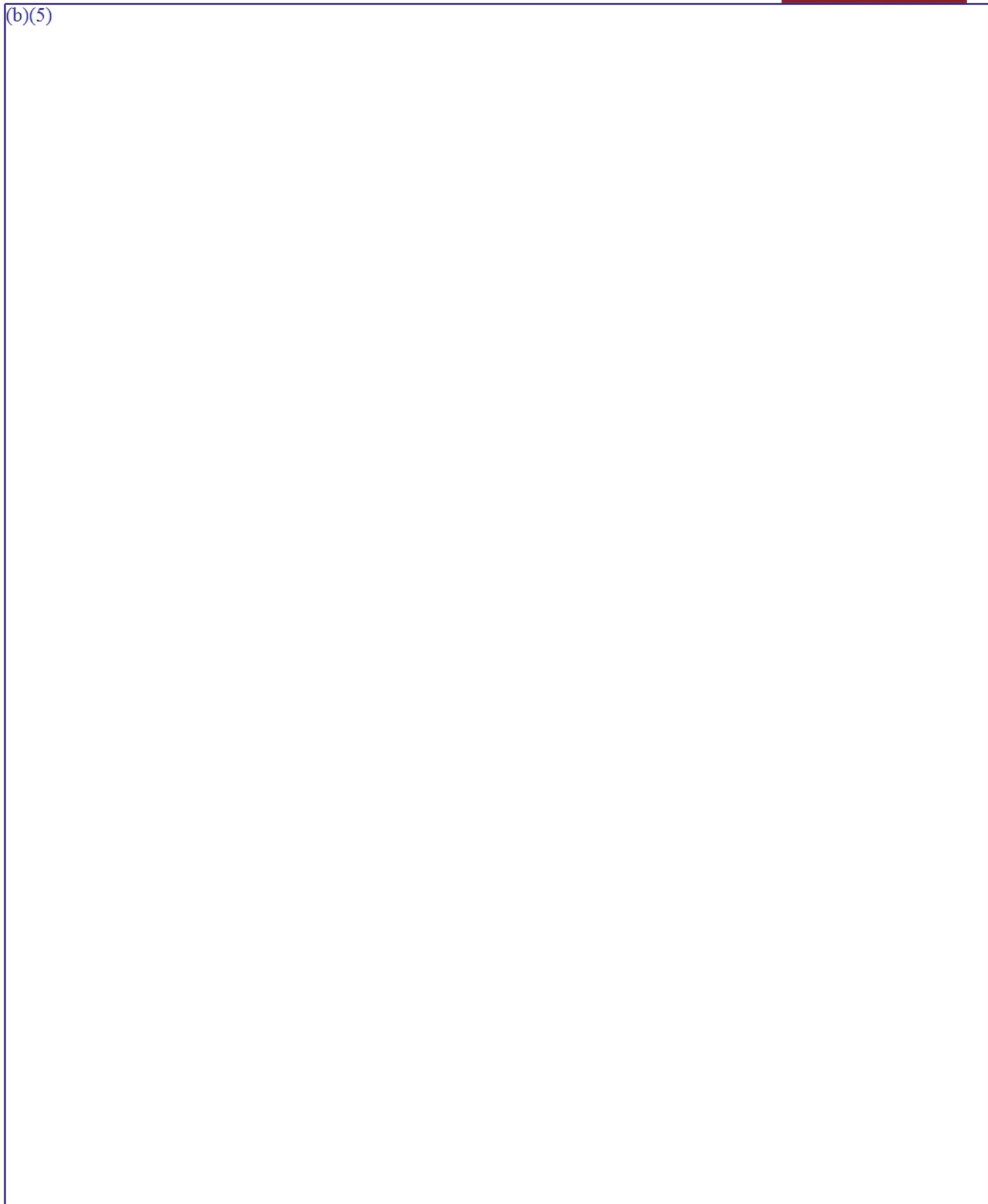
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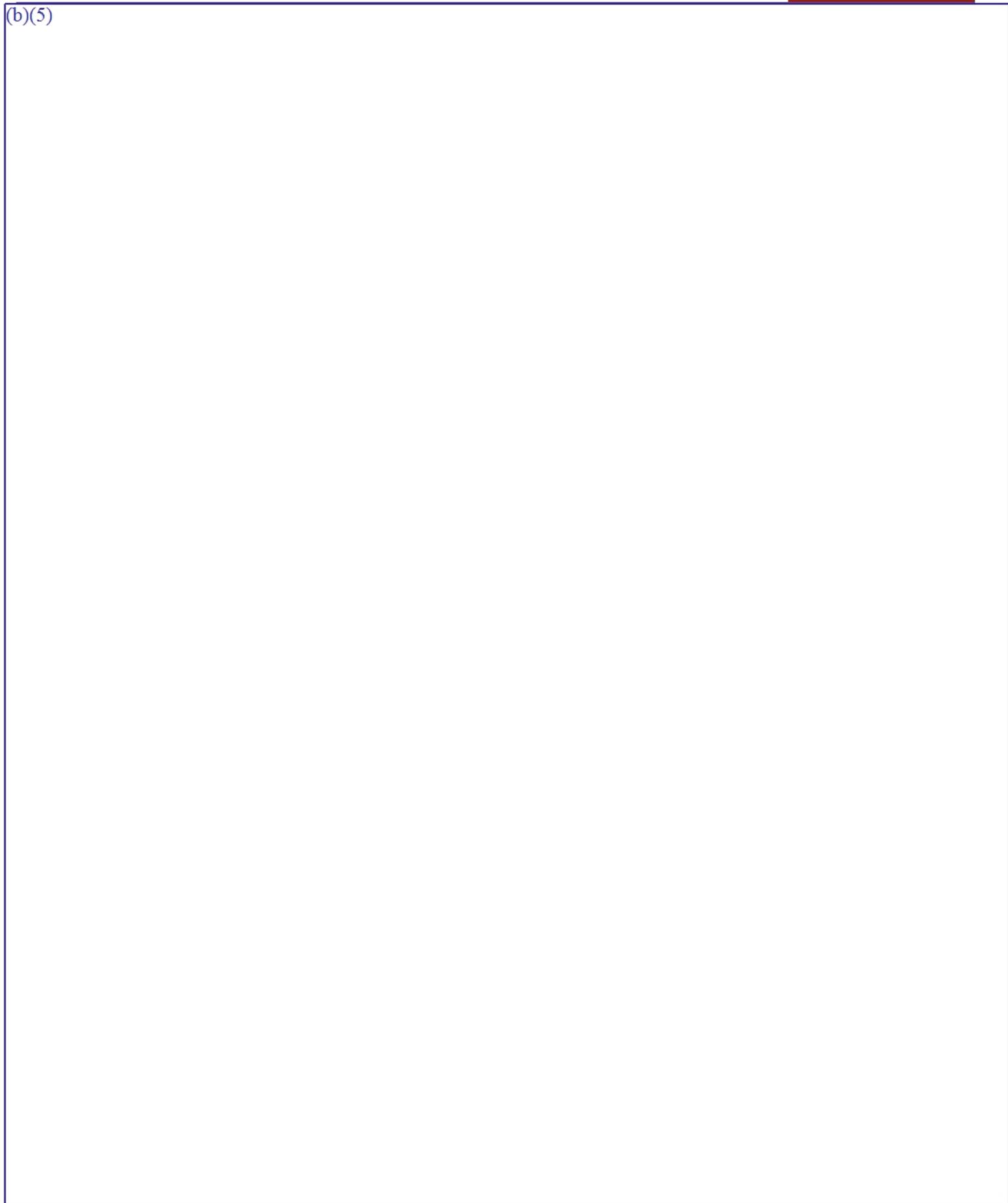
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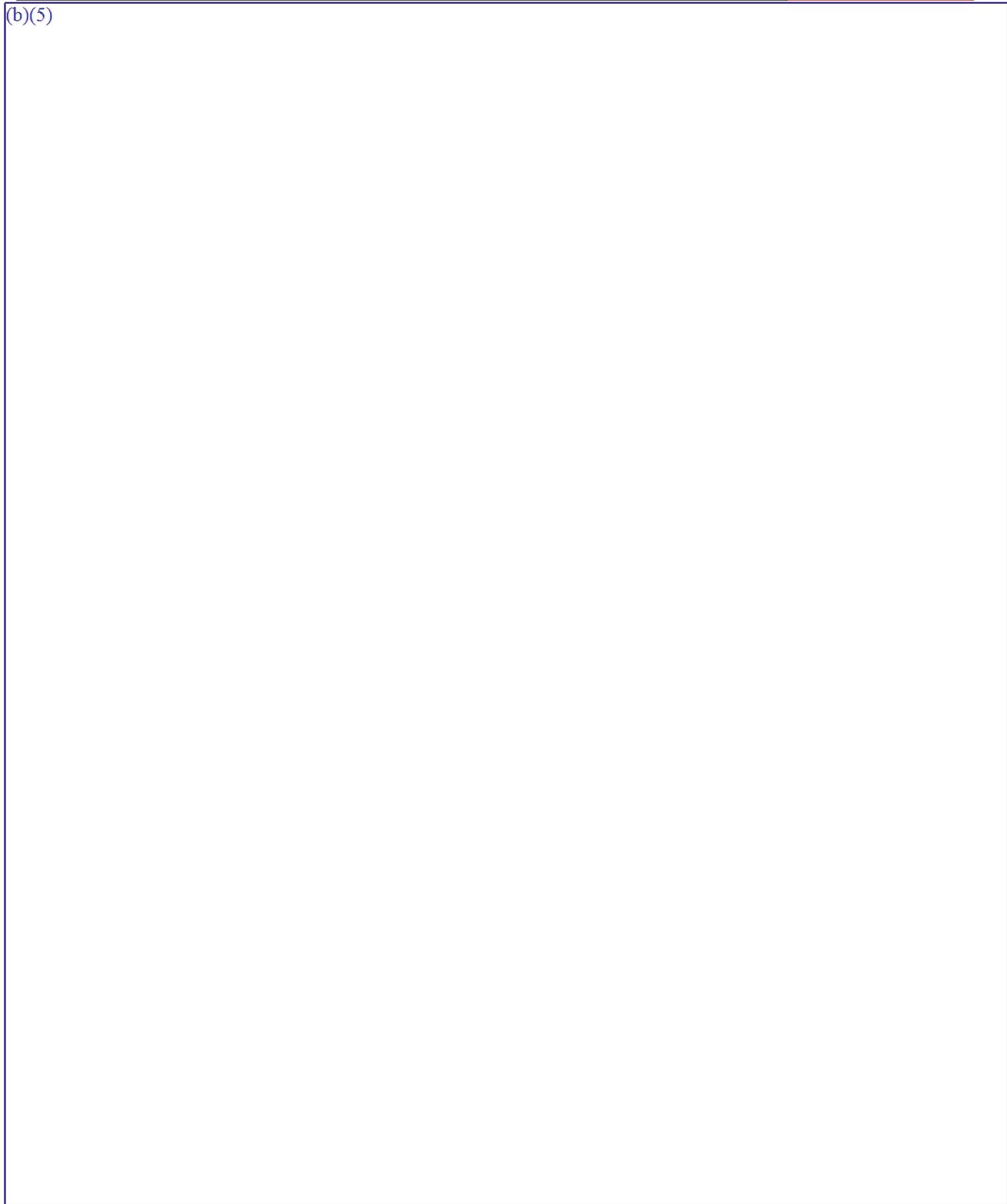
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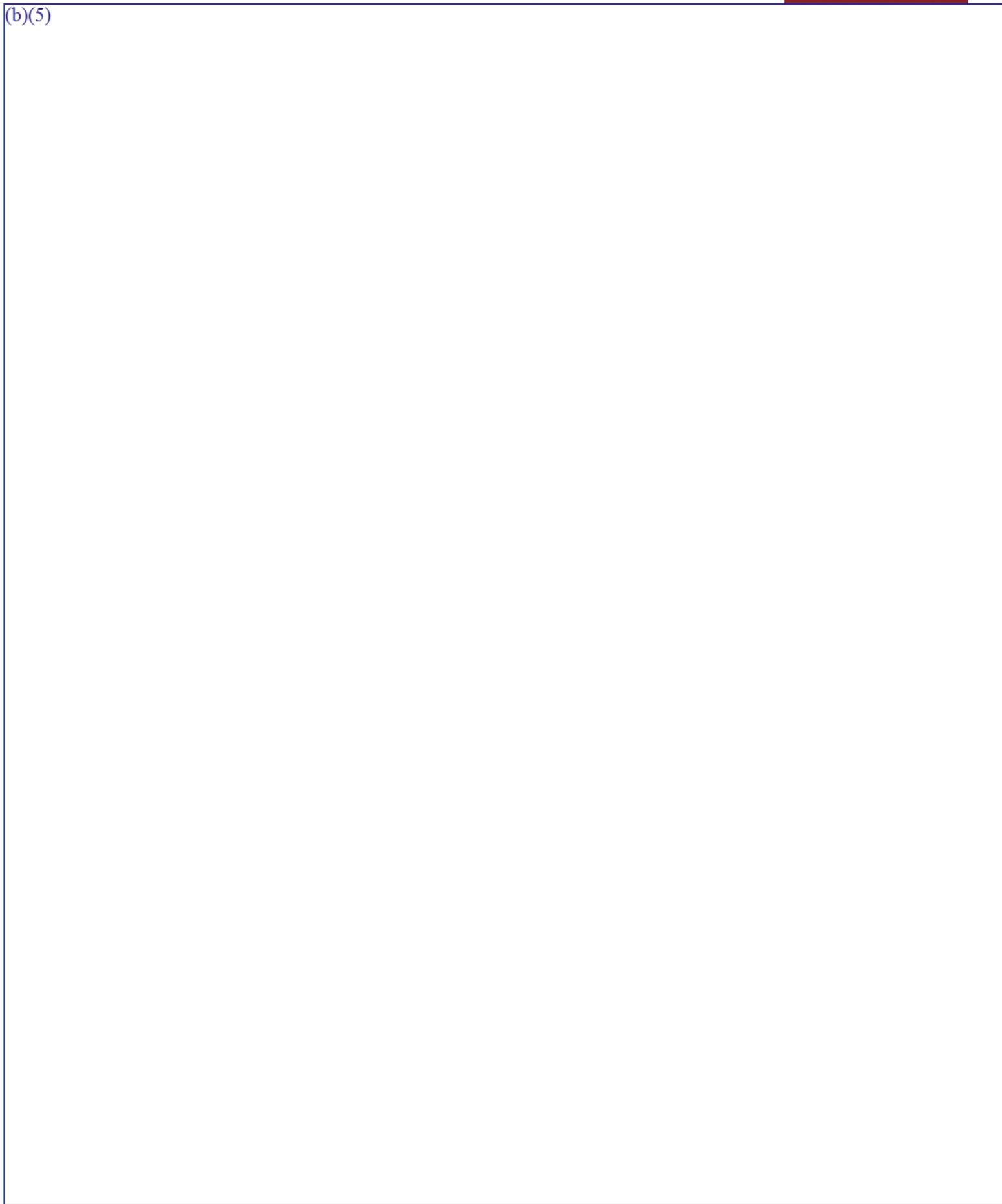
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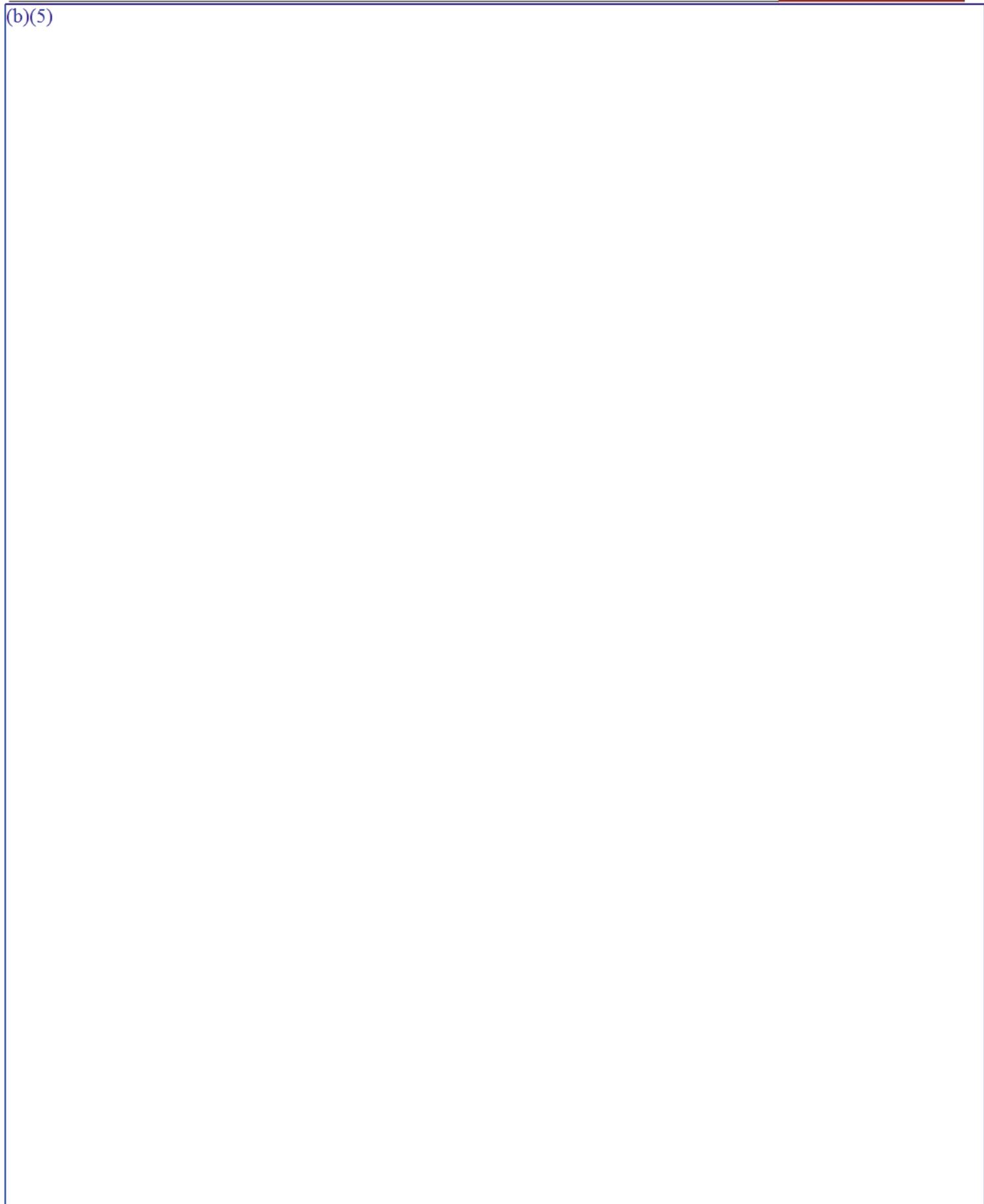
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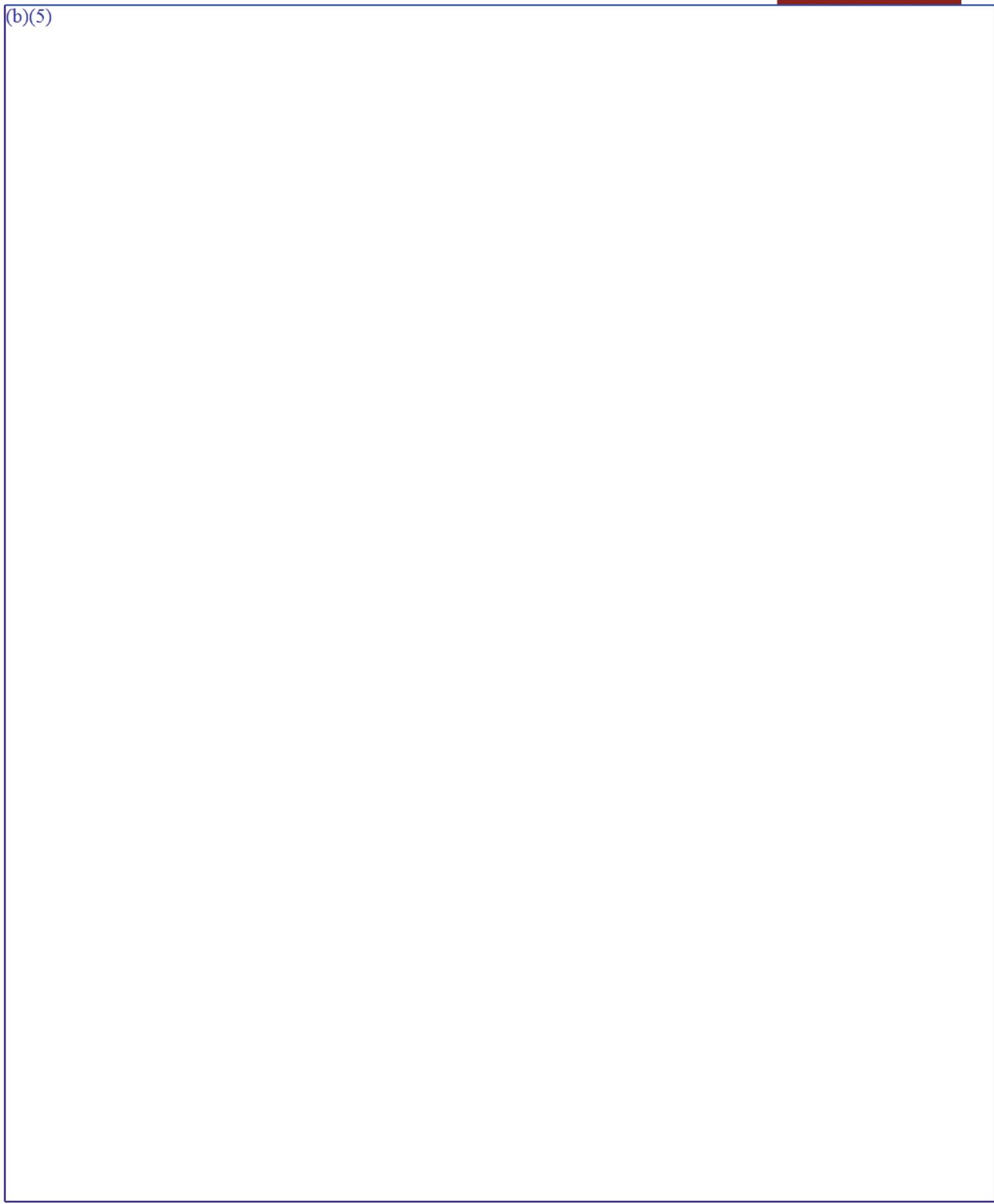
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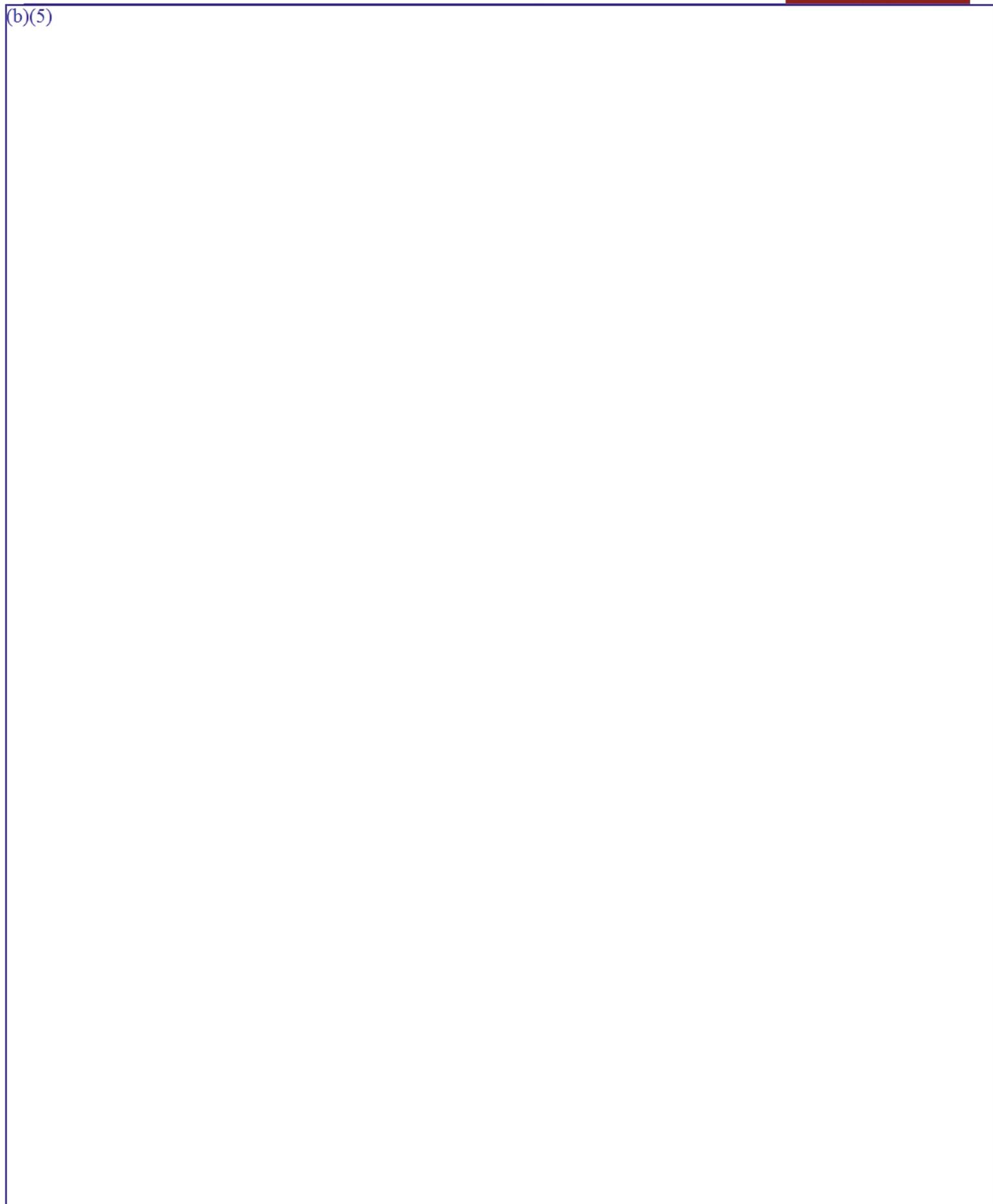
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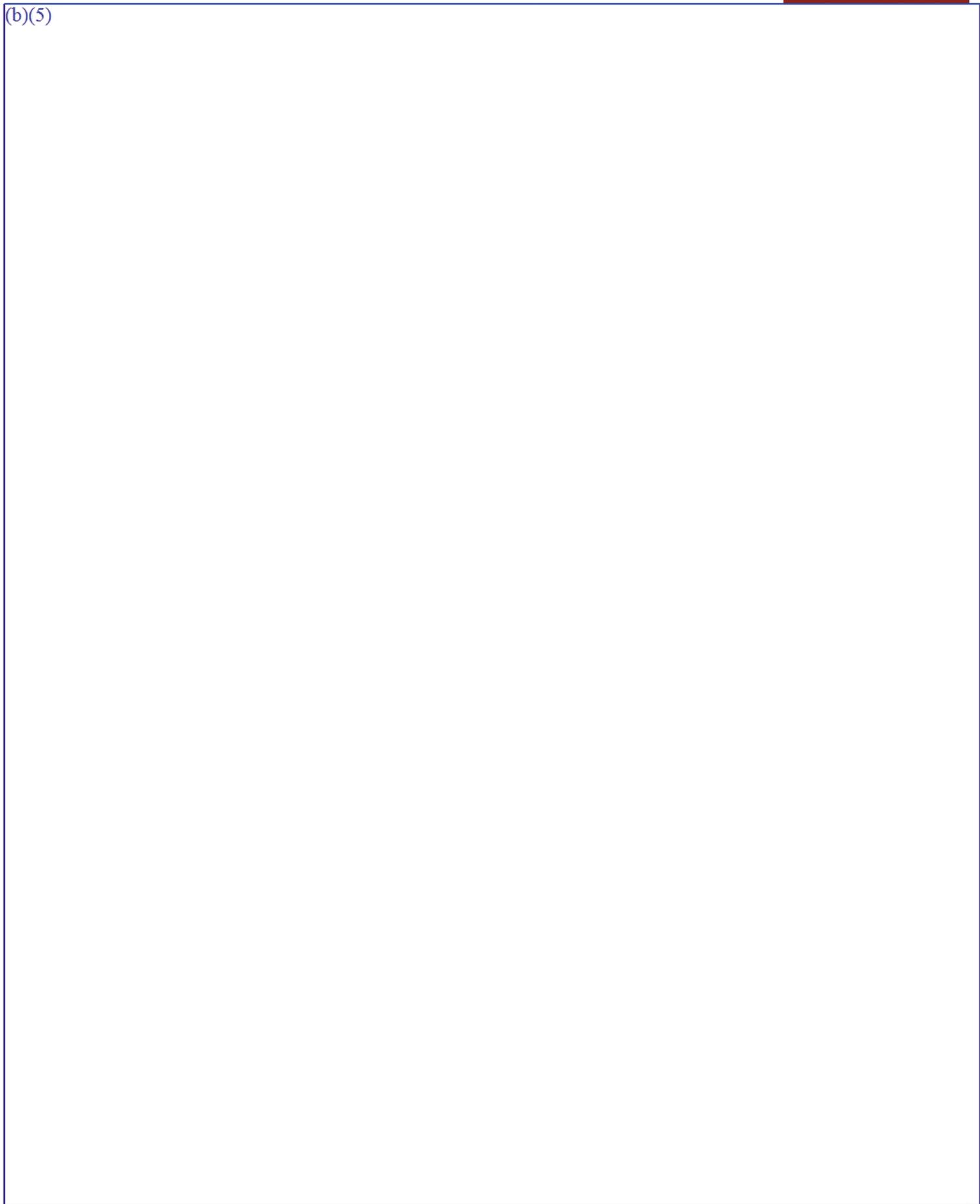
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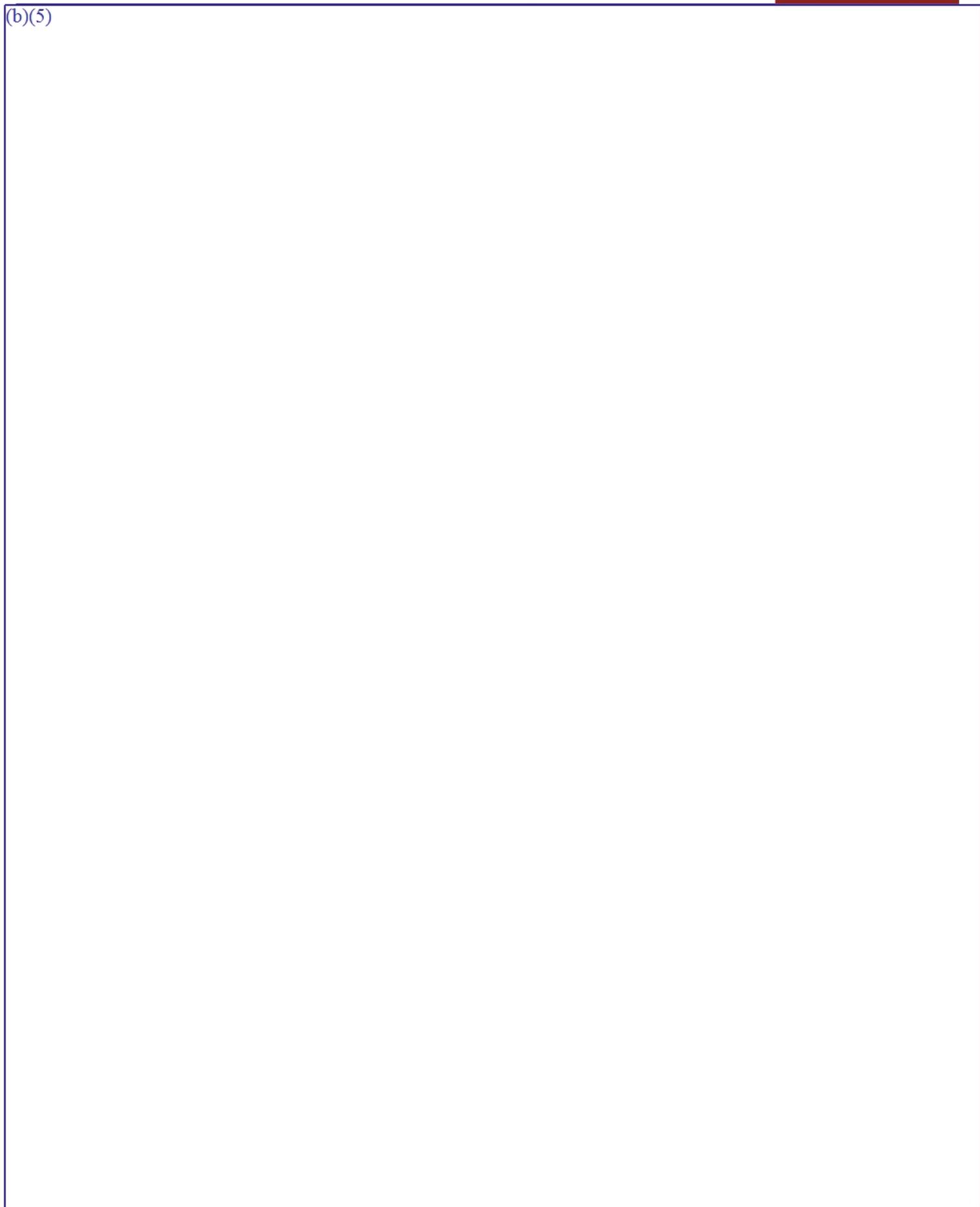
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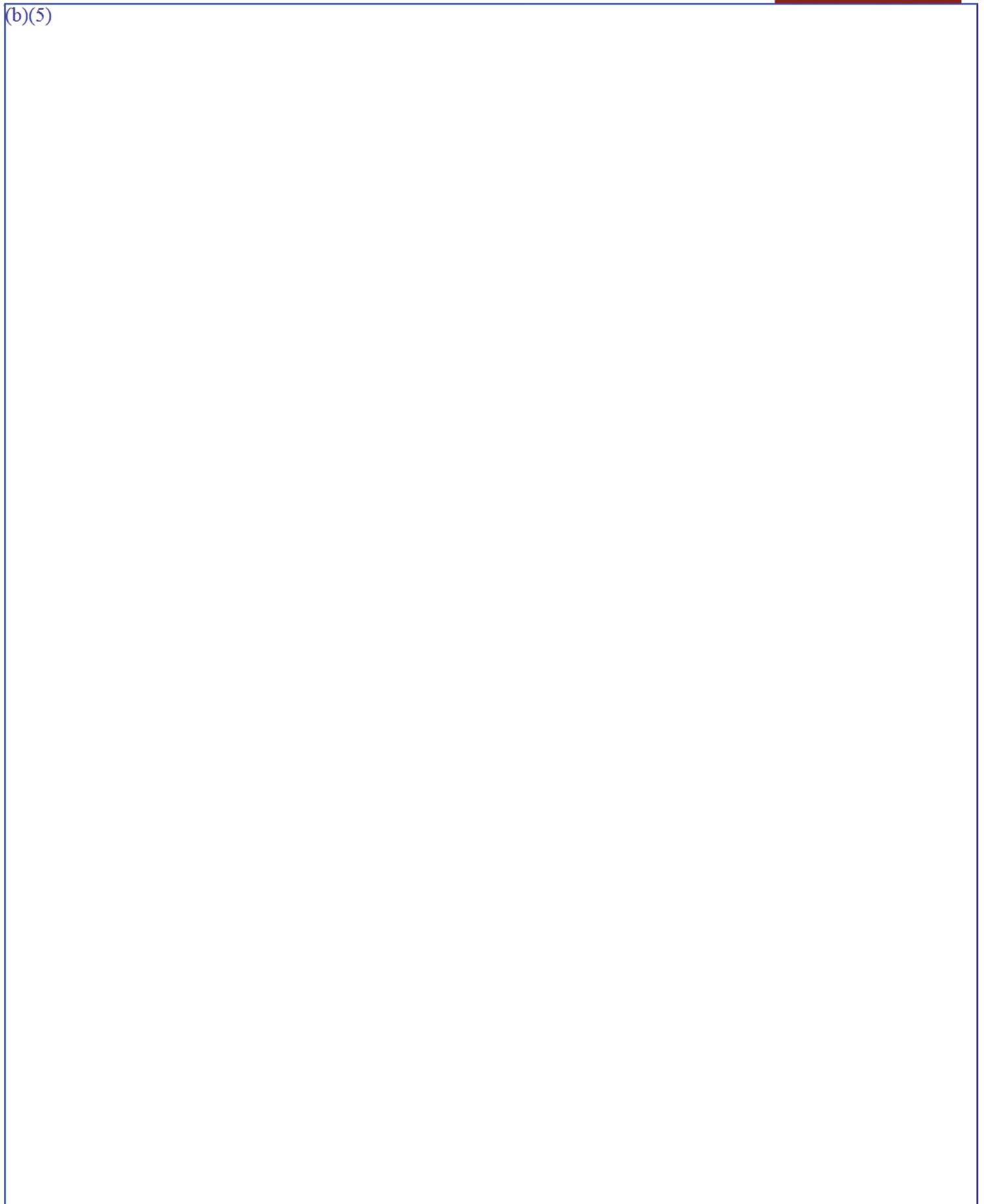
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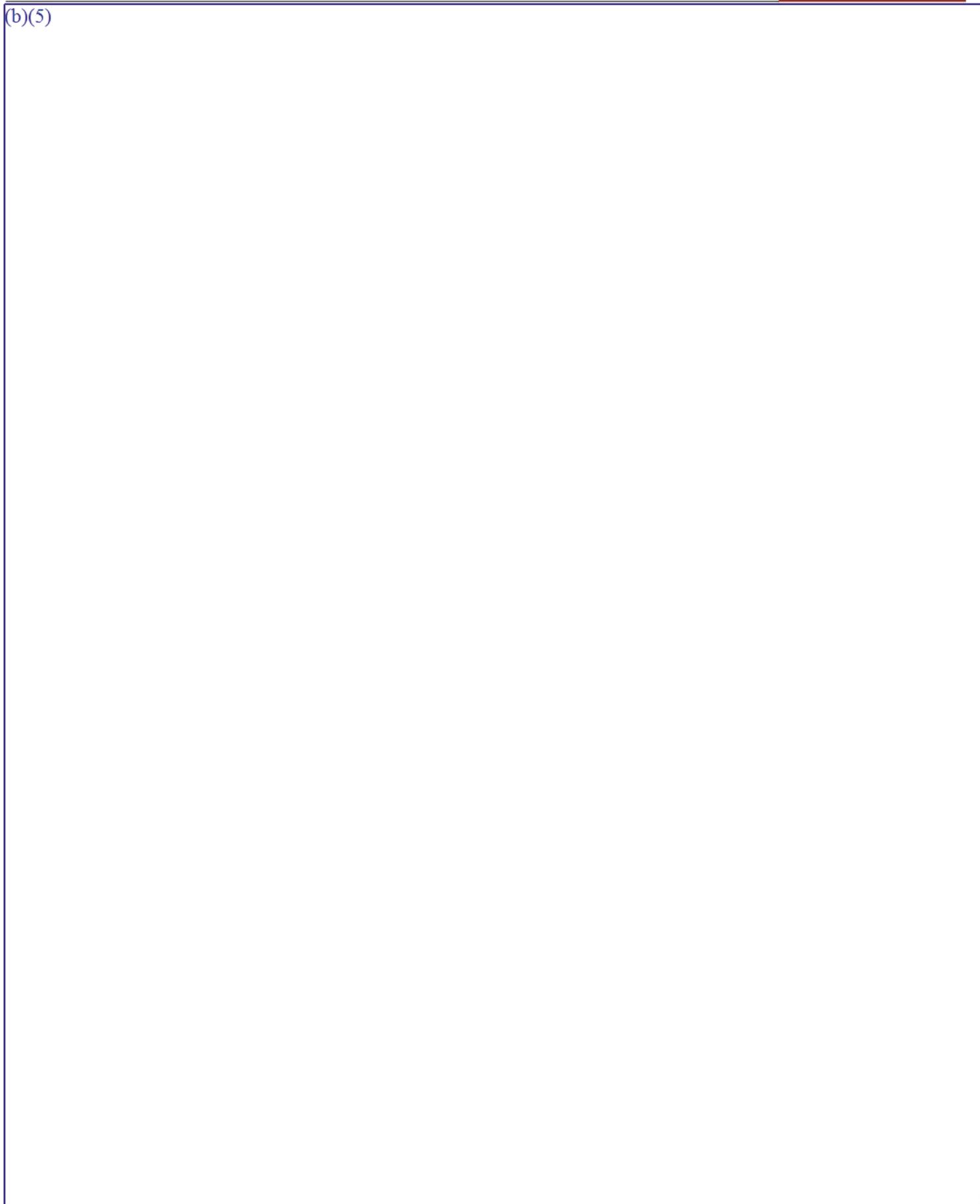
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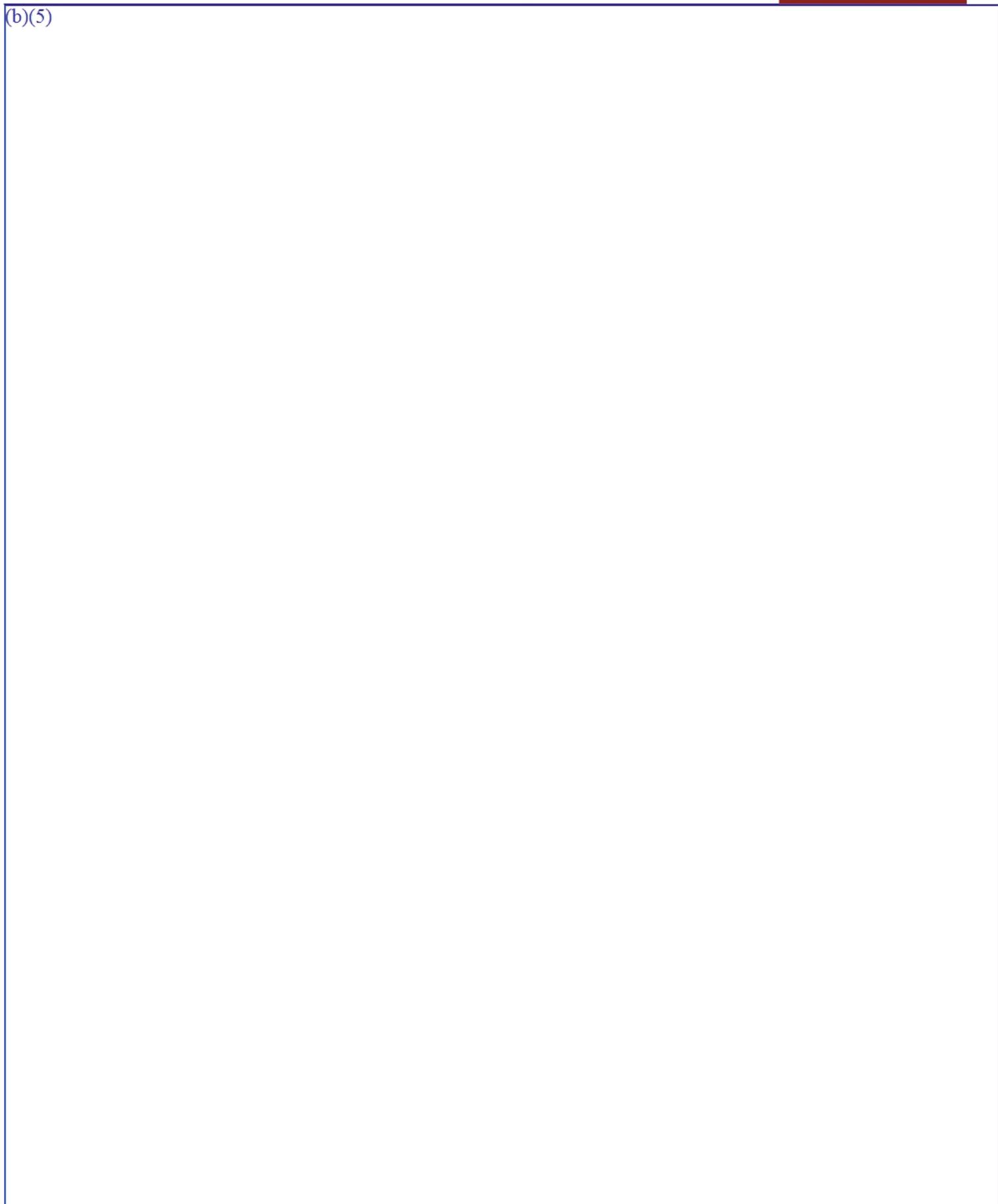
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[PORTFOLIO CHECK- IN – BUCKY METHFESSEL – CUI//PRIVILEGE]

December 22, 2022

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From: Desmond, William
Subject: Re: FOX News inquiry: Chinese donations to UPenn Biden Center DEADLINE: Today (Thursday, Jan. 19) by COB
To: Levitan, Rachel
Sent: January 19, 2023 4:51 PM (UTC-05:00)

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From: Levitan, Rachel <Rachel.Levitan@ed.gov>
Sent: Thursday, January 19, 2023 4:41:21 PM
To: Desmond, William <William.Desmond@ed.gov>
Subject: Fwd: FOX News inquiry: Chinese donations to UPenn Biden Center DEADLINE: Today (Thursday, Jan. 19) by COB

(b)(5)

Rachel Levitan
Senior Advisor to the Secretary
Office of the Secretary
U.S. Department of Education

Begin forwarded message:

From: "Betancourt, Alberto" <Alberto.Betancourt@ed.gov>
Date: January 19, 2023 at 2:00:47 PM EST
To: "Loewenstein, Roy" <Roy.Loewenstein@ed.gov>
Cc: "Robinson, Matt (OGC)" <Matthew.N.Robinson@ed.gov>, "Levitan, Rachel" <Rachel.Levitan@ed.gov>, "Bradshaw, Jim" <Jim.Bradshaw@ed.gov>
Subject: **FW: FOX News inquiry: Chinese donations to UPenn Biden Center DEADLINE: Today (Thursday, Jan. 19) by COB**

Good afternoon,

(b)(5)

(b)(5)

V/R

Al.



Alberto “Al” Betancourt, M.A.Ed

Press Officer

Press and Customer Relations Division | Office of Communications & Outreach
U.S. Department of Education | 400 Maryland Avenue, S.W. | Washington, D.C. 20202
(phone) 202.453.5753 | alberto.betancourt@ed.gov

From: Persons, Sally <Sally.Persons@FOX.COM>
Sent: Thursday, January 19, 2023 1:20 PM
To: Press <Press@ed.gov>
Subject: FOX News inquiry: Chinese donations to UPenn Biden Center

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello again --

Can you confirm if the Dept of Ed has rolled back reporting of foreign gifts as reported by multiple outlets? Did the department move Section 117 compliance program to Federal Student Aid? Is the department committed to following through on the requirements for Section 117? We're looking into this over the allegations the University of Pennsylvania received foreign donations.

Our deadline is COB today.

Best,
Sally

Sally Persons
Senior Producer

(b)(6)

202-824-6446 (o)

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DELIBERATIVE DOCUMENT / FOR INTERNAL DISCUSSION PURPOSES ONLY

BRIEFING MEMORANDUM
SECTION 117 – INFORMATION SHARING
Thurs., January 26, 2023

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READ-AHEAD FOR STATUS OF TRANSFER OF SECTION 117
Wednesday, February 8, 2023
4:30 pm
Microsoft Teams

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withheld pursuant to section

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of the Freedom of Information and Protection of Privacy Act

withheld pursuant to section

(b)(5)

of the Freedom of Information and Protection of Privacy Act

From: McGinnis, Colleen
Subject: FW: Questions for Campus Reform Article
To: Peterson, Lesjanusar; Sullivan, Wayne
Sent: February 13, 2023 9:10 PM (UTC-05:00)

Hi: This exchange may come up in the Section 117 meeting tomorrow with the Department.

Best,
Colleen

From: Jordan, April <April.Jordan@ed.gov>
Sent: Monday, February 13, 2023 6:29 PM
To: Loewenstein, Roy <Roy.Loewenstein@ed.gov>
Cc: FSA Press <FSAPress@ed.gov>; McGinnis, Colleen <Colleen.McGinnis@ed.gov>
Subject: RE: Questions for Campus Reform Article

Okie dokie. From what she explained, it sounds like there's a strategic campaign underway outside ED to draw attention and spotlight perceived failings about this issue. We are likely to get a lot of these questions in the near future.

-asj

From: Loewenstein, Roy <Roy.Loewenstein@ed.gov>
Sent: Monday, February 13, 2023 6:15 PM
To: Jordan, April <April.Jordan@ed.gov>
Cc: FSA Press <FSAPress@ed.gov>; McGinnis, Colleen <Colleen.McGinnis@ed.gov>
Subject: Re: Questions for Campus Reform Article

Hi April,

We didn't respond as the story was already published pretty much the time the request came in. But I agree with your process as laid out below, and will do that moving forward.

Best,
Roy

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From: Jordan, April <April.Jordan@ed.gov>
Sent: Monday, February 13, 2023 6:03:36 PM
To: Loewenstein, Roy <Roy.Loewenstein@ed.gov>
Cc: FSA Press <FSAPress@ed.gov>; McGinnis, Colleen <Colleen.McGinnis@ed.gov>
Subject: FW: Questions for Campus Reform Article

(b)(5)

Will that work for you?

Thanks,
-asj

From: Bureau, Lisa <lisa.bureau@ed.gov>
Sent: Monday, February 13, 2023 4:33 PM
To: Jordan, April <April.Jordan@ed.gov>
Cc: Harry, Deborah <deborah.harry@ed.gov>; Marion, Michael <Michael.Marion@ed.gov>; Smith, Joseph <Joseph.Smith@ed.gov>
Subject: FW: Questions for Campus Reform Article

April:

(b)(5)

Please give me a call when you get half a minute.

Lisa

Lisa Bureau
Director
Clery Group
Partner Eligibility and Oversight Services Directorate
Office: 202-377-3860
Lisa.Bureau@ed.gov

Federal Student Aid
AN OFFICE OF THE U.S. DEPARTMENT OF EDUCATION

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From: Bureau, Lisa
Sent: Monday, February 13, 2023 4:02 PM
To: Robinson, Matt (OGC) <Matthew.N.Robinson@ed.gov>; Desmond, William <William.Desmond@ed.gov>; Loewenstein, Roy <Roy.Loewenstein@ed.gov>
Cc: Levitan, Rachel <Rachel.Levitan@ed.gov>; Martinez-Shriver, Joann <JoAnn.Martinez-Shriver@ed.gov>
Subject: RE: Questions for Campus Reform Article

At this juncture, this response may no longer be necessary. But I was thinking along the lines of:

(b)(5)

(b)(5)

From: Robinson, Matt (OGC) <Matthew.N.Robinson@ed.gov>
Sent: Monday, February 13, 2023 3:30 PM
To: Desmond, William <William.Desmond@ed.gov>; Loewenstein, Roy <Roy.Loewenstein@ed.gov>; Bureau, Lisa <lisa.bureau@ed.gov>
Cc: Levitan, Rachel <Rachel.Levitan@ed.gov>; Martinez-Shriver, Joann <JoAnn.Martinez-Shriver@ed.gov>
Subject: RE: Questions for Campus Reform Article

Could we say:

(b)(5)

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From: Desmond, William <William.Desmond@ed.gov>
Sent: Monday, February 13, 2023 1:55 PM
To: Loewenstein, Roy <Roy.Loewenstein@ed.gov>; Bureau, Lisa <lisa.bureau@ed.gov>
Cc: Robinson, Matt (OGC) <Matthew.N.Robinson@ed.gov>; Levitan, Rachel <Rachel.Levitan@ed.gov>; Martinez-Shriver, Joann <JoAnn.Martinez-Shriver@ed.gov>
Subject: RE: Questions for Campus Reform Article

About to go offline but attached is a statement previously shared with press that might have elements of what we need here.

From: Loewenstein, Roy <Roy.Loewenstein@ed.gov>
Sent: Monday, February 13, 2023 1:50 PM
To: Desmond, William <William.Desmond@ed.gov>; Bureau, Lisa <lisa.bureau@ed.gov>
Cc: Robinson, Matt (OGC) <Matthew.N.Robinson@ed.gov>; Levitan, Rachel <Rachel.Levitan@ed.gov>; Martinez-Shriver, Joann <JoAnn.Martinez-Shriver@ed.gov>
Subject: FW: Questions for Campus Reform Article

Hi all,

(b)(5)

From: Betancourt, Alberto <Alberto.Betancourt@ed.gov>
Sent: Monday, February 13, 2023 10:29 AM
To: Loewenstein, Roy <Roy.Loewenstein@ed.gov>
Cc: Bradshaw, Jim <Jim.Bradshaw@ed.gov>; Ewart, Julie <Julie.Ewart2@ed.gov>
Subject: FW: Questions for Campus Reform Article

Hi, Roy,

Shelby Kearns, Associate Editor for Campus Reform, is publishing an article this afternoon about Betsy DeVos' recent *New York Post* [op-ed](#).

She had a couple questions for the article:

(b)(5)

V/R

Al.



Alberto "Al" Betancourt, M.A.Ed

Press Officer

Press and Customer Relations Division | Office of Communications & Outreach
 U.S. Department of Education | 400 Maryland Avenue, S.W. | Washington, D.C. 20202
 (phone) 202.453.5753 | alberto.betancourt@ed.gov

From: Shelby Kearns <SKearns@campusreform.org>
Sent: Monday, February 13, 2023 10:17 AM
To: Betancourt, Alberto <Alberto.Betancourt@ed.gov>
Subject: Questions for Campus Reform Article

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Alberto,

Campus Reform is publishing an article this afternoon about Betsy DeVos' recent *New York Post* [op-ed](#).

There are a couple questions for the article:

- Why did the Department drop some of the initiatives referenced by DeVos?
- What measures is the Department taking to curb the threat of foreign influence in higher education, particularly from the Chinese Communist Party?

I appreciate your time.

Thank you,

Shelby Kearns
 Associate Editor
Campus Reform

[Chinese money is flooding into American higher education — with little transparency](#)

The president should demand the University of Pennsylvania set the standard by releasing details of its entanglements with China without delay. And the American people should continue to question w...

[nypost.com](https://www.nypost.com)

From: Merrill, Toby
Subject: Fwd: Updates/Notes for Tomorrow
To: Desmond, William
Sent: February 15, 2023 10:20 PM (UTC-05:00)

Wait does this mean the charging stations issue is resolved?!?!?

From: McCarthy, Patrick <Patrick.McCarthy@ed.gov>
Sent: Wednesday, February 15, 2023 9:59:57 PM
To: Brown, Lisa <Lisa.Brown@ed.gov>
Cc: Eisenberg, Lynn <Lynn.Eisenberg@ed.gov>; Syed, Nafees <Nafees.Syed@ed.gov>; Mirtle, Jessa <Jessa.Mirtle@ed.gov>; Rodriguez, Jennifer <Jenny.Rodriguez@ed.gov>; Bailey, John <John.Bailey@ed.gov>; Desmond, William <William.Desmond@ed.gov>; Robinson, Matt (OGC) <Matthew.N.Robinson@ed.gov>; Samaha, Adam <Adam.Samaha@ed.gov>; Merrill, Toby <Toby.Merrill@ed.gov>
Subject: RE: Updates/Notes for Tomorrow

Looping in Toby after some redactions.

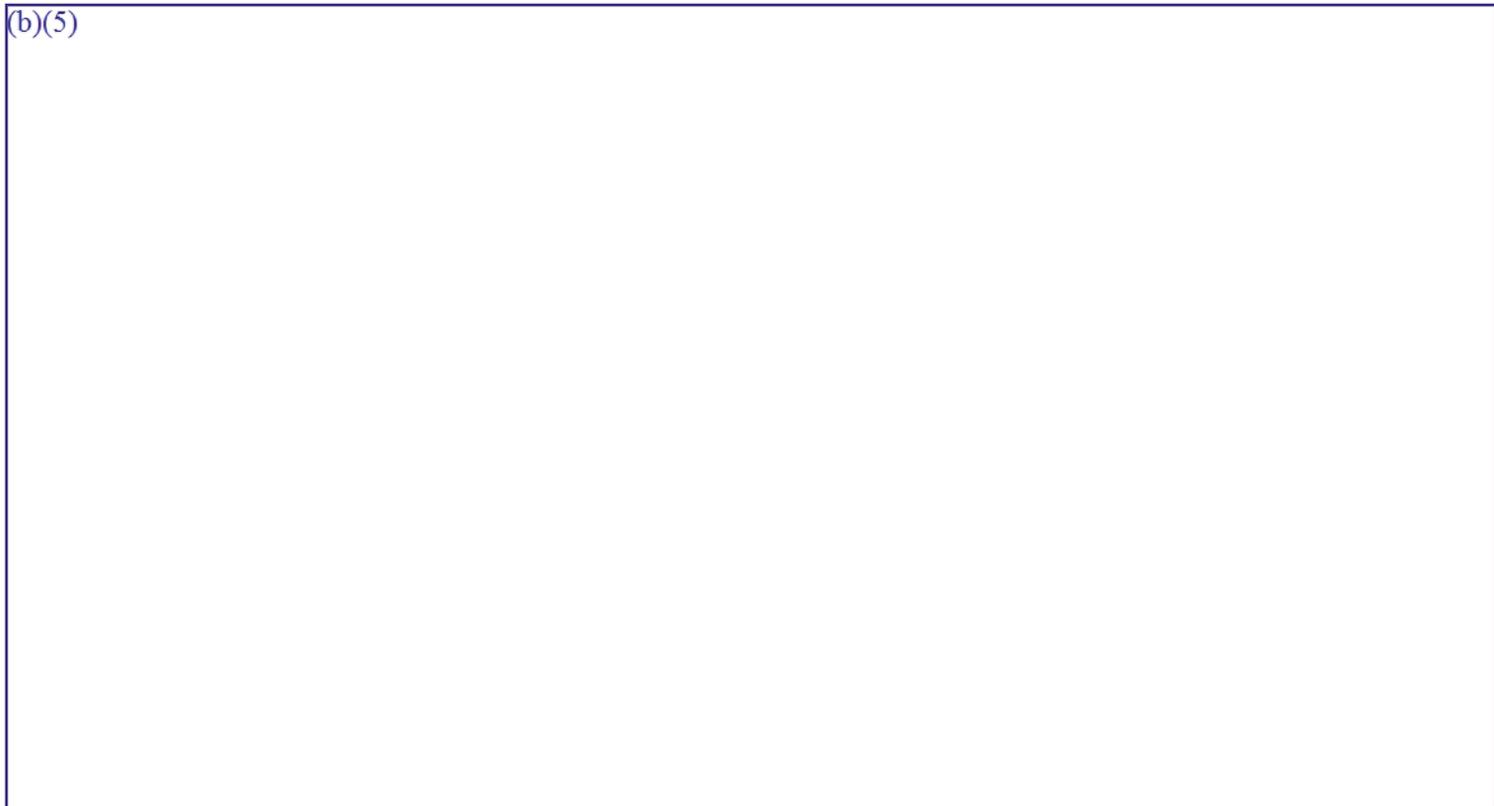
From: McCarthy, Patrick
Sent: Wednesday, February 15, 2023 9:59 PM
To: Brown, Lisa <Lisa.Brown@ed.gov>
Cc: Eisenberg, Lynn <Lynn.Eisenberg@ed.gov>; Syed, Nafees <Nafees.Syed@ed.gov>; Mirtle, Jessa <Jessa.Mirtle@ed.gov>; Rodriguez, Jennifer <Jenny.Rodriguez@ed.gov>; Bailey, John <John.Bailey@ed.gov>; Desmond, William <William.Desmond@ed.gov>; Robinson, Matt (OGC) <Matthew.N.Robinson@ed.gov>; Samaha, Adam <Adam.Samaha@ed.gov>
Subject: Updates/Notes for Tomorrow

Lisa,

The team's updates for tomorrow are below.

Best,
Patrick

(b)(5)



(b)(5)

Patrick McCarthy (he/him) | Special Assistant
Office of the General Counsel
U.S. Department of Education
(202) 615-2061 | patrick.mccarthy@ed.gov

From: Merrill, Toby
Subject: Re: Updates/Notes for Tomorrow
To: Desmond, William
Sent: February 16, 2023 8:50 AM (UTC-05:00)

Oh. (b)(5)

From: Desmond, William <William.Desmond@ed.gov>
Sent: Thursday, February 16, 2023 8:43:23 AM
To: Merrill, Toby <Toby.Merrill@ed.gov>
Subject: Re: Updates/Notes for Tomorrow

(b)(5)

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From: Merrill, Toby <Toby.Merrill@ed.gov>
Sent: Wednesday, February 15, 2023 10:20:27 PM
To: Desmond, William <William.Desmond@ed.gov>
Subject: Fwd: Updates/Notes for Tomorrow

Wait does this mean the charging stations issue is resolved?!?!?

From: McCarthy, Patrick <Patrick.McCarthy@ed.gov>
Sent: Wednesday, February 15, 2023 9:59:57 PM
To: Brown, Lisa <Lisa.Brown@ed.gov>
Cc: Eisenberg, Lynn <Lynn.Eisenberg@ed.gov>; Syed, Nafees <Nafees.Syed@ed.gov>; Mirtle, Jessa <Jessa.Mirtle@ed.gov>; Rodriguez, Jennifer <Jenny.Rodriguez@ed.gov>; Bailey, John <John.Bailey@ed.gov>; Desmond, William <William.Desmond@ed.gov>; Robinson, Matt (OGC) <Matthew.N.Robinson@ed.gov>; Samaha, Adam <Adam.Samaha@ed.gov>; Merrill, Toby <Toby.Merrill@ed.gov>
Subject: RE: Updates/Notes for Tomorrow

Looping in Toby after some redactions.

From: McCarthy, Patrick
Sent: Wednesday, February 15, 2023 9:59 PM
To: Brown, Lisa <Lisa.Brown@ed.gov>
Cc: Eisenberg, Lynn <Lynn.Eisenberg@ed.gov>; Syed, Nafees <Nafees.Syed@ed.gov>; Mirtle, Jessa <Jessa.Mirtle@ed.gov>; Rodriguez, Jennifer <Jenny.Rodriguez@ed.gov>; Bailey, John <John.Bailey@ed.gov>; Desmond, William <William.Desmond@ed.gov>; Robinson, Matt (OGC) <Matthew.N.Robinson@ed.gov>; Samaha, Adam <Adam.Samaha@ed.gov>
Subject: Updates/Notes for Tomorrow

Lisa,

The team's updates for tomorrow are below.

Best,
Patrick

(b)(5)

(b)(5)

Patrick McCarthy (he/him) | Special Assistant
Office of the General Counsel
U.S. Department of Education
(202) 615-2061 | patrick.mccarthy@ed.gov

(b)(5)

From: Desmond, William

Sent: Monday, April 3, 2023 1:34 PM

To: Levitan, Rachel <Rachel.Levitan@ed.gov>; Muenzer, Melanie <Melanie.Muenzer@ed.gov>; Loewenstein, Roy <Roy.Loewenstein@ed.gov>; McGinnis, Colleen <Colleen.McGinnis@ed.gov>

Cc: Rinz, Juliana <Juliana.Rinz@ed.gov>

Subject: RE: 117 follow-up

(b)(5)

From: Levitan, Rachel <Rachel.Levitan@ed.gov>

Sent: Sunday, April 2, 2023 4:55 PM

To: Desmond, William <William.Desmond@ed.gov>; Muenzer, Melanie <Melanie.Muenzer@ed.gov>; Loewenstein, Roy <Roy.Loewenstein@ed.gov>; McGinnis, Colleen <Colleen.McGinnis@ed.gov>

Cc: Rinz, Juliana <Juliana.Rinz@ed.gov>

Subject: RE: 117 follow-up

Do we need to issue a formal Q&A / guidance document or can we approach this by, for now, putting on the website

(b)(5)

From: Desmond, William <William.Desmond@ed.gov>

Sent: Sunday, April 2, 2023 4:39 PM

To: Muenzer, Melanie <Melanie.Muenzer@ed.gov>; Loewenstein, Roy <Roy.Loewenstein@ed.gov>; Levitan, Rachel <Rachel.Levitan@ed.gov>; McGinnis, Colleen <Colleen.McGinnis@ed.gov>

Cc: Rinz, Juliana <Juliana.Rinz@ed.gov>

Subject: Re: 117 follow-up

Based on recent experience, I think it is a very high probability that OMB will consider this to be significant guidance. I don't think the fact that we shared verbally certain points during the webinar or during informal TA will be sufficient to argue this is not significant guidance where the Department has never issued a formal guidance document on Section 117.

It would also help to understand our goals for issuing a FAQ document. Formal guidance could be a vehicle for a legal challenge whereas statements in a webinar would not be.

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From: Muenzer, Melanie <Melanie.Muenzer@ed.gov>

Sent: Sunday, April 2, 2023 4:14:27 PM

To: Desmond, William <William.Desmond@ed.gov>; Loewenstein, Roy <Roy.Loewenstein@ed.gov>; Levitan, Rachel <Rachel.Levitan@ed.gov>; McGinnis, Colleen <Colleen.McGinnis@ed.gov>

Cc: Rinz, Juliana <Juliana.Rinz@ed.gov>

Subject: RE: 117 follow-up

That makes sense about the information clearance.

Do we think we could talk to OMB about the guidance this week to see if we can get the significance review. I'd argue that nothing in it is new and even is consistent with the webinar from last June so it should be significant.

Thanks

From: Desmond, William <William.Desmond@ed.gov>

Sent: Saturday, April 1, 2023 6:05 PM

To: Muenzer, Melanie <Melanie.Muenzer@ed.gov>; Loewenstein, Roy <Roy.Loewenstein@ed.gov>; Levitan, Rachel <Rachel.Levitan@ed.gov>; McGinnis, Colleen <Colleen.McGinnis@ed.gov>

Cc: Rinz, Juliana <Juliana.Rinz@ed.gov>

Subject: Re: 117 follow-up

(b)(5)

From: Desmond, William
Subject: Re: Foxx probes Education Department enforcement of foreign gift reporting
To: Slupe, Kevin; McGinnis, Colleen; Robinson, Matt (OGC)
Sent: April 6, 2023 8:54 AM (UTC-04:00)

Thanks Colleen. (b)(5)

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From: Slupe, Kevin <Kevin.Slupe@ed.gov>
Sent: Thursday, April 6, 2023 8:34:24 AM
To: McGinnis, Colleen <Colleen.McGinnis@ed.gov>; Desmond, William <William.Desmond@ed.gov>; Robinson, Matt (OGC) <Matthew.N.Robinson@ed.gov>
Subject: RE: Foxx probes Education Department enforcement of foreign gift reporting

+Matt

Thanks, Colleen.

From: McGinnis, Colleen <Colleen.McGinnis@ed.gov>
Sent: Thursday, April 6, 2023 8:23 AM
To: Desmond, William <William.Desmond@ed.gov>; Slupe, Kevin <Kevin.Slupe@ed.gov>
Subject: FW: Foxx probes Education Department enforcement of foreign gift reporting

FWIW

From: Cordray, Richard <Richard.Cordray@ed.gov>
Sent: Wednesday, April 5, 2023 12:57 PM
To: McGinnis, Colleen <Colleen.McGinnis@ed.gov>; Wiggins, Hunter <Hunter.Wiggins@ed.gov>; Bureau, Lisa <lisa.bureau@ed.gov>; Williams, Rich <Rich.Williams@ed.gov>; Kvaal, James <James.Kvaal@ed.gov>
Subject: RE: Foxx probes Education Department enforcement of foreign gift reporting

(b)(5)

Thx
RC

From: Campbell, Patrick <Patrick.Campbell@ed.gov>
Sent: Wednesday, April 5, 2023 12:24 PM
To: Cordray, Richard <Richard.Cordray@ed.gov>; Latreille, Bonnie <Bonnie.J.Latreille@ed.gov>; Donoghue, Kristen <Kristen.Donoghue@ed.gov>; Wiggins, Hunter <Hunter.Wiggins@ed.gov>; Harrington, Ashley

<Ashley.Harrington@ed.gov>; Williams, Rich <Rich.Williams@ed.gov>

Subject: FW: Foxx probes Education Department enforcement of foreign gift reporting

From: POLITICO Pro Education <alert@email.politicopro.com>

Sent: Wednesday, April 5, 2023 12:23:45 PM (UTC-05:00) Eastern Time (US & Canada)

To: Campbell, Patrick <Patrick.Campbell@ed.gov>

Subject: Foxx probes Education Department enforcement of foreign gift reporting

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Foxx probes Education Department enforcement of foreign gift reporting

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House Education and Workforce Republicans are probing the Education Department for insight on how it is enforcing a federal mandate that requires colleges to report some foreign gifts and contracts.

Under Section 117 of the Higher Education Act, institutions are required to report foreign gifts and contracts valued at more than \$250,000. If an institution does not comply, the Justice Department could step in to ensure compliance through a civil action in federal court.

Committee Chair [Virginia Foxx](#) (R-N.C.) led a [letter](#) sent Wednesday to Education Secretary [Miguel Cardona](#), which asks the department to detail how it is enforcing the mandate and whether colleges and universities are complying with reporting requirements.

The department under the Trump administration heightened its scrutiny of academia's relationships with foreign countries, and China specifically. It launched several [investigations into universities](#), which the department at the time said uncovered about \$6.5 billion in previously undisclosed foreign gifts and contracts, including at least \$1.14 billion from anonymous donors from China, Saudi Arabia, Qatar and Russia.

The Trump administration also [unveiled an online portal](#) that requires institutions to answer more specific questions about their financial ties.

Lawmakers are seeking updates on the work started by the Trump administration, including information on investigations launched into more than a dozen universities and whether the portal is fully functional. They also want Cardona to outline how many employees are working on Section 117 compliance and enforcement, and how much has been budgeted and spent on this, among other requests.

Lawmakers requested Cardona respond with the information within two weeks. The Education Department did not respond to a request for comment by deadline.

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