



March 24, 2025

The Honorable Mike Johnson
U.S. House of Representatives
H-232, U.S. Capitol
Washington D.C. 20515

The Honorable Hakeem Jeffries
U.S. House of Representatives
H-204, U.S. Capitol
Washington D.C. 20515

Dear Speaker Johnson and Minority Leader Jeffries:

I write on behalf of the Association of American Universities (AAU) representing 69 leading U.S. research universities to urge your opposition to H.R. 1048, the “Defending Education Transparency and Ending Rogue Regimes Engaging in Nefarious Transactions (DETERRENT)” Act.

AAU supports some aspects of the bill to improve foreign gift reporting by institutions of higher education as required by Section 117 of the Higher Education Act, including establishing a single point of contact at the department, exempting reporting for certain tuition payments, aligning some definitions, and establishing annual reporting. However, as currently proposed, section 117A, 117B, 117C, and 117D in the bill are unhelpful to advancing the national and research security interests of the United States. Indeed, the new faculty and staff gift reporting requirement for any and all countries is excessive, will prove counterproductive, and divert important university resources away from more valuable and focused efforts to address legitimate research security risks. Additionally, the bill’s contract waiver requirement will prevent U.S. researchers and students from participating in important international scientific collaborations and exchange programs, ultimately harming – not helping – the U.S. maintain its global leadership position in critical areas of scientific research.

We are also concerned: 1) the version of the bill now being considered on the floor contains new language not included in the bill marked up by the House Education and Workforce Committee that raises additional concerns for which the impacts are not yet fully understood;¹ and 2) given recent actions taken by the Trump administration to significantly reduce the staff of and dismantle the U.S. Department of Education, we do not believe it is sensible for Congress to now assign that department with new U.S. national and research security responsibilities. We also endorse separate comments opposing the Act made by the American Council on Education (ACE).

¹ [Comparative Print: Bill to Bill Differences Comparing the base document 119hr1048rh with RCP_H1048.xml](#), posted to the House Rules Committee page March 17, 2025

AAU's specific concerns are outlined in greater detail below:

1) Broad usage of waivers will restrict important international research collaborations and exchange programs

Section 117A of the DETERRENT Act requires academic institutions to apply for and obtain a waiver from the Department of Education before entering a contract with a country of concern or a foreign entity of concern. The waiver requirement would slow down and require unprecedented approval by the Department of Education for all contracted academic research collaborations and all student academic exchanges or joint cultural and education programs with countries such as China, including collaborations, exchanges, and programs that have minimal national security concern or connection to critical technologies.

Additionally, we are concerned that the Department of Education lacks the expertise necessary to assess national security risks associated with scientific research and related partnerships. These concerns are further heightened by the recent reductions to the department's workforce which raise questions about the department's ability to ever fully implement this new oversight requirement. With new and ongoing staffing constraints, we would expect waivers to go unanswered – effectively halting all activities requiring departmental approval and preventing any collaborations or academic exchanges from occurring.

A waiver requirement at the Department of Education is also unnecessary when universities are already working to ensure appropriate risk evaluation processes are in place. Since 2018, universities have stepped up their efforts² to recognize, address, and mitigate research security concerns. Institutions have developed risk criteria, established risk management committees to review international engagements and collaborations, and have started to utilize the new NSF-funded SECURE Center to collaborate and inform their risk mitigation efforts. At a time of intense global competition for talent and knowledge, it would be unwise for the U.S to slow down or halt productive research activities and other programs and therefore isolate and disadvantage U.S. faculty and students.

2) Requiring individual faculty and staff gift and contract disclosures from any country is excessive and will not protect or secure scientific research

Section 117B compels institutions of higher education receiving more than \$50 million in federal research and development funding or any Title VI funding, to implement a policy requiring all research faculty and staff to individually report any foreign gift valued at over \$480 and contracts over \$5,000 and post that information to a publicly available and searchable database.

This provision represents extensive overreach by the U.S. government and would be an unprecedented expansion of oversight by the Department of Education under Section 117. Of particular concern, Section 117B provides unlimited scope and no exceptions so gifts from and contracts with all foreign countries would need to be reported, including even friendly and

² [“University Actions to Address Concerns about Security Threats and Undue Foreign Government Influence on Campus,” Association of American Universities and Association of Public and Land-grant Universities, May 2020](#)

neighboring countries such as Canada, Mexico, and the UK. For research faculty and staff, this would mean that even personal gifts they receive from family members or family inheritance in excess of \$480 dollars would need to be reported.

While Section 117B now includes language to protect some private information, it still raises privacy concerns for researchers who may be required to report personal, private financial transactions that could be made public through the Freedom of Information Act or other efforts. As a result of this requirement, university researchers and staff would have to report and university administrators would have to collect, record, and publicly post inconsequential data that does nothing to address legitimate research security risks or foreign influence concerns. Some researchers may ultimately decide participating in federal research programs carries too much burden and familial scrutiny, which will only stand to further weaken the talent pool for U.S. research.

AAU supports ironclad enforcement of university and agency disclosure requirements which Congress provided in Section 223 of the FY21 National Defense Authorization Act (NDAA).³ Both the previous Trump and Biden administrations have also updated agency disclosure requirements as required by National Security Presidential Memorandum 33 (NSPM-33). Common disclosure forms were finalized at the end of 2023 and federal research agencies have now adopted or are in the process of final adoption of the harmonized common disclosure form, which requests more details on foreign affiliations, relationships, and financial interests from researchers applying for federal research funding.⁴

3) New requirements that duplicate existing requirements will be counterproductive

AAU sees no need for Congress to impose additional excessive and unnecessary disclosure requirements on university faculty and staff included in the DETERRENT Act. Since December 2023, when the Act was last considered on the House floor, Congress and the federal agencies have taken multiple actions to address research security concerns and help mitigate risks.⁵ This includes Section 226 and Section 238 of the FY 2025 NDAA which require DOD to conduct periodic examinations of research awards to ensure compliance with current DOD research security policy and prohibits DOD funding to institutions of higher education that conduct fundamental research in collaboration with covered entities on the Section 1286 list. Additionally, the National Science Foundation, the National Institutes of Health, the Department of Energy, and the Department of Defense all have announced or already begun implementing new processes to consider risk factors prior to awarding a grant. If a risk is identified, mitigation measures are added to the conditions of the award. The DETERRENT Act piles on additional requirements that are likely to conflict, duplicate, and create confusion with existing requirements.

³ Section 223 of the FY21 NDAA, <https://www.aau.edu/key-issues/section-223-fy-2021-national-defense-authorization-act>

⁴ NSPM-33 Implementation Guidance – Common Forms, <https://www.nsf.gov/bfa/dias/policy/nspm-33-implementation-guidance>

⁵ “[University and Federal Actions Taken to Address Research Security Issues](#),” *Association of American Universities*, updated February 2025

In conclusion, **AAU opposes the DETERRENT Act, as many of the bill provisions will not effectively address U.S. national and research security concerns.** They will instead needlessly divert important university resources away from more effective methods of safeguarding and securing research conducted on behalf of American taxpayers, protecting it from undue foreign influence and other international threats.

We urge the House to vote “no” on the legislation unless section 117A, 117B, 117C, and 117D are all removed from the bill. Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink that reads "Barbara R. Snyder". The signature is fluid and cursive, with the first name "Barbara" and last name "Snyder" clearly legible.

Barbara R. Snyder
President

cc: U.S. House of Representatives