November 5, 2026

The Honorable Mike Rogers
U.S. House of Representatives
Armed Services Committee
2216 Rayburn House Office Building
Washington, DC 20515

The Honorable Adam Smith
U.S. House of Representatives
Armed Services Committee
2264 Rayburn House Office Building
Washington, DC 20515

The Honorable Roger Wicker
United States Senate
Armed Services Committee
228 Russell Senate Office Building
Washington, DC 20510

The Honorable Jack Reed
United States Senate
Armed Services Committee
228 Russell Senate Office Building
Washington, DC 20510

Dear Chairman Rogers, Ranking Member Smith, Chairman Wicker, and Ranking Member Reed:

On behalf of the undersigned higher education associations, which represent the full spectrum of American postsecondary education, we write to offer comments on provisions under consideration as you conference the Fiscal Year (FY) 2027 National Defense Authorization Act (NDAA) (H.R. 8800, S. 4784). We also wish to emphasize the priorities shared by the Association of American Universities and the Association of Public and Land-grant Universities in their November 2 joint letter, including the shared concerns outlined below.[1]

Support Sec. 529C(b), "Increase in Per-Semester Hour Cap" in H.R. 8800, in the final conferenced bill.

We strongly urge you to accept the following language included in Section (b) of H.R. 8800, Sec. 529C, "modifications to payment of tuition for off-duty training or education": "INCREASE IN PER-SEMESTER HOUR CAP.—The Secretary of Defense shall prescribe regulations increasing the limit on tuition assistance per semester hour under Section 2007 of Title 10, United States Code, to $350." While the Senate bill includes similar language in Section 549, the House language includes a mandate by saying "shall prescribe" (rather than "may prescribe"). This would ensure that the Department increases tuition assistance rates, which have not increased for over 20 years, for our active-duty military. We urge you to cede to the House language in any conference activities on this provision.

Support Sec. 549B, "Standards and Requirements for Institutions of Higher Learning Seeking to Participate in Department of Defense Education Programs," in S. 4784 in the final bill.

[1] November 2, 2026 AAU and APLU Joint FY27 NDAA letter: https://www.aau.edu/resource-library/joint-aau-aplu-fy27-ndaa-conference-letter

In the final conferenced bill, we support the inclusion of S. 4784, Section 549B, "Standards and Requirements for Institutions of Higher Learning Seeking to Participate in Department of Defense Education Programs." This language would allow for the continuing education of military members in established programs at institutions of higher education that meet certain standards, giving certainty that these programs will continue.

Narrow Sec. 220, "Codification of Department of Defense Research Security Program," in S. 4784.

S. 4784 includes Section 220, "Codification of Department of Defense Research Security Program," that would create "policies to limit or prohibit funding provided by the Department of Defense for institutions of higher education or individual researchers who knowingly conduct joint research activities or projects, co-author scholarly publications, technical reports, or research outputs, contract, or make other financial arrangements with entities or individuals employed by [entities of concern]." This extremely restrictive definition of collaboration would result in a complete ban on activities with countries of concern, including China.

It would also stop academic exchange programs that may not touch on research topics. Instead, the language should be changed to say that "malign joint research activities" may be indicated by "co-authorship of scholarly publications, technical reports, research outputs, contracts, or other financial arrangements with entities or individuals employed by [entities of concern]." This would allow nonthreatening research partnerships important to U.S. national interests to move forward. Risk assessment must be a function carried out by the institution of higher education working with the federal funding agency, and efforts to narrowly define partnerships will only jeopardize important work that advances U.S. interests.

Oppose or narrow the expansion of the Sec. 1260H list in Sec. 1244, "Modifications to Public Reporting of Chinese Military Companies Operating in the United States" (H.R. 8800); Sec. 843, "Modifications to Requirement for Public Reporting of Chinese Military Companies Operating in the United States" (S. 4784); or Sec. 849, "Full Accountability for Chinese Military Companies" (S. 4784).

The Section 1260H list is maintained by the Department of Defense and identifies companies operating directly or indirectly in the United States in support of China's military-civil fusion (MCF) strategy. Institutions of higher education and the Department use this list in risk assessment to identify entities that may not have a clear connection to the Chinese military but support the national strategy of the Chinese Communist Party to convert research and development into military capabilities.[2]

While this list helps institutions assess the risks associated with working with these companies, we are concerned that broadening it to include "assistance" in "the provision of any benefit, including monetary compensation in the form of grants, loans, subsidies, tax benefits, real property, tangible or intangible property, discounts, employees, sponsored research, or any

[2] U.S. Department of State "Military-Civil Fusion and the People's Republic of China." https://www.state.gov/wp-content/uploads/2020/05/What-is-MCF-One-Pager.pdf.

other preferential treatment" could capture tuition-paying students or even exchange programs that do not touch on research activities at U.S. institutions, including long-established programs that allow U.S. domestic students to participate in language and area studies. As with the concerns expressed above regarding Senate Section 220, the broad expansion of this language could also affect genuine, important partnerships that allow for student and faculty exchanges in non-research areas. We therefore ask that this language be struck in the final conferenced legislation.

Oppose inclusion of DETERRENT Act (S. Amendment 6448/H.R. 1048).

We strongly oppose the inclusion of the DETERRENT Act (S. Amendment 6448/ H.R. 1048), which would greatly expand and complicate Section 117 foreign gift reporting to the Department of Education. While the Senate amendment makes changes to the House-passed bill, we continue to have major concerns with the language. The changes proposed in the Senate amendment make the new Section 117B even more complicated and could expand Section 117 in ways that would expose individuals' personal financial information unrelated to research projects and unreasonably increase institutional liability. While the House passed the DETERRENT Act in 2025, the Senate has never formally considered the bill through a committee markup or a floor vote.

We also remain concerned about the expansion of Section 117 requirements while the Department of Education is moving major functions to other federal agencies. We continue to oppose H.R. 1048[3] as it passed the House but outline further concerns with the changes to DETERRENT in the proposed Senate amendment below.

Under Section 117B of S. Amendment 6448, institutions of higher education would need to collect information from faculty for any gift of $480 or more or any contract valued at $5,000 or more. If the gift is below $5,000 and from a personal source, the institution would then have to collect and store an attestation from the faculty member that the gift is personal in nature.[4] Institutions do not already capture this information for faculty, particularly for personal gifts. Creating this new process would be burdensome and expensive and would still create privacy concerns, whether or not the institution or the Department of Education promises to keep that information private.

This also comes at a time when the Department of Education is working to make the names of individual donors public, reversing previous communications to institutions, donors, and Congress that these names would remain private.[5] We are therefore extremely concerned that

---

[3] March 25, 2025,ACE, higher education letter in opposition to H.R. ??

[4] S. Amdt 6448, Sec. 117B, Page S3574, "(ii) the covered individual provides the institution a written attestation that the gift satisfies subclauses (I) through (IV) of clause (i) and the institution retains and makes available the written attestation for investigations under section 117C(a)(1)" https://www.congress.gov/amendment/119th-congress/senate-amendment/6448/text

[5] September 25, 2026, Department of Education Federal Student Aid (FSA) Reporting Deadline for Section 117 of the Higher Education Act: https://fsapartners.ed.gov/knowledge-center/library/electronic-announcements/2026-07-06/reminder-reporting-deadline-section-117-higher-education-act-1965-updated-sept-25-2026 and September 7, 2026 *Wall Street Journal* Letter to the Editor by Ted Mitchell "The Debate over Foreign Money in Higher Education": https://www.wsj.com/opinion/the-debate-over-foreign-money-in-higher-education-b4923e88

the Department could make private financial transactions of U.S. citizens public in future reporting cycles under the DETERRENT Act, even without explicit statutory authority to do so.

Section 117A of S. Amendment 6448 bans all contracts with countries of concern (currently China, North Korea, Iran, and Russia) unless the Secretary of Education issues a waiver for approval before a contract is entered into with a foreign entity of concern or foreign country of concern. If approval is granted, institutions would need to regularly petition for continued approval.[6] Although the language allows the Secretary to grant waivers, the provision is structured in a way that makes approval unlikely. This would effectively end all research collaborations with China in any field, regardless of their potential benefit to the United States, and could hinder American scientific progress. The amendment also includes language that would allow institutions to maintain existing contracts with an entity or country of concern for only one year while they wait to see if a waiver is issued for ongoing work. This could create significant instability for long-standing programs and institutional investments, including international campuses for U.S. institutions.

We are committed to protecting research from malign foreign influence and to working with Congress on these critical issues. However, we continue to strongly oppose DETERRENT as written in H.R. 1048 as well as the changes included in the Senate amendment.

We appreciate the ongoing bipartisan, bicameral efforts to move this important legislation forward and the hard work you and your staff have put into the process. We stand ready to work with Congress to address national security concerns and advance U.S. interests.

Thank you for your time and consideration.

Sincerely,



Ted Mitchell, President

Cc: The Honorable Tim Walberg, House Committee on Education and Workforce
The Honorable Bobby Scott, House Committee on Education and Workforce
The Honorable Bill Cassidy, Senate HELP Committee
The Honorable Bernie Sanders, Senate HELP Committee

[6] S. Amdt 6448, Sec. 117A, "Prohibition on Contracts with Certain Foreign Entities and Countries." https://www.congress.gov/amendment/119th-congress/senate-amendment/6448/text

On behalf of:

American Association of Colleges and Universities
American Association of Collegiate Registrars and Admissions Officers
American Association of State Colleges and Universities
American Association of Veterinary Medical Colleges
American Council on Education
Association of American Medical Colleges
Association of American Universities
Association of Governing Boards of Universities and Colleges
Association of Jesuit Colleges and Universities
Association of Public and Land-grant Universities
Complete College America
Council for Advancement and Support of Education
Council for Christian Colleges & Universities
Council of Graduate Schools
EDUCAUSE
NAFSA: Association of International Educators
NASPA-Student Affairs Administrators in Higher Education
National Association of College and University Business Officers
National Association of Independent Colleges and Universities