



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF THE GENERAL COUNSEL

January 15, 2021

President Garnett S. Stokes
Office of the President
MSC05 3300
1 University of New Mexico
Albuquerque, NM 87131-0001

Via Electronic Mail

Re: Preliminary Inquiry Regarding Potential Violations of 20 U.S.C. § 1011f

Dear President Stokes:

Section 117 of the Higher Education Act of 1965, 20 U.S.C. § 1011f, requires the University of New Mexico (“UNM”) to disclose defined gifts, contracts, and/or restricted and conditional gifts or contracts from or with a foreign source to the U.S. Department of Education (“Department”). These reports are posted at <https://studentaid.ed.gov/sa/about/data-center/school/foreign-gifts>.

The University of New Mexico is one of the nation’s leading research institutions, [classified](#) as a “Carnegie Research-1” or “R-1” institution and ranked 91st in the nation by total R&D expenditures according to [data reported](#) by the National Science Foundation. Carnegie R-1 institutions conduct the bulk of U.S. academic research and are collectively entrusted with billions of dollars in taxpayer funds each year. They also tend to collaborate closely with foreign sources, accounting for over eighty-five percent of all funds [reported](#) to the Department. UNM’s self-described activities include global research collaborations, [international partnerships](#) and [international agreements](#). It supports faculty collaboration with [private sector](#) and other foreign sources. Some of the collaborations appear to be significant, including a [Memorandum of Understanding](#) between the UNM’s Center for High Technology Materials and Centro de Investigación en Materiales Avanzados, a research center of the government of Mexico. UNM has a publicly available [database of 396 international agreements](#). The agreements themselves are not available, but the database reflects the breadth and depth of international engagement at UNM.

UMN has not filed a single Section 117 report. By comparison, Auburn University-Montgomery, ranked by NSF 788th in total R&D expenditures at \$430,000, reported twenty-four foreign contracts in the period from 2013 to 2017. Given UMN’s self-described engagement with foreign sources, the Department is therefore concerned UNM may be violating Section 117. Consequently, we are opening a preliminary inquiry, directed by the Department’s Office of the General Counsel with support from the Office of Federal Student Aid, to determine the possible nature and extent of UNM’s Section 117 violations, if any.

Please arrange for UNM's general counsel to contact Paul R. Moore, Chief Investigative Counsel, and/or Kevin D. Slupe, Special Counsel, at his or her earliest convenience to discuss UNM's Section 117 compliance in more detail. Also, UNM should produce the following records within twenty-one days:

A. True copies of all gift or donation agreements and/or contracts, whether restricted and conditional or otherwise, by and between UNM and any "foreign source" as defined at 20 U.S.C. § 1011f(h)(2). The relevant time for this request is January 1, 2016 to the present.

B. All records in UNM's possession or control relating or referring to Section 117 compliance activities and obligations. The relevant time for this request is January 1, 2016 to the present.

Thank you in advance for your cooperation.

Sincerely yours,

Reed D. Rubinstein
Principal Deputy General Counsel delegated
the Authorities and Duties of the General Counsel

cc: Paul R. Moore
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