

## Paperwork Reduction Act (PRA) Burden Statement

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. The valid OMB control number for this information collection is 1801-NEW. Public reporting burden for this collection of information is estimated to average 20 hours per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The obligation to respond to this collection is *mandatory*, unless there are no disclosures to report under 20 U.S.C. 1011f. If you have any comments concerning the accuracy of the time estimate, suggestions for improving this individual collection, or if you have comments or concerns regarding the status of your individual form, application or survey, please contact Kevin Slupe, 400 Maryland Ave SW, room 6E-323, Washington D.C. 20202, (202)-401-6273 directly. If any question from the disclosure form is held invalid, the remainder of the questions will not be affected thereby. That is, we intend for questions on the form to be severable.

### Foreign Gifts and Contracts Disclosures

This information collection implements Section 117 of the Higher Education Act (HEA) codified at 20 U.S.C. § 1011f and related authorities. “Institutions” as defined below must file this information collection by January 31st and July 31<sup>st</sup> of each year for the preceding six-month period, whenever a disclosure is required under 20 U.S.C. § 1011f(a). For purposes of this information collection:

As provided in 20 U.S.C. § 1011f(b)(1), a gift or contract is “attributable” to the country of citizenship, or if unknown, the principal residence for a foreign source who is a natural person, and the country of incorporation, or if unknown, the principal place of business, for a foreign source which is a legal entity.

Each “institution” must report all covered “gifts received from or contracts entered into with” a “foreign source,” all as defined below. Also, covered gifts received from or contracts with an “agent” of a foreign source are reportable. The Department is aware that the stated purpose and/or function of some legal entities (as articulated in articles of incorporation, for example) is to serve as an intermediary for foreign source gifts to or contracts with an institution. See <http://www.usmf.org/files/resources/articles-of-incorporation.pdf> and <https://leadbyexample.tamu.edu/txam-foundation.html>. Allowing foreign sources and institutions to avoid disclosure by using intermediaries to transfer funds and benefit would be contrary to plain statutory language, context, and purpose. Therefore, foreign source gifts to or contracts with an intermediary that benefit an institution are reportable.

“Agent” has its plain and ordinary meaning.

“Contract” has the meaning given at 20 U.S.C. § 1011f(h)(1).

“Foreign source” has the meaning given at 20 U.S.C. § 1011f(h)(2).

“Gift” has the meaning given at 20 U.S.C. § 1011f(h)(3).

“Institution” has the meaning given at 20 U.S.C. § 1011f(h)(4).

“Restricted or conditional gift or contract” has the meaning given at 20 U.S.C. § 1011f(h)(5).

## 1. OPEID

- a. List all campuses.
- b. Is the institution, or any part thereof, owned or substantially controlled by a foreign source? (Y/N)
  - i. If yes, then identify:
    1. The foreign source
    2. The date on which the foreign source assumed ownership or control
    3. Any changes in program or structure resulting from the change in ownership or control

## 2. Gifts from a foreign source.

- a. Name of the foreign source.
  - i. Is the gift from a foreign government, including but not limited to any agency of a foreign government? (Y/N)
    1. If yes, provide the name of the foreign government
  - ii. Is the gift from a legal entity, governmental or otherwise, created solely under the laws of a foreign state or states? (Y/N)
  - iii. Is the gift from an individual who is not a citizen or a national of the United States or a trust territory or protectorate thereof? (Y/N)
  - iv. Is the gift from a person, including a subsidiary or affiliate of a foreign legal entity, who acts as an agent of a foreign government, a legal entity created solely under the laws of a foreign state or states, or an individual who is not a citizen or national of the United States or a trust territory or protectorate thereof? (Y/N)
    1. If yes, provide the name of the foreign government, legal entity, individual, or person.
- b. Foreign source address including country of origin
  - i. For gifts received from a foreign source other than a foreign government, the country of citizenship, or if unknown, the principal residence for a foreign source who is a natural person, and the country of incorporation, or if unknown, the principal place of business for a foreign source which is a legal entity.

- c. Gift terms.
    - i. Amount.
    - ii. Date received.
  - d. Recipient, including any and all intermediaries.
  - e. True copy of the gift or donation agreement (UPLOAD PDF)
3. Contracts with a foreign source.
- a. Name of the foreign source.
    - i. Is the contract with a foreign government, including but not limited to any agency of a foreign government? (Y/N)
      - 1. If yes, provide the name of the foreign government.
    - ii. Is the contract with a legal entity, governmental or otherwise, created solely under the laws of a foreign state or states? (Y/N)
    - iii. Is the contract with an individual who is not a citizen or a national of the United States or a trust territory or protectorate thereof? (Y/N)
    - iv. Is the contract with a person, including a subsidiary or affiliate of a foreign legal entity, who acts as an agent of a foreign government, legal entity created solely under the laws of a foreign state or states, or individual who is not a citizen or national of the United States or a trust territory or protectorate thereof? (Y/N)
      - 1. If yes, provide the name of the foreign government, legal entity, individual, or person.
  - b. Foreign source address including country of origin.
    - i. For contracts with a foreign source other than a foreign government, the country of citizenship, or if unknown, the principal residence for a foreign source who is a natural person, and the country of incorporation, or if unknown, the principal place of business for a foreign source which is a legal entity.
  - c. Domestic party
  - d. Contract terms.
    - i. Amount.
    - ii. Contract start date.
    - iii. Contract end date.
  - e. True copy of the contract (UPLOAD PDF)
4. Restricted or conditional gifts from a foreign source.
- a. Name of the foreign source.
    - i. Is the gift from a foreign government, including but not limited to any agency of a foreign government? (Y/N)
      - 1. If yes, provide the name of the foreign government.
    - ii. Is the gift from a legal entity, governmental or otherwise, created solely under the laws of a foreign state or states? (Y/N)
    - iii. Is the gift from an individual who is not a citizen or a national of the United States or a trust territory or protectorate thereof? (Y/N)

- iv. Is the gift from a person, including a subsidiary or affiliate of a foreign legal entity, who acts as an agent of a foreign government, a legal entity created solely under the laws of a foreign state or states, or an individual who is not a citizen or national of the United States or a trust territory or protectorate thereof? (Y/N)
    - 1. If yes, provide the name of the foreign government, legal entity, individual, or person.
  - b. Foreign source address including country of origin.
    - i. For gifts received from a foreign source other than a foreign government, the country of citizenship, or if unknown, the principal residence for a foreign source who is a natural person, and the country of incorporation, or if unknown, the principal place of business for a foreign source which is a legal entity.
  - c. Restricted or conditional gift terms.
    - i. Amount.
    - ii. Date received.
    - iii. Detailed description of all conditions or restrictions.
  - d. Specific restricted or conditional gift provisions.
    - i. Do the restrictions or conditions concern or relate to the employment, assignment, or termination of faculty? (Y/N)
    - ii. Do the restrictions or conditions concern or relate to the establishment of departments, centers, research or lecture programs, or new faculty positions? (Y/N)
    - iii. Do the restrictions or conditions concern or relate to the selection or admission of students? (Y/N)
    - iv. Do the restrictions or conditions concern or relate to the award of grants, loans, scholarships, fellowships, or other forms of financial aid restricted to students of a specified country, religion, sex, ethnic origin, or political opinion? (Y/N)
  - e. Recipient, including any and all intermediaries.
  - f. True copy of restricted or conditional gift agreement (UPLOAD PDF)
5. Restricted or conditional contract with a foreign source.
- a. Name of the foreign source.
    - i. Is the contract with a foreign government, including but not limited to any agency of a foreign government? (Y/N)
      - 1. If yes, provide the name of the foreign government.
    - ii. Is the contract with a legal entity, governmental or otherwise, created solely under the laws of a foreign state or states? (Y/N)
    - iii. Is the contract with an individual who is not a citizen or a national of the United States or a trust territory or protectorate thereof? (Y/N)
    - iv. Is the contract with a person, including a subsidiary or affiliate of a foreign legal entity, who acts as an agent of a foreign government, a legal entity created solely under the laws of a foreign state or states, or an individual

who is not a citizen or national of the United States or a trust territory or protectorate thereof? (Y/N)

1. If yes, provide the name of the foreign government, legal entity, individual, or person.
  - b. Foreign source address including country of origin.
    - i. For contracts with a foreign source other than a foreign government, the country of citizenship, or if unknown, the principal residence for a foreign source who is a natural person, and the country of incorporation, or if unknown, the principal place of business for a foreign source which is a legal entity.
  - c. Domestic party.
  - d. Restricted or conditional contract terms.
    - i. Amount.
    - ii. Contract start date.
    - iii. Contract end date.
    - iv. Narrative description of all conditions or restrictions
  - e. Specific restricted or conditional contract provisions.
    - i. Do the restrictions or conditions concern or relate to the employment, assignment, or termination of faculty? (Y/N)
    - ii. Do the restrictions or conditions concern or relate to the establishment of departments, centers, research or lecture programs, or new faculty positions? (Y/N)
    - iii. Do the restrictions or conditions concern or relate to the selection or admission of students? (Y/N)
    - iv. Do the restrictions or conditions concern or relate to the award of grants, loans, scholarships, fellowships, or other forms of financial aid restricted to students of a specified country, religion, sex, ethnic origin, or political opinion? (Y/N)
  - f. True copy of the restricted or conditional contract (UPLOAD PDF)
6. Acknowledgement: This information collection is subject to 18 U.S.C. § 1001, which provides that whoever knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact; makes any materially false, fictitious, or fraudulent statement or representation; or makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry, may be subject to fines and imprisonment. (Y/N)