

## Paperwork 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 1845-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 required to obtain or retain a benefit (20 U.S.C. § 1011f). If you have comments or concerns regarding the status of your individual submission of this form, please contact [ForeignSourceReporting@ed.gov](mailto:ForeignSourceReporting@ed.gov) directly.

Note: Please do not return the completed form to this address.

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 31 and July 31 of each year, 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. Allowing foreign sources and institutions to avoid disclosure by using intermediaries to transfer funds and benefit would be contrary to the plain statutory language, context, and purpose of Section 117. 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). Contracts involving purchases by institutions from foreign sources are generally not reportable so long as they are arms-length, fair market value transactions.

“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. Office of Postsecondary Education Identification (OPEID)

a. 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. Gift from a foreign source.

Check box if you consider the name or address of the foreign source in this transaction to be a trade secret or commercial or financial information that is privileged or confidential and exempt from public disclosure pursuant to FOIA.

a. Name of the foreign source.

- i. Legal Name
- ii. DBA / Trade Name

b. Type of 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 an individual or entity, 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 principal (*i.e.*, the foreign government, legal entity, individual, or person on whose behalf the agent is acting).

- c. Country of attribution.
    - i. For gifts received from a foreign government or agent acting on behalf of a foreign government, the country to which the gift is attributable is the country of the foreign government.
    - ii. For gifts received from a foreign source other than a foreign government or agent acting on behalf of a foreign source other than a foreign government, the country to which the gift is attributable is 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.
  - d. Foreign source address.
    - i. Country
    - ii. Address Line 1
    - iii. Address Line 2
    - iv. Zip/Mail/Postal Code
    - v. City
    - vi. State/Province Name
  - e. Gift terms.
    - i. Amount.
    - ii. Date received.
  - f. Recipient of gift.
    - i. Is the gift directly to the reporting institution? (Y/N)
    - ii. Is the gift indirectly to the reporting institution, including through an intermediary? (Y/N)
      - 1. If yes, provide the name of any and all intermediaries.
3. Contract with a foreign source.
- Check box if you consider the name or address of the foreign source in this transaction to be a trade secret or commercial or financial information that is privileged or confidential and exempt from public disclosure pursuant to FOIA.
- a. Name of the foreign source.
    - i. Legal Name
    - ii. DBA / Trade Name
  - b. Type of 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 an individual or entity, 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 principal (*i.e.*, the foreign government, legal entity, individual, or person on whose behalf the agent is acting).
  - c. Country of attribution.
    - i. For contracts with a foreign government or agent acting on behalf of a foreign government, the country to which the contract is attributable is the country of the foreign government.
    - ii. For contracts with a foreign source other than a foreign government or agent acting on behalf of a foreign source other than a foreign government, the country to which the contract is attributable is 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.
  - d. Foreign source address.
    - i. Country
    - ii. Address Line 1
    - iii. Address Line 2
    - iv. Zip/Mail/Postal Code
    - v. City
    - vi. State/Province Name
  - e. Contract terms.
    - i. Amount.
    - ii. Contract start date.
    - iii. Contract end date.
  - f. Domestic party to contract.
    - i. Is the contract entered into directly with the reporting institution? (Y/N)
    - ii. Is the contract entered into by a third party, such as an intermediary? (Y/N)
      - 1. If yes, provide the name of any and all intermediaries.
4. Restricted or conditional gift from a foreign source.
- Check box if you consider the name or address of the foreign source in this transaction to be a trade secret or commercial or financial information that is privileged or confidential and exempt from public disclosure pursuant to FOIA.
- a. Name of the foreign source.
    - i. Legal Name
    - ii. DBA / Trade Name

- b. Type of 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 an individual or entity, 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 principal (*i.e.*, the foreign government, legal entity, individual, or person on whose behalf the agent is acting).
- c. Country of attribution.
  - i. For gifts received from a foreign government or agent acting on behalf of a foreign government, the country to which the gift is attributable is the country of the foreign government.
  - ii. For gifts received from a foreign source other than a foreign government or agent acting on behalf of a foreign source other than a foreign government, the country to which the gift is attributable is 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.
- d. Foreign source address.
  - i. Country
  - ii. Address Line 1
  - iii. Address Line 2
  - iv. Zip/Mail/Postal Code
  - v. City
  - vi. State/Province Name
- e. Restricted or conditional gift terms.
  - i. Amount.
  - ii. Date received.
- f. Specific restricted or conditional gift provisions.
  - i. Types of restrictions or conditions.
    - 1. Do the restrictions or conditions concern or relate to the employment, assignment, or termination of faculty? (Y/N)

2. Do the restrictions or conditions concern or relate to the establishment of departments, centers, research or lecture programs, or new faculty positions? (Y/N)
  3. Do the restrictions or conditions concern or relate to the selection or admission of students? (Y/N)
  4. 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)
    - ii. If yes to any of the above, provide a detailed description of such restrictions or conditions.
  - g. Recipient of gift.
    - i. Is the gift directly to the reporting institution? (Y/N)
    - ii. Is the gift indirectly to the reporting institution, including through an intermediary? (Y/N)
      1. If yes, provide the name of any and all intermediaries.
5. Restricted or conditional contract with a foreign source.
- Check box if you consider the name or address of the foreign source in this transaction to be a trade secret or commercial or financial information that is privileged or confidential and exempt from public disclosure pursuant to FOIA.
- a. Name of the foreign source.
    - i. Legal Name
    - ii. DBA / Trade Name
  - b. Type of 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 an individual or an entity, 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 principal (*i.e.*, the foreign government, legal entity, individual, or person on whose behalf the agent is acting).
  - c. Country of attribution

- i. For contracts with a foreign government or agent acting on behalf of a foreign government, the country to which the contract is attributable is the country of the foreign government.
    - ii. For contracts with a foreign source other than a foreign government or agent acting on behalf of a foreign source other than a foreign government, the country to which the contract is attributable is 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.
  - d. Foreign source address.
    - i. Country
    - ii. Address Line 1
    - iii. Address Line 2
    - iv. Zip/Mail/Postal Code
    - v. City
    - vi. State/Province Name
  - e. Restricted or conditional contract terms.
    - i. Amount.
    - ii. Contract start date.
    - iii. Contract end date.
  - f. Specific restricted or conditional contract provisions.
    - i. Type of restrictions or conditions.
      - 1. Do the restrictions or conditions concern or relate to the employment, assignment, or termination of faculty? (Y/N)
      - 2. Do the restrictions or conditions concern or relate to the establishment of departments, centers, research or lecture programs, or new faculty positions? (Y/N)
      - 3. Do the restrictions or conditions concern or relate to the selection or admission of students? (Y/N)
      - 4. 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)
    - ii. If yes to any of the above, provide a detailed description of such restrictions or conditions.
  - g. Domestic party to contract.
    - i. Is the contract entered into directly with the reporting institution? (Y/N)
    - ii. Is the contract entered into by a third party, such as an intermediary? (Y/N)
      - 1. If yes, provide the name of any and all intermediaries.

6. Acknowledgement: I am aware that 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)