



# Reporting of Foreign Gifts and Contracts

Federal Higher Education Act of 1965, Section 117

Presented by Fiscal Services  
April 28, 2021





### The What

#### What needs to be reported?

Foreign gifts and contracts the value of which is \$250,000 or more (considered alone or in combination with other contracts or gifts from the same foreign source).

### The Who

#### To whom do we need to report?

U.S. Department of Education.

### The Why

#### Why do we need to report foreign gifts and contracts?

Required under Section 117 of the Higher Education Act of 1965.  
To maintain eligibility for participation in federal student aid programs.

### The When

#### When does the information need to be reported?

Reporting is on a calendar year basis and due twice a year. For example:  
Period January 1, 2021 to June 30, 2021 – Reporting deadline July 31, 2021  
Period July 1, 2021 to December 31, 2021 – Reporting deadline January 31, 2022

### The How

#### How is the information gathered and reported?

Email blast sent out first business day of the reporting month (July 1st and January 3rd).  
Two weeks deadline to provide data.  
Two weeks to consolidate data - follow up if needed.  
Information reported via Department of Education's Foreign Gifts & Contracts reporting portal.

## **Definitions - Section 117 of the Higher Education Act (HEA) codified at 20 U.S.C. § 1011f**

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### **Foreign Source: 20 U.S.C. § 1011f(h)(2)**

- A foreign government, including but not limited to any agency of a foreign government.
- A legal entity, governmental or otherwise, created solely under the laws of a foreign state or states.
- An individual who is not a citizen or a national of the United States or a trust territory or protectorate thereof.
- 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.

### **Contract: 20 U.S.C. § 1011f(h)(1)**

Any agreement for the acquisition by purchase, lease, or barter of property or services by the foreign source, for the direct benefit or use of either of the parties.

## **Definitions - Section 117 of the Higher Education Act (HEA) codified at 20 U.S.C. § 1011f**

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### **Gift: 20 U.S.C. § 1011f(h)(3)**

Any gift of money or property received.

### **Restricted or conditional gift or contract: 20 U.S.C. § 1011f(h)(5)**

Any endowment, gift, grant, contract, award, present, or property of any kind which includes provisions regarding:

- The employment, assignment, or termination of faculty.
- The establishment of departments, centers, research or lecture programs, or new faculty positions.
- The selection or admission of students.
- The awarded 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.





# GMU Units

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- Schools/Colleges
  - Student Accounts
  - Office of Sponsored Programs (OSP)
  - Continuing and Professional Education (CPE)
  - Global Education Office (GEO)
  - Mason Enterprise Center
  - Business Services
  - Intercollegiate Athletics
  - University Advancement



# Component Units

- George Mason University Foundation (GMUF)
- Mercatus Center
- Mason Korea
- George Mason Research Foundation (GMRF)
- George Mason University Instructional Foundation (GMUIF)

# Examples



## Example 1

- CVPA receives a gift of \$150,000 from Government of Wakanda on 2/25/2021.
- College of Science also receives a gift from Government of Wakanda for \$150,000 on 6/30/2021.
- GMU must report the aggregate amount of \$300,000 by 7/31/2021.



## Example 2

- VSE enters into a collaborative research agreement with the Republic of Wadiya.
- Total contract amount is \$450,000 payable in 3 installments.
- Contract was signed by both parties on 5/15/2021.
- VSE receives payments as follows:
  - ❑ \$150,000 on 12/1/2021.
  - ❑ \$150,000 on 6/1/2022.
  - ❑ \$150,000 on 12/1/2022.
- GMU must report total contract amount of \$450,000 by 7/31/2021.

# Template

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Disclosure of Foreign Gifts, Contracts and Relationships in accordance with the Higher Education Act, Section 117										
Reporting Period: July 1, 2020 to December 31, 2020										
Please indicate if this is a Gift, Contract, Restricted Gift, or Restricted Contract	Date Contract Signed or Gift Received	Total Contract Amount/Gift Amount	Contract Start Date	Contract End Date	Legal Name of Foreign Source	Is the gift/contract with a foreign government, including but not limited to any agency of a foreign government? (Y/N) If yes, provide the name of the foreign government in column H	Foreign Government Name	Given Name of Contract/Gift	Is the gift/contract from a legal entity, governmental or otherwise, created solely under the laws of a foreign state or states? (Y/N)	Is the gift/contract from an individual who is not a citizen or a national of the United States or a trust territory or protectorate thereof? (Y/N)
Contract	7/1/2020	\$32,000	9/1/2020	8/31/2021	Korea Research Institute of Chemical Technology	Y	Government of South Korea	Cooperative Project (Consignment) Agreement	Y	N
Contract	8/1/2020	\$80,000	8/1/2020	4/30/2021	National Security Research Institute of Korea	Y	Government of South Korea	Collaborative Research Agreement	Y	N
Contract	9/17/2020	\$92,074	4/1/2021	3/31/2022	Ministry of Natural Resources of the People's Republic of China	Y	Government of China	Natural Resource Investigation and Monitoring Technology	Y	N
Contract	12/13/2020	\$82,722	7/8/2021	4/1/2023	Jiangsu Provincial Department of Natural Resources, The People's Republic of China	Y	Government of China	Smart City and GIS Applications	Y	N
Gift	8/14/2020	\$1,000,000	N/A	N/A	Milner Global Foundation	N	N/A	Fast Grants Program	Y	N
Gift	11/16/2020	\$914	N/A	N/A	Lee Da-Yeong	N	N/A	General donation from South Korean Volley Ball Player	N	Y

# Template

Is the gift/contract from a person/subsidiary/affiliate of a foreign legal entity, who acts as an agent of a foreign government or acts as an agent of an individual who is not a citizen or national of the United States? (Y/N)	If answered yes in column M, provide name of the foreign government, legal entity, individual, or person	Foreign Source Address Including Country of Origin	Domestic Address	If this is a Restricted or Conditional Gift/Contract, provide narrative description of all conditions or restrictions	Contract or Gift Agreement Included (Y/N)	Where is this gift or contract money received recorded in Banner?				Other Comments
						Banner Organization Code	Banner Fund Code	Banner Account Code	Banner Program Code	
N	N/A	141, Gajeong-ro, Yuseong-gu, Daejeon, South Korea	N/A	N/A	Y		223534			Research work on Development of Smart Materials for IoT Device.
N	N/A	1559 Yuseong-daero, Yuseong-gu, Daejeon, South Korea	N/A	N/A	Y		223444			Collaborative research work on a study of Next-Gen SOC Framework (TTP-Based Threat Situation Awareness and Detection Technique).
N	N/A	China	N/A	N/A	Y		223612			
N	N/A	China	N/A	N/A	Y		223596			To provide short-term training on Smart City and GIS Applications.
N	N/A	One Bay Street, Nassau, Bahamas	N/A	N/A	N		N/A. Posted to the financial statements of Mercatus.			Gift is for Mercatus' Fast Grants program which is to provide funding for scientific research on COVID-19.
N	N/A	South Korea	N/A	N/A	N		N/A. Posted to the financial statements of Mason Korea.			This is a general donation from a South Korean Volley Ball Player.





# Resources

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Will be available on Fiscal Services website (no later than June 30, 2021):

- Slides from this presentation
- Guidance Memo
- FAQ
- Reporting Template
- Department of Education website:  
<https://www2.ed.gov/policy/highered/leg/foreign-gifts.html>



# Contact Us

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Nusrat Sultana  
[nsultan5@gmu.edu](mailto:nsultan5@gmu.edu)  
Ext 3-2640

Claire Wurmfeld  
[cwurmfel@gmu.edu](mailto:cwurmfel@gmu.edu)  
Ext 3-5328

Sharon Heinle  
[sheinle@gmu.edu](mailto:sheinle@gmu.edu)  
Ext 3-6714