

09.400 Gifts from Foreign Sources or Persons

09.401 Disclosure of Gift Required. If the System, the System Administration, or an Institution receives a gift from a foreign source that is required to be reported to the U.S. Department of Education in accordance with 20 U.S.C. §1011f or a conditional gift from a foreign person or government that is required to be reported to the Texas Secretary of State in accordance with Texas Education Code §§ 51.571-575, then a disclosure statement shall be filed with the appropriate federal or state agency on or before January 31st and July 31st of each year for all such gifts received in the preceding six months.

09.402 Reporting of Foreign Gift Policies and Procedures. The System and each Institution shall adopt policies and procedures for the reporting of foreign gifts that are consistent with Regents Rule 09.400, 20 U.S.C. §1011f and Texas Education Code §§ 51.571-575.

Definitions.

1. “Conditional gift” means any endowment, scholarship, or other gift, donation, or grant of money or property of any kind, or any contract award, the use of which is subject to conditions imposed, requested, or provided by a “foreign government” or “foreign person” and which conditions relate to the kinds of teachers or students who may benefit from such gift or relate to the perspective, bias, or slant with which subject matter supported by the gift may be taught.
2. “Foreign government” means a government other than the government of the United States or any state, province, or political subdivision thereof.
3. “Foreign person” means:
 - a. a foreign government;

- b. an individual who is not a citizen or national of the United States or of a trust territory or protectorate of the United States;
- c. a corporation, partnership, joint venture, proprietorship, trust, association, or other entity that is created or organized under or existing pursuant to the laws of a foreign government or that has its principal place of business located outside the United States;
- d. a corporation, partnership, joint venture, proprietorship, trust, association, or other entity that is created or organized under or existing pursuant to the laws of the United States or any state or political subdivision thereof, a majority of the stock or other equity interest of which is directly or indirectly owned of record or beneficially by, a majority of the membership of which is composed of, or a majority of the funding for which is derived from a foreign government, an individual described by Regents Rule 09.402.3(b), an entity described by Regents Rule 09.402.3(c), or a combination of such governments, individuals, or entities; or
- e. any committee or other group, a majority of whose membership is composed of or a majority of the funding for which is derived from a foreign government, an individual described in Regents Rule 09.402.3(b), an entity described by Regents Rule 09.402.3(c) or (d), or a combination of such governments, individuals, or entities.

4. “Foreign source” means:

- a. an individual who is not a citizen or a national of the United States or a trust territory or protectorate thereof;
- b. a foreign government, including an agency of a foreign government;

- c. a legal entity, governmental or otherwise, created solely under the laws of a foreign state or states; or
 - d. an agent, including a subsidiary or affiliate of a foreign legal entity, acting on behalf of a foreign source.
5. “Gift” means any gift of money or property.

Adopted: November 15, 2007
Effective: November 15, 2007
Revised: February 16, 2012