

Part 2 Disclosure of Foreign Gifts

53B-1-201 Definitions.

As used in this part:

- (1) "Conditional gift" means a gift as defined in Subsection (4) that is subject to conditions:
 - (a) imposed, requested, or provided by a foreign government or foreign person; and
 - (b) that relate to:
 - (i) what kinds of teachers or students may benefit from the gift; or
 - (ii) a description of the subject matter to be taught with the support of the gift.
- (2) "Foreign government" means a government other than the government of:
 - (a) the United States;
 - (b) a state within the United States;
 - (c) a territory or possession of the United States; or
 - (d) a political subdivision of the United States.
- (3) "Foreign person" means:
 - (a) a foreign government defined in Subsection (2);
 - (b) an individual who is not a citizen or national of the United States or of a 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 the laws of a foreign government or that has its principal place of business located outside the United States;
 - (d) if known by the higher education institution, a corporation, partnership, joint venture, proprietorship, trust, association, or other entity that is created or organized pursuant to the laws of the United States or a state within the United States, if a majority of the stock or other equity interest is directly or indirectly owned by, or which derives a majority of its funding from:
 - (i) a foreign government;
 - (ii) an individual described in Subsection (3)(b); or
 - (iii) an entity described in Subsection (3)(c) or (d); or
 - (e) if known by the higher education institution, a committee or other group in which a majority of the membership is composed of:
 - (i) a foreign government;
 - (ii) an individual described in Subsection (3)(b); or
 - (iii) an entity described in Subsection (3)(c) or (d).
- (4) "Gift" means an endowment, scholarship, gift, donation, or grant of money or property of any kind.
- (5) "Higher education institution" means an institution in the state system of higher education as defined in Section 53B-1-102.

Enacted by Chapter 243, 2010 General Session

53B-1-202 Disclosure of foreign gifts to higher education institutions.

- (1)
 - (a) Except as provided in Subsection (1)(c), on or before July 31 of each year, a higher education institution shall disclose to the board, by filing a disclosure report described in Subsection (2), a gift received by the higher education institution of \$50,000 or more from a foreign person,

considered alone or in combination with all other gifts from the foreign person, during the period beginning July 1 and ending on June 30 immediately preceding the July 31 deadline.

- (b) A higher education institution may rely on the following address of a foreign person to determine the citizenship or nationality of the foreign person if the citizenship or nationality is unknown:
 - (i) for a foreign person that is an individual, the principal residence; and
 - (ii) for a foreign person that is not an individual, the principal place of business.
- (c) The \$50,000 amount described in Subsection (1)(a) is increased to \$250,000 if the gift, considered alone or in combination with all other gifts, described in Subsection (1)(a) is from a foreign person:
 - (i) with a principal residence or principal place of business located in the United States; and
 - (ii) with a permanent resident status:
 - (A) under Section 245 of the Immigration and Nationality Act; and
 - (B) for 10 years or more.
- (2) A disclosure report regarding all gifts described in Subsection (1) shall include:
 - (a) the amount of each gift described in Subsection (1);
 - (b) the date on which each gift described in Subsection (1) was received by the higher education institution;
 - (c) the name of the foreign person making each gift described in Subsection (1);
 - (d) the aggregate amount of all gifts described in Subsection (1) from a foreign person during the prior fiscal year of the higher education institution;
 - (e) for a conditional gift, a description of the conditions or restrictions related to the conditional gift;
 - (f) for a conditional gift:
 - (i) for a foreign person that is an individual, if known, the country of citizenship or principal residence of the individual; or
 - (ii) for a foreign person that is not an individual, if known, the country of incorporation or place of business of the foreign person; and
 - (g) for a conditional gift that is a contract entered into between a higher education institution and a foreign person:
 - (i) the amount;
 - (ii) the date;
 - (iii) a description of all conditions or restrictions; and
 - (iv) the name of the foreign person.
- (3) A disclosure report required by this section is a public record open to inspection and review during the higher education institution's business hours.
- (4) At the request of the board, the attorney general may file a civil action to compel a higher education institution to comply with the requirements of this section.
- (5) The board shall make rules for the administration of this section in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Amended by Chapter 188, 2016 General Session