

**Superseded 5/4/2022**

**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.