



MIDWESTERN STATE UNIVERSITY

Operating Policies & Procedures Manual

University Operating Policy/Procedure (“OP”) OP 14.18: Foreign Sources and Transaction Reporting

Approval Authority:	President
Policy Type:	University Operating Policy and Procedure
Policy Owners:	Vice President for Administration and Finance Vice President for University Advancement
Responsible Office:	Business Office
Next Scheduled Review:	03/01/2027. This OP will be reviewed in March every two years, or as needed, by the MSU Business Office. Substantive revisions will be routed through administrative channels to the Vice President for Administration and Finance and the Vice President for University Advancement and on to the President for approval.

I. Purpose:

The purpose of this OP of Midwestern State University ("MSU" or "University"), a component institution of the Texas Tech University ("TTU") System, is to assure that MSU complies with federal and state requirements for reporting foreign sources or transactions.

II. Definitions (specific to this policy)

For purposes of this OP:

- A. **Affiliated Entity** means an entity whose primary purpose is to benefit MSU as outlined in [TTU System Regulation 04.04, Affiliated Entities](#).
- B. **Contract** means an agreement for the acquisition by purchase, lease, or barter of property or services by the foreign source (i.e., revenue contracts) for the direct benefit or use of either party. For the purposes of this policy, contracts also include sponsored project agreements, licensing agreements, and student sponsorship agreements (tuition and fee contracts).
- C. **Foreign Source** means a foreign government or any agency thereof, a legal entity created under the laws of a foreign state, an individual who is not a citizen or national of the United States or a trust territory or protectorate thereof, or an agent acting on behalf of a foreign source.

- D. **Gift** means any gift of money or property to MSU or to an affiliated entity, for the benefit of MSU.

III. Policy/Procedure

- A. It is the policy of MSU to submit disclosures of financial transactions and/or support from foreign sources in accordance with federal regulations, state law, and institutional policy, including [TTU System Regulation 01.03](#). In the event there are federal or state law changes or there is a discrepancy between this OP and federal or state laws, any laws that are more restrictive than this OP will prevail.
- B. Certain federal and state agencies require disclosures for financial transactions and/or support of gifts from and contracts with a foreign source, whether received directly or indirectly through an affiliate entity or intermediary. Required disclosures include, but are not limited to, the following:
1. Department of Education Section 117 – In accordance with Section 117 of the Higher Education Act (“HEA”) of 1965, as amended ([20 U.S.C. 1011f](#));
 2. Department of Education HEA Title VI reporting – In accordance with [20 U.S.C. 1132-7](#);
 3. National Science Foundation FFDR – In accordance with Section 10339B, Foreign Financial Support, of the CHIPS & Science Act of 2022 ([42 U.S.C. § 19040](#)) (P.L. 117-167) (the “CHIPS Act”);
 4. Texas Higher Education Coordinating Board – In accordance with Texas [Executive Order No. GA-48](#) (includes requirement that MSU submit the same reporting to the Texas Higher Education Board (THECB) that MSU submitted under 20 U.S.C. § 1011f referenced above); and
 5. Bureau of Economic Analysis (“BEA”) Survey of Transactions in Selected Services and Intellectual Property with Foreign Persons – In accordance with International Investment and Trade in Services Survey Act (P.L. 94-472, 90 Stat. 2059, [22 U.S.C. 3101-3108](#)).
- C. The MSU Business Office collects data for all incoming gifts from and revenue contracts with foreign sources from applicable departments and affiliate entities for a given reporting period.
1. Gifts include those received by MSU, or an affiliated entity for the benefit of MSU, during the reporting period where applicable. Pledges are not reported until funds are actually received.
 2. Contracts may be assessed based on the value as of the date of execution or as revenue is received under a given contract, depending on each agency’s disclosure reporting requirements where applicable. Where exact amounts are not specific in a contact document, MSU will use a reasonable valuation methodology where applicable.

Department/Affiliate	
Internal Departments	Purchasing and Contract Management
	University Advancement
	MSU Business Office
	Office of Sponsored Programs and Research
	Wichita Falls Museum of Art at Midwestern State University
Affiliated Entities per TTU System Regulation 04.04: Affiliated Entities	Midwestern State University Alumni Association
	Midwestern State University Foundation, Inc.

D. The MSU Business Office aggregates revenue data and summarizes by source. Where the value, considered alone or in combination with all other gifts from or contracts with that foreign source, exceeds the applicable reporting threshold, a disclosure report is prepared as required.

E. For the BEA Survey of Transactions in Selected Services and Intellectual Property with Foreign Persons, ~~Payroll & Tax Services~~ Purchasing and Contract Management and the Business Office provides data for purchases from foreign persons or entities ~~to the MSU Business Office~~ for system-level reporting as required.

F. Responsibilities

1. Business Office

- a. Maintain accounting records of sponsored project agreements established with foreign sources;
- b. Aggregate, evaluate, and report foreign gift and revenue contract disclosures to external federal and state agencies and TTU System Accounting & Reporting as applicable and as required;

- c. Maintain detailed internal procedures outlining the varying requirements of each agency; and
 - d. Monitor industry and peer compliance news to keep reporting requirements up-to-date and document new and/or changing requirements for compliance.
 - e. Maintain records of transactions related to student sponsorship agreements, wires, and checks from foreign sources; and
 - f. Provide applicable data for wires, checks, and contract billing transactions to Accounting Services as required for reporting.
 - g. Maintain records and contracts related to student sponsorship agreements and provide applicable data to the Business Office as required for reporting.
2. University Advancement
- Maintain records of gifts received from foreign sources to provide applicable data to the MSU Business Office in accordance with MSU OP 32.04: Disclosure of Certain Gifts from Foreign Persons, and as required for reporting.
3. Office of Sponsored Programs and Research
- Maintain records of licensing agreements to provide applicable data to the Business Office as required for reporting.
4. ~~Payroll Department~~
- ~~Provide records of purchases from foreign persons to TTU System Accounting & Reporting as required for reporting.~~
- ~~5. Purchasing and Contract Management Office~~
- Maintain records of revenue contracts properly submitted to Purchasing in accordance with MSU OP 30.01: Approval and Execution of University Contracts, including records of purchases from foreign persons, and provide applicable data to the MSU Business Office as required for reporting.
- Maintain records and contracts related to student sponsorship agreements and provide applicable data to the Business Office as required for reporting.

VI. Related Statutes, Rules/Regulations, Policies, Forms, and Websites

Related /Statutes/Rules/Executive Orders

[20 U.S.C. § 1011f](#) (MSU required to report receiving a gift from or entering into a contract with a foreign source, the value of which is \$250,000 or more, considered alone or in combination with other gifts from or contracts with that foreign source within a calendar year)

[Executive Order No. GA-48](#) (includes requirement that MSU submit the same reporting to the Texas Higher Education Board (THECB) that MSU submitted under [20 U.S.C. § 1011f](#) referenced above)

Related TTU System *Regents' Rules* and Regulations
[TTU System Regulation 01.03, Foreign Source Disclosure – Standards of Practice](#)
[TTU System Regulation 07.16, Foreign Adversaries – Gifts and Travel](#)

Related MSU Policies

OP 32.04: Disclosure of Certain Gifts from Foreign Sources

Related Forms

[Attachment A – MSU Foreign Adversary Nations Travel Form](#)

[Attachment B – MSU Gifts from Foreign Sources Report Form](#)

Related Websites

[MSU Business Office](#)

[MSU Office of University Advancement](#)

VII. Responsible Office

Contact: MSU Business Office

Phone: (940) 397-4101

E-mail: bus.office@msutexas.edu

VIII. Revision History

24 July 2025: Adopted and approved as Operating Policy and Procedure (“OP”) 14.10: Foreign Sources and Transaction Reporting by MSU President Stacia Haynie to comply with the Texas Governor’s [Executive Order No. GA-48](#), and TTU System Regulations [TTU System Regulation 01.03, Foreign Source Disclosure – Standards of Practice](#) and [TTU System Regulation 07.16, Foreign Adversaries – Gifts and Travel](#) .

 Stacia Haynie, President
 Midwestern State University

Date Signed: _____

___/___/2025: Renumbered from OP 14.10 – Foreign Source and Transaction Reporting to OP 14.18 – Foreign Source and Transaction Reporting, and adopted and approved by MSU President Stacia Haynie.

 Stacia Haynie, President
 Midwestern State University

Date Signed: _____

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