University of Pittsburgh
Section 117 Foreign Gifts and Contracts Reporting Guideline
July 2025

Summary
This document provides guidance regarding requirements for foreign gifts and contract reporting under Section 117 of the Higher Education Act (HEA) of 1965 and Pennsylvania Higher Education Gift Disclosure Act (Act 99 of 1985).

Category: Financial Guidelines
Implementing Executive: Controller
Responsible Unit: Controller's Office
Effective Date: July 2025

I. Purpose

This guideline provides guidance regarding requirements for foreign gifts and contract reporting under Section 117 of the Higher Education Act (HEA) of 1965 and Pennsylvania Higher Education Gift Disclosure Act (Act 99 of 1985).

II. Scope

This guideline applies to all University of Pittsburgh individuals and units involved in receiving gifts and contracts from foreign sources.

III. Statement

The University of Pittsburgh is committed to complying with foreign sources reporting requirements as stated by the Department of Education's (ED) Section 117 of the Higher Education Act of 1965 and Pennsylvania Higher Education Gift Disclosure Act (Act 99 of 1985). All university departments, centers, and units receiving gifts from or entering into contracts with foreign sources must report such gifts and contracts biannually to the Controller's Office.
This document provides guidance to university departments, centers, and units including a description of the reporting requirements and university compliance policies and guidance.

IV. Definitions

A. Contract: 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. Restricted or Conditional Contracts are included.

B. Foreign Source: Is any one of the following:
   1. A foreign government, including an agency of a foreign government;
   2. A legal entity, governmental or otherwise, created solely under the laws of a foreign state or states;
   3. An individual who is not a citizen or a national of the United States or a trust territory or protectorate thereof; and
   4. An agent, including a subsidiary or affiliate of a foreign legal entity, acting on behalf of a Foreign Source.

C. Gift: Any gift of money or property. Financial support can be provided to the university in a variety of forms, including but not limited to cash; property; marketable securities; and in-kind, such as tangible fixed assets and consumable commodities. Restricted or Conditional Gifts are included.

D. Intermediary: An entity other than an institution that receives a gift originating from a Foreign Source or enters into a contract with a Foreign Source that is for the benefit of the institution.

E. Restricted or Conditional Gift or Contract: Any endowment, gift, grant, contract, award, present, or property of any kind which includes provisions regarding:
    1. The employment, assignment, or termination of faculty;
    2. The establishment of departments, centers, research or lecture programs, or new faculty positions;
    3. The selection or admission of students; or
    4. The award 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.

V. Requirements and Reporting Threshold

Federal Requirements

Section 117 of the Higher Education Act of 1965 (20 U.S.C. § 1011f) requires institutions of higher education that receive federal funding (e.g., Title IV funds) to disclose any gifts or contracts from foreign sources that meet or exceed $250,000 in a calendar year. This requirement is intended to promote transparency in higher education funding and ensure that foreign financial influences are properly disclosed. Compliance is mandatory for all institutions that receive federal financial assistance, as failure to report or misreporting can lead to investigations by the U.S. Department of Education, potential financial penalties, and reputational risks. Confirming that reporting processes are robust and aligned with federal requirements helps institutions mitigate regulatory and compliance risks while maintaining public trust.

Pennsylvania State Requirements

Under Pennsylvania's Higher Education Gift Disclosure Act (Act 99 of 1985), the University is required to report any foreign gift exceeding $100,000 in a fiscal year to the Pennsylvania Department of Education. The report must include details such as the donor's identity, gift amount, and any attached conditions. Failure to report can result in civil penalties equal to the unreported amount, and institutions may rely on sworn statements from donors to help verify foreign status.

Reporting Threshold

The Federal Reporting Threshold is $250,000 (two hundred and fifty thousand US dollars).

The Pennsylvania State Reporting Threshold is $100,000 (one hundred thousand US dollars).

The University has elected to use a $100,000 threshold for its federal reporting to maintain consistency with the Pennsylvania state reporting amount.

The above amounts should be considered alone or in combination with all other gifts from or contracts with the same foreign source, within a calendar year.

VI. Procedure

To comply with federal laws and reporting requirements, the university must collect and properly evaluate all gifts and contracts it receives from foreign sources to determine whether the federal reporting threshold has been met. Accordingly, each reporting unit of the university community must submit semiannually to the Controller's Office accurate and timely reporting of gifts or contracts equal to or exceeding $100,000 (USD one hundred thousand) from any single foreign source (resulting from one or more transactions) at the time the contract or gift is finalized (i.e., contract is executed). If the amount of the transaction cannot be determined at the time of execution, the transaction must be reported either when the amount is known or when the payment is received, whichever is earlier.

The information required for reporting varies depending on type but generally includes name and address of the sponsor or party, dollar amount and date of the gift or contract and a description of conditions and requirements. More detailed reporting

requirements are included in the table below. Note that the Federal and Pennsylvania State reporting requirements differ in the information that must be disclosed.

Federal vs. Pennsylvania State Reporting Requirements

Criteria	Section 117 (Federal)	Act 99 (Pennsylvania State)
Enforcement Agency	U.S. Department of Education	Pennsylvania Department of Education
Reporting Frequency	Biannually	Annually
Due Date	January 31 and July 31	May 15
Reporting Period	July to December, January to June	Fiscal year
Reporting Threshold ($)	$250,000 or more per calendar year (Note: Pitt has elected to use the $100,000 Pennsylvania state reporting threshold as mentioned above.)	$100,000 or more per fiscal year
Information Required	1. Name and address of foreign sponsor. 2. Amount and date of the sponsored agreement. 3. Description of the conditions and restrictions.	1. Name and address of foreign sponsor. 2. The amount and date of the sponsored agreement. 3. The subject (activity) of each gift. 4. Description of any terms, restrictions, requirements, or conditions imposed. 5. Purpose of the sponsored agreement, including the benefiting person.

Departments Responsible for Section 117 Reporting

To ensure compliance with Section 117 of the Higher Education Act, the following departments are designated as responsible for identifying, collecting, reviewing and/or submitting relevant data regarding foreign gifts and contracts: Controller's Office, Office of Sponsored Programs (OSP), Office of Philanthropy and Alumni Engagement (PAE), Office of University Counsel, University Center for International Studies (UCIS), Export Controls, Cost Accounting, Sponsored Projects Accounting (SPA) and Student Financial Services (SFS). More detailed descriptions for each area are included below in section **VIII. Responsibilities**

The Office of Philanthropy and Alumni Engagement (PAE), Office of Sponsored Programs (OSP), Sponsored Projects Accounting (SPA), the University Center for International Studies (UCIS), Student Financial Services (SFS), Export Controls, and any other applicable campus units will prepare data for the federal foreign gift and contract reporting. This data will be reviewed and summarized by the Controller's Office and submitted to the Department of Education.

The Controller's Office will send data requests to applicable areas in early to mid-June and early to mid-January. Responses are due to the Controller's Office no later than July 10 for the July 31 filing, and January 10 for the January 31 filing (or the first business day thereafter if July 10 or January 10 falls on a weekend).

All reporting departments are responsible for identifying transactions/aggregate transactions that meet or exceed the University's reporting threshold ($100,000). To ensure compliance with the University's $100,000 reporting threshold for foreign gifts and contracts, all reported amounts must reflect cumulative totals on a calendar-year basis. Reporting in six-month increments alone is insufficient to meet federal compliance requirements.

The Controller's Office will aggregate all the data and perform a thorough review, including consultation with the Office of University Counsel as necessary. The Controller's Office may request additional information or clarification from the submitting

offices. Submitting offices must respond promptly to such requests.

Omissions or errors should be reported to the Controller's Office upon discovery. When submitting discovered omissions or errors to the Controller's Office, reporting offices should include an explanation of how the data was missed or reported erroneously and what has been done to ensure thorough and accurate reporting going forward.

Entering Information Into The Reporting Tool

The Controller's Office will enter the reportable foreign gifts and contracts into the Department of Education's Federal Student Aid portal (https://partners.ed.gov/foreigngifts). See separate Standard Operating Procedure/Desk Procedure (for Controller's Office use only) for gaining access to the site, entering information and other more specific information.

Login to the portal using the web address above**.

- Enter your fsa.gov user ID and password
- Use the VIP Access app to retrieve the security token needed to log into the federal government website.
- The University of Pittsburgh's OPEID number is required to enter information into the portal. The OPEID number is 00337900.
- Follow the prompts and enter the required information. More specific information for the Controller's Office is included in a separate Section 117 Foreign Gifts and Contracts Standard Operating/Desk Procedure.

**To ensure successful navigation in the portal, the user should enter information through the Firefox browser.

VII. Timing

The University of Pittsburgh must deliver HEA Section 117 reports to the Department of Education twice per calendar year: January 31 (covering the previous July 1 - December 31 period) and July 31 (covering the previous January 1 - June 30 period). The Pennsylvania State report is filed annually on May 15. Refer to the table "Federal vs. Pennsylvania State Reporting Requirements" in section **VI. Procedure** above.

VIII. Responsibilities

A. University Center for International Studies – Identify foreign gifts and provide financial data for gifts from foreign sources which meet or exceed the University's reporting threshold.

B. Controller's Office – Provide university-wide guidance to ensure appropriate compliance. Receive foreign gift and contract data from departments and other reporting units. Review and consolidate gift and contract data in accordance with federal reporting requirements. Submit on time to the federal Department of Education and to the Pennsylvania Department of Education.

C. Cost Accounting – Analyze and verify the financial data related to foreign gifts and contracts. Ensure that all costs are accurately allocated and reported in accordance with federal guidelines. Prepare and distribute the data to the Controller's Office.

D. Export Controls – Monitor and ensure compliance with export control regulations related to foreign gifts and contracts. Provide guidance on the legal implications of receiving foreign funds and assist in obtaining necessary approvals.

E. Office of Philanthropy and Alumni Engagement – Identify foreign gifts and donations and provide financial data for gifts from foreign sources which meet or exceed the University's reporting threshold

F. Office of Sponsored Programs and Sponsored Projects Accounting – Identify foreign research grants and contracts from foreign sources and provide financial data which meet or exceed the University's reporting threshold.

G. Office of University Counsel – Provide legal advice and support on matters related to foreign gifts and contracts. Advise on specific scenarios, upon request.

H. Student Financial Services – Identify foreign student tuition payments that meet the criteria for filing and provide financial information which meets or exceeds the University's reporting threshold.

IX. Contact Information

This section provides the most appropriate contact information for those seeking information on interpreting the guideline.

This document is posted under *University Resources* on the Controller's Office *Reports and Resources* page at Reports & Resources – Controller's Office (https://www.controller.pitt.edu/resources-reports/). A Frequently Asked Questions for Section 117 reporting document is also included at the above link.

Contract the Controller's Office for any other questions.

X. Related Authorities and Policies

Section 117 Foreign Gift and Contract Reporting | Knowledge Center
U.S.C. Title 20 - EDUCATION