

Bursar Operations – Mary Catherine Smiley

FOREIGN SOURCE REPORTING

Agenda

- Updates to FASOP AS-35
- Section 117 Reporting
- Act 767/106 Reporting
- National Science Foundation Reporting
- Non Gift and Contract Related Reporting
- Process for Reporting
- Is Your Department Reporting?
- Additional Resources

Updates to FASOP: AS-35

- Effective July 1, 2024
- Due to increased reporting requirements, FASOP AS-35 has been streamlined to encompass all current and future reporting requirements
- FASOP can be found on the Finance & Administration website

Section 117 of the Higher Education Act of 1965

- Required to report all gifts or contracts from an individual foreign **source** that totals \$250,000 in a calendar year; departments are to report **any and all** foreign source payments and Bursar Operations is responsible for aggregating
- Scope is LSU A&M and affiliates
- Bi-annual filing:
 - January 1 – June 30 period: due by July 31
 - July 1 – December 31 period: due by January 31

Foreign Source

- a foreign government, including an agency of a foreign government
- a legal entity, governmental or otherwise, created solely under the laws of a foreign state or states
- an individual who is not a citizen or a national of the United States or a trust territory or protectorate thereof
- an agent, including a subsidiary or affiliate of a foreign legal entity, acting on behalf of a foreign source

Act 767 of the Higher Education Foreign Security Act of 2022

- Amended by Act 106 of the 2023 Regular Session
- Required to report all gifts or contracts from an individual foreign **adversary** that totals \$50,000 in a calendar year; departments are to report **any and all** foreign adversary payments and Bursar Operations is responsible for aggregating
- Additional preapproval required for travel paid for by a foreign adversary
- Screening required for foreign researchers who have any affiliation with an institution or program with a foreign adversary

Act 767 of the Higher Education Foreign Security Act of 2022 cont.

- Scope is LSU A&M and Affiliates
- Affiliate Organizations are as follows:
 - LSU Alumni Association
 - LSU Foundation
 - LSU Research Foundation
 - Tiger Athletic Foundation
 - Stephenson Technologies Corporation
- Bi-annual filing:
 - January 1 – June 30 period: due by July 31
 - July 1 – December 31 period: due by January 31

Foreign Adversary

- Any foreign government or non-government person determined by US Secretary of Commerce to have engaged in long-term pattern or serious instances of conduct significantly adverse to national security
- Current adversaries are (1) People's Republic of China, (2) Republic of Cuba, (3) Iran, (4) North Korea, (5) Russian Federation, and (6) Venezuelan politician Nicolas Maduro

Section 10339B of the CHIPS & Science Act of 2022

- Required for LSU and Affiliates to report as we receive funding from the National Science Foundation (“NSF”)
- Report gifts or contracts at or in excess of \$50,000 from a foreign **country of concern**
- Annual reporting period of July 1 – June 30 and is due on July 31.

Foreign Country of Concern

- All countries that are considered adversaries **and**
- (1) Burma, (2) Eritrea, (3) Nicaragua, (4) Pakistan, (5) Saudi Arabia, (6) Tajikistan, and (7) Turkmenistan

Processing for Reporting Foreign Gifts or Contracts

- Survey is sent to business managers from each department approximately 7 business days prior to end of reporting period
- If the department has any foreign payments (regardless of amount) to report, the reporting form will be sent and will ask for pertinent information (source name, type, amount, etc.)
- Bursar Operations will report to necessary governing bodies by due date

Reporting Beyond Gifts and Contracts

- Travel Paid for Employee by an outside entity to travel to Foreign Adversary
 - Included in the Louisiana Board of Ethics form for travel
 - Reported to Bursar from Accounts Payable
- Honorarium Payments
 - Included in reporting are funds received from outside employment as notated on **PM-11**
 - Bursar will receive these forms from ORED and might have to reach out to the employee to find out how much they were compensated

Survey Example

First Name of Person Completing Survey

Last Name of Person Completing Survey

LSU E-mail of Person Completing Survey

Does your college/unit deposit funds from foreign sources for gifts and/or contracts as defined in FASOP AS-35 Foreign Sourced Reporting Requirements?

Yes

No

If Survey Answered Yes...

What is the first name of the individual in charge of reporting these gifts/contracts?

What is the last name of the individual in charge of reporting these gifts/contracts?

What is the email of the individual in charge of reporting these gifts/contracts?

Is Your Department Reporting?

- Every department at LSU should be reporting **any** foreign payments received to comply.
- If your gift/contract is already being routed through the Office of Sponsored Programs, you do not need to include this.
- If you are unsure if your department is reporting, please email mgille7@lsu.edu to inquire.

Additional Resources



Email

mgille7@lsu.edu



Phone

(225) 578-7546



FASOP : AS-35

<https://www.lsu.edu/administration/ofa/fasops/fasopas35july2024.pdf>