



# Foreign Gift and Contract Reporting

## Do I need to report this gift or contract to ERM?

Is this over \$5000?

NO

YES

You do not need to report this to ERM.

Is the Gift from, or Contract with, a **Foreign Source**?

**A company or individual can use a U.S. address and still be a Foreign Source requiring reporting. You must research and/or ask to determine if the company or individual is a Foreign Source as defined below.**

“Foreign Source” means:

- a) A foreign government, including an agency of a foreign government;
- b) A legal entity, governmental or otherwise, created solely under the laws of a foreign state or states;
- c) An individual who is not a citizen or a national of the United States or a trust territory or protectorate thereof; and
- d) An agency, including a subsidiary or affiliate of a foreign legal entity, acting on behalf of a foreign source.

If a business is a foreign subsidiary of a U.S.-based corporation or a parent company, it may still be considered a Foreign Source as defined above.

NO

YES

You do not need to report this to ERM.

Is it a **Gift**?

“Gift” means any gift of money or property.

YES

You must report this gift to ERM.

NO

Is it a **Contract**?

“Contract” means 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.

YES

Is the Contract an:

- (1) arms-length transaction
- (2) for DU to purchase something **from** the Foreign Source
- (3) at fair market value?

NO

YES to all 3

NO

You do not need to report this to ERM.

You must report this contract to ERM.

You do not need to report this to ERM.

\*This document can be updated at any time. Please always use the current version that is posted on [ERM's website](https://www.du.edu/risk/foreign-gift-contract-reporting).

To report to ERM, go to <https://www.du.edu/risk/foreign-gift-contract-reporting>.