APS 2004 - Federal Lobbying Activities

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Policy Profile

Policy Title:	Federal Lobbying Activities
APS Number:	2004
Effective:	January 7, 2010
Approved by:	President Bruce D. Benson
Responsible University Officer:	
Responsible Office:	Office of Government Relations
Policy Contact:	Office of Government Relations
Supersedes:	Federal Lobbying Policy effective July 1, 1996
Last Reviewed/Updated:	January 7, 2010
Applies to:	All campuses

Policy Snapshot

Brief Description: Describes responsibilities and restrictions applicable to University employees with respect to federal lobbying activities

I. Introduction

Public Law 104-65, the Lobbying Disclosure Act of 1995, was passed by Congress and signed into law by the President on December 19, 1995. The law was amended by the Honest Leadership and Open Government Act of 2007. It requires the disclosure of the activities of paid lobbyists to affect decisions in the executive and legislative branches of the federal government. Organizations, including colleges and universities, that have one or more employees who are lobbyists are required to register and report on the *Federal Lobbying Activities*

of their employees. The University of Colorado has registered with the Clerk of the House of Representatives and the Secretary of the Senate and must periodically report its *Federal Lobbying Activities*.

The purpose of this policy statement is to implement the provisions of the Lobbying Disclosure Act, as amended at the University of Colorado and to define the rights and responsibilities of those who represent the needs of the University to the federal government.

II. Policy Statement

A. The Lobbying Disclosure Act of 1995 specifies that *Federal Lobbying Activities* must be reported for employees who act as *Federal Lobbyists* **on behalf of the institution**. For purposes of this policy, only administrative officers, as defined by action of the Board of Regents, and members of the Board of Regents, are authorized to act on behalf of the University of Colorado when conducting *Federal LobbyingActivities* with the federal government. All other University employees (faculty, administrators, staff) and students are considered to be acting as private citizens when engaging in *Federal Lobbying Activities*. **Exception:** University employees may engage in *Federal Lobbying Activities* on behalf of the institution if designated by the President or the President?s designee. All such activities must be conducted in accordance with the ?Guidelines on Meeting, Testifying, and Correspondence with Federal Congressional Members and Legislative and Executive Branch Officials?.
B. This policy is not intended to restrict protected expression by University employees. Nor are University employees restricted from identifying their profession and place of employment in the context of their communication with federal officials. However, in exercising this right, University employees must make it clear that they are expressing their personal views, and not an official position of the institution.
C. In accordance with federal law, no federal funds may be used for the purpose of making *Federal LobbyingContacts*, whether "official" or individual initiatives. In addition, University employees who are making personal or private *Federal Lobbying Contacts* with federal officials may not use *university funds* or *university resources* (e.g., stationary, telephones, fax and/or photocopy machines, computers, or other equipment) for that purpose.
D. Having registered with the Clerk of the House and the Secretary of the Senate, the University of Colorado must file quarterly reports of its *Federal Lobbying Activities*. The Honest Leadership and Open Government Act of 2007 mandates that lobbying reports be filed electronically. The lobbying reports must explicitly state whether the client is a state or local government. These reports are to include:
    1. issues discussed, including bill numbers and Executive branch actions, if practicable ;
    2. the houses of Congress or federal agencies contacted;
    3. a list of the employees who acted as Federal Lobbyists; and
    4. a "good faith estimate" of the expenses incurred (e.g., employee salary costs, postage, travel, telephone charges).

    Additionally, *Federal Lobbyists* must disclose twice a year aggregate contributions over $200 to any federal candidate, officeholder, leadership PAC, political party committee, Presidential library foundation, or Presidential inaugural committee;

and any contribution to an event, entity, or meeting established or held in honor of or financed or controlled by a legislative or Executive branch official.

E. All administrative officers who are authorized to act **on behalf of the institution** must coordinate their *Federal Lobbying Activities* with the Office of Government Relations. All employees who conduct *Lobbying Activities* on behalf of professional associations and organizations must report those activities to the Office of Government Relations. The ?Guidelines on Meeting, Testifying, and Corresponding with Legislative and Executive Branch Officials? provides detailed guidance on how employees should maintain records of and report *Federal Lobbying Activities*.

III. Related Policies, Procedures, Forms, Guidelines and Other Resources

a. Administrative Policy Statements (APS) and Other Policies
    - APS on State Lobbying Activities
b. Guidelines
    - Guidelines on Meetings, Testifying and Correspondence with Federal Congressional Members (In Development)
    - Guidelines on Inviting Government Officials to Campuses
    - Campaign-Related Activities by Members of the University Community
    - University of Colorado Federal Communications and Lobbying Report Form
c. Training
    - Federal Communications and Lobbying Training

IV. Definitions

Italicized terms used in this policy are defined in the Administrative Policy Statement Glossary. Underlined terms specific to this policy, which are not found in other Administrative Policy Statements, are defined below.

Federal Lobbyist - means an individual employed or retained by the University who spends at least 20 percent of his or her time over a six month period lobbying members of Congress, Congressional staff, and Presidential and other political appointees in the Executive branch, including federal funding agencies, with regard to the formulation, modification, or adoption of federal legislation; the formulation, modification, or adoption of a federal rule, regulation, executive order, or other federal program, policy, or position; or the administration of a federal program or policy.

These individuals act as the institution's official Federal Lobbyists and are reported on the University's registration with the Secretary of the Senate and the Clerk of the House of Representatives.

Federal Lobbying Activities - means Federal Lobbying Contacts (see below) and efforts in support of Lobbying Contacts, including preparation and planning activities, research, and other background work that is intended for use in Lobbying Contacts.

Federal Lobbying Contact - means any oral or written communication to members of

Congress, Congressional staff, or Executive branch officials **on behalf of the institution** regarding the formulation, modification, or adoption of federal legislation; the formulation, modification, or adoption of a federal rule, regulation, executive order, or other federal program, policy, or position; or the administration of federal program or policy.

A Lobbying Contact includes not only direct contacts with federal officials, but also includes background research and planning activities intended expressly as preparation for a Lobbying Contact.

Examples of Federal Lobbying Contacts include:

- letters, faxes, e-mail messages and telephone calls
- face-to-face meetings with officials or staff

Note that research and preparation for such meetings or for the composing of such messages or telephone calls are "Federal Lobbying Activities."

Examples of communications that are NOT considered Federal Lobbying Contacts include:

- speeches, articles, or communications made through the mass media
- testimony given before a committee of Congress or submitted in writing for the public record of a hearing of such committee
- information provided in writing in response to a written or oral request by a federal official
- communication made in response to a notice in the Federal Register soliciting comments from the public
- communications required by subpoena, investigation, or otherwise compelled by law

V. History

- This policy was originally adopted July 1, 1996. Revisions supersede previous versions of this policy.

VI. Key Words

federal, law, lobby, public Law 104-65, lobbying disclosure Act of 1995, honest leadership and open government act of 2000, disclosure, executive, legislative, fund, resource, contribution, candidate, officeholder, congressional, legislation, testimony, politics, legislator, house, senate, bill, act, agency, Washington, D.C.

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