



**ADMINISTRATIVE POLICY STATEMENT**

**Policy Title:** Federal Lobbying Activities

**APS Number:** 2004

**APS Functional Area:** **ADMINISTRATIVE/GENERAL**

<b>Brief Description:</b>	Describes responsibilities and restrictions applicable to university employees with respect to federal lobbying activities.
<b>Effective:</b>	January 7, 2010
<b>Approved by:</b>	President Bruce D. Benson
<b>Responsible University Officer:</b>	Vice President of Government Relations
<b>Responsible Office:</b>	Office of Government Relations
<b>Policy Contact:</b>	Office of Government Relations, 303-831-6192
<b>Supersedes:</b>	Federal Lobbying Policy, July 1, 1996
<b>Last Reviewed/Updated:</b>	December 26, 2018
<b>Applies to:</b>	Universitywide

**Reason for Policy:** To implement the provisions of the Lobbying Disclosure Act of 1995.

**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 lobbying activities* 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. For guidance on meeting, testifying and correspondence with Federal Agency and Congressional Members, contact the [Office of Government Relations](#).

- 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 lobbying contacts*, 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., stationery, telephones, fax and/or photocopy machines, computers, or other equipment) for that purpose.
- D. Having registered with the Clerk of the House of Representatives 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](#) by completing and submitting the University of Colorado Federal Communications and Lobbying Report Form.

### III. RELATED POLICIES, PROCEDURES, FORMS, GUIDELINES, AND OTHER RESOURCES

- A. Administrative Policy Statements (APS) and Other Policies
  - [APS2009-State Lobbying Activities](#)
- B. Guidelines
  - [Guidelines on Inviting Government Officials to Campus](#)
- C. Training
  - [Federal Lobbying Disclosure and Ethics Compliance](#)
- D. Forms
  - [University of Colorado Federal Communications and Lobbying Report Form](#)

### IV. DEFINITIONS

*Italicized terms* used in this policy are defined in the [APS Glossary of Terms](#) or are defined in this APS.

- A. *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.

- B. *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*.
- C. *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

- Adopted: July 1, 1996.
- Revised: January 7, 2010.
- Reviewed and Updated: December 26, 2018.

## 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.