

FEDERAL AND STATE GOVERNMENT LOBBYING POLICY

I. INTRODUCTION

The Lobbying Disclosure Act of 1995, which was amended by the Honest Leadership and Open Government Act of 2007, 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 spend at least \$10,000 in a quarter and that have one or more employees who are lobbyists, as defined in the legislation, are required to register and report the lobbying activities of all of their employees. Goucher College is currently exempt from the requirement to register and report on federal lobbying activities.

The Higher Education Opportunity Act of 2008 prohibits the use of federal funds received under the Higher Education Act of 1965 from being used by any institution of higher education to pay any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making, entering into, or extension, continuation, renewal, amendment or modification of any Federal grant or loan or Federal cooperative agreement. In addition, no Federal student aid funding under the Higher Education Act of 1965 may be used to hire a registered lobbyist or pay any person or entity for securing an earmark.

The Maryland Public Ethics Law, which was enacted by the Maryland General Assembly, requires paid lobbyists to report lobbying activities two times per year to the State Ethics Commission.

The purpose of this policy is to implement the provisions of the Lobbying Disclosure Act, as amended, the Higher Education Opportunity Act, and the Maryland Public Ethics Law at Goucher College and to define the rights and responsibilities of Goucher employees who represent the needs of the college to the federal and state government.

II. DEFINITIONS

Federal lobbyist—an individual employed or retained by the college who spends at least 20 percent of his or her time over any three-month period lobbying members of Congress, Congressional staff, or certain enumerated members of the Executive Branch and federal funding agencies (including the president, vice president, and certain political appointees), 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.

Federal lobbying activities—federal lobbying contacts and efforts in support of such contacts, including preparing and planning activities, research and other background work that is intended, at the time it is performed, for use in lobbying contacts, and coordinating with the lobbying activities of others.

Federal lobbying contact—any oral or written communication to members of Congress, Congressional staff, or executive branch officials on behalf of the college 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.

Examples of federal lobbying contacts include letters, faxes, e-mail messages, telephone calls, and face-to-face meetings with officials or staff . Please note that research and preparation for such meetings or for composing 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,
- communications made in response to a notice in the Federal Register soliciting comments from the public, and
- communications required by subpoena, investigation, or otherwise compelled by law.

State lobbyist—an individual who

(1) for the purpose of influencing any legislative action or, as to the development or adoption of regulations or the development or issuance of an executive order or executive action:

- (i) communicates with an official or employee of the Legislative Branch or Executive Branch in the presence of that official or employee; and

exclusive of the personal travel or subsistence expenses of the entity or a representative of the entity, incurs expenses of at least \$500 or earns at least \$2,500 as compensation for all such communication and activities relating to the communication during the reporting period (November 1 through April 30 and May 1 through October 31); or

- (ii) communicates with an official or employee of the Legislative Branch or Executive Branch; and

earns at least \$5,000 as compensation for all such communication and activities relating to the communication during the reporting period;

- (2) in connection with or for the purpose of influencing any executive action, spends a cumulative value of at least \$100 for gifts, including meals, beverages, and special events, to one or more officials or employees of the Executive Branch;
- (3) is compensated to influence executive action on a procurement contract that exceeds \$100,000;
- (4) is compensated by a business entity to influence executive action to secure from the State a business grant or loan with a value of more than \$100,000 for the business entity, unless the individual is employed full-time by the business entity;
- (5) spends at least \$2,000, including expenditures for salaries, contractual employees, postage, telecommunications services, electronic services, advertising, printing, and delivery services for the express purpose of soliciting others to communicate with an official to influence legislative action or executive action; or
- (6) spends at least \$2,500 to provide compensation to one or more entities required to register as a state lobbyist.

Exempt officials—(for purposes of state law) a trustee, an administrator, or a faculty member of the college, provided the official duties of the individual do not consist primarily of attempting to influence state legislative action or executive action.

III. STATEMENT OF POLICY

A. Authorized Lobbyists

The Lobbying Disclosure Act of 1995 and the Maryland Public Ethics law specify that lobbying activities must be reported for all employees who act as federal or state lobbyists on behalf of the college if certain thresholds are met. Therefore

- only the President and the Special Assistant to President, Director of Government & Community Relations (the Special Assistant) are authorized to act on behalf of Goucher College when conducting lobbying activities with the federal or state government,
- other individuals (faculty, administrators, staff, trustees, and students) may engage in lobbying activities on behalf of the college if they are designated in writing by the President to represent the institution for purposes of a specific contact,
- all official college lobbying contacts shall be coordinated through the President's office by the Special Assistant, and
- any individual authorized to act as a lobbyist for the college (including the Special Assistant) shall receive written authorization from the President that includes:

- the full legal name and business address of Goucher College and of the regulated lobbyist,
- subject to subsequent modification, the period during which the regulated lobbyist is authorized to act, and
- the proposal or subject on which the regulated lobbyist represents the college.

B. Personal Lobbying

This policy is not intended to restrict the rights of college trustees, employees, or students to petition the government or to prevent such individuals from identifying their profession and place of employment or study in the context of their communication with federal or state officials. However, in exercising this right, such individuals must make it clear that they are expressing their personal views, and not an official position of the institution. Similarly, if such individuals choose to lobby federal or state officials on behalf of a professional association to which they belong, they are free to do so, provided that they make clear that they are expressing the views of the association and not of the college. In addition, individuals who are making personal lobbying contacts with federal or state officials or lobbying contacts on behalf of a professional association may not use institutional resources (stationary, telephones, fax and/or photocopy machines, computers, or other equipment) for such purpose.

C. Use of Federal Funds for Lobbying Activities

It is prohibited to use federal funds received under the Higher Education Act of 1965 to pay any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making, entering into, or extension, continuation, renewal, amendment, or modification of any Federal grant or loan or Federal cooperative agreement.

In addition, no Federal student aid funding under the Higher Education Act of 1965 may be used to hire a registered lobbyist or pay any person or entity for securing an earmark.

D. Registration and Reporting

1. Federal Lobbying Registration and Reporting.

The Office of General Counsel shall determine at the beginning of each calendar quarter if the college is required to register as a federal lobbyist based on lobbying contacts of all employees and paid lobbyists in the preceding quarter. The Special Assistant shall provide the General Counsel's office with a report of all federal lobbying activity in the previous quarter, no later than 10 days after the end of the quarter (January 10, April 10, July 10, and October 10). Registration, if required, shall be completed by the Special Assistant.

If, in the future, the college is required to register with the Clerk of the House and the Secretary of the Senate, the college must file quarterly reports of its lobbying activities no

later than 20 days after the end of a quarter. Reports must be filed even if no lobbying activity occurred during the quarter, for as long as the registration is active. These reports are to include

- issues discussed, including bill numbers if known,
- the houses of Congress or federal agencies contacted, and
- a good-faith estimate of the expenses incurred (e.g., employee salary costs and overhead, postage, travel, telephone charges).

The Special Assistant will submit these reports to the Federal Government on behalf of Goucher College.

2. State Lobbyist Registration and Reporting

The Office of General Counsel shall determine in advance of each reporting date (May 31 and November 30) if any employee of the college is required to register as a state lobbyist based on lobbying contacts of all nonexempt employees in the preceding six months. The Special Assistant shall provide the General Counsel's office with a report of all lobbying activity in the six-month reporting period, no later than 10 days after the end of the period (May 10 and November 10). Registration, if required, shall be completed by the employee who has engaged in lobbying activities requiring registration. The college is not required to register as a lobbyist if all expenditures requiring registration are reported by its employees who are registered as individual lobbyists.

E. Individual Recordkeeping

All individuals who are authorized to act on behalf of the college must coordinate their lobbying activities with the Special Assistant, keep a written record of their lobbying activities on behalf of the college, and report the required information to the Special Assistant no later than seven days after the end of each quarter (see attachment A) or 10 days after the state lobbying reporting periods (May 10 and November 10) (see attachment B).

All lobbying records and reports and supporting documentation must be maintained for six years after the filing date. Records shall be maintained in the Special Assistant's office.

F. Gifts to Members of Congress or Congressional Staff

The rules governing the giving of gifts to members of congress and Congressional staff are complex. Because Goucher currently is not registered as a federal lobbyist, the college may provide a gift to a member of congress or staff member if the gift's value is less than \$50. This includes anything of monetary value, such as a meal or tickets to sporting events.

If Goucher is required to register as a lobbyist in the future, however, most gifts to members of Congress or Congressional staff members from any employee of the college will be banned, including gifts under the amount of \$50. In addition, college employees are not permitted to

provide gifts using personal funds, even if the college does not reimburse them. Congress has provided some exceptions to these rules, but they are limited.

Consequently, in order to protect Goucher and its employees by ensuring that the college is able to verify compliance with these rules, all employees of the college must obtain written approval from the Special Assistant prior to providing a gift in any amount to a member of Congress or a Congressional staff member, even if the gift is provided with personal funds. This requirement applies whether or not Goucher is required to register, and extends to all gifts, including paying for meals or providing refreshments in on-campus meetings.

G. Exemption from State Lobbying Restrictions

Although exempt officials, as defined earlier, are not subject to the state registration and reporting requirements, they must receive authorization from the President to lobby state officials on behalf of the college and must report all authorized lobbying activities to the Special Assistant, pursuant to subparagraph III.D of this document.

H. State Lobbyist Training Requirements

State regulated lobbyists are required, at least once during any two-year period during which they have been registered, to attend training provided by the State Ethics Commission. A schedule of training for regulated lobbyists can be obtained from the Commission or on its Web site at <http://ethics.gov.state.md.us>.

Attachment A

FEDERAL LOBBYING REPORT FORM

GOUCHER COLLEGE

Name _____ Date _____

Title _____

1. *Lobbying issue (include bill number where possible):*

2. *Branch of Congress and/or federal agency contacted (e.g. House of Representatives, NSF, State Department, etc.):*

3. *Manner in which activity was conducted:*

- research or planning for lobbying contact
- lobbying contact
 - face to face
 - written (including e-mail)
 - telephone
 - Other (describe)_____

4. *Expenses incurred (include direct costs such as travel, postage, etc.):*

5. *Time spent:*

Certification: I certify that no federal funds received under the Higher Education Act of 1965, including federal student aid funding, were used to pay any person or to hire a registered lobbyist to carry out the above activity.

Signature

Please complete one form for each lobbying contact.

Return to:
Special Assistant to the President
Director, Government & Community Relations
President's Office

**Instructions for
FEDERAL LOBBYING REPORT FORM
GOUCHER COLLEGE**

Note: The following types of lobbying contacts must be reported: any oral or written communication to a federal official on behalf of the institution including letters, faxes, e-mail messages, telephone calls, and face-to-face meetings.

This form does NOT need to be completed for activities that are exempt by the Lobbying Disclosure Act. Exempt activities include

- **speeches, articles, or communications in the mass media,**
- **testimony given before a committee (in person or in writing),**
- **information given in response to a request by a federal official,**
- **information in response to a notice in the Federal Register, and**
- **communication required by subpoena or an investigation.**

Line 1. **LOBBYING ISSUE.** A short description of the issue on which you lobbied. If you were lobbying a specific bill, list the bill number and title. For example, the issue may be as general as "telecommunications" or "student loans." If the particular bill includes many issues, be sure to identify which issues you lobbied, in addition to the bill number.

Line 2. **BRANCH OF CONGRESS OR FEDERAL AGENCY.** The report **DOES NOT** require the name of the individual you contacted. You need only identify the branch of Congress or the name of the agency in which the individual works.

Line3. **NATURE OF CONTACT OR ACTIVITY.** Both "lobbying contacts" and "lobbying activities" should be reported.

Line 4. **EXPENSES INCURRED.** The Act calls for "a good faith estimate" of expenses. Include direct expenses such as postage, telephone or fax charges, travel, lodging, etc.

Line 5. **TIME SPENT.** Estimate the number (or fraction) of hours spent. This time will be used to estimate your employee salary cost associated with the contact.

Attachment B

STATE LOBBYING REPORT FORM

GOUCHER COLLEGE

Name _____ Date _____

Title _____

1. Lobbying issue:

(Include bill number where possible; also indicate if issue relates to a procurement contract that exceeds \$100,000 or an executive action that would secure the college a grant or loan with a value of more than \$100,000.)

2. Individual contacted (e.g., state representative, member of executive agency):

3. Manner in which activity was conducted:

- research or planning for lobbying contact
- lobbying contact
 - face to face
 - written (including e-mail)
 - telephone
 - other (describe) _____

4. Expenses incurred (do not include your own personal travel or subsistence expenses):

5. Time spent:

6. Gifts given to Executive Branch officials:

Please complete one form for each lobbying contact.

Return to:
Special Assistant to the President
Director, Government & Community Relations
President's Office

**Instructions for
STATE LOBBYING REPORT FORM
GOUCHER COLLEGE**

Note: The following types of lobbying contacts must be reported: any oral or written communication to a state legislative or executive branch official on behalf of the institution, including letters, faxes, e-mail messages, telephone calls, and face-to-face meetings.

Line 1. LOBBYING ISSUE. A short description of the issue on which you lobbied. If you were lobbying a specific bill, list the bill number and title. For example, the issue may be something as general as "telecommunications" or "student loans." If the particular bill includes many issues, be sure to identify which issues you lobbied, in addition to the bill number.

Line 2. CONTACT. The name of the official or employee of the Legislative or Executive Branch you contacted must be reported, not simply the branch or state agency.

Line 3. NATURE OF CONTACT OR ACTIVITY. Both direct lobbying contacts and activities in support of the contact should be reported.

Line 4. EXPENSES INCURRED. Include direct expenses such as meals and beverages, legislative receptions, invitations, and postage, but do not include personal travel or subsistence expenses.

Line 5. TIME SPENT. You must give an estimate of the percent of time you spent preparing for and making the contact. Estimate the number (or fraction) of hours spent. This time will be used to estimate your employee salary cost associated with the contact.

Line 6. GIFTS. Report all gifts, including meals, beverages, and expenses for special events, to one or more officials or employees of the Executive Branch.