

## GUIDANCE REGARDING FEDERAL LOBBYING ACTIVITIES

### I. Introduction

This Guidance addresses the University of Maryland's obligations under the new federal Lobbying Disclosure Act (LDA). In general, the LDA requires organizations, including colleges and universities that employ lobbyists, to register with the federal government and to provide quarterly reports of their lobbying activities and expenses.

The University employs one federal lobbyist, who also serves as the Director of Federal Relations in the Office of the President. Therefore, the University is registered under the LDA and we are obligated to report lobbying activities and expenses that are "covered" by that law, not only for our lobbyist but also for all other **employees who lobby on behalf of the University**.

The purpose of this Guidance is to facilitate implementation of LDA reporting requirements at the University and to outline the rights and obligations of University employees who lobby federal government officials. **These requirements do not apply when University employees contact government officials in their personal or other professional capacities.**

### II. General Requirements

1. By virtue of their positions at the University, the President, Vice Presidents and Deans and the Director of Federal Relations may act **on behalf of the University** when engaging in **lobbying contacts** with **covered officials** of the federal government.
2. Any other employees who engage in such activities are considered to be acting in their personal or other professional capacities, unless they have expressly been authorized to lobby on behalf of the University, on a particular issue by the President, a Vice President, a Dean or the Director of Federal Relations. The Director of Federal Relations should be informed of all such authorizations in advance of any lobbying contacts.
3. Employees who engage in lobbying on behalf of the University must keep written records of their lobbying activities, including: the date and duration of any **lobbying contact(s)**; the subject matter(s); the federal entity and official(s) contacted; other University personnel in attendance; preparation for the contact(s), including preparation time, personnel and activities; and any follow-up actions. All such covered **lobbying activities** must be reported to the Director of Federal Relations on the attached Federal Lobbying Activity Report Form. A separate Report Form should be submitted for each **lobbying contact** within one week after the contact occurs.
4. Each quarter, the Director of Federal Relations will ask the President, the Vice Presidents, the Deans and anyone authorized by them to confirm that all federal lobbying activities have been reported or that there were no covered lobbying contacts during the reporting period.

### III. Definitions

1. **Covered Legislative Branch Official** means any member or staff of the U.S. Senate or House of Representatives.
2. **Covered Executive Branch Official** means (1) the President, Vice President or White House staff; (2) an official in the executive branch who is a Schedule C political appointee or above; or (3) a uniformed officer in the military. Covered Executive Branch Officials include individuals in the Executive Office of the President and high level appointees, including Department Secretaries and Assistant Secretaries and Presidential-appointed directors of federal agencies, centers and institutes. Career government personnel and program and contract officers

are **not** Covered Executive Branch Officials.

**3. Lobbying Contact** means any oral, written or electronic communication with a Covered Legislative Branch Official or a Covered Executive Branch Official that is made on behalf of the University to influence (1) federal legislation, rules or regulations; (2) an executive order, agency rule or any other program, policy or position of the U.S. government; (3) the negotiation, award or administration of a federal contract, grant, loan, permit or license; or (4) the nomination or confirmation of a person for a position subject to confirmation by the U.S. Senate.

**a. Lobbying Contact does NOT include:** (1) requests made to an official for a meeting or for the status of an action or other similar administrative request that does not attempt to influence the official; (2) testimony given before a Congressional committee or submitted in writing on the public record; (3) information provided in writing at the request of a federal official; (4) communications in response to a notice in the Federal Register, Commerce Business Daily or similar publication soliciting comments from the public and directed to the agency official specifically designated in the notice to receive such comments; and (5) communications required by subpoena, civil investigations, or otherwise compelled by law.

**4. Lobbying Activity** means contacts that try to influence the thinking of legislators or other public officials for or against a specific cause, as set forth above, and additionally, efforts in support of such contacts, including preparation and planning activities, research and other background work that is intended, at the time it is performed, for use in contacts, as well as coordination with the lobbying activities of others.

#### **IV. Exclusions**

These requirements are not intended to, and do not, restrict the rights of **any** University employee (administrator, faculty or staff) to lobby or otherwise contact federal government representatives while acting in his/her personal or other professional capacity or on behalf of other organizations; nor are employees prohibited from referring to their affiliation with the University when identifying themselves to federal officials. However, all such personal or professional contacts (whether in person, in writing or by e-mail or telephone) must clearly be made in the name of the individual making the contact or on behalf of the other organization, and such activities may not in any way imply that the individual is representing or otherwise acting on behalf of the University.

#### **V. Questions**

Questions concerning this Guidance should be directed to Rae Grad, Director of Federal Relations in the Office of the President at rgrad@umd.edu or 703-509-2838 (mobile).