



OFFICE OF THE PRESIDENT

1111 Franklin Street  
Oakland, CA 94607-5200  
Phone: (510) 987-9074  
Fax: (510) 987-9086  
<http://www.ucop.edu>

July 10, 2002

**CHANCELLORS  
ACADEMIC COUNCIL CHAIR VISWANATHAN**

Dear Colleagues:

I am writing to reiterate the University of California's stance on earmarking and to provide you with the newly-revised Lobbying Disclosure Policy. These issues have recently been the subject of discussion within the Council of Chancellors and with the Academic Council.

The Office of Federal Governmental Relations learned late in the budget cycle last year of several instances in which UC faculty were pursuing research funding directly from Congress instead of going through the executive branch agencies whose purpose it is to review and fund research proposals. Outside consultants had been retained to assist in securing such funds. These circumstances may be in violation of federal law. Furthermore, they do not comply with the University's policy on lobbying, and they are contrary to the University of California's long-standing opposition to earmarking of research funds.

The University of California has long supported merit-reviewed competition for the awarding of research funds by federal agencies. In recent budget cycles, the research community has witnessed a dramatic increase in Congressional earmarking of research funds. While this trend has generated much debate within the national higher education community, we remain strongly in favor of peer-reviewed, competitively-awarded funding as the most effective means for ensuring the highest quality research on a cost-effective basis. Indeed, our preeminence as a research university can be traced to the vitality of this public policy and the ability of our faculty to compete successfully in these federal research programs. The University of California will not pursue earmarking of competitive, peer-reviewed research funds and will discourage earmarking that comes at the expense of sustaining peer-reviewed programs.

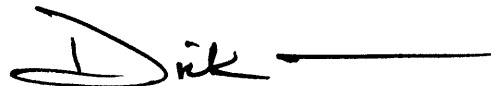
You may recall that Congressional action in the mid-1990's created a new set of rules for both the private and public sectors when contacting either the legislative or executive branches of government to advocate on behalf of specific policies, programs, grants or contracts. The law is broad and requires public disclosure for many such contacts. In 1998, the University of California adopted a Lobbying Disclosure Policy to meet the requirements of the federal law. This policy has mandated that no University of California employee, administrator, or faculty member, or other individual retained to provide outside assistance, should engage in activities that would require them to be registered as a lobbyist under the definition of the Lobbying

Disclosure Act of 1995 without prior written approval of the President of the University of California or the Chancellor.

The revised Lobbying Disclosure Policy requires additional approvals. Both the Chancellor of the respective campus, in consultation with the Senior Vice President for University Affairs, and the President must review and approve requests for an individual to engage in lobbying activities that would require registration as a lobbyist, as defined by the 1995 Lobbying Disclosure Act. Both the Chancellor and the President must give written approval before such activities take place.

Please disseminate the revised policy to faculty and all other appropriate individuals on your campus. Each campus should establish a clear internal process for review of requests for engagement of outside consultants to provide lobbying services at the federal level, including consultation with the Senior Vice President of University Affairs. I have asked Senior Vice President Darling to do so for the Office of the President. Questions concerning the revised Lobbying Disclosure Policy and the Lobbying Disclosure Act should be directed to University Counsel David Birnbaum (510 987-9800) or Assistant Vice President Scott Sudduth in the Office of Federal Governmental Relations (202 974-6302).

Sincerely,

A handwritten signature in black ink, appearing to read "Dick", followed by a horizontal line extending to the right.

Richard C. Atkinson  
President

Enclosures

cc: Members, President's Cabinet  
Senior Vice President Darling  
University Counsel Birnbaum  
Assistant Vice President Sudduth  
Special Assistant Gardner  
Principal Officers of The Regents

## **Lobbying Disclosure Policy**

The University of California is committed to remaining in full compliance with the requirements of the Lobbying Disclosure Act of 1995.

No University of California employee, administrator, faculty member, or other individual retained to provide outside assistance should engage in activities that would require them to be registered as a lobbyist under the definitions of the Lobbying Disclosure Act of 1995 without review and prior written approval by the respective Chancellor(s) and the President of the University of California.

The process for review and issuing prior written approval shall consist of the Chancellor(s) consulting with the Senior Vice President for University Affairs to determine whether to provide written approval. Any decision made by the Chancellor(s) to issue written approval shall be forwarded to the President of the University of California for approval. The President's decision shall be the final authority. In the case of individuals engaged in lobbying activities, as described above, on behalf of the Office of the President, the President, through the Senior Vice President for University Affairs, shall issue written approval.

The law requires that those who qualify as lobbyists under the Lobbying Disclosure Act of 1995 register and report expenses associated with lobbying activities. Once the President of the University of California and a Chancellor has provided approval for an employee to register as a lobbyist, the University's Office of Federal Governmental Relations should be notified so that the employee may be added to the University of California's lobby registration and so that their activities may be included in the semiannual Lobbying Disclosure Report.

All registered lobbyists are required to submit a report every six months containing specific information concerning their lobbying activities, including the issues lobbied upon, officials contacted, time spent, and an estimate of expenses. Campus employees should submit this information to Chancellors (or their designees) each month.

Every six months, the Chancellors (or their designees) will forward to the University's Office of Federal Governmental Relations the collected reports of lobbying activities and associated expenses, including any expenses incurred by outside consultants. The Office of Federal Government Relations will, on a semiannual basis and in accordance with federal law, compile the information and submit a report representing campus and Office of the President lobbying activities to the Clerk of the House of Representatives and the Secretary of the Senate.