

## Baker Hostetler

### **Guidance for Harvard University on Lobbying Disclosure Act Semi-Annual Reporting** *As of September 2008*

As a registrant under the Lobbying Disclosure Act (LDA), Harvard is required to twice a year (July 30 and January 30) file a report, the LD 203, with Congress that discloses any political and honorary contributions made by the University during the reporting period to members of Congress and their staff or senior executive branch officials. The report includes the following information:

- Date of each contribution, donation or payment;
- Amount of each contribution, donation or payment;
- Name of each payee and recipient organization or entity; and
- Name(s) of the honoree(s).

Since the University does not have a political committee (PAC) and does not make political contributions, the obligation to disclose political contributions is not applicable. The University does, however, need to disclose so-called honorary contributions.

Honorary contributions are donations, contributions, or expense payments (such as event costs) made by the University to honor or recognize members of Congress, congressional staff, or covered executive branch officials (“covered person(s)”). The following are examples of reportable events and contributions.

#### Reportable Events

- An event where a covered person(s) receives a special award, a honor plaque, or a recognition item.
- An event where a covered person(s) is identified as an individual honored or recognized, such as the awarding of an honorary degree. Absent additional facts indicating honor or recognition, events where a covered person(s) is asked to speak or merely attend, or is listed as an attendee, special invitee, or honorary co-host, are not reportable.
- An event where a covered person(s) is invited to appear as an honored guest.
- A meeting, retreat, conference, or like event held in the name of a covered person(s).

With respect to reportable events, the University must disclose the costs of sponsoring an event or of paying a large share of the costs of an event. Absent special circumstances, however, the University does not need to report the purchase of a table

or tickets to attend an event sponsored by other organizations, even if a covered person is honored.

#### Reportable Contributions

- Contributions to an entity that is named for a covered person(s);
- Contributions to any entity in recognition of a covered person(s);
- Contributions to an entity established, financed, maintained, or controlled by a covered person(s).
- Contributions to any entity “designated” by a covered person(s). “Designated” is defined to include a covered person directing a contribution in lieu of honoraria, as well as directing a contribution to an entity when the covered person serves on the recipient entity’s board. A contribution made following a mere statement of support by a covered person, however, is not reportable absent some further role by the covered person.

#### Definition of “covered person(s)”

Covered legislative branch officials are members of both Houses of Congress and their staff, including committee, leadership, and joint committee staff.

Covered executive branch officials are senior executive branch officials—including the President, the Vice President, employees of the President or Vice President, “Schedule C” employees (those in policy-determining positions who are excepted from competitive service or the Senior Executive Service), Cabinet members, secretaries, deputy secretaries, assistant secretaries, and general counsels—and any member of the Uniformed Services serving at a pay grade of 0-7 or above, such as Brigadier General.

#### Reporting Requirements

For the purposes of completing Harvard’s semi-annual report, we need information concerning honorary contributions made by your school or unit on behalf of the University. Harvard must include in its semi-annual report all reimbursements to lobbyists and other employees for reportable contributions and expenses discussed above. The University does not report honorary contributions made by an individual employee on his or her own behalf. For lobbyists, who must complete individual LD 203 forms, reimbursed expenses are reported by the University and not by the individual lobbyists.

For your convenience, a simple worksheet has been attached. Please complete the worksheet for honorary contributions made and forward the completed forms to the Office of Government, Community and Public Affairs (fax: 495-9703).

If you have any questions regarding the LDA or any aspect of this memorandum, please feel free to call the Office of Government, Community and Public Affairs at 495-4955, or the Office of General Counsel at 495-1280.