Lobbying for Alma Mater:
Higher Education Institutions as Interest Groups

By

Christopher R. Marsicano

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Approved:

Brent J. Evans, Ph.D.

William R. Doyle, Ph.D.

Jason A. Grissom, Ph.D.

Erik C. Ness, Ph.D.

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I have heard it said that whenever someone successfully defends his dissertation and earns his Ph.D., a host of other people earn a Ph.T. at the same time – "Putting Him Through." While the joke is a bit stale, the concept of a group of people whether by intention or accident banding together to bolster the efforts of a Ph.D. student will never get old. Those that earn a Ph.T. with the completion of this dissertation deserve my eternal thanks.

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GLOSSARY OF TERMS AND ABBREVIATIONS

Term	Description
AACC	American Association of Community Colleges, an umbrella group for community colleges. One of the "Big Six" higher education lobbying groups.
AARP	An interest group, formerly known as the American Association of Retired Persons, that lobbies on behalf of retirees.
AASCU	American Association of State Colleges and Universities, an umbrella group for over 400 public colleges, universities, and university systems in the United States. One of the "Big Six" higher education lobbying groups.
AAU	Association of American Universities, an umbrella group for 62 elite research universities in the United States and Canada. One of the "Big Six" higher education lobbying groups.
ACE	American Council of Education, an umbrella group for over 1,800 colleges and universities in the United States. One of the "Big Six" higher education lobbying groups.
AFL-CIO	American Federation of Labor and Congress of Industrial Organizations (AFL-CIO), the largest organization of labor unions in the United States.
AFT	American Federation of Teachers, a labor union and interest group that advocates for teachers.
APLU	Association of Public and Land-Grant Universities, an umbrella group for over 209 public and land-grant colleges and universities in the United States, Canada, and Mexico. One of the "Big Six" higher education lobbying groups.
Boeing	A multinational aerospace and defense company based in the United States.
CPI	Consumer Price Index, this index allows one to account for cost of living and normalize prices across time.
Earmark	A legislative provision in Congress that directs funds to a specific project or interest group.

FEC	Federal Elections Commission, a US Government agency that regulates and enforces campaign finance law.
HBCU	Historically Black College or University, a postsecondary institution that was founded prior to the Higher Education Act of 1965 that holds the education of black Americans as its primary mission.
HELP	The Senate Health, Education, Labor, and Pensions Committee.
In-House Lobbyist	A lobbyist employed directly by an institution or organization.
IPEDS	Integrated Postsecondary Education Data System, an institution-by-year dataset from the National Center for Education Statistics.
K-Street Lobbyist	A lobbyist employed by a law or lobbying firm, contracted by an institution or organization for lobbying.
MC	Member of Congress
NAICU	National Association of Independent Colleges and Universities, an umbrella group for over 1,000 independent, private nonprofit colleges and universities in the United States.
NCSL	National Conference of State Legislatures, an umbrella group for state legislatures
NEA	National Education Association, a labor union and interest group that advocates for teachers.
NIH	National Institutes of Health, a US Government agency tasked with supporting and conducting biomedical and public health research.
NRA	National Rifle Association, a powerful lobby in support of gun rights.
NSF	National Science Foundation, a US Government agency tasked with supporting research and education in the fields of non-medical natural science, social-science, and engineering.
PAC	Political Action Committee, an interest group organization that pools money to support or oppose ballot initiatives and candidates for elected office.

Sierra Club	Well-known membership interest group that lobbies for environmental preservation at the local, state, and national levels.
TCJA	Tax Cuts and Jobs Act, a tax policy bill, passed in 2018 that lowered personal income tax rates for some citizens, but imposed new taxes on university endowments.

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PROLOGUE

One of the hallmarks of American democracy is the ability of people to join together in interest groups with the goal of influencing public policy. When examining interest group influence, some researchers have focused on campaign contributions. Others have examined electoral strategy. Yet, education interest group researchers look almost exclusively to lobbying (de Figueiredo and Silverman, 2006; Ferrin, 2003, 2005). Due to restrictions on campaign donations and working on behalf of political candidates, many public and non-profit organizations rely almost exclusively on lobbying as their means of political action.

Lobbying, therefore, represents a major political action expenditure for most education interest groups. Education interest groups alone spent almost $100 million lobbying Congress in 2017, and a total of $2.1 billion in the past two decades. While this amount accounts for only 3.9 percent of the total lobbying expenditures across all industries, it still represents a massive investment in political activity among education interest groups. Despite the fact that lobbying plays such a key role in education interest group political activity, few researchers have examined Congressional lobbying behavior and expenditures within the education sector (Cook, 1998; de Figueiredo and Silverman, 2006; Ferrin, 2003, 2005; Hannah, 1996; Parsons, 1997; Smith, 1993, 1995). In this dissertation, I examine the trends in the number of interest groups lobbying Congress and the amount of money they spent lobbying, focusing specifically on the public and non-profit higher education sector; this sector makes up the majority of both the number of education interest groups that lobby Congress and the amount of money spent on lobbying by education interest groups.

Given the prevalence of teachers' unions and other K-12 interest groups in national political media coverage, it may strike some as surprising that higher education interest groups

take up such a substantial portion of the education interest group lobbying landscape. Table 1 shows the 25 education sector organizations that spent the most lobbying Congress over the past 20 years. It lists lobbying expenditures in CPI-adjusted 2018 U.S. dollars. Data for the table come from the Center for Responsive Politics (CRP). The CRP is a non-profit organization that maintains data on lobbying, campaign expenditures, and other political activity at the federal level. The CRP collects these estimates for each interest group, and sorts interest groups by industry. Interest groups in the table represent those identified as members of the education sector by the CRP that disclosed lobbying expenditures in a given year from 1998 to 2017. Following chapters present a further discussion of my data collection and methodology regarding CRP data.

Table 1 shows that the National Education Association (NEA) spent around $50 million in the past two decades. However, only two teachers' unions – the NEA and the American Federation of Teachers (AFT) – make the top 25. In all, labor unions (including those not shown in the table) spent around $90 million in 2018 USD over the past twenty years.

For-profit universities spent double that amount. A total of 77 individual for-profit higher education institutions spent over $183 million lobbying Congress since 1998. Just five private equity firms that own for-profit colleges or for-profit postsecondary education providers spent almost as much as education labor unions combined. DeVry Inc., Career Education Corporation, Corinthian Colleges, Warburg Pincus[1], and the University of Phoenix's parent company, the Apollo Education Group spent a combined $87 million lobbying Congress over the past twenty years.

[1] Warburg Pincus is a hedge fund and holding company that has many for-profit university assets in its portfolio. The remainder of the companies in this list own or manage a series of for-profit colleges, technical schools, and universities.

Yet, *for-profit* higher education institutions represent only a fraction of the postsecondary providers lobbying. In fact, the amount of money spent by for-profit higher education firms pales

Table 1: Top 25 education interest groups by lobbying expenditures, 1998 – 2017

Rank	*Name*	*Category*	*Total Expenditures*
1	National Education Association	Teacher Union	$50,352,227
2	Apollo Education Group	For-Profit College or University	$33,875,087
3	Association of American Medical Colleges	Non-Profit Organization	$33,357,619
4	State University of New York	Public University System	$25,925,825
5	American Federation of Teachers	Teacher Union	$22,939,651
6	California State University	Public University System	$22,117,806
7	Johns Hopkins University	Private University	$20,124,202
8	Boston University	Private University	$19,617,863
9	Warburg Pincus	Private Equity Firm	$16,897,968
10	Corinthian Colleges	For Profit College or University	$16,736,928
11	University of California	Public University System	$16,736,543
12	New York University	Private University	$15,393,765
13	Harvard University	Private University	$14,656,636
14	University of Massachusetts	Public University System	$13,912,430
15	Columbia University	Private University	$13,217,499
16	Northwestern University	Private University	$12,904,688
17	Texas A&M University	Public University System	$12,773,498
18	University of Texas	Public University System	$12,684,716
19	University of Colorado	Public University System	$12,363,371
20	Wake Forest University	Private University	$12,046,427
21	University of Pennsylvania	Private University	$11,949,105
22	Yale University	Private University	$11,650,650
23	University of Miami	Private University	$11,260,967
24	University of Southern California	Private University	$10,727,740
25	Purdue University	Public University System	$10,452,369

Notes: Data come from the Center for Responsive Politics lobbying expenditure dataset at *opensecrets.org*. Total expenditures represent the CPI-adjusted sum total of lobbying expenditures in 2018 USD. Warburg Pincus is a private equity firm that has heavily invested in for-profit higher education. The Association of American Medical Colleges administers the Medical College Admission Test and owns and operates the American Medical College Application Service which facilitates students applying to medical schools. It also operates the Electronic Residency Application Service which matches medical school graduates with residency programs. The remaining 23 interest groups are labor unions or public, non-profit, or for-profit universities or university systems.

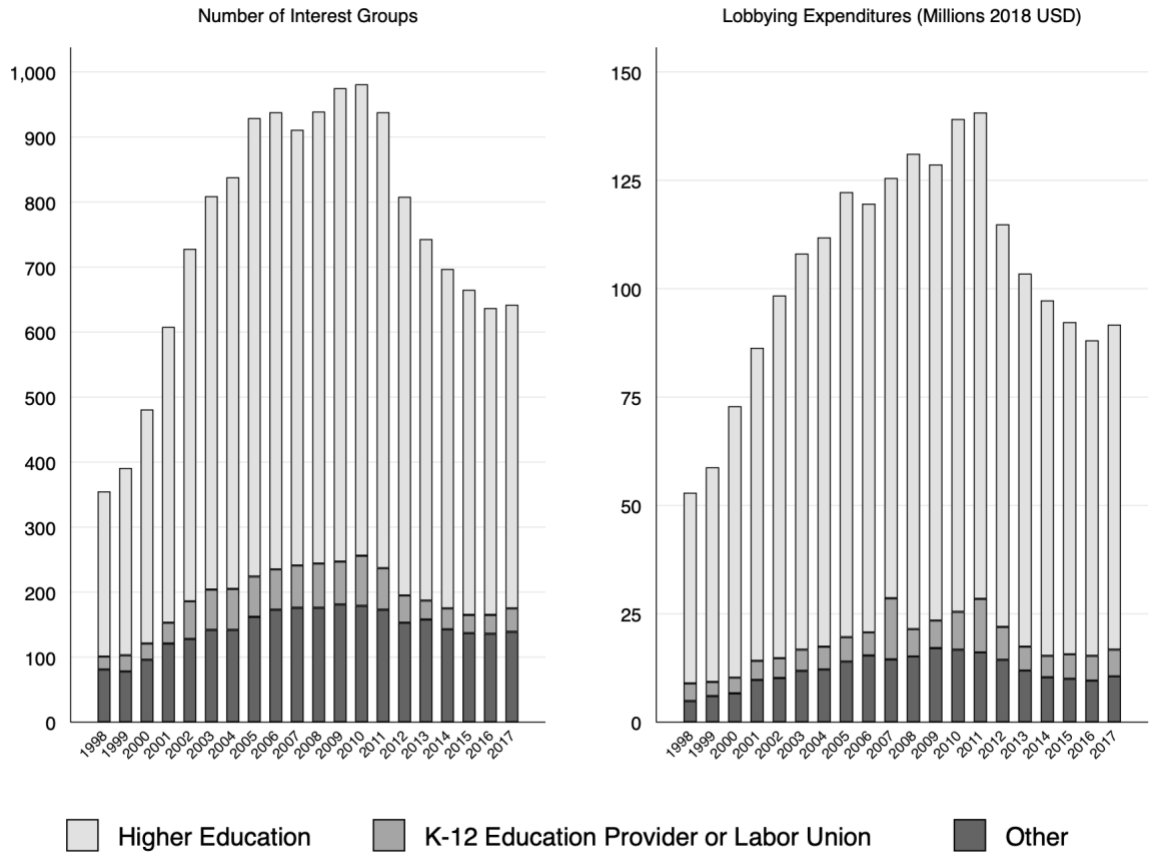
in comparison to that spent by *public* and *non-profit* universities. Private, non-profit institutions spent a total of $607 million over the past twenty years. Public colleges, universities, and systems spent $676 million. Combined, public and non-profit colleges, universities, and university systems spent a grand total of $1.28 billion since 1998, representing a not insubstantial investment in Congressional lobbying. In comparison, defense contractors Northrop Grumman, Lockheed Martin, and Boeing combined spent just over *half* that amount in the past two decades.

When combining the expenditures of public, non-profit, and for-profit universities with community colleges, accrediting bodies, international universities and umbrella groups like the American Council on Education (ACE), higher education as a sector spent more than 10 times the amount spent by K-12 interest groups. The higher education lobby spent more than four times the rest of the education industry combined. Given that public and non-profit higher education institutions spend so much money lobbying, it is important to understand the institutional characteristics associated with postsecondary institutions' decisions whether to lobby and how much to spend. The second chapter of this dissertation attempts to uncover what political and institutions characteristics of public and non-profit institutions predict lobbying behavior and expenditures.

The trend of higher education interest groups as big spenders persists throughout the study time period. Figure 1 shows the trends[2] in the number of interest groups that lobbied in a given year on the left and the trends in amount spent by interest group type on the right, from 1998 to 2017. In every year since 1998, higher education interest groups have accounted for at least 70 percent of the education interest groups that lobbied Congress. In only two years, 2007

[2] Data for this figure consist of the reported lobbying expenditures for all interest groups classified as "Educational Interest Groups" by the CRP. Interest groups in the "Other" category include for-profit testing companies such as the College Board, companies that provide education-related products such as Blackboard, government entities such as school boards, and other education-related non-profit organizations.

Figure 1: Trends in education interest group lobbying, 1998 - 2017



Data Source: Center for Responsive Politics, *opensecrets.org*

and 2011, did higher education interest groups account for less than 80 percent of total education interest group lobbying expenditures. For comparison, K-12 education providers and labor unions accounted for between 5 and 9 percent of education sector lobbying expenditures from 1998 to 2017.

The number of education interest groups lobbying Congress and total education industry expenditures generally rose rapidly in the late 1990s and early 2000s before beginning to decline in 2011. In 1998, 355 education interest groups spent $52 million lobbying. By 2011, lobbying

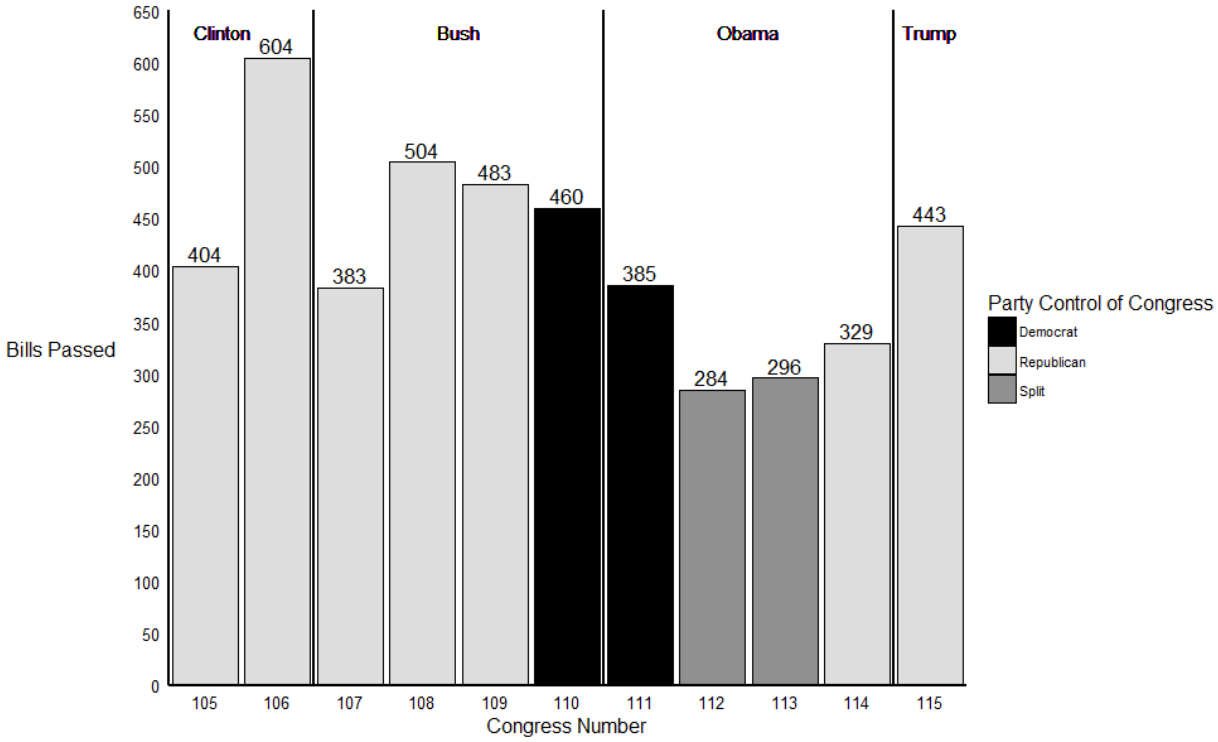
expenditures and the number of interest groups lobbying had risen over two-and-a-half times to almost $141 million and 981 interest groups. By 2017, however, the number of interest groups and the amount they spent had declined precipitously across all interest group types. In all, higher education interest groups reduced their spending by around 33 percent from 2011 to 2017. K-12 interest groups cut their lobbying expenditures in half.

There are a number of potential reasons for this decline. First, the decline in spending and the number of interest groups lobbying could be the result of changes in Congressional productivity. Figure 2 shows the number of bills passed by each Congress since 1998, along with party control of Congress and the Presidency. Arguably due to political polarization, Congressional productivity – as measured by the number of bills passed in Congress – has been in a general state of decline over the past 50 years. While the 115th Congress was one of the most productive Congresses in recent years with 443 public bills passed, it was still the eighth least productive Congress of the modern era. In fact, the 105th through 115th Congresses represent 11 of the 14 *least* productive Congresses since the end of World War II.

Education interest groups may have reduced their lobbying activity due to the lack of Congressional productivity. Lobbyists attempt to gain favor for, or limit harm to their clients through legislation. Lobbyists may believe there is little sense in lobbying a Congress that fails to legislate. A greater understanding of the goals and tactics of lobbyists may provide some insight as to whether Congressional productivity and polarization plays a role in the decline of lobbying expenditures post-2011. The third chapter of this dissertation attempts to uncover the goals and tactics of higher education lobbyists through qualitative interviews.

Second, the end of earmarks may also have contributed to the decline in the number of interest groups lobbying and their expenditures. Earmarks are direct funding appropriated to

Figure 2: Overall Congressional productivity in decline, 105th - 115th Congresses



Data Source: Library of Congress, *congress.gov*

interest groups by Congress, without the use of a competitive grant-making process. They tend to align with lawmaker's personal interests[3] or support specific initiatives or programs that might not have received funding otherwise. In 2010, the Democratic Party-led House of Representatives eliminated earmarks for the for-profit sector. Republicans banned their use for non-profit and public institutions when they took control of the House a year later. Previous research has argued that the exclusive goal of lobbying expenditures for most colleges and

[3] One such pet project is Auburn University's research center that trains drug and bomb detection dogs. Auburn's College of Veterinary Medicine received $1,500,000 in earmark funding at the request of Representative Robert Aderholt in FY 2009 to fund an expansion the Canine Detection program for training local law enforcement.

universities is to earn earmarks (de Figueiredo and Silverman, 2006). Without the possibility of receiving earmarks, education interest groups may have allocated their advocacy budget elsewhere. I directly test this hypothesis in the fourth chapter of the dissertation. I find little evidence that the earmark ban led to the decline in lobbying and lobbying expenditures.

While popular media sources give much attention to for-profit higher education organizations and K-12 education interest groups like teachers' unions, public and non-profit postsecondary institutions quietly - and expensively - lobby Congress (Ackley, 2018; Kelderman, 2017; Kriegbaum, 2018). This finding does not align with the focus of scholarly research on the subject of Congressional lobbying for education, with a relatively small amount of research dedicated to federal lobbying by public and non-profit higher education institutions (Cook, 1998; de Figueiredo and Silverman, 2006; Ferrin, 2003, 2005). Furthermore, the scant literature on the subject needs updating, especially considering dramatic changes in Congressional productivity and appropriations processes over the past few years. This dissertation attempts to shed light on higher education lobbying expenditures over time, the goals of Congressional education interest group lobbyists, and the tactics they use.

INTRODUCTION

An image comes to mind when thinking of lobbyists. For many, that image is one of slick puppet masters pulling the strings of politicians. This stereotype has been a staple of film and television, which portray lobbyists as fast-talking conmen or ruthless political operators[4]. Lobbyists are so unpopular that even politicians try to distance themselves from lobbyists; purported disdain for lobbyists is bipartisan. Democratic New York Governor Andrew Cuomo once stated, "too often government responds to the whispers of lobbyists before the cries of the people" (Gormley, 2011). Similarly, Republican Senator Ted Cruz said that he would never "get in bed with the lobbyists and special interests" (Rago, 2016). Yet, despite negative portrayals and statements regarding lobbying, corporations and nonprofit organizations still spent $3.37 billion employing 11,529 registered lobbyists in 2017 (Center for Responsive Politics, 2018). They do so because lobbyists play an important role in our democracy. Lobbyists relay key information about policy issues to lawmakers. They serve as experts. They advocate for their clients - some of which are higher education institutions.

While political action may not be their expressed purpose, colleges and universities are political actors. Like Boeing or Lockheed Martin, colleges and universities have a purpose unrelated to political action, but engage politically to ensure stability for actions related to their main purposes – facilitating cutting edge research and teaching the next generation. Similar to the AARP with its vast membership of senior citizens representing diverse needs, higher education institutions are accountable to a diverse group of constituents - their boards of trust, administrators, faculty, staff, students, alumni, and given the substantial public investment in higher education, the citizenry of states and the country as a whole. Comparable to trade unions

[4] Two such movie portrayals of lobbyists are Aaron Eckhart's Nick Naylor in *Thank You For Smoking* and Jessica Chastain playing the title role of the film *Miss Sloane.*

that join the AFL-CIO and allow that body to serve as their chief negotiator on Capitol Hill, postsecondary institutions join organizations like the American Council of Education (ACE) and let it take the lead in influencing legislation and executive action. Unlike Boeing, the AARP, or the AFL-CIO, however, most higher education institutions cannot fund political candidates[5], making lobbying their primary means to influence the political process.

Using a broad definition, lobbying is any attempt to influence government policy through formal or informal communication to policymakers. College and university lobbyists aim to impact public policy in many ways. They hunt for earmarks. They attempt to ensure funding for the National Institutes of Health (NIH), the National Science Foundation (NSF), and the National Endowment for the Humanities (NEH), which in turn fund their clients' research efforts. They write amicus briefs to sway the Supreme Court in favor of affirmative action and other areas of policy of interest to their employers (Fisher v. University of Texas at Austin, et al., 2016). They facilitate Congressional testimony and face-to-face meetings for their clients' faculty and administration with legislators in Washington on issues of import to their clients. Doing so allows colleges and universities to make a direct, public case for policies that favor them.[6]

[5] To do so would put at risk 501(c)3 tax-exempt status for nonprofit institutions (FEC, 2018). Public institutions may not spend money on elections as all 50 states have placed restrictions on public entity spending and facility use in support of political campaigns (NCSL, 2018). For-profit institutions may contribute to political campaigns, and many do. However, their investment in campaign support pales in comparison to their investment in lobbying. For example, the Apollo Group - the parent company for the University of Phoenix – contributed to only one political candidate in 2016. It gave $2,500 to House Majority Leader Kevin McCarthy's re-election campaign. It also gave $100,000 to two separate political action committees in 2016 but spent $1.35 million lobbying Congress in that same year (Center for Responsive Politics, 2018). DeVry, Inc., now part of Adtalem Global Education, is an example of a for-profit institution that followed the nonprofit and public approach. It spent $422,000 lobbying in 2016, but did not contribute to any campaigns or PACs. For-profit institutions, however, are outside the scope of this dissertation; therefore, all higher education institutions to which I refer in this dissertation cannot legally contribute to campaigns.

[6] Vanderbilt University provides one great example of such behavior. Vanderbilt Chancellor Nicholas S. Zeppos has visited Congress often to advocate for Vanderbilt's interests. In 2015, Chancellor Zeppos testified in front of the Senate Committee on Health, Education, Labor and Pensions and he asked the committee to lessen the regulatory burden colleges and universities face (Vanderbilt University, 2015). In 2017, Zeppos took several meetings on Capitol Hill to discuss tax reform. According to the press release that followed, "The Office of Federal Relations… coordinated Zeppos' visit, [and] has spearheaded a variety of advocacy efforts this year in coordination with various

Lobbying is not an inessential activity for nonprofit and public[7] colleges and universities. While higher education lobbying expenditures in no way come close to matching academic or student services spending, colleges and universities spend more lobbying than one might think. Since 1998, public and non-profit colleges and universities have spent over $1 Billion lobbying Congress (Center for Responsive Politics, 2018). In 2017, the University of California system topped all colleges and universities when it spent $1.2 million on lobbying efforts – or the equivalent of 85 full-tuition scholarships for undergraduate students at the University of California at Berkeley (Berkeley, 2018). The University of Pittsburgh came in second with $820,000, a sum that exceeds total compensation for the university's chancellor. Duke, Yale, Wake Forest and Texas A&M all spent around $500,000 each, the equivalent of around 340 Pell Grants awarded at the maximum level.

Universities that do not have a research focus and those with small student populations also spend a significant amount of money lobbying. For example, Belmont University spent $36,000, and Coastal Carolina University spent $80,000 on lobbying last year. Even community colleges have gotten in on the game with Carteret Community College in North Carolina and Ivy

associations and coalitions to which Vanderbilt belongs. This is to ensure continued strong support for federal investments in science and engineering research and education and to protect the university's priorities in tax reform." (Vanderbilt University, 2017).

[7] I choose to confine this dissertation to the nonprofit and public sectors for three major reasons. First, as one of the chapters in this dissertation focuses solely on the nonprofit and public institution earmark ban of 2011, that intervention does not apply to for-profit institutions. Second, as explained in the previous section of this dissertation, public and non-profit institutions make up the bulk of not only the number of educational interest groups that lobby Congress, but also lobbying expenditures within the higher education sector. Third, the lobbying goals of for-profit institutions differ from that of nonprofit and public institutions in ways that are likely to impact their lobbying behavior. For example, the Obama Administration's gainful employment regulation was more likely to effect for-profit institutions than nonprofit or public institutions, as 99 percent of the 1,400 institutions that did not meet the standards put forth by the regulation in 2015 were for-profit colleges (Beaver, 2017). This is an important phenomenon in need of study; while I intend to examine for-profit lobbying behavior in the future, for the purposes of this dissertation, I focus on the more similarly-oriented public and nonprofit institutions.

Tech Community College in Indiana both spending $10,000 in 2017. Clearly institutions of all shapes and types have placed value on lobbying activity in the form of monetary investment.

Such considerable lobbying expenditures should not be a surprise given the substantial state and federal investment in higher education – at both nonprofit and public institutions. In 2013, the federal government spent $31 billion on Pell Grants, $25 billion on research grants, and around $19 billion in general purpose appropriations, veterans' benefits, and other forms of financial aid to total over $75 billion spent on higher education institutions (Schroeder et al., 2015). Federal tax credits for higher education exceed $30 billion annually and student loans account for over $100 billion in revenue for higher education institutions each year (Schroeder et al., 2015). For public institutions, federal revenue now exceeds 15 percent of institutional budgets. Colleges and universities must lobby to protect those revenue streams (Schroeder et al., 2015). The stakes are too high for institutions *not* to lobby Congress.

Yet, despite millions of dollars in lobbying expenditures to ensure the massive amount of federal investment in higher education, very few researchers in the fields of political science, public policy, or higher education have studied lobbying as an essential function of postsecondary institution political action. This dissertation seeks to change that.

The first chapter of this dissertation serves as a review of the literature on lobbying in the higher education context. Research on lobbying has focused mostly on case studies and theory development, but a growing number of scholars are venturing into econometric analyses of lobbying behavior and expenditures due to greater data availability than in the past. The chapter also shows that the intersection of higher education and politics remains in a "state of perpetual infancy", but that a small, but growing, number of researchers have begun to pull back the curtain on lobbyists in higher education (McLendon & Hearn, 2003, p. 3). It then identifies the

few cases in which higher education scholars have examined postsecondary institution lobbying behavior and gaps in the literature that this dissertation can fill.

Using a unique panel dataset in the second chapter, I examine the institutional characteristics that are related to the choice as to whether a college or university will lobby Congress.[8] I also gauge how much those institutions spend and the institution-level characteristics associated with high levels of spending. I find lobbying activity and expenditures are positively related to enrollment, an institution offering a medical degree, and, under certain conditions, being a member of an umbrella group like the ACE.

After determining the institutional characteristics associated with an institution's decision to lobby, I turn my focus to the lobbyists themselves. In the third chapter, I investigate the goals and tactics of college and university lobbyists through a series of qualitative interviews. I also examine the conditions under which they work together with other institutions and stakeholders or choose to lobby individually. I find college and university lobbyists have a variety of goals and tend to work well together; however, there are a number of sources of conflicts brewing among postsecondary institution lobbyists. I discuss those growing fissures at length in the third chapter.

Higher education lobbyists may also seek rents, or financial returns they would not normally receive, from the federal government for their clients in the form of earmarked funds for colleges and universities. Rent-seeking behavior causes a loss of social welfare leading policymakers to attempt to curb lobbying for rents. In 2011, Congress attempted to limit availability of rents - and thus discourage lobbying for rents - when it instituted a ban on

[8] I define engaging in lobbying as a binary indicator for whether an institution submits a disclosure report to Congress concerning its lobbying expenditures. In Chapter 2, I provide an in-depth explanation of the conditions under which an institution would need to file such a report and the limitations of this measure.

earmarks in appropriations bills. The fourth chapter of this dissertation examines the extent to which earmark availability changes college and university lobbying behavior by analyzing the effects of this ban. It exploits a difference in earmark policy between two groups of universities prior to the earmark ban to perform a difference-in-differences analysis. While the results are too imprecise to rule out substantial reductions in lobbying expenditures as a result of the ban, they also give no indication that the ban had its desired effect either. In light of these inconclusive results, the chapter considers the appropriateness of earmark elimination as a strategy to curb rent-seeking behavior.

Finally, I present a discussion of the findings of each of the papers and the conclusions they reach, before identifying some areas for future scholarship. As lobbying is often tied to the emergence of salient issues, scholars should consider finding ways to predict the emergence of issues related to colleges and universities to better help lobbyists prepare to support their employers. Researchers also should attempt to get closer to quantifying a return on investment for lobbying to better understand why institutions invest in lobbying.

This dissertation represents perhaps the first attempt to examine the higher education lobbying landscape in at least a decade. It uses a novel panel dataset that combines lobbying disclosure data with institution level data from the Integrated Postsecondary Education Data System. It examines how a massive shift in federal funding policy for higher education institutions changed – or did not change – universities' behavior. It is my hope that it will be instructive not only as to the current state of higher education lobbying, but also potential future directions for lobbying research.

CHAPTER 1

LITERATURE REVIEW: LOBBYING FOR HIGHER EDUCATION

Lobbying is the act of trying to influence government policy. Interest groups have lobbied governmental leaders since before the founding of the Republic when "Committees of Correspondence" attempted to persuade members of what would become Congress on the merits of going to war with Britain in the 1770s (Vail et al., 1774; DeKeifer, 1997). Yet education policy scholars have dedicated little scholarly attention to lobbyists. When researching interest group influence, some researchers have focused on campaign contributions. Others have examined electoral strategy. Colleges and universities, however, cannot fundraise or campaign for individual candidates. One of the only ways they can impact public policy is to lobby.

Despite the fact that lobbying is one of the few ways in which colleges and universities act politically, few education researchers have examined higher education lobbying. In fact, very little published research examines higher education institutions as the *antecedents*, rather than *recipients*, of political action. Research on the intersection of higher education and politics, despite a long history of periodic updates and small steps forward, remains in a "state of perpetual infancy" (McLendon & Hearn, 2003, p. 3). Of the scant list of studies of higher education politics, most have treated postsecondary institutions as recipients of political action with the great majority of those studies concerning the political determinants of public funding for universities (Lowry, 2001; McLendon, Hearn, & Doyle, 2009; Ness & Tandberg, 2013; Okunade, 2004; Payne, 2003).

While studies of higher education institutions as political actors are few in number, the literature does include some studies of higher education institutions attempting to lobby Congress, most notably for earmark funding (Cook, 1998; De Figueiredo & Silverman, 2006;

McMillen, 2010). Researchers conducted the majority of these studies, however, prior to the dramatic growth and subsequent reduction of lobbying expenditures in 105th through 115th Congresses and the 2011 Congressional ban on earmarks. They do not address the other goals of higher education lobbying such as blocking or trying to gain support for legislation, nor do they attempt to make causal claims related to postsecondary institution lobbying. In short, lobbying is an understudied, but major function, of college and university political action.

This section of my dissertation attempts to cover the limited research on the topic of lobbying for higher education. It reveals that most research on the topic is either outdated due to federal lobbying regulation changes or in need of extension.

Targeting the Research

Lobbying is a long studied subject in political science that falls under the umbrella category of interest group research (Cook, 1998; Ness, Tandberg, & McClendon, 2015). While there is no shortage of research on interest groups, scholars debate the definitions of "interest groups" and "lobbyists" (Baumgartner & Leech, 1998; Thomas, 2004). For the purposes of this dissertation, I define interest groups as "an association of individuals or organizations or a public or private institution that, on the basis of one or more shared concerns, attempts to influence public policy in its favor" (Thomas, 2004, p. 4).

This definition allows for three major categories of interest groups (Thomas, 2004). The first, traditional membership groups, are composed of individuals who share an interest or trade such as doctors among the membership of the American Medical Association, gun owners who are card-carrying members of the NRA, and environmental enthusiasts who have decided to join the Sierra Club. The second, organizational interests, represents coalitions of organizations, such as the AFL-CIO for labor unions and the Association of American Universities (AAU) for

universities with high research activity. Institutional interests make up the third and final category of interest groups. These are institutions like universities, nonprofit groups, think tanks, and other institutions without membership groups that may engage in political activity in order to further their goals. For these institutions, political activity is a means to augment the pursuit of institutional goals, not a goal within itself (Olson, 1965; Thomas, 2004).

In this dissertation, I do not focus on membership groups - though there are many that focus on higher education issues.[9] These membership groups may align with higher education institutions, but their purpose in lobbying is to advocate for their members. Therefore, I focus only on higher education institutions and the umbrella organizations that represent them – both of which look out for the interests of the institutions themselves. I treat each individual higher education institution as an institutional interest group and the organizations of which they are a part - like the Association of Public and Land-Grant Universities (APLU) or the American Association of State Colleges and Universities (AASCU) - as organizational interest groups.

When interest groups aim to influence policymaking through formal or informal communication to policymakers, they engage in lobbying. Therefore, for the purpose of this dissertation, a lobbyist[10] is "a person designated by an interest group to represent to government for the purpose of influencing public policy in that group's favor" (Thomas & Hrebenar, 1990, p. 124). While some situations call for non-professional advocates to lobby on behalf of an interest

[9] Examples of membership groups that actively lobby on issues with a higher education focus include the American Association of University Professors, the American Association of University Women, and NAFSA – The Association of International Educators.

[10] While there is some debate over the origin of the term, "lobbyist," the most widely known - and likely apocryphal story - centers around President Ulysses S. Grant who often frequented the bar of the Willard Hotel at the end of a long day to enjoy a brandy and cigar. Interest group advocates would wait in the lobby of the Hotel in Washington, DC for the chance to talk with the President. That said, the most likely origin of the term "lobbyist" comes from the lobbies outside of parliamentary chambers in the United Kingdom, where hired spokesmen would advocate for their clients to members of Parliament (Rosenthal, 2001; Thomas, 2004).

group[11], many lobbyists are professional staff members hired by an organization to advocate for that organization's goals. I limit this study of higher education lobbying to only those professional lobbyists working on behalf of institutional interests related to higher education to influence legislation at the federal level. While colleges may organize and benefit from legislative advocacy by students or professors, I am interested only in the lobbying work undertaken by professional lobbying staff. Many colleges and universities own or rent offices in Washington, D.C. for in-house federal relations staff members, while others contract law, consulting, or lobbying firms to lobby for them. This dissertation examines both of these types of professional lobbyists.

Political scientists have examined organizational interests and their lobbying activities (Hrebenar & Morgan, 2009; Thomas, 2004; Thomas & Hrebenar, 1990). Organizational interest groups like the AAU and ACE certainly play important roles in lobbying for higher education institutions (Cook, 1998). Higher education interest group researchers have given organizational interests such as the "Big Six" umbrella organizations[12] that represent different institution types most of their attention (Cook, 1998). While these organizations wield enormous power relative to that of any individual institution, the largest gaps in the literature on higher education lobbying pertain to individual institution lobbying efforts. Thus, I examine umbrella organizations only with respect to their interaction with institutions.

[11] One example of a non-professional advocate for a college or university may be that institution's president, who may, from time to time, call a legislative office on his institution's behalf. While colleges and universities employ presidents, it is not the primary professional responsibility of a president to speak with legislators. Lobbying legislators may be a primary function of a college or university employee with a title like "Director of Federal Relations."

[12] Constance Cook coined the term "Big Six" in 1998 in her landmark book on the subject of college and university lobbying, "Lobbying for Higher Education." These include the American Association of Community Colleges (AACC), the Association of American Universities (AAU), the American Association of State Colleges and Universities (AASCU), the National Association of Independent Colleges and universities (NAICU), the Association of Public and Land-Grant Universities (APLU), and the American Council on Education (ACE).

Lobbyists may attempt to affect policy across many different branches within the government. They may try influence legislation, affect judicial decisions and appointments, and limit regulation from regulatory bodies within the executive branch (De Figueiredo & Silverman, 2006; Klüver, Braun, & Beyers, 2015; La Pira & Thomas, 2014; Mayhew, 1974; Olson, 1965). I am most interested, however, in interest group activity within the United States Congress. The choice of the type of lobbying and venue is due both to data availability and potential for impact. Lobbying disclosure laws require lobbyists to divulge their activities related to congressional staffers and Members of Congress to two distinct offices – the Clerk of the United State House of Representatives and the Secretary of the United States Senate. Reports of lobbying activity with regulatory agencies are neither centralized nor easily available[13]. While lobbying occurs at all levels of government, I have chosen to focus my efforts on the federal level. Lobbying disclosure laws vary greatly across states. As a result, it is extraordinarily difficult to access the information that would allow complete comparisons of lobbying activity across different state contexts. Furthermore, total state funding for higher education institutions and total federal funding for higher education institutions are almost equivalent at $73 and $75 billion respectively (Schroeder et al., 2015). Federal funding, however, has grown over the past decade while state funding has declined since the Great Recession (Schroeder et al., 2015). This could suggest a greater federal role in higher education, and bolsters the need for research into how higher education lobbying impacts the funding sent to postsecondary institutions.

[13] The Congressional lobbying disclosure reports do also require listing expenditures related to lobbying action with some members of the executive branch, including the President, Vice-President, and staff member in the Executive Office of the President. It also includes any staff member working in levels I through V of the Executive Schedule which includes cabinet secretaries, undersecretaries, and agency administrators. Lastly it includes any member of the uniformed services at a one-star rank or above (military and other uniform service admirals and generals), and some low-level political appointees. However, there is no centralized executive branch system for reporting lobbying expenditures or other lobbying activity.

Lobbying Research

While lobbying activity has been a mainstay of American politics since the nation's founding, interest groups first became a major area of study for political scientists in the 1950s, beginning with David Truman's 1951 work, *The Governmental Process* (Cook, 1998). For Truman, political scientists could best understand policy formation through understanding interest group activities and conflict (Truman, 1951). The primary goal of interest group research at the time was understanding the internal dynamics of interest groups. That goal still serves as focus of interest group and lobbying research today. Most current lobbying research falls into two categories – comprehensive studies of interest group activity and case study or other qualitative research on particular aspects of interest group activity (Hrebenar & Morgan, 2009; Thomas, 2004). I draw on the methods of both types of study for this dissertation.

The early years of lobbying research focused on developing theoretical frameworks from which to analyze internal dynamics of interest groups (Olson, 1965; Thomas, 2004). Early theoretical debates around interest group activity questioned the goals and aspirations of interest groups. Robert A. Dahl, in his 1961 work, *Who Governs?*, argues that interest groups jockey for power for themselves and like-minded legislators (Dahl, 2005). Dahl's theory became known as "pluralism," and detailed how interest groups could coalesce with other groups to attempt to form governing coalitions. The chief criticism for early pluralism is detailed in E. E. Schattschneider's *The Semisovereign People* (1960) through the theory of "elitism." To Schattschneider, powerful interest groups sought to upend democracy through controlling access to legislators. Interest groups, therefore, dominate American politics with a bias toward political and social elites (Schattschneider, 1960). Schattschneider famously remarked "the flaw in

pluralist heaven is that heavenly chorus sings with a strong upper-class accent" (1960, p. 53; Ness, Tandberg, & McLendon, 2015, p. 156).

In the pluralist sense, higher education institutions coalesce to protect one another's interests; researchers have written about umbrella organizations like "the Big Six" and how they play the role of coalition builder and advocate (Cook, 1998). Many researchers have also discussed the ways in which educational institutions may reproduce social and political power structures (Bourdieu, 1977; Collins, 2009; Perna & Titus, 2004; Seider, 2008). Yet, rarely does lobbying at the postsecondary institution level become part of that discussion. In addition, just as neither pluralism nor elitism directly applies to higher education institutions, neither theory offers an answer to the free-rider problem associated with interest groups. Non-members of interest groups with similar ideologies to those of the interest groups do not participate in advocacy efforts, yet still receive the economic benefits of those efforts.

Mancur Olson's *The Logic of Collective Action* documented this phenomenon in 1965, and argued that the only way to overcome this problem was to provide selective benefits to members within the advocacy interest group. For Olson, benefits such as health insurance or magazine subscriptions are necessary to ensure participation. Not all theorists agreed with Olson; in his 1973 work *Political Organizations,* James Q. Wilson offered a critique of Olson's collective action theory noting that economic self-interest is only one reason an individual would engage in interest group activity. Individuals may also receive some solidary or purposive benefit from membership (Wilson, 1974). Solidary benefits refer to those benefits received from creating relationships with other group members, while purposive benefits are the feelings an individual may receive while working toward the goals of an interest group in which that person is a member (Hrebenar & Morgan, 2009; Wilson, 1974). Wilson's and Olson's theories,

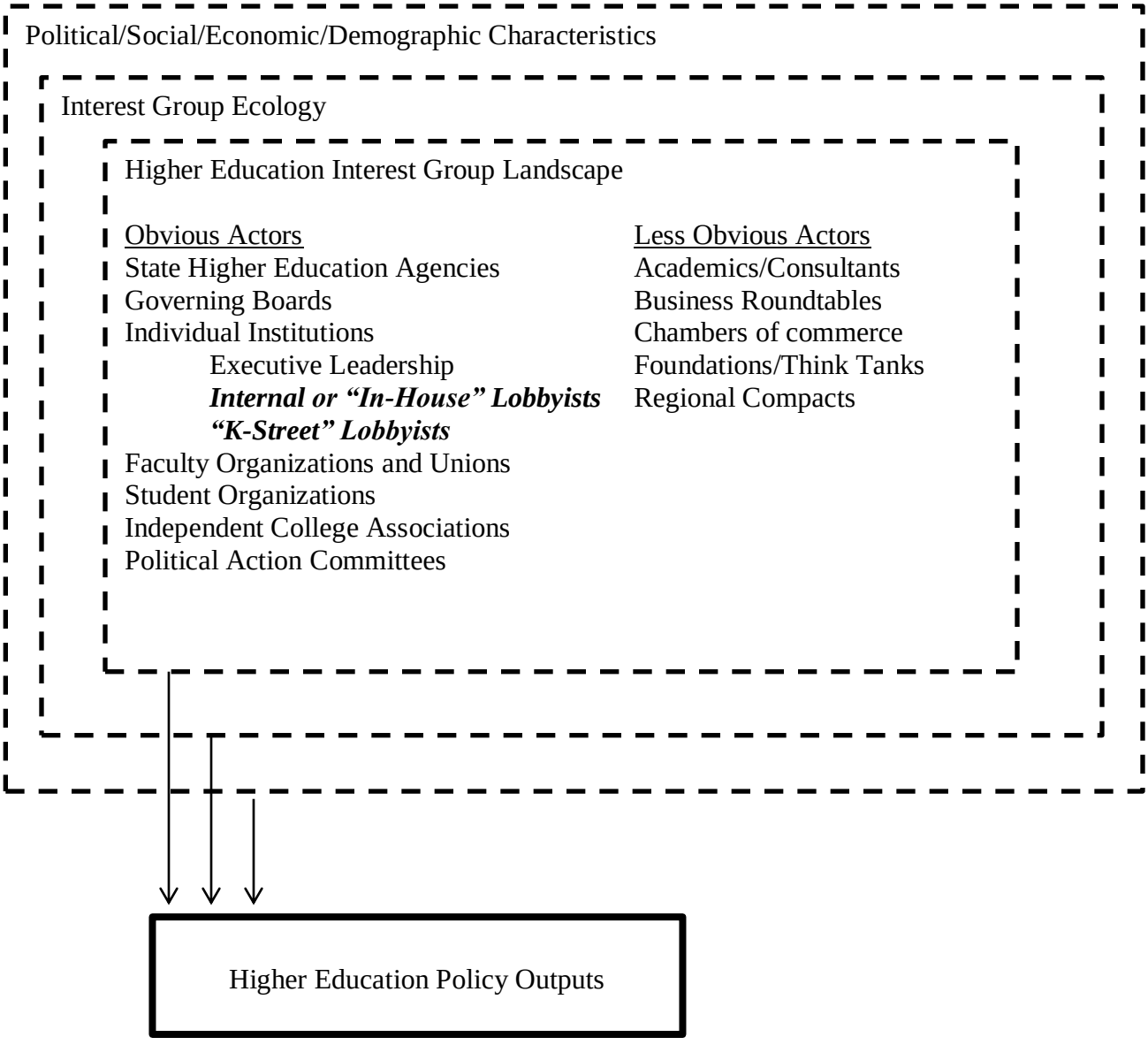
however, apply only to membership groups. While higher education institutions have constituency groups such as alumni, faculty, staff, and students, none of these groups fits the role of "member" in the same way as a member of the NRA or Sierra Club might. Because higher education institutions do not fit a traditional membership group lobbying mold, traditional theoretical frameworks concerning lobbying may be difficult to apply.

Even discounting their lack of direct applicability to higher education institutions, pluralist and elitist theories and the benefits individuals receive from acting on behalf of interest groups may not offer outlets for answering questions related to the results of their lobbying activity. Malen (2001) argues the focus on the internal workings and goals of interest groups distracted researchers from tying interest group activity to legislative and other policy outcomes. Other frameworks arose to partially combat this problem. The work of McFarland (1987) and Heclo (1978) seeks to understand interest group activity through interactions with the executive branch and issue networks, respectively. Gray and Lowery (1993; 1996; Lowery & Gray, 1995) use population ecology models to understand the ways in which state demographic and political factors influence interest groups and their lobbying activity. Yet, despite a long history of framework creation in lobbying research, none focus explicitly on higher education. Furthermore, pluralist, elitist, and other frameworks often stand in opposition to each other. Ness, Tandberg, and McLendon attempted to solve both deficiencies in 2015 when they proposed an integrative conceptual framework applied strictly to higher education interest group research.

Ness, Tandberg, and McLendon (2015) suggest a framework for state-level higher education interest group activity that contains three concentric layers, as shown in Figure 3. The

outermost layer of the framework includes the political, social, economic, and demographic conditions of a state that could influence a state legislator's decision-making. The next layer

Figure 3: Conceptual framework of higher education interest group ecology



Source:

Ness, E. C., Tandberg, D. A., & McLendon, M. K. (2015). Interest groups and state policy for higher education: New conceptual understandings and future research directions. In *Higher education: Handbook of theory and research* (pp. 151-186). Springer International Publishing.

represents the ecology of all interest groups within a state context, including, but not limited to, higher education interest groups. In this layer, higher education interest groups compete for resources and legislator attention from other issue- or policy-oriented interest groups. The innermost layer represents only higher education interest groups and includes direct actors such as college and university administrators and less obvious actors, such as regional compacts like the Southern Regional Education Board (SREB) and the Western Interstate Commission for Higher Education (WICHE). Each layer represents the external factors that influence legislator decision-making in matters of policy. While initially created to apply to state-level interest group ecologies, this model translates well to the federal-level with think tanks, political action committees, and labor unions for faculty and students as omnipresent within the national level interest group ecology as they are at the state level.

With the advent of interest group ecologies came a greater research focus on comprehensive studies, which attempt to gain an understanding of the broad picture of interest group activity at a level of government or a locality. Schlozman and Tierney (1983) and Heinz et al. (1993) attempt to create a taxonomy of interest groups based in Washington, D.C. Thomas and Hrebenar (2004) do the same for U.S. States. Cataloguing every interest group that is politically active is financially taxing and labor intensive, and thus few researchers take this comprehensive route. Chapter 2 of this dissertation catalogues the higher education institutions that lobby and the amount of money spent on lobbying. In that vein, my dissertation follows a long line of comprehensive studies in lobbying research and makes a novel contribution through a new dataset of higher education institution lobbying activity.

Studies of the particular aspects of interest group activity are most applicable to the kind of work I undertake in this dissertation. Such studies focus primarily on a specific aspect of interest groups, for example group formation or lobbying, and extensively cover that topic. Because public and nonprofit higher education institutions are prohibited from engaging in election-related activity, such as financially supporting specific political candidates, the area of interest group research for which there is the greatest opportunity to make a contribution is lobbying (Cook, 1998). The primary method for this type of inquiry is case studies (Thomas, 2004). Lobbying studies lend themselves to the case method in that interest groups are easily identifiable subjects for study, such as the NRA or Sierra Club. Lobbying research has provided a broad base of theory to support such inquiry, and the availability of data that allows "intensive examination of [lobbying efforts] even with limited resources" (Collier 1993, p. 107). While researchers have used this method in the past, it represents an older style of lobbying research. The third chapter in this dissertation draws on similar methods to qualitatively analyze lobbying tactics and strategy in higher education.

The bulk of the literature on lobbying from the past two decades, however, has focused less on the examination of particular cases and more on the comprehensive questions of who lobbies, how much lobbyists and clients spend on lobbying activities, and the organization of lobbying outfits (de Figueiredo, 2004; Ansolabehere et al., 2002; Hochberg et al., 2009; Guo, 2009; Hill et al., 2011). This line of inquiry has four general findings (de Figueiredo & Richter, 2014).

First, lobbying is a pervasive and important part of American politics, with interest groups spending as much as five times more on lobbying than PAC donations (Milyo et al, 2000;

De Figueiredo and Richter, 2014)[14]. This apparent lobbying activity leads to what I call "the action assumption" - that interest groups will lobby as part of their political action strategy. Second, corporations and trade unions make up the majority of lobbying expenditures, with larger interest groups expending more than smaller interest groups (De Figueiredo, 2004; De Figueiredo and Silverman, 2006; Ansolabehere et al., 2002). I classify the fact that larger institutions and organizations lobby more frequently and spend more money lobbying than smaller organizations as "the size assumption." Third, well-funded interest groups are more likely to lobby than their poorly-funded counterparts (De Figueiredo and Richter, 2014). Therefore, the vast majority of firms and interest groups have not lobbied on their own behalf, preferring instead to lobby through associated trade organizations (Cook, 1998; De Figueiredo and Richter, 2014). The "association assumption" therefore holds that interest groups will lobby within a larger umbrella group or coalition of like-minded institutions. Lastly, lobbying increases when a firm's stakes increase (Leech et al., 2005; De Figueiredo and Richter, 2014). In short, institutions will lobby when an issue of interest to them is salient. I call this the "saliency assumption." In the following chapters I apply each of these assumptions to the study of higher education institution lobbying.

A more recent line of research has focused on the activities in which lobbying interest groups engage. In surveys, lobbying groups report that their efforts most often involve contact with specific legislators or giving testimony at legislative hearings (Baumgartner & Leech,

[14] Given that the *Citizens United v. Federal Election Commission* Supreme Court decision, which opened the door for a greater contributions to campaigns and political action committees happened a decade after Milyo et al.'s work that found the 5-to-1 lobbying expenditure to campaign expenditure ratio, one might have expected this relationship to change. Congressional lobbying expenditures exceeded $6 billion in the 2016 election cycle. 2016 Congressional candidates reported receiving and spending $1.6 billion and PACs received and spent $4 billion during the same cycle. The latter two sums include individual donations, making it nearly impossible to determine the exact ratio of lobbying expenditures to campaign expenditures from interest groups. However, the fact remains that lobbying expenditures exceed campaign expenditures (Center for Responsive Politics, 2018).

1998). Most lobbying groups focus on individuals or members of specialized committees, rather than the whole legislative body (Bouwen, 2004; Binderkrantz, 2014). Strategies for lobbying, however, do vary based on the industry or organization doing the lobbying and the issues faced (Beyers & Kerremans, 2012). The majority of lobbying research is descriptive in nature, detailing how lobbying organizations do their work without understanding whether the work they do is successful in influencing the legislative process.

The cutting edge of lobbying research is that which quantifies the influence lobbyists receive for their efforts. The vast majority of research in this area takes the form of case studies and qualitative research on the ways in which lobbyists engage in agenda setting (Binderkrantz, 2012; Leech, 2010). A newer approach to understanding influence involves linking interest group positions to policy outcomes (Baumgartner et al, 2009). For example, Baumgartner et al. (2009) identified the preferred policy positions of interest groups and compared them to the legislative outcomes chosen by Congress. They found that interest group policy positions often involved maintaining the status quo, and that lobbyists advocating for the status quo had higher success rates.

The great methodological issue with studies of interest group influence is the absence of a counterfactual – what would have happened had a lobbyist not intervened (Dur, 2007; Binderkrantz, 2015). More recent studies, mostly from political scientists and economists, have attempted to use econometric methods to model a counterfactual and attain a causal inference (De Figueiredo & Richter, 2014; De Figueiredo & Silverman, 2006; Jayachandran, 2006; Vidal et al., 2012). The fourth chapter of this dissertation uses a difference-in-differences strategy and follows this trend. Jayachandran (2006) used a financial market analysis technique, an event-study approach, to determine the influence gained or lost by firms who supported one political

party or the other when Senator Jim Jeffords switched parties in 2001, changing the majority into the minority and vice versa. Blanes I Vidal, Draca, and Fons-Rosen (2012) used a difference-in-difference approach to quantify the power of lobbyists' connections on Capitol Hill. Lobbyists who had served as aides to Senators experienced a 24 percent drop in lobbying firm or interest group organization revenue when their former employers leave office, suggesting a loss of influence on the Hill. Studies that attempt to gain a causal estimate related to lobbying behavior are few and far between, yet these methods and others, including regression discontinuity and propensity-score matching, have great potential for gaining a better understanding on the impact of lobbyists on the legislative process.

Lobbying and Interest Groups in Education

With some notable exceptions (Smith, 1993; Cook, 1998; De Figueiredo & Silverman 2006), primary and secondary education institutions and interest groups serve as the main subject of interest in education lobbying research. There have been a number of case studies and other forms of research into lobbying for education at other levels, with many focusing on education labor unions like the National Education Association (NEA) and American Federation of Teachers (AFT). While none of these studies directly address non-membership group, institutional lobbying like that of colleges and universities, they do provide insight into the importance and tactics of education lobbyists. Using three-stage least squares estimation, Hoyt and Toma (1993) found that states adopted education policies in response to organized interest group advocacy from educators, specifically the National Education Association (NEA). Smith (1993) took advantage of disagreements between the AFT and NEA on the organization of the Department of Education to analyze the characteristics of those organizations that coincided with support from individual members of Congress (MCs) for organizational policy positions. MCs

tended to support the organizations who had supported them in the past or the organizations with the most members in their districts (Smith, 1995). In his history of President Carter's founding of the Department of Education, Stephens (1983) argues that lobbying support from the NEA that was instrumental to the cause.

The 1990s saw an expansion of interest group research into higher education. Hannah (1996) and Parsons (1997) detail higher education interest group activity and power through case studies of the *Higher Education Act of 1992*. Both detail how higher education interest groups organized to convince key stakeholders to expand student loan funding. Constance Cook (1998) wrote perhaps the most comprehensive review of higher education lobbying and interest group activity at the federal level. She surveyed 1500 higher education institution leaders and examined the policy-making process of the 104th Congress as related to higher education institutions. Cook finds that many institutional leaders struggled with decisions of whether to be represented by larger intermediary organizations or whether the search for collective goals within such organizations dilutes policy preferences within individual institutions.

While Cook focused on lobbyists in intermediary organizations, Scott Ellis Ferrin (2003, 2005) examined the characteristics and behaviors of in-house lobbyists. Relying mainly on interviews, Ferrin noted great discrepancies in the backgrounds and titles of in-house college and university lobbyists. The plurality of in-house lobbyists held political science degrees but had not worked in the legislature (Ferrin, 2003). Ferrin also catalogued the tactics used by lobbyists, with most lobbyists believing contact with elected officials was the best tactic for gaining influence (2005). However, Ferrin did not examine the extent to which institutions work together to pursue goals, nor the conditions which lead institutions to work apart. Furthermore, Ferrin's

work is over a decade old, and to my knowledge there is no recent study that examines the goals and tactics of lobbyists in the post-earmark, post-lobbying-disclosure era.

In the past decade, the focus of higher education interest group and lobbying research has shifted from the federal level to the states and returned from a brief focus on in-house lobbyists to intermediary and umbrella organizations like "the Big Six." Higher education interest group research has attempted to determine whether interest group activity influences state spending on higher education (McLendon, Hearn, & Doyle, 2009; McLendon, Hearn, & Mokher, 2009; Ness, Tandberg, & McLendon, 2015). Tandberg (2010a, 2010b) created several interest group activity measures and used a panel data set to determine that states with a large higher education lobby are associated with increased spending on higher education. McLendon, Hearn, and Mokher (2009), using different measures, also found a positive relationship between higher education interest group activity and state appropriations. Yet, while using large-scale datasets to study interest group activity at the state-level has become the norm, few recent studies have employed federal data to examine lobbying activity.

Those studies focused on national level higher education lobbying research have made important methodological contributions. Using an instrumental variables approach, De Figueiredo and Silverman (2006) modeled the return on investment of university lobbying expenditures on academic earmarks, which at the time accounted for almost ten percent of federal funding to postsecondary institutions. The authors argue that outside of a few elite universities college and university lobbyists lobby exclusively for earmarks and used university overhead rates charged to universities as part of research grant funding as an instrument for lobbying expenditures. They argue universities seek high overhead rates and must negotiate those rates with government agencies. Therefore, higher overhead rates should cause universities

to invest more in lobbying but not directly impact university earmarks. De Figueiredo and Silverman (2006) argued that lobbying expenditures do cause increases in earmark funding for those institutions represented by House or Senate Appropriations Committee members. Their findings suggest universities that have representatives on the House Appropriations Committee receive between 11 and 17 dollars in earmark funding for every one dollar spent on lobbying. Those institutions represented by Senators on the Senate Appropriations Committee receive between 20 and 36 dollars for every dollar spent lobbying.

While an important study, the work of de Figueiredo and Silverman no longer applies - and may never have applied - to the higher education lobbying landscape. First, their work relies on the idea that lobbying expenditures are almost wholly devoted to the pursuit of earmarks. The claim that "virtually 100 percent of lobbying expenditures… is devoted to the pursuit of earmarks" is suspect based on Ferrin's (2003) and Cook's (1998) work which show that lobbyists do more than lobby for earmarks (De Figueiredo & Silverman, 2006, p. 9). Furthermore, even if it were true that institutions focused almost exclusively on earmark acquisition, the main outcome for de Figueiredo and Silverman's 2006 study is earmark funding – a source of funding that no longer exists. A 2011 earmark ban by the US House of Representatives made the amount of earmark funding for each dollar spent lobbying zero, and yet institutions still lobby today. The authors identify Boston University as an institution "known for its focused earmark effort" (De Figueiredo & Silverman, 2006, p. 29). Despite not being able to receive earmarks, Boston University spent $350,000 in lobbying last year. Vanderbilt and Northwestern Universities spent $410,000 and $717,000 respectively on lobbying activities. To what end are these institutions spending hundreds of thousands of dollars? If not earmarks, then what?

The literature on lobbying for higher education, therefore, presents four major themes. First, institutions primarily lobby Congress (Heinz et al., 1993); they have done so consistently and have given no indication that they plan to stop anytime soon. Second, institutions lobby to vary degrees and at varying levels of cooperation with other institutions. Third, institutions lobby for a variety of reasons including to influence federal education policy and to gain earmarks. Fourth, most studies on education lobbying, especially at the federal level, have begun to show their age. This lack of new research on education lobbying do not indicate a lack of importance. Lobbying is not just a major function of education organizations like unions and universities; it is a major expenditure with major stakes.

This dissertation focuses on lobbying for higher education institutions. It updates the literature by finding new answers to decades-old questions. It focuses on understudied "in-house" and "K-Street" lobbyists at the federal level. The dissertation also considers the new political realities for higher education institutions - specifically the 2011 earmark ban, an increase in political polarization across the country, and a decrease in Congressional productivity - and examines the impact that ban had on lobbying activity. Furthermore, it uses quasi-experimental methods to examine a subject in which causal research rarely finds a place. Through its focus on institution-specific lobbying at the federal level, its mixed methods approach and its attempt at determining a causal impact, this dissertation extends and contributes to the literature, both in political science and in higher education.

CHAPTER 2

INSTITUTIONAL CHARACTERISTICS AS PREDICTORS OF LOBBYING ACTIVITY AND EXPENDITURES

Historically, colleges and universities did not lobby Congress, believing the practice to be "unseemly" (Moynihan, 1975; Gladieux & Wolanin, 1976, p. 199; Camp, 2018). When colleges did lobby, they often did so without the assistance of professional lobbyists (Camp, 2018). Yet, in the early 1990s, sensing threats to funding, colleges and universities "became centrally-managed, hired full time staff, stated their cases before government officials, raised funds, and used new communication technologies" (Camp, 2018).

Institutions of higher education are now much more politically active; they lobby Congress. Sometimes they lobby individually; on other occasions they lobby as members of larger umbrella organizations like the ACE and the AAU (Cook, 1998). Colleges and universities have long lobbied for additional federal research support from government agencies and have attempted to earn federal earmarks (Cook, 1998; de Figueiredo & Silverman, 2006). They advocate for student aid, and against regulations they believe to be burdensome (Nelson, 2011; Lederman, 2013). Yet, other than a few studies undertaken over a decade ago, few have researched the determinants of college and university lobbying. This study seeks to change that, by asking two broad research questions:

1) *What institutional characteristics predict a college's or university's choice to lobby?*
2) *Conditional on the choice to lobby, which institutional characteristics predict lobbying expenditures?*

It uses a unique panel dataset constructed from multiple sources to assess trends in institutional lobbying over the period of a decade, from 2005 to 2014 – a time period chosen for reasons explained in the data and measures section of this chapter. It draws on four major assumptions of lobbying behavior from the interest group literature, and examines two major outcomes - first, whether or not institutions filed a Congressional lobbying report detailing their lobbying expenditures (a measure that serves as a proxy variable for an institution's choice to lobby in a given year), and second, their total lobbying expenditures. OLS regression results show that higher education institutions with large enrollments are more likely to lobby than institutions with smaller enrollments, and that those research institutions that join umbrella groups are more likely to lobby than those that do not. This paper makes an important contribution to the literature on lobbying for higher education by updating or confirming previously held assumptions about lobbying behavior.

Background

According to de Figueiredo and Richter (2014), there are four "regularities" in corporate and politically-oriented issue-ideology lobbying research findings. The first is that American institutions are politically active, and that lobbying plays a substantial role in that political action. The second is that large trade organizations and corporations make up the vast majority of lobbying groups and expenditures, rather than issue-ideology groups. The third is that large organizations and those with a substantial amount of funding tend to lobby more *independently* than small organizations and those without the funds. Lastly, the fourth suggests that institutions are more likely to lobby when issues pertaining to them are more salient or relevant than at other times or when changes to policies of interest to them are likely. This section identifies four

assumptions associated with these regularities and argues the importance of testing them with respect to higher education lobbying activity and expenditures.

The Action Assumption

Interest groups lobby. Milyo et al (2000) show that federal lobbying expenditures exceed PAC contributions by over 500 percent. De Figueiredo and Richter (2014) find that lobbying expenditures also exceed campaign contributions by a similar percent. On average, interest groups spend $3.5 billion lobbying annually; they spend only around $750 million annually in reported campaign expenditures (de Figueiredo & Richter, 2014).

Private, nonprofit higher education institutions cannot give money to PACs or political campaigns. To do so risks their 501(c)3 non-profit designation within the U.S. tax code without which their operations would not be tax-exempt. Public institutions have similar restrictions against contributions to political campaigns or PACs. Therefore, lobbying is the *only* practicable form of political activity for most colleges and universities. Given that most organizations do not have the same restrictions, but still choose to lobby over other forms of political action, one would expect higher education institutions to invest heavily in lobbying. They would not only perceive lobbying as likely to provide a return, but also as their only option to engage in political activity.

The literature shows that at least some colleges and universities will lobby Congress, and those that do are likely to focus on limiting potential adverse effects of policy change (Camp, 2018; Cook, 1998). Because lobbying is one of – if not *the* – only ways public and nonprofit colleges and universities can act politically, one might expect that a greater percentage of institutions will lobby than the 10 percent generally found in the literature on corporate and trade organization lobbying (de Figueiredo & Richter, 2014). I call this the "action assumption."

Following the action assumption, one should be able to see evidence of a number of institutions of differing types lobbying Congress. Because colleges and universities must report their expenditures, there will also be evidence of them spending money on lobbying. Understanding what characteristics of an institution may be associated with the choice to lobby and to spend money lobbying can elucidate the conditions under which the action assumption holds. It is imperative to build a greater understanding of the institutional and political factors contributing to institutional lobbying.

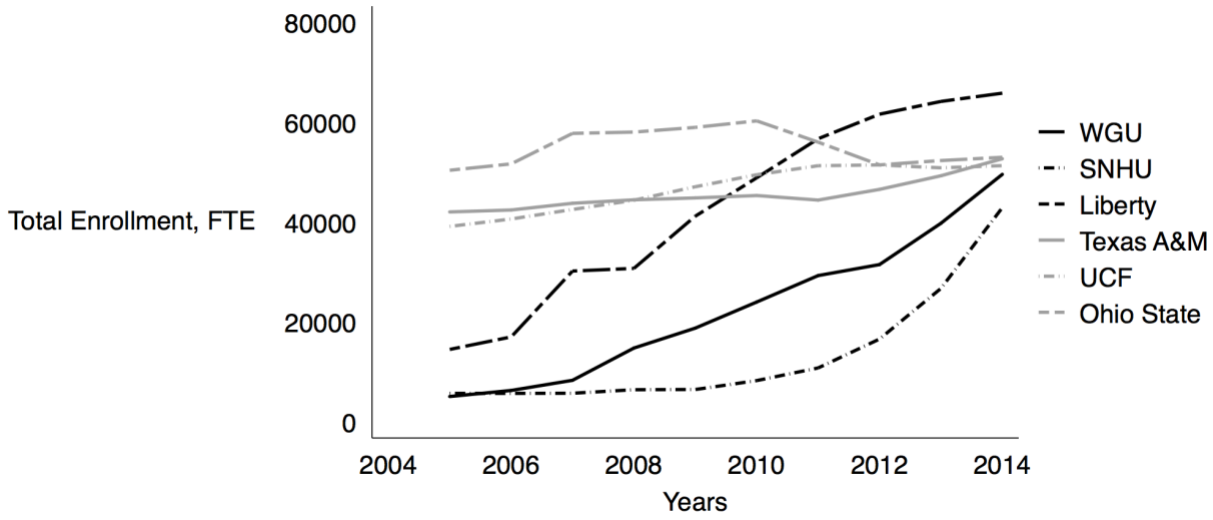
The Size Assumption

Large organizations supported by corporations or organized interest groups with a sizeable number of members - like labor unions - are more likely to lobby than single-issue or other smaller ideology-based lobbying groups. Trade organizations and corporations make up around 85 percent of all lobbying expenditures at the federal level, compared to single issue or issue-oriented groups (de Figueiredo, 2004; de Figueiredo & Richter, 2014). This trend occurs without respect to organization type, as larger organizations in broad industry categories (Ansolabehere et al. 2002; Hansen et al. 2004; Hochberg et al. 2009; Richter et al. 2009; Guo 2009; Hill et al. 2011; de Figueiredo & Richter, 2014), organizations that focus on particular issue areas (Schuler 1996; Lee & Baik 2010; Bombardini & Trebbi 2012), and nonprofit organizations (de Figueiredo & Silverman, 2006) all follow the same trend. In 2006, de Figueiredo and Silverman published one of the few studies of lobbying in higher education, finding this trend to also occur among postsecondary institutions. Universities with large enrollments are more likely to lobby than smaller colleges.

I call this phenomenon the "size assumption." Examining the size assumption is especially important given the growth in the size of higher education enrollments at certain

institutions over the past two decades. When some of the most recent studies of higher education lobbying were published around 2006 (Ferrin 2005, de Figueiredo & Silverman, 2006), Ohio State University had the largest enrollment in the nation with a grand total of around 52,000 students. Only five institutions – Ohio State, Miami Dade College, Arizona State, the University of Florida, and the University of Minnesota – had enrollments that exceeded 50,000 students. By 2016, that number increased to 21 institutions, with five institutions - none of which enrolled more than 41,000 students in 2006 - having enrollments exceeding 70,000 students. Yet the largest institutions of 2006 did not get substantially larger; smaller institutions just chose to grow. For example, the largest not-for-profit institution in the country in 2016, Western Governors University, enrolled almost 85,000 students. That institution enrolled around only 6,500 students in 2006.

Figure 4: Enrollment growth in selected institutions, 2005 - 2014



Data Source: Integrated Postsecondary Education Data System (IPEDS)

Figure 4 shows the change in enrollment at in three institutions (in black) selected for their dramatic growth as compared to three large public universities (in gray) which generally maintained their enrollment. Western Governors University, Southern New Hampshire University, and Liberty University grew rapidly – mostly due to their provision of robust online education options – while major public and public flagship universities like Texas A&M, the University of Central Florida, and Ohio State maintained their enrollments or grew slightly during the same time period. WGU, SNHU, and Liberty represent a new kind of large enrollment institution that may behave differently with respect to lobbying when compared to other large institutions. Examining the size assumption with a broader group of large organizations than in past years could shed light as to how the size assumption has changed, and whether it still holds.

The Association Assumption

Larger organizations do not just lobby more; they are also more likely to lobby independently (de Figueiredo & Richter, 2014). Small interest groups are likely to lobby using trade associations. In fact, only around 10 percent of all publicly-traded companies lobby on their own behalf (Richter, 2009; Kerr et al. 2014). Researchers have argued that this phenomenon may be due to a lack of resources on the part of small organizations. Smaller interest groups may not have the resources to invest in lobbying, may not have access to politicians, or may rarely have issues arise that would impact them (Bertrand et al., 2014). As a result, one would expect that larger higher education institutions might more likely lobby individually, and smaller institutions might lobby more as a part of an umbrella organization.

While most of the corporate lobbying literature contends that smaller organizations are more likely than larger organizations to lobby through trade organizations or umbrella groups, such might not be the case for colleges and universities. (Cook, 1998; de Figueiredo & Richter,

2014). One of the most widely-cited works on higher education lobbying, Constance Cook's *Lobbying for Higher Education: How Colleges and Universities Influence Federal Policy*, details the work of umbrella organizations like the Association of Public and Land-grant Universities (APLU). There are umbrella groups in higher education that represent larger institutions. The mean enrollment of APLU exceeds 20,000 students annually. From 2005 to 2014, the mean enrollment of the AAU, another major higher education trade association, was 26,000 students. Therefore, I assume that colleges and universities that join these organizations do so regardless of institution size. While they are institutions, not individuals, they act in the traditional Dahlian pluralist sense – banding together to advocate for one another's issues and gaining Olson-esque solidary benefits from doing so. They join Big Six umbrella organizations to be a part of a prestigious group, to collaborate with like institutions, and because the benefits of membership include having a "man in Washington" to lobby on the institution's and association's behalf. Therefore, we might expect that institutions that join associations are more likely to lobby than those that do not. I call this "association assumption."

Simply by joining a Big Six organization, institutions express a preference for lobbying over not lobbying; such institutions should be more likely to lobby and spend money lobbying. One alternative hypothesis to the "association assumption" might be that, because institutions are members of Big Six organizations, they abdicate lobbying responsibilities to the organization thereby leading to lower institutional lobbying expenditures. However, Big Six members receive quarterly reports from their umbrella organizations detailing the organization's expenditures lobbying on behalf of the member. Members are supposed to sum these expenditures with their in-house expenditures. Should the sum total of expenditures exceed reporting thresholds, institutions must report the expenditures. This, in turn, should lead to higher – not lower –

expenditures for Big Six-member institutions. I present a greater discussion of how institutions report their expenditures in the Data and Measures section of this chapter.

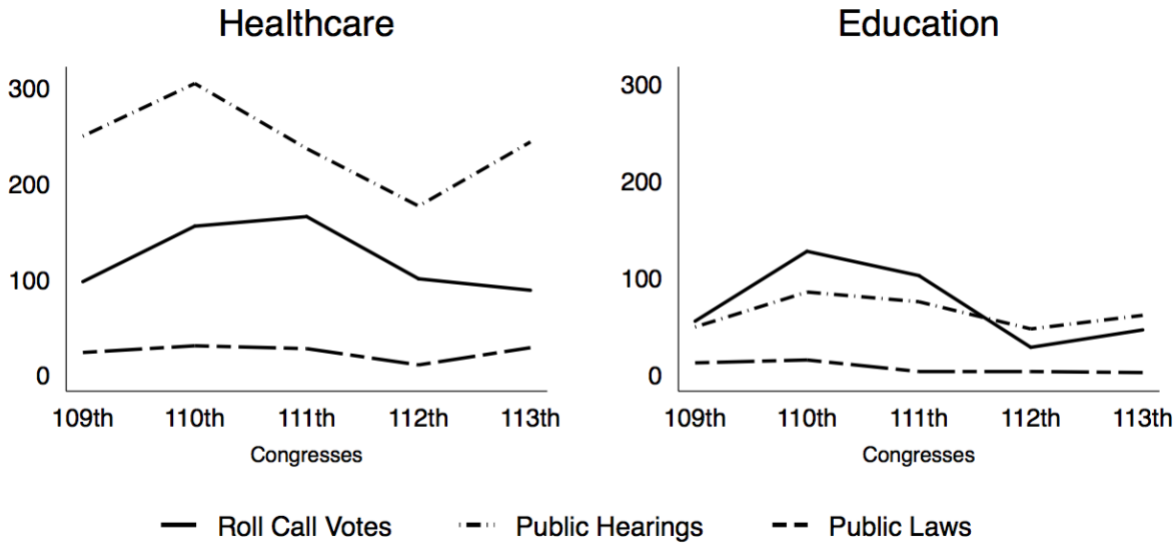
The Saliency Assumption

A common finding in lobbying research is that lobbying is more likely to occur when issues are particularly salient to an interest group (Leech et al., 2005; Bonardi & Keim, 2005; Baumgartner et al., 2011; Baumgartner & Leech, 2001; Caldeira et al., 2000). Relatedly, those federal agencies with large budgets draw more lobbying activity than other agencies as organizations reliant on their funding are more likely to lobby (Leech et al., 2005). Yet, budget reliance is only one salient issue for interest groups. Others noted in the research include earmark funding and tax issues (de Figueiredo & Silverman, 2006; La Pira et al., 2014). Earmarks are an especially salient issue for many colleges and universities. De Figueiredo and Silverman (2006) went so far as to note that, with the exception of a few elite research universities, "virtually 100 percent of lobbying expenditures… is devoted to the pursuit of earmarks" (p. 9). In short, when an issue matters – for whatever reason – to an institution, that institution is more likely to lobby. For example, higher education institutions with associated medical schools may be more likely to lobby during periods of debate on healthcare legislation. In another example, nonprofit institutions may be more likely to lobby on tax issues than public institutions. In short, institutions are more likely to lobby when Congress is considering issues that impact those institutions (Leech et al, 2005). This is especially true with respect to government investment in, and regulation of, higher education institutions. I call this the "saliency assumption."

The saliency assumption may be especially prevalent for those institutions that grant doctoral degrees and have substantial federal research funding. Almost 30 percent of Federal research and development funding goes to colleges and research universities (Jahnke, 2015). The

federal government funds yearly half of all basic research at universities (Mervis, 2017). Research institutions should therefore be more interested in lobbying Congress than non-research institutions. Furthermore, given the advent of the *Affordable Care Act* in 2009 and subsequent Congressional repeal efforts during the time period of the study, institutions that award medical degrees also may have had a number of reasons to lobby Congress.

Figure 5: Number of roll call votes, public hearings, and public laws by issue



Data Source: The Comparative Agendas Project

Figure 5 shows the number of roll call votes, hearings, and public laws passed related to education and the provision of healthcare. Data come from the Comparative Agendas Project, which collects and categorizes legislative data.[15] From this dataset, I can determine the key issues on which Congress chose to focus during the study time period. The number of healthcare-

[15] Numbers of votes, hearings, and public laws exclude ceremonial or commemorative legislation such as awarding a medal or naming a post office.

related actions in the legislative process exceeds the number of education-related Congressional actions. In total, from 2005 to 2014, Congress held 1,208 hearings about healthcare compared to just 317 for education. Congress enacted 118 healthcare-related laws and only 35 education-related laws.[16] Therefore, it is likely that issues related to medical education were salient to higher education lobbyists during the time period of this study.

Hypotheses Associated with Assumptions

From the above "regularities" of lobbying research, I acknowledge four major assumptions related to higher education lobbying – the action, size, association, and saliency assumptions. From those assumptions come the following hypotheses as to the institutional characteristics that could predict instances of postsecondary institution lobbying and expenditures:

H1: *Some colleges and universities will lobby.* Following the action assumption, a number of institutions of differing types will lobby Congress. Because colleges and universities must report their expenditures, colleges and universities will spend money lobbying Congress.

H2: *Research Universities are more likely to lobby and spend more money lobbying than other kinds of higher education institutions.* Research universities tend to have large faculty and student populations. The size assumption suggests that they would, therefore, be more likely to lobby than smaller institutions. Furthermore, research universities receive a substantial

[16] While not all healthcare-related bills or education-related bills might have affected higher education institutions, the number of hearings, roll call votes, and public laws on a given subject shows Congressional interest in that subject matter. It is not unreasonable to assume that at least some education hearings were likely to cover higher education, and at least some healthcare hearings were likely to cover issues that might affect medical or dental schools.

amount of government investment in the form of federal research grants. This means that as long as there is a federal government to disperse funding, there are issues that are salient to the operation of research universities. The saliency assumption would suggest that research universities would be more likely to lobby than other institutions, even controlling for enrollment.

H3: *Full-time enrollment is positively associated with lobbying activity and lobbying expenditures.* The research literature shows that the larger the institution or organization, the greater the likelihood of lobbying. Should enrollment positively predict lobbying activity and expenditures, this finding would follow the size assumption and confirm the findings of de Figueiredo & Silverman (2006) who also found that higher education institutions with large enrollments were more likely to lobby than those with small enrollments. A confirmatory finding is still illustrative, as several smaller institutions have grown significantly larger in terms of enrollment since de Figueiredo & Silverman's work. Such a finding would suggest that these new players are following the lobbying playbook laid out by predominantly public large institutions.

H4: *Public institutions are less likely to lobby Congress than private, nonprofit institutions.* While public institutions receive a substantial amount of federal investment, they rely more on state governments for funding and support. The saliency assumption would therefore suggest that public institutions would focus their attention on lobbying state legislatures, rather than Congress. Non-profit institutions do not rely on states more than the federal government, on which they rely for funding in the form of federal student aid and federal

research grants. Even non-research focused non-profit institutions may compete for government grants and contracts including, for example, Fulbright group projects grants from the Education Department and Community Development Block grants from the Department of Housing and Urban Development. Therefore, I expect non-profit institutions to lobby Congress and spend more money lobbying Congress than public institutions.

H5: *"Big Six" umbrella organization members are more likely to lobby than non-members.* The "Big Six" umbrella organizations are the most active lobbying groups in higher education (Cook, 1998). The benefits of membership in such an organization include having a full-time lobbying staff in Washington, DC available to coordinate lobbying efforts and lobby for members. Therefore, simply by joining a Big Six organization, institutions express a preference for lobbying over not lobbying; such institutions should be more likely to lobby and spend money lobbying. One alternative hypothesis might be that because institutions are members of Big Six organizations, they abdicate lobbying responsibilities to the organization leading to lower expenditures. However, Big Six members receive quarterly reports from their umbrella organizations detailing the organization's expenditures lobbying on behalf of the member. Members are supposed to sum these expenditures with their in-house expenditures. Should the sum total of expenditures exceed reporting thresholds, institutions must report the expenditures.

H6: *Institutions are more likely to lobby and more likely to spend money lobbying when Congress is under unified party control.* The saliency assumption would suggest that institutions would be more likely to lobby and likely to spend larger amounts of money

lobbying in time periods in which Congress is likely to act. Congress may be more likely to pass legislation when one party controls both the House and the Senate. In fact, the 11 most productive Congresses in terms of number of bills passed occurred during times in which one party controlled both houses.

Data and Measures

I test the above hypotheses using data from the Center for Responsive Politics (CRP), six major higher education lobbying groups (the Big Six), and the Integrated Postsecondary Data System (IPEDS). The CRP compiles the data from all Congressional quarterly lobbying reports and makes them available to the public. Appendix A provides an example of such a report. IPEDS maintains a database for the US Department of Education of postsecondary institution characteristics including, but not limited to, measures of enrollment, financial health, and programs offered. By combining lobbying report data from the CRP within institutional level data from IPEDS, I can create a panel dataset of college and university lobbying activity and institutional characteristics spanning a ten-year time period directly after the most recent published work on the subject (de Figueiredo & Silverman, 2006). Among those characteristics is an indicator for whether institutions were members of any of the six major higher education lobbying groups, which were added to the CRP and IPEDS data after collection from publicly available membership rolls or from within-organization sources[17]. I confine my sample to public and non-profit, primarily four-year institutions based in the United States with complete data in

[17] A special thanks to Steven Bloom and Christine Anderson of ACE, Travis York of APLU, and Barmak Nassirian and Tom Harnisch of AASCU who sent me membership rolls for their respective organizations. My research assistants at Davidson College, Osama Sayed ‘19 and Chris Brooks ’19 were instrumental in collecting the NAICU membership data. They also have my sincere thanks.

each year of the time period. The resulting sample includes 1,185 institutions from 2005[18] until 2014. The key outcome variables in the dataset for my research question are the total annual expenditures related to lobbying Congress as listed in an institution's quarterly lobbying disclosure reports, and an indicator for whether an institution filed a report at all. The later serves as a proxy variable for an indicator as to whether an institution lobbied in a given year during the time period, and the former provides an estimate of the expenditures associated with that activity.

This time period was one of great change in lobbying for higher education (Camp, 2018). The global financial crisis and Great Recession, initiation of new gainful employment regulation, a ban on seeking earmarks, and the advent of the *Affordable Care Act* – also known as Obamacare – theoretically provided institutions with ample reasons to lobby. Yet, these years also represent the 109th through 113th Congresses, some of the least productive Congresses since the 1940s. Table 2 shows the productivity – as measured by bills passed – of the 80th through 115th Congresses. I identify the study period with gray shading in the table. Note that the 112th and 113th Congresses were the least productive Congresses since the end of the Second World War. That productivity was especially low with respect to education-related legislation in Congress. Previous research suggests that levels of government attention to an issue-area positively correlates with the interest group lobbying as measured by lobbying disclosure reports filed (Leech et al., 2005).

[18] In 2007, Congress changed lobbying disclosure requirements with the *Open and Honest Government Act*. Most of the added requirements applied to gifts to members of Congress, and many were applicable only to the for-profit sector. One major change in the disclosure process was that it went from requiring semiannual reports to requiring quarterly reports. Because IPEDS data are collected annually, this change does not majorly impact the dataset. For that reason, I chose to keep the additional two years of data from 2005 and 2006 in the dataset.

Table 2: Partisan control and overall productivity (bills passed) by Congress

Congress	Years	Party Control			Bills Passed	Productivity Rank	
		House	*Senate*	*Presidency*		*Highest*	*Lowest*
80th	1947 - 1949	R	R	Truman (D)	906	4	33
81st	1949 - 1951	D	D	Truman (D)	921	3	34
82nd	1951 - 1953	D	D	Truman (D)	594	20	17
83rd	1953 - 1955	R	R	Eisenhower (R)	781	8	29
84th	1955 - 1957	D	D	Eisenhower (R)	1,028	1	36
85th	1957 - 1959	D	D	Eisenhower (R)	936	2	35
86th	1959 - 1961	D	D	Eisenhower (R)	800	7	30
87th	1961 - 1963	D	D	Kennedy (D)	885	5	32
88th	1963 - 1965	D	D	Kennedy (D) / Johnson (D)	666	11	26
89th	1965 - 1967	D	D	Johnson (D)	810	6	31
90th	1967 - 1969	D	D	Johnson (D)	640	15	22
91st	1969 - 1971	D	D	Nixon (R)	695	10	27
92nd	1971 - 1973	D	D	Nixon (R)	607	19	18
93rd	1973 - 1975	D	D	Nixon (R) / Ford (R)	649	14	23
94th	1975 - 1977	D	D	Ford (R)	588	22	15
95th	1977 - 1979	D	D	Carter (D)	634	16	21
96th	1979 - 1981	D	D	Carter (D)	613	18	19
97th	1981 - 1983	D	R	Reagan (R)	473	26	11
98th	1983 - 1985	D	R	Reagan (R)	623	17	20
99th	1985 - 1987	D	R	Reagan (R)	664	12	25
100th	1987 - 1989	D	D	Reagan (R)	713	9	28
101st	1989 - 1991	D	D	G. H. W. Bush (R)	650	13	24
102nd	1991 - 1993	D	D	G. H. W. Bush (R)	590	21	16
103rd	1993 - 1995	R	D	Clinton (D)	465	27	10
104th	1995 - 1997	R	R	Clinton (D)	333	33	4
105th	1997 - 1999	R	R	Clinton (D)	394	30	7
106th	1999 - 2001	R	R	Clinton (D)	580	23	14
107th	2001 - 2003	R	R	G. W. Bush (R)	377	32	5
108th	2003 - 2005	R	R	G. W. Bush (R)	498	24	13
109th	**2005 - 2007**	**R**	**R**	**G. W. Bush (R)**	**482**	**25**	**12**
110th	**2007 - 2009**	**D**	**D**	**G. W. Bush (R)**	**460**	**28**	**9**
111th	**2009 - 2011**	**D**	**D**	**Obama (D)**	**383**	**31**	**6**
112th	**2011 - 2013**	**R**	**D**	**Obama (D)**	**283**	**36**	**1**
113th	**2013 - 2015**	**R**	**D**	**Obama (D)**	**296**	**35**	**2**
114th	2015 - 2017	R	R	Obama (D)	329	34	3
115th	2017 - 2019	R	R	Trump (R)	443	29	8

Notes: Data come from the Library of Congress. Study time period shaded in grey.

Congressional productivity related to education specifically increased in the early part of the study period before falling dramatically. Table 3 shows the trends in the number of education-related legislative committee hearings, roll call votes, and bills passed into law using data from the Comparative Agendas Project. The number of hearings and roll call votes increased from the 109th to 110th Congresses. The numbers of each measure then dropped

Table 3: Issue saliency from education-related legislation

	Congress				
	109th	110th	111th	112th	113th
Roll Call Votes	55	127	102	28	46
Hearings	49	85	75	47	61
Public Laws	12	15	3	3	2

Data Source: The Comparative Agendas Project

slightly in the 111th Congress and dramatically in the 112th Congress before rebounding in the 113th Congress. The number of public laws passed related to education, however, dropped from 15 in the 110th Congress to three in the 111th Congress and to two by the 113th Congress. Given prior research that ties issue saliency to lobbying expenditures (Leech et al. 2005), it stands reason that lobbyist expenditures and lobbying more broadly would be different in a year when only 12 votes on education-related topics took place (2011, the first year of the 112th Congress), than in the years in which previous studies of higher education lobbying occurred. When Constance Cook's landmark work, *Lobbying for Higher Education*, was published in 1998, Congress took 52 votes on education-related legislation. In 2003 and 2005, when Scott Ellis Ferrin published articles on the behavior of higher education lobbyists, Congress took 45 and 33 votes on education-related topics respectively. The consistent reduction in Congressional productivity broadly and rise and fall of education-related legislative action from 2005 to 2014

provides an important lens through which to study higher education lobbying as it relates to issue saliency and interest group action.

Using combined IPEDS and CRP data provides a new opportunity to fill a gap in the literature surrounding the goals and actions of higher education lobbyists. Variables from this dataset include whether an institution lobbied in a given quarter, the expenditure of that lobbying activity, and institutional level variables such as total student enrollment, status as a research university, and control. However, there are some limitations to the lobbying behavior and expenditure measures as collected by the CRP. To understand those limitations, it is important to understand how the CRP collects its data.

The lobbying data compiled by the Center for Responsive Politics comes from the lobbying disclosure reports interest groups must file quarterly with the Secretary of the Senate and Clerk of the House of Representatives. Interest groups must provide a good-faith estimate of their lobbying expenditures rounded to the nearest $10,000 on the 20th of January, April, July, and October. The CRP then compiles those data at the end of every year and provides makes them available to the public.

Two different types of lobbyists – in-house lobbyists and K-Street lobbyists - have two different reporting requirements. In-house lobbyists are under the employ of interest groups, and within their organizational structure. They must report any expenditures of at least $12,500 per quarter. Any in-house lobbyists that spend less than $12,500 per quarter do not have to report. The CRP does not attempt to find those unreported expenditures and treats them as zero. K-Street lobbyists are employees of lobbying, law, or accounting firms and are contracted by interest groups for their expertise. K-Street lobbyists – named as such in this dissertation after the

street in Washington on which many lobbying firms are located – must report all lobbying expenditures over $3,000 for each client every quarter.

It is possible, therefore, that in one year an in-house lobbyist for an interest group could spend up to $49,996 ($12,499 per quarter for four quarters) and legally not report that expenditure. That same interest group could hire a K-Street lobbyist for up to $11,996 ($2,999 per quarter for four quarters) and legally not report a lobbying expenditure. Under that scenario, an interest group could spend $61,992 lobbying in a year and not have to report lobbying expenditures for that year. While this certainly represents a limitation of the data, the data provide very little reason to believe that institutions attempt to game the disclosure requirements. In fact, of the 3,761 institutional lobbying disclosure reports in a given year in the sample, 1,058 – about 29 percent – reported expenditures below that value. For exactly 937 institution-years – around 26 percent of institutions filing lobbying reports in a given year – the lobbying expenditures reported fell below the reporting threshold for in-house lobbying expenditures in a year. Almost half of those reported expenditures were lower than the minimum reporting threshold for K-Street lobbyists. If institutions could game the lobbying disclosure system, why might they report amounts below the reporting thresholds?

The answer is simple: the incentives to intentionally underreport or misreport are few, and the potential penalties for failing to report are many. There are three processes for filing lobbying expenditure disclosures as set out in the *Lobbying Disclosure Act of 1995* (LDA) and the Internal Revenue Code (IRC). The two IRC methods are largely identical but differ slightly depending on whether the institution is a public or non-profit institution. Filers following the LDA processes have a narrower list of behaviors that count as lobbying, and thus may have deflated lobbying expenditures when compared to those required to report expenditures by the

IRC. However, in both cases, steep penalties await any lobbyist who accidentally exceeds his or her reported expenditures or fails to put forth a good-faith effort to report applicable expenditures. The LDA sets forth a $200,000 penalty for each lobbying disclosure violation. "Corrupt" violations may carry a penalty of up to five years of jail time. Therefore, it is truly in the interest of lobbyists to put forth a good faith effort. Higher education institutions especially seem willing to put forth that good faith effort; 185 institutions in the dataset I use for this chapter filed at least one lobbying report in which they disclosed lobbying activity even though they did not have any expenditures that would require them to do so.

Lobbying institutions using the IRC filing method must list all expenditures used in any attempt to influence foreign, national, state, or local legislation; coordinate volunteers for lobbying efforts; grant funds to other organizations for lobbying purposes; engage in direct contact with legislators, their staffs, and government officials; and any logistical costs related to rallies, speeches, lectures given, seminars, conventions, and publications that attempt to influence public opinion on a legislative matter. Lobbyists who use LDA rules must disclose the expenditures related to a similar list of activities, but only those relating to Executive Branch officials ranging in responsibility from the Deputy Under Secretary level (Schedule V) up to the Cabinet and the President and any member or officer of Congress and their non-contractor paid staff. LDA filers do not have to include grassroots lobbying expenditures or state or local expenditures. Therefore, while IRC-reported expenditures cover almost all activities traditionally seen as lobbying, LDA-compliant expenditures as reported to the Secretary of the Senate and Clerk of the House of Representatives cover only the most direct contact with legislative and executive branch officials. The LDA also does not require lobbyists to disclose expenditures related to congressional testimony, general public relations work, any activities related to a legal

proceeding, or lobbying on behalf of churches. Given that the CRP does not make a distinction between the two filing methods in its data, it is impossible to know which disclosure rules each institution follows;[19] the Center does report, however, that the LDA governs most of the reporting on lobbying activity.

Given that the LDA does not require expenditure-reporting related to congressional testimony, general public relations work, and activities related to legal proceedings, there are a number of activities likely not covered by these data. For example, Vanderbilt Chancellor Nicholas Zeppos testified to the Senate Health, Education, Labor, and Pensions (HELP) committee on regulatory burdens faced by colleges in 2015. Two years later, Zeppos met individually with legislators and their staff to discuss tax reform. While the 2015 visit did not impact Vanderbilt's disclosure reporting (because it involved congressional testimony), the 2017 visit did; by directly speaking with legislators, Zeppos engaged in a lobbying activity covered under the LDA. Similarly, any printed publications, television commercials, or even tweets distributed to the general public as part of a public relations campaign does not count against the LDA reporting requirements. Therefore, while all expenditures Zeppos incurred on his way to meet with legislators about tax reform in 2017 *did* meet the requirements for LDA disclosure, the expenditures associated with an op-ed he wrote on the subject for the *Tennessean* shortly thereafter and any tweets or other social media posts that shared that op-ed *did not* meet the requirements of LDA disclosure.

These distinctions limit the potential answer to the research questions I posed on the first page of this chapter. I can examine only the institutional characteristics that predict those lobbying expenditures that would be reported to the Clerk of the House of Representatives and

[19] In the interviews I conducted with lobbyists in the following chapter, all lobbyists who spoke about reporting requirements mentioned only the LDA reporting requirements.

the Secretary of the Senate. While many institutions report lobbying expenditures even when they do not meet required lobbying thresholds, others may neglect to report expenditures that the law does not require them to report. The most widely-used reporting requirements also do not compel lobbyists to report expenditures associated with activities – including those used to galvanize public opinion like public relations campaigns and grassroots organizing – that many deem lobbying. It is a major limitation of this dataset that such expenditures are not included, meaning a college or university that focused solely on state-level lobbying or that spent all of its resources trying to influence public opinion through media campaigns would not register as having lobbied or having spent any money lobbying in the CRP data.

Another limitation of the CRP data is that institutions report their lobbying disclosures differently with respect to how they report data to IPEDS. While IPEDS calculates its data annually and on a per campus basis, the CRP collects data quarterly and the data vary as to the organization filing the lobbying report. On some occasions the filing organization is a university, on others it may be a constituent organization such as a specific school or research center within a university. For the purposes of this dissertation, I assigned any lobbying activity (as defined as a submission to the Secretary of the Senate or Clerk of the House of a lobbying report) and expenditures of constituent organizations housed at a specific institution were assigned to that institution. Also, as mentioned prior, colleges and universities may hire K-Street firms who may, in turn, fill out the required disclosure paperwork for their clients. I made sure to combine any institution's in-house lobbying report data with any K-Street firm's lobbying data associated with the lobbying expenditures of that institution. Also, umbrella group organizations lobby on behalf of the totality of their members, but also for individual institutions among their membership, should the need arise. When this occurs, umbrella groups are supposed to send institutions their

expenditures associated with lobbying for that institution. The institution is supposed to file those expenditures as part of their in-house lobbying disclosure reports. Taking all of these issues into account, I sum the CRP data per institution to an annual report of the choice to lobby and of lobbying expenditure, thereby aligning it with the IPEDS data.

Within university systems, many research centers associated with colleges or universities lobby on their own behalf. On other cases, the system handles all of the lobbying. For most public university systems, the majority of lobbying efforts are focused on the flagship (de Figueiredo & Silverman, 2006). Flagships tend to have more students, larger budgets, and more federal funding than non-flagships. In many states with unified systems, such as the 16-campus University of North Carolina, lobbying reports are disaggregated across institution. In the cases where reports were not disaggregated but a clear flagship institution is evident, I assigned the lobbying activity and expenditure to that flagship. Needing to assign a state university system's expenditures to a flagship institution most notably happened on a few occasions– with the University of California System, the California State University System, the University of Texas system, and the State University of New York System. I assigned the UC system's expenditures to the University of California at Berkeley, the Cal State system's expenditures to California State University-Los Angeles, the UT system to UT-Austin, and the SUNY System to the University at Buffalo. This decision is consistent with the research of de Figueiredo & Silverman (2006).

The resulting dataset likely underreports overall lobbying activity and expenditures due to not needing to disclose expenditures related to public relations, congressional testimony, and grassroots organizing efforts. It likely overreports expenditures at some public flagship institutions, while underreporting expenditures from branch campuses. For example, it is

possible that the University of Texas lobbyist lobbied Congress on behalf of UT-Arlington or UT-Dallas and spent money doing so; the expenditures and the incidence of a lobbying report for those institutions, however, would be assigned to UT-Austin. It is perhaps best, therefore, to understand the "lobbying indicator" outcome variable discussed through the remainder of this chapter as an indicator for whether an institution reported that it lobbied federal legislators, their staff, or high-ranking executive branch officials, provided they lobbied as an individual institution and either spent enough to meet mandatory disclosure thresholds or volunteered expenditures that did not meet those thresholds while not including any expenditures related to congressional testimony, public relations campaigns, or grassroots lobbying. The lobbying expenditure outcome variable refers to only those expenditures reported by lobbyists whose expenditures and behaviors met the requirements for "lobbying" as listed in the previous sentence.

Methods

To answer my exploratory research questions, I undertake a robust descriptive analysis to determine which institutions engage in lobbying and how much they spend. I begin by determining the number of lobbying forms filed by each institution and totaling annual expenses on lobbying. I examine group and conditional means based on several institutional characteristics such as institution sector and control, whether an institution is part of a Big Six umbrella group, and institution size in terms of FTE enrollment. I then analyze the trends in both the number of institutions with a given characteristic and the amount of money spent by institutions with that given characteristic across the ten-year period of the data to establish trends in lobbying behavior.

To understand the relationship between lobbying expenditures and institutional and political characteristics, I perform a stepwise OLS regression analysis to enable understanding of how controlling for certain characteristics affects my conclusions. I examine the relationship between various institutional characteristics based on the hypotheses listed previously and two outcome variables - are a binary indicator for filing at least one lobbying report in a given year and the sum of the expenditures listed in quarterly lobbying reports in that year. The unit of analysis is a university in a given year. The inputs are institutional and political characteristics. The model is as follows:

$$Y_{it} = \beta_0 + \beta_1 BigSix_{it} + \beta_2 Research_{it} + \beta_3 Public_{it} + \beta_4 BigSix \times Public_{it} + \beta_5 BigSix \times Research_{it} + \beta_6 BigSix \times Research \times Public_{it} + \boldsymbol{\alpha}\mathbf{A}_{it} + \boldsymbol{\Omega}\mathbf{Z}_{it} + \varepsilon_{it} \quad (1)$$

Where Y is the total lobbying expenditure or lobbying activity for an institution, i, in year, t. β_0 is the constant and ε represents the error term. Each remaining β represents the coefficient of the relationship between an independent variable and the outcome variable. *BigSix* refers to an indicator for whether an institution is in any of the following "Big Six" umbrella group organizations: AAU, APLU, AASCU, AACC, ACE, or NAICU. *Research* indicates whether an institution was named a doctoral-granting research institution in the 2015 Carnegie Classification. I do not include the interaction of the indicator for being a public institution and the indicator for being named a doctoral-granting research institution without also interacting that term with Big Six status for a very simple reason: there is no public research university that is not also a member of a Big Six organization. $\mathbf{A}_{it}$ is a vector of institutional characteristics including whether an institution grants a medical degree and the natural log of institutional

enrollment, and $\boldsymbol{\alpha}$ is a vector of coefficients corresponding to each of the variables in $\mathbf{A}_{it}$. $\mathbf{Z}_{it}$ is a vector of political characteristics including an indicator for whether the same party controlled both the House and the Senate, an indicator for whether an institution is represented by a Senator in the majority party, and an indicator for whether the majority congressional delegation for the state in which an institution is located is in the majority party. Finally, $\boldsymbol{\Omega}$ is a vector of coefficients corresponding to each of the variables in $\mathbf{Z}_{it}$. A list of all variables used in the models can be found in Appendix B.

I present two versions of each model based on the two outcomes of interest (one for each research question) – one that focuses on a lobbying indicator, and another that examines lobbying expenditures. The first outcome of interest is a binary indicator for whether an institution filed a lobbying report in a given year. This outcome serves as a proxy for whether an institution lobbied in a given year. Models with the binary lobbying outcome are confined to the 1,185 primarily four-year institutions with first-time, full-time students for which IPEDS could provide complete data for each year in the panel. I present the binary lobbying indicator models as linear probability models for ease of interpretation.

The outcome variable of the lobbying expenditure models is CPI-adjusted lobbying expenditures in thousands of 2018 USD. I also present a model with the natural log of lobbying expenditures as the outcome as a robustness check. I confine the sample in both cases to only those institution-years with a lobbying indicator value of "1", in effect limiting the sample to only those institutions that lobbied in the years that they reported they lobbied. The resulting sample represents institutions that lobby at varying times across the decade-long panel for a total number of 3,671 institutions that filed a lobbying disclosure report in a given year as observations across 10 years.

Results

Table 4 shows the means of various measures with expenditures conditional on whether an institution lobbied in a given year. The unit of analysis in the table is a given institution in a given year, or institution-year. Indicator variables therefore represent a percentage of the group – lobby, did not lobby, or total sample – for each variable in each row. Financial and count variables represent the mean amount or number across all years for all institutions and those that lobbied and did not lobby.

Table 4: Conditional means for various institutional characteristics in the sample

	Did not lobby	*Lobbied*	*Total*
Outcome Variables			
Lobbying Indicator	-	-	0.31
			(0.46)
Lobbying Expenditures (in $1000s)	0	177.53	55.00
	0	(222.69)	(148.66)
Independent Variables			
Big Six Member Indicator	0.80	0.91	0.84
	(0.40)	(0.28)	(0.37)
Public Institution	0.37	0.46	0.40
	(0.48)	(0.50)	(0.49)
Research Institution	0.15	0.40	0.26
	(0.36)	(0.50)	(0.44)
Institutional Characteristics			
FTE Enrollment	4,905.46	12,185.20	7,160.65
	(5,576.18)	(11,355.95)	(8,528.48)
Institution grants a medical degree	0.04	0.23	0.10
	(0.18)	(0.42)	(0.30)
Political Characteristics			
Majority of House Delegation in the Majority	0.61	0.62	0.62
	(0.49)	(0.48)	(0.49)
Senator in the Majority	0.73	0.71	0.73
	(0.44)	(0.45)	(0.45)
Unified Congress	0.57	0.66	0.60
	(0.49)	(0.48)	(0.49)
Observations	8,179	3,671	11,850

Notes: Standard deviations in parentheses. Lobbying expenditures in CPI-adjusted 1000s 2018 USD. Full-time equivalent undergraduate enrollment in 1000s of students. Sample includes 1,185 institutions over 10 years.

A total of 630 institutions among the 1,185-institution sample never submitted a lobbying disclosure report – the action I use as a proxy for lobbying in this chapter. Yet, while 555 colleges or universities (a number representing about 47 percent of the total number of institutions in the sample) lobbied, every institution that lobbied did not do so in every year; in 31 percent of the institutions in panel years did a university or college lobby. Those institutions that lobbied spent an average of $177,500 in lobbying expenditures in a given year. Around 40 percent of all institutions that lobbied at any point during the panel (and 40 percent of the institution-years in which an institution lobbied) were research universities compared to only 15 percent of those institutions that did not lobby in a given year. Public institutions accounted for 46 percent of the institutions within years that lobbied, compared to only 37 percent of those that did not lobby. Institutions that grant a medical degree accounted for 23 percent of the institutions within years that disclosed lobbying expenditures compared to just 4 percent of those that did not disclose lobbying expenditures, supporting the saliency assumption. In a result aligned with the size assumption, the mean enrollment of institutions in years that did not submit a disclosure report was 4,905 students compared to 12,185 for those that did submit a lobbying expenditure disclosure report. The composition within neither the House nor the Senate differs substantially based on whether an institution lobbied, but the proportion of institutions within years that submitted lobbying disclosure reports is greater (66 percent) in years in which one party controlled both the House of Representatives and the Senate.

The association assumption suggests that higher education institutions will band together and lobby through larger umbrella groups. Furthermore, a substantial portion of the literature on higher education lobbying focuses on such groups and their lobbying behavior. Table 5 shows the conditional means of lobbying activity and expenditure for each of the Big Six membership

groups. These groups serve as membership interest groups, providing some benefit the institutions that join them. For that reason, it is no surprise that of the 1,185 institutions in the panel, 991 of them are members of a Big Six organization. This represents 84 percent of the institutions within years in the dataset. Given the lobbying function of these organizations, it is unsurprising that 91 percent of the institutions that lobbied in a given year reported a lobbying expenditure.

Table 5: Conditional means of lobbying and expenditures by "Bix Six" membership

Umbrella Organization	*Did not lobby*	*Lobbied*	*Total*	*Expenditure*
AACC	0	0.01	0	223.16
	(0.02)	(0.11)	(0.06)	(162.50)
AAU	0	0.15	0.05	458.96
	(0.09)	(0.36)	(0.22)	(345.41)
AASCU	0.29	0.23	0.27	117.09
	(0.45)	(0.42)	(0.44)	(167.19)
ACE	0.59	0.76	0.64	207.11
	(0.49)	(0.43)	(0.48)	(245.51)
APLU	0.09	0.31	0.16	276.68
	(0.28)	(0.46)	(0.36)	(277.21)
NAICU	0.32	0.33	0.32	151.86
	(0.47)	(0.47)	(0.47)	(203.04)
All Big Six	0.8	0.91	0.84	187.03
	(0.40)	(0.28)	(0.37)	(229.92)

Notes: Standard deviations in parentheses. Lobbying expenditures in CPI-adjusted 1000s 2018 USD. Sample includes 1,185 institutions over 10 years.

I also break out the percentage of institutions that lobbied and did not lobby by each Big Six interest group in Table 5. The AACC, which generally represents four-year community colleges, also represents four-year institutions with associated two-year programs. For this reason, five institutions in the dataset of four-year institutions – the University of the District of Columbia, Idaho State University, the University of Montana, the University of Akron, and Utah

State University – are members of the AACC. AACC institutions represent around 5 percent of the institution-years in which institutions lobbied. They represent less than 1 percent of those that did not lobby. The CPI-adjusted mean expenditure for AACC institutions that lobbied in years that they lobbied was around $223,000.

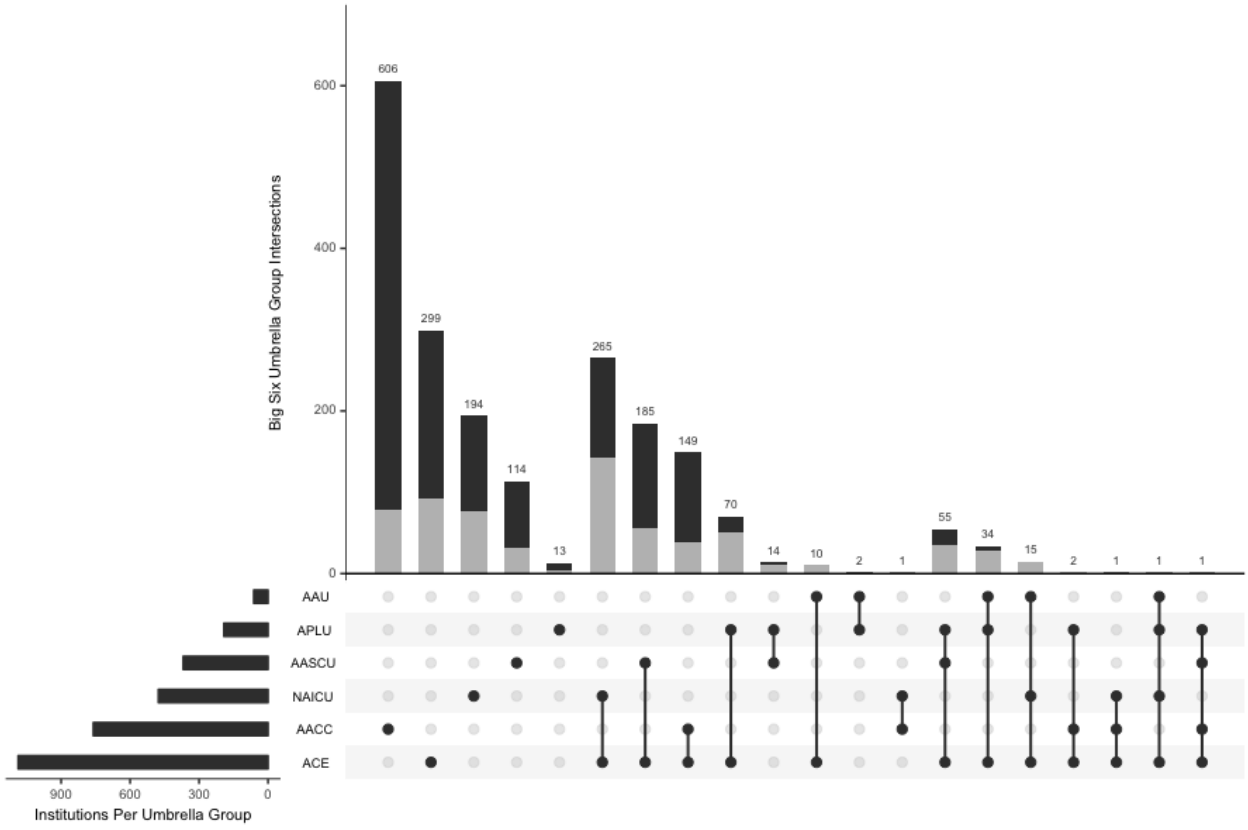
The American Association of Universities (AAU) represents 62 institutions in the United States and Canada that produce a high level of research output. Every single AAU institution reported lobbying expenditures in every single year of the panel. They accounted for 15 percent of all the institutions in years that reported lobbying expenditures, and had a mean expenditure of over $450,000 – almost double the mean expenditures of the AACC.

The Association of Public and Land-grant Universities (APLU) and the American Association of State Colleges and Universities (AASCU) both represent public universities. While APLU focuses on mostly large flagship institutions, any public state university can become a member of AASCU. AASCU and APLU institutions are responsible for 23 percent and 16 percent of all lobbying institution-years with lobbying disclosure forms in the panel. The mean expenditure for AASCU institutions, conditional on lobbying, was about $117,000 per institution-year. The mean expenditure for APLU institution-years was $150,000 more than AASCU institution-years.

The National Association of Independent Colleges and Universities (NAICU) maintains a membership of private, non-profit institutions. NAICU institution-years made up around a third of those institution-years without a lobbying disclosure report filed, those institutions with a lobbying disclosure report filed, and all institution-years in the panel. Conditional on lobbying, NAICU institution-years exhibit a mean lobbying expenditure of around $151,000.

The American Council on Education (ACE) is by far the largest single higher education interest group, and has a great diversity of members ranging from small liberal arts colleges like Davidson College, to comprehensive regional public institutions like Florida Gulf Coast University, to major public and private research universities like Purdue and Stanford. Most higher education institutions in the sample are members of the ACE; exactly 760 of the 1,185 institutions in the sample are ACE members. ACE members account for a majority of both the institution-years with a filed lobbying disclosure fore and the institution-years without. The mean expenditure of ACE members who submitted lobbying disclosure forms is $207,000.

Figure 6: Big Six umbrella group overlap, 2018

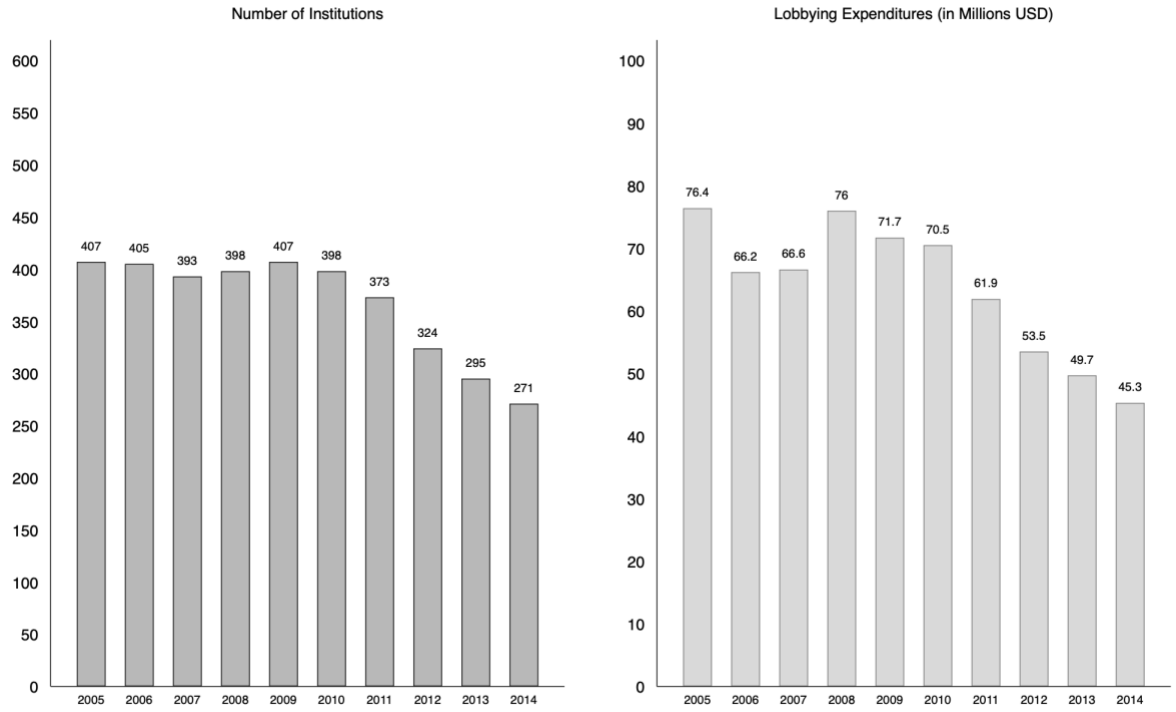


Notes: Data collected from umbrella group websites or from staff members at Big Six organizations.

Given the wide variety of lobbying disclosure reporting across big six membership groups, it would stand to reason that indicators for each group should be included as controls in the OLS model as discussed above. However, due to substantial overlap among group memberships, doing so is impractical. Figure 6 shows the overlap among all members (current in 2019) of each of the groups - not just those in the sample. The black horizontal bars on the left-hand side of the figure represent the size of each organization's membership. The vertical bars in the upper two-thirds of the graph represent the number institutions that fall into each grouping of umbrella groups below as denoted by the dots in each column. The bars with bar totals above only a single, dot that is not connected by a line to any other dot represent the number of institutions that are members of only that group. For instance, the first vertical bar represents the 606 institutions that are members of the AACC, and only the AACC. The second vertical bar represents the 299 institutions that are members of only ACE – not any other big six group. The bars over connected dots, however, represent the number of institutions that are members of all of the groups as denoted by the connected dots. For example, the first bar with two connected dots, sixth from the left, represents the 265 institutions that are members of both the ACE and NAICU. Each added dot represents an additional group of overlap. The gray section of the bar represents the proportion of the total number of institutions within that group of overlap that filed a disclosure report. The goal of this figure is to show the 20 distinct permutations of group membership ranging from single membership to membership in multiple groups. There are only two institutions that are members of four groups – Cornell University and the University of the District of Columbia. Due to the complexity of including 20 separate interactions of group memberships, with six of those permutations containing only one or two members, I have decided to examine the relationship of membership in *any* Big Six organization to lobbying

expenditures. While doing so eliminates the possibility of understanding the additive explanatory power of membership in each individual Big Six group, it allows for ease of interpretation of the interaction variables listed in the model above.

Figure 7: Number of institutions reporting lobbying and expenditures by year, 2005- 2014



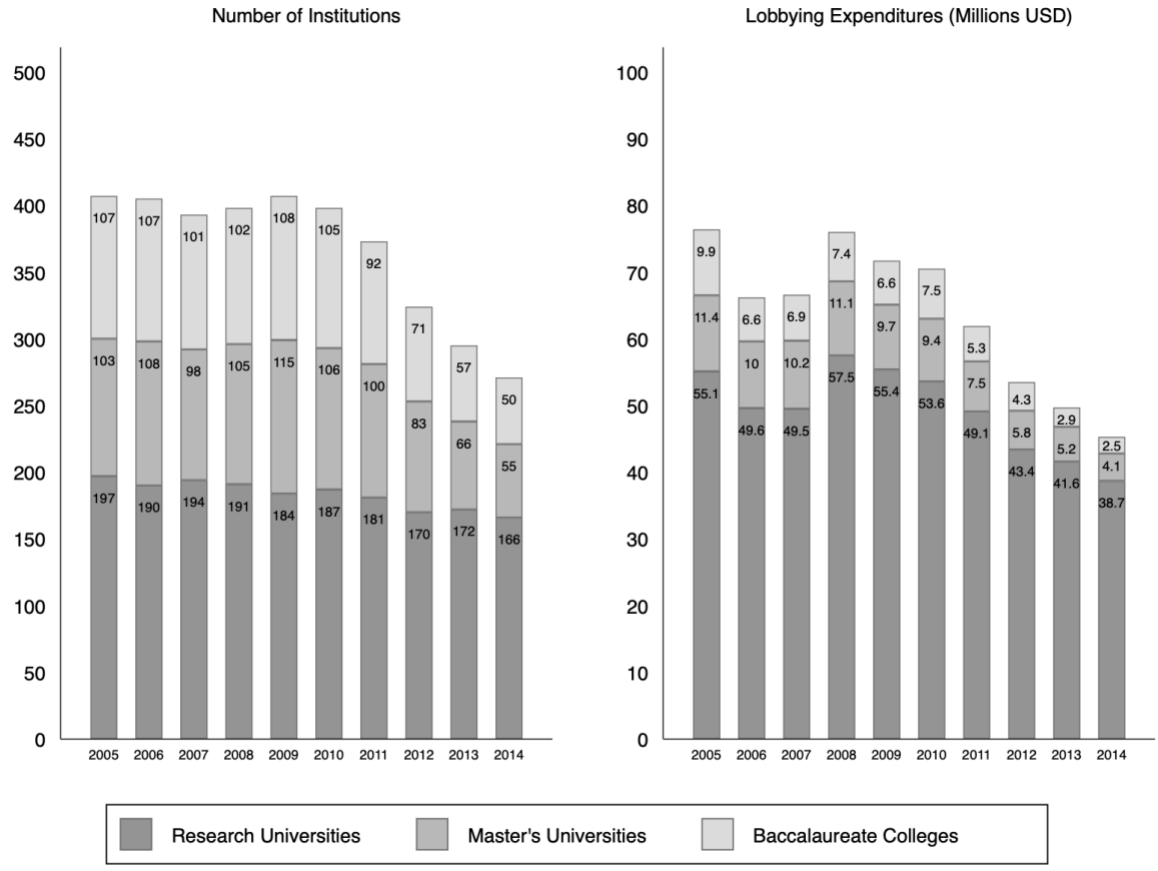
Notes: Data come from the Center for Responsive Politics and the Integrated Postsecondary Education Data System.

Trends in Higher Education Lobbying

Figure 7 shows the trends in both the number of institutions lobbying (in dark gray) and the total amount spent in CPI-adjusted millions of 2018 USD by those institutions (in light gray). The average number of institutions lobbying per year was 366, with an average yearly expenditure of $65 million. The number of institutions that lobbied Congress from 2005 to 2014 ranged from a high of 407 in 2009 to a low of 271 in 2014. Institutions spent over $651 million

in the decade from 2005 to 2014, spending a high of $76.4 million in 2005 and a low of $45.3 million in 2014. In total, 630 individual institutions never filed a lobbying disclosure report during the time period, and 555 distinct institutions did file a lobbying disclosure report. Most institutions that lobby do so in multiple years, Of the 555 that filed lobbying reports, only 33 did so in only one year. As mentioned in the prologue to this dissertation, lobbying expenditures within the education sector writ-large declined in the years following 2010. Reported expenditures from the sample show that same trend.

Figure 8: Lobbying disclosures and expenditures by institution type



Notes: Data come from the Center for Responsive Politics and the Integrated Postsecondary Education Data System.

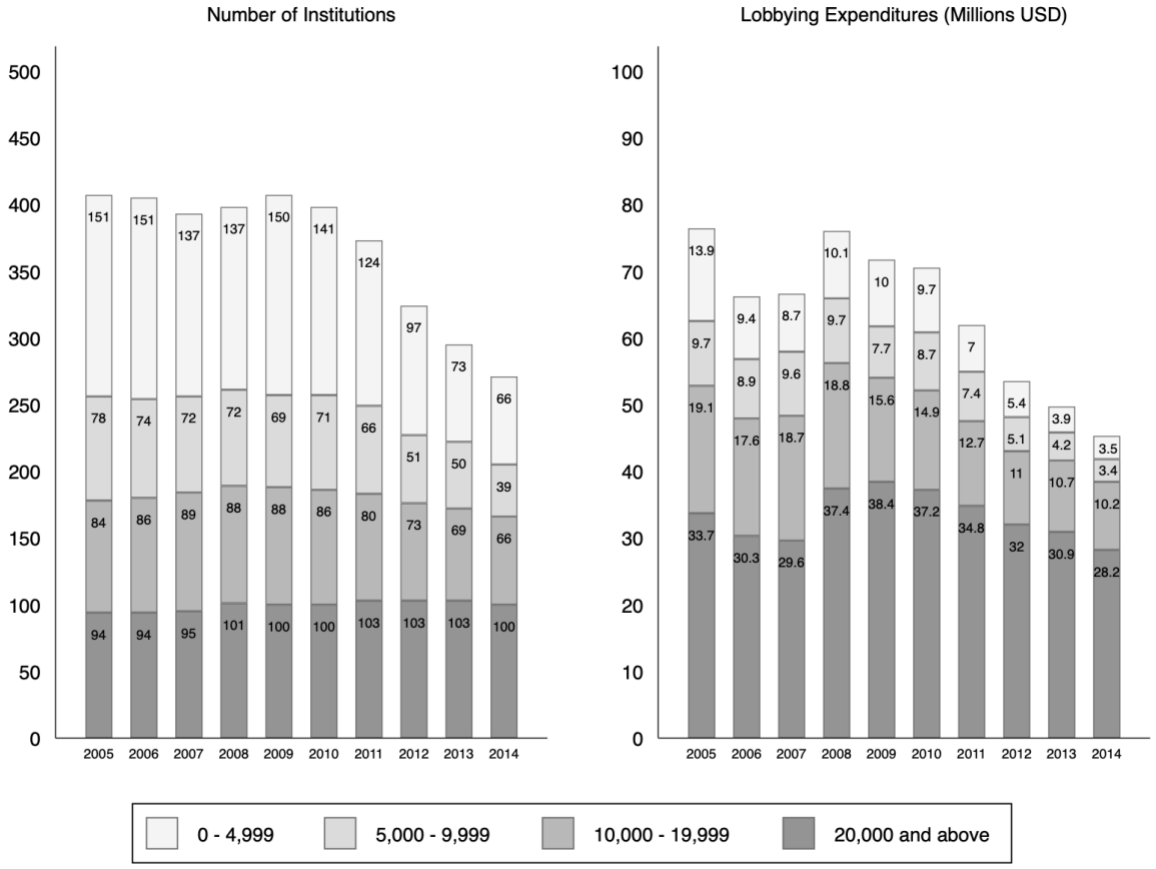
Figure 8 shows the distribution of lobbying institutions and the amount of money in lobbying expenditures per institutional type as delineated into broad Carnegie Classification type - research universities, master's universities and baccalaureate colleges. Research universities consist of all doctoral universities, master's universities represent all master's universities regardless of size, and baccalaureate colleges refers to those institutions within the "Arts & Sciences Baccalaureate Colleges" Carnegie Classification. The plurality of institutions that lobby are research universities; research universities also make up the vast majority of lobbying expenditures. While doctoral universities make up only 25 percent of the sample, they account for an average of 49 percent of the institution-years that report lobbying disclosures from 2005 to 2014. Of the 407 institutions that lobbied in 2005, 197 of them were research institutions. By 2014, that number had fallen to 166 out of 271, or about three-fifths of all higher education institutions that lobbied; in any given year, around 60 percent of doctoral universities filed lobbying disclosure reports. Only around 20 percent of baccalaureate colleges, and 35 percent of Master's universities lobbied in any given year. The number of all three types of institutions filing lobbying disclosure reports began to sharply decline between 2011 and 2014.

While research universities account for around half of all of those institutions in the sample that lobbied in a given year (as defined by filing a disclosure report), they account for a much greater portion of the money reported spent. From 2005-2014, research universities in the sample reported spending about $496,373,000 (in CPI-adjusted 2018 USD) lobbying. The entire sample reported expenditures of around $651,695,000. Research universities therefore made up three quarters of all reported lobbying expenditures in the sample. In only one year did reported

research university expenditures drop below 74 percent of the sample's overall lobbying expenditures disclosed.

Given the size assumption – which states large institutions are more likely to lobby and more likely to spend money lobbying – it is important to examine higher education lobbying activity and expenditures at institutions of different enrollment sizes. Figure 9 shows the number

Figure 9: Lobbying disclosures and expenditures by enrollment



Notes: Data come from the Center for Responsive Politics and the Integrated Postsecondary Education Data System.

of institutions that filed a lobbying disclosure report and the amount of money they reported they spent lobbying over the study time period. From 2005 to 2012 the plurality of institutions that reported lobbying expenditures were institutions with fewer than 5,000 FTE students enrolled. However, the number of small institutions fluctuates from 151 institutions in 2005 to just 66 in 2014 with a sharp decline occurring from 2011 on. The number of institutions with enrollments ranging from 5,000 students to just under 20,000 that reported lobbying expenditures remained fairly static until 2011, when the numbers of those institutions with enrollments between 5,000 and 9,999 students and those institutions with at least 10,000 students but fewer than 20,000 students filing lobbying disclosure reports decreased annually. For the most part, the number of large institutions – those with enrollments of 20,000 FTE students or above – filing lobbying disclosure reports increased or remained static from year-to-year during the time period[20].

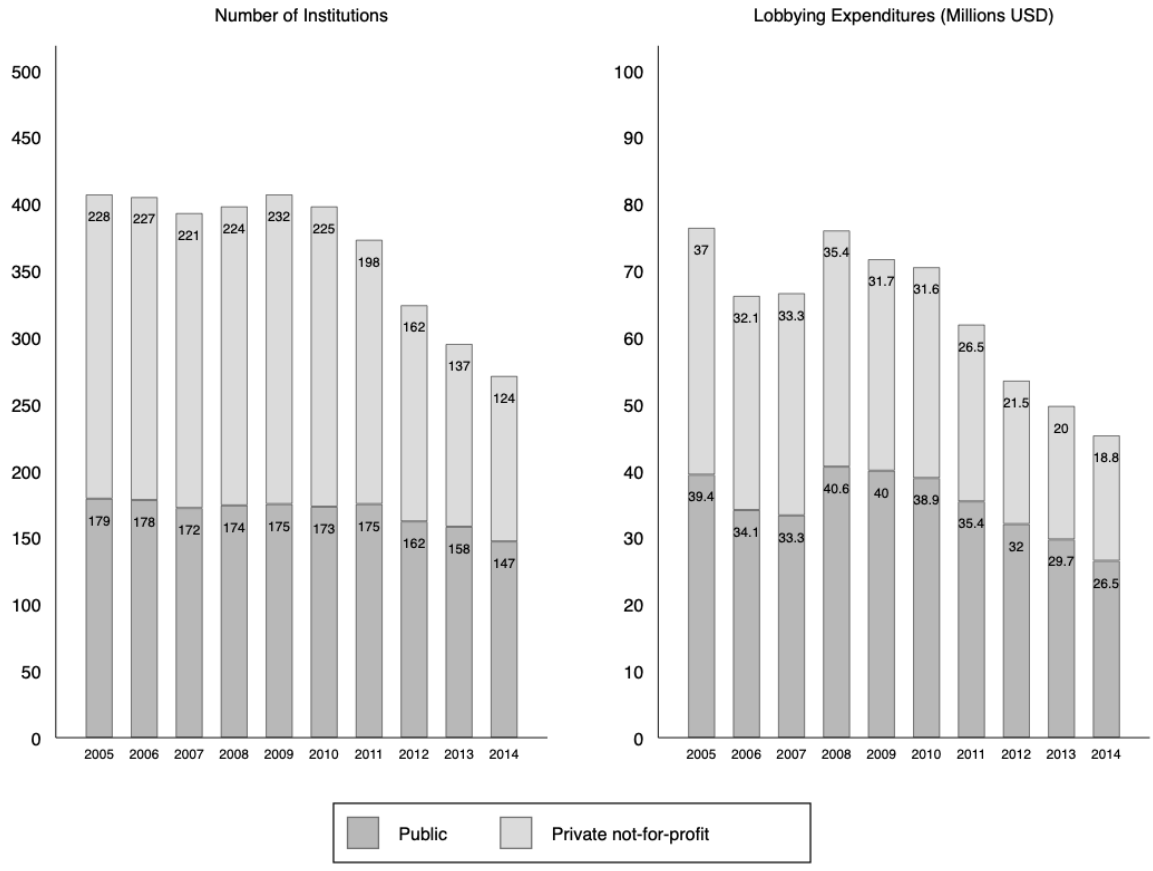
Reported expenditures across institutions of all sizes in the sample fell slightly from 2005 to 2006, then rose until 2008, then then began to slowly decline again. Large institutions spent the plurality of the reported lobbying expenditures in every year of the panel, and the majority of reported expenditures from 2009 through 2014. While there were declines in expenditures across all groups, expenditures in the middle-sized and smaller groups fell as a percentage of total annual expenditures, while the share of expenditures from the group of institutions with 20,000 or more students grew as a proportion of total reported lobbying expenditures in every year after 2009. Large enrollment institutions reported expenditures that accounted for 53 percent of

[20] The number of institutions with enrollments in excess of 20,000 students increased in number from 123 in 2005 to 150 in 2014. The number of institutions with enrollments of less than 5,000 decreased from 673 in 2005 to just 649 in 2014. Given that the same institutions are in every year of the panel, both trends suggest fluctuation in within-institution enrollment.

reported lobbying expenditures in the sample in 2010, 56 percent in 2011, 60 percent in 2012, around 62 percent in 2013, and slightly more than 62 percent in 2014.

The saliency assumption would suggest that public institutions – who derive a substantial portion of their funding from state and local government sources – would be *less* likely to lobby at the federal level. The most salient issues for such institutions – institutional budgets from state funding, the ability to set or raise tuition prices, etc. – are all decided at the state level, suggesting public institutions should focus most of their lobbying energies on that level. The data on

Figure 10: Lobbying disclosures and expenditures by control



Notes: Data come from the Center for Responsive Politics and the Integrated Postsecondary Education Data System.

lobbying activity and expenditures from my sample of institutions, however, suggests a more complicated picture.

Figure 10 shows the number of institutions reporting lobbying expenditures and the expenditures reported by institutional control. In all, there were 471 public institutions and 714 private non-profit institutions in the sample. The total number of public institutions that filed a lobbying report at any point during the panel was 216, representing 45.9 percent of all public institutions in the sample. The total number of private non-profit institutions that filed lobbying was 339, representing 47.5 percent of all private non-profit institutions. Therefore, a slightly higher percentage of all private institutions filed lobbying disclosure reports when compared to public institutions.

This finding would seem to bolster the saliency hypothesis – albeit ever so slightly; yet, while the number of public institutions reporting lobbying expenditures in a given year only slightly declined from 179 in 2005 to 147 in 2014, the number of private, non-profit institutions filing reports dropped from 228 in 2005 to just 124 in 2014. This represents a 46 percent drop in the number of private institutions filing lobbying reports, compared just a 21 percent drop in the number of public institutions filing reports. Furthermore, while lobbying expenditures for both groups declined during the study period, public institution expenditures made up the majority of the expenditures in every year in the panel. In all, private non-profit institutions spent about $296 million in CPI-adjusted 2018 USD compared to $355.6 million for public institutions.

Given the congressional focus on health care legislation during the study time period, another test of the saliency assumption is to examine the differences in those institutions that grant medical degrees and those that do not, with respect to the number of each that reported

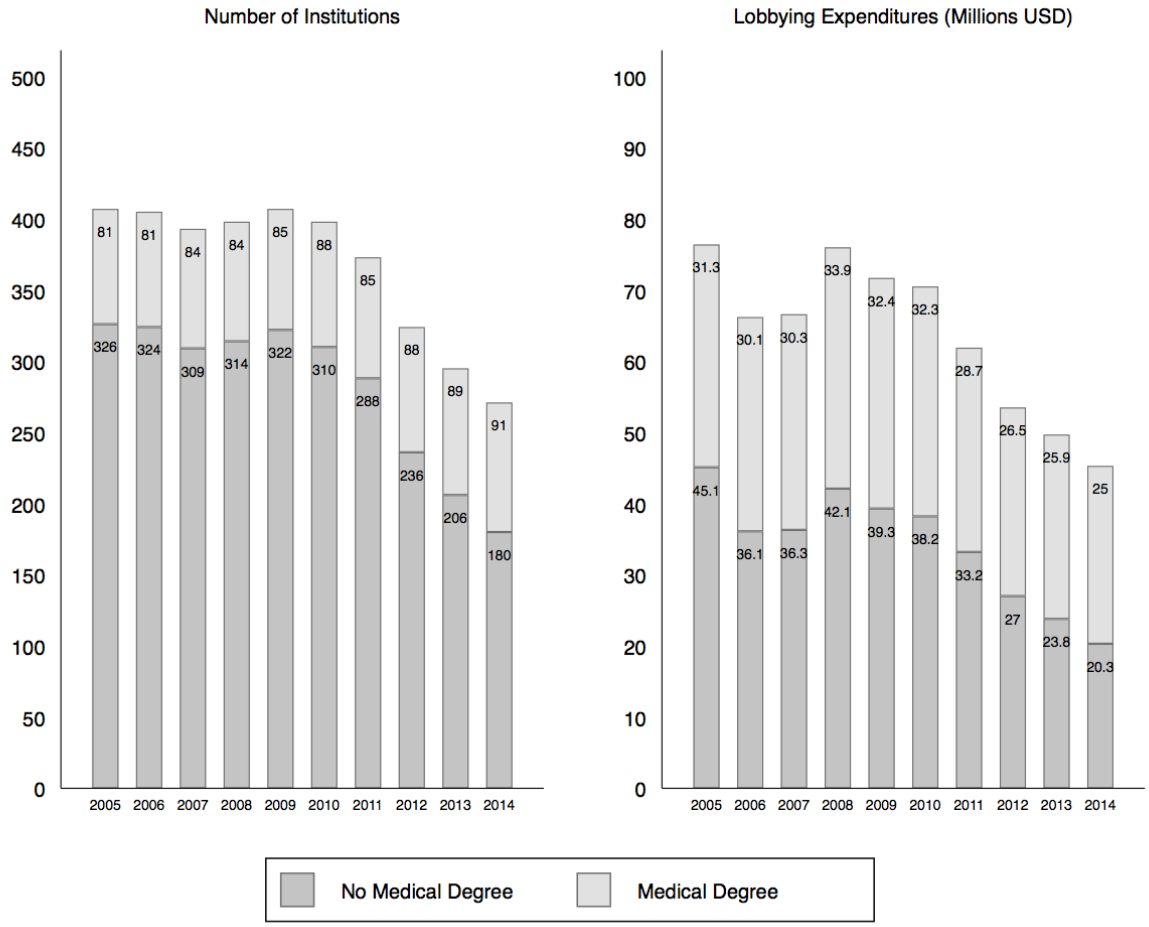
lobbying expenditures and the amount reported. The vast majority of institutions in the sample did not grant medical degrees. Of the 1,185 institutions in the sample, 1,058 of them did not offer a medical degree – defined as a medical, dental, or veterinary doctoral degree – at any point from 2005 to 2014. Only 105 institutions granted medical degrees in all years during the same time period. The remaining 22 institutions either adopted or ended medical-degree-granting programs at some point from 2005 to 2014. In total, 107 of the 127 institutions that granted medical degrees at any point during panel filed a lobbying disclosure report. That 107 represents almost 20 percent of the group of 555 institutions that filed a lobbying disclosure report at any point during the time period. Of the 630 institutions that did not file a lobbying disclosure report at any point from 2005 to 2014, only 20 granted medical degrees – only three percent.

Figure 11 shows the distribution of institutions that reported lobbying expenditures and the amount of money reported spent on lobbying expenditures by medical-degree granting status. Note that while, in every year of the panel, there are more institutions that do not grant medical degrees disclosing lobbying activity than those that do grant medical degrees. While the number of non-medical-degree-granting institutions disclosing lobbying activity falls during the time period, the number of medical-degree granting institutions filing lobbying disclosure reports, rises each year with the exception of 2010. Medical-degree institutions rise from accounting for around 20 percent of the institutions that filed lobbying disclosure reports in 2005, to one third of institutions that disclose lobbying activity in 2014.

Medical-degree-granting institutions also account for a substantial portion of total lobbying expenditures. In total, from 2005 to 2014, medical-degree granting institutions spent a total of $296.4 Million in 2018 CPI-adjusted USD. While institutions that granted medical

degrees in any year from 2005 to 2014 account for only around 10 percent of the total sample, this sum represents 45 percent of all of the lobbying expenditures reported by institutions in the sample. Over time, the share of medical-degree-granting institution lobbying expenditures has grown. Medical-degree-granting institutions accounted for 40 percent of reported lobbying expenditures in 2005. By 2014, such institutions accounted for 55 percent of total expenditures.

Figure 11: Lobbying disclosures and expenditures by medical degree granting status



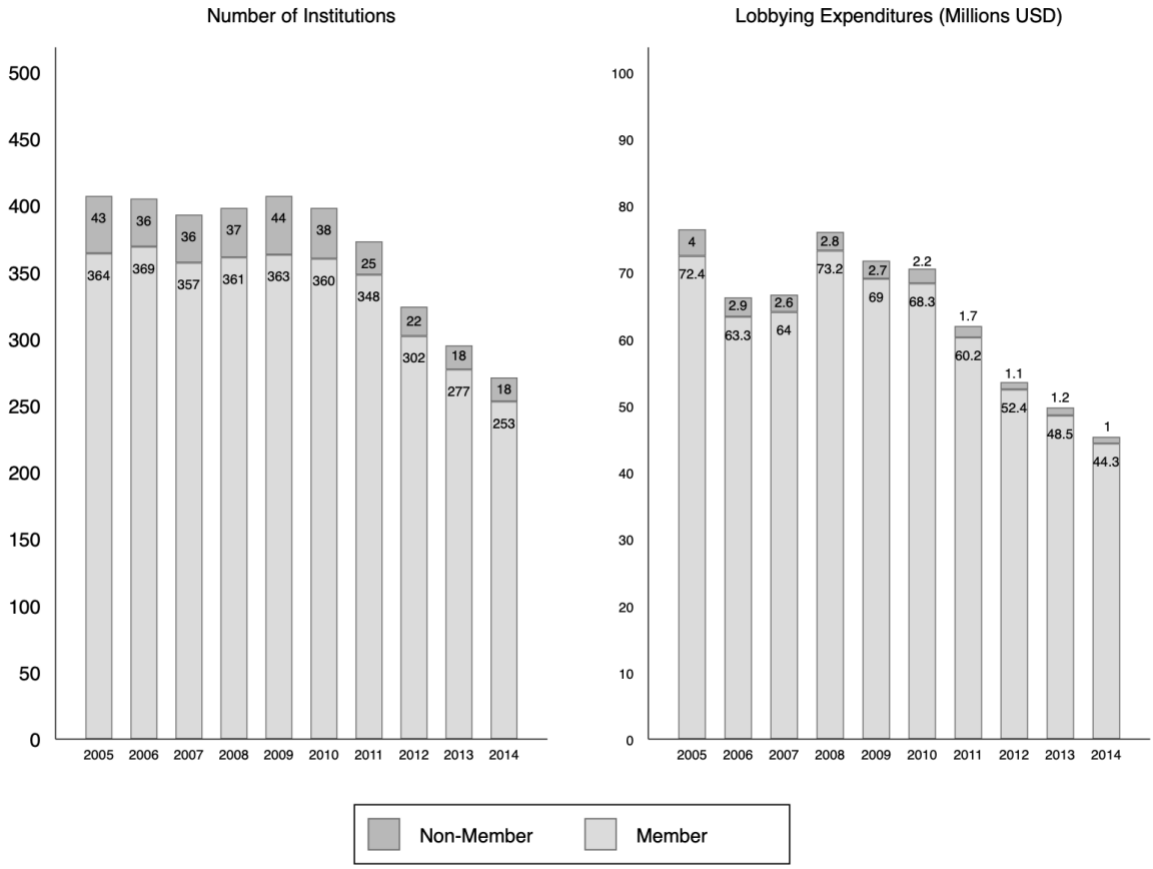
Notes: Data come from the Center for Responsive Politics and the Integrated Postsecondary Education Data System.

Of the 127 institutions that granted medical degrees at some point during the time period, just over one-third of them are members of the AAU. The APLU counts 76 medical-degree-granting institutions among its members. All but three of the institutions that granted a medical degree in at least one year from 2005-2014 were members of Big Six umbrella organizations. Of all public institutions in the sample, only 16 were never members of a Big Six organization. Only 14 of the 307 institutions classified as research institutions are not members of the Big Six. There is not a single public research university that is not a member of the Big Six. Furthermore, with the exception of Touro College in 2005 and 2006, every single institution in the sample that has an enrollment of 20,000 or more in every year in the panel is a member of the Big Six. It should stand to reason, therefore, that institutions that are members of Big Six organizations would account for a large number of the institutions reporting lobbying activity and the expenditures associated with that activity.

Figure 12 shows the trends in the number of institutions filing a lobbying disclosure report and the amount disclosed by Big Six membership and those institutions that are not members of the Big Six over time. Big Six institutions represent around 84 percent of the panel, with 991 of the 1,185 institutions in the sample being members of AACC, AAU, AASCU, APLU, ACE, or NAICU. In only two years – 2005 and 2009 – did Big Six members *not* account for at least 90 percent of all the institutions that filed lobbying disclosure reports. In only 2005 did Big Six institution expenditures *not* exceed 95 percent of the total lobbying expenditures in the sample. Big Six members clearly play a major role in postsecondary lobbying.

It is important to note, however, that an institution simply being a member of a Big Six organization does not guarantee that institution will file lobbying disclosure reports or report any expenditures associated with lobbying. Of the 630 institutions in the sample that never filed a

Figure 12: Lobbying disclosures and expenditures by Big Six group membership



Notes: Data come from the Center for Responsive Politics and the Integrated Postsecondary Education Data System.

disclosure report, 506 of them – around 80 percent – were members of Big Six organizations. Of at equal importance to report is the fact that only 70 of the 555 institutions that lobbied at least once during the panel were not members of Big Six organizations, representing only around 13 percent of those institutions that filed lobbying disclosure reports. The lobbying expenditures of Big Six non-members during the entirety of the time period sums to $24.4 million CPI-adjusted

2018 USD. The total for Big Six members is $627.3 million – around 26 times the amount spent by non-members.

OLS Regression Results

Table 6 shows the regression results for the relationship between each of the independent variables and the indicator for whether an institution filed a lobbying disclosure report in a given year between 2005 and 2014 expressed as a linear probability model for ease of interpretation. Standard errors are clustered at the institution level. Models 1 through 3 present naïve models for the relationship between the lobbying indicator and Big Six status, doctoral university status, and public institution status. The first model suggests that an institution choosing to be a member of a Big Six lobbying organization is associated with a 17.5 percentage point increase in the likelihood that institution filing a lobbying disclosure report. The second model suggests a 38.7 percentage point increase in the likelihood that an institution will file a lobbying disclosure report associated with an institution's status as a research institution. Lastly, the third model suggests an 8.2 percentage point increase in the probability of filing a lobbying disclosure report. All three models show a positive, statistically significant relationship between the indicator variables in the model and the lobbying disclosure indicator.

The fourth model in Table 6 shows indicators for Big Six membership, research university status, and institutional control. The inclusion of research university status and Big Six organization membership changes the sign of the relationship between public control and the lobbying indicator. The coefficient for the research university indicator remains largely the same, suggesting a 38-percentage point increase in the likelihood of filing a lobbying disclosure report.

Table 6: OLS regression models predicting institutional filing of a lobbying disclosure report to Congress.

	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Big Six Lobbying Group Membership	0.175***			0.101***	0.065*	-0.007	-0.005	-0.006
	(0.024)			(0.026)	(0.027)	(0.026)	(0.026)	(0.026)
Research Institution		0.387***		0.380***	-0.085*	-0.189***	-0.188***	-0.190***
		(0.027)		(0.028)	(0.042)	(0.041)	(0.042)	(0.042)
Public Institution			0.082***	-0.029	-0.014	-0.105	-0.100	-0.102
			(0.024)	(0.023)	(0.085)	(0.096)	(0.096)	(0.096)
Big Six X Public					-0.027	-0.066	-0.074	-0.073
					(0.089)	(0.098)	(0.098)	(0.098)
Big Six X Research					0.492***	0.367***	0.366***	0.365***
					(0.061)	(0.057)	(0.058)	(0.058)
Big Six X Research X Public					0.009	0.025	0.024	0.024
					(0.058)	(0.052)	(0.052)	(0.052)
Ln(Enrollment)						0.141***	0.142***	0.143***
						(0.013)	(0.013)	(0.013)
Institution grants a medical degree						0.161***	0.161***	0.162***
						(0.042)	(0.042)	(0.042)
Majority of House Delegation in the Majority							0.020*	0.015
							(0.010)	(0.010)
Senator in the Majority							-0.030	-0.023
							(0.016)	(0.016)
Unified Congress								0.077***
								(0.008)
Constant	0.163	0.209	0.277	0.138	0.171	-0.847	-0.845	-0.902
	(0.020)	(0.011)	(0.014)	(0.022)	(0.022)	(0.091)	(0.091)	(0.092)
Observations	11850	11850	11850	11850	11850	11850	11850	11850
Adjusted R-squared	0.02	0.13	0.01	0.14	0.15	0.21	0.22	0.22

Notes: Standard errors, clustered at the institution level in parentheses

* p<0.05, ** p<0.01, *** p<0.001

There is a great deal over overlap in the public university, research university, and Big Six membership group indicators – 189 of the 471 public institutions in the sample are research institutions; 455 of them are members of Big Six organizations. Therefore, examining the relationship among the interactions of each of these variables with the lobbying indicator can add to a greater understanding of the relationship between the lobbying indicator and institutional characteristics. Models 5 through 8 show the interactive relationships, adding controls with each model iteration.

Model 5 introduces interaction terms for the Big Six, Research, and Public institution variables. The model suggests that private institutions that are not research universities but that are members of the Big Six lobbying associations are 7 percentage points more like to lobby than private, non-research institutions that do not join Big Six lobbying organizations. Private, research institutions that do not join Big Six organizations are less likely to report a lobbying disclosure than other private institutions that have not joined Big Six organizations. Research universities that are members of Big Six organizations are more likely to file a lobbying disclosure report than all other groups. The predicted probability of a Big Six-member, private, research university filing a lobbying disclosure report is 64.3 percent. The predicted probability of a public research university big six member choosing to lobby is 61.1 percent. All other types of institutions have a predicted lobbying probability of 23.6 percent or lower. Model five exhibits a trend that will follow in all the remaining models – a statistically significant negative relationship between being a private research institution that is not a member of the Big Six and the predicted probability of filing a lobbying disclosure report, and a large positive statistically significant relationship between being a private research university that is a member of the Big Six and the probability of filing a lobbying disclosure report.

To test the size assumption and the saliency assumption, I add two control variables to model 6 – an indicator variable for whether an institution grants medical degrees and a log-transformed measure of enrollment. Because of the right-skewed nature of the institutional enrollment data (the mean enrollment for an institution in a given year is 7,161, with a standard deviation of 8,258, and a range that spans from 59 students to 65,835), using the natural log transformation of the enrollment variable closer approximates the normal distribution.

Even controlling for enrollment and granting a medical degree, the same patterns in model 5 with respect to Big Six membership, institutional control, and research university status and their interactions still broadly hold. A one percent increase in the enrollment variable is associated with a 14.1 percentage point increase in the likelihood of filing a lobbying disclosure report, heavily supporting the size assumption. The medical-degree indicator is also positive and statistically significant, supporting the saliency assumption. Offering medical degrees is associated with an increase the chance of an institution filing a lobbying disclosure report of 16.1 percentage points.

Models 7 and 8 add political controls – also to test the saliency assumption. Theoretically institutions are more likely to lobby when Congress is likely to be productive in passing legislation that could affect them. Furthermore, when institutions' members of Congress are in power, they may be more willing to help institutions get favorable legislation passed. Therefore, I add controls concerning whether an institutions House delegation is in the majority party in Congress and whether an institution is represented by at least one Senator in the majority party in both models 7 and 8. In Model 8 I also add an indicator for whether Congress is unified – whether one party is in the majority in both the House and the Senate.

Adding the Congressional controls adds very little explanatory power to the model. While coefficient on the indicator for the majority of an institution's House delegation being in the majority is positive and statistically significant, the coefficients on the research institution indicator, research-Big Six interaction term, natural log of enrollment and medical degree indicator barely change. The adjusted R^2 grows from 0.21 to 0.22, showing that the model explains only an additional percentage point of variation in the outcome variable. Adding the indicator for a unified Congress in Model 8 also adds minimal explanatory power, with the adjusted R^2 seeing no change and the coefficients on the variables of interest listed above seeing minimal change.

Taken together all of the models tell a distinct story – for research universities, membership in a Big Six organization consistently shows an increased probability of filing a lobbying disclosure report. This relationship holds even when controlling for enrollment and whether an institution grants a medical degree – both of which are also statistically significant positive predictors of filing a lobbying disclosure report. These results suggest that the action, size, saliency, and association assumptions may hold for at least some higher education institutions. Positive, consistent, statistically significant relationships between enrollment and the lobbying disclosure indicator fall within the parameters of the size assumption, which states that large organizations will lobby more than small organizations. The fact that medical degree-granting institutions are more likely to lobby than those institutions that do not grant medical degrees follows the saliency assumption; given the attention that Congress gave to health care policy during the study time period, those institutions potentially affected by health care legislation certainly would lobby to protect their interests. That research universities that are members of Big Six organizations had a higher predicted probability than either research

universities without such a membership or Big Six members that do not have research university status – regardless of control – suggests some interaction of the saliency and association assumptions.

Because the measure of lobbying activity I use is an indicator of whether or not an institution filed a lobbying disclosure report (which the law would only require an institution to file if it spent over a certain amount on lobbying), it is likely that the predictors of filing a lobbying disclosure report are the same predictors of lobbying expenditures. However, given the large number of institutions that file lobbying reports despite not meeting reporting thresholds (370 institutions in the dataset filed a report at least once without meeting reporting requirements[21]) it is possible that there are slight distinctions between the variables that predict the likelihood of filing a lobbying disclosure report and the variables that predict the expenditures in that report.

Table 7 shows the results of the OLS regression models to predict lobbying expenditure in thousands CPI-adjusted 2018 USD, conditional on filing a lobbying disclosure report, with standard errors clustered at the institution level. The models follow the same progression as the models in Table 6. In each of the first three models I regress expenditures on indicators for Big Six membership, an indicator for whether an institution is considered a research institution by the Carnegie foundation, and an indicator for institutional control with a 1 identifying a public institution and a 0 identifying a private institution. Model 4 examines all three indicators in the same model, while model 5 adds interaction terms. Model 6 adds institution-level variables,

[21] Four institutions – Clark University, the University of St. Thomas, Marymount Manhattan College, and Minot State University – filed lobbying expenditure reports every year in the panel without once meeting the annual expenditure reporting threshold required to do so. It is possible that these 370 institutions met the quarterly threshold for reporting expenses for at least one quarter, but did not do so every quarter.

Table 7: OLS regression models predicting lobbying expenditures, conditional on filing a lobbying disclosure report

	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Big Six Lobbying Group Membership	110.055***			18.491	1.904	-14.944	-14.827	-13.859
	(12.994)			(11.408)	(9.213)	(12.602)	(12.596)	(12.691)
Research Institution		186.486***		184.994***	4.889	-70.572*	-72.300*	-83.939*
		(17.862)		(21.133)	(38.514)	(31.296)	(31.768)	(32.488)
Public Institution			60.395**	-4.343	9.950	19.299	18.515	20.342
			(20.270)	(21.668)	(14.454)	(40.287)	(40.674)	(43.271)
Big Six X Public					14.045	-69.062	-69.993	-70.007
					(29.697)	(45.562)	(46.874)	(49.234)
Big Six X Research					208.355***	133.660***	134.433***	146.254***
					(48.031)	(37.870)	(38.132)	(38.672)
Big Six X Research X Public					-53.939	-39.916	-38.189	-39.259
					(43.068)	(37.986)	(38.309)	(38.375)
Ln(Enrollment)						85.002***	85.115***	86.047***
						(15.193)	(15.212)	(15.279)
Institution grants a medical degree						103.547***	103.943***	106.139***
						(28.635)	(28.672)	(28.819)
Majority of House Delegation in the Majority							-6.714	-7.288
							(6.968)	(6.920)
Senator in the Majority							-6.501	-4.751
							(12.015)	(12.062)
Unified Congress								38.851***
								(7.568)
Constant	76.973	84.460	149.672	70.313	76.004	-588.474	-580.152	-616.796
	(7.206)	(7.758)	(12.128)	(8.002)	(7.896)	(117.635)	(116.791)	(118.588)
Observations	3671	3671	3671	3671	3671	3671	3671	3671
Adjusted R-squared	0.02	0.18	0.02	0.18	0.18	0.29	0.29	0.29

Notes: Standard errors, clustered at the institution level in parentheses

* p<0.05, ** p<0.01, *** p<0.001

specifically the natural log of enrollment and an indicator for whether an institution grants a medical degree. Models 7 and 8 add political controls to account for Congressional productivity and whether institutional Senators and Representatives are in the House and Senate majority

By and large, the results predicting lobbying disclosure expenditures follow the same patterns as those predicting the disclosure report filing indicator variable. In each of the first three models, the indicators for Big Six membership and an institution's status as a public institution or a research university are all statistically significant and positive. Being a research institution, in particular, predicts greater expenditures of around $186,500 when compared to non-research institutions. When controlling for Big Six membership and public control in Model 4, the coefficient on the research institution indicator remains virtually unchanged. Given the heavy overlap among the institutions, I again interact the indicator terms examined in Models 1 through 4 in Model 5. Like in the previous analysis predicting lobbying disclosure, the most striking finding may be the coefficient on the interaction of research university status and Big Six membership. This again suggests that research universities that join Big Six organizations are both likely to lobby and likely to spend quite a bit of money doing so. The average lobbying expenditure for Big Six-member research universities (regardless of control) in a given year in the panel is $272,000; the average expenditure for all other institutions that lobbied is around $84,000.

Models 6 through 8 add institutional and political controls to the model. Again, the coefficients for the natural log of enrollment, the indicator for whether an institution grants a medical degree, and the indicator for the years in which Congress is unified are all positive and statistically significant. To take a closer look at the predicted expenditures by institutional type, Table 8 shows the predicted values for lobbying expenditures at different types of institutions,

Table 8: Predicted values for lobbying expenditures at different types of institutions

Big Six	Research	Public	Predicted Reported Expenditure
			\$153,389
		X	-\$21,024
	X		\$89,792
X			\$139,530
X	X		\$222,187
X	X	X	\$112,921

Notes: Predicted values from Model 8 in Table 7, holding control variables at their means. Predicted expenditures are for a generic institution meeting the characteristics as denoted by the Xs in the first three columns of this table. Expenditures conditional on lobbying disclosure.

conditional on disclosure as predicted from Model 8 in Table 7. While the average expenditure of a public research institution that is a member of a Big Six organization is about \$261,000, the predicted value the expenditure from such an institution when holding the natural log of enrollment and all other control variables at their means is only \$112,921. By controlling for the natural log of enrollment in the models, I am isolating a key relationship between the public research universities (all of which are members of Big Six organizations) and total enrollment.

Table 9 presents a correlation matrix of all of the variables used in Model 8. Note that the natural log of enrollment is highly correlated with both public and research university indicators.

Table 9: Correlation matrix of variables in all OLS regression models

	Big Six Member	*Research*	*Public*	*Ln(Enrollment)*	*Medical Degree*	*House Majority*	*Senate Majority*	*Unified Congress*
Big Six Member		0.189***	0.285***	0.384***	0.125***	-0.002	0.021*	0.00
Research	0.189***		0.264***	0.595***	0.485***	-0.011	-0.038***	0.00
Public	0.285***	0.264***		0.590***	0.149***	0.005	-0.055***	0.00
Ln(Enrollment)	0.398***	0.602***	0.572***		0.415***	-0.016	-0.009	-0.017
Medical Degree	0.125***	0.485***	0.149***	0.439***		0.006	-0.003	-0.014
House Majority	-0.002	-0.011	0.005	-0.009	0.006		0.204***	0.048***
Senate Majority	0.021*	-0.038***	-0.055***	-0.012	-0.003	0.204***		-0.064***
Unified Congress	0.00	0.00	0.00	-0.018*	-0.014	0.048***	-0.064***	

Notes: Lower-triangular cells report Pearson's correlation coefficients, upper-triangular cells are Spearman's rank correlation
*** p<0.001, ** p<0.01, * p<0.05

It is, therefore, important to have controlled for enrollment when examining the association and saliency assumptions as they relate to research status, public university status, and Big Six organization membership. The same could be said of institutions being research universities and offering medical degrees, which are highly correlated. Only 15 institutions in the sample that are not research universities ever offered a medical degree. These correlations almost certainly inflate variance. Therefore, doing so only bolsters the saliency and association assumptions; institutional interests related to the constant battle for research funding and joining a Big Six organizations, not just enrollment, predict large expenditures and a positive likelihood of lobbying for those institutions that are both members in Big Six organizations and members of research university Carnegie Classifications.

Robustness Check

As a robustness check, I replicate the expenditures analysis using the natural log of expenditures as the outcome variable. A log transformation of the expenditures variable changes the focus of the analysis from detecting overall differences in levels of spending across the different group types, to examining marginal differences when controlling for institution types. Table 10 shows the regression results for the models that predict lobbying expenditures with the natural log of lobbying expenditures replacing the level lobbying expenditures as the outcome variable in the models. Note that Models 1 through 4 show largely the same patterns as Models 1 through 4 in Table 7 – each of the indicators for public institution, research institution, and Big Six membership are statistically significant when serving as the sole predictors of lobbying expenditures. When all three indicators are included in a model, research university status remains positive and statistically significant.

Table 10: OLS regression models predicting the natural log of lobbying expenditures

	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Big Six Lobbying Group Membership	1.318***			0.130	0.205	-0.023	-0.017	-0.005
	(0.398)			(0.429)	(0.458)	(0.439)	(0.440)	(0.442)
Research Institution		2.227***		2.107***	-1.614	-2.305	-2.310	-2.462
		(0.219)		(0.271)	(2.390)	(2.301)	(2.295)	(2.292)
Public Institution			1.026***	0.299	1.207	1.292	1.305	1.329
			(0.237)	(0.261)	(1.091)	(1.340)	(1.348)	(1.377)
Big Six X Public					-1.422	-2.452	-2.487	-2.487
					(1.182)	(1.439)	(1.451)	(1.479)
Big Six X Research					3.393	2.493	2.492	2.646
					(2.418)	(2.344)	(2.338)	(2.335)
Big Six X Research X Public					0.843	1.017	1.028	1.014
					(0.550)	(0.527)	(0.527)	(0.527)
Ln(Enrollment)						1.074***	1.077***	1.089***
						(0.179)	(0.179)	(0.180)
Institution grants a medical degree						0.598**	0.601**	0.629**
						(0.221)	(0.223)	(0.223)
Majority of House Delegation in the Majority							0.009	0.002
							(0.146)	(0.145)
Senator in the Majority							-0.091	-0.068
							(0.197)	(0.199)
Unified Congress								0.508**
								(0.157)
Constant	2.411	2.504	3.142	2.307	2.377	-5.989	-5.951	-6.430
	(0.377)	(0.179)	(0.172)	(0.380)	(0.398)	(1.478)	(1.494)	(1.509)
Observations	3671	3671	3671	3671	3671	3671	3671	3671
Adjusted R-squared	0.01	0.09	0.02	0.09	0.10	0.14	0.14	0.14

Notes: Standard errors, clustered at the institution level in parentheses

* p<0.05, ** p<0.01, *** p<0.001

It is Model 5 where results begin to change. No longer are any of the indicator terms, nor their interaction terms, statistically significant. Furthermore, the sign several of the variables – most notably the interaction of the public institution indicator, research university status (and Big Six membership) – change. The simplest explanation for this difference in the models is that while levels of expenditure vary greatly among institutions of different types (Public research vs. private, non-research, Big Six, etc.) the marginal percentage change of expenditures by being a different type of institution may not differ in detectable ways. These trends, while they differ from the spending level trends, continue throughout the rest of the models.

Models 6 through 8 of Table 10 tell a similar story to Models 6 through 8 in Table 7 – that changes in enrollment and the indicator for whether an institution offers medical degrees are associated with lobbying expenditures. Institutions with large enrollments are likely to report larger lobbying expenditures than institutions with small enrollments – even at the margins. Institutions that offer medical degrees are more likely to report larger lobbying expenditures than institutions that do not offer medical degrees. These findings only bolster the theory behind the size and saliency assumptions, respectively.

Discussion

In this paper I presented descriptive statistics and a number of figures to show trends in various characteristics of institutions and how they might relate to institutional lobbying disclosures and expenditures. I also ran OLS regression models in a stepwise fashion, as many of the figures are misleading due to significant overlap between categories (research universities have large enrollments, research universities are more likely to offer medical degrees, etc.). The stepwise regression models show that the picture of higher education lobbying painted by the figures is more complex than the figures show as so many institutional characteristics overlap.

Using these methods, I examined four assumptions from the lobbying literature, each based on previous findings from corporate and non-profit lobbying research. Specifically, I examine the action, association, saliency, and size assumptions.

This paper finds that the action assumption holds with respect to higher education institutions. Of the 1,185 institutions in the sample, just under half of the sample - around 46 percent - of four-year institutions with full-time, first-time four-year students lobbied Congress in at least one year from 2005 to 2014. The average amount of money spent lobbying among those that lobbied was about $177,000. The number of institutions that reported lobbying expenditures and the amount spent by those institutions does suggest that at least some institutions of higher education do choose to lobby Congress. This finding confirms my first hypothesis that at least some institutions will lobby.

The association assumption provides an interesting focus for examining institutional lobbying behavior. It states that institutions will lobby together in trade associations and organizations, and that those institutions that join these associations will be more likely to lobby than those who do not. I assume the latter point for two reasons. First, associations like ACE and APLU lobby Congress on behalf of their members. An institution choosing to join an umbrella group likely does so because lobbying is one of the benefits of membership. Furthermore, these organizations are supposed to either file reports for their members detailing what percentage of annual dues went to lobbying, or send their members the information necessary for those institutions to file reports. Practically that means that institutional members in trade associations and umbrella groups should have filed reports and therefore be identified by the lobbying indicator I use.

To test the association assumption, I collected membership data on the Big Six umbrella organizations in higher education – the AACC, APLU, ACE, AAU, AASCU, and NAICU. I examined the relationship between an indicator for Big Six membership and both the lobbying indicator and the natural log of lobbying expenditures. In the case of the lobbying disclosure indicator, Big Six institutions are almost universally more likely to lobby than institutions that do not join such organizations. In fact, in every year in the panel Big Six institutions made up nearly 90 percent of those institutions that lobbied and 95 percent of the lobbying expenditures. This trend is especially true for research institutions. The fact that research universities, regardless of control, have substantially higher predicted probabilities of filing lobbying disclosure forms if they are members of the Big Six in most models heavily supports the association assumption. Without being a member of a Big Six organization, the predicted probabilities of lobbying for non-profit research universities are substantially lower in every case. Big Six research institutions were significantly more likely than non-big six, non-research institutions to report that they lobbied Congress, even when controlling for other important variables like enrollment and a unified Congress.

The saliency assumption simply suggests that institutions will lobby when it makes sense for them. That is, that institutions will lobby when they believe it is in their interests to do so – generally because Congress is likely to produce legislation that directly impacts them. To test that assumption, I examined both research university status and institutional control. I hypothesized that research institutions would be more likely to lobby as they rely heavily on federal investment in their research enterprises. Furthermore, I hypothesized that public institutions would be less likely to lobby Congress because the issues most salient to them occur at the state, not federal, level. Because of a large amount of Congressional productivity

surrounding healthcare during the time period of this study, I also examined whether an institution offering medical degrees made that institution more likely to disclose lobbying behavior and to report expenditures.

In all cases, the saliency assumption seems to hold. Institutions that offer medical degrees are more likely to disclose lobbying and report larger expenditures – even when controlling for other important characteristics such as enrollment. Congressional unity – which brings a larger likelihood of passing legislation – is also positively correlated with lobbying activity and expenditures. Research institutions were also more likely to lobby and spent more money lobbying than other institutions if they were members of the Big Six; their research status ensures that Congressional action is *always* salient. All of the top 30 recipients of federal research funding in any given year are research universities, and federal research funding accounts for well over half of all research expenditures at higher education institutions in any given year (Britt, 2015). Research universities should therefore lobby - and spend large amounts of money lobbying - to ensure that pool of federal research funding stays large enough to support research efforts at multiple institutions. That group goal of the largest pool of research funding possible for multiple institutions likely leads to research universities associating with each other in umbrella groups.

The results of this analysis support the size assumption – that institutions with greater enrollments are more likely to report lobbying expenditures, and spend more when they do – thus confirming my third hypothesis. When controlling for a number of factors that indicate lobbying activity including Big Six association membership, research university status, and control, enrollment size is positively correlated with the decision to lobby. It is also positively correlated with lobbying expenditures at a statistically significant level, when many other variables are not.

Enrollment is one of many factors associated with the decision to lobby, but could be one of the determinants of the amount of money an institution spends lobbying. There are a number of potential reasons for this trend.

First, institutions with large enrollments may simply have more resources to use for lobbying. With each student comes a tuition payment and more tuition payments may equal more funds which can then, in turn, be spent in a variety of ways – one of which might be lobbying. Second, institutions with large enrollments may have more federal investment in the form of student loans. Institutions may spend more lobbying to ensure access to federal loan dollars as the payoff is greater when you have a large number of students taking out loans. Third, larger have a greater pool of constituents and representatives than smaller institutions. For example, the University of Wisconsin - Madison may have large numbers of students from every Congressional district in the state, when Beloit College may have only a few from each district. In their lobbying efforts, Wisconsin - with its enrollment of 32,000 students - can call on the support of representatives from every district for their support in a more credible way than Beloit with its total enrollment of 1,400 students.

In most cases, when any number of controls were included in the models, public institutions were less likely to lobby Congress than their counterpart private institutions. For example, Big Six, research university publics were less likely to report lobbying and spend money lobbying than Big Six, research university privates. Because these differences were not statistically significant, it stands to reason that public university lobbying expenditure and activity levels may more be a function of their status as research universities or Big Six members (or lack thereof) than their state control. Or, it is possible that public universities do truly lobby

at the federal level at a lower rate than private universities of similar types due to a greater focus on state and local policy issues.

There are a number of variables and institutional characteristics based in the four assumptions that are not included in the model that could impact my findings. First, while I focused on research university status and medical degree granting status as potential areas to test the saliency assumption, there are other issues that could be salient for different types of institutions. First, institutions with an agricultural or mechanical (A & M) focus – such as many land-, sea-, and space-grant institutions – may lobby when Congress intends to focus on those issues. Including other institutional characteristics concerning those issues may impact the regression models. However, Table 11 shows that issues related to agriculture and defense – two areas of specialty for public A & M institutions – may not have had the same saliency of

Table 11: Congressional productivity on select issue areas as compared to higher education

Subject Mater	**Action Type**	**Congress**				
		109th	*110th*	*11th*	*112th*	*113th*
Higher Education	Hearings	9	35	24	21	35
	Roll Call Votes	20	75	50	17	19
	Laws	9	13	3	2	2
Agriculture (R&D)	Hearings	3	1	1	0	0
	Roll Call Votes	0	4	6	2	2
	Laws	0	0	0	0	0
Defense (R&D)	Hearings	3	10	3	6	2
	Roll Call Votes	1	1	3	7	1
	Laws	0	0	0	0	0

Notes: Data come from the Comparative Agendas Project

healthcare related issues during the study period. Using data from the Comparative Agendas Project, it is easy to see that bills seeing Congressional actions that would appropriate funds to agriculture and defense research spending were far less common than bills related to higher education policy.

Another potential omitted variable is total research funding (or some log-transformed variable for R&D spending). I did not include such a variable for a very specific reason – if a lobbyist has a rent-seeking motive for his or her client, and is good at his or her job, greater levels of research funding may be a function of a higher quality lobbyist. The literature states that lobbyists are rent-seeking, especially when it comes to the pre-2011 earmark years (de Figueiredo & Silverman, 2006). This dissertation will examine that relationship between lobbying expenditures and earmark availability in the fourth chapter.

In all, this chapter offers some insight into the relationship between several institutional characteristics and the propensity of a college or university to file a lobbying disclosure report. Furthermore, it attempts to predict the disclosed expenditure in that report. It finds that colleges and universities lobby, and that larger universities lobby at higher levels of activity (as denoted by lobbying disclosure reports) and expenditures. It also finds that institutions lobby when they face major Congressional action, such as those institutions that offer medical degrees. It also shows that colleges and universities will band together to lobby on behalf of the sector, as evidenced by the significant increase in the likelihood of private and public research universities in Big Six organizations lobbying as compared to private research universities that are not in Big Six umbrella groups.[22]

[22] Table 8 shows a predicted expenditure difference of around $132,000 dollars between private, research universities in Big Six organizations and private, research universities that are not members of the Big Six; the difference between public, Big Six-member, research universities and private, non-member, research universities is around $23,000.

What this chapter cannot do, however, is shed light on the explicit goals and tactics of institutional lobbyists. While it is clear that research universities that are members of Big Six institutions are more likely to spend large sums of money lobbying, it is unclear as to how they use that money, and to what extent they work with other members of their associations to achieve their goals. The next chapter in this dissertation represents a generic qualitative study that attempts to examine these and other questions. It asks the people walking through the halls of Congress on behalf of their clients what exactly they do and why. While following the money can shed light on the types of institutions that lobby, for questions of "why" and "how" I had to go straight to the source – the lobbyists.

CHAPTER 3

THE GOALS AND TACTICS OF HIGHER EDUCATION LOBBYISTS

"Most of what we do is blocking and tackling," unironically stated the seasoned veteran lobbyist under the employ of a major research university known for its storied football team in an interview with me in August, 2018. "Blocking and tackling" - playing defense - does not just describe the role of a linebacker in the Cotton Bowl; it also describes the goals and tactics of college lobbyists. The previous chapter goes a long way in determining the potential relationships between institutional characteristics and lobbying activity and expenditures. It shows that colleges and universities follow the action, saliency, size, and association assumptions. What the previous chapter cannot do, however, is explain *how* institutions lobby. It allows for institutional characteristics to predict expenditures, but does not explain the purpose of those expenditures. In short, using the quantitative dataset from the previous chapter, I can identify which institutions indicate that they lobbied Congress in a given year through the submission of a lobbying disclosure report. However, understanding what exactly college and university lobbyists do with those expenditures requires an entirely different method – I needed to ask lobbyists what they do. It was for that reason that I was on a phone call listening to a lobbyist talk about "blocking and tackling."

In this chapter I undertake a generic qualitative study to learn about the goals and tactics of college and university lobbyists. Through semi-structured in-person and phone interviews, I asked 20 lobbyists for colleges, universities, and umbrella groups about their work during the first year of the Trump administration. From my discussions with these people, I discovered a number of themes worthy of further description and analysis.

First, higher education lobbyists lobby Congress and federal agencies when doing so benefits their institution. This extension of the action assumption shows that lobbyists use their institutional assets to persuade members of Congress to support their goals. Some institutions entertain government officials at football games, others bring students to Capitol Hill to lobby on their alma mater's behalf. In either case, higher education lobbyists use institutional advantages in order to pursue their employer institution's goals.

Second, lobbyists exhibit adherence to the saliency assumption by lobbying about issues that matter to their employer at the level of government most relevant to the policy issue at hand. For example, one lobbyist at a public comprehensive regional university told me he spent most of his lobbying time on the state legislature, not Congress. This kind of alignment only makes sense for an institution of his employer's type; there is far more state financial investment than federal investment in that public university and similar institutions. Lobbyists may also invest in local levels in order to bolster their regional reputations and gain attention from federal-level politicians.

Third, institutional lobbyists spend a great deal of their time lobbying on finance-related issues. Whether higher education lobbyists are meeting with members of Congress to boost the case for robust research funding, or trying to convince grant administrators at the NIH or NSF of the worthiness of a faculty project at the lobbyists' institution, lobbyists agree that "most of what [they] do is money related." Institutions seek rents from federal government agencies and want to hold on to the financial support they currently enjoy.

Fourth, institutions generally prefer to work together, but a number of "fissures" have opened across different institutional types that some lobbyists identified as a negative trend for the higher education lobbying profession. Older lobbyists that earned their positions from

working their way up the promotion ladder within higher education settings show a growing wariness of younger lobbyists who came from legislators' offices on Capitol Hill. Private institution lobbyists increasingly worry that public institution lobbyists will not come to their aid in times where policy changes would likely impact only private institutions. Lastly, while a number of lobbyists decried the now-banned use of earmark funding for specific programs at many institutions, others openly hoped for a return for the days of earmark funding.

Taken together these findings suggest that lobbyists attempt to persuade members of Congress (or, depending on the institution type, primarily state legislators), and other political figures to support their causes, as each cause arises. Lobbyists use the tactics they deem most likely to work for the context of the policy issue a university faces. Lastly, the once unified higher education lobbying community is beginning to show stress fractures that could lead to more individualized lobbying in future years.

Background

By the beginning of this study, over a decade had passed since a publication on the goals and tactics of institutional lobbyists (Ferrin, 2003; 2005). As the world has changed quite a bit over that time period, it is not unreasonable to assume that the practice of lobbying may have changed as well. Most previous studies occurred during a less polarized political climate, with a more productive Congress. As a result, I thought it important to re-examine the basic question of the goals and tactics of college and university lobbyists.

The bulk of the research for this chapter occurred between 2017 and 2018, a time period in which a number of political issues - some new, others recurrent – confronted colleges and universities. Lobbyists dealt with issues ranging from politically-charged immigration reform to standard finance-related policy matters such as federal research funding and tax policy. In

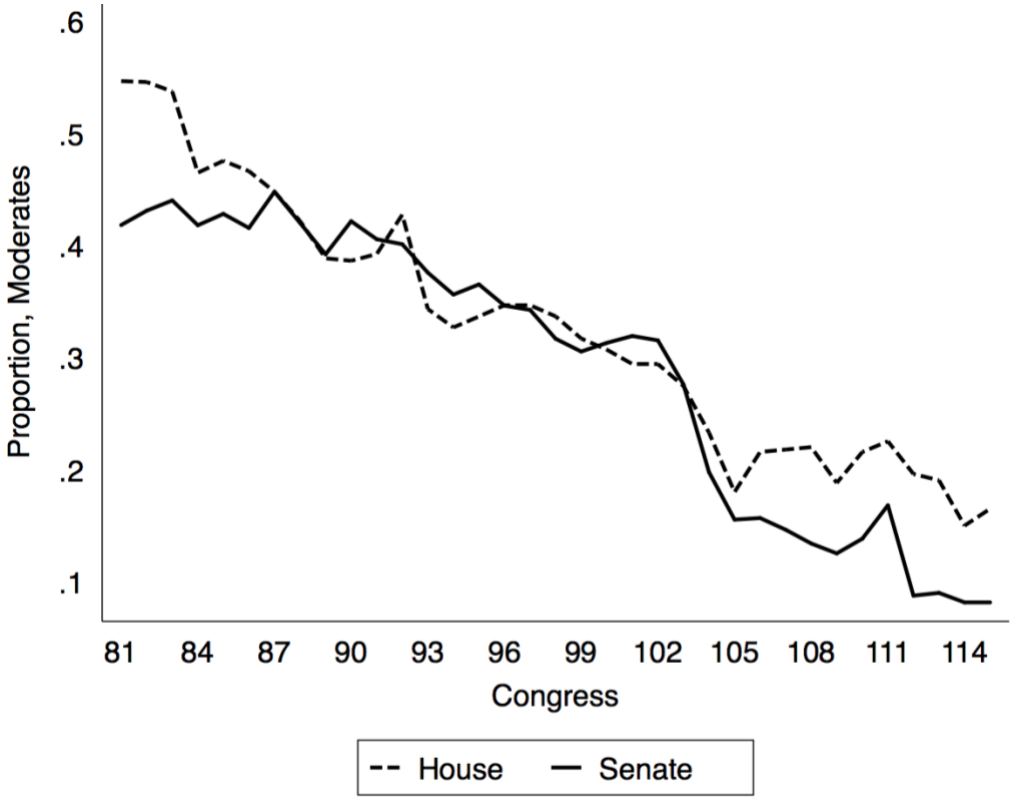
addition to the main issues of immigration and finance policy, there were a number of other smaller-scale issues the lobbyists reported facing. Popular movements such as the Women's March and the March for Science included a number of key stakeholders at higher education institutions including many faculty and students.

The President was especially interested in immigration issues during the study time period. In the first days of his Presidency, President Trump instituted Executive Order 13769 which banned individuals from six majority Muslim countries from entering the United States. Several states sued the federal government in opposition of this "Muslim Ban" on behalf of public universities and their students and faculty who were citizens of those countries. In September 2017, the President announced plans to eliminate the Deferred Action for Childhood Arrivals (DACA) program, leading lobbyists to enact a strategy to ensure that their DACA-recipient students would not be deported.

Tax and finance issues represent the bulk of the other issues that confronted higher education lobbyists during the time period. Congress passed, and the President signed, the *Tax Cuts and Jobs Act* (TCJA) in December 2017. The act, which dramatically changed US tax policy, had several sections that were applicable to higher education institutions. It doubled the standard deduction, perhaps disincentivizing charitable giving. It also ended tax benefits for athletic season tickets at public universities and raised the estate tax exemption – both of which have the potential to lower charitable giving to colleges and universities from high net worth individuals. The TCJA also instituted a 1.4 percent tax on annual endowment earnings among private, non-profit institutions with endowments of $500,000 per student and at least 500 students. Finally, the TCJA eliminated some tax breaks for non-profit universities in terms of unrelated business income.

There were also a number of other finance issues that did not pass. Lobbyists were consistently concerned about the Trump administration's plan to eliminate overhead expenditures from research funding. Congress, however, was not interested in following through on that plan. Members of Congress debated the level at which the TCJA's endowment tax threshold should be set, oscillating between values from $100,000 per student to $500,000 per student and in between. While the "Endowment Tax" that passed impacts only around 30 institutions, draft versions of the tax might have included around 140 private institutions[23]. The House version of the TCJA included a $250,000 threshold, before the House eventually settled

Figure 13: Proportion of political moderates in Congress, 1949 - 2017



Notes: Data come from the DW-NOMINATE dataset, available at *voteview.org*

[23] The House voted on versions of the Endowment Tax that set per-student endowment value thresholds at $100,000, $250,000, and $450,000. The number of institutions taxed under each threshold would have been around 30, around 60, and around 140, respectively, based on 2015-2016 IPEDS endowment data.

on the $500,000 figure set by the Senate in the final conference version of the bill. Also included in the House version of the TCJA was a "Grad Student Tax" – a tax on tuition awards for graduate students. While that provision did not pass in the final version of the bill, it did represent a polarizing concept among higher education lobbyists, students, faculty and university administrations.

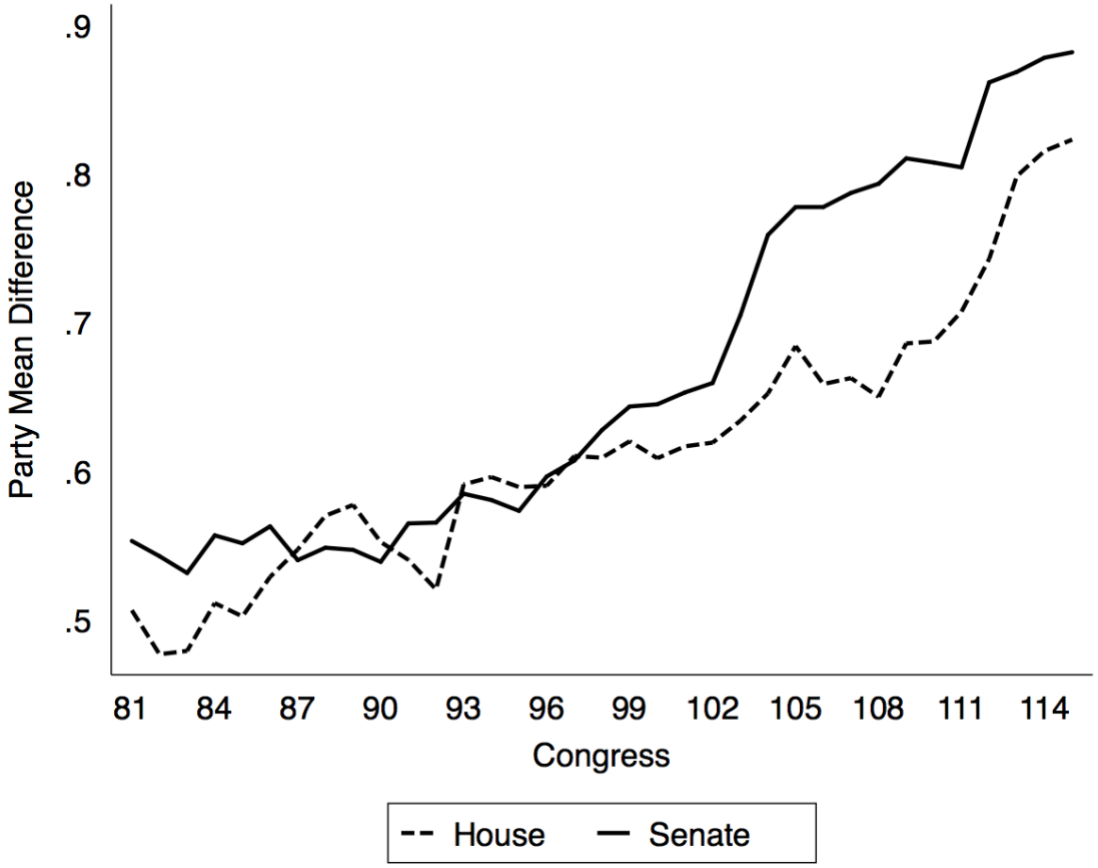
While tax and finance issues were of great interest to higher education institutions at the time, one higher education finance issue that higher education lobbyists did not consider during the time period was earmark funding. Congress ended the process of earmarking – appropriating direct funding to organizations or firms without a competitive grant-making process - in 2011. Lobbyists spending time lobbying for earmarks for the first year of the Trump administration would, therefore, have found little success. This situation stands in contrast from years past in which "virtually 100 percent of lobbying expenditures… [were] devoted to the pursuit of earmarks" (de Figueiredo & Silverman, 2006).

As another hallmark of the study time period, polarization in Congress was at one of its highest points since before the Second World War. Figure 13 shows the proportion of political moderates – as defined by the NOMINATE scale[24] - in both the House of Representatives (dashed black line) and the Senate (solid black line) since the 81st Congress, which ran from 1949 to 1951. Note that, in the wake of the Second World War's end, the majority of the House and a substantial proportion of the Senate were political moderates. By the end of the study period, however, only a fifth of members of the Senate, and less than 10 percent of members of the House were political moderates.

[24] Data come from the DW-NOMINATE dataset, which calculates political polarization based on roll-call votes for every member of Congress over time. The NOMINATE scale was developed by political scientists Keith Poole and Howard Rosenthal in the 1980s to analyze political preference data. It is widely used in the field of political science.

The extent to which Congress moved away from moderation also grew. Figure 14 shows the mean differences in party positions for both parties in the House (dashed black line) and Senate (solid black line) during the same time period. In the era following the Second World War, it wasn't until the late 1990s when the differences became especially pronounced. The Senate experienced mean partisan differences in excess of 0.7 during the last two years of the Bush administration and beginning with the 102nd Congress. Polarization then grew at a rapid pace in the following years with the mean differences in both the House and the Senate

Figure 14: Party mean differences by Congressional chamber, 1949 – 2017

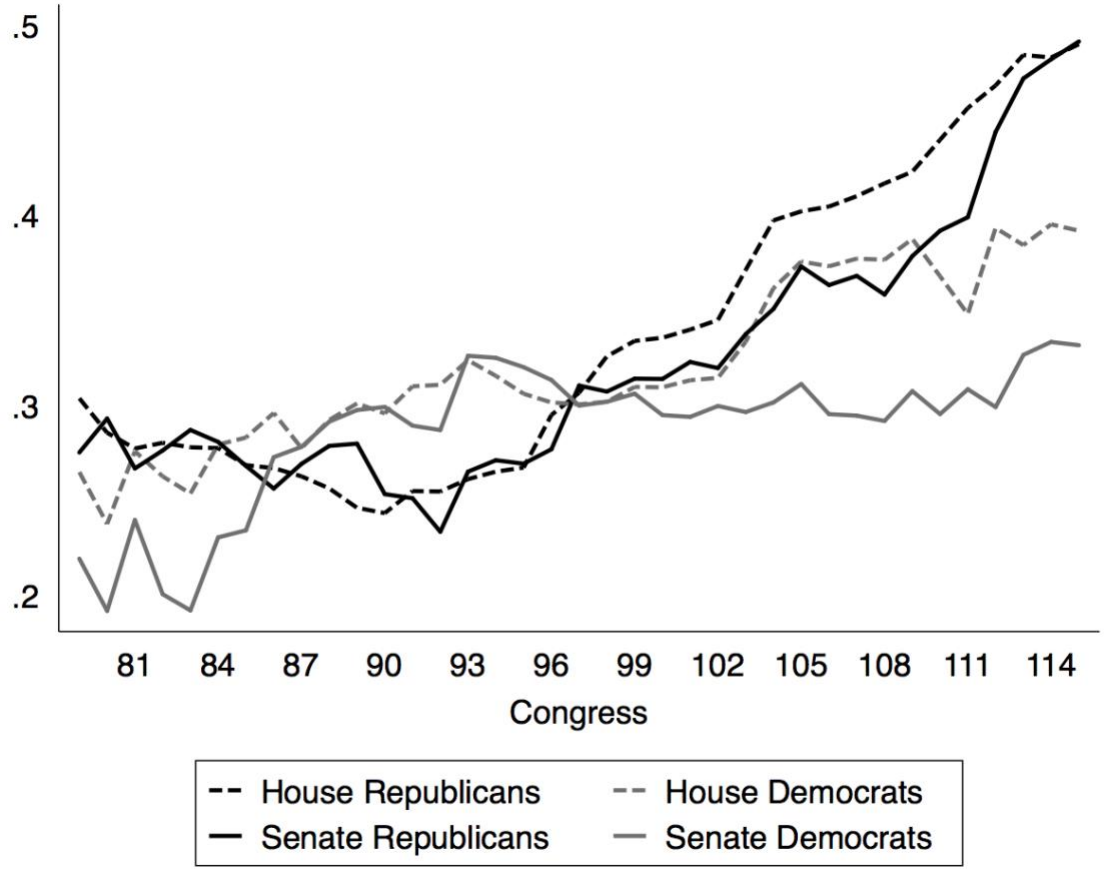


Notes: Data come from the DW-NOMINATE dataset, available at *voteview.org*. Mean differences refer to the difference in mean NOMINATE score between the Democratic and Republican members of each Congressional chamber.

exceeding 0.8 during the 2000s. Some difference is to be expected between the parties, but a mean difference of 0.5 represents a minimal difference on key issues. The only mean differences greater than 1 were in the era immediately after the Civil War. Today the mean difference in the House is 0.88 on the NOMINATE scale, and the difference in the Senate is 0.82.

However, the polarization of Congress did not happen equally across parties or chambers. Figure 15 shows the difference in party means from a "perfectly moderate" NOMINATE score

Figure 15: Polarization by Congressional chamber and party, 1949 – 2017



Notes: Data come from the DW-NOMINATE dataset, available at *voteview.org*. Scores represent the absolute value of the mean score deviation by Congressional chamber and party. Deviation refers to the difference from the party within chamber mean and a moderate score of 0.0.

of zero by Congressional chamber of the Democratic (gray) and Republican (black) representatives in the House (dashed line) and Senators (solid line). The figure shows that both parties moved away from the political center at similar rates until around the 97th Congress, when Republican House and Senate Republican party mean differences from zero increased at a much greater rate than Democratic party mean differences. This suggests a greater level of party polarization in both chambers for Republicans when compared to Democrats. Furthermore, it shows that while Republican members of Congress in both chambers are relatively aligned in their distance from the "perfectly moderate" score of zero, Democratic members of the House are much more liberal than Democratic Senators. Figure 15, therefore, suggests that the lobbyists I interviewed were operating in a Congress with very conservative Republican members of the the House and Senate, relatively liberal Democratic members of the House, and relatively moderate Democratic members of the Senate.

This trend towards polarization was present not only in Congress, but also among the general public. The Pew Research Center examines ideological consistency among American voters. It found that the share of Democrats who exhibit liberal views on all or most value dimensions within the Pew survey has doubled from around 30 percent in 1994 to 56 percent two decades later (Pew, 2014). Republicans shifted to the political center during the 1990s only to about face and shift further to the political right at a rate matching or exceeding that of Democrats moving to the left (Pew, 2014). Today, over 92 percent of Democrats are to the political left of the median Republican, and 94 percent of Republicans are to the right of the median Democrat (Pew, 2014).

This greater polarization among the public has huge implications for higher education. Every year the Pew Research Center asks survey respondents for their views on various national institutions – such as churches, corporations, labor unions, and the national news media. In summer 2017, right as I began this study, Pew recorded that - for the first time - Republicans had a negative view of higher education institutions. Just under 60 percent of Republican respondents said that higher education institutions had a negative impact on the country (Fingerhut, 2017). In contrast, Democrats had an overwhelmingly positive view of higher education institutions with just over 70 percent of survey respondents believing that colleges and universities have a *positive* impact on the country.

Lobbying from 2017 through 2018 required not just a focus on specific policy outcomes that might impact higher education institutions. It also required an understanding of the long, slow march towards greater political polarization among the public and Congress, and how that polarization – especially among Republicans in the House and Senate – impacted the policy-making subsystems that include higher education institutions. The immigration, finance, and other issues lobbyists faced during this time period were directly related to the fact that Republicans held control of the House, Senate, and Presidency, and that the country was more polarized than in years past.

The previous literature on lobbying for higher education took place in a less-polarized era, with a number of different issues. While federal higher education finance policy is always an issue of interest for higher education lobbyists, there had not been such a massive restructuring of the tax code since 1986. None of the immigration issues I mentioned earlier were at play in the early 2000s, when the bulk of the most recent literature was published. DACA came into being in 2012, but the last major scholarly work on higher education lobbying (de Figueiredo &

Silverman) was published in 2006. Also, so much of the previous literature on college and university lobbying relies on the pursuit of a goal that college and universities can no longer achieve. de Figueiredo & Silverman (2006) assume that higher education lobbyists focus almost exclusively on seeking rents in the form of earmarks; yet, Congress no longer earmarks funds to colleges or universities. Therefore, the literature on the goals and tactics of higher education lobbyists is in need of updating for a new era.

To determine how lobbying goals and tactics might have changed over time, one must examine the previous literature on lobbying goals and tactics. For that, I focus on the four assumptions as stated in the lobbying literature – the action, association, saliency, and size assumptions.

The action association suggests that interest groups lobby. The major question underlying this dissertation chapter is "why?" The literature suggests that one major reason for lobbying action is to limit adverse effects from potential policy change. As one umbrella group lobbyist told Constance Cook in 1998, "Our real job is to avoid letting big policy changes have unintended consequences that end up knee-capping us" (p. 145). In so doing, higher education lobbyists attempt to minimize the power of opposition interest groups. Previous research has suggested that interest groups facing organized opposition are more likely to be active in lobbying (Knoke, 1990; Gardner, Atwell, and Berdahl 1985; Cook, 1998). The more organized the opposition, the less likely an interest group is successful in their efforts (Scholzman & Tierney, 1983). Lobbying activity would therefore be necessary to limit the effects of the opposition in "knee-capping" higher education institution interests. This represents the major goal as described by the higher education lobbyist I mentioned at the beginning of the chapter – "blocking and tackling" or playing defense.

The association assumption suggests that higher education institutions will band together to lobby on each other's behalf. This assumption from de Figueiredo & Richter (2014) is the intellectual descendant of Dahl's (2005) concept of Pluralism which suggests that interest groups will band together to attempt to form governing coalitions. There is no shortage of research that suggests associative lobbying behavior is important during times of great policy change (Truman, 1951; Berry, 1977; Chong 2014; Cook, 1998). Interest groups are more likely to succeed in achieving their lobbying goals during polarized times if they are members of high-quality umbrella groups (Cook, 1998). Furthermore, institutions may gain solidary or other benefits from being members of such groups (Wilson, 1974). Cook argues that one such membership benefit of Big Six organizations is the effective federal relations activity provided by the umbrella groups (1998). Therefore, previous literature has identified one goal of institutions to be working together towards consensus.

The extent to which Big Six member institutions and other higher education institutions value working towards the goal of policy consensus depends on two major factors. First, the higher education community may differ on how specific policy issues affect them. According to Cook, "the community may be split in its views about which issues merit the use of resources, and which positions to take" (1998, p. 116). It is possible, therefore, that institutions set aside the goal of group consensus when other policy issues arise. This has shown to be the case historically when "rifts between niche groups, especially publics vs. privates… intermittently threatened to disrupt higher education's efforts at unity" (Cook, 1998, p. 117). The literature shows that the size assumption may play a role in creating a diversity of policy goals among institutions. Cook (1998) notes that size of an institution may moderate the goals of group membership and which issues become salient at any given time. While large institutions may

have more resources to call upon – alumni, members of Congress, faculty, students, etc. – for the purpose of lobbying, they also have a larger variety of policy issues they must face (Ferrin, 2005).

Second, the higher education community may see fissures within the sector as umbrella groups compete with each other for influence. Truman (1951) notes, however, that individuals' memberships in multiple organizations serve as a "balance wheel" in American politics. Cook (1998) applies this logic to higher education institutions; the fact that individual institutions are members of multiple groups may mitigate conflict between the Big Six and other higher education associations. The literature suggests, therefore, that higher education institutions actively seek to limit the factors threatening consensus and association. The value institutions have traditionally placed on speaking "in one voice" has led to consensus, in and of itself, being a goal of higher education institution lobbying (Cook, 1998, p. 117).

The saliency assumption suggests that interest groups lobby when issues that directly impact them enter the policy agenda. The application of this assumption to the goals of higher education institutions is fairly straightforward – higher education institution lobbying goals change as the issues change. For example, higher education institutions focused on student aid as Republicans in the House and Senate moved to cut student financial aid in their 1995 budget resolutions (Cook, 1998). The literature suggests that ensuring government financial support for institutions is an ever-salient issue for higher education institutions (Cook, 1998; Ferrin, 2003; 2005; de Figueiredo & Silverman, 2006). Institutions may try to maintain that support by advocating for the goal of greater pools of funding in federal agencies like the NSF and NIH (Cook, 1998). Other institutions devoted substantial resources to securing earmark funding in the pre-ban era (de Figueiredo & Silverman, 2006). In short, while most institutional policy goals

change based on the salient issues of the time, some issues – namely finance-related issues –are never not salient.

The literature has shown a number of goals that higher education lobbyists pursue. First, lobbyists seek to limit harm to their institutions by "playing defense." Second, they have the goal of building and maintaining consensus among the general public and private, non-profit sector of higher education. Finally, their specific policy goals change based on which policy issues become salient; while some issues are always salient – like ensuring federal funding for research, others less-frequently arise in the national policy agenda.

The tactics political actors use to achieve their goals depend entirely on the perceived or actual effectiveness of those tactics. A particular tactic used by lawmakers and interest groups known as venue shopping (Baumgartner & Jones, 1993). As part of their punctuated equilibrium theory, Baumgartner and Jones (1993) identify a process by which policy entrepreneurs and interest groups seek venues that are more amenable to the policy that interest group wants to achieve. This may mean, for instance, lobbying a state legislature to implement a law that would not be attainable at the federal level. Lobbyists may seek venues outside of Washington to change policy in their favor across the country.

The tactics of those lobbyists working at the federal level have been the subject of half a century of research. Milbrath (1963) examined the tactics of private interest (mostly industry) lobbyists, and found personal contact with elected officials to be the most effective form of lobbying. Berry (1977) examined lobbying tactics among public interest (public and non-profit sector) lobbyists and found similar results; public interest lobbying groups rate face-to-face lobbying as one of the most effective modes of lobbying. Public interest lobbyists, however,

believe open denunciation of a legislator or a legislator's opponent to be an effective strategy; Mibrath's (1963) research suggests that private interest lobbyists do not agree.

Schlozman and Tierney (1983) identify four major types of interest groups within the private sector vs. public interest lobbyist divide – corporations, trade associations, unions, and citizen groups. They catalogued differences in the techniques used by lobbyists representing each. They found non-profit organizations like unions and citizen groups lobby by conducting protests and demonstrations, publicizing voting records, and mounting opposition public relations campaigns to gain media attention. Trade associations and corporations focus on more personal tactics – personal communication with legislators, drafting legislation, and alerting members of Congress to issues.

From this research, Schlozman and Tierney identified a list of lobbying behaviors and tactics, which Cook (1998) then later tested among the higher education sector. Cook found that only 20 percent of higher education lobbyists engaged in protests and 44 percent publicized voting records – behaviors that Schlozman and Tierney (1983) associated with non-profit organizations. She also found that 98 percent of higher education lobbyists organize Congressional testimony for constituents (faculty, students, etc.) of their institutions, and that 98 percent of higher education lobbyists contact members of Congress directly. Both behaviors are typically associated with corporations and trade associations in the literature.

Ferrin (2005) most recently tried to determine higher education institutions' lobbying tactics and goals at the federal level. Building on the work of Milbrath (1963), Berry (1977), Schlozman and Tierney (1983) and Cook (1988), Ferrin identified 12 strategies a higher education lobbyist might use to influence legislators, which are:

1. Pursue a lawsuit
2. Testify in congress
3. Publish voting record
4. Publish research results
5. Contribute funding to political campaigns
6. Personal communication with legislators or elected officials
7. Letter writing campaign
8. Organize protests
9. Public relations campaign
10. Contact by influential constituent
11. Publicly denounce opponents.
12. Entertain legislators and others

Ferrin found that many in-house lobbyists rank giving campaign contributions and organizing public relations campaigns to be a very effective strategy, and have strong opinions as to what tactics work. He found flexibility among higher education lobbyists, noting that they "choose their own advancement tactics to fit the unique contours of higher education's environment" (Ferrin, 2005).

While the aforementioned researchers took a qualitative interview approach or conducted surveys to determine the goals of lobbyists, de Figueiredo and Silverman (2006) assume that one of the major goals of colleges and university lobbyists is to earn earmarks for their institutions, citing organized lobbying efforts around a number of institutions as evidence of a ubiquitous goal of seeking earmarks. However, de Figueiredo and Silverman' work occurred before the 2011 earmark ban. Furthermore, the work of Ferrin (2005), Cook (1998) and others (Milbrath, 1963; Berry, 1977; Schlozman & Tierney, 1983), all happened before the 2007 Ho*nest Leadership and Open Government Act* which added additional restrictions on lobbying, including more stringent reporting of lobbying activity and bans on certain tactics. As the political context around lobbying has changed, the literature needs updating.

Methods

At the time I began this study, I had little formal training in qualitative research. I tried to piece together what I thought would be a good set of interview questions based on the previous literature, leaning heavily on the work of Ferrin (2005) and Baumgartner and Leech (2009). I did not necessarily understand what it meant to do qualitative interview research, and did not come at this process with any particular method or design in mind. I took both an inductive and deductive approach to this work - in some cases asking specific questions based on hypotheses from the extant literature, and in others discovering patterns through review of interview data to come to broader generalizations of the state of higher education lobbying. Therefore, the resulting method represents an amalgamation of various different styles and methods in research that I am only able to identify post hoc.

This chapter does not represent an examination of culture through ethnographic study, nor does it focus of a singular structure of an experience as in a phenomenological study. It does not create a new theoretical framework from substantive data as one would expect from the use of grounded theory, nor does it focus on building an in-depth understanding of a specific situation as would be the case in a classic case study. Therefore, this chapter perhaps best represents what Merriam (2009) calls a generic qualitative study. It draws on concepts, models, and theories from educational studies and political science and examines data collected from interviews. It presents a mix of description and analysis based on an extant theoretical framework, and identifies recurring themes regarding higher education lobbying.

When developing this generic qualitative study, I began with two major research questions:

1) *What are the goals of higher education lobbyists?*
2) *What tactics do they use to achieve those goals?*

While previously asked and answered by Ferrin (2005), de Figueiredo and Silverman (2006), Cook (1998), and others (Milbrath, 1963; Berry, 1977; Schlozman & Tierney, 1983), the answers to both questions need updating due to changes in the political landscape in the past decade.

After reading through previous studies of lobbying behavior (Ferrin, 2003; Cook, 1998), I developed a semi structured interview protocol based in questions previously asked of lobbyists in past studies. I leaned heavily on Ferrin's (2005) work for the identification of tactics used by higher education lobbyists. The interview protocol asks whether lobbyists undertake any of the tactics as identified by Ferrin and as listed on page 108 of this dissertation. As a basis for questions related to the goals of higher education lobbyists, I draw many questions from Baumgartner and Leech's 2009 book on the subject of lobbying, *Lobbying and Policy Change.* The work, considered by many to be the most comprehensive work on lobbying, identified 98 policy issues of interest and found that three-fifths of lobbyists were unable to attain desired policy change. In order to determine whether lobbyists achieved their desired policy change, Baumgartner and Leech had to ask questions about lobbyist goals (2009). Their questions identifying lobbyist preferred policy positions, therefore, represent a tried and tested list of questions used to determine lobbyist goals.

Given a focus on earmark funding in the previous literature (de Figueiredo & Silverman, 2006), I also wanted to ask higher education lobbyists explicitly about their behavior as related to seeking earmarks. I included questions on the interview protocol that asked lobbyists both if they actively seek earmarks and if they ever sought earmarks in the past. Given that de Figueiredo and

Silverman (2006) write that nearly all lobbying behavior is focused on earmarks, I wanted to test whether that might be the case, especially given the advent of a ban on earmarks in 2011. I collected earmark data and asked lobbyists specifically about individual earmark expenditures. When partnered with questions about goals and tactics, the questions about earmark expenditures mean that much of the interview protocol was written with the main goal of testing whether or not previous research conducted in the years immediately after the turn of the millennium still maintained validity a decade later.

I conducted the interviews between the summer of 2017 and the end of 2018. While it was my original intent to conduct the interview the lobbyists in person, time and cost constraints meant that I needed to change my preferred method of interviewing to phone interviews. While often portrayed as a less-attractive alternative in to face-to-face interviewing in the qualitative literature, telephone interviews have multiple benefits (Novick, 2008). Though the loss of visual cues that would otherwise be present in in-person interviews may lead to the loss of data, telephone interviews may lead to a more relaxed interview setting and make interview subjects more willing to disclose sensitive information (Novick, 2008). Furthermore, there is a lack of evidence to suggest that telephone interviews produce substantially lower quality interview data (Novick, 2008). While I did conduct a few in-person interviews, I conducted the vast majority of interviews for this chapter over the phone.

I interviewed 20 lobbyists in phone and in-person interviews ranging from just over 30 minutes to just over two hours and 45 minutes. This number of interview subjects is consistent with previous qualitative research on higher education policy-making from which interview samples range from 10 to 100 (Drake, 2016). This sample includes representatives from a variety of institution types – elite private research universities, liberal arts colleges, public flagship

institutions, regional universities, and community colleges. Also, given the focus on the association assumption and Big Six membership organizations in the literature, it also includes a few lobbyists for umbrella organizations. I selected this purposeful sample to mirror the kinds of institutions I found to have lobbied in the previous chapter.

I used several criteria to select my first interview respondents. The first criterion was one of convenience. Due to my past employment as a student-staff member in an institutional lobbying office at a major research university, I maintained contacts with lobbyists, who in turn helped me access their networks. From those networks I selected a mix of institutions based on maximum variation of institution type, amount of earmark funding earned in the pre-ban era, institution size, and institutional lobbying expenditures as listed in the CRP dataset used in the previous chapter. Other criteria for selection included sustained lobbying activity across the past decade and the frequency of legislator appearances in publicly available lobbying reports as provided for by the *Honest Leadership and Open Government Act of 2007*. For the umbrella association lobbyists, I tried to gain representatives that were both connected to my pre-existing networks and those that represent multiple different institution types and missions. For those lobbyists connected to my pre-existing network, I asked a close lobbyist contact to email them to let them know that an email from me soliciting their participation was forthcoming. I then followed up that email with an email of my own asking for their participation. Appendix C presents a sample email solicitation.

After collecting data through the first few interviews, I relied on a snowball sampling strategy to round out the total interview sample. In the context of the interview, I asked the lobbyists with whom I was speaking to recommend other individuals to interview. After receiving a recommendation, I would ask the interviewee to connect me with the recommended

lobbyist. After receiving an initial carbon-copied email introduction email from a lobbyist I interviewed to the person that received their recommendation, I would then contact that person for an interview. I followed this procedure until I gained a sample of 20 institutions that varied greatly in institution type. The distribution of the sample skews heavily towards research universities. Public and private research universities make up more than half the sample, while less than five of the institutions in the sample are community colleges or comprehensive universities. While the previous chapter showed that research universities lobby more often and spend more on lobbying than other institutions, the overabundance of research universities in the sample makes it difficult to generalize any findings to other types of institution.

I chose to talk with the selected lobbyists using semistructured interviews, which follow a clear line of questioning but allow for fluidity of conversation. I did so to put interview subjects more at ease (Drake, 2016; Ridder, 2012). To promote trustworthiness, I masked all identifying information and promised complete anonymity for the lobbyists. As lobbyists might have been unwilling to divulge all of their strategies due to the political nature of their jobs, I attempted to exercise tact and political neutrality in order to gain their trust. To "trust but verify," I corroborated interviewee acknowledgment of lobbying activity with the lobbying reports from the Center for Responsive Politics.

When interviewing lobbyists, I split the interview protocol (a copy of which can be found in Appendix D) in a number of different sections. In the first section, I asked lobbyists about their opportunity structure - how they got to their current positions. I had no hypotheses governing this line of questioning, and simply wanted to understand the professional pathways of these 20 higher education advocates. In this section, I also asked about what particular policy issues they were working on within the past six months. Again, I had no expectations for their

answers nor did I have a hypothesis I was testing at that time. My goal was to gather data on the goals of institutional lobbyists and the policy issues they identified as important enough to serve as the focus of their energies during the time of the interviews. In short, the first section of the interview protocol focuses on the goals of higher education institution lobbyists, directly answering the first research question. In fact, I asked lobbyists directly what their goals were.

In the second section, however, I directly tested previous findings on the tactics of higher education institution lobbyists. Schlozman and Tierney developed a typology of lobbyist behaviors for general interest group lobbyists in 1986. Constance Cook adapted that list of lobbying behaviors to her work in 1998. Ferrin (2005) also asked direct questions about these behaviors in his work. I, therefore, emulated the collective work of Schlozman and Tierney, Cook, and Ferrin and asked each lobbyist to confirm or deny the usage of any of the tactics on the list from Ferrin's (2005) work presented on page 109. If during the course of our conversation in the first section, a lobbyist explained that he or she had undertaken that behavior on behalf of their client, I acknowledged the use of that tactic and did not subsequently ask point-blank if a lobbyist exhibited that behavior in the second section. For instance, if a lobbyist mentioned meeting with a member of Congress, I would keep a note that the answer to questions about whether an institutional lobbyist has direct contact with elected officials was "yes."

Results

The time period in which I interviewed institutional and umbrella group lobbyists represented the culmination of a series of dramatic changes in the political landscape of the country. The events surrounding the tax reform effort, changes in immigration policy, and growing polarization all impacted the goals and tactics of lobbyists. In all, the interviews showed

a general acceptance of the need to lobby, and confirmed the desire of institutions to lobby for greater research funding and other policy issues of interest.

Higher Education Institutions Actively Lobby

In general, my interviews support the action assumption – lobbyists do act politically on behalf of their institutional employers. Lobbyists have the goal of influencing policy in favor of their institutions; on some occasions that involves pushing for policy change, on others it involves attempting to obstruct potential policy change. Lobbyists also use their institutional assets and the tactics they believe to be most effective to lobby Congress.

Almost all of the lobbyists I interviewed mentioned a focus on maintaining the status quo. Given state budget cuts for higher education and a shrinking pool of federal funding for research, this sentiment did not surprise. One interviewee from an elite university with a successful football program noted, "[in most areas of policy], we're probably more on a defensive stance, than on offense." Another shared that sentiment, and noted that, for the most part, the status quo in higher education politics has remained unchanged for three decades. "I've been doing this job for 30 years," she said, "and we're still working on the same issues we were working on 30 years ago… we never seem to be able to close the definitive deal. " Others expressed the focus on the status quo as funding related due, but that they saw potential openings for pushing for more policy change in the future. One lobbyist noted that her efforts during the Great Recession were about "minimizing cuts, and not starting new programs. Now we've been able to be a little more proactive and go after issues."

Institutions use their assets to their advantage when lobbying Congress. For some institutions, that is a fantastic football team; others have to be more creative. One lobbyist at an elite urban research university noted bringing Members of Congress and Congressional staffers

to see a number of innovative building on campus. Said the lobbyist, “We do have a series of business incubators; to me they’re the coolest places at [our university] where there’s all these guys in cool t-shirts and stocking caps building the next Google, these awesome looking hipsters who look like they’re on the set of an HBO show… and legislators *love* it… they can see demos of some new technology and… feel like 10% of this room is going to be uber-billionaires and living in San Francisco in 10 years.”

Another lobbyist from a large public flagship university mentioned that he spent every football game wining and dining important legislators and donors. "I don't know if that a football game is entertaining… it is more of a cult-like experience… those days are work days for me. I DVR all the games." Given that most of the state and federal legislators have ties with the university or its rivals – either as alumni or parents - inviting legislators to football games helps keep key stakeholders connected to the university.

Not only physical spaces or events are lobbying assets; lobbyists also identified students and faculty as assets for lobbying. One lobbyist mentioned that he is now spending more and more time working with faculty to prepare Congressional testimony. He also plans on training faculty members on “effective advocacy practices” because “they’re competent, and [lobbying at a large public institution] is just too complex for me to handle alone, anymore.” Another lobbyist used students – specifically several “very brave” DACA students – as an asset to relay that institution’s priorities related to immigration on Capitol Hill. The lobbyist "[tries] to bring students in [whenever possible]” and brought these students to Congressional offices to meet various different members and their legislative staff. In so doing he “put a face on the issue” in an attempt to pull at the legislators’ heartstrings. Both examples represent using institutional

assets and personal communication to achieve institutional goals - just some of the tactics most lobbyists with whom I spoke thought were essential for success.

Higher education lobbyists, for the most part, agreed on which tactics yield the best results for their institutions. Most of those interviewed stated that they communicate with legislators and help their faculty and university leaders testify in congress. Many, though not all of the institutions reported sending legislators research results and having influential constituents contact legislators. No lobbyist stated that he or she had published a legislator's voting record or publicly denounced their opponents. The only lobbyist that stated his organization had given to a political campaign referred to a PAC associated with an umbrella organization. This is not a surprise, as public entities and nonprofit institutions are forbidden from contributing to candidate-based political campaigns. Only two – both private institutions in urban areas – stated that they had organized protests. In both cases, it was in relation to the 2017 "March for Science."

I asked lobbyists about their aversion to protests, publicly denouncing opponents, and letter writing campaigns. Most agreed the benefits did not outweigh the costs of those activities. One went as far as to say about protests, "That goes in our 'No Bueno' category." Many suggested that protests and letter-writing campaigns did not fit the ethos of their institutions. "I may be the last guy in the world who wants to organize a protest," said one lobbyist, "That doesn't fit our profile and the way we do business." Others explained that in order for them to be effective advocates for their institutions, they have to build trust with legislators and their staff. "You never want to alienate congressional staffers," said one public institution lobbyist, "we need them to work with us, not against us and protests just alienate people." One lobbyist for a major public university, however, stated that his institution has begun to look at letter-writing

and public relations campaigns in the institution's home state. "These tools have always been available to us," he said, "but we never used them. We've reached a time where we need to reexamine their usefulness."

Salient Issues at Appropriate Venues

Lobbyists, by and large, lobby on issues their employers find the most important. They do so at the levels of government most likely to impact their employers. In some cases, that may mean forgoing federal lobbying for lobbying at the state level. In short, their goals change based on the issues most salient to their employers at a given time and given level of government. Furthermore, they target their tactics to the venue they deem most likely to help their case.

One major issue identified by lobbyists dealt with the intense partisan political atmosphere they faced during the time period. While not always salient, political polarization made an impact on the way the lobbyists I interviewed thought about their job. In this case most of the partisan issues focused on issues related to the TCJA. One lobbyist mentioned that the Trump administration in coalition with very conservative Republicans caught the lobbying sector of guard with significant proposed cuts in the federal budget. He said, "We're used to seeing a proposed reduction in program X in a President's budget request, but the budget… that came out from this administration was so dramatic that you had to respond, people were beginning to panic on campus." Another mentioned the cuts as a source of alarm on her campus as well, "[With] $7 Billion proposed cuts to NIH, and something specific like [overhead rates] which are the lifeblood of research on campus… when you jeopardize that, people panic."

Overhead research funding expenditures and ending tax breaks for unrelated business income (UBI) were two issues that lobbyists felt were salient, and were only so because of the partisan nature of politics and inexperience of the Trump administration. One lobbyist described

talking to legislative correspondents in a first-term Senators office as "teaching them how to do their job." Another mentioned that a conversation with representatives from the Executive Branch was "an education for them and for me." While the lobbyists saw UBI and overhead expenditures as a way to keep their universities running, Republican members of the administration saw them as unfair rents attained after years of lobbying. One lobbyist relayed a story of a legislative aide pressuring the lobbyist on the UBI. The aide argued that the university gym charging entrance fees tax-free as UBI amounted to "a threat to local gyms and an unfair advantage" for the university.

Overhead expenditures became a salient issue for college and university lobbyists. When members of Congress suggested capping research overheads at 10 percent of federal funding, college and university lobbyists sprang into action. Almost all of the lobbyists at research universities with whom I spoke directly mentioned securing that research funding as an important goal of theirs during the time period of the study. Many used it as an example of "playing defense." When overhead funding came up, I asked the lobbyists who negotiated that funding rate. Lobbying researchers de Figueiredo and Silverman (2006) use overhead rates as an instrument for the quality lobbying. Not a single lobbyist with whom I spoke, however, were actually the ones to negotiate that rate. When I asked who negotiated that rate, many of the lobbyists gave some variation of the following answer: "The office of research… [and] the general counsel's office." One lobbyist thought the idea of being the one to negotiate the overhead rate so absurd that he scoffed before saying, ""Oh no, I'm not at all qualified to do that. Our office of research does that." The fact that this issue happened to be salient at the time of this study has provided the opportunity to re-examine the lobbying effectiveness literature in a future study.[25]

[25] While I do not do so in this paper, I identify this newfound gap in the literature as an area for future research in Chapter 5.

Some lobbyists – especially those at public institutions – mentioned that the federal level was not the venue where they focused their financial-support-seeking efforts. In fact, many lobbyists reported spending their time "50/50" between state and federal lobbying. "Appropriations are always an issue… Financial Aid… Pell grants… NIH… Energy… your basic research funding [but, *state*] Appropriations is very, very important," said one lobbyist. These lobbyists focused not just on state lobbying but also local lobbying. "Most of our focus is on the state level; we do very little federal work" said another lobbyist at a public regional university. They identified two major reasons to focus on local lobbying.

First, local media outlets are both likely to cover the local college or university. One lobbyist mentioned, "We know that if we send an op-ed, they're so short-staffed they'll run it." By gaining local news coverage, the lobbyists knew they could not only sway in-district or in-state public opinion to their cause, but also, they could ensure that federal legislators would see and acknowledge their work. "Those guys [Members of Congress] *always* read their local newspaper," said one lobbyist. "They don't care about the New York Times or the Washington Post. They want to know what is on the local TV channels and in [the local newspaper]." Focusing on local issues as a tactic provides lobbyists the ability to gain visibility with their members of Congress on the national level.

Second, lobbyists acknowledged the need to cultivate connections with local officials, political donors, and legislators who may one day eventually become national-level politicians. The way that many lobbyists cultivated connections is by focusing on showing value to the local area or region. One lobbyist noted, "You show value to [legislators] personally… we'd take the chancellor to the local Rotary club or Chamber… in presentations we'd show the number of students, number of alumni, the industry connections, the number of teachers… in some of the

counties we'd show the amount of money spent... and I don't find any of this to be Rocket Surgery... but it hadn't been done in a while." In showing that value, the lobbyist was able to gain the support of an important donor with direct access to the university's House representative and the Governor. Said the lobbyist, ""[what we do] is grass-tops and grass-roots. One of our trustees is good friends with [a key leader]; he calls us before [that leader] comes to town."

In the same vein, lobbyists reach out just beyond their most immediate locality to build a stronger network of policymakers and political leaders. In so doing, they expand their network past just those legislators who geographically represent them. One lobbyist described the tactic as follows - "It wasn't just [our city delegation], it's the forty members of the [regional] area - that's who we invite to all of our events, that's who we have adopted." This broader reach at the regional level is especially beneficial given the partisan climate I mentioned earlier. One lobbyist suggested that a state's Democratic leaning made it easier for him to do his job in-state, rather than in Washington. "We have a very liberal delegation," he said, "a very progressive delegation - I have it a lot easier than my colleagues [at other schools] in red states." By choosing a local venue with a friendlier political climate, the lobbyist attempts to maximize the benefits to his institution.

Finance Policy Advocacy

Higher education lobbyists focus a substantial portion of their lobbying efforts on finance-related issues. There are a number of finance-related issues that lobbyists consistently face, namely ensuring state appropriations (for public institutions), bolstering federal financial aid, and securing funding from government agencies. Other finance-related policy issues become salient goals depending on the political situation. In the earmark era, the goal of procuring funding also included convincing legislators to appropriate earmarks for some lobbyists (while

others wanted nothing to do with that process). As the House and Senate debated the bills that would become the TCJA, higher education lobbyists scrambled to sway legislators against damaging policies.

In my interviews with lobbyists, I found them to be extraordinarily forthcoming about how much they focus on ensuring financial support for their clients – and even willing to talk about seeking earmarks in the past. One lobbyist at a major public flagship university bluntly stated, "The essence of what we do is... money-related, whether at the state level through direct state appropriations as a public institution or in the federal level in creating as robust a research funding environment as possible for our faculty to attain those resources." Lobbyists are especially focused on ensuring the status quo with respect to federal financial resources. "We never want that pool of money to close" said another lobbyist, referring to federal research funding. "We have to protect that pot of money."

Yet, the lobbyists I interviewed didn't necessarily want to compete for that pot of money. They *often* described rent-seeking behavior. Few lobbyists shied away from acknowledging seeking earmarks in years prior to 2011, and many noted that they've had to adapt their money-seeking tactics in a post-Congressional earmark world. Stated one lobbyist, "There are no more earmarks, so we've had to develop a different strategy." Lobbyists have come up with novel ways of getting around the earmark ban. One lobbyist described the state of seeking non-competitive funding after the end of earmarking as, "'[we have] become less direct, we can't say 'fund the International Ocean Discovery program at the National Science Foundation' but we can ask our members to support robustly the ocean sciences division of the national science foundation." In short, lobbyists are finding new ways to frame their requests for money in new and different ways.

Other lobbyists - mostly those from research universities with a history of being competitive at winning research grants - took up this strategy without focusing on the rent-seeking aspects of it. Rather than ask directly for a rent or earmark, those lobbyists focused on ensuring a large pot of federal money to be won through competitive research grants. One lobbyist said about earmarks, "They were important, but you got a place like [my institution], you have the best and the brightest researchers, as long as the money is there, we can compete for that money."

Yet not all institutions felt the same way. Some comprehensive regional institutions and less-resourced research universities sought additional help from outside lobbying firms to support lobbying the Executive Branch for the purpose of gaining favor for federal contracts. They focus on agencies like the Defense Advanced Projects Research Agency (DARPA) or the National Institutes of Health (NIH). One lobbyist at another public flagship institution, noted that he hires an outside firm to "focus their efforts on the executive branch, helping us think strategically about how we advance [our] priorities within the executive branch – they are strategically targeted toward the executive branch and not Congress… because that's where we need help." This trend of hiring outside lobbyists to work the agencies after the end of earmarks was something that many public university lobbyists mentioned. One explained his institution's reasoning for hiring outside lobbyists as follows, ""Earmarks … were then a hallmark of the land-grants… [now we do] mainly programmatic requests... in addition to [asking for] overall support for [research funding agencies] - the National Science Foundation, the National Institutes of Health."

Others hire in-house specialists who know how to navigate executive branch agency funding. Said one lobbyist, "We retain several consultants [who work in-house] mostly focused

on the research funding aspect of what we do, a former professional at a major science agency and two former generals who really work the agencies." The generals were tasked with finding ways to help researchers at that institution funding from DARPA. One method for that is to lobby for some of DARPA's limited amount of discretionary funding. Another way the lobbyist identified that the two generals use to earn funding for their employer is to confer with the bureaucrats that run the competitive grant process. When doing so, the generals would try to guide the bureaucrats to choose rules for the DARPA competitive grant process that benefit their employer or close off access to other institutions. Regardless of the strategy, higher education lobbyists do seek external research funding from the executive branch.

Cooperation and Fissures

Institutions generally reported preferring to work together – especially through the Big Six and other national umbrella groups. That said, a number of "fissures" seem to have cracked the solid foundation holding the sector together. Older lobbyists, who refer to themselves as "the grey-hairs" generally had a different path to their positions in government affairs than younger lobbyists. The older lobbyists believe this causes a difference in approach; they frequently mentioned that difference as a potential cause for concern. The policy issue of the TCJA and certain regulatory issues exposed fissures between public and private institution lobbyists. Lastly, institutional lobbyists have differing opinions on rent-seeking behavior which can sometimes cause difficulty agreeing on issues of policy.

Lobbyists by and large want to work together and with community partners. One lobbyist even described her job as, "building relationships and partnerships to advance the priorities of the university in concert with [other universities]." The lobbyists I interviewed generally shared this sentiment and expressed a goal of lobbying jointly, because they deem that process to have the

highest level of potential success. One lobbyist stated, "We have to work together as much as possible on things we all care about and develop even some priorities [together]." Another lobbyist was proud of the collaborative systems he had put in place to ensure cooperation among multiple colleges and universities, saying "I'm a big believer in systems, and have established [groups] devoted to that."

Most often institutional lobbyists identified umbrella groups like the AAU as their main venue for collaboration. Said one lobbyist, "[We work] primarily through the AAU and the APLU… those are the primary conduits of our association." Another lobbyist identified umbrella groups as a way to connect with like-minded institutions with similar goals, saying "We work the closest with AAU… we're very close with ACE. We're a member of NAICU, we work with them. There are [a number] of AAU schools in [our state], so we have a little [state] mafia." Membership in the AAU, ACE, and NAICU made it easier for that lobbyist to build successful coalitions with his in-state counterparts.

Umbrella groups not only provide a means for collaboration, but also can serve the college or university's interests when it may be politically inconvenient for the college or university to serve as a public proponent for a policy. One lobbyist was very particular about when she would advise her university president to be "out in front" of a controversial issue. For her, umbrella groups provided another avenue for lobbying activity, while also providing some cover for her university administration. "AAU, APLU, AAMC… I use them a lot… I tell our [Congressional] delegation that we are members of that organization and we stand with them." In the case of the Muslim ban, another lobbyist thought it politically precarious to publicly oppose the Muslim ban, given the makeup of his Congressional delegation. He was happy for "The AAU and others [to] draft amicus briefs on our behalf…that was good."

While many lobbyists saw higher education umbrella groups as their main sources of collaboration, others felt the need to ally with other organizations outside of higher education. Said one lobbyist, "If you're good at what you do, your allies change… even on a daily basis." Said another, "my top ally is my Congressional delegation," suggesting that while coalescing with other higher education institutions may be a goal – she is always focused on ensuring a good relationship with the members of Congress who represent her institution. In some extreme cases, institutional lobbyists may form a partnership with seemingly unrelated interest groups. For example, one private east-coast university with no extant religious affiliation worked with the Church of Latter Day Saints in Utah on tax issues. Doing so allowed the university to meet with former Utah Senator Orin Hatch – then the chairman of the powerful Senate Finance committee. In another example, one lobbyist mentioned partnering with tech entrepreneurs and healthcare providers to oppose the Muslim ban. Said the lobbyist, "we try to stay in the higher ed. family, [but] the immigration issue kind of cut across a lot of different areas - the tech community, healthcare… and the business community." Institutional lobbyists will form partnerships of convenience – aligning with key allies when necessary. College and university lobbyists are constantly in search for the best advocate on an issue by issue basis and work to support that advocate. When a perceived strong advocate is found, college and university lobbyists will seek to partner with that advocate. One lobbyist at a major private research university described the process as follows, “Those of us who have been around a long time try to think what are the levers within higher education. When is it important for us to be in the front of the band with a loud instrument, when is it better to be in the band, when is it better to be watching the band clapping along?”

Despite this proclivity towards cooperation with other institutions, umbrella groups, and non-higher education related partners, a number of issues arose suggesting there are "fissures" within the higher education lobbying landscape. Older lobbyists suggested a difference in approach to lobbying for their clients when compared to younger lobbyists. The older lobbyists, many of whom independently referred to themselves as the "gray-hairs," mostly started working in other areas of higher education before transitioning into federal affairs. One gray-hair was a social worker in a student life office. Another was an admission counselor at a liberal arts college. One gray-hair discussed that opportunity structure as follows, "None of us thought about careers in federal relations. Many of my colleagues started this job because the president had an issue in the federal government or the state house, and they solved it. Then the next year there was another issue, and eventually it became apparent that we needed someone full time on this."

Many of the younger lobbyists, however, got their start in federal relations before transitioning to higher education. Some started working for committee staff in either the House or the Senate; others worked as legislative aides. The gray-hairs repeatedly suggested that the "young guns" cared only about winning policy battles and cared little about higher education writ large. One example of a time in which gray-hair and young-gun lobbyists clashed was in response to the TCJA's Endowment Tax. Many of the young-gun lobbyists vehemently fought to keep their institutions below the threshold to pay the tax. When it became apparent that some sort of tax would definitely be levied, young-gun lobbyists tried to convince legislators to raise the threshold as high as possible to keep their institutions from having to pay the tax. Several gray-hairs, however, advocated for *lowering* the threshold to get as many institutions as possible having to pay the tax. The gray-hairs believed that, to eventually get the tax repealed, they would

need a large coalition of many kinds of institutions. The higher the threshold, the smaller the threshold. Said one gray-hair, “We lobbied against the amendment, and encouraged [Congress] to leave it alone – can’t let the community get divided.” The gray-hairs wanted to keep the team together, the young-guns wanted to ensure the best possible deal for their institutions in the short term.

Several gray-hairs ascribed the young-gun strategy on the TCJA to the way in which they entered the profession. Said one gray-hair, "Nowadays the kids… are getting degrees in government affairs [and] want to be lobbyists. That's a huge shift." The “gray-hair” lobbyists repeatedly told me that they want to support the careers of the “young guns”, but are worried that they might “come across as preachy to my colleagues who are professionals." The “young guns” for their part repeatedly suggested that they learn a lot from the “gray-hairs,” but that they don’t think being promoted through higher education institutions prepares one for life as a lobbyist. “I don’t know how you could be successful,” said one young-gun lobbyist, “unless you know how the Hill works. And I don’t know how you can know that unless you’ve worked there.”

The greatest concern for the gray-hairs, however, didn’t seem to be related to the day-to-day friction posed by two generations of lobbyists attempting to work together; instead, they expressed deep concern that the young-gun approach to career advancement would lead to a lack of continuity among the community of higher education lobbyists. "There are people coming into the profession off the Hill and leaving after a few years and going to a lobby firm or doing something else,” she said. "My generation are retiring… many of them are doing it because they've had it with disfunction in DC… within the next five years or so there is going to be an exodus among higher education folks." She further expressed concern that with the “gray-hair” lobbyists retiring and the “young-guns” moving on to other federal relations opportunities,

the sector would be put at a grave disadvantage among interest groups. "When that time comes, you're basically losing 30 years of institutional knowledge and of knowing the policies, knowing the process, I mean everything."

Another issue that split lobbyists even across “gray-hair” and “young gun” lines was individual lobbyists views on earmarks. Earmarks – direct Congressional appropriations through non-competitive means – ended when Speaker Boehner and the House GOP leadership banned earmark funding in 2011. Many colleges and universities sought earmarks before that period, but a small minority of well-resourced elite institutions did not. The lobbyist for an institution that received a large amount of federal funding through competitive research grants stated he preferred the no-earmarks system as is, arguing “the best ideas get funded” under the status quo.

Yet, lobbyists are clearly divided on this issue. One lobbyist for an AAU institution was incredulous that not every member of the higher education lobbying community supported earmarks, saying, “So you want the 60 elite universities give up earmarks and let the 2500 tier II universities be the research engine for this country? You’re crazy!” She also mentioned hypocrisy among many of those institutions, noting that 56 of the 60 AAU universities in the United States had at one point received a Congressional earmark. “Many of them said ’We didn’t request [the money], so we don’t do earmarks.’ And I went, ‘Well, did you take the money?’ ‘Yeah, we took the money.’ ‘Well, guess what? then you do earmarks; it doesn’t matter if you thought of the idea and requested or your member did, if you took the money, you’re part of the earmark process.” While some lobbyists denoted a difference between those who actively sought earmarks (earmark seekers) and those who did not (earmark avoiders), for this lobbyist all institutions that ever received earmarks were “playing the game.” The staunchest supporters of

earmarks seemed to have clashed with earmark avoiding lobbyists in the pre-ban era. “A lot of people were mad at me, but I was right,” said one earmark supporter.

Some institutions argued for lifting the ban. Many made an argument on constitutional grounds. One stated, “[Earmarks] ensure that there’s a check on the executive branch and the executive branch’s position on how to allocate resources… when earmarks are eliminated, you now have [an executive branch headquarters] calling all of the shots and decisions in a sometimes arbitrary way about whether projects are pursued or not. It has completely removed the legislative branch from that equation.” Another mentioned, ““I’ve had Republican members tell me that it was the worst thing they ever did – abandoning [earmarks] and ceding the power of the purse… from the elected representatives who know the districts and the needs to a President who doesn’t. They regret that.“

Others made an argument for earmarks by appealing to American leadership in science and technology research, saying, “[Congress] also lessened American global leadership in science and technology. Without idea money – which used to be called earmark money – the faculty like mine who wake up every day wanting to push the envelope… has no funding to explore the next frontier of science.” Others lamented that loss of revenue and suggested it was due to bad branding, stating, “This all started with the earmark for the Bridge to Nowhere in Alaska... but what the average voter doesn’t know – who was so against earmarks - is that [earmarks] were less than 0.01% of the federal budget, that the ones that went to universities were all for funding cutting edge… basic research which then becomes applied research which then results in products that improve lives.”

There were no clear determinants separating the earmark seekers from the earmark avoiders. Both groups included public and private institutions. Both groups included well-

resourced institutions, and those in high need of additional funding for research and other projects. The difference between earmark-seeking and earmark-avoiding institutions may simply be a difference in institutional philosophy or individual lobbyist's view of earmarks.

Lobbyists mentioned the earmark seeker-avoider fissure and the gray-hair-young-gun fissure as sources of frustration that make working together harder. Only one or two lobbyists saw either as anything more than a frustration for those dedicated to unity in the higher education lobby. The vast majority of private university lobbyists, however, were concerned about an apparent and growing divide between public and private universities in terms of goals, tactics, and willingness to work together. As one lobbyist said, "'There are always potentially divisions between publics and privates; they're just different entities."

Views on a potential divide between public and private institution lobbyists ranged from mild annoyance to existential crisis. One lobbyist was annoyed that public university lobbyists could give basketball tickets away to legislators, while, as the employee of a private institution, he could not. Said that lobbyist, "there was a day when you could take people to basketball games, you can give them tickets, but obviously ethics laws have changed. We used to play UConn, and state institutions can give them tickets… and we can't because we're a private institution. That's a source of personal aggravation. When we used to play UConn most of the Connecticut delegation was in [our home Basketball arena]."

Yet while that lobbyist lamented the loss of a tactics with aggravation, other private institution lobbyists expressed more serious concerns about their ability to work with public institution lobbyists. One lobbyist from a private research university described the trend towards division between the public and private institution lobbies as follows, "There is a little bit of a split between how state universities (public universities) and privates are going about things right

now… the publics get a little worried about, you know, why are we talking about international students, it gets us in trouble with some of our more conservative members… also gets to college costs issues... costs hit all of us, but privates get hammered a little bit more." Public and private institutions simply have different goals, so pursuing different issues may mean not collaborating together on all issues. What that lobbyist was discussing, however, is not necessarily a difference in goals, but a difference in perception by members of Congress. Members treat private institutions differently in part because they are private. That lobbyist continued, "'"How the states view [a big private] and a [big public], there is money there for [the public] than [the private]."

Private institution lobbyists were also frustrated with how their students were perceived in comparison to public university students, with one saying "our students are viewed differently… elite private universities… there is a tendency to view our students differently than their students." He went on to say that the negative perception some legislators had of the students at his institution was unfair. "We're [about a quarter] Pell eligible, and we take a fairly large number of transfer students from community colleges… we meet 100% of demonstrated need, we're need-blind… but even though we do all that, you still kind of deal with the reality that the state members and the governor - their responsibility is to their public system and their constituents." In effect, the lobbyist was arguing that a private institution could very much serve the public good and not get any credit for that good from those in political power.

Private institution lobbyists were especially angry with public institution lobbyists during the advent of the TCJA negotiations. "They left us out to dry," said one private institution lobbyists. Because public institution endowments were never part of the tax proposal, most public institutions did not lobby as part of a coalition with private institution lobbyists. Another private institution lobbyist suggested this was not the first time the private institution lobby

found itself without support from public institutions. That lobbyist volunteered, “"I just have to wonder if we are all on the same team - we have historically been, but I just see a little bit of fissures I haven't seen in other years." At least one public institution lobbyist expressed regret for “sitting on the sidelines while they dealt with that.” He acknowledged, “we’re stronger together… and besides what is to stop Congress from adding publics to the endowment tax in the long term?” A private institution lobbyist echoed that sentiment, saying “[I hope public universities think] they're eventually going to come after us."

Despite all of this commentary of a fissure between public and private institutional lobbyists, however, most lobbyists thought whatever fissure exists could close with time. When I asked a private institution lobbyist if he could ever see public and private institutions going their separate ways and not lobbying as a coalition, his response was "God I hope [a split wouldn't happen], I don't see it in the short term."

Discussion and Conclusions

To better understand college and university lobbying, it makes sense to go straight to the source – the lobbyists. Over the period of about a year, I interviewed lobbyists at a variety of postsecondary institutions on a number of subjects. The questions ranged from very specific to very broad. I asked them not only about their goals and the tactics they use to achieve those goals, but also about specific earmark expenditures at exact points in time. After listening to and recording their responses, I looked for patterns and discovered additional findings related to one of the goals of college and university lobbyists – to work together. Though lobbyists mostly value cooperation, a number of issues quietly divide the sector.

Before discussing further the conclusions of this work, it is important to note the limitations. The interview sample relies heavily on my pre-existing networks and represents only

a small snapshot of the general higher education lobbying landscape. The purposeful sample used in this chapter should be taken as exemplars of the lobbying profession within higher education, and not at all generalizable to the broader higher education landscape.

My interviews with lobbyists support the action assumption – lobbyists attempt to influence policy in support of their clients using the tools at their disposal. Higher education lobbyists use every institutional asset available to sway policymakers in their favor. For one lobbyist, that asset was a tech center full of "hipsters"; for another, students became the asset, when a lobbyist took a number of DACA recipient students to Capitol Hill to lobby for greater protections for this vulnerable student population.

Lobbyists have the goal of influencing policy at the level most salient to their client. For example, a large urban university lobbied more frequently at the city level as dealing with permits and local zoning regulation, and a comprehensive state university spent most of its time lobbying the state government. A number of private, non-profit research universities exclusively spoke about lobbying at the federal level; given the importance of federal research grants as a source of funding for research university, this finding aligns with the saliency assumption.

Federal research funding is only one form of Postsecondary institutions seek additional funding and other benefits they would not otherwise not be guaranteed to attain. In some cases, lobbyists lobby for earmarks. Another major tactic – and, in some cases, goal – of postsecondary institution lobbyists is to work together. Lobbyists seek out potential coalition partners both within the higher education sector and without. In one case, a lobbyist allied with the Mormon church to oppose certain tax policies; that same lobbyist would work with a small women's college on sexual assault legislation. Reaching out and working with other interests follows the association assumption, as postsecondary lobbyists attempt to lobby as a team. In some cases,

they lobby for policies simply for the purpose of working together. Yet, in spite of lobbyists' general tendency towards working together, I noticed a number of divisions within the sector worthy of further review.

The first major division I uncovered pitted public and private institutions against one another. While that division existed prior to the time period of the study, it especially came to the fore during the advent of the *Tax Cuts and Jobs Act*. While the saliency assumption at least partially explains this division (there are simply some issues which public institutions face that private institutions do not and vice versa), future research should examine its beginnings and the extent to which the division changes lobbying behavior among public and private institution lobbyists.

Another division seen by mostly older lobbyists is the division between themselves and the younger lobbyists in the field. The older lobbyists with whom I spoke identified a growing difference in approach to lobbying among those lobbyists that came into their position from working in a political role (for a member of Congress as a legislative aide, in the executive branch, etc.) versus those who came into their position from a previous position in higher education (working in student affairs, college admissions, etc.). The older lobbyists were concerned that the younger lobbyists were focused on winning every short-term policy battle, and not supporting the sector long term. This division provides an excellent opportunity for future research as to how the opportunity structure of those who become lobbyists impacts lobbying behavior.

The division over the pursuit of earmarks not only provides for an interesting and novel finding, but also a mechanism for better understanding the impact of earmarks on lobbying generally. As mentioned before, Congress limited the use of earmarks to non-profit and public

institutions in 2010 and eliminated them all together in 2011. Some institutions did not seek earmarks at any point before the 2011 ban; others most certainly did. In the next chapter, I exploit that difference in earmark-seeking policy to examine the impact of that ban on lobbying expenditures and activity, in what I believe is the first quasi-experimental analysis of the impact of the earmark ban on lobbying behavior.

CHAPTER 4

THE IMPACT OF BANNING EARMARKS ON UNIVERSITY LOBBYING BEHAVIOR

Chapter 3 has shown that while lobbyists seek to influence policy outcomes, they also seek rents. That is, lobbyists try to bring benefits to their employers that they could not otherwise receive in a competitive market. In his book, *Government Bullies,* Senator Rand Paul describes the rent-seeking behavior of lobbyists as follows: "the omnipresent groups of lobbyists and special interests… descend upon every Capitol Hill office in droves. I have come to refer to them as the Beseechers. Their hands are always out. They are here to tell me why... [they are] deserving of large amounts of federal dollars, tax breaks, subsidies, or special rules and privileges." (Paul, 2012, p. 96). Lobbyists try to garner special favor from lawmakers on behalf of their employers. Lobbyists game the system by seeking government subsidies. They try to restrict markets in their favor. Most importantly, they pursue government earmarks.

Earmarks are no-bid contracts or grants directed to higher education institutions, state or local governments, nonprofit organizations, or businesses during the appropriations process. Either a lobbyist or advocacy organization will request an earmark from a member of Congress, or a member of Congress will find a way to direct funding for a pet project in the form of an earmark to a favorite recipient. Generally, the member then adds the funding request to a spending bill of some kind like a budget bill or a Defense Authorization bill as an amendment. When the bill passes, the earmark is then dispersed to the recipient. Examples of higher education institution earmarks include $7.2 million for a photonics research center at Boston University, $1.7 million for a program to train law enforcement service dogs at Auburn University, and $1.3 million for protein research at the University of Texas at Austin which resulted in a treatment for anthrax.

Despite the fact that earmark funding can be used for noble purposes, many lawmakers and much of the general public see earmarks as examples of wasteful spending and a vehicle for corruption (Marcos & Wong, 2018). Perhaps the most famous example of a project funded by an earmark is the "Bridge to Nowhere", a bridge between an Alaskan town with a population of 12,000 people and an island that only 50 people call home. While the use of Rand Paul as an example might suggest that only Republicans oppose earmarks, there has traditionally been bipartisan support for ending the practice. Attempting to curb lobbyist influence, both parties have placed limits on earmarks. Speaker Nancy Pelosi forbade earmarks to for-profit companies in 2010. The following year, Speaker John Boehner banned earmarks to public and nonprofit entities. By reducing the possibility of rents in the form of earmarks, Congress hoped to reduce lobbyist influence (Paul, 2009).

In the wake of the earmark ban, lobbying expenditures have declined[26]. The extent to which that decline is attributable to the earmark ban or whether the ban simply happened to coincide with a general decline in lobbying is up for debate. It is certainly possible that interest groups began to spend less money lobbying due to the earmark ban. Lowering the pool of money from which lobbyists could seek out earmarks to $0 might have induced the reduction in expenditure, as the cost of lobbying for earmarks exceeds the benefit of receiving them in a post-ban era. However, institutions could have ramped up their spending, needing to spend more to compete for a much smaller piece of the federal funding pie. Such might especially be the case for higher education institutions as colleges and universities could have increased their expenditures and changed their goals from seeking Congressional earmarks to attempting to alter the competitive processes for research funding in most government agencies.

[26] Chapter 1 shows decline in lobbying expenditures across all higher education institutions from 2011 to 2014.

In short, the way in which colleges and universities responded to the earmark ban is unclear. Did the lack of available earmark funding lead to a decrease in lobbying expenditures? As chances of successfully seeking a Congressional earmark has now dropped to zero[27], do lobbyists spend less time - and therefore less money - lobbying Congress? Or did the ban shift lobbyists' attentions elsewhere? Did they start spending more money attempting to lobby executive branch agencies for funding? Congress's theory of action in 2011 was simple – ban earmarks and lobbyists will spend less time and money lobbying. No researcher, to my knowledge, has formally tested that theory until now.

The earmark provides an opportunity to explore whether such a policy change can reduce the influence of lobbyists. The purported near ubiquity of earmark-seeking behavior among lobbyists makes it difficult to study the impact of the earmark ban. Yet, some public and nonprofit universities declined to seek earmarks prior to the ban. This paper exploits that fact and compares those institutions to those who sought earmarks before the ban. In so doing, it can determine the impact of the Congressional earmark ban on lobbying expenditures. More specifically, I use a difference-in-differences analytical approach and a unique dataset compiled from multiple sources from 2007 to 2015 to examine whether the 2011 Boehner earmark ban achieved Congress's goal of limiting lobbyist influence. To that end, this study examines the following research question: "To what extent did the earmark ban change lobbying expenditures?" Using a unique dataset, I find inconclusive evidence that the earmark ban may have actually led to an increase in in-house lobbying expenditures. This may be due to a shift from K-Street lobbying to in-house lobbying or hiring in-house specialists to impact the competitive grant-making process to favor institutions that once sought earmarks.

[27] The chances of getting Congressional assistance in other forms (i.e. "lettermarks") is greater than zero. I discuss lettermarking later in the paper.

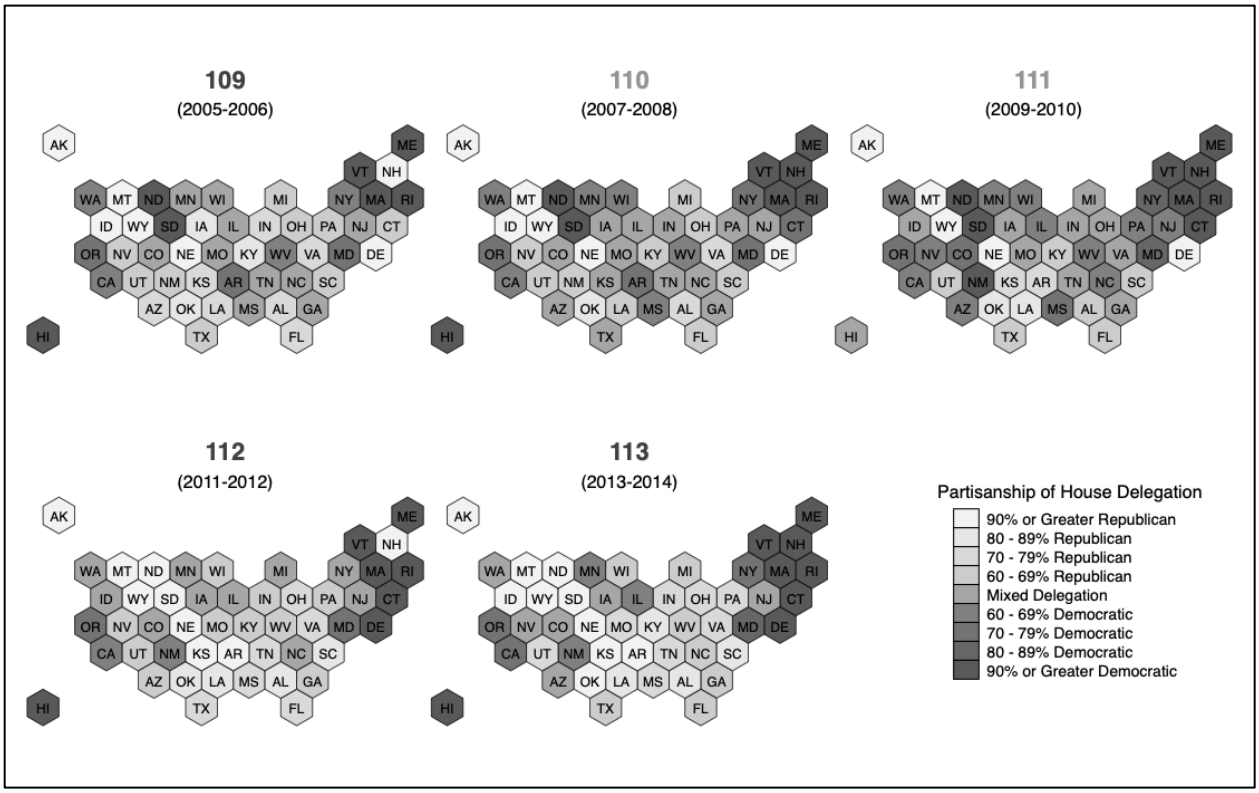
Political Context of the Earmark Ban

As mentioned in the previous chapters of this dissertation, the time period of the study represented an era of low Congressional productivity and high political polarization. Figure 2 on page 3 shows the dramatic decline in the number of bills passed by Congress during the time period immediately before and after the Democratic leadership in the House banned earmarks to for-profit entities in 2010 and the Republican leadership in the House extended that ban to public and non-profit interest groups the following year. In Chapter 2 of this dissertation, I wrote at length about the lack of productivity in the House and Senate. Table 2 on page 47 shows that the least productive Congresses on record occurred during the study period. Congressional productivity was low in the education sector specifically; Figure 5 on page 41 and Table 11 on page 91 both show a lack of productivity in education policymaking in terms of not just bills passed, but also roll call votes and public hearings.

That lack of productivity may be due to political polarization. In Chapter 3, I focused on growing political polarization over the past few decades. Figure 13 on page 98 shows the rapid decline of political moderates in Congress. Figures 14 and 15 on pages 100 and 101, respectively, show that both Democrats and Republicans have moved further away from the political center over time, but that polarization hasn't impacted legislators in all chambers of Congress and parties equally. Republicans in both Chambers , and Democrats in the House have moved in a more polarized direction than Democratic Senators. Also, of particular note is the fact that polarization also happened regionally. The coasts and urban areas throughout the country moved towards the political left, while the Midwest, South, and non-coastal states in the West moved towards the political right. Figure 16 shows the difference in House delegation partisanship during the 109th

through 113th Congresses. Each state is represented by a hexagon labeled with that state's postal code. Light-gray or white states are states in which the vast majority of their House delegation are Republicans. Dark gray states are states in which the vast majority of the House members representing that state in Congress are Democrats. Medium gray states are those with a mixed delegation – one party or the other accounts for between 41 percent and 59 percent of the total delegation. The color of the number of the Congress (109, 110, etc.) represents the party with a majority in the House of Representatives. Republicans controlled the House in the 109th, 112th, and 113th Congresses; Democrats controlled the House in the 110th and 111th Congresses.

Figure 16: Partisanship in House delegations by state, 109th – 113th Congresses



In the 109th Congress, there were 12 states with mixed House delegations, and primarily Democratic and primarily Republican delegations were spread around the country. By the 110th and 111th Congresses, a trend emerges of Democratic delegations being present almost only in coastal states, while Congressional delegations from states in the middle of the country became staunchly Republican. By the end of the 113th Congress, only states in New England, union-friendly states like Illinois and Minnesota, and states on the West Coast had House delegations where a majority of their members were Democratic representatives.

Figure 17: Partisanship in Senate delegations by state109th – 113th Congresses

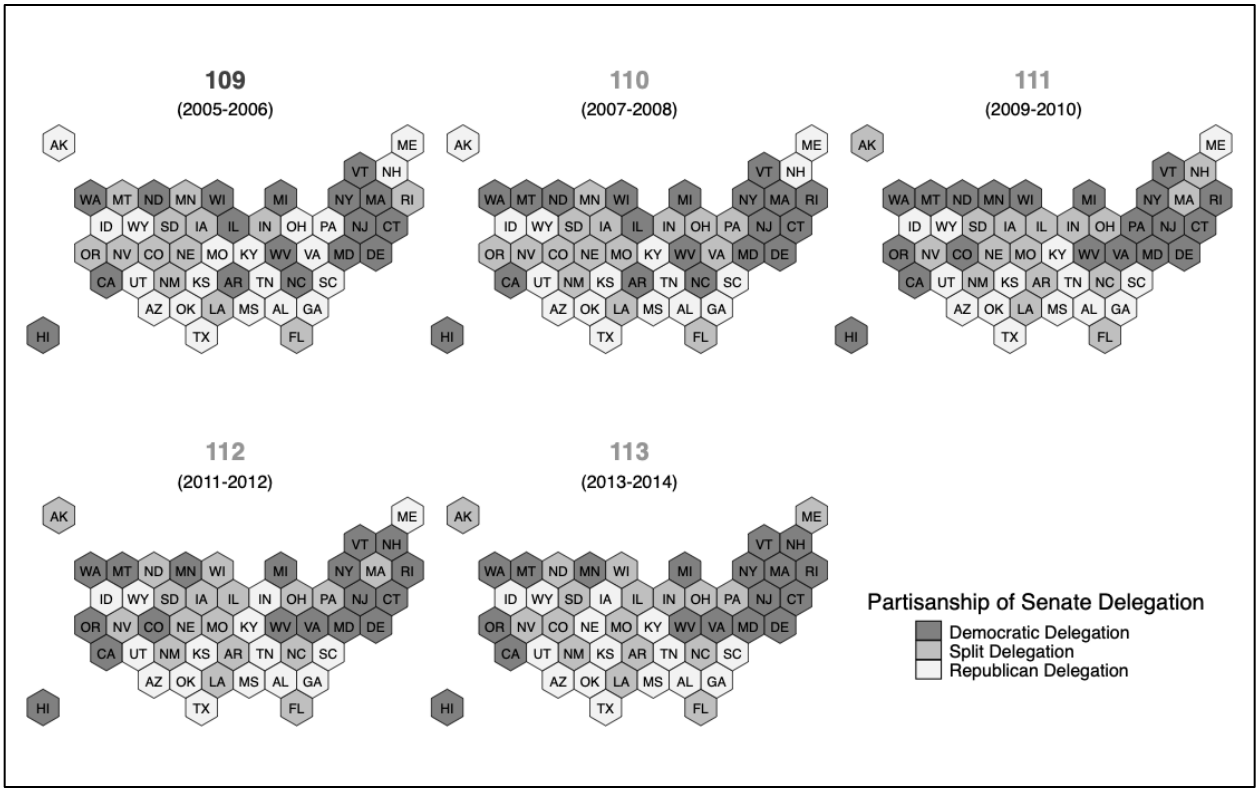


Figure 17 shows the same trend occurring in the Senate. Again, dark states represent Democratic Senate delegations (where both members of the Senate are Democrats), light states

represent Republican delegations (where both members of the Senate are Republicans), and grey states represent a split delegation (where one Senator is a Democrat and the other is a Republican). While a number of states throughout the country had split delegations throughout the time period, states represented by two Democratic Senators are clustered on the East and West Coasts, while states with wholly Republican Senate delegations are Southern and Great Plains states.

Many of the Republicans elected to office during this time period ran on a fiscal responsibility platform. The Great Recession lasted from 2007 through 2009, though its effects were felt much longer than that time period. To combat the Recession, Congress passed the *Troubled Asset Relief Program* among other general stimulus packages, increasing deficit spending and the national debt. In 2009, a group of fiscally conservative political activists known as the Tea Party began organizing and running electoral candidates with the platform of reducing deficit spending, lowering taxes, and opposing government expansion and intervention. Those candidates made several gains in the House of Representatives in the 2010 general election. The resulting Republican leadership of the House in 2011 focused on the issues that got them elected – fiscal responsibility, ending deficit spending, and lowering taxes. Earmarks, as a general policy, were no longer popular with the voting public in the states with Republican delegations to Congress. It did not take long for the GOP leadership in the House to end earmarks altogether.

Background

Lobbyists seek government privilege to receive advantages they wouldn't otherwise receive on an open and free market. These advantages or awards, known as "rents" in the economic literature, benefit lobbyists' clients. Therefore, lobbyists seek rents. This section of the paper details the rationale behind lobbying and rent-seeking, Congress's introduction of an earmark ban to curb

interest group activity, and the higher education sector as an exemplar interest group for assessing the impact of the ban on rent-seeking behavior.

Lobbying and Rent-Seeking

Rent-seeking is not a new concept. People have long sought special treatment rather than direct their resources to production. However, the idea that rent-seeking leads to social costs is relatively new. Discussion of the negative effects of rent-seeking emerged from a series of papers in the 1960s and 1970s. It was Gordon Tullock who in 1967 observed that seeking rents comes at a cost to social welfare. The expenditures used to seek rents do not create any new wealth, leading to a loss of overall productivity. Furthermore, the rent itself is wasteful. In a perfectly competitive market, the rent would not exist, meaning that resources are allocated in way unsupported by markets. In short, Tullock argued that there is a social cost to lobbying for rents (Tullock, 1967).

Rents are any payments to a producer that exceed the costs needed to produce. Therefore, rents are benefits received for non-produced inputs or assets that give one firm or organization privileges another would not have. Classical examples of rents include money earned by only those that have taxi medallions, profits received by only those who, like barbers or hair stylists, have an occupational license and Congressional earmarks. Firms and organizations seek rents when the benefit of a rent exceeds the cost of earning that rent. Yet rents yield important negative economic, political, and social effects. Rents make markets less efficient, and reduce overall profit. Politically, they can increase corruption and even illegal activity. Rents also establish winners and losers in society and may increase inequality, as those most likely to receive rents are also those with distinct societal advantages including, but not limited to, wealth and access to elected officials.

The literature on lobbying as rent-seeking follows two broad themes as described in Tullock (1967), de Figueiredo and Silverman (2006), and Aidt (2016). The first is that the costs of rent-

seeking are unobservable, but inferable, from the value of the rent. In the case of higher education institutions, de Figueiredo and Silverman (2006) argue that the exclusive goal of lobbying expenditures for most colleges and universities is to earn earmarks[28]. Should institutions find themselves unlikely to earn rents, they would not spend money lobbying to receive earmarks.

The second is known as the "missiles seek heat" hypothesis (Aidt, 2016). That is, a contestable rent induces rent-seeking behavior. Put another way, if there is a possibility for special treatment, lobbyists will try to get special treatment. This paper focuses on the "missiles seek heat" hypothesis and Congressional action to limit one form of contestable rents - earmarks. Contestable rents differ from profits. Profits enhance efficiency as firms expand into markets and innovate in search of profits (Buchannan 1980, Aidt 2016). Doing so facilitates resource allocation and production efficiency. Firms create profits through production and trade. Governments can create rents by favoring certain firms over others.[29] They serve as gatekeepers, deciding which entities receive rents. If the availability of rents exceeds the cost of production, lobbyists will seek rents. Thus, the sheer existence of rents induces lobbyists to seek rents, often at the expense of production (Olson, 1965).

Using higher education institutions as an example is instructive. Colleges and universities may seek government funding for their research programs. To earn competitive grants, a university may dedicate resources to research productivity. In this case, government grants serve as a form of profit. Government has designed a market in which Universities compete for research funding like

[28] This assertion has been challenged by Ferrin (2003, 2005) and the previous chapter of this dissertation.

[29] Government involvement is just one mechanism for creating rents. For example, the federal government can create created monopolies by giving firms special status in the form of patents and copyrights, and local governments may restrict the number of cars allowed to transport people around a city by instituting taxi medallions. Other phenomena that create rents are information asymmetries, scarce resources, or something as simple as an individual's innate talent.

firms compete for profits. Those that conduct the highest quality in-demand research receive research funding.

Yet, the government may choose to offer research funding outside the competitive grant process in the form of earmarks. In so doing, the government creates another pathway to receive research funds. Universities now have options – they can pursue competitive research grants and seek rents in the form of earmarks. If the cost of receiving earmark funds is both less than the benefit received and less than the cost of pursuing research grant funding, institutions will seek earmarks.

Rent-seeking comes with societal costs. Firms may seek rents using legal strategies such as lobbying or campaign contributions, which draws resources away from purposes related to their missions. They may also pursue illegal strategies such as bribery or corruption (Craig & Madland, 2014). In one famous example, Jack Abramoff allegedly bribed members of Congress and their staff in his capacity as a lobbyist for several American Indian tribes (Stone, 2006). Yet, the proliferation of corruption is just one of the major economic concerns of rent-seeking behavior (Craig & Madland, 2014). Rent-seeking behavior may waste resources or cause them to sit idle. Policies sought by rent-seekers may increase inefficiency. Early studies on the subject of rent-seeking focus on the costs associated with the practice (Tullock, 1967; Krueger, 1974; Bhagwati, 1980). They show the welfare losses from monopolies and tariffs exceed the losses related to only production, as producers spend part of their profits seeking rents. Newer studies have shown the negative effects of rent-seeking behavior related to resource use (Murphy et al., 1993). When offered the possibility of rents, firms use resources to seek rents at the expense of production.[30]

[30] It is possible that some institutions may have decided to allocated limited resources to lobbying for earmarks instead of attempting to earn federal grant funding through competitive processes – the closest analog the higher education sector has to this trend. However, the institutions to which I confine my sample in this chapter face no such resource constraints as all of them have large endowments and sustainable enrollment patterns.

If the societal costs of rent-seeking are so large, how can governments curb rent-seeking behavior? Governments can eliminate interest groups, increase the cost of rent-seeking, or reduce the value of rents. As James Madison wrote in Federalist 10, eliminating interest groups is difficult. Madison argued that there are two methods to eliminating interest groups, or "factions" as he referred to them. The first is by removing the causes of faction. The second is by controlling their effects. To remove the causes of faction, a government must either limit liberty or ensure that all citizens share the same opinions. As neither is practical nor desirable, Madison argues that governments must try to limit the effects of interest groups.

In the case of lobbyists, Congress has tried to curb their influence through increased regulation. Laws governing lobbying behavior could theoretically limit lobbyist rent-seeking activity. In recent years, however, courts have used the precedent of the *Citizens United v. FEC* Supreme Court decision to strike down several lobbying regulations (Hasen, 2017). Federal courts have struck down laws governing lobbyist campaign contributions, statutes that bar former legislators from lobbying, and rules against lobbyist fundraising (Hasen, 2017). Until new precedent is set, policymakers may not be able to curb rent-seeking behavior by limiting lobbying.
If they want to curb rent-seeking behavior, policymakers must then either limit the value of rents or increase the cost of rent-seeking. This presents a classic supply-and-demand policy dilemma. Should policymakers increase the price of rent-seeking, thereby lowering demand? Or, should policymakers decrease the value of rents and therefore decrease the supply?

Decreasing demand for rents is difficult for the same reasons that limiting lobbying behavior is difficult. Any stringent laws Congress could pass that would increase the cost of seeking rents would likely face legal challenges. For example, some legislators have suggested barring firms who receive government contracts from lobbying (Paul, 2009; Hasen, 2017). Doing so would therefore

increase the cost of lobbying to match the value of just one government contract. However, due to court precedents this action is likely unconstitutional on grounds that it inhibits free speech (Hasen, 2017).

Decreasing the supply of rents does not have the same problems. Unlike the right to free speech, there is no constitutional right to receive government subsidy. Furthermore, the mechanism to decrease available rents is fairly straightforward. Congress need only reduce the size of the budget. Senator Rand Paul describes the rationale as follows:

> While it is important to cut down on the demand for lobbyists, the supply side is even more important. Washington, D.C. has a supply of money and power that it can dole out to the highest bidder. As long as this golden goose exists, people will find ways to take advantage of it. The problem is not the abuse of power, but rather the power to abuse. The only answer to that problem is for Congress to reduce severely the size and scope of the federal government, so that the market is allowed to operate according to the free forces of a laissez-faire economy (Paul, 2009).

Paul argues that growth in government spending leads to greater rent-seeking behavior. A greater the availability of rents leads to more competition for those rents. That competition leads to increasing lobbying expenditures and earmark-seeking behavior. By cutting access to federal appropriations, Congress can decrease the supply of rents, thereby reducing rent-seeking behavior.

It is this rationale that led to the Congressional earmark ban of 2011. Congress eliminated earmarks for several reasons, including limit rent-seeking behavior. If they were successful, then the reduction in lobbying expenditures after 2011 is directly attributable to the loss of earmark funding. The remainder of the paper tests that Congressional theory of action; it asks whether eliminating

earmarks limits rent-seeking behavior. Put another way, it asks whether the ban decreased lobbying expenditures.

Lobbying in Higher Education

Interest groups hire lobbyists to influence policymaking through lobbying. A lobbyist is "a person designated by an interest group to represent to government for the purpose of influencing public policy in that group's favor" (Thomas & Hrebenar, 1990, 124). Many interest groups hire professional lobbyists to advocate on their behalf. Some organizations and institutions own or rent offices in Washington, DC for in-house federal relations staff-members; others contract law firms and others to lobby for them. The streets in Washington, DC that run from east-to-west are denoted by letters of the alphabet. Because those outside firms traditionally work out of offices on K Street in Washington, this paper refers to those lobbyists that do not work in-house as "K-Street" lobbyists. Those that work in-house are exactly that – "in-house" lobbyists.

Just like other interest groups, colleges and universities lobby government in search of rents. Colleges may employ either, neither, or both in-house and K-Street lobbyists. For example, Duke University rarely if ever uses K-Street lobbyists, while Boston University "known for its focused earmark lobbying effort, use[d] only external lobbyists to obtain earmarks" (de Figueiredo & Silverman, 2006). Universities may seek to change the competitive processes by agencies like the National Institutes of Health or the National Science Foundation to favor their institutions (Cook, 1998). Colleges and universities also try to receive special treatment from government in the form of removing any regulations perceived as burdensome for only certain kinds of institution (Epstein, 2010; Stratford, 2013, 2016). Lobbyists may also advocate for increased federal student aid, which could in turn end up in the bursar's office as students use

that aid to attend university (Kreighbaum, 2018). Most importantly, some lobby for institutional earmarks (de Figueiredo & Silverman, 2006).

Institutions may lobby as individual universities or as part of a group. Several umbrella groups assist and support universities in their lobbying efforts (Cook, 1998). Groups like the American Council on Education (ACE), American Association of State Colleges and Universities (AASCU) and National Association of Independent Colleges and Universities (NAICU) all represent their member institutions on Capitol Hill. They help their members craft messages, and are paid to lobby on their behalf (Cook, 1998). They also have some policy-setting role among higher education institution lobbyists. Umbrella groups make recommendations to their members about how they should lobby.

One instance of such a recommendation leads directly to the identification strategy of this paper. The Association of American Universities (AAU) represents 62 universities who are among those with the highest level of research output and federal research support. Sensing the upcoming unpopularity of earmarks, in 2005, the AAU recommended to its members that they avoid seeking earmarks. The AAU executive committee issued a statement, saying "congressional or administration earmarking of federal research funds may reduce the capacity of federal agencies to support the most promising research and thereby impair the quality of our national research program" (Berdahl, 2008). The following year, the executive committee of the AAU gave its member institutions the opportunity to sign on to a moratorium from seeking earmarks from the *American Competitiveness Initiative*, a federal law written to incentivize research and development through competitive grants and tax credits. Of the 62-member

Table 12: List of earmark-seeking AAU institutions (prior to the earmark ban)

	Institution	City	State	Mean Expenditure *(In Thousands USD)*			Mean Earmark *(In millions USD)*
				Total	*In-House*	*K-Street*	
1.	Boston University	Boston	MA	$1,294	$192	$1,102	$3.131
2.	Carnegie Mellon University	Pittsburgh	PA	$429	$409	$20	$2.128
3.	Georgia Institute of Technology	Atlanta	GA	$375	$224	$151	$3.450
4.	Indiana University-Bloomington	Bloomington	IN	$374	$374	$0	$3.535
5.	Michigan State University	East Lansing	MI	$505	$398	$107	$2.464
6.	Northwestern University	Evanston	IL	$1,167	$714	$453	$1.458
7.	Ohio State University	Columbus	OH	$408	$390	$17	$2.482
8.	Pennsylvania State University	University Park	PA	$621	$531	$90	$7.325
9.	Purdue University-Main Campus	West Lafayette	IN	$776	$0	$776	$1.501
10.	Rice University	Houston	TX	$264	$170	$94	$2.698
11.	Rutgers University-New Brunswick	New Brunswick	NJ	$477	$349	$128	$1.325
12.	Texas A & M University-College Station	College Station	TX	$1,201	$725	$476	$3.157
13.	The University of Texas at Austin	Austin	TX	$1,110	$975	$135	$2.762
14.	University at Buffalo	Buffalo	NY	$492	$416	$416	$0.100
15.	University of Illinois at Urbana-Champaign	Champaign	IL	$486	$346	$141	$0.850
16.	University of Minnesota-Twin Cities	Minneapolis	MN	$542	$417	$125	$0.640
17.	University of Missouri-Columbia	Columbia	MO	$359	$274	$85	$0.584
18.	University of Nebraska-Lincoln	Lincoln	NE	$370	$200	$170	$0.016
19.	University of Pittsburgh	Pittsburgh	PA	$953	$507	$446	$1.523

Notes: List includes all earmark-seeking institutions that were members of the AAU for at least one year between 2007 and 2014. Earmark seeking status is determined by whether an institution signed or declined to sign a joint AAU statement calling for member institutions to refrain from seeking earmarks. Those institutions that declined to sign the "no earmark pledge" are earmark seekers. List alphabetical by institution name and includes the institution, the city and state in which the institution is located, the mean annual CPI-adjusted total, in-house and K-Street lobbying expenditures, and the mean CPI-adjusted annual earmark received prior to the earmark ban. Lobbying expenditures in 1,000s USD. Earmarks in 1,000,000s USD

institutions, 43 signed the moratorium[31], stating they would avoid earmarks; 19 did not. Table 12 provides a list of the institutions that did not sign on to the earmark moratorium[32]. The decision to sign or not sign the AAU's draft agreement provides a clear indicator of whether an institution sought or did not seek earmarks after 2006.

It is possible that institutions may choose not to sign on to the moratorium in this case, but not seek earmarks on other pieces of legislation. Every institution that did not avoid earmarks from the *ACI* received earmarks from other sources at some point between 2008 and 2010. It is also possible that an institution may avoid earmarks from the *ACI*, but actively seek them in other cases. However, many of the institutions that signed the moratorium, including MIT and Yale, had policies in place prior to the moratorium that forbade their lobbyists from seeking earmarks. Others like Michigan and Cornell had policies in place that forbade their lobbyists from seeking earmarks, except in extraordinary cases (Mervis, 2006). As the *ACI* was a one-year program that provided $5.9 billion in one-time federal grant funding and tax credits specifically for the purposes of research and development, I have assumed that it could have been perceived as an "extraordinary case" for those institutions as it played to their strengths as research-focused institutions. Nevertheless, they signed the moratorium. For the purposes of this paper, therefore, I assume that those who did not seek earmark funding in the *ACI* did not actively seek earmarks in other cases[33].

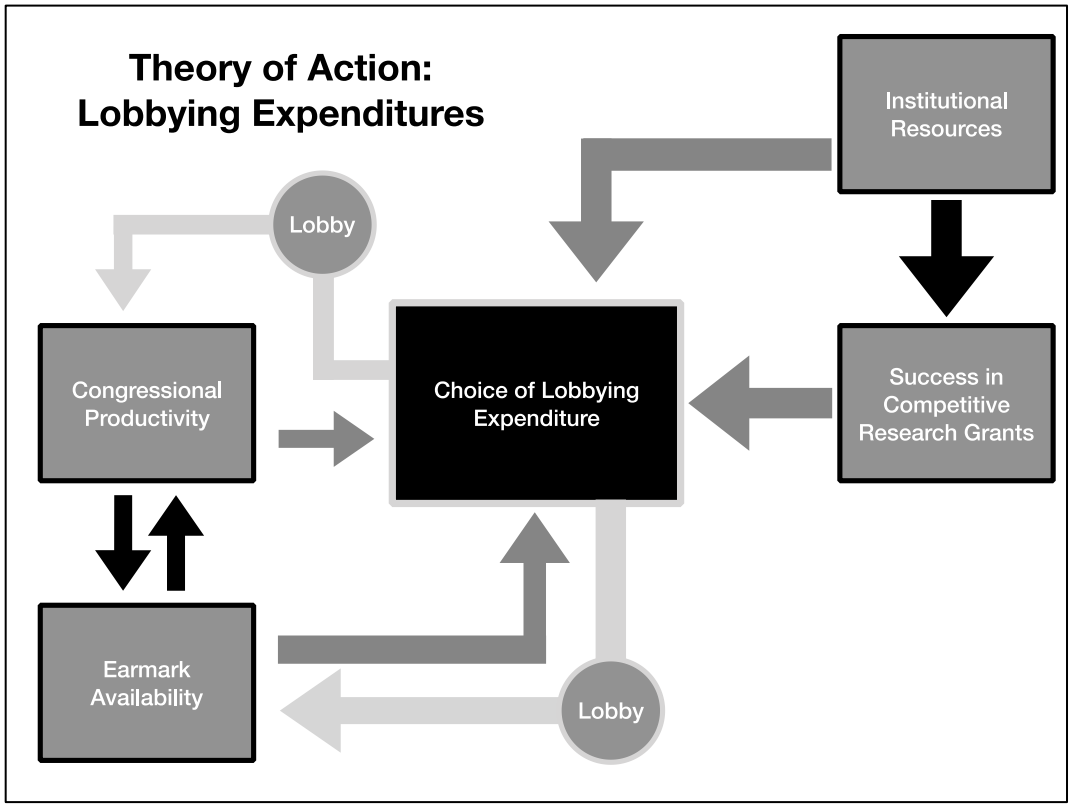
[31] A list of the institutions that signed the *ACI* earmark moratorium can be found in Appendix E.

[32] Georgia Tech and Boston University were not members of the AAU at the time of the moratorium, and therefore did not get the chance to sign the agreement. However, interviews with lobbyists at Georgia Tech have confirmed that they did lobby for earmarks prior to the 2011 Congressional earmark ban. The research literature on academic lobbying for earmarks shows that Boston University aggressively sought earmarks prior to the Congressional Earmark Ban (de Figueiredo & Silverman, 2006).

[33] A number of institutions that both signed the AAU statement and did not sign the AAU statement were included in my interview sample in chapter 3. In all cases in which an institution signed the AAU statement, that institution's

In summary, interest groups seek rents. They do so by hiring in-house and K-Street lobbyists. Colleges and Universities also act like interest groups. Congress decided to curb rent-seeking by eliminating one form of rents – earmarks. Some colleges and universities sought earmarks; others did not. The following sections of this paper discuss how Congress's theory of action may have worked and the methods and data I use to analyze the effectiveness of the earmark ban at curbing lobbying behavior. To my knowledge, it is the first attempt at evaluating the impact of the earmark ban using a causal econometric method in any field – not just higher education.

Figure 18: Theory of action of higher education lobbying



lobbyist claimed not to seek earmarks. In all cases in which an institution did not sign the AAU statement, that institution's lobbyist admitted to seeking earmarks.

Theory of Action

Higher education lobbyists have three major goals. First, they secure federal funding for their institutions. Second, they attempt to persuade Congress to enact legislation favorable to their institutions. Lastly, they attempt to block Congress from enacting legislation to the detriment of their institutions. A lobbyist's success rate at achieving those goals is some function of lobbyist quality and Congressional productivity. A productive Congress may appropriate funds to a college or university without much input of a lobbyist. Conversely, no matter how good a lobbyist is at persuading members of Congress, a lobbyist's institution will not receive earmark funding, be the recipient of detrimental lawmaking, or the beneficiary of favorable lawmaking if Congress refuses to write laws.

The choice of lobbying expenditure, is therefore some function of an institution's resources, potential success in pursuing research grants, Congressional productivity, and the institution's chances of earning an earmark or some other funding outside the normal competitive process for research funding. Figure 18 demonstrates this relationship. An institution's resources impact the choice of lobbying expenditure in two ways. First, institutions cannot spend money lobbying if they do not have the money to spend. Second, institutional resources may help an institution win competitive research grants. As part of a lobbyist's job is to procure funding for her university, having well-funded researchers with a track record of success in research grant competitions likely impacts her choice as to how much money to spend. She might spend less money lobbying knowing that her institution is adept at winning federal grant dollars through competition, or she might spend more money attempting to protect that competitive pool of money from cuts or trying to increase Congressional funding to competitive

grant funding. Congressional productivity and earmark availability, however, are at least in some part impacted by higher education lobbying. A high-quality lobbyist may be able to convince members of Congress to act or make earmarks available. Yet the payoff of lobbying for earmarks is likely quite low as Congress has shown little broad interest in reviving the practice.

Interest groups will engage in lobbying to further their interests as long as the cost for lobbying does not exceed the expected benefits. While many lobbying benefits – more friendly regulation, expansion of programs that make it easier for students to attend colleges or universities, etc. – are hard to quantify, rents in the form of earmarks are easy to quantify. Congress appropriates a specific dollar amount to a specific university for specific reasons. In addition, the benefit of competitive research grant funding is similarly easy to quantify. Researchers may win a grant from the NSF, NIH, or some other like funding agency in the form of an explicit amount of funding. Furthermore, the cost of rent-seeking activity is similarly easy to quantify if we assume, as has been done in the previous literature, that almost the entirety of lobbying expenditures is related to seeking earmarks. In the case of lobbying, the cost of lobbying labor is equal to that of the salaries given to university lobbyists or contracts given to K-Street lobbyists in addition to the cost of "overhead" expenditures – office space, supplies, etc.[34] Such is also the case for the labor and capital associated with competitive research grant-writing and seeking expenditures. As a result, determining whether costs outweigh the benefits of lobbying is relatively easy for those institutions that receive federal funding.

Some universities may not value the benefit of an earmark above the cost of seeking an earmark. This does not mean that such universities would turn away an earmark if given to them.

[34] Prior to 2007, lobbyists would have included costs for entertaining legislators (i.e. taking them to dinner to discuss a policy) and providing gifts to legislators. However, the *Open and Honest Government Act of 2007* prohibits those activities.

On the contrary, many universities that do not actively seek earmarks have received them in years past. I call these institutions "earmark-avoiders." While earmark-avoiding institutions see the benefit of receiving an earmark at no cost, they do not value earmark funding above the costs of seeking that rent.

Some institutions will value earmarks over the costs of seeking those earmarks. These "earmark-seekers" may be more likely to receive an earmark than some other form of revenue and thus may choose to invest in lobbying for earmark funding. Or, they may have Senate or House representation on key committees willing to earmark funding; this situation might therefore lower the cost of receiving earmarks well below their perceived benefit. In short, whatever the reason, these earmark-seekers have valued earmarks in excess of the costs of hiring lobbyists to seek those earmarks.

Prior to the 2011 earmark ban, earmark-avoiding institutions still engaged in lobbying as the benefits of lobbying for non-earmark purposes outweighed the costs of lobbying. Earmark-seekers likely lobbied for the same reasons, yet also likely expended more in order to lobby for earmark funding on top of lobbying for non-earmark-related reasons. However, the Speaker Boehner-led earmark ban changed the cost and benefit calculus for earmark-seeking universities. Since 2011, there has been no benefit to lobbying for earmarks. As Congress no longer allows earmarks, expending funding on lobbying for earmarks at the federal level would yield a benefit of exactly zero in earmark funding.[35] While the ban should not have changed the costs and benefits of status quo lobbying for earmark-avoiding institutions, it should have increased the

[35] It is possible that the earmark ban might cause institutions to shift their earmark seeking efforts to gaining earmarks at the state level. Given that this dataset focuses on federal expenditures it is impossible to determine whether that is the case.

costs of lobbying for earmarks well beyond that of the benefits. As a result, lobbying expenditures should greatly reduce for earmark-seeking institutions in the post-ban period.

Figure 19: Theoretical impact of earmark ban

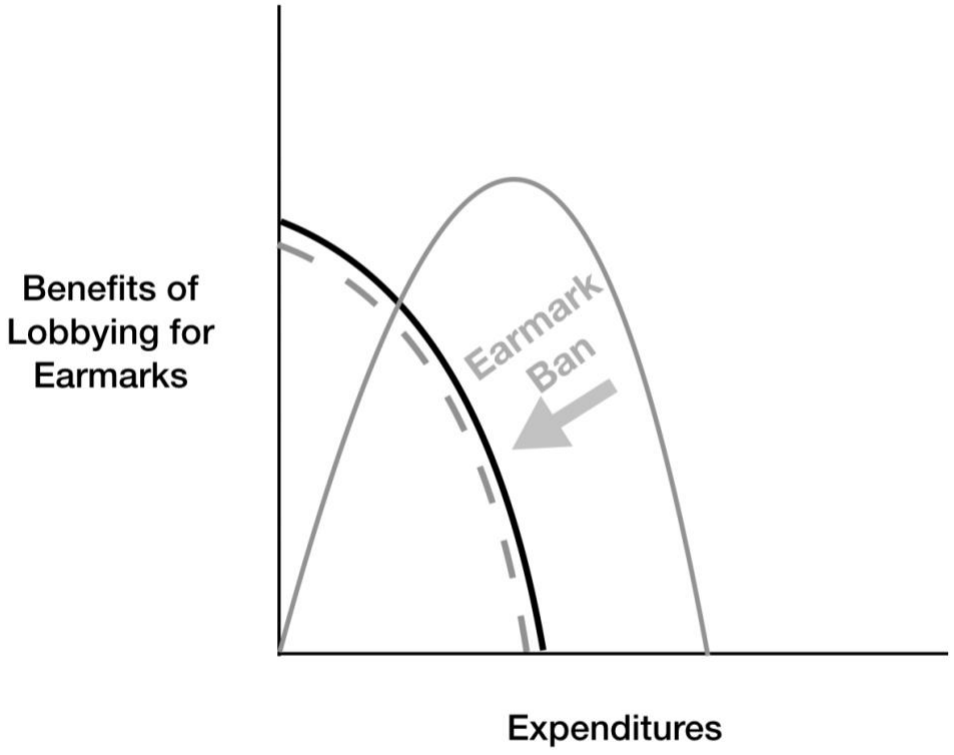


Figure 19 models the relationship between the costs and benefits of spending to seek earmarks. The Y axis represents the benefits associated with lobbying, while the X axis represents the costs. The solid black line represents the relationship between costs and benefits for earmark-seeking institutions. The grey line represents the same curve for earmark-avoiding institutions. The point at which both institutions choose to expend money lobbying for earmark falls somewhere along the curve. Most likely it lies at the point at which institutions receive the maximum benefit without those benefits outweighing the costs. For earmark-seekers, that curve

was much wider and much higher than that of the earmark-avoiding group prior to the 2011 ban, and shifted to the right of the Y-axis thereby showing that there is some cost of seeking earmarks at which earmark-seekers gain some benefit, shown by the high point of the curve. This shows that the potential benefits of lobbying for earmark funding are much higher than those for earmark-avoiding institutions. However, the 2011 earmark ban changed the earmark-seeking curve. The ban, represented by arrow, changed the cost-benefit curve, lessening the benefits and aligning the costs of lobbying with those of the earmark-avoiding institutions. In short, the 2011 earmark ban lowered the possible benefits of lobbying for earmark-seeking institutions by ending the availability of rents in the form of earmarks. Institutions respond by refusing to pay the additional cost associated with lobbying for earmarks, and thus fall into a curve similar to that of the earmark-avoiding institutions. Therefore, I present the following hypothesis:

H1: Earmark seeking institutions reduced their lobbying expenditures after the implementation of the 2011 congressional earmark ban.

The benefits of lobbying for earmarks (zero) no longer warrant the expense (more than zero), therefore institutions choose to no longer lobby for earmarks. As a result, they reduce the expenditures that would have been associated with lobbying for earmarks. If those expenditures were spent on K-Street lobbying, then institutions reduced their K-Street expenditures. If those expenditures were spent on in-house lobbying, then I hypothesize that in-house expenditures decreased in the wake of the Congressional earmark ban.

Data and Sample

To test this theory, I constructed a unique panel dataset using college and university data from the Integrated Postsecondary Education Data System (IPEDS) and lobbying disclosure data from the Center for Responsive Politics (CRP), a nonprofit organization that studies money in politics. I also include data on universities' congressional representation as collected by Charles Stewart III and Jonathan Woon at MIT (Stewart-Woon). The data cover a nine-year period from 2007 to 2015. IPEDS provides institutional level data on enrollments, financial aid, budgetary information, and most other basic, institution-wide data one would expect to be available. The Stewart-Woon dataset includes the party, seniority, and committee assignments of each member of Congress. When merged with the IPEDS dataset, the Stewart-Woon dataset allows me to collect the party and committee assignments of the Members of Congress representing each university in the sample. The Center for Responsive Politics data cover all college and university lobbying activity in the US House and Senate.

The Lobbying Disclosure Act of 1995 required all lobbyists to register with the Clerk of the United State House of Representatives and the Secretary of the United States Senate and file semi-annual reports detailing their lobbying expenditures and activities. The CRP has compiled and categorized those reports since 1998. Several studies have used these data before to examine lobbying expenditures (Alexander, Mazza, & Scholz, 2009; De Figueiredo & Silverman, 2006; Blanes i Vidal, Draca, & Fons-Rosen, 2012). In 2007, however, Congress passed the *Honest Leadership and Open Government Act*, which amended the process to report lobbying activity, requiring even more information and quarterly reports. The CRP data include information from these reports about lobbying expenditures for both in-house and K-Street lobbyists. By combining these data with institutional data from the Integrated Postsecondary Education Data

System (IPEDS), I am able to understand the extent to which each college and university spent money lobbying[36].

The sample includes institutions within the Association of American Universities (AAU) in a panel dataset from 2007 to 2014. Currently, 62 universities are members of the AAU. Because they are unlikely to lobby Congress at the same level as U.S.-based universities, I excluded the two Canadian universities, the University of Toronto and McGill University, from the sample, but included Georgia Tech and Boston University which joined the AAU during the time period of the study. Also, I added in Syracuse University and the University of Nebraska – Lincoln. Both institutions were members of the AAU at the beginning of the panel, but left the organization in 2011. Because both were in the organization in 2006 when AAU members adopted a self-imposed ban on seeking earmarks, and therefore have a stated position on whether they sought earmarks prior to the Congressional earmark ban, I have chosen to keep them in the dataset. As a robustness check, I removed the two institutions from the sample. The results of both the OLS Regression and Difference-in-Differences models were qualitatively similar.

There are two groups of institutions for which the Center for Responsive Politics did not cleanly provide institutional level data. With few exceptions[37], The State University of New

[36] For a greater discussion of the eccentricities of these data, see pages 49-55.

[37] This approach is consistent with the work of Camp (2018). The SUNY system hired two outside lobbying firms, Akin, Gump et al and Vinson & Elkins to represent the entire system from 2007 to 2014. When those firms filled out disclosure forms, they did not list the specific universities on whose behalf they lobbied, nor did the in-house lobbyists at the SUNY system. Both Buffalo and Stony Brook at times during the study time period themselves lobbied in addition to the SUNY System. Lobbying firm Liz Robbins and Associates reported expenditures on behalf of Stony Brook University or the Stony Brook University School of Journalism in 2007, 2010, 2011, 2012, 2013, and 2014. Buffalo lobbied in addition to the SUNY system in 2007, 2012, 2013, and 2014. Even when following my decision rules as explained on the following pages like dividing system-wide expenditures by enrollment or evenly across the two institutions, or giving the full system-wide lobbying expenditure to the flagship institution (in this case SUNY-Buffalo), I assessed the expenditures listed by SUNY-Buffalo and Liz Robbins and Associates on behalf of Stony Brook to those two institutions.

York[38] institutions and the University of California institutions all report their lobbying expenditures as a system each year. For the two SUNY institutions and six University of California institutions, I divided the total lobbying expenditures for the system by the total number of students at each institution in the AAU that is the member of the system. I then multiplied the resulting per-student lobbying expenditure by the total number of students at each AAU institution in the system.[39] As this measure provides only a blunt estimate of the expenditures per institution, I take three alternative approaches to divvying up the total system-wide lobbying expenditure for the SUNY and UC system institutions as robustness checks. In the first, I designate the total lobbying expenditure for either system to all institutions in the system, regardless of whether a system institution is a member of the AAU. This method likely overestimates the actual lobbying expenditure for many of the system institutions – especially those with smaller student populations and lower research budgets[40]. Therefore, I take a second approach, assigning the totality of the system lobbying expenditure to the flagship institutions, leaving the other institutions in the system with $0 in expenditures.[41] Yet again, this approach has limitations; it likely overestimates the lobbying expenditure for the flagship institutions and underestimates the lobbying expenditures for non-flagship institutions. So, I use a third method

[38] The two State University of New York institutions are the University at Buffalo and Stony Brook University. The six UC System institutions are the University of California – Berkeley, University of California – Davis, University of California – Irvine, University of California – Los Angeles, University of California – San Diego, and University of California – Santa Barbara.

[39] For example, in 2008, the University of California System spent $998,000 lobbying. The total number of students at the six institutions that are AAU institutions was 198,721, meaning the per student lobbying expenditure calculated in this way for University of California Systems AAU institutions is $5,022.12. The University of California – Irvine had a total enrollment of 30,983 students that same year. Therefore, the lobbying expenditure assigned to UC – Irvine for 2008 was the product of 30,983 and 5,0122.12 or $154,352.94.

[40] As seen in chapter 1, institutions with large enrollments and a heavy research focus are more likely to lobby, provided they are members of a Big Six organization like the AAU.

[41] I treat SUNY-Buffalo and UC-Berkeley as the flagship institutions. This process is consistent with that used by de Figueiredo and Silverman (2006).

for dividing the expenditures among system institutions as one last robustness check. I divide the total expenditure of the systems by the number of AAU institutions in that system, then assign that value to each of the institutions. Given the similar enrollments of each of the institutions, this method provides similar estimates to the enrollment-based method used as the primary expenditure method in the paper. Regardless of the method used to divvy up the lobbying expenditures for system institutions, the results of the analyses I discuss later in the paper are qualitatively similar. Appendices F through G show those results following the paper.

Analytic Strategy

Approximating the counterfactual presents the greatest problem with studying the effects of the earmark ban on lobbying expenditures; no world exists in which the lobbying ban did not occur. The perfect experiment would be one in which I could randomly assign the availability of earmarks to different universities and examine their rent-seeking behavior. As that experiment is impossible, I attempt to examine whether the availability of earmarks increases rent-seeking behavior through two distinct methods of analysis.

First, I present ordinary least squares (OLS) regression models, with and without institutional fixed effects, to determine if there is any associational evidence between earmark availability and lobbying expenditures. According to the Congressional theory of action, the availability of earmarks should be positively related to lobbying expenditures. The variable of interest is a binary indicator for the availability of earmarks – which could increase lobbying expenditures, whether spent in-house or on a K-Street firm. Each of the models presents the natural log of a lobbying expenditure as the dependent variable. I run the models with the log of expenditure to accommodate the range and distribution of lobbying expenditures in the sample. I can therefore interpret the coefficient on the earmark availability indicator as a percent change in

the lobbying expenditure associated with earmark availability.

I run three OLS models, each building upon the findings of the last. The unit of analysis is an AAU institution in a given year from 2007 to 2014. The first model is a simple regression of the binary earmark indicator on lobbying expenditure. The second includes institutional controls to increase precision while the third includes institutional fixed effects to account for time invariant characteristics at the institutional level, leaving only within institution variation over time. Controls include the log of enrollment and several political variables. The likelihood of an institution to spend money lobbying for earmarks depends on the likelihood of receiving an earmark. The political science literature has shown that the party, committee membership, and seniority of an institution's Representative and Senators are all associated with the likelihood and amount of earmark funding. Therefore, I include as political controls the number of US senators representing the institution's state that are members of the Republican Party, the number of Senators representing the institution that serve on key committees such as the Senate Finance or Senate HELP committees, and the interaction of the two Senate variables. A binary indicator for whether an institution is represented by a Republican in the House of Representatives and whether an institution's member of the House is a member of key committees such as the House Appropriations or Education and Workforce committee is also included. Finally, I include an interaction term of the two House variables as a political control as well. All models cluster standard errors at the institution-level.

I repeat these three models for log K-Street and in-house lobbying expenditures separately as well. I fit the following OLS regression model,

$$Y_{it} = \beta E_t + \boldsymbol{\gamma} \mathbf{X}_{it} + \alpha A_i + \varepsilon_{it} \quad (2)$$

where Y is the outcome variable, either log of total expenditure, in-house expenditure, or K-Street expenditure for institution *i* in year *t*. γ represents the coefficients on each of the covariates in the vector, $\mathbf{X}_{it}$ which consists of a number of institution-by-year variables including log-transformed total enrollment and the political variables mentioned above. A_i represents a vector of indicator variables for each institution in the same, and α represents a vector of coefficients for those indicator variables; collectively αA_i represents an institution fixed effect in applicable models. Lastly, ε represents the error term. The coefficient of interest is β, an estimate of the relationship between a binary indicator for earmark availability, E, in years prior to the earmark ban. I present the models in a stepwise fashion, excluding all variables other than the earmark ban indicator in the first model before adding controls in the second model and then institution fixed effects in the third.

I use a difference-in-differences framework as my second method. Specifically, I leverage a change in earmark availability related to the 2011 earmark ban. In 2011 Congress barred public and nonprofit institutions from receiving earmarks. The total amount of federal earmark funding declined from $176.47 million to AAU institutions in 2010 to $0 in 2011. A subset of institutions from the Association of American Universities had already self-imposed a ban on seeking earmarks in 2006. While they might have accepted earmark funding when given, they did not actively seek earmarks. Therefore, the end of earmarks should not have affected the lobbying practices of these institutions. These "earmark avoiders" serve as the control group in this study.

This difference-in-differences approach differs from most in that rather than introducing a new program as a treatment, Congress banned earmarks. The ban – removing the availability of

earmark funding - therefore is the treatment. Traditional models of the difference-in-differences equation would follow Dynarski (2003) as follows,

$$Y_{it} = \beta_1 E_t + \beta_2 S_i + \beta_3 (E \times S)_{it} + \boldsymbol{\gamma} \mathbf{X}_{it} + \varepsilon_{it} \quad (3)$$

where Y represents the outcome variables of log of total lobbying expenditures, log of in-house lobbying expenditures, and log of K-Street expenditures for institution *i* in year *t*. S_i is a dichotomous indicator for whether the institution, *i*, sought earmarks during any year in the panel. The coefficient of this measure, β_2, will show any pre-earmark-ban differences between earmark seeking and earmark-avoiding universities. E_t is a dichotomous indicator that equals "1" in years in which Congress banned earmarks; its coefficient, β_1, therefore captures the differences between the time period in which Congress allowed earmarks and when Congress instituted the ban. The coefficient of interest is β_3 of the interaction represented by $(E \times S)_{it}$, where,

$$\beta_3 = (Y_{\text{Seeker(before)}} - Y_{\text{Seeker(after)}}) - (Y_{\text{Avoider(before)}} - Y_{\text{Avoider(after)}}), \quad (4)$$

representing the difference in outcomes between the time period in which earmarks were allowed and the time period after Congress instituted the ban, controlling for already extant differences between earmark-seeking and earmark-avoiding institutions. $\mathbf{X}_{it}$ from above again represents a vector of covariates, included in the model to increase precision. $\boldsymbol{\gamma}$ represents the coefficients on each of the covariates in the vector. Lastly, ε represents the error term.

However, this traditional method of modelling the difference-in-differences approach

does not allow the slopes to vary year-by-year. The traditional method restricts the effect over time for an institution to be linear, and the effect over time to be the same for all institutions. For that reason, I lean heavily on the work of Hillman (2013), Angrist and Pischke (2009), and Bennett, Evans, and Marsicano (2019) by modeling the above difference-in-differences model as a two-way fixed effects model. The inclusion of year and institution fixed effects allows me to avoid making functional form restrictions and creates a non-parametric equation as shown here:

$$Y_{it} = \beta_1 E_t + \beta_2 S_i + \beta_3 (E \times S)_{it} + \alpha A_i + \Omega Z_t + \boldsymbol{\gamma} \mathbf{X}_{it} + \varepsilon_{it} \quad (5)$$

This model adds A_i and Z_t, which are vectors of indicator variables for institutions (i) and years (t) respectively, along with α and Ω, which are vectors of coefficients associated with each institution and year indicator; all other variables retain their meanings from model 3. Due to the fact that the institution and year fixed effects will account for the variation in E_t and S_i, I simplify the model in the vein of Belasco, Rosinger, and Hearn (2015) as follows:

$$Y_{it} = \alpha A_i + \Omega Z_t + \beta_3 (E \times S)_{it} + \boldsymbol{\gamma} \mathbf{X}_{it} + \varepsilon_{it} \quad (6)$$

In this model, β_3 is the coefficient of interest for $(E \times S)_{it}$, which serves as an indicator variable that is equal to "1" for earmark seeking institutions after 2011 – the years in which institutions could no longer seek earmarks. For example, Duke University never sought earmarks. As an earmark avoider, Duke will always have a value of "0" for this measure. Boston University, however, vehemently sought earmarks prior to the ban. B.U. will have a value of "1"

for the years prior to 2011, but not after. Functionally, $\beta_3(E\times S)_{it}$ in model 6 is equivalent to $\beta_3(E\times S)_{it}$ in models 5 and 3.

Modeling a difference-in-differences model using two-way fixed effects presumes that earmark seeking behavior may be systematic – earmark seeking behavior may occur at institutions with higher or lower levels of lobbying expenditures. The model allows covariance between both A_i and Z_t and the treatment indicator. Therefore, the year fixed effects capture differences over time that are common to all institutions, and the institution fixed effects capture differences across institutions that remain constant over time.

Difference-in-differences models must meet the standard that, in absence of treatment, treatment and control groups would behave identically. However, meeting that standard is not practicable. Instead, most scholars have attempted to meet the parallel trends assumption, which states that the treated and control groups would show parallel trends in the absence of treatment during the post-treatment time period. As knowing that is impossible, program evaluations that use a difference-in-differences analytical strategy must assess pre-treatment trends of a group that will receive a policy intervention and compare those trends to those of a group that does not receive the policy intervention. There is no perfect, formal test of the parallel trends assumption; therefore, I adopt several approaches to approximate whether my analysis meets the assumption.

First, I confine my dataset only to institutions that were once or are currently members of the AAU – a group of institutions that due to strict requirements governing membership must be both qualitatively and qualitatively similar.[42] Acceptance into the AAU is invitation-only; as a

[42] As a robustness check, I added institutions in the Highest and Higher research activity Carnegie classifications, assuming that all universities that were not members of the AAU did not have the opportunity to join the self-imposed ban, and therefore were earmark seekers, rather than earmark avoiders. The results were qualitatively similar and non-significant. I present these results in Appendix F.

result, institutions are true "peers." By confining the sample to AAU members, I am confining the sample to a politically active group[43] that receives a large amount of federal funding. Essentially, the group should exhibit parallel trends in matters to rent-seeking and lobbying expenditures as all of the institutions are so similar in mission and involvement with the federal government.

Second, I add an institution-specific trend line to the vector of covariates when appropriate, following the work of Angrist and Pischke (2009) and Belasco, Rosinger, and Hearn (2015). The trend variable controls for the possibility that earmark-seeking and earmark-avoiding institutions may exhibit different lobbying expenditure trends in the absence of earmarks. I created the trend variables by regressing each dependent variable on year for each lobbying client using only data from the period before the earmark ban. These trend variables multiply the coefficients from that process on each year, allowing institutions to follow differing trends throughout the panel dataset. If the effects of removing rent availability by eliminating earmarks are robust, then institution-specific trends should not change the magnitude or significance of the coefficients of the treatment indicator variable.

Lastly, for any statistically significant results, I conduct a placebo test to ensure that any detected effects of earmark availability on rent-seeking lobbying expenditures occur only before the 2011 earmark ban. I confine my dataset to only those years before the implementation of the earmark ban - 2008, 2009, and 2010 - and assign a faux-earmark ban to all of the institutions in each of the years in the confined dataset. I would expect that the treatment variable would not be statistically significant in any of the placebo years, as earmarks were not available in that era. If, however, the placebo earmark availability indicator variable is significant, then I must assume

[43] In Chapter 2, I note that all AAU institutions in the sample lobbied during all years from 2005-2014.

that any changes in lobbying expenditure are due to some other unobservable event impacting the institutions in the sample.

Limitations

This approach comes with a number of limitations. First, while it was the John Boehner-led GOP-Majority Congress that introduced an earmark ban for public and nonprofit entities in 2011, Speaker Nancy Pelosi had already banned earmarks to private, for-profit entities the year prior, and many congressional candidates running for office in 2010 included ending earmarks as part of their platform. Seeing this policy change and the political environment, it is possible institutions might have changed their lobbying expenditure behavior prior to the earmark ban. Put simply, there might have been a one-year anticipatory effect. Therefore, I account for this possibility by amending the model as follows:

$$Y_{it} = \alpha A_i + \Omega Z_t + \beta_3 (E \times S)_{it} + \beta_4 (E \times S)_{it-1} + \boldsymbol{\gamma} \mathbf{X}_{it} + \varepsilon_{ia} \qquad (7)$$

where $(E \times S)_{it-1}$ is equal to "1" in all of the years before the year prior to the introduction of the Boehner earmark ban for earmark seekers only.

There are two major limitations associated with a small sample size. First, a small sample could lead to a lack of precision. With only 62 institutions in the sample with 8 years of data, there are only a handful of data-points within the panel; any estimates of the treatment effect will likely be imprecise which increases my chance of committing a Type II error. It is probable that I simply do not have the power to detect small effects of the ban on lobbying expenditures. This would especially be the case if the ban led to a small decline in lobbying expenditures. As a robustness check and attempt to increase precision, I also add all universities in the highest and

higher research categories to the dataset in a separate analysis, assuming that all of those institutions are earmark seeking institutions. I present those estimates, which are qualitatively similar but statistically insignificant in Appendix I.

The other limitation associated with a small sample size is that one or two outlier institutions may dramatically impact effect estimates. Therefore, I perform all of the Difference-in-differences regression models, removing one institution each time. In Appendix J, I report the institutions which when removed affect the significance of the effect estimate for any models that presented a statistically significant estimate with the whole sample. Of the 62 institutions, seven when moved impact the significance of the estimates, yet the coefficients are qualitatively similar to those of the full sample.

Also, there is no way to know what percentage of lobbying expenditures are dedicated only to lobbying for earmarks. While de Figueiredo and Silverman (2006) claim that almost all lobbying expenditures are related to the pursuit of earmarks, previous research, both prior to and within this dissertation call that claim into question. Lobbying disclosure reports, understandably, do not include a budgetary breakdown of each lobbyist's request. Lobbyists do many things, and seeking earmarks may only be one action they take. Total lobbying expenditures are the best measure we have of lobbying activity, but are no means precise with respect to the amount spent procuring earmarks.

Another limitation concerning the data is that it only covers Congressional earmarks. It is possible that colleges and universities in the sample received earmark funding from the executive branch during both the pre- and post-ban years. Taxpayers for Common Sense, from which the Center for Responsive Politics collects its earmark data, does not collect data on executive branch earmarks.

Finally, there are valid external validity concerns with this analytical strategy. The AAU are a very select group of institutions; they behave differently than many other institutions. Therefore, generalizing to the broader higher education community may be difficult. Any findings presented should therefore apply to only institutions similar to those in the AAU – well-endowed institutions who spend quite a bit on lobbying.

Results

Table 13 shows the OLS regression results for the relationship between earmark availability and the outcome variables, with standard errors clustered at the institution level. Models 1, 4, and 7 show the single regression coefficient estimates when I regress the outcome variable on an indicator for earmark availability. Models 2, 5, and 8 add political and institutional controls. Models 3, 6, and 9 add institutional fixed effects. If I have the power to detect a meaningful effect, and, as Congress believed when they instituted the earmark ban, that there is a positive relationship between lobbying spending and earmark availability, then the coefficients on the earmark availability variable should be positive and statistically significant. For example, the relationship between the earmark availability indicator and expenditures in model 3 would be interpreted as the availability of earmarks is associated with a 16 percent increase in lobbying expenditures. However, in neither that model nor any of the other the models does earmark availability predict lobbying expenditures at a statistically significant level. This finding could be emblematic of lacking precision or no relationship between the availability of earmark funding and lobbying expenditures among AAU institutions. It could be a precision problem. For example, the 95 % confidence interval on the earmark availability indicator in Model 3 ranges from around -0.10 to greater than 0.35, suggesting that I cannot rule out a decline in expenditure less than 10 percent, or an increase greater than 35 percent.

The graphs in Figure 20 illustrate the trends in lobbying expenditures and earmark funding received by earmark avoiding and earmark seeking institutions. Graph A shows the mean earmark funding received by seeking and avoiding institutions from 2008 through 2014. Earmark seeking institutions received a larger amount of earmark funding than earmark avoiding institutions on average in the years prior to the earmark ban. Earmarks received for both sets of institutions decline slightly from 2008 to 2009 before increasing in 2010 and dropping to zero in the post-ban years. This drop in 2009 is likely due to the fact that Congress passed three appropriations bills – Defense, Homeland Security, and Military construction – for 2009 in 2008, leading to an inflated amount of earmark funding received in 2008 when compared to 2009. Regardless, earmark seeking and earmark avoiding institutions followed the same earmark receipt pattern through the entire panel dataset. Neither group received earmarks after 2011, when Congress implemented the earmark ban.

Table 14 also reflects this information as it shows the mean earmark amounts received for both earmark seeking and earmark avoiding institutions before and after the 2011 congressional earmark ban. Prior to 2011, earmark seekers received $2.16 million in earmark funding on average, while earmark avoiders received $1.29 million on average. The largest amount of earmark funding received by an earmark-seeking institution in a given year prior to the ban was Penn State University, which received earmark funding in excess of $22 million in 2008. SUNY-Buffalo was the only earmark seeking institution to experience a year without earmark funding when it received $0 in earmarks in 2008. The largest amount of earmark funding received by an earmark avoider prior to the ban was $18 million by Iowa State in 2010. Eight of the 19 earmark avoiding institutions never received an earmark during the pre-ban period. After the ban, none of the institutions received a Congressional earmark.

Table 13: OLS regression results for the relationship between earmark availability and expenditures

	Log of Total lobbying expenditures			Log of K-Street expenditures			Log of In-House expenditures		
Model	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
Earmark Availability	0.218	0.274	0.157	0.272	0.503	0.565	-0.094	0.055	0.069
	(0.168)	(0.179)	(0.107)	(0.375)	(0.427)	(0.366)	(0.223)	(0.277)	(0.206)
Controls		X	X		X	X		X	X
Institution Fixed Effects			X			X			X
Adjusted R-squared	0.003	0.068	0.431	-0.001	0.062	0.753	-0.002	0.033	0.815
Number of Observations	496	496	496	496	496	496	496	496	496
Number of Clusters	62	62	62	62	62	62	62	62	62

+ $p<0.10$ * $p<0.05$ ** $p<0.01$ *** $p<0.001$

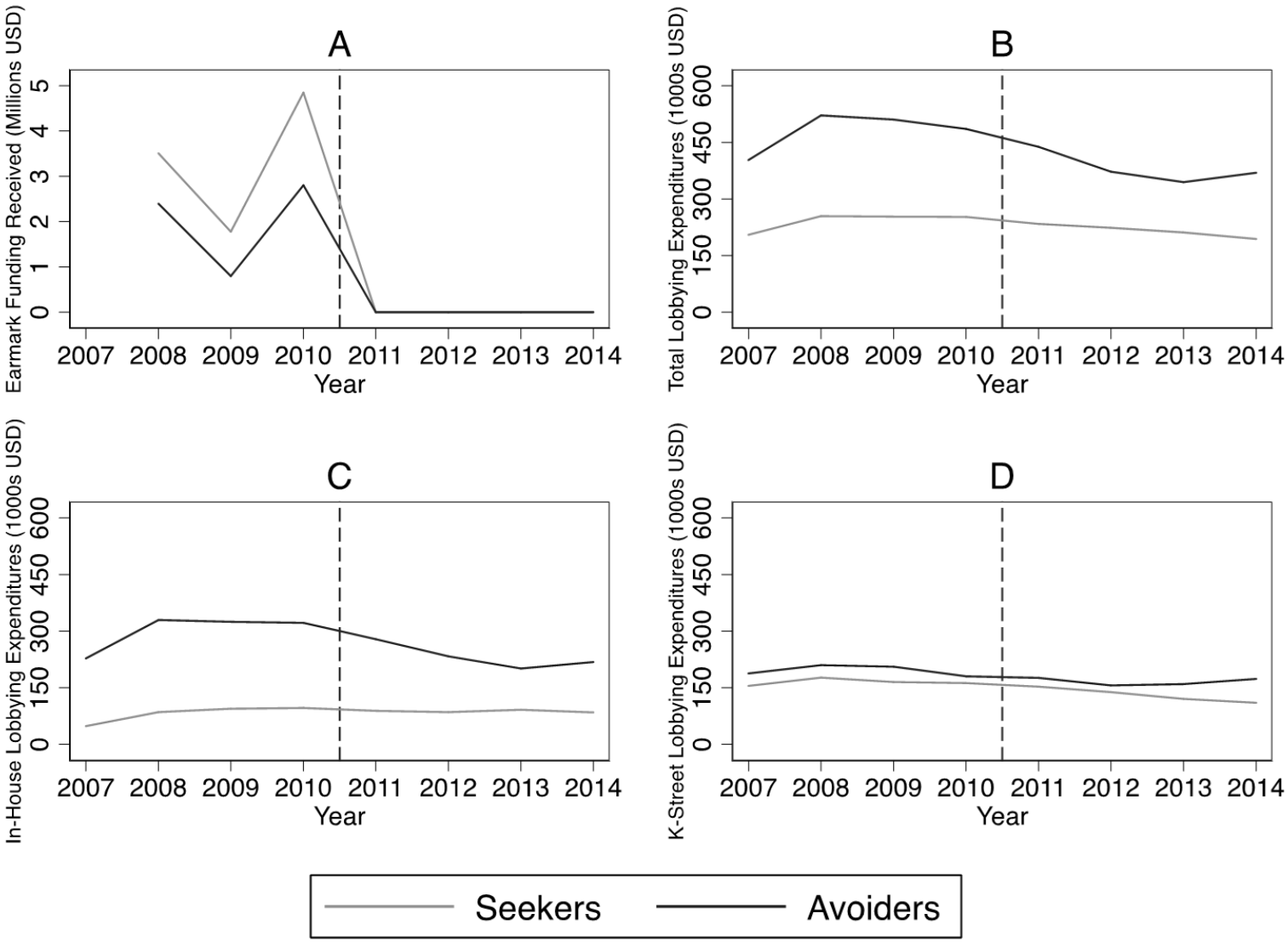
Robust standard errors, clustered at institution level in parentheses. Unit of analysis is an Association of American Universities institution in a given year from 2007 to 2014. AAU institutions include all those institutions that were part of the AAU at any time during the panel, exclusive of two Canadian universities. Outcome variables represent the natural log transformation of the CPI-adjusted expenditure listed above the model numbers in 2017 US Dollars. Data come from the Integrated Postsecondary Education Data System (IPEDS) and the Center for Responsive Politics (CRP). Lobbying expenditures for all but eight institutions taken directly from lobbying disclosure reports. Six of the universities are members of the University of California system, and two are part of the State University of New York system, both of which report lobbying expenditures at the system level. Therefore, the expenditure amounts for these institutions were calculated by assigning a percent of the total lobbying expenditure reported by the UC System equivalent to the ratio of enrollment at each campus to the total of all six campuses. Controls include log-transformed total enrollment, the number of US senators representing the institution's state that are members of the Republican Party, the number of Senators representing the institution that serve on key committees such as the Senate Finance or Senate HELP committees, and the interaction of the two Senate variables. A binary indicator for whether an institution is represented by a Republican in the House of Representatives and whether an institution's member of the House is a member of key committees such as the House Appropriations or Education and Workforce committee. I also include an interaction term of those two variables. Institution fixed effects account for all time-invariant characteristics of each institution.

Table 14: Sample means by lobbying policy before and after the 2011 earmark ban

	Before 2011		After 2011	
	Seeker	*Avoider*	*Seeker*	*Avoider*
Congressional earmarks	2.16	1.29	0	0
	(3.30)	(2.64)	(0)	(0)
Total lobbying expenditures	670	522	615	404
	(422)	(417)	(398)	(294)
- In-House expenditures	385	334	416	249
	(316)	(314)	(318)	(227)
- K-Street expenditures	309	215	211	178
	(369)	(268)	(265)	(247)
Number of Republican Senators	0.76	0.45	1.11	0.55
	(0.78)	(0.72)	(0.78)	(0.71)
At least one Senate Member on a Key Committee	0.68	0.68	0.71	0.63
	(0.47)	(0.47)	(0.46)	(0.48)
Republican House Member	0.45	0.10	0.54	0.19
	(0.50)	(0.31)	(0.50)	(0.39)
House Member on a Key Committee	0.16	0.44	0.30	0.31
	(0.37)	(0.50)	(0.46)	(0.47)

Notes: Standard deviations in parentheses. Earmarks in 1,000,000s USD and CPI-Adjusted. All lobbying expenditures in 1,000s USD and CPI-Adjusted. Congressional earmarks in millions USD. Sample includes all current AAU institutions, except for the 2 Canadian AAU members. Sample also includes Syracuse University and the University of Nebraska – Lincoln, which were members of the AAU until 2011. Earmark seekers actively attempt to earn earmarks through lobbying activity. Earmark avoiding institutions do not. From 2008 through 2011, 19 AAU institutions sought earmarks and 43 did not. Political variables other than Number of Republican Senators are indicator variables. Key committees defined as the Senate HELP and finance committees and the House Education and Workforce and Appropriations committees.

Figure 20: Visual representation of parallel trends



Graphs B, C, and D demonstrate the trends in lobbying expenditure for total, in-house, and K-Street lobbying respectively for both earmark seekers and earmark avoiders. In all cases, earmark avoiders actually spent more lobbying in each year on average than earmark seekers. Earmark avoiding institutions tended to be wealthier institutions in terms of budgets and endowment assets. Institutions with smaller budgets and assets – especially public institutions – may need their lobbyists to focus on lobbying for the institution not just Congress, but the Presidency, federal agencies, and at the state level to receive funding. An earmark-seeking lobbyist may therefore spend more overall, but spend less on Congress.

Graphs B and C shows a slight rise in overall expenditures for both earmark-seeking and earmark-avoiding institutions from 2007 to 2008, stability in spending between 2008 and 2010, then declines in spending from 2011 on. Graph B shows a more rapid decrease in total expenditures for earmark avoiding institutions when compared to earmark seeking institutions after the earmark ban. This decline in spending is likely explainable by a decline in average in-house lobbing expenditures as the trends in Graph C follow closely the trends in Graph B, but allows for a slight increase in in-house expenditures after the ban. Graph D shows the trends in K-Street lobbying expenditure. In the cases of both the earmark-seeking and earmark-avoiding institutions, the mean expenditure for K-Street lobbying decreased in the years following 2008. However, in 2012, the mean K-Street expenditure for earmark avoiders begins to rise.

The mean lobbying expenditure for earmark seeking institutions prior to the ban was $670,000 prior to the ban and declined to $615,000 after the ban. The same trend follows for K-Street expenditures which declined from an average of $309,000 to 2011 to $211,000 after the ban. The mean in-house expenditure, however, increased from $385,000 prior to 2011 to $416,000 after the ban. The mean total, in-house, and K-Street lobbying expenditures for

earmark avoiding institutions declined after the earmark ban. Mean total expenditures fell by $118,000 on average for earmark avoiding institutions. In summary, while in-house expenditures among earmark-seeking institutions increased after the ban, expenditures for earmark avoiding institutions fell. K-Street and overall expenditures fell for both groups.

Table 15 shows the regression results for the Difference-in-Difference models, which appear to confirm the graphs in Figure 20 and Table 14. The difference-in-difference estimator remains statistically insignificant for both the total log of expenditures outcome and the K-Street expenditures outcomes across all four models, suggesting that the earmark ban did not increase or decrease overall lobbying expenditures or K-Street expenditures. It is important to note that even when accounting for institution-specific trends I detect no meaningful difference in total and K-Street expenditure patterns associated with the ban.

In-house expenditures are a completely different story. As indicated by models 7 through 10, the 2011 Congressional earmark ban appears to have resulted in a positive, statistically significant increase in the log of in-house lobbying expenditures. Including fixed effects without time-variant controls, column 7 shows that the ban is associated with more than doubling in-house expenditures. When political and institutional controls are included, the ban is associated with a 94 percent increase in in-house lobbying expenditure.[44] Accounting for anticipatory effects reduces the overall impact of the earmark ban to a 65 percent increase in in-house lobbying expenditure.

When trying to ensure parallel trends by including an institution-specific trend line in the model, the effects of the earmark ban are still positive, but no longer significant. This may suggest that the parallel trends assumption does not hold in this case. However, all of the models

[44] At an effect this large the natural log transformation may no longer well approximate percent changes, therefore the estimates reported in this paper may be slightly misreported.

Table 15: Estimated effects of earmark availability

	Log of Total lobbying expenditures			*Log of K-Street expenditures*			*Log of In-House expenditures*			
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Treatment X After	0.26	0.31	0.34	0.04	0.38	-0.28	1.11	0.94	0.65	0.45
	[-0.20,0.72]	[-0.30,0.93]	[-0.22,0.90]	[-1.44,1.51]	[-0.95,1.71]	[-1.75,1.19]	[0.30,1.91]	[0.22,1.65]	[0.04,1.27]	[-0.30,1.20]
Institution FE	X	X	X	X	X	X	X	X	X	X
Year FE	X	X	X	X	X	X	X	X	X	X
Controls		X	X		X	X		X	X	X
Anticipatory Effects			X			X			X	X
Placebo Test	-	-	-	-	-	-	No	No	No	No
Institution Trend	-	-	-	-	-	-	-	-	-	Yes
Adjusted R^2	0.44	0.45	0.45	0.75	0.75	0.75	0.83	0.83	0.83	0.84
Within R^2	0	0.02	0.01	0	0.01	0.01	0.02	0.02	0.02	0.1
No. of Obs.	496	496	496	496	496	496	496	496	496	496
No. of Clusters	62	62	62	62	62	62	62	62	62	62

Notes: 90 Percent confidence intervals in brackets. Models use robust standard errors clustered at the institution level. Unit of analysis is an Association of American Universities institution in a given year from 2007 to 2014. AAU institutions include all those institutions that were part of the AAU at any time during the panel, exclusive of two Canadian universities. Outcome variables represent the natural log transformation of the CPI-adjusted expenditure listed above the model numbers in 2017 US Dollars. Data come from the Integrated Postsecondary Education Data System (IPEDS) and the Center for Responsive Politics (CRP). Lobbying expenditures for all but eight institutions taken directly from lobbying disclosure reports. Six of the universities are members of the University of California system, and two are part of the State University of New York system, both of which report lobbying expenditures at the system level. The expenditure amounts for these institutions were calculated by assigning the entirety of the expenditure to the two flagship institutions – SUNY – Buffalo and UC-Berkeley – while assigning no value to the other institutions in the system. Controls include log-transformed total enrollment, the ratio of CPI-adjusted federal grant funding less earmark funding to total CPI-adjusted federal grant funding, the number of US senators representing the institution's state that are members of the Republican Party, the number of Senators representing the institution that serve on key committees such as the Senate Finance or Senate HELP committees, and the interaction of the two Senate variables. A binary indicator for whether an institution is represented by a Republican in the House of Representatives and whether an institution's member of the House is a member of key committees such as the House Appropriations or Education and Workforce committee. I also include an interaction term of those two variables. Institution fixed effects account for all time-invariant characteristics of each institution.

are robust to placebo testing; that is, the adoption of a placebo treatment in years did not yield statistically significant results, suggesting that the effects of the outcome are not likely spurious or due to unobserved measures. Nevertheless, concern about the impact of the institutional trend leads me to believe that these results are interesting, yet inconclusive.

Regardless, that the ban may have resulted in a positive coefficient for in-house lobbying is an unexpected finding. There are a number of potential explanations for this finding. First, in the absence of earmarks, institutions may have hired specialists in-house to help them find additional sources of federal funding. I see some evidence that this might be the case in Chapter 3. One lobbyist reported hiring two former generals to help the institution secure DARPA funding. If earmark-seeking institutions followed the same strategy and hired their own in-house specialists to seek out funding at executive branch agencies, then that could account for the increase in in-house expenditures.

Discussion

Congress had a theory of action to eliminate or curb interest group rent-seeking behavior. In 2011, they instituted a ban on earmark funding, ostensibly cutting off nonprofit and public sector interest groups from receiving one form of rent. Due to a difference in earmark-seeking policy among an elite group of institutions prior to the ban, I was able to perform a difference-in-difference analysis to determine the impact of the earmark ban on rent-seeking behavior. Using total, K-Street, and in-house lobbying expenditures as an outcome variable and proxy for rent-seeking behavior, I examine whether the ban reduced lobbying expenditures. I find no consistent, discernable evidence that the earmark ban curbed lobbying spending. For in-house expenditures, I find some evidence that the earmark ban had a positive, rather than negative, impact on spending among the group of institutions likely to be impacted by the earmark ban.

Graphs B and C in Figure 20 may offer some insight as to why the DiD models suggest increases in the expenditures of the earmark seeking group. Note that the mean expenditures for in-house and overall expenditures for earmark seekers do not increase, but rather remain static across the time period. Earmark avoiders, however, experience a decline in spending after the earmark ban is instituted. This trend is the complete opposite of what one might expect. In essence, there was no change in spending pattern from the group I expected to respond to the treatment, and a change in spending pattern among the group I did not expect to respond to the treatment. The positive treatment effect in the models can be explained by the earmark avoiding institutions not changing their spending patterns in the wake of the earmark ban, while the earmark seekers reduced their spending. The potential reasons for this difference in spending trend are many.

The first possible explanation is that the earmark-seeking lobbyists are systematically worse than earmark-avoiding lobbyists at determining the likelihood of Congressional productivity. With a decline in Congressional productivity, lobbyists had little incentive to lobby. Lobbyists attempt to stop legislation from passing or dramatic changes in policy from occurring. Congress, however, was doing that job for the lobbyists by being so polarized that they passed a relatively few number of bills in the 112th Congress. A reduction in Congressional productivity may have led lobbyists to spend less money lobbying as the threat of potentially harmful legislation has been reduced. If earmark-avoiding lobbyists are systematically worse at identifying a lack of upcoming Congressional productivity, they might keep their spending at the same level while more savvy earmark avoiders reduce their expenditures. That said, there is no reason to believe this is the case. As all institutions in the sample are members of the same umbrella lobbying group, the AAU, they all likely have access to and share amongst themselves a similar level of

information about the likelihood Congress passing bills that could help or harm higher education institutions.

Another one of the potential reasons for a drop in earmark avoider lobbying expenditures may have to do with partisanship. While higher education institutions have long seen themselves as "above the fray" of partisan politics (Camp, 2018), research shows a negative association between percentage of Republicans in a legislature and appropriations (McLendon, Mokher, & Doyle, 2009). Furthermore, as discussed in the previous chapter, recent polling data suggests that Republicans have a growing distrust of higher education institutions (Pew Research Center, 2017). It is possible therefore, that Republicans in Congress are less likely to support higher education institutions. Institutions might therefore choose to focus their lobbying efforts elsewhere - perhaps agencies or regulatory bodies. This would lead not to a decline in lobbying activity, but a decline in lobbying activity in Congress that is discernable from the measures used in this analysis.

Why might earmark seekers not have reduced their expenditures? Many of the earmark seeking institutions, including Rice, University of Texas, and Purdue were all represented by Republicans – at least in the Senate. Payne (2003) found that district representation of universities on appropriations committees had a positive effect on federal funding. With Republicans now in power, the earmark seeking institutions represented by Republicans would now be able to reap the benefits of committee leadership and membership for their representatives. They may maintain their expenditures in order to take advantage of having representatives in power for reasons other than earmarks, such as lobbying for reduced regulation or greater funding for the NIH or NSF.

Another possible explanation is that earmark-seeking institutions still sought rents from an unproductive Congress, just not in the form of earmarks. There is a policy, widely called "letter marking" in Washington, that might have replaced earmarks as a source of revenue for those institutions that sought them. Letter-marking refers to the process by which legislators send letters to federal agencies to which they have appropriated funds in an attempt to send agency funding to projects in their districts. Agencies, who are under no legal obligation to oblige legislators' requests, still may do so as they "are loath to antagonize the legislators who approve their budgets, especially when they have added extra money with a specific project in mind" (Sullum, 2010). Letter-marks, therefore, may take the place of earmarks for earmark-seeking institutions in the wake of the earmark ban. Earmark avoiders likely shun letter-marks for the same reasons they shun earmarks; they might argue that letter-marking undermines the competitive grant-making process at which many earmark avoiding institutions excel, and that letter-marks decrease transparency. While legislators write earmarks into legislative text, letter-marks are not easily traceable. With so little transparency surrounding letter-marking, it is extraordinarily difficult to determine just how much legislators engage in the process. It is even more difficult to understand the extent to which higher education institutions lobby legislators with the intent of securing letter-marked funds. To come close to understanding the extent to which legislators use letter-marks and higher education institutions ask for earmarks, one would need to fill out a *Freedom of Information Act* request for every federal agency and member of Congress. Given the logistical difficulty of studying letter-marks, it may be a long time before researchers are able to study this phenomenon.

While this study provides some evidence of a failure of the Congressional theory of action, it suffers from a lack of statistical power to determine an impact. Table 4 reports 90

percent confidence intervals for each estimate of the treatment effect. In the case of total lobbying expenditures, in a model that includes institutional and year fixed effects, political and institutional control variables, and accounts for anticipatory effects while very likely meeting the parallel trends assumption, 90 percent of multiply repeated samples would result in coefficient estimates as low as -0.23 and as high as 0.93. To put those numbers in perspective, this means that 90 percent of the estimates would be as high as a 93 percent increase in lobbying expenditures or as low as a 23 percent decrease in lobbying expenditure. That represents a wide range of possible outcomes, suggesting that these estimates are a blunt instrument at best. Introducing more covariates that predict lobbying expenditures might explain more variation in the outcome variables; however, the R-Squared values across models show that the models explain a large amount of the variation in the outcome already. The best way to solve the imprecision issue is therefore to increase the sample size. For the purposes of this dissertation, that is impractical; future research in on the earmark ban should seek out a much larger sample.

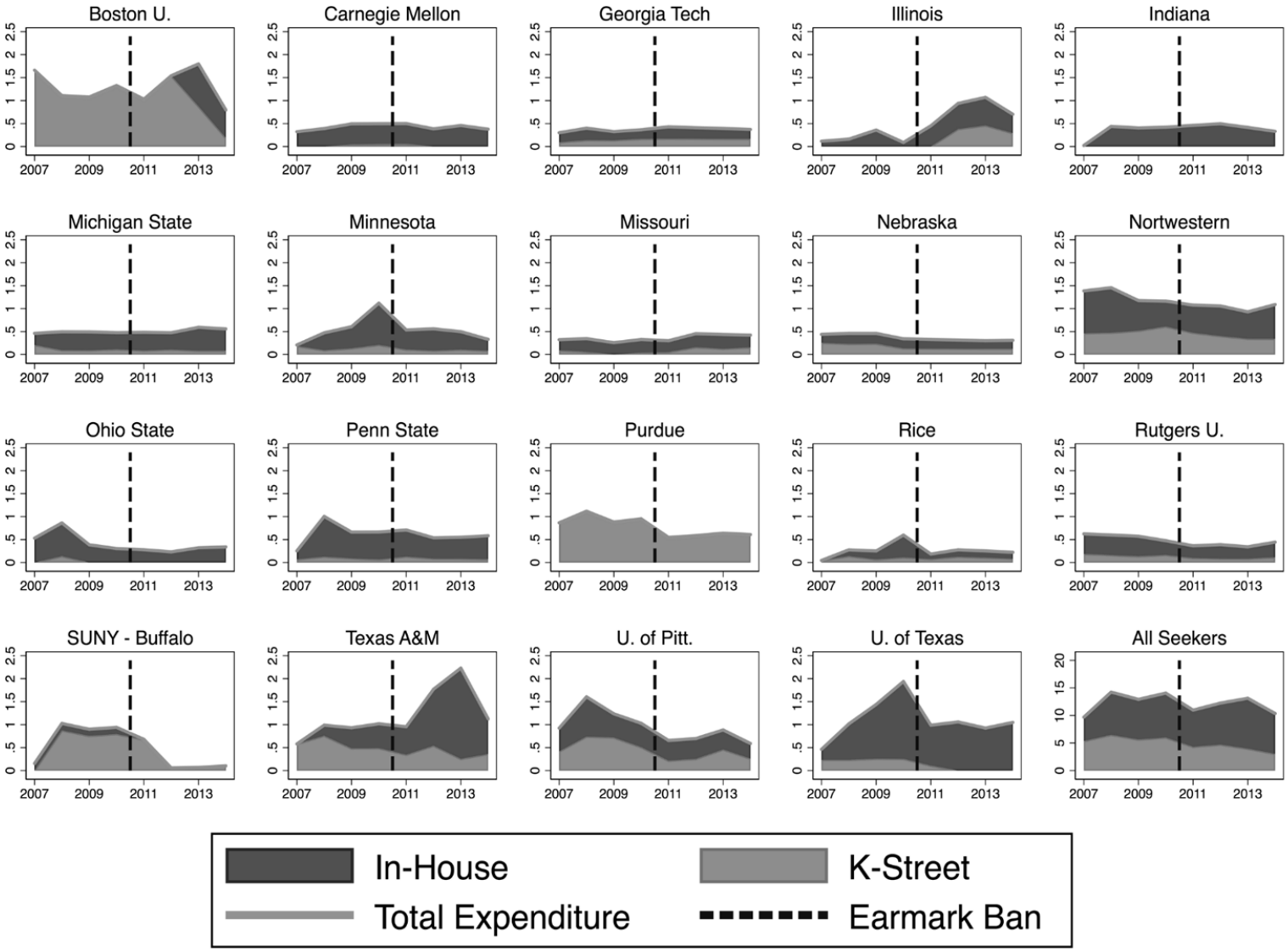
However, in the case of in-house expenditures, only the model that included institutional trend lines as a control yielded a confidence interval that fell below zero at its lower bound, suggesting that even if the estimate is imprecise the direction of the relationship may not be. In both the in-house and total lobbying expenditure outcome variables, the direction of the coefficient is positive, suggesting that the earmark ban is associated with an increase in expenditures. As in-house expenditures exceeded K-Street expenditures and make up a major portion of total lobbying expenditure, it is not surprising that the two measures would exhibit the same pattern. They suggest, that, after the earmark ban, spending on lobbying did not decrease.

Even if the estimates themselves are imprecise, the suggestion that neither total nor in-house lobbying expenditures decreased would seem to challenge the Congressional theory of

action that removing available rents would curb rent-seeking behavior. The general direction of the relationship between K-Street lobbying expenditures and the treatment effect is negative. However, if the in-house lobbying expenditures increased at a rate higher than or equal to the rate of decrease in K-Street expenditures, then I would expect to see no change or positive change in the total lobbying expenditure in the wake of the earmark ban. In either case, Congress wanted lobbying expenditures to decline – not stay the same or increase. While the lack of precision in the difference-in-difference estimates means that I cannot definitively say one way or another that overall expenditures and in-house expenditures increased as a result of the ban, it is easy to see how the relationship between the three measures could have played out as a result of the ban.

Figure 21 shows the distribution of lobbying expenditures across the 19 earmark seeking institutions. Immediately one can see the heterogeneity of responses to the earmark ban. The figure shows very little change in lobbying expenditures at Carnegie Mellon, Georgia Tech, Michigan State, Missouri, and Nebraska. While Texas and SUNY-Buffalo dramatically decreased their expenditures, Texas A&M and Illinois dramatically decreased their expenditures. For Illinois, that increase is almost exclusively due to the hiring of K-Street lobbyists, while at Texas A&M, the increase represents a massive increase in in-house lobbying expenditures. One possible explanation for either increase could be decision to hire additional lobbying assistance of agency specialists, such as the example of the DARPA Generals in Chapter 2. While the agency specialists are supposed to help find funding from federal departments and agencies, they may also play a role in crafting legislation to change the rules of competitive grant processes to favor their clients. There is no reason why those agency specialists would have to be in-house lobbyists, they could easily be part of a firm.

Figure 21: Heterogeneity of lobbying expenditure behavior among earmark seekers



One response of particular interest is Boston University's decision to move from a model in which K-Street lobbying accounts for all of their lobbying expenditures to one in which in-house lobbying expenditures are the predominant lobbying expenditure. This transfer of lobbying expenditure type is consistent with the direction of the estimates in Table 15. Why would the earmark ban cause institutions to shift their lobbying expenditures away from K-Street lobbying firms and towards their in-house lobbyists? If I assume that K-Street firms specialized in earmark seeking in the years prior to the ban, then their services would not be of interest to institutions in the years following the ban. This would contribute to a decline in K-Street expenditures, but that alone does not explain an increase in in-house lobbying expenditures. Institutions might have spent that money on agency specialists as mentioned above, or their in-house lobbyists may simply be spending more time and effort lobbying Congress, which would increase the amount of money spent.

Lobbyists do more than just seek earmarks. They try to stop legislation that could work to the detriment of their employer from passing. They seek out different avenues to influence policy. They keep up relationships with Members of Congress and their staffers. Even in the absence of earmark funding, colleges and universities likely need lobbyists to fulfill all of these duties. If in-house lobbyists come cheaper than K-Street lobbyists but can perform the above functions with a similar level of success, it is not out of the realm of possibility that institutions expanded their in-house presence as they began to end contracts with the people they previously had hired to earn earmarks. This could be the case for Texas A&M as shown in Figure 21.

Whether due to the imprecision of the difference-in-difference estimates or due to an actual null effect, I find no discernable decrease in lobbying expenditures as a result of the earmark ban. Furthermore, the OLS regression to predict lobbying expenditures from earmark

availability also showed no relationship, which leads to the proposed return of earmarks. If the earmark ban did not reduce lobbying expenditures, then perhaps earmarks should make a comeback – given the impressive projects they funded and their use as a "deal sweetener" to help gain enough support for bills to pass.

While certainly responsible for unpopular expenditures like the "Bridge to Nowhere," earmarks at universities have resulted in popular and important research or programs. The program that trains K-9 units for the TSA originated as an earmark for Auburn University. In another example, the cure for anthrax was found by researchers at the University of Texas as part of an earmark-funded research lab. It is also possible that earmarks could break up gridlock. Members of Congress may be more inclined to vote for bills they would otherwise oppose if they could add earmark funding for their districts to bills. In sum, if earmarks did not increase lobbying expenditures and rent-seeking behavior, while also supporting cutting edge research and potentially limiting gridlock, perhaps Congress should lift its standing ban on the practice. Why fix what isn't broken?

In 2008, earmark funding accounted for $18.3 billion of the federal budget (Center for Responsive Politics, 2017). While a substantial sum, the federal budget totaled almost $3 trillion. Earmark funding made up only six tenths of a percent of the federal budget. That small percentage funded important projects such as a cancer research center, a training program for law enforcement to help commercially exploited children, and mental health institute for returning and wounded veterans. It is hard to see how any of these projects do not warrant at least some societal investment, especially considering the small amount of funding as a proportion of the federal government's overall spending for which earmarks account.

Furthermore, there are compelling arguments to be made that earmarks may allow Congressional leaders to build bipartisan consensus on controversial bills. Political scientists have often argued that, "restoring earmarks in some version could give leaders a tool to build bipartisan coalitions by attracting" members of minority parties to support bills put forth by the majority (Theodoridis et al., 2018). Earmarks may "grease the wheels" by allowing legislative leaders to trade earmarks for votes in order to build a coalition (Evans, 2004). As an example, former Montana Senator Max Baucus voted for the *Affordable Care Act* only after earmarks to his home state were added to the bill text. Later, he called earmarks "the glue" that held politics together (Schontzler, 2017).

In spite of all of this, Congress doesn't want to bring earmarks back. In 2018, a minority of Congressmen began to examine the possibility of reinstating earmarks after the seven-year ban. In response, House Speaker and earmark opponent Paul Ryan reminded them that President Trump was elected on a promise to "drain the swamp" (Marcos & Wong, 2018). In the Senate, Missouri Democrat Claire McCaskill referred to earmarks as the "Washington swamp creature that never seems to die – emerging from the depths every few years to waste taxpayer dollars" (Office of Senator John McCain, 2018). In the end, Congress voted to maintain the earmark ban.

CHAPTER 5

CONCLUSIONS AND OVERALL CONTRIBUTION

Barack Obama and Donald Trump have very little in common. The two men are members of different political parties. They differ in their approaches to the Presidency. They disagree on most major policy positions. Other than their mutual love of the game of golf, the two may have only one area of agreement - they say they disdain lobbyists.

Both men campaigned on curbing lobbying and special interest influence in Congress. While on the campaign trail in 2007, then-candidate Obama railed against lobbyists, saying "if you don't think lobbyists have too much influence in Washington, then I believe you've probably been in Washington too long" (Hasen, 2012). Ten years later at his inaugural address, Trump famously promised to "drain the swamp." Trump said, "for too long, a small group in our nation's capital has reaped the rewards of government while the people have borne the cost" (Kingsbury, 2017). Despite the Presidents' stated contempt for the practice, many interest groups lobby - including colleges and universities.

Colleges and universities lobby Congress just like other interest groups lobby Congress. They try to maintain the status quo when it is beneficial to them, and try to change it when it is not. They seek special treatment in the form of favorable regulation and earmarks. They speak with legislators and their staff to relay the interests of faculty, staff, students, and alumni. Yet, despite their important support and advocacy role for higher education institutions, the topic of college and university lobbying is understudied.

This dissertation attempts to advance the research surrounding higher education interest group activity. The first chapter of this dissertation catalogues existing research on lobbying for higher education and identifies gaps in the literature. The second identifies the institutional

characteristics of a college or university that might lead to its decisions to lobby and how much money to spend lobbying. Institutional size, and - in the case of research universities – membership in a Big Six lobbying organization predict lobbying expenditures. The third examines the goals and tactics of higher education institution lobbyists. It finds that their goals are largely the same as they were a decade ago – to support their faculty, staff, students, and alumni, and to ensure favorable policy and financial standing for their employers. It does, however, identify a number of growing rifts within the normally very collegial higher education lobby. The fourth chapter examines the extent to which a Congressional ban on earmarks impacted college and university lobbying behavior. It finds no evidence that the ban limited lobbying expenditures or activity. The combined contribution of these chapters is substantial, not only for their findings but also for the new directions for research they set out.

The second chapter also determines that larger institutions (by enrollment) are more likely to lobby than smaller institution. In the corporate lobbying literature, the reason given for this trend is that larger firms make greater profits; they then use those profits to fund more lobbying efforts. However, the profit-making hypothesis doesn't directly apply to nonprofit and public sector higher education institutions. More research is needed to explain the reasons as to why these trends exist.

In the fourth chapter, I found no discernable evidence that lobbying expenditures declined in response to the 2011 Congressional earmark ban. That work presents two key areas for improvement. First, in order to ensure greater precision in the estimates more data are needed. A greater number of institutions and more years of data should help increase the precision of the estimates. However, if the current findings hold in the face of greater precision, researchers should attempt to understand why expenditures may not have changed. I have

suggested lettermarking as a potential reason for no change among the earmark-seeking group. Lettermarking is a difficult process to observe. The process by which members of Congress write agency leaders requesting funding for constituent organizations is fairly clandestine, owing to the fact that discovering whether the letters would require multiple FOIA requests. Future research attempt to create a dataset that can explore the role of higher education lettermarking. It should seek to determine the extent to which higher education institution lobbyists are asking members of Congress to ask for lettermarks on their behalf.

Most importantly for institutions, the fourth chapter suggests new ways of quantifying a return on investment are necessary. De Figueiredo and Silverman (2006) determined a return on investment based on the amount of earmark funding an institution earned and amount of lobbying expenditures. That approach rests on the belief that "virtually 100 percent of lobbying expenditures… is devoted to the pursuit of earmarks" (de Figueiredo & Silverman, 2006, p. 9). This dissertation finds that not to be the case – at least in the post-earmarks era. Lobbyists spend time, money, and effort trying to achieve goals that are more than just earmarks. Furthermore, Chapter 4 finds no discernable decrease in lobbying expenditures in the post-earmark era; this suggests that lobbyists either completely switched their focus from seeking earmarks to other endeavors after Congress banned earmarks, or that they weren't seeking earmarks at the level suggested by de Figueiredo and Silverman in the first place. Considering that the previous literature that attempts to find a return on investment relies on the receipt of earmarks no longer applies, future researchers should attempt to get closer to a return on investment for lobbying activity.

Because of the heavy level of investment from federal sources in American postsecondary education, higher education institutions must be politically active. Because they

cannot engage in campaigning for candidates, lobbying is one of the only ways they can impact the policy process. As few have studied postsecondary institution lobbying, this dissertation attempts to shed light on these unsung political warriors for colleges and universities. It breaks new ground and updates old assumptions on college and university lobbying. I find that colleges and universities lobby, and that some institutions lobby more than others. Higher education lobbyists work together when they can, but go it alone to secure earmarks and when regulation gives one kind of institutions advantages that others do not have. Some institutions sought earmarks; when Congress instituted a ban on the practice, I found no discernable difference across institutions in lobbying expenditures. In sum, this dissertation adds to the political science and higher education literatures by examining the behaviors of college and university lobbyists.

Higher education lobbyists do incredible work. Far from being the sinister characters Hollywood portrays, lobbyists for higher education institutions work on major policy issues. Generally, they fight to support – as one lobbyist I interviewed for Chapter 3 stated – the dual goals of "teaching the next generation of leaders" and "pushing forward the frontiers of science." Given the relatively small body of literature on higher education lobbyists, perhaps it is time for researchers look towards lobbyists and their behavior as a new frontier of social science research. Given the countless hours postsecondary education lobbyists spend in support of researchers, learning about lobbyists is the least researchers can do.

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APPENDICES

Appendix A: Example of a Congressional lobbying report – Vanderbilt University

Clerk of the House of Representatives	Secretary of the Senate
Legislative Resource Center	Office of Public Records
B-106 Cannon Building	232 Hart Building
Washington, DC 20515	Washington, DC 20510

LOBBYING REPORT

Lobbying Disclosure Act of 1995 (Section 5) **- All Filers Are Required to Complete This Page**

1. Registrant Name ☑ Organization ☐ Individual

Vanderbilt University

2. Address ☐ **Check if different than previously reported**

Address1 405 Kirkland Hall Address2

City Nashville State TN Zip Code 37240 - Country USA

3. Principal place of business (if different than line 2)

City State Zip Code - Country

4a. Contact Name	b. Telephone Number / c. E-mail	5. Senate ID#
Ms. JENNIE MCCLENDON	☐ International Number (615) 343-2574	39861-24
7. Client Name ☑ **Self**		6. House ID#
Vanderbilt University		301690000

TYPE OF REPORT 8. Year 2007 Midyear (January1-June30) ☐ Year End (July 1-December 31) ☑

9. Check if this filing amends a previously filed version of this report ☐

10. Check if this is a Termination Report ☐ Termination Date 11. No Lobbying Activity ☐

INCOME OR EXPENSES - Complete Either Line 12 OR Line 13

12. Lobbying

INCOME relating to lobbying activities for this reporting period was:

Less than $10,000 ☐

$10,000 or more ☐ $

Provide a good faith estimate, rounded to the nearest $20,000, of all lobbying related income from the client (including all payments to the registrant by any other entity for lobbying activities on behalf of the client).

13. Organizations

EXPENSE relating to lobbying activities for this reporting period were:

Less than $10,000 ☐

$10,000 or more ☑ $ 70,000.00

14. REPORTING Check box to indicate expense accounting method. See instructions for description of options.

☐ **Method A.** Reporting amounts using LDA definitions only

☑ **Method B.** Reporting amounts under section 6033(b)(8) of the Internal Revenue Code

☐ **Method C.** Reporting amounts under section 162(e) of the Internal Revenue Code

Signature ✓ Digitally Signed By: Michael J. Schoenfeld **Date** 01/29/2008

Printed Name and Title Michael J. Schoenfeld, Vice Chancellor Public Affairs

v5.0.1b

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Appendix B: List of variables used in models in Chapter 2

Big Six Membership	An indicator variable for whether an institution is a member of any of the "Big Six" lobbying organizations as set out by Constance Cook (1998)
AACC	An indicator variable for whether an institution is a member of the American Association of Community Colleges
ACE	An indicator variable for whether an institution is a member of the American Council on Education
AAU	An indicator variable for whether an institution is a member of the Association of American Universities
APLU	An indicator variable for whether an institution is a member of the Association of Public and Land-grant Universities
AASCU	An indicator variable for whether an institution is a member of the American Association of State Colleges and Universities
NAICU	An indicator variable for whether an institution is a member of the National Association of Independent Colleges and Universities.
Carnegie Classification	Institution level based on the 2015 Carnegie Classification 1 = Baccalaureate College 2 = Master's-Level University 3 = Doctoral/Research University
Baccalaureate College	Indicator for whether an institution was named a Baccalaureate College in the Carnegie Foundation's 2015 Basic classification.
Master's-Level University	Indicator for whether an institution was named a Master's-Level University in the Carnegie Foundation's 2015 Basic classification.
Doctoral/Research University	Indicator for whether an institution was named a Research University in the Carnegie Foundation's 2015 Basic classification.

Public University	Indicator for whether an institution is a public college or university, rather than a private non-profit or for-profit institution.
Medical Degree	Indicator for whether an institution grants M.D., D.O., dental or veterinary degrees.
Enrollment	Total enrollment, full-time equivalent students.
Ln(Enrollment)	The natural log of the enrollment variable detailed above.
Enroll Cut 1	An indicator for whether an institution has fewer than 5,000 students
Enroll Cut 2	An indicator for whether an institution has between 5,000 students and 9,999 students
Enroll Cut 3	An indicator for whether an institution has between 10,000 students and 19,999 students.
Enroll Cut 4	An indicator for whether an institution has over 20,000 students
Lobby	An indicator for whether an institution filed or was listed as the client for at least one lobbying report given to Congress in a given year.
Lobbying Expenditures	Total Lobbying Expenditures for an institution in a given year.
CPI-Adjusted lobbying expenditures	Total lobbying expenditures for an institution in a given year in 2018 USD.
Ln(Expenditure)	Natural log of the CPI-adjusted lobbying expenditures in USD plus 1 USD.
Congressional Unity	An indicator variable for a year within a Congress in which the majority party in the House of Representatives and the majority party in the Senate are the same party.
Senator in the Majority	An indicator for whether at least one of an institution's two Senators is a member of the majority party in the Senate
House Delegation Majority in Majority Party	Each institution is represented by a member of the House of Representatives, who in turn is a member of a state

	delegation to the House. This variable is an indicator as to whether the majority of the state delegation to the House is aligned with the majority party in the House.
Year	Year from 2005 to 2014.

Appendix C: Sample e-mail solicitation

Subject Line: Dissertation Interview Request

Dear <Title, Last Name>:

I hope this e-mail finds you well. I am a Doctoral Candidate in the Department of Leadership, Policy, and Organizations at the Vanderbilt University, and my dissertation focuses on college and university lobbying efforts. I am hopeful you will be willing to assist me in my research

I am conducting interviews with in-house university lobbyists and federal relations personnel such as yourself. <*If their name has been suggested by another contact, mention that here.*> I would be grateful for the opportunity to speak with you about the goals of your advocacy efforts. Interviews will take approximately half an hour to an hour and can be scheduled at your convenience from March 4 – 12. Your participation in this study will confidential and anonymous; I will assign you a pseudonym and general descriptor for my analysis but make no explicit mention of your name, position, or institution.

Please reply to this email or contact me by phone at (704) 650-7890 to schedule an interview. I hope to hear from you soon.

Most sincerely,
Christopher

Christopher R. Marsicano
PhD Student in Leadership and Policy Studies
Peabody College of Education and Human Development
Vanderbilt University

T: (704) 650-7890
E: christopher.marsicano@vanderbilt.edu

Appendix D: Interview protocol

1. What is your name and position?
2. What did you do before you worked for <*Insert Institution Name Here*>?
3. What are your office's goals?
4. Have those goals shifted over time?
5. Could you share with me the reasons why they have shifted?
6. What is the issue on which you spent most of your time recently, and why?
    1. What goal are you trying to achieve?
    2. What actions are you taking to achieve that goal?
    3. Who else is involved in this issue, both inside and out of government?
    4. What fundamental tactics you use to connect with legislators over this issue?
7. Have you ever done the following on behalf of <*Insert Institution Name Here*>?
    1. Pursue a lawsuit - Y/N
    2. Testify in congress - Y/N
    3. Publish voting record - Y/N
    4. Publish research results - Y/N
    5. Contribute $ to political campaigns - Y/N
    6. Personal communication with legislators - Y/N
    7. Letter writing campaign - Y/N
    8. Organize protests - Y/N
    9. Public relations campaign - Y/N
    10. Contact by influential constituent - Y/N
    11. Publicly denounce opponent - Y/N
    12. Entertain legislators and others – Y/N
8. Under what circumstances would you consider hiring a lobbying firm outside of your <*Insert Institution Name Here*> office?
9. To what extent does your office actively seek earmarks?
10. Did you seek earmarks before 2011?
11. What am I missing?
12. Who do I need to talk to?
13. What can I do to help you do what you do?

<u>Optional Secondary Questions:</u>

- Who sets your priorities?
- What was the outcome of your most recent lobbying effort, what was the impact for your institution? What made the difference?
- How do you measure outcomes? What metrics/data do you keep?
- Do you have any regrets with respect to lobbying? What would you have done differently and why?
- What is a pretty difficult issue to work on?
- What are your biggest challenges?
- Can you walk me through and share with me an illustrative study

Appendix E: List of Earmark-Avoiding Institutions

Institution	City	State	Mean Expenditure			Mean Earmark
			Total	*In-House*	*K-Street*	
1. Brandeis University	Waltham	MA	$89	$0	$89	$0.167
2. Brown University	Providence	RI	$102	$102	$0	$0.267
3. California Institute of Technology	Pasadena	CA	$214	$0	$214	$0.000
4. Case Western Reserve University	Cleveland	OH	$727	$548	$179	$0.020
5. Columbia University	New York	NY	$529	$0	$529	$2.050
6. Cornell University	Ithaca	NY	$293	$293	$0	$0.230
7. Duke University	Durham	NC	$429	$411	$17	$0.000
8. Emory University	Atlanta	GA	$191	$186	$6	$0.000
9. Harvard University	Cambridge	MA	$999	$776	$223	$0.050
10. Iowa State University	Ames	IA	$189	$180	$9	$7.789
11. Johns Hopkins University	Baltimore	MD	$1,076	$725	$351	$0.504
12. Massachusetts Institute of Technology	Cambridge	MA	$252	$252	$0	$0.000
13. New York University	New York	NY	$624	$470	$153	$0.827
14. Princeton University	Princeton	NJ	$375	$375	$0	$0.000
15. Stanford University	Stanford	CA	$477	$441	$36	$1.150
16. Stony Brook University	Stony Brook	NY	$402	$340	$340	$0.854
17. Syracuse University	Syracuse	NY	$512	$291	$221	$0.488
18. Tulane University of Louisiana	New Orleans	LA	$645	$278	$367	$0.662
19. University of Arizona	Tucson	AZ	$345	$165	$180	$2.756
20. University of California-Berkeley	Berkeley	CA	$163	$160	$160	$0.240
21. University of California-Davis	Davis	CA	$136	$134	$134	$1.115
22. University of California-Irvine	Irvine	CA	$126	$124	$124	$0.000
23. University of California-Los Angeles	Los Angeles	CA	$172	$170	$170	$3.976
24. University of California-San Diego	La Jolla	CA	$129	$127	$127	$1.217

Appendix E Cont'd.

25. University of California-Santa Barbara	Santa Barbara	CA	$99	$98	$98	$0.000
26. University of Chicago	Chicago	IL	$811	$374	$437	$0.249
27. University of Colorado Boulder	Boulder	CO	$938	$852	$86	$0.441
28. University of Florida	Gainesville	FL	$271	$0	$271	$4.497
29. University of Iowa	Iowa City	IA	$456	$388	$68	$3.982
30. University of Kansas	Lawrence	KS	$306	$306	$0	$3.549
31. University of Maryland-College Park	College Park	MD	$371	$69	$302	$5.306
32. University of Michigan-Ann Arbor	Ann Arbor	MI	$566	$547	$19	$2.124
33. University of North Carolina at Chapel Hill	Chapel Hill	NC	$1,120	$0	$1,120	$2.307
34. University of Oregon	Eugene	OR	$267	$206	$61	$1.172
35. University of Pennsylvania	Philadelphia	PA	$713	$0	$713	$0.064
36. University of Rochester	Rochester	NY	$633	$386	$247	$0.246
37. University of Southern California	Los Angeles	CA	$1,250	$760	$490	$2.450
38. University of Virginia-Main Campus	Charlottesville	VA	$419	$252	$167	$0.154
39. University of Washington	Seattle	WA	$726	$627	$99	$3.698
40. University of Wisconsin-Madison	Madison	WI	$648	$0	$648	$0.443
41. Vanderbilt University	Nashville	TN	$272	$272	$0	$0.300
42. Washington University in St Louis	Saint Louis	MO	$200	$187	$13	$0.000
43. Yale University	New Haven	CT	$648	$648	$0	$0.300

Notes: List includes all earmark-seeking institutions that were members of the AAU for at least one year between 2007 and 2014. Earmark seeking status is determined by whether an institution signed or declined to sign a joint AAU statement calling for member institutions to refrain from seeking earmarks. Those institutions that signed the "no earmark pledge" are earmark avoiders – they may have received earmarks, but they did not seek them. List alphabetical by institution name and includes the institution, the city and state in which the institution is located, the mean annual CPI-adjusted total, in-house and K-street lobbying expenditures, and the mean CPI-adjusted annual earmark received prior to the earmark ban.

Appendix F: Estimated effects of earmark availability – Robustness check: Flagship Status

	Log of Total lobbying expenditures			*Log of K-Street expenditures*			*Log of In-House expenditures*			
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Treatment X After	0.24	0.29	0.31	0.1	0.45	-0.28	1.16*	1.00*	0.66+	0.38
	[-0.22,0.69]	[-0.32,0.90]	[-0.25,0.86]	[-1.38,1.57]	[-0.88,1.78]	[-1.75,1.19]	[0.36,1.97]	[0.29,1.72]	[0.04,1.27]	[-0.40,1.16]
Institution FE	X	X	X	X	X	X	X	X	X	X
Year FE	X	X	X	X	X	X	X	X	X	X
Controls		X	X		X	X		X	X	X
Anticipatory Effects			X			X			X	X
Placebo Test	-	-	-	-	-	-	No	No	No	No
Institution Trend	-	-	-	-	-	-	-	-	-	Yes
Adjusted R^2	0.92	0.92	0.92	0.80	0.80	0.80	0.89	0.89	0.89	0.89
Within R^2	0.00	0.02	0.02	0.00	0.01	0.01	0.02	0.03	0.03	0.09
No. of Obs.	496	496	496	496	496	496	496	496	496	496
No. of Clusters	62	62	62	62	62	62	62	62	62	62

+ $p < 0.10$, * $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$

Notes: 90 Percent confidence intervals in brackets. Models use robust standard errors clustered at the institution level. Unit of analysis is an Association of American Universities institution in a given year from 2007 to 2014. AAU institutions include all those institutions that were part of the AAU at any time during the panel, exclusive of two Canadian universities. Outcome variables represent the natural log transformation of the CPI-adjusted expenditure listed above the model numbers in 2017 US Dollars. Data come from the Integrated Postsecondary Education Data System (IPEDS) and the Center for Responsive Politics (CRP). Lobbying expenditures for all but eight institutions taken directly from lobbying disclosure reports. Six of the universities are members of the University of California system, and two are part of the State University of New York system, both of which report lobbying expenditures at the system level. The expenditure amounts for these institutions were calculated by assigning the entirety of the expenditure to the two flagship institutions – SUNY – Buffalo and UC-Berkeley – while assigning no value to the other institutions in the system. Controls include log-transformed total enrollment, the ratio of CPI-adjusted federal grant funding less earmark funding to total CPI-adjusted federal grant funding, the number of US senators representing the institution's state that are members of the Republican Party, the number of Senators representing the institution that serve on key committees such as the Senate Finance or Senate HELP committees, and the interaction of the two Senate variables. A binary indicator for whether an institution is represented by a Republican in the House of Representatives and whether an institution's member of the House is a member of key committees such as the House Appropriations or Education and Workforce committee. I also include an interaction term of those two variables. Institution fixed effects account for all time-invariant characteristics of each institution.

Appendix G: Estimated effects of earmark availability – Robustness check: Repeated total expenditure values

	Log of Total lobbying expenditures			*Log of K-Street expenditures*			*Log of In-House expenditures*			
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Treatment X After	0.26	0.31	0.34	0.04	0.38	-0.28	1.10*	0.93*	0.65+	0.45
	[-0.20,0.72]	[-0.30,0.93]	[-0.22,0.90]	[-1.44,1.51]	[-0.95,1.71]	[-1.75,1.19]	[0.30,1.91]	[0.22,1.65]	[0.04,1.27]	[-0.30,1.20]
Institution FE	X	X	X	X	X	X	X	X	X	X
Year FE	X	X	X	X	X	X	X	X	X	X
Controls		X	X		X	X		X	X	X
Anticipatory Effects			X			X			X	X
Placebo Test	-	-	-	-	-	-	No	No	No	No
Institution Trend	-	-	-	-	-	-	-	-	-	Yes
Adjusted R^2	0.44	0.45	0.45	0.75	0.75	0.75	0.83	0.83	0.83	0.84
Within R^2	0.00	0.02	0.01	0.00	0.01	0.01	0.02	0.02	0.02	0.10
No. of Obs.	496	496	496	496	496	496	496	496	496	496
No. of Clusters	62	62	62	62	62	62	62	62	62	62

+ $p < 0.10$, * $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$

Notes: 90 Percent confidence intervals in brackets. Models use robust standard errors clustered at the institution level. Unit of analysis is an Association of American Universities institution in a given year from 2007 to 2014. AAU institutions include all those institutions that were part of the AAU at any time during the panel, exclusive of two Canadian universities. Outcome variables represent the natural log transformation of the CPI-adjusted expenditure listed above the model numbers in 2017 US Dollars. Data come from the Integrated Postsecondary Education Data System (IPEDS) and the Center for Responsive Politics (CRP). Lobbying expenditures for all but eight institutions taken directly from lobbying disclosure reports. Six of the universities are members of the University of California system, and two are part of the State University of New York system, both of which report lobbying expenditures at the system level. The expenditure amounts for these institutions were calculated by assigning the entirety of the expenditure to the two flagship institutions – SUNY – Buffalo and UC-Berkeley – while assigning no value to the other institutions in the system. Controls include log-transformed total enrollment, the ratio of CPI-adjusted federal grant funding less earmark funding to total CPI-adjusted federal grant funding, the number of US senators representing the institution's state that are members of the Republican Party, the number of Senators representing the institution that serve on key committees such as the Senate Finance or Senate HELP committees, and the interaction of the two Senate variables. A binary indicator for whether an institution is represented by a Republican in the House of Representatives and whether an institution's member of the House is a member of key committees such as the House Appropriations or Education and Workforce committee. I also include an interaction term of those two variables. Institution fixed effects account for all time-invariant characteristics of each institution.

Appendix H: Estimated effects of earmark availability – Robustness check: Dividing expenditures by number of AAU institutions in system

	Log of Total lobbying expenditures			*Log of K-Street expenditures*			*Log of In-House expenditures*			
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Treatment X After	0.26	0.31	0.34	0.04	0.38	-0.28	1.10*	0.93*	0.65+	0.45
	[-0.20,0.72]	[-0.30,0.93]	[-0.22,0.90]	[-1.44,1.51]	[-0.95,1.71]	[-1.75,1.19]	[0.30,1.91]	[0.22,1.65]	[0.04,1.27]	[-0.30,1.20]
Institution FE	X	X	X	X	X	X	X	X	X	X
Year FE	X	X	X	X	X	X	X	X	X	X
Controls		X	X		X	X		X	X	X
Anticipatory Effects			X			X			X	X
Placebo Test	-	-	-	-	-	-	No	No	No	No
Institution Trend	-	-	-	-	-	-	-	-	-	Yes
Adjusted R^2	0.44	0.45	0.45	0.75	0.75	0.75	0.83	0.83	0.83	0.84
Within R^2	0.00	0.02	0.01	0.00	0.01	0.01	0.02	0.02	0.02	0.10
No. of Obs.	496	496	496	496	496	496	496	496	496	496
No. of Clusters	62	62	62	62	62	62	62	62	62	62

+ $p < 0.10$, * $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$

Notes: 90 Percent confidence intervals in brackets. Models use robust standard errors clustered at the institution level. Unit of analysis is an Association of American Universities institution in a given year from 2007 to 2014. AAU institutions include all those institutions that were part of the AAU at any time during the panel, exclusive of two Canadian universities. Outcome variables represent the natural log transformation of the CPI-adjusted expenditure listed above the model numbers in 2017 US Dollars. Data come from the Integrated Postsecondary Education Data System (IPEDS) and the Center for Responsive Politics (CRP). Lobbying expenditures for all but eight institutions taken directly from lobbying disclosure reports. Six of the universities are members of the University of California system, and two are part of the State University of New York system, both of which report lobbying expenditures at the system level. The expenditure amounts for these institutions were calculated by assigning the entirety of the expenditure to the two flagship institutions – SUNY – Buffalo and UC-Berkeley – while assigning no value to the other institutions in the system. Controls include log-transformed total enrollment, the ratio of CPI-adjusted federal grant funding less earmark funding to total CPI-adjusted federal grant funding, the number of US senators representing the institution's state that are members of the Republican Party, the number of Senators representing the institution that serve on key committees such as the Senate Finance or Senate HELP committees, and the interaction of the two Senate variables. A binary indicator for whether an institution is represented by a Republican in the House of Representatives and whether an institution's member of the House is a member of key committees such as the House Appropriations or Education and Workforce committee. I also include an interaction term of those two variables. Institution fixed effects account for all time-invariant characteristics of each institution.

Appendix I: Estimated effects – Robustness check: "Higher" or "Highest Research" Carnegie Classifications

	Log of K-Street expenditures								
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
Treatment X After	-0.10	0.04	0.03	-0.27	-0.12	-0.52	0.40	0.53	0.62
	[-0.61,0.40]	[-0.47,0.54]	[-0.43,0.49]	[-1.05,0.50]	[-0.89,0.64]	[-1.18,0.15]	[-0.26,1.06]	[-0.14,1.19]	[-0.09,1.34]
Institution FE	X	X	X	X	X	X	X	X	X
Year FE	X	X	X	X	X	X	X	X	X
Controls		X	X		X	X		X	X
Anticipatory Effects			X			X			X
Placebo Test	-	-	-	-	-	-	-	-	-
Institution Trend	-	-	-	-	-	-	-	-	-
Adjusted R^2	0.87	0.88	0.88	0.79	0.81	0.81	0.88	0.89	0.89
Within R^2	0.00	0.01	0.00	0.00	0.00	0.00	0.00	0.01	0.00
No. of Obs.	1674	1674	1674	1674	1674	1674	1674	1674	1674
No. of Clusters	210	210	210	210	210	210	210	210	210

+ $p < 0.10$, * $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$

Notes: 90 Percent confidence intervals in brackets. Models use robust standard errors clustered at the institution level. Unit of analysis is an Association of American Universities or Carnegie "Higher" or "Highest" Research designation institution in a given year from 2007 to 2014. AAU institutions include all those institutions that were part of the AAU at any time during the panel, exclusive of two Canadian universities. Carnegie institutions include all those that met these classification categories in 2010. Outcome variables represent the natural log transformation of the CPI-adjusted expenditure listed above the model numbers in 2017 US Dollars. Data come from the Integrated Postsecondary Education Data System (IPEDS) and the Center for Responsive Politics (CRP). Lobbying expenditures for all but eight institutions taken directly from lobbying disclosure reports. Six of the universities are members of the University of California system, and two are part of the State University of New York system, both of which report lobbying expenditures at the system level. The expenditure amounts for these institutions were calculated by assigning the entirety of the expenditure to the two flagship institutions – SUNY – Buffalo and UC-Berkeley – while assigning no value to the other institutions in the system. Controls include log-transformed total enrollment, the ratio of CPI-adjusted federal grant funding less earmark funding to total CPI-adjusted federal grant funding, the number of US senators representing the institution's state that are members of the Republican Party, the number of Senators representing the institution that serve on key committees such as the Senate Finance or Senate HELP committees, and the interaction of the two Senate variables. A binary indicator for whether an institution is represented by a Republican in the House of Representatives and whether an institution's member of the House is a member of key committees such as the House Appropriations or Education and Workforce committee. I also include an interaction term of those two variables. Institution fixed effects account for all time-invariant characteristics of each institution.

Appendix J: Removing institutions as a robustness check

	In-House Lobbying Expenditures			
	(9)	(10)	(11)	(12)
Institution and Time Fixed Effects	X	X	X	X
Controls		X	X	X
Anticipatory Effects			X	X
Institutional Trend Line				X
Institution Removed				
University of Illinois at Urbana-Champaign	1.09*	0.92*	0.58	0.36
	[0.29,1.91]	[0.21,1.64]	[0.02,1.28]	[-0.30,1.21]
Tulane University of Louisiana	0.96*	0.82*	0.53	0.33
	[0.19,1.73]	[0.14,1.49]	[-0.04,1.10]	[-0.38,1.04]
Boston University	0.78*	0.68+	0.36	0.13
	[0.16,1.40]	[0.06,1.30]	[-0.09,0.82]	[-0.49,0.75]
University at Buffalo	1.07*	0.90+	0.79*	0.67+
	[0.23,1.90]	[0.15,1.65]	[0.20,1.39]	[0.02,1.32]
Rice University	1.01*	0.72+	0.62	0.53
	[0.19,1.84]	[0.03,1.41]	[-0.06,1.30]	[-0.24,1.30]
Texas A & M University-College Station	0.92+	0.75+	0.61	0.48
	[0.15,1.70]	[0.09,1.41]	[-0.00,1.22]	[-0.25,1.21]
University of Virginia-Main Campus	0.94*	0.87*	0.54	0.27
	[0.18,1.71]	[0.17,1.56]	[-0.05,1.14]	[-0.51,1.05]

+ $p < 0.10$, * $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$

Notes: 90 Percent confidence intervals in brackets. Models use robust standard errors clustered at the institution level. Unit of analysis is an Association of American Universities or Carnegie "Higher" or "Highest" Research designation institution in a given year from 2007 to 2014. AAU institutions include all those institutions that were part of the AAU at any time during the panel, exclusive of two Canadian universities. Carnegie institutions include all those that met these classification categories in 2010. Outcome variables represent the natural log transformation of the CPI-adjusted expenditure listed above the model numbers in 2017 US Dollars. Data come from the Integrated Postsecondary Education Data System (IPEDS) and the Center for Responsive Politics (CRP). Lobbying expenditures for all but eight institutions taken directly from lobbying disclosure reports. Six of the universities are members of the University of California system, and two are part of the State University of New York system, both of which report lobbying expenditures at the system level. The expenditure amounts for these institutions were calculated by assigning the entirety of the expenditure to the two flagship institutions – SUNY – Buffalo and UC-Berkeley – while assigning no value to the other institutions in the system. Controls include log-transformed total enrollment, the ratio of CPI-adjusted federal grant funding less earmark funding to total CPI-adjusted federal grant funding, the number of US senators representing the institution's state that are members of the Republican Party, the number of Senators representing the institution that serve on key committees such as the Senate Finance or Senate HELP committees, and the interaction of the two Senate variables. A binary indicator for whether an institution is represented by a Republican in the House of Representatives and whether an institution's member of the House is a member of key committees such as the House Appropriations or Education and Workforce committee. I also include an interaction term of those two variables. Institution fixed effects account for all time-invariant characteristics of each institution.