

Questions and Answers about the Federal Lobbying Disclosure Act

The 2007 Honest Leadership and Open Government Act of 2007 (HLOGA) (“Lobbying Act”) requires reporting of all official University federal lobbying activities directed at Congress and the Executive Branch. Information about activities conducted by the Chancellor, Vice Chancellors, Federal Relations Officer, Deans, and their designees is reported.

Not all contact with the federal government needs to be officially reported. Check this document, or with your Dean or the University’s Federal Relations Office if you are not sure if your activities need to be reported.

Under the Lobbying Act, the terms “lobbying activities” and “lobbying contacts” mean the following:

- **Lobbying Contact:** Any oral, written, or electronic communication to a covered official (Member of Congress, congressional staff, senior federal executive branch employees including the President, Vice-President, Cabinet Officers, and senior agency officials) regarding the formulation, modification, or adoption of federal legislation; the administration or execution of a federal program or policy; or formulation, modification, or adoption of a federal rule, Executive order, policy, or position of the U.S. Government
- **Lobbying Activities:** Lobbying contacts **and** efforts in support of such contacts, including preparation or planning activities, research and other background work that is intended, at the time of its preparation, for use in contacts and coordination with the lobbying activities of others

The Lobbying Act prohibits the use of federal funds or grant money for any lobbying activities.

Authorized Lobbying Activities

- 1. Who is authorized to make official lobbying contacts on behalf of the University?**
Only the Chancellor, Vice Chancellors, Director of Federal Relations, Deans, and their designees are authorized to make official lobbying contacts on behalf of the University.
- 2. One of the above authorized officials has asked me to contact a federal officer directly regarding an issue. Is that a lobbying activity?**
Yes. As an authorized official’s designee, any contacts you make will be on the University’s behalf, and therefore will need to be reported. *See Question 3 below regarding use of University resources for this purpose. Also, see Question 4 regarding use of federal funds.*

3. **What is considered a “University resource,” and when can it be used?**

University resources, including but not limited to letterhead and IT resources, may be used if you have been asked by an authorized University official to perform lobbying activities.

a. University letterhead. If consistent with your department’s position on the use of University resources, you may use letterhead to contact a federal officer. Letterhead may also be used if you have been asked by an authorized University official to contact a federal officer.

b. IT resources. According to the University’s appropriate use guidelines, incidental personal use of IT resources is allowed in the interest of making the use of such resources a natural part of the day-to-day work of all members of the university community. However, non-university sources of e-mail, Internet access and other information technology services should be used for activities of an extensive or recurring nature that are not related to university purposes.

4. **May federal funds or grant money be used for lobbying purposes?**

No. Federally funded resources may not be used for any lobbying purposes.

5. **How do I calculate and report the cost of any lobbying activity?**

Make a good-faith estimate of the percentage of your time, and of any support staff time, taken up with any reportable lobbying activity in the reporting period in question. Then apply that percentage to your salary, and that of others, using this simple formula (to capture the costs of benefits and overhead):

Salary for the quarter x 2 x percentage = \$

The calculated \$ figure is what needs to be reported.

Private Lobbying Activities

6. **a. May I contact a Member of Congress/Executive Agency regarding the status of legislation or regulation that affects my field?**

Routine requests for the status of legislation , as long as there is no attempt to influence executive or legislative branch officials, do not need to be reported.

b. Because I am aware of a Member's possible interest in an area of my research, I have sent updates or other communications to their office, without asking them for any particular action. Is that lobbying? And does it need to be reported?

General communication providing information about programs on campus that does not urge any particular legislative or regulatory action likely does not need to be reported. Check with the Federal Relations Office to be sure. *And see Question 3 above* regarding use of University letterhead and IT resources for this purpose.

7. May I respond to a notice in the *Federal Register* or a similar publication soliciting public comment on a certain bill?

Yes. Communications made in response to a notice soliciting public communications are allowed, and do not need to be reported as lobbying. See *Question 3 above* regarding the use of University resources for preparing your response.

8. May I contact a Member of Congress/Executive Agency regarding the status of a bill that does not concern my area of expertise?

As a private citizen, you may contact a Member of Congress or an Executive Agency regarding legislation. You must do it on your own time, and may not use University resources. Any substantive communications by faculty members or other university employees to a legislative or executive branch official on a matter of Federal interest are not considered lobbying activities unless the University has asked you to undertake the activity on its behalf. If you make such a contact, you should state explicitly that your views are not those of the University and that you are not representing the University. See *Question 3 above* regarding appropriate use of University letterhead.

9. a. May I contact a Member of Congress/Executive Agency regarding a personal matter?

You may use your own resources to contact a Federal official in your capacity as a private citizen. Communications made on behalf of an individual concerning his or her own benefits, employment and other personal matters involving only that individual are not considered lobbying contacts.

b. May I use University resources for this purpose?

No. See *Question 3 above*.

Other Lobbying Contacts

10. I have been asked to give a speech/write an article about my area of research. Is this a lobbying activity?

It depends on who is asking, but probably not. In general, communications made in speeches, articles or other material widely distributed to the public through radio, television, or any other medium of mass communication are not considered lobbying contacts. However, if an authorized University official or their designee, in their official capacity, asks you to give a speech or write an article about your area of research, targeted specifically toward a legislative or executive branch official, you may be required under the Lobbying Act to report this activity. But if you are asked by

someone other than an authorized University official, such as a professional association, student group, or other faculty member, you will likely not be required under the Lobbying Act to report such activity. In either circumstance, you should report to the Chair of your department and/or the Dean of your college your plans and what, if any, University resources you plan to use. *See Question 3 above* regarding appropriate use of University resources, and *Question 4 above* regarding use of federal funds and grant money.

11. a. May I respond to a legislative/executive branch official(s) who have asked for information regarding my area of expertise?

Yes. Information provided in writing at the request of certain legislative or executive branch officials is not considered a lobbying activity, as long as the information is provided only to the federal official(s) who made the request. Such responses do not need to be reported under the Lobbying Act.

b. May I use University resources for this purpose?

See Question 3 above.

12. a. A congressional committee has asked me to testify before it regarding my area of research. Is this a lobbying activity?

No. Testimony given before a congressional committee or task force, or submitted for the public record of a congressional hearing, is allowed under the Lobbying Act, and therefore does not have to be reported as a lobbying activity, if the committee has asked you to testify about your area of expertise.

b. May I use University resources in preparation for my testimony?

Under these circumstances, you may use University resources to prepare your testimony. However, it must be made clear that you are not speaking on behalf of the University, and you may not use resources that are paid for entirely with federal funds.

13. My department, school, or college recently held an event which a Member of Congress attended. Do we need to report the costs of that event?

It depends. Under the new law, events “honoring” Members of Congress need to be reported. However, this will most likely not apply to most appearances by Members at most events associated with UW-Madison.

The law says that the costs of such events (including travel for staff specifically for the event, hall rental, catering, the costs of any plaque or other award, or other direct costs) need to be reported if the event specifically “honors” the Member. That has been interpreted to also include some (but not all) events where the Member is publicly acknowledged either in advance of, or during the course of the event; or if the Member is given anything tangible, including plaques or other commemorative pieces in recognition of their work.

The rules used to define what events do and do not qualify can be hard to apply

properly, and will need to be evaluated on a case-by-case basis in consultation with the Federal Relation's Office. If you think you might have an event to report, contact the Federal Relation's Office to discuss the particulars.

14. **I have been asked to appear with a Member of Congress in public. May I do so? And do I have to report it as lobbying?** A public appearance at a Member's request, or on panel with a Member, where you are present because of your expertise, not specifically representing or advocating for the University, does not need to be reported.

b. **May I use University resources in preparation for my appearance?**

In accordance with the rules and guidelines of your Department.

15. **Travel to Washington DC to discuss my research with federal agencies is paid from my grant funds. If I also visit with Members of Congress or staff for lobbying purposes while I am in the area, do I need to report any of my travel costs as a lobbying expense?** Yes, you will need to include the time you spend on lobbying activities, as indicated in #5 above, and also report a proportional percentage of your travel costs. Federal funds cannot be spent on lobbying activities, including travel, so that percentage of the costs should be paid from other funds.

Lobbying Activities of Other Organizations and Associations

16. a. **A professional organization to which I belong has asked me to contact a Member of Congress/Executive Branch official in support of a bill that relates to my field of expertise. Is this a lobbying activity?**

If a professional organization asks you to contact a federal office, you may do so, but you will not be recognized as a representative of the University. Instead, this will be seen as a private lobbying activity based on your professional expertise. Should you make such a contact, you must state explicitly that your views are not those of the University.

b. **A professional organization to which I belong has asked me to testify before a congressional committee regarding my area of research. Is this a lobbying activity?**

If your professional organization asks you to testify before a congressional committee or task force, or asks you to submit a statement for the public record of a congressional hearing, you are allowed to do so under the Lobbying Act, and therefore do not have to report it as a lobbying activity.

c. **May I use University resources for any of these purposes?**

Yes. De minimis usage of IT resources is allowed under the appropriate use guidelines. However, any further use of University IT resources to represent the interests of any non-University group or organization is not allowed unless authorized by an appropriate University department. You may not use any resources that are paid for entirely with public funds. Also, *see Question 3 above* regarding appropriate use of

University letterhead.

17. Does my work as a member of a Federal Advisory Committee constitute lobbying?

No. Communications made in the course of participation in an advisory committee are not considered lobbying. *See Question 3* above regarding use of University resources.

18. May I disclose information that has been subpoenaed/compelled by congressional action without violating the Lobbying Act?

Yes. If you have been compelled by law to disclose specific information, you must do so.

19. What are the rules concerning gifts of meals, travel, entertainment to House and Senate and the Administration?

As a basic rule, members of Congress may not solicit a gift or accept a gift that is linked to any action they have taken or being asked to take. There are many rules concerning gifts, however, there is a broad exception which permits gifts to Congress if it is paid for by a state or local government, including a state university. Members of the Executive Branch are not permitted to accept gifts. Please contact the Office of Federal Relations if you are thinking of giving a gift.