

Lobbying Disclosure Act Questions and Answers

1. What are **lobbying activities**?

The Lobbying Disclosure Act (“LDA”) defines **lobbying activities** as **lobbying contacts** and **efforts in support of lobbying contacts**.

2. What is a **lobbying contact**?

A **lobbying contact** is an oral, written, or electronic communication to a federal official specified in the LDA (see question 4 below) that is made on behalf of the University with regard to:

- (i) the formulation, modification, or adoption of federal legislation (including legislative proposals);
- (ii) the formulation, modification, or adoption of a federal rule, regulation, Executive order, or any other program, policy, or position of the United States Government;
- (iii) the administration or execution of a federal program or policy (including the negotiation, award, or administration of a federal contract, grant, loan, permit, or license) ; or
- (iv) the nomination or confirmation of a person subject to confirmation by the Senate.

Please note that the LDA only requires reporting on lobbying contacts if they are made to a covered federal official (see question 4 below). For example, negotiations on a contract or cooperative agreement do not have to be reported UNLESS you were contacting a covered official such as an Admiral or a staff member at the Office of Management and Budget.

The following communications, along with certain others, are excluded by statute from the definition of **lobbying contacts**:

- communications made in speeches, articles, publications, or other material distributed to the public, or made available through radio, television, cable television, or another medium of mass communication;
- routine requests for meetings or for the status of an action, or any similar administrative request, if unaccompanied by an attempt to influence the official to whom the request is made;

- testimony given before a Congressional committee, subcommittee, or task force, or submitted for inclusion in the public record of a hearing conducted by that body;
- information provided in writing to a covered federal official in response to that official’s request for specific information;
- communications compelled by law, legal process, or Congressional or agency action, including any communication compelled by a federal contract, grant, loan, permit, or license;
- communications made to a designated agency official in response to a notice soliciting public comment in the Federal Register or a similar publication;
- a petition for agency action made in writing and required to be a matter of public record pursuant to the agency’s procedures;
- a written comment filed in the course of a public proceeding or any other communication that is made on the record in a public proceeding;
- communications made to an official in an agency charged to conduct an inquiry, investigation, or other enforcement or judicial proceeding for that agency; and
- communications made pursuant to agency adjudicatory procedures.

3. What are **efforts in support of lobbying contacts**?

The LDA says that **efforts in support of lobbying contacts** include “preparation and planning activities, research and other background work that is intended, at the time it is performed, for use in contacts, and coordination with the lobbying activities of others.”

Examples of **efforts in support of lobbying contacts** include the preparation of advocacy materials (such as a one-pager, power point slides, or poster) or creating an analysis of the impacts of a specific legislative proposal. It would also include time spent discussing how to present an advocacy position to a Congressional official, such as a Senator.

4. Who are the federal officials covered by the LDA?

(a) **Covered legislative branch officials** include all members of Congress and their staffs and all members of Congressional committee staffs.

(b) **Covered executive branch officials** include those in senior positions: the President; the Vice President; any officer or employee in the Executive Office of the

President, including all employees of the Office of Management and Budget and the Office of Science and Technology Policy; any officer or employee serving in a position in levels I-V of the Executive Schedule; any member of the uniformed services whose pay grade is at or above 0 – 7, which includes military officers at the rank of Brigadier General, Rear Admiral, or higher; and any officer or employee serving in a confidential, policy-making, policy-determining, or policy-advocating position.

(c) Please note that grant administrators and program officers are not covered by the LDA.

(d) If you have questions about whether a position is covered by the LDA, please call Jacob Courville, Director of Federal Relations in the MSU Washington D.C. Office, at 202-678-4000.

5. What is a **lobbyist**?

A **lobbyist** is an individual paid to make a **lobbying contact** whose **lobbying activities** constitute more than twenty percent (20%) of that individual's work duties for the person or entity which is paying for the lobbying.

6. What information is included in the lobbying report submitted by the University?

Among other things, it includes the names of the **lobbyists** (see question 5 above) employed by the University; a list of specific issues lobbied, including a list of bill numbers and references to specific executive branch actions; a list of the Houses of Congress and federal agencies contacted; and a good faith estimate of total expenses incurred in connection with the University's and its employees' **lobbying activities** during the quarterly reporting period.

7. Does the LDA cover lobbying of state and local officials?

No. Michigan law governs lobbying of Michigan officials. If you have any questions about lobbying state or local officials, please contact David Bertram, Associate Vice President for State Relations, at 517-353-9000.

8. When does lobbying for my professional association constitute **lobbying activities** on behalf of the University?

Generally, lobbying you perform on behalf of a professional association or in connection with your personal interests or your scholarly pursuits would not be **lobbying activities** on behalf of the University. In fact, you should make it clear that you are there on behalf of your association or yourself, and not for the University. However, if you were lobbying on behalf of a professional association and the MSU Washington DC office assisted you in the **lobbying activities** you were undertaking on behalf of the professional association, it is likely those

lobbying activities would be considered, at least in part, to be conducted on the University's behalf and, thus, would need to be reported.

9. If I have questions on the LDA whom should I contact?

Please contact Jacob Courville, Director of Federal Relations in the MSU Washington D.C. Office, at 202-678-4000 or by email at jcourvil@msu.edu.