

Lobbying FAQs

Florida State University

(Updated 01/24/17 by Diana Key)

[Public Law 110-81: Honest Leadership and Open Government Act of 2007](#), an amendment to the federal Lobbying Disclosure Act of 1995 (2 USC §1601 *et seq.*), imposes stringent requirements on universities and other organizations engaged in lobbying. FSU, as a registered lobbying entity, must exercise comprehensive oversight over all lobbying activities undertaken on behalf of the University and must file quarterly disclosure reports with the Secretary of the Senate and the Clerk of the House of Representatives. There are severe civil and criminal penalties (\$200,000 fine, five years in jail) for individuals or organizations that violate the Lobbying Disclosure Act.

Anyone making contact with Congress concerning their area of scholarship or a professional issue within their college should contact the Director of Federal Relations to coordinate efforts. Everyone engaged in lobbying must accurately track their lobbying activities and report each lobbying effort in a timely basis using the Federal Lobbying Contact Report Form.

If you have questions about this material, please contact the Office of the Vice President for Research 3012 Westcott North, Tallahassee, FL 32306-1330; Phone: 850.644.9694; Fax: 850.645.0108.

What is lobbying?

The federal definition of lobbying includes both lobbying contacts and lobbying activities.

A *lobbying contact* includes any oral, written or electronic communication to a covered official 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 activity includes 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.

Who is a covered official?

Covered officials include certain members of the legislative and executive branches of the federal government.

A *Covered Legislative Branch Official* includes (a) a Member of Congress; (b) an elected officer of either the House or Senate; (c) an employee, or any other individual functioning in the capacity of an employee, who works for a Member, committee, leadership staff of either House or Senate, a joint committee of Congress, a working group or caucus organized to provide services to Members, and certain other legislative branch employees.

A *Covered Executive Branch Official* includes the President, Vice-President, Cabinet Officers, senior agency officials, and any member of the uniformed services serving at pay grade O-7 (“one star”) or above. For example, any officer or employee in the Executive Office of the President, including all employees of the Office of Management and Budget (OMB) and the Office of Science and Technology Policy (OSTP) are included. In other federal agencies, such as the National Institutes of Health (NIH) or the National Science Foundation (NSF), only the Director and Deputy Director(s) are covered officials.

What is an authorized lobbying contact?

An authorized lobbying contact is any contact with a covered federal official made by an individual authorized to lobby on behalf of the FSU.

Who is authorized to make lobbying contacts?

Generally, senior University officials designate specific individuals to lobby on behalf of the FSU. However, it may be appropriate on occasion for other FSU employees to make federal lobbying contacts. It is not the intention of the Office of Federal Relations to limit communication between FSU faculty and administration and federal representatives. Federal elected officials and agency staff receive numerous requests daily for government assistance from a diverse constituency. FSU's lobbying policy is designed to coordinate FSU's highest priorities and ensure compliance with federal lobbying regulations.

What are the responsibilities of those authorized to lobby?

Persons authorized to lobby the federal government on behalf of the university must accurately track their lobbying activities and file quarterly reports with the Director of Federal Relations, who compiles and files the university's disclosures to Congress.

I am only "providing information" to a covered official about pending legislation, administration of a federal program, or adoption of a federal rule to a covered federal official. Is this really lobbying?

If you initiate the contact, you should assume that you have engaged in lobbying regardless of your intent.

May I respond to a notice in the Federal Register or similar publication soliciting public comment on a certain bill, federal regulation or policy?

Yes. Communications made in response to a notice soliciting public comments are allowed, and do not need to be reported as lobbying.

May I contact a Member of Congress or congressional staff person regarding the status of a bill that affects my area of expertise or academic discipline?

Routine requests for the status of a bill are allowed, as long as there is no attempt to influence a covered official.

What are "university resources" and when can they be used for lobbying activities?

FSU resources include, but are not limited to, stationery (letterhead and business cards) and IT resources (email, telephones and fax machines). University resources may be used for lobbying activities conducted on behalf of FSU. They may not be used for private lobbying activities.

May I contact a covered official regarding a bill, program, policy or executive order unrelated to my university duties?

Acting as a private citizen, you are free to lobby the federal government on any issue of interest to you. You must do this on your own time, and you may not use university resources to do so. For example, you should not use your university email account or telephone to make such a lobbying contact. If you mention your place of employment, you should state explicitly that you are not representing the Florida State University, and that your views are not those of the university.

May I engage in lobbying on behalf of non-university organizations?

Yes. Lobbying activities undertaken on behalf of your church, school, community, charitable or other similar organization that are unrelated to your university employment are not reportable through the university. You may not use university resources for this sort of lobbying activity.

Be aware that even as a private citizen, you may not use any federal funds for your lobbying activities. This includes federal support for travel or lodging. For example, if you travel to Washington, D.C. to serve on a federal advisory panel (e.g. NIH, NSF, USDA), you should not make private lobbying contacts during that trip because your travel and lodging were paid for by a federal agency.

A Congressional committee has asked me to testify before it regarding my area of expertise. 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 Disclosure Act. It does not have to be reported as a lobbying activity, if the committee asked you to testify within your area of expertise. Under these circumstances, you may use FSU resources to prepare your testimony. However, it should be made clear that you are not speaking on behalf of the university. You may not use resources that have been paid for entirely with federal funds. You should notify the Director of Federal Relations that you have been asked to give testimony.

May I respond to a legislative or executive branch official asking for information regarding my area of expertise?

Yes. Information provided in writing at the request of certain covered 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 Disclosure Act. Under these circumstances, you may use FSU resources to prepare your response. However, it should be made clear that you are not speaking on behalf of the university. You may not use resources that have been paid for entirely with federal funds.

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

It depends on who is asking. In general, communications made in speeches, articles, or other material widely distributed to the public through radio, television, or other medium of mass communication are not considered lobbying contacts. However, if a university official who is authorized to lobby on behalf of the university asks you to give a speech or write an article within your area of expertise targeted specifically toward a legislative or executive branch official, it will likely be a lobbying activity. In this case, you should track your time and that of each individual working with you. That activity would normally be included in the lobbying activity report of the individual who made the request. In this circumstance, if you are asked to give the speech or write the article by someone other than an authorized university official, such as a professional organization, student group, or other individual, this is not likely to be considered lobbying activity on behalf of the university. Under these circumstances, you may use FSU resources to prepare your speech or article. However, it should be made clear that you are not speaking on behalf of the university. You may not use resources that have been paid for entirely with federal funds.

I called a Member of Congress to discuss my concerns about pending legislation, but I only spoke with a junior staff person. Is this lobbying?

Yes. The definition of a covered official includes all employees of Members of Congress, regardless of the rank, and all committee staff.

Someone from the staff of a Member of Congress will be visiting campus and has asked to meet with me about a topic in my area of expertise. Is this lobbying?

No. Because the meeting request was initiated by a covered official, it is not lobbying and need not be tracked as such. However, it would be helpful if you would inform the Director of Federal Relations about the meeting request.

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

It depends on the circumstance. Under the law, events “honoring” a Member of Congress need to be reported. However, this will most likely not apply to most appearances by Members at the FSU. The law says that such events only need to be reported if the event was planned specifically to “honor” the Member. If you have questions about the need to report an event, please contact the Director of Federal Relations to discuss it.

I have been asked to appear with a Member of Congress at a public event. May I do so? Is this lobbying?

A public appearance at a Member’s request or on a panel with a Member, where you are present because of your expertise, is not generally considered lobbying. However, if the request was made by an authorized official of the university for purposes of influencing federal legislation or a federal program, policy or rule, your appearance constitutes lobbying.

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 (e.g. grant review panel) are not considered lobbying.

May I disclose information that has been subpoenaed or compelled by Congressional action without violating the Lobbying Disclosure Act?

Yes. If you have been compelled by law or Congressional action to disclose specific information, you must do so. There is no violation of the Lobbying Disclosure Act.

Can federal funds be used for lobbying activities?

Absolutely not! The use of federal funds to support lobbying activities is specifically prohibited. This includes, but is not limited to, use of federal funds for travel, lodging, etc. For example, if you travel to Washington, D.C. to serve on a federal advisory panel (e.g. NIH, NSF, USDA), you should not make any lobbying contacts during that trip for any reason because your travel and lodging were paid for by a federal agency. This is a very strict and closely monitored situation.

What are the consequences of violating the Lobbying Disclosure Act?

Whoever knowingly fails to comply with any provision of the Act, may be subject to a civil fine of not more than \$200,000 per occurrence, and whoever knowingly and corruptly fails to comply with any provision of the Act may be imprisoned for not more than five years or fined under Title 18 U.S. Code, or both.

My professional association has sent out an email asking members to contact their members of Congress about an issue. What should I do?

If you want to respond, the best and easiest way is for you to send a communication as a private individual (not using FSU resources such as email, fax, phone or stationary). If this is an issue of interest to FSU and you believe the response should be on FSU letterhead (or use FSU resources) you must get prior approval from the Director of Federal Relations.