

**The Lobbying Disclosure Act of 1995**  
**Frequently Asked Questions**

Q: What is the Lobbying Disclosure Act of 1995?

A: The Act is a federal law requiring the disclosure of lobbying efforts, including those of the University of California, directed at Congress and the federal executive branch. The Act does not prohibit such efforts.

Q: What does the Act require?

A: The Act requires the University to register its in-house lobbyists, and to report semi-annually the issues lobbied upon, and lobbying expenses incurred by in-house lobbyists and by third parties engaged in lobbying activities.

Q: Who qualifies as a lobbyist under the Act?

A: A lobbyist is an individual retained by the University for services that include “lobbying contacts,” and whose “lobbying activities” constitute 20 percent or more of her or his work time over a six-month period.

Q: What are lobbying activities?

A: Lobbying activities are “lobbying contacts” and efforts in support of such contacts, including preparation and planning activities, research, and other background work that is intended, at the time it is performed, for use in such contacts.

Q: What are lobbying contacts?

A: Lobbying contacts are any oral or written communications to a “covered official” 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 or policy, or position of the United States government; or
- 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).

Exceptions: “lobbying contact” does not include:

- i) a speech, article, publication or other material that is made available to the public;
- ii) a request for a meeting for the status of an action or other similar administrative request, if the request does not include an attempt to influence a “covered official”;
- iii) testimony before a committee, subcommittee, or task force of Congress;
- iv) information provided in writing in response to an oral or written request by a “covered official” for information;
- v) communications compelled by subpoena or other law or by Congress or by a federal agency;
- vi) communications in response to notices in the Federal Register or similar publication soliciting communications; and
- vii) communications made in the course of a public proceeding.

Q: Who are “covered officials”?

A: Legislative Branch: Members of Congress, staff members of Members of Congress, congressional committees or caucuses, and the congressional leadership, and certain other congressional staff.

Executive Branch: The President and Vice President and their staffs, officials serving in Executive Level I through V positions (generally political appointees serving in jobs at the assistant secretary or deputy director level or above), military officers with a rank of Brigadier General or Rear Admiral, or above, and other federal employees serving in a “confidential, policy-determining, policy-making, or policy-advocating character.” This latter category includes all so-called “Schedule C” employees.

Q: Is a faculty member who communicates with a covered official regarding a federal contract or grant for her or his research engaging in lobbying activities?

A: After consultation with other California research institutions, the General Counsel's office, and outside counsel, the University has concluded that the Act was not intended to include such activities. Faculty are not retained by the University to provide lobbying contacts, as provided in the Act's definition of lobbyist. In addition, faculty contract and grant-seeking efforts are not directly supervised, directed, or controlled by the University; thus, it is fair to say that faculty are not representing the University as an institution when they seek support for their own research. (Note that there are University restrictions on seeking funds through Congressional statutory action -- "designated funds" -- as opposed to funding from federal agencies. Questions on this point should be directed to the campuses' Governmental Affairs offices).

Q: Whose responsibility is it to file reports of lobbying activities and expenses -- the individual's or the institution's?

A: The responsibility is the University's, not the individual's. Information is collected by each campus's Governmental Affairs office, and the University's Washington D.C. office, and forwarded to the Office of the President for preparation of the institution's semiannual reports.

Q: Where should questions be directed about who may qualify as a lobbyist?

A: Individuals should contact the campus Governmental Affairs Office, which can help identify who qualifies as a University lobbyist, and help to prepare the appropriate reporting forms under the Act.

Q: What is the significance of this Act for individuals who may engage in lobbying activities, but who do not spend 20 percent or more of their work time on lobbying activities, and therefore do not qualify as lobbyists?

A: The University has an obligation to make a good faith estimate of expenses associated with lobbying activities, even if those activities are engaged in by non-lobbyists. Such activities may be in support of the work of the University's registered lobbyists, or, less frequently, may not be. The University has adopted a formula designed to reflect these expenses in its semiannual reports. Questions about whether the expenses associated with lobbying activities have been accounted for should be directed to the respective campus's Governmental Affairs office.