Reporting Federal Lobbying Activity

OVERVIEW

University employees often lobby members of Congress or federal agencies to advocate official University positions and/or attempt to attain WSU goals and missions.

University employees who engage in lobbying activities are required to keep track of and report all applicable lobbying activities. This section defines federal lobbying and provides procedures for quarterly reporting of federal lobbying (see Reporting Requirements).

University employees must keep track of and report all lobbying activities with federal officials, such as Members of either House of Congress, high-level executive branch officials, or high-level federal agency officials, who are covered under the Lobbying Disclosure Act of 1995. (2 USC Sec. 1601)

FEDERAL LOBBYING ACTIVITY

A federal lobbying activity is any written, oral, or electronic communication regarding any proposed or adopted federal legislation, rule, or executive order, or the administration of any federal program with any covered executive or legislative branch official. This includes the negotiation, award, or administration of any federal contract, grant, loan, permit, or license.

Covered Officials

Covered executive branch officials include the President, the Vice President, and any high-ranking officer or employee of the executive branch of the federal government.

Covered legislative branch officials include Members of Congress; elected officers of either House of Congress; any employee of a Member, joint committee, leadership staff group, or committee of either House of Congress; and any employee of a working group or caucus organized to provide legislative services or other assistance to Members of Congress.

Federal agency officials are required to disclose their covered status under the Lobbying Reform Act upon request. WSU employees should request this information prior to any potential lobbying contacts with federal officials. (2 USC Sec. 1609(c))

Registered WSU Lobbyists

The Lobbying Reform Act also requires that the University register as lobbyists all faculty, staff, and administrative personnel who spend over 20 percent of their time in lobbying activities and who contact covered federal officials more than once in any six-month period.
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Registered WSU Lobbyists (cont.)

NOTE: Even those University employees who do not qualify as registered lobbyists must report all lobbying activities with covered officials.

Contact the Office of Government Relations for information and assistance; telephone 509-335-5756.

FUNDING RESTRICTIONS

State Funds

Lobbying activity supported by state funds is limited to:

- Providing information or communicating on matters pertaining to official University business to federal elected officials or officers or employees of any federal agency.
- Advocating WSU's official position or interests to any federal elected official or officer or employee of any federal agency.

State funds may not be expended as a direct or indirect gift or campaign contribution to any federal elected official or officer or an employee of any federal agency.

Discretionary Funds

Discretionary funds are unrestricted donations and any income received from unrestricted donations. These funds may be used to support federal lobbying activity for the purpose of attaining WSU goals and missions and may not be used for personal expenses. For example, discretionary 17A account funds may be used for entertainment and meals.

See BPPM 70.33 for University requirements regarding discretionary 17A account funds.

REPORTING REQUIREMENTS

The Office of Government Relations submits a semi-annual summary to the Clerk of the House of Representatives and the Secretary of the Senate, Washington, D.C., of all time and expenses associated with applicable federal lobbying contacts.

Each employee who spent any time in person federal lobbying must submit a Federal Lobbying Activity Quarterly Report. The Federal Lobbying Activity Quarterly Report is an online form available at the Government Relations Lobbying website at:

governmentrelations.wsu.edu/wsu-lobbying-reports/
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The report must include the following information:

- Date(s) lobbying occurred
- Approximate hours spent lobbying, researching, preparing for lobbying, and traveling for the purposes of lobbying
- Houses of Congress or federal agencies contacted
- Travel expenses for purposes of lobbying activities (specify Travel Authority numbers; see BPPM 95.05)
- Any money spent on producing and/or distributing printed material designed to influence legislation
- Employee's annual salary
- List of specific issues lobbied, including bill numbers of any pieces of legislation and/or references to specific executive branch actions
- Contact name, email address, and telephone number for the individual who completes the form

Online submission of the federal lobbying report must be completed within twenty working days after the end of the quarter covered by the report. The online reporting process transfers the information to the Office of Government Relations and the Office of the President. No additional paper documentation is required.

The following activities are not considered to be federal lobbying contacts:

- Requests for meetings or information on the status of matters, as long as the request does not include an attempt to influence a covered official regarding the matter.
- Participation in an advisory committee under the Federal Advisory Committee Act.
- Responses to notices in the Federal Register or other similar publications soliciting public input, if directed to the person(s) specified in the notice to receive such input.
- Testimony before Congressional committees or task forces.
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FEDERAL LOBBYING DOES NOT INCLUDE
(cont.)

- Specific information provided to a covered official in response to a direct and specific request.
- Communications made following written agency procedures in conducting an adjudicatory proceeding within the agency.
- Communications with officials of responsible agencies regarding judicial proceedings (civil or criminal) or filings or proceedings the federal government must conduct confidentially.
- Petitions for agency actions that are required to be kept as public records under established agency rules.
- Written comments filed on the record in the course of a public proceeding.
- Whistleblower communications.
- Subpoenaed testimony or information.
- Communications that if reported would reveal information shielded from disclosure by law.
- Communications through speeches, articles, or other means disseminated in the media.

Assistance

For further information and assistance regarding federal lobbying activities, contact Government Relations at:

- Pullman; telephone 509-335-5756
- Washington, D.C.; telephone 202-434-4869
- Olympia; telephone 360-534-2332