

## Survey of Lobbying Activities

Lobbying activities of universities and other charitable organizations are regulated by multiple, overlapping rules of the federal government. Under them, Yale is required to document and report lobbying efforts conducted by faculty and employees on behalf of the University.

For example, the Internal Revenue Service requires that universities file annual reports disclosing the expenses incurred in lobbying activities. Under the Lobbying Disclosure Act, Yale must also provide quarterly reports to Congress about its lobbying efforts. In addition, expense information must also be identified in connection with the University's accounting administrative costs for purposes of cost reimbursement on federally sponsored research.

We would appreciate your assistance in reviewing and estimating the extent of any lobbying that you may have done. This survey does not seek information on lobbying activities which faculty and staff conducted on their own time without any use of University resources, such as secretarial support, University letterhead, etc.

### ***Guidelines for Determining the Extent of Your Lobbying Effort:***

The survey seeks information about expenses that Yale incurred in the course of your efforts to influence legislation directly or through "grassroots" campaigns. Information is not requested about the topics that you may have addressed. You should use the following guidelines from the Internal Revenue Service as you complete the questionnaire.<sup>1</sup>

**Direct lobbying communications.** A "direct lobbying communication" is any attempt to influence any legislation through communication with:

- Any member or employee of a legislative body, or
- Any government official or employee (other than a member or employee of a legislative body) who may participate in the formulation of the legislation, but only if the principal purpose of the communication is to influence legislation.

A communication with a legislator or government official will be treated as a direct lobbying communication, if, but only if, the communication:

- Refers to specific legislation, and
- Reflects a view on such legislation.

In general, the term "legislation" includes action by the Congress, any state legislature, any local council, or similar legislative body, or by the public in a referendum, ballot initiative, constitutional amendment, or similar procedure. It does not include actions by administrative bodies, such as school boards, housing authorities, zoning boards, or similar bodies.

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<sup>1</sup> The tax code and the Lobbying Disclosure Act set out different definitions of lobbying, but federal law allows Yale to elect to use just the tax code's definitions for the purpose of the semiannual expense reports required by the Lobbying Disclosure Act.

“Specific legislation” includes legislation that has already been introduced in a legislative body as well as a specific legislative proposal that may not have been introduced.

**Grassroots lobbying communications.** A “grassroots lobbying communication” is any attempt to influence legislation through an attempt to affect the opinions of the general public or any segment of the general public.

A communication qualifies as a grassroots lobbying communication only if it encourages recipients to take action about specific legislation (in addition to referring to specific legislation and reflecting a view on that legislation).

A communication encourages a recipient to take action when it:

- States that the recipient should contact legislators or other government employees who may participate in the formulation of legislation for the purpose of influencing legislation;
- States a legislator’s address, phone number, or similar information;
- Provides a petition, tear-off postcard, or similar material for the recipient to send to a legislator; or
- Specifically identifies one or more legislators who will vote on legislation as opposing Yale’s view on the legislation, being undecided about the legislation, being the recipient’s representative in the legislature, or being a member of the legislative committee that will consider the legislation.

**Preparation for lobbying.** Time spent in preparation for lobbying activities should be included in the calculation of effort.

**Exceptions to the definitions of lobbying.** In general, engaging in non-partisan analysis, study, or research and making its results available to the general public, officials, or governmental bodies is not considered direct or grassroots lobbying.

Non-partisan analysis, study, or research may advocate a particular position or viewpoint as long as there is a sufficiently full and fair exposition of the pertinent facts to enable the public or an individual to form an independent opinion or conclusion. However, non-partisan analysis may be deemed to be lobbying if it is later used to influence specific legislation.

A communication that responds to a governmental body’s or committee’s written request for technical advice or assistance is not a lobbying communication.

A communication is not a lobbying communication if it is an appearance before or contact with any legislative body with respect to a possible action that might affect the organization’s existence, its powers and duties, its tax-exempt status, or the deductibility of contributions to the organization, as opposed to affecting merely the scope of the organization’s future activities.

**Examples of lobbying contacts.** The Internal Revenue Service has provided several examples to illustrate the boundaries of what qualifies as lobbying.

**#1.** An officer of the University writes to a Member of Congress urging him or her to vote against an amendment that will be offered during the debate on a bill. This constitutes lobbying because it states a view about specific legislation.

**#2.** A member of the faculty visits a Member of Congress and requests on behalf of Yale that he sponsor model legislation proposed by a professional society. This constitutes lobbying because it refers to and reflects a view on a specific legislative proposal, although no bill has been introduced.

**#3.** A group of faculty conduct a research project collecting information on the dangers of the use of pesticides. They produce and publish a report that presents the advantages, disadvantages, and economic costs of current patterns of pesticide use and significantly reduced levels of pesticides. The report concludes that the costs outweigh the benefits and recommends that legislation should be adopted to control the use of pesticides. This does not constitute lobbying because it presents information on both sides of the issue and presents a full and fair exposition of the facts that will enable the reader to form an independent judgment.

**#4.** An officer of the University contacts a Member of Congress requesting that she write to an Executive Branch agency concerning proposed regulations issued by that agency. This communication does not constitute lobbying because it does not reflect a view on specific legislation.

***Coordination of Lobbying Activities:***

In making any communications about legislative matters, it is important to distinguish between the private opinions of individual faculty or staff and the official position of the University. In general, faculty or staff who wish to express their private opinions should not use University stationery or other Yale resources. Any other lobbying communications (that is, on behalf of the University) should be coordinated with the Office of Federal Relations in the case of federal lobbying, or the Office of New Haven and State Affairs, in the case of state and local lobbying.

***Reminder about Certain Prohibited Activities:***

We would also like to remind you of two important federal rules that relate to lobbying. First, universities are explicitly and strictly prohibited from supporting or opposing political candidates in elections. Faculty or staff employees are not restricted from participating in the political process on their own time, and therefore any such activities should be undertaken on your own time and without the use of Yale's resources. If you have engaged in partisan political activity, none of the expenses should be charged to Yale, nor should they be reported on the enclosed survey.

In addition, the federal government prohibits the use of federally appropriated funds to lobby any federal official in Congress or the Executive branch on behalf of awarding or extending a federal contract, grant, loan, or cooperative agreement.

Please contact the Office of Federal Relations if you have any questions about prohibited activities.