

Advocating for a Healthy Environment

Guidelines for Engaging Policy Makers



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For more information visit: <https://cures.wayne.edu/outreach/communicatingscience>

Federal Definitions of “Lobbying” and “Lobbying Contacts”

The federal definition distinguishes lobbying activities from lobbying contact. Lobbying activities means “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 contacts and coordination with the lobbying activities of others.”ⁱ The statute defines lobbying contact as:

Any oral or written communication (including electronic) to a covered executive branch official or a covered legislative branch official that is made on behalf of a client with regard to—

- The formulation, modification or adoption of Federal legislation (including legislative proposals);
- The formulation, modification, or adoption of a Federal rule, regulation, executive order, or any other program, policy or position of the United States Government;
- 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,
- The nomination or confirmation of a person for a position subject to confirmation by the Senate.ⁱⁱ
- Information provided in writing in response to a oral or written request by a covered executive branch official or a covered legislative branch official for specific information;
- Made in response to a notice in the Federal Register, Commerce Business Daily, or other similar publication soliciting communications from the public and directed to the agency official specifically designated in the notice to receive such communications; or
- 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; a petition for agency action made in writing and required to be a matter of public record pursuant to established agency procedures.ⁱⁱⁱ

There are several exceptions to the definition. Among others, lobbying contact does not include communication that is:

- Made in a speech, article, publication or other material that is distributed and made available to the public, or through radio, television, cable television or other medium of mass communication;
- A request for a meeting, a request for the status of an action, or any other similar administrative request, if the request does not include an attempt to influence a covered executive branch official or a covered legislative branch official;



Rules for Scientists who Receive Federal Grants

T There are specific rules for scientists who are funded by federal grants, and most rules concern how scientists can spend grant money. Scientists are not allowed to spend grant money on influencing activities in an attempt to find more funding or gain additional helpful resources.^{iv} There are also reporting rules but specifics depend on which agency has awarded the grant. Each agency has some form of reporting requirement where scientists must send progress and cost reports to ensure they are using the grant money appropriately and efficiently. These reports relate to the audit requirements that scientists are also bound by. Grant awardees must always disclose in writing, in a timely manner, to the Federal awarding agency, all violations of Federal criminal law involving fraud, bribery or gratuity violations potentially affecting the award.

Activities by Federally Funded Scientists That are Not Considered Lobbying

- Technical and factual presentations on topics directly related to the performance of a grant, contract or other agreement (through hearing testimony, statements or letters to the Congress or a state legislature, or subdivision, member or cognizant staff member thereof), in response to a documented request (including a Congressional Record notice requesting testimony or statements for the record at a regularly scheduled hearing) made by the non-Federal entity's member of congress, legislative body or a subdivision, or a cognizant staff member thereof, provided such information is readily obtainable and can be readily put in deliverable form.
- Any activity specifically authorized by statute to be undertaken with funds from the Federal award.
- Any activity excepted from the definitions of "lobbying" or "influencing legislation" including:
 - Nonpartisan analysis, study or research reports;
 - Examinations and discussions of broad social, economic, and similar problems; and
 - Information provided upon request by a legislator for technical advice and assistance.



Communicating and Translating Environmental Health Science Research



Summary of Permitted Non-lobbying Activities for Scientists

Scientists must be careful when communicating with public officials due to the fine line between lobbying and informing. However, some activities fall under the non-lobbying category as long as the activities follow an exception. “Technical and factual presentations on topics directly related to the performance of a grant, contract or other agreement . . . in response to a documented request made by the non-Federal entity’s member of congress, legislative body or a subdivision, or a cognizant staff member thereof . . .” are allowable and considered non-lobbying activities.^v The caveat is that the information must be “readily obtainable and can be readily put in deliverable form.”^{vi} Another allowable activity is one that is “specifically authorized by statute to be undertaken with funds from the Federal award.”^{vii}

i 2 USC § 1602(7).

ii 2 USC § 1602(8).

iii Id.

iv 2 CFR § 200.450(a).

v Id.

vi Id.

vii Id.

For additional information including best practices for communicating and translating science for decision makers visit our web page at:

<https://cures.wayne.edu/outreach/communicatingscience>.



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