

FEDERAL LOBBYING REGULATIONS

31 USC, Section 1352

Section 1352, Title 31, U.S. Code prohibits recipients of federal funds--whether grants, contracts, cooperative agreements--from using those funds to lobby to obtain, extend, or modify a federal award. The regulation is intended to prevent the use of federal funds for lobbying, and to monitor the lobbying expenditures of federal funds recipients

Even though the recipient of federal funds is legally the institution, individuals who are employed by the institution are specifically included in the regulation. The regulation also requires that a recipient of federal funds who uses non-federal funds for lobbying purposes report those activities to the awarding agency.

Items of the law which apply to UR faculty, research staff, and administrative staff include the following:

1. You may not use federal funds to influence or attempt to influence any member of the Executive or Legislative branches of government (including any agency employee) for the purpose of securing a grant, contract, or cooperative agreement or an extension, renewal, or modification of any of these. Charging travel expenses to a federal award or drawing salary from a federal award while attempting to influence the award of federal funds for a specific program is defined as lobbying, and is prohibited. You may neither make such expenditures yourselves or hire someone to do so on your behalf.
2. If you use non-federal funds to hire an individual firm or to conduct such activities, you must report each such instance in detail to the Office of Research and Project Administration, and we must report it to the federal government.
3. There is an exception for payments for technical and professional services. Please contact the Office of Research and Project Administration if you wish to learn if that exception applies to something you contemplate.
4. If the proposed award exceeds \$100,000, the Office of Research and Project Administration must certify for the University at the time of proposal submission that we will abide by the regulations in (1) above and we must, if lobbying has occurred using non-federal funds, submit the report specified in (2) above.
5. If we violate the regulations, we are subject to fines of \$10,000 to \$100,000 for each violation and other remedies the federal government may deem appropriate. The penalties could include loss of the particular award and suspension or debarment as an institution from further federal funding.

Along with proposals the Office of Research and Project Administration routinely submits a certification that we have not lobbied at the time of proposal submission or prior to receipt of the

award. If you or your staff are aware of any facts that make this certification inaccurate, please let us know immediately.

What does this mean, practically?

No one may, while paid with federal funds or using grant funds for travel expenses, urge an agency to support a specific proposal. It is acceptable to ask "when will a decision be made on my proposal?" It is not acceptable to describe why your proposal should be funded rather than some other one.

If the government asks you to provide technical or professional services, that is not lobbying. You might want to protect yourself by asking "this would not be considered lobbying, would it?"

A university administrator may describe general outstanding research characteristics of the institution, or even describe the wonderful work going on in a Department or School, but may not say (unless asked to report that activity to the government) "I'd like to describe the activities of Professor Y and encourage you to consider making an award for this research if Professor Y has a proposal pending to the agency to which the administrator is talking.

The regulation identifies certain persons as "regular employees" of an institution and allows them more freedom to discuss research activities with agencies than it allows to non-employee "lobbyists". A regular employee is an individual who has been employed 130 days by the institution during the previous 12 months. Faculty and others new to the University should keep in mind this "130 day rule" and be careful about talking to agencies about specific research projects until they have been here for 130 days.

It is not the intent of the regulation to prohibit the normal interchange between a faculty member and a program officer at an agency. However, there is no clear line marking where optimistic discussion of research progress ends and discussion of a new or renewal award begins. Federal program officer have received training on this matter and should know when to cut off discussion, but the responsibility is a joint one. If you are unsure, ask.