

FEDERAL LOBBYING REGULATIONS
(31 USC, Section 1352)
LOBBYING DISCLOSURE ACT
P. L. 104-65

Section 1352, Title 31, U.S. Code prohibits recipients of federal funds--whether grants, contracts, or 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 a federal award is legally the institution, individuals who are employed by the institution are also 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.

Highlights which apply to University of Houston faculty, research staff, and administrative staff are as follows:

- 1 . You may not use direct 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 the foregoing. Charging travel expenses to a federal award or drawing salary from a federal award while attempting to influence the awarding of federal funds for a specific program is defined as lobbying, and is prohibited. You may neither make such expenditures yourselves or hire paid lobbyists to do so on your behalf.
2. If you use non-federal funds to hire an individual or firm to conduct such activities, you must report each instance in detail to this office and we must report it to the federal government.
3. There is an exception for payments for technical and professional services. Please contact the Division of Research, Office of Research Policies, Compliance and Committees, if you wish to discuss whether that exception applies to your situation.
4. If the proposed award exceeds \$100,000, the Division of Research, Office of Research Financial Services, must certify for the institution at the time of proposal submission that the University of Houston will abide by the regulations in (1) above and if lobbying for a particular project proposal has occurred using- non-federal funds, submit the report specified in (2) above.

5. **If the University of Houston violates the regulations, we may be subject to fines of \$ 10,000 to \$100,000 for each violation and other remedies as the Federal government may deem appropriate. Such penalties could include loss of the specific award, and suspension or debarment as an institution from further Federal funding.**

LOBBYING DISCLOSURE ACT

The Lobbying Disclosure Act (LDA) was enacted on Dec., 1995, requiring disclosure of most lobbying efforts directed at Congress and the Executive Branch. Institutions are required to register with the Secretary of the Senate and the Clerk of the House of Representatives if they have at least one employee who is a lobbyist (defined as an individual who makes at least two "lobbying contacts" and devotes at least 20% time to lobbying activities and incurs expenses for lobbying activities of \$20,000 or more in the six month period(s) from January-June and July-December. (The amounts are reduced if the lobbyist is a firm employed for that purpose.) Disclosure is effective within 45 days of the date of the first lobbying contact by an employee who qualifies as described above. The Secretary of the Senate and Clerk of the House are required to notify an institution of non-compliance. If the institution does not remedy the defect within sixty days, a fine of up to \$50,000 may be imposed.

The Division of Research, Office of Research Financial Services, will routinely submit the required 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 facts that make any certification inaccurate, please contact us immediately.

What do these rules mean -- on a practical level?

An individual may not--while paid with federal grant funds or using grant funds for travel expenses--urge an agency official to support a specific proposal. It is acceptable to ask "when will a decision be made on my proposal?" It is unacceptable to describe, after a proposal is submitted, why your proposal should be funded rather than someone else's.

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

A university president, vice president, or dean, may describe general outstanding research characteristics of the institution, or even describe the wonderful work going on in the College of XXX, but (s)he may not say (*unless prepared in certain instances to report that activity to the government*): "I'd like to describe the activities of Professor

YYY, and urge you to consider making an award for this research" if Professor YYY has a proposal pending with the agency to which the university official 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 provided to non-employee "lobbyists." However, a "regular" employee is an individual who has been employed 130 days by the institution in the previous 12 months; faculty and researchers new to the institution must keep in mind this "130-day rule" and be very careful about talking to agencies about specific research projects until they have been at the University of Houston 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 certainly no distinct line where discussion of optimistic scientific progress ends and discussion of a new or renewal award begins. Federal program officers have received significant training on the "lobbying provisions" and I would expect them to know when to cut off discussion, but the responsibility is a shared one. If you are concerned, ask, don't assume!