U.S. Department of Labor

March 5, 1990

VETERANS' PROGRAM LETTER NO: 7-90

TO: ALL REGIONAL ADMINISTRATORS, DIRECTORS
AND ASSISTANT DIRECTORS FOR VETERANS' EMPLOYMENT AND TRAINING SERVICE

ALL STATE EMPLOYMENT SECURITY AGENCY ADMINISTRATORS (SESAs)

ALL STATE JOB TRAINING PARTNERSHIP ACT (JTPA) ADMINISTRATIVE ENTITIES

ALL REGIONAL ADMINISTRATORS, EMPLOYMENT AND TRAINING ADMINISTRATION (INFORMATION)

FROM: THOMAS E. COLLINS

SUBJECT: Prohibition on the Use of Appropriated Federal Funds to Influence Federal Transactions

1. **Purpose**: Explanation and instructions concerning the use of additional certification required to accompany Federal grants to be awarded on or after December 23, 1989.


3. **Background**:
   a. P.L. 101-121, Section 319, imposes limitations on the payment of funds to influence Federal transactions. The effective date of this statute was December 23, 1989. This Act prohibits recipients of Federal contracts, loans, grants, or cooperative agreements (e.g. DVOP/LVER, JTPA Title IV-C, and HVRP Grantees) from using appropriated funds to influence or attempt to influence Congress or a Federal agency in connection with the award of a contract, loan, grant or cooperative agreement. Provided they use nonappropriated funds, recipients are not otherwise prohibited to influence Congress or Federal Agencies. It is required, however, that such lobbying efforts, either conducted or anticipated, be disclosed.
b. According to the law, "influencing or attempting to influence" means making, with the intent to influence, any communication to or appearance before an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any covered Federal action.

C. Effective immediately, applicants for grants in excess of $100,000 must provide a certification that no appropriated Federal funds have been or will be paid in violation of the Act. Further, a disclosure form is to be submitted, if applicable, as described below.

4. Policy:

a. When a grant application has been submitted on or after December 23, 1989, and is presently under consideration for award, and if the grant award is expected to be in excess of $100,000, the grant applicant must submit the required certification. (Attachment A)

b. When efforts "to influence or attempt to influence" have been conducted, or are to be conducted using other than Federal monies, in part or whole, a disclosure form, Standard Form LLL and LLL-A (Attachment B) must be completed and forwarded as part of the grant application package.

c. Grantees whose grant applications were submitted on or after December 23, 1989, and have already been awarded in excess of $100,000 must also submit the required certification. However, the grantee has up to 30 days from the date of the award to submit the disclosure statement, if required.

d. Whenever a request for a modification or an amendment to any grant award reflects an increase in the Federal funds causing the Federal share of the grant to exceed $100,000, the proper certification must be submitted as part of the grant modification request package.

e. Each person required to file a disclosure form shall file this form at the end of each calendar quarter in which there occurs any event that requires disclosure or that materially affects the accuracy of the information contained in any disclosure form previously filed by such person. Events that materially affect the accuracy of the information reported include:
(1) A cumulative increase of $25,000 or more in the amount paid, or expected to be paid for influencing or attempting to influence a covered Federal action; or

(2) A change in the person(s) or individual(s) influencing or attempting to influence a covered Federal action; or

(3) A change in the officer(s), employee(s), or Member(s) contacted to influence or attempt to influence a covered Federal action.

5. **Action:**

a. Grant applicants are required to submit the "Certification Regarding Lobbying" as part of the JTPA Title IV-C, DVOP/LVER, and HVRP grant application package for all applications meeting the above stated criteria on or after December 23, 1989. Applicants are required to forward the appropriate documents to the WET for those applications previously submitted without the certification.

b. VETS staff are to ensure that applicants are aware of this requirement, and forward appropriate documents to the attention of their Desk Officer.

6. **Inquiries:** Applicant inquiries pertaining to this Veterans' Program Letter (VPL) should be directed to the respective DVET. DVET's inquiries are to be directed through the appropriate channels to the servicing Desk Officer.

Attachment
Monday
February 26, 1990

Part III

New Restrictions on Lobbying; Interim Final Rule

Department of Agriculture
Department of Commerce
Department of Defense
Department of Education
Department of Energy
Department of Health and Human Services
Department of Housing and Urban Development
Department at the Interior
Department of Justice
Department of Labor
Department of State
Department of Transportation
Department of the Treasury
Department of Veterans Affairs

ACTIONS

International Development Cooperation Agency
Agency for International Development
Environmental Protection Agency
Export-Import Bank of the United States
Federal Emergency Management Agency
General Services Administration
National Aeronautics and Space Administration
National Foundation on the Arts and the Humanities
National Endowment for the Arts
National Endowment for the Humanities
National Science Foundation
Overseas Private Investment Corporation
Peace Corps
Small Business Administration
Tennessee Valley Authority
United States Information Agency
Department of Education
34 CFR part 82

Department of Veterans Affairs
33 CFR part 45

Environmental Protection Agency
40 CFR part 34

General Services Administration
41 CFR part 105-69

Department of the Interior
43 CFR part 18

Federal Emergency Management Agency
44 CFR part 18

Department of Health and Human Services
45 CFR part 93

National Science Foundation
45 CFR part 604

National Foundation on the Arts and the Humanities
National Endowment for the Arts
45 CFR part 1108

National Endowment for the Humanities
45 CFR part 1108

Action
45 CFR part 1230

Department of Transportation
Office of the Secretary
49 CFR part 20

New Restrictions on Lobbying


Action: Interim final rule: request for comments.

Summary: This interim final rule is in response to section 319 of Public Law 101-121. Section 319 generally prohibits recipients of Federal contracts, grants, and loans from using appropriated funds for lobbying the Executive or Legislative Branches of the Federal Government in connection with a specific contract, grant, or loan. Section 319 also requires that each person who requests or receives a Federal contract, cooperative agreement, loan, or guarantee a loan, must disclose lobbying.

Dates: OMB's interim final governmentwide guidance was effective December 23, 1989; this rule is effective February 26, 1990, except for the Department of Education. For the Department of Education effective date, see the agency specific preamble below. Comments must be in writing and must be received by April 27, 1990. Late-filed comments will be considered to the extent practicable.

Addresses: Comments should be sent to the Office of Management and Budget, 1000 New Executive Office Building, Washington, DC 20503.

For further information contact: See agency specific preambles for the contact person for each agency.

Supplementary Information:

A. Background

On October 23, 1989, the President signed into law the Department of the Interior and Related Agencies Appropriations Act for Fiscal Year 1999 ("the Act"). Section 319 of the Act amended title 31, United States Code, by adding a new section 1352, entitled "Limitation on use of appropriated funds to influence certain Federal contracting and financial transactions." Section 1352 took effect with respect to Federal contracts, grants, loans, cooperative agreements, loan insurance commitments, and loan guarantee commitments that were or are entered into more than 60 days after the date of enactment of the Act, i.e., December 23, 1989.

Section 1352 required the Director of the Office of Management and Budget (OMB) to issue governmentwide guidance for agency implementation of end compliance with the requirements of this section. The Conference Report
indicated that the conferees "expect that all agencies shall expeditiously promulgate regulations to implement the requirements of this section, and that all such regulations shall be uniform and shall comply with the government-wide guidance issued by the Office of Management and Budget pursuant to paragraph (b)(7). Also, major agencies, as designated by OMB, shall issue a common rule complying with the guidance issued by OMB."

On December 18, 1989, OMB issued interim final government-wide guidance. This guidance was published on December 20, 1989 (54 FR 52306-52332). OMB's guidance to the following 29 major agencies were identified:


A second interim final common rule, part of the Federal Acquisition Regulation (FAR), was published on January 30, 1990 (55 FR 3190). The Federal Acquisition Regulation policy that will share a public docket. The final versions of all three will be published simultaneously.

Submission of Appendix A. Certification for Contracts, Grants, Loans, and Cooperative Agreements or Statement for Loan Guarantees and Loan Insurance does not bind the Federal Government to award a contract, grant, loan, or cooperative agreement or to make a commitment for a loan guarantee or loan insurance.

B. Regulatory Process Matters

This rule is not a major rule under Executive Order 12291. The text of the common rule, as adopted by the agencies in this document, appears below.

As a statutory matter, this rule applies to all entities, regardless of size.

The agencies find that publishing a notice of proposed rulemaking on this matter would be impracticable, unnecessary, and contrary to the public interest since it would prevent compliance with the statutory deadline (60 days from the date of enactment) for issuance of OMB's government-wide guidance and the government-wide effective date.

Consequently, this rule is published as an interim final rule. As an interim final rule, this regulation is fully in effect and binding. No further regulatory action by the agencies is essential to the legal effectiveness of the rule. In order to benefit from comments that interested parties and the public may make however, the agencies will keep the rulemaking docket open for 60 days. Comments are invited on all portions of the rulemaking through April 27, 1990. Following the close of the comment period, OMB and the agencies will respond to the comments and, if appropriate, amend provisions of OMB's government-wide guidance and this rule.

c. Paperwork Reduction Act

This rule contains collection information requirements subject to the Paperwork Reduction Act. A Paperwork Reduction Act emergency approval was requested by OMB pursuant to 5 U.S.C. 3507(g) and 5 CFR 1320.18 and was granted. Under OMB control 3848-0048, OMB estimates the burden for this information collection to average 30 minutes per response. The time necessary for filling the first disclosure may differ from that for the subsequent disclosures. However, in the absence of experience with such reporting, OMB does not have sufficient data to determine the universe of total covered federal actions or the volume of activity that may be affected by this rule. Therefore, an estimate of the total burden of this information collection requirement is not provided at this time. Public comment is requested to assist in accurately estimating the burden of this information collection, including:

(1) Estimates of the amount of time required to comply with this reporting requirement. (2) Estimates of the number of expected disclosure reports. (3) The basis for these estimates.

Text of the Common Rule

The text of the common rule, as adopted by the agencies in this document, appears below.

P A R T -NEW RESTRICTIONS ON LOBBYING

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Appendix A to Part -Certification Regarding Lobbying

Appendix B to Part -Disclosure Form to Report Lobbying

Authority: Section 319, Public Law 101-121 (31 U.S.C. 1321); [citation to Agency rulemaking authority].

Cross reference: See also Office of Management and Budget notice published at 54 FR 52306, December 20, 1989.

Subpart A-General

§ 100 Conditions on use of funds.

(a) No appropriated funds may be expended by the recipient of a Federal contract, grant, loan, or cooperative agreement to pay any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, or an employee of a Member of Congress in connection with any of the following covered Federal actions: the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(b) Each person who requests or receives from an agency a Federal contract, grant, loan, or cooperative agreement shall set forth in Appendix A, certification that the person has not made, and will not make, any payment prohibited by paragraph (a) of this section.
[c] Each person who requests or receives from a agency a Federal contract, grant, loan, or a cooperative agreement shall file with that agency a disclosure form. Set forth in Appendix B, if such person has made or has agreed to make any payment using nonappropriated funds (to include profits from any covered Federal action), which would be prohibited under paragraph (a) of this section if paid for with appropriated funds.

(d) Each person who requests or receives from an agency a commitment providing for the United States to insure or guarantee a loan shall file with that agency a statement, set forth in Appendix A, whether that person has made or has agreed to make any payment using nonappropriated funds (to include profits from any covered Federal action), which would be prohibited under paragraph (a) of this section if paid for with appropriated funds.

(e) Each person who requests or receives from an agency a commitment providing for the United States to insure or guarantee a loan shall file with that agency a disclosure form. Set forth in Appendix B, if that person has made or has agreed to make any payment to influence or attempt to influence an officer or employee of any agency a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with that loan insurance or guarantee.

(f) Each person who requests or receives from an agency a commitment providing for the United States to insure or guarantee a loan shall file with that agency a disclosure form. Set forth in Appendix B, if that person has made or has agreed to make any payment using nonappropriated funds (to include profits from any covered Federal action), which would be prohibited under paragraph (a) of this section if paid for with appropriated funds.

§ 105 Definitions

For purposes of this part:

(a) Agency as defined in 5 U.S.C. 552(b), includes Federal executive departments and agencies as well as independent regulatory commissions and Government corporations as defined in 31 U.S.C. 9101(1).

(b) Covered Federal action means any of the following Federal actions:

(1) The awarding of any Federal contract;
(2) The making of any Federal grant;
(3) The entering into any cooperative agreement; and,
(4) The extension, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

Covered Federal action does not include receiving from an agency a commitment providing for the United States to insure or guarantee a loan. Loan guarantees and loan insurance are addressed independently within this part.

(c) Federal contract means an acquisition contract awarded by an agency, including those subject to the Federal Acquisition Regulation (FAR), and any other acquisition contract for real or personal property or services not subject to the FAR.

(d) Federal cooperative agreement means a cooperative agreement entered into by an agency.

(e) Federal grant means an award of financial assistance in the form of money, property in lieu of money, or any other assistance by the Federal Government or a direct appropriation made by law to any person. The term does not include technical assistance which provides services instead of money, or other assistance in the form of revenue sharing, loans, loan guarantees, loan insurance, interest subsidies, insurance, or direct United States cash assistance to an individual.

(f) Federal loan means a loan made by an agency. The term does not include loan guarantee of loan insurance.

(g) Indian tribe and tribal organization have the meaning provided in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450B).

(h) Influencing or attempting to influence means making, with the intent to influence, any communication to or appearance before an officer or employee of any agency of a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any covered Federal action.

(i) Loan guarantee and loan insurance means an agency’s guarantee or insurance of a loan made by a person.

(j) Local government means a unit of government in a State and, if chartered, established, or otherwise recognized by a state for the performance of a governmental duty, including a local public authority, a special district, intrastate district, a council of governments, a sponsor organization, or any other instrumentality of a local government.

(k) Officer or employee of an agency includes the following individuals who are employed by an agency:

(1) A individual who is appointed to a position in the Government under title 5, U.S. Code, including a position under a temporary appointment;
(2) A member of the uniformed services as defined in section 101(3), title 37, U.S. Code; and,

(3) A special Government employee as defined in section 202, title 18, U.S. Code;

(4) A individual who is a member of a Federal advisory committee, as defined by the Federal Advisory Committee Act title 5, U.S. Code appendix 2.

(l) Person means an individual, corporation, company, association, authority, firm, partnership, society, State, local government, regardless of whether such entity is operated for profit or not for profit. This term includes an Indian tribe, tribal organization, or any other Indian organization with respect to expenditures specifically permitted by other Federal law.

(m) Reasonable compensation means, with respect to an regularly employed officer or employee of any person, compensation that is consistent with the normal compensation for such officer or employee for work that is not furnished to, not funded by, or not furnished in cooperation with the Federal Government.

(n) Reasonable payment means, with respect to professional and other technical services, a payment in an amount that is consistent with the amount normally paid for such services in the private sector.

(o) Recipient includes all contractors, subcontractors at any tier, and subgrantees at any tier of the recipient of funds received in connection with a Federal contract, grant, loan, or cooperative agreement. The term excludes an Indian tribe, tribal organization, or any other Indian organization with respect to expenditures specifically permitted by other Federal law.

(p) Regularly employed means, with respect to an officer or employee of a person requesting or receiving a Federal contract, grant, loan or cooperative agreement or a commitment providing for the United States to insure or guarantee a loan, an officer or employee who is employed by such person for at least 130 working days within one year immediately preceding the date of the submission that initiates agency consideration of such person for receipt of such contract, grant loan, cooperative agreement, loan insurance commitment, or loan guarantee commitment. An officer or employee who is employed by such person for less than 130 working days within one year immediately preceding the date of the submission that initiates agency consideration of such person shall be considered to be regularly employed as soon as he or she is employed by such person for 130 working days.

(q) State means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, a territory or possession of the United States, an agency or instrumentality of a State, and a multi-State, regional, or
§ 23.198 Certification and disclosure.

(a) Each person shall file a certification and a disclosure form, if required, with each submission that initiates agency consideration of such person for:

(1) Award of a Federal contract, grant, or cooperative agreement exceeding $100,000; or

(2) An award of a Federal loan or a commitment providing for the United States to insure or guarantee a loan exceeding $150,000.

(b) Each person shall file a certification and a disclosure form, if required, upon receipt by such person of:

(1) A Federal contract, grant, or cooperative agreement exceeding $100,000; or

(2) A Federal loan or a commitment providing for the United States to insure or guarantee a loan exceeding $150,000, unless such person previously filed a certification and a disclosure form, if required, under paragraph (a) of this section.

(c) Each person shall file a disclosure form at the end of each calendar quarter in which there occurs any event that requires disclosure or that materially affects the accuracy of the information contained in any disclosure form previously filed by such person under paragraphs (a) or (b) of this section. An event that materially affects the accuracy of the information reported includes:

(1) A cumulative increase of $25,000 or more in the amount paid or expected to be paid for influencing or attempting to influence a covered Federal action; or

(2) A change in the person(s) or individual(s) influencing or attempting to influence a covered Federal action; or

(3) A change in the officer(s), employee(s), or Member(s) contacted to influence or attempt to influence a covered Federal action.

(d) Any person who requests or receives from a person referred to in paragraph (a) or (b) of this section:

(1) A subcontract exceeding $100,000 or any tier under a Federal contract;

(2) A subgrant, contract, or subcontract exceeding $100,000 at any tier under a Federal grant;

(3) A contract or subcontract exceeding $100,000 at any tier under a Federal loan exceeding $150,000; or

(4) A contract or subcontract exceeding $100,000 at any tier under a Federal cooperative agreement shall file a certification and a disclosure form, if required, to the next tier above.

(e) All disclosure forms, but not certifications, shall be forwarded from tier to tier until received by the person referred to in paragraphs (a) or (b) of this section. That person shall forward all disclosure forms to the agency.

(2) Any certification or disclosure form filed under paragraph (e) of this section shall be treated as a material representation of fact upon which all receiving tiers shall rely. All liability arising from an erroneous representation shall be borne solely by the tier filing that representation after shall not be shared by any tier to which the erroneous representation is forwarded. Submitting an erroneous certification or disclosure constitutes a failure to file the required certification or disclosure, respectively. If a person fails to file a required certification or disclosure, the United States may pursue all available remedies, including those authorized by section 1335, title 31, U.S. Code.

(3) For awards and commitments in process prior to December 23, 1989, but not made before that date, certifications shall be required et award or commitment, covering activities occurring between December 23, 1989, and the date of award or commitment. However, for awards and commitments in process prior to the December 23, 1989, effective date of these provisions, not made before December 23, 1989, disclosure forms shall not be required at time of award or commitment but shall be filed within 30 days.

(4) No reporting is required for an activity paid for with appropriated funds if that activity is allowable under either Subpart B or C.

(5) Subpart B—Activities by Own Employees

§ 23.200 Agency and legislative liaison.

(a) The prohibition on the use of appropriated funds in § 23.100(a) does not apply in the case of a payment of reasonable compensation made to an officer or employee of a person requesting or receiving a Federal contract, grant, loan, or cooperative agreement or on extension, continuation, renewal, amendment, or modification of a Federal contract, grant, loan, or cooperative agreement if payment is for professional or technical services rendered directly in the preparation, submission, negotiation of any bid, proposal, or application for that Federal contract, grant, loan, or cooperative agreement or for meeting requirements imposed by or pursuant to law as a condition for receiving that Federal contract, grant, loan, or cooperative agreement.

(b) For purposes of paragraph (a) of this section, “professional and technical services” shall be limited to advice and analysis directly applying any professional or technical discipline. For example, drafting of a legal document accompanying a bid or proposal by a lawyer is allowable. Similarly, technical advice provided by an engineer on the performance or operational capability of any...
...piece of equipment rendered directly in the negotiation of a contract is allowable. However, communications with the intent to influence made by a professional (such as a licensed lawyer) or a technical person (such as a licensed accountant) are not allowable under this section unless they provide advice and analysis directly applying their professional or technical expertise and unless the advice or analysis is rendered directly and solely in the preparation, submission or negotiation of a covered Federal action. Thus, for example, communications with the intent to influence made by a lawyer that do not provide legal advice or analysis directly and solely related to the legal aspects of his or her client’s proposal, but generally advocate one proposal over another are not allowable under this section because the lawyer is not providing professional legal services. Similarly, communications with the intent to influence made by an engineer providing engineering analysis prior to the preparation or submission of a bid or proposal are not allowable under this section since the engineer is providing technical services but not directly in the preparation, submission or negotiation of a covered Federal action.

(c) Requirements imposed by or pursuant to law as a condition for receiving a covered Federal award include those required by law or regulation, or reasonably expected to be required by law or regulation, and any other requirements in the actual award documents.

(d) Only those services expressly authorized by this section are allowable under this section.

§ 210 Reporting.

No reporting is required with respect to payments of reasonable compensation made to regularly employed officers or employees of a person.

Subpart C—Activities by Other Than Own Employees

§ 300 Professional and technical services.

(a) The prohibition on the use of appropriated funds in § 110 a. does not apply in the case of any reasonable payment to a person, other than an officer or employee of a person requesting or receiving a covered Federal action, if the payment is for professional or technical services rendered directly in the preparation, submission or negotiation of any bid, proposal, or application for that Federal contract, grant, loan, or cooperative agreement or for meeting requirements

Imposed by or pursuant to law as a condition for receiving that Federal contract, grant, loan, or cooperative agreement.

(b) The reporting requirements in § 110 a. and (b) regarding filing a disclosure form by each person, if required, shall not apply with respect to professional or technical services rendered directly in the preparation, submission or negotiation of any commitment providing for the United States to insure or guarantee a loan.

(c) For purposes of paragraph (a) of this section, “professional and technical services” shall be limited to advice end analysis directly applying any professional or technical discipline. For example, drafting a legal document accompanying a bid or proposal by a lawyer is allowable. Similarly, technical advice provided by an engineer on the performance or operational capability of a piece of equipment rendered directly in the negotiation of a contract is allowable. However, communications with the intent to influence made by a professional (such as a licensed lawyer) or a technical person (such as a licensed accountant) are not allowable under this section unless they provide advice end analysis directly applying their professional or technical expertise and unless the advice or analysis is rendered directly and solely in the preparation, submission or negotiation of a covered Federal action.

(d) Requirements imposed by or pursuant to law as a condition for receiving a covered Federal award include those required by law or regulation, or reasonably expected to be required by law or regulation, and any other requirements in the actual award documents.

(e) Only those services expressly authorized by this section are allowable under this section.

(f) Only those services expressly authorized by this section are allowable under this section.

Subpart D—Penalties and Enforcement

§ 400 Penalties.

(a) Any person who makes an expenditure prohibited herein shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such expenditure.

(b) Any person who fails to file or emend the disclosure form (see Appendix B) to be filed or amended if required herein. shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

(c) A filing or amended filing on or after the date on which an administrative action for the imposition of a civil penalty is commenced does not prevent the imposition of such civil penalty for a failure occurring before that date. An administrative action is commenced with respect to a failure when an investigating official determines in writing to commence an investigation of an allegation of such failure.

(d) In determining whether to impose a civil penalty and the amount of any such penalty, by reason of a violation by any person, the agency shall consider the nature, circumstances, extent, and gravity of the violation, the effect on the ability of such person to continue in business, any prior violations by such person, the degree of culpability of such person, the ability of the person to pay the penalty, and such other matters as may be appropriate.

(e) First offenders under paragraphs (a) or (b) of this section shall be subject to a civil penalty of $10,000, absent aggravating circumstances. Second and subsequent offenses by persons shall be subject to an appropriate civil penalty between $10,030 and $100,000 as determined by the agency head or his or her designee.

(f) An imposition of a civil penalty under this section does not prevent the United States from seeking any other remedy that may apply to the same conduct that is the basis for the imposition of such civil penalty.

§ 405 Penalty procedures.

Agencies shall impose and collect civil penalties pursuant to the provisions of the program Fraud and Civil Remedies Act. 31 U.S.C. sections 3803 (except subsection (c)), 3804, 3805, 3806, 3807, 3808, and 3812, inclusive.
provisions are not inconsistent with the requirements herein.

§ 306 Enforcement.

The head of each agency shall take such actions as are necessary to ensure that the provisions herein are vigorously implemented and enforced in that agency.

Subpart E-Exemptions

§ 300 Secretary of Defense.

(a) The Secretary of Defense may exempt, on a case-by-case basis, a covered Federal action from the prohibition whenever the Secretary determines, in writing, that such an exemption is in the national interest. The Secretary shall transmit a copy of each such written exemption to Congress immediately after making such a determination.

(b) The Department of Defense may issue supplemental regulations to implement paragraph (a) of this section.

Subpart F-Agency Reports

§ 300 Semi-annual compilation.

(a) The head of each agency shall collect and compile the disclosure reports (see Appendix B) and, on May 31 and November 30 of each year, submit a report containing a compilation of the information contained in the disclosure reports received during the six-month period ending on March 31 or September 30, respectively, of that year.

(b) The report, including the compilation, shall be available for public inspection 30 days after receipt of the report by the Secretary and the Clerk.

(c) Information that involves intelligence matters shall be reported only to the Select Committee on Intelligence of the Senate, the Permanent Select Committee on Intelligence of the House of Representatives, and the Committees on Appropriations of the Senate and the House of Representatives in accordance with procedures agreed to by such committees. Such information shall not be available for public inspection.

(d) Information that is classified under Executive Order 12356 or any successor order shall be reported only to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives or the Committees on Armed Services of the Senate and the House of Representatives (whichever such committees have jurisdiction of matters involving such information) and to the Committees on Appropriations of the Senate and the House of Representatives in accordance with procedures agreed to by such committees. Such information shall not be available for public inspection.

(e) The first semi-annual compilation shall be submitted on May 31, 1990, and shall contain a compilation of the disclosure reports received from December 23, 1989 to March 31, 1990.

(f) Major agencies, designated by the Office of Management and Budget (OMB), are required to provide machine-readable compilations to the Secretary of the Senate end the Clerk of the House of Representatives no later than with the compilations due on May 31, 1991. OMB shall provide detailed specifications in a memorandum to these agencies.

(g) Non-major agencies are requested to provide machine-readable compilations to the Secretary of the Senate and the Clerk of the House of Representatives.

(h) Agencies shall keep the originals of all disclosure reports in the official files of the agency.

§ 305 Inspector General report.

(a) The Inspector General, or other official as specified in paragraph (b) of this section, of each agency shall prepare and submit to Congress each year, commencing with submission of the President's Budget in 1991, an evaluation of the compliance of that agency with, and the effectiveness of, the requirements herein. The evaluation may include any recommended changes that may be necessary to strengthen or improve the requirements.

(b) In the case of an agency that does not have an Inspector General, the agency official comparable to an Inspector General shall prepare and submit the annual report, or if there is no such comparable official, the head of the agency shall prepare and submit the annual report.

(c) The annual report shall be submitted at the same time the agency submits its annual budget justifications to Congress.

(d) The annual report shall include the following: All alleged violations relating to the agency's covered Federal actions during the year covered by the report, the actions taken by the head of the agency in the year covered by the report with respect to those alleged violations and alleged violations in previous years, and the amounts of civil penalties imposed by the agency in the year covered by the report.

Appendix A to Part -- Certification Regarding Lobbying

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form 177, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all Federal contracts, grants, and cooperative agreements and the all subcontracts, sub-grants, and contracts under grants, loans, and cooperative agreements and the all subcontracts, sub-grants, and contracts under grants, loans, and cooperative agreements

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to civil penalty of not less than $10,000 but not more than $100,000 for each such failure.

Statement for Loan Guarantees and Loan Insurance

The undersigned states, to the best of his or her knowledge and belief, that:

If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form 177, "Disclosure Form to Report Lobbying," in accordance with its instructions.

Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil
Appendix B to Part ______-Disclosure Form to Report Lobbying

BILLING CODES 3410-01-M; 5450-01-M; 8490-01-M;
5025-01-M; 7510-01-M; 2010-06-M; 8100-01-M; 6710-
24-M; 6118-01-M; 8801-01-M; 8225-01-M; 3210-01-M;
4210-32-M; 4410-18-M; 4510-23-M; 4610-23-M; 2861-01-
M; 4020-01-M; 2820-01-M; 8300-30-M; 8220-01-M; 4310-
RF-M; 8710-01-M; 4180-04-M; 7665-01-M; 7217-01-M;
7435-01-M; 8500-36-M; 4919-02-M
## DISCLOSURE OF LOBBYING ACTIVITIES
Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352
(See revenue for public burden disclosure.)

<table>
<thead>
<tr>
<th>1. Type of Federal Action:</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. contract</td>
</tr>
<tr>
<td>b. grant</td>
</tr>
<tr>
<td>c. cooperative agreement</td>
</tr>
<tr>
<td>d. loan</td>
</tr>
<tr>
<td>e. loan guarantee</td>
</tr>
<tr>
<td>f. loan insurance</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>2. Status of Federal Action:</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. bid/offers/application</td>
</tr>
<tr>
<td>b. initial award</td>
</tr>
<tr>
<td>c. post-award</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>3. Report Type:</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. initial filing</td>
</tr>
</tbody>
</table>
| b. material change (For Material Change Only:)
  year    quarter    date of last report

<table>
<thead>
<tr>
<th>4. Name and Address of Reporting Entity:</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ Prime</td>
</tr>
<tr>
<td>☐ Subawardee</td>
</tr>
<tr>
<td>Tier _____, if known:</td>
</tr>
</tbody>
</table>

| Congressional District, if known:       |

| 5. If Reporting Entity in No. 4 is Subawardee. Enter Name and Address of Prime: |


<table>
<thead>
<tr>
<th>6. Federal Department/Agency:</th>
</tr>
</thead>
</table>

| 7. Federal Program Name/Description: |

| CFDA Number, if applicable:         |

| 8. Federal Action Number, if known: |

| 9. Award Amount, if known: |

| $                                      |

<table>
<thead>
<tr>
<th>10. a. Name and Address of Lobbying Entity</th>
</tr>
</thead>
<tbody>
<tr>
<td>of individual, last name, first name, MIl:</td>
</tr>
</tbody>
</table>

| b. Individuals Performing Services (including address if different from No. 10a) |
| (last name, first name, MIl: |

<table>
<thead>
<tr>
<th>11. Amount of Payment (check all that apply):</th>
</tr>
</thead>
<tbody>
<tr>
<td>$</td>
</tr>
<tr>
<td>☐ actual</td>
</tr>
<tr>
<td>☐ planned</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>12. Form of Payment (check all that apply):</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ a. cash</td>
</tr>
<tr>
<td>☐ b. in-kind; specify: nature</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>13. Type of Payment (check all that apply):</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ a. retainer</td>
</tr>
<tr>
<td>☐ b. one-time fee</td>
</tr>
<tr>
<td>☐ c. commission</td>
</tr>
<tr>
<td>☐ d. contingent fee</td>
</tr>
<tr>
<td>☐ e. deferred</td>
</tr>
<tr>
<td>☐ f. other; specify:</td>
</tr>
</tbody>
</table>

| 14. Brief Description of Services Performed or to be Performed and Date(s) of Service, including offer(s), employee(s), or Member(s) contacted, for Payment Indicated in Item 11: |

<table>
<thead>
<tr>
<th>15. Continuation Sheet(s) SF-LLL-A attached:</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ Yes</td>
</tr>
<tr>
<td>☐ No</td>
</tr>
</tbody>
</table>

| 16. Information requested through this form is authorized by title 31 U.S.C. section 1353. This disclosure of lobbying activities is a material representation of fact upon which the Government may rely when making decisions on matters in which this individual may be involved. This information is required pursuant to title 31 U.S.C. 1352. This information will be reported to the Congress annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure. |

<table>
<thead>
<tr>
<th>Signature:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Print Name:</td>
</tr>
<tr>
<td>Title:</td>
</tr>
<tr>
<td>Telephone No.: Date:</td>
</tr>
</tbody>
</table>

| Authorized for Local Reproduction |
| Standard Form - SF-LLL-A |

| Federal Use Only: |

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INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether subawardee of prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to Title 31, U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Use the SF-LLL-A Continuation Sheet for additional information if the space on the form is inadequate. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity has been secured to influence the outcome of the covered Federal action.

2. Identify the status of the covered Federal action.

3. Identify the appropriate classification of the report. If this is a follow-up report caused by a material change to the information previously reported, identify the year and quarter in which the change occurred. Enter the date of the last previously submitted report by the reporting entity for this covered Federal action.

4. Enter the full name, address, city, state and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates it as, or expects to be, a prime or subawardee. Identify the type of subawardee, e.g., the first subawardee of the prime is the latter. Subawardees include but are no limited to subcontracts, subgrants and contract awards undergrants.

5. If the organization filing the report is a subawardee, then: “a subawardee,” then: “the full name, address, city, state and zip code of the prime Federal recipient include Congressional District, if known.”

6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.

7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.

8. Enter the most appropriate Federal identifier “number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) “number; Invitation for bids (IFB) number; grant announcement “number; the contract, grant, or loan award number; the application proposal control “number assigned by the Federal agency). Include prefixes, e.g., “RFP-DE-90-001.”

9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in items 4 or 5.

10. (a) Enter the full name, address, city, state and zip code of the lobbying entity engaged by the reporting entity identified in item 4 to influence the covered Federal action.

(b) Enter the full names of the individual(s) performing services, and include full address if different from item 10 (a). Enter Last Name, First Name, and Middle Initial (MI).

11. Enter the amount of compensation paid or reasonably expected to be paid by the reporting entity (Item 10) to the lobbying entity (item 10). Indicate whether the payment has been made (actual) or will be made (planned). Check all boxes that apply. If this is a material change report, enter the cumulative amount of payment made or planned to be made.

12. Check the appropriate box(es). Check all boxes that apply. If payment is made through an in-kind contribution, specify the nature and value of the in-kind payment.

13. Check the appropriate box(es). Check all boxes that apply. If other, specify nature.

14. Provide a specific and detailed description of the services that the lobbyist has performed, or will be expected to perform, and the date(s) of any services rendered. Include all preparatory and related expenses (e.g., no, just time spent in actual contact with Federal officials. Identify the Federal official(s) or employee(s) contacted or the officer(s), employee(s), or Member(s) of Congress that were contacted.

15. Check whether or no, a SF-LLL-A Continuation Sheet(s) is attached.

16. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

Public reporting burden for this collection of information is estimated to average 30 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, D.C. 20503.
DISCLOSURE OF LOBBYING ACTIVITIES
CONTINUATION SHEET

Reporting Entity: ____________________________ Page ____ of _____

BILLING CODES 3410-01-C; 6450-01-C; 6490-01-C;
6525-01-C; 7510-01-C; 3510-PE-C; 8120-01-C; 6710-24-
C; 8110-01-C; 8511-01-C; 5250-01-C; 2210-01-C; 4310-
32-C; 4410-18-C; 6110-23-C; 6310-34-C; 7901-01-C;
4200-01-C; 8235-01-C; 6260-02-C; 6420-01-C; 6310-06-
C; 8170-01-C; 4150-04-C; 7660-01-C; 7577-01-C; 7539-
01-C; 6090-28-C; 6010-02-C

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Standard Form - LFR-A
Certification Regarding Lobbying

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 71, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

_________________________________________  _________________________
Authorized Signature                           Date


### DISCLOSURE OF LOBBYING ACTIVITIES

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352

(See reverse for public burden disclosure.)

<table>
<thead>
<tr>
<th>Type of Federal Action:</th>
<th>2 Status of Federal Action:</th>
<th>3 Report Type:</th>
</tr>
</thead>
<tbody>
<tr>
<td>c. contract</td>
<td>a. bid/offer/application</td>
<td>a. initial filing</td>
</tr>
<tr>
<td>d. loan</td>
<td>b. initial award</td>
<td>b. material change</td>
</tr>
<tr>
<td>e. loan guarantee</td>
<td>c. post-award</td>
<td>For Material Change Only.</td>
</tr>
<tr>
<td>f. loan insurance</td>
<td></td>
<td>year _______ quarter _____</td>
</tr>
</tbody>
</table>

5. If Reporting Entity in No. 4 is Subawardee, Enter Name and Address of Prime:

<table>
<thead>
<tr>
<th>Name and Address of Reporting Entity:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prime</td>
</tr>
<tr>
<td>Subawardee</td>
</tr>
<tr>
<td>Tier __, if known:</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Congressional District, if known:</th>
<th>Congressional District, if known:</th>
</tr>
</thead>
</table>

6. Federal Department/Agency:

<table>
<thead>
<tr>
<th>Federal Department/Agency:</th>
</tr>
</thead>
</table>

7. Federal Program Name/Description:

<table>
<thead>
<tr>
<th>Federal Program Name/Description:</th>
</tr>
</thead>
</table>

8. Federal Action Number, if known:

<table>
<thead>
<tr>
<th>Federal Action Number, if known:</th>
</tr>
</thead>
</table>

9. Award Amount, if known:

<table>
<thead>
<tr>
<th>Award Amount, if known:</th>
</tr>
</thead>
</table>

10. Name and Address of lobbying Entity (if individual, last name, first name, MI):

<table>
<thead>
<tr>
<th>Name and Address of lobbying Entity (if individual, last name, first name, MI):</th>
</tr>
</thead>
</table>

11. a. Amount of Payment (check all that apply):

<table>
<thead>
<tr>
<th>Amount of Payment (check all that apply):</th>
</tr>
</thead>
</table>

b. Form of Payment (check all that apply):

<table>
<thead>
<tr>
<th>Form of Payment (check all that apply):</th>
</tr>
</thead>
</table>

12. Brief Description of Services Performed or to be Performed and Date(s) of Service, including officer(s), employee(s), or member(s) contacted. for Payment indicated in Item 11:

<table>
<thead>
<tr>
<th>Brief Description of Services Performed or to be Performed and Date(s) of Service, including officer(s), employee(s), or member(s) contacted. for Payment indicated in Item 11:</th>
</tr>
</thead>
</table>

13. Type of Payment (check all that apply):

<table>
<thead>
<tr>
<th>Type of Payment (check all that apply):</th>
</tr>
</thead>
</table>

14. Signature: __________________________

15. Continuation Sheet(s) SF-LLL-A attached: 0 Yes 0 No

<table>
<thead>
<tr>
<th>Continuation Sheet(s) SF-LLL-A attached:</th>
</tr>
</thead>
</table>

16. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to see the required disclosure shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

| Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to see the required disclosure shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure. |

Signature: __________________________

Print Name: __________________________

Title: __________________________

Telephone No.: __________________________ Date: __________________________