

Memo To: All UH-Downtown/PS Holders
From: Dr. Loren J. Blanchard, President
Subject: Disclosure of Lobbying Activities Policy

UH-Downtown/PS 06.A.02
Issue No. 3
Effective date: 11/30/2021
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1. PURPOSE

This PS outlines the regulations which prohibit lobbying for the award of a specific grant or contract while receiving federal funds or traveling on federal grant/contract funds. Also, this policy describes the reporting requirements if the lobbying is done while using non-federal funds.

2. DEFINITIONS

2.1 Covered Federal Action is defined as any of the following Federal actions: the awarding of any federal contract; the making of any federal grant; the making of any federal loan; the entering into any cooperative agreement; and the extension, continuation, renewal, amendment or modification of any Federal contract, grant, loan or cooperative agreement.

3. POLICY

3.1 Section 1352, Title 31, U.S. Code prohibits recipients of federal funds, whether contracts, grants or cooperative agreements, from using those funds for lobbying to obtain, extend or modify a federal award.

3.1.1 Federal funds may not be used by University of Houston - Downtown faculty, research staff, or administrative staff 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, cooperative agreement, or an extension, renewal or modification of the foregoing.

3.1.2 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 prohibited. These expenditures may not be made by University employees for themselves or for hiring paid lobbyists to do so on the University's behalf.

3.2 The following agency and legislative liaison activities are allowable only if conducted prior to formal solicitation of a Federal grant, contract, cooperative agreement, or an extension, continuation, renewal, amendment or modification of the foregoing and for the purposes outlined below:

- 3.2.1 Providing any information not specifically requested but necessary for an agency to make an informed decision about initiation of a covered Federal action; and
 - 3.2.2 Technical discussions regarding the preparation of an unsolicited proposal prior to its official submission.
- 3.3 This regulation defines regular employees as those individuals who have been employed by the University a minimum of 130 days in the previous 12 months. These employees are allowed more freedom in discussing research activities with agencies. Principal investigators, faculty, researchers and administrators must be cognizant of the “130-day rule” before approaching any agency.
- 3.4 The following agency and legislative liaison activities are allowable at any time:
 - 3.4.1 Discussing with an agency, including individual demonstrations, the qualities and characteristics of the University’s products or services, conditions or terms of sale, and service capabilities; and
 - 3.4.2 Technical discussions and other activities regarding the application or adaptation of the University’s products or services for an agency’s use.
- 3.5 Under no circumstances shall these liaison activities be associated with or directly related to the solicitation of a covered Federal action.
- 3.6 Recipients of federal funds using non-federal funds for lobbying purposes must report these activities to the awarding agency. A Standard Form-LLL [Disclosure Form to Report Lobbying](#) must be completed in detail by the principal investigator and submitted to the Associate Vice President for Faculty, Research, and Sponsored Programs (AVP-ORSP) for reporting to the federal government.
- 3.7 Payments for professional or technical services rendered directly in the preparation, submission or negotiation of any bid, proposal or application for federal grants, contracts, loans or cooperative agreements are allowable provided these services are limited to advice and analysis directly applying to the professional or technical discipline. However, communications with the intent to influence by a professional or technical person is strictly prohibited.
- 3.8 In all instances where UHD is asked to certify that the institution does not engage in lobbying activities at the time of proposal submission or prior to receiving the award, individuals aware of facts that make this certification inaccurate must notify ORSP immediately.

4. PROCEDURES

- 4.1 If the proposed award exceeds \$100,000, the AVP-ORSP must file a certification for the University indicating the institution will abide by the above regulations, at the time of proposal submission.
- 4.2 If lobbying for the particular project proposal has occurred using non-federal forms, the Disclosure of Lobbying Activities will also be submitted. The AVP-ORSP will submit to the Secretary of the Senate and the Clerk of the House of Representatives a semi-annual compilation of the Disclosure reports.
- 4.3 Violation of the foregoing regulations may subject the University to fines of \$10,000 to \$100,000 for each violation as well as other remedies the Federal government may deem appropriate. Such penalties may include loss of the specific award and suspension or debarment as an institution from further federal funding.

5. REVIEW PROCESS

Responsible Party (Reviewer): President

Review: Every three years on or before May 1st.

Signed original on file in the Office of Human Resources.

6. POLICY HISTORY

Issue #1: 05/16/1994

Issue #2: 03/18/2014

7. REFERENCES

[Disclosure Form to Report Lobbying](#)

Title 31 USC 1352

Federal Restrictions on Lobbying for HHS