
MANAGEMENT DIRECTIVE

305.16
Amended
Number

COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE

Subject:

Lobbying Certification and Disclosure

By Direction Of:

Michael J. Masch

Michael J. Masch, Secretary of the Budget

Date:

July 3, 2003

With respect to an award of a federal contract, grant, or cooperative agreement exceeding \$100,000; or an award of a federal loan or a commitment providing for the United States to ensure or guarantee a loan exceeding \$150,000, all recipients must certify that they will not use federal funds for lobbying and must disclose the use of non-federal funds for lobbying by filing required documentation. The Disclosure of Lobbying Activities Standard Form LLL has been deleted from this amendment (Enclosure 2) and may be accessed at www.whitehouse.gov/omb/grants.

- PURPOSE.** To ensure that all Commonwealth agencies understand and comply with federal regulations prohibiting the use of federal funds for lobbying and requiring disclosure of non-federal funds used for lobbying.
- SCOPE.** This directive applies to all agencies under the Governor's jurisdiction. It is recommended that other agencies adopt similar policy and procedures.
- OBJECTIVE.** To announce policy and provide procedures regarding required certification and disclosure of the use of funds for lobbying.
- DEFINITION.** For the purpose of this directive, **lobbying** means influencing or attempting to influence an officer or employee of any federal 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.
- POLICY.** Commonwealth agencies shall not contract with outside firms or individuals to perform lobbying services, regardless of the source of funds.

Distribution: B

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6. RESPONSIBILITIES. With respect to an award of a federal contract, grant, or cooperative agreement exceeding \$100,000, or an award of a federal loan or a commitment providing for the United States to ensure or guarantee a loan exceeding \$150,000, **agencies** are responsible for:

- a. Completing and filing with federal agencies Lobbying Certification Forms as required (see Enclosure 1).
- b. Providing to subgrantees, with all grant awards, Lobbying Certification Forms, and Disclosure of Lobbying Activities forms with instructions for completion and return. See www.whitehouse.gov/omb/grants for current form.
- c. Forwarding to federal agencies, as required, certification and disclosure forms received from subgrantees.

7. PROCEDURES. With respect to an award of a federal contract, grant, or cooperative agreement exceeding \$100,000, or an award of a federal loan or a commitment providing for the United States to ensure or guarantee a loan exceeding \$150,000:

- a. **Agency.**
 - (1) Completes Lobbying Certification Form.
 - (2) Includes in all award documents language requiring certification and disclosure of lobbying (see Enclosure 1).
- b. **Grantee.**
 - (1) Completes Lobbying Certification Form and, if applicable, Disclosure of Lobbying Activities form.
 - (2) Forwards to agency completed Lobbying Certification Form(s) and, if applicable, Disclosure of Lobbying Activities forms.
- c. **Agency.**
 - (1) Receives from grantee(s) completed Lobbying Certification and Disclosure of Lobbying Activities Forms.
 - (2) Forwards completed Lobbying Certification and Disclosure of Lobbying Activities Forms to federal agency as required.

Enclosure:

1 – Lobbying Certification Form

This directive replaces, in its entirety, Management Directive 305.16 dated August 6, 1990, copy of which should be recycled.

LOBBYING CERTIFICATION FORM

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 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 of Lobbying Activities, 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 under *Section 1352, Title 31, 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 such failure.

SIGNATURE: _____

TITLE: _____

DATE: _____