

RESEARCH POLICY SERIES  
POLICY AND PROCEDURE FOR LOBBYING  
AT  
MISSISSIPPI STATE UNIVERSITY

1. LOBBYING

1.1 Statute

The Byrd Amendment 31 USC, Section 1352 (PL 100-21) entitled "Limitation on use of appropriated funds to influence certain federal contracting and financial transactions" amends the Department of Interior and Related Agencies Act for Fiscal Year 1990. The regulations were issued in 54 FR 52306-31 December 23, 1989 and clarification was issued in 55 FR 245-40-42 on June 15, 1990.

1.2 Purpose

Legislation was enacted to maintain the integrity of the process by which the federal government makes awards to recipients by reducing the impact of lobbyists unduly influencing members of Congress and officers and employees of the congressional and/or executive branch of government and federal agencies who might be in a position to determine funding priorities. The regulations were issued in interim form as a common rule for non-FAR agencies on February 26, 1990 (55 FR 6738ff).

2. APPLICABILITY

The regulations are applicable to all federal grants, contracts, loans or cooperative agreements entered into on or after December 23, 1989. It is applicable to both proposers and awardees and sub-proposers and sub-awardees. Specific certification is required for agreements exceeding \$100,000.

3. REQUIREMENTS

Institutions must certify that: No federally appropriated funds were or will be expended to influence or attempt to influence an officer or employee of any agency, member of Congress or officer or employee of Congress, or employee of a member of Congress in connection with:

- 3.1 The awarding of any federal contract,
- 3.2 The making of any federal grant or loan, or
- 3.3 Entering into any cooperative agreement and,
- 3.4 The continuation, renewal, amendment, or modification of

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any federal contract, grant, loan or cooperative agreement.

#### 4. DISCLOSURE

Disclosure will be made of certain information if non-appropriated funds have or will be used to pay for lobbying activities of an individual or organization not regularly employed by Mississippi State University. Disclosure forms must be filed prior to the award, and thereafter at the end of each calendar quarter in which there occurs any event requiring disclosure or affecting the accuracy of the information contained in any previously filed disclosure. Certifications are made to the agency making the award.

Disclosure is required if the University has made or agreed to make payment with non-federal funds for the purpose of influencing a specific award over \$100,000. If lobbying were done, however, by a regularly employed individual at the University, no disclosure is needed. Individuals paid with, or traveling on, federal funds must not engage in lobbying activities while utilizing such federal funds.

Of particular interest are the definitions of "regularly employed individual" (the individual must have been employed 130 days preceding the date of the lobbying) and the clarification with respect to "indirect federal funds" (if an institution has sufficient funds other than federal funds, an individual whose support is both from the institutional and indirect cost funds will be presumed to be traveling on, therefore supported by, institutional funds).

#### 5. PROHIBITIONS

MSU faculty and staff who are paid from federally appropriated funds may not influence or attempt to influence any officer or employee of a federal agency or department, any member of Congress or any officer or employee of members of Congress and of Congress itself. This prohibited influence is related to the award of any federal contract or making of any federal grant or federal loan or the entering into any cooperative agreement, including any extension, renewal, amendment, or modification thereof.

5.1 MSU faculty and staff who are paid from federally appropriated money (as defined above) **are permitted to:**

- 5.1.1 provide any information specifically requested by an agency at any time.
- 5.1.2 discuss the University's capabilities, the applicability of these capabilities to the agency's needs, etc., but only if such discussion is not related to a specific

solicitation.

5.1.3 discuss preparation of unsolicited proposals, and volunteer any information necessary to an agency to make an informed decision about a grant, contract, or cooperative agreement, provided a formal solicitation has not yet been prepared.

5.1.4 MSU faculty and staff may, following the receipt of federal contract, grant and/or cooperative agreement, be paid from federally appropriated funds while conducting liaison activities with agencies and legislative entities, provided these liaison activities are not directly related to a federal contract, grant, and/or cooperative agreement.

**6. PENALTY FOR NON-COMPLIANCE**

Agencies will not make awards until and unless certifications of lobbying effort have been made. Persons who make expenditures prohibited by the regulations shall be subject to a civil penalty and fine of not less than \$10,000 and not more than \$100,000 for each expenditure, even if the violation was inadvertent.

**7. MINIMUM COMPLIANCE**

Certifications should be submitted at time of project proposal submission. If lobbying is carried out with non-federal funds, these should be disclosed quarterly to the Vice President for Research or the Vice President for Agriculture, Forestry and Veterinary Medicine.

**8. APPROVAL FOR EXPENDITURE**

Federal funds may not be used for lobbying purposes. In the Academic Division, non-federal funds to be expended for the purpose of lobbying should be approved by the Vice President for Research. In the Agriculture, Forestry and Veterinary Medicine Division, the purpose of lobbying should be approved by the Vice President for Agriculture, Forestry and Veterinary Medicine.

**9. CONTACT PERSON**

Copies of approved requests to lobby using non-federal funds and quarterly disclosure of expenditures used for lobbying purposes should be sent to the Director of Sponsored Programs Administration.

REVIEWED BY:

*Lynne Chouster*  
Director, Sponsored Programs  
Administration

5/4/93  
Date

*Leah J Norman*  
Director of Internal Audit

5/6/93  
Date

*Charles L. Gant*  
University Counsel

5-5-93  
Date

RECOMMENDED BY:

*Ralph E. Powe*  
Vice President for Research

5/7/93  
Date

APPROVED:  
*Donald W. Johnson*  
President

5/10/93  
Date

**NOTE - THIS POLICY HAS BEEN SUPERSEDED**