



**THE GEORGE  
WASHINGTON  
UNIVERSITY**  
WASHINGTON, DC

**Responsible University Official:** Vice President, Research

**Responsible Office:** Office of the Vice President for Research

**Last Revised Date:** June 11, 2014

## **USE OF FEDERAL FUNDS TO INFLUENCE A FEDERAL AWARD**

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### **Policy Statement**

Federal funds may not be used to influence or attempt to influence any member of the Executive or Legislative branches of federal government (including any agency employee) for the purpose of securing a grant, contract, loan or cooperative agreement or an extension, continuation, renewal, amendment, or modification of any such federal award. Payments for such efforts, including consultant’s fees, may not be charged to a federal award, unless such efforts are covered by an exception stated below.

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### **Reason for Policy**

This policy provides guidance on complying with applicable law (Section 1352, Title 31, U.S. Code), which restricts the use of federal funds to pay for efforts to influence a federal award and requires certain disclosures when outside consultants are engaged in such efforts. There are substantial financial penalties for failing to comply with this restriction and if a violation occurs the federal government may impose any penalty it deems appropriate, including the loss of the particular award and/or suspension or debarment as an institution from further federal funding.

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### **Who is Governed by this Policy**

Faculty and staff

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## Policy

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- A. Federal funds may not be used to influence or attempt to influence any member of the Executive or Legislative branches of the federal government (including any agency employee) for the purpose of securing a grant, contract, loan, or cooperative agreement or an extension, continuation, renewal, amendment or modification of any such award. Unless an exception applies, charging travel expenses to a federal award, being paid from a federal award, or paying third parties (such as consultants) from a federal award is prohibited, if such payments are in connection with efforts to influence an award of federal funds.
- B. There are several exceptions to the prohibition on payments for efforts to influence a federal award, including certain payments for technical and professional services and payments for conducting routine and on-going post-award administration of a federal award. The exceptions are listed below. Please contact the Office of the Senior Vice President and General Counsel for additional information or to find out if an exception applies to your particular situation.
  - 1. Compensation made to a university *employee* for “agency and legislative liaison activities” that are not directly related to a federal award, including discussions concerning the qualities and characteristics of the university’s products, services, or capabilities.
  - 2. Compensation made to a university *employee* in connection with providing information specifically requested by a federal agency or by Congress, such as in response to a question posed during a hearing or included in a letter to the university or a university official, provided pursuant to a reporting duty under the award, or requested by the awarding agency.
  - 3. Compensation made to a university *employee* in connection with providing information necessary for an agency to make an informed decision about

- whether to initiate a federal award, *so long as done prior to any formal solicitation* for the award.
4. Compensation made to a university *employee* in connection with technical discussions with government officials regarding the preparation of an unsolicited proposal *before submission of that proposal*.
  5. Compensation made to an employee *or* outside professional/consultant for professional or technical services rendered “directly in the preparation, submission, or negotiation of any bid, proposal, or application” for a federal award. This exception encompasses only applications of professional and technical expertise (*e.g.*, a lawyer drafting a legal document, a doctor or scientist providing scientific analyses in his or her area of expertise, *but not* general lobbying communications made by an employee who happens to be a lawyer or other professional).
  6. Compensation made to an employee *or* outside professional/consultant for efforts necessary to satisfy conditions required to be eligible for an award, whether imposed by law or imposed under the terms of the award, *e.g.*, use of an independent consultant to certify the fitness of a university testing facility for an award.
- C. If the proposed award exceeds \$100,000 the Office of the Vice President for Research must certify, at the time of the proposal submission, that the university has not and will not use federal funds to influence the award. In addition, if outside consultants, or university employees who have not been employed by the university for at least 130 working days within one year of submission for agency consideration, are paid with non-federal funds for efforts to influence the award, the Office of the Vice President for Research must disclose such activities to the government.

The Office of the Vice President for Research is required to submit a certification of compliance with this rule. If you or your staff is aware of any facts that make this certification inaccurate, please contact the Office of the Vice President for Research, or the Senior Vice President and General Counsel, immediately.

### **How does this affect me?**

You may not, while paid with federal funds (such as grant monies) or while using federal funds for travel expenses, urge an agency or member of Congress to support a specific proposal. It is acceptable to inquire as to the timing of a decision on a proposal; however, it is not acceptable to describe why a proposal should be funded unless the communication satisfies an exception under the law. The intent of the statute is not to prevent normal interactions between a researcher and officer of the awarding agency. If a university employee is uncertain whether communications

would qualify as normal interactions under an award or as efforts to influence an award, the employee should consult with the Office of the Senior Vice President and General Counsel in advance of any such communication.

Activities to influence a federal award are not subject to the reporting requirements set forth above if they are conducted by university employees who have been employed with the university for at least 130 working days within one year prior to the submission that begins agency consideration for the potential award. Faculty and others new to the institution must keep this rule in mind and be careful about discussing specific research projects with the federal government until they have been with the university for at least 130 working days.

Penalties for violating this regulation could include substantial monetary fines and any other remedies the federal government deems appropriate, including loss of the particular award and/or suspension or debarment as an institution from further federal funding.

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## Definitions

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**Federal Award:** Any contract, grant, direct appropriation made by law, loan or cooperative agreement awarded by the government of the United States or by any branch, department, agency, or other unit thereof, including the extension, continuation, renewal, amendment, or modification of any such award.

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## Related Information

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[31 USC §1352](#)

[45 CFR Part 93, Restrictions on Lobbying](#)

[Department of Energy: "Lobbying...What you need to know as a Contractor, Cooperative Agreement Participant, or Grantee"](#)

[Identification and Treatment of Unallowable Costs Policy](#)

[Travel, Entertainment and Business Expense Reimbursement Policy](#)

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## Contacts

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Contact	Telephone	Email
Office of The Vice President for Research	202-994-6255	<a href="mailto:askovpr@gwu.edu">askovpr@gwu.edu</a>
Office of The Senior Vice President and General Counsel	202-994-6503	<a href="mailto:gwlegal@gwu.edu">gwlegal@gwu.edu</a>

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## Document History

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- **Last Reviewed Date:** April 17, 2018
- **Last Revised Date:** June 11, 2014
- **Policy Origination Date:** April 1, 2004

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## Who Approved This Policy

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Leo M. Chalupa, Vice President for Research

Louis H. Katz, Executive Vice President and Treasurer

Steven Lerman, Provost and Executive Vice President for Academic Affairs

Beth Nolan, Senior Vice President and General Counsel

*This policy, as well as all [university policies](#), are located on the [Compliance Office website](#).*