

WHAT IS LOBBYING?

Lobbying is defined as influencing or attempting to influence any officer or employee of any Federal agency, Members of Congress, officers or employees of Congress, or employees of any Member of Congress in connection with any covered Federal action by communicating with or by appearing before such person. For the purpose of this law, members of the National Council on the Arts as well as members of the Endowment's advisory panels are also considered to be within the scope of the lobbying prohibition.

WHAT ACTIVITIES ARE NOT CONSIDERED LOBBYING?

- I. Professional and Technical Services: The prohibition on the use of appropriated funds does not apply to payment by applicants/grantees to any individual for professional or technical services rendered directly in the preparation, submission, or negotiation of any grant or for meeting requirements imposed by or pursuant to law as a condition for receiving a grant. For example, an applicant may hire an individual to prepare a grant application. That individual may, in turn, contact the Endowment for clarification of various guidelines and regulations.
- II. Agency and Legislative Liaisons: The prohibition on the use of appropriated funds does not apply in the case of payment made to an officer or employee of an applicant/grantee if the payment is for agency and legislative liaison activities not directly related to a covered Federal action.

DOES ALL LOBBYING REQUIRE DISCLOSURE?

No. Disclosure is not required if the individual performing that activity is regularly employed by the applicant/grantee. Regularly employed means an officer or employee of the applicant/grantee who is employed by that applicant/grantee for at least 130 working days within one year immediately preceding the date of the submission that initiates agency consideration of the applicant for a grant. An officer or employee who is employed for less than the 130 working days will not be considered as regularly employed until he or she is employed by the applicant/grantee for 130 working days. Disclosure is required for individuals performing lobbying functions who do not meet the definition of regularly employed.

**If your organization does not engage in applicable lobbying activities completed
Attachment A only.**

CERTIFICATION REGARDING LOBBYING
(Section 319 of Public Law 101-121, 31 U.S.C. Section 1352)

(hereafter called the "Awardee") certifies that:

- (1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the awardee, to any person for 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;
- (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 awardee shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions;
- (3) The awardee 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 of 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 a civil penalty of not less than **\$20,720** and not more than **\$207,314** for each such failure.

Authorizing Official

Application/Award #

Title of Authorizing Official

E-mail Address

Phone Number

Date

Organization

INSTRUCTIONS FOR THE DISCLOSURE OF LOBBYING ACTIVITIES FORM

This disclosure form shall be completed by the reporting entity, whether subawardee or prime federal recipient, at the invitation 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 registrant 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.

For your convenience, the items that require standardized information have been completed for you. Complete only the items that are requested below. 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 is and/or has been secured to influence the outcome of a covered Federal action.

4. Enter the full name, street address, city, state, and zip code of the reporting entity. Include Congressional District, if known.

7. Enter the Federal program name or description for the covered Federal action (item1). If known, enter the full Assistance Listings number and Title (previously the Catalog of Federal Domestic Assistance Number and Name) for grants or cooperative agreements.

9. Enter the Federal amount of the award commitment for the prime entity identified in item 4 or 5.

10. (a) Enter the full name, street address, city, state, and zip code of the registrant under the Lobbying Disclosure Act of 1995 engaged by the reporting entity identified in item 4 to influence the covered federal action (If none, enter N/A).

(b) Enter the full names of the individual(s) performing services, and include full address(es) if different from 10 (a). Enter Last Name, First Name, and Middle Initial (MI) (If none, enter N/A).

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

The 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, DC 20503.

Disclosure of Lobbying Activities

Approved by OMB 4040-0013
Expiration Date 02/28/22

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352 (See opposite page for public burden disclosure.)

1. **Type of Federal Action** contract grant cooperative agreement

2. **Status of Federal Action** contract initial award post-award

3. **Report Type** initial filing material change

For material change only: year _____ quarter _____ date of last report _____

4. **Name and Address of Reporting Entity:** Prime Subawardee Tier, *if known:*

Congressional District, if known:

5. **If Reporting Entity in No. 4 is Subawardee**, enter name and address of prime: N/A **Congressional District, if known:** N/A

6. **Federal Department/Agency:** National Endowment for the Arts

7. **Federal Program Name/Description:**

Assistance Listing Number, if applicable:

8. **Federal Action Number, if known:** N/A

9. **Award Amount, if known:** \$

10a. **Name and Address of Lobbying Registrant** (if individual, last name, first name, MI):

b. **Individuals Performing Services** (including address if different from 10a) (last name, first name, MI):

11. 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 the transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than \$20,720 and not more than \$207,314 for each such failure.

Signature: _____

Print Name: _____

Title: _____

Telephone No. _____

E-mail address: _____

Date: _____

Federal Use Only