

**STANDARD OPERATING PROCEDURE:  
LOBBYING CERTIFICATION AND REPORTING RELATED TO FEDERAL  
GRANTS, CONTRACTS, AND COOPERATIVE AGREEMENTS**

Applications for federal grants, contracts, or cooperative agreements require that the University certify compliance with 31 U.S.C. 1352 and 45 CFR 93 pertaining to lobbying. Specific definitions of "lobbying" vary with each specific law, but in general "lobbying" means contacting or encouraging others to contact federal employees or elected officials in an attempt to influence the outcome of a decision, award, law or other government action. This document outlines Marquette University's plan to ensure compliance with these laws.

Various other federal, state and local laws create additional rules and reporting requirements for lobbying activities. Compliance with these rules and reporting requirements is the responsibility of the Office of Public Affairs.

All Marquette employees must contact the Office of Public Affairs before engaging in any lobbying.

### **Summary of Roles and Responsibilities**

The Office of Public Affairs

- Is the sole point of contact for University lobbying.
- Informs The Office of Research and Sponsored Programs (ORSP) of any activity requiring a Disclosure of Lobbying Activities using Standard Form-LLL.
- Informs ORSP of any material change in previously reported activity, such as new activity or a change in lobbying personnel.

The Office of Research and Sponsored Programs

- Signs and submits Certifications as required by 31 U.S.C. 1352 and 45 CFR 93.
- Prepares and submits SF-LLL to the sponsor as required.
- Flows down certification and reporting requirements to subawardees and subcontractors.
- Provides the Office of Public Affairs (OPA) with any SF-LLL report submitted by a subawardee or subcontractor.

**What does the University certify?** The Certification Regarding Lobbying attests to the fact that no Federal appropriated funds have been paid or will be paid, by or on behalf of Marquette, 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.

A copy of a typical Certification is attached as Exhibit A.

The Certification further promises that if any funds other than Federally 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

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cooperative agreement, the Executive Director of ORSP will submit Standard Form LLL, "Disclosure of Lobbying Activities."

A copy of Standard Form LLL, "Disclosure of Lobbying Activities," and its instructions are attached as Exhibit B.

**Who signs the Certification and when?** At the time an application is submitted to a federal agency and as required by 31 U.S.C. 1352, the Executive Director of ORSP will sign and submit an appropriate Certification Regarding Lobbying.

**To whom is the Certification sent?** The Certification is submitted to the sponsor as a part of the application. Copies of all signed Certifications are kept with the institution's submitted applications in ORSP's central files.

**When must Marquette submit SF-LLL?** The reporting requirement does not apply to regularly employed officers or employees of the University or to a contract, grant, cooperative agreement, or subcontract that does not exceed \$100,000. In such cases, the University need not submit SF-LLL. Nevertheless, any exemption from the reporting requirement must be reviewed and approved by the Vice President for Public Affairs. Marquette must report any outside lobbying registrant retained by the Office of Public Affairs whose efforts are associated with a particular grant, contract, or cooperative agreement that exceeds \$100,000.

When reportable activity has occurred before the application has been submitted, our preference will be to submit SF-LLL at the time an application is submitted to a federal agency. ORSP will prepare SF-LLL and attach it to the application along with and as part of the application. Alternatively, ORSP may submit SF-LLL at the time the Executive Director of ORSP acknowledges receipt of the award if ORSP did not already submit the disclosure with the application. In this case, ORSP will send the form to the Grant Management Officer identified in the award documentation unless otherwise instructed by the agency in the award documentation.

ORSP must also submit SF-LLL at the end of each calendar quarter (March 31, June 30, September 30, December 31) in which there occurs any event that materially affects the accuracy contained in any declaration previously filed in connection with the Federal grant, contract, or cooperative agreement. ORSP will submit the form to the Grant Management Officer unless otherwise directed by the agency in the award documentation.

ORSP will provide copies of all SF-LLL disclosures to the Office of Public Affairs and to the Principal Investigator or Project Director at the time ORSP submits the forms to the federal agency. ORSP will also provide the Office of Public Affairs with a copy of the Federal Application Cover Sheet along with each completed SF-LLL disclosure.

**How will ORSP know when lobbying has taken place (i.e., how will ORSP know when to submit an initial SF-LLL disclosure and what the content of the disclosure should be)?** The Office of Public Affairs oversees all lobbying activity and prepares periodic lobbying reports as

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required by the Lobbying Act of 1995. Before any lobbying begins on behalf of a federal grant, contract, or cooperative agreement, the Office of Public Affairs will provide to ORSP:

- a. the working title of the project
- b. the name of the Marquette University Principal Investigator or Project Director
- c. the name of agency from which the award is sought
- d. the type of federal action being requested (grant, contract, cooperative agreement)
- e. the name and address of the lobbying registrant
- f. the names of the individuals performing the services

**How will ORSP know when a material change has taken place (i.e., how will ORSP know when a SF-LLL disclosure reporting a material change is required) and what the content of the amended disclosure should be?** An amended SF-LLL is required at the end of each calendar quarter (March 31, June 30, September 30, December 31) in which there occurs any event that materially affects the accuracy contained in any declaration previously filed. For example, if the previously reported lobbying registrant or individuals performing the services should change, ORSP must submit a new SF-LLL.

The Office of Public Affairs will advise ORSP of any material changes in the information previously reported. The Office of Public Affairs will have copies of all SF-LLL disclosures that ORSP has previously submitted to the federal agencies. The University's agreement with the outside lobbying registrant will require the lobbying registrant to periodically report to the Office of Public Affairs their activity and any material changes that would require the University to submit a new SF-LLL under 31 U.S.C. 1352.

**What about subawards and subcontracts?** ORSP will require that the language of the Certification be included in award documents for all subawards, including subcontracts, subgrants, and contracts under grants, loans and cooperative agreements and that all subrecipients certify and report accordingly.

Subawardees or subcontractors who have reportable activity must submit their SF-LLL disclosures to ORSP. ORSP will send copies of SF-LLL disclosures from subrecipients to the sponsoring agency and to the Office of Public Affairs.

In cases where Marquette is a subawardee, the Office of Public Affairs will advise ORSP of any activity requiring a SF-LLL report. At the time the University enters into a subcontract or subaward agreement, the Executive Director of ORSP will sign an appropriate Certification as required by 31 U.S.C. 1352. At that time, if reportable activity has occurred, ORSP will also submit SF-LLL to the prime awardee unless otherwise directed by the award instrument and will provide a copy of the SF-LLL report to the Office of Public Affairs along with the Notice of Grant Award and Application Cover Sheet.

## CERTIFICATIONS

### 1. CERTIFICATION REGARDING DEBARMENT AND SUSPENSION

The undersigned (authorized official signing for the applicant organization) certifies to the best of his or her knowledge and belief, that the applicant, defined as the primary participant in accordance with 45 CFR Part 76, and its principals:

- (a) are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal Department or agency;
- (b) have not within a 3-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- (c) are not presently indicted or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (b) of this certification; and
- (d) have not within a 3-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.

Should the applicant not be able to provide this certification, an explanation as to why should be placed after the assurances page in the application package.

The applicant agrees by submitting this proposal that it will include, without modification, the clause titled "Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion--Lower Tier Covered Transactions" in all lower tier covered transactions (i.e., transactions with sub-grantees and/or contractors) and in all solicitations for lower tier covered transactions in accordance with 45 CFR Part 76.

### 2. CERTIFICATION REGARDING DRUG-FREE WORKPLACE REQUIREMENTS

The undersigned (authorized official signing for the applicant organization) certifies that the applicant will, or will continue to, provide a drug-free workplace in accordance with 45 CFR Part 76 by:

- (a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
- (b) Establishing an ongoing drug-free awareness program to inform employees about--
  - (1) The dangers of drug abuse in the workplace;
  - (2) The grantee's policy of maintaining a drug-free workplace;
  - (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
  - (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
- (c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a) above;
- (d) Notifying the employee in the statement required by paragraph (a), above, that, as a condition of employment under the grant, the employee will--
  - (1) Abide by the terms of the statement; and
  - (2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
- (e) Notifying the agency in writing within ten calendar days after receiving notice under paragraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central

- point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;
- (f) Taking one of the following actions, within 30 calendar days of receiving notice under paragraph (d) (2), with respect to any employee who is so convicted--
- (1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
  - (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
- (g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

For purposes of paragraph (e) regarding agency notification of criminal drug convictions, the DHHS has designated the following central point for receipt of such notices:

Office of Grants and Acquisition Management  
 Office of Grants Management  
 Office of the Assistant Secretary for Management and Budget  
 Department of Health and Human Services  
 200 Independence Avenue, S.W., Room 517-D  
 Washington, D.C. 20201

### 3. CERTIFICATION REGARDING LOBBYING

Title 31, United States Code, Section 1352, entitled "Limitation on use of appropriated funds to influence certain Federal contracting and financial transactions," generally prohibits recipients of Federal grants and cooperative agreements from using Federal (appropriated) funds for lobbying the Executive or Legislative Branches of the Federal Government in connection with a SPECIFIC grant or cooperative agreement. Section 1352 also requires that each person who requests or receives a Federal grant or cooperative agreement must disclose lobbying undertaken with non-Federal (non-appropriated) funds. These requirements apply to grants and cooperative agreements EXCEEDING \$100,000 in total costs (45 CFR Part 93).

The undersigned (authorized official signing for the applicant organization) 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 under-

signed, 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 Federally 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. (If needed, Standard Form-LLL, "Disclosure of Lobbying Activities," its instructions, and continuation sheet are included at the end of this application form.)
- (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 by Section 1352, 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 each such failure.

### 4. CERTIFICATION REGARDING PROGRAM FRAUD CIVIL REMEDIES ACT (PFCRA)

The undersigned (authorized official signing for the applicant organization) certifies that the statements herein are true, complete, and accurate to the best of his or her knowledge, and that he or she is aware that any false, fictitious, or fraudulent statements or claims may subject him or her to criminal, civil, or administrative penalties. The undersigned agrees that the applicant organization will comply with the Public Health Service terms and conditions of award if a grant is awarded as a result of this application.

**5. CERTIFICATION REGARDING ENVIRONMENTAL TOBACCO SMOKE**

Public Law 103-227, also known as the Pro-Children Act of 1994 (Act), requires that smoking not be permitted in any portion of any indoor facility owned or leased or contracted for by an entity and used routinely or regularly for the provision of health, day care, early childhood development services, education or library services to children under the age of 18, if the services are funded by Federal programs either directly or through State or local governments, by Federal grant, contract, loan, or loan guarantee. The law also applies to children's services that are provided in indoor facilities that are constructed, operated, or maintained with such Federal funds. The law does not apply to children's services provided in private residence, portions of facilities used for inpatient drug or alcohol treatment, service providers whose sole source of applicable Federal funds is Medicare or Medicaid, or facilities where WIC coupons are redeemed.

Failure to comply with the provisions of the law may result in the imposition of a civil monetary penalty of up to \$1,000 for each violation and/or the imposition of an administrative compliance order on the responsible entity.

By signing the certification, the undersigned certifies that the applicant organization will comply with the requirements of the Act and will not allow smoking within any portion of any indoor facility used for the provision of services for children as defined by the Act.

The applicant organization agrees that it will require that the language of this certification be included in any subawards which contain provisions for children's services and that all subrecipients shall certify accordingly.

The Public Health Services strongly encourages all grant recipients to provide a smoke-free workplace and promote the non-use of tobacco products. This is consistent with the PHS mission to protect and advance the physical and mental health of the American people.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	TITLE	
APPLICANT ORGANIZATION		DATE SUBMITTED

## DISCLOSURE OF LOBBYING ACTIVITIES

Approved by OMB  
0348-0046

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

<b>1. Type of Federal Action:</b>  <input type="checkbox"/> a. contract <input type="checkbox"/> b. grant <input type="checkbox"/> c. cooperative agreement <input type="checkbox"/> d. loan <input type="checkbox"/> e. loan guarantee <input type="checkbox"/> f. loan insurance	<b>2. Status of Federal Action</b>  <input type="checkbox"/> a. bid/offer/application <input type="checkbox"/> b. initial award <input type="checkbox"/> c. post-award	<b>3. Report Type:</b>  <input type="checkbox"/> a. initial filing <input type="checkbox"/> b. material change  <b>For Material Change Only:</b> Year _____ Quarter _____  date of last report _____
<b>4. Name and Address of Reporting Entity:</b>  <input type="checkbox"/> Prime <input type="checkbox"/> Subawardee  Tier _____, if known:   Congressional District, if known:	<b>5. If Reporting Entity in No. 4 is Subawardee, Enter Name and Address of Prime:</b>     Congressional District, if known:	
<b>6. Federal Department/Agency:</b>	<b>7. Federal Program Name/Description:</b>   CFDA Number, if applicable: _____	
<b>8. Federal Action Number, if known:</b>	<b>9. Award Amount, if known:</b>  \$ _____	
<b>10. a. Name and Address of Lobbying Entity</b> (if individual, last name, first name, MI):	<b>b. Individuals Performing Services</b> (including address if different from No. 10a.) (last name, first name, MI):	
<b>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 this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.</b>	Signature: _____  Print Name: _____  Title: _____  Telephone No.: _____ Date: _____	
<b>Federal Use Only</b>		Authorized for Local Reproduction Standard Form - LLL (Rev. 7-97)

## INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation 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 entity 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. Complete all items that apply for both the initial filing and material change report. 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.
2. Identify the status of the covered Federal action.
3. Identify the appropriate classification of this report. If this is a followup report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.
4. Enter the full name, address, city, State and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.
5. If the organization filing the report in item 4 checks "Subawardee," then enter the full name, address, city, State and zip code of the prime Federal recipient. Include Congressional District, if known.
6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.
7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.
8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitation for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP-DE-90-001."
9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.
10. (a) Enter the full name, address, city, State and zip code of the lobbying registrant under the Lobbying Disclosure Act of 1995 engaged by the reporting entity identified in item 4 to influence the covered Federal action.  
  
(b) Enter the full names of the individual(s) performing services, and include full address if different from 10 (a). Enter Last Name, First Name, and Middle Initial (MI).
11. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

According to the Paperwork Reduction Act, as amended, no persons are required to respond to a collection of information unless it displays a valid OMB Control Number. The valid OMB control number for this information collection is OMB No. 0348-0046. Public reporting burden for this collection of information is estimated to average 10 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.