

APPENDIX H

RESTRICTIONS ON LOBBYING

2 CFR Part 200 requires a recipient of a federal contract, grant, loan, or cooperative agreement to certify that it will not use appropriated funds to influence or attempt 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 following covered federal actions:

- 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.

In addition, any person who requests or receives a federal contract, grant, loan, or cooperative agreement from a federal agency and uses *non-appropriated* funds to pay an individual to influence or attempt 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 above-defined “covered federal actions” must submit a disclosure form (SF-LLL) in accordance with 2 CFR Part 200. A “person” means an individual, corporation, association, authority, firm, partnership, society, state, and local government.

Because NHTF awards are a covered federal activity, the Iowa Finance Authority (IFA) must require all owners, contractors, and sub-contractors at any tier to comply with 2 CFR Part 200.

1. Each NHTF recipient, contractor, subcontractor, individual, and entity who have requested or received more than \$100,000 in NHTF funds must submit a lobbying certification form to IFA.
 - If more than \$100,000 in NHTF funds were received in a month by the recipient, contractor, subcontractor, individual, or entity, then a lobbying certification for each month in which more than \$100,000 was received must be submitted to IFA.
2. Any person (see definition above) who requests or receives more than \$100,000 of NHTF funds, whether as a grantee, sub-grantee, contractor, or subcontractor must submit the SF-LLL Lobbying Disclosure Activities form to IFA IF that person has made or has agreed to make a payment using non-federally appropriated funds 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.

All disclosure forms (SF-LLL) will be submitted to the next higher tier who will then submit them to IFA. IFA will submit it to HUD. The certifications must only be submitted to the next higher tier and filed.

For example, A subcontractor must file its certification with the contractor. The contractor is required to file the certification. If the subcontractor provided the SF-LLL, then the contractor would forward it to the project who would then forward it to IFA.

Please note that a new SF-LLL Disclosure of Lobbying Activities form must be filed at the end of each calendar quarter if an event occurs that materially affects the accuracy of the information reported. This would include:

- A cumulative increase of \$25,000 or more in the amount paid or expected to be paid for influencing or attempting to influence a covered Federal action; or

- A change in the person(s) or individual(s) influencing or attempting to influence a covered Federal action; or
- A change in the officer(s), employee(s), or Member(s) contacted to influence or attempt to influence a covered federal Action.

Failure by any person to file the required certification may be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each failure.

