**POLICY**

It is the policy of the Upstate Carolina NCORP (UC-NCORP) to its members and member institutions, that NIH-appropriated funds may not be used for grassroots lobbying activities directed at inducing members of the public to contact their elected representatives to urge support of, or proposition to, proposed or pending legislation or appropriations or any regulation, administrative action, or order issued by the Executive Branch of any Federal, state or local government.

Grantee communications from which an external audience may infer that it should contact legislators concerning specific legislation should be considered carefully because they may run afoul of the prohibition unless the communications fall within certain recognized exceptions to the definition of “lobbying” or “influencing legislation.” It is this restriction on grassroots lobbying that prevents grantees’ calling upon the public to take-action and direct efforts on the part of grantees to encourage participation by others in advocacy.

Direct lobbying by grantees: Except in certain cases of state and local government communication, as part of their normal and recognized executive-legislative relationships, as discussed above, grantees are restricted from using Federal funds to attempt to influence deliberations or actions by Federal, state, or local legislative or Executive Branches. This includes communications to a legislator or executive official that refer to and reflect on a view of a specific measure.

**DEFINITIONS**

Lobbying is the act of trying to persuade governments to make decision or support something (i.e. NCORP grant or increase funding for NCI). Lobbying can be done by many sorts of people, alone or in groups. Often it is done by big companies or businesses. Sometimes people are given jobs to lobby for big businesses. These people are called lobbyists.

**GUIDELINES**

*4.1.17 Lobbying Prohibition*

*Recipients of Federal grants, cooperative agreements, contracts, and loans are prohibited by 31 U.S.C. 1352, “Limitation on use of appropriated funds to influence certain Federal contracting and financial transactions,” from using appropriated Federal funds to pay any person for influencing or attempting to influence any officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress with respect to the award, continuation, renewal, amendment, or modification of any of these instruments. These requirements are implemented for HHS in 45 CFR 93, which also describes types of activities, such as legislative liaison activities and professional and technical services, which are not subject to this prohibition under certain circumstances.*

*Applicants for NIH awards are required to certify and disclose that they:*

* *have not made, and will not make, such a prohibited payment;*
* *used or will use non-appropriated funds if they have made or agreed to make such payment; and*
* *will include these requirements in consortium agreements and contracts under grants that will exceed $100,000 and obtain necessary certifications from those consortium participants and contractors.*

*Certifications and disclosures must be filed at the times prescribed in the regulations based on the expected total costs.*

*4.2.6 Lobbying—Appropriation Prohibition*

*NIH appropriated funds may not be used, other than for normal and recognized executive-legislative relationships for publicity or propaganda purposes, for the preparation, distribution, or use of a kit, pamphlet, booklet, publication, electronic communication, radio, television, or video presentation designed to sup-port or defeat the enactment of legislation before the Congress or any State or local legislature or legislative body, except in presentation to the Congress or any State legislature or local legislature itself or designed to support or defeat any proposed or pending regulation administrative action, or order issued by the executive branch of any State or local government, except in presentation to the executive branch of any State or local government itself. No part of any governing appropriation act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence the enactment of legislation, appropriations, regulation, administrative action, or Executive Order proposed or pending before the Congress or any State government, State legislature or local legislature or legislative body other than for normal and recognized executive-legislative relationships or participation by an agency or officer of a State, local or tribal government in policymaking and administrative processes within the executive branch of that government. No part of any governing appropriation Act shall be used for any activity to advocate or promote any proposed, pending or future Federal, State or local tax increase, or any proposed, pending, or future requirement or restriction on any legal consumer product, including its sale or marketing, including but not limited to the advocacy or promotion of gun control, except as described above.*

*8.4.1 Reporting*

*NIH requires that recipients periodically submit financial and progress reports. Other required reports may include annual invention utilization reports, lobbying disclosures, conflict of interest reports, audit reports, reports to the appropriate payment points (in accordance with instructions received from the payment office), and specialized programmatic reports. Recipients also are expected to publish the results of research in peer-reviewed journals and to provide information to the public on the objectives, methodology, and findings of their NIH-supported research activities, as specified in Administrative Requirements—Availability of Research Results: Publications, Intellectual Property Rights, and Sharing Research Resources.*

**PROCEDURES:**

1. Community required Assurances Verification Document includes “Lobbying-Appropriation Prohibition” attestation signed by the Community Responsible Investigator. Completed at beginning of each Grant Cycle.
2. This policy is reviewed annually at UC-NCORP meeting with Investigators and Staff.
3. If lobbying activities is disclosed, it is reported to the Leadership Council for action and follow-up per requirements.

**REFERENCES:**

NIH Grants Policy Statement, December 2019, 4.1.17 Lobbying Prohibition, 4.2.6 Lobbying—Appropriation Prohibition, 8.4.1 Reporting

**ASSOCIATED FORMS:** NA

**COMMITTEE APPROVAL:** Policy and Procedure Committee