

Region 8 Bulletin 01-12
Re: Lobbying

July 6, 2012

Dear Region 8 FTA recipient:

Upon learning that some recipients of FTA funding failed to comply with the lobbying disclosure requirements, FTA Administrator Peter Rogoff directed me to provide immediate guidance and to urge every recipient to review its activities and to submit all required certifications and disclosures regarding lobbying activities. The recipients in question incorrectly assumed they did not need to submit a lobbying disclosure form to FTA unless they used federal funds for lobbying. While using federal funds for lobbying is clearly prohibited, any recipient that pays or expects to pay a lobbyist at least \$25,000 from any source to influence the Federal Government must file a disclosure form with FTA. Many must supplement their disclosure quarterly. Violations of these requirements will subject a recipient to a penalty of not less than \$10,000 for each failure.

The following is a summary of the lobbying certification and disclosure requirements. Please review them as soon as possible. I urge you to take all necessary action to ensure that your organization is complying with the law.

According to 31 U.S.C. 1352, as implemented at 49 C.F.R. Part 20, all applicants and recipients of federally appropriated funds must abide by the following rules with respect to lobbying:

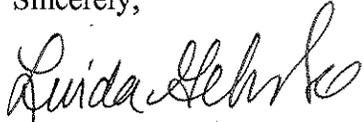
- a. All applicants for and recipients of a Federal contract, grant or cooperative agreement in excess of \$100,000 may not use Federal funds to lobby an officer or employee of any Federal agency or Member of Congress.
- b. Every time a potential recipient applies for or receives such a contract, grant or cooperative agreement, it must file a written declaration at the time of application that states that no federal funds have been paid for lobbying and that, if non-Federal funds are used for lobbying, it will file a lobbying disclosure form.
- c. If a recipient uses non-FTA funds for lobbying, it must submit a disclosure form to report these activities. If the activities change materially, the recipient must file an additional form for that quarter.

I encourage you to review the lobbying disclosure requirements and to submit all needed forms to FTA ASAP. The Disclosure of Lobbying Activities report form (SF LLL) is available online at <http://www.whitehouse.gov/sites/default/files/omb/grants/sflllin.pdf>.

As I mentioned earlier, the law states that any recipient who fails to file the required lobbying disclosure form shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

If after reading this message you have questions about whether the requirements apply, or how to report lobbying activities, please contact your Region 8 Counsel, Susan Martin, immediately. She can be reached at 720-963-3328 or at Susan.Martin@dot.gov.

Sincerely,

A handwritten signature in cursive script that reads "Linda Gehrke".

Linda Gehrke
Regional Administrator