

ANTI-LOBBYING PROVISIONS***Prohibition on use of FSA funds*** **NEW**

FSA funds may not be used to pay any person for attempting to influence

- a Member of Congress or an employee of a Member of Congress, or
- an officer or employee of Congress or any agency.

This prohibition applies to the making of a federal grant or loan, awarding federal contracts, and entering into federal cooperative agreements, as well as to the extension, continuation, renewal, amendment, or modification of a federal contract, grant, loan, or cooperative agreement.

In addition, FSA funds may not be used to hire a registered lobbyist or to pay any person or entity for securing an earmark. Schools receiving funds FSA funds will have to certify their compliance with these requirements annually.

Campus-based certification & disclosure

If a school receives more than \$100,000 in Campus-Based funds, it must submit Certification Form ED-80-0013 (combined with Debarment and Drug-Free Workplace Certifications), stating that the school will not use federal funds to pay a person for lobbying activities in connection with federal grants or cooperative agreements. This certification must be renewed each year for a school to be able to draw down Campus-Based funds.

Primarily, this certification covers the use of the Campus-Based administrative cost allowance. Note that association membership is not a legitimate administrative cost of the FSA programs.

The school is also responsible for payments made on its behalf, and must include the certification in award documents for any subgrantees or contractors (such as need analysis servicers, financial aid consultants, or other third parties paid from the administrative cost allowance).

If a school that receives more than \$100,000 in Campus-Based funds has used nonfederal funds to pay a nonschool employee for lobbying activities, the school must also submit a Disclosure Form (Standard Form LLL) to the Department. The school must update this disclosure at least quarterly and when changes occur.

Both of these forms are sent to schools with the Campus-Based fiscal report/application (FISAP) each summer. The certification form and the disclosure form must be signed by the Chief Executive Officer (CEO) or other individual who has the authority to sign on behalf of the entire school. A school is advised to retain a copy in its files.

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HEOA section 119

Effective date: August 14, 2008

Anti-Lobbying Certification & Disclosure

Section 319 of Pub. L. 101-121, enacted October 23, 1989, amended title 31, United States Code, by adding a new section 1352, entitled "Limitation on Use of Appropriated Funds to Influence Certain Federal Contracting and Financial Transactions," commonly known as the Byrd Anti-Lobbying Amendment.

As a result of that legislation, the Office of Management and Budget (OMB) issued interim final common regulations on February 26, 1990, for implementing and complying with the law. The Department of Education (ED) codified these regulations at 34 CFR Part 82, which is part of the Education Department General Administrative Regulations (EDGAR). 34 CFR Part 82

ACA may not be used for association membership

A school may not use its Administrative Cost Allowance to pay for its membership in professional associations (such as the National Association of Student Financial Aid Administrators, the National Association of College and University Business Officers, etc.), regardless of whether the association engages in lobbying activities.