



U.S. Department
Of Transportation
**Federal Transit
Administration**

Chief Counsel

1200 New Jersey Avenue S.E.
Washington DC 20590

August 17, 2012

Re: Certification and Disclosure of Lobbying Activities

Dear Colleague:

It has come to my attention that many recipients of funds administered by the Federal Transit Administration (FTA) may not be correctly applying the Federal lobbying disclosure reporting requirements. As a result, recipients may not realize that they may need to disclose lobbying activities to FTA and submit lobbying disclosure forms as often as quarterly. Because Federal law imposes a penalty of not less than \$10,000 for each violation of these rules, I write to remind you of the requirements and to request that all FTA recipients review their activities and take steps necessary to ensure full compliance. If you have questions about whether the requirements apply, or how to report lobbying activities, please do not hesitate to contact your Regional Counsel.

In 1989, Congress enacted legislation to limit the use of appropriated funds to influence certain Federal contracting and financial transactions and to require the recipients of Federal funds to report all lobbying activities. 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 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 in excess of \$100,000, it must file a written certification that states that no Federal funds have been paid for lobbying. FTA recipients can do this by completing the annual Certifications and Assurances in TEAM.
http://www.fta.dot.gov/documents/Group_02_Lobbying_Certification.pdf
- c. Applicants and recipients that use non-FTA funds for lobbying must submit a "Disclosure of Lobbying Activities" form (SF LLL) to report these activities and to identify the name of the individuals performing lobbying services. SF LLL is available online at
<http://www.whitehouse.gov/sites/default/files/omb/grants/sfillin.pdf>. Applicants and recipients must submit SF LLL as often as once per calendar quarter, depending on whether their lobbying activities change materially. If the activities change materially, the recipient must file an

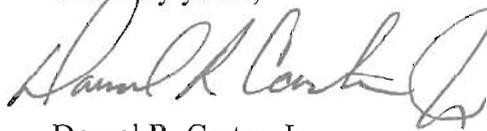
additional form for that quarter. The regulation defines material changes to include (1) a cumulative increase of \$25,000 or more in the amount paid or expected to be paid for influencing or attempting to influence a covered Federal action; (2) a change in the persons or individuals influencing or attempting to influence a covered Federal action; or (3) a change in the agency officers, employees, or Members of Congress or their employees or officers, contacted to influence or attempt to influence a covered Federal action.

By law, any applicant or recipient that fails to file the required lobbying disclosure report or uses Federal funds for lobbying shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

For additional information, refer to the FTA's lobbying certification (see certification #02 from the current Certifications and Assurances for FTA assistance programs) at http://fta.dot.gov/12825_14035.html and 49 C.F.R. Part 20 (specifically section 20.110 on Certification and Disclosure).

For assistance, please contact your FTA Regional Counsel.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Dorval R. Carter, Jr.", written in a cursive style.

Dorval R. Carter, Jr.
Chief Counsel