

3.802 Statutory prohibition and requirement.

(a) [31 U.S.C.1352](#) prohibits a recipient of a Federal contract, grant, loan, or cooperative agreement from using appropriated funds to pay any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any covered Federal actions.

(1) For purposes of this subpart the term "appropriated funds" does not include profit or fee from a covered Federal action.

(2) To the extent a person can demonstrate that the person has sufficient monies, other than Federal appropriated funds, the Government shall assume that these other monies were spent for any influencing activities that would be unallowable if paid for with Federal appropriated funds.

(b) [31 U.S.C.1352](#) also requires offerors to furnish a declaration consisting of both a certification and a disclosure, with periodic updates of the disclosure after contract award. These requirements are contained in the provision at [52.203-11](#), Certification and Disclosure Regarding Payments to Influence Certain Federal Transactions, and the clause at [52.203-12](#), Limitation on Payments to Influence Certain Federal Transactions.

Parent topic: [Subpart 3.8 - Limitations on the Payment of Funds to Influence Federal Transactions](#)