

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](#)