

Lobbying Restrictions for HHS Grantees

Naomi Miske
Office of the General Counsel
Department of Health & Human Services



What does “lobbying” mean?

- Anti-lobbying Act, 18 U.S.C. § 1913;
- Appropriation Riders in Consolidated Appropriations Act 2010 (Pub. L. No. 111-117), Title V, § 503(b);
- Byrd Amendment, 31 U.S.C. § 1352(a);
- OMB Circular A-122 and A-87 and Federal Acquisition Regulation (FAR), 48 C.F.R. § 31.205.22; 31.701;
- Internal Revenue Code.

Appropriation Rider Applicable to Grantees and Contractors

- Section 503(b): “No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence legislation or appropriations pending before the Congress or any State legislature.”

Appropriation Rider Applicable to Grantees and Contractors (continued)

Byrd Amendment:

- **(1)** None of the funds appropriated by any Act may be expended by the recipient of a Federal contract, grant, loan, or cooperative agreement 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 Federal action described in paragraph (2) of this subsection.
- **(2)** The prohibition in paragraph (1) of this subsection applies with respect to the following Federal actions:
 - **(A)** The awarding of any Federal contract.
 - **(B)** The making of any Federal grant.
 - **(C)** The making of any Federal loan.
 - **(D)** The entering into of any cooperative agreement.
 - **(E)** The extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.