



Part I BYRD AMENDMENT LOBBYING RESTRICTIONS
Part II LOBBYING DISCLOSURE ACT OF 1995

The following information summarizes lobbying restrictions imposed on consultants. The consultant is referred to the U. S. Code for the complete law. The Byrd Amendment is located at Title 31 U. S. Code Section 1352, and the Lobbying Disclosure Act of 1995 is located at Title 2 U. S. Code Sections 1601 et seq.

Definitions. As used in this document,

"Agency", as defined in 5 U.S.C 551(1), includes Federal executive departments and agencies as well as independent regulatory commissions and Government corporations, as defined in 31 U.S.C. 9201(1).

"Covered Federal action" means any of the following Federal actions:

- (1) The awarding of any Federal contract;
- (2) The making of any Federal grant;
- (3) The making of any Federal loan;
- (4) The entering into of any cooperative agreement; and, modification of any Federal contract, grant, loan, or cooperative agreement.

Covered Federal action does not include receiving from an agency a commitment providing for the United States to insure or guarantee a loan.

"Client" means any person or entity that employs or retains another person for financial or other compensation to conduct lobbying activities on behalf of that person or entity. A person or entity whose employees act as lobbyists on its own behalf is both a client and an employer of such employees. In the case of a coalition or association that employs or retains other persons to conduct lobbying activities, the client is the coalition or association and not its individual members.

"Covered executive branch official" means the President; the Vice President; any officer or employee in the Executive Office of the President; any officer or employee serving in a position in level I, II, III, IV, or V of the Executive Schedule, as designated by statute or Executive order; any member of the uniformed services whose pay grade is at or above O-7 under section 201 of title 37, United States Code; and any officer or employee serving in a position of a confidential, policy-determining, policy-making, or policy-advocating character described in section 7511 (b) (2) of title 5, United States Code.

"Covered legislative branch official" means a member of Congress; an elected officer of either House of Congress; any employee of, or any other individual functioning in the capacity of an employee of-

- (1) a member of Congress;
- (2) a committee of either House of Congress;
- (3) the leadership staff of the House of Representatives or the leadership staff of the Senate;

- (4) a joint committee of Congress;
- (5) a working group or caucus organized to provide legislative services or other assistance to Members of Congress; and

any other legislative branch employee serving in a position described under section 109(13) of the Ethics in Government Act of 1978 (5 U.S.C. App.).

"Employee" means any individual who is a officer, employee, partner, director, or proprietor of a person or entity, but does not include independent contractors or volunteers who receive no financial or other compensation from the person or entity for their services.

"Indian tribe" and "tribal organization" have the meaning provided in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450B). Alaskan Natives are included under the definitions of Indian tribes in that Act.

"Influencing or attempting to influence" means making, with the intent to influence, any communication to or appearance before 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 action.

"Lobbying activities" means lobbying contacts and efforts in support of such contacts, including preparation and planning activities, research and other ground work that is intended, at the time it is performed, for use in contacts, and coordination with the lobbying activities of others.

"Lobbying contact" means any oral or written communication (including an electric communication) to a covered executive branch official or a covered legislative branch official that is made on behalf of a client with regard to-

- (1) The formulation, modification, or adoption of Federal legislation (including legislative proposals);
- (2) The formulation, modification, or adoption of a Federal rule, regulation, executive order, or any other program, policy, or position of the United States Government;
- (3) the administration or execution of a Federal program or policy (including the negotiation, award, or administration of a Federal contract, grant, loan, permit, or license); or