

part of the rulemaking record for judicial review under the provisions of any other Federal law may be considered as part of the record for judicial review conducted under such other provisions of Federal law.

**(5) Application of other Federal law**

For any petition under paragraph (2) the provisions of such other Federal law shall control all other matters, such as exhaustion of administrative remedies, the time for and manner of seeking review and venue, except that if such other Federal law does not provide a limitation on the time for filing a petition for judicial review that is less than 180 days, such limitation shall be 180 days after a final rule is promulgated by the appropriate agency.

**(6) Effective date**

This subsection shall take effect on October 1, 1995, and shall apply only to any agency rule for which a general notice of proposed rulemaking is promulgated on or after such date.

**(b) Judicial review and rule of construction**

Except as provided in subsection (a) of this section—

(1) any estimate, analysis, statement, description or report prepared under this chapter, and any compliance or noncompliance with the provisions of this chapter, and any determination concerning the applicability of the provisions of this chapter shall not be subject to judicial review; and

(2) no provision of this chapter shall be construed to create any right or benefit, substantive or procedural, enforceable by any person in any administrative or judicial action.

(Pub. L. 104-4, title IV, §401, Mar. 22, 1995, 109 Stat. 70.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (b), was in the original “this Act”, meaning Pub. L. 104-4, Mar. 22, 1995, 109 Stat. 48, known as the Unfunded Mandates Reform Act of 1995. For complete classification of this Act to the Code, see Short Title note set out under section 1501 of this title and Tables.

**CHAPTER 26—DISCLOSURE OF LOBBYING ACTIVITIES**

- Sec.
- 1601. Findings.
- 1602. Definitions.
- 1603. Registration of lobbyists.
  - (a) Registration.
  - (b) Contents of registration.
  - (c) Guidelines for registration.
  - (d) Termination of registration.
- 1604. Reports by registered lobbyists.
  - (a) Semiannual report.
  - (b) Contents of report.
  - (c) Estimates of income or expenses.
- 1605. Disclosure and enforcement.
- 1606. Penalties.
- 1607. Rules of construction.
  - (a) Constitutional rights.
  - (b) Prohibition of activities.
  - (c) Audit and investigations.
- 1608. Severability.
- 1609. Identification of clients and covered officials.
  - (a) Oral lobbying contacts.
  - (b) Written lobbying contacts.

- Sec.
- 1610. Estimates based on tax reporting system.
  - (a) Entities covered by section 6033(b) of title 26.
  - (b) Entities covered by section 162(e) of title 26.
  - (c) Disclosure of estimate.
  - (d) Study.
- 1611. Exempt organizations.
- 1612. Sense of Senate that lobbying expenses should remain nondeductible.
  - (a) Findings.
  - (b) Sense of Senate.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in title 18 section 219; title 22 section 613; title 31 section 1352.

**§ 1601. Findings**

The Congress finds that—

(1) responsible representative Government requires public awareness of the efforts of paid lobbyists to influence the public decision-making process in both the legislative and executive branches of the Federal Government;

(2) existing lobbying disclosure statutes have been ineffective because of unclear statutory language, weak administrative and enforcement provisions, and an absence of clear guidance as to who is required to register and what they are required to disclose; and

(3) the effective public disclosure of the identity and extent of the efforts of paid lobbyists to influence Federal officials in the conduct of Government actions will increase public confidence in the integrity of Government.

(Pub. L. 104-65, §2, Dec. 19, 1995, 109 Stat. 691.)

EFFECTIVE DATE

Section 24 of Pub. L. 104-65 provided that:

“(a) Except as otherwise provided in this section, this Act [see Short Title note below] and the amendments made by this Act shall take effect on January 1, 1996.

“(b) The repeals and amendments made under sections 9, 10, 11, and 12 [amending section 4804 of Title 15, Commerce and Trade, section 219 of Title 18, Crimes and Criminal Procedure, sections 611, 613, 614, 616, 618, and 4002 of Title 22, Foreign Relations and Intercourse, section 1352 of Title 31, Money and Finance, and section 1490p of Title 42, The Public Health and Welfare, repealing sections 261 to 270 of this title and section 3537b of Title 42, and repealing provisions set out as a note under section 261 of this title] shall take effect as provided under subsection (a), except that such repeals and amendments—

“(1) shall not affect any proceeding or suit commenced before the effective date under subsection (a), and in all such proceedings or suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this Act had not been enacted; and

“(2) shall not affect the requirements of Federal agencies to compile, publish, and retain information filed or received before the effective date of such repeals and amendments.”

SHORT TITLE OF 1998 AMENDMENT

Pub. L. 105-166, §1(a), Apr. 6, 1998, 112 Stat. 38, provided that: “This Act [amending sections 1602, 1604, and 1610 of this title and section 613 of Title 22, Foreign Relations and Intercourse] may be cited as the ‘Lobbying Disclosure Technical Amendments Act of 1998’.”

SHORT TITLE

Section 1 of Pub. L. 104-65 provided that: “This Act [enacting this chapter, amending sections 3304 of Title

5, Government Organization and Employees, section 102 of Pub. L. 95-521, set out in the Appendix to Title 5, section 4804 of Title 15, Commerce and Trade, sections 207 and 219 of Title 18, Crimes and Criminal Procedure, section 2171 of Title 19, Customs Duties, sections 611, 613, 614, 616, 618, 621, and 4002 of Title 22, Foreign Relations and Intercourse, section 1352 of Title 31, Money and Finance, and section 1490p of Title 42, The Public Health and Welfare, repealing sections 261 to 270 of this title and section 3537b of Title 42, enacting provisions set out as notes under this section, section 3304 of Title 5, section 102 of Pub. L. 95-521, set out in the Appendix to Title 5, and section 207 of Title 18, and repealing provisions set out as a note under section 261 of this title] may be cited as the ‘Lobbying Disclosure Act of 1995.’”

## § 1602. Definitions

As used in this chapter:

### (1) Agency

The term “agency” has the meaning given that term in section 551(1) of title 5.

### (2) Client

The term “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.

### (3) Covered executive branch official

The term “covered executive branch official” means—

- (A) the President;
- (B) the Vice President;
- (C) any officer or employee, or any other individual functioning in the capacity of such an officer or employee, in the Executive Office of the President;
- (D) 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;
- (E) any member of the uniformed services whose pay grade is at or above O-7 under section 201 of title 37; and
- (F) 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)(B) of title 5.

### (4) Covered legislative branch official

The term “covered legislative branch official” means—

- (A) a Member of Congress;
- (B) an elected officer of either House of Congress;
- (C) any employee of, or any other individual functioning in the capacity of an employee of—
  - (i) a Member of Congress;
  - (ii) a committee of either House of Congress;
  - (iii) the leadership staff of the House of Representatives or the leadership staff of the Senate;
  - (iv) a joint committee of Congress; and

(v) a working group or caucus organized to provide legislative services or other assistance to Members of Congress; and

(D) 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.).

### (5) Employee

The term “employee” means any individual who is an officer, employee, partner, director, or proprietor of a person or entity, but does not include—

- (A) independent contractors; or
- (B) volunteers who receive no financial or other compensation from the person or entity for their services.

### (6) Foreign entity

The term “foreign entity” means a foreign principal (as defined in section 1(b) of the Foreign Agents Registration Act of 1938 (22 U.S.C. 611(b))).

### (7) Lobbying activities

The term “lobbying activities” means lobbying contacts and efforts in support of such contacts, including preparation and planning activities, research and other background work that is intended, at the time it is performed, for use in contacts, and coordination with the lobbying activities of others.

### (8) Lobbying contact

#### (A) Definition

The term “lobbying contact” means any oral or written communication (including an electronic communication) to a covered executive branch official or a covered legislative branch official that is made on behalf of a client with regard to—

- (i) the formulation, modification, or adoption of Federal legislation (including legislative proposals);
- (ii) the formulation, modification, or adoption of a Federal rule, regulation, Executive order, or any other program, policy, or position of the United States Government;
- (iii) 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
- (iv) the nomination or confirmation of a person for a position subject to confirmation by the Senate.

#### (B) Exceptions

The term “lobbying contact” does not include a communication that is—

- (i) made by a public official acting in the public official’s official capacity;
- (ii) made by a representative of a media organization if the purpose of the communication is gathering and disseminating news and information to the public;
- (iii) made in a speech, article, publication or other material that is distributed and made available to the public, or through radio, television, cable television, or other medium of mass communication;

(iv) made on behalf of a government of a foreign country or a foreign political party and disclosed under the Foreign Agents Registration Act of 1938 (22 U.S.C. 611 et seq.);

(v) a request for a meeting, a request for the status of an action, or any other similar administrative request, if the request does not include an attempt to influence a covered executive branch official or a covered legislative branch official;

(vi) made in the course of participation in an advisory committee subject to the Federal Advisory Committee Act;

(vii) testimony given before a committee, subcommittee, or task force of the Congress, or submitted for inclusion in the public record of a hearing conducted by such committee, subcommittee, or task force;

(viii) information provided in writing in response to an oral or written request by a covered executive branch official or a covered legislative branch official for specific information;

(ix) required by subpoena, civil investigative demand, or otherwise compelled by statute, regulation, or other action of the Congress or an agency, including any communication compelled by a Federal contract, grant, loan, permit, or license;

(x) made in response to a notice in the Federal Register, Commerce Business Daily, or other similar publication soliciting communications from the public and directed to the agency official specifically designated in the notice to receive such communications;

(xi) not possible to report without disclosing information, the unauthorized disclosure of which is prohibited by law;

(xii) made to an official in an agency with regard to—

(I) a judicial proceeding or a criminal or civil law enforcement inquiry, investigation, or proceeding; or

(II) a filing or proceeding that the Government is specifically required by statute or regulation to maintain or conduct on a confidential basis,

if that agency is charged with responsibility for such proceeding, inquiry, investigation, or filing;

(xiii) made in compliance with written agency procedures regarding an adjudication conducted by the agency under section 554 of title 5 or substantially similar provisions;

(xiv) a written comment filed in the course of a public proceeding or any other communication that is made on the record in a public proceeding;

(xv) a petition for agency action made in writing and required to be a matter of public record pursuant to established agency procedures;

(xvi) made on behalf of an individual with regard to that individual's benefits, employment, or other personal matters involving only that individual, except that this clause does not apply to any communication with—

(I) a covered executive branch official, or

(II) a covered legislative branch official (other than the individual's elected Members of Congress or employees who work under such Members' direct supervision),

with respect to the formulation, modification, or adoption of private legislation for the relief of that individual;

(xvii) a disclosure by an individual that is protected under the amendments made by the Whistleblower Protection Act of 1989, under the Inspector General Act of 1978, or under another provision of law;

(xviii) made by—

(I) a church, its integrated auxiliary, or a convention or association of churches that is exempt from filing a Federal income tax return under paragraph 2(A)(i) of section 6033(a) of title 26, or

(II) a religious order that is exempt from filing a Federal income tax return under paragraph 2(A)(iii) of such section 6033(a); and

(xix) between—

(I) officials of a self-regulatory organization (as defined in section 3(a)(26) of the Securities Exchange Act [15 U.S.C. 78c(a)(26)]) that is registered with or established by the Securities and Exchange Commission as required by that Act [15 U.S.C. 78a et seq.] or a similar organization that is designated by or registered with the Commodities Future Trading Commission as provided under the Commodity Exchange Act [7 U.S.C. 1 et seq.]; and

(II) the Securities and Exchange Commission or the Commodities Future Trading Commission, respectively;

relating to the regulatory responsibilities of such organization under that Act.

### **(9) Lobbying firm**

The term “lobbying firm” means a person or entity that has 1 or more employees who are lobbyists on behalf of a client other than that person or entity. The term also includes a self-employed individual who is a lobbyist.

### **(10) Lobbyist**

The term “lobbyist” means any individual who is employed or retained by a client for financial or other compensation for services that include more than one lobbying contact, other than an individual whose lobbying activities constitute less than 20 percent of the time engaged in the services provided by such individual to that client over a six month period.

### **(11) Media organization**

The term “media organization” means a person or entity engaged in disseminating information to the general public through a newspaper, magazine, other publication, radio, television, cable television, or other medium of mass communication.

**(12) Member of Congress**

The term “Member of Congress” means a Senator or a Representative in, or Delegate or Resident Commissioner to, the Congress.

**(13) Organization**

The term “organization” means a person or entity other than an individual.

**(14) Person or entity**

The term “person or entity” means any individual, corporation, company, foundation, association, labor organization, firm, partnership, society, joint stock company, group of organizations, or State or local government.

**(15) Public official**

The term “public official” means any elected official, appointed official, or employee of—

(A) a Federal, State, or local unit of government in the United States other than—

- (i) a college or university;
- (ii) a government-sponsored enterprise (as defined in section 622(8) of this title);
- (iii) a public utility that provides gas, electricity, water, or communications;
- (iv) a guaranty agency (as defined in section 1085(j) of title 20), including any affiliate of such an agency; or
- (v) an agency of any State functioning as a student loan secondary market pursuant to section 1085(d)(1)(F) of title 20;

(B) a Government corporation (as defined in section 9101 of title 31);

(C) an organization of State or local elected or appointed officials other than officials of an entity described in clause (i), (ii), (iii), (iv), or (v) of subparagraph (A);

(D) an Indian tribe (as defined in section 450b(e) of title 25;<sup>1</sup>

(E) a national or State political party or any organizational unit thereof; or

(F) a national, regional, or local unit of any foreign government, or a group of governments acting together as an international organization.

**(16) State**

The term “State” means each of the several States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

(Pub. L. 104-65, §3, Dec. 19, 1995, 109 Stat. 691; Pub. L. 105-166, §§2, 3, Apr. 6, 1998, 112 Stat. 38.)

## REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act” meaning Pub. L. 104-65, Dec. 19, 1995, 109 Stat. 691, known as the Lobbying Disclosure Act of 1995. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of this title and Tables.

Levels I, II, III, IV, and V of the Executive Schedule, referred to in par. (3)(D), are set out in sections 5312, 5313, 5314, 5315, and 5316, respectively, of Title 5, Government Organization and Employees.

Section 109(13) of the Ethics in Government Act of 1978, referred to in par. (4)(D), is section 109(13) of Pub. L. 95-521, which is set out in the Appendix to Title 5.

The Foreign Agents Registration Act of 1938, referred to in par. (8)(B)(iv), is act June 8, 1938, ch. 327, 52 Stat.

<sup>1</sup> So in original. A closing parenthesis probably should precede the semicolon.

631, as amended, which is classified generally to subchapter II (§611 et seq.) of chapter 11 of Title 22, Foreign Relations and Intercourse. For complete classification of this Act to the Code, see Short Title note set out under section 611 of Title 22 and Tables.

The Federal Advisory Committee Act, referred to in par. (8)(B)(vi), is Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

The Whistleblower Protection Act of 1989, referred to in par. (8)(B)(xvii), is Pub. L. 101-12, Apr. 10, 1989, 103 Stat. 16, as amended, which enacted subchapters II [5 U.S.C. 1211 et seq.] and III [5 U.S.C. 1221 et seq.] of chapter 12 and section 3352 of Title 5, Government Organization and Employees, amended sections 1201 to 1206, 1209, 1211, 2302, 2303, 3393, 7502, 7512, 7521, 7542, 7701, and 7703 of Title 5 and section 4139 of Title 22, Foreign Relations and Intercourse, repealed sections 1207 and 1208 of Title 5, and enacted provisions set out as notes under sections 1201, 1211, and 5509 of Title 5. For complete classification of this Act to the Code, see Short Title of 1989 Amendment note set out under section 1201 of Title 5 and Tables.

The Inspector General Act of 1978, referred to in par. (8)(B)(xviii), is Pub. L. 95-452, Oct. 12, 1978, 92 Stat. 1101, as amended, which is set out in the Appendix to Title 5.

The Securities Exchange Act, referred to in par. (8)(B)(xix), probably means the Securities Exchange Act of 1934, act June 6, 1934, ch. 404, 48 Stat. 881, as amended, which is classified generally to chapter 2B (§78a et seq.) of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see section 78a of Title 15 and Tables.

The Commodity Exchange Act, referred to in par. (8)(B)(xix), is act Sept. 21, 1922, ch. 369, 42 Stat. 998, as amended, which is classified generally to chapter 1 (§1 et seq.) of Title 7, Agriculture. For complete classification of this Act to the Code, see section 1 of Title 7 and Tables.

## AMENDMENTS

1998—Par. (3)(F). Pub. L. 105-166, §2, substituted “7511(b)(2)(B)” for “7511(b)(2)”.

Par. (8)(B)(ix). Pub. L. 105-166, §3(a), inserted before semicolon at end “, including any communication compelled by a Federal contract, grant, loan, permit, or license”.

Par. (15)(F). Pub. L. 105-166, §3(b), inserted before period at end “, or a group of governments acting together as an international organization”.

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1610 of this title; title 15 section 4804; title 18 section 219; title 22 section 4002.

**§ 1603. Registration of lobbyists****(a) Registration****(1) General rule**

No later than 45 days after a lobbyist first makes a lobbying contact or is employed or retained to make a lobbying contact, whichever is earlier, such lobbyist (or, as provided under paragraph (2), the organization employing such lobbyist), shall register with the Secretary of the Senate and the Clerk of the House of Representatives.

**(2) Employer filing**

Any organization that has 1 or more employees who are lobbyists shall file a single registration under this section on behalf of such employees for each client on whose behalf the employees act as lobbyists.

**(3) Exemption****(A) General rule**

Notwithstanding paragraphs (1) and (2), a person or entity whose—

(i) total income for matters related to lobbying activities on behalf of a particular client (in the case of a lobbying firm) does not exceed and is not expected to exceed \$5,000; or

(ii) total expenses in connection with lobbying activities (in the case of an organization whose employees engage in lobbying activities on its own behalf) do not exceed or are not expected to exceed \$20,000,

(as estimated under section 1604 of this title) in the semiannual period described in section 1604(a) of this title during which the registration would be made is not required to register under this subsection with respect to such client.

**(B) Adjustment**

The dollar amounts in subparagraph (A) shall be adjusted—

(i) on January 1, 1997, to reflect changes in the Consumer Price Index (as determined by the Secretary of Labor) since December 19, 1995; and

(ii) on January 1 of each fourth year occurring after January 1, 1997, to reflect changes in the Consumer Price Index (as determined by the Secretary of Labor) during the preceding 4-year period,

rounded to the nearest \$500.

**(b) Contents of registration**

Each registration under this section shall contain—

(1) the name, address, business telephone number, and principal place of business of the registrant, and a general description of its business or activities;

(2) the name, address, and principal place of business of the registrant's client, and a general description of its business or activities (if different from paragraph (1));

(3) the name, address, and principal place of business of any organization, other than the client, that—

(A) contributes more than \$10,000 toward the lobbying activities of the registrant in a semiannual period described in section 1604(a) of this title; and

(B) in whole or in major part plans, supervises, or controls such lobbying activities.

(4) the name, address, principal place of business, amount of any contribution of more than \$10,000 to the lobbying activities of the registrant, and approximate percentage of equitable ownership in the client (if any) of any foreign entity that—

(A) holds at least 20 percent equitable ownership in the client or any organization identified under paragraph (3);

(B) directly or indirectly, in whole or in major part, plans, supervises, controls, directs, finances, or subsidizes the activities of the client or any organization identified under paragraph (3); or

(C) is an affiliate of the client or any organization identified under paragraph (3) and

has a direct interest in the outcome of the lobbying activity;

(5) a statement of—

(A) the general issue areas in which the registrant expects to engage in lobbying activities on behalf of the client; and

(B) to the extent practicable, specific issues that have (as of the date of the registration) already been addressed or are likely to be addressed in lobbying activities; and

(6) the name of each employee of the registrant who has acted or whom the registrant expects to act as a lobbyist on behalf of the client and, if any such employee has served as a covered executive branch official or a covered legislative branch official in the 2 years before the date on which such employee first acted (after December 19, 1995) as a lobbyist on behalf of the client, the position in which such employee served.

**(c) Guidelines for registration****(1) Multiple clients**

In the case of a registrant making lobbying contacts on behalf of more than 1 client, a separate registration under this section shall be filed for each such client.

**(2) Multiple contacts**

A registrant who makes more than 1 lobbying contact for the same client shall file a single registration covering all such lobbying contacts.

**(d) Termination of registration**

A registrant who after registration—

(1) is no longer employed or retained by a client to conduct lobbying activities, and

(2) does not anticipate any additional lobbying activities for such client,

may so notify the Secretary of the Senate and the Clerk of the House of Representatives and terminate its registration.

(Pub. L. 104-65, § 4, Dec. 19, 1995, 109 Stat. 696.)

**SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in sections 1604, 1609, 1610 of this title.

**§ 1604. Reports by registered lobbyists****(a) Semiannual report**

No later than 45 days after the end of the semiannual period beginning on the first day of each January and the first day of July of each year in which a registrant is registered under section 1603 of this title, each registrant shall file a report with the Secretary of the Senate and the Clerk of the House of Representatives on its lobbying activities during such semiannual period. A separate report shall be filed for each client of the registrant.

**(b) Contents of report**

Each semiannual report filed under subsection (a) of this section shall contain—

(1) the name of the registrant, the name of the client, and any changes or updates to the information provided in the initial registration;

(2) for each general issue area in which the registrant engaged in lobbying activities on

behalf of the client during the semiannual filing period—

(A) a list of the specific issues upon which a lobbyist employed by the registrant engaged in lobbying activities, including, to the maximum extent practicable, a list of bill numbers and references to specific executive branch actions;

(B) a statement of the Houses of Congress and the Federal agencies contacted by lobbyists employed by the registrant on behalf of the client;

(C) a list of the employees of the registrant who acted as lobbyists on behalf of the client; and

(D) a description of the interest, if any, of any foreign entity identified under section 1603(b)(4) of this title in the specific issues listed under subparagraph (A);

(3) in the case of a lobbying firm, a good faith estimate of the total amount of all income from the client (including any payments to the registrant by any other person for lobbying activities on behalf of the client) during the semiannual period, other than income for matters that are unrelated to lobbying activities; and

(4) in the case of a registrant engaged in lobbying activities on its own behalf, a good faith estimate of the total expenses that the registrant and its employees incurred in connection with lobbying activities during the semiannual filing period.

**(c) Estimates of income or expenses**

For purposes of this section, estimates of income or expenses shall be made as follows:

(1) Estimates of amounts in excess of \$10,000 shall be rounded to the nearest \$20,000.

(2) In the event income or expenses do not exceed \$10,000, the registrant shall include a statement that income or expenses totaled less than \$10,000 for the reporting period.

(Pub. L. 104-65, § 5, Dec. 19, 1995, 109 Stat. 697; Pub. L. 105-166, § 4(c), Apr. 6, 1998, 112 Stat. 39.)

AMENDMENTS

1998—Subsec. (c)(3). Pub. L. 105-166 struck out par. (3) which read as follows: “A registrant that reports lobbying expenditures pursuant to section 6033(b)(8) of title 26 may satisfy the requirement to report income or expenses by filing with the Secretary of the Senate and the Clerk of the House of Representatives a copy of the form filed in accordance with section 6033(b)(8).”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1602, 1603, 1610 of this title.

**§ 1605. Disclosure and enforcement**

The Secretary of the Senate and the Clerk of the House of Representatives shall—

(1) provide guidance and assistance on the registration and reporting requirements of this chapter and develop common standards, rules, and procedures for compliance with this chapter;

(2) review, and, where necessary, verify and inquire to ensure the accuracy, completeness, and timeliness of registration and reports;

(3) develop filing, coding, and cross-indexing systems to carry out the purpose of this chapter, including—

(A) a publicly available list of all registered lobbyists, lobbying firms, and their clients; and

(B) computerized systems designed to minimize the burden of filing and maximize public access to materials filed under this chapter;

(4) make available for public inspection and copying at reasonable times the registrations and reports filed under this chapter;

(5) retain registrations for a period of at least 6 years after they are terminated and reports for a period of at least 6 years after they are filed;

(6) compile and summarize, with respect to each semiannual period, the information contained in registrations and reports filed with respect to such period in a clear and complete manner;

(7) notify any lobbyist or lobbying firm in writing that may be in noncompliance with this chapter; and

(8) notify the United States Attorney for the District of Columbia that a lobbyist or lobbying firm may be in noncompliance with this chapter, if the registrant has been notified in writing and has failed to provide an appropriate response within 60 days after notice was given under paragraph (7).

(Pub. L. 104-65, § 6, Dec. 19, 1995, 109 Stat. 698.)

REFERENCES IN TEXT

This chapter, referred to in pars. (1), (3), (4), (7), and (8), was in the original “this Act” meaning Pub. L. 104-65, Dec. 19, 1995, 109 Stat. 691, known as the Lobbying Disclosure Act of 1995. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of this title and Tables.

**§ 1606. Penalties**

Whoever knowingly fails to—

(1) remedy a defective filing within 60 days after notice of such a defect by the Secretary of the Senate or the Clerk of the House of Representatives; or

(2) comply with any other provision of this chapter;

shall, upon proof of such knowing violation by a preponderance of the evidence, be subject to a civil fine of not more than \$50,000, depending on the extent and gravity of the violation.

(Pub. L. 104-65, § 7, Dec. 19, 1995, 109 Stat. 699.)

REFERENCES IN TEXT

This chapter, referred to in par. (2), was in the original “this Act” meaning Pub. L. 104-65, Dec. 19, 1995, 109 Stat. 691, known as the Lobbying Disclosure Act of 1995. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of this title and Tables.

**§ 1607. Rules of construction**

**(a) Constitutional rights**

Nothing in this chapter shall be construed to prohibit or interfere with—

(1) the right to petition the Government for the redress of grievances;

(2) the right to express a personal opinion; or

(3) the right of association,

protected by the first amendment to the Constitution.

**(b) Prohibition of activities**

Nothing in this chapter shall be construed to prohibit, or to authorize any court to prohibit, lobbying activities or lobbying contacts by any person or entity, regardless of whether such person or entity is in compliance with the requirements of this chapter.

**(c) Audit and investigations**

Nothing in this chapter shall be construed to grant general audit or investigative authority to the Secretary of the Senate or the Clerk of the House of Representatives.

(Pub. L. 104-65, §8, Dec. 19, 1995, 109 Stat. 699.)

## REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act” meaning Pub. L. 104-65, Dec. 19, 1995, 109 Stat. 691, known as the Lobbying Disclosure Act of 1995. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of this title and Tables.

**§ 1608. Severability**

If any provision of this chapter, or the application thereof, is held invalid, the validity of the remainder of this chapter and the application of such provision to other persons and circumstances shall not be affected thereby.

(Pub. L. 104-65, §13, Dec. 19, 1995, 109 Stat. 701.)

## REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act” meaning Pub. L. 104-65, Dec. 19, 1995, 109 Stat. 691, known as the Lobbying Disclosure Act of 1995. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of this title and Tables.

**§ 1609. Identification of clients and covered officials****(a) Oral lobbying contacts**

Any person or entity that makes an oral lobbying contact with a covered legislative branch official or a covered executive branch official shall, on the request of the official at the time of the lobbying contact—

(1) state whether the person or entity is registered under this chapter and identify the client on whose behalf the lobbying contact is made; and

(2) state whether such client is a foreign entity and identify any foreign entity required to be disclosed under section 1603(b)(4) of this title that has a direct interest in the outcome of the lobbying activity.

**(b) Written lobbying contacts**

Any person or entity registered under this chapter that makes a written lobbying contact (including an electronic communication) with a covered legislative branch official or a covered executive branch official shall—

(1) if the client on whose behalf the lobbying contact was made is a foreign entity, identify such client, state that the client is considered a foreign entity under this chapter, and state whether the person making the lobbying contact is registered on behalf of that client under section 1603 of this title; and

(2) identify any other foreign entity identified pursuant to section 1603(b)(4) of this title

that has a direct interest in the outcome of the lobbying activity.

**(c) Identification as covered official**

Upon request by a person or entity making a lobbying contact, the individual who is contacted or the office employing that individual shall indicate whether or not the individual is a covered legislative branch official or a covered executive branch official.

(Pub. L. 104-65, §14, Dec. 19, 1995, 109 Stat. 702.)

## REFERENCES IN TEXT

This chapter, referred to in subsecs. (a)(1) and (b), was in the original “this Act” meaning Pub. L. 104-65, Dec. 19, 1995, 109 Stat. 691, known as the Lobbying Disclosure Act of 1995. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of this title and Tables.

**§ 1610. Estimates based on tax reporting system****(a) Entities covered by section 6033(b) of title 26**

A person, other than a lobbying firm, that is required to report and does report lobbying expenditures pursuant to section 6033(b)(8) of title 26 may—

(1) make a good faith estimate (by category of dollar value) of applicable amounts that would be required to be disclosed under such section for the appropriate semiannual period to meet the requirements of sections 1603(a)(3) and 1604(b)(4) of this title; and

(2) for all other purposes consider as lobbying contacts and lobbying activities only—

(A) lobbying contacts with covered legislative branch officials (as defined in section 1602(4) of this title) and lobbying activities in support of such contacts; and

(B) lobbying of Federal executive branch officials to the extent that such activities are influencing legislation as defined in section 4911(d) of title 26.

**(b) Entities covered by section 162(e) of title 26**

A person, other than a lobbying firm, who is required to account and does account for lobbying expenditures pursuant to section 162(e) of title 26 may—

(1) make a good faith estimate (by category of dollar value) of applicable amounts that would not be deductible pursuant to such section for the appropriate semiannual period to meet the requirements of sections 1603(a)(3) and 1604(b)(4) of this title; and

(2) for all other purposes consider as lobbying contacts and lobbying activities only—

(A) lobbying contacts with covered legislative branch officials (as defined in section 1602(4) of this title) and lobbying activities in support of such contacts; and

(B) lobbying of Federal executive branch officials to the extent that amounts paid or costs incurred in connection with such activities are not deductible pursuant to section 162(e) of title 26.

**(c) Disclosure of estimate**

Any registrant that elects to make estimates required by this chapter under the procedures authorized by subsection (a) or (b) of this section for reporting or threshold purposes shall—

(1) inform the Secretary of the Senate and the Clerk of the House of Representatives that

the registrant has elected to make its estimates under such procedures; and

(2) make all such estimates, in a given calendar year, under such procedures.

**(d) Study**

Not later than March 31, 1997, the Comptroller General of the United States shall review reporting by registrants under subsections (a) and (b) of this section and report to the Congress—

(1) the differences between the definition of “lobbying activities” in section 1602(7) of this title and the definitions of “lobbying expenditures”, “influencing legislation”, and related terms in sections 162(e) and 4911 of title 26, as each are implemented by regulations;

(2) the impact that any such differences may have on filing and reporting under this chapter pursuant to this subsection; and

(3) any changes to this chapter or to the appropriate sections of title 26 that the Comptroller General may recommend to harmonize the definitions.

(Pub. L. 104-65, §15, Dec. 19, 1995, 109 Stat. 702; Pub. L. 105-166, §4(a), (b), Apr. 6, 1998, 112 Stat. 38.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (c) and (d)(2), (3), was in the original “this Act” meaning Pub. L. 104-65, Dec. 19, 1995, 109 Stat. 691, known as the Lobbying Disclosure Act of 1995. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of this title and Tables.

AMENDMENTS

1998—Subsec. (a). Pub. L. 105-166, §4(a)(1), in introductory provisions, substituted “A person, other than a lobbying firm,” for “A registrant”.

Subsec. (a)(2). Pub. L. 105-166, §4(a)(2), amended par. (2) generally. Prior to amendment, par. (2) read as follows: “in lieu of using the definition of ‘lobbying activities’ in section 1602(7) of this title, consider as lobbying activities only those activities that are influencing legislation as defined in section 4911(d) of title 26.”

Subsec. (b). Pub. L. 105-166, §4(b)(1), in introductory provisions, substituted “A person, other than a lobbying firm, who is required to account and does account for lobbying expenditures pursuant to” for “A registrant that is subject to”.

Subsec. (b)(2). Pub. L. 105-166, §4(b)(2), amended par. (2) generally. Prior to amendment, par. (2) read as follows: “in lieu of using the definition of ‘lobbying activities’ in section 1602(7) of this title, consider as lobbying activities only those activities, the costs of which are not deductible pursuant to section 162(e) of title 26.”

**§ 1611. Exempt organizations**

An organization described in section 501(c)(4) of title 26 which engages in lobbying activities shall not be eligible for the receipt of Federal funds constituting an award, grant, or loan.

(Pub. L. 104-65, §18, Dec. 19, 1995, 109 Stat. 703; Pub. L. 104-99, title I, §129(a), Jan. 26, 1996, 110 Stat. 34.)

AMENDMENTS

1996—Pub. L. 104-99 substituted “award, grant, or loan” for “award, grant, contract, loan, or any other form”.

EFFECTIVE DATE OF 1996 AMENDMENT

Section 129(b) of Pub. L. 104-99 provided that: “The amendment made by subsection (a) [amending this sec-

tion] shall take effect as if included in the Lobbying Disclosure Act of 1995 [Pub. L. 104-65] on the date of the enactment of such Act [Dec. 19, 1995].”

[For provision that notwithstanding section 106 of Pub. L. 104-99 [110 Stat. 27], section 129 of Pub. L. 104-99 [see above] to remain in effect as if enacted as part of Pub. L. 104-134, see section 21103 of Pub. L. 104-134, set out as a note following note captioned 501 First Street SE., District of Columbia; Disposal of Real Property, under section 2001 of this title].

**§ 1612. Sense of Senate that lobbying expenses should remain nondeductible**

**(a) Findings**

The Senate finds that ordinary Americans generally are not allowed to deduct the costs of communicating with their elected representatives.

**(b) Sense of Senate**

It is the sense of the Senate that lobbying expenses should not be tax deductible.

(Pub. L. 104-65, §23, Dec. 19, 1995, 109 Stat. 705.)

**CHAPTER 27—SOUND RECORDING PRESERVATION BY THE LIBRARY OF CONGRESS**

SUBCHAPTER I—NATIONAL RECORDING REGISTRY

- Sec.  
1701. National Recording Registry of the Library of Congress.  
1702. Duties of Librarian of Congress.  
(a) Establishment of criteria and procedures.  
(b) Publication of sound recordings in the Registry.  
1703. Seal of the National Recording Registry.  
(a) In general.  
(b) Use of seal.  
(c) Effective date of the seal.  
(d) Prohibited uses of the seal.  
(e) Remedies for violations.  
1704. National Recording Registry Collection of the Library of Congress.  
(a) In general.  
(b) Acquisition of quality copies.  
(c) Property of United States.

SUBCHAPTER II—NATIONAL SOUND RECORDING PRESERVATION PROGRAM

1711. Establishment of program by Librarian of Congress.  
(a) In general.  
(b) Contents of program specified.  
1712. Promoting accessibility and public awareness of sound recordings.

SUBCHAPTER III—NATIONAL RECORDING PRESERVATION BOARD

1721. Establishment.  
1722. Appointment of members.  
(a) Selections from lists submitted by organizations.  
(b) Other members.  
(c) Chair.  
(d) Term of office.  
1723. Service of members; meetings.  
(a) Reimbursement of expenses.  
(b) Conflict of interest.  
(c) Meetings.  
(d) Quorum.  
1724. Responsibilities of Board.  
(a) Review and recommendation of nominations for National Recording Registry.  
(b) Study and report on sound recording preservation and restoration.