

Committee on Government Reform and Oversight of House of Representatives changed to Committee on Government Reform of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999. Committee on Government Reform of House of Representatives changed to Committee on Oversight and Government Reform of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

#### § 1555. “Federal mandate” defined

Notwithstanding section 1502 of this title, for purposes of this subchapter the term “Federal mandate” means any provision in statute or regulation or any Federal court ruling that imposes an enforceable duty upon State, local, or tribal governments including a condition of Federal assistance or a duty arising from participation in a voluntary Federal program.

(Pub. L. 104–4, title III, §305, Mar. 22, 1995, 109 Stat. 70.)

#### § 1556. Authorization of appropriations

There are authorized to be appropriated to the Advisory Commission to carry out section 1551 of this title and section 1552 of this title, \$500,000 for each of fiscal years 1995 and 1996.

(Pub. L. 104–4, title III, §306, Mar. 22, 1995, 109 Stat. 70.)

### SUBCHAPTER IV—JUDICIAL REVIEW

#### § 1571. Judicial review

##### (a) Agency statements on significant regulatory actions

###### (1) In general

Compliance or noncompliance by any agency with the provisions of sections 1532 and 1533(a)(1) and (2) of this title shall be subject to judicial review only in accordance with this section.

###### (2) Limited review of agency compliance or noncompliance

(A) Agency compliance or noncompliance with the provisions of sections 1532 and 1533(a)(1) and (2) of this title shall be subject to judicial review only under section 706(1) of title 5, and only as provided under subparagraph (B).

(B) If an agency fails to prepare the written statement (including the preparation of the estimates, analyses, statements, or descriptions) under section 1532 of this title or the written plan under section 1533(a)(1) and (2) of this title, a court may compel the agency to prepare such written statement.

###### (3) Review of agency rules

In any judicial review under any other Federal law of an agency rule for which a written statement or plan is required under sections 1532 and 1533(a)(1) and (2) of this title, the inadequacy or failure to prepare such statement (including the inadequacy or failure to prepare any estimate, analysis, statement or description) or written plan shall not be used as a basis for staying, enjoining, invalidating or otherwise affecting such agency rule.

###### (4) Certain information as part of record

Any information generated under sections 1532 and 1533(a)(1) and (2) of this title that is

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

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1601.	Findings.
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1611.	Exempt organizations.
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#### § 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 2007 AMENDMENT

Pub. L. 110-81, §1(a), Sept. 14, 2007, 121 Stat. 735, provided that: “This Act [see Tables for classification] may be cited as the ‘Honest Leadership and Open Government Act of 2007.’”

#### 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.’”

#### CONSTRUCTION OF 2007 AMENDMENT

Pub. L. 110-81, title VII, §703, Sept. 14, 2007, 121 Stat. 776, provided that: “Nothing in this Act [see Tables for classification] or the amendments made by this Act shall be construed to prohibit any expressive conduct protected from legal prohibition by, or any activities protected by the free speech, free exercise, or free association clauses of, the First Amendment to the Constitution.”

#### § 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 3-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; Pub. L. 110-81, title II, § 201(b)(1), Sept. 14, 2007, 121 Stat. 742.)

#### 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. 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,

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

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)(xvii), 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

2007—Par. (10). Pub. L. 110-81 substituted “3-month period” for “six month period”.

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”.

#### EFFECTIVE DATE OF 2007 AMENDMENT

Except as otherwise provided, amendment by Pub. L. 110-81 applicable with respect to registrations under the Lobbying Disclosure Act of 1995 (this chapter) having an effective date of Jan. 1, 2008, or later and with respect to quarterly reports under that Act covering calendar quarters beginning on or after Jan. 1, 2008, see section 215 of Pub. L. 110-81, set out as a note under section 434 of this title.

### § 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, or on the first business day after such 45th day if the 45th day is not a business day, 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 \$2,500; 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 \$10,000,

(as estimated under section 1604 of this title) in the quarterly 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 \$5,000 to the registrant or the client in the quarterly period to fund the lobbying activities of the registrant; and

(B) actively participates in the planning, supervision, or control of such lobbying activities;

(4) the name, address, principal place of business, amount of any contribution of more than \$5,000 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 20 years before the date on which the employee first acted as a lobbyist on behalf of the client, the position in which such employee served.

No disclosure is required under paragraph (3)(B) if the organization that would be identified as affiliated with the client is listed on the client's publicly accessible Internet website as being a member of or contributor to the client, unless the organization in whole or in major part plans, supervises, or controls such lobbying activities. If a registrant relies upon the preceding sentence, the registrant must disclose the specific Internet address of the web page containing the information relied upon. Nothing in paragraph (3)(B) shall be construed to require the disclosure of any information about individuals who are members of, or donors to, an entity treated as a client by this chapter or an organization identified under that paragraph.

**(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; Pub. L. 110-81, title II, §§201(b)(2), (5), 207(a)(1), (b), 208, Sept. 14, 2007, 121 Stat. 742, 747, 748.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (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.

AMENDMENTS

2007—Subsec. (a)(1). Pub. L. 110-81, §201(b)(2)(A), inserted “or on the first business day after such 45th day if the 45th day is not a business day,” after “earlier.”

Subsec. (a)(3)(A). Pub. L. 110-81, §201(b)(2)(B), substituted “quarterly period” for “semiannual period” in concluding provisions.

Subsec. (a)(3)(A)(i). Pub. L. 110-81, §201(b)(5)(A), substituted “\$2,500” for “\$5,000”.

Subsec. (a)(3)(A)(ii). Pub. L. 110-81, §201(b)(5)(B), substituted “\$10,000” for “\$20,000”.

Subsec. (b). Pub. L. 110-81, §207(b), inserted concluding provisions.

Subsec. (b)(3)(A). Pub. L. 110-81, §207(a)(1)(A), amended subpar. (A) generally. Prior to amendment, subpar. (A) read as follows: “contributes more than \$5,000 toward the lobbying activities of the registrant in a semiannual period described in section 1604(a) of this title; and”.

Pub. L. 110-81, §201(b)(5)(C), substituted “\$5,000” for “\$10,000”.

Subsec. (b)(3)(B). Pub. L. 110-81, §207(a)(1)(B), amended subpar. (B) generally. Prior to amendment, subpar. (B) read as follows: “in whole or in major part plans, supervises, or controls such lobbying activities.”

Subsec. (b)(4). Pub. L. 110-81, §201(b)(5)(D), substituted “\$5,000” for “\$10,000” in introductory provisions.

Subsec. (b)(6). Pub. L. 110-81, §208, substituted “in the 20 years before the date on which the employee first acted” for “in the 2 years before the date on which such employee first acted (after December 19, 1995)”.

EFFECTIVE DATE OF 2007 AMENDMENT

Except as otherwise provided, amendment by Pub. L. 110-81 applicable with respect to registrations under the Lobbying Disclosure Act of 1995 (this chapter) having an effective date of Jan. 1, 2008, or later and with respect to quarterly reports under that Act covering calendar quarters beginning on or after Jan. 1, 2008, see section 215 of Pub. L. 110-81, set out as a note under section 434 of this title.

**§ 1604. Reports by registered lobbyists**

**(a) Quarterly report**

No later than 20 days after the end of the quarterly period beginning on the first day of January, April, July, and October of each year in which a registrant is registered under section 1603 of this title, or on the first business day after such 20th day if the 20th day is not a business day, 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 quarterly period. A separate report shall be filed for each client of the registrant.

**(b) Contents of report**

Each quarterly 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, including information under section 1603(b)(3) of this title;

(2) for each general issue area in which the registrant engaged in lobbying activities on behalf of the client during the quarterly 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 quarterly period, other than income for matters that are unrelated to lobbying activities;

(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 quarterly period; and

(5) for each client, immediately after listing the client, an identification of whether the client is a State or local government or a department, agency, special purpose district, or other instrumentality controlled by one or more State or local governments.

**(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 \$5,000 shall be rounded to the nearest \$10,000.

(2) In the event income or expenses do not exceed \$5,000, the registrant shall include a statement that income or expenses totaled less than \$5,000 for the reporting period.

**(d) Semiannual reports on certain contributions**

**(1) In general**

Not later than 30 days after the end of the semiannual period beginning on the first day of January and July of each year, or on the first business day after such 30th day if the 30th day is not a business day, each person or organization who is registered or is required to register under paragraph (1) or (2) of section 1603(a) of this title, and each employee who is or is required to be listed as a lobbyist under section 1603(b)(6) of this title or subsection (b)(2)(C) of this section, shall file a report with the Secretary of the Senate and the Clerk of the House of Representatives containing—

(A) the name of the person or organization;

(B) in the case of an employee, his or her employer;

(C) the names of all political committees established or controlled by the person or organization;

(D) the name of each Federal candidate or officeholder, leadership PAC, or political party committee, to whom aggregate contributions equal to or exceeding \$200 were made by the person or organization, or a political committee established or controlled by the person or organization within the semiannual period, and the date and amount

of each such contribution made within the semiannual period;

(E) the date, recipient, and amount of funds contributed or disbursed during the semiannual period by the person or organization or a political committee established or controlled by the person or organization—

(i) to pay the cost of an event to honor or recognize a covered legislative branch official or covered executive branch official;

(ii) to an entity that is named for a covered legislative branch official, or to a person or entity in recognition of such official;

(iii) to an entity established, financed, maintained, or controlled by a covered legislative branch official or covered executive branch official, or an entity designated by such official; or

(iv) to pay the costs of a meeting, retreat, conference, or other similar event held by, or in the name of, 1 or more covered legislative branch officials or covered executive branch officials,

except that this subparagraph shall not apply if the funds are provided to a person who is required to report the receipt of the funds under section 434 of this title;

(F) the name of each Presidential library foundation, and each Presidential inaugural committee, to whom contributions equal to or exceeding \$200 were made by the person or organization, or a political committee established or controlled by the person or organization, within the semiannual period, and the date and amount of each such contribution within the semiannual period; and

(G) a certification by the person or organization filing the report that the person or organization—

(i) has read and is familiar with those provisions of the Standing Rules of the Senate and the Rules of the House of Representatives relating to the provision of gifts and travel; and

(ii) has not provided, requested, or directed a gift, including travel, to a Member of Congress or an officer or employee of either House of Congress with knowledge that receipt of the gift would violate rule XXXV of the Standing Rules of the Senate or rule XXV of the Rules of the House of Representatives.

**(2) Definition**

In this subsection, the term “leadership PAC” has the meaning given such term in section 434(i)(8)(B) of this title.

**(e) Electronic filing required**

A report required to be filed under this section shall be filed in electronic form, in addition to any other form that the Secretary of the Senate or the Clerk of the House of Representatives may require or allow. The Secretary of the Senate and the Clerk of the House of Representatives shall use the same electronic software for receipt and recording of filings under this chapter.

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

Pub. L. 110–81, title II, §§201(a), (b)(6), 202, 203(a), 205, 207(a)(2), Sept. 14, 2007, 121 Stat. 741, 742, 746, 747.)

#### REFERENCES IN TEXT

This chapter, referred to in subsec. (e), 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

2007—Subsec. (a). Pub. L. 110–81, §201(a)(1), substituted, in heading, “Quarterly” for “Semiannual” and, in text, “20 days after the end of the quarterly period beginning on the first day of January, April, July, and October of each year in which a registrant is registered under section 1603 of this title, or on the first business day after such 20th day if the 20th day is not a business day,” for “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,” and “such quarterly period” for “such semiannual period”.

Subsec. (b). Pub. L. 110–81, §201(a)(2)(A), substituted “quarterly report” for “semiannual report” in introductory provisions.

Subsec. (b)(1). Pub. L. 110–81, §207(a)(2), inserted “, including information under section 1603(b)(3) of this title” before semicolon.

Subsec. (b)(2). Pub. L. 110–81, §201(a)(2)(B), substituted “quarterly period” for “semiannual filing period” in introductory provisions.

Subsec. (b)(3). Pub. L. 110–81, §201(a)(2)(C), substituted “quarterly period” for “semiannual period”.

Subsec. (b)(4). Pub. L. 110–81, §201(a)(2)(D), substituted “quarterly period” for “semiannual filing period”.

Subsec. (b)(5). Pub. L. 110–81, §202, added par. (5).

Subsec. (c)(1). Pub. L. 110–81, §201(b)(6)(A), substituted “\$5,000” for “\$10,000” and “\$10,000” for “\$20,000”.

Subsec. (c)(2). Pub. L. 110–81, §201(b)(6)(B), substituted “\$5,000” for “\$10,000” in two places.

Subsec. (d). Pub. L. 110–81, §203(a), added subsec. (d).

Subsec. (e). Pub. L. 110–81, §205, added subsec. (e).

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).”

#### EFFECTIVE DATE OF 2007 AMENDMENT

Pub. L. 110–81, title II, §203(b), Sept. 14, 2007, 121 Stat. 744, provided that: “The amendment made by subsection (a) [amending this section] shall apply with respect to the first semiannual period described in section 5(d)(1) of the Lobbying Disclosure Act of 1995 [2 U.S.C. 1604(d)(1)] (as added by this section) that begins after the date of the enactment of this Act [Sept. 14, 2007] and each succeeding semiannual period.”

Except as otherwise provided, amendment by Pub. L. 110–81 applicable with respect to registrations under the Lobbying Disclosure Act of 1995 (this chapter) having an effective date of Jan. 1, 2008, or later and with respect to quarterly reports under that Act covering calendar quarters beginning on or after Jan. 1, 2008, see section 215 of Pub. L. 110–81, set out as a note under section 434 of this title.

### § 1605. Disclosure and enforcement

#### (a) In general

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 and, in the case of a report filed in electronic form under section 1604(e) of this title, make such report available for public inspection over the Internet as soon as technically practicable after the report is so filed;

(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 quarterly 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;

(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);

(9) maintain all registrations and reports filed under this chapter, and make them available to the public over the Internet, without a fee or other access charge, in a searchable, sortable, and downloadable manner, to the extent technically practicable, that—

(A) includes the information contained in the registrations and reports;

(B) is searchable and sortable to the maximum extent practicable, including searchable and sortable by each of the categories of information described in section 1603(b) or 1604(b) of this title; and

(C) provides electronic links or other appropriate mechanisms to allow users to obtain relevant information in the database of the Federal Election Commission;

(10) retain the information contained in a registration or report filed under this chapter for a period of 6 years after the registration or report (as the case may be) is filed; and

(11) make publicly available, on a semiannual basis, the aggregate number of registrants referred to the United States Attorney for the District of Columbia for noncompliance as required by paragraph (8).

**(b) Enforcement report****(1) Report**

The Attorney General shall report to the congressional committees referred to in paragraph (2), after the end of each semiannual period beginning on January 1 and July 1, the aggregate number of enforcement actions taken by the Department of Justice under this chapter during that semiannual period and, by case, any sentences imposed, except that such report shall not include the names of individuals, or personally identifiable information, that is not already a matter of public record.

**(2) Committees**

The congressional committees referred to in paragraph (1) are the Committee on Homeland Security and Governmental Affairs and the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.

(Pub. L. 104-65, §6, Dec. 19, 1995, 109 Stat. 698; Pub. L. 110-81, title II, §§201(b)(3), 209(a), (b), 210, Sept. 14, 2007, 121 Stat. 742, 748.)

## 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.

## AMENDMENTS

2007—Pub. L. 110-81, §210, designated existing provisions as subsec. (a), inserted heading, and added par. (1) and subsec. (b).

Par. (4). Pub. L. 110-81, §209(b), inserted before semicolon at end “and, in the case of a report filed in electronic form under section 1604(e) of this title, make such report available for public inspection over the Internet as soon as technically practicable after the report is so filed”.

Par. (6). Pub. L. 110-81, §201(b)(3), substituted “quarterly period” for “semiannual period”.

Pars. (9), (10). Pub. L. 110-81, §209(a), added pars. (9) and (10).

## EFFECTIVE DATE OF 2007 AMENDMENT

Except as otherwise provided, amendment by Pub. L. 110-81 applicable with respect to registrations under the Lobbying Disclosure Act of 1995 (this chapter) having an effective date of Jan. 1, 2008, or later and with respect to quarterly reports under that Act covering calendar quarters beginning on or after Jan. 1, 2008, see section 215 of Pub. L. 110-81, set out as a note under section 434 of this title.

**§ 1606. Penalties****(a) Civil penalty**

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 \$200,000, depending on the extent and gravity of the violation.

**(b) Criminal penalty**

Whoever knowingly and corruptly fails to comply with any provision of this chapter shall

be imprisoned for not more than 5 years or fined under title 18, or both.

(Pub. L. 104-65, §7, Dec. 19, 1995, 109 Stat. 699; Pub. L. 110-81, title II, §211(a), Sept. 14, 2007, 121 Stat. 749.)

## 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.

## AMENDMENTS

2007—Pub. L. 110-81 designated existing provisions as subsec. (a), inserted heading, substituted “\$200,000” for “\$50,000” in concluding provisions, and added subsec. (b).

## EFFECTIVE DATE OF 2007 AMENDMENT

Pub. L. 110-81, title II, §211(b), Sept. 14, 2007, 121 Stat. 749, provided that: “The amendments made by subsection (a) [amending this section] shall apply to any violation committed on or after the date of the enactment of this Act [Sept. 14, 2007].”

**§ 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 quarterly 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 quarterly 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; Pub. L. 110-81, title II, §201(b)(4), Sept. 14, 2007, 121 Stat. 742.)

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

2007—Subsecs. (a)(1), (b)(1). Pub. L. 110–81 substituted “quarterly period” for “semiannual period”.

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.”

#### EFFECTIVE DATE OF 2007 AMENDMENT

Except as otherwise provided, amendment by Pub. L. 110–81 applicable with respect to registrations under the Lobbying Disclosure Act of 1995 (this chapter) having an effective date of Jan. 1, 2008, or later and with respect to quarterly reports under that Act covering calendar quarters beginning on or after Jan. 1, 2008, see section 215 of Pub. L. 110–81, set out as a note under section 434 of this title.

### § 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 section] 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.)

### § 1613. Prohibition on provision of gifts or travel by registered lobbyists to Members of Congress and to congressional employees

#### (a) Prohibition

Any person described in subsection (b) may not make a gift or provide travel to a covered legislative branch official if the person has knowledge that the gift or travel may not be accepted by that covered legislative branch official under the Rules of the House of Representatives or the Standing Rules of the Senate (as the case may be).

#### (b) Persons subject to prohibition

The persons subject to the prohibition under subsection (a) are any lobbyist that is registered or is required to register under section 1603(a)(1) of this title, any organization that employs 1 or more lobbyists and is registered or is required to register under section 1603(a)(2) of this title, and any employee listed or required to be listed as a lobbyist by a registrant under section 1603(b)(6) or 1604(b)(2)(C) of this title.

(Pub. L. 104–65, §25, as added Pub. L. 110–81, title II, §206(a), Sept. 14, 2007, 121 Stat. 747.)

#### EFFECTIVE DATE

Pub. L. 110–81, title II, §206(b), Sept. 14, 2007, 121 Stat. 747, provided that: “The amendment made by this section [enacting this section] shall take effect on the date of the enactment of this Act [Sept. 14, 2007].”

### § 1614. Annual audits and reports by Comptroller General

#### (a) Audit

On an annual basis, the Comptroller General shall audit the extent of compliance or non-compliance with the requirements of this chapter by lobbyists, lobbying firms, and registrants through a random sampling of publicly available lobbying registrations and reports filed under this chapter during each calendar year.

#### (b) Reports to Congress

##### (1) Annual reports

Not later than April 1 of each year, the Comptroller General shall submit to the Congress a report on the review required by subsection (a) for the preceding calendar year. The report shall include the Comptroller General’s assessment of the matters required to be emphasized by that subsection and any recommendations of the Comptroller General to—

(A) improve the compliance by lobbyists, lobbying firms, and registrants with the requirements of this chapter; and

(B) provide the Department of Justice with the resources and authorities needed for the effective enforcement of this chapter.

##### (2) Assessment of compliance

The annual report under paragraph (1) shall include an assessment of compliance by registrants with the requirements of section 1603(b)(3) of this title.

#### (c) Access to information

The Comptroller General may, in carrying out this section, request information from and ac-

cess to any relevant documents from any person registered under paragraph (1) or (2) of section 1603(a) of this title and each employee who is listed as a lobbyist under section 1603(b)(6) of this title or section 1604(b)(2)(C) of this title if the material requested relates to the purposes of this section. The Comptroller General may request such person to submit in writing such information as the Comptroller General may prescribe. The Comptroller General may notify the Congress in writing if a person from whom information has been requested under this subsection refuses to comply with the request within 45 days after the request is made.

(Pub. L. 104-65, § 26, as added Pub. L. 110-81, title II, § 213(a), Sept. 14, 2007, 121 Stat. 750.)

#### REFERENCES IN TEXT

This chapter, referred to in subsecs. (a) and (b)(1), 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.

#### EFFECTIVE DATE

Pub. L. 110-81, title II, § 213(b), Sept. 14, 2007, 121 Stat. 750, provided that: “The initial audit under subsection (a) of section 26 of the Lobbying Disclosure Act of 1995 [2 U.S.C. 1614(a)] (as added by subsection (a) of this section) shall be made with respect to lobbying registrations and reports filed during the first calendar quarter of 2008, and the initial report under subsection (b) of such section shall be filed, with respect to those registrations and reports, not later than 6 months after the end of that calendar quarter.”

### 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.
1703.	Seal of the National Recording Registry.
1704.	National Recording Registry Collection of the Library of Congress.

#### SUBCHAPTER II—NATIONAL SOUND RECORDING PRESERVATION PROGRAM

1711.	Establishment of program by Librarian of Congress.
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#### SUBCHAPTER III—NATIONAL RECORDING PRESERVATION BOARD

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#### SUBCHAPTER I—NATIONAL RECORDING REGISTRY

### § 1701. National Recording Registry of the Library of Congress

The Librarian of Congress shall establish the National Recording Registry for the purpose of

maintaining and preserving sound recordings that are culturally, historically, or aesthetically significant.

(Pub. L. 106-474, title I, § 101, Nov. 9, 2000, 114 Stat. 2085.)

#### SHORT TITLE

Pub. L. 106-474, § 1, Nov. 9, 2000, 114 Stat. 2085, provided that: “This Act [enacting this chapter and chapter 1524 of Title 36, Patriotic and National Observances, Ceremonies, and Organizations] may be cited as the ‘National Recording Preservation Act of 2000’.”

### § 1702. Duties of Librarian of Congress

#### (a) Establishment of criteria and procedures

For purposes of carrying out this subchapter, the Librarian shall—

(1) establish criteria and procedures under which sound recordings may be included in the National Recording Registry, except that no sound recording shall be eligible for inclusion in the National Recording Registry until 10 years after the recording’s creation;

(2) establish procedures under which the general public may make recommendations to the National Recording Preservation Board established under subchapter III of this chapter regarding the inclusion of sound recordings in the National Recording Registry; and

(3) determine which sound recordings satisfy the criteria established under paragraph (1) and select such recordings for inclusion in the National Recording Registry.

#### (b) Publication of sound recordings in the Registry

The Librarian shall publish in the Federal Register the name of each sound recording that is selected for inclusion in the National Recording Registry.

(Pub. L. 106-474, title I, § 102, Nov. 9, 2000, 114 Stat. 2085.)

### § 1703. Seal of the National Recording Registry

#### (a) In general

The Librarian shall provide a seal to indicate that a sound recording has been included in the National Recording Registry and is the Registry version of that recording.

#### (b) Use of seal

The Librarian shall establish guidelines for approval of the use of the seal provided under subsection (a) of this section, and shall include in the guidelines the following:

(1) The seal may only be used on recording copies of the Registry version of a sound recording.

(2) The seal may be used only after the Librarian has given approval to those persons seeking to apply the seal in accordance with the guidelines.

(3) In the case of copyrighted mass distributed, broadcast, or published works, only the copyright legal owner or an authorized licensee of that copyright owner may place or authorize the placement of the seal on any recording copy of the Registry version of any sound recording that is maintained in the National Recording Registry Collection in the Library of Congress.