

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