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## Political Intelligence Disclosure Act (Introduced in House)

HR 5617 IH

110th CONGRESS

2d Session

**H. R. 5617**

To amend the Lobbying Disclosure Act of 1995 to require the disclosure of political intelligence activities.

### IN THE HOUSE OF REPRESENTATIVES

**March 13, 2008**

Mr. BAIRD (for himself and Ms. SLAUGHTER) introduced the following bill; which was referred to the Committee on the Judiciary

### A BILL

To amend the Lobbying Disclosure Act of 1995 to require the disclosure of political intelligence activities.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the `Political Intelligence Disclosure Act'.

### SEC. 2. DISCLOSURE OF POLITICAL INTELLIGENCE ACTIVITIES UNDER LOBBYING DISCLOSURE ACT.

(a) Definitions- Section 3 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602) is amended--

(1) in paragraph (2)--

(A) by inserting after `lobbying activities' each place that term appears the following: `or political intelligence activities'; and

(B) by inserting after `lobbyists' the following: `or political intelligence

consultants'; and

(2) by adding at the end the following new paragraphs:

` (17) POLITICAL INTELLIGENCE ACTIVITIES- The term ` political intelligence activities' means political intelligence 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 political intelligence activities of others.

` (18) POLITICAL INTELLIGENCE CONTACT-

` (A) DEFINITION- The term ` political intelligence contact' means any oral or written communication (including an electronic communication) to or from a covered executive branch official or a covered legislative branch official, the information derived from which is intended for use in analyzing securities or commodities markets, or in informing investment decisions, 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; or

` (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).

` (B) EXCEPTION- The term ` political intelligence contact' does not include a communication that is made by or to a representative of the media if the purpose of the communication is gathering and disseminating news and information to the public.

` (19) POLITICAL INTELLIGENCE FIRM- The term ` political intelligence firm' means a person or entity that has 1 or more employees who are political intelligence consultants to a client other than that person or entity.

` (20) POLITICAL INTELLIGENCE CONSULTANT- The term ` political intelligence consultant' means any individual who is employed or retained by a client for financial or other compensation for services that include one or more political intelligence contacts.'

(b) Registration Requirement- Section 4 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1603) is amended--

(1) in subsection (a)--

(A) in paragraph (1)--

(i) by inserting after ` whichever is earlier,' the following: ` or a political intelligence consultant first makes a political intelligence contact,'; and

(ii) by inserting after ` such lobbyist' each place that term appears the following: ` or consultant';

(B) in paragraph (2), by inserting after ` lobbyists' each place that term appears the following: ` or consultants'; and

(C) in paragraph (3)(A)--

(i) by inserting after `lobbying activities' each place that term appears the following: `and political intelligence activities'; and

(ii) in clause (i), by inserting after `lobbying firm' the following: `or political intelligence firm';

(2) in subsection (b)--

(A) in paragraph (3), by inserting after `lobbying activities' each place that term appears the following: `or political intelligence activities';

(B) in paragraph (4)--

(i) in the matter preceding subparagraph (A), by inserting after `lobbying activities' the following: `or political intelligence activities'; and

(ii) in subparagraph (C), by inserting after `lobbying activity' the following: `or political intelligence activity';

(C) in paragraph (5), by inserting after `lobbying activities' each place that term appears the following: `or political intelligence activities';

(D) in paragraph (6), by inserting after `lobbyist' each place that term appears the following: `or political intelligence consultant'; and

(E) in the matter following paragraph (6), by inserting `or political intelligence activities' after `such lobbying activities';

(3) in subsection (c)--

(A) in paragraph (1), by inserting after `lobbying contacts' the following: `or political intelligence contacts'; and

(B) in paragraph (2)--

(i) by inserting after `lobbying contact' the following: `or political intelligence contact'; and

(ii) by inserting after `lobbying contacts' the following: `and political intelligence contacts'; and

(4) in subsection (d)(1), by inserting after `lobbying activities' each place that term appears the following: `or political intelligence activities'.

(c) Reports by Registered Political Intelligence Consultants- Section 5 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1604) is amended--

(1) in subsection (a), by inserting after `lobbying activities' the following: `and political intelligence activities';

(2) in subsection (b)--

(A) in paragraph (2)--

(i) in the matter preceding subparagraph (A), by inserting after `lobbying activities' the following: `or political intelligence activities';

(ii) in subparagraph (A)--

(I) by inserting after `lobbyist' the following: `or political intelligence consultant'; and

(II) by inserting after `lobbying activities' the following: `or political intelligence activities';

(iii) in subparagraph (B), by inserting after `lobbyists' the following: `or political intelligence consultants'; and

(iv) in subparagraph (C), by inserting after `lobbyists' the following: `or political intelligence consultants';

(B) in paragraph (3)--

(i) by inserting after `lobbying firm' the following: `or political intelligence firm'; and

(ii) by inserting after `lobbying activities' each place that term appears the following: `or political intelligence activities'; and

(C) in paragraph (4), by inserting after `lobbying activities' each place that term appears the following: `or political intelligence activities'; and

(3) in subsection (d)(1), in the matter preceding subparagraph (A), by inserting `or a political intelligence consultant' after `a lobbyist'.

(d) Disclosure and Enforcement- Section 6(a) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1605) is amended--

(1) in paragraph (3)(A), by inserting after `lobbying firms' the following: `, political intelligence consultants, political intelligence firms,';

(2) in paragraph (7), by striking `or lobbying firm' and inserting `lobbying firm, political intelligence consultant, or political intelligence firm'; and

(3) in paragraph (8), by striking `or lobbying firm' and inserting `lobbying firm, political intelligence consultant, or political intelligence firm'.

(e) Rules of Construction- Section 8(b) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1607(b)) is amended by striking `or lobbying contacts' and inserting `lobbying contacts, political intelligence activities, or political intelligence contacts'.

(f) Identification of Clients and Covered Officials- Section 14 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1609) is amended--

(1) in subsection (a)--

(A) in the heading, by inserting `or Political Intelligence' after `Lobbying';

(B) by inserting `or political intelligence contact' after `lobbying contact' each place that term appears; and

(C) in paragraph (2), by inserting `or political intelligence activity, as the case may be' after `lobbying activity';

(2) in subsection (b)--

(A) in the heading, by inserting `or Political Intelligence' after `Lobbying';

(B) by inserting `or political intelligence contact' after `lobbying contact' each

place that term appears; and

(C) in paragraph (2), by inserting `or political intelligence activity, as the case may be' after `lobbying activity'; and

(3) in subsection (c), by inserting `or political intelligence contact' after `lobbying contact'.

(g) Annual Audits and Reports by Comptroller General- Section 26 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1614) is amended--

(1) in subsection (a), by inserting `political intelligence firms, political intelligence consultants,' after `lobbying firms';

(2) in subsection (b)(1)(A), by inserting `political intelligence firms, political intelligence consultants,' after `lobbying firms'; and

(3) in subsection (c), by inserting `or political intelligence consultant' after `a lobbyist'.

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