

110TH CONGRESS  
2D SESSION

# H. R. 5617

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

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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

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## A BILL

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

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Political Intelligence  
5 Disclosure Act”.

6 **SEC. 2. DISCLOSURE OF POLITICAL INTELLIGENCE ACTIVI-**  
7 **TIES UNDER LOBBYING DISCLOSURE ACT.**

8 (a) DEFINITIONS.—Section 3 of the Lobbying Dislo-  
9 sure Act of 1995 (2 U.S.C. 1602) is amended—

10 (1) in paragraph (2)—

1 (A) by inserting after “lobbying activities”  
2 each place that term appears the following: “or  
3 political intelligence activities”; and

4 (B) by inserting after “lobbyists” the fol-  
5 lowing: “or political intelligence consultants”;  
6 and

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

9 “(17) POLITICAL INTELLIGENCE ACTIVITIES.—  
10 The term ‘political intelligence activities’ means po-  
11 litical intelligence contacts and efforts in support of  
12 such contacts, including preparation and planning  
13 activities, research, and other background work that  
14 is intended, at the time it is performed, for use in  
15 contacts, and coordination with the political intel-  
16 ligence activities of others.

17 “(18) POLITICAL INTELLIGENCE CONTACT.—

18 “(A) DEFINITION.—The term ‘political in-  
19 telligence contact’ means any oral or written  
20 communication (including an electronic commu-  
21 nication) to or from a covered executive branch  
22 official or a covered legislative branch official,  
23 the information derived from which is intended  
24 for use in analyzing securities or commodities  
25 markets, or in informing investment decisions,

1 that is made on behalf of a client with regard  
2 to—

3 “(i) the formulation, modification, or  
4 adoption of Federal legislation (including  
5 legislative proposals);

6 “(ii) the formulation, modification, or  
7 adoption of a Federal rule, regulation, Ex-  
8 ecutive order, or any other program, policy,  
9 or position of the United States Govern-  
10 ment; or

11 “(iii) the administration or execution  
12 of a Federal program or policy (including  
13 the negotiation, award, or administration  
14 of a Federal contract, grant, loan, permit,  
15 or license).

16 “(B) EXCEPTION.—The term ‘political in-  
17 telligence contact’ does not include a commu-  
18 nication that is made by or to a representative  
19 of the media if the purpose of the communica-  
20 tion is gathering and disseminating news and  
21 information to the public.

22 “(19) POLITICAL INTELLIGENCE FIRM.—The  
23 term ‘political intelligence firm’ means a person or  
24 entity that has 1 or more employees who are polit-

1 ical intelligence consultants to a client other than  
2 that person or entity.

3 “(20) POLITICAL INTELLIGENCE CONSULT-  
4 ANT.—The term ‘political intelligence consultant’  
5 means any individual who is employed or retained by  
6 a client for financial or other compensation for serv-  
7 ices that include one or more political intelligence  
8 contacts.”.

9 (b) REGISTRATION REQUIREMENT.—Section 4 of the  
10 Lobbying Disclosure Act of 1995 (2 U.S.C. 1603) is  
11 amended—

12 (1) in subsection (a)—

13 (A) in paragraph (1)—

14 (i) by inserting after “whichever is  
15 earlier,” the following: “or a political intel-  
16 ligence consultant first makes a political  
17 intelligence contact,”; and

18 (ii) by inserting after “such lobbyist”  
19 each place that term appears the following:  
20 “or consultant”;

21 (B) in paragraph (2), by inserting after  
22 “lobbyists” each place that term appears the  
23 following: “or consultants”; and

24 (C) in paragraph (3)(A)—

1 (i) by inserting after “lobbying activi-  
2 ties” each place that term appears the fol-  
3 lowing: “and political intelligence activi-  
4 ties”; and

5 (ii) in clause (i), by inserting after  
6 “lobbying firm” the following: “or political  
7 intelligence firm”;

8 (2) in subsection (b)—

9 (A) in paragraph (3), by inserting after  
10 “lobbying activities” each place that term ap-  
11 pears the following: “or political intelligence ac-  
12 tivities”;

13 (B) in paragraph (4)—

14 (i) in the matter preceding subpara-  
15 graph (A), by inserting after “lobbying ac-  
16 tivities” the following: “or political intel-  
17 ligence activities”; and

18 (ii) in subparagraph (C), by inserting  
19 after “lobbying activity” the following: “or  
20 political intelligence activity”;

21 (C) in paragraph (5), by inserting after  
22 “lobbying activities” each place that term ap-  
23 pears the following: “or political intelligence ac-  
24 tivities”;

1 (D) in paragraph (6), by inserting after  
2 “lobbyist” each place that term appears the fol-  
3 lowing: “or political intelligence consultant”;  
4 and

5 (E) in the matter following paragraph (6),  
6 by inserting “or political intelligence activities”  
7 after “such lobbying activities”;

8 (3) in subsection (c)—

9 (A) in paragraph (1), by inserting after  
10 “lobbying contacts” the following: “or political  
11 intelligence contacts”; and

12 (B) in paragraph (2)—

13 (i) by inserting after “lobbying con-  
14 tact” the following: “or political intel-  
15 ligence contact”; and

16 (ii) by inserting after “lobbying con-  
17 tacts” the following: “and political intel-  
18 ligence contacts”; and

19 (4) in subsection (d)(1), by inserting after “lob-  
20 bying activities” each place that term appears the  
21 following: “or political intelligence activities”.

22 (c) REPORTS BY REGISTERED POLITICAL INTEL-  
23 LIGENCE CONSULTANTS.—Section 5 of the Lobbying Dis-  
24 closure Act of 1995 (2 U.S.C. 1604) is amended—

1           (1) in subsection (a), by inserting after “lob-  
2           bying activities” the following: “and political intel-  
3           ligence activities”;

4           (2) in subsection (b)—

5           (A) in paragraph (2)—

6           (i) in the matter preceding subpara-  
7           graph (A), by inserting after “lobbying ac-  
8           tivities” the following: “or political intel-  
9           ligence activities”;

10          (ii) in subparagraph (A)—

11           (I) by inserting after “lobbyist”  
12           the following: “or political intelligence  
13           consultant”; and

14           (II) by inserting after “lobbying  
15           activities” the following: “or political  
16           intelligence activities”;

17           (iii) in subparagraph (B), by inserting  
18           after “lobbyists” the following: “or political  
19           intelligence consultants”; and

20           (iv) in subparagraph (C), by inserting  
21           after “lobbyists” the following: “or political  
22           intelligence consultants”;

23          (B) in paragraph (3)—

1 (i) by inserting after “lobbying firm”  
2 the following: “or political intelligence  
3 firm”; and

4 (ii) by inserting after “lobbying activi-  
5 ties” each place that term appears the fol-  
6 lowing: “or political intelligence activities”;  
7 and

8 (C) in paragraph (4), by inserting after  
9 “lobbying activities” each place that term ap-  
10 pears the following: “or political intelligence ac-  
11 tivities”; and

12 (3) in subsection (d)(1), in the matter pre-  
13 ceding subparagraph (A), by inserting “or a political  
14 intelligence consultant” after “a lobbyist”.

15 (d) DISCLOSURE AND ENFORCEMENT.—Section 6(a)  
16 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1605)  
17 is amended—

18 (1) in paragraph (3)(A), by inserting after “lob-  
19 bying firms” the following: “, political intelligence  
20 consultants, political intelligence firms,”;

21 (2) in paragraph (7), by striking “or lobbying  
22 firm” and inserting “lobbying firm, political intel-  
23 ligence consultant, or political intelligence firm”; and

1           (3) in paragraph (8), by striking “or lobbying  
2           firm” and inserting “lobbying firm, political intel-  
3           ligence consultant, or political intelligence firm”.

4           (e) RULES OF CONSTRUCTION.—Section 8(b) of the  
5           Lobbying Disclosure Act of 1995 (2 U.S.C. 1607(b)) is  
6           amended by striking “or lobbying contacts” and inserting  
7           “lobbying contacts, political intelligence activities, or polit-  
8           ical intelligence contacts”.

9           (f) IDENTIFICATION OF CLIENTS AND COVERED OF-  
10          FICIALS.—Section 14 of the Lobbying Disclosure Act of  
11          1995 (2 U.S.C. 1609) is amended—

12                 (1) in subsection (a)—

13                         (A) in the heading, by inserting “OR PO-  
14                         LITICAL INTELLIGENCE” after “LOBBYING”;

15                         (B) by inserting “or political intelligence  
16                         contact” after “lobbying contact” each place  
17                         that term appears; and

18                         (C) in paragraph (2), by inserting “or po-  
19                         litical intelligence activity, as the case may be”  
20                         after “lobbying activity”;

21                 (2) in subsection (b)—

22                         (A) in the heading, by inserting “OR PO-  
23                         LITICAL INTELLIGENCE” after “LOBBYING”;

1 (B) by inserting “or political intelligence  
2 contact” after “lobbying contact” each place  
3 that term appears; and

4 (C) in paragraph (2), by inserting “or po-  
5 litical intelligence activity, as the case may be”  
6 after “lobbying activity”; and

7 (3) in subsection (c), by inserting “or political  
8 intelligence contact” after “lobbying contact”.

9 (g) ANNUAL AUDITS AND REPORTS BY COMP-  
10 TROLLER GENERAL.—Section 26 of the Lobbying Dislo-  
11 sure Act of 1995 (2 U.S.C. 1614) is amended—

12 (1) in subsection (a), by inserting “political in-  
13 telligence firms, political intelligence consultants,”  
14 after “lobbying firms”;

15 (2) in subsection (b)(1)(A), by inserting “polit-  
16 ical intelligence firms, political intelligence consult-  
17 ants,” after “lobbying firms”; and

18 (3) in subsection (c), by inserting “or political  
19 intelligence consultant” after “a lobbyist”.

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