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(Original Signature of Member)

113TH CONGRESS
2D SESSION

H. R.

To amend the Lobbying Disclosure Act of 1995 to require the disclosure of political intelligence activities, to amend title 18, United States Code, to provide for restrictions on former officers, employees, and elected officials of the executive and legislative branches regarding political intelligence contacts, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Ms. SLAUGHTER (for herself, Mr. DUNCAN of Tennessee, and Mr. WALZ) introduced the following bill; which was referred to the Committee on

A BILL

To amend the Lobbying Disclosure Act of 1995 to require the disclosure of political intelligence activities, to amend title 18, United States Code, to provide for restrictions on former officers, employees, and elected officials of the executive and legislative branches regarding political intelligence contacts, and for other purposes.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Political Intelligence
3 Transparency Act of 2014”.

4 **SEC. 2. DISCLOSURE OF POLITICAL INTELLIGENCE ACTIVI-**
5 **TIES UNDER LOBBYING DISCLOSURE ACT.**

6 (a) DEFINITIONS.—Section 3 of the Lobbying Disclo-
7 sure Act of 1995 (2 U.S.C. 1602) is amended—

8 (1) in paragraph (2)—

9 (A) by inserting after “lobbying activities”
10 each place that term appears the following: “or
11 political intelligence activities”; and

12 (B) by inserting after “lobbyists” the fol-
13 lowing: “or political intelligence consultants”;
14 and

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

17 “(17) POLITICAL INTELLIGENCE ACTIVITIES.—
18 The term ‘political intelligence activities’ means po-
19 litical intelligence contacts and efforts in support of
20 such contacts, including preparation and planning
21 activities, research, and other background work that
22 is intended, at the time it is performed, for use in
23 contacts, and coordination with such contacts and
24 efforts of others.

25 “(18) POLITICAL INTELLIGENCE CONTACT.—

1 “(A) DEFINITION.—The term ‘political in-
2 telligence contact’ means any oral or written
3 communication (including an electronic commu-
4 nication) to a covered executive branch official
5 or a covered legislative branch official, the in-
6 formation derived from which is for use in ana-
7 lyzing the markets for securities, commodities
8 for future delivery, swaps, or security-based
9 swaps, or in informing investment decisions in
10 any such market, and which is made on behalf
11 of a client with regard to—

12 “(i) the formulation, modification, or
13 adoption of Federal legislation (including
14 legislative proposals);

15 “(ii) the formulation, modification, or
16 adoption of a Federal rule, regulation, Ex-
17 ecutive order, or any other program, policy,
18 or position of the United States Govern-
19 ment;

20 “(iii) the administration or execution
21 of a Federal program or policy (including
22 the negotiation, award, or administration
23 of a Federal contract, grant, loan, permit,
24 or license); or

1 “(iv) the nomination or confirmation
2 of a person for a position subject to con-
3 firmation by the Senate.

4 “(B) EXCEPTION.—The term ‘political in-
5 telligence contact’ does not include a commu-
6 nication that is—

7 “(i) made by a representative of a
8 media organization (as such term is de-
9 fined in this subsection) if the purpose of
10 the communication is gathering and dis-
11 seminating news and information to the
12 public;

13 “(ii) made in a speech, article, publi-
14 cation or other material that is distributed
15 and made available to the public, or
16 through radio, television, cable television,
17 or other medium of mass communication;

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

23 “(iv) a request for a meeting, a re-
24 quest for the status of an action, or any

1 other similar administrative request, if the
2 request does not include an attempt to in-
3 fluence a covered executive branch official
4 or a covered legislative branch official;

5 “(v) made in the course of participa-
6 tion in an advisory committee subject to
7 the Federal Advisory Committee Act;

8 “(vi) testimony given before a com-
9 mittee, subcommittee, or task force of the
10 Congress, or submitted for inclusion in the
11 public record of a hearing conducted by
12 such committee, subcommittee, or task
13 force;

14 “(vii) information provided in writing
15 in response to an oral or written request
16 by a covered executive branch official or a
17 covered legislative branch official for spe-
18 cific information;

19 “(viii) required by subpoena, civil in-
20 vestigative demand, or otherwise compelled
21 by statute, regulation, or other action of
22 the Congress or an agency, including any
23 communication compelled by a Federal
24 contract, grant, loan, permit, or license;

1 “(ix) made in response to a notice in
2 the Federal Register, Commerce Business
3 Daily, or other similar publication solici-
4 ting communications from the public and
5 directed to the agency official specifically
6 designated in the notice to receive such
7 communications;

8 “(x) not possible to report without
9 disclosing information, the unauthorized
10 disclosure of which is prohibited by law;

11 “(xi) made to an official in an agency
12 with regard to—

13 “(I) a judicial proceeding or a
14 criminal or civil law enforcement in-
15 quiry, investigation, or proceeding; or

16 “(II) a filing or proceeding that
17 the Government is specifically re-
18 quired by statute or regulation to
19 maintain or conduct on a confidential
20 basis, if that agency is charged with
21 responsibility for such proceeding, in-
22 quiry, investigation, or filing;

23 “(xii) made in compliance with writ-
24 ten agency procedures regarding an adju-
25 dication conducted by the agency under

1 section 554 of title 5, United States Code,
2 or substantially similar provisions;

3 “(xiii) a written comment filed in the
4 course of a public proceeding or any other
5 communication that is made on the record
6 in a public proceeding;

7 “(xiv) a petition for agency action
8 made in writing and required to be a mat-
9 ter of public record pursuant to established
10 agency procedures;

11 “(xv) made on behalf of an individual
12 with regard to that individual’s benefits,
13 employment, or other personal matters in-
14 volving only that individual, except that
15 this clause does not apply to any commu-
16 nication with—

17 “(I) a covered executive branch
18 official, or

19 “(II) a covered legislative branch
20 official (other than the individual’s
21 elected Members of Congress or em-
22 ployees who work under such Mem-
23 bers’ direct supervision), with respect
24 to the formulation, modification, or

1 adoption of private legislation for the
2 relief of that individual;

3 “(xvi) a disclosure by an individual
4 that is protected under the amendments
5 made by the Whistleblower Protection Act
6 of 1989, under the Inspector General Act
7 of 1978, or under another provision of law;

8 “(xvii) made by—

9 “(I) a church, its integrated aux-
10 iliary, or a convention or association
11 of churches that is exempt from filing
12 a Federal income tax return under
13 paragraph 2(A)(i) of section 6033(a)
14 of the Internal Revenue Code of 1986,
15 or

16 “(II) a religious order that is ex-
17 empt from filing a Federal income tax
18 return under paragraph (2)(A)(iii) of
19 such section 6033(a); and

20 “(xviii) between—

21 “(I) officials of a self-regulatory
22 organization (as defined in section
23 3(a)(26) of the Securities Exchange
24 Act) that is registered with or estab-
25 lished by the Securities and Exchange

1 Commission as required by that Act
2 or a similar organization that is des-
3 ignated by or registered with the
4 Commodities Future Trading Com-
5 mission as provided under the Com-
6 modity Exchange Act; and

7 “(II) the Securities and Ex-
8 change Commission or the Commod-
9 ities Future Trading Commission, re-
10 spectively;

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

13 “(19) POLITICAL INTELLIGENCE FIRM.—The
14 term ‘political intelligence firm’ means a person or
15 entity that has 1 or more employees who are polit-
16 ical intelligence consultants to a client other than
17 that person or entity.

18 “(20) POLITICAL INTELLIGENCE CONSULT-
19 ANT.—The term ‘political intelligence consultant’
20 means any individual who is employed or retained by
21 a client for financial or other compensation for serv-
22 ices that include one or more political intelligence
23 contacts, including an individual who provides bro-
24 kerage and research services under section 28(e) of
25 the Securities Exchange Act of 1934.

1 “(21) SECURITY.—The term ‘security’ has the
2 meaning given such term in section 3(a)(10) of the
3 Securities Exchange Act of 1934 (15 U.S.C.
4 78c(a)(10)).

5 “(22) SECURITY-BASED SWAP.—The term ‘se-
6 curity-based swap’ has the meaning given such term
7 in section 3(a)(68) of the Securities Exchange Act
8 of 1934 (15 U.S.C. 78c(a)(68)).

9 “(23) COMMODITY.—The term ‘commodity’ has
10 the meaning given such term in section 1a(9) of the
11 Commodity Exchange Act (7 U.S.C. 1a(9)).

12 “(24) SWAP.—The term ‘swap’ has the mean-
13 ing given such term in section 1a(47) of the Com-
14 modity Exchange Act (7 U.S.C. 1a(47)).”.

15 (b) REGISTRATION REQUIREMENT.—Section 4 of the
16 Lobbying Disclosure Act of 1995 (2 U.S.C. 1603) is
17 amended—

18 (1) in subsection (a)—

19 (A) by amending paragraph (1) to read as
20 follows:

21 “(1) GENERAL RULE.—A lobbyist or a political
22 intelligence consultant (or, as provided under para-
23 graph (2), the organization employing such lobbyist
24 or consultant), shall register with the Secretary of

1 the Senate and the Clerk of the House of Represent-
2 atives—

3 “(A) no later than 45 days after—

4 “(i) the lobbyist first makes a lob-
5 bying contact or is employed or retained to
6 make a lobbying contact, whichever is ear-
7 lier; or

8 “(ii) the political intelligence consult-
9 ant first makes a political intelligence con-
10 tact or is employed or retained to make a
11 political intelligence contact, whichever is
12 earlier; or

13 “(B) on the first business day after such
14 45th day if the 45th day is not a business
15 day.”.

16 (B) in paragraph (2), by inserting after
17 “lobbyists” each place that term appears the
18 following: “or political intelligence consultants”;
19 and

20 (C) in paragraph (3)(A)—

21 (i) in clause (i)—

22 (I) by inserting after “lobbying
23 activities” the following: “and political
24 intelligence activities”; and

1 (II) by inserting after “lobbying
2 firm” the following: “or political intel-
3 ligence firm”;

4 (ii) in clause (ii)—

5 (I) by inserting after “lobbying
6 activities” the following: “and political
7 intelligence activities”; and

8 (II) by inserting after “lobbying
9 activities” the following: “or political
10 intelligence activities”;

11 (2) in subsection (b)—

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

16 (B) in paragraph (4)—

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

21 (ii) in subparagraph (C), by inserting
22 after “lobbying activity” the following: “or
23 political intelligence activity”;

24 (C) in paragraph (5), by inserting after
25 “lobbying activities” each place that term ap-

1 pears the following: “or political intelligence ac-
2 tivities”; and

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

6 (3) in subsection (c)—

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

10 (B) in paragraph (2)—

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

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

17 (C) by inserting after paragraph (2), the
18 following new paragraph:

19 “(3) RULE OF CONSTRUCTION.—Any threshold
20 dollar amount or percentage described in subsection
21 (b) relates to the sum of the income, contributions,
22 or percent equitable ownership related to lobbying
23 activities plus the income, contributions, or percent
24 equitable ownership related to political intelligence
25 activities.”.

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

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

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

10 (2) in subsection (b)—

11 (A) in paragraph (2)—

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

16 (ii) in subparagraph (A)—

17 (I) by inserting after “lobbyist”
18 the following: “or political intelligence
19 consultant”; and

20 (II) by inserting after “lobbying
21 activities” the following: “or political
22 intelligence activities”;

23 (iii) in subparagraph (B), by inserting
24 after “lobbyists” the following: “and polit-
25 ical intelligence consultants”; and

1 (iv) in subparagraph (C), by inserting
2 after “lobbyists” the following: “or political
3 intelligence consultants”;

4 (B) in paragraph (3)—

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

8 (ii) by inserting after “lobbying activi-
9 ties” each place that term appears the fol-
10 lowing: “or political intelligence activities”;
11 and

12 (C) in paragraph (4), by inserting after
13 “lobbying activities” each place that term ap-
14 pears the following: “or political intelligence ac-
15 tivities”; and

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

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

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

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

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

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

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

15 (1) in subsection (a)—

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

18 (B) by inserting “or political intelligence
19 contact” after “lobbying contact” each place
20 that term appears; and

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

24 (2) in subsection (b)—

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

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

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

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

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

14 (1) in subsection (a)—

15 (A) by inserting “political intelligence
16 firms, political intelligence consultants,” after
17 “lobbying firms”; and

18 (B) by striking “lobbying registrations”
19 and inserting “registrations”;

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

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

1 **SEC. 3. RESTRICTIONS ON FORMER OFFICERS, EMPLOY-**
2 **EES, AND ELECTED OFFICIALS OF THE EXEC-**
3 **UTIVE AND LEGISLATIVE BRANCHES RE-**
4 **GARDING POLITICAL INTELLIGENCE CON-**
5 **TACTS.**

6 Section 207 of title 18, United States Code, is
7 amended—

8 (1) in subsection (a)—

9 (A) in paragraph (1), by inserting after
10 “with the intent to influence,” the following:
11 “or with the intent to gain information for use
12 in analyzing securities or commodities markets,
13 or in informing investment decisions in securi-
14 ties or commodities markets,”;

15 (B) in paragraph (2), by inserting after
16 “with the intent to influence,” the following:
17 “or with the intent to gain information for use
18 in analyzing securities or commodities markets,
19 or in informing investment decisions in securi-
20 ties or commodities markets,”;

21 (2) in subsection (c)(1), by inserting after “with
22 the intent to influence,” the following: “or with the
23 intent to gain information for use in analyzing secu-
24 rities or commodities markets, or in informing in-
25 vestment decisions in securities or commodities mar-
26 kets,”;

1 (3) in subsection (d)(1), by inserting after
2 “with the intent to influence,” the following: “or
3 with the intent to gain information for use in ana-
4 lyzing securities or commodities markets, or in in-
5 forming investment decisions in securities or com-
6 modities markets,”;

7 (4) in subsection (e), by inserting after “with
8 the intent to influence,” each place it appears the
9 following: “or with the intent to gain information for
10 use in analyzing securities or commodities markets,
11 or in informing investment decisions in securities or
12 commodities markets,”;

13 (5) in subsection (i)(1), by inserting after “with
14 the intent to influence,” each place it appears the
15 following: “or with the intent to gain information for
16 use in analyzing securities or commodities markets,
17 or in informing investment decisions in securities or
18 commodities markets,”; and

19 (6) in subsection (j), by adding at the end the
20 following:

21 “(8) REPRESENTATIVE OF A MEDIA ORGANIZA-
22 TION.—The restrictions contained in this section re-
23 lating to a communication made with the intent to
24 gain information for use in analyzing securities or
25 commodities markets, or in informing investment de-

1 cisions in securities or commodities markets shall
2 not apply to a communication made by a representa-
3 tive of a media organization (as such term is defined
4 in section 3 of the Lobbying Disclosure Act of 1995
5 (2 U.S.C. 1602)), if the purpose of the communica-
6 tion is gathering and disseminating news and infor-
7 mation to the public.”.

8 **SEC. 4. EFFECTIVE DATE.**

9 The amendments made by this Act shall apply with
10 respect to any political intelligence contact (as defined in
11 section 3 of the Lobbying Disclosure Act of 1995 (2
12 U.S.C. 1602), as added by section 2 of this Act) that is
13 made on or after the 90th day after the date of the enact-
14 ment of this Act.