

An Amendment to H. Res. 540 Offered by Mr. Polis of Colorado

At the end of the resolution, add the following new sections:

SEC. 3. Immediately upon adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of a bill consisting of the text specified in section 5, which will bear the title "to provide for disclosure of political intelligence activities under the Lobbying Disclosure Act". The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided between the chair and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. All points of order against provisions in the bill are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill.

SEC. 4. Clause 1(c) of rule XIX shall not apply to the consideration of the bill specified in section 3 of this resolution.

SEC. 5. The text referred to in section 3 is as follows:

SEC. 1. 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 such contacts and efforts 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, and which 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 political intelligence 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), 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: ``and 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)--

(A) by inserting ``political intelligence firms, political intelligence consultants," after ``lobbying firms"; and

(B) by striking ``lobbying registrations" and inserting ``registrations";

(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".

SEC. 2. EFFECTIVE DATE

This Act and the amendments made by this Act shall take effect at the end of the 90-day period beginning on the date of the enactment of this Act.