

SB 528-FN - AS AMENDED BY THE SENATE

03/05/2026 0845s

2026 SESSION

26-2120

09/08

SENATE BILL **528-FN**

AN ACT prohibiting receiving compensation for lobbying on behalf of a foreign adversary.

SPONSORS: Sen. Birdsell, Dist 19

COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill prohibits a lobbyist from receiving compensation for carrying out any lobbying activity on behalf of certain designated foreign adversaries.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears ~~[in brackets and struckthrough.]~~
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty-Six

AN ACT prohibiting receiving compensation for lobbying on behalf of a foreign adversary.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 New Section; Lobbying; Prohibition on Receiving Compensation for Lobbying on Behalf of a
2 Foreign Adversary. Amend RSA 15 by inserting after section 5 the following new section:

3 15:5-a Prohibition on Receiving Compensation for Lobbying on Behalf of a Foreign Adversary.

4 I. In this section:

5 (a) "Foreign adversary" means:

6 (1) The People’s Republic of China, the Russian Federation, the Islamic Republic of
7 Iran, the Democratic People’s Republic of Korea, or the Republic of Cuba;

8 (2) Any agency or instrumentality of such governments;

9 (3) Any person owned or operated in whole or in part by such foreign adversary, or
10 subject to the control of such foreign adversary, and any subsidiary or parent of any such person; and

11 (4) Any person organized under the laws of a foreign adversary or having its
12 principal place of business in a foreign adversary, and any subsidiary of any such person.

13 (b) "People’s Republic of China" means the People’s Republic of China and all provinces
14 and autonomous regions of the People’s Republic of China, including the Hong Kong Special
15 Administrative Region of the People’s Republic of China, and the Macao Special Administrative
16 Region of the People’s Republic of China; but does not include Taiwan.

17 (c) "Owned or operated in whole or in part" means that a foreign adversary:

18 (1) For a person that is a publicly traded company, has the ability to control the
19 company, has access to any material nonpublic technical information in the possession of the
20 company, or has any other rights or involvement in directing, dictating, controlling, or participating
21 in the decision-making of the company beyond those available to a retail investor holding an
22 equivalent share of ownership; and

23 (2) For a person that is a privately held company, has any share of ownership of such
24 company.

25 (d) "Control" means the power, direct or indirect, whether or not exercised, to determine,
26 direct, dictate, or decide important matters affecting an entity, including but without limitation,
27 through:

28 (1) The ownership of at least 20 percent of the total outstanding voting interest in an
29 entity;

30 (2) Board representation;

1 (3) The ability to appoint or discharge any board members, officers, directors,
2 employees, or contractors;

3 (4) Proxy voting, a special share, contractual arrangements, legal obligations, formal
4 or informal arrangements to act in concert; or

5 (5) Other means.

6 (e) "Foreign political party" means any organization or any other combination of
7 individuals in a country other than the United States, or any unit or branch thereof, having for an
8 aim or purpose, or which is engaged in any activity devoted in whole or in part to, the establishment,
9 administration, control, or acquisition of administration or control, of a government of a foreign
10 country or a subdivision thereof, or the furtherance or influencing of the political or public interests,
11 policies, or relations of a government of a foreign country or a subdivision thereof.

12 (f) "Lobbyist" means any person engaging in, agreeing to engage in, or attempting to
13 engage in lobbying activity.

14 (g) "Lobbying activity" means any act that meets the definition of lobbying under RSA
15 15:1.

16 (h) "Person" means any individual, partnership, association, joint stock company, trust,
17 corporation, organization or other combination of individuals, or government entity.

18 (i) "Foreign adversary client" means:

19 (1) A current or former:

20 (A) Official in the executive, legislative, administrative, military, or judicial
21 branches of a foreign adversary, whether elected or not;

22 (B) Official of a foreign political party of a foreign adversary; or

23 (C) Executive or officer of a foreign adversary;

24 (2) A corporation, business, or other entity that has been formed by, or for the
25 benefit of, any such person; and

26 (3) An immediate family member of any such person, including such person's spouse,
27 parents, siblings, children, and spouse's parents and siblings.

28 II. No lobbyist may receive, or agree to receive, any direct or indirect compensation or other
29 payment in any form, including intangible or in-kind, for carrying out any lobbying activity on behalf
30 of another person, that is:

31 (a) A foreign adversary;

32 (b) A foreign political party of a foreign adversary; or

33 (c) A foreign adversary client.

34 III.(a) A lobbyist who violates paragraph II shall be subject to an action for disgorgement of
35 any compensation received as well as a civil penalty of not more than \$1,000 per violation. An action
36 may be filed by the attorney general in the name of the state to obtain disgorgement, civil penalties,
37 as well as injunctive relief requiring compliance with this section going forward.

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1 (b) If the attorney general has reason to believe that any person is violating paragraph II
2 or has agreed to conduct that would violate paragraph II, the attorney general may issue civil
3 investigative demands seeking documents, tangible things, and other information, as well as written
4 responses under oath to questions or oral testimony under oath, to any person that may have
5 knowledge or information regarding such potential violation. The attorney general may also file an
6 action to enforce or otherwise obtain the assistance of a court with respect to any such civil
7 investigative demand.

8 IV. This section shall not apply to any entities that are the subject of, or covered by, a qualified
9 divestiture under the Protecting Americans from Foreign Adversary Controlled Applications Act,
10 Public Law 118-50, division H, including but not limited to any entity referenced in Executive Order
11 14352, dated September 25, 2025, whether or not such Executive Order is in effect.

12 2 Severability. If any provision of this act or its application to any person or circumstance is
13 held invalid, the invalidity does not affect other provisions or applications of this act which can be
14 given effect without the invalid provision or application, and to this end the provisions of this act are
15 severable.

16 3 Effective Date. This act shall take effect July 1, 2027.

SB 528-FN- FISCAL NOTE
AS AMENDED BY THE SENATE (AMENDMENT #2026-0845s)

AN ACT prohibiting receiving compensation for lobbying on behalf of a foreign adversary.

FISCAL IMPACT: This bill does not provide funding, nor does it authorize new positions.

Estimated State Impact				
	FY 2026	FY 2027	FY 2028	FY 2029
Revenue	\$0	\$0	\$0	\$0
<i>Revenue Fund(s)</i>				
Expenditures*	\$0	\$137,000	\$138,000	\$138,000
<i>Funding Source(s)</i>	General Fund			
Appropriations*	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	None			

*Expenditure = Cost of bill

*Appropriation = Authorized funding to cover cost of bill

METHODOLOGY:

This bill prohibits a lobbyist from receiving compensation for conducting lobbying activity on behalf of a foreign adversary, a foreign political party of a foreign adversary, or a foreign adversary client. The bill authorizes the Attorney General to investigate suspected violations, issue civil investigative demands, and bring civil actions, civil penalties, and injunctive relief.

The Department of Justice states this bill will create new responsibilities requiring new investigative and civil enforcement workload that cannot be absorbed within its existing resources. To carry out the investigative and civil enforcement responsibilities required under the bill, the Department will require one full time attorney. The Department states the cost for this position is \$137,000 in FY 2027, \$138,000 in FY 2028, and \$138,000 in FY 2029.

It is assumed if the position is authorized the cost of the positions for FY 2028 and FY 2029 will be included the Department's next budget request.

AGENCIES CONTACTED:

Department of Justice