

103^D CONGRESS
2^D SESSION

H. R. 4109

To prohibit contingency fees in lobbying.

IN THE HOUSE OF REPRESENTATIVES

MARCH 22, 1994

Mr. SCHUMER introduced the following bill; which was referred to the
Committee on the Judiciary

A BILL

To prohibit contingency fees in lobbying.

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 “Contingency Fees in
5 Lobbying Prohibition Act”.

6 **SEC. 2. CONTINGENCY FEES IN LOBBYING.**

7 (a) FINDING AND DECLARATION.—The Congress
8 finds that the conduct prohibited by subsection (c) is inim-
9 ical to the public interest in protecting against the undue
10 influence of overly aggressive lobbying on Government of-
11 ficials and that this section may, under the Constitution,

1 appropriately be applied with respect to fees collected or
2 billed on or after March 1, 1994.

3 (b) GOVERNMENT ENTITY DEFINED.—For purposes
4 of this section, the term “Government entity” means an
5 entity in the executive branch, legislative branch, or judi-
6 cial branch or a member, officer, or employee of any such
7 entity.

8 (c) PROHIBITION.—

9 (1) IN GENERAL.—A person shall not make, di-
10 rectly or indirectly, on behalf of any person other
11 than the United States, an oral or written commu-
12 nication to a Government entity, with intent to influ-
13 ence the Government entity with respect to an event
14 described in paragraph (2), for a fee or other com-
15 pensation the payment of any part of which is con-
16 tingent on the occurrence of that event.

17 (2) EVENTS ATTEMPTED TO BE INFLU-
18 ENCED.—An event is described in this paragraph if
19 it is—

20 (A) the taking of an action by Congress,
21 including an action by either House of Congress
22 or any committee or Member of Congress; or

23 (B) the making or entering into of or de-
24 nial of an award, grant, financial assistance, or
25 contract by a Government entity.

1 (3) RULE OF CONSTRUCTION.—Paragraph (1)
2 shall not be construed as prohibiting a communica-
3 tion for a contingent fee relating to a claim for col-
4 lection of an amount that a client alleges is owed by
5 the Government under a contract or by reason of
6 any other form of obligation.

7 (d) CIVIL ACTION FOR DISGORGEMENT OF FEE.—

8 (1) IN GENERAL.—A person who has paid a
9 contingent fee or other compensation charged in vio-
10 lation of subsection (c) may bring an action in the
11 appropriate United States district court to recover
12 the amount paid and costs of suit, including a rea-
13 sonable attorney’s fee.

14 (2) LIMITATION.—A civil action under para-
15 graph (1) shall be barred unless the action is com-
16 menced not later than 6 years after the later of—

17 “(A) the date on which the prohibited con-
18 duct occurred; or

19 “(B) the date on which the United States
20 became or reasonably should have become
21 aware that the prohibited conduct occurred.

22 (e) APPLICATION OF SECTION.—The prohibition of
23 subsection (a) shall apply to fees collected or billed on or
24 after March 1, 1994.

○