

103^D CONGRESS
2^D SESSION

H. R. 4108

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 “Lobbying Anti Contin-
5 gency Fee Act of 1994”.

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

7 (a) FINDING AND DECLARATION.—The Congress
8 finds that the conduct prohibited by the amendment made
9 by subsection (b) is inimical to the public interest in pro-
10 tecting against the undue influence of overly aggressive
11 lobbying on Government officials and that the amendment
12 may, under the Constitution, appropriately be applied with

1 respect to fees collected or billed on or after March 1,
2 1994, by persons who had actual knowledge of its pend-
3 ency before Congress as of that date.

4 (b) OFFENSE.—Chapter 11 of title 18, United States
5 Code, is amended by inserting after section 219 the follow-
6 ing new section:

7 **“§ 220. Contingency fees in lobbying**

8 “(a) DEFINITION.—In this section, ‘Government en-
9 tity’ means an entity in the executive branch, legislative
10 branch, or judicial branch or a member, officer, or em-
11 ployee of any such entity.

12 “(b) OFFENSE.—

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

21 “(2) EVENTS ATTEMPTED TO BE INFLU-
22 ENCED.—An event is described in this paragraph if
23 it is—

1 “(A) the taking of an action by Congress,
2 including an action by either House of Congress
3 or any committee or member of Congress; or

4 “(B) the making or entering into of or de-
5 nial of an award, grant, financial assistance, or
6 contract by a Government entity.

7 “(3) RULE OF CONSTRUCTION.—Paragraph (1)
8 shall not be considered to prohibit a communication
9 for a contingent fee relating to a claim for collection
10 of an amount that a client alleges is owed by the
11 Government under a contract or by reason of any
12 other form of obligation.

13 “(c) CRIMINAL PENALTY.—A person who violates
14 subsection (a) shall be fined under this title, imprisoned
15 not more than 2 years, or both.

16 “(d) CIVIL ACTION.—

17 “(1) IN GENERAL.—The Attorney General may
18 bring a civil action in any United States district
19 court, on behalf of the United States, against a per-
20 son who engages in conduct prohibited by subsection
21 (a), and, upon proof of such conduct by a prepon-
22 derance of the evidence, may recover twice the
23 amount of any contingent fee or other compensation
24 received by the person as a result of such conduct.

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

4 “(A) the date on which the prohibited con-
5 duct occurred; or

6 “(B) the date on which the United States
7 became or reasonably should have become that
8 the prohibited conduct occurred.

9 “(e) APPLICATION OF SECTION.—The prohibition of
10 subsection (a) applies to conduct engaged in on or after
11 March 1, 1994.”.

12 (c) CLERICAL AMENDMENT.—The table of chapters
13 at the beginning of chapter 11 of title 18, United States
14 Code, is amended by inserting after the item relating to
15 section 219 the following new item:

“220. Contingency fees in lobbying.”.

○