

# Union Calendar No. 295

104<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 3235

**[Report No. 104-595, Part I]**

To amend the Ethics in Government Act of 1978, to extend the authorization of appropriations for the Office of Government Ethics for 3 years, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 15, 1996

Mr. CANADY of Florida (for himself and Mr. HYDE) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

MAY 29, 1996

Reported from the Committee on the Judiciary

MAY 29, 1996

Referral to the Committee on Government Reform and Oversight extended for a period ending not later than May 29, 1996

MAY 29, 1996

Committee on Government Reform and Oversight discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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## A BILL

To amend the Ethics in Government Act of 1978, to extend

the authorization of appropriations for the Office of Government Ethics for 3 years, 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,*

3 **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Office of Government  
5 Ethics Authorization Act of 1996”.

6 **SEC. 2. GIFT ACCEPTANCE AUTHORITY.**

7       Section 403 of the Ethics in Government Act of 1978  
8 (5 U.S.C. App. 5) is amended—

9           (1) by inserting “(a)” before “Upon the re-  
10 quest”; and

11           (2) by adding at the end the following:

12       “(b)(1) The Director is authorized to accept and uti-  
13 lize on behalf of the United States, any gift, donation, be-  
14 quest, or devise of money, use of facilities, personal prop-  
15 erty, or services for the purpose of aiding or facilitating  
16 the work of the Office of Government Ethics.

17       “(2) No gift may be accepted—

18           “(A) that attaches conditions inconsistent with  
19 applicable laws or regulations; or

20           “(B) that is conditioned upon or will require  
21 the expenditure of appropriated funds that are not  
22 available to the Office of Government Ethics.

23       “(3) The Director shall establish written rules setting  
24 forth the criteria to be used in determining whether the

1 acceptance of contributions of money, services, use of fa-  
2 cilities, or personal property under this subsection would  
3 reflect unfavorably upon the ability of the Office of Gov-  
4 ernment Ethics, or any employee of such Office, to carry  
5 out its responsibilities or official duties in a fair and objec-  
6 tive manner, or would compromise the integrity or the ap-  
7 pearance of the integrity of its programs or any official  
8 involved in those programs.”.

9 **SEC. 3. EXTENSION OF AUTHORIZATION OF APPROPRIA-**  
10 **TIONS.**

11 The text of section 405 of the Ethics in Government  
12 Act of 1978 (5 U.S.C. App. 5) is amended to read as fol-  
13 lows: “There are authorized to be appropriated to carry  
14 out this title such sums as may be necessary for each of  
15 fiscal years 1997 through 1999.”.

16 **SEC. 4. REPEAL AND CONFORMING AMENDMENTS.**

17 (a) **REPEAL OF DISPLAY REQUIREMENT.**—The Act  
18 entitled “An Act to provide for the display of the Code  
19 of Ethics for Government Service,” approved July 3, 1980  
20 (5 U.S.C. 7301 note), is repealed.

21 (b) **CONFORMING AMENDMENTS.**—

22 (1) **FDIA.**—Section 12(f)(3) of the Federal De-  
23 posit Insurance Act (12 U.S.C. 1822(f)(3)) is  
24 amended by striking “, with the concurrence of the  
25 Office of Government Ethics,”.

1           (2) ETHICS IN GOVERNMENT ACT OF 1978.—(A)  
2           The heading for section 401 of the Ethics in Gov-  
3           ernment Act of 1978 is amended to read as follows:  
4           “ESTABLISHMENT; APPOINTMENT OF DIRECTOR”.

5           (B) Section 408 of such Act is amended by  
6           striking “March 31” and inserting “April 30”.

7 **SEC. 5. LIMITATION ON POSTEMPLOYMENT RESTRICTIONS.**

8           Section 207(j) of title 18, United States Code, is  
9           amended by adding at the end the following new para-  
10          graph:

11           “(7) POLITICAL PARTIES AND CAMPAIGN COM-  
12          MITTEES.—(A) Except as provided in subparagraph  
13          (B), the restrictions contained in subsections (c),  
14          (d), and (e) shall not apply to a communication or  
15          appearance made solely on behalf of a candidate in  
16          his or her capacity as a candidate, an authorized  
17          committee, a national committee, a national Federal  
18          campaign committee, a State committee, or a politi-  
19          cal party.

20           “(B) Subparagraph (A) shall not apply to—

21           “(i) any communication to, or appearance  
22           before, the Federal Election Commission by a  
23           former officer or employee of the Federal Elec-  
24           tion Commission; or

25           “(ii) a communication or appearance made  
26           by a person who is subject to the restrictions

1 contained in subsections (c), (d), or (e) if, at  
2 the time of the communication or appearance,  
3 the person is employed by a person or entity  
4 other than—

5 “(I) a candidate, an authorized com-  
6 mittee, a national committee, a national  
7 Federal campaign committee, a State com-  
8 mittee, or a political party; or

9 “(II) a person or entity who rep-  
10 represents, aids, or advises only persons or en-  
11 tities described in subclause (I).

12 “(C) For purposes of this paragraph—

13 “(i) the term ‘candidate’ means any person  
14 who seeks nomination for election, or election,  
15 to Federal or State office or who has authorized  
16 others to explore on his or her behalf the possi-  
17 bility of seeking nomination for election, or elec-  
18 tion, to Federal or State office;

19 “(ii) the term ‘authorized committee’  
20 means any political committee designated in  
21 writing by a candidate as authorized to receive  
22 contributions or make expenditures to promote  
23 the nomination for election, or the election, of  
24 such candidate, or to explore the possibility of  
25 seeking nomination for election, or the election,

1 of such candidate, except that a political com-  
2 mittee that receives contributions or makes ex-  
3 penditures to promote more than 1 candidate  
4 may not be designated as an authorized com-  
5 mittee for purposes of subparagraph (A);

6 “(iii) the term ‘national committee’ means  
7 the organization which, by virtue of the bylaws  
8 of a political party, is responsible for the day-  
9 to-day operation of such political party at the  
10 national level;

11 “(iv) the term ‘national Federal campaign  
12 committee’ means an organization that, by vir-  
13 tue of the bylaws of a political party, is estab-  
14 lished primarily for the purpose of providing as-  
15 sistance, at the national level, to candidates  
16 nominated by that party for election to the of-  
17 fice of Senator or Representative in, or Dele-  
18 gate or Resident Commissioner to, the Con-  
19 gress;

20 “(v) the term ‘State committee’ means the  
21 organization which, by virtue of the bylaws of  
22 a political party, is responsible for the day-to-  
23 day operation of such political party at the  
24 State level;

1           “(vi) the term ‘political party’ means an  
2           association, committee, or organization that  
3           nominates a candidate for election to any Fed-  
4           eral or State elected office whose name appears  
5           on the election ballot as the candidate of such  
6           association, committee, or organization; and

7           “(vii) the term ‘State’ means a State of  
8           the United States, the District of Columbia, the  
9           Commonwealth of Puerto Rico, and any terri-  
10          tory or possession of the United States.”.

11 **SEC. 6. PAY LEVEL.**

12          Section 207(c)(2)(A)(ii) of title 18, United States  
13          Code, is amended by striking “level V of the Executive  
14          Schedule,” and inserting “level 5 of the Senior Executive  
15          Service,”.

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