

Calendar No. 422

106TH CONGRESS
1ST SESSION

H. R. 2904

IN THE SENATE OF THE UNITED STATES

NOVEMBER 9, 1999

Received

NOVEMBER 19, 1999

Read twice and placed on the calendar

AN ACT

To amend the Ethics in Government Act of 1978 to reauthorize funding for the Office of Government Ethics, and to clarify the definition of a “special Government employee” under title 18, United States Code.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. REAUTHORIZATION OF APPROPRIATIONS.**

2 (a) IN GENERAL.—Section 405 of the Ethics in Gov-
3 ernment Act of 1978 (5 U.S.C. App.) is amended by strik-
4 ing “1997 through 1999” and inserting “2000 through
5 2003”.

6 (b) EFFECTIVE DATE.—This section shall take effect
7 on October 1, 1999.

8 **SEC. 2. AMENDMENT TO DEFINITION OF “SPECIAL GOV-
9 ERNMENT EMPLOYEE”.**

10 (a) AMENDMENT TO SECTION 202(a).—Subsection
11 (a) of section 202 of title 18, United States Code, is
12 amended to read as follows:

13 “(a) For the purpose of sections 203, 205, 207, 208,
14 209, and 219 of this title the term ‘special Government
15 employee’ shall mean—

16 “(1) an officer or employee as defined in sub-
17 section (c) who is retained, designated, appointed, or
18 employed in the legislative or executive branch of the
19 United States Government, in any independent
20 agency of the United States, or in the government
21 of the District of Columbia, and who, at the time of
22 retention, designation, appointment, or employment,
23 is expected to perform temporary duties on a full-
24 time or intermittent basis for not to exceed 130 days
25 during any period of 365 consecutive days;

26 “(2) a part-time United States commissioner;

1 “(3) a part-time United States magistrate;

2 “(4) an independent counsel appointed under
3 chapter 40 of title 28, United States Code, and any
4 person appointed by that independent counsel under
5 section 594(c) of title 28, United States Code;

6 “(5) a person serving as a part-time local rep-
7 resentative of a Member of Congress in the Mem-
8 ber’s home district or State; and

9 “(6) a Reserve officer of the Armed Forces, or
10 an officer of the National Guard of the United
11 States, who is not otherwise an officer or employee
12 as defined in subsection (c) and who is—

13 “(A) on active duty solely for training
14 (notwithstanding section 2105(d) of title 5);

15 “(B) serving voluntarily for not to exceed
16 130 days during any period of 365 consecutive
17 days; or

18 “(C) serving involuntarily.”.

19 (b) AMENDMENT TO SECTION 202(c).—Subsection
20 (c) of 202 of title 18, United States Code, is amended
21 to read as follows:

22 “(c)(1) The terms ‘officer’ and ‘employee’ in sections
23 203, 205, 207 through 209, and 218 of this title shall
24 include—

1 “(A) an individual who is retained, designated,
2 appointed, or employed in the United States Govern-
3 ment or in the government of the District of Colum-
4 bia to perform, with or without compensation and
5 subject to the supervision of the President, the Vice
6 President, a Member of Congress, a Federal judge,
7 or an officer or employee of the United States or of
8 the government of the District of Columbia, a Fed-
9 eral or District of Columbia function under author-
10 ity of law or an Executive act;

11 “(B) a Reserve officer of the Armed Forces or
12 an officer of the National Guard of the United
13 States who is serving voluntarily in excess of 130
14 days during any period of 365 consecutive days; and

15 “(C) the President, the Vice President, a Mem-
16 ber of Congress or a Federal judge, but only to the
17 extent specified in any such section.

18 “(2) As used in paragraph (1), the term ‘Federal or
19 District of Columbia function’ shall include, but not be
20 limited to—

21 “(A) supervising, managing, directing or over-
22 seeing a Federal or District of Columbia officer or
23 employee in the performance of such officer’s or em-
24 ployee’s official duties;

1 “(B) participating in the Federal or District of
2 Columbia government’s internal deliberative process,
3 such as by providing regular advice, counsel, or rec-
4 ommendations to the President, the Vice President,
5 a Member of Congress, or any other Federal or Dis-
6 trict of Columbia officer or employee, or by con-
7 ducting meetings involving any of those individuals;
8 or

9 “(C) obligating funds of the United States or
10 the District of Columbia.”.

11 (c) NEW SECTION 202(f).—Section 202 of title 18,
12 United States Code, is amended by adding at the end the
13 following:

14 “(f) The terms ‘officer or employee’ and ‘special Gov-
15 ernment employee’ as used in sections 203, 205, 207
16 through 209, and 218, shall not include enlisted members
17 of the Armed Forces, nor shall they include an individual
18 who is retained, designated, or appointed without com-
19 pensation specifically to act as a representative of an in-
20 terest (other than a Federal or District of Columbia inter-
21 est) on an advisory committee established pursuant to the
22 Federal Advisory Committee Act or any similarly estab-

1 lished advisory committee whose meetings are generally
2 open to the public.”.

Passed the House of Representatives November 8,
1999.

Attest:

JEFF TRANDAHL,

Clerk.

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