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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
SECTION 1. REAUTHORIZATION OF APPROPRIATIONS.


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

SEC. 2. AMENDMENT TO DEFINITION OF “SPECIAL GOVERNMENT EMPLOYEE”.

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

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

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

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

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

“(5) a person serving as a part-time local representative of a Member of Congress in the Member’s home district or State; and

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

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

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

“(C) serving involuntarily.”.

(b) Amendment to Section 202(c).—Subsection (c) of 202 of title 18, United States Code, is amended to read as follows:

“(c)(1) The terms ‘officer’ and ‘employee’ in sections 203, 205, 207 through 209, and 218 of this title shall include—
“(A) an individual who is retained, designated, appointed, or employed in the United States Government or in the government of the District of Columbia to perform, with or without compensation and subject to the supervision of the President, the Vice President, a Member of Congress, a Federal judge, or an officer or employee of the United States or of the government of the District of Columbia, a Federal or District of Columbia function under authority of law or an Executive act;

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

“(C) the President, the Vice President, a Member of Congress or a Federal judge, but only to the extent specified in any such section.

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

“(A) supervising, managing, directing or overseeing a Federal or District of Columbia officer or employee in the performance of such officer’s or employee’s official duties;
“(B) participating in the Federal or District of Columbia government’s internal deliberative process, such as by providing regular advice, counsel, or recommendations to the President, the Vice President, a Member of Congress, or any other Federal or District of Columbia officer or employee, or by conducting meetings involving any of those individuals; or

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

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

“(f) The terms ‘officer or employee’ and ‘special Government employee’ as used in sections 203, 205, 207 through 209, and 218, shall not include enlisted members of the Armed Forces, nor shall they include an individual who is retained, designated, or appointed without compensation specifically to act as a representative of an interest (other than a Federal or District of Columbia interest) on an advisory committee established pursuant to the Federal Advisory Committee Act or any similarly estab-
lished advisory committee whose meetings are generally open to the public.”

Passed the House of Representatives November 8, 1999.

Attest: JEFF TRANDAHL, Clerk.
AN ACT

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NOVEMBER 19, 1999

Read twice and placed on the calendar