H. R. 2904

[Report No. 106–433, Part I]

To amend the Ethics in Government Act of 1978 to reauthorize funding for the Office of Government Ethics.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 21, 1999

Mr. SCARBOROUGH introduced the following bill; which was referred to the Committee on Government Reform, and in addition to the Committee on the Judiciary, 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

NOVEMBER 2, 1999

Reported with amendments from the Committee on Government Reform

[Strike out all after the enacting clause and insert the part printed in italic]

NOVEMBER 2, 1999

Referral to the Committee on the Judiciary extended for a period ending not later than November 2, 1999

NOVEMBER 2, 1999

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

A BILL

To amend the Ethics in Government Act of 1978 to reauthorize funding for the Office of Government Ethics.
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.

SECTION 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 and any person appointed by that independent counsel under section 594(c) of title 28;

“(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) providing regular advice, counsel, or recommendations to the President, the Vice President, a Member of Congress, or any Federal or District of Columbia officer or employee, or conducting meetings involving any of those individuals, as part of the Federal or District of Columbia government’s internal deliberative process; 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 established committee whose meetings are generally open to the public.”.

Amend the title so as to read: “To amend the Ethics in Government Act of 1978 to reauthorize funding for the Office of Government Ethics, and to expand the definition of a ‘special Government employee’ under title 18, United States Code.”.
A BILL

To amend the Ethics in Government Act of 1978 to reauthorize funding for the Office of Government Ethics.

November 2, 1999
Reported with amendments

November 2, 1999
Referral to the Committee on the Judiciary extended for a period ending not later than November 2, 1999

November 2, 1999
Committee on the Judiciary discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed