

## Union Calendar No. 253

106TH CONGRESS  
1ST SESSION

# 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.

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. REAUTHORIZATION OF APPROPRIATIONS.**

4 (a) ~~IN GENERAL.~~—Section 405 of the Ethics in Gov-  
5 ernment Act of 1978 (5 U.S.C. App.) is amended by strik-  
6 ing “1997 through 1999” and inserting “2000 through  
7 2003”.

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

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

11 (a) *IN GENERAL.*—Section 405 of the Ethics in Gov-  
12 ernment Act of 1978 (5 U.S.C. App.) is amended by striking  
13 “1997 through 1999” and inserting “2000 through 2003”.

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

16 **SEC. 2. AMENDMENT TO DEFINITION OF “SPECIAL GOVERN-**  
17 **MENT EMPLOYEE”.**

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

21 “(a) For the purpose of sections 203, 205, 207, 208,  
22 209, and 219 of this title the term ‘special Government em-  
23 ployee’ shall mean—

24 “(1) an officer or employee as defined in sub-  
25 section (c) who is retained, designated, appointed, or

1       employed in the legislative or executive branch of the  
2       United States Government, in any independent agen-  
3       cy of the United States, or in the government of the  
4       District of Columbia, and who, at the time of reten-  
5       tion, designation, appointment, or employment, is ex-  
6       pected to perform temporary duties on a full-time or  
7       intermittent basis for not to exceed 130 days during  
8       any period of 365 consecutive days;

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

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

11              “(4) an independent counsel appointed under  
12       chapter 40 of title 28 and any person appointed by  
13       that independent counsel under section 594(c) of title  
14       28;

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

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

22                   “(A) on active duty solely for training (not-  
23       withstanding section 2105(d) of title 5);

1           “(B) serving voluntarily for not to exceed  
2           130 days during any period of 365 consecutive  
3           days; or

4           “(C) serving involuntarily.”.

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

8           “(c)(1) The terms ‘officer’ and ‘employee’ in sections  
9 203, 205, 207 through 209, and 218 of this title shall  
10 include—

11           “(A) an individual who is retained, designated,  
12 appointed, or employed in the United States Govern-  
13 ment or in the government of the District of Columbia  
14 to perform, with or without compensation and subject  
15 to the supervision of the President, the Vice President,  
16 a Member of Congress, a Federal judge, or an officer  
17 or employee of the United States or of the government  
18 of the District of Columbia, a Federal or District of  
19 Columbia function under authority of law or an Ex-  
20 ecutive act;

21           “(B) a Reserve officer of the Armed Forces or an  
22 officer of the National Guard of the United States  
23 who is serving voluntarily in excess of 130 days dur-  
24 ing any period of 365 consecutive days; and

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

4           “(2) *As used in paragraph (1), the term ‘Federal or*  
5           *District of Columbia function’ shall include, but not be lim-*  
6           *ited to—*

7           “(A) *supervising, managing, directing or over-*  
8           *seeing a Federal or District of Columbia officer or*  
9           *employee in the performance of such officer’s or em-*  
10          *ployee’s official duties;*

11          “(B) *providing regular advice, counsel, or rec-*  
12          *ommendations to the President, the Vice President, a*  
13          *Member of Congress, or any Federal or District of Co-*  
14          *lumbia officer or employee, or conducting meetings*  
15          *involving any of those individuals, as part of the Fed-*  
16          *eral or District of Columbia government’s internal de-*  
17          *liberative process; or*

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

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

23          “(f) *The terms ‘officer or employee’ and ‘special Gov-*  
24          *ernment employee’ as used in sections 203, 205, 207 through*  
25          *209, and 218, shall not include enlisted members of the*

1 *Armed Forces, nor shall they include an individual who*  
2 *is retained, designated, or appointed without compensation*  
3 *specifically to act as a representative of an interest (other*  
4 *than a Federal or District of Columbia interest) on an advi-*  
5 *sory committee established pursuant to the Federal Advi-*  
6 *sory Committee Act or any similarly established committee*  
7 *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.”.



**Union Calendar No. 253**

106TH CONGRESS  
1ST SESSION

**H. R. 2904**

**[Report No. 106-433, Part I]**

---

---

**A BILL**

To amend the Ethics in Government Act of 1978  
to reauthorize funding for the Office of Govern-  
ment 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