

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.*

**Calendar No. 422**

106TH CONGRESS  
1ST SESSION

**H. R. 2904**

---

---

**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.

---

---

NOVEMBER 19, 1999

Read twice and placed on the calendar