

104TH CONGRESS
2D SESSION

H. R. 3235

To amend the Ethics in Government Act of 1978, to extend the authorization of appropriations for the Office of Government Ethics for 3 years, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 15, 1996

Mr. CANADY of Florida (for himself and Mr. HYDE) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Government Reform and Oversight, 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

A BILL

To amend the Ethics in Government Act of 1978, to extend the authorization of appropriations for the Office of Government Ethics for 3 years, and for other purposes.

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. SHORT TITLE.**

4 This Act may be cited as the “Office of Government
5 Ethics Authorization Act of 1996”.

1 **SEC. 2. GIFT ACCEPTANCE AUTHORITY.**

2 Section 403 of the Ethics in Government Act of 1978
3 (5 U.S.C. App. 5) is amended—

4 (1) by inserting “(a)” before “Upon the re-
5 quest”; and

6 (2) by adding at the end the following:

7 “(b)(1) The Director is authorized to accept and uti-
8 lize on behalf of the United States, any gift, donation, be-
9 quest, or devise of money, use of facilities, personal prop-
10 erty, or services for the purpose of aiding or facilitating
11 the work of the Office of Government Ethics.

12 “(2) No gift may be accepted—

13 “(A) that attaches conditions inconsistent with
14 applicable laws or regulations; or

15 “(B) that is conditioned upon or will require
16 the expenditure of appropriated funds that are not
17 available to the Office of Government Ethics.

18 “(3) The Director shall establish written rules setting
19 forth the criteria to be used in determining whether the
20 acceptance of contributions of money, services, use of fa-
21 cilities, or personal property under this subsection would
22 reflect unfavorably upon the ability of the Office of Gov-
23 ernment Ethics, or any employee of such Office, to carry
24 out its responsibilities or official duties in a fair and objec-
25 tive manner, or would compromise the integrity or the ap-

1 pearance of the integrity of its programs or any official
2 involved in those programs.”.

3 **SEC. 3. EXTENSION OF AUTHORIZATION OF APPROPRIA-**
4 **TIONS.**

5 The text of section 405 of the Ethics in Government
6 Act of 1978 (5 U.S.C. App. 5) is amended to read as fol-
7 lows: “There are authorized to be appropriated to carry
8 out this title such sums as may be necessary for each of
9 fiscal years 1997 through 1999.”.

10 **SEC. 4. REPEAL AND CONFORMING AMENDMENTS.**

11 (a) REPEAL OF DISPLAY REQUIREMENT.—The Act
12 entitled “An Act to provide for the display of the Code
13 of Ethics for Government Service,” approved July 3, 1980
14 (5 U.S.C. 7301 note), is repealed.

15 (b) CONFORMING AMENDMENTS.—

16 (1) FDIA.—Section 12(f)(3) of the Federal De-
17 posit Insurance Act (12 U.S.C. 1822(f)(3)) is
18 amended by striking “, with the concurrence of the
19 Office of Government Ethics,”.

20 (2) ETHICS IN GOVERNMENT ACT OF 1978.—(A)
21 The heading for section 401 of the Ethics in Gov-
22 ernment Act of 1978 is amended to read as follows:
23 “ESTABLISHMENT; APPOINTMENT OF DIRECTOR”.

24 (B) Section 408 of such Act is amended by
25 striking “March 31” and inserting “April 30”.

1 **SEC. 5. LIMITATION ON POSTEMPLOYMENT RESTRICTIONS.**

2 Section 207(j) of title 18, United States Code, is
3 amended by adding at the end the following new para-
4 graph:

5 “(7) **POLITICAL PARTIES AND CAMPAIGN COM-**
6 **MITTEES.**—(A) Except as provided in subparagraph
7 (B), the restrictions contained in subsections (c),
8 (d), and (e) shall not apply to a communication or
9 appearance made solely on behalf of a candidate in
10 his or her capacity as a candidate, an authorized
11 committee, a national committee, a national Federal
12 campaign committee, a State committee, or a politi-
13 cal party.

14 “(B) Subparagraph (A) shall not apply to—

15 “(i) any communication to, or appearance
16 before, the Federal Election Commission by a
17 former officer or employee of the Federal Elec-
18 tion Commission; or

19 “(ii) a communication or appearance made
20 by a person who is subject to the restrictions
21 contained in subsections (c), (d), or (e) if, at
22 the time of the communication or appearance,
23 the person is employed by a person or entity
24 other than—

25 “(I) a candidate, an authorized com-
26 mittee, a national committee, a national

1 Federal campaign committee, a State com-
2 mittee, or a political party; or

3 “(II) a person or entity who rep-
4 resents, aids, or advises only persons or en-
5 tities described in subclause (I).

6 “(C) For purposes of this paragraph—

7 “(i) the term ‘candidate’ means any person
8 who seeks nomination for election, or election,
9 to Federal or State office or who has authorized
10 others to explore on his or her behalf the possi-
11 bility of seeking nomination for election, or elec-
12 tion, to Federal or State office;

13 “(ii) the term ‘authorized committee’
14 means any political committee designated in
15 writing by a candidate as authorized to receive
16 contributions or make expenditures to promote
17 the nomination for election, or the election, of
18 such candidate, or to explore the possibility of
19 seeking nomination for election, or the election,
20 of such candidate, except that a political com-
21 mittee that receives contributions or makes ex-
22 penditures to promote more than 1 candidate
23 may not be designated as an authorized com-
24 mittee for purposes of subparagraph (A);

1 “(iii) the term ‘national committee’ means
2 the organization which, by virtue of the bylaws
3 of a political party, is responsible for the day-
4 to-day operation of such political party at the
5 national level;

6 “(iv) the term ‘national Federal campaign
7 committee’ means an organization that, by vir-
8 tue of the bylaws of a political party, is estab-
9 lished primarily for the purpose of providing as-
10 sistance, at the national level, to candidates
11 nominated by that party for election to the of-
12 fice of Senator or Representative in, or Dele-
13 gate or Resident Commissioner to, the Con-
14 gress;

15 “(v) the term ‘State committee’ means the
16 organization which, by virtue of the bylaws of
17 a political party, is responsible for the day-to-
18 day operation of such political party at the
19 State level;

20 “(vi) the term ‘political party’ means an
21 association, committee, or organization that
22 nominates a candidate for election to any Fed-
23 eral or State elected office whose name appears
24 on the election ballot as the candidate of such
25 association, committee, or organization; and

1 “(vii) the term ‘State’ means a State of
2 the United States, the District of Columbia, the
3 Commonwealth of Puerto Rico, and any terri-
4 tory or possession of the United States.”.

5 **SEC. 6. PAY LEVEL.**

6 Section 207(c)(2)(A)(ii) of title 18, United States
7 Code, is amended by striking “level V of the Executive
8 Schedule,” and inserting “level 5 of the Senior Executive
9 Service,”.

○