

Public Law 104-179
104th Congress

An Act

Aug. 6, 1996
[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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Office of
Government
Ethics
Authorization
Act of 1996.
5 USC app. 101
note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Office of Government Ethics Authorization Act of 1996".

SEC. 2. GIFT ACCEPTANCE AUTHORITY.

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

- (1) by inserting "(a)" before "Upon the request"; and
- (2) by adding at the end the following:

"(b)(1) The Director is authorized to accept and utilize on behalf of the United States, any gift, donation, bequest, or devise of money, use of facilities, personal property, or services for the purpose of aiding or facilitating the work of the Office of Government Ethics.

"(2) No gift may be accepted—

"(A) that attaches conditions inconsistent with applicable laws or regulations; or

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

"(3) The Director shall establish written rules setting forth the criteria to be used in determining whether the acceptance of contributions of money, services, use of facilities, or personal property under this subsection would reflect unfavorably upon the ability of the Office of Government Ethics, or any employee of such Office, to carry out its responsibilities or official duties in a fair and objective manner, or would compromise the integrity or the appearance of the integrity of its programs or any official involved in those programs."

SEC. 3. EXTENSION OF AUTHORIZATION OF APPROPRIATIONS.

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

SEC. 4. REPEAL AND CONFORMING AMENDMENTS.

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provide for the display of the Code of Ethics for Government Service," approved July 3, 1980 (5 U.S.C. 7301 note), is repealed.

Rules.

(b) CONFORMING AMENDMENTS.—

(1) FDIA.—Section 12(f)(3) of the Federal Deposit Insurance Act (12 U.S.C. 1822(f)(3)) is amended by striking “, with the concurrence of the Office of Government Ethics,”.

(2) ETHICS IN GOVERNMENT ACT OF 1978.—(A) The heading for section 401 of the Ethics in Government Act of 1978 is amended to read as follows: 5 USC app. 401.

“ESTABLISHMENT; APPOINTMENT OF DIRECTOR”.

(B) Section 408 of such Act is amended by striking “March 31” and inserting “April 30”. 5 USC app. 408.

SEC. 5. LIMITATION ON POSTEMPLOYMENT RESTRICTIONS.

Section 207(j) of title 18, United States Code, is amended by adding at the end the following new paragraph:

“(7) POLITICAL PARTIES AND CAMPAIGN COMMITTEES.—(A) Except as provided in subparagraph (B), the restrictions contained in subsections (c), (d), and (e) shall not apply to a communication or appearance made solely on behalf of a candidate in his or her capacity as a candidate, an authorized committee, a national committee, a national Federal campaign committee, a State committee, or a political party.

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

“(i) any communication to, or appearance before, the Federal Election Commission by a former officer or employee of the Federal Election Commission; or

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

“(I) a candidate, an authorized committee, a national committee, a national Federal campaign committee, a State committee, or a political party; or

“(II) a person or entity who represents, aids, or advises only persons or entities described in subclause (I).

“(C) For purposes of this paragraph—

“(i) the term ‘candidate’ means any person who seeks nomination for election, or election, to Federal or State office or who has authorized others to explore on his or her behalf the possibility of seeking nomination for election, or election, to Federal or State office;

“(ii) the term ‘authorized committee’ means any political committee designated in writing by a candidate as authorized to receive contributions or make expenditures to promote the nomination for election, or the election, of such candidate, or to explore the possibility of seeking nomination for election, or the election, of such candidate, except that a political committee that receives contributions or makes expenditures to promote more than 1 candidate may not be designated as an authorized committee for purposes of subparagraph (A);

“(iii) the term ‘national committee’ means the organization which, by virtue of the bylaws of a political party,

is responsible for the day-to-day operation of such political party at the national level;

“(iv) the term ‘national Federal campaign committee’ means an organization that, by virtue of the bylaws of a political party, is established primarily for the purpose of providing assistance, at the national level, to candidates nominated by that party for election to the office of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress;

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

“(vi) the term ‘political party’ means an association, committee, or organization that nominates a candidate for election to any Federal or State elected office whose name appears on the election ballot as the candidate of such association, committee, or organization; and

“(vii) the term ‘State’ means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.”

SEC. 6. PAY LEVEL.

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

Approved August 6, 1996.

LEGISLATIVE HISTORY—H.R. 3235 (S. 699):

HOUSE REPORTS: No. 104-595, Pt. 1 (Comm. on the Judiciary).

SENATE REPORTS: No. 104-244 accompanying S. 699 (Comm. on Governmental Affairs).

CONGRESSIONAL RECORD, Vol. 142 (1996):

June 4, considered and passed House.

July 24, considered and passed Senate.