

103<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 2289

**[Report No. 103-785, Part I]**

To amend the Ethics in Government Act of 1978 to extend the authorization of appropriations for the Office of Government Ethics for 8 years, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 26, 1993

Mr. CLAY (by request) introduced the following bill; which was referred jointly to the Committees on Post Office and Civil Service and the Judiciary

OCTOBER 3, 1994

Reported from the Committee on Post Office and Civil Service with an amendment

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

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## A BILL

To amend the Ethics in Government Act of 1978 to extend the authorization of appropriations for the Office of Government Ethics for 8 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 1994”.

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

2 Section 403 of the Ethics in Government Act of 1978  
3 (5 U.S.C. App.) 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,  
9 bequest, or devise of money, use of facilities, personal  
10 property, or services for the purpose of aiding or facilitat-  
11 ing 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 would reflect unfavorably  
22 upon the ability of the Office of Government Ethics or  
23 any employee to carry out its responsibilities or official  
24 duties in a fair and objective manner, or would com-  
25 promise the integrity or the appearance of the integrity

1 of its programs or any official involved in those pro-  
 2 grams.”.

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

5 Section 405 of the Ethics in Government Act of 1978  
 6 (5 U.S.C. App.) is amended to read as follows:

7 “AUTHORIZATION OF APPROPRIATIONS

8 “There are authorized to be appropriated to carry out  
 9 the provisions of this title and for no other purpose such  
 10 sums as may be necessary for the 8 fiscal years beginning  
 11 with fiscal year 1995 and ending with fiscal year 2002.”.

12 **SEC. 4. EFFECTIVE DATE.**

13 This Act shall become effective on October 1, 1994.

14 **SECTION 1. SHORT TITLE.**

15 *This Act may be cited as the “Office of Government*  
 16 *Ethics Authorization Act of 1994”.*

17 **SEC. 2. AMENDMENTS TO THE ETHICS IN GOVERNMENT**  
 18 **ACT OF 1978.**

19 (a) *REFERENCES.*—*Except as otherwise expressly pro-*  
 20 *vided, whenever in this section an amendment or repeal is*  
 21 *expressed in terms of an amendment to, or repeal of, a sec-*  
 22 *tion or other provision, the reference shall be considered to*  
 23 *be made to a section or other provision of the Ethics in*  
 24 *Government Act of 1978 (5 U.S.C. App.).*

25 (b) *REAUTHORIZATION.*—*Section 405 is amended by*  
 26 *striking “purpose—” and all that follows thereafter through*

1 *the period and inserting “purpose, not to exceed*  
2 *\$14,000,000 for fiscal year 1995 and for each of the next*  
3 *7 fiscal years thereafter.”.*

4 (c) *ASSISTANCE FROM OTHER AGENCIES.—Section*  
5 *403 is amended—*

6 (1) *in paragraph (1) by striking “under this*  
7 *Act; and” and inserting “of the Office of Government*  
8 *Ethics; and”;* and

9 (2) *in paragraph (2) by striking “duties.” and*  
10 *inserting “duties under this Act or any other Act.”.*

11 (d) *GIFT ACCEPTANCE AUTHORITY.—Section 403, as*  
12 *amended by subsection (c), is further amended—*

13 (1) *by inserting “(a)” before “Upon the request”;*

14 (2) *in the next to last sentence by striking “this*  
15 *section” and inserting “this subsection”;* and

16 (3) *by adding at the end the following:*

17 *“(b)(1) The Director may accept and use, on behalf*  
18 *of the United States, any gift, donation, bequest, or devise*  
19 *of money, use of facilities, personal property, or services,*  
20 *for the purpose of aiding or facilitating the work of the Of-*  
21 *fice of Government Ethics.*

22 *“(2) No gift, donation, bequest, or devise may be so*  
23 *accepted if it—*

24 *“(A) attaches conditions inconsistent with appli-*  
25 *cable laws or regulations; or*

1           “(B) is conditioned on or will require the ex-  
2           penditure of appropriated funds that are not avail-  
3           able to the Office of Government Ethics.

4           “(3) The Director shall promulgate written rules set-  
5           ting forth the criteria to be used in determining whether  
6           the acceptance of such a gift, donation, bequest, or devise  
7           would reflect unfavorably on the ability of the Office of Gov-  
8           ernment Ethics or any employee to carry out its respon-  
9           sibilities or official duties in a fair and objective manner,  
10          or would compromise the integrity or the appearance of the  
11          integrity of its programs or any official involved in those  
12          programs.”.

13          (e) *REPORTS TO CONGRESS.*—Section 408 is amended  
14          by striking “March 31” and inserting “April 30”.

15          (f) *SECTION HEADING.*—The heading for section 401  
16          is amended to read as follows:

17          “ESTABLISHMENT; APPOINTMENT OF DIRECTOR”.

18          **SEC. 3. OTHER AMENDMENTS.**

19          (a) *ELIMINATION OF DISPLAY REQUIREMENT.*—The  
20          Act entitled “An Act to provide for the display of the Code  
21          of Ethics for Government Service”, approved July 3, 1980  
22          (5 U.S.C. 7301 note) is repealed.

23          (b) *FDIA.*—Effective as of the date of the enactment  
24          of this Act, section 12(f)(3) of the Federal Deposit Insurance  
25          Act (12 U.S.C. 1822(f)(3)) is amended by striking “, with  
26          the concurrence of the Office of Government Ethics,”.

1 **SEC. 4. EFFECTIVE DATE.**

2       *Except as provided in section 3(b), this Act shall be*  
3 *effective as of October 1, 1994.*