Public Law 96-19
96th Congress

An Act

To make technical and conforming changes to the financial disclosure provisions in the Ethics in Government Act of 1978.

June 13, 1979
[H.R. 2805]

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

Ethics in Government Act of 1978, amendment.

REFERENCE TO ACT

SECTION 1. Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to a section or other provision of the Ethics in Government Act of 1978.

2 USC 701 note.

TEMPORARY EMPLOYMENT

SEC. 2. (a)(1) Section 101(c) is amended by inserting before the last sentence the following sentence: "The provisions of the preceding sentence shall not apply to an individual who, as determined by the designated committee of the Senate or the designated committee of the House, as appropriate, is not reasonably expected to perform the duties of his office or position for more than sixty days in a calendar year, except that if he performs the duties of his office or position for more than sixty days in a calendar year, the report required by the preceding sentence shall be filed within fifteen days of the sixtieth day.".

Report filing for regular employees. 2 USC 701.

(2) Section 201 is amended by adding at the end thereof the following new subsection:

Report filing for executive branch employees. 5 USC app.

"(h) The provisions of subsections (a), (b), and (e) shall not apply to an individual who, as determined by the designated agency official or Secretary concerned (or in the case of a Presidential appointee under subsection (b), the Director of the Office of Government Ethics), is not reasonably expected to perform the duties of his office or position for more than sixty days in a calendar year, except that if such individual performs the duties of his office or position for more than sixty days in a calendar year—

"(1) the report required by subsections (a) and (b) shall be filed within fifteen days of the sixtieth day, and

"(2) the report required by subsection (e) shall be filed as provided in such subsection.".

(3) Section 301 is amended by adding at the end thereof the following new subsection:

Report filing for judicial branch employees. 28 USC app.

"(f) The provisions of subsections (a) and (d) shall not apply to an individual who, as determined by the Judicial Ethics Committee, is not reasonably expected to perform the duties of his office or position for more than sixty days in a calendar year, except that if such individual performs the duties of his office or position for more than sixty days in a calendar year—

"(1) the report required by subsection (a) shall be filed within fifteen days of the sixtieth day, and

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"(2) the report required by subsection (d) shall be filed as provided in such subsection.".

Congressional filing.
2 USC 701.

(b) Section 101(b) is amended—

(1) by inserting "(1)" after "(b)";

(2) by inserting before the period the following: "if such individual is or will be such an officer or employee on such May 15"; and

(3) by adding at the end thereof the following:

Report filing on termination.

"(2) Any individual whose employment as an officer or employee described in subsection (e) is terminated in any calendar year may be required—

"(A) under the rules of the House of Representatives, if such individual would, but for such termination, file a report with the Clerk pursuant to section 103(a), or

2 USC 703.

"(B) under the rules of the Senate, if such individual would, but for such termination, file a report with the Secretary pursuant to section 103(b),

to file a financial disclosure report covering (i) that part of such calendar year during which such individual was employed as such an officer or employee, and (ii) the preceding calendar year if the report required by paragraph (1) covering that calendar year has not been filed.".

2 USC 701.

(c)(1) Section 101 is amended by adding at the end thereof the following:

"(h) The designated committee of the House of Representatives, or the designated committee of the Senate, as the case may be, may grant a publicly available request for a waiver of any reporting requirement under this section for an individual who is expected to perform or has performed the duties of his office or position for less than one hundred and thirty days in a calendar year, but only if such committee determines that—

"(1) such individual is not a full-time employee of the Government,

"(2) such individual is able to provide services specially needed by the Government,

"(3) it is unlikely that the individual's outside employment or financial interests will create a conflict of interest, and

"(4) public financial disclosure by such individual is not necessary in the circumstances.".

5 USC app.

(2) Section 201, as amended by subsection (a)(2), is amended by adding at the end thereof the following:

"(i) The Director of the Office of Government Ethics may grant a publicly available request for a waiver of any reporting requirement under this section for an individual who is expected to perform or has performed the duties of his office or position less than one hundred and thirty days in a calendar year, but only if the Director determines that—

"(1) such individual is not a full-time employee of the Government,

"(2) such individual is able to provide services specially needed by the Government,

"(3) it is unlikely that the individual's outside employment or financial interests will create a conflict of interest, and

"(4) public financial disclosure by such individual is not necessary in the circumstances.".

28 USC app.

(3) Section 301, as amended by subsection (a)(3), is amended by adding at the end thereof the following:

"(g) The Committee may grant a publicly available request for a waiver of any reporting requirement under this section for an individual who is expected to perform or has performed the duties of his office or position less than one hundred and thirty days in a calendar year but only if the Committee determines that—

"(1) such individual is not a full-time employee of the Government,

"(2) such individual is able to provide services specially needed by the Government,

"(3) it is unlikely that the individual's outside employment or financial interests will create a conflict of interest, and

"(4) public financial disclosure by such individual is not necessary in the circumstances.".

GIFTS AND REIMBURSEMENTS

SEC. 3. (a)(1) Section 102 is amended by inserting after subsection (f) the following new subsection: 2 USC 702.

"(g) A report filed pursuant to subsection (a) or (b) of section 101 need not contain the information described in subparagraphs (A), (B), and (C) of subsection (a)(2) with respect to gifts and reimbursements received in a period when the reporting individual was not a Member or an officer or employee of the Federal Government." 2 USC 701.

(2) Section 202 is amended by inserting after subsection (g) the following new subsection: 5 USC app.

"(h) A report filed pursuant to subsection (d) or (e) of section 201 need not contain the information described in subparagraphs (A), (B), and (C) of subsection (a)(2) with respect to gifts and reimbursements received in a period when the reporting individual was not an officer or employee of the Federal Government.". 5 USC app.

(3) Section 302 is amended by inserting after subsection (g) the following new subsection: 28 USC app.

"(h) A report filed pursuant to subsection (c) or (d) of section 301 need not contain the information described in subparagraphs (A), (B), and (C) of subsection (a)(2) with respect to gifts and reimbursements received in a period when the reporting individual was not an officer or employee of the Federal Government."

(b)(1) Sections 102(a)(2), 202(a)(2) and 302(a)(2) are each amended by adding at the end thereof the following: 2 USC 702; 5 USC app.; 28 USC app.

"(D) In an unusual case, a gift need not be aggregated under subparagraph (A) or (B) if a publicly available request for a waiver is granted.".

(2) Sections 102(a)(2)(B), 202(a)(2)(B), and 302(a)(2)(B) are each amended by striking out the last sentence.

COVERAGE

SEC. 4. (a) Section 209 is amended— 5 USC app.

(1) by striking out "and" at the end of paragraph (9),

(2) by striking out the period at the end of paragraph (10) and inserting in lieu thereof "; and"; and

(3) by inserting at the end the following:

"(11) 'executive branch' includes each Executive agency (as defined in section 105 of title 5, United States Code) and any other entity or administrative unit in the executive branch unless such agency, entity, or unit is specifically included in the coverage of title I or III of this Act.". "Executive branch." 2 USC 701; 28 USC app.

2 USC 701.

(b)(1) The last sentence of section 101(e) is amended by inserting "National Commission on Air Quality," after "Physician,".

2 USC 703.

(2) Section 103(b) is amended by inserting "National Commission on Air Quality," after "Assessment,".

28 USC app.

(c)(1) Section 308(9) is amended by inserting "Tax Court;" after "Customs Court;".

(2) Section 308(10) is amended by inserting "or of the Tax Court" after "Government".

2 USC 701.
5 USC app.

(d) Subsections (b) and (c) of section 101, and subsections (a), (d), and (e) of section 201 are each amended by striking out "designated" each place it occurs and inserting in lieu thereof "described".

(e) Section 101(b) is amended by striking out "as described" and inserting in lieu thereof "described".

(f) Section 101(c) is amended by striking out "other than an individual employed in the legislative branch upon assuming such position" and inserting in lieu thereof ", other than an individual who was employed in the legislative branch immediately before he assumed such position,".

(g) Section 201(f)(6) is amended by inserting "or Postal Rate Commission" after "United States Postal Service" the second place it appears.

CANDIDATES

2 USC 701;
5 USC app.

SEC. 5. Sections 101(d) and 201(c) are each amended by adding at the end thereof the following new sentence: "Notwithstanding the preceding sentence, in any calendar year in which an individual continues to be a candidate for any office but all elections for such office relating to such candidacy were held in prior calendar years, such individual need not file a report unless he becomes a candidate for another vacancy in that office or another office during that year.".

INFORMATION RELATING TO SPOUSES

2 USC 702;
5 USC app.;
28 USC app.

SEC. 6. (a) Sections 102(d), 202(e), and 302(e) are each amended—

(1) by inserting "gifts received by a spouse which are" in place of "gift which is" in paragraph (1)(B),

(2) by striking out in such paragraph "or a brief" and inserting in lieu thereof "and a brief",

(3) by inserting "reimbursements received by a spouse which are" in lieu of "reimbursement which is" in paragraph (1)(C),

(4) by inserting in paragraph (1)(C) "each such reimbursement." in lieu of "the reimbursement." and

(5) by striking out "spouse" and inserting in lieu thereof "spouse's" in paragraph (1)(D).

(b) Sections 202(e)(1)(D)(i) and 302(e)(1)(D)(i) are each amended by inserting a comma immediately after "knowledge of".

BLIND TRUST PROVISIONS

SEC. 7. (a) Sections 102(e)(3)(A), 202(f)(3)(A), and 302(f)(3)(A) are each amended by striking out "or a broker" and inserting "a broker, or an investment adviser".

(b) The last sentence of sections 102(e)(3), 202(f)(3), and 302(f)(3) are each amended by inserting "'investment adviser' includes any investment adviser who, as determined under regulations prescribed by the supervising ethics office, is generally involved in his role as

such an adviser in the management or control of trusts;" before "and 'supervising ethics office'".

(c) Sections 102(e)(3)(A)(ii), 202(f)(3)(A)(ii), and 302(f)(3)(A)(ii) are each amended by striking out "is or" and inserting in lieu thereof "is not or". 2 USC 702; 5 USC app.; 28 USC app.

(d)(1) The sentence following subparagraph (D) of subsection (e)(3) of section 102 is amended— 2 USC 702.

(1) by striking out "section 78 of title 15, United States Code" and inserting in lieu thereof "section 3(a)(4) of the Securities and Exchange Act of 1934 (15 U.S.C. 78c(a)(4))", and

(2) by striking out "their reports" and inserting in lieu thereof "the reports".

(2) The sentence following subparagraph (D) of subsection (f)(3) of section 202 and the sentence following subparagraph (D) of subsection (f)(3) of section 302 are each amended by striking out "section 78 of title 15, United States Code" and inserting in lieu thereof "section 3(a)(4) of the Securities and Exchange Act of 1934 (15 U.S.C. 78(c)(4))".

(e) Subparagraphs (A)(ii) and (B) of section 202(f)(5) and subparagraphs (A)(ii) and (B) of section 302(f)(5) are each amended by inserting "of this section" after "subsection (d)".

(f) Sections 102(e)(5)(D), 202(f)(5)(D), and 302(f)(5)(D) are each amended by inserting the following before the period: "with respect to such documents and lists".

APPLICATIONS FOR INSPECTION OF REPORTS

SEC. 8. (a) Section 104 is amended by redesignating subsection (c) as paragraph (2) and by inserting after subsection (b) the following new paragraph: 2 USC 704.

"(c)(1) Notwithstanding subsections (a) and (b), a report may not be made available under this section to any person nor may any copy thereof be provided under this section to any person except upon a written application by such person stating—

"(A) that person's name, occupation, and address;

"(B) the name and address of any other person or organization on whose behalf the inspection or copy is requested; and

"(C) that such person is aware of the prohibitions on the obtaining or use of the report.

Any such application shall be made available to the public throughout the period during which the report is made available to the public.".

(b) Section 205(b) is amended by inserting "(1)" after "(b)" and by adding at the end thereof the following new paragraph: 5 USC app.

"(2) Notwithstanding paragraph (1), a report may not be made available under this section to any person nor may any copy thereof be provided under this section to any person except upon a written application by such person stating—

"(A) that person's name, occupation and address;

"(B) the name and address of any other person or organization on whose behalf the inspection or copy is requested; and

"(C) that such person is aware of the prohibitions on the obtaining or use of the report.

Any such application shall be made available to the public throughout the period during which the report is made available to the public.".

(c) Section 305(b) is amended by inserting "(1)" after "(b)" and by adding at the end thereof the following new paragraph: 28 USC app.

"(2) Notwithstanding paragraph (1), a report may not be made available under this section to any person nor may any copy thereof be provided under this section to any person except upon a written application by such person stating—

"(A) that person's name, occupation and address;

"(B) the name and address of any other person or organization on whose behalf the inspection or copy is requested; and

"(C) that such person is aware of the prohibitions on the obtaining or use of the report.

Any such application shall be made available to the public throughout the period during which the report is made available to the public.".

MISCELLANEOUS

2 USC 703.

SEC. 9. (a) Section 103(f) is amended to read as follows:

"(f) In order to carry out their responsibilities under this title, the designated committee of the House of Representatives, and the designated committee of the Senate, shall develop reporting forms and may promulgate rules and regulations.".

2 USC 702.

(b) The first sentence of paragraph (6) of section 102(a) is amended by inserting "held" after "positions".

(c)(1) Section 102(b) is amended to read as follows:

"(b) Each report filed pursuant to subsections (c) and (d) of section 101 shall include a full and complete statement with respect to the information required by—

"(1) paragraph (1) of subsection (a) for the year of filing and the preceding calendar year,

"(2) paragraphs (3) and (4) of subsection (a) as of the date specified in the report but which is less than thirty-one days before the filing date, and

"(3) paragraph (6) and, in the case of reports filed under section 101(c), paragraph (7) of subsection (a) as of the filing date but for periods described in such paragraphs.".

5 USC app.

(2) Section 202(b) is amended to read as follows:

"(b) Each report filed pursuant to subsections (a), (b), and (c) of

5 USC app.

section 201 shall include a full and complete statement with respect to the information required by—

"(1) paragraph (1) of subsection (a) for the year of filing and the preceding calendar year,

"(2) paragraphs (3) and (4) of subsection (a) as of the date specified in the report but which is less than thirty-one days before the filing date, and

"(3) paragraphs (6) and (7) of subsection (a) as of the filing date but for periods described in such paragraphs.".

28 USC app.

(3) Section 302(b) is amended to read as follows:

"(b) Each report filed pursuant to subsections (a) and (b) of section

28 USC app.

301 shall include a full and complete statement with respect to the information required by—

"(1) paragraph (1) of subsection (a) for the year of filing and the preceding calendar year,

"(2) paragraphs (3) and (4) of subsection (a) as of the date specified in the report but which is less than thirty-one days before the filing date, and

"(3) paragraphs (6) and (7) of subsection (a) as of the filing date but for periods described in such paragraphs.".

2 USC 707;
5 USC app.;
28 USC app.

(d) Sections 107(1), 209(1), and 308(1) are each amended by striking out "net and gross income derived from business" and inserting

"gross income derived from business (and net income if the individual elects to include it)".

(e)(1) Section 402(d) is repealed. Repeal. 5 USC app.

(2) Section 402(b) is amended—

(A) by striking out "and" at the end of paragraph (13);

(B) by striking out the period at the end of paragraph (14) and inserting "; and"; and

(C) by adding at the end thereof the following: Rules and regulations.

"(15) developing and recommending for promulgation by the Office of Personnel Management such rules and regulations as the Director determines necessary or desirable with respect to the evaluation of any item required to be reported by title II of this Act.". 5 USC app.

(f) Section 204(c) is amended by striking out "Civil Service Commission" and inserting "Office of Personnel Management". 5 USC app.

(g) Section 107(16) is amended by inserting closed quotation marks immediately after "Representatives" and inserting open quotation marks immediately before "designated committee of the Senate". 2 USC 707.

(h) Section 201(e) is amended by striking out "that calendar year" and inserting in lieu thereof "the calendar year in which such termination occurs". 5 USC app.

(i) Section 201(g) is amended by striking out "established by title IV of this Act".

(j) Sections 102(a)(7), 202(a)(7), and 302(a)(7) are each amended by striking out the colon after "arrangement with respect to". 2 USC 702; 5 USC app.; 28 USC app.

(k) Section 203(a) is amended by inserting after "is employed" the following: "(or in the case of an individual described in section 201(e), was employed)". 5 USC app.

(l) Section 205(c)(1) is amended by striking out the comma immediately after "obtain". 5 USC app.

(m) Section 206(a) is amended by striking out "shall be" and inserting in lieu thereof "is". 5 USC app.

(n) Section 207(b) is amended by inserting a comma immediately after "require disclosure". 5 USC app.

(o) Section 209(2) is amended by inserting a comma immediately after "grandson". 5 USC app.

(p) Section 301(d) is amended— 28 USC app.

(1) by inserting a comma immediately after "employee shall"; and

(2) by striking out "that calendar year" and inserting in lieu thereof "the calendar year in which such termination occurs".

(q) Section 302(f)(6)(B)(i) is amended by striking out the comma immediately after "paragraph (3)(C)" and inserting a comma immediately after "subsection". 28 USC app.

(r) Section 303(c)(6) is amended by adding "and" at the end thereof. 28 USC app.

5 USC app.

(s) Section 402(b)(1) is amended—

(1) by striking out "consulation" and inserting in lieu thereof "consultation";

(2) by striking out the comma after "rules and regulations" the first place it appears; and

(3) by striking out the comma after "President".

2 USC 708.

(t) Section 108 is amended by inserting immediately after "by reason of" the following: "holding the office of Member or".

Approved June 13, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-114, pt. 1 (Comm. on Post Office and Civil Service) and No. 96-114, pt. 2 (Comm. on the Judiciary).

CONGRESSIONAL RECORD, Vol. 125 (1979):

May 14, considered and passed House.

May 23, considered and passed Senate.