

Public Law 101-280
101st Congress

Joint Resolution

To make technical changes in the Ethics Reform Act of 1989.

May 4, 1990
[H.J. Res. 553]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PURPOSE.

It is the purpose of this joint resolution to make technical corrections in the Ethics Reform Act of 1989.

Government
organization and
employees.
District of
Columbia.
5 USC app. 101
note.

SEC. 2. AMENDMENTS PERTAINING TO TITLE I.

(a) AMENDMENTS TO SECTION 207 OF TITLE 18.—Section 207 of title 18, United States Code, as amended by section 101 of the Ethics Reform Act of 1989 (Public Law 101-194), is amended as follows:

(1) Subsection (a)(1) is amended—

(A) by inserting “(including any special Government employee)” after “employee” the first place it appears;

(B) by striking “Government” after “United States” each place it appears;

(C) by striking “and any special Government employee”;

(D) by striking “as the case may be,” each place it appears;

(E) by striking “(except the United States)” and inserting “(except the United States or the District of Columbia)”;

(F) in subparagraph (A) by inserting “or the District of Columbia” after “United States”.

(2) Subsection (a)(2) is amended—

(A) by striking “Government” the first place it appears and inserting “or the District of Columbia”;

(B) by striking “(except the United States)” and inserting “(except the United States or the District of Columbia)”;

(C) in subparagraph (A) by inserting “or the District of Columbia” after “United States”; and

(D) in subparagraph (B) by striking “Government”.

(3) Subsection (a) is amended by adding at the end the following:

“(3) CLARIFICATION OF RESTRICTIONS.—The restrictions contained in paragraphs (1) and (2) shall apply—

“(A) in the case of an officer or employee of the executive branch of the United States (including any independent agency), only with respect to communications to or appearances before any officer or employee of any department, agency, court, or court-martial of the United States on behalf of any other person (except the United States), and only with respect to a matter in which the United States is a party or has a direct and substantial interest; and

“(B) in the case of an officer or employee of the District of Columbia, only with respect to communications to or appearances before any officer or employee of any department, agency,

or court of the District of Columbia on behalf of any other person (except the District of Columbia), and only with respect to a matter in which the District of Columbia is a party or has a direct and substantial interest.”

(4) Subsection (b)(1) is amended—

(A) by striking “a former officer or employee” and inserting “a former officer or employee of the executive branch of the United States (including any independent agency) and is”;

(B) by striking “and any person described in subsection (e)(7)” and inserting “or any person who is a former officer or employee of the legislative branch or a former Member of Congress”;

(C) by striking “and which is so designated by the appropriate department or agency, shall not, on the basis of that information, which the person knew or should have known was so designated, knowingly represent” and inserting “which is so designated by the appropriate department or agency, and which the person knew or should have known was so designated, shall not, on the basis of that information, knowingly represent”;

(D) by inserting “a period of” before “1 year”; and

(E) by striking “Government”.

(5) Subsection (c) is amended—

(A) in paragraph (1) by striking “of the executive branch” and inserting “(including any special Government employee) of the executive branch of the United States”; and

(B) in paragraph (2)—

(i) in subparagraph (A)(i)—

(I) by inserting “specified in or” after “pay” the first place it appears; and

(II) by striking “or a comparable or greater rate of pay under other authority,”;

(ii) in subparagraph (A)(ii) by striking “basic rate of” each place it appears and inserting “rate of basic”; and

(iii) by striking subparagraph (C) and redesignating subparagraph (D) as subparagraph (C).

(6) Subsection (d) is amended—

(A) in paragraph (1)(B) by striking “paid” and inserting “in the executive branch of the United States (including any independent agency)”; and

(B) in paragraph (2)—

(i) by amending the paragraph caption to read as follows: “PERSONS WHO MAY NOT BE CONTACTED”; and

(ii) in subparagraph (B) by striking “other”.

(7) Subsection (e) is amended—

(A) in paragraph (6) by striking “basic rate of” each place it appears and inserting “rate of basic”; and

(B) in paragraph (7) in subparagraphs (L) and (M) by inserting “on or” before “after the effective date” each place it appears.

(8) Subsection (f)(1) is amended—

(A) by striking “subsection (c), (d), or (e), as the case may be” and inserting “such subsection”;

(B) in subparagraph (A)—

(i) by striking “the interests of”; and

(ii) by striking “of the Government”; and

(C) in subparagraph (B) by striking "of the Government".

(9) Subsection (i) is amended by striking paragraph (1) and inserting the following:

"(1) the term 'officer or employee', when used to describe the person to whom a communication is made or before whom an appearance is made, with the intent to influence, shall include—

"(A) in subsections (a), (c), and (d), the President and the Vice President; and

"(B) in subsection (f), the President, the Vice President, and Members of Congress;".

(10) Subsection (j) is amended—

(A) in paragraph (1)—

(i) by striking "subsections (a), (c), (d), and (e)" and inserting "this section";

(ii) by striking "as an officer or employee of" and inserting "on behalf of"; and

(iii) by striking "Government" and inserting "or the District of Columbia";

(B) in paragraph (3)—

(i) by striking "subsections (c), (d), and (e)" and inserting "this section"; and

(ii) by striking "of which the United States is a member" and inserting "in which the United States participates, if the Secretary of State certifies in advance that such activity is in the interests of the United States";

(C) in paragraph (4)—

(i) in the paragraph caption by striking "PERSONAL MATTERS AND SPECIAL" and inserting "SPECIAL";

(ii) by striking "apply to appearances" and all that follows through "subsections";

(iii) by striking "prevent a former officer or employee" and inserting "prevent an individual";

(iv) by striking "former officer's or employee's" and inserting "individual's"; and

(v) by striking ", other than that regularly provided for by law or regulation for witnesses";

(D) in paragraph (5)—

(i) by striking "(d), and (e)" and inserting "and (d)"; and

(ii) by adding at the end the following: "For purposes of this paragraph, the term 'officer or employee' includes the Vice President."; and

(E) in paragraph (6)—

(i) in the first sentence by striking "a former Member" and all that follows through "employee)" and inserting "an individual"; and

(ii) in the second sentence by striking "sentence, a former" and all that follows through the end of the paragraph and inserting the following: "sentence—

"(A) a former officer or employee of the executive branch of the United States (including any independent agency) who is subject to the restrictions contained in subsection (a)(1) with respect to a particular matter may not, except pursuant to court order, serve as an expert witness for any other person (except the United States) in that matter; and

“(B) a former officer or employee of the District of Columbia who is subject to the restrictions contained in subsection (a)(1) with respect to a particular matter may not, except pursuant to court order, serve as an expert witness for any other person (except the District of Columbia) in that matter.”.

18 USC 207 note.

(b) **EFFECTIVE DATE.**—Section 102 of the Ethics Reform Act of 1989 is amended—

(1) in subsection (a)—

(A) by striking “Subject to subsection (b)” and inserting “(1) Subject to paragraph (2) and to subsection (b)”; and
(B) by adding at the end the following:

“(2) Subject to subsection (b), the amendments made by section 101 take effect at noon on January 3, 1991, with respect to Members of Congress (within the meaning of section 207 of title 18, United States Code).”; and

(2) in subsection (b), by inserting “, the Vice President,” after “Congress”.

SEC. 3. AMENDMENTS PERTAINING TO TITLE II.

5 USC app. 101
et seq.

Title I of the Ethics in Government Act of 1978 is amended as follows:

(1) **JUDICIAL CONFERENCE.**—Title I is amended by striking “of the United States” after “Judicial Conference” each place it appears, except for section 109(9).

5 USC app. 101.

(2) **PERSONS REQUIRED TO FILE.**—Section 101(e) is amended by striking “the later of May 15 or”.

5 USC app. 102.

(3) **CONTENTS OF REPORTS.**—Section 102 is amended—

(A) in subsection (a)—

(i) in paragraph (1)(A) by striking “such individuals” and inserting “the reporting individual”;

(ii) in paragraph (3) by striking “parent, brother, sister, or child” and inserting “, or by a parent, brother, sister, or child of the reporting individual or of the reporting individual’s spouse.”; and

(iii) in paragraph (4) by striking “relative” and inserting “spouse, or a parent, brother, sister, or child of the reporting individual or of the reporting individual’s spouse”;

(B) in subsection (e)(1)(E) by inserting “of subsection (a)” after “(5)”;

(C) in subsection (f)—

(i) in paragraph (3)—

(I) in subparagraph (A)(i)(II) by striking the comma after “involved in”;

(II) by amending subparagraph (A)(ii)(II) to read as follows:

“(II) is not a partner of, or involved in any joint venture or other investment with, any interested party; and”;

(III) in subparagraph (F) by striking “this section” and inserting “title II of the Ethics Reform Act of 1989”; and

(ii) in paragraph (6) (A) and (B) by striking “or negligently” each place it appears and inserting “and willfully, or negligently.”; and

(D) by adding at the end of section 102 the following:

“(i) A reporting individual shall not be required under this title to report—

“(1) financial interests in or income derived from—

“(A) any retirement system under title 5, United States Code (including the Thrift Savings Plan under subchapter III of chapter 84 of such title); or

“(B) any other retirement system maintained by the United States for officers or employees of the United States, including the President, or for members of the uniformed services; or

“(2) benefits received under the Social Security Act.”.

(4) FILING OF REPORTS.—Section 103 is amended—

5 USC app. 103.

(A) in subsection (c) by inserting “individuals nominated to be judicial officers and” after “Houses of Congress other than”;

(B) in subsection (d) by inserting “of the Office of Government Ethics” after “Director”;

(C) in subsection (e)—

(i) by inserting “who is a candidate for nomination or election to the Office of President or Vice President” after “section 101(c)”; and

(ii) by striking “Elections” and inserting “Election”;

(D) in subsection (g) by striking “The Office of Government Ethics” and inserting “Each supervising ethics office”;

(E) by amending subsection (h)(1)(A)(i) to read as follows:

“(A)(i)(I) the Clerk of the House of Representatives, in the case of a Representative in Congress, a Delegate to Congress, the Resident Commissioner from Puerto Rico, an officer or employee of the Congress whose compensation is disbursed by the Clerk of the House of Representatives, an officer or employee of the Architect of the Capitol, the United States Botanic Garden, the Congressional Budget Office, the Government Printing Office, the Library of Congress, or the Copyright Royalty Tribunal (including any individual terminating service, under section 101(e), in any office or position referred to in this subclause), or an individual described in section 101(c) who is a candidate for nomination or election as a Representative in Congress, a Delegate to Congress, or the Resident Commissioner from Puerto Rico; and

“(II) the Secretary of the Senate, in the case of a Senator, an officer or employee of the Congress whose compensation is disbursed by the Secretary of the Senate, an officer or employee of the General Accounting Office, the Office of Technology Assessment, or the Office of the Attending Physician (including any individual terminating service, under section 101(e), in any office or position referred to in this subclause), or an individual described in section 101(c) who is a candidate for nomination or election as a Senator; and”;

(F) in subsection (h)(1)(A)(ii)—

(i) in subclause (I) by striking “congressional ethics committee” and inserting “Secretary of the Senate or the Clerk of the House of Representatives, as the case may be, as”; and

(ii) in subclause (II)—

(I) by striking “Senate Select Committee on Ethics” and inserting “Secretary of the Senate”; and

(II) by striking "Committee on Standards of Official Conduct" and inserting "Clerk"; and

(G) by adding at the end of section 103 the following:

"(i) A copy of each report filed under this title by a Member or an individual who is a candidate for the office of Member shall be sent by the Clerk of the House of Representatives or Secretary of the Senate, as the case may be, to the appropriate State officer designated under section 316(a) of the Federal Election Campaign Act of 1971 of the State represented by the Member or in which the individual is a candidate, as the case may be, within the 7-day period beginning on the day the report is filed with the Clerk or Secretary.

"(j)(1) A copy of each report filed under this title with the Clerk of the House of Representatives shall be sent by the Clerk to the Committee on Standards of Official Conduct of the House of Representatives within the 7-day period beginning on the day the report is filed.

"(2) A copy of each report filed under this title with the Secretary of the Senate shall be sent by the Secretary to the Select Committee on Ethics of the Senate within the 7-day period beginning on the day the report is filed.

"(k) In carrying out their responsibilities under this title with respect to candidates for office, the Clerk of the House of Representatives and the Secretary of the Senate shall avail themselves of the assistance of the Federal Election Commission. The Commission shall make available to the Clerk and the Secretary on a regular basis a complete list of names and addresses of all candidates registered with the Commission, and shall cooperate and coordinate its candidate information and notification program with the Clerk and the Secretary to the greatest extent possible."

5 USC app. 104.

(5) FAILURE TO FILE.—Section 104 is amended—

(A) in subsection (b), by striking "Chairman of the Judicial Conference" and inserting "Judicial Conference"; and

(B) in subsection (d)(1) by striking "shall pay a filing fee of \$200 to the miscellaneous receipts of the General Treasury" and inserting "shall, at the direction of and pursuant to regulations issued by the supervising ethics office, pay a filing fee of \$200. All such fees shall be deposited in the miscellaneous receipts of the Treasury. The authority under this paragraph to direct the payment of a filing fee may be delegated by the supervising ethics office in the executive branch to other agencies in the executive branch."

(6) INDEPENDENT COUNSEL; CONFORMING AMENDMENTS.—(A)

Section 105(a) is amended to read as follows:

"SEC. 105. (a) Each agency, each supervising ethics office in the executive or judicial branch, the Clerk of the House of Representatives, and the Secretary of the Senate shall make available to the public, in accordance with subsection (b), each report filed under this title with such agency or office or with the Clerk or the Secretary of the Senate, except that—

"(1) this section does not require public availability of a report filed by any individual in the Central Intelligence Agency, the Defense Intelligence Agency, or the National Security Agency, or any individual engaged in intelligence activities in any agency of the United States, if the President finds or has found that, due to the nature of the office or position occupied by such

5 USC app. 105.
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individual, public disclosure of such report would, be revealing the identity of the individual or other sensitive information, compromise the national interest of the United States; and such individuals may be authorized, notwithstanding section 104(a), to file such additional reports as are necessary to protect their identity from public disclosure if the President first finds or has found that such filing is necessary in the national interest; and

“(2) any report filed by an independent counsel whose identity has not been disclosed by the division of the court under chapter 40 of title 28, United States Code, and any report filed by any person appointed by that independent counsel under such chapter, shall not be made available to the public under this title.”.

(B) Section 105(b)(1) is amended—

5 USC app. 105.

(i) in the first sentence—

(I) by striking “and each supervising ethics office” and inserting “, each supervising ethics office in the executive or judicial branch, the Clerk of the House of Representatives, and the Secretary of the Senate”; and

(II) by striking “by such agency or office under this title” and inserting “under this title by such agency or office or by the Clerk or the Secretary of the Senate, as the case may be,”; and

(ii) in the second sentence by striking “or office” and inserting “, office, Clerk, or Secretary of the Senate, as the case may be”; and

(C) Section 105(d) is amended—

(i) by inserting “or to the Clerk of the House of Representatives or the Secretary of the Senate” after “ethics office”; and

(ii) by inserting “or by the Clerk or the Secretary of the Senate” after “or office”.

5 USC app. 106.

(7) REVIEW OF REPORTS.—Section 106(b) is amended—

(A) by striking “the Chairman of the Judicial Conference” each place it appears and inserting “a person designated by the Judicial Conference”;

(B) in paragraph (1) by striking “Secretary concerned, designated agency ethics official, or” and inserting “the Secretary concerned, the designated agency ethics official,”;

(C) in paragraph (2) by striking “Secretary concerned, designated agency ethics official or” and inserting “the Secretary concerned, the designated agency ethics official,”;

(D) in paragraph (3) by striking “Secretary concerned, designated agency ethics official, a congressional ethics committee, or the” and inserting “the Secretary concerned, the designated agency ethics official, a person designated by a congressional ethics committee, or a person designated by the”;

(E) in paragraph (4)—

(i) by inserting “in the executive branch” after “position”; and

(ii) by striking “foreign service” and inserting “Foreign Service”;

(F) in paragraph (5) by striking “foreign service” and inserting “Foreign Service”; and

(G) in paragraph (6) by striking “employee” and inserting “employee,”.

(8) DEFINITIONS.—Section 109 is amended—

5 USC app. 109.

(A) in paragraph (1) by striking "Senate Select Committee on Ethics" and inserting "Select Committee on Ethics of the Senate";

(B) in paragraph (4) by inserting ", other than the General Accounting Office," after "Code";

(C) in paragraph (5)—

(i) in subparagraph (C) by inserting ", the District of Columbia, or a State or local government or political subdivision thereof" after "United States Government";

(ii) by amending subparagraph (D) to read as follows: "(D) food and beverages which are not consumed in connection with a gift of overnight lodging;";

(iii) in subparagraph (E)—

(I) by striking "individual" and inserting "individual,"; and

(II) by adding "or" after the semicolon; and

(iv) by adding after subparagraph (E) the following: "(F) consumable products provided by home-State businesses to the offices of a reporting individual who is an elected official, if those products are intended for consumption by persons other than such reporting individual;";

(D) in paragraph (8)—

(i) by striking "Tax Court," and inserting "United States Sentencing Commission, of the Tax Court, of the Claims Court,"; and

(ii) by striking "who receives compensation" and all that follows through "Code" and inserting "who is paid at a rate of basic pay equal to or greater than the minimum rate of basic pay in effect for grade GS-16 of the General Schedule";

(E) in paragraph (10)—

(i) by striking "the Canal Zone, Guam," and inserting "Guam, the Northern Mariana Islands,";

(ii) by striking "Court of Claims,"; and

(iii) by inserting "Claims Court, Court of Veterans Appeals," after "Tax Court,";

(F) in paragraph (13)(B)(i)—

(i) by striking "60 consecutive" and inserting "at least 60"; and

(ii) by striking "equal to or in excess of" and inserting "of basic pay equal to or greater than";

(G) in paragraph (15)(A) by inserting ", the District of Columbia, or a State or local government or political subdivision thereof" after "Government";

(H) in paragraph (17)—

(i) in subparagraph (A) by striking "and" after the semicolon;

(ii) in subparagraph (B) by adding "and" after the semicolon; and

(iii) by adding after subparagraph (B) the following: "(C) the Secretary of State, with respect to matters concerning the Foreign Service,"; and

(I) in paragraph (18)—

(i) in subparagraph (A) by striking "such committee" and inserting "the Secretary of the Senate";

(ii) in subparagraph (B) by striking “such committee” and inserting “the Clerk of the House of Representatives”; and

(iii) in subparagraph (D) by inserting “officers and” after “branch”.

(9) ADMINISTRATION OF PROVISIONS.—Section 111 is amended— 5 USC app. 111.

(A) in paragraph (2) by striking “Senate Select Committee on Ethics” and inserting “Select Committee on Ethics of the Senate”;

(B) in paragraph (3) by striking “and clerk of the applicable court, as appropriate,”; and

(C) by adding at the end the following:

“The Judicial Conference may delegate any authority it has under this title to an ethics committee established by the Judicial Conference.”

(10) EFFECTIVE DATE FOR TITLE II.—(A) Section 112 of the Ethics in Government Act of 1978 (5 U.S.C. App.), as amended by the Ethics Reform Act of 1989, is repealed. 5 USC app. 112.

(B) Title II of the Ethics Reform Act of 1989 is amended by adding at the end the following:

“SEC. 204. EFFECTIVE DATE.

5 USC app. 101
note.

“The amendments made by this title and the repeal made by section 201 shall take effect on January 1, 1991, except that the provisions of section 102(f)(4)(B) of the Ethics in Government Act of 1978, as amended by this title, shall be effective as of January 1, 1990.”

(C) The provisions of titles I, II, and III of the Ethics in Government Act of 1978, as in effect on the day before the date of the enactment of the Ethics Reform Act of 1989, shall be effective for the period beginning on November 30, 1989, and ending on January 1, 1991, as if the Ethics Reform Act of 1989 had not been enacted, except that the provisions of section 202(f)(4)(B) of the Ethics in Government Act of 1978 shall be repealed as of January 1, 1990. 5 USC app. 101
note.

(D) Nothing in title II of the Ethics Reform Act of 1989 or the amendments made by such title shall be construed to prevent the prosecution of civil actions against individuals for violations of the Ethics in Government Act of 1978 before January 1, 1991. 5 USC app. 101
note.

SEC. 4. AMENDMENTS PERTAINING TO TITLE III.

(a) GIFTS TO SUPERIORS.—Section 7351 of title 5, United States Code, is amended—

(1) in subsection (a)(2) by inserting “or give a gift” after “gift”; and

(2) in subsection (c)—

(A) by striking “The Office of Government Ethics” and inserting “Each supervising ethics office (as defined in section 7353(d)(1))”; and

(B) by striking “similar circumstances” and inserting “circumstances in which gifts are traditionally given or exchanged”.

(b) REDESIGNATION.—(1) Section 1352 of title 31, United States Code, as enacted by section 302 of the Ethics Reform Act of 1989, is amended by redesignating such section as section 1353.

(2) The item relating to section 1352 of title 31, United States Code, as enacted by section 302 of the Ethics Reform Act of 1989, in

the table of sections at the beginning of chapter 13 of such title, is amended by striking "1352" and inserting "1353".

(c) TRAVEL ACCEPTANCE AUTHORITY.—Section 1353 of title 31, United States Code, as redesignated by subsection (b) of this section, is amended—

(1) in subsection (a) in the first sentence by striking "or employee in the executive branch may accept payment" and inserting "in the executive branch (including an independent agency) may accept payment, or authorize an employee of such agency to accept payment on the agency's behalf,";

(2) in subsection (b)—

(A) by inserting "or 7342" after "section 4111"; and

(B) in paragraph (2) by striking "(1)" and inserting "(1),"; and

(3) in subsection (c)(1) by striking "any executive agency" and inserting "all executive agencies".

(d) GIFTS TO FEDERAL EMPLOYEES.—Section 7353 of title 5, United States Code, is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1) by striking "branches" and inserting "branch"; and

(B) in paragraph (1) by striking "regulated by the individual's employing agency" and inserting "regulated by, the individual's employing entity";

(2) in subsection (c) by striking "An employee" and inserting "A Member of Congress or an officer or employee"; and

(3) in subsection (d)—

(A) in paragraph (1)—

(i) in subparagraph (B) by striking "officers" and inserting "officers,"; and

(ii) by amending subparagraph (E) to read as follows: "(E) in the case of legislative branch officers and employees other than those specified in subparagraphs (A) and (B), the committee referred to in either such subparagraph to which reports filed by such officers and employees under title I of the Ethics in Government Act of 1978 are transmitted under such title, except that the authority of this section may be delegated by such committee with respect to such officers and employees; and"; and

(B) in paragraph (2) by striking "Government" and inserting "Government,".

SEC. 5. AMENDMENTS PERTAINING TO TITLE IV.

(a) DEFINITIONS.—(1) Section 202(c) of title 18, United States Code, is amended to read as follows:

"(c) Except as otherwise provided in such sections, the terms 'officer' and 'employee' in sections 203, 205, 207 through 209, and 218 of this title shall not include the President, the Vice President, a Member of Congress, or a Federal judge."

(2) Section 202(d) of title 18, United States Code, is amended by striking "shall include" and inserting "means".

(3) Section 202(e) of title 18, United States Code, is amended—

(1) in paragraph (1) by striking "means any" and inserting "includes each"; and

(2) in paragraph (3)—

(A) by amending subparagraph (A) to read as follows:

"(A) the Congress; and"; and

(B) in subparagraph (B) by striking "an officer or employee" and inserting "the Office".

(b) **COMPENSATION IN MATTERS AFFECTING THE GOVERNMENT.**—Section 203 of title 18, United States Code, is amended—

(1) in subsection (a)(1)(B) by inserting "or Federal judge" after "employee";

(2) in subsection (a)(2) by inserting "Commissioner Elect, Federal judge," after "Commissioner,";

(3) in subsection (b)(2) by inserting "representational" before "services";

(4) in subsection (d)(1) by striking "Government employee," and inserting "Government employee or as a special Government employee"; and

(5) by adding after subsection (e) the following new subsection:

"(f) Nothing in this section prevents an individual from giving testimony under oath or from making statements required to be made under penalty of perjury."

(c) **OTHER COMPENSATION OF OFFICERS AND EMPLOYEES.**—Section 205 of title 18, United States Code, is amended—

(1) in subsection (a)(2) by striking "any civil" and inserting "civil"; and

(2) in subsection (b)(2) by striking "any commission" and inserting "commission".

(d) **PENALTIES FOR PRIOR VIOLATIONS OF POST-EMPLOYMENT RESTRICTIONS.**—Section 207 of title 18, United States Code, as in effect on the date of the enactment of this joint resolution, is amended by striking "shall be fined not more than \$10,000 or imprisoned for not more than two years, or both" following subsection (c) and inserting "shall be subject to the penalties set forth in section 216 of this title".

(e) **ACTS AFFECTING A PERSONAL FINANCIAL INTEREST.**—(1) Section 208 of title 18, United States Code, is amended—

(A) in subsection (b)(2) by striking "paragraph (1)" and inserting "subsection (a)";

(B) in subsection (b)(3) by striking "section 107 of"; and

(C) by amending subsection (d)(1) to read as follows:

"(d)(1) Upon request, a copy of any determination granting an exemption under subsection (b)(1) or (b)(3) shall be made available to the public by the agency granting the exemption pursuant to the procedures set forth in section 105 of the Ethics in Government Act of 1978. In making such determination available, the agency may withhold from disclosure any information contained in the determination that would be exempt from disclosure under section 552 of title 5. For purposes of determinations under subsection (b)(3), the information describing each financial interest shall be no more extensive than that required of the individual in his or her financial disclosure report under the Ethics in Government Act of 1978."

(2) Section 405(1)(C) of the Ethics Reform Act of 1989 is amended by inserting "each place it appears" before "and inserting".

(f) **PENALTIES.**—Section 216 of title 18, United States Code, is amended—

(1) in subsection (a) by striking "sections 203, 204, 205, 207, 208, and 209" and inserting "section 203, 204, 205, 207, 208, or 209"; and

(2) in subsection (b) by striking "sections 203, 204, 205, 207, 208, and 209" and inserting "section 203, 204, 205, 207, 208, or 209".

Public
information.

18 USC 208.

SEC. 6. AMENDMENTS PERTAINING TO TITLE V.

(a) **SALE OF PROPERTY TO COMPLY WITH CONFLICT OF INTEREST REQUIREMENTS.**—(1) Subsection (b) of section 1043 of the Internal Revenue Code of 1986 is amended by adding at the end thereof the following new paragraph:

“(5) **SPECIAL RULE FOR TRUSTS.**—For purposes of this section, the trustee of a trust shall be treated as an eligible person with respect to property which is held in the trust if—

“(A) any person referred to in paragraph (1)(A) has a beneficial interest in the principal or income of the trust, or

“(B) any person referred to in paragraph (1)(B) has a beneficial interest in the principal or income of the trust and such interest is attributable under any statute, regulation, rule, or executive order referred to in paragraph (2) to a person referred to in paragraph (1)(A).”

(2)(A) For purposes of section 1043 of such Code—

(i) any property sold before June 19, 1990, shall be treated as sold pursuant to a certificate of divestiture (as defined in subsection (b)(2) thereof) if such a certificate is issued with respect to such sale before such date, and

(ii) in any such case, the 60-day period referred to in subsection (a) thereof shall not expire before the end of the 60-day period beginning on the date on which the certificate of divestiture was issued.

(B) Notwithstanding subparagraph (A), section 1043 of such Code shall not apply to any sale before April 19, 1990, unless—

(i) the sale was made in order to comply with an ethics agreement or pursuant to a specific direction from the appropriate agency or confirming committee, and

(ii) the justification for the sale meets the criteria set forth in subsection (b)(2)(A) thereof as implemented by the interim regulations implementing such section 1043, published on April 18, 1990.

(3) The amendment made by paragraph (1) and the provisions of paragraph (2) shall apply to sales after November 30, 1989.

(b) **USE OF GOVERNMENT VEHICLES.**—Section 503 of the Ethics Reform Act of 1989 (31 U.S.C. 1344 note) is amended in the first sentence by striking “shall” and inserting “may”.

(c) **INTERIOR APPROPRIATIONS.**—Section 505(b) of the Ethics Reform Act of 1989 is amended by striking “Fiscal Year 1988” and inserting “Fiscal Year 1989”.

(d) **OTHER AMENDMENTS TO TITLE V.**—Section 506 of the Ethics Reform Act of 1989 is amended—

(1) by amending paragraph (2) of subsection (b) to read as follows:

“(2) in section 3393(g), by inserting after ‘1215,’ the following: ‘3393a,’;

(2) by amending paragraph (6) of subsection (b) to read as follows:

“(6) in section 7701(c)(1)(A), by striking ‘of’ and inserting in lieu thereof the following: ‘or a removal from the Senior Executive Service for failure to be recertified under section 3393a of’;”;

(3) in the amendment made by subsection (c)(1), by redesignating the new subsection being inserted at the end of section 305

26 USC 1043.

26 USC 1043
note.26 USC 1043
note.

18 USC 208 note.

5 USC 3393.

5 USC 7701.

22 USC 3945.

of the Foreign Service Act of 1980 as subsection (d) (rather than subsection (c)); and

(4) by amending subparagraph (B) of subsection (c)(3) to read as follows: 10 USC 1601.

“(B) by striking the period at the end of paragraph (7) and inserting in lieu thereof the following: ‘; and’”.

SEC. 7. AMENDMENTS PERTAINING TO TITLE VI.

(a) CLARIFICATION OF SECTIONS 501(a) AND 502.—(1) Sections 501(a) (1) and (2) and 502 of the Ethics in Government Act of 1978, as amended by the Ethics Reform Act of 1989, are each amended by striking “not a career civil servant” and inserting “a noncareer officer or employee”.

5 USC app. 501,
502.

(2) Section 501(a)(2) of the Ethics in Government Act of 1978, as amended by the Ethics Reform Act of 1989, is amended—

- (1) by striking “Member, officer or employee which” and inserting “Member or such an officer or employee which”; and
- (2) by striking “Member, officer or employee during” and inserting “Member or such officer or employee during”.

(b) CLARIFICATION OF SECTION 502.—Section 502 of the Ethics in Government Act of 1978, as amended by the Ethics Reform Act of 1989, is amended—

(1) in paragraph (1)—

(A) by striking “affiliate with or be employed” and inserting “receive compensation for affiliating with or being employed”;

(B) by striking “to provide professional services which involves” and inserting “which provides professional services involving”; and

(C) by striking “for compensation”; and

(2) in paragraph (3)—

(A) by striking “practice” and inserting “receive compensation for practicing”; and

(B) by striking “for compensation”.

(c) ADMINISTRATION.—Section 503 of the Ethics in Government Act of 1978, as amended by the Ethics Reform Act of 1989, is amended by amending paragraph (1) to read as follows:

5 USC app. 503.

“(1) and administered by—

“(A) the Committee on Standards of Official Conduct of the House of Representatives, with respect to Members, officers, and employees of the House of Representatives; and

“(B) in the case of legislative branch officers and employees other than Senators, officers, and employees of the Senate and other than those officers and employees specified in subparagraph (A), the committee to which reports filed by such officers and employees under title I are transmitted under such title, except that the authority of this section may be delegated by such committee with respect to such officers and employees;”.

(b) CONFORMING AMENDMENTS TO OTHER PROVISIONS OF LAW.—(1) Section 323(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441i(a)) is amended by inserting “or child” after “spouse”.

(2) Section 908(a) of the Supplemental Appropriations Act, 1983 (2 U.S.C. 31-1(a)), is amended in paragraphs (2) and (4) by inserting “or child” after “spouse” each place it appears.

SEC. 8. AMENDMENTS PERTAINING TO TITLE IX.

Section 901 of the Ethics Reform Act of 1989 (2 U.S.C. 31-2) is amended—

(1) in subsection (a)—

(A) in paragraph (5)—

(i) in subparagraph (B) by adding “or” after the semicolon;

(ii) in subparagraph (C) by striking “; or” and inserting a period; and

(iii) by striking subparagraph (D); and

(B) in paragraph (6)—

(i) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively; and

(ii) by inserting after “subsection—” the following:

“(A) the term ‘foreign national’ means a person acting directly or indirectly on behalf of a foreign corporation, partnership, or business enterprise, a foreign trade, cultural, educational, or other association, a foreign political party, or a foreign government;” and

(2) in subsection (b)—

(A) by striking “(and 2 nights)”;

(B) by striking “(and 6 nights)”;

(C) in the last sentence by striking “of a Member” and inserting “or child of such Member”.

5 USC app. 105
note.
Public
information.

SEC. 9. SAVINGS PROVISION.

Those reports filed under title I, II, or III of the Ethics in Government Act of 1978, as in effect before January 1, 1991, shall be made available to the public on or after such date in accordance with section 105 of that Act, as amended by the Ethics Reform Act of 1989, and the provisions of such section shall apply with respect to those reports.

SEC. 10. CONFORMING AMENDMENTS TO OTHER PROVISIONS OF LAW.

(a) **SECTION 3730 OF TITLE 31.**—Section 3730(e) of title 31, United States Code, is amended by striking “201(f)” and inserting “paragraphs (1) through (8) of section 101(f)”.

(b) **SECTION 2397a OF TITLE 10.**—Section 2397a(a)(4) of title 10, United States Code, is amended by striking “209(10)” and inserting “109(3)”.

(c) **EFFECTIVE DATE.**—The amendments made by subsections (a) and (b) shall take effect on January 1, 1991.

10 USC 2397a
note.

SEC. 11. EFFECTIVE DATE.

Except as otherwise provided in this joint resolution, this Act and the amendments made by this joint resolution take effect on the date of the enactment of this joint resolution.

5 USC app. 101
note.

Approved May 4, 1990.

LEGISLATIVE HISTORY—H.J. Res. 553:

CONGRESSIONAL RECORD, Vol. 136 (1990):
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Apr. 26, considered and passed Senate.