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and the Senator from Alabama (Mr. SPARKMAN) were added as cosponsors to S. 3441, a bill to authorize the Architect of the Capitol to perform certain work on and maintain the historical sections of the Congressional Cemetery for a 2-year period, and to authorize a study by the Secretary of the Interior to formulate proposals for renovation and permanent maintenance of such sections by the United States.

AMENDMENTS NOS. 1598, 1599, AND 1600

At the request of Mr. Moss, the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of amendments Nos. 1598, 1599, and 1600, intended to be proposed to the bill (S. 3219), the Clean Air Act amendments.

AMENDMENTS NOS. 1608, 1609, AND 1610

Mr. GARY HART. Mr. President, I ask unanimous consent that Senators HATFIELD and CRANSTON be added as cosponsors to amendments Nos. 1608 and 1609 to S. 3219, a bill to amend the Clean Air Act.

I also ask unanimous consent to add Senator HATFIELD as a cosponsor to amendment No. 1610 to S. 3219.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1705

At the request of Mr. BUCKLEY, the Senators from Arizona (Mr. FANNIN and Mr. GOLDWATER) were added as cosponsors of amendment No. 1705, intended to be proposed to amendment No. 1701 proposed to the bill (H.R. 8532), the Anti-trust Improvements Act.

SENATE RESOLUTION 455—ORIGINAL RESOLUTION REPORTED AUTHORIZING THE PRINTING OF "ELECTION LAW GUIDEBOOK"

Mr. CANNON, from the Committee on Rules and Administration reported the following original resolution:

S. RES. 455

Resolved, That a revised edition of Senate Document Numbered 93-84, entitled "Election Law Guidebook", be printed as a Senate document, and that there be printed one thousand six hundred additional copies of such document for the use of the Committee on Rules and Administration.

AMENDMENTS SUBMITTED FOR PRINTING

NATIONAL COMMISSION ON FOOD PRODUCTION—S. 3045

AMENDMENT NO. 1749

(Ordered to be printed and referred jointly to the Committee on Agriculture and Forestry and the Committee on Commerce.)

Mr. MCGOVERN. Mr. President, I am, today, introducing a revised version of S. 3045, a bill to establish a National Commission on Food Production, Proc-

essing, Marketing and Pricing, which was first introduced last February.

After introduction of S. 3045, I and members of the staff of the Select Committee on Nutrition and Human Needs continued to meet with various agricultural economists, representatives of industry, national consumer organizations, trade associations, labor unions, and House and Senate staff members who are experienced in and knowledgeable about the economic structure and performance of the food industry. Valuable discussions have taken place, and from these meetings has emerged the revised bill which I am introducing today, as a substitute to my original proposal.

I urge speedy action by both committees of the Senate, and I am hopeful that this Congress will pass this legislation before adjourning for the upcoming elections.

WATERGATE REORGANIZATION AND REFORM ACT—S. 495

AMENDMENT NO. 1750

(Ordered to be printed and to lie on the table.)

Mr. HASKELL. Mr. President, I am introducing an amendment to the Watergate Reorganization and Reform Act of 1976, S. 495, to provide a coherent, consistent and enforceable ethical code to shield public policy from the personal financial interest of public policymakers. The substance of the amendment is contained in the Federal Conflicts of Interest Act, S. 2098, which I introduced in July along with seven cosponsors.

The bill, S. 495, as reported is in a sense a mixed blessing. I appreciate the Government Operations Committee including within its bill provisions on title II financial disclosure which are essentially the same as S. 2098. However, the deletion of the Commission in Ethics is the matter of concern addressed in this amendment. The legislation that I am introducing today includes this second portion of S. 2098, which was not included in S. 495. Very simply, this establishes a Commission on Ethics to promulgate a uniform set of ethics for Government employees and to adjudicate those conflicts.

There is one substantial change in this amendment from the original bill. The change is the result of hearings I recently held in the Interior Subcommittee on Environment and Land Resources into the proposed expansion of the Crested Butte, Colo., ski area.

I asked for an investigation and called the hearings after the Forest Service failed to adequately respond to questions I raised based on information given me by Crested Butte officials. The investigation disclosed that some of my constituents' worst fears were unjustified. But

the hearing record thoroughly documents efforts by then-Army Secretary Howard H. Callaway to influence the Forest Service for a decision favorable to his interests as majority stockholder of the Crested Butte Development Corp.

The hearing record, Mr. President, also contains repeated denials by Forest Service personnel at every level that the pressure in any way influenced their actions. They stated repeatedly that any decision reached, tentative or otherwise, would have been reached in the normal course of events.

But I believe the appearance that personal interest has influenced public decisions is, in many ways, as damaging as the fact of such influence. For that reason, I believe we must seek ways to eliminate even the appearance. My amendment clearly empowers the Commission on Ethics to determine that the mere attempt by a federal official to influence a Federal agency on his behalf or on behalf of any organization in which he has a financial interest is sufficient grounds for denying the action sought—regardless of the merit of the action.

Mr. President, the present patchwork of conflict of interest regulations has failed miserably. During the drafting of the original bill I found among other things:

According to a GAO report some officials of the U.S. Geological Survey own stock in companies holding mineral leases on Federal lands administered by the USGS.

The holdings were disclosed in financial statements filed in 1974 but the agency took no action to force divestiture or even to preclude the employees from acting in areas in which there would be a direct financial interest.

Another GAO report discusses a Phillips Petroleum executive who took a year's leave of absence to work for the Federal Energy Administration under the Presidential-executive interchange program.

As part of his FEA duties, the executive evaluated and projected the effects of present and proposed regulations of various sectors of the oil and gas industry. The GAO notes that the executive retained a financial interest in Phillips through the company's thrift and retirement plans and also through his continuing employment with the company.

In both these instances, Mr. President, the possible conflicts were obvious. One by the employee's own disclosure statement, the other merely by virtue of the employee's continued association with a private company directly affected by his governmental duties.

Two other examples reveal other flaws in the present procedure:

A nominee for a Federal agency post put his interest in a blind trust. But the principal assets were unmarketable and a close relative was named trustee.

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not be tolerated. Murder and violence in the name of some higher cause are still murder and violence. No one has the right to advocate his beliefs by destroying the lives and property of another.

The penalty of death is harsh. But murder is deserving of the harshest punishment. I wish there were no need for the death penalty. But terrorism and murder continue and for these perpetrators of random murder I see no choice. The penalty must fit the crime.

My second bill, Mr. President, relates to international terrorism. It requires the President to suspend economic and military assistance, Government and commercial sales of arms, Export-Import Bank loans, and eligibility for the generalized system of preferences to any country which willfully aids and abets international terrorism.

In spite of increased efforts in recent years by certain nations to put a stop to or crack down on terrorist groups, terrorism has widened in scope and there is growing evidence of cooperation among international terrorist groups. Examples of terrorism are becoming an unfortunately daily feature of our daily news. Since 1968 alone approximately 800 people have been killed and 1,700 injured in international terrorist incidents; 114 U.S. citizens have been involved and 24 of them killed.

In spite of the fact that international terrorism has continued to grow, however, no illegal solutions are in sight. Many nations, particularly those in the Third World, are unwilling to cooperate in efforts to combat terrorism which, they say, can be justified under certain circumstances. Therefore, sources report that almost half of those terrorists captured in the last 5 years have been released. These nations' unwillingness to bring the full force of the law to bear against these international outlaws threatens the safety and peace of all nations.

It has for some time been U.S. Government policy to support adoption of an international convention to mandate sanctions against states which fail to prosecute or extradite international terrorists. However, the convention has made little headway and the prospects for enactment are remote.

I believe U.S. policy of no negotiation with terrorists is a correct one. But I believe we must go one step beyond this in an effort to meet the problem of foreign governments' harboring of terrorists. My legislation is designed to serve notice to all nations that the United States will not countenance acquiescence to terrorism and that we are willing to take serious action to deal with this problem. I urge the Senate's support for this bill. The civilized world must respond with tough, effective measures against those international outlaws who would seek to destroy the very foundations of the democratic system.

Mr. President, I ask unanimous consent to have S. 3516 printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD as follows:

S. 3516

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, (a) That the President shall suspend, for such period as he deems appropriate—

- (1) economic assistance;
- (2) military assistance;
- (3) government and commercial sale of defense articles and services;
- (4) extensions of credits and guarantees under the Foreign Military Sales Act;
- (5) loans made by the Export-Import Bank; and
- (6) the designation of "beneficiary developing country" under Section 502 of the Trade Act of 1974; with respect to any country which willfully aids or abets international terrorism.

(b) If the President finds that national security justifies the continuation of assistance to any government described in Section (a), he shall report such finding to the Speaker of the House of Representatives and to the Committee on Foreign Relations of the Senate. Assistance may be furnished to such government unless the Congress, within thirty (30) calendar days of receiving such report, adopts a concurrent resolution stating that it does not find that the national security justifies assistance to such government.

ADDITIONAL COSPONSORS

S. 1173

At the request of Mr. CURTIS, the Senator from Georgia (Mr. NUNN), the Senator from California (Mr. CRANSTON), and the Senator from Ohio (Mr. TAFT) were added as cosponsors of S. 1173, to amend the Internal Revenue Code of 1954.

S. 1406

At the request of Mr. MONTOYA, the Senator from Kansas (Mr. PEARSON) was added as a cosponsor of S. 1406, a bill to amend title 38, United States Code

S. 2020

At the request of Mr. RIBICOFF, the Senator from Utah (Mr. MOSS) was added as a cosponsor of S. 2020, to provide optometric coverage under part B medicare payments.

S. 2629

At the request of Mr. BENTSEN, the Senator from Ohio (Mr. TAFT) was added as a cosponsor of S. 2629, to amend the Internal Revenue Code of 1954.

S. 2870

At the request of Mr. MONTOYA, the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 2870, to amend the Internal Revenue Code of 1954.

S. 2962

At the request of Mr. HUGH SCOTT, the Senator from Colorado (Mr. HASKELL) was added as a cosponsor of S. 2962, to amend title 39, United States Code.

S. 2989

At the request of Mr. HUGH SCOTT, the Senator from Minnesota (Mr. HUMPHREY) was added as a cosponsor of S. 2989, to increase from 10 to 15 year the period during which veterans are eligible for educational assistance.

S. 3091

At the request of Mr. HUMPHREY, the Senator from Utah (Mr. MOSS) was added as a cosponsor of S. 3091, to

amend the Forest and Rangeland Renewable Resources Act of 1974.

S. 3182

At the request of Mr. TAFT, the Senator from Nebraska (Mr. HRUSKA), the Senator from Alabama (Mr. SPARKMAN), the Senator from Nevada (Mr. CANNON), the Senator from Tennessee (Mr. BAKER), and the Senator from North Dakota (Mr. BURDICK) were added as cosponsors of S. 3182, to amend the Occupational Safety and Health Act of 1970.

S. 3222

At the request of Mr. DURKIN, the Senator from Alabama (Mr. SPARKMAN) was added as a cosponsor of S. 3222, a bill to amend the Veterans Readjustment Benefits Act.

S. 3227

At the request of Mr. HUMPHREY, the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 3227, to accelerate solar energy research.

S. 3379

At the request of Mr. ROBERT C. BYRD (for Mr. CHURCH), the Senator from Vermont (Mr. LEAHY), the Senator from Connecticut (Mr. WEICKER), and the Senator from New Jersey (Mr. CASE) were added as cosponsors of S. 3379, to require reporting and analysis of contributions.

S. 3392

At the request of Mr. GARY HART, the Senator from Arkansas (Mr. BUMPERS), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Michigan (Mr. PHILIP A. HART), and the Senator from Florida (Mr. CHILES) were added as cosponsors of S. 3392, to provide for judicial review of administrative decisions made by the Veterans' Administration.

S. 3433

At the request of Mr. PACKWOOD, the Senator from Florida (Mr. CHILES) and the Senator from Nebraska (Mr. HRUSKA) were added as cosponsors of S. 3433, to require that imported meat and meat food products be labeled "imported."

S. 3441

At the request of Mr. HUGH SCOTT, the Senator from Arizona (Mr. FANNIN), the Senator from Arkansas (Mr. BUMPERS), the Senator from Wyoming (Mr. MCGEE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Alabama (Mr. ALLEN), the Senator from New Mexico (Mr. DOMENICI), the Senator from Utah (Mr. MOSS), the Senator from North Dakota (Mr. YOUNG), the Senator from New Jersey (Mr. CASE), the Senator from North Carolina (Mr. MORGAN), the Senator from Indiana (Mr. HARTKE), the Senator from Missouri (Mr. SYMINGTON), the Senator from Hawaii (Mr. FONG), the Senator from Maryland (Mr. MATHIAS), the Senator from Illinois (Mr. STEVENSON), the Senator from Rhode Island (Mr. PELL), the Senator from Tennessee (Mr. BAKER), the Senator from Louisiana (Mr. JOHNSTON), the Senator from Nebraska (Mr. HRUSKA), the Senator from Florida (Mr. CHILES),

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The assets were conveyed by the trustee in return for stock in a family-held corporation. Thus, the family retained assets which could be affected by the nominee's decisions in his new post. The agency official responsible for such matters approved the arrangement.

Recently the Council on Economic Priorities released a study entitled "Military Maneuvers." The study charges no illegality but found that over a quarter of the 1,400-plus former Pentagon employees who went to work for defense contractors between 1969 and 1973 were involved in potential conflict of interest.

The study cites a number of instances in which former officers took jobs with contractors over which they previously had some form of authority. Existing law requires retired military officers to file reports for 3 years after leaving the service if they go to work at a salary level of \$15,000 or greater with companies with \$10 million or more in defense contracts. The system is not working; The CEP found an apparent lack of effort and qualitative analysis.

The explanation of the Department of Defense sums up the problems with Federal conflict of interest regulation generally:

Since the entire procedure was not initiated by DOD, but was thrust upon it by Congress, it is not perceived as central to the goals of the DOD. By assigning the responsibility to offices with other responsibilities, and by dispersing the responsibilities, it was assured that only a minimum of effort would be exerted for evaluating and compiling the reports.

As I began querying various departments and agencies of Government, it became clear this was the pattern throughout the Federal Government.

An Executive order covers ethical conduct in the executive branch, bolstered by a regulation of the Civil Service Commission which also handles such oversight as exists.

I discovered that, although the agencies use the civil service requirements for financial disclosure—with some modifications for individual agency needs—there are no firm criteria for the evaluation of the disclosure forms. Moreover, no one seemed to know who the ethics counselor in his agency actually was. Evaluation is done by an indefinite number of people, all of whom have other duties.

Generally, when a question arises on a particular form, it is given to the regional supervisor. If not resolved there, it is forwarded to agency headquarters.

There are no interagency guidelines for statement evaluation and usually only informal intraagency guidelines.

There are no standard means of investigating suspected conflicts beyond asking the employee directly or checking his file.

A job description prepared by the employee's supervisor to help pinpoint pos-

sible conflicts is so vague its value is questionable. Instead of listing specific firms and individuals the employee will deal with, only general industries are listed. It is therefore quite conceivable that an employee could be in a conflict situation without his or her supervisor's knowing it.

I was also surprised to learn that many employees had no idea of what to do in case a possible conflict arose. And several did not even understand what a conflict of interest is—in fact, one employee said that a conflict of interest was impossible in her department.

To their credit, many agencies and departments hold conferences and seminars on conflict of interest regulations. But responses to my inquiries indicate they are not communicating effectively. The Civil Service Commission has recently begun an evaluation of ethical standards in recognition of the problem. A single person has been hired in the General Counsel's office whose full-time responsibility is ethics. This response is nowhere near sufficient.

Effective oversight and enforcement do not exist today, nor can they under the burdens of the present system: Disclosed information is confidential, precluding all but internal oversight; disclosure requirements do not provide the information necessary for effective monitoring of conflicts; personnel and resources devoted to reviewing and investigating potential conflicts are limited. Finally, decentralized in-house authority results in uneven and unequal treatment of individuals, depending upon how vigorously the agency pursues the matter.

Within the legislative branch, Members and employees of Congress are subject to the same penalties for bribery and certain other violations as are employees of the executive and judicial branches. In addition, both the House and Senate require disclosure by Members and certain employees, though the requirements vary. The disclosure, however, is confidential.

Mr. President, that is the pattern. Regulations lack uniformity; their enforcement ranges from perfunctory to nonexistent. Within this imperfect framework thousands of real and potential conflicts of interest exist—some are unwitting, some remain long after open disclosure. Others are less innocent.

Several of my colleagues have introduced bills addressing this problem. But they rely as does S. 495 on stringent disclosure requirements. As I have pointed out, disclosure alone—even thorough disclosure—is inadequate. Witness the situations I have outlined in which employees openly disclosed holdings which could very well conflict with their duties. But under the loose assortment of regulations and procedures, administered in-house, agency by agency, the conflicts were either not discovered or not acted upon.

The longer I worked on this legislation, Mr. President, the clearer it became that oversight and enforcement of conflict of interest codes must lie outside the agencies involved.

That is the foundation of the remedy I again propose today. To insure that this information effectively prevents conflict of interest—and failing that, ferrets it out and eliminates it—my amendment will establish a five member Commission on Conduct with oversight and enforcement authority for both branches.

The Commission would supervise disclosure, investigate and conduct hearings to ascertain if conflicts exist. If conflicts do exist, the Commission would have the authority to discipline employees or recommend disciplinary action. It could require divestiture of an official's or employee's conflicting interest and could prescribe the terms and conditions of such divestiture—to make certain, for example, that a "blind trust" is truly blind, not merely a cosmetic device to conceal conflicts.

The Commission will have sufficient staff to evaluate present guidelines, adopt those it considers worthwhile and promulgate, by rule, such additional guidelines as it finds necessary.

The Commission would be full time with no other responsibility than to monitor and enforce compliance. I would vest in this Commission authority to investigate violations of any of its rules. The full range of due process rights is adequately provided for.

Any such investigations would be kept confidential but individuals would be notified that an alleged violation is under investigation. If the Commission determines the complaint is sufficient, a hearing would follow. The resulting decision would be made public.

I believe counseling is an essential part of any anticorruption system and this legislation provides that the Commission may issue advisory opinions with respect to matters relating to conduct or financial disclosure. While such an advisory opinion would not have the force of law, it would constitute for the official or employee seeking it, a complete defense to civil or disciplinary action authorized under this act—assuming, of course, that the individual's statement of fact to the Commission contains no material misstatement, omits no facts, and that he otherwise acts in good faith.

The provisions I have outlined, Mr. President, would apply equally to elected officials of both branches, candidates in primaries, runoffs or general elections for Federal office, and employees and appointees. The amendment includes civil penalties. It provides civil penalties in the amount of any profit gained as a result of a violation under the bill. The Attorney General would be authorized to bring any legal action in any court of the United States to enforce provisions of this section of the act.

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Action may be brought regardless of whether the individual is an officer or employee at the time, so long as the action is brought within 3 years of the violation.

There is a significant difference—and, I believe, a necessary one—between divestiture requirements for appointees and employees and for elected officials.

Appointees and employees are not directly responsible to the electorate and some other mechanism is obviously necessary to enforce minimum standards of conduct. Divestiture of conflicting or potentially conflicting interests is one such tool.

But how do we, as Members of Congress, divest ourselves of every interest our decisions might affect? I do not believe we can; conflicts are unavoidable. We are consumers, we own property, we pay taxes and have occupations or professions which precede—and will probably follow—our terms in office.

And given the range of issues considered in Congress today, our public decisions unavoidably affect our private lives, just as they do the private lives of every other citizen.

What constrains us as elected officials is our direct accountability to the American people. There is only one way, Mr. President, to improve that mechanism: full and public disclosure.

It is my view that restoring the confidence of the American people in their government depends greatly upon how successfully we eliminate misconduct, the potential for it and the appearance of it. For that reason, I have written into the legislation additional safeguards: The Commission on Conduct may recommend to the appropriate House of Congress that disciplinary proceedings be initiated against any Member or to the House of Representatives that a writ of impeachment be considered. The Commission may recommend to the President or to the Congress the removal of any civil officer of the United States and may refer cases to the Attorney General for civil or criminal action.

Mr. President, I believe the bill with this amendment offers the strongest possible combination of thorough, uniform public disclosure requirements and external monitoring and enforcement—all elements missing from present conflict of interest regulation.

I hope my colleagues will agree that the only way we in Congress can hope to rebuild Americans' faith—faith so badly shaken over the past 3 years—is by subjecting ourselves and our private financial affairs to unobstructed public scrutiny.

The people of this Nation no longer believe nor believe in us. Indeed, why should they until they know with certainty whom we really serve? That question will remain an open one until we take firm steps to remove the influence

of private financial interests from public policy decisions.

Mr. President, I ask unanimous consent that the amendment, together with a section-by-section analysis, be printed in the RECORD.

There being no objection, the amendment and analysis were ordered to be printed in the RECORD as follows:

TITLE ONE

CONDUCT OF GOVERNMENTAL PERSONNEL

SECTION 1. It is unlawful for an elected or appointed officer or employee of the executive and legislative branches of the Government—

(A) to engage or attempt to engage, directly or indirectly, in any personal business transaction or private arrangement for personal profit which accrues from or is based upon such officer or employee's official position or authority or upon confidential information gained by reason of such position or authority; or

(B) to violate, knowingly, any standard of ethical conduct promulgated by the Commission on Conduct pursuant to this Act.

SEC. 2. There is imposed, on any individual who violates this section, a civil penalty in the amount of any profit gained as a result of such violation together with interest thereon computed from the date of such violation at a rate equal to the annual rate established under section 6621 of the Internal Revenue Code of 1954.

SEC. 3. The Commission on Conduct, concurrently with the Attorney General, is authorized to bring any legal action in any court of the United States to enforce the provisions of this section. Any such action may be brought without regard to whether an individual is such an officer or employee at the time such action is brought. No action under this section may be brought unless it is brought within three years after the commission of a violation of the provisions of subsection (a) of this section.

TITLE TWO

ESTABLISHMENT OF COMMISSION

SECTION 1. (a) There is established as an independent agency within the Executive Branch of the government a Commission on Conduct (hereinafter referred to as the "Commission").

(b) The Commission shall be composed of five members appointed by the President, by and with the advice and consent of the Senate.

(c) The members of the Commission shall serve for staggered terms as follows: One shall be appointed for a term of one year, one shall be appointed for a term of two years, one shall be appointed for a term of three years, one shall be appointed for a term of four years and one shall be appointed for a term of five years.

(d) Any vacancy in the Commission shall not affect its powers but shall be filled in the same manner in which the original appointment was made, but the appointment to fill any vacancy shall be for the remainder of the unexpired term only.

(e) The Commission shall elect annually, a chairman and a vice-chairman from among its members. The chairman and the vice-chairman shall not be affiliated with the same political party. No member of the Commission may serve as chairman of the Commission for more than one year during his or her term of office.

(f) A quorum of the Commission shall consist of three members, except that the Commission may establish a lower number as a quorum for the purpose of taking sworn testimony.

(g) Members of the Commission shall receive compensation at the rate provided for Level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(h) All decisions of the Commission with respect to the exercise of its duties and powers under the provisions of this Act shall be made by a majority vote of the voting members of the Commission.

(i) The Commission shall meet at least once each month and also at the call of any member.

(j) The Commission shall prepare written rules for the conduct of its activities, shall have an official seal which shall be judicially noticed, and shall have its principal office in or near the District of Columbia. The Commission may meet or exercise any of its powers anywhere in the United States.

DUTIES OF THE COMMISSION

SEC. 2. (a) It is the duty of the Commission to develop and, by rule, promulgate uniform standards of ethical conduct for elected and appointed officers and employees of the executive and legislative branches of the Government. In developing such standards, the Commission shall consider the standards of conduct in effect on the date of enactment of this Act, and shall consult with the appropriate officers and employees of such branches of the Government as it deems necessary.

(b) Notwithstanding any other provision of this Act the Commission shall implement the financial disclosure requirements as required under this Act.

(c) The Commission shall perform such other functions as may be necessary to carry out the provisions of this Act.

INVESTIGATIONS

SEC. 3. (a) The Commission is authorized to investigate any alleged violation of any provision of this Act for regulation promulgated pursuant thereto. An investigation may be initiated upon the motion of any member of the Commission or upon the complaint of any person. An investigation conducted under this section shall be confidential. The person under investigation shall be notified in writing that an investigation is being undertaken.

(b) The Commission is authorized to accept from any individual complaints with respect to matters with which the Commission has the authority to investigate. Any such complaints shall be signed by the complainant. If so requested, the Commission is authorized to inform the complainant of any action taken with respect to the complaint. A notice of such action shall be by letter and shall be provided within a reasonable time. Upon dismissal of any complaint the Commission shall notify the complainant of its reasons for such actions.

(c) After conducting an investigation under this section the Commission is authorized—

(1) To dismiss any complaint before it upon a finding that the complaint is insufficient in law or fact, or the complaint is unsubstantiated by creditable evidence;

(2) To refer the complaint to the attorney general for appropriate action; or

(3) Conduct a full hearing on the matter charged in the complaint and take the appropriate action in accordance with the provisions of this section.

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(d) (1) Whenever the Commission orders a hearing with respect to any matter charged in the complaint or under investigation, it shall provide not less than 30 days notice to the individual charged or under investigation of the date on which any hearing is to be conducted. Any individual who is the subject of such a charge or investigation has the right to appear at any such hearing to be represented, by counsel, to confront and cross-examine witnesses, to present evidence in his own behalf, and to subpoena witnesses. Any individual who is the subject of an inquiry under this section has the right to refuse to attend and testify or produce anything ordered to be produced by the Commission on the ground that the testimony or material required to be produced would tend to incriminate such person or subject such person to penalty or forfeiture. The Commission shall provide further assurance of due process under law as may be warranted. The Commission shall maintain a record of any such hearing.

(2) The Commission in carrying out its duties under this section may sit and act at such times and places, hold such hearings, take such testimony, require by subpoena or subpoena *decus tecum*. The attendance of such witnesses and the production of such books, records, papers, accounts, and documents, administer such oaths and issue such other orders as may be necessary. Subpoenas, subpoena *decus tecum* and other orders shall issue under signature of the chairman or the member of the Commission designated by the chairman. Any member of the Commission or panel may administer such oaths or affirmations to witnesses as necessary.

(3) In case of disobedience to a subpoena or other order issued under paragraph (2) of the subsection, the Commission may invoke the aid of any district court of the United States in requiring compliance with such subpoena, subpoena *decus tecum*, or other order. Any district court of the United States within the jurisdiction in which the person is found or transacts business may in the case of contumacy or refusal to obey such subpoena or order issued by the Commission, issue an order to such person to appear and testify, to produce such books, records, papers, and documents. Any failure to obey the order of the court shall be punished by the court as contempt thereof.

(e) (1) The Commission shall make findings of fact which shall be entered on the record. Upon finding that an individual has violated the standards of ethical conduct established by the Commission or has violated any other requirement of this Act the Commission may—

(A) Dismiss any such employees from the Civil Service or order such other disciplinary action as may be warranted;

(B) Recommend to the appropriate House of Congress that disciplinary proceedings be initiated with respect to any Member or employee thereof;

(C) Recommend to the House of Representatives that a writ of impeachment be considered;

(D) Recommend to the President or to the Congress the removal of any civil officer of the United States;

(E) Refer cases to the attorney general of the United States for the appropriate civil or criminal action; and

(F) Require in the appropriate cases the divestment of any interest that causes a conflict of interest and prescribe the terms and conditions of any such divestiture. Require, as the Commission deems appropriate,

any agency or department to deny or rescind any application pending before it in which there has been a conflict of interest.

(G) Paragraph (e) (1) (E) shall not apply to elected officials.

(2) For purpose of this subsection, the term "disciplinary action" shall include reprimand, suspension, and disqualification from participation in a particular policy-determining action.

(f) The court of appeals of the United States shall have jurisdiction to hear any appeal from a final decision of the Commission. Appeals of any such decision shall be brought in the same manner and subject to the same limitations as appeals from the district courts of the United States under section 1291 of Title 28, United States Code.

ADVISORY OPINIONS

SEC. 4. The Commission may issue advisory opinions with respect to such matters relating to conduct or financial disclosure. The Commission may render advisory opinions upon written request of any person as to whether any specific transaction or activity would constitute a violation of any provision of this Act or any regulation promulgated pursuant thereto. Advisory opinion shall be issued within a reasonable time of their request and shall be in writing. An advisory opinion does not have the force of law but shall constitute, for the person requesting it, a complete defense to civil or disciplinary action authorized under this Act if—

(1) A statement of fact to the Commission contains no material misstatement or omission;

(2) The transaction as consummated has not materially varied from the facts submitted in the request from the advisory opinion; and

(3) The person requesting the advisory opinion acts in good faith in relying on the opinion.

REGULATIONS

SEC. 8. The Commission is authorized to adopt, amend, modify, and repeal such rules and regulations as may be necessary to assure compliance with the requirements of this Act and with any regulation issued pursuant thereto by officers and employees of the Government.

PERSONNEL OF THE COMMISSION

SEC. 6(a) The Commission is authorized to appoint an executive director and a general counsel without regard to provisions of Title V, United States Code, governing appointments in the competitive service. The executive director shall be paid at a rate equal to the rate for Level IV of the Executive Schedule under section 5315 of Title V, United States Code. The general counsel shall be paid at a rate equal to the rate for Level V of the Executive Schedule under section 5316 of such title. With the approval of the Commission, the executive director may appoint and fix the pay of such attorneys, investigators, and additional personnel as may be necessary.

(b) With the approval of the Commission, the executive director may procure temporary and intermittent services to the same extent as is authorized by section 3109 of Title V, United States Code, but at rates for individuals not to exceed the daily equivalent of the annual rate of the basic pay in effect for GS-18 of the general schedule under section 5332 of such title.

EFFECT ON OTHER LAWS

SEC. 7(a) Nothing in this Act prohibits the establishment or maintenance of standards of conduct or financial disclosure for officers

and employees of the Government which are more stringent than the standards imposed by this Act or rules and regulations adopted by the Commission pursuant to this Act.

(b) The President is authorized to terminate any function assigned to any agency, other than this Commission, which duplicates any function or requirement arising under the provisions of this Act.

AUTHORIZATION OF APPROPRIATIONS

SEC. 8. There are authorized to be appropriated for each fiscal year such sums as may be necessary to carry out the provisions of this Act.

SECTION-BY-SECTION ANALYSIS

TITLE ONE

Declares unlawful for an elected or appointed officer or employee of the government to engage in activity resulting in a personal profit which accrues because of that employee's position with the government.

Establishes a civil penalty to the extent of the gain as a result of such violation.

TITLE TWO

Section 1—Establishment of Commission

A. Composition. 5 members appointed by the President with advice and consent of the Senate. No more than three shall be affiliated with the same political party.

Section 2—Duties of Commission

A. Developing Standards of Ethical Conduct. The Commission shall develop and, by rule, promulgate uniform standards of ethical conduct for appointed officers and employees of the executive and legislative branches of the government. In developing such standards, the Commission shall consider the standards of conduct in effect on the date of enactment of this Act, and shall consult with appropriate officers and employees of both such branches of the Government.

B. The Commission shall implement the financial disclosure requirements of this Act.

Section 3—Investigations

A. Commission is authorized:

1. to investigate alleged violations of this Act or regulations promulgated pursuant thereto.

a. investigation may be initiated upon motion of any member of the Commission or upon complaint of any person.

b. investigation conducted under this section shall be confidential.

c. the individual under investigation shall be notified in writing that such investigation is being conducted.

2. to accept complaints from any individual.

a. complaint shall be signed by complainant.

b. if requested, Commission is authorized to inform complainant of any action taken with respect to the complainant.

B. After conducting an investigation under this section the Commission is authorized:

1. to dismiss any complaint before it upon a finding that the complaint is insufficient in law or fact, or that the complaint is unsubstantiated by credible evidence;

2. refer the complaint to the Attorney General for appropriate action; or

3. conduct a full hearing on the matter charged in the complaint and take appropriate action in accordance with the provisions of this section.

C. Hearings:

1. 30-day notice required to individual under investigation.

2. individual who is subject of any inquiry

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under this section has right to appear at hearing, to be represented by counsel, to confront and cross examine witnesses, to present evidence in his own behalf, and to subpoena witnesses, but has right to refuse to attend, testify or produce material on the ground that it would tend to incriminate such person.

3. The Commission shall maintain a record of the hearing.

4. The Commission shall make findings of fact which shall be entered on the record.

5. Upon finding that an individual has violated the standards of ethical conduct established by the Commission or has violated any other requirement of this Act, the Commission may:

1. Reprimand any such employee from the civil service or order such other disciplinary action as may be warranted (including reprimand, suspension, and disqualification from participation in particular policy determining actions).

2. Recommend to the appropriate House of Congress that disciplinary proceedings be initiated with respect to any member or employee thereof; or to the House of Representatives that a writ of impeachment be considered.

3. Recommend to the President or to the Congress the removal of any civil officer of the United States;

4. Refer cases to the Attorney General for appropriate civil or criminal action; and

5. Require in appropriate cases the divestment of any interest that causes a conflict of interest, and prescribe the terms and conditions of any such divestiture.

D. Appeals.

The courts of appeals of the United States have jurisdiction to hear any appeal from any final decision of the Commission.

Section 4—Advisory opinions

A. The Commission may issue advisory opinions with respect to matters relating to conduct or financial disclosure, upon written request of any person as to whether any specific transaction or activity would constitute a violation of this Act or any regulation promulgated pursuant thereto.

B. Advisory opinions shall be issued within a reasonable time of their request and shall be in writing.

C. An Advisory Opinion does not have the force of law but shall constitute, for the person requesting it, a complete defense to civil or disciplinary action authorized under this Act.

1. The statement of fact to the Commission contains no material misstatement or omission.

2. The transaction as consummated does not materially vary from the facts submitted in the request for the advisory opinions and;

3. The person requesting the advisory opinion acted in good faith in relying on the opinion.

Section 5—Regulations

A. The Commission is authorized to adopt, amend, modify, and repeal such rules and regulations as may be necessary to assure compliance with the requirements of this Act and with any regulation issued pursuant thereto by officers and employees of the Government.

Section 6—Effect on other laws

A. Nothing in this Act prohibits the establishment or maintenance of standards of conduct or financial disclosure which are more stringent than the standards imposed by this Act or rules and regulations adopted

by the Commission on ethics pursuant to this Act.

B. The President is authorized to terminate any function assigned to an agency, other than the Commission, which duplicates any function or requirement arising under the provisions of this Act.

ANTITRUST IMPROVEMENTS ACT OF 1976—H.R. 8532

AMENDMENTS NOS. 1751 THROUGH 1757

(Ordered to be printed and to lie on the table.)

Mr. ALLEN submitted seven amendments intended to be proposed by him to amendment No. 1701 proposed to the bill (H.R. 8532) to amend the Clayton Act to permit State attorneys general to bring certain antitrust actions, and for other purposes.

AMENDMENTS NOS. 1758 THROUGH 1760

(Ordered to be printed and to lie on the table.)

Mr. HRUSKA submitted three amendments intended to be proposed by him to Amendment No. 1701, supra.

AMENDMENT NO. 1761

(Ordered to be printed and to lie on the table.)

Mr. BURDICK submitted an amendment intended to be proposed by him to amendment No. 1701, supra.

AMENDMENTS NOS. 1762, 1763, AND 1764

(Ordered to be printed and to lie on the table.)

Mr. THURMOND submitted three amendments intended to be proposed by him to amendment No. 1701, supra.

AMENDMENTS NOS. 1765 AND 1766

(Ordered to be printed and to lie on the table.)

Mr. PHILIP A. HART (for himself and Mr. HUGH SCOTT) submitted two amendments intended to be proposed by them jointly to amendment No. 1701, supra.

AMENDMENT NO. 1767

(Ordered to be printed and to lie on the table.)

Mr. CHILES (for himself and Mr. BUMPERS) submitted an amendment intended to be proposed by them jointly to amendment No. 1701, supra.

AMENDMENTS NOS. 1768 THROUGH 1774

(Ordered to be printed and to lie on the table.)

Mr. GRIFFIN submitted seven amendments intended to be proposed by him to amendment No. 1701, supra.

AMENDMENT NO. 1775

(Ordered to be printed and to lie on the table.)

Mr. MORGAN submitted an amendment intended to be proposed by him to amendment No. 1701, supra.

AMENDMENTS NOS. 1776 AND 1777

(Ordered to be printed and to lie on the table.)

Mr. JAVITS (for himself, Mr. HRUSKA, Mr. MATHIAS, and Mr. DOMENICI) sub-

mitted two amendments intended to be proposed by them jointly to amendment No. 1701, supra.

AMENDMENT NO. 1778

(Ordered to be printed and to lie on the table.)

Mr. HUGH SCOTT submitted an amendment intended to be proposed by him to amendment No. 1701, supra.

NOTICE OF HEARINGS

Mr. METCALF, Mr. President, in accordance with the rules of the Committee on Interior and Insular Affairs, I wish to advise my colleagues and the public that the following hearings and business meetings have been scheduled before the committee for the next 2 weeks:

June 3, full committee, 10 a.m., room 3110, business meeting, pending calendar business.

June 7, Energy Research and Water Resources Subcommittee, 10 a.m., room 3110, hearing, S. 3394, to authorize engineering investigation, stabilization, and rehabilitation of the Leadville Mine drainage tunnel.

June 8, Minerals, Materials and Fuels Subcommittee, 10 a.m., room 3110, hearing, status report on U.N. Law of the Sea Conference.

June 10, full committee, 10 a.m., room 3110, hearing, oversight hearing on implementation of Alaska Native Land Claims Settlement Act.

June 11, Indian Affairs Subcommittee, 10 a.m., room 3110, hearing, oversight hearing on Quechan Tribe land issue.

June 14, full committee, 10 a.m., room 3110, hearing, oversight hearing on implementation of Alaska Native Land Claims Settlement Act.

June 15, Energy Research and Water Resources Subcommittee, 10 a.m., room 3110, hearing, S. 2194, to authorize the Secretary of the Interior to construct, operate, and maintain the McGee Creek project, Oklahoma, H.R. 6622, for repair of the Del City Aqueduct, Oklahoma.

June 16, full committee, 10 a.m., room 3110, business meeting, pending calendar business.

June 17, Parks and Recreation Subcommittee, 10 a.m., room 3110, hearing, S. 2630, to amend the Youth Conservation Corps Act of 1970.

NOTICE OF HEARINGS

Mr. McINTYRE, Mr. President, I wish to announce that the Subcommittee on Financial Institutions of the Committee on Banking, Housing and Urban Affairs will hold hearings on S. 1343 on June 16 and 17, 1976, in room 5302, Dirksen Senate Office Building, beginning at 10 a.m.

S. 1343 is a bill to insure that the disclosure by financial institutions of the details of their customers' bank accounts to government officials and agencies be governed by procedural safeguards.

Anyone wishing information concerning these hearings should contact Mr. William R. Weber, counsel, room 5300, Dirksen Senate Office Building, 224-7391.