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[July 1976?]

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1 *TITLE III—GOVERNMENT PERSONNEL;*
2 *FINANCIAL DISCLOSURE REQUIREMENTS*

3 *DEFINITIONS*

4 *SEC. 301. As used in this title—*

5 (1) the term "agency" means each authority of the
6 *Government of the United States;*

7 (2) the term "commodity future" means commodity
8 *future as defined in sections 2 and 5 of the Commodity*
9 *Exchange Act, as amended (7 U.S.C. 2 and 5);*

10 (3) the term "Comptroller General" means the
11 *Comptroller General of the United States;*

12 (4) the term "dependent" means dependent as de-
13 *scribed in section 152 of the Internal Revenue Code of*
14 *1954;*

15 (5) the term "employee" includes any employee
16 *designated under section 2105 of title 5, United States*
17 *Code, and any employee of the United States Postal*
18 *Service or of the Postal Rate Commission;*

19 (6) the term "immediate family" means—(A) the
20 *spouse of an individual, (B) the child, parent, grand-*
21 *parent, grandchild, brother, or sister of an individual*
22 *or of the spouse of such individual, and (C) the spouse*
23 *of any individual designated in clause (B);*

24 (7) the term "income" means gross income as de-



1 *defined in section 61 of the Internal Revenue Code of*
2 *1954;*

3 *(8) the term "Member of Congress" means a Sena-*
4 *tor, a Representative, a Resident Commissioner, or a*
5 *Delegate;*

6 *(9) the term "officer" includes any officer desig-*
7 *nated under section 2104 of title 5, United States Code,*

any elected or appointed officer of the
Congress or of either House of Congress,

8 *and any officer of the United States Postal Service or*
9 *of the Postal Rate Commission;*

10 *(10) the term "security" means security as defined*
11 *in section 2 of the Securities Act of 1933, as amended*
12 *(15 U.S.C. 77b);*

13 *(11) the term "transactions in securities and com-*
14 *modities" means any acquisition, transfer, or other dis-*
15 *position involving any security or commodity;*

16 *(12) the term "uniformed services" means any of*
17 *the armed forces, the commissioned corps of the Public*
18 *Health Service, or the commissioned corps of the Na-*
19 *tional Oceanic and Atmospheric Administration;*

20 *(13) the term "political contribution" means a con-*
21 *tribution as defined in section 301 of the Federal Elec-*
22 *tion Campaign Act of 1971 (2 U.S.C. 431); and*

23 *(14) the term "expenditure" means an expenditure*
24 *as defined in section 301 of the Federal Election Cam-*
25 *paign Act of 1971 (2 U.S.C. 431).*

INDIVIDUALS REQUIRED TO FILE REPORT

1

2 SEC. 302. (a) Any individual who is or was an officer
3 or employee designated under subsection (b) shall file each
4 calendar year a report containing a full and complete fi-
5 nancial statement for the preceding calendar year if such
6 individual has occupied the office or position for a period in
7 excess of ninety days in such calendar year.

8 (b) The officers and employees referred to in subsec-
9 tion (a) are—

10 (1) the President;

11 (2) the Vice President;

12 (3) each Member of Congress;

13 (4) each justice or judge of the United States;

14 (5) each officer or employee of the United States
15 who is compensated at a rate equal to or in excess of the
16 minimum rate prescribed for employees holding the grade
17 of GS-16 under section 5332(a) of title 5, United States
18 Code; and

19 (6) each member of a uniformed service who is com-
20 pensated at a rate equal to or in excess of the monthly
21 rate of pay prescribed for grade O-6, as adjusted under
22 section 1009 of title 37, United States Code.

23 (c) Any individual who seeks nomination for election, or
24 election, to the office of President, Vice President, or Member

1 of Congress shall file in any year in which such individual
2 has—

3 (1) taken the action necessary under the law of a
4 State to qualify for nomination for election, or election,
5 or

6 (2) received political contributions or made expendi-
7 tures, or has given consent for any other person to receive
8 political contributions or make expenditures, with a view
9 to bringing about such individual's nomination for elec-
10 tion or election, to such office,

11 a report containing a full and complete financial statement for
12 the preceding calendar year.

13 CONTENTS OF REPORTS

14 SEC. 303. (a) Each individual shall include in each re-
15 port required to be filed by him under section 302 a full and
16 complete statement, in such manner and form as the Comp-
17 troller General may prescribe, with respect to—

18 (1) the amount and source of each item of income,
19 each item of reimbursement for any expenditure, and
20 each gift or aggregate of gifts from one source (other
21 than gifts received from any member of his immediate
22 family) received during the preceding calendar year
23 which exceeds \$100 in amount or value, including any
24 fee or other honorarium received for or in connection
25 with the preparation or delivery of any speech, attend-

1 *ance at any convention or other assembly of individuals,*
 2 *or the preparation of any article or other composition for*
 3 *publication;*

4 (2) *the fair market value and source of any item*
 5 *received in kind*

or aggregate of such items received
 from one source

(other than items received in kind from
 6 *any member of his immediate family), including, but not*
 7 *limited to, any transportation or entertainment received,*
 8 *during the preceding calendar year if such fair market*
 9 *value for such item exceeds \$500;*

10 (3) *the identity and the category of value, as design-*
 11 *ated under subsection (b), of each asset,* ^{*known to him*} *other than*
 12 *household furnishings or goods, jewelry, clothing, or any*
 13 *vehicle owned solely for the personal use of the individual,*
 14 *his spouse, or any of his dependents, held during the pre-*
 15 *ceding calendar year which has a value in excess of*
 16 *\$1,000 as of the close of the preceding calendar year;*

17 (4) *the identity and the category of amount, as*
 18 *designated under subsection (b), of each liability owed*
 19 *which is in excess of \$1,000 as of the close of the*
 20 *preceding calendar year*

*and which was held for business or investment
 purposes;*

21 (5) *the identity, the category of amount, as design-*
 22 *ated under subsection (b), and date of any transaction*
 23 *in securities of any business entity or any transaction in*
 24 *commodities futures during the preceding calendar year*
 25 *which is in excess of \$1,000;*

1 (6) the identity and the category of value, as
2 designated under subsection (b), of any purchase or
3 sale of real property or any interest in any real property
4 during the preceding calendar year if the value of
5 property involved in such purchase or sale exceeds
6 \$1,000
and which was held for business or
investment purposes;

7 (7) any patent right or any interest in any patent
8 right, and the nature of such patent right, held during
9 the preceding calendar year; and

10 (8) a description of, the parties to, and the terms
11 of any contract, promise, or other agreement between
12 such individual and any person with respect to his em-
13 ployment after such individual ceases to occupy his of-
14 fice or position with the Government, including any
15 agreement under which such individual is taking a leave
16 of absence from an office or position outside of the Gov-
17 ernment in order to occupy an office or position of the
18 Government, and a description of and the parties with
19 any unfunded pension agreement between such individual
20 and any employer other than the Government.

21 Each individual designated under paragraphs (5) and (6)
22 of section 302(b) shall also include in such report the identity
23 of any person, other than the Government, who paid such
24 individual compensation in excess of \$5,000 in any of the

1 five years prior to the preceding calendar year and the na-
2 ture and term of the services such individual performed for
3 such person. The preceding sentence shall not require any
4 individual to include in such report any information which is
5 considered confidential as a result of a privileged relationship,
6 established by law, between such individual and any person
7 nor shall it require an individual to report any information
8 with respect to any person for whom services were provided
9 by any firm or association of which such individual was a
10 member, partner, or employee unless such individual was
11 directly involved in the provision of such services.

12 (b)(1) For purposes of paragraphs (3) through (6)
13 of subsection (a), an individual need not specify the actual
14 amount or value of each asset, each liability, each transaction
15 in securities of any business entity or in commodities futures,
16 or each purchase or sale required to be reported under such
17 paragraphs, but such individual shall indicate which of the
18 following categories such amount or value is within—

19 (A) not more than \$5,000,

20 (B) greater than \$5,000 but not more than
21 \$15,000,

22 (C) greater than \$15,000 but not more than
23 \$50,000, or

24 (D) greater than \$50,000.

1 (2) Each individual shall report the actual amount or
2 value of any other item required to be reported under this
3 section.

4 (c) For purposes of paragraphs (1) through (7) of
5 subsection (a), an individual shall include each item of
6 income or reimbursement and each gift received, each item
7 received in kind, each asset held, each liability owed, each
8 transaction in commodities futures and in securities, each
9 purchase or sale of real property or interest in any real
10 property, and each patent right or interest in any patent
11 right held by him, his spouse, or any of his dependents, or by
12 him and his spouse jointly, him and any of his dependents
13 jointly, or his spouse and any of his dependents jointly, or
14 by any person acting on his behalf.

15 FILING OF REPORTS

SEC. 304. (a) (1) Not later than May 15 of each year, reports will be filed as follows: officers and employees of the Executive Branch, other than an individual excepted under paragraph (3) of this subsection, shall file their reports with the Chairman of the Civil Service Commission; Justices, judges, officers and employees of any Court of the United States shall file their reports with the Director of the Administrative Office of the United States Courts; members, officers and employees of the Legislative Branch shall file their reports with the Secretary of the Senate or the Clerk of the House of Representatives, respectively. The Comptroller General shall have access to such reports for the purpose of carrying out this title.

(2)

Each such individual, other than the President, Vice President, a Member of Congress, a justice or judge of the United States, any officer or employee of the Senate or the House of Representatives or any court of the United States, the head of each agency, each Presidential appointee in the Executive Office of the President who is not subordinate

to the head of an agency in the Executive Office, or each full-time member of a committee, board, or commission appointed by the President, shall file a copy of such report with the head of the agency in which such individual occupies any office or position at the same time as such report is filed pursuant to paragraph (1).

(3) The President may exempt any individual in the Central Intelligence Agency, the Defense Intelligence Agency, or the National Security Agency, or any individual engaged

~~Exclusively~~ in intelligence activities in any agency of the United States from the requirement to file a report with the Civil Service Commission if the President finds that, due to the

4 *nature of the office or position occupied by such individual,*
5 *public disclosure of such report would reveal the identity of*
6 *an undercover agent of the Federal Government. Each indi-*
7 *vidual exempted by the President from such requirements shall*
8 *file such report with the head of the agency in which he*
9 *occupies an office or position.*

(b) (1) Each individual who seeks nomination for election, or election, to the office/^{of} President or Vice President and is required to file a report under section 302(c) shall file such report with the Chairman of the Civil Service Commission within one month after the earliest of either action which such individual takes under section 302(c) (1) or (2).

(2) Each individual who seeks nomination for election, or election, to the office of Member of Congress and is required to file a report under section 302(c) shall file such report with the Clerk of the House or the Secretary of the Senate within one month after the earliest of either action which such individual takes under section 302(c) (1) or (2).

— Check Job A

1 such office or position on the last day he occupies such office or
2 position.

time into which report is to be filed

(d) ~~custodians~~ may grant one or more reasonable extensions of time for filing any report but the total of such extensions in any case shall not exceed ninety days.

6 FAILURE TO FILE OR FALSIFYING REPORTS;

7 PROCEDURE

8 SEC. 305. (a) (1) Any individual who willfully fails to
9 file a report as required under section 302, or who knowingly
10 and willfully falsifies or fails to report any information such
11 individual is required to report under section 303, shall be
12 fined in any amount not exceeding \$10,000, or imprisoned
13 for not more than one year, or both.

14 (2) The Attorney General may bring a civil action in
15 any district court of the United States against any individual
16 who fails to file a report which such individual is required to
17 file under section 302 or who fails to report any information
18 which such individual is required to report under section 303.
19 The court in which such action is brought may assess against
20 such individual a penalty in any amount not to exceed
21 \$5,000.

22 (b) The head of each agency, the Clerk of the House of
23 Representatives with respect to any Member, officer, or em-
24 ployee of the House of Representatives, the Secretary of the
25 Senate with respect to any Member, officer or employee of the

1 *Senate, and the Director of the Administrative Office of the*
2 *United States Courts with respect to any justice, judge, officer,*
3 *or employee of any court of the United States shall submit*
4 *annually to the Comptroller General a complete list of in-*
5 *dividuals who are required to file a report under section 302*
6 *and shall submit at the close of each calendar quarter a list*
7 *of individuals who have begun or have terminated employment*
8 *with such agency, the House of Representatives, the Senate,*
9 *or any court in such calendar quarter.*

(c) The Comptroller General and the custodians of reports filed pursuant to this title shall refer to the Attorney General the name of any individual they have reasonable cause to believe

has failed to file a report or has
13 *falsified or failed to file information required to be reported.*
14 *In addition, if such individual is a Member, officer, or em-*
15 *ployee of the Senate or the House of Representatives, the*
16 *Comptroller General shall refer the name of such individual*
17 *to the Senate Select Committee on Standards and Conduct or*
18 *the Committee on Standards of Official Conduct of the House*
19 *of Representatives, whichever is appropriate.*

20 (d) The President, the Vice President, either House of
21 Congress, the Director of the Administrative Office of the
22 United States Courts, the head of each agency or the Civil
23 Service Commission may take any appropriate personnel
24 or other action against any individual failing to file a re-
25 port or information or falsifying information

CUSTODY AND AUDIT OF, AND PUBLIC ACCESS TO, REPORTS

SEC. 306. (a) (1) Except as provided in (2), the custodians shall make each report filed with them under section 304 available to the public within fifteen days after the receipt of such report from any individual and provide a copy of such report to any person upon a written or oral request.

(2) the foregoing subsection shall not apply to individuals in the competitive service, individuals in Schedules A and B of the excepted service, or other individuals who are determined by the Civil Service Commission to be in career positions.

(b) The custodians may require any person receiving a copy of such report under subsection (a) (1) to supply his name and address and the name of the person or organization, if any, on whose behalf he is requesting such copy and to pay a reasonable fee in any amount which the custodian finds necessary to recover the cost of reproduction or mailing of such report excluding any salary of any employee involved in such reproduction or mailing. The custodians may furnish any copy of such

16 *report without charge or at a reduced charge if he determines*
 17 *that waiver or reduction of the fee is in the public interest*
 18 *because furnishing the information can be considered as*
 19 *primarily benefiting the public.*

20 (c) (1) *It shall be unlawful for any person to inspect or*
 21 *obtain a copy of any report—*

22 (A) *for any unlawful purpose;*

23 (B) *for any commercial purpose;*

24 (C) *to determine or establish the credit rating of*
 25 *any individual; or*

(D) to compile any mailing list, or
(E) for use directly or indirectly in the solicitation of money for any political, charitable or other purpose.

3 (2) *The Attorney General may bring a civil action*
4 *in any district court of the United States against any per-*
5 *son who inspects or obtains such report for any purpose*
6 *prohibited in paragraph (1). The court in which such ac-*
7 *tion is brought may assess against such individual a penalty*
8 *in any amount not to exceed \$1,000.*

(d) Reports shall be held by the custodians and made available to the public for a period of five years after receipt. After such five-year period, the custodians shall destroy the reports.

14 (e)(1) *The House of Representatives, the Senate, the*
15 *Director of the Administrative Office of the United States*
16 *Courts, the Chairman of the Civil Service Commission, and*
17 *the head of each agency shall make provisions to assure that*
18 *each report shall be reviewed in accordance with any law or*
19 *regulation with respect to conflicts of interest or confidential*
20 *financial information of officers or employees of the House of*
21 *Representatives, the Senate, the United States courts or each*
22 *such agency or in accordance with rules and regulations as*
23 *may be prescribed.*

24 (2) *Notwithstanding any law or resolution, when-*

1 ever in any criminal case pending in any competent
2 court in which a Member, officer, or employee of the Senate is
3 a defendant, or in any proceeding before a grand jury of
4 any competent court in which alleged criminal conduct of a
5 Member, officer, or employee of the Senate is under investiga-
6 tion, a subpoena is served upon

a custodian directing him to appear and produce
any reports filed pursuant to any financial
disclosure requirement, then the custodian shall--

10 (a) if such report is in a sealed envelope, unseal
11 the envelope containing such report and have an authen-
12 ticated copy made of such report, replace such report
13 in such envelope and reseal it, and note on such envelope
14 that it was opened pursuant to this paragraph in re-
15 sponse to a subpoena, a copy of which shall be attached
16 to such envelope, and

17 (b) appear in response to such subpoena and pro-
18 duce the authenticated copy so made.

19 For purposes of this paragraph, the term "competent court"
20 means a court of the United States, a State, or the District
21 of Columbia which has general jurisdiction to hear cases
22 involving criminal offenses against the United States, such
23 State, or the District of Columbia, as the case may be.

24 (f)(1) The Comptroller General shall, under such

1 regulations as he may prescribe, conduct on a random basis
2 audits of not more than 5 per centum of the reports filed
3 ~~with him~~ under section 304(a)(1).

4 (2) The Comptroller General shall audit during each
5 term of an individual holding the office of President or Vice
6 President at least one report filed by such individual under
7 section 304(a)(1) during such term.

8 (3) The Comptroller General shall, during each six-
9 year period beginning after the date of enactment of this
10 Act, audit at least one report filed by each Member of the
11 Senate and the House of Representatives during such six-
12 year period.

13 (4)(A) In conducting an audit under paragraph (1),
14 (2), or (3), the Comptroller General is authorized to re-
15 quire by subpoena the production of books, papers, and other
16 documents. All such subpoenas shall be issued and signed by
17 the Comptroller General.

18 (B) In case of a refusal to comply with a subpoena
19 issued under subparagraph (A)—

20 (i) the Comptroller General is authorized to seek
21 an order by any district court of the United States hav-
22 ing jurisdiction of the defendant to require the produc-
23 tion of the documents involved; and

24 (ii) such district court may issue such order and
25 enforce it by contempt proceedings.

1

SEPARABILITY

2

SEC. 307. If any part of this title is held invalid, the remainder of the title shall not be affected thereby. If any provision of any part of this title, or the application thereof to any person or circumstance, is held invalid, the provisions of other parts and their application to other persons or circumstances shall not be affected thereby.

8

AUTHORIZATION OF APPROPRIATIONS

9

SEC. 308. There are authorized to be appropriated for each fiscal year through October 30, 1981, such sums as may be necessary to carry out the provisions of this title.

10
11

[July 1976?]



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10 (3) the term "Comptroller General" means the
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13 *finied in section 152 of the Internal Revenue Code of*
14 *1954;*

15 (5) the term "employee" includes any employee
16 *designated under section 2105 of title 5, United States*
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18 *Service or of the Postal Rate Commission;*

19 (6) the term "immediate family" means—(A) the
20 *spouse of an individual, (B) the child, parent, grand-*
21 *parent, grandchild, brother, or sister of an individual*
22 *or of the spouse of such individual, and (C) the spouse*
23 *of any individual designated in clause (B);*

24 (7) the term "income" means gross income as de-

1 *defined in section 61 of the Internal Revenue Code of*
2 *1954;*

3 (8) the term "Member of Congress" means a Sena-
4 tor, a Representative, a Resident Commissioner, or a
5 Delegate;

6 (9) the term "officer" includes any officer desig-
7 nated under section 2104 of title 5, United States Code,

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Congress or of either House of Congress,

8 and any officer of the United States Postal Service or
9 of the Postal Rate Commission;

10 (10) the term "security" means security as defined
11 in section 2 of the Securities Act of 1933, as amended
12 (15 U.S.C. 77b);

13 (11) the term "transactions in securities and com-
14 modities" means any acquisition, transfer, or other dis-
15 position involving any security or commodity;

16 (12) the term "uniformed services" means any of
17 the armed forces, the commissioned corps of the Public
18 Health Service, or the commissioned corps of the Na-
19 tional Oceanic and Atmospheric Administration;

20 (13) the term "political contribution" means a con-
21 tribution as defined in section 301 of the Federal Elec-
22 tion Campaign Act of 1971 (2 U.S.C. 431); and

23 (14) the term "expenditure" means an expenditure
24 as defined in section 301 of the Federal Election Cam-
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7 *excess of ninety days in such calendar year.*

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9 *tion (a) are—*

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11 *(2) the Vice President;*

12 *(3) each Member of Congress;*

13 *(4) each justice or judge of the United States;*

14 *(5) each officer or employee of the United States*

15 *who is compensated at a rate equal to or in excess of the*
16 *minimum rate prescribed for employees holding the grade*
17 *of GS-16 under section 5332(a) of title 5, United States*
18 *Code; and*

19 *(6) each member of a uniformed service who is com-*
20 *pensated at a rate equal to or in excess of the monthly*
21 *rate of pay prescribed for grade O-6, as adjusted under*
22 *section 1009 of title 37, United States Code.*

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24 *election, to the office of President, Vice President, or Member*

1 of Congress shall file in any year in which such individual
2 has—

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4 State to qualify for nomination for election, or election,

5 or

6 (2) received political contributions or made expendi-
7 tures, or has given consent for any other person to receive
8 political contributions or make expenditures, with a view
9 to bringing about such individual's nomination for elec-
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12 the preceding calendar year.

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15 port required to be filed by him under section 302 a full and
16 complete statement, in such manner and form as the Comp-
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18 (1) the amount and source of each item of income,
19 each item of reimbursement for any expenditure, and
20 each gift or aggregate of gifts from one source (other
21 than gifts received from any member of his immediate
22 family) received during the preceding calendar year
23 which exceeds \$100 in amount or value, including any
24 fee or other honorarium received for or in connection
25 with the preparation or delivery of any speech, attend-

1 *ance at any convention or other assembly of individuals,*
 2 *or the preparation of any article or other composition for*
 3 *publication;*

4 (2) *the fair market value and source of any item*
 5 *received in kind*

or aggregate of such items received
 from one source

(*other than items received in kind from*
 6 *any member of his immediate family*), including, but not
 7 *limited to, any transportation or entertainment received,*
 8 *during the preceding calendar year if such fair market*
 9 *value for such item exceeds \$500;*

10 (3) *the identity and the category of value, as designat*
 11 *ated under subsection (b), of each asset, ^{known to him} other than*
 12 *household furnishings or goods, jewelry, clothing, or any*
 13 *vehicle owned solely for the personal use of the individual,*
 14 *his spouse, or any of his dependents, held during the pre-*
 15 *ceding calendar year, ^{for business or investment purposes and} which has a value in excess of*
 16 *\$1,000 as of the close of the preceding calendar year;*

17 (4) *the identity and the category of amount, as*
 18 *designated under subsection (b), of each liability owed*
 19 *which is in excess of \$1,000 as of the close of the*
 20 *preceding calendar year*

~~*and which was held for business or investment purposes;*~~

21 (5) *the identity, the category of amount, as designat*
 22 *ated under subsection (b), and date of any transaction*
 23 *in securities of any business entity or any transaction in*
 24 *commodities futures during the preceding calendar year*
 25 *which is in excess of \$1,000;*

1 (6) the identity and the category of value, as
2 designated under subsection (b), of any purchase or
3 sale of real property or any interest in any real property
4 during the preceding calendar year if the value of
5 property involved in such purchase or sale exceeds
6 \$1,000
and which was held for business or
investment purposes;

7 (7) any patent right or any interest in any patent
8 right, and the nature of such patent right, held during
9 the preceding calendar year; and

10 (8) a description of, the parties to, and the terms
11 of any contract, promise, or other agreement between
12 such individual and any person with respect to his em-
13 ployment after such individual ceases to occupy his of-
14 fice or position with the Government, including any
15 agreement under which such individual is taking a leave
16 of absence from an office or position outside of the Gov-
17 ernment in order to occupy an office or position of the
18 Government, and a description of and the parties with
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20 and any employer other than the Government.

21 Each individual designated under paragraphs (5) and (6)
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6 established by law, between such individual and any person
7 nor shall it require an individual to report any information
8 with respect to any person for whom services were provided
9 by any firm or association of which such individual was a
10 member, partner, or employee unless such individual was
11 directly involved in the provision of such services.

12 (b) (1) For purposes of paragraphs (3) through (6)
13 of subsection (a), an individual need not specify the actual
14 amount or value of each asset, each liability, each transaction
15 in securities of any business entity or in commodities futures,
16 or each purchase or sale required to be reported under such
17 paragraphs, but such individual shall indicate which of the
18 following categories such amount or value is within—

19 (A) not more than \$5,000,

20 (B) greater than \$5,000 but not more than
21 \$15,000,

22 (C) greater than \$15,000 but not more than
23 \$50,000, or

24 (D) greater than \$50,000.

1 (2) Each individual shall report the actual amount or
2 value of any other item required to be reported under this
3 section.

4 (c) For purposes of paragraphs (1) through (7) of
5 subsection (a), an individual shall include each item of
6 income or reimbursement and each gift received, each item
7 received in kind, each asset held, each liability owed, each
8 transaction in commodities futures and in securities, each
9 purchase or sale of real property or interest in any real
10 property, and each patent right or interest in any patent
11 right held by him, his spouse, or any of his dependents, or by
12 him and his spouse jointly, him and any of his dependents
13 jointly, or his spouse and any of his dependents jointly, or
14 by any person acting on his behalf.

15

FILING OF REPORTS

SEC. 304. (a) (1) Not later than May 15 of each year, reports will be filed as follows: officers and employees of the Executive Branch, other than an individual excepted under paragraph (3) of this subsection, shall file their reports with the Chairman of the Civil Service Commission; Justices, judges, officers and employees of any Court of the United States shall file their reports with the Director of the Administrative Office of the United States Courts; members, officers and employees of the Legislative Branch shall file their reports with the Secretary of the Senate or the Clerk of the House of Representatives, respectively. The Comptroller General shall have access to such reports for the purpose of carrying out this title.

~~(1)~~ (2) Each such individual, other than the President, Vice President, a Member of Congress, a justice or judge of the United States, any officer or employee of the Senate or the House of Representatives or any court of the United States, the head of each agency, each Presidential appointee in the Executive Office of the President who is not subordinate to the head of an agency in the Executive Office, or each full-time member of a committee, board, or commission appointed by the President, shall file a copy of such report with the head of the agency in which such individual occupies any office or position at the same time as such report is filed pursuant to paragraph (1).

(3) The President may exempt any individual in the Central Intelligence Agency, the Defense Intelligence Agency, or the National Security Agency, or any individual engaged

~~exclusively~~ in intelligence activities in any agency of the United States from the requirement to file a report with the Civil Service Commission if the President finds that, due to the

4 nature of the office or position occupied by such individual,
5 public disclosure of such report would reveal the identity of
6 an undercover agent of the Federal Government. Each indi-
7 vidual exempted by the President from such requirements shall
8 file such report with the head of the agency in which he
9 occupies an office or position.

(b) (1) Each individual who seeks nomination for
election, or election, to the office/^{of}President or
Vice President and is required to file a report under
section 302(c) shall file such report with the Chair-
man of the Civil Service Commission within one month
after the earliest of either action which such
individual takes under section 302(c) (1) or (2).

(2) Each individual who seeks nomination for
election, or election, to the office of Member of
Congress and is required to file a report under
section 302(c) shall file such report with the Clerk
of the House or the Secretary of the Senate within
one month after the earliest of either action which
such individual takes under section 302(c) (1) or (2).

16 (c)(1) Any individual who ceases prior to May 15 of
17 any calendar year to occupy the office or position the occu-
18 pancy of which imposes upon him the reporting requirement
19 contained in section 302(a) shall file such report for the
20 preceding calendar year and the period of such calendar year
21 for which he occupies such office or position on or before
22 May 15 of such calendar year.

23 (2) Any individual who ceases to occupy such office or
24 position after May 15 of any calendar year shall file such
25 report for the period of such calendar year which he occupies

1 such office or position on the last day he occupies such office or
2 position.

^{Persons with whom reports are to be filed}
(d) Custodians may grant one or more reasonable extensions of time for filing any report but the total of such extensions in any case shall not exceed ninety days.

6 FAILURE TO FILE OR FALSIFYING REPORTS;

7 PROCEDURE

8 SEC. 305. (a)(1) Any individual who willfully fails to
9 file a report as required under section 302, or who knowingly
10 and willfully falsifies or fails to report any information such
11 individual is required to report under section 303, shall be
12 fined in any amount not exceeding \$10,000, or imprisoned
13 for not more than one year, or both.

14 (2) The Attorney General may bring a civil action in
15 any district court of the United States against any individual
16 who fails to file a report which such individual is required to
17 file under section 302 or who fails to report any information
18 which such individual is required to report under section 303.
19 The court in which such action is brought may assess against
20 such individual a penalty in any amount not to exceed
21 \$5,000.

22 (b) The head of each agency, the Clerk of the House of
23 Representatives with respect to any Member, officer, or em-
24 ployee of the House of Representatives, the Secretary of the
25 Senate with respect to any Member, officer or employee of the

1 Senate, and the Director of the Administrative Office of the
 2 United States Courts with respect to any justice, judge, officer,
 3 or employee of any court of the United States shall submit
 4 annually to the Comptroller General a complete list of in-
 5 dividuals who are required to file a report under section 302
 6 and shall submit at the close of each calendar quarter a list
 7 of individuals who have begun or have terminated employment
 8 with such agency, the House of Representatives, the Senate,
 9 or any court in such calendar quarter.

(c) The Comptroller General ^{or} and the ^{person with whom} ~~custodians~~
 of reports ^{is required to be} filed pursuant to this title shall
 refer to the Attorney General the name of any
 individual ^{which he has} ~~they have~~ reasonable cause to believe

has failed to file a report or has
 13 *falsified or failed to file information required to be reported.*
 14 *In addition, if such individual is a Member, officer, or em-*
 15 *ployee of the Senate or the House of Representatives, the*
 16 *Comptroller General shall refer the name of such individual*
 17 *to the Senate Select Committee on Standards and Conduct or*
 18 *the Committee on Standards of Official Conduct of the House*
 19 *of Representatives, whichever is appropriate.*

20 (d) The President, the Vice President, either House of
 21 Congress, the Director of the Administrative Office of the
 22 United States Courts, the head of each agency or the Civil
 23 Service Commission may take any appropriate personnel
 24 or other action against any individual failing to file a re-
 25 ~~port or information or falsifying information.~~
 PORT OR INFORMATION OR falsifying information.

CUSTODY AND AUDIT OF, AND PUBLIC ACCESS TO, REPORTS

SEC. 306. (a) (1) Except as provided in (2), the ~~person with whom a report is required to be filed shall make such report~~ ^{person with whom a report is required to be filed shall make such report} ~~custodians shall make each report filed with them under~~ ^{section 304 available to the public} ~~section 304 available to the public~~ ^{for inspection} within fifteen days after the receipt ^{thereof} ~~of such report from any individual~~ and ^{shall} provide a copy of such report to any person upon ~~a~~ ^a written or oral request.

(2) The foregoing ^{paragraph} ~~subsection~~ shall not apply to individuals in the competitive service, individuals in Schedules A and B of the excepted service, or other individuals who are determined by the Civil Service Commission to be in career positions.

(b) ~~The custodians may require~~ ^{requesting} any person ^{receiving} a copy of ^a such report under subsection (a) (1) ^{shall} to supply his name and address and the name of the person or organization, if any, on whose behalf he is requesting such copy and ^{may be required} to pay a reasonable fee in ^{an} any amount ~~which the~~ ^{custodian finds} necessary to recover the cost of reproduction or mailing of such report excluding any salary of any employee involved in such reproduction or mailing. ~~The custodians may furnish any copy of such~~

~~16 report without charge or at a reduced charge if he determines
17 that waiver or reduction of the fee is in the public interest
18 because furnishing the information can be considered as
19 primarily benefiting the public.~~

20 (c) (1) It shall be unlawful for any person to inspect or
21 obtain a copy of any report—

22 (A) for any unlawful purpose;

23 (B) for any commercial purpose;

24 (C) to determine or establish the credit rating of

25 any individual; or

(D) to compile any mailing list, or
(E) for use directly or indirectly in the solicitation of money for any political, charitable or other purpose.

3 (2) The Attorney General may bring a civil action
4 in any district court of the United States against any per-
5 son who inspects or obtains such report for any purpose
6 prohibited in paragraph (1). The court in which such ac-
7 tion is brought may assess against such individual a penalty
8 in any amount not to exceed \$1,000.

(d) Reports shall be held ~~by the custodians~~
and made available to the public for a period of
five years after receipt. After such five-year
period, the ^{reports shall be destroyed,} ~~custodians shall destroy the reports.~~

14 (e)(1) The House of Representatives, the Senate, the
15 Director of the Administrative Office of the United States
16 Courts, the Chairman of the Civil Service Commission, and
17 the head of each agency shall make provisions to assure that
18 each report shall be reviewed in accordance with any law or
19 regulation with respect to conflicts of interest or confidential
20 financial information of officers or employees of the House of
21 Representatives, the Senate, the United States courts or each
22 such agency or in accordance with rules and regulations as
23 may be prescribed.

24 (2) Notwithstanding any law or resolution, when,

1 ever in any criminal case pending in any competent
 2 court in which a Member, officer, or employee of the Senate is
 3 a defendant, or in any proceeding before a grand jury of
 4 any competent court in which alleged criminal conduct of a
 5 Member, officer, or employee of the Senate is under investiga-
 6 tion, a subpoena is served upon
 the Secretary of the Senate
 a custodian directing him to appear and produce
 any reports filed pursuant to any financial
 disclosure requirement, then the ^{he} custodian shall--

10 (i) if such report is in a sealed envelope, unseal
 11 the envelope containing such report and have an authen-
 12 ticated copy made of such report, replace such report
 13 in such envelope and reseal it, and note on such envelope
 14 that it was opened pursuant to this paragraph in re-
 15 sponse to a subpoena, a copy of which shall be attached
 16 to such envelope, and
 17 (ii) appear in response to such subpoena and pro-
 18 duce the authenticated copy so made.

19 For purposes of this paragraph, the term "competent court"
 20 means a court of the United States, a State, or the District
 21 of Columbia which has general jurisdiction to hear cases
 22 involving criminal offenses against the United States, such
 23 State, or the District of Columbia, as the case may be.

24 (f)(1) The Comptroller General shall, under such



1 regulations as he may prescribe, conduct on a random basis
2 audits of not more than 5 per centum of the reports filed
3 ~~with him~~ under section 304(a)(1).

4 (2) The Comptroller General shall audit during each
5 term of an individual holding the office of President or Vice
6 President at least one report filed by such individual under
7 section 304(a)(1) during such term.

8 (3) The Comptroller General shall, during each six-
9 year period beginning after the date of enactment of this
10 Act, audit at least one report filed by each Member of the
11 Senate and the House of Representatives during such six-
12 year period.

13 (4)(A) In conducting an audit under paragraph (1),
14 (2), or (3), the Comptroller General is authorized to re-
15 quire by subpena the production of books, papers, and other
16 documents. All such subpoenas shall be issued and signed by
17 the Comptroller General.

18 (B) In case of a refusal to comply with a subpoena
19 issued under subparagraph (A)—

20 (i) the Comptroller General is authorized to seek
21 an order by any district court of the United States hav-
22 ing jurisdiction of the defendant to require the produc-
23 tion of the documents involved; and

24 (ii) such district court may issue such order and
25 enforce it by contempt proceedings.

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Indent

(5) Whenever the Comptroller General finds that a report filed under Section 304(a) (1) discloses the existence of a conflict of interest or a potential conflict of interest, he shall report his finding to the person with whom such report has been filed with a copy to the individual who filed such report. In the event an issue raised by such a report is not resolved to the satisfaction of the Comptroller General, he may, after the lapse of 90 days from the date of his report, make public the report filed under Section 304(a) (1), together with his finding and all comments made or actions taken in respect of his finding.

SEPARABILITY

1
2 *SEC. 307. If any part of this title is held invalid, the re-*
3 *mainder of the title shall not be affected thereby. If any pro-*
4 *vision of any part of this title, or the application thereof to*
5 *any person or circumstance, is held invalid, the provisions of*
6 *other parts and their application to other persons or circum-*
7 *stances shall not be affected thereby.*

AUTHORIZATION OF APPROPRIATIONS

8
9 *SEC. 308. There are authorized to be appropriated for*
10 *each fiscal year through October 30, 1981, such sums as may*
11 *be necessary to carry out the provisions of this title.*