

THE GENERAL COUNSEL
POST OFFICE DEPARTMENT
WASHINGTON, D.C. 20260

October 29, 1970

MEMORANDUM FOR: JOHN W. DEAN, III
COUNSEL TO THE PRESIDENT

FROM: DAVID A. NELSON *J.A.N.*

SUBJECT: Executive Order Prescribing Standards of
Conduct for the Postal Rate Commission

Attached is the final form of the proposed Executive Order as worked out in discussions with you, the Justice Department and Civil Service Commission.

Attachment

cc: Thomas E. Kauper
Department of Justice

Anthony Mondello
Civil Service Commission

Karl Rüdiger
Civil Service Commission

EXECUTIVE ORDER

PROVIDING FOR THE REGULATION OF CONDUCT FOR THE POSTAL RATE COMMISSION AND ITS EMPLOYEES

Under the Postal Reorganization Act (Public Law 91-375), the Postal Rate Commission (referred to hereafter as the "Commission") is charged with the establishment and adjustment of fair and equitable rates of postage, fees for postal services, and classifications of mail. It is essential to public confidence in the United States Postal Service that the activities, procedures, decisions, and recommendations of the Commission be irreproachably impartial and disinterested and free from taint or suspicion of favoritism of any kind whatsoever, both in fact and in appearance.

NOW THEREFORE, by virtue of the authority vested in me by Section 301 of Title 3, and Section 7301 of Title 5, United States Code, and the Postal Reorganization Act, it is hereby ordered as follows:

Section 101. The Commission is subject to Executive Order No. 11222 of May 8, 1965, "Prescribing Standards of Ethical Conduct for Government Officers and Employees," and Part 735 of the regulations of the Civil Service Commission (5 CFR Part 735). In addition, the successful performance of the responsibilities of the Commission is

so uniquely dependent on general public confidence that special procedures as set forth in or under authority of this Order are essential in the formulation and administration of the standards of conduct regulations applicable to the Commissioners and employees of the Commission.

Sec. 102. The Civil Service Commission shall prepare the initial standards of conduct regulations for the Commission. The regulations shall contain such provisions as will ensure that the Commissioners and employees of the Commission are fully guarded against involvement in conflicts of interest situations, or the appearance thereof, or other conduct that may lessen public confidence. The regulations shall include provision for:

(a) concurrent filing of confidential statements of outside employment and financial interests by employees of the Commission with a designated official of the Commission and the Chairman of the Civil Service Commission,

(b) strict control of ex parte contacts with the Commission and the Commissioners or employees of the Commission regarding particular matters at issue in contested proceedings before the Commission. The control of such contacts shall include, but not be limited to, the maintenance of public records of such contacts which fully

identify the individuals involved and the nature of the subject matter discussed,

(c) absolute prohibition against the receipt of honoraria, travel expenses, entertainment, gifts, loans, favors, or any thing of value by a Commissioner or employee of the Commission from an individual (other than one having a close family or personal relationship) or organization having, or likely to have, business with the Commission, and

(d) immediate filing of a report by a Commissioner or employee of the Commission with the Chairman of the Civil Service Commission and the Attorney General concerning (1) any offer of a bribe or the use or attempted use of undue influence or coercion to have such Commissioner or employee act or not act in regard to his official responsibilities and (2) the violation of any law or regulation directly or indirectly related to the responsibilities of the Commission.

Sec. 103. The Civil Service Commission shall issue the initial standards of conduct regulations applicable to the Commission not later than 90 days after the effective date of this Order. Thereafter, the Commission may from time to time amend the regulations, consistent with this Order. The regulations and any amendments thereto shall be published in the Federal Register.

THE WHITE HOUSE

1970

THE GENERAL COUNSEL
POST OFFICE DEPARTMENT

WASHINGTON, D.C. 20260

October 8, 1970

MEMORANDUM FOR: JOHN W. DEAN, III
COUNSEL TO THE PRESIDENT

FROM: DAVID A. NELSON *DAN.*

SUBJECT: Executive Order Prescribing Standards of
Conduct for the Postal Rate Commission

As requested, I have reviewed the October 6 draft of the proposed Executive Order, and I am returning a copy with a few suggested changes noted in pencil.

The changes we are suggesting in the Preamble's Recitation of Authority would, I believe, bring into sharper focus the President's precise authority for issuing an order of this type.

The changes at the bottom of the first page and the top of the second are purely stylistic.

The change in Section 102(b) would relieve the Commission from restrictions that we believe the Commission would find it very difficult to live with. Perhaps we should discuss this point at your convenience.

Finally, the suggestion that the time for issuance of the initial regulations by the Civil Service Commission be increased from 30 to 90 days is predicated on the belief that a considerable amount of work remains to be done on the regulations themselves. Since it may not be possible to have the regulations in final form by the time the Executive Order is issued, I think it would be prudent to allow at least 90 days. This would not, of course, prevent the Commission from issuing the regulations sooner.

I would appreciate your letting me know before a final decision is made on the time of the Executive Order.

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EXECUTIVE ORDER

PROVIDING FOR THE REGULATION OF CONDUCT FOR
THE POSTAL RATE COMMISSION AND ITS EMPLOYEES

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NOW THEREFORE, by virtue of the authority vested in me by Section 301 of Title 3 ^{2 1102(d), 7301 and 7521} and Section 7301 of Title 5, United States Code, ^{and Section 2 of the Postal Reorganization Act} ~~and as President of the United States~~, it is hereby ordered as follows:

Section 101. The Commission is subject to Executive Order No. 11222 of May 8, 1965, "Prescribing Standards of Ethical Conduct for Government Officers and Employees", and Part 735 of the regulations of the Civil Service Commission (5 CFR Part 735). In addition, ~~to the application of that Order and those regulations~~ ^{to the Commission}, the successful performance of the responsibilities

12
of the Commission ~~are~~ so uniquely dependent on general public confidence that special procedures as set forth in or under authority of this Order are essential in the formulation and administration of the standards of conduct regulations applicable to the Commissioners and employees of the Commission.

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(a) concurrent filing of confidential statements of outside employment and financial interests by employees of the Commission with a designated official of the Commission and the Chairman of the Civil Service Commission,

(b) strict control of ~~informal or~~ ex parte contacts *between individuals having, or likely to have, business with the* Commission and the Commissioners or employees of the Commission. The control of such contacts shall include, but not be limited to, the maintenance of public records of such contacts which fully identify the individuals involved and the nature of the subject matter discussed;

regarding particular matters at issue in contested proceedings before the Commission.

(c) absolute prohibition against the receipt of honoraria, travel expenses, entertainment or any thing of value more than nominal value (for example, food and refreshment in the ordinary course of a luncheon or dinner meeting) or any thing of value by a Commissioner of the Commission from an individual (other than a family member) or organization with which the Commissioner is likely to have, business with the Commission,

(d) immediate filing of a report by a Commissioner or employee of the Commission with the Chairman of the Civil Service Commission and the Attorney General concerning (1) any offer of a bribe or the use or attempted use of undue influence or coercion to have such Commissioner or employee act or not act in regard to his official responsibilities and (2) the violation of any law or regulation directly or indirectly related to the responsibilities of the Commission.

Sec. 103. The Civil Service Commission shall issue the initial standards of conduct regulations applicable to the Commission not later than ⁹⁰~~30~~ days after the effective date of this Order. Thereafter, the Commission may from time to time amend the regulations, consistent with this Order. The regulations and any amendments thereto shall be published in the Federal Register.

THE WHITE HOUSE

2 September 1970

October 6, 1970

MEMORANDUM FOR PETER FLANIGAN

Attached is a letter from Mr. William Curtin formally requesting the withdrawal of his nomination as a Governor of the Postal Rate Service. Mr. Curtin has an insurmountable conflict of interest problem and has accordingly requested that his nomination be withdrawn.

Pursuant to my conversation with Flemming, his office will draft an appropriate response for the President and deal with the mechanics of the withdrawal procedure.

JOHN DEAN

cc: Flemming
Ehrlichman
Haldeman

WILLIAM J. CURTIN

October 5, 1970

The President
The White House
Washington, D. C.

Dear Mr. President:

Your nomination of me as a Governor of the newly-created United States Postal Service is a great honor and I deeply appreciate it. Both the importance of the new Postal Service to the nation and the eminence of the other designated Governors led me to regard the nomination as an extraordinary opportunity for public service. Perhaps my specialization in labor law and labor relations was largely responsible for my selection but, in any event, whatever qualifications I might have are always at your disposal.

When Postmaster General Blount first inquired about my availability and willingness to accept this appointment, I believed that there would not be any conflict of interest with my own private law practice. A subsequent review of the relevant statutes and Executive Order does raise, in my particular situation and in my judgment, the possibility of the appearance of a conflict of interest. The law firm in which I am a partner

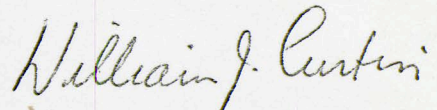
WILLIAM J. CURTIN

- 2 -

represents several thousand clients, including many corporations. Some of these corporate clients have interests affected by the postal service which might raise the appearance of a conflict of interest if I remained as both a Governor and a member of the firm.

Clearly, an auspicious beginning for the United States Postal Service is of much greater public concern than my own feelings of regret and disappointment. In view of the foregoing, I must respectfully request that you withdraw my nomination.

Yours respectfully,

A handwritten signature in cursive script that reads "William J. Curtin". The signature is written in dark ink and is positioned above the printed name.

William J. Curtin

WJC/el

September 9, 1970

MEMORANDUM FOR JOHN EHRLICHMAN
H. R. HALDEMAN

SUBJECT: Postal Rate Commission - Conflict of Interest

Attached for your information is a proposed Executive Order providing for the regulation of conduct of the Postal Rate Commission and its employees. Also attached is a draft set of regulations for the Rate Commission to be issued by the Civil Service Commission under the authority of and pursuant to the proposed Executive Order.

I have also sent to Jim Keogh a draft Presidential Statement to accompany the issuance of the Executive Order.

I would appreciate any thoughts you have regarding the timing for issuance of the Executive Order. I will proceed to prepare an appropriate memorandum for submission of this material to the President.

JOHN DEAN

cc: Flanigan
Flemming

Department of Justice
Washington, D.C. 20530

AUG 21 1970

MEMORANDUM FOR THE HONORABLE JOHN W. DEAN, III
Counsel for the President

This will refer to your request for the expedited comments of this Office on a draft Executive order prescribing standards of conduct for the new Postal Rate Commission. Our preliminary comments, many of a technical nature, are attached hereto. In addition, for your convenience, we attach a marked-up copy of the draft order.

If you have not already done so, you may wish to request the comments of the Civil Service Commission on the draft Executive order.

We have not undertaken a substantial redrafting of the order, which might materially reduce its length and improve its clarity, because of time limitations. As our comments indicate, we are particularly concerned about the severity of some of the reporting requirements contained in Section 104.

Thomas E. Kauper

Thomas E. Kauper
Deputy Assistant Attorney General
Office of Legal Counsel

Attachment

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Counsel for the President

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Thomas E. Kauper
Deputy Assistant Attorney General
Office of Legal Counsel

Attachment

COMMENTS

Page 1.

We assume that the date "August 17, 1970," will be deleted, and the appropriate date will appear at the end of the order under the words "The White House."

Preamble, etc., p. 1, lines 2, 9, 16; p. 9, line 20;
p. 10, lines 1, 3, 6, 14.

After the words "Postal Rate Commission" (p. 1, line 2), add: "(referred to hereafter as the "Commission")."

Delete the words "Postal Rate" or "Rate" prior to the word "Commission" in each instance throughout the proposed order.

Change the last paragraph of the Preamble to read as follows:

"Now, therefore, by virtue of the authority vested in me by section 301 of Title 3 and section 7301 of Title 5, United States Code, Chapter 36 of Public Law 91-375, and as President of the United States, it is hereby ordered as follows:"

Section 101(a), p. 1, 2 lines from bottom.

Add the word "entertainment" after the word "favor."

Section 101(b)(4), p. 2.

Change this provision to read:

"(4) Acceptance of payments in discharge of lawful obligations or debts except as otherwise prohibited under subsection (c) of this section and section 105."

At the end of section 101(b)(4), p. 2, add:

"(5) Acceptance of unsolicited advertising or promotional material, and other items of nominal intrinsic value."

Section 101(c), p. 2, 4 lines from bottom.

At the end of line 1 of this provision, add the word "with" after the word "coordinated."

On the third line from the bottom of p. 2, change the words "private practice" to "the practice of law."

It seems to us that from practical viewpoint (if the hiring of competent persons in lower levels is not to be discouraged), an employee earning as little as \$12,000 per year (the equivalent of a GS-11, Step 2) should not be precluded from engaging in outside employment so long as such employment is not incompatible with his official

duties and responsibilities. We would suggest either that this matter be left to the discretion of the Commission, or as an alternative, that the cut-off in the Executive order be increased to \$20,000 (equivalent of GS-14, Step 2).

Section 101(c), p. 3, end of line 3.

After the word "classifications," add the words:
", the purchase or rental of real estate, the construction or alteration of postal service buildings, renewal or extension of leases of postal service offices or buildings, the purchase, rental or maintenance of postal service vehicles, or any other service equipment or financial interest involving or arising out of the administration and operation of the Postal Service."

Section 102(a), p. 3.

Change "Section" to "Sec."

Delete the word "or" prior to the words "to have full knowledge of such communication." On the last line of section 102(a), delete the period after the word "communication", and add:

", and to answer any allegations or contentions contained in the unauthorized ex parte communication."

Section 102(b), p. 4.

Change the word "by" on the second line of p. 4 to "with".

Section 102(c), p. 4.

Change the word "of" on the seventh line of the page to "by".

Section 102(b), after par. c, p. 4.

Add:

"(d) The Chairman of the Commission, or any other person designated by him, shall notify the communicator of the provisions of this order prohibiting ex parte communications."

Section 103, p. 4.

Change "Section 103" to "Sec. 103".

Change the word "toward" to "to create" (third line of the provision).

We think that the proviso which would require teaching or lecturing to be performed under the auspices of "an accredited educational institution" is unduly restrictive and should be deleted, particularly in view of the preceding proviso that such activity shall not result in

a conflict of interest or the appearance of conflict. It may be noted that neither E.O. No. 11222 nor the Civil Service Regulations relating to ethical and other conduct require teaching in an accredited educational institution of federal employees as a condition for outside employment. Section 104, pp. 5-8.

Suggested technical changes are:

p. 5. Change "Section" 104 to "Sec." 104.

Change the word "reason" (2 lines from the bottom, p. 5) to "purpose."

pp. 6-7. Change the last sentence of section 104(c) to read:

"Further, each Commissioner shall divest himself, within such time as prescribed by the Chairman of the Civil Service Commission, but no later than 90 days subsequent to the date of his appointment, of all financial interests in any entity ... pursuant to subsection (a)."

p. 7. Change the last sentence of section 104(d) to read:

"Such regulations shall be consistent with subsections (a) through (c) of this section."

Correct the spelling of the word "susequent" in section 104(e) to "subsequent."

p. 8. Change the language on line 2 of p. 8 from "Commissioners, in respect" to "Commissioners with respect".

Add the word "the" prior to the word "case", in the second line of section 104(g).

As a matter of substance, section 104 deals with reporting requirements by Commissioners. The statements which they would be required to file would contain information relating to their private affairs in greater detail than is required of similar officials subject to E.O. No. 11222 and Civil Service Regulations. As a general rule, it seems to us that the latter standards should govern unless there is some basis in experience to single out a particular group of officials for more stringent treatment. Absent any demonstrated need as calls for the invidious treatment which section 104(a) imposes here, we would suggest that the following additional changes be made in section 104.

Section 104(a)(1)(B), p. 5.

Delete the words "including the dollar amount or value thereof", inasmuch as these are often matters difficult to evaluate.

Section 104(a)(1)(C), p. 5.

Change this provision to read:

"(C) in which he has any financial interest through the ownership of stocks, bonds, or other securities and financial interests, including the number of shares of each, their monetary value, and the dates of acquisition."

Section 104(a)(2), p. 5.

Change this provision to read:

"(2) The names of his creditors, including the amount of the debt, terms of the loan agreement, and the nature of the collateral, if any, as security for the debt."

Section 104(a)(3), p. 6.

Delete the words: "including property which he occupies as a personal residence", and the words "means of acquisition", so that lines 3 and 4 of this provision read:

"fair market value thereof, acquisition cost, if any, the amount and terms of any mortgages and the dates thereof."

Section 104(a)(4), p. 6.

For reasons given in our earlier discussion of section 104, we would suggest that this provision be deleted in its entirety.

Section 104(c), pp. 6-7.

If our suggestion relating to section 101(c), supra, is adopted, we would suggest a corresponding amplification after the word "classification", to include possible interests in real estate, equipment and other matters required by the Postal Service which may present conflict of interest problems.

Section 104(e)(2), p. 7.

The word "extraordinary" is vague. The inquiry on this score would appear to go too far in searching into the person's private affairs.

Section 104(f), p. 8.

Following the word "Commissioner" and "employees" at the end of each sentence in the subsection, delete the

period and add: "and the time or times for such submission."

Section 105, p. 8.

Change "Section" 105 to "Sec." 105.

Capitalize "commissioner".

Section 106, p. 8.

Change "Section" 106(a) to "Sec." 106(a).

Section 107, p. 9.

Change "Section" 107 to "Sec." 107.

Section 108(a), p. 9.

Change "Section" 108 to "Sec." 108.

Change the word "or" after "Commission" on the second line of this provision to "and".

Change the word "in" on the fifth line of this provision to "with".

Delete the word "Executive" and lower the case of "Order" on the sixth line of this provision.

Section 201, p. 9.

Make the latter change in section 201, p. 9 in the three places where the words "Executive Order" appear near the bottom of p. 9.

Change "Section" 201 to "Sec." 201.

Section 202, p. 10.

Change "Section" 202 to "Sec." 202. Change the first two lines to read:

"The Commission is hereby directed to supplement the standards provided by law, including this order with, etc."

Change the word "regulation" in section 202(1) to "regulations".

Section 203, p. 10.

Change "Section" 203 to "Sec." 203.

Delete the word "other" prior to the word "Commission" on the first line of the provision.

Delete the word "Executive" and lower the case of the word "Order" on the second line of the provision.

We suggest the addition of a provision to section 203 similar to section 404 of Executive Order No. 11222, as follows:

"The Chairman of the Civil Service Commission shall report to the President any information contained in statements required by section 104 of this order which may indicate a conflict between

the financial interests of the official concerned
and the performance of his services for the Postal
Service."

COMMENTS

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Capitalize "commissioner".

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We suggest the addition of a provision to section 203 similar to section 404 of Executive Order No. 11222, as follows:

"The Chairman of the Civil Service Commission shall report to the President any information contained in statements required by section 104 of this order which may indicate a conflict between

the financial interests of the official concerned
and the performance of his services for the Postal
Service."

August 17, 1970

(hereafter referred to as the Commission)

EXECUTIVE ORDER

PREScribing STANDARDS OF CONDUCT FOR THE POSTAL RATE COMMISSION

WHEREAS, pursuant to the Postal Reorganization Act (Public Law 91-375), the Postal Rate Commission is charged with critical responsibilities in the establishment and adjustment of fair and equitable rates of postage, fees for postal services, and classifications of mail; and

WHEREAS, it is essential to public confidence in the United States Postal Service that fairness and equity be manifest in the determination of postal rates, fees, and classifications, and

WHEREAS, the public interest demands that the activities, procedures, decisions, and recommendations of the ~~Postal Rate~~ Commission be irreproachably impartial and disinterested and unquestionably free from taint or suspicion of favoritism of any kind whatsoever, both in fact and in appearance;

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States by Section 301 of Title 3 and Section 7301 of Title 5, of the United States Code, it is hereby ordered as follows:

Part I - Standards of Conduct

Section 101, (a) No Commissioner or employee of the Postal Rate Commission, shall solicit or accept, directly or indirectly, any gift, gratuity, favor, honorarium, travel or hotel accommodation or the like, loan, or any other thing of monetary or intrinsic value, from any person,

entertainment

*and
Chapter 36
of Public Law
91-375*

corporation, group, or other entity, except strictly as provided in subsection (b) of this section.

(b) Subsection (a) of this section does not prohibit --

(1) Compensation as provided by law for the proper discharge of official duties, including salaries, authorized reimbursement by the Government for necessary travel expenses, and the like,

(2) Acceptance of loans from banks or other financial institutions on customary terms to finance proper and usual activities or undertakings, such as home mortgage loans,

(3) Acceptance of gifts, food, or refreshment that are obviously motivated by family relationships, such as those normally existing between spouses or parents and children, or by **[personal]** relationships that clearly are not derived from or associated with the business or economic interests of the donor;

(4) Acceptance of payments in discharge of lawful obligations or debts *(except as otherwise prohibited under ?)* **(but see** subsection (c) of this section and section 105).

attached insert **5** (c) The Commission is authorized to issue regulations, coordinated *with* and approved by the Civil Service Commission, governing the conditions and circumstances in which outside employment may be permitted Commission employees, but neither any Commissioner nor any Commission employee whose salary is at a rate in excess of \$12,000 per annum may engage in *the* private practice *of law (?)* or other outside employment of any kind other than teaching, lecturing or writing as provided in section 103, and no Commission employee, regardless of salary, may be permitted to engage in outside

employment with any person, corporation, group, or other entity whose business is substantially dependent on or affected by the mails or postal rates, fees, or classifications.

*1/15/98
see
Comments*

(d) The Commissioners and employees of the Commission shall avoid any action, whether or not specifically prohibited by subsections (a) or (c) or permitted by subsection (b), which might result in or create the appearance of --

(1) using public office for private gain,

(2) giving preferential treatment to any organization or person,

(3) impeding Commission efficiency or economy;

(4) losing complete independence or impartiality of action,

(5) making a decision outside official channels, or,

(6) affecting adversely the confidence of the public in the integrity of the Commission.

Section 102(a) The Commissioners and the Commission's employees shall not participate in any hearing, discussion, or communication with any person, corporation, or other entity in connection with matters that are pending before the Commission, without affording an opportunity to every other interested party to observe or otherwise participate in such hearing or discussion, or to have full knowledge of such communication.

(b) The Commissioners and the Commission's employees, whether in an official or an unofficial capacity, shall avoid, insofar as is

*and to answer any
allegations or contentions
in the unauthorized
ex parte communication.*

The Chairman of the Commission, or any other person designated by him, shall notify the communicator of the provisions of this order prohibiting ex parte communications.

practicable, any discussion or communication, whether oral or written,

with
~~by~~ any person who may be expected to be a party or to represent a party before the Commission, in connection with matters that are not pending before the Commission but that are or may come within the Commission's cognizance.

(c) A full written report shall be made by the Commissioner or employee affected ~~by~~ any hearing, discussion or communication had or attempted to be had by any person contrary to subsection (a) of this section or of any discussion or communication of the type described in subsection (b) attempted to be had by a person therein described. The report shall be filed with the Commission, and in the case of reports filed by Commissioners, with the Chairman of the Civil Service Commission as well, and shall become public records.

see comment
Section 103 The Commissioners and Commission employees are not prohibited from teaching, lecturing, or writing, provided such activity does not create or tend ^{to create} toward a conflict or appearance of conflict of interest, and provided that any such teaching or lecturing is performed under the auspices of an accredited educational institution. [If the subject matter of the teaching, lecturing or writing is based in whole or in part on information obtained as a result of employment with the Commission, any remuneration, honorarium or other consideration received therefor, shall be paid into the Treasury of the United States. If the subject matter is not based on such information, the remuneration, honorarium or other consideration may be retained by the individual.]

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Section 104(a) Each Commissioner shall, [prior to the date of his appointment as Commissioner] submit to the Chairman of the Civil Service Commission and to the other four Commissions, a statement disclosing the following:

(1) The names of all corporations, companies, firms, or other business enterprises, partnerships, nonprofit organizations, and educational or other institutions or entities --

(A) with which he is connected as an employee, officer, owner, director, trustee, partner, adviser, or consultant, or

(B) in which he has any continuing financial interest, through a pension or retirement plan, shared income, or otherwise, as a result of any current or prior employment or business or professional association, including the dollar amount or value thereof and the date the interest was acquired and the duration thereof; or

(C) in which he has any financial interest through the ownership of stocks, bonds or other securities or otherwise, including the number of shares of stock, dollar value, [term and maturity dates] of bonds or other securities, dates and means of acquisition of such financial interests, and monetary value of any and all such ownership interests.

(2) The names of his creditors, including the amount of the debts, terms of the loan agreements and the [reason] for incurring the debts, regardless of whether the debt was incurred for business or personal needs.

(3) His interests in real property or rights in lands, including — ?

property which he occupies as a personal residence, and including the fair market value thereof, acquisition cost, if any, the amount and terms of any mortgages, the date and means of acquisition. ?

(4) Other sources of income, whether or not income is actually

received therefrom, including but not limited to, patents and copyrights, government securities, savings accounts, insurance and annuities, contracts, private trusts, and the like, stating as to each, its nature and value, his interest and the interest of others in it, and such other information as may be needed for a fair understanding of his relation to it.

(b) The interest of a spouse, minor child, or other member of the Commissioners' or other employees' household, living under the same roof, whether or not related by blood, shall be considered to be an interest of the person required to make a disclosure under this section 104. 6

(c) Each Commissioner shall resign from any position that he may hold in any of the entities disclosed pursuant to (a)(1)(A) of this section, or relinquish any contract he may have with any such entity prior to appointment, except that for good cause, the Chairman of the Civil Service Commission may authorize the effective date of such resignation or divestment of contract to be delayed for no more than 30 days following the date of appointment. Further, each Commissioner shall divest himself, within

such time as prescribed by the Chairman of the Civil Service Commission,

but no later than 90 days subsequent to the date of his appointment, from insert next page 1

bona fide
group life, health, or accident insurance, proper planning, such as home ownership, employee welfare or benefit
of all financial interests, *and other interests enumerated in section 101(b) of this order*, in any entity whose interests may be significantly affected by postal rates, fees, or classification, other than vested interests under a pension (or) retirement plan disclosed pursuant to subsection (a) above, *insert line to P. 6* but no later than 90 days subsequent to the date of his appointment.

(d) The Commission shall issue regulations, coordinated *with* and approved by the Civil Service Commission, governing requirements for disclosure and divestiture of financial interests by Commission employees. Such regulations shall be consistent with subsection *S*(a) through (c) of this section. *104.*

(e) The disclosures to be made by the Commissioners and Commission employees shall be kept up to date by submission of subsequent statements of disclosures setting forth all changes in or additions to the original disclosures, as amended from time to time. In addition to the information required to be disclosed by subsection (a) hereof, each Commissioner and Commission employee shall include in the statements required to be submitted by this subsection (e):

(1) a statement of all income received by him from whatever source during the reporting period, and by every member of the person's household as described in subsection (b), except that income of persons other than the one reporting amounting to not over \$100 for the reporting period need not be disclosed, and

?
(2) a statement of any extraordinary receipts or expenditures of any kind during the reporting period by the person reporting or a member of his household as described in subsection (b). The up-dating

*and the time or
times for such
submission*

*and the time or
times for such
submission*

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shall be at such intervals as may be directed by the Chairman of the Civil Service Commission in respect to the Commissioners; ^{with} in respect to Commission employees, they shall be at such intervals as may be required by the regulations issued by the Commission pursuant to subsection (d), but no less than twice each year.

(f) The Chairman of the Civil Service Commission shall prescribe the form of the disclosure statements to be used by the Commissioners. The Commission shall prescribe the form of the disclosure statements to be used by the Commission employees, *and the times or times and places for such submission* ^{Step}

(g) Nothing in this Executive Order shall preclude the Commission, or the Chairman of the Civil Service Commission ^{the} in case of a Commissioner, from requiring such additional information from an individual as may be deemed necessary to complete the process of disclosure established by this section.

~~Section~~ 105 Neither any Commissioner nor any Commission employee may have direct or indirect financial interests that conflict or appear to conflict with his responsibilities and duties or those of the Commission or engage in, either directly or indirectly, any financial transaction as a result of, or relying upon, information obtained through his employment.

~~Section~~ 106 (a) The Commissioners and Commission employees shall not use Federal property of any kind for other than official Commission activities.

*including property leased
to the Government or to
the Commission*

of information available to the public on request 9

(b) The Commissioners and Commission employees shall not directly or indirectly use or permit others to use official information not made available to the general public for any reason whatsoever, ~~except that~~ ?

~~Section~~ 107 The Commissioners and Commission employees are prohibited from engaging in any partisan political activities proscribed by Subchapter III of Chapter 73 of Title 5 United States Code or other related laws.

~~Section~~ 108 (a) The Commissioners shall immediately report to the Chairman of the Civil Service Commission ~~or~~ ^{and} to the Attorney General of the United States, any offer of a bribe, use of undue influence or coercion to have them act or not to act as may be required to fulfill their responsibilities. Likewise, such report is to be made ^{with} in respect to the ~~alleged~~ violation of any other law, this Executive Order or implementing regulations thereof, of which they may jointly or severally become aware.

(b) The provisions of subsection (a) of this section are also applicable to Commission employees, except that they will report such matters to the Commissioners.

Part II - General Provisions

~~Section~~ 201 The Civil Service Commission is authorized and directed to review the Postal Rate Commission's regulations issued under this Executive Order from time to time for conformance with this Executive Order, and to recommend to the President from time to time such revisions in this Executive Order as may appear necessary to ensure the main-

the Commission may authorize the use of non-public information on the basis that such use is in the public interest.

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tenance of the very highest standards of conduct for the Rate Commission and its employees.

~~Section 202~~ The Postal Rate Commission is hereby directed to supplement the standards provided by law, ^{including} and by this Executive Order with regulations of special applicability to the particular functions and activities of the Postal Rate Commission. The Postal Rate Commission is also directed to assure:

- (1) the "widest possible distribution of regulation^s issued pursuant to this section, and
- (2) the availability of counseling for those employees who request advice or interpretation.

~~Section 203~~ Any Commissioner or other Commission employee who violates any provision of this Executive Order or any applicable law or implementing regulation issued by the Postal Rate Commission shall be subject to immediate dismissal and to other appropriate civil and criminal sanctions.

~~The Chairman, etc. see 404 of 10/11/70~~

Suggested
Insert
see
Comments

The White House,

1970