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GEORGE BUSH ON ETHICS FACT SHEET

Speaking before Congressional Interns, the Vice President outlined a comprehensive ethics in government program saying, "What is intuitively right, will invariably be the written rule."

The Ethics Program Rests on Six Principles:

- o First, the right people. The recruitment of people dedicated to public service is a sine qua non to any ethics program. Talent and moral fiber will be the yardstick by which candidates will be measured for jobs in the Bush administration.
- o Second, bright-line and well understood rules of conduct. The code of conduct for government employees must be expressed in unambiguous terms, with clear and concise definition.
- o Third, Congress must be covered by federal ethics law. To hold otherwise is to set a double standard that feeds public distrust and breeds cynicism.
- o Fourth, federal ethics law should provide for civil, as well as enhanced criminal sanctions. This serves two purposes: (i) it permits prosecutors to enforce the law in a wider variety of situations and (ii) it provides for penalties that are fair and proportionate to the conduct under review.
- o Fifth, substantive provisions of federal ethics laws should be amended to reach "revolving door" abuses that are not proscribed under current law.
- o Sixth, the prestige and powers of the Office of Government Ethics and Designated Agency Ethics Officials should be enhanced and reinforced.

Simplification of the Government Ethics Code

- o The Vice President stated that he would simplify and improve the current government ethics code to make it clear and understandable. The standards of conduct will be based on common sense. None will be hyper-technical. What is intuitively correct will invariably be the written rule.

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White House Ethics Office

- o The Vice President will establish a White House Ethics Office, the staff and resources of which are dedicated solely to compliance with the federal ethics program. The responsibilities of this office would be to:
 - (i) Establish bright-line rules for White House and executive branch personnel.
 - (ii) Issue advisory opinions to White House personnel regarding conflict of interest issues.
 - (iii) Investigate alleged ethical improprieties committed by White House personnel.
 - (iv) Supervise mandatory annual ethics briefings for White House personnel.

Designated Agency Ethics Officials ("DAEO's")

- o DAEO's are the front-line of the federal ethics program. The Vice President proposes to increase that profile and visibility and the resources dedicated to agency ethics programs.
 - (i) He would establish a permanent ethics office in each department and major agency, headed by senior government officials of a rank such as Deputy Assistant Secretary;
 - (ii) He would provide a permanent staff for each such office dedicated solely to implementing and monitoring compliance with the ethics program;
 - (iii) The office/staff would be provided with adequate funds to do the job and, indeed, would be included as a separate line item in the budget process;
 - (iv) The Vice President would require mandatory annual briefings for all senior government personnel by agency ethics officials.

Recruitment of Talented People, Dedicated to Public Service

- o The centerpiece of any federal ethics program is the recruitment and retention of talented people. The Vice President pledged to seek people of unquestioned character, integrity, and dedication to public service.

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Standards of Conduct

- o The Vice President pledged to establish unambiguous, clearly defined bright-line rules for standards of conduct of White House and Executive Branch personnel. He proposes to include in the Code the following, without limitation:
 - (i) All blind trusts will be managed by institutions -- not by individuals;
 - (ii) No Presidential appointee may receive outside earned income for services rendered while holding office;
 - (iii) The term "negotiations" for prospective employment, for purposes of triggering disqualification or refusal action under 18 U.S.C. 208, will mean any affirmative step taken by a government employee to initiate job discussions or to follow-up on a job feeler.
 - (iv) Formal rules will be adopted to govern all White House contacts with investigative agencies, including the requirement that all such contacts be made through the Office of White House counsel.

Substantive Conflicts of Interest

- o 18 U.S.C. 208 makes it a felony to act on certain matters of a personal financial interest while in office. The felony is punishable by up to two years in jail and a fine of \$10,000. It is limited in its use and application as currently drawn. The Vice President proposes to:
 - (i) Extend 18 U.S.C. 208's prohibitions on acting on matters of a personal financial interest to members and senior staff of Congress.
 - (ii) Prohibit the acceptance of anything of monetary value -- e.g., meals, entertainment, travel -- by members and staff of Congress and executive branch personnel from lobbyists.
 - (iii) Provide for civil sanctions and proof of misconduct by a preponderance of the evidence for violation of 208.

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- (iv) Provide for enhanced criminal sanctions for conduct that is undertaken with corrupt purpose and specific intent to violate 208's prohibitions against acting on matters of a personal financial interest.

Post-Employment Restrictions

- o 18 U.S.C. 207 makes it a felony to engage in certain post-employment activities that raise questions of conflicts of interest. The scope of the post-employment restrictions imposed by the statute is sometimes confused. The statute is therefore limited in its use and application. Violation of the statute is punishable by up to two years in prison and a fine of \$10,000. The Vice President proposes to:
 - (i) Eliminate the power of the Office of Government Ethics to subdivide agencies and cabinet departments for purposes of defining the scope of post-employment restrictions under 18 U.S.C. 207, as proposed in the Senate's Integrity in Post-Employment Act of 1988 ("the 1988 Post-Employment Act").
 - (ii) Bar members of Congress (and senior Congressional staff) from lobbying Congress for one year -- a one-year "cooling-off" period -- as proposed in the 1988 Post-Employment Act.
 - (iii) Provide for civil sanctions and proof of misconduct by a preponderance of the evidence for violation of 207's post-employment restrictions, as proposed in the 1988 Post-Employment Act.
 - (iv) Provide for enhanced criminal sanctions for knowing and intended violation of 207's post-employment restrictions, as proposed in the 1988 Post-Employment Act.
 - (v) Prohibit the use of confidential information in post-employment activity with civil and criminal sanctions impose both the former employee and his/her new employer in the private sector.

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