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FOURTH QUARTER 2010 REPORT

October 2010 – December 2010

I. INTRODUCTION

The Office of Congressional Ethics (“OCE”) is an independent, non-partisan entity charged with reviewing allegations of misconduct against Members, Officers and staff of the House and, when appropriate, referring matters to the Committee on Standards of Official Conduct (commonly referred to as the “Standards Committee”).¹ In all but one set of circumstances, the report and findings of the OCE Board must be publicly released.

The mission of the OCE and its Board is to assist the United States House of Representatives in upholding high standards of ethical conduct for its Members, Officers and staff and, in so doing, to serve the American people.

The following is a report of the OCE’s work in the 111th Congress.

II. SUBMISSIONS

Any member of the public may bring a matter of suspected misconduct involving a Member, Officer or staff of the House to the attention of the OCE. Approximately 2600 private citizens have contacted the OCE in the 111th Congress. Approximately 1700 of these submissions concerned a single issue involving the Executive Branch. The remaining contacts were of two types: (1) requests for information on the OCE and its procedures and (2) allegations of misconduct. Staff or any Board member may also submit information regarding an alleged violation for consideration by the Board. The OCE requests all submissions of information be made in writing.

III. BOARD ACTIONS

The OCE’s investigations have two stages: (1) a preliminary review, which is completed in 30 days and (2) a second-phase review, which is completed in 45 days, with the possibility of a 14-day extension. Two Board members (one appointed by the Speaker of the House and one appointed by the Minority Leader) may authorize a preliminary review if all available information provides a *reasonable basis* to believe that a violation may have occurred.

¹ The OCE notes that the name of the Committee has changed to Committee on Ethics in the 112th Congress. This report continues to reference the Standards Committee as it describes the OCE’s activity in the 111th Congress.

Three Board members may authorize a second-phase review if all available information provides *probable cause* to believe a violation may have occurred.

A decision to undertake a preliminary review or second-phase review should not be misconstrued. As the chart below demonstrates, the majority of preliminary and second-phase reviews have ended in termination or dismissal of the matter.

At the end of any second-phase review, the Board must recommend to the Standards Committee either that the matter requires the Committee’s further review or that it should dismiss the matter. A recommendation for further review does not constitute a determination that a violation occurred. Similarly, a recommendation for dismissal does not constitute a determination that a violation did not occur, only that the OCE does not have a substantial reason to believe a violation occurred, which is the standard of proof required for the OCE to refer a matter to the Standards Committee for further review. The OCE is not authorized to sanction Members, officers or employees of the House or to recommend any sanctions.

When it makes its recommendation, the OCE Board may also transmit to the Standards Committee findings that include, among other things, findings of fact and citations to laws, rules or regulations that may have been violated. A chart depicting the OCE’s review process is available on the OCE website at <http://oce.house.gov>.

The following is a statistical summary of the Board’s actions in the 111th Congress.

Type of Action		Commence Preliminary Review	Vote to Terminate Matter	Commence Phase II Review	Commence Phase II Review Extension	Transmit Referral for Review	Transmit Referral for Dismissal
Date							
2009	1 st Quarter	6	0	0	0	0	0
	2 nd Quarter	18	4	12	10	5	1
	3 rd Quarter	0	0	8	10	4	0
	4 th Quarter	1	0	1	1	3	7
2010	1 st Quarter	23	18	5	1	1	0
	2 nd Quarter	21	6	15	6	0	5
	3 rd Quarter	0	0	0	8	8	4
	4 th Quarter	0	0	0	0	1	1
Total for 111th Congress		69	28	41	36	22	18

IV. SCHEDULE OF PUBLIC RELEASE OF OCE REPORTS AND FINDINGS

The OCE has transmitted 22 matters to the Standards Committee for further review. The OCE's reports and findings in those matters must be made public according to the schedule contained in House Resolution 895 of the 110th Congress, as amended.

A chart depicting this schedule for public disclosure of OCE reports is available on the OCE website at <http://oce.house.gov>. The following is a summary of the various matters pending release that the OCE has referred to the Standards Committee.

Review No.	Status	Release Date
09-9812	On November 15, 2010, the Standards Committee announced that the U.S. Department of Justice requested that the Committee continue to defer consideration of this matter and the Committee voted to do so.	Standards Committee must announce if the continued deferral exceeds 1 year