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FIRST QUARTER 2021 REPORT
January 2021 – March 2021

I. INTRODUCTION

The Office of Congressional Ethics (“OCE”) is an independent, non-partisan entity charged with reviewing allegations of misconduct involving Members, Officers and staff of the House and, when appropriate, referring matters to the House Committee on Ethics. In all but one set of circumstances, the report and findings of the OCE Board included in a referral to the Committee on Ethics eventually 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 first quarter of 2021 for the 117th Congress. As the House did not appoint the OCE Board until February 22, 2021, only one board meeting occurred in the first quarter.

II. OCE PROCESS

The OCE’s investigations have two stages: (1) a preliminary review, which must be completed in 30 days and (2) a second-phase review, which must be completed in 45 days, with the option 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.

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. Historically, the majority of reviews have resulted in termination or dismissal of the matter.

At the end of a second-phase review, the Board must recommend to the Committee on Ethics either that the matter warrants further review by the Committee on Ethics or that the Committee on Ethics should dismiss the matter. The standard of proof generally required under OCE Rules to refer a matter to the Committee on Ethics for further review is *substantial reason* to

believe a violation may have occurred. 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, but only that the information available to the OCE does not provide a substantial reason to believe a violation occurred or, in some cases, that the conduct at issue falls outside of the OCE’s jurisdiction.

The OCE is not authorized to sanction Members, officers or employees of the House or to recommend any sanctions. The Committee on Ethics has the exclusive authority to determine if a violation has occurred and, if so, what sanction may be in order. When it makes its recommendation, the OCE Board may also transmit to the Committee on Ethics 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>.

III. CITIZEN COMMUNICATIONS

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 5,649 private citizens have contacted the OCE during the first quarter of 2021. These contacts were of two types: (1) requests for information about 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.

IV. BOARD ACTIONS

The following is a statistical summary of the Board’s actions in the first quarter of 2021.

Date \ Type of Action	Commence Preliminary Review	Matter Terminated	Commence Phase II Review	Commence Phase II Review Extension	Transmit Referral for Review	Transmit Referral for Dismissal
March 9	4	0	0	0	0	0
Total for Quarter	4	0	0	0	0	0
Total for 117th Congress	4	0	0	0	0	0

V. STAFFING UPDATE

During the first quarter of 2021, the OCE hired Indhira Benitez as an investigative counsel. Previously, Ms. Benitez was an Attorney Advisor at the U.S. Office of Special Counsel, where she reviewed complex federal employee disclosures of criminal and administrative wrongdoing. Ms. Benitez was also appointed as an Assistant District Attorney at the Bronx District Attorney's Office in New York City. As a prosecutor, Ms. Benitez investigated and tried matters involving human trafficking, domestic violence and organized crime.

Ms. Benitez graduated from St. John's University with a B.A. in Political Science and received her law degree from New England School of Law. While in law school, Ms. Benitez was the recipient of the Charles Hamilton Full Merit Scholarship.