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FOURTH QUARTER 2018 REPORT

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 115th Congress and an analysis of investigations since its inception.

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 13,380 private citizens have contacted the OCE during the 115th Congress. And approximately 31,536 private citizens have contacted the OCE since its inception through the end of the 115th Congress. 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.

Date	Citizen Communications
111 th Congress	5,121
112 th Congress	5,390
113 th Congress	1,360
114 th Congress	6,285
115 th Congress	13,380
Total	31,536

I. **BOARD ACTIONS**

A. **OCE ACTIVITY IN THE 115TH CONGRESS**

The Board met 19 times during the 115th Congress, including 11 times in 2017 and 8 times in 2018. The following is a statistical summary of the Board’s actions during the 115th Congress.

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
Date							
2017	1 st Quarter	6	1	4	0	0	0
	2 nd Quarter	0	0	2	3	4	0
	3 rd Quarter	3	2	1	0	1	1
	4 th Quarter	4	2	2	1	1	0
2018	1 st Quarter	2	0	1	0	0	0
	2 nd Quarter	7	2	5	3	2	1
	3 rd Quarter	0	0	0	0	3	0
	4 th Quarter ¹	0	0	0	0	0	0
Total for 115th Congress		22	7	15	7	11	2

¹ The OCE did not initiate new matters in the fourth quarter 2018 as a result of the “blackout period” pursuant to H. Res. 895, 110th Cong. §d(2)(D) as amended.

B. OCE ACTIVITY SINCE INCEPTION

The following is a statistical summary of the Board’s actions since the OCE began conducting investigations in February 2009. Of the 194 investigations the office began, approximately 41 percent have been referred to the Committee on Ethics for further review while approximately 59 percent have been terminated or dismissed.

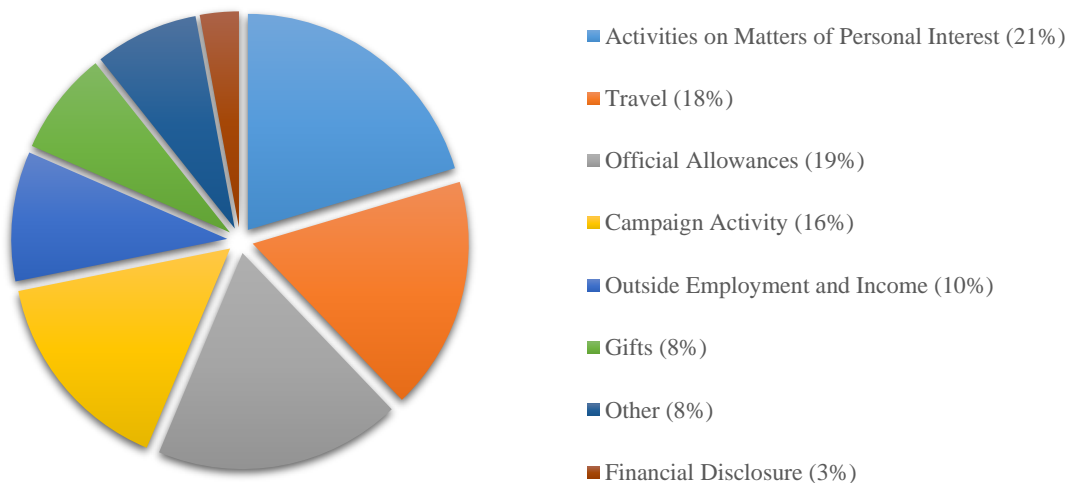
Type of Action Date	Commence Preliminary Review	Matter Terminated	Commence Phase II Review	Commence Phase II Review Extension	Transmit Referral for Review	Transmit Referral for Dismissal
111 th Congress	69	28	41	36	22	18
112 th Congress	32	5	25	19	13	10
113 th Congress	36	14	22	17	16	6
114 th Congress	35	11	24	14	18	6
115 th Congress	22	7	15	7	11	2
Total	194	65	127	93	80	42

C. TYPES OF INVESTIGATIONS

The OCE has jurisdiction to investigate any alleged violation of a “law, rule, regulation or other standard of conduct.” The following is a graphical explanation of the categories of preliminary reviews conducted since the OCE’s inception through the end of the 115th Congress. The categories are those defined by the House Ethics Manual:

Activities on Matters of Personal Interest: Chapter 5
 Travel: Chapter 3
 Official Allowances: Chapter 9
 Campaign Activity: Chapter 4
 Outside Employment and Income: Chapter 5
 Gifts: Chapter 2
 Financial Disclosure: Chapter 6

OCE Investigations by Type



II. SCHEDULE OF PUBLIC RELEASE OF OCE REPORTS AND FINDINGS

The OCE transmitted 11 matters to the Committee on Ethics for further review in the 115th Congress. The OCE's report and findings in all matters must be made public according to the schedule contained in House Resolution 895 of the 110th Congress, as amended.

A chart depicting the schedule for public disclosure of OCE reports is available on the OCE website at <https://oce.house.gov/learn/process/>. There are currently no matters that the OCE has referred to the Committee on Ethics that are pending release.