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FOURTH QUARTER 2012 REPORT

January 2011 – December 2012

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 Committee on Ethics (“Committee”). In all but one set of circumstances, the report and findings of the OCE Board included in a referral to the Committee 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 112th Congress.

II. 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 2700 private citizens have contacted the OCE during the 112th 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.

III. 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 or that the Committee should dismiss the matter. The standard of proof generally required under OCE Rules to refer a matter to the Committee 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 OCE does not provide a substantial reason to believe a violation occurred or, in some cases, that the conduct at issue falls outside of OCE’s jurisdiction.

The OCE is not authorized to sanction Members, officers or employees of the House or to recommend any sanctions. The Committee 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>.

IV. BOARD ACTION

The following is a statistical summary of the Board’s actions in the 112th Congress.

Type of Action Date		Commence Preliminary Review	Vote to Terminate Matter	Commence Phase II Review	Commence Phase II Review Extension	Transmit Referral for Review	Transmit Referral for Dismissal
		2011	1 st Quarter	6	1	5	0
2 nd Quarter	7		0	1	2	4	1
3 rd Quarter	5		3	3	4	0	0
4 th Quarter	4		1	5	4	3	1
2012	1 st Quarter	1	0	3	4	2	2
	2 nd Quarter	9	0	5	1	1	4
	3 rd Quarter	0	0	3 ¹	4	3	2 ²
	4 th Quarter ³	0	0	0	0	0	0
Total for 112th Congress		32	5	25	19	13	10

¹ Subjects of two additional preliminary reviews resigned and were no longer subject to Board or Committee jurisdiction. Therefore the Board took no further action.

² Subjects of two additional second-phase reviews resigned before the OCE completed its investigation. Therefore the Board took no further action.

³ The OCE did not investigate new matters in the fourth quarter 2012 as a result of the “blackout period” pursuant to H. Res. 895, 110th Cong. §d(2)(D) as amended.

V. SCHEDULE OF PUBLIC RELEASE OF OCE REPORTS AND FINDINGS

The OCE has transmitted 13 matters to the Committee on Ethics for further review. The OCE's report 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/process>. The following is a summary of the various matters that the OCE has referred to the Committee on Ethics pending release.

Review No.	Status	Release Date
12-8236	The OCE transmitted a referral for further review to the Committee on Ethics on August 30, 2012	By January 28, 2013, the Committee on Ethics must release the OCE report or make a public announcement that the Committee has voted to empanel an investigative subcommittee.
12-9525		

VI. A NOTE ON OCE RULES FOR THE CONDUCT OF INVESTIGATIONS

Over the fourth quarter of 2012, the OCE conducted a review of its Rules for the Conduct of Investigations. Pursuant to that review, the OCE Board adopted a number revisions in order to clarify its rules and codify long standing policies and procedures. The Board formally adopted these revisions on January 25, 2013. The revisions may be found at the following link on the OCE's website: http://oce.house.gov/OCE_Rules_Conduct_Investigations.pdf