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**Congress of the United States**  
**House of Representatives**  
OFFICE OF CONGRESSIONAL ETHICS  
Washington, DC 20515

## FOURTH QUARTER 2016 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 114<sup>th</sup> 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 6,285 private citizens have contacted the OCE during the 114<sup>th</sup> Congress. And approximately 18,156 private citizens have contacted the OCE since its inception through the end of the 114<sup>th</sup> 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.

<b>Date</b>	<b>Citizen Communications</b>
111 <sup>th</sup> Congress	5,121
112 <sup>th</sup> Congress	5,390
113 <sup>th</sup> Congress	1,360
114 <sup>th</sup> Congress	6,285
<b>Total</b>	<b>18,156</b>

**I. BOARD ACTIONS**

**A. OCE ACTIVITY IN THE 114<sup>TH</sup> CONGRESS**

The Board met 18 times during the 114<sup>th</sup> Congress, including 12 times in 2015 and six times in 2016. The following is a statistical summary of the Board’s actions during the 114<sup>th</sup> Congress.

<b>Type of Action</b>		Commence Preliminary Review	Matter Terminated	Commence Phase II Review	Commence Phase II Review Extension	Transmit Referral for Review	Transmit Referral for Dismissal
<b>Date</b>							
<b>2015</b>	1 <sup>st</sup> Quarter	15	2	13	0	0	0
	2 <sup>nd</sup> Quarter	4	2	1	5	10	3
	3 <sup>rd</sup> Quarter	1	0	2	2	0	1
	4 <sup>th</sup> Quarter	3	1	2	1	1	0
<b>2016</b>	1 <sup>st</sup> Quarter	5	2	2	1	3	0
	2 <sup>nd</sup> Quarter	7	4	2	1	1	1
	3 <sup>rd</sup> Quarter	0	0	2	4	2	0
	4 <sup>th</sup> Quarter <sup>1</sup>	0	0	0	0	1	1
<b>Total for 114<sup>th</sup> Congress</b>		<b>35</b>	<b>11</b>	<b>24</b>	<b>14</b>	<b>18</b>	<b>6</b>

<sup>1</sup> The OCE did not initiate new matters in the fourth quarter 2016 as a result of the “blackout period” pursuant to H. Res. 895, 110th Cong. §d(2)(D) as amended.

## B. OCE ACTIVITY SINCE INCEPTION

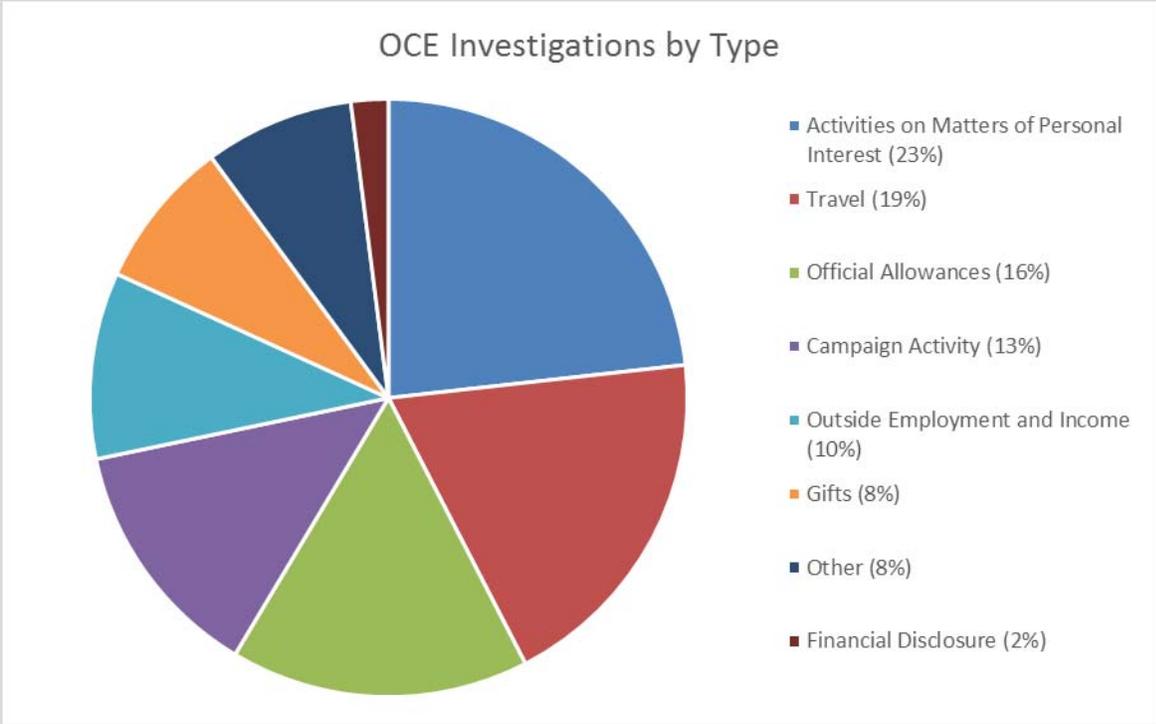
The following is a statistical summary of the Board’s actions since the OCE began conducting investigations in February 2009. Of the 172 investigations the office began, 40 percent have been referred to the Committee on Ethics for further review while 60 percent have been terminated or dismissed.

<b>Date</b> \ <b>Type of Action</b>	<b>Commence Preliminary Review</b>	<b>Matter Terminated</b>	<b>Commence Phase II Review</b>	<b>Commence Phase II Review Extension</b>	<b>Transmit Referral for Review</b>	<b>Transmit Referral for Dismissal</b>
111 <sup>th</sup> Congress	69	28	41	36	22	18
112 <sup>th</sup> Congress	32	5	25	19	13	10
113 <sup>th</sup> Congress	36	14	22	17	16	6
114 <sup>th</sup> Congress	35	11	24	14	18	6
<b>Total</b>	<b>172</b>	<b>58</b>	<b>112</b>	<b>86</b>	<b>69</b>	<b>40</b>

## 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 114<sup>th</sup> 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



**II. SCHEDULE OF PUBLIC RELEASE OF OCE REPORTS AND FINDINGS**

The OCE transmitted one matter to the Committee on Ethics for further review in the fourth quarter of 2016. The OCE’s report and findings in all matters must be made public according to the schedule contained in House Resolution 895 of the 110<sup>th</sup> 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/>. The following is a summary of the various matters that the OCE has referred to the Committee on Ethics that are pending release.

<b>Review No.</b>	<b>Status</b>	<b>Release Date</b>
16-7162	The OCE transmitted a referral for further review to the Committee on Ethics on August 31, 2016.	By January 29, 2017 the Committee on Ethics must release the OCE referral or make a public announcement that the Committee has voted to empanel an investigative subcommittee.
16-1190	The OCE transmitted a referral for further review to the Committee on Ethics on October 13, 2016	The subject of this review resigned after the review was transmitted to the Committee on Ethics.

### **III. A NOTE ON ALLEGATIONS AND INVESTIGATIONS**

Information about alleged violations comes to the OCE from various sources, including submissions from the public, from other third-party sources, and from information reported in the press. The OCE does not take “anonymous complaints” or “complaints” of any kind. The OCE accepts information from the public; however a submission of information does not itself trigger a review. The decision to begin an investigation lies solely with the Board, requiring at least two members of the OCE Board to request, in writing, that the staff look into a matter.

All public submissions to the office must include the name and address of the submitting individual in addition to a signed declaration under 18 U.S.C. § 1001, the False Statements Act. When information about a possible violation is received, the staff reviews it; when warranted, staff then may consider the legal basis for the allegation and review other publicly available information to determine whether to recommend that the Board authorize a preliminary review.