



Office of Congressional Ethics

Frequently Asked Questions

1. What is the Office of Congressional Ethics (OCE)? What does it do?

Originally established March 11, 2008, by House Resolution 895, the OCE is the first and only independent body overseeing the ethics of the House of Representatives. It is an independent, non-partisan entity charged with reviewing allegations of misconduct against Members, officers, and staff of the U.S. House of Representatives and, when appropriate, referring matters to the House Committee on Ethics. The OCE is separate and distinct from the Committee on Ethics. It is overseen by a six-member Board of private citizens, including former Members of Congress and other former senior staffers, half appointed by the Speaker of the House and half appointed by the Minority Leader.

2. What types of misconduct does the OCE Board review?

The OCE Board may authorize a review of any alleged violation by a Member, officer, or employee of the House of any law, rule, regulation, or other standard of conduct applicable to the conduct of the Member, officer, or employee in the performance of their duties or the discharge of their responsibilities. To support the Board, the OCE has a professional, non-partisan staff consisting primarily of attorneys and other professionals to conduct fact-finding investigations.

3. How does an OCE investigation start? How long does an OCE investigation take?

Two Board members (one appointed by the Speaker of the House and one appointed by the Minority Leader) may authorize an investigation (a "preliminary review") if there is a reasonable basis to believe that a violation may have occurred. The decision must be bipartisan, and it is the only way for an investigation to start.

Once started, OCE's investigations have two stages and can take up to 89 days:

- (1) a 30-day preliminary review (authorized by two Board members), and
- (2) a 45-day second-phase review (authorized by three Board members) with the possibility of a 14-day extension.

4. What happens during an OCE investigation?

OCE investigations typically follow the same general steps. OCE staff will request documents from the subject and key witnesses. The staff will then review those documents and other public records before scheduling interviews with witnesses, as necessary. OCE staff then develop a report of findings to provide to the OCE Board for review. The OCE Board terminates (after the preliminary review) or dismisses (after the second-phase review) most investigations, however, if four OCE Board members determine there is substantial reason to believe the allegations of misconduct, the Board will refer a written report with findings of fact to the Committee on Ethics.

5. What steps does the OCE take to ensure fairness in its investigations?

As the only independent ethics watchdog in Congress, the OCE takes its responsibility to conduct fair and thorough investigations seriously. At every stage, the OCE provides notice to both the Committee on Ethics and the subject of the investigation. Additionally, OCE's internal policies and procedures go beyond requirements in House Rules to maintain procedural fairness. Subjects maintain the right to counsel and may make a statement to the Board and receive any exculpatory information before a final vote on the matter.

6. How does the OCE maintain confidentiality during an investigation?

OCE reviews remain confidential throughout the entire investigation. House Rules do not require public release by the Committee on Ethics of the report and findings of fact in any matter that terminates or is dismissed by the Board. Matters in which the Board finds a substantial reason to believe that a violation occurred must eventually be released.

At the beginning of each Congress, the OCE Board and staff swear to not disclose any information outside of the office, except as authorized by House Rules. To support this oath, the OCE developed a strict code of conduct requiring Board and staff members to be held accountable for any violations of this oath or other behavior that may affect the fairness of an investigation. The OCE has never been found to be the source of an unauthorized disclosure of confidential information.

7. Where can I learn more about the OCE?

The OCE website (oce.house.gov) hosts more information about the OCE, including its history, rules, and instructions for the public to submit allegations of misconduct.

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