

Michael Barnes, Chair
Karan English
Belinda Pinckney, BG (R)
William Luther

Board

Paul Vinovich, Co-Chair
Lynn Westmoreland
Karen Haas
Robert Hurt

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FOURTH QUARTER 2021 REPORT

October 2021 – December 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 fourth quarter of 2021 for the 117th Congress.

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 1,923 private citizens have contacted the OCE during the fourth 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 fourth quarter of 2021.

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
October 15	5	0	2	1	2	0
November 19	0	0	5	0	0	0
December 17	0	0	0	4	2	1
December 22	0	0	0	1	0	0
Total for Quarter	5	0	7	6	4	1

The following is a statistical summary of the Board’s actions so far in the 117th 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							
2021	1 st Quarter	4	0	0	0	0	0
	2 nd Quarter	4	0	5	3	0	1
	3 rd Quarter	6	3	3	2	5	0
	4 th Quarter	5	0	7	6	4	1
Total for 117th Congress		19	3	15	11	9	2

V. SCHEDULE OF PUBLIC RELEASE OF OCE REPORTS AND FINDINGS

The OCE has transmitted four matters to the Committee on Ethics for further review in the fourth quarter of 2021. The OCE’s reports 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 this 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.

Review No.	Status	Release Date
21-4329 21-3052	The OCE transmitted two referrals for further review to the Committee on Ethics on October 25, 2021.	On December 9, 2021, the Committee on Ethics made a public announcement that: (1) the Chair and Ranking of the Committee are taking an additional 45 days to consider the matters or (2) the Committee has voted to empanel an investigative subcommittee. On January 24, 2022, the Committee on Ethics made a public announcement that: In order to gather additional information necessary to complete its reviews, the Committee will review the matters pursuant to Committee Rule 18(a).

21-4513 21-6998	The OCE transmitted two referrals for further review to the Committee on Ethics on December 22, 2021.	By May 22, 2022, ¹ the Committee on Ethics must release the OCE referral or make a public announcement that: (1) the Chair and Ranking of the Committee are taking an additional 45 days to consider the matters or (2) the Committee has voted to empanel an investigative subcommittee.
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VI. BOARD UPDATE

Speaker of the House Nancy Pelosi appointed Mr. William Luther as an OCE Board Member during the fourth quarter of 2021.

The eight members of the OCE Board are currently:

- Former Representative Mike Barnes, Chairman
- Former Congressional Staffer Mr. Paul Vinovich, Co-Chair
- Brigadier General Belinda Pinckney, U.S. Army (Ret.)
- Former Clerk of the House Karen Haas
- Former Representative Karan English
- Former Representative Robert Hurt, Alternate
- Former Representative Lynn Westmoreland
- Former Representative William Luther, Alternate

¹ This date is calculated pursuant to Committee on Ethics Rules authorizing the Committee to postpone any reporting requirement that falls within a 60-day period before an election, in which the subject of the referral is a candidate.