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# Congress of the United States

## House of Representatives

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## FOURTH QUARTER 2022 REPORT

October 2022 – December 2022

### 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 2022 for the 117<sup>th</sup> 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 20,587 private citizens have contacted the OCE during the 117<sup>th</sup> Congress. And approximately 58,259 private citizens have contacted the OCE since its inception through the end of the 117<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.

Date	Citizen Communications
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
115 <sup>th</sup> Congress	13,380
116 <sup>th</sup> Congress	6,136
117 <sup>th</sup> Congress	20,587
<b>Total</b>	<b>58,259</b>

#### IV. BOARD ACTIONS

##### A. OCE ACTIVITY IN THE 117<sup>TH</sup> CONGRESS

The Board met 22 times during the 117<sup>th</sup> Congress, including 14 times in 2021 and 8 times in 2022. The following is a statistical summary of the Board's actions during the 117<sup>th</sup> Congress.

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	Transmittal Referral as Unresolved <sup>1</sup>
2021	1 <sup>st</sup> Quarter	4	0	0	0	0	0	0
	2 <sup>nd</sup> Quarter	4	1	5	3	0	0	0
	3 <sup>rd</sup> Quarter	6	3	3	2	5	0	0
	4 <sup>th</sup> Quarter	5	0	7	6	4	1	0
2022	1 <sup>st</sup> Quarter	2	0	2	0	3	1	1
	2 <sup>nd</sup> Quarter	2	1	1	2	2	0	0
	3 <sup>rd</sup> Quarter	0	0	0	1	1	0	0
	4 <sup>th</sup> Quarter	0	0	0	0	0	0	0
Total for 117 <sup>th</sup> Congress		23	5	18	14	15	2	1

##### 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 235 investigations the office began, approximately 43 percent have been referred to the Committee on Ethics for further review, approximately 53 percent have been terminated or dismissed, and approximately 0.4 percent has been referred as unresolved.

<sup>1</sup> Pursuant to H. Res. 895, in a case where the Board cannot resolve the matter due to a tie vote, the Board will transmit the referral to the Committee with a statement that the matter is unresolved.

<b>Type of Action</b> <b>Date</b>	Commence Preliminary Review	Matter Terminated	Commence Phase II Review	Commence Phase II Review Extension	Transmit Referral for Review	Transmit Referral for Dismissal	Transmit Referral as Unresolved
111 <sup>th</sup> Congress	69	28	41	36	22	18	0
112 <sup>th</sup> Congress	32	5	25 <sup>2</sup>	19	13	10	0
113 <sup>th</sup> Congress	36	14	22	17	16	6	0
114 <sup>th</sup> Congress	35	11	24	14	18	6	0
115 <sup>th</sup> Congress	22	7	15	7	11	2	0
116 <sup>th</sup> Congress	18	5	13	10	7	6	0
117 <sup>th</sup> Congress	23	5	18	14	15	2	1
<b>Total</b>	<b>235</b>	<b>75</b>	<b>158</b>	<b>117</b>	<b>102</b>	<b>50</b>	<b>1</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 117<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

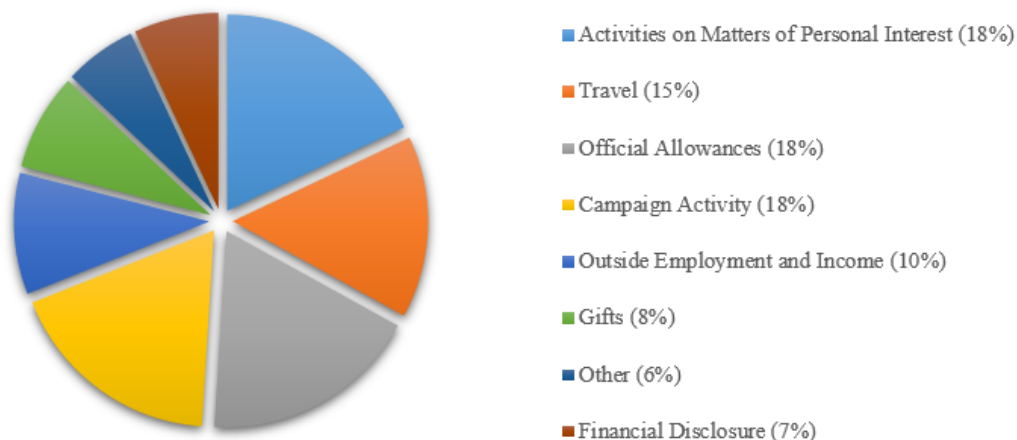
Gifts: Chapter 2

Financial Disclosure: Chapter 6

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<sup>2</sup> Subjects of two additional preliminary reviews resigned in the 112<sup>th</sup> Congress and were no longer subject to Board or Committee jurisdiction. Therefore, the Board took no further action.

## OCE Investigations by Type



### V. SCHEDULE OF PUBLIC RELEASE OF OCE REPORTS AND FINDINGS

The OCE has transmitted zero matters to the Committee on Ethics for further review in the fourth quarter of 2022. The OCE's reports 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 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
22-8546	The OCE transmitted one referral for further review to the Committee on Ethics on June 23, 2022.	By January 21, 2023, <sup>3</sup> the Committee on Ethics must have released the OCE referral or made a public announcement that the Committee has voted to empanel an investigative subcommittee.

<sup>3</sup> 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. The release of the OCE referral or an announcement of the Committee's course of action may be delayed until its organizational meeting and adoption of Committee Rules of the 118<sup>th</sup> Congress occurs.