

Board
Michael Barnes, Chair
Karan English
Belinda Pinckney, BG (R)
Paul Vinovich, Co-Chair
Lynn Westmoreland
Karen Haas
Robert Hurt
Omar S. Ashmawy, Staff Director & Chief Counsel

oce.house.gov
oce@mail.house.gov

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

Mailing Address:
P.O. Box 895
Washington, DC 20515-0895

Office Address:
425 3rd Street SW
Suite 1110
Washington, DC 20024
(202) 225-9739
(202) 226-0997 (FAX)

THIRD QUARTER 2021 REPORT

July 2021 – September 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 third 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 2,172 private citizens have contacted the OCE during the third 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 third 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 |
|--------------------------------------|-----------------------------|-------------------|--------------------------|------------------------------------|------------------------------|---------------------------------|
| July 16 | 3 | 0 | 2 | 0 | 4 | 0 |
| August 10 | 1 | 0 | 0 | 0 | 0 | 0 |
| August 20 | 0 | 3 | 0 | 2 | 1 | 0 |
| September 9 | 0 | 0 | 1 | 0 | 0 | 0 |
| September 17 | 2 | 0 | 0 | 0 | 0 | 0 |
| Total for Quarter | 6 | 3 | 3 | 2 | 5 | 0 |

The following is a statistical summary of the Board's actions so far in the 117th 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 |
|--------------------------------------|-------------------------|-----------------------------|-------------------|--------------------------|------------------------------------|------------------------------|---------------------------------|
| 2021 | 1 st Quarter | 4 | 0 | 0 | 0 | 0 | 0 |
| | 2 nd Quarter | 4 | 0 | 4 | 3 | 0 | 0 |
| | 3 rd Quarter | 6 | 3 | 2 | 2 | 5 | 0 |
| Total for 117 th Congress | | 14 | 3 | 6 | 5 | 5 | 0 |

V. SCHEDULE OF PUBLIC RELEASE OF OCE REPORTS AND FINDINGS

The OCE has transmitted five matters to the Committee on Ethics for further review in the third 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.

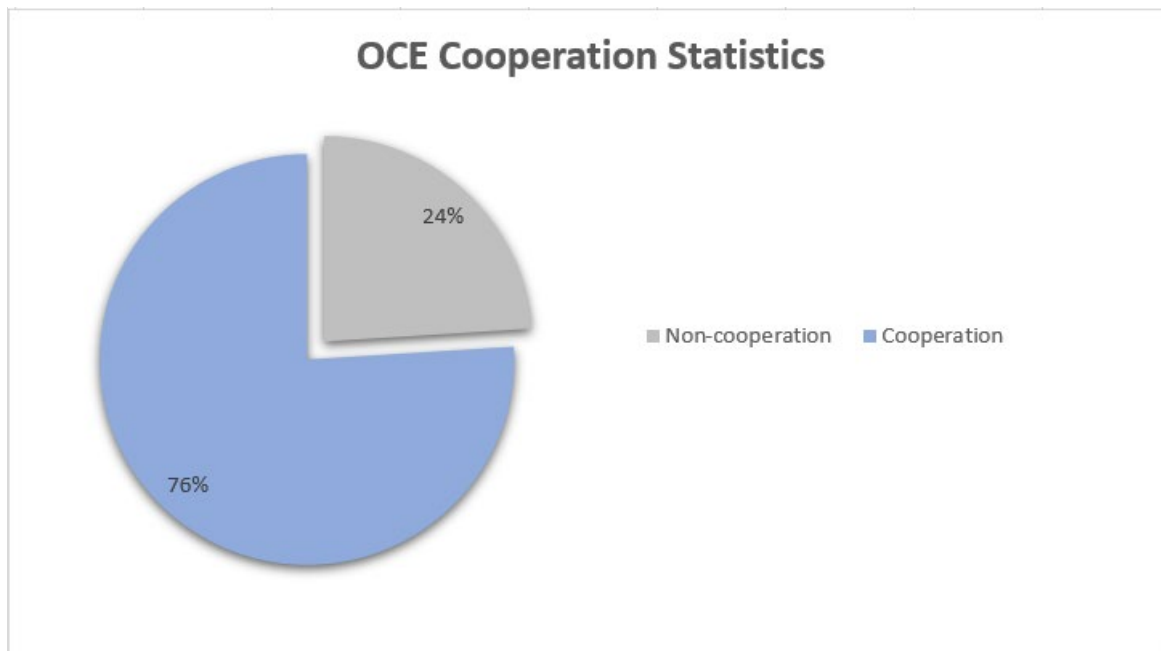
| Review No. | Status | Release Date |
|------------|--|--|
| 21-7096 | The OCE transmitted a referral for further review to the Committee on Ethics on August 27, 2021. | By November 29, 2021 ¹ , the Committee on Ethics must release the OCE referral or make a public announcement that the Committee has voted to empanel an investigative subcommittee. |

VI. OCE COOPERATION STATISTICS

Below is a graphical explanation of the cooperation rates of subjects of OCE investigations since the OCE's inception through the end of the third quarter of 2021.²

¹ Pursuant to Committee Rules 17A(b)(1)(A) and 17A(c)(1), the Committee would need to release on November 25, 2021. However, November 25, 2021 is Thanksgiving, a federal holiday. Therefore, in a statement released on October 12, 2021, the Committee stated it will release the referral by November 29, 2021.

² Since 2009, the OCE has conducted a total of 226 reviews. 219 of those investigations were either terminated after the preliminary review phase or referred to the Committee on Ethics for further review or dismissal after the second-phase review. In those 219 reviews, 76% of subjects cooperated with the OCE, while 24% did not.



VII. STATISTICS REGARDING OCE REFERRALS FOR FURTHER REVIEW

Since inception through the end of the third quarter of 2021, the OCE has initiated 226 investigations. Of those investigations, 92 were referred to the Committee for further review.

| Date | Type of Action | Commence Preliminary Review | Transmit Referral for Review |
|---|----------------|-----------------------------|------------------------------|
| | | | |
| 111 th Congress | | 69 | 22 |
| 112 th Congress | | 32 | 13 |
| 113 th Congress | | 36 | 16 |
| 114 th Congress | | 35 | 18 |
| 115 th Congress | | 22 | 11 |
| 116 th Congress | | 18 | 7 |
| 117 th Congress ³ | | 14 | 5 |

In an additional seven cases, the OCE lost jurisdiction during the review. Cooperation in those seven investigations was not considered in this statistical summary.

³ This figure represents the total number of preliminary reviews initiated during the first three quarters of the 117th Congress.

| | | |
|--------------|------------|-----------|
| Total | 226 | 92 |
|--------------|------------|-----------|