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THIRD QUARTER 2010 REPORT

July 2010 – September 2010

I. INTRODUCTION

The Office of Congressional Ethics (“OCE”) is an independent, non-partisan entity charged with reviewing allegations of misconduct against Members, Officers and staff of the House and, when appropriate, referring matters to the Committee on Standards of Official Conduct (commonly referred to as the “Standards Committee”). In all but one set of circumstances, the report and findings of the OCE Board 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 2010.¹

II. SUBMISSIONS

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 200 private citizens have contacted the OCE in the July to September 2010 period. These contacts were of two types: (1) requests for information on 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.

III. BOARD ACTIONS

The OCE’s investigations have two stages: (1) a preliminary review, which is completed in 30 days and (2) a second-phase review, which is completed in 45 days, with the possibility 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.

¹ The release of the third quarter report was delayed in order to conform to the spirit of the provision in H.Res. 895 regarding activity within 60 days before a Federal, State, or local election.

Three Board members may authorize a second-phase review if all available information provides *probable cause* to believe a violation has occurred.

At the end of any second-phase review, the Board must recommend to the Standards Committee either that the matter requires the Committee’s further review or that it should dismiss the matter. 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, only that the OCE does not have a substantial reason to believe a violation occurred, which is the standard of proof required for the OCE to refer a matter to the Standards Committee for further review. The OCE is not authorized to sanction Members, officers or employees of the House or to recommend any sanctions.

When it makes its recommendation, the OCE Board may also transmit to the Standards Committee 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>.

The following is a statistical summary of the Board’s actions in the third quarter of 2010.

Type of Action Date	Commence Preliminary Review	Vote to Terminate Matter	Commence Phase II Review	Commence Phase II Review Extension	Transmit Referral for Review	Transmit Referral for Dismissal
Jul 29	0	0	0	8	0	0
Jul 30	0	0	0	0	6	0
Sep 1	0	0	0	0	2	4
Total for Quarter²	0	0	0	8	8	4
Total to Date	69	28	41	36	21	17

IV. SCHEDULE OF PUBLIC RELEASE OF OCE REPORTS AND FINDINGS

The OCE has transmitted 17 matters to the Standards Committee for further review. The OCE’s reports and findings in those matters must be made public according to the schedule contained in House Resolution 895 of the 110th Congress, as amended.

² The OCE did not transmit two reviews in the third quarter 2010 because the subject of each review was a candidate in a primary election within 60 days of when the referral was scheduled.

A chart depicting this schedule for public disclosure of OCE reports is available on the OCE website at <http://oce.house.gov>. The following is a summary of the various matters pending release that the OCE has referred to the Standards Committee.

Review No.	Status	Release Date
09-9812	On September 16, 2009, the Standards Committee announced that the U.S. Department of Justice requested that the Committee defer consideration of this matter and the Committee voted to do so.	Standards Committee must announce if deferral exceeds 1 year
10-0754	The OCE transmitted a referral for further review to the Standards Committee on July 30, 2010	By either November 12, 2010 or November 17, 2010, ³ the Standards Committee must release the OCE report or make a public announcement that: (1) the Chair and Ranking or the Committee are taking an additional 45 days to consider the matter or (2) the Committee has voted to empanel an investigative subcommittee or (3) the Department of Justice has asked the Committee to defer and the Committee has voted to defer.
10-1170		
10-5477		
10-6294		
10-7960		
10-8483		
10-4283	The OCE transmitted a referral for further review to the Standards Committee on September 1, 2010	By December 15, 2010, the Standards Committee must release the OCE report or make a public announcement that: (1) the Chair and Ranking or the Committee are taking an additional 45 days to consider the matter or (2) the Committee has voted to empanel an investigative subcommittee or (3) the Department of Justice has asked the Committee to defer and the Committee has voted to defer.
10-8839		

³ It is the discretion of the Standards Committee to determine which release date they intend to utilize. The date of November 12, 2010 is based upon calendar days, while the date of November 17, 2010 is based upon legislative days.