



OFFICE OF CONGRESSIONAL ETHICS  
UNITED STATES HOUSE OF REPRESENTATIVES  
WASHINGTON, DC 20515

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## FOURTH QUARTER 2009 REPORT

OCTOBER - DECEMBER 2009

### 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 fourth quarter of 2009.

### 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 45 private citizens have contacted the OCE in the October to December 2009 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.

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 fourth quarter of 2009.

<b>Date</b> \ <b>Type of Action</b>	Commence Preliminary Review	Vote to Terminate Matter	Commence Phase II Review	Vote to Extend Phase II Review	Transmit Referral for Review	Transmit Referral for Dismissal
October 6	1	0	0	0	0	0
November 6	0	0	1	0	0	0
November 12	0	0	0	0	1	2
December 2	0	0	0	0	2	5
December 18	0	0	0	1	0	0
<b>Total for Quarter</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>3</b>	<b>7</b>
<b>Year to Date</b>	<b>25</b>	<b>4</b>	<b>21</b>	<b>21<sup>1</sup></b>	<b>12<sup>2</sup></b>	<b>8</b>

<sup>1</sup> One matter was in the 14-day extension period at the end of the quarter.

<sup>2</sup> In one instance, the Board voted to refer a matter to the Standards Committee that contained recommendations to review further some allegations and dismiss others. This matter is counted once in the “transmit referral for review column.”

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

The OCE has transmitted 12 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 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 <http://oce.house.gov>. The following is a summary of the anticipated release of the various matters the OCE has referred to the Standards Committee for further review.

<b>Review No.</b>	<b>Status</b>	<b>Release Date</b>
09-3698 09-2567 09-4403 09-6333 09-2222	On June 24, 2009, the Standards Committee announced an investigative subcommittee had been impaneled to further investigate the subjects and subject matter of these referrals.	The OCE's report must be released when subcommittee concludes work, or no later than 1 year after the subcommittee is impaneled; OCE findings must be released no later than the end of the 111 <sup>th</sup> Congress.
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.	The Standards Committee must make an announcement if deferral exceeds 1 year.
09-2121	On October 29, 2009, the Standards Committee announced that the Committee had voted to impanel an investigative subcommittee on this matter.	The OCE's report must be released when subcommittee concludes work, or no later than 1 year after the subcommittee impaneled; OCE findings must be released no later than the end of the 111 <sup>th</sup> Congress.
09-4126	On October 29, 2009, the Standards Committee announced that the Committee had voted to impanel an investigative subcommittee on this matter.	

09-4486	On December 2, 2009, the OCE transmitted a referral for further review to the Standards Committee.	By January 16, 2010, the Standards Committee must release the OCE's report and findings or make a public announcement that: (1) the Chair and Ranking or the Committee are extending the matter by an additional 45 days; or (2)
09-9012	On December 2, 2009, the OCE transmitted a referral for further review to the Standards Committee.	the Committee has voted to impanel an investigative subcommittee; or (3) an appropriate law enforcement or regulatory authority has asked the Committee to defer and the Committee has agreed to defer. <sup>3</sup>
09-9030	On December 24, 2009, the Standards Committee announced that the Committee had extended a matter referred to it by the OCE for an additional 45 days.	By February 10, 2010, the Standards Committee must release OCE's report and findings or make a public announcement that: (1) the Committee has voted to impanel an investigative subcommittee; or that (2) an appropriate law enforcement or regulatory authority has asked the Committee to defer and the Committee has agreed to defer. <sup>4</sup>

## V. SUMMARY OF ACTIVITIES IN CALENDAR YEAR 2009

In 2009, the OCE adopted rules for the conduct of its investigations and a code of conduct for the OCE Board and staff and held two public hearings on the same. Copies of both are available on the OCE website at <http://oce.house.gov>. The Office hired a non-partisan professional staff of attorneys experienced in investigations and ethics as well as other professionals. The OCE began conducting reviews in February 2009 and, over the course of the rest of the year, brought those and other reviews through to conclusion as described in the statistical tables above. In all cases, the Board acted unanimously except for abstentions or recusals. Throughout the year, the Board and staff met with and responded to inquires from various stakeholders from the United States House of Representatives and the public. Finally, the OCE operated within its budget and ended fiscal year 2009 without expending all budgeted funds.

<sup>3</sup> H. Res. 895 of the 110<sup>th</sup> Congress, as amended, imposes additional requirements as to the timing of announcements by the Standards Committee that might, under certain circumstances, necessitate public announcements before this date. See H. Res. 895 of the 110<sup>th</sup> Congress, as amended, Section 3 Conforming Amendments to the Rules of the House.

<sup>4</sup> See note 1.