



OFFICE OF CONGRESSIONAL ETHICS
UNITED STATES HOUSE OF REPRESENTATIVES
WASHINGTON, D. C. 20515

David Skaggs, Chair *Porter Goss, Co-Chair*
Yvonne Burke *Jay Eagen*
Karan English *William Frenzel*
Allison Hayward *Abner Mikva*

Leo J. Wise, Staff Director & Chief Counsel
1017 Longworth House Office Building
(202) 225-9739
(202) 226-0997 fax
oce@mail.house.gov

QUARTERLY REPORT

JANUARY – MARCH 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 “Ethics Committee”).

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 first quarter of 2009. The Resolution that created the OCE requires the Office to conduct confidential investigations. In the event OCE refers a matter to the Ethics Committee, the OCE’s referral will become public after a designated period of time.

II. BACKGROUND – SETTING UP THE OFFICE OF CONGRESSIONAL ETHICS

The House voted to create the OCE on March 11, 2008. The Speaker and the Minority Leader jointly appointed the eight-member Board on July 24, 2008. Following its appointment, the Board conducted a search for and hired a staff director and chief counsel in November 2008.

At the direction of the Board, the OCE staff then drafted and distributed for members and public comment a set of rules for the conduct of investigations and a code of conduct. The Board initially adopted rules and a code of conduct on January 23, 2009. Based on additional public comment, the Board adopted several revisions to its rules and code of conduct on February 23, 2009. Having rules in place was a prerequisite for the Board to begin its work. After revised rules were adopted, the Board began reviewing alleged ethical violations at its February meeting.

III. SUBMISSIONS

Any member of the public may bring a matter of suspected misconduct involving a Member, Officers or staff of the House to the attention of the OCE.

Thirty-seven private citizens have contacted the OCE through March 2009. 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.

IV. 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 Republican 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 Ethics Committee either that the matter requires the Committee's further review or that it should dismiss the matter. When it makes its recommendation, the OCE Board may also transmit to the Ethics Committee a report that includes, among other things, findings of fact and citations to laws, rules or regulations that may have been violated.

A. Preliminary Reviews

The Board authorized 6 preliminary reviews at its meeting on February 23, 2009. These preliminary reviews formally began one week later, as provided under House and OCE rules, on March 2, 2009.

The Board authorized 4 preliminary reviews at its meeting on March 27, 2009. These preliminary reviews formally began one week later, as provided under House and OCE rules, on April 3, 2009.

B. Second Phase Reviews

The Board authorized 6 second-phase review at its meeting on March 27, 2009 and at a follow-up meeting on April 2, 2009. The Board will also have a regularly scheduled monthly meeting in April.

C. Referrals to the Ethics Committee

No matter has reached the end of a second-phase review as of the date of this report. As a result, the Board has not yet voted on whether to refer any matter under review to the Ethics Committee.