



# FACT

FOUNDATION FOR  
ACCOUNTABILITY  
AND CIVIC TRUST

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Omar Ashmawy  
Chief Counsel  
Office of Congressional Ethics  
U.S. House of Representatives  
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Washington, DC 20024  
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RE: Rep. Tim Ryan (Ohio)

Dear Mr. Ashmawy,

The Foundation for Accountability and Civic Trust (FACT) is a nonprofit organization dedicated to promoting accountability, ethics, and transparency in government and civic arenas. We request the Office of Congressional Ethics (OCE) immediately investigate whether Representative Tim Ryan abused official resources for political purposes.

Federal law states that “appropriations shall be applied only to the objects for which the appropriations were made except as otherwise provided by law.”<sup>1</sup> To enforce this law, the ethics rules prohibit Members from using any official resource for political purposes.<sup>2</sup> “Official resources” includes anything funded by taxpayers, such as a Member’s official website, social media accounts, and photographs and video from the House or Senate floor.<sup>3</sup> To make it abundantly clear, both the House Ethics rules and Senate ethics rules specifically identify

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<sup>1</sup> 31 U.S.C. sec. 1301(a).

<sup>2</sup> House Ethics Manual, Comm. on Standards of Official Conduct, U.S. House of Reps., at 123 (2008 ed.), available at [https://ethics.house.gov/sites/ethics.house.gov/files/documents/2008\\_House\\_Ethics\\_Manual.pdf](https://ethics.house.gov/sites/ethics.house.gov/files/documents/2008_House_Ethics_Manual.pdf). This ethics rule enforces federal law. 31 U.S.C. sec. 1301(a) (“appropriations shall be applied only to the objects for which the appropriations were made except as otherwise provided by law”).

<sup>3</sup> House Ethics Manual, at 128 (“Broadcast coverage and recordings of House floor proceedings may not be used for any political purpose under House Rule 5, clause 2(c)(1). In addition, under House Rule 11, clause 4(b), radio and television tapes and film of any coverage of House committee proceedings may not be used, or made available for use, as partisan political campaign material to promote or oppose the candidacy of any person for public office.”); House Ethics Manual at 131 (prohibiting the use of Member and Committee websites for political purposes); House Rule V(2)(c)(1) (A Member is also specifically prohibited from using House floor “recordings” for “any partisan political campaign purpose.”). *See also*, Comm. on House. Admin., U.S. House of Reps., Committee Handbook, at 19 (stating social media accounts are subject to the same rules and requirements as Member’s websites; stating House Committee websites are official resources). Senate Manual, at 131 (“The use of any tape duplication of radio or television coverage of the proceedings of the Senate for political campaign purposes is strictly prohibited.”) (quoting Standing Orders of the Senate at 69 sec. 6).

Congressional photographs and video of floor proceedings as official resources that Members are prohibited from using for political purposes.<sup>4</sup> Simply put, under the House ethics rules, a Member is prohibited from using either House or Senate photographs or video because both are official government resources.<sup>5</sup> This includes any photograph or video footage of floor proceedings even it was reposted from a third-party source, i.e. another website or news organization.<sup>6</sup> “Members may not re-use an image of a floor proceeding published by a third-party, if the Member could not use that image in the first instance.”<sup>7</sup>

In the present case, Ryan is clearly using official government video for political purposes. The following images are from a social media account Rep. Ryan is using for campaign purposes, the first is the bio for the account and the second is a post:<sup>8</sup>



It is obvious this social media account is being used for campaign purposes because (1) the cover image is a campaign photo identifying his candidacy for U.S. Senate and seeking supporters to

<sup>4</sup> House Ethics Manual, at 128; Senate Manual, at 131.

<sup>5</sup> House Ethics Manual, at 128.

<sup>6</sup> Derivative use of House floor photographs and video is prohibited. Report of the Comm. on Ethics, *In re Lujan*, Aug. 1, 2017, at 12 (citing Memorandum from the Comm. to All Members, “Campaign Activity Guidance,” Aug. 15, 2014, at 16).

<sup>7</sup> *Id.*

<sup>8</sup> Tim Ryan, Twitter, accessed Aug. 9, 2022, available at: <https://twitter.com/TimRyan>; Tim Ryan, Twitter, Jul. 28, 2022, available at: <https://twitter.com/TimRyan/status/1552716853205762049>.

sign up with his campaign, (2) it states Ryan is running for U.S. Senate, and (3) it directly links to his campaign webpage.<sup>9</sup> Additionally, the July 28, 2022 post was for campaign purposes because Ryan posted a video of Senate floor footage, stating that the bill involved in the footage was one he sponsored in the House, and it “died in the Senate” and the “Senate is broken.”<sup>10</sup> It does not matter whether the photographs or video are from the House or Senate because both are official government resources. It is quite clear that Rep. Ryan has used official government resources for campaign purposes in violation of the House ethics rules.

This is not his campaign’s only use of official floor footage for political purposes. The following images are from a social media account that Ryan’s campaign staff is using for campaign purposes:<sup>11</sup>



<sup>9</sup> Tim Ryan, Twitter, accessed Aug. 9, 2022, available at: <https://twitter.com/TimRyan>.

<sup>10</sup> Tim Ryan, Twitter, Jul. 28, 2022, available at: <https://twitter.com/TimRyan/status/1552716853205762049>.

<sup>11</sup> Izzi Levy, Twitter, accessed Aug. 9, 2022, available at: [https://twitter.com/chevytothe\\_levy](https://twitter.com/chevytothe_levy); Izzi Levy, Twitter, Jul. 27, 2022, available at: [https://twitter.com/chevytothe\\_levy/status/1552395358038286337](https://twitter.com/chevytothe_levy/status/1552395358038286337); Izzi Levy, Twitter, Jul. 28, 2022, available at: [https://twitter.com/chevytothe\\_levy/status/1552718183748014089](https://twitter.com/chevytothe_levy/status/1552718183748014089); Izzi Levy, Twitter, Jul. 28, 2022, available at: [https://twitter.com/chevytothe\\_levy/status/1552720435565019137](https://twitter.com/chevytothe_levy/status/1552720435565019137).



Again it is clear this social media account is being used for campaign purposes because (1) it is identified as that of the Communications Director for Rep. Ryan’s campaign for Senate; (2) the vast majority of this account’s activity is campaign related; (3) the posts link to Ryan’s social media account above; and (4) the posts include official pictures or videos of Ryan on the House floor.

The law is clear: a Member cannot use any House or Senate floor photographs or footage for any campaign purpose. The images above speak for themselves and there are no facts that can excuse these violations. The law is broad—not only is a Member directly prohibited from using the video, but the Member cannot repost from other sources or use video obtained from news outlets. Ryan is also not allowed to use his campaign or its staff to violate the ethics rules. He is responsible for his campaign’s actions and as the House ethics manual explains, a Member cannot indirectly do what he is directly prohibited from doing.<sup>12</sup> Finally, it is not relevant whether the social media accounts are official campaign accounts, but rather it is only relevant that the accounts are being used for campaign purposes—thus making the videos campaign related as well.<sup>13</sup> By all measures the House and Senate floor photographs and video identified above is being used for campaign purposes in violation of federal law and House ethics rules.

<sup>12</sup> See House Ethics Manual, at 1 (stating a Member should not “attempt to circumvent any House rule or standard of conduct”); 17 (“Members, officers, and employees may not do indirectly what they would be barred from doing directly.”); 123 (“[U]nder these rules, a Member or employee must take reasonable steps to ensure that any outside organization over which he or she exercises control – including the individual’s own authorized campaign committee . . . operates in compliance with applicable law.”);

<sup>13</sup> It is not relevant whether the social media accounts are official campaign accounts. The only issue is whether the videos are being used for campaign purposes. The social media accounts were primarily being used for campaign purposes whether or not they are the official campaign accounts, and thus the videos were being used for campaign purposes. Cf. e.g., U.S. Office of Special Counsel, OSC File No. HA-17-4341, Letter dated Sept. 28, 2017 (finding that a personal Twitter account that listed an official government title in the bio section and “many” of the posts were about official matters, was being used in an official capacity).

This is an important rule because it not only protects taxpayer-funded resources from abuse, but it also protects the integrity of official proceedings by reducing the incentive for Members to make political speeches during official proceedings. One issue the House Ethics Manual acknowledges is the public perception that incumbents are simply using the office to run for reelection or for a higher office, and the reason for that perception is quite evident in Ryan's actions. Moreover, Ryan's use of official resources does not reflect credibility on the House.<sup>14</sup>

The Office of Congressional Ethics is responsible for ensuring each Representative fulfills the public trust inherent in the office and that they comply with the House's ethical standards. Therefore, we urge the Board to immediately investigate whether Representative Ryan used official resources for campaign purposes in violation of the House ethics rules.

To the best of my knowledge and ability, all evidence submitted was not obtained in violation of any law, rule, or regulation. Further, I am aware that the False Statements Act, 18 U.S.C. § 1001, applies to information submitted to the Office of Congressional Ethics.  
Sincerely,

/s/Kendra Arnold

Kendra Arnold  
Executive Director, Foundation for Accountability & Civic Trust

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<sup>14</sup> Members are required to "conduct themselves at all times in a manner that reflects creditably on the House." House Ethics Manual, Comm. on Standards of Official Conduct, U.S. House of Reps., at 1, 12, 186 (2008 ed.), available at [https://ethics.house.gov/sites/ethics.house.gov/files/documents/2008\\_House\\_Ethics\\_Manual.pdf](https://ethics.house.gov/sites/ethics.house.gov/files/documents/2008_House_Ethics_Manual.pdf) (citing House Rule 23, clause 1).