



FACT

FOUNDATION FOR
ACCOUNTABILITY
AND CIVIC TRUST

March 25, 2022

Omar Ashmawy
Chief Counsel
Office of Congressional Ethics
U.S. House of Representatives
P.O. Box 895
Washington, DC 20515-0895
Email: oce@mail.house.gov

Re: Ethics Complaint re Rep. Kurt Schrader (OR)

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 achieve this mission by hanging a lantern over public officials who put their own interest over the interests of the public good. We request the Office of Congressional Ethics investigate Representative Kurt Schrader for violating House ethics rules that forbid Members from using official taxpayer-funded resources for political purposes.¹

House ethics rules require strict separation between campaign and official acts: a Member is prohibited from using any official resources for any campaign and political purposes.² Official resources include anything funded by taxpayers, such as a Member's official press release, website and social media accounts.³ This rule protects taxpayer-funded resources from abuse and

¹ House Ethics Manual, at 123. 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").

² House Ethics Manual, at 123. Additionally, several other ethical considerations also are embodied in the rule, for instance: "The laws and rules referenced in this section reflect 'the basic principle that government funds should not be spent to help incumbents gain reelection.'" House Ethics Manual, at 123 (*citing Common Cause v. Bolger*, 574 F. Supp. 672, 683 (D.D.C. 1982), *aff'd*, 461 U.S. 911 (1983)).

The rules require strict separation between campaign and government acts and resources. For instance, a Member's official website and social media accounts are prohibited from including any personal, political, or campaign information, links to campaign-related websites, and "grassroots lobbying or solicit[ing] support for a Member's position." Comm. on House Admin., U.S. House of Reps., Member's Congressional Handbook, at 31. On the other hand, campaign funds may not be used for official expenses, including "communications" such as official website and official audio and video recordings and materials. House Ethics Manual, at 177-78.

³ *Id.*

theft, and it addresses the public concern that incumbents wrongfully use government funds to run for reelection and only take official action for political purposes and not for the good of the country.

Rep. Schrader recently released a campaign advertisement titled “Veterinarian” that used official press releases issued by his congressional office.⁴ There are two instances in Schrader’s campaign advertisement where headlines from official press releases were used.

At 0:19, the campaign advertisement displays the press release headline “Bipartisan Schrader Bill to Strengthen Career & Technical Education Passes with Unanimous Support” (citing the date of June 22, 2017).⁵ This headline appears to come directly from Schrader’s official congressional press release posted on his official congressional website on June 22, 2017:⁶

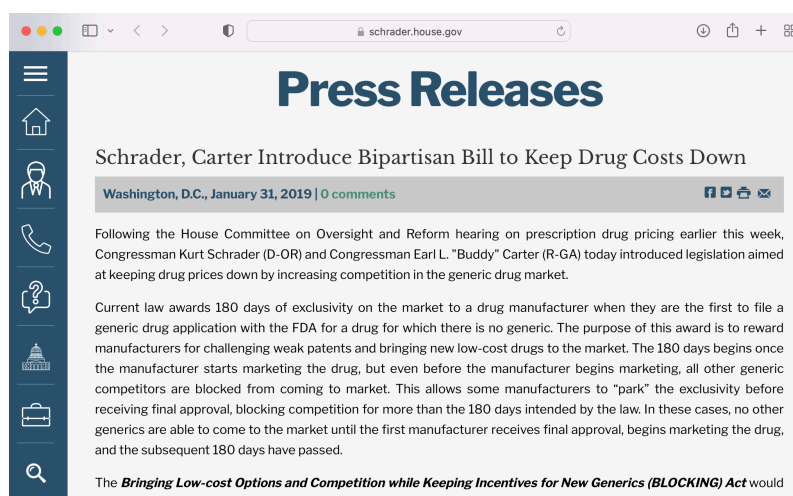


⁴ The advertisement ran on television and was posted on YouTube at: <https://www.youtube.com/watch?v=eG2NQeTz7ag>.

⁵ Kurt Schrader for Congress, *Veterinarian*, Mar. 7, 2022, available at <https://www.youtube.com/watch?v=eG2NQeTz7ag>.

⁶ Congressman Kurt Schrader, *Bipartisan Schrader Bill To Strengthen Career & Technical Education Passes With Unanimous Support*, Press Release, available at: <https://schrader.house.gov/newsroom/documentsingle.aspx?DocumentID=390783>

At 0:14, the campaign advertisement displays the headline “Schrader Introduces Bipartisan Bill To Keep Drug Costs Down” (citing the date Jan. 31, 2019).⁷ This headline appears to have been taken from Schrader’s official congressional press release posted on his official congressional website on January 31, 2019:⁸



Schrader has committed a clear violation by using official press releases in a campaign advertisement. The official press releases were created by congressional staff and posted on a congressional website.

⁷ The advertisement ran on television and was posted on YouTube at: <https://www.youtube.com/watch?v=eG2NQeTz7ag>.

⁸ Congressman Kurt Schrader, *Schrader, Carter Introduce Bipartisan Bill to Keep Drug Costs Down*, Press Release, Jan. 31, 2019, available at: <https://schrader.house.gov/newsroom/documentsingle.aspx?DocumentID=391536>

As a Member of the House, Schrader is required to abide by **all** ethics rules and the House Ethics Manual.⁹ This case involves the foundational principal that Members cannot use their official position or resources for political gain.¹⁰ Yet this is not the only fundamental ethics rule Schrader has apparently violated. Schrader recently failed to timely disclose stock transactions as required by the STOCK Act—the only mechanism to determine whether a Member had a conflict of interest or is wrongfully profiting from his official position.¹¹

It is troubling when our Members cannot even follow the most basic and straightforward ethics rules, and repeated violations of these laws indicate a disregard for them as a whole. The Office of Congressional Ethics is responsible for ensuring each Representative fulfills the public trust inherent to the office and complies with the House’s ethical standards. Therefore, we urge the Board to immediately investigate and stop Representative Schrader’s ongoing ethics violations related to his campaign advertisement.

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

⁹ The conduct of Members of the House is governed by number of different sources, including criminal law, the Code of Official Conduct, and the Code of Ethics for Government Service, which are incorporated into the House Ethics Manual. House Ethics Manual, Comm. on Standards of Official Conduct, U.S. House of Reps., at 2-4 (2008 ed.), available at https://ethics.house.gov/sites/ethics.house.gov/files/documents/2008_House_Ethics_Manual.pdf. In addition, Members must “conduct themselves at all times in a manner that reflects creditably on the House” and adhere to the spirit as well as the letter of the ethics rules. House Ethics Manual, at 1, 12 (citing House Rule 23, Cl. 1), 16 (citing House Rule 23, Cl. 2), 186.

¹⁰ See House Ethics Manual, at 1 (Members cannot use their office for private gain), 123-24 (Members cannot use official resources for any campaign for political purpose).

¹¹ Dave Levinthal, *Democratic Rep. Kurt Schrader of Oregon Is The Latest Member of Congress to Violate a Federal Conflicts-of-Interest Law*, Business Insider, Feb. 14, 2022, available at: <https://www.businessinsider.com/congress- stocks-kurt-schrader-oregon-2022-2>.