



# FACT

FOUNDATION FOR  
ACCOUNTABILITY  
AND CIVIC TRUST

January 27, 2023

Omar Ashmawy  
Chief Counsel  
Office of Congressional Ethics  
U.S. House of Representatives  
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Washington, DC 20024

Email: [oce@mail.house.gov](mailto:oce@mail.house.gov)

RE: Rep. Adam Schiff (California)

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 Adam Schiff abused official resources for political purposes.

On January 26, 2023, Representative Schiff announced he was running for U.S. Senate.<sup>1</sup> In his campaign announcement video, he uses a video of himself speaking on the Senate floor, as seen below.<sup>2</sup>

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<sup>1</sup> Adam Schiff, Twitter, Jan. 26, 2023 at 10:07 a.m., <https://twitter.com/AdamSchiff/status/1618626586303160325>.

<sup>2</sup> Beginning at the 12 second mark, the video uses footage from the Senate Floor. *Id.*



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>3</sup> To enforce this law, the ethics rules prohibit Members from using any official resource for campaign or political purposes.<sup>4</sup> “Official resources” includes anything funded by taxpayers, such as a Member’s official

<sup>3</sup> 31 U.S.C. sec. 1301(a).

<sup>4</sup> U.S. House of Reps Comm. on Standards of Official Conduct, *House Ethics Manual*, at p. 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) (official House resources “may not be used for campaign or political purposes”); see also *id.* at p. 124 (“Members and staff should be aware that the general prohibition against campaign or political use of official resources applies not only to any Member campaign for re-election, but rather to any campaign or political undertaking. Thus the prohibition applies to, for example, campaigns for the Presidency, the U.S. Senate, or a state or local office, and it applies to such campaigns whether the Member is a candidate or is merely seeking to support or assist (or oppose) a candidate in such a campaign.”).

website,<sup>5</sup> social media accounts,<sup>6</sup> and photographs and video from the House or Senate floor.<sup>7</sup> To make it abundantly clear, both the House ethics rules and Senate rules specifically identify Congressional video of floor proceedings as official resources that Members are prohibited from using for political purposes.<sup>8</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>9</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>10</sup> As the Ethics Committee has stated, “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>11</sup>

In the present case, Rep. Schiff is clearly using official government video for campaign purposes in violation of federal law and the House ethics rules. The law is broad—not only is a Member directly prohibited from using the video, but the Member cannot repost from other

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<sup>5</sup> House Ethics Manual, at p. 131 (prohibiting the use of Member and Committee websites for political purposes).

<sup>6</sup> *Id.*; U.S. House of Reps., Comm. on House. Admin., *Committee Handbook*, at p. 38 (Adopted Jul. 25, 2018; Updated Dec. 30, 2022) available at <https://cha.house.gov/sites/evo-subsites/republicans-cha.house.gov/files/evo-media-document/2022-12-30-final-members-congressional-handbook49.pdf> (“content on Social Media Accounts is subject to the same requirements as content on Member websites”).

<sup>7</sup> House Rule V, cl. 2(c)(1) (A Member is also specifically prohibited from using a House floor “recording” for “any partisan political campaign purpose.”); House Ethics Manual, at p. 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.”); Report of the Comm. on Ethics, *In re Lujan*, Aug. 1, 2017, at 13, available at: [https://ethics.house.gov/sites/ethics.house.gov/files/20170801%20Rep.%20Lujan%20Report%20-%20FINAL\\_0.pdf](https://ethics.house.gov/sites/ethics.house.gov/files/20170801%20Rep.%20Lujan%20Report%20-%20FINAL_0.pdf) (stating a Member is prohibited from using a still image or photograph of House floor proceedings for political purposes); U.S. Senate Manual, *Standing Rules of the Senate*, at p. 105 (116th Congress) available at: <https://www.govinfo.gov/content/pkg/SMAN-116/pdf/SMAN-116.pdf> (“The use of any tape duplication of radio or television coverage of the proceedings of the Senate for political campaign purposes is strictly prohibited.”).

<sup>8</sup> *Id.*

<sup>9</sup> House Ethics Manual, at p. 128. The Committee on Ethics explains “official buildings . . . include[s] not only any House office building, but also all district office space, any Senate office building, the Capitol, the Library of Congress, and any federal building.” U.S. House of Rep. Comm. on Ethics, Memorandum from the Comm. to All Members, *Campaign Activity Guidance*, Aug. 15, 2014, at 3, available at: [https://ethics.house.gov/sites/ethics.house.gov/files/20140815 Pink Sheet.pdf](https://ethics.house.gov/sites/ethics.house.gov/files/20140815%20Pink%20Sheet.pdf).

<sup>10</sup> Derivative use of House floor photographs and video is prohibited. Report of the Comm. on Ethics, *In re Lujan*, Aug. 1, 2017, at 13, available at: [https://ethics.house.gov/sites/ethics.house.gov/files/20170801%20Rep.%20Lujan%20Report%20-%20FINAL\\_0.pdf](https://ethics.house.gov/sites/ethics.house.gov/files/20170801%20Rep.%20Lujan%20Report%20-%20FINAL_0.pdf) (citing U.S. House of Rep. Comm. on Ethics, Memorandum from the Comm. to All Members, *Campaign Activity Guidance*, Aug. 15, 2014, at 16, available at: [https://ethics.house.gov/sites/ethics.house.gov/files/20140815 Pink Sheet.pdf](https://ethics.house.gov/sites/ethics.house.gov/files/20140815%20Pink%20Sheet.pdf)).

<sup>11</sup> *Id.*

sources or use video obtained from news outlets. The law is clear and the image above speaks for itself—there are no facts that can excuse this violation.

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 their office to run for reelection or to run for a higher office,<sup>12</sup> and the reason for that perception is quite evident in Rep. Schiff's actions. Moreover, his use of official resources does not reflect credibly on the House.<sup>13</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 Schiff 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>12</sup> House Ethics Manual, at p. 123 (stating the laws and rules prohibiting use of official resources for political purposes reflect “the basic principle that government funds should not be spent to help incumbents gain reelection”).

<sup>13</sup> Members are required to “conduct themselves at all times in a manner that reflects creditably on the House.” House Ethics Manual, at p. 1, 12 (citing House Rule 23, clause 1).