



# FACT

FOUNDATION FOR  
ACCOUNTABILITY  
AND CIVIC TRUST

March 30, 2023

Omar Ashmawy  
Chief Counsel  
Office of Congressional Ethics  
U.S. House of Representatives  
425 3rd Street, S.W., Suite 1110  
Washington, DC 20024

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

RE: Rep. Ilhan Omar (Minnesota)

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 Ilhan Omar has used a social media account in violation of House rules and abused official resources for political purposes.

TikTok is a social media company owned by the Chinese company ByteDance Ltd, which has raised U.S. government concerns that users' data could be given to China's authoritarian government.<sup>1</sup> In 2018, after another Chinese app "Neihan Duanzi" was shut down by China's State Administration of Radio and Television, the app's CEO (and ByteDance's current CEO), Zhang Yiming, released a public apology because the company "veered off course" by going against "core socialist values," and "did not do a thorough job in guiding public opinion."<sup>2</sup> In addition, Zhang Yiming claimed he would further deepen the cooperation with China's state run

---

<sup>1</sup> Dara Kerr, *Armed With Influencers And Lobbyists, TikTok Goes On The Offense On Capitol Hill*, [NPR](#), Mar. 22, 2023.

<sup>2</sup> Tara Francis Chan, *A Chinese Tech CEO Was In A Similar Position To Mark Zuckerberg This Week - And What Happened Shows How Much Power Beijing Has*, [Business Insider](#), April, 12, 2018.

media and improve distribution of state run media content.<sup>3</sup> This was described as a “reminder” to Chinese companies, which are required to “not contravene” against seven “bottom lines” that include the socialist system, the country’s national interests, public order, and morality.<sup>4</sup> While Chinese citizens are subject to censorship and arrest for their speech, this is not limited to Chinese apps or geographical boundaries. For instance, a Chinese citizen was prosecuted for “insulting the government” based upon a conversation from an encrypted non-Chinese app and China has cracked down “on overseas dissidents whose families are still in the mainland.”<sup>5</sup>

Both the Federal Bureau of Investigation and the Federal Communications Commission have warned that data from TikTok, such as biometric identification, browsing history, and location, could be shared with the Chinese government.<sup>6</sup> China’s 2017 National Security Law requires Chinese companies to “support, assist, and cooperate” with national intelligence efforts.<sup>7</sup> The FBI and Justice Department have reportedly began investigating whether TikTok has spied on U.S. citizens, including journalists.<sup>8</sup> Moreover, the Biden administration has expressed concern over the ownership of the company.<sup>9</sup> Specifically, along with the federal government, the House of Representatives banned the TikTok app from all official devices.<sup>10</sup>

In spite of this, Rep. Omar has a TikTok account that is clearly being used for both official House and political purposes. The biography portion of the account describes her as a “Congresswoman for #MN05.”<sup>11</sup> She has made overtly political posts, including a video of her urging viewers to support Democrat candidates, a message to Democrats volunteering for

---

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*; Tara Francis Chan, *China’s ‘Great Firewall’ is Taller Than Ever Under ‘President-for-Life’ Xi Jinping*, [Insider](#), Mar. 24, 2018.

<sup>5</sup> *Id.*

<sup>6</sup> Kelvin Chan and Haleluya Hadero, *Why TikTok’s Security Risks Keep Raising Fears*, [The Associated Press](#), Mar. 22, 2023.

<sup>7</sup> Clothilde Goujard, *What The Hell Is Wrong With TikTok?*, [Politico](#), Mar. 22, 2023. “The regulations also require the tech companies to monitor and keep records of chats for six months, and report any illegal activity to authorities. The companies have essentially been ordered to spy on their users.” Tara Francis Chan, *China’s ‘Great Firewall’ is taller than ever under ‘president-for-life’ Xi Jinping*, [Insider](#), Mar. 24, 2018.

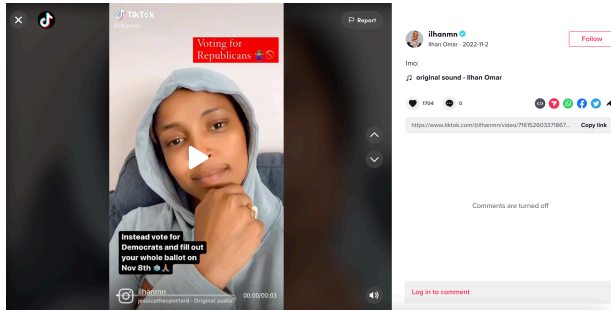
<sup>8</sup> Dara Kerr, *Armed With Influencers And Lobbyists, TikTok Goes On The Offense On Capitol Hill*, [NPR](#), Mar. 22, 2023.

<sup>9</sup> John D. McKinnon, *U.S. Threatens Ban If TikTok’s Chinese Owners Don’t Sell Stakes*, [The Wall Street Journal](#), Mar. 15, 2023.

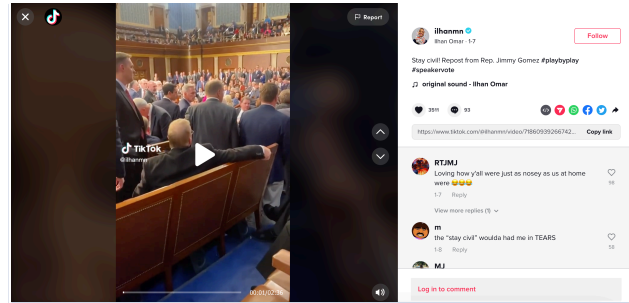
<sup>10</sup> Brian Fung, *US House Bans TikTok from Official Devices*, [CNN](#), Dec. 30, 2022; *TikTok Banned on U.S. Government Devices, and The U.S. Is Not Alone. Here’s Where the App is Restricted.*, [CBS News](#), Mar. 1, 2023.

<sup>11</sup> Ilhan Omar, [TikTok](#), Accessed Mar. 28, 2023.

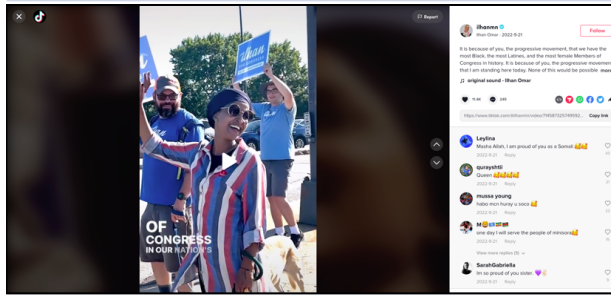
campaigns, and several videos of her campaigning and attending campaign events.<sup>12</sup> Along with this political content, she has also made posts that used official government resources, including C-SPAN footage from the House floor, what appears to be a cell phone video recorded on the House floor, and an interview from what appears to be in her House office.<sup>13</sup> A few examples of posts from Rep. Omar’s account are below and more are attached as Exhibit A:



Video of Rep. Omar stating “I do not recommend this strategy,” while pointing at text stating “Vote for Republicans”, with text below stating “Instead vote for Democrats and fill out your whole ballot on Nov. 8th. Ilhan Omar, [TikTok](#), Nov. 2, 2022.



House floor video. Ilhan Omar, [TikTok](#), Jan. 7, 2023.



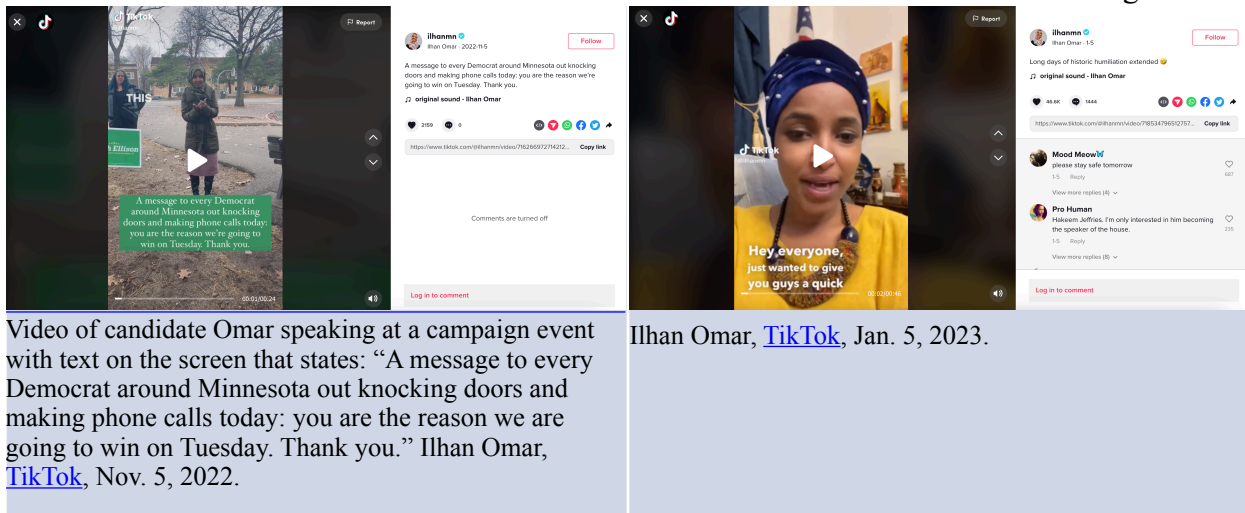
Campaign video advertisement. Ilhan Omar, [TikTok](#), Sept. 21, 2022.



C-SPAN House floor video. Ilhan Omar, [TikTok](#), Jan. 6, 2023.

<sup>12</sup> Ilhan Omar, [TikTok](#), Accessed Mar. 28. 2023.

<sup>13</sup> Ilhan Omar, [TikTok](#), Accessed Mar. 28. 2023.



Video of candidate Omar speaking at a campaign event with text on the screen that states: “A message to every Democrat around Minnesota out knocking doors and making phone calls today: you are the reason we are going to win on Tuesday. Thank you.” Ilhan Omar, [TikTok](#), Nov. 5, 2022.

Ilhan Omar, [TikTok](#), Jan. 5, 2023.

**Law: Federal law and House ethics rules require strict separation between campaign and official acts: (1) a Member is prohibited from using official resources for campaign purposes and (2) a Member is prohibited from using campaign funds for official 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>14</sup> The ethics rules enforce this law by also prohibiting Members from using any official resource for campaign or political purposes.<sup>15</sup> An “official resource” is anything funded by taxpayers, examples include: all government buildings and House offices,<sup>16</sup> a Member’s official website and social media

<sup>14</sup> 31 U.S.C. sec. 1301(a).

<sup>15</sup> U.S. House of Reps Comm. on Ethics, *House Ethics Manual*, at 123 (2022 Print), available at <https://ethics.house.gov/sites/ethics.house.gov/files/documents/2022/House-Ethics-Manual-2022-Print.pdf> (official House resources “may not be used for campaign or political purposes”); see also *id.* at 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.”).

<sup>16</sup>House Ethics Manual, at 127.

accounts,<sup>17</sup> and photographs and video from the House or Senate floor.<sup>18</sup> Conversely, a Member is prohibited from using campaign funds for official purposes.<sup>19</sup>

*Government Buildings.* Official buildings are those that are paid for with taxpayer funds and include any federal building, Congressional office space, and the Capitol.<sup>20</sup> Members are prohibited from engaging in any political activity within official buildings, such as doing campaign work, holding political meetings, soliciting campaign funds, and taking photos or video for campaign or political purposes.<sup>21</sup>

*House Floor Video.* Members are prohibited from using photographs and video of House floor proceedings for campaign or political purposes. This includes any photograph or video footage of floor proceedings even it was reposted from a third-party source, i.e. another website

---

<sup>17</sup> House Ethics Manual, at 131 (prohibiting the use of Member and Committee websites for political purposes); U.S. House of Reps., Comm. on House. Admin., *Members' Congressional Handbook*, at 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> (“[C]ontent on Social Media Accounts is subject to the same requirements as content on Member websites”).

<sup>18</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 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).

<sup>19</sup> 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.

<sup>20</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>21</sup> “The House buildings, and House rooms and offices – including district offices – are supported with official funds and hence are considered official resources. Accordingly, as a general rule, they may not be used for the conduct of campaign or political activities. Thus, for example, a Member may not film a campaign commercial or have campaign photos taken in a congressional office. . . . In addition, House rooms and offices are not to be used for events that are campaign or political in nature, such as a meeting on campaign strategy, or a reception for campaign contributors.” House Committee on Ethics, *General Prohibition Against Using Official Resources for Campaign or Political Purposes*, <https://ethics.house.gov/campaign/general-prohibition-against-using-official-resources-campaign-or-political-purposes> (accessed Mar. 23, 2023).

or news organization.<sup>22</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>23</sup>

*Websites and Social Media Accounts.* A Member is prohibited from using their official social media and websites for political purposes. Moreover, federal law and House ethics rules require a strict separation between campaign and official social media accounts. A Member’s official social media accounts may not include any of the following: personal, political, or campaign information; grassroots lobbying or soliciting support for a Member’s position; or a link to campaign or political related accounts or sites.<sup>24</sup> A Member’s campaign social media accounts may not include a link to the Member’s official House website or any official content.<sup>25</sup>

The laws at issue in this case protect taxpayer-funded resources from abuse and theft and strict enforcement addresses the public’s concerns that incumbents wrongfully use government funds to run for reelection.

**Analysis: Rep. Omar Abused Official Resources for Political Purposes.** In the present case, both Rep. Omar’s use of her TikTok account and the content posted on that account appear to be clear violations.

First, the use of the account itself is an abuse of government resources. As noted above, a Member is prohibited from (1) posting political content on an official social media account and (2) posting official content on a campaign social media account. Rep. Omar identifies her account as that of a Congresswoman from Minnesota’s Fifth District and uses official government content, thus it is an official social media account. On this same account she plainly advocates for the election of Democrats and posts campaign content. Posting political content on an official social media account is an abuse of government resources. (Even if it were a political social media account, posting official content on a campaign social media account is also an

---

<sup>22</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>23</sup> *Id.*

<sup>24</sup> House Ethics Manual, at 131; see also Member’s Congressional Handbook, at 38-39 (“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.”).

<sup>25</sup> See, e.g., House Ethics Manual, at 178 (“A Member’s campaign website may not include a link to the congressional office site”; and “A congressional office site may not be advertised on the Member campaign website or on materials issued by the Member’s campaign.”).

abuse of official resources.) The use of the account itself for both political and official purposes is an abuse of official resources.

Second, the content of several posts are also violations of the ethics rules and an abuse of official resources. For instance, one post contained cell phone video recorded from the House floor that was clearly taken for political purposes. Both the taking and the posting of the video violates two distinct ethics rules, namely the prohibition against taking video in government buildings for campaign or political purposes and the prohibition against posting political videos on an official social media account.

Another post was a video of Omar speaking from what appears to be her Congressional office for a political video. In the video she speaks about the House electing a speaker and captioned it, “Long days of historic humiliation extended. [Laughing Emoji].”<sup>26</sup> The content and caption of the video make it clear this was recorded for political purposes. If this was recorded from her Congressional office, this violates the prohibition against recording video in government offices for campaign or political purposes and the prohibition against posting political videos on an official social media account.

Rep. Omar also posted C-SPAN footage of the House floor along with the caption, “It’s a bad sign for your majority when the only consensus you can find is to adjourn. [Laughing emoji].”<sup>27</sup> The content of the video, its caption, and that it was posted on an account that contains political content make it clear this official House footage was used for political purposes. Moreover, a Member cannot use official House floor footage even if it is reposted from a news organization.

The law is clear and the posts above speak for themselves—there are no facts that can excuse these violations. The laws at issue in this case are important because not only do they protect taxpayer-funded resources from abuse, they also protect the integrity of official proceedings. One issue the House Ethics Manual acknowledges is the public perception that incumbents are simply using their office to run for re-election or to run for a higher office,<sup>28</sup> and the reason for that perception is quite evident in Rep. Omar’s actions. In addition to violating the specific laws, her use of official resources does not reflect credibly on the House.<sup>29</sup> Finally, given her use of a TikTok account and government resources, the Office of Congressional Ethics should ensure Omar does not have the banned app installed on any government devices.

---

<sup>26</sup> Ilhan Omar, [TikTok](#), Jan. 5, 2023.

<sup>27</sup> Ilhan Omar, [TikTok](#), Jan. 6, 2023.

<sup>28</sup> House Ethics Manual, at 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>29</sup> Members are required to “conduct themselves at all times in a manner that reflects creditably on the House.” House Ethics Manual, at 1, 12 (citing House Rule 23, clause 1).

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 Omar 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



Exhibit A

Rep. Omar TikTok bio:

The screenshot shows the TikTok profile for ilhanmn (Ilhan Omar). The profile includes a circular profile picture, the name 'ilhanmn' with a verified checkmark, and a 'Follow' button. Below the name, it shows '4 Following', '246.4K Followers', and '1M Likes'. The bio reads: 'Mom, Refugee and Congresswoman for #MN05. Fighting for a more just world.' Under the 'Videos' tab, four video thumbnails are visible with their respective view counts: 'Behind the Scenes CNN Interview' (121.3K), 'There's no place I'd rather be than home' (34.6K), 'Stay civil! Repost from Rep...' (56.8K), and 'It's a bad sign for you' (40.5K). A 'Get app' button is located at the bottom right of the video grid.

Campaign / Political Posts

This screenshot shows a TikTok video by ilhanmn. The video features a woman in a grey hoodie pointing at the camera. Text overlays on the video include 'Voting for Republicans' at the top and 'Instead vote for Democrats and fill out your whole ballot on Nov. 8th.' at the bottom. The video interface shows 104 likes and a 'Comments are turned off' message.

Video of Rep. Omar stating “I do not recommend this strategy,” while pointing at text stating “Vote for Republicans”, with text below stating “Instead vote for Democrats and fill out your whole ballot on Nov. 8th.”

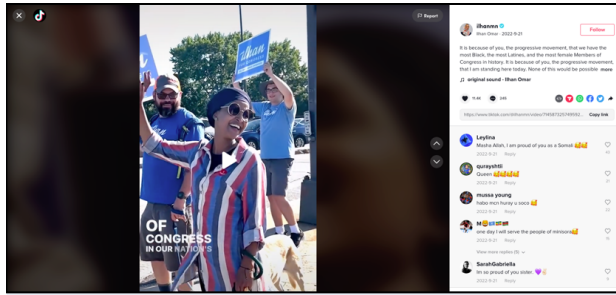
Ilhan Omar, TikTok, Nov. 2, 2022, available at: <https://www.tiktok.com/@ilhanmn/video/7161526033718676782?lang=en>

Official Resources Posts

This screenshot shows a TikTok video by ilhanmn. The video depicts a legislative session in a large hall with many people seated at desks. The video interface shows 381 likes and 93 comments. A comment from user RTAMI is visible, stating 'Loving how y'all were just as noisy as us at home were 🥰🥰🥰'. Another comment from user m says 'the "stay civil" woulda had me in TEARS'. A 'Log in to comment' button is at the bottom.

Ilhan Omar, TikTok, Jan. 7, 2023, available at: <https://www.tiktok.com/@ilhanmn/video/7186093926674255150>

## Campaign / Political Posts

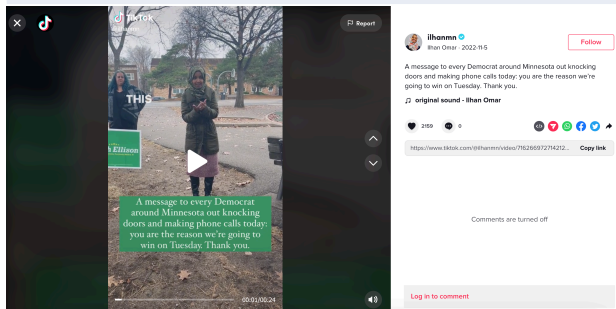


Campaign video advertisement. Ilhan Omar, TikTok, Sept. 21, 2022, available at: <https://www.tiktok.com/@ilhanmn/video/7145873257495924010>

## Official Resources Posts



Ilhan Omar, TikToc, Jan. 6, 2023, available at: <https://www.tiktok.com/@ilhanmn/video/7185571411845664046>



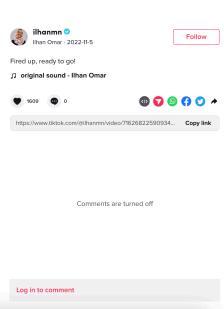
Video of candidate Omar speaking at a campaign event with text on the screen that states: "A message to every Democrat around Minnesota out knocking doors and making phone calls today: you are the reason we are going to win on Tuesday. Thank you."

Ilhan Omar, TikToc, Nov. 5, 2022, available at: <https://www.tiktok.com/@ilhanmn/video/7162669727142120746?lang=en>



Ilhan Omar, TikTok, Jan. 5, 2023, available at: <https://www.tiktok.com/@ilhanmn/video/7185347965127576874>

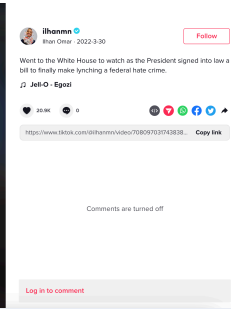
## Campaign / Political Posts



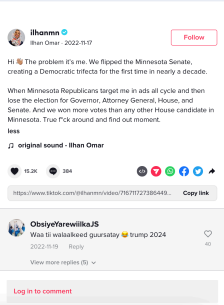
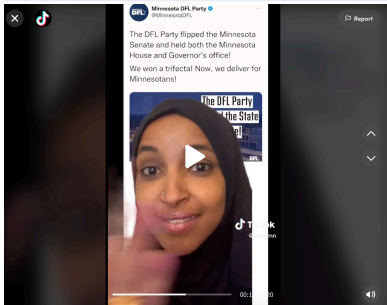
Video of Rep. Omar attending a campaign event with campaign signs in the picture and chanting “I believe we will win.”

Ilhan Omar, TikTok, Nov. 5, 2022, available at: <https://www.tiktok.com/@ilhanmn/video/7162682259093425451?lang=en>

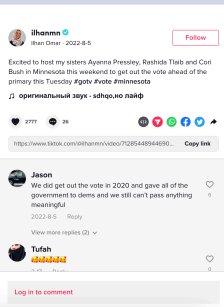
## Official Resources Posts



Ilhan Omar, TikTok, March 30, 2022, available at: <https://www.tiktok.com/@ilhanmn/video/7080970317438389550?lang=en>

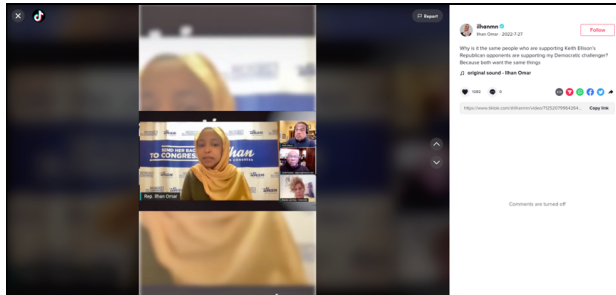


Ilhan Omar, TikTok, Nov. 17, 2022, available at: <https://www.tiktok.com/@ilhanmn/video/7167117273864490282?lang=en>



Ilhan Omar, TikTok, Aug. 5, 2022, available at: <https://www.tiktok.com/@ilhanmn/video/7128544894469033258?lang=en>

## Campaign / Political Posts



Ilhan Omar, TikTok, July 27, 2022, available at: <https://www.tiktok.com/@ilhanmn/video/7125207996426407214>

## Official Resources Posts

