



FACT

FOUNDATION FOR
ACCOUNTABILITY
AND CIVIC TRUST

September 21, 2020

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

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 that the Office of Congressional Ethics immediately investigate Representative Ilhan Omar for failing to properly disclose assets, including a contract with a publisher, in violation of House ethics rules and federal law. Any violation of the financial disclosure laws is a breach of public trust and a failure to meet the transparency requirements of Members.

Facts. Representative Omar was elected to office in November 2018, and in January 2019 *Forbes* reported she sold her memoir, *This is What America Looks Like*, to Dey Street Books for between \$100,000 and \$250,000.¹ In May 2020, Omar's book was released.² However, Omar's financial statements have not included any information about the book deal or income received. In fact, Omar's financial disclosures covering the years 2018 and 2019 do not contain **any** assets, unearned income, or agreements, with the exception of a Minnesota state retirement account.³

¹ Rachel Kramer Bussel, *Representative Ilhan Omar Signs Memoir Book Deal, Will Cover Journey From Refugee To Congresswoman*, *Forbes* (Jan. 16, 2019), available at <https://www.forbes.com/sites/rachelkramerbussel/2019/01/16/representative-ilhan-omar-signs-memoir-book-deal-will-cover-journey-from-refugee-to-congresswoman/#ff150d65b8d6>.

² Patrick Condon, *Rep. Ilhan Omar Describes a Bruising Life in New Memoir*, *Star Tribune* (May 19, 2020), available at <https://www.startribune.com/rep-omar-describes-a-bruising-life-in-her-new-memoir/570596252/>.

³ Assets and unearned income are reported in Schedule A. Clerk of the House of Reps., Rep. Ilhan Omar, 2018 Financial Disclosure Report (May 13, 2019), available at https://disclosures-clerk.house.gov/public_disc/financial-pdfs/2018/10027377.pdf; Clerk of the House of Reps., Rep. Ilhan Omar, 2019 Financial Disclosure Report (Aug. 13, 2020), available at https://disclosures-clerk.house.gov/public_disc/financial-pdfs/2019/10036809.pdf.

Law. Federal law requires each Member to file a personal financial disclosure report, which provides a “full and complete statement” of the Member’s assets and income.⁴ Additionally, the Member must disclose any position held during the two-year period preceding the first report filed, including with non-profit organizations.⁵ The ethics rules also specifically address royalties: any contract for royalties must be approved by the Committee on Ethics and the advance payment of copyright royalties is strictly prohibited.⁶ Finally, the ethics rules require that each Member reflect creditably on the House and prohibit anyone from seeking “to profit by virtue of their public office.”⁷

Analysis. In spite of Omar reportedly selling her memoir for as much as \$250,000 and her book being released in May 2020,⁸ there is nothing in Omar’s financial disclosure reports that reflect this. Her most recent filing on August 13, 2020 did not include any assets, income, or royalties related to this sale, nor was there any reference to this book sale and potential royalties on the prior year’s financial disclosure.⁹ Even if she were not personally profiting from any portion of the sales, she would still be required to disclose royalties.¹⁰ Federal law requires a Member’s financial statement provide a “full and complete statement” of their financial picture,¹¹ and omitting a significant financial benefit would be a violation of federal law.

Additionally, as a member of the House, Omar is governed by strict requirements for the publication of a book and any receiving of royalties.¹² Because Omar has not been forthcoming about the financial results from her book deal, it is unclear whether she entered the contract prior to entering office or as a Member.¹³ As a Member, Omar would be prohibited from entering into any royalty contract without approval by the Committee on Ethics.¹⁴ Adding more confusion to the timing, in a May 2020 tweet, Omar’s communication director stated “her book was approved

⁴ 5 U.S.C. app. 4 §§ 101(d), 102(a).

⁵ 5 U.S.C. app. 4 § 102(a)(6).

⁶ 116th Congress, Rules of the House of Reps., Rule 25, Cl. 3 (2019).

⁷ House Rule 23; Committee on Standards of Official Conduct, U.S. House of Reps., House Ethics Manual, 1-2 (2008).

⁸ Rachel Kramer Bussel, *Representative Ilhan Omar Signs Memoir Book Deal, Will Cover Journey From Refugee To Congresswoman*, Forbes (Jan. 16, 2019); Patrick Condon, *Rep. Ilhan Omar Describes a Bruising Life in New Memoir*, Star Tribune (May 19, 2020).

⁹ Clerk of the House of Reps., Rep. Ilhan Omar, 2019 Financial Disclosure Report (Aug. 13, 2020); Clerk of the House of Reps., Rep. Ilhan Omar, 2018 Financial Disclosure Report (May 13, 2019).

¹⁰ Committee on Standards of Official Conduct, U.S. House of Reps., House Ethics Manual, at 225 (2008).

¹¹ 5 U.S.C. app. 4 § 102(a).

¹² House Rule 25, Clause 3.

¹³ Clerk of the House of Reps., Rep. Ilhan Omar, 2018 Financial Disclosure Report (May 13, 2019); Clerk of the House of Reps., Rep. Ilhan Omar, 2019 Financial Disclosure Report (Aug. 13, 2020).

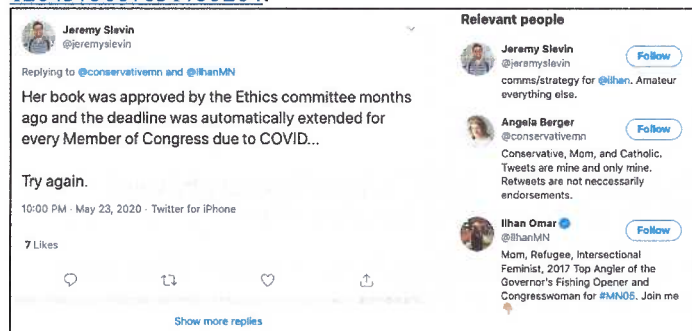
¹⁴ House Rule 25, Clause 3.

by the Ethics committee months ago.”¹⁵ Additionally, House rules prohibit the receipt of an advance payment on copyright royalties.¹⁶ Until Omar provides transparency on the nature and timing of the book publishing arrangement, it is unclear whether she received the proper approval or is in violation of advance royalty ethics rules. Any portion of the up to \$250,000 that Omar received as an advance payment of copyright royalties while in office violates House rules.¹⁷

Despite two opportunities for disclosure, Omar has failed to indicate that she had a book deal and was paid as much as \$250,000.¹⁸ As a public servant, Omar must act in a way that reflects creditably on the House.¹⁹ Central to upholding public trust is that no Member should profit from public office.²⁰ While Members are not prohibited from writing memoirs, they are required to be forthright about any financial benefits in their financial disclosure.²¹ These potential undisclosed payments position Omar to profit by virtue of her public office.

This is not the only instance that Representative Omar has fallen short of standards of transparency. Previous financial disclosures indicate that Omar attested to a “full and complete” financial disclosure while facts demonstrate that she failed to disclose certain income and assets as well as positions held on her disclosures, both as a candidate and as a new filer.²² According to court records from December 2017, Omar possessed both checking and savings accounts as well

¹⁵ Jeremy Slevin, Twitter (May 23, 2020), available at <https://twitter.com/jeremyslevin/status/1264375667631755264>.



¹⁶ House Rule 25, Clause 3.

¹⁷ Rachel Kramer Bussel, *Representative Ilhan Omar Signs Memoir Book Deal, Will Cover Journey From Refugee To Congresswoman*, Forbes (Jan. 16, 2019).

¹⁸ *Id.*; Clerk of the House of Reps., Rep. Ilhan Omar, 2018 Financial Disclosure Report (May 13, 2019); Clerk of the House of Reps., Rep. Ilhan Omar, 2019 Financial Disclosure Report (Aug. 13, 2020).

¹⁹ Committee on Standards of Official Conduct, U.S. House of Reps., House Ethics Manual, 1-2 (2008).

²⁰ *Id.*

²¹ 5 U.S.C. app. 4 § 101(d); 116th Congress, Rules of the House of Reps., Rule 25, Cl. 3 (2019).

²² Clerk of the House of Reps., Ilhan Omar, 2018 Financial Disclosure Report (July 8, 2018); Clerk of the House of Reps., Rep. Ilhan Omar, 2018 Financial Disclosure Report (May 13, 2019).

as a Minnesota pension plan.²³ None of these assets are listed on either of her financial disclosure forms, even though 2017 is covered by her candidate filing.²⁴ Further, financial disclosures must include any positions held during the two-year period preceding the first report filed by an individual, including with non-profit organizations.²⁵ Her candidate disclosure should have included positions dated through 2017.²⁶ She did not list her state representative position, nor did she list two other organizations, the Legal Rights Center Inc. and the Confederation of Somali Community in MN, which both stated Omar served as a director through at least 2017 in filed tax documents.²⁷

Members must act in a manner that reflects creditably on the House, which includes Members filing accurate financial disclosures.²⁸ The required disclosures are extremely important to ensure that Members do not personally profit from office, but it is also the only way to ensure Members do not have conflicts of interest when acting in their official capacity.²⁹ However, Omar's filings apparently fail to meet the accuracy and transparency requirements.³⁰ Until she properly discloses royalty payments or assets derived from such payments, it remains unclear if the publishing and royalty contract is prohibited by the House. Ultimately the citizens have no ability to assess conflicts or the facts to assess whether she is improperly benefiting from public office. Representative Omar's actions fall short of the ethical requirements expected of members of the House. Therefore, we respectfully request that the Office of Congressional Ethics investigate Representative Omar's potential violations of federal law.

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.

²³ *In re Omar and Elmi*, No. 27-FA-17-3331, at 3-4 (Minn. Dist. Ct. Dec. 4, 2017), <https://www.scribd.com/document/414406198/Divorce-Record-062419> (found beginning at page 27 of the online PDF).

²⁴ Clerk of the House of Reps., Rep. Ilhan Omar, 2019 Financial Disclosure Report (Aug. 13, 2020); Clerk of the House of Reps., Rep. Ilhan Omar, 2018 Financial Disclosure Report (May 13, 2019).

²⁵ 5 U.S.C. app. 4 § 102(a)(6).

²⁶ *Id.*

²⁷ Internal Revenue Service, Legal Rights Center Inc, 2017 Form 990, 7 (Oct. 19, 2018), available at <https://pdf.guidestar.org/PDF/Images/2017/410/961/2017-410961835-0fdeac80-9.pdf>; Internal Revenue Service, Confederation of Somali Community in MN, 2017 Form 990, 7 (Mar. 10, 2018), available at <https://pdf.guidestar.org/PDF/Images/2017/411/817/2017-411817894-0f52c1ba-9.pdf>.

²⁸ Committee on Standards of Official Conduct, U.S. House of Reps., House Ethics Manual, 1-2 (2008).

²⁹ *Id.*

³⁰ Rachel Kramer Bussel, *Representative Ilhan Omar Signs Memoir Book Deal, Will Cover Journey From Refugee To Congresswoman*, Forbes (Jan. 16, 2019); Clerk of the House of Reps., Rep. Ilhan Omar, 2018 Financial Disclosure Report (May 13, 2019); Clerk of the House of Reps., Rep. Ilhan Omar, 2019 Financial Disclosure Report (Aug. 13, 2020).

Sincerely,

Karnold

Kendra Arnold

Executive Director, Foundation for Accountability & Civic Trust