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OFFICE OF
INSPECTOR GENERAL
U.S. DEPARTMENT OF THE INTERIOR

VIA EMAIL

September 26, 2023

Re: OIG-2022-00215

This is in response to your Freedom of Information Act (FOIA) request dated August 26, 2022, which was received by the Office of Inspector General (OIG) on the same day. You requested the following information under the FOIA, 5 U.S.C. § 552: A copy of each EXHIBIT associated with DOI OIG Investigation 18-0480: Former Secretary and Chief of Staff Did Not Comply With Their Duty of Candor. I also request a copy of the original report 18-0480, not the "revised version" of the report.

We do not bill requesters for FOIA processing fees when their fees are less than \$50.00, because the cost of collection would be greater than the fee collected. See 43 C.F.R. § 2.49(a)(1). Therefore, there is no billable fee for the processing of this request.

We obtained the documents you seek and conducted a review of the material you requested. During our review of your request, we identified 5 pages of responsive documents that originated with the Federal Bureau of Investigation (FBI). We have referred these documents to that office and they will issue a response directly to you. You do not have to contact them at this time, but should you need to do so in the future, you may do so at:

FBI Public Information Officer
U.S. Department of Justice
Office of Information Policy
441 G Street NW, Sixth Floor
Washington, D.C. 20001

Telephone: (540) 868-4593
Email: foipaquestions@fbi.gov

We conducted a review of the remaining material you requested. After reviewing this information, we have determined that we may release 316 pages of responsive documents, with FOIA redactions, pursuant to 5 U.S.C. § 552 (b)(5) and (b)(7)(C). Additionally, 6 pages have been withheld entirely pursuant to 5 U.S.C. § 552 (b)(5). A further 513 pages of documents have been withheld entirely pursuant to 5 U.S.C. § 552 (b)(7)(C).

FOIA requires that agencies generally disclose records. Agencies may only withhold requested records only if one or more of nine exemptions apply.

Exemption 5 allows an agency to withhold “inter-agency or intra-agency memorandums or letters which would not be available by law to a party... in litigation with the agency.” 5 U.S.C. § 552(b)(5). One privilege available to government agencies is the deliberative process privilege. The deliberative process privilege protects materials that are both predecisional and deliberative. The deliberative process privilege protects the decision-making process of government agencies and encourages the frank exchange of ideas on legal or policy matters by ensuring agencies are not forced to operate in a fishbowl. Several policy purposes have been attributed to the deliberative process privilege. Among the most important are to: (1) assure that subordinates will feel free to provide the decision maker with their uninhibited opinions and recommendations; (2) protect against premature disclosure of proposed policies; and (3) protect against confusing the issues and misleading the public. This privilege covers records that reflect the give-and-take of the consultative process” and may include “recommendations, draft documents, proposals, suggestions, and other subjective documents which reflect the personal opinions of the writer rather than the policy of the agency.

The materials that have been withheld under the deliberative process privilege of Exemption 5 are both predecisional and deliberative. They do not contain or represent formal or informal agency policies or decisions. They are the result of frank and open discussions among employees. Their contents have been held confidential by all parties and public dissemination of this material would have a chilling effect on the OIG’s deliberative processes; expose the agency’s decision-making process in such a way as to discourage candid discussion within the agency, and thereby undermine its ability to perform its mandated functions.

Furthermore, Exemption 7 allows agencies to refuse to disclose records compiled for law enforcement purposes under any one of six circumstances (identified as exemptions 7(A) through 7(F)). Law enforcement within the meaning of Exemption 7 includes enforcement pursuant to both civil and criminal statutes.

Specifically, Exemption 7(C) permits an agency to withhold information contained in files compiled for law enforcement purposes if production “could reasonably be expected to constitute an unwarranted invasion of personal privacy.” U.S.C. § 552(b)(7)(C). Thus, the purpose of Exemption 7(C) is to protect the privacy of an individual if one exists. To determine this, we must evaluate not only the nature of the personal information found in the records, but also whether release of that information to the general public could affect that individual adversely. In this case, we find that release of personal information could reasonably be expected to have a negative impact on an individual’s privacy. However, even if a privacy interest exists, we must nevertheless disclose the requested information if the public interest outweighs the privacy interest in the information requested. In this instance, you have not established that release of the privacy information of witnesses, interviewee, middle and low-ranking federal employees and investigators, and other individuals name in the investigatory file, would shed light on government operations, and we have not found such a public interest in this case. For this reason, after reviewing the information in question, we have determined that disclosure

would be an unwarranted invasion of personal privacy and we must withhold this information under FOIA Exemption 7(C).

As amended in 2016, the Freedom of Information Act provides that a federal agency or department (hereinafter "agency") may withhold responsive records only if: (1) the agency reasonably foresees that disclosure would harm an interest protected by one of the nine exemptions that FOIA enumerates; or (2) disclosure is prohibited by law. 5 U.S.C. § 552(a)(8)(A)(i). We reasonably foresee that disclosure would harm an interest protected by one or more of the nine exemptions to the FOIA's general rule of disclosure.

If you disagree with this response, you may appeal this response to the OIG's FOIA/Privacy Act Appeals Officer. If you choose to appeal, the OIG FOIA/Privacy Act Appeals Officer must receive your FOIA appeal **no later than 90 workdays** from the date of this letter. Appeals arriving or delivered after 5 p.m. Eastern Time, Monday through Friday, will be deemed received on the next workday.

Your appeal must be made in writing. You may submit your appeal and accompanying materials to the OIG FOIA/Privacy Act Appeals Officer by mail, courier service, fax, or email. All communications concerning your appeal should be clearly marked with the words: "FREEDOM OF INFORMATION APPEAL." You must include an explanation of why you believe the OIG's response is in error. You must also include with your appeal copies of all correspondence between you and the OIG concerning your FOIA request, including your original FOIA request and the OIG's response. Failure to include with your appeal all correspondence between you and the OIG will result in the OIG's rejection of your appeal, unless the OIG FOIA/Privacy Act Appeals Officer determines (in the OIG FOIA/Privacy Act Appeals Officer's sole discretion) that good cause exists to accept the defective appeal.

Please include your name and daytime telephone number (or the name and telephone number of an appropriate contact), email address and fax number (if available) in case the OIG FOIA/Privacy Act Appeals Officer needs additional information or clarification of your appeal. The OIG FOIA/Privacy Act Appeals Office Contact Information is the following:

Office of the Inspector General
U.S. Department of the Interior
1849 C Street, NW
MS-4428
Washington, DC 20240
Attn: FOIA/Privacy Act Appeals Office

Telephone: (202) 208-6742
Fax: (202) 219-1944
Email: oig_foiaappeals@doioig.gov

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of FOIA. See [5 U.S.C. 552\(c\)](#). This response is limited to those records that are subject to the requirements of FOIA. This is a

standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

The 2007 FOIA amendments created the Office of Government Information Services (OGIS) to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. You may contact OGIS in any of the following ways:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road - OGIS
College Park, MD 20740-6001

E-mail: ogis@nara.gov
Web: <https://ogis.archives.gov>
Telephone: 202-741-5770
Facsimile: 202-741-5769
Toll-free: 1-877-684-6448

Please note that using OGIS services does not affect the timing of filing an appeal with the OIG FOIA & Privacy Act Appeals Officer.

However, should you need to contact me you can email me at foia@doioig.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Cristal Gorham', with a stylized flourish at the end.

Cristal Gorham
FOIA Specialist

Enclosure

SUBCHAPTER III—SPECIAL PROGRAMS RELATING TO ADULT EDUCATION FOR INDIANS

§ 2631. Repealed. Pub. L. 103-382, title III, § 367, Oct. 20, 1994, 108 Stat. 3976

Section, Pub. L. 100-297, title V, § 5330, Apr. 28, 1988, 102 Stat. 410, related to improvement of educational opportunities for adult Indians. See section 7851 of Title 20, Education.

SUBCHAPTER IV—PROGRAM ADMINISTRATION

§§ 2641 to 2643. Repealed. Pub. L. 103-382, title III, § 367, Oct. 20, 1994, 108 Stat. 3976

Section 2641, Pub. L. 100-297, title V, § 5341, Apr. 28, 1988, 102 Stat. 411; Pub. L. 100-427, § 21, Sept. 9, 1988, 102 Stat. 1612, related to establishment of Office of Indian Education within Department of Education. See section 3423c of Title 20, Education.

Section 2642, Pub. L. 100-297, title V, § 5342, Apr. 28, 1988, 102 Stat. 412; Pub. L. 100-427, § 22, Sept. 9, 1988, 102 Stat. 1613, established National Advisory Council on Indian Education.

Section 2643, Pub. L. 100-297, title V, § 5343, Apr. 28, 1988, 102 Stat. 413, authorized appropriations for administration of Indian education programs. See section 7882 of Title 20, Education.

SUBCHAPTER V—MISCELLANEOUS

§ 2651. Repealed. Pub. L. 103-382, title III, § 367, Oct. 20, 1994, 108 Stat. 3976

Section, Pub. L. 100-297, title V, § 5351, Apr. 28, 1988, 102 Stat. 413; Pub. L. 100-427, § 23, Sept. 9, 1988, 102 Stat. 1613, defined terms for purposes of this chapter. See section 7881 of Title 20, Education.

CHAPTER 29—INDIAN GAMING REGULATION

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§ 2701. Findings

The Congress finds that—

- (1) numerous Indian tribes have become engaged in or have licensed gaming activities on Indian lands as a means of generating tribal governmental revenue;
- (2) Federal courts have held that section 81 of this title requires Secretarial review of

management contracts dealing with Indian gaming, but does not provide standards for approval of such contracts;

(3) existing Federal law does not provide clear standards or regulations for the conduct of gaming on Indian lands;

(4) a principal goal of Federal Indian policy is to promote tribal economic development, tribal self-sufficiency, and strong tribal government; and

(5) Indian tribes have the exclusive right to regulate gaming activity on Indian lands if the gaming activity is not specifically prohibited by Federal law and is conducted within a State which does not, as a matter of criminal law and public policy, prohibit such gaming activity.

(Pub. L. 100-497, § 2, Oct. 17, 1988, 102 Stat. 2467.)

SHORT TITLE

Pub. L. 100-497, § 1, Oct. 17, 1988, 102 Stat. 2467, provided: "That this Act [enacting this chapter and sections 1166 to 1168 of Title 18, Crimes and Criminal Procedure] may be cited as the 'Indian Gaming Regulatory Act'."

§ 2702. Declaration of policy

The purpose of this chapter is—

(1) to provide a statutory basis for the operation of gaming by Indian tribes as a means of promoting tribal economic development, self-sufficiency, and strong tribal governments;

(2) to provide a statutory basis for the regulation of gaming by an Indian tribe adequate to shield it from organized crime and other corrupting influences, to ensure that the Indian tribe is the primary beneficiary of the gaming operation, and to assure that gaming is conducted fairly and honestly by both the operator and players; and

(3) to declare that the establishment of independent Federal regulatory authority for gaming on Indian lands, the establishment of Federal standards for gaming on Indian lands, and the establishment of a National Indian Gaming Commission are necessary to meet congressional concerns regarding gaming and to protect such gaming as a means of generating tribal revenue.

(Pub. L. 100-497, § 3, Oct. 17, 1988, 102 Stat. 2467.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original "this Act", meaning Pub. L. 100-497, Oct. 17, 1988, 102 Stat. 2467, known as the Indian Gaming Regulatory Act, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 2701 of this title and Tables.

§ 2703. Definitions

For purposes of this chapter—

(1) The term "Attorney General" means the Attorney General of the United States.

(2) The term "Chairman" means the Chairman of the National Indian Gaming Commission.

(3) The term "Commission" means the National Indian Gaming Commission established pursuant to section 2704 of this title.

(4) The term "Indian lands" means—

(A) all lands within the limits of any Indian reservation; and

(B) any lands title to which is either held in trust by the United States for the benefit of any Indian tribe or individual or held by any Indian tribe or individual subject to restriction by the United States against alienation and over which an Indian tribe exercises governmental power.

(5) The term "Indian tribe" means any Indian tribe, band, nation, or other organized group or community of Indians which—

(A) is recognized as eligible by the Secretary for the special programs and services provided by the United States to Indians because of their status as Indians, and

(B) is recognized as possessing powers of self-government.

(6) The term "class I gaming" means social games solely for prizes of minimal value or traditional forms of Indian gaming engaged in by individuals as a part of, or in connection with, tribal ceremonies or celebrations.

(7)(A) The term "class II gaming" means—

(i) the game of chance commonly known as bingo (whether or not electronic, computer, or other technologic aids are used in connection therewith)—

(I) which is played for prizes, including monetary prizes, with cards bearing numbers or other designations,

(II) in which the holder of the card covers such numbers or designations when objects, similarly numbered or designated, are drawn or electronically determined, and

(III) in which the game is won by the first person covering a previously designated arrangement of numbers or designations on such cards,

including (if played in the same location) pull-tabs, lotto, punch boards, tip jars, instant bingo, and other games similar to bingo, and

(ii) card games that—

(I) are explicitly authorized by the laws of the State, or

(II) are not explicitly prohibited by the laws of the State and are played at any location in the State,

but only if such card games are played in conformity with those laws and regulations (if any) of the State regarding hours or periods of operation of such card games or limitations on wagers or pot sizes in such card games.

(B) The term "class II gaming" does not include—

(i) any banking card games, including baccarat, chemin de fer, or blackjack (21), or

(ii) electronic or electromechanical facsimiles of any game of chance or slot machines of any kind.

(C) Notwithstanding any other provision of this paragraph, the term "class II gaming" includes those card games played in the State of Michigan, the State of North Dakota, the State of South Dakota, or the State of Wash-

ington, that were actually operated in such State by an Indian tribe on or before May 1, 1988, but only to the extent of the nature and scope of the card games that were actually operated by an Indian tribe in such State on or before such date, as determined by the Chairman.

(D) Notwithstanding any other provision of this paragraph, the term "class II gaming" includes, during the 1-year period beginning on October 17, 1988, any gaming described in subparagraph (B)(ii) that was legally operated on Indian lands on or before May 1, 1988, if the Indian tribe having jurisdiction over the lands on which such gaming was operated requests the State, by no later than the date that is 30 days after October 17, 1988, to negotiate a Tribal-State compact under section 2710(d)(3) of this title.

(E) Notwithstanding any other provision of this paragraph, the term "class II gaming" includes, during the 1-year period beginning on December 17, 1991, any gaming described in subparagraph (B)(ii) that was legally operated on Indian lands in the State of Wisconsin on or before May 1, 1988, if the Indian tribe having jurisdiction over the lands on which such gaming was operated requested the State, by no later than November 16, 1988, to negotiate a Tribal-State compact under section 2710(d)(3) of this title.

(F) If, during the 1-year period described in subparagraph (E), there is a final judicial determination that the gaming described in subparagraph (E) is not legal as a matter of State law, then such gaming on such Indian land shall cease to operate on the date next following the date of such judicial decision.

(8) The term "class III gaming" means all forms of gaming that are not class I gaming or class II gaming.

(9) The term "net revenues" means gross revenues of an Indian gaming activity less amounts paid out as, or paid for, prizes and total operating expenses, excluding management fees.

(10) The term "Secretary" means the Secretary of the Interior.

(Pub. L. 100-497, § 4, Oct. 17, 1988, 102 Stat. 2467; Pub. L. 102-238, § 2(a), Dec. 17, 1991, 105 Stat. 1908; Pub. L. 102-497, § 16, Oct. 24, 1992, 106 Stat. 3261.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original "this Act", meaning Pub. L. 100-497, Oct. 17, 1988, 102 Stat. 2467, known as the Indian Gaming Regulatory Act, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 2701 of this title and Tables.

AMENDMENTS

1992—Par. (7)(E). Pub. L. 102-497 struck out "or Montana" after "Wisconsin".

1991—Par. (7)(E), (F). Pub. L. 102-238 added subpars. (E) and (F).

CLASS II GAMING WITH RESPECT TO INDIAN TRIBES IN WISCONSIN OR MONTANA ENGAGED IN NEGOTIATING TRIBAL-STATE COMPACTS

Pub. L. 101-301, § 6, May 24, 1990, 104 Stat. 209, provided that: "Notwithstanding any other provision of law, the

term 'class II gaming' includes, for purposes of applying Public Law 100-497 [25 U.S.C. 2701 et seq.] with respect to any Indian tribe located in the State of Wisconsin or the State of Montana, during the 1-year period beginning on the date of enactment of this Act [May 24, 1988], any gaming described in section 4(7)(B)(ii) of Public Law 100-497 [25 U.S.C. 2703(7)(B)(ii)] that was legally operated on Indian lands on or before May 1, 1988, if the Indian tribe having jurisdiction over the lands on which such gaming was operated made a request, by no later than November 16, 1988, to the State in which such gaming is operated to negotiate a Tribal-State compact under section 11(d)(3) of Public Law 100-497 [25 U.S.C. 2710(d)(3)].'

TRIBAL-STATE COMPACT COVERING INDIAN TRIBES IN MINNESOTA; OPERATION OF CLASS II GAMES; ALLOWANCE OF ADDITIONAL YEAR FOR NEGOTIATIONS

Pub. L. 101-121, title I, § 118, Oct. 23, 1988, 103 Stat. 722, provided that: "Notwithstanding any other provision of law, the term 'Class II gaming' in Public Law 100-497 [25 U.S.C. 2701 et seq.], for any Indian tribe located in the State of Minnesota, includes, during the period commencing on the date of enactment of this Act [Oct. 23, 1988] and continuing for 365 days from that date, any gaming described in section 4(7)(B)(ii) of Public Law 100-497 [25 U.S.C. 2703(7)(B)(ii)] that was legally operated on Indian lands on or before May 1, 1988, if the Indian tribe having jurisdiction [sic] over the lands on which such gaming was operated, requested the State of Minnesota, no later than 30 days after the date of enactment of Public Law 100-497 [Oct. 17, 1988], to negotiate a tribal-state compact pursuant to section 11(d)(3) of Public Law 100-497 [25 U.S.C. 2710(d)(3)]."

§ 2704. National Indian Gaming Commission

(a) Establishment

There is established within the Department of the Interior a Commission to be known as the National Indian Gaming Commission.

(b) Composition; investigation; term of office; removal

(1) The Commission shall be composed of three full-time members who shall be appointed as follows:

(A) a Chairman, who shall be appointed by the President with the advice and consent of the Senate; and

(B) two associate members who shall be appointed by the Secretary of the Interior.

(2)(A) The Attorney General shall conduct a background investigation on any person considered for appointment to the Commission.

(B) The Secretary shall publish in the Federal Register the name and other information the Secretary deems pertinent regarding a nominee for membership on the Commission and shall allow a period of not less than thirty days for receipt of public comment.

(3) Not more than two members of the Commission shall be of the same political party. At least two members of the Commission shall be enrolled members of any Indian tribe.

(4)(A) Except as provided in subparagraph (B), the term of office of the members of the Commission shall be three years.

(B) Of the initial members of the Commission—

(i) two members, including the Chairman, shall have a term of office of three years; and

(ii) one member shall have a term of office of one year.

(5) No individual shall be eligible for any appointment to, or to continue service on, the Commission, who—

(A) has been convicted of a felony or gaming offense;

(B) has any financial interest in, or management responsibility for, any gaming activity; or

(C) has a financial interest in, or management responsibility for, any management contract approved pursuant to section 2711 of this title.

(6) A Commissioner may only be removed from office before the expiration of the term of office of the member by the President (or, in the case of associate member, by the Secretary) for neglect of duty, or malfeasance in office, or for other good cause shown.

(c) Vacancies

Vacancies occurring on the Commission shall be filled in the same manner as the original appointment. A member may serve after the expiration of his term of office until his successor has been appointed, unless the member has been removed for cause under subsection (b)(6) of this section.

(d) Quorum

Two members of the Commission, at least one of which is the Chairman or Vice Chairman, shall constitute a quorum.

(e) Vice Chairman

The Commission shall select, by majority vote, one of the members of the Commission to serve as Vice Chairman. The Vice Chairman shall serve as Chairman during meetings of the Commission in the absence of the Chairman.

(f) Meetings

The Commission shall meet at the call of the Chairman or a majority of its members, but shall meet at least once every 4 months.

(g) Compensation

(1) The Chairman of the Commission shall be paid at a rate equal to that of level IV of the Executive Schedule under section 5315 of title 5.

(2) The associate members of the Commission shall each be paid at a rate equal to that of level V of the Executive Schedule under section 5316 of title 5.

(3) All members of the Commission shall be reimbursed in accordance with title 5 for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties.

(Pub. L. 100-497, § 5, Oct. 17, 1988, 102 Stat. 2469.)

§ 2705. Powers of Chairman

(a) The Chairman, on behalf of the Commission, shall have power, subject to an appeal to the Commission, to—

(1) issue orders of temporary closure of gaming activities as provided in section 2713(b) of this title;

(2) levy and collect civil fines as provided in section 2713(a) of this title;

(3) approve tribal ordinances or resolutions regulating class II gaming and class III gaming as provided in section 2710 of this title; and

(4) approve management contracts for class II gaming and class III gaming as provided in sections 2710(d)(9) and 2711 of this title.

(b) The Chairman shall have such other powers as may be delegated by the Commission.

(Pub. L. 100-497, §6, Oct. 17, 1988, 102 Stat. 2470.)

§ 2706. Powers of Commission

(a) Budget approval; civil fines; fees; subpoenas; permanent orders

The Commission shall have the power, not subject to delegation—

(1) upon the recommendation of the Chairman, to approve the annual budget of the Commission as provided in section 2717 of this title;

(2) to adopt regulations for the assessment and collection of civil fines as provided in section 2713(a) of this title;

(3) by an affirmative vote of not less than 2 members, to establish the rate of fees as provided in section 2717 of this title;

(4) by an affirmative vote of not less than 2 members, to authorize the Chairman to issue subpoenas as provided in section 2715 of this title; and

(5) by an affirmative vote of not less than 2 members and after a full hearing, to make permanent a temporary order of the Chairman closing a gaming activity as provided in section 2713(b)(2) of this title.

(b) Monitoring; inspection of premises; investigations; access to records; mail; contracts; hearings; oaths; regulations

The Commission—

(1) shall monitor class II gaming conducted on Indian lands on a continuing basis;

(2) shall inspect and examine all premises located on Indian lands on which class II gaming is conducted;

(3) shall conduct or cause to be conducted such background investigations as may be necessary;

(4) may demand access to and inspect, examine, photocopy, and audit all papers, books, and records respecting gross revenues of class II gaming conducted on Indian lands and any other matters necessary to carry out the duties of the Commission under this chapter;

(5) may use the United States mail in the same manner and under the same conditions as any department or agency of the United States;

(6) may procure supplies, services, and property by contract in accordance with applicable Federal laws and regulations;

(7) may enter into contracts with Federal, State, tribal and private entities for activities necessary to the discharge of the duties of the Commission and, to the extent feasible, contract the enforcement of the Commission's regulations with the Indian tribes;

(8) may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission deems appropriate;

(9) may administer oaths or affirmations to witnesses appearing before the Commission; and

(10) shall promulgate such regulations and guidelines as it deems appropriate to implement the provisions of this chapter.

(c) Omitted

(d) Application of Government Performance and Results Act

(1) In general

In carrying out any action under this chapter, the Commission shall be subject to the Government Performance and Results Act of 1993 (Public Law 103-62; 107 Stat. 285).

(2) Plans

In addition to any plan required under the Government Performance and Results Act of 1993 (Public Law 103-62; 107 Stat. 285), the Commission shall submit a plan to provide technical assistance to tribal gaming operations in accordance with that Act.

(Pub. L. 100-497, §7, Oct. 17, 1988, 102 Stat. 2470; Pub. L. 109-221, title III, §301(a), May 12, 2006, 120 Stat. 341.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (b)(4), (10) and (d)(1), was in the original "this Act", meaning Pub. L. 100-497, Oct. 17, 1988, 102 Stat. 2467, known as the Indian Gaming Regulatory Act, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 2701 of this title and Tables.

The Government Performance and Results Act of 1993, referred to in subsec. (d), is Pub. L. 103-62, Aug. 3, 1993, 107 Stat. 285, which enacted section 306 of Title 5, Government Organization and Employees, sections 1115 to 1119, 9703, and 9704 of Title 31, Money and Finance, and sections 2801 to 2805 of Title 39, Postal Service, amended section 1105 of Title 31, and enacted provisions set out as notes under sections 1101 and 1115 of Title 31. For complete classification of this Act to the Code, see Short Title of 1993 Amendment note set out under section 1101 of Title 31 and Tables.

CODIFICATION

Subsec. (c) of this section, which required the Commission to submit a report to Congress every two years on various matters relating to the operation of the Commission, terminated, effective May 15, 2000, pursuant to section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance. See, also, page 114 of House Document No. 103-7.

AMENDMENTS

2006—Subsec. (d). Pub. L. 109-221 added subsec. (d).

§ 2707. Commission staffing

(a) General Counsel

The Chairman shall appoint a General Counsel to the Commission who shall be paid at the annual rate of basic pay payable for GS-18 of the General Schedule under section 5332 of title 5.

(b) Staff

The Chairman shall appoint and supervise other staff of the Commission without regard to the provisions of title 5 governing appointments in the competitive service. Such staff shall be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no individual so ap-

pointed may receive pay in excess of the annual rate of basic pay payable for GS-17 of the General Schedule under section 5332 of that title.

(c) Temporary services

The Chairman may procure temporary and intermittent services under section 3109(b) of title 5, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay payable for GS-18 of the General Schedule.

(d) Federal agency personnel

Upon the request of the Chairman, the head of any Federal agency is authorized to detail any of the personnel of such agency to the Commission to assist the Commission in carrying out its duties under this chapter, unless otherwise prohibited by law.

(e) Administrative support services

The Secretary or Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

(Pub. L. 100-497, § 8, Oct. 17, 1988, 102 Stat. 2471.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (d), was in the original "this Act", meaning Pub. L. 100-497, Oct. 17, 1988, 102 Stat. 2467, known as the Indian Gaming Regulatory Act, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 2701 of this title and Tables.

REFERENCES IN OTHER LAWS TO GS-16, 17, OR 18 PAY RATES

References in laws to the rates of pay for GS-16, 17, or 18, or to maximum rates of pay under the General Schedule, to be considered references to rates payable under specified sections of Title 5, Government Organization and Employees, see section 529 [title I, § 101(c)(1)] of Pub. L. 101-509, set out in a note under section 5376 of Title 5.

§ 2708. Commission; access to information

The Commission may secure from any department or agency of the United States information necessary to enable it to carry out this chapter. Upon the request of the Chairman, the head of such department or agency shall furnish such information to the Commission, unless otherwise prohibited by law.

(Pub. L. 100-497, § 9, Oct. 17, 1988, 102 Stat. 2472.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original "this Act", meaning Pub. L. 100-497, Oct. 17, 1988, 102 Stat. 2467, known as the Indian Gaming Regulatory Act, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 2701 of this title and Tables.

§ 2709. Interim authority to regulate gaming

Notwithstanding any other provision of this chapter, the Secretary shall continue to exercise those authorities vested in the Secretary on the day before October 17, 1988, relating to supervision of Indian gaming until such time as the Commission is organized and prescribes regulations. The Secretary shall provide staff and sup-

port assistance to facilitate an orderly transition to regulation of Indian gaming by the Commission.

(Pub. L. 100-497, § 10, Oct. 17, 1988, 102 Stat. 2472.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original "this Act", meaning Pub. L. 100-497, Oct. 17, 1988, 102 Stat. 2467, known as the Indian Gaming Regulatory Act, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 2701 of this title and Tables.

§ 2710. Tribal gaming ordinances

(a) Jurisdiction over class I and class II gaming activity

(1) Class I gaming on Indian lands is within the exclusive jurisdiction of the Indian tribes and shall not be subject to the provisions of this chapter.

(2) Any class II gaming on Indian lands shall continue to be within the jurisdiction of the Indian tribes, but shall be subject to the provisions of this chapter.

(b) Regulation of class II gaming activity; net revenue allocation; audits; contracts

(1) An Indian tribe may engage in, or license and regulate, class II gaming on Indian lands within such tribe's jurisdiction, if—

(A) such Indian gaming is located within a State that permits such gaming for any purpose by any person, organization or entity (and such gaming is not otherwise specifically prohibited on Indian lands by Federal law), and

(B) the governing body of the Indian tribe adopts an ordinance or resolution which is approved by the Chairman.

A separate license issued by the Indian tribe shall be required for each place, facility, or location on Indian lands at which class II gaming is conducted.

(2) The Chairman shall approve any tribal ordinance or resolution concerning the conduct, or regulation of class II gaming on the Indian lands within the tribe's jurisdiction if such ordinance or resolution provides that—

(A) except as provided in paragraph (4), the Indian tribe will have the sole proprietary interest and responsibility for the conduct of any gaming activity;

(B) net revenues from any tribal gaming are not to be used for purposes other than—

(i) to fund tribal government operations or programs;

(ii) to provide for the general welfare of the Indian tribe and its members;

(iii) to promote tribal economic development;

(iv) to donate to charitable organizations; or

(v) to help fund operations of local government agencies;

(C) annual outside audits of the gaming, which may be encompassed within existing independent tribal audit systems, will be provided by the Indian tribe to the Commission;

(D) all contracts for supplies, services, or concessions for a contract amount in excess of

\$25,000 annually (except contracts for professional legal or accounting services) relating to such gaming shall be subject to such independent audits;

(E) the construction and maintenance of the gaming facility, and the operation of that gaming is conducted in a manner which adequately protects the environment and the public health and safety; and

(F) there is an adequate system which—

(i) ensures that background investigations are conducted on the primary management officials and key employees of the gaming enterprise and that oversight of such officials and their management is conducted on an ongoing basis; and

(ii) includes—

(I) tribal licenses for primary management officials and key employees of the gaming enterprise with prompt notification to the Commission of the issuance of such licenses;

(II) a standard whereby any person whose prior activities, criminal record, if any, or reputation, habits and associations pose a threat to the public interest or to the effective regulation of gaming, or create or enhance the dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of gaming shall not be eligible for employment; and

(III) notification by the Indian tribe to the Commission of the results of such background check before the issuance of any of such licenses.

(3) Net revenues from any class II gaming activities conducted or licensed by any Indian tribe may be used to make per capita payments to members of the Indian tribe only if—

(A) the Indian tribe has prepared a plan to allocate revenues to uses authorized by paragraph (2)(B);

(B) the plan is approved by the Secretary as adequate, particularly with respect to uses described in clause (1) or (iii) of paragraph (2)(B);

(C) the interests of minors and other legally incompetent persons who are entitled to receive any of the per capita payments are protected and preserved and the per capita payments are disbursed to the parents or legal guardian of such minors or legal incompetents in such amounts as may be necessary for the health, education, or welfare, of the minor or other legally incompetent person under a plan approved by the Secretary and the governing body of the Indian tribe; and

(D) the per capita payments are subject to Federal taxation and tribes notify members of such tax liability when payments are made.

(4)(A) A tribal ordinance or resolution may provide for the licensing or regulation of class II gaming activities owned by any person or entity other than the Indian tribe and conducted on Indian lands, only if the tribal licensing requirements include the requirements described in the subclauses of subparagraph (B)(i) and are at least as restrictive as those established by State law governing similar gaming within the jurisdiction of the State within which such Indian lands are located. No person or entity, other

than the Indian tribe, shall be eligible to receive a tribal license to own a class II gaming activity conducted on Indian lands within the jurisdiction of the Indian tribe if such person or entity would not be eligible to receive a State license to conduct the same activity within the jurisdiction of the State.

(B)(i) The provisions of subparagraph (A) of this paragraph and the provisions of subparagraphs (A) and (B) of paragraph (2) shall not bar the continued operation of an individually owned class II gaming operation that was operating on September 1, 1986, if—

(I) such gaming operation is licensed and regulated by an Indian tribe pursuant to an ordinance reviewed and approved by the Commission in accordance with section 2712 of this title.

(II) income to the Indian tribe from such gaming is used only for the purposes described in paragraph (2)(B) of this subsection.

(III) not less than 60 percent of the net revenues is income to the Indian tribe, and

(IV) the owner of such gaming operation pays an appropriate assessment to the National Indian Gaming Commission under section 2717(a)(1) of this title for regulation of such gaming.

(ii) The exemption from the application of this subsection provided under this subparagraph may not be transferred to any person or entity and shall remain in effect only so long as the gaming activity remains within the same nature and scope as operated on October 17, 1988.

(iii) Within sixty days of October 17, 1988, the Secretary shall prepare a list of each individually owned gaming operation to which clause (i) applies and shall publish such list in the Federal Register.

(c) Issuance of gaming license; certificate of self-regulation

(1) The Commission may consult with appropriate law enforcement officials concerning gaming licenses issued by an Indian tribe and shall have thirty days to notify the Indian tribe of any objections to issuance of such license.

(2) If, after the issuance of a gaming license by an Indian tribe, reliable information is received from the Commission indicating that a primary management official or key employee does not meet the standard established under subsection (b)(2)(F)(ii)(II) of this section, the Indian tribe shall suspend such license and, after notice and hearing, may revoke such license.

(3) Any Indian tribe which operates a class II gaming activity and which—

(A) has continuously conducted such activity for a period of not less than three years, including at least one year after October 17, 1988; and

(B) has otherwise complied with the provisions of this section¹

may petition the Commission for a certificate of self-regulation.

(4) The Commission shall issue a certificate of self-regulation if it determines from available information, and after a hearing if requested by the tribe, that the tribe has—

¹So in original. Probably should be followed by a comma.

(A) conducted its gaming activity in a manner which—

(i) has resulted in an effective and honest accounting of all revenues;

(ii) has resulted in a reputation for safe, fair, and honest operation of the activity; and

(iii) has been generally free of evidence of criminal or dishonest activity;

(B) adopted and is implementing adequate systems for—

(i) accounting for all revenues from the activity;

(ii) investigation, licensing, and monitoring of all employees of the gaming activity; and

(iii) investigation, enforcement and prosecution of violations of its gaming ordinance and regulations; and

(C) conducted the operation on a fiscally and economically sound basis.

(5) During any year in which a tribe has a certificate for self-regulation—

(A) the tribe shall not be subject to the provisions of paragraphs (1), (2), (3), and (4) of section 2706(b) of this title;

(B) the tribe shall continue to submit an annual independent audit as required by subsection (b)(2)(C) of this section and shall submit to the Commission a complete resume on all employees hired and licensed by the tribe subsequent to the issuance of a certificate of self-regulation; and

(C) the Commission may not assess a fee on such activity pursuant to section 2717 of this title in excess of one quarter of 1 per centum of the gross revenue.

(6) The Commission may, for just cause and after an opportunity for a hearing, remove a certificate of self-regulation by majority vote of its members.

(d) Class III gaming activities; authorization; revocation; Tribal-State compact

(1) Class III gaming activities shall be lawful on Indian lands only if such activities are—

(A) authorized by an ordinance or resolution that—

(i) is adopted by the governing body of the Indian tribe having jurisdiction over such lands,

(ii) meets the requirements of subsection (b) of this section, and

(iii) is approved by the Chairman,

(B) located in a State that permits such gaming for any purpose by any person, organization, or entity, and

(C) conducted in conformance with a Tribal-State compact entered into by the Indian tribe and the State under paragraph (3) that is in effect.

(2)(A) If any Indian tribe proposes to engage in, or to authorize any person or entity to engage in, a class III gaming activity on Indian lands of the Indian tribe, the governing body of the Indian tribe shall adopt and submit to the Chairman an ordinance or resolution that meets the requirements of subsection (b) of this section.

(B) The Chairman shall approve any ordinance or resolution described in subparagraph (A), unless the Chairman specifically determines that—

(i) the ordinance or resolution was not adopted in compliance with the governing documents of the Indian tribe, or

(ii) the tribal governing body was significantly and unduly influenced in the adoption of such ordinance or resolution by any person identified in section 2711(e)(1)(D) of this title.

Upon the approval of such an ordinance or resolution, the Chairman shall publish in the Federal Register such ordinance or resolution and the order of approval.

(C) Effective with the publication under subparagraph (B) of an ordinance or resolution adopted by the governing body of an Indian tribe that has been approved by the Chairman under subparagraph (B), class III gaming activity on the Indian lands of the Indian tribe shall be fully subject to the terms and conditions of the Tribal-State compact entered into under paragraph (3) by the Indian tribe that is in effect.

(D)(i) The governing body of an Indian tribe, in its sole discretion and without the approval of the Chairman, may adopt an ordinance or resolution revoking any prior ordinance or resolution that authorized class III gaming on the Indian lands of the Indian tribe. Such revocation shall render class III gaming illegal on the Indian lands of such Indian tribe.

(ii) The Indian tribe shall submit any revocation ordinance or resolution described in clause (i) to the Chairman. The Chairman shall publish such ordinance or resolution in the Federal Register and the revocation provided by such ordinance or resolution shall take effect on the date of such publication.

(iii) Notwithstanding any other provision of this subsection—

(I) any person or entity operating a class III gaming activity pursuant to this paragraph on the date on which an ordinance or resolution described in clause (i) that revokes authorization for such class III gaming activity is published in the Federal Register may, during the 1-year period beginning on the date on which such revocation ordinance or resolution is published under clause (ii), continue to operate such activity in conformance with the Tribal-State compact entered into under paragraph (3) that is in effect, and

(II) any civil action that arises before, and any crime that is committed before, the close of such 1-year period shall not be affected by such revocation ordinance or resolution.

(3)(A) Any Indian tribe having jurisdiction over the Indian lands upon which a class III gaming activity is being conducted, or is to be conducted, shall request the State in which such lands are located to enter into negotiations for the purpose of entering into a Tribal-State compact governing the conduct of gaming activities. Upon receiving such a request, the State shall negotiate with the Indian tribe in good faith to enter into such a compact.

(B) Any State and any Indian tribe may enter into a Tribal-State compact governing gaming activities on the Indian lands of the Indian tribe, but such compact shall take effect only

when notice of approval by the Secretary of such compact has been published by the Secretary in the Federal Register.

(C) Any Tribal-State compact negotiated under subparagraph (A) may include provisions relating to—

(i) the application of the criminal and civil laws and regulations of the Indian tribe or the State that are directly related to, and necessary for, the licensing and regulation of such activity;

(ii) the allocation of criminal and civil jurisdiction between the State and the Indian tribe necessary for the enforcement of such laws and regulations;

(iii) the assessment by the State of such activities in such amounts as are necessary to defray the costs of regulating such activity;

(iv) taxation by the Indian tribe of such activity in amounts comparable to amounts assessed by the State for comparable activities;

(v) remedies for breach of contract;

(vi) standards for the operation of such activity and maintenance of the gaming facility, including licensing; and

(vii) any other subjects that are directly related to the operation of gaming activities.

(4) Except for any assessments that may be agreed to under paragraph (3)(C)(iii) of this subsection, nothing in this section shall be interpreted as conferring upon a State or any of its political subdivisions authority to impose any tax, fee, charge, or other assessment upon an Indian tribe or upon any other person or entity authorized by an Indian tribe to engage in a class III activity. No State may refuse to enter into the negotiations described in paragraph (3)(A) based upon the lack of authority in such State, or its political subdivisions, to impose such a tax, fee, charge, or other assessment.

(5) Nothing in this subsection shall impair the right of an Indian tribe to regulate class III gaming on its Indian lands concurrently with the State, except to the extent that such regulation is inconsistent with, or less stringent than, the State laws and regulations made applicable by any Tribal-State compact entered into by the Indian tribe under paragraph (3) that is in effect.

(6) The provisions of section 1175 of title 15 shall not apply to any gaming conducted under a Tribal-State compact that—

(A) is entered into under paragraph (3) by a State in which gambling devices are legal, and (B) is in effect.

(7)(A) The United States district courts shall have jurisdiction over—

(i) any cause of action initiated by an Indian tribe arising from the failure of a State to enter into negotiations with the Indian tribe for the purpose of entering into a Tribal-State compact under paragraph (3) or to conduct such negotiations in good faith,

(ii) any cause of action initiated by a State or Indian tribe to enjoin a class III gaming activity located on Indian lands and conducted in violation of any Tribal-State compact entered into under paragraph (3) that is in effect, and

(iii) any cause of action initiated by the Secretary to enforce the procedures prescribed under subparagraph (B)(vii).

(B)(i) An Indian tribe may initiate a cause of action described in subparagraph (A)(i) only after the close of the 180-day period beginning on the date on which the Indian tribe requested the State to enter into negotiations under paragraph (3)(A).

(ii) In any action described in subparagraph (A)(i), upon the introduction of evidence by an Indian tribe that—

(I) a Tribal-State compact has not been entered into under paragraph (3), and

(II) the State did not respond to the request of the Indian tribe to negotiate such a compact or did not respond to such request in good faith,

the burden of proof shall be upon the State to prove that the State has negotiated with the Indian tribe in good faith to conclude a Tribal-State compact governing the conduct of gaming activities.

(iii) If, in any action described in subparagraph (A)(i), the court finds that the State has failed to negotiate in good faith with the Indian tribe to conclude a Tribal-State compact governing the conduct of gaming activities, the court shall order the State and the Indian Tribe² to conclude such a compact within a 60-day period. In determining in such an action whether a State has negotiated in good faith, the court—

(I) may take into account the public interest, public safety, criminality, financial integrity, and adverse economic impacts on existing gaming activities, and

(II) shall consider any demand by the State for direct taxation of the Indian tribe or of any Indian lands as evidence that the State has not negotiated in good faith.

(iv) If a State and an Indian tribe fail to conclude a Tribal-State compact governing the conduct of gaming activities on the Indian lands subject to the jurisdiction of such Indian tribe within the 60-day period provided in the order of a court issued under clause (iii), the Indian tribe and the State shall each submit to a mediator appointed by the court a proposed compact that represents their last best offer for a compact. The mediator shall select from the two proposed compacts the one which best comports with the terms of this chapter and any other applicable Federal law and with the findings and order of the court.

(v) The mediator appointed by the court under clause (iv) shall submit to the State and the Indian tribe the compact selected by the mediator under clause (iv).

(vi) If a State consents to a proposed compact during the 60-day period beginning on the date on which the proposed compact is submitted by the mediator to the State under clause (v), the proposed compact shall be treated as a Tribal-State compact entered into under paragraph (3).

(vii) If the State does not consent during the 60-day period described in clause (vi) to a proposed compact submitted by a mediator under clause (v), the mediator shall notify the Secretary and the Secretary shall prescribe, in consultation with the Indian tribe, procedures—

²So in original. Probably should not be capitalized.

(I) which are consistent with the proposed compact selected by the mediator under clause (iv), the provisions of this chapter, and the relevant provisions of the laws of the State, and (II) under which class III gaming may be conducted on the Indian lands over which the Indian tribe has jurisdiction.

(8)(A) The Secretary is authorized to approve any Tribal-State compact entered into between an Indian tribe and a State governing gaming on Indian lands of such Indian tribe.

(B) The Secretary may disapprove a compact described in subparagraph (A) only if such compact violates—

- (i) any provision of this chapter,
- (ii) any other provision of Federal law that does not relate to jurisdiction over gaming on Indian lands, or
- (iii) the trust obligations of the United States to Indians.

(C) If the Secretary does not approve or disapprove a compact described in subparagraph (A) before the date that is 45 days after the date on which the compact is submitted to the Secretary for approval, the compact shall be considered to have been approved by the Secretary, but only to the extent the compact is consistent with the provisions of this chapter.

(D) The Secretary shall publish in the Federal Register notice of any Tribal-State compact that is approved, or considered to have been approved, under this paragraph.

(9) An Indian tribe may enter into a management contract for the operation of a class III gaming activity if such contract has been submitted to, and approved by, the Chairman. The Chairman's review and approval of such contract shall be governed by the provisions of subsections (b), (c), (d), (f), (g), and (h) of section 2711 of this title.

(e) Approval of ordinances

For purposes of this section, by not later than the date that is 90 days after the date on which any tribal gaming ordinance or resolution is submitted to the Chairman, the Chairman shall approve such ordinance or resolution if it meets the requirements of this section. Any such ordinance or resolution not acted upon at the end of that 90-day period shall be considered to have been approved by the Chairman, but only to the extent such ordinance or resolution is consistent with the provisions of this chapter.

(Pub. L. 100-497, §11, Oct. 17, 1988, 102 Stat. 2472.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (a), (d)(7)(B)(iv), (vii)(I), (8)(B)(i), (C), and (e), was in the original "this Act", meaning Pub. L. 100-497, Oct. 17, 1988, 102 Stat. 2467, known as the Indian Gaming Regulatory Act, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 2701 of this title and Tables.

CONSTITUTIONALITY

For information regarding constitutionality of certain provisions of section 11 of Pub. L. 100-497, see Congressional Research Service, *The Constitution of the United States of America: Analysis and Interpretation*, Appendix 1, Acts of Congress Held Unconstitutional in

Whole or in Part by the Supreme Court of the United States.

§ 2711. Management contracts

(a) Class II gaming activity; information on operators

(1) Subject to the approval of the Chairman, an Indian tribe may enter into a management contract for the operation and management of a class II gaming activity that the Indian tribe may engage in under section 2710(b)(1) of this title, but, before approving such contract, the Chairman shall require and obtain the following information:

(A) the name, address, and other additional pertinent background information on each person or entity (including individuals comprising such entity) having a direct financial interest in, or management responsibility for, such contract, and, in the case of a corporation, those individuals who serve on the board of directors of such corporation and each of its stockholders who hold (directly or indirectly) 10 percent or more of its issued and outstanding stock;

(B) a description of any previous experience that each person listed pursuant to subparagraph (A) has had with other gaming contracts with Indian tribes or with the gaming industry generally, including specifically the name and address of any licensing or regulatory agency with which such person has had a contract relating to gaming; and

(C) a complete financial statement of each person listed pursuant to subparagraph (A).

(2) Any person listed pursuant to paragraph (1)(A) shall be required to respond to such written or oral questions that the Chairman may propound in accordance with his responsibilities under this section.

(3) For purposes of this chapter, any reference to the management contract described in paragraph (1) shall be considered to include all collateral agreements to such contract that relate to the gaming activity.

(b) Approval

The Chairman may approve any management contract entered into pursuant to this section only if he determines that it provides at least—

(1) for adequate accounting procedures that are maintained, and for verifiable financial reports that are prepared, by or for the tribal governing body on a monthly basis;

(2) for access to the daily operations of the gaming to appropriate tribal officials who shall also have a right to verify the daily gross revenues and income made from any such tribal gaming activity;

(3) for a minimum guaranteed payment to the Indian tribe that has preference over the retirement of development and construction costs;

(4) for an agreed ceiling for the repayment of development and construction costs;

(5) for a contract term not to exceed five years, except that, upon the request of an Indian tribe, the Chairman may authorize a contract term that exceeds five years but does not exceed seven years if the Chairman is satisfied

that the capital investment required, and the income projections, for the particular gaming activity require the additional time; and

(6) for grounds and mechanisms for terminating such contract, but actual contract termination shall not require the approval of the Commission.

(c) Fee based on percentage of net revenues

(1) The Chairman may approve a management contract providing for a fee based upon a percentage of the net revenues of a tribal gaming activity if the Chairman determines that such percentage fee is reasonable in light of surrounding circumstances. Except as otherwise provided in this subsection, such fee shall not exceed 30 percent of the net revenues.

(2) Upon the request of an Indian tribe, the Chairman may approve a management contract providing for a fee based upon a percentage of the net revenues of a tribal gaming activity that exceeds 30 percent but not 40 percent of the net revenues if the Chairman is satisfied that the capital investment required, and income projections, for such tribal gaming activity require the additional fee requested by the Indian tribe.

(d) Period for approval; extension

By no later than the date that is 180 days after the date on which a management contract is submitted to the Chairman for approval, the Chairman shall approve or disapprove such contract on its merits. The Chairman may extend the 180-day period by not more than 90 days if the Chairman notifies the Indian tribe in writing of the reason for the extension. The Indian tribe may bring an action in a United States district court to compel action by the Chairman if a contract has not been approved or disapproved within the period required by this subsection.

(e) Disapproval

The Chairman shall not approve any contract if the Chairman determines that—

(1) any person listed pursuant to subsection (a)(1)(A) of this section—

(A) is an elected member of the governing body of the Indian tribe which is the party to the management contract;

(B) has been or subsequently is convicted of any felony or gaming offense;

(C) has knowingly and willfully provided materially important false statements or information to the Commission or the Indian tribe pursuant to this chapter or has refused to respond to questions propounded pursuant to subsection (a)(2) of this section; or

(D) has been determined to be a person whose prior activities, criminal record if any, or reputation, habits, and associations pose a threat to the public interest or to the effective regulation and control of gaming, or create or enhance the dangers of unsuitable, unfair, or illegal practices, methods, and activities in the conduct of gaming or the carrying on of the business and financial arrangements incidental thereto;

(2) the management contractor has, or has attempted to, unduly interfere or influence for its gain or advantage any decision or process of tribal government relating to the gaming activity;

(3) the management contractor has deliberately or substantially failed to comply with the terms of the management contract or the tribal gaming ordinance or resolution adopted and approved pursuant to this chapter; or

(4) a trustee, exercising the skill and diligence that a trustee is commonly held to, would not approve the contract.

(f) Modification or voiding

The Chairman, after notice and hearing, shall have the authority to require appropriate contract modifications or may void any contract if he subsequently determines that any of the provisions of this section have been violated.

(g) Interest in land

No management contract for the operation and management of a gaming activity regulated by this chapter shall transfer or, in any other manner, convey any interest in land or other real property, unless specific statutory authority exists and unless clearly specified in writing in said contract.

(h) Authority

The authority of the Secretary under section 81 of this title, relating to management contracts regulated pursuant to this chapter, is hereby transferred to the Commission.

(i) Investigation fee

The Commission shall require a potential contractor to pay a fee to cover the cost of the investigation necessary to reach a determination required in subsection (e) of this section.

(Pub. L. 100-497, §12, Oct. 17, 1988, 102 Stat. 2479.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (a)(3), (e)(1)(C), (3), (g), and (h), was in the original "this Act", meaning Pub. L. 100-497, Oct. 17, 1988, 102 Stat. 2467, known as the Indian Gaming Regulatory Act, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 2701 of this title and Tables.

§2712. Review of existing ordinances and contracts

(a) Notification to submit

As soon as practicable after the organization of the Commission, the Chairman shall notify each Indian tribe or management contractor who, prior to October 17, 1988, adopted an ordinance or resolution authorizing class II gaming or class III gaming or entered into a management contract, that such ordinance, resolution, or contract, including all collateral agreements relating to the gaming activity, must be submitted for his review within 60 days of such notification. Any activity conducted under such ordinance, resolution, contract, or agreement shall be valid under this chapter, or any amendment made by this chapter, unless disapproved under this section.

(b) Approval or modification of ordinance or resolution

(1) By no later than the date that is 90 days after the date on which an ordinance or resolution authorizing class II gaming or class III gaming is submitted to the Chairman pursuant

to subsection (a) of this section, the Chairman shall review such ordinance or resolution to determine if it conforms to the requirements of section 2710(b) of this title.

(2) If the Chairman determines that an ordinance or resolution submitted under subsection (a) of this section conforms to the requirements of section 2710(b) of this title, the Chairman shall approve it.

(3) If the Chairman determines that an ordinance or resolution submitted under subsection (a) of this section does not conform to the requirements of section 2710(b) of this title, the Chairman shall provide written notification of necessary modifications to the Indian tribe which shall have not more than 120 days to bring such ordinance or resolution into compliance.

(c) Approval or modification of management contract

(1) Within 180 days after the submission of a management contract, including all collateral agreements, pursuant to subsection (a) of this section, the Chairman shall subject such contract to the requirements and process of section 2711 of this title.

(2) If the Chairman determines that a management contract submitted under subsection (a) of this section, and the management contractor under such contract, meet the requirements of section 2711 of this title, the Chairman shall approve the management contract.

(3) If the Chairman determines that a contract submitted under subsection (a) of this section, or the management contractor under a contract submitted under subsection (a) of this section, does not meet the requirements of section 2711 of this title, the Chairman shall provide written notification to the parties to such contract of necessary modifications and the parties shall have not more than 120 days to come into compliance. If a management contract has been approved by the Secretary prior to October 17, 1988, the parties shall have not more than 180 days after notification of necessary modifications to come into compliance.

(Pub. L. 100-497, §13, Oct. 17, 1988, 102 Stat. 2481.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (a), was in the original "this Act", meaning Pub. L. 100-497, Oct. 17, 1988, 102 Stat. 2467, known as the Indian Gaming Regulatory Act, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 2701 of this title and Tables.

§ 2713. Civil penalties

(a) Authority; amount; appeal; written complaint

(1) Subject to such regulations as may be prescribed by the Commission, the Chairman shall have authority to levy and collect appropriate civil fines, not to exceed \$25,000 per violation, against the tribal operator of an Indian game or a management contractor engaged in gaming for any violation of any provision of this chapter, any regulation prescribed by the Commission pursuant to this chapter, or tribal regulations, ordinances, or resolutions approved under section 2710 or 2712 of this title.

(2) The Commission shall, by regulation, provide an opportunity for an appeal and hearing

before the Commission on fines levied and collected by the Chairman.

(3) Whenever the Commission has reason to believe that the tribal operator of an Indian game or a management contractor is engaged in activities regulated by this chapter, by regulations prescribed under this chapter, or by tribal regulations, ordinances, or resolutions, approved under section 2710 or 2712 of this title, that may result in the imposition of a fine under subsection (a)(1) of this section, the permanent closure of such game, or the modification or termination of any management contract, the Commission shall provide such tribal operator or management contractor with a written complaint stating the acts or omissions which form the basis for such belief and the action or choice of action being considered by the Commission. The allegation shall be set forth in common and concise language and must specify the statutory or regulatory provisions alleged to have been violated, but may not consist merely of allegations stated in statutory or regulatory language.

(b) Temporary closure; hearing

(1) The Chairman shall have power to order temporary closure of an Indian game for substantial violation of the provisions of this chapter, of regulations prescribed by the Commission pursuant to this chapter, or of tribal regulations, ordinances, or resolutions approved under section 2710 or 2712 of this title.

(2) Not later than thirty days after the issuance by the Chairman of an order of temporary closure, the Indian tribe or management contractor involved shall have a right to a hearing before the Commission to determine whether such order should be made permanent or dissolved. Not later than sixty days following such hearing, the Commission shall, by a vote of not less than two of its members, decide whether to order a permanent closure of the gaming operation.

(c) Appeal from final decision

A decision of the Commission to give final approval of a fine levied by the Chairman or to order a permanent closure pursuant to this section shall be appealable to the appropriate Federal district court pursuant to chapter 7 of title 5.

(d) Regulatory authority under tribal law

Nothing in this chapter precludes an Indian tribe from exercising regulatory authority provided under tribal law over a gaming establishment within the Indian tribe's jurisdiction if such regulation is not inconsistent with this chapter or with any rules or regulations adopted by the Commission.

(Pub. L. 100-497, §14, Oct. 17, 1988, 102 Stat. 2482.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (a)(1), (3), (b)(1), and (d), was in the original "this Act", meaning Pub. L. 100-497, Oct. 17, 1988, 102 Stat. 2467, known as the Indian Gaming Regulatory Act, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 2701 of this title and Tables.

§ 2714. Judicial review

Decisions made by the Commission pursuant to sections 2710, 2711, 2712, and 2713 of this title shall be final agency decisions for purposes of appeal to the appropriate Federal district court pursuant to chapter 7 of title 5.

(Pub. L. 100-497, §15, Oct. 17, 1988, 102 Stat. 2483.)

§ 2715. Subpoena and deposition authority**(a) Attendance, testimony, production of papers, etc.**

By a vote of not less than two members, the Commission shall have the power to require by subpoena the attendance and testimony of witnesses and the production of all books, papers, and documents relating to any matter under consideration or investigation. Witnesses so summoned shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

(b) Geographical location

The attendance of witnesses and the production of books, papers, and documents, may be required from any place in the United States at any designated place of hearing. The Commission may request the Secretary to request the Attorney General to bring an action to enforce any subpoena under this section.

(c) Refusal of subpoena; court order; contempt

Any court of the United States within the jurisdiction of which an inquiry is carried on may, in case of contumacy or refusal to obey a subpoena for any reason, issue an order requiring such person to appear before the Commission (and produce books, papers, or documents as so ordered) and give evidence concerning the matter in question and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(d) Depositions; notice

A Commissioner may order testimony to be taken by deposition in any proceeding or investigation pending before the Commission at any stage of such proceeding or investigation. Such depositions may be taken before any person designated by the Commission and having power to administer oaths. Reasonable notice must first be given to the Commission in writing by the party or his attorney proposing to take such deposition, and, in cases in which a Commissioner proposes to take a deposition, reasonable notice must be given. The notice shall state the name of the witness and the time and place of the taking of his deposition. Any person may be compelled to appear and depose, and to produce books, papers, or documents, in the same manner as witnesses may be compelled to appear and testify and produce like documentary evidence before the Commission, as hereinbefore provided.

(e) Oath or affirmation required

Every person deposing as herein provided shall be cautioned and shall be required to swear (or affirm, if he so requests) to testify to the whole truth, and shall be carefully examined. His testimony shall be reduced to writing by the person taking the deposition, or under his direction,

and shall, after it has been reduced to writing, be subscribed by the deponent. All depositions shall be promptly filed with the Commission.

(f) Witness fees

Witnesses whose depositions are taken as authorized in this section, and the persons taking the same, shall severally be entitled to the same fees as are paid for like services in the courts of the United States.

(Pub. L. 100-497, §16, Oct. 17, 1988, 102 Stat. 2483.)

§ 2716. Investigative powers**(a) Confidential information**

Except as provided in subsection (b) of this section, the Commission shall preserve any and all information received pursuant to this chapter as confidential pursuant to the provisions of paragraphs (4) and (7) of section 552(b) of title 5.

(b) Provision to law enforcement officials

The Commission shall, when such information indicates a violation of Federal, State, or tribal statutes, ordinances, or resolutions, provide such information to the appropriate law enforcement officials.

(c) Attorney General

The Attorney General shall investigate activities associated with gaming authorized by this chapter which may be a violation of Federal law.

(Pub. L. 100-497, §17, Oct. 17, 1988, 102 Stat. 2484.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (a) and (c), was in the original "this Act", meaning Pub. L. 100-497, Oct. 17, 1988, 102 Stat. 2467, known as the Indian Gaming Regulatory Act, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 2701 of this title and Tables.

§ 2717. Commission funding

(a)(1) The Commission shall establish a schedule of fees to be paid to the Commission annually by each gaming operation that conducts a class II or class III gaming activity that is regulated by this chapter.

(2)(A) The rate of the fees imposed under the schedule established under paragraph (1) shall be—

(i) no more than 2.5 percent of the first \$1,500,000, and

(ii) no more than 5 percent of amounts in excess of the first \$1,500,000,

of the gross revenues from each activity regulated by this chapter.

(B) The total amount of all fees imposed during any fiscal year under the schedule established under paragraph (1) shall not exceed 0.080 percent of the gross gaming revenues of all gaming operations subject to regulation under this chapter.

(3) The Commission, by a vote of not less than two of its members, shall annually adopt the rate of the fees authorized by this section which shall be payable to the Commission on a quarterly basis.

(4) Failure to pay the fees imposed under the schedule established under paragraph (1) shall,

subject to the regulations of the Commission, be grounds for revocation of the approval of the Chairman of any license, ordinance, or resolution required under this chapter for the operation of gaming.

(5) To the extent that revenue derived from fees imposed under the schedule established under paragraph (1) are not expended or committed at the close of any fiscal year, such surplus funds shall be credited to each gaming activity on a pro rata basis against such fees imposed for the succeeding year.

(6) For purposes of this section, gross revenues shall constitute the annual total amount of money wagered, less any amounts paid out as prizes or paid for prizes awarded and less allowance for amortization of capital expenditures for structures.

(b)(1) The Commission, in coordination with the Secretary and in conjunction with the fiscal year of the United States, shall adopt an annual budget for the expenses and operation of the Commission.

(2) The budget of the Commission may include a request for appropriations, as authorized by section 2718 of this title, in an amount equal to the amount of funds derived from assessments authorized by subsection (a) of this section for the fiscal year preceding the fiscal year for which the appropriation request is made.

(3) The request for appropriations pursuant to paragraph (2) shall be subject to the approval of the Secretary and shall be included as a part of the budget request of the Department of the Interior.

(Pub. L. 100-497, §18, Oct. 17, 1988, 102 Stat. 2484; Pub. L. 105-83, title I, §123(a)(1)-(2)(B), Nov. 14, 1997, 111 Stat. 1566; Pub. L. 109-221, title III, §301(b), May 12, 2006, 120 Stat. 341.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (a)(1), (2), (4), was in the original "this Act", meaning Pub. L. 100-497, Oct. 17, 1988, 102 Stat. 2467, known as the Indian Gaming Regulatory Act, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 2701 of this title and Tables.

AMENDMENTS

2006—Subsec. (a)(2)(B). Pub. L. 109-221 added subpar. (B) and struck out former subpar. (B) which read as follows: "The total amount of all fees imposed during any fiscal year under the schedule established under paragraph (1) shall not exceed \$8,000,000."

1997—Subsec. (a)(1). Pub. L. 105-83, §123(a)(1), substituted "gaming operation that conducts a class II or class III gaming activity" for "class II gaming activity".

Subsec. (a)(2)(A)(i). Pub. L. 105-83, §123(a)(2)(A), substituted "no more than 2.5 percent" for "no less than 0.5 percent nor more than 2.5 percent".

Subsec. (a)(2)(B). Pub. L. 105-83, §123(a)(2)(B), substituted "\$8,000,000" for "\$1,500,000".

APPLICATION TO SELF-REGULATED TRIBES

Pub. L. 105-83, title I, §123(a)(2)(C), Nov. 14, 1997, 111 Stat. 1566, as amended by Pub. L. 105-277, div. A, §101(e) [title III, §333], Oct. 21, 1998, 112 Stat. 2681-231, 2681-295, provided that: "[N]othing in subsection (a) of this section [amending this section] shall apply to the Mississippi Band of Choctaw."

§ 2717a. Availability of class II gaming activity fees to carry out duties of Commission

In fiscal year 1990 and thereafter, fees collected pursuant to and as limited by section 2717 of this title shall be available to carry out the duties of the Commission, to remain available until expended.

(Pub. L. 101-121, title I, Oct. 23, 1989, 103 Stat. 718.)

CODIFICATION

Section was enacted as part of the Department of the Interior and Related Agencies Appropriations Act, 1990, and not as part of the Indian Gaming Regulatory Act which comprises this chapter.

§ 2718. Authorization of appropriations

(a) Subject to section 2717 of this title, there are authorized to be appropriated, for fiscal year 1998, and for each fiscal year thereafter, an amount equal to the amount of funds derived from the assessments authorized by section 2717(a) of this title.

(b) Notwithstanding section 2717 of this title, there are authorized to be appropriated to fund the operation of the Commission, \$2,000,000 for fiscal year 1998, and \$2,000,000 for each fiscal year thereafter. The amounts authorized to be appropriated in the preceding sentence shall be in addition to the amounts authorized to be appropriated under subsection (a) of this section.

(Pub. L. 100-497, §19, Oct. 17, 1988, 102 Stat. 2485; Pub. L. 102-238, §2(b), Dec. 17, 1991, 105 Stat. 1908; Pub. L. 105-83, title I, §123(b), Nov. 14, 1997, 111 Stat. 1566; Pub. L. 105-119, title VI, §627, Nov. 26, 1997, 111 Stat. 2522.)

AMENDMENTS

1997—Subsec. (a). Pub. L. 105-119 amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: "Subject to the provisions of section 2717 of this title, there are hereby authorized to be appropriated for fiscal year 1998, and for each fiscal year thereafter, an amount equal to the amount of funds derived from the assessments authorized by section 2717(a) of this title for the fiscal year immediately preceding the fiscal year involved, for the operation of the Commission."

Pub. L. 105-83, §123(b)(1), substituted "for fiscal year 1998, and for each fiscal year thereafter, an amount equal to the amount of funds derived from the assessments authorized by section 2717(a) of this title for the fiscal year immediately preceding the fiscal year involved," for "such sums as may be necessary".

Subsec. (b). Pub. L. 105-83, §123(b)(2), added subsec. (b) and struck out former subsec. (b) which read as follows: "Notwithstanding the provisions of section 2717 of this title, there are hereby authorized to be appropriated not to exceed \$2,000,000 to fund the operation of the Commission for each of the fiscal years beginning October 1, 1988, and October 1, 1989. Notwithstanding the provisions of section 2717 of this title, there are authorized to be appropriated such sums as may be necessary to fund the operation of the Commission for each of the fiscal years beginning October 1, 1991, and October 1, 1992."

1991—Subsec. (b). Pub. L. 102-238 inserted at end "Notwithstanding the provisions of section 2717 of this title, there are authorized to be appropriated such sums as may be necessary to fund the operation of the Commission for each of the fiscal years beginning October 1, 1991, and October 1, 1992."

§ 2719. Gaming on lands acquired after October 17, 1988

(a) Prohibition on lands acquired in trust by Secretary

Except as provided in subsection (b) of this section, gaming regulated by this chapter shall not be conducted on lands acquired by the Secretary in trust for the benefit of an Indian tribe after October 17, 1988, unless—

(1) such lands are located within or contiguous to the boundaries of the reservation of the Indian tribe on October 17, 1988; or

(2) the Indian tribe has no reservation on October 17, 1988, and—

(A) such lands are located in Oklahoma and—

(i) are within the boundaries of the Indian tribe's former reservation, as defined by the Secretary, or

(ii) are contiguous to other land held in trust or restricted status by the United States for the Indian tribe in Oklahoma; or

(B) such lands are located in a State other than Oklahoma and are within the Indian tribe's last recognized reservation within the State or States within which such Indian tribe is presently located.

(b) Exceptions

(1) Subsection (a) of this section will not apply when—

(A) the Secretary, after consultation with the Indian tribe and appropriate State and local officials, including officials of other nearby Indian tribes, determines that a gaming establishment on newly acquired lands would be in the best interest of the Indian tribe and its members, and would not be detrimental to the surrounding community, but only if the Governor of the State in which the gaming activity is to be conducted concurs in the Secretary's determination; or

(B) lands are taken into trust as part of—

(i) a settlement of a land claim,

(ii) the initial reservation of an Indian tribe acknowledged by the Secretary under the Federal acknowledgment process, or

(iii) the restoration of lands for an Indian tribe that is restored to Federal recognition.

(2) Subsection (a) of this section shall not apply to—

(A) any lands involved in the trust petition of the St. Croix Chippewa Indians of Wisconsin that is the subject of the action filed in the United States District Court for the District of Columbia entitled *St. Croix Chippewa Indians of Wisconsin v. United States*, Civ. No. 86-2278, or

(B) the interests of the Miccosukee Tribe of Indians of Florida in approximately 25 contiguous acres of land, more or less, in Dade County, Florida, located within one mile of the intersection of State Road Numbered 27 (also known as Krome Avenue) and the Tamiami Trail.

(3) Upon request of the governing body of the Miccosukee Tribe of Indians of Florida, the Secretary shall, notwithstanding any other provision of law, accept the transfer by such Tribe to

the Secretary of the interests of such Tribe in the lands described in paragraph (2)(B) and the Secretary shall declare that such interests are held in trust by the Secretary for the benefit of such Tribe and that such interests are part of the reservation of such Tribe under sections 465 and 467 of this title, subject to any encumbrances and rights that are held at the time of such transfer by any person or entity other than such Tribe. The Secretary shall publish in the Federal Register the legal description of any lands that are declared held in trust by the Secretary under this paragraph.

(c) Authority of Secretary not affected

Nothing in this section shall affect or diminish the authority and responsibility of the Secretary to take land into trust.

(d) Application of title 26

(1) The provisions of title 26 (including sections 1441, 3402(a), 6041, and 60501, and chapter 35 of such title) concerning the reporting and withholding of taxes with respect to the winnings from gaming or wagering operations shall apply to Indian gaming operations conducted pursuant to this chapter, or under a Tribal-State compact entered into under section 2710(d)(3) of this title that is in effect, in the same manner as such provisions apply to State gaming and wagering operations.

(2) The provisions of this subsection shall apply notwithstanding any other provision of law enacted before, on, or after October 17, 1988, unless such other provision of law specifically cites this subsection.

(Pub. L. 100-497, §20, Oct. 17, 1988, 102 Stat. 2485.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (a) and (d)(1), was in the original "this Act", meaning Pub. L. 100-497, Oct. 17, 1988, 102 Stat. 2467, known as the Indian Gaming Regulatory Act, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 2701 of this title and Tables.

§ 2720. Dissemination of information

Consistent with the requirements of this chapter, sections 1301, 1302, 1303 and 1304 of title 18 shall not apply to any gaming conducted by an Indian tribe pursuant to this chapter.

(Pub. L. 100-497, §21, Oct. 17, 1988, 102 Stat. 2486.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original "this Act", meaning Pub. L. 100-497, Oct. 17, 1988, 102 Stat. 2467, known as the Indian Gaming Regulatory Act, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 2701 of this title and Tables.

§ 2721. Severability

In the event that any section or provision of this chapter, or amendment made by this chapter, is held invalid, it is the intent of Congress that the remaining sections or provisions of this chapter, and amendments made by this chapter, shall continue in full force and effect.

(Pub. L. 100-497, §22, Oct. 17, 1988, 102 Stat. 2486.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original "this Act", meaning Pub. L. 100-497, Oct. 17, 1988, 102 Stat. 2467, known as the Indian Gaming Regulatory Act, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 2701 of this title and Tables.

CHAPTER 30—INDIAN LAW ENFORCEMENT REFORM

Sec.	
2801.	Definitions.
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§ 2801. Definitions

For purposes of this chapter—

(1) The term "Branch of Criminal Investigations" means the entity the Secretary is required to establish within the Office of Justice Services under section 2802(d)(1) of this title.

(2) The term "Bureau" means the Bureau of Indian Affairs of the Department of the Interior.

(3) The term "employee of the Bureau" includes an officer of the Bureau.

(4) The term "enforcement of a law" includes the prevention, detection, and investigation of an offense and the detention or confinement of an offender.

(5) The term "Indian country" has the meaning given that term in section 1151 of title 18.

(6) The term "Indian tribe" has the meaning given that term in section 1301 of this title.

(7) The term "offense" means an offense against the United States and includes a violation of a Federal regulation relating to part or all of Indian country.

(8) The term "Secretary" means the Secretary of the Interior.

(10)¹ The term "tribal justice official" means—

(A) a tribal prosecutor;

(B) a tribal law enforcement officer; or

(C) any other person responsible for investigating or prosecuting an alleged criminal offense in tribal court.

(Pub. L. 101-379, § 2, Aug. 18, 1990, 104 Stat. 473; Pub. L. 111-211, title II, §§ 203(b), 211(a), July 29, 2010, 124 Stat. 2263, 2264.)

AMENDMENTS

2010—Pub. L. 111-211, § 211(a), redesignated and renumbered pars. (9) and (1) to (7) as (1) to (8), respectively, substituted "Office of Justice Services" for "Division

¹So in original. There is no par. (9).

of Law Enforcement Services" in par. (1), and struck out former par. (8) which read as follows: "The term 'Division of Law Enforcement Services' means the entity established within the Bureau under section 2802(b) of this title."

Par. (10). Pub. L. 111-211, § 203(b), added par. (10).

SHORT TITLE OF 2010 AMENDMENT

Pub. L. 111-211, title II, § 201(a), July 29, 2010, 124 Stat. 2261, provided that: "This title [enacting part G (§ 458ccc et seq.) of subchapter II of chapter 14 of this title and sections 2810 to 2815, 3665a, and 3682 of this title, redesignating part F (§ 458bbb et seq.) of subchapter II of chapter 14 of this title as part H (§ 458ddd et seq.), amending this section and sections 458ddd-1, 458ddd-2, 1302, 1321, 2411 to 2413, 2414a, 2415, 2431 to 2433, 2441, 2442, 2451, 2453, 2802 to 2804, 2809, 3613, 3621, 3653, 3662, 3663, 3666, and 3681 of this title, sections 841, 845, 1162, 4042, and 4352 of Title 18, Crimes and Criminal Procedure, sections 872, 872a, 873, and 878 of Title 21, Food and Drugs, sections 534 and 543 of Title 28, Judiciary and Judicial Procedure, and sections 2996f, 3732, 3796h, 3796d, 5616, 5783, and 13709 of Title 42, The Public Health and Welfare, enacting provisions set out as notes under this section and section 1302 of this title, section 872 of Title 21, section 534 of Title 28, and sections 3732, 3796h, 3796d, and 14044 of Title 42, amending provisions set out as a note under section 534 of Title 28, and repealing provisions set out as a note under section 3651 of this title] may be cited as the 'Tribal Law and Order Act of 2010'."

SHORT TITLE

Pub. L. 101-379, § 1, Aug. 18, 1990, 104 Stat. 473, provided that: "This Act [enacting this chapter and provisions set out as a note under section 2991a of Title 42, The Public Health and Welfare] may be cited as the 'Indian Law Enforcement Reform Act'."

SEVERABILITY

Pub. L. 111-211, title II, § 204, July 29, 2010, 124 Stat. 2263, provided that: "If any provision of this title [see Short Title of 2010 Amendment note above], an amendment made by this title, or the application of such a provision or amendment to any individual, entity, or circumstance, is determined by a court of competent jurisdiction to be invalid, the remaining provisions of this title, the remaining amendments made by this title, and the application of those provisions and amendments to individuals, entities, or circumstances other than the affected individual, entity, or circumstance shall not be affected."

FINDINGS; PURPOSES

Pub. L. 111-211, title II, § 202, July 29, 2010, 124 Stat. 2262, provided that:

"(a) FINDINGS.—Congress finds that—

"(1) the United States has distinct legal, treaty, and trust obligations to provide for the public safety of Indian country;

"(2) Congress and the President have acknowledged that—

"(A) tribal law enforcement officers are often the first responders to crimes on Indian reservations; and

"(B) tribal justice systems are often the most appropriate institutions for maintaining law and order in Indian country;

"(3) less than 3,000 tribal and Federal law enforcement officers patrol more than 56,000,000 acres of Indian country, which reflects less than ½ of the law enforcement presence in comparable rural communities nationwide;

"(4) the complicated jurisdictional scheme that exists in Indian country—

"(A) has a significant negative impact on the ability to provide public safety to Indian communities;

"(B) has been increasingly exploited by criminals; and

This content is from the eCFR and is authoritative but unofficial.

Title 25 - Indians

Chapter I - Bureau of Indian Affairs, Department of the Interior

Subchapter N - Economic Enterprises

Part 293 Class III Tribal State Gaming Compact Process

- § 293.1 What is the purpose of this part?
- § 293.2 How are key terms defined in this part?
- § 293.3 What authority does the Secretary have to approve or disapprove compacts and amendments?
- § 293.4 Are compacts and amendments subject to review and approval?
- § 293.5 Are extensions to compacts subject to review and approval?
- § 293.6 Who can submit a compact or amendment?
- § 293.7 When should the Indian Tribe or State submit a compact or amendment for review and approval?
- § 293.8 What documents must be submitted with a compact or amendment?
- § 293.9 Where should a compact or amendment be submitted for review and approval?
- § 293.10 How long will the Secretary take to review a compact or amendment?
- § 293.11 When will the 45-day timeline begin?
- § 293.12 What happens if the Secretary does not act on the compact or amendment within the 45-day review period?
- § 293.13 Who can withdraw a compact or amendment after it has been received by the Secretary?
- § 293.14 When may the Secretary disapprove a compact or amendment?
- § 293.15 When does an approved or considered-to-have-been-approved compact or amendment take effect?
- § 293.16 How does the Paperwork Reduction Act affect this part?

PART 293 - CLASS III TRIBAL STATE GAMING COMPACT PROCESS

Authority: 5 U.S.C. 301; 25 U.S.C. 2, 9, 2710.

Source: 73 FR 74009, Dec. 5, 2008, unless otherwise noted.

§ 293.1 What is the purpose of this part?

This part contains procedures that:

- (a) Indian tribes and States must use when submitting Tribal-State compacts and compact amendments to the Department of the Interior; and

- (b) The Secretary will use for reviewing such Tribal-State compacts or compact amendments.

§ 293.2 How are key terms defined in this part?

- (a) For purposes of this part, all terms have the same meaning as set forth in the definitional section of the Indian Gaming Regulatory Act of 1988, 25 U.S.C. 2703 and any amendments thereto.
- (b) As used in this part:
 - (1) *Amendment* means an amendment to a class III Tribal-State gaming compact.
 - (2) *Compact or Tribal-State Gaming Compact* means an intergovernmental agreement executed between Tribal and State governments under the Indian Gaming Regulatory Act that establishes between the parties the terms and conditions for the operation and regulation of the tribe's Class III gaming activities.
 - (3) *Extensions* means changes to the timeframe of the compacts or amendments.

§ 293.3 What authority does the Secretary have to approve or disapprove compacts and amendments?

The Secretary has the authority to approve compacts or amendments "entered into" by an Indian tribe and a State, as evidenced by the appropriate signature of both parties. See § 293.14 for the Secretary's authority to disapprove compacts or amendments.

§ 293.4 Are compacts and amendments subject to review and approval?

- (a) Compacts are subject to review and approval by the Secretary.
- (b) All amendments, regardless of whether they are substantive amendments or technical amendments, are subject to review and approval by the Secretary.

§ 293.5 Are extensions to compacts subject to review and approval?

No. Approval of an extension is not required if the extension of the compact does not include any amendment to the terms of the compact. However, the tribe must submit the extension executed by both the tribe and the State along with the documents required under paragraphs (b) and (c) of § 293.8.

§ 293.6 Who can submit a compact or amendment?

Either party (Indian tribe or State) to a compact or amendment can submit the compact or amendment to the Secretary for review and approval.

§ 293.7 When should the Indian Tribe or State submit a compact or amendment for review and approval?

The Indian tribe or State should submit the compact or amendment after it has been legally entered into by both parties.

§ 293.8 What documents must be submitted with a compact or amendment?

Documentation submitted with a compact or amendment must include:

- (a) At least one original compact or amendment executed by both the tribe and the State;

- (b) A tribal resolution or other document, including the date and place of adoption and the result of any vote taken, that certifies that the tribe has approved the compact or amendment in accordance with applicable tribal law;
- (c) Certification from the Governor or other representative of the State that he or she is authorized under State law to enter into the compact or amendment;
- (d) Any other documentation requested by the Secretary that is necessary to determine whether to approve or disapprove the compact or amendment.

§ 293.9 Where should a compact or amendment be submitted for review and approval?

Submit compacts and amendments to the Director, Office of Indian Gaming, U.S. Department of the Interior, 1849 C Street NW, Mail Stop 3543, Main Interior Building, Washington, DC 20240. If this address changes, a notice with the new address will be published in the FEDERAL REGISTER within 5 business days.

[85 FR 37748, June 24, 2020]

§ 293.10 How long will the Secretary take to review a compact or amendment?

- (a) The Secretary must approve or disapprove a compact or amendment within 45 calendar days after receiving the compact or amendment.
- (b) The Secretary will notify the Indian tribe and the State in writing of the decision to approve or disapprove a compact or amendment.

§ 293.11 When will the 45-day timeline begin?

The 45-day timeline will begin when a compact or amendment is received and date stamped in the Office of Indian Gaming at the address listed in [§ 293.9](#).

§ 293.12 What happens if the Secretary does not act on the compact or amendment within the 45-day review period?

If the Secretary neither affirmatively approves nor disapproves a compact or amendment within the 45-day review period, the compact or amendment is considered to have been approved, but only to the extent it complies with the provisions of the Indian Gaming Regulatory Act.

§ 293.13 Who can withdraw a compact or amendment after it has been received by the Secretary?

To withdraw a compact or amendment after it has been received by the Secretary, the Indian tribe and State must submit a written request to the Director, Office of Indian Gaming at the address listed in [§ 293.9](#).

§ 293.14 When may the Secretary disapprove a compact or amendment?

The Secretary may disapprove a compact or amendment only if it violates:

- (a) Any provision of the Indian Gaming Regulatory Act;
- (b) Any other provision of Federal law that does not relate to jurisdiction over gaming on Indian lands; or
- (c) The trust obligations of the United States to Indians.

§ 293.15 When does an approved or considered-to-have-been-approved compact or amendment take effect?

- (a) An approved or considered-to-have-been-approved compact or amendment takes effect on the date that notice of its approval is published in the FEDERAL REGISTER.
- (b) The notice of approval must be published in the FEDERAL REGISTER within 90 days from the date the compact or amendment is received by the Office of Indian Gaming.

§ 293.16 How does the Paperwork Reduction Act affect this part?

The information collection requirements contained in this part have been approved by the OMB under the Paperwork Reduction Act of 1995, 44 U.S.C. 3507(d), and assigned control number 1076-0172. A Federal agency may not conduct or sponsor, and you are not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Ryan Zinke

Ryan Keith Zinke (/ˈzɪnki/; born November 1, 1961) is an American politician and businessman who served as United States Secretary of the Interior in the Trump Administration from 2017 until his resignation in 2019.^[1] He served as the U.S. representative for Montana's at large congressional district from 2015 to 2017. From 2009 to 2013, he served as a member of the Montana Senate, representing the 2nd district.^[2]

Zinke played college football at the University of Oregon and earned a Bachelor of Science degree in geology. He also has a Master of Business Administration and a Master of Science in global leadership. He was a U.S. Navy SEAL from 1986 until 2008, retiring with the rank of commander.^[3] The first Navy SEAL to be elected to the United States House of Representatives,^[4] Zinke formerly served as a member on the Natural Resources Committee and the Armed Services Committee.^[5] As a member of Congress, Zinke supported the use of ground troops in the Middle East to combat ISIS and opposed the Affordable Care Act, various environmental regulations, and the transfer of federal lands to individual states.

Zinke was appointed as United States Secretary of the Interior by President Donald Trump. Zinke was confirmed on March 1, 2017, becoming the first Navy SEAL and the first Montanan since statehood to occupy a Cabinet position.^{[6][7]}

As Secretary, Zinke opened more federal lands for oil, gas and mineral exploration and extraction.^[8] Zinke's expenditures as Secretary of the Interior, which included expensive flights, raised ethical questions and controversy, and were investigated by the Interior Department's Office of Inspector General.^{[9][10]} On October 30, 2018, the investigation into Zinke was referred to the Justice Department by Interior's inspector general.^{[11][12]} Trump announced on December 15, 2018, that Zinke would leave his post on January 2, 2019,^{[13][14]} to be replaced by his deputy, David Bernhardt.^[15] A 2022 Interior Department's inspector general report found that Zinke had repeatedly violated the department's ethics rules.^[16]

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Ryan Zinke



52nd United States Secretary of the Interior

In office

March 1, 2017 – January 2, 2019

President Donald Trump

Deputy David Bernhardt

Preceded by Sally Jewell

Succeeded by David Bernhardt

Member of the U.S. House of Representatives from Montana's at large district

In office

January 3, 2015 – March 1, 2017

Preceded by Steve Daines

Succeeded by Greg Gianforte

Member of the Montana Senate from the 2nd district

In office

January 3, 2009 – January 3, 2013

Preceded by Dan Weinberg

Succeeded by Dee L. Brown

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Born Ryan Keith Zinke
 November 1, 1961
 Bozeman, Montana,
 U S

Political party Republican
Spouse(s) Lolita Hand (m. 1992)
Children 3

Education Univer ity of Oregon (BS)
 National University (MBA)
 University of San Diego (MS)

Signature



Military service

Allegiance  United States

Branch/service  United States Navy

Years of service 1986–2008

Rank  Commander

Unit  SEAL Team Six
 SEAL Team One
 NSWU 2
 Naval Special Warfare Center

Awards  Bronze Star (2)
 Defense Meritorious Service Medal (2)
 Meritorious Service Medal (4)
 Joint Service Commendation Medal (2)
 Army Commendation Medal

Early life and education

Zinke was born in Bozeman, Montana, and raised in Whitefish. He is the son of Jean Montana (Harlow) Petersen and Ray Dale Zinke, a plumber.^{[17][18]} He was a Boy Scout and earned his Eagle Scout award.^[19] He was a star athlete at Whitefish High School and accepted a football scholarship to the University of Oregon in Eugene; recruited as an outside linebacker, he switched to offense and as an undersized starting center for the Ducks of the Pac-10 under head coach Rich Brooks.^{[20][21]} Zinke earned a B.S. in geology in 1984 and graduated with honors.^{[22][23]} Zinke's intended career path was underwater geology.^[3] Despite never working as a geologist, Zinke publicly refers to himself as a geologist.^{[3][4]} Zinke

later earned an M.B.A. from National University in 1993 and a Master of Science in global leadership from the University of San Diego in 2003.^[22]

Military career

Zinke served as a U.S. Navy SEAL from 1986 to 2008, retiring at the rank of commander.^[5] Zinke graduated from Basic Underwater Demolition/SEAL training (BUD/S) class 136 in February 1986^[3] and subsequently served with SEAL Team ONE. Following SEAL Tactical Training and completion of six month probationary period, he received the 1130 designator as a Naval Special Warfare Officer, entitled to wear the Special Warfare insignia also known as ""SEAL Trident"". Zinke completed a deployment to WESTPAC as platoon commander in 1988. His next assignment was as a First Phase Officer of BUD/S from 1988 until May 1991. In 1991, Zinke received orders to United States Naval Special Warfare Development Group (NSWDG) and completed a specialized selection and training course. Zinke served at the command till June 1993, during which time he planned, rehearsed and operated during classified operations.^{[20][26]} Zinke then served as a Plans officer for Commander in Chief, U.S. Naval Forces, Europe and served a second tour with NSWDG as team leader, ground force commander, task force commander and current operations officer from 1996 to 1999.^[10]



Zinke during his service in the U.S. Navy

In the late 1990s, Zinke paid back the Navy \$211 after improperly billing the government for personal travel expenses. Zinke's former commanding officer, now retired Vice Admiral Albert M. Calland III, stated that as a result, Zinke received a June 1999 Fitness Report that blocked him from being promoted to a commanding officer position, or to the rank of captain.^{[27][28]} Zinke acknowledged the error but maintains that the incident did not adversely affect his career.^[27] His promotion from lieutenant commander to commander was approved the following year.^[29]

From 1999 to 2001, Zinke served as executive officer for the Naval Special Warfare Unit Two and then as executive officer, Naval Special Warfare Center from 2001 to 2004. In 2004, Zinke was the deputy and acting commander of the Combined Joint Special Operations Task Force-Arabian Peninsula.^[1] Zinke's campaign website stated that he was "the deputy and acting commander" of Combined Joint Special Operations Task Force-Arabian Peninsula and "led a force of more than 3,500 Special Operations personnel in Iraq" in 2004.^[27] Retired Major General Michael S. Repass, who was Zinke's superior in Iraq, told the *New York Times* that these claims "might be a stretch" but that Zinke "did a good job" and was "a competent guy."^[27] Following his tours in Iraq, Zinke served "as the second ranking officer (and briefly acting commander) of the main SEAL training center."^[27] In 2006, Zinke was selected to establish the Naval Special Warfare Advanced Training Command, serving as dean of the graduate school until his retirement from active duty in 2008.^[22] The graduate school had 250 educators, offering over 43 college level courses to over 2,500 students annually at 15 different locations worldwide.^[30] He retired from the Navy in 2008.^{[27][28]}

Awards and decorations

U.S. military decorations



Bronze Star with gold award star^{[27][31]}



Defense Meritorious Service Medal with bronze oak leaf cluster^[32]

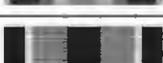


Meritorious Service Medal with four gold award stars

U.S. badges, patches and tabs



Naval Special Warfare
in ignia

	oint Service Commendation Medal with bronze oak leaf cluster
	Army Commendation Medal ^[32]
	Navy and Marine Corps Commendation Medal with gold award star
	Navy and Marine Corps Achievement Medal with two gold award stars
	Combat Action Ribbon
	Joint Meritorious Unit Award
	<u>Navy Meritorious Unit Commendation</u>
	National Defense Service Medal with bronze service star
	<u>Armed Forces Expeditionary Medal</u>
	<u>Kosovo Campaign Medal</u>
	<u>Global War on Terrorism Expeditionary Medal</u>
	<u>Iraq Campaign Medal with bronze service star</u>
	<u>Armed Forces Service Medal</u>
	<u>Humanitarian Service Medal</u>
	<u>Navy Sea Service Deployment Ribbon with three bronze service stars</u>
	<u>Navy and Marine Corps Overseas Service Ribbon</u>
	NATO Medal for Former Yugoslavia
	<u>Navy Expert Rifleman Medal</u>
	<u>Navy Expert Pistol Shot Medal</u>



Navy and Marine Corps Parachutist Insignia

Business ventures

In 2005, Zinke formed Continental Divide International, a property management and business development consulting company. Zinke's family members are officers of the company. In 2009, he formed the consulting company On Point Montana. Zinke served on the board of the oil pipeline company QS Energy (formerly Save the World Air) from 2012 to 2015. In November 2014, Zinke announced that he would pass Continental Divide to his family while remaining in an advisory role.^[33]

Political career

Montana Senate (2009–2013)

Zinke was elected to the Montana Senate in 2008, serving from 2009 to 2013, representing the city of Whitefish. When he served in the state senate, he "was widely seen as a moderate Republican" but subsequently drifted to the right.^[34] Zinke was selected as chair of the Senate Education Committee and promoted technology in the classroom, rural access to education and local control over schools.^[35] He also served on the Senate Finance and Claims Committee.^[36] In his capacity as a Montana Senator, Zinke was also a member of the SEMA-supported State Automotive Enthusiast and Leadership Caucus, a bipartisan group of state lawmakers sharing an appreciation for automobiles.^{[37][38]}

Global warming and clean energy

In 2008, Zinke stated that he "support[s] increased coal production for electrical generation and believe[s] it can and should be done with adequate environmental safeguards," and that he "believe[s] the use of alternate energy sources and clean coal is preferred over petroleum based fuels."^[39] In 2010, Zinke signed a letter calling global warming "a threat multiplier for instability in the most volatile regions of the world" and stating that "the clean energy and climate challenge is America's new space race." The letter spoke of "catastrophic" costs and unprecedented economic consequences" that would result from failing to act on climate change and asked then President Obama and then-Speaker of the House Nancy Pelosi to champion sweeping clean-energy and climate legislation.^[40]

2012 campaign for lieutenant governor

Zinke was the running mate of Montana gubernatorial candidate Neil Livingstone in the 2012 election.^[41] The Livingstone/Zinke ticket finished fifth out of seven in the Republican primary with 12,038 votes (8.8% of the vote).^[42]

In 2012, Zinke founded the super PAC Special Operations for America (SOFA) to support Mitt Romney's presidential campaign in the 2012 election. The political action committee raised over \$100,000^[43] and paid \$28,258 to Continental Divide International, Zinke's company, for fundraising consulting.^[44] Zinke appointed right-wing commentator Paul E. Valley, a promoter of "birther" claims and other anti-Obama conspiracy theories, to the board of the super PAC.^[45] Zinke announced he was resigning as chairman of SOFA on September 30, 2013, with his friend, former Navy SEAL Gary Stubblefield taking his place.^[43] While Zinke's financial disclosure report for 2014 listed him as the chairman of the super PAC, the super PAC had been making independent expenditures in support of Zinke's campaign since November 20, 2013.^[44] In 2014, the Campaign Legal Center and Democracy 21 filed a complaint with the Federal Election Commission regarding coordination between Zinke's campaign and the super PAC. As of December 2016, the FEC hadn't taken any action on the matter.^[44]

Radio show

In 2013, Zinke hosted a radio show in which he engaged with and promoted fringe conspiratorial views, including birtherism (the contention that Obama was not born in the United States). Zinke said on the radio show that he was not sure whether Obama was a foreign citizen and called on Obama to release his college transcripts. Later, in 2016, as a congressman, Zinke appeared on the radio show *Where's Obama's Birth Certificate*, known for its promotion of birther conspiracy theories.^[46]

2014 House election

In the spring of 2014, Zinke announced his candidacy for Montana's at-large congressional district, a seat vacated when its Republican incumbent Rep. Steve Daines successfully sought a seat in the U.S. Senate.^[47]

During the Republican primary, Zinke attracted attention for referring to Hillary Rodham Clinton as "the real enemy" and the "anti-Christ."^{[34][48]} Zinke touted his anti-abortion credentials and received the endorsement of the Montana Right to Life Association.^[49]

Zinke won the five-way Republican primary with 43,766 votes (33.25%) and faced Libertarian perennial candidate Mike Fellows and Democratic nominee John Lewis, a former state director for Democratic Sen. Max Baucus, in the general election.

Zinke prevailed in the general election, winning 55.4% of the nearly 350,000 votes cast statewide.^[50]

U.S. House of Representatives (2015–2017)

In Congress, Zinke supported the deployment of U.S. ground troops to combat ISIS, "abandoning" the Affordable Care Act, and cutting regulations.^[34] He supported a Republican effort to repeal the estate tax.^[51]

Zinke condemned the "anti-Semitic views" held by neo-Nazis planning a march in support of Richard B. Spencer in Whitefish, Montana in January 2017.^[52]

Political positions

Education

In 2015, Zinke voted for an amendment proposed by Democratic Rep. Dave Loebsack from Iowa's 2nd congressional district that provided for the expansion of the use of digital learning through the establishment of a competitive grant program to implement and evaluate the results of technology-based learning practices.^[53] The amendment passed 218–213.^[54]

Environmental regulation

Zinke frequently voted in opposition to environmentalists on issues including coal extraction and oil and gas drilling.^[55] When President Trump opened nearly all U.S. coastal waters to extractive drilling, rescinding President Obama's protections, nearly a dozen coastal states protested. Zinke visited with the Florida governor and exempted only that coast from drilling.^{[56][57]}

Climate change

Zinke has shifted on the issue of climate change over time.^[58] In 2010, while in the state Senate, Zinke was one of nearly 1,200 state legislators who signed a letter to President Obama and Congress calling for "comprehensive clean energy jobs and climate change legislation."^[58] Since 2010, however, Zinke has repeatedly expressed doubt about anthropogenic climate change; in an October 2014 debate, Zinke stated: "it's not a hoax, but it's not proven science either."^[58] During Senate confirmation hearings on his nomination as Interior Secretary, Zinke said that humans "influence" climate change, but did not acknowledge the scientific consensus that human activity is the dominant cause of climate change.^[59]

Transfers of federal lands to states



Zinke during the 114th Congress

Zinke broke with most Republicans on the issue of transfers of federal lands to the states, calling such proposals "extreme" and voting against them.^[60] In July 2016, Zinke withdrew as a delegate to the Republican National Convention in protest of the portion of the party's draft platform which would require that certain public lands be transferred to state control. Zinke said that he endorses "better management of federal land" rather than transfers.^[61]

Committee assignments

- **Committee on Armed Services**
 - Subcommittee on Seapower and Projection Forces
 - Subcommittee on Intelligence, Emerging Threats and Capabilities
- **Committee on Natural Resources**
 - Subcommittee on Energy and Mineral Resources

2016 House election

In 2016, Zinke ran unopposed in the Republican primary on June 7 and faced Democratic nominee and Superintendent of Public Instruction Denise Juneau in the general election on November 8.^[62] Zinke defeated Juneau with 56% of the vote.^[63]

Secretary of the Interior (2017–2019)

Donald Trump Jr. recommended to his father that Zinke be chosen to be the Secretary of the Interior.^[64] Zinke was named as then-President-elect Donald Trump's nominee for United States Secretary of the Interior on December 13, 2016.^[65] His nomination was approved by the Senate Energy and Natural Resources Committee in a 16–6 vote on January 31, 2017,^[66] and he was confirmed by the full Senate in a 68–31 vote on March 1.^{[7][67]} Among the U.S. Senators expressing support for Zinke's confirmation was Democratic Sen. Jon Tester from Montana.^[68] Zinke was sworn into office by Vice President Mike Pence on the same day.^[69]

The day after his swearing-in, Zinke rode a United States Park Police horse named Tonto several blocks to the entrance of the Department of Interior's Main Interior Building to his official welcoming ceremony.^{[70][71]}

On May 24, 2017, in the Montana special election to fill Zinke's vacated House seat, Republican nominee Greg Gianforte defeated Democratic nominee Rob Quist, with 49.7% of the vote to Quist's 44.1%.^[72]

Rescinded ban on lead bullets

On his first full day in office, Zinke rescinded the policy implemented on January 19, 2017, the last day of the Obama administration, by outgoing Fish and Wildlife Service Director Daniel M. Ashe that banned the use of lead bullets and lead fishing tackle in national wildlife refuges. Zinke said: "Over the past eight years ... hunting, and recreation enthusiasts have seen trails closed and dramatic decreases in access to public lands across the board. It worries me to think about hunting and fishing becoming activities for the land owning elite. This



Zinke's "in the field" portrait as Secretary of Interior

package of secretarial orders will expand access for outdoor enthusiasts and also make sure the community's voice is heard."^[73] The regulation was meant to help prevent lead contamination of plants and animals.^{[74][75][76]}

The move was opposed by the Sierra Club,^[74] Center for Biological Diversity,^[77] and other environmental groups.^{[76][77]} The rollback was praised by Senator Steve Daines from Montana,^[74] the National Rifle Association,^{[74][75]} and National Shooting Sports Foundation,^[77] as well as other "gun rights advocates, sportsmen's groups, conservatives and state wildlife agencies."^[74]

National Monument reductions

In April 2017, Zinke began reviewing at least 27 national monuments to determine if any of the monuments could be reduced in size. In June 2017, Zinke recommended that Bears Ears National Monument boundaries be scaled back. In August, Zinke 2017 added the Grand Staircase Escalante National Monument and Cascade Siskiyou National Monument to the planned list of monuments to be shrunk as well, while also calling for new management rules for multiple national monuments to decrease the number of actions that are prohibited within the monuments.^{[78][79][80]}

In December 2017, Trump signed executive proclamations that reduced Bears Ears National Monument by 85% and Grand Staircase-Escalante National Monument by almost 46%. These moves prompted several legal challenges. One day later, Zinke issued a report recommending that Trump also shrink two more national monuments Gold Butte National Monument in Nevada and Cascade Siskiyou National Monument in Oregon. Zinke also recommended changes to the management of six other national monuments.^[81] These changes were welcomed by Republicans such as Congressman Rob Bishop, the chairman of the House Natural Resources Committee, but condemned by Democrats and environmentalist groups such as the Natural Resources Defense Council and Sierra Club.^{[81][82]}

After *The New York Times* took Zinke's Interior Department to court, it won and got 25,000 documents, of which 4,500 pages were related to Zinke's multi-monument review, and which showed the administration set out to increase coal, oil and gas mining access. The documents also showed that the Zinke administration's new map largely matched a map previously promoted by longtime Utah Senator Orrin Hatch, whose plan claimed it would resolve all known mineral conflicts for SITLA [Utah School and Institutional Trust Lands Administration] within the Bears Ears... the real [beneficiaries] are Utah schoolchildren and the people of San Juan County," a claim disputed as hypocritical by the Utah Diné Bikéyah tribe.^[83]

Expenditure controversies

In September 2017, it was reported that on June 26, Zinke had chartered a jet belonging to an oil industry executive for a flight from Las Vegas to Kalispell, Montana. Zinke had been in Las Vegas to make an announcement related to public lands and to deliver a speech to the National Hockey League's Vegas Golden Knights, an expansion franchise owned by William P. Foley, a major donor to Zinke's congressional campaigns. The chartered flight cost taxpayers \$12,375. Costs for commercial flights between Las Vegas and Kalispell typically start at \$300. Upon arrival in Kalispell, Zinke spent the night at his private residence before delivering remarks at the annual meeting of the Western Governors Association the next morning. Zinke and his staffers returned to Washington on a commercial flight the next day.^{[10][84][85]}

Zinke used private aircraft and performed political duties in relation to an April 1 trip between St. Croix and St. Thomas in the U.S. Virgin Islands. Zinke had been in St. Croix on March 30 for an official meeting with Governor Kenneth Mapp during the day, and spent the night at a fundraiser for the Republican Party of the

Virgin Islands, where donors of between \$1,500 and \$5,000 were allowed to have their pictures taken with Zinke. The following morning, Zinke took a private flight costing the government \$3,150 to St. Thomas to celebrate the centennial of the Islands' handover to the United States by Denmark.^[86]

In December 2017, *Politico* reported that Zinke had booked government helicopters for more than \$14,000 to travel in June and July 2017.^[87] One of these trips was the swearing in ceremony of his successor in Congress; the Department of Interior defended the use of government helicopters instead of a two-hour car drive by saying Zinke would otherwise not be able to fully participate in the swearing-in ceremony.^[87] An Interior spokesperson also said to a *Politico* reporter inquiring about the expenses, "Shame on you for not respecting the office of a Member of Congress."^[87] Another of these trips was the use of a Park Police helicopter to have a horseback ride with Vice President Mike Pence; the Interior Department justified the use of the helicopter over the three-hour car drive by saying "the Secretary will be able to familiarize himself with the in-flight capabilities of an aircraft he is in charge of" and that Park Police staff would "provide an added measure of security to the Secretary during his travel."^[87] Zinke dismissed *Politico's* reporting as "total fabrications and a wild departure of reality" but did not identify any inaccuracies in *Politico's* reporting.^[88]

In March 2018, the Associated Press reported that the Interior Department spent approximately \$139,000 to upgrade three sets of double doors in Zinke's office. However, a spokesperson claimed Zinke was unaware of the relevant work contract.^[89]

Inspector general investigations and other inquiries

In October 2017, the Interior Department's Office of Inspector General (OIG) launched an investigation into Zinke's use of three charter flights during his tenure as Interior Secretary.^[9] In April 2018, OIG released its report, concluding that Zinke's chartered flight to give a speech to the June 2017 speech to the Las Vegas Golden Knights NHL team was authorized "without complete information" and that the speech was not official business because Zinke did not discuss the Interior Department or his role as Interior Secretary. OIG concluded that the two other charter flights, one to Alaska and the other to the U.S. Virgin Islands, "appeared to have been reasonable as related to official DOI business."^{[90][91]}

The United States Office of Special Counsel launched a Hatch Act investigation into Zinke's meeting with the Vegas Golden Knights NHL team in October 2017.^[9]

In a March 2018 Senate Energy and Natural Resources Committee, Zinke said it was false that he had taken private *jet* anywhere," noting that the charter flights he took were on aircraft with *propellers*, not *jet engines*.^{[93][94]}

As of October 30, 2018, Zinke has been referred to the Department of Justice for investigation by the OIG, including whether Zinke lied to the OIG regarding his involvement in reviewing a tribal casino project in Connecticut.^[95] The two Connecticut tribes claim that the Interior Department refused to sign off on the casino project after intense lobbying by MGM Resorts International and two Nevada Republican lawmakers.^[96] Zinke said he was interviewed twice by the OIG regarding the casino decision and that he was truthful both times.^[97] In late 2019, Deputy Attorney General Jeffrey Rosen stalled the probe into Zinke. Federal prosecutors had proposed to move forward with possible criminal charges against Zinke over his involvement in the casino deal.^{[98][99]} In doing so, Rosen also prevented the Interior Department's Office of Inspector General from making a report about the casino deal public.^[98]

Flying of Secretarial flag

Assuming his duties as Interior Secretary, Zinke ordered Interior Department officials to fly the official Secretarial Flag over the Main Interior Building whenever he was present in the building, and that of his deputy, David Bernhardt, whenever Zinke was away and Bernhardt the highest-ranking official present. According to the *Washington Post*, "no one can remember [the flag ritual] ever happening in the federal government."^[100]



The Flag of the
Secretary of the Interior

Trophy hunting

In November 2017, it was announced that President Trump, on Zinke's advice, wanted to lift the import ban on elephant and other big-game trophies from Zambia and Zimbabwe to the United States. Zinke, a passionate hunter, justified himself against critics by saying that he had his best childhood memories of hunting with his father and that he was anxious to promote hunting for American families.^[101] Trump and Zinke received considerable criticism for the decision. Critics feared that lifting the import ban would trigger a wave of U.S. hunters, and that the decision would be a major blow to the survival of the elephant species. Two days later, President Trump put his decision on hold, saying that he wanted to better inform himself on the issue.^{[102][103][104]} During the year 2014, before the sitting ban was instituted by the Obama Administration, 671 elephants, 741 lions, 311 leopards, 1,412 Cape buffaloes and 32 rhinos were killed by U.S. hunters and shipped to the U.S.^[105]

Greater sage-grouse

In 2017, Zinke took steps to unwind a 2015 plan that protected the greater sage-grouse. The Interior Department sought to change sage grouse habitat management plans in 10 states in a way that could open the sage-grouse habitat to mineral extraction and grazing. These proposals were welcomed by the oil and gas industry and condemned by environmentalists.^{[106][107]} This expansion of livestock grazing in Nevada across four hundred square miles (1,000 km²) of some of the highest priority sage grouse habitat in the West was blocked by a federal judge in April 2021.^[108]

Migratory Bird Treaty Act

Under Zinke, the Interior Department adopted a restrictive interpretation of the Migratory Bird Treaty Act, issuing a guidance document stating that the killing of birds "resulting from an activity is not prohibited by the Migratory Bird Treaty Act when the underlying purpose of that activity is not to take birds."^[109] The move was opposed by a bipartisan group of 17 former top Interior Department officials, including seven former heads of migratory bird management at the U.S. Fish and Wildlife Service, who served in each administrations from Nixon to Obama. In a letter sent to Zinke and members of Congress, the former officials wrote that "This legal opinion is contrary to the long standing interpretation by every administration (Republican and Democrat) since at least the 1970s."^{[110][111]}

Interior Department employees

In June 2017, Zinke called for the elimination of 4,000 jobs from the Interior Department and supported the White House proposal to cut the department's budget by 13.4%.^[112] The same month, Zinke ordered 50 Interior members of the Senior Executive Service to be reassigned, "forcing many into jobs for which they had little experience and that were in different locations."^[113] The scope of the move was unusual.^{[114][115]} One reassigned Interior senior executive, scientist Joel Clement, published an op-ed in the *Washington Post* saying that the

reassignment was retaliation against him "for speaking out publicly about the dangers that climate change poses to Alaska Native communities."^{[114][116][117]} The moves prompted the Interior Department's Office of Inspector General to launch a probe.^[114]

In 2017, Zinke gave a speech to the National Petroleum Council which said that one-third of Interior Department employees were disloyal to Trump and that "I got 30 percent of the crew that's not loyal to the flag." Zinke's remarks prompted objections from the Coalition to Protect America's National Parks, Public Lands Foundation and Association of Retired Fish and Wildlife Service Employees (which called the comments "simply ludicrous, and deeply insulting")^[118] and Democratic Senator Maria Cantwell, the ranking member of the Senate Committee on Energy and Natural Resources (who said that Zinke had a "fundamental misunderstanding of the role" of the federal civil service).^[113]

Budget proposals

In 2018, Zinke proposed budget cuts to the Interior Department for fiscal year 2019, mostly from the Bureau of Land Management, U.S. Fish and Wildlife Service, and U.S. Geological Survey. Zinke's proposed budget would also cut the Land and Water Conservation Fund to \$8 million (from \$425 million in 2018).^[119]

2018 wildfires

In August 2018, Zinke said that "environmental terrorist groups" were to blame for the wildfires in California, and that they had "nothing to do with climate change". Fire scientists and forestry experts reject that, attributing the increasingly destructive wildfires to heat and drought caused by climate change.^[120] Later that month, Zinke acknowledged that climate change did play a part in the wildfires.^[121] Zinke also stated that preventing removal of dead trees has increased the amount of flammable material and hurt timber salvaging.^[122]

Calendar omissions

In October 2018, FOIA requests revealed that Zinke's calendar, which was supposed to cover the Secretary of the Interior's activities, contained glaring omissions. Zinke met with lobbyists and business executives on a number of occasions.^{[123][124]} Reporting from September 2018 noted that the calendars of Zinke's activities were "so vaguely described... that the public is unable tell what he was doing or with whom he was meeting."^[125]

Departure from office

On December 15, 2018, Donald Trump announced on Twitter that Zinke would leave "the Administration at the end of the year";^[126] he later tweeted that he would name the new Secretary of the Interior the following week.^[127] According to *The Washington Post*, Zinke had submitted his resignation the same morning.^[128] Zinke himself later posted a statement on Twitter, saying that "I cannot justify spending thousands of dollars defending myself and my family against false allegations...It is better for the President and Interior to focus on accomplishments rather than fictitious allegations."^[129] His resignation came just a week after the announcement that former White House Chief of Staff John Kelly's departure was announced.

Zinke was facing several federal probes, including the "Montana land deal" in which a foundation of Zinke's and the chairman of energy firm Halliburton, David Lesar, were accused of wrongdoing in relation to a development project in Zinke's home town of Whitefish, Montana.^[130] The DOJ also was investigating his use of personal email.^[131]

In May 2020, Zinke criticized the investigations that led to his departure, stating they were politicized and that such investigations would result in only billionaires being able to afford to serve in a public office.^[132]

Later career

In January 2019, Zinke began a new job as the managing director of Artillery One, a cryptocurrency investment firm founded by investor Daniel Cannon, stating that he was "going to make Artillery One great again."^[133] In an interview, he stated that "I'm focused on cyber security, protection of infrastructure and emerging countries that can act as a test bed for new technologies. There is some suspicion that blockchain does not really work. We think it does and we want to showcase the utility and flexibility of the model."^[134] The company is working on a test bed project in Kosovo, where Zinke served during his time in the U.S. Navy.^[134] Zinke also took consulting jobs with several energy firms.^[135]

2022 congressional election

In June 2021, Zinke officially announced his campaign for re-election to the U.S. House of Representatives.^{[136][137][138]} He will run for Montana's 1st congressional district, a new seat created after the 2020 United States census.^[139]

Personal life

Zinke married Lolita Hand on August 8, 1992. Both had been married before; Hand was a widow with a young daughter, Jennifer.^[140] He and Hand also have two children together: Wolfgang and Konrad.^[141]

He splits his time among Washington, D.C.; Whitefish, Montana; and Santa Barbara, California, his wife's hometown.^[141] *Politico* reported that Zinke no longer resides at his Whitefish house and spends more time in Santa Barbara.^[142] Zinke is Missouri Synod^[143] Lutheran.^[144]

Electoral history

2014 Election for U.S. Representative of Montana's At-Large Congressional District

Party	Candidate	Votes	%
<u>Republican</u>	Ryan Zinke	203,871	55.41
<u>Democratic</u>	John Lewis	148,690	40.41
<u>Libertarian</u>	<u>Mike Fellow</u>	15,402	4.19

2016 Election for U.S. Representative of Montana's At-Large Congressional District^[145]

Party	Candidate	Votes	%
<u>Republican</u>	Ryan Zinke (inc.)	285,358	56.19
<u>Democratic</u>	<u>Denise Juneau</u>	205,919	40.55
<u>Libertarian</u>	Rick Breckenridge	16,554	3.26
	Total votes	507,831	100%

See also

- [Environmental policy of the Donald Trump administration](#)
- [List of members of the United States House of Representatives in the 115th Congress by seniority](#)
- [List of Montana state senators](#)
- [Political appointments of Donald Trump#Department of the Interior](#)
- [United States Senate election in Montana, 2018](#)
- [Whitefish Energy](#)

References

1. Rott, Nathan (December 15, 2018). "Ryan Zinke is Leaving the Interior Department Trump Tweets" (<https://www.npr.org/2018/12/15/663597698/ryan-zinke-is-leaving-the-interior-department>). *NPR*. Retrieved December 15, 2018.
2. "Montana Legislature: Ryan Zinke" (https://web.archive.org/web/20180612162048/http://leg.mt.gov/css/Sessions/62nd/leg_info.asp?SessionID=105&LAWSID=13701). Archived from the original (http://leg.mt.gov/css/Sessions/62nd/leg_info.asp?SessionID=105&LAWSID=13701) on June 12, 2018. Retrieved January 26, 2017.
3. Angel, Kristi. "Certificate of release" (http://billingsgazette.com/certificate-of-release/pdf_01b65f70-723c-593d-967d-d90b81e0a516.html). *The Billings Gazette*. Retrieved February 14, 2017.
4. "Donald Trump picks Montana Rep. Ryan Zinke for interior secretary" (<http://www.cbsnews.com/news/donald-trump-offers-montana-rep-ryan-zinke-for-interior-secretary/>) Retrieved February 14, 2017
5. "Zinke favors increasing 'uses,' boosting production of federal lands" (<http://www.spokesman.com/blogs/outdoors/2017/jan/17/zinke-favors-increasing-uses-boosting-production-federal-lands/>). *Spokesman.com*. Retrieved February 14, 2017
6. Steele, Jeanette. "Zinke marks 1st Navy SEAL for Cabinet slot" (<http://www.sandiegouniontribune.com/military/the-intel/sd-me-20161214-story.html>). *San Diego Union Tribune*. Retrieved February 14, 2017.
Killough, Ashley; Barrett, Ted (March 1, 2017) "Senate approves Trump's nominee for Interior" (<http://www.cnn.com/2017/03/01/politics/ryan-zinke-confirmation-vote-interior-secretary/>). *CNN*. Retrieved March 1, 2017.
8. Turkewitz, Julie (April 16, 2018). "Ryan Zinke Is Opening Up Public Lands. Just Not at Home" (<https://www.nytimes.com/2018/04/16/us/ryan-zinke-montana.html>) *The New York Times* ISSN 0362 4331 (<https://www.worldcat.org/issn/0362-4331>). Retrieved April 17, 2018.
9. "Ryan Zinke's use of charter flights under investigation by interior department" (<https://www.theguardian.com/us-news/2017/oct/02/ryan-zinke-charter-flights-investigation-interior-department-inspector-general>) *TheGuardian.com*. Associated Press. October 2, 2017.
10. Green, Miranda (October 4, 2017). "Ryan Zinke, Golden Knights meeting under investigation" (<http://www.cnn.com/2017/10/04/politics/ryan-zinke-vegas-golden-knights/index.html>) *CNN*
1. Eilperin, Juliet; Dawsey, Josh; Rein, Lisa (November 1, 2018). "White House concerned Interior Secretary Ryan Zinke violated federal rules" (https://www.washingtonpost.com/national/health-science/white-house-concerned-interior-secretary-ryan-zinke-violated-federal-rules/2018/11/01/e5e4d2f4-dddc-11e8-b3f0-62607289efee_story.html). *The Washington Post*. Retrieved April 5, 2021.
12. Lefebvre, Ben; Colman, Zack (October 30, 2018). "Zinke's heir apparent ready to step in" (<https://www.politico.com/story/2018/10/31/ryan-zinke-interior-department-possible-successor-bernhardt-952984>) *Politico* Retrieved April 5, 2021.
13. Knickmeyer, Ellen; Brown, Matthew; Press, Jonathan Lemire | The Associated (December 15, 2018). "Interior Secretary Ryan Zinke resigning, cites "vicious" attacks" (<https://www.denverpost.com/2018/12/15/interior-secretary-ryan-zinke-resigning/>). *The Denver Post*. Retrieved January 7, 2019.

14. Cama, Timothy; Green, Miranda (December 15, 2018). "Interior chief Zinke to leave administration" (<https://thehill.com/policy/energy-environment/415988-interior-secretary-ryan-zinke-steps-down>). *The Hill*. Washington, D.C. Retrieved December 15, 2018.
15. Holden, Emily; Milman, Oliver (December 15, 2018). "Embattled interior secretary Ryan Zinke steps down after series of scandals" (<https://www.theguardian.com/us-news/2018/dec/15/ryan-zinke-interior-secretary-steps-down>). *The Guardian*. Retrieved December 15, 2018.
16. "Ryan Zinke broke ethics rules while leading Trump's Interior Dept., watchdog finds" (<https://www.washingtonpost.com/climate-environment/2022/02/16/zinke-inspector-general-report/>). *Washington Post*. ISSN 0190-8286 (<https://www.worldcat.org/issn/0190-8286>). Retrieved February 16, 2022.
17. Zinke, Ryan (November 29, 2016). *American Commander: Serving a Country Worth Fighting For and Training the Brave Soldiers Who Lead the Way* (<https://books.google.com/books?id=OhfxCqAAQBAJ&q=%22Ray%20Dale%20Zinke%22&pg=PA64>). HarperCollins Christian Publishing. ISBN 9780718081676 – via Google Books.
18. "Jean Montana Harlow Petersen, 65" (<https://web.archive.org/web/20170923145131/http://www.dailyinterlake.com/archive/article-34ad778b-908b-55f2-b371-544cbb2f6e51.html>). *dailyinterlake.com*. Archived from the original (http://www.dailyinterlake.com/members/jean-montana-harlow-petersen/article_34ad778b-908b-55f2-b371-544cbb2f6e51.html) on September 23, 2017.
19. Zelisko, Larry (February 8, 2017). "Larry the Answer Guy: 4 Eagle Scouts in Trump's Cabinet" (<https://www.usatoday.com/story/life/columnists/larry-zelisko/2017/02/08/larry-answer-guy-4-eagle-scouts-trumps-cabinet/97620496/>) *USA Today* Retrieved July 27, 2017
20. Johnson, Charles S. (September 27, 2014). "U.S. House candidate profile: Ryan Zinke" (http://ravallirepublic.com/news/local/article_5c031c8a-46a0-11e4-8b0c-13cbf0933fa5.html). *Ravelli Republic*. Hamilton, Montana. Retrieved December 14, 2016
21. "Starting lineups" (https://news.google.com/newspapers?id=r_VAAAAIBAJ&pg=3377%2C6357031). *Eugene Register-Guard*. (Oregon). September 24, 1983. p. 2C.
22. Smita Nordwall (December 15, 2016) "Who is Ryan Zinke?" (<http://www.voanews.com/a/zinke-trump-choice-interior-secretary-montana/3638645.html>). Voice of America.
23. Ganim, Sara. "Ryan Zinke refers to himself as a geologist. That's a job he's never held" (<https://www.cnn.com/2018/04/17/politics/ryan-zinke-geologist-interior-secretary/index.html>) CNN Retrieved April 18, 2018
24. Herron, Elise. "Secretary of Interior Ryan Zinke Says a 34-Year-Old Undergrad Degree From the University of Oregon Qualifies Him As a Geologist. Others Disagree" (<http://www.wweek.com/news/2018/04/17/secretary-of-interior-ryan-zinke-says-a-34-year-old-undergrad-degree-from-the-university-of-oregon-qualifies-him-as-a-geologist-others-disagree/>). *Willamette Week*. Retrieved April 18, 2018.
25. Johnson, Charles (August 9, 2014). "Zinke releases some Navy records on SEAL career; Dems seek more" (http://billingsgazette.com/news/government-and-politics/zinke-releases-some-navy-records-on-seal-career-dems-seek/article_fe71476e-8c81-5ea3-bcbd-653a2e9b8a6a.html). *Billings Gazette*. Retrieved April 13, 2016.
26. McEwen, Scott; Minitier, Richard (February 25, 2014) *Eyes on Target Inside Stories from the Brotherhood of the U.S. Navy SEALs* (<https://books.google.com/books?id=W4qdTvWKd1oC&q=zinke+seal+team+six+1991&pg=PP43>). Center Street. ISBN 9781455575688.
27. Drew, Christopher; Naylor, Sean D (January 16, 2017) "Interior Nominee Promotes Navy SEAL Career, While Playing Down 'Bad Judgment'" (<https://www.nytimes.com/2017/01/16/us/politics/ryan-zinke-navy-seal.html>). *The New York Times*. Retrieved April 5, 2021.
28. Charles S Johnson, Zinke's Navy records show praise, lapses over travel claims (http://missoulian.com/news/local/zinke-s-navy-records-show-praise-lapses-over-travel-claims/article_f91daa7f-f12e-5bb5-bba2-3911d5f6aa19.html), *Missoulian* (October 27, 2014).
29. "PN1110 Navy" (<https://www.congress.gov/nomination/106th-congress/1110>) U S Congress June 27, 2000. Retrieved March 2, 2017.

30. "Montana State Senator Ryan Zinke Joins STWA's Board of Directors :: QS Energy, Inc. (QSEP)" (<http://www.qsenergy.com/news/detail/1663/montana-state-senator-ryan-zinke-joins-stwas-board-of>). *www.qsenergy.com*. Retrieved February 14, 2017.
31. "Zinke releases some Navy records on SEAL career; Dems seek more" (http://mtstandard.com/news/local/zinke-releases-some-navy-records-on-seal-career-dems-seek/article_5661fcaa-204a-11e4-943d-0019bb2963f4.html). *Montana Standard*. August 10, 2014. Retrieved April 13, 2016.
32. Carter, Troy (September 10, 2014). "Review of Zinke's Navy record comes out clean" (http://www.bozemandailychronicle.com/news/politics/review-of-zinke-s-navy-record-comes-out-clean/article_19c34948-394a-11e4-98cd-7be1e7eb3e7f.html). *Bozeman Daily Chronicle*.
33. Johnson, Charles S. (July 16, 2014). "U.S. House candidate Zinke amasses more wealth than Lewis" (http://missoulian.com/news/local/u-s-house-candidate-zinke-amasses-more-wealth-than-lewis/article_be9ceeda-0d4c-11e4-9938-0019bb2963f4.html). *Missoulian*.
34. Zarembo, Alan (October 24, 2014). "Does being a veteran help candidates? A Montana politician hopes so" (<https://www.latimes.com/nation/politics/politicsnow/la-pn-montana-congress-veterans-20141023-story.html>). *Los Angeles Times*. Retrieved April 5, 2021.
35. "Zinke may have Trumped McMorris Rodgers for Interior secretary" (<http://www.spokesman.com/blogs/outdoors/2016/dec/13/zinke-may-have-trumped-mcmorris-rodgers-interior-secretary/>). *Spokesman.com*. Retrieved February 14, 2017.
36. "Congressional Meet and Greet – Congressman Ryan Zinke (R-MT) | Stay Informed | K&L Gates" (<https://web.archive.org/web/20180809112836/http://www.klgates.com/meet-and-greet-rep-ryan-zinke-02-12-2015/>). *www.klgates.com*. Archived from the original (<http://www.klgates.com/meet-and-greet---rep-ryan-zinke-02-12-2015/>) on August 9, 2018. Retrieved February 14, 2017.
37. "Examining the Fresh Faces in Congress | SEMA" (<https://www.sema.org/sema-eneews/2015/12/examining-the-fresh-faces-in-congress>). *www.sema.org*. Retrieved February 14, 2017.
38. "State Automotive Enthusiast Leadership Caucus | SEMA" (<https://web.archive.org/web/20180809113314/http://www.sema.org/sema-news/2010/05/state-automotive-enthusiast-leadership-caucus>). *www.sema.org*. Archived from the original (<https://www.sema.org/sema-news/2010/05/state-automotive-enthusiast-leadership-caucus>) on August 9, 2018. Retrieved February 14, 2017.
39. "Congressional 2008 Political Courage Test" (http://www.ontheissues.org/Archive/2008_Senate_NPAT_Ryan_Zinke.htm). *www.ontheissues.org*. Retrieved February 14, 2017.
40. Murphy, Tim (December 14, 2016). "Trump's Interior Nominee Was for Climate Action Before He Was Against It" (<https://www.motherjones.com/politics/2016/12/ryan-zinke-donald-trump-climate-change>). *Mother Jones*. Retrieved December 15, 2016. "In 2010, as a member of the Montana Legislature, he ... asked President Barack Obama and then-Speaker of the House Nancy Pelosi to push through sweeping climate and clean energy legislation "
41. Johnson, Charles S. (July 10, 2011). "Livingstone taps Zinke as running mate" (http://billingsgazette.com/news/state-and-regional/montana/article_02507b80-0c12-5767-a262-b21a8f35ee6e.html). *Billings Gazette*. Retrieved March 11, 2012
42. "Archived Election Results" (<https://sos.mt.gov/Elections/archives#375784521-2010s>). *sos.mt.gov*. Retrieved February 14, 2017.
43. Redden, Molly (November 1, 2013) "GOP congressional candidate using campaign money scheme pioneered by... Stephen Colbert" (<https://www.motherjones.com/politics/2013/01/ryan-zinke-stephen-colbert-super-pac-sofa>). *Mother Jones*.
44. Soo Rin Kim (December 14, 2016) "Zinke's nomination could bring questions about super PAC ties OpenSecrets Blog" (<https://www.opensecrets.org/news/2016/12/zinkes-nomination-bring-questions-super-pac-ties/>). *OpenSecrets*.
45. Kaczynski, Andrew; Massie, Chris (April 24, 2018) "Zinke put birther conspiracy theorist on super PAC board" (<https://www.cnn.com/2018/04/24/politics/kfile-zinke-birther-conspiracy-board-of-pac/index.html>). *CNN*. Retrieved April 7, 2021.

46. Kaczynski, Andrew (April 16, 2018). "Zinke invited birthers, questioned Obama's college records on his radio show in 2013" (<https://edition.cnn.com/2018/04/16/politics/kfile-ryan-zinke-radio-birther/index.html>). *CNN*.
47. "Ryan Zinke Announces Statewide Bus Tour" (<https://web.archive.org/web/20140518122156/http://www.ryan-zinke.com/ryan-zinke-announces-statewide-bus-tour/>). April 30, 2014. Archived from the original (<http://www.ryan-zinke.com/ryan-zinke-announces-statewide-bus-tour/>) on May 18, 2014. Retrieved May 18, 2014.
48.
 - Molly Redden, Meet the GOP Congressional Candidate Who Called Hillary Clinton the "Antichrist" (<http://www.motherjones.com/mojo/2014/02/ryan-zinke-hillary-clinton-antichrist>), *Mother Jones* (February 4, 2014).
 - Cameron Joseph, House candidate calls Clinton 'Antichrist' (<http://thehill.com/blogs/ballot-box/197138-montana-gop-house-front-runner-calls-hillary-clinton-the-anti-christ>), *The Hill* (January 31, 2014).
49. Charles S. Johnson, Zinke's abortion votes draw criticism, but he's pro-life (http://billingsgazette.com/zinke-s-abortion-votes-draw-criticism-but-he-s-pro/article_b7abbca0-4131-5d20-a7c8-30c68a7ea782.html), *Billings Gazette* (May 4, 2014) (also published in the *Missoulian* (http://missoulian.com/news/local/critics-attack-zinke-s-record-on-abortion-u-s-house/article_of2d113a-d30b-11e3-b056-0019bb2963f4.html)).
50. "Montana Election Results" (<http://elections.nytimes.com/2014/montana-elections>). *New York Times*. Retrieved May 2, 2016
51.
 - Will Wadley, MT Republicans push repeal of 'Death Tax' (<http://www.nbcmontana.com/news/keci/mt-republicans-push-repeal-of-death-tax/9837777>), *KECI* (April 15, 2015).
 - Christopher Doering, Farm groups urge Senate to follow House and repeal estate tax (<http://www.greatfalls-tribune.com/story/news/local/2015/04/16/farm-groups-urge-senate-follow-house-repeal-estate-tax/25903945/>), *Great Falls Tribune* (April 16, 2015).
52. Coffman, Keith; Johnson, Eric M. (December 27, 2016). "Montana Lawmakers Unite To Denounce Neo-Nazi Rally Plans" (<https://forward.com/news/breaking-news/358511/montana-lawmakers-unite-to-denounce-neo-nazi-rally-plans/>). *Forward*. Retrieved December 29, 2016.
53. Fletcher-Frye, Jessica. "Loebsack visits Columbus to discuss legislation for rural schools" (http://qctimes.com/news/local/loebsack-visits-columbus-to-discuss-legislation-for-rural-schools/article_c8e56084-87f7-5d04-a7b5-bb6975a77b7f.html). *The Quad-City Times*. Retrieved February 14, 2017.
54. Frederica, Wilson (February 26, 2015). "H.Amdt.42 to H.R.5 – 114th Congress (2015–2016) – Amendment Text" (<https://www.congress.gov/amendment/114th-congress/house-amendment/42/text>) *www.congress.gov*. Retrieved February 14, 2017.
55. Eilperin, Juliet (December 13, 2016). "Trump taps Montana congressman Ryan Zinke as interior secretary" (<https://www.washingtonpost.com/news/energy-environment/wp/2016/12/13/trump-taps-montana-congressman-ryan-zinke-as-interior-secretary/>). *The Washington Post*. Retrieved April 15, 2021.
56. Egan, Timothy (2018). "Opinion | The Mad King Flies His Flag" (<https://www.nytimes.com/2018/01/19/opinion/public-lands-trump-zinke.html>) *The New York Times* ISSN 0362 4331 (<https://www.worldcat.org/issn/0362-4331>). Retrieved January 20, 2018.
57. Friedman, Lisa (2018). "Trump Moves to Open Nearly All Offshore Waters to Drilling" (<https://www.nytimes.com/2018/01/04/climate/trump-offshore-drilling.html>) *The New York Times* ISSN 0362 4331 (<https://www.worldcat.org/issn/0362-4331>). Retrieved January 20, 2018.
58. Harvey, Chelsea (December 21, 2016). "Trump's pick for Interior secretary can't seem to make up his mind about climate change" (<https://www.washingtonpost.com/news/energy-environment/wp/2016/12/21/trumps-pick-for-interior-secretary-cant-seem-to-make-up-his-mind-about-climate-change/>). *The Washington Post*. Retrieved April 4, 2021.
59. Mooney, Chris; Erickson, Andee (January 17, 2017) "Ryan Zinke admits humans 'influence' climate change. But scientists say we're the 'dominant cause.'" (<https://www.washingtonpost.com/news/energy-environment/wp/2017/01/17/ryan-zinke-says-humans-influence-climate-change-scientists-say-were-the-dominant-cause/>). *The Washington Post* Retrieved April 4, 2021

60. Harder, Amy; Bender, Michael C. (December 13, 2016). "Donald Trump Picks Montana Congressman Ryan Zinke as Interior Secretary" (<https://www.wsj.com/articles/trump-picks-rep-ryan-zinke-to-run-interior-department-1481668785>). *The Wall Street Journal*. Retrieved April 4, 2021.
61. Lutey, Tom (July 15, 2016). "Zinke resigns delegate post over public lands disagreement; still will speak at RNC" (http://billingsgazette.com/news/local/zinke-resigns-delegate-post-over-public-lands-disagreement-still-will/article_8109f084-d199-50dd-b223-9fd3557a738d.html). *billingsgazette.com*. *Billings Gazette*. Retrieved July 16, 2016.
62. Dennison, Mike. "Zinke and Juneau raising big bucks for U.S. House battle" (<http://www.kxlf.com/story/31728721/zinke-and-juneau-raising-big-bucks-for-us-house-battle>). KXLF. Retrieved May 2, 2016.
63. "Election 2016 Results: Bullock Re-elected Governor, Zinke Cruises" (<http://flatheadbeacon.com/2016/11/08/election-2016-results-voters-cast-ballots-general-election/>). Flathead Beacon. November 8, 2016. Retrieved November 15, 2016.
64. Ioffe, Julia (June 20, 2018). "The Real Story of Donald Trump Jr" (<https://www.gq.com/story/real-story-of-donald-trump-jr>). GQ. "It was Don who recommended that former Navy SEAL Ryan Zinke—a fellow hunting enthusiast who once reportedly referred to Hillary Clinton as “the Antichrist”—should be tapped as Trump's secretary of the interior."
65. "Trump picks Montana Rep. Zinke for interior post" (<http://www.spokesman.com/stories/2016/dec/15/trump-picks-montana-rep-zinke-for-interior-post/>). Associated Press. December 15, 2016.
66. Fears, Darryl (January 31, 2017). "Ryan Zinke is one step closer to becoming interior secretary" (<https://www.washingtonpost.com/news/energy-environment/wp/2017/01/31/ryan-zinke-is-one-step-closer-to-becoming-interior-secretary/>). *Washington Post*.
67. Fears, Darryl (March 1, 2017). "Senate confirms Ryan Zinke as interior secretary" (<https://www.washingtonpost.com/news/energy-environment/wp/2017/03/01/senate-confirms-ryan-zinke-as-interior-secretary/>). *The Washington Post*. Retrieved April 18, 2021.
68. McLaughlin, Seth (February 12, 2021). "Jon Tester, Montana Democrat, backs interior pick Republican Ryan Zinke" (<http://www.washingtontimes.com/news/2017/feb/12/jon-tester-montana-democrat-backs-interior-pick-re/>). *The Washington Times*. Retrieved February 22, 2017.
69. "Pence swears in Zinke as Interior Secretary" (<https://www.reuters.com/video/2017/03/02/pence-swears-in-zinke-as-interior-secret?videoid=371219833>). *Reuters* March 1, 2017 Retrieved April 17, 2021
70. Haag, Matthew (March 2, 2017). "The Interior Secretary, and the Horse He Rode in On" (<https://www.nytimes.com/2017/03/02/us/politics/secretary-ryan-zinke-horse-interior.html>). *The New York Times*. ISSN 0362-4331 (<https://www.worldcat.org/issn/0362-4331>) Retrieved March 2, 2017
71. "Trump cabinet member trots through Washington on horseback" (<https://www.bbc.com/news/world-us-canada-39145365>). *BBC News*. March 2, 2017.
72. "Montana Secretary of State" (<http://mtelectionresults.gov/resultsSW.aspx?type=FED&map=CTY>) *mtelectionresults.gov*. Retrieved October 12, 2017.
73. Wolfgang, Ben (March 2, 2017). "Trump's team scraps Obama-era ban on lead bullets" (<http://www.washingtontimes.com/news/2017/mar/2/interior-secretary-zinke-scraps-ban-lead-bullets/>) *The Washington Times* Retrieved June 13, 2017.
74. Cama, Timothy (March 2, 2017). "Interior secretary repeals ban on lead bullets" (<http://thehill.com/policy/energy-environment/322058-interior-secretary-repeals-ban-on-lead-ammunition>) *The Hill* Retrieved June 13, 2017.
75. Reilly, Patrick (March 3, 2017). "Lead shot OK'd for federal lands: what does that mean for conservation?" (<http://www.csmonitor.com/Environment/2017/0303/Lead-shot-OK-d-for-federal-lands-what-does-that-mean-for-conservation>). *Christian Science Monitor*. Retrieved June 13, 2017.
76. Daly, Matthew (March 2, 2017). "New Interior Secretary Zinke reverses lead-ammunition ban" (http://missoulian.com/news/government-and-politics/new-interior-secretary-zinke-reverses-lead-ammunition-ban/article_02fc64-3a8a-5f26-9057-033eebb0ce1c.html). Associated Press. Retrieved June 13, 2017.

77. "Lead Ammunition Poisons Wildlife But Too Expensive To Change, Hunters Say" (<https://www.npr.org/2017/02/20/514290612/lead-ammunition-poisons-wildlife-but-too-expensive-to-change-hunters-say>). *NPR*. February 20, 2017. Retrieved June 13, 2017.
78. Fears, Darryl; Eilperin, Juliet (June 12, 2017). "Interior secretary recommends Trump consider scaling back Bears Ears National Monument" (<https://www.washingtonpost.com/news/energy-environment/wp/2017/06/12/interior-secretary-recommends-delaying-a-final-decision-on-changing-bears-ears-national-monument/>). *The Washington Post*. Retrieved June 13, 2017.
79. Tobias, Jimmy (August 24, 2017). "Under threat: the three national monuments in Trump's sights" (<https://www.theguardian.com/environment/2017/aug/24/under-threat-three-national-monuments-in-trumps-sights>). *The Guardian*. Retrieved April 4, 2021.
80. Eilperin, Juliet; Fears, Darryl (August 24, 2017). "Interior secretary recommends Trump alter at least three national monuments, including Bears Ears" (<https://www.washingtonpost.com/news/energy-environment/wp/2017/08/24/interior-secretary-recommends-trump-alter-a-handful-of-national-monuments-but-declines-to-reveal-which-ones/>). *The Washington Post*. Retrieved April 15, 2021.
81. Eilperin, Juliet (December 5, 2017). "Zinke backs shrinking more national monuments and shifting management of 10" (https://www.washingtonpost.com/national/health-science/zinke-backs-shrinking-more-national-monuments-shifting-management-of-10-others-2017/12/05/e116344e-d9e5-11e7-b1a8-62589434a581_story.html). *The Washington Post*. Retrieved April 15, 2021.
82. Candee, Adam (December 5, 2017). "Zinke recommends shrinking Gold Butte National Monument" (<https://lasvegassun.com/news/2017/dec/05/zinke-recommends-shrinking-gold-butte-national-mon/>). *Las Vegas Sun*. Retrieved April 15, 2021.
83. "Oil and coal drove Trump's call to shrink Bears Ears and Grand Staircase, according to insider emails released by court order" (<https://www.sltrib.com/news/environment/2018/03/02/interior-department-emails-show-oil-and-coal-played-a-big-role-in-bears-ears-grand-staircase-monument-redraws/>). *The Salt Lake Tribune*. Retrieved November 18, 2018.
84. Drew Harwell and Lisa Rein (September 28, 2017) "Zinke took \$12,000 charter flight home in oil executive's plane, documents show" (https://www.washingtonpost.com/investigations/2017/09/28/59533ed8-a4b8-11e7-ade1-76d061d56efa_story.html). *Washington Post*.
85. Stanton, Zack (September 28, 2017) "Interior Secretary Zinke traveled on charter, military planes" (<http://www.politico.com/story/2017/09/28/ryan-zinke-charter-military-planes-interior-243280>). *Politico*.
86. Lefebvre, Ben; Whieldon, Esther (October 5, 2017). "Trump's Interior chief 'hopping around from campaign event to campaign event'" (<https://www.politico.com/story/2017/10/05/zinke-fundraiser-official-travel-interior-243470>). *Politico*.
87. Lefebvre, Ben (December 8, 2017). "Zinke booked government helicopters to attend D.C. events" (<https://www.politico.com/story/2017/12/07/ryan-zinke-helicopters-dc-212730>). *Politico*.
88. Diaz, Daniella; Wallace, Gregory (December 10, 2017). "Zinke: Reports on helicopter use a 'wild departure from reality'" (<http://edition.cnn.com/2017/12/09/politics/ryan-zinke-helicopters-interior/index.html>). *CNN*. Retrieved December 10, 2017.
89. Biesecker, Michael; Daly, Matthew (March 8, 2018). "Interior spending \$139K to fix doors in Sec. Zinke's office" (<https://www.apnews.com/fe6edd739fff49d3a8e56324f7cc9721>). *Associated Press*.
90. Watchdog Zinke charter flight approved without full info (<http://www.tampabay.com/watchdog-zinke-charter-flight-approved-without-full-info-ap-nationala3b1e86ef8a04069bc9c2e29d01e1d46>) Archived (<https://web.archive.org/web/20180417192051/http://www.tampabay.com/watchdog-zinke-charter-flight-approved-without-full-info-ap-nationala3b1e86ef8a04069bc9c2e29d01e1d46>) April 17, 2018, at the Wayback Machine, Associated Press (April 16, 2018).
91. Investigative Report on Secretary Zinke's Use of Chartered and Military Aircraft Between March and September 2017 (https://www.doi.gov/sites/doi.gov/files/WebRedacted_ZinkeTravel_Public_041618.pdf), Report Number: 17-104, Office of the Inspector General, United States Department of the Interior (April 16, 2018).

92. Green, Miranda (April 6, 2018). "Watchdog: Zinke could have avoided charter flight after meeting with Las Vegas hockey team" (<http://thehill.com/policy/energy-environment/383402-ig-report-zinke-could-have-avoided-taking-charter-flight-from-a-meeting>). *The Hill*. Retrieved April 13, 2021.
93. Lemire, Jonathan. "Cabinet chaos: Trump's team battles scandal, irrelevance" (<https://apnews.com/d738ce8d68534431bf94f54859b388c3>). *Associated Press*. Retrieved March 14, 2018.
94. Lanktree, Graham (March 14, 2018). "Ryan Zinke Says He Never Took a Private Jet Because the Plane He Flew on Had Propellers" (<http://www.newsweek.com/ryan-zinke-says-he-never-took-private-jet-because-plane-had-propellers-844246>). *Newsweek*. Retrieved April 13, 2021.
95. Zapotsky, Matt. "Feds investigating whether former Interior Secretary Zinke lied about East Windsor casino - Hartford Courant" (<https://www.courant.com/politics/hc-pol-zinke-lied-connecticut-casino-20190103-skp4cjau-xnbkdpd5bovu4uk4n4-story.html>). *courant.com*. Retrieved January 31, 2019.
96. Juliano, Nick. "Tribe says 'improper political influence' led Zinke to scuttle casino" (<https://www.politico.com/story/2018/10/17/zinke-casino-native-american-tribe-857397>). *POLITICO*. Retrieved January 31, 2019.
97. Brown, Matthew. "Ryan Zinke denies report that he lied to Interior investigators" (https://billingsgazette.com/news/state-and-regional/govt-and-politics/ryan-zinke-denies-report-that-he-lied-to-interior-investigators/article_707dceca-933d-5de6-8bca-7e0b77fc4db6.html). *The Billings Gazette*. Retrieved January 31, 2019.
98. "Senior Justice Dept. official stalled probe against former interior secretary Ryan Zinke, sources say" (<https://www.washingtonpost.com/climate-environment/2020/11/12/justice-department-zinke/>). *The Washington Post*. 2020.
99. Benner, Katie (November 11, 2020) "Barr's Decision on Voter Fraud Inflames Existing Tensions With Anticorruption Prosecutors" (<https://www.nytimes.com/2020/11/11/us/politics/justice-department-barr-public-integrity.html>). *The New York Times*. ISSN 0362-4331 (<https://www.worldcat.org/issn/0362-4331>). Retrieved December 19, 2020
100. Rein, Lisa (October 24, 2017). "Where's Zinke? The Interior secretary's special flag offers clues" (https://www.washingtonpost.com/amhtml/politics/wheres-zinke-the-interior-secretarys-special-flag-offers-clues/2017/10/12/68672476-aeb2-11e7-9e58-e6288544af98_story.html) *Washington Post*
101. Timothy Cama: *Trump to allow imports of African elephant trophies* (<http://thehill.com/policy/energy-environment/360614-trump-to-allow-imports-of-african-elephant-trophies>), *The Hill* (November 11, 2017). *After targeting elephants, Interior Department puts African lions in the crosshairs* (<https://blog.humanesociety.org/wayne/2017/11/targeting-elephants-interior-department-puts-african-lions-crosshairs.html>), A Humane Nation, (November 16, 2017).
102. Eli Stokols, *Trump delays policy allowing big game trophy body parts to be imported to US* (<https://www.wsj.com/articles/trump-delays-policy-allowing-big-game-trophy-body-parts-to-be-imported-to-u-s-1511018178/>), *Wall Street Journal* (November 18, 2017).
103. Emily Tillet, *Trump reverses Obama era ban on import of elephant trophies from Zimbabwe* (<https://www.cbsnews.com/news/trump-reverses-obama-era-ban-on-import-of-elephant-trophies-from-zimbabwe/>), CBS News (November 16, 2017).
104. Ashley Hoffman *People on Twitter Are Upset That President Trump Lifted an Elephant Trophy Ban* (<http://time.com/5027350/donald-trump-elephant-ban-jr/>), *Time* (November 16, 2017).
105. Wayne Pacelle: *Ending the Madness of International Trophy Hunting of Rare Animals* (<https://blog.humanesociety.org/wayne/2015/09/report-exposes-safari-club-international-trophy-madness.html>), A Humane Nation, 30. September 2015.
106. Lisa Friedman, Interior Department to Overhaul Obama's Sage Grouse Protection Plan (<https://www.nytimes.com/2017/09/28/climate/trump-sage-grouse.html>), *New York Times* (September 28, 2017)
107. Nathan Rott, Trump Administration Revises Conservation Plan For Western Sage Grouse (<https://www.npr.org/sections/thetwo-way/2017/08/07/542118338/trump-administration-revises-conservation-plan-for-western-sage-grouse>), *Morning Edition*, NPR (August 7, 2017)
108. "U.S. judge blocks Nevada grazing project as sage grouse dwindle" (<https://ktla.com/news/nationworld/u-s-judge-blocks-nevada-grazing-project-as-sage-grouse-dwindle/>). *KTLA*. Associated Press. April 1, 2021. Retrieved April 2, 2021

109. Darryl Fears & Dino Grandoni, The Trump administration has officially clipped the wings of the Migratory Bird Treaty Act (<https://www.washingtonpost.com/news/energy-environment/wp/2018/04/13/the-trump-administration-officially-clipped-the-wings-of-the-migratory-bird-treaty-act/>), *Washington Post* (April 13, 2018).
110. Hannah Waters, 17 Former Federal Officials to Zinke: Don't Change the Migratory Bird Treaty Act (<http://www.audubon.org/news/17-former-federal-officials-zinke-dont-change-migratory-bird-treaty-act-0>), Audubon Society (January 11, 2018).
111. Dino Grandoni, The Energy 202: Ryan Zinke's move is not for the birds, say 17 former Interior officials (<https://www.washingtonpost.com/news/powerpost/paloma-the-energy-202/2018/01/12/the-energy-202-ryan-zinke-s-move-is-not-for-the-birds-say-17-former-interior-officials/5a57c9c930fb0469e8840084/>), *Washington Post* (January 12, 2018).
112. Interior chief wants to shed 4,000 employees in department shake-up (https://www.washingtonpost.com/powerpost/interior-chief-wants-to-shed-4000-employees-in-department-shake-up/2017/06/21/791cadd0-56a7-11e7-a204-ad706461fa4f_story.html), *Washington Post* (June 21, 2017).
113. Darryl Fears & Juliet Eilperin, Zinke says a third of Interior's staff is disloyal to Trump and promises 'huge' changes (<https://www.washingtonpost.com/news/energy-environment/wp/2017/09/26/zinke-says-a-third-of-interiors-staff-is-disloyal-to-trump-and-promises-huge-changes/>), *Washington Post* (September 2, 2017).
114. Joe Davidson, Interior's 'unusual' transfer of senior executives spurs official probe (<https://www.washingtonpost.com/news/powerpost/wp/2017/09/12/interiors-unusual-transfer-of-senior-executives-spurs-official-probe/>), *Washington Post* (September 12, 2017).
115. Juliet Eilperin & Lisa Rein, Zinke moving dozens of senior Interior Department officials in shake up (https://www.washingtonpost.com/politics/zinke-moving-dozens-of-senior-interior-officials-in-shake-up/2017/06/16/11801d3a-5295-11e7-b064-828ba60fbb98_story.html), *Washington Post* (June 16, 2017).
116. Rott, Nathan (July 19, 2017) "Climate Scientist Says He Was Demoted For Speaking Out on Climate Change" (<https://www.npr.org/sections/thetwo-way/2017/07/19/538216232/climate-scientist-says-he-was-demoted-for-speaking-out-on-climate-change>). *NPR*. Retrieved April 7, 2021.
117. Clement, Joel (July 19, 2017) "I'm a scientist I'm blowing the whistle on the Trump administration" (https://www.washingtonpost.com/opinions/im-a-scientist-the-trump-administration-reassigned-me-for-speaking-up-about-climate-change/2017/07/19/389b8dce-6b12-11e7-9c15-177740635e83_story.html). *The Washington Post* Retrieved April 7, 2021
118. Shogren, Elizabeth (October 3, 2017). "What drove an Interior whistleblower to dissent?" (<https://www.hcn.org/issues/49.20/department-of-the-interior-whats-driving-interior-whistleblower-joel-clement-to-dissent-ryan-zinke>) *High Country News* Retrieved May 29, 2021
119. Kuglin, Tom (May 10, 2018). "Montana senators question Zinke's proposed cuts to Land and Water Conservation Fund" (<http://helenair.com/news/government-and-politics/montana-senators-question-zinke-s-proposed-cuts-to-land-and/article-2d518c3d-dcd-5991-8786-6c3731900732.html>) *Independent Record*
120. Logan, Erin B. (August 16, 2018). "Ryan Zinke blames 'environmental terrorist groups' for severity of California wildfires" (<https://www.washingtonpost.com/nation/2018/08/15/ryan-zinke-blames-california-wildfires-environmental-terrorist-groups/>) *The Washington Post* Retrieved August 16, 2018
121. Fountain, Henry (August 17, 2018). "Climate Has a Role in Wildfires? No. Wait, Yes" (<https://www.nytimes.com/2018/08/17/climate/zinke-california-fires.html>). *The New York Times*. Retrieved August 31, 2018.
122. Segers, Grace (August 16, 2018) "Interior Secretary Ryan Zinke acknowledges role of climate change in wildfires" (<https://www.cbsnews.com/news/interior-secretary-ryan-zinke-acknowledges-role-of-climate-change-in-wildfires/>). *CBS News*. Retrieved September 1, 2018.
123. Sara Ganim; Gregory Wallace "Zinke's calendar omissions date back to his very first day in office" (<https://edition.cnn.com/2018/10/13/politics/ryan-zinke-calendars-interior-secretary/index.html>). *CNN*. Retrieved October 24, 2018.
124. Sara Ganim; Gregory Wallace; Aaron Kessler "Zinke kept some meetings off public calendar" (<https://edition.cnn.com/2018/07/19/politics/zinke-calendar-omissions/index.html>). *CNN*. Retrieved October 24, 2018.

125. Sara Ganim; Gregory Wallace; Ellie Kaufman. "Latest Zinke calendars stripped of most details about his meetings" (<https://edition.cnn.com/2018/09/06/politics/interior-secretary-ryan-zinke-calendars-details-missing/index.html>). *CNN*. Retrieved October 24, 2018.
126. "Donald J. Trump on Twitter" (<https://twitter.com/realDonaldTrump/status/107394449158802272>). *Twitter*. Retrieved December 15, 2018.
127. Tatum, Sophie; Fox, Lauren; Wallace, Gregory. "Interior Secretary Ryan Zinke to leave Trump administration at end of the year" (<https://edition.cnn.com/2018/12/15/politics/ryan-zinke/index.html>). *CNN*. Retrieved December 15, 2018.
128. Eilperin, Juliet; Dawsey, Josh; Fears, Darryl (December 15, 2018). "Interior Secretary Zinke resigns amid investigations" (https://www.washingtonpost.com/national/health-science/interior-secretary-zinke-resigns-amid-investigations/2018/12/15/481f9104-0077-11e9-ad40-cdfd0e0dd65a_story.html). *The Washington Post*. Retrieved December 15, 2018.
129. Zinke, Secretary Ryan (December 15, 2018). "I love working for the President and am incredibly proud of all the good work we've accomplished together. However, after 30 years of public service, I cannot justify spending thousands of dollars defending myself and my family against false allegations. Full statement attached.pic.twitter.com/gwo75SA6bM" (<https://twitter.com/SecretaryZinke/status/1074014810830974977>). *@SecretaryZinke*. Retrieved December 15, 2018.
130. Riotta, Chris (December 15, 2018). "Ryan Zinke: Trump announces Secretary of Interior is to step down" (<https://www.independent.co.uk/news/world/americas/us-politics/ryan-zinke-resigns-us-cabinet-interior-ethics-trump-twitter-announcement-a8684941.html>) *The Independent* Retrieved December 15, 2018
131. Juliano, Nick (July 30, 2019). "DOJ investigating Zinke's use of personal email, inspector tells lawmakers" (<https://www.politico.com/story/2019/07/30/zinke-email-justice-energy-1627744>). *Politico*. Retrieved May 21, 2020
132. Beitsch, Rebecca (May 18, 2020). "Ex-Interior chief rips attacks, says being a billionaire 'can't be a prerequisite' for public office" (<https://thehill.com/policy/energy-environment/498298-zinke-said-being-a-billionaire-cant-be-a-prerequisite-for-public>) *The Hill* Retrieved May 21, 2020
133. "Ryan Zinke says he's now trying to make a cryptocurrency company 'great again'" (https://news.vice.com/en_us/article/yw8g55/ryan-zinke-says-hes-now-trying-to-make-a-cryptocurrency-company-great-again). *Vice News* January 25, 2019 Retrieved January 28, 2019
134. swissinfo.ch, Matthew Allen. "Zinke ditches 'hateful' politics for blockchain future" (<https://www.swissinfo.ch/eng/business/blockchain-ryan-zinke-interview/44708264>). *SWI swissinfo.ch*. Retrieved January 31, 2019.
135. Natter, Ari; Dlouhy, Jennifer A (July 23, 2019) "Ryan Zinke Is Now Taking Clients From Industries He Oversaw in Trump's Cabinet" (<https://www.bloomberg.com/news/articles/2019-07-23/former-interior-chief-zinke-now-enlisting-energy-mining-clients>). *Bloomberg News*. Retrieved May 21, 2020.
136. "Zinke's 2022 campaign for MT congressional seat is official" (<https://www.ktvh.com/news/montana-politics/zinkes-2022-campaign-for-mt-congressional-seat-is-official>). *KTVH-DT*. June 3, 2021. Retrieved June 12, 2021.
137. "Former Trump official Ryan Zinke files paperwork for congressional seat in Montana" (<https://abcnews.go.com/Politics/trump-official-ryan-zinke-files-paperwork-congressional-seat/story?id=77401532>). *ABC News*. Retrieved April 29, 2021.
138. Markay, Lachlan "Former Interior Secretary Ryan Zinke signals Montana House bid" (<https://www.axios.com/interior-secretary-ryan-zinke-montana-house-bid-832ccac7-d0a0-4e8a-9505-a5bd66026bb6.html>). *Axios*. Retrieved April 29, 2021.
139. "Montana's Congressional District 1 Zinke the person to beat in 2022?" (<https://www.ktvh.com/news/montana-politics/montanas-congressional-district-1-zinke-the-person-to-beat-in-2022>). November 28, 2021.
140. Ryan Zinke with Scott McEwen, *American Commander: Serving a Country Worth Fighting For and Training the Brave Soldiers Who Lead the Way* (W Publishing Group, 2016), p 207
141. Julie Turkewitz, He Will Soon Run a Fifth of the Nation. Meet Ryan Zinke. (<https://www.nytimes.com/2017/03/01/us/for-interior-montanan-with-deep-roots-and-inconsistent-record.html>), *New York Times* (March 1, 2017)

142. Miranda Green. "Ryan Zinke is Running for Office Again in Montana. On Instagram, He's Often in Santa Barbara" (<https://www.politico.com/news/magazine/2021/10/08/ryan-zinke-congress-montana-santa-barbara-2022-514780>). *POLITICO*. Retrieved February 25, 2022.
143. "RollCall.com - Member Profile - Ryan Zinke, R" (<http://media.cq.com/members/53584>). *media.cq.com*. Retrieved November 6, 2018.
144. "Members of Congress: Religious Affiliations" (<https://www.pewforum.org/2015/01/05/members-of-congress-religious-affiliations/>). Pew Research Center Religion & Public Life Project. January 5, 2015.
145. "2016 General Election" (<http://mtelectionresults.gov/resultsSW.aspx?type=FED&map=CTY>). Montana Secretary of State. Retrieved December 9, 2016.

External links

- [Ryan Zinke \(https://curlie.org/Regional/North_America/United_States/Montana/Government/Federal/US_House_of_Representatives/Former_Members/Ryan_Zinke_%5BRAL%5D\)](https://curlie.org/Regional/North_America/United_States/Montana/Government/Federal/US_House_of_Representatives/Former_Members/Ryan_Zinke_%5BRAL%5D) at Curlie
 - [Biography \(http://bioguide.congress.gov/scripts/biodisplay.pl?index=Z000018\)](http://bioguide.congress.gov/scripts/biodisplay.pl?index=Z000018) at the *Biographical Directory of the United States Congress*
 - [Profile \(https://www.votesmart.org/candidate/104073\)](https://www.votesmart.org/candidate/104073) at Vote Smart
 - [Financial information \(federal office\) \(https://www.fec.gov/data/candidate/H4MT01041\)](https://www.fec.gov/data/candidate/H4MT01041) at the Federal Election Commission
 - [Legislation sponsored \(https://www.congress.gov/member/ryan-zinke/Z000018\)](https://www.congress.gov/member/ryan-zinke/Z000018) at the Library of Congress
 - [Appearances \(https://www.c-span.org/person/?76298\)](https://www.c-span.org/person/?76298) on C-SPAN
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United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

MAY 12 2017

(b) (7)(C)
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(b) (7)(C)

Dear (b) (7)(C) :

Thank you for your letter dated April 19, 2017, requesting further technical assistance regarding Connecticut (b) (7)(C) letter to (b) (7)(C) dated March 13, 2017.

(b) (7)(C) letter discussed (b) (5)

This letter addresses (b) (7)(C) questions. Similar letters are being mailed to (b) (7)(C) and (b) (7)(C).

Position of the Department

On April 12, 2016, the Tribes requested from the Department of the Interior (Department) technical assistance regarding proposed amendments to the Compacts which would impact the proposed commercial gaming facility. The Department responded with a technical assistance letter dated April 25, 2016. The letter noted that the proposed amendments to the Compacts reflect the unique circumstances of the Tribes and the State, and expressed the view that the Tribes' existing exclusivity agreement with the State would not be affected by a new commercial casino that would be jointly and exclusively owned by the Tribes. We confirm that the current Administration supports the views expressed in the technical assistance letter.

In addition to the proposed amendments to the Compacts, the Tribes have proposed amendments to the Tribes' Memoranda of Understanding (MOUs) with the State.¹ The existing exclusivity agreements are contained in these MOUs, rather than in the Compacts. Because the proposed amendments to the MOUs could affect the parameters of the Tribes' existing exclusivity agreements with the State under the Compacts, they are subject to the Department's review and

¹ The (b) (7)(C) Compact approval letter references both federally recognized Tribes' exclusivity agreements with the State, which are substantively alike. See Letter from Ada E. Deer, Assistant Secretary - Indian Affairs, to (b) (7)(C) Connecticut (Dec. 5, 1994).

approval. Further, the documents provided to the Department with the Tribes' request for technical assistance, would permit the Tribes to jointly operate a commercial gaming facility. The proposed state legislation provided to us could enhance rather than diminish the Tribes' exclusivity rights.

Scope of Review of Compacts or Compact Amendments

The Secretary of the Interior (Secretary) has authority under the Indian Gaming Regulatory Act (IGRA) to review compacts and compact amendments similar to what is being proposed by the Tribes.² The Department's regulations at 25 C.F.R. Part 293 require that all compact amendments, both substantive and technical, be submitted to the Secretary for review and approval.³ IGRA provides that the Secretary may disapprove a compact [or amendment], "only if such compact violates any provision of [IGRA], any other provision of Federal law that does not relate to jurisdiction over gaming on Indian lands, or the trust obligations of the United States to Indians."⁴

In reviewing a compact amendment, the Department's goal is to ensure that the amendment does not violate IGRA or conflict with existing compact provisions. The Department's review of compact amendments also includes reviewing the compact as amended and considered as a whole.⁵ In practice, the Department has not disturbed long-standing compacts when reviewing amendments to the underlying agreements.⁶ Here, the Tribes and the State have long-relied upon the Compacts that have facilitated a significant source of revenue for the Tribes and the State. The Department does not anticipate disturbing these underlying agreements.

The Department has previously examined whether the Secretary may reconsider a compact approval and we concluded that IGRA provides no authority for the Secretary to modify or revoke an approval after expiration of the statutory 45-day review period.⁷ Challenges to an approved compact must be made under the Administrative Procedures Act within six years of publication.⁸ The same would hold true for compact amendments.

² 25 U.S.C. § 2710(d)(8), A contrary view was expressed in the written Testimony of Ken Salazar, Former Secretary of the Interior, to the Public Safety Committee dated March 9, 2017; and Testimony of [REDACTED] to the Connecticut General Assembly dated March 9, 2017.

³ See 25 C.F.R. § 293.4(b).

⁴ 25 U.S.C. § 2710 (d)(8)(B)..

⁵ See 73 Fed. Reg. No. 235, 74005 (Dec. 5, 2008).

⁶ See e.g. Letter from [REDACTED], Principle Deputy Assistant Secretary - Indian Affairs, to [REDACTED], Yurok Tribe of the Yurok Reservation (Oct. 21, 2016); Letter from [REDACTED], Principle Deputy Assistant Secretary - Indian Affairs, to [REDACTED], Jackson Band of Miwuk Indians (Oct. 21, 2016) (both noting that the approval of compact amendments does not change the underlying compact's status as 'deemed approved')

⁷ See Letter from [REDACTED], Associate Deputy Secretary, to [REDACTED] - Oneida Indian Nation (June 13, 2007).

⁸ *Id.*

Likelihood of Approval

The Department does not provide preliminary decisions or advisory opinions regarding compacts, secretarial procedures, or amendments to compacts or procedures. The State's approval process may result in final documents that differ in substance or intent from the documents that were previously submitted to the Department. This letter and the technical assistance letter dated April 25, 2016, should, therefore, not be construed as preliminary decisions or advisory opinions regarding compacts or procedures that are not yet formally submitted to the Department for review and approval.

We hope you find this letter informative. If you have further questions we would be happy to answer them.

Sincerely,

A black rectangular redaction box covering the signature area. The text "(b) (7)(C)" is visible in a light gray font within the redacted area, indicating a FOIA exemption.

Acting Deputy Secretary



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

MAY 12 2017

[REDACTED]

Dear [REDACTED]:

Thank you for your letter dated April 19, 2017, requesting further technical assistance regarding [REDACTED] letter to G [REDACTED] dated March 13, 2017.

[REDACTED]

This letter addresses Attorney General [REDACTED] questions. Similar letters are being mailed to [REDACTED] and [REDACTED]

Position of the Department

On April 12, 2016, the Tribes requested from the Department of the Interior (Department) technical assistance regarding proposed amendments to the Compacts which would impact the proposed commercial gaming facility. The Department responded with a technical assistance letter dated April 25, 2016. The letter noted that the proposed amendments to the Compacts reflect the unique circumstances of the Tribes and the State, and expressed the view that the Tribes' existing exclusivity agreement with the State would not be affected by a new commercial casino that would be jointly and exclusively owned by the Tribes. We confirm that the current Administration supports the views expressed in the technical assistance letter.

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¹ The [REDACTED] Compact approval letter references both federally recognized Tribes' exclusivity agreements with the State, which are [REDACTED] Assistant Secretary – Indian Affairs, to [REDACTED] Dec. 5, 1994).

approval. Further, the documents provided to the Department with the Tribes' request for technical assistance, would permit the Tribes to jointly operate a commercial gaming facility. The proposed State legislation provided to us, could enhance rather than diminish the Tribes' exclusivity rights.

Scope of Review of Compacts or Compact Amendments

The Secretary of the Interior (Secretary) has authority under the Indian Gaming Regulatory Act (IGRA) to review compacts and compact amendments similar to what is being proposed by the Tribes.² The Department's regulations at 25 C.F.R. Part 293 require that all compact amendments, both substantive and technical, be submitted to the Secretary for review and approval.³ IGRA provides that the Secretary may disapprove a compact [or amendment], "only if such compact violates any provision of [IGRA], any other provision of Federal law that does not relate to jurisdiction over gaming on Indian lands, or the trust obligations of the United States to Indians."⁴

In reviewing a compact amendment, the Department's goal is to ensure that the amendment does not violate IGRA or conflict with existing compact provisions. The Department's review of compact amendments also includes reviewing the compact as amended and considered as a whole.⁵ In practice, the Department has not disturbed long-standing compacts when reviewing amendments to the underlying agreements.⁶ Here, the Tribes and the State have long-relied upon the Compacts that have facilitated a significant source of revenue for the Tribes and the State. The Department does not anticipate disturbing these underlying agreements.

The Department has previously examined whether the Secretary may reconsider a compact approval and we concluded that IGRA provides no authority for the Secretary to modify or revoke an approval after expiration of the statutory 45-day review period.⁷ Challenges to an approved compact must be made under the Administrative Procedures Act within six years of publication.⁸ The same would hold true for compact amendments.

Likelihood of Approval

The Department does not provide preliminary decisions or advisory opinions regarding compacts, secretarial procedures, or amendments to compacts or procedures. The State's

² 25 U.S.C. § 2710(d)(8). A contrary view was expressed in the written Testimony of Ken Salazar, Former Secretary of the Interior, to the Public Safety Committee dated March 9, 2017; and Testimony of ██████████ to the Connecticut General Assembly dated March 9, 2017.

³ See 25 C.F.R. § 293.4(b).

⁴ 25 U.S.C. § 2710 (d)(8)(B).

⁵ See 73 Fed. Reg. No. 235, 74005 (Dec. 5, 2008).

⁶ See e.g. Letter from ██████████ Principle Deputy Assistant Secretary – Indian Affairs, to ██████████ – Yurok Tribe of the Yurok Reservation (Oct. 21, 2016); Letter from ██████████ Principle Deputy Assistant Secretary – Indian Affairs, to ██████████ – Jackson Band of Miwuk Indians (Oct. 21, 2016) (both noting that the approval of compact amendments does not change the underlying compact's status as 'deemed approved').

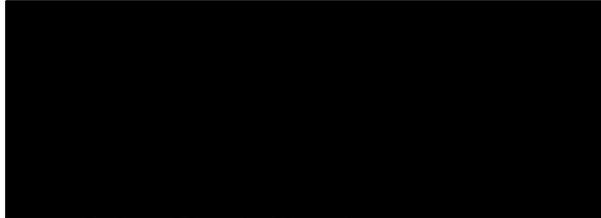
⁷ See Letter from ██████████ Associate Deputy Secretary, to ██████████ (B) (7)(C) – Oneida Indian Nation (June 13, 2007).

⁸ *Id.*

approval process may result in final documents that differ in substance or intent from the documents that were previously submitted to the Department. This letter and the technical assistance letter dated April 25, 2016, should, therefore, not be construed as preliminary decisions or advisory opinions regarding compacts or procedures that are not yet formally submitted to the Department for review and approval.

We hope you find this letter informative. If you have further questions, we would be happy to answer them.

Sincerely,



Acting Deputy Secretary



United States Department of the Interior

OFFICE OF THE SECRETARY

Washington, DC 20240

SEP 15 2017

(b) (7)(C)
(b) (7)(C)
(b) (7)(C)
(b) (7)(C)

Dear (b) (7)(C):

On August 2, 2017, the Department of the Interior received the Agreement between (b) (7)(C) (Tribe) and the State of Connecticut (State) dated July 20, 2017, related to the conduct of Class III Gaming by the Tribe. The Agreement memorializes amendments to (b) (7)(C). Specifically, the Agreement amends sections 2, 15(a), and 17(d) (the Amendment) of the Gaming Procedures.

We have completed our review of the Amendment. We return the Amendment to you to maintain the status quo as action on the Amendment is premature and likely unnecessary. The Amendment addresses the exclusivity provisions of the Gaming Procedures. We find that there is insufficient information upon which to make a decision as to whether a new casino operated by (b) (7)(C) (Tribes) would or would not violate the exclusivity clauses of the Gaming Procedures. The Tribes have entered an agreement with the State whereby they have agreed that the exclusivity provisions will not be breached by this arrangement. Therefore, our action is unnecessary at this time.

A similar letter is being sent to [redacted] and [redacted] Connecticut.

Sincerely,

(b) (7)(C)

Acting Assistant Secretary – Indian Affairs

Enclosure

cc: The Honorable (b) (7)(C)
The Honorable (b) (7)(C)



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

SEP 15 2017

(b) (7)(C)
(b) (7)(C)
(b) (7)(C)
(b) (7)(C)

Dear (b) (7)(C):

On August 2, 2017, the Department of the Interior received the Agreement between the (b) (7)(C) (Tribe) and the State of Connecticut (State) dated July 20, 2017, related to the conduct of Gaming by the Tribe. The Agreement memorializes amendments to the Tribal-State Compact previously entered into between the Tribe and the State. Specifically, the Agreement amends sections 2, 15(a), and 17(d) (Amendment) of the Tribal-State Compact.

We have completed our review of the Amendment. We return the Amendment to you to maintain the status quo as action on the Amendment is premature and likely unnecessary. The Amendment addresses the exclusivity provisions of the Gaming Compact. We find that there is insufficient information upon which to make a decision as to whether a new casino operated by (b) (7)(C) (Tribes) would or would not violate the exclusivity clauses of the Gaming Compact. The Tribes have entered an agreement with the State whereby they have agreed that the exclusivity provisions will not be breached by this arrangement. Therefore, our action is unnecessary at this time.

A similar letter is being sent to (b) (7)(C) (b) (7)(C), and (b) (7)(C) Connecticut.

Sincerely,

(b) (7)(C)

Acting Assistant Secretary – Indian Affairs

Enclosure

cc: The Honorable (b) (7)(C)
The Honorable (b) (7)(C)



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

SEP 15 2017

[REDACTED]
State of Connecticut

(b) (7)(C)

Dear (b) (7)(C):

On August 2, 2017, the Department of the Interior received agreements between the [REDACTED] and the State of Connecticut and (b) (7)(C) and the State of Connecticut, dated July 20, 2017, related to the conduct of gaming by the tribes. The agreements memorialize amendments to the (b) (7)(C) [REDACTED] previously entered into between the Tribe and the State and the Secretarial Procedures issued for the [REDACTED]. Specifically, the agreements amend sections 2, 15(a), and 17(d) of the Tribal-State Compact and the Procedures (Amendment).

We have completed our review of the Amendment. We return the Amendment to you to maintain the status quo as action on the Amendment is premature and likely unnecessary. The Amendment addresses the exclusivity provisions of the Gaming Compact. We find that there is insufficient information upon which to make a decision as to whether a new casino operated by [REDACTED] (Tribes) would or would not violate the exclusivity clauses of the Gaming Procedures. The Tribes have entered an agreement with the State whereby they have agreed that the exclusivity provisions will not be breached by this arrangement. Therefore, our action is unnecessary at this time.

A similar letter is being sent to [REDACTED] and (b) (7)(C) [REDACTED].

Sincerely,

(b) (7)(C)

Acting Assistant Secretary – Indian Affairs

Enclosure

cc: The Honorable (b) (7)(C)
The Honorable (b) (7)(C)



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

MAR 15 2019

(b) (7)(C)
(b) (7)(C)
(b) (7)(C)
(b) (7)(C)

Dear (b) (7)(C):

On August 2, 2017, the (b) (7)(C) ("Tribe") submitted (b) (7)(C) approving a request for certain amendments to the Tribe's Class III gaming procedures ("Procedures Amendments") issued in 1991 by the Department of the Interior ("Department") pursuant to the remedial provisions of the Indian Gaming Regulatory Act ("IGRA").¹ The Tribe also submitted resolutions of the Connecticut General Assembly, signed by the Governor, indicating the State of Connecticut's ("State") support and approval of the Procedures Amendments, as well as amendments to the Tribal-State Memorandum of Understanding ("MOU Amendments" and together with the Procedures Amendments, "Amendments").

The Department did not approve or disapprove the Tribe's proposed Amendments, as requested in 2017. The Tribe and the State subsequently filed an action against the Department in the United States District Court for the District of Columbia ("Court"), seeking mandamus relief.² On (b) (7)(C), the Court dismissed the Tribe's mandamus claims. On (b) (7)(C), however, the Court granted, in part, the Tribe's Motion to Amend Complaint. I have consulted with the Office of the Solicitor regarding the Court's (b) (7)(C) decision, the posture of the litigation, and the status of the Tribe's (b) (7)(C) submission.

After reviewing the Procedures Amendments, I have determined that the Tribe's request to amend its Class III gaming procedures does not violate IGRA. Similar to the (b) (7)(C) Amendments, the Procedures Amendments are narrowly tailored to affirm only that the Tribe's exclusive rights to operate certain forms of IGRA-sanctioned Class III gaming under its procedures, issued by the Department in 1991, will remain unaffected if the Tribe and (b) (7)(C) are authorized by the State under its laws to operate a gaming facility located outside of the Tribe's or (b) (7)(C) Indian lands, as defined by IGRA.³ I have therefore approved the

¹ See 25 U.S.C. § 2710 (d)(7).

² (b) (7)(C) (b) (7)(C) ("(b) (7)(C)") also sued the Department to compel publication in the Federal Register of similar amendments to (b) (7)(C) compact with the State, including its Memorandum of Understanding regarding revenue sharing ("(b) (7)(C)"). After the Department published its approval notice for (b) (7)(C) at 83 Fed. Reg. 25484 (June 1, 2018), (b) (7)(C) agreed to dismiss its claims as moot.

³ 25 U.S.C. § 2703 (4).

enclosed amendments to the Tribe's Class III gaming procedures. The Procedures Amendments are effective immediately.⁴

I have also reviewed the MOU Amendments. The MOU Amendments refer to a Memorandum of Understanding between the Tribe and the State dated January 13, 1993, as amended on April 30, 1993, and April 25, 1994 ("MOU"). The MOU was not included with the Tribe's August 2, 2017 submission and we request that you supplement the submission with a copy of the MOU.

Should you have further questions regarding this approval, please contact my Office at

[REDACTED]

(b) (7)(C)

Assistant Secretary – Indian Affairs

Enclosure

⁴ We note that [REDACTED] were substantially identical to the Amendments before us today, except that [REDACTED] operates pursuant to an approved compact and the Tribe operates under procedures issued by the Secretary. As the Court ruled on [REDACTED], the review and approval processes for compacts and procedures are distinct under IGRA. [REDACTED]; compare 25 U.S.C. §§ 2710 (d)(8) and 2710 (d)(7)(B)(vii). Like the Amendments, [REDACTED] were narrowly tailored to confirm that [REDACTED] exclusive rights to operate certain forms of IGRA-sanctioned Class III gaming under its compact will not be affected if [REDACTED] and the Tribe were together authorized to operate a casino under State law that is not on "Indian lands," as defined by IGRA. 25 U.S.C. § 2703(4). In such circumstances that we believe are unique only to the State of Connecticut, the [REDACTED] Amendments are therefore consistent with, and in fact do not violate, IGRA.



OFFICE OF
INSPECTOR GENERAL
U.S. DEPARTMENT OF THE INTERIOR

INVESTIGATIVE ACTIVITY REPORT

Case Number OI-PI-18-0480-I	
Reporting Office Program Integrity Division	Report Date December 18, 2018
Report Subject Interview of [REDACTED]	

On December 18, 2018, Special Agent (b) (7)(C) with the Office of Inspector General, U.S. Department of the Interior (DOI), Special Agent (b) (7)(C) with the Federal Bureau of Investigation, Trial Attorneys (b) (7)(C), U.S. Department of Justice (DOJ), interviewed (b) (7)(C), at DOJ's Public Integrity Section's offices in Washington, D.C. Also present for the interview were [REDACTED] and (b) (7)(C), attorneys for (b) (7)(C). The purpose of the interview was to ask (b) (7)(C) about his involvement as a consultant to (b) (7)(C), pertaining to their lobbying efforts on behalf of (b) (7)(C) (b) (7)(C) to DOI related to casino amendments submitted to DOI by (b) (7)(C) (tribes) from Connecticut. The interview was voluntary and not based on any proffer agreement providing any type of immunity to [REDACTED] from statements he made during the interview. The following is a summary of the interview.

At the onset of the interview, [REDACTED] stated that he believed the texts [REDACTED] sent that were contained in his production in response to a previously issued subpoena were in UTC time, rather than Eastern or Mountain Times.

[REDACTED] stated that he believed that the email [REDACTED] sent to DOI Secretary Ryan Zinke on August 23, 2017 was not included in [REDACTED] subpoena production because [REDACTED] had inadvertently deleted the email from his laptop in January 2018 in an effort to create memory space on his laptop. According to (b) (7)(C) laptop stopped working in January 2018 and an individual in [REDACTED] company, who is not an Informational Technology (IT) employee, suggested that [REDACTED] permanently remove many 'sent' and 'deleted' emails from his laptop in order to create more memory space on his laptop, and therefore allow it to start working properly again. [REDACTED] and [REDACTED] stated that [REDACTED] did not recall deleting an August 23, 2017 email that he sent to Zinke, which contained a one-page, [REDACTED] legal argument against the tribes' amendments.

(b) (7)(C) was provided several emails that he produced in response to the subpoena [(b) (7)(C) : (b) (7)(C)].

Reporting Official/Title [REDACTED]/Special Agent	Signature Digitally signed.
--	--------------------------------

Authentication Number: 0D98E60ED48530348D2347F9C49C3D6C

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On February 3, 2017, [REDACTED] ([REDACTED]), emailed [REDACTED] stating,

So, it turns out that we do need to talk to a senior person in the Secretary's office re an Indian matter. Can you hook us up to do so? This is not a friendship thing - happy to pay a referral. Let me know next steps and thanks.

On February 8, 2017, [REDACTED] emailed Zinke's Chief of Staff [REDACTED] (via [REDACTED] personal email), requesting to meet with [REDACTED] to discuss an issue, and [REDACTED] responded by requesting [REDACTED] telephone number to assist with scheduling the meeting.

Regarding context of the emails, [REDACTED] stated that he and [REDACTED] had previously worked together and [REDACTED] was trying to set up a meeting with Zinke, through [REDACTED] connection with Zinke, to discuss the [REDACTED] tribe's casino license in Massachusetts. [REDACTED] explained that [REDACTED] had just opened their office in Washington DC and were trying to establish connections with Zinke.

According to [REDACTED], he worked with [REDACTED], in the past to secure large donations for various political candidates, and during 2017 [REDACTED] paid him a [REDACTED] monthly retainer, which was based upon a "handshake" and no invoices were ever produced.

[REDACTED] said that he had become friendly with Zinke when he was raising money for him during the last six months of Zinke's 2014 Congressional campaign. [REDACTED] said that Zinke paid him a monthly retainer of [REDACTED] during that timeframe.

[REDACTED] was provided a March 10, 2017 email that he authored [REDACTED], with the subject line "Department of Interior C4 – Prospective Donor Names." Listed 1) on email was "[REDACTED] (has 2 clients)."

Regarding context of the email, [REDACTED] stated that [REDACTED] had asked him to look into establishing a fund to counter media attacks by [REDACTED] against Zinke. He said the fund was to be called "[REDACTED]." According to [REDACTED], he ultimately decided to not set up the fund based on "counsel's advice," inasmuch as the donors may have business before DOI.

[REDACTED] was provided a March 20, 2017 email that he authored [REDACTED]. According to [REDACTED], the email exchange was his attempt to schedule a meeting on behalf of [REDACTED] with [REDACTED].

[REDACTED] was provided a February 9, 2017 appointment email [REDACTED]. According to [REDACTED], the email evidenced that he had an appointment to have breakfast with [REDACTED], and that meeting was scheduled towards establishing a working relationship with [REDACTED].

[REDACTED] was provided texts that he produced in response to the subpoena [REDACTED].

On March 18, 2017, [REDACTED] texted to [REDACTED] the following:

"I fly back Monday. When are you around? I just told Ryan about you. He and I are skiing Big Sky

today . . . I will work with his schedule for a time - but needs to just be a couple of us to keep it tight.”

█████ stated that he had told Zinke while they were skiing together that █████ was very close with President Donald Trump and █████ would like to meet Zinke in order to discuss the Connecticut casino issue that █████ was lobbying on behalf of █████. █████ explained that he advocated to Zinke that he should meet with █████, otherwise █████ may “go over his [Zinke’s] head to the White House.” █████ stated that he briefed Zinke at that time about the Connecticut casino issue so that Zinke could understand the issue prior to meeting with █████.

Four days later, on March 22, 2017, █████ created an appointment reminder detailing a meeting with █████ partners at DOI [█████].

On March 21, 2017, █████ authored the following email to █████ listing attendees of the March 22, 2017 meeting at DOI [█████]:

█████ -
We are confirmed for the meeting tomorrow at 1 :30 pm - with you in your office at the Department of Interior.
In the meeting will be the following if you can add us to the Security Clearance downstairs:
1. █████
2. █████
3. █████
4. █████

According to █████, the meeting lasted one hour and began with █████ introducing █████, █████, and █████ directly to Zinke. Following their introductions to Zinke, █████ said that they then met with █████ in his office in order to discuss all of █████ clients and issues, including the Connecticut casino issue that █████ was lobbying on behalf of █████. █████ specifically remembers █████ arguing (on behalf of █████) to █████ that DOI should not approve the amendments submitted by two Connecticut tribes that would allow them to open a casino that would be located █████ miles distant from █████ new casino in █████, MA.

█████ was provided a text sent to him on April 19, 2017 by █████ [█████], stating:

█████ About to send you an email and wanted to give you heads up. It's from █████ [█████] and he is looking for a meeting early next week on a tribal gaming issue. Just wanted to give heads up. █████

█████ replied: “I texted Ryan [Zinke] to see if he is around.” █████ responded: “Ty. I will let █████ know.” According █████, he texted Zinke and requested the meeting on behalf of █████.

█████ was provided a May 20, 2017 text he wrote to █████ [█████]. He wrote to █████ “Zinke and I are having dinner tonight, just the 2 of us. I will mention casually █████, but anything else?” █████ responded “Thanks █████. . . . Re dinner █████ is important. Thank you btw.”

Regarding the above text exchange with █████ explained that he regularly ate dinner with Zinke, usually at Zinke’s house. He explained that these dinners with Zinke usually started out just between the two of them, yet would often be interrupted by █████, who was living in

Zinke's basement. [REDACTED] acknowledged that he discussed [REDACTED] argument against the tribal casino in Connecticut directly with Zinke during these dinners.

[REDACTED] was provided text exchanges between him and [REDACTED] on June 27, 2017 [REDACTED], wherein [REDACTED] wrote:

[REDACTED]. [REDACTED] would like to bring [REDACTED] person in to meet with [REDACTED]. They just want to make sure the political people are in the loop if a DOI decision has to be made, and that it's not just done by careers. Is that doable?"

[REDACTED] stated that, based upon [REDACTED] request, he set up the meeting between [REDACTED] and [REDACTED] and an [REDACTED] representative to discuss the tribal casino issue.

[REDACTED] was provided a text that [REDACTED] sent to [REDACTED] representative [REDACTED] on August 16, 2017 [REDACTED], that stated:

[REDACTED], today was a travel day. Let's try to touch base tomorrow. [REDACTED] spoke to [REDACTED] and previously to [REDACTED]. Both appeared to be sensitive to the issue of not allowing Connecticut to grant a private *of* reservation casino. Connecticut is trying to get DOI to approve an amendment to [REDACTED] compact to allow such a casino. Once approved if it is DOI would then cease to have further jurisdiction over the operations. And this opening Pandora's box for other states to consider deals like these. Bottom line DOI cannot approve such an amendment and [REDACTED] needs to know that. Thanks. [REDACTED]. (FYI, This is a note I sent to [REDACTED] who is from [REDACTED] and is a close personal friend and political consultant to Zinke and [REDACTED]. [REDACTED] consults for us.)

[REDACTED] said that he believed he tried calling [REDACTED] after receiving [REDACTED] note.

[REDACTED] was provided an email exchange he had with [REDACTED] on August 18, 2017 [REDACTED], wherein [REDACTED] sent [REDACTED] a one-page document containing [REDACTED] legal argument against approving the tribal casino amendments. In the email, [REDACTED] asked [REDACTED] to call him to discuss the document, and [REDACTED] responded, "Will review. Did you send this to them? Thanks."

[REDACTED] was asked who "them" were and he stated that he was referring to Zinke and/or [REDACTED]. [REDACTED] then said that [REDACTED] asked him to forward the document directly to Zinke. [REDACTED] said that he was asked to forward it to Zinke because [REDACTED] was very nervous that DOI would approve the amendments, and [REDACTED] recalled personally telling Zinke how nervous [REDACTED] was about the matter.

[REDACTED] said that he spoke with Zinke on August 23, 2017 and told him that he had the document and asked Zinke if he could send it to him. According to [REDACTED], Zinke said "sure" and told [REDACTED] that he (Zinke) would review the document and then call [REDACTED] to discuss it with him. [REDACTED] then sent Zinke the document to his personal email and texted Zinke [REDACTED] cell phone number [REDACTED]. [REDACTED] further said that he then called [REDACTED] and told him that Zinke would review the document and give him a call to discuss.

[REDACTED] was provided text messages he exchanged with both Zinke and [REDACTED] on August 28, 2017 [REDACTED]. After reviewing the text messages, [REDACTED] acknowledged that the text messages discussed the three of them (Zinke, [REDACTED]) having dinner together at Zinke's house that evening. When asked, [REDACTED] acknowledged that the three of them had dinner

together that night and they discussed [REDACTED] arguments against the tribal casino amendments during the dinner.

After reviewing and discussing the emails and text messages noted above, [REDACTED] admitted that he had withheld material information from Special Agents [REDACTED] when they interviewed him on November 7, 2018. [REDACTED] admitted that, when asked by [REDACTED] and [REDACTED] whether he had ever discussed the substance of [REDACTED] arguments against DOI approving the tribal casino amendments directly with Zinke, [REDACTED] untruthfully stated that he did not have such discussions with Zinke.

[REDACTED] further admitted that he failed to tell the agents that he discussed the one-page document containing [REDACTED] legal arguments against approving the tribal casino amendments with Zinke, and that Zinke said he would review it and call [REDACTED] to discuss the document. When asked, [REDACTED] said that he was not certain whether Zinke asked for [REDACTED] cell number, or whether [REDACTED] offered to provide it to him, but he admitted that he provided it Zinke and told [REDACTED] that Zinke would review the document and call [REDACTED] to discuss its contents.

2017-03-17 01:03:00

Ok. Let me try here or talk to Ryan asap tomorrow

(b) (7)(C)

2017-03-17 01:29:00

Thanku

2017-03-18 01:00:00

That guy is going to be a deputy. [REDACTED] will be [REDACTED] I know [REDACTED] well - we did Ryan's race. Not public yet or through.

(b) (7)(C)

2017-03-18 01:01:00

Great newa

2017-03-18 01:02:00

I am hanging with Ryan right now. Will mention your other stuff again

(b) (7)(C)

2017-03-18 01:04:00

Thank you very much. Hope your having some fun!

2017-03-18 19:40:00

[REDACTED] - confidentially - will be the new BIA head. [REDACTED] is from [REDACTED]. That guy you mentioned - [REDACTED], with (super confidential) [REDACTED] coming in as permanent.

(b) (7)(C)

2017-03-18 19:41:00

Nice. Thank u

2017-03-18 19:50:00

[REDACTED] I worked with him about 10 yrs ago. Also not announced yet.

(b) (7)(C)

2017-03-18 19:53:00

Do you know [REDACTED]?

2017-03-18 20:15:00

I don't. Butwhen you are up - I will take you to have drinks with Ryan on his private deck and see if she can come.

(b) (7)(C)

2017-03-18 20:19:00

Perfect! When are you back in D.C.?

2017-03-18 20:30:00

I fly back Monday. When are you around? I just [REDACTED] Ryan about you. He [REDACTED] are skiing Big Sky today... I will [REDACTED] with his schedule for a time - but needs to just be a couple of us to keep it tight.

Message

From: (b) (7)(C)
Sent: 3/21/2017 8:16:25 PM
To: (b) (7)(C)
CC: (b) (7)(C)
Subject: FW: 1:30 pm Mtg with (b) (7)(C)

(b) (7)(C) please send around a calendar invite - 1:30 pm tomorrow - to those on this email. Include the Dept of Interior's address office is on the (b) (7)(C). Thanks.

(b) (7)(C)
(b) (7)(C)

Phone: (b) (7)(C)
E-mail: (b) (7)(C)

From: (b) (7)(C) <(b) (7)(C)>
Date: Tuesday, March 21, 2017 3:09 PM
To: '(b) (7)(C)@ios.doi.gov' <(b) (7)(C)@ios.doi.gov>
Subject: 1:30 pm Mtg with (b) (7)(C)

(b) (7)(C) -

We are confirmed for the meeting tomorrow at 1:30 pm - with you in your office at the Department of Interior.

In the meeting will be the following if you can add us to the Security Clearance downstairs:

1. (b) (7)(C)
2. (b) (7)(C)
3. (b) (7)(C)
4. (b) (7)(C)

(b) (7)(C)
(b) (7)(C)

Phone: (b) (7)(C)
E-mail: (b) (7)(C)



OFFICE OF
INSPECTOR GENERAL
 U.S. DEPARTMENT OF THE INTERIOR

INVESTIGATIVE ACTIVITY REPORT

Case Number OI-PI-18-0480-I	
Reporting Office Program Integrity Division	Report Date July 15, 2019
Report Subject Interview of [REDACTED]	

On July 15, 2019, Special Agent (b) (7)(C) with the Office of Inspector General (OIG), U.S. Department of the Interior (DOI), Special Agent (b) (7)(C) Federal Bureau of Investigation, U.S. Department of Justice (DOJ), and Prosecutors (b) (7)(C) with DOJ's Program Integrity Section, interviewed (b) (7)(C) at the (b) (7)(C) in Washington, DC. Also present were (b) (7)(C) attorneys (b) (7)(C). The purpose of the interview was to prepare (b) (7)(C) for his upcoming grand jury testimony, scheduled for July 16, 2019, related to (b) (7)(C) lobbying efforts of DOI regarding casino amendments submitted to DOI by the (b) (7)(C) from Connecticut. The interview was not recorded, and the following is a summary of the interview.

[REDACTED] said that he practiced law in Florida until he became a full-time lobbyist in the 1990s, and then opened a lobbying firm in Washington, DC in (b) (7)(C) 2017. He said that he met (b) (7)(C) during their joint efforts in [REDACTED] Presidential campaign and they have both been involved with several GOP campaigns.

According to (b) (7)(C) is a financial consultant for many members of Congress. [REDACTED], therefore, reached out to (b) (7)(C) when he opened his lobbying firm in Washington, DC in order to assist (b) (7)(C) firm in making contacts with members of Congress, along with other politicians and political appointees. [REDACTED] said that [REDACTED] coordinated several of these contacts by scheduling meetings with these persons on (b) (7)(C) behalf.

After reviewing [REDACTED] production, [REDACTED], [REDACTED] confirmed that he met (b) (7)(C) for lunch in March 2017 and placed [REDACTED] on retainer to his lobbying firm to compensate (b) (7)(C) for his efforts in scheduling the contact meetings.

[REDACTED] acknowledged that he entered into a contract with (b) (7)(C) ([REDACTED]) on March 1, 2017 in order to initially lobby on behalf of (b) (7)(C) related to tax law changes and the Wire Act. [REDACTED] said that he first discussed lobbying for (b) (7)(C) related to the Connecticut casino issue on March 17, 2017.

Reporting Official/Title [REDACTED]/Special Agent	Signature Digitally signed.
--	--------------------------------

Authentication Number: 768AE494D5493AE457393D27D841C8AA

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After reviewing [REDACTED] production, [REDACTED], texts between [REDACTED] on March 3 & 4, 2017, wherein [REDACTED] told [REDACTED] that he was having dinner with former Secretary of the Interior Ryan Zinke and that he would “bring up your issue,” [REDACTED] said that he believed that [REDACTED] was referring to a [REDACTED] issue.

Further in the same production/text, dated March 17 & 18, 2017, wherein [REDACTED] discussed briefing Zinke during a ski trip, [REDACTED] acknowledged that he asked [REDACTED] to brief Zinke on the Connecticut casino issue while skiing with Zinke, and [REDACTED] told [REDACTED] that he would do so.

After reviewing [REDACTED] production, [REDACTED], [REDACTED] stated that he and his partner [REDACTED] had a meeting with DOI Chief of Staff [REDACTED] at the Main Interior Building (MIB) on March 22, 2017 and he is certain he raised the [REDACTED] issue to [REDACTED] during that meeting. [REDACTED] said that he also briefly met Zinke during that meeting at MIB and Zinke walked him over to the balcony adjacent to Zinke’s office.

After reviewing [REDACTED] production, [REDACTED], [REDACTED] said he was “100% sure” that [REDACTED] was briefed on the Connecticut casino issue during their March 22, 2017 meeting.

[REDACTED] stated that he had dinner with Zinke at Zinke’s house on August 28, 2017 and “probably” discussed the Connecticut casino matter with Zinke during that dinner. [REDACTED] said that he had drunken a lot of wine that evening and therefore could not remember for certain if he had discussed the matter with Zinke, or what was said. [REDACTED] further stated that he did not remember requesting his partner [REDACTED] to request the meeting with Zinke that night, or whether he ([REDACTED]) told [REDACTED] about the dinner.

[REDACTED] said that he did not recall discussing the Connecticut casino matter with Zinke in front of President Trump, notwithstanding his text exchanges with [REDACTED] from the White House on the evening of September 14, 2017.

After reviewing [REDACTED] production [REDACTED], [REDACTED] stated that he met with then-DOI Deputy Secretary [REDACTED] at MIB on September 14, 2017 about “U.S. Sugar” issues, not the Connecticut casino matter. [REDACTED] said that he did not recall discussing the Connecticut casino issue with [REDACTED] on September 14, 2017, but he may have done so.

From: [REDACTED]
Sent: 3/22/2017 2:43:05 PM
To: [REDACTED]
Subject: Re: Fwd: Re: RE: RE:

Thanks. Chief of Staff [REDACTED] asked for it and understood the importance. I will send and follow up. I asked for a retraction.

Sent from my iPhone

On Mar 22, 2017, at 2:10 PM, [REDACTED] wrote:

[REDACTED] the tech assistance letter is attached. Please let me know if you have trouble opening it.

Begin forwarded message:

From: [REDACTED]
Date: March 22, 2017 at 10:11:01 AM EDT
To: [REDACTED]
Subject: Re: RE: RE:

[REDACTED]

Thanks for taking the time this morning. I've attached the [REDACTED] proposed compact amendment (we understand that the [REDACTED] submitted an identical request) and DOI response letter to the [REDACTED] request (again, we believe an identical response was sent to [REDACTED]). Will send a background memo shortly.

<[REDACTED] Request for Technical Assistance Letter (date-stamped 4-12-16).pdf>

<[REDACTED] signed.pdf>

On Mar 21, 2017, at 12:15 PM, [REDACTED] wrote:

Will do

On Mar 21, 2017, at 11:47 AM, [REDACTED] wrote:

Great. Thanks very much and please keep me posted on that meeting.

(b) (7)(C)

2017-03-18 20:43:00

Sounds fun. I will be in D.C. tues night. Have to meet the [REDACTED] foreign minister at 10pm. I know it's weird but they want us to rep them so I will do it. Could do it before or next week

2017-04-05 20:49:00

I am finally taking off - assume wheels down around 7 pm. Not sure if you wanted to still grab a drink? I am casual.

(b) (7)(C)

2017-04-05 20:50:00

Shit. I have a dinner. Lets catch up tomorrow.

(b) (7)(C)

2017-04-05 21:23:00

Want to meet around 130 ? Our office?

2017-04-06 00:05:00

I can do that, as long as you don't mind me in a blazer and jeans.

(b) (7)(C)

2017-04-06 00:08:00

Shorts is fine

2017-04-06 00:09:00

Sounds great. See you tomorrow there and then.

2017-04-07 00:35:00

If you get a quick chance, pls give a call.

2017-04-07 01:00:00

Am with Zinke. Did you want me to ask him other?

(b) (7)(C)

2017-04-07 01:00:00

At client dinner. Tomorrow ok?

2017-05-20 18:45:00

2 quick things - [REDACTED] Second - Zinke and I are having dinner tonight, just the 2 of us. I will mention casually [REDACTED], but anything else?

(b) (7)(C)

2017-05-20 18:47:00

Thanks [REDACTED]. I'd love to meet her. Re dinner [REDACTED] is important.

(b) (7)(C)

2017-05-20 18:47:00

Thank you btw.

2017-05-20 18:51:00

Are you in DC this week?

(b) (7)(C)

2017-05-25 13:57:00

I was gonna ask what the mood out there was. Hopefully enough absentee ballot already cast

2017-05-25 14:41:00

It doesn't matter. (b) (7)(C)

(b) (7)(C)

2017-05-25 14:42:00

Ugh

2017-06-19 17:27:00

Great - thanks!

(b) (7)(C)

2017-06-26 14:27:00

Are you in DC today?

2017-06-26 14:38:00

Am in [redacted] for [redacted] mtgs.

(b) (7)(C)

2017-06-26 14:40:00

When I grow up, I wanna be like [redacted]. Enjoy. I will ping you when u get back to town.

2017-06-26 14:43:00

Hal I know. Was in [redacted] on the lake, now [redacted] and then head to [redacted] on Thursday... all for work...

[redacted]

2017-06-27 19:01:00

[redacted] would like to bring [redacted] person in to meet with [redacted]. They just want to [redacted] sure the political people are in the loop if a DOI decision has to be made, and that it's not just done by careers. Is that doable?

2017-06-27 19:33:00

I can certainly check. When does he want to do it?

(b) (7)(C)

2017-06-27 19:34:00

Next week or week after if possible. Thank u

2017-06-27 19:42:00

Ok. I just sent him a message asking.

(b) (7)(C)

2017-06-27 19:53:00

I'm stuck in a meeting. Can I call you for in a few?

[redacted]

2017-07-06 19:07:00

Hey [redacted] Happy 4th. Do you mind following up with [redacted] to see if we could get [redacted] and [redacted] in on Tuesday to see him? Thanks!

[REDACTED]

From: [REDACTED]
Sent: Monday, July 17, 2017 12:05 PM
To: [REDACTED]@gmail.com
Subject: good seeing you and follow up

[REDACTED],

Great seeing you at the EOB last week. I hope you had an enjoyable Fourth and were able to get a little down time.

[REDACTED] asked if I could follow up and see if he could bring in [REDACTED] from [REDACTED] for a brief meeting. No heavy lifts, no asks, just a quick introduction. [REDACTED] is getting in tomorrow and should be here through at least Thursday.

Thanks so much!

(b) (7)(C) [REDACTED]

From: [REDACTED]

Sent: 7/19/2017 6:14:01 PM

To: [REDACTED]

Subject: 3:30 PM: Meeting with [REDACTED]

Location: C St Entrance - DOI

Start: 7/25/2017 3:30:00 PM

End: 7/25/2017 4:00:00 PM

Show Time As: Busy

Recurrence: (none)

[REDACTED] his secretary will meet you in the lobby

From: (b) (7)(C)
Sent: 7/27/2017 7:18:36 PM
To: (b) (7)(C)
CC: (b) (7)(C)
Subject: Re: CT White Paper

I agree. We are glad to get to him, but I think it's even better coming from you.

Sent from my iPhone

On Jul 27, 2017, at 7:17 PM, (b) (7)(C) wrote:

Directly. He seemed to bond with you.

Sent from my iPhone

On Jul 27, 2017, at 6:55 PM, (b) (7)(C) wrote:

(b) (7)(C)

Thanks again for arranging Tuesday's meeting with [REDACTED] I have attached the final white paper and accompanying one-pager detailing our CT issue. I am happy to send these documents directly to him or ask you to do it, as you suggest.

Thanks.

(b) (7)(C)

(b) (7)(C)

<DOI White Paper - FINAL (07.27.2017) v2 - Copy.pdf>

<DOI Should Reject Compact Amendments One-Sheetter.PDF>

DOI Should Disapprove the Connecticut Tribes' Proposed Compact Amendments Because They Violate IGRA

- The [REDACTED] Tribe and the [REDACTED] Tribes of Indians (“Tribes”) seek to operate a new commercial, off-reservation casino in Connecticut. A state law enacted in 2017, Public Act 17-89, gives the Tribes the right to operate that casino, but only if they first (1) amend their gaming compacts with the State and (2) obtain Department of the Interior (“DOI”) approval of those amendments.
- Connecticut has determined that amendments to the Tribes’ compacts are necessary to preserve the Tribes’ duty to make revenue-sharing payments to the State. Under the existing compacts, that duty terminates if any entity—including one owned by the Tribes—opens a new Connecticut casino. The proposed amendments address that problem by creating an exemption for their new commercial casino.
- The Tribes executed the amendments in July and submitted them to DOI for review in early August, as required by Public Act 17-89 and the Indian Gaming Regulatory Act (“IGRA”).
- **This Is a Federal Issue, Not Just a State Issue.** Public Act 17-89 requires the Tribes to obtain DOI approval of the amendments before they can open their new casino. Specifically, § 14(c) of the Act provides that the Tribes’ casino authorization is not effective unless the amendments are “approved or deemed approved by the Secretary of United States Department of the Interior pursuant to [IGRA] and its implementing regulations.” By conditioning operation of the Tribes’ new commercial casino on DOI approval of the amendments, Connecticut has made this a Federal issue.
- **DOI Regulations Require the Department to Review the Amendments.** The Tribes submitted their proposed compact amendments to DOI for review on or about August 2, 2017. Because the Tribes submitted their amendments to DOI for review, DOI’s regulations require the Department to review the amendments and the underlying tribal compacts together “as a whole” to ensure that they comply with IGRA and other federal laws. 25 C.F.R. §§ 293.3-4, 293.14, 291.14; 73 Fed. Reg. at 74,005.
- **DOI Should Disapprove the Amendments.** Under Supreme Court precedent, IGRA *exclusively* addresses gaming “on Indian lands”—i.e., reservations. The amendments violate IGRA because their sole purpose is to facilitate gaming *off of* Indian lands. Tribes can use the “two-part determination” process to obtain gaming rights on new Indian lands, but the Tribes have not done that here. The amendments thus seek to circumvent IGRA.
- **Approving the Amendments Would Open the Floodgates for Off-Reservation Gaming.** IGRA’s text, court decisions, and DOI policy provide two options for creating new casinos: (i) establish the casino under state law, without involving DOI, or (ii) obtain federal approval through IGRA’s statutorily prescribed two-part determination process. The Tribes have used neither of these options. Rather, their proposed amendments are an unprecedented attempt to create a new, third category in which DOI provides an initial approval, but lacks ongoing authority (because the new casino would be regulated by Connecticut). Approving the amendments would weaken DOI’s oversight role and allow this new, third non-statutory category to be used to facilitate off-reservation gaming in 28 states that, like Connecticut, have tribal gaming but do not have commercial casinos.
- **Taking No Action Is Not a Viable Option.** Ordinarily, DOI would have three options for disposing of the amendments: (1) disapprove them, (2) approve them, or (3) take no action, in which case the amendments are “deemed” approved after 45 days. Taking no action is not an option here because the [REDACTED] amendments are subject to regulations (25 C.F.R. Part 291) that do not provide for “deemed” approvals. Regardless, DOI should affirmatively disapprove the amendments because they violate IGRA’s “Indian lands” requirement and approving the compact amendments would set a dangerous precedent for the expansion of off-reservation gaming in other states.

Hi [REDACTED] - did you connect with [REDACTED] last week? If so, how did it go?

Yes, [REDACTED] did to let him know that you were meeting with [REDACTED] and asked that he bird dog the process, which he said that he was. We are following up with [REDACTED] this week. Did you get any feedback yet from your meeting with [REDACTED]? How much time is left for [REDACTED] to act?

█, today was a travel day. Let's try to touch base tomorrow. █ spoke to █ and previously to █. Both appeared to be sensitive to the issue of not allowing Connecticut to grant a private off reservation casino. Connecticut is trying to get DOI to approve an amendment to █ compact to allow such a casino. Once approved if it is DOI would then cease to have further jurisdiction over the operations. And this opening Pandora's box for other states to consider deals like these. Bottom line DOI cannot approve such an amendment and █ needs to know that. Thanks. █.
(FYI, This is a note I sent to █ who is from █ and is a close personal friend and political consultant to Zinke and █. █ consults for us.)

From: (b) (7)(C)
Sent: 8/18/2017 12:06:15 PM
To: (b) (7)(C)
CC: (b) (7)(C)
Subject: Re: Revised One-Pager

Excellent. Very clear that this is a federal issue and that DOI must act. Thank you. FYI, (b) (7)(C) is arranging a meeting with (b) (7)(C) to discuss the national implications of this case.

(b) (7)(C)

(b) (7)(C)

(b) (7)(C)

(b) (7)(C)

(b) (7)(C)

On Aug 18, 2017, at 11:28 AM, (b) (7)(C) wrote:

(b) (7)(C)

I have attached a revised one-pager simplifying our arguments along the lines you suggested. Please review and let me know if you have any comments.

Thanks.

(b) (7)(C)

<2017-08-18.One Pager.DOI Compact Review.pdf>

(b) (7)(C)

From: (b) (7)(C)
Sent: 8/22/2017 3:59:07 PM
To: (b) (7)(C)
CC: (b) (7)(C)
Subject: Fwd: Revised One-Pager
Attachments: 2017-08-18.One Pager.DOI Compact Review.pdf; ATT00001.htm

Hey (b) (7)(C) hope you are well. Thank you for meeting with (b) (7)(C) and me a couple weeks ago re the Connecticut tribal casino issue. I understand that DOI has been asked to approve an amendment to the state compact allowing a third tribal casino in the state which, unlike the other two is not to be located on federally approved tribal property. Rather, it is to be located on commercial property in (b) (7)(C) Connecticut. I have enclosed a one pager that argues that the request to approve the amendment is clearly a federal issue; and that any such approval by DOI appears to violate federal Indian gaming law. Under federal law governing Indian gaming, DOI has only 45 days to act on this amendment request. If DOI does not act within that time period, the request is deemed approved. The clock runs out September 15 and thus time is of the essence. Accordingly, we respectfully request that the Department disapprove this amendment within the time period allowed. To do otherwise could have national implications in a significant number of other states where tribes, relying on this precedent, also could seek their states to allow commercial Indian casinos off reservation lands. Thank you for your consideration.

Regards,

(b) (7)(C)
(b) (7)(C)
(b) (7)(C)
(b) (7)(C)

Begin forwarded message:

From: (b) (7)(C)
Date: August 18, 2017 at 11:28:44 AM EDT
To: (b) (7)(C)
Subject: Revised One-Pager

(b) (7)(C)

From: [REDACTED]
To: [REDACTED]@ios.doi.gov
Subject:
Date: 08/22/2017 05:13 PM
Attachments: 2017-08-18.One Pager.DOI Compact Review.pdf
ATT00001.txt

From: [REDACTED]
To: [REDACTED]@ios.doi.gov
Subject: Fwd:
Date: 08/22/2017 05:17 PM
Attachments: ATT00001.bt
ATT00001.htm
2017-08-18.One Pager.DOI Compact Review.pdf
ATT00002.htm

Can you print

[REDACTED]
Department of the Interior

Begin forwarded message:

From: [REDACTED]@gmail.com>
Date: August 22, 2017 at 5:13:44 PM EDT
To: <[REDACTED]@ios.doi.gov>

DOI Should Disapprove the Connecticut Tribes' Proposed Compact Amendments Because They Violate IGRA

- The ██████████ Indian Tribe and the ██████████ Tribes of Indians (“Tribes”) seek to operate a new commercial, off-reservation casino in Connecticut. A state law enacted in 2017, Public Act 17-89, gives the Tribes the right to operate that casino, but only if they first (1) amend their gaming compacts with the State and (2) obtain Department of the Interior (“DOI”) approval of those amendments.
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Both appeared to be sensitive to the issue of

(b) (7)(C)

2017-08-10 22:21:00

Btw, DOI is on the clock to disapprove under IGRA

2017-08-11 00:44:00

Ok. Will call [REDACTED]. Not sure where he is, as I know Ryan is in Mykinos celebrating his 25th wedding anniversary.

(b) (7)(C)

2017-08-16 17:09:00

Call me please. (b) (7)(C)

(b) (7)(C)

2017-08-22 15:46:00

Sorry, I can't talk right now.

(b) (7)(C)

2017-08-23 20:53:00

FYI the drop dead date for DOI to disapprove the Connecticut compact amendment for (b) (7)(C) is Sept 15. I sent to [REDACTED] and have not

(b) (7)(C)

2017-08-23 20:55:00

heard back. Please follow up to determine position of Department. This is something that [REDACTED] will likely raise with WH but doesn't want to do that for

(b) (7)(C)

2017-08-23 20:55:00

obvious reasons. Sorry to make a pest of myself. [REDACTED] is nervous.

(b) (7)(C)

2017-08-28 14:59:00

(b) (7)(C) asked to reach out you to ask you to call Secretary Zinke again. He has not yet contacted [REDACTED]. Please advise [REDACTED]

2017-08-28 15:00:00

Am calling him now

(b) (7)(C)

2017-08-28 15:02:00

Thank you [REDACTED]

(b) (7)(C)

2017-08-28 15:21:00

[REDACTED] wants to have a drink with him tonight or tomorrow if possible.

2017-08-28 15:24:00

Tonight. We are going to do dinner at his house

(b) (7)(C)

2017-08-28 15:27:00

Only repeating what [REDACTED] said. We could do dinner tonight I think. Let me know the plan

From: [REDACTED]
To: Ryan Zinke
Subject: [REDACTED] memo
Date: 08/23/2017 05:41 PM
Attachments: [2017-08-18_One Pager_DOI Compact Review.pdf](#)
[ATT00001.txt](#)

2017-07-27 00:42:00

Around for drinks this weekend?

[REDACTED] Ryan Zink

2017-07-27 01:10:00

[REDACTED]

2017-08-05 16:13:00

What former General do you like to help us raise money for our [REDACTED] project?

2017-08-17 23:34:00

How much did you pay [REDACTED] on the campaign? Or, how much do you think [REDACTED] should pay - knowing it's a campaign.

[REDACTED] Ryan Zink

2017-08-18 06:10:00

I paid him very little as it was a campaign. I would think [REDACTED] month plus expenses. He knows more this time around Z

2017-08-18 06:13:00

Ok. Many thanks. Sitting here with [REDACTED]. He is going to talk to [REDACTED] on Sunday and finalize a deal. [REDACTED] was very good and impressive in our Monday strategy mtg. I was impressed.

2017-08-23 21:40:00

[REDACTED] if you can call him. Beers next Monday?

[REDACTED] Ryan Zink

2017-08-26 00:05:00

U in town on 5th? Sting. Wolftrap

2017-08-26 00:18:00

Ugh - don't get back until late that night. Flying to DC tomorrow morning.

2017-08-28 15:00:00

Beers tonight then?

[REDACTED] Ryan Zink

2017-08-28 15:04:00

Yep.

2017-08-28 15:22:00

Cap Grille at 6 pm?

[REDACTED] Ryan Zink

2017-08-28 22:58:00

[REDACTED]

2017-08-28 22:59:00

Both appeared to be sensitive to the issue of

(b) (7)(C)

2017-08-10 22:21:00

Btw, DOI is on the clock to disapprove under IGRA

2017-08-11 00:44:00

Ok. Will call [REDACTED] Not sure where he is, as I know Ryan is in [REDACTED] celebrating his 25th wedding anniversary.

(b) (7)(C)

2017-08-16 17:09:00

Call me please. [REDACTED]

(b) (7)(C)

2017-08-22 15:46:00

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(b) (7)(C)

2017-08-23 20:53:00

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(b) (7)(C)

2017-08-23 20:55:00

heard back. Please follow up to determine position of Department. This is something that [REDACTED] will likely raise with WH but doesn't want to do that for

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2017-08-28 15:00:00

Am calling him now

(b) (7)(C)

2017-08-28 15:02:00

Thankyou [REDACTED]

(b) (7)(C)

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2017-08-28 15:24:00

Tonight. We are going to do dinner at his house

(b) (7)(C)

2017-08-28 15:27:00

Only repeating what [REDACTED] said. We could do dinner tonight I think. Let me know the plan

(b) (7)(C)

2017-08-28 15:27:00

I'll contact [REDACTED]

(b) (7)(C)

2017-08-28 15:28:00

[REDACTED]?

2017-08-28 15:28:00

I just talked to him

2017-08-28 15:40:00

Yes. We are good. He and I have dinner with Ryan at his house tonight.

(b) (7)(C)

2017-08-28 15:41:00

□□□□

(b) (7)(C)

2017-08-28 15:43:00

What's Zinke address?

2017-08-28 15:47:00

[REDACTED]. I just let [REDACTED] assistant know, as well. Dinner will be at 6:30 with Ryan, [REDACTED] and I - so should be good.

(b) (7)(C)

2017-08-28 15:55:00

Perfect

2017-08-28 20:23:00

Dinner now at 7:30 pm instead of 6:30 for [REDACTED]. Can you pls let [REDACTED] know.

(b) (7)(C)

2017-08-28 20:23:00

Ok

(b) (7)(C)

2017-09-08 13:00:00

Please call when you can.

Text Message Event Reconstruction - (b) (7)(C) Communications

Parties Involved In Communications:

(b) (7)(C)
(b) (7)(C)

TEXT MESSAGES

(b) (7)(C)
(b) (7)(C)

(b) (7)(C)
(b) (7)(C)

8/17/2017 11:29:00 AM PDT (1:29 PM EDT)

I'm having dinner with Zinke tonight.

Read

Ref: (b) (7)(C)

8/17/2017 11:38:00 AM PDT (1:38 PM EDT)

Obviously (b) (7)(C) matters will be on the menu



Read

Ref: (b) (7)(C)

8/17/2017 11:49:00 AM PDT (1:49 PM EDT)

Thank you. I just spoke with (b) (7)(C) and will send you some background info

Sent

Ref: (b) (7)(C)

8/17/2017 12:10:00 PM PDT (3:10 PM EDT)

Happy for you guys that (b) (7)(C) won the fight.

Read

Ref: (b) (7)(C)

8/17/2017 8:37:00 PM PDT (11:37 PM EDT)

Is the solicitor ur guy

Read

Ref: (b) (7)(C)

8/17/2017 8:38:00 PM PDT (11:38 PM EDT)

Knock down fight right now.

Read

Ref: (b) (7)(C)

Prepared By: (b) (7)(C)

Date: 7/16/2019

OI-PI-18-0480-I

Text Message Event Reconstruction - (b) (7)(C) Communications

Parties Involved In Communications:

(b) (7)(C)
(b) (7)(C)

TEXT MESSAGES

(b) (7)(C)
(b) (7)(C)

(b) (7)(C)
(b) (7)(C)

8/17/2017 8:39:00 PM PDT (11:39 PM EDT)

The Deputy Secretary - (b) (7)(C) - worked for (b) (7)(C) and represented us. But he's recused.

Sent

Ref: (b) (7)(C)

8/17/2017 8:39:00 PM PDT (11:39 PM EDT)

I've felt the solicitor's office is more concerned about the tribes than us

Sent

Ref: (b) (7)(C)

8/17/2017 8:39:00 PM PDT (11:39 PM EDT)

Shit. Ok

Read

Ref: (b) (7)(C)

8/17/2017 8:39:00 PM PDT (11:39 PM EDT)

The guy in the solicitor's office who is handling this - (b) (7)(C) - used to be the (b) (7)(C) and is an Obama holdover

Sent

Ref: (b) (7)(C)

8/17/2017 8:43:00 PM PDT (11:43 PM EDT)

Is ur guy

Read

Ref: (b) (7)(C)

8/17/2017 8:48:00 PM PDT (11:48 PM EDT)

Was, yes, very much so. He worked for (b) (7)(C) whom you met and who is like an uncle to me.

Sent

Ref: (b) (7)(C)

Prepared By: (b) (7)(C)

Date: 7/16/2019

OI-PI-18-0480-I

Text Message Event Reconstruction - (b) (7)(C) Communications

Parties Involved In Communications:

(b) (7)(C)
(b) (7)(C)

TEXT MESSAGES

(b) (7)(C)
(b) (7)(C)

(b) (7)(C)
(b) (7)(C)

8/2017 8:49:00 PM PDT (11:49 PM EDT)

He will be the decider.

Read

Ref: (b) (7)(C)

8/2017 8:49:00 PM PDT (11:49 PM EDT)

So I need to get him to tell Ryan

Read

Ref: (b) (7)(C)

8/2017 8:52:00 PM PDT (11:52 PM EDT)

Ok

Sent

Ref: (b) (7)(C)

8/2017 8:52:00 PM PDT (11:52 PM EDT)

He knows the issue cold

Sent

Ref: (b) (7)(C)

8/2017 8:52:00 PM PDT (11:52 PM EDT)

He helped us in CT

Sent

Ref: (b) (7)(C)

8/2017 10:52:00 PM PDT
(8/2017 1:52 AM EDT)

Night two tomorrow

Read

Ref: (b) (7)(C)

8/2017 7:50:00 AM PDT (10:50 AM EDT)

Lets visit later

Read

Ref: (b) (7)(C)

Prepared By: [REDACTED]

Date: 7/16/2019

OI-PI-18-0480-I

Text Message Event Reconstruction - (b) (7)(C) Communications

Parties Involved In Communications:

(b) (7)(C)
(b) (7)(C)

TEXT MESSAGES

(b) (7)(C)
(b) (7)(C)

(b) (7)(C)
(b) (7)(C)

8/2017 7:51:00 AM PDT (10:51 AM EDT)

The man can drink

Read

Ref: (b) (7)(C)

8/2017 9:48:00 PM PDT
(8/2017 12:48 AM EDT)

Hi - sorry I missed your call. I've been in CA taking care of some family stuff but will call in the morning.

Sent

Ref: (b) (7)(C)

8/2017 9:49:00 PM PDT
(8/2017 12:49 AM EDT)

No worries. Good meeting tonight.

Read

Ref: (b) (7)(C)

8/2017 9:49:00 PM PDT
(8/2017 12:49 AM EDT)

Great. Look forward to catching up

Sent

Ref: (b) (7)(C)

8/2017 9:49:00 PM PDT
(8/2017 12:49 AM EDT)

 No worries. Good meeting tonight.

Read

Ref: (b) (7)(C)

8/2017 10:13:00 AM PDT (1:13 PM EDT)

Can you talk?

Read

Ref: (b) (7)(C)

Prepared By: [redacted]

Date: 7/16/2019

OI-PI-18-0480-I

Text Message Event Reconstruction - (b) (7)(C) Communications

Parties Involved In Communications:

(b) (7)(C)
(b) (7)(C)

TEXT MESSAGES

(b) (7)(C)
(b) (7)(C)

(b) (7)(C)
(b) (7)(C)

8 (b) (7)(C) 2017 10:14:00 AM PDT (1:14 PM EDT)
Can I call you at 11:30 your time? I'm about to start driving to the airport to head back to (b) (7)(C)

Sent
Ref: (b) (7)(C)

8 (b) (7)(C) 2017 10:14:00 AM PDT (1:14 PM EDT)
Sure

Read
Ref: (b) (7)(C)

8 (b) (7)(C) 2017 12:23:00 PM PDT (3:23 PM EDT)
Almost missed my flight and we're just about to take off. Will try you when I land in (b) (7)(C)

Sent
Ref: (b) (7)(C)

8 (b) (7)(C) 2017 12:58:00 PM PDT (3:58 PM EDT)
No problem

Read
Ref: (b) (7)(C)

Examiner Note: Timezone of Pacific Daylight Time (PDT) Based Upon (b) (7)(C) Attorney Email (b) (7)(C) 2019 Indicating All Times Were PDT.

Messages Obtained From Mobile Device:

(b) (7)(C) (All Messages)

Prepared By: (b) (7)(C)

Date: 7/16/2019

OI-PI-18-0480-I

From: (b) (7)(C)
Sent: 8/28/2017 1:23:27 PM
To: (b) (7)(C)
Subject: Fwd: Revised One-Pager
Attachments: 2017-08-18.One Pager.DOI Compact Review.pdf; ATT00001.htm

Here is the one-pager. The key points are as follows:



(b) (7)(C)

Begin forwarded message:

From: (b) (7)(C)
Date: August 18, 2017 at 8:28:44 AM PDT
To: (b) (7)(C)
Subject: Revised One-Pager

I have attached a revised one-pager simplifying our arguments along the lines you suggested. Please review and let me know if you have any comments.

From: [REDACTED] <[REDACTED]@ios.doi.gov>
Sent: Thursday, September 14, 2017 4:58 PM
To: (b) (7)(C)
Subject: Our favorite Gaming Issue
Attachments: Connecticut Gaming.docx

**REMARKS**

Remarks by President Trump at the White House Historical Association Reception

Issued on September 14, 2017



State Dining Room

7:53 P.M. EDT

THE PRESIDENT: Well, thank you very much, everybody. Please, sit down. Enjoy your evening. It's a very special evening.

And I want to thank Melania for working with her friends in the room to make this so very, very unique and, again, very, very special.

This is a house like no other. It's a house that encumbers so many different titles, from beauty to warmth to power, sometimes to coldness. I've heard that. (Laughter.) But it's an amazing, incredible place.

And to have the White House Historical Association and all of our board members and everybody involved, and to raise all of the money that we've raised tonight, we just want to thank you very much.

We just got back from Florida. It's been a rough time for Florida. But the first responders and the Coast Guard, and to all of the people FEMA all of the people that worked so hard have done an A plus job.

You know, we had as you know very well, some of you are from Texas and some of you are from Florida. And you both got hit. In Texas you got hit with the largest amount of water anybody has ever seen. I guess the largest ever recorded. And in Florida you got hit with the strongest winds ever recorded. It actually hit the Keys with a it was a Category 5. I never even knew a Category 5 existed. And they suffered greatly.

But in both bases, and in other cases such as Alabama, Louisiana, and plenty of others Puerto Rico; the Virgin Islands was hit brutally, brutally. It got hit dead center with a strong five. And it's almost not standing, but the people are standing. And some incredible things have happened.

But I just want to turn it over to Melania. This is, again, a place that I've grown to love and respect. You go to the Oval Office, and I've had the biggest men we have some of the biggest businesspeople, men and women. I must say, some of the women are bigger than the men (laughter) but I won't say it too loudly. I'm actually impressed with some of the women far more than some of the men, but that's okay.

But I've had the biggest men and women from business and other fields come into the Oval Office. And they have magnificent offices, they have beautiful offices on the best 5th Avenue and Park Avenue, the best locations. Most beautiful places you've ever seen. And they walk into that Oval Office and they think that there's nothing like it and there really is nothing like it.

So even Phil Ruffin and Richard LeFrak, and where's my Howard? Howard and there he is. And you're looking good, Howard. You had a rough bout, and now you're a thousand percent. So it's good to have you back with us. But we have so many friends.

And again, thank you very much. Thank you for all you do. And I'm going to just turn this over to the star of the Trump family. She's become the big they love her out there, I'll tell you. I was we walked all over Florida, we walked all over Texas, and they're loving Melania. And she just enjoys helping out with what she's doing and working with you folks.

So thank you all very much. Fantastic honor. (Applause.)

END

7:57 P.M. EDT

The White House



President Donald J Trump

Vice President Mike Pence

First Lady Melania Trump

Mrs. Karen Pence

The Cabinet

Administration Accomplishments

News

Remarks

Articles

Presidential Actions

Briefings & Statements

About The White House

Economy & Jobs

Budget & Spending

Education

Immigration

National Security & Defense

Healthcare

Council of Economic Advisers

Council of Environmental Quality

National Security Council

Office of Management and Budget

Office of National Drug Control Policy

Office of Science and Technology Policy

Copyright Policy

I'm going to this WH dinner tonight. Will [REDACTED] be there ? The RNC chair will be. If so [REDACTED] and I can try to talk to the Pres.

Will see what I can find out

[REDACTED] call with [REDACTED] did not go well. Unclear what their motivation is, but I believe they will send an approval letter tomorrow unless given clear direction otherwise.

[REDACTED] is here. I don't know him. Would he help

Zinke too

I just asked. I'm sure he doesn't know anything about the issue; his interests really are limited to TI

He's going to send a letter taking no position. Saying something to the effect that this may not be allowed under IRga. Can't talk but it's not an approval letter. But not what we want

He thinks we can litigate against state. He thinks it's a half loaf

██████ understands and shares our concerns. They are lining up some ducks internally and said they'd make some calls. They know the urgency

I'm going to this WH dinner tonight. Will [REDACTED] be there ? The RNC chair will be. If so [REDACTED] and I can try to talk to the Pres.

Will see what I can find out

██████ call with ██████ did not go well. Unclear what their motivation is, but I believe they will send an approval letter tomorrow unless given clear direction otherwise.

[REDACTED] is here. I don't know him. Would he help

Zinke too

I just asked. I'm sure he doesn't know anything about the issue; his interests really are limited to TI

He's going to send a letter taking no position. Saying something to the effect that this may not be allowed under IRga. Can't talk but it's not an approval letter. But not what we want

He thinks we can litigate against state. He thinks it's a half loaf

That's from Zinke

Worked him all the way through the Lincoln Bedroom.

Just left. Zinke is really not smart. But he thinks he helped us. I told him in front of DJT he gave the Indians a huge lift.

Text Message Event Reconstruction For Event 9/14/2017 - 9/15/2017

Involving (b) (7)(C)

Parties Involved In Communications:

(b) (7)(C)
(b) (7)(C)

TEXT MESSAGES

(b) (7)(C)
(b) (7)(C)

(b) (7)(C)
(b) (7)(C)

9/14/2017 4:32:00 PM PDT (7:32 PM EDT)

Can you give me a call. Need a favor on a time sensitive matter. Believe our interests are aligned on the issue.

Sent

Ref: (b) (7)(C)

9/14/2017 6:09:00 PM PDT (9:09 PM EDT)

Thanks for the call. I sent you an email with some info. The secretary told our lobbyist tonight they plan to "split the baby" (b) (5)

Sent

Ref: (b) (7)(C)

9/14/2017 6:19:00 PM PDT (9:19 PM EDT)

Yup

Read

Ref: (b) (7)(C)

9/14/2017 9:23:00 PM PDT (9/15/2017 12:23 AM EDT)

(b) (7)(C) is on east coast. I just sent a text and called her but did not connect. If she does not respond in next 5 or 10 minutes I would go ahead and send. Thanks very much for your fast work on this.

Sent

Ref: (b) (7)(C)

Prepared By: [REDACTED]

Date: 3/13/2019

OIG Case # OI-PI-18-0480-I

Text Message Event Reconstruction For Event 9/14/2017 - 9/15/2017

Involving (b) (7)(C)

TEXT MESSAGES

(b) (7)(C)
(b) (7)(C)

(b) (7)(C)
(b) (7)(C)

9/14/2017 9:24:00 PM PDT (9/15/2017 12:24 AM EDT)

I think we figured it out pretty close.

Good issue.

Read

Ref: (b) (7)(C)

9/14/2017 9:32:00 PM PDT (9/15/2017 12:32 AM EDT)

Yes, (b) (5)

[Redacted]

Sent

Ref: (b) (7)(C)

9/14/2017 9:34:00 PM PDT (9/15/2017 12:34 AM EDT)

This was inevitable when they let the tribes in

Read

Ref: (b) (7)(C)

9/14/2017 9:38:00 PM PDT (9/15/2017 12:38 AM EDT)

Yes unfortunately

Sent

Ref: (b) (7)(C)

9/15/2017 9:42:00 AM PDT (12:42 PM EDT)

Checking in to see if

You have had a chance to discuss with (b) (7)(C) yet. Please let me know if you need anything else from us.

Prepared By: [Redacted]

Date: 3/13/2019

OIG Case # OI-PI-18-0480-I

Text Message Event Reconstruction For Event 9/14/2017 - 9/15/2017

Involving (b) (7)(C)

TEXT MESSAGES

(b) (7)(C)
(b) (7)(C)

(b) (7)(C)
(b) (7)(C)

Sent

Ref: (b) (7)(C)

9/15/2017 9:54:00 AM PDT (12:54 PM EDT)

I did check your email. He's going to make a call

Read

Ref: (b) (7)(C)

9/15/2017 9:54:00 AM PDT (12:54 PM EDT)

Zinkels out fighting wildfires someplace

Read

Ref: (b) (7)(C)

9/15/2017 9:54:00 AM PDT (12:54 PM EDT)

And we have other people working

Read

Ref: (b) (7)(C)

9/15/2017 9:54:00 AM PDT (12:54 PM EDT)

Just saw it. Thank you!

Sent

Ref: (b) (7)(C)

9/15/2017 9:54:00 AM PDT (12:54 PM EDT)

It's a good issue I'm glad you made us aware

Read

Ref: (b) (7)(C)

Examiner Note: Timezone of Pacific Daylight Time (PDT) Based Upon Covington Attorney Email 3/13/2019
Indicating All Times Were PDT.

Messages Obtained From Mobile Device: (b) (7)(C) (All Messages)

Prepared By: [REDACTED]

Date: 3/13/2019

OIG Case # OI-PI-18-0480-I

From:

To:

Subject:

Date:

(b) (7)(C)

(b) (7)(C)

@ios.doi.gov

09/15/2017 08:03 AM

[REDACTED], I need to talk to [REDACTED] in this morning sooner rather than later. It's about the letter he's writing.

(b) (7)(C)

Chief of Staff

Department of the Interior

From: (b) (7)(C) <(b) (7)(C)@ios.doi.gov>
Sent: Friday, September 15, 2017 12:48 PM
To: (b) (7)(C)
Subject: Gaming
Attachments: (b) (7)(C) Gaming.docx

From: (b) (7)(C)
To: (b) (7)(C)
Subject: Fwd: (b) (7)(C) compact and procedure amendment letters
Date: 09/15/2017 01:55 PM
Attachments: (b) (7)(C) [Tribe Procedures Return Draft Final \(ENS\).docx](#)

----- Forwarded message -----

From: (b) (7)(C) <(b) (7)(C)@sol.doi.gov>
Date: Fri, Sep 15, 2017 at 1:50 PM
Subject: Re: CT compact and procedure amendment letters
To: "(b) (7)(C)" <(b) (7)(C)@sol.doi.gov>
Cc: (b) (7)(C) <(b) (7)(C)@ios.doi.gov>, (b) (7)(C) <(b) (7)(C)@ios.doi.gov>, (b) (7)(C) <(b) (7)(C)@bia.gov>, (b) (7)(C) <(b) (7)(C)@bia.gov>, (b) (7)(C) <(b) (7)(C)@bia.gov>

We have additional edits.

On Fri, Sep 15, 2017 at 1:16 PM, (b) (7)(C) <(b) (7)(C)@sol.doi.gov> wrote:
All,

Attached are the letters related to the compact and procedures amendments for the Connecticut tribes. These versions include (b) (7)(C) most recent edits.

--
(b) (7)(C)
(b) (7)(C)
(b) (7)(C)

Office of the Solicitor
Department of the Interior
1849 C Street, NW, (b) (7)(C)
Washington, DC 20240

Off. (b) (7)(C)
Fax (b) (7)(C)
(b) (7)(C)@sol.doi.gov

--

(b) (7)(C)
(b) (7)(C)

Office of the Solicitor
Department of the Interior
1849 C Street, NW,
Washington, DC 20240

Off. (b) (7)(C)

Fax (b) (7)(C)

(b) (7)(C)@sol.doi.gov

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--

(b) (7)(C)
(b) (7)(C)

Office of the Solicitor
Department of the Interior
1849 C Street, NW,
Washington, DC 20240

Off. (b) (7)(C)

Fax (b) (7)(C)

(b) (7)(C)@sol.doi.gov

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(b) (7)(C)

Acting Assistant Secretary – Indian Affairs

Enclosure

cc: (b) (7)(C)
(b) (7)(C)

From: (b) (7)(C) (b) (7)(C)
Sent: 9/15/2017 9:30:32 PM
To: (b) (7)(C)
Subject: Re: Have a nice weekend

Nothing beyond the letters

Sent from my iPhone

> On Sep 15, 2017, at 6:05 PM, (b) (7)(C) wrote:

>
> Hi [REDACTED],
>
> We were both in the air. Will hear from him shortly.
>
> And [REDACTED] called me as well.
>
> Have you heard anything?
>
> In any regard [REDACTED] and staff know our position and if the call wasn't made it will be.
>
> Pretty sure it happened.

>
>
> [REDACTED]
>
> Sent from my iPhone

>> On Sep 15, 2017, at 7:23 PM, (b) (7)(C) wrote:

>>
>> [REDACTED]
>>
>> Thanks again for your help with the tribal issue. Please let me know if [REDACTED] personally made a phone call to the secretary because [REDACTED] would like to call him to thank him.

>>
>> [REDACTED]
>>
>> Sent from my iPhone

>
> [The information contained in this e-mail message is intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, or is not the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this message in error, please immediately notify us by telephone or reply by e-mail and then promptly delete the message. Thank you.]

>
> [The information contained in this e-mail message is intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, or is not the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this message in error, please immediately notify us by telephone or reply by e-mail and then promptly delete the message. Thank you.]

Text Message Event Reconstruction For Event On 9/26/2017

Involving (b) (7)(C)

Parties Involved In Communications:

(b) (7)(C)
(b) (7)(C)
(b) (7)(C)

TEXT MESSAGES

(b) (7)(C) (b) (7)(C)
(b) (7)(C)

(b) (7)(C)
9/26/17 2:28 PM

Zinke asked to see me at 6:15

Read
Ref: (b) (7)(C)

(b) (7)(C)
9/26/17 4:34 PM

I wanted to send you the texting equivalent of a thumb's up, but worried it would come at precisely the moment you were making a critical point, so I waited what I hope was a safe amount of time. Shoot me now if you're still there and I just interrupted the aforementioned critical point.

Read
Ref: (b) (7)(C)

(b) (7)(C)
9/26/17 4:54 PM

All good.
He gets it.

Read
Ref: (b) (7)(C)

9/26/17 5:10 PM

👉 dinner on me tomorrow!

Sent
Ref: (b) (7)(C)

Examiner Note: Timezone cannot be determined from subpoena return data.

Messages Obtained From Mobile Device:

(b) (7)(C) (All Messages)

Prepared By: [REDACTED]

Date: 3/13/2019

OIG Case # OI-PI-18-0480-I



OFFICE OF
INSPECTOR GENERAL
 U.S. DEPARTMENT OF THE INTERIOR

INVESTIGATIVE ACTIVITY REPORT

Case Number OI-PI-18-0480-I	
Reporting Office Program Integrity Division	Report Date August 28, 2019
Report Subject Interview of [REDACTED]	

On August 28, 2019, Special Agent (b) (7)(C) with the Office of Inspector General (OIG), U.S. Department of the Interior (DOI), Special Agent (b) (7)(C) U.S. Department of Justice (DOJ), and Prosecutors (b) (7)(C), with DOJ's Program Integrity Section, interviewed former Nevada Senator (b) (7)(C) at the (b) (7)(C) (b) (7)(C). Also present was (b) (7)(C) attorney (b) (7)(C). The purpose of the interview was to discuss (b) (7)(C) contacts with former Secretary of the Interior Ryan Zinke regarding casino amendments submitted to DOI by the (b) (7)(C) (b) (7)(C) from Connecticut. The interview was not recorded, and the following is a summary of the interview.

[REDACTED] said that after 2016, [REDACTED] contacted him to express its concerns about the Tribes' amendments and inform him of its legal arguments against them. [REDACTED] said that he first spoke with Zinke about the amendments in June 2017 in [REDACTED] at a State Attorney General event. According to [REDACTED], they spoke specifically about the amendments during that personal meeting and discussed whether Zinke had the authority and jurisdiction to approve the amendments.

[REDACTED] said that he also requested, and had, a telephone call with Zinke on September [REDACTED], 2017 to discuss the amendments, which was the same day the Department issued its decision letter on the matter. [REDACTED] said that he and Zinke specifically discussed the amendments in detail that day – given that was the purpose of him requesting the call with Zinke – and he definitely asked Zinke to not approve the Tribes' amendments during their call. [REDACTED] further stated that if anybody were to say that his position on the Tribes' amendments was unclear during his conversations with Zinke, such a statement would be incorrect.

Reporting Official/Title (b) (7)(C) /Special Agent	Signature Digitally signed.
Authentication Number: (b) (7)(C)	

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OFFICE OF
INSPECTOR GENERAL
 U.S. DEPARTMENT OF THE INTERIOR

INVESTIGATIVE ACTIVITY REPORT

Case Number OI-PI-18-0480-I	
Reporting Office Program Integrity Division	Report Date July [redacted] 2018
Report Subject Interview of (b) (7)(C)	

On July 9, 2018, Special Agent (b) (7)(C) and (b) (7)(C), with the Program Integrity Division (PID), Office of Inspector General, U.S. Department of the Interior (DO), interviewed (b) (7)(C), Office of the Solicitor (SOL), DOI, in his office in the Main Interior Building, Washington, DC. The purpose of the interview was to ask (b) (7)(C) if he had discussed with Secretary of the Interior Ryan Zinke amendments (b) (7)(C) (b) (7)(C) (collectively, Tribes) submitted to DOI on August 2, 2017.

Background

Zinke informed OIG during his interview that he participated in discussions concerning the Tribes' amendments with SOL attorneys (b) (7)(C) prior to making his September [redacted], 2017 decision regarding the amendments. OIG conducted a search in DOI's Federal Personnel and Payroll System (FPPS) of all SOL attorneys and did not identify any SOL attorneys named [redacted]. The closest name to [redacted] found in the FPPS system was (b) (7)(C).

Details

[redacted] was informed that Zinke told OIG that he discussed the Tribes' amendments with him prior to Zinke making his September [redacted], 2017 decision to return the amendments without taking any action. In response, [redacted] stated that he never discussed the amendments with Zinke at any time, prior to Zinke's September [redacted], 2017 decision, or afterwards.

Reporting Official/Title (b) (7)(C) /Special Agent	Signature Digitally signed.
Authentication Number: (b) (7)(C)	

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OFFICE OF
INSPECTOR GENERAL
 U.S. DEPARTMENT OF THE INTERIOR

INVESTIGATIVE ACTIVITY REPORT

Case Number OI-PI-18-0480-I	
Reporting Office Program Integrity Division	Report Date July 17, 2019
Report Subject Interview of [REDACTED]	

On July 17, 2019, Special Agent (b) (7)(C) with the Office of Inspector General, U.S. Department of the Interior (DOI), Special Agent (b) (7)(C) with the Federal Bureau of Investigation, Trial Attorneys (b) (7)(C) and (b) (7)(C), U.S. Department of Justice (DOJ), interviewed (b) (7)(C) at DOJ's Public Integrity Section's offices in Washington, D.C. Also present for the interview were (b) (7)(C), attorneys for [REDACTED]. The purpose of the interview was to ask (b) (7)(C) about his involvement in attempting to lobby then-Secretary of the Interior Ryan Zinke and the circumstances surrounding his personal meeting with Zinke on September 26, 2017. The interview was voluntary and conducted in preparation for upcoming grand jury testimony scheduled for July 30, 2019. A proffer was entered into between [REDACTED] and the government prior to the interview. The following is a summary of the interview.

[REDACTED] said that he became involved in the matter surrounding the Connecticut tribes' casino compact amendments after (b) (7)(C) reached out to his supervisor, (b) (7)(C), to explain how approval of the amendments could negatively impact the casino industry and asked that [REDACTED] assist them in lobbying Zinke to not approve the amendments. Based upon (b) (7)(C) request for lobbying assistance, [REDACTED] decided to attempt to have (b) (7)(C) speak directly with Zinke on the phone. In turn, (b) (7)(C) asked [REDACTED] to reach out to Zinke and arrange the call between [REDACTED] and Zinke.

In this effort, [REDACTED] said that he called (b) (7)(C), who [REDACTED] knew had been a fund raiser for Zinke in the past and was friendly with the Zinke family. After reviewing telephone records, [REDACTED] confirmed that he spoke with Zinke's wife, [REDACTED], on September 15, 2017 and informed her that [REDACTED] desired to speak directly with Zinke about the casino amendments.

After reviewing the telephone records and noting that [REDACTED] called [REDACTED] first, and [REDACTED] returned her call soon thereafter from his cell phone, [REDACTED] speculated that, in addition to informing [REDACTED] that he was trying to reach Zinke in an effort to arrange a phone call between him and [REDACTED], he must have provided [REDACTED] with [REDACTED] executive assistant's (b) (7)(C) phone number, which

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██████████ “may” have passed onto ██████████ (b) (7)(C). ██████████ said that he never spoke with Zinke directly on the telephone but assumed that ██████████ (b) (7)(C) passed the message onto her husband.

According to ██████████ (b) (7)(C), approximately a week later a woman named ██████████ (b) (7)(C) contacted ██████████ (b) (7)(C) and invited ██████████ to the ██████████ (b) (7)(C) event in Washington DC on September 26, 2017, wherein Zinke was to receive the award. ██████████ (b) (7)(C) said that ██████████ (b) (7)(C) informed him and ██████████ about the event and they decided to attend the event on behalf of ██████████ (b) (7)(C).

While at the award event, ██████████ said that ██████████ arranged for he and ██████████ to be in a hallway where Zinke would be entering the building in order to allow them personal access to Zinke prior to Zinke proceeding to the main reception area.

According to ██████████, after he and ██████████ approached Zinke in the hallway and introduced themselves as ██████████ representatives, Zinke told ██████████ that he had tried calling him “multiple times.” ██████████ said that he was surprised by this statement because he had not received any voicemail messages from Zinke.

██████████ (b) (7)(C) said that during their meeting with Zinke, he heard ██████████ thank Zinke for considering ██████████ (b) (7)(C) position on the casino amendments. According to ██████████, the meeting was very brief and only lasted one minute.

██████████ said that he had spoken with ██████████ a few times since September 2017 but not about Zinke.

INFORMATION/ BRIEFING MEMORANDUM FOR THE SECRETARY

DATE: September 15, 2017
FROM: Office of the Solicitor
SUBJECT: Amendments to tribal-state compact between (b) (7)(C) Tribe and the State of Connecticut and class III gaming procedures for the (b) (7)(C) Tribe.

The (b) (7)(C) Tribe of Connecticut has submitted an amendment to its tribal-state compact to the Secretary for approval. Simultaneously, the (b) (7)(C) Tribe has submitted an amendment to its class III gaming procedures for approval. Both of the amendments relate to the tribes exclusivity agreement with the State of Connecticut. Approval of these amendments will enable the tribes to operate a gaming facility in Connecticut not under the Indian Gaming Regulatory Act but under State law.

BACKGROUND

The State of Connecticut General Assembly has authorized the (b) (7)(C) Tribe and the (b) (7)(C) to jointly operate a gaming facility in East Windsor, Connecticut. Public Act 17-89. However, this authorization is not effective until the amendments are approved or deemed approved by the Secretary of the Interior. *Id.* at Sec. 14(c)(2).

DISCUSSION

(b) (5)

[Redacted]

[Redacted]

[Redacted]

From: (b) (7)(C)
To: (b) (7)(C)
Subject: Re: Gaming
Date: 09/15/2017 01:11 PM

(b) (5)

Sent from my iPhone

On Sep 15, 2017, at 1:10 PM, (b) (7)(C) <(b) (7)(C)@sol.doi.gov> wrote:

Interesting (b) (5)

[Redacted]

(b) (7)(C)
(b) (7)(C)
Division of Indian Affairs
Office of the Solicitor, Department of the Interior
(b) (7)(C)
(p) (7)(C)
phone (b) (7)(C)
(b) (7)(C) @sol.doi.gov

On Fri, Sep 15, 2017 at 10:56 AM, (b) (7)(C) <(b) (7)(C)@sol.doi.gov> wrote:

Sent from my iPhone

Begin forwarded message:



OFFICE OF
INSPECTOR GENERAL
U.S. DEPARTMENT OF THE INTERIOR

INVESTIGATIVE ACTIVITY REPORT

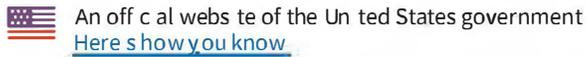
Case Number OI-PI-18-0480-I	
Reporting Office Program Integrity Division	Report Date June 18, 2019
Report Subject Receipt of former Secretary of the Interior Zinke's PIV Card from his Defense Attorney	

On June 18, 2019, Special Agent (b) (7)(C), with the Office of Inspector General (OIG), U.S. Department of the Interior (DOI), received former Secretary of the Interior Zinke's government-issued personal identification verification (PIV) card from his defense attorney, [REDACTED], at [REDACTED] law office in Washington, DC.

Attached is an email exchange between Special Agent (b) (7)(C) on June 17 and 18, 2019 coordinating receipt of the PIV card. The PIV card is being held in evidence by the OIG Eastern Region Investigations evidence custodian in Herndon, VA.

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Authentication Number: (b) (7)(C)	

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About MSPB

The Merit Systems Protection Board is an independent quasi-judicial agency in the Executive branch that serves as the guardian of Federal merit systems. The Board was established by Reorganization Plan No. 2 of 1978, which was codified by the Civil Service Reform Act of 1978 (CSRA), Public Law No. 95-454. The CSRA, which became effective January 11, 1979, replaced the Civil Service Commission with three new independent agencies: Office of Personnel Management (OPM), which manages the Federal workforce; Federal Labor Relations Authority (FLRA) which oversees Federal labor management relations; and, the Board.

The Board assumed the employee appeals function of the Civil Service Commission and was given new responsibilities to perform merit systems studies and to review the significant actions of OPM. The CSRA also created the Office of Special Counsel (OSC) which investigates allegations of prohibited personnel practices, prosecutes violators of civil service rules and regulations, and enforces the Hatch Act. Although originally established as an office of the Board, the OSC now functions independently as a prosecutor of cases before the Board. (In July 1989, the Office of Special Counsel became an independent Executive branch agency.)

For an explanation of your rights as a Federal employee, and for an in-depth review of the Board's jurisdiction and adjudication process, please review the MSPB publication, *An Introduction to the MSPB*.

The mission of the MSPB is to "Protect the Merit System Principles and promote an effective Federal workforce free of Prohibited Personnel Practices." MSPB's vision is "A highly qualified, diverse Federal workforce that is fairly and effectively managed, providing excellent service to the American people." MSPB's organizational values are Excellence, Fairness, Timeliness, and Transparency. More about MSPB can be obtained from MSPB's Strategic Plan. MSPB carries out its statutory responsibilities and authorities primarily by adjudicating individual employee appeals and by conducting merit systems studies. In addition, MSPB reviews the significant actions of the Office of Personnel Management (OPM) to assess the degree to which those actions may affect merit.

What We Do Not Do

- Hear and decide discrimination complaints except when allegations of discrimination are raised in appeals from agency personnel actions brought before Board That responsibility belongs to the Equal Employment Opportunity Commission (EEOC).
- Negotiate and resolve disputes, unfair labor practice complaints, and exceptions to arbitration awards. That responsibility belongs to the Federal Labor Relations Authority (FLRA).
- Provide advice on employment, examinations, staffing, retirement and benefits. That responsibility belongs to the Office of Personnel Management (OPM)
- Investigate allegations of activities prohibited by civil service laws, rules or regulations. That responsibility belongs to the Office of Special Counsel (OSC)
- Hear or decide claims of whistleblowing reprisal filed by employees of, or applicants for employment with, the Federal Bureau of Investigation (FBI). That responsibility belongs to the U.S. Department of Justice, Office of Attorney Recruitment and Management (OARM).
- Have jurisdiction over non-Federal appeals from private industry, local, city, county or state employees

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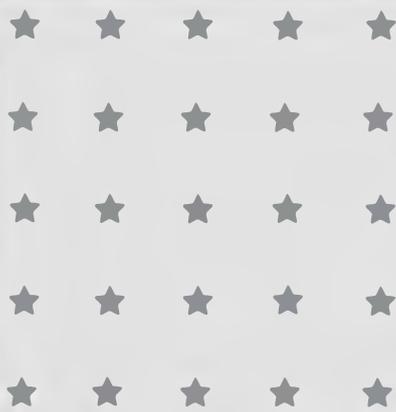
Vote.gov



U.S. Merit Systems Protection Board

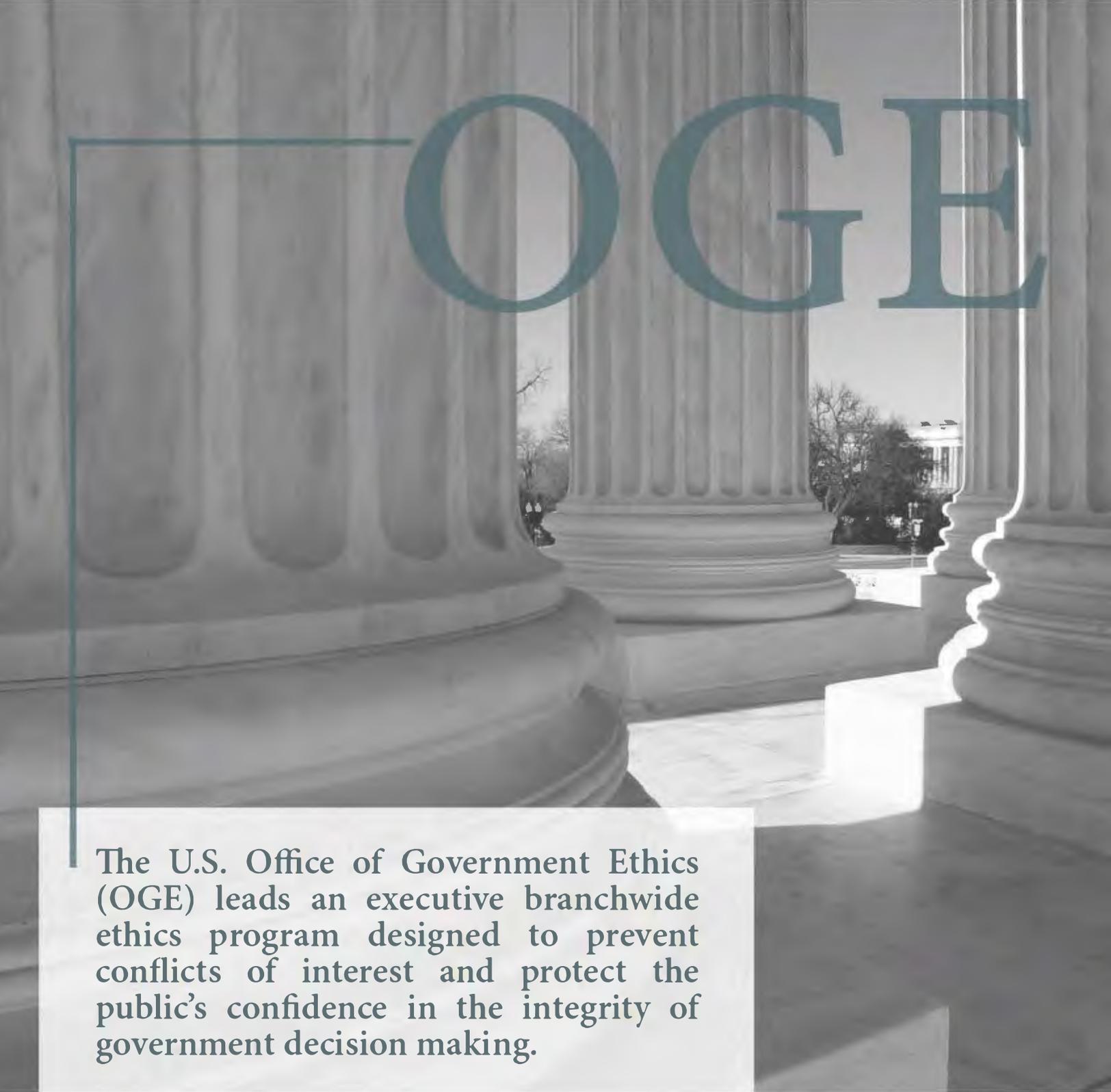
Agency Contact Center

(202) 653-7200 mspb@mspb.gov



OGE

NOMINEE
GUIDE



OGE

The U.S. Office of Government Ethics (OGE) leads an executive branchwide ethics program designed to prevent conflicts of interest and protect the public's confidence in the integrity of government decision making.

- Visit OGE's website: oge.gov
- Follow OGE on Twitter: [@OfficeGovEthics](https://twitter.com/OfficeGovEthics)

THE NOMINEE GUIDE

This Guide provides prospective and current Senate-confirmed Presidential appointees with information to help them lead our country with honor and integrity. The Guide explains the ethics rules and policies that apply before, during, and after they serve.

The Nominee Process helps nominees navigate the ethics review process through the point of Senate confirmation.

Being an Ethical Leader helps you better serve as an advocate for government integrity and an ethical role model for your colleagues across government.

Considering Leaving Government helps you navigate your ethical obligations before and after leaving federal service.

The Appendix provides helpful references for completing your financial disclosure report and information about the certificate of divestiture program.

The 14 Principles of Ethical Conduct articulate the expectations for honor and integrity shared by all executive branch officials.

A MESSAGE FROM THE U.S. OFFICE OF GOVERNMENT ETHICS

Congratulations on being considered for nomination by the President. Serving as a federal leader is more than a job, it is an honor—one that comes with responsibilities. You will be subject to a variety of ethics laws and regulations, which come with the potential for criminal, civil, and administrative penalties.

At the heart of the ethics program is the principle that public service is a public trust. Government officials must put the public's interests before their own interests. As a result, taking a senior federal position may require significant financial sacrifices by you and your immediate family.

The principle that public service is a public trust is an easy one to appreciate, but the complex ethics requirements that flow from it are not necessarily intuitive. They represent numerous policy choices by Congress, Presidents, and federal agencies over the years. You will need to build a working knowledge of these requirements, so you can spot potential issues and seek help from your agency's ethics officials when you need it.

This complex and challenging process would be daunting for anyone. Your patience will be required as the nomination process is often longer and more difficult than anticipated. The good news is that you are not alone in this process. OGE and your agency's ethics officials will assist you in perfecting your financial disclosure report and executing your ethics agreement.

Thank you for your willingness to serve your country. OGE encourages you to make ethics a priority throughout your government service and wishes you every success.

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THE NOMINEE PROCESS

1

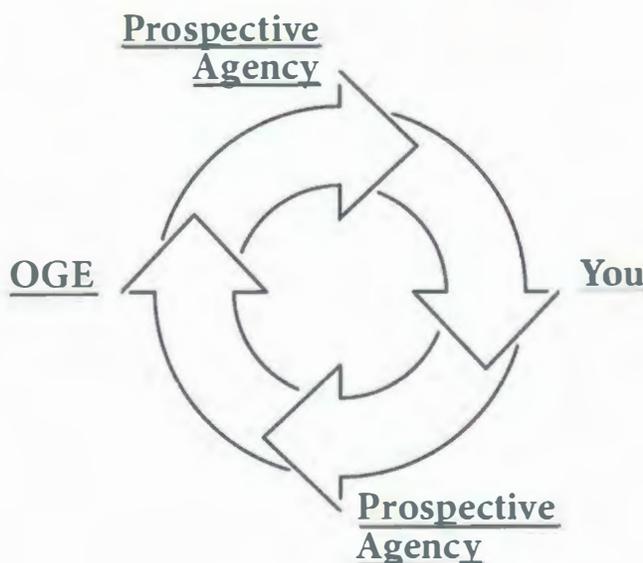


WHAT TO EXPECT IN THE NOMINEE PROCESS

The nominee process is just that – a *process*. Though the sequence may vary and different portions of the process may overlap, the nominee process for ethics often includes the events outlined below:

COMPLETION OF THE FINANCIAL DISCLOSURE REPORT

- You file a draft public financial disclosure report (OGE Form 278e) through OGE’s electronic filing system (*Integrity*). Please consult the Appendix to this Guide once you are ready to begin completing your financial disclosure report.
- Ethics officials at OGE and at your prospective agency review your draft financial disclosure report, ask follow-up questions, and provide instructions for revising the report.



- You will be asked **multiple rounds** of questions about the financial disclosure report and your financial arrangements from the ethics official at your prospective agency and OGE. Depending on the complexity of your finances, the revisions may take several weeks or several months.



REVIEW FOR POTENTIAL CONFLICTS OF INTEREST AND DRAFTING OF THE ETHICS AGREEMENT

- Ethics officials at your prospective agency and OGE analyze your financial disclosure report for potential conflicts of interest. If OGE sees potential red flags with regard to conflicts of interest, OGE will notify the prospective agency and the Transition Team/White House Counsel's Office to begin a discussion.
- As possible conflicts are identified, ethics officials will determine the resolution of the conflict, for example resignations and divestiture of assets. Agency ethics officials will discuss the proposed resolutions with you. *It may take multiple discussions and proposals until a workable solution is found.*
- Ethics officials will prepare an ethics agreement outlining steps you will take to avoid conflicts of interest. The ethics agreement will contain standard language used for all nominees.
- You then review the agreement for any factual errors, make sure you understand it, and determine if you can complete the steps in the required time frames.
- Once the financial disclosure report and ethics agreement are finalized, OGE preclears (i.e., tentatively approves) your financial disclosure report and ethics agreement.
- You sign your ethics agreement.

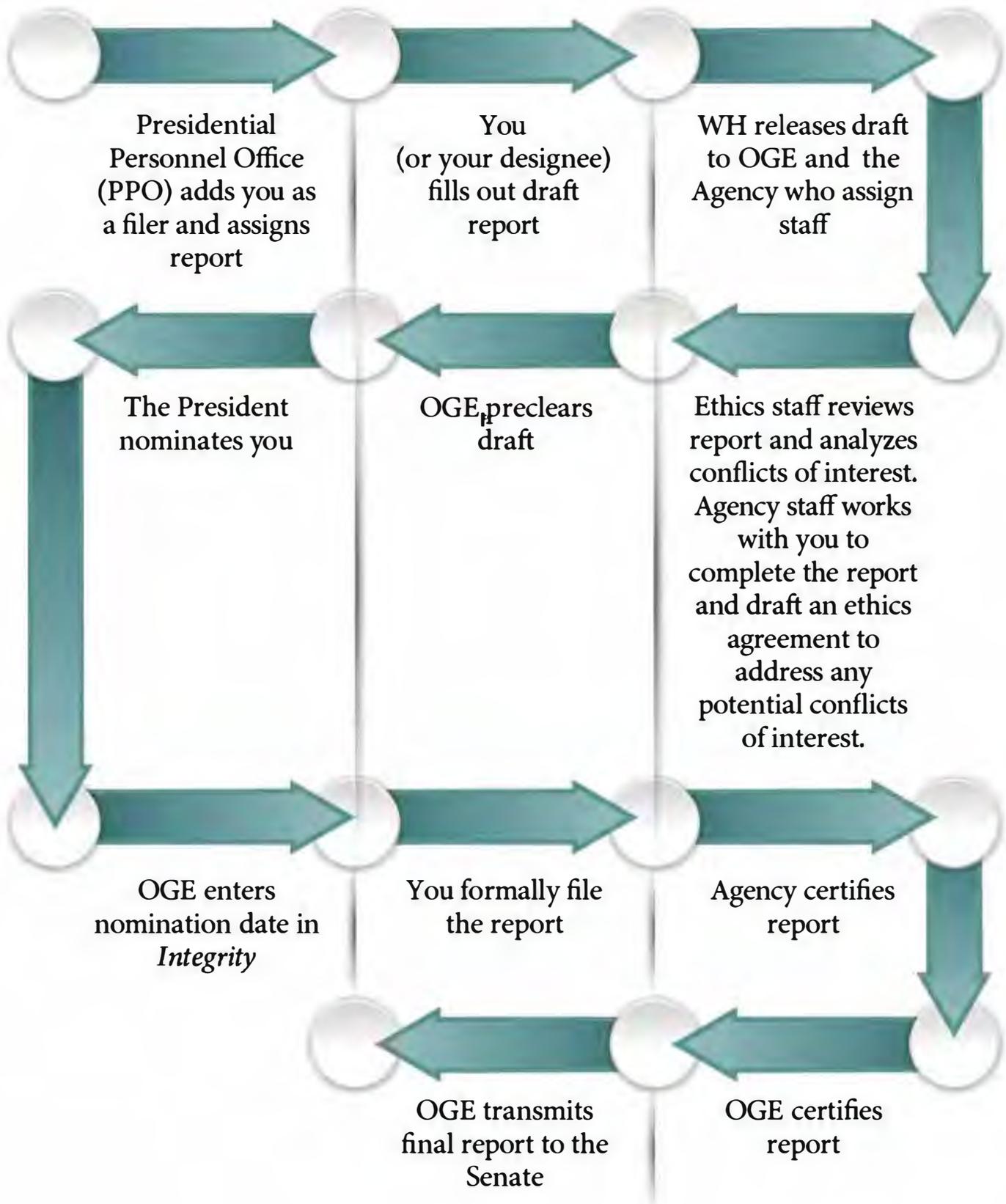
Taking a senior federal position may require significant financial sacrifices by you and your immediate family.

NOMINATION

- If your nomination is approved by the White House, the President nominates you. At that point, you sign your pre-approved financial disclosure report.
- Your agency's ethics official certifies the report and provides OGE with an opinion regarding conflicts of interest.
- OGE's Director certifies the report. Finally, OGE transmits your financial disclosure report and ethics agreement to the Senate.
- Within five days before your Senate committee hearing, you disclose any income or honoraria earned after the date of your signature on your financial disclosure report by filing a letter with your agency's ethics official, who transmits it to the Senate and OGE.
- If the Senate confirms your nomination, the President appoints you.



NOMINEE PROCESS FLOWCHART



COMMON ACTIONS NOMINEES TAKE TO PREVENT CONFLICTS OF INTEREST AND MAINTAIN IMPARTIALITY

The nominee process can be overwhelming at times. Over the course of the next several weeks or months, you will engage in discussions with the ethics officials from the agency in which you are being considered to serve and OGE about your financial disclosure report and the financial interests of you, your spouse, and your dependent children. The purpose of these discussions is to ensure that all required items are reported and that potential conflicts of interests and items that may raise impartiality concerns have been identified. At that point, we will determine the actions that you, your spouse, and your minor children may be required to take to address those items.

Resigning and selling (or otherwise divesting) assets are common conflicts of interest remedies for nominees.

One of the most common ethics actions is recusal from a particular matter. However, because you are entering a senior position and your participation in matters may be required, it may be necessary for you to take other actions to remedy the potential conflict of interest. Those actions are outlined on the following page.

SOME COMMON ACTIONS TO MITIGATE POTENTIAL CONFLICTS OF INTEREST:

- Resign from all paid positions and most unpaid positions
- Frequently sell (or otherwise divest) stocks, sector mutual funds, and private investment funds owned by you, your spouse, and minor children
- Frequently forfeit unvested equity interests granted by your current employer
- Frequently divest assets from family (or other closely held) partnerships owned by you, your spouse, or minor children
- Frequently resign from trustee positions and divest assets in trusts of which you, your spouse, or minor children are the beneficiary, or for which you, your spouse, or minor children are paying taxes
- Divest from a business that practices a profession involving a fiduciary relationship
- Divest from managed accounts if potential conflicts of interest cannot be resolved

This information is provided to help you determine if you want to pursue a federal position and to avoid surprises late in the vetting process.



You will be required to take all of the actions that you agreed to in your ethics agreement. It is imperative that you are certain that you can complete those actions at the time you sign your ethics agreement.

THE KEY STATUTES AND REGULATIONS GUIDING YOUR CONDUCT

The executive branch has a set of principles and a specific and enforceable set of standards and laws to help guide your conduct. The following are the key ethics statutes and regulations guiding your conduct and requiring your attention:

- 18 U.S.C. § 208: The primary criminal conflict of interest statute.
- The Ethics in Government Act (5 U.S.C. app. § 101, et seq.): Requires financial disclosure and includes other ethics obligations.
- The Standards of Conduct (5 C.F.R. Part 2635): Contains regulations regarding impartiality, gifts, misuse of position, and outside activities.

As a senior official, you also will be responsible, in part, for ensuring that other government employees follow the law—by demonstrating your commitment to ethical behavior. Senior officials hold each other, federal employees, and themselves accountable, knowing that transparency and honesty are the surest ways to avoid conflicts and promote public confidence in government.



YOUR RESPONSIVENESS MATTERS

The single biggest factor affecting the time it takes to review a nominee's financial disclosure report is the responsiveness of the nominee because of the multiple rounds of questions and revisions that are usually needed before a report and conflicts analysis can be finalized.

Nominee responsiveness is vital

Delays occur when a nominee, or the nominee's representative, is slow to:

- Gather documents needed to complete the financial disclosure report;
- Respond to questions from OGE or agency ethics officials;
- Contact a source of needed information, such as a brokerage firm, a financial advisor, an employer's human resources office, a partner, etc.; or
- Wrap up negotiations to plan for actions such as the dissolution of a partnership, the sale of a company, or the termination of an employment relationship.

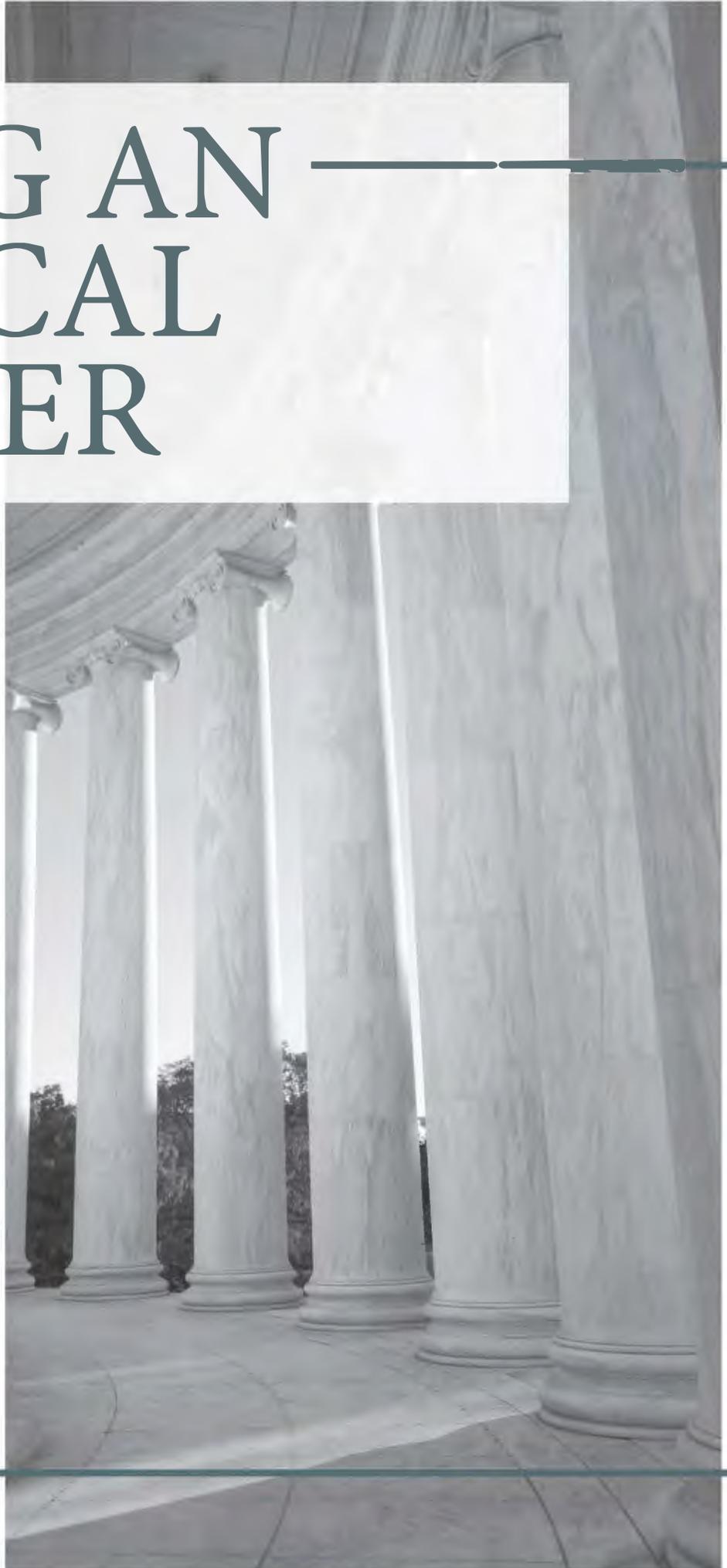
Delays also can occur when a nominee is reluctant to agree to take steps to resolve conflicts of interest, such as resignation, divestiture, or recusal, which are contained in the ethics agreement.

OGE encourages you to:

- Gather your immediate family's financial documents before starting to fill out your report;
- Be available to respond to requests;
- Respond promptly to questions from agency ethics officials;
- Revise your financial disclosure report quickly, when directed to by the agency ethics official; and
- Notify agency ethics officials as soon as possible once any request is completed.

BEING AN ETHICAL LEADER

2





INTRODUCTION

You've now taken the oath of office. You've made a promise that millions of public servants before you have made and kept: to protect and defend our Constitution, to bear true faith and allegiance to the same, and to well and faithfully perform the duties of the office in which you will serve. You've promised to put the interests of the United States and the citizens we serve before your own.

As you serve our country, you will face ethical questions about simple decisions, such as how you use your time, to very complex ones, such as how to allocate millions of dollars. With each decision, the public's trust in you as a leader, in the organization you lead, and in the government as a whole are at stake.

Your commitment and fidelity to government ethics principles, laws, and regulations will ensure that your staff and the public can trust in your leadership. Your commitment to all ongoing ethics requirements and your actions to resolve potential conflicts of interest will be essential to your success as a leader.

PUBLIC SERVICE IS A PUBLIC TRUST

GENERAL PRINCIPLES OF ETHICAL CONDUCT

The General Principles of Ethical Conduct broadly require selfless service, responsible stewardship, and loyalty to law.

1 SELFLESS SERVICE

Public service is a profession. It is also a public trust that involves a duty to something larger than yourself. You must always act, and appear to act, with our nation's interests before your own. You not only put forth an honest effort in your work, but you also do not seek personal advantage for yourself or others. You hold yourself to the highest standards, knowing that even the question of impropriety is sometimes enough to undermine good work.

2 RESPONSIBLE STEWARDSHIP

You have been given the honor of using your position and the resources of the federal government to serve your fellow citizens. Monies, property, information, and other governmental resources are entrusted to you. You honor your commitment to the American public by using these resources wisely and only to accomplish the work of the United States government.

3 LOYALTY TO LAW

You will take a solemn oath—to support and defend the Constitution. In all things, you will be expected to uphold the Constitution and the oath you will take. You can fulfill this oath by respecting the rule of law—by adhering to all legal authorities in the work you perform and as a public servant.

ETHICAL LEADERSHIP: WHAT YOU NEED TO DO

The decisions you make and the actions you take will have profound effects on the culture of the agency you lead. As a leader, creating a culture that protects and preserves the public's trust is essential to your success and the success of our nation. Now is the time to think about the message you want to send when you begin your federal service. Here are a few ways to help protect the integrity and reputation of the government you will help lead:

WALK THE WALK

Be a model of ethical service. One way you do this is by complying with your ethics commitments—e.g., your ethics agreement, training requirements, financial disclosure requirements—on time. When you do, the agency and the public can have confidence that you are meeting your responsibilities as a government leader. Staff will follow your example.

You can also model ethical leadership when you monitor your personal financial interests for possible conflicts of interest. By preventing conflicts of interest, you protect yourself and the agency from the erosion of public trust. When you timely file your financial disclosure report, you ensure that any potential conflict can be resolved. Maintain a dialogue with your agency ethics officials to ensure you are meeting your ethics commitments.

As a leader, the agency and public have put their trust in you. When you adhere to the safeguards of government ethics laws and regulations, you cement that trust. In order to maintain this trust, take the steps outlined on the following pages.



You will play a key role in ensuring your agency has an ethical culture.

CERTIFICATION OF ETHICS AGREEMENT COMPLIANCE Senate Confirmed Presidential Appointee		
1 Appointee's Information	a. Appointee's Name:	to be completed by OGE
	b. Position Title:	to be completed by OGE
	c. Agency:	to be completed by OGE
	d. Date Ethics Agreement Signed:	to be completed by OGE
	e. Date Confirmed:	to be completed by OGE
	f. Due Date for Certification of Ethics Agreement Compliance:	to be completed by OGE
2 Resignations	I reported all of the resignations indicated in my ethics agreement before I assumed the duties of my current government position.	<input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A
3 Divestitures	a. I have completed all of the divestitures indicated in my ethics agreement. I do not understand that I may not complete these assets during my appointment without OGE's prior approval.	<input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A
	b. I have filed a periodic transaction report, or periodic transaction reports, (OGE Form T) to discuss the completion of these agreed upon divestitures.	<input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A Filing Date(s) of OGE Form T Report(s)
4 Managed Accounts	If I have a managed account or am the owner of an investment fund account, I have notified the manager or professional of the limitations indicated in my ethics agreement. In addition, I am continuing to monitor purchases.	<input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A
5 Gift and Recusal	I complied with my internal recusal obligations pending the divestitures required by my ethics agreement.	<input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A

MEET YOUR INDIVIDUAL ETHICS COMMITMENTS: THE FIRST 100 DAYS

1 COMPLETE YOUR INITIAL ETHICS BRIEFING
To become familiar with your ethics obligations, your agency ethics official will schedule an ethics briefing with you within your first 15 days of government service.

2 COMPLETE YOUR REQUEST FOR A CERTIFICATE OF DIVESTITURE

You may be eligible for a certificate of divestiture if ethics officials require you to sell an asset. A certificate of divestiture allows you to defer the payment of capital gains tax by reinvesting the proceeds of a sale into "permitted property." The certificate of divestiture must be obtained **before** you sell the asset. If you plan to request a certificate of divestiture, you should submit your request as soon as possible after appointment.

3 COMPLETE THE ACTIONS REQUIRED IN YOUR ETHICS AGREEMENT

Resignations from outside positions must occur before you begin your government service. Most other actions required in the ethics agreement must be completed within 90 days of confirmation.

4 COMPLETE YOUR CERTIFICATION OF ETHICS AGREEMENT COMPLIANCE

Within 90 days of confirmation, submit your Certification of Ethics Agreement Compliance to the agency ethics official. The Certification will be submitted to OGE and will be posted on the OGE website.

5 COMPLETE YOUR INITIAL ETHICS TRAINING

As a nominee, you will have the opportunity to complete this training before or after your appointment. You must complete training within three months of your appointment.

MEET YOUR ONGOING INDIVIDUAL ETHICS COMMITMENTS

Complete Ongoing Ethics Training

Ethics education is key to navigating your leadership role with the trust and confidence of your staff and the public.

You are required to have annual ethics training. This training will be either a live training every year or live training every other year, with interactive training in alternate years, depending on your appointment status.

Education is ongoing. Your agency ethics officials may supplement required training throughout the year, in order to remind staff of their ethics obligations as public servants.

Ethics education is key to navigating your leadership role with the trust and confidence of your staff and the public.

Complete Ongoing Financial Disclosure Requirements

Filing your nominee financial disclosure report is the beginning of your financial disclosure obligations as an agency leader. Below are some additional filing requirements.

- Periodic Transaction Reports

The law requires you to file a periodic transaction report (OGE Form 278-T) in OGE's electronic filing system, *Integrity*, to disclose purchases, sales, or exchanges of securities in excess of \$1,000 by you, your spouse, or your dependent child.

- Annual Financial Disclosure Reports

The law requires you to file an annual financial disclosure report by May 15 each year.

You will use *Integrity* to file your annual report (OGE Form 278e).

To simplify reporting, *Integrity* allows you to prepopulate your annual report with data from your nominee report and any periodic transaction reports.

USE YOUR PLATFORM

- Your staff will look for you to set the tone. You will be in a position to communicate your agency's core values and foster an ethical culture through speeches, written messages, videos, and agency newsletters.
- Your staff need to hear directly from you. Staff appointments, all-hands meetings, and other employee gatherings provide opportunities to reinforce a strong ethical culture and remind employees of their obligations as public servants.

CREATE AND SUPPORT A STRONG ETHICS PROGRAM

- Appoint and support a well-qualified Designated Agency Ethics Official.
- Ensure that your agency's ethics office has the leadership support and staffing resources it needs.
- Demonstrate support for the agency's ethics office by making yourself accessible to your agency ethics officials. By doing so, you let your staff and the ethics office know that you take ethics seriously.
- Let your staff hear directly from the ethics experts at your agency. You can invite ethics officials to speak briefly at the beginning of senior staff meetings and to be available for any ethics questions.

ETHICAL LEADERSHIP: WHAT YOU NEED TO KNOW

MORE ABOUT YOUR ONGOING ETHICS OBLIGATIONS AND THE BREADTH OF ETHICS LAWS AND REGULATIONS

A wide range of ethics laws and regulations apply to appointees, and many of them come with criminal, civil, or administrative penalties. It is not possible to list them all here, but we can illustrate their breadth by listing the following examples:

- Participating in particular matters affecting your financial interest or the financial interests of your spouse or minor child
- Participating in a party matter affecting your spouse's employer
- Participating in particular matters affecting a prospective employer with whom you are seeking, or negotiating for, employment
- Receiving outside earned income
- Receiving compensation for teaching, speaking, or writing related to official duties
- Permitting the use of your name in the name of a law firm or other entity that provides services involving fiduciary relationships
- Accepting bribes or receiving gifts because of official actions
- Representing others before the government

Support a strong ethical culture and preserve trust in your organization by honoring your ongoing ethics obligations.

SEEK COUNSEL, AS NEEDED

It is impossible for this guide to train you fully on government ethics. This section introduces a few salient ethics issues for you to be aware of. With this overview, you will be able to spot real or potential red flags, and then contact your agency's ethics officials for guidance.

1 Conflicting Financial Interests

This criminal law prohibits you from **participating** as a government official in **particular matters** affecting the financial interests of the following:

- You
- Your spouse
- Your minor child
- A general partner
- Any organization in which you serve as officer, director, trustee, general partner, or employee
- Any organization with which you are negotiating for employment

The concept of **participating** is not limited to final decisions. It also includes recommendations, deliberations, assigning work, approving funding, and other common activities.

A **particular matter** is a legal term referring to any matter that focuses on the interests of either (1) specific parties or (2) a discrete and identifiable group.

Specific Parties

A particular matter focused on the interests of specific parties can be relatively easy to spot. Examples include litigation, grants, contracts, applications, investigations, etc.

For example:

- If the Department of Justice pursues an antitrust case against A and B companies, the case is a particular matter because it is focused on the interests of specific parties (A and B companies).
- An appointee would be barred from participating in the case if the appointee holds stock in either A company or B company.

A Discrete and Identifiable Group

A particular matter focused on the interests of a “discrete and identifiable class” can be harder to spot. Policy deliberations focusing on a specific industry could be a particular matter.

For example:

- An appointee’s agency’s proposed regulation would impose new requirements on all pharmaceutical companies. The pharmaceutical companies constitute a discrete and identifiable class. The proposed regulation is a particular matter.
- An appointee would be barred from participating in the regulatory effort if he or she holds stock in a pharmaceutical company.



2 Impartiality

Basic obligations of public service include the principle that employees shall act impartially and not give preferential treatment to any private organization or individual.

The Standards of Conduct restrict you from participating as a government official in any particular matter involving specific parties if you have a “covered relationship” with a party to the matter (or with the representative of a party), whenever a reasonable person would question your impartiality. You have a “covered relationship” with:

- Members of your immediate family
- Members of your household
- Close relatives
- Any individual or organization to whom you provided services in the past year
- Any individual or organization to whom your spouse is currently providing services
- Any organization in which you held a position in the past year or are currently serving as an “active member”



3 Gifts

Securing the public's trust as an agency leader means knowing the basics of the Standards of Conduct gift regulations. The regulations are designed to ensure that gifts cannot influence your official actions or even create the appearance that you are inappropriately profiting from your government position.

- The general rule of thumb is that you cannot accept most gifts from outside sources. There are limited exceptions, such as gifts from personal friends and family members, but you need to consult with ethics officials before relying on them. The Standards of Conduct also contain examples and you can consult those as well.
- Your subordinates may not give you a gift. You are also prohibited from accepting gifts from other government employees who earn less than you do. There are limited exceptions for these rules as well.

4 Misuse of Position

Public service is a public trust. You must never use your official position to benefit your own private interests or the private interests of another. Government positions, authority, and resources may be used *only* for officially authorized purposes. Misuse can take many forms, including:

- Helping a former business associate gain access to government decision-makers
- Helping a friend in dealings with the government
- Asking subordinates to perform outside work for you
- Using government resources for personal pursuits, etc.
- Using your federal position to gain personal benefits from others

CONSIDERING LEAVING GOVERNMENT

3



ETHICS OBLIGATIONS UPON LEAVING GOVERNMENT SERVICE

Your ethics obligations do not immediately end once you decide to leave government service. Certain ethics laws and regulations will continue to apply as you transition out of the government and will limit the type of work you are permitted to do after you have left your government position.

When you begin the process of seeking employment, you must be sure to closely communicate with your agency ethics officials to avoid potential ethics issues.

- You generally may not perform any official work on a matter that would affect the financial interests of someone with whom you are seeking employment. You will need to notify your agency of any negotiation for or agreement of future employment or compensation. Additionally, you may need to notify officials at your agency that you have been disqualified from participating in certain matters once you have started employment negotiations.
- The law requires you to file a final financial disclosure report within 30 days of leaving the government. The requirements for termination reports are the same as for annual reports. Only the reporting period is different.
- After you leave the government, you may not represent anyone before a federal agency or court regarding any particular matter involving specific parties on which you worked. If you did not work directly on the matter, but an employee under your supervision did, you may not represent anyone on that matter before a federal agency or court for two years. You also may not represent anyone before your former agency for one year.

Previous administrations have imposed additional restrictions on post-government employment through executive orders. Some of these restrictions have included prohibiting former employees from lobbying their former agencies for five years and from lobbying any senior administration official for the remainder of the administration. It is crucial to coordinate closely with your ethics official before leaving government to make sure you fully understand what restrictions apply to you.



Some ethics laws continue to apply
after you leave federal service.



APPENDIX

WHAT TO GATHER BEFORE YOU START YOUR PUBLIC FINANCIAL DISCLOSURE REPORT

Before starting on your financial disclosure report, take time to gather your financial information. The items listed below apply to **you, your spouse, and your dependent child**, unless otherwise specified.

- Earnings by you or your spouse
- Retirement accounts for you or your spouse
- Names of your clients
- You or your spouse's assets with employers (e.g., restricted stock units, stock options, deferred compensation plans, short- or long-term incentive plans, etc.)
- Brokerage accounts
- Annuities and life insurance (excluding term life)
- Your dependent child's assets (e.g., college savings plans, UTMA accounts, etc.)
- Holdings of trusts for the benefit of you, your spouse, or your dependent child (even if someone else established the trust)
- Holdings of trusts for which you or your spouse are paying the taxes
- Other assets (e.g., stocks, bonds, investment funds, bank accounts, etc.)
- Liabilities
- Positions you hold outside the federal government

HOW TO USE *INTEGRITY*, THE ELECTRONIC FILING SYSTEM

Nominees file public financial disclosure reports through OGE’s electronic filing system, which is called *Integrity*.

1 LOGGING INTO *INTEGRITY*

If you are new to *Integrity*, the Presidential Personnel Office (PPO) or Presidential Transition Team (PTT) will register you as a filer.

- You will then automatically receive an email from notifications@integrity.gov.
- The email will provide a User ID to use when logging into *Integrity*.
- After following instructions to set a password, you will be able to log in online by going to integrity.gov.
- Integrity works well with Google Chrome. *Integrity* also works with the most recent versions of Safari, Firefox, and Internet Explorer.
- You can grant a designee access to your report. Click “Manage My Designees” in the “My Tools” section of *Integrity*’s main page. Then, click “Add a New Designee” and provide your designee’s email address. Your designee will receive an email with instructions.

UNITED STATES OFFICE OF
GOVERNMENT ETHICS
Preventing Conflicts of Interest
in the Executive Branch

INTEGRITY .gov
Play your part.

HOME LEARN MORE

Status: Normal.

[Click here to check whether your Internet browser works with Integrity.](#)

NOTE: The site may perform better if you clear your Internet browser cache. Read [how here](#). Integrity restarts weekly on Mondays from 3 to 3:15 am ET. Please log off and save your work before this time. In addition, users may experience intermittent login issues Sundays from 2 to 8 am ET during the Integrity authentication provider’s weekly maintenance window, and Sunday evenings from 5 pm to 3 am ET Monday mornings, during the Integrity hosting provider’s weekly maintenance window.

Please report any issues to integrity@oge.gov.

[Click on the Help link at the bottom of the screen for login assistance information.](#)

INTEGRITY .gov
Play your part.

Login to integrity (using MAX.gov)

What is MAX.gov? ⓘ

Integrity is the U.S. Office of Government Ethics system for electronically filing and reviewing Public Financial Disclosures (OGE Forms 278 and 278-T).

OGE’s online [Public Financial Disclosure Guide](#) is an interactive tool to assist individuals who file or review public financial disclosure reports (OGE Form 278e or OGE Form 278-T).

2 FILLING OUT YOUR FINANCIAL DISCLOSURE REPORT

Integrity provides tables designed to guide you through the report. In some cases, *Integrity* asks a series of questions before adding your responses to certain tables.

- Be sure to read the instructions for each table. The various tables cover different periods of time (i.e., “Reporting Periods”).
- Note that some tables focus specifically on assets and income items that are related to employment or retirement (e.g., salary, stock options, 401k holdings, etc.). A separate table near the end of the report focuses more generally on other types of assets and income. The table headings and instructions will indicate what to enter in each table.

3 SUBMITTING YOUR FINANCIAL DISCLOSURE REPORT

After completing a draft report, you will need to submit it to PPO (or PTT).

Filer's Employment-Related
Arrangements

Other Assets and Income

Transactions

Liabilities

Gifts and Reimbursements

Report Data (Summary)

[Submit Report](#)

[Printable View](#)

- Click the word “Submit” in the left side navigation menu.
- Then, scroll to the bottom of the page and certify your draft.

I certify that the statements I have made in this report are true, complete, and correct to the best of my knowledge.

Submit OGE Form 278e

4 REVISING YOUR REPORT

After you submit your report, ethics officials will review the report and contact you with any questions or needed corrections.

There are usually several rounds of questions and revisions, so please respond to questions and revise your report promptly.

Integrity's "Change History" section allows you to track all revisions to your report. Click on "Audit Trail" in the left navigation menu, then select "Change History" to see all revisions.

5 CERTIFYING YOUR REPORT

When OGE has "precleared" your report, your agency's ethics officials will ask you to sign the ethics agreement they have provided you. After you are nominated, they will ask you to log into *Integrity* again and certify your final report.

WHAT TO REPORT IN EACH PART OF THE OGE FORM 278e

The public financial disclosure report (OGE Form 278e) consists of a cover page and nine parts.

For more information, you can review OGE's **Public Financial Disclosure Guide** online by going to OGE's website (oge.gov).

PART 1 (Filer's Positions Held Outside the United States Government)

This part is for disclosing your positions with non-federal entities.

PART 2 (Filer's Employment Assets & Income and Retirement Accounts)

This part is for disclosing your earnings as well as any employment-related assets belonging to you (e.g., stock options, restricted stock, capital account, etc.). This part is also for disclosing your retirement plans and individual retirement accounts.

PART 3 (Filer's Employment Agreements and Arrangements)

This part is for disclosing any arrangements you have with a current or former employer (e.g., continued participation in a retirement plan, a leave of absence, an arrangement for future employment, a right to retain vested stock options, a requirement to forfeit unvested restricted stock upon resignation, etc.).

PART 4 (Filer's Sources of Compensation Exceeding \$5,000 in a Year)

This part is for disclosing those sources that paid more than \$5,000 in a calendar year for your services. This includes payments made to you, your employer, or anyone else; it includes payments from any person or organization other than the federal government.

PART 5 (Spouse's Employment Assets & Income and Retirement Accounts)

This part is for disclosing the same type of information as in Part 2, except that the information in this section is about your spouse.

PART 6 (Other Assets and Income)

This part is for disclosing all other assets and investment income for you, your spouse, and your dependent child that you have not already reported.

PART 7 (Transactions)

Nominees do not complete this part.

PART 8 (Liabilities)

This part is for disclosing all liabilities exceeding \$10,000 at any time during the reporting period. (As an exception to the normal reporting requirement, credit card debt is reported only if it exceeds \$10,000 when you file your report.) Be sure to include liabilities owed by you, your spouse, and your dependent child.

PART 9 (Gifts and Travel Reimbursements)

Nominees do not complete this part.

REPORTING PERIODS FOR NOMINEES

In order to comply with complex statutory requirements, each part of the public financial disclosure report (OGE Form 278e) covers a different “reporting period.”

PART 1 (Filer’s Positions Held Outside the United States Government)

The reporting period for this part is the preceding two calendar years and the current calendar year up to the date when you file the report.

PART 2 (Filer’s Employment Assets & Income and Retirement Accounts)

The reporting period for this part is the preceding calendar year and the current calendar year up to the date when you file the report.

PART 3 (Filer’s Employment Agreements and Arrangements)

The reporting period for this part is the date of filing (i.e., report agreements and arrangements existing as of the date when you file the report).

PART 4 (Filer’s Sources of Compensation Exceeding \$5,000 in a Year)

The reporting period for this part is the preceding two calendar years and the current calendar year up to the date when you file the report.

PART 5 (Spouse’s Employment Assets & Income and Retirement Accounts)

The reporting period for this part is the preceding calendar year and the current calendar year up to the date when you file the report.

PART 6 (Other Assets and Income)

The reporting period for this part is the preceding calendar year and the current calendar year up to the date when you file the report.

PART 7 (Transactions)

Nominees do not complete this part.

PART 8 (Liabilities)

The reporting period for this part is the preceding calendar year and the current calendar year up to the date when you file the report.

PART 9 (Gifts and Travel Reimbursements)

Nominees do not complete this part.

EXCEPTED INVESTMENT FUND (EIF)

1 UNDERSTANDING THE TERMS

An “Excepted investment fund” or EIF is an important concept. It allows you to disclose an investment fund without having to go through the burdensome task of disclosing its underlying holdings.

An EIF is an investment fund that is:

1. Independently managed,
 2. Widely held, and
 3. Either publicly traded or available, or widely diversified.
- “Widely held” means at least 100 individuals are invested in the fund. Note that the focus is on the number of individuals, not the number of investors. For example, if a fund has only 63 investors, but one of the investors is a limited partnership with 200 partners, the fund is widely held.
 - “Publicly traded or available” means the fund is (or previously was) open to investment by the public. Note that a fund is not excluded from this definition merely because investors must meet certain thresholds for wealth or investment in the fund.
 - “Widely diversified” means the fund does not have a stated policy of concentrating its investments in any industry, business, single country other than the United States, or bonds of a single state within the United States.

Knowing what each of these terms means can be helpful. But if you think an investment fund may not qualify as an EIF, you should talk to an ethics official before doing all of the work of reporting its underlying holdings.

2 A MANAGED ACCOUNT IS NOT AN EIF

Managed accounts never qualify as excepted investment funds (EIF) because they are not investment funds (i.e., pooled investment vehicles). With a managed account, you own the account's holdings directly.

3 EXAMPLE

To help you understand why the EIF concept is so important, let's consider the example of a typical mutual fund, which we'll call the ABC Large Cap Fund. Mutual funds typically qualify as EIFs, so you will simply disclose the name of this fund and indicate that it is an EIF:

#	Description	EIF	Value	Income Type	Income Amount
1	ABC Large Cap Fund	Yes	\$50,001-\$100,000		\$201-\$1,000

As another example, let's say you hold the ABC Energy Fund--a small, private fund that does not qualify as an EIF. In this case, you would have to disclose the name of the fund and any underlying holding that exceeds the reporting threshold (i.e., \$1,000 in value or more than \$200 in income):

#	Description	EIF	Value	Income Type	Income Amount
1	ABC Energy Fund	No			
1.1	Def Tirez Company	N/A	\$1,001-\$15,000		None (or less than \$201)
1.2	G&HI Drilling Corp.	N/A	\$1,001-\$15,000		None (or less than \$201)
1.3	J&KL Supplies, Inc.	N/A	\$1,001-\$15,000		None (or less than \$201)
1.4	Mnop Distribution, Co.	N/A	\$1,001-\$15,000		None (or less than \$201)
1.5	Peaqpan Resources Corporation	N/A	\$1,001-\$15,000		None (or less than \$201)
1.6	Tuvvyz Systems, Inc.	N/A	\$1,001-\$15,000		None (or less than \$201)
1.7	Wyxorp Oil & Gas Co.	N/A	\$1,001-\$15,000		None (or less than \$201)
1.8	Zozox Battery Technologies, Inc.	N/A	\$1,001-\$15,000		None (or less than \$201)
1.9	Aaabahk & Sons, Inc.	N/A	\$1,001-\$15,000		None (or less than \$201)
1.10	Guuyezo Turbine Co.	N/A	\$1,001-\$15,000		None (or less than \$201)
1.11	Faszlebar Installations	N/A	\$15,001-\$50,000	Dividends	\$201-\$1,000
1.12	VanGaarsfold International, Inc.	N/A	\$1,001-\$15,000		None (or less than \$201)

CERTIFICATES OF DIVESTITURE

You may be eligible for a certificate of divestiture if ethics officials require you to divest an asset. A certificate of divestiture allows you to defer the payment of capital gains tax by reinvesting the proceeds of a sale into “permitted property.” You should be aware of the following:

- The certificate is valid only if obtained *before* selling an asset
- You, your spouse, and your minor or dependent child will be eligible to receive certificates after you have become a federal employee
- A trustee is also eligible when the asset is held in a trust, subject to limitations if ineligible persons are trust beneficiaries
- The requestor must commit to divesting, even if OGE ultimately determines that an asset does not qualify for a certificate
- “Permitted property” includes U.S. obligations (i.e., Treasuries) and diversified mutual or exchange-traded funds. For this purpose, a fund is diversified if it does not have a stated policy of concentrating in any industry, business, single country other than the United States, or in the bonds of a single state within the United States
- A certificate of divestiture is not available for assets in tax-deferred retirement accounts because the capital gains are not taxed at the time of the sales transaction
- OGE is not able to provide tax advice. Please consult your own tax advisor if you need guidance as to tax matters

PUBLIC FINANCIAL DISCLOSURE CHECKLIST

The following is a *non-exhaustive* list of items you should include in the public financial disclosure report that you file as a nominee:

PART 1 (Filer's Positions Held Outside the United States Government)

Report all positions as an officer, director, trustee, general partner, proprietor, representative, employee, or consultant. Be sure to include both paid and unpaid positions. Do not include political, religious, or honorary positions.

PART 2 (Filer's Employment Assets & Income and Retirement Accounts)

Report all assets and income related to your current or former employment (excluding U.S. government employment). Also, list any retirement plans or individual retirement accounts. Examples include:

- Salary, bonuses, partnership or LLC distributions, other business income, client fees, receivables, director fees, consulting fees, deferred compensation, severance payments, etc.
- Equity in an employer and similar interests (e.g., stock, stock options, restricted stock, restricted stock units, stock appreciation rights, capital account, etc.)
- Retirement plans with a current or former employer, including: defined contribution plans, defined benefit pension plans, and any other type (excluding federal employee retirement)
- Individual retirement accounts (IRAs)
- Trustee fees or executor fees
- Honoraria
- Patents, copyrights, and other intellectual property

PART 3 (Filer's Employment Agreements and Arrangements)

Report all arrangements with your current and former employers. Examples include:

- Ongoing participation in a retirement or deferred compensation plan
- An ongoing leave of absence
- Anticipated payments from your employer (e.g., bonus, severance, return of capital account, partnership or LLC distribution, buyout, etc.)
- Employee benefits that will continue (e.g., health insurance, life insurance, use of car or office, housing benefits, etc.)
- Retention or disposition of any vested or unvested stock options, restricted stock, or other equity-related interests (e.g., forfeit upon resignation, accelerated vesting, exercise, etc.)

PART 4 (Filer's Sources of Compensation Exceeding \$5,000 in a Year)

Report all sources of compensation (even if paid to your employer) exceeding \$5,000 in any one calendar year during the reporting period.

- Remember to list your employer and clients, if applicable
- Do *not* include payments from the United States government

PART 5 (Spouse's Employment Assets & Income and Retirement Accounts)

Report all assets and income related to your spouse's current or former employment. Also list any retirement plans or individual retirement accounts.

- See the discussion in Part 2 above for examples
- Do not include payments from the United States government

PART 6 (Other Assets and Income)

Report all other assets and investment income for you, your spouse, and your dependent child. Examples include:

- Stocks, bonds, mutual funds, private equity funds, and hedge funds
- Life insurance, excluding term life insurance
- Cash accounts
- Annuities
- Qualified tuition plans (also called 529 plans, college savings plans, or prepaid tuition plans)
- Real estate that you rent out or hold for investment purposes
- Investment partnerships, LLCs, and S-corporations
- Assets of any trust in which you, your spouse, or your dependent child: (1) is currently entitled to receive income or access the principal; (2) has a vested future interest in principal or income; or (3) pays the income taxes (i.e., a grantor trust)
- Uniform Gifts to Minors Act accounts and Uniform Transfers to Minors Act accounts

PART 7 (Transactions)

Nominees do not complete this Part.

PART 8 (Liabilities)

Report all liabilities that exceeded \$10,000 at any time during the reporting period. Examples include:

- A mortgage on a personal residence
- A mortgage on other real estate
- A student loan
- A credit card balance exceeding \$10,000 at the end of the reporting period
- An equity line of credit (but only if you have exercised the equity line of credit)
- A margin loan
- A capital commitment

PART 9 (Gifts and Travel Reimbursements)

Nominees do not complete this Part.

ADDITIONAL CHECKLIST FOR ATTORNEYS

The following is a non-exhaustive list of additional items that nominees who are attorneys (or are married to attorneys) often need to include in their public financial disclosure reports:

If you or your spouse held a position with a law firm, you may find these reminders helpful:

1. Report your position with the law firm in Part 1. (Do not report your spouse's position in Part 1.)
2. Report the law firm as a source of income in Part 4 if you earned more than \$5,000 in a calendar year during the reporting period. Also, report the name of any client who paid more than \$5,000 to the law firm (or to you) for your services in a calendar year during the reporting period. You may describe your services simply as "legal services." (Do not report your spouse's law firm or clients in Part 4.)
3. If you received any of the following kinds of income from the law firm during the reporting period, report the exact amount of income in Part 2. (If your spouse received any of these types of income, report your spouse's receipt of income from the law firm in Part 5, but do not include the amount of income.)
 - Salary and/or bonus
 - Partnership share or LLC distribution
 - Severance payment
 - Other compensation
4. If the law firm owes you any of the following kinds of payments, report the anticipated payments in Part 2, and indicate the anticipated amount by selecting the appropriate category (as opposed to the exact amount) in the "Value" column (as opposed to the "Income" column). Explain your arrangement for the payment in Part 3.

(If the law firm owes any of these kinds of payments to your spouse, report the anticipated payments in Part 5, and indicate the anticipated amount by selecting the appropriate category in the “Value” column. Do not report information about your spouse in Part 3.)

- Anticipated salary or bonus
 - Anticipated partnership share or LLC distribution
 - Anticipated severance
 - Any other outstanding compensation
5. Report all items listed below that currently have a value greater than \$1,000 or from which more than \$200 in income was received during the reporting period. If the item is associated with you, report it in Part 2 and describe any arrangement with the law firm (e.g., return of capital account after separation from the firm) in Part 3. (If the item is associated with your spouse, report it in Part 5. Do not report information about your spouse in Part 3.)
- Law firm capital account
 - Law firm stock
 - A financial interest in a contingency fee case (see item 4 in the solo legal practice section for more details on contingency fee cases)
 - A financial interest in an investment fund that the law firm created
 - A financial interest in other firm investments (e.g., real estate partnerships)
6. If your name is used in the name of the law firm, describe what will happen to the firm’s name in Part 3 (e.g., “my name will be removed from the name of the firm upon my withdrawal”). Note that the Ethics in Government Act prohibits certain high level government officials from allowing firms to use their names.
7. If your law firm is small enough that it will be dissolved after your separation, describe the arrangements for the firm’s dissolution in Part 3. (Do not provide information about your spouse’s firm in Part 3.)

If you or your spouse are engaged in a solo legal practice, you may find these reminders helpful:

1. Report your position as a solo practitioner in Part 1. (Do not report your spouse's position in Part 1.)
2. Report the name of any client who paid more than \$5,000 for your services in a calendar year during the reporting period in Part 4. You may describe your services simply as "legal services." (Do not report your spouse's clients in Part 4.)
3. Report the exact amount of your income from your solo legal practice during the reporting period in Part 2. Do not report your clients in Part 2. (Report your spouse's solo legal practice as a source of income in Part 5, but do not disclose the amount of income. Do not disclose your spouse's clients in Part 5.)
4. Report any interest you have in a contingency fee case in Part 2. You may estimate the value of your interest in the "Value" column. (You may use any good faith method of estimating the value. For example, you may describe the value based on the amount sought by your client in damages, with or without reducing the value based on the likelihood of a favorable decision or settlement.) In Part 3, describe what will happen to your interest in the contingency fee case upon entering government service. (Do not report information about your spouse's individual cases or clients.)
5. In Part 3, describe what will happen to the practice while you are in government (e.g., "it will be placed in an inactive status during my appointment") and any remaining fees owed to you (e.g., "the amounts of all outstanding client fees will be fixed before I enter government service"). Describe any ongoing arrangement for the payment of referral fees by attorneys to whom you refer your clients. (Do not provide information about your spouse in Part 3.)

ADDITIONAL CHECKLIST FOR CORPORATE OFFICERS, EMPLOYEES, AND DIRECTORS

The following is a non-exhaustive list of additional items that nominees who are current or former corporate officers or directors (or are married to current or former corporate officers or directors) often need to include in their public financial disclosure reports:

1. Report your position with the corporation in Part 1. (Do not report your spouse's position in Part 1.)
2. If you received any of the following kinds of income during the reporting period, report the exact amount of income in Part 2. (If your spouse received any of these types of income, report your spouse's receipt of income in Part 5, but do not include the amount of income.)
 - Salary and/or bonus
 - Director fees
 - Severance payment
 - Other compensation
3. If you are owed any of the following kinds of payments, report the anticipated payments in Part 2, and indicate the anticipated amount by selecting the appropriate category (as opposed to the exact amount) in the "Value" column (as opposed to the "Income" column). Explain your arrangement for the payment in Part 3.
 - Salary and/or bonus
 - Director fees
 - Severance payment
 - Other compensation

4. Report in Part 2 any of the employment-related items listed below that you currently hold or from which more than \$200 in income was received during the reporting period. If you currently hold the item, explain in Part 3 what will happen to it when you enter government service (e.g., divest, forfeit, vest, exercise, etc.). (If the item is associated with your spouse, report it in Part 5. Do not provide information about your spouse in Part 3.)
 - Stock options or warrants (incentive, nonqualified, etc.)
 - Restricted stock or restricted stock units
 - Employee stock ownership plan (ESOP) account or employee stock purchase plan (ESPP) account
 - Stock appreciation right
 - Dividend equivalent units
 - Phantom stock
 - Deferred compensation plan
 - Retirement plans
 - Any other asset or right to payment associated with the corporation that you hold as a result of your position with the corporation
5. If you will retain any benefits following your separation from the corporation, report them in Part 3. Examples may include health or life insurance; estate, tax, or financial planning services; health club or country club memberships; use of a company car, car service, or plane; use of a residence or office; use of secretarial or IT support; use of a telephone; discounts on company services and products; travel planning services; housing or a mortgage subsidy; tickets or use of a skybox; the right to attend board meetings, other than as an ordinary shareholder of common stock; etc. (Do not provide information about your spouse in Part 3.)

ADDITIONAL CHECKLIST FOR UNIVERSITY PROFESSORS AND DEANS

The following is a non-exhaustive list of additional items that nominees who are university professors or deans (or are married to university professors or deans) often need to include in their public financial disclosure reports:

1. Report your position with the university in Part 1. (Do *not* report your spouse's position in Part 1.)
2. If you received any income from the university during the reporting period, report the exact amount of income in Part 2. (If your spouse received income, report your spouse's receipt of income in Part 5, but do not include the amount of income.)
3. If the university owes you a bonus or severance payment, report the anticipated payment in Part 2, and indicate the anticipated amount by selecting the appropriate category (as opposed to the exact amount) in the "Value" column (as opposed to the "Income" column). Describe your arrangement for the payment in Part 3. (If your spouse is owed a payment, report the anticipated payment in Part 5, and indicate the anticipated amount by selecting the appropriate category in the "Value" column. Do not provide information about your spouse in Part 3.)
4. If you will be taking a leave of absence from your position while you are in government, report the leave of absence in Part 3. Indicate whether the leave of absence will be paid or unpaid, and specify its duration. Indicate whether your employer will continue to make contributions to any retirement plan during your leave of absence. (Do not provide information about your spouse in Part 3.)
5. If you will retain any of the benefits listed below during your government service, report the benefits in Part 3. (Do not provide information about your spouse in Part 3.)
 - University housing, a housing allowance, a mortgage subsidy or supplement, a reduced rate mortgage, mortgage loan forgiveness, etc.
 - Reduced tuition rate for a child or other individual
 - Student loan forgiveness

- Subsidized child care
 - Any other benefit that will be provided during your leave of absence (other than retention of tenure)
6. If you received an honorarium (i.e., fee for speaking, writing an article, or making an appearance) in excess of \$200 during the reporting period, report the honorarium in Part 2. Provide the date your service was provided and indicate the exact amount of the payment in the “Income” column. Be sure to provide an exact amount (e.g., \$7,250) of the payment, instead of merely a category of amount.
 7. If you are owed an honorarium in excess of \$1,000, report the honorarium in Part 2, and indicate the appropriate category in the “Value” column (e.g., \$1,001-\$15,000), as opposed to the exact amount that you are owed.
 8. If your spouse received an honorarium (i.e., fee for speaking, writing an article, or making an appearance) in excess of \$200 during the reporting period, report the honorarium in Part 5 and indicate the exact amount of the payment in the “Income” column. Be sure to provide an exact amount (e.g., \$7,250) of the payment, instead of merely a category of amount. (Note: For most types of earned income, you do not have to provide the amount that your spouse received. However, the law imposes a special requirement for honoraria, which requires you to disclose the exact amount that your spouse received for each honorarium payment in excess of \$200.)
 9. If you have interests in intellectual property (e.g., books, book deals, patents, etc.) that are currently worth more than \$1,000, or from which more than \$200 in income was received during the reporting period, report those interests in Part 2.
 10. Report your spouse’s intellectual property in Part 5 if any of the following are true: (1) the value of the intellectual property was more than \$1,000 at the end of the reporting period, (2) your spouse received more than \$200 in royalties or capital gains during the reporting period, or (3) your spouse received an advance of more than \$1,000 during the reporting period.

ADDITIONAL CHECKLIST FOR INVESTMENT FUND MANAGERS

The following is a non-exhaustive list of additional items that nominees, whose work (or whose spouses' work) involves, or previously involved, managing investment funds, often need to include in their public financial disclosure reports:

1. Any paid or unpaid position with the fund manager, the fund, a subaccount, a subsidiary fund, or any other entity or business venture in Part 1. (Do not disclose your spouse's position in Part 1.)
2. If you received any of the following payments during the reporting period, report the exact amount of income in Part 2 in the "Income" column. (If your spouse received a payment, report your spouse's receipt of the payment in Part 5, but do not include the amount of the payment.)
 - Salary and/or bonus
 - Severance
 - Other compensation
3. If you are owed any of the following types of payments, report the anticipated payment in Part 2 and indicate the anticipated amount by selecting the appropriate category (as opposed to the exact amount) in the "Value" column (as opposed to the "Income" column). Describe your arrangement for the payment in Part 3.
 - Outstanding bonus payment
 - Outstanding severance payment
 - Other outstanding compensation

4. Report any of the following items that you currently hold (or are owed) or from which more than \$200 in income was received during the reporting period in Part 2. If you currently hold the item, explain in Part 3 what will happen to the item when you enter government service (e.g., divest, forfeit, vest, etc.). (If the item is associated with your spouse, report it in Part 5. Do not provide information about your spouse in Part 3.)
 - Carried interest
 - Co-investment interest
 - Warrants, options, or other equity interest
 - Any other financial interest, investment, or right
5. In Part 8, report any capital commitments by you, your spouse, or your dependent child. Also, describe (either in Part 8 or in an endnote) any arrangement with the fund manager (or with any other individual or entity) to assist you in satisfying this capital commitment (e.g., a leveraging agreement, a subsidy, a supplemental payment, a credit, etc.).
6. In Part 3, describe any arrangement related to your work. For example, describe any continuing right, share, interest, payment, etc., associated with the fund manager, the investment fund, or any other entity. (Do not provide information about your spouse in Part 3.)

BLIND TRUSTS AND DIVERSIFIED TRUSTS

You may hear about *qualified blind trusts* and *qualified diversified trusts* as potential options for addressing ethics issues.

OGE's staff is available to talk to you about these types of trusts, but you should know that the requirements are highly restrictive and usually burdensome. There is almost always a different remedy that is more appropriate for resolving the applicable ethics issues. For this reason, there have been **very few** qualified blind or diversified trusts in the executive branch.

Here are a few things to keep in mind:

- An existing blind or diversified trust may *not* be used.
- You should not contact potential trustees without first consulting OGE, as you could disqualify them.
- You must publicly disclose every asset you place in the trust. Later, when you dissolve the trust, you must publicly disclose every asset held in the trust at the time of dissolution.
- You may not instruct a trustee as to types of assets to acquire, and you will not receive information about a trust's holdings until it is dissolved.
- A blind trust does not resolve existing conflicts of interest—an asset you place in a blind trust is not “blind” until it is sold down to \$1,000 or less.

The table on the next page outlines some of the requirements for qualified blind trusts and qualified diversified trusts. This is not an exhaustive list of requirements, and it is important that you talk to OGE before taking any steps to establish one of these types of trusts.

BLIND AND DIVERSIFIED TRUSTS

The following are features of both types of qualified trusts:

- Control of all trust assets is relinquished to an independent trustee
- The trustee must be an institution
- The trustee must be independent
- You have no knowledge of assets acquired by the trustee, and you may not communicate specific preferences or impose restrictions
- Statements you receive will reveal only the trust's overall value
- You, your family, and your representatives may not communicate with the trustee, except for non-substantive written communications approved in advance by OGE

BLIND TRUSTS

The following requirements apply only to qualified blind trusts:

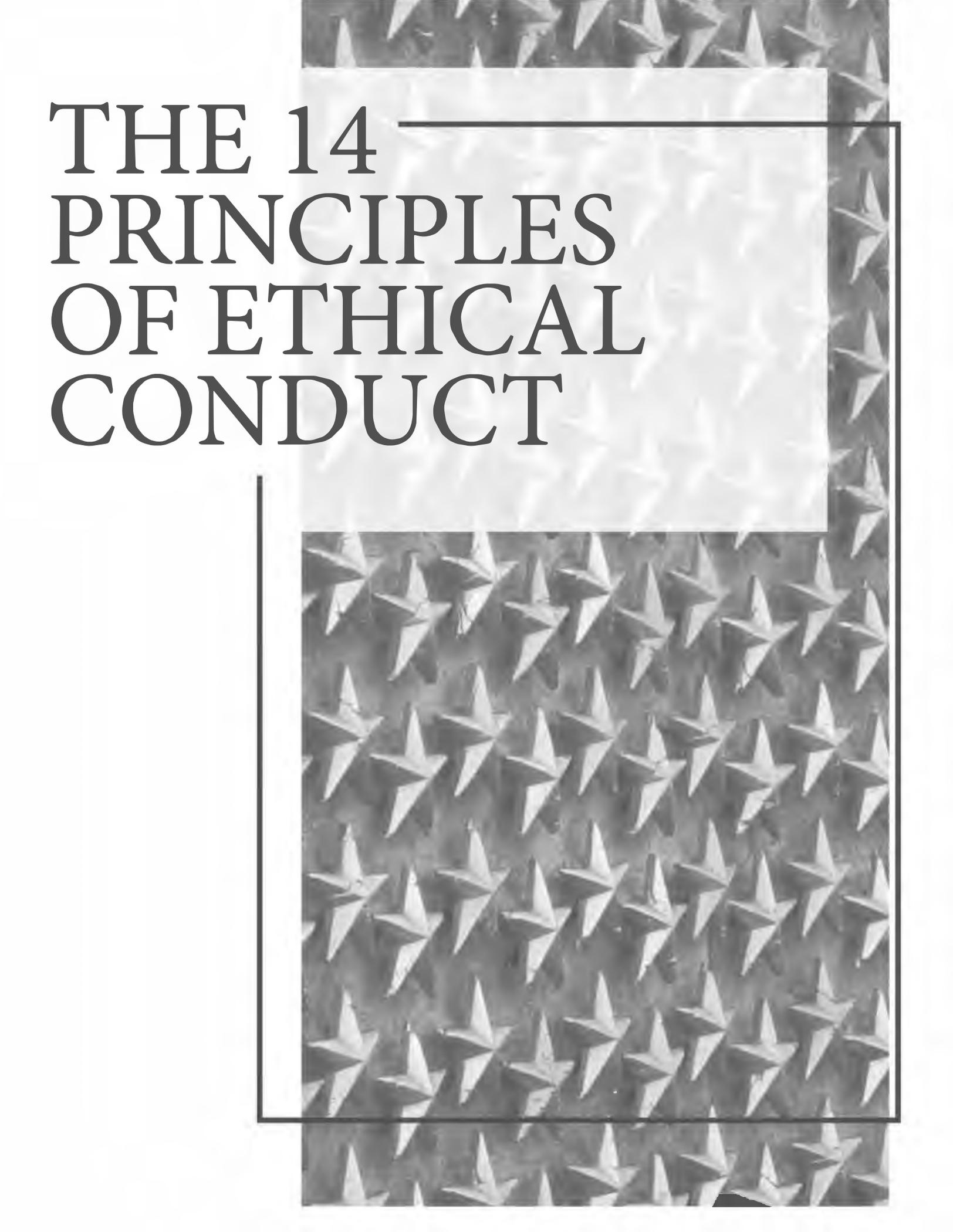
- The trustee will prepare and file the trust's taxes
- The initial assets you place in the trust are not "blind" until they are sold down to a value of \$1,000 or less; these initial assets have the potential to create conflicts of interest until they become "blind"

DIVERSIFIED TRUSTS

The following requirements apply only to qualified diversified trusts:

- The trustee will prepare and file both the trust's taxes and *your own personal income taxes*
- No single asset in the trust may be more than 5% of the portfolio
- No more than 20% of the portfolio may be concentrated in any particular economic or geographic sector
- An asset that poses a significant conflict of interest with your duties cannot be put into the initial trust portfolio

THE 14 PRINCIPLES OF ETHICAL CONDUCT



THE 14 PRINCIPLES OF ETHICAL CONDUCT

Under a longstanding Presidential Executive Order, these Principles of Ethical Conduct apply to every executive branch employee.

1. Public service is a public trust, requiring employees to place loyalty to the Constitution, the laws and ethical principles above private gain.
2. Employees shall not hold financial interests that conflict with the conscientious performance of duty.
3. Employees shall not engage in financial transactions using nonpublic Government information or allow the improper use of such information to further any private interest.
4. An employee shall not, except as permitted by [exceptions documented in the *Standards of Ethical Conduct for Employees of the Executive Branch*], solicit or accept any gift or other item of monetary value from any person or entity seeking official action from, doing business with, or conducting activities regulated by the employee's agency, or whose interests may be substantially affected by the performance or nonperformance of the employee's duties.
5. Employees shall put forth honest effort in the performance of their duties.
6. Employees shall not knowingly make unauthorized commitments or promises of any kind purporting to bind the Government.
7. Employees shall not use public office for private gain.
8. Employees shall act impartially and not give preferential treatment to any private organization or individual.
9. Employees shall protect and conserve Federal property and shall not use it for other than authorized activities.
10. Employees shall not engage in outside employment or activities, including seeking or negotiating for employment, that conflict with official Government duties and responsibilities.

11. Employees shall disclose waste, fraud, abuse, and corruption to appropriate authorities.
12. Employees shall satisfy in good faith their obligations as citizens, including all just financial obligations, especially those—such as Federal, State, or local taxes—that are imposed by law.
13. Employees shall adhere to all laws and regulations that provide equal opportunity for all Americans regardless of race, color, religion, sex, national origin, age, or handicap.
14. Employees shall endeavor to avoid any actions creating the appearance that they are violating the law or the ethical standards set forth in this part. Whether particular circumstances create an appearance that the law or these standards have been violated shall be determined from the perspective of a reasonable person with knowledge of the relevant facts.



Office of the Attorney General
Washington, D. C. 20530

**ATTORNEY GENERAL GUIDELINES
FOR OFFICES OF INSPECTOR GENERAL WITH
STATUTORY LAW ENFORCEMENT AUTHORITY**

I. PURPOSE

These guidelines, required by section 6(e)(4) of the Inspector General Act of 1978 (the "Act"), as amended in 2002, govern the exercise of law enforcement authorities for those Offices of Inspector General that have been granted statutory law enforcement authorities pursuant to that Act. These Guidelines replace the Memoranda of Understanding under which the Department of Justice deputized certain Office of Inspector General investigators as Special Deputy United States Marshals and that described the training and operational requirements applicable to the deputized Office of Inspector General investigators.

II. BACKGROUND

The Department of Justice has primary responsibility for enforcement of violations of federal laws by prosecution in the United States district courts. The Federal Bureau of Investigation is charged with investigating violations of federal laws. Offices of Inspector General have primary responsibility for the prevention and detection of waste and abuse, and concurrent responsibility for the prevention and detection of fraud and other criminal activity within their agencies and their agencies' programs. The Inspector General Act of 1978, 5 U.S.C. app. 3, established criminal investigative jurisdiction for the offices of presidentially appointed Inspectors General. However, prior to enactment of section 812 of the Homeland Security Act of 2002 (Pub. L. No. 107-296), the Inspector General Act did not provide firearms, arrest, or search warrant authorities for investigators of those offices.¹ The Inspectors General of the various executive agencies relied on Memoranda of Understanding with the Department of Justice that provided temporary grants of law enforcement powers through deputations. As the volume of investigations warranting such police powers increased, deputations were authorized on a "blanket" or office-wide basis.

With the enactment of section 6(e) of the Inspector General Act, the Attorney General, after an initial determination of need, may authorize law enforcement powers for eligible personnel of each of the various offices of presidentially appointed Inspectors General. The determination of

¹ Certain Offices of Inspector General had (prior to 2002) and continue to have OIG-specific grants of statutory authority under which they exercise law enforcement powers.

need hinges on the respective office meeting the three prerequisites enumerated in section 6(e)(2). Those Offices of Inspector General listed in section 6(e)(3) of the Act are exempt from the requirement of an initial determination of need by the Attorney General.

Offices of Inspector General receiving law enforcement powers under section 6(e) must exercise those authorities in accordance with Guidelines promulgated by the Attorney General. This document sets forth the required Guidelines.

III. APPLICATION OF GUIDELINES

These Guidelines apply to qualifying personnel in those offices of presidentially appointed Inspectors General with law enforcement powers received from the Attorney General under section 6(e) of the Inspector General Act of 1978, as amended. Qualifying personnel include the Inspector General, the Assistant Inspector General for Investigations under such Inspector General, and all special agents supervised by the Assistant Inspector General for Investigations, provided that those individuals otherwise meet the training and qualifications requirements contained in these Guidelines. These mandatory guidelines do not limit Offices of Inspector General from exercising any statutory law enforcement authority derived from a source other than section 6(e). These Guidelines may be revised by the Attorney General, as appropriate. These Guidelines may be supplemented by agency-specific agreements between an individual Office of Inspector General and the Attorney General.

If the Attorney General determines that an Office of Inspector General exercising law enforcement powers under section 6(e), or any individual exercising such authorities, has failed to comply with these Guidelines, the Attorney General may rescind or suspend exercise of law enforcement authorities for that office or individual.

IV. LAW ENFORCEMENT TRAINING AND QUALIFICATIONS

A Basic and Refresher Training

Each Office of Inspector General must certify completion of the Basic Criminal Investigator Training Program at the Federal Law Enforcement Training Center by each Inspector General, Assistant Inspector General of Investigations, and Special Agent/Investigator who will be exercising powers under these Guidelines. As an alternative, this training requirement may be satisfied by certification of completion of a comparable course of instruction to the Federal Law Enforcement Training Center Basic Criminal Investigator Training Program. Additionally, the Office of Inspector General will provide periodic refresher training in the following areas: trial process; federal criminal and civil legal updates; interviewing techniques and policy; law of arrest, search, and seizure; and physical conditioning/defensive tactics. The specifics of these programs should conform as much as

practicable to standards such as those set at the Federal Law Enforcement Training Center or the Federal Bureau of Investigation Training Academy at Quantico, Virginia.

B. Firearms Training and Qualification Requirements

All individuals exercising authorities under section 6(e) must receive initial and periodic firearms training and qualification in accordance with Federal Law Enforcement Training Center standards. This training will focus on technical proficiency in using the firearms the Special Agent will carry, as well as the policy and legal issues involved in the use of deadly force. The initial training for this requirement must be met by successful completion of an appropriate course of training at the Federal Law Enforcement Training Center or an equivalent course of instruction (that must include policy and law concerning the use of firearms, civil liability, retention of firearms and other tactical training, and deadly force policy).

In addition to basic firearms training, each covered Office of Inspector General will implement a program of quarterly firearms qualifications by all individuals exercising authorities under section 6(e). Such program will be conducted in accordance with recognized standards.

C. Deadly Force Policy

The Offices of Inspector General will abide by the deadly force policy established by the Department of Justice.

V. RANGE OF LAW ENFORCEMENT POWERS

Section 6(e) of the Act provides that the Attorney General may authorize covered individuals to:

1. carry a firearm while engaged in official duties as authorized under this Act or other statute, or as expressly authorized by the Attorney General;
2. make an arrest without a warrant while engaged in official duties as authorized under this Act or other statute, or as expressly authorized by the Attorney General, for any offense against the United States committed in the presence of such individual, or for any felony cognizable under the laws of the United States if such individual has reasonable grounds to believe that the person to be arrested has committed or is committing such felony; and
3. upon probable cause to believe that a violation has been committed, seek and execute warrants for arrest, search of a premises, or seizure of evidence issued under the authority of the United States.

Individuals exercising law enforcement authorities under section 6(e) may exercise those powers only for activities authorized under the Inspector General Act of 1978 or other statute, or as expressly authorized by the Attorney General.²

The Inspector General of each agency covered by these Guidelines, any Assistant Inspector General for Investigations under such Inspector General, and any special agent supervised by such an Assistant Inspector General are authorized to carry their firearms while off-duty when the Inspector General determines that they need to do so for operational or safety reasons.

The possession of firearms on aircraft while on official duty shall be governed by Transportation Security Administration guidelines and common carrier regulations applicable to the transport of firearms.

VI. ADHERENCE TO ATTORNEY GENERAL GUIDELINES

In addition to any other Department of Justice directives or guidance referenced in these Guidelines, Offices of Inspector General will adhere to the Attorney General's Guidelines on General Crimes, Racketeering Enterprise, and Terrorism Enterprise Investigations; the Attorney General's Guidelines Regarding the Use of Confidential Informants; the Attorney General's Memorandum on Procedures for Lawful, Warrantless Monitoring of Verbal Communications; any other Attorney General Guidelines applicable to criminal investigative practices; and updated or amended versions of any of the aforementioned documents.

VII. NOTIFICATION AND CONSULTATION REQUIREMENTS WITH RESPECT TO ALLEGATIONS OF CRIMINAL VIOLATIONS

The Inspector General Act directs expeditious reporting to the Attorney General whenever an Office of Inspector General has reasonable grounds to believe there has been a violation of federal criminal law.

A. Offices Of Inspector General/Federal Bureau of Investigation Mutual Notification Requirements

As the primary investigative arm of the Department of Justice, the Federal Bureau of Investigation has jurisdiction in all matters involving fraud against the Federal Government, and shares jurisdiction with the Offices of Inspector General in the

² Section 6(e) does not, of itself, provide plenary authority to make arrests for non-federal criminal violations. Legal authority for officers to respond to such offenses generally depends on state law. A federal agency may, however, as a matter of policy, permit its officers to intervene in serious criminal conduct that violates state law under certain circumstances.

investigation of fraud against the Office of Inspector General's agency. In areas of concurrent jurisdiction, the Offices of Inspector General and the Federal Bureau of Investigation must promptly notify each other in writing upon the initiation of any criminal investigation. The notification requirement is a continuing obligation when new subjects are added to an investigation. Absent exigent circumstances, "promptly" shall be considered to be within 30 calendar days. Notification by the Offices of Inspector General shall be in writing and addressed to the Federal Bureau of Investigation in the district in which the investigation is being conducted. Notification by the Federal Bureau of Investigation shall be in writing and shall be addressed to the appropriate regional office of the Office of Inspector General. Notifications shall include, at a minimum and where available, (a) subject name, date of birth, social security number, and (b) any other case-identifying information including, but not limited to, (i) the date the case was opened or the allegation was received, and (ii) the allegation that predicated the case. For investigations in which allegations arise that are beyond the scope of the Office of Inspector General's jurisdiction, the Office of Inspector General will immediately notify the appropriate investigative agency of the allegations.

B. Consultation with Prosecutors

In criminal investigations, a federal prosecutor must be consulted at an early stage to ensure that the allegations, if proven, would be prosecuted. Such consultation will also ensure coordination of investigative methods.

VIII. USE OF SPECIALIZED INVESTIGATIVE PROCEDURES AND TECHNIQUES

A. Court-Ordered Electronic Surveillance

Court-authorized interceptions of wire, oral, or electronic communications are among the most intrusive investigative techniques currently available to law enforcement. The rigors of the approval process, expenditures of financial and manpower resources, and the probability of challenges by the defense bar make this technique subject to intense scrutiny. Surreptitious electronic surveillance using closed-circuit television presents similar considerations. Accordingly, any investigation involving the interception of communications pursuant to 18 U.S.C. §§ 2510, *et seq.*, electronic surveillance using closed-circuit television in situations where a warrant is required, or any other court-ordered electronic surveillance, shall be conducted only after consulting with the Federal Bureau of Investigation and appropriate United States Attorney's Office (or Criminal Division litigating component). Subsequent to such notification, the Federal Bureau of Investigation may choose to join the investigation, but is not required to do so. However, in an instance in which the Office of Inspector General intends to engage in court-authorized electronic surveillance without the participation of the Federal Bureau of

Investigation, one of the following federal investigative agencies must participate in the investigation and supervise the application for and use of the surreptitious electronic surveillance: the Drug Enforcement Administration; Bureau of Alcohol, Tobacco, Firearms, and Explosives; Bureau of Immigration and Customs Enforcement; United States Postal Service; United States Secret Service; or Internal Revenue Service.

B. Undercover Investigative Operations

The Attorney General's Guidelines on Federal Bureau of Investigation Undercover Operations (the "Undercover Guidelines") ensure that the Federal Bureau of Investigation considers the efficacy, as well as the legal and policy implications, of every proposed undercover operation, and ensure that the use of the undercover investigative technique is subject to a management on-site review and oversight on a regular basis. It is the intent of this provision that undercover operations conducted by the Offices of Inspector General be subject to the same standards that govern the use of this investigative technique by the Federal Bureau of Investigation.

Accordingly, the community of Inspectors General granted law enforcement powers under section 6(e) of the Inspector General Act shall establish an Undercover Review Committee (the Committee) composed of 6 senior headquarters managers selected by the community of Inspectors General, with no two members of the Committee being employed by the same Office of Inspector General, for the purpose of reviewing undercover operations involving sensitive circumstances³ in investigations that are not being conducted jointly with the Federal Bureau of Investigation. The Committee shall also include such representatives from the litigating sections of the Criminal Division of the Department of Justice as are designated by the Assistant Attorney General of the Criminal Division. If an undercover investigation being reviewed by the Committee is being conducted by an Office of Inspector General that is not represented on the Committee, a representative of that Office of Inspector General who is a senior management official shall be added as a full member of the Committee to review that undercover operation. The Federal Bureau of Investigation may designate a representative to participate in the Committee in a consultative role.

Before conducting an undercover operation lasting longer than six months, or involving any of the sensitive circumstances set forth in the Undercover Guidelines, the Office of Inspector General must first notify the Federal Bureau of Investigation. The Federal Bureau of Investigation may choose to join the investigation, in which case the

³ "Sensitive circumstances" are set forth in the Undercover Guidelines, and include investigations involving certain public officials, a significant risk of violence, authorized criminal activity, operation of a proprietary business, the risk for significant civil liability, and other circumstances as defined in those Guidelines.

undercover operation would be subject to review by the Criminal Undercover Operations Review Committee of the Federal Bureau of Investigation. If the Federal Bureau of Investigation opts not to join the case, the undercover operation will be reviewed by the Committee. No undercover operation involving sensitive circumstances may be conducted without the approval of one of these committees.

The approval for each undercover operation involving sensitive circumstances must be renewed for each six-month period or less, during which the undercover operation is ongoing. The standards of the Committee for approval of the undercover operation shall be the same as those set forth in the Undercover Guidelines. The Committee shall operate in the same fashion as the Criminal Undercover Operations Review Committee as outlined in the Undercover Guidelines.

Each Office of Inspector General whose law enforcement effort contemplates the use of the undercover investigative technique in investigations not involving the sensitive circumstances set forth above shall establish procedures that are consistent with the procedures established for such undercover investigations not involving sensitive circumstances as are set forth in the Undercover Guidelines.

C. Especially Sensitive Targets

- (1) Upon notification pursuant to Part VII, Subpart A of these Guidelines, or otherwise, the Federal Bureau of Investigation may choose to join, but would not be required to join, any investigation that involves:
 - (a) especially sensitive targets, including a member of Congress, a federal judge, a member of the executive branch occupying a position for which compensation is set at Executive Level IV or above, or a person who has served in such capacity within the previous two years;
 - (b) a significant investigation of a public official for bribery, conflict of interest, or extortion relating to the official's performance of duty;
 - (c) a significant investigation of a federal law enforcement official acting in his or her official capacity; or
 - (d) an investigation of a member of the diplomatic corps of a foreign country.
- (2) Investigations involving certain other classes of persons may result in serious security concerns, especially regarding the operation of the Federal Witness Security Program. Therefore, an Office of Inspector General investigation will be coordinated with the

Office of Enforcement Operations of the Criminal Division, Department of Justice,
when the investigation:

- (a) involves a person who is or has been a member of the Witness Security Program if that fact is known by the Office of Inspector General;
- (b) involves a public official, federal law enforcement officer, or other government employee or contract employee who is or has been involved in the operation of the Witness Security Program;
- (c) involves the use or targeting, in an undercover capacity, of a person who is in the custody of the Federal Bureau of Prisons or the United States Marshals Service, or is under Federal Bureau of Prisons' supervision; or
- (d) involves the use or targeting, in an undercover capacity, of a Federal Bureau of Prisons employee, if any part of the activity will occur within the confines of, or otherwise would be likely to affect the security of, a Bureau of Prisons-administered facility.

Investigations that require coordination with the Office of Enforcement Operations pursuant to Part VIII, Subpart C.(2)(a)-(d) may be conducted without the participation of the Federal Bureau of Investigation. In such instances, notification of the investigation should not be made to any other agency without the explicit approval of the Office of Enforcement Operations.

D. Consensual Monitoring in Certain Situations

Consensual monitoring of conversations in some circumstances can present unusual problems. Accordingly, if the Office of Inspector General contemplates the use of consensual monitoring involving a consenting or non-consenting person in the custody of the Bureau of Prisons or the United States Marshals Service, the use of any type of consensual monitoring in the investigation, whether telephonic or non-telephonic, must be coordinated with the Office of Enforcement Operations at the Department of Justice.

Consistent with the Attorney General's Memorandum on Procedures for Lawful, Warrantless Monitoring of Verbal Communications, the use of any non-telephonic consensual monitoring in an Office of Inspector General investigation requires the prior approval of the Director or an Associate Director of the Office of Enforcement Operations if any of the following sensitive circumstances are present:

- (a) the monitoring relates to an investigation of a member of Congress, a federal judge, a member of the Executive Branch occupying a position for which compensation is set at Executive Level IV or above, or a person who has served in such capacity within the previous two years;
- (b) the monitoring relates to an investigation of the Governor, Lieutenant Governor, or Attorney General of any State, or Territory, or a judge or justice of the highest court of any State or Territory, and the offense investigated is one involving bribery, conflict of interest, or extortion relating to the performance of his or her official duties;
- (c) any party to the communication is a member of the diplomatic corps of a foreign country;
- (d) any party to the communication is or has been a member of the Witness Security Program and that fact is known to the agency involved or its officers;
- (e) the consenting or non-consenting person is in the custody of the Bureau of Prisons or the United States Marshals Service; or
- (f) the Attorney General, Deputy Attorney General, Associate Attorney General, any Assistant Attorney General, or the United States Attorney in the district where an investigation is being conducted has requested the investigating agency to obtain prior written consent before conducting consensual monitoring in a specific investigation.

IX. PROSECUTOR CONCURRENCE FOR CERTAIN TECHNIQUES

The use and control of informants, sources, and cooperating witnesses is recognized by the courts as lawful and often essential to the effectiveness of properly authorized law enforcement investigations. However, certain guidelines must be applied because the use of informants and cooperating witnesses may involve intrusion into the privacy of individuals, or cooperation with individuals whose reliability and motivation can be open to question. In the following situations, *inter alia*, the prior concurrence of a federal prosecutor must be obtained to avoid problems such as entrapment, danger to the public, and abuse of police authority:

1. when an informant is authorized to participate in criminal activities;
2. when an informant or cooperating witness is a person entitled to claim a federally recognized legal privilege of confidentiality, such as an attorney, member of the clergy, or psychiatrist;

3. when aggregate payments for services or expenses to be made to a source who could be a witness in a legal proceeding exceed \$25,000; or
4. when the use of any member of the news media as a source is planned (and in such a situation the prior written approval of a federal prosecutor must be obtained).

X. RELATIONS WITH THE NEWS MEDIA

The Department of Justice has issued guidelines that prescribe policy and instructions concerning the release of information by Department of Justice employees relating to criminal and civil proceedings (*see* 28 C.F.R. § 50.2). Office of Inspector General personnel must familiarize themselves with and follow these guidelines. In addition, in the course of joint investigations between an Office of Inspector General and the Federal Bureau of Investigation, wherever a “news release” would be permitted pursuant to the guidelines noted above, the Office of Inspector General must coordinate the release with the Federal Bureau of Investigation and the Department of Justice.

XI. REPORTING REQUIREMENTS

Each Office of Inspector General shall make an annual written report to the Attorney General due on November 1 of each year, detailing the investigative and prosecutive activities of that Office of Inspector General. The report shall, at a minimum, contain information on the number of (1) federal criminal investigations initiated, (2) undercover operations undertaken, and (3) times any type of electronic surveillance was used. Additionally, the report shall provide information on all significant and credible allegations of abuse of authorities conferred by section 6(e)(1) of the Inspector General Act by Office of Inspector General investigative agents and what, if any, actions were taken as a result. The names of the agents need not be included in such report.

XII. PEER REVIEWS

In accordance with section 6(e)(7) of the Inspector General Act, covered Offices of Inspector General must implement a collective memorandum of understanding, in consultation with the Attorney General, under which each Office of Inspector General will be periodically reviewed by another Office of Inspector General or a committee of Offices of Inspector General. Reviews should occur no less often than once every 3 years. The purpose of the review is to ascertain whether adequate internal safeguards and management procedures exist to ensure that the law enforcement powers conferred by the 2002 amendments to the Inspector General Act are properly exercised. Results of the review will be communicated to the Attorney General, as well as to the applicable Inspector General.

XIII. NO THIRD-PARTY RIGHTS CREATED

These Guidelines are adopted for the purpose of the internal management of the Executive Branch. These Guidelines are not intended to, do not, and may not be relied upon to, create any rights, substantive or procedural, enforceable at law or in equity by any party in any matter civil or criminal, nor do these Guidelines place any limitations on otherwise lawful investigative or litigation prerogatives of the Department of Justice or otherwise lawful investigative prerogatives of the covered Offices of Inspector General.

Dec. 8, 2004
Date

John Ashcroft
John Ashcroft
Attorney General



U.S. Department of Justice

Criminal Division

Public Integrity Section

Washington, D.C. 20530

(b) (7)(C)

Assistant Inspector General for Investigations
Department of the Interior
Office of the Inspector General
1849 C Street, NW
Washington, DC 20240

Re: Investigation of Ryan Zinke and (b) (7)(C)

Dear AIGI (b) (7)(C):

The Public Integrity Section has completed its review of allegations that Ryan Zinke and (b) (7)(C) made false statements and obstructed a Department of Interior Office of Inspector General investigation. As previously discussed with your office, we have declined prosecution in this matter.

We greatly appreciate the highly skilled and professional manner in which Special Agent (b) (7)(C) investigated this matter and look forward to our offices working together on other matters involving corruption or election crime. If you have any questions about this matter, please contact me or supervising Principal Deputy Chief (b) (7)(C).

Sincerely,

(b) (7)(C)

Chief
Public Integrity Section



Office of the Attorney General
Washington, D. C. 20530

May 25, 2022

MEMORANDUM FOR ALL DEPARTMENT EMPLOYEES

FROM:

THE ATTORNEY GENERAL

A handwritten signature in blue ink, appearing to read "Merrick Garland".

SUBJECT:

ELECTION YEAR SENSITIVITIES

Department of Justice employees are entrusted with the authority to enforce the laws of the United States and with the responsibility to do so in a neutral and impartial manner. This is particularly important in an election year. Now that the 2022 election season is upon us, and as in prior election cycles, I am issuing this memorandum to remind you of the Department's existing policies with respect to political activities.

I. STATEMENTS, INVESTIGATIONS, AND CHARGING NEAR AN ELECTION

The Department of Justice has a strong interest in the prosecution of election-related crimes, such as those involving federal and state campaign finance laws, federal patronage laws, and corruption of the election process. As Department employees, however, we must be particularly sensitive to safeguarding the Department's reputation for fairness, neutrality, and non-partisanship.

Simply put, partisan politics must play no role in the decisions of federal investigators or prosecutors regarding any investigations or criminal charges. Law enforcement officers and prosecutors may never select the timing of public statements (attributed or not), investigative steps, criminal charges, or any other action in any matter or case for the purpose of affecting any election, or for the purpose of giving an advantage or disadvantage to any candidate or political party. Such a purpose, or the appearance of such a purpose, is inconsistent with the Department's mission and with the Principles of Federal Prosecution.

If you face an issue, or the appearance of an issue, regarding the timing of statements, investigative steps, charges, or other actions near the time of a primary or general election, contact the Public Integrity Section of the Criminal Division ("PIN") for further guidance. Such consultation is also required at various stages of all criminal matters that focus on violations of federal and state campaign-finance laws, federal patronage crimes, and corruption of the election process. More detailed guidance is available in Sections 1-4 and 9-85 of the Justice Manual at http://www.usdoj.gov/usao/eousa/foia_reading_room/usam/.

Finally, Department employees must also adhere to the additional requirements issued by the Attorney General on February 5, 2020, governing the opening of criminal and counter-intelligence investigations by the Department, including its law enforcement agencies, related to

politically sensitive individuals and entities. *See* Memorandum of Attorney General William Barr, Additional Requirements for the Opening of Certain Sensitive Investigations, February 5, 2020 (“February 2020 AG Memorandum”). Any questions regarding the scope or requirements of the February 2020 AG Memorandum should be directed to PIN.

II. HATCH ACT

As you are aware, the Hatch Act generally prohibits Department employees from engaging in partisan political activity while on duty, in a federal facility, or using federal property. Please note that this prohibition includes using the Internet at work for any political activities. The Act also prohibits us from using our authority for the purpose of affecting election results; soliciting (or discouraging) political participation; soliciting, accepting, or receiving political contributions; and generally from running as a candidate in a partisan election.

In addition to restrictions on what Department employees may and may not do while on duty, while using government property, and in off-duty activities, certain employees are further restricted from engaging in certain political activity even while not on duty. The degree to which an employee is restricted in his/her off duty activities depends on his/her position, with further restrictions applying to members of the career SES, administrative law judges, Criminal Investigators and Explosives Enforcement Officers of the Bureau of Alcohol, Tobacco and Firearms, non-career appointees in the Department, and employees of the Criminal Division, National Security Division, and the Federal Bureau of Investigation. If you are unclear on these restrictions or the classification of your position, please consult with your component’s designated ethics official about the limits of permissible activity prior to engaging in any political activity. You can also visit the Justice Management Division’s Ethics page at www.usdoj.gov/jmd/ethics/politic.html for more detailed information, which includes the most recent guidance issued by the Assistant Attorney General for Administration and links to memoranda issued to both career employees and non-career appointees dated June 10, 2020.

It is critical that each of us complies with the Hatch Act and the principles set out in this memorandum to ensure that the public retains its confidence that we are adhering to our responsibility to administer justice in a neutral manner. The Department’s reputation for fairness and impartiality depends upon it.



U.S. Department of Justice

Criminal Division

Public Integrity Section

Washington, D.C. 20530

(b) (7)(C)

Assistant Inspector General for Investigations
Department of the Interior
Office of the Inspector General
1849 C Street, NW
Washington, DC 20240

Re: Investigation of Ryan Zinke and (b) (7)(C)

Dear AIGI (b) (7)(C):

The Public Integrity Section has completed its review of allegations that Ryan Zinke and (b) (7)(C) made false statements and obstructed a Department of Interior Office of Inspector General investigation. As previously discussed with your office, we have declined prosecution in this matter and understand your office concurs with this decision.

We greatly appreciate the highly skilled and professional manner in which Special Agent (b) (7)(C) investigated this matter and look forward to our offices working together on other matters involving corruption or election crime. If you have any questions about this matter, please contact me or supervising Principal Deputy Chief (b) (7)(C).

Sincerely,

(b) (7)(C)

Chief
Public Integrity Section

SCHERTLER ONORATO MEAD & SEARS

August 3, 2022

VIA ELECTRONIC MAIL DELIVERY

(b) (7)(C) [REDACTED]

Supervisory Investigative attorney
Special Investigations and Reviews
Office of Inspector General
U.S. Department of Interior

Dear Agent [REDACTED]:

We are writing to provide comments and feedback after having an opportunity to consult with our client regarding the contents of the draft report. For the reasons that follow, we ask that you remove any finding that Secretary Zinke lacked candor during his interviews. Moreover, it would be inappropriate to release any version of the report so close to a Congressional Election given Former Secretary Zinke's candidacy.

More than 4 years ago, then Secretary of the Interior Ryan Zinke was interviewed on two occasions by the Department of State's Office of Inspector General regarding an investigation concerning the Indian Gaming Regulatory Act and an application by the (b) (7)(C) [REDACTED] Tribe to open an off-reservation, commercial casino in (b) (7)(C) [REDACTED] Connecticut. There was no basis to even conduct such a review of Secretary Zinke, but it is crystal clear that Secretary Zinke acted lawfully and ethically in carrying out his duties.

It is well known that former Secretary Zinke is running for a Congressional seat in Montana and the election is set for November of 2022, about three months from now. Given the unnecessary delay in completing the report, we find the timing of the release of this report disturbing and improper. The release of this report undoubtedly runs afoul of Department of Justice guidelines regarding public accusations against a candidate with an election imminent. Thus, to the extent that any report is to be issued, it must be made after the election. To do otherwise, would insert the findings of this stale and inaccurate investigative report into the electoral process and could prejudice Secretary Zinke.

Turning to the merits, the report and its findings are inaccurate and flawed. The report does not mention crucial facts that show Secretary Zinke was justified in his actions and was not subject to any influence. Here are some of the critical facts that undermine the so-called findings:

- The report fails to clarify that Secretary Zinke did not adopt the position of any lobbyist for or against the project. The Secretary rightfully believed it is not the role of DOI and may even be an inherent conflict of interest for DOI to determine the legitimacy of

sovereign nation activities outside of non-trust lands. His testimony was, and remains, that the DOI should not have jurisdiction over off-reservation land. In other words, he did not believe Interior had jurisdiction over the issue and therefore refused to opine.

- The report fails to mention that Secretary Zinke's position was ultimately upheld by a federal judge, who dismissed a complaint filed by the State of Connecticut and the ██████████ Tribe seeking to force him to act on the matter. *See Connecticut v. United States Department of the Interior*, (b) (7)(C) ██████████ "the Secretary was under no obligation to approve or disapprove the proposed amendments to the ██████████ Procedures within 45 days of their submission, nor was the Secretary required to consider the amendments approved by law after 45 days and publish that approval in the Federal Register.")
- Collectively, the Department of Interior's lawyers gave Secretary Zinke legal advice that he followed, and his position was endorsed as lawful by a federal judge. The suggestion that Secretary Zinke's actions were wrong, or the Department had "litigation risk," is undermined by the Court opinion. The draft report does not even mention this significant fact, which illustrates the wrongfulness of this inquiry and undermines the remaining findings in the report.
- The draft is distorted and misleading in its assertion that Secretary Zinke was not truthful about the interactions he had with lobbyists from the casino. The report fails to mention that Secretary Zinke was unaware of the significant private discussions, emails and text messages exchanged between parties opposing the project.
- Secretary Zinke had routine chance encounters with literally hundreds of people at events around Washington, D. C. when he was in office. Secretary Zinke never initiated discussions on the matter with lobbyists.
- The report fails to highlight that Secretary Zinke did not believe he had jurisdiction over this issue in at least June of 2017, if not sooner, well-before the efforts of any lobbyists. Since Secretary Zinke thought all along that he did not have jurisdiction, he was not influenced or subject to influence by any lobbyist. His position regarding jurisdiction never changed. The Secretary was not influenced by anyone other than his own judgment and in accord with his discussions with legal counsel. Thus, his comments were neither misleading nor material in any respect.
- The report does not mention whether Connecticut state officials, the (b) (7)(C) ██████████ Tribe or any of its lobbyists attempted to speak with Department of Interior officials or Secretary Zinke on this matter.
- The Solicitor's testimony is in stark contrast to the testimony of the U.S. Senator who acknowledges that Secretary Zinke discussed whether he even had jurisdiction to consider this issue in June of 2018. It is apparent that Secretary Zinke felt this way for many months and the Secretary's position should not have been a "surprise" to anyone, including the Solicitor. This fact alone illustrates that the Secretary was truthful at all times.
- In short, Secretary Zinke had his mind made up about this matter months before any attempts to influence him. He consulted with legal counsel who did not tell him it would be unlawful or legal to take no action on the measure. He therefore relied on the

advice of counsel when he took no action and was truthful when he discussed the matters with the OIG. In sum, he was cooperative and candid when interviewed about these issues. Any suggestion to the contrary is wrong.

In sum, we believe the finding that Secretary Zinke lacked candor are wrong and without merit. We ask that you consider the above and not so find in any report. Moreover, we believe the timing of the release of the report is flawed and given the passage of time, must wait until after the election. We thank you for the opportunity to review the draft report and are willing to discuss the matter further should you have any questions.

Very truly yours,

(b) (7)(C)



OFFICE OF
INSPECTOR GENERAL
 U.S. DEPARTMENT OF THE INTERIOR

INVESTIGATIVE ACTIVITY REPORT

Case Number OI-PI-18-0480-I	
Reporting Office Program Integrity Division	Report Date July 17, 2019
Report Subject Interview of (b) (7)(C)	

On July 17, 2019, Special Agent (b) (7)(C) with the Office of Inspector General, U.S. Department of the Interior (DOI), Special Agent (b) (7)(C) with the Federal Bureau of Investigation, Trial Attorneys (b) (7)(C), U.S. Department of Justice (DOJ), interviewed (b) (7)(C), at DOJ's Public Integrity Section's offices in Washington, D.C. Also present for the interview were (b) (7)(C) and (b) (7)(C). The purpose of the interview was to ask (b) (7)(C) about his involvement as a consultant to (b) (7)(C), pertaining to their lobbying efforts on behalf of (b) (7)(C) to DOI related to casino amendments submitted to DOI by the (b) (7)(C) (tribes) from Connecticut. The interview was conducted in preparation for (b) (7)(C) grand jury testimony on July 18, 2019, and was voluntary and not based on any proffer agreement providing any type of immunity to (b) (7)(C) from statements he made during the interview. The following is a summary of the interview.

On February 8, 2017, (b) (7)(C) emailed Zinke's Chief of Staff (b) (7)(C) (via (b) (7)(C) personal email), requesting to meet with (b) (7)(C) to discuss an issue, and (b) (7)(C) responded by requesting (b) (7)(C) telephone number to assist with scheduling the meeting.

Regarding (b) (7)(C) production, (b) (7)(C) stated that he and (b) (7)(C) had previously worked together, and (b) (7)(C) was trying to set up a meeting with Zinke, through (b) (7)(C) connection with Zinke. (b) (7)(C) explained that (b) (7)(C) had just opened their office in Washington, DC and were trying to establish connections with Zinke.

(b) (7)(C) reviewed (b) (7)(C) production, (b) (7)(C), texts that he produced in response to the subpoena.

On March 18, 2017, (b) (7)(C) texted to (b) (7)(C) the following:

"I fly back Monday. When are you around? I just told Ryan about you. He and I are skiing Big Sky today . . . I will work with his schedule for a time - but needs to just be a couple of us to keep it tight."

Reporting Official/Title (b) (7)(C) /Special Agent	Signature Digitally signed.
Authentication Number: (b) (7)(C)	

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██████████ stated that he had told Zinke while they were skiing together that ██████████ was very close with President Trump and ██████████ would like to meet Zinke in order to discuss the Connecticut casino issue that ██████████ was lobbying on behalf of (b) (7)(C). ██████████ explained that he advocated to Zinke that he should meet with ██████████ stated that he briefed Zinke at that time about the Connecticut casino issue so that Zinke could understand the issue prior to meeting with ██████████.

██████████ was provided a May 20, 2017 text he wrote to (b) (7)(C). He wrote to ██████████: "Zinke and I are having dinner tonight, just the 2 of us. I will mention casually ██████████, but anything else?" ██████████ responded: "Thanks ██████████. ... Re dinner ██████████ is important. Thank you btw."

Regarding the above text exchange with (b) (7)(C) ██████████ said that he did not remember the exact conversation, but he told Zinke about (b) (7)(C) and his client, ██████████.

After ██████████ was provided a text sent to him on April 19, 2017 by (b) (7)(C), and a text exchange between him and ██████████ on June 27, 2017, (b) (7)(C), wherein ██████████ wrote:

██████████ would like to bring ██████████ person in to meet with (b) (7)(C). They just want to make sure the political people are in the loop if a DOI decision has to be made, and that it's not just done by careers. Is that doable?"

██████████ stated that, based upon ██████████ request, he set up the meeting between (b) (7)(C) and an ██████████ representative to discuss the tribal casino issue. ██████████ said that (b) (7)(C) did not like Associate Deputy Secretary ██████████ because his Technical Assistance letter from May 15, 2017 indicated that he may decide against ██████████ interests; therefore, ██████████ wanted to make sure the "politicos" learned about the issue and overrode ██████████ in the final decision.

██████████ said that he spoke with Zinke on August 23, 2017 and told him that he had a one-page ██████████ document summarizing ██████████ arguments against the Connecticut casino amendments and asked Zinke if he could send it to him. According to (b) (7)(C), Zinke said "sure" and told (b) (7)(C) that he (Zinke) would review the document and then call (b) (7)(C) to discuss it with him. (b) (7)(C) then sent Zinke the document to his personal email and texted Zinke Ballard's cell phone number, ██████████ (b) (7)(C) further said that he then called ██████████ and told him that Zinke would review the document and give him a call to discuss.

(b) (7)(C) was provided text messages he exchanged with both Zinke and ██████████ on August 28, 2017, (b) (7)(C). After reviewing the text messages, (b) (7)(C) acknowledged that the text messages discussed the three of them (Zinke, (b) (7)(C), ██████████) having dinner together at Zinke's house that evening. When asked, (b) (7)(C) acknowledged that the three of them had dinner together that night and they discussed (b) (7)(C) arguments against the tribal casino amendments during the dinner. He said the whole point of the dinner was for ██████████ to lobby on behalf of ██████████ directly to Zinke on the Connecticut casino matter. ██████████ recalled the discussion included the fact that "██████████ was not Zinke's guy."

Regarding the August 29, 2017 reception at Zinke's office, ██████████ said that he observed ██████████ and his partner ██████████ talking with Zinke, but he could not overhear their conversation.



OFFICE OF
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(b) (7)(C) said that he became involved in the matter surrounding the Connecticut tribes' casino compact amendments after (b) (7)(C) reached out to him to explain how approval of the amendments could negatively impact the casino industry and asked that (b) (7)(C) assist them in lobbying Zinke to not approve the amendments. Based upon (b) (7)(C) request for lobbying assistance, (b) (7)(C) took actions to attempt to have (b) (7)(C) speak directly with Zinke on the phone. According to (b) (7)(C), however, the telephone call between (b) (7)(C) and Zinke never occurred.

(b) (7)(C) said that he forwarded the information (b) (7)(C) provided to him that described the issue to a (b) (7)(C) lobbyist in Washington DC named (b) (7)(C), who prepared talking points about the issue for (b) (7)(C) to use in briefing (b) (7)(C).

After being refreshed with an email, (b) (7)(C) said that he personally contacted (b) (7)(C) at the White House and informed him about the issue and (b) (7)(C) concerns. (b) (7)(C) said that he does not recall making a specific "ask" of (b) (7)(C) but rather informed him of the industry's concerns ((b) (7)(C) (b) (7)(C)).

Reporting Official/Title (b) (7)(C) /Special Agent	Signature Digitally signed.
Authentication Number: (b) (7)(C)	

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After reviewing his email stating that [REDACTED] “gets it,” [REDACTED] explained that he had spoken with (b) (7)(C) about off-reservation gaming in the past but not about this specific issue ((b) (7)(C) (b) (7)(C)).

When asked about his email stating “[DOI Associate Deputy Secretary (b) (7)(C) called me as well,” (b) (7)(C) said that he did not recall the details of his conversation with (b) (7)(C) (b) (7)(C)).

After reviewing an email exchange where (b) (7)(C) informed [REDACTED] that he wanted to personally thank (b) (7)(C) for making a call to Zinke to express the industry’s concerns about the amendments, (b) (7)(C) stated that (b) (7)(C) did call (b) (7)(C) to thank him but he didn’t realize that the call never happened ((b) (7)(C) (b) (7)(C)). (b) (7)(C) said that he was a bit embarrassed after [REDACTED] thanked (b) (7)(C) because (b) (7)(C) did not understand why [REDACTED] was thanking him for doing something that did not happen.

According to (b) (7)(C), he directed his subordinate [REDACTED], to reach out to Zinke and arrange the call between (b) (7)(C) and Zinke. [REDACTED] said that he believed that [REDACTED] ended up talking to [REDACTED] and informed her that [REDACTED] wanted to speak with her husband.

[REDACTED] explained that [REDACTED], who was with the [REDACTED], contacted [REDACTED] executive assistant [REDACTED] and invited [REDACTED] to the Jefferson Island Club Citizen of the Year Award event in Washington DC on September 26, 2017, wherein Zinke was to receive the award. [REDACTED] said that he and [REDACTED] happened to be in Washington DC during that timeframe because they were working on tax reform and internet gaming issues. While in Washington DC, [REDACTED] informed [REDACTED] about the event, and he and [REDACTED] decided to attend the event in lieu of [REDACTED].

While at the award event, [REDACTED] said that [REDACTED] directed he and [REDACTED] to a hallway where Zinke would be entering the building in order to allow them personal access to Zinke prior to Zinke proceeding to the main reception area.

According to [REDACTED], he and [REDACTED] introduced themselves to Zinke in the hallway and had a brief discussion, wherein Zinke told them that he is “sticking with his decision,” referring to DOI’s decision to not approve the tribal casino amendments in Connecticut. [REDACTED] said that Zinke further stated “I know that [REDACTED] was trying to get in touch with me” and he wanted to make sure [REDACTED] knew that Zinke made the decision that [REDACTED] wanted concerning the amendments. According to [REDACTED], Zinke said “I made the right decision and will not change this policy.”

[REDACTED] confirmed that Zinke knew his name and his relationship with [REDACTED] as his right-hand man who receives initial contacts from those seeking political contributions from [REDACTED]. [REDACTED] explained that he is typically “pounded” for political contributions by many people because of [REDACTED] reputation as a very large political campaign donor. (b) (7)(C) summarized by stating that the only reason most people contact him is to seek financial support from (b) (7)(C) for political purposes.

[REDACTED] said that he is not certain who specifically told him that Zinke “asked to see me,” which he texted to (b) (7)(C) (b) (7)(C) prior to the event ((b) (7)(C) (b) (7)(C)). He said (b) (7)(C) could have the person who told him that Zinke wanted to personally meet him. (b) (7)(C) said that (b) (7)(C) coordinated his contact with

██████████, and he had never met ██████████ prior to that evening. ██████████ concluded by stating that he was uncertain about any connection ██████████ had with Zinke.

When asked why he texted ██████████ and ██████████ after meeting Zinke at the event. "All good. He gets it," ██████████ speculated that he sent that text in order to let ██████████^{(b) (7)(C)} know that Zinke apparently planned on standing by his decision to not approve the amendments ██████████^{(b) (7)(C)}.

OFFICE OF THE SECRETARY EXIT CLEARANCE FORM

First and Last Name: Ryan Zinke

Guidance and recommendations:

- Meet with your supervisor no later than 10 business days prior to departure to discuss the exit clearance process.
- Begin this form 10 business days prior to your anticipated separation date.
- Provide completed forms to your supervisor or administrative contact prior to your departure.

Exit Clearance Sign-off Sheet					
#	Actions to be completed by affiliate (i.e., Employees or Contractors)	Clearance / Sign-Off			
		Points of Contact	Sign off	N/A	Date
1	Turn in your resignation letter to your supervisor (Employees Only)	Supervisor			
2	Complete the OS Exit Survey (Employees Only)	Employee			
3	Complete final time and attendance in Quicktime (Employees Only)	Administrative Support (validate) and Supervisor (certify)			
4	Schedule Counsel on Workers Compensation Benefits (if applicable) (Employees Only)	Workers Compensation Program Specialist			
5	Initiate outstanding travel vouchers (Employees Only)	Supervisor or Administrative Support			
6	Ensure your government charge card balance is \$0 and closed out (Employees Only)	Office of Financial Management Location: MIB 5522 Phone: 202-208-4426			
7	Turn in any DOI Library books and pay any outstanding fines (Employees and Contractors)	DOI Library Location: MIB 1151 Phone: 202-208-5815			
8	Contact the DOI Museum to return any government-owned artwork in your office or	DOI Museum Location: MIB 1251 Phone: 202-208-4743	(b) (7)(C)		12/20/18

	workspace (Employees Only)			
9	If you are a contracting officer representative, reach out to your contracting officer to notify of your departure (Employees Only)	Contracting Officer		
10	Attend Security Clearance Debriefing (if applicable) (Employees Only)	BSEE Personnel Security Branch Phone: 703-787-1431 IBC Personnel Security Branch Phone: 303-716-4005		
11	Attend ethics exit clearance briefing. (Employees Only)	Departmental Ethics Office Location: MIB 5311 Phone: 202-208-7960 DOI_Ethics@sol.doi.gov		
12	Receive records counseling and complete your Records Management Clearance Sheet (Employees and Contractors)	OS Records Office Location: MIB 7100 Phone: 202-208-6637 OS_RecordsManagement@ios.doi.gov	(b) (7)(C)	12/19/18
13	Obtain FOIA sign-off (Employees Only)	FOIA Office Location: MIB 7024 Phone: 202-208-6045 osfoia@ios.doi.gov	(b) (7)(C)	12/21/18
14	Notify Passports and Visas Division that you are leaving DOI so that they can transfer or cancel your Official Government Passport (if you have one) (Employees Only)	Passports and Visas Division Location: MIB 3557 Phone: 202-208-5292 passports@ios.doi.gov	(b) (7)(C)	
15	Update Public Transportation Subsidy (bike, transit) and/or turn in your DOI Parking Permit (Employees Only)	Office of Facilities and Administrative Services Location: MIB 1500 Phone: 202-208-2222		
16	Turn in DOI IT equipment, including but not limited to laptop/desktop computer, cell	Supervisor, COR, or Administrative Support	(b) (7)(C)	

	phone, tablet, aircard, radio, phone/conference call card, and transfer ownership of Google drive/desktop files to colleagues as needed. (Employees and Contractors)				
17	Turn in DOI uniforms and other credentials (such as keys to non-DOI buildings, etc.) to your supervisor or appropriate administrative contact (Employees Only)	Supervisor or Administrative Support			
18	Turn in desk/file cabinet keys to your supervisor or appropriate administrative contact. (Employees and Contractors)	Supervisor, COR, or Administrative Support	(b) (7)(C)		
19	Turn in your office/building keys to Personnel Security (Employees and Contractors)	Security Customer Service Office Location: MIB 1320 Phone: 202-208-5111	(b) (7)(C)		
20	Turn in your DOI Access Card to Personnel Security (or <i>your COR if you are a Contractor</i>), only if you are separating from DOI. (Employees and Contractors)	Security Customer Service Office Location: MIB 1320 Phone: 202-208-5111			

Supervisor / Administrative Contact Checklist

- Encourage employees to complete the [OS Exit Survey](#)
- Enter SF-52 into [FPPS](#) - if you do not have access, contact your representative
- Complete Deprovisioning Request in [DOI Access](#) to discontinue access. See [Instructions](#)
- Send employee's resignation letter to your Human Resources representative
- Review and validate final time and attendance in [QuickTime](#) and confirm effective date, and leave balance
- Work with your Human Resources representative to resolve any issues with employee's leave balance, student loans, relocation payments, etc.
- Collect employee's government furnished IT equipment (desktop/laptop, cellphone, tablet, secure thumb drive, aircard, telephone/conference call cards, etc.), ensure all property assigned to the employee has been returned, and return it to the Office of the Chief Information Officer (OCIO) (Location: MIB 7100 ; eus_exitalert@ios.doi.gov)
- Collect any DOI uniforms and credentials and return to appropriate office

- Collect any applicable Accountable Property Officer (APO) or Custodial Property Officer (CPO) files and provide to Personal Property Management
- Complete employee performance appraisal and provide a copy to the employee and to your Human Resources representative
- Collect government passport and return to the OIA Passport and Visa Division (Location: MIB 3557)
- Collect government credit card and return to Office of Financial Management (Location: MIB 5522)
- Collect workspace keys (desk, file cabinet, locker, etc) and follow standard processes at your location
- Contact Mobile Device Management COR for phone return
- Disable telephone/conference card (if applicable)
- Account for official government records and proprietary documents
- Ensure Google Drive files and other files are transferred to necessary colleagues prior to their departure

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From: (b) (7)(C)
Sent: 8/23/2017 1:23:02 AM
To: (b) (7)(C)
Subject: Re: Important: one pager for Sen Heller

Also, as background FYI (b) (7)(C) raised this with [redacted] tonight.

(b) (7)(C)

On Aug 22, 2017, at 8:15 PM, (b) (7)(C) wrote:

PROPOSED COVER NOTE FOR YOUR REVIEW...

(b) (7)(C)

Attached is a one-pager on the Connecticut tribal gaming issue that may be of use in communications with the Department of Interior.

(b) (5)

Many thanks, as always, for your support. Please feel free to call with any questions [redacted]

Cheers,
[redacted]

From: (b) (7)(C)
Date: Tuesday, August 22, 2017 at 10:47 PM
To: (b) (7)(C)
Subject: Important: one pager for Sen Heller

[redacted]

[REDACTED] is going to call Zinke in the morning. Can you please send (b) (7)(C) [REDACTED] the attached ASAP and let them know that the key question Interior keeps asking is why this is a Federal issue, which we have addressed head on in the attached. Thank you very much.

This message contains information which may be confidential and privileged. Unless you are the intended recipient (or authorized to receive this message for the intended recipient), you may not use, copy, disseminate or disclose to anyone the message or any information contained in the message. If you have received the message in error, please advise the sender by reply e-mail, and delete the message. Thank you very much.

From: (b) (7)(C)
on behalf of (b) (7)(C)
Sent: 8/22/2017 6:15:11 PM
To: (b) (7)(C)
Subject: RE: Tribal One-Pager

Thank you be with him tonight

(b) (7)(C)

From: (b) (7)(C)
Sent: Tuesday, August 22, 2017 3:10 PM
To: [REDACTED]
Subject: Tribal One-Pager

[REDACTED]

Hope all is well.

We prepared the attached one-pager that addresses in plain English some of the key questions that Interior has raised over the course of our conversations. We already have provided the one-pager to Interior, but it would be useful talking points for [REDACTED] if he is willing to make another call to [REDACTED] (Zinke's Chief of Staff). If you still plan to raise the issue with Heller tonight, it would be great if you could let him know we have prepared this and will send it to his office in advance of any calls he makes to Interior.

Our rough estimate is that Interior has to make a decision on or before September [REDACTED]

Please let me know if you have any questions.

Thanks.

CASE NUMBER: OI-PI-18-0480-I

INTERVIEWER: SPECIAL AGENT (b) (7)(C) [REDACTED]

PI (b) (7)(C) [REDACTED]

INTERVIEWEE: SECRETARY RYAN ZINKE

LOCATION: Main Department of the Interior
Building, Washington, D.C.

DATE: MAY 9, 2018

TIME: 3:00 P.M.

1 (INTERVIEW OF RYAN ZINKE, #OI-PI-18-0480-I,
2 MAY 9, 2018)

3 (The following may contain unintelligible or misunderstood
4 words due to the recording quality.)

5
6 (b) (7)(C) : This is Special Agent (b) (7)(C)
7 with the Department of Interior's Office of Inspector
8 General. Today is May 9th, 2018. It's a little bit after
9 3:00 in the morning -- uh, 3:00 in the afternoon. We're
10 here at the Main Interior Building in Washington, D.C. I'm
11 interviewing today Secretary Ryan Zinke, and I'm also with
12 (b) (7)(C) from the Office of Inspector General. And as I
13 mentioned before, if you could state your name and spell
14 your last name, that'd be great.

15 (b) (7)(C) : Yeah. I'll begin. So it's (b) (7)(C)
16 (b) (7)(C) . I am (b) (7)(C) from Program Integrity
17 for the OIG.

18 (b) (7)(C) : And I'm (b) (7)(C)
19 (b) (7)(C) . The last name is spelled
20 (b) (7)(C) .

21 (b) (7)(C) : Okay.

22 RYAN ZINKE: And I'm Ryan Zinke, Secretary.

23 (b) (7)(C) : Great. Um, and also as a -- I had
24 mentioned before I started recording, we're here to talk to
25 you, um, today about the -- the Connecticut Tribes'
26 submission of amendments to the Department of Interior.

1 Um, and I just wanted to start off by asking, when was the
2 first time you were aware of the -- the submission of the
3 amendments? As -- as best as you can remember.

4 RYAN ZINKE: Um, within a few months of arriving in the
5 office.

6 (b) (7)(C) : Okay.

7 RYAN ZINKE: Now, bear in mind that we do not have a
8 assistant secretary of Indian Affairs. We don't -- we have
9 -- and always had just a BIA interim. So -- and BIA as
10 a -- it's -- is a very difficult division. So, uh, but I
11 think it was within the first few months I became aware of
12 the issues in BIA.

13 (b) (7)(C) : Generally the issues in BIA?

14 RYAN ZINKE: Generally.

15 (b) (7)(C) : Okay.

16 RYAN ZINKE: The land in the trust. Uh, then the first few
17 months there was a -- I had -- I asked for - "what do we
18 have pending? What tribes are -- have submitted requests
19 to get land in the trusts? Where they sit, what the due
20 dates are, as well as what actions were taken in the last
21 few months of the previous administration."

22 (b) (7)(C) : Right. Okay. Um --

23 RYAN ZINKE: So this was one of many on a long list.

24 (b) (7)(C) : Okay. Do you recall any discussions
25 related to a technical assistance letter that the Office of
26 Indian Gaming sent out to the Tribes? The Tribes wrote and

1 said, Hey, you know, we're planning on submitting these
2 amendments for approval. Um, we are requesting they call
3 it a technical assistance letter. And the Office of Indian
4 Gaming actually drafted one of those and it was signed by
5 (b) (7)(C). And it went out. Do you -- do you recall any
6 discussions about that? I'm not sure if you do. I'm just
7 asking if you recall.

8 RYAN ZINKE: I --

9 (b) (7)(C): That was in May.

10 RYAN ZINKE: -- if -- if that is the letter that we sent,
11 on policy, this is -- my -- my position was more or less
12 policy. On Indian Gaming requests, when they -- when --
13 when a Tribe asks for recognition, is that property that
14 they request, is it close? Is it adjacent? Is it in the
15 historical area of the -- of where the Tribe historically
16 has operated?

17 Secondly, is land in the trust specifically for the
18 purposes of gambling or not? And the policy, the direction
19 that I put out, uh -- and I -- and it affected this letter.

20 (b) (7)(C): Yeah. So you're -- are you talking
21 about, like, the decision letter, the final letter in
22 September?

23 RYAN ZINKE: Uh, I'm not sure the difference between the
24 technical letter --

25 (b) (7)(C): Okay. 'Cause the other one was, like,
26 several months before.

1 RYAN ZINKE: Okay.

2 (b) (7)(C) : You know, just to -- before we get into
3 this specific letter, um, maybe it might be easier if -- if
4 I just sort of let you tell us about the process as you
5 remember it, when it first came to you, what your thoughts
6 were, your discussions with solicitors, (b) (7)(C), if --
7 you know, what those discussions were, that type of thing.
8 And then ultimately what your, you know, thought and
9 decision was.

10 RYAN ZINKE: Yeah. And -- and with Indian --

11 (b) (7)(C) : I think that maybe that'll be the
12 easier way.

13 RYAN ZINKE: -- with Indian Gaming, I'm not an expert. Um,
14 and on all issues, uh, (b) (7)(C), a number of solicitors, on what
15 our responsibility is.

16 (b) (7)(C) : Okay.

17 RYAN ZINKE: And the case of Connecticut is not on trust
18 land.

19 (b) (7)(C) : Right.

20 RYAN ZINKE: So the crux of it is that if it's not on trust
21 land, an activity, do we have jurisdiction? Asking the
22 solicitors, we don't have jurisdiction.

23 (b) (7)(C) : The -- the solicitor said that?

24 RYAN ZINKE: The solicitor's looking at do we have -- yeah.
25 On -- on a -- on -- on advice of our solicitors, do we have
26 jurisdiction.

1 (b) (7)(C) : Can I -- can I stop you there? I, you
2 know, um -- is that not appropriate?

3 (b) (7)(C) : It's really not appropriate.

4 (b) (7)(C) : Okay, fine. I'm -- my first one. That's
5 fine.

6 (b) (7)(C) : Okay. Yeah. Yeah.

7 RYAN ZINKE: But on -- on counsel of the solicitors, do we
8 have jurisdiction if it's not on trust land? In this
9 action, the Connecticut Legislature wanted Interior to
10 weigh in either approval or disapproval. And it's -- since
11 it's not trust land, the -- on advice of counsel, are we
12 obligated to give approval or disapproval. And the answer
13 is no. If it -- if it were in a trust land, then it would
14 be a different -- different situation.

15 (b) (7)(C) : Okay.

16 RYAN ZINKE: But sovereignty means something to the Tribes.
17 And if they're doing a sovereign activity outside of trust
18 property, do I or do I not have jurisdiction? In this
19 case, uh, on counsel, Interior -- the direction was, Hey,
20 this is not an Interior issue, per se.

21 (b) (7)(C) : And that came from counsel from the
22 Solicitor's Office?

23 RYAN ZINKE: Yeah. It came from --

24 (b) (7)(C) : (b) (7)(C) or the Solicitor's Office
25 or --

26 RYAN ZINKE: Every discussion had -- had all. I don't

1 recall exactly who said it.

2 (b) (7)(C) : Right.

3 RYAN ZINKE: But -- but it was all, you know, these things
4 again on a number of decisions about either -- whether it's
5 Indian Gaming or land in the trust and relations between
6 the two. Everything was done with -- with solicitors
7 looking at it.

8 (b) (7)(C) : Okay. Um, we've -- you know, obviously
9 we've been looking at this matter and we've been
10 interviewing individuals from the Office of Indian Gaming,
11 who are the -- the first office that actually receives
12 submissions for anything related to gaming compacts,
13 amendments and so forth.

14 And they actually do their analysis and review. They
15 issued a technical assistance letter, but that's, you know
16 -- we don't need to discuss that. Uh, and ultimately they
17 actually draft the letter. They determine whether or not
18 it's within the law, whether or not the decision -- what
19 the decision should be, their analysis under IGRA, the
20 Indian Gaming Regulatory Act. And the individuals we
21 interviewed from the Office of Indian Gaming, they
22 basically did that analysis, and they determined that they
23 were -- recommended approval of the amendments.

24 We have those -- a draft letter from them. It goes to
25 the Solicitor's Office and then it goes through the legal
26 review. The Solicitor's Office, um, the two main attorneys

1 who were working on this issue were [REDACTED] and [REDACTED]
2 [REDACTED]. And they reviewed the draft, and they determined
3 that the recommendation for approval was legally
4 sufficient. It -- it -- it could be approved. They edited
5 the letter a little bit here and there and then it was
6 still an approval letter for the amendments.

7 RYAN ZINKE: Is a recommend legally sufficient or -- or do
8 we have jurisdiction? 'Cause there's a difference.

9 (b) (7)(C) [REDACTED]: It's -- it's a recommendation that
10 approval is legally sufficient in that --

11 RYAN ZINKE: Well, legally sufficient, but it doesn't mean
12 it's -- we have -- we should have jurisdiction. Is it on
13 federal -- then I guess the -- the juxt [sic] -- the crux
14 of the matter was this: Is it Tribal land held in trust by
15 the Department of Interior or is it not? And the answer
16 is; no, it's not. And if it's not --

17 (b) (7)(C) [REDACTED]: Okay.

18 RYAN ZINKE: -- trust property, and what's driving it is
19 the State of Connecticut on their legislation is driving a
20 Interior decision, um, on the advice of counsel, we're
21 within -- were we within the rights of Interior to say,
22 We're not going to take a position on it. And on the, uh,
23 advice of counsel, we were fine on -- on that opinion. And
24 that -- and that's where ultimately the opinion went is
25 that, again, if it was Tribal trust property --

26 (b) (7)(C) [REDACTED]: Yeah. No, I -- I --

1 RYAN ZINKE: -- and this, uh -- yeah.

2 (b) (7)(C): -- I understand the difference. I --
3 I'm just saying the drafts we saw in -- through our
4 interviews, the Office of Solicitors did approve the
5 amendments.

6 RYAN ZINKE: Yeah. I'm -- I'm not --

7 (b) (7)(C): And then ultimately --

8 RYAN ZINKE: -- I'm saying --

9 (b) (7)(C): So kind of going back a little bit. So,
10 um, you had talked about when you first got here in the
11 first few months. So this would have been --

12 RYAN ZINKE: But I can tell you it's the same people that
13 said -- that also recommended to take a lot of Indian
14 property in trust and the same -- within two days of this
15 administration turning over, too. And not all that was
16 good. So there's a little issue that I had with
17 credibility.

18 (b) (7)(C): From the Solicitor's Office?

19 RYAN ZINKE: From some of the decisions that were made
20 during the -- during the last final moments of the last
21 administration.

22 (b) (7)(C): Okay.

23 (b) (7)(C): So --

24 RYAN ZINKE: Yeah.

25 (b) (7)(C): -- in -- in terms of sort of this -- this
26 timeline, you've got -- you arrive. At what point do you

1 start to, um, look at the -- you're looking at the Tribal
2 issue. You say you sort of set a policy in regards to all
3 of the -- the amendments and issues that were sort of
4 before you?

5 RYAN ZINKE: Yeah. There was a previous policy. I think
6 it was Kempthorne. That what land do you take into trust?
7 What do you -- what do you prioritize? And I believe it
8 was a Kempthorne policy that looked at if you're going to
9 take land into trust, you want that land in trust to be
10 fairly close to where the Tribe is, because the idea was to
11 provide, um -- provide resources and jobs to the Tribe.

12 And so what occurred over time was that policy was
13 either amended or not -- or not followed. And Tribes
14 began, in some cases -- hundreds of miles away a Tribe
15 would buy a piece of property, take that property into
16 trust and they were casino shopping. So there was no
17 reasonable expectation that the Tribe actually would have
18 benefitted from it, employment wise. Certainly monetarily
19 'cause they would make a deal with everybody.

20 Um, that was -- the Kempthorne policy looked at some
21 distance, maybe 50 miles or whatever, and -- and
22 case-by-case basis. But, uh, they -- they looked at it.
23 That was the Kempthorne policy. Now, when I came in, there
24 was three or four, maybe five, uh, properties that the
25 previous administration did within days of turnover. All
26 of them were contentious and -- and so my level of

1 confidence of doing things fairly was not there.

2 So we looked at, do we return to the Kempthorne
3 policy? Do we not return to the Kempthorne policy? Do we
4 do a case-by-case basis? You know, again, because we came
5 in and there are very -- we still don't have an assistant
6 secretary. So we had all acting to a degree, yeah.

7 (b) (7)(C) : So -- so was this one of those properties
8 that, um -- that you are talking about as being -- that had
9 already been acted upon previously or is this --

10 RYAN ZINKE: No, I --

11 (b) (7)(C) : -- this --

12 RYAN ZINKE: -- I believe in this case, it was not land in
13 the trust.

14 (b) (7)(C) : Okay.

15 RYAN ZINKE: So -- so --

16 (b) (7)(C) : Right.

17 RYAN ZINKE: -- it was not a trust property, per se.

18 (b) (7)(C) : Correct.

19 RYAN ZINKE: Then it goes down -- the core decision is, do
20 we have jurisdiction? And do we give approval or
21 disapproval of a property that's not in trust?

22 (b) (7)(C) : Well, it's actually approval of an
23 amendment. It's not actually approval of the property.

24 RYAN ZINKE: Of an amendment.

25 (b) (7)(C) : Amendment.

26 RYAN ZINKE: But over a property that's not in trust.

1 (b) (7)(C) : So when did you start --

2 (b) (7)(C) : But it's --

3 (b) (7)(C) : -- this discussion? Sort of in the -- in

4 the summer, when, for you, would that process of

5 deliberating over this issue kind of have begun?

6 RYAN ZINKE: I think that was one of many. No, not

7 specific but what do we do overall? What's our general

8 policy? And now, I mean, we have a guidance, but it's not

9 a policy 'cause we had to go through some of the -- do we

10 enter it in the register? Do we not enter it in the

11 register? We don't have, you know, our BIA director

12 just left. Yet we don't have our assistant. We've been

13 inconsistent on who we have, uh, you know, as far as

14 personnel goes. You know, at present we're okay but not

15 great. So we tend to say -- although our direction is to

16 go back to Kempthorne policy, it's not written but it -- on

17 land in the trust, we're still dealing with -- with the

18 issues, I understand. And there's a whole list of

19 -- of things that when you put land in the trust, there's a

20 number of provisions. I'm not -- I'm not sure what line by

21 line they are, but a number of provisions that we have to

22 do on our side.

23 (b) (7)(C) : Uh-huh.

24 (b) (7)(C) : So would your -- would you say, though,

25 that the -- that in this -- in this case, was there

26 anything you had -- you had provided to either your

1 Solicitor's Office or to [REDACTED] or to others, um, of -- of
2 your direction, of your policy in writing?

3 RYAN ZINKE: Um, it's with discussions. You know,
4 discussions with [REDACTED]. It was the solicitors. One, and it
5 goes back to the same thing. Is it trust property? So is
6 a -- is sovereignty -- does it have meaning or not? And
7 the activity they're doing off trust land? Whether it's
8 renting an apartment complex, whether it's a different
9 business. In this case, gaming business.

10 Who's properly overseeing it and do we have
11 jurisdiction? Is it a recommendation or do we actually
12 have jurisdiction? Since it's not on trust land, since the
13 activity is not on trust land and since it's not the
14 federal government or a court -- it's a state, in this
15 case, Connecticut, by their legislation, asking Interior to
16 take a position yes or no. And so the discussion was, Do
17 we have to take a position? And the answer was, we didn't
18 have to take a position. And if we didn't have to take a
19 position, um, I'm not sure what that -- what advantage, yes
20 or no, of taking that position would be.

21 (b) (7)(C) [REDACTED]: Do you -- would these --

22 RYAN ZINKE: 'Cause that was the discussion.

23 (b) (7)(C) [REDACTED]: -- and these discussions started, do you
24 think, in the summer? Do you think they started just
25 before the -- I mean, I'm trying to get --

26 RYAN ZINKE: Uh-huh.

1 (b) (7)(C) : We're trying to get an understanding
2 of --

3 RYAN ZINKE: A timeline?

4 (b) (7)(C) : -- of the timeline of -- of your -- of
5 your -- of these discussions.

6 RYAN ZINKE: These discussions, I -- I bet it was over the
7 course of months. Because one is that when does the
8 decision have to be made.

9 (b) (7)(C) : Okay.

10 RYAN ZINKE: And so it's a decision -- in this case, the
11 decision didn't have to be made into some timeline. I'm
12 sure we would have started it probably 60 days. And then
13 determined do we have to make a decision.

14 (b) (7)(C) : Right.

15 RYAN ZINKE: And in this case, uh, I recall we didn't have
16 to make a decision. We didn't have to give approval or
17 disapproval. And if we didn't have to do it and it was,
18 again, driven by a -- a Connecticut Legislature, and if
19 Connecticut wants gambling, they can -- they can do an
20 amendment on their law and provide it.

21 They are certainly able to do that on their own. But
22 -- but, uh, it opens -- to me it opens up Pandora's Box if
23 we give approval or disapproval on an organization and an
24 activity that's not on trust land. And that -- and that
25 was really the -- the juxt of -- of the decision. The
26 details, you know, I leave to people that are more

1 competent in the -- you know, the different provisions,
2 regulations, procedures of -- of a particular act, how --
3 how it involves, uh, gaming. It's just the direction, was
4 this from the --

5 (b) (7)(C): Did -- did you discuss, uh, outside of --
6 outside of, say the DOI personnel, did you have these same
7 discussions with -- with representatives from the Tribes,
8 the states? Others?

9 RYAN ZINKE: I didn't -- no. I listened to -- 'cause I had
10 met the [REDACTED] before when I went on a tour. I listened
11 to, you know -- 'cause I should. I -- I listened to it,
12 but I don't discuss specifics of any particularly -- of any
13 -- of anything that's before us. Uh, that's good policy.
14 I listen. Uh, you know, I'm -- I try to be supportive of
15 the Tribe's desires, but I don't -- I don't discuss inside
16 baseball or specifics.

17 (b) (7)(C): What about with the states?

18 RYAN ZINKE: No. No. Governor I met. Uh, I don't think
19 this was high on the governor's radar as I had met him on a
20 -- in -- at the same -- same time I met the [REDACTED]. And
21 the governor and I have never discussed this issue in -- in
22 detail.

23 (b) (7)(C): And I think the National Congress of
24 American Indians down in Hartford area?

25 RYAN ZINKE: Yeah. Never -- never in detail about whether
26 it's in or out. I'm always willing to listen but I don't

1 discuss specifics. And if they would have asked me, I
2 would have said, We're looking at it, as I always do.
3 We're looking at it. We're evaluating it as -- as we
4 should. And that's about as far as I go.

5 Um, but again, it -- and perhaps we will put a policy
6 out on -- 'cause I do discuss sovereignty, and the term
7 sovereignty should mean something. But in the context of
8 do we have the authority? Do we have the jurisdiction to
9 regulate or approve activities off of Tribal land? And I'm
10 not sure -- no one's ever showed me where we do.

11 (b) (7)(C) : Did -- just to --

12 RYAN ZINKE: Or -- or we -- or we had that obligation. We
13 may -- we may have a preference, but where is the
14 obligation to do so?

15 (b) (7)(C) : Okay. Did you have a discussion with
16 (b) (7)(C) about, as I mentioned before, the Office of
17 Indian Gaming recommending approval, the Solicitor's Office
18 recommending approval? They actually had a draft letter
19 we've seen approving it. We talked to (b) (7)(C) and he
20 approved it himself and then he had a discussion with you
21 is what he --

22 RYAN ZINKE: Yeah. No, I -- I talked to [REDACTED].

23 (b) (7)(C) : -- mentioned to us.

24 RYAN ZINKE: And the -- and the solicitor at the same time.

25 (b) (7)(C) : Did he indicate to you that they had
26 intend -- they basically had a draft approval letter and,

1 you know, How do you feel about this, Secretary?

2 RYAN ZINKE: Well, again --

3 (b) (7)(C) : That type of thing?

4 RYAN ZINKE: Yeah. And I -- and I -- and I said -- and I
5 remember these guys want to -- want to approve it or
6 disapprove it. I said, "Well, is it --" it goes back to,
7 "Is it on trust land?"

8 (b) (7)(C) : Is that --

9 RYAN ZINKE: "And are -- and -- and are we obligated or not
10 obligated to take -- to take a position?" If we don't have
11 to take a position, then we shouldn't take a position,
12 especially if -- if, uh, Connecticut is the driving force
13 behind mandating that the Department of Interior either
14 approve or disapprove. And on nontrust property. And --
15 and on the advice of counsel, uh, going at -- are we -- is
16 our position defensible and our -- our position is
17 defensible, according to counsel. So that's the discussion
18 I had with [REDACTED]. Do we take a position or not?

19 Again, it goes back to the same place, is it or is it
20 not on -- on trust land. Is their activity -- do we govern
21 their activity or do we not govern their activity? And if
22 we don't govern their activity, it's not on trust property,
23 then why should we either give approval or disapproval? It
24 has to be some compelling reason to do that. And there
25 wasn't any compelling reason and we didn't -- my
26 understanding is we didn't have to take a position so we

1 didn't.

2 (b) (7)(C): So the -- the idea of, um, sort of
3 hearing out other folks -- so you say you -- you listen to
4 the trust -- the, uh, Tribes' positions, listen to
5 Connecticut.

6 RYAN ZINKE: Well, I don't recall ever meeting with the
7 Connecticut Legislature on -- on --

8 (b) (7)(C): Okay. Of discussing it with them?

9 RYAN ZINKE: -- the matter. Yeah, I don't recall actually
10 discussing it with -

11 (b) (7)(C): Yeah.

12 RYAN ZINKE: -- the governor, per se.

13 (b) (7)(C): -- personally?

14 RYAN ZINKE: If he would have called me I --

15 (b) (7)(C): The --

16 RYAN ZINKE: -- I probably would have picked up the phone.

17 (b) (7)(C): Right. Right.

18 RYAN ZINKE: Yeah.

19 (b) (7)(C): What about with [REDACTED]? Discussing it
20 with [REDACTED]?

21 RYAN ZINKE: I don't discuss issues with -- [REDACTED] called
22 on Indian Gaming issues and I said, "I defer."

23 (b) (7)(C): Okay.

24 RYAN ZINKE: Indian Gaming issues, I don't talk specifics
25 on anything pending. Uh, you know, they -- the [REDACTED] group,
26 they have an interest in it. Right? But I don't talk

1 specifics with them.

2 (b) (7)(C) : Did they provide you with their
3 philosophy about your jurisdictional authorities?

4 RYAN ZINKE: No. Um, as I -- I -- I don't recall
5 whether -- whether Senator [REDACTED] did specifically or not.
6 My conversation with [REDACTED] mostly had to do with the
7 monument, what we're doing, and if it came up I said, "Hey,
8 we're look -- we're looking at it." Because that's --
9 that's what I would do. "We're looking at it."

10 I don't -- and I, uh -- I don't like the -- I -- my
11 philosophy is, again, going back to Kempthorne. Casino
12 shopping away from a land in trust or Tribal headquarters
13 is that we're working on a policy. We still have not
14 solidified the policy but it's case by case. So -- but I
15 don't discuss specifics with -- with anybody, especially on
16 Indian Gaming because Indian Gaming in itself is fraught
17 with Tribal interests between the different Tribes,
18 territories, states, the nonIndian Gaming; is that I would
19 rather keep those things at arm's length. That is Davey
20 Jones' locker to go down to specifics with anybody. That's
21 not inside the Interior umbrella.

22 (b) (7)(C) : So you've never listened to any legal
23 arguments from either [REDACTED] or --

24 RYAN ZINKE: You know, I'm willing to listening.

25 (b) (7)(C) : -- [REDACTED] attorneys?

26 RYAN ZINKE: I'm willing to listen but I -- it's not a

1 discussion.

2 (b) (7)(C) : No, no, no.

3 RYAN ZINKE: No.

4 (b) (7)(C) : Did you ever hear any legal arguments
5 from ██████ lobbyists or attorneys as to, you know, that,
6 Hey, under IGRA --

7 RYAN ZINKE: No.

8 (b) (7)(C) : -- you don't have jurisdiction, you
9 shouldn't --

10 RYAN ZINKE: Not -- not in specifics because even if they
11 did --

12 (b) (7)(C) : -- need to --

13 RYAN ZINKE: -- I'm not an expert in IGRA.

14 (b) (7)(C) : Yeah. And you're not an attorney,
15 either, right?

16 RYAN ZINKE: I'm not an attorney.

17 (b) (7)(C) : So you --

18 RYAN ZINKE: And --

19 (b) (7)(C) : -- it's not like you know IGRA inside
20 and out or anything.

21 RYAN ZINKE: -- and I -- and it would be a fool's errand to
22 discuss it with me because I'm not an expert. I -- I -- I
23 would just say, Stop. But I'm just -- it's just not my
24 area of expertise.

25 (b) (7)(C) : And --

26 RYAN ZINKE: Directional and operationally, if -- if I

1 don't have to make a decision on something that's ugly, uh,
2 and it's off of -- again, it's -- it's outside of the trust
3 property, don't make a decision. Especially if -- if -- if
4 the Court's telling me I gotta make a decision, great. If
5 -- but if it was on trust property, then you look at how it
6 got to be on trust and whether they can game or game -- or
7 not game on it, that's fine. I understand that because I'm
8 responsible for it.

9 (b) (7)(C): What makes this ugly? I guess maybe my
10 ignorance is showing. I mean, it -- it strikes me as
11 you've -- you've got -- we've -- you've got gaming
12 authority within the department, because you've got the
13 Indian Gaming commission.

14 RYAN ZINKE: On --

15 (b) (7)(C): Right?

16 RYAN ZINKE: -- trust property.

17 (b) (7)(C): But I guess what makes this one sort of
18 uglier than other ones?

19 RYAN ZINKE: It's not on -- on -- the decision would be --
20 again, it's not on trust land.

21 (b) (7)(C): And --

22 RYAN ZINKE: So -- and whether it's gaming or apartment
23 management or, uh, loans, all these things that some of the
24 Tribes are actively participating in, if it's on trust
25 property, then I guess that's the -- the biggest division
26 to make, 'cause on trust property, I have some treaty

1 obligation.

2 Um, I have treaty obligation on mining, on grazing, on
3 a number of things, on activities on trust property. Out
4 of trust, uh, no one has ever told me that I have a
5 responsibility one way or the other. And I would rather
6 not encumber Interior on activities that are -- that are
7 outside of my trust responsibilities. And that's kind of
8 where I -- where -- where I sit on it. And that's what the
9 discussions were within -- within, uh, Solicitor's is, Do
10 we have a latitude? Is it my obligation or is it not on my
11 obligation?

12 Again, in this case -- in all cases, if it was on
13 trust property, then it would have taken a different --
14 different view. Uh, you know, in some cases, uh, the
15 [REDACTED] -- a late, late, late letter to take another trust.
16 The [REDACTED] said they don't want to gamble and so what's --
17 what's my -- what's my obligation to the community, to the
18 state, the Tribe? Do we -- and I can't encumber a deed.
19 So do I get a letter of memorandum on intent of properties?
20 You know, these are issues -- but it's -- but it's trust
21 property so I have an obligation, I -- I feel, as the
22 champion of our Tribes, too -- 'cause I'm the only guy that
23 the Tribes have and -- and the government. And that's the
24 Department of Interior.

25 **(b) (7)(C)** [REDACTED]: Which is why the amendment came to you in
26 the first place or came to the Department in the first

1 place.

2 RYAN ZINKE: Yeah. Yeah. Because historically and
3 accurately, Indian Affairs and Interior have a
4 long-standing relationship unlike any other department.
5 There is no champion or advocate for the Indian Nations
6 other than Interior. We're their conduit, their champion.

7 (b) (7)(C) : Uh-huh.

8 RYAN ZINKE: And then it's -- then it goes to my guiding
9 principles are sovereignty should mean something. So when a
10 Tribe -- and this is why Tribes are one to one, government
11 to government. That's unique. And they're in the status
12 of the state, government to government. The compacts are
13 there.

14 And then as far as my treaty obligation goes, it's --
15 I think it's uniquely on land held in trust. I don't -- I
16 don't regulate any activity of any Tribal member outside
17 the regulation or outside the trust. Uh, I don't regulate
18 if they want to have a business out in town or the Tribe
19 wants to have a business or ownership of property or an
20 activity that's regulated by someone else other than
21 Interior. But on trust property itself, we have some
22 degree of oversight. And that's where this decision was
23 made. You know, and again, I'm basing -- I'm not an expert
24 in it.

25 (b) (7)(C) : Right.

26 RYAN ZINKE: But it was told to me, is this an option that

1 we have?

2 (b) (7)(C) : Right.

3 RYAN ZINKE: And --

4 (b) (7)(C) : So you -- you said it a couple of times,
5 under advice of counsel from the Solicitor's Office. Um, I
6 just wanted to clarify the timeline about, you know -- as I
7 mentioned already a couple of times that we saw these
8 letters recommendation -- recommending approval from the
9 Office of Indian Gaming and Solicitor's Office and then
10 through (b) (7)(C) .

11 And is -- and when it came to you is that the point
12 when you asked them, Hey, you know, this is off reservation
13 or trust land. You know, do I have the jurisdiction or
14 authority to even approve these amendments? Is that when
15 you brought it up with them and then you had a discussion
16 with them about it? Because we know it was -- until about
17 almost 36 hours before the letter was issued from
18 Department of Interior, all we've seen are drafts of
19 approvals until it -- obviously (b) (7)(C) talked to you
20 about it, and we interviewed (b) (7)(C) and he told us he
21 talked to you about it.

22 RYAN ZINKE: Yeah.

23 (b) (7)(C) : And he told us your discomfort that you
24 had about it. But I -- I just wanted to get --

25 RYAN ZINKE: It's not the first time that -- that -- that
26 we could --

1 (b) (7)(C) : That you expressed your discomfort about
2 it?

3 RYAN ZINKE: Yeah. It was not -- this is a -- this issue
4 is at least two months long, I think. 'Cause it goes
5 through --

6 (b) (7)(C) : Yeah.

7 RYAN ZINKE: -- discussion, what you want to do, do we have
8 the latitude, do -- we don't have the latitude?

9 (b) (7)(C) : Yeah. No, I understand that.

10 RYAN ZINKE: Who's doing what. So it took a while. I
11 don't think my position ever -- ever changed.

12 (b) (7)(C) : Yeah. But I --

13 RYAN ZINKE: In that -- in that, you know, again, the
14 decision matrix was trust, not trust.

15 (b) (7)(C) : Yeah. No. And I get that.

16 RYAN ZINKE: And then -- and then who's -- and then what
17 timeline. You know, who's holding us to a timeline and who
18 is it that's asking us to approve, disapprove. If it was a
19 federal body between department-department and -- and there
20 was a dispute, we would have to go up.

21 Um, but this was not a -- a court asking us to do
22 anything so it didn't require justice. This was a -- just
23 an issue between a state that did not have the authority to
24 ask us for -- oh, they did. They wrote it as if we were
25 going to give them approval or disapproval. And that was a
26 decision. Goes back to --

1 (b) (7)(C) : Well, they submitted it under the Indian
2 Gaming Regulatory Act.

3 RYAN ZINKE: Yeah.

4 (b) (7)(C) : So that's the -- that's the statute, the
5 law that sets the timelines and the time frames that
6 Interior needed to respond.

7 RYAN ZINKE: So there -- there was a timeline that had --
8 had to --

9 (b) (7)(C) : Forty-five days.

10 RYAN ZINKE: -- had to be done.

11 (b) (7)(C) : Right. Forty-five days. And that's
12 why --

13 RYAN ZINKE: And the lack of response would give --

14 (b) (7)(C) : -- the --

15 RYAN ZINKE: -- as I recall, lack of response would give a
16 -- either a -- an approval, disapproval, uh, but again, it
17 was the action driven by the State of Connecticut.

18 (b) (7)(C) : Well --

19 RYAN ZINKE: And --

20 (b) (7)(C) : -- that's --

21 RYAN ZINKE: -- and, uh --

22 (b) (7)(C) : So -- so it's the -- so who was telling
23 you that you shouldn't approve? I guess you were talking
24 about there was, sort of, two sides. There was a side
25 wanting approval, the State of Connecticut, and then who --
26 who was telling you that, Well, you shouldn't approve?

1 RYAN ZINKE: No. It's just the decision was -- is what are
2 my options? Approve, disapprove, punt.

3 (b) (7)(C) : Well --

4 RYAN ZINKE: And -- and punt was don't take a position.
5 Because again, it's not on trust property.

6 (b) (7)(C) : Who explained -- who explained those
7 options to you? Because I -- I mean --

8 RYAN ZINKE: Counsel. The --

9 (b) (7)(C) : -- the Solicitor's Office?

10 RYAN ZINKE: -- and -- yeah. Yeah.

11 (b) (7)(C) : Anybody specifically 'cause I've
12 interviewed a couple of --

13 RYAN ZINKE: You can ask and the people come up,
14 What are my options? And I mean, the discussion was, Is it
15 trust property or is it not trust property? What's our
16 jurisdiction off of trust property? Do we have
17 jurisdiction? Since they're sovereign do we regulate their
18 activities on nontrust property?

19 (b) (7)(C) : So --

20 RYAN ZINKE: And the answer is no.

21 (b) (7)(C) : So you feel this was your --

22 RYAN ZINKE: And --

23 (b) (7)(C) : -- decision? It sounds as if this is
24 your -- your -- your -- your -- this is your decision, was
25 to -- to --

26 RYAN ZINKE: Yeah. But I -- but again, it's -- it's --

1 decisions are made -- you know, ultimately I'm in charge of
2 everything in Interior. Ultimately I -- I am. And -- and
3 the decision matrix I made was is it on trust property or
4 not? Uh, it's a pretty easy decision tree. If it's not on
5 trust property, all right, do we have jurisdiction? What
6 are our options? And the options that were laid out were
7 to approve as what either the -- or disapprove of what
8 the --

9 (b) (7)(C) : Uh-huh.

10 (b) (7)(C) : Right.

11 RYAN ZINKE: -- legislature from -- from Connecticut was
12 asking.

13 (b) (7)(C) : They were asking for approval?

14 RYAN ZINKE: For approval.

15 (b) (7)(C) : And who was asking for disapproval?

16 RYAN ZINKE: Well, we could -- we could -- we could write a
17 disapproval. Right? So we could -- we could do both.

18 They would -- they -- they would -- they want a decision.

19 (b) (7)(C) : Right.

20 RYAN ZINKE: Approve or disapprove, right? So lack of
21 action would do -- would do this. Or -- or did we have to
22 do that? And -- and what was -- who was obligating us to
23 make the decision off of trust property? The -- the fact
24 of the matter is it's -- it's Connecticut -- Connecticut
25 Legislature. And -- and I'm not bound by the Connecticut
26 Legislature to make a decision for them.

1 If they felt so strongly that gaming wanted to be an
2 important part of Connecticut, they could have easily
3 written the bill to approve it and they should have. Um,
4 there's other states that have done that. Without having
5 an intermediary go through and say, Well, we're going to
6 have the Department of Interior give us the approval or
7 disapproval over a gaming issue that the State, in my
8 opinion, should have adjudicated, 'cause the states --
9 other states have gambling, and it's away from either
10 Indian Gaming, special preference, nonspecial preference.
11 But looking at it, uh, talking to, you know, solicitors and
12 everything, why are we involved? And -- and the -- the
13 issue is I don't think we should have been involved. Uh,
14 if -- if, in fact -- if it was -- again, it goes back to is
15 it -- is it -- do I have a -- do I have a treaty obligation
16 to get involved with these things or not?

17 **(b) (7)(C)**: Right.

18 RYAN ZINKE: And -- and as long as it's not on trust land,
19 what's my obligation? And I don't have any obligation.

20 **(b) (7)(C)**: Were you ever informed that the Office
21 of Indian Gaming actually advised the Tribes in the State
22 of Connecticut to submit the amendments for approval
23 because they were worried about the exclusivity of their
24 compacts that are regulated by Interior and IGRA?

25 RYAN ZINKE: Well, I was --

26 **(b) (7)(C)**: I'm just wondering if you were advised

1 of that.

2 RYAN ZINKE: -- advised that -- that the -- yeah, there was
3 an exclusivity, but also that the -- my understanding that
4 the -- the Connecticut Legislature had choices. And
5 whether they could pass or not, I -- I don't have any,
6 uh -- I -- you know, whatever meets the test of
7 exclusivity, uh, that's not for us --

8 (b) (7)(C) : Okay.

9 RYAN ZINKE: -- that's not for me to decide.

10 (b) (7)(C) : So (b) (7)(C) position on this, it -- your
11 -- your conversations with -- I think it's (b) (7)(C)? (b) (7)(C).

12 (b) (7)(C) : Senator (b) (7)(C), yeah.

13 (b) (7)(C) : I mean --

14 RYAN ZINKE: It had no --

15 (b) (7)(C) : -- was he for or against -- was he for or
16 against it in your conversations?

17 RYAN ZINKE: I don't recall whether he was for or against
18 it 'cause the conversation was very quick.

19 (b) (7)(C) : And --

20 RYAN ZINKE: That, Hey, we're looking at it. And I -- on
21 this issue, uh, I don't know who he represented, tell you
22 the truth, whether he represents the Indian Gaming or
23 nonIndian Gaming or Connecticut. I don't know who he
24 represented.

25 (b) (7)(C) : Were -- were you aware that (b) (7)(C)
26 were -- they're in the midst of opening a casino right now

1 13 miles up the road in (b) (7)(C) , Mass., from the
2 location that the --

3 RYAN ZINKE: I am aware that there are multiple sides to
4 this thing, as every gaming issue has.

5 (b) (7)(C) : Well, are you aware of that specific --
6 were you aware of the --

7 RYAN ZINKE: The ?

8 (b) (7)(C) : -- (b) (7)(C) is basically about to
9 open --

10 RYAN ZINKE: I wasn't aware they're 13 miles away. I know
11 was involved. There was Indian Gaming involved. There
12 were multiple Tribes involved. There was State involved.
13 There was multiple parties of who was involved.

14 (b) (7)(C) : So you're aware they were opening --

15 RYAN ZINKE: Uh, and this is --

16 (b) (7)(C) : -- the casino close by?

17 RYAN ZINKE: No.

18 (b) (7)(C) : You weren't aware of that?

19 RYAN ZINKE: No. I don't follow .

20 (b) (7)(C) : Okay. Okay.

21 (b) (7)(C) : Did you -- were you aware that was
22 interested in this issue and your decision?

23 RYAN ZINKE: Uh, I'm -- when it comes to Indian Gaming,
24 back to our original thesis, there are multiple tensions
25 and that's why Indian Gaming's a mess, because there are
26 different Tribes that have different territories. There's

1 nonTribal Gaming. There's State interests involved. There
2 is real estate being bought by speculators involved. Uh,
3 that's hence my reluctance to get involved. Specifically
4 approval or disapproval over any activity off of trust
5 property. I think it's good policy. Uh, if -- and if a
6 state or an entity wants to do gambling, whether it's
7 Indian or nonIndian --

8 (b) (7)(C) : Uh-huh.

9 RYAN ZINKE: -- or the State, if they want to do things on
10 their property, great. Just don't involve Interior. So we
11 don't -- we don't have to give either approval or
12 disapproval or -- or fight the tensions that are outside of
13 our, uh -- of our plane of jurisdiction. And that's
14 exactly what my guidance was is that don't get us involved
15 in a food fight unless -- unless it is --

16 (b) (7)(C) : And that was guidance from the
17 Solicitor's Office?

18 RYAN ZINKE: That was guidance -- uh, am I -- am I --

19 (b) (7)(C) : That's your guidance?

20 RYAN ZINKE: -- "Am I legal ground to do this?" and the
21 Solicitor's Office said yes.

22 (b) (7)(C) : Okay.

23 RYAN ZINKE: And so, okay. Well, great. Then don't get
24 involved with it because --

25 (b) (7)(C) : Who was the food fight between?

26 RYAN ZINKE: In this case? Um, I would imagine -- and I

1 don't know. This is my -- my speculation. I would imagine
2 it wasn't unanimous in Connecticut. There are people that
3 are for gambling, people are against gambling. There is
4 the Tribes, (b) (7)(C) and the other Tribes. There's also
5 competing Tribes that -- that also want -- want to get
6 funded by a piece of property. And they look at where
7 there's gaming, where there's not gaming and it's
8 market-driven.

9 If this -- if a market will handle it and they can get
10 a local community and the state to support it, somebody
11 wants to put a casino there. And whether it's an Indian
12 Tribe, whether it's a nonIndian Tribe, whether it's the
13 state or local communities, those are the tensions that
14 almost on every, uh, property that -- that is going in the
15 trust -- oh, it's not -- most of them are gambling related
16 and most of them have tensions between the different
17 entities involved.

18 (b) (7)(C) : So what would interest in this
19 be from ?

20 RYAN ZINKE: You would have to ask the Senator on -- on
21 whether the Senator's supported by Indian Gaming or he's
22 not supported. You would -- you would have to ask Senator
23 on what his specific interest is.

24 (b) (7)(C) : So it's --

25 RYAN ZINKE: My interest is making sure that we don't get
26 involved unless I have to on Indian Gaming.

1 (b) (7)(C) : So at no point did Senator [REDACTED] or
2 anyone from his office ask you to either not approve it or
3 not take action on it?

4 RYAN ZINKE: No. They're smart enough to know that.

5 (b) (7)(C) : Right.

6 RYAN ZINKE: That -- that --

7 (b) (7)(C) : Not to ask the question or --

8 RYAN ZINKE: -- not -- well, and -- and no, and I don't
9 know Senator [REDACTED] that way. In my dealings with him he's
10 always been fair and up straight with me and -- and to --
11 but he would know that to advocate one way or other, uh, on
12 Indian Gaming, yeah, it's -- it's just not wise policy.

13 And quite frankly, I don't discuss when it comes to
14 specifics. I just, you know, say basically, Hey, we're
15 looking at it as -- as we all are, and we'll make our
16 decision. Because my principal advice from counsel -- and
17 -- counsel is (b) (7)(C) , who's been here before, uh -- we
18 don't have a full team in. On gaming it's the solicitors
19 on all -- all sides. And given some of the decisions that
20 were made in previous administrations on both sides of the
21 aisle, I look at it why are we involved? 'Cause personally
22 I would -- I would -- I would fight it.

23 I like the Kempthorne policy. I'd met -- I'd met Dirk
24 Kempthorne three times. But the policy about restraining
25 gambling to areas that are close or around so it -- the
26 intent was so if an Indian Tribe participates in gambling

1 and the -- the -- the employment of that activity can
2 benefit the Tribe, too. But when it's hundreds of miles
3 away -- and I don't even -- I've been in the [REDACTED] one
4 time. I don't know exactly where this -- where this casino
5 is, where the -- where it's proposed. I have no idea, uh,
6 whether it was adjacent --

7 (b) (7)(C) [REDACTED]: Okay.

8 RYAN ZINKE: -- or not adjacent. I just know it was not in
9 land that was taken in trust. And if they asked me for a
10 petition to -- taken in trust, we would evaluate whether or
11 not -- and that the spirit of the law of taking land in the
12 trust, which we're developing our policy but we have to --
13 we're in consultation with the Tribes to -- to try to -- to
14 a degree, formulate a policy.

15 (b) (7)(C) [REDACTED]: So you -- you were unaware of the -- the
16 casino [REDACTED] planned on opening in (b) (7)(C) [REDACTED]
17 Massachusetts? It would be kind of --

18 RYAN ZINKE: I wasn't aware of any --

19 (b) (7)(C) [REDACTED]: -- would be in direct competition with
20 this casino?

21 RYAN ZINKE: I, uh -- I was unaware that there was a
22 specific -- I knew that -- I knew that [REDACTED] was a part of
23 the mix.

24 (b) (7)(C) [REDACTED]: Right.

25 RYAN ZINKE: But not specifics about --

26 (b) (7)(C) [REDACTED]: You didn't know that -- that competition

1 factor?

2 RYAN ZINKE: No.

3 (b) (7)(C) : That was -- it --

4 RYAN ZINKE: I -- about where --

5 (b) (7)(C) : -- that was basically --

6 RYAN ZINKE: -- the details --

7 (b) (7)(C) : -- driving interest? You were
8 unaware of that?

9 RYAN ZINKE: Well, I knew -- and where are they at?

10 Because --

11 (b) (7)(C) : Yeah.

12 RYAN ZINKE: -- some -- for instance, in Kansas, you had an
13 entity, whether it was -- whether it was a nonGaming or
14 Indian Gaming, across the border one side. And then there
15 was a -- it's competition back and forth, right? This
16 is -- goes back to the original thesis. 'Cause there is no
17 doubt when -- when one entity, whether it's gaming or
18 or whatever group in there, somebody -- it's about
19 territory.

20 (b) (7)(C) : Right.

21 RYAN ZINKE: And so there are tensions between territories
22 and --

23 (b) (7)(C) : Yeah. So it -- it's understandable that
24 certainly had an interest in not having --

25 RYAN ZINKE: or others.

26 (b) (7)(C) : -- these amendments approved?

1 RYAN ZINKE: Or I -- yeah, I don't know if there wasn't
2 others involved.

3 (b) (7)(C) : Well, I --

4 RYAN ZINKE: I'm -- and I -- I don't get that level of
5 detail on it.

6 (b) (7)(C) : -- understanding they're opening a
7 casino 13 miles away, I mean, it's --

8 RYAN ZINKE: That detail I didn't -- I -- I wasn't aware
9 of.

10 (b) (7)(C) : You did not know that?

11 RYAN ZINKE: And that --

12 (b) (7)(C) : Did you --

13 RYAN ZINKE: -- but it wouldn't bother me either way.

14 (b) (7)(C) : -- did you ever speak with any
15 representatives from [REDACTED] or lobbyists from [REDACTED] about this
16 issue?

17 RYAN ZINKE: I know lobbyists, uh, in there. I don't speak
18 to -- about specifics on it.

19 (b) (7)(C) : Okay.

20 RYAN ZINKE: Uh, and --

21 (b) (7)(C) : We noticed on your calendar you -- on
22 August [REDACTED], you had a meeting here in the -- the office
23 for an hour, um, with a gentleman named (b) (7)(C) .

24 RYAN ZINKE: I know (b) (7)(C) .

25 (b) (7)(C) : You know (b) (7)(C) ?

26 RYAN ZINKE: Yeah.

1 (b) (7)(C) : And he had three other partners from his
2 -- his firm. Um, do you remember that evening, the -- the
3 amendments ever coming up? This is only just a couple of
4 weeks before the decision was made.

5 RYAN ZINKE: Yeah. I don't -- I didn't discuss -- I was
6 warned. I was advised about (b) (7)(C) relationship
7 with .

8 (b) (7)(C) : That he was a lobbyist for ?

9 RYAN ZINKE: Uh, he's a lobbyist for a lot of different
10 things.

11 (b) (7)(C) : I know he's a lobbyist for a lot of
12 people but --

13 RYAN ZINKE: So I was advised not to talk to him, as well
14 as, uh --

15 (b) (7)(C) : About the --

16 RYAN ZINKE: -- about -- about this specific issue.

17 (b) (7)(C) : -- about this specific issue?

18 RYAN ZINKE: Yeah. As well as, uh, (b) (7)(C) , I
19 think, is recused from this issue. So, uh --

20 (b) (7)(C) : And he was at that meeting --

21 RYAN ZINKE: No.

22 (b) (7)(C) : -- too?

23 RYAN ZINKE: We don't discuss, you know -- it's just like,
24 Look, we're -- we're not going to discuss these issues.

25 We'll -- we'll likely have a, you know -- make nice. If he
26 wants to discuss on something about Florida, about -- about

1 what he's doing, great. But on -- on this issues, I was
2 advised that (b) (7)(C) is -- is representing [REDACTED]. And
3 so --

4 (b) (7)(C): And so you're -- it didn't come up at
5 all during that meeting?

6 RYAN ZINKE: No.

7 (b) (7)(C): Did he just try to discuss it with you?

8 RYAN ZINKE: No. I -- I don't -- I would doubt it. Uh, if
9 he did it would be the same thing as what I said, Look,
10 we're looking at it and that's all I can tell you. We're
11 looking at it. And, uh, again -- and my position would be
12 -- would be the same thing as a -- is it my responsibility?
13 Is it in trust or is it not trust? And even that
14 discussion with him would be -- would -- We're just
15 looking at it. 'Cause I -- you know, uh, and I'm very
16 aware. Again, you talk about the -- the terminology I used
17 about the food fight.

18 (b) (7)(C): Yeah.

19 RYAN ZINKE: Is that Indian Gaming is just one of these
20 things. It involves a lot of money. It involves a lot of
21 lobbyists, a lot of influence, a lot of Tribes and a lot of
22 stakeholders. And unlike a lot of issues, this is money is
23 involved. And the money is big money.

24 And so on the advice of counsel, I'm pretty slow
25 rolling on -- and very careful about who I talk to, whether
26 I give hints, whether I don't give hints. And I would

1 rather not wade in to issues unless I'm obligated to and
2 give approval one way or another on -- on -- on issues that
3 are, again, not on federal trust -- federal trust.

4 I -- I -- if it was on federal trust, I probably would
5 have felt I was obligated to weigh in one way or other.
6 But if it wasn't on federal lands, I -- and this is the --
7 the -- one of my decision matrix on it, I would rather not
8 take a position unless I have to. Especially if it's not
9 Department of Justice or one of the federal departments
10 saying that I should make the decision or I have to make
11 the decision.

12 And I think -- and at least my understanding of it is
13 that Connecticut can fix it if they want that facility
14 there run by the -- they can fix it. They can write their
15 legislation to do that. They can give preference if they
16 want to. That's up to the -- that's up to the -- the
17 Connecticut Legislature. I can't tell you whether they're
18 doing it or not, but, you know, they're going to have
19 push-pull in Connecticut, too, because I would -- as a
20 former State Representative or State Senator, I can bet
21 that it wasn't -- that it wasn't unanimous on the floor.

22 (b) (7)(C) : Huh.

23 RYAN ZINKE: And let them figure it out. I'd rather not
24 weigh -- wade in this thing.

25 (b) (7)(C) : Um, did you ever speak to any attorneys
26 from (b) (7)(C)? A (b) (7)(C) at all?

1 RYAN ZINKE: I wouldn't know (b) (7)(C) if I -- I had no
2 idea --

3 (b) (7)(C): Yeah, he used to work here, too. He was
4 an attorney representing [REDACTED]. Okay.

5 RYAN ZINKE: Yeah. I wouldn't --

6 (b) (7)(C): So you don't --

7 RYAN ZINKE: -- I wouldn't know him.

8 (b) (7)(C): -- wouldn't know him? Did you ever
9 speak to Former Secretary Gale Norton about this issue?

10 RYAN ZINKE: Not about this issue.

11 (b) (7)(C): Okay. Gale came in in the very
12 beginning. I found out afterwards, matter of fact, that
13 this issue was lobbying or maybe a potential lobbyist on
14 this issue. But I met with Gale and her -- her -- her --
15 her folks here.

16 (b) (7)(C): Uh-huh.

17 RYAN ZINKE: Kind of a friendly conversation about what she
18 learned, what she didn't learn.

19 (b) (7)(C): Right.

20 RYAN ZINKE: And I had saw Gale, uh, when I was out in
21 Denver. I think she's also representing oil and gas
22 interests. So she was out there when I was giving out
23 forms.

24 (b) (7)(C): But you never spoke to her specifically
25 about this issue?

26 RYAN ZINKE: Not this issue. No.

1 (b) (7)(C) : Did she ever present you with an argument
2 to not make a decision?

3 RYAN ZINKE: No. I don't -- I don't recall ever talking to
4 Gale Norton at all about this. She -- she -- when she came
5 to the Interior, I think this was fairly early, within
6 maybe a couple weeks of me coming in, I want to say. Maybe
7 a month. And this issue had not yet risen on --

8 (b) (7)(C) : Okay.

9 RYAN ZINKE: -- on the horizon.

10 (b) (7)(C) : Um, the -- the day the letter was
11 finally issued, on your calendar you had a trip with [REDACTED]
12 (b) (7)(C) [REDACTED] [REDACTED]
13 come up at all?

14 (b) (7)(C) : I've gotta stop you there.

15 (b) (7)(C) : Yeah. That's okay. Yeah. You're right.

16 (b) (7)(C) : Yeah. Yeah.

17 (b) (7)(C) : Yeah.

18 (b) (7)(C) : I mean --

19 (b) (7)(C) : Are -- are you invoking?

20 (b) (7)(C) : Well, it potentially impinges on --

21 (b) (7)(C) : Okay.

22 (b) (7)(C) : -- executive privilege.

23 (b) (7)(C) : Okay.

24 (b) (7)(C) : Okay.

25 (b) (7)(C) : And we'd like to preserve that option for
26 the President.

1 (b) (7)(C) : Okay. Great.

2 (b) (7)(C) : Okay.

3 (b) (7)(C) : Excellent.

4 (b) (7)(C) : Sure. Um, also on that day did -- were
5 you informed by your staff or anything the Connecticut
6 delegation was trying to reach out to you at all, trying to
7 reach you on September [REDACTED]?

8 RYAN ZINKE: (No audible response).

9 (b) (7)(C) : Not at all?

10 RYAN ZINKE: No. I don't -- I don't -- I don't recall.

11 (b) (7)(C) : You don't recall?

12 RYAN ZINKE: But I know if there -- if this -- in general,
13 if the speaker or the -- the Senate president or the
14 governor wants to call me, I will -- I will accommodate
15 them and I will -- I will take the call.

16 (b) (7)(C) : Well, how about a Senator? The two
17 Senate -- the two Connecticut Senators?

18 RYAN ZINKE: I will always take the call of -- of --

19 (b) (7)(C) : Okay.

20 RYAN ZINKE: -- of a -- of a --

21 (b) (7)(C) : We -- we had talked -- I had actually
22 talked when we interviewed the -- their staff, and they had
23 told us that they had tried to reach out kind of repetitive
24 times on September [REDACTED] to try to reach you, and they were
25 kind of informed you didn't -- you -- you didn't have time
26 or you --

1 RYAN ZINKE: If I --

2 (b) (7)(C) : -- were -- were unable to talk to them.

3 RYAN ZINKE: -- well, if they -- if they -- if a person

4 reaches out to me in the morning --

5 (b) (7)(C) : I'm ---

6 RYAN ZINKE: -- and -- or -- or, you know -- you can ask

7 (b) (7)(C) the scheduling. But my guidance is if a U.S.

8 Senator wants to talk to me, I -- I will always take their

9 call.

10 (b) (7)(C) : Huh. I wonder what happened, then?

11 RYAN ZINKE: Uh, you can ask (unintelligible). But I --

12 sometimes I'm gone. I mean, they have it.

13 (b) (7)(C) : Yeah. Yeah. Your calendar showed you

14 were here --

15 RYAN ZINKE: But --

16 (b) (7)(C) : -- on that day.

17 RYAN ZINKE: Yeah.

18 (b) (7)(C) : That was a day you were --

19 RYAN ZINKE: But I -- but I will --

20 (b) (7)(C) : -- able to (unintelligible).

21 RYAN ZINKE: -- I'll be glad to take their calls.

22 (b) (7)(C) : Okay. They expressed frustration to us.

23 RYAN ZINKE: I think that's the appropriate thing to do.

24 (b) (7)(C) : That's all, that it -- they couldn't get

25 through to you.

26 RYAN ZINKE: Well --

1 (b) (7)(C) : Eventually were channeled to talk to [REDACTED]
2 [REDACTED] around 5:00, I mean, after the -- but that was the
3 best they could do.

4 RYAN ZINKE: Well, it's -- it's amazing that -- well, on a
5 personal note on both sides, they say, "Oh, I couldn't get
6 ahold of you." I said, "Well, I give my cell phone number
7 out and -- and I think you guys know how to get ahold of
8 me."

9 (b) (7)(C)
10 (b) (7)(C)
11 (b) (7)(C) [REDACTED]
12 courtesy if they're an elected official that -- of that,
13 again, I -- I will gladly accept their call.

14 (b) (7)(C) : Huh.

15 RYAN ZINKE: Generally I have -- well, almost always I have
16 (b) (7)(C) the Legislative Affairs guy's with me. And on
17 issue -- and I try not to talk alone with anybody.

18 (b) (7)(C) : Yeah. Sure.

19 RYAN ZINKE: Uh, on there just -- just out of issue. On
20 this issue if they -- if -- if the deadline was today --
21 was today --

22 (b) (7)(C) : Yeah.

23 RYAN ZINKE: -- and they called, I would have had [REDACTED] and
24 I would have had one of the solicitors with me. And then I
25 would have said the same thing, said, "We're looking at
26 it."

1 (b) (7)(C) : (Unintelligible).

2 RYAN ZINKE: And I would listen to what -- what -- what
3 they said.

4 (b) (7)(C) : Yeah.

5 RYAN ZINKE: And I don't mind -- I don't mind listening.

6 (b) (7)(C) : Okay.

7 (b) (7)(C) : I guess I -- I'm -- from the perspective
8 of -- of the legal argument, so our understanding is that
9 really initially -- at least according to some of the rules
10 in IGRA is that you had three options: You had the option
11 to approve, you had the option to disapprove and then no
12 decision would have resulted in automatic approval.

13 RYAN ZINKE: So that was really two options.

14 (b) (7)(C) : So that was just two options.

15 RYAN ZINKE: And I -- and I -- and I --

16 (b) (7)(C) : They describe it as three options under
17 the act.

18 RYAN ZINKE: -- yeah. And I -- we -- and -- and again,
19 with counsel, we went with the third. We just said, You
20 know, at the end of the day -- again, we're not obligated
21 to do this because what's -- what the pending legislation
22 is from the Great State of Connecticut. So I don't have to
23 take a position in this.

24 (b) (7)(C) : Well, it's --

25 RYAN ZINKE: I mean, at least not yet.

26 (b) (7)(C) : -- well, they were submitted under IGRA

1 so that's -- those are the options under IGRA, not the --
2 not the state's act.

3 (b) (7)(C) : It was -- it was the Tribe submitted it
4 under IGRA.

5 RYAN ZINKE: Right. Through -- be -- what was driving it
6 was, again, Connecticut legislation. And this -- and we
7 had talked to the solicitors, you know, about did I -- did
8 we have -- was that a legitimate option? And the option is
9 yes.

10 (b) (7)(C) : But up to the time that that decision was
11 made, before when -- when we're seeing in the -- in the
12 documents and even -- even (b) (7)(C) himself are tell --
13 they're all telling us that they thought the decision was
14 going to be for an approval. There was a -- a written
15 letter for, you know, (b) (7)(C) to sign indicating
16 approval. So up until really 36 hours or so before --

17 RYAN ZINKE: Oh, I don't -- I --

18 (b) (7)(C) : -- the deadline --

19 RYAN ZINKE: -- I --

20 (b) (7)(C) : -- we have all of this documentation
21 showing --

22 RYAN ZINKE: -- well, I -- I'm not sure that's --

23 (b) (7)(C) : -- it's a --

24 RYAN ZINKE: -- I'm not sure that documentation's complete.
25 Certainly in discussions it was -- it was -- it was not a
26 sudden change of course. Because the discussions were long

1 on what do we do. Do we do an approval? Do we not give
2 approval? Do I have to? And the discussion is -- is -- my
3 understanding, my remembrance of it, uh -- and this was
4 clear -- is it on Tribal property? I -- is it -- it would
5 -- it within trust, is Tribe's own property outside of
6 trust?

7 Tribe -- Tribes have real estate deals. They have all
8 sorts of things. Is it on trust property? Is it on not --
9 you know, what is my obligation? To make a determination.
10 Whether a Tribe submits it under one act or not, am I
11 obligated to take action if it's not? And that was the --
12 the -- the -- the critical thing. Again, is it on trust
13 land or not?

14 (b) (7)(C) : Right. That was the crux of your
15 decision.

16 RYAN ZINKE: Yeah. And if it's not on trust land --

17 (b) (7)(C) : From your thoughts.

18 RYAN ZINKE: -- I don't have to make a decision. At least
19 that's what the -- the -- that's what the solicitors said
20 in one way or the other.

21 (b) (7)(C) : Uh-huh.

22 RYAN ZINKE: And there was -- there were three options,
23 because the three options you gave, there was another one,
24 because not -- not doing anything would have been approval,
25 right?

26 (b) (7)(C) : Uh-huh.

1 RYAN ZINKE: So --

2 (b) (7)(C) : Maybe.

3 RYAN ZINKE: -- approve --

4 (b) (7)(C) : Right.

5 RYAN ZINKE: -- you either approve two ways.

6 (b) (7)(C) : The --

7 RYAN ZINKE: Approve A, approve B.

8 (b) (7)(C) : Right.

9 RYAN ZINKE: Or disapprove. And -- and the question I had

10 was why do I have to do all those? Am I legally on good

11 ground to take a third option, to take --

12 (b) (7)(C) : The fourth, I guess.

13 RYAN ZINKE: -- was really a third option.

14 (b) (7)(C) : Or, um --

15 RYAN ZINKE: Well, yeah.

16 (b) (7)(C) : Yeah.

17 RYAN ZINKE: 1A, 1B.

18 (b) (7)(C) : Right. Right.

19 RYAN ZINKE: Yeah. And C. And the answer was yes.

20 (b) (7)(C) : Did anyone outside your department bring

21 forward that argument to you of a -- a -- a --

22 RYAN ZINKE: No.

23 (b) (7)(C) : -- a three-plus or a four --

24 RYAN ZINKE: No.

25 (b) (7)(C) : -- a fourth -- this fourth? You -- this

26 is you --

1 RYAN ZINKE: It -- it -- this is Ryan Zinke.

2 (b) (7)(C) : -- this is Zinke's own idea. You -- no
3 one from any -- any law firm, any lobbyist group?

4 RYAN ZINKE: No.

5 (b) (7)(C) : : --

6 RYAN ZINKE: This -- this was --

7 (b) (7)(C) : -- ever have this conversation with you?

8 RYAN ZINKE: No. This was a Ryan Zinke basis on -- on a
9 short period of time in Interior, what -- what is my
10 obligation? And -- and bear in mind that during this
11 period, the first year and a half, I had a plethora of
12 last-minute incorporation of land in the trust.

13 (b) (7)(C) : Yeah.

14 RYAN ZINKE: Which I didn't have the -- I don't have the
15 authority as -- as to -- to rescind any of them. So I got
16 a whole bunch of them. And all of them -- not all of them
17 -- a lot of them were ugly. They were very contentious on,
18 uh -- they were contentious enough where I now began to
19 understand why Indian Gaming is difficult at best. And why
20 it is a -- always a potential land mine because there's
21 different tensions involved in -- in Indian Gaming.

22 And I was unwilling to wade into an issue outside of
23 trust land. And that's -- my gut feeling is don't involve
24 -- don't get involved if it's not trust land. Because I
25 think it has potential beyond because -- I don't know a lot
26 about gambling, but I know there's barge gambling. There's

1 gambling on ships. There's gambling on -- all sorts of
2 areas that gamble. There's Internet gambling. There's --
3 there's sports gambling. There's all sorts of these
4 things, right?

5 (b) (7)(C) : Uh-huh.

6 RYAN ZINKE: Is it -- and the less I'm involved in it,
7 especially if it's not on trust property, I think it's best
8 for Interior. And quite frankly, I would love to take the
9 whole gambling thing and give it to Commerce. Because I
10 think there's internally, uh -- where I'm supposed to
11 represent the Tribes, but the gambling mechanisms, I don't
12 understand very well.

13 I just know that -- I just know that -- that I could
14 spend all day every day on the internal workings of Indian
15 Gaming and I'm not -- I'm not sure that -- that you could
16 ever have a system that operates cleanly and fairly that
17 doesn't have tension between the Tribes, even. Um, that's
18 my -- that's my -- that's my view. And that's why --
19 that's why I pushed the decision that way, is do not take a
20 position if it's off campus.

21 (b) (7)(C) : And avoiding your -- (b) (7)(C)
22 (b) (7)(C) -- when you and
23 (b) (7)(C) -- so I'm not interested in
24 (b) (7)(C) -- do you
25 remember/recall having the conversation with about this
26 issue? Because when -- when y'all came back --

1 RYAN ZINKE: I had -- well, I -- I don't remember exactly
2 in the car.

3 (b) (7)(C) : Okay.

4 RYAN ZINKE: But I remember the same thing is, is that --
5 is that -- again, we had -- we had several meetings about a
6 variety of issues. Of -- of --

7 (b) (7)(C) : Yeah. Yeah. Sure.

8 RYAN ZINKE: -- not just this one.

9 (b) (7)(C) : Uh-huh.

10 RYAN ZINKE: But is a long list of, this is -- these are
11 the Indian issues.

12 (b) (7)(C) : Tick, tick, tick, tick.

13 RYAN ZINKE: Tick, tick, tick.

14 (b) (7)(C) : Yeah.

15 RYAN ZINKE: And around the table of -- of many -- of many
16 people. And then it was, again -- this one, do I have an
17 option? Am I on legal ground if I am not forced to make a
18 decision? And do I have to make a decision today one way
19 or the other?

20 (b) (7)(C) : Uh-huh. And --

21 RYAN ZINKE: And I took the most neutral ground is --

22 (b) (7)(C) : Right.

23 RYAN ZINKE: -- just --

24 (b) (7)(C) : And -- and you let -- but you told
25 that this is -- this is your approach you want to take?

26 RYAN ZINKE: Yeah. It's -- this is -- this is what --

1 it --

2 (b) (7)(C) : You want to take the neutral ground.

3 RYAN ZINKE: -- no, but also with the solicitors, going
4 around is am I on legal -- and -- and can I do this?

5 (b) (7)(C) : Yeah. Yeah. Oh, sure. They would let
6 -- they would let you know if it wasn't --

7 RYAN ZINKE: Yeah.

8 (b) (7)(C) : -- legally sufficient.

9 RYAN ZINKE: Yeah. And then of course the -- yeah, the
10 letter went through the process of once again the legal
11 beagles that --

12 (b) (7)(C) : Right.

13 RYAN ZINKE: -- that -- that do that kind of thin.

14 (b) (7)(C) : Yeah. The editing, yeah.

15 RYAN ZINKE: And -- but the decision was -- was -- at least
16 the guidance of direction was I, again, on -- on good legal
17 footing to do this, and -- and is it a good policy to -- to
18 involve Interior on areas that are outside of trust land.
19 And I'm not -- I'm not comfortable yet because I'm not sure
20 we can monitor it, we can regulate it, we can -- we can
21 review it.

22 'Cause as soon as it happens, you're going to get
23 electronic gaming off campus. You're gonna get the -- the
24 -- it opens up Pandora's Box. It's never-ending. And I
25 think we have enough problems, uh -- enough problems with
26 enough challenges with honest regulation of gaming on our

1 current holdings without another round.

2 And quite frankly, you know, I wish Indian Gaming
3 would go over to Commerce. 'Cause I wish there was a
4 separation between trust lands and -- and gaming activity.
5 Some that's regulated by the state. Some -- you know, all
6 this kind of stuff. I -- I think it's a -- I -- it's
7 always an open. And you look at the number of IG reports.
8 Uh, I don't know how many are in Indian Gaming but I bet
9 there's a lot over the period of time. I bet you could
10 probably have a hundred full-time people down there.

11 And -- and you would not catch up on Indian Gaming.
12 So that's why I push the decision to what it was. And I
13 think I'm on legal ground to do it. But it wasn't really
14 influenced by anybody other than my gut judgment going --
15 (b) (7)(C) : I know I keep going back to (b) (7)(C). Um,
16 and I really just want to make sure no one from (b) (7)(C), no --
17 or representing (b) (7)(C) interests, no one from (b) (7)(C) --

18 RYAN ZINKE: No one asked me to do a --

19 (b) (7)(C) : -- to --

20 RYAN ZINKE: -- particular -- to take a particular stance.

21 (b) (7)(C) : -- to -- to take a stance one way or the
22 other?

23 RYAN ZINKE: One way or the other.

24 (b) (7)(C) : Or -- or gave you a legal idea of what
25 options you might have outside of option one and option
26 two?

1 RYAN ZINKE: No. And -- no. Not that I recall. If it --
2 if it -- if it came up it was tangential but it was -- it
3 was not a specific, This is where I think we should go.
4 This is where -- so no one really -- no one prompted me
5 into the decision that I made.

6 (b) (7)(C) : Okay.

7 RYAN ZINKE: Uh, on either side. I would think at the end
8 of the day the decision, quite frankly, is -- is to no
9 one's advantage but Interior's. Quite -- quite frankly,
10 uh, I -- yeah, I think that's the -- the -- it was -- I'm
11 confident it was the best decision. 'Cause again, it gave
12 -- it keeps Interior out of it.

13 And if -- if Connecticut wants to redo it, uh, or
14 outside -- or the Tribe wants to resubmit in a different
15 path and -- and adjust it, they're free to do that. And
16 whether or not I agree with a gambling interest outside of
17 trust property, I don't want to -- I -- I don't want to --
18 I don't want to say yes or no on it. I think that's a
19 different issue. They're free to do whatever they want to
20 do off -- off campus as long as the State approves it.

21 (b) (7)(C) : One -- one of the reasons we keep asking
22 that is there's a -- this is a declaration filed in the
23 current lawsuit by, uh, (b) (7)(C) and legal
24 counsel for (b) (7)(C). His name is (b) (7)(C).

25 And in one of his -- in his affidavit here, one of his
26 statements is that, "(b) (7)(C) participated in Interior's review

1 of the amendments by meeting with Interior officials and
2 submitting written comments arguing that, one, Interior may
3 return the amendments to the Tribes without approving or
4 disapproving them. And if it did reach a decision on the
5 merits, Interior should disapprove the amendments because,
6 among other things, they violate the Indian Gaming
7 Regulatory Act." Um, you know, he makes this statement as
8 an affidavit that the --

9 RYAN ZINKE: Well, but they -- they should -- they should
10 talk to -- they didn't talk to me about it.

11 (b) (7)(C): Okay. Well, that's --

12 RYAN ZINKE: And I -- and I -- well, I --

13 (b) (7)(C): -- they didn't talk to you about it.

14 So --

15 RYAN ZINKE: -- they didn't talk to me about it but also is
16 that (b) (7)(C), uh -- talking to (b) (7)(C), he really didn't have
17 strong opinions one way or the other on it. I'm not sure
18 where (b) (7)(C) lean was 'cause we talked about it back and
19 forth and (b) (7)(C) didn't have strong opinions on it. And the
20 question was asked, Do we have to take -- do we have to
21 make a decision on it? And it all came back to, Well, we
22 really don't.

23 So then what's the advantage? What's the disadvantage
24 of making a decision? What's the advantage of doing
25 nothing, uh, on it? And ultimately I don't -- and
26 certainly in my -- in my knowledge I -- I don't know the

1 details of the affidavit. I know that -- and -- and that
2 when I made a commitment, uh, this is -- this is where we
3 want to go. Don't -- if we don't have to don't get
4 involved. That influence was not made on anybody. I mean,
5 the influence to do that was not on any particular party.

6 (b) (7)(C) : Do you know that the delegation
7 was cc'd on the letter that was sent?

8 RYAN ZINKE: And I saw that afterwards. I'm not sure why.

9 (b) (7)(C) : Okay.

10 RYAN ZINKE: And on that one, probably, uh -- you'll have
11 to ask Exec Sec why that was done. Other than they know
12 that I -- well, they -- they know that I'm at least on --
13 friends. I would say friends with . I served
14 with. I would certainly have given the same copy to my
15 Connecticut friends on the other side of the -- so if it
16 was the direction from me, I would have said, Give a copy
17 to the Senators of interest on both sides of the aisle.

18 (b) (7)(C) : Well, yeah. But why would be a
19 Senator of interest in this case?

20 RYAN ZINKE: If -- if they were -- if they were involved,
21 uh, in conversations with Interior officials on
22 something -- something like that. If they were involved
23 one way or another, which I'm not sure they were. But if
24 they were. If the Connecticut folks were involved -- I'm
25 not sure whether the Connecticut folks, quite frankly --
26 the Senators were pro- or pro -- or -- or pro-Indian

1 Gaming. They are just a concerned party in this. But I
2 haven't talked to them. So I would say the stakeholders in
3 there, people that have an interest in this, give them a
4 copy.

5 (b) (7)(C) : Yeah.

6 RYAN ZINKE: And I would not have cc'd them on the letter.
7 I probably would have sent them a courtesy copy going over
8 it.

9 (b) (7)(C) : Yeah.

10 RYAN ZINKE: And let -- let them know if they were involved
11 in -- in -- in the decision.

12 (b) (7)(C) : Gaming.

13 RYAN ZINKE: And I think that's fair. Uh, and I'm --
14 again, I'm not sure what the level of interest is on all
15 these guys. But our common practice is when I -- when
16 Interior does something we ran over correspondence,
17 hand-walk in to some Senator the other day that was on the
18 other side of the aisle 'cause they called me and wanted --
19 and had an interest in it. So I told them what -- what --
20 you know, post -- post decision. Post -- post
21 (unintelligible).

22 (b) (7)(C) : Did you have any conversations with
23 (b) (7)(C) about the options?

24 RYAN ZINKE: No. Um, because I knew he was recused. And
25 is pretty -- absolutely explicit on (unintelligible).
26 On issues that -- that knows. And -- knows

1 more than I do what he's recused from and what he's not
2 recused from. I don't know his -- his folder.

3 (b) (7)(C) : Do you know why he was recused from this
4 matter?

5 RYAN ZINKE: I have no idea.

6 (b) (7)(C) : No idea?

7 RYAN ZINKE: He -- his --

8 (b) (7)(C) : But he was recused and he made that
9 point to you?

10 RYAN ZINKE: He did. Uh, because in our roundtable in the
11 morning -- because I had the solicitors in there --
12 said, "I'm recused." So he walks up and -- and -- and goes
13 -- I assume it was either himself or his law firm was
14 involved in it. I'm not sure who the client is.

15 (b) (7)(C) : Okay.

16 RYAN ZINKE: But I know he was recused. 'Cause generally
17 on such things, uh, my chief counsel is
.

18 (b) (7)(C) : Yeah. Sure.

19 RYAN ZINKE: And then my second chief counsel, uh, is -- at
20 the time was
. Because (b) (7)(C)
.

21 (b) (7)(C) : Right.

22 RYAN ZINKE: And so
 was involved in -- in this early.
23 Uh, and then (b) (7)(C) --
 was my principal counsel
24 as well as, you know, I had, like, three or four other
25 legal team and then a couple of them did General Law. Some
26 of them did specifically the -- the Indian Gaming.

1 (b) (7)(C) : Uh-huh.

2 RYAN ZINKE: I -- and I would know them by face. I know
3 it's terrible. I don't know them by name. But the -- but
4 they're --

5 (b) (7)(C) : You got a lot -- you get a lot of people
6 in Interior.

7 RYAN ZINKE: -- they're competent and I -- and I kept
8 asking the question, Well, what do we do? You know, they
9 gave me the options and it became apparent that there was a
10 -- a third or a fourth option but I (unintelligible). I
11 just didn't want to get involved.

12 (b) (7)(C) : Okay.

13 RYAN ZINKE: And I'm -- I'm glad, looking back at it, that
14 I didn't. I think it was the right decision.

15 (b) (7)(C) : Are you surprised that we're kind of
16 telling you that those we've interviewed within your
17 organization are telling us that they were surprised that
18 an option one or option two wasn't picked and that that
19 wasn't their guidance to you?

20 RYAN ZINKE: Uh, given the track record of where Interior
21 was a year before, some of it's learning. You know? We're
22 -- you know, as -- as the Secretary, what are my beliefs?
23 What's the direction? 'Cause ultimately I'm in charge of
24 everything and I'm responsible for everything. I got it.

25 I don't think people were -- were more surprised on
26 this issue as they are when I did a -- put a moratorium on

1 oil and gas lands for wildlife corridor. Uh, people
2 thought I was pro-oil and gas. I must be beholding to the
3 oil and gas groups. I just put an oil and gas moratorium
4 for a wildlife corridor and people are -- are -- are
5 surprised. Some don't know me, uh, very well, and I don't
6 know them. So the expectation that we were going to do
7 things just the same as what we did before, uh, no, we
8 don't normally -- I'm not -- I'm not beholding to anybody
9 except the President and Interior. And I would say my wife
10 is close and -- and -- and God will elevate --

11 (b) (7)(C) : Good answer. We got that on recording.

12 (b) (7)(C) : Yeah. That's a good one.

13 RYAN ZINKE: Yeah. Yeah. But I --

14 (b) (7)(C) : Good answer.

15 RYAN ZINKE: -- I -- again, in this decision -- and I'm not
16 an expert into gaming. And I -- and quite frankly, I'm
17 glad I have people that -- that are.

18 (b) (7)(C) : Uh-huh.

19 RYAN ZINKE: My gut feeling told me, Don't get involved off
20 campus. Again, I'll go back to the same thing: If this
21 was a trust land, then perhaps the decision would have been
22 different. Uh, I don't know 'cause then I would have had
23 to get -- or the guys would have got beat into it, what are
24 -- what are our consequences of -- of action on it?

25 (b) (7)(C) : Uh-huh.

26 RYAN ZINKE: But because this was not --

1 (b) (7)(C) : And when you're saying trust land you're
2 -- you're also meaning reservation and lands that were
3 placed in trust?
4 RYAN ZINKE: Yeah.
5 (b) (7)(C) : The two be --
6 RYAN ZINKE: It's one -- one and the same.
7 (b) (7)(C) : -- one and the same?
8 RYAN ZINKE: One and the same.
9 (b) (7)(C) : That's fine.
10 RYAN ZINKE: Is that --
11 (b) (7)(C) : I assume you were talking --
12 RYAN ZINKE: Yeah. When --
13 (b) (7)(C) : -- that's what you were intending.
14 RYAN ZINKE: -- when -- when Interior -- yeah. And that's
15 you have to be a recognized Tribe. There -- there --
16 there's provisions with that.
17 (b) (7)(C) : Uh-huh.
18 RYAN ZINKE: And then once --
19 (b) (7)(C) : Well --
20 RYAN ZINKE: -- Interior takes it under our trust
21 responsibilities, then I think we have a higher obligation.
22 I don't know of any obligation we have off trust land, off
23 -- off -- off trust, for any activity. If a -- you know,
24 if a Nation buys a -- you know, buys an apartment
25 complex --
26 (b) (7)(C) : Yeah.

1 RYAN ZINKE: -- you know, all that is fee and simple. They
2 pay taxes. They do everything according to state law. On
3 reservation law then it -- then it falls under a different
4 set of -- of rules and regulations. And that's kind of
5 where the -- where the guidance was on it -- on it. And
6 that was ultimately my guidance is don't get us involved
7 unless you have to. The guidance from the chief solicitors
8 were don't have to. Then don't.

9 (b) (7)(C): So, yes, so we do -- so the information
10 will -- does show, the record does show that your -- that
11 the solicitors, that the Indian Gaming Commission
12 solicitors, as well as the solicitors in the building had
13 prepared -- they -- they clearly had planned on approval.
14 Um, that had been the plan. Up until the time of that day
15 --

16 RYAN ZINKE: They should have briefed me.

17 (b) (7)(C): -- so --

18 RYAN ZINKE: Earlier.

19 (b) (7)(C): -- so --

20 RYAN ZINKE: Because I -- I don't think that was the
21 guidance earlier.

22 (b) (7)(C): Okay.

23 RYAN ZINKE: Uh, I -- I -- I believe it was discussed a
24 couple of times before that.

25 (b) (7)(C): Okay. Okay. So they were -- their
26 position was that you had the authority and you had the

1 jurisdiction, um, to make the decision. Now, clearly you
2 could also not make a decision and that's the decision that
3 was made.

4 RYAN ZINKE: Yeah. And I -- and I had -- well, again, but
5 based on -- on -- on -- on -- I was like, Is that an
6 option?

7 (b) (7)(C) : Right. Right.

8 RYAN ZINKE: And the option was presented.

9 (b) (7)(C) : As -- as an option.

10 RYAN ZINKE: And that's absolutely within my prerogative.

11 (b) (7)(C) : Okay.

12 RYAN ZINKE: As a -- as a Secretary to do it.

13 (b) (7)(C) : Right. But do you understand that their
14 position has been -- at least to us in our interviews, is
15 that they --

16 RYAN ZINKE: That's fine.

17 (b) (7)(C) : -- that you did have the jurisdiction and
18 you did have the authority to approve it. So --

19 RYAN ZINKE: And one thing about lawyers, you know, they
20 all will tell you something until you press them on it.

21 (b) (7)(C) : Right. Right.

22 RYAN ZINKE: Then you go to, you know, some -- but --

23 (b) (7)(C) : Yeah.

24 RYAN ZINKE: -- but again, you know, it was fairly early
25 and -- maybe not quite a year. This decision was made
26 when?

1 (b) (7)(C) : Oh, it was --

2 (b) (7)(C) : September .

3 (b) (7)(C) : Yeah. September.

4 RYAN ZINKE: September?

5 (b) (7)(C) : September 2017.

6 (b) (7)(C) : Yeah.

7 RYAN ZINKE: Yeah. So it was made six months into it, I
8 suppose.

9 (b) (7)(C) : Yeah. Um, yeah. Well, ultimately the
10 amendments were submitted by the Tribes in August. So when
11 the Office of -- your -- your Office of Indian Gaming
12 receives the amendments, that's when they start the clock.

13 RYAN ZINKE: That's fine.

14 (b) (7)(C) : And under IGRA --

15 RYAN ZINKE: Yeah.

16 (b) (7)(C) : -- it's a 40 -- 45-day clock.

17 RYAN ZINKE: But I -- but I'm -- I'm confident at the end
18 of the day this was exactly the right decision. So I'm --
19 I'm happy the decision was made. And I think it's on legal
20 ground, according to what my --

21 (b) (7)(C) : Right.

22 RYAN ZINKE: -- solicitors tell me. So some people may not
23 like it. I'm sure both sides don't like it but that's
24 okay. 'Cause as you point out, probably wanted me to
25 disapprove it.

26 (b) (7)(C) : Right.

1 RYAN ZINKE: The Connecticut wanted me to approve it. And
2 I looked at it and said, You know what? I don't have to do
3 either. You guys figure it out. Don't -- don't involve
4 Interior.

5 (b) (7)(C) : Yeah.

6 (b) (7)(C) : And you're probably not aware but [REDACTED] is
7 a fairly significant donor to [REDACTED].

8 RYAN ZINKE: Yeah. Well, I would imagine Heller gets a lot
9 of donors from --

10 (b) (7)(C) : Yeah.

11 RYAN ZINKE: -- from everybody. And -- and I don't really
12 care. You know, at the -- at -- I don't care. They, uh --
13 donors influence -- probably the greatest thing being a
14 Secretary is I don't have to campaign anymore.

15 (b) (7)(C) : So true.

16 RYAN ZINKE: So -- so, you know, money, influence, it
17 really doesn't matter anymore 'cause I don't -- I don't
18 have to -- I don't have to go to PAC meetings. I don't
19 have to go to fundraisers.

20 (b) (7)(C) : How much -- how -- how much -- how much
21 did it matter? When you were, I'm talking, how much did it
22 -- did it matter?

23 RYAN ZINKE: Um --

24 (b) (7)(C) : I know I'm -- I'm getting a little bit
25 off but -- but I'm still pertaining --

26 RYAN ZINKE: -- it -- it did -- it didn't matter --

1 (b) (7)(C) : -- to, uh, you know, Senator .

2 RYAN ZINKE: -- the decision but it mattered to raise
3 money.

4 (b) (7)(C) : Uh-huh.

5 RYAN ZINKE: Because campaigns aren't cheap.

6 (b) (7)(C) : Oh, yeah.

7 RYAN ZINKE: And -- and it really was -- what I don't miss
8 is I don't miss the weekends being gone from my family for
9 some campaign event, and you're either on a campaign event
10 or you're campaigning for some other -- one of your
11 friends. And that part -- end of day, I guess the -- the
12 epitome of leadership is saying no to people that have
13 donated to you and explain why.

14 (b) (7)(C) : Uh-huh.

15 RYAN ZINKE: And -- and, uh, that's -- that's just
16 leadership. But you -- to say that, you know, campaigns
17 matter, right? Because everything is expensive. In a
18 Senate campaign, I bet it's \$20 million.

19 KATHERINE SMITH: Right. Very expensive.

20 RYAN ZINKE: And when you figure -- figure every six
21 years --

22 (b) (7)(C) : Especially in .

23 RYAN ZINKE: Right. Yeah? My -- my campaign, I spent
24 about 5 million. That's two and a half million dollars you
25 have to raise every cycle or -- or every year, right?

26 (b) (7)(C) : Yeah. Right.

1 RYAN ZINKE: So that's \$200,000 plus a month. And then you
2 go look at it by day by day by day. Oh, my God.

3 (b) (7)(C) : Yeah.

4 RYAN ZINKE: And I'm -- I'm three generations of plumbers.

5 (b) (7)(C) : Yeah.

6 RYAN ZINKE: I'm just -- I'm a naval officer. I --

7 (b) (7)(C) : Uh-huh.

8 RYAN ZINKE: -- did -- do those things.

9 (b) (7)(C) : Yeah. Yeah. Yeah.

10 (b) (7)(C) : Yeah.

11 (b) (7)(C) : Um, well, I think we'll wrap up the time.

12 And --

13 (b) (7)(C) : Okay.

14 (b) (7)(C) : Let me -- let me just say one thing for
15 the record.

16 (b) (7)(C) : And -- oh.

17 (b) (7)(C) : Uh, I'm -- I'm relatively new at this. It
18 was my understanding that, uh, the invocation of
19 attorney/client privilege is not appropriate in this
20 setting?

21 (b) (7)(C) : Yeah. Correct. You are not representing
22 -- you are not representing the Secretary, per se, in
23 his -- in this matter. You represent the Department so you
24 are the -- that's why this is not a --

25 (b) (7)(C) : Deposition, per se?

26 (b) (7)(C) : -- that's --

1 (b) (7)(C) : -- but --

2 (b) (7)(C) : -- yeah.

3 RYAN ZINKE: And -- and, uh, what you are is a witness.

4 (b) (7)(C) : You are just a witness. Yeah. You're a

5 witness to this conversation.

6 (b) (7)(C) : Okay.

7 (b) (7)(C) : You are not in an attorney position.

8 (b) (7)(C) : Okay. So no need to invoke

9 attorney/client privilege?

10 (b) (7)(C) : No, no. The privilege that we were

11 talking about was that you were --

12 (b) (7)(C) : Yeah.

13 (b) (7)(C) : Oh, no, it would be about --

14 (b) (7)(C) : -- invoking the White House's --

15 (b) (7)(C) : Oh, fine. No, I'm clear on that.

16 (b) (7)(C) : Yeah. Yeah.

17 (b) (7)(C) : Yeah.

18 (b) (7)(C) : I'm clear on that.

19 (b) (7)(C) : Yeah.

20 (b) (7)(C) : No, it's exactly what (b) (7)(C) say -- said.

21 Basically anybody in the Solicitor's Office does not

22 represent any individual in the Department.

23 (b) (7)(C) : Uh-huh.

24 (b) (7)(C) : In the Department. Exactly.

25 (b) (7)(C) : As their personal attorney.

26 (b) (7)(C) : Right.

1 (b) (7)(C) : You represent the Department as a whole.

2 And frankly, we're a part of the Department, too.

3 (b) (7)(C) : Right.

4 (b) (7)(C) : Exactly.

5 (b) (7)(C) : No, I understand that.

6 (b) (7)(C) : So you -- you -- you couldn't represent
7 Secretary Zinke when we're talking to him.

8 (b) (7)(C) : Right. To the extent I can I reserve
9 attorney/client privilege.

10 (b) (7)(C) : Right.

11 (b) (7)(C) : That was disclosed here. Okay.

12 (b) (7)(C) : Yeah.

13 (b) (7)(C) : Okay.

14 (b) (7)(C) : Yeah.

15 (b) (7)(C) : Um, if we're good I'll go ahead and stop
16 the recording.

17 RYAN ZINKE: Yeah.

18 (b) (7)(C) : Okay.

19 (b) (7)(C) : And right now it's approximately 4:30.

20 (CONCLUSION OF INTERVIEW)

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26 Transcribed by: (b) (7)(C)

I hereby certify that the attached proceeding conducted by Special Agent (b) (7)(C) and PI (b) (7)(C), in the interview of Ryan Zinke associated with OI Case No. OI-PI-18-0480-I was held as herein appears, and that this is the original transcript thereof for the file of the Department of the Interior's Office of Inspector General.

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(b) (7)(C)

(Signature of Proofer)

American High-Tech Transcription

(b) (7)(C)

(b) (7)(C)

(May 18, 2018)

CASE NUMBER: OI-PI-18-0480-I

INTERVIEWER: SPECIAL AGENT (b) (7)(C)

PI (b) (7)(C)

INTERVIEWEE: SECRETARY RYAN ZINKE

LOCATION: Main Department of the Interior
Building, Washington, D.C.

DATE: JULY 9, 2018

TIME: 10:03 A.M.

1 (INTERVIEW OF SECRETARY RYAN ZINKE, #OI-PI-18-0480-I,
2 JULY 9, 2018)

3 (The following may contain unintelligible or misunderstood
4 words due to the recording quality.)

5
6 (b) (7)(C) : This is Special Agent (b) (7)(C)
7 with the Department of Interior's Office of Inspector
8 General. Today is July 9th, 2018. We're here in
9 Washington, D.C., at the Main Interior Building. I'm here
10 with [REDACTED] and we're interviewing Secretary Ryan Zinke, uh,
11 of the Department of the Interior. And, [REDACTED], if you could
12 start off just stating your name, spelling your last name
13 and --

14 (b) (7)(C) : Certainly.

15 (b) (7)(C) : -- and we'll go around, and if everybody
16 could do that, that'd be great.

17 (b) (7)(C) : Uh, so I am (b) (7)(C),

18 (b) (7)(C). I'm (b) (7)(C)
19 Program Integrity Division.

20 (b) (7)(C) : I'm (b) (7)(C)

21 (b) (7)(C). I'm (b) (7)(C).

22 (b) (7)(C) : Great. Thanks. And --

23 RYAN ZINKE: I'm Ryan Zinke. I am the Secretary of the
24 Interior, R-Y-A-N, Z-I-N-K-E.

25 (b) (7)(C) : Okay. Thank you.

26 (b) (7)(C) : Well, sir, um, I don't know if you got my

1 -- the memo from -- from my office on Friday. But
2 basically it was to give you a heads up in regards to what
3 this is about. This is a re-interview, uh, from our
4 earlier interview a few months ago in regards to some of
5 the testimony you provided regarding the decision to -- to
6 not approve or to defer approval of the Gaming amendments.

7 RYAN ZINKE: Correct.

8 (b) (7)(C): We've gotten, uh, some -- some
9 conflicting answers from some of the folks that we
10 interviewed following your interview. So what we'd like to
11 do is follow up with you.

12 RYAN ZINKE: Okay.

13 (b) (7)(C): And that's the purpose of this interview.

14 RYAN ZINKE: Okay.

15 (b) (7)(C): Okay. I'm going to turn it over to

16 (b) (7)(C).

17 (b) (7)(C): Great. And, um, so I have some specific
18 questions so I'm just going to go ahead and just read them
19 to you.

20 RYAN ZINKE: Okay.

21 (b) (7)(C): And then let you answer them. Um, in
22 your first interview you stated that you had made the
23 decision to return the amendments to the tribes without
24 approving them after approximately two months of
25 discussions with attorneys from the Solicitor's Office and
26 (b) (7)(C) concerning whether the Department had authority

1 and/or jurisdiction to approve the amendments. And you
2 ultimately followed, uh, the Solicitor Attorney's advice
3 that you did not need to choose one of the three options
4 provided under the Indian Gaming Regulatory Act, but rather
5 to take a fourth route to -- and I think you used the word
6 to "punt" and return the amendments due to the lack of
7 jurisdiction or authority.

8 RYAN ZINKE: Right.

9 (b) (7)(C): We have interviewed all the Solicitor
10 attorneys who worked on this matter along with [REDACTED], and
11 they all deny discussing jurisdictional issues with you for
12 two months leading up to the decision. Indeed they had
13 drafted multiple letters that approved the amendments up
14 until the afternoon of September [REDACTED], 2017, which was one
15 day before the letter was issued. Could you please tell us
16 exactly which solicitor attorneys you had these
17 jurisdictional discussions with for two months leading up
18 to September [REDACTED]?

19 RYAN ZINKE: We had multiple meetings here and it was, Give
20 me a range of options. It was (b) (7)(C). It was -- it
21 was [REDACTED] multiple, and then -- and did I have -- one of
22 the baseline of the policy was this, is it -- if it's not
23 trust property, should we, do we, can we, should we not
24 have a responsibility.

25 Sovereignty means something. And in this case it's
26 not on trust property; therefore, what is our legal

1 recourse, the options, back and forth.

2 And the way it was written, as I remember, was if we
3 said no, remained silent, then it really was a yes. If we
4 say yes, that -- that -- and what -- and I was -- and upon
5 discussion, do I need to do that? And the answer was no.
6 I don't need to say anything, uh, on it, and I don't -- and
7 a -- and by saying -- by saying nothing, that automatically
8 goes to something.

9 So the option was -- at the heart of the matter was,
10 do we have a treaty obligation on land that is not into
11 trust. And the answer is no. And -- and on talking to
12 solicitors, was that an option that was legal and
13 appropriate and the answer was yes.

14 (b) (7)(C) : Okay. Um, the next question I had was
15 in your first interview you stated that ██████████ Senator ██████████
16 ██████████ did not ask you to take a particular stance on the
17 amendments. And in fact, you were not certain whether the
18 Senator contacted you to support Indian Gaming or was
19 actually opposing Indian Gaming interests.

20 We've interviewed Senator ██████████, and he told us he
21 informed you directly on separate occasions that he did not
22 believe you had jurisdiction and authority to approve the
23 amendments and he specifically asked you to not approve the
24 amendments. Does this information help you recollect your
25 conversation with Senator ██████████ at all?

26 RYAN ZINKE: My conversation to ██████████ was never on the

1 specifics. At the time our conversation is, the specifics
2 weren't there. So he may have -- he may have brought it up
3 as I would listen to it, but it was not -- it was not a
4 detailed discussion.

5 (b) (7)(C) : So did -- did you know if he was for or
6 against the amendments?

7 RYAN ZINKE: Uh, I'm not sure he was informed enough to
8 make that call, whether -- whether -- whether he knew
9 enough detail, 'cause certainly I did not. Because we
10 hadn't formulated what we're gonna do yet. So I was more
11 or less in listening mode but the -- the discussion was a
12 broad range of things. He did not go into detail.

13 (b) (7)(C) : Um, do you remember --

14 RYAN ZINKE: And certainly -- and certainly at the time I
15 didn't know the details of --

16 (b) (7)(C) : Right.

17 RYAN ZINKE: -- you know, of it.

18 (b) (7)(C) : Do you remember discussing it with him
19 on September [REDACTED], the actual day the letter was issued?
20 And did he ask you to take a particular stance on it?

21 RYAN ZINKE: I don't recall the -- the -- a specific date.

22 (b) (7)(C) : Yeah.

23 RYAN ZINKE: I'd have to look at the records.

24 (b) (7)(C) : That -- that was the day the letter was
25 actually issued.

26 RYAN ZINKE: Yeah. I -- I'd have to look at the records --

1 (b) (7)(C) : You don't recall?

2 RYAN ZINKE: -- on whether I did or not.

3 (b) (7)(C) : Okay. But you don't remember him asking
4 you to take a particular stance, say --

5 RYAN ZINKE: No.

6 (b) (7)(C) : -- I would like you to do this? Okay.

7 RYAN ZINKE: No. And -- and nor would I have taken a -- a
8 -- a stance. You know, on basis of it's legal and, again,
9 our policy is -- remain, at least -- and this is -- I won't
10 say it's early but it's fairly early in gaming, is at the
11 end of the day the policy was driven by our trust
12 responsibilities. Is it land and trust or is it not? And
13 that's what the policy was for it and that's what the
14 policy was based on solely.

15 Uh, had the land had been trust -- in trust, then I
16 would have had an obligation. But I viewed it no
17 differently as if a tribe buys -- buys an apartment
18 building. Gaming outside of the trust responsibility is
19 just a business. So if they buy a apartment building, they
20 buy a business, what's my obligation as Interior? I had no
21 obligation unless it's -- unless it's on trust land. What
22 they do outside of trust land is -- is up to them.

23 (b) (7)(C) : Do you recall (b) (7)(C) having that
24 conversation with you?

25 RYAN ZINKE: I recall talking to (b) (7)(C) on it.

26 (b) (7)(C) : On this topic?

1 RYAN ZINKE: Not really. Not specifics. Uh, [REDACTED]
2 obviously is from [REDACTED]. You know, he has interests in --
3 in -- in [REDACTED]. But I don't talk in -- in details about
4 Interior business, what we're going to do, what we're not
5 going to do, specifics of an issue. And quite frankly, I
6 don't know the specifics of the issue enough to have a --
7 have a detailed conversation with anybody. I -- I'm up
8 here in the policy.

9 (b) (7)(C) [REDACTED]: Uh-huh.

10 RYAN ZINKE: I don't have -- I don't have the specifics on
11 this. And I still don't today. If you -- if you -- if you
12 were to drive down into specifics of the agreement, I know
13 here where the policy goes is be silent, take no issue.

14 (b) (7)(C) [REDACTED]: Be silent -- so you say be silent, take
15 no issue?

16 RYAN ZINKE: Well, don't -- but don't -- but don't -- don't
17 -- again, don't make a decision. And the way it was
18 shaped, as I understand it, if we said -- if we didn't say
19 anything, then it would have been automatically approved.
20 So it's -- so it's a decision --

21 (b) (7)(C) [REDACTED]: Yeah.

22 RYAN ZINKE: -- and I didn't -- and I didn't like being
23 forced into -- into making the decision either way by -- by
24 remaining silent would do this. So what we did is say, All
25 right. I don't want to say punt but -- and it was my
26 decision not to have an affirmative or a negative on

1 nontrust lands. Um, let the State -- if the State wants
2 gambling or the -- let the State fix it where they have the
3 authority one way or the other. But we should not be
4 making decisions. And upon legal counsel, that was the
5 basis of the decision. On -- on all sides, 'cause --
6 'cause believe me, there was -- you have the [REDACTED].

7 (b) (7)(C) [REDACTED]: Right.

8 RYAN ZINKE: You have the [REDACTED]. You have all these
9 guys.

10 (b) (7)(C) [REDACTED]: So -- so I guess the --

11 RYAN ZINKE: Yeah.

12 (b) (7)(C) [REDACTED]: You just mentioned upon legal counsel. I
13 think our biggest sticking point is that up until the time
14 of the day before the memo went out, your staff's telling
15 us they were not aware of -- that -- that this would not be
16 approved. They thought a decision was going to be for
17 approval.

18 RYAN ZINKE: Well, that's the difference between a -- I
19 guess the staff and the secretary. It's not their
20 decision. And -- but I -- but this is why at the very end I
21 gave guidance. All right. But give me the options. One,
22 two, three. That's not an option 'cause one of the options
23 didn't, again -- made a decision.

24 (b) (7)(C) [REDACTED]: Uh-huh.

25 RYAN ZINKE: So going -- going really in the back, that's
26 why I saw it before it went out, is that what's our policy

1 as a -- as -- what's my policy as the Secretary of
2 Interior's? And my policy is this. The decision
3 (unintelligible) is clear. Tribal trust land, nontribal.
4 Because I made a commitment also that sovereignty means
5 something. So if they want to do a business enterprise,
6 gambling, apartments, payday loans --

7 (b) (7)(C) : Okay.

8 RYAN ZINKE: -- in and across the board.

9 (b) (7)(C) : No. And -- and I appreciate that. I
10 just -- just understand that we have witness testimony
11 that's going to tell us that they advised to approve. Your
12 -- your solicitors. (b) (7)(C) thought it was going to be
13 approved. They all thought it was going to be approved up
14 to 24 hours approximately before when you got -- when you
15 came back and said no.

16 RYAN ZINKE: But it's my decision.

17 (b) (7)(C) : Okay.

18 RYAN ZINKE: And no --

19 (b) (7)(C) : We all -- we all saw that.

20 RYAN ZINKE: -- and no -- nobody -- no -- no conversation
21 led me to this.

22 (b) (7)(C) : So (b) (7)(C) conversation with you did not
23 lead you to this decision?

24 RYAN ZINKE: No. No.

25 (b) (7)(C) : Let's talk about Governor --

26 RYAN ZINKE: Yeah.

1 (b) (7)(C) : -- (b) (7)(C) .

2 (b) (7)(C) : Okay. Um, in your first interview you
3 stated that you had never discussed the amendments in
4 detail with Connecticut Governor (b) (7)(C) . You did
5 not discuss with him whether the amendments would be
6 approved or not.

7 We interviewed Governor (b) (7)(C) , and he told us that he
8 had talked to you about the approval of the amendments
9 during a personal meeting on June (b) (7)(C) , 2017, at the
10 (b) (7)(C) . That took place
11 down at the (b) (7)(C) in Connecticut, and
12 you assured him at that time that the amendments would be
13 approved, and you both shook hands on it, was a quote of
14 his. Does this information --

15 RYAN ZINKE: First of all, the meeting was in a hallway.
16 It was not a private --

17 (b) (7)(C) : Uh-huh.

18 RYAN ZINKE: -- meeting.

19 (b) (7)(C) : No. He didn't say it was private, no.

20 RYAN ZINKE: It was -- it was in a hallway with --

21 (b) (7)(C) : Okay.

22 RYAN ZINKE: -- multiple people.

23 (b) (7)(C) : He told me that.

24 RYAN ZINKE: And it was never in detail. And I said we
25 would work with him. I didn't commit one way or the other.

26 (b) (7)(C) : Okay. Okay.

1 (b) (7)(C) : You do recollect the conversation,
2 though, and you recollect --

3 RYAN ZINKE: It was -- it was a meeting coming in.

4 (b) (7)(C) : -- in -- in passing?

5 RYAN ZINKE: Because it was about -- the meeting was about
6 -- I was in Connecticut for the (b) (7)(C).

7 And we stopped by the [REDACTED] to say hello. And it was in
8 the hallway.

9 (b) (7)(C) : Yeah. He mentioned that.

10 RYAN ZINKE: Walking in with all our enterouges so it
11 wasn't a sub -- stand-up meeting other than a greeting.
12 And it was not a discussion about one issue or another. It
13 was a cordial hello. First time I think I met him in
14 person. But it wasn't a sit-down meeting. It wasn't a
15 meeting of substance or merit.

16 (b) (7)(C) : Uh-huh.

17 RYAN ZINKE: And I'm sure that I wasn't, at that time,
18 fully up to speed about -- about what the options were at
19 that point in time. It would be impossible.

20 (b) (7)(C) : Do -- do you recall talking to him about
21 the amendments in that brief --

22 RYAN ZINKE: I said -- I said we --

23 (b) (7)(C) : -- in the hallway?

24 RYAN ZINKE: -- we would -- we -- we look forward to
25 working together with him. But I did not assure him that
26 any amendment would be --

1 (b) (7)(C) : Approved or --

2 RYAN ZINKE: -- approved or disapproved.

3 (b) (7)(C) : Okay.

4 (b) (7)(C) : But you gave him the indication, though,
5 that you would work with him and his staff?

6 RYAN ZINKE: I would, but I would work with everybody.

7 (b) (7)(C) : On --

8 RYAN ZINKE: Yeah.

9 (b) (7)(C) : In your first interview you stated that
10 -hired lobbyist (b) (7)(C) never provided any
11 arguments to you to not approve the amendments.

12 We interviewed (b) (7)(C) , and he told us that he
13 personally spoke with you about the amendments at a
14 political event and argued to you that the amendments were,
15 quote, creating a third way for an approval process that
16 didn't exist, and how can the State of Connecticut create a
17 third way for the federal government to authorize tribal
18 gaming on nontribal locations. And that he told you it
19 didn't make sense. Um, do -- do you recall that at all?

20 RYAN ZINKE: I recall talking to -- no details. I did not
21 talk to details --

22 (b) (7)(C) : Okay.

23 RYAN ZINKE: -- you know, with .

24 (b) (7)(C) : Do -- do you remember that interaction,
25 sort of the -- that -- that was his quote. That's what he
26 told us that he talked to you about.

1 RYAN ZINKE: Yeah. Um, I'd met (b) (7)(C) less than a
2 handful of times. I don't remember this specific meeting.

3 (b) (7)(C): Okay.

4 RYAN ZINKE: But if -- if it was with a -- in a social
5 setting, I'm sure it was. Listening, going, Uh-huh. But I
6 don't -- I didn't commit one way or the other.

7 (b) (7)(C): Okay.

8 RYAN ZINKE: I probably cordially listened.

9 (b) (7)(C): Right.

10 (b) (7)(C): So I think the -- the question here is,
11 though, that the, um -- does it sound like [REDACTED] was
12 providing you with something that you would be receptive
13 towards given your stance on tribal, uh, you know -- on --
14 on jurisdiction, off jurisdiction?

15 RYAN ZINKE: I'm not sure [REDACTED] -- we've never really sat
16 down and talk about sovereignty, tribal issues in detail.
17 I'm not sure he would know unless he did his research on
18 what I've said in multiple meetings with tribes. So I'm
19 not sure that he would have a clear grasp of where I sit on
20 -- on sovereignty issues.

21 (b) (7)(C): Okay.

22 (b) (7)(C): Could you please tell us why you chose
23 to follow legal advice, whether it was directly provided by
24 Senator [REDACTED] or [REDACTED] who we were just talking about,
25 um, on behalf of [REDACTED] and overriding the advice of the
26 Office of Indian Gaming, the Solicitor's Office attorneys

1 and (b) (7)(C), who --

2 RYAN ZINKE: Well, number one, that question is misleading.
3 I didn't follow any advice of [REDACTED] or the legal counsel. I
4 followed my legal counsel. At the heart of the issue was
5 this, is that is it on or off tribal lands?

6 If it's off tribal lands, then do we have an
7 obligation or not? And the way that the Connecticut bill
8 was written, again, by saying no or saying yes, led to a
9 conclusion, is that that was, in my opinion, making a
10 judgment on what happens on property from -- from a tribe
11 off, outside of -- of -- of -- of trust lands. That's it.

12 And so my -- my talking to our attorneys was, am I in
13 a legal position to do that or not? It was not a basis of
14 other legal counsel. It was in the basis of mine. Bear in
15 mind that (b) (7)(C) who I rely on greatly for such things
16 'cause he's a great lawyer was recused so he could not even
17 give an opinion on it. So my staff of opinions were [REDACTED],
18 who's not an attorney but has experience with Indian Gaming
19 and such things, (b) (7)(C), who's not an Indian Gaming
20 attorney. (b) (7)(C) [sic] and -- 'cause we've had
21 multiple meetings in here about, Give me the options. Give
22 me the options. Well, what's -- what's the issue? And at
23 the end of the day, do we -- you know, are we on firm legal
24 ground to do this?

25 I -- and I don't want to take a position one way or
26 the other if it's off. 'Cause it has -- it has

1 consequences. And then pretty soon Interior, because
2 either we weighed in or by not weighing in we weighed in on
3 activities. Gaming aside, it has consequences in
4 everything you do. It's the same thing you cross over on
5 payday loans. It can cross over on consumer 'cause they --
6 the tribes are diversifying their portfolios. And there is
7 tension out there.

8 And I just don't -- I don't want to get -- go into
9 those areas that are not -- and let -- let Connecticut
10 decide what -- you know, what -- and I'm very comfortable
11 with Connecticut -- Connecticut --

12 (b) (7)(C) : So -- so let me kind of wrap -- wrap this
13 up a little bit in terms of my understanding of -- of the,
14 um -- the -- the different -- different testimonies that
15 we're hearing, which is that it sounds as if, from your --
16 your perspective, this is sort of your decision. This was
17 your -- your taking ownership on the decision to go with
18 this, for lack of a better word I'm gonna call it the
19 fourth option?

20 RYAN ZINKE: Yes.

21 (b) (7)(C) : As your -- that's your decision?

22 RYAN ZINKE: Yeah. It was -- it was my decision.

23 (b) (7)(C) : Okay. The legal counsel that you are
24 referencing that you're seeking, was it the legal counsel
25 to come up with the fourth decision, or is it the legal
26 counsel to see whether or not your fourth decision -- your

1 fourth option is legally sound?

2 RYAN ZINKE: I didn't like that I had so many options.

3 (b) (7)(C): You didn't like the other three options?

4 RYAN ZINKE: Because -- because the options forced me to
5 make a decision.

6 (b) (7)(C): Right. Right.

7 RYAN ZINKE: And that's the basis of it. And it -- and the
8 basis of it is the way that Connecticut wrote the law is
9 they said, You have to make a decision. You -- you have to
10 -- you have to intervene and make a decision on this issue.

11 And -- and if it was tribal lands, again, you know,
12 then I had that obligation. And so what's -- what's the --
13 what's the spread of options? I looked at it, why do I
14 have to make a decision? I should not have to make a
15 decision based on another interview. If DOJ told me to
16 make a decision, absolutely. If one -- if a -- if a
17 government entity told me to make a decision, I didn't make
18 a decision.

19 (b) (7)(C): So the -- the coming up with the fourth
20 option, the no decision, the, uh --

21 RYAN ZINKE: Was mine.

22 (b) (7)(C): -- was yours?

23 RYAN ZINKE: Was mine.

24 (b) (7)(C): It was not -- it was not brought to you
25 by the Solicitor's Office as another option?

26 RYAN ZINKE: Um, we just -- I don't know what the genesis

1 of -- of whose light bulb it was, 'cause in a -- in a
2 conversation with the solicitors, you know, do we -- do we
3 have to make the decision? No. Uh, okay. So -- so we
4 don't have to make a decision. What's -- what's available?
5 I'm sure they gave me a list of options. Initially the
6 options weren't there. As -- as we went into more options,
7 somebody brought this as an option. And it was legally,
8 uh, on -- on firm ground.

9 (b) (7)(C) : We --

10 RYAN ZINKE: So --

11 (b) (7)(C) : -- yeah, we can't find anyone who --
12 other than (b) (7)(C) and (b) (7)(C), we can't find -- and
13 (b) (7)(C) themselves who said that they've done some white
14 papers, that --

15 RYAN ZINKE: I've never seen an (b) (7)(C) white paper.

16 (b) (7)(C) : So we can't find anyone from your --

17 RYAN ZINKE: Nor have I talked to any (b) (7)(C) attorney.

18 (b) (7)(C) : Yeah.

19 (b) (7)(C) : Right. We haven't talked --

20 (b) (7)(C) : And we -- yeah.

21 (b) (7)(C) : -- we haven't talked to --

22 RYAN ZINKE: Or -- or -- or (b) (7)(C) on -- on this.

23 (b) (7)(C) : -- anybody (unintelligible) --

24 (b) (7)(C) : Yeah.

25 (b) (7)(C) : Yeah. We reached out to (b) (7)(C). We talked
26 to (b) (7)(C) and they --

1 RYAN ZINKE: And so --

2 (b) (7)(C) : Yeah. Yeah.

3 (b) (7)(C) : -- they didn't say --

4 (b) (7)(C) : I mean -- yeah. Yeah.

5 (b) (7)(C) : -- you had any conversations.

6 RYAN ZINKE: So ---

7 (b) (7)(C) : Yeah. (b) (7)(C) does indicate he did talk
8 to you about it. But from his perspective, not really
9 from, you know -- in terms of providing you with his, uh --
10 his position and his position is similar to your position.

11 RYAN ZINKE: Oh.

12 (b) (7)(C) : Which is the no option.

13 RYAN ZINKE: Maybe he's a brilliant mind but I -- but I --
14 I just -- the decision was mine. And it wasn't --

15 (b) (7)(C) : Okay.

16 RYAN ZINKE: -- it wasn't overly influenced by any
17 particular party other than the core policy decision. And
18 it goes back to the core policy decision is that, what's my
19 obligation? What's my right as Interior?

20 If it was -- again, if it was -- it all goes down to
21 the same decision matrix. Trust land, not trust land.
22 Trust land, absolutely. Gotta make a decision one way or
23 the other. Can you game? And there's -- there's a lot of
24 issues on -- on gaming, on MOUs and clouding the titles,
25 all that kind of thing.

26 Off-reservation property, they're just a -- they're

1 just another entity. And I've -- and I -- and I've
2 committed to -- to the tribes to say that, You are --
3 you'll be handled no differently, not discriminated
4 against. You can, as a tribe, buy property. You can sell
5 property. You can buy businesses, sell businesses. You
6 can do all those type of things you want to and probably
7 get an A -- 8-A along with it.

8 And -- but we're not going to give judgment or
9 interfere with your activities. You're -- that's -- that's
10 -- that's -- that's an obligation, I think, of the
11 Secretary, meaning what sovereignty is. So -- and I don't
12 -- at the end of the day, I don't think it especially
13 aligned with anybody. I don't think the decision at the
14 end of the day gave anyone an advantage.

15 What it -- what it did do is it probably forced
16 Connecticut to make -- to realign and make the decision
17 themselves. And I am absolutely comfortable with states
18 making those decisions on state land within the boundaries.
19 But if it comes over to federal land, that's where the line
20 is.

21 (b) (7)(C) : So -- so, um -- so just for clarity,
22 then, you don't recollect (b) (7)(C) suggesting this third
23 option to you?

24 RYAN ZINKE: No.

25 (b) (7)(C) : Or fourth option. It's --

26 RYAN ZINKE: No. And --

1 (b) (7)(C) : And you don't recollect suggesting
2 it?

3 RYAN ZINKE: No.

4 (b) (7)(C) : Okay.

5 RYAN ZINKE: Uh, and -- and had they suggested it, I
6 wouldn't have made my -- would -- would have -- wouldn't
7 have prompted me either way. 'Cause it -- 'cause it -- it
8 -- again, it goes back to the core, is that when I came in
9 office I said sovereign issues mean something. What's my
10 obligation as the Secretary?

11 (b) (7)(C) : Um, I know you're under a tight schedule
12 today and we only have 30 minutes. So I have one last
13 question unless you want to do any other wrap --

14 (b) (7)(C) : No.

15 (b) (7)(C) : -- follow-ups?

16 (b) (7)(C) : I'm good.

17 (b) (7)(C) : Okay. Um, this is, you know -- this is
18 probably the -- the tough question of the day. This is --
19 at any point during this process, either when you were
20 first picked up to be the secretary to -- to the time you
21 made the -- you sent the memo out, at any point were you or
22 your family ever promised or did you or your family ever
23 receive anything of value from anyone who either
24 represented interests or represented any casino
25 interests?

26 RYAN ZINKE: Zero.

1 (b) (7)(C) : Okay.

2 RYAN ZINKE: Zero.

3 (b) (7)(C) : Absolutely no? None, nothing?

4 RYAN ZINKE: I can't think of one.

5 (b) (7)(C) : The -- any --

6 RYAN ZINKE: I --

7 (b) (7)(C) : -- no family? No promise of future

8 donations, no --

9 RYAN ZINKE: Uh-uh.

10 (b) (7)(C) : -- nothing?

11 RYAN ZINKE: No.

12 (b) (7)(C) : Okay. So you're shaking your head no.

13 RYAN ZINKE: No. I -- I -- I -- I affirm that there was

14 never any promise or a -- I'm trying to think of if -- if I

15 know any casino people.

16 (b) (7)(C) : (Unintelligible).

17 RYAN ZINKE: I don't -- I don't think I do.

18 (b) (7)(C) : So no promise from anyone who might have

19 represented --

20 RYAN ZINKE: No.

21 (b) (7)(C) : -- or --

22 RYAN ZINKE: No. None.

23 (b) (7)(C) : Okay.

24 RYAN ZINKE: No.

25 (b) (7)(C) : Okay. That was the --

26 (b) (7)(C) : Okay. Um, I'll go ahead and stop the

1 recording, then.

2 RYAN ZINKE: Okay.

3 (b) (7)(C) : And we don't have any more questions for
4 you.

5 RYAN ZINKE: Right.

6 (b) (7)(C) : And right now it's approximately, uh,
7 10:30.

8 RYAN ZINKE: But I do -- I --

9 (CONCLUSION OF INTERVIEW)

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26 Transcribed by: (b) (7)(C)

I hereby certify that the attached proceeding conducted by Special Agent (b) (7)(C) and PI (b) (7)(C), in the interview of Ryan Zinke associated with OI Case No. OI-PI-18-0480-I was held as herein appears, and that this is the original transcript thereof for the file of the Department of the Interior's Office of Inspector General.

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(b) (7)(C)

(Signature of Transcriber)

American High-Tech Transcription

(b) (7)(C)

(b) (7)(C)

(July 11, 2018)