

Congress of the United States

House of Representatives

Washington, D.C. 20515

July 27, 2017

The Honorable Mary L. Kendall
Deputy Inspector General
U.S. Department of the Interior
Office of Inspector General
1849 C Street NW - Mail Stop 4428
Washington, D.C. 20240

Dear Ms. Kendall:

In recent days, it appears that U.S. Department of the Interior (DOI) Secretary Ryan Zinke and additional agency heads have actively advocated for health care proposals pending before Congress. According to a report in today's *Alaska Dispatch News*, on Wednesday morning:

[President] Trump took to Twitter to express displeasure with Murkowski's vote. By that afternoon, each of Alaska's two Republican senators had received a phone call from Interior Secretary Ryan Zinke letting them know the vote had put Alaska's future with the administration in jeopardy.¹

Senator Dan Sullivan said "the Interior secretary was clear that his message was in response to the no vote Murkowski cast Tuesday on the motion to proceed with debate on the House-passed health care legislation" and that "the call from Zinke heralded a 'troubling message.'"²

Yesterday's phone calls by Secretary Zinke occurred shortly after President Trump's tweet expressing displeasure with Senator Murkowski, and just one day after U.S. Department of Energy Secretary Rick Perry generated concerns of impropriety with an editorial weighing in on the health care debate.³ The close timing of these actions suggests an apparent pattern and organized effort within the Trump Administration involving the use of federal resources to advance partisan legislation. We request your office investigate whether such a pattern or organized effort exists, whereby Secretary Zinke is advocating for health care proposals pending before Congress.

¹ *Trump administration threatens retribution against Alaska over Murkowski health votes*, *Alaska Dispatch News* (July 27, 2017).

² *Id.*

³ *Perry enters Obamacare debate using official Twitter account*, *E&E News PM* (July 25, 2017).

As ranking members of the committees with jurisdiction over health care issues and natural resource issues, we request your office investigate this matter and address all potential legal and ethical violations, including the following:

1. What actions to date by Secretary Zinke or any other DOI employee since he became Secretary of the Interior have resulted in the use of federal funding for purposes of advocating health care proposals pending before Congress?
2. The Anti-Lobbying Act prohibits congressionally appropriated funds from being used to lobby on policies, legislation or appropriations.⁴ Under certain circumstances, the Department of Justice has granted exceptions for appointees acting “in areas within their official responsibility.” To the extent that Secretary Zinke is spending agency time and resources on efforts to secure support for the Trump Administration’s health care legislative program, how does repeal of the Affordable Care Act (ACA) fall within Secretary Zinke’s official responsibility?
3. According to the *Alaska Dispatch News*, Secretary Zinke allegedly threatened retribution against Alaska in phone calls on July 26 with Senators Murkowski and Sullivan. Are Secretary Zinke’s actions in compliance with the Hobbs Act,⁵ which “prohibits actual or attempted robbery or extortion affecting interstate or foreign commerce ‘in any way or degree’” as well as “conspiracy to commit robbery or extortion?”⁶
4. Did the events described in the *Alaska Dispatch News* constitute any other legal or ethical violations?

Thank you for your attention to this matter. If you have questions please contact Jon Monger on the Committee on Energy and Commerce staff at (202) 225-3641 or Vic Edgerton on the Committee on Natural Resources staff at (202) 225-6065.

⁴ 18 USC § 1913.

⁵ 18 USC § 1951.

⁶ Offices of the United States Attorneys, *Criminal Resource Manual: 2402. Hobbs Act – Generally* (www.justice.gov/usam/criminal-resource-manual-2402-hobbs-act-generally).

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Sincerely,

Handwritten signature of Frank Pallone, Jr. in blue ink.

Frank Pallone, Jr.
Ranking Member
Committee on Energy and Commerce

Handwritten signature of Raúl M. Grijalva in blue ink.

Raúl M. Grijalva
Ranking Member
Committee on Natural Resources