



February 20, 2019

The Honorable Elijah Cummings  
Chairman  
Oversight and Governmental Reform Committee  
U.S. House of Representatives Washington, DC 20515

The Honorable Jim Jordan  
Ranking Member  
Oversight and Governmental Reform Committee  
U.S. House of Representatives Washington, DC 20515

Dear Chairman Cummings, Ranking Member Jordan, and members of the Committee:

The Campaign Legal Center (“CLC”) respectfully submits this statement to the Committee in support of H.R. 1, the For the People Act of 2019. CLC is a nonpartisan, nonprofit organization dedicated to protecting and strengthening democracy across all levels of government. Our work promotes every citizen’s right to participate in the democratic process.

H.R. 1 is a landmark reform bill designed to address the most pressing challenges to our democracy: the influence of money in politics, the erosion of ethical norms, threats to voting rights, and extreme partisan gerrymandering. CLC strongly supports H.R. 1 and this comprehensive effort to make our democracy more accessible, transparent, and responsive to the citizens of our great nation.

This statement will highlight H.R. 1’s expansion of OGE’s oversight duties, codification of the ethics pledge, and requirements surrounding the disclosure of certain dark money political solicitations.

## **I. The Expansion of OGE’s Duties**

Section 8034 of H.R. 1 closes several loopholes that have historically hamstrung the federal ethics program’s effective oversight of executive branch officials. H.R. 1 gives OGE two new important tools that would allow for more robust oversight: the ability to conduct investigations into violations of the Ethics in Government Act, and limited subpoena power.

A persistent criticism of OGE is that it lacks the authority to conduct actual investigations into ethical violations. This limitation exists partly by design; OGE has historically only performed an advisory and preventative function, to ensure compliance with ethics rules before violations occur. But recent reports of conduct by executive branch officials have exposed a range of ethical non-compliance, which illuminates the need for Congress to expand OGE's oversight duties.<sup>1</sup>

The investigative power proposed by H.R. 1 is narrow: OGE would only be allowed to conduct investigations in the limited circumstances where an allegation of a violation of the Ethics in Government Act warrants further investigation.

Investigative power requires the collection of information related to those investigations. For that reason, it is important that H.R. 1 additionally gives OGE the power to "require by subpoena the production of all information" necessary to carry out its duties under the Ethics in Government Act. OGE has the authority to collect information necessary to carry out its duties, 5 U.S.C. app. § 403(a)(2), but it does not, however, have the explicit power to compel that information when agencies or officials fail to provide it. This limit has stunted OGE's ability to perform even its existing duties; recent reports indicate that two attorneys for the president "may have lied to" OGE officials about certain debts subject to public reporting on financial disclosure reports, yet OGE lacked the authority to verify the information provided.<sup>2</sup> Without subpoena power, OGE would not be able to conduct meaningful investigations of ethical wrongdoing.

With the additional tools of investigative and subpoena power, OGE will be properly equipped to ferret out ethics violations when the prevention mechanism provided by the agency fails.

Additionally, section 8034 of HR 1 clarifies the scope of OGE's authority within the executive branch. Specifically, section 402 of the Ethics in Government Act would be amended to include the Executive Office of the President in the definition of "agency" and

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<sup>1</sup> For example, Commerce Secretary Wilbur Ross held BankUnited stock until October 2018, despite repeated assertions he had sold it in May 2017. OGE learned he had held the stock only when he reported the October 2018 sale. *See* Reis Thebault, *Facing ethics violation, Wilbur Ross says he didn't mean to file inaccurate financial disclosures*, WASH. POST (Feb. 19, 2019), <https://wapo.st/2IqSJbV>. Former Interior Secretary Ryan Zinke faced numerous ethics investigations while in office, some potentially criminal, for mixing political and personal travel and participating in matters that he and his family stood to benefit from financially. *See Complaint Against Secretary Ryan Zinke to Inspector General*, CAMPAIGN LEGAL CTR. (Feb. 23, 2018), <https://bit.ly/2Djm98D>. *See also* Julie Turkewitz, *Ryan Zinke's Legal Troubles Are Far From Over*, N.Y. TIMES (Dec. 16, 2018), <https://nyti.ms/2ULHmh7>.

<sup>2</sup> Letter from Rep. Elijah E. Cummings, Chairman, Committee on Oversight and Reform, to Pat Cipollone, Counsel to the President, The White House (Feb. 15, 2019), [https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2019-02-15.EEC%20to%20Cipollone-WH%20re%20Cohen%20Payments\\_0.pdf](https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2019-02-15.EEC%20to%20Cipollone-WH%20re%20Cohen%20Payments_0.pdf); *see also* Andrew Desiderio, *Cummings: 2 Trump Attorneys May Have Lied About Cohen Payments*, POLITICO (Feb. 15, 2019), <https://www.politico.com/story/2019/02/15/congress-michael-cohen-hush-money-1173167>.

“any individual occupying a position, providing any official services, or acting in an advisory capacity in the White House or the Executive Office of the President” in the definition of “officer or employee.” This would resolve confusion that has occasionally arisen over the extent to which agencies within the Executive Office of the President, like the White House Office, fall within OGE’s purview.<sup>3</sup>

## II. Codification of the Ethics Pledge

Section 8062 of H.R. 1 codifies the requirement that all full-time political appointees in the executive branch must sign an ethics pledge, like the one mandated by Executive Order 13770, within 30 days of taking office. The pledge set forth in H.R. 1 addresses concerns that former employers and clients may have or appear to have privileged access to public officials, which they could exploit to influence those officials out of the public view.

Codifying the ethics pledge is a critical step toward ensuring that political appointees in the executive branch do not abuse their public positions to further private interests. By making the pledge a part of the government ethics statutes and providing for its administration through OGE, H.R. 1 helps ensure compliance with and clarity of the pledge’s ethical requirements. Additionally, establishing a 30-day deadline for signing the pledge prevents employees from evading ethics requirements by claiming paperwork errors.<sup>4</sup>

H.R. 1’s minimum criteria for an acceptable ethics pledge include common sense provisions similar to those that past executive order ethics pledges have included. For example, all full-time political appointees would be prohibited from participating for two years after appointment in particular matters involving specific parties in which a former employer or client is or represents a party.

Appointees who were formerly registered lobbyists would be subject to additional restrictions. Former registered lobbyists would not be permitted to join agencies that they lobbied in the two years preceding their appointment. A former registered lobbyist would

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<sup>3</sup> See, e.g., Julie Bykowicz, *Trump Attorney Didn’t Want Him to Sign Financial Disclosure*, ASSOCIATED PRESS (May 19, 2017), <https://www.apnews.com/417c7e00c0274a3792e3262d22afaa8c> (describing correspondence between OGE and the president’s attorney where the president sought to avoid personally certifying that the contents of his financial disclosure report were true, complete and correct because the filing was “voluntary”); Letter from Director Walter Shaub, U.S. Office of Government Ethics, to Sheri A. Dillon, Counsel to the President, Morgan, Lewis & Bockius LLP (May 10, 2017), <https://www.documentcloud.org/documents/3727186-Trump-Attorney-and-OGE-Correspondence.html>.

<sup>4</sup> See, e.g., Matea Gold, *A Former Trump Administration Appointee Who Left Without Signing Ethics Pledge Is Now a Lobbyist*, WASH. POST (Mar. 29, 2017), [https://www.washingtonpost.com/news/post-politics/wp/2017/03/29/a-former-trump-administration-appointee-who-left-without-signing-ethics-pledge-is-now-a-lobbyist/?utm\\_term=.e4eb8afed5a0](https://www.washingtonpost.com/news/post-politics/wp/2017/03/29/a-former-trump-administration-appointee-who-left-without-signing-ethics-pledge-is-now-a-lobbyist/?utm_term=.e4eb8afed5a0); see also CAMPAIGN LEGAL CTR., COMPLAINT TO DEPARTMENT OF INTERIOR INSPECTOR GENERAL 2-5 (Feb. 20, 2019), attached as Appendix (describing the activities of a senior political appointee who entered government on January 20, 2017, whose only publicly available ethics pledge was signed September 5, 2017, but who, in the interim, met twice with his former employer about its litigation against his agency).

also be subject to a two-year recusal obligation from particular matters on which he or she lobbied, and would be prohibited from participating in the “specific issue area” in which a matter he or she lobbied falls.

Congress should consider clarifying the definition of “specific issue area” for purposes of this section. Like the ethics pledge that H.R. 1 would codify, the executive branch ethics pledge currently in effect bars any former registered lobbyist appointed to a position in the executive branch from participating in any particular matter on which she or he lobbied or in the “specific issue area” in which that particular matter falls.<sup>5</sup> But this restriction has limited reach. The Administration has advised OGE that “specific issue area” for purposes of the pledge means a “particular matter of general applicability.”<sup>6</sup> Defining “specific issue area” this way substantially narrows its reach and introduces ambiguity.<sup>7</sup> It may also allow employees to participate in the issue area in which they had lobbied.<sup>8</sup>

To address this ambiguity, Congress should define “specific issue area” in a way that prevents political appointees from participating in matters that are closely related or substantially similar to the matters on which they previously lobbied, and that affect the same discrete and identifiable parties as those whom they worked for before they were appointed, but that are not simply a “particular matter of general applicability.”

In another step forward for ethics reform, H.R. 1 also reinstates limits on the pipeline of former lobbyists into the federal government by barring a registered lobbyist from seeking or accepting employment with any executive agency that he or she lobbied in the two years preceding his or her appointment. However, this provision does not eliminate the need for a clear definition of “specific issue area,” since an individual who only lobbied Congress on a particular matter might still join an agency and participate in substantially similar matters that are not the same particular matter. For example, the current ambiguity surrounding “specific issue area” allows a person who lobbied Congress, but not the Department of Interior, on legislation specifically pertaining to oil and gas leases on public lands to join Interior and work on oil and gas leases, thereby advancing the interests of his or her former clients without running afoul of the ethics pledge. A robust definition of “specific issue area” would prevent this scenario.

### III. Disclosure of Political Fundraising

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<sup>5</sup> Exec. Order No. 13770, 82 Fed. Reg. 9333, § 1(7) (Jan. 28, 2017), <https://bit.ly/2T7wQ2c>.

<sup>6</sup> OFFICE OF GOV'T ETHICS, LA-17-03, GUIDANCE ON EXECUTIVE ORDER 13770 1 (2017), <https://bit.ly/2FZRhv0>.

<sup>7</sup> See “*Particular Matter Involving Specific Parties*,” “*Particular Matter*,” and “*Matter*,” U.S. OFFICE OF GOV'T ETHICS, DAEOgram DO-06-029 4, 8 (2006), <https://bit.ly/2SvO78f>. A particular matter of general applicability is a matter that “focus[es] on the interest of a discrete and identifiable class of persons, such as a particular industry or profession. . . . This category can include legislation and policymaking, as long as it is narrowly focused on a discrete and identifiable class.” *Id.* at 8.

<sup>8</sup> See Appendix at 5-11 (describing a former lobbyist who had lobbied Congress and the Department of Interior on hunting on public land and monument designations, then joined Interior as a senior political appointee and participated in particular matters pertaining to hunting on public land and monument designations—but some of his conduct may not have violated the pledge, given the narrow definition of “specific issue area”).

Section 8042 of H.R. 1 would require public disclosure of certain dark money political solicitations. Recent reports have documented how top administration officials have raised funds for organizations that keep their donors secret, which then use those funds to advocate for the administration's political and policy interests.

Most notably, the president, the vice president, and other top administration officials have appeared at fundraisers for America First Policies, a 501(c)(4) nonprofit created by former Trump campaign officials to promote the president's agenda—but which does not publicly disclose its donors.<sup>9</sup> Among other activities, the organization spent millions supporting the president's Supreme Court nominees,<sup>10</sup> and a CNBC investigation found that it had paid for costly polling that informs messaging strategies, a task usually assigned to party committees or campaigns that report their donors.<sup>11</sup>

When public officials solicit funds for dark money groups, large donors often give with the understanding that their secret donations are going to be viewed as valuable by that official—and at least some donors are presumably expecting to buy influence. But because donors to these groups remain secret, Congress and the public never learn whether that official later takes action to advance those donors' interests. Americans have no way of knowing which special interests are funding these groups, or whether any funding came from foreign nationals, foreign corporations, or even foreign governments.

Section 8042 would require public disclosure of certain donations made in response to a written solicitation from a senior public official. Specifically, this section would require that an official disclose donations made to a 501(c)(4) or 501(c)(6) entity that promotes laws or regulations administered by that official's agency, and which the official solicited in writing. It would also require disclosure of donations that the official solicited in writing from persons subject to the laws or regulations administered by the official's agency, and which exceed federal campaign contribution limits.

States and cities have enacted analogous requirements.

California requires an elected official to file a report within 30 days if a person makes a payment of \$5,000 or more in calendar year “under the control or at the direction of, in cooperation, consultation, coordination, or concert with, at the request or suggestion

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<sup>9</sup> See, e.g., Katie Rogers & Kenneth P. Vogel, *A Low-Profile Trump Travels to Virginia to Meet With Donors*, N.Y. TIMES (Mar. 27, 2018), <https://www.nytimes.com/2018/03/27/us/politics/trump-giuseppe-cecchi-donors.html>; Kenneth P. Vogel, *Venturing Into the Swamp, Trump Dines With Major Donors*, N.Y. TIMES (Mar. 8, 2018), <https://www.nytimes.com/2018/03/08/us/politics/trump-donor-dinner-georgetown.html>; Kenneth Vogel, *At Private Dinners, Pence Courts Big Donors and Corporate Executives*, N.Y. TIMES (July 9, 2017), <https://www.nytimes.com/2017/07/09/us/politics/at-private-dinners-pence-quietly-courts-big-donors-and-corporate-executives.html>.

<sup>10</sup> Brian Schwarz, *Pro-Trump Group Will Continue Ad Blitz In Favor of Brett Kavanaugh, as FBI Probes Supreme Court Pick's Past*, CNBC (Oct. 1, 2018), <https://www.cnbc.com/2018/10/01/pro-trump-group-stands-with-brett-kavanaugh-despite-ongoing-fbi-probe.html>.

<sup>11</sup> Christina Wilkie, *Dark Money Group America First Policies Is Running a Pro-Trump Polling Operation. Here Is an Inside Look at Its Secretive Work*, CNBC (Mar. 1, 2018), <https://www.cnbc.com/2018/03/01/america-first-policies-dark-money-polling-for-trump.html>.

of, or with the express, prior consent of” the official, and if the payment is made “principally for legislative, governmental, or charitable purposes.”<sup>12</sup> The report must identify both the donor and the recipient of the donation, and include a “description of the specific purpose or event for which the payment or payments were made.”<sup>13</sup>

New York City requires any nonprofit entity over which a city elected official or their agent “exercises control” to file an annual report disclosing, among other things, the identity of all persons who made a donation of \$1,000 or more within the previous calendar year.<sup>14</sup>

Section 8042 is a promising step towards transparency. However, certain amendments could strengthen its effectiveness. The disclosure provisions should be extended to the president and vice president, given their well-documented roles in fundraising for White House-aligned dark money groups. Moreover, given that administration officials are regularly soliciting donations to politically-active 501(c)(4)s at in-person fundraising events and “private dinners,” the definition of solicitation should be broadened beyond those made “in writing.” Congress could draw from California’s definition: disclosure can be triggered if a covered donation is made “under the control or at the direction of, in cooperation, consultation, coordination, or concert with, at the request or suggestion of, or with the express, prior consent of” the covered official.

We appreciate the opportunity to submit this statement in support of this important legislation.

Sincerely,

/s/

Brendan M. Fischer  
Director, Federal Reform

/s/

Delaney N. Marsco  
Ethics Counsel

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<sup>12</sup> Cal. Gov’t Code § 84224; *see also* Cal. Gov’t Code §§ 82041.3 (defining “made at the behest of), 82004.5 (defining “behested payment”). *See also* Cal. Fair Political Practices Comm’n, “Behested Payments,” <http://www.fppc.ca.gov/transparency/form-700-filed-by-public-officials/behested-payments.html>.

<sup>13</sup> *Id.* § 84224(a).

<sup>14</sup> N.Y.C. Admin. Code § 3-901. The definition of “organization affiliated with an elected official” describes various factors the city board will consider in determining whether an elected official “exercises control” over a nonprofit group, including “whether the organization was created by such an elected official or their agent, or by an individual who was previously employed by, or was a paid consultant of, the elected official, and if so, how recently such organization was created;” “whether the board of the organization is chaired by such an elected official or their agent;” and “the degree of involvement or direction by the elected official in such organization’s policies, operations and activities.”

## Appendix





February 20, 2019

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

Dear Inspector General Kendall:

The Campaign Legal Center (“CLC”) writes to request an investigation by your office into several senior members of the Department of the Interior for violations of their ethics pledges. We respectfully request that the Inspector General conduct a thorough investigation of the matters addressed in this complaint and advise the public of all findings and conclusions.

Upon entering public service, all full-time political appointees sign a binding ethics pledge obligated by Executive Order 13770, in which they agree to recuse from certain matters involving former employers or clients, and affirm that the pledge’s ethical obligations “are binding on me and are enforceable under law.”<sup>1</sup>

Under the ethics pledge, all full-time political appointees cannot participate for two years after appointment in particular matters involving specific parties in which a former employer or former client is or represents a party.<sup>2</sup> Importantly, this restriction bars appointees from participating in closed meetings or communications

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<sup>1</sup> Exec. Order No. 13770, 82 Fed. Reg. 9333, § 1 (Jan. 28, 2017) (“Ethics Pledge”).

<sup>2</sup> *Id.* § 1(6).



related to their official duties with a former employer or client,<sup>3</sup> and from open meetings with a former employer or client that are focused on particular matters involving specific parties.<sup>4</sup> The purpose of this restriction is “to address concerns that former employers and clients may appear to have privileged access, which they may exploit to influence an appointee out of the public view.”<sup>5</sup> Additionally, if an appointee served as a registered lobbyist at any time during the two years prior to appointment, the appointee is subject to a two-year recusal obligation from particular matters on which the appointee lobbied.<sup>6</sup> The appointee also cannot participate in the specific issue area in which a matter he or she lobbied falls.<sup>7</sup>

Several political appointees at Interior appear to have violated these provisions, which are specifically designed to prevent public officials from using their positions to favor former employers or lobbying clients.<sup>8</sup>

Taken together, the violations outlined below suggest a disturbing pattern of misconduct across the Department of the Interior that warrants your office’s immediate attention.

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<sup>3</sup> *Id.* § 2(s). A “former employer” for purposes of the ethics pledge applies to any person for whom the appointee has served as an employee within the two years prior to the date of appointment. *Id.* § 2(j).

<sup>4</sup> *Id.* at § 2(s).

<sup>5</sup> U.S. OFFICE OF GOV’T ETHICS, DAEOfgram DO-09-011, ETHICS PLEDGE: REVOLVING DOOR BAN—ALL APPOINTEES ENTERING GOVERNMENT 2 (2009), <https://bit.ly/2MUU21C> (“OGE DO-09-011”). Pursuant to the Office of Government Ethics (“OGE”) Legal Advisories 17-02 and 17-03, this memorandum applies to Executive Order 13770 and the ethics pledge currently in effect.

<sup>6</sup> Ethics Pledge, *supra* note 1, § 1(7).

<sup>7</sup> *Id.* § 1(7).

<sup>8</sup> All employees named in this complaint are full-time political appointees required to sign the Executive Order 13770 ethics pledge, and Interior has told OGE that all such full-time political appointees have signed the pledge. In Interior’s response to OGE’s CY 2017 ethics questionnaire, Interior only reported two employees appointed in 2017 who did not sign the ethics pledge. Those employees were “appointed without break in service after serving in another position for which the Ethics Pledge was already signed.” Since no appointees named in this complaint fall under that description, it appears that they all have signed the ethics pledge. U.S. OFFICE OF GOV’T ETHICS, DEPT’ OF THE INTERIOR RESPONSE TO 2017 AGENCY ETHICS PROGRAM QUESTIONNAIRE, <https://bit.ly/2DKrLYz>; see also U.S. DEPT’ OF INTERIOR, ETHICS PLEDGE OVERVIEW, <https://on.doi.gov/2RMKlxi> (noting that signing the Executive Order 13770 ethics pledge is required by every full-time political appointee upon accepting the political appointment). The complaint cites to those signed ethics pledges that are publicly available, but upon information and belief, all employees named in this complaint have signed a pledge.

## I. Doug Domenech

Doug Domenech entered the federal government on January 20, 2017 as Interior’s Senior White House Advisor, and on September 18, 2017, he became Assistant Secretary for Insular and International Affairs. Before entering government service, Domenech was the Director for the Fueling Freedom Project at the Texas Public Policy Foundation (“TPPF”), a position he held from March 2015 until January 2017.<sup>9</sup> TPPF is a conservative think tank that, among other things, is engaged in litigation against Interior.<sup>10</sup>

Domenech entered government as a senior political appointee, so likely first signed the Executive Order 13770 ethics pledge as Senior White House Advisor;<sup>11</sup> records show that he later signed the pledge on September 5, 2017,<sup>12</sup> shortly before taking his new position. In signing the pledge, he agreed to recuse “for a period of 2 years from the date of my appointment” from any closed meetings with a former employer (including TPPF) related to his official duties, and from open meetings with a former employer focused on particular matters involving specific parties.<sup>13</sup>

Domenech violated this provision by participating in two back-to-back meetings with his former employer, TPPF, to discuss TPPF’s litigation against Interior. Litigation constitutes a particular matter involving specific parties.<sup>14</sup>

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<sup>9</sup> U.S. OFFICE OF GOV’T ETHICS, EXECUTIVE BRANCH PERSONNEL, PUBLIC FINANCIAL DISCLOSURE REPORT (OGE FORM 278E) 3 (Part 1, Line 1) (May 11, 2017), <https://bit.ly/2HG7172> (nominee financial disclosure report of Doug Domenech).

<sup>10</sup> See, e.g., Robert Henneke, *The Endangered Species Act is an ineffective regulatory burden*, THE HILL (Dec. 15, 2017) <https://bit.ly/2UsGtJ8> (discussing TPPF’s lawsuit challenging the constitutionality of the Endangered Species Act); Press Release, TPPF, TPPF launches litigation center (May 12, 2015), <https://bit.ly/2BdVdnW> (describing its litigation as a tool to oppose “federal abuse and overreach in areas of environmental, private property, and business autonomy rights”).

<sup>11</sup> See *supra* note 8; see also OFFICE OF THE INSPECTOR GEN., U.S. DEP’T OF INTERIOR, REASSIGNMENT OF SENIOR EXECUTIVES AT THE U.S. DEPARTMENT OF THE INTERIOR (REPORT NO. 2017-ER-061) 10 (2018), <https://bit.ly/2Uy8YWT> (describing the White House Senior Advisor role as a politically-appointed role).

<sup>12</sup> U.S. DEP’T OF INTERIOR, SIGNED ETHICS PLEDGES 20, <https://bit.ly/2TqcXUj> (signed ethics pledge of Doug Domenech).

<sup>13</sup> *Id.* (emphasis added); see also Ethics Pledge, *supra* note 1, §§ 1(6), 2(s) (“Particular matter involving specific parties’ shall . . . include any meeting or other communication relating to the performance of one’s official duties with a former employer or former client, unless the communication applies to a particular matter of general applicability and participation in the meeting or other event is open to all interested parties.”).

<sup>14</sup> “Examples of particular matters involving specific parties include contracts, grants, licenses, product approval applications, investigations, and litigation. . . . [T]he term [particular matter]

According to Domenech's official calendar, on April 6, 2017, he participated in a 30-minute meeting titled "Meeting with Rob Hennek, Texas Public Policy Foundation on Bone Harvestman Cave Spider,"<sup>15</sup> whose inclusion on the Endangered Species list has been the subject of litigation between TPPF and Interior since 2015.<sup>16</sup> Immediately following the discussion of that topic, Domenech's calendar showed he participated in another 30-minute meeting with his former employer to discuss the "Red River Case,"<sup>17</sup> a property dispute that was being litigated between TPPF and Interior's Bureau of Land Management at the time.<sup>18</sup> Six months after that meeting, the government settled the Red River lawsuit, with TPPF calling the settlement a "major win."<sup>19</sup>

The only participants in the meetings were TPPF's Hennek, Domenech, and other Interior employees, so the meetings were not open to all interested parties.<sup>20</sup> Even if they were, Domenech's meetings with his former employer would still

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covers two categories of matters: (1) those that involve specific parties . . . and (2) those that do not involve specific parties but at least focus on the interests of a discrete and identifiable class of persons, such as a particular industry or profession." *"Particular Matter Involving Specific Parties," "Particular Matter," and "Matter,"* U.S. OFFICE OF GOV'T ETHICS, DAEOfgram DO-06-029 4, 8 (2006), <https://bit.ly/2SvO78f>.

<sup>15</sup> U.S. DEPT OF INTERIOR, DOUGLAS DOMENECH MARCH-OCTOBER 2017 OFFICIAL CALENDAR 23, <https://on.doi.gov/2RW0nj0> (noting "Meeting with Rob Hennek, Texas Public Policy Foundation on Bone Harvestman Cave Spider" on April 6, 2017). The other individuals listed as attending the meeting, according to Domenech's calendar, were Interior employees. *Id.* The meeting was therefore not open to all interested parties.

<sup>16</sup> See Press Release, TPPF, TPPF Files Suit Over Federal Regulation of Bone Cave Harvestman Arachnid (Dec. 16, 2015), <https://www.texaspolicy.com/press/tppf-files-suit-over-federal-regulation-of-bone-cave-harvestman-arachnid>; Henneke, *supra* note 10.

<sup>17</sup> *Id.* at 24 (noting "Meeting with Rob Hennek re: Red River Case," on April 6, 2017). The other individuals listed as attending the meeting, according to Domenech's calendar, were Interior employees. *Id.* The meeting was therefore not open to all interested parties.

<sup>18</sup> See Press Release, TPPF, TPPF Files Lawsuit Against Bureau of Land Management Challenging Seizure of Private Land Along Red River (Nov. 17, 2015), <https://www.texaspolicy.com/press/tppf-files-lawsuit-against-bureau-of-land-management-challenging-seizure-of-private-land-along-red-river>; see also Jimmy Tobias, *Interior department faces ethics queries as official meets with Koch-linked group*, THE GUARDIAN (May 14, 2018), <https://bit.ly/2IhLN0s>.

<sup>19</sup> Press Release, TPPF, Texas Parties Win in Private Property Rights Lawsuit (Nov. 8, 2017), <https://www.texaspolicy.com/press/texas-parties-win-in-red-river-private-property-rights-lawsuit>.

<sup>20</sup> See *supra* notes 15-16; see also OGE DO-09-011, *supra* note 5, at 2 (describing "open to all interested parties" to require the inclusion of a "multiplicity or parties," such as "five or more stakeholders").

violate the ethics pledge because the meetings focused on particular matters involving specific parties.

Domenech may also have violated the former employer provision of the ethics pledge at other times. His official calendar indicates he attended, via video call, a “TPPF Energy and Climate Summit” on November 30, 2017.<sup>21</sup> Your office should conduct a review to determine whether Domenech’s participation in this meeting was focused on particular matters involving specific parties and pertained to his official duties, and whether he participated in any other similar meetings with his former employer.<sup>22</sup>

## **II. Benjamin Cassidy**

Benjamin Cassidy was appointed the Interior Department’s Senior Deputy Director for Intergovernmental and External Affairs on October 1, 2017. Prior to joining Interior, Cassidy was a lobbyist for the National Rifle Association (“NRA”), a gun rights advocacy group, for seven years.<sup>23</sup>

Since Cassidy is a senior political appointee, it is likely that he signed the Executive Order 13770 ethics pledge,<sup>24</sup> and agreed to recuse from particular matters involving specific parties that are directly and substantially related to his former employer.<sup>25</sup> Because Cassidy was a registered lobbyist for the NRA in the two years prior to his appointment, he also agreed to not participate in either any particular matter on which he lobbied during those two years, or in the specific issue area in which that particular matter falls.<sup>26</sup> A “specific issue area” for purposes of the lobbying provision of the pledge means a “particular matter of general applicability.”<sup>27</sup> A “particular matter of general applicability” means a

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<sup>21</sup> U.S. DEPT OF INTERIOR, DOUGLAS DOMENECH NOVEMBER 2017-JANUARY 2018 OFFICIAL CALENDAR 14, <https://bit.ly/2MKKe3ri> (noting “All day TPPF Energy and Climate Summit” on November 30, 2017).

<sup>22</sup> An Interior spokeswoman has stated that these violations have been raised with agency ethics officials. Tobias, *supra* note 18.

<sup>23</sup> Resume of Benjamin Cassidy, <https://bit.ly/2BdcZrt>; *see also* National Rifle Association of America Lobbying Disclosure Reports, *infra* note 29.

<sup>24</sup> *See supra* note 8.

<sup>25</sup> Ethics Pledge, *supra* note 1, §§ 1(6), (2)(s).

<sup>26</sup> *Id.* § 1(7).

<sup>27</sup> OFFICE OF GOV’T ETHICS, LA-17-03, GUIDANCE ON EXECUTIVE ORDER 13770 1 (2017), <https://bit.ly/2FZRrhv0>. OGE provides the following example:

particular matter that is focused on the interests of a discrete and identifiable class of persons, but does not necessarily involve specific parties.<sup>28</sup>

In 2016 and 2017, while lobbying on behalf of the NRA, Cassidy lobbied Congress on multiple pieces of legislation, and also lobbied the Department of the Interior and its bureaus, including the Bureau of Land Management (BLM), U.S. Fish and Wildlife Service, and National Park Service, according to the NRA's lobbying disclosure reports.<sup>29</sup> He lobbied on legislation dealing with animal trophy imports and conservation grants for international species, as well as measures relating to the conservation of big game animals, like elephants and polar bears, in Canada and Africa.<sup>30</sup> He also lobbied on measures that would direct federal officials to facilitate use of and access to federal public lands for hunting and recreational shooting.<sup>31</sup> As recently as the third quarter of 2017, Cassidy was lobbying Congress

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An appointee was a registered lobbyist during the two-year period before she entered government. In that capacity, she lobbied her agency against a proposed regulation focused on a specific industry. Her lobbying was limited to a specific section of the regulation affecting her client. Her recusal obligation as an appointee is not limited to the section of the regulation on which she lobbied, nor is it limited to the application of the regulation to her former client. Instead, she must recuse for two years from development and implementation of the entire regulation, subsequent interpretation of the regulation, and application of the regulation in individual cases.

*Id.* at 2.

<sup>28</sup> See 5 C.F.R. § 2640.102(m) (2019).

<sup>29</sup> See, e.g. National Rifle Association of America, 4th Quarter 2016 Lobbying Report, LD-2 Disclosure Form, at 13-14 (filed Jan. 18, 2017), attached as Exhibit A (disclosing Benjamin Cassidy as an NRA lobbyist and describing lobbying before Congress, BLM, and the U.S. Fish & Wildlife Service); National Rifle Association of America, 3rd Quarter 2017 Lobbying Report, LD-2 Disclosure Form, at 10 (filed Oct. 18, 2017), attached as Exhibit B (disclosing Cassidy as an NRA lobbyist and describing lobbying before Congress, Department of Interior, U.S. Fish and Wildlife Service, BLM, Department of Agriculture, and National Park Service).

<sup>30</sup> *Id.* (disclosing that Cassidy lobbied on H.R.224, Polar Bear Conservation and Fairness Act and H.R.226, African Elephant Conservation and Legal Ivory Possession Act); see also Chris D'Angelo, *This Ex-NRA Lobbyist Looks Like a Walking Ethics Violation for Zinke's Interior Department*, HUFFINGTON POST (July 6, 2018), [https://www.huffingtonpost.com/entry/benjamin-cassidy-nra-interior-department\\_us\\_5b3fa5e9e4b05127ccf1bb2b](https://www.huffingtonpost.com/entry/benjamin-cassidy-nra-interior-department_us_5b3fa5e9e4b05127ccf1bb2b).

<sup>31</sup> Exhibit A, *supra* note 29, at 13-14 (disclosing that Cassidy lobbied on H.R. 528, the Recreational Fishing and Hunting Heritage and Opportunities Act, "[t]o direct Federal public land management officials to exercise their authority under existing law to facilitate use of and access to Federal public lands for fishing, sport hunting, and recreational shooting, and for other purposes").

on legislation pertaining to monument designations and opening public land to hunting and recreational shooting.<sup>32</sup>

Despite the ethics pledge prohibitions, almost as soon Cassidy joined Interior, he participated in particular matters involving specific parties that are directly and substantially related to the NRA, and participated in particular matters involving the same specific issue areas that he lobbied on while at the NRA. These include:

### ***Sonoran Desert National Monument***

On October 5, 2017, NRA lobbyist Susan Recce sent Cassidy an email which, taken in context, indicates that it was a follow-up to an earlier conversation or meeting between the two.<sup>33</sup> Recce included comments that the NRA and other organizations had submitted to BLM on a Resource Management Plan Amendment to allow recreational shooting in the Sonoran Desert National Monument.<sup>34</sup> BLM had been considering a plan to allow recreational shooting in the Sonoran Desert National Monument, and had sought public comment at various stages in the administrative process.<sup>35</sup>

On October 13, 2017, Cassidy participated in a meeting titled “SDNM Discussion,” according to his official calendar, which is an apparent reference to the Sonoran Desert National Monument.<sup>36</sup>

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<sup>32</sup> Exhibit B, *supra* note 29, at 9-10 (disclosing lobbying on, among other things, S. 33, the Improved National Monument Designation Process Act; S. 733, “A bill to protect and enhance opportunities for recreational hunting . . . and shooting”; and H.R. 1945, the Wildlife and Hunting Heritage Conservation Council Advisory Committee Act, “to establish [a committee] to advise the Department of Interior and the Department of Agriculture on wildlife and habitat conservation, hunting, and recreational shooting”).

<sup>33</sup> Emails between Susan Recce and Benjamin Cassidy, Interior Staff, at 1, attached as Exhibit C. Recce begins the October 5, 2017 email to Cassidy saying, “I am so happy for you. I think you will find the experience very rewarding.” On November 17, Recce forwarded her email to Cassidy to Interior lawyer Joshua Campbell, with the message “See exchange of emails. When I talked to Ben about this last month . . .” *Id.*

<sup>34</sup> *Id.* at 3-6.

<sup>35</sup> See Sonoran Desert National Monument Target Shooting, Record of Decision/Approved Resource Management Plan Amendment, Bureau of Land Management, Lower Sonoran Field Office (March 2018), <https://bit.ly/2Fm1lOL>.

<sup>36</sup> U.S. DEPT OF INTERIOR, BENJAMIN CASSIDY OCTOBER 2017-JULY 2018 CALENDAR 3-4, <https://bit.ly/2Rsp5Cn> (“Cassidy October 2017-July 2018 Calendar”) (noting “Mtg w/ Cally re: SDNM” and “SDNM Discussion” on October 13, 2017).



On November 17, 2017, the NRA's Recce emailed Interior lawyer Joshua Campbell about the Sonoran Desert National Monument plan.<sup>37</sup> She communicated that "When I talked to Ben about this last month, I had the feeling that the Secretary's office was not going to pursue the concerns that the NRA and other NGOs raised in our comments," and forwarded her email to Cassidy from October 5, 2017.<sup>38</sup>

On August 31, 2018, the NRA published a post on its website titled "NRA Helps to Stop BLM From Closing Monument to Target Shooting," in which the NRA took credit for protecting recreational shooting at the Sonoran Desert National Monument.<sup>39</sup> Recce was quoted in the post saying that "[a]s a result of" the work by NRA and its allies, "the BLM backed down from the closure alternative."<sup>40</sup> The post further stated:

This pressure from groups representing so many millions of Americans looks like it changed what could have been a land management decision of the BLM that would have diminished the recreational opportunities of Americans to lawfully target shoot on public lands.<sup>41</sup>

### ***Eastern Lake Mountains***

On November 2, 2017, Cassidy forwarded an email to Recce and others about BLM plans regarding recreational shooting on the Eastern Lake Mountains of Utah County, Utah, with a message stating, "Are you all aware of this? Please share any concerns or insights. Thank you. Ben."<sup>42</sup>

On November 3, 2017, Recce replied with a detailed five-paragraph critique of BLM's actions regarding the Eastern Lake Mountains shooting plan.<sup>43</sup> Recce shared a copy of administrative comments that the NRA and its allies had submitted to BLM on the plan, and concluded her email with the message, "I appreciate your reaching out to us."<sup>44</sup>

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<sup>37</sup> Exhibit C, *supra* note 33, at 1.

<sup>38</sup> *Id.*

<sup>39</sup> Frank Miniter, *NRA Helps to Stop BLM From Closing Monument to Target Shooting*, NRA HUNTERS' LEADERSHIP FORUM (Aug. 31, 2018), <https://bit.ly/2HPy2WK>.

<sup>40</sup> *Id.*

<sup>41</sup> *Id.*

<sup>42</sup> Exhibit C, *supra* note 33, at 8-13.

<sup>43</sup> *Id.* at 7-8.

<sup>44</sup> *Id.*



On November 17, 2017, Recce forwarded Interior lawyer Josh Campbell her email exchange with Cassidy, and the message “What I wrote Ben [Cassidy] summarizes the comments that NRA and several other NGOs collectively submitted to the BLM.”<sup>45</sup>

Cassidy’s communications with Recce regarding BLM’s shooting plans for Sonoran Desert National Monument and Eastern Lake Mountain violated the former employer provision of the ethics pledge. The communications with his former employer related to the performance of Cassidy’s official duties: using his official Interior email address, Cassidy communicated with the NRA’s lobbyist, Recce, about the NRA’s specific comments on BLM’s Sonoran Desert National Monument plan on or around October 5, 2017, and on November 2, 2017, Cassidy expressly solicited the NRA’s specific comments on the Eastern Lake Mountain plan.<sup>46</sup> Moreover, emails from Recce dated October 5 and November 17 reference additional meetings or communications between the NRA lobbyist and Cassidy.<sup>47</sup> Even if Cassidy’s communications or meetings with his former employer were open to all interested parties—and there is little indication that they were—they probably still violated the pledge, because they concerned particular matters involving specific parties: they pertained to the NRA’s specific positions and formal comments on Interior monument regulations—regulations that are focused on the rights of recreational shooters and groups who support expanded shooting access on public land specifically, like the NRA.<sup>48</sup>

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<sup>45</sup> *Id.* at 7.

<sup>46</sup> *See id.* at 8.

<sup>47</sup> *Id.* at 1.

<sup>48</sup> OGE DO-09-011, *supra* note 5, at 2 (“The expanded party matter definition has a two-part exception for communications with an appointee’s former employer or client, if the communication is: (1) about a particular matter of general applicability and (2) is made at a meeting or other event at which participation is open to all interested parties.”) (emphasis in original). Although administrative proceedings such as rulemakings are typically considered particular matters of general applicability, certain rulemakings and regulations are “so focused on the rights of specifically identified parties” that they are considered particular matters involving specific parties. *Id.* The particular matters on which Cassidy lobbied were focused on the interests of a discrete class of persons: the recreational hunting and shooting industry, and more specifically, those within the industry who want to expand their activities onto public land. Your office should examine the extent to which Cassidy is therefore barred from participating in regulatory issues narrowly focused on the hunting and shooting industry, including regulatory issues that are narrowly focused on hunting and shooting on public land.

Additionally, these same emails and meetings indicate that Cassidy may have violated the former lobbyist provision of the pledge. Cassidy is barred from participating in any particular matter that he had lobbied on for the NRA, including any “specific issue area” in which that matter falls.”<sup>49</sup> It is not currently known whether Cassidy lobbied Interior on regulations pertaining to hunting on the Sonoran Desert National Monument or Eastern Lake Monuments, but he lobbied on particular matters that fell within the issue area of hunting on public land, including hunting on national monuments. Cassidy had previously lobbied Congress on legislation pertaining to monument designations and opening public land to hunting and recreational shooting, and also lobbied Interior (including BLM) on issues pertaining to “natural resources.”<sup>50</sup> As a result, it also appears he violated the former lobbyist provision of the pledge on October 5 and October 13, 2017 when he participated in meetings or communications pertaining to shooting plans for Sonoran Desert National Monument, and on November 2, 2017, when he communicated regarding shooting plans for Eastern Lake Mountain.

He may also have violated the pledge during other meetings:

### ***Hunting Shooting Sports Conservation Council***

On March 5, 2018, Cassidy participated in a meeting to “Discuss the Hunting Shooting Sports Conservation Council’s membership,” according to his official calendar.<sup>51</sup> Interior Secretary Zinke created the Hunting and Shooting Sports Conservation Council to make recommendations to the Interior Secretary for the implementation of Executive Order 13443 (“Facilitation of Hunting Heritage and Wildlife Conservation”) and other orders and statutes related to hunting and shooting. Among other things, the Council is responsible for recommending policies that expand access to hunting and shooting on public land.<sup>52</sup> Two top NRA lobbyists

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<sup>49</sup> See *supra* notes 27-28.

<sup>50</sup> Exhibit B, *supra* note 29 (disclosing lobbying on, e.g., S. 33, the “Improved National Monument Designation Process Act”); Exhibit A, *supra* note 29, at 13-14 (disclosing that Cassidy lobbied on H.R. 528, the “Recreational Fishing and Hunting Heritage and Opportunities Act”). Cassidy lobbied Interior and BLM on the issue area of “natural resources.” *Id.* (disclosing lobbying Interior and BLM under the general issue area “NAT”).

<sup>51</sup> Cassidy October 2017-July 2018 Calendar, *supra* note 36, at 110 (noting “Board Meeting-HSSCC” on March 5, 2018).

<sup>52</sup> Press Release, U.S. Dep’t of Interior, Secretary Zinke Creates New Council for Hunting and Shooting Sports Conservation (Jan. 9, 2018), <https://on.doi.gov/2F5qEB3>; U.S. DEP’T OF INTERIOR & U.S. DEP’T OF AGRICULTURE, HUNTING & SHOOTING SPORTS CONSERVATION COUNCIL CHARTER 2 <https://bit.ly/2GaIzJL>.

were appointed to the Council.<sup>53</sup> This meeting, which apparently resulted in the appointment of two senior NRA members,<sup>54</sup> may have violated the former employer provision of the pledge, since it was directly and substantially related to his former employer, the NRA. It also may have violated the lobbying provision of the pledge, since Cassidy appears to have previously lobbied Interior on the specific issue area of hunting and shooting on public lands.

### ***International Conservation***

On February 7, 2018, Cassidy attended a “Brief on International Conservation” with Secretary Zinke and four other senior Interior employees, including Doug Domenech.<sup>55</sup> Then, on March 13 and 15, 2018, he attended meetings with the International Wildlife Conservation Council,<sup>56</sup> an advisory group under the U.S. Fish and Wildlife Service that advises the Interior Secretary on anti-poaching programs, wildlife trafficking, and the conservation benefits of Americans hunting abroad.<sup>57</sup> These three meetings may also have violated the lobbying provision of the pledge, given Cassidy had previously lobbied on the specific issue area of international hunting and conservation.

### **III. Vincent DeVito**

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<sup>53</sup> Press Release, U.S. Dep’t of Interior, Secretary Zinke Announces Members of the Hunting and Shooting Sports Conservation Council (May 22, 2018; last edited Dec. 18, 2018), <https://on.doi.gov/2DIIdOuj>.

<sup>54</sup> Chris Cox and Ward “Trig” French were appointed to the council. Cox is listed on NRA lobbying forms, see Exhibits A and B, *supra* note 29, and is the executive director of the NRA’s Institute for Legislative Action (NRA-ILA). French is the national co-chair of the NRA Hunters’ Leadership Forum. Karen Mehall-Phillips, *Zinke Names NRA Leaders to Hunting and Conservation Council*, NRA HUNTERS’ LEADERSHIP FORUM (May 23, 2018), <https://bit.ly/2Sgy3bj>.

<sup>55</sup> Cassidy October 2017-July 2018 Calendar, *supra* note 36, at 88 (noting “Brief on International Conservation” on February 7, 2018).

<sup>56</sup> *Id.* at 110 (noting “Board Meeting- HSSCC” on March 5, 2018).

<sup>57</sup> INTERNATIONAL WILDLIFE CONSERVATION COUNCIL, <https://www.fws.gov/iwcc>. Two members of the Council are current or former NRA members. Bill Brewster served on NRA’s board. See Karen-Mehall Phillips, *HLF Member Spotlight: Bill & Suzie Brewster*, NRA AMERICAN HUNTER (Dec. 30, 2014), <https://bit.ly/2MWZFMD>. Erica Rhoad is the NRA’s Director of Hunting Policy. See Erica Rhoad, *Protecting Your Right to Hunt is More Important Than Ever*, NRA AMERICAN HUNTER (Sept. 24, 2018), <https://bit.ly/2te7aFY> (listing Erica Rhoad as Director of Hunting Policy, NRA-ILA, in byline).

Vincent DeVito was appointed as Counselor to the Secretary for Energy Policy on April 26, 2017. He signed the Executive Order 13770 ethics pledge.<sup>58</sup> Prior to joining Interior, DeVito was an attorney whose clients included the Boston-based energy company Eversource Energy.<sup>59</sup>

When DeVito signed the ethics pledge, he agreed for two years not to participate in “any particular matter involving specific parties”—which includes a meeting relating to the performance of his official duties—directly and substantially related to former clients like Eversource Energy.<sup>60</sup>

During his tenure at Interior, DeVito participated in particular matters related to Eversource Energy, despite the ethics pledge prohibiting this conduct. On August 23, 2017, he participated in a meeting at Interior with the Eversource Energy’s executive vice president and general counsel, Gregory Butler, Eversource’s executive vice president of enterprise energy strategy, Leon Olivier, Eversource’s vice president of business development, Michael Ausere, as well as several representatives from DONG Energy, according to his official calendar.<sup>61</sup> According to emails between DeVito and his staff, the meeting appears to have pertained to the Bay State Wind offshore wind project, described as a collaboration between Eversource Energy and DONG Energy.<sup>62</sup> Materials from the meeting include a

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<sup>58</sup> U.S. DEPT OF INTERIOR, SIGNED ETHICS PLEDGES, *supra* note 12, at 18-19 (signed ethics pledge of Vincent DeVito).

<sup>59</sup> U.S. OFFICE OF GOV’T ETHICS, EXECUTIVE BRANCH PERSONNEL, PUBLIC FINANCIAL DISCLOSURE REPORT (OGE FORM 278E) (July 21, 2017), <https://bit.ly/2FZAKYh> (new entrant report of Vincent DeVito). While this new entrant report is truncated, it is clear that Eversource is listed in the section immediately preceding section 5. Section 4 requires appointees to report “any source that paid more than \$5,000 for your personal services in any calendar year during the reporting period, which covers the preceding two calendar years and the current calendar year up to the date of filing.” *Public Financial Disclosure Guide: Your Sources of Compensation Exceeding \$5,000 in a Year (Nominee and New Entrant Reports Only)*, U.S. OFFICE OF GOV’T ETHICS, <https://bit.ly/2SuzgHs> (“OGE Public Financial Disclosure Guide”).

<sup>60</sup> Ethics Pledge, *supra* note 1, §§ 1(6) (barring an appointee from participating in “any particular matter involving specific parties that is directly and substantially related to [the appointee’s] former employer or former clients”), 2(s) (defining a particular matter involving specific parties to include “any meeting or other communication relating to the performance of one’s official duties with a former employer”).

<sup>61</sup> U.S. DEPT OF INTERIOR, VINCENT DEVITO MAY-OCTOBER 2017 OFFICIAL CALENDAR 138, <https://bit.ly/2Bc7zNF> (noting “Meeting with Vincent DeVito (Counselor to Secretary Zinke – DOI / Energy Policy” on Aug. 23, 2017).

<sup>62</sup> According to emails released via FOIA, the day after the meeting, on August 24, 2017, DeVito asked an assistant, James Schindler, to “have someone send me a copy of what was handed out, yesterday.” Emails of Vincent DeVito Regarding Eversource Energy/DONG Energy Presentation

letter from DONG Energy addressed to DeVito in which DONG advocates for reducing regulations to aid in the development of offshore wind farms.<sup>63</sup>

DeVito's participation in this matter was related to his official duties as Senior Counselor to the Secretary for Energy Policy, a position created by Secretary Zinke to "advance the Trump Administration's goal of American energy independence."<sup>64</sup> In this position, DeVito is tasked with, among other things, "[i]dentifying regulatory burdens that unnecessarily encumber energy exploration development, production, transportation; and developing strategies to eliminate or minimize these burdens."<sup>65</sup> Consequently, DeVito violated the ethics pledge when he participated in a meeting with his former client Eversource Energy, inside of the Department of the Interior building and in his official capacity, to discuss a particular Eversource Energy wind energy project, and potentially to discuss limiting regulations to support offshore wind farms.<sup>66</sup>

#### IV. Timothy Williams

Timothy Williams is the deputy director of the Office of Intergovernmental and External Affairs within Interior. He was appointed to this position in March 2017. As a senior political appointee, it is likely that he signed the Executive Order 13770 ethics pledge. According to his professional resume submitted to Interior, he was a field director for Americans for Prosperity ("AFP") from March 2015 until

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at 1, attached as Exhibit D. Schindler then forwarded the email to a colleague and asked her to scan a 15-page "booklet from Dong and Eversource energy" that was on Schindler's desk, along with the "letter inside of it." *Id.* On August 29, 2017, Schindler emailed DeVito with the message, "This is Dong's presentation/letter, attached." *Id.* at 9. Only the cover page of the packet is scanned, which is titled "Bay State Wind Update, U.S. Department of Interior, August 23, 2017," and beneath the Bay State Wind logo, the statement, "A DONG Energy and Eversource Initiative." *Id.* at 14.

<sup>63</sup> *Id.* at 12-13.

<sup>64</sup> Press Release, U.S. Dep't of Interior, Interior Secretary Announces Vincent DeVito As Counselor for Energy Policy (May. 1, 2017), <https://on.doi.gov/2WvAXaA>.

<sup>65</sup> U.S. DEPT OF INTERIOR, SECRETARIAL ORDER NO. 3351, STRENGTHENING THE DEPARTMENT OF THE INTERIOR'S ENERGY PORTFOLIO, <https://on.doi.gov/2Roe8BW>.

<sup>66</sup> DeVito's tenure at Interior ended in August 2018. Miranda Green, *Zinke's former energy counselor at Interior takes job with offshore oil company*, THE HILL (Sept. 4, 2018), <https://bit.ly/2SeO2pg>.

January 2016.<sup>67</sup> AFP is an advocacy organization founded and financed by the industrialist brothers Charles G. and David H. Koch.<sup>68</sup>

Williams failed to disclose his position with AFP on his new entrant financial disclosure report, and failed to disclose any compensation from that position, in apparent violation of his reporting obligations.<sup>69</sup> However, he did report an AFP defined contribution plan and 401k.<sup>70</sup>

On June 14, 2017, roughly three months after his appointment, he attended a meeting via video call with Chrissy Harbin, vice president of AFP,<sup>71</sup> Williams' former employer.<sup>72</sup> According to Williams' official calendar, the purpose of the meeting was "to discuss partnering on shared priorities."<sup>73</sup>

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<sup>67</sup> See FOIA Request OS-2017-00644, U.S. Dep't of Interior, *Political appointee - list and resumes*, at 63-65 <https://www.doi.gov/sites/doi.gov/files/uploads/17-00644ca.pdf> (disclosing the professional resume of Tim Williams Jr.).

<sup>68</sup> See, e.g., Kenneth P. Vogel, *Pence to Speak at Conservatives' Meeting Organized by Koch Brothers*, N.Y. TIMES (Aug. 4, 2017), <https://www.nytimes.com/2017/08/04/us/politics/pence-koch-conservatives-americans-for-prosperity.html>.

<sup>69</sup> Part 1 requires appointees to report "any compensated or uncompensated position" held within the reporting period, which, for a new entrant like Williams, is the preceding two calendar years. *Public Financial Disclosure Guide: Your Positions Held Outside United States Government*, U.S. OFFICE OF GOV'T ETHICS, <https://bit.ly/2HHT21L>. Section 4 requires appointees to report "any source that paid more than \$5,000 for your personal services in any calendar year during the reporting period, which covers the preceding two calendar years and the current calendar year up to the date of filing." *Public Financial Disclosure Guide: Reporting Periods: Part 1*, U.S. OFFICE OF GOV'T ETHICS, <https://bit.ly/2MHEhL9>; *Public Financial Disclosure Guide: Your Sources of Compensation Exceeding \$5,000 in a Year (Nominee and New Entrant Reports Only)*, U.S. OFFICE OF GOV'T ETHICS, <https://bit.ly/2SuzgHs>.

<sup>70</sup> U.S. OFFICE OF GOV'T ETHICS, EXECUTIVE BRANCH PERSONNEL, PUBLIC FINANCIAL DISCLOSURE REPORT (OGE FORM 278E) (May 11, 2017), <https://bit.ly/2G8dN4p> (new entrant report of Timothy Williams). The start date for Williams' participation in this contribution plan was March 2015. Participation in defined contribution plans usually begins on or around the date one becomes an employee of an organization. U.S. OFFICE OF GOV'T ETHICS, PUBLIC FINANCIAL DISCLOSURE GUIDE 77 (May 2018), <https://bit.ly/2UnXHrc>.

<sup>71</sup> U.S. DEP'T OF INTERIOR, TIMOTHY WILLIAMS MAY-JULY 2017 OFFICIAL CALENDAR 40, <https://bit.ly/2SoEnNj> (noting "Meeting with Timothy Williams to discuss partnering on shared priorities (Chrissy Harbin)" on June 14, 2017).

<sup>72</sup> See Ethics Pledge, *supra* note 1, § 2(j).

<sup>73</sup> *Id.* The calendar description appears to include an excerpt from an email dated June 12, 2017, where Harbin wrote: "Jason, Thank you for reaching out. Happy to meet to discuss partnering on shared priorities. Let me know when works for you and Tim." *Id.* "Jason" appears to refer to Jason Funes, an assistant in Interior's Office of Intergovernmental and External Affairs, who also participated in the meeting. *Id.*

Williams' participation in this meeting appears to violate the ethics pledge's prohibition on participating in "any particular matter involving specific parties that is directly and substantially related to [the appointee's] former employer" for a period of two years after his appointment, including<sup>74</sup> "any meeting or other communication relating to the performance of one's official duties with a former employer."<sup>75</sup>

Williams' closed meeting by video with AFP's vice president constitutes a particular matter, since a meeting or other communication with a former employer is specifically included in the ethics pledge definition.<sup>76</sup> The stated purpose of the video meeting was to discuss the "shared priorities" of the government and AFP; because Williams was discussing the government's priorities, the communication related to the performance of his official duties. Williams and AFP's Harbin were the only two participants, so the meeting was not open to all interested parties.

Your office should conduct a review to determine whether this meeting by video, which itself violated the ethics pledge, resulted in additional meetings or other conduct which may have violated ethics restrictions.

## **V. Lori Mashburn**

Lori Mashburn is the Interior Department's White House liaison, a position she has held since May 2017.<sup>77</sup> Prior to her work at Interior, she was an associate director for the Heritage Foundation ("Heritage"), a non-profit think tank, from October 2011 to January 2017.<sup>78</sup> As a political appointee at Interior, she signed the Executive Order 13770 ethics pledge on May 19, 2017.<sup>79</sup> Consequently, Mashburn is prohibited from participating in particular matters directly and substantially related to Heritage until May 2019.

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<sup>74</sup> *Id.*

<sup>75</sup> Ethics Pledge, *supra* note 1, § 2(s).

<sup>76</sup> *Id.*

<sup>77</sup> U.S. OFFICE OF GOV'T ETHICS, EXECUTIVE BRANCH PERSONNEL, PUBLIC FINANCIAL DISCLOSURE REPORT (OGE FORM 278E) (May 23, 2017), <https://goo.gl/ryzDKP> (nominee financial disclosure report of Lori K. Mashburn).

<sup>78</sup> *Id.*

<sup>79</sup> U.S. DEPT OF INTERIOR, SIGNED ETHICS PLEDGES, *supra* note 12, at 37 (signed ethics pledge of Lori K. Mashburn).



However, Mashburn has attended multiple private events with her former employer, Heritage, in violation of her signed ethics pledge.<sup>80</sup> On October 16, 2017, she attended a private Heritage event on government property,<sup>81</sup> which Heritage described as “an exclusive briefing for members who support Heritage with gifts of \$10,000+ annually or legacy commitments of \$200,000+.”<sup>82</sup> On September 29, 2017, following a speech Secretary Zinke gave at Heritage, she attended a “Private Lunch” with high-ranking Heritage employees and others.<sup>83</sup>

Both the October 16 briefing and the September 29 luncheon constituted particular matters involving specific parties requiring recusal under the ethics pledge.<sup>84</sup>

The October 16 private briefing was a fundraising-related meeting for the benefit of and hosted by Heritage, Mashburn’s former employer; the event was designed to strengthen Heritage’s relationships with its major donors and to keep them donating. In other words, the private briefing was a particular matter focused on the interests of Heritage in receiving donations. Mashburn appears to have attended this fundraiser in her official capacity. The event, at which Secretary Zinke gave a speech, was listed on Secretary Zinke’s official calendar with a list of Interior staffers who were to accompany him.<sup>85</sup> The meeting was not open to all interested parties, since attendance was apparently limited to Heritage staff, its major donors, and Interior officials.

The September 29 private luncheon, held two weeks before the fundraising event, was also a meeting relating to the performance of her official duties with her former employer, Heritage. The luncheon was a private portion of a larger public event hosted by Heritage, where Secretary Zinke gave a “major policy speech” which

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<sup>80</sup> Chris D’Angelo, *Another Trump Administration Official Has An Ethics Problem*, HUFFINGTON POST (Mar. 8, 2018), <https://goo.gl/af69cW>.

<sup>81</sup> U.S. DEP’T OF INTERIOR, SECRETARY RYAN ZINKE’S OFFICIAL CALENDAR, <https://on.doi.gov/2tbE2iE> (noting “Remarks to Heritage” in the Eisenhower Executive Office Building South Court Auditorium on Oct. 16, 2017, with Mashburn being one of six Interior employees accompanying the Secretary).

<sup>82</sup> *Agenda*, HERITAGE FOUNDATION PRESIDENT’S CLUB MEETING 2017, <https://www.heritagepcm.org/2017dc/agenda>.

<sup>83</sup> FOIA Response 17-00413, U.S. Dep’t of Interior, *A Vision for American Energy Dominance, Liberating American from Bureaucracy*, at 501-03, <https://www.doi.gov/sites/doi.gov/files/uploads/17-00413ca.pdf> (schedule of events for Heritage Foundation-hosted event).

<sup>84</sup> Ethics Pledge, *supra* note 1, § 2(s).

<sup>85</sup> *See supra* note 81.

“outlin[ed] the Administration’s ‘All of the above’ energy strategy,” and which was focused “specifically on the importance of American energy production and how the federal government can be a better business partner.”<sup>86</sup> Secretary Zinke’s calendar describes the luncheon as a “Private Lunch,” so it stands to reason that the event, attended by senior Interior staff, senior Heritage staff, and members of lobbying, legal, and government groups invested in the Administration’s “energy dominance” agenda, was not open to all interested parties.

Mashburn’s attendance at these events with her former employer would therefore violate the former employer provision of the ethics pledge.<sup>87</sup>

## VI. Todd Wynn

Todd Wynn is the Director of the Office of Intergovernmental and External Affairs within Interior. According to his financial disclosure, he was a member of the board of trustees for the non-profit Council of State Governments’ 21st Century Foundation prior to joining government, until October 11, 2017. Wynn was appointed on October 15, 2017, and signed the Executive Order 13770 ethics pledge a day later.<sup>88</sup>

On December 21, 2017, Wynn communicated with Rich Lindsey,<sup>89</sup> a Council of State Governments representative described as a “Policy Consultant” on the group’s website.<sup>90</sup> The calendar entry does not disclose the purpose of the meeting.

Wynn’s financial disclosure lists him as a member of the board of trustees of the Council of State Governments, making the organization a former employer within the meaning of the ethics pledge.<sup>91</sup> As a result, Wynn is barred from

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<sup>86</sup> See FOIA Response 17-00413, Department of Interior, *supra* note 83, at 501.

<sup>87</sup> The ethics pledge excepts events “open to all interested parties.” Ethics Pledge, *supra* note 1, § 2(s). Neither the luncheon nor the briefing meets that exception due to their private nature. The luncheon was labeled as “private” on the Interior itinerary, in contrast to the larger “public” event of which it was a part. The “exclusive” briefing was only open to those who donated a certain amount to Heritage.

<sup>88</sup> U.S. DEPT OF INTERIOR, SIGNED ETHICS PLEDGES, *supra* note 12, at 60 (signed ethics pledge of Todd Wynn).

<sup>89</sup> U.S. DEPT OF INTERIOR, TODD WYNN OCTOBER-DECEMBER 2017 OFFICIAL CALENDAR 61, <https://bit.ly/2TqfQo7> (noting “Call with Rich Lindsey” on Dec. 21, 2017).

<sup>90</sup> Staff Directory, CSG WEST (accessed Feb. 1, 2019), <https://www.csghost.org/contact>. Lindsey is also described as the head of CSG’s “Energy Committee.” *Staff Assignments*, CSG WEST (accessed Feb. 1, 2019), <https://www.csghost.org/about/staff.aspx>.

<sup>91</sup> U.S. OFFICE OF GOV’T ETHICS, EXECUTIVE BRANCH PERSONNEL, PUBLIC FINANCIAL DISCLOSURE REPORT (OGE FORM 278E) (Nov. 3, 2017), <https://bit.ly/2MYwKIg> (new entrant report of

participating in any closed meeting or other communication with Council of State Governments relating to the performance of his official duties.<sup>92</sup> This call may have been related to government business, since the appointment was listed on Wynn's official calendar. Your office should investigate whether this or other communications with representatives from an organization where Wynn served as a trustee are sufficiently related to his official duties as to constitute an ethics violation.

## Conclusion

On February 23, 2018, CLC filed a complaint with your office regarding an apparent violation of 18 U.S.C. § 208 and other ethics provisions by former Interior Secretary Ryan Zinke.<sup>93</sup> In that complaint, we highlighted numerous ethics violations that, when taken together, elucidate a pattern of impropriety on the part of former Secretary Zinke. It appears that former Secretary Zinke's disregard for ethical norms has sent a signal to Interior employees that skirting ethical rules, including violating a signed ethics pledge, is tolerated at the Department of the Interior.

At the very least, the apparent pattern of ethical misconduct occurring at Interior demonstrates a weak application of the ethical standards that demand impartiality while performing official duties.<sup>94</sup> The Standards of Ethical Conduct require an employee to recuse from party matters that would cause a reasonable person to question her impartiality if she were to participate.<sup>95</sup> The Standards of Conduct further provide that employees must endeavor to avoid any actions creating even the appearance that they are violating ethical standards.<sup>96</sup> It seems implausible that a reasonable person would not be concerned about the impartiality of these senior Interior employees, or at least the appearance of impartiality, given

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Todd Wynn). "Former employer" is defined to include "any person for whom the appointee has within the 2 years prior to the date of his or her appointment served as an employee, officer, director, trustee, or general partner." Ethics Pledge, *supra* note 1, § 2(j).

<sup>92</sup> Ethics Pledge, *supra* note 1, §§ 1(6) (barring an appointee from participating in "any particular matter involving specific parties that is directly and substantially related to [the appointee's] former employer or former clients"), 2(s) (defining a particular matter involving specific parties to include "any meeting or other communication relating to the performance of one's official duties with a former employer").

<sup>93</sup> *Complaint Against Secretary Ryan Zinke to Inspector General*, CAMPAIGN LEGAL CTR. (Feb. 23, 2018), <https://goo.gl/MH7JiC>.

<sup>94</sup> 5 C.F.R. § 2635.502 (2019).

<sup>95</sup> *Id.*

<sup>96</sup> 5 C.F.R. § 2635.101(a)(14) (2019).

their participation in matters that stand to benefit their former employers and lobbying clients.

In light of the troubling pattern emerging at the Interior Department, we urge your office to investigate these ethics violations and report any adverse findings for appropriate action.

Respectfully submitted,

\_\_\_\_\_/s/\_\_\_\_\_  
Brendan M. Fischer  
Director, Federal Reform

\_\_\_\_\_/s/\_\_\_\_\_  
Delaney N. Marsco  
Ethics Counsel

cc: Emory A. Rounds III  
Director  
U.S. Office of Government Ethics

# Exhibit A

Clerk of the House of Representatives  
Legislative Resource Center  
135 Cannon Building  
Washington, DC 20515  
<http://lobbyingdisclosure.house.gov>

Secretary of the Senate  
Office of Public Records  
232 Hart Building  
Washington, DC 20510  
<http://www.senate.gov/lobby>

# LOBBYING REPORT

Lobbying Disclosure Act of 1995 (Section 5) - All Filers Are Required to Complete This Page

<b>1. Registrant Name</b> <input checked="" type="checkbox"/> Organization/Lobbying Firm <input type="checkbox"/> Self Employed Individual <u>National Rifle Association of America</u>			
<b>2. Address</b> Address1 <u>11250 WAPLES MILL ROAD</u> Address2 _____ City <u>FAIRFAX</u> State <u>VA</u> Zip Code <u>22030</u> Country <u>USA</u>			
<b>3. Principal place of business (if different than line 2)</b> City _____ State _____ Zip Code _____ Country _____			
<b>4a. Contact Name</b> _____		<b>b. Telephone Number</b> _____ <b>c. E-mail</b> _____	
		<b>5. Senate ID#</b> <u>28470-12</u>	
<b>7. Client Name</b> <input checked="" type="checkbox"/> Self <input type="checkbox"/> Check if client is a state or local government or instrumentality <u>National Rifle Association of America</u>		<b>6. House ID#</b> <u>310760000</u>	

## TYPE OF REPORT

8. Year 2016 Q1 (1/1 - 3/31) ☐ Q2 (4/1 - 6/30) ☐ Q3 (7/1 - 9/30) ☐ Q4 (10/1 - 12/31) ☒

9. Check if this filing amends a previously filed version of this report ☐

10. Check if this is a Termination Report ☐ Termination Date \_\_\_\_\_ 11. No Lobbying Issue Activity ☐

## INCOME OR EXPENSES - YOU MUST complete either Line 12 or Line 13

<p align="center"><b>12. Lobbying</b></p> <p><b>INCOME</b> relating to lobbying activities for this reporting period was:</p> <p><u>Less than \$5,000</u> <input type="checkbox"/></p> <p><u>\$5,000 or more</u> <input type="checkbox"/> \$ _____</p> <p>Provide a good faith estimate, rounded to the nearest \$10,000, of all lobbying related income for the client (including all payments to the registrant by any other entity for lobbying activities on behalf of the client).</p>	<p align="center"><b>13. Organizations</b></p> <p><b>EXPENSE</b> relating to lobbying activities for this reporting period were:</p> <p><u>Less than \$5,000</u> <input type="checkbox"/></p> <p><u>\$5,000 or more</u> <input checked="" type="checkbox"/> \$ <u>558,000.00</u></p> <p><b>14. REPORTING</b> Check box to indicate expense accounting method. See instructions for description of options.</p> <p><input checked="" type="checkbox"/> <b>Method A.</b> Reporting amounts using LDA definitions only</p> <p><input type="checkbox"/> <b>Method B.</b> Reporting amounts under section 6033(b)(8) of the Internal Revenue Code</p> <p><input type="checkbox"/> <b>Method C.</b> Reporting amounts under section 162(e) of the Internal Revenue Code</p>
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**Signature** Digitally Signed By: Mary Rose Adkins

**Date** 1/18/2017 4:56:31 PM

**LOBBYING ACTIVITY.** Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide information as requested. Add additional page(s) as needed.

15. General issue area code CIV

16. Specific lobbying issues

H.R. 766; Financial Institution Customer Protection Act of 2015 - Prohibits a federal banking agency from formally or informally suggesting, requesting, or ordering a depository institution to terminate either a specific customer account, or group of customer accounts, or otherwise restrict or discourage it from entering into or maintaining a banking relationship with a specific customer or group of customers, unless: (1) the agency has a material reason to do so, and (2) the reason is not based solely on reputation risk.

H.R. 1076 & S. 551; Denying Firearms and Explosives to Dangerous Terrorist Act of 2015 - Amends the federal criminal code to grant the Attorney General the authority to deny the transfer of firearms or the issuance of a federal firearms and explosives license to any individual if the Attorney General: (1) determines that such individual has been engaged in or has provided material support or resources for terrorist activities, and (2) has reasonable belief that such individual may use a firearm or explosive in connection with terrorism. Allows any individual whose firearm or explosives license application has been denied to bring legal action challenging the denial.

H.R. 1217; Public Safety and Second Amendment Rights Protection Act of 2015 - Amends the Brady Handgun Violence Prevention Act to reauthorize for FY2016-FY2019 the grant program for improvements to the criminal history record system.

H.R. 1413 & S. 477; Firearms Manufacturers and Dealers Protection Act of 2015 - Funds appropriated or otherwise made available, including amounts derived from any fee or other source, are denied to the Federal Deposit Insurance Corporation, the Department of Justice, or any other federal agency to carry out Operation Choke Point or any other program designed to discourage the provision or continuation of credit or the processing of payments by financial institutions for dealers and manufacturers of firearms and ammunition.

H.R. 1488; Protecting Gun Owners in Bankruptcy Act of 2015 - Amends federal bankruptcy law to permit an individual debtor to exempt from the property of the estate in bankruptcy the debtor's aggregate interest, not to exceed \$3,000, in a single firearm or firearms.

H.R. 1701 & S.874; Second Amendment Enforcement Act of 2015 - To restore Second Amendment rights in the District of Columbia.

H.R. 2001; Veterans 2nd Amendment Protection Act - To amend title 38, United States Code, to clarify the conditions under which certain persons may be treated as adjudicated mentally incompetent for certain purposes.

H.R. 2259; Protect Our Military Families' 2nd Amendment Rights Act - To amend chapter 44 of title 18, United States Code, to provide that a member of the armed forces and the spouse of that member shall have the same rights regarding the receipt of firearms at the location of any duty station of the member.

H.R. 2578; Commerce, Justice, Science, and Related Agencies Appropriations Act, 2016 - Making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes.

H.R. 3126; To prohibit the Commissioner of Social Security from furnishing the name of any individual in a report to the National Instant Criminal Background Check System unless a Federal court has determined the individual to be mentally defective.

H.R. 3138; Military Recruiter Right to Carry Act of 2015 - To recognize the right of members of the Armed Forces assigned to duty at Armed Forces recruitment offices to carry a personal or service-issue firearm at the office.

H.R. 3139 & S. 1819; SEMPER FI Act - To improve security at Armed Forces recruitment centers.

H.R. 3146; Military Base Self-Defense Act - To safeguard military and civilian personnel on military bases by repealing bans on military personnel carrying firearms, and for other purposes.

H.R. 3227; Protecting America's Warriors Act - To protect the Second Amendment rights of members of the Armed Forces and civilian employees of the Department of Defense trained in the use of firearms to carry officially-issued or personally-owned firearms on military installations in the United States.

H.R. 3239; Armed Forces Career Center Protection Act - To provide enhanced security at Armed Forces recruitment centers through the installation of reinforced bullet-proof glass and entry doors.

H.R. 3485; 501(c)(4) Reform Act of 2015 - To amend the Internal Revenue Code of 1986 to prohibit 501(c)(4) entities from participating in, or intervening in (including the publishing or distributing of statements), any political campaign.

H.R. 3516; Social Security Beneficiary 2nd Amendment Rights Protection Act - To amend the Social Security Act relating to the use of determination made by the Commissioner.

H.R. 3722; Mental Health and Safe Communities Act of 2015 - To strengthen our mental health system and improve public safety.

H.R. 4026; TSA Act - To provide that a concealed handgun license shall be treated as a verifying identity document for purposes of aircraft passenger security screening, and to prohibit the Federal Government from collecting or storing information about an individual relating to a concealed handgun



license.

H.R. 4319; Second Amendment Defense Act of 2016 - This bill prohibits a federal government officer or employee from taking an action that limits an individual's conduct related to firearms or ammunition that is more restrictive than limitations in effect as of January 3, 2016.

H.R. 4320; NICS Denial Notification Act of 2016 - To provide for the reporting to State and local law enforcement authorities of cases in which the national instant criminal background check system indicates that a firearm has been sought to be acquired by a prohibited person, so that authorities may pursue criminal charges under State law, and to ensure that the Department of Justice reports to Congress on charges brought and prosecutions secured against prohibited persons who attempt to acquire a firearms.

H.R. 4321; Separation of Powers Restoration and Second Amendment Protection Act - To provide that any executive action that infringes on the powers and duties of Congress under section 8 of article I of the Constitution of the United States or on the Second Amendment to the Constitution of the United States has no force or effect, and to prohibit the use of funds for certain purposes.

H.R. 4348; DC Personal Protection Reciprocity Act - To require reciprocity between the District of Columbia and other States and jurisdictions with respect to the ability of individuals to carry certain concealed firearms, and for other purposes.

H.R. 4379; Defending Gun Rights Against Executive Overreach Act - To prohibit the use of Federal funds to further restrict conduct in relation to firearms.

H.R. 4781; FDIC Accountability Act of 2016 - To amend the Federal Deposit Insurance Act to make certain functions of the Federal Deposit Insurance Corporation subject to appropriations.

H.R. 4909; National Defense Authorization Act for Fiscal Year 2017 - To authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

H.R. 4980; Firearms Due Process Protection Act - To require the National Instant Criminal Background Check System to make a final disposition of requests to correct its records within 60 days, and for other purposes.

H.R. 5055; Energy and Water Development and Related Agencies Appropriations Act, 2017 - Making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2017, and for other purposes.

H.R. 5393; Commerce, Justice, Science, and Related Agencies Appropriations Act, 2017 - Making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2017, and for other purposes.

H.R. 5666; Stop Taxing the Second Amendment Act of 2016 - This bill prohibits a state or local government from imposing a tax on a firearm or ammunition sale that affects interstate commerce. Additionally, it prohibits a state or local government from imposing a new tax or increasing an existing tax on a background check incident to a firearm or ammunition sale.

H.R. 5965; Campus Gun Policy Transparency Act, To amend the Higher Education Act of 1965 to require institutions of higher education to disclose their concealed carry or open carry policies with respect to firearms, and for other purposes.

H.Amdt. 947 to H.R. 2406; Amendment sought to prohibit an individual who is prohibited from possessing a firearm by the Gun Control Act from using a public target range.

H. Con. Res. 148; Expressing the sense of Congress that the Second Amendment of the Constitution of the United States protects the individual right to keep and bear arms for the purpose of self-defense and that the Second Amendment right is fully applicable to the States.

S. 1123; USA FREEDOM Act of 2015 - To reform the authorities of the Federal Government to require the production of certain business records, conduct electronic surveillance, use pen registers and trap and trace devices, and use other forms of information gathering for foreign intelligence, counterterrorism, and criminal purposes, and for other purposes.

S. 1815; A bill to require a process by which members of the Armed Forces may carry a concealed personal firearm on a military installation.

S. 1819; Semper Fi Act, To improve security at Armed Forces recruitment centers.

S. 1821; Armed Forces Self-Defense Act - To permit service members to carry firearms on military installations, including reserve centers and recruitment offices.

S. 1823; A bill to safeguard military personnel on Armed Forces military installations by repealing bans on military personnel carrying firearms, and for other purposes.

S. 1835; Military Facilities Force Protection Act of 2015 - To enhance military facilities force protection.

S. 1839; Servicemembers Self-Defense Act of 2015 - To amend title 10 and 18, to permit members of the Armed Forces to possess firearms on military installations in accordance with applicable State law, and for other purposes.

S. 1988; Enhancing Security for Military Personnel Act of 2015 - To enhance the security of military personnel at United States military installations and operating locations.

S. 1992; Protect Our Military Families' 2nd Amendment Rights Act - To amend chapter 44 of title 18, United States Code, to provide that a member of the Armed Forces and the spouse of that member shall have the same rights regarding the receipt of firearms at the location of any duty station of the member.

S. 2209; Lawful Purpose and Self Defense Act - To revise various laws that interfere with the right of the people to obtain and use firearms for all lawful purposes.

S. 2359; Defend Our Capital Act of 2015 - To restore Second Amendment rights in the District of Columbia.

S. 2434; Separation of Powers Restoration and Second Amendment Protection Act - To provide that any executive action that infringes on their powers and duties of Congress under section 8 of article I of the Constitution of the United States or on the Second Amendment to the Constitution of the United States has no force or effect, and to prohibit the use of funds for certain purposes.

S. 2495; Social Security Beneficiary 2nd Amendment Rights Protection Act - This bill amends titles II (Old Age, Survivors and Disability Insurance) (OASDI) and XVI (Supplemental Security Income) (SSI) Social Security Act to prohibit any determination by the Commissioner of Social Security with respect to an individual, including one that OASDI and SSI benefits to which that individual is entitled shall be paid to a representative payee, from being considered to be a determination that the individual has been adjudicated as a mental defective to make it unlawful for the individual to engage in the shipment or transport of firearms or ammunition or receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

S. 2790; Financial Institution Customer Protection Act of 2016 - To provide requirements for the appropriate Federal banking agencies when requesting or ordering a depository institution to terminate a specific customer account, to provide for additional requirements related to subpoenas issued under the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, and for other purposes.

S. 2802; Protecting Gun Rights and Due Process Act, 2017 - To provide adequate protections for gun owners.

S. 2804; Energy and Water Development and Related Agencies Appropriations Act, 2017 - Making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2017, and for other purposes.

S. 2814; National Defense Authorization Act for Fiscal Year 2017 - To authorize appropriations for fiscal year 2017 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for such fiscal year, and for other purposes.

S.Amdt. 2915 to S.Amdt. 2874; To restore Second Amendment rights in the District of Columbia.

S. 2943; National Defense Authorization Act for Fiscal Year 2017 - Resolved, That the bill from the Senate (S. 2943) entitled "An Act to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

17. House(s) of Congress and Federal agencies ☐ Check if None

U.S. SENATE, U.S. HOUSE OF REPRESENTATIVES, Bureau of Alcohol Tobacco Firearms & Explosives

18. Name of each individual who acted as a lobbyist in this issue area

First Name	Last Name	Suffix	Covered Official Position (if applicable)	New
Todd	Adkins			<input type="checkbox"/>
James	Atkinson			<input type="checkbox"/>
Brian	Calabrese			<input type="checkbox"/>
Benjamin	Cassidy			<input type="checkbox"/>
Chris W.	Cox			<input type="checkbox"/>
James	Holland			<input type="checkbox"/>
Wayne	LaPierre			<input type="checkbox"/>
Jason	Lawrence			<input type="checkbox"/>
David	Lehman			<input type="checkbox"/>
Jason	Quimet			<input type="checkbox"/>
Brandi	Pensoneau			<input type="checkbox"/>
Jack	Thompson			<input type="checkbox"/>
Christopher	Zealand			<input type="checkbox"/>

				<input type="checkbox"/>
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19. Interest of each foreign entity in the specific issues listed on line 16 above ☒ Check if None

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**LOBBYING ACTIVITY.** Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide information as requested. Add additional page(s) as needed.

15. General issue area code FIR

16. Specific lobbying issues

H.R. 752 & S. 407; Large Capacity Ammunition Feeding Device Act - To prohibit the transfer or possession of large capacity ammunition feeding devices, and for other purposes.

H.R. 1365; Ammunition and Firearms Protection Act - To prevent the reclassification of certain ammunition as armor piercing ammunition.

H.R. 2613 & S. 1474; Handgun Trigger Safety Act of 2015 - To provide for the development and use of technology for personalized handguns, to require that all handguns manufactured or sold in, or imported into the United States incorporate such technology, and for other purposes.

H.R. 2699 & S. 1735; Undetectable Firearms Modernization Act of 2015 - To modernize the Undetectable Firearms Act of 1988.

H.R. 3802; Alternative Ammunition Manufacturing Act, To amend title 18, United States Code to provide for the disposition, within 60 days, of an application to exempt a projectile from classification as armor piercing ammunition.

S. 2444; Alternative Ammunition Manufacturing Act - To amend title 18, United States Code, to provide for the disposition, within 60 days, of an application to exempt a projectile from classification as armor piercing ammunition.

H.R. 4951; To amend chapter 44 of title 18, United States Code, to allow the importation of certain foreign-manufactured firearms components - To amend chapter 44 of title 18, United States Code, to allow the importation of certain foreign-manufactured firearms components

H.R. 5863; SMART Guns Act of 2016, To amend the Omnibus Crime Control and Safe Streets Act to require that firearms purchased with Byrne JAG funds be SMART guns, and for other purposes.

H.R. 6080; Modernizing Firearm Technology Act, To provide for the availability of personalized handguns from federally licensed firearms dealers, and for other purposes.

17. House(s) of Congress and Federal agencies ☐ Check if None

U.S. SENATE, U.S. HOUSE OF REPRESENTATIVES

18. Name of each individual who acted as a lobbyist in this issue area

First Name	Last Name	Suffix	Covered Official Position (if applicable)	New
Todd	Adkins			<input type="checkbox"/>
James	Atkinson			<input type="checkbox"/>
Brian	Calabrese			<input type="checkbox"/>
Benjamin	Cassidy			<input type="checkbox"/>
Chris W.	Cox			<input type="checkbox"/>
James	Holland			<input type="checkbox"/>
Wayne	LaPierre			<input type="checkbox"/>
Jason	Lawrence			<input type="checkbox"/>
David	Lehman			<input type="checkbox"/>
Jason	Ouimet			<input type="checkbox"/>
Brandi	Pensoneau			<input type="checkbox"/>
Jack	Thompson			<input type="checkbox"/>
Christopher	Zealand			<input type="checkbox"/>

19. Interest of each foreign entity in the specific issues listed on line 16 above ☒ Check if None

**LOBBYING ACTIVITY.** Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide information as requested. Add additional page(s) as needed.

15. General issue area code LAW

16. Specific lobbying issues

H.R. 86; Safe Students Act - Amends the federal criminal code to repeal provisions making it unlawful to possess or discharge a firearm in a school zone.

H.R. 131 & S. 1308; Interstate Transportation of Firearms or Ammunition - To amend chapter 44 of title 18, United States Code, to more comprehensively address the interstate transportation of firearms or ammunition.

H.R. 402; National Right-to-Carry Reciprocity Act of 2015 - Amends the federal criminal code to authorize a person who is carrying a valid, government-issued identification document containing that person's photograph and a valid permit to carry a concealed firearm in one state, and who is not prohibited from possessing, transporting, shipping, or receiving a firearm under federal law, to possess or carry a concealed handgun (other than a machine gun or destructive device) in another state in accordance with the restrictions of that state.

H.R. 578 & S. 263; Recreational Lands Self-Defense Act of 2015 - Prohibits the Secretary of the Army from promulgating or enforcing any regulation that prohibits an individual from possessing a firearm at a water resources development project administered by the Chief of Engineers if: (1) the individual is not otherwise prohibited by law from possessing the firearm, and (2) the possession of the firearm is in compliance with the law of the state in which the project is located.

H.R. 923 & S. 498; Constitutional Concealed Carry Reciprocity Act of 2015 - Amends the federal criminal code to authorize a person who is not prohibited from possessing, transporting, shipping, or receiving a firearm under federal law, who is entitled and not prohibited from carry a concealed firearm in his or her state of residence or who is carrying a valid state license or permit to carry a concealed weapon, and who is carrying a government-issued photographic identification document to carry a concealed handgun (which has been shipped or transported in interstate or foreign commerce, other than a machine gun or destructive device) in any state in accordance with the restrictions of that state.

H.R. 986; Concealed Carry Reciprocity Act of 2015 - To amend title 18, United States Code, to provide a means by which nonresidents of a State whose residents may carry concealed firearms may also do so in the State.

H.R. 1114 & S. 173; To modify the definition of "antique firearm" - Modifies the definition of "antique firearm" under the federal criminal code and the Internal Revenue Code to cover any firearm manufactured in or before the calendar year that is 100 years before the year in which a determination is made as to whether the firearm is an antique firearm (currently, any firearm manufactured in or before 1898).

H.R. 1316 & S. 670; Veterans' Heritage Firearms Act of 2015 - Provides a 90-day amnesty period during which veterans and their family members can register in the National Firearms Registration and Transfer Record any firearm acquired before October 31, 1968, by a veteran while a member of the Armed Forces stationed outside the continental United States.

H.R. 1358; Armor-Piercing Bullets Act of 2015 - To enact into law a framework for deciding whether certain projectiles are armour piercing ammunition.

H.R. 1739; FIREARM Act - To prohibit the Federal Government from requiring race or ethnicity to be disclosed in connection with the transfer of a firearm.

H.R. 1745; Support Assault Firearms Elimination and Reduction for our Streets Act - To amend the Internal Revenue Code of 1986 to allow a credit against tax for surrendering to authorities certain assault weapons.

H.R. 1858; Crime Gun Tracing Act - To promote the tracing of firearms used in crimes, and for other purposes.

H.R. 2137 & S. 1162; Federal Law Enforcement Self-Defense and Protection Act of 2015 - To ensure Federal law enforcement officers remain able to ensure their own safety, and the safety of their families, during a covered furlough.

H.R. 2216; Protecting Domestic Violence and Stalking Victims Act - To amend title 18, United States Code, to protect more victims of domestic violence by preventing their abusers from possessing or receiving firearms, and for other purposes.

H.R. 2246 & S. 1351; Firearms Interstate Commerce Reform Act - To amend chapter 44 of title 18, United States Code, to update certain procedures applicable to commerce in firearms and remove certain Federal restrictions on interstate firearms transactions.

H.R. 2283; Stope Online Ammunition Sales Act of 2015 - To require face to face purchases of ammunition, to require licensing of ammunition dealers, and to require reporting regarding bulk purchases of ammunition.

H.R. 2380; Gun Show Loophole Closing Act of 2015 - To require criminal background checks on all firearms transactions occurring at gun shows.

H.R. 2546; Firearm Risk Protection Act of 2015 - To prohibit the sale of a firearm to, and the purchase of a firearm by, a person who is not covered by appropriate liability insurance coverage.

H.R. 2612 & S. 1473; To authorize the appropriation of funds to the Centers for Disease Control and Prevention for conducting or supporting research

on firearms safety or gun violence prevention.

H.R. 2710; Lawful Purpose and Self Defense Act - To revise various laws that interfere with the right of the people to obtain and use firearms for all lawful purposes.

H.R. 2732; Handgun Purchaser Licensing Act - To provide for a grant program for handgun licensing programs, and for other purposes.

H.R. 2753; Fairness in Firearm Testing Act - To require the Bureau of Alcohol, Tobacco, Firearms, and Explosives to make video recordings of the examination and testing of firearms and ammunition, and for other purposes.

H.R. 2767; Airport Security Act of 2015 - To prohibit certain individuals from possessing a firearm in an airport, and for other purposes.

H.R. 2871; Keeping Guns From Criminals Act - To provide an incentive for firearm owners to sell their firearms safely and responsibly.

H.R. 3051; Background Check Completion Act - To eliminate the requirement that a firearms dealer transfer a firearm if the national instant criminal background check system has been unable to complete a background check of the prospective transferee within 3 business days.

H.R. 3125; Accidental Firearms Transfers Reporting Act of 2015 - To require the Director of the Federal Bureau of Investigation to report to the Congress semiannually on the number of firearms transfers resulting from the failure to complete a background check within 3 business days, and the procedures followed after it is discovered that a firearm transfer has been made to a transferee who is ineligible to receive a firearm.

H.R. 3375; To amend chapter 44 of title 18, United States Code, to extend the period during which a firearms licensee is required to wait for a response from the national instant criminal background check system before being allowed to transfer a firearm to a prospective transferee.

H.R. 3395; Trafficking Reduction and Criminal Enforcement (TRACE) Act - To prevent the illegal sale of firearms, and for other purposes.

H.R. 3411; Fix Gun Checks Act of 2015 - To ensure that all individuals who should be prohibited from buying a firearm are listed in the national instant criminal background check system and require a background check for every firearm sale.

H.R. 3455; Gun Trafficking Prevention Act of 2015 - To prevent gun trafficking.

H.R. 3569; Good Neighbor Gun Dealer Act - To require the Attorney General to establish a "Good Neighbor" code of conduct for federally licensed firearms dealers, and for other purposes.

H.R. 3713; Sentencing Reform Act of 2015, To reform sentencing laws, and for other purposes.

H.R. 3813; Domestic Violence Gun Homicide Prevention Act of 2015, To establish a grant program to encourage States to adopt certain policies and procedures relating to the transfer and possession of firearms.

H.R. 3853; Gun Dealer Accountability Act, To provide the Attorney General with greater discretion in issuing Federal firearms licenses, and to authorize temporarily greater scrutiny of Federal firearms licensees who have transferred a firearm unlawfully or had 10 or more crime guns traced back to them in the preceding 2 years.

H.R. 3888; Blair Holt's Firearm Licensing and Record of Sale Act of 2015, To provide for the implementation of a system of licensing for purchasers of certain firearms and for a record of sale system for those firearms, and for other purposes.

H.R. 3926; Gun Violence Research Act, To amend the Public Health Service Act to provide for better understanding of the epidemic of gun violence, and for other purposes.

H.R. 4069; No Guns for Terrorists Act of 2015, To amend title 18, United States Code, to prohibit the sale of firearms to individuals suspected of terrorism, and for other purposes.

H.R. 4135; Visa Waiver Program Firearms Clarification Act of 2015, To clarify the definition of nonimmigrant for purposes of chapter 44 of title 18, United States Code.

H.R. 4145; To require the Comptroller General of the United States to conduct a study of, and report to the Congress on, secure gun storage or safety devices.

H.R. 4214; Gun Violence Prevention and Safe Communities Act of 2015, To amend the Internal Revenue Code of 1986 to increase the excise tax and special occupational tax in respect of firearms and to increase the transfer tax on any other weapon, and for other purposes.

H.R. 4237; Protect America Act of 2015, To increase public safety by permitting the Attorney General to deny the transfer of firearms or the issuance of explosives licenses to known or suspected terrorists, and for other purposes.

H.R. 4269; Assault Weapons Ban of 2015, To regulate assault weapons, to ensure that the right to keep and bear arms is not unlimited, and for other purposes.

H.R. 4278; Safer Neighborhoods Gun Buyback Act of 2015, To authorize the Director of the Bureau of Justice Assistance to make grants to States, units of local government, and gun dealers to conduct gun buyback programs, and for other purposes.

H.R. 4315; Mental Health Access and Gun Violence Prevention Act of 2016 - This bill authorizes FY2017 appropriations for the Department of Justice, the Department of Health and Human Services, and the Social Security Administration to: (1)increase access to mental health care treatment and services, and (2)promote reporting of mental health information to the National Instant Criminal Background Check System.

H.R. 4316; Gun Violence Reduction Resources Act of 2016 - This bill authorizes the Department of Justice to hire 200 additional agents and investigators for the Bureau of Alcohol, Tobacco, Firearms and Explosives.

H.R. 4399; Equal Access to Justice for Victims of Gun Violence Act - This bill amends the Protection of Lawful Commerce in Arms Act to repeal provisions that prohibit state or federal civil actions or administrative proceedings from being brought against firearm or ammunition manufacturers, sellers, importers, dealers, or trade associations for criminal or unlawful misuse of a firearm by the person bringing the action or a third party. The bill prohibits the Firearms Trace System database maintained by the National Trace Center of the Bureau of Alcohol, Tobacco, Firearms and Explosives from being immune from legal process. In state or federal civil actions or administrative proceedings, the contents of the database: (1)shall be subject to discovery and admissible as evidence; and (2)may be used, relied on, or disclosed in any manner. Testimony or other evidence may also be permitted based on that data.

H.R. 4550; PASS Act - To permit qualified law enforcement officers, qualified retired law enforcement officers, and persons not prohibited by State law from carrying a concealed firearm to carry a firearm, and to discharge a firearm in defense of self or others, in a school zone.

H.R. 4703; Family Firearm Protection Act - This bill prohibits a federal government officer or employee from taking an action that limits a firearm transfer between family members, including by way of inheritance, that is more restrictive than limitations in effect as of January 3, 2016.

H.R. 4748; Imported Assault Weapons Ban of 2016 - To ban the importation of semiautomatic assault weapons, and for other purposes.

H.R. 4905; ATF Enforcement Act - To restore the ability of law enforcement authorities to enforce gun safety laws, and for other purposes.

H.R. 4928; Firearms Transfer Improvement Act - To amend chapter 44 of title 18, United States Code, to amend the requirement that interstate firearms sales by Federal firearms licensees be made in accordance with the State law where the transaction occurs.

H.R. 4952; Fair Federal Firearms Licensing Act - To impose a deadline by which a person whose Federal firearms license has expired, or is surrendered, or revoked, must liquidate the firearms inventory of any business subject to the license, and for other purposes.

H.R. 5080; Hadiya Pendleton and Nyasia Pryear-Yard Gun Trafficking and Crime Prevention Act of 2016 - To prevent gun trafficking.

H.R. 5135; Suppressor Export Act - To amend the Arms Export and Control Act to provide that no regulation issued under section 38(a)(1) of that Act, and no policy or practice in implementing such a regulation, may prohibit the otherwise lawful export for sale or transfer of any firearm silencer, or any component, part, accessory or attachment for any firearm silencer, and for other purposes.

H.R. 5470; Stop Mass Killings By Violent Terrorists Act - To amend chapter 44 of title 18, United States Code, to require a criminal background check to be conducted before a federally licensed firearms importer, manufacturer, or dealer may transfer a large capacity ammunition feeding device to a non-licensee, and to prohibit a semiautomatic assault weapon or large capacity ammunition feeding device from being so transferred until the Attorney General has verified that the prospective transferee has truthfully answered questions about whether the prospective transferee has been contacted recently by Federal law enforcement authorities.

H.R. 5495; To require that certain information relating to terrorism investigations be included in the NICS database, and for other purposes - To require that certain information relating to terrorism investigations be included in the NICS database, and for other purposes.

H.R. 5504; To require that certain information relating to terrorism investigations be included in the NICS database, and for other purposes - To require that certain information relating to terrorism investigations be included in the NICS database, and for other purposes.

H.R. 5544; Terrorist Screening Database Improvement Act - To amend title 18, United States Code, to prohibit the transfer of a firearm to a person whose name is in the Terrorist Screening Database, and for other purposes.

H.R. 5576; To authorize the Attorney General to deny the transfer of firearms and explosives and Federal firearms and explosives licenses and permits to known or suspected terrorists.

H.R. 5615; Freedom from Fear Act, To reinstate the ban on semiautomatic assault weapons.

H.R. 5705; To authorize the Attorney General to deny the transfer of firearms and explosives and Federal firearms and explosives licenses and permits to known or suspected terrorists.

H.R. 5739; Help End Assault Rifle Tragedies (HEART) Act of 2016, To prohibit the transfer, loan, or other disposition of a machine gun or semiautomatic assault weapon to an individual under 16 years of age.

H.R. 6052; Preventing Gun Violence Act, To amend chapter 44 of title 18, United States Code, to prohibit the possession of a firearm by a person who is adjudicated to have committed a violent juvenile act.

H.R. 6716; Export Control Reform Act, To transfer certain items from the United States Munitions List to the Commerce Control List.

H. Amdt. 927 to H.R. 766; Amendment clarified that the bill does not prevent federal banking regulators from requesting or requiring a financial institution to terminate a relationship with a customer because (1)the customer poses a threat to national security, (2)is engaged in terrorist financing,



(3)is doing business with Iran, North Korea, Syria, or another State Sponsor of Terrorism, or (4)is doing business with an entity in any of those countries.

H. Amdt. 928 to H.R. 766; Page 3, strike lines 4 through 9 and insert the following: (1)NOTICE REQUIRED.- Except as provided under paragraph (2), if an appropriate Federal banking agency orders a depository institution to terminate a specific customer account or group of customer accounts, the depository institution shall inform the customer or customers of the justification for the customer's account termination described under subsection (b).

H.Amdt. 946 to H.R. 2406 - Amendment to delete Title XII which has been enacted into law already; remove outdated year references in short titles, make expenditures under the Federal Land Transaction Facilitation Act subject to appropriation; and add the text of HR 3279, as passed by the House, as a new title XVII.

H.Amdt. 957 to 2406 - Amendment to allow a person who is not prohibited from possessing, transporting, shipping, or receiving a firearm or ammunition to transport a firearm or ammunition for any lawful purpose from any place where the person may lawfully possess, carry, or transport the firearm or ammunition to any other such place if, during the transportation, the firearm is unloaded.

H.Res.289; Expressing the sense of the House of Representatives that gun violence is a public health issue and Congress should enact by the end of the 114th Congress comprehensive Federal legislation that protects the Second Amendment and keeps communities safe and healthy, including expanding enforceable background checks for all commercial gun sales, improving the mental health system in the United States, and making gun trafficking and straw purchasing a Federal crime.

H.Res.467; Establishing the Select Committee on Gun Violence Prevention.

S. 1385; Firearm Act of 2015, To prohibit the Federal Government from requiring race or ethnicity to be disclosed in connection with the transfer of a firearm.

S. 1529; A bill to promote the tracing of firearms used in crimes, and for other purposes, To promote the tracing of firearms used in crimes, and for other purposes.

S. 1738; Safer Communities Act of 2015 - To protect individuals by strengthening the Nation's mental health infrastructure, improving the understanding of violence, strengthening firearm prohibitions and protections for at-risk individuals, and improving and expanding the reporting of mental health records to the National Instant Criminal Background Check System.

S. 1751; Handgun Purchaser Licensing Act - To provide for a grant program for handgun licensing programs, and for other purposes.

S. 1760; Hadiya Pendleton and Nyasia Preyear-Yard Gun Trafficking and Crime Prevention Act of 2015 - To prevent gun trafficking.

S. 1834; Lori Jackson Domestic Violence Survivor Protection Act - To amend title 18, United States Code, to protect more victims of domestic violence by preventing their abusers from possessing or receiving firearms, and for other purposes.

S. 1977; Gun Violence Intervention Act of 2015 - To provide family members and close associates of an individual who they fear is a danger to himself, herself, or others new tools to prevent gun violence.

S. 2002; Mental Health and Safe Communities Act of 2015 - To strengthen our mental health system and improve public safety.

S. 2016; Responsible Transfer of Firearms Act - To amend chapter 44 of title 18, United States Code, to promote the responsible transfer of firearms.

S. 2192; NICS Reporting Improvement Act, To ensure that States submit all records of individuals who should be prohibited from buying a firearm to the national instant criminal background check system.

S. 2198; Domestic Violence Gun Homicide Prevention Act of 2015, To establish a grant program to encourage States to adopt certain policies and procedures relating to the transfer and possession of firearms.

S. 2213; Background Check Completion Act of 2015, To prohibit firearms dealers from selling a firearm prior to the completion of a background check.

S. 2236; Hearing Protection Act of 2015, To provide that silencers be treated the same as long guns.

S. 2323; Visa Waiver Program Firearms Clarification Act of 2015, To clarify the definition of nonimmigrant for purposes of chapter 44 of title 18, United States Code.

S. 2330; SAFE Check Act, To allow the Attorney General additional time to process background checks for alien firearm purchases, and for other purposes.

S. 2377; Defeat ISIS and Protect and Secure the United States Act of 2015, To defeat the Islamic State of Iraq and Syria (ISIS) and protect and secure the United States, and for other purposes.

S. 2469; A bill to repeal the Protection of Lawful Commerce in Arms Act - This bill amends the Protection of Lawful Commerce in Arms Act to repeal provisions that prohibit state or federal civil actions or administrative proceedings from being brought against firearm or ammunition

manufacturers, sellers, importers, dealers, or trade associations for criminal or unlawful misuse of a firearm by the person bringing the action or a third party.

S. 2544; Stop Illegal Trafficking in Firearms Act of 2016 - To increase public safety by punishing and deterring firearms trafficking.

S. 2934; Fix Gun Checks Act of 2016 - To ensure that all individuals who should be prohibited from buying a firearm are listed in the national instant criminal background check system and require a background check for every firearm sale.

S. 3058; A bill to require that certain information relating to terrorism investigations be included in the NICS database, and for other purposes - To require that certain information relating to terrorism investigations be included in the NICS database, and for other purposes.

S. 3069; A bill to prevent terrorists from obtaining firearms or explosives - To prevent terrorists from obtaining firearms or explosives.

S. 3393; No Explosives or Arms for Terrorists and Criminals Act, To prevent terrorists and criminals from obtaining explosives and firearms.

S.Amdt.2908 to S.Amdt.2874; To prohibit Second Amendment rights, ensure that all individuals who should be prohibited from buying a firearm are listed in the National Instant Criminal Background Check System, and provide a responsible and consistent background check process.

S.Amdt.2910 to S.Amdt.2874; To increase public safety by permitting the Attorney General to deny the transfer of firearms or the issuance of firearms and explosives licenses to known or suspected dangerous terrorists.

S.Amdt.2912 to S.Amdt.2874; Relating to the Protect America Act of 2015.

S.Amdt.2914 to S.Amdt.2874; To address gun violence, improve the availability of records to the National Instant Criminal Background Check System, address mental illness in the criminal justice system, and end straw purchases and trafficking of illegal firearms, and for other purposes.

S.Amdt.4720 to S.Amdt.4685; To authorize the Attorney General to deny requests to transfer a firearm to known or suspected terrorists.

S.Amdt.4750; To ensure that all individuals who should be prohibited from buying a firearm are listed in the national instant criminal background check system and require a background check for every firearm sale.

S.Amdt.4751 to S.Amdt.4750; To address gun violence and improve the availability of records to the National Instant Criminal Background Check System.

S.Amdt.4858; To authorize the Attorney General to deny the transfer of firearms and explosives and Federal firearms and explosives licenses and permits to known or suspected terrorists.

S.Amdt.4859 to S.Amdt.4858; To authorize the Attorney General to delay or deny the transfer of firearms and explosives and issuance of Federal firearms and explosives licenses and permits to known or suspected terrorists.

S.Amdt.4742 to S.Amdt.4685; An amendment to ensure that terrorists are not able to purchase firearms while providing meaningful due process protections for American citizens.

17. House(s) of Congress and Federal agencies ☐ Check if None

U.S. SENATE, U.S. HOUSE OF REPRESENTATIVES, Bureau of Alcohol Tobacco Firearms & Explosives

18. Name of each individual who acted as a lobbyist in this issue area

First Name	Last Name	Suffix	Covered Official Position (if applicable)	New
Todd	Adkins			<input type="checkbox"/>
James	Atkinson			<input type="checkbox"/>
Brian	Calabrese			<input type="checkbox"/>
Benjamin	Cassidy			<input type="checkbox"/>
Chris W.	Cox			<input type="checkbox"/>
James	Holland			<input type="checkbox"/>
Wayne	LaPierre			<input type="checkbox"/>
Jason	Lawrence			<input type="checkbox"/>
David	Lehman			<input type="checkbox"/>
Jason	Ouimet			<input type="checkbox"/>
Brandi	Pensoneau			<input type="checkbox"/>

Jack	Thompson			<input type="checkbox"/>
Christopher	Zealand			<input type="checkbox"/>

19. Interest of each foreign entity in the specific issues listed on line 16 above ☒ Check if None

**LOBBYING ACTIVITY.** Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide information as requested. Add additional page(s) as needed.

15. General issue area code NAT

16. Specific lobbying issues

H.R. 167; Wildfire Disaster Funding Act - Amends the Balanced Budget and Emergency Deficit Control Act of 1985 to require specified adjustments to discretionary spending limits in FY2015-FY2022 to accommodate appropriations for wildfire suppression operations in the Wildland Fire Management accounts at the Department of Agriculture (USDA) or the Department of the Interior.

H.R. 327; Polar Bear Conservation and Fairness Act of 2015 - To amend the Marine Mammal Protection Act of 1972 to allow importation of polar bear trophies taken in sport hunts in Canada before the date the polar bear was determined to be a threatened species under the Endangered Species Act of 1973.

H.R. 461; Wild Game Donation Act of 2015 - Amends the Internal Revenue Code to: (1) increase the tax deduction for charitable contributions of qualified wild game meat by the processing fees paid with respect to such contributions, and (2) exclude from the gross income of meat processors processing fees paid by a charitable organization for the processing of donated wild game meat.

H.R. 528; Recreational Fishing and Hunting Heritage and Opportunities Act - To direct Federal public land management officials to exercise their authority under existing law to facilitate use of and access to Federal public lands for fishing, sport hunting, and recreational shooting, and for other purposes.

H.R. 697 & S. 1769; African Elephant Conservation and Legal Ivory Possession Act of 2015 - To amend the African Elephant Conservation Act of 1988 to conserve elephants while appropriately regulating ivory in the United States.

H.R. 1735; National Defense Authorization Act for Fiscal Year 2016 - To authorize appropriations for fiscal year 2016 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for such fiscal year, and for other purposes.

H.R. 2028; Energy and Water Development and Related Agencies Appropriations Act, 2016 - Making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2016, and for other purposes.

H.R. 2399; Wildlife and Hunting Heritage Conservation Council Advisory Committee Act - To establish the Wildlife and Hunting Heritage Conservation Council Advisory Committee to advise the Secretaries of the Interior and Agriculture on wildlife and habitat conservation, hunting, recreational shooting, and for other purposes.

H.R. 3173; Sportsmen's Conservation and Outdoor Recreation Enhancement Act - To promote conservation for the purpose of enhancing hunting, fishing and other outdoor recreational opportunities.

H.R. 3526; CECIL Act - To amend the Endangered Species Act of 1973 to extend the import-and-export- related provision of that Act to species proposed for listing as threatened or endangered under that Act.

H.R. 5650; Recovering America's Wildlife Act of 2016, This bill amends the Pittman-Robertson Wildlife Restoration Act to direct the Department of the Treasury to transfer, beginning in FY2016, revenues from energy and mineral development on federal lands totaling \$1.3 billion to the Wildlife Conservation and Restoration Subaccount of the Federal Aid to Wildlife Restoration Fund, to be available without further appropriation. The purpose of the subaccount is to fund state wildlife conservation and restoration programs for managing fish and wildlife species of the greatest conservation need as determined by a state fish and wildlife agency.

H.Amdt.584; At the end of the bill (before the short title), insert the following: LIMITATION ON USE OF FUNDS WITH RESPECT TO IVORY SEC. \_ . None of the funds made available by this Act may be used to implement or enforce section 120 of this Act.

H.Amdt.948 to H.R. 2406 - Amendment sought to strike Title III, the exemption to import polar bear trophies taken in sport.

H.Amdt.954 to 2406 - amendment to prohibit USDA and NFS from issuing restrictions and regulation on hunting and recreational fishing in the Mark Twain National Forest.

H.Amdt.956 to H.R. 2406 - Amendment to require the Forest Administrator to amend the travel plan for the Kisatchie National in Louisiana to allow Utility Terrain Vehicle (UTV) access on roads nominated by the Secretary of Louisiana Wildlife and Fisheries, except when such designation would pose an unacceptable safety risk. If a road is denied, the amendment would require the Forest Administrator to publish a notice in the Federal Register with a justification for the closure.

H.Amdt.958 to H.R. 2406 - Amendment to add the text of H.R. 373, the Good Samaritan Search and Recovery Act, to the end of the bill. Adding such text would expedite access to federal lands for volunteer search and rescue groups to assist in recovering the remains of a deceased individual believed to be located on federal lands.

H.Amdt.959 to H.R. 2406 - Amendment to provide for reissuing the 2011 U.S. Fish and Wildlife Service decision to delist the gray wolf in the Western Great Lakes and Wyoming from the Endangered Species Act.

H.Amdt.960 to H.R. 2406 - Amendment to prohibit the Fish and Wildlife Service from issuing a final rule that preempts state management authority

which is protected by law in Alaska and withdrawals a final rule issued by the National Park Service of the same issue.

H.Amdt.1338 to H.R. 5538; At the end of the bill (before the short title), insert the following: SEC. \_\_\_\_\_. None of the funds made available by this Act may be used by the Secretary of the Interior to treat any gray wolf in any of the 48 contiguous States or the District of Columbia as an endangered species or threatened species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) after June 13, 2017.

H.Amdt.1344 to H.R. 5538; At the end of the bill (before the short title), insert the following: SEC. \_\_\_\_\_. None of the funds made available by this Act may be used to treat the Mexican wolf (*Canis lupus baileyi*) as an endangered species or threatened species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or to implement a recovery plan for such species that applies in any area outside the historic range of such species.

H.Res.619; Providing for consideration of the Bill (H.R. 2406) to protect and enhance opportunities for recreational hunting, fishing and shooting, and for other purposes.

S. 225; Hunting, Fishing and Recreational Shooting Protection Act - Exempts components of firearms and ammunition and sport fishing equipment and its components (such as lead sinkers) from regulations on chemical substances under the Toxic Substances Control Act.

S. 405, S.556, & S.659; Bipartisan Sportsmen's Act of 2015 - To protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes.

S. 721 & S. 992; Target Practice and Marksmanship Training Support Act - To amend the Pittman-Robertson Wildlife Restoration Act to facilitate the establishment of additional or expanded public target ranges in certain States.

S. 2876; Mexican Gray Wolf Recovery Plan Act of 2016 - To require the Director of the United States Fish and Wildlife Service to issue a scientifically valid and State-supported recovery plan for the Mexican gray wolf.

17. House(s) of Congress and Federal agencies ☐ Check if None

U.S. SENATE, U.S. HOUSE OF REPRESENTATIVES, Bureau of Land Management (BLM), U.S. Fish & Wildlife Service (USFWS), U.S. Forest Service

18. Name of each individual who acted as a lobbyist in this issue area

First Name	Last Name	Suffix	Covered Official Position (if applicable)	New
Todd	Adkins			<input type="checkbox"/>
James	Atkinson			<input type="checkbox"/>
Brian	Calabrese			<input type="checkbox"/>
Benjamin	Cassidy			<input type="checkbox"/>
Chris W.	Cox			<input type="checkbox"/>
James	Holland			<input type="checkbox"/>
Wayne	LaPierre			<input type="checkbox"/>
Jason	Lawrence			<input type="checkbox"/>
David	Lehman			<input type="checkbox"/>
Jason	Quimet			<input type="checkbox"/>
Brandi	Pensoneau			<input type="checkbox"/>
Susan	Recce			<input type="checkbox"/>
Jack	Thompson			<input type="checkbox"/>
Christopher	Zealand			<input type="checkbox"/>

19. Interest of each foreign entity in the specific issues listed on line 16 above ☒ Check if None

**Information Update Page - Complete ONLY where registration information has changed.**

20. Client new address

Address \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_ Country \_\_\_\_\_

21. Client new principal place of business (if different than line 20)

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_ Country \_\_\_\_\_

22. New General description of client's business or activities

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## LOBBYIST UPDATE

23. Name of each previously reported individual who is no longer expected to act as a lobbyist for the client

First Name	Last Name	Suffix	First Name	Last Name	Suffix
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1			3		
---	--	--	---	--	--

2			4		
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## ISSUE UPDATE

24. General lobbying issue that no longer pertains

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## AFFILIATED ORGANIZATIONS

25. Add the following affiliated organization(s)

Internet Address:

Name	Address				Principal Place of Business (city and state or country)
	Street Address	City	State/Province	Zip Country	
					City State Country

26. Name of each previously reported organization that is no longer affiliated with the registrant or client

1	2	3
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## FOREIGN ENTITIES

27. Add the following foreign entities:

Name	Address			Principal place of business (city and state or country)	Amount of contribution for lobbying activities	Ownership percentage in client
	Street Address	City	State/Province Country			
				City State Country		%

28. Name of each previously reported foreign entity that no longer owns, or controls, or is affiliated with the registrant, client or affiliated organization

1	3	5
2	4	6



# Exhibit B



Clerk of the House of Representatives  
Legislative Resource Center  
135 Cannon Building  
Washington, DC 20515  
<http://lobbyingdisclosure.house.gov>

Secretary of the Senate  
Office of Public Records  
232 Hart Building  
Washington, DC 20510  
<http://www.senate.gov/lobby>

# LOBBYING REPORT

## Lobbying Disclosure Act of 1995 (Section 5) - All Filers Are Required to Complete This Page

<b>1. Registrant Name</b> <input checked="" type="checkbox"/> Organization/Lobbying Firm <input type="checkbox"/> Self Employed Individual <u>National Rifle Association of America</u>			
<b>2. Address</b> Address1 <u>11250 WAPLES MILL ROAD</u> Address2 _____ City <u>FAIRFAX</u> State <u>VA</u> Zip Code <u>22030</u> Country <u>USA</u>			
<b>3. Principal place of business (if different than line 2)</b> City _____ State _____ Zip Code _____ Country _____			
<b>4a. Contact Name</b> _____		<b>b. Telephone Number</b> _____ <b>c. E-mail</b> _____	
		<b>5. Senate ID#</b> <u>28470-12</u>	
<b>7. Client Name</b> <input checked="" type="checkbox"/> Self <input type="checkbox"/> Check if client is a state or local government or instrumentality <u>National Rifle Association of America</u>		<b>6. House ID#</b> <u>310760000</u>	

### TYPE OF REPORT

8. Year 2017 Q1 (1/1 - 3/31) ☐ Q2 (4/1 - 6/30) ☐ Q3 (7/1 - 9/30) ☒ Q4 (10/1 - 12/31) ☐

9. Check if this filing amends a previously filed version of this report ☐

10. Check if this is a Termination Report ☐ Termination Date \_\_\_\_\_ 11. No Lobbying Issue Activity ☐

### INCOME OR EXPENSES - YOU MUST complete either Line 12 or Line 13

<p align="center"><b>12. Lobbying</b></p> <p><b>INCOME</b> relating to lobbying activities for this reporting period was:</p> <p><u>Less than \$5,000</u> <input type="checkbox"/></p> <p><u>\$5,000 or more</u> <input type="checkbox"/> \$ _____</p> <p>Provide a good faith estimate, rounded to the nearest \$10,000, of all lobbying related income for the client (including all payments to the registrant by any other entity for lobbying activities on behalf of the client).</p>	<p align="center"><b>13. Organizations</b></p> <p><b>EXPENSE</b> relating to lobbying activities for this reporting period were:</p> <p><u>Less than \$5,000</u> <input type="checkbox"/></p> <p><u>\$5,000 or more</u> <input checked="" type="checkbox"/> \$ <u>850,000.00</u></p> <p><b>14. REPORTING</b> Check box to indicate expense accounting method. See instructions for description of options.</p> <p><input checked="" type="checkbox"/> <b>Method A.</b> Reporting amounts using LDA definitions only</p> <p><input type="checkbox"/> <b>Method B.</b> Reporting amounts under section 6033(b)(8) of the Internal Revenue Code</p> <p><input type="checkbox"/> <b>Method C.</b> Reporting amounts under section 162(e) of the Internal Revenue Code</p>
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**Signature** Digitally Signed By: Mary Rose Adkins

**Date** 10/18/2017  
12:39:49 PM

**LOBBYING ACTIVITY.** Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide information as requested. Add additional page(s) as needed.

15. General issue area code CIV

16. Specific lobbying issues

H.R.256 - Protect Our Military Families' 2nd Amendment Rights Act - To amend chapter 44 of title 18, United States Code, to provide that a member of the armed forces and the spouse of that member shall have the same rights regarding the receipt of firearms at the location of any duty station of the member.

S.162 - Second Amendment Enforcement Act of 2017 - To restore Second Amendment rights in the District of Columbia.

H.R.629 - Veterans 2nd Amendment Protection Act - This bill prohibits, in any case arising out of the administration of laws and benefits by the Department of Veterans Affairs, any person who is mentally incapacitated, deemed mentally incompetent, or experiencing an extended loss of consciousness from being considered adjudicated as a mental defective for purposes of the right to receive or transport firearms without the order or finding of a judicial authority of competent jurisdiction that such person is a danger to himself or herself or others.

S.202 - Social Security Beneficiary 2nd Amendment Rights Protection Act - To amend the Social Security Act relating to the use of determinations made by the Commissioner.

H.J.Res.40 - Providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Social Security Administration relating to Implementation of the NICS Improvement Amendments Act of 2007.

S.J.Res.14 - A joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Social Security Administration relating to Implementation of the NICS Improvement Amendments Act of 2007.

H.Res.90 - Expressing the sense of the House of Representatives that gun violence is a public health issue and Congress should enact by the end of the 115th Congress comprehensive Federal legislation that protects the Second Amendment and keeps communities safe and healthy, including expanding enforceable background checks for all commercial gun sales, improving the mental health system in the United States, and making gun trafficking and straw purchasing a Federal crime.

S.394 - Protect Our Military Families' 2nd Amendment Rights Act - To amend chapter 44 of title 18, United States Code, to provide that a member of the Armed Forces and the spouse of that member shall have the same rights regarding the receipt of firearms at the location of any duty station of the member.

H.R.1134 - DISCLOSE 2017 Act - To amend the Federal Election Campaign Act of 1971 to provide for additional disclosure requirements for corporations, labor organizations, and other entities, and for other purposes.

H.R.1181 - Veterans 2nd Amendment Protection Act - (Sec. 2) This bill prohibits, in any case arising out of the administration of laws and benefits by the Department of Veterans Affairs, any person who is mentally incapacitated, deemed mentally incompetent, or experiencing an extended loss of consciousness from being considered adjudicated as a mental defective for purposes of the right to receive or transport firearms without the order or finding of a judicial authority of competent jurisdiction that such person is a danger to himself or herself or others.

H.R.1301 - Department of Defense Appropriations Act, 2017 - Making appropriations for the Department of Defense for the fiscal year ending September 30, 2017, and for other purposes.

H.R.1537 - Second Amendment Enforcement Act of 2017 - To restore Second Amendment rights in the District of Columbia.

H.R.2098 - Second Amendment Defense Act of 2017 - To eliminate the authority of the executive branch to further restrict the conduct of individuals in relation to firearms or ammunition.

H.R.2338 - 501(c)(4) Reform Act of 2017 - To amend the Internal Revenue Code of 1986 to prohibit 501(c)(4) entities from participating in, or intervening in (including the publishing or distributing of statements), any political campaign.

H.R.2706 - Financial Institution Customer Protection Act of 2017 - To provide requirements for the appropriate Federal banking agencies when requesting or ordering a depository institution to terminate a specific customer account, to provide for additional requirements related to subpoenas issued under the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, and for other purposes.

H.R.2909 - DC Personal Protection Reciprocity Act - To require reciprocity between the District of Columbia and other States and jurisdictions with respect to the ability of individuals to carry certain concealed firearms, and for other purposes.

S.Amdt.907 to H.R.2810 - Protect Our Military Families' 2nd Amendment Rights Act.

17. House(s) of Congress and Federal agencies ☐ Check if None

U.S. SENATE, U.S. HOUSE OF REPRESENTATIVES, Justice - Dept of (DOJ)

18. Name of each individual who acted as a lobbyist in this issue area

First Name	Last Name	Suffix	Covered Official Position (if applicable)	New
Todd	Adkins			<input type="checkbox"/>
James	Atkinson			<input type="checkbox"/>
Brian	Calabrese			<input type="checkbox"/>
Benjamin	Cassidy			<input type="checkbox"/>
Chris W.	Cox			<input type="checkbox"/>
James	Holland			<input type="checkbox"/>
Wayne	LaPierre			<input type="checkbox"/>
Jason	Lawrence			<input type="checkbox"/>
David	Lehman			<input type="checkbox"/>
Jason	Ouimet			<input type="checkbox"/>
Brandi	Pensoneau			<input type="checkbox"/>
Jack	Thompson			<input type="checkbox"/>
Christopher	Zealand			<input type="checkbox"/>
Gordon	Speed			<input checked="" type="checkbox"/>

19. Interest of each foreign entity in the specific issues listed on line 16 above ☒ Check if None

**LOBBYING ACTIVITY.** Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide information as requested. Add additional page(s) as needed.

15. General issue area code LAW

16. Specific lobbying issues

H.R.34 - Safe Students Act - This bill amends the federal criminal code to repeal provisions that prohibit the possession or discharge of a firearm in a school zone.

H.R.38 - Concealed Carry Reciprocity Act of 2017 - This bill amends the federal criminal code to allow a qualified individual to carry a concealed handgun into or possess a concealed handgun in another state that allows individuals to carry concealed firearms.

H.R.57 - Accidental Firearms Transfers Reporting Act of 2017 - This bill requires the Federal Bureau of Investigation (FBI) to submit a biannual report to Congress on the number of proposed firearm transfers where: (1) a licensed gun dealer submitted a background check through the National Instant Criminal History Background Check System (NICS), (2) NICS failed to respond to the licensed gun dealer within three business days, and (3) the licensed gun dealer completed the transfer.

H.R.62 - Gun Violence Reduction Resources Act of 2017 - This bill authorizes the Department of Justice to hire 200 additional agents and investigators for the Bureau of Alcohol, Tobacco, Firearms and Explosives.

H.R.84 - Knife Owners' Protection Act of 2017 - To protect the right of law-abiding citizens to transport knives interstate, notwithstanding a patchwork of local and State prohibitions, and to repeal Federal provisions related to switchblade knives which burden citizens.

H.R.163 - Gun Manufacturers Accountability Act - This bill amends the Protection of Lawful Commerce in Arms Act to repeal provisions that prohibit state or federal civil actions or administrative proceedings from being brought against firearm or ammunition manufacturers, sellers, importers, dealers, or trade associations for criminal or unlawful misuse of a firearm by the person bringing the action or a third party.

H.R.358 - To amend chapter 44 of title 18, United States Code, to more comprehensively address the interstate transportation of firearms or ammunition.

H.R.367 - Hearing Protection Act of 2017 - This bill amends the Internal Revenue Code to: (1) eliminate the \$200 transfer tax on firearm silencers, and (2) treat any person who acquires or possesses a firearm silencer as meeting any registration or licensing requirements of the National Firearms Act with respect to such silencer. Any person who pays a transfer tax on a silencer after October 22, 2015, may receive a refund of such tax.

S.59 - Hearing Protection Act of 2017 - This bill amends the Internal Revenue Code to: (1) eliminate the \$200 transfer tax on firearm silencers, and (2) treat any person who acquires or possesses a firearm silencer as meeting any registration or licensing requirements of the National Firearms Act with respect to such silencer. Any person who pays a transfer tax on a silencer after January 9, 2017, may receive a refund of such tax.

S.80 - A bill to protect the right of individuals to bear arms at water resources development projects. - This bill prohibits the Department of the Army from promulgating or enforcing any regulation that prohibits an individual from possessing a firearm in any area open to the public (other than a federal facility) at a water resources development project administered by the Chief of Engineers, if: (1) the individual is not otherwise prohibited by law from possessing the firearm, and (2) the possession of the firearm is in compliance with the law of the state in which the project is located.

H.R.445 - Buyback Our Safety Act - This bill authorizes the Department of Justice's Office of Justice Programs (OJP) to establish a gun buyback grant program for state, local, and tribal law enforcement agencies.

H.R.509 - ATF Elimination Act - To abolish the Bureau of Alcohol, Tobacco, Firearms, and Explosives, transfer its functions relating to the Federal firearms, explosives, and arson laws, violent crime, and domestic terrorism to the Federal Bureau of Investigation, and transfer its functions relating to the Federal alcohol and tobacco smuggling laws to the Drug Enforcement Administration, and for other purposes.

S.159 - Firearms Manufacturers and Dealers Protection Act of 2017 - To terminate Operation Choke Point.

H.R.810 - Hadiya Pendleton and Nyasia Pryear-Yard Stop Illegal Trafficking in Firearms Act of 2017 - To increase public safety by punishing and deterring firearms trafficking.

H.R.1045 - Recreational Lands Self-Defense Act of 2017 - This bill prohibits the Army Corps of Engineers from promulgating or enforcing any regulation that prohibits an individual from possessing a firearm at a water resources development project administered by the Corps of Engineers if: (1) the individual is not otherwise prohibited by law from possessing the firearm, and (2) the possession of the firearm is in compliance with the law of the state in which the project is located.

H.R.1047 - Fairness in Firearm Testing Act - This bill amends the Homeland Security Act of 2002 to direct the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) to make a video recording of its entire process of examining and testing an item to determine whether it is a firearm (and if so, the type of firearm) or ammunition. The bill bars the ATF from editing or erasing any such recording.

H.R.1079 - Campus Gun Policy Transparency Act - To amend the Higher Education Act of 1965 to require institutions of higher education to disclose their concealed carry or open carry policies with respect to firearms, and for other purposes.

S.446 - Constitutional Concealed Carry Reciprocity Act of 2017 - To allow reciprocity for the carrying of certain concealed firearms.

H.R.1278 - Ghost Guns Are Guns Act - To amend title 18, United States Code, to require firearm assembly kits to be considered to be firearms.

S.533 - Undetectable Firearms Modernization Act of 2017 - To modernize the Undetectable Firearms Act of 1988.

H.R.1475 - Gun Trafficking Prevention Act of 2017 - To prevent gun trafficking.

H.R.1478 - Gun Violence Research Act - To repeal the provision that in practice prohibits the Department of Health and Human Services from sponsoring research on gun violence in fiscal year 2017, and for other purposes.

S.618 - Lawful Interstate Transportation of Firearms Act - To amend chapter 44 of title 18, United States Code, to more comprehensively address the interstate transportation of firearms or ammunition.

H.R.1612 - Gun Show Loophole Closing Act of 2017 - To require criminal background checks on all firearms transactions occurring at gun shows.

H.R.1692 - Countering Illegal Firearms Trafficking to Mexico Act - To address the problem of illegal firearm trafficking to Mexico.

H.R.1708 - Firearm Risk Protection Act of 2017 - To prohibit the sale of a firearm to, and the purchase of a firearm by, a person who is not covered by appropriate liability insurance coverage.

H.R.1746 - Airport Security Act of 2017 - To prohibit certain individuals from possessing a firearm in an airport, and for other purposes.

H.R.1832 - To authorize the appropriation of funds to the Centers for Disease Control and Prevention for conducting or supporting research on firearms safety or gun violence prevention.

S.834 - A bill to authorize the appropriation of funds to the Centers for Disease Control and Prevention for conducting or supporting research on firearms safety or gun violence prevention.

H.R.1976 - Protecting the Second Amendment Act - To nullify any generalized, routine or ongoing reporting requirement imposed on a person licensed under section 923 of title 18, United States Code, that is based on the geographic location in which the licensee is located or on the sale of multiple rifles or shotguns, or any specific type of rifle or shotgun, to the same person.

H.R.1982 - Mental Health Access and Gun Violence Prevention Act of 2017 - To authorize funding to increase access to mental health care treatment to reduce gun violence.

H.R.2097 - ATF Wrongful Reclassification Act - To prevent the reclassification of certain ammunition as armor piercing ammunition.

S.1185 - Stop Illegal Trafficking in Firearms Act of 2017 - To increase public safety by punishing and deterring firearms trafficking.

H.R.2561 - POLICE Act of 2017 - To amend title 18, United States Code, to permit uniformed law enforcement officers to carry agency-issued firearms in certain Federal facilities, and for other purposes.

H.R.2598 - Gun Violence Restraining Order Act of 2017 - To provide family members of an individual who they fear is a danger to himself, herself, or others new tools to prevent gun violence.

S.1212 - Gun Violence Prevention Order Act of 2017 - To provide family members of an individual who they fear is a danger to himself, herself, or others, and law enforcement, with new tools to prevent gun violence.

H.R.2620 - Lawful Purpose and Self Defense Act - To revise various laws that interfere with the right of the people to obtain and use firearms for all lawful purposes.

H.Res.367 - Establishing the Select Committee on Gun Violence Prevention.

H.R.2670 - Protecting Domestic Violence and Stalking Victims Act - To amend title 18, United States Code, to protect more victims of domestic violence by preventing their abusers from possessing or receiving firearms, and for other purposes.

H.R.2784 - Good Neighbor Gun Dealer Act - To require the Attorney General to establish a Good Neighbor code of conduct for federally licensed firearms dealers, and for other purposes.

H.R.2810 - National Defense Authorization Act for Fiscal Year 2018 - To authorize appropriations for fiscal year 2018 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for such fiscal year, and for other purposes.

S.1324 - Disarm Hate Act - To prevent a person who has been convicted of a misdemeanor hate crime, or received an enhanced sentence for a misdemeanor because of hate or bias in its commission, from obtaining a firearm.

H.R.2841 - Disarm Hate Act - To prevent a person who has been convicted of a misdemeanor hate crime, or received an enhanced sentence for a misdemeanor because of hate or bias in its commission, from obtaining a firearm.

H.R.2940 - Congressional Self-Defense Act - To allow Members of Congress to carry a concealed firearm anywhere in the United States, with certain exceptions.

H.R.2945 - Congressional Personal Safety Act - To grant Members of Congress the right to carry a firearm anywhere in the United States, except in the United States Capitol.

H.R.2951 - To allow Members of Congress to carry a concealed handgun anywhere in the United States, with exceptions.

S.1397 - Protecting the Second Amendment Act - To nullify any generalized, routine or ongoing reporting requirement imposed on a person licensed under section 923 of title 18, United States Code, that is based on the geographic location in which the licensee is located or on the sale of multiple rifles or shotguns, or any specific type of rifle or shotgun, to the same person.

H.R.2980 - Protecting Gun Owners in Bankruptcy Act of 2017 - To amend title 11 of the United States Code to include firearms in the types of property allowable under the alternative provision for exempting property from the estate.

S.1435 - A bill to provide an amnesty period during which veterans and their family members can register certain firearms in the National Firearm Registration and Transfer Record, and for other purposes.

H.R.3054 - To provide an amnesty period during which veterans and their family members can register certain firearms in the National Firearms Registration and Transfer Record, and for other purposes.

S.1505 - A bill to provide that silencers be treated the same as firearms accessories.

H.R.3139 - To provide that silencers be treated the same as firearms accessories.

S.1519 - National Defense Authorization Act for Fiscal Year 2018 - This bill authorizes FY2018 appropriations and sets forth policies regarding the military activities of the Department of Defense (DOD), military construction, and the defense activities of the Department of Energy (DOE). The bill authorizes appropriations, but does not provide budget authority for discretionary programs, which is included in subsequent appropriations legislation.

S.1557 - Military Construction, Veterans Affairs, and Related Agencies Appropriations Act, 2018 - Making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2018, and for other purposes.

H.R.3219 - Make America Secure Appropriations Act, 2018 - Making appropriations for the Department of Defense for the fiscal year ending September 30, 2018, and for other purposes.

H.R.3267 - Commerce, Justice, Science, and Related Agencies Appropriations Act, 2018 - Making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2018, and for other purposes.

S.1592 - Firearm Act of 2017 - To prohibit the Federal Government from requiring race or ethnicity to be disclosed in connection with the transfer of a firearm.

H.R.3354 - Interior and Environment, Agriculture and Rural Development, Commerce, Justice, Science, Financial Services and General Government, Homeland Security, Labor, Health and Human Services, Education, State and Foreign Operations, Transportation, Housing and Urban Development, Defense, Military Construction and Veterans Affairs, Legislative Branch, and Energy and Water Development Appropriations Act, 2018 - Making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2018, and for other purposes.

H.R.3355 - Department of Homeland Security Appropriations Act, 2018 - Making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2018, and for other purposes.

H.R.3361 - SECURE Firearm Storage Act - To amend title 18, United States Code, to require federally licensed firearms importers, manufacturers, and dealers to meet certain requirements with respect to securing their firearms inventory, business records, and business premises.

H.R.3362 - Department of State, Foreign Operations, and Related Programs Appropriations Act, 2018 - Making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2018, and for other purposes.

S.1662 - Commerce, Justice, Science, and Related Agencies Appropriations Act, 2018 - Making appropriations for the Departments of Commerce

and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2018, and for other purposes.

H.R.3464 - Background Check Completion Act of 2017 - To prohibit firearms dealers from selling a firearm prior to the completion of a background check.

H.R.3613 - Safer Neighborhoods Gun Buyback Act of 2017 - To authorize the Director of the Bureau of Justice Assistance to make grants to States, units of local government, and gun dealers to conduct gun buyback programs, and for other purposes.

S.1780 - Department of State, Foreign Operations, and Related Programs Appropriations Act, 2018 - Making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2018, and for other purposes.

H.R.3790 - Federal Firearms Licensee Protection Act - To amend chapter 44 of title 18, United States Code, to enhance penalties for certain thefts of a firearm from certain Federal firearms licensees, and to criminalize the theft of a firearm from a gun range that rents firearms or a shooting club.

S.1854 - Federal Firearms Licensee Protection Act of 2017 - To amend chapter 44 of title 18, United States Code, to enhance penalties for theft of a firearm from a Federal firearms licensee.

17. House(s) of Congress and Federal agencies ☐ Check if None

U.S. SENATE, U.S. HOUSE OF REPRESENTATIVES, Justice - Dept of (DOJ)

18. Name of each individual who acted as a lobbyist in this issue area

First Name	Last Name	Suffix	Covered Official Position (if applicable)	New
Todd	Adkins			<input type="checkbox"/>
James	Atkinson			<input type="checkbox"/>
Brian	Calabrese			<input type="checkbox"/>
Benjamin	Cassidy			<input type="checkbox"/>
Chris W.	Cox			<input type="checkbox"/>
James	Holland			<input type="checkbox"/>
Wayne	LaPierre			<input type="checkbox"/>
Jason	Lawrence			<input type="checkbox"/>
David	Lehman			<input type="checkbox"/>
Jason	Ouimet			<input type="checkbox"/>
Brandi	Pensoneau			<input type="checkbox"/>
Jack	Thompson			<input type="checkbox"/>
Christopher	Zealand			<input type="checkbox"/>
Gordon	Speed			<input checked="" type="checkbox"/>

19. Interest of each foreign entity in the specific issues listed on line 16 above ☒ Check if None

**LOBBYING ACTIVITY.** Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide information as requested. Add additional page(s) as needed.

15. General issue area code FIR

16. Specific lobbying issues

H.R.1137 - Collectible Firearms Protection Act - To amend the Arms Export Control Act to provide that certain firearms listed as curios or relics may be imported into the United States by a licensed importer without obtaining authorization from the Department of State or the Department of Defense, and for other purposes.

H.R.2033 - Undetectable Firearms Modernization Act - To modernize the Undetectable Firearms Act of 1988.

H.R.2380 - Handgun Trigger Safety Act of 2017 - To provide for the development and use of technology for personalized handguns, to require that all handguns manufactured or sold in, or imported into, the United States incorporate such technology, and for other purposes.

S.1541 - A bill to modify the definition of an antique firearm.

17. House(s) of Congress and Federal agencies ☐ Check if None

U.S. SENATE, U.S. HOUSE OF REPRESENTATIVES, Justice - Dept of (DOJ), Bureau of Alcohol Tobacco Firearms & Explosives

18. Name of each individual who acted as a lobbyist in this issue area

First Name	Last Name	Suffix	Covered Official Position (if applicable)	New
Todd	Adkins			<input type="checkbox"/>
James	Atkinson			<input type="checkbox"/>
Brian	Calabrese			<input type="checkbox"/>
Benjamin	Cassidy			<input type="checkbox"/>
Chris W.	Cox			<input type="checkbox"/>
James	Holland			<input type="checkbox"/>
Wayne	LaPierre			<input type="checkbox"/>
Jason	Lawrence			<input type="checkbox"/>
David	Lehman			<input type="checkbox"/>
Jason	Ouimet			<input type="checkbox"/>
Brandi	Pensoneau			<input type="checkbox"/>
Jack	Thompson			<input type="checkbox"/>
Christopher	Zealand			<input type="checkbox"/>
Gordon	Speed			<input checked="" type="checkbox"/>

19. Interest of each foreign entity in the specific issues listed on line 16 above ☒ Check if None



**LOBBYING ACTIVITY.** Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide information as requested. Add additional page(s) as needed.

15. General issue area code NAT

16. Specific lobbying issues

H.R.224 - Polar Bear Conservation and Fairness Act - This bill amends the Marine Mammal Protection Act of 1972 to direct Department of the Interior to issue a permit for the importation of a polar bear part (other than an internal organ) from a bear taken in a sport hunt in Canada to any permit applicant who has submitted proof that the polar bear was: (1) legally harvested by the applicant before the May 15, 2008, listing of the polar bear as threatened, and (2) harvested from an approved polar bear population. Interior must issue these permits without regard to limits on importing marine mammals with depleted populations.

H.R.225 - Restoration of the U.S.-Russia Polar Bear Conservation Fund Act - This bill amends the Marine Mammal Protection Act of 1972 to allow the importation of polar bear parts taken legally in sport hunts in Canada.

H.R.226 - African Elephant Conservation and Legal Ivory Possession Act - This bill reauthorizes the African Elephant Conservation Act (AECA) through FY2022.

H.R.227 - Multinational Species Conservation Funds Reauthorization Act - This bill reauthorizes the African Elephant Conservation Act, the Rhinoceros and Tiger Conservation Act of 1994, the Asian Elephant Conservation Act of 1997, the Great Ape Conservation Fund, and the Marine Turtle Conservation Fund through FY2022.

S.33 - Improved National Monument Designation Process Act - Before a national monument can be designated on public land, the President must obtain congressional approval, certify compliance with the National Environmental Policy Act of 1969 (NEPA), and receive notice from the governor of the state in which the monument is to be located that the state legislature has enacted legislation approving its designation.

H.R.424 - Gray Wolf State Management Act of 2017 - This bill requires the Department of the Interior to reissue: (1) the final rule published on December 28, 2011, that removed the gray wolf in the Western Great Lakes Distinct Population Segment from the List of Endangered and Threatened Wildlife and that removed the designation of critical habitat for that wolf in Minnesota and Michigan; and (2) the final rule published on September 10, 2012, that removed the gray wolf in Wyoming from the list and removed the Yellowstone Experimental Protection Area that was established to facilitate reintroduction of the wolf.

S.164 - A bill to direct the Secretary of the Interior to reissue the final rules relating to the listing of the gray wolf in the Western Great Lakes and the State of Wyoming under the Endangered Species Act of 1973.

H.J.Res.49 - Providing for congressional disapproval under chapter 8 of title 5, United States Code, of the final rule of the Department of the Interior relating to "Non-Subsistence Take of Wildlife, and Public Participation and Closure Procedures, on National Wildlife Refuges in Alaska".

H.R.788 - Target Practice and Marksmanship Training Support Act - This bill amends the Pittman-Robertson Wildlife Restoration Act to facilitate the construction and expansion of public target ranges by: (1) authorizing a state to pay up to 90% of the costs of acquiring land for, expanding, or constructing a public target range; (2) authorizing a state to elect to allocate 10% of a specified amount apportioned to it from the federal aid to wildlife restoration fund for those costs; (3) limiting the federal share of those costs under such Act to 90%; and (4) requiring amounts provided for those costs under such Act to remain available for expenditure and obligation for five fiscal years.

S.J.Res.18 - A joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the final rule submitted by the Department of the Interior relating to Non-Subsistence Take of Wildlife, and Public Participation and Closure Procedures, on National Wildlife Refuges in Alaska.

H.J.Res.69 - Providing for congressional disapproval under chapter 8 of title 5, United States Code, of the final rule of the Department of the Interior relating to "Non-Subsistence Take of Wildlife, and Public Participation and Closure Procedures, on National Wildlife Refuges in Alaska".

S.376 - 21st Century Endangered Species Transparency Act - This bill amends the Endangered Species Act of 1973 to require the Department of the Interior or the Department of Commerce, as appropriate, to make publicly available on the Internet the best scientific and commercial data available that are the basis for the determination of whether a species is an endangered species or a threatened species, including each proposed regulation for the listing of a species.

H.R.1273 - 21st Century Endangered Species Transparency Act - To amend the Endangered Species Act of 1973 to require publication of the basis for determinations that species are endangered species or threatened species, and for other purposes.

S.478 - Hunter and Farmer Protection Act of 2017 - To amend the Migratory Bird Treaty Act to prohibit baiting exemptions on certain land.

S.593 - Target Practice and Marksmanship Training Support Act - To amend the Pittman-Robertson Wildlife Restoration Act to facilitate the establishment of additional or expanded public target ranges in certain States.

S.733 - A bill to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes.

H.R.1945 - Wildlife and Hunting Heritage Conservation Council Advisory Committee Act - This bill amends the Fish and Wildlife Coordination Act to establish the Wildlife and Hunting Heritage Conservation Council Advisory Committee to advise the Department of the Interior and the Department of Agriculture on wildlife and habitat conservation, hunting, and recreational shooting.

S.935 - Endangered Species Management Self-Determination Act - To amend the Endangered Species Act of 1973 to permit Governors of States to regulate intrastate endangered species and intrastate threatened species, to amend the Migratory Bird Treaty Act to permit the taking of certain black vultures and ravens, and for other purposes.

H.R.2134 - Endangered Species Management Self-Determination Act - To amend the Endangered Species Act of 1973 to permit Governors of States to regulate intrastate endangered species and intrastate threatened species, and for other purposes.

H.R.2591 - Modernizing the Pittman-Robertson Fund for Tomorrow's Needs Act of 2017 - To amend the Pittman-Robertson Wildlife Restoration Act to modernize the funding of wildlife conservation, and for other purposes.

H.R.2603 - SAVES Act - To amend the Endangered Species Act of 1973 to provide that nonnative species in the United States shall not be treated as endangered species or threatened species for purposes of that Act.

S.1214 - Hunting, Fishing, and Recreational Shooting Protection Act - To amend the Toxic Substances Control Act to clarify the jurisdiction of the Environmental Protection Agency with respect to certain sporting good articles, and to exempt those articles from a definition under that Act.

H.R.3266 - Energy and Water Development and Related Agencies Appropriations Act, 2018 - Making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2018, and for other purposes.

S.1609 - Energy and Water Development and Related Agencies Appropriations Act, 2018 - Making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2018, and for other purposes.

S.1613 - Modernizing the Pittman-Robertson Fund for Tomorrow's Needs Act of 2017 - To amend the Pittman-Robertson Wildlife Restoration Act to modernize the funding of wildlife conservation, and for other purposes.

H.R.3543 - Sage-Grouse and Mule Deer Habitat Conservation and Restoration Act of 2017 - To require the Secretary of the Interior to develop a categorical exclusion for covered vegetative management activities carried out to establish or improve habitat for greater sage-grouse and mule deer, and for other purposes.

H.R.3608 - Endangered Species Transparency and Reasonableness Act - To amend the Endangered Species Act of 1973 to require publication on the Internet of the basis for determinations that species are endangered species or threatened species, and for other purposes.

H.R.3668 - SHARE Act - To provide for the preservation of sportsmens heritage and enhance recreation opportunities on Federal land, and for other purposes.

17. House(s) of Congress and Federal agencies ☐ Check if None

U.S. SENATE, U.S. HOUSE OF REPRESENTATIVES, Interior - Dept of (DOI), U.S. Fish & Wildlife Service (USFWS), U.S. Forest Service, Bureau of Land Management (BLM), Agriculture - Dept of (USDA), Natl Park Service (NPS)

18. Name of each individual who acted as a lobbyist in this issue area

First Name	Last Name	Suffix	Covered Official Position (if applicable)	New
Todd	Adkins			<input type="checkbox"/>
James	Atkinson			<input type="checkbox"/>
Brian	Calabrese			<input type="checkbox"/>
Benjamin	Cassidy			<input type="checkbox"/>
Chris W.	Cox			<input type="checkbox"/>
James	Holland			<input type="checkbox"/>
Wayne	LaPierre			<input type="checkbox"/>
Jason	Lawrence			<input type="checkbox"/>
David	Lehman			<input type="checkbox"/>

Jason	Ouimet			<input type="checkbox"/>
Brandi	Pensoneau			<input type="checkbox"/>
Jack	Thompson			<input type="checkbox"/>
Christopher	Zealand			<input type="checkbox"/>
Susan	Recce			<input type="checkbox"/>
Gordon	Speed			<input checked="" type="checkbox"/>

19. Interest of each foreign entity in the specific issues listed on line 16 above ☒ Check if None

### Information Update Page - Complete ONLY where registration information has changed.

20. Client new address

Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_ Country \_\_\_\_\_

21. Client new principal place of business (if different than line 20)

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_ Country \_\_\_\_\_

22. New General description of client's business or activities

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### LOBBYIST UPDATE

23. Name of each previously reported individual who is no longer expected to act as a lobbyist for the client

	First Name	Last Name	Suffix	First Name	Last Name	Suffix
1	Benjamin	Cassidy		3		
2				4		

### ISSUE UPDATE

24. General lobbying issue that no longer pertains

### AFFILIATED ORGANIZATIONS

25. Add the following affiliated organization(s)

Internet Address:

Name	Address				Principal Place of Business (city and state or country)
	Street Address	City	State/Province	Zip Country	
					City State Country

26. Name of each previously reported organization that is no longer affiliated with the registrant or client

1

2

3

FOREIGN ENTITIES

27. Add the following foreign entities:

Name	Address			Principal place of business (city and state or country)	Amount of contribution for lobbying activities	Ownership percentage in client
	Street Address					
	City	State/Province	Country	City State Country		%

28. Name of each previously reported foreign entity that no longer owns, or controls, or is affiliated with the registrant, client or affiliated organization

1

3

5

2

4

6

# Exhibit C

**From:** [Recce, Susan](#)  
**To:** ["joshua.campbell@sol.doi.gov"](mailto:joshua.campbell@sol.doi.gov)  
**Subject:** Comments on SDNM recreational shooting plan  
**Date:** Friday, November 17, 2017 10:29:13 AM  
**Attachments:** [Comments on SDNM recreational shooting plan.docx](#)

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Josh,

See exchange of emails. When I talked to Ben about this last month, I had the feeling that the Secretary's office was not going to pursue the concerns that the NRA and other NGOs raised in our comments (attached). We proposed modifying BLM's preferred planning alternative (Alternative C). BLM was under court order to get this shooting plan done by a certain date and, not surprising to me, the agency ran up to the deadline (supposedly the judge would not extend the timeframe) giving the Secretary's office no time to evaluate BLM's decision against the comments we submitted.

Susan

---

**From:** Recce, Susan  
**Sent:** Thursday, October 05, 2017 5:51 PM  
**To:** 'benjamin\_cassidy@ios.doi.gov' <[benjamin\\_cassidy@ios.doi.gov](mailto:benjamin_cassidy@ios.doi.gov)>  
**Subject:** FW: Comments on SDNM recreational shooting plan

Hi Ben,

I am so happy for you. I think you will find the experience very rewarding. Will Tim Williams be reporting to you? A longtime friend of mine Jim Cason is an assistant Deputy Secretary and when you see him, please give him my regards.

Attached is the comment letter I sent in February. You will see in paragraph 2 that we want a modified Alternative C. Let me know if you have any questions on that. Also below is the BLM staffer we asked for those comments last month.

Best to you!!

Susan

---

**From:** Recce, Susan  
**Sent:** Thursday, September 07, 2017 10:52 AM  
**To:** 'cyounger@blm.gov' <[cyounger@blm.gov](mailto:cyounger@blm.gov)>  
**Subject:** Comments on SDNM recreational shooting plan

Hi Calle,

Attached are the comments the NRA and other NGOs that participate on the Federal Lands Hunting and Shooting Sports Roundtable sent to the BLM last February. As you may know, the Roundtable

was created by a MOU signed by 42 national hunting, fishing, wildlife conservation and shooting sports organizations and the BLM, USFS, USFWS, USACE, with the NPS as ad hoc. The fishing interests do not participate on the Roundtable as they chose to work with the MOU Federal partners in a different forum.

Let me know if you have any questions.

Susan Recce  
Director  
Conservation, Wildlife and Natural Resources  
Institute for Legislative Action  
National Rifle Association

## Comments on SDNM Draft Target Shooting Plan

February 14, 2017

Wayne Monger, Project Manager  
Lower Sonoran Field Office  
Bureau of Land Management  
21605 North 7<sup>th</sup> Avenue  
Phoenix, AZ 85027

Dear Mr. Monger:

The undersigned organizations appreciate the opportunity to submit comments on the Draft Target Shooting Plan for the Sonoran Desert National Monument (Draft Plan). We have a long-standing and vested interest in access and opportunities on the Sonoran Desert National Monument (SDNM) for recreational shooting as evidenced by comments that several of our organizations have submitted in the past on various phases of the Monument planning process related to the future of recreational shooting in the Monument.

We support Alternative C, the BLM's preferred alternative, but strongly recommend that it be modified as explained further below. The Draft Plan offers five alternative planning scenarios and our comments are in order of the alternatives presented.

Alternative A would continue the 1988 Lower Gila South Resource Management Plan without change. It is an attractive option for shooting enthusiasts because it would allow recreational shooting to take place throughout the SDNM. However, our organizations, along with many sportsmen and women who recreate on public lands within the SDNM, recognize that there are areas within the Monument that must be closed to shooting in order for BLM to fulfill the mandates of monument designation, to balance other recreational activities, and to ensure that shooting takes place in safe venues for shooters and other visitors of the SDNM. We, therefore, oppose Alternative A.

Alternative B reflects the court order closure of 10,599 acres as a temporary measure until the Draft Plan is completed. Although the closure was based on BLM's recommendation, we believe it was ill conceived in that the area is the most popular and accessible area of the SDNM for recreational shooting and it does not contain the important values for which the SDNM was designated. Further, it fails to recognize the importance and potential use of the Juan Bautista de Anza National Historical Trail (NHT). Thus, we oppose adoption of Alternative B.

Alternative C would allow recreational shooting in the Desert Back Country Recreation Management Zone (RMZ) only and partially lift the court ordered closure as addressed in Alternative B. The effect is that 54,817 acres or 11% of the SDNM would be closed to recreational shooting. Our issue with Alternative C is that it includes lands within the NHT Recreation Management Zone (NHT RMZ) that lie alongside the El Paso Natural Gas Company pipeline road and Highway 238. This is where much of the accessible, popular and historic shooting sites are located. We question even why these lands were included in the NHT RMZ, let alone in the SDNM boundary.



Their inclusion seems to be based on the fact that the pipeline road is an identifiable and likely more practical boundary than one drawn across mountainous features or flat land. Irrespective of the reason, in drawing the boundary of the NHT RMZ, the BLM essentially created an arbitrary northwesterly boundary. This finger of land encompasses an area most used and most suitable for recreational shooting. The entire “finger” is outside of the NHT view shed and its lower end is approximately eight air miles from the NHT. Its southeasterly end is nearly five miles from the most northerly boundary of the HNT corridor; eight miles from the trail. The most northwesterly boundary is 12 miles from the NHT. This portion of the SDNM, as well as most of its northeasterly boundary (largely defined by the Pipeline Road), is atypical of the cultural and natural values for which the SDNM was created. There is no identifiable rationale for this area to be closed to shooting. The Draft Plan does not explain what values for which the SDNM was designated that these lands along the pipeline road hold that demand closure to continued use by recreational shooters.

With respect to the NHT itself, on page 3-69, the Draft Plan states that *“Certain segments of the NHT that traverse the planning area are considered to be among the best preserved corridor segments and most representative of the historic trail corridor conditions.”* Yet in other places in the Draft Plan, it says that there are no known physical remains or surviving trail signature in the SDNM (page 3-7). Thus, it makes no sense to close the most northwesterly boundary of the NHT RMZ to recreational shooting. The only effect of closing the lands within the NHT RMZ is to close accessible and traditional sites that have been used for decades by recreational shooters. Keeping those lands open would not compromise protection of the NHT given the distance of the shooting sites from the most northerly boundary of the NHT RMZ.

As a final note, the map on page 3-12 shows that there is desert tortoise habitat within the boundary we have described as arbitrary. From what we can assess, it appears that the tortoise habitat acreage that may be involved in this desirable recreational shooting areas is a fraction of a percent of the Category I habitat, and represents an infinitesimal amount of the total tortoise habitat in the SDNM.

**Recommendation: That Alternative C be amended to open for recreational shooting that area described as the northwesterly finger of the NHT RMZ and that the amended Alternative C be adopted as the Target Shooting Plan for the SDNM.**

Alternative D would close designated wilderness lands, lands managed to protect wilderness characteristics, and the RMZ. The closure is sweeping in nature resulting in 320,317 acres or 66% of the SDNM that would be closed to recreational shooting. There is nothing in the Wilderness Act or in the BLM Manual 6340 – Management of BLM Wilderness that prohibits recreational shooting from taking place in designated wilderness and lands managed to protect wilderness characteristics. Because recreational shooting generally takes place in areas accessible by roads, it is unlikely that this activity will have a measureable impact. In fact, in the section titled “Environmental Consequences - Analytical Assumptions”, page 4-2, the Draft Plan references the furthest shooters will travel for their activity (one hour) and their dependency on vehicular access to shooting areas. This underscores the fact that the majority of recreational shooting is site dependent and is relatively uncommon in wilderness areas where it has minimal impact.

Absent significant, definable impacts and an inability to mitigate those impacts, there is no justification to support Alternative D. Our comments regarding the RMZ are noted above in Alternative C. Therefore, we strongly oppose Alternative D.

Alternative E would close the entire SDNM to recreational shooting. The BLM has used monument designation in other areas of the state to close lands designated as national monuments to recreational shooting where this activity has been a historic use of those lands. Rather than allowing recreational shooting to continue at a few sites that had been traditionally used by shooters that had good access and provided, or could have provided with improvements, safe shooting experiences, the BLM chose to close those monuments entirely, and nearly did the same with the SDNM. We were very pleased that the BLM took the public comments received on the SDNM draft resource management plan (RMP) to reevaluate its intent to close the SDNM to recreational shooting.

However, swinging the pendulum in the complete opposite direction by leaving the SDNM entirely open to recreational shooting was not supported by our organizations who are participants with the BLM in the Federal Lands Hunting, Fishing and Shooting Sports Roundtable (Roundtable). As noted in our comments regarding Alternative A, we fully understand the balance that has to be made in any planning area for the management of diverse recreational pursuits, visitor safety, and protection of resources and facilities. Alternative E would again reverse course and support the direction of the original RMP and is not supported by the facts and analyses in the Draft Plan. We strongly oppose Alternative E.

There are other aspects of the Draft Plan that we would like to briefly comment on.

Appendix B Monitoring and Mitigation attempts to develop an impact identification protocol to determine the acreage of permissible cumulative impacts. It is our understanding that this protocol had not been tested prior to the development of the Draft Plan and its release. Because this is a new concept in our planning lexicon it is difficult to determine how this information could be used or abused and whether these measures are designed to affect the closure of lands open to recreational shooting.

As you may be aware, non-governmental participants on the Roundtable have worked over the years with the BLM in promoting stewardship of our public lands. We implemented, in partnership with Tread Lightly! the Respected Access is Open Access outdoor ethic education campaign. We fully support the objectives of the Education and Outreach section of Appendix B that seeks to expand the Respected Access campaign, and we fully support its component parts. Many of our organizations have and continue to support volunteer clean up events that the BLM sponsors and we look forward to working with the BLM in a partnership to keep important sites for recreational shooting in the SDNM open and accessible, and that all recreationists respect their public lands by exercising good judgment, behavior and stewardship.

**Recommendation: That the Draft Plan include information about the Roundtable partnership and its efforts to assist BLM and its state partners and other stakeholders in keeping public lands open for traditional and long-standing recreational activities of hunting and shooting.**

The Draft Plan states on page 2-19 in discussing “Alternatives Considered but Eliminated from Further Study” that the BLM rejected the opportunity to designate target shooting areas “because designated recreational target shooting areas are inconsistent with the Monument proclamation and conflict with current BLM policy.” A thorough review of the proclamation does not reveal any statement that specifically precludes the BLM from designating shooting areas. Rather, it is the BLM’s unwritten policy executed in recent years agency-wide that prohibits designating shooting areas on any public lands, monument designated or not, even if such designation or identification would assist in promoting safe

and responsible shooting and reducing user conflicts. In fact, we believe it fair to say that not designating such areas actually exacerbates conflict with other uses and poses a barrier to constructive working relationships that could result in proactive and positive management of recreational shooting to everyone's benefit.

**Recommendation: That the BLM restate that the reason for not considering designating shooting areas as an alternative is because of BLM policy, not monument proclamation.**

In the section on "Hazardous Materials and Public Safety; Recreational Target Shooting" pages 3-73, the Draft Plan notes that alkaline soil conditions typical of the SDNM generally prevent any subsurface migration of metals. This is consistent with EPA's statements about lead migration in its document entitled *Best Management Practices for Lead at Outdoor Shooting Ranges* (EPA-902-B-01-001). Reference is made to sampling soils at 15 shooting sites in the SDNM and the fact that lead and arsenic were found exceeding threshold levels in some samples. Without knowing the location of the 15 sites and where the thresholds were exceeded, we have no ability to assess the information relative to the purpose of the draft environmental impact statement (DEIS). We also do not know if benchmark samples were taken of nearby similar soils undisturbed by bullets.

**Recommendation: That more explicit information is provided about the soil samples taken.**

In closing, the undersigned support the BLM's preferred alternative, Alternative C, ONLY if it is amended to exclude the northwesterly section of the NHT RMZ that contains accessible and popular shooting sites that have existed for years. We believe that retaining these sites not only allows continued use of an already impacted area, and maintains the all-important access necessary to make recreational enjoyment of safe shooting attainable in the SDNM, and it will not impact the NHT, or any of the other objects and values for which the SDNM was created.

Thank you for the opportunity to comment.

Arizona Chapter of the Public Lands Foundation

Boone and Crockett Club

Congressional Sportsmen's Foundation

Council to Advance Hunting and the Shooting Sports

Mule Deer Foundation

National Rifle Association

National Shooting Sports Foundation

Safari Club International

Wildlife Management Institute

**From:** [Recce, Susan](#)  
**To:** ["joshua.campbell@sol.doi.gov"](mailto:joshua.campbell@sol.doi.gov)  
**Subject:** FW: Eastern Lake Mountain target shooting closure  
**Date:** Friday, November 17, 2017 10:29:35 AM  
**Attachments:** [Comments on Eastern Lake Mountains Target Shooting Plan Amendment.docx](#)

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Hi Josh,

See exchange of emails below. What I wrote Ben summarizes the comments that NRA and several other NGOS collectively submitted to the BLM (see attached).

Susan

---

**From:** Recce, Susan  
**Sent:** Friday, November 03, 2017 9:10 AM  
**To:** 'Benjamin Cassidy' <[benjamin\\_cassidy@ios.doi.gov](mailto:benjamin_cassidy@ios.doi.gov)>; Keane Larry <[lkeane@nssf.org](mailto:lkeane@nssf.org)>; Rothwell Patrick <[prothwell@nssf.org](mailto:prothwell@nssf.org)>; Crane Jeff <[jeff@sportsmenslink.org](mailto:jeff@sportsmenslink.org)>; Butler Mitch <[mitchbutler@naturalresourceresults.com](mailto:mitchbutler@naturalresourceresults.com)>; Williams Michael E. <[Mike.Williams@btlaw.com](mailto:Mike.Williams@btlaw.com)>; Andy Treharne <[Andy@sportsmenslink.org](mailto:Andy@sportsmenslink.org)>  
**Subject:** RE: East Lake closure (not eagle mountain)

Hi Ben,

Attached are the comments that NRA, CSF, NSSF and others collectively sent in 2016 to the BLM on its draft target shooting plan amendment, following comments the previous year during the scoping phase of the plan amendment.

The BLM's announcement of October 19, 2017 describes the agency's action correctly. This is a target shooting closure action, and not a target shooting "plan". You will see in our comments that we criticized the BLM for not developing a recreation area management plan that would have addressed the reality that target shooting was "increasing dramatically" (BLM's words) and the need to analyze the "carrying capacity" of the public lands in balance with other recreation and resource protection needs. This was not undertaken. As our letter of comments stated, "It appears the BLM's intent is not to manage shooting, but to take the easy route, which is incremental closures" of public lands to shooting.

BLM's announcement also states that "The rule simply establishes a rule of conduct for public recreational use of specific public lands in the Eastern Lake Mountains..." To the contrary, this is not a rule about conduct, it is a rule about land closure.

BLM's preferred alternative was to extend the existing 900-acre closure to an additional 2,557 acres of public land. The announcement says that a total of 2,004 acres will be closed, which is certainly less than the draft proposal of 3,450 acres. However, regardless of the reduction in the number of acres to be closed, the plan is a plan for closure, not a plan for target shooting management. As our comments explain, approaching issues associated with dispersed shooting in this manner sets the

stage for future closures.

BLM's announcement says that the shooting sports communities have expressed concerns about the potential loss of a popular target shooting area. Indeed this is the case. BLM follows that statement by saying that it did not receive any protests. By protests, it means that no one filed a formal protest. That is not surprising. Speaking from experience, It is a waste of time. The scales tip to the judgment of the agency on land management decisions unless some grievous error in following NEPA or other federal laws is discovered. Just because no protests were filed does not mean the agency's decision is sound, and that certainly applies to Eastern Lake Mountains.

I appreciate your reaching out to us,  
Susan

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**From:** Benjamin Cassidy [[mailto:benjamin\\_cassidy@ios.doi.gov](mailto:benjamin_cassidy@ios.doi.gov)]  
**Sent:** Thursday, November 02, 2017 12:47 PM  
**To:** Keane Larry <[keane@nssf.org](mailto:keane@nssf.org)>; Rothwell Patrick <[prothwell@nssf.org](mailto:prothwell@nssf.org)>; Crane Jeff <[jeff@sportsmenslink.org](mailto:jeff@sportsmenslink.org)>; Recce, Susan <[SRecce@nrahq.org](mailto:SRecce@nrahq.org)>; Butler Mitch <[mitchbutler@naturalresourceresults.com](mailto:mitchbutler@naturalresourceresults.com)>; Williams Michael E. <[Mike.Williams@btlaw.com](mailto:Mike.Williams@btlaw.com)>  
**Subject:** Fwd: East Lake closure (not eagle mountain)

Are you all aware of this? Please share any concerns or insights. Thank you. Ben

\*\*\*Please note all emails sent and received are subject to the Freedom of Information Act\*\*\*

Sent from my iPhone

Begin forwarded message:

**From:** "Hammond, Casey" <[casey\\_hammond@ios.doi.gov](mailto:casey_hammond@ios.doi.gov)>  
**Date:** November 2, 2017 at 12:22:50 PM EDT  
**To:** "Cassidy, Benjamin" <[benjamin\\_cassidy@ios.doi.gov](mailto:benjamin_cassidy@ios.doi.gov)>  
**Subject:** East Lake closure (not eagle mountain)

Hey Ben,

Attached is the briefing paper on the closure I mentioned.

Thanks for your help.

Casey

## Comments on Eastern Lake Mountains Target Shooting Plan Amendment

May 27, 2016

Bureau of Land Management  
Salt Lake Field Office  
3370 South Decker Lake Boulevard  
West Valley City, Utah 84119

Dear Bureau of Land Management (BLM):

The Undersigned appreciate the opportunity to comment on the proposed target shooting plan amendment (plan amendment) to the Pony Express Resource Management Plan. These comments follow those that we submitted to the BLM in August 2015 during the scoping phase of the plan amendment and the discussions that took place earlier that year with the Salt Lake Field Manager.

As noted previously, our organizations have a long-standing and vested interest in access and opportunities on federal public lands for our members to enjoy hunting and recreational shooting. This vested interest led our organizations to sign the Federal Lands Hunting, Fishing and Shooting Sports Roundtable Memorandum of Understanding (MOU) in 2006 with the BLM. The purpose of the MOU is to build a partnership “for planning and implementing mutually beneficial projects and activities related to hunting, fishing, and shooting sports conducted on federal lands.” The MOU was renewed in 2014 between four federal agencies and 43 hunting, fishing, wildlife conservation and shooting sports organizations.

The Eastern Lake Mountains plan amendment offers three management alternatives. Alternative A would allow the current 893-acre temporary closure to expire and implement no other target shooting restrictions. Alternative B would make the current closure permanent. Alternative C would extend the area of closure to encompass a total of 3,450 acres.

The environmental assessment (EA) states that 893-acre temporary closure was implemented to provide safety for adjacent landowners and to provide protection for Historic Properties, specifically petroglyphs. The EA states that the area is “not conducive to safe target shooting” because the topography is flat terrain with no natural backstops, the number of visitors continues to increase, a highway is present, and there are homeowners in the vicinity.

The EA addresses wildfires and notes that shooter-related wildfires have been reduced as a result of prohibitions or restrictions on the use of steel core and steel jacketed ammunition, the use of tracer or incendiary ammunition, and the possession or use of any kind of explosives, incendiary or chemical devices, pyrotechnics or fireworks, or exploding targets. In order to reduce trash left behind by shooters, there are restrictions on the type of targets allowed, “which are reasonably restricted to those that are specifically designed and sold for target shooting.”

Our organizations are fully aware that in order to balance the agency’s management responsibilities to protect natural and cultural resources and to provide for an array of recreational opportunities, closures may be appropriate. We believe that the EA has established sufficient justification to make the

temporary closure permanent, as proposed in Alternative B. What we do not agree with is Alternative C, the BLM's preferred alternative, which would extend the closure order to an additional 2,557 acres.

The Federal Register notice of 12/15/2014 that extended the temporary closure of the 893 acres for an additional two years noted that "Prior to the 2012 closure, the Lake Mountains received about 4,000 target shooters each month; and on weekends, as many as 400 shooters concentrated into 5 areas, and other dispersed locations." A BLM power point presentation noted that 20-50,000 target shooters recreate on these public lands every year. The EA clearly states that target shooting is "increasing dramatically" and that "the carrying capacity for any recreational activity is an analysis that would be addressed in a recreation area management plan." The narrow approach that the BLM has taken with this EA is perplexing in light of the statement above. The logical approach would have been to conduct such an analysis in the first place, and then develop a recreation area management plan based on the findings.

The objective of Alternative C is to "emphasize resource protection while maximizing public health and safety." That statement is in conflict with the justification for Alternative B, which states that the temporary closure was designed for public safety by moving shooters out of an area that by its topography was not safe for shooting. It implies that the concern for public health and safety was satisfied. Further addressing health and safety can only be justified through the development of a recreation area management plan, which the BLM intends not to do. Within that matrix, such a plan would evaluate the carrying capacity for recreational shooting (as noted in the above paragraph) in balance with other recreational needs, resource protection needs, the high demand for places to shoot and the degree to which the Soldier Pass Shooting Range could meet some of that demand.

With reference to the Soldier Pass Shooting Range, the BLM acknowledges that the range will not be able to fully accommodate the growing need for places to shoot and correctly cites this as a reason to keep public lands open. The logical approach, then, would be to wait until the agency and the County can evaluate the degree to which the shooting range is able to relieve the pressure for recreational shooting opportunities before contemplating closures beyond the exiting temporary closure of 893 acres. If Alternative C is adopted, we will never know if the combination of opening a county-operated shooting range and making the temporary closure order permanent (Alternative B) was adequate to address the public health and safety and resource protection issues that, according to the BLM, necessitated the process in the first place. The BLM can always evaluate the need for future closures at a later date based on far more accurate information and justification than is provided in Alternative C. The likelihood of BLM reopening areas that it would close under Alternative C if proved unnecessary is remote.

A recreation area management plan is what the BLM should be aiming for. Instead, the agency's response to shooting-related issues is to close more lands to shooting, which will likely increase and spread the problems by pushing displaced shooters into the areas that remain open. The same excuses could then be easily used down the road to close the entire planning area to recreational shooting after the Soldier Pass Shooting Range is up and running.

Notwithstanding the increasing recreational use pressure, the BLM's approach with this EA to keep it narrowly focused on public safety and resource protection is short sighted. It appears the BLM's intent is not to manage shooting but to take the easy route, which is incremental closures. Adding another 2,557 acres to the closure and talking about a recreation plan some point in the future is an easy administrative out.

A Salt Lake Tribune article dated April 7, 2016 entitled “BLM Transfers public Lands to Utah County, Parcel to be Used as a Shooting Range” in reference to the 160-acre transfer to public land to Utah County states that shooting related issues have “pushed state and federal land managers to close some lands to shooting and develop a plan to manage target shooting.” The writer was misinformed, as the plan amendment is not a plan to manage target shooting. Instead, it is a plan to close lands to shooting and transfer to Utah County the responsibility of providing opportunities for recreational shooting.

The BLM PowerPoint presentation under the heading *Public Safety Concerns* noted the need for safe shooting locations, but the EA dismisses identifying such locations as being outside the scope of the EA. The BLM’s preferred solution is to close an additional 2,557 acres rather than developing a recreation area management plan that could specifically identify those locations where recreational shooting would be a high safety risk. It should be noted that the EA says that “The public land user has the responsibility of locating safe and accessible areas in which to target shoot on BLM administered public lands.” That is not wise and acceptable management of a legitimate recreational activity on public lands.

Even the *Notice to Interested Party* dated July 2015 announcing the start of the planning process to amend the 1990 Pony Express Resource management Plan stated that the existing “RMP decisions related to management of recreational target shooting and resources affected by this activity are no longer adequate in this area” and that the BLM was seeking public input to help identify issues, impacts and alternatives that should be addressed in this amendment. The letter further stated that with the implementation of the temporary target shooting closure in 2012, “new and increased impacts and threats are now occurring in the areas into which the displaced target shooters have moved.”

In light of the obvious need for a recreation area management plan, the EA pointedly does not address any management decisions for recreational shooting other than expanded shooting closures. All other recommendations, such as identifying safe shooting areas, were dismissed as being outside the scope of the EA, which is narrowly focused on public safety and resource protection, and not target shooting management.

Under the rationale for supporting Alternative C, the EA states that “By displacing target shooting from the closure area into previously under-utilized portions of the Planning Area, the negative cumulative impacts associated with Alternative A may become apparent in those places.” There is likely not another statement in the entire EA that can advocate more forcefully for the development of a recreation area management plan instead of the piece meal closure approach that the BLM is taking in East Mountain Lakes. Why is such a narrow approach being taken in light of the broad management challenges that are described in the EA? Was this narrow approach a decision made by the Field Office or is it a result of direction at a higher level in the agency?

The management approach is a closure approach. First, the BLM closes nearly 900 acres for public safety and cultural resource protection. The EA notes that the closure “funnels displaced target shooters to specific, easily patrolled locations along the power line road west toward the Lake Mountains hillsides, which creates a de facto safety zone for law enforcement officers patrolling the area.” But the result was that the closure pushed the displaced shooters into areas where “many petroglyphs are located.” Thus the temporary closure did not meet the BLM’s objectives of protecting cultural resources.



Next, the EA states that problems associated with shooting like the use of inappropriate targets, micro trash and target shooting related wildfires have followed displaced shooters from the area under temporary closure into the area that is proposed for additional closure in Alternative C. So now under this EA, the plan is to follow the model of the temporary closure by extending the closure to additional areas, thus displacing shooters to other BLM public lands with the possibility of the same issues following displaced shooters. It is a scenario that suggests more public land closures down the road. What should have occurred from the beginning was the development of a recreation area management plan. The undersigned strongly support this approach and an end to the management by creeping closures.

During discussions with the Field Office Manager last year, we were told that the BLM worked with local interest groups to install a protective buck and pole fence along an existing powerline and that signs were installed to let shooters know of the presence of cultural resources in the area. The BLM indicated in an email to the MOU Roundtable Chair that the buck and pole fences with signs seeking voluntary compliance were used with great success. Yet, nothing in the EA speaks to the construction of the fence nor its effectiveness in protecting cultural resources, nor the work of private sector partners. Instead the EA justifies the adoption of BLM's preferred Alternative C by stating that the temporary closure is not effective because it channels shooters into other areas where there are petroglyphs. It cannot be both ways.

In the EA, the BLM noted the help of volunteers in cleaning up trash left behind by shooters, but also that left by people dumping their household refuse. The BLM notes that in spite of volunteer efforts, clean ups are still costly and use a lot of staff time. BLM asked about contacting local shooting groups to help keep the areas clean. We know that BLM has been in contact with the Utah Shooting Sports Council and would imagine that the Council is in an excellent position to directly partner with the BLM, or assist in locating local shooting enthusiasts who would welcome the opportunity to partner with the BLM in keep shooting sites clean. It is a far more positive and progressive approach than closing areas to recreational shooting.

With respect to law enforcement, the EA mentioned that after the temporary closure was put into effect, the Utah County Sheriff's Office and BLM law enforcement rangers began conducting regular patrols. It begs the question why the BLM-County partnership cannot be extended to the lands currently remaining open to recreational shooting. An area of just over 8,000 acres does not seem impossible to patrol. In fact, Alternative C indicates that patrols would take place in the additional areas proposed for closure, which would mean only 4,000 acres would remain. Certainly a law enforcement presence for all of the land within Eastern Lake Mountains would reduce problems associated with all recreational use and illegal dumping. There is no justification to use additional closures in order to achieve public safety and resource protection.

Lastly, with respect to spent lead ammunition, the EA says that the "potential long-term problem with shooting is the concentration of lead on public lands. Should it ever become necessary to remediate these areas, the cost of clean-up could be extensive. In the meantime, this contamination may present risks to the public and to wildlife." The EA provides no citations or evidence as to how spent lead ammunition could present a risk to the public and to wildlife in the planning area. It is an unscientific statement and appears to be designed to add as much negativity about recreational shooting as possible. If the BLM were to develop a recreational area management plan and identify

suitable, accessible areas of the public lands for recreational shooting, along with the support of shooters in conducting periodic clean up events, there is no reason to believe that the BLM would be facing some future remediation of these areas. We strongly recommend that the statement be removed.

In summary, the EA acknowledges the increasing popularity of recreational shooting and that the Soldier Pass Shooting Range is likely not to fully accommodate this popular sport, meaning that public land must remain open to this activity. Yet, the BLM has chosen to develop a closure plan under the narrow matrix of public safety and cultural resource protection, rather than have begun the development of a true and realistic management plan following the initial temporary closure of the 893 acres. The undersigned can support Alternative B, but are strongly opposed to the adoption of Alternative C.

Sincerely,

Congressional Sportsmen's Foundation

Council to Advance Hunting and the Shooting Sports

International Hunter Education Association - USA

Mule Deer Foundation

National Rifle Association

National Shooting Sports Foundation

Safari Club International

Wildlife Management Institute

**From:** [Campbell, Joshua](#)  
**To:** [Recce, Susan](#)  
**Cc:** [Cassidy, Benjamin](#); [Jorjani, Daniel](#)  
**Subject:** Re: Comments on SDNM recreational shooting plan  
**Date:** Friday, November 17, 2017 11:20:18 AM

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Thanks, Susan! I will look into it and we can discuss after Thanksgiving.

On Fri, Nov 17, 2017 at 10:29 AM, Recce, Susan <[SRecce@nrahq.org](mailto:SRecce@nrahq.org)> wrote:

Josh,

See exchange of emails. When I talked to Ben about this last month, I had the feeling that the Secretary's office was not going to pursue the concerns that the NRA and other NGOs raised in our comments (attached). We proposed modifying BLM's preferred planning alternative (Alternative C). BLM was under court order to get this shooting plan done by a certain date and, not surprising to me, the agency ran up to the deadline (supposedly the judge would not extend the timeframe) giving the Secretary's office no time to evaluate BLM's decision against the comments we submitted.

Susan

---

**From:** Recce, Susan  
**Sent:** Thursday, October 05, 2017 5:51 PM  
**To:** '[benjamin\\_cassidy@ios.doi.gov](mailto:benjamin_cassidy@ios.doi.gov)' <[benjamin\\_cassidy@ios.doi.gov](mailto:benjamin_cassidy@ios.doi.gov)>  
**Subject:** FW: Comments on SDNM recreational shooting plan

Hi Ben,

I am so happy for you. I think you will find the experience very rewarding. Will Tim Williams be reporting to you? A longtime friend of mine Jim Cason is an assistant Deputy Secretary and when you see him, please give him my regards.

Attached is the comment letter I sent in February. You will see in paragraph 2 that we want a modified Alternative C. Let me know if you have any questions on that. Also below is the BLM staffer we asked for those comments last month.

Best to you!!

Susan

---

**From:** Recce, Susan  
**Sent:** Thursday, September 07, 2017 10:52 AM  
**To:** '[cyounger@blm.gov](mailto:cyounger@blm.gov)' <[cyounger@blm.gov](mailto:cyounger@blm.gov)>  
**Subject:** Comments on SDNM recreational shooting plan

Hi Calle,

Attached are the comments the NRA and other NGOs that participate on the Federal Lands Hunting and Shooting Sports Roundtable sent to the BLM last February. As you may know, the Roundtable was created by a MOU signed by 42 national hunting, fishing, wildlife conservation and shooting sports organizations and the BLM, USFS, USFWS, USACE, with the NPS as ad hoc. The fishing interests do not participate on the Roundtable as they chose to work with the MOU Federal partners in a different forum.

Let me know if you have any questions.

Susan Recce

Director

Conservation, Wildlife and Natural Resources

Institute for Legislative Action

National Rifle Association

# Exhibit D

# Conversation Contents

## Materials

**Vincent Devito <[vincent\\_devito@ios.doi.gov](mailto:vincent_devito@ios.doi.gov)>**

---

**From:** Vincent Devito <[vincent\\_devito@ios.doi.gov](mailto:vincent_devito@ios.doi.gov)>  
**Sent:** Thu Aug 24 2017 14:53:28 GMT-0600 (MDT)  
**To:** [james.schindler@boem.gov](mailto:james.schindler@boem.gov)  
**Subject:** Materials

Can you have someone send me a copy of what was handed out, yesterday? Thanks.

**James Schindler <[james.schindler@boem.gov](mailto:james.schindler@boem.gov)>**

---

**From:** James Schindler <[james.schindler@boem.gov](mailto:james.schindler@boem.gov)>  
**Sent:** Thu Aug 24 2017 15:07:46 GMT-0600 (MDT)  
**To:** [karla.cook@boem.gov](mailto:karla.cook@boem.gov)  
**Subject:** Fwd: Materials

Karla, tomorrow morning when you have a chance, in my office, on my desk, on the top of the wooden inbox, is a booklet from Dong and Eversource energy. It has a plastic cover. It's probably 15 pages thick. Could you unbind it, scan it into a pdf, and send to Gisela to give to Vincent? There's also a letter inside of it. Thanks!!!!

Sent from my iPhone

Begin forwarded message:

**From:** Vincent Devito <[vincent\\_devito@ios.doi.gov](mailto:vincent_devito@ios.doi.gov)>  
**Date:** August 24, 2017 at 4:53:28 PM EDT  
**To:** [james.schindler@boem.gov](mailto:james.schindler@boem.gov)  
**Subject:** Materials

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Thanks.

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---

**From:** James Schindler <[james.schindler@boem.gov](mailto:james.schindler@boem.gov)>  
**Sent:** Thu Aug 24 2017 15:11:07 GMT-0600 (MDT)  
**To:** [nicole.cooper@boem.gov](mailto:nicole.cooper@boem.gov)

**Subject:** Fwd: Materials

Hey Nicole, Karla is out tomorrow. Could you do this for me? Let me know and thanks!

Sent from my iPhone

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**Subject:** Materials

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**"Cooper, Nicole" <[nicole.cooper@boem.gov](mailto:nicole.cooper@boem.gov)>**

---

**From:** "Cooper, Nicole" <[nicole.cooper@boem.gov](mailto:nicole.cooper@boem.gov)>  
**Sent:** Fri Aug 25 2017 07:05:21 GMT-0600 (MDT)  
**To:** James Schindler <[james.schindler@boem.gov](mailto:james.schindler@boem.gov)>  
**Subject:** Re: Materials

Good morning James,

I'll get the key to your office and scan the booklet for you.

Thanks/Nicole

*Nicole Cooper  
Program Specialist  
Bureau of Ocean and Energy Management  
Office of Environmental Programs  
Department of the Interior  
1849 C Street, NW, Room 5227  
Washington, DC 20240  
MS 5238*

On Thu, Aug 24, 2017 at 5:11 PM, James Schindler <[james.schindler@boem.gov](mailto:james.schindler@boem.gov)> wrote:  
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**From:** "Schindler, James" <[james.schindler@boem.gov](mailto:james.schindler@boem.gov)>  
**Sent:** Mon Aug 28 2017 11:13:34 GMT-0600 (MDT)  
**To:** "Cooper, Nicole" <[nicole.cooper@boem.gov](mailto:nicole.cooper@boem.gov)>  
**Subject:** Re: Materials

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Program Specialist  
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1849 C Street, NW, Room 5227  
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Email: [Nicole.Cooper@boem.gov](mailto:Nicole.Cooper@boem.gov)  
Work:202-208-6705*

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**From:** "Cooper, Nicole" <[nicole.cooper@boem.gov](mailto:nicole.cooper@boem.gov)>  
**Sent:** Tue Aug 29 2017 06:19:50 GMT-0600 (MDT)

**To:** "Schindler, James" <james.schindler@boem.gov>  
**Subject:** Re: Materials

My pleasure!

*Nicole Cooper  
Program Specialist  
Bureau of Ocean and Energy Management  
Office of Environmental Programs  
Department of the Interior  
1849 C Street, NW, Room 5227  
Washington, DC 20240  
MS 5238  
Email: [Nicole.Cooper@boem.gov](mailto:Nicole.Cooper@boem.gov)  
Work: 202-208-6705*

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# Conversation Contents

## Presentation

## Attachments:

/84. Presentation/1.1 Bay State Wind Update\_Schindler.pdf

/84. Presentation/4.1 Bay State Wind Update\_Schindler.pdf

**"Cooper, Nicole" <nicole.cooper@boem.gov>**

---

**From:** "Cooper, Nicole" <nicole.cooper@boem.gov>  
**Sent:** Fri Aug 25 2017 07:32:51 GMT-0600 (MDT)  
**To:** Gisella Ojeda-dodds <gisella\_ojeda-dodds@ios.doi.gov>  
**CC:** James Schindler <james.schindler@boem.gov>  
**Subject:** Presentation  
**Attachments:** Bay State Wind Update\_Schindler.pdf

Good morning Gisella,

Per James Schindler, please forward this presentation to Mr. Vincent Devito.

Thank you,

*Nicole Cooper  
Program Specialist  
Bureau of Ocean and Energy Management  
Office of Environmental Programs  
Department of the Interior  
1849 C Street, NW, Room 5227  
Washington, DC 20240  
MS 5238  
Email: [Nicole.Cooper@boem.gov](mailto:Nicole.Cooper@boem.gov)  
Work: 202-208-6705*

**"Ojeda-dodds, Gisella" <gisella\_ojeda-dodds@ios.doi.gov>**

---

**From:** "Ojeda-dodds, Gisella" <gisella\_ojeda-dodds@ios.doi.gov>  
**Sent:** Fri Aug 25 2017 07:38:03 GMT-0600 (MDT)  
**To:** "Cooper, Nicole" <nicole.cooper@boem.gov>  
**CC:** James Schindler <james.schindler@boem.gov>  
**Subject:** Re: Presentation

Thanks so much! I will give this to him.

Gisella

On Fri, Aug 25, 2017 at 9:32 AM, Cooper, Nicole <[nicole.cooper@boem.gov](mailto:nicole.cooper@boem.gov)> wrote:  
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--

Gisella Ojeda-Dodds  
Executive Assistant to Douglas Domenech, Senior Advisor  
Downey Magallanes, Acting Deputy Chief of Staff  
Vincent DeVito, Counselor to the Secretary for Energy Policy  
Immediate Office of the Secretary  
U.S. Department of the Interior  
1849 "C" Street, NW, MS: 6136-MIB  
Washington, D.C. 20240  
Telephone: (202) 208-4123/4105  
Facsimile: (202) 208-4561  
E-mail: [Gisella\\_Ojeda-Dodds@ios.doi.gov](mailto:Gisella_Ojeda-Dodds@ios.doi.gov)

**"Cooper, Nicole" <[nicole.cooper@boem.gov](mailto:nicole.cooper@boem.gov)>**

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**From:** "Cooper, Nicole" <[nicole.cooper@boem.gov](mailto:nicole.cooper@boem.gov)>  
**Sent:** Fri Aug 25 2017 07:38:56 GMT-0600 (MDT)  
**To:** "Ojeda-dodds, Gisella" <[gisella\\_ojeda-dodds@ios.doi.gov](mailto:gisella_ojeda-dodds@ios.doi.gov)>  
**CC:** James Schindler <[james.schindler@boem.gov](mailto:james.schindler@boem.gov)>  
**Subject:** Re: Presentation

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Email: [Nicole.Cooper@boem.gov](mailto:Nicole.Cooper@boem.gov)  
Work:202-208-6705*

On Fri, Aug 25, 2017 at 9:38 AM, Ojeda-dodds, Gisella <[gisella\\_ojeda-dodds@ios.doi.gov](mailto:gisella_ojeda-dodds@ios.doi.gov)> wrote:

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Gisella

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Gisella Ojeda-Dodds  
Executive Assistant to Douglas Domenech, Senior Advisor  
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Vincent DeVito, Counselor to the Secretary for Energy Policy  
Immediate Office of the Secretary  
U.S. Department of the Interior  
1849 "C" Street, NW, MS: 6136-MIB  
Washington, D.C. 20240  
Telephone: (202) 208-4123/4105  
Facsimile: (202) 208-4561  
E-mail: [Gisella\\_Ojeda-Dodds@ios.doi.gov](mailto:Gisella_Ojeda-Dodds@ios.doi.gov)

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**From:** "Schindler, James" <[james.schindler@boem.gov](mailto:james.schindler@boem.gov)>  
**Sent:** Tue Aug 29 2017 08:57:03 GMT-0600 (MDT)  
**To:** Vincent Devito <[vincent\\_devito@ios.doi.gov](mailto:vincent_devito@ios.doi.gov)>  
**Subject:** Fwd: Presentation  
**Attachments:** Bay State Wind Update\_Schindler.pdf

This is Dong's presentation/letter, attached.

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**Sent:** Tue Aug 29 2017 08:57:50 GMT-0600 (MDT)  
**To:** "Schindler, James" <[james.schindler@boem.gov](mailto:james.schindler@boem.gov)>  
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--

Vincent DeVito, Esq.  
Counselor to the Secretary of Interior for Energy Policy  
Immediate Office of the Secretary  
+1.202.208.2884  
[vincent\\_devito@ios.doi.gov](mailto:vincent_devito@ios.doi.gov)





August 11, 2017

Vincent DeVito  
Counselor to the Secretary for Energy Policy  
United States Department of the Interior  
1849 C Street, NW  
Washington, D.C. 20240

DONG Energy Wind Power U.S.  
North American Headquarters  
One International Place  
100 Oliver Street, Suite 2610  
Boston, MA 02110

[www.dongenergy.com](http://www.dongenergy.com)

Dear Mr. DeVito,

We appreciate the opportunity to offer recommendations pursuant to Executive Order 13771, "Reducing Regulation and Controlling Regulatory Costs." DONG Energy is a diversified energy company based in Denmark whose U.S. subsidiary's headquarters are in Boston. DONG Energy is the global leader in the development and operation of offshore wind farms, with 22 offshore wind farms in Europe and Asia comprising over 3,500 MW of capacity. DONG Energy has experience developing and operating projects under multiple regulatory regimes and recognizes the importance of an expedited permitting process that allows businesses to optimize value for consumers while minimizing environmental impacts and coordinating with other marine stakeholders. DONG Energy Wind Power (U.S.) Inc is committed to the safe, cost-effective and efficient development of the offshore wind industry in the U.S.

Executive Order 13771 directed executive departments and agencies to manage the costs associated with complying with Federal regulations and identify savings associated with existing regulations. We offer the following recommendations to streamline existing regulations and ensure the safe and efficient development of offshore wind projects in the U.S.

In addition to the recommendations identified below, the company acknowledges the Bureau of Ocean Energy Management's (BOEM)'s current efforts to streamline existing guidelines and publish new guidelines. DONG Energy appreciates the importance of this work and recommends that this work be progressed on an accelerated timeline.

#### *Recommendations to Streamline Offshore Wind Regulations*

Pursuant to Executive Order 13771, DONG Energy recommends that BOEM implement the following changes to speed the permitting process, reduce costs and provide greater certainty in the development process without compromising environmental or safety protections.

#### *Leasing and Permitting Processes*

1. BOEM should implement a rigorous plan-preview process that includes mandatory review timelines for the entire National Environmental Policy Act (NEPA) review process, including the scoping process and the ultimate agency decision. This would enable a thorough plan-review process while ensuring the process is more predictable, transparent and expeditious. A more streamlined and predictable plan review process will reduce scheduling uncertainty, cost and financial risk. BOEM should ensure that review timelines are consistent with the Department of Interior's regulations and include all required consultations. See 40 C.F.R. § 1501.8.
2. BOEM should approve the scope of work for the Site Assessment Plan (SAP) and Construction and Operations Plan (COP) prior to developers conducting activities necessary for inclusion in these documents and well in advance of their submittal to BOEM. In general, BOEM should initiate the NEPA process as early as possible, including early scoping, consistent with 40 C.F.R. § 1501.2. As the lead agency under NEPA, BOEM should ensure that other agencies are involved at an early stage in the scoping process and provide them clarity on the required timelines.



parameters. We look forward to discussing the forthcoming draft guidance on the use of the Design Envelope concept that BOEM is developing.

9. BOEM should no longer require field verification of acoustic survey equipment, given that BOEM and other agencies now have sufficient data from operational experience to conduct desktop assessments. Field verification is not necessary and creates significant and unwarranted expense and potential for delay.
10. To ensure safe operations and mitigate impacts on marine mammals during geophysical and geotechnical surveys, exclusion zones and shutdown requirements for geophysical equipment should be specific to the equipment that has the potential to impact species of concern. Lease language should also be consistent (for all leaseholders) and state that exclusion-zone and shutdown requirements are only applicable to equipment operating below 200kHz. To allow for safe and efficient operations, operation of other equipment should not be restricted.
11. BOEM should modify language regarding geotechnical equipment shutdown requirements to ensure safe operations. In some situations, there may be a risk of equipment getting stuck if it is immediately shut down, or of creating potentially unsafe situations. Geotechnical equipment that is subject to shutdown requirements due to noise impacts should be subject to language that notes the equipment will be shut down "when technically feasible." As usual practice, equipment will be shut down at the direction of the Protected Species Observer (PSO) or shut down as soon as technically feasible (e.g., when the equipment is in a safer position).
12. We appreciate the work undertaken by BOEM to produce studies and recommend that the agency coordinate with industry on this work and increase transparency. We recommend the agency seek out greater industry input in the Environmental Studies Program and obtain industry feedback before embarking on studies that are project-specific and may require company participation. Technical studies should rely on the latest technology and incorporate industry input to ensure comprehensive and accurate conclusions.

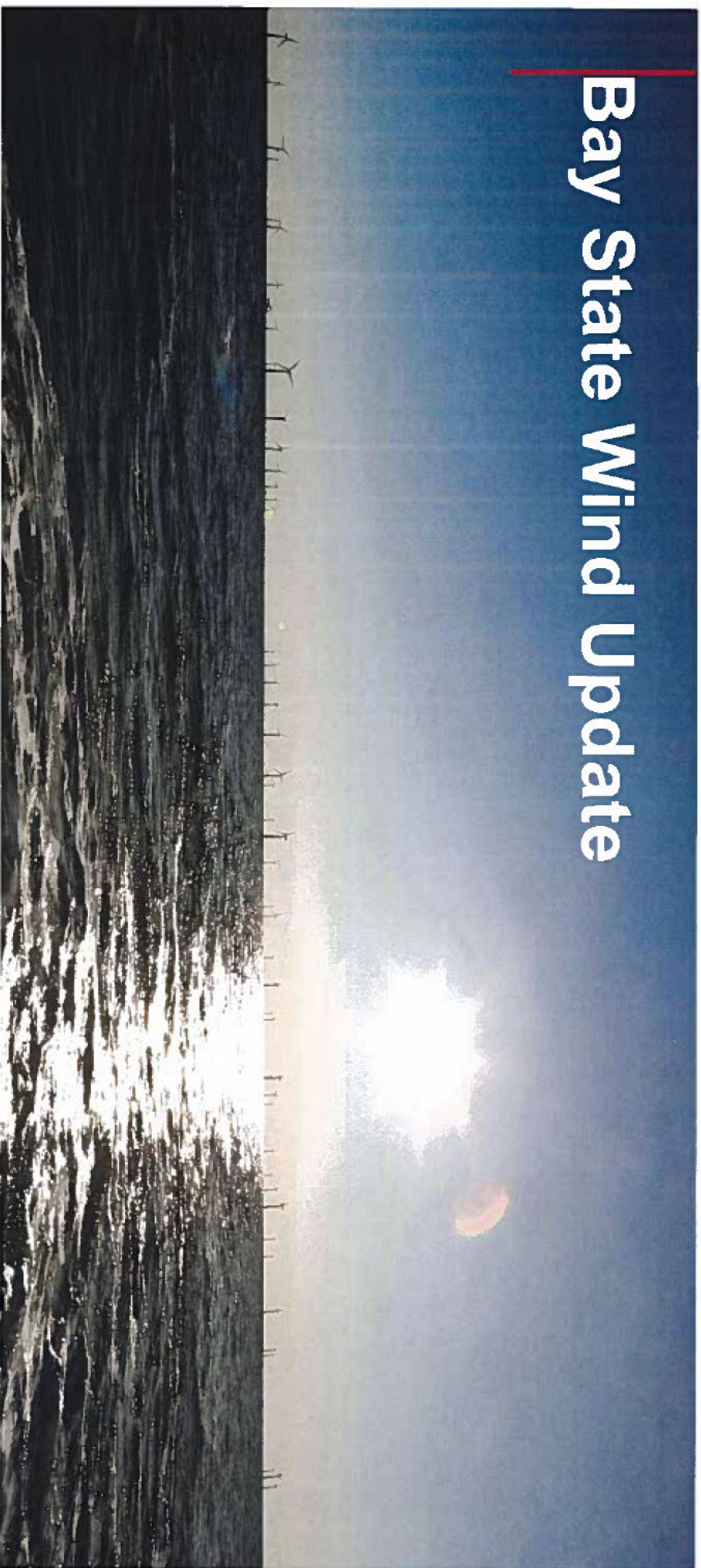
We appreciate the opportunity to provide input on the Department's regulatory initiatives, and look forward to continued dialogue and exploring ways in which DONG Energy Wind Power (U.S.) Inc and the Department can work collaboratively in furtherance of clear, consistent and efficient regulations and procedures.

Sincerely,

A handwritten signature in black ink, appearing to read "Fred Zalman".

Fred Zalman  
Head of Government Affairs, U.S.  
DONG Energy Wind Power (U.S.) Inc

# Bay State Wind Update



**U.S. Department of Interior**

**August 23, 2017**



August 11, 2017

Vincent DeVito  
Counselor to the Secretary for Energy Policy  
United States Department of the Interior  
1849 C Street, NW  
Washington, D.C. 20240

DONG Energy Wind Power U.S.  
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Pursuant to Executive Order 13771, DONG Energy recommends that BOEM implement the following changes to speed the permitting process, reduce costs and provide greater certainty in the development process without compromising environmental or safety protections.

#### *Leasing and Permitting Processes*

1. BOEM should implement a rigorous plan-preview process that includes mandatory review timelines for the entire National Environmental Policy Act (NEPA) review process, including the scoping process and the ultimate agency decision. This would enable a thorough plan-review process while ensuring the process is more predictable, transparent and expeditious. A more streamlined and predictable plan review process will reduce scheduling uncertainty, cost and financial risk. BOEM should ensure that review timelines are consistent with the Department of Interior's regulations and include all required consultations. See 40 C.F.R. § 1501.8.
2. BOEM should approve the scope of work for the Site Assessment Plan (SAP) and Construction and Operations Plan (COP) prior to developers conducting activities necessary for inclusion in these documents and well in advance of their submittal to BOEM. In general, BOEM should initiate the NEPA process as early as possible, including early scoping, consistent with 40 C.F.R. § 1501.2. As the lead agency under NEPA, BOEM should ensure that other agencies are involved at an early stage in the scoping process and provide them clarity on the required timelines.





parameters. We look forward to discussing the forthcoming draft guidance on the use of the Design Envelope concept that BOEM is developing.

9. BOEM should no longer require field verification of acoustic survey equipment, given that BOEM and other agencies now have sufficient data from operational experience to conduct desktop assessments. Field verification is not necessary and creates significant and unwarranted expense and potential for delay.
10. To ensure safe operations and mitigate impacts on marine mammals during geophysical and geotechnical surveys, exclusion zones and shutdown requirements for geophysical equipment should be specific to the equipment that has the potential to impact species of concern. Lease language should also be consistent (for all leaseholders) and state that exclusion-zone and shutdown requirements are only applicable to equipment operating below 200kHz. To allow for safe and efficient operations, operation of other equipment should not be restricted.
11. BOEM should modify language regarding geotechnical equipment shutdown requirements to ensure safe operations. In some situations, there may be a risk of equipment getting stuck if it is immediately shut down, or of creating potentially unsafe situations. Geotechnical equipment that is subject to shutdown requirements due to noise impacts should be subject to language that notes the equipment will be shut down "when technically feasible." As usual practice, equipment will be shut down at the direction of the Protected Species Observer (PSO) or shut down as soon as technically feasible (e.g., when the equipment is in a safer position).
12. We appreciate the work undertaken by BOEM to produce studies and recommend that the agency coordinate with industry on this work and increase transparency. We recommend the agency seek out greater industry input in the Environmental Studies Program and obtain industry feedback before embarking on studies that are project-specific and may require company participation. Technical studies should rely on the latest technology and incorporate industry input to ensure comprehensive and accurate conclusions.

We appreciate the opportunity to provide input on the Department's regulatory initiatives, and look forward to continued dialogue and exploring ways in which DONG Energy Wind Power (U.S.) Inc and the Department can work collaboratively in furtherance of clear, consistent and efficient regulations and procedures.

Sincerely,

A handwritten signature in black ink, appearing to read "Fred Zalman".

Fred Zalman  
Head of Government Affairs, U.S.  
DONG Energy Wind Power (U.S.) Inc