

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy
Sent: Thur 10/5/2017 9:43:12 AM
Subject: Morning Energy, presented by Chevron: Zinke's mixing politics with business draws scrutiny —
Report: Perry took charter flight last week — Federal judge reinstates parts of methane waste rule

By Anthony Adragna | 10/05/2017 05:41 AM EDT

With help from Ben Lefebvre and Darius Dixon

Morning Energy will not publish on Monday Oct. 9. Our next [Morning Energy](#) newsletter will publish on Tuesday Oct. 10. Please continue to follow PRO Energy issues [here](#).

MIXING PUBLIC LANDS AND POLITICS: Over the course of his first months in office, Interior Secretary Ryan Zinke has met with big donors or political groups more than a half-dozen times while on official travel, raising questions about the appropriateness of those habits even if they don't cross any legal red lines, Pro's Ben Lefebvre and Esther Whieldon [report](#). GOP donors shelled out up to \$5,000 per couple for a photo with him during a nearly two-hour Virgin Islands Republican Party fundraiser during a stop on an official trip related to the Interior Department's role overseeing the U.S. territory. Tickets for the fundraiser, which was attended by local party members and elected officials, ranged from \$75 per person to as much as \$5,000 per couple.

Though ethics watchdogs said Zinke's appearance was legal, they said attending a fundraiser during his first month as secretary is not in line with past administrations' conduct. "It happens on occasion with other Cabinet secretaries, perhaps even a little more often as you get near the election, but it is not a very common practice for Cabinet members to be hopping around from campaign event to campaign event like we're seeing with Zinke," said Craig Holman, government affairs specialist for government watchdog Public Citizen. An Interior spokeswoman said Zinke always follows the law but declined to answer specific questions about his appearance at the Virgin Islands fundraiser, nor would say if he planned to continue raising funds.

Zinke's not alone: Obama administration officials had their own struggles mixing official business with politics. A watchdog group requested a probe of whether then-Secretary Ken Salazar had violated the Hatch Act while taking an Obama re-election campaign RV tour of Colorado. The Office of Special Counsel [found](#) HHS Secretary Kathleen Sebelius violated the Hatch Act in 2012, saying she had made "extemporaneous partisan remarks" in North Carolina. Former Interior chief Sally Jewell said she thought Zinke was within his rights, noting she once appeared at a fundraiser for Democratic Sen. [Maria Cantwell](#) that she paid her own way to. "If he had legitimate business while he's on the island, to do a political thing on the side I don't think that is that unusual," Jewell said.

But some see Zinke's activity as trying to maintain political contacts so can keep his options available for what to do after he leaves the Trump administration. "I think he's definitely got political aspirations, that that's one of the reasons why he is where he is at right now," said Land Tawney, executive director of Backcountry Hunters and Anglers. "You don't go from being a Montana legislator to a first-term congressman to [Interior] secretary without having ambition."

He's widely seen an attractive candidate for Montana's open-seat governor's race in 2020.

Quotes that keep coming back to ME: "Put another way, just because something is legal doesn't make it right," OMB director Mick Mulvaney wrote last week. "So much of what happens around here is based on appearances. If it just appears wrong, don't do it," Senate Energy Chairman Lisa Murkowski told reporters last week.

REPORT: PERRY TOOK CHARTER TOO — LAST WEEK: Energy Secretary Rick Perry took a chartered flight last week from Hazleton Regional Airport in Pennsylvania to the Greater Portsmouth Regional Airport in Ohio one day before HHS Secretary Tom Price resigned last week, Reuters reports, citing "PMH Aviation, the company that runs the Portsmouth airport." Information about the cost of the flight were not available and the agency did not respond to requests for comment. PMH declined to confirm the flight when contacted by ME Wednesday night. But FlightAware has details of a Sept. 28 trip that appears to match Perry's itinerary that day; his tour of a uranium facility started at 8:30 the following morning. After the tour, Perry tweeted that he was headed to the Cincinnati/Northern Kentucky International Airport.

SPEAKING OF TRAVEL: The Western Values Project told ME it plans to file a complaint in federal court today complaining Interior has not responded to FOIA requests it filed in June asking the extent that Zinke's wife has accompanied him on official work business. Lola Zinke has accompanied her husband on some official trips, either ceremonial events to which she had been officially invited or on trips on which she has paid her way, Interior spokeswoman Heather Swift told ME. And CNN reports Interior's inspector general expanded its existing probe on Zinke's non-commercial travel to also include a summer visit to the Vegas Golden Knights hockey team.

WELCOME TO THURSDAY EVERYBODY! I'm your host Anthony Adragna, and DOE's Diane Meck was first up to identify Rep. Sala Burton as the lawmaker Nancy Pelosi replaced in Congress. For today: How many — and which — members of Congress replaced their spouses in their seats? Send your tips, energy gossip and comments to aadragna@politico.com, or follow us on Twitter [@AnthonyAdragna](https://twitter.com/AnthonyAdragna), [@Morning_Energy](https://twitter.com/Morning_Energy), and [@POLITICOPro](https://twitter.com/POLITICOPro).

"I DID NOT SIGN UP TO GO BLOW UP THE MARKETS": Recently minted FERC Commissioner Robert Powelson didn't hold back Wednesday making it clear that he's not going to be a rubber stamp on the Energy Department's grid pricing proposal, and warned against politicizing FERC. According to SNL, the audience gathered for a meeting of the Organization of PJM States broke into a standing ovation when the former longtime Pennsylvania regulator declared, "We will not destroy the marketplace." Powelson, a Republican, reportedly said he wouldn't support a rule that undoes the power markets FERC oversees. "When that happens, we're done. I'm done; I don't need this job," he said, according to SNL. "FERC does not do politics. We don't do energy politics," he also said. "I did not sign up to go blow up the markets."

Something to keep in mind: Organization of PJM States includes state regulators spanning Illinois to New Jersey and down to North Carolina, and its meetings include not only officials from PJM, the nation's largest power market, but consumer counsels from those states and plenty of power companies. PJM is also the market that would be the most affected by DOE's proposed

rule. This is Powelson's crowd.

We need lots of information: Late Wednesday, FERC posted 53 questions and other requests for information as it dives into DOE controversial resiliency pricing proposal, Pro's Darius Dixon [reports](#). The six-page [document](#) splits those questions into categories looking for feedback on rates, the 90-day on-site fuel requirement envisioned by DOE, and how pricing changes would be implemented, among other issues.

METHANE RULE LIVES — FOR NOW: A federal court in California [ruled](#) Wednesday that BLM unlawfully postponed key compliance dates for a methane waste rule in June, effectively putting the rule back on the books for now. Pro's Alex Guillén [reports](#). Magistrate Judge Elizabeth Laporte said the agency was too late to delay components of the regulation because its effective date had already passed and therefore should have gone through a round of notice-and-comment rulemaking before suspending any part of the rule. Her decision came the same day Interior [proposed](#) an 18-month delay of the methane waste rule as it works to rewrite it. BLM will accept comments on that proposal for 30 days.

**** A message from Chevron:** When an endangered butterfly was found near a Chevron refinery, we protected the habitat and still plant the only thing they eat—buckwheat. Watch the video: <http://politi.co/2fVfOTm> **

EPA STRATEGIC PLAN DROPS CLIMATE FOCUS: EPA's priorities for the next four years would no longer make reference to climate change or rules to reduce carbon emissions under a [draft strategic plan](#), Pro's Alex Guillén [reports](#). The document, which went out to EPA employees Wednesday, instead defines the agency's "core mission" as ensuring clean air, water and land, calls for more "cooperative federalism" and touts the "rule of law and process." Accompanying graphic that went to employees [here](#).

DEMOCRATS OFFERING CLIMATE METRIC BILL: Led by Sen. [Michael Bennet](#), eight Senate Democrats today are introducing [a bill](#) — the Transparent Pollution Accounting Act — that would standardize the metric used across the federal government to quantify the cost of climate pollution. The Trump administration suspended use of the existing social cost of carbon earlier this year, prompting the need for a codified value, the Democrats argue.

WATCH THAT WRAP UP TODAY: Murkowski wants to have Kevin McIntyre, Trump's pick to chair FERC, and Rich Glick, who serves as general counsel to energy committee Democrats, onto the commission before the chamber adjourns for the Columbus Day recess, Pro's Darius Dixon [reports](#).

Barrasso: Baran's renom needs a big offset: If Democrats want to secure a full five-year term for Nuclear Regulatory Commission member Jeff Baran, they're going to have to agree to "a fairly significant, robust [nomination] package for me to agree to allow him through," Sen. [John Barrasso](#) told ME. Democrats have insisted that Baran, a former aide to ex-Rep. Henry Waxman who has been on the commission since 2014, get a new term alongside the confirmations of GOP commission nominees Annie Caputo and David Wright, who were approved by EPW in July.

Barrasso's comments suggest that Democratic support for Caputo and Wright likely isn't enough to get him to go along with Baran, especially considering his frustration with objections to EPA enforcement nominee Susan Bodine. Still, there's not much to hang over the Democrats in the near term: It's a Republican administration with plenty of EPA nominees they don't like, and Baran's seat doesn't expire until June.

ADMINISTRATION SENDS OVER DISASTER FUNDING REQUEST: Officials formally sent over a request for nearly \$30 billion in disaster relief Wednesday that included \$12.8 billion for FEMA's disaster relief fund, \$16 billion for the National Flood Insurance Program and \$576.5 million for the forest service's firefighting fund, Pro Budget and Appropriations Brief's Sarah Ferris [reports](#). That came as San Juan's mayor [blasted Trump](#) on Wednesday as the "miscommunicator in chief" and called his visit to the island "insulting."

Murkowski's focused on immediate relief: Murkowski expressed concern about the "slow" federal response to Hurricane Maria and said building a more resilient Puerto Rican grid was secondary to getting the lights back on. "When you think about the extent of a disaster like this, we all want to say, 'Okay, let's improve, let's improve the grid here, let's build the Puerto Rican grid of the future,' but first and foremost—we've just gotta try and clean up," she told reporters. An aide said Murkowski planned to visit the island with other lawmakers next week but that those details are still being finalized.

PHMSA, NOAA PICKS ADVANCE: The Senate Commerce Committee advanced the nominations of Howard Elliott to run PHMSA and Timothy Gallaudet to be No. 2 at NOAA by voice vote Wednesday. Add them to the ever-increasing backlog of nominees waiting for a Senate floor vote.

DEMOCRATS SEEK PROBE OF PRUITT'S SPENDING: Two senior House Transportation Democrats — [Peter DeFazio](#) and [Grace Napolitano](#) — asked EPA's inspector general in a [letter](#) to probe "wasteful" spending by Pruitt on round-the-clock security and a \$25,000 soundproof phone booth. "This culture, which is reflected in travel and lifestyle choices from the president on down, seems to embolden senior, politically appointed officials of the Trump administration to undertake lavish spending of taxpayer dollars for their sole and personal benefit, and not for the benefit of the Americans paying the tab," they write.

Udall considering private plane rider: Sen. [Tom Udall](#), top Democrat on Appropriations subcommittee responsible for EPA spending, told ME he was "exploring" some sort of rider barring officials from private plane travel. "What I end up seeing is there's some very wasteful things going on," he said.

SENIOR E&C MEMBER MURPHY TO RETIRE: Rep. [Tim Murphy](#), who chairs the Energy and Commerce Subcommittee on Oversight, announced late Wednesday he'll retire at the end of his current term, POLITICO's Rachael Bade, Elena Schneider and John Bresnahan [report](#). The staunchly pro-life Murphy allegedly suggested a mistress get an abortion.

MINE SAFETY PICK ACKNOWLEDGES FAULTS: David Zatezalo, Trump's mine safety pick, told a Senate panel Wednesday he was "not proud of the fact" the coal company Rhino

Resources he used to run got notices of safety violations, Pro Labor's Ian Kullgren [reports](#). He also said he'd have no trouble working with career staff that issued the notices in 2010 and 2011.

ZINKE HEADS TO FLORIDA: Today, the Interior secretary will get a briefing on "infrastructure upgrades and Everglades restoration at Lake Okeechobee." He'll also visit National Park Service sites Friday impacted by recent hurricanes.

CONSERVATIVES FOR CLEAN ENERGY: Hundreds are expected to gather today at the Hyatt Regency for the Conservative Clean Energy Summit. Multiple lawmakers are expected to address the gathering, including Sens. [Mike Rounds](#), [Rob Portman](#) and [Lindsey Graham](#), as well as Rep. [Scott W. Taylor](#). More information [here](#).

Milestone for House climate caucus: There are now 60 members of the House Climate Solutions Caucus with the additions of Reps. [Pete Aguilar](#) and [Mimi Walters](#).

PERRY AIDE ADDS MORE CLIENTS: Jeff Miller, a former adviser to Energy Secretary Rick Perry during his second presidential run, has signed three new clients — including Pacific Gas and Electric, the massive California utility. Miller reported lobbying DOE in the second quarter on behalf of six clients, including AECOM, Lucid Motors (as a subcontractor to Hobart Hallaway & Quayle), the Nuclear Energy Institute, Occidental Petroleum, Southern Company and Valero Energy. He's signed 15 clients since he started lobbying in Washington this year and Perry became DOE chief (h/t [POLITICO Influence](#)).

END OF A (SHORT) ERA: The Rogue EPA Twitter account is going on hiatus, it announced Wednesday. "We started this account to be sure the public knew what was happening at EPA. Now, the world sees...It may be time to take a step back and let others carry the torch for a while. Those of us at the helm, here, are tired," a [couple of tweets](#) said.

QUICK HITS

— Putin Says He'd Drive a Tesla. [Bloomberg](#).

— Interior Department whistleblower resigns, calling Ryan Zinke's leadership a failure. [Washington Post](#).

— Contrary To Original Plan, Atlantic Coast Pipeline May Extend Beyond North Carolina. [WUNC](#).

— Former AG Sorrell Skips Deposition, Sparks War of Words. [Seven Days](#).

— Here's the leaked anti-leak training email sent to DOE staff. [Wired](#).

— Putin says oil cut deal with OPEC could last to end of 2018. [CNBC](#).

— Climate change could nearly triple airplane turbulence in the next decades, study says. [ABC News](#).

HAPPENING TODAY

9:30 a.m. — CSIS [discussion](#) on the future of electrification, Center for Strategic & International Studies, 1616 Rhode Island Ave NW

9:30 a.m. — Sens. Burr and Cantwell hold press conference on Land and Water Conservation Fund, Senate Swamp

9:30 a.m. — Lawmakers hold press conference to discuss the wildfire threat in the West and potential legislative fixes, HVC 110 Studio B

10:00 a.m. — "[Powering America: Consumer-Oriented Perspectives on Improving the Nation's Electricity Markets](#)," House Energy and Commerce Energy Subcommittee, Rayburn 2123

12:00 p.m. — "[The Growing Role of Liquefied Natural Gas in Latin America](#)," Atlantic Council, 1030 15th ST NW, 12th Floor

12:30 p.m. — "[How Agencies Reverse Policy: Stays, Remands, and Reconsideration](#)," Environmental Law Institute, 1101 K Street, NW, President's Room

THAT'S ALL FOR ME!

**** A message from Chevron:** This is a story about DOERS, butterflies, and buckwheat. In '75, the endangered El Segundo Blue butterfly was found near a Chevron refinery. We protected the habitat and planted the only thing they eat—buckwheat. We're still planting and keeping an eye on our littlest neighbor. Watch the video: <http://politi.co/2fVfOTm> **

To view online:

<https://www.politicopro.com/tipsheets/morning-energy/2017/10/zinke-mixing-politics-with-business-draws-scrutiny-024920>

Stories from POLITICO Pro

Interior secretary draws flak for mixing politics, official travel [Back](#)

By Ben Lefebvre and Esther Whieldon | 10/04/2017 07:31 PM EDT

Republican donors paid up to \$5,000 per couple for a photo with Interior Secretary Ryan Zinke at a fundraiser held during a taxpayer-funded trip to the U.S. Virgin Islands, according to documents reviewed by POLITICO — raising questions about his habit of mixing official government business with political activism.

The new details about Zinke's March trip to the Caribbean, including the previously undisclosed invitation to the Virgin Islands Republican Party fundraiser, emerged after weeks of scrutiny of the former Montana GOP congressman's travels. The nearly two-hour event was one of more

than a half-dozen times Zinke has met with big donors or political groups while on department-paid trips, Interior travel records and other documents show.

Ethics watchdogs say Zinke is combining politics with his Interior duties so frequently that he risks tripping over the prohibitions against using government resources for partisan activity, even though his appearance at the Virgin Islands event seems to have been legal. Democrats have also seized on the issue, including 26 House members who wrote in a letter Tuesday that Zinke's travels "give the appearance that you are mixing political gatherings and personal destinations with official business."

Zinke has said all his actions have obeyed the law, dismissing concerns about his travel as "a little B.S."

But some ethics advocates say Zinke's attendance at a fundraiser during his first month as secretary is not in line with past administrations' conduct, even if he crossed no legal red lines.

"It happens on occasion with other Cabinet secretaries, perhaps even a little more often as you get near the election, but it is not a very common practice for Cabinet members to be hopping around from campaign event to campaign event like we're seeing with Zinke," said Craig Holman, government affairs specialist for government watchdog Public Citizen.

The secretary is already under investigation by his department's inspector general over his use of taxpayer-funded private planes for some of the trips, and the Justice Department's Office of Special Counsel is looking into an activist group's allegations that he violated the Hatch Act, the law limiting political activism by federal employees. The White House has cracked down on Cabinet members' travel habits following former HHS Secretary Tom Price's resignation on Friday, which occurred after POLITICO reported on his own expensive flights.

Zinke visited the Virgin Islands from March 30 to April 1 on an official trip related to the Interior Department's role overseeing the U.S. territory. On his first day, following a "veterans meet and greet" and a reception with Gov. Kenneth Mapp, he appeared in his personal capacity at a March fundraiser for the local Republican Party at the patio bar of the Club Comanche Hotel St. Croix, department records show.

Tickets for the fundraiser ranged from \$75 per person to as much as \$5,000 per couple to be an event "Patron," according to Zinke's official calendar and a copy of the invitation. Patrons and members of the host committee, who paid \$1,500 per couple, could get a photo with Zinke at the start of the event, which was attended by local party members and elected officials.

The following day, Zinke took a \$3,150 flight on a private plane, paid for by the department, from St. Croix to official functions on St. Thomas and returned later that evening. Interior Department officials said there was no other way to accommodate his schedule, which included official events on both islands commemorating the 100th anniversary of the Dutch government transferring control of the islands to the United States.

Zinke is allowed to engage in partisan political activity in a "purely personal (not official)

capacity," so long as he does not use government resources, according to Interior Department guidelines on the Hatch Act and other federal laws. The invitation to the GOP fundraiser did not identify Zinke by his official title and included a disclaimer that the money is being solicited by the local party and "not by any federal official."

All told, Zinke has spent around \$20,000 for three charter flights as secretary, nowhere near the \$1 million tab Price racked up on non-commercial trips. But he has on numerous occasions attended political receptions, spoken to influential conservative groups or appeared alongside past campaign donors during trips he takes outside of Washington, D.C., for official department business.

In one instance, Zinke gave a motivational speech for a professional hockey team owned by a major campaign contributor that he said was official business — and which required him to charter a \$12,000 flight to Montana for an appearance at the Western Governors Association the next day.

In another case, during a speech to the Western Conservative Summit in Denver, he was introduced via a recorded voice as the Interior secretary and Zinke proceeded to talk about the agency's priorities. The summit was organized by the Centennial Institute, which bills itself as Colorado Christian University's think tank and is a part of the State Policy Network of organizations that collectively push for conservative state-level legislation.

An Interior spokeswoman said Zinke always follows the law but declined to answer specific questions about his appearance at the Virgin Islands fundraiser, nor say whether he would keep raising political money. The agency also has yet to post Zinke's trip expenses involving any of the political events.

"The Interior Department under the Trump Administration has always and will always work to ensure all officials follow appropriate rules and regulations when traveling, including seeking commercial options at all times appropriate and feasible, to ensure the efficient use of government resources," spokeswoman Heather Swift said in a statement.

Swift did not respond to questions about whether the department had gotten reimbursement for the political portion of Zinke's three-day Virgin Islands trip, as the head of one watchdog group says it should have.

"Some of this travel is clearly political and that part of the travel should have been paid for by the RNC, NRCC, state political parties, a campaign committee or Zinke personally," said Daniel Stevens, executive director of the Campaign for Accountability.

No payments to the department are listed in the Virgin Islands Republican Party's FEC records.

Zinke is not the first Interior secretary, or Cabinet member, to have his activities questioned.

In 2012, a watchdog group called Cause of Action urged the Office of Special Counsel to investigate whether President Barack Obama's then-Secretary Ken Salazar had violated the

Hatch Act while taking an Obama reelection campaign RV tour of Colorado with a couple of lawmakers and the state lieutenant governor. Local organizers of one stop on that tour had billed Salazar on its online events calendar as attending the political rally in his official role. OSC would not say whether its investigation uncovered any problems, but [travel records](#) Interior has posted show that one of Salazar's aides had told the tour's coordinator the schedule "should not refer to (Salazar as) 'secretary.'" Salazar did not respond to a request for comment.

A former Salazar aide, who was not authorized to speak on the record, said the Obama administration generally tried to avoid scheduling political events that coincided with official travel because it was difficult to divvy up what expenses should be reimbursed by a campaign.

The special counsel's office [found](#) Obama HHS Secretary Kathleen Sebelius in violation of the Hatch Act in 2012, saying she had made "extemporaneous partisan remarks" by endorsing a candidate for North Carolina governor during a speech she made in her official capacity. Sebelius tried to scrub the violation by reclassifying the appearance as political and reimbursing the Treasury Department for costs associated with the trip.

Sally Jewell, who was Interior secretary during Obama's second term, said Zinke was within his rights to appear at the fundraiser in the Virgin Islands. Jewell said she once appeared at a fundraiser for Democratic Sen. [Maria Cantwell](#) while in Obama's Cabinet, though she paid her own way to Washington state and was not identified by her official title.

"If he had legitimate business while he's on the island, to do a political thing on the side, I don't think that is that unusual," Jewell said in an interview.

EPA Administrator Scott Pruitt [canceled](#) his scheduled appearance at a fundraiser for the Oklahoma Republican Party in April because an invitation had identified him by his official title and said he would discuss his work at the agency. EPA ethics officials said he [would have been](#) cleared to attend the event if not for that language on the invitation.

Watchdog groups say Zinke's behavior fits a pattern for Trump's Cabinet.

"These government resources have been abused by this administration," said Virginia Canter, an executive branch ethics counsel for Citizens for Responsibility and Ethics in Washington who previously worked as an ethics official for Presidents George H.W. Bush, George W. Bush and Obama. "To the extent that some of that supports their political ambitions is inconsistent with the intent of this authority."

The Campaign for Accountability [called](#) on Interior's inspector general and the Office of Special Counsel to investigate whether Zinke violated the Hatch Act or department ethics rules with his speech to the hockey team, which the group said appeared to be a favor for a donor. Interior's IG office announced its investigation earlier this week, and OSC told the Campaign for Accountability that it was looking into the group's complaint, according to an email shared with POLITICO. The OSC declined to comment.

Reps. [Raúl Grijalva](#) (D-Ariz.) and [Donald McEachin](#) (D-Va.) have asked Interior's IG to also

look into any trips on which the secretary was accompanied by his wife, Lola Zinke, who is chairing the campaign of Montana Republican Troy Downing, a candidate to unseat Democratic Sen. [Jon Tester](#) next year. Swift said Lola Zinke was not in the Virgin Islands and has paid her own way whenever she has traveled with her husband on official trips.

Many who know him see Zinke's travels as an attempt to keep in touch with political contacts as he contemplates what he will do after leaving the Trump administration. Back home, the 55-year-old former Montana congressman is seen as an attractive candidate for the open-seat governor's race in 2020, when Democratic Gov. Steve Bullock will have to step down because of term limits.

"I think he's definitely got political aspirations, that's one of the reasons why he is where he is at right now," said Land Tawney, executive director of Backcountry Hunters and Anglers, a Montana-based sportsman group that supported Zinke's bid for Interior secretary. "You don't go from being a Montana legislator to a first-term congressman to [Interior] secretary without having ambition."

The Virgin Islands trip was Zinke's first interaction with big donors or influential conservative groups during his travel as Interior secretary.

A weeklong trip in May that took Zinke through Montana, Utah and California also offered a chance to squeeze in some political events.

Zinke delivered the keynote speech at the RNC spring meeting on May 11 in Coronado, Calif. Zinke had flown to California the previous night, after several days touring monuments in Utah, and the RNC speech was his only event in the state aside from a meeting earlier that afternoon with Rep. [Amata Radewagen](#), the Republican delegate from American Samoa, and members of the American Tunaboat Association.

The next day, Zinke flew back to Montana where he joined Sen. [Steve Daines](#) (R-Mont.) and Vice President Mike Pence to tour a coal mine on the Crow Indian reservation operated by the Westmoreland Coal Co.

The trip offered Zinke and Pence an opportunity to tout the Trump administration's work to promote new coal mining on federal lands — and it allowed them to make a brief detour to promote Zinke's congressional replacement. That Friday night, Zinke, Pence and Daines attended a political rally for GOP candidate Greg Gianforte, and Zinke attended a get-out-the vote event for the Montana GOP the next day.

Zinke apparently paid for his return trip to Washington out of his own pocket — it was marked "personal travel" on his calendar, a designation not applied to the other flights on that trip.

Gianforte, whose wife is a [major](#) political donor in Montana, won the May 25 special election to take over Zinke's House seat.

Greg and Susan Gianforte donated more than \$10,000 to Zinke's 2016 congressional campaign

and another \$10,000 to joint Zinke-Daines PAC, according to [federal](#) records. The couple donated \$5,000 for his earlier run for Congress.

Zinke met with big influencers and donors in June as well.

On June 25, he flew from D.C. to Reno, Nev., where his only scheduled event was a meeting of the Rule of Law Defense Fund, a group of Republican attorneys general that has been linked to the Koch brothers, where he spoke and took questions for about 30 minutes, according to his schedule.

After his remarks, he sat at a dinner table with Montana's attorney general, the government relations specialist for the Venetian Resort Hotel Casino and Las Vegas Sands, and Koch Industries lobbyist Allen Richardson, Interior documents show.

The next day, Zinke flew to Las Vegas for an event on public lands in nearby Pahrump, Nev., and a speech that night to the National Hockey League's Vegas Golden Knights. Bill Foley, the team owner and chairman of Fidelity, introduced Zinke. Foley donated \$7,800 to Zinke's 2014 campaign, while employees and PACs associated with Fidelity and related companies gave another \$180,000. Interior officials said the speech to the NHL team was part of Zinke's official duties, and they pointed to scheduling conflicts it created to justify his use of a \$12,000 private plane to get to a Western Governors Association meeting in Montana the next day.

In July, Zinke spoke to several conservative groups in Colorado during a three-day trip that also included tours of Interior Department facilities in the state. He flew into Denver on July 20 so he could appear that evening at a closed-door reception for the American Legislative Exchange Council, a group of conservative state legislators, lobbyists and industry groups that has pushed for more state control over federal lands.

And over the next two days, he was a featured speaker at a Republican committee roundtable and attended the Western Conservative Summit in Denver.

Eric Wolff contributed to this report.

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Report: Sebelius violated Hatch Act [Back](#)

By Jennifer Haberkorn | 09/12/2012 03:13 PM EDT

HHS Secretary Kathleen Sebelius violated the Hatch Act, which prohibits certain political activity, when she made "extemporaneous partisan remarks" during a speech in her official capacity earlier this year, the U.S. Office of Special Counsel said Wednesday.

The office sent an official report outlining the rare Hatch Act violation and Sebelius's response to President Barack Obama.

The special counsel's office said it "found no evidence that Secretary Sebelius made any other political statements in her official capacity."

During a speech to the Human Rights Campaign Gala in North Carolina in February, Sebelius said North Carolina Lt. Gov. Walter Dalton "needs to be the next governor of North Carolina." She also outlined the Obama administration's accomplishments so far and said, "One of the imperatives is to make sure that we not only come together here in Charlotte to present the nomination to the president, but we make sure that in November he continues to be president for another four years."

The Office of Special Counsel said she made the political remarks in her capacity as a federal employee and thus violated the Hatch Act. If Sebelius had made those remarks in her personal capacity, they would have been acceptable.

After that appearance, Sebelius had the event reclassified from official to political, and done in her personal capacity, in an attempt to avoid a Hatch Act violation. She and HHS also reimbursed the Treasury Department for all the costs associated with the trip. At least some of the cost was picked by the Democratic National Committee, according to the OSC.

But the OSC said the reclassification doesn't mean the violation didn't occur, particularly because the gala was advertised using Sebelius's HHS title.

"OSC concluded that Secretary Sebelius violated the Hatch Act by making extemporaneous political remarks," OSC Special Counsel Carolyn N. Lerner wrote in a letter to President Barack Obama. "As the upcoming elections approach, this report offers an opportunity to remind federal employees of the complex Hatch Act restrictions."

Hatch Act violations against sitting Cabinet secretaries are relatively rare.

"This particular type of violation, where you have a Cabinet secretary speaking at an event, is pretty uncommon," said Scott Coffina, a former associate counsel in President George W. Bush's White House and a partner at Drinker Biddle & Reath. He said there are "a lot of very garden-variety violations," citing federal employees who forward political emails or put up campaign photos.

Republicans immediately criticized Sebelius, and conservative groups called for her dismissal.

But Sebelius told the OSC that the endorsements of Obama and the government were unscripted and a "mistake." OSC quoted her as saying that she "got a little caught up in the notion that the gains which had been made would clearly not continue without the president's reelection."

Sebelius, in her response, said the ruling was "somewhat unfair" and the use of her title amounted to a "technical and minor" violation. She said that OSC should have concluded that the

violation was "corrected" when the event was reclassified as political.

OSC said that by reimbursing the Treasury, she didn't violate rules prohibiting government-funded political events, but it didn't correct the prohibition on making political statements in an official role.

"It is my understanding that the Hatch Act permits Cabinet members to engage in political activities, without regard to location and duty hours, due to the 24-hour nature of our jobs," Sebelius wrote. "I believe that you should have concluded that the consequence of my going 'off script' at an official event was to change the nature of my appearance for cost reimbursement purposes only.

"Keeping the roles straight can be a difficult task, particularly on mixed trips that involve both campaign and official stops on the same day," Sebelius wrote.

Republicans were quick to pounce on Sebelius's violation.

"That the secretary violated federal law in this manner is disturbing, but hardly a surprise," said Antonia Ferrier, spokeswoman for Sen. Orrin Hatch (R-Utah). (The law was named after a different Sen. Hatch: Sen. Carl Hatch of New Mexico.)

"Since almost day one, this administration has had a singular focus on politicking — not governing — that's borne out by the secretary ignoring a strict prohibition on electioneering while working for federal taxpayers," Ferrier said.

House Oversight Committee Chairman Darrell Issa said Obama should carefully consider how to respond to the report.

"As he decides the appropriate consequences for Secretary Sebelius, the president should consider the important leadership role of Cabinet secretaries and the example they must set for the entire executive branch," he said in a statement.

Conservative advocacy groups said the violation warranted her departure.

"This is the most high-profile example of a Hatch Act violation since the act was passed in 1939," said Dan Epstein, executive director of Cause of Action. "Never before has a member of the president's Cabinet been found to have committed a Hatch Act violation. President Obama should immediately fire HHS Secretary Sebelius for her violation of federal law."

Maureen Ferguson and Ashley McGuire of The Catholic Association said most of Sebelius's actions "have advanced the president's political interests" throughout her tenure. "We already know she is willing to violate the First Amendment rights of Americans for political purposes, so why should we be surprised when she bends other laws to score political points?"

This article first appeared on POLITICO Pro at 3:10 p.m. on September 12, 2012.

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White House to Cabinet: No private air travel without Kelly's approval [Back](#)

By Matthew Nussbaum | 09/29/2017 06:57 PM EDT

The White House cracked down on Cabinet officials' use of private planes Friday, telling them chief of staff John Kelly must approve almost all travel on "government-owned, rented, leased, or chartered aircraft," after Health and Human Services Secretary Tom Price [resigned](#) over his own taxpayer-funded flights.

Mick Mulvaney, the director of the Office of Management and Budget, sent out the memo soon after Price's resignation was made public. His exit came after [a series of POLITICO reports](#) about his frequent use of private planes to conduct government — [and sometimes personal](#) — business.

"In light of recent events, the President has asked me to remind the heads of all executive departments and agencies of Administration policies on travel," Mulvaney wrote.

He reminded the department and agency heads that, by regulation, "Government-owned, rented, leased, or chartered aircraft should not be used for travel by Government employees except with specific justification."

"However, beyond the law and formal policy, departments and agencies should recognize that we are public servants," Mulvaney wrote. "Every penny we spend comes from the taxpayer. We thus owe it to the taxpayer to work as hard managing that money wisely as the taxpayer must do to earn it in the first place."

Mulvaney added: "Put another way, just because something is legal doesn't make it right."

Officials should stick to commercial travel "with few exceptions," he wrote.

In the wake of the controversy, other administration officials' travels have come under scrutiny. Interior Secretary Ryan Zinke has used military planes for some trips, [POLITICO reported](#), while EPA Administrator Scott Pruitt and Treasury Secretary Steven Mnuchin have also raised eyebrows with their travel itineraries.

President Donald Trump was livid over the Price scandal and accepted his resignation on Friday.

"We have great secretaries, and we have some that actually own their own planes, so that solves that," Trump told reporters earlier on Friday.

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FERC floats dozens of questions on DOE pricing proposal [Back](#)

By Darius Dixon | 10/04/2017 06:52 PM EDT

FERC opened the floodgates tonight for comments on the Energy Department's controversial resiliency pricing proposal, posting 53 questions and other requests for information about the rulemaking.

The [six-page document](#) signed by FERC's director for energy policy and innovation, groups the questions into broader categories looking for feedback on rates, the 90-day on-site fuel requirement envisioned by DOE, and how pricing changes would be implemented, among other issues.

But many of the questions, which are open to anyone seeking to comment before FERC's initial comment deadline of Oct. 23, are directed at the foundation of DOE's proposal.

For example, DOE's 19-page proposal leans heavily on the grid stresses that occurred during the "polar vortex" to press for new regulatory action. But, FERC doesn't treat the premise as a given. "The proposed rule references the events of the 2014 Polar Vortex, citing the event as an example of the need for the proposed reform. Do commenters agree?"

There are also questions directed at how on-site fuel would address power outages triggered by damage to the electric transmission and distribution system, and several questions seeking to define ostensibly basic information about how the 90-day fuel supply concept should be applied.

WHAT'S NEXT: FERC's initial comment deadline is Oct. 23, with reply comments due Nov. 7.

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Judge says Interior delay of methane waste rule was illegal [Back](#)

By Alex Guillén | 10/04/2017 07:32 PM EDT

A federal judge [ruled](#) today that the Bureau of Land Management's June postponement of key compliance dates for the methane waste rule was unlawful.

BLM relied on Section 705 of the Administrative Procedure Act to justify the delay. But Magistrate Judge Elizabeth Laporte of the U.S. District Court for Northern California said it was too late because the rule's effective date had already passed. That means BLM should have gone

through a round of notice-and-comment rulemaking before suspending any part of the rule, she said.

Coincidentally, the ruling came on the same day that Interior proposed an 18-month delay of the methane waste rule as it works to rewrite it.

Laporte's ruling acknowledges the pending rulemaking but said it could be months before it is finalized and takes effect, and may not survive its own legal challenge, giving her no reason to pause now.

She vacated the delay and ordered the requirements reinstated. She rejected BLM's arguments that the delay should be kept in place, saying that doing so would create "a free pass for agencies to exceed their statutory authority and ignore their legal obligations under the APA, making a mockery of the statute." And Laporte said any company that misses upcoming January deadlines because of Interior's delay is in "a problem to some extent of their own making."

Laporte previously used similar legal reasoning to strike down Interior's delay of a resource valuation rule.

WHAT'S NEXT: BLM will take public comment for 30 days on its new proposal to delay the methane waste rule.

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BLM proposes 18-month delay to methane rule [Back](#)

By Ben Lefebvre | 10/04/2017 09:59 AM EDT

The Interior Department proposed to suspend enforcement of an Obama-era rule on methane emissions for 18 months as it plans to rewrite it, according to a document to be filed tomorrow in the Federal Register.

"The BLM is currently reviewing the 2016 final rule and wants to avoid imposing temporary or permanent compliance costs on operators for requirements that may be rescinded or significantly revised in the near future," the agency said in the document.

The agency said it is concerned that the final rule analysis "may have underestimated costs and overestimated benefits, and [BLM] is therefore presently reviewing that analysis for potential inaccuracies."

The 2016 rule was intended to require oil and gas developers on federal lands to capture more of the methane that leaked during their operations. The rule went into effect in January 2017 and survived an effort by Congressional Republicans to repeal it.

WHAT'S NEXT: BLM will accept public comments on the proposal for 30 days.

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Draft EPA strategic plan drops all reference to climate change [Back](#)

By Alex Guillén | 10/04/2017 04:26 PM EDT

The Trump administration has dropped all mention of climate change or rules to reduce carbon emissions from a strategic plan outlining EPA's priorities for the next four years, according to a draft obtained by POLITICO.

The [draft](#) was circulated around EPA for comment earlier today along with an accompanying one-page [graphic](#).

The document creates a new framework for EPA's mission that reflects the management style of Administrator Scott Pruitt. It defines EPA's "core mission" as ensuring clean air, water and land. It calls for more "cooperative federalism" to empower state governments. And it touts the "rule of law and process," which is meant to "refocus the Agency on its statutory obligations under the law."

The draft was released to EPA employees just days after Pruitt missed a key statutory deadline to implement the 2015 ozone standard. EPA has offered no update on that issue.

"I believe this draft Plan provides the foundation for a more efficient and effective agency, enabling us to accelerate progress and deliver real, tangible results for the American people," Pruitt wrote in an [email](#) to EPA staff today.

The [previous strategic plan](#) released by the Obama administration in 2014 listed climate change as "goal one," along with broader air quality issues. The new draft plan makes no mention of climate change, though it does address non-climate air issues, as well as a litany of other regulatory, permitting and administrative goals for EPA.

WHAT'S NEXT: EPA will publish the draft plan in Thursday's Federal Register and take comments through Oct. 31.

Lorraine Woellert contributed to this report.

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Lorraine Woellert contributed to this report.

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Murkowski pressing to have FERC nominees approved this week [Back](#)

By Darius Dixon | 10/04/2017 04:17 PM EDT

Sen. [Lisa Murkowski](#) is aiming to have President Donald Trump's two pending FERC nominees confirmed before the Senate flies off for its recess at the end of the week.

"I was talking with our leadership today about it. I want to try to get it shook loose before we take a break," the Alaska Republican, who chairs the Senate Energy and Natural Resources Committee, said of the nominees. The Senate is not scheduled to be in session next week.

Kevin McIntyre, Trump's pick to chair the agency, and Rich Glick, who serves as general counsel to energy committee Democrats, were approved by Murkowski's committee on a voice vote last month to become FERC members.

Sen. Maria Cantwell, the top Democrat on the energy committee, has said she was "favorably impressed" by McIntyre who, when confirmed by the full Senate with Glick, will bring FERC's leadership board back to full strength for the first time since late 2015.

WHAT'S NEXT: The Senate is scheduled to be on recess for the week of Columbus Day and is rarely in session on Friday, suggesting that the FERC nominees could be confirmed in the next day or so.

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White House seeks nearly \$30B in disaster aid package [Back](#)

By Sarah Ferris | 10/04/2017 06:13 PM EDT

The White House this afternoon formally requested nearly \$30 billion in emergency funding for its ongoing recovery efforts in hurricane-battered regions like Puerto Rico, Florida and Texas.

In a letter to congressional leaders, the Trump administration asked for \$12.8 billion for FEMA's disaster relief fund, \$16 billion for the National Flood Insurance Program and \$576.5 million for the forest service's firefighting fund.

"We need the help of Congress to stabilize the affected communities and replenish dwindling and depleted funds," Office of Management and Budget chief Mick Mulvaney wrote. He said the money should be classified as "emergency spending," meaning it would not require spending offsets.

House and Senate appropriators immediately released statements in support of the White House's request and pledged to act quickly. House Appropriations Chairman Rodney Frelinghuysen (R-N.J.) said he would "put legislation forward as soon as possible."

Rep. Nita Lowey, his Democratic counterpart on the panel, said she supported Trump's request for FEMA, but added it needed to go further.

"Congress should add to this request by appropriating funding for flexible Community

Development Block Grants; rebuilding coastlines, roads, transit systems, airports, ports, and other infrastructure; small business loans; and repairs to military installations and other federal facilities damaged in the storms," said Lowey, of New York.

The White House's request had previously been [reported](#) by POLITICO.

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Embattled GOP Rep. Tim Murphy to retire [Back](#)

By Rachael Bade, Elena Schneider and John Bresnahan | 10/04/2017 02:44 PM EDT

Rep. Tim Murphy of Pennsylvania announced Wednesday that he will retire at the end of his term, after allegations that the married Republican lawmaker, who opposes abortion rights, asked his mistress to terminate a pregnancy.

Murphy admitted several weeks ago to an affair with forensic psychologist Shannon Edwards — news that came to light during the woman's divorce proceedings with her husband.

"After discussions with my family and staff, I have come to the decision that I will not seek reelection to Congress at the end of my current term," Murphy said in his statement. "I plan to spend my remaining months in office continuing my work as the national leader on mental health care reform, as well as issues affecting working families in southwestern Pennsylvania."

Murphy added: "In the coming weeks I will take personal time to seek help as my family and I continue to work through our personal difficulties and seek healing. I ask you to respect our privacy during this time."

Murphy met privately with Speaker Paul Ryan (R-Wis.) before his retirement announcement, as well as with Pennsylvania GOP Reps. Bill Shuster and Charlie Dent.

A number of top Republicans have said privately that Murphy should retire or resign in light of the scandal.

The Pittsburgh Post-Gazette [reported](#) Tuesday that Murphy suggested Edwards get an abortion during a pregnancy scare, citing leaked text messages between the two.

"And you have zero issue posting your pro-life stance all over the place when you had no issue asking me to abort our unborn child just last week when we thought that was one of the options," Edwards texted to Murphy in late January, according to the Post-Gazette.

Edwards was responding to a Facebook post by Murphy touting his anti-abortion position in Congress. Murphy is a member of the House Pro-Life Caucus and voted Tuesday for legislation

to ban abortions after 20 weeks.

The story also highlighted a toxic work environment in Murphy's office, citing a June 8 memo in which his chief of staff, Susan Mosychuk, warned Murphy about mistreating staff. The document, titled "Office Conduct and Behavior: Harassment/Legal Compliance," suggests there was a "pattern of sustained inappropriate behavior."

Mosychuk wrote that the office has experienced 100 percent staff turnover over the past several years and attributed it to the congressman's behavior. She said he often worked staff through the weekends, only to berate them for failing to meet expectations.

Murphy's district leans heavily Republican, backing Donald Trump by almost 20 points in 2016 and Mitt Romney by nearly 17 points in 2012. It is likely to remain in Republican hands.

Indeed, national Democrats scoffed at the idea that Democrats might be able to retake the seat — even if Murphy, crippled from scandal, were to run again. One Democratic consultant called it "completely unwinnable" as an open seat.

"[Murphy] is certainly weaker today than he was yesterday, but it'd be a stretch to say this is a Democratic pickup opportunity," another national Democratic strategist said.

The chairman of the National Republican Congressional Committee, Rep. Steve Stivers of Ohio, likewise said in a statement late Wednesday evening that he was "confident" the district would stay in GOP hands next year.

"While I am extremely disappointed in the circumstances surrounding Congressman Murphy's retirement, I remain confident that PA-18 will remain under Republican control next year," Stivers said. "I look forward to working with the eventual Republican nominee to ensure the district's conservative values are represented in Congress."

Still, Democrats on the ground are more hopeful, pointing to competitive down-ballot results in the district.

"It's a tough district, no doubt about it, but Democrats have been able to keep it close in other races," said Mike Mikus, a longtime Democratic operative in the state. "I think you'll see more Democrats taking a look at this and considering jumping in now."

A handful of Democrats are already in the race, including Pam Iovino, a Navy veteran and former Veterans Affairs official; Mike Crossey, a former member of the Allegheny County Council; and Bob Solomon, a physician.

But former Rep. Jason Altmire — a centrist Democrat who represented Western Pennsylvania and lost his seat, partially due to redistricting, in 2012 — said "it would have to be the right kind of Democrat" to put the seat in play.

"If you had a social conservative Democrat, it's been proven that a Democrat like that and who

fits that mold can win," Altmire said.

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MSHA nominee: 'I was not proud' of violations notice [Back](#)

By Ian Kullgren | 10/04/2017 05:55 PM EDT

President Donald Trump's nominee for assistant secretary of Labor for Mine Safety & Health told a Senate committee today that his coal company ignored safety conditions at one of its mines.

David Zatezalo was chairman of Rhino Resources when it received pattern of violation notices in 2010 and 2011, the Charleston Gazette-Mail previously reported. The company was later fined when a wall collapsed, killing a worker.

When questioned by Sen. [Tim Kaine](#) (D-Va.) about the notice, Zatezalo blamed the mine manager.

"The management of that particular group and that particular site was not doing what they should have been doing," Zatezalo said. "I was not proud of the fact that we got designated as a [potential pattern of violations] mine. I did not try to lawyer up and stop anything from happening."

"I replaced that management," he added, "because I wasn't too happy with their performance and hadn't been for sometime."

Zatezalo appeared before the Senate HELP Committee for a confirmation hearing with Cheryl Stanton and Peter Robb, Trump's nominees for Wage and Hour Division administrator and NLRB general counsel, respectively. Few senators showed up to the hearing, though, and [Patty Murray](#) (D-Wash.) complained that the Senate's busy schedule didn't leave enough time to probe as deeply as she would have liked.

Zatezalo assured Kaine that he wouldn't have a problem working with career staff at MSHA who issued the notice to his company.

"They did what they were supposed to do," he said.

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