



CITIZENS FOR  
RESPONSIBILITY &  
ETHICS IN WASHINGTON

June 24, 2024

The Honorable Christopher Wray  
Director, Federal Bureau of Investigation  
United States Department of Justice  
935 Pennsylvania Ave., NW  
Washington, DC 20535-0001

Corey Amundson  
Chief, Public Integrity Section  
United States Department of Justice  
1302 New York Ave., 10th Floor  
Washington, DC 20005

Re: Illegal *Quid Pro Quos* Potentially Sought by Former President Donald Trump from Executives of the Oil and Gas Industries

Dear Director Wray and Mr. Amundson,

Citizens for Responsibility and Ethics in Washington (“CREW”) respectfully requests that the Federal Bureau of Investigation and the Public Integrity Section investigate whether former President Donald Trump solicited, or received a promise of, a bribe in violation of 18 U.S.C. § 201(b)(1)(A) or illegally promised a government benefit as a consideration, favor, or reward for political activity in violation of 18 U.S.C. § 600 when, according to public reports, in April 2024 he told a private meeting of executives from the oil and gas industry that they should raise \$1 billion for his 2024 presidential campaign and that he would deliver both policies and specific actions beneficial to them on “day one” if he is returned to the presidency. That request, which Mr. Trump allegedly described as a “deal” for the attendees raises grave questions about whether Mr. Trump has and may continue to corruptly exchange official acts for campaign and other financial contributions.

The facts reported to date establish a startling pattern of events in which 1) a candidate for the presidency gathered oil and gas executives whose industry has historically contributed relatively little to his campaign and supporting PACs at a private meeting, fielded complaints from them about their treatment by the

government and the ineffectiveness of their extensive legal lobbying of the federal government, requested a massive influx of campaign contributions from them, and promised certain official acts in their favor on day one of his presidency, and 2) associates of those contributors appear to have responded by both increasing their contributions to Mr. Trump and drafting “ready-to-sign” executive orders that have “exactly what we want, actually spoon feeding the administration” that can be given the force of law on the first day of Trump’s administration.

CREW respectfully requests that both the FBI and Public Integrity Section further investigate the predicates, circumstances, and outcomes of the April 2024 meeting to determine if Mr. Trump’s request for \$1 billion crossed the line and violated the anti-bribery provisions of 18 U.S.C. § 201 or 18 U.S.C. § 600.

### **Background**

In early April 2024, Mr. Trump held a private dinner at his Mar-a-Lago property in Palm Beach, Florida for approximately twenty-four executives of companies in the oil and gas industry, oil industry lobbyists from the American Petroleum Institute, at least one leader of a pro-Trump super PAC, and North Dakota Governor Doug Burgum, who serves as an adviser to Mr. Trump on energy policy and who Mr. Trump hopes to be “a very important piece of the administration” if Mr. Trump is re-elected.<sup>1</sup>

According to public reporting, Mr. Trump responded to the complaint that the oil and gas industry was unable to influence federal policy to its benefit through \$400 million in lobbying last year by proposing that it instead raise \$1 billion to help his presidential campaign.<sup>2</sup> In so doing, Mr. Trump not only touted rollbacks of current federal policies for which he has publicly called, such as those promoting

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<sup>1</sup> Josh Dawsey and Maxine Joselow, *What Trump promised oil CEOs as he asked them to steer \$1 billion to his campaign*, The Washington Post (May 9, 2024),

<https://www.washingtonpost.com/politics/2024/05/09/trump-oil-industry-campaign-money/>; Lisa Friedman et al., *At a Dinner, Trump Assailed Climate Rules and Asked for \$1 Billion from Big Oil*, New York Times (May 9, 2024),

<https://www.nytimes.com/2024/05/09/climate/trump-oil-gas-mar-a-lago.html>;

April Baumgarten, *Trump wants North Dakota Gov. Doug Burgum to be ‘a very important piece’ of his administration*, Jamestown Sun (Jan. 16, 2024),

<https://www.jamestownsun.com/news/north-dakota/trump-wants-north-dakota-gov-doug-burgum-to-be-a-very-important-piece-of-his-administration>; Maxine Joselow and Josh Dawsey, *Trump rails against wind energy in fundraising pitch to oil executives*, The Washington Post (Apr. 17, 2024),

<https://www.washingtonpost.com/climate-environment/2024/04/17/trump-wind-power-oil-executives/>.

<sup>2</sup> Dawsey & Joselow, *supra* note 1; Friedman et al., *supra* note 1.

clean energy and electric vehicles, but specifically promised that oil and gas companies represented at the private dinner would receive permits to drill in the Alaskan Arctic on “Day 1” of his administration.<sup>3</sup> The applications that Mr. Trump referenced—according to Mr. Trump’s own statements at the dinner—have been pending for five years, while Mr. Trump was in office and before the Biden administration’s changes to federal energy policy that Mr. Trump has publicly pledged to reverse.<sup>4</sup>

Mr. Trump reportedly told the executives and lobbyists, in response to complaints about current U.S. policy that they made to him at the private dinner, that if put back in office he would begin auctioning off new leases for oil drilling in the Gulf of Mexico and would reverse the federal government’s current policy of declining to issue new liquefied natural gas (“LNG”) export permits “on the first day” of his administration.<sup>5</sup> This, too, would reportedly directly benefit at least Venture Global LNG and Cheniere Energy, Inc., executives of which reportedly attended the private dinner.<sup>6</sup>

Mr. Trump did not request \$1 billion from and promise specific benefits to those executives and lobbyists in a vacuum, but amid widespread reports of his campaign lagging behind his opponent in fundraising.<sup>7</sup> Mr. Trump’s need for increased fundraising is compounded by the fact that a large portion of the contributions to his campaign and political action committees that support him—more than \$100 million prior to his private dinner with oil and gas executives and lobbyists—have been spent on the legal defenses of Mr. Trump and his allies in criminal and civil litigation around the country that will continue through the election.<sup>8</sup> In fact, Mr. Trump’s need for funds is so great that he has reportedly

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<sup>3</sup>Dawsey & Joselow, *supra* note 1.

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> Joe Biden (D), Open Secrets, <https://www.opensecrets.org/2024-presidential-race/joe-biden/candidate?id=N00001669> (last updated May 21, 2024); Donald Trump (R), Open Secrets, <https://www.opensecrets.org/2024-presidential-race/donald-trump/candidate?id=N00023864> (last updated May 21, 2024); see, e.g., Jessica Piper and Steven Shepard, *Biden’s budding behemoth, Trump’s legal spending and other takeaways from campaign finance reports*, Politico (Apr. 20, 2024), <https://www.politico.com/news/2024/04/20/donald-trump-joe-biden-fundraising-takeaways-00153511#:~:text=Legal%20fees%20continue%20to%20suck,the%20start%20of%20last%20year.>

<sup>8</sup> Daniel Weiner and Owen Bacskai, *Trump’s Use of Campaign Funds to Pay Legal Bills*, Brennan Center for Justice (May 10, 2024), [https://www.brennancenter.org/our-work/research-reports/trumps-use-campaign-funds-pay-legal-bills#:~:text=The%20former%20president%20has%20relied,million%20as%20of%20early%202024;see%20also,e.g.,Richard%20Lardner%20and%20Aaron%20Kessler,Trump%20spent%20\\$76%20million%20over%20last%20two%20years%20on](https://www.brennancenter.org/our-work/research-reports/trumps-use-campaign-funds-pay-legal-bills#:~:text=The%20former%20president%20has%20relied,million%20as%20of%20early%202024;see%20also,e.g.,Richard%20Lardner%20and%20Aaron%20Kessler,Trump%20spent%20$76%20million%20over%20last%20two%20years%20on)

resorted to demanding \$25 million from donors to have lunch with him and requesting donations of \$25 million to \$50 million from individual donors.<sup>9</sup>

Mr. Trump publicly pledged in September 2023 to reverse virtually every federal regulation, administrative practice, policy, and executive action with which the oil and gas industry disagrees or that promotes alternative energy policies.<sup>10</sup> Mr. Trump has also pledged to, among other things, remove regulations on power plants; reverse policies that promote electric vehicles; lower vehicle emissions standards; remove federal fuel economy standards; and cut taxes on oil, gas, and coal companies.<sup>11</sup> Mr. Trump has gone so far to court support of the oil and gas industry that he said in multiple public fora in December 2023 that he will be a “dictator” on “day one” of a second administration, with the express purposes of closing the United States border with Mexico and “drilling, drilling, drilling.”<sup>12</sup>

Until his April meeting with oil and gas executives, however, Mr. Trump’s public promotion of his past administration’s efforts to help the oil and gas industry and his public pledges of new policies to continue to do so did little to significantly increase the industry’s contributions to Mr. Trump’s campaign. Despite those efforts and the fact that 95% of its political contributions go to Republicans, the oil and gas industry had donated only \$7.27 million to Mr. Trump’s campaign or PACs that support him in 2024.<sup>13</sup> In 2020, already with the benefit of the Trump administration’s pro-oil and gas industry policies that Mr. Trump has touted, the

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*attorneys as legal troubles mount ahead of election*, Associated Press (Feb. 2, 2024), <https://apnews.com/article/trump-spent-millions-legal-fees-2024-presidential-campaign-3384cbfc2df69d3e97ba9e47c2384312>; Bill Allison, *Trump Legal Fees Threaten to Cause Cash Crunch by July*, Bloomberg (Feb. 14, 2024), <https://www.bloomberg.com/news/articles/2024-02-14/donald-trump-on-pace-to-drain-legal-funds-by-july>.

<sup>9</sup> Josh Dawsey, *Trump makes sweeping promises to donors on audacious fundraising tour*, Washington Post (May 28, 2024), <https://www.washingtonpost.com/politics/2024/05/28/trump-wealthy-donors-fundraising/>.

<sup>10</sup> *Agenda47: America Must Have the #1 Lowest Cost Energy and Electricity on Earth*, Donald J Trump for President 2024, Inc. (Sept. 7, 2023), <https://www.donaldjtrump.com/agenda47/agenda47-america-must-have-the-1-lowest-cost-energy-and-electricity-on-earth>.

<sup>11</sup> See *id.*

<sup>12</sup> Jill Colvin and Bill Barrow, *Trump’s vow to only be a dictator on ‘day one’ follows growing worry over his authoritarian rhetoric*, Associated Press (Dec. 7, 2023), <https://apnews.com/article/trump-hannity-dictator-authoritarian-presidential-election-f27e7e9d7c13fabbe3ae7dd7f1235c72>.

<sup>13</sup> Chris Tomlinson, *Why Trump allegedly asked Big Oil for \$1 billion when he’s offered them everything*, Houston Chronicle (May 17, 2024), <https://www.houstonchronicle.com/business/columnists/tomlinson/article/trump-oil-campaign-donation-19459730.php>.

industry contributed only \$14.9 million to Mr. Trump's unsuccessful presidential campaign.<sup>14</sup> The most likely reason for the significant lag in donations from the oil and gas industry is that, despite Mr. efforts on its behalf, members of the oil and gas industry both viewed the Trump administration's executive orders on energy as largely ineffective because they "did little to further the companies' goals" and lacked confidence in Mr. Trump's ability to attract quality staff in a second administration who would be "skillful enough to roll back President Joe Biden's regulations or craft new ones favoring the industry."<sup>15</sup>

When Mr. Trump met with oil and gas executives in April 2024, he understood that openly suggesting a *quid pro quo* for the very permits he promised during the private dinner was legally and ethically fraught. While speaking at a rally in Arizona during his unsuccessful 2020 re-election campaign, Mr. Trump conjured a hypothetical scenario where he would offer Exxon (a representative of which was at the private dinner) permits in exchange for a \$25 million donation but then said he would not "[b]ecause if I do that, I'm totally compromised."<sup>16</sup> He apparently did not make that offer, received less than \$15 million from the oil and gas industry, and lost the election.

Those are the circumstances under which Mr. Trump made his request for \$1 billion and his promises for action on permits for the attendees of his private dinner: as a major party nominee for President who has raised \$62 million less than his opponent, with \$100 million in contributions having gone to legal bills and untold millions left to come, who in both his last campaign and this one has unsuccessfully sought to garner the financial support of an industry that routinely gives to his party and spent \$400 million on lobbying in the last year, despite publicly committing to virtually every public policy that would benefit its members, likely because its members do not feel that his policies have benefitted them enough. Mr. Trump's request for \$1 billion, if paid in full, would change it all, increasing contributions by the oil and gas industry by a factor of 137, quadrupling his total fundraising, and continuing to fuel his various legal defenses.<sup>17</sup> Even a small

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<sup>14</sup> *Id.*

<sup>15</sup> Ben Lefebvre, 'A Little bold and gross': Oil industry writes executive orders for Trump to sign, Politico (May 8, 2024), <https://www.politico.com/news/2024/05/08/oil-industry-orders-trump-day-one-00156705>.

<sup>16</sup> Sara Dorn, Energy Industry Already Giving Trump Millions – While He Promises Big Cutbacks In Seeking \$1 Billion Donation, Forbes (May 10, 2024), <https://www.forbes.com/sites/saradorn/2024/05/10/energy-industry-already-giving-trump-millions-while-he-promises-big-cutbacks-in-seeking-1-billion-donation/?sh=18a08ed36bb3>.

<sup>17</sup> Donald Trump (R), Open Secrets, *supra* note 7; Jack Gillum and Anthony DeBarros, Biden Has Massive Campaign Cash Lead Over Trump as General Election Begins, Wall Street Journal (Mar. 20,

portion of that amount would be material to the financial condition of his campaign and his ability to pay his legal bills.

Since his April meeting, public reporting indicates that Mr. Trump's fundraising efforts have picked up substantially. As part of a recent swing through Texas, Mr. Trump held a number of fundraising events, including one in Houston by Hilcorp Energy founder Jeff Hildebrand, GeoSouthern Energy founder George Bishop, Continental Resources founder Harold Hamm and Energy Transfer Partners head Kelcy Warren,<sup>18</sup> which was followed by a smaller energy roundtable.<sup>19</sup> Mr. Trump reportedly was joined at the roundtable by "fewer than a dozen donors" and Governor Burgum "who handled some of the finer points" of the discussion, which focused on "[d]etailed energy policy."<sup>20</sup> Collectively, Mr. Trump's Texas fundraisers reportedly brought in \$40 million, making it one of his most profitable days for his campaign.<sup>21</sup>

The oil and gas industry, for its part, also appears to be taking immediate steps to operationalize the favorable treatment of its drilling permits and export licenses that, among other things, Mr. Trump promised would occur on "day one" of his administration. According to public reports the month after Mr. Trump's private dinner, multiple oil and gas company attorneys and lobbyists have confirmed that efforts are underway to direct Mr. Trump's official actions on the first day of a second term through authorship of any number of "ready-to-sign" executive orders that the industry can provide to Mr. Trump in the event he is re-elected.<sup>22</sup> If true, these executive orders alarmingly pertain to the same official acts in favor of oil and gas companies that were raised by attendees at Mr. Trump's private dinner and promised that evening by Mr. Trump himself, including, "new natural gas export

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2024),  
<https://www.wsj.com/politics/elections/biden-has-massive-campaign-cash-lead-over-trump-as-general-election-begins-8dc30c6b>; Arlette Saenz, *Biden eclipses Trump and GOP field with \$71 million third quarter haul*, CNN (Oct. 15, 2023),  
<https://www.cnn.com/2023/10/15/politics/joe-biden-2024-reelection-fundraising/index.html>.

<sup>18</sup> Arathy Somasekhar, *Trump rakes in millions at Texas fundraisers, promising pipelines and fracking*, Reuters (May 24, 2024),  
[https://www.reuters.com/world/us/promising-pipelines-fracking-trump-rakes-millions-texas-fund-raisers-2024-05-23/#:~:text=HOUSTON%2C%20May%2023%20\(Reuters\).restoring%20fracking%20on%20federal%20land](https://www.reuters.com/world/us/promising-pipelines-fracking-trump-rakes-millions-texas-fund-raisers-2024-05-23/#:~:text=HOUSTON%2C%20May%2023%20(Reuters).restoring%20fracking%20on%20federal%20land).

<sup>19</sup> Mitchell Ferman and Jennifer A. Dlouhy, *Oil Executives Fuel Trump's \$40 Million Texas Fundraising Haul*, Bloomberg News (May 23, 2024),  
<https://www.bloomberg.com/news/articles/2024-05-23/trump-s-40-million-texas-fundraising-haul-fueled-by-oil-executives?sref=PvP0J8mX>.

<sup>20</sup> *Id.*

<sup>21</sup> Somasekhar, *supra* note 18.

<sup>22</sup> Lefebvre, *supra* note 15.

permits and preparations for wider and cheaper access to federal lands and waters for drilling.”<sup>23</sup>

The executive orders being prepared by the oil and gas industry are not mere policy recommendations or pieces of advocacy for actions that the government might take, but an effort to obtain the benefits from a second Trump administration that these companies could not get from the first. As one anonymous participant in the oil and gas industry’s drafting process put it, “We’re going to have to write exactly what we want, actually spoon feeding the administration. There’s 27-page drafts moving around Washington.”<sup>24</sup> The oil and gas executives and lobbyists drafting these executive orders also specifically cited a previous executive order signed by then-President Trump, on “America-First Offshore Energy” as one that did not go far enough to benefit their companies.<sup>25</sup>

These draft executive orders could be particularly effective in allowing the oil and gas industry to dictate a second Trump administration’s energy policies. The oil and gas executives and lobbyists writing the executive orders “said they’ve seen little indication from Trump or those in his orbit what actions he would take to make those promises [to implement the pro-oil and gas policies that he has publicized] a reality.”<sup>26</sup> Not only is Mr. Trump now regularly discussing federal policy with members of the oil industry, but, according to the former EPA Chief of Staff during the Trump Administration,<sup>27</sup> executive orders drafted by the industry, if accepted, are a uniquely effective tool to exert undue influence over government policy. Free from any required approval by Congress or agency rulemaking processes, these executive orders would nevertheless have the force of law and can dictate substantial government policies. And Mr. Trump is no stranger to them, having issued executive orders at a higher rate than any president in the last 44 years.<sup>28</sup>

In the event that he regains the presidency, Mr. Trump will also be in a position to wield enormous power in favor of the oil and gas interests represented at his private dinner and could exert untold influence on the federal agencies responsible for the various policy areas about which he promised them favorable treatment. For example, any applications for Mr. Trump’s promised oil drilling

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<sup>23</sup> *Id.*

<sup>24</sup> *Id.*

<sup>25</sup> *Id.*

<sup>26</sup> *Id.*

<sup>27</sup> *Id.*

<sup>28</sup> *Executive Orders*, The American Presidency Project, <https://www.presidency.ucsb.edu/statistics/data/executive-orders> (last updated June 1, 2024).

permits that the attendees of Trump's dinner may have pending or may later pursue will be processed by the Interior Department's Bureau of Land Management, subject to the National Environmental Policy Act, National Historic Preservation Act, and the Endangered Species Act.<sup>29</sup> Similarly, permits to export liquefied natural gas require approval at least from the Department of Energy Office of Fossil Energy and either the Federal Energy Regulatory Commission or the Department of Transportation United States Maritime Administration pursuant to applicable federal law, including the Natural Gas Act.<sup>30</sup> Given that the evaluation and processing of these permit applications are already subject to both federal law and committed to agency procedures, it is unclear what influence Mr. Trump may exert or may have promised to exert on them. However, the potential for such influence is heightened by reports that Mr. Trump enlisted Governor Burgum at his private dinner, and the reportedly significant possibility that Governor Burgum will be offered a key position in a second Trump administration. Mr. Trump has said he hopes Governor Burgum will be "a very important piece of the administration" and "probably knows more about energy than anybody I know," therefore telling his supporters to "get ready for something, OK? Just get ready" in relation to Governor Burgum.<sup>31</sup>

## **Potential Violations**

### **I. Potential Violations of 18 U.S.C. § 201**

Federal law criminalizes the corrupt exchange of official acts for things of value. Specifically, 18 U.S.C. § 201(b)(2) makes it a felony whenever "a public official or person selected to be a public official, directly or indirectly, corruptly demands, seeks, receives, accepts, or agrees to receive or accept anything of value personally or for any other person or entity in return for," among other things, "being influenced in the performance of any official act." Those who violate Section 201(b)(2) are subject to up to fifteen years imprisonment and a financial penalty equaling up to three times the monetary equivalent of the thing of value they

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<sup>29</sup> *Applications for Permits to Drill*, United States Department of the Interior Bureau of Land Management, <https://www.blm.gov/programs/energy-and-minerals/oil-and-gas/operations-and-production/permitting/applications-permits-drill> (last visited June 18, 2024).

<sup>30</sup> LNG Exports Permitting Process, Congressional Research Service, CRS 7-5700 (June 20, 2013), <https://www.energy.senate.gov/services/files/fb60c4c3-bff2-4fd5-b669-bf0049c4689b>.

<sup>31</sup> Baumgarten, *supra* note 1; Robin Bravender, *Trump loves VP contender's energy cred*, E&E News by Politico (May 14, 2024), <https://www.eenews.net/articles/trump-loves-vp-contenders-energy-cred/>.

demanded, sought, received, accepted or agreed to accept, and may “be disqualified from holding any office of honor, trust, or profit under the United States.”<sup>32</sup>

A. *Mr. Trump is Covered by Section 201*

Mr. Trump is covered by Section 201. It covers any “person who has been selected to be a public official,” including “any person who has been nominated or appointed to be a public official, or has been officially informed that such person will be so nominated or appointed.”<sup>33</sup> Federal law recognizes both that candidates for elected offices seek nominations, including the presidency,<sup>34</sup> and that members of the executive branch who exercise the authority of the United States are within the scope of Section 201.<sup>35</sup> Whether a person has been “officially informed” of his or her nomination requires only that someone acting in an official capacity informs that person of an “impending nomination,” and that has undoubtedly occurred here.<sup>36</sup> On March 6, 2024, one day after Mr. Trump’s near-total victory in the Super Tuesday primaries and on the same day of Nikki Haley’s resulting withdrawal from the race for the Republican nomination, the Republican National Committee released an “RNC Statement Congratulating President Donald Trump on Becoming the Presumptive Nominee.”<sup>37</sup> In the weeks following its congratulations to him on being the presumptive nominee, the Republican National Committee, by then co-chaired by Mr. Trump’s daughter-in-law, further confirmed Mr. Trump as the Republican nominee for the presidency by merging the Republican National

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<sup>32</sup> 18 U.S.C. § 201(b)(4).

<sup>33</sup> 18 U.S.C. § 201(a)(2).

<sup>34</sup> See, e.g., 18 U.S.C. §§ 207, 601 (defining “candidate” as “an individual who seeks nomination for election, or election”); 18 U.S.C. § 595 (criminalizing interference by federal, state, or territorial administration employees in, inter alia, “nomination or election of any candidate for the office of President[.]”)

<sup>35</sup> See 18 U.S.C. § 201(a); *United States v. Williams*, 7 F. Supp. 2d 40, 51-52 (D.D.C. 1998) (denying motion to dismiss criminal charge under § 201(c)(1)(A) against defendants who provided gratuity to prospective cabinet nominee), *remanded and dismissed as moot*, *United States v. Schaffer*, 240 F.3d 35, 36-37 (D.C. Cir. 2001) (ordering district court to dismiss as moot after presidential pardon).

<sup>36</sup> *Williams*, 7 F. Supp. 2d at 51 (determining that cabinet nominee could be “officially informed” of his nomination by “someone acting in an official capacity” in connection with Congressional hearings and Presidential notification was not required).

<sup>37</sup> Press Release, *RNC Statement Congratulating President Donald Trump on Becoming the Presumptive Nominee*, Republican National Committee (Mar. 6, 2024), <https://gop.com/press-release/rnc-statement-congratulating-president-donald-trump-on-becoming-the-presumptive-nominee/>; see 2024 Republican Presidential Primary Delegate Tracker, USA Today <https://www.usatoday.com/elections/results/2024/republican/presidential-delegates> (last updated May 23, 2024); Steve Peoples and Meg Kinnard, *Nikki Haley suspends her campaign and leaves Donald Trump as the last major Republican candidate*, Associated Press (Mar. 6, 2024), <https://apnews.com/article/nikki-haley-republican-trump-super-tuesday-losses-95ab56b68a8eefb bf04ef90f2f00ef29>.

Committee and Mr. Trump's campaign into a single operation.<sup>38</sup> Mr. Trump further routinely refers to himself as the Republican candidate and has acknowledged that the Republican nomination is his.<sup>39</sup> By the time of his private dinner with oil and gas executives,, Mr. Trump clinched the nomination by exceeding the required 1,215 pledged Republican delegates.<sup>40</sup>

That the Republican National Convention is in July 2024 is of no consequence. As noted above, Section 201 explicitly includes those who have "been officially informed that [they] *will be* so nominated."<sup>41</sup> The Republican National Committee has already announced that Mr. Trump is its presumptive nominee and merged its operations with that of his campaign. As a major party nominee, Mr. Trump's potentially corrupt conduct directly implicates the public interests that federal anti-bribery laws are meant to protect.<sup>42</sup> Exempting Mr. Trump from Section 201 until the formalities of the Republican National Convention are observed would not only contradict Section 201's explicit inclusion of those who have been informed that they will be nominees, but will make Section 201 subject to the same gamesmanship, winks, and nods that federal courts have universally held cannot thwart the effect of federal anti-bribery laws.<sup>43</sup>

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<sup>38</sup> Alex Isenstadt, *Trump endorses new RNC chair and Lara Trump as co-Chair*, Politico (Feb. 12, 2024), <https://www.politico.com/news/2024/02/12/trump-republican-national-committee-chair-whatley-0141061>; Martha Mendoza and Juliet Linderman, *Lara Trump is taking the reins and reshaping the RNC in her father-in-law's image*, Associated Press (May 22, 2024), <https://apnews.com/article/lara-trump-rnc-leadership-election-reshaping-gop-a407d7edbf37739abc590540b2f206d>.

<sup>39</sup> See, e.g., Donald Trump (@realDonaldTrump), Truth Social (Mar. 4, 2024), <https://truthsocial.com/@realDonaldTrump/posts/112039038473457798> (calling his fraud prosecution in New York "a refutation of my status as the leading Candidate for President of the United States, including with a substantial lead over Joe Biden"); Donald Trump (@realDonaldTrump), Truth Social (Mar. 12, 2024), <https://truthsocial.com/@realDonaldTrump/posts/112086325351192822> ("It is my great honor to be representing the Republican Party as its Presidential Nominee.").

<sup>40</sup> To date, Mr. Trump has won 49 of the 51 Republican presidential primaries and caucuses in which he has participated, winning 95% of available Republican delegates. His 2,260 Republican delegates are 1,045 delegates more than is required to secure the Republican presidential nomination. No other candidate who has won any Republican delegates in 51 primaries remains in the race. See *2024 Republican Presidential Primary Delegate Tracker*, USA Today, <https://www.usatoday.com/elections/results/2024/republican/presidential-delegates> (last updated June 20, 2024).

<sup>41</sup> 18 U.S.C. § 201(a)(2) (emphasis added).

<sup>42</sup> See, e.g., *Kemler v. United States*, 133 F.2d 235, 238 (1st Cir. 1942) (explaining that the purpose of Section 201's predecessor is to "protect the public from the evil consequences of corruption in the public service"); *United States v. Jacobs*, 431 F.2d 754, 759 (2d Cir. 1970) (explaining that the anti-bribery statute seeks to avoid the "aftermath suffered by the public when an official is corrupted and thereby perfidiously fails to perform his public service and duty").

<sup>43</sup> See, e.g., *United States v. Benjamin*, 95 F.4th 60, 68-70 (2d Cir. 2024); *United States v. Davis*, 841 F. App'x 375, 379 (3d Cir. 2011); *United States v. Siegelman*, 640 F.3d 1159, 1171-72 (11th Cir. 2011).

**B. The Actions Allegedly Promised by Mr. Trump are Official Acts under the Statute.**

Delivering on the drilling and export permits that Mr. Trump allegedly promised, through executive orders or otherwise, would certainly include “official acts” by Mr. Trump as defined by statute. Section 201 defines an “official act” as “any decision or action on any question, matter, cause, suit, proceeding, or controversy, which may at any time be pending, or which may by law be brought before any public official, in such official’s official capacity, or in such official’s place of trust or profit.”<sup>44</sup> Functionally, an official act is any decision or action on a “question, matter, cause, suit, proceeding or controversy” that involves a formal exercise of government power that is similar to a lawsuit before a court, a determination before an agency, or a hearing before a committee.<sup>45</sup> With respect to actions by executive officials, the statute captures “the kind of thing that can be put on an agenda, tracked for progress, and then checked off as complete.”<sup>46</sup>

Official acts need not be specified by statute, rule, or regulation and can be established by settled practice.<sup>47</sup> Nor must they be within the unilateral authority of the public official who promises them. Even when the promising official lacks such authority, that official commits an official act for purposes of Section 201 by using his or her official position to exert pressure on another public official to perform or not perform an official act within the other public official’s authority or provides advice and recommendations to other public officials that influence those officials’ decisions.<sup>48</sup>

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<sup>44</sup> 18 U.S.C. 201(a)(3).

<sup>45</sup> *McDonnell v. United States*, 579 U.S. 550, 569 (2016) (unanimous).

<sup>46</sup> *Id.* at 570.

<sup>47</sup> *United States v. Birdsall*, 233 U.S. 223, 230-31 (1914) (citing *Haas v. Henkel*, 216 U.S. 462, 480 (1910)); see also, e.g., *United States v. Jefferson*, 674 F.3d 332, 354-58 (4th Cir. 2012); *United States v. Carson*, 464 F.2d 424, 433-34 (2d Cir. 1972).

<sup>48</sup> See, e.g., *McDonnell*, 579 U.S. at 552 (“A public official may also make a decision or take an action by using his official position to exert pressure on another official to perform an ‘official act,’ or by using his official position to provide advice to another official, knowing or intending that such advice will form the basis for an ‘official act’ by another official.”); *United States v. Heffler*, 402 F.2d 924, 925-26 (3d Cir. 1968) (*cert. denied*, *Cecchini v. United States*, 394 U.S. 946 (1969)) (affirming conviction for soliciting a bribe to influence government contract awards when public official had no authority because Section 201 “is applicable to a situation where the advice and recommendation of the Government employee involved would be influential . . . even though the employee did not have the authority to make a final decision”) (quoting *Krogmann v. United States*, 225 F.2d 220, 225 (6th Cir. 1955)); *Wilson v. United States*, 230 F.2d 521, 523-27 (4th Cir. 1955) (affirming conviction of military officer for soliciting and accepting bribes to influence insurance sales over which he did not have

The promises made by Mr. Trump to the oil and gas executives and lobbyists at his private dinner implicate an array of official acts that satisfy any legal standard. As discussed above, his promises of action on “day one” and the oil and gas industry’s preparation to “spoon feed” Mr. Trump “exactly what [the oil industry] want[s]” through “ready-to-sign” executive orders, suggests that Mr. Trump specifically referenced such orders when requesting \$1 billion in contributions at his private dinner.<sup>49</sup> Beyond that, effectuating the preferential treatment that Mr. Trump apparently promised the attendees at his dinner could implicate any number of official acts, ranging from the appointment of Governor Burgum or other individuals to particular posts to protect the interests of the dinner’s attendees, to directives to agencies to roll back specific policies that benefit them, to exerting pressure on the Departments of Energy and Interior, as well as the Environmental Protection Agency, to deliver favorable outcomes to oil and gas companies and their executives, to prioritizing legislation that would further their interests. Because the Constitution “makes a single President responsible for the actions of the Executive Branch” and vests “all” executive power in the President,<sup>50</sup> Mr. Trump would wield broad authority to carry out these acts.

### **C. Campaign Contributions to the Trump Campaigns and Political Action Committees are “Things of Value” Under the Statute**

The \$1 billion requested from the oil and gas executives and lobbyists by Mr. Trump for his presidential campaign is a “thing of value” under Section 201.<sup>51</sup> “Things of value” for purposes of federal criminal statutes, including anti-bribery ones, includes both tangible and intangible things and are valued not by reference to their perceived commercial value, but by whether the public official assigns subjective worth to them.<sup>52</sup> Section 201(b)(2) draws no distinction between when the

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authority because “[r]egardless of his actual authority, it was still within his practical power to influence” them).

<sup>49</sup> Lefebvre, *supra* note 15.

<sup>50</sup> *Seila Law LLC v. CFPB*, 591 U.S. 197, 224 (2020); *see also Trump v. Mazars USA, LLP*, 591 U.S. 848, 868 (2020) (“The President is the only person who alone composes a branch of government.”).

<sup>51</sup> *See* 18 U.S.C. § 201.

<sup>52</sup> *See, e.g., United States v. Renzi*, 769 F.3d 731, 744 (9th Cir. 2014) (“The phrase ‘anything of value’ has been interpreted broadly to carry out the congressional purpose of punishing the abuse of public office . . . Thus, ‘thing of value’ is defined broadly to include ‘the value to which the defendant subjectively attaches to the items received.’ (citations omitted); *United States v. Gorman*, 807 F.2d 1299, 1304-1305 (6th Cir. 1986); *United States v. Williams*, 705 F.2d 603, 623 (2d Cir. 1973) (“Corruption of office occurs when the officeholder agrees to misuse his office in the expectation of gain, whether or not he has correctly assessed the worth of the bribe.”); *see also United States v. Girard*, 601 F.2d 69, 71 (2d Cir. 1979) (collecting cases).

thing of value is provided directly to the public official or to “any other person or entity,” and expressly includes the latter. Even if it did not, it makes no difference whether the thing of value is provided directly to the public official who requests it or to another person or entity, provided the public official derives subjective value from it.

On this basis, courts have affirmed convictions and indictments involving payments to third parties, including political campaigns, under not only Section 201 but also under federal bribery and fraud statutes that do not explicitly include reference to payments to third parties. Most recently, the Second Circuit reinstated charges of bribery, honest services fraud, soliciting bribes, and honest services wire fraud against a state senator who allegedly directed state funds to a non-profit organization in exchange for \$25,000 in contributions to his campaign for New York City comptroller through the payor’s family and business.<sup>53</sup> Similarly, the Eleventh Circuit affirmed the conviction of the former Governor of Alabama for federal funds bribery, honest services mail fraud, and various other statutes when the thing of value in his corrupt exchange was contributions to a private foundation in which he had no financial interest, but that was campaigning for a ballot initiative to establish a lottery to help fund public education on which he campaigned.<sup>54</sup> And the Fourth Circuit affirmed the conviction of a member of congress for violating Section 201(b)(2)(A), honest services wire fraud, and various other statutes when payments were made to a company controlled by his wife.<sup>55</sup>

The \$1 billion requested by Mr. Trump is undoubtedly of both objective and subjective value to him, regardless of whether it is provided directly to his campaign or to an entity that supports him. That the astronomical figure of \$1 billion is likely unattainable is of no matter. Neither Section 201 nor any case interpreting it creates a minimum or maximum threshold for what constitutes a “thing of value” or requires, when a public official seeks money, symmetry between the amount of money requested or demanded by the public official and the amount of money

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<sup>53</sup> *Benjamin*, 95 F.4th at 64-75; see also, *United States v. Correia*, 55 F.4th 12, 31 (1st Cir. 2022) (affirming conviction of mayor for wire fraud and Hobbs Act violations for accepting campaign contributions); *United States v. Allinson*, 27 F.4th 913, 925 (3d Cir. 2022) (affirming conviction of attorney who bribed mayor with campaign contributions); *Davis*, 841 F. App’x at 379 (affirming conviction of business owner who bribed sheriff with campaign contributions in exchange for contract); *United States v. Terry*, 707 F.3d 607, 613 (6th Cir. 2013) (affirming conviction of judge who made rulings in favor of campaign contributor); *United States v. Blandford*, 33 F.3d 685, 696 (6th Cir. 1994) (affirming conviction of state legislator who accepted campaign contributions with knowledge that source wanted him to vote in favor of pending legislation).

<sup>54</sup> *Siegelman*, 640 F.3d at 1165-66.

<sup>55</sup> *Jefferson*, 674 F.3d at 341-64.

provided in response. All that matters is whether Mr. Trump sought *any* increase in contributions from those at the dinner in exchange for influence over his official acts.<sup>56</sup>

**D. The Facts Suggest that Mr. Trump May Have Offered a Corrupt Exchange**

The reported facts suggest, and further investigation will confirm whether, Mr. Trump sought to exchange official acts for campaign contributions and therefore acted with the requisite intent to corruptly demand, seek, or agree to exchange official acts for campaign contributions under Section 201. Section 201(b)(2)(a) criminalizes any instance in which a covered public official “directly or indirectly, *corruptly* demands, seeks, receives, accepts, or agrees to receive or accept anything of value personally or for any other person or entity, in return for . . . being influenced in the performance of any official act.”<sup>57</sup>

The corrupt intent required by Section 201 and other anti-bribery provisions in Title 18 flows from common law principles distinguishing innocent influence exerted on public officials and bribery.<sup>58</sup> Corrupt intent is established by the presence of a *quid pro quo* in which the public official exchanges or seeks to exchange influence over public acts for something of value; in so doing, the public official agrees that “his official conduct will be controlled by the terms of the promise or undertaking” and thus acts with corrupt intent.<sup>59</sup>

Federal law requires no explicit demand, agreement, or set of magic words for an illegal *quid pro quo*; instead, it is sufficient that the public official sought or agreed to receive something of value “to which he was not entitled, knowing that the payment [would be] made in return for official acts.”<sup>60</sup> Such conduct can be established not only through express requests and agreements, but “may be inferred from the official’s and the payor’s words and actions.”<sup>61</sup> “[O]therwise the law’s effect could be frustrated by knowing winks and nods . . . The inducement from

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<sup>56</sup> *Evans*, 504 U.S. 255, 268-69 (1992).

<sup>57</sup> See 18 U.S.C. § 201(b)(2)(A) (emphasis added).

<sup>58</sup> See *United States v. Green*, 136 F. 618, 651 (N.D.N.Y. 1905) (discussing common law origins of section 201’s predecessor statute).

<sup>59</sup> *Terry*, 707 F.3d at 612 (quoting *McCormick v. United States*, 500 U.S. 257, 273 (1991)); see also *United States v. Brewster*, 408 U.S. 501, 526 (1972) (“The illegal conduct is taking or agreeing to take money for a promise to act in a certain way.”); *United States v. Orenuga*, 430 F.3d 1158, 1165-66 (D.C. Cir. 2005) (affirming conviction under Section 201 (b)(2)(A) when *quid pro quo* was not ultimately executed).

<sup>60</sup> *Evans*, 504 U.S. at 268.

<sup>61</sup> *Benjamin*, 95 F.4th at 67-69.

the official is criminal if it is express or if it is implied from his words and actions, so long as he intends to be so and the payor so interprets it.”<sup>62</sup> For the same reason, a corrupt promise, demand, or request for a thing of value in exchange for official acts need not “spell out which payments control” specific official acts.<sup>63</sup> “[M]otives and consequences, not formalities, are the keys for determining whether a public official” corruptly sought or agreed to accept a bribe[.]”<sup>64</sup> Thus, to establish that an illegal *quid pro quo* was offered or accepted, “it is sufficient if the public official understood that he or she was expected to exercise some influence on the payor’s behalf as opportunities arose.”<sup>65</sup>

Nor does Section 201(b) require an actual agreement between the public official and the potential payor from whom he or she solicits a bribe. “[A] defendant violates § 201 by merely *seeking* or *demanding* a bribe, regardless of whether he accepts or even agrees to accept it.”<sup>66</sup> Even if an agreement for a bribe is reached, Section 201 requires neither the public official to actually undertake any promised or offered official act nor the person offering the thing of value to actually deliver it to the public official or another person pursuant to the *quid pro quo*. Rather, “so long as a public official agrees that payments will influence an official act, that suffices.”<sup>67</sup>

That framework does not change because the thing of value sought or offered is a series of campaign contributions. “That a bribe doubles as a campaign contribution does not by itself insulate it from scrutiny.”<sup>68</sup> And while “campaigns must be run and financed” and a public official may permissibly “act for the benefit of constituents,” exchanges of campaign contributions enter the “forbidden zone” of illegal *quid pro quos* when they are “are made in return for an explicit promise or undertaking by the official to perform or not to perform an official act. In such

<sup>62</sup> *Id.* at 70 (quoting *Evans*, 504 U.S. at 274 (Kennedy, J., concurring in part and concurring in the judgment)).

<sup>63</sup> *Terry*, 707 F.3d at 612 (quoting *United States v. Abbey*, 560 F.3d 513, 518 (6th Cir. 2009)).

<sup>64</sup> *Terry*, 707 F.3d at 613 (quoting *Evans*, 504 U.S. at 274 (Kennedy, J., concurring in part and concurring in the judgment)) (citing *McCormick*, 500 U.S. at 270; *United States v. Ring*, 706 F.3d 460, 468 (D.C. Cir. 2013) (noting that intent “distinguishes criminal corruption from commonplace political and business activities”); *United States v. Wright*, 665 F.3d 560, 569 (3d Cir. 2012)).

<sup>65</sup> *Abbey*, 560 F.3d at 518; accord *Jefferson*, 674 F.3d at 358–59; *United States v. Ganim*, 510 F.3d 134, 147 (2d Cir. 2007) (Sotomayor, J.); see also, e.g., *Brewster*, 408 U.S. at 526; *Terry*, 707 F.3d at 612.

<sup>66</sup> *United States v. Muhammad*, 120 F.3d 688, 693 (7th Cir. 1997) (emphasis added) (citing, e.g., *United States v. Gallo*, 863 F.2d 185, 189 (2d Cir. 1988) (holding that § 201 (b) “makes attempted bribery a crime, and so long as a bribe is “offered or promised” with the requisite intent to ‘influence any official act’ the crime is committed” (quoting *Jacobs*, 431 F.2d at 760)); see *United States v. Arroyo*, 581 F.2d 649, 654–55 (7th Cir. 1978) (stating that solicitation of a bribe is sufficient for criminal liability).

<sup>67</sup> *Terry*, 707 F.3d at 613.

<sup>68</sup> *Id.*

situations the official asserts that his official conduct will be controlled by the terms of the promise or undertaking.”<sup>69</sup> “[T]he explicitness requirement serves to distinguish between contributions that are given or received with the ‘anticipation’ of official action and contributions that are given or received in exchange for a ‘promise’ of official action.”<sup>70</sup> Thus, it is the explicit exchange of official action for campaign contributions that “transforms the exchange from a First Amendment protected campaign contribution . . . into an unprotected crime.”<sup>71</sup>

In such cases, *quid pro quo* at the heart of the sought-after or agreed exchange for campaign contributions “must be clear and unambiguous” but can be “implied from the official’s and the payor’s words and actions.”<sup>72</sup> Put differently, the sought-after or agreed exchange must be *explicit*,” such that it is “plainly evident,” “but there is no requirement that it be *express*.”<sup>73</sup> As such, “direct and circumstantial evidence,” including the context of the offer or agreement, may be used to prove that there was an offer of a “clear and unambiguous” exchange of official action in exchange for payment.<sup>74</sup>

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<sup>69</sup> *McCormick*, 500 U.S. at 273 (defining *quid pro quo* as a prerequisite for a Hobbs Act violation).

<sup>70</sup> *United States v. Carpenter*, 961 F.2d 824, 827 (9th Cir. 1992) (quoting *United States v. Montoya*, 945 F.2d 1068, 1073 (9th Cir. 1991); see *United States v. Inzunza*, 638 F.3d 1006, 1014 (9th Cir. 2011) (“We note that this requirement of explicitness refers to the promise of the official action, not the connection between the contribution and the promise.”)

<sup>71</sup> *Benjamin*, 95 F. 4th at 73 (quoting *Siegelman*, 640 F.3d at 1173); see *Inzunza*, 638 F.3d at 1014 (“The connection between the . . . promise of official action and the contribution must be proved, but the proof may be circumstantial.”)

<sup>72</sup> See, e.g., *Correia*, 55 F.4th at 31 (affirming conviction of mayor for wire fraud and Hobbs Act violations for accepting campaign contributions from person he had never met and who made contribution after official act); *Allinson*, 27 F.4th at 925 (affirming conviction of attorney who bribed mayor with campaign contributions when prosecutor told jurors that an illegal agreement could occur “with a wink and a nod and sometimes a few words, and understanding between two people); *Davis*, 841 F. App’x at 379 (affirming conviction of business owner who bribed sheriff with campaign contributions in exchange for contract); *Terry*, 707 F.3d at 613 (affirming conviction of judge who made rulings in favor of campaign contributor when court declined to issue jury instructions requiring an explicit agreement to do so); *Blandford*, 33 F.3d at 696 (affirming conviction of state legislator who accepted campaign contributions with knowledge that source wanted him to vote in favor of pending legislation, but without explicit request that he do so); *United States v. Heard*, 709 F.3d 413, 421 (9th Cir. 2013) (affirming bribery conviction based on claimed “circumstantial evidence” because the court saw “no reason why direct evidence is required.”); *Inzunza*, 638 F.2d at 1014 (affirming conviction in absence of express agreement given the “circumstances of the promises, including their covert nature, their detail, and the deception in carrying them out.”)

<sup>73</sup> *Benjamin*, 95 F. 4th at 68 (quoting *Siegelman*, 640 F.3d at 1171); see also *Davis*, 841 F. App’x at 379 (“‘Explicit,’ on the other hand, means ‘[n]ot obscure or ambiguous, having no disguised meaning or reservation. Clear in understanding.’ (alteration in original) (emphasis omitted) (quoting *Explicit*, Black’s Law Dictionary 579 (6th ed. 1990)).

<sup>74</sup> *Davis*, 841 F. App’x at 379 (quoting *Carpenter*, 961 F.2d at 827); cf. *United States v. Allen*, 10 F.3d 405, 411 (7th Cir. 1993) (“Vague expectations of some future benefit should not be sufficient to make a payment a bribe.”)).

As described above, the context and circumstances of Mr. Trump's alleged request for \$1 billion while promising official acts that will benefit its attendees suggest the strong possibility that Mr. Trump corruptly sought to exchange official acts for campaign contributions. His previous statements, including during a 2020 Arizona campaign rally when he admitted that he would be "totally compromised" if he offered up an exchange of permits for a \$25 million donation from Exxon, indicate his awareness that entering into *quid pro quo* would be both lucrative and illegal.<sup>75</sup> The meeting was private and with select industry representatives, many of whom he had unsuccessfully courted and whose financial fortunes are directly impacted by policy he could influence.<sup>76</sup> He referenced applications for specific drilling and export permits that are pending with federal agencies.<sup>77</sup> The drilling and export permits he reportedly promised were issues specifically raised by the potential contributors and would immediately benefit them.<sup>78</sup> His request for \$1 billion dollars in contributions, a mere fraction of which would be material to his campaign, and promises of action were made within the context of an election campaign in which he trails his opponent's fundraising and has spent more than \$100 million on legal fees rather than campaigning.<sup>79</sup> And, finally, industry members seem to be responding by both increasing their contributions to him and preparing to operationalize the promises he made to them by "spoon feeding" his potential administration "exactly what [they] want," suggesting that after the private dinner, some industry leaders may have understood the nature of Mr. Trump's statements as a request to follow up with specific action.<sup>80</sup>

Under these circumstances, the public interest requires an investigation by the FBI and Public Integrity Section to ascertain any offers made by Mr. Trump or others on his behalf to members of the oil and gas industry, any resulting agreements, and whether any such offers or agreements violated Section 201. It strains credulity that Mr. Trump hosted approximately two dozen oil and gas executives and lobbyists at his private club and requested that they raise \$1 billion for his presidential campaign based on the same public policy positions that he has held for years, particularly when the oil and gas industry is preparing to "spoon feed" Mr. Trump's administration executive orders that benefit them. Instead,

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<sup>75</sup> Dorn, *supra* note 16.

<sup>76</sup> Dawsey & Joselow, *supra* note 1; Friedman et al., *supra* note 1.

<sup>77</sup> Dawsey & Joselow, *supra* note 1.

<sup>78</sup> *Id.*; Friedman et al., *supra* note 1.

<sup>79</sup> Tomlinson, *supra* note 13.; Weiner & Bacskai, *supra* note 8; *see also, e.g.*, Lardner & Kessler, *supra* note 8; Allison, *supra* note 8.

<sup>80</sup> Ferman & Dlouhy, *supra* note 19; Somasekhar, *supra* note 18; Lefebvre, *supra* note 15.

information has made it into the public sphere suggesting that Mr. Trump tied his request for donations to specific approvals and opportunities for those at the dinner to obtain lucrative federal permits and export licenses sought by the attendees and that his request for contributions was understood by some of the attendees as a way to direct Mr. Trump to do “exactly what they want.”

## II. Potential Violations of 18 U.S.C. § 600

Mr. Trump’s reported conduct also requires an investigation to determine whether he has violated or continues to violate 18 U.S.C. § 600, which subjects to misdemeanor criminal liability:

Whoever, directly or indirectly, promises any employment, position, compensation, contract, appointment, or other benefit, provided for or made possible in whole or in part by any Act of Congress, or any special consideration in obtaining any such benefit, to any person as consideration, favor, or reward for any political activity or for the support of or opposition to any candidate or any political party in connection with any general or special election to any political office, or in connection with any primary election or political convention or caucus held to select candidates for any political office[.]

Put simply, Section 600 “punishes those who promise federal employment or benefits as an enticement to or reward for future political activity.”<sup>81</sup> It expressly prohibits *any* person from either promising, or promising “special consideration” for, *any* benefit made in *any* way possible by Congress when that promise is a “consideration, favor, or reward” for “political activity” or “support or opposition” to any candidate in any election.<sup>82</sup> The reporting on Mr. Trump’s private dinner indicates that this may be precisely what occurred.

The liquid natural gas export and drilling permits that Mr. Trump allegedly promised those at the dinner are made possible by acts of Congress. Congress both facilitated and regulated the importation and exportation of natural gas by enacting the Natural Gas Act, the “principal purpose” of which was to “encourage the orderly development of plentiful supplies of electricity and natural gas at reasonable prices.”<sup>83</sup> To do so, Congress not only established a Commission (now the Federal

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<sup>81</sup> Effect of 18 U.S.C. § 600 on Proposal for Hiring Census Enumerators, 4B Op. O.L.C. 454 (1980).

<sup>82</sup> 18 U.S.C. § 600.

<sup>83</sup> *NAACP v. Fed. Power Comm’n*, 425 U.S. 662, 669-70 (1976).

Energy Regulatory Commission) to oversee LNG exports and terminals but assigned specific processes and priorities to it in the administration of LNG imports and exports to align with stated public interests.<sup>84</sup> Similarly, federal laws such as the Department of the Interior Appropriations Act and Federal Land Policy and Management Act of 1976, among others, both authorize and regulate leasing and drilling for oil on federal properties in the Alaskan arctic, permits for which were reportedly promised by Mr. Trump on the first day of his second administration.<sup>85</sup>

While the permits reportedly discussed at the private dinner certainly fall within the scope of Section 600, there is no reason to believe that they are the only potential benefits discussed or promised by Mr. Trump. As noted above, Mr. Trump has aggressively advertised both actions taken and pledges made to benefit the oil and gas industry and has said that he will be a “dictator” on his first day in office with the express purpose to “drill, drill, drill.” Given the breadth of Section 600, further investigation is required to determine if any other promises were made.

The \$1 billion in campaign contributions reportedly requested by Mr. Trump constitute both “support” for his candidacy under any reasonable reading of the statute and “political activity” under federal law.<sup>86</sup> Although “political activity” is not defined in Section 600, 18 U.S.C. § 610 makes clear it includes “voting or refusing to vote for any candidate or measure in any election, *making or refusing to make any political contribution*, or working or refusing to work on behalf of any candidate.”<sup>87</sup>

Finally, for the reasons described above, public reports of the meeting, the context in which it occurred, and the subsequent actions by those associated with the oil and gas industry, there is strong reason to believe and to investigate whether Mr. Trump made promises to the attendees of the private dinner or to others as a “consideration, favor, or reward” for their increased political activity on his behalf.<sup>88</sup> Unlike Section 201, which requires a *quid pro quo* exchange of an official act for a thing of value and perhaps consequently carries heavier penalties, Section 600

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<sup>84</sup> See 15 U.S.C. § 717b; see also Kevin Book et al., *U.S. LNG Exports: DOE and FERC Roles and Boundaries*, Center for Strategic & International Studies (Mar. 15, 2024), [https://www.csis.org/analysis/us-lng-exports-doe-and-ferc-roles-and-boundaries#:~:text=The%20Natural%20Gas%20Act%20Framework&text=Section%203%20of%20the%20NGA,\)%2C%20DOE%20discretion%20is%20minimal](https://www.csis.org/analysis/us-lng-exports-doe-and-ferc-roles-and-boundaries#:~:text=The%20Natural%20Gas%20Act%20Framework&text=Section%203%20of%20the%20NGA,)%2C%20DOE%20discretion%20is%20minimal).

<sup>85</sup> See generally About the BLM Oil and Gas Program, United States Department of the Interior Bureau of Land Management, <https://www.blm.gov/programs/energy-and-minerals/oil-and-gas/about> (last visited June 20, 2024); see also, e.g., 42 U.S.C. §§ 15921, 15922, 30 U.S.C. § 189.

<sup>86</sup> See 18 U.S.C. § 600.

<sup>87</sup> 18 U.S.C. § 610 (emphasis added)

<sup>88</sup> See 18 U.S.C. § 600.

requires no such specific intent or exchange. Only further investigation can determine the nature of Mr. Trump's alleged promise.

**Conclusion**

The public interest requires an investigation to clarify the circumstances under which Mr. Trump requested \$1 billion, whether he sought those contributions in exchange for any official acts, and what specifically Mr. Trump offered or promised executives with regard to federal policy and the issuance of the permits referenced by Mr. Trump.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Noah Bookbinder', with a stylized, flowing script.

Noah Bookbinder  
President