

United States Senate
WASHINGTON, DC 20510

May 8, 2019

The Honorable David Bernhardt
Secretary
United States Department of the Interior
1849 C Street, N.W.
Washington, D.C. 20240-0001

cc: Paula Hart (Director, Office of Indian Gaming); MaggieLou Harper (NW Regional Office);
Amy Dutschke (Pacific Regional Office)

Dear Secretary Bernhardt,

We write to express our concern about lengthy delays in the Bureau of Indian Affairs' (BIA) response to Freedom of Information Act (FOIA) requests involving Indian gaming matters in Oregon and California. We ask that you investigate the cause of these delays, and take remedial action to ensure timely responses.

While FOIA requires a response within 20 business days, we understand that BIA has taken more than 5 months on average for many document requests involving Indian gaming in Oregon and California, as set forth in the attachment. Similar delays, often 6 months or longer, occur when requesters attempt to administratively appeal denials of their FOIA requests -- which FOIA also requires to be resolved within 20 business days.


In Oregon, it has come to our attention that the U.S. Department of the Interior Office Indian Gaming (OIG) has failed to respond to fifteen outstanding Freedom of Information Act (FOIA) requests from the Cow Creek Band of the Umpqua Tribe of Indians. These outstanding FOIA requests, as set forth in this attachment, were sent to both OIG and the Bureau of Indian Affairs' (BIA) Northwest Regional Office (NWRO) and date back to November of 2017. Delays of this magnitude undermine FOIA's purposes of holding the government accountable for its actions and decisions.

By the time our constituents get documents they have requested, it often is too late to express their concerns about off-reservation Indian casino proposals and to exercise their rights to challenge these proposals.


In order to understand this problem more fully, we request that the Department provide our offices with a report that provides the dates and descriptions of all initial requests and Department responses under FOIA, as well as administrative appeals and their resolution, involving Oregon and California Indian gaming matters from January 2016 to the present. We also ask that the Department take steps to prevent delayed FOIA responses in the future.

Thank you in advance for your prompt attention to this request. We request to receive this report and your other responses before June 15, 2019.

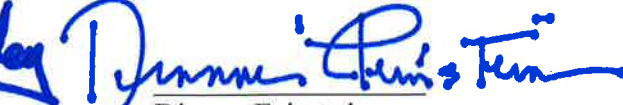
Sincerely,



Ron Wyden
United States Senator



Jeffrey A. Merkley
United States Senator



Dianne Feinstein
United States Senator