

APPENDIX D

PAUL, WEISS, RIFKIND, WHARTON & GARRISON LLP
2001 K STREET, NW
TELEPHONE (202) 223-7300

WASHINGTON, DC 20006-1047

1285 AVENUE OF THE AMERICAS
NEW YORK, NY 10019-6064
TELEPHONE (212) 373-3000
FACSIMILE (212) 757-3990

BETH A. WILKINSON

TELEPHONE (202) 223-
FACSIMILE (202) 204-7395
E-MAIL: @paulweiss.com

UNIT 3601, FORTUNE PLAZA OFFICE TOWER A
NO. 7 DONG SANHUAN ZHONGLU
CHAO YANG DISTRICT
BEIJING 100020
PEOPLE'S REPUBLIC OF CHINA
TELEPHONE (86-10) 5828-6300

12TH FLOOR, HONG KONG CLUB BUILDING
3A CHATER ROAD, CENTRAL
HONG KONG
TELEPHONE (852) 2846-0300

ALDER CASTLE
10 NOBLE STREET
LONDON EC2V 7JU, U.K.
TELEPHONE (44 20) 7367 1600

FUKOKU SEIMEI BUILDING
2-2 UCHISAIWAICHO 2-CHOME
CHIYODA-KU, TOKYO 100-0011, JAPAN
TELEPHONE (81-3) 3597-8101

500 DELAWARE AVENUE, SUITE 200
POST OFFICE BOX 32
WILMINGTON, DE 19899-0032
TELEPHONE (302) 655-4410

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By Email & Messenger Mail

Thomas A. Rust, Esq.
Chief Counsel and Staff Director
Committee on Ethics, U.S. House of Representatives
1015 Longworth House Office Building
Washington, DC 20515-6328

Re: Response to Office of Congressional Ethics Referral of Matter No. 14-2940

Dear Mr. Rust:

I write on behalf of my client, Representative W. Edward Whitfield. I appreciate the opportunity to respond to the report and findings of the Office of Congressional Ethics ("OCE") in regard to Matter No. 14-2940. The initial complaint against the Congressman for his work on animal welfare issues, which was filed by persons with a financial interest in opposing pending legislation that has drawn overwhelming bipartisan support in both the House of Representatives and the Senate, should be viewed with great skepticism. OCE failed to rigorously investigate that complaint and challenge its assertions. For the reasons explained in more detail below, the OCE report also fails to establish any ethical violation by Representative Whitfield. The House Committee on Ethics ("the Committee") should therefore dismiss this matter.

EXECUTIVE SUMMARY

Representative W. Edward Whitfield has been a longstanding and passionate supporter of animal welfare legislation since his first days in the U.S. House of Representatives. Since his first term in Congress in 1995-1996, he has sponsored or co-sponsored dozens of bills designed to protect horses, dogs, and other animals. He and his staff have also worked tirelessly to advocate for animal welfare legislation.

None of the animal welfare bills that Representative Whitfield has sponsored during his almost two decades in Congress stands to benefit him financially in any way. Nor does the legislation carry significant political benefit. The animals affected by the laws obviously cannot vote, and the animal welfare groups that support the laws are often under-funded and even unpopular among Representative Whitfield's party. Yet the Congressman continues to support such legislation as a matter of his own personal conscience, so long as it aligns with his constituents' views.

For years, one of Representative Whitfield's key legislative priorities has been the Prevent All Soring Tactics Act ("PAST Act"). That bill, which the Congressman and his staff drafted and which he personally sponsored, aims to eradicate the cruel and inhumane practice of horse soring. Soring involves inflicting excruciating pain on horses in order to achieve the "Big Lick" gait that is prized in certain circles of the Tennessee Walking Horse community. As with all of his other work relating to animals, Representative Whitfield derives no financial benefit from his support of the PAST Act. His advocacy of the bill stems from his own strongly-held beliefs, the interests of his constituents—the vast majority of whom oppose horse soring—and his desire to protect the health and safety of the abused horses.

As a result of the concerted efforts of Representative Whitfield and his staff, the PAST Act has garnered nearly unprecedented support in both houses of Congress. As of the date of this letter, the bill has 304 co-sponsors in the House of Representatives—approximately 70% percent of all Members. It also has another 57 co-sponsors in the Senate. And even more unusual in today's political climate, the bill draws support from a broad bipartisan coalition of lawmakers. Indeed, over one-third of the bill's current co-sponsors are Republicans.

Representative Whitfield's wife, Connie Harriman-Whitfield, is a dedicated animal welfare advocate in her own right. But first and foremost, she is a trusted confidant of her husband and one of his most important personal and political advisers. In her role as his spouse, Ms. Harriman-Whitfield frequently provides her husband with guidance and administrative assistance, and counsels him on how to serve his constituents and manage his office. For both the Congressman and his wife, the interests of Representative Whitfield's constituents are the paramount concern. Indeed, when necessary, Ms. Harriman-Whitfield's advice to her husband includes recommendations that conflict with her employer's priorities.

In addition to being her husband's trusted confidant, Ms. Harriman-Whitfield also works for the Humane Society of the United States ("Humane Society"). Since 2011, she has been a registered lobbyist for the Humane Society Legislative Fund ("HSLF"). In that capacity, Ms. Harriman-Whitfield has met with various Members of Congress about numerous animal welfare bills that the Humane Society supports, including the PAST Act. She has also communicated with Representative Whitfield and his staff regarding strategies for pursuing their shared interest in the PAST legislation. These communications involved standard efforts at coalition-building in support of a bill that Representative Whitfield had already drafted and sponsored.

In late 2013, after the PAST Act had already drawn significant support in Congress, several members of the Performance Show Horse Association ("PSHA") filed a letter of complaint against Representative Whitfield. The members of that organization have a vested financial interest in opposing passage of the PAST Act. Indeed, the signatories to the PSHA letter have personally been found responsible for numerous violations of the Horse Protection Act ("HPA"), including brutal forms of horse soring. The PSHA complaint was referred to OCE, which conducted a preliminary and second-phase investigation. OCE then issued a report stating that Representative Whitfield may have permitted his wife to have improper lobbying contacts with him and his staff, and may have granted special favors to Ms. Harriman-Whitfield and her employer.

These allegations are unfounded, and the Committee should promptly dismiss this matter. Representative Whitfield's legislative record demonstrates that he has been a staunch supporter of animal welfare bills, including the PAST Act, since well before Ms. Harriman-Whitfield became a lobbyist for HSLF. Representative Whitfield discharges his duties independently of HSLF and all similar lobbying organizations. He sponsors, advocates, and votes only for those bills that serve his legislative agenda and the interests of his constituents—even when that brings him into opposition with the positions of the Humane Society or its lobbyists. And when he works with the Humane Society, he does so to advance his own legislative interests, not to provide any special favors to the organization or Ms. Harriman-Whitfield.

None of Ms. Harriman-Whitfield's communications with Representative Whitfield or his staff amounted to improper lobbying contacts. The relevant ethical rules and standards do not forbid all communications between a lobbyist spouse and a Member of Congress or his staff. Rather, they prohibit contacts that are designed to produce a change in legislative position. But in the vast majority of communications identified by OCE—including with regard to the PAST Act—Ms. Harriman-Whitfield and Representative Whitfield's staff discussed ways to implement the Congressman's own longstanding positions. These communications were not designed to, nor did they, persuade Representative Whitfield or his staff to formulate new policy positions or alter their conduct or beliefs. On other occasions, Ms. Harriman-Whitfield acted as a personal confidant and messenger for Representative Whitfield, providing trusted advice to the Congressman and delivering information to his staff when he was too busy to do so

himself. Such communications are the ordinary conduct of a Congressman's spouse, not improper lobbying contacts.

OCE's report and findings to the contrary rest on an incomplete view of the record and cherry-picked communications that have been lifted out of context. Throughout its report, OCE fails to acknowledge Representative Whitfield's longstanding history of support for animal welfare legislation. Moreover, many of the communications identified by OCE as examples of Ms. Harriman-Whitfield "lobbying" on behalf of HSLF were in fact the exact opposite. For example, the OCE report cites an email from Ms. Harriman-Whitfield concerning a bill to regulate cage size for egg-laying hens. The Humane Society supports this so-called "Egg Bill," but Ms. Harriman-Whitfield advised her husband *not* to sign onto it because it was unpopular among key constituents in his District. Such communications could not be further from improper "lobbying contacts" on behalf of HSLF.

A complete review of the record also reveals that Representative Whitfield and his staff did not grant any special favors or privileges to Ms. Harriman-Whitfield or the Humane Society. All actions taken by the Congressman and his staff in furtherance of the PAST Act were attributable to his status as a chief sponsor of the bill, not his wife's employment by HSLF. The relevant meetings were often organized on behalf of individuals and organizations other than Ms. Harriman-Whitfield and the Humane Society. Indeed, Representative Whitfield and his staff members frequently prioritized the interests of other advocacy groups—including other animal welfare groups—above those of the Humane Society. And in any event, setting up meetings between interested organizations and other Members of Congress is not a "special favor." Instead, it is the routine work of a Representative seeking to serve his constituents and advance his legislative agenda.

Finally, Representative Whitfield's staff and Ms. Harriman-Whitfield each sought out and adhered to advice from Congressional Ethics Counsel. Far from revealing attempts to skirt ethical boundaries, the record thus demonstrates a good faith effort on behalf of all involved to comply with House Rules and other ethical standards.

Representative Whitfield remains committed to assisting the Committee in resolving this matter. However, because the OCE report does not establish any ethical violation, the Congressman respectfully requests that this matter be dismissed.

FACTUAL BACKGROUND AND PROCEDURAL HISTORY

Representative W. Edward Whitfield has been a Member of the U.S. House of Representatives since January 1995. In that time (and in many cases, long before his wife became a lobbyist for the Humane Society), he has been a sponsor or co-sponsor of dozens of bills related to the protection of animals, including horses.¹

¹ A list of the animal welfare bills that Representative Whitfield has sponsored or co-sponsored is attached as Appendix 1 ("App. 1_Whitfield Animal-Welfare Bills").

Among other official actions related to horse welfare, Representative Whitfield has proposed legislation to combat the practice of horse soring, a brutal process used to achieve the “Big Lick” gait in Tennessee Walking Horses. Horse soring involves applying caustic chemicals to a horse’s front legs or hooves, using chains or other physical devices on its forelegs, or tightly affixing horseshoes to its hooves in such a way that walking causes the horse excruciating pain.² Horse soring has been illegal since the passage of the Horse Protection Act in 1970,³ but the practice continues today due to poor enforcement.

In late 2010, Representative Whitfield urged the U.S. Department of Agriculture (“USDA”) to complete a report on horse soring. When the USDA failed to implement its report’s recommendations, Representative Whitfield drafted and introduced the PAST Act to increase investigations of and penalties for horse soring.⁴

Representative Whitfield married Connie Harriman-Whitfield in 1990.⁵ Ms. Harriman-Whitfield served as Assistant Secretary for Fish and Wildlife and Parks in the Department of the Interior in the administration of President George H.W. Bush.⁶ In that role, she was instrumental in the enactment of a world-wide ban on the trade of elephant ivory. Ms. Harriman-Whitfield also formerly served as vice-chair of the Kentucky Horse Racing Authority and chair of the Kentucky Equine Drug Research Council, where she worked to strengthen laws concerning the administration of drugs to racehorses.⁷

Ms. Harriman-Whitfield began work at the Humane Society in 2007. In 2011, she transitioned to the Humane Society Legislative Fund as a senior policy adviser. In the latter role, she registered as a lobbyist in January 2011, and she began lobbying on behalf of HSLF in October 2011.⁸ Representative Whitfield’s opposition to horse soring and his advocacy of anti-soring measures thus pre-dates his wife’s employment as an HSLF lobbyist.

² For more information on the abusive practice of horse soring, see American Veterinary Medical Association, *Soring in Horses*, Feb. 15, 2012, available at <https://www.avma.org/KB/Resources/FAQs/Pages/Soring-in-Horses.aspx>.

³ See Horse Protection Act, Pub. L. 91-540, § 2, 84 Stat. 1404 (1970); Horse Protection Act Amendments of 1976, Pub. L. 94-360, §3, 90 Stat. 915 (1976) (codified as amended at 15 U.S.C. §§ 1821-1831).

⁴ Representative Whitfield originally introduced the PAST Act in 2012 (during the 112th Congress) as H.R. 6388 – “To amend the Horse Protection Act to designate additional unlawful acts under the Act, strengthen penalties for violations of the Act, improve Department of Agriculture enforcement of the Act, and for other purposes.”

⁵ Constance Harriman Wed to W. Edward Whitfield, N.Y. TIMES, Sept. 23, 1990, available at <http://www.nytimes.com/1990/09/23/style/constance-harriman-wed-to-w-edward-whitfield.html>.

⁶ Connie Harriman-Whitfield, *Senior Policy Adviser*, Humane Society Legislative Fund, available at <http://www.hslf.org/about-hslf/meet-hslf/leadership-and-staff/connie-whitfield.html>.

⁷ *Id.*

⁸ HSLF LDA Lobbying Registration Statement (Exhibit 1 at 14-2940_0001-04). Unless otherwise noted, all citations to exhibits throughout this letter are to the exhibits appended to OCE’s report and findings.

Due to Representative Whitfield's longstanding interest in horse welfare, the PAST Act quickly became one of the biggest legislative priorities for Representative Whitfield and his staff.⁹ The Congressman and his staff members have devoted significant time and attention to the bill since it was first introduced in the House. Their work has included meeting with other Members of Congress and with the numerous animal welfare groups that support passage of the PAST legislation. As a result of Representative Whitfield's efforts, the PAST Act has drawn widespread support in Congress. Over 300 Members of the House have already co-sponsored the bill, including 114 Republicans.¹⁰ Together, these Members represent approximately 70% of the total membership in the House. Fifty-seven Senators have also sponsored or co-sponsored the bill.¹¹ And hundreds of veterinary and animal welfare organizations, law enforcement groups, horse organizations, and horse industry professionals have endorsed the PAST Act and advocated for its passage.¹²

As a lobbyist for one of those groups, the Humane Society of the United States, Ms. Harriman-Whitfield has been active in meeting and educating other Members of Congress about the PAST Act and the practice of horse soring. In the course of her work for the HSLF, she emailed and called members of Representative Whitfield's staff. In those communications, she engaged in the common practice of coalition-building for a bill that Representative Whitfield already strongly supported.¹³ She did not contribute in any way to drafting the PAST Act, and she was not responsible for Representative Whitfield's initial decision to sponsor it.¹⁴

At other times, Ms. Harriman-Whitfield provided assistance to Representative Whitfield in her role as his spouse. She often helped him and his staff manage his calendar and correspondence.¹⁵ She also advised him on certain political decisions and on how to best serve his constituents—even when that advice conflicted with the Humane Society's priorities. For example, although the Humane Society supported the so-called "Egg Bill," she advised Representative Whitfield against signing onto it.¹⁶

⁹ Tr. of Interview of Representative Whitfield's Chief of Staff, Apr. 24, 2014 (Exhibit 7 at 14-2940_0138).

¹⁰ See Bill Summary & Status 113th Congress (2013-2014) H.R. 1518 "PAST Act," available at <http://thomas.loc.gov/cgi-bin/bdquery/D?d113:1:/temp/~bdpjr4://home/LegislativeData.php> (listing 304 current co-sponsors of the bill, in addition to Representative Whitfield himself, who is listed as the lead sponsor).

¹¹ See Bill Summary & Status 113th Congress (2013-2014) S. 1406 "PAST Act," available at <http://thomas.loc.gov/cgi-bin/bdquery/D?d113:2:/temp/~bdpjr4://home/LegislativeData.php>.

¹² A complete list of all of the organizations and individuals who have endorsed the PAST Act as of July 8, 2014 is attached as Appendix 4 ("App. 4_Endorsements for the Prevent All Soring Tactics (PAST) Act").

¹³ Tr. of Interview of Representative Whitfield's Wife, Apr. 25, 2014 (Exhibit 38 at 14-2940_0378-79, 0395).

¹⁴ *Id.* at 14-2940_0355-56.

¹⁵ *Id.* at 14-2940_0360, 0379-81, 0406-09.

¹⁶ Exhibit 12 at 14-2940_0181.

Similarly, although officers of the Humane Society wanted to testify in support of the PAST Act, she worked to prevent that in order to avoid jeopardizing the bill's chances of passage.¹⁷

In December 2013, several members of the Performance Show Horse Association, which is based in Tennessee, sent a letter of complaint to the U.S. House Committee on Ethics.¹⁸ Between them, the signatories to that letter are responsible for approximately fifty violations of the HPA, including numerous brutal examples of horse soring.¹⁹ These individuals use soring tactics to obtain a competitive advantage at Tennessee Walking Horse shows. Their use of abusive soring practices produces an unnaturally high-stepping gait in their horses, and that gait is often rewarded by victories at horse shows that include large cash prizes.²⁰ The PSHA members who signed the letter of complaint thus have a vested financial interest in preventing passage of the PAST Act.

The Committee on Ethics forwarded the PSHA letter to OCE, asking for a preliminary review.²¹ OCE conducted a preliminary and second-phase investigation that spanned January to April 2014.²² During the OCE investigation, McKenna Long & Aldridge LLP represented Representative Whitfield. The Congressman's prior counsel submitted a letter to OCE on his behalf, which is part of the record in this ongoing investigation.²³

The OCE Board voted to refer the matter to the Committee on Ethics on June 10, 2014, and the Committee sent a letter to Representative Whitfield on June 11.²⁴ Representative Whitfield then retained Paul, Weiss, Rifkind, Wharton & Garrison LLP to

¹⁷ Exhibit 19 at 14-2940_0201-02.

¹⁸ Letter from Performance Show Horse Association to Representative K. Michael Conaway and Representative Linda T. Sanchez, Dec. 27, 2013.

¹⁹ See, e.g., USDA Citation to Gayle Holcomb, Mar. 30, 2013; available at http://www.aphis.usda.gov/foia/enforcement_actions/2014/January/HPA/7060s/MS140001-AC_7060_GHolcomb_final_102313.pdf (describing an APHIS Veterinary Medical Officer finding that a horse that Ms. Holcomb rode to a third-place finish in a 2013 horse show was scarred and sore); USDA Citation to Mickey McCormick, Aug. 27, 2011, available at http://www.aphis.usda.gov/foia/enforcement_actions/2013/April/HPA/7060s/TN130308-AC_MM McCormick1_7060_finapp_04242013_Redacted.pdf (finding that Mr. McCormick entered a horse in a show whose legs tested positive for acetic acid and other substances used in horse soring). Appendix 5 to this letter lists the HPA violations by the signatories to the PSHA letter ("App. 5_HPA Violations by Signatories to PSHA Letter").

²⁰ See American Veterinary Medical Association, *Soring in Horses*, Feb. 15, 2012, available at <https://www.avma.org/KB/Resources/FAQs/Pages/Soring-in-Horses.aspx> ("Many judges continue to use judging criteria that encourage soring practices. . . . Events that feature 'natural' horses have much lower monetary rewards than events that . . . feature[] sored horses.").

²¹ OCE Report 14-2940, ¶ 9.

²² *Id.* ¶¶ 10-11.

²³ Letter from Stefan C. Passantino to Omar S. Ashmawy, Feb. 21, 2014.

²⁴ *Id.* ¶ 14; Letter from House Committee on Ethics to Representative W. Edward Whitfield, June 11, 2014.

represent him before the Committee. This letter constitutes Representative Whitfield's response to the OCE report and findings.

RULES AND STANDARDS AT ISSUE

OCE alleges that Representative Whitfield: (A) may have permitted Ms. Harriman-Whitfield to have lobbying contacts with him and his staff; and (B) may have granted special favors to Ms. Harriman-Whitfield and her employer.²⁵ OCE further alleges that Representative Whitfield's actions may have violated House Rules, the Code of Ethics for Government Service, the Lobbying Disclosure Act of 1995, and the House Ethics Manual.²⁶

To adopt or recommend a sanction to the House of Representatives for a violation of any of the applicable ethical rules or standards, the Committee must find facts supporting that violation by clear and convincing evidence.²⁷

I. Lobbying Contacts

A. Relevant Rules and Standards

1. House Rule 25, clause 7: "A Member . . . shall prohibit all staff employed by that Member . . . (including staff in personal, committee, and leadership offices) from making any lobbying contact (as defined in section 3 of the Lobbying Disclosure Act of 1995) with that individual's spouse if that spouse is a lobbyist under the Lobbying Disclosure Act of 1995 or is employed or retained by such a lobbyist for the purpose of influencing legislation."²⁸

2. House Rule 23, clause 2: "A Member . . . shall adhere to the spirit and the letter of the Rules of the House and to the rules of duly constituted committees thereof."²⁹

3. House Ethics Manual: "Special caution must be exercised when the spouse of a Member or staff person, or any other immediate family member, is a lobbyist. At a minimum, such an official should not permit the spouse to lobby either him- or herself or any of his or her subordinates. . . . Furthermore, a recently enacted provision of the House rules (House Rule 25, clause 7) requires that the Member prohibit his or her staff

²⁵ OCE Report 14-2940, ¶¶ 4-7, 100-04.

²⁶ *Id.* ¶¶ 18-21, 70-71.

²⁷ House Ethics Manual (2008 ed.), at 11.

²⁸ Rules of the House of Representatives, 113th Congress (2013), Rule XXV, Clause 7.

²⁹ *Id.*, Rule XXIII, Clause 2.

from having any lobbying contacts with that spouse if such individual is a registered lobbyist or is employed or retained by a registered lobbyist to influence legislation.”³⁰

4. The Lobbying Disclosure Act of 1995 (“LDA”): A lobbying contact is “any oral or written communication (including an electronic communication) to a covered executive branch official or a covered legislative branch official that is made on behalf of a client with regard to . . . the formulation, modification, or adoption of Federal legislation (including legislative proposals)”³¹ However, “[t]he term ‘lobbying contact’ does not include a communication that is . . . a request for a meeting, a request for the status of an action, or any similar administrative request, if the request does not include an attempt to influence a covered . . . legislative branch official.”³²

B. Analysis

The restriction in House Rule 25, clause 7—along with the cross-referenced definition of a “lobbying contact” in the LDA—is narrow and well-defined. It specifically prohibits a lobbyist spouse from attempting to influence a Member of Congress or his or her staff member with respect to the formulation, modification, or adoption of legislation. The clause does not forbid a lobbyist spouse from engaging in any communications whatsoever with the Member or his congressional staff. Indeed, the LDA exempts from the definition of “lobbying contacts” certain administrative communications, such as requests for meetings, that do not aim to influence a legislative official’s views. Read in context and as a whole, therefore, the LDA and House Rule 25, clause 7 are concerned with contacts that intend to alter or change a legislator’s position on legislation.

House Rule 23, clause 2 indicates that no Member should knowingly skirt the line of compliance by means of a hyper-technical interpretation of a Rule. The language serves as a reminder to adhere to both the letter and the spirit of the Rules. However, the Rules themselves still govern, and nothing in House Rule 23, clause 2 evinces an intent to expand the substantive prohibitions contained within those Rules. Instead, the Committee typically interprets House Rule 23, clause 2 simply to mean that “Members, officers, and employees may not do indirectly what they would be barred from doing directly.”³³

³⁰ House Ethics Manual at 245.

³¹ Lobbying Disclosure Act of 1995, Pub. L. 104-65, § 3, 109 Stat. 691 (1995) (codified as amended at 2 U.S.C. § 1602(8)(A)(i)).

³² 2 U.S.C. § 1602(8)(B)(v).

³³ House Ethics Manual at 17.

II. Special Favors

A. Relevant Rules and Standards

1. Code of Ethics for Government Service, Section 5: “Any person in Government service should . . . [n]ever discriminate unfairly by the dispensing of special favors or privileges to anyone, whether for remuneration or not”³⁴

2. House Ethics Manual: “The prohibition against doing any special favors for anyone in one’s official capacity is a fundamental standard of conduct, and it applies to an official’s conduct with regard to not only his or her spouse or other family members, but more broadly to any person.”³⁵

B. Analysis

Section 5 of the Code of Ethics for Government Service forbids the granting of special privileges and favors, but does not prohibit standard contacts with other federal officials on behalf of constituents or similarly-situated third parties.³⁶ A Member and his staff are well within their rights to arrange meetings for constituents and other interested persons who wish to petition Congress or the government.³⁷ In determining whether a Member has granted special favors or privileges, the House Committee on Ethics looks to see if the Member has unethically used his office or position to favor the interests of a specific third party.³⁸

The House Ethics Manual’s prohibition of special favors stands for the broad principle that a Member of Congress must use the power of his office to help every person—whether spouse, family member, or constituent—in the same manner. Thus, by definition, any action taken on behalf of an individual or organization cannot be a “special favor” if the Member takes the same or similar actions on behalf of other similarly-situated groups.

³⁴ Code of Ethics for Government Service § 5.

³⁵ House Ethics Manual at 245.

³⁶ See Committee on Standards of Official Conduct, *Advisory Opinion No. 1* (Jan. 26, 1970) (“The Committee is of the opinion that a member of the House of Representatives, either on his own initiative or at the request of a petitioner, may properly . . . arrange for interviews or appointments; express judgments; . . . [and] perform any other service of a similar nature in this area.”).

³⁷ House Ethics Manual at 299-300 (“Pursuant to long-standing guidance, it is generally permissible for Members (and staff acting on their behalf) to . . . [a]rrange appointments . . .”).

³⁸ See Committee on Standards of Official Conduct, *Advisory Opinion No. 1*. (“A Member’s responsibility in this area is to all his constituents equally and should be pursued with diligence irrespective of political or other considerations.”).

DISCUSSION

I. Ms. Harriman-Whitfield's communications with Representative Whitfield and his staff were not lobbying contacts because she sought to advance his own longstanding interests and never attempted to change his positions on legislation.

A. Representative Whitfield's commitment to animal welfare legislation long pre-dates his wife's employment by the Humane Society.

Representative Whitfield has been an unapologetic supporter of various animal welfare laws from his very first days as a Congressman. First elected in November 1994, Representative Whitfield has been either a sponsor or a co-sponsor of multiple animal welfare bills in each and every Congress of which he has been a Member.³⁹ As detailed in a prior submission to OCE, in most Congresses, Representative Whitfield has sponsored more than half a dozen such bills.⁴⁰ In his very first term in the House, he co-authored a letter to the Secretary of Agriculture concerning the regulation of “puppy mills.”⁴¹ He then sponsored the “Puppy Protection Act” several years later, as a Member of the 107th Congress.⁴² Other animal welfare legislation that Representative Whitfield has supported during his nearly two decades in Congress include bills designed to: end the use of steel-jaw leghold traps on animals; protect wild horses and prohibit the shipment and sale of horses to be slaughtered for human consumption; encourage the use of dogs by certain members of the Armed Forces and veterans; prohibit the importation of products made with dog and cat fur; make it a felony to bring a minor child to a dogfight or cockfight; and provide protections for a wide variety of other animals, including elephants, bears, and great apes.⁴³

None of these bills stands to benefit Representative Whitfield financially in any way. And in many cases, the legislation carries little political up-side. The affected animals, after all, obviously cannot speak or vote, and the animal welfare groups that support the laws are often under-funded and even unpopular among Representative Whitfield's party. Yet the Congressman supports such legislation as a matter of his own personal conscience. And crucially, he did so for six terms—or twelve years—*prior* to the beginning of his wife's employment with the Humane Society in 2007.

³⁹ See Appendix 1 (“App. 1_Whitfield Animal-Welfare Bills”) for a list of animal welfare bills that Representative Whitfield has personally sponsored or co-sponsored during his time in Congress. See also Letter from Stefan C. Passantino to Omar S. Ashmawy, Feb. 21, 2014, at 4-5 & nn.2-7 (collecting animal welfare legislation that Representative Whitfield has voted for or otherwise supported from the 104th through 113th Congresses).

⁴⁰ Letter from Stefan C. Passantino to Omar S. Ashmawy, Feb. 21, 2014, at 4-5.

⁴¹ *Id.* at 4.

⁴² H.R. 3058 – “Puppy Protection Act of 2001.”

⁴³ See App. 1_Whitfield Animal-Welfare Bills (collecting such proposed legislation).

In a February 2014 letter to OCE, Representative Whitfield's prior counsel chronicled the Congressman's impressive record on animal welfare issues, including the bills that he supported before 2007.⁴⁴ But OCE failed to mention these bills anywhere in its report. To focus solely on the Congressman's record since 2007—as OCE has—is both incomplete and misleading. OCE's narrow focus overlooks the fact that Representative Whitfield supports legislation like the PAST Act due to his own longstanding commitments and beliefs, not outside influences from his spouse or any other third party. Had OCE reviewed the record more thoroughly, the only appropriate conclusion to draw would be that the Congressman's support of the PAST Act and other animal welfare legislation was independent of his wife's employment.

B. Representative Whitfield only advocates for bills that align with his interests and serve his constituents, independent of his wife's or the HSLF's positions.

The percentage of Representative Whitfield's legislative activity devoted to animal welfare legislation has remained consistent to a statistically significant degree throughout his time in Congress—both before and after his wife's employment by the Humane Society. Appendix 2 to this letter depicts the number of animal welfare bills that Representative Whitfield has sponsored or co-sponsored as a percentage of his total legislative activity. The differences in means from 1995 to 2006—before Ms. Harriman-Whitfield started at the Humane Society—and from 2007 to 2014—after she began work there—are negative 1.3% for sponsorships and positive 1.3% for co-sponsorships. This means that, on average, Representative Whitfield sponsored 1.3% fewer animal welfare bills after his wife began working for the Humane Society, but co-sponsored 1.3% more. In each case, the difference is *not* statistically significant.⁴⁵ In other words, Ms. Harriman-Whitfield's employment by the Humane Society had no impact on the number of animal welfare bills to which Representative Whitfield affixed his name.

Indeed, Representative Whitfield's biennial Humane Society “score” has actually gone down since his wife took a position with the organization.⁴⁶ And despite being the chief sponsor of the PAST Act, the Congressman's scores have sunk by more than twenty percentage points since Ms. Harriman-Whitfield became a registered lobbyist for HSLF.⁴⁷ These low scores are attributable to Representative Whitfield's failure to

⁴⁴ Letter from Stefan C. Passantino to Omar S. Ashmawy, Feb. 21, 2014, at 4-5.

⁴⁵ See App. 2_Representative Whitfield Legislative Activity. Statistical significance was measured by running a two-sample, two-tailed t-test with unequal variances. The Stata output demonstrates that the sponsor and co-sponsor t-scores were 0.76 and 0.15, respectively (rounded to two digits). Each of these values is well below 1.96, the widely accepted standard for statistical significance corresponding to a p-value of less than 0.05.

⁴⁶ As is the case with many advocacy organizations, the Humane Society Legislative Fund publishes an annual “scorecard” that lists how often lawmakers vote for or against a slate of bills in which the organization is interested. The HSLF scorecards dating back to the 109th Congress are available at <http://www.hslf.org/our-work/humane-scorecard.html>. The scorecards for the 104th through 108th Congresses are attached at Appendix 3 (“App. 3_HSLF Scorecards”).

⁴⁷ A list of Representative Whitfield's HSLF scores can be found at Appendix 3.

support certain animal-related bills that would be unpopular with constituents in his District. For example, in the HSLF scorecard for the 112th Congress (during which Ms. Harriman-Whitfield first began lobbying for HSLF), Representative Whitfield received a score of 54—the second-lowest numerical score he has *ever* received. That low score was due to his refusal to support caps on agricultural subsidies or to take anti-hunting positions in votes on the Sportsmen’s Heritage Act.⁴⁸

The simple facts that Representative Whitfield’s HSLF scores *declined* after his wife became a Humane Society lobbyist and that his legislative priorities remained independent of the HSLF’s positions should be sufficient to refute any allegations of improper lobbying. In fact, the Congressman’s legislative record reveals that he has consistently refused to support Humane Society legislation that is at odds with his or his constituents’ views. For example, the Humane Society supports federal legislation that would regulate cage size for egg-laying hens.⁴⁹ Representative Whitfield and his staff, however, knew that the so-called “Egg Bill” was unpopular in his District and did not make economic sense for his constituents, many of whom make their living in the farming industry.⁵⁰ As a result—and consistent with Ms. Harriman-Whitfield’s own advice—the Congressman has never signed on to the Humane Society-supported Egg Bill.⁵¹

Ms. Harriman-Whitfield also understands that the Congressman cannot support certain Humane Society policies because of conflicting priorities in his District; as such, she typically does not even speak to him about them.⁵² For example, she has not discussed the Humane Society’s objection to the use of antibiotics in cattle because of his constituents’ strongly stated opposition to the Humane Society’s position on that subject.⁵³

By contrast, anti-soring legislation is a priority for Representative Whitfield and his staff for reasons unrelated to the Humane Society’s views: namely, the legislation aligns with the Congressman’s own long-held interests, and his constituents do not oppose it. A December 2012 poll demonstrated that a majority of Kentucky citizens—including a majority of Kentucky Republicans—support legislation that would increase penalties for

⁴⁸ See Humane Society Scorecard, 112th Congress (2012), at 9-10, 13, *available at* <http://www.hslf.org/assets/pdfs/humane-scorecard/humane-scorecard-2012.pdf>.

⁴⁹ See Humane Society of the United States, *Federal Bill Introduced to Improve Housing for Egg-Laying Hens and Provide Stable Future for Egg Farmers: Egg Industry and Animal Welfare Groups Enthusiastically Support Legislation*, Jan. 23, 2012, *available at* http://www.humanesociety.org/news/press_releases/2012/01/federal_bill_introduced_01232012.html.

⁵⁰ Exhibit 12 at 14-2940_0181; *see also* Exhibit 7 at 14-2940_0156.

⁵¹ Exhibit 12 at 14-2940_0181; *see also* Bill Summary & Status 113th Congress (2013-2014) H.R. 1731 “Egg Products Inspection Act Amendments of 2013,” Cosponsors, *available at* <http://thomas.loc.gov/cgi-bin/bdquery/D?d113:3:./temp/~bdw7r3:./home/LegislativeData.php?n=BSS;c=113>; Bill Summary & Status, 112th Congress (2011-2012) H.R. 3798 Cosponsors, *available at* <http://thomas.loc.gov/cgi-bin/bdquery/D?d112:4:./temp/~bdwEEv:@@@P/home/LegislativeData.php?n=BSS;c=112>.

⁵² Exhibit 38 at 14-2940_0408.

⁵³ *Id.* at 14-2940_0408-09.

violations of the HPA.⁵⁴ A small but vocal minority—largely comprised of individuals and organizations with a financial stake in horse soring—opposes the legislation. Yet Representative Whitfield has long made it a priority in his office as a matter of his own personal conscience.⁵⁵ And he has taken the lead in advocating for the bill’s passage because he understands that the interests and knowledge available in his office render him well positioned to do so.

Ms. Harriman-Whitfield’s work on the PAST Act was thus not designed to “lobby” Representative Whitfield to change or even develop his legislative positions in any way. Instead, it was in line with the Congressman’s own longstanding views as well as those of a significant majority of the constituents whom he serves.

C. Representative Whitfield has passionately supported anti-soring policies since at least 2004, and his staff worked in accordance with his beliefs, not those of Ms. Harriman-Whitfield.

Since at least 2004, Representative Whitfield and his staff have tried to combat the abusive practice of horse soring.⁵⁶ The Congressman first urged the USDA Office of Inspector General to complete a report on horse soring.⁵⁷ When the USDA finally published its blistering findings,⁵⁸ Representative Whitfield—upon the recommendation of former Senator Tydings⁵⁹—co-authored a letter to Secretary Vilsack urging him to implement the report’s recommendations and conduct further rulemaking.⁶⁰ These actions, the Congressman hoped, would address the HPA’s enforcement problems without the need for further legislation. Unfortunately, the USDA did not act. Representative Whitfield decided that additional legislation was needed, and his Chief of Staff personally drafted the PAST Act in early 2012.⁶¹

Representative Whitfield’s positions on animal welfare generally and the PAST Act specifically were well known to his staff. The Congressman’s Chief of Staff,

⁵⁴ Humane Society of the United States, *New Poll Shows Voters in Tennessee and Kentucky Overwhelmingly Support Bill to Strengthen the Horse Protection Act: Legislation would address the widespread abuse in Tennessee walking horse industry*, Dec. 12, 2012, available at http://www.humanesociety.org/news/press_releases/2012/12/horse-protection-act-poll-support-121212.html.

⁵⁵ Exhibit 7 at 14-2940_0138, 0145.

⁵⁶ *Id.* at 14-2940_107-08.

⁵⁷ *Id.* at 14-2940_107.

⁵⁸ See U.S. Department of Agriculture, Office of Inspector General, *Animal and Plant Health Inspection Service Administration of the Horse Protection Program and the Slaughter Horse Transport Program*, Sept. 2010, available at <http://www.usda.gov/oig/webdocs/33601-02-KC.pdf>.

⁵⁹ Exhibit 7 at 14-2940_0116.

⁶⁰ Letter from Representative Ed Whitfield to Secretary Tom Vilsack, Dec. 17, 2010.

⁶¹ Exhibit 7 at 14-2940_0106-07, 0114-15.

Cory Hicks, has described Representative Whitfield as “passionately believ[ing] in the humane treatment of animals.”⁶² In his interview with OCE, Mr. Hicks described support for animal welfare legislation as “a long-standing position in our office”⁶³ and the PAST Act as “one of [Representative Whitfield’s] biggest priorities.”⁶⁴ Mr. Hicks therefore understood that his work on the PAST Act was performed at the behest of and for the benefit of Representative Whitfield—not Ms. Harriman-Whitfield or HSLF.

The Congressman’s scheduler—one of his most junior staff members—likewise understood that her extra work on the PAST Act stemmed from the Representative’s passion on the issue, not the Humane Society or its lobbyists.⁶⁵

In fact, Representative Whitfield specifically hired one staff member who had demonstrated an extraordinary commitment to the PAST legislation. In autumn 2013, Marty Irby came to Washington, D.C. for more than a month to speak to lawmakers about the ongoing practice of horse soring within the Tennessee Walking Horse community.⁶⁶ Mr. Irby’s family had been “deeply entrenched” in the soring culture, and his public opposition to the practice cost him his marriage, his business, and contact with much of his family, including his father.⁶⁷ After demonstrating his devotion to the issue, Representative Whitfield hired Mr. Irby to fill a vacancy on his staff and to help steer the PAST Act through Congress.⁶⁸

All of the work of the Congressman’s staff relating to the PAST Act—with the exception of some legislative drafting—occurred *before* Ms. Harriman-Whitfield started to actively lobby for HSLF.⁶⁹ And in drafting the bill, Mr. Hicks consulted numerous organizations aside from the Humane Society—including the American Horse Council, the American Veterinary Medical Association, and the American Association of Equine Practitioners—to discuss the bill’s language.⁷⁰ Ms. Harriman-Whitfield herself did

⁶² *Id.* at 14-2940_0145.

⁶³ *Id.*

⁶⁴ *Id.* at 14-2940_0138.

⁶⁵ Tr. of Interview of Scheduler, Apr. 24, 2014 (Exhibit 30 at 14-2940_0300, 0316).

⁶⁶ Tr. of Interview of Congressional Aide, Apr. 24, 2014 (Exhibit 22 at 14-2940_0211-16).

⁶⁷ *Id.* at 14-2940_0217-18; *see also* Christina Wilkie, *This Man Refuses To Be Intimidated By Threat After Testifying on Horse Abuse*, The Huffington Post (Nov. 19, 2013), http://www.huffingtonpost.com/2013/11/19/tennessee-walking-horse_n_4299886.html. The media covered the personal costs associated with Mr. Irby’s public support of the PAST act.

⁶⁸ Exhibit 22 at 14-2940_0220.

⁶⁹ The effective date of Ms. Harriman-Whitfield lobbying registration is January 1, 2011, but even OCE recognizes that she did not begin lobbying until October 2011, when she transferred to the Humane Society Legislative Fund payroll. *See* OCE Report 14-2940, p. 6 n. 5.

⁷⁰ Exhibit 7 at 14-2940_0109.

not contribute to drafting the Act, and she had no influence on Representative Whitfield's initial decision to support the legislation.⁷¹

Thus, Ms. Harriman-Whitfield's communications with the Congressman's staff regarding the PAST Act did not constitute improper "lobbying contacts." As explained above, House Rule 25, clause 7 and the LDA prohibit communications which are intended to change the position of a lawmaker or Congressional staff member.⁷² But with regard to the PAST Act, each staff member was acting in accordance with Representative Whitfield's long-held principles and advancing a policy that the Congressman had himself been promoting since at least 2004. One Whitfield aide had already lost his family and his profession as a result of his opposition to horse soring. To suggest—as OCE does—that Ms. Harriman-Whitfield's emails or other communications changed the position of this or any other staff member—let alone Representative Whitfield himself—with regard to anti-soring legislation is entirely unfounded.

OCE's contrary conclusion depends on a misreading of the relevant ethical rules. The OCE report concludes that Representative Whitfield's wife may have improperly lobbied him because she communicated with him and his staff "about drafting bills, selecting potential bill co-sponsors, and scheduling meetings with congressional offices."⁷³ Yet with respect to the PAST Act, the OCE report fails to acknowledge the undisputed testimony that Ms. Harriman-Whitfield did *not* contribute to drafting the bill's language.⁷⁴ And the other two categories of conduct—identifying potential co-sponsors for an already-drafted bill and scheduling meetings to gather additional support for that bill—do not meet the definition of prohibited lobbying contacts. To the contrary, such communications are examples of the ordinary coalition-building process that is part and parcel of any effort to get legislation passed.

Because Ms. Harriman-Whitfield worked alongside Representative Whitfield and his staff to advance a bill that he already strongly supported, her communications cannot qualify as improper "lobbying" of the Congressman or his office.

D. Communications regarding other legislation were consistent with Representative Whitfield's past positions, and the Congressman and his staff made decisions independent of the Humane Society and its lobbyists.

As indicated in the OCE report, Ms. Harriman-Whitfield also communicated with various staff members about animal welfare bills other than the PAST Act. However, the OCE report fails to cite to (or even acknowledge) multiple sources—all contained within the record it compiled—that demonstrate that those were bills that Representative Whitfield had supported in previous Congresses.

⁷¹ Exhibit 38 at 14-2940_0355-56.

⁷² See *supra* at pp. 8-9.

⁷³ OCE Report 14-2940, ¶¶ 101, 103.

⁷⁴ Exhibit 38 at 14-2940_0355-56.

For example, the OCE report cites an email from Ms. Harriman-Whitfield to Mr. Hicks asking him to add the Congressman as a co-sponsor of the Puppy Mill Bill.⁷⁵ But during his interview with OCE, Mr. Hicks explained that Representative Whitfield had been an original sponsor of that legislation in 2001, more than ten years prior to Ms. Harriman-Whitfield's email.⁷⁶ Accordingly, Ms. Harriman-Whitfield's communication was not a "lobbying contact" designed to alter his legislative position. The same is true for the Horse Slaughter Bill, the Animal Fighting Spectator Prohibition Act, the Veterans Dog Training Therapy Act of 2013, and the Polar Bear Amendment.⁷⁷

Moreover, in making political and legislative decisions, Representative Whitfield and his staff deliberated on his official positions independently of HSLF influence. For example, Ms. Harriman-Whitfield asked the staff to help implement the Congressman's desire to sign onto the Animal Welfare Enforcement Funding Letter in 2012.⁷⁸ The Congressman had signed the letter in the past, but the letter presented new challenges in an environment where Republican lawmakers were wary of advocating for any government spending.⁷⁹ Representative Whitfield and Mr. Hicks decided— independently of the Humane Society's views—that it was important for the Congressman to continue to support funding to enforce animal welfare laws.⁸⁰ Once again, this decision was made in accordance with Representative Whitfield's own legislative priorities, free from any undue influence by the Humane Society.

E. Other communications amounted to Ms. Harriman-Whitfield acting as a confidant and messenger assisting the Congressman in his work.

Ms. Harriman-Whitfield herself also sometimes provided trusted political advice and guidance to Representative Whitfield in her capacity as his spouse. This advice often included recommendations that ran contrary to the Humane Society's interests. For example, as explained above, the Humane Society supports the "Egg Bill," which would impose a federal standard regulating the size of cages for egg-laying hens.⁸¹ But Ms. Harriman-Whitfield advised Representative Whitfield *against* signing on to that legislation because she recognized that many of his key constituents—particularly farmers—were opposed to it.⁸² Incredibly, the OCE report cites this exchange as an example of a

⁷⁵ OCE Report 14-2940, ¶ 38 (citing Exhibit 20 at 14-2940_0205).

⁷⁶ Exhibit 7 at 14-2940_0141-42; *see also* Bill Summary & Status 107th Congress (2001-2002) H.R. 3058 "Puppy Protection Act," *available at* <http://thomas.loc.gov/cgi-bin/bdquery/D?d107:1:./temp/~bdVbUN::/home/LegislativeData.php?n=BSS;c=107>.

⁷⁷ *See* Exhibit 7 at 14-2940_0146-49, 0151-52; *see also* App. 1_Whitfield Animal-Welfare Bills.

⁷⁸ Exhibit 21 at 14-2940_0207.

⁷⁹ Exhibit 7 at 14-2940_0143-44.

⁸⁰ *See id.* at 14-2940_0144-45; Exhibit 21 at 14-2940_0207.

⁸¹ *See supra* at note 49.

⁸² Exhibit 12 at 14-2940_0181.

“lobbying contact” on behalf of the Humane Society.⁸³ In reality, it is exactly the opposite. Ms. Harriman-Whitfield was looking out for Representative Whitfield and his constituents in a manner that was consistent with being the Congressman’s wife, *not* a lobbyist.

Similarly, the OCE report cites a series of emails between Ms. Harriman-Whitfield and Representative Whitfield’s Chief of Staff concerning a potential hearing in support of the PAST Act.⁸⁴ But the report completely misses the fact that those emails reflect the Humane Society’s strong desire to “testify . . . [at] the soring hearing.”⁸⁵ Yet Ms. Harriman-Whitfield communicated with Representative Whitfield’s staff about *preventing* such testimony because the unpopularity of the Humane Society with certain Members of Congress would “stop any chances of moving the bill further.”⁸⁶

These communications are a far cry from improper “lobbying contacts” on behalf of HSLF. Rather, they are routine communications by a Congressional spouse whose primary interest was in serving as a sounding-board for her husband and providing him with valuable political guidance—even if that guidance ran counter to her employer’s priorities. The Committee would create a dangerous precedent if it were to find that such common communications between a husband and wife involve improper “lobbying.”

Finally, in certain other instances, Representative Whitfield also utilized his wife as a messenger between him and his staff. The OCE report assumes—without any supporting evidence—that these were communications from Ms. Harriman-Whitfield in her professional capacity. But the record reveals that they were instead examples of a busy subcommittee Chairman—and someone who admittedly has difficulties keeping up with email⁸⁷—asking his wife to help manage his schedule.⁸⁸ Significantly, this is how Representative Whitfield’s staff understood these communications: as notes from a spouse, not as directives from a lobbyist.⁸⁹

Indeed, the communications identified in the OCE report are only a small fraction of the messages that Ms. Harriman-Whitfield relayed on her husband’s behalf. OCE has cherry-picked the emails dealing with animal welfare legislation in an effort to make it appear as though Ms. Harriman-Whitfield lobbied for HSLF. But as the documents attached in Appendix 6 to this letter reflect, Ms. Harriman-Whitfield also frequently communicated with the Congressman’s staff about a wide range of topics having nothing to

⁸³ OCE Report 14-2940, ¶ 37 & n.23.

⁸⁴ *Id.* ¶ 37 & n.30.

⁸⁵ Exhibit 19 at 14-2940_0202.

⁸⁶ *Id.* at 14-2940_0201.

⁸⁷ Exhibit 38 at 14-2940_0407.

⁸⁸ *Id.* at 14-2940_0379-80, 0406-08.

⁸⁹ *See* Exhibit 7 at 14-2940_0119.

do with animals.⁹⁰ For example, she helped keep track of the schedule for votes on legislation of all kinds, including bills in which the Humane Society had no interest.⁹¹ She was also involved in discussions concerning how to manage Representative Whitfield's public image (including his social media presence),⁹² helped to maintain the Congressman's positive personal relationships with his constituents and with other Members and their staffers,⁹³ assisted in planning events for Representative Whitfield's staff,⁹⁴ and organized the Congressman's calendar and his travel schedules.⁹⁵

In each of these instances, Ms. Harriman-Whitfield acted in her role as Representative Whitfield's spouse, *not* as a lobbyist. And taken in context, these communications demonstrate that Ms. Harriman-Whitfield's goal was always to help her husband discharge his duties and serve his constituents, not to lobby him on behalf of the Humane Society.

* * *

In sum, because none of the communications identified by OCE involved Ms. Harriman-Whitfield attempting to influence or change the Congressman's positions on legislation, they did not constitute prohibited "lobbying contacts" under the House Rules.

II. Neither Representative Whitfield nor his staff performed any special favors for Ms. Harriman-Whitfield or the Humane Society.

A. All actions in furtherance of the PAST Act were taken because Representative Whitfield was the chief sponsor of the bill and did not relate to Ms. Harriman-Whitfield's position with the Humane Society.

The bulk of the allegations that Representative Whitfield and his staff performed "special favors" for the Humane Society involve the scheduling of meetings with Members of Congress regarding the PAST Act.⁹⁶ But once again, these meetings were ordinary coalition-building efforts in connection with a bill that Representative Whitfield himself had already drafted and sponsored. And the record demonstrates that Representative Whitfield's staff worked to push the bill forward because of the

⁹⁰ See App. 6_Connie Harriman-Whitfield Emails. Note that Appendix 6 includes only a representative sample of the hundreds or thousands of emails and other communications that Ms. Harriman-Whitfield has exchanged with Representative Whitfield's staff during his time in Congress.

⁹¹ *Id.* at App. 6_000001-05 (showing Ms. Harriman-Whitfield asking whether Representative Whitfield will support the Customs Trade Facilitation and Enforcement Act and tracking the schedule for votes on a variety of other non-animal welfare bills).

⁹² *Id.* at App. 6_000006-11.

⁹³ *Id.* at App.6_0000012-15.

⁹⁴ *Id.* at App. 6_0000016-17 (discussing logistics for a Christmas party for the staff).

⁹⁵ *Id.* at App. 6_0000018-30.

⁹⁶ See OCE Report 14-2940, ¶¶ 72-81.

Congressman's own passion for the issue, not out of a desire to confer any special privileges on HSLF or its lobbyists.⁹⁷

The requests to set up meetings relating to the PAST Act frequently came straight from the Congressman himself.⁹⁸ Moreover, the staff viewed most of the meetings as being set up for two citizen advocates from Tennessee who had particular expertise on the subject of horse soring, *not* for the Humane Society or HSLF.⁹⁹ Indeed, Representative Whitfield's scheduler also set up meetings for several other pro-PAST organizations, such as the American Horse Council and the American Veterinary Medical Association.¹⁰⁰ These other stakeholders were often more involved in the process than the Humane Society,¹⁰¹ and in each instance, the staff also informed them of the advocacy meetings they had scheduled with other Members of Congress.¹⁰²

The involvement of these other stakeholders demonstrates that Representative Whitfield was not conferring any "special privileges" on the Humane Society. He and his staff were working with a broad coalition of interested groups to advocate for the passage of a bill that serves Tennessee Walking Horses generally, not any animal welfare group in particular.¹⁰³ In the course of their work to support the PAST Act, the Congressman and his staff treated the Humane Society just like all of the other animal welfare organizations that were helping to promote the PAST legislation. And because they were all working together to achieve "one of [the Congressman's] biggest priorities,"¹⁰⁴ Representative Whitfield and his staff would have taken the exact same steps even if Ms. Harriman-Whitfield had not been employed by HSLF.

The OCE report also details instances where Ms. Harriman-Whitfield met jointly with Representative Whitfield and another Member of Congress.¹⁰⁵ But none of these other meetings amounted to the provision of a "special favor" for Ms. Harriman-Whitfield or her employer. In some instances, Ms. Harriman-Whitfield joined the meetings

⁹⁷ See, e.g., Exhibit 30 at 14-2940_0300; Exhibit 7 at 14-2940_0138.

⁹⁸ Exhibit 7 at 14-2940_0138-39.

⁹⁹ *Id.* at 14-2940_0137-38; Tr. of Interview of Representative Whitfield's Former Staffer (Exhibit 47 at 14-2940_0464-65).

¹⁰⁰ Exhibit 7 at 14-2940_0109, 0136-37.

¹⁰¹ See *id.* at 14-2940_0113.

¹⁰² *Id.* at 14-2940_0138.

¹⁰³ Indeed, Representative Whitfield and his staff were attempting to assemble as broad a coalition as possible. As of July 8, 2014, more than 200 horse organizations, veterinary and animal health organizations, law enforcement groups, and individuals have pledged their support for the PAST Act. A list of those endorsements is attached as Appendix 4 ("App. 4_Endorsements for the Prevent All Soring Tactics (PAST) Act").

¹⁰⁴ Exhibit 7 at 14-2940_0138.

¹⁰⁵ See OCE Report 14-2940, ¶¶ 82-94.

because she had a personal friendship with the Member involved.¹⁰⁶ In most instances, she never disclosed her affiliation with the Humane Society or even spoke about the PAST Act, and the Members viewed her as attending only in her capacity as Representative Whitfield's spouse.¹⁰⁷ But even when she did speak about the issue, she did so as part of a joint coalition-building effort to support a bill that was already a top legislative priority for the Congressman. In each instance, Ms. Harriman-Whitfield was in the room either in her personal capacity as the Congressman's wife or her professional capacity as one of the most knowledgeable advocates on the issue. Neither circumstance constitutes the granting of an unusual or "special" favor.

Finally, Ms. Harriman-Whitfield's salary—which accrues to her independently of her husband and is not tied to the outcome of any particular piece of legislation¹⁰⁸—had no influence on Representative Whitfield's or his staff's decisions. The OCE report cites no evidence to the contrary and provides no reason to believe that passage of the PAST Act would result in any financial benefit for either the Congressman or his wife. Indeed, the chain of causation that would lead to any such benefit is highly speculative and attenuated at best. And most importantly, any allegation that Representative Whitfield granted "special favors" with his wife's salary in mind is flatly contradicted by the facts that: (a) he supported animal welfare legislation and the PAST Act long before his wife's employment by HSLF; (b) the Humane Society scored him lower once his wife became a lobbyist for HSLF; and (c) he and his staff took the same actions on behalf of numerous other animal welfare groups.

B. Representative Whitfield takes similar actions on other legislation and arranges similar meetings for advocacy groups in connection with other bills.

The Humane Society of course served as one of many supporters of the PAST Act, and Ms. Harriman-Whitfield was one of HSLF's chief advocates. As such, the Congressman's staff had to work hand-in-hand with her and her organization in an effort to shepherd the bill through Congress. But this is not indicative of any sort of "special favor." Rather, it is an example of the typical coalition-building process by which legislation progresses through our system of government. As a representative of the House Administration Committee stated in a call to Mr. Hicks, if Representative Whitfield could not freely coordinate a legislative campaign—including setting up meetings for interested organizations—there would be no reason for him to be in Congress.¹⁰⁹

Indeed, Representative Whitfield frequently engages in similar coalition-building efforts with other advocacy groups, including setting up meetings for those groups in connection with non-animal welfare bills that he supports. For example, Representative Whitfield introduced a bill in the 113th Congress known as the Caring for Coal Miners Act,

¹⁰⁶ See Exhibit 38 at 14-2940_0383.

¹⁰⁷ *Id.* at 14-2940_0383-84; Tr. of Interview of Former Senator (Exhibit 56 at 14-2940_0528-29).

¹⁰⁸ Exhibit 38 at 14-2940_0418.

¹⁰⁹ Exhibit 7 at 14-2940_0125.

which ensures continued health care coverage for miners in danger of losing their benefits as a result of the bankruptcy of Patriot Coal Company.¹¹⁰ In the course of their work to pass that bill, Representative Whitfield and his staff exchanged hundreds of emails with interested organizations, such as the United Mine Workers of America, the affected coal companies, and several lobbyists.¹¹¹ The Congressman's staff coordinated numerous meetings on behalf of those groups, including meetings with other Members of Congress.¹¹² The staff members also participated in strategy discussions regarding the bill and developed plans to convince others to support it.¹¹³

In other words, the actions that Representative Whitfield and his staff took with regard to the PAST Act were typical of the efforts that they make in connection with any legislation the Congressman sponsors. And although the volume of meetings and communications concerning the PAST Act was high, that simply reflects the fact that Representative Whitfield considers the PAST Act extremely important.¹¹⁴ In addition, the PAST Act requires extra effort and attention because as an animal welfare bill, it does not draw support from any well-financed industry group that could independently advocate for its passage. To the contrary, the bill has encountered strong opposition from those in the Tennessee Walking Horse industry who have a financial interest in horse soring, such as the signatories to the PSHA letter. As a result, Representative Whitfield and his staff had to take the laboring oar in working to get the PAST Act passed. But as the record reveals, they did so because of the Act's significance to Representative Whitfield's constituents and his legislative agenda, not out of a desire to provide the Humane Society with any "special favors."

C. Far from giving the Humane Society "special favors," Representative Whitfield frequently refuses their requests and does not allow the organization to be the lead advocate for his animal welfare bills.

Moreover, even with respect to animal welfare legislation, Representative Whitfield often required the Humane Society to take a backseat in terms of access and attention to other groups that he thought would be better advocates for his bills. Mr. Irby—who took over as the lead staffer on the PAST Act in December 2013—estimated that of all of the advocates he spoke to about that bill, Ms. Harriman-Whitfield ranked eighth or ninth on the list of his most frequent contacts.¹¹⁵ He also indicated that at least half of the

¹¹⁰ H.R. 2627 – "Caring for Coal Miners Act" (2013); see Congressman Ed Whitfield, *Whitfield Introduces Bill to Protect Coal Miners' Health Care Benefits*, July 8, 2013, available at <http://whitfield.house.gov/press-release/whitfield-introduces-bill-protect-coal-miners-health-care-benefits>.

¹¹¹ See, e.g., App. 7_Caring for Coal Miners Act Coalition-Building Communications at App. 7_000001-38. As with Appendix 6, Appendix 7 includes only a representative sample of the relevant communications.

¹¹² *Id.* at App. 7_0000039-75.

¹¹³ *Id.* at App. 7_0000076-100.

¹¹⁴ See Exhibit 7 at 14-2940_0138.

¹¹⁵ Exhibit 22 at 14-2940_0243-44.

meetings that Representative Whitfield's office set up in October and November 2013 regarding the PAST Act were for organizations other than the Humane Society or HSLF.¹¹⁶

In fact, on several occasions, Representative Whitfield and his staff refused requests made by Humane Society employees. For example, Michael Markarian, the Chief Program and Policy Officer at the Humane Society and President of HSLF, expressed a desire for someone from the Humane Society to testify at a hearing about the PAST Act.¹¹⁷ But instead of agreeing to the request, as he presumably would have if he were trying to do "special favors" for the group, the Congressman's Chief of Staff took steps to prevent such testimony. He told another Member of Congress that the Humane Society's involvement "will stop any chances of moving the bill further," and encouraged Representative Whitfield to relay that same message in his own communications.¹¹⁸ Thus, far from giving the Humane Society any special access or privileges, the Congressman's staff often kept the group at arms-length.

And that arrangement makes perfect sense in light of the political realities of the situation. After all, Representative Whitfield is a Republican lawmaker trying to persuade other Republicans to join an animal welfare bill. Many of those other Republicans are not supporters of the Humane Society, and having a Humane Society spokesperson or officer at the table is likely to do more harm than good for the Congressman's agenda.¹¹⁹ As a result, there is absolutely no incentive for Representative Whitfield or his staff to confer any special privileges on the Humane Society above and beyond what any other similarly-situated group would receive.

III. Representative Whitfield's staff and Ms. Harriman-Whitfield acted in accordance with advice from Congressional Ethics Counsel.

Finally, Representative Whitfield's staff was cognizant of possible ethical concerns and took active measures to prevent ethics infractions. Mr. Hicks, the Congressman's Chief of Staff, understood that Ms. Harriman-Whitfield's profession could pose a problem for the Congressman. Accordingly, he implemented an office-wide policy under which any potentially problematic communications from Ms. Harriman-Whitfield had to be run by Mr. Hicks, and then passed along to the Congressman for a final decision if necessary.¹²⁰ This policy ensured that any professional communication from Ms. Harriman-Whitfield would receive an "extra layer of scrutiny."¹²¹

¹¹⁶ *Id.*

¹¹⁷ Exhibit 19 at 14-2940_0201-02.

¹¹⁸ *Id.* at 14-2940_0201.

¹¹⁹ *See* Exhibit 4 at 14-2940_0093.

¹²⁰ Exhibit 7 at 14-2940_0133.

¹²¹ *Id.* at 14-2940_0154.

If Mr. Hicks was ever unsure about a specific communication or request, he would call the House Ethics Committee to request legal advice. In fact, Mr. Hicks regularly consulted with the House Ethics and House Administration committees to ensure that the Congressman's office was "walking as far away from the line as possible."¹²² He recalled having one conversation with House Ethics Counsel specifically about the PAST Act,¹²³ but he would also call about other potential issues regarding Ms. Harriman-Whitfield's role as a lobbyist, including trips and events.¹²⁴ As a result of advice he received during those calls, Mr. Hicks understood that Ms. Harriman-Whitfield was within her rights to meet with other Members and to advocate on behalf of bills, so long as she did not improperly lobby Representative Whitfield or his staff.¹²⁵ The actions taken by Representative Whitfield and his staff were thus directly in line with legal advice from House Ethics Counsel.

Ms. Harriman-Whitfield was similarly cautious; as Representative Whitfield's spouse, she is concerned, first and foremost, with protecting her husband. She understood that she was not to attempt to lobby or influence Representative Whitfield or his staff. And, just as the Congressman's staff did, she consulted House Ethics Counsel whenever she had a question or concern. Ms. Harriman-Whitfield spoke with both Mr. Schwager from the House Ethics Committee and Mr. Sensenbrenner from the Committee on House Administration.¹²⁶ She spoke with them at length until she was confident that all of her practices complied with House Rules.¹²⁷

In its report, OCE never disputes that Representative Whitfield's staff and Ms. Harriman-Whitfield sought advice on how to comply with House Ethics Rules. They each consulted with the Committee's counsel and then complied with the advice and recommendations they received. As such, Representative Whitfield, his staff, and Ms. Harriman-Whitfield should all be granted deference with regard to their actions taken pursuant to that advice.

Representative Whitfield and his staff remain committed to complying with the letter and spirit of all relevant ethical rules. If the Committee now views any of the previously approved conduct as transgressing those ethical boundaries, the Congressman will take immediate steps to comply with the Committee's guidance and prevent any future violations. But because Representative Whitfield and his staff members acted in accordance with legal advice and their own good faith understanding of House rules, no ethical violation should be found at this time.

¹²² *Id.* at 14-2940_0124-25, 0129-30.

¹²³ *Id.* at 14-2940_0131.

¹²⁴ *Id.* at 14-2940_0131-32.

¹²⁵ *Id.* at 14-2940_0129.

¹²⁶ Exhibit 38 at 14-2940_0387-92.

¹²⁷ *See id.*

CONCLUSION

The record compiled by OCE reflects no basis for finding an ethical violation by Representative Whitfield. Ms. Harriman-Whitfield's communications with Representative Whitfield and his staff were in furtherance of a shared interest in animal welfare legislation generally and the PAST Act in particular. The Congressman has a longstanding history of supporting such legislation, and his staff acted in accordance with his policies and directives, not those of his spouse or her employer. The relevant communications were not designed to change Representative Whitfield's views in any way and thus were not prohibited "lobbying contacts." Likewise, the Humane Society and HSLF received no "special favors" or privileges as a result of Ms. Harriman-Whitfield's employment. To the contrary, the Congressman and his staff treated both of those groups just as they would any other similarly-situated organization engaged in similar coalition-building efforts.

It is unfortunate that those with a financial stake in continuing the horrific abuse of Tennessee Walking Horses have resorted to baseless ethical complaints like this one as a political tool. It is particularly unfortunate that they have sought to use the House Ethics Committee as part of a strategy to prevent passage of an Act that enjoys overwhelming bipartisan support in Congress. Representative Whitfield nonetheless stands ready to assist the Committee in any way as it completes its work on this matter. But because the record falls far short of establishing an ethical violation, the Congressman respectfully requests that this matter be dismissed.

Sincerely,

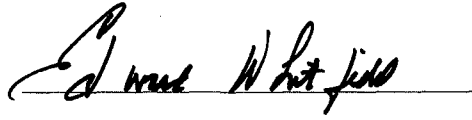


Beth A. Wilkinson

Declaration

I, Representative Ed Whitfield, declare (certify, verify, or state) under penalty of perjury that the response and factual assertions contained in the attached letter dated July 31, 2014, relating to my response to the June 11, 2014, Committee on Ethics letter, are true and correct.

Signature:

A handwritten signature in cursive script, appearing to read "Ed Whitfield", written over a horizontal line.

Name:

Representative Ed Whitfield

Date:

July 31, 2014

Appendix 1_ Whitfield Animal-Welfare Bills

104th Congress (1995-1996)

During the 104th Congress, Representative Whitfield co-sponsored the following bills: H.R. 2199 – “Equine Tax Fairness Act of 1995”; H.R. 2240 – “Bear Protection Act”; H.R. 2508 – “Animal Drug Availability Act of 1996”; H.R. 3200 – “Food Amendments and the Animal Drug Availability Act of 1996.”

105th Congress (1997-1998)

During the 105th Congress, Representative Whitfield sponsored H.R. 3689 – “Land Between the Lakes Protection Act of 1998” (among other things, the Act directs the Secretary of Agriculture to create multiple areas in the designated land for wildlife habitat conservation). He also co-sponsored H.R. 1176 – “To end the use of steel jaw leghold traps on animals in the United States.”

106th Congress (1999-2000)

During the 106th Congress, Representative Whitfield co-sponsored: H.R. 453 – “Pet Safety and Protection Act of 1999”; H.R. 701 – “Conservation and Reinvestment Act” (Title III allocates funds for wildlife conservation and restoration); H.R. 765 – “To amend the Poultry Products Inspection Act to cover birds of the order Ratitae [ostriches, emus, rheas] that are raised for use as human food”; H.R. 1202 – “Captive Exotic Animal Protection Act of 1999”; H.R. 1275 – “To amend the Animal Welfare Act to prohibit the interstate movement of live birds for the purpose of having the birds participate in animal fighting”; H.R. 1581 – “To end the use of steel-jawed leg hold traps on animals in the United States”; H.R. 1622 – “Dog and Cat Protection Act of 1999”; H.R. 2166 – “Bear Protection Act of 1999”; H.R. 2929 – “Captive Elephant Accident Prevention Act of 1999.”

107th Congress (2001-2002)

During the 107th Congress, Representative Whitfield sponsored H.R. 3058 – “Puppy Protection Act.” He also co-sponsored: H.R. 325 – “Fishable Waters Act of 2001” (establishes grant program for states with approved fisheries habitat protection, restoration, and enhancement programs); H.R. 397 – “Bear Protection Act of 2001”; H.R. 1155 – “To amend the Animal Welfare Act to strike the limitation that permits interstate movement of live birds, for the purpose of fighting, to States in which animal fighting is lawful”; H.R. 1187 – “To end the use of steel-jawed leghold traps on animals in the United States”; H.R. 3464 – “Captive Exotic Animal Protection Act of 2001”; H.R. 4955 – “Animal Drug User Fee Act of 2002” (allows the Secretary of Health and Human Services to collect a fee to more quickly process animal drug approval applications).

108th Congress (2003-2004)

During the 108th Congress, Representative Whitfield sponsored H.R. 3484 – “Puppy Protection Act of 2003.” He also co-sponsored: H.R. 857 – “American Horse Slaughter Prevention Act of 2003”; H.R. 1260 – “Animal Drug User Fee Act of 2003”; H.R. 1472 –

“Don’t Feed the Bears Act of 2003” (requires the Secretary of Interior to better enforce the regulations that prohibit the feeding and baiting of wildlife in national parks); H.R. 1532 – “Animal Fighting Prohibition Enforcement Act of 2003”; H.R. 1904 – “Healthy Forest Restoration Act of 2003” (among other things, directs the Secretary of Agriculture to enhance forest ecosystems to promote recovery of threatened and endangered species); H.Res. 507 – “Encouraging citizens to be mindful of the contribution of horses to the economy, history, and character of the United States and expressing the sense of Congress that a National Day of the Horse should be established.”

109th Congress (2005-2006)

During the 109th Congress, Representative Whitfield sponsored H.R. 6158 – “To amend the Interstate Horseracing Act of 1978 to require, as a condition to the consent for off-track wagering, that horsemen’s groups and host racing commissions offer insurance coverage for professional jockeys and other horseracing personnel, and for other purposes” (among other things, the amendments prohibit a person from entering a horse in any race if such horse has been given anabolic steroids, and require the development of a drug testing regime). He also co-sponsored: H.R. 297 – “To restore the prohibition on the commercial sale and slaughter of wild free-roaming horses and burros”; H.R. 503 – “To amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes”; H.R. 537 – “National Fisheries Mitigation Coordination Act” (directs the U.S. Army Corp of Engineers to pay the U.S. Fish and Wildlife Service mitigation costs associated with carrying out the fishery mitigation plan for water development projects); H.R. 817 – “Animal Fighting Prohibition Enforcement Act of 2005”; H.R. 2669 – “Pet Animal Welfare Statute of 2005” (requires dealers and pet stores to provide the Secretary of Agriculture with records relating to the purchase or acquisition of dogs and cats); H.R. 4151 – “Equine Equity Act of 2005” (allows owners to depreciate horses and get livestock assistance for feed); H.R. 5145 – “To authorize the National War Dogs Monument, Inc. to establish a national monument in honor of military working dog teams;” H.Amdt 236 (amendment to agricultural appropriations bill to prohibit funding for inspection of horses to be slaughtered for horse meat).

110th Congress (2007-2008)

During the 110th Congress, Representative Whitfield co-sponsored: H.R. 137 – “Animal Fighting Prohibition Enforcement Act of 2007”; H.R. 249 – “To restore the prohibition on the commercial sale and slaughter of wild free-roaming horses and burros”; H.R. 503 – “To amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes”; H.R. 891 – “Dog and Cat Fur Prohibition Enforcement Act”; H.R. 2175 – “To amend the Interstate Horseracing Act of 1978 to require, as a condition to the consent for off-track wagering, that horsemen’s groups and host racing commissions offer insurance coverage for professional jockeys and other horseracing personnel, and for other purposes”; H.R. 3327 – “Federal Dog Protection Act”; H.R. 5534 – “Bear Protection Act of 2008”; H.R. 6278 –

“Horse Transportation Safety Act of 2008”; H.R. 6598 – “Prevention of Equine Cruelty Act of 2008.”

111th Congress (2009-2010)

During the 111th Congress, Representative Whitfield co-sponsored: H.R. 305 – “Horse Transportation Safety Act of 2009”; H.R. 503 – “Prevention of Equine Cruelty Act of 2009”; H.R. 1326 – “Great Ape Protection Act of 2009”; H.R. 2480 – “Truth in Fur Labeling Act of 2010”; H.R. 3266 – “To establish a grant program to encourage the use of assistance dogs by certain members of the Armed Forces and veterans”; H.R. 4867 – “Corolla Wild Horse Protection Act”; H.R. 5434 – “Puppy Uniform Protection and Safety Act of 2010”; H.R. 5482 – “Corolla Wild Horses Protection Act of 2010”; H.R. 5566 – “Animal Crush Video Prohibition Act of 2010”; H.Res. 291 – “Recognizing the crucial role of assistance dogs in helping wounded veterans live more independent lives, expressing gratitude to The Tower of Hope, and supporting the goals and ideals of creating a Tower of Hope Day”; H.Res. 812 – “Recognizing the significant contributions of the Military Working Dog Program to the United States Armed Forces.”

112th Congress (2011-2012)

During the 112th Congress, Representative Whitfield sponsored: H.R. 1733 – “Interstate Horseracing Improvement Act of 2011” (prohibits entering a horse in a race if the person knows the horse is under the influence of a performance-enhancing drug); H.R. 6388 – “To Amend the Horse Protection Act to designate additional unlawful acts under the Act, strengthen penalties for violations of the Act, improve Department of Agriculture enforcement of the Act, and for other purposes.” He also co-sponsored: H.R. 198 – “Veterans Dog Training Therapy Act”; H.R. 306 – “Corolla Wild Horses Protection Act of 2011”; H.R. 835 – “Puppy Uniform Protection and Safety Act of 2011”; H.R. 1513 – “Great Ape Protection and Cost Savings Act of 2011”; H.R. 2492 – “Animal Fighting Spectator Prohibition Act of 2011”; H.R. 2966 – “American Horse Slaughter Prevention Act of 2011.”

113th Congress (2013-present)

During the 113th Congress, Representative Whitfield sponsored: H.R. 1518 – “Prevent All Soring Tactics Act of 2013.” He also co-sponsored: H.R. 183 – “Veteran Dog Training Therapy Act”; H.R. 366 – “Animal Fighting Spectator Prohibition Act of 2013”; H.R. 847 – “Puppy Uniform Protection Safety Act”; H.R. 1528 – “Veterinary Medicine Mobility Act of 2014”; H.R. 2012 – “Horseracing Integrity and Safety Act of 2013” (creates independent anti-doping organization for horse racing); H.R. 2066 – “Pets on Trains Act of 2013”; H.R. 2261 – “National Mitigation Fisheries Coordination Act” (requires certain agencies to pay charges in accordance with a fishery mitigation plan developed and approved by the U.S. Fish and Wildlife Service Director and the agency head); H.R. 3556 – “Humane Care for Primates Act of 2013”; H.R. 4440 – “Horse Transportation Safety Act of 2014.”

Appendix 2: Representative Whitfield's Legislative Activity

App 2 Representative Whitfield Legislative Activity						
Congress	Sponsor			Co-Sponsor		
	Animal-Rights Bills	Total Bills	Percentage	Animal-Rights Bills	Total Bills	Percentage
104th (1995-1996)	0	5	0.0%	5	95	5.3%
105th (1997-1998)	1	10	10.0%	1	145	0.7%
106th (1999-2000)	0	10	0.0%	10	272	3.7%
107th (2001-2002)	1	9	11.1%	7	202	3.5%
108th (2003-2004)	1	10	10.0%	7	167	4.2%
109th (2005-2006)	1	9	11.1%	8	162	4.9%
110th (2007-2008)	0	10	0.0%	9	229	3.9%
111th (2009-2010)	0	10	0.0%	11	212	5.2%
112th (2011-2012)	2	16	12.5%	6	129	4.7%
113th (2013-2014)	2	19	10.5%	10	157	6.4%
Statistics	Mean (1995-2006)		7.0%	Mean (1995-2006)		3.7%
	Standard Deviation (1995-2006)		5.0%	Standard Deviation (1995-2006)		1.5%
	Mean (2007-present)		5.8%	Mean (2007-present)		5.0%
	Standard Deviation (2007-present)		5.8%	Standard Deviation (2007-present)		0.9%
	Difference in Means		-1.3%	Difference in Means		1.3%

Source: Library of Congress, Thomas.gov.

Note: Co-Sponsorship numbers include both bills and Congressional Resolutions.

T-test for Sponsor (Stata Output)

```
. ttest var2,by(var1) unpaired unequal

Two-sample t test with unequal variances
-----+-----
      Group |      Obs      Mean   Std. Err.   Std. Dev.   [95% Conf. Interval]
-----+-----
          1 |         6   .0703704   .0223453   .0547347   .0129299   .1278109
          2 |         4   .0575658   .0334789   .0669578  -.0489791   .1641106
-----+-----
combined |        10   .0652485   .0178957   .0565911   .0247657   .1057314
-----+-----
      diff |           .0128046   .0402511           -.0874109   .1130201
-----+-----
      diff = mean(1) - mean(2)                                t =    0.3181
Ho: diff = 0                                           Satterthwaite's degrees of freedom =    5.6013

      Ha: diff < 0                                           Ha: diff != 0                                           Ha: diff > 0
Pr(T < t) = 0.6190                                Pr(|T| > |t|) = 0.7619                                Pr(T > t) = 0.3810
```

T-test for Co-sponsor (Stata Output)

```
Two-sample t test with unequal variances
-----+-----
      Group |      Obs      Mean   Std. Err.   Std. Dev.   [95% Conf. Interval]
-----+-----
          1 |         6   .0370409   .0066674   .0163317   .0199018   .0541799
          2 |         4   .0503485   .0051416   .0102833   .0339855   .0667115
-----+-----
combined |        10   .0423639   .0048026   .0151873   .0314996   .0532282
-----+-----
      diff |          -0.0133076   .0084196          -0.0327234   .0061082
-----+-----
      diff = mean(1) - mean(2)                                t = -1.5805
Ho: diff = 0                                           Satterthwaite's degrees of freedom = 7.99985

      Ha: diff < 0                                           Ha: diff != 0                                           Ha: diff > 0
Pr(T < t) = 0.0763                                Pr(|T| > |t|) = 0.1526                                Pr(T > t) = 0.9237
```


Appendix 3 – HSLF Scores for Representative W. Edward Whitfield

Humane Society Scorecards	
Congress	HSLF Score
104th (1995-1996)	25
105th (1997-1998)	No numerical score assigned; Rep. Whitfield supported 2 of 5 HSUS bills
106th (1999-2000)	75
107th (2001-2002)	No numerical score assigned; Rep. Whitfield supported 5 of 9 HSUS bills
108th (2003-2004)	90
109th (2005-2006)	85
110th (2007-2008)	83
111th (2009-2010)	80
112th (2011-2012)	54
113th (Midterm)	62

HSUS CONGRESSIONAL SCORECARD FOR THE 104TH CONGRESS

The Humane Society of the United States thanks you for your help on our efforts to advance our... HSUS scores are obtained from the above issues alignment with The HSUS's position earns a...

The HSUS score is obtained from the above issues alignment with The HSUS's position earns a value of twenty-five points. High scores indicate strong support for The HSUS's positions.

1. WILDLIFE

Table with columns for Representative Name, Party, and Score (1-5). Lists members like Rep. Frank Rostenkowski, Rep. Don Rostenkowski, Rep. Lucian Royce, etc.

2. ANIMAL RIGHTS

Table with columns for Representative Name, Party, and Score (1-5). Lists members like Rep. Bob Brown, Rep. Frank Lautenberg, Rep. Jim Cooper, etc.

3. ANIMAL PROTECTION

Table with columns for Representative Name, Party, and Score (1-5). Lists members like Rep. Bob Dornan, Rep. Don Young, Rep. Jim Cooper, etc.

4. ANIMAL WELFARE

Table with columns for Representative Name, Party, and Score (1-5). Lists members like Rep. Tom Lantos, Rep. Jim Leach, Rep. Mark Warner, etc.

Rep. Robert R. Byrd

1 2 3 4 5

Table with columns for Representative Name, Party, and Score (1-5). Lists members like Rep. Don Edwards, Rep. Robert Byrd, Rep. Tom Lantos, etc.

6

Table with columns for Representative Name, Party, and Score (1-5). Lists members like Rep. Jim Cooper, Rep. Tom Lantos, Rep. Don Edwards, etc.

7

Table with columns for Representative Name, Party, and Score (1-5). Lists members like Rep. Tom Lantos, Rep. Don Edwards, Rep. Jim Cooper, etc.

8

Table with columns for Representative Name, Party, and Score (1-5). Lists members like Rep. Tom Lantos, Rep. Don Edwards, Rep. Jim Cooper, etc.

9

Table with columns for Representative Name, Party, and Score (1-5). Lists members like Rep. Don Edwards, Rep. Robert Byrd, Rep. Tom Lantos, etc.

10

Table with columns for Representative Name, Party, and Score (1-5). Lists members like Rep. Jim Cooper, Rep. Tom Lantos, Rep. Don Edwards, etc.

11

Table with columns for Representative Name, Party, and Score (1-5). Lists members like Rep. Tom Lantos, Rep. Don Edwards, Rep. Jim Cooper, etc.

12

Table with columns for Representative Name, Party, and Score (1-5). Lists members like Rep. Tom Lantos, Rep. Don Edwards, Rep. Jim Cooper, etc.

revision of the Clean Water Act, retributes and exemptions of Environmental Protection Agency (EPA) regulations and international family planning. Sens scores are based on votes on unfringed mandates, rollbacks of environmental safeguard regulations, safe drinking water community right-to-know laws, a moratorium on the listing of species under the ESA, funding for wolf recovery, the sale of public lands off drilling in the Arctic National Wildlife Refuge, nuclear energy development, mining law reform, EPA regulations, and international family planning. High scores indicate strong support for the environment.

PRIORITIES FOR NATIONAL LOBBY DAY FOR ANIMALS

Take advantage of National Lobby Day for Animals (June 24) to speak your mind to your legislators. Whether in person, on writing, or by telephone, you can be a voice for the animals. We've put together a short summary of the U.S. House's position on four high-priority issues.

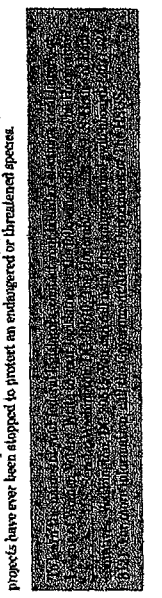
1. DELPHIN HUNTING
 These companion bills introduced by Reps. George Brown (D-CA) and Rucker Cress (R-FL) and Sen. Frank Lautenberg (D-NJ) respectively would effectively outlaw canned hunts—the shooting of tame, exotic animals trapped in enclosures for entertainment or to obtain a trophy. The bills have significant support in both chambers of Congress, but they are opposed by the National Rifle Association and Safari Club International. **SEN. FRANK LAUTENBERG (D-NJ)**
 Representative to companion H.R. 1292 ask your senators to cosponsor S. 1469. **REP. GEORGE BROWN (D-CA)**
 1. Canned hunts are cruel and inhumane. 2. Exotic animals sometimes escape from their enclosures, spreading disease to native wildlife, state fish and game agencies, which normally deal only with native wildlife, aren't equipped to handle exotic animals. 3. We need a strong federal law because the trade in exotic animals used in canned hunts crosses state lines.

2. DELPHIN HUNTING
 These companion bills introduced as companion bills by Rep. George Miller (D-CA) and Sen. Barbara Boxer (D-CA) and Joseph Biden (D-DE) respectively maintain protections for dolphins and prohibit the deadly practice of chasing, encircling with purse-seine nets, and capturing of dolphins by commercial tuna fishers. These bills strike a balance between protecting dolphins and honoring treaty agreements. **SEN. BARBARA BOXER (D-CA)**
 Ask your senators to cosponsor H.R. 2856, ask your senators to cosponsor S. 1468. **REP. GEORGE MILLER (D-CA)**
 1. Delphin hunting is a cruel and inhumane practice. 2. Delphin hunting is a threat to the survival of dolphins. 3. Delphin hunting is a threat to the health of the marine ecosystem. 4. Delphin hunting is a threat to the health of the coastal economy. 5. Delphin hunting is a threat to the health of the environment.

3. DELPHIN HUNTING
 These companion bills introduced by Reps. Wayne Gilchrest (R-MD) and S. 1420 (introduced by Sen. Ted Stevens (R-AK) and John Frawley (D-IA)) are a sell-out to pressure from Mawson lobby. These bills change the definition of dolphin-safe fishing to include dolphin-unsafe methods. **SEN. TED STEVENS (R-AK)**
 Ask your senators to cosponsor H.R. 2823, ask your senators to cosponsor S. 1420. **REP. WAYNE GILCHRIST (R-MD)**
 1. H.R. 2823 and S. 1420 make a mockery of the dolphin-safe label by allowing companies to use that label for their tuna even if dolphins are chased, harassed, and injured during purse-seine fishing.

4. DELPHIN HUNTING
 There is a virtual "no poach" policy for the thousands of senior citizens in federally assisted rental housing. H.R. 1819 (introduced by Reps. Susan Molinari (R-NY) and Carolyn Maloney (D-NY)) would bar owners and managers of these properties from preventing elderly citizens from living with their companion animals. **REP. SUSAN MOLINARI (R-NY)**
 Ask your representative to cosponsor H.R. 1819, ask your senators to introduce similar legislation. **SEN. CAROLYN MALONEY (D-NY)**
 1. Delphin hunting is a cruel and inhumane practice. 2. Delphin hunting is a threat to the survival of dolphins. 3. Delphin hunting is a threat to the health of the marine ecosystem. 4. Delphin hunting is a threat to the health of the coastal economy. 5. Delphin hunting is a threat to the health of the environment.

5. DELPHIN HUNTING
 Wrapped in the banner of "private property rights," Republican legislators from western states are attempting to gut the ESA. H.R. 2275 (introduced by Rep. Don Young (R-AK)), S. 1083 (introduced by Sen. Slade Gorton (R-WA)) and S. 1384 (introduced by Sen. Dirk Kempthorne (R-ID)) would dismantle the ESA by eliminating protection for a wide range of species, redefining a "take," and setting up a series of bureaucratic roadblocks for the listing and protection of rare species. **SEN. DIRK KEMPTHORNE (R-ID)**
 Oppose. Ask your representative to oppose H.R. 2275, ask your senators to oppose both S. 788 and S. 1384. **REP. DON YOUNG (R-AK)**
 1. The ESA is the last, best hope for thousands of species on the verge of extinction by the actions of humans. 2. The ESA is responsible for saving plant species valued for their medicinal properties in the fight against cancer and other deadly diseases. 3. The ESA has not imposed severe economic burdens on private landowners. Very few development projects have ever been stopped to protect an endangered or threatened species.



Rep. Bill H. D. 59-100
 Rep. Edie Bernice Rosen (D) 59-100
 Rep. Sam Johnson (R) 00
 Rep. Ogi Lupton (R) 00
 Rep. Charles J. Stenholm (D) 79/100
 Rep. Tom Luken (D) 915
 Rep. James S. Sensenbrenner (R) 915
 Rep. Charles W. Stenholm (D) 915
 Rep. Steve Stockman (R) 250
 Rep. Frank Tejeda (D) 252
 Rep. William H. T. Henry (R) 07
 Rep. Charles W. Stenholm (D) 79/100

Sen. Robert Bennett (R) 00
 Sen. Dan Claitor (R) 00
 Rep. Don Edwards (Washington) (R) 250
 Rep. William H. T. Henry (R) 07
 Rep. William H. T. Henry (R) 07
 Rep. Charles W. Stenholm (D) 79/100

Sen. Robert Bennett (R) 00
 Sen. Dan Claitor (R) 00
 Rep. Don Edwards (Washington) (R) 250
 Rep. William H. T. Henry (R) 07
 Rep. William H. T. Henry (R) 07
 Rep. Charles W. Stenholm (D) 79/100

Sen. Robert Bennett (R) 00
 Sen. Dan Claitor (R) 00
 Rep. Don Edwards (Washington) (R) 250
 Rep. William H. T. Henry (R) 07
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 Rep. Charles W. Stenholm (D) 79/100

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 Sen. Dan Claitor (R) 00
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 Rep. Charles W. Stenholm (D) 79/100

Sen. Robert Bennett (R) 00
 Sen. Dan Claitor (R) 00
 Rep. Don Edwards (Washington) (R) 250
 Rep. William H. T. Henry (R) 07
 Rep. William H. T. Henry (R) 07
 Rep. Charles W. Stenholm (D) 79/100

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The Humane Scorecard

106th Congress, Second Session

A Project of The Humane Society of the United States and The Fund for Animals

The 106th Congress in Review

THERE IS LITTLE DOUBT THAT THE PACE OF progress on behalf of animals has picked up over the past two years. The 106th U.S. Congress, which spanned January 1999 through December 2000, yielded 15 separate pro-animal legislative measures, more than ever before. Along with the numerous victories for animals, there were some defeats and plenty of unfinished business to command our attention in the future.

The Victories

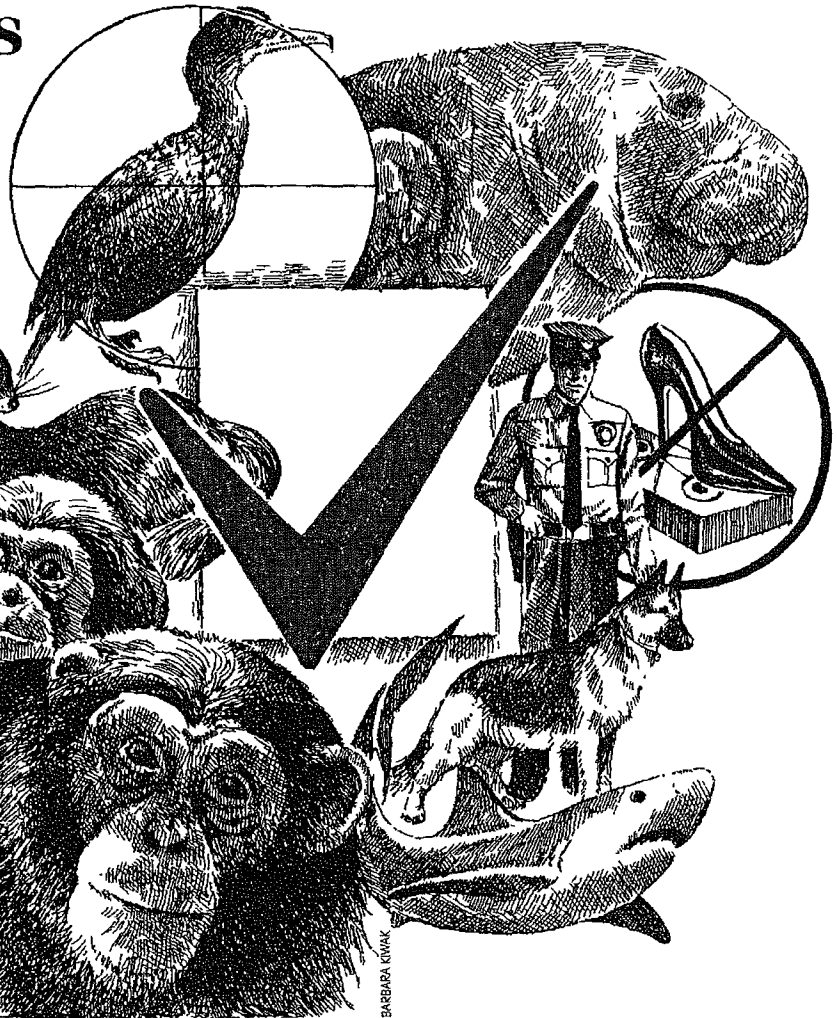
Companion Animals

✓ **Dog and Cat Fur Ban:** Strong legislation to ban the import, export, and interstate sale of dog and cat fur products in the United States was included in a trade package, Public Law (P.L.) 106-476, signed by President Clinton in November 2000. Sen. William Roth (R-DE) and Rep. Jerry Kleczka (D-WI) were tireless champions for this ban, which followed an 18-month HSUS undercover investigation exposing the international trade in cat and dog fur products, including coats, accessories, figurines, and novelty items. Dog and cat fur products are marketed under phony names such as gae-wolf, sobaki, Asian jackal, wildcat, goyangi, and ketzenfelle; some products have no content label at all, so that consumers will not realize what they're buying. The law provides penalties of up to \$10,000 per violation of the ban,

along with forfeiture of seized goods. Repeat violators face the possibility of being prohibited from further sales of any fur products.

✓ **Airline Transport:** In March 2000, Congress adopted some provisions of the Safe Air Travel for Animals Act within P.L. 106-181, a law concerning the Federal Aviation Administration. The enacted provisions, originally introduced by Sen. Frank Lautenberg (D-NJ) and Rep. Robert Menendez (D-NJ) and helped by Rep. Peter DeFazio (D-OR), require airlines to (1) produce monthly reports of all incidents involving animal loss, injury, or death so consumers can compare safety records and (2) improve animal care training for baggage handlers. The airline industry blocked other provisions that would have required cargo holds to be retrofitted for climate control and ventilation and allowed steeper penalties for the loss of animals than for ordinary baggage.

✓ **Military Dogs:** P.L. 106-446, signed into law in November 2000, allows retired military dogs to be adopted rather than euthanized,



as had been required by Department of Defense policy. The effort was led by Rep. Roscoe Bartlett (R-MD) and Sen. Bob Smith (R-NH).

Cruelty Issues

✓ **Crush Videos:** Enacted in December 1999, P.L. 106-152 bans interstate commerce in and commercial gain from depictions of animal cruelty, including pornographic videos of women torturing and crushing to death animals such as kittens, hamsters, chicks, and turtles. Rep. Elton Gallegly (R-CA) led the way, with key help from Sens. Jon Kyl (R-AZ) and Bob Smith (R-NH).

✓ **Federal Law Enforcement Animals:** Signed into law in August 2000, P.L. 106-254 authorizes fines and mandatory jail time of up to ten years for willfully assaulting, disfiguring, maiming, or killing a federal police dog or horse. Thanks go to Rep. Jerry Weller (R-IL) and Sen. Jon Kyl (R-AZ).

Wildlife

✓ **Great Apes:** P.L. 106-411, signed into law in November 2000, authorizes \$5 million annually in grants for local wildlife projects in Africa and Asia to protect highly endangered chimpanzees, bonobos, gorillas, and orangutans. These species are vulnerable to extinction in the wild within 20 years due to habitat destruction and poaching.

This scorecard is published by The Humane Society of the United States (HSUS) and The Fund for Animals. It has been endorsed by the American Humane Association, American Society for the Prevention of Cruelty to Animals, Animal Protection Institute, Doris Day Animal League, and Society for Animal Protective Legislation.

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The 106th Congress in Review

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The legislation was shepherded by Rep. George Miller (D CA) and Sen. Jim Jeffords (R VT)

- ✓ **Shark Finning** PL 106 557 signed in December 2000 prohibits the practice of cutting fins off sharks and discarding their bodies at sea often while still alive. The legislation led by Rep. Nancy (Duke) Cunningham (R CA) and Sen. John Kerry (D-MA) also aims to reduce shark finning beyond U.S. waters
- ✓ **Marine Mammal Stranding** PL 106 555 to improve rescue and rehabilitation of stranded seals dolphins whales and other animals was enacted in December 2000 Rep. Jim Saxton (R NJ) and Sen. Robert Torricelli (D NJ) championed this cause
- ✓ **Hunting Heritage Protection Act** HR 4790 introduced by Rep. Saxby Chambliss (R GA) to promote more hunting opportunities on federal lands and ensure no net loss of hunting lands was not enacted thanks to the opposition of Rep. George Miller (D-CA) and several other Democrats on the House Resources Committee and the Clinton administration
- ✓ **Caracorum Hunting** Opposition by Rep. George Miller (D CA) the Clinton administration and others kept H.R. 3118 from enactment. This bill introduced by Rep. John McHugh (R NY) would have allowed states to establish hunting seasons for double-crested cormorants with each hunter permitted to kill up to ten per day. The bill would have short-circuited environmental reviews being done by the U.S. Fish and Wildlife Service (FWS) to assess the cormorant's status

Laboratory Animals

- ✓ **Chimpanzee Sanctuaries** PL 106 551 signed into law in December 2000 establishes a national sanctuary system for chimpanzees no longer used in medical research who are being housed in small barren and expensive cages in federally funded laboratories. The sanctuaries where chimpanzees will live in naturalistic environments and integrated social groups will be less costly for taxpayers and far more humane for the animals. This legislation was championed by Sens. Bob Smith (R NH) and Richard Durbin (D IL) and Rep. Jim Greenwood (R PA) House Commerce Committee Chairman Thomas Bliley (R VA) required certain controversial amendments before he would allow the bill to advance to the House floor

The Bliley amendments provide for the possibility of limited access to a sanctuary chimpanzee if the proposed research meets several criteria including (1) only minimal pain distress and disturbance to the chimpanzee and his or her social group (as determined by the Sanctuary Board) (2) special circumstances related to the particular chimpanzee's medical history which make him/her uniquely needed for the research (3) the technology to be used was not available when the chimpanzee entered the sanctuary system (4) the research is essential to address an important public health need (5) the applicant has not violated the Animal Welfare Act (AWA) and (6) the proposal is subjected to public scrutiny through a 60 day formal notice and comment process. While the amended version is far from ideal it should substantially improve the lives of many chimpanzees

- ✓ **ICCVAM** Millions of animals will benefit from legislation that strengthens and makes permanent the Incooperative Coordinating Committee for the Validation of Alternative Methods (ICCVAM) PL 106-545 enacted in December 2000 was introduced by Sen. Mike DeWine (R OH) and Reps. Ken Calvert (R CA) and Tom Lantos (D CA) ICCVAM encourages the use of less invasive or non-animal

tests which are often more accurate than the antiquated animal tests still used for products such as cosmetics and cleaning supplies. The Doris Day Animal League led this effort marshaling support from Colgate Palmolive Gillette and Procter & Gamble

Funding Issues

- ✓ **Animal Welfare Act Inspections** After decades of woefully inadequate funding for the U.S. Department of Agriculture's (USDA) enforcement of the AWA Congress has begun to respond. The inspection budget was stagnant throughout the 1990s at about \$9 million per year yielding 64 inspectors for 10 500 sites including puppy mills laboratories zoos circuses and airlines. In 1999 Congress boosted the program by \$1 million and in 2000 an additional \$2 million was approved bringing the current annual budget to \$12 million enough to fund 80 to 85 inspectors. This is still just a start but momentum on Capitol Hill is growing. 9 senators and 78 representatives (marked with an = symbol in the scorecard) signed letters this year to the Agriculture Appropriations Subcommittee seeking an increase for AWA inspections
- ✓ **Predator Control Demonstration Program** While unable in the 106th Congress to prohibit funding of lethal predator control for livestock protection we did obtain up to \$1 million to demonstrate the effectiveness of nonlethal methods (such as guard animals and special fencing) in four states. The funding sought by Sens. Bob Smith (R NH) and Barbara Boxer (D-CA) with the able assistance of Sens. Robert Byrd (D-WV) and Herb Kohl (D WI) is contained in the Agriculture Appropriations Act PL 106-387
- ✓ **Manatees** Recognizing the dire straits facing highly endangered manatees the 106th Congress provided a \$500 000 boost last year and an additional \$1 million this year for the FWS to improve enforcement of boat speed limits. The number of Florida manatees dying each year continues to climb—in 2000 273 of the beloved animals died (78 from watercraft collisions). Members of the Florida congressional delegation led by House Appropriations Committee Chairman Bill Young (R FL) sought this funding as part of the Interior Appropriations Act PL 106 291

- ✓ **Mink Subsidies** Reps. Steve Chabot (R-OH) and Peter Deutch (D-IL) successfully offered an amendment to strike language in the Agriculture Appropriations Act PL 106 387 that would have revived a multimillion dollar taxpayer subsidy—originally terminated by Congress in 1985—for overseas promotion of the mink industry through foreign fashion shows and advertising
- ✓ **Great Apes** Reps. George Miller (D CA) and Nancy Pelosi (D-CA) worked together to obtain \$750 000 for initial funding of the Great Ape Conservation Act (PL 106-411) as part of the Consolidated Appropriations Act 2001 PL 106-554

The Setbacks

While we won some key preliminary battles we did not prevail in the final outcome in the 106th Congress on three issues whose votes are counted in the scorecard (1) ending the taxpayer subsidy of **lethal predator control** for western ranches (2) stopping use of **steel-jaw leghold traps** and **neck snares** for commercial and recreational purposes in National Wildlife Refuges and (3) limiting the U.S. funding of an international body that encourages the use of **dolphin-deadly nets** in **tuna fishing**

Congress also attached harmful riders to appropriations bills on two regulatory issues. First in PL 106-387 Sen. Thad Cochran

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Senate Issues

State	Steel-Jaw Leghold Traps		Neck Snares		Lethal Predator Control		Dolphin-Deadly Nets		Tuna Fishing		Mink Subsidies	
	Y	N	Y	N	Y	N	Y	N	Y	N	Y	N
ALABAMA												
Sessions (R)												
Shelby (R)	X	Absent										
ALASKA												
Murkowski (R)												
Stevens (R)	X											
ARIZONA												
Kyl (R)	X											
McCain (R)												
ARKANSAS												
Hutchinson (R)	X											
Lincoln (D)	X											
CALIFORNIA												
Boxer (D)												
Felstein (D)												
COLORADO												
Roberts (R)												
Allard (R)	X											
Campbell (R)	X											
CONNECTICUT												
Dodd (D)												
DELAWARE												
Biden (D)												
Roth (R)												
FLORIDA												
Craight (D)												
Hatch (R)	X											
GEORGIA												
Chafee (D)												
Coverdell (R)	X											
Miller (D)												
HAWAII												
AKA (D)												
Inouye (D)												
IDAHO												
Craig (R)	X											
Crapo (R)	X											
ILLINOIS												
Durbin (D)												
FRIZARD (R)												
Bayh (D)												
INDIANA												
Lugar (R)	X											
LOWA												
Grassley (R)	X											
Harkin (D)												
KANSAS												
Brownback (R)	X											
ROBERTS (R)	X											
KENTUCKY												
Bunning (R)	X											
McConnell (R)	X											
LOUISIANA												
Breaux (D)	X											
LAUREN (D)	X											
MAINE												
Collins (R)	X											
Snowe (R)	X											
MARYLAND												
Wicker (D)												
Sarbanes (D)												
MASSACHUSETTS												
Kennedy (D)												
Kerry (D)												
MICHIGAN												
Aranza (R)	X											
Levin (D)	X											
MINNESOTA												
Grams (R)	X											
Welch (D)	X											
MISSISSIPPI												
Cochran (R)	X											
LOUISIANA												
ROBERTS (R)	X											
MISSOURI												
Aschcraft (R)	X											
BOND (R)	X											

Senate Scored Items

1 STEEL JAW LEGHOLD TRAPS

Sen. Robert Torricelli (D-NJ) offered an amendment on September 3 1999 to the FY 00 Inter for Appropriations bill S 1232 to bar taxpayer funding used to administer or promote the use of two particularly inhumane traps—steel jaw leghold traps and neck snares—for commercial or recreational trapping on National Wildlife Refuges. Animals trapped by these devices which often catch endangered species suffer crushed bones paralysis and starvation and are known to chew off their own limbs in an attempt to escape. A V indicates a vote for this amendment, which was defeated 52 to 64.

Final Outcome: Defeated

In House Senate conference

2 DOLPHIN PROTECTION

Sen. Barbara Boxer (D-CA) offered an amendment on July 22 1999 to S 1217 the FY 00 Commerce Justice State and Judiciary Appropriations bill that would have limited U.S. funding of the International Tuna Fishing Convention which allows the use of dolphin-deadly nets until other nations pay their fair share of expenses. It also would have barred imports of tuna from countries not meeting their financial obligations under the treaty.

A V indicates a vote for this amendment, which was approved 61 to 35.

Final Outcome: Defeated in House-Senate conference. (We were however successful in sending off an amendment to add a rider that would have exempted purse-sauna nets not harmful to dolphins.) NOTE: Due to the speed with which the Senate acted animal advocacy groups were unable to contact Senate offices in advance about this specific vote.

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KEY TO SENATE SCORES

- ✓ A vote of cosponsorship of a bill for the animals
- X A sponsor of an unrescued bill (see the 106th Congress in Review)
+ A member who spoke on behalf of or pro animal legislation during floor-debate
F the floor vote sponsorations
S subcommittee seeking an increase in funding for Animal Welfare Act inspections
P used in office
not in office
A deceased predecessor

continued on page 4

Senate Issues

State	Senator	Yea	Nay	Present	Excused	Other	Score
MONTANA	Baucus (D)	X					40
MONTANA	Burns (R)	X					20
NEBRASKA	Miller (D)	X					0
NEBRASKA	Kanrey (D)	X					0
NEVADA	Bryant (D)	X					80
NEVADA	Reid (D)	X					100
NEW HAMPSHIRE	Gregg (R)	X					40
NEW HAMPSHIRE	Smith (R)	X					100
NEW JERSEY	Lautenberg (D)	X					100
NEW JERSEY	Tortorelli (D)	X					100
NEW MEXICO	Donohue (D)	X					40
NEW MEXICO	Menendez (D)	X					80
NEW YORK	Mohrman (D)	X					80
NEW YORK	Schumer (D)	X					100
NORTH CAROLINA	Edwards (D)	X					40
NORTH CAROLINA	Helms (R)	X					40
NORTH DAKOTA	Conrad (D)	X					40
NORTH DAKOTA	Donnan (R)	X					40
OHIO	DeWine (R)	X					40
OHIO	Voinovich (R)	X					40
OKLAHOMA	McClintock (R)	X					40
OKLAHOMA	Roberts (R)	X					40
OREGON	Wenatch (D)	X					80
OREGON	Wyden (D)	X					80
PENNSYLVANIA	Santorum (R)	X					80
PENNSYLVANIA	Specter (R)	X					80
RHODE ISLAND	Chafee (R)	X					40
RHODE ISLAND	Chafee (R)	X					40
SOUTH CAROLINA	Hollings (D)	X					40
SOUTH CAROLINA	Thurmond (R)	X					40
SOUTH DAKOTA	Daschle (D)	X					40
SOUTH DAKOTA	Johnson (D)	X					40
TENNESSEE	Frist (R)	X					40
TENNESSEE	Thompson (R)	X					40
TEXAS	Gramm (R)	X					40
TEXAS	Hutchison (R)	X					40
UTAH	Bennett (R)	X					40
UTAH	Hatch (R)	X					40
VERMONT	Jeffords (R)	X					40
VERMONT	Leahy (D)	X					40
VIRGINIA	Robb (D)	X					40
VIRGINIA	Warner (R)	X					40
WASHINGTON	Gordon (R)	X					40
WASHINGTON	Murray (D)	X					40
WEST VIRGINIA	Byrd (D)	X					40
WEST VIRGINIA	Ricketts (D)	X					40
WISCONSIN	Pfeiffer (D)	X					40
WISCONSIN	Kohl (D)	X					40
WYOMING	East (R)	X					40
WYOMING	Thomas (R)	X					40

House Issues

State	Member	Yea	Nay	Present	Excused	Other	Score
ALABAMA	Adair (R 4th)	X					12.5
ALABAMA	Bachus (R 6th)	X					12.5
ALABAMA	Callahan (R 1st)	X					12.5
ALABAMA	Cramer (D 8th)	X					25
ALABAMA	Everett (R 2nd)	X					12.5
ALABAMA	Hilliard (D 7th)	X					12.5
ALABAMA	Riley (R 3rd)	X					12.5
ALASKA	Young (R At Large)	X					12.5
AMERICAN SAMOA	Faleomavaega (D)	*					4
ARIZONA	Hayworth (R 8th)	X					12.5
ARIZONA	Kolbe (R 5th)	X					50
ARIZONA	Pastor (D 2nd)	X					12.5
ARIZONA	Saunders (R 1st)	X					12.5
ARIZONA	Strup (R 3rd)	X					12.5
ARKANSAS	Bart (D 1st)	X					25
ARKANSAS	Dudley (R 6th)	X					12.5
ARKANSAS	Pittenger (R 3rd)	X					25
ARKANSAS	Snyder (D 2nd)	X					62.5
CALIFORNIA	Baca (D 4th)	X					62.5
CALIFORNIA	Berman (D 28th)	X					100
CALIFORNIA	Bliley (R 4th)	X					25
CALIFORNIA	Bono (R 44th)	X					25
CALIFORNIA	Brown (D 42nd)	X					25
CALIFORNIA	Cavert (R 43rd)	X					25
CALIFORNIA	Campbell (R 15th)	X					25
CALIFORNIA	Caputo (D 22nd)	X					62.5
CALIFORNIA	Condit (D 18th)	X					50
CALIFORNIA	Cox (R 47th)	X					50
CALIFORNIA	Cunningham (R 51st)	X					100
CALIFORNIA	Doolittle (R 4th)	X					0
CALIFORNIA	Dreier (R 28th)	X					0
CALIFORNIA	Esch (D 14th)	X					100
CALIFORNIA	Farr (D 17th)	X					67.5
CALIFORNIA	Fisher (D 50th)	X					100
CALIFORNIA	Gallagher (R 23rd)	X					75
CALIFORNIA	Hargis (R 2nd)	X					12.5
CALIFORNIA	Horn (R 36th)	X					100

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3. COCKFIGHTING

S. 545 introduced by Sen. Wayne Allard (R CO) would close the loophole in the federal Animal Welfare Act that allows interstate shipment of birds for fighting and undermines enforcement of the cockfighting ban that exists in 47 states. Full of drugs to make them hyperaggressive they also put razor sharp knives or ice pick-like gaffs on the birds' legs and force them to keep fighting despite grievous injuries such as pierced eyes and punctured lungs—all for the entertainment of spectators who often include children. A ✓ indicates cosponsorship of this bill, 62 cosponsors and approval by the Senate Agriculture Committee on March 2, 2000. Final Outcome: Was not voted on by the full Senate.

4. BEAR PROTECTION

S. 719 introduced by Sen. Mitch McConnell (R KY) would prohibit interstate and international shipment of bear viscera (gallbladders and bile) in order to halt the poaching of American bears for Asian medicines, cosmetics, and shampoos. Intense demand for bear viscera has severely endangered bear populations in Asia and is putting increasing pressure on bear populations in the United States where some 40,000 bears are illegally poached every year. A ✓ indicates cosponsorship of this bill, which had bipartisan support of 68 cosponsors and was unanimously approved by the full Senate on October 17, 2000. Final Outcome: Was not approved by the House.

5. CHIMPANZEE SANCTUARIES

S. 2725 introduced by Sens. Bob Smith (R NH) and Richard Durbin (D IL) establishes a national sanctuary system for chimpanzees no longer used in medical research but still being kept at great laborer expense in small and barren laboratory cages. The sanctuaries, where chimpanzees can live in naturalistic settings and social groups offer a less costly and far more humane alternative. A ✓ indicates cosponsorship of this bill, which had the bipartisan support of 25 cosponsors and approval by the Senate Health, Education, Labor and Pensions Committee on September 20, 2000. An amended version of this legislation (see p. 2 for details) unanimously passed the Senate on December 6, 2000. Final Outcome: signed into law on December 20, 2000.

KEY TO HOUSE SCORES

- ✓ A vote—or cosponsorship of a bill—for the animals
- X A vote against the animals
- + A sponsor of an unrecalled bill (see "The 106th Congress in Review")
- * A member who spoke on behalf of pro-animal legislation during floor debate
- A member who signed a letter to the Agriculture and Forestry Subcommittee
- # Filed in office
- ## Increase in funding for Animal Welfare Act inspectors
- Delegates from the District of Columbia, American Samoa, Guam, and the Virgin Islands and the Resident Commissioner of Puerto Rico cannot vote on bills or amendments on the House floor—they can vote in committee and cosponsor legislation.
- The Speaker of the House generally does not vote unless there is a tie

How Scores Are Calculated

Many animal protection issues never receive a recorded vote in Congress. Some are enacted by voice vote and some languish. To more accurately measure legislators' support for the broad range of animal issues, we count cosponsorships of certain key bills along with recorded votes. Cosponsoring a bill is a meaningful way for legislators to help the bill advance in Congress. Scores reflect the number of pro-animal votes and cosponsorships recorded by each legislator, given as a percentage of the total number of issues we scored (five for the Senate, eight for the House). For example, a senator who supported four of the five scored issues scores 80 percent. In the House, support for four of the eight issues earns a score of 50 percent.

House Issues

House Issues	House-Sponsored				Sponsor				(N) Score
	Y	N	W	SP	Y	N	W	SP	
CALIFORNIA (cont'd)									
Hunter (R-52nd)	X								0
Kuykendall (R-38th)	X								37.5
Lantos (D-12th)	X								75+*
Lee (D-9th)	X								100*
Lewis (R-40th)	X								25
Loftis (D-18th)	X								75
Martinez (D-31st)	X								25
Matsui (D-5th)	X								75*
McKeon (R-28th)	X								12.5
Miller (R-45th)	X								75
Miller, George (D-7th)	X								12.5
Napolitano (D-34th)	X								100+*
Os (R-3rd)	X								62.5
Packard (R-48th)	X								37.5
Pelosi (D-8th)	X								12.5
Pombo (R-11th)	X								100*
Radenovich (R-19th)	X								12.5
Rogan (R-27th)	X								12.5
Rothbacher (R-48th)	X								37.5
Roybal-Allard (D-39th)	X								100*
Royce (R-39th)	X								62.5
Sanchez (D-46th)	X								100*
Sherman (D-24th)	X								100*
Stark (D-13th)	X								12.5
Tulacher (D-10th)	X								12.5
Thomas (R-21st)	X								62.5
Thompson (D-15th)	X								100*
Walters (D-38th)	X								62.5
Wrayman (D-24th)	X								100*
Woolsey (D-6th)	X								100*
COLORADO									
D-6th (D-1st)	X								50
Hefley (R-5th)	X								50
McInnis (R-3rd)	X								12.5
Schauer (R-4th)	X								12.5
Strom (R-6th)	X								75
Utah (D-2nd)	X								100*
CONNECTICUT									
DeLuca (D-3rd)	X								100
Collinson (D-2nd)	X								100
Johnson (R-6th)	X								87.5
Larson (D-5th)	X								100+
Maloney (D-5th)	X								100+
Shays (R-4th)	X								62.5
DELAWARE									
Castle (R-At Large)	X								*
DISTRICT OF COLUMBIA									
Holmes Norton (D)	X								62.5+
FLORIDA									
Billirakis (R-9th)	X								12.5
Boyd (D-2nd)	X								75
Brown (D-3rd)	X								75

House Scored Items

- 1. PREDATOR CONTROL 2000**
Reps. Peter Defazio (D-OR), Charles Bass (R-NH), and Connie Morale (R-MD) offered an amendment on July 11, 2000, to the FY 01 Agriculture Appropriations bill, H.R. 4651, to reduce funding for the euphemistically named Wildlife Services program that annually slaughters almost 100,000 coyotes, foxes, bears, badgers, and other animals by using steel-jaw leghold traps, poisons, and other inhumane methods. This taxpayer subsidy for western ranchers has proven to be costly and ineffective in protecting livestock and has discouraged the use of nonlethal methods such as guard dogs and special fencing. A ✓ indicates a vote for this amendment, which was defeated 190 to 228.
- 2. PREDATOR CONTROL 1999**
Reps. Defazio and Bass offered an amendment on June 8, 1999, to the FY 00 Agriculture Appropriations bill, H.R. 4606, to cut funding of Wildlife Services' lethal predator control for livestock protection. A ✓ indicates a vote for this amendment, which was defeated 195 to 230. Note: This issue was not considered by the Senate in 1999.

House Issues

House Issues	House-Sponsored				Sponsor				(N) Score
	Y	N	W	SP	Y	N	W	SP	
FLORIDA (cont'd)									
Canary (R-12th)	X								37.5*
Davis (D-11th)	X								50
DeLoach (D-20th)	X								100+*
Diaz-Balart (R-21st)	X								62.5
Foley (R-18th)	X								25
Fowler (R-4th)	X								0
Goss (R-14th)	X								37.5*
Hastings (D-23rd)	X								75
McCormack (R-8th)	X								37.5*
Mark (D-17th)	X								62.5*
Mica (R-7th)	X								50
Miller (R-15th)	X								37.5
Ros-Lattin (R-8th)	X								60
Scarborough (R-15th)	X								37.5
Shaw (R-22nd)	X								62.5
Stearns (R-8th)	X								12.5
Thurman (D-5th)	X								25
Walton (R-15th)	X								25
Waxler (D-19th)	X								100
Young (R-10th)	X								25
GEORGIA									
Barr (R-7th)	X								12.5
Bishop (D-2nd)	X								10.5
Chambliss (R-8th)	X								25
Collins (R-3rd)	X								12.5
Deal (R-9th)	X								50
Isakson (R-6th)	X								62.5
Kriston (R-15th)	X								12.5
Linder (R-11th)	X								12.5
Lewis (D-5th)	X								75*
McKinney (D-4th)	X								100
Norwood (R-10th)	X								0
GUAM									
Underwood (D)	X								*
HAWAII									
Abercrombie (D-1st)	X								50+
Ma'ala'i (D-2nd)	X								62.5
ID-AHO									
Idaho (R-1st)	X								0
Idaho (R-2nd)	X								12.5
ILLINOIS									
Bipert (R-13th)	X								62.5
Blumenthal (D-5th)	X								100
Costello (D-12th)	X								100
Crane (R-8th)	X								62.5
Davis (D-7th)	X								75
Evans (D-17th)	X								100
Ewing (R-15th)	X								37.5*
Gutierrez (D-4th)	X								100
Hestert (R-14th)	X								**
Hyde (R-6th)	X								37.5
Jackson (D-2nd)	X								75
LaHood (R-18th)	X								37.5
Lipinski (D-3rd)	X								100*
Manzullo (R-16th)	X								10
Phelps (D-18th)	X								92.5
Porter (R-10th)	X								37.5

KEY TO HOUSE SCORES

- ✓ A vote in opposition of a bill for the animal
- X A vote against the animal bill (see "The 1990 Congress in Review")
- W A member who spoke in support of pro-animal legislation during floor debate
- SP A member who signed a letter to the Agriculture Appropriations Subcommittee seeking an increase in funding for Animal Welfare Act inspectors
- # Died in office
- * Passed but during a veto vetoing process
- ** Passed but during a veto vetoing process
- † Passed but during a veto vetoing process
- ‡ Passed but during a veto vetoing process
- § Passed but during a veto vetoing process
- ¶ Passed but during a veto vetoing process
- ‡ Passed but during a veto vetoing process
- § Passed but during a veto vetoing process
- ¶ Passed but during a veto vetoing process
- ‡ Passed but during a veto vetoing process
- § Passed but during a veto vetoing process
- ¶ Passed but during a veto vetoing process
- ‡ Passed but during a veto vetoing process
- § Passed but during a veto vetoing process
- ¶ Passed but during a veto vetoing process

House Issues

Sponsor	House		Senate		Judicial		Executive		Legislative		YTD Score
	YTD Score	YTD %	YTD Score	YTD %	YTD Score	YTD %	YTD Score	YTD %	YTD Score	YTD %	
NEW HAMPSHIRE											
Bass (R-2nd)											
Sununu (R-1st)											
NEW JERSEY											
Andrews (D-15th)											
Franks (R-7th)											
Frelinghuysen (R-11th)											
Holt (D-12th)											
Lobiondo (R-2nd)											
Menendez (D-13th)											
Pallone (D-6th)											
Pascarelli (D-5th)											
Payne (D-10th)											
Rothman (D-9th)											
Roukema (R-5th)											
Saxton (R-3rd)											
Smith (R-4th)											
NEW MEXICO											
Steens (R-2nd)											
Utah (D-3rd)											
Villanoy (R-1st)											
NEW YORK											
Ackerman (D-5th)											
Boucher (R-23rd)											
Dowley (D-27th)											
Engel (D-17th)											
Forbes (R-18th)											
Fossella (R-13th)											
Gillman (R-26th)											
Hinchey (R-39th)											
Kelly (R-19th)											
King (R-3rd)											
LaFalce (D-29th)											
Lazio (R-2nd)											
Lowey (D-18th)											
Maloney (D-14th)											
McCarthy (D-4th)											
McHugh (R-24th)											
McNulty (D-21st)											
Meeks (D-6th)											
Nadler (D-8th)											
Owens (D-11th)											
Quinn (R-30th)											
Rangel (D-15th)											
Raymond (R-27th)											
Sarbanes (D-16th)											
Shaheen (D-28th)											
Sweeney (D-22nd)											
Towns (D-10th)											
Velazquez (D-12th)											
Walsh (R-25th)											
Wenner (D-5th)											
NORTH CAROLINA											
Balenger (R-10th)											
Burr (R-5th)											

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5. CRUSH VIDEOS
 H.R. 1687, introduced by Rep. Eiton Colley (R-CA), prohibits commercial distribution and sales of animal crush videos (photographs, films, electronic images, recordings, etc.) including so-called "crush videos," in which women wearing slitted heels slowly crush animals for the sexual gratification of viewers. A ✓ indicates a vote for this bill, which was approved 372 to 42 on October 19, 1998.
 Final Outcome: Signed into law December 9, 1999.

6. COCKFIGHTING
 H.R. 1275, introduced by Reps. Collin Peterson (D-MN) and Joe Scarborough (R-FI), would close the loophole in the federal

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Animal Welfare Act that allows interstate shipment of birds for fighting and undermines enforcement of the cockfighting bans that exist in 47 states. Cockfighters routinely pump their birds full of drugs to make them hyperaggressive; they also put razor-sharp knives or ice pick-like gaffs on the birds' legs and force them to keep fighting despite grievous injuries such as pierced eyes and punctured lungs—all for the "entertainment" of spectators, who often include children. A ✓ indicates cosponsorship of this bill, which earned the bipartisan support of 207 cosponsors and approval by the Agriculture Committee on April 13, 2000.
 Final Outcome: Was not voted on by the full House.

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House Issues

Sponsor	House		Senate		Judicial		Executive		Legislative		YTD Score
	YTD Score	YTD %	YTD Score	YTD %	YTD Score	YTD %	YTD Score	YTD %	YTD Score	YTD %	
TEXAS											
Santorum (D-15th)											
Sessions (R-5th)											
Smith (R-21st)											
Stabenow (D-17th)											
Thomson (R-13th)											
Tanner (D-21st)											
UTAH											
Cannon (R-3rd)											
Cook (R-2nd)											
Hansen (R-15th)											
VERMONT											
Sanders (I-At large)											
VIRGIN ISLANDS											
Christie											
Christensen (D)											
VIRGINIA											
Bateman (R-1st)											
Billey (R-7th)											
Boucher (D-9th)											
Davis (R-11th)											
Goodale (R-5th)											
Moran (D-6th)											
Pickett (D-2nd)											
Scott (D-3rd)											
Stivers (D-4th)											
Wolf (R-10th)											
WASHINGTON											
Boehner (R-1st)											
Dicks (D-6th)											
Dunn (R-8th)											
Hastings (R-4th)											
Inhofe (D-1st)											
McDermott (D-7th)											
Mercer (R-2nd)											
Nehmer (R-3rd)											
Smith (R-9th)											
WEST VIRGINIA											
Mollohan (D-1st)											
Rahall (D-3rd)											
Wise (D-2nd)											
WISCONSIN											
Baldwin (D-2nd)											
Barrett (D-5th)											
Green (R-8th)											
Kind (D-3rd)											
Klecka (D-4th)											
Obey (D-7th)											
Petri (R-6th)											
Ryan (R-1st)											
Sensenbrenner (R-9th)											
WYOMING											
Cubin (R-At large)											

KEY TO HOUSE SCORES

- ✓ A vote or cosponsorship of a bill—for the animals
- ✗ A vote against the animals
- * A sponsor of an unscored bill (see "The 106th Congress in Review")
- † A member who spoke on behalf of pro-animal legislation during floor debate
- ‡ A member who spoke on behalf of pro-animal legislation during committee hearings
- # Bill in office
- ## Bill not in office
- Filed text during term; reflecting deceased predecessor
- Delegate from the District of Columbia, American Samoa, Guam, and the Virgin Islands and the Resident Commissioner of Puerto Rico cannot vote on bills or amendments on the House floor; they can vote in committee and cosponsor legislation.
- The speaker of the house generally does not vote unless there is a tie.

	Predator Control 2000	Predator Control 1999	Steel-Jaw Leghold Traps	Dolphin Protection	Crush Videos	Cockfighting	Bear Protection	Chimpanzee Sanctuaries	Score (%)
PENN (cont'd)									
Klink (D-4th)	X	✓	X	✓	✓	✓			50
Mascara (D-20th)	X	X	X	✓	✓		✓		62.5
Murtha (D-12th)	X	X	X	✓	Absent				12.5
Peterson (R-5th)	X	X	X	Absent	✓				12.5
Pitts (R-16th)	X	X	X	X	✓				12.5
Sherwood (R-10th)	X	X	X	X	✓				12.5+
Shuster (R-9th)	X	X	X	X	✓				12.5
Toomey (R-15th)	✓	✓	X	X	✓				50
Weldon (R-7th)	✓	X	✓	X	✓	✓			50
PUERTO RICO									
Romero-Barcelo (D)		✓		.
RHODE ISLAND									
Kennedy (D-1st)	✓	✓	✓	✓	✓	✓	✓	✓	100=
Weygand (D-2nd)	✓	✓	✓	✓	✓	✓	✓	✓	100
SOUTH CAROLINA									
Clyburn (D-6th)	✓	X	✓	✓	✓	✓	✓	✓	87.5=
Demint (R-4th)	X	✓	X	X	✓				25
Graham (R-3rd)	X	X	X	X	X				0
Sanford (R-1st)	✓	✓	✓	✓	X				50
Spence (R-2nd)	X	X	X	X	✓				12.5
Spratt (D-5th)	✓	X	✓	✓	✓		✓	✓	75
SOUTH DAKOTA									
Thune (R-At large)	X	X	X	X	✓				12.5
TENNESSEE									
Bryant (R-7th)	X	X	X	X	✓				12.5
Clement (D-5th)	✓	X	✓	✓	✓				50=
Duncan (R-2nd)	✓	✓	X	X	Absent				25
Ford (D-9th)	✓	X	✓	✓	✓				50
Gordon (D-6th)	X	X	✓	✓	✓				37.5
Hilleary (R-4th)	X	X	X	X	✓				12.5
Jenkins (R-1st)	X	Absent	X	X	Absent				0
Tanner (D-8th)	X	X	X	X	✓				12.5
Wamp (R-3rd)	✓	X	✓	X	✓		✓		50
TEXAS									
Archer (R-7th)	X	X	X	X	✓				12.5
Armey (R-26th)	X	X	X	X	Absent				0
Barton (R-6th)	X	X	X	X	✓				12.5
Bentsen (D-25th)	X	X	✓	✓	✓	✓	✓		62.5
Bonilla (R-23rd)	X	X	X	X	✓				12.5
Brady (R-8th)	X	Absent	X	X	✓				12.5
Combest (R-19th)	X	X	Absent	X	✓				12.5
DeLay (R-22nd)	X	X	X	X	✓				12.5
Doggett (D-10th)	✓	✓	✓	✓	✓				62.5
Edwards (D-11th)	X	X	✓	✓	✓				37.5
Frost (D-24th)	X	X	X	✓	✓				25
Gonzalez (D-20th)	✓	✓	✓	✓	✓	✓	✓	✓	100=
Granger (R-12th)	X	X	✓	X	✓				25
Green (D-29th)	✓	✓	✓	✓	✓		✓	✓	87.5=
Hinojosa (D-15th)	X	X	✓	X	✓				25
Hall (D-4th)	X	X	✓	✓	✓		✓		50+
Jackson Lee (D-18th)	✓	✓	✓	✓	✓	✓			75+
Johnson, E.B. (D-30th)	✓	X	✓	✓	✓	✓			62.5
Johnson, Sam (R-3rd)	X	X	X	X	X	✓			12.5
Lampson (D-9th)	X	X	✓	✓	✓		✓	✓	62.5
Ortiz (D-27th)	X	X	X	X	✓				12.5
Paul (R-14th)	✓	✓	✓	✓	X				50
Reyes (D-16th)	X	X	✓	Absent	✓		✓		37.5
Rodriguez (D-28th)	X	X	✓	X	✓				25

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7. BEAR PROTECTION

H.R. 2166, introduced by Rep. John Porter (R-IL), would prohibit interstate and international shipment of bear viscera (gallbladders and bile) in order to halt the poaching of American bears for Asian medicines, cosmetics, and shampoos. Intense demand for bear viscera has severely endangered bear populations in Asia and is putting increasing pressure on bear populations in the United States, where some 40,000 bears are illegally poached every year. A ✓ indicates cosponsorship of this bill, which had the bipartisan support of 154 cosponsors. **Final Outcome:** Was not voted on by the House.

8. CHIMPANZEE SANCTUARIES

H.R. 3514, introduced by Rep. Jim Greenwood (R-PA), establishes a national sanctuary system for chimpanzees no longer used in medical research but still being kept, at great taxpayer expense, in small and barren laboratory cages. The sanctuaries, where chimpanzees can live in naturalistic settings and social groups, offer a less costly and far more humane alternative. A ✓ indicates cosponsorship of this bill, which had the bipartisan support of 144 cosponsors. An amended version of this legislation (see p. 2 for details) unanimously passed the House on October 24, 2000. **Final Outcome:** Signed into law on December 20, 2000.

The Humane Scorecard

A Project of The Humane Society of the United States and The Fund for Animals

The 107th Congress: A Work in Progress

AS WE TAKE STOCK OF THE 107TH CONGRESS TO date, we see major achievements and serious setbacks for animal protection issues. The First Session of Congress yielded substantial progress in securing funding to carry out a wide range of federal animal protection programs. In the latter half of 2001, the House and Senate took up the massive farm bill dealing with U.S. agricultural policy. We succeeded in getting a number of animal protection measures included in the House and Senate bills. But when the farm bill was completed in April 2002, it was a serious disappointment, delivering only one major victory. The measures that did not remain on the farm bill can be reconsidered, though, in the months left in the 107th Congress. We offer this scorecard as a snapshot of a work in progress and to identify issues worthy of additional action before adjournment in fall 2002.

Funding

Our biggest victories came during the annual appropriations process, when Congress takes up the spending bills that fund government operations. Here are some highlights from 2001 for the fiscal year (FY) 2002 budget.

Animal Welfare Act Enforcement: Congress approved a record increase of \$5.15 million to better enforce this key law intended to ensure minimum humane standards of care for millions of animals at approximately 10,000 sites, including puppy mills, laboratories, zoos, circuses, and airlines. The new funding, provided in the Agriculture Appropriations Act, Public Law (P.L.) 107-76, allows the U.S. Department of Agriculture (USDA) to hire additional inspectors, strengthen follow-up investigations, and identify more unlicensed operators and other illegal activity. Broad bipartisan support helped win this victory: 28 senators led by Sens. Rick Santorum (R-PA) and John Kerry (D-MA) co-signed a letter calling for increased funding, while 115 representatives led by Reps. Christopher Smith (R-NJ) and Dennis Kucinich (D-OH) signed a parallel letter in the House. The chairmen of the Appropriations Committees, Sen. Robert Byrd (D-WV) and Rep. Bill Young (R-FL), and key members including Sens. Herb Kohl (D-WI) and Thad Cochran (R-MS) and Reps. Marcy Kaptur (D-OH), Henry Bonilla (R-TX), and Sam Farr (D-CA) lent their powerful support to make this funding boost a reality.

Humane Slaughter Act Enforcement: Sen. Robert Byrd (D-WV) secured \$1 million in the FY 2001 Supplemental Appropriations Act, P.L. 107-20, and additional unspecified resources in the



Agriculture Appropriations Act, P.L. 107-76, to begin addressing the USDA's woeful disregard of this law, which requires that livestock be rendered unconscious before slaughter. While the Humane Slaughter Act has been law since 1958, in recent years a near-total lack of enforcement and increasing corporate pressure to speed up slaughterhouse assembly lines have resulted in animals being hung on hooks, skinned, dismembered, and disemboweled while still conscious. In several eloquent, impassioned speeches on the Senate floor, Sen. Byrd highlighted this issue and other animal protection concerns.

Multinational Species Conservation Fund: Programs to protect certain endangered wildlife and habitats also got record funding. A total of \$7 million was provided to assist local conservation efforts for African and Asian elephants, rhinoceroses, tigers, great apes, and neotropical migratory birds. Seventeen senators led by Sens. James Jeffords (I-VT) and Joseph Lieberman (D-CT) and 29 rep-

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This scorecard is published by The Humane Society of the United States (HSUS) and The Fund for Animals. It has been endorsed by the American Humane Association, American Society for the Prevention of Cruelty to Animals, Animal Protection Institute, Doris Day Animal League, and Society for Animal Protective Legislation

The 107th Congress: A Work in Progress

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resenatives led by Reps. Wayne Gilchrest (R-MD), Jim Saxton (R-NJ), Benjamin Gilman (R-NY), George Miller (D-CA), Robert Underwood (D-GI), and Neil Abernethy (D-HI) signed letters supporting this funding in the Interior Appropriations Act, PL 107-63. Bills were also signed into law this year, thanks to the leadership of Reps. Gilchrest and Saxton and Sen. Jeffords, to reauthorize some of these programs that were due to expire: PL 107-111 (for African elephants), PL 107-112 (for rhinoceroses and tigers), and PL 107-141 (for Asian elephants).

Chimpanzee Sanctuaries: The Labor-HHS Appropriations Act, PL 107-116, contained \$5 million to begin building the national chimpanzee sanctuary system authorized in the last Congress by PL 106-551. The funds, sought by Sens. Mary Landrieu (D-LA) and Richard Durbin (D-IL), will help ensure that construction moves forward so chimpanzees formerly used in biomedical research have a chance to live out the remainder of their lives in a natural setting, rather than in small, barren cages at federally funded laboratories.

Non-Animal Test Methods: Congress directed the Environmental Protection Agency—which is involved in massive chemical testing on animals—to use \$4 million for research, development, and validation of non-animal alternative test methods that reduce animal suffering and can be less costly and time consuming. Rep. James Walsh (R-WY) and Sen. Bob Smith (R-NH) led this effort in the VA-HUD-Independent Agencies Appropriations Act, PL 107-73. Sen. Mike DeWine (R-OH) successfully pressed for language in the Labor-HHS Appropriations Act, PL 107-116, to call attention to the important work of the Alternative Methods (ICCVAM) and encourage other agencies to benefit from its expertise.

Hoop Barns: Congress provided \$200,000—championed by Sen. Tom Harkin (D-IA)—in the Agriculture Appropriations Act, PL 107-76, to promote "hoop barns" as an alternative to inhumane confinement systems. Hoop barns are inexpensive, easy-to-install, open-ended structures allowing farm animals freedom of movement and access to pasture. They are better for the environment, using solid manure composting rather than lagoons that can contaminate groundwater. And animals are not confined in overcrowded, unsanitary, stressful conditions, so antibiotics are not needed to promote growth and prevent disease. Iowa's Leopold Center for Sustainable Agriculture will use

Funding to promote hoop barns was approved.



Research chimpanzee sanctuaries got federal funding.



Congress directed the EPA to develop non-animal test methods.

the funds to develop a how-to manual for pig farmers, explore hoop options for other species, establish demonstration sites, and evaluate the economics of this sensible alternative to gestation crates and other intensive confinement systems.

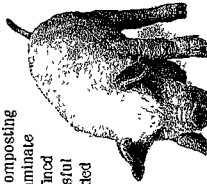
Bear Baiting: By a vote of 25 to 38, the House Appropriations Committee rejected an amendment to the Interior Appropriations Act, PL 107-63, offered by Rep. James Moran (D-VA) to ban the practice of bear baiting on federal lands managed by the Fish and Wildlife Service (FWS), Forest Service, and Bureau of Land Management. Reps. Moran and Norm Dicks (D-WA) argued that piling food to attract bears so they can be shot is inhumane and unsporting and jeopardizes public safety by habituating bears to human food sources. Unfortunately, opponents led by Reps. Joe Skeen (R-NM) and Randy Cunningham (R-CA) prevailed.

Bear baiting on federal lands will continue unabated.

Farm Bill

H.R. 2646, a massive bill setting farm policy for the next six years, became a vehicle for consideration of animal protection issues because the USDA has prime responsibility for many of these concerns. When the House and Senate completed work on their own versions of the farm bill, prospects were bright for unprecedented advances on behalf of animals. But House and Senate conferees working out the details of the final legislation dropped or severely weakened almost all of the pro-animal measures and included some anti-animal provisions. Chief among the conferees who fought against animal protection were Reps. Larry Combest (R-TX) and Charles Stenholm (D-IX) and Sen. Jesse Helms (R-NC), while Sens. Tom Harkin (D-IA), Richard Lugar (R-IN), and Patrick Leahy (D-VT) led efforts to defend certain animal protection provisions.

Animal Fighting: The Senate and House passed identical provisions sought by Sens. Wayne Allard (R-CO) and Tom Harkin (D-IA) and Reps. Earl Blumenauer (D-OR) and Thomas Hancovak (R-CO)—building on S. 345 introduced by Sens. Allard and Harkin and H.R. 1152 introduced by Rep. Collin Peterson (D-MN)—to combat the cockfighting and dogfighting industries. The farm bills closed loopholes in the Animal Welfare Act allowing the interstate shipment of fighting birds and export of fighting birds and dogs. The provisions also strengthened the federal penalties for animal fighting violations, boosting the maximum jail time from one to two years (making it a felony rather than a misdemeanor) and tripling the maximum fine from \$5,000 to \$15,000. The conferees delayed the implementation of these provisions for one year and eliminated the felony jail time but maintained the interstate and export bans and the tripling of the fine. The enactment of these provisions was the culmination of a three-year effort and should deal a massive blow to the cockfighting industry. We will work to restore the felony level penalty.



Funding to promote hoop barns was approved.

Downed Animals: The House and Senate also approved parallel measures sought by Reps. Gary Ackerman (D-NY) and Amo Houghton (R-NY) and Sens. Daniel Akaka (D-HI) and Patrick Leahy (D-VT) banning the marketing and transport of "downed animals"—livestock too sick or injured to walk—at stockyards, auctions, and other intermediate markets and requiring that they be humanely euthanized. The conferees eliminated this, instead calling for a study of the already well-documented problem and authorizing discretionary, rather than mandatory, action by the Secretary of Agriculture.

Humane Slaughter: At the request of Rep. Connie Morella (R-MD) and Sen. Peter Fitzgerald (R-IL), the conferees did retain a resolution contained in both House and Senate bills that the USDA should fully enforce the Humane Slaughter Act and report violations of this law.

Puppy Mills: The Senate adopted by unanimous vote an amendment offered by Sens. Rick Santorum (R-PA) and Richard Durbin (D-IL) calling for socialization of puppies at commercial dog breeding operations, modest limits on excessive overbreeding (prohibiting females from being bred every single heat or before one year of age), and a "three strikes" policy to revoke the licenses of those who commit repeated serious violations of the Animal Welfare Act. This legislation was not considered during the House farm bill debate, as it had not yet been introduced, but H.R. 3058 garnered the bipartisan support of 144 House cosponsors by the time the conferees met. Nevertheless, the conferees eliminated all the puppy mill provisions in the final farm bill. The American Kennel Club (AKC)—which receives registration fees from puppy mills—launched a smear campaign to attack these provisions. The AKC disingenuously argued that federal regulations would apply to anyone who breeds a single dog, although "hobby breeders" with fewer than four breeding females are clearly exempt from the law.

Bear Pares Trade: The Senate also adopted by unanimous vote an amendment, offered by Sen. Mitch McConnell (R-KY) prohibiting the interstate or international shipment of bear gallbladders and bile, which are used in traditional Asian medicine but have synthetic and herbal alternatives. House conferees eliminated these provisions despite the broad bipartisan support in the House of 186 cosponsors for the freestanding Bear Protection Act, H.R. 397, upon which the amendment was based.

Birds, Rats, and Mice: Sen. Jesse Helms (R-NC) offered an amendment approved in the Senate and then adopted by the conferees in the final bill that excludes birds, rats, and mice used in research from the definition of animals under the Animal Welfare Act. These species account for 96 percent of all animals used in research—an estimated 20-25 million animals. Denying them basic protections is terribly cruel and bad science, ensuring unreliable results. The National Association for Biomedical Research led this outrageous effort to keep the industry from

having to adhere to basic humane standards in the conduct of its work, most of which is funded by taxpayers.

Ruby Chicks: The conferees included an amendment adopted in the Senate by voice vote requiring commercial airlines to carry baby chicks as ordinary mail, rather than as live animals needing modest protection from crushing, freezing, overheating, and other dangers. This means that hatcheries can avoid paying a few more dollars per crate, each holding an average of 120 newborn chicks. Sens. Charles Grassley (R-IA), Tom Harkin (D-IA), and Russel Feingold (D-WI) originally introduced the legislation.

Commercial airlines will carry baby chicks as "regular" mail.

Factory Farm Subsidies: Sen. Paul Wellstone (D-MN) led efforts in the Senate to limit taxpayer subsidies for large-scale livestock factories known as concentrated animal feeding operations (CAFOs), while Reps. Sherwood Boehlert (R-NY), Ron Kind (D-WI), Wayne Gilchrest (R-MD), and John Dingell (D-MI) offered an amendment in the House to increase funding for conservation programs and restrict CAFO subsidies. The conferees authorized new subsidies as high as \$450,000 per producer, which will create a significant financial incentive for the notoriously inhumane CAFOs to expand.

Migratory Bird Killing: Efforts by Sens. Tim Hutchinson (R-AR) and Blanche Lincoln (D-AR) to offer an amendment to the Senate farm bill were thwarted, thanks to the leadership of Sens. Tom Harkin (D-IA) and James Inhofe (R-VT). This amendment would have exempted the USDA from the National Environmental Policy Act and undermined the Migratory Bird Treaty Act, allowing agents to kill migratory birds without regard for these protective laws.

Other Priorities Ahead

A number of other important animal protection issues are working their way through Congress. Here are highlights.

Canned Hunts: S. 1655/H.R. 3464, introduced by Sen. Joseph Biden (D-DE) and Rep. Sam Farr (D-CA), to prohibit interstate or foreign commerce of captive exotic animals to be shot for entertainment, or trophies. Canned hunt operations hold animals such as African lions, giraffes, and antelopes within fenced enclosures, offering their "clients" a guaranteed kill—often under a "no kill, no pay" arrangement. These cruel and unsporting operations also pose a threat to native wildlife; the confined exotic animals are grouped in unusually high densities and can contract diseases more readily than



Unsporting, inhumane canned hunting must be stopped.

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free roaming widely dispersed native species. The captive animals can then interact with native species through the fences spreading chronic wasting disease and other illnesses to deer, elk, and other animals.

Polar Bears. H.R. 3832 introduced by Rep. Earl Blumenauer (D-OR) to prohibit the use of polar bears in traveling shows and enclosures. Rep. Blumenauer also introduced a letter this spring signed by 54 representatives calling on the FWS to deny an export permit for polar bears held in Puerto Rico by the Mexico based Swaver Brothers Circus and to work with the USDA to rescue these bears.

Featured as the main attraction, the bears have been subjected to sweltering temperatures reaching 110 degrees, insufficient access to water, whipping and other abuses. In March 2002, the FWS confiscated one of the bears and moved her to the Baltimore Zoo after discovering that the circus had misrepresented her identity. But six bears still languish at the circus. Last fall, Sens Susan Collins (R-ME) and John Kerry (D-MA) marshaled attention to this with a letter signed by 16 senators calling for appropriations language to address the plight of the Swaver Circus bears and Reps. George Miller (D-CA), Frank Pallone (D-NJ), and Veli Aabervorme (D-IL) mobilized House support with a letter signed by 55 representatives calling for the USDA and FWS to remedy this situation.

White's S. Res. 267/H. Con. Res. 180 introduced by Sens John Kerry (D-MA) and Joseph Lieberman (D-CT) and Reps. William Delahunt (D-MA), Wayne Gilchrest (R-MD), George Miller (D-CA), and Christopher Smith (R-NJ) to reaffirm the U.S. commitment to oppose any commercial whaling and express opposition to the killing of whales under the guise of scientific research. Sen. Lieberman organized a letter signed by 20 senators to Secretary of State Colin Powell urging continued opposition to commercial whaling and opposing Iceland's bid to rejoin the International Whaling Commission (IWC) which would have resulted in a pro-whaling majority of voting nations. Iceland did not succeed in its bid. Reps. Miller, Smith, Delahunt, and Gilchrest also initiated a letter signed by 39 representatives to President Bush calling on the United States to condemn Japan's efforts to undermine the



Mourning doves might be hunted during their nesting season

nesting period. This resolution was unfortunately adopted by voice vote in the House on March 6. No action has yet been taken on it in the Senate.

DOD Exemptions. The Bush administration persuaded the House Armed Services Committee to provide the Department of Defense (DOD) sweeping exemptions from the Endangered Species Act and Migratory Bird Treaty Act as part of the annual Defense Authorization bill, H.R. 4546. This would mean unlimited authority to kill migratory birds and destroy their nesting areas with bombing and firing activities as well as eliminating vital protections for 300 endangered or threatened species living on DOD lands. These broad exemptions are completely unnecessary since federal laws already allow the president to waive regulations on a case-by-case basis in the interest of national security. On a procedural vote of 200 to 216 House opponents tried to successfully challenge the bill. S. 2514, the Senate's Defense Authorization bill—approved by the Armed Services Committee and awaiting floor action—does not currently contain such exemptions.

Antibiotic Overuse. S. 2508/H.R. 3894, introduced by Sens Edward Kennedy (D-MA) and Jack Reed (D-RI) and



Antitherapeutic antibiotic use in factory farms hurts animals and people

funding to enforce key animal welfare laws as this is a tangible way for legislators to help improve the lives of millions of animals. For this scorecard we are not assigning a numerical score to each legislator in deference to the disruption many congressional offices faced last fall as a result of anthrax contamination. Descriptions of scored items begin on page 8.

A Note on the Scorecard

Many animal protection issues never receive a recorded vote in Congress. Some are enacted by voice vote and some languish. To more accurately measure legislators support for the broad range of animal issues, we count cosponsorships of certain key bills along with recorded votes. Cosponsoring a bill is a meaningful way for legislators to help the bill advance in Congress. We also count those who signed letters seeking increased

Senate Issues

Issue	2001	2002	2003	2004	2005	2006	2007
ALABAMA Sessions (R)							
Shapiro (R)							
ALASKA							
Murkowski (R)							
Stevens (R)							
ARIZONA							
Kyl (R)							
Mccain (R)							
ARKANSAS							
Hutchinson (R)							
Lincoln (D)							
CALIFORNIA							
Boxer (D)							
Fennell (D)							
COLORADO							
Allard (R) +							
Campbell (R)							
CONNECTICUT							
Doody (D)							
Lieberman (D)							
DELAWARE							
Biden (D) +							
FLORIDA							
Griffin (D)							
GEORGIA							
Cleland (D)							
Miller (D)							
HAWAII							
Akaka (D) +							
Inouye (D)							
IDAHO							
Crapo (R)							
ILLINOIS							
Durbin (D) +							
Fitzgerald (R) +							
INDIANA							
Lugar (R)							
IOWA							
Grassley (R)							
Harkin (D)							
KANSAS							
Brownback (R)							
Roberts (R)							
KENTUCKY							
Bunning (R)							
LOUISIANA							
McConnell (R) +							
Breaux (D)							
LAUREL (D)							
Landrieu (D)							
MAINE							
Collins (R)							
Stowe (R)							
MARYLAND							
Wahlgren (D)							
Murphy (D)							
MASSACHUSETTS							
Kennedy (D) +							
Kerry (D) +							
MICHIGAN							
Levin (D)							
Stabenow (D)							
MINNESOTA							
Dayton (D)							
Wellstone (D) +							
MISSISSIPPI							
Cochran (R)							
Loe (R)							
MISSOURI							
Bond (R)							
Carruthers (D)							

Senate Issues

Senator	Sponsor	passed in House		passed in Senate	encompassed in		part bill
		2001	2002		2001	2002	
MONTANA							
Baucus (D)							X
Burns (R)							X
NEBRASKA							X
Flegel (R)							X
NEVADA							X
Alison (D)							X
Ensign (R)							X
Reid (D)							X
NEW HAMPSHIRE							
Gregg (R)							
Smith (R)							
NEW JERSEY							
Corzine (D)							
Tortorelli (D)							
NEW MEXICO							
Binaman (D)							
Domenech (R)							
NEW YORK							
Schumer (D)							
Clinton (D)							
NORTH CAROLINA							
Edwards (D)							
NORTH DAKOTA							
Helms (R)							
CONRAD (D)							
Dorgan (D)							
OHIO							
Dawkins (R)							
Voinovich (R)							
OKLAHOMA							
Roberts (R)							
NICHOLS (R)							
OREGON							
Smith (R)							
Wyden (D)							
PENNSYLVANIA							
Sarbanes (R)	Sponsor						
Speicher (R)							
RHODE ISLAND							
Chafee (R)							
South Carolina							
Hollings (D)							
Thurmond (R)							
SOUTH DAKOTA							
Daschle (D)							
Johnson (D)							
TENNESSEE							
Frist (R)							
Thompson (R)							
TEXAS							
Gramm (R)							
Hutchinson (R)							
UTAH							
Bennett (R)							
Hatch (R)							
VERMONT							
Jeffords (I)							
Leahy (D)							
VIRGINIA							
Allen (R)							
Wahner (R)							
WASHINGTON							
Cantwell (D)							
Murray (D)							
WEST VIRGINIA							
Byrd (D)							
Rockefeller (D)							
WISCONSIN							
Fallon (D)							
Kohl (D)							
WYOMING							
Enzi (R)							
Thomas (R)							

House Issues

Senator	Sponsor	passed in House		passed in Senate	encompassed in		part bill
		2001	2002		2001	2002	
ALABAMA							
Adornato (R-4th)							
Bachus (R-6th)							X
Callahan (R-1st)							X
Cramer (D-5th)							X
Everett (R-2nd)							X
Hilliard (D-7th)							X
Riley (R-3rd)							X
ALASKA							
Young (R-At Large)							X
AMERICAN SAMOA							
Falcomavaega (D)							
ARIZONA							
Flake (R-1st)							X
Hayworth (R-6th)							X
Kolbe (R-5th)							X
Pastor (D-2nd)							X
Shadegg (R-4th)							X
Stump (R-3rd)							X
ARKANSAS							
Berry (D-1st)							X
Boozman (R-3rd)							X
Hutchinson (R-3rd)							X
Ross (R-4th)							X
STIVERS (D-2nd)							X
CALIFORNIA							
Baca (D-42nd)							X
Berman (D-30th)							X
Bono (R-4th)							X
Calkins (R-3rd)							X
Capps (D-22nd)							X
Condit (R-11th)							X
Cox (R-47th)							X
Cunningham (R-51st)							X
Davis (D-68th)							X
Dooley (D-20th)							X
Doolittle (R-4th)							X
Dreier (R-28th)							X
Eshoo (D-48th)							X
FARR (D-17th)	Sponsor						X
Filler (D-50th)							X
Calichman (R-3rd)							X
Herman (D-36th)							X
Hepner (R-2nd)							X
Horn (R-38th)							X
Hunter (R-52nd)							X
WUSA (R-48th)							X
Amodeo (D-7th)							X
Lee (D-45th)							X
Lewis (R-40th)							X
Lofgren (D-16th)							X
Malinski (D-50th)							X
McGowan (R-25th)							X
McDonald (D-37th)							X

A Note on the Scorecard

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KEY TO CHART

- ✓ took pro-animal position through cosponsorship of a bill.
- ✗ signed a letter or a vote for the animals.
- ✗ took anti-animal position on a vote.
- * Prime sponsor of pro-animal legislation.
- cosponsor of pro-animal legislation during floor debate.
- ☞ Died in office.
- # Filled seat during term; replacing predecessor who died or resigned.
- ## Relieved from the district of Columbia, American Samoa, Guam, and the Virgin Islands and the resident commissioner of Puerto Rico.
- ### cosponsor of legislation during floor debate.
- ### cosponsor of legislation during floor debate.
- The Speaker of the House generally does not vote.

House Issues

House Issue	Caucus/Party		Sponsor		2001		2002		Cases	Farm Bill
	2001	2002	2001	2002	2001	2002	2001	2002		
INDIANA										
Hill (D 5th)									X	X
Hoschetter (R 6th)									X	X
Kerns (R 7th)									X	X
Pence (R 2nd)									X	X
Rosen (D 3rd)									X	X
Souder (R 4th)									X	X
Visclosky (D 1st)									X	X
IOWA										
Boswell (D 3rd)									X	X
Carns (R 4th)									X	X
Latham (R 5th)									X	X
Leach (R 1st)									X	X
Nussle (R 2nd)									X	X
KANSAS										
Moore (D 3rd)									X	X
Moran (R 1st)									X	X
Ryan (R 2nd)									X	X
Tank (R 4th)									X	X
KENTUCKY										
Fletcher (R 6th)									X	X
Lewis (R 2nd)									X	X
Lucas (D 6th)									X	X
Northrup (R 3rd)									X	X
Rogers (R 5th)									X	X
LOUISIANA										
Whitefield (R 1st)									X	X
MAINE										
Baker (R 6th)									X	X
Cooksey (R 3rd)									X	X
Jefferson (D 2nd)									X	X
John (D 7th)									X	X
McCarty (R 4th)									X	X
Toupin (R 5th)									X	X
MAINE										
Wheeler (R 1st)									X	X
MAINE										
Allen (D 1st)									X	X
Bakke (D 2nd)									X	X
MARYLAND										
Bartley (R 6th)									X	X
Chabot (D 3rd)									X	X
Cummings (D 7th)									X	X
English (R 2nd)									X	X
Glynn (R 1st)									X	X
Howe (D 5th)									X	X
McNelis (R 8th)									X	X
Wynn (D 4th)									X	X
MASSACHUSETTS										
DeLoach (D 6th)									X	X
Flynn (D 4th)									X	X
Walsh (D 5th)									X	X
Waters (D 7th)									X	X
Wolcott (D 3rd)									X	X
Woolsey (D 5th)									X	X
Wright (D 2nd)									X	X
Wynn (D 1st)									X	X
Therese (D 8th)									X	X

DOWNED ANIMALS
S. 2674 R. 1421 would require humane euthanasia of farm animals who are too sick or injured to walk unless humane euthanasia is not possible and the animal is not to be killed, shocked, dropped with chains, pushed with bulldozers, and halved by forklifts en route to slaughter. By prohibiting the marketing of downed animals, this bill would create a financial incentive for careful humane handling of a farm animal and a so help prevent contamination of food destined for human consumption. A.V. indicates cosponsorship of this legislation.

SENATE: Introduced by Sen. Daphne Akaka (D HI) S. 267 currently has 48 cosponsors and was incorporated into the farm bill by the Agriculture Committee in modified form into the farm bill S. 1731 on November 15, 2001.

HOUSE: Introduced by Rep. Gary Ackerman (D NY) H.R. 1421 currently has 152 cosponsors and was adopted in modified form by voice vote as an amendment to the farm bill offered by Reps. Ackerman and Arno Houghton (R NY) on October 4, 2001.

STATUS: Dropped in House Senate conference on the farm bill which substituted language calling for a study and authorizing discretionary (not mandatory) action by the Secretary of Agriculture.

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House Issues

House Issue	Caucus/Party		Sponsor		2001		2002		Cases	Farm Bill
	2001	2002	2001	2002	2001	2002	2001	2002		
MICHIGAN										
Barcia (D 5th)									X	X
Bonior (D 10th)									X	X
Camp (R 4th)									X	X
Conyers (D 14th)									X	X
Dingell (D 16th)									X	X
Ehlers (R 3rd)									X	X
Hoelstra (R 2nd)									X	X
Kildee (D 9th)									X	X
Kipavick (D 15th)									X	X
Knollenberg (R 11th)									X	X
Levin (D 12th)									X	X
Rivers (D 13th)									X	X
Rogers (R 8th)									X	X
Smith (R 7th)									X	X
Stupak (D 1st)									X	X
Upton (R 6th)									X	X
MINNESOTA										
Guthrie (R 1st)									X	X
Kennedy (R 2nd)									X	X
Luther (D 6th)									X	X
McCollum (D 4th)									X	X
Omnestad (D 5th)									X	X
Petersen (D 7th)									X	X
Ramstad (R 3rd)									X	X
Sabo (D 5th)									X	X
MISSISSIPPI										
Prickett (R 3rd)									X	X
Spaw (D 4th)									X	X
Thompson (D 2nd)									X	X
Walker (R 1st)									X	X
MISSOURI										
Anderson (R 2nd)									X	X
Bauer (R 7th)									X	X
Chen (D 1st)									X	X
Emerson (R 6th)									X	X
Farmer (D 3rd)									X	X
Graham (R 5th)									X	X
Hughes (R 9th)									X	X
McCarty (D 5th)									X	X
Speck (D 4th)									X	X
MONTANA										
Roberts (R 1st)									X	X
NEBRASKA										
Beaman (R 1st)									X	X
Conaway (R 3rd)									X	X
Tom (R 2nd)									X	X
NEVADA										
Amodeo (D 1st)									X	X
Gibbs (R 2nd)									X	X
NEW HAMPSHIRE										
Bass (R 1st)									X	X
Studdert (R 2nd)									X	X
NEW JERSEY										
Andrews (R 1st)									X	X
Frederick (R 7th)									X	X
Frillingoietti (R 11th)									X	X

BEAR PARTS
S. 1125/R. 397 would prohibit interstate and international shipment of bear viscera (pelts, bladders and bile) for use in cosmetics, and shampoos. Although humane alternatives exist—including herbal substitutes approved by the traditional Asian medicine community and synthetic formulations—intense demand for bear viscera has severely endangered bear populations in Asia and put increasing pressure on bear populations in this country, where poaching is widespread. In four states but only one in the world, where the poaching of bears is rampant, poachers often escape effective prosecution but the poaching of bears who often escape effective prosecution even when caught. A.V. indicates cosponsorship of this legislation.

SENATE: Introduced by Sen. Mitch McConnell (R KY) S. 1125 currently has 51 cosponsors and was adopted by voice vote as an amendment to the farm bill on February 12, 2002.

HOUSE: Introduced by Rep. Elton Gallegly (R CA) H.R. 397 currently has 180 cosponsors.

STATUS: Rejected in House senate conference on the farm bill.

continued on page 12

KEY TO CHART
 ✓ Took no animal position through cosponsorship of a bill
 ✗ Signed a letter or a vote for the animals
 ✗ Took an animal position on a vote
 - Did not vote
 - Did not vote on the animal legislation
 - Spoke in favor of pro animal legislation during floor debate
 - Spoke in office
 # Resigned from office
 ## Filled seat during term of office
 ### Resigned from office
 #### Resigned from office
 * Resigned from office
 ** Resigned from office
 *** Resigned from office
 **** Resigned from office

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continued from page 4

Rep. Sherrod Brown (D-OH), to stop factory farms from using massive quantities of antibiotics to compensate for inhumane conditions. Factory farms routinely mix antibiotics into the feed of healthy pigs, cows, chickens, and turkeys to speed growth and prevent disease in their unsanitary, overcrowded, and stressful warehouses. Such "nontherapeutic" use in farm animals accounts for an estimated 70 percent of all antibiotics used in this country, contributing to the growing problem of antibiotic resistance that threatens human and animal health.

Horsemeat: H.R. 3781, introduced by Rep. Connie Morella (R-MD), to prohibit the slaughter, import, export, trade, and transport of horses for human consumption. Rep. Thomas Reynolds (R-NY) introduced a less far-reaching bill, H.R. 2622, which does not prohibit the export of horses for human consumption, although the market for U.S.-produced horsemeat is primarily foreign.



Horsemeat for human consumption should be a thing of the past.

Animal Cruelty/Juvenile Delinquency: Rep. Dennis Kucinich (D-OH) got an amendment added to H.R. 1900, the Juvenile Crime Control and Delinquency Prevention Act, to qualify for federal grants state and local programs designed to prevent animal cruelty by juveniles and to counsel juveniles who commit animal cruelty offenses; these programs would include partnerships among law enforcement and social service agencies, animal control officers, and school officials. This legislation may be incorporated into the Justice Department Authorization bill, H.R. 2215, currently in a House-Senate conference.

Pet Trusts: H.R. 1796, introduced by Rep. Earl Blumenauer (D-OR), to allow individuals to establish charitable remainder trusts for their companion animals under a uniform national system

Sen. Robert Torricelli (D-NJ) has pledged to introduce a companion bill in the Senate.

What You Can Do

On these and other issues, the powerful influence of industry voices can rise above those of concerned citizens. So we need to redouble our efforts and make sure legislators hear from us. We cannot succeed without your active participation and that of millions of Americans like you. We hope you will study this scorecard and use it as a tool to ensure that your legislators represent your interests in Washington, D.C. Let legislators know that you are watching and you appreciate their support for pro-animal legislation; or if they haven't done enough, let them know you'd like to see them do more. (The HSUS and The Fund for Animals acknowledge the inherent limitations of judging a legislator on the basis of a few select votes, cosponsorships, and joint letters. Please consider such unrecorded matters as performance on committees and constituent service.)

What else can you do? Share this scorecard. You can access it at www.hsus.org and www.fund.org or call The HSUS for additional copies at 202-955-3666. Write a letter to the editor of your local paper(s) to call attention to these issues. We also invite you to join the Humane Activist Network, a joint project of The HSUS and The Fund for Animals, and subscribe to *HUMANElines*, a weekly e-mail newsletter that provides you with breaking news on urgent legislative issues that need your help. Remember, your active involvement can and does make the difference for animals. ■



A uniform charitable trust system would protect pets.

THE HUMANE SOCIETY OF THE UNITED STATES

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Promoting the protection of all animals

The Humane Scorecard

A Project of The Humane Society of the United States

The 108th Congress in Review

THE 108th CONGRESS MADE SOME substantial progress for big cats, sea turtles, farm animals, and animal welfare enforcement funding, but it also dramatically weakened some existing wildlife protections. One significant advance—the ban on the use of “downer” cattle in human food—came not by congressional action but from the U.S. Department of Agriculture (USDA) and remains vulnerable to ongoing efforts to roll it back. The overall record of the 108th Congress was mixed, but many senators and representatives distinguished themselves for their compassion and advocacy on behalf of animals. We must redouble our efforts and work even more closely with legislative allies to achieve meaningful protections for those who can’t speak for themselves in the halls of Congress.

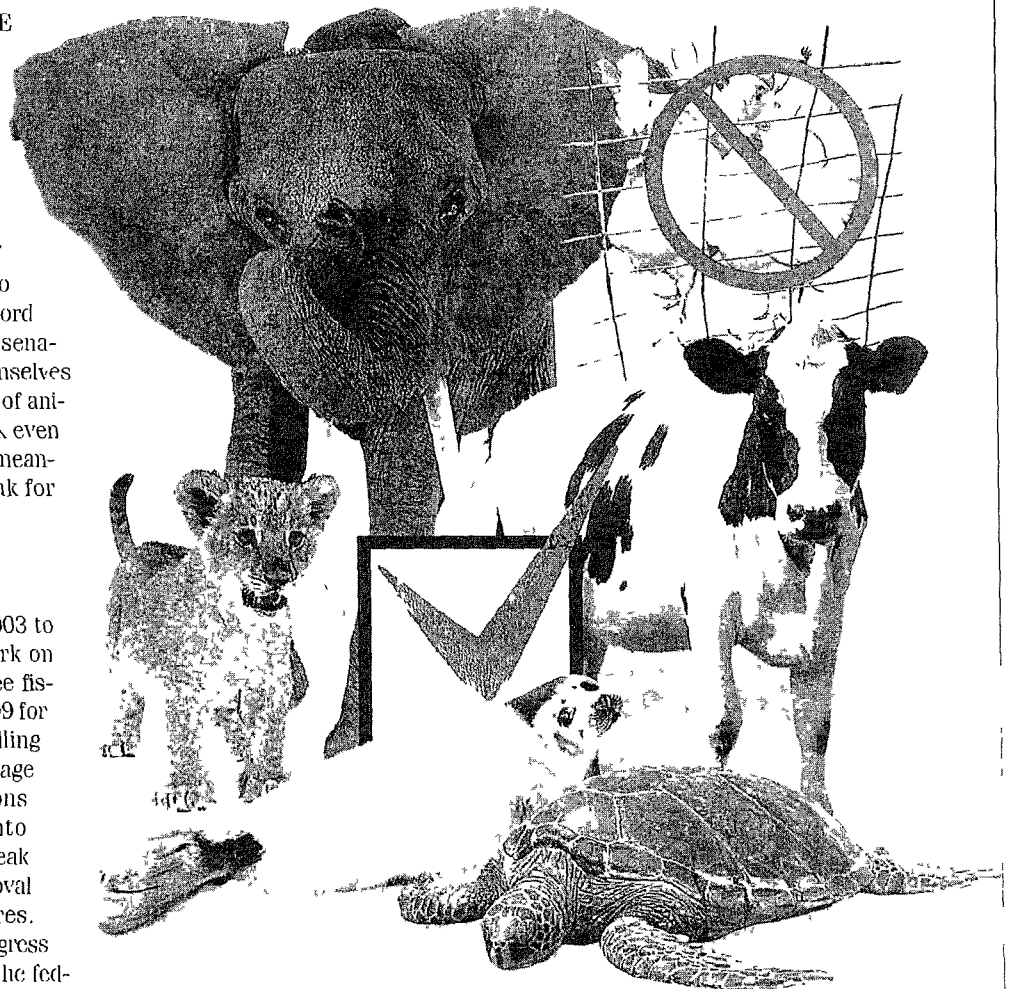
Funding

During the 108th—which ran from January 2003 to December 2004—Congress completed work on “omnibus” appropriations bills spanning three fiscal years (FY), P.L. 108-7 for FY 03, P.L. 108-199 for FY 04, and P.L. 108-447 for FY 05. Bundling many separate funding bills into a giant package during often-rushed backroom negotiations doesn’t allow much, if any, public input into final decisions and enables legislators to sneak in controversial items that couldn’t win approval under regular debate and voting procedures. Moreover, since the Constitution requires Congress to pass bills each year providing funding for the federal government, they’re recognized as “must pass” legislation—and become attractive vehicles to carry unrelated business. On the funding side, key animal protection programs managed to hold their own in the face of increasing budget pressures, providing substantial good news for animals

The Good News

Humane Methods of Slaughter Act Enforcement: Thanks to the strong leadership of Sen. Robert Byrd (D-WV), who has steadfastly championed this cause, Congress directed the USDA to use \$5 million in FY 03 to FY 04 and \$8 million in FY 05 solely for enforcement of the federal humane slaughter law. The legislation called on inspectors to ensure slaughterhouse compliance, with particular attention to unloading, handling, stunning, and killing practices, and to incorporate a new system for tracking violations.

This scorecard is published by The Humane Society of the United States (HSUS). It has been endorsed by the American Humane Association, Animal Protection Institute, Doris Day Animal League, and Society for Animal Protective Legislation



This effort followed undercover investigations and media reports that revealed the law was being ignored by the agency and slaughterhouse operators, with many animals being hung upside down, scalded, skinned, and dismembered while still alive and conscious.

Animal Welfare Act (AWA) Enforcement. In 1999, Congress began boosting funding for the USDA to improve its enforcement of the AWA, which sets basic humane standards of care at about 10,000 facilities, including laboratories, puppy mills, zoos, circuses, and airlines. This effort continued through the 108th Congress, led by Sens. Rick Santorum (R-PA) and Carl Levin (D-MI) and Reps. Christopher Smith (R-NJ) and Earl Blumencauer (D-OR), who marshaled strong bipartisan support among their colleagues in annual letters to the Appropriations Committee. Sens. Herb Kohl (D-WI), Thad Cochran (R-MS), and Robert Bennett (R-UT) and Reps. Marcy Kaptur (D-OH) and Henry Bonilla (R-TX) played key roles as leaders of the Agriculture Appropriations subcommittees. Their efforts resulted in an 81-percent increase in AWA funding

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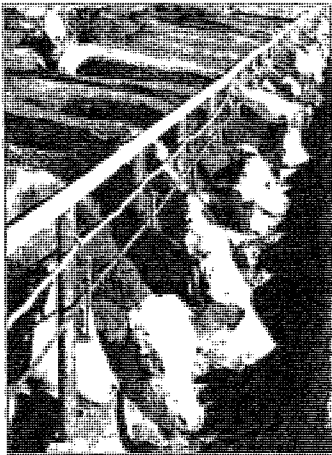
The 108th Congress in Review

continued from page 1

over the past six years (a cumulative total of \$32 million in new dollars to the program), allowing an increase from about 60 inspectors during the 1990s to more than 100 inspectors today.

Animal Fighting Enforcement: Congress approved \$800,000 in FY 04 and again in FY 05 for the USDA's Office of Inspector General—the department's chief law enforcement arm—to work with state and local law enforcement to crack down on illegal animal fighting, including dogfighting, cockfighting, and hog-dog fights. This funding was sought by the bipartisan group that supported AWA funding. In addition, Reps. Earl Blumencauer (D-OR) and Tom Tancredo (R-CO) offered floor amendments during House consideration of the Agriculture Appropriations bill to secure these funds. In 2003, their amendment won approval by a vote of 222 to 179; in 2004, their amendment was approved by a voice vote.

Reporting of Animal Cruelty Crimes: Thanks to the leadership of Rep. Frank Wolf (R-VA)—chair of the Appropriations subcommittee that oversees the FBI's budget—and Rep. Chris Van Hollen (D-MD), Congress told the Federal Bureau of Investigation (FBI) that the crime data reporting system it is developing "should be capable of reporting on the incidence of animal cruelty crimes." The FBI has long recognized that animal abuse is a precursor to other violent crimes, yet the agency has treated such abuse differently from other serious offenses when collecting national crime statistics. The committee report also asks the FBI to consider classifying animal cruelty as a crime against society rather than a property crime. The Doris Day Animal League spearheaded this effort.



Factory farms aren't exempt from emissions-reporting requirements—for now.

Confined Animal Feeding Operations (CAFOs): Public outcry and opposition led by Sens. Dianne Feinstein (D-CA) and Barbara Boxer (D-CA) kept out a threatened "rider" that Sen. Larry Craig (R-ID) proposed to exempt factory farms from public reporting requirements for toxic emissions under federal environmental laws such as Superfund. While Sen. Craig was unable to include this rider in the FY 05 bill funding the Environmental Protection Agency, he apparently came close in subsequent omnibus negotiations and will resume his efforts in the new Congress.

National Species Conservation Fund: Congress approved \$5.6 million in FY 04 and \$5.8 million in FY 05 for the African Elephant Conservation Act, the Indian Elephant Conservation Act, the Rhinoceros and Tiger Conservation Act, the Great Ape Conservation Act, and the Marine Turtle Conservation Act. This continues a steady increase in funding over recent years for these programs. In addition, the Neotropical Migratory Bird Conservation Act received \$4 million in FY 04 and in FY 05.

Nonlethal Predator Control: Sen. Herb Kohl (D-WI) included report language in FY 04 and FY 05 encouraging the USDA to use a portion of its "Wildlife Services" funding to try nonlethal methods



The USDA was encouraged to use some funding for nonlethal predator control to prevent livestock loss to wolves and other predators in the Great Lakes region.

for preventing livestock loss to wolves and other predators in the Great Lakes region.

Hoop Barns: Sen. Tom Harkin (D-IA) secured a total of \$903,000 over three years (FY 02–FY 04) for Iowa's Leopold Center for Sustainable Agriculture to promote "hoop barns" as alternatives to inhumane factory farm confinement systems. These inexpensive, easy-to-install, open-ended structures allow animals freedom of movement and access to pasture and are better for the environment.

School Lunches and Antibiotics: Rep. Sherrod Brown (D-OH) and Sen. Hillary Rodham Clinton (D-NY) led successful efforts to include committee report language in FY 04 encouraging the USDA to stop allowing National School Lunch Program reimbursement for the purchase of chicken raised with fluoroquinolones. The use of these antibiotics to compensate for overcrowded unsanitary conditions on factory farms has spurred the development of antibiotic resistance in animals and people.

Access to Information about Inspected Facilities: The FY 03 omnibus budget contained language allowing continued access to information compiled by the USDA—such as AWA inspection reports and annual reports—regarding compliance with humane standards and trends in animal use. The House had earlier included broad language that would have blocked release of such public information under the guise of national security, potentially preventing access by reporters or citizen activists concerned about AWA violations.

The Bad News

Wild Horses and Burros: A surprise "rider"—slipped in at the request of Sen. Conrad Burns (R-MT) during closed-door conference meetings on the FY 05 omnibus bill in November—severely undermines the federal Wild Free-Roaming Horse and Burro Protection Act of 1971. That law was designed to protect these animals from commercial sale or slaughter. The appropriations rider directs the Bureau of Land Management (BLM) to sell "without limitation ... to the highest bidder ... any horse or burro more than 10 years of age" or who has not been adopted after three tries out of the BLM's already overcrowded adoption system, potentially sending thousands of wild horses and burros to slaughter for human consumption. Fortunately, in ongoing efforts to undo the



The Migratory Bird Treaty "Reform" Act denies federal protections to 113 migratory bird species—including mute swans—who can now be killed indiscriminately whether they're causing damage or not.

rider's damage, Reps. Nick Rahall (D-WV) and Ed Whitfield (R-KY) introduced H.R. 297. Sen. Robert Byrd (D-WV) introduced S. 576 and Reps. Rahall and Whitfield led a successful amendment to the House Interior Appropriations bill in May 2005.

Migratory Birds Another rider added to the FY 05 omnibus bill gutted long-standing protections under the Migratory Bird Treaty Act for more than 100 species of migratory birds—including many species of storks, pelicans, swans, cardinals, and cranes. This rider mirrored bills introduced by Rep. Wayne Gilchrest (R-MD) and Sen. George Voinovich (R-OH)—H.R. 4114 and S. 2547—which flew through House and Senate committees earlier in 2004 with little debate. The rider removes "nonnative" species from the list of birds protected by international treaties, allowing anyone to shoot and kill them with impunity. The treaties—dating back almost 100 years—recognized the need to protect birds traveling along their migratory routes and crossing national boundaries, regardless of whether they're "native" to a particular country. A driving force behind this legislation was the continued attempt to blame mute swans and other species for the degradation of the Chesapeake Bay, even though experts acknowledge that the bay's problems primarily come from massive poultry operations, overdevelopment, sewage treatment plants, and other sources of environmental pollutants.

Yellowstone Bison Efforts to stop the taxpayer-funded killing of bison—or American buffalo—who cross the invisible boundary of Yellowstone Park haven't yet been successful, but the votes indicate growing support. An amendment offered by Rep. Nick Rahall (D-WV) to the FY 04 Agriculture Appropriations bill lost by a vote of 199 to 220, while an amendment offered by Reps. Maurice Hinchey (D-NY) and Charles Bass (R-NH) to the FY 05 Agriculture Appropriations bill lost by a narrower vote of 202 to 215. The bison are being killed in a misguided program to prevent the spread of brucellosis to domestic cattle, even though this disease has never been transmitted from wild bison to cattle. In May 2005, Reps. Hinchey and Bass introduced H.R. 2428 to establish a moratorium on the killing of Yellowstone bison.

Other Victories

Big Cats as Pets Congress enacted legislation in December 2003 barring interstate and foreign commerce of lions, tigers, leopards, cheetahs, jaguars, and cougars for the pet trade. The potential

danger to the public—shown by a number of fatal maulings—and the inhumane treatment of many big cats kept as pets prompted swift and unanimous approval of P.L. 108-191. An estimated 10,000–15,000 big cats are privately owned in the United States—more than exist in the wild. They're often confined in cramped backyard cages, chained in basements, displayed outside businesses to attract customers, held in unaccredited roadside zoos, and even carted to schools and shopping malls for photo ops. Many suffer from malnourishment, lack of veterinary care, and painful diseases from inbreeding. Before the bill's passage, big cats were relatively easy and cheap to obtain as cubs over the Internet. Sens. James Jeffords (I-VT) and John Ensign (R-NV) and Reps. Buck McKeon (R-CA) and George Miller (D-CA) introduced the legislation, which was moved forward by committee chairmen Sen. James Inhofe (R-OK) and Reps. Richard Pombo (R-CA) and Wayne Gilchrest (R-MD).

School Lunches and Soy Milk In June 2004, Congress reauthorized the federal child nutrition programs, including the National School Lunch and Breakfast Programs that feed more than 27 million schoolchildren each day. Prior to enactment, children who chose not to drink milk for health, ethical, or religious reasons could only get alternatives like soy milk by submitting a doctor's note, a particular hardship for economically disadvantaged children, who may lack regular access to a doctor. Working with the Physicians Committee for Responsible Medicine and others, we got help from Rep. John Boehner (R-OH) and Sens. Thad Cochran (R-MS) and Tom Harkin (D-IA), who included language in P.L. 108-265 that made soy milk and other nondairy alternatives reimbursable options with just a parent's note. Providing such nondairy beverages isn't yet mandatory, but at least school systems that offer these alternatives will get reimbursed and children will be able to participate more easily.



Children now will have easier access to soy milk and other nondairy alternatives in public schools.

Minor Use/Minor Species (MUMS) and Antibiotics Congress enacted P.L. 108-282 in August 2004 to speed approval of new animal drugs for limited, less profitable markets, such as rare diseases affecting unusual species. We supported this general goal but sought changes to ensure that the fast-track approval process wouldn't make it easier to lace animal feed with new antibiotics on factory farms and aquaculture facilities. Sen. Edward Kennedy (D-MA) led efforts to address the antibiotic concerns, winning the support of Senate Chairman Judd Gregg (R-NH). Rep. Sherrod

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The 108th Congress in Review

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Downer Ban—Hanging in the Balance

Downed Animals: The 108th Congress considered but failed to enact a ban on the use in human food of downer cows—those too sick or injured to walk. Downer cattle are known to be at higher risk for BSE (bovine spongiform encephalopathy or “mad cow disease”) and other transmissible diseases, such as *E. coli* infections and *salmonellosis*. They’re also subject to some of the worst cruelty in industrial agriculture—often lcked, dragged with chains, prodded with electric shocks, or pushed with bulldozers in order to move them at slaughterhouses. Reps. Gary Ackerman (D-NY) and Steve LaTourette (R-OH) offered an amendment to the FY 04 Agriculture Appropriations bill—which fell three votes short of passage in July 2003—to prohibit the USDA from spending funds to certify beef from downers. Then the Senate approved a parallel amendment offered by Sen. Daniel Akaka (D-HI) in November 2003. But Republican leadership jettisoned

The USDA's ban on the use of downer cattle for human consumption protects people and removes financial incentives for farmers to drag sick and injured cows to slaughterhouses—but industry lobbyists continue their efforts to weaken the ban.

Brown (D-OH) won the support of House Chairman Joe Barton (R-TX) and Ranking Democrat John Dingell (D-MI). The final MUMS bill contained many of the changes we sought, such as restricting the streamlined approval process to drugs that will be given to only a small number of animals and requiring that antibiotic-resistance concerns be factored into all new drug safety evaluations.

Sea Turtles: In July 2004, PL. 108-266 was signed into law, authorizing \$5 million a year for international conservation projects to protect nesting sites and habitats for sea turtles and to help crack down on the illegal trade in turtle shells, meat, and eggs. Sea turtles are especially vulnerable to exploitation because of their late maturation and migratory patterns through many international waters. Six of the world's seven sea turtle species are listed under the U.S. Endangered Species Act, and poachers pose a major threat, waiting on beaches to butcher the animals as they come ashore or to steal their eggs. Rep. Wayne Gilchrest (R-MD) and Sen. James Jeffords (I-VT) championed this legislation and moved it forward to enactment.

the provision during private conference negotiations on the FY 04 omnibus bill, just a few weeks before the first U.S. case of BSE—a downed dairy cow whose meat had already been sent to markets—was announced by the USDA.

When that case came to light in December 2003, the USDA promptly announced an administrative ban on the use of any downer cattle in human food, as a central component of the agency's strategy to protect the public from BSE. Industry groups were virtually unanimous in initially praising the USDA ban. But some members of the House and Senate Agriculture Committees soon began criticizing the ban, suggesting that it was unduly burdensome on industry and that some downers should again be allowed in the food supply. They claimed that animals who are nonambulatory due to injury, rather than illness, pose no threat to public health.

Public comments received by the USDA on its downer policy solidly dispute this argument. More than 99 percent of the comments called on the USDA to strengthen and expand its downer ban to cover *more* animals, not fewer. (The HSUS's report analyzing the comments is available at http://files.hsus.org/web-files/PDF/2004_06_16_rept_USDA_comments.pdf.) Consumer groups, organizations representing families of BSE victims, and fast-food companies such as McDonald's® and Wendy's® stated that a system of differentiating injured from sick downers would be reckless. They noted that it's difficult—if not impossible—to accurately determine why an animal has become nonambulatory, because injury and illness are often interrelated. An animal may stumble and break a leg because he or she is weak or disoriented from a disease that hasn't been detected. And downed animals dragged to slaughter suffer terribly regardless of the reason they're unable to walk, especially when they're hauled by their broken limbs. The current ban on all downed cattle has removed any financial incentive to haul such animals alive and suffering—



Congress authorized \$5 million a year for international conservation projects to protect sea turtles from poachers and habitat loss.

A resolution officially condemning Canada's commercial seal hunt—the largest marine mammal slaughter in the world—was introduced in the Senate.

and it encourages better animal husbandry and handling practices to keep cows from becoming downed in the first place. Yet some industry lobbyists and legislators continue to push the USDA for exemptions. This line of argument came up again at Agriculture Committee hearings in early 2005, just after the discovery in Canada of two more BSE cases—both involving downers, one of whom had slipped on ice and broken her leg. Congress should quit challenging the USDA's ban and make it a matter of permanent law—to protect the public *and* animals. Sen. Akaka and Reps. Ackerman and LaTourette plan to reintroduce their downer legislation in the 109th Congress.

What Else Lies Ahead

Some Key Priorities

Animal Fighting: Sens. John Ensign (R-NV) and Arlen Specter (R-PA) introduced S. 382 and Reps. Mark Green (R-WI) and Roscoe Bartlett (R-MD) introduced H.R. 817 to establish felony-level jail time for violators of the federal animal fighting law covering dog-fighting, cockfighting, and hog-dog fights and to bar interstate and foreign commerce of cockfighting weapons. Versions of this legislation had already passed the House and Senate in 2001 and 2003 and identical legislation was approved by the House Judiciary Committee in September 2004, thanks in large part to the key support of Reps. Bob Goodlatte (R-VA), Howard Coble (R-NC), James Sensenbrenner (R-WI), Bobby Scott (D-VA), and John Conyers (D-MI). The legislation has been endorsed by the USDA, the National Chicken Council (representing 95 percent of U.S. poultry producers and processors), the American Veterinary Medical Association, and more than 350 state and local police and sheriffs' departments. In April 2005, the Senate unanimously approved S. 382.

Humane Poultry Slaughter: Since the 1950s, federal law has required that animals be rendered insensible to pain before slaughter, but this most basic requirement doesn't apply to 95 percent of all animals slaughtered for food—nine billion animals a year—because it doesn't cover poultry. Efforts are underway to get legislation introduced to explicitly include chickens, turkeys, and other currently excluded species under the Humane Methods of Slaughter Act. Sen. Wayne Allard (R-CO) is taking the lead on this issue in the Senate.

Puppy Mills: Sens. Rick Santorum (R-PA) and Richard Durbin (D-IL) introduced S. 1139 and Reps. Jim Gerlach (R-PA) and Sam Farr (D-CA) introduced H.R. 2669—the Pet Animal Welfare Statute (PAWS)—to extend protections to puppies and kittens bred by large commercial operations and sold over the Internet or through newspaper ads.

Horse Slaughter: Reps. John Sweeney (R-NY) and John Spratt (D-SC) introduced H.R. 503 and Sen. John Ensign (R-NV) plans to introduce parallel legislation in the Senate soon to prohibit the transport, possession, purchase, sale, or donation of horses to be

slaughtered for human consumption. Reps. Sweeney, Spratt, Ed Whitfield (R-KY), and Nick Rahall (D-WV) also led a successful amendment to the Agriculture Appropriations bill in June 2005 to bar USDA approval of horsemeat or border crossings of horses destined for slaughter.

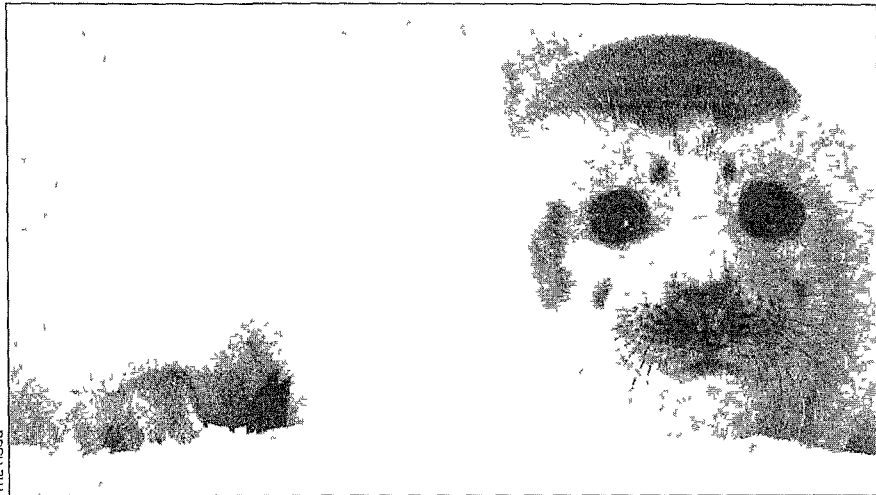
Antibiotics: Sens. Olympia Snowe (R-ME) and Edward Kennedy (D-MA) introduced S. 742 and Rep. Sherrod Brown (D-OH) introduced H.R. 2562 to phase out the routine feeding of antibiotics to animals to speed their growth and prevent disease in overcrowded, stressful factory farms. Agricultural overuse of antibiotics—which accounts for about 70 percent of all antibiotic use in this country—supports inhumane conditions *and* contributes to the development of antibiotic resistance, making the drugs less effective for treating sick people and animals.

Canned Hunts: Sen. Frank Lautenberg (D-NJ) introduced S. 304 and Reps. Sam Farr (D-CA) and Christopher Shays (R-CT) introduced H.R. 1688, the Sportsmanship in Hunting Act, to prohibit interstate and foreign commerce of captive exotic animals to be shot at "canned hunt" operations for entertainment or trophies.

Canadian Seals: Sens. Carl Levin (D-MI) and Susan Collins (R-ME) introduced S. Res. 33, a resolution urging the Canadian government to end its commercial seal hunt. The Canadian quota for 2005 allowed the slaughter of more than 300,000 seals, nearly all of them pups between 12 days and 12 weeks of age. Thanks to the leadership of Foreign Relations Committee Chairman Richard Lugar (R-IN) and Ranking Democrat Joseph Biden (D-DE), the resolution now awaits approval by the full Senate. *continued on page 16*

A Note on the Scorecard

Many animal protection issues never receive a recorded vote in Congress. Some are enacted by voice vote, and some languish. To more accurately measure legislators' support for the broad range of animal issues, we count cosponsorships of certain key bills along with recorded votes. Cosponsoring a bill is a meaningful way for legislators to help the bill advance in Congress. We also count those who signed letters seeking increased funding to enforce key animal welfare laws, as this is a tangible way for legislators to help improve the lives of millions of animals. Scores are given as a percentage of the total number of items counted (five for the Senate, ten for the House). For example, a senator who was pro-animal on four of the five scored items received a score of 80, and a representative who was pro-animal on nine of the ten scored items received a score of 90. Members who led as prime sponsors of pro-animal legislation received "extra credit" equivalent to one vote or cosponsorship, unless they already had a score of 100—in which case, their scores appear in bold with a plus sign.



THE HSUS

Senate Issues

	Animal Fighting Felony	Downers	Canadian Seal Hunt	ANWR	Enforcement Letter	Leaders	Score %
MONTANA							
Baucus (D)	✓			✓		✓	60
Burns (R)				X			0
NEBRASKA							
Hagel (R)	✓			X			20
Nelson (D)	✓			✓	✓		60
NEVADA							
Ensign (R)	SP			X	✓	✓	60*
Reid (D)	✓	✓		✓	✓		80
NEW HAMPSHIRE							
Gregg (R)				X			0
Sununu (R)				X			0
NEW JERSEY							
Corzine (D)		✓		✓	✓		60
Lautenberg (D)	✓	✓	✓	✓	✓	✓	100+*
NEW MEXICO							
Bingaman (D)				✓			20*
Domenici (R)				X			0
NEW YORK							
Clinton (D)	✓	✓		✓	✓	✓	100
Schumer (D)	✓	✓	✓	✓	✓		100
NORTH CAROLINA							
Dole (R)	✓			X	✓		40
Edwards (D)		✓		✓	✓		60
NORTH DAKOTA							
Conrad (D)	✓			✓	✓		60
Dorgan (D)	✓		✓	✓			60
OHIO							
DeWine (R)	✓			✓	✓		60
Voinovich (R)				X			0
OKLAHOMA							
Inhofe (R)				X			0
Nickles (R)				X			0
OREGON							
Smith (R)				✓	✓		40
Wyden (D)	✓	✓	✓	✓	✓		100
PENNSYLVANIA							
Santorum (R)	✓			X	SP	✓	60
Specter (R)	SP	✓	✓	X	✓	✓	100
RHODE ISLAND							
Chafee (R)		✓		✓	✓		60
Reed (D)	✓	✓	✓	✓	✓		100
SOUTH CAROLINA							
Graham (R)				X			0
Hollings (D)				✓			20*
SOUTH DAKOTA							
Daschle (D)	✓	✓		✓	✓		80*
Johnson (D)	✓		✓	✓	✓		80
TENNESSEE							
Alexander (R)				X			0
Frist (R)				X			0
TEXAS							
Cornyn (R)				X			0
Hutchison (R)				X			0
UTAH							
Bennett (R)				X	✓		20*
Hatch (R)				X			0
VERMONT							
Jeffords (I)	✓		✓	✓	✓	✓	100*
Leahy (D)	✓	✓		✓	✓	✓	100*
VIRGINIA							
Allen (R)				X			0
Warner (R)	✓			X	✓		40
WASHINGTON							
Cantwell (D)	SP	✓	✓	✓	✓	✓	100+*
Murray (D)	✓	✓	✓	✓	✓		100*
WEST VIRGINIA							
Byrd (D)				✓	✓	✓	60*
Rockefeller (D)				✓			20
WISCONSIN							
Feingold (D)	✓		✓	✓	✓		80*
Kohl (D)	✓	✓		✓	✓	✓	100*
WYOMING							
Enzi (R)				X			0
Thomas (R)				X			0

ANWR

A ✓ indicates a vote for an amendment to S. Con. Res. 23—offered by Sen. Barbara Boxer (D-CA) on March 19, 2003, to prevent consideration of drilling in the Arctic National Wildlife Refuge—during debate on a fast-track budget reconciliation bill. The Senate agreed to the amendment by a vote of 52 to 48.

ENFORCEMENT LETTER

A ✓ indicates that the member signed a June 7, 2004, letter—led by Sens. Rick Santorum (R-PA) and Carl Levin (D-MI)—to the Agriculture Appropriations Subcommittee seeking modest increases for the USDA to improve enforcement of the federal animal fighting law, along with sustained funding for inspections and enforcement of the Animal Welfare Act and the Humane Methods of Slaughter Act. The letter was cosigned by 47 senators. Note that the subcommittee and committee leaders—Sens. Robert Bennett (R-UT), Herb Kohl (D-WI), Ted Stevens (R-AK), and Robert Byrd (D-WV)—don't sign letters to themselves but received credit because they were very responsive to these requests. Most of the funding sought was provided in the final appropriations bill, H.R. 4766.

LEADERS

A ✓ indicates that the member led as a prime sponsor of pro-animal legislation.

SENATE KEY TO CHART

- SP Sponsor
- ✓ Took pro-animal position through cosponsorship of a bill, signing a letter, or a vote for the animals
- X Took anti-animal position on a vote
- + Scored 100% and also led as a prime sponsor of pro-animal legislation
- * Spoke on behalf of pro-animal legislation during floor debate

	Animal Fighting Felony	Antivivisection Safety	Horse Slaughter	Bison	Bear Baiting	Animal Fighting Funding	Downers	ANWR	Big Cats	Enforcement Letter	Leaders	Score %
ALABAMA												
Aderholt (R 4th)					X	NV	NV	X				20
Bachus (R 6th)					X	X	X	X				30
Bonnet (R 1st)					X	X	X	X				10
Cramer (D 5th)					X	NV	NV	X				30
Davis (D 7th)					X	NV	NV	X				50
Everett (R 2nd)					X	NV	NV	X				10
Rogers (R 3rd)					X	X	X	X				10
ALASKA												
Young (R At large)				X	X	X	X	NV				10
AMERICAN SAMOA												
Faleomavaega (D At large)												
ARIZONA												
Flake (R 6th)				X	X	X	X	X				10
Franks (R 2nd)				X	X	X	X	X				20
Grijalva (D 7th)				X	X	X	X	X				100
Hayworth (R 5th)				X	X	X	X	X				20
Kotbe (R 8th)				X	X	X	X	X				50
Pastor (D 4th)				X	X	X	X	X				50
Renzi (R 1st)				X	X	X	X	X				40
Shadegg (R 3rd)				X	X	X	X	X				20
ARKANSAS												
Berry (D 1st)				X	X	X	X	X				10
Boozman (R 3rd)				X	X	X	X	X				10
Ross (D 4th)				X	X	X	X	X				10
Snyder (D 2nd)				X	X	X	X	X				70
CALIFORNIA												
Baca (D 43rd)				X	X	X	X	X				30
Becerra (D 31st)				X	X	NV	NV	X				70
Berman (D 28th)				NV	NV	NV	NV	X				70
Bono (R 45th)				X	X	X	X	X				40
Calvert (R 44th)				X	X	X	X	X				30
Capps (D 23rd)				X	X	X	X	X				100
Cardoza (D 18th)				X	X	X	X	X				30
Cox (R 48th)				NV	X	X	X	X				20
Cunningham (R 50th)				X	X	X	X	X				10
Davis (D 53rd)				X	X	X	X	X				100
Dooley (D 20th)				X	X	X	X	X				50
Doolittle (R 4th)				X	X	X	X	X				10
Dreler (R 26th)				X	X	X	X	X				20
Eshoo (D 14th)				X	X	X	X	X				100
Farr (D 17th)				X	X	X	X	X				100
Filner (D 51st)				X	X	X	X	X				100
Gallegly (R 24th)	SP			X	SP	X	X	X				90
Harman (D 36th)				X	X	X	X	X				80
Herger (R 2nd)				X	X	X	X	X				10
Honda (D 15th)				X	X	X	X	X				90
Hunter (R 52nd)				X	X	X	X	X				20
Issa (R 49th)				X	X	X	X	X				20
Lantos (D 12th)				X	X	X	X	X				100
Lee (D 9th)				X	X	X	X	X				100
Lewis (R 41st)				X	X	X	X	X				30
Lofgren (D 16th)				X	X	X	X	X				100
Matsui (D 5th)				X	X	X	X	X				90
McKeon (R 25th)				X	X	X	X	X	SP			20
Millender McDonald (D 37th)				X	NV	NV	NV	X	SP			50
Miller Gary G (R 42nd)				X	X	X	X	X				10
Miller George (D 7th)				X	X	X	X	X	SP			100+
Napolitano (D 38th)				X	X	X	X	X				100
Nunes (R 21st)				X	X	X	X	X				10
Ose (R 3rd)				X	X	X	X	X				10
Pelosi (D 8th)				X	X	X	X	X				80
Pombo (R 11th)				X	X	X	X	X				10
Radanovich (R 19th)				X	X	X	X	X				10
Rohrabacher (R 46th)		SP		X	X	X	X	X				40
Roybal Allard (D 34th)				X	X	X	X	X				80
Royce (R 40th)				X	X	X	X	X				40
Sanchez Linda (D 39th)				X	X	X	X	X				90
Sanchez Loretta (D 47th)				X	X	X	X	X				90
Schiff (D 29th)				X	X	X	X	X				100
Sherman (D 27th)				X	X	X	X	X				100
Solis (D 32nd)				X	X	X	X	X				100+
Stark (D 13th)				X	X	X	X	X				100
Tauscher (D 10th)				X	X	X	X	X				90

HOUSE ISSUES

	Animal Fighting Felony	Antifreeze Safety	Horse Slaughter	Bison	Bear Baking	Animal Fighting Funding	Downers	AMWR	Big Cats	Enforcement Letter	Leaders	Score %
CALIFORNIA												
Thomas (R 22nd)												10
Thompson (D 1st)	✓											80
Waters (D 35th)	✓											60
Watson (D-33rd)						NV	NV					70
Waxman (D 30th)	✓	✓				✓	✓					100
Woolsey (D-6th)	✓	✓				✓	✓					100
COLO라도												
Beauprez (R-7th)												10
DeGette (D 1st)												80
Hefley (R 5th)												30
McInnis (R 3rd)												10
Musgrave (R 4th)												10
Tancredo (R 6th)												10
Udall (D 2nd)	✓											60
CONNECTICUT												
DeLauro (D-3rd)	✓	✓										90
Johnson (R-5th)	✓	✓										90
Larson (D 1st)	✓	✓						SP				80
Shays (R 4th)	✓	✓										100
Simmons (R 2nd)	✓	✓										100
DELAWARE												
Castle (R At large)	✓											90
DISTRICT OF COLUMBIA												
Norton (D At large)	✓	✓										0
FLORIDA												
Bilirakis (R 9th)	✓											60
Boyd (D-2nd)												10
Brown (D-3rd)	✓	✓										100
Brown Waite (R 5th)	✓											50
Crenshaw (R-4th)	✓											20
Davis (D 11th)	✓	✓										70
Deutsch (D 20th)	✓	✓										100
Diaz-Balart, Lincoln (R 21st)												20
Diaz Balart, Mario (R-25th)												30
Feeney (R 24th)												20
Foley (R-16th)												40
Goss (R 14th)												30
Harris (R 13th)												20
Hastings (D-23rd)	✓	✓										90
Keller (R 8th)												20
Meek (D 17th)												50
Mica (R 7th)	✓											20
Miller (R 1st)												20
Putnam (R 12th)												10
Ros Lehtinen (R 18th)		✓										50
Shaw (R 22nd)	✓	✓										70
Stearns (R-6th)												30
Weldon (R 15th)												20
Wexler (D-19th)	✓	✓										100
Young (R 10th)												40

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House Scored Items

ANIMAL FIGHTING FELONY

A ✓ indicates cosponsorship of H R 1532—introduced by Reps Roscoe Bartlett (R-MD) and Robert Andrews (D-NJ)—or H R 4264—introduced by Reps Mark Green (R-WI) and Elton Gallegly (R-CA)—to provide felony penalties for violations of the federal law prohibiting interstate and foreign commerce in animals for fighting and to make other strengthening changes. The bill had 202 cosponsors.

ANTIFREEZE SAFETY

A ✓ indicates cosponsorship of H R 1563—introduced by Reps Gary Ackerman (D-NY) and Dana Rohrabacher (R-CA)—to require inclusion of a bittering agent in antifreeze and engine coolant to prevent poisoning of pets, wildlife and children. The bill had 134 cosponsors.

HORSE SLAUGHTER

A ✓ indicates cosponsorship of H R 857—introduced by Reps John Sweeney (R-NY) and John Spratt (D-SC)—to ban interstate and foreign commerce in horses or horsemeat for human consumption. The bill had 229 cosponsors.

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HOUSE KEY TO CHART

- SP Sponsor
- ✓ Took pro animal position through cosponsorship of a bill, signing a letter, or a vote for the animals
- ✗ Took anti animal position on a vote
- NV Not voting because absent or abstained
- ✦ Scored 100% and also led as a prime sponsor of pro animal legislation
- * Spoke on behalf of pro animal legislation during floor debate
- ▲ Put statement in *Congressional Record* (at our request on this very close vote) indicating would have voted for amendment if present
- Put statement in *Congressional Record* expressing regret for error in voting against amendment
- # Resigned from office
- ## Filled seat during term replacing predecessor who resigned
- ° Delegates from the District of Columbia, American Samoa, Guam and the Virgin Islands and the Resident Commissioner of Puerto Rico can't vote on bills or amendments on the House floor; they can vote in committee, cosponsor legislation, and sign letters
- °° The Speaker of the House generally doesn't vote



SENSEI STORE

	Animal Fighting Fetters	Antifreeze Safety	Horse Slaughter	Bison	Bear Baiting	Animal Fighting Funding	Downers	AWWR	Big Cats	Enforcement Letter	Leabers	Score %
GEORGIA												
Bishop (D 2nd)				X		X	X	X				10
Burns (R 12th)				X	X	X	X	X				10
Collins (R 8th)				X	X	X	X	X	NV			0
Deal (R 10th)				X	X	X	X	X				20
Gingrey (R 11th)				X	X	X	X	X				0
Isakson (R 6th)				NV	X	NV	NV	X	NV			20
Kingston (R 1st)				NV	X	X	X	X				20
Lewis (D 5th)												90
Linder (R 7th)				X				X				50
Majette (D 4th)												90
Marshall (D 3rd)				X	X	X	X	X				20
Norwood (R 9th)				X	X	X	X	X				20
Scott (D 13th)				X	X	X	X	X				30
GUAM												
Bordallo (D At large)												
HAWAII												
Abercrombie (D 1st)				X	X	X						50
Case (D 2nd)					X							80
IDAHO												
Otter (R 1st)				X	X	X	X	X				10
Simpson (R 2nd)				X	X	X	X	X				20
ILLINOIS												
Biggert (R 13th)					X			X				70
Costello (D 12th)												80
Crane (R 8th)				X	X	X	X	X				10
Davis (D 7th)						NV	NV		NV			60
Emanuel (D 5th)												80
Evans (D 17th)							X					90
Gutierrez (D 4th)						NV	NV					60
Hastert (R 14th)												
Hyde (R 6th)				X		X	X	X				30
Jackson (D 2nd)												90
Johnson (R 15th)					X		X					40
Kirk (R 10th)												80
LaHood (R 18th)				X	X	NV	NV	X				20
Lipinski (D 3rd)				NV	X	NV	NV					50
Manzullo (R 16th)				X	X	NV	NV	X				10
Rush (D 1st)						NV	NV					70
Schakowsky (D 9th)												100
Shimkus (R 19th)				X	X		X	X				30
Weller (R 11th)				X	X			X				50
INDIANA												
Burton (R 5th)				X	X	X		X				20
Buyer (R 4th)				X	X	X	X	X				10
Carson (D 7th)												80
Chocola (R 2nd)				X	X	X	X	X				20
Hill (D 9th)					X	X	X					30
Hostettler (R 8th)				X	X	X	X	X				20
Pence (R 6th)				X	X	X	X	X				20
Souder (R 3rd)				X	X	X	X	X				10
Visclosky (D 1st)												60
IOWA												
Boswell (D 3rd)				X	X		X					40
King (R 5th)				X	X	NV	NV	X				10
Latham (R 4th)				X	X	X	X	X				10
Leach (R 2nd)							X					70
Nussle (R 1st)				X	X	X	X	X				10
KANSAS												
Moore (D 3rd)						NV	NV					80
Moran (R 1st)				X	X		X	X				20
Ryun (R 2nd)				X	X	X	X	X				10
Tiahrt (R 4th)				X	X	X	X	X				10
KENTUCKY												
Chandler (D 6th)												##
Fletcher (R 6th)				#	X	NV	NV	X	NV			0
Lewis (R 2nd)				X	X	X	X	X				20
Lucas (D 4th)					X			X				40
Notthup (R 3rd)				X	X	X	X	X				40
Rogers (R 5th)				X	X	X	X	X				20
Whitfield (R 1st)							X	X				90
LOUISIANA												
Alexander (R 5th)				X	X	X	X	X				10
Baker (R 6th)					X	NV	NV	X				10

HOUSE ISSUES

LOUISIANA
 Jefferson (D 2nd)
 John (D 7th)
 McCrery (R 4th)
 Tauzin (R 3rd)
 Vitter (R 1st)

MAINE
 Allen (D 1st)
 Michaud (D 2nd)

MARYLAND
 Bartlett (R 6th)
 Cardin (D 3rd)
 Cummings (D 7th)
 Gilchrest (R 1st)
 Hoyer (D 5th)
 Ruppertsberger (D 2nd)
 Van Hollen (D 8th)
 Wynn (D 4th)

MASSACHUSETTS
 Capuano (D 8th)
 Delahunt (D 10th)
 Frank (D 4th)
 Lynch (D 9th)
 Markey (D 7th)
 McGovern (D 3rd)
 Meehan (D 5th)
 Neal (D 2nd)
 Oliver (D 1st)
 Tierney (D 6th)

MICHIGAN
 Camp (R 4th)
 Conyers (D 14th)
 Dingell (D 15th)
 Ehlers (R 3rd)
 Hoekstra (R 2nd)
 Kildee (D 5th)
 Kilpatrick (D 13th)
 Knollenberg (R 9th)
 Levin (D 12th)
 McCotter (R 11th)
 Miller (R 10th)
 Rogers (R 8th)
 Smith (R 7th)
 Stupak (D 1st)
 Upton (R 6th)

MINNESOTA
 Gutknecht (R 1st)
 Kennedy (R 6th)
 Kline (R 2nd)
 McCollum (D 4th)
 Oberstar (D 8th)
 Peterson (D 7th)
 Ramstad (R 3rd)
 Sabo (D 5th)

	Animal Fighting Felony	Antifreeze Safety	Horse Slaughter	Bison	Bear Baiting	Animal Fighting Funding	Downers	AWWR	Big Cats	Enforcement Letter	Leaders	Score %
Jefferson (D 2nd)		✓	✓	✓	NV	NV	NV	×	✓			40
John (D 7th)				✓	×	×	×	×	✓			10
McCrery (R 4th)				✓	✓	×	×	×	✓			20
Tauzin (R 3rd)				×	×	×	×	×	✓			10
Vitter (R 1st)				×	×	✓	×	×	✓			40
Allen (D 1st)	✓	✓	✓	✓	×	✓	✓	✓	✓	✓		80+
Michaud (D 2nd)	✓	✓	✓	✓	×	✓	✓	✓	✓			70
Bartlett (R 6th)	SP	✓	✓	✓	✓	✓	×	✓	✓	✓	✓	90
Cardin (D 3rd)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		80
Cummings (D 7th)	✓	✓	✓	✓	✓	×	×	✓	✓	✓		100
Gilchrest (R 1st)	✓	✓	✓	✓	✓	×	×	✓	✓	✓	✓	50
Hoyer (D 5th)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	60
Ruppertsberger (D 2nd)	✓	✓	✓	✓	✓	✓	×	✓	✓			70
Van Hollen (D 8th)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	100+
Wynn (D 4th)	✓	✓	✓	✓	×	✓	✓	✓	✓	✓	✓	80
Capuano (D 8th)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		100
Delahunt (D 10th)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	100+
Frank (D 4th)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	100
Lynch (D 9th)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	90
Markey (D 7th)	✓	✓	✓	✓	✓	✓	✓	SP	✓	✓	✓	100+
McGovern (D 3rd)	✓	✓	✓	✓	■	✓	✓	✓	✓	✓	✓	90
Meehan (D 5th)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	100
Neal (D 2nd)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	100
Oliver (D 1st)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	90
Tierney (D 6th)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	90
Camp (R 4th)				×	×	×	×	×	✓			10
Conyers (D 14th)	✓	✓	✓	NV	✓	✓	✓	✓	✓			70
Dingell (D 15th)				×	×	×	✓	✓	✓			40
Ehlers (R 3rd)	✓	✓	✓	×	✓	✓	✓	✓	✓	✓	✓	80
Hoekstra (R 2nd)				×	×	✓	×	×	✓	✓	✓	20
Kildee (D 5th)	✓	✓	✓	×	×	✓	✓	✓	✓	✓	✓	90
Kilpatrick (D 13th)				NV	✓	✓	✓	✓	✓	✓	✓	80
Knollenberg (R 9th)				NV	×	×	×	×	✓	✓	✓	10
Levin (D 12th)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	100
McCotter (R 11th)				×	×	✓	×	×	✓			20
Miller (R 10th)				×	×	×	×	×	✓			10
Rogers (R 8th)				×	×	×	×	×	✓			10
Smith (R 7th)				NV	×	×	×	×	✓			10
Stupak (D 1st)	✓	✓	✓	×	×	✓	✓	✓	✓			50
Upton (R 6th)	✓	✓	✓	✓	×	✓	✓	×	✓			70
Gutknecht (R 1st)				×	×	×	×	×	✓			10
Kennedy (R 6th)				×	×	×	×	✓	✓			20
Kline (R 2nd)				×	×	×	×	×	✓			10
McCollum (D 4th)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		100
Oberstar (D 8th)	✓	✓	✓	×	×	✓	✓	✓	✓			60
Peterson (D 7th)	✓	✓	✓	×	×	NV	×	×	✓	✓		30
Ramstad (R 3rd)	✓	✓	✓	✓	×	✓	✓	✓	✓	✓		70
Sabo (D 5th)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		90

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BISON

A ✓ Indicates a vote for an amendment to H R 4568—offered by Reps Maurice Hinchey (D NY) and Charles Bass (R NH) on June 17 2004—to bar the National Park Service and Forest Service from using federal funds to kill Yellowstone bison. The House rejected the amendment by a vote of 202 to 215.

BEAR BAITING

A ✓ Indicates a vote for an amendment to H R 2691—offered by Reps Elton Gallegly (R CA) and James Moran (D VA) on July 17 2003—to prohibit the use of funds for bear baiting on federal lands. The House rejected the amendment by a vote of 163 to 255.

ANIMAL FIGHTING FUNDING

A ✓ indicates a vote for an amendment to H R 2673—offered by Reps Earl Blumenauer (D OR) and Tom Tancredo (R CO) on July 14 2003—to provide \$800 000 for the USDA's Office of the Inspector General to improve enforcement of the federal animal fighting law. The House agreed to the amendment by a

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HOUSE KEY TO CHART

- SP Sponsor
- ✓ Took pro animal position through cosponsorship of a bill signing a letter or a vote for the animals
- ×
- ✓ Took anti animal position on a vote
- NV Not voting because absent or abstained
- +
- ★ Scored 100% and also led as a prime sponsor of pro animal legislation
- *
- ▲ Spoke on behalf of pro animal legislation during floor debate
- ▲ Put statement in *Congressional Record* (at our request on this very close vote) indicating would have voted for amendment if present
- Put statement in *Congressional Record* expressing regret for error in voting against amendment
- # Resigned from office
- ## Filled seat during term replacing predecessor who resigned
- Delegates from the District of Columbia American Samoa Guam and the Virgin Islands and the Resident Commissioner of Puerto Rico can't vote on bills or amendments on the House floor; they can vote in committee, cosponsor legislation and sign letters
- The Speaker of the House generally doesn't vote

House Issues

MISSISSIPPI
 Pickering (R-3rd)
 Taylor (D-4th)
 Thompson (D-2nd)
 Wicker (R-1st)
 MISSOURI
 Akin (R-2nd)
 Blunt (R-7th)
 Clay (D-1st)
 Emerson (R-8th)
 Gephardt (D-3rd)
 Graves (R-6th)
 Hulshof (R-9th)
 McCarthy (D-5th)
 Skelton (D-4th)
 MONTANA
 Rehberg (R-At large)
 NEBRASKA
 Bereuter (R-1st)
 Osborne (R-3rd)
 Terry (R-2nd)
 NEVADA
 Berkley (D-1st)
 Gibbons (R-2nd)
 Porter (R-3rd)
 NEW HAMPSHIRE
 Bass (R-2nd)
 Bradley (R-1st)
 NEW JERSEY
 Andrews (D-1st)
 Ferguson (R-7th)
 Frelinghuysen (R-11th)
 Garrett (R-5th)
 Holt (D-12th)
 LoBiondo (R-2nd)
 Menendez (D-13th)
 Pallone (D-6th)
 Pascrell (D-8th)
 Payne (D-10th)
 Rothman (D-9th)
 Saxton (R-3rd)
 Smith (R-4th)
 NEW MEXICO
 Pearce (R-2nd)
 Udall (D-3rd)
 Wilson (R-1st)
 NEW YORK
 Ackerman (D-5th)
 Bishop (D-1st)
 Boehlert (R-24th)
 Crowley (D-7th)
 Engel (D-17th)
 Fossella (R-13th)
 Hinchey (D-22nd)
 Houghton (R-29th)
 Israel (D-2nd)
 Kelly (R-19th)
 King (R-3rd)
 Lowey (D-18th)
 Maloney (D-14th)
 McCarthy (D-4th)
 McHugh (R-23rd)
 McNulty (D-21st)
 Meeks (D-6th)
 Nadler (D-8th)
 Owens (D-11th)
 Quinn (R-27th)
 Rangel (D-15th)
 Reynolds (R-26th)
 Serrano (D-16th)
 Slaughter (D-28th)
 Sweeney (R-20th)
 Towns (D-10th)
 Velázquez (D-12th)

	Animal Fighting Felony	Antifreeze Safety	Horse Slaughter	Bison	Bear Baiting	Animal Fighting Funding	Downers	AWWA	Big Cats	Enforcement Letter	Leaders	Score %
Pickering (R-3rd)				X	X	X	NV	X				10
Taylor (D-4th)					X	X		X				40
Thompson (D-2nd)					X	X		X				70
Wicker (R-1st)				X	X	X	X	X				20
Akin (R-2nd)				X	X		X	X				20
Blunt (R-7th)				X	X	X	X	X				10
Clay (D-1st)				X		X		NV				60
Emerson (R-8th)				X	X	X	X	X				10
Gephardt (D-3rd)				X	NV	NV	NV	NV				10
Graves (R-6th)				X	X	X	X	X				10
Hulshof (R-9th)				X	X	X	X	X				20
McCarthy (D-5th)				X	X	X	X	NV				90
Skelton (D-4th)				X	X	X	X	X				20
Rehberg (R-At large)				X	X	X	X	X				10
Bereuter (R-1st)				NV		X	X	X				20
Osborne (R-3rd)				X	X	X	X	X				10
Terry (R-2nd)				X	X	X	X	X				30
Berkley (D-1st)				X	NV	NV	NV	X				70
Gibbons (R-2nd)				X	X	X	X	X				30
Porter (R-3rd)				X	X	X	X	X				30
Bass (R-2nd)				SP	X	X	X	X				80*
Bradley (R-1st)				X	X	X	X	X				50
Andrews (D-1st)				X	X	X	X	X				90*
Ferguson (R-7th)				X	NV	X	X	X				80
Frelinghuysen (R-11th)				X	X	X	X	X				60
Garrett (R-5th)				X	X	X	X	X				10
Holt (D-12th)				X	X	X	X	X				100
LoBiondo (R-2nd)				X	X	X	X	X				80
Menendez (D-13th)				X	X	X	X	X				80*
Pallone (D-6th)				X	X	X	X	X				100*
Pascrell (D-8th)				X	X	X	X	X				100
Payne (D-10th)				X	X	NV	NV	X				80
Rothman (D-9th)				X	X	X	X	X				90
Saxton (R-3rd)				X	X	X	X	X				70*
Smith (R-4th)				X	X	X	X	X				100*
Pearce (R-2nd)				X	X	X	X	X				10
Udall (D-3rd)				X	X	X	X	X				90*
Wilson (R-1st)				X	X	X	X	X				30
Ackerman (D-5th)				X	X	X	SP	X				100*
Bishop (D-1st)				X	X	X	X	X				80
Boehlert (R-24th)				X	X	X	X	X				70*
Crowley (D-7th)				X	X	X	X	X				90*
Engel (D-17th)				X	X	X	X	X				100
Fossella (R-13th)				X	X	X	X	X				30
Hinchey (D-22nd)				SP	X	NV	X	X				90*
Houghton (R-29th)				X	X	X	X	NV				60
Israel (D-2nd)				X	X	X	X	X				100
Kelly (R-19th)				X	X	X	X	X				70
King (R-3rd)				X	X	X	X	X				40
Lowey (D-18th)				X	X	X	X	X				100
Maloney (D-14th)				X	X	X	X	X				100
McCarthy (D-4th)				X	X	X	X	X				100
McHugh (R-23rd)				X	X	X	X	X				20
McNulty (D-21st)				X	X	X	X	X				90
Meeks (D-6th)				X	X	X	X	X				80
Nadler (D-8th)				X	X	X	X	X				100
Owens (D-11th)				X	X	NV	NV	X				70
Quinn (R-27th)				X	X	X	X	X				30
Rangel (D-15th)				X	X	X	X	X				90
Reynolds (R-26th)				X	X	X	X	X				20
Serrano (D-16th)				X	X	X	X	X				60
Slaughter (D-28th)				X	X	X	X	X				100
Sweeney (R-20th)				SP	X	X	X	X				60*
Towns (D-10th)				X	X	X	X	X				100
Velázquez (D-12th)				X	X	X	X	X				70

	Animal Fighting Factory	Antifreeze Safety	Horse Slaughter	Bison	Bear Baiting	Animal Fighting Punting	Downers	ANWR	Big Cats	Enforcement Letter	Leaders	Score %
NEW YORK												
Walsh (R 25th)												20
Weiner (D 9th)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	100
NORTH CAROLINA												
Bailance (D 1st)												4
Ballenger (R 10th)									NV			20
Burr (R 5th)									✓			10
Butterfield (D 1st)				##	#L	##	##	1/4	##	##		4/4
Coble (R 6th)				h	X	X	X	X	✓			30
Etheridge (D 2nd)	✓	✓	✓	✓	X	✓	X	✓	✓			60
Hayes (R 8th)				h	X	X	X	X	✓			10
Jones (R 3rd)				X	✓	✓	X	X	✓			50
McIntyre (D 7th)	✓	✓	✓	✓	✓	X	X	✓	✓			30
Miller (D 13th)	✓	✓	✓	✓	✓	✓	✓	✓	✓			90
Myrick (R 9th)				h	✓	NV	NV	X	✓	✓		10
Price (D 4th)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		100
Taylor (R 11th)				X	✓	X	X	X	✓			10
Watt (D 12th)				✓	✓	✓	✓	✓	✓	✓		70
NORTH DAKOTA												
Pomeroy (D At large)	✓			X	X	✓	✓	✓	✓			40
OHIO												
Boehner (R 8th)				X	X	✓	X	X			✓	20
Brown (D 13th)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	100
Chabot (R 1st)	✓	✓	✓	X	h	✓	✓	X	✓	✓		50
Gillmor (R 5th)				X	X	X	X	X	✓			20
Hobson (R 7th)	✓	✓	✓	X	X	X	X	X	NV			10
Kaptur (D 9th)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	100+
Kucinich (D 10th)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	100
LaTourette (R 14th)	✓	✓	✓	✓	X	X	SP	X	✓	✓	✓	60*
Ney (R 10th)				h	X	X	X	X	✓		✓	30
Oxley (R 4th)				NV	X	X	NV	X	✓			20
Portman (R 2nd)				X	X	✓	X	✓	✓			10
Pryce (R 15th)				X	✓	✓	✓	X	✓			40
Regula (R 16th)	✓	✓	✓	X	✓	X	X	X	✓	✓		40
Ryan (D 17th)	✓	✓	✓	✓	h	✓	✓	✓	✓	✓		90
Strickland (D 6th)				✓	✓	✓	✓	✓	✓	✓		60
Tiberi (R 12th)				✓	X	X	✓	✓	✓	✓		40
Tubbs Jones (D 11th)	✓	✓	✓	✓	X	✓	✓	✓	✓	✓		80
Turner (R 3rd)				X	X	X	✓	h	✓			10
OKLAHOMA												
Carson (D 2nd)				X	X	X	X	X	✓			10
Cole (R 4th)				X	X	X	X	X	✓			10
Istook (R 5th)				X	X	X	X	X	✓			10
Lucas (R 3rd)				X	X	X	h	X	✓			10
Sullivan (R 1st)				X	X	X	X	X	NV			0
OREGON												
Blumenauer (D 3rd)	✓	✓	✓	✓	✓	SP	✓	✓	✓	SP	✓	100-
DeFazio (D 4th)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		100*
Hooley (D 5th)	✓			✓	✓	✓	✓	✓	✓			70

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vote of 222 to 179 and the funds were included in the final bill. A similar amendment passed by a voice vote on July 13, 2004, and funds were again included in the final bill H.R. 4766.

DOWNERS

A ✓ indicates a vote for an amendment to H.R. 2673—offered by Reps. Gary Ackerman (D NY) and Steve LaTourette (R OH) on July 14, 2003—to bar the USDA from spending funds to inspect and approve downed livestock for human consumption. The House rejected the amendment by a vote of 199 to 202, and the language—later approved by voice vote in the Senate—was kept out of the final bill during the House-Senate conference.

ANWR

A ✓ indicates a vote for an amendment to H.R. 6—offered by Reps. Ed Markey (D MA) and Nancy Johnson (R CT) on April 10, 2003—to strike provisions in the energy bill that would allow oil and gas drilling in the Arctic National Wildlife Refuge. The House rejected the amendment by a vote of 197 to 228—retaining the harmful provisions—but the Senate pressed to keep them out of the bill during the House-Senate conference.

BIG CATS

A ✓ indicates a vote for H.R. 1006—introduced by Reps. Buck McKeon (R CA) and George Miller (D CA)—to prohibit interstate commerce of tigers, lions, and other big cats for the pet trade.

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HOUSE KEY TO CHART

- SP Sponsor
- ✓ Took pro animal position through cosponsorship of a bill, signing a letter, or a vote for the animals
- X Took anti animal position on a vote
- NV Not voting because absent or abstained
- + Scored 100% and also led as a prime sponsor of pro animal legislation
- * Spoke on behalf of pro animal legislation during floor debate
- △ Put statement in *Congressional Record* (at our request on this very close vote) indicating would have voted for amendment if present
- Put statement in *Congressional Record* expressing regret for error in voting against amendment
- # Resigned from office
- ## Filled seat during term, replacing predecessor who resigned
- o Delegates from the District of Columbia, American Samoa, Guam, and the Virgin Islands, and the Resident Commissioner of Puerto Rico can't vote on bills or amendments on the House floor; they can vote in committee, cosponsor legislation, and sign letters
- oo The Speaker of the House generally doesn't vote

HOUSE ISSUES

OREGON (cont.)
 Walden (R 2nd)
 Wu (D 1st)
 PENNSYLVANIA
 Brady (D 1st)
 Doyle (D 14th)
 English (R 3rd)
 Fattah (D 2nd)
 Gerlach (R 6th)
 Greenwood (R 8th)
 Hart (R 4th)
 Hoeffel (D-13th)
 Holden (D 17th)
 Kanjowski (D 11th)
 Murphy (R 18th)
 Murtha (D 12th)
 Peterson (R 5th)
 Pitts (R-16th)
 Platts (R-19th)
 Sherwood (R 10th)
 Shuster (R-9th)
 Toomey (R 15th)
 Weldon (R 7th)
 PUERTO RICO
 Acevedo-Vila (D-At large)
 RHODE ISLAND
 Kennedy (D-1st)
 Langevin (D 2nd)
 SOUTH CAROLINA
 Barrett (R 3rd)
 Brown (R 1st)
 Clyburn (D-6th)
 DeMint (R 4th)
 Spratt (D 5th)
 Wilson (R 2nd)
 SOUTH DAKOTA
 Herseeth (D At large)
 Janklow (R At large)
 TENNESSEE
 Blackburn (R 7th)
 Cooper (D 5th)
 Davis (D 4th)
 Duncan (R 2nd)
 Ford (D 9th)
 Gordon (D 6th)
 Jenkins (R 1st)
 Tanner (D 8th)
 Wamp (R 3rd)
 TEXAS
 Barton (R 6th)
 Bell (D 25th)
 Bonilla (R 23rd)
 Brady (R 8th)
 Burgess (R 26th)
 Carter (R-31st)
 Combest (R 19th)
 Culberson (R 7th)
 DeLay (R 22nd)
 Doggett (D 10th)
 Edwards (D 11th)
 Frost (D 24th)
 Gonzalez (D 20th)
 Granger (R-12th)
 Green (D 29th)
 Hall (D 4th)
 Hensarling (R-5th)
 Hinojosa (D-15th)
 Jackson Lee (D 18th)
 Johnson Eddie Bernice (D 30th)
 Johnson Sam (R 3rd)
 Lampson (D-9th)
 Neugebauer (R 19th)
 Ortiz (D 27th)
 Paul (R 14th)

	Animal Fighting Felony	Antifreeze Safety	Horse Slaughter	Bison	Bear Baiting	Animal Fighting Funding	Downers	ANWR	Big Cats	Enforcement Letter	Leaders	Score %
Walden (R 2nd)				X	X	X	X	X				10
Wu (D 1st)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	100
Brady (D 1st)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	60
Doyle (D 14th)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	100
English (R 3rd)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	60
Fattah (D 2nd)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	90
Gerlach (R 6th)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	70
Greenwood (R 8th)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	100
Hart (R 4th)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	10
Hoeffel (D-13th)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	90
Holden (D 17th)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	30
Kanjowski (D 11th)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	40
Murphy (R 18th)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	10
Murtha (D 12th)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	30
Peterson (R 5th)	✓	✓	✓	✓	NV	✓	✓	✓	✓	✓	✓	10
Pitts (R-16th)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	20
Platts (R-19th)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	80
Sherwood (R 10th)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	10
Shuster (R-9th)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	20
Toomey (R 15th)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	20
Weldon (R 7th)	✓	✓	✓	✓	NV	✓	✓	NV	✓	✓	✓	60
Acevedo-Vila (D-At large)		✓	✓	o	o	o	o	o	o			o
Kennedy (D-1st)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	100
Langevin (D 2nd)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	100
Barrett (R 3rd)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	20
Brown (R 1st)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	20
Clyburn (D-6th)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	80
DeMint (R 4th)	✓	✓	✓	NV	✓	✓	✓	✓	✓	✓	✓	20
Spratt (D 5th)	✓	✓	SP	✓	✓	✓	✓	✓	✓	✓	✓	70*
Wilson (R 2nd)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	20
Herseeth (D At large)				X	##	##	##	##	##			##
Janklow (R At large)				#	NV	NV	NV	X		#		#
Blackburn (R 7th)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	10
Cooper (D 5th)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	30
Davis (D 4th)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	20
Duncan (R 2nd)	✓	✓	✓	✓	✓	NV	✓	✓	✓	✓	✓	10
Ford (D 9th)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	80
Gordon (D 6th)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	50
Jenkins (R 1st)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	10
Tanner (D 8th)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	10
Wamp (R 3rd)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	30
Barton (R 6th)	✓	✓	✓	X	NV	NV	NV	X	✓	✓	✓	10
Bell (D 25th)	✓	✓	✓	✓	✓	X	X	✓	✓	✓	✓	70
Bonilla (R 23rd)	✓	✓	✓	X	NV	X	X	X	✓	✓	✓	20
Brady (R 8th)	✓	✓	✓	X	X	X	X	X	✓	✓	✓	10
Burgess (R 26th)	✓	✓	✓	X	NV	X	X	X	✓	✓	✓	10
Carter (R-31st)	✓	✓	✓	X	NV	X	X	X	✓	✓	✓	10
Combest (R 19th)	✓	✓	✓	#	#	#	#	NV	✓	✓	✓	?
Culberson (R 7th)	✓	✓	✓	X	X	X	X	X	✓	✓	✓	10
DeLay (R 22nd)	✓	✓	✓	X	X	NV	NV	X	✓	✓	✓	10
Doggett (D 10th)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	100
Edwards (D 11th)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	10
Frost (D 24th)	✓	✓	✓	✓	X	X	X	X	✓	✓	✓	40
Gonzalez (D 20th)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	70
Granger (R-12th)	✓	✓	✓	✓	NV	X	X	X	✓	✓	✓	10
Green (D 29th)	✓	✓	✓	✓	X	✓	✓	✓	✓	✓	✓	80
Hall (D 4th)	✓	✓	✓	✓	X	✓	✓	✓	✓	✓	✓	20
Hensarling (R-5th)	✓	✓	✓	✓	X	X	X	X	✓	✓	✓	10
Hinojosa (D-15th)	✓	✓	✓	✓	X	X	X	X	✓	✓	✓	20
Jackson Lee (D 18th)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	90
Johnson Eddie Bernice (D 30th)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	80
Johnson Sam (R 3rd)	✓	✓	✓	✓	NV	X	X	X	✓	✓	✓	10
Lampson (D-9th)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	60
Neugebauer (R 19th)	✓	✓	✓	✓	✓	✓	✓	##	✓	✓	✓	##
Ortiz (D 27th)	✓	✓	✓	✓	✓	✓	✓	X	✓	✓	✓	20
Paul (R 14th)	✓	✓	✓	✓	✓	✓	✓	NV	✓	✓	✓	10

HOUSE ISSUES

	Animal Fighting Felony	Antivivisection Safety	Horse Slaughter	Bison	Bear Baiting	Animal Fighting Funding	Downers	AMWR	Big Cats	Enforcement Letter	Leaders	Score %
TEXAS (cont'd)												
Reyes (D-16th)				NV	X	X	X	X				10
Rodriguez (D-28th)				✓	X	X	✓	X				30
Sandlin (D-1st)			✓	X	X	X	X	X				20
Sessions (R-32nd)		✓		X	X	X	X	X				20
Smith (R-21st)				X	X	X	NV	X				10
Stenholm (D-17th)				X	X	X	X	X				10
Thornberry (R-13th)				X	X	X	X	X				10
Turner (D-2nd)				X	X	X	X	X				10
UTAH												
Bishop (R-1st)				X	X	✓	X	X				20
Cannon (R-3rd)				X	X	X	X	X				10
Matheson (D-2nd)				X	X	✓	X	✓				30
VERMONT												
Sanders (I-At large)	✓			✓	X	NV	✓	✓		✓		60
VIRGIN ISLANDS												
Christensen (D-At large)				°	°	°	°	°				°
VIRGINIA												
Boucher (D-9th)			✓	✓	X	✓	✓	✓				60
Cantor (R-7th)			✓	✓	X	X	X	X				20
Davis, Jo Ann (R-1st)			✓	✓	X	✓	✓	X				40
Davis, Tom (R-11th)			✓	✓	✓	X	✓	✓				50
Forbes (R-4th)			✓	✓	X	X	X	X				20
Goode (R-5th)			✓	✓	X	X	X	X				20
Goodlatte (R-6th)			✓	✓	X	X	X	X				10
Moran (D-8th)	✓	✓	✓	✓	SP	✓	✓	NV	NV		✓	90*
Schrock (R-2nd)				✓	X	X	X	X				10
Scott (D-3rd)	✓			✓	✓	✓	✓	✓				70
Wolf (R-10th)			✓	✓	✓	✓	✓	X		✓		60
WASHINGTON												
Balrd (D-3rd)	✓		✓	✓	✓	✓	✓	✓				80
Dicks (D-6th)	✓	✓	✓	✓	✓	✓	✓	✓		✓		100*
Dunn (R-8th)				X	X	X	X	X				30
Hastings (R-4th)				X	X	X	X	X				10
Inslee (D-1st)	✓	✓	✓	✓	✓	✓	✓	✓		✓		100*
Larsen (D-2nd)	✓	✓	✓	✓	✓	✓	✓	✓		✓		100
McDermott (D-7th)	✓	✓	✓	✓	✓	✓	✓	✓		✓		90*
Nethercutt (R-5th)				NV	X	X	X	X		✓		10
Smith (D-9th)	✓	✓		NV	✓	✓	✓	✓	NV	✓		70
WEST VIRGINIA												
Capito (R-2nd)				X	X	✓	✓	X				30
Mollohan (D-1st)				✓	X	NV	NV	X				20
Rahall (D-3rd)		✓	✓	✓	X	X	✓	✓			✓	70*
WISCONSIN												
Baldwin (D-2nd)	✓	✓	✓	✓	✓	✓	✓	✓				100
Green (R-8th)	SP	✓	✓	✓	X	✓	✓	X		✓	✓	90*
Kind (D-3rd)		✓	✓	✓	X	✓	X	✓		✓		50
Kiecicka (D-4th)	✓			✓	✓	✓	✓	✓		✓		80
Obey (D-7th)				✓	X	✓	X	✓		✓		50
Petri (R-6th)	✓			X	X	✓	✓	✓		✓		50
Ryan (R-1st)				X	X	✓	X	X		✓		20
Sensenbrenner (R-5th)				✓	X	✓	X	✓		✓		40
WYOMING												
Cubin (R-At large)				X	X	X	X	X	NV			0

continued from page 13

The House approved the bill on November 19, 2003, by a vote of 419 to 0. It was subsequently approved by voice vote in the Senate and signed into law.

ENFORCEMENT LETTER

A ✓ indicates that the member signed a June 7, 2004, letter—led by Reps. Christopher Smith (R-NJ) and Earl Blumenauer (D-OR)—to the Agriculture Appropriations Subcommittee seeking modest increases for the USDA to improve enforcement of the federal animal fighting law, along with sustained funding for inspections and enforcement of the Animal Welfare Act and the Humane Methods of Slaughter Act. The letter was cosigned by 135 representatives. Note that the subcommittee and committee leaders—Reps. Henry Bonilla (R-TX), Marcy Kaptur (D-OH), Bill Young (R-FL), and David Obey (D-WI)—don't sign letters to themselves but received credit because they were very responsive to these requests. Most of the funding sought was provided in the final appropriations bill, H.R. 4766.

LEADERS

A ✓ indicates that the member led as a prime sponsor of pro-animal legislation.

HOUSE KEY TO CHART

- SP Sponsor
- ✓ Took pro-animal position through cosponsorship of a bill, signing a letter, or a vote for the animals
- X Took anti-animal position on a vote
- NV Not voting because absent or abstained
- + Scored 100% and also led as a prime sponsor of pro-animal legislation
- * Spoke on behalf of pro-animal legislation during floor debate
- ▲ Put statement in *Congressional Record* (at our request on this very close vote) indicating would have voted for amendment if present
- Put statement in *Congressional Record* expressing regret for error in voting against amendment
- # Resigned from office
- ## Filled seat during term, replacing predecessor who resigned
- ° Delegates from the District of Columbia, American Samoa, Guam, and the Virgin Islands and the Resident Commissioner of Puerto Rico can't vote on bills or amendments on the House floor; they can vote in committee, cosponsor legislation, and sign letters
- °° The Speaker of the House generally doesn't vote

The 108th Congress in Review

continued from page 5

Wildlife Crossings Sens James Jeffords (I-VT) and Max Baucus (D-MT) and Reps Sherwood Boehlert (R-NY) and Earl Blumenauer (D-OR) played key roles in the 108th Congress during preliminary work on a multi-year transportation package, seeking provisions to encourage state planners to consider using wildlife overpasses, underpasses and other wildlife-friendly designs in highway planning. These efforts will continue as Congress finalizes the transportation authorization bill this session.

Antifreeze Reps Gary Ackerman (D-NY) and Dana Rohrabacher (R-CA) introduced H.R. 2567 and Sens George Allen (R-VA) and Mark Pryor (D-AR) introduced S. 1110 to require inclusion of a bittering agent in sweet-tasting antifreeze and engine coolant to prevent poisoning of pets, wildlife, and children.



Nonhuman primates don't belong in the pet trade.

infants, they can become aggressive as they age and often lack humane care. Because nonhuman primates can transmit a variety of zoonotic diseases, the Centers for Disease Control restrict their importation, but there are few if any restrictions on the trade in these animals once they're in this country. We expect companion legislation to be introduced in the Senate soon by Sens James Jeffords (I-VT) and Lincoln Chafee (R-RI).

Primates as Pets Reps Eddie Bernice Johnson (D-TX) and Rob Simmons (R-CT) introduced H.R. 1329—the Captive Primate Safety Act—to prohibit monkeys, marmosets, lemurs, chimpanzees, orangutans and other nonhuman primates from being shipped across state lines for the pet trade. These animals aren't suitable pets, yet too many are privately held in the United States. Often purchased as

Internet Hunting Reps Tom Davis (R-VA) and Collin Peterson (D-MN) introduced H.R. 1558 to prohibit computer-assisted remote hunting in which animals are shot by a weapon controlled by a computer user miles away.

What You Can Do

On these and other issues, the powerful influence of industry voices can rise above those of concerned citizens. So we need to redouble our efforts and make sure legislators hear from us. We can't succeed without your active participation and that of millions of Americans like you. We hope you'll use this scorecard as a tool to ensure that your legislators represent your interests in Washington, D.C. Let legislators know that you're watching and you appreciate their support for pro-animal legislation, or if they haven't done enough, let them know you'd like to see them do more. (The HSUS acknowledges the inherent limitations of judging a legislator on the basis of a few select votes, cosponsorships, and joint letters. Please consider such unrecorded matters as performance on committees and constituent service.)

What else can you do? Share this scorecard. You can access it at www.hsus.org or call The HSUS for additional copies at 202-955-3668. Write letters to the editors of your local papers to call attention to these issues. We also invite you to join the Humane Action Network and subscribe to *HumaneLines*, a weekly e-mail newsletter that provides breaking news on urgent animal protection issues that need your help. Remember, your active involvement *can* and *does* make the difference for animals. ■



Help shape a more humane Congress—tell legislators how you feel about their records.

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Endorsements for the Prevent All Soring Tactics (PAST) Act

(as of 7/8/14)

Horse Organizations

1. American Competitive Trail Horse Association
2. American Horse Council
3. American Quarter Horse Association
4. American Morgan Horse Association
5. American Paint Horse Association
6. American Saddlebred Horse Association
7. Appaloosa Horse Club
8. Arizona Coalition for Equines
9. Carolina Walkers, Inc. (South Carolina)
10. Delaware Equine Council
11. Equine Voices Rescue & Sanctuary (Arizona)
12. European Tennessee Walking Horse Association
13. Fenway Foundation for Friesian Horses
14. For The Tennessee Walking Horse
15. Friends of Sound Horses
16. Friesian Horse Association of North America
17. Gaitway Walking Horse Association (Missouri)
18. Highland Equestrian Conservancy (Michigan)
19. Idaho Horse Council
20. International Friesian Show Horse Association
21. International Walking Horse Association
22. Maryland Horse Council
23. Michigan Horse Council
24. Minnesota Horse Council
25. Mountain Pleasure Horse Association (Kentucky)
26. National Plantation Walking Horse Association
27. National Walking Horse Association
28. Natural Walking Horses (Europe)
29. New York State Horse Breeders Association
30. New York State Horse Council
31. New York State Plantation Walking Horse Club
32. Northern California Walking Horse Association
33. One Horse at a Time, Inc. (Kentucky)
34. Pennsylvania Equine Council
35. Pennsylvania Pleasure Walking Horse Association
36. Pinto Horse Association of America
37. Plantation Walking Horse Association of California
38. Plantation Walking Horses of Maryland
39. Professional Association of Therapeutic Horsemanship International
40. Professional Horsemen's Association of America
41. Pure Pleasure Gaited Horse Association (Oklahoma)
42. Rio Verde Roverettes (Arizona)
43. Rocky Mountain Horse Association (Kentucky)
44. Sound Trails and Rails Society (Georgia)
45. South Carolina Horse Council
46. South Dakota Quarter Horse Association
47. Southern Comfort Gaited Horse Club (Idaho)
48. Speak Up for Horses, Inc. (Kentucky)
49. Tennessee Walking Horse Exhibitors Association of Montana
50. Tennessee Walking Horse Association of New Jersey, Inc.
51. Tennessee Walking Horse Association of Oklahoma
52. Tennessee Walking Horse Exhibitors Association of Oregon
53. Tennessee Walking Horse Heritage Society
54. Texas State Horse Council
55. United Pleasure Walking Horse Association (Missouri)
56. United Professional Horsemen's Association
57. United States Equestrian Federation
58. Walking Horse Association of Michigan
59. World Walking Horse Association
60. Yankee Walkers/Gaited Horses of New England (Maine/New Hampshire, Massachusetts, Rhode Island/Connecticut, and Vermont)

Veterinary and Animal Health

1. American Veterinary Medical Association
2. American Association of Equine Practitioners
3. National Association of Federal Veterinarians
4. U.S. Animal Health Association
5. Humane Society Veterinary Medical Association
6. Veterinarians for Equine Welfare
7. Alabama Veterinary Medical Association
8. Alaska Veterinary Medical Association
9. Arizona Veterinary Medical Association
10. Arkansas Veterinary Medical Association
11. California Veterinary Medical Association
12. Colorado Veterinary Medical Association
13. Connecticut Veterinary Medical Association
14. Delaware Veterinary Medical Association
15. District of Columbia Veterinary Medical Association
16. Florida Association of Equine Practitioners
17. Florida Veterinary Medical Association
18. Georgia Veterinary Medical Association
19. Hawaii Veterinary Medical Association
20. Idaho Veterinary Medical Association
21. Illinois Veterinary Medical Association
22. Indiana Veterinary Medical Association
23. Iowa Veterinary Medical Association
24. Kansas Veterinary Medical Association
25. Kentucky Veterinary Medical Association
26. Louisiana Veterinary Medical Association
27. Maine Veterinary Medical Association
28. Maryland Veterinary Medical Association
29. Massachusetts Veterinary Medical Association
30. Michigan Veterinary Medical Association
31. Minnesota Veterinary Medical Association
32. Mississippi Veterinary Medical Association
33. Missouri Veterinary Medical Association
34. Montana Veterinary Medical Association
35. Nebraska Veterinary Medical Association
36. Nevada Veterinary Medical Association
37. New Hampshire Veterinary Medical Association
38. New Jersey Veterinary Medical Association
39. New Mexico Veterinary Medical Association
40. New York State Veterinary Medical Association
41. North Carolina Veterinary Medical Association
42. North Dakota Veterinary Medical Association
43. Ohio Veterinary Medical Association
44. Oklahoma Veterinary Medical Association
45. Oregon Veterinary Medical Association
46. Pennsylvania Veterinary Medical Association
47. Puerto Rico Veterinary Medical Association
48. Rhode Island Veterinary Medical Association
49. South Carolina Association of Veterinarians
50. South Dakota Veterinary Medical Association
51. Tennessee Veterinary Medical Association
52. Texas Veterinary Medical Association

Veterinary and Animal Health (con't)

53. Utah Veterinary Medical Association
54. Vermont Veterinary Medical Association
55. Virginia Veterinary Medical Association
56. Washington State Veterinary Medical Association
57. West Virginia Veterinary Medical Association
58. Wisconsin Veterinary Medical Association
59. Wyoming Veterinary Medical Association
60. Donna Preston Moore, DVM, former head of USDA's Horse Protection Program
61. Tracy A. Turner, DVM, MS
62. Michelle Abraham, Resident, New Bolton Center, University of Pennsylvania School of Veterinary Medicine
63. John C. Haffner, DVM, ABVP(Eq)
64. Susan Botts, DVM
65. Angela M. Dion, DVM
66. Hanna Galantino-Homer, VMD, PHD
67. Alicia Grossman, DVM
68. Sue Lindborg, CVT Research Specialist New Bolton Center
69. Midge Leitch, VMD, former head of Radiology, New Bolton Center
70. Harry Werner, VMD, past president, American Association of
71. Judith L. Ford, Veterinary Technician
72. Benson B. Martin, DVM, Associate Professor Sports Medicine, New Bolton Center
73. Nat Messer, DVM, University of Missouri College of Veterinary Medicine
74. Mary A. Robinson, VMD, PhD
75. Mary Lynn Stanton, DVM
76. Joy Tomlinson, DVM
77. Steve O'Grady, DVM, APF

Animal Protection

1. American Society for the Prevention of Cruelty to Animals
2. Animal Law Coalition
3. Animal Legal Defense Fund
4. Animal Protection Voters (New Mexico)
5. Animal Welfare Institute
6. Best Friends Animal Society
7. Dakin Humane Society (Massachusetts)
8. Equine Welfare Alliance
9. Homes for Horses Coalition
10. Horse Harbor Foundation (Washington State)
11. Horse Haven of Tennessee
12. Humane Society Legislative Fund
13. Humane Society of Utah
14. Michigan Horse Welfare Coalition
15. Mississippi Horses
16. Missouri Alliance for Animal Legislation
17. Nevins Farm & Equine Center, Massachusetts SPCA
18. Oregon Horse Welfare Council
19. Richmond Friends of Animals (Virginia)
20. Richmond Society for the Prevention of Cruelty to Animals (Virginia)
21. Second Chance Ranch (Washington State)
22. Tennessee Voters for Animal Protection
23. Texas Humane Legislation Network
24. The Humane Society of Missouri
25. The Humane Society of the United States
26. Virginia Alliance for Animal Shelters
27. Virginia Equine Welfare Society
28. Virginia Federation of Humane Societies
29. Virginia Beach Society for the Prevention of Cruelty to Animals

Horse Industry Professionals

1. Bill Harlin, Past President, Tennessee Walking Horse Breeders and Exhibitors Association and owner of Harlinsdale Farm
2. Clay Harlin, former Senior Vice-President, Tennessee Walking Horse Breeders and Exhibitors Association
3. Marty Irby, Past President, Tennessee Walking Horse Breeders and Exhibitors Association
4. Chuck Cadle, Past Executive Director, Tennessee Walking Horse Breeders and Exhibitors Association
5. Georgina Bloomberg, professional equestrian sponsored by Ariat International
6. Rick Wies, MT, Tennessee Walking Horse Breeders and Exhibitors Association director, former VP Pleasure Horse Division
7. Susan Kayne, host of "Unbridled" television show
8. Pat Parelli, founder of Parelli Natural Horsemanship
9. Tom Seay, Best of America by Horseback, trail riding TV show
10. Jan Ebeling, dressage trainer, member of the 2012 Olympic dressage team for the USA and co-owner of Rafalca
11. Dr. April Austin, USDF Bronze, Silver and Gold medalist
12. Monty Roberts, award-winning trainer, best-selling author of The Man Who Listens to Horses
13. Carl Bledsoe, former member of Walking Horse Trainers' Association
14. Pamela Reband, MD, Tennessee Walking Horse Breeders and Exhibitors Association director, former Vice President
15. Eric Gray, walking horse farrier
16. Leslie Desmond, natural horsemanship clinician and author
17. Dr. Rebecca Gimenez, Technical Large Animal Emergency Rescue
18. Gael Borquin, dressage and eventing coach
19. Karl Mikolka, Former Chief Rider, Spanish Riding School, Austria and USDF Hall of Fame
20. E. Allen Buck, Sympathetic Horsemanship
21. Steffen Peters, American Olympian and FEI rider
22. Shannon Peters, dressage instructor and FEI rider
23. Sheryl Rudolph, FITS/Fun in the Saddle, Inc.
24. Heather Barklow, Equine Connections, LLC
25. Diane Sept, Connected Riding Senior Instructor
26. Anita Adams, dressage trainer and FEI rider
27. Mary Werning, dressage trainer and FEI Rider, USDF Medalist
28. Maria Lisa Eastman, Raintree Equine Assisted Services
29. Dr. Christine Teicheira, equine and human chiropractor
30. Gigi Nutter, USDF Gold Medalist, dressage trainer, owner Touch-N-Go Farm
31. Lisa Kelly Simmons, Past Director of the United States Lipizzan Federation
32. Jayne Fingerhut, MA, CMT, USDF Regional Champion Rider
33. Michelle Andrews Sabol, equestrian therapy program director
34. Holly Mason, Equine Biomechanics Specialist, author of It's Never Too Late
35. Terri Farley (author, the Phantom Stallion series)

Newspaper Editorial Boards

1. [The Tennessean](#)
2. [Chattanooga Times Free Press](#)
3. [Lexington Herald-Leader](#)

Law Enforcement

1. Association of Prosecuting Attorneys
2. National Sheriffs' Association
3. Sheriff Harrison Moss, Adair County, KY
4. Sheriff Stan Hudson, Caldwell County, KY
5. Sheriff Bill Marcum, Calloway County, KY
6. Sheriff Keith Cane, Daviess County, KY
7. Sheriff Rick Clemons, Grayson County, KY
8. Sheriff Frank Latham, Hopkins County, KY
9. Sheriff Charles Lee Korzenborn, Kenton County, KY
10. Sheriff Merle Edlin, Larue County, KY
11. Sheriff Jimmy Clements, Marion County, KY
12. Sheriff Patrick Boggs, Mason County, KY
13. Sheriff William "Butch" Kerrick, Meade County, KY

Public Opinion in Key States with Largest Tennessee Walking Horse Industry

A poll conducted in December 2012 by Mason-Dixon Polling & Research found that 75% of Tennessee voters and 69% of Kentucky voters support federal legislation to strengthen the Horse Protection Act by ending the current, failed system of industry self-policing, banning the use of chains and stacks (devices implicated in the soring process) on horses at shows, and increasing penalties for violating the law.

Legislators

Sponsor of original Horse Protection Act of 1970: Former Senator Joseph Tydings

Current bipartisan cosponsors of the PAST Act: 57 Senators on S. 1406 / 297 Representatives on H.R. 1518 (354 total)

Celebrity Endorsements

1. Alyssa Milano, actress, Charmed, Project Runway All-Stars
2. [Priscilla Presley](#), film and TV actress, Dallas, The Naked Gun
3. Emmylou Harris, singer-songwriter and 12-time Grammy winner
4. [Keshia](#), platinum recording singer-songwriter
5. Viggo Mortensen, actor, The Lord of the Rings
6. Wendie Malick, actress, Hot in Cleveland
7. Loretta Swit, stage and TV actress, MASH
8. Jillian Michaels, trainer on The Biggest Loser
9. Mark Miller, musician, Sawyer Brown
10. Lynn Anderson, singer-songwriter
11. Jenna Morasca, actress, model, grand prize winner of Survivor: The Amazon
12. Alexandra Paul, actress, Baywatch
13. Dawn Olivieri, film and TV actress, True Blood
14. Joe Camp, director of Benji films, author of [Soul of a Horse](#)
15. Kelly Carlson, actress, Nip/Tuck
16. Mary Ann Kennedy, singer-songwriter
17. Lacy J. Dalton, singer-songwriter

Celebrities signed the following statement:

I support the introduction of this legislation because it will make it harder for people to hurt horses for financial gain. Forty years after the original Horse Protection Act of 1970 was passed to outlaw the practice of soring, horses are still subjected to pain and suffering, merely to produce an exaggerated high-stepping gait for the show ring. It's time to bring stronger protection to the horses we love and increase the penalties for soring so this abhorrent practice stops once and for all. I urge Congress to pass the Prevent All Soring Tactics (PAST) Act.

Hicks, Cory

From: Hicks, Cory
Sent: Monday, April 15, 2013 5:44 PM
To: Booth, Taylor
Subject: FW: Kevin Brady

FYI

-----Original Message-----

From: Connie Harriman-Whitfield [mailto:██████████@humanesociety.org]
Sent: Monday, April 15, 2013 5:41 PM
To: Hicks, Cory
Subject: Re: Kevin Brady

I will find out.

Sent from my iPhone

On Apr 15, 2013, at 5:40 PM, "Hicks, Cory" <Cory.Hicks@mail.house.gov> wrote:

> That was a bill that was introduced last Congress. I don't know much about it and to my knowledge it hasn't been re-introduced. Should he be prepared to talk about this bill tomorrow night?

>

> -----Original Message-----

> From: Connie Harriman-Whitfield [mailto:██████████@humanesociety.org]
> Sent: Monday, April 15, 2013 5:34 PM
> To: Hicks, Cory
> Subject: Fwd: Kevin Brady

>

> Do you think Ed will be supporting this bill?

>

> Sent from my iPhone

>

> Begin forwarded message:

>

> From: Neil Alpert
> ██████████@laserlocktech.com<mailto:██████████@laserlocktech.com>>
> Date: April 15, 2013, 5:24:21 PM EDT
> To: Connie Harriman-Whitfield
> ██████████@humanesociety.org<mailto:██████████@humanesociety.org>>
> Subject: Kevin Brady

>

> H.R. 6642 (Customs Trade Facilitation and Enforcement Act) was
> introduced by Kevin Brady - R, TX - 8

>

> -N

>

>

>

>
>
> Neil Alpert
> President
>
> [Vital Design]<<http://www.laserlocktech.com/>>
>
> 2200 Pennsylvania Ave., NW | Fourth Floor East | Washington, DC 20037
> tel (202) 400-██████████ | fax (202) 400-3701
> ██████████@laserlocktech.com
> <file:///Users/NSA/Library/Caches/TemporaryItems/Outlook%20Temp/nalper
> t@laserlocktech.com>
> www.laserlocktech.com<file:///Users/NSA/Library/Caches/TemporaryItems/
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> [Twitter]<<http://twitter.com/laserlocktech/>><[http://www.stationerycent
> ral.com/SocialMedia/Facebook-21x17-left-BW.gif](http://www.stationerycentral.com/SocialMedia/Facebook-21x17-left-BW.gif)><[https://www.facebook.c
> om/pages/LaserLock-Technologies-Inc/395194823912952](https://www.facebook.com/pages/LaserLock-Technologies-Inc/395194823912952)>
>

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>
>
>
>

Hicks, Cory

From: Hicks, Cory
Sent: Friday, February 17, 2012 7:25 AM
To: [REDACTED]@humanesociety.org'
Subject: Fw: The Leader's Daily Schedule - 2/17/12

Connie, all we are doing today is the payroll bill, so no transportation billl.

From: Cantor, Eric
Sent: Thursday, February 16, 2012 07:21 PM
To: Hicks, Cory
Subject: The Leader's Daily Schedule - 2/17/12

ERIC CANTOR **LEADER'S DAILY SCHEDULE**
MAJORITY LEADER MAJORITYLEADER.GOV (202)225-4000

FRIDAY, FEBRUARY 17TH

On Friday, the House will meet at 9:00 a.m. for legislative business.
First and last votes expected: 10:00 a.m. - 12:00 p.m.

One Minute Speeches (5 per side)

Conference Report on H.R. 3630 - Temporary Payroll Tax Cut Continuation Act of 2011 (Conference Report Rule, One Hour of Debate) (*Sponsored by Rep. Dave Camp / Ways and Means Committee / Energy and Commerce Committee / Financial Services Committee / Foreign Affairs Committee / Transportation and Infrastructure Committee / Agriculture Committee / Oversight and Government Reform Committee / House Administration Committee / Budget Committee / Natural Resources Committee / Rules Committee / Permanent Select Intelligence Committee*)

Special Order Speeches

COMMITTEE ACTIVITY OF THE DAY

Natural Resources Subcommittee on Fisheries, Wildlife, Oceans, and Insular Affairs Oversight Hearing on "Fish and Wildlife Service's Proposed Comprehensive Conservation Plan and its Potential Devastating Impact on the Economy of the Town of Chincoteague, Virginia"
(Friday, February 17th, at 9:30 a.m.)

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Hicks, Cory

From: Hicks, Cory
Sent: Wednesday, August 01, 2012 9:46 PM
To: [REDACTED]@humanesociety.org'
Subject: Fw: The Leader's Daily Schedule - 8/2/12

Last votes between 5 and 7 tomorrow.

From: Cantor, Eric
Sent: Wednesday, August 01, 2012 09:16 PM
To: Hicks, Cory
Subject: The Leader's Daily Schedule - 8/2/12

ERIC CANTOR

MAJORITY LEADER

LEADER'S DAILY SCHEDULE

MAJORITYLEADER.GOV (202)225-4000

THURSDAY, AUGUST 2ND

On Thursday, the House will meet at 9:00 a.m. for legislative business.
First votes expected: 11:00 a.m. - 12:00 p.m. Last votes expected: 5:00 - 7:00 p.m.

One Minute Speeches (5 per side)

H.Res. ___ - In the matter of allegations relating to Representative Laura Richardson (Privileged Resolution, One Hour of Debate) (*Ethics Committee*)

Legislation Considered Under Suspension of the Rules:

1) **H.R. 2139** - Lions Club International Century of Service Commemorative Act, as amended (*Sponsored by Rep. Pete Roskam / Financial Services Committee*)

2) **H.R. 5986** - To amend the African Growth and Opportunity Act to extend the third-country fabric program and to add South Sudan to the list of countries eligible for designation under that Act, to make technical corrections to the Harmonized Tariff Schedule of the United States relating to the textile and apparel rules of origin for the Dominican Republic-Central America-United States Free Trade Agreement, to approve the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes (*Sponsored by Rep. Dave Camp / Ways and Means Committee*)

H.R. 6233 - Agricultural Disaster Assistance Act of 2012 (Closed Rule, One Hour of Debate) (*Sponsored by Rep. Frank Lucas / Agriculture Committee*)

H.R. 6169 - Pathway to Job Creation through a Simpler, Fairer Tax Code Act of 2012 (Structured Rule) (*Sponsored by Rep. David Dreier / Rules Committee*)

The rule provides for one hour of general debate, two hours of debate on the subject of reforming the tax code, and makes in order the following amendment:

Substitute (20 minutes of debate)

Postponed Vote on H.Con.Res. 127 - Expressing the sense of Congress regarding actions to preserve and advance the multistakeholder governance model under which the Internet has thrived (Suspension) *(Sponsored by Rep. Mary Bono Mack / Energy and Commerce Committee)*

Special Order Speeches

COMMITTEE ACTIVITY OF THE DAY

Energy and Commerce Subcommittee on Energy and Power Hearing on "The American Energy Initiative: A Focus on Growing Differences for Energy Development on Federal vs. Non-Federal Lands" (Thursday, August 2nd, at 9:00 a.m.)

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Hicks, Cory

From: Hicks, Cory
Sent: Thursday, April 04, 2013 3:27 PM
To: Pack, Chris
Subject: FW: Ed & Facebook

-----Original Message-----

From: Connie Harriman-Whitfield [mailto:██████████@humanesociety.org]
Sent: Thursday, April 04, 2013 2:51 PM
To: Hicks, Cory
Subject: Fwd: Ed & Facebook

Please show to press secretary too!

Sent from my iPhone

Begin forwarded message:

From: John Koenig [mailto:██████████@crossfitcriticalmass.com] <mailto:██████████@crossfitcriticalmass.com>>
Date: April 4, 2013, 2:43:47 PM EDT
To: Connie Harriman-Whitfield [mailto:██████████@humanesociety.org] <mailto:██████████@humanesociety.org>>
Subject: Printer

Connie,

<https://www.facebook.com/Rep.Shuster?ref=stream>

Here is another Congressman's Facebook page that is set up a little better I think. I don't think he is doing paid marketing but it is a little more along the lines of what I would expect a Congressman to be doing on Facebook.

But the main reason I'm emailing you is that I wanted to know if you would like me to pick up a printer for you to replace the old one. I figure it would be easier for me to pic it out than for you to have to go get one.

Just let me know,

--

John Koenig
Owner, Head Coach
CrossFit Critical Mass

Hicks, Cory

From: Connie Harriman-Whitfield [REDACTED]@humanesociety.org>
Sent: Monday, December 30, 2013 2:02 PM
To: Pack, Chris
Cc: Connie Harriman-Whitfield; Blackberry, Ed; Ed; Hicks, Cory
Subject: Re: John Koenig's Plan

Chris,

Thank you for airing your concerns. I know you have Ed's best interests at heart.

Ed not I is the person handling this.

I will say that the goal is to substantially increase followers on both Facebook and Twitter. That said, it must be done in a tasteful, politically savvy way.

Happy New Year!

Connie

Sent from my iPhone

> On Dec 30, 2013, at 1:09 PM, "Pack, Chris" <Chris.Pack@mail.house.gov> wrote:

>

> Connie,

>

> I hope you had a good Christmas.

>

> Respectfully, I am going to be honest here and provide my assessment of the situation with John Koenig and this whole social media issue.

>

> John obviously has ambition and wants to start a business, which is commendable. However, I do not agree with his strategy on doing so. First off, I am disappointed that John has chosen to bypass Cory and I and go directly to you and the Congressman without Cory or I being allowed to provide our rationale behind decisions. Our decisions have always been with the Congressman's best interests in mind (neither of us profit off Mr. Whitfield's campaign).

>

> For example, some of the content John has suggested to post on Facebook includes, but is not limited to a news story featuring a surveillance video of a store clerk putting a gun in someone's mouth; a story about controversy surrounding a transgendered student attending a school dance; and a story that had racial undertones. It is my belief that stories like these are in poor taste, which is why we chose not to post many of the stories that John has suggested.

>

> Secondly, John told Cory and I in our final meeting that he would get our Facebook and Twitter followers to 10,000 each on a \$10,000 budget. He has fallen far short of those goals. So far, with \$5,000 spent, John has gathered us roughly 1,200 Facebook followers, and 562 Twitter followers.

>

> John is also not distinguishing between campaign social media with the official social media to for the sake of his argument. For example, he said that Mr. Whitfield has the lowest numbers of followers in Kentucky. This is not true, as Rep. Guthrie has far less followers than us.

>

> It is also worth noting that the official side was lacking before Cory took over as Chief of Staff and I took over as Press Secretary (I will forward you the e-mail I sent to the Congressman explaining this.) I would love to sit down with you and show you the difference since I've started.

>

> Regarding John's e-mail that states, "...in the event that you all decide you want to contract the operations of the Facebook/Twitter to me." I would welcome an opportunity to sit down to explain our strategy. However, if you choose to give full control to John, I would just caution you to be mindful of the controversial topics that he suggested we post in the past. Social media is a great tool when used properly, but it can be extremely damaging when not used properly. I think it belongs with people with experience in politics and campaigns.

>

> I hope my honest assessment here is not taken the wrong way, and I mean no disrespect whatsoever. I have the utmost respect for Mr. Whitfield, and as his press secretary and employee, it is always my main goal to protect him and his public image the best I can.

>

> Thanks,

>

> Chris

>

> -----Original Message-----

> From: Connie Harriman-Whitfield [mailto:██████████@humanesociety.org]

> Sent: Sunday, December 29, 2013 9:29 PM

> To: Blackberry, Ed; Ed

> Cc: Pack, Chris

> Subject: John Koenig's Plan

>

> Please see below.

>

> Connie

>

> Sent from my iPhone

>

> Begin forwarded message:

>

> From: John Koenig ██████████@crossfitcriticalmass.com<mailto:██████████@crossfitcriticalmass.com>>

> Date: December 28, 2013 at 5:31:05 PM EST

>

> I'm just going to keep running the ads for now. However my priorities moving forward will be:

>

> * Re-evaluating the strategy for building up Ed's social media - Kentucky vs US

> * Designing new ads to meet the new strategy

> * Working up ideas for in the event that you all decide you want to contract the operations of the Facebook/Twitter to me. Please just keep me in the loop for my own planning purposes.

>

> I sent that picture of Nigel off to Chris along with a draft message for it. I will let you know when I see it posted.

>

> I did some research on Mike Simpson per your suggestion. I would LOVE to work for this guy. It looks like he is about to get into a war over there and social media is going to be a major tool in winning that race. His campaign social media is rather dismal (much like Ed's was) and the challenger, Bryan Smith, is gaining on him on Facebook 700 vs 1300 and Twitter 100 vs 400. This is exactly the situation I was always worried about with Ed.

>

> Congressman Smith is going to need some help to stay out in front of his opponent, especially with Club for Growth backing him with who knows how much money.

>
> Do you know him well? Do you think I could meet with him or his people?
>
>
> This is what I found on Congressman Simpson and Bryan Smith:
>
>
> http://en.wikipedia.org/wiki/Mike_Simpson
>
> <http://www.idahostatesman.com/2013/07/11/2650264/simpson-challenger-receives-big.html>
>
> <http://www.breitbart.com/Big-Government/2013/08/27/Exclusive-Bryan-Smith-rips-Rep-Mike-Simpson-explains-why-he-s-primarying-his-congressman>
>
>
> Official
>
> <http://simpson.house.gov/>
>
> <https://www.facebook.com/pages/Mike-Simpson/96007744606>
>
> <https://twitter.com/CongMikeSimpson>
>
>
> Campaign
>
> <http://www.simpsonforcongress.com/>
>
> <https://www.facebook.com/pages/Mike-Simpson-For-US-Congress/114477275237474>
>
> <https://twitter.com/mikesimpson4id>
>
>
> Bryan Smith (Opponent)
>
> <https://bryansmithforcongress.com/>
>
>
> <https://www.facebook.com/bryansmithforcongress>
>
> <https://twitter.com/BryanSmithID2>
>
>
> Well, thanks again. Please let me know if you find out anything or have any ideas to help.
>
> --
> John Koenig
> Owner, Head Coach
> CrossFit Critical Mass

Hicks, Cory

From: Hicks, Cory
Sent: Monday, March 18, 2013 1:24 PM
To: 'Connie Harriman-Whitfield'
Subject: RE: From POLITICO - RNC: Voters see GOP as 'scary' and 'out of touch'

Will do.

-----Original Message-----

From: Connie Harriman-Whitfield [mailto:██████████@humanesociety.org]
Sent: Monday, March 18, 2013 1:11 PM
To: Hicks, Cory
Subject: Re: From POLITICO - RNC: Voters see GOP as 'scary' and 'out of touch'

Yes!

Sent from my iPhone

On Mar 18, 2013, at 12:45 PM, "Hicks, Cory" <Cory.Hicks@mail.house.gov> wrote:

> A copy of this article?
>
> ----- Original Message -----
> From: Connie Harriman-Whitfield [mailto:██████████@humanesociety.org]
> Sent: Monday, March 18, 2013 12:10 PM
> To: Hicks, Cory
> Subject: From POLITICO - RNC: Voters see GOP as 'scary' and 'out of touch'
>
> I would like Ed to give a copy of this to Fred Upton. I was talking to Fred about this last night.
>
> Thanks,
> Connie
>
>
> Someone using POLITICO for iPhone wants to share this article with you:
>
> [POLITICO]<<http://politico.com>>
>
> RNC: Voters see GOP as 'scary' and 'out of
> touch'<<http://politi.co/YBQaA7>> [image]<<http://politi.co/YBQaA7>>
>
> By MAGGIE HABERMAN | 03/18/2013 07:00 AM EDT
>
> The Republican National Committee concedes in a sprawling report
> Monday that the GOP is seen as the party of "stuffy old men" and needs
> to change its ways. Among the RNC's proposed fixes: enacting
> comprehensive immigration reform, addressing middle-class e...
>
> READ ON POLITICO.COM<<http://politi.co/YBQaA7>>

- >
- > Download the POLITICO app for your iPhone, iPad, or Android
- > device<<http://www.politico.com/mobile-products/>>
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- >
- > Disclaimer: Please note that POLITICO is not responsible for the content within this email. POLITICO cannot verify the sender of this email.
- >
- >
- > Sent from my iPhone

Hicks, Cory

From: Hicks, Cory
Sent: Monday, September 17, 2012 10:19 AM
To: [REDACTED]@humanesociety.org
Subject: Re: EC

Absolutely. He's been an very good intern. I'll prepare a letter. We'll also get Ed to take a picture and get it signed.

----- Original Message -----

From: Connie Harriman-Whitfield [mailto:[REDACTED]@humanesociety.org]
Sent: Monday, September 17, 2012 10:17 AM
To: Hicks, Cory
Subject: EC

EC's last day in the office is the 19th. He has had a fabulous time. His aunt wonders if we can prepare a short letter under Ed's signature verifying he interned in Ed's office. This is for EC's future employment.

Thanks,
Connie

Sent from my iPhone

Hicks, Cory

From: Hicks, Cory
Sent: Tuesday, January 15, 2013 1:43 PM
To: 'Connie Harriman-Whitfield'
Subject: RE: Vitter staff updates

Thanks

-----Original Message-----

From: Connie Harriman-Whitfield [mailto:██████████@humanesociety.org]
Sent: Tuesday, January 15, 2013 12:59 PM
To: Hicks, Cory
Subject: Fwd: Vitter staff updates

Sent from my iPhone


From: Ruckert, Kyle (Vitter) [mailto:Kyle_Ruckert@vitter.senate.gov]
Sent: Tuesday, January 15, 2013 10:52 AM
To: Ruckert, Kyle (Vitter)
Subject: Vitter staff updates

As the new Congress gets underway, I wanted to make sure you had a few staff updates from Senator Vitter's office.

As you know, Senator Vitter is now the ranking member of the Senate Environment and Public Works Committee. As such, Zak Baig, Senator Vitter's Legislative Director, will be the EPW Staff Director. Travis Johnson, Vitter's Banking Committee Legislative Assistant has taken over as Legislative Director and will continue to handle Senator Vitter's work on the Senate Banking Committee. Bryan Zumwalt, who many of you worked with on Energy and Environmental issues will be the Chief Counsel on the EPW Committee, Charles Brittingham has moved over to EPW to handle Corps of Engineers, and Kathryn Fulton, the Senator's scheduler, has joined EPW as the Director of Operations. Senator Vitter's new Washington Scheduler is Stephanie Belk, and any Louisiana related scheduling requests are handled by Admin Director Julie Dyer. All of their contact info is listed below.

Zak_baig@epw.senate.gov <mailto:Zak_baig@epw.senate.gov>	202-224-6176
Travis_Johnson@vitter.senate.gov <mailto:Travis_Johnson@vitter.senate.gov>	202-224-4623
Bryan_Zumwalt@epw.senate.gov <mailto:Bryan_Zumwalt@epw.senate.gov>	202-224-6176
Charles_brittingham@epw.senate.gov <mailto:Charles_brittingham@epw.senate.gov>	202-224-6176
Stephanie_belk@vitter.senate.gov <mailto:Stephanie_belk@vitter.senate.gov>	202-224-4623
Kathryn_fulton@epw.senate.gov <mailto:Kathryn_fulton@epw.senate.gov>	202-224-6176
Julie_dyer@vitter.senate.gov <mailto:Julie_dyer@vitter.senate.gov>	202-224-4623

Please let us know if Senator Vitter can be of assistance or if you have any questions. Look forward to continuing to work with you in 2013. Thanks. Kyle

Kyle Ruckert
Chief of Staff
Senator Vitter
202-224-

Hicks, Cory

From: Rell, Brian
Sent: Friday, October 11, 2013 7:05 PM
To: [REDACTED]@hsus.org'; Hicks, Cory
Subject: Fw: Quick Heads Up...

Brian Rell
Chief of Staff
Congressman Robert Aderholt (AL-4)
202-225-[REDACTED]
e-mail: BER@mail.house.gov

From: Higdon, Michael
Sent: Friday, October 11, 2013 05:13 PM
Subject: Quick Heads Up...

Kentucky delegation, Appropriations family, and assorted friends,

I wanted to inform you before it's posted on my Facebook fan page that my service to Chairman Hal Rogers will conclude in mid-December. Can't say enough good things about my 11-year work experience with the senior statesman from Kentucky, adequately applaud his fantastic DC and District team, or fully express admiration and appreciation to the Approps Committee staff, Kentucky delegation, and many others including you. I hope to get to many of you individually over the next few weeks to express my supreme gratitude.

With a baby girl very much on the way, this winter is simply the right time for me to take on new challenges and start saving for that wedding.

Much more on me later, in the interim, I'm committed to continuing the good fight for southern and eastern Kentuckians and helping the Chairman find a quality Chief replacement in the next few months. Should you have any high quality and caliber candidates, please quietly and discretely direct them my way.

Sincerely,

Michael R Higdon
202-251-[REDACTED]

Hicks, Cory

From: Hicks, Cory
Sent: Wednesday, October 31, 2012 6:33 PM
To: [REDACTED]@humanesociety.org'
Subject: Re: Xmas Party Options

Emma and I like the idea of lunch, but we're going to check with people tomorrow. We're expecting votes that day, but hopefully they won't go beyond lunch. Hopefully we won't have votes at all, but who knows!

----- Original Message -----

From: Connie Harriman-Whitfield [mailto:[REDACTED]@humanesociety.org]
Sent: Wednesday, October 31, 2012 06:09 PM
To: Hicks, Cory
Subject: Xmas Party Options

1. Lunch on Fri Dec 14 in room we usually use.
2. Dinner on Mon Dec 10 in private room off main dining room on ground floor.

Please advise!

Connie

Sent from my iPhone

Hicks, Cory

From: Hicks, Cory
Sent: Saturday, December 08, 2012 4:39 PM
To: [REDACTED]@humanesociety.org'
Subject: Re: Christmas dinner

We told everyone to dress nice, but should I make sure guys have ties and coats if that's required?

----- Original Message -----

From: Connie Harriman-Whitfield [mailto:[REDACTED]@humanesociety.org]
Sent: Saturday, December 08, 2012 03:19 PM
To: Hicks, Cory
Subject: Re: Christmas dinner

Yes!

Sent from my iPhone

On Dec 8, 2012, at 2:15 PM, "Hicks, Cory" <Cory.Hicks@mail.house.gov> wrote:

> Connie, Ed called me about Allison (the new energy staffer) joining us for dinner on Monday. Based on my count that will put us at 13 people. Since the room holds 14, that should be okay, right? Thanks and I hope you are enjoying NYC.

>

> Cory

Hicks, Cory

From: Hicks, Cory
Sent: Sunday, September 22, 2013 3:14 PM
To: [REDACTED]@humanesociety.org'
Subject: Re: Ed forgot his packet

Ok, thanks.

----- Original Message -----

From: Connie Harriman-Whitfield [mailto:[REDACTED]@humanesociety.org]
Sent: Sunday, September 22, 2013 03:11 PM
To: Hicks, Cory
Subject: Re: Ed forgot his packet

Ed has his talking points and also has his I-Pad.

Thanks,
Cory

Sent from my iPhone

On Sep 22, 2013, at 3:04 PM, "Hicks, Cory" <Cory.Hicks@mail.house.gov> wrote:

> Emma is sending. I'll try to get the talking points for tomorrow to him. Did he bring his ipad so that I can send the talkers there?

>
> Sent from my iPad

>
>> On Sep 22, 2013, at 2:42 PM, "Connie Harriman-Whitfield" [REDACTED]@humanesociety.org> wrote:

>>
>> So he has none of the info he needs including the name if the restaurant for tonight. Can you please email.

>>
>> Thanks,
>> Connie

>>
>> Sent from my iPhone

Heydlauff, Emma

From: Connie Harriman-Whitfield [redacted]@humanesociety.org]
Sent: Monday, January 13, 2014 10:43 AM
To: Heydlauff, Emma
Subject: Re: Calendar for Next Week

In the future, would you please enter
"No votes" so that it is clear.

Sent from my iPhone

> On Jan 13, 2014, at 10:14 AM, "Heydlauff, Emma" <Emma.Heydlauff@mail.house.gov> wrote:

>

> There are no votes Friday this week.

>

> -----Original Message-----

> From: Connie Harriman-Whitfield [[mailto:\[redacted\]@humanesociety.org](mailto:[redacted]@humanesociety.org)]

> Sent: Monday, January 13, 2014 10:12 AM

> To: Heydlauff, Emma

> Subject: Re: Calendar for Next Week

>

> His calendar does not indicate whether there are votes on Friday.

>

> Sent from my iPhone

>

> On Jan 10, 2014, at 4:16 PM, "Heydlauff, Emma"

> <Emma.Heydlauff@mail.house.gov<<mailto:Emma.Heydlauff@mail.house.gov>>> wrote:

>

> Mrs. Whitfield,

>

> Attached is the Congressman's calendar for next week. The Southern Members dinner is Wednesday evening at 6:30pm at RT's Restaurant. As soon as I receive the guest list I will send it over to you. Thursday evening you have dinner plans with the Kessler's. Votes are from Monday-Thursday next week. Please let me know if you have questions.

>

> Thanks,

> Emma

>

> Emma Heydlauff

> Scheduler

> Office of Congressman Ed Whitfield (KY-01)


> 2184 Rayburn House Office Building


> Washington, DC 20515




> Phone: (202) 225-3115

> Fax: (202) 225-3547

> Follow Rep. Whitfield on the web:

> < <<http://www.facebook.com/RepEdWhitfield>>

> < <<http://twitter.com/repedwhitfield>>

> < <<http://www.flickr.com/photos/edwhitfield>> < <<http://www.youtube.com/WhitfieldKY01>> < <<http://whitfield.house.gov/atom.xml>>

> Click here <<https://whitfieldforms.house.gov/eneews.shtml>> to sign up for Rep. Ed Whitfield's e-newsletter.

>

Hicks, Cory

From: Heydlauff, Emma
Sent: Wednesday, June 04, 2014 12:59 PM
To: 'Connie Harriman-Whitfield'
Cc: Hicks, Cory
Subject: RE: Flight Info

I apologize for the incorrect time in the travel packet. The plane leaves at 1:59pm as it says in the calendar entry. US Airways changed the time of the flight after I had already booked it but I have checked the reservation online and confirmed it leaves at 1:59pm tomorrow.

Thanks,
Emma

-----Original Message-----

From: Connie Harriman-Whitfield [mailto:██████████@humanesociety.org]
Sent: Wednesday, June 04, 2014 12:55 PM
To: Heydlauff, Emma
Cc: Hicks, Cory
Subject: Flight Info

Emma,

It is unclear when we are supposed to be at the airport tomorrow. Our packet reads 2:26 pm but our calendar reads a different time. We don't want to miss our plane so we need to know which is the correct time.

Thank you.
Connie

Sent from my iPhone

Hicks, Cory

From: Heydlauff, Emma
Sent: Wednesday, June 04, 2014 2:13 PM
To: 'Connie Harriman-Whitfield'
Cc: Hicks, Cory
Subject: RE: Driver Pick-Up

The driver will be picking you up at 3:49pm when your flight arrives. I will be sending you the driver information shortly.

Thanks,
Emma

-----Original Message-----

From: Connie Harriman-Whitfield [mailto:██████████@humanesociety.org]
Sent: Wednesday, June 04, 2014 2:11 PM
To: Heydlauff, Emma
Cc: Hicks, Cory
Subject: Driver Pick-Up

Do you need to tell the driver in Louisville the revised time of our arrival at the airport?

Sent from my iPhone

Hicks, Cory

From: Heydlauff, Emma
Sent: Wednesday, June 04, 2014 2:52 PM
To: 'Connie Harriman-Whitfield'
Cc: Hicks, Cory
Subject: RE: Driver for Tomorrow

I'm happy to start putting together a check list. I will work on it this week.

Thanks,
Emma

-----Original Message-----

From: Connie Harriman-Whitfield [mailto:██████████@humanesociety.org]
Sent: Wednesday, June 04, 2014 2:29 PM
To: Heydlauff, Emma
Cc: Hicks, Cory
Subject: Re: Driver for Tomorrow

Emma,

Let's you and I work on a " checklist" for organizing future travel arrangements. Would you like to take a stab at a first draft?

Look forward to working with you on this.

Connie

Sent from my iPhone

On Jun 4, 2014, at 2:21 PM, "Heydlauff, Emma"
<Emma.Heydlauff@mail.house.gov<mailto:Emma.Heydlauff@mail.house.gov>> wrote:

Congressman and Mrs. Whitfield,

I just received the driver information for tomorrow. They do not assign the driver until 24 hours before so I did not have it before I sent the travel packet. Below is the name and number for the driver that will be picking you up from the airport tomorrow. He will be waiting in baggage claim after your flight arrives at 3:49pm with your name on a sign.

Driver: Larry Belt
Cell: 502-551-██████████

Thanks,
Emma

Emma Heydlauff
Scheduler
Office of Congressman Ed Whitfield (KY-01)
2184 Rayburn House Office Building

Hicks, Cory

From: Hicks, Cory
Sent: Tuesday, June 10, 2014 4:07 PM
To: Heydlauff, Emma
Subject: RE: Travel Packet

Can you incorporate in the original list and then let's discuss again?

-----Original Message-----

From: Connie Harriman-Whitfield [mailto:██████████@humanesociety.org]
Sent: Tuesday, June 10, 2014 3:59 PM
To: Heydlauff, Emma
Cc: Hicks, Cory
Subject: Travel Packet

Emma--

Below are some random initial thoughts. Please incorporate in your Travel Checklist. I may send a few more.

~On the 1st of every month, send us an update of our outstanding flight credits

~Avoid connecting flights w long lay-overs

~Check flight times in packet w flight times listed in Ed's calendar

~Confirm all Flight times 24 hrs before scheduled departure and send us revised info if necessary

~ASAP Info- 1Agendas, 2Attendees, 3Attire, 4Weather, Don't hold distributing this info until travel packet is complete. Request it early and send it to me as soon as you receive it.

~OK to email details on driver after sending us travel packet

~If we need to use a cab, get name & tell # of cab co

~Include Tel # of all restaurants and hotels

~Include cell phone # of all hosts and special guests.

~If you learn that a guest or special guest cancels, please inform us as soon as possible.

Thanks SO much,
Connie

Sent from my iPhone

Hicks, Cory

From: Pape, Michael
Sent: Thursday, October 24, 2013 2:43 PM
To: Everett, Janece; [REDACTED]@gmail.com'; Blackberry, Ed; [REDACTED]@humanesociety.org'
Cc: Heydlauff, Emma; Pack, Chris; Hicks, Cory
Subject: RE: Weekend Schedule

Note to all: dates should be Friday, Oct. 25th and Saturday, Oct. 26th . Time for new glasses.

*Michael Pape, District Director
Office of Congressman Ed Whitfield
P: 270-885-[REDACTED]
E: michael.pape@mail.house.gov*

From: Everett, Janece
Sent: Thursday, October 24, 2013 2:36 PM
To: Pape, Michael; [REDACTED]@gmail.com'; Blackberry, Ed; [REDACTED]@humanesociety.org'
Cc: Heydlauff, Emma; Pack, Chris; Hicks, Cory
Subject: Re: Weekend Schedule

Friday is the 25th.

Sent using BlackBerry

From: Pape, Michael
Sent: Thursday, October 24, 2013 02:24 PM
To: [REDACTED]@gmail.com' <[REDACTED]@gmail.com>; Blackberry, Ed; 'Connie Harriman-Whitfield' [REDACTED]@humanesociety.org>
Cc: Heydlauff, Emma; Pack, Chris; Hicks, Cory; Everett, Janece
Subject: Weekend Schedule

Ed, here is what we have so far for this weekend. I will see you early tomorrow morning at the hotel. Janece is out of town today but will be back tomorrow. Our friend and Sheriff's Dept. Detective J.T. Coleman will be at the airport tonight when you arrive. You will be picking up a rental car at the Paducah Airport, but J.T. will escort you from there to the hotel. He will also be with us on and off over the weekend for security. Have a good trip and I will see you at 8:00am in the hotel lobby tomorrow morning.

Friday, October 24, 2013

10:00am-10:45am: MARION: Visit the Crittenden County Emergency Operations Center. Director is David Travis. Your efforts helped to fund this building and County Judge Perry Newcomb has been wanting you to stop by and see it and meet with the Emergency Responders. We will tour the building and the County is calling WPSD TV and other news outlets to cover. Location: 275 Industrial Drive. 270-965-[REDACTED].

11:00am-11:30am: Visit the Crittenden County Food Bank and help distribute food. Location: 402 North Walker Street, Marion. Fred and Minnie Lou Brown are in charge of the Food Bank 270, 965-[REDACTED]

Noon-1:00pm: MARION: Lunch with supporters at the Italia Grill, Main Street across from courthouse.

2:00pm-4:00pm: PADUCAH: Attend Pep Rally and tour new McCracken County High School. McCracken County will play Henderson County on Friday evening and you will do the coin toss for the game. Michael Ceglinski is the Principal and Jeff Parker is the School Board President. Supt. Dr. Nancy Walker will also be there to speak with you about the Coast Guard program they want to establish on campus. Supposedly, they have now found a private way to fund the training program but still need Coast Guard approval. Location: Hwy 60 West, 270-538-██████.

4:30pm-6:00pm: PADUCAH: Dinner with supporters in private room at Olive Garden. Barbara Randall, Misty Drew, Charlie Martin, Ken Wheeler, Tony and Farideh Reck, Wally and Gerry Montgomery and others to attend. Others invited like Steve Little, Ripp and Beverly Pugh, Rick and Cheryl Grana etc. are either out of town or already committed.

6:30pm-8:30pm: PADUCAH: Be introduced and do the coin toss for the McCracken County v. Henderson County football game at McCracken County stadium, Hwy. 60 West.

9:00pm: OVERNIGHT PADUCAH at Hampton Inn and Suites

Saturday, October 25, 2013

8:00am: Depart hotel for Fulton

9:00am-10:00am: FULTON: Breakfast with supporters and friends at local McDonalds, 104 Nolan Avenue. Guest to include: Beth and Ed McWhirt, Karl Ivey, County Judge David Gallagher, Eddie Crittenden, Curtis Hancock, Seth Hancock and others.

11:00am-Noon: WICKLIFFE: Participate in Turkey Shoot at the Veterans and Patriots Museum (this is a paper turkey target shoot...not live birds!) Proceeds to help fund the museum. Sandy Wright is the contact. Location: 35 Phillips Drive, 270-335-██████.

Noon-1:00pm: WICKLIFFE: Lunch with Wickliffe Mayor Lyn Hopkins, Judge Exec. Vicki Vineard, and others. Mayor Hopkins will decide on a local restaurant and let the others know including the local media.

1:00pm-2:30pm: WICKLIFFE: Visit projects of importance to the City and County. Boat Ramp, Asian Carp processing facility, etc.

OPTIONAL EVENING EVENTS: Please let me know if you are interested in adding either.

6:00pm- 8:00pm: HARTFORDD: GOP Chili Supper

6:00pm-8:00pm : HOPKINSVILLE: Ducks Unlimited Banquet

*Michael Pape, District Director
Office of Congressman Ed Whitfield
1403 South Main Street*

Hopkinsville, KY 42240

P: 270-885-██████

F: 270-885-8598

E: michael.pape@mail.house.gov

Check Out Congressman Whitfield's Online Resources

[Website](#) [YouTube](#) [Facebook](#) [E-Newsletter Sign-up](#)

Heydlauff, Emma

From: Connie Harriman-Whitfield [REDACTED]@humanesociety.org]
Sent: Wednesday, September 05, 2012 1:05 AM
To: Heydlauff, Emma
Subject: Re: Invitations
Attachments: image001.png; image002.png; image003.png; image004.png; image005.png

Great idea, Emma. Send them over whenever you want.

Best,
Connie

Sent from my iPhone

On Sep 4, 2012, at 2:27 PM, "Heydlauff, Emma"
<Emma.Heydlauff@mail.house.gov<mailto:Emma.Heydlauff@mail.house.gov>> wrote:

Congressman and Mrs. Whitfield,

I have an assortment of invitations for the fall, starting with some next week, that I wanted to courier over to your house today for your review. They consist of galas, charity events and some Embassy events. Please let me know if that would work for you and I will have someone pick them up shortly.

Thanks,
Emma

Emma Heydlauff
Scheduler
Office of Congressman Ed Whitfield (KY-01)
2368 Rayburn House Office Building
Washington, DC 20515
Phone: (202) 225-3115
Fax: (202) 225-3547
Follow Rep. Whitfield on the web:
<image001.png><<http://www.facebook.com/RepEdWhitfield>>
<image002.png><<http://twitter.com/repedwhitfield>>
<image003.png><<http://www.flickr.com/photos/edwhitfield>><image004.png><<http://www.youtube.com/WhitfieldKY01>>
<image005.png><<http://whitfield.house.gov/atom.xml>>
Click here<<https://whitfieldforms.house.gov/enews.shtml>> to sign up for Rep. Ed Whitfield's e-newsletter.

Heydlauff, Emma

From: Connie Harriman-Whitfield [REDACTED]@humanesociety.org]
Sent: Friday, September 07, 2012 3:17 PM
To: Heydlauff, Emma
Subject: Re: LUNGeivity Foundation Event
Attachments: image001.png; image002.png; image003.png; image004.png; image005.png

We cannot attend.

Sent from my iPhone

On Sep 7, 2012, at 1:58 PM, "Heydlauff, Emma"
<Emma.Heydlauff@mail.house.gov<<mailto:Emma.Heydlauff@mail.house.gov>>> wrote:

Mrs. Whitfield,

I wanted to touch base in reference to the LUNGeivity Foundation event on September 14. You marked on the fax yes to names and I wanted to clarify whether or not you and Congressman Whitfield plan to attend.

Let me know.

Thanks,
Emma

Emma Heydlauff
Scheduler

Office of Congressman Ed Whitfield (KY-01)
2368 Rayburn House Office Building
Washington, DC 20515
Phone: (202) 225-3115
Fax: (202) 225-3547

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<image002.png><<http://twitter.com/repedwhitfield>>

<image003.png><<http://www.flickr.com/photos/edwhitfield>><image004.png><<http://www.youtube.com/WhitfieldKY01>> <image005.png><<http://whitfield.house.gov/atom.xml>>

Click here<<https://whitfieldforms.house.gov/enews.shtml>> to sign up for Rep. Ed Whitfield's e-newsletter.

Heydlauff, Emma

From: Connie Harriman-Whitfield [REDACTED]@humanesociety.org]
Sent: Monday, August 26, 2013 4:02 PM
To: Heydlauff, Emma
Subject: Re: Invitation from the Turkish Embassy on the occasion of the 91st Anniversary of the Victory Day

We have a private dinner at 6:30. Can you remind Ed?

Sent from my iPhone

On Aug 26, 2013, at 4:01 PM, "Heydlauff, Emma" <Emma.Heydlauff@mail.house.gov> wrote:

> It is this Friday August 30.

>

> ----- Original Message -----

> From: Connie Harriman-Whitfield [[mailto:\[REDACTED\]@humanesociety.org](mailto:[REDACTED]@humanesociety.org)]

> Sent: Monday, August 26, 2013 03:59 PM

> To: Heydlauff, Emma

> Subject: Re: Invitation from the Turkish Embassy on the occasion of the 91st Anniversary of the Victory Day

>

> Emma,

> You don't give the day of the month!

>

> Sent from my iPhone

>

> On Aug 26, 2013, at 11:47 AM, "Heydlauff, Emma"

> <Emma.Heydlauff@mail.house.gov<<mailto:Emma.Heydlauff@mail.house.gov>>> wrote:

>

> Sir,

>

> I wanted to share this invitation with you. It is a reception on the Occasion of the 91st Anniversary of Turkey's Victory Day. It is held at the Turkish Embassy Residence on Friday evening from 5:30-7:30pm. Please let me know if you would like to attend and I will add the reception to your calendar.

>

> Thanks,

> Emma

>

> From: RSVP [[mailto:\[REDACTED\]@turkishembassy.org](mailto:[REDACTED]@turkishembassy.org)]

> Sent: Wednesday, July 31, 2013 12:57 PM

> To: Heydlauff, Emma

> Subject: Invitation from the Turkish Embassy on the occasion of the 91st Anniversary of the Victory Day

>

>

> Please find attached an invitation for The Honorable Ed Whitfield.

>

> With kind regards,

> Turkish Embassy

> <August 30, 2013.pdf>

Heydlauff, Emma

From: Connie Harriman-Whitfield [REDACTED]@humanesociety.org]
Sent: Thursday, May 29, 2014 1:31 PM
To: Heydlauff, Emma
Cc: Hicks, Cory; Ed Weisberger; Blackberry, Ed
Subject: Events to Schedule on Ed's Calendar

5/31---Prime Rib --7pm

6/1---Stratford Hall Reception 3pm

6/3-- Physical Therapy. 4:30pm

6/5-- Physical Therapy. 11am

6/9--Phys Therapy 1pm

6/-12--Phys Therapy. 3:30pm

6/16-- New York--Restaurant 21

6/17--Phys Therapy 11am

6/19--Phys Therapy 11am

6/20--Fly to Jacksonville for Boland wedding

6/22-- Fly to DC

Sent from my iPhone

Appendix 5 – HPA Violations by Signatories to PSHA Letter

Horse Protection Act Violations	
Name	Number of Violations
James (Jim) Cortner	1
Jamie Hankins	2
Michael (Mike) Inman	7
Terry Dotson	9
Gayle Holcomb	4
Bruce MacDonald	1
Mickey McCormick	23
James L. (Linton) Griffith	1
Lee W. McGartland (formerly Lee Ann Wall)	3
Buddy Stasney	2
TOTAL	53

Sources: HPADData.us Database, *available at* <http://www.hpdata.us/>; USDA HPA Suspensions Database, *available at* <http://acisearch.aphis.usda.gov/HPASusp/faces/Warning.jspx>; USDA-APHIS Animal Care Horse Protection Violations Database, *available at* http://www.aphis.usda.gov/animal_welfare/hp/hp_violations.php.

Buchanan, Melissa

From: Altmeyer, Thomas [REDACTED]@archcoal.com>
Sent: Friday, December 07, 2012 3:22 PM
To: Buchanan, Melissa
Subject: Meant to ask

If mine workers gave you any paper, can you forward to me.

Was their ask to support the Rahall bill or that and something else.

Tom Altmeyer

Arch Coal

O: 202-333-[REDACTED]

C: 202-321-[REDACTED]

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Buchanan, Melissa

From: Altmeyer, Thomas <[REDACTED]@archcoal.com>
Sent: Monday, March 11, 2013 11:53 AM
To: Buchanan, Melissa
Subject: RE: HR 980--CARE Act

Thanks. I am going to request an appointment to see him. It screws Arch Coal.

Who is handling appointments? Thanks

From: Buchanan, Melissa [<mailto:Melissa.Buchanan@mail.house.gov>]
Sent: Monday, March 11, 2013 11:46 AM
To: Altmeyer, Thomas
Subject: HR 980--CARE Act

Hi Mr. Altmeyer,

I just wanted to give you a heads up that Congressman Whitfield is thinking about cosponsoring HR 980 the CARE Act that was introduced by Congressman Rahall last week.

Thank you,
Melissa

Melissa Buchanan
Legislative Assistant
Office of Congressman Ed Whitfield (KY-01)
2184 Rayburn House Office Building
Washington, DC 20515
Phone: (202) 225-3115
Fax: (202) 225-3547

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Buchanan, Melissa

From: Paul Green [REDACTED]@MooneyGreen.com>
Sent: Thursday, May 30, 2013 3:17 PM
To: Buchanan, Melissa; Bill Banig
Cc: Hicks, Cory
Subject: RE: Patriot Healthcare Benefits Discussion Draft

Melissa,

I wanted to respond to Leg. Counsel's questions:

1. Use of "beneficiaries" v. "individuals". -- "Beneficiaries" is the term that has been used previously in the Coal Act and SMCRA. We just stuck with that.
2. The "under the Plan" should not be included on page 2, l. 24. There, the "Plan" would refer to the 1993 Plan, although the denial of benefits would come directly from the employer's own individual employer plan.
3. The final phrase "considered eligible to receive benefits under the Plan" should be there for several reasons. First, it eliminates any doubt that the Patriot group is covered by the 1993 Plan. That is particularly important since the Patriot retirees may also continue to be eligible under an inadequately-funded VEBA. In that case, although they would be eligible from both the VEBA and the 1993 Plan, the VEBA would provide what benefits it could, with the rest of the benefits coming from the 1993 Plan. In total, the beneficiaries would receive no more than their promised benefits. Furthermore, it eliminates any ambiguities that the amounts to be transferred to the 1993 Plan would include the cost of benefits for the Patriot group.

Otherwise, I think this draft works (although I am not terribly familiar with the use of "ems").

Let me know if you want to talk about any of this.

Paul

Paul A. Green
Mooney, Green, Saindon, Murphy & Welch, P.C.
1920 L Street, N.W., Suite 400
Washington, DC 20036
202-783-0010
(Fax) 202-783-6088
[REDACTED]@mooneygreen.com
www.mooneygreen.com

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From: Buchanan, Melissa [mailto:Melissa.Buchanan@mail.house.gov]
Sent: Thursday, May 30, 2013 10:54 AM
To: Paul Green; Bill Banig
Cc: Hicks, Cory
Subject: Patriot Healthcare Benefits Discussion Draft

Hi Paul and Bill,

Attached is the discussion draft as prepared by leg counsel using the edits and suggestions you provided. The attorney I've been working with did have some questions regarding the drafting of the bill, and those are in brackets. Can you please take a look and let me know your thoughts/suggestions.

Thank you,
Melissa

Melissa Buchanan
Legislative Assistant
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Washington, DC 20515
Phone: (202) 225-3115
Fax: (202) 225-3547

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Buchanan, Melissa

From: Paul Green [redacted]@MooneyGreen.com>
Sent: Friday, May 31, 2013 6:43 PM
To: Buchanan, Melissa
Cc: Bill Banig
Subject: RE: Patriot Healthcare Benefits Discussion Draft
Attachments: Order with Findings of Fact and Conclusions of Law (1114650).pdf; pdf.pdf

Melissa,

Here they are. Happy reading!

Paul

From: Buchanan, Melissa [mailto:Melissa.Buchanan@mail.house.gov]
Sent: Friday, May 31, 2013 4:25 PM
To: Paul Green; Bill Banig
Subject: RE: Patriot Healthcare Benefits Discussion Draft

Hi Paul,

Could you send me a copy of all of the decisions? I need some light reading for the weekend.

Thank you for all of your help.

Melissa Buchanan
Legislative Assistant
Office of Congressman Ed Whitfield (KY-01)
2184 Rayburn House Office Building
Washington, DC 20515
Phone: (202) 225-3115
Fax: (202) 225-3547

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From: Paul Green [mailto:[redacted]@MooneyGreen.com]
Sent: Friday, May 31, 2013 2:30 PM
To: Buchanan, Melissa; Bill Banig
Subject: RE: Patriot Healthcare Benefits Discussion Draft

Melissa,

It isn't quite that cut and dried. What I understood the bill to do was to place the VEBA beneficiaries in the 1993 Plan so that they would be eligible in both the 1993 Plan and the VEBA. The VEBA would provide what benefits it could as the "primary" plan, while the 1993 Plan would be secondary, topping of the benefits to the promised levels. Moreover, the Court was pretty clear that her order would terminate benefits from Patriot, albeit by transferring the beneficiaries to

the VEBA. In her decision letting Peabody off the hook under its agreement to retain liability for a group of Patriot's retirees (the Heritage retirees), she said the following:

[A]s early as June 1, 2013, Article XX of both the Heritage and Eastern Associated Individual Employer Plans will be deleted, and as early as July 1, 2013, a [VEBA] can be established pursuant to the Section 1114 relief, to which Heritage and Eastern Associated's obligation to provide pension and health care benefits will be transferred. Therefore, if Heritage no longer has an obligation to pay the healthcare benefits . . . , Peabody Holding consequently has no obligation to fund a non-existent liability.

Patriot Coal Corp. v. Peabody Holding Co., (Adv. No. 13-4067-659, Br. E.D. MO., May 29, 2013) p. 13. Although the Judge was clearly not trying to do us any favors, I think she clearly describes the Patriot retirees in the VEBA as orphans.

Let me know if you need a copy of the decisions.

Paul

Paul A. Green
Mooney, Green, Saindon, Murphy & Welch, P.C.
1920 L Street, N.W., Suite 400
Washington, DC 20036
202-783-0010
(Fax) 202-783-6088
[REDACTED]@mooneygreen.com
www.mooneygreen.com

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From: Buchanan, Melissa [<mailto:Melissa.Buchanan@mail.house.gov>]
Sent: Friday, May 31, 2013 1:31 PM
To: Paul Green; Bill Banig
Subject: RE: Patriot Healthcare Benefits Discussion Draft

Good Afternoon,

Upon further review of our discussion draft, it has come to my attention that due to the bankruptcy court's ruling, this bill will no longer work. It is my understanding that the 1993 Plan was created for orphaned miners, and because Patriot did not have to liquidate the affected retirees are not orphans. What would be your thoughts towards transferring some of the unobligated AML funds into the VEBA created by the bankruptcy court to ensure that the benefits paid to retirees through that fund continue to be equal to their current benefits?

Thank you for all of your help,
Melissa

Melissa Buchanan

Legislative Assistant
Office of Congressman Ed Whitfield (KY-01)
2184 Rayburn House Office Building
Washington, DC 20515
Phone: (202) 225-3115
Fax: (202) 225-3547

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From: Paul Green [mailto:██████████@MooneyGreen.com]
Sent: Thursday, May 30, 2013 3:17 PM
To: Buchanan, Melissa; Bill Banig
Cc: Hicks, Cory
Subject: RE: Patriot Healthcare Benefits Discussion Draft

Melissa,

I wanted to respond to Leg. Counsel's questions:

1. Use of "beneficiaries" v. "individuals". -- "Beneficiaries" is the term that has been used previously in the Coal Act and SMCRA. We just stuck with that.
2. The "under the Plan" should not be included on page 2, l. 24. There, the "Plan" would refer to the 1993 Plan, although the denial of benefits would come directly from the employer's own individual employer plan.
3. The final phrase "considered eligible to receive benefits under the Plan" should be there for several reasons. First, it eliminates any doubt that the Patriot group is covered by the 1993 Plan. That is particularly important since the Patriot retirees may also continue to be eligible under an inadequately-funded VEBA. In that case, although they would be eligible from both the VEBA and the 1993 Plan, the VEBA would provide what benefits it could, with the rest of the benefits coming from the 1993 Plan. In total, the beneficiaries would receive no more than their promised benefits. Furthermore, it eliminates any ambiguities that the amounts to be transferred to the 1993 Plan would include the cost of benefits for the Patriot group.

Otherwise, I think this draft works (although I am not terribly familiar with the use of "ems").

Let me know if you want to talk about any of this.

Paul

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From: Buchanan, Melissa [<mailto:Melissa.Buchanan@mail.house.gov>]
Sent: Thursday, May 30, 2013 10:54 AM
To: Paul Green; Bill Banig
Cc: Hicks, Cory
Subject: Patriot Healthcare Benefits Discussion Draft

Hi Paul and Bill,

Attached is the discussion draft as prepared by leg counsel using the edits and suggestions you provided. The attorney I've been working with did have some questions regarding the drafting of the bill, and those are in brackets. Can you please take a look and let me know your thoughts/suggestions.

Thank you,
Melissa

Melissa Buchanan
Legislative Assistant
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Fax: (202) 225-3547

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Buchanan, Melissa

From: Paul Green <[REDACTED]@MooneyGreen.com>
Sent: Monday, June 17, 2013 9:15 AM
To: Hicks, Cory; Bill Banig
Cc: Adam Banig; Steve Earle; Buchanan, Melissa
Subject: RE: Legislation

Cory,

Let me take a crack at this. Under the 2011 NBCWA, Patriot and the other contributing employers pay \$1.10 per hour worked into the 1993 Plan. This money provides benefits for industry orphans (so-called because their employers are no longer in business) who are not covered by the 2006 legislation. Patriot is one of the three largest contributors to the 1993 Plan.

Under the Court's rejection order, Patriot has been authorized to permanently terminate its contributions to the 1993 Plan as early as June 1. Without Patriot's contribution, the 1993 Plan will not have enough money to continue providing benefits to the more than 3,000 orphans and their dependents for the remaining term of the contract. In short, these 3,000 orphans and their dependents will be directly affected by Patriot's bankruptcy.

The earlier drafts of the legislation fix this problem by moving the eligibility date for federal funding forward. Absent such a fix, even if the Patriot retirees are taken care of, this group of orphans will be directly affected by Patriot's bankruptcy.

Does that help? Let me know if you need any more explanation.

Paul

Paul A. Green
Mooney, Green, Saindon, Murphy & Welch, P.C.
1920 L Street, N.W., Suite 400
Washington, DC 20036
202-783-0010
(Fax) 202-783-6088
[REDACTED]@mooneygreen.com
www.mooneygreen.com

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-----Original Message-----

From: Hicks, Cory [<mailto:Cory.Hicks@mail.house.gov>]
Sent: Monday, June 17, 2013 9:05 AM
To: 'Bill Banig'
Cc: Paul Green; Adam Banig; Steve Earle; Buchanan, Melissa

Subject: RE: Legislation

Adding Melissa. Can you explain further?

-----Original Message-----

From: Bill Banig [mailto:██████████@umwa.org]
Sent: Monday, June 17, 2013 9:01 AM
To: Hicks, Cory
Cc: Paul Green; Adam Banig; Steve Earle
Subject: Re: Legislation

The lines deleted are important because we lose Patriot funding for the 93 Fund under the Court's order.

Sent from my iPhone

On Jun 17, 2013, at 6:43 AM, "Hicks, Cory" <Cory.Hicks@mail.house.gov> wrote:

> Thanks for the email, Bill. We plan to eliminate lines 16-21 because we've been told that would add workers that will not be impacted back the bankruptcy. We've got a few meetings this week, so we'll know more after those. On a side note, we've heard that UMWA does not support our bill and since Murray opposes it, we've lost a considerable amount of support on the Hill. Can UMWA send us a letter of support before we introduce the bill?

>

> -----Original Message-----

> From: Bill Banig [mailto:██████████@umwa.org]
> Sent: Monday, June 17, 2013 7:35 AM
> To: Hicks, Cory; Buchanan, Melissa
> Subject: Legislation

>

> We are in St. Louis today for another rally and meeting with our Patriot Local Unions. Any idea when Mr. Whitfield may introduce his legislation? Since it was circulated as a discussion draft, has there been any changes.

>

> Bill B

Buchanan, Melissa

From: Adam Banig <[REDACTED]@umwa.org>
Sent: Friday, August 16, 2013 3:20 PM
To: Hicks, Cory; Buchanan, Melissa
Subject: Fwd: Talking points for legislators to use in statements after ratification

Cory and Melisa-

- >
- > Below are some points I think are important for legislators to use in statement's they may issue after the ratification, assuming it passes.
- >
- > Phil Smith
- > Director of Communications
- > United Mine Workers of America
- > 703-291-[REDACTED] (direct)
- > 571-345-[REDACTED] (cell)
- >
- > TALKING POINTS REGARDING PATRIOT SETTLEMENT RATIFICATION
- >
- > • The settlement will provide a way forward for the active workers to continue in their jobs, provide for their families and be strong economic drivers of their local communities.
- >
- > • But we are not out of the woods yet, especially with respect to retiree health care.
- >
- > • The funding for the VEBA is only enough to provide a couple of years of benefits, at best, even after cost-saving measures are put in place.
- >
- > • The need for legislation to address this problem and make the retirees whole has not gone away - indeed, the need has become even clearer. The clock is now ticking toward the day when the funding will run out.
- >
- > • The clock will tick faster as the coal markets get worse over the next many months, which industry analysts expect will happen.
- >
- > • The UMWA will continue to press its legal and public case to make Peabody and Arch live up to their responsibilities.
- >
- > • Congress must move bipartisan legislation quickly that will address this problem and ensure the government's promise of health care for retired miners is kept.

Buchanan, Melissa

From: Rashid Hallaway [REDACTED]@americanpatriotgroup.com>
Sent: Thursday, May 30, 2013 2:50 PM
To: Buchanan, Melissa; Hicks, Cory; Cone, Travis
Subject: Updated figures

Travis/Melissa,

Below are updated figures on the potential impact to Kentucky. I want to make sure you have the number of Coal Act retirees covered by Patriot. There will be no impact to this population as we are legally obligated to pay these benefits.

RH

For Kentucky a total of 2,477 retired miners and their dependents may be impacted by this decision. The Peabody Assumed population is 1,256 (691 retirees and 565 dependents). The population paid for by Patriot is 1,221 (659 retirees and 562 dependents). These are as of April 30, 2013.

In Kentucky there are also a total of 1,637 Coal Act retirees and dependents that the ruling will have no effect as their healthcare obligations will be honored by Patriot and Peabody. The breakdown of the Coal Act is Patriot 314 (208 retirees and 106 dependents) with Peabody Assumed 1,323 (907 retirees and 416 dependents).

Rashid G. Hallaway
Vice President
American Patriot Holdings, LLC
202.380.[REDACTED] (work)
202.486.[REDACTED] (cell)
202.315.3180 (fax)

Buchanan, Melissa

From: Rashid Hallaway [REDACTED]@americanpatriotgroup.com>
Sent: Friday, July 12, 2013 3:31 PM
To: Buchanan, Melissa
Subject: Re: <no subject>

Thanks, Melissa. I missed your note for some reason but just discovered it. Yes, this makes perfect sense. Thank you.

RH

Rashid G. Hallaway
Vice President
American Patriot Holdings, LLC
202.380. [REDACTED] (work)
202.486. [REDACTED] (cell)
202.315.3180 (fax)

From: <Buchanan>, Melissa <Melissa.Buchanan@mail.house.gov>
Date: Thursday, July 11, 2013 9:46 AM
To: Rashid Hallaway <[REDACTED]@americanpatriotgroup.com>
Subject: RE: <no subject>

Hi Rashid,

I just tried giving you a call. The biggest difference is we added language at the end of bill which would prevent any of the retirees from receiving duplicative benefits from both the VEBA and the 1993 Plan. This language will ensure that the benefits these retirees receive will be a supplement to any benefits they receive from the VEBA, so they can continue to collect the full benefits they were promised. Does that make sense?

Melissa Buchanan
Legislative Assistant
Office of Congressman Ed Whitfield (KY-01)
2184 Rayburn House Office Building
Washington, DC 20515
Phone: (202) 225-3115
Fax: (202) 225-3547

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From: Rashid Hallaway [mailto:██████████@americanpatriotgroup.com]
Sent: Thursday, July 11, 2013 9:39 AM
To: Buchanan, Melissa
Subject: Re: <no subject>

Do you have a summary document? How does this version differ from the discussion draft?

Rashid G. Hallaway
Vice President
American Patriot Holdings, LLC
202.380██████████(work)
202.486██████████(cell)
202.315.3180 (fax)

From: <Buchanan>, Melissa <Melissa.Buchanan@mail.house.gov>
Date: Thursday, July 11, 2013 9:37 AM
To: Rashid Hallaway ██████████@americanpatriotgroup.com>
Subject: RE: <no subject>

Hi Rashid,

Attached is a copy of the bill. Please let me know if you need anything else.

Melissa

Melissa Buchanan
Legislative Assistant
Office of Congressman Ed Whitfield (KY-01)
2184 Rayburn House Office Building
Washington, DC 20515
Phone: (202) 225-3115
Fax: (202) 225-3547

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From: Rashid Hallaway [mailto:██████████@americanpatriotgroup.com]
Sent: Thursday, July 11, 2013 8:01 AM
To: Buchanan, Melissa
Subject: Re: <no subject>

Thank you. I didn't see it on thomas.

Rashid G. Hallaway
Vice President
American Patriot Holdings, LLC
202.380. [REDACTED] (work)
202.486. [REDACTED] (cell)
202.315.3180 (fax)

From: <Buchanan>, Melissa <Melissa.Buchanan@mail.house.gov>
Date: Thursday, July 11, 2013 7:56 AM
To: Rashid Hallaway [REDACTED]@americanpatriotgroup.com>
Subject: Re: <no subject>

Hi Rashid,

It is very similar. I will send you a copy as soon as I get in the office.

Melissa

Sent using BlackBerry

From: Rashid Hallaway [mailto:[REDACTED]@americanpatriotgroup.com]
Sent: Thursday, July 11, 2013 07:49 AM
To: Buchanan, Melissa
Subject: <no subject>

Hey Melissa,

Is your health care bill the same as the discussion draft? I haven't seen anything else on it. Hope you are well.

RH

Rashid G. Hallaway
Vice President
American Patriot Holdings, LLC
202.380. [REDACTED] (work)
202.486. [REDACTED] (cell)
202.315.3180 (fax)

Buchanan, Melissa

From: Rashid Hallaway <[REDACTED]@americanpatriotgroup.com>
Sent: Wednesday, December 18, 2013 11:27 AM
To: Buchanan, Melissa; Hicks, Cory
Subject: Confidential - Emergence.pdf
Attachments: PR - Emergence.pdf; ATT00001.c

Hey Cory and Melissa,

Attached is an advance copy of our press release regarding Patriot's emergence from Chapter 11 which will be issued later today. Please do not share this with anyone outside of the Congressman's office. I will be sure to let you know when our release is formally sent out. Just wanted you guys to have a heads up.

I am presently on a flight but have access to email if you have any questions or concerns. Thanks for your help and support.

Rashid

NEWS RELEASE



FOR IMMEDIATE RELEASE

PATRIOT COAL EMERGES AS WELL-CAPITALIZED PRIVATE COMPANY WITH COMPETITIVE COST STRUCTURE

ST. LOUIS, December 18, 2013 – Patriot Coal Corporation (OTC: PCXCQ) today announced its emergence from Chapter 11 as a reorganized company. The Company exits the 18-month restructuring process with a strong balance sheet, competitive cost structure, and a streamlined operating profile focused on market opportunities that create value.

“Today marks an exciting new beginning for our company and for our employees,” said Patriot President and Chief Executive Officer Bennett K. Hatfield. “We have accomplished the objectives of our reorganization and emerged in a much stronger position to compete in the global energy and steel markets. Importantly, we have also preserved nearly 4,000 jobs, signed new five-year labor agreements with the UMWA, and secured significant funding for retiree healthcare.”

Patriot emerges from Chapter 11 reorganization with:

- **Strong balance sheet.** The Company has lower debt levels and higher available liquidity, with dramatically reduced legacy liabilities related to retiree healthcare and other post-employment benefits.
- **Competitive cost structure.** Patriot has significantly reduced its operating costs, achieving more than \$200 million in estimated annual cash savings.
- **Industry-leading assets and reserves.** The Company has 1.8 billion tons of coal reserves, state-of-the-art mine complexes in three U.S. coal basins, and broad transportation optionality.
- **Solid customer base.** Patriot has long-standing relationships with prominent U.S. and international utility customers, steel producers, and energy trading companies.

“Having streamlined our operations through the reorganization process, Patriot is poised to respond quickly to changes in the markets. Utilizing our existing mine complexes and the Company’s large coal reserve base, we can add incremental production at competitive costs with modest capital requirements,” continued Hatfield. “In short, with the support of our dedicated employees and new investors, I believe Patriot Coal has a bright future.”

Emergence Details

Patriot completed the final steps in its Chapter 11 restructuring on December 18 by successfully closing \$545 million in exit financing and completing its rights offerings, receiving \$250 million of junior capital from Knighthood Capital Management, LLC, Davidson Kempner Capital Management LLC, and other participating unsecured creditors.

The Company has filed notice of the effectiveness of the Plan of Reorganization with the U.S. Bankruptcy Court for the Eastern District of Missouri. Upon the effectiveness of the Plan, all previously issued and outstanding shares of Patriot common stock were cancelled, as were all other previously issued and outstanding equity interests and bonds. Patriot issued shares of a new class of common stock to unsecured creditors as provided in the Plan. Additionally, the Company issued notes and warrants pursuant to the rights offerings. Patriot expects to make initial distributions to unsecured claim holders in the first quarter of 2014.

As a result of the effectiveness of the Plan, Patriot is a private company and is no longer subject to the reporting requirements of the U.S. Securities and Exchange Commission. However, Patriot plans to release financial results and other pertinent information on at least a quarterly basis.

About Patriot Coal

Patriot Coal Corporation is a producer and marketer of coal in the eastern United States, with 10 active mining complexes in Appalachia and the Illinois Basin. Patriot ships to domestic and international electricity generators, industrial users and metallurgical coal customers, and controls approximately 1.8 billion tons of proven and probable coal reserves.

Forward-Looking Statements

Certain statements in this press release are forward-looking. These statements involve certain risks and uncertainties that may be beyond the Company’s control and may cause actual future results to differ materially from current expectations. Factors that could affect the Company’s results include, but are not limited to factors detailed from time to time in the Company’s reports and other information posted on its website or included in a press release. The Company undertakes no obligation to update or revise forward-looking statements to reflect events or circumstances that arise after the date of this press release or to reflect the occurrence of unanticipated events.

CONTACT:

Janine Orf

(314) 275-3680

jorf@patriotcoal.com

#

Buchanan, Melissa

From: J. Steven Hart <[REDACTED]@wms-jen.com>
Sent: Tuesday, April 23, 2013 6:31 PM
To: Buchanan, Melissa
Subject: FW: Patriot Healthcare Benefits Draft Bill

quick response follows- I will look at this more carefully when I have more time tomorrow

The transfer amount would only cover those enrolled as of the date of enactment – I do not think the Patriot retirees would be enrolled in the Benefit Plan that quickly. If not, you would need to change their section 2(a) to include individuals described as eligible per their changes in subsection (c) of the draft. Eligible is broader than enrolled. For example, you could modify (h)(2)(C) to read: “only those beneficiaries actually enrolled in the Plan as of December 31, 2006, and those who are eligible to enroll in the Plan pursuant to the amendments made by the ____ Act of 2013, who are eligible to” The language still has a timing problem since the first transfer would take place in 2014 since the law calculates the year’s transfer based on eligible participants on January 1 of the year the transfer is made.

The adjustment of benefits language seems to suggest an across the board reduction if needed, not reducing benefits to the youngest first as the objective is described. Perhaps you want to say “adjust benefits based on age and in consideration of the hardship that may be imposed on older beneficiaries to ensure the Plan’s solvency” or some other language to suggest adjustments could be greater on younger participants. The UMWA will always hate any “adjustment of benefits” mandate ; though, realistically you are heading the right way

And thank you for using AML for retiree health. I am an old pension guy . A dedicated general tax/ revenue stream into any multiemployer plan causes me to feel sick. The precedent is too unsettling. How about a jet fuel tax for airline retirees?

From: Buchanan, Melissa [<mailto:Melissa.Buchanan@mail.house.gov>]
Sent: Tuesday, April 23, 2013 04:41 PM
To: J. Steven Hart
Subject: Patriot Healthcare Benefits Draft Bill

Good Afternoon Mr. Hart,

Cory Hicks passed along your contact information to me. I was hoping you might be able to answer a few questions I have regarding a bill I am working on for Congressman Whitfield. There are about 1,500 miners in our District who could potentially lose their healthcare benefits pending the outcome of the Patriot bankruptcy. I have attached the draft version of the bill.

In the current law, there is some question over the use of “eligible” and “enrolled” and how those terms operate within the law. We want to make sure the correct language is used in the proposed bill, so that these miners will be able to receive healthcare benefits under the 1993 Multiemployer Health Benefit Plan. The proposed bill uses eligible on page 3 line 10. I have also attached a copy of Surface Mining and Reclamation Act that defines the 1993 Plan.

My other question is with the last sentence of the proposed bill, "The trustees of the Plan may adjust benefits to ensure the Plan's solvency." The goal is to ensure that current Patriot employees who are at or close to retirement age are covered, but that a 24-year-old who has many more years to work isn't just automatically able to take advantage of this.

Any insight and advice would be very much appreciated.

Thank you,
Melissa

Melissa Buchanan
Legislative Assistant
Office of Congressman Ed Whitfield (KY-01)
2184 Rayburn House Office Building
Washington, DC 20515
Phone: (202) 225-3115
Fax: (202) 225-3547

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Buchanan, Melissa

From: J. Steven Hart [mailto:████████@wms-jen.com]
Sent: Thursday, June 13, 2013 1:47 PM
To: Buchanan, Melissa
Cc: David A. Starr
Subject: RE: UMWA/Patriot question

It will probably be tomorrow

From: Buchanan, Melissa [mailto:Melissa.Buchanan@mail.house.gov]
Sent: Thursday, June 13, 2013 1:17 PM
To: J. Steven Hart
Cc: David A. Starr
Subject: RE: UMWA/Patriot question

Hi Steve,

Cory spoke with Maryam this morning about this idea and she understands the situation that my boss is in. What we now need to do is get something drafted and see if we can get any support from other offices. However, you are the only person who understands how this works, and I would really appreciate your help in drafting.

Thanks,
Melissa

Melissa Buchanan
Legislative Assistant
Office of Congressman Ed Whitfield (KY-01)
2184 Rayburn House Office Building
Washington, DC 20515
Phone: (202) 225-3115
Fax: (202) 225-3547

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From: J. Steven Hart [mailto:████████@wms-jen.com]
Sent: Thursday, June 13, 2013 11:07 AM
To: Buchanan, Melissa
Cc: David A. Starr
Subject: RE: UMWA/Patriot question

As you know, \$210 million was transferred in 1992 from the pension fund to the health fund. This could be transferred back justifiably as an "error". The pension fund has also lost the earnings on this \$210 million for almost 20 years. That earnings number is big and an unknown, perhaps hard to calculate and defend

I raised this option with the Boehner staff yesterday, Maryam and Dave Stewart who handles pension issues. I know you know Maryam Brown well so may I suggest you try to get a reaction from her? This is dangerous ground policy wise

and I am not comfortable guiding you to this conclusion without some cover from the leadership. I do not think David Stewart is anywhere close to approving this but Maryam could maybe grant you a reprieve to move ahead on your own

From: Buchanan, Melissa [<mailto:Melissa.Buchanan@mail.house.gov>]
Sent: Thursday, June 13, 2013 10:54 AM
To: J. Steven Hart
Cc: David A. Starr
Subject: RE: UMWA/Patriot question

Hi Steve and David,

Given yesterday's announcement from UMWA and Patriot we are getting more pressure to do something. I want to propose this idea of transferring the money back from the Combined Benefit Fund back to the pension fund and supplementing the Combined Benefit Fund with AML interest to my boss. Would you all be able to put something together on this?

Thank you for your help,
Melissa

Melissa Buchanan
Legislative Assistant
Office of Congressman Ed Whitfield (KY-01)
2184 Rayburn House Office Building
Washington, DC 20515
Phone: (202) 225-3115
Fax: (202) 225-3547

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From: J. Steven Hart [[mailto: \[REDACTED\]@wms-jen.com](mailto: [REDACTED]@wms-jen.com)]
Sent: Tuesday, June 11, 2013 4:26 PM
To: Buchanan, Melissa
Cc: David A. Starr
Subject: RE: UMWA/Patriot question

The transfer was done in 1992 when the pension fund was over funded. So we could just transfer it back.

From: Buchanan, Melissa [<mailto:Melissa.Buchanan@mail.house.gov>]
Sent: Tuesday, June 11, 2013 3:26 PM
To: J. Steven Hart
Subject: UMWA/Patriot question

Hi Steve,

During one of our meetings in discussing the UMWA/Patriot situation, you mentioned that in 2006 (?) Congress redirected some money from the UMWA Pension fund to the 1993 Health Benefits Fund. I think you also mention that transferring this money back to the pension fund could help with the shortfalls there. Am I correct in remembering this? Could you explain how this would work and if it would be a viable option to help the UMWA Pension fund problem?

Thank you for all your help on this issue.

Melissa

Melissa Buchanan

Legislative Assistant

Office of Congressman Ed Whitfield (KY-01)

2184 Rayburn House Office Building

Washington, DC 20515

Phone: (202) 225-3115

Fax: (202) 225-3547

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Buchanan, Melissa

From: J. Steven Hart [REDACTED]@wms-jen.com>
Sent: Friday, June 14, 2013 12:08 PM
To: Buchanan, Melissa
Subject: RE: pension question

The UMWA pension plan must file reports annually with the Dept of Labor. These reports will detail the underfunding problem. It would be reasonable for Rep Whitfield to request this info from the UMWA. It would be nice if they actually gave you a summary since you are trying to be helpful

I suggest this because \$70 million a year budget cost is going to raise objections from conservatives even though we can argue we are just giving them their pension dollars back. Still to protect yourself, we need to know that the \$70 million stops the bleeding and will allow more time for the parties to work out a permanent funding solution

Feel free to ignore this suggestion. I am just pondering out loud trying to predict where the opposition will come from

From: David A. Starr
Sent: Friday, June 14, 2013 10:02 AM
To: Melissa.Buchanan@mail.house.gov
Cc: J. Steven Hart
Subject: pension question

Melissa:

Attached is the draft you requested with an explanation at the bottom. While Steve and I are happy to offer you this technical assistance, our client has not taken a position on this particular issue one way or another and I have not shared this with them. I hope this is helpful. There was a hearing before the House Education Committee on multiemployer pension plans this week which I could not attend, but I understand that the UMWA pension plan was raised. I am waiting for a report on the hearing from one of our paralegals to see what was discussed. Let me know if you have any questions.

David Starr
Williams & Jensen PLLC
701 8th Street NW Suite 500
Washington DC 20001
(w) 202-973-[REDACTED]
Cell: 703-864-[REDACTED]
[REDACTED]@wms-jen.com

Hicks, Cory

From: Buchanan, Melissa
Sent: Tuesday, July 02, 2013 2:29 PM
To: Hicks, Cory
Subject: FW: Patriot Coal Provides Update on Discussions with UMWA

Melissa Buchanan
Legislative Assistant
Office of Congressman Ed Whitfield (KY-01)
2184 Rayburn House Office Building
Washington, DC 20515
Phone: (202) 225-3115
Fax: (202) 225-3547

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From: Rashid Hallaway [mailto:██████████@americanpatriotgroup.com]
Sent: Tuesday, July 02, 2013 2:14 PM
Subject: Patriot Coal Provides Update on Discussions with UMWA

ST. LOUIS, July 2, 2013 /PRNewswire/ -- Patriot Coal Corporation (OTC: PCXCQ) today issued the following statement regarding its ongoing discussions with the United Mine Workers of America (UMWA): "Patriot Coal Corporation announced that recent talks with the UMWA have resulted in substantial progress toward a consensual resolution. On July 1, 2013, Patriot exercised the authority granted to it by the Bankruptcy Court to implement changes to wages, benefits and active employee healthcare, but chose to implement terms that are significantly improved from those approved by the court. Patriot and the UMWA are continuing to meet in a diligent effort to resolve the outstanding differences and reach a consensual agreement.

"In addition, Patriot and the UMWA have reached an agreement through which retiree healthcare will continue to be provided at current benefit levels through July and August.

"Negotiations are expected to continue over the coming weeks. The parties are targeting completion of a final resolution to be presented to UMWA members by the end of July."

Note: Background of Patriot's restructuring and transformation can be found at the Company's website, www.patriotcoal.com.

About Patriot Coal

Patriot Coal Corporation is a producer and marketer of coal in the eastern United States, with 11 active mining complexes in Appalachia and the Illinois Basin. Patriot ships to domestic and international electricity generators, industrial users and metallurgical coal customers, and controls approximately 1.8 billion tons of proven and probable coal reserves.

Forward-Looking Statements

Certain statements in this press release are forward-looking as defined in the Private Securities Litigation Reform Act of 1995. These statements involve certain risks and uncertainties that may be beyond our control and may cause our actual future results to differ materially from our current expectations both in connection with the Chapter 11 filings Patriot announced on July 9, 2012 and our business and financial prospects. No assurance can be made that these events will come to fruition. We undertake no obligation (and expressly disclaim any such obligation) to publicly update or revise any forward-looking statement, whether as a result of new information, future events or otherwise. Factors that could affect our results include, but are not limited to: (i) the ability of Patriot and its subsidiaries to continue as a going concern, (ii) the ability of Patriot and its subsidiaries to operate within the restrictions and liquidity limitations of the post-petition credit facilities authorized by the Bankruptcy Court, (iii) the ability of Patriot and its subsidiaries to obtain Bankruptcy Court approval with respect to motions in the Chapter 11 cases, (iv) the ability of Patriot and its subsidiaries to successfully complete a reorganization under Chapter 11 and emerge from bankruptcy, which is dependent upon, among other things, the ability to implement changes to wage and benefit programs and postretirement benefit obligations consensually or pursuant to Sections 1113 and 1114 of the Bankruptcy Code, to minimize liabilities upon emergence and to obtain post-bankruptcy financing, (v) the effects of the bankruptcy filing on Patriot and its subsidiaries and the interests of various creditors, equity holders and other constituents, (vi) Bankruptcy Court rulings in the Chapter 11 cases and the outcome of the cases in general, (vii) the length of time Patriot and its subsidiaries will operate under the Chapter 11 cases, (viii) risks associated with third-party motions in the Chapter 11 cases, which may interfere with the ability of Patriot and its subsidiaries to develop one or more plans of reorganization and consummate such plans once they are developed, (ix) the potential adverse effects of the Chapter 11 proceedings on Patriot's liquidity or results of operations, (x) the ability to execute Patriot's business and restructuring plans, (xi) increased legal costs related to Patriot's bankruptcy filing and other litigation, and (xii) the ability of Patriot and its subsidiaries to maintain contracts that are critical to their operation, including to obtain and maintain normal terms with their vendors, customers, landlords and service providers and to retain key executives, managers and employees. In the event that the risks disclosed in Patriot's public filings and those discussed above cause results to differ materially from those expressed in Patriot's forward-looking statements, Patriot's business, financial condition, results of operations or liquidity, and the interests of creditors, equity holders and other constituents, could be materially adversely affected. For additional information concerning factors that could cause actual results to materially differ from those projected herein, please refer to Patriot's Form 10-K and Form 10-Q reports.

MEDIA CONTACT:	INVESTOR CONTACT:
Michael Freitag/Aaron Palash	Janine Orf
Joele Frank, Wilkinson Brimmer Katcher	(314) 275-3680
(212) 355-4449	jorf@patriotcoal.com

Rashid G. Hallaway
Vice President
American Patriot Holdings, LLC
202.380-██████ (work)
202.486-██████ (cell)
202.315.3180 (fax)

Hicks, Cory

From: Rashid Hallaway <[REDACTED]@americanpatriotgroup.com>
Sent: Wednesday, June 12, 2013 1:09 PM
Subject: <no subject>

FYI – this was just issued by the UMWA. I am presently on a plane but will be free after 4pm ET. I am trying to get additional information.

FOR IMMEDIATE RELEASE
JUNE 12, 2013

Patriot breaks off negotiations with UMWA; union schedules meetings with local unions in preparation for vote

CONTACT: Phil Smith
703-291-2430

[TRIANGLE, VA] Negotiators from Patriot Coal walked out of talks with the United Mine Workers of America (UMWA) yesterday, threatening health care for thousands of retirees. The company also cancelled negotiations that were scheduled for the remainder of this week and into next week.

“We are very disappointed by this action,” UMWA President Cecil E. Roberts said. “We had made significant progress toward reaching an agreement that provided a workable alternative to the severe terms Patriot asked for last spring and that were approved by the bankruptcy court in St. Louis. The union had agreed to more than \$400 million in savings for the company over the life of the current contract, which gives them the money they say they need to survive. But that still wasn’t enough for them.

“When the company walked out, we were only about \$30 to 35 million apart, which given the scope of this problem really isn’t all that much,” Roberts said. “A big chunk of that money is in bonuses the company wants to pay management personnel into the future.

“I can only conclude at this point that there is no end to the depths of sacrifices our members and retirees are expected to make, even while hundreds of managers and executives are thinking about how they will spend the bonus money they’ll be getting in their bank accounts,” Roberts said, referring to a recent decision by the bankruptcy court to allow the company to pay millions in bonuses to already highly compensated personnel.

“The company now says it will implement the terms and conditions approved by the judge, effective July 1,” Roberts said. “I have consistently made it clear to management that I could not recommend to our membership that they work under those terms, because the sacrifices they require from our active and retired members are too great.”

Under the ruling made by Judge Kathy Surratt-States, Patriot is allowed to cut off the current system that provides health care for some 23,000 retirees, their dependents and surviving spouses and replace it with a Voluntary Employee Benefit Association (VEBA) that only has guaranteed funding of just \$15 million, along with a royalty payment of 20 cents per ton of coal produced. The company would transfer a 35 percent ownership stake to the UMWA, which could be sold to raise money for the VEBA, but only after a value for the company is established. There is no way of knowing what the level of that funding would be.

The ruling also allows Patriot to deny retiree health care benefits entirely to some 40 percent of currently active workers who have already worked enough years to earn those benefits. In addition, Patriot can substantially reduce the pay, benefits, paid time off and other terms and conditions of the active workforce.

At the same time that Patriot is threatening to implement these cuts, the company plans to pay \$25 million more in management bonuses in each of the next three years.

“We have repeatedly said that we are willing to make the sacrifices needed to keep this company operating,” Roberts said. “We are working to preserve these jobs and preserve retiree health care. We also believe that those sacrifices should be shared by all, and that once the company gets through the short-term cash problem it has and begins to make money again in a few years, our sacrifices should be recognized.

“If we’re going to share the pain, we should share the gain,” Roberts said. “That’s only reasonable. But Patriot refuses to make that commitment to the people who actually mine the coal.

“We are going to explain all this, including the terms and conditions the judge approved and Patriot plans to implement, directly to our members,” Roberts said. “This is a democratic union, and our members will have their say about whether they want to work under it or not.” Roberts added that the vote would likely be held sometime during the week prior to July 1.

Under the UMWA Constitution, all active members working at Patriot operations, including those who are laid off or on sick or disability leave, have the right to vote on the terms and conditions of employment.

Roberts also pledged to continue the union’s efforts to get Peabody Energy and Arch Coal, the true architects of the Patriot bankruptcy, to live up to their obligations to the retirees to whom Peabody and Arch promised health care benefits.

We find ourselves in this position today because Peabody and Arch made promises that they didn’t keep,” Roberts said. “We are not letting them off the hook. We are airing a new round of television spots that feature the voices of the victims of their scheme. Thousands of us will be back in front of Peabody’s offices next week, and more events are planned in St. Louis and throughout the coalfields in the coming months.”

“No matter what the events of the next few weeks may bring, this struggle is a long, long way from being over,” Roberts said.

Rashid G. Hallaway
Vice President
American Patriot Holdings, LLC
202.380. [REDACTED] (work)
202.486. [REDACTED] (cell)
202.315.3180 (fax)

Hicks, Cory

From: Hicks, Cory
Sent: Monday, August 12, 2013 11:34 AM
To: Pape, Michael
Subject: Fw: Tentative Patriot Coal Settelement

----- Original Message -----

From: Bill Banig [mailto:████████@umwa.org]
Sent: Monday, August 12, 2013 11:13 AM
To: Toth, Cory; Tomlinson, Adam; Zoia, Jim; Adler, Ann; Buckley, Teresa; Orth, Patrick; corry.marsall@mail.house.gov
<corry.marsall@mail.house.gov>; Hicks, Cory; MacDonald, Charlene; kellie.avesina@mail.house.gov
<kellie.avesina@mail.house.gov>; betsy.hawhings@mail.house.gov <betsy.hawhings@mail.house.gov>; Piggee, Darryl;
Daulby, Jen; Lucas, David; Lyles III, Willie; Miceli, John; Aiken, Tim; Erfe, Vince; Walls, Jesse
Subject: Tentative Patriot Coal Settelement

On behalf of the UMWA I want to thank you for your boss co sponsoring H.R. 2918 introduced by Representative David McKinley. I want to let you know the UMWA has reached a tentative settlement agreement with Patriot Coal that will keep Patriot Coal in business and protect our members jobs. The tentative settlement agreement will be explained to our Patriot members this Wednesday and our members working at Patriot operations will vote on the tentative settlement agreement on Friday in accordance to the UMWA Constitution.

Although we have reached a tentative settlement agreement, this does not relieve us of the need to pass H.R. 2918. H.R. 2918 is still needed to protect retiree health care and pensions.

If you have any questions, please contact me at 202-302-██████. Again thanks for your help.

Bill Banig
Director of Gov't Affairs
United Mine Workers of America

Hicks, Cory

From: Buchanan, Melissa
Sent: Thursday, August 01, 2013 6:16 PM
To: 'bbanig@umwa.org'; Hicks, Cory
Subject: Re: Press Release for Rep. McKinley's healthcare/pensions bill

Thanks, Bill. Have a great evening.

Sent using BlackBerry

From: Bill Banig [mailto:████████@umwa.org]
Sent: Thursday, August 01, 2013 06:12 PM
To: Buchanan, Melissa
Cc: Phil Smith <████████@umwa.org>
Subject: Re: Press Release for Rep. McKinley's healthcare/pensions bill

I'll let our press person know. Thanks

----- Original Message -----

From: Buchanan, Melissa
To: 'Bill Banig'
Cc: Toth, Cory
Sent: Thursday, August 01, 2013 6:06 PM
Subject: Press Release for Rep. McKinley's healthcare/pensions bill

Hi Bill,

I just saw a copy of UMWA's press release regarding Congressman McKinley's Healthcare and Pensions bill. We do appreciate that you mention my boss's efforts regarding his healthcare bill, but the press release fails to recognize him as a cosponsor of the bill. Congressman Whitfield did agree to be an original cosponsor this morning and should be on the bill.

Thanks,
Melissa

Melissa Buchanan
Legislative Assistant
Office of Congressman Ed Whitfield (KY-01)
2184 Rayburn House Office Building
Washington, DC 20515
Phone: (202) 225-3115
Fax: (202) 225-3547

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Hicks, Cory

From: Pape, Michael
Sent: Wednesday, July 31, 2013 10:13 PM
To: Hicks, Cory
Subject: Re: McKinley UMWA/Patriot Healthcare and Pensions Bill

I appreciate that.

Sent from my BlackBerry Wireless Handheld

From: Hicks, Cory
Sent: Wednesday, July 31, 2013 10:07 PM
To: Pape, Michael; Buchanan, Melissa
Subject: Re: McKinley UMWA/Patriot Healthcare and Pensions Bill

Yes. We're letting them know first thing tomorrow. We just wanted to check all the boxes before we pulled the trigger.
Thanks.

From: Pape, Michael
Sent: Wednesday, July 31, 2013 10:03 PM
To: Hicks, Cory; Buchanan, Melissa
Subject: Re: McKinley UMWA/Patriot Healthcare and Pensions Bill

Has EW agreed to be an original cosponsor??

Sent from my BlackBerry Wireless Handheld

From: Hicks, Cory
Sent: Wednesday, July 31, 2013 09:57 PM
To: Pape, Michael; Buchanan, Melissa
Subject: Re: McKinley UMWA/Patriot Healthcare and Pensions Bill

Yes and this wouldn't have happen if it wasn't for Melissa's efforts.

From: Pape, Michael
Sent: Wednesday, July 31, 2013 09:54 PM
To: Buchanan, Melissa; Hicks, Cory
Subject: Re: McKinley UMWA/Patriot Healthcare and Pensions Bill

Our bill stays out there though regardless, correct?

Sent from my BlackBerry Wireless Handheld

From: Buchanan, Melissa
Sent: Wednesday, July 31, 2013 09:52 PM
To: Pape, Michael; Hicks, Cory

Subject: Re: McKinley UMWA/Patriot Healthcare and Pensions Bill

Thanks, Mike!

Sent using BlackBerry

From: Pape, Michael
Sent: Wednesday, July 31, 2013 09:23 PM
To: Hicks, Cory
Cc: Buchanan, Melissa
Subject: Re: McKinley UMWA/Patriot Healthcare and Pensions Bill

He should be an original co-sponsor.

Sent from my BlackBerry Wireless Handheld

From: Hicks, Cory
Sent: Wednesday, July 31, 2013 09:10 PM
To: Pape, Michael
Cc: Buchanan, Melissa
Subject: Fw: McKinley UMWA/Patriot Healthcare and Pensions Bill

Mike, did you see this email? Need your response tonight. Thanks.

From: Buchanan, Melissa
Sent: Wednesday, July 31, 2013 05:59 PM
To: Pape, Michael
Cc: Hicks, Cory
Subject: McKinley UMWA/Patriot Healthcare and Pensions Bill

Hi Mike,

Attached is the bill Rep. McKinley is introducing tomorrow. They have asked us to be an original cosponsor. The healthcare portion is similar to ours. It puts the retirees into the 1993 Plan. It also transfers the assets from the Patriot established VEBA into the 1993 plan. The goal is to avoid any duplication of benefits and to lower the cost of the bill.

The \$490million in unobligated AML interest would be used towards both healthcare and pensions. Any of the money needed to pay healthcare benefits would be used first, then whatever is leftover would go towards the pensions. The idea being that as the VEBA assets grow less money would be needed on a yearly basis for healthcare, so more would be available for pensions.

This bill is supported by Bob Murray and UMWA, and we think it actually has a better chance of getting passed. Please let me know what you think and if EW should be an original cosponsor.

Thanks,
Melissa

Melissa Buchanan
Legislative Assistant
Office of Congressman Ed Whitfield (KY-01)
2184 Rayburn House Office Building

Washington, DC 20515
Phone: (202) 225-3115
Fax: (202) 225-3547

Follow Rep. Whitfield on the web:



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Hicks, Cory

From: Hicks, Cory
Sent: Tuesday, July 02, 2013 12:54 PM
To: Buchanan, Melissa; Bill Banig
Subject: RE: Caring for Coal Miners Act

Thanks, Melissa.

Bill, just to reiterate, Congressman Whitfield explicitly asked me to get a letter of support from UMWA. Is that something you can provide?

From: Buchanan, Melissa
Sent: Tuesday, July 02, 2013 12:51 PM
To: Bill Banig
Cc: Hicks, Cory
Subject: Caring for Coal Miners Act

Good Afternoon Bill,

Attached is the final draft of Congressman Whitfield's bill that will protect the healthcare benefits for UMWA retirees who may be in jeopardy of losing those benefits due to the bankruptcy of Patriot Coal. Congressman Whitfield is planning to introduce the bill next week, and we would certainly appreciate UMWA sending us a letter of support.

Thank you,
Melissa

Melissa Buchanan
Legislative Assistant
Office of Congressman Ed Whitfield (KY-01)
2184 Rayburn House Office Building
Washington, DC 20515
Phone: (202) 225-3115
Fax: (202) 225-3547

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Hicks, Cory

From: Buchanan, Melissa
Sent: Thursday, June 13, 2013 12:34 PM
To: Hicks, Cory
Subject: RE: UMWA/Patriot question

thanks

Melissa Buchanan
Legislative Assistant
Office of Congressman Ed Whitfield (KY-01)
2184 Rayburn House Office Building
Washington, DC 20515
Phone: (202) 225-3115
Fax: (202) 225-3547

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From: Hicks, Cory
Sent: Thursday, June 13, 2013 12:33 PM
To: Buchanan, Melissa
Subject: RE: UMWA/Patriot question

I called Maryam. Waiting to hear back.

From: Buchanan, Melissa
Sent: Thursday, June 13, 2013 11:10 AM
To: Hicks, Cory
Subject: FW: UMWA/Patriot question

See below. Now what do we do?

Melissa Buchanan
Legislative Assistant
Office of Congressman Ed Whitfield (KY-01)
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Washington, DC 20515
Phone: (202) 225-3115
Fax: (202) 225-3547

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From: J. Steven Hart [mailto:████████@wms-jen.com]
Sent: Thursday, June 13, 2013 11:07 AM
To: Buchanan, Melissa
Cc: David A. Starr
Subject: RE: UMWA/Patriot question

As you know, \$210 million was transferred in 1992 from the pension fund to the health fund. This could be transferred back justifiably as an "error". The pension fund has also lost the earnings on this \$210 million for almost 20 years. That earnings number is big and an unknown, perhaps hard to calculate and defend

I raised this option with the Boehner staff yesterday, Maryam and Dave Stewart who handles pension issues. I know you know Maryam Brown well so may I suggest you try to get a reaction from her? This is dangerous ground policy wise and I am not comfortable guiding you to this conclusion without some cover from the leadership. I do not think David Stewart is anywhere close to approving this but Maryam could maybe grant you a reprieve to move ahead on your own

From: Buchanan, Melissa [mailto:Melissa.Buchanan@mail.house.gov]
Sent: Thursday, June 13, 2013 10:54 AM
To: J. Steven Hart
Cc: David A. Starr
Subject: RE: UMWA/Patriot question

Hi Steve and David,

Given yesterday's announcement from UMWA and Patriot we are getting more pressure to do something. I want to propose this idea of transferring the money back from the Combined Benefit Fund back to the pension fund and supplementing the Combined Benefit Fund with AML interest to my boss. Would you all be able to put something together on this?

Thank you for your help,
Melissa

Melissa Buchanan
Legislative Assistant
Office of Congressman Ed Whitfield (KY-01)
2184 Rayburn House Office Building
Washington, DC 20515
Phone: (202) 225-3115
Fax: (202) 225-3547

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From: J. Steven Hart [mailto:████████@wms-jen.com]
Sent: Tuesday, June 11, 2013 4:26 PM
To: Buchanan, Melissa
Cc: David A. Starr
Subject: RE: UMWA/Patriot question

The transfer was done in 1992 when the pension fund was over funded. So we could just transfer it back.

From: Buchanan, Melissa [<mailto:Melissa.Buchanan@mail.house.gov>]

Sent: Tuesday, June 11, 2013 3:26 PM

To: J. Steven Hart

Subject: UMWA/Patriot question

Hi Steve,

During one of our meetings in discussing the UMWA/Patriot situation, you mentioned that in 2006 (?) Congress redirected some money from the UMWA Pension fund to the 1993 Health Benefits Fund. I think you also mention that transferring this money back to the pension fund could help with the shortfalls there. Am I correct in remembering this? Could you explain how this would work and if it would be a viable option to help the UMWA Pension fund problem?

Thank you for all your help on this issue.

Melissa

Melissa Buchanan
Legislative Assistant
Office of Congressman Ed Whitfield (KY-01)
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Phone: (202) 225-3115
Fax: (202) 225-3547

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Buchanan, Melissa

From: Bill Banig <[REDACTED]@umwa.org>
Sent: Friday, November 16, 2012 10:51 AM
To: Buchanan, Melissa
Subject: Re: [Spam] Patriot Coal meeting follow-up

I'll get it set up.

Sent from my iPhone

On Nov 16, 2012, at 10:00 AM, "Buchanan, Melissa" <Melissa.Buchanan@mail.house.gov> wrote:

Good Morning Mr. Banig:

It was very nice to meet you yesterday, and I appreciate the additional information you provided on this issue. I would like to take you up on your offer to meet with someone from your legal team to further discuss the bankruptcy of Patriot Coal.

Thank you, and I look forward to working with you.
Melissa

Melissa Buchanan
Office of Congressman Ed Whitfield (KY-01)
2368 Rayburn House Office Building
Washington, DC 20515
Phone: (202) 225-3115
Fax: (202) 225-3547

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Buchanan, Melissa

From: Adam Banig [REDACTED]@umwa.org>
Sent: Tuesday, November 20, 2012 10:15 AM
To: Buchanan, Melissa
Subject: Re: Representative Whitfield-Patriot Mtg

Melissa-

2:30 seems to be the consensus among our group for being the best time.

Does 2:30 work for you?

Adam Banig
Umwa Legislative Representative
(C) 571-294-[REDACTED]
(W) 703-291-[REDACTED]
(F) 703- 291-2451

On Nov 19, 2012, at 5:24 PM, Adam Banig <[REDACTED]@umwa.org> wrote:

Yes. Thanks

Adam Banig
Umwa Legislative Representative
(C) 571-294-[REDACTED]
(W) 703-291-[REDACTED]
(F) 703- 291-2451

On Nov 19, 2012, at 5:13 PM, "Buchanan, Melissa" <Melissa.Buchanan@mail.house.gov> wrote:

Hi Adam:

Yes, a meeting with the lawyers and experts would be very helpful for me to better understand the issues surrounding the Patriot Coal Bankruptcy. Would 2pm or 2:30pm on November 28 work for their schedules?

Thank you:
Melissa

Melissa Buchanan
Office of Congressman Ed Whitfield (KY-01)
2368 Rayburn House Office Building
Washington, DC 20515
Phone: (202) 225-3115
Fax: (202) 225-3547

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From: Adam Banig [mailto:████████@umwa.org]
Sent: Monday, November 19, 2012 3:53 PM
To: Grant Crandall; Buchanan, Melissa; Hicks, Cory
Cc: Bill Banig; MICHEAL BUCKNER; Paul Green
Subject: Re: Representative Whitfield-Patriot Mtg

Melisa and Cory-

We have talked to our lawyers and experts that we will bring in to brief you and the congressman more on the Patriot Coal Bankruptcy.

Are you available me next Wednesday, Nov 28th in the afternoon?

Thanks

Adam Banig
Umwa Legislative Representative
(C) 571-294-████████
(W) 703-291-████████
(F) 703- 291-2451

On Nov 19, 2012, at 3:27 PM, Grant Crandall <████████@umwa.org> wrote:

Yes, Wed afternoon would be best if that is possible. Tues we can't do it because of the big strategy meeting CER is having here. The other days of the week are also pretty hard to free up. Just let me know. Grant

Would you be available sometime next week for a meeting on Patriot with Rep. Ed Whitfield (R-KY 1st) office. Whitfield represents the Highland operations in western KY and has expressed a dsire to help. Adam and I met with him last week. After that meeting his staff has requested a follow up meeting. I will be at the COP 18 climate meetings next week.

Bill Banig
Director of Governmental Affairs
United Mine Workers of America
(W) 703-291-████████
(F) 703-291-2451

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--
Grant Crandall, General Counsel

United Mine Workers of America
18354 Quantico Gateway Drive, Suite 200
Triangle, VA 22172
Direct: 703-291-██████ / Main: 703-291-2400/ Fax: 703-
291-2448
██████@umwa.org / www.umwa.org
Assistant: Becky Gillespie/ 202-291-██████/
██████@umwa.org

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Buchanan, Melissa

From: Bill Banig <[REDACTED]@umwa.org>
Sent: Wednesday, April 17, 2013 9:33 AM
To: Buchanan, Melissa
Cc: Steve Earle; Adam Banig
Subject: UMWA/CARE Act

Melissa,

I am following up on a meeting that a couple of my Local Union Presidents had with Mr. Whitfield last weekend about the CARE Act. Mr. Whitfield requested that we come in to meet again. He indicated that he had additional questions concerning the legislation. Please let me know when a good time would be for us to come in to meet with him.

Bill Banig
Director of Governmental Affairs
United Mine Workers of America
(W) 703-291-[REDACTED]
(C) 202-302-[REDACTED]
(F) 703-291-2451

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Buchanan, Melissa

From: Altmeyer, Thomas [REDACTED]@archcoal.com>
Sent: Tuesday, December 04, 2012 10:57 AM
To: Buchanan, Melissa
Cc: Rogier, Rachel
Subject: RE: Patriot Coal questions

Will take a look, at least we can talk. I'm going to ask Rachel to forward a very brief bullet paper that outlines Arch's prior ownership of several of the Patriot mines. Please don't share beyond The Chairman and Cory.'

It may answer your questions

Tom Altmeyer
Arch Coal
O 202 333 [REDACTED]
M 202 321 [REDACTED]

From: Buchanan, Melissa [<mailto:Melissa.Buchanan@mail.house.gov>]
Sent: Tuesday, December 04, 2012 10:44 AM
To: Altmeyer, Thomas
Subject: RE: Patriot Coal questions

Hi Mr. Altmeyer:

I just met with Rashid from Patriot. Although I appreciated him meeting with me, I still have some questions regarding what role Arch and Peabody have in this whole bankruptcy situation. Is there a time later this week, maybe Thursday or Friday, that you would be available to meet with me?

Thank you:
Melissa

Melissa Buchanan
Office of Congressman Ed Whitfield (KY-01)
2368 Rayburn House Office Building
Washington, DC 20515
Phone: (202) 225-3115
Fax: (202) 225-3547

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From: Altmeyer, Thomas [[mailto:\[REDACTED\]@archcoal.com](mailto:[REDACTED]@archcoal.com)]
Sent: Thursday, November 29, 2012 2:12 PM
To: Buchanan, Melissa
Cc: [REDACTED]@americanpatriotgroup.com
Subject: RE: Patriot Coal questions

Melissa. Congratulations. Sat next to Cory last evening at the Coal dinner where Ed was honored and he relayed to me. I had asked the Club to invite you however they said they were told that you were no longer there. Apologies for their lack of further diligence.

I'm trying to get the latest on where things stand and will get back to you. The last court action was a transfer of the case from NYC to St Louis several weeks ago. As you know, Patriot is trying to reorganize in bankruptcy.

Rashid, copied above, who is with Patriot, may have more information

From: Buchanan, Melissa [<mailto:Melissa.Buchanan@mail.house.gov>]
Sent: Thursday, November 29, 2012 11:52 AM
To: Altmeyer, Thomas
Subject: Patriot Coal questions

Hi Mr. Altmeyer:

I have moved to the legislative staff in Congressman Whitfield's office, and I've taken over the labor issues portfolio. I received a call from a constituent earlier this week asking about the Patriot Coal bankruptcy case and what could potentially happen to her survivors benefits. I'm trying to get more information about the situation before I answer her and was wondering if you have time to either meet or chat over the phone.

Thank you, and I hope you had a nice Thanksgiving.
Melissa

Melissa Buchanan
Office of Congressman Ed Whitfield (KY-01)
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Buchanan, Melissa

From: Altmeyer, Thomas <[REDACTED]@archcoal.com>
Sent: Tuesday, March 12, 2013 12:01 PM
To: Buchanan, Melissa; Hicks, Cory; Rogier, Rachel
Subject: RE: CARE Act/

See you then

Tom Altmeyer
Arch Coal
O 202 333 [REDACTED]
M 202 321 [REDACTED]

From: Buchanan, Melissa [mailto:Melissa.Buchanan@mail.house.gov]
Sent: Tuesday, March 12, 2013 11:58 AM
To: Altmeyer, Thomas; Hicks, Cory; Rogier, Rachel
Subject: RE: CARE Act/

I have another meeting at 4pm, so 2:30pm would work best for me.

Melissa Buchanan
Legislative Assistant
Office of Congressman Ed Whitfield (KY-01)
2184 Rayburn House Office Building
Washington, DC 20515
Phone: (202) 225-3115
Fax: (202) 225-3547

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From: Altmeyer, Thomas [mailto:[REDACTED]@archcoal.com]
Sent: Tuesday, March 12, 2013 11:51 AM
To: Hicks, Cory; Buchanan, Melissa; Rogier, Rachel
Subject: RE: CARE Act/

Things have gotten a little confused by my email. How about 4:00 PM which would be best for me.

If that doesn't work, we'll stick with 2:30 PM.

Please confirm if 4 PM doable or best to do at 2:30 PM

Tom Altmeyer
Arch Coal
O 202 333 [REDACTED]
M 202 321 [REDACTED]

From: Hicks, Cory [mailto:Cory.Hicks@mail.house.gov]
Sent: Tuesday, March 12, 2013 11:36 AM

To: Altmeyer, Thomas; Buchanan, Melissa; Rogier, Rachel
Subject: RE: CARE Act/

3:30 works for me and I think it works for Melissa as well. Thanks for being flexible- just didn't want you to be waiting on me if I get stuck at this lunch longer than an hour.

From: Altmeyer, Thomas [mailto: [REDACTED]@archcoal.com]
Sent: Tuesday, March 12, 2013 11:09 AM
To: Buchanan, Melissa; Rogier, Rachel
Cc: Hicks, Cory
Subject: RE: CARE Act/

Rachel. Please see if Rothfus person can do 2 PM. I need move the Whitfield staff meeting to 2:30 PM.

In the alternative, I could also do 3:30 PM

Tom Altmeyer
Arch Coal
O 202 333 [REDACTED]
M 202 321 [REDACTED]

From: Buchanan, Melissa [mailto:Melissa.Buchanan@mail.house.gov]
Sent: Tuesday, March 12, 2013 10:59 AM
To: Altmeyer, Thomas; Hicks, Cory
Subject: RE: CARE Act/

To ensure that Cory has time to make it back to the office for this meeting, would it be possible to push back until 2:30pm?

Thanks,
Melissa

Melissa Buchanan
Legislative Assistant
Office of Congressman Ed Whitfield (KY-01)
2184 Rayburn House Office Building
Washington, DC 20515
Phone: (202) 225-3115
Fax: (202) 225-3547

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From: Altmeyer, Thomas [mailto: [REDACTED]@archcoal.com]
Sent: Monday, March 11, 2013 12:14 PM
To: Hicks, Cory
Cc: Buchanan, Melissa
Subject: RE: CARE Act/

See you then

From: Hicks, Cory [<mailto:Cory.Hicks@mail.house.gov>]
Sent: Monday, March 11, 2013 12:14 PM
To: Altmeyer, Thomas
Cc: Buchanan, Melissa
Subject: RE: CARE Act/

Yes. I have a lunch starting at 1, but should be back by 2 or a little after. Melissa is available at 2 as well.

From: Altmeyer, Thomas [[mailto:\[REDACTED\]@archcoal.com](mailto:[REDACTED]@archcoal.com)]
Sent: Monday, March 11, 2013 12:10 PM
To: Hicks, Cory
Cc: Buchanan, Melissa
Subject: RE: CARE Act/

Could I come by at 2 PM tomorrow to explain why?

From: Hicks, Cory [<mailto:Cory.Hicks@mail.house.gov>]
Sent: Monday, March 11, 2013 11:57 AM
To: Altmeyer, Thomas
Cc: Buchanan, Melissa
Subject: RE: CARE Act/

We're trying to figure out how it screws Arch. Can you help explain? We're caught in a very difficult spot because we have several miners out of a job with benefits in jeopardy resulting from the Patriot bankruptcy. The Chairman feels the need to do something.

From: Altmeyer, Thomas [[mailto:\[REDACTED\]@archcoal.com](mailto:[REDACTED]@archcoal.com)]
Sent: Monday, March 11, 2013 11:54 AM
To: Hicks, Cory
Subject: CARE Act/

Heard that Rahall and UMWA are trying to get members on. It screws arch coal.

When could I come in and see the Chairman to explain why.

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Buchanan, Melissa

From: Altmeyer, Thomas [REDACTED]@archcoal.com>
Sent: Thursday, May 30, 2013 4:32 PM
To: Buchanan, Melissa
Cc: David A. Starr; Steven Hart ([REDACTED]@wms-jen.com)
Subject: RE: Patriot Healthcare Benefits Discussion Draft Bill

How about Noon.

David Starr and I would be there/ Steve would be on by phone. Would help if we could do in Cory or Chr Whitfield's office to facilitate our calling Steve.

Steve. What would be the best # to call you.

-----Original Message-----

From: Buchanan, Melissa [mailto:Melissa.Buchanan@mail.house.gov]
Sent: Thursday, May 30, 2013 4:13 PM
To: Altmeyer, Thomas
Cc: Steven Hart ([REDACTED]@wms-jen.com); Hicks, Cory
Subject: RE: Patriot Healthcare Benefits Discussion Draft Bill

Hi Tom,

I would like to go ahead and meet with you tomorrow, if you're still available.

Thanks,
Melissa

Melissa Buchanan
Legislative Assistant
Office of Congressman Ed Whitfield (KY-01)
2184 Rayburn House Office Building
Washington, DC 20515
Phone: (202) 225-3115
Fax: (202) 225-3547
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-----Original Message-----

From: Altmeyer, Thomas [mailto:[REDACTED]@archcoal.com]
Sent: Thursday, May 30, 2013 4:02 PM
To: Buchanan, Melissa
Cc: Steven Hart ([REDACTED]@wms-jen.com); Hicks, Cory
Subject: RE: Patriot Healthcare Benefits Discussion Draft Bill

We will be suggesting changes to the Leg Counsel draft. Should we wait till Monday or meet with you.

-----Original Message-----

From: Buchanan, Melissa [mailto:Melissa.Buchanan@mail.house.gov]
Sent: Thursday, May 30, 2013 2:48 PM
To: Altmeyer, Thomas
Cc: Steven Hart [REDACTED]@wms-jen.com); Hicks, Cory
Subject: RE: Patriot Healthcare Benefits Discussion Draft Bill

Cory is back in Kentucky until next Monday.

Melissa Buchanan
Legislative Assistant
Office of Congressman Ed Whitfield (KY-01)
2184 Rayburn House Office Building
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Phone: (202) 225-3115
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-----Original Message-----

From: Altmeyer, Thomas [mailto:[REDACTED]@archcoal.com]
Sent: Thursday, May 30, 2013 2:06 PM
To: Buchanan, Melissa
Cc: Steven Hart [REDACTED]@wms-jen.com); Hicks, Cory
Subject: Re: Patriot Healthcare Benefits Discussion Draft Bill

Will be back to you later today.

Cory. Are you in tomorrow.

Tom Altmeyer
Arch Coal
O: 202-333-[REDACTED]
C: 202-321-[REDACTED]

On May 30, 2013, at 12:22 PM, "Buchanan, Melissa" <Melissa.Buchanan@mail.house.gov> wrote:

> Hi Tom,
>
> I have a conference call at 2:30pm, but other than that, I am free anytime after 11am.
>
> Thanks for the quick response.
> Melissa
>
> Melissa Buchanan
> Legislative Assistant
> Office of Congressman Ed Whitfield (KY-01)
> 2184 Rayburn House Office Building
> Washington, DC 20515
> Phone: (202) 225-3115

> Fax: (202) 225-3547

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> -----Original Message-----

> From: Altmeyer, Thomas [mailto: [REDACTED]@archcoal.com]

> Sent: Thursday, May 30, 2013 12:21 PM

> To: Buchanan, Melissa

> Cc: Steven Hart (JSHart@wms-jen.com); Hicks, Cory

> Subject: Re: Patriot Healthcare Benefits Discussion Draft Bill

>

> Melissa. What is a good time for Steve and I to come by tomorrow after 11 am to give you feedback.

>

> Tom Altmeyer

> Arch Coal

> O: 202-333-[REDACTED]

> C: 202-321-[REDACTED]

>

> On May 30, 2013, at 11:16 AM, "Buchanan, Melissa" <Melissa.Buchanan@mail.house.gov> wrote:

>

>> Hi Steve and Tom,

>>

>> Attached is the latest discussion draft as prepared by leg counsel (Patriot_002). The attorney at leg counsel did have some questions regarding drafting of the bill, and those are in brackets.

>>

>> I have also attached the original draft of the bill (Patriot_001) and the edits to it as suggested by UMWA. In the meeting Cory and I had with UMWA last week, we were told that we would not need to transfer the unobligated AML Fund balances to the 1993 as we did in the original draft. According to UMWA, changing the requirement for who can receive benefits from the 1993 will automatically increase the contributions made by the companies who pay into the 1993 plan.

>>

>> Can you please take a look and let me know your thoughts?

>>

>> Thanks,

>> Melissa

>>

>>

>> Melissa Buchanan

>> Legislative Assistant

>> Office of Congressman Ed Whitfield (KY-01)

>> 2184 Rayburn House Office Building

>> Washington, DC 20515

>> Phone: (202) 225-3115

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<<http://www.flickr.com/photos/edwhitfield>> [cid:image003.png@01CAC4F7.D17F7D80]

<<http://www.youtube.com/WhitfieldKY01>> [cid:image004.png@01CAC4F7.D17F7D80]

<<http://whitfield.house.gov/atom.xml>>

>> Click here<<https://whitfieldforms.house.gov/enews.shtml>> to sign up for Rep. Ed Whitfield's e-newsletter.

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>> <Patriot_001_xml.pdf>

>> <0524 13 UMWA Whitfield draft changes.pdf>

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> _____

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Buchanan, Melissa

From: Rashid Hallaway <[REDACTED]@americanpatriotgroup.com>
Sent: Monday, March 18, 2013 11:50 AM
To: Buchanan, Melissa
Cc: Hicks, Cory
Subject: Re: Heads Up

That works for me. Please call 202-380-5118 at your convenience.

Rashid Hallaway
Vice President
514 Magnolia Ave
Charlotte, NC 28203
202.380.[REDACTED] (work)
202.486.[REDACTED] (cell)
202.315.3180 (fax)

From: <Buchanan>, Melissa <Melissa.Buchanan@mail.house.gov>
Date: Monday, March 18, 2013 11:27 AM
To: Rashid Hallaway <[REDACTED]@americanpatriotgroup.com>
Cc: "Hicks, Cory" <Cory.Hicks@mail.house.gov>
Subject: Re: Heads Up

Hi Rashid,

Would you have time to do a call with Cory and me at 3pm this afternoon?

Thank you,
Melissa

Sent using BlackBerry

From: Rashid Hallaway [[mailto:\[REDACTED\]@americanpatriotgroup.com](mailto:[REDACTED]@americanpatriotgroup.com)]
Sent: Friday, March 15, 2013 04:20 PM
To: Buchanan, Melissa
Cc: Hicks, Cory
Subject: Re: Heads Up

Hey Melissa,

Thanks for your note. I will be in town next Tuesday to Thursday but will be tied up with Steve Chancellor most of the time. I'm really sorry but likely won't be able to swing by the office.

Could we catch up by phone on Monday? I'm wide open Monday afternoon if you have time.

Thanks for reaching out.

RH

Rashid Hallaway
Vice President
514 Magnolia Ave
Charlotte, NC 28203
202.380. [REDACTED] (work)
202.486. [REDACTED] (cell)
202.315.3180 (fax)

From: <Buchanan>, Melissa <Melissa.Buchanan@mail.house.gov>
Date: Friday, March 15, 2013 9:30 AM
To: Rashid Hallaway <[\[REDACTED\]@americanpatriotgroup.com](mailto:[REDACTED]@americanpatriotgroup.com)>
Cc: "Hicks, Cory" <Cory.Hicks@mail.house.gov>
Subject: RE: Heads Up

Hi Rashid,

Would you be available to meet with Cory and me sometime next week regarding Congressman Rahall's CARE Act (HR 980)?

Thanks,
Melissa

Melissa Buchanan
Legislative Assistant
Office of Congressman Ed Whitfield (KY-01)
2184 Rayburn House Office Building
Washington, DC 20515
Phone: (202) 225-3115
Fax: (202) 225-3547

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From: Hicks, Cory
Sent: Thursday, March 14, 2013 9:34 PM
To: Buchanan, Melissa
Subject: Fw: Heads Up

From: Rashid Hallaway [mailto:██████████@americanpatriotgroup.com]

Sent: Thursday, March 14, 2013 06:58 PM

To: Hicks, Cory

Subject: Heads Up

Patriot Coal Files Motion With The Bankruptcy Court To Modify Collective Bargaining Agreements And Retiree Healthcare Benefits; Company Also Files Lawsuit Against Peabody Energy

ST. LOUIS, March 14, 2013 /PRNewswire/ -- Patriot Coal Corporation (OTC: PCXCQ) today filed a motion with the Bankruptcy Court in St. Louis seeking to modify collective bargaining agreements with the United Mine Workers of America (UMWA). Patriot is filing this motion now to obtain critical financial relief in a timeframe that avoids severe business disruption. The proposed modifications include the establishment of a Voluntary Employee Beneficiary Association (VEBA) trust to provide healthcare for UMWA-represented retirees, as well as changes to wages, benefits and work rules for UMWA-represented employees. This filing follows more than four months of negotiations between representatives of Patriot subsidiaries and the UMWA. The Company is committed to continuing efforts to reach a consensual agreement while this motion is addressed by the court. Also today, Patriot filed an initial lawsuit against Peabody Energy Corporation (Peabody) to ensure that Peabody does not attempt to use Patriot's bankruptcy to escape Peabody's own healthcare obligations to certain retirees.

"The actions we have taken today are necessary for the survival of Patriot and the preservation of more than 4,000 jobs. Without the cost relief we are seeking, all of these jobs will be lost and it will no longer be possible to provide healthcare for more than 23,000 employees, retirees and their dependents. Our labor and retiree benefit costs have risen to levels that simply cannot be sustained given the challenges facing the Company and our industry," stated Patriot President and Chief Executive Officer Bennett K. Hatfield. "All of our employees and retirees are being asked to make sacrifices to help Patriot emerge from bankruptcy. These sacrifices include reductions in compensation and benefits for salaried, union and nonunion employees."

"The approval of this motion will be the single most important action necessary to ensure Patriot's financial viability and successful reorganization," continued Hatfield. "It is critical that we quickly achieve these savings within the timeframe provided by our debtor-in-possession financing."

Patriot's UMWA labor costs are not competitive with other coal producers that operate under more flexible work rules and a significantly lower labor cost structure. The Company's proposal seeks to adjust wages, benefits and work rules for its unionized employees to a level consistent with the regional labor market. The Company can no longer afford to pay above-market wages and benefits to its 1,600 union employees as compared to its 1,300 nonunion miners doing exactly the same jobs. As part of the proposal, Patriot intends to offer its union employees the same healthcare benefits it provides to nonunion employees.

Patriot is also seeking to modify its unsustainable payments for UMWA-related retiree healthcare liabilities, which total approximately \$1.6 billion. The Company's proposal would transition certain of its UMWA-related healthcare obligations to a VEBA trust to provide retirees with meaningful long-term healthcare benefits. Funding for the VEBA would consist of: (i) an allowed unsecured claim that will represent a meaningful ownership stake in the reorganized company and could be monetized for significant value, (ii) profit sharing, up to a maximum of \$300 million and (iii) an initial cash contribution of \$15 million. Patriot would also honor retiree medical obligations incurred prior to July 1, 2013, to allow sufficient time for the VEBA to be established. The VEBA trust would be designed and administered by the UMWA or the UMWA Health and Retirement Funds.

Patriot would continue to provide healthcare for its entire active workforce and their eligible family members, and for more than 2,300 individuals who receive healthcare pursuant to the Coal Industry Retiree Health Benefit Act of 1992 (Coal Act). Patriot spent approximately \$14 million on Coal Act liabilities in 2012.

"We very much regret the necessity of these changes to our employees' and retirees' wages and benefits," concluded Hatfield. "However, these actions are necessary for Patriot to become viable and continue to provide more than 4,000 jobs. We believe the alternative of liquidating Patriot would do far greater damage to the employees and retirees who depend on this company."

Also today, Patriot filed a lawsuit against Peabody seeking a declaration from the Bankruptcy Court that any relief Patriot is able to obtain through its motion would not relieve Peabody of its own obligations to certain retirees. In connection with Patriot's 2007 spinoff, Peabody agreed to pay the healthcare costs for thousands of retirees who were employed by Peabody entities that were transferred to Patriot in the spinoff. Patriot believes that Peabody might argue that Patriot's financial condition and unavoidable actions in the Bankruptcy Court will allow Peabody to stop paying for or cut the healthcare of more than 3,000 individuals.

Together with the official committee of unsecured creditors, Patriot continues to investigate potential claims against Peabody. Patriot has filed this initial lawsuit in conjunction with the timing of the Company's retiree healthcare motion filed today.

Patriot's bankruptcy filing in July 2012 resulted from exceptionally weak coal markets, coupled with increasing costs and unsustainable legacy liabilities. Leading up to the filing, coal markets suffered from declining pricing and demand brought on by slowing global economic growth, inexpensive natural gas and heightened regulation of coal-fueled electricity generation. Since the bankruptcy filing coal markets have deteriorated further.

Note: Background of Patriot's restructuring and transformation can be found at the Company's website, www.patriotcoal.com.

About Patriot Coal

Patriot Coal Corporation is a producer and marketer of coal in the eastern United States, with 11 active mining complexes in Appalachia and the Illinois Basin. Patriot ships to domestic and international electricity generators, industrial users and metallurgical coal customers, and controls approximately 1.8 billion tons of proven and probable coal reserves.

Forward-Looking Statements

Certain statements in this press release are forward-looking as defined in the Private Securities Litigation Reform Act of 1995. These statements involve certain risks and uncertainties that may be beyond our control and may cause our actual future results to differ materially from our current expectations both in connection with the Chapter 11 filings Patriot announced on July 9, 2012 and our business and financial prospects. No assurance can be made that these events will come to fruition. We undertake no obligation (and expressly disclaim any such obligation) to publicly update or revise any forward-looking statement, whether as a result of new information, future events or otherwise. Factors that could affect our results include, but are not limited to: (i) the ability of Patriot and its subsidiaries to continue as a going concern, (ii) the ability of Patriot and its subsidiaries to operate within the restrictions and liquidity limitations of the post-petition credit facilities authorized by the Bankruptcy Court, (iii) the ability of Patriot and its subsidiaries to obtain Bankruptcy Court approval with respect to motions in the Chapter 11 cases, (iv) the ability of Patriot and its subsidiaries to successfully complete a reorganization under Chapter 11 and emerge from bankruptcy, which is dependent upon, among other things, the ability to implement changes to wage and benefit programs and postretirement benefit obligations consensually or pursuant to Sections 1113 and 1114 of the Bankruptcy Code, to minimize liabilities upon emergence and to obtain post-bankruptcy financing, (v) the effects of the bankruptcy filing on Patriot and its subsidiaries and the interests of various creditors, equity holders and other constituents, (vi)

Bankruptcy Court rulings in the Chapter 11 cases and the outcome of the cases in general, (vii) the length of time Patriot and its subsidiaries will operate under the Chapter 11 cases, (viii) risks associated with third-party motions in the Chapter 11 cases, which may interfere with the ability of Patriot and its subsidiaries to develop one or more plans of reorganization and consummate such plans once they are developed, (ix) the potential adverse effects of the Chapter 11 proceedings on Patriot's liquidity or results of operations, (x) the ability to execute Patriot's business and restructuring plans, (xi) increased legal costs related to Patriot's bankruptcy filing and other litigation, and (xii) the ability of Patriot and its subsidiaries to maintain contracts that are critical to their operation, including to obtain and maintain normal terms with their vendors, customers, landlords and service providers and to retain key executives, managers and employees. In the event that the risks disclosed in Patriot's public filings and those discussed above cause results to differ materially from those expressed in Patriot's forward-looking statements, Patriot's business, financial condition, results of operations or liquidity, and the interests of creditors, equity holders and other constituents, could be materially adversely affected. For additional information concerning factors that could cause actual results to materially differ from those projected herein, please refer to Patriot's Form 10-K and Form 10-Q reports.

SOURCE Patriot Coal Corporation

Buchanan, Melissa

From: Altmeyer, Thomas <[REDACTED]@archcoal.com>
Sent: Tuesday, April 30, 2013 1:55 PM
To: Hicks, Cory
Cc: Buchanan, Melissa; Steven Hart [REDACTED]@wms-jen.com); Heydlauff, Emma
Subject: Re: CARE Act variation - medical benefits.

To meet personally on the CARE Act etc.

Separately, left you a vm. Please call me on NSPS's for various industries.

Tom Altmeyer
Arch Coal
O: 202-333-[REDACTED]
C: 202-321-[REDACTED]

On Apr 30, 2013, at 12:04 PM, "Hicks, Cory" <Cory.Hicks@mail.house.gov<<mailto:Cory.Hicks@mail.house.gov>>> wrote:

Thanks, Tom. We heard from Patrick. We'll certainly circle around with all those parties before introducing. We're still waiting on feedback from UMWA.

Cc'ing Emma who can work on a meeting after May the 8th. Can you share a subject?

From: Altmeyer, Thomas [[mailto:\[REDACTED\]@archcoal.com](mailto:[REDACTED]@archcoal.com)]
Sent: Tuesday, April 30, 2013 11:23 AM
To: Buchanan, Melissa
Cc: Hicks, Cory; Steven Hart [REDACTED]@wms-jen.com<[mailto:\[REDACTED\]@wms-jen.com](mailto:[REDACTED]@wms-jen.com)>)
Subject: CARE Act variation - medical benefits.

Steve Hart met with Rep. Bill Johnson last Friday and referenced that you are looking at putting something together to address the Patriot miner health benefits for Patriot people covered by the '93 plan.

His Chief, Mike Smullens and LD, Patrick Orth, were also in the meeting. Steve also met with Tiberi and staff, Brad Bailey, who chairs the Select Revenue Sub on W&M. Since he chairs the sub of juris, he wouldn't be a likely co-sponsor but Brad should be kept in the loop

Before you introduce anything, I think you should circle back with Adam Tomlinson with Capito with whom we've met and Cory Toth with McKinley. If you agree, please touch base with me before you reach out to them.

Separately, Steve and I would like to come in and personally talk with Chairman Whitfield sometime after the 8th

Tom Altmeyer
Arch Coal
M: 202-321-[REDACTED]
O: 202-333-[REDACTED]

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Buchanan, Melissa

From: Bennett, Tate (McConnell) <Tate_Bennett@mcconnell.senate.gov>
Sent: Friday, July 26, 2013 9:11 AM
To: Buchanan, Melissa
Subject: RE: WHITFIELD INTRODUCES BILL TO PROTECT COAL MINERS' HEALTH CARE BENEFITS

Is now a bad time?

From: Buchanan, Melissa [mailto:Melissa.Buchanan@mail.house.gov]
Sent: Friday, July 26, 2013 9:09 AM
To: Bennett, Tate (McConnell)
Subject: RE: WHITFIELD INTRODUCES BILL TO PROTECT COAL MINERS' HEALTH CARE BENEFITS

Hi Tate,

Sure, give me a call anytime. My direct is 6-██████.

Melissa Buchanan
Legislative Assistant
Office of Congressman Ed Whitfield (KY-01)
2184 Rayburn House Office Building
Washington, DC 20515
Phone: (202) 225-3115
Fax: (202) 225-3547

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From: Bennett, Tate (McConnell) [mailto:Tate_Bennett@mcconnell.senate.gov]
Sent: Friday, July 26, 2013 8:41 AM
To: Buchanan, Melissa
Subject: RE: WHITFIELD INTRODUCES BILL TO PROTECT COAL MINERS' HEALTH CARE BENEFITS

Hey Melissa,

Your favorite topic- Caring for Coal Miners. Do you have a quick second for us to revisit this via phone?

Tate

Elizabeth Tate Bennett
The Office of U.S. Senator Mitch McConnell
Legislative Assistant
Agriculture, Energy & Environment
(202) 224-2541

From: Buchanan, Melissa [<mailto:Melissa.Buchanan@mail.house.gov>]
Sent: Tuesday, July 09, 2013 9:33 AM
To: Bennett, Tate (McConnell)
Subject: RE: WHITFIELD INTRODUCES BILL TO PROTECT COAL MINERS' HEALTH CARE BENEFITS

Yes, the CARE Act (Rockefeller/Rahall bill) puts the retirees into the 1992 Plan. Only the coal companies who were signatories of that plan pay into it. By putting the retirees into the 1992 Plan, they are making Peabody and Arch directly liable for the retiree benefits. We felt their liability in Patriot's collapse should be settled in the courts (there are several pending lawsuits on the issue) not by changing the law retroactively. The CARE Act also transfers all of the unobligated interest from AML Funds to the UMWA pension plan (which along with the teamsters is on the verge of going under). The UMWA pension plan has been in bad shape for awhile. The original version of the CARE Act only dealt with the pension issue. However, my boss sees the pension issues as separate from the healthcare benefits and unrelated to the Patriot Bankruptcy. Although, if Patriot stops paying into the pension fund it could collapse. It's a bad situation all the way around. Because of so many interested parties (mainly Bob Murray), our bill probably won't go anywhere without pension fix language. I've been working on this issue since last year. The most difficult challenge I've had is there isn't anyone around (except Jim Zoia, Rahall's CoS) who worked on this issue the last time around. Everyone who did now works for one of the coal companies or UMWA, and their information is always biased. CRS and Leg Counsel aren't familiar with the issue either. Please let me know if I can help you, and I will try to answer any questions you have.

Melissa Buchanan
Legislative Assistant
Office of Congressman Ed Whitfield (KY-01)
2184 Rayburn House Office Building
Washington, DC 20515
Phone: (202) 225-3115
Fax: (202) 225-3547

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From: Bennett, Tate (McConnell) [mailto:Tate_Bennett@mcconnell.senate.gov]
Sent: Tuesday, July 09, 2013 9:22 AM
To: Buchanan, Melissa
Subject: RE: WHITFIELD INTRODUCES BILL TO PROTECT COAL MINERS' HEALTH CARE BENEFITS

Gotcha. The Rockefeller bill does touch the pension issue (makes them tax exempt right?) and is not the Senate counterpart, correct? It (Rockefeller bill) incorporates the 1992 Benefit Plan as well.

From: Buchanan, Melissa [<mailto:Melissa.Buchanan@mail.house.gov>]
Sent: Tuesday, July 09, 2013 9:18 AM
To: Bennett, Tate (McConnell)
Subject: RE: WHITFIELD INTRODUCES BILL TO PROTECT COAL MINERS' HEALTH CARE BENEFITS

Hi Tate,

I don't have a dear colleague on the bill. A copy of the bill is attached. I will begin by saying that this is the most complicated issue. Basically, it would make those retirees who may lose their health benefits due to Patriot's bankruptcy eligible for UMWA's 1993 Benefit Plan. Per the bankruptcy court's ruling, Patriot is able to transition retirees into a VEBA to pay benefits at a reduced rate. In our bill, benefits paid by the 1993 Plan would only be a supplement to those from the VEBA, so that retirees receive benefits at the rate promised but also prevent retirees from receiving double benefits. Also, we did not touch the UMWA pension issues in our bill. My boss doesn't really want to get into that fight just yet. Please let me know if you have any questions.

Melissa

Melissa Buchanan
Legislative Assistant
Office of Congressman Ed Whitfield (KY-01)
2184 Rayburn House Office Building
Washington, DC 20515
Phone: (202) 225-3115
Fax: (202) 225-3547

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Buchanan, Melissa

From: Libell, Mark (Rockefeller) <Mark_Libell@rockefeller.senate.gov>
Sent: Wednesday, May 15, 2013 2:02 PM
To: Hicks, Cory
Cc: Buchanan, Melissa
Subject: RE: coal industry retiree issues

Works well, what's your office #?

From: Hicks, Cory [<mailto:Cory.Hicks@mail.house.gov>]
Sent: Wednesday, May 15, 2013 1:24 PM
To: Libell, Mark (Rockefeller)
Cc: Buchanan, Melissa
Subject: RE: coal industry retiree issues

Monday afternoon works. Should we say 3?

From: Libell, Mark (Rockefeller) [mailto:Mark_Libell@rockefeller.senate.gov]
Sent: Wednesday, May 15, 2013 12:28 PM
To: Hicks, Cory
Cc: Buchanan, Melissa
Subject: RE: coal industry retiree issues

Thanks Cory, and completely understand the need for you guys to keep your focus to health only. We think positive action on the health side will only help us with our other effort on the pension issues down the road.

I'm out of the country tomorrow and Friday, so how's your Monday afternoon?

From: Hicks, Cory [<mailto:Cory.Hicks@mail.house.gov>]
Sent: Wednesday, May 15, 2013 9:27 AM
To: Libell, Mark (Rockefeller)
Cc: Buchanan, Melissa
Subject: RE: coal industry retiree issues

Mark, thanks again for reaching out. I've cc'ing Melissa who has been working on this issue in more detail. We're interested in your views on the topic and seeing what we can work out. Just so you know before making the trip over, we're only interested in working on the health challenges, since that is the most pressing issue that our constituents have as a result of the Patriot bankruptcy. We understand that there are long-term challenges with the pension plan, but my boss is not interested in addressing that issue in conjunction with the Patriot bankruptcy at this time.

Melissa and I are available later this week or early next. Let me know what works for you.

Cory Hicks
Chief of Staff
Chairman Ed Whitfield
202-225-3115

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<http://whitfield.house.gov>

From: Libell, Mark (Rockefeller) [mailto:Mark_Libell@rockefeller.senate.gov]
Sent: Friday, May 10, 2013 10:09 AM
To: Hicks, Cory
Subject: coal industry retiree issues

Cory, we worked together several years ago back in my Bart Gordon days on energy issues. Hope all's well for you.

I'm wondering if you'd have a few minutes in the next couple of weeks for me to bring a couple of my leg folks over to talk to you and your relevant folks about the coal retiree health and pension challenges. We've been told ya'll are taking a look at this given your constituency, and wanted to offer to help you in whatever way possible and talk strategy going forward.

Thanks for any time you guys can spare.

Mark

Mark Libell
Legislative Director
United States Senator John D. Rockefeller IV (WV)
202-224-6472

Buchanan, Melissa

From: Altmeyer, Thomas <[REDACTED]@archcoal.com>
Sent: Tuesday, June 04, 2013 4:17 PM
To: Toth, Cory; Buchanan, Melissa; Tomlinson, Adam; Toth, Cory
Subject: see below.

All,

With respect to whether Congress can insure that the Patriot retirees are eligible for benefits from the 1993 Plan, the answer appears to be yes, as shown by what happened in 2006 (leaving aside the Constitutionality of such action).

In 2006, as part of the efforts to shore up of the 1993 Plan with transfers of federal money, Congress also required all employers who were contributing to the 1993 Plan as of December 20, 2006, to continuing contributing, at the same rate, through December 31, 2010. See 30 USC 1232(h)(5)(B)(ii). Congress also added enforcement provisions for that obligation to Sections 9707(a)(2) and 9721 of the Coal Act.

Accordingly, while it certainly would be unusual, there is precedent by which Congress could require BCOA and the UMWA to treat the Patriot retirees as eligible for the 1993 Plan.

If you have any questions, please contact me.

Buchanan Ingersoll & Rooney, P.C.
One Oxford Centre
301 Grant Street, 20th Floor
Pittsburgh, PA 15219
Phone: (412) 562-[REDACTED]
Fax: (412) 562-1041
Mobile: (412) 855-[REDACTED]
[\[REDACTED\]@bipc.com](mailto:[REDACTED]@bipc.com)

From: Altmeyer, Thomas [[mailto:\[REDACTED\]@archcoal.com](mailto:[REDACTED]@archcoal.com)]
Sent: Tuesday, June 04, 2013 3:32 PM
To: Jones, Bob; Slone, Deck; David A. Starr; Laurent, David
Cc: Kafoury, Mike
Subject: RE: WHITFIELD RELEASES DRAFT LEGISLATION TO PROTECT COAL MINERS' HEALTH CARE BENEFITS

Bob. The Congress can still legislate changes by modifying '06 Act. See second bullet on third page of attached.

Davids. Would you agree?

From: Jones, Bob
Sent: Tuesday, June 04, 2013 2:52 PM

To: Altmeyer, Thomas; Slone, Deck

Subject: RE: WHITFIELD RELEASES DRAFT LEGISLATION TO PROTECT COAL MINERS' HEALTH CARE BENEFITS

Since the 1993 Plan is under the NBCWA (not the Coal Act) and the terms and conditions are determined by collective bargaining, how can congress change the eligibility criteria for the 93 Plan?

Robert G. Jones

Senior Vice President – General Counsel, Secretary & Chief Compliance Officer

Arch Coal, Inc.

314-994-██████

██████@archcoal.com

From: Altmeyer, Thomas

Sent: Tuesday, June 04, 2013 1:37 PM

To: Steven Hart (██████@wms-jen.com); David A. Starr

Cc: Slone, Deck; Jones, Bob; Kafoury, Mike; (██████@bjpc.com)

Subject: FW: WHITFIELD RELEASES DRAFT LEGISLATION TO PROTECT COAL MINERS' HEALTH CARE BENEFITS

We are in regular contact with Cory and Melissa. I will be with Whitfield tonight as well as McKinley, who at present, hasn't settled on what he will do. Capito is looking to do something on the health benefits and hasn't ruled out also addressing pensions. I am talking with them regularly.

Capito staff asked me whether Arch would oppose the CARE Act if the transfer of Patriot retirees to the '92 plan was eliminated from the legislation. How should we answer that or should we not answer the question which, at this point, I would recommend. I've have told them that the transfer to the '92 plan is by far and away our biggest concern, however I did not say we would not be opposed. Capito and Whitfield staff are talking and as well as McKinley's staff. Recommend giving it a few das to see what evolves.

Advice please

From: Hicks, Cory [mailto:Cory.Hicks@mail.house.gov]

Sent: Tuesday, June 04, 2013 2:05 PM

Cc: Buchanan, Melissa

Subject: FW: WHITFIELD RELEASES DRAFT LEGISLATION TO PROTECT COAL MINERS' HEALTH CARE BENEFITS

I realize this is a challenging and complicated issue. You're feedback is appreciated. Please feel free to contact Melissa Buchanan (cc'ed to this email) who is running point on this issue.

From: Pack, Chris

Sent: Tuesday, June 04, 2013 1:53 PM

To: Pack, Chris

Subject: WHITFIELD RELEASES DRAFT LEGISLATION TO PROTECT COAL MINERS' HEALTH CARE BENEFITS



FOR IMMEDIATE RELEASE
Tuesday, June 04, 2013

CONTACT: Chris Pack
(202) 225-3115

WHITFIELD RELEASES DRAFT LEGISLATION TO PROTECT COAL MINERS' HEALTH CARE BENEFITS

WASHINGTON, D.C. – U.S. Rep. Ed Whitfield (KY-01), Chairman of the House Subcommittee on Energy and Power, today released a discussion draft of legislation that would ensure continued health care coverage for miners in danger of losing their benefits resulting from the bankruptcy of Patriot Coal Company. A discussion draft serves as an informal starting point for introducing a bill in the House of Representatives.

"It is critical that we protect the health care benefits of the thousands of Kentucky miners who have worked hard their entire careers to earn those benefits," stated Whitfield. "That is why I am considering legislative options to ensure that the hardworking miners who took to the mines day in and day out don't lose the health care that they have rightfully earned."

The Chapter 11 bankruptcy protection that Patriot filed in July 2012 may impact the health care benefits of roughly 1,500 people and their families in Whitfield's district. They claim that they will not be able to emerge from bankruptcy without significant changes to retiree health care obligations. As a result, a bankruptcy court recently ruled that Patriot Coal is authorized to transition retirees into a Voluntary Employee Beneficiary Association (VEBA).

Since it is expected that the United Mine Workers of America (UMWA) will appeal the court's ruling, there is uncertainty regarding the solvency and availability of the VEBA. Whitfield's legislation addresses this issue by making miners in danger of losing their health care benefits due to Patriot Coal's bankruptcy eligible for UMWA's 1993 Benefit Plan.

Whitfield acknowledges that there are challenges with retirees' pensions, but the most immediate concern is the availability of health care benefits, which is why he is taking this immediate step.

"Protecting the health care benefits is just the first step in what may very well amount to a multifaceted process," concluded Whitfield.

###

Editor's Note: Whitfield's discussion draft is attached.

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Hicks, Cory

From: Buchanan, Melissa
Sent: Wednesday, July 02, 2014 2:29 PM
To: Heydlauff, Emma
Cc: Hicks, Cory
Subject: FW: McKinley Bill

Importance: High

Can you add a meeting to my calendar and Cory's calendar with John Wadsworth and Matt Smith for Monday, July 7 at 2:30pm? The meeting is on the UMWA pension and healthcare issue. John's phone number is 202-320-4888.

Thanks

Melissa Buchanan
Legislative Assistant
Office of Congressman Ed Whitfield (KY-01)
2184 Rayburn House Office Building
Washington, DC 20515
Phone: (202) 225-3115
Fax: (202) 225-3547

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From: Pape, Michael
Sent: Tuesday, July 01, 2014 3:32 PM
To: Hicks, Cory; Buchanan, Melissa
Subject: McKinley Bill
Importance: High

Had a call this afternoon from John Wadsworth. He and his partner Matt Smith own Atlas Advocacy a bipartisan consulting firm. They are working for the United Mine Workers to move the McKinley Bill. John's partner, Matt Smith was Associate Director for the White House Public Liaison Office during the Bush Admin.

John said they are working with Senator Ron Wyden, Chair of the Senate Finance Committee to attach the McKinley Bill language to the Highway Trust Fund Bill that will move in the Senate. Bob Murray is also actively involved with them on this. John asked if we had any influence with Senator McConnell's staff to encourage them to ask Senator McConnell to weigh in or reach out to Senator Orin Hatch who is the ranking member of the Committee to let him know that this language is vitally important to many retired coal miners. I told John that I would contact McConnell's State Director Terry Carmack and that I would ask for your guidance with McConnell's DC staff. He said they are getting somewhat mixed signals from McConnell's DC staff and that they are not trying to push Senator McConnell to do something that he is uncomfortable with but rather see what it is that he might be willing to do to help behind the scenes to move this along.

John Wadsworth's phone number is: 202-320-██████

Michael Pape, District Director

Office of Congressman Ed Whitfield
1403 South Main Street
Hopkinsville, KY 42240
P: 270-885-██████
F: 270-885-8598
E: michael.pape@mail.house.gov

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Hicks, Cory

From: Hicks, Cory
Sent: Thursday, May 02, 2013 10:18 AM
To: Buchanan, Melissa
Subject: Re: UMWA

4.) UMWA has NEVER helped us when we needed it. We asked them to testify on several occasions last Congress and every time they said no despite having the same position as us.

----- Original Message -----

From: Hicks, Cory
Sent: Thursday, May 02, 2013 10:15 AM
To: Buchanan, Melissa
Subject: Re: UMWA

I think there are three things EW needs to understand. There maybe others.

- 1.) Pension isn't our immediate problem.
- 2.) Attacking Peabody and Arch isn't our battle and won't help a bill pass
- 3.) Rahall bill will never pass the House, which is why our bill is narrowed to the specific problem. We're confident we can get several republicans on our bill.

----- Original Message -----

From: Buchanan, Melissa
Sent: Thursday, May 02, 2013 10:08 AM
To: Hicks, Cory
Subject: RE: UMWA

Okay, I will work on it.

Melissa Buchanan
Legislative Assistant
Office of Congressman Ed Whitfield (KY-01)
2184 Rayburn House Office Building
Washington, DC 20515
Phone: (202) 225-3115
Fax: (202) 225-3547
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-----Original Message-----

From: Hicks, Cory
Sent: Thursday, May 02, 2013 10:08 AM
To: Buchanan, Melissa
Subject: Re: UMWA

Yes. You should prepare a one pager on why the Rahall bill won't move and why the Peabody/Arch battle isn't our fight and won't move either.

----- Original Message -----

From: Buchanan, Melissa
Sent: Thursday, May 02, 2013 09:59 AM
To: Hicks, Cory
Subject: RE: UMWA

Are they coming to talk about our bill?

Melissa Buchanan
Legislative Assistant
Office of Congressman Ed Whitfield (KY-01)
2184 Rayburn House Office Building
Washington, DC 20515
Phone: (202) 225-3115
Fax: (202) 225-3547
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-----Original Message-----

From: Hicks, Cory
Sent: Thursday, May 02, 2013 9:58 AM
To: Heydlauff, Emma
Cc: Buchanan, Melissa; Pape, Michael
Subject: UMWA

Please set up a meeting with Bill at UMWA to discuss pension bill next week. Melissa has contact info. Let us know when the date is set. Thanks

Hicks, Cory

From: Hicks, Cory
Sent: Wednesday, April 17, 2013 11:02 AM
To: Pape, Michael
Subject: RE: UMWA/CARE Act

How should we respond to Bill's email? I don't think we need another meeting with them because they are just going to try to persuade us to cosponsor the Rahall bill.

From: Pape, Michael
Sent: Wednesday, April 17, 2013 11:01 AM
To: Hicks, Cory
Subject: Re: UMWA/CARE Act

Wayne Thompson just went to the International Union meeting in St. Louis yesterday. I sure something will be forthcoming.

Sent from my BlackBerry Wireless Handheld

From: Hicks, Cory
Sent: Wednesday, April 17, 2013 09:47 AM
To: Pape, Michael
Subject: Fw: UMWA/CARE Act

?? I thought there was a memo coming?

From: Buchanan, Melissa
Sent: Wednesday, April 17, 2013 09:32 AM
To: Hicks, Cory; Heydlauff, Emma
Subject: FW: UMWA/CARE Act

Melissa Buchanan
Legislative Assistant
Office of Congressman Ed Whitfield (KY-01)
2184 Rayburn House Office Building
Washington, DC 20515
Phone: (202) 225-3115
Fax: (202) 225-3547

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
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From: Bill Banig [[mailto: \[REDACTED\]@umwa.org](mailto: [REDACTED]@umwa.org)]
Sent: Wednesday, April 17, 2013 9:33 AM

To: Buchanan, Melissa
Cc: Steve Earle; Adam Banig
Subject: UMWA/CARE Act

Melissa,

I am following up on a meeting that a couple of my Local Union Presidents had with Mr. Whitfield last weekend about the CARE Act. Mr. Whitfield requested that we come in to meet again. He indicated that he had additional questions concerning the legislation. Please let me know when a good time would be for us to come in to meet with him.

Bill Banig
Director of Governmental Affairs
United Mine Workers of America
(W) 703-291-
(C) 202-302-
(F) 703-291-2451

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Hicks, Cory

From: Hicks, Cory
Sent: Monday, July 08, 2013 5:50 PM
To: Buchanan, Melissa
Subject: FW: Whitfield bill

-----Original Message-----

From: Bill Banig [mailto:██████████@umwa.org]
Sent: Monday, July 08, 2013 5:49 PM
To: Toth, Cory; Tomlinson, Adam
Cc: Hicks, Cory; Adam Banig; Ron Airhart
Subject: Whitfield bill

Guys,

I heard your bosses are going to co-sponsor the Whitfield Caring for Coal Miner Act. Could you confirm this?

Also do you have time Wednesday or Thursday for us to come in to go over the number of people and the available funds.

Sent from my iPhone

Buchanan, Melissa

From: Pape, Michael
Sent: Sunday, August 11, 2013 11:08 PM
To: Buchanan, Melissa; Hicks, Cory
Subject: Re: Patriot/UMWA deal

Thanks!

Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: Buchanan, Melissa
Sent: Sunday, August 11, 2013 10:41 PM
To: Pape, Michael; Hicks, Cory
Subject: Re: Patriot/UMWA deal

I will let you all know as soon as I hear.

Sent using BlackBerry

----- Original Message -----

From: Pape, Michael
Sent: Sunday, August 11, 2013 10:38 PM
To: Buchanan, Melissa; Hicks, Cory
Subject: Re: Patriot/UMWA deal

It will be interesting to see what they have arrived at tomorrow.

Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: Buchanan, Melissa
Sent: Sunday, August 11, 2013 10:35 PM
To: Pape, Michael; Hicks, Cory
Subject: Re: Patriot/UMWA deal

Peabody is unhappy, but they are a different company. Patriot is suing Peabody, for spinning off all the retiree obligations when Peabody created Patroit, claiming they set up the company to fail. Its a bad situation overall and much better for everyone if Patriot and UMWA can work out a deal.

Sent using BlackBerry

----- Original Message -----

From: Pape, Michael
Sent: Sunday, August 11, 2013 10:26 PM

To: Buchanan, Melissa; Hicks, Cory
Subject: Re: Patriot/UMWA deal

I thought Peabody was unhappy with the legislation. Well in any case perhaps is it a temp resolution.

Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: Buchanan, Melissa
Sent: Sunday, August 11, 2013 10:24 PM
To: Pape, Michael; Hicks, Cory
Subject: Re: Patriot/UMWA deal

None of the introduced bills really had much effect on Patriot. This probably had more to do with UMWAs bankruptcy decision appeal and the other pending lawsuits.

Sent using BlackBerry

----- Original Message -----

From: Pape, Michael
Sent: Sunday, August 11, 2013 10:15 PM
To: Buchanan, Melissa; Hicks, Cory
Subject: Re: Patriot/UMWA deal

I doubt they have worked out a permanent solution. Probably both sides agreeing to short term solution to meet immediate needs. Patriot is probably hoping it will soften legislators stance for a legislative fix and buy them time. Cecil is probably concerned that our leg fix won't come soon enough to meet current healthcare needs of miners and families.

Sent from Michael Pape's iPad

On Aug 11, 2013, at 9:05 PM, "Buchanan, Melissa" <Melissa.Buchanan@mail.house.gov> wrote:

> I don't know. Hopefully it means they have worked out a solution themselves, and there won't be a need for a legislative fix. I don't have any details and won't know anything until tomorrow.

> -----

> Sent using BlackBerry

>

>

> ----- Original Message -----

> From: Pape, Michael
> Sent: Sunday, August 11, 2013 09:59 PM
> To: Buchanan, Melissa
> Subject: Re: Patriot/UMWA deal

>

> Ok, thanks! How does that impact what we are doing?

>

> Sent from Michael Pape's iPad

>

> On Aug 11, 2013, at 8:56 PM, "Buchanan, Melissa" <Melissa.Buchanan@mail.house.gov> wrote:

>
>> Sorry, he is the government affairs person with Patriot. He works for Ben Hatfield, the CEO at Patriot. He has met with EW several times.
>> -----
>> Sent using BlackBerry
>>
>>
>> ----- Original Message -----
>> From: Pape, Michael
>> Sent: Sunday, August 11, 2013 09:53 PM
>> To: Buchanan, Melissa
>> Subject: Re: Patriot/UMWA deal
>>
>> Who is Rashid?
>>
>> Sent from Michael Pape's iPad
>>
>> On Aug 11, 2013, at 8:52 PM, "Buchanan, Melissa" <Melissa.Buchanan@mail.house.gov> wrote:
>>
>>> Good Evening Sir,
>>>
>>> I apologize for the Sunday night email.
>>> I talked to Rashid earlier tonight. He said that Ben Hatfield and Cecil Roberts reached a 5 year deal tonight regarding benefits for the retirees. The announcement will be made tomorrow morning. Also, UMWA is holding rallies in Charleston, WV and in Henderson, KY on Wednesday to explain the deal to their membership. I will have more details in the morning and will pass them along.
>>>
>>> Thank you,
>>> Melissa
>>> -----
>>> Sent using BlackBerry

Buchanan, Melissa

From: Libell, Mark (Rockefeller) <Mark_Libell@rockefeller.senate.gov>
Sent: Monday, June 03, 2013 3:25 PM
To: Buchanan, Melissa; Patrick Bond
Cc: Hicks, Cory
Subject: RE: UMWA healthcare benefits discussion draft

Thanks Melissa! Pat's out of the country and Greg and I were out late last week, so didn't want you to think we were ignoring.

From: Buchanan, Melissa [<mailto:Melissa.Buchanan@mail.house.gov>]
Sent: Thursday, May 30, 2013 11:29 AM
To: Libell, Mark (Rockefeller); Bond, Patrick (Rockefeller)
Cc: Hicks, Cory
Subject: UMWA healthcare benefits discussion draft

Hi Mark and Patrick,

Attached is the latest discussion draft for our bill prepared using UMWA's edits (Patriot_002). The attorney at leg counsel did have some questions regarding the drafting of the bill. Could you both please take a look and let me know your thoughts? I have also attached the original draft (Patriot_001) of our bill and UMWA's suggested edits. In the meeting Cory and I had with them on Friday, UMWA said that we did not need to transfer the unobligated AML Funds into the 1993 plan. That by simply changing the eligibility requirements for the plan, the contributors would automatically have to pay more money into the plan. Can you please let me know your thoughts?

Thanks,
Melissa

Melissa Buchanan
Legislative Assistant
Office of Congressman Ed Whitfield (KY-01)
2184 Rayburn House Office Building
Washington, DC 20515
Phone: (202) 225-3115
Fax: (202) 225-3547

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Buchanan, Melissa

From: Rick Axthelm <[REDACTED]@alphanr.com>
Sent: Tuesday, June 11, 2013 11:12 AM
To: Buchanan, Melissa
Subject: RE: WHITFIELD RELEASES DRAFT LEGISLATION TO PROTECT COAL MINERS' HEALTH CARE BENEFITS

Melissa – is this possibly a timing rather than drafting issue – i.e., withhold introduction while those negotiations take place? We can give this some thought, but at first blush, it's difficult to accomplish the safety net you outlined below and not have it become an “out” to UMWA as you outlined unless the benefits provided in the bill are less than what would be provided under the VEBA (which is counterproductive to your overarching goal of protecting the miners).



Rick Axthelm
Vice President, Federal Government & External Affairs | Alpha Natural Resources
1301 Pennsylvania Avenue NW, Suite 404; Washington, DC 20004
ph: 202-347-5499 | c: 202-407-[REDACTED] | f: 276-285-3478
[REDACTED]@alphanr.com | www.alphanr.com

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From: Buchanan, Melissa [mailto:Melissa.Buchanan@mail.house.gov]
Sent: Tuesday, June 11, 2013 11:03 AM
To: Rick Axthelm
Subject: RE: WHITFIELD RELEASES DRAFT LEGISLATION TO PROTECT COAL MINERS' HEALTH CARE BENEFITS

Hi Rick,

I am still having some problems in clearly drafting this bill. My fear is that introducing a bill that puts the Patriot UMWA retirees into the 1993 Plan will de-incentivize UMWA from working with Patriot to set up the VEBA. The best possible scenario is those two sides working together to reach a compromise. Our goal is to draft a safety net bill, that will either fully provide healthcare benefits in the worst case scenario (the VEBA fails/Patriot liquidates) or act a supplement to the benefits provided by the VEBA so that these people continue to receive the benefits they have been getting. Do you have any thoughts or suggestions regarding a bill that will help the Patriot retirees, but also encourages UMWA to work with Patriot?

Thanks,
Melissa

Melissa Buchanan
Legislative Assistant
Office of Congressman Ed Whitfield (KY-01)
2184 Rayburn House Office Building
Washington, DC 20515
Phone: (202) 225-3115
Fax: (202) 225-3547

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From: Rick Axthelm [mailto:██████████@alphanr.com]
Sent: Wednesday, June 05, 2013 4:08 PM
To: Buchanan, Melissa; Hicks, Cory
Subject: RE: WHITFIELD RELEASES DRAFT LEGISLATION TO PROTECT COAL MINERS' HEALTH CARE BENEFITS

Glad to help Melissa – please keep up posted as the draft develops.



Rick Axthelm
Vice President, Federal Government & External Affairs | Alpha Natural Resources
1301 Pennsylvania Avenue NW, Suite 404; Washington, DC 20004
ph: 202-347-5499 | c: 202-407-██████████ | f: 276-285-3478
raxthelm@alphanr.com | www.alphanr.com

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From: Buchanan, Melissa [mailto:Melissa.Buchanan@mail.house.gov]
Sent: Wednesday, June 05, 2013 3:39 PM
To: Rick Axthelm; Hicks, Cory
Subject: RE: WHITFIELD RELEASES DRAFT LEGISLATION TO PROTECT COAL MINERS' HEALTH CARE BENEFITS

Hi Rick,

This is all really helpful and actually makes sense to me. We certainly appreciate it, and will work on making those changes.

Melissa

Melissa Buchanan
Legislative Assistant
Office of Congressman Ed Whitfield (KY-01)
2184 Rayburn House Office Building
Washington, DC 20515
Phone: (202) 225-3115
Fax: (202) 225-3547

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From: Rick Axthelm [mailto:██████████@alphanr.com]
Sent: Wednesday, June 05, 2013 3:20 PM
To: Hicks, Cory
Cc: Buchanan, Melissa
Subject: RE: WHITFIELD RELEASES DRAFT LEGISLATION TO PROTECT COAL MINERS' HEALTH CARE BENEFITS

Cory – please see some feedback to each of your points below.

Rick, point #1, that was not our intent, so we will try to fix. I think the best way to fix it is to strike lines 16-21. Do you have a suggestion? We only want to cover employees who may lose benefits as a result of the Patriot bankruptcy- aka our constituents. Agreed that striking Lines 16 through 21 of the proposed amendment should suffice, but you might want to double check with Leg. Counsel.

Point #2, this is completely new information, so we'll have to look into it further. Is this a problem? No, just a fact we thought was worth sharing.

Point #3, if the VEBA stays (which as you know is being challenged), the 1993 plan will supplement the VEBA to fulfill the employees benefits. If you can help us clarify this intent, that would be helpful. To avoid individuals receiving "extra" benefits as a result of the VEBA, Leg. Counsel should be able to draft language that would clarify that if an individual receives benefits from another (federal) source, like a VEBA, such payments would be a 100% offset to any payments under these provisions.

Make sense?



Alpha Natural Resources

Rick Axthelm
Vice President, Federal Government & External Affairs | Alpha Natural Resources
1301 Pennsylvania Avenue NW, Suite 404; Washington, DC 20004
ph: 202-347-5499 | c: 202-407-██████ | f: 276-285-3478
raxthelm@alphanr.com | www.alphanr.com

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From: Hicks, Cory [mailto:Cory.Hicks@mail.house.gov]
Sent: Wednesday, June 05, 2013 2:52 PM
To: Rick Axthelm
Cc: Buchanan, Melissa
Subject: RE: WHITFIELD RELEASES DRAFT LEGISLATION TO PROTECT COAL MINERS' HEALTH CARE BENEFITS

Rick, point #1, that was not our intent, so we will try to fix. I think the best way to fix it is to strike lines 16-21. Do you have a suggestion? We only want to cover employees who may lose benefits as a result of the Patriot bankruptcy- aka our constituents.

Point #2, this is completely new information, so we'll have to look into it further. Is this a problem?

Point #3, if the VEBA stays (which as you know is being challenged), the 1993 plan will supplement the VEBA to fulfill the employees benefits. If you can help us clarify this intent, that would be helpful.

Thanks,

Cory and Melissa

From: Rick Axthelm [mailto:██████████@alphanr.com]
Sent: Wednesday, June 05, 2013 2:22 PM
To: Hicks, Cory
Cc: Buchanan, Melissa
Subject: RE: WHITFIELD RELEASES DRAFT LEGISLATION TO PROTECT COAL MINERS' HEALTH CARE BENEFITS

Cory –

Here's some more detailed analysis from our counsel:

Currently, only participants who were enrolled in the 1993 Plan before 1/1/07 are eligible for AML transfer money. 3,000 have been enrolled since that date and not eligible for AML Transfer money. The draft appears to make everyone who is enrolled prior to the date of enactment eligible for AML transfer money. This picks up the 3,000, who, by the way, are presently funded by signatory operator's \$1.10 per hour worked contribution.

It should also be noted that the 2007 Coal Act amendments said no AML money would be transferred to the 1993 Plan unless all operators signatory at that time agreed in their successor labor agreements to contribute at least \$0.50 to the 1993 Plan. Thus, even though under the Whitfield draft the Plan likely would not need the 50 cents per hour going forward, companies would still have to pay it to ensure the flow of AML money. The proposed draft does not purport to address this twist.

Finally, there is some uncertainty in how the proposal would be implemented in view of the fact the same Patriot retirees who would go into the 1993 Plan to be paid from AML transfer money would also will be eligible to get benefits from Patriot's VEBA. The proposed draft does not limit payment from the 1993 Plan to amounts not covered from other sources (such as the VEBA), so it is unclear how benefits payable from the VEBA would be coordinated with benefits payable from the 1993 Plan.



Alpha Natural Resources

Rick Axthelm

Vice President, Federal Government & External Affairs | Alpha Natural Resources

1301 Pennsylvania Avenue NW, Suite 404; Washington, DC 20004

ph: 202-347-5499 | c: 202-407-██████████ | f: 276-285-3478

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From: Hicks, Cory [mailto:Cory.Hicks@mail.house.gov]
Sent: Tuesday, June 04, 2013 10:16 PM
To: Rick Axthelm
Cc: Buchanan, Melissa
Subject: Re: WHITFIELD RELEASES DRAFT LEGISLATION TO PROTECT COAL MINERS' HEALTH CARE BENEFITS

Rick, the draft (or at least the intent) is to only pick up the patriot retirees that would be affected, which is why there is a provision that says "denied benefits because of a 2012 bankruptcy." We think the added employees to the 1993 plan from Patriot could be higher than 3,000. I would be interested in knowing how they calculated that number.

From: Rick Axthelm [<mailto:██████████@alphanr.com>]

Sent: Tuesday, June 04, 2013 07:36 PM

To: Hicks, Cory

Cc: Buchanan, Melissa

Subject: RE: WHITFIELD RELEASES DRAFT LEGISLATION TO PROTECT COAL MINERS' HEALTH CARE BENEFITS

Thanks for sharing the draft Cory.

Melissa – from a quick initial read by our counsel, it appears the bill picks up an additional 3,000 or so folks who become covered by the plan between 2007 and today – in addition to the Patriot retirees. Is that accurate and, if so, intended?



Rick Axthelm

Vice President, Federal Government & External Affairs | Alpha Natural Resources

1301 Pennsylvania Avenue NW, Suite 404; Washington, DC 20004

ph: 202-347-5499 | c: 202-407-██████████ f: 276-285-3478

██████████@alphanr.com | www.alphanr.com

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From: Hicks, Cory [<mailto:Cory.Hicks@mail.house.gov>]

Sent: Tuesday, June 04, 2013 2:05 PM

Cc: Buchanan, Melissa

Subject: FW: WHITFIELD RELEASES DRAFT LEGISLATION TO PROTECT COAL MINERS' HEALTH CARE BENEFITS

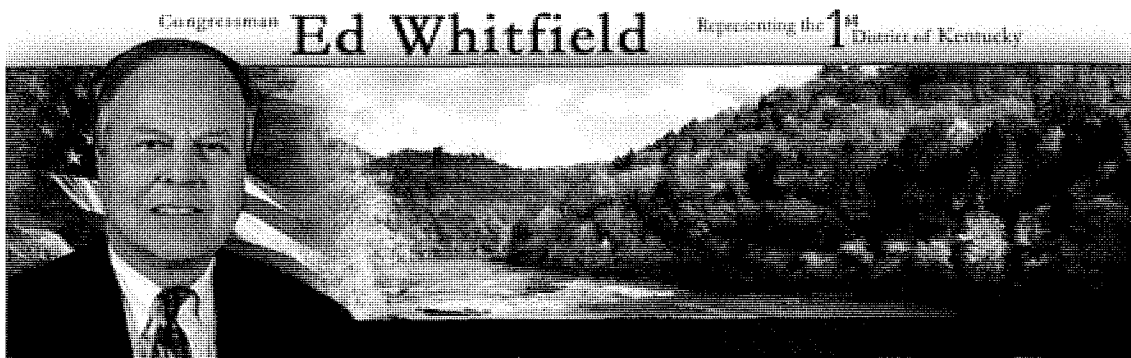
I realize this is a challenging and complicated issue. You're feedback is appreciated. Please feel free to contact Melissa Buchanan (cc'ed to this email) who is running point on this issue.

From: Pack, Chris

Sent: Tuesday, June 04, 2013 1:53 PM

To: Pack, Chris

Subject: WHITFIELD RELEASES DRAFT LEGISLATION TO PROTECT COAL MINERS' HEALTH CARE BENEFITS



WHITFIELD RELEASES DRAFT LEGISLATION TO PROTECT COAL MINERS' HEALTH CARE BENEFITS

WASHINGTON, D.C. – U.S. Rep. Ed Whitfield (KY-01), Chairman of the House Subcommittee on Energy and Power, today released a discussion draft of legislation that would ensure continued health care coverage for miners in danger of losing their benefits resulting from the bankruptcy of Patriot Coal Company. A discussion draft serves as an informal starting point for introducing a bill in the House of Representatives.

“It is critical that we protect the health care benefits of the thousands of Kentucky miners who have worked hard their entire careers to earn those benefits,” stated Whitfield. “That is why I am considering legislative options to ensure that the hardworking miners who took to the mines day in and day out don’t lose the health care that they have rightfully earned.”

The Chapter 11 bankruptcy protection that Patriot filed in July 2012 may impact the health care benefits of roughly 1,500 people and their families in Whitfield’s district. They claim that they will not be able to emerge from bankruptcy without significant changes to retiree health care obligations. As a result, a bankruptcy court recently ruled that Patriot Coal is authorized to transition retirees into a Voluntary Employee Beneficiary Association (VEBA).

Since it is expected that the United Mine Workers of America (UMWA) will appeal the court’s ruling, there is uncertainty regarding the solvency and availability of the VEBA. Whitfield’s legislation addresses this issue by making miners in danger of losing their health care benefits due to Patriot Coal’s bankruptcy eligible for UMWA’s 1993 Benefit Plan.

Whitfield acknowledges that there are challenges with retirees’ pensions, but the most immediate concern is the availability of health care benefits, which is why he is taking this immediate step.

“Protecting the health care benefits is just the first step in what may very well amount to a multifaceted process,” concluded Whitfield.

###

Editor’s Note: Whitfield’s discussion draft is attached.

Buchanan, Melissa

From: Wheeler, Andrew R. <[REDACTED]@faegrebd.com>
Sent: Monday, June 17, 2013 12:35 PM
To: Buchanan, Melissa; Hicks, Cory
Cc: Tomanelli, Luke S.; [REDACTED]@coalsource.com
Subject: RE: Pensions

Sounds good.

-----Original Message-----

From: Buchanan, Melissa [<mailto:Melissa.Buchanan@mail.house.gov>]
Sent: Monday, June 17, 2013 12:01 PM
To: Wheeler, Andrew R.; Hicks, Cory
Cc: Tomanelli, Luke S.; [REDACTED]@coalsource.com
Subject: RE: Pensions

How about we do the same time, 2:30pm tomorrow afternoon?

Melissa Buchanan
Legislative Assistant
Office of Congressman Ed Whitfield (KY-01)
2184 Rayburn House Office Building
Washington, DC 20515
Phone: (202) 225-3115
Fax: (202) 225-3547
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-----Original Message-----

From: Wheeler, Andrew R. [[mailto:\[REDACTED\]@faegrebd.com](mailto:[REDACTED]@faegrebd.com)]
Sent: Monday, June 17, 2013 11:57 AM
To: Hicks, Cory
Cc: Tomanelli, Luke S.; [REDACTED]@coalsource.com; Buchanan, Melissa
Subject: RE: Pensions

Tomorrow is better. All I have scheduled is a lunch. What works best for you?

-----Original Message-----

From: Hicks, Cory [<mailto:Cory.Hicks@mail.house.gov>]
Sent: Monday, June 17, 2013 11:38 AM
To: Wheeler, Andrew R.
Cc: Tomanelli, Luke S.; [REDACTED]@coalsource.com; Buchanan, Melissa
Subject: RE: Pensions

Sorry to do this, but Melissa and I need to be in a meeting at 2:30 with the Congressman. Can we do 1:30 or sometime tomorrow?

-----Original Message-----

From: Wheeler, Andrew R. [mailto: [REDACTED]@faegrebd.com]
Sent: Friday, June 14, 2013 7:50 PM
To: Hicks, Cory
Cc: Tomanelli, Luke S.; [REDACTED]@coalsource.com
Subject: Re: Pensions

Lets say 2:30.

Andrew Wheeler
Principal
FaegreBD Consulting
202-312-[REDACTED]

On Jun 14, 2013, at 6:07 PM, "Hicks, Cory" <Cory.Hicks@mail.house.gov<mailto:Cory.Hicks@mail.house.gov>> wrote:

Does 2 or 2:30 work?

From: Wheeler, Andrew R. [mailto: [REDACTED]@faegrebd.com]
Sent: Friday, June 14, 2013 05:22 PM
To: Hicks, Cory
Cc: [REDACTED]@coalsource.com<mailto:[REDACTED]@coalsource.com>'
<[REDACTED]@coalsource.com<mailto:[REDACTED]@coalsource.com>>
Subject: RE: Pensions

I have a weekly meeting at NMA at 3:30, I can come be either before or after.

From: Hicks, Cory [mailto:Cory.Hicks@mail.house.gov]
Sent: Friday, June 14, 2013 4:53 PM
To: Wheeler, Andrew R.
Cc: [REDACTED]@coalsource.com<mailto:[REDACTED]@coalsource.com>'
Subject: Re: Pensions

Thanks for the feedback. We have a very rough draft of this idea that I proposed to you, which my boss has not agreed to nor does he know anything about. It would transfer by our estimates about 210 million (maybe more with interest) to the pension fund by transferring back funds that were taken away to begin with. However, we're not sure it is drafted properly. This could serve as a bridge until the issue can be dealt with in a larger bill. Can you come meet on Monday?

From: Wheeler, Andrew R. [mailto: [REDACTED]r@faegrebd.com]
Sent: Friday, June 14, 2013 04:34 PM
To: Hicks, Cory
Cc: Mike Carey <[REDACTED]@coalsource.com<mailto:[REDACTED]@coalsource.com>>
Subject: Pensions

Cory, Mike and I discussed your idea internally with one of the lawyers. The following is our quick reaction. We did not take this to Mr. Murray because we weren't sure if you were still considering it. Therefore it's not an official position. Let us know if you would like us to run this up to him. Thanks and I'm happy to stop by anytime.

"My initial thought is that this is not even a band aid for the 1974 Pension Plan and may deflect attention from the needed long term fix.

With that being said, something is better than nothing. As I understand the workings of how AML transfers money to the UMWA Benefit Plans, allocating money to the Pension Plan would not undercut funding of the 1993 Benefit Plan.

If the intention is to allocate what remains of the \$490 million annual cap in transfers of AML and General Treasury money after the needs of the Combined Benefit Fund, the 1992 Plan, and the 1993 Plan are satisfied, to prop up the Pension Plan, I can see us supporting it.

Insofar as the remainder of the unused portion of the \$490 million is currently used to fund some other need in the federal budget, there is no downside to the coal industry laying first claim to this surplus for the Pension Plan.

The principal risk would be that in the event the entire \$490 million is spent each year, there would be no way to "reach back" and claim any of it should there be a shortfall in the amount needed by the UMWA Benefit Plans in some future year."

ANDREW R. WHEELER

PRINCIPAL

T: 202.312. [REDACTED] | F: 202.312.7441 | C: 202.870. [REDACTED]

[REDACTED]@FaegreBD.com<mailto:[REDACTED]@FaegreBD.com>

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1050 K STREET, N.W., SUITE 400 | WASHINGTON, DC 20001

Buchanan, Melissa

From: Savage, Hank
Sent: Monday, July 08, 2013 11:57 AM
To: Buchanan, Melissa
Subject: RE: Patriot_002_xml.pdf - Adobe Acrobat Standard

You're welcome Melissa.

From: Buchanan, Melissa
Sent: Monday, July 08, 2013 11:54 AM
To: Savage, Hank
Subject: RE: Patriot_002_xml.pdf - Adobe Acrobat Standard

Thank you so much for all of your help on this issue. I know it has been time consuming, and I certainly appreciate your working with me.

Melissa Buchanan
Legislative Assistant
Office of Congressman Ed Whitfield (KY-01)
2184 Rayburn House Office Building
Washington, DC 20515
Phone: (202) 225-3115
Fax: (202) 225-3547

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From: Savage, Hank
Sent: Monday, July 08, 2013 11:45 AM
To: Buchanan, Melissa
Subject: RE: Patriot_002_xml.pdf - Adobe Acrobat Standard

Hi Melissa,

Final text is attached. Please let me know the Committees to which the bill is referred.

Hank Savage
Senior Counsel
Office of the Legislative Counsel
x5 [REDACTED]

From: Buchanan, Melissa
Sent: Monday, July 08, 2013 11:18 AM
To: Savage, Hank
Subject: FW: Patriot_002_xml.pdf - Adobe Acrobat Standard

Hi Hank,

This looks great. I just showed the bill to my boss, and he is happy with the changes. He would like to keep the language in brackets, but have it say "for health benefits" to be consistent with the rest of the bill. Also, we are going to introduce the bill this afternoon, so please remove the "discussion draft" header.

Thank you,
Melissa

Melissa Buchanan
Legislative Assistant
Office of Congressman Ed Whitfield (KY-01)
2184 Rayburn House Office Building
Washington, DC 20515
Phone: (202) 225-3115
Fax: (202) 225-3547

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From: Savage, Hank
Sent: Monday, July 08, 2013 10:56 AM
To: Buchanan, Melissa
Subject: RE: Patriot_002_xml.pdf - Adobe Acrobat Standard

Melissa,

Revised text is attached. In it I clarified the new language by creation and use of 2 definitions. However, there is one further clarification that I think is needed, in brackets.

Hank Savage
Senior Counsel
Office of the Legislative Counsel
x5 [REDACTED]

From: Buchanan, Melissa
Sent: Wednesday, July 03, 2013 1:58 PM
To: Savage, Hank
Subject: RE: Patriot_002_xml.pdf - Adobe Acrobat Standard

Hi Hank,

Just when I thought this bill was ready, I've received some feedback from UMWA. They have concerns that the "duplication of benefits" language at the end of the bill could be misinterpreted as to deny supplementary benefits from the 1993 Plan. They have suggested instead using something like the language below. Would this work? I also attached a copy of the last version you prepared.

Thank you,
Melissa

(b) LIMITATION ON DUPLICATION OF BENEFITS.—

For any person eligible in both the plan referred to in Section 402(h)(C) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(h)(2)(C)) and a Voluntary Employees' Beneficiary Association (VEBA) established pursuant to the Order entered May 29, 2013, by the Court in the case *In re: Patriot Coal Corporation* (Case No. 12-51502, Bankruptcy Court for the Eastern District of Missouri), the amount made available as a result of the enactment of this Act shall be reduced by the amount of any benefits actually paid by such VEBA to or on behalf of such person so that no such person will receive a greater benefit than would have been payable prior to the establishment of the VEBA.

Melissa Buchanan
Legislative Assistant
Office of Congressman Ed Whitfield (KY-01)
2184 Rayburn House Office Building
Washington, DC 20515
Phone: (202) 225-3115
Fax: (202) 225-3547

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From: Savage, Hank
Sent: Thursday, June 27, 2013 12:25 PM
To: Buchanan, Melissa
Subject: RE: Patriot_002_xml.pdf - Adobe Acrobat Standard

Melissa,

Final text is attached.

Hank Savage
Senior Counsel
Office of the Legislative Counsel
tel. x5 [REDACTED]
fax x53437

From: Buchanan, Melissa
Sent: Wednesday, June 26, 2013 5:23 PM
To: Savage, Hank
Subject: RE: Patriot_002_xml.pdf - Adobe Acrobat Standard

Hi Hank,

This looks great! I think this is the case number that you need to use:
Patriot Coal bankruptcy case (In re: Patriot Coal Corporation; Case No. 12-51502)
<http://patriotcaseinformation.com/index.php>

Also, we came up with a short title. "Caring for Coal Miners Act."

Could you please prepare this so that my boss can introduce?

Thank you so much,
Melissa

Melissa Buchanan
Legislative Assistant
Office of Congressman Ed Whitfield (KY-01)
2184 Rayburn House Office Building
Washington, DC 20515
Phone: (202) 225-3115
Fax: (202) 225-3547

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From: Birch, Debra **On Behalf Of** Savage, Hank
Sent: Wednesday, June 26, 2013 4:27 PM
To: Buchanan, Melissa
Cc: Savage, Hank
Subject: Patriot_002_xml.pdf - Adobe Acrobat Standard

Buchanan, Melissa

From: Tomlinson, Adam
Sent: Monday, July 08, 2013 4:46 PM
To: Buchanan, Melissa
Subject: RE: UMWA/Patriot Health Benefits Bill

Melissa,

Please add Mrs. Capito.

Thanks

Adam Tomlinson
Legislative Director
Rep. Shelley Moore Capito
202-225-2711

From: Buchanan, Melissa
Sent: Monday, July 08, 2013 12:02 PM
To: Sarley, Chris; Frederick, Robert; Cunningham, Ryan; Orth, Patrick; Isakovic, Jason
Cc: Toth, Cory; Tomlinson, Adam
Subject: UMWA/Patriot Health Benefits Bill

Hi All,

Attached is the final language for Congressman Whitfield's UMWA healthcare benefits bill. This bill will put the retirees affected by the Patriot Bankruptcy into the 1993 Plan, but clarifies that the if a VEBA is established, retirees cannot receive duplicative benefits from both. The 1993 plan will only be a supplement to VEBA benefits to ensure the retirees receive the benefits they were promised. Congressman Whitfield is going to introduce this bill today, and I know it is short notice, but we would love to have your boss' support. Please let me know if you have any questions or need additional information.

Melissa

Melissa Buchanan
Legislative Assistant
Office of Congressman Ed Whitfield (KY-01)
2184 Rayburn House Office Building
Washington, DC 20515
Phone: (202) 225-3115
Fax: (202) 225-3547

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Buchanan, Melissa

From: Bennett, Tate (McConnell) <Tate_Bennett@mccconnell.senate.gov>
Sent: Friday, July 26, 2013 2:31 PM
To: Buchanan, Melissa
Subject: RE: jobs/Patriot

Thanks. And thanks for your patience with all my questions!

From: Buchanan, Melissa [<mailto:Melissa.Buchanan@mail.house.gov>]
Sent: Friday, July 26, 2013 2:25 PM
To: Bennett, Tate (McConnell)
Subject: RE: jobs/Patriot

Yes, and while they haven't come out really in support, they are much happier with this bill than with the (Rockefeller/Rahall) CARE Act. I did work a lot with Tom Altmeyer from Arch, but we didn't hear much from Peabody when we were working on the bill.

Melissa Buchanan
Legislative Assistant
Office of Congressman Ed Whitfield (KY-01)
2184 Rayburn House Office Building
Washington, DC 20515
Phone: (202) 225-3115
Fax: (202) 225-3547

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From: Bennett, Tate (McConnell) [mailto:Tate_Bennett@mccconnell.senate.gov]
Sent: Friday, July 26, 2013 1:53 PM
To: Buchanan, Melissa
Subject: RE: jobs/Patriot

Got it. Thanks. And Peabody/ Arch – have you talked to them since introducing the bill? I'd imagine they were fine because they aren't on the hook...

From: Buchanan, Melissa [<mailto:Melissa.Buchanan@mail.house.gov>]
Sent: Friday, July 26, 2013 1:51 PM
To: Bennett, Tate (McConnell)
Subject: RE: jobs/Patriot

A lot of/most of them never worked for Patriot. They retired from Peabody, Arch, or one of the other legacies that Peabody spun off when they created Patriot.

Melissa Buchanan
Legislative Assistant
Office of Congressman Ed Whitfield (KY-01)
2184 Rayburn House Office Building

Washington, DC 20515
Phone: (202) 225-3115
Fax: (202) 225-3547

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From: Bennett, Tate (McConnell) [mailto:Tate_Bennett@mcconnell.senate.gov]
Sent: Friday, July 26, 2013 1:47 PM
To: Buchanan, Melissa
Subject: jobs/Patriot

Last question- promise.

Do you know where this info came from? Looking for Patriot's footprint as far as employment in the state/ stats on who is affected by the bankruptsy.

Thanks!

Tate

The Chapter 11 bankruptcy protection that Patriot filed in July 2012 may impact the health care benefits of roughly 1,500 people and their families in Whitfield's district. They claim that they will not be able to emerge from bankruptcy without significant changes to retiree health care obligations. As a result, a bankruptcy court recently ruled that Patriot Coal is authorized to transition retirees into a Voluntary Employee Beneficiary Association (VEBA).

Elizabeth Tate Bennett
The Office of U.S. Senator Mitch McConnell
Legislative Assistant
Agriculture, Energy & Environment
(202) 224-2541

Hicks, Cory

From: Pape, Michael
Sent: Sunday, August 11, 2013 11:08 PM
To: Buchanan, Melissa; Hicks, Cory
Subject: Re: Patriot/UMWA deal

Thanks!

Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: Buchanan, Melissa
Sent: Sunday, August 11, 2013 10:41 PM
To: Pape, Michael; Hicks, Cory
Subject: Re: Patriot/UMWA deal

I will let you all know as soon as I hear.

Sent using BlackBerry

----- Original Message -----

From: Pape, Michael
Sent: Sunday, August 11, 2013 10:38 PM
To: Buchanan, Melissa; Hicks, Cory
Subject: Re: Patriot/UMWA deal

It will be interesting to see what they have arrived at tomorrow.

Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: Buchanan, Melissa
Sent: Sunday, August 11, 2013 10:35 PM
To: Pape, Michael; Hicks, Cory
Subject: Re: Patriot/UMWA deal

Peabody is unhappy, but they are a different company. Patriot is suing Peabody, for spinning off all the retiree obligations when Peabody created Patroit, claiming they set up the company to fail. Its a bad situation overall and much better for everyone if Patriot and UMWA can work out a deal.

Sent using BlackBerry

----- Original Message -----

From: Pape, Michael
Sent: Sunday, August 11, 2013 10:26 PM

To: Buchanan, Melissa; Hicks, Cory
Subject: Re: Patriot/UMWA deal

I thought Peabody was unhappily with the legislation. Well in any case perhaps is it a temp resolution.

Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: Buchanan, Melissa
Sent: Sunday, August 11, 2013 10:24 PM
To: Pape, Michael; Hicks, Cory
Subject: Re: Patriot/UMWA deal

None of the introduced bills really had much effect on Patriot. This probably had more to do with UMWAs bankruptcy decision appeal and the other pending lawsuits.

Sent using BlackBerry

----- Original Message -----

From: Pape, Michael
Sent: Sunday, August 11, 2013 10:15 PM
To: Buchanan, Melissa; Hicks, Cory
Subject: Re: Patriot/UMWA deal

I doubt they have worked out a permanent solution. Probably both sides agreeing to short term solution to meet immediate needs. Patriot is probably hoping it will soften legislators stance for a legislative fix and buy them time. Cecil is probably concerned that our leg fix won't come soon enough to meet current healthcare needs of miners and families.

Sent from Michael Pape's iPad

On Aug 11, 2013, at 9:05 PM, "Buchanan, Melissa" <Melissa.Buchanan@mail.house.gov> wrote:

> I don't know. Hopefully it means they have worked out a solution themselves, and there won't be a need for a legislative fix. I don't have any details and won't know anything until tomorrow.

> -----
> Sent using BlackBerry

>
>
> ----- Original Message -----

> From: Pape, Michael
> Sent: Sunday, August 11, 2013 09:59 PM
> To: Buchanan, Melissa
> Subject: Re: Patriot/UMWA deal

>
> Ok, thanks! How does that impact what we are doing?

>
> Sent from Michael Pape's iPad

>
> On Aug 11, 2013, at 8:56 PM, "Buchanan, Melissa" <Melissa.Buchanan@mail.house.gov> wrote:

>
>> Sorry, he is the government affairs person with Patriot. He works for Ben Hatfield, the CEO at Patriot. He has met with EW several times.
>> -----
>> Sent using BlackBerry
>>
>>
>> ----- Original Message -----
>> From: Pape, Michael
>> Sent: Sunday, August 11, 2013 09:53 PM
>> To: Buchanan, Melissa
>> Subject: Re: Patriot/UMWA deal
>>
>> Who is Rashid?
>>
>> Sent from Michael Pape's iPad
>>
>> On Aug 11, 2013, at 8:52 PM, "Buchanan, Melissa" <Melissa.Buchanan@mail.house.gov> wrote:
>>
>>> Good Evening Sir,
>>>
>>> I apologize for the Sunday night email.
>>> I talked to Rashid earlier tonight. He said that Ben Hatfield and Cecil Roberts reached a 5 year deal tonight regarding benefits for the retirees. The announcement will be made tomorrow morning. Also, UMWA is holding rallies in Charleston, WV and in Henderson, KY on Wednesday to explain the deal to their membership. I will have more details in the morning and will pass them along.
>>>
>>> Thank you,
>>> Melissa
>>> -----
>>> Sent using BlackBerry

Hicks, Cory

From: Hicks, Cory
Sent: Wednesday, May 29, 2013 1:48 PM
To: Buchanan, Melissa
Subject: Re: UMWA bill

Yes. I think removing the AML piece will work.

From: Buchanan, Melissa
Sent: Wednesday, May 29, 2013 01:46 PM
To: Hicks, Cory
Subject: RE: UMWA bill

Do you still want me to meet with leg counsel this afternoon? I was going to meet with them to discuss the changes UMWA proposed.

Melissa Buchanan
Legislative Assistant
Office of Congressman Ed Whitfield (KY-01)
2184 Rayburn House Office Building
Washington, DC 20515
Phone: (202) 225-3115
Fax: (202) 225-3547

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From: Hicks, Cory
Sent: Wednesday, May 29, 2013 1:46 PM
To: Buchanan, Melissa
Subject: Re: UMWA bill

That sounds accurate, but we'll need to run some traps before we introduce. Can you go ahead and send UMWA's edits and the first draft to Steve Hart and Tom Altmeyer and cc me? You might point out this question and see what they say.

From: Buchanan, Melissa
Sent: Wednesday, May 29, 2013 01:43 PM
To: Hicks, Cory
Subject: UMWA bill

I wanted to just double check with you before my meeting with Leg Counsel this afternoon on the Coal Miners bill. Per our meeting with UMWA, it was my understanding that we don't need to include language regarding the transfer of excess of AML funds because, if we change the eligibility date to include new miners in the 1993, the amount of money available will automatically increase.

Melissa Buchanan
Legislative Assistant
Office of Congressman Ed Whitfield (KY-01)

2184 Rayburn House Office Building
Washington, DC 20515
Phone: (202) 225-3115
Fax: (202) 225-3547

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Cadwalader, Wickersham & Taft LLP
700 Sixth Street, N.W., Washington, DC 20001
Tel +1 202 862 2200 Fax +1 202 862 2400
www.cadwalader.com

New York London Charlotte Washington
Houston Beijing Hong Kong Brussels

February 24, 2016

VIA COURIER

The Honorable Kenny Marchant
The Honorable Ted Deutch
The Honorable Barbara Comstock
The Honorable John Carney
Committee on Ethics, U.S. House of Representatives
1015 Longworth House Office Building
Washington, DC 20515-6328

Re: Representative Whitfield's Supplemental Submission to the Investigative Subcommittee

Dear Members of the Investigative Subcommittee:

On March 25, 2015, the Committee on Ethics ("Committee") voted to establish an Investigative Subcommittee ("Subcommittee") to investigate allegations that Representative Whitfield "failed to prohibit lobbying contacts between his staff and his wife, improperly used his official position for the beneficial interest of himself or his wife, and dispensed special favors or privileges to either his wife, the Humane Society Legislative Fund, or the Humane Society of the United States."¹

The Subcommittee's review of these allegations is the latest phase of an investigation that has spanned more than two years, including a review and referral by the Office of Congressional Ethics ("OCE") and a discretionary review by the Committee.² While the

¹ Press Release, Comm. on Ethics, Statement of the Chairman and Ranking Member of the Committee on Ethics Regarding Representative Ed Whitfield (Mar. 27, 2015), <https://ethics.house.gov/sites/ethics.house.gov/files/20150327%20PR%20-%20Rep.%20Whitfield%20ISC.pdf>.

² During the course of this investigation, Representative Whitfield's counsel at McKenna Long & Aldridge LLP and Paul, Weiss, Rifkind, Wharton & Garrison LLP submitted Representative Whitfield's responses to the OCE and the Committee, respectively. See Letter from Stefan C. Passantino & J. Randolph Evans, McKenna Long & Aldridge LLP, to Omar S. Ashmawy, Chief Counsel, OCE (Feb. 21, 2014); Letter from Beth A. Wilkinson, Paul, Weiss, Rifkind, Wharton &

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February 24, 2016

protracted investigation has been trying for both Representative Whitfield and his wife, Mrs. Constance Harriman, our clients are both genuinely appreciative of the significant time and attention that the Members and staff of the Subcommittee have committed to investigating these allegations and working to bring this matter to a fair conclusion. Our clients especially would like to thank the Members of the Subcommittee for their attentiveness and participation in our clients' lengthy interviews with the Subcommittee in early January.

Although the investigations by the OCE and the Committee covered a lot of ground and involved examination of numerous witnesses and thousands of documents, the Subcommittee's assessment of this case ultimately distills down to the examination of several primary themes that run through the relevant facts and circumstances. These themes all revolve around our clients' understanding of permissible conduct under the ethics rules and the question of whether Representative Whitfield considered his wife to be lobbying him or his staff when she was acting in support of the Prevent All Soring Tactics ("PAST") Act and other animal welfare legislation. While these themes all came through very clearly in our clients' interviews, we think it is important to your deliberations that we highlight them for you in this submission and demonstrate how they are fully supported by the factual and testimonial record.

In order to adopt a Statement of Alleged Violation, the Subcommittee first must find that there is "substantial reason to believe" that Representative Whitfield committed a violation of the Code of Official Conduct or other relevant ethical provision.³ There is no evidence in the record before the Subcommittee that Representative Whitfield intentionally violated the Code of Official Conduct or any other relevant ethical provision by failing to prohibit lobbying contacts between his staff and his wife, by improperly using his official position for the beneficial interest of himself or his wife, or by dispensing special favors or privileges to either his wife or her employers, the Humane Society of the United States ("Humane Society") and the Humane Society Legislative Fund ("HSLF").⁴ We submit that an objective assessment of the following themes and their supporting record will clearly demonstrate that a Statement of Alleged Violation is not warranted in this case.

Garrison LLP, to Thomas A. Rust, Chief Counsel & Staff Dir., Comm. on Ethics (Jul. 31, 2014). This letter supplements Representative Whitfield's responses to the OCE and the Committee.

³ Rules of the House of Representatives, 114th Congress (2015), Rule XI, Clause 3(n).

⁴ Mrs. Harriman began working for the Humane Society in 2007. She became a registered lobbyist in 2011 and transferred to the payroll of HSLF in October 2011. (Tr. of Interview of Constance Harriman 7:17-21, 11:2-3, Jan. 6, 2016.)

February 24, 2016

1. **Representative Whitfield did not consider Mrs. Harriman’s engagement with him and his staff to be lobbying because his interests in animal welfare were completely aligned with hers and, therefore, she never needed—and never attempted—to influence him or his staff.**

Representative Whitfield and Mrs. Harriman understood that, as a registered lobbyist, Mrs. Harriman could not lobby Representative Whitfield and his staff. (Tr. of Interview of Representative Whitfield 111:14-18, Jan. 7, 2016 [hereinafter Tr. EW]; Tr. of Interview of Constance Harriman 30:4-8, Jan. 6, 2016 [hereinafter Tr. CH].) Although they did not have an in-depth understanding of the Committee’s interpretation of the term “lobbying contact” as defined in the Lobbying Disclosure Act of 1995, both Representative Whitfield and Mrs. Harriman had the common-sense working understanding that “lobbying” was activity that involved some attempt to influence a Member or staff.⁵ (Tr. EW 110:17-24, 115:4-7; Tr. CH 15:4-8, 19:10-13.)

Neither Representative Whitfield nor Mrs. Harriman considered her contacts with his office to be an attempt to influence because their interests in animal welfare legislation—and in the PAST Act in particular—were completely aligned. (Tr. EW 12:13-17; Tr. CH 13:4-20.) The Subcommittee has reviewed thousands of e-mails sent from Mrs. Harriman’s Humane Society e-mail address to Representative Whitfield and his staff, and the Subcommittee staff pointed to several of these e-mails during our clients’ interviews as examples of potentially prohibited lobbying contacts.⁶ In response, our clients first explained that it was Mrs. Harriman’s practice—both before and after her employment by the Humane Society and HSLF—to assist and remind her husband and his staff about votes and other steps needed to achieve *his* legislative objectives. (Tr. EW 41:8-15.) They then demonstrated how every one of those e-mails reflected Mrs. Harriman’s effort to assist her husband with *his* animal-welfare

⁵ Besides being the widely accepted meaning of the term in common parlance, this understanding that lobbying requires an attempt to influence is supported by the *Lobbying Disclosure Act Guidance*, which explains that certain communications that do *not* involve an attempt to influence normally would not be considered a “lobbying contact.” *See Lobbying Disclosure Act Guidance* 7 (last reviewed Dec. 15, 2014), <http://lobbyingdisclosure.house.gov/ldaguidance.pdf> (“If a communication is limited to routine information gathering questions and there is not an *attempt to influence* a covered official, the exception of Section 3(8)(B)(v) for ‘any other similar administrative request’ would normally apply. In determining whether there is an attempt to influence a covered official, the identity of the person asking the questions and her relationship to the covered official obviously will be important factors.”) (emphasis added).

⁶ *See, e.g.*, HSLF_OCE_020961; EW4 004776; EW3 001189.

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agenda⁷ and not an effort to impose *her employer's* agenda on him or his staff.⁸ (Tr. EW 41:21-25.)

The absence of any such intent to influence is further highlighted by the various instances described in the interviews and relevant e-mails when Mrs. Harriman urged her husband and his staff to take positions *that were directly contrary* to the stated interests of the Humane Society and HSLF. (Tr. EW 45:6-20; Tr. CH 13:21-25.) On one occasion, for example, Mrs. Harriman advised against Representative Whitfield signing on to a bill supported by the Humane Society that would regulate the size of chicken cages because she knew it was opposed by his constituents.⁹ (Tr. EW 34:13-35:23; Tr. CH 77:7-9, 78:24-25.) Similarly, during the PAST Act effort Mrs. Harriman acted in direct opposition to the Humane Society's interests when she pushed to have the Humane Society *excluded* from the pool of potential witnesses for a hearing on the PAST Act because she knew that featuring the Humane Society in the hearing would be detrimental to her husband's efforts to garner additional

⁷ For example, in an e-mail exchange between Mrs. Harriman and two of Representative Whitfield's staffers on January 7, 2011—before Mrs. Harriman began lobbying for HSLF in October 2011—she commented on differences between Representative Michael Grimm's Veterans Dog Training Therapy Act and a similar measure her husband had passed the previous year. *See* HSLF_OCE_020961. Similarly, on December 2, 2011, Mrs. Harriman reminded her husband's staff about signing on to the "Puppy Mill Bill," which she knew Representative Whitfield had supported every year. *See* EW4 004417.

⁸ During our clients' interviews, the Subcommittee staff identified one document showing a case where Representative Whitfield and Mrs. Harriman's interests were not completely aligned. *See* HSLF_OCE_013451. Mrs. Harriman had sent Representative Whitfield's staff an e-mail reminding them that her husband would be voting for the Peters Amendment, which related to banning certain polar bear imports. *See* EW4 004776. Mrs. Harriman knew that her husband previously had voted in favor of the measure, consistent with his longstanding concern for polar bear protection. (Tr. EW 24:21-25; Tr. CH 57:1-9.) Unbeknownst to her at the time she wrote this e-mail, Representative Whitfield had been subjected to strong pressure from interest groups and constituents opposed to the amendment and ultimately changed his position and voted against the measure without informing Mrs. Harriman. (Tr. EW 30:9-22.) Thus, as both Representative Whitfield and Mrs. Harriman explained in their interviews, this e-mail was not Mrs. Harriman's attempt to influence her husband's vote, but was rather her effort to remind the staff about a vote that she reasonably—although mistakenly—believed her husband would want to make. (Tr. EW 26:1-4, 116:11-22; Tr. CH 58:17-18, 63:11-19.) In light of those explanations, it is clear that this e-mail falls squarely in the "reminder e-mail" category described above and evinces no intent on Mrs. Harriman's part to influence her husband or his staff.

⁹ *See* EW3 001189 (On September 12, 2012, Mrs. Harriman wrote to Representative Whitfield's staffer, "Ed just decided to sign on to the Egg Bill. *I advised against it...*") (emphasis added).

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Republican cosponsors for the bill.¹⁰ (Tr. EW 45:6-20; Tr. CH 83:23-85:17.) Had Mrs. Harriman been acting on behalf of the Humane Society, she would have urged her husband to adopt the Humane Society's position on these issues, and certainly would not have openly supported positions at odds with its agenda.¹¹

2. **Representative Whitfield did not consider Mrs. Harriman's work with him on the PAST Act and other animal issues to be lobbying for HSLF because he and his wife have shared a commitment to animal welfare issues since they were married in 1990.**

Representative Whitfield has supported animal protection causes and legislation for decades, since long before Mrs. Harriman began working for the Humane Society. (Tr. EW 10:23-11:10; Tr. CH 9:22-10:5.) His reputation as "the horse guy" and his track record on animal protection issues are well-known to his colleagues on Capitol Hill.¹² (Tr. EW 8:23-24; Tr. CH 9:20-22; Transcript of Interview of Marty Irby 115:24-116:19, Sept. 15, 2015 [hereinafter Tr. MI].) Between the time Representative Whitfield joined Congress in 1995 and the start of Mrs. Harriman's employment at the Humane Society in 2007, Representative Whitfield sponsored four animal welfare bills and cosponsored another 38 bills related to animal welfare issues, and he gave numerous floor speeches on animal protection issues, including two in May 2004 on the horse slaughter issue.¹³ Representative Whitfield urged the U.S. Department of Agriculture Office of Inspector General to complete a report on horse soring, and he cosponsored the American Horse Slaughter Prevention Act and secured its passage in the House in 2006.¹⁴

¹⁰ See, e.g., HSLF_OCE_015499 & HSLF_OCE_015485 (In these e-mails, Mrs. Harriman supported Donna Benefield as a witness at the PAST Act hearing rather than Keith Dane, a Humane Society employee. Connie told Representative Whitfield's Chief of Staff, Cory Hicks, to "Stick to your guns" because "Donna could be a great witness." She also told him that "[Donna] adds a lot. HSUS is jealous."). In another e-mail, Mrs. Harriman explained to other Humane Society employees that "HSUS is anathema to the majority of [Republicans]." HSLF_OCE_012822.

¹¹ It is also worth noting that Representative Whitfield's score in HSLF's annual *Humane Scorecard of Congress* actually declined by 44% during the years that his wife worked for the Humane Society and HSLF—from 85 for the 108th Congress (2003-2004) to 41 for the 113th Congress (2013-2014). (Tr. EW 23:5-8.)

¹² See, e.g., EW-ISC00005419.

¹³ See Letter from Beth A. Wilkinson, Paul, Weiss, Rifkind, Wharton & Garrison LLP, to Thomas A. Rust, Chief Counsel & Staff Dir., Comm. on Ethics app. at 1 (Jul. 31, 2014).

¹⁴ See, e.g., EW-ISC00005423.

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Similarly, Mrs. Harriman has her own accomplished background and passion for animal protection issues. As Assistant Secretary for Fish and Wildlife and Parks at the Department of the Interior, Mrs. Harriman oversaw both the U.S. Fish and Wildlife Service and the National Park Service and was a key figure in establishing the global ban on the trade in elephant ivory. (Tr. CH 10:6-14.) She is the former Vice Chairman of the Kentucky Horse Racing Authority and a former chair of the Kentucky Equine Drug Research Council, in which positions she led a successful effort to limit the use of medication in horse racing. (Tr. CH 10:15-11:1.) Mrs. Harriman's experience and track record of effectiveness is precisely the reason she was hired by the Humane Society and HSLF—not to lobby her husband, who was already a staunch supporter of much of the Humane Society's agenda, but rather to lobby *other* Republicans, who historically have been somewhat skeptical of the Humane Society. (Tr. EW 33:8-12; Tr. CH 11:5-14.)

Beyond Representative Whitfield and Mrs. Harriman's distinguished professional careers, animal welfare issues have been a common theme in their marriage and personal commitments. (Tr. EW 8:6-11, 9:10-11; Tr. CH 9:10-12.) Over the past two decades, they routinely have rescued horses from slaughterhouses, picked up abandoned dogs on the side of the road, and helped found, and served together on the board of, the Kentucky Equine Humane Center.¹⁵ (Tr. EW 8:12-15; Tr. CH 9:12-19.) It is important to recognize this longstanding, shared commitment to animal welfare issues, as it helps to explain why Representative Whitfield would see Mrs. Harriman's collaboration with his staff on behalf of the PAST Act and the other animal legislation as a natural extension of their relationship, and not as a matter of her "lobbying" him or his staff. (Tr. EW 9:20-23.)

3. **Representative Whitfield understandably turned to Mrs. Harriman for assistance with his animal welfare legislation not out of a desire to promote HSLF's agenda but because she had a demonstrated track record of successfully promoting the passage of animal welfare legislation.**

As a natural consequence of their shared passion for animals, Representative Whitfield and Mrs. Harriman have worked hand-in-hand to pass animal welfare legislation throughout their marriage. (Tr. EW 41:10-25, 43:4-9.) Representative of Mrs. Harriman's close working relationship with her husband's staff is the successful effort to pass the American Horse Slaughter Prevention Act in the House in 2006 – months before she joined the Humane Society and five years before she became a registered lobbyist for HSLF. (Tr. EW 13:9-13.) As she explained in her interview, Mrs. Harriman spent countless hours organizing and attending

¹⁵ See, e.g., EW-ISC00005417; EW-ISC00005421.

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meetings with other advocates of the legislation and Members to educate them about the bill and garner their support. (Tr. CH 11:17-24.) She did this work as a volunteer, not on behalf of any organization, and was so effective that a *Congressional Quarterly* article cited “the lobbying efforts of Connie Harriman Whitfield” as a reason that the Republican leadership promised a floor vote on the bill.¹⁶ (Tr. EW 18:2-5.)

When efforts to pass the PAST Act ramped up in 2013, Mrs. Harriman assumed the same integral role alongside her husband that she had performed in 2006 in relation to the horse slaughter bill. (Tr. EW 13:9-13.) To observers unfamiliar with the history of their partnership, it could appear that Mrs. Harriman, as an employee of HSLF, had an outsized role and exceptional access to Representative Whitfield and his staff. The reality, however, is that Representative Whitfield simply continued to use his wife the same way he always had—as a tremendously effective organizer and promoter of his animal-welfare legislative agenda. (Tr. EW 41:8-25.) He leveraged her experience and relationships and integrated her into his office’s effort, not as a favor to the Humane Society or as a scheme to improve his wife’s career prospects but because he valued her insights and advice and knew from past experiences how effective the two of them could be when working together. (Tr. EW 41:8-25.)

4. **Representative Whitfield understandably never thought he was providing any beneficial position to the Humane Society or HSLF given that they were but two members of a large coalition of PAST Act supporters, which included more than 200 other individuals and organizations.**

The PAST Act was Representative Whitfield’s bill, and he built a large coalition to garner support for the legislation. (Tr. EW 14:9, 39:17-22.) Although the Humane Society and HSLF are front and center in the allegations before the Subcommittee, in 2013 and early 2014 they were only two of more than 200 organizations and individuals with whom Representative Whitfield and his staff were coordinating meetings, communication, and strategy in an all-hands-on-deck effort to garner support for the PAST Act. (Tr. EW 12:18-21, 39:17-22; Tr. MI 49:11-22.) In fact, as Representative Whitfield and Marty Irby explained in their interviews, Representative Whitfield and his staff gave as much attention to several other animal welfare groups as it did to the Humane Society, and they considered the American Veterinary Medical Association, the American Horse Council, and the American Society for

¹⁶ Catharine Richert, *Political Horse-Trading Leads to House Vote on Horse Protection Measure*, CQ TODAY, Sept. 18, 2006 (EW-ISC00005394). Another article acknowledged that “Whitfield’s wife, Connie Harriman Whitfield, has been instrumental in getting her husband’s bill to the floor.” Catharine Richert, *Opponents of Horse Slaughter Measure Plan Numerous ‘Poison Pill’ Amendments*, CQ TODAY, Sept. 6, 2006 (EW-ISC00005403).

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the Prevention of Cruelty to Animals, along with the Humane Society and HSLF, to be equal among the leading members of the coalition with which they regularly communicated and consulted.¹⁷ (Tr. EW 63:20-64:12, 64:21-24; Tr. MI 50:18-51:16.)

5. **The extraordinary number of meetings that Representative Whitfield directed his staff to set up for members of the PAST Act coalition is not an indication that Representative Whitfield was giving favored treatment to the Humane Society or HSLF, as the OCE Report suggests, but instead was simply a response to Majority Leader Eric Cantor's extraordinary charge that the coalition enlist a majority of the Republican Members as cosponsors of the bill.**

The extraordinary number of meetings that Representative Whitfield's staff set up to educate Members and promote the PAST Act is not evidence that he or his staff gave the Humane Society or HSLF any sort of favored treatment. Rather, the push to get additional cosponsors was a direct response to Majority Leader Cantor's requirement that a majority of Republicans sign on as cosponsors before the PAST Act would be brought to the floor for a vote—a higher threshold than traditionally was required to bring legislation to the floor. (Tr. EW 10:3-6, 19:23-20:1.)

The OCE Report and media coverage of the allegations against Representative Whitfield have focused on the allegation that Representative Whitfield's office provided assistance to HSLF by "scheduling as many as 100 meetings with other congressional offices for Representative Whitfield's wife and HSLF."¹⁸ (Tr. EW 7:6-11.) As you heard from Representative Whitfield, Mrs. Harriman, and other witnesses, that claim is simply incorrect. (Tr. EW 9:24-10:1; Tr. CH 104:14-19; Tr. MI 54:21-23.) Representative Whitfield's office did set up meetings with Members and staff to hear from Marty Irby and Donna Benefield, two citizen advocates from Tennessee who were experts on horse soring, and from a variety of organizations, including the American Horse Council, the American Association of Equine Practitioners, the American Veterinary Medical Association, the American Society for the Prevention of Cruelty to Animals, the Animal Welfare Institute, Friends of Sound Horses, and others, as well as the Humane Society and HSLF. (Tr. EW 51:9-14; Tr. MI 69:8-21, 74:12-15.)

¹⁷ Tr. of Interview of Representative Whitfield's Congressional Aide, Apr. 24, 2014 (OCE Report Exhibit 22 at 14-2940_0229-30, 14-2940_0245).

¹⁸ Office of Congressional Ethics, REPORT, REVIEW NO. 14-2940 3 (May 29, 2014).

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All of these meetings were set up at Representative Whitfield's direction to educate Members about *his bill*, the PAST Act, and to garner additional cosponsors to meet Majority Leader Cantor's charge, and not to somehow benefit his wife's employer. (Tr. EW 10:3-6, 19:23-20:1.) In arranging these meetings, Representative Whitfield and his staff treated the Humane Society and HSLF no differently than they did other members of the coalition. (Tr. EW 51:9-14; Tr. MI 69:8-21, 74:12-15.) As Representative Whitfield and Marty Irby explained during their interviews, much of their effort on behalf of the PAST Act involved coordination with groups in the coalition other than the Humane Society and HSLF, and they set up a significant number of meetings in which nobody from the Humane Society or HSLF was even in attendance.¹⁹ (Tr. EW 60:15-21.)

6. **Representative Whitfield's staff and Mrs. Harriman sought ethics advice on several occasions and made good faith efforts to comply with the guidance they received.**

The efforts of Mrs. Harriman and Representative Whitfield's staff to seek ethics guidance on several occasions, and their actions consistent with their understanding of the advice they received, are further evidence that neither they nor Representative Whitfield intended to violate or circumvent the prohibition against spousal lobbying. To the contrary, their repeated efforts to seek clarification after receiving conflicting advice demonstrate their intent to abide by both the letter and spirit of the House rules.

As you heard from Mrs. Harriman, she had a series of calls seeking ethics advice in late October 2013. (Tr. CH 14:16-15:12.) She recalls Robert Sensenbrenner, General Counsel of the Committee on House Administration, telling her that she could attend meetings set up by her husband's office, and she understood Dan Schwager, then-Staff Director of the Committee, to tell her that she could attend the meetings but not tell Representative Whitfield's staff that she attended. (Tr. CH 126:12-16, 150:1-4.) According to the Committee's summary of Mr. Schwager's notes of his conversation with Mrs. Harriman, the only prohibition Mr. Schwager articulated was that she could not have "lobbying contacts" with Representative Whitfield and

¹⁹ Mr. Irby testified that he and Ms. Benefield attended approximately one third of the meetings alone and that third parties affiliated with organizations other than the Humane Society or HSLF, such as the American Veterinary Medical Association and Friends of Sound Horses, accompanied him and Mrs. Benefield to approximately one third of the meetings. (Tr. MI 69:7, 70:4.) Mr. Irby added that Mrs. Harriman attended "a dozen or so" of the meetings, and Mrs. Harriman testified that she attended only about fifteen of the meetings set up by Representative Whitfield's staff. (Tr. CH 105:18-20; Tr. MI 54:11-12.)

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his staff.²⁰ As detailed in Part 1, *supra*, Mrs. Harriman had no concern that she was violating that prohibition because she reasonably believed that, due to the absence of any effort on her part to influence them, her interactions with Representative Whitfield's staff were not lobbying contacts.²¹ (Tr. EW 114:14-23; Tr. CH 15:4-12.)

7. **Representative Whitfield has an absolutely unblemished record of serving with the highest ethical standards and is widely regarded as a man of the utmost integrity.**

In considering whether Representative Whitfield had any intention of violating the ethics rules, it is important and only fair to consider the record of his whole career. As he explained in his interview, Representative Whitfield has gone through his whole career, including 25 years in private business and 21 years in Congress, without so much as a suggestion that he ever acted unethically.²² Aside from those in the horse-soring community who launched the campaign to destroy him and derail the PAST Act, he is universally regarded by constituents and colleagues as a straight shooter who would never even be tempted to bend the rules.

²⁰ Letter from Rep. Kenny Marchant, Chairman, Investigative Subcomm. & Rep. Ted Deutch, Ranking Member, Investigative Subcomm., to Rep. Ed Whitfield (Nov. 4, 2015).

²¹ Representative Whitfield's then-Chief of Staff Cory Hicks similarly received conflicting advice on the issue of whether Representative Whitfield's office could set up meetings with other Members and staff for the two horse-soring experts, Marty Irby and Donna Benefield. Mr. Hicks originally was told by Committee staff that Representative Whitfield's office *could* set up meetings for Mr. Irby and Ms. Benefield, and then the Committee "changed its mind" and said that Representative Whitfield's office *could not* set up meetings for Mr. Irby and Ms. Benefield. HSLF_OCE_015755-56.

²² In the course of its investigation of this matter, the OCE learned that Mrs. Harriman had been on the board of a company that had an interest in legislation before a committee on which Representative Whitfield sat, and the OCE initiated an investigation into the possibility that Representative Whitfield had taken inappropriate actions to benefit that company or his or his wife's financial interests. There was ultimately no basis for this concern, and on May 29, 2015, the Board of the OCE adopted a report "recommend[ing] that the Committee on Ethics dismiss the allegation . . . because there [was] not substantial reason to believe that Representative Whitfield" violated the House rules or other standards of conduct. Office of Congressional Ethics, REPORT, REVIEW NO. 15-5696 (May 29, 2015). On September 11, 2015, the Committee notified Representative Whitfield that "the Committee unanimously voted to dismiss the matter." Letter from Rep. Charles W. Dent, Chairman, Comm. on Ethics & Rep. Linda T. Sanchez, Ranking Member, Comm. on Ethics, to Rep. Ed Whitfield (Sept. 11, 2015).

C A D W A L A D E R

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Representative Whitfield's reputation is the product of a lifelong adherence to the highest standards, and it is also something this Subcommittee should consider very carefully. In order to accept the allegations in this case, one has to find that Representative Whitfield engaged in conduct that is diametrically opposed to the manner in which he has lived his life to date. And to reach that finding, one would expect to see some compelling circumstances that would reasonably explain why he would do something that is so out of character.

It is clear from the results of the investigations conducted by the OCE and the Committee staff, however, that there are no such compelling circumstances. As such, the much more reasonable explanation – and the truth – is that Representative Whitfield conducted himself in regard to his wife's involvement with his animal welfare legislation in a manner that was both completely consistent with his reputation for integrity and probity and in keeping with the highest tradition of public and congressional service.

CONCLUSION

In light of the themes and analysis presented in this letter, the previous submissions to the OCE and the Committee, and the information and explanations that were imparted during our clients' interviews, Representative Whitfield respectfully requests that the Subcommittee issue a finding that there is no reason to believe that he violated House rules or standards of conduct and recommend that no further action be taken in this matter.

Sincerely,



Kenneth L. Wainstein
Cadwalader, Wickersham & Taft LLP



Robert L. Walker
Wiley Rein LLP

cc: Christopher Tate

May 31, 2016

VIA COURIER

The Honorable Charles W. Dent
The Honorable Linda T. Sánchez
Committee on Ethics
U.S. House of Representatives
1015 Longworth House Office Building
Washington, DC 20515-6328

Re: In the Matter of Allegations Relating to Representative Ed Whitfield

Dear Chairman Dent and Ranking Member Sánchez:

We write to you and the other members of the Committee on Ethics (“Committee”) on behalf of our client, Representative Ed Whitfield, to submit his written response to the Report of the Investigative Subcommittee (“ISC”) in this matter. Please find enclosed the following:

1. **Written Response:** The enclosed letter responds to the ISC’s analysis and conclusions, and respectfully requests that the Committee resolve this matter by issuing a Committee report that (1) accepts the ISC’s findings that Representative Whitfield’s conduct led to unintentional violations of the lobbying contacts rule and that he took no action to benefit his own financial interest; (2) declines to accept the ISC’s findings that Representative Whitfield provided special privileges to his wife and reflected discredit on the Congress; and (3) declines to accept the ISC’s recommendation that we issue a reproof.
2. **Draft Committee Report:** The enclosed draft Committee report is intended to demonstrate how a report that makes the above findings would come across in a public document. We hope that you find the draft report helpful as you consider the arguments in our written response.
3. **Prior Written Submissions:** The enclosed binder includes Representative Whitfield’s prior written submissions in this matter to the Committee, Investigative Subcommittee, and the Office of Congressional Ethics. For the convenience of your review, we also include a copy of the ISC Report.

CADWALADER

May 31, 2016

We appreciate your consideration of this submission and our proposed resolution. Please do not hesitate to reach out to us if you have further questions or need additional information. We look forward to seeing you when Representative Whitfield has his opportunity to meet with the Committee.

Sincerely,



Kenneth L. Wainstein
Cadwalader, Wickersham & Taft LLP



Robert L. Walker
Wiley Rein LLP

Enclosures

cc: The Honorable Patrick Meehan
The Honorable Michael E. Capuano
The Honorable Trey Gowdy
The Honorable Yvette D. Clarke
The Honorable Susan W. Brooks
The Honorable Ted Deutch
The Honorable Kenny Marchant
The Honorable John Larson
Tom Rust, Chief Counsel & Staff Director
Patrick McMullen, Director of Investigations

May 31, 2016

VIA COURIER

The Honorable Charles W. Dent
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Committee on Ethics
U.S. House of Representatives
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Re: In the Matter of Allegations Relating to Representative Ed Whitfield

Dear Chairman Dent and Ranking Member Sánchez:

We write to you and the other members of the Committee on Ethics (“Committee”) on behalf of our client, Representative Ed Whitfield, in response to the Investigative Subcommittee’s (“ISC”) report (“ISC Report”) in this matter. Representative Whitfield first wishes to acknowledge and thank the ISC and its staff for the diligent and conscientious manner with which they handled the challenging set of factual and legal issues in this case.

We respectfully request that the Committee resolve this matter by issuing its own report accepting the ISC’s finding that Representative Whitfield’s oversights led to unintentional violations of the lobbying contacts rule but declining to accept the ISC’s findings that Representative Whitfield provided special privileges to his wife and reflected discredit on Congress. We also request that the Committee decline to accept the ISC’s recommendation of a reproof, and instead issue the Committee’s report and the underlying ISC Report to ensure the public record is complete and balanced with respect to the true nature of Representative Whitfield’s conduct.

INTRODUCTION

Representative Ed Whitfield has served in the U.S. House of Representatives for more than 21 years, during which time he has “sponsored or cosponsored over 70 different bills pertaining to animal welfare”¹ and has earned the reputation as “the horse guy” on Capitol

¹ Investigative Subcommittee, *Report of the Investigative Subcommittee In the Matter of Allegations Relating to Representative Ed Whitfield* 3 (Apr. 20, 2016) [hereinafter ISC Report].

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Hill.² He and his wife of 25 years, Ms. Constance Harriman, the former Assistant Secretary for Fish and Wildlife and Parks at the Department of the Interior,³ share a passion for animals. That passion is one of the common bonds in their marriage and serves as the motivating force behind their collaboration over the years on legislative efforts to promote the protection of animals.⁴

Throughout Representative Whitfield's time in Congress, Ms. Harriman has worked closely with him and his staff to promote animal protection legislation and other matters of mutual interest. For example, in 2006, they worked together to build a 100-member national coalition to pass the American Horse Slaughter Prevention Act in the House.⁵ Ms. Harriman was the coordinator of that effort and spent countless hours working with her husband's staff to organize and attend meetings with other advocates and Members to educate them and garner their support.⁶ Then, again, in 2013, Ms. Harriman joined her husband's effort to build a national coalition to promote the Prevent All Soring Tactics Act ("PAST Act"), which Representative Whitfield and his staff drafted to address the findings of a 2010 report by the Department of Agriculture Inspector General, which concluded that the inspection program established under the 1970 Horse Protection Act was not adequate to prevent the abuse of Tennessee Walking Horses.⁷ There was an outpouring of enthusiasm and support for the coalition, which included more than 200 organizations and individuals. As a result of the coalition's efforts, 307 out of 435 House Members – more than 70 percent – and 60 Senators became cosponsors of the PAST Act.

In December 2013, activists with the Performance Show Horse Association, an organization that supports horse soring⁸ and opposed the PAST Act, filed a complaint against

² ISC Interview of Marty Irby.

³ See ISC Report, *supra* note 1, at 3.

⁴ *Id.*

⁵ *Id.* at 4.

⁶ Her efforts were noted in press articles as "'instrumental' in steering the Horse Slaughter Prevention Act to the House floor." *Id.*

⁷ U.S. Dep't of Agric., Office of Inspector Gen., *Animal and Plant Health Inspection Service Administration of the Horse Protection Program and the Slaughter Horse Transport Program* 1 (Sept. 2010) ("Concerning the treatment of show horses, we found that APHIS' program for inspecting horses for soring is not adequate to ensure that these animals are not being abused.").

⁸ Soring is the cruel and abusive practice of irritating or blistering a horse's forelegs with chemicals or mechanical devices to accentuate a horse's gait. See U.S. Dep't of Agriculture, Horse Protection Act

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Representative Whitfield. In that complaint, the 13 signatories – who had been cited by the Department of Agriculture for a total of 57 violations of the horse-soring prohibition and other provisions of the federal Horse Protection Act⁹ – alleged that Representative Whitfield’s effort “to push a legislative initiative directly connected to his wife’s position as a compensated lobbyist” violated the Code of Conduct of the House of Representatives.¹⁰ In 2007, Ms. Harriman had joined the Humane Society of the United States (“HSUS”) in a fundraising role, and in October 2011 she had transitioned to the Humane Society Legislative Fund (“HSLF”) and become a registered lobbyist. Despite Representative Whitfield’s firm belief that his wife’s efforts with the PAST Act coalition were in furtherance of his agenda and not HSLF’s agenda, the Board of the Office of Congressional Ethics (“OCE”) initiated a preliminary review of the allegations in the horse sorers’ complaint. That development prevented the PAST Act from ever reaching the House floor for a vote – which was clearly the intent of the

(May 16, 2016), https://www.aphis.usda.gov/aphis/ourfocus/animalwelfare/SA_HPA. As the horse tries to escape the pain, it snatches them up quickly, accentuating the gait known as the “big lick.” A related practice is called “stewarding,” which is a means of preparing a Tennessee Walking Horse for the inspection it receives at exhibitions and shows, during which an inspector manually examines the horse’s front legs for evidence of soring. Stewarding involves a trainer subjecting the horse to mock inspections in which the horse is beaten with a baseball bat or a 2x4 if it reacts in any way to an inspector’s handling of its sored front legs. This process trains the horse to be more fearful of the beating than of the inspection and therefore to stand quietly during an inspection. *See* Humane Soc’y of the U.S., *What Is Soring? Important facts about this cruel abuse* (last visited May 28, 2016), http://www.humanesociety.org/issues/tenn_walking_horses/facts/what_is_soring.html.

⁹ Horse Protection Act enforcement actions are available on the Department of Agriculture’s website at https://www.aphis.usda.gov/aphis/ourfocus/animalwelfare/sa_hpa/ct_hpa_enforcement. *See also* Appendix 5 to Beth A. Wilkinson’s July 31, 2014 letter to Thomas A. Rust, Esq., Chief Counsel and Staff Director, Committee on Ethics, which lists the violations of the Horse Protection Act by the signatories to the complaint against Representative Whitfield.

¹⁰ Letter from Members of the Bd. of the Performance Show Horse Ass’n to The Honorable K. Michael Conaway, Chairman, House Comm. on Ethics & The Honorable Linda T. Sánchez, Ranking Member, House Comm. on Ethics (Dec. 27, 2013). It is important to note that the horse sorers’ complaint and public accusations in the press, *see* Anna Palmer & John Bresnahan, *Pol horse trades for Humane Society*, Politico (Dec. 17, 2013), <http://www.politico.com/story/2013/12/ed-whitfield-humane-society-congress-101251> (quoting Performance Show Horse Association Chairman of the Board Doyle Meadows, “And in a strange coincidence – I think not – the congressman happens to be married to a lobbyist for the Humane Society”), were the first allegations of ethical misconduct made against Representative Whitfield during his more than 21 years of service in the U.S. House of Representatives.

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complainants all along – and triggered a continuing series of investigations that have lasted nearly two-and-a-half years.¹¹

The first investigation was the OCE’s review, which resulted in a flawed and incomplete assessment of Representative Whitfield’s conduct. Based on OCE’s unnecessarily confrontational interview with Ms. Harriman, whose attorney was forced from the room at the outset,¹² and without the benefit of an interview with Representative Whitfield¹³ – the very subject of the inquiry – the OCE issued a report finding “substantial reason” to believe that Representative Whitfield had lobbying contacts with his wife, permitted his wife to have lobbying contacts with his staff, and permitted his wife to use his congressional office to advance and facilitate her lobbying activities and the lobbying activities of her employer. The OCE did not refer to or in any way acknowledge the voluminous amount of relevant mitigating and exculpatory information. Since their public release in November 2014 and subsequent media accounts, those findings have formed the basis of the public’s understanding of Representative Whitfield’s conduct. Consequently, Representative Whitfield’s reputation for

¹¹ It should be noted that Representative Whitfield and his wife fully and energetically cooperated at every stage of this investigation, submitting to multiple lengthy interviews, combing through personal records and providing thousands of pages of documents to the OCE and ISC. Representative Whitfield was eager to have the opportunity to be interviewed after not being able to be interviewed by the OCE, telling the ISC, “I can’t tell you how appreciative I am of having the opportunity to be here today to give my explanation of exactly what happened and how it happened.” ISC Interview of Representative Ed Whitfield.

¹² The OCE interview of Ms. Harriman was quite adversarial. The OCE staff started the interview by denying her attorney the right to be with her out of an alleged concern about the fact that the same attorney was representing her husband (a concern that OCE subsequently agreed was misplaced and did not justify the refusal to permit Ms. Harriman to have her attorney with her at the interview). That set the tone, and the interview became increasingly less productive as the questioning became more aggressive. As Representative Whitfield explained to the ISC, “[Ms. Harriman’s] interview at OCE was really confrontational. She was totally surprised because they would not allow her attorney to stay. . . . [T]he record didn’t even reflect the confrontational nature of that interview.” ISC Interview of Representative Ed Whitfield.

¹³ Representative Whitfield was unable to be interviewed by the OCE because of a debilitating nerve condition that afflicted him at the time that left him unable to move without excruciating pain. He offered to be interviewed once he recovered, but the OCE was unable to accommodate because of the strict timeline it was under to complete its review. The OCE report noted that “Representative Whitfield cooperated with the Review, but could not be interviewed for medical reasons.” Office of Congressional Ethics, *Report, Review No. 14-2940 5* (May 29, 2014) [hereinafter OCE Report].

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absolute integrity, developed over a more than 21-year career in Congress, has been irreparably blackened.¹⁴

Fortunately, the ISC's 13-month investigation was much more thorough, and the ISC's Report corrected many of the OCE's erroneous conclusions and included many critical mitigating facts missing from the OCE report. Importantly, the ISC concluded that any violation of the rule prohibiting lobbying contacts between Ms. Harriman and Representative Whitfield's staff was unintentional. Specifically, the ISC found that Representative Whitfield's actions were not "knowing, willful, or corrupt,"¹⁵ and that any failure to set limits on contacts between his staff and his wife after she became a registered lobbyist was based on a "mistaken" belief¹⁶ that there was nothing wrong with "simply continu[ing] to use his wife as part of an effective coalition the same way he always had – as a tremendously effective organizer and promoter of his animal-protection legislative agenda."¹⁷

The ISC Report includes four main findings: (1) Representative Whitfield failed to place limits on the interaction between his staff and his registered lobbyist wife and thereby committed an unintentional violation of the lobbying contacts rule; (2) Representative Whitfield provided special privileges to Ms. Harriman in violation of Section 5 of the Code of Ethics of Government Service; (3) Representative Whitfield took no official action to benefit his own financial interest and therefore did not violate House Rule XXIII, clause 3; and (4) Representative Whitfield reflected discredit on the House by his conduct and violated the letter and spirit of the House rules.

¹⁴ During the course of its review, the OCE launched a second investigation of Representative Whitfield when it learned that Ms. Harriman had been on the board of a company that had an interest in legislation before one of Representative Whitfield's committees. OCE looked into the possibility that Representative Whitfield had taken inappropriate actions to benefit that company or his or his wife's financial interests. After a thorough and well-run investigation – which stood in stark contrast to the OCE's flawed investigation of the matter currently before the Committee – the OCE found no basis for this concern. The OCE concluded that "there [was] not substantial reason to believe that Representative Whitfield" violated the House rules or other standards of conduct and recommended that the matter be dismissed. Office of Congressional Ethics, *Report, Review No. 15-5696* (May 29, 2015). The Committee agreed, voting unanimously to dismiss the matter. Letter from Rep. Charles W. Dent, Chairman, Comm. on Ethics & Rep. Linda T. Sánchez, Ranking Member, Comm. on Ethics, to Rep. Ed Whitfield (Sept. 11, 2015).

¹⁵ ISC Report, *supra* note 1, at 32.

¹⁶ *Id.* at 33.

¹⁷ *Id.* at 26-27.

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Representative Whitfield acknowledges and accepts the ISC's first finding, *i.e.*, that his oversights led to unintentional violations of the rule prohibiting lobby contacts between a Member's lobbyist spouse and the Member's staff. He also accepts the ISC's third finding, *i.e.*, that he took no action to benefit his own financial interest. However, he does not accept the ISC's second and fourth findings, *i.e.*, that he provided special privileges to his wife and her employer and that his unintentional failure to appreciate that his conduct was in technical violation of the rules was so "severe" as to "reflect discredit on the Congress."¹⁸ He believes the ISC's findings on these two points are based on a misunderstanding of the relevant circumstances and misapplication of rules everyone concedes are vague.

This letter will address the flaws in the ISC's analysis and demonstrate how the facts do not support the ISC's second and fourth findings. In conclusion, we will request that this Committee issue its own report accepting the ISC's finding of violation of the lobbying contacts rule but declining to accept the ISC's findings that Representative Whitfield provided special privileges and brought discredit on Congress. We also request that the Committee decline the ISC's recommendation of a reproof and instead issue its report and the underlying ISC Report as the most complete and balanced way of informing the public about the true nature of Representative Whitfield's conduct. To demonstrate the logic and fairness of this approach, we have provided as an attachment a draft Committee report that makes the above points and findings.¹⁹

ASSESSMENT OF THE ISC REPORT

As stated above, we appreciate the ISC's effort to make significant improvements to the analysis and preliminary conclusions in the OCE report. We nonetheless believe that the ISC Report and its recommendations suffer from several analytical flaws that led the ISC to make the findings we contest. The following section will address the strengths and the weaknesses of the ISC Report, and it will conclude that the analysis in the Report fails to support the ISC's recommendation that the Committee issue a reproof in this case.

¹⁸ *Id.* at 31.

¹⁹ We recognize that writing a draft report that grants us the result we seek in our submission prior to the Committee's consideration of the submission might be perceived as somewhat presumptuous on our part. That was certainly not our intent. Rather, we simply thought it would be useful for the Members to see how our proposed findings would come across in a draft public document when you are considering our arguments in support of those findings.

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I. Areas of Significant Improvement Over the OCE Report.

The ISC Report corrected many of the OCE’s misguided conclusions and addressed critical facts and circumstances that were insufficiently considered in the OCE report. With the benefit of a thorough, full-day interview with Representative Whitfield and a more professional and productive interview with Ms. Harriman, which provided a more complete understanding of their actions and motivations, the ISC reached more balanced and well-supported findings on a number of important points, including the following:

A. The ISC’s finding that Representative Whitfield did not intentionally violate House rules.

The OCE completely failed to address the intentionality of any potential violations by Representative Whitfield, which is a significant oversight given that intentionality is a key element in assessing blameworthiness and in gauging the appropriate sanction for a particular violation. Therefore, Representative Whitfield was extremely gratified to see the ISC’s conclusion that his “oversight[]” in failing to establish clear limits on the interaction of his staff and his wife when she was a registered lobbyist was “unintentional” and not occasioned out of a “knowing, willful, or corrupt” intent to violate the rules.²⁰

B. The ISC’s finding that Representative Whitfield and his staff did not arrange meetings with other congressional offices on behalf or at the behest of the Humane Society or the Humane Society Legislative Fund.

The OCE report drew the unsupported conclusion that Representative Whitfield and his staff scheduled “as many as 100 meetings with other congressional offices” on behalf of the HSUS and HSLF and in furtherance of their legislative agenda.²¹ That single finding in the OCE report dominated media reports of this matter²² and was used to support the allegation

²⁰ ISC Report, *supra* note 1, at 32-33.

²¹ OCE Report, *supra* note 13, at 3 (“Representative Whitfield’s congressional office provided HSLF with assistance related to its lobbying activities. The assistance included scheduling as many as 100 meetings with other congressional offices for Representative Whitfield’s wife and HSLF . . .”).

²² See, e.g., R.G. Dunlop, *Federal Ethics Probe Finds Probable Violations By Congressman Ed Whitfield*, KY. CTR. FOR INVESTIGATIVE REPORTING (Nov. 10, 2014), <http://kycir.org/2014/11/10/federal-ethics-probe-finds-probable-violations-by-congressman-ed-whitfield/> (“The report noted: ‘The assistance included scheduling as many as 100 meetings with other congressional offices for Representative Whitfield’s wife and HSLF . . .’”); Hannah Hess, *Whitfield Denies Helping His Wife’s Financial Interests in Congress*, ROLL CALL (Nov. 19, 2014, 12:33 PM),

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that Representative Whitfield had “permitted his wife to use his congressional office to advance and facilitate her lobbying activities.”²³

The ISC “did not agree with [the OCE’s] characterization of the meetings in question.”²⁴ While Representative Whitfield did direct his staff to arrange dozens of meetings with other congressional offices for PAST Act advocates, the meetings were arranged at Representative Whitfield’s direction, pursuant to the legislative strategy ordained by then-Majority Leader Eric Cantor to enlist a majority of Republican Members as cosponsors in order to bring the bill to the floor for a vote,²⁵ and in furtherance of Representative Whitfield’s animal protection legislative agenda, and not the legislative agenda of HSUS or HSLF.

<http://www.rollcall.com/news/home/whitfield-denies-helping-his-wifes-financial-interests-in-congress> (“According to the OCE report, Whitfield’s staff may have helped arrange up to 100 Capitol Hill meetings for Harriman-Whitfield”); James R. Carroll, *House ethics panel launches formal probe of Rep. Whitfield*, USA TODAY (Mar. 27, 2015, 2:59 PM), <http://www.usatoday.com/story/news/politics/2015/03/27/ed-whitfield-house-ethics-committee/70543022/> (“The November report of the board of the Office of Congressional Ethics, an independent, non-partisan unit made up of private citizens, detailed multiple instances between 2001 and 2014 in which Harriman-Whitfield was involved in as many as 100 meetings with other lawmakers and staffers. The sessions were set up by Whitfield’s office to discuss various bills that the Kentuckian either was sponsoring or co-sponsoring, the report said.”); Anna Palmer & John Bresnahan, *Ethics committee launches probe of Rep. Whitfield*, POLITICO (Mar. 27, 2015 4:39 PM), <http://www.politico.com/story/2015/03/ed-whitfield-ethics-committee-probe-116453> (“The Office of Congressional Ethics found that Whitfield’s office helped set up ‘as many as 100 meetings’ for his wife’s organization”).

²³ OCE Report, *supra* note 13, at 1.

²⁴ ISC Report, *supra* note 1, at 14.

²⁵ Representative Whitfield explained to the ISC that “Eric Cantor had made it very clear to me that, unless we could get more than half of the Republican Conference on the PAST Act, that he was not going to bring it to the floor. . . . Eric Cantor had explicitly told me that he needed cover because stand-alone animal bills are not that popular in the Republican caucus. And he said, Ed, you have to get over half of the Republican Conference on this bill. And so that is when we – “we” being the coalition and myself and everybody else – I said, we want these meetings set up.” ISC Interview of Representative Ed Whitfield.

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C. **The ISC’s finding that Representative Whitfield did not take official actions to benefit his own financial interest.**

Representative Whitfield was glad to see that the ISC report concluded in short order that he never acted out of a desire to financially benefit himself or his wife.²⁶ It was abundantly clear from the testimony that Representative Whitfield and his wife operated out a love for animals and that neither of them put a second’s thought into whether or how that agenda would benefit them financially.²⁷

D. **The ISC’s finding that Representative Whitfield and Ms. Harriman had collaborated on animal protection legislation for many years before she became a registered lobbyist.**

As noted above, the ISC acknowledged that Representative Whitfield and Ms. Harriman’s collaboration on the PAST Act was completely consistent with their history of working together on animal protection issues.²⁸ This important circumstance – and the fact that it completely supports Representative Whitfield’s explanation as to why he never thought there would be a problem when he continued that collaboration after Ms. Harriman became a registered lobbyist – was completely overlooked in the OCE report. Representative Whitfield appreciates the ISC’s inclusion of this important context in its own report.

E. **The ISC’s finding that Representative Whitfield’s staff and Ms. Harriman received vague advice on the lobbying contacts issue and its acknowledgment that the legal issue was unclear.**

The ISC Report cites the requests by Representative Whitfield’s staff and Ms. Harriman for ethics advice from the Committee staff and others²⁹ and describes the unclear responses, including statements by the Committee’s then-Chief Counsel and Staff Director that “this is a very complicated issue” and “[i]t’s not clear to me whether or how each of these

²⁶ See ISC Report, *supra* note 1, at 31.

²⁷ In fact, it was clear to Representative Whitfield that his pursuit of an animal protection agenda was politically costly to him. He explained to the ISC how his support of animal protection legislation often put him at odds with the Republican Conference: “And I will tell you, in the Republican Conference, we represent rural areas. There is not a lot of support for a lot of animal legislation.” ISC Interview of Representative Ed Whitfield.

²⁸ See ISC Report, *supra* note 1, at 3-4.

²⁹ *Id.* at 16-18.

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[rules] applies to the situation.”³⁰ Representative Whitfield appreciates the thorough treatment of these episodes, as they highlight the ambiguity around the relevant lobbying contact rules, which ambiguity helps to explain why it did not occur to Representative Whitfield that his wife’s collaboration with his staff and legislative coalition may have been in violation of the rules.

II. Remaining Areas of Flawed Analysis in the ISC Report.

Notwithstanding the many things it got right, the ISC Report still reflects several critical gaps and flaws in factual and legal analysis that affect the soundness of its findings. The following section will identify these flaws and explain how each one affects the validity of the findings as to each of the alleged violations.

A. Lobbying Contacts.

Although he accepts the ISC’s finding that his inadvertent failure to establish limits on his wife’s interaction with his staff led to violations of the lobbying contacts rule – and he sincerely regrets that failure³¹ – Representative Whitfield takes issue with several aspects of the ISC report that resulted in these lobbying contact violations being depicted as more clear-cut and substantial than they truly were. Specifically, he challenges – and asks the Committee to carefully scrutinize – (1) the insufficient weight the ISC Report gives to Representative Whitfield’s lack of intent; (2) the ISC Report’s inaccurate characterization of several specific alleged lobbying contacts; and (3) the ISC’s use of two unsupported legal theories to bolster the finding of a lobbying contacts violation.

1. The ISC Report does not afford sufficient weight to the mitigating circumstances that show Representative Whitfield’s technical violations were unintentional.

As stated above, intentionality is the key element for determining blameworthiness and the appropriate sanction or discipline in a given case. Yet there is no mention that Representative Whitfield’s violations were unintentional until the second-to-last page of the ISC Report.³² Even if *mens rea* is not required for the finding of a violation, the absence of

³⁰ ISC Report, *supra* note 1, at Exhibit 32.

³¹ Representative Whitfield told the ISC, “Now knowing what I know and the consequences of all this, I think I probably would have been more careful. I would have done something to have a more clear line . . . I have learned a lesson.” ISC Interview of Representative Ed Whitfield.

³² See ISC Report, *supra* note 1, at 32.

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“any degree of knowing, willful, or corrupt violation of the rules”³³ is a critical factor that should strongly argue against the ISC’s recommendation of reapproval.

Moreover, the ISC failed to fully evaluate several notable circumstances bearing directly on the question of Representative Whitfield’s intent. First, the ISC Report overlooks the salient fact that Representative Whitfield did not even know that his wife had become a registered lobbyist until the ethical allegations were first raised in October 2013. Although it quotes an exchange from Representative Whitfield’s interview in which he explains his ignorance of his wife’s registered lobbyist status,³⁴ the ISC Report fails to acknowledge that his ignorance is one reason he failed to question whether her continuing interaction with his staff on animal protection issues would implicate the lobbying contacts rule.

Second, the ISC report puts little weight on the fact that Representative Whitfield was unaware of the lobbying contacts rule until concerns were raised in October 2013 by a staffer in another Member’s office.³⁵ His ignorance of the rule was understandable, given that it was a new rule created 12 years after he joined Congress and had never before been the subject of a

³³ *See id.* at 33.

³⁴ “ISC STAFF: When Ms. Harriman registered as a lobbyist in January 2011, did you discuss the change in her status with her?

REPRESENTATIVE WHITFIELD: No, I didn’t really. I honestly didn’t even focus on it. She had been with the Humane Society I guess for 4 or 5 years. And when she changed to becoming, quote, a registered lobbyist, I never even – we never discussed it really. . . .

ISC STAFF: Do you remember when you first learned that she had been registered as a lobbyist?

REPRESENTATIVE WHITFIELD: I don’t know that I ever focused on it whatsoever until one day, [my Chief of Staff], because of these meetings being set up, made some comment that, because of these meetings being set up, made some comment that, oh, [another Member’s] staffer raised an issue about why are you setting up these meetings. And he said he called House Ethics or House Admin or somebody, but he forgot to tell them that she was a registered lobbyist. I think that was the very first time that I really focused on it.

ISC STAFF: So that would have been when these meetings were getting set up in 2013.

REPRESENTATIVE WHITFIELD: Right.” ISC Report, *supra* note 1, at 6.

³⁵ *See id.* at 7 (“[Representative Whitfield] further explained that, at the time Ms. Harriman registered as a lobbyist in January 2011, ‘I am not sure that I was aware there was a specific rule’ regarding lobbying contacts between a Member’s spouse and their House staff.”). Representative Whitfield testified that he first learned about the rule regarding lobbying contacts between a Member’s staff and registered lobbyist spouse “once OCE got involved and a complaint had been filed.” ISC Interview of Representative Ed Whitfield.

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public investigation by the Committee.³⁶ Representative Whitfield never received training on the rule. While we recognize that ignorance of the rule is not an absolute defense to an ethics allegation, we submit that it is an important consideration weighing against reproof in this case.

Third, the ISC Report fails to acknowledge Representative Whitfield's lack of notice of the Ethics Committee's particular interpretation of the new lobbying contacts rule, which was publicly articulated for the first time in the ISC Report, well after the time of the alleged violations. Under that interpretation, *any* contact between Ms. Harriman and her husband or her husband's staff that "concerned animal protection matters and [was] directly aligned with [] the legislative priorities of her employer [HSLF]" was necessarily a prohibited "lobbying contact," regardless whether Ms. Harriman was making that contact at Representative Whitfield's behest and/or in furtherance of his legislative agenda.³⁷

Even if Representative Whitfield had known that his wife was a registered lobbyist and that there was a new rule addressing contacts by spouse lobbyists, it never would have been apparent to him that Ms. Harriman's continuing contacts with his staff violated that rule. The rule itself is silent on the question of whether the circumstances in this case violate the rule, and the Committee never has issued any public guidance on how to apply the Lobbying Disclosure Act's five-part "lobbying contact" definition and its 18 enumerated exceptions.³⁸ It was therefore perfectly reasonable – even if he had been aware of the rule – for Representative Whitfield to believe that a Congressional spouse/registered lobbyist was free to contact a Member's staff about legislative matters so long as he or she was not actually *lobbying* the

³⁶ *See id.* at 22.

³⁷ ISC Report, *supra* note 1, at 24. The ISC's conclusion that all such contacts are lobbying contacts relies on the intermediate conclusion that all those contacts were made on behalf of Ms. Harriman's employer. But taken to its logical conclusion, the ISC's interpretation means that Ms. Harriman would have been acting on behalf of HSLF every time she had a conversation with her husband or his staff about animal welfare issues simply because she – and Representative Whitfield – share the Humane Society's view about many of these issues. The ISC's definition of lobbying contact stretches beyond the bounds of reasonable interpretation of the rule and sets a dangerous precedent of turning personal conversations between a Member and lobbyist spouse that involve no attempt to influence into violations of the House Rules.

³⁸ The 456-page *House Ethics Manual* includes only a one-paragraph discussion of lobbying by congressional spouses, and does not provide any information regarding the definition of lobbying contact. *See* Comm. on Standards of Official Conduct, *House Ethics Manual* 245-46 (2008).

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staff – *i.e.*, trying to influence them.³⁹ Given the common-sense reasonableness of that belief, it is understandable that it would not occur to Representative Whitfield that he would have to conform to the Ethics Committee’s more restrictive interpretation of the rule.

In sum, the failure of the ISC Report to fully address the three foregoing circumstances creates the misimpression that Representative Whitfield’s lobbying contacts violations were much more clear-cut – and therefore much more blameworthy – than they actually were. As a matter of fairness, the ISC Report should have fully explored and explained how each circumstance contributed to Representative Whitfield’s understandable lack of awareness that he was operating anywhere near the line in allowing his wife to continue her collaboration with him and his staff on animal protection legislation. The absence of that analysis from the ISC Report should cause the Committee to question its ultimate findings and reproof recommendation.

2. **The ISC Report misconstrues several of the alleged lobbying contacts.**

In the absence of concrete examples of intentionally violative conduct, the ISC next discusses a number of emails detailing Ms. Harriman’s contact with Representative Whitfield’s staff about six different pieces of animal-protection legislation. The ISC Report argues that these emails reflect “a dynamic where Ms. Harriman had a unique level of access to the office as a spouse.”⁴⁰

Upon further scrutiny, however, it becomes clear this “dynamic” discussion is a red herring that sheds no light on the question of Representative Whitfield’s blameworthiness. First, Ms. Harriman’s “unique level of access to the office as a spouse” proves nothing. The ISC concedes in its conclusion that congressional spouses “occupy a rarefied position” and “will often need to interact with the Member’s staff.”⁴¹ We acknowledge that Ms. Harriman regularly contacted her husband’s staff about legislation. The question is whether she was

³⁹ Representative Whitfield explained to the ISC that he believed a lobbying contact must involve an attempt to influence a covered official. ISC Interview of Representative Ed Whitfield (“And the purpose of it is to influence them to do what you would like them to do on a particular piece of legislation or a letter or whatever.”). Representative Whitfield added, “I never considered her lobbying me or my staff because there wasn’t any reason to influence me. I was already where – we were in agreement on these issues. . . . Not for one millisecond did I ever think [Ms. Harriman] was lobbying me for purposes of influencing me about anything.” *Id.*

⁴⁰ ISC Report, *supra* note 1, at 7.

⁴¹ *Id.* at 33.

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doing that “on behalf of” her client, the HSLF, or in support of the longstanding interest in animal protection she and her husband shared.⁴²

Second, as the following section will demonstrate, the ISC misconstrues each of these contacts.

The Egg Products Inspection Act Amendments of 2012 and 2013: As evidence of this alleged “dynamic [of] unique . . . access” the ISC Report points to Ms. Harriman’s outreach to her husband’s office regarding the Egg Products Inspection Act Amendments of 2012 and 2013. This is mystifying because it is an example of Ms. Harriman’s recommending Representative Whitfield take legislative action *directly contrary to the interests of the HSLF*. Thus, she was acting against, not “on behalf of,” her client as required for a violation of the rule. To the extent Ms. Harriman’s behavior evinces a “dynamic,” it is a dynamic reinforcing Representative Whitfield’s position that his wife’s contacts with his office were in furtherance of his interests, and not the interests of the HSLF.

The King Amendment: The ISC found it troubling that Ms. Harriman forwarded to Representative Whitfield’s staff an email asking the staff to inquire “whether the Energy & Commerce Committee has exclusive OR concurrent jurisdiction over the proposed King amendment to the proposed Farm Bill.”⁴³ Given that this was a simple request for information about procedure with no intent to influence, it clearly falls within the exception in the Lobbying Disclosure Act as an “administrative request [that] does not include an attempt to influence.”⁴⁴ It therefore raises no lobbying contact concerns at all.

The Peters and Holt Amendments: The ISC found that Ms. Harriman engaged in a lobbying contact when she emailed Representative Whitfield’s staff, “please be sure Ed votes

⁴² Ms. Harriman testified that her priorities are first, her husband, second, animals, and third, the Humane Society. See ISC Interview of Constance Harriman. Representative Whitfield explained, “I know for myself and I know for Connie, we were not trying to be nefarious, we were not trying to advance the agenda of the Humane Society because she was an employee over there. We were doing it out of genuine compassion and commitment to this cause.” ISC Interview of Representative Ed Whitfield.

⁴³ ISC Report, *supra* note 1, at 11.

⁴⁴ 2 U.S.C. § 1602(8)(b)(v). The *Lobbying Disclosure Act Guidance* adds, “If a communication is limited to routine information gathering questions and there is not an attempt to influence a covered official, the exception of Section 3(8)(B)(v) for “any other similar administrative request” would normally apply.” Office of the Clerk, U.S. House of Representatives, *Lobbying Disclosure Act Guidance* 7 (reviewed Dec. 15, 2014).

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FOR the Peters amendment today (banning polar bear imports and hunting in Natl Parks.) Ed voted this way last time.”⁴⁵ The ISC Report characterizes Ms. Harriman’s email as an attempt to “urge[]” and “encourage” Representative Whitfield to vote a certain way and goes on at length about how this communication could be perceived as a lobbying contact.⁴⁶

Yet, the ISC Report neglects to mention the explanations Representative Whitfield and Ms. Harriman gave for that email. As they testified, Ms. Harriman routinely called her husband’s staff to pass on her husband’s instructions or to remind them to take an action that he would want them to take.⁴⁷ In this situation, as Representative Whitfield explained, his wife simply was reminding them how she thought he would want to vote because she “knew how [he] felt about [the Peters Amendment]” based on his work to protect polar bears and his prior vote in favor of the same measure in 2007.⁴⁸ Ms. Harriman similarly explained that this was an example of her habit of sending the staff a reminder. She believed that her husband was voting for the amendment, and simply wanted to remind the staff to ensure he got the vote

⁴⁵ ISC Report, *supra* note 1, at 11-12.

⁴⁶ *See id.* at 12, 25.

⁴⁷ *See, e.g.*, ISC Interview of Representative Ed Whitfield (“ISC STAFF: Have you ever asked Ms. Harriman to pass a message along to your staff?”

REPRESENTATIVE WHITFIELD: Yes. . . . it happens a lot. You know, we will be driving somewhere or doing something and something will come up, and I will say, well, you know, I have to do this or this, would you mind just contacting whoever and see about doing it, yeah.”

REPRESENTATIVE WHITFIELD: Connie is very intense. . . . Recently, I was getting ready to fly off somewhere, and we were talking about it the night before. And I told her, I said ‘Well, I am going to be in the office at 6 in the morning, so I am going to get my boarding pass early.’ So, at 8 o’clock, I was sitting at my desk with my boarding pass, and in walks my scheduler with another boarding pass because Connie had already called her to say, ‘Be sure Ed has his boarding pass.’ So she is in contact with my office a lot about all sorts of things.”).

⁴⁸ To his wife’s surprise, Representative Whitfield voted against the measure. As he testified, “I am not proud of the vote that I made on the Peters Amendment or the other one either, Holt. But I tell you, I capitulated to the pressure I was receiving from the sportsmen’s groups and the NRA in my district. If I had to do it over again, I would have voted for the Humane Society because that is the way I really feel. But I am not proud of that fact, but the reality is I am from a very rural district – a lot of sportsmen. The NRA is very strong. And they talked to me a lot about this . . . So that is why I voted against it. And I didn’t tell Connie how I voted on it. I don’t remember any discussion. I never discussed it with her.” ISC Interview of Representative Ed Whitfield.

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registered.⁴⁹ As such, this is an example of Ms. Harriman's habit of reminding staff about a legislative action and not her "urging" – *i.e.*, influencing – her husband's staff to take a particular legislative action.

With no evidence to demonstrate that she was actually "urging" the staff to take a particular action, the ISC Report falls back on a secondary argument that this email exchange created the "appearance" of lobbying. That may be true, but that only takes the analysis so far. The fundamental question is whether, as required to be a lobbying contact under the Lobbying Disclosure Act, she was trying to influence her husband's staff "on behalf of" her client. The evidence clearly indicates that she was not.

The Puppy Uniform Protection and Safety Act: Another example of Ms. Harriman prompting the staff to take action she believed was in her husband's interest was her email reminder to the staff that her husband should be a cosponsor of the Puppy Uniform Protection and Safety Act. Due to an oversight by his then-Legislative Director, Representative Whitfield had not signed on as a co-sponsor, even though he had signed onto the same bill in previous Congresses and clearly wanted to do so again. As the witnesses explained to the OCE and ISC, Ms. Harriman's email simply was a reminder and not an attempt to influence.⁵⁰

The Veterans Dog Training Therapy Act: The ISC found that Ms. Harriman engaged in a lobbying contact when she emailed Representative Whitfield's staff about the Veterans Dog Training Therapy Act.⁵¹ In a footnote the ISC asserts without analysis that "[a]t the time Ms. Harriman sent these emails, she was a registered lobbyist for HSLF."⁵² The ISC is simply mistaken. As it acknowledges elsewhere in its report, Ms. Harriman was not employed as a registered lobbyist by HSLF until October 2011, and according to Ms. Harriman's supervisor, "Ms. Harriman did not lobby for that organization until October 2011, which is the first time

⁴⁹ Ms. Harriman explained in her testimony that she had no idea that her husband had changed his mind, and that when she heard about his vote, Ms. Harriman sent the staff a follow-up email saying "he voted the wrong way," thinking that he had mistakenly voted against a measure he intended to support.

⁵⁰ See, e.g., ISC Interview of Ms. Constance Harriman. The language in the Legislative Director's email, "Connie wants us on the Puppy Mill Bill," should not be read to suggest that Ms. Harriman's contact on this bill was anything more than a reminder. If Ms. Harriman had been trying to influence or change the Congressman's position, the Legislative Director likely would have included that in his message to Representative Whitfield's then-Chief of Staff. Instead, the message suggests that Representative Whitfield's support for the Puppy Mill Bill was routine, as he references that "[w]e've been on [the bill] every year."

⁵¹ See ISC Report, *supra* note 1, at 8-9.

⁵² ISC Report, *supra* note 1, at 9 n.43.

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she is listed on a report of lobbying activities for HSLF.”⁵³ Because Ms. Harriman was not employed by HSLF as a lobbyist when she emailed Representative Whitfield’s staffer in January 2011, the lobbying contacts rule does not apply.

The PAST Act: The ISC Report next devotes nine pages to detailing the numerous contacts Ms. Harriman had with Representative Whitfield’s staff about the PAST Act. We acknowledge that the contacts were numerous and intense during Representative Whitfield’s efforts to comply with Majority Leader Cantor’s requirement that a majority of Republicans co-sponsor the PAST Act. But, the reality is that she made every one of those contacts as part of her husband’s coalition, pursuant to his direction and in furtherance of his – and not the HSLF’s – legislative agenda.⁵⁴ Despite the ISC’s use of two unsupported legal theories to support its finding that these contacts were prohibited lobbying contacts, the bottom line is that Representative Whitfield believed that his wife was working for him and his agenda and not for the Humane Society or the HSLF when he relied on her to coordinate the PAST Act coalition.

3. **The ISC Report relies on two unsupported legal theories to bolster its argument that Representative Whitfield should have questioned the appropriateness of his wife’s contacts with him and his staff.**

In addition to the foregoing questions about the ISC Report’s factual analysis, we also have concerns about the soundness of its legal analysis of the lobbying contacts issue. Representative Whitfield recognizes that this is the Committee’s first public investigation of an alleged violation of the lobbying contacts rule, *i.e.*, a case of first impression. Nonetheless, the ISC is obligated to ensure that its analysis is based on a reasonable interpretation of House rules and relevant guidance. In two instances, the ISC relied on unsupported – and seemingly unsupported – legal theories to suggest that Representative Whitfield should have realized that his conduct violated the lobbying contacts prohibition.

a. **The ISC suggests that the lobbying contacts rule prohibits a lobbyist spouse from lobbying Members other than his or her spouse.**

⁵³ *Id.* at 3-4.

⁵⁴ There is no better illustration of this than her advice to her husband’s staff that they exclude the Humane Society from the PAST Act hearing despite the very strong interest of the Humane Society and its president in appearing as a witness. *See, e.g.*, HSLF_OCE_015499 & HSLF_OCE_015485 (In these emails, Ms. Harriman supported Donna Benefield as a witness at the PAST Act hearing rather than Keith Dane, a Humane Society employee.)

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After conceding for the sake of argument that Ms. Harriman's contacts with her husband and his staff were not intended to influence them in any way, the ISC presents the novel argument that Representative Whitfield still may have violated the rule by allowing his staff to work with Ms. Harriman in setting up meetings between the anti-soring advocates in their coalition and other Members. According to the ISC's argument, those meetings "were intended to influence the [other] Members with whom the advocates met," and therefore "they certainly would violate the spirit of the rule insofar as they included an attempt to influence other Members."⁵⁵

This supposedly "basic principle"⁵⁶ – *i.e.*, that a Member is guilty of an ethical violation if his or her lobbyist spouse works with his staff to lobby or influence *other* Members in favor of his or her own legislation – is found nowhere in the guidance and runs directly contrary to the common-sense understanding that the new lobbying contacts rule prevents lobbyist spouses from influencing *their spouses and those spouses' staff*. The ISC's sudden and unsupported extension of the rule to interaction with other Members is mystifying. This case is the first time such a limitation has been articulated or applied, and it is without precedent.

Given its detachment from any logical or legal support, it is perfectly understandable that this limitation never occurred to Representative Whitfield's staff. In fact, it was their understanding that efforts to influence other Members were a clear safe harbor under the lobbying contacts rule for their work with Ms. Harriman. As one of Representative Whitfield's Congressional Aides testified, he was told by the Chief of Staff at the beginning of his employment that "Connie can't lobby you to get on a bill, introduce a bill, change a bill, cosponsor a bill, but you guys can work together to help get other people to support a bill."⁵⁷

- b. The ISC suggests that it is the perspective of the client, rather than that of the lobbyist or Member, that is the relevant factor to determine whether a particular lobbying contact is made on behalf of the lobbyist's client.

Under the controlling provisions of the Lobbying Disclosure Act, a lobbyist spouse's contact with his or her Member spouse or staff violates the lobbying contacts rule only if the contact is on behalf of the lobbyist spouse's client. In applying the rule in this case, the ISC

⁵⁵ ISC Report, *supra* note 1, at 25.

⁵⁶ *Id.* at 25 n.177 ("Representative Whitfield's Chief of Staff appears to have misunderstood this basic principle.").

⁵⁷ *Id.*

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report asserts that “the relevant factor for whether or not a contact is made on behalf of a client is the perspective of the *client*, not the lobbyist.”⁵⁸ It uses that assertion to conclude that Ms. Harriman’s contacts with her husband’s staff qualified as prohibited lobbying contacts simply because of her employer’s expectations that she was pursuing HSLF interests whenever she was engaging with people on the Hill.⁵⁹

There are two problems with that assertion. First, it has absolutely no support in the rules or in the guidance pertaining to the rules. A far-reaching and consequential rule such as this should be based on a well-publicized pronouncement that gives lobbyist spouses proper notice. No such pronouncement exists. The ISC Report’s sole citation was an inapposite hypothetical in the December 2014 guidance about the Lobbying Disclosure Act.⁶⁰

Second, it simply makes no sense to base an interpretation of a contact between two parties – *i.e.*, the lobbyist spouse and the Member spouse or staff – solely on the perspective of a third party, *i.e.*, the lobbyist spouse’s client, that is not even involved in the contact. Rather, it makes much more sense to base that interpretation on all the relevant factors, including the intent, statements and actions of the lobbyist spouse and the Member.⁶¹ Under such a multi-factor test, it is abundantly clear that Ms. Harriman’s contacts in furtherance of her husband’s agenda – which, importantly, included numerous situations when she urged actions that were *directly contrary* to the HSLF’s interests⁶² – were not “on behalf of her client.”

⁵⁸ *Id.* at 24.

⁵⁹ *See id.*

⁶⁰ *Id.* at 24, n.166.

⁶¹ Such a multi-factor test is clearly suggested by the *Lobbying Disclosure Act Guidance* when it says: “In determining whether there is an attempt to influence a covered official, the identity of the person asking the questions and relationship to the covered official obviously will be important factors.” Office of the Clerk, U.S. House of Representatives, *Lobbying Disclosure Act Guidance* 7 (reviewed Dec. 15, 2014).

⁶² For example, Ms. Harriman advised against Representative Whitfield signing on to a bill supported by the Humane Society that would regulate the size of chicken cages because she knew it was opposed by his constituents. *See* ISC Report, *supra* note 1, at 9-10. Similarly, during the PAST Act effort, Ms. Harriman acted in direct opposition to the Humane Society’s interests when she pushed to have the Humane Society *excluded* from the pool of potential witnesses for a hearing on the PAST Act because she knew that featuring the Humane Society in the hearing would be detrimental to her husband’s efforts to garner additional Republican cosponsors for the bill. *See, e.g.*, HSLF_OCE_015499 & HSLF_OCE_015485 (In these emails, Ms. Harriman supported Donna Benefield as a witness at the PAST Act hearing rather than Keith Dane, a Humane Society employee. Ms. Harriman told

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B. Special Privileges.

The ISC concluded that Representative Whitfield violated Section 5 of the Code of Ethics for Government Service because he extended special privileges to Ms. Harriman by providing her “an unusual level of access to and influence over his staff, relative to other registered lobbyists.”⁶³ Representative Whitfield strenuously objects to this finding, and asks that the Committee give careful scrutiny to this section of the ISC Report. A careful review will demonstrate that the ISC’s special privileges finding is based on an analysis that suffers from several significant failings.

The ISC’s finding does not consider that Ms. Harriman always has enjoyed the same level of access to her husband’s staff: For nearly 22 years, Ms. Harriman has had the exact same level of access to her husband’s office and staff – from prior to her employment with the Humane Society, to the time she was working for the Humane Society, before she became a lobbyist, and then after she became a lobbyist for the HSLF. In fact, she still enjoys the same access now, after ceasing her role as a lobbyist for HSLF. As the ISC Report acknowledges, nothing changed because of Ms. Harriman’s employment by HSUS and HSLF; Representative Whitfield “simply continued to use his wife the same way he always had”⁶⁴ regardless of her status as a registered lobbyist. Given that continuity in access, it is hard to see how she was in any way “singled out for special treatment” or given a special privilege once she became a registered lobbyist.⁶⁵ Rather, it appears that she enjoyed – and has continued to enjoy – that status simply because she is Representative Whitfield’s spouse, confidante and collaborator on animal issues.

The ISC’s finding does not consider that other groups had similar levels of access to Representative Whitfield’s staff: The ISC “found no evidence that any other similarly situated lobbyist received the same level of access to Representative Whitfield’s staff.”⁶⁶ But the ISC appears not to have even looked for that evidence.

It is clear, as Representative Whitfield, Ms. Harriman, and Marty Irby testified, that other groups in the PAST Act coalition had similar levels of access to Representative

Representative Whitfield’s Chief of Staff to “Stick to your guns” because “Donna could be a great witness.” She also told him that “[Donna] adds a lot. HSUS is jealous.”).

⁶³ ISC Report, *supra* note 1, at 28.

⁶⁴ *See id.* at 26.

⁶⁵ *Id.* at 30.

⁶⁶ ISC Report, *supra* note 1, at 28.

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Whitfield's staff. For example, Marty Irby, Representative Whitfield's lead staffer on the PAST Act, explained that Representative Whitfield and his staff gave as much attention to several other animal protection groups as they did to the Humane Society and HSLF. They considered the American Veterinary Medical Association, the American Horse Council, and the American Society for the Prevention of Cruelty to Animals to be on equal footing with the Humane Society and HSLF, and they regularly communicated and consulted with these and other groups in the more than 200-member strong coalition.⁶⁷

The ISC's finding does not consider that other spouses enjoy unusual levels of access to their Member spouses' offices: The ISC Report acknowledged that congressional spouses have unique access to their spouses' offices and staff and that there is nothing inherently wrong with that unique access.⁶⁸ Despite that finding, the ISC Report finds that Ms. Harriman received a special privilege based on no evidence other than her unique access as a spouse.⁶⁹ It takes little effort to see the flaw in that argument. In the absence of any access beyond that enjoyed by Congressional spouses, there can be no finding of special privilege.

The ISC cites precedent that is inapposite because the Members in those cases had a financial interest in providing the special treatment: The ISC Report cites the matters of Representatives Phil Gingrey and Shelley Berkley as examples of cases where the Committee has found violations of Section 5 of the Code of Ethics for Government Service, thereby suggesting some equivalence between those cases and this one.⁷⁰ However, the ISC failed to note a critical distinction – the subjects in those cases had a financial interest in assisting the particular individual or organization that allegedly received the special treatment.⁷¹ In this

⁶⁷ See ISC Interview of Marty Irby; Tr. of Interview of Representative Whitfield's Congressional Aide, Apr. 24, 2014 (OCE Report Exhibit 22 at 14-2940_0229-30, 14-2940_0245).

⁶⁸ *Id.* at 33 (“Congressional spouses occupy a rarefied position in many personal offices, and with good reason. Members and staff work long and unpredictable hours in small and tight-knit groups, and balancing that workload with family commitments requires a significant amount of coordination and support. . . . House Rule XXV, clause 7, . . . is a narrow caveat to the general understanding that a Member's spouse will often need to interact with the member's staff to coordinate the Member's official and personal obligations.”)

⁶⁹ *Id.* at 28 (“Ms. Harriman's ability to obtain information and action from Representative Whitfield's staff was superior to what a lobbyist who was not a spouse could achieve.”).

⁷⁰ See ISC Report, *supra* note 1, at 28.

⁷¹ Representative Gingrey was reprovved for taking official actions on behalf of a bank in which he had invested \$250,000. See Letter from The Honorable K. Michael Conaway, Chairman, Comm. on Ethics, & The Honorable Linda T. Sánchez, Ranking Member, Comm. on Ethics to The Honorable Phil

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case, the ISC concluded that Representative Whitfield “did *not* take official actions to benefit his own financial interest in this matter,”⁷² and the absence of any financial motive is an important factor that weighs against finding a violation of Section 5.

The ISC’s finding bootstraps the “appearance” argument to support finding a violation where there is not sufficient evidence of special privileges: The ISC concedes that Representative Whitfield’s staff’s efforts to set up meetings for the PAST Act were not done on behalf of the Humane Society and therefore were not a special favor.⁷³ Yet, the ISC still finds a special privilege violation. It does so by repeating the argument it made regarding the Peters and Holt Amendments⁷⁴ – *i.e.*, that even if there was no intent to convey a special privilege, the appearance of Ms. Harriman’s “level of access and influence more generally” and the possibility that “the public could reasonably perceive that Ms. Harriman, as a lobbyist for HSLF, received special privileges with respect to Representative Whitfield’s staff”⁷⁵ was enough to find a violation.

Our response to this argument here is the same as above. While Representative Whitfield regrets any appearance of potential ethics violations, he adamantly rejects the notion that a misreading of his actions and intent should result in his being adjudged guilty of inappropriately using his office to pursue interests other than the public good to which he has devoted his entire career.

C. Reflecting Discredit on the Congress.

In support of its violation findings and its recommendation that Representative Whitfield’s conduct warrants a reproof, the ISC Report concludes with a finding that Representative Whitfield’s “fail[ure] to comprehend the importance of setting boundaries and limits on the interactions between Ms. Harriman and his staff” constituted a violation that was

Gingrey (Dec. 11, 2014). The Committee found that Representative Berkley violated Section 5 by taking actions that resulted in her husband receiving funds for his business based on claims filed with government insurers. *See* Comm. on Ethics, Report, In the Matter of Allegations Relating to Representative Shelley Berkley (Dec. 20, 2012).

⁷² ISC Report, *supra* note 1, at 31.

⁷³ *See* ISC Report, *supra* note 1, at 29.

⁷⁴ *See* above pages 16-17.

⁷⁵ ISC Report, *supra* note 1, at 30.

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“severe enough to reflect discredit on the Congress.”⁷⁶ Representative Whitfield feels strongly that this finding is unsupported.

As the foregoing demonstrates, and as the ISC has found, Representative Whitfield’s failure to establish boundaries and limits was unintentional.⁷⁷ Moreover, it was a completely understandable oversight, given all the circumstances (detailed above and in our attached previous submissions) that reasonably led him to believe he was doing nothing wrong by deploying his wife for his animal protection agenda as he always did in the past. As such, it certainly does not rise to the level of “violations of law and abuses of one’s official position” the ISC cites as examples in its Report.⁷⁸

Moreover, it is difficult to see how understandable and inadvertent omissions by a long-time Member with an unblemished record of integrity could be construed as sufficiently “severe” to warrant a finding that the Member “reflected discredit on the Congress.” If the Committee accepts that finding, then scores if not hundreds of Members can expect to be entangled in the ethics process and charged with the “severe” misconduct of simply making an honest mistake. Certainly, that is not what Congress intended when it adopted this rule, and it is therefore not how it should be applied by this Committee.

CONCLUSION

In light of the facts and analysis presented in this response and our previous submissions in this matter, Representative Whitfield respectfully requests that the Committee reach the following conclusions: (1) accept the ISC’s finding that Representative Whitfield’s oversights led to unintentional violations of the lobbying contacts rule; (2) decline to accept the ISC’s finding that Representative Whitfield provided special privileges to Ms. Harriman in violation of Section 5 of the Code of Ethics of Government Service; (3) find that Representative Whitfield’s unintentional violations were not severe enough to reflect discredit on Congress and implicate House Rule XIII, clauses 1 and 2; and (4) decline to accept the ISC’s recommendation that Representative Whitfield be reprovved for his unintentional violations.

⁷⁶ *Id.* 31 & 33.

⁷⁷ *Id.* at 32-33 (“The ISC credits Representative Whitfield’s testimony that this failure was not occasioned out of a corrupt or willful intent to violate House Rules. . . . The ISC notes that none of its findings should be read to indicate any degree of knowing, willful, or corrupt violation of the rules.”)

⁷⁸ *Id.* at 31. In discussing this rule, the *House Ethics Manual* says that “the Committee has historically viewed clause 1 as encompassing violations of law and abuses of one’s official position.”

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In lieu of issuing the ISC report as a reproof, Representative Whitfield requests that the Committee produce its own report making the above findings and issue that report along with the ISC Report. We believe this would be the best means of producing a public record that builds on the ISC's strong investigative and analytical work, while at the same time correcting their erroneous conclusions about Representative Whitfield's conduct. A Committee report also would provide a public explanation as to why a reproof is unwarranted in this case in light of the many mitigating factors – in particular, Representative Whitfield's lack of intent – as well as the reputational damage he has already suffered from the publicity generated by the OCE's findings of substantial misconduct, which now have been discredited thanks to the good work of the ISC.

We appreciate your consideration of this submission and our proposed resolution. We stand ready to answer any questions you may have, and Representative Whitfield looks forward to his opportunity to meet with the Committee in the near future.

Sincerely,



Kenneth L. Wainstein
Cadwalader, Wickersham & Taft LLP



Robert L. Walker
Wiley Rein LLP

Enclosures

C A D W A L A D E R

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cc: The Honorable Patrick Meehan
The Honorable Michael E. Capuano
The Honorable Trey Gowdy
The Honorable Yvette D. Clarke
The Honorable Susan W. Brooks
The Honorable Ted Deutch
The Honorable Kenny Marchant
The Honorable John Larson
Tom Rust, Chief Counsel & Staff Director
Patrick McMullen, Director of Investigations

Draft Report for Committee Consideration

In the Matter of Allegations Related to Representative Ed Whitfield

On [DATE], the Committee received the Report of the Investigative Subcommittee (“ISC”) in this matter, which addressed allegations involving Representative Ed Whitfield that had been referred by the Office of Congressional Ethics (“OCE”) on June 10, 2014. These allegations involve several potential violations of House rules related to the interaction between Representative Whitfield and his staff and Representative Whitfield’s wife, Ms. Constance Harriman, who was a lobbyist for the Humane Society Legislative Fund.

The ISC found: (1) Representative Whitfield failed to place limits on the interaction between his staff and his wife once she became a registered lobbyist, and thereby committed an unintentional violation of House Rule XXV, clause 7, which requires Members to prohibit lobbying contacts between their staff and their spouse when the spouse is a lobbyist; (2) Representative Whitfield provided special privileges to Ms. Harriman in violation of Section 5 of the Code of Ethics of Government Service; (3) Representative Whitfield took no official action to benefit his own financial interest and therefore did not violate House Rule XXIII, clause 3; and (4) Representative Whitfield reflected discredit on the House with the above violations. Based on these findings, the ISC recommended that the Committee issue its Report as a reproof for Representative Whitfield’s violations.

The Committee has carefully examined the ISC Report and the record from the ISC investigation, including in particular the lengthy interviews of Representative Whitfield and Ms. Harriman. In addition, Representative Whitfield appeared before the Committee to respond to the ISC Report and spoke at length about his perspective of the allegations and the reasons he genuinely believed his conduct was appropriate. Finally, we carefully reviewed Representative Whitfield’s written response to the ISC Report.

Over the course of that review, we identified and focused on a number of factors that are highly relevant to our assessment of both the violation findings and the proposed reproof. Those factors include:

- The clearly established inadvertence of Representative Whitfield’s violations;
- The vagueness of the lobbying contacts rule and the absence of clear guidance from the Ethics Committee that would have put him on notice that his conduct was in violation of the ethics rules;
- The lack of evidence in the record that Representative Whitfield ever took any action to give his wife any special privilege or special access due to her status as a lobbyist, beyond that traditionally enjoyed by Congressional spouses;
- The established fact that Representative Whitfield’s actions were never motivated by a desire to financially benefit himself or his wife;

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- Representative Whitfield's unblemished record for integrity over more than 21 years of distinguished service in the United States Congress;
- Representative Whitfield's completely cooperative approach throughout the nearly two-and-a-half years of this investigation; and
- The punishment that Representative Whitfield has already suffered due to the media accounts of the OCE misconduct findings that have since been discredited and rejected by the ISC investigation.

Our evaluation of the complete record and these important factors has led us to agree with certain of the ISC's findings and disagree with others. Specifically, we adopt the ISC's findings that: (1) Representative Whitfield unintentionally violated House rules by not establishing clear boundaries and limits for the interaction of his staff with his wife when she was a registered lobbyist, and (2) Representative Whitfield took no official actions to benefit his own financial interest in this matter.

However, we do not accept the ISC's remaining two findings. First, we do not find that Representative Whitfield provided special privileges to Ms. Harriman or her employer, the Humane Society Legislative Fund, in light of the complete absence of any evidence that he sought to give her any special treatment or access due to her role as a registered lobbyist. Second, we do not find that Representative Whitfield's violations were severe enough to reflect discredit on the Congress. They fall far short of the "violations of law and abuses of one's official position" that have historically been required for a finding of this violation, especially given the clear and unrefuted evidence in the record that he never intended to do anything in violation of the ethics rules.

After careful consideration of the record and the factors listed above, the Committee finds that a reproof is not warranted and that it is sufficient simply to advise the public of its findings. Accordingly, the Committee orders that this report be immediately released, along with appendices containing the ISC and OCE reports and Representative Whitfield's written responses thereto. Upon issuance of this report, the Committee will consider this matter closed.