
Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended

OFFICE OF CONGRESSIONAL ETHICS
UNITED STATES HOUSE OF REPRESENTATIVES

REPORT

Review No. 14-2940

The Board of the Office of Congressional Ethics (the “Board”), by a vote of no less than four members, on May 29, 2014, adopted the following report and ordered it to be transmitted to the Committee on Ethics of the United States House of Representatives.

SUBJECT: Representative Ed Whitfield

NATURE OF THE ALLEGED VIOLATIONS: From 2011 to 2014, Representative Ed Whitfield’s wife, who is a registered lobbyist, lobbied on numerous bills, including bills that Representative Whitfield sponsored or co-sponsored. Representative Whitfield’s wife contacted his congressional staff in connection with her lobbying efforts. Representative Whitfield and his wife held joint meetings with other congressional offices related to legislation she lobbied.

If Representative Whitfield permitted his wife to lobby him or his congressional staff, then he may have violated House rules and standards of conduct.

If Representative Whitfield granted special favors or privileges to his wife, in her capacity as a lobbyist, and to her employer, then he may have violated House rules and standards of conduct.

RECOMMENDATION: The Board recommends that the Committee on Ethics further review the allegation concerning the lobbying contacts of Representative Whitfield’s wife because there is a substantial reason to believe that Representative Whitfield had lobbying contacts with his wife and permitted his wife to have lobbying contacts with his staff in violation of House rules and standards of conduct.

The Board recommends that the Committee on Ethics further review the allegations concerning the granting of special favors or privileges because there is substantial reason to believe that Representative Whitfield permitted his wife to use his congressional office to advance and facilitate her lobbying activities and the lobbying activities of her employer in violation of House rules and standards of conduct.

VOTES IN THE AFFIRMATIVE: 6

VOTES IN THE NEGATIVE: 0

ABSTENTIONS: 0

MEMBER OF THE BOARD OR STAFF DESIGNATED TO PRESENT THIS REPORT TO THE COMMITTEE ON ETHICS: Omar S. Ashmawy, Staff Director and Chief Counsel.

FINDINGS OF FACT AND CITATIONS TO LAW

Review No. 14-2940

TABLE OF CONTENTS

I. INTRODUCTION 3

A. Summary of Allegations 3

B. Jurisdictional Statement 4

C. Procedural History 4

D. Summary of Investigative Activity 4

II. REPRESENTATIVE WHITFIELD AND HIS STAFF HAD CONTACTS WITH HIS WIFE RELATED TO HER LOBBYING 5

A. Laws, Regulations, Rules, and Standards of Conduct 5

B. Representative Whitfield’s Wife is a Registered Lobbyist for the Humane Society Legislative Fund 6

C. Representative Whitfield’s Wife Had Contacts with His Staff in Her Capacity as a Registered Lobbyist 7

D. Representative Whitfield Did Not Prohibit His Staff from Having Contacts with His Wife Related to Her Lobbying 17

III. REPRESENTATIVE WHITFIELD MAY HAVE PROVIDED SPECIAL FAVORS OR PRIVILEGES TO HIS WIFE AND HER EMPLOYER..... 21

A. Laws, Regulations, Rules, and Standards of Conduct 21

B. Representative Whitfield’s Congressional Office Assisted the Lobbying Activities of His Wife and Her Employer 21

IV. CONCLUSION..... 29

Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended

OFFICE OF CONGRESSIONAL ETHICS
UNITED STATES HOUSE OF REPRESENTATIVES

FINDINGS OF FACT AND CITATIONS TO LAW

Review No. 14-2940

On May 29, 2014, the Board of the Office of Congressional Ethics (the “Board”) adopted the following findings of fact and accompanying citations to law, regulations, rules, and standards of conduct (*in italics*).

The Board notes that these findings do not constitute a determination that a violation actually occurred.

I. INTRODUCTION

1. In 2011, Representative Whitfield’s wife became a registered lobbyist for the Humane Society Legislative Fund (“HSLF”) and began lobbying various bills concerning animal welfare issues.
2. From 2011 to 2014, Representative Whitfield’s wife contacted his congressional staff concerning legislation she lobbied on numerous occasions. These contacts included discussions of advocacy strategy, selection of potential co-sponsors, drafting of bills, and obtaining Representative Whitfield’s support for legislation.
3. During the same time period, 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 and conducting joint meetings with Representative Whitfield and his wife with Representatives and Senators to promote HSLF legislative priorities.

A. Summary of Allegations

4. Representative Whitfield may have violated House rules and standards of conduct by permitting his wife to lobby him and his staff.
5. Representative Whitfield may have violated House rules and standards of conduct by using his congressional office to provide special favors and privileges to advance and facilitate the lobbying activities of his wife and her employer.
6. The Board recommends that the Committee on Ethics further review the allegation concerning the lobbying contacts of Representative Whitfield’s wife because there is a substantial reason to believe that Representative Whitfield had lobbying contacts with his wife and permitted his wife to have lobbying contacts with his staff in violation of House rules and standards of conduct.
7. The Board recommends that the Committee on Ethics further review the allegations concerning the granting of special favors or privileges because there is substantial reason

Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended

to believe that Representative Whitfield permitted his wife to use his congressional office to advance and facilitate her lobbying activities and the lobbying activities of her employer in violation of House rules and standards of conduct.

B. Jurisdictional Statement

8. The allegations that are the subject of this review concern Representative Ed Whitfield, a Member of the United States House of Representatives for the 1st District of Kentucky. The Resolution the United States House of Representatives adopted creating the Office of Congressional Ethics (“OCE”) directs that, “[n]o review shall be undertaken . . . by the board of any alleged violation that occurred before the date of adoption of this resolution.”¹ The House adopted this Resolution on March 11, 2008. Because the conduct under review occurred after March 11, 2008, the OCE has jurisdiction in this matter.

C. Procedural History

9. The OCE received a written request for a preliminary review in this matter signed by at least two members of the Board on January 28, 2014. The preliminary review commenced on January 29, 2014.² The preliminary review was scheduled to end on February 27, 2014.
10. At least three members of the Board voted to initiate a second-phase review in this matter on February 27, 2014. The second-phase review commenced on February 28, 2014.³ The second-phase review was scheduled to end on April 13, 2014.
11. The Board voted to extend the second-phase review for an additional period of fourteen days on March 28, 2014. The second-phase review ended on April 27, 2014.
12. Pursuant to Rule 9(B) of OCE Rules for the Conduct of Investigations, Representative Whitfield presented a statement to the Board on May 29, 2014.
13. The Board voted to refer the matter to the Committee on Ethics and adopted these findings on May 29, 2014.
14. This report and findings were transmitted to the Committee on Ethics on June 10, 2014.

D. Summary of Investigative Activity

15. The OCE requested and received documentary and, in some cases, testimonial information from the following sources:

¹ H. Res. 895, 110th Cong. §1(e), as amended (the “Resolution”).

² A preliminary review is “requested” in writing by members of the Board of the OCE. The request for a preliminary review is “received” by the OCE on a date certain. According to the Resolution, the time frame for conducting a preliminary review is thirty days from the date of receipt of the Board’s request.

³ According to the Resolution, the Board must vote on whether to conduct a second-phase review in a matter before the expiration of the thirty-day preliminary review. If the Board votes for a second-phase, the second-phase begins when the preliminary review ends. The second-phase review does not begin on the date of the Board vote.

Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended

- (1) Representative Ed Whitfield;
- (2) Representative Whitfield's Wife;
- (3) Representative Whitfield's Chief of Staff ("Chief of Staff");
- (4) Representative Whitfield's Congressional Aide ("Congressional Aide");
- (5) Representative Whitfield's Former Staffer ("Former Staffer");
- (6) Representative Whitfield's Scheduler ("Scheduler");
- (7) The Humane Society of the United States ("HSUS");
- (8) Humane Society Legislative Fund ("HSLF");
- (9) HSLF Lobbyist;
- (10) HSUS Federal Affairs Director;
- (11) HSUS President; and
- (12) HSUS Vice President of Equine Protection ("HSUS Vice President").

16. The OCE requested and received testimonial information from the following sources:

- (1) Representative 1;
- (2) Former Senator;
- (3) Senate Staffer 1; and
- (4) Senate Staffer 2

17. Representative Whitfield cooperated with the Review, but could not be interviewed for medical reasons.

II. REPRESENTATIVE WHITFIELD AND HIS STAFF HAD CONTACTS WITH HIS WIFE RELATED TO HER LOBBYING

A. Laws, Regulations, Rules, and Standards of Conduct

18. *House Rule 25, clause 7 provides that "[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."*

Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended

19. *House Rule 23, clause 2 provides that “[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.”*
20. *The House Ethics Manual instructs that “[s]pecial 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 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.”*
21. *The Lobbying Disclosure Act of 1995, as amended, defines the term “lobbying contact,” subject to certain enumerated exceptions, as “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 -- (i) the formulation, modification, or adoption of Federal legislation (including legislative proposals); (ii) the formulation, modification, or adoption of a Federal rule, regulation, Executive order, or any other program, policy, or position of the United States Government; (iii) the administration or execution of a Federal program or policy (including the negotiation, award, or administration of a Federal contract, grant, loan, permit, or license); or (iv) the nomination or confirmation of a person for a position subject to confirmation by the Senate.”⁴*

B. Representative Whitfield’s Wife is a Registered Lobbyist for the Humane Society Legislative Fund

22. On January 1, 2011, Representative Whitfield’s Wife became a registered lobbyist according to HSLF’s lobbyist registration statement filed with the Clerk of the House.⁵
23. Representative Whitfield’s Wife is registered to lobby on various issues related to animals.⁶
24. From 2011 to 2014, Representative Whitfield’s Wife reported lobbying the following bills that Representative Whitfield sponsored or co-sponsored:⁷

⁴ The Lobbying Disclosure Act Guidance provides that “[i]f 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.” Lobbying Disclosure Act Guidance at 7 (last revised February 15, 2013).

⁵ HSLF LDA Lobbying Registration Statement (Exhibit 1 at 14-2940_0001-04). Although the effective date of the registration is January 1, 2011, HSLF Lobbyist told the OCE that Representative Whitfield’s Wife did not begin lobbying until approximately October 2011. The employment records of Representative Whitfield’s Wife indicate that she transferred from the HSUS payroll to the HSLF payroll in October 2011.

⁶ *Id.*

Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended

- Animal Fighting Spectator Prohibition Act of 2011 (H.R. 2492);
- American Horse Slaughter Prevention Act of 2011 (H.R. 2966);
- Great Ape Protection and Cost Savings Act of 2011 (H.R. 1513);
- Interstate Horseracing Improvement Act of 2011 (H.R. 1733);
- Veterans Dog Training Therapy Act of 2011 (H.R. 198);
- Puppy Uniform Protection and Safety Act of 2011 (“Puppy Mill Bill”) (H.R. 835);
- To Amend the Horse Protection Act of 2012 (H.R. 6388);
- Safeguard American Food Exports Act of 2013 (H.R. 1094);
- Veterans Dog Training Therapy Act of 2013 (H.R. 183);
- Prevent All Soring Tactics Act of 2013 (“PAST Act”) (H.R. 1518);
- Puppy Uniform Protection and Safety Act of 2013 (H.R. 847); and
- Animal Fighting Spectator Prohibition Act of 2013 (H.R. 366).

25. Representative Whitfield’s Wife and HSLF reported lobbying additional bills during the time period.⁸

C. Representative Whitfield’s Wife Had Contacts with His Staff in Her Capacity as a Registered Lobbyist

26. Representative Whitfield’s Wife, HSLF, and HSUS relied on Representative Whitfield’s congressional office for assistance with their lobbying activities.

⁷HSLF LDA Quarterly Lobbying Reports (2011-2014) (Exhibit 2 at 14-2940_0006-58).

⁸ *Id.*

Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended

27. For example, Representative Whitfield's Wife noted that for the PAST Act, "neither HSUS or HSLF will be able to do well setting up meetings with Republican offices That is why Ed's office was so crucial in setting up meetings between Republicans and third parties."⁹

From: Connie Harriman-Whitfield
Sent: Tuesday, January 28, 2014 3:16 PM
To: Irby, Marty
Cc: Sara Amundson; Keith Dane; Jennifer Lonergan; Mimi Brody; Connie Harriman-Whitfield; Cheryl Jacobson; Dr. Whitney Miller; Ben Pendergrass; Roberts, Samantha (Ayotte); Ruyyar, Caitlin (Wamer); Dillhay, Marilyn; [REDACTED]@ASPCA.org; Hicks, Cory; Heydlauff, Emma
Subject: Re: PAST Advocates - Confidential

Sadly, I need to say that neither HSUS nor HSLF will be able to do well setting up meetings with Republican offices. It is just an unfortunate fact. That is why Ed's office was so crucial in setting up meetings between Republicans and third parties.

28. She stated that HSUS needed Representative Whitfield's congressional office to gain Republican support for the PAST Act because "HSUS is anathema to the majority of them."¹⁰ "With Republicans, Ed and I emphasize that it is an industry backed bill . . . we don't even mention animal welfare groups"¹¹

From: Connie Harriman-Whitfield <[REDACTED]@humansociety.org>
Sent: Saturday, October 19, 2013 1:10 PM
To: Holly Hazard <[REDACTED]@humansociety.org>
Cc: Sam Amundson <[REDACTED]@hslf.org>; Keith Dane <[REDACTED]@humansociety.org>; Patti Hoffman <[REDACTED]@humansociety.org>; Mimi Brody <[REDACTED]@humansociety.org>; Connie Harriman-Whitfield <[REDACTED]@humansociety.org>
Subject: Re: Meeting on past

I totally concur, Holly. I think the HSUS can put this over the top but only by targeting certain members (though they constitute the majority). To pass this in the House we need at least 50 more Republican co-sponsors. Sadly, HSUS is anathema to the majority of them.
Example: we have a good shot of getting the Republican Study Group (app'x 50 extreme conservative members) to support the bill. Yoho, who is one of them, has prepared a video to show the RSG. And I have prepared a Dear Colleague letter for Yoho. BUT**** Yoho told Cong Whitfield and me that the HSUS is evil because "They want to give ALL animals the exact same rights that humans have." He HATES HSUS. If we allow him to sway the RSG, however, the bill is assured of passage.
That is the delicate tightrope we walk.

With Republicans, Ed and I emphasize that it is an industry-backed bill(AVMA, AAEP, AHC etc.) we don't even mention animal welfare groups though they do appear on our list of supporters. AHC is grieving a briefing to House/Senate staff members on October 28.

Connie

29. HSUS and HSLF also relied on Representative Whitfield's congressional office to introduce bills.

30. In another email, HSUS Federal Affairs Director asked Representative Whitfield's Wife "any chance we could get the HPA bill introduced in time so it might be possible to try to

⁹ Email from Representative Whitfield's Wife to Congressional Aide, dated January 28, 2014 (Exhibit 3 at 14-2940_0064).

¹⁰ Email from Representative Whitfield's Wife to Holly Hazard, dated October 19, 2013 (Exhibit 4 at 14-2940_0093).

¹¹ *Id.*

Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended

add it to the Farm Bill during House floor debate?!”¹² She responded, “Yes! Working with Ed and [Chief of Staff] on it today.”¹³

From: Connie Harriman-Whitfield <[REDACTED]@humansociety.org>
Sent: Friday, June 22, 2012 3:43 PM
To: Mimi Brody <[REDACTED]@humansociety.org>
Cc: Sara Amundson <[REDACTED]@hslf.org>; Cece Kremer <[REDACTED]@humansociety.org>
Subject: Re: We need to get the Walking Horse bill going? We can get that on the Farm bill.

Yes! Working with Ed and Cory on it today.

Sent from my iPhone

On Jun 21, 2012, at 9:07 PM, "Mimi Brody" <[REDACTED]@humansociety.org> wrote:

Connie, I know you're already up to your eyeballs trying to turn things around on the HPA funding with Chairmen Rogers and Kingston, so I don't want to really aggravate you. But – per the emails below – any chance we could get the HPA bill introduced in time so it might be possible to try to add it to the Farm Bill during House floor debate?! Ag Comm will likely have a say on HPA, regardless of prime referral to E & C, and it would be sweet to get it done in the wake of all the media attention. (Farm Bill is supposed to be marked up in House Ag on July 11, so floor action would be after that.)

Mimi

31. HSUS also assisted other organizations with gaining the support of Representative Whitfield’s congressional office.
32. In the email below, HSUS Federal Affairs Director requested that Representative Whitfield’s Wife ask Representative Whitfield whether he would co-sponsor a bill that the Physicians Committee for Responsible Medicine was lobbying.¹⁴

From: Mimi Brody
Sent: Thursday, May 09, 2013 1:27 PM
To: Connie Harriman-Whitfield; Sara Amundson; Cece Kremer; Kate Wall; Jessica Feingold-Lieberson; Arianna Brown
Subject: Cong. Whitfield as original cosponsor of reintroduced BEST Practices Act? (re: DOD Trauma Training)

PCRM would like our help getting Cong. Whitfield to agree to be an original cosponsor of the reintroduced BEST Practices Act, to phase out use of live animals in military trauma training. He cosponsored the bill last Congress, though he wasn't an original cosponsor (I pasted last year's cosponsor list at the end of this email string, FYI.) If Cong. Whitfield agrees, then Cong. Grimm will join him, and presumably Cong. Walter Jones will also be part of this team of original cosponsors.

This bill isn't a top priority for us, but we do support it. Connie, what do you think?

Mimi

33. From 2011 to 2014, as part of these lobbying activities that involved Representative Whitfield’s congressional office, Representative Whitfield’s Wife had numerous contacts with his congressional staff.
34. The contacts were related to drafting language for bills, scheduling meetings to discuss legislation with congressional offices, and directing Representative Whitfield to support or oppose legislation.
35. Representative Whitfield’s Wife had multiple contacts with those members of Representative Whitfield’s staff who were responsible for animal welfare issues, including: Chief of Staff, Congressional Aide, and Scheduler.

¹² Email from HSUS Federal Affairs Director to Representative Whitfield’s Wife, dated June 21, 2012 (Exhibit 5 at 14-2940_0095).

¹³ *Id.*

¹⁴ Email from HSUS Federal Affairs Director to Representative Whitfield’s Wife, dated May 9, 2013 (Exhibit 6 at 14-2940_0097).

Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended

Contacts with Chief of Staff

36. Chief of Staff told the OCE that he communicated with Representative Whitfield's Wife concerning legislation. The contacts with Representative Whitfield's Wife included discussions about the PAST Act related to strategy,¹⁵ potential co-sponsors,¹⁶ and drafting of the bill.¹⁷ Representative Whitfield's Wife also contacted him about having Representative Whitfield support legislation that the congressional office previously refused to support.¹⁸
37. Representative Whitfield's Wife emailed Chief of Staff on numerous occasions concerning legislation. The following are examples of such emails:
- "Since you are working with Chris on the [Veterans Dog Training Therapy Act] bill, can you have him delete the two words 'if appropriate' after the mention of shelter dogs as an option? I can understand why he removed 'preferred' before 'option' but the added two words create too big of an out."¹⁹ (1/7/11)
 - "Could you mention the [Animal Fighting Spectator Prohibition Act] bill to any of the LDs on your hallway or do you know any of them? If not, I can try to have Melissa set up 10 min meetings for me with the members."²⁰ (7/14/11)
 - "If Ed's Press Secretary a good writer? If so, perhaps Ed should issue a statement [about an investigation of Horseracing Industry]."²¹ (3/27/12)
 - "Please be sure Ed votes FOR the Peters amendment [to the Sportsmen's Heritage Act] today (banning polar bear imports and hunting in Natl Parks). Ed voted this way last time."²² (4/17/12)
 - "Ed just decided to sign on to the Egg Bill. I advised against it . . ."²³ (9/12/12)
 - "That means Ed and I need to talk to him [about the Horse Protection Act]. Can you set up an apt for us/Ed to talk to Pitts on April 9 and plan to move the intro date by a day or two?"²⁴ (4/4/13)

¹⁵ Transcript of Interview of Chief of Staff, April 24, 2014 ("Chief of Staff Transcript") (Exhibit 7 at 14-2940_0111).

¹⁶ Chief of Staff Transcript (Exhibit 7 at 14-2940_0120-121).

¹⁷ *Id.* at 14-2940_0123.

¹⁸ *Id.* at 14-2940_0156.

¹⁹ Email from Representative Whitfield's Wife to Chief of Staff, dated January 7, 2011 (Exhibit 8 at 14-2940_0168).

²⁰ Email from Representative Whitfield's Wife to Chief of Staff, dated July 14, 2011 (Exhibit 9 at 14-2940_0172).

²¹ Email from Representative Whitfield's Wife to Chief of Staff, dated March 27, 2012 (Exhibit 10 at 14-2940_0175).

²² Email from Representative Whitfield's Wife to Chief of Staff, dated April 17, 2012 (Exhibit 11 at 14-2940_0178).

²³ Email from Representative Whitfield's Wife to Chief of Staff, dated September 12, 2012 (Exhibit 12 at 14-2940_0181).

²⁴ Email from Representative Whitfield's Wife to Chief of Staff, dated April 4, 2013 (Exhibit 13 at 14-2940_0184).

Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended

- “Could you put together a group Congressional letter requesting an estimate of what USDA currently spends on the HIO/DQP arrangement [for the Horse Protection Act]?”²⁵ (4/16/13)
- “Ed is now focused on PAST. We discussed it this morning and have come up with the following checklist that needs to be implemented ASAP.”²⁶ (6/16/13)
- “Please read [HSUS Vice President’s] email in full. They would like a statement clarifying the weighted shoe provision [of the PAST Act] from Ed’s office and the sooner the better.”²⁷ (9/26/13)
- “Can you set up a meeting with [Representative] Yarmouth [about the PAST Act]?”²⁸ (10/14/13)
- “I gave Ed the draft Dear Colleague for Royce to reach out to Conservation Caucus and hopefully CA delegation. Ed also wants Schakowsky and Kinzinger to send one to the Illinois delegation. In both cases, should we give them a list of their delegation members missing from PAST or will they figure that out themselves?”²⁹ (10/15/13)
- “Did you talk to Gary about the bills being considered together . . . Ed said you can only do it at markup . . . PLEASE stand firm on this.”³⁰ (10/31/13)

²⁵ Email from Representative Whitfield’s Wife to HSUS Vice President, dated April 16, 2013 (Exhibit 14 at 14-2940_0186)

²⁶ Email from Representative Whitfield’s Wife to Chief of Staff and Justin Fareed, dated June 16, 2013 (Exhibit 15 at 14-2940_0189).

²⁷ Email from Representative Whitfield’s Wife to Chief of Staff, dated September 26, 2013 (Exhibit 16 at 14-2940_0191).

²⁸ Email from Representative Whitfield’s Wife to Chief of Staff and Former Staffer, dated October 14, 2013 (Exhibit 17 at 14-2940_0194).

²⁹ Email from Representative Whitfield’s Wife to Chief of Staff, dated October 15, 2013 (Exhibit 18 at 14-2940_0198).

³⁰ Email from Representative Whitfield’s Wife to Chief of Staff, dated October 31, 2013 (Exhibit 19 at 14-2940_0200).

Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended

38. In addition to the contacts listed above, Representative Whitfield's Wife contacted Chief of Staff in an effort to get Representative Whitfield to co-sponsor legislation that she lobbied. She requested that Chief of Staff have Representative Whitfield co-sponsor the Puppy Mill Bill in 2011.³¹

From:	Hicks, Cory
Sent:	Friday, December 02, 2011 3:40 PM
To:	Sparkman, John
Subject:	Puppy Mill Bill

Connie wants us on the Puppy Mill Bill. NRA won't like it, but I think it is fine. We've been on it every year.

H.R.835 [112th] [Print](#) [Subscribe Email/Save](#) [Share](#) from THOMAS

Latest Title: Puppy Uniform Protection and Safety Act
Sponsor: [Rep. Gerlach, Jim](#) [R-PA-6] (introduced 2/28/2011) **Cosponsors:** [145](#)
Committees: House Agriculture
Related Bills: [S.707](#)
Latest Major Action: 3/9/2011 Referred to House subcommittee. Status: Referred to the Subcommittee on Livestock, Dairy, and Poultry.

Cory Hicks
Legislative Director/Policy Coordinator
Rep. Ed Whitfield

39. When the OCE asked Chief of Staff about the Puppy Mill Bill, he stated that he added Representative Whitfield as a co-sponsor after his wife mentioned it, but "it wasn't because she told me to or anything like that, it was more of, you know, I noticed we weren't a co-sponsor, we had been a co-sponsor since 2001 and it was sort of, it was an oversight to begin with."³²

³¹ Email from Chief of Staff to John Sparkman, dated December 2, 2011 (Exhibit 20 at 14-2940_0205).

³² Chief of Staff Transcript (Exhibit 7 at 14-2940_0142).

Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended

40. On another occasion, HSUS Federal Affairs asked Representative Whitfield’s Wife for help to “get Cong. Whitfield on the FY13 animal welfare enforcement funding letter.”³³ Representative Whitfield’s Wife forwarded the request to Chief of Staff who agreed to “add the Congressman to the letter.”³⁴

From: Hicks, Cory <Cory.Hicks@mail.house.gov>
Sent: Monday, March 19, 2012 2:20 PM
To: 'Connie Harriman-Whitfield' <[REDACTED]@humansociety.org>
Subject: RE: can Cong. Whitfield join funding letter again before tomorrow's deadline?

Connie, sorry, I couldn't get off my conference call. I'm the leader so I couldn't leave, but I will call in a few minutes when it is over. I'll call Mimi and add the Congressman to the letter. We did discuss it in the office among the staff and we were going back and forth as to whether we should suggest that the Congressman should sign the letter because these spending issues are so controversial. I know the letter only asks for level funding, but we expect this year will be another year of big cuts. Also, we are not adding the Congressman on spending letters mainly because of the fact we hear constantly from constituents about spending. But, hopefully this letter won't get a great deal of attention in Kentucky. Also, if we decide to offer an amendment eliminating funds for the inspection of horses in slaughter houses, I'd hate for someone to view his request for level funding at the Animal and Plant Health Inspection Service (APHIS) to be used against us. Maybe the second concern isn't that big of a deal.

From: Connie Harriman-Whitfield [REDACTED]@humansociety.org]
Sent: Monday, March 19, 2012 1:38 PM
To: Hicks, Cory
Subject: FW: can Cong. Whitfield join funding letter again before tomorrow's deadline?

Cory,

Ed said fine but I wanted to work it through you.

Also, can you check into HR4103, a bill introduced by Walter Jones? They want to fold it into NDAA. Frank Lo Biondo is only co-sponsor so far but that is because Jones's people have not worked it at all.

Let me know what you think about both, please.

Thanks,
 Connie

41. Chief of Staff told the OCE that Representative Whitfield’s Wife “may have mentioned that we were not on the [letter], but it was a similar situation where we had always signed onto the letter in the past.”³⁵

Contacts with Congressional Aide

42. Congressional Aide, a staff member with Representative Whitfield’s congressional office responsible for animal welfare issues, told the OCE that Representative Whitfield’s Wife contacted him on numerous occasions concerning the PAST Act. The nature of the contacts included discussions related to strategy,³⁶ identifying potential co-sponsors,³⁷ and scheduling meetings with other congressional offices.³⁸ He told the OCE that as of

³³ Email from HSUS Federal Affairs Director to Representative Whitfield’s Wife, dated March 19, 2012 (Exhibit 21 at 14-2940_0207).

³⁴ Email from Chief of Staff to Representative Whitfield’s Wife, dated March 19, 2012 (Exhibit 21 at 14-2940_0207).

³⁵ Chief of Staff Transcript at (Exhibit 7 at 14-2940_0143).

³⁶ Transcript of Interview of Congressional Aide, April 24, 2014 (“Congressional Aide Transcript”) (Exhibit 22 at 14-2940_0224); *see also*, Appointments for Conference call with Congressional Aide, HSLF Lobbyist and Representative Whitfield’s Wife Regarding Strategy (Exhibit 23 at 14-2940_0260) (Exhibit 24 at 14-2940_0262).

³⁷ Congressional Aide Transcript (Exhibit 22 at 14-2940_0225).

³⁸ *Id.* at 14-2940_0227, 0236-237.

Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended

April 2014, he continued to have communications with Representative Whitfield's Wife concerning the PAST Act approximately once per week.³⁹

43. Representative Whitfield's Wife emailed Congressional Aide on numerous occasions concerning the PAST Act. The following are examples of her emails to Congressional Aide:

- "Maybe we should try to get Ed to call [Rep.] Yoho."⁴⁰ (12/9/13)
- "Perhaps you (as Whitfield office) can let McCaskill's and Wagner's offices know that [Friends of Sound Horses] is trying to contact them, the importance of FOSH etc. That way, Teresa is apt to receive the reception she deserves."⁴¹ (1/7/14)
- "I talked to Ed about Emma. He understands that she must set up appointments for out-of-town advocates and that you and I can tag along."⁴² (1/9/14)
- "Can Ed back-channel a request to CBO?"⁴³ (1/14/14)
- "We need to use the story (not the Op-ed) with members of the Ohio delegation."⁴⁴ (1/19/14)

³⁹ *Id.* at 14-2940_0240.

⁴⁰ Email from Representative Whitfield's Wife to Congressional Aide, dated December 9, 2013 (Exhibit 25 at 14-2940_0265).

⁴¹ Email from Representative Whitfield's Wife to Congressional Aide, dated January 7, 2014 (Exhibit 26 at 14-2940_0268).

⁴² Email from Representative Whitfield's Wife to Congressional Aide, dated January 9, 2014 (Exhibit 27 at 14-2940_0270).

⁴³ Email from Representative Whitfield's Wife to Congressional Aide, dated January 14, 2014 (Exhibit 28 at 14-2940_0273).

⁴⁴ Email from Representative Whitfield's Wife to Congressional Aide, dated January 19, 2014 (Exhibit 29 at 14-2940_0276).

Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended

Contacts with Representative Whitfield's Schedulers

44. Scheduler has been employed with Representative Whitfield since August 2012.⁴⁵ She told the OCE that she communicated with Representative Whitfield's Wife concerning the scheduling of 50 to 70 meetings related to the PAST Act.⁴⁶ She told the OCE that at the request of Representative Whitfield and his wife, she routinely emailed Representative Whitfield's Wife the schedules for meetings she arranged with congressional offices about the PAST Act.⁴⁷

From: Connie Harriman-Whitfield [REDACTED]@humanesociety.org
Sent: Wednesday, October 09, 2013 5:28 PM
To: Heydlauff, Emma
Subject: Re: Meetings
Attachments: image001.png; image002.png; image003.png; image004.png; image005.png

Let's try the last four on the list plus Greg Walden.

Thanks,
Connie

Sent from my iPhone

On Oct 9, 2013, at 3:59 PM, "Heydlauff, Emma"
<Emma.Heydlauff@mail.house.gov<mailto:Emma.Heydlauff@mail.house.gov>> wrote:

Mrs. Whitfield,

Since we are scheduling meetings for next week, I went through the list of Republican E&C members that we have not met with yet. The list is below. Please let me know if you would like me to reach out to them about a meeting.

Barton
Walden
Shinkus
Scalise
Harper
Billy Long
Cassidy
Ellmers

Thanks,
Emma

45. After arranging certain meetings, Scheduler informed congressional offices that "[m]y boss's wife . . . will be joining them in the meeting as well."⁴⁸

⁴⁵ Transcript of Interview of Scheduler, April 24, 2014 ("Scheduler Transcript") (Exhibit 30 at 14-2940_0279).

⁴⁶ *Id.* at 14-2940_0284-85.

⁴⁷ *Id.* See also, Email from Representative Whitfield's Wife to Scheduler, dated October 15, 2013 (Exhibit 31 at 14-2940_0325); email from Representative Whitfield's Wife to Scheduler, dated October 19, 2013 (Exhibit 32 at 14-2940_0328); email from Representative Whitfield's Wife to Scheduler, dated October 9, 2013 (Exhibit 69 at 14-2940_0580).

⁴⁸ Email from Scheduler to Amanda Stevens, dated October 4, 2013 (Exhibit 33 at 14-2940_0331); email from Scheduler to Kristin Thomson, dated October 17, 2013 (Exhibit 34 at 14-2940_0335). See also Scheduler Transcript (Exhibit 30 at 14-2940_0286-88).

Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended

46. Scheduler told the OCE that she did not have first-hand knowledge of who attended the meetings because she did not attend.⁴⁹
47. Prior to August 2012, Representative Whitfield's Wife emailed his then-scheduler on numerous occasions to schedule meetings related to bills she lobbied, including the following examples:
 - "Ed and I need to meet with Senator Scott Brown sometime tomorrow to mention the bill Landrieu is introducing [on horse slaughtering]. Can you please set something up?"⁵⁰ (6/7/11)
 - "Any luck with any of my appointments?"⁵¹ (7/14/11)
 - "Would you please try to set up a meeting with the Senator some time next week? The subject is Tennessee Walking Horses."⁵² (5/21/12)

Explanation of Representative Whitfield's Wife

48. Representative Whitfield's Wife told the OCE that she has contacted Representative Whitfield's staff about issues related to the PAST Act and other legislation, including scheduling meetings and having Representative Whitfield support bills.⁵³ However, she told the OCE that she had many contacts at the request of Representative Whitfield who used her as a messenger to contact the staff.⁵⁴
49. The OCE showed Representative Whitfield's Wife her December 12, 2013 email and asked why she told Congressional Aide, "I am not to contact you or [Scheduler] directly in support of Ed's bill."⁵⁵ She responded "Okay, well, it's wrong – it's not wrong – I mean it's not right, because that's not true But I mean it's not true that I am not supposed to contact them in support of Ed's [b]ill, that's not true. If I am – I am if I am trying to include them [sic] information about something we are all working on together, is nothing wrong with that."⁵⁶
50. The OCE showed Representative Whitfield's Wife her December 17, 2013 email and asked about her statement that "[Congressional Aide] and I communicate hourly on

⁴⁹ Scheduler Transcript (Exhibit 30 at 14-2940_0286).

⁵⁰ Email from Representative Whitfield's Wife to Melissa Buchanan, dated June 7, 2011 (Exhibit 35 at 14-2940_0338).

⁵¹ Email from Representative Whitfield's Wife to Melissa Buchanan, dated July 14, 2011 (Exhibit 36 at 14-2940_0340).

⁵² Email from Representative Whitfield's Wife to Melissa Buchanan, dated May 21, 2012 (Exhibit 37 at 14-2940_0343).

⁵³ Transcript of Interview Representative Whitfield's Wife, April 25, 2014 ("Representative Whitfield's Wife Transcript") (Exhibit 38 at 14-2940_0379-80, 14-2940_0401-04, 14-2940_0406-07, 14-2940_0418-19).

⁵⁴ Representative Whitfield's Wife Transcript (Exhibit 38 at 14-2940_0379-80, 14-2940_0406-07, 14-2940_0418-19).

⁵⁵ Email from Representative Whitfield's Wife to Congressional Aide, dated December 11, 2013 (EW4_005262) (Exhibit 39 at 14-2940_0436).

⁵⁶ Representative Whitfield's Wife Transcript (Exhibit 38 at 14-2940_0395).

Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended

PAST and I was hoping to take Fri off.”⁵⁷ She responded “Well, clearly that’s an embellishment exaggeration, obviously he and I do not communicate hourly on PAST. That’s a – how do I say it, it’s – it’s an impossibility.”⁵⁸

51. When asked whether she contacted Congressional Aide *daily* during the December 2013 time period, Representative Whitfield’s Wife said “No.”⁵⁹ When asked whether she contacted the Congressional Aide *weekly* during the December 2013 time period, Representative Whitfield’s Wife stated “If I did speak to [Congressional Aide], it was part of a group of people who were trying to advance legislation.”⁶⁰
52. The OCE showed Representative Whitfield’s Wife her January 1, 2014 email and asked about her statement that “[Congressional Aide] and I met all day yesterday re strategy”⁶¹ She responded, “I don’t know what that means. I don’t know how we can meet all day RE: Strategy, seems like an exaggeration.”⁶²
53. Overall, Representative Whitfield’s Wife acknowledged that she has contacts with Representative Whitfield’s staff concerning the PAST Act and other legislation. She did not describe the frequency of the contacts, but the documentary evidence established that she had consistent contacts with the staff from 2011 to 2014.

D. Representative Whitfield Did Not Prohibit His Staff from Having Contacts with His Wife Related to Her Lobbying

54. Representative Whitfield, his wife, and his staff have been contacted about potential ethics issues related to her lobbying since at least 2012.
 - November 11, 2012: *The Washington Post* contacted Representative Whitfield’s Wife concerning “a story about lawmakers who have family members that are registered to lobby Congress or work for firms that lobby.”⁶³ Among other questions, she was asked “Have you ever lobbied your husband on these or other bills and issues?”⁶⁴
 - June 20, 2013: Representative Whitfield’s Wife and Chief of Staff received a Press Release where the Performance Show Horse Association alleged that Representative Whitfield did not disclose that “he is sponsoring this amendment

⁵⁷ Email from Representative Whitfield’s Wife to HSUS Federal Affairs Director, dated December 17, 2013 (Exhibit 40 at 14-2940_0438).

⁵⁸ Representative Whitfield’s Wife Transcript (Exhibit 38 at 14-2940_0377).

⁵⁹ *Id.* at 14-2940_0378.

⁶⁰ *Id.*

⁶¹ Email from Representative Whitfield’s Wife to HSLF Lobbyist, dated January 1, 2014 (Exhibit 46 at 14-2940_0455).

⁶² Representative Whitfield’s Wife Transcript (Exhibit 38 at 14-2940_0374).

⁶³ Email from David S. Fallis to Representative Whitfield’s Wife, dated November 21, 2012 (Exhibit 41 at 14-2940_0441-42).

⁶⁴ *Id.* See also Email from HSLF Lobbyist to Representative Whitfield’s Wife, dated December 4, 2012 (Exhibit 42 at 14-2940_0444-445).

Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended

because his wife is a paid lobbyist for the Humane Society Legislative Fund, one of the main advocates for this amendment. This action by Mr. Whitfield would appear to be a violation of the House Code of Official Conduct and a violation of House Rule 25, Clause 7.”⁶⁵

- October 21, 2013: Chief of Staff emailed Representative Whitfield after a congressional office expressed concerns about the scheduling of meetings related to the PAST Act. He told Representative Whitfield: “Since people are starting to hear about these meetings on the Hill and their effectiveness, I think we need to be careful about [Representative Whitfield’s Wife] attending these meetings. What do you think?”⁶⁶
- December 10, 2013: *Politico* contacted HSLF concerning a story regarding Rep. Whitfield and his wife and what “would appear to be a violation of the House ethics rules regarding spouses and members of Congress.”⁶⁷

55. Despite being on notice of the potential ethics issues, Representative Whitfield’s staff continued to have contacts with Representative Whitfield’s Wife related to her lobbying.

56. For example, as recently as April 24, 2014, the week the OCE’s investigative period for this review ended, Congressional Aide told the OCE that he continued to have weekly contacts with Representative Whitfield’s Wife on the PAST Act.⁶⁸

Ethics Advice

57. In October 2013, Chief of Staff and Representative Whitfield’s Wife contacted the Committee on Ethics to seek advice about her interactions with Representative Whitfield’s Congressional office.⁶⁹

⁶⁵ Email from Representative Whitfield’s Wife to Chief of Staff, dated June 21, 2013 (Exhibit 43 at 14-2940_0448).

⁶⁶ Email from Chief of Staff to Representative Whitfield, dated October 21, 2013 (Exhibit 44 at 14-2940_0451).

⁶⁷ Email from Anna Palmer to Heather Sullivan, dated December 10, 2013 (Exhibit 45 at 14-2940_0453).

⁶⁸ Congressional Aide Transcript (Exhibit 22 at 14-2940_0239-40).

⁶⁹ Email from Chief of Staff to Representative Whitfield, dated October 21, 2013 (Exhibit 44 at 14-2940_0450-51).

Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended

58. On October 21, 2013, Chief of Staff emailed Representative Whitfield that he contacted the Committee on Ethics about the office scheduling meetings for a registered lobbyist, but Chief of Staff said, “I did not inform them that [Representative Whitfield’s Wife] was attending these meetings as I suspected that they would have expressed concerns since she’s married to you and a registered lobbyist.”⁷⁰

> On Oct 21, 2013, at 3:29 PM, "Hicks, Cory" <Cory.Hicks@mail.house.gov><mailto:Cory.Hicks@mail.house.gov><mailto:Cory.Hicks@mail.house.gov>> wrote:
>
> Congressman, I just had a very uncomfortable conversation with Renee Hillers office's legislative director. They were concerned with the optics of our office setting up a meetings for Marty and Donna. I called the ethics committee and they did not have a problem with our office setting up meetings on a bill that you have sponsored. I even asked what if we were requesting offices to take a meeting on behalf of a registered lobbyist. They also did not have a problem with us requesting meetings with registered lobbyists. I did not inform them that Connie was attending these meetings as I suspected they would have expressed concerns since she's married to you and a registered lobbyist. Since people are starting to hear about these meetings on the Hill and their effectiveness, I think we need to be careful about Connie attending these meetings. What do you think?

59. When asked why he did not tell the Committee on Ethics that Representative Whitfield’s Wife was attending the meetings, Chief of Staff told the OCE “[w]ell, first of all, I wasn’t exactly sure if she was attending the - - all of these meetings”⁷¹

60. When asked whether the Committee on Ethics discussed Representative Whitfield’s Wife with him, Chief of Staff stated “[T]hey may have said something to the effect of you can’t set these meetings up for Mrs. Whitfield but we weren’t setting them up for Mrs. Whitfield anyway.”⁷²

61. Representative Whitfield’s Wife told the OCE that the Committee on Ethics advised her that she could not “lobby” Representative Whitfield’s staff.⁷³ She told the OCE that “I am not supposed to try to influence them to take a position on legislation on behalf of my client, my employer, HSLF.”⁷⁴

62. Representative Whitfield’s Wife stated that the Committee on Ethics told her orally that it was “entirely okay” for her to attend meetings that Scheduler arranged for advocates of the PAST Act.⁷⁵

⁷⁰ *Id.* at 14-2940_0451.

⁷¹ Chief of Staff Transcript (Exhibit 7 at 14-2940_0135).

⁷² *Id.* at 14-2940_0136.

⁷³ Representative Whitfield’s Wife Transcript (Exhibit 38 at 14-2940_0419).

⁷⁴ *Id.* at 14-2940_0420.

⁷⁵ *Id.* at 14-2940_0390-91.

Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended

63. On December 11, 2013 she emailed Congressional Aide: “I am not to contact you or [Scheduler] directly in support of Ed’s bill.”⁷⁶

From: Connie Harriman-Whitfield [REDACTED]@humansociety.org
Sent: Wednesday, December 11, 2013 6:00 PM
To: Irby, Marty; Heydlauff, Emma
Cc: Keith Dane
Subject: My Not Contacting You or Emma Directly

I have been working with you so long, I forget you are now part of Ed's staff. I am not to contact you or Emma directly in support of Ed's bill. Better to come from Sara or Keith.

Sent from my iPhone

64. However, less than one week later, she emailed HSUS Federal Affairs Director that “[Congressional Aide] and I communicate hourly on PAST”⁷⁷
65. Approximately one month later, she told HSLF Lobbyist that “[Congressional Aide] and I met all day yesterday re strategy”⁷⁸
66. Approximately two months after telling Congressional Aide that she could not communicate with him “in support of Ed’s bill,” Representative Whitfield’s Wife told HSUS Vice President “[Congressional Aide] and I met on Friday and developed a list of Texas members who are candidates for co-sponsorship.”⁷⁹
67. Representative Whitfield’s staff told the OCE that the congressional office does not have any rule or policy prohibiting contacts with Representative Whitfield’s Wife related to her lobbying for the HSLF.⁸⁰
68. In conclusion, Representative Whitfield’s congressional staff acknowledged that they had contacts with Representative Whitfield’s Wife concerning legislation that she lobbied from 2011 to 2014. She also confirmed that she contacted the staff. Representative Whitfield and his staff knew of the potential ethics issues related to the contacts and received informal advice from the Committee on Ethics that Representative Whitfield’s Wife could not lobby the staff. Nevertheless, Representative Whitfield’s staff continued to have contacts with Representative Whitfield’s Wife related to her lobbying activities for HSLF.

⁷⁶ Email from Representative Whitfield’s Wife to Congressional Aide, dated December 11, 2013 (Exhibit 39 at 14-2940_0436).

⁷⁷ Email from Representative Whitfield’s Wife to HSUS Federal Affairs Director, dated December 17, 2013 (Exhibit 40 at 14-2940_0438).

⁷⁸ Email from Representative Whitfield’s Wife to HSLF Lobbyist, dated January 1, 2014 (Exhibit 46 at 14-2940_0455).

⁷⁹ Email from Representative Whitfield’s Wife to HSUS Vice President, dated February 2, 2014 (Exhibit 3 at 14-2940_0078).

⁸⁰ Congressional Aide Transcript (Exhibit 22 at 14-2940_0247-48); Chief of Staff Transcript (Exhibit 7 at 14-2940_0132-33); Scheduler Transcript (Exhibit 30 at 14-2940_0303-04). Transcript of Interview of Former Staffer, April 25, 2014 (“Former Staffer Transcript”) (Exhibit 47 at 14-2940_0474-45).

Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended

69. Based on the evidence before the OCE, there is a substantial reason to believe that Representative Whitfield permitted his wife to lobby his congressional staff in violation of House rules and standards of conduct.

III. REPRESENTATIVE WHITFIELD MAY HAVE PROVIDED SPECIAL FAVORS OR PRIVILEGES TO HIS WIFE AND HER EMPLOYER

A. Laws, Regulations, Rules, and Standards of Conduct

70. *The Code of Ethics for Government Service provides that, “[a]ny person in Government service should: . . . Never discriminate unfairly by the dispensing of special favors or privileges to anyone, whether for remuneration or not”*⁸¹

71. *The House Ethics Manual specifically states that this prohibition applies “to the employment activities of one’s spouse or any other family member” and states that “[t]he 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.”*⁸²

B. Representative Whitfield’s Congressional Office Assisted the Lobbying Activities of His Wife and Her Employer

72. Representative Whitfield and his congressional office provided significant assistance to the lobbying of Representative Whitfield’s Wife and her employer.

73. In particular, Representative Whitfield: (1) permitted his office to schedule numerous meetings for HSLF and HSUS at the request of his wife; (2) attended joint meetings with his wife and other lawmakers; and (3) permitted his office to perform numerous official actions for HSLF and HSUS at the request of his wife.

Congressional Meetings Scheduled for HSLF and HSUS

74. Scheduler told the OCE that she arranged 50 to 70 meetings with congressional offices for the PAST Act in October and November 2013.⁸³ Congressional Aide, who attended most of these meetings, estimated that there were 75 to 100 meetings.⁸⁴

75. Although Scheduler told the OCE that she arranged the meetings at the request of Representative Whitfield, emails from HSUS Vice President and Representative Whitfield’s Wife indicate that many meetings were scheduled at the request of HSUS.⁸⁵

⁸¹ Code of Ethics for Government Service ¶ 5.

⁸² House Ethics Manual 245.

⁸³ Scheduler Transcript (Exhibit 30 at 14-2940_0291).

⁸⁴ Congressional Aide (Exhibit 22 at 14-2940_0216).

Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended

76. For example, HSUS Vice President asked Scheduler, “Could you work on setting up member meetings next week from Tuesday through Friday for Marty and Donna? Connie says that those with asterisks below are more likely to agree to a meeting if they know she’s going to be attending.”⁸⁶ He also asked Representative Whitfield’s Wife, “Can [Chief of Staff] try to get a meeting with Corker’s office for Marty and Donna?”⁸⁷

From: Keith Dane [REDACTED]@humansociety.org
Sent: Tuesday, October 29, 2013 3:49 PM
To: Heydlauff, Emma
Subject: Senate member meetings

Emma,

Could you work on setting up member meetings next week from Tuesday through Friday for Marty and Donna? Connie says that those with asterisks below are more likely to agree to a meeting if they know she's going to be attending.

Thanks so much.

Keith

Sessions*
Shelby
Cochran
Thune*
Boozman*
Blunt*
Heller
Coats
Scott
Fischer
Johnson, Ron
Corker
Burr*
Coburn*
Mankowski

77. Scheduler told the OCE that she could not think of any other group for which she arranged as many meetings.⁸⁸
78. In January 2014, Congressional Aide asked Scheduler to arrange additional meetings with congressional offices for advocates of the PAST Act.⁸⁹ Scheduler initially declined to arrange more meetings due to the difficulty of arranging the meetings.⁹⁰ Chief of Staff noted that “[i]t seems that we’ve asked a lot of [Scheduler] lately on these meetings.”⁹¹

⁸⁵ Email from HSUS Vice President to Scheduler, dated October 29, 2013 (Exhibit 48 at 14-2940_0491); email from HSUS Vice President to Representative Whitfield’s Wife dated October 15, 2013 (Exhibit 49 at 14-2940_0493).

⁸⁶ Email from HSUS Vice President to Scheduler, dated October 29, 2013 (Exhibit 48 at 14-2940_0491).

⁸⁷ Email from HSUS Vice President to Representative Whitfield’s Wife, dated October 15, 2013 (Exhibit 49 at 14-2940_0493).

⁸⁸ Scheduler Transcript (Exhibit 30 at 14-2940_0291).

⁸⁹ Email from Congressional Aide to Scheduler, dated January 24, 2014 (Exhibit 3 at 14-2940_0061).

⁹⁰ Email from Scheduler to Congressional Aide, dated January 27, 2014 (Exhibit 3 at 14-2940_0061).

⁹¹ Email from Chief of Staff to Congressional Aide, dated January 27, 2014 (Exhibit 3 at 14-2940_0061).

Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended

Chief of Staff told Congressional Aide, who had been recently hired, “[i]t is out of the ordinary for us to be handling folks schedule this much. This precedence [sic] was started at a time when we thought it would only be a hand full of meetings.”⁹²

79. Congressional Aide informed Representative Whitfield’s Wife that Scheduler declined to arrange the meetings.⁹³ In response, Representative Whitfield’s Wife instructed Congressional Aide to “tell [Chief of Staff] that these [PAST Act advocates] have NOT been to DC before and that we are talking about passing Ed’s bill not [Scheduler’s] feelings of effectiveness . . . Compromise: Have her call offices she hasn’t called before.”⁹⁴
80. Scheduler told the OCE that she arranged approximately 15 more meetings with congressional offices for PAST Act advocates around January 2014.⁹⁵
81. Representative Whitfield’s Wife told Congressional Aide and PAST Act advocates that Representative Whitfield’s office was “crucial in setting up meetings between Republicans and third parties.”⁹⁶

Joint Meetings with Members of Congress

82. On several occasions, HSLF and HSUS determined that Representative Whitfield needed to meet with certain Members of Congress to help gain support for their lobbying efforts. Representative Whitfield attended these meetings with his wife where they discussed legislation that she lobbied.

Meeting with Representative 1

83. On May 9, 2012, HSUS Federal Affairs Director informed Representative Whitfield’s Wife that Representative 1 had not responded to HSUS President.⁹⁷ She asked, “Do you think Cong. Whitfield (or you) might be willing to approach him personally about helping lead on [the Horse Protection Act]?”⁹⁸ Representative Whitfield’s Wife responded, “I will talk to Ed tonight in-between votes.”⁹⁹

⁹² Email from Chief of Staff to Congressional Aide, dated January 27, 2014 (Exhibit 3 at 14-2940_0060).

⁹³ Email from Congressional Aide to Representative Whitfield’s Wife, dated January 28, 2014 (Exhibit 3 at 14-2940_0060).

⁹⁴ Email from Representative Whitfield’s Wife, dated January 28, 2014 (Exhibit 3 at 14-2940_0060).

⁹⁵ Scheduler Transcript (Exhibit 30 at 14-2940_00296).

⁹⁶ Email from Representative Whitfield’s Wife to Congressional Aide, dated January 28, 2014 (Exhibit 3 at 14-2940_00064).

⁹⁷ Email from Representative Whitfield’s Wife to HSUS Federal Affairs Director, dated May 9, 2012 (Exhibit 50 at 14-2940_0497).

⁹⁸ *Id.*

⁹⁹ *Id.*

Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended

84. On July 18, 2012, Representative Whitfield's then-scheduler emailed Representative Whitfield and his wife, "I just set up a meeting for you both with [Representative 1] regarding the Tennessee Walking Horse Issue."¹⁰⁰
85. When the OCE showed Representative Whitfield's Wife the email to her and Representative Whitfield from the then-scheduler concerning "the meeting for you both with [Representative 1]," she stated, "I don't ever remember Ed being in a meeting with me and [Representative 1]."¹⁰¹
86. Representative 1 told the OCE that he recalled Representative Whitfield and his wife coming to meet with him in July 2012 to ask him to co-sponsor horse soring legislation.¹⁰² He described the role of Representative Whitfield's Wife in the meeting as being "just there with him advocating for this."¹⁰³ Representative 1 considered the meeting to be with Representative Whitfield and not Representative Whitfield's Wife or the Humane Society.¹⁰⁴

Meeting with Senator Lamar Alexander

87. On May 21, 2012, an HSUS staffer told Representative Whitfield's Wife that a meeting was scheduled with Senator Alexander and HSUS for May 23, 2012.¹⁰⁵ The staffer stated, "We could expand meeting to include TWHorse issue or set up a separate meeting."¹⁰⁶ After arranging a separate meeting, the HSUS staffer asked who would attend the meeting and Representative Whitfield's Wife replied, "I believe I would be more effective talking to Alexander directly- -along with Ed if Ed is available."¹⁰⁷
88. Senate Staffer 1, who was Senator Alexander's lead staffer for the meeting in May 2012, told the OCE that Senator Alexander, Representative Whitfield, and Representative Whitfield's Wife attended the meeting about legislation to prevent the abuse of Tennessee Walking Horses.¹⁰⁸ He stated that Representative Whitfield's Wife spoke

¹⁰⁰ Email from Melissa Buchanan to Representative Whitfield and Representative Whitfield's Wife, dated July 18, 2012 (Exhibit 51 at 14-2940_0499).

¹⁰¹ Representative Whitfield's Wife Transcript (Exhibit 38 at 14-2940_0385).

¹⁰² Transcript of Interview of Representative 1, April 25, 2014 ("Representative 1 Transcript") (Exhibit 52 at 14-2940_0503).

¹⁰³ *Id.* at 14-2940_0505.

¹⁰⁴ *Id.*

¹⁰⁵ Email from Representative Whitfield's Wife to Representative Whitfield, dated May 22, 2012 (Exhibit 53 at 14-2940_0514).

¹⁰⁶ *Id.*

¹⁰⁷ Email from Representative Whitfield's Wife to Cece Kremer, dated May 21, 2012 (Exhibit 53 at 14-2940_0514).

¹⁰⁸ Memorandum of Interview of Senate Staffer 1, April 25, 2014 (Exhibit 54 at 14-2940_0517).

Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended

about horse abuse and the legislation.¹⁰⁹ Representative Whitfield made similar comments during the meeting.¹¹⁰

89. At the time the meeting occurred, Senate Staffer 1 considered the meeting to be with Representative Whitfield.¹¹¹ However, he knew that Representative Whitfield's Wife was an advocate for the Humane Society.¹¹² He had additional follow-up meetings with Representative Whitfield's Wife and the Humane Society after the meeting.¹¹³

90. When the OCE asked Representative Whitfield's Wife about the meeting, she stated, "I can't remember why we went. But I know that Ed wanted to talk to Lamar about the bill . . . so Ed said come with me. I never opened my mouth the entire meeting, and I don't think Lamar Alexander even knew I worked for the Humane Society Legislative Fund, he saw me as Ed's wife."¹¹⁴

Meeting with Former Senator

91. On June 7, 2011, Representative Whitfield's Wife told his then-scheduler, "Ed and I need to meet with [Former Senator] sometime tomorrow to mention a bill Landrieu is introducing. Can you please set something up."¹¹⁵ The same day, the scheduler confirmed a meeting with Former Senator for June 8, 2011 for Representative Whitfield and his wife.¹¹⁶

92. Former Senator told the OCE that he recalled meeting with Representative Whitfield and Representative Whitfield's Wife in his office to discuss horse slaughter legislation.¹¹⁷ He stated, "I recall setting it up as a courtesy because he was member of Congress."¹¹⁸

93. He described Representative Whitfield and his wife as being both actively involved in the discussion of horse slaughter.¹¹⁹ He saw the role of Representative Whitfield's Wife "as a spouse sort of at that point . . . they were working on this issue together, you know,

¹⁰⁹ *Id.* at 14-2940_0518.

¹¹⁰ *Id.*

¹¹¹ *Id.*

¹¹² *Id.*

¹¹³ *Id.*

¹¹⁴ Representative Whitfield's Wife Transcript (Exhibit 38 at 14-2940_0383).

¹¹⁵ Email from Representative Whitfield's Wife to Melissa Buchanan, dated June 7, 2011 (Exhibit 55 at 14-2940_0520).

¹¹⁶ *Id.*

¹¹⁷ Transcript of Interview of Former Senator, April 22, 2014, ("Former Senator Transcript") (Exhibit 56 at 14-2940_0530).

¹¹⁸ *Id.* at 14-2940_0525.

¹¹⁹ *Id.* at 14-2940_0531.

Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended

because of an interest in horses.”¹²⁰ At the time, he considered the meeting to be with Representative Whitfield and not the Humane Society.¹²¹

94. When the OCE asked Representative Whitfield’s Wife about the meeting with Former Senator, she stated, “It may have been the horse slaughter legislation but I remember Ed wanted Brown to get on as a co-sponsor on the Senate bill I sat and listened”¹²²

HSLF and HSUS Requests for Official Action

95. HSLF and HSUS frequently asked Representative Whitfield’s Wife to have Representative Whitfield or his staff perform a significant amount of official actions. These included requests for co-sponsoring of bills, signing letters, and making floor speeches.

Date	HSLF/HSUS Requests for Representative Whitfield’s Wife
3/24/11	“[W]ould you be willing to reach out to them on the HPA funding – requesting a meeting perhaps or just talking more with them about it informally? I know that you and Cong. Whitfield will have their ear in a way the rest of us here don’t.” ¹²³
5/17/11	“[I]t would be great to have a quote or two from Rep. Whitfield. Do you want me to just go through the office?” ¹²⁴
10/26/11	“Would be great if we could get Ed to sign on to this.” ¹²⁵
3/19/12	“[C]an you help get Cong. Whitfield on the FY13 animal welfare enforcement funding letter?” ¹²⁶
3/23/12	“[HSUS Vice President] and I reviewed these talking points and they’re all set for you to pass on to Ed (see below). Thanks for your help!” ¹²⁷
4/23/12	“[Representative Whitfield’s Wife is] all over it (she’s working hard behind the scenes to find the witnesses). Earlier today she was checking with Cong. Whitfield to see what might be helpful in terms of HSUS/HSLF press, blog, crowd of PA activists, etc.” ¹²⁸

¹²⁰ *Id.* at 14-2940_0528.

¹²¹ *Id.* at 14-2940_0530.

¹²² Representative Whitfield’s Wife Transcript (Exhibit 38 at 14-2940_0384).

¹²³ Email from HSUS Federal Affairs Director to Representative Whitfield’s Wife, dated March 24, 2011 (Exhibit 57 at 14-2940_0542).

¹²⁴ Email from HSLF Lobbyist to Representative Whitfield’s Wife, dated May 17, 2011 (Exhibit 58 at 14-2940_0548).

¹²⁵ Email from Lauren Silverman to Representative Whitfield’s Wife, dated October 26, 2011 (Exhibit 59 at 14-2940_0550).

¹²⁶ Email from HSUS Federal Affairs Director to Representative Whitfield’s Wife, dated March 19, 2012 (Exhibit 21 at 14-2940_0207).

¹²⁷ Email from Tracie Letterman to Representative Whitfield’s Wife, dated March 23, 2012 (Exhibit 60 at 14-2940_0555).

¹²⁸ Email from HSUS Federal Affairs Director to HSUS Vice President, HSUS President, Representative Whitfield’s Wife, and Jessica Feingold-Lieberson, dated April 23, 2012 (Exhibit 61 at 14-2940_0558).

Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended

Date	HSLF/HSUS Requests for Representative Whitfield's Wife
5/9/12	"[Representative I's] staff hasn't responded to [HSUS President]/Mike's initial effort, but I wonder if we need to throw in the towel yet on him? He did send his own letter to Ag Approps the past two years seeking enforcement funding. Do you think Cong. Whitfield (or you) might be willing to approach him personally about helping lead on this?" ¹²⁹
6/21/12	"[A]ny chance we could get the HPA bill introduced in time so it might be possible to try to add it to the Farm bill during House floor debate . . . it would be sweet to get it done in the wake of all the media attention." ¹³⁰
9/14/12	"I think [Representative Whitfield's Wife] may want to intervene to make sure it happens, if staff is resisting. Let's see how we do reaching out to [Chief of Staff] ourselves, first though." ¹³¹
12/12/12	"What do you think about asking Ed to give a floor speech on this poll?" ¹³²
5/9/13	"[The Physicians Committee for Responsible Medicine] would like our help getting Cong. Whitfield to agree to be an original cosponsor of the reintroduced BEST Practices Act, to phase out use of live animal in military trauma." ¹³³ "Are you ok with us weighing in with Cong. Whitfield on it to see if he'll cosponsor again? If so, do you want to handle the communication or have me or someone else here reach out to [Chief of Staff] or Justin?" ¹³⁴
6/8/13	"[R]equest for reaching out to Cong. Whitfield and Grimm on Best Practices [Act]." ¹³⁵
9/17/13	"Cong. Whitfield could say he's on the fence about Thursday's vote because he feels it's not enough of a cut to SNAP. Bottom line, though, is to signal to leadership that he's really determined to PAST to the floor this year . . . Thank you for considering this idea and discussing it with him!" ¹³⁶
9/26/13	"The Myths/Facts document is on Congressional stationery and is Cong. Whitfield's document (though you drafted text for him last year). It doesn't have his name on it, but it would come from his office and be referred to as his document." ¹³⁷

¹²⁹ Email from HSUS Federal Affairs Director to Representative Whitfield's Wife, dated May 9, 2012 (Exhibit 50 at 14-2940_0497).

¹³⁰ Email from HSUS Federal Affairs Director to Representative Whitfield's Wife, dated June 21, 2012 (Exhibit 5 at 14-2940_0095).

¹³¹ Email from HSUS Federal Affairs Director to Cece Kremer and Michael Markarian, September 14, 2012 (Exhibit 62 at 14-2940_0560).

¹³² Email from Michael Markarian to Representative Whitfield's Wife, dated December 12, 2012 (Exhibit 63 at 14-2940_0563).

¹³³ Email from HSUS Federal Affairs Director to Representative Whitfield's Wife, *et al.*, dated May 9, 2013 (Exhibit 6 at 14-2940_0097).

¹³⁴ *Id.*

¹³⁵ Email from HSUS Federal Affairs Director to Representative Whitfield's Wife, dated June 8, 2013 (Exhibit 64 at 14-2940_0567).

¹³⁶ Email from HSUS Federal Affairs Director to Representative Whitfield's Wife, dated September 17, 2013 (Exhibit 65 at 14-2940_0569).

¹³⁷ Email from HSUS Federal Affairs Director to HSUS Vice President and Representative Whitfield's Wife, dated September 25, 2013 (Exhibit 66 at 14-2940_0571).

Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended

Date	HSLF/HSUS Requests for Representative Whitfield's Wife
10/15/13	"Can [Chief of Staff] try to get a meeting with Corker's office for [PAST Act advocates]?" ¹³⁸
1/6/14	"I had thought that [HSLF Lobbyist] felt (and we collectively have felt all along) that it would be best coming from [Congressional Aide]/Mr. Whitfield's office, rather than HSUS . . ." ¹³⁹

96. In response to the requests, Representative Whitfield's Wife usually agreed to contact her husband or send the request to his staff. Her responses included the following:

- "I will talk to Ed tonight in-between votes."¹⁴⁰
- "I will talk to Ed after he gets out of his Health Subcommittee hearing."¹⁴¹
- "I have already talked to Ed about this."¹⁴²
- "Yes! Working with Ed and [Chief of Staff] on it today."¹⁴³
- "I will ask him."¹⁴⁴
- "I don't need to tell YOU that going through a spouse is usually more efficient than going through the office. I will get a couple of quotes from him."¹⁴⁵

97. The OCE did not find any evidence that the volume of assistance that Representative Whitfield's staff provided to Representative Whitfield's Wife and her employer from 2011 to 2014 was comparable to assistance provided to other individuals or organizations.

¹³⁸ Email from HSUS Vice President to Representative Whitfield's Wife, dated October 15, 2013 (Exhibit 67 at 14-2940_0573).

¹³⁹ Email from HSUS Vice President to Representative Whitfield's Wife, dated January 6, 2014 (Exhibit 68 at 14-2940_0577).

¹⁴⁰ Email from HSUS Federal Affairs Direct to Representative Whitfield's Wife, dated May 9, 2012 (Exhibit 50 at 14-2940_0497).

¹⁴¹ Email from Lauren Silverman to Representative Whitfield's Wife, dated October 26, 2011 (Exhibit 59 at 14-2940_0550).

¹⁴² Email from HSUS Federal Affairs Director to Representative Whitfield's Wife, dated March 24, 2011 (Exhibit 57 at 14-2940_0542).

¹⁴³ Email from HSUS Federal Affairs Director to Representative Whitfield's Wife, dated June 21, 2012 (Exhibit 5 at 14-2940_0095).

¹⁴⁴ Email from Michael Markarian to Representative Whitfield's Wife, dated December 12, 2012 (Exhibit 63 at 14-2940_0563).

¹⁴⁵ Email from Representative Whitfield's Wife to HSLF Lobbyist, dated May 17, 2011 (Exhibit 58 at 14-2940_0548).

Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended

98. In sum, HSLF and HSUS used Representative Whitfield and his staff to support their lobbying activities. Representative Whitfield's Wife appeared to act as a liaison for HSLF, making frequent requests of Representative Whitfield and his staff.
99. Based on the evidence before the OCE, there is a substantial reason to believe that Representative Whitfield provided special favors or privileges to his wife, in her capacity as a lobbyist, and to her employer in violation of House rules and standards of conduct.

IV. CONCLUSION

100. Representative Whitfield's Wife has been a registered lobbyist for HSLF since 2011. Since 2011, she has reported lobbying on numerous bills, including bills that Representative Whitfield sponsored or co-sponsored.
101. Based on evidence before the OCE, Representative Whitfield's Wife contacted Representative Whitfield and his staff about bills she lobbied. The contacts included discussions about drafting bills, selecting potential bill co-sponsors, and scheduling meetings with congressional offices.
102. During the same time period, Representative Whitfield's office provided direct assistance to the lobbying efforts of HSUS and HSLF at the request of Representative Whitfield's Wife. In particular, HSUS and HSLF had Representative Whitfield's Wife assist with attempts to have Representative Whitfield schedule congressional meetings, introduce legislation and support certain legislation.
103. The Board recommends that the Committee on Ethics further review the allegation concerning the lobbying contacts of Representative Whitfield's wife because there is a substantial reason to believe that Representative Whitfield had lobbying contacts with his wife and permitted his wife to have lobbying contacts with his staff in violation of House rules and standards of conduct.
104. The Board recommends that the Committee on Ethics further review the allegations concerning the granting of special favors or privileges because there is a substantial reason to believe that Representative Whitfield permitted his wife to use his congressional office to advance and facilitate her lobbying activities and the lobbying activities of her employer in violation of House rules and standards of conduct.