

**COMMITTEE ON NATURAL RESOURCES**  
**113<sup>th</sup> Congress Disclosure Form**  
**As required by and provided for in House Rule XI, clause 2(g) and**  
**the Rules of the Committee on Natural Resources**

*Lacey Act of 1900: Why Should U. S. Citizens Have to Comply with Foreign Laws –  
Wednesday, July 17, 2013*

For Individuals:

1. Name: Paul D. Kamenar, Esq.
  
2. Address: [REDACTED]  
[REDACTED]
  
3. Email Address: [REDACTED]
  
4. Phone Number: [REDACTED]

\* \* \* \* \*

For Witnesses Representing Organizations: N/A

1. Name:
  
2. Name of Organization(s) You are Representing at the Hearing:
  
3. Business Address:
  
4. Business Email Address:
  
5. Business Phone Number:

**For all Witnesses**

Mr. Paul D. Kamenar, Attorney at Law

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a. Any training or educational certificates, diplomas or degrees or other educational experiences that are relevant to your qualifications to testify on or knowledge of the subject matter of the hearing.

Georgetown University Law Center, J.D. 1975  
Rutgers College, B.A. 1970

b. Any professional licenses, certifications, or affiliations held that are relevant to your qualifications to testify on or knowledge of the subject matter of the hearing.

Bar Membership: District of Columbia Bar; Supreme Court Bar; United States Court of Appeals for the First, Second, Third, District of Columbia, Federal Circuit and Tenth Circuits.

c. Any employment, occupation, ownership in a firm or business, or work-related experiences that relate to your qualifications to testify on or knowledge of the subject matter of the hearing.

Washington Legal Foundation, 1979-2009, Senior Legal Counsel  
Senior Fellow of the Administrative Conference of the United States, 2009 to present.  
Guest lecturer at U.S. Naval Academy  
Legal consultant and policy advisor to small businesses on federal regulatory issues, including money laundering statutes.

d. Any federal grants or contracts (including subgrants or subcontracts) from the Department of Interior that you have received in the current year and previous four years, including the source and the amount of each grant or contract.

None

e. A list of all lawsuits or petitions filed by you against the federal government in the current year and the previous four years, giving the name of the lawsuit or petition, the subject matter of the lawsuit or petition, and the federal statutes under which the lawsuits or petitions were filed.

None

f. A list of all federal lawsuits filed against you by the federal government in the current year and the previous four years, giving the name of the lawsuit, the subject matter of the lawsuit, and the federal statutes under which the lawsuits were filed.

None

g. Any other information you wish to convey that might aid the Members of the Committee to better understand the context of your testimony.

**Conferences**

Featured speaker/panelist at conferences sponsored by the ABA, business and policy groups, and a dozen law

schools, including programs on environmental crime at Univ. of Utah (2009) and corporate crime at Northwestern Univ. Law Schools (2009), attended by 150 federal/state judges, and George Mason University Law School (2010).

### **Congressional Testimony**

- Testified before House and Senate Committees on environmental regulation (including special House Oversight & Gov't Reform hearing on EPA's prosecution of small business client); SEC enforcement practices regarding short selling and class actions; judicial appointment process; First Amendment issues; and other constitutional and regulatory topics.

- Appeared before Senate Task Force on Overcriminalization of Environmental Laws chaired by Senator Rand Paul.

\* Briefed Members of Congress and their senior staff on oversight strategies and selected legal issues, including overcriminalization of regulatory conduct in collaboration with the Heritage Foundation

### **Sample of Environmental/Criminal Cases Litigated**

- *United States v. San Diego Gas & Electric*, 319 Fed. Appx 628 (9th Cir. 2009) (supported district court order for new felony trial for alleged technical violation of Clean Air Act asbestos removal regulations where no asbestos fibers were found in the air or soil; DOJ decides not to retry case).
- *Burlington Northern & Santa Fe RR v. United States*, 129 S.Ct. 1876 (2009) (opposed joint and several liability under CERCLA where divisibility of harm can be reasonably determined).
- *Connecticut v. American Electric Power Company, Inc.*, 583 F.3d 309 (2d Cir. 2009) (opposed common law nuisance lawsuit against utilities for allegedly causing global warming).
- *Raytheon Aircraft Corp. v. U.S.*, 556 F.Supp.2d 1265 (D. Kan. 2008) (opposed CERCLA liability on company for cleanup costs attributed to government's pollution).
- *Massachusetts v. EPA*, 549 U.S. 497 (2007) (opposed EPA authority to regulate carbon dioxide).
- *United States v. Rita*, 127 S. Ct. 245 (2007); *United States v. Gall*, 128 S. Ct. 586 (2008) *United States v. Thurston*, 456 F.3d 211 (1st Cir. 2006) (challenged validity of harsh Sentencing Guidelines based on unreasonableness and faulty empirical basis).
- *Northern Alaska Environmental Center v. Kempthorne*, 457 F.3d 969 (9th Cir. 2006) (supported sufficiency of EIS for plan to offer gas and oil leases in Alaska's Northwest Planning Area).
- *Riverdale Mills Corp. v. Pimpare*, 392 F.3d 55 (1st Cir. 2004) (represented small business and owner prosecuted for alleged felony Clean Water Act infraction where pH readings were altered by EPA agents and case was dropped; litigated subsequent malicious prosecution and Bivens actions; case was featured on CBS "60 Minutes").
- *McNab/Blandford v. United States*, 324 F.3d 1266 (11th Cir. 2003), cert. denied, 540 U.S. 1177 (2004) (represented seafood importers seeking Supreme Court review who were convicted of minor infraction of Lacey Act for importing frozen seafood in plastic bags instead of cardboard boxes and sentenced to 97 months; case generated widespread publicity and oversight hearing).
- *Center for Biological Diversity v. England*, 2003 U.S. App. LEXIS 1110 (D.C. Cir. Jan. 23, 2003), vacating on other grounds sub nom., *Center for Biological Diversity v. Pirie*, 201 F. Supp. 2d 113 (D.D.C. 2002) (opposing challenge by environmental group to Navy's training exercises on remote Pacific island on standing and Commander-in-Chief grounds; DOJ formally adopts WLF's standing argument).
- *United States v. Alcan Aluminum Corp.*, 315 F.3d 179 (2d Cir. 2003) (represented Members of Congress and business groups opposing joint and several retroactive liability under CERCLA for benign water emulsion that comprised only a minuscule fraction of the volume of the waste site).
- *United States v. Hansen*, 262 F.3d 1217 (11th Cir. 2001) (opposing unfair convictions under RCRA for corporate officers and excessive sentences of four to eight years).

- Friends of the Earth v. Laidlaw Env'tl. Servs. (TOC) Inc., 528 U.S. 167 (2000) (opposed standing based on vague allegations of environmental harm).
- United States v. Hanousek, 176 F.3d 1116 (9th Cir. 1999), cert. denied, 528 U.S. 1104 (2000) (opposing public welfare offense doctrine eliminating mens rea requirement for criminal conviction under Clean Water Act).
- Washington Legal Found. v. U.S. Sentencing Comm'n, 89 F.3d 897 (D.C. Cir. 1996) (sought disclosure of documents of environmental guidelines advisory committee).
- United States v. Pozsgai, 999 F.2d 719 (3d Cir. 1993) (represented property owner on appeals opposing both criminal and subsequent civil enforcement of minor wetland infractions on jurisdictional grounds; case featured in Wall Street Journal and other national media and subject of special congressional oversight hearing).
- Lucas v. South Carolina Coastal Council, 505 U.S. 1003 (1992); Dolan v. City of Tigard, 512 U.S. 374 (1994); City of Monterey v Del Monte Dunes at Monterey, Ltd. 526 U.S. 687 (1999). (supported regulatory takings in cases involving land use restrictions).

### **Witnesses Representing Organizations**

Mr. Paul D. Kamenar, Attorney at Law  
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h. Any offices, elected positions, or representational capacity held in the organization(s) on whose behalf you are testifying.

N/A

i. Any federal grants or contracts (including subgrants or subcontracts) from the Department of Interior that were received in the current year and previous four years by the organization(s) you represent at this hearing, including the source and amount of each grant or contract for each of the organization(s).

N/A

j. A list of all lawsuits or petitions filed by the organization(s) you represent at the hearing against the federal government in the current year and the previous four years, giving the name of the lawsuit or petition, the subject matter of the lawsuit or petition, and the federal statutes under which the lawsuits or petitions were filed for each of the organization(s).

N/A

k. A list of all federal lawsuits filed against the organization(s) you represent at the hearing by the federal government in the current year and the previous four years, giving the name of the lawsuit, the subject matter of the lawsuit, and the federal statutes under which the lawsuits were filed.

N/A

l. For tax-exempt organizations and non-profit organizations, copies of the three most recent public IRS Form 990s (including Form 990-PF, Form 990-N, and Form 990-EZ) for each of the organization(s) you represent at the hearing (not including any contributor names and addresses or any information withheld from public inspection by the Secretary of the Treasury under 26 U.S.C. 6104)).

N/A