

CONFIDENTIAL

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Subject to the Nondisclosure Provisions of H. Res. 895 of the 110<sup>th</sup> Congress as Amended

OFFICE OF CONGRESSIONAL ETHICS  
UNITED STATES HOUSE OF REPRESENTATIVES

**REPORT**

Review No. 14-1891

The Board of the Office of Congressional Ethics (the “Board”), by a vote of no less than four members, on June 27, 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 Thomas E. Petri

NATURE OF THE ALLEGED VIOLATION: From 2008 to 2013, Representative Thomas Petri and his congressional office performed official actions on behalf of the Oshkosh Corporation, the Manitowoc Company, and the Plum Creek Timber Company. At the time that Representative Petri and his congressional office took these official actions, he or his wife owned stock in each of the companies.

If Representative Petri or his congressional office improperly performed an official act on behalf of a company in which he had a financial interest, then he may have violated House rules and standards of conduct.

RECOMMENDATION: The Board recommends that the Committee on Ethics further review the allegation, as there is substantial reason to believe that Representative Petri improperly performed official acts on behalf of companies in which he had a financial interest, in violation of House rules and standards of conduct.

VOTES IN THE AFFIRMATIVE: 5

VOTES IN THE NEGATIVE: 0

ABSTENTIONS: 1

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

**FINDINGS OF FACT AND CITATIONS TO LAW**

**REVIEW NO. 14-1891**

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OFFICE OF CONGRESSIONAL ETHICS  
UNITED STATES HOUSE OF REPRESENTATIVES

**FINDINGS OF FACT AND CITATIONS TO LAW**

Review No. 14-1891

On June 27, 2014, the Board of the Office of Congressional Ethics (hereafter “the Board”) adopted the following findings of fact and accompanying citations to laws, regulations, rules and standards of conduct (*in italics*).

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

**I. INTRODUCTION**

**A. Summary of Allegations**

1. From 2008 to 2013, Representative Thomas Petri and his congressional office provided assistance to the Oshkosh Corporation, the Manitowoc Company, and the Plum Creek Timber Company. At the time that Representative Petri and his congressional office took these official actions, he or his wife owned stock in each of the companies.<sup>1</sup>
2. If Representative Petri or his congressional office improperly performed an official act on behalf of a company in which he had a financial interest, then he may have violated House rules and standards of conduct.
3. The Board finds that there is substantial reason to believe that Representative Petri improperly performed official acts on behalf of companies in which he had a financial interest, in violation of House rules and standards of conduct.

**B. Jurisdictional Statement**

4. The allegations that were the subject of this review concern Representative Thomas Petri, a Member of the United States House of Representatives from the 6th District of Wisconsin. The Resolution the United States House of Representatives adopted creating the Office of Congressional Ethics 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.”<sup>2</sup> The House adopted this Resolution on March 11, 2008. Because the conduct under review occurred after March 11, 2008, review by the Board is in accordance with the Resolution.

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<sup>1</sup> During the course of the investigation, the OCE reviewed whether Representative Petri may have taken official action on behalf of the Danaher Corporation at a time when he held stock in the company. The OCE did not find any instances of improper conflicts of interest with respect to this company.

<sup>2</sup> H. Res 895, 110th Cong. §1(e) (2008) (as amended).

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**C. Procedural History**

5. On February 16, 2014, Representative Petri, responding to news reports concerning official acts he performed on behalf of companies in which he had financial interests, requested that the Committee on Ethics formally review the matter.
6. The OCE received a written request for a preliminary review in this matter signed by at least two members of the Board on February 27, 2014. The preliminary review commenced on February 28, 2014.<sup>3</sup> The preliminary review was scheduled to end on March 29, 2014.
7. At least three members of the Board voted to initiate a second-phase review in this matter on March 28, 2014. The second-phase review commenced on March 30, 2014.<sup>4</sup> The second-phase review was scheduled to end on May 13, 2014.
8. The Board voted to extend the second-phase review by an additional period of fourteen days on April 24, 2014. The additional period ended on May 27, 2014.
9. The Board voted to refer the matter to the Committee on Ethics and adopted these findings on June 27, 2014.
10. The report and its findings in this matter were transmitted to the Committee on Ethics on July 2, 2014.

**D. Summary of Investigative Activity**

11. The OCE requested documentary and, in some cases, testimonial information from the following sources:
  - (1) Representative Thomas Petri;
  - (2) Representative Petri's Chief of Staff;
  - (3) Representative Petri's Legislative Assistant;
  - (4) Representative Petri's Former Legislative Assistant;
  - (5) Office of the Secretary of Defense;
  - (6) Former Secretary of Defense;
  - (7) Office of the Secretary of the Army;

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<sup>3</sup> 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 H. Res. 895 of the 110<sup>th</sup> Congress (hereafter "the Resolution"), the timeframe for conducting a preliminary review is 30 days from the date of receipt of the Board's request.

<sup>4</sup> According to the Resolution, the Board must vote (as opposed to make a written authorization) on whether to conduct a second-phase review in a matter before the expiration of the 30-day preliminary review. If the Board votes for a second-phase, the second-phase commences the day after the preliminary review ends.

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- (8) Secretary of the Army;
- (9) House Armed Services Committee;
- (10) House Armed Services Committee Chairman;
- (11) House Armed Services Committee Ranking Member;
- (12) House Appropriations Committee;
- (13) House Appropriations Committee Staff Director;
- (14) Government Accountability Office (“GAO”);
- (15) Environmental Protection Agency (“EPA”);
- (16) EPA Office of Congressional and Intergovernmental Relations Official (“EPA Official”);
- (17) Oshkosh Corporation (“Oshkosh”);
- (18) Oshkosh Corporation Executive Vice President for Government Operations and Industry Relations (“Oshkosh EVP”);
- (19) Manitowoc Company (“Manitowoc”);
- (20) Manitowoc Company Senior Vice President for Washington Operations and Global Security (“Manitowoc SVP”);
- (21) Plum Creek Timber Company (“Plum Creek”); and
- (22) Lobbyist for Plum Creek Timber Company (“Plum Creek Lobbyist”).

**II. REPRESENTATIVE PETRI AND HIS CONGRESSIONAL OFFICE PERFORMED OFFICIAL ACTS FOR VARIOUS COMPANIES AT A TIME WHEN HE HAD A FINANCIAL INTEREST IN THOSE COMPANIES**

**A. Applicable Laws, Rules, and Standards of Conduct**

12. House Rules

*Pursuant to House Rule 23, clause 1, Members “shall behave at all times in a manner that shall reflect creditably on the House.”*

*Under House Rule 23, clause 2, Members “shall adhere to the spirit and the letter of the Rules of the House . . . .”*

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*Under House Rule 23, clause 3, Members “may not permit compensation<sup>5</sup> to accrue to the beneficial interest of such individual from any source, the receipt of which would occur by virtue of influence improperly exerted from the position of such individual in Congress.”*

*Under Section 5 of the Code of Ethics for Government Service, “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; and never accept for himself or his family, favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of his governmental duties.”*

### 13. House Ethics Manual and Precedent

*According to the House Ethics Manual, a Member’s action in “sponsoring legislation, advocating or participating in an action by a House Committee, or contacting an executive branch agency” entails “a degree of advocacy above and beyond that involved in voting, and thus a Member’s decision on whether to take any such action on a matter that may affect his or her personal financial interests requires added circumspection.”<sup>6</sup> A Member who considers advocating on a matter that may affect his “personal financial interest . . . should first contact the Standards Committee for guidance.”<sup>7</sup>*

*The House Ethics Manual further notes that “such actions may implicate the rules and standards . . . that prohibit the use of one’s official position for personal gain.”<sup>8</sup> The Manual advises that “[t]he rules and standards that prohibit the use of one’s official position for personal gain . . . are fully applicable to Members and staff persons with regard to their spouse’s employment. Specifically, a provision of the House Code of Official Conduct, prohibits a Member from receiving any compensation, or allowing any compensation to accrue to the Member’s beneficial interest, from any source as a result of an improper exercise of official influence (House Rule 23, cl. 3).”<sup>9</sup>*

*The Committee on Ethics has advised that “it is improper to ‘provid[e] official assistance to entities in which the Member has a significant financial interest.’”<sup>10</sup> “[O]fficial action under this definition may be improper even where it is not independently wrongful . . . the impropriety of official action in this context would be based solely on whether the action would inure to their narrow personal financial benefit.”<sup>11</sup> However, “[i]f a Member seeks to act on a matter where he might benefit as*

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<sup>5</sup> The Committee on Ethics has interpreted “compensation” to include “the service of a Member’s own ‘narrow, financial interests as distinct from those of their constituents.’” House Committee on Ethics, *In the Matter of Allegations Relating to Representative Shelley Berkley*, 112th Cong., 2nd Sess. (2012) (“In the Matter of Shelley Berkley”) at 38 (quoting House Ethics Manual (2008) at 314).

<sup>6</sup> House Ethics Manual at 237.

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> *Id.* at 245 (emphasis omitted).

<sup>10</sup> In the Matter of Shelley Berkley at 39 (quoting *In the Matter of Allegations Related to Representative Maxine Waters*, H. Rep. 112-690, 112th Cong., 2d Sess. (2012) (“In the Matter of Maxine Waters”) at 15).

<sup>11</sup> *Id.* at 39.

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*a member of a large class, the Committee has taken the position that such action does not require recusal.”<sup>12</sup> The Committee has also advised that its precedents “should not be read to permit Members free rein to act on behalf of a single entity in which they have a publicly disclosed financial interest, merely because there are numerous shareholders.”<sup>13</sup>*

*“Precedents on conflicts of interest do contemplate that disclosure, especially in instances where a Member’s interests are in line with the Member’s constituents, is the ‘preferred method of regulating possible conflicts of interest.’ However, such disclosure must be full and complete and, even if complete, does not always alleviate a conflict or permit a Member to act.”<sup>14</sup>*

*The Committee on Ethics “has warned Members that the failure to establish policies that inculcate ethical behavior can result in discipline.”<sup>15</sup> The Committee recommended reproof in a previous matter when “problematic conduct” was traceable “to the lack of any discernible policy with respect to conflicts of interest, or a procedure for interactions with” entities with whom there may be a conflict.<sup>16</sup>*

**B. Representative Petri Performed Official Acts on Behalf of the Oshkosh Corporation at the Time He Held a Financial Interest in the Company**

14. As of December 31, 2006, Representative Petri reported owning between \$100,000 and \$250,000 worth of stock in Oshkosh.<sup>17</sup> As of December 31, 2007, he reported owning between \$100,000 and \$250,000 worth of Oshkosh stock.<sup>18</sup> As of December 31, 2008, he reported owning between \$15,000 and \$50,000 worth of Oshkosh stock.<sup>19</sup> As of December 31, 2009, he reported owning between \$250,000 and \$500,000 worth of Oshkosh stock.<sup>20</sup> As of December 31, 2010, he reported owning between \$250,000 and \$500,000 worth of Oshkosh stock.<sup>21</sup> As of December 31, 2011, he reported owning between \$100,000 and \$250,000 worth of Oshkosh stock.<sup>22</sup> As of December 31, 2012, he reported owning between \$250,000 and \$500,000 worth of Oshkosh stock.<sup>23</sup> As of the December 31, 2013, Representative Petri reported owning between \$500,000 and \$1,000,000 worth of stock in Oshkosh.<sup>24</sup>
15. Representative Petri’s Chief of Staff told the OCE that she learned of Representative Petri’s ownership of Oshkosh stock in early 2007, when she and Representative Petri

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<sup>12</sup> *Id.*

<sup>13</sup> In the Matter of Maxine Waters at 14.

<sup>14</sup> *Id.* at 42 (citations omitted).

<sup>15</sup> *Id.* at 48. See also *In the Matter of Allegations Relating to Representative Don Young*, 113th Cong., 2d Sess. (2014) at 52-54.

<sup>16</sup> *Id.*

<sup>17</sup> See Calendar Year 2006 Financial Disclosure Statement for Representative Petri, dated April 30, 2007.

<sup>18</sup> See Calendar Year 2007 Financial Disclosure Statement for Representative Petri, dated May 6, 2008.

<sup>19</sup> See Calendar Year 2008 Financial Disclosure Statement for Representative Petri, dated May 6, 2009.

<sup>20</sup> See Calendar Year 2009 Financial Disclosure Statement for Representative Petri, dated May 2010.

<sup>21</sup> See Calendar Year 2010 Financial Disclosure Statement for Representative Petri, dated May 6, 2011.

<sup>22</sup> See Calendar Year 2011 Financial Disclosure Statement for Representative Petri, dated May 9, 2012.

<sup>23</sup> See Calendar Year 2012 Financial Disclosure Statement for Representative Petri, dated April 22, 2013.

<sup>24</sup> See Calendar Year 2013 Financial Disclosure Statement for Representative Petri, dated May 7, 2014.

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were completing an earmark request form, which required the Member to certify that he or she has no financial interest in the entity on whose behalf a request is submitted.<sup>25</sup>

16. The Chief of Staff said that she had a conversation with Representative Petri at that time about the potential impact that his stock ownership might have on actions taken by his congressional office.<sup>26</sup> She said that they discussed the need to “be careful as we proceeded in the future that anything we did was consistent with [H]ouse rules . . . .”<sup>27</sup>
17. The Chief of Staff said that, after becoming aware of this issue, no additional training was provided to Representative Petri or his staff about the ethics rules related to official acts performed for companies in which the Member owned stock.<sup>28</sup>
18. Both Representative Petri’s Legislative Assistant and his Former Legislative Assistant told the OCE that there were no written office policies or training specifically related to handling requests for official action by companies in which Representative Petri owned stock.<sup>29</sup> The Legislative Assistant said that the Chief of Staff “was aware of those things and would help flag potential issues.”<sup>30</sup> The Former Legislative Assistant explained that such situations were generally identified during weekly staff meetings and that the Chief of Staff would ensure they were “handled appropriately.”<sup>31</sup>
19. When asked if he ever discussed his stock ownership with representatives of Oshkosh, Representative Petri said that he had.<sup>32</sup> When asked what was discussed, Representative Petri said, “I say I bought it at 15. It went down to 3. This is not – it’s – overall it’s been one of my less successful investments . . . .”<sup>33</sup>
20. As discussed below, during the time when Representative Petri had a financial interest in Oshkosh through his stock ownership, he and his congressional office performed official actions on behalf of the company.
21. While Representative Petri and his congressional office sought Committee on Ethics guidance on many of the occasions on which assistance was provided to Oshkosh, on at least one occasion, it appears that the Committee was not provided accurate information about the content of a delegation letter to the Secretary of Defense. Further, on several other occasions, neither Representative Petri nor his congressional office sought Committee guidance before taking action on Oshkosh’s behalf.

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<sup>25</sup> Transcript of Interview of Representative Petri’s Chief of Staff, May 27, 2014 (“Chief of Staff Transcript”) (Exhibit 1 at 14-1891\_0006-0007).

<sup>26</sup> *Id.* at 14-1891\_0005-0006.

<sup>27</sup> *Id.* at 14-1891\_0005.

<sup>28</sup> *Id.* at 14-1891\_0007.

<sup>29</sup> Transcript of Interview of Representative Petri’s Legislative Assistant, May 22, 2014 (“Legislative Assistant Transcript”) (Exhibit 2 at 14-1891\_0089-0090); Transcript of Interview of Representative Petri’s Former Legislative Assistant, May 22, 2014 (“Former Legislative Assistant Transcript”) (Exhibit 3 at 14-1891\_0146-0147).

<sup>30</sup> Legislative Assistant Transcript (Exhibit 2 at 14-1891\_0089).

<sup>31</sup> Former Legislative Assistant Transcript (Exhibit 3 at 14-1891\_0147).

<sup>32</sup> Transcript of Interview of Representative Thomas Petri, May 27, 2014 (“Rep. Petri Transcript”) (Exhibit 4 at 14-1891\_0201).

<sup>33</sup> *Id.*



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a. Army Contract for Production of Family of Medium Tactical Vehicles

22. On August 26, 2009, Oshkosh was awarded a \$3 billion contract to produce vehicles from the Family of Medium Tactical Vehicles (“FMTV”) for the United States Army.<sup>34</sup>
23. In September 2009, the losing bidders filed protests with the Government Accountability Office (“GAO”), challenging the award of the FMTV contract to Oshkosh.<sup>35</sup>
24. Shortly after the protests were filed, members of the Texas congressional delegation took several actions – including sending a letter to the Secretary of Defense – on behalf of one of the losing bidders, a company based in Sealy, Texas, to raise concerns with the FMTV contract award to Oshkosh.<sup>36</sup>
25. Oshkosh then sought assistance from the Wisconsin congressional delegation, including Representative Petri, to counter the efforts of the Texas congressional delegation.<sup>37</sup>
26. Representative Petri thereafter performed several official acts on behalf of Oshkosh, outlined below, with respect to the FMTV contract. When asked if he or his congressional office sought guidance from the Committee on Ethics before providing such assistance to Oshkosh, Representative Petri said, “I believe we checked every step with the ethics committee. . . . We wouldn’t have taken any action without reaching out in advance. It was always done through the Chief of Staff.”<sup>38</sup>

*Contact with House Armed Services Committee Ranking Member*

27. At some point in late September 2009, Representative Petri had a conversation with the House Armed Services Committee (“HASC”) Chairman (then-Ranking Member), on the floor of the House, about the FMTV contract award and subsequent protest.<sup>39</sup>
28. According to Representative Petri, he provided the HASC Chairman with a memorandum and told him, “[T]his will explain what our interest is. I appreciate you taking a look at it

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<sup>34</sup> Government Accountability Office, *Decision in the Matter of Navistar Defense, LLC; BAE Systems, Tactical Vehicle Systems LP*, Dec. 14, 2009, at 5-6 (“GAO Report”).

<sup>35</sup> GAO Press Release, *Decision on Bid Protest by Navistar Defense and BAE Systems Regarding Army Truck Award to Oshkosh*, Dec. 14, 2009, available at [http://www.gao.gov/press/navistar\\_2009dec14.html](http://www.gao.gov/press/navistar_2009dec14.html).

<sup>36</sup> Chief of Staff Transcript (Exhibit 1 at 14-1891\_0014); see also Roxana Tiron, *Wisconsin Lawmakers Fight Back Critics of Oshkosh Truck Contract*, The Hill, Oct. 13, 2009, available at <http://thehill.com/homenews/campaign/62863-wisconsin-lawmakers-fight-back-critics-of-oshkosh-truck-contract->

<sup>37</sup> Transcript of Interview of Oshkosh EVP, May 29, 2014 (“Oshkosh EVP Transcript”) (Exhibit 5 at 14-1891\_0276-0277); Chief of Staff Transcript (Exhibit 1 at 14-1891\_0013-0014); Former Legislative Assistant Transcript (Exhibit 3 at 14-1891\_0159, 0167).

<sup>38</sup> Rep. Petri Transcript (Exhibit 4 at 14-1891\_0206-0207).

<sup>39</sup> *Id.* at 14-1891\_0208-0209; Chief of Staff Transcript (Exhibit 1 at 14-1891\_0014-0016).

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or giving it to your aides . . . .”<sup>40</sup> The HASC Chairman had no recollection of the conversation or memorandum.<sup>41</sup>

29. The memorandum from Representative Petri, entitled “Army Procurement – Family of Medium Tactical Vehicles,” explained that the FMTV contract “was awarded through a competitive bid,” but that the losing bidders had filed a protest.<sup>42</sup> It went on to note that “efforts may be underway by some members of the Texas and Mississippi delegations to circumvent the GAO protest process and insert language regarding the contract award in the DOD authorization and/or appropriations conference report.”<sup>43</sup>
30. The memorandum asks that “the established, fair process and procedures” in place for the protest review be followed and further requests “that no language regarding this procurement be included in the final agreement approved by conferees.”<sup>44</sup>
31. The final paragraph of the memorandum disclosed Representative Petri’s ownership of Oshkosh stock.<sup>45</sup>

In the interests of full disclosure, I do own some stock in Oshkosh. I was not involved in any way and did not weigh in on this contract award in any way. This is a major employer in my congressional district, and I am simply requesting fair treatment and that that we follow established procedure for my constituents.

32. Representative Petri did not know why the disclosure was included in the memorandum, suggesting that his Chief of Staff would know.<sup>46</sup>
33. Representative Petri’s Chief of Staff told the OCE that she drafted the memorandum and that the disclosure of Representative Petri’s stock ownership was included as a result of her consultation with the Committee on Ethics.<sup>47</sup>
34. According to the Chief of Staff, the Committee on Ethics advised that Representative Petri, when discussing the Oshkosh contract, should disclose that he owns Oshkosh stock, state that he had not weighed in on the original contract award, and explain that he was only seeking to let the process in place proceed without any political interference.<sup>48</sup> This

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<sup>40</sup> Rep. Petri Transcript (Exhibit 4 at 14-1891\_0209); Memorandum from Rep. Thomas Petri to House Armed Services Committee Chairman, “Army Procurement – Family of Medium Tactical Vehicles (FMTV)” (undated) (“HASC Memo”) (Exhibit 6 at 14-1891\_0317).

<sup>41</sup> Memorandum of Interview of House Armed Services Committee Chairman, May 23, 2014 (“HASC Chairman MOI”) (Exhibit 7 at 14-1891\_0319).

<sup>42</sup> HASC Memo (Exhibit 6 at 14-1891\_0317) (emphasis omitted).

<sup>43</sup> *Id.*

<sup>44</sup> *Id.* (emphasis in original).

<sup>45</sup> *Id.*

<sup>46</sup> Rep. Petri Transcript (Exhibit 4 at 14-1891\_0210).

<sup>47</sup> Chief of Staff Transcript (Exhibit 1 at 14-1891\_0015-0016).

<sup>48</sup> *Id.* at 14-1891\_0017.

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guidance appears to be reflected in handwritten notes taken by the Chief of Staff during or around the time of her contact with the Committee on Ethics.<sup>49</sup>

35. In addition to Representative Petri's contact with the HASC Chairman, an email from Representative Petri's Chief of Staff to an outside lobbyist for Oshkosh suggests that there were staff-level contacts regarding the FMTV contract: "I am trading calls with [the HASC Chairman's] personal [Chief of Staff] . . . to reinforce the Member conversation about leave the process alone and let it play out."<sup>50</sup>
36. The Oshkosh EVP told the OCE that he had no recollection of any outreach by Representative Petri to the HASC leadership.<sup>51</sup>
37. On May 21, 2014, the Committee on Ethics provided Representative Petri with a letter memorializing the communications Representative Petri or his staff had with Committee staff regarding the matters that are the subject of this review; Representative Petri subsequently provided that letter to the OCE.<sup>52</sup>
38. The Ethics Committee's memorialization of advice provided does not include any advice relating to Representative Petri's contact with the HASC Chairman.<sup>53</sup>

*October 9, 2009 Wisconsin Delegation Letter to Secretary of Defense*

39. Representative Petri signed, and his congressional office coordinated, an October 9, 2009 letter from the Wisconsin congressional delegation to the Secretary of Defense, on behalf of Oshkosh.<sup>54</sup>
40. The delegation letter asked the Secretary for "assistance in preserving the integrity of the defense acquisition process as it relates to the U.S. Army's Family of Medium Tactical Vehicles," expressing concern "with recent efforts . . . to publicly criticize the Army's contract award to Oshkosh Corporation . . . ."<sup>55</sup>

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<sup>49</sup> See Chief of Staff Handwritten Notes (Exhibit 8 at 14-1891\_0322); Chief of Staff Transcript (Exhibit 1 at 14-1891\_0023-0025).

<sup>50</sup> Email from Chief of Staff to Oshkosh Outside Lobbyist, Sept. 29, 2009 (Exhibit 9 at 14-1891\_0324).

<sup>51</sup> Oshkosh EVP Transcript (Exhibit 5 at 14-1891\_0284).

<sup>52</sup> Letter from the Chief Counsel and Staff Director, Committee on Ethics, to Rep. Thomas Petri, May 21, 2014 (Exhibit 10 at 14-1891\_0327-0329). The Committee's letter notes that the information provided may not represent all guidance given, as the Committee's records over the course of more than eight years may not be complete.

<sup>53</sup> *Id.*

<sup>54</sup> Letter from Wisconsin Congressional Delegation to Secretary of Defense, Oct. 9, 2009 (Exhibit 11 at 14-1891\_0331-0332); Chief of Staff Transcript (Exhibit 1 at 14-1891\_0018); Former Legislative Assistant Transcript (Exhibit 3 at 14-1891\_0159-0160).

<sup>55</sup> Letter from Wisconsin Congressional Delegation to Secretary of Defense, Oct. 9, 2009 (Exhibit 11 at 14-1891\_0331).

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41. The delegation letter was initiated and drafted by Oshkosh.<sup>56</sup> Representative Petri's office took the lead in distributing the letter to the other Wisconsin House members and collecting signatures on the final draft sent to the Secretary.<sup>57</sup>
42. The Oshkosh EVP described the letter as part of "an active publicity campaign to counteract . . . misinformation that was being put out" by the losing bidders.<sup>58</sup> He explained that he did not believe that anyone at the Department of Defense or in Congress "would do anything to improperly influence the GAO's decision . . . this was more of a publicity thing than anything else . . . ."<sup>59</sup>
43. Representative Petri did not recall how the delegation letter was initiated.<sup>60</sup> When asked if he or his office consulted with the Ethics Committee about the letter, he said it would have been the office's "general policy" to reach out to the Committee on "anything dealing with Oshkosh probably."<sup>61</sup> When asked if he had any conversations with his Chief of Staff about guidance from the Committee, he said, "She would report what they advised, and I'd say follow their advice."<sup>62</sup>
44. On October 1, 2009, Representative Petri's Chief of Staff sent Representative Petri's Former Legislative Assistant, who was at the time responsible for military issues in Representative Petri's office, an email with the subject "oshkosh letter":<sup>63</sup>

**From:** Gebhardt, Debbie  
**Sent:** Thursday, October 01, 2009 12:25:22 PM  
**To:** Fenlon, James  
**Subject:** oshkosh letter

once we get the language, I'll run it by ethics committee just so we can say we got clearance if anyone raises anything.

45. According to the Chief of Staff, the contact with the Committee on Ethics was prompted by Representative Petri's ownership of Oshkosh stock: "[T]here was talk of the delegation letter so I wanted to be sure because he owned the stock, would this be okay to do on behalf of this constituent company that we have that was under attack . . . ."<sup>64</sup>

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<sup>56</sup> Oshkosh EVP Transcript (Exhibit 5 at 14-1891\_0277-0279); Chief of Staff Transcript (Exhibit 1 at 14-1891\_0018).

<sup>57</sup> Chief of Staff Transcript (Exhibit 1 at 14-1891\_0018); Former Legislative Assistant Transcript (Exhibit 3 at 14-1891\_0160).

<sup>58</sup> Oshkosh EVP Transcript (Exhibit 5 at 14-1891\_0280).

<sup>59</sup> *Id.* at 14-1891\_0279-0280.

<sup>60</sup> Rep. Petri Transcript (Exhibit 4 at 14-1891\_0207).

<sup>61</sup> *Id.* at 14-1891\_0207-0208.

<sup>62</sup> *Id.* at 14-1891\_00208.

<sup>63</sup> Email from Chief of Staff to Former Legislative Assistant, Oct. 1, 2009 (Exhibit 12 at 14-1891\_0334).

<sup>64</sup> Chief of Staff Transcript (Exhibit 1 at 14-1891\_0020).

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46. Later on October 1, 2009, the Chief of Staff again emailed the Former Legislative Assistant to report on her conversation with the Committee on Ethics:<sup>65</sup>

**From:** Gebhardt, Debbie  
**Sent:** Thursday, October 01, 2009 3:49 PM  
**To:** Fenlon, James  
**Subject:** RE: oshkosh letter

Actually I talked to ethics and they said no problem -- as long as it says let the process that is in place proceed , etc.

47. While the Chief of Staff could not recall the specific guidance she was given by the Committee on Ethics, she said that, “based on this email I’d say okay, as long as the message is let the process in place proceed.”<sup>66</sup>

48. The delegation letter to the Secretary of Defense did not include any disclosure of Representative Petri’s financial interest in Oshkosh.<sup>67</sup>

49. When asked if the need for disclosure of Representative Petri’s stock ownership was discussed with the Committee on Ethics, the Chief of Staff said, “I don’t recall if I discussed it, but I assume if they said to disclose for this delegation letter I would have done that if that was the understanding I had or if they suggested that.”<sup>68</sup>

50. When asked why Representative Petri’s stock ownership was not disclosed to the Secretary of Defense when it had been disclosed in the memorandum to the HASC Chairman, the Chief of Staff said, “Because ethics committee did not suggest doing that.”<sup>69</sup>

51. An October 14, 2009 press release noted that “Petri, with the help of Sen. Herb Kohl, organized a letter to Defense Secretary Robert Gates from the entire Wisconsin delegation . . . .”<sup>70</sup> In the release, Representative Petri is quoted as saying, “Oshkosh Corp. won this contract fair and square, but the losers are trying to take it away.”<sup>71</sup>

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<sup>65</sup> Email from Chief of Staff to Former Legislative Assistant, Oct. 1, 2009 (Exhibit 12 at 14-1891\_0334).

<sup>66</sup> Chief of Staff Transcript (Exhibit 1 at 14-1891\_0021).

<sup>67</sup> Letter from Wisconsin Congressional Delegation to Secretary of Defense, Oct. 9, 2009 (Exhibit 11 at 14-1891\_0331-0332).

<sup>68</sup> Chief of Staff Transcript (Exhibit 1 at 14-1891\_0021).

<sup>69</sup> *Id.* at 14-1891\_0022.

<sup>70</sup> Media Advisory, *Wisconsin Congressional Delegation Defends Oshkosh Corp., Jobs*, Oct. 14, 2009 (Exhibit 13 at 14-1891\_0336).

<sup>71</sup> *Id.*

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52. The Ethics Committee letter to Representative Petri, memorializing the advice provided on the topics of this review, indicates that Representative Petri's staff contacted the Committee regarding this delegation letter.<sup>72</sup>

- On or around October 1, 2009, a member of your staff contacted Committee staff regarding a request to sign a letter from the Wisconsin congressional delegation to the Secretary of Defense regarding a military truck contract that was awarded to Oshkosh Corporation. Committee staff has no record of whether or not your staff mentioned your financial interest in Oshkosh Corporation. Your staff said that the Texas congressional delegation was signing a letter supporting the entities that did not win the contract, and the Wisconsin delegation was preparing to sign its own letter asking the Secretary of Defense to allow the bid protest process to proceed pursuant to normal Department of Defense policy and not allow outside intervention in the process. Your staff further said that the letter would not mention Oshkosh Corporation specifically. Committee staff provided informal, staff-level guidance that you could sign onto the Wisconsin delegation letter.

53. However, while the Ethics Committee's memorialization indicates that the Committee had been told that the letter "would not mention Oshkosh Corporation specifically,"<sup>73</sup> the version sent to the Secretary includes several references to the company. The letter first notes that the signers "are concerned with recent efforts, based on inaccurate and incomplete information, to publicly criticize the Army's contract award to Oshkosh Corporation . . . ."<sup>74</sup>

54. The delegation letter goes on to include a paragraph of additional information about Oshkosh and its historical relationship with the Department of Defense.<sup>75</sup>

Finally, we believe the ongoing public relations campaign initiated by disappointed parties has disseminated a significant amount of incomplete and inaccurate information regarding the FMTV competition. Oshkosh Corporation is a strong, diverse company that has produced over 67,000 military vehicles for use by our armed forces, and is well situated to reliably serve the Department of Defense for decades to come. Oshkosh officials assure us that they have more than enough capacity to handle the anticipated FMTV production, as well as any surge production that might be required, with no impact on its existing contracts. In fact, the DOD scrutinized and confirmed Oshkosh's manufacturing capacity and capability in two separate reviews this year, during both the M-ATV and FMTV competitions. Over its 80-year history of manufacturing vehicles for the Department of Defense, Oshkosh and its highly-skilled union workforce has proven its capability to delivery quality products on schedule while keeping costs low to the government.

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<sup>72</sup> Letter from the Chief Counsel and Staff Director, Committee on Ethics, to Rep. Thomas Petri, May 21, 2014 (Exhibit 10 at 14-1891\_0328).

<sup>73</sup> *Id.*

<sup>74</sup> Letter from Wisconsin Congressional Delegation to Secretary of Defense, Oct. 9, 2009 (Exhibit 11 at 14-1891\_0331).

<sup>75</sup> *Id.*

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*December 9, 2009 Telephone Conversation with Secretary of the Army*

55. On December 9, 2009, Representative Petri had a telephone conversation with the Secretary of the Army about the FMTV contract.<sup>76</sup>
56. Representative Petri said that his Chief of Staff may have suggested that he contact the Secretary of the Army.<sup>77</sup> The Oshkosh EVP told the OCE that he “was not privy to” Representative Petri’s call to the Secretary of the Army.<sup>78</sup>
57. Representative Petri said that, in the telephone conversation, he “urged the Secretary to follow the rules, stick by the guns and not, because of political pressure, reverse the decision that they’ve made on the merits.”<sup>79</sup>
58. Representative Petri did not recall, but does not believe, that he disclosed his ownership of Oshkosh stock to the Secretary of the Army during the call.<sup>80</sup>
59. According to Representative Petri, the Secretary’s response was, “Thank you very much,” and that the Secretary indicated he was “very aware of the issue.”<sup>81</sup>
60. The Secretary of the Army told the OCE that Representative Petri requested the telephone conversation, and that, during the call, Representative Petri expressed his concern about the protest lodged by the losing FMTV contract bidders and urged that the Army move expeditiously to implement the contract after the protest was resolved.<sup>82</sup>
61. According to the Secretary of the Army, Representative Petri’s contact was similar to roughly a dozen of contacts he receives from Members of Congress each week, noting that it was established practice for Members to advocate for companies in their districts.<sup>83</sup> He noted that he believes Representative Petri may have asked for a telephone call because Oshkosh was located in his congressional district.<sup>84</sup>
62. The Secretary of the Army said that he was not aware that Representative Petri owned stock in Oshkosh at the time of the call; he only learned about Representative Petri’s financial interest as a result of the OCE’s review.<sup>85</sup> He said that knowledge of Representative Petri’s financial interest would not have affected how he handled the FMTV contract or protest.<sup>86</sup>

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<sup>76</sup> Rep. Petri Transcript (Exhibit 4 at 14-1891\_0211); Chief of Staff Transcript (Exhibit 1 at 14-1891\_0026).

<sup>77</sup> Rep. Petri Transcript (Exhibit 4 at 14-1891\_0211).

<sup>78</sup> Oshkosh EVP Transcript (Exhibit 5 at 14-1891\_0284).

<sup>79</sup> Rep. Petri Transcript (Exhibit 4 at 14-1891\_0211).

<sup>80</sup> *Id.* at 14-1891\_0212-0213.

<sup>81</sup> *Id.* at 14-1891\_0211.

<sup>82</sup> Memorandum of Interview of Secretary of the Army, May 27, 2014 (“Secretary of the Army MOI”) (Exhibit 14 at 14-1891\_0340).

<sup>83</sup> *Id.*

<sup>84</sup> *Id.* at 14-1891\_0341.

<sup>85</sup> *Id.* at 14-1891\_0340.

<sup>86</sup> *Id.*

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63. The Chief of Staff was able to hear Representative Petri's side of the conversation with the Secretary.<sup>87</sup> The Chief of Staff said of the call: "the primary purpose was the same message that the delegation had been sending and the concerns that were raised about the political pressure being put on by the Texas delegation, and there was concern that should the Wisconsin delegation continue or be a counterbalance to that . . . ."<sup>88</sup>
64. Reviewing her handwritten notes from the call, the Chief of Staff further explained that, "the message [was to] follow the regular order, let the GAO process continue without political interference."<sup>89</sup>
65. The Chief of Staff did not recall consulting with the Committee on Ethics regarding this call.<sup>90</sup> The Chief of Staff did not recall whether Representative Petri disclosed his ownership of Oshkosh stock during the call.<sup>91</sup>
66. The OCE did not find any evidence suggesting that Representative Petri's office consulted with the Ethics Committee regarding this call, and the letter from the Ethics Committee summarizing its advice to Representative Petri on this matter does not mention this call.<sup>92</sup>

*December 22, 2009 Wisconsin Delegation Letter to Secretary of the Army*

67. On December 14, 2009, GAO issued its decision on the protests filed by the FMTV contract losing bidders.<sup>93</sup> GAO sustained the protests and recommended that the Army reevaluate certain aspects of the proposals submitted by the three bidders.<sup>94</sup>
68. On December 22, 2009, Representative Petri and the other Members of the Wisconsin delegation sent a letter to the Secretary of the Army urging him "to move quickly to implement the recent recommendations of the [GAO] regarding the pending contract with Oshkosh Corporation to produce the Army's Family of Medium Tactical Vehicles."<sup>95</sup>
69. Representative Petri did not recall how the letter was initiated or whether the Ethics Committee was consulted prior to sending the letter, suggesting that his Chief of Staff would likely know the answers to both questions.<sup>96</sup>
70. The letter was drafted by and sent at the request of Oshkosh.<sup>97</sup> Representative Petri's office took a lead role in circulating the draft letter to Members of the Wisconsin delegation.<sup>98</sup>

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<sup>87</sup> Chief of Staff Transcript (Exhibit 1 at 14-1891\_0026).

<sup>88</sup> *Id.* at 14-1891\_0026-0027.

<sup>89</sup> *Id.* at 14-1891\_0027; *see also* Chief of Staff Handwritten Notes (Exhibit 15 at 14-1891\_0343).

<sup>90</sup> Chief of Staff Transcript (Exhibit 1 at 14-1891\_0030).

<sup>91</sup> *Id.*

<sup>92</sup> Letter from the Chief Counsel and Staff Director, Committee on Ethics, to Rep. Thomas Petri, May 21, 2014 (Exhibit 10 at 14-1891\_0327-0329).

<sup>93</sup> GAO Report at 1.

<sup>94</sup> *Id.* at 23.

<sup>95</sup> Letter from Wisconsin Congressional Delegation to Secretary of the Army, Dec. 22, 2009 (Exhibit 16 at 14-1891\_0345).

<sup>96</sup> Rep. Petri Transcript (Exhibit 4 at 14-1891\_0214).



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71. Prior to sending the letter to the Secretary of the Army, the Chief of Staff contacted the Committee on Ethics for review of the letter.<sup>99</sup> According to the Chief of Staff, while she could not recall the specific conversation, in her initial telephone call with the Ethics Committee staff, she told them: “[T]his is another delegation letter that we’re contemplating sending, given the fact that Congressman Petri owned stock and I’m going to send you the letter and is it okay for him to sign the, send the letter.”<sup>100</sup>
72. On December 18, 2009, the Chief of Staff emailed a copy of the draft letter to the Ethics Committee staff, asking, “[l]et me know what you think – again, this is a major constituent company in our district that Mr. Petri would be defending no matter what!!”<sup>101</sup>
73. Later that same day, the Chief of Staff sent a slightly revised version of the letter for the Ethics Committee staff member to review.<sup>102</sup> The Ethics Committee staff member emailed back: “That change is fine – I re-read the whole letter.”<sup>103</sup>
74. The Chief of Staff told the OCE that while she had disclosed to the Ethics Committee staff the fact of Representative Petri’s stock ownership, “there was not any mention from the ethics committee that he needed to disclose it.”<sup>104</sup>

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<sup>97</sup> Oshkosh EVP Transcript (Exhibit 5 at 14-1891\_0281); Chief of Staff Transcript (Exhibit 1 at 14-1891\_0031-0032).

<sup>98</sup> See Former Legislative Assistant Transcript (Exhibit 3 at 14-1891\_0167-0168); email from Former Legislative Assistant to Wisconsin Delegation Staff, Dec. 17, 2009 (Exhibit 17 at 14-1891\_0349-0350); email from Former Legislative Assistant to Wisconsin Delegation Staff, Dec. 18, 2009 (Exhibit 18 at 14-1891\_0353).

<sup>99</sup> Chief of Staff Transcript (Exhibit 1 at 14-1891\_0032-0034).

<sup>100</sup> *Id.* at 14-1891\_0034.

<sup>101</sup> Email from Chief of Staff to Committee on Ethics Staff Member, Dec. 18, 2009 (Exhibit 19 at 14-1891\_0357).

<sup>102</sup> Email from Chief of Staff to Committee on Ethics Staff Member, Dec. 18, 2009 (Exhibit 20 at 14-1891\_0359).

<sup>103</sup> Email from Committee on Ethics Staff Member to Chief of Staff, Dec. 18, 2009 (Exhibit 20 at 14-1891\_0359). The Ethics Committee staff raised another issue with the letter, unrelated to this matter: the staff advised that each Member signing the letter should have some official connection to the subject matter. See Chief of Staff Transcript (Exhibit 1 at 14-1891\_0032-0033). This issue was resolved before the letter was sent. See email from Chief of Staff to Committee on Ethics Staff Member, Dec. 18, 2009 (“apparently every district has some kind of connection to Oshkosh – checked that out”) (Exhibit 20 at 14-1891\_0359).

<sup>104</sup> Chief of Staff Transcript (Exhibit 1 at 14-1891\_0035).

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75. The Ethics Committee's memorialization of advice provided to Representative Petri indicates that Representative Petri's staff consulted with the Committee regarding this letter.<sup>105</sup>

- On or around December 18, 2009, a member of your staff contacted Committee staff regarding a request to sign another Wisconsin delegation letter to the Secretary of Defense following publication of the Department of Defense decision in the reexamination of the Oshkosh Corporation defense contract. Again, Committee staff has no record of whether or not your staff mentioned your financial interest in Oshkosh Corporation. Committee staff reviewed the letter, and provided informal, staff-level guidance suggesting one small edit to the letter after which you could sign onto the letter.

*February 26, 2010 Letter from Representative Petri to Secretary of the Army*

76. On February 12, 2010, the Army announced that, after reevaluating the various proposals, it was affirming the award of the FMTV contract to Oshkosh.<sup>106</sup> That same day, Representative Petri issued a news release noting that he was “pleased but . . . not surprised” with the Army’s decision.<sup>107</sup>
77. On February 26, 2010, Representative Petri sent a letter to the Secretary of the Army, thanking him for “conducting the [FMTV] procurement in such a fair and professional manner . . . .”<sup>108</sup> Representative Petri went on to ask that the Secretary “reject efforts to award an additional bridge contract to the losing incumbent” and “notify me of any activity by the Army to initiate an additional bridge contract to the losing incumbent.”<sup>109</sup>
78. Representative Petri did not recall what prompted his letter to the Secretary, nor did he recall any consultation with the Committee on Ethics about the letter.<sup>110</sup>
79. According to the Oshkosh EVP, the letter was drafted by Oshkosh.<sup>111</sup>

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<sup>105</sup> Letter from the Chief Counsel and Staff Director, Committee on Ethics, to Rep. Thomas Petri, May 21, 2014 (Exhibit 10 at 14-1891\_0328).

<sup>106</sup> Department of the Army, Re-Evaluation Contract Announcement, Feb. 12, 2010 (Exhibit 21 at 14-1891\_0361).

<sup>107</sup> Rep. Thomas Petri News Release, *Army Reaffirms Oshkosh Contract*, Feb. 12, 2010 (Exhibit 22 at 14-1891\_0363).

<sup>108</sup> Letter from Rep. Thomas Petri to Secretary of the Army, Feb. 26, 2009 (Exhibit 23 at 14-1891\_0366).

<sup>109</sup> *Id.*

<sup>110</sup> Rep. Petri Transcript (Exhibit 4 at 14-1891\_0214-0215).

<sup>111</sup> Oshkosh EVP Transcript (Exhibit 5 at 14-1891\_0282).

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80. Before the letter was sent to the Secretary of the Army, Representative Petri's Chief of Staff sent the proposed letter to Committee on Ethics staff for review, noting Representative Petri's ownership of Oshkosh stock.<sup>112</sup>

**From:** Gebhardt, Debbie  
**Sent:** Friday, February 26, 2010 1:46 PM  
**To:** Dixon, Carol  
**Subject:** Army Contract and Oshkosh Corp

Hi Carol --

Here is the proposed letter to Army Secretary just flagging the potential push for a "bridge" contract on the part of BAE. Again, the only place we have seen this mentioned is in Texas newspapers. So again, given Rep. Petri's stock ownership issue (though in the scheme of things not that much), wanted to make sure it was OK to send as part of his representing one of our largest employers/constituents.

Thanks!

Debbie

*Debra Gebhardt  
Chief of Staff  
Rep. Thomas E. Petri*

81. Later that same day, the Chief of Staff again emailed the Ethics Committee staff to acknowledge that she "received [her] voice mail message approving the letter."<sup>113</sup> According to the Chief of Staff, the Ethics Committee staff did not provide any additional guidance or suggestions regarding the letter; rather, "she said it was okay to send."<sup>114</sup>

82. When asked about this letter from Representative Petri, the Secretary of the Army told the OCE that he has received dozens of similar letters from Members of Congress.<sup>115</sup> He said that Representative Petri's letter had no impact on the Army's ultimate decision not to award a bridge contract to the losing incumbent bidder.<sup>116</sup>

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<sup>112</sup> Email from Chief of Staff to Committee on Ethics Staff Member, Feb. 26, 2010 (Exhibit 24 at 14-1891\_0368).

<sup>113</sup> Email from Chief of Staff to Committee on Ethics Staff Member, Feb. 26, 2010 (Exhibit 24 at 14-1891\_0368).

<sup>114</sup> Chief of Staff Transcript (Exhibit 1 at 14-1891\_0037).

<sup>115</sup> Secretary of the Army MOI (Exhibit 14 at 14-1891\_0341).

<sup>116</sup> *Id.*

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83. The Ethics Committee's memorialization of advice provided to Representative Petri indicates that Representative Petri's staff consulted with the Committee regarding this letter:<sup>117</sup>

- On or around February 26, 2010, a member of your staff contacted Committee staff regarding a request to sign onto a third letter from the Wisconsin delegation to the Secretary of Defense regarding the Oshkosh Corporation contract bid dispute. Again, Committee staff has no record of whether or not your staff mentioned your financial interest in Oshkosh Corporation. This letter urged the Army not to award a one-year bridge contract to another defense contractor while Oshkosh Corporation geared up for its contract. Committee staff reviewed the draft letter and provided informal, staff-level guidance saying that you could sign onto the letter.

b. Department of Defense Proposed Omnibus Reprogramming Action

84. On June 10, 2013, Representative Petri and seven other Members of the House sent a joint letter to the Chair and Ranking Members of both the House Armed Services Committee and the House Defense Appropriations Subcommittee, expressing concerns about a proposed Department of Defense Omnibus Reprogramming Action, which would have impacted funding for the Army's tactical wheeled vehicle programs.<sup>118</sup>

85. Representative Petri and the other Members requested that the Committee leaders "reject DOD's request to reprogram any fiscal year 2013 funding for the Army's Family of Medium and Heavy tactical wheeled vehicles."<sup>119</sup>

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<sup>117</sup> Letter from the Chief Counsel and Staff Director, Committee on Ethics, to Rep. Thomas Petri, May 21, 2014 (Exhibit 10 at 14-1891\_0328).

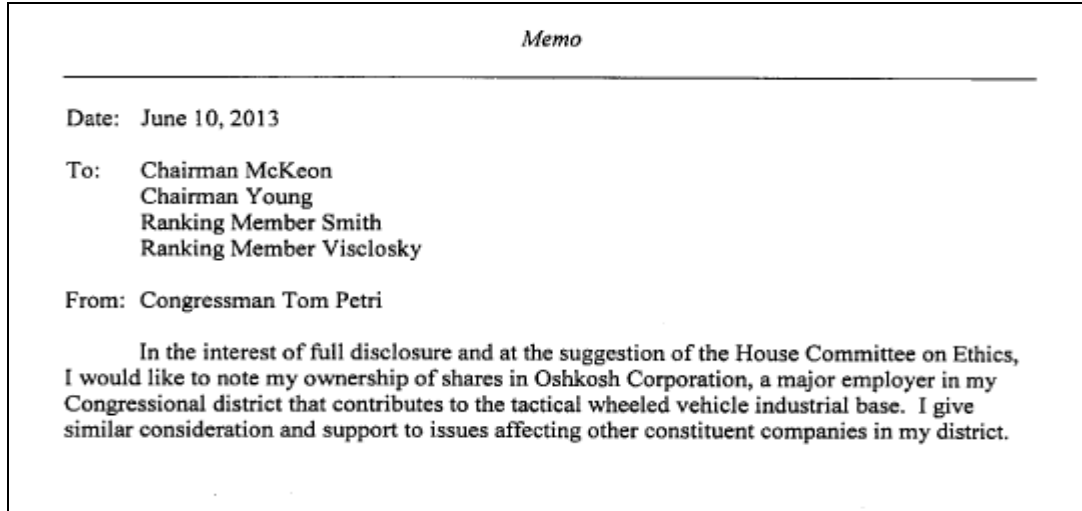
<sup>118</sup> Letter from Rep. Thomas Petri, *et al.*, to Chairman and Ranking Member, House Armed Services Committee and Chairman and Ranking Member, House Defense Appropriations Subcommittee, June 10, 2013 (Exhibit 25 at 14-1891\_0370-0371).

<sup>119</sup> *Id.* at 14-1891\_0371.

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86. Included with the letter was a separate memo from Representative Petri disclosing his ownership of Oshkosh stock.<sup>120</sup>



87. In his interview with the OCE, Representative Petri said that he did not recall either the letter or the attached memorandum.<sup>121</sup>

88. According to both the Oshkosh EVP and Representative Petri's Chief of Staff, the letter was initiated by Oshkosh.<sup>122</sup> In a May 22, 2013 email to the Chief of Staff and another former legislative assistant, the Oshkosh EVP outlined his plans for the letter, noting, "[T]his is very important for the company."<sup>123</sup>

89. The Chief of Staff told the OCE that she consulted with the Committee on Ethics before this letter was sent, and that her contact with the Committee was prompted by Representative Petri's ownership of Oshkosh stock.<sup>124</sup>

90. While she could not recall the specific conversation, the Chief of Staff said that the Ethics Committee advised that Representative Petri disclose his ownership of Oshkosh stock to the recipients of the letter.<sup>125</sup>

91. The Ethics Committee letter memorializing the advice provided to Representative Petri and his congressional office does not include any advice relating to Representative Petri's letter on the reprogramming request.<sup>126</sup>

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<sup>120</sup> Memorandum from Rep. Thomas Petri to Chairman and Ranking Member, House Armed Services Committee and Chairman and Ranking Member, House Defense Appropriations Subcommittee, June 10, 2013 (Exhibit 25 at 14-1891\_0372).

<sup>121</sup> Rep. Petri Transcript (Exhibit 4 at 14-1891\_0215-0216).

<sup>122</sup> Oshkosh EVP Transcript (Exhibit 5 at 14-1891\_0288); Chief of Staff Transcript (Exhibit 1 at 14-1891\_0038).

<sup>123</sup> Email from Oshkosh EVP to Chief of Staff, *et al.*, May 22, 2013 (Exhibit 26 at 14-1891\_0374).

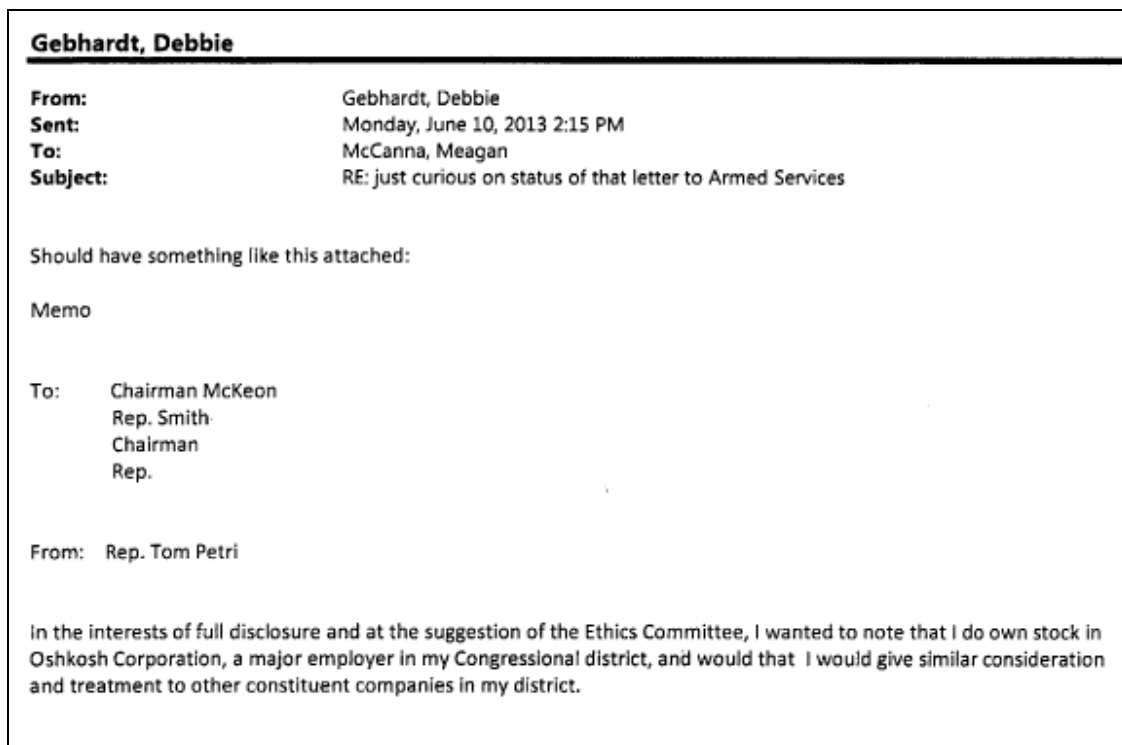
<sup>124</sup> Chief of Staff Transcript (Exhibit 1 at 14-1891\_0038).

<sup>125</sup> *Id.*

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92. Ethics Committee advice, however, appears to be reflected in a June 7, 2013 email from the Chief of Staff to the former legislative assistant: “Again, ethics suggested we put that note on it so don’t want to forget that.”<sup>127</sup> On June 10, 2013, the Chief of Staff emailed the former legislative assistant a draft attachment:<sup>128</sup>



93. The Chief of Staff told the OCE that she did not recall any discussion with the Ethics Committee about why disclosure of Representative Petri’s stock ownership was appropriate in some cases but not required in others.<sup>129</sup> Rather, the Chief of Staff “looked at each instance based on what their advice was for that. . . . If they’d said do it I would have done it as we did do when they said to do it.”<sup>130</sup>

94. The Chief of Staff did not recall any other assistance provided to Oshkosh with respect to the reprogramming request.<sup>131</sup>

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<sup>126</sup> Letter from the Chief Counsel and Staff Director, Committee on Ethics, to Rep. Thomas Petri, May 21, 2014 (Exhibit 10 at 14-1891\_0327-0329).

<sup>127</sup> Email from Chief of Staff to Meagan McCanna, June 7, 2013 (Exhibit 27 at 14-1891\_0379).

<sup>128</sup> Email from Chief of Staff to Meagan McCanna, June 10, 2013 (Exhibit 27 at 14-1891\_0378).

<sup>129</sup> Chief of Staff Transcript (Exhibit 1 at 14-1891\_0039).

<sup>130</sup> *Id.* at 14-1891\_0039-0041.

<sup>131</sup> *Id.* at 14-1891\_0041-0042.

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95. The HASC Chairman told the OCE that he did not recall receiving either the letter or the attached memorandum.<sup>132</sup> He did not recall any other contacts with Representative Petri related to this reprogramming request.<sup>133</sup>

c. Truck Weight Limits

96. Pierce Manufacturing (“Pierce”) is an Oshkosh subsidiary that manufactures fire trucks and related equipment.<sup>134</sup>

97. In November 2011, Representative Petri’s Chief of Staff communicated with representatives of Oshkosh regarding federal truck weight limits as they applied to the delivery of fire engines manufactured by Pierce.<sup>135</sup>

98. On November 29, 2011, the Chief of Staff reported back to the Oshkosh representatives: “Alright – talked to Jennifer on the [Highways and Transit] Subcommittee and passed on Petri’s interest and support for addressing.”<sup>136</sup>

99. The Chief of Staff told the OCE that she “had talked to a member of the subcommittee staff, other members had expressed support and were working on this issue . . . So just although I can’t recall the exact conversation like I said this was something that Congressman Petri had an interest in as well.”<sup>137</sup>

100. The Chief of Staff noted that the legislative change sought by Pierce was of importance to a broad range of companies: “My understanding is this wasn’t just Oshkosh, it was in general the fire and emergency vehicle association, the whole community. . . . I think it affected the emergency vehicle industry.”<sup>138</sup>

101. The Chief of Staff said that she did not believe that she sought Ethics Committee advice, nor did she disclose Representative Petri’s ownership of Oshkosh stock, before or during the conversation with the subcommittee staff.<sup>139</sup>

102. The letter from the Ethics Committee summarizing its advice to Representative Petri on this matter does not mention this contact.<sup>140</sup>

d. Sale to United Arab Emirates

103. At some point prior to July 2012, Oshkosh signed an agreement with the United Arab Emirates (“UAE”) for the sale of Oshkosh-produced military vehicles.<sup>141</sup> Before that

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<sup>132</sup> HASC Chairman MOI (Exhibit 7 at 14-1891\_0319).

<sup>133</sup> *Id.*

<sup>134</sup> Oshkosh EVP Transcript (Exhibit 5 at 14-1891\_0254).

<sup>135</sup> See email exchange between Chief of Staff and Will Stone, Nov. 28-29, 2011 (Exhibit 28 at 14-1891\_0381-0385); Chief of Staff Transcript (Exhibit 1 at 14-1891\_0044).

<sup>136</sup> Email from Chief of Staff to Will Stone, Nov. 29, 2011 (Exhibit 28 at 14-1891\_0381).

<sup>137</sup> Chief of Staff Transcript (Exhibit 1 at 14-1891\_0045-0046).

<sup>138</sup> *Id.* at 14-1891\_0044.

<sup>139</sup> *Id.* at 14-1891\_0046.

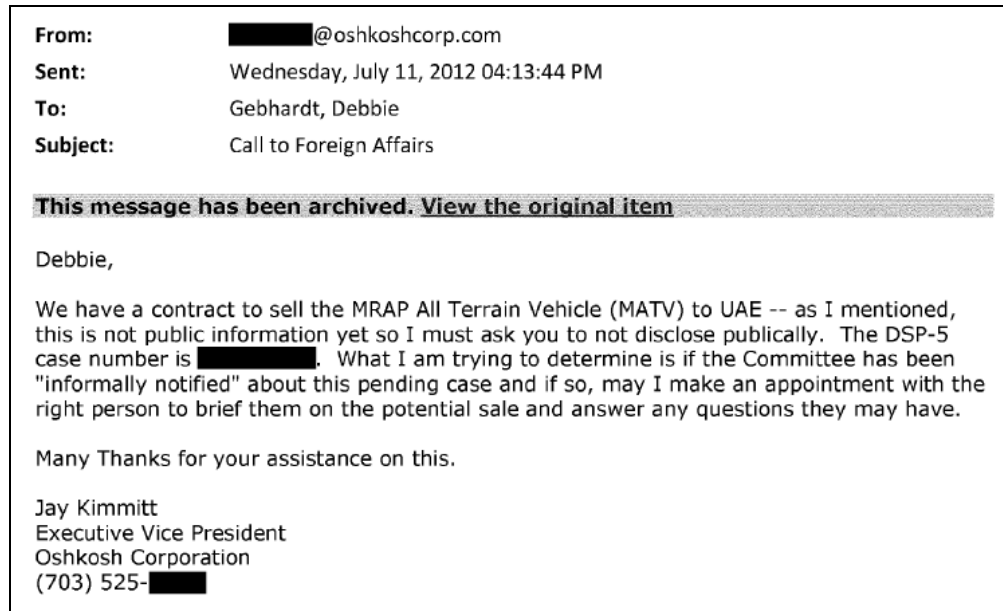
<sup>140</sup> Letter from Chief Counsel and Staff Director, Committee on Ethics, to Rep. Thomas Petri, May 21, 2014 (Exhibit 10 at 14-1891\_0327-0329).

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sale could proceed, it required approval from the House Foreign Affairs and the Senate Foreign Relations Committees.<sup>142</sup>

104. On July 11, 2012, the Oshkosh EVP emailed Representative Petri's Chief of Staff asking for assistance with determining whether the House Foreign Affairs Committee had been notified about the pending sale and whether he could arrange a briefing for Committee staff.<sup>143</sup>



105. After receiving the request from Oshkosh, the Chief of Staff contacted the Foreign Affairs Committee staff to ask whether “the state department sent up the request and if so if you have any questions, you know, [the Oshkosh EVP] will be available to answer them . . . .”<sup>144</sup> Later that day, she reported to the Oshkosh EVP that, “They are checking on who handles this at the Committee. Will let you know.”<sup>145</sup> The Oshkosh EVP thanked her, noting that “this program is very important to the company.”<sup>146</sup>

106. On July 12, 2012, the Chief of Staff again emailed the Oshkosh EVP: “Heard back from committee, they said case hasn’t come up yet for preconsultation. They don’t expect it to generate controversy when it does.”<sup>147</sup> She later added, “I asked them if I could check periodically on status.”<sup>148</sup>

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<sup>141</sup> Oshkosh EVP Transcript (Exhibit 5 at 14-1891\_0265).

<sup>142</sup> *Id.*

<sup>143</sup> Email from Oshkosh EVP to Chief of Staff, July 11, 2012 (Exhibit 29 at 14-1891\_0387).

<sup>144</sup> Chief of Staff Transcript (Exhibit 1 at 14-1891\_0048).

<sup>145</sup> Email from Chief of Staff to Oshkosh EVP, July 11, 2012 (Exhibit 30 at 14-1891\_0390).

<sup>146</sup> Email from Oshkosh EVP to Chief of Staff, July 11, 2012 (Exhibit 30 at 14-1891\_0389-0390).

<sup>147</sup> Email from Chief of Staff to Oshkosh EVP, July 12, 2012 (Exhibit 31 at 14-1891\_0393).

<sup>148</sup> Email from Chief of Staff to Oshkosh EVP, July 12, 2012 (Exhibit 31 at 14-1891\_0393).



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107. The Oshkosh EVP described the assistance provided by Representative Petri's congressional office as primarily "to tell me who in the [H]ouse we needed to talk to and . . . she told us that the case had not come – if I remember correctly, pre-notification or pre-clearance had not hit the Hill yet."<sup>149</sup> He added that the Chief of Staff "helped educate me on the process."<sup>150</sup>
108. The Chief of Staff told the OCE that she did not consult with the Ethics Committee before providing this assistance to Oshkosh, stating, "It was simply checking on the status of something."<sup>151</sup>
109. The Ethics Committee letter memorializing the advice provided to Representative Petri and his congressional office does not include any advice relating to this matter.<sup>152</sup>

e. Meetings with Egyptian Officials

110. The Oshkosh EVP recalled two official meetings between Representative Petri and representatives from the Egyptian government in which he participated.<sup>153</sup>
111. According to the Oshkosh EVP, the first meeting took place in or around May 2006:<sup>154</sup>

This was an Egyptian delegation and Mr. Petri invited me to come up. . . . I don't recall exactly what Mr. Petri's interest in Egypt is, but he has – my recollection is he has a specific interest in Egypt and has good relationships with, you know, Egyptian officials. We also had contracts with Egypt and had built trucks for Egypt and Egypt was also building our truck in – in their Egyptian – the old Egyptian M-1 tank facility. So we had a relationship with Egypt. He invited me into his office when this delegation came in and he introduced me as a representative of Oshkosh Truck Corporation, which our name at that time was, and I met all of these folks. I couldn't tell you right now a single name or a person or a position. I sat there during their discussions and when they all left, I shook their hands and smiled and off I went.<sup>155</sup>

112. According to the Oshkosh EVP, the discussions were "not substantive."<sup>156</sup> He described them as "a lot of diplomatic latitudes as I recall."<sup>157</sup> He said that there was no discussion of Oshkosh's commercial relationship with Egypt, and that the meeting did not lead to later communications between Oshkosh and Egyptian officials.<sup>158</sup> The

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<sup>149</sup> Oshkosh EVP Transcript (Exhibit 5 at 14-1891\_0267).

<sup>150</sup> *Id.*

<sup>151</sup> Chief of Staff Transcript (Exhibit 1 at 14-1891\_0048-0049).

<sup>152</sup> Letter from the Chief Counsel and Staff Director, Committee on Ethics, to Rep. Thomas Petri, May 21, 2014 (Exhibit 10 at 14-1891\_0327-0329).

<sup>153</sup> Oshkosh EVP Transcript (Exhibit 5 at 14-1891\_0296-0297, 0299).

<sup>154</sup> The Board notes that the first meeting falls outside of the OCE's jurisdiction.

<sup>155</sup> Oshkosh EVP Transcript (Exhibit 5 at 14-1891\_0297-0298).

<sup>156</sup> *Id.* at 14-1891\_0298.

<sup>157</sup> *Id.*

<sup>158</sup> *Id.*

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Oshkosh EVP said that he thought Representative Petri “was just trying to bring someone up to meet these guys so he wouldn’t have to meet them alone.”<sup>159</sup>

113. An email from the Oshkosh EVP to Representative Petri’s Chief of Staff, however, suggests that Oshkosh may have sought out the opportunity to participate in the meeting.<sup>160</sup>

-----Original Message-----  
From: Jay Kimmitt [REDACTED]@oshtruck.com]  
Sent: Monday, May 08, 2006 5:11 PM  
To: Gebhardt, Debbie  
Subject: Egyptian Military Visit

Debbie,

We would like to participate in the meeting with the Egyptian military visit to Mr. Petri if you accept their offer. Happy to host a lunch for the group and Mr. Petri if this is how he would like to do the visit. Let me know if we can work this out.

Many thanks,

Jay Kimmitt  
Senior Vice President, Washington Operations Oshkosh Truck Corporation 1300 North 17th Street, Suite 1040 Arlington, VA 22209-3801 703.525. [REDACTED]  
703.525.8408 (fax)

114. Sometime after the meeting, talking points were prepared for Representative Petri for use at a Hilbert Economic Summit on August 16, 2007; the talking points highlight an Oshkosh contract to sell military trucks to Egypt as a “Specific Wisconsin Success Stor[y].”<sup>161</sup>

- Oshkosh Truck has enjoyed international success. Earlier this year, the company signed a contract with the Egyptian Defense ministry for specially designed military trucks - expanding their markets and creating opportunities for other Wisconsin companies

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<sup>159</sup> *Id.*

<sup>160</sup> Email from Oshkosh EVP to Chief of Staff, May 8, 2006 (Exhibit 32 at 14-1891\_0398-0399).

<sup>161</sup> Talking Points, Rep. Tom Petri, Hilbert Economic Summit, Suggested Topic: “Perspectives on the Region and Beyond,” Aug. 16, 2007 (Exhibit 33 at 14-1891\_0405).

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115. The second meeting occurred on or around May 15, 2008.<sup>162</sup> An email from Representative Petri's Chief of Staff to the Oshkosh EVP indicates that Representative Petri initiated the idea of Oshkosh's participation in this meeting:<sup>163</sup>

**From:** Gebhardt, Debbie  
**Sent:** Wednesday, May 07, 2008 01:53:16 PM  
**To:** [REDACTED]@oshtruck.com'  
**Subject:** Egyptians

Hi Jay:

As you may recall, you joined Rep. Petri for a meeting that the Egyptian Office of the Defense Attache requested for the Egyptian White Paper delegation (senior Armed Forces officials) to discuss security and military objectives.

We haven't set up meeting yet, but he was wondering if you guys would be interested in joining us again for the meeting?

They are here next week.

Debbie

116. Two days later, the Oshkosh EVP replied to the Chief of Staff: "please let me know when the meeting is and i would like to make it. most appreciate. thanks."<sup>164</sup>
117. The Oshkosh EVP told the OCE, "I recall I went to another grip and grin, as I call it, with Egyptian officials in his office with the same explanation and result."<sup>165</sup> He said that there was no discussion of Oshkosh's business with Egypt at that meeting, nor did any follow-up communications result from the meeting.<sup>166</sup>
118. The Oshkosh EVP told the OCE that he had no recollection of Representative Petri ever being involved in communications that Oshkosh had with Egyptian officials about its business with that country.<sup>167</sup>

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<sup>162</sup> See Rep. Petri Calendar Entry, Delegates of the Egyptian Office of the Defense Attaché, May 15, 2008 (Exhibit 34 at 14-1891\_0409); Oshkosh EVP Transcript (Exhibit 5 at 14-1891\_0299).

<sup>163</sup> Email from Chief of Staff to Oshkosh EVP, May 7, 2008 (Exhibit 35 at 14-1891\_0411).

<sup>164</sup> Email from Oshkosh EVP to Chief of Staff, May 9, 2008 (Exhibit 36 at 14-1891\_0413).

<sup>165</sup> Oshkosh EVP Transcript (Exhibit 5 at 14-1891\_0299). The Board notes that a May 15, 2008 email from one of Representative Petri's staff members to the Chief of Staff and a legislative assistant notes: "[Oshkosh EVP] just called [-] he can't make it to the egyptian attaché meeting" (Exhibit 37 at 14-1891\_0416).

<sup>166</sup> Oshkosh EVP Transcript (Exhibit 5 at 14-1891\_0299).

<sup>167</sup> *Id.* at 14-1891\_0300.

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119. According to an entry from Representative Petri's schedule, he was to meet with delegates of the Egyptian Office of the Defense Attaché.<sup>168</sup> The calendar entry noted that the Oshkosh EVP would be joining the meeting:<sup>169</sup>

<b>Subject:</b>	Copy: Delegates of the Egyptian Office of the Defense Attaché
<b>Start:</b>	Thu 05/15/2008 04:00 PM
<b>End:</b>	Thu 05/15/2008 04:30 PM
<b>Recurrence:</b>	{none}
<b>Meeting Status:</b>	Not yet Responded
<b>Required Attendees:</b>	Schwartz, Tyler

\*Also joining is Jay Kimmitt of Oshkosh Corporation  
\*To discuss the status of the US-Egyptian strategic relationship in light of the situation in Iraq, Iran-Israeli & Palestinian negotiations, and developments in Sudan and terrorist issues

120. When asked why the Oshkosh EVP joined this meeting, Representative Petri's Chief of Staff told the OCE, "Because Oshkosh Corporation or Egyptians had bought Oshkosh trucks or will buy Oshkosh trucks."<sup>170</sup> She recalled that "Oshkosh Corporation had sat in previously" with Egyptian officials.<sup>171</sup>
121. The Chief of Staff did not know what role the Oshkosh EVP was to have during the meeting, nor did she know whether there was any discussion of Oshkosh's sale of vehicles to Egypt.<sup>172</sup>
122. Neither documents provided to the OCE nor the Ethics Committee letter memorializing the advice provided to Representative Petri and his congressional office indicate that advice relating to this matter was sought or provided.<sup>173</sup>

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123. In sum, although Representative Petri and his congressional staff sought Committee on Ethics advice and received Committee approval prior to several communications with executive branch officials and House committee leadership on behalf of Oshkosh, in several instances, advice was not sought or the advice provided was based on incomplete or inaccurate information.<sup>174</sup>

<sup>168</sup> Rep. Petri Calendar Entry, Delegates of the Egyptian Office of the Defense Attaché, May 15, 2008 (Exhibit 34 at 14-1891\_0409).

<sup>169</sup> *Id.*

<sup>170</sup> Chief of Staff Transcript (Exhibit 1 at 14-1891\_0049).

<sup>171</sup> *Id.* at 14-1891\_0050.

<sup>172</sup> *Id.*

<sup>173</sup> Letter from the Chief Counsel and Staff Director, Committee on Ethics, to Rep. Thomas Petri, May 21, 2014 (Exhibit 10 at 14-1891\_0327-0329).

<sup>174</sup> Pursuant to Committee on Ethics rules, the Committee "may take no adverse action in regard to any conduct that has been undertaken in reliance on a written opinion if the conduct conforms to the specific facts in the opinion." Committee on Ethics Rule 3(k), 113th Cong. (Feb. 5, 2013).

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124. In the case of the October 9, 2009 delegation letter to the Secretary of Defense, it appears that Committee on Ethics was not given accurate information about the content of the letter prior to advising Representative Petri's staff that he could sign the letter.
125. Representative Petri's office did not seek Ethics Committee advice prior to Representative Petri's telephone call with the Secretary of the Army regarding Oshkosh's FMTV contract award; the Chief of Staff's communications with Transportation Committee staff regarding Representative Petri's support for an exemption in truck weight limits for emergency vehicle deliveries; the Chief of Staff's communications with Foreign Affairs Committee staff regarding Oshkosh's sale of vehicles to the UAE; or the Oshkosh EVP's participation in official meetings with Egyptian officials.

**C. Representative Petri Performed Official Acts on Behalf of the Manitowoc Company at the Time He Held a Financial Interest in the Company**

126. As of December 31, 2006, Representative Petri reported owning between \$100,000 and \$250,000 worth of stock in Manitowoc.<sup>175</sup> As of December 31, 2007, he reported owning between \$250,000 and \$500,000 worth of Manitowoc stock.<sup>176</sup> As of December 31, 2008, he reported owning between \$50,000 and \$100,000 worth of Manitowoc stock.<sup>177</sup> As of December 31, 2009, he reported owning between \$100,000 and \$250,000 worth of Manitowoc stock.<sup>178</sup> As of December 31, 2010, he reported owning between \$100,000 and \$250,000 worth of Manitowoc stock.<sup>179</sup> As of December 31, 2011, he reported owning between \$100,000 and \$250,000 worth of Manitowoc stock.<sup>180</sup> As of December 31, 2012, he reported owning between \$100,000 and \$250,000 worth of Manitowoc stock.<sup>181</sup> As of the December 31, 2013, Representative Petri reported owning between \$250,000 and \$500,000 worth of Manitowoc stock.<sup>182</sup>
127. Since Representative Petri purchased stock in Manitowoc, he and his congressional office have performed official acts on behalf of the company.<sup>183</sup>

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<sup>175</sup> See Calendar Year 2006 Financial Disclosure Statement for Representative Petri, dated April 30, 2007.

<sup>176</sup> See Calendar Year 2007 Financial Disclosure Statement for Representative Petri, dated May 6, 2008.

<sup>177</sup> See Calendar Year 2008 Financial Disclosure Statement for Representative Petri, dated May 6, 2009.

<sup>178</sup> See Calendar Year 2009 Financial Disclosure Statement for Representative Petri, dated May 2010.

<sup>179</sup> See Calendar Year 2010 Financial Disclosure Statement for Representative Petri, dated May 6, 2011.

<sup>180</sup> See Calendar Year 2011 Financial Disclosure Statement for Representative Petri, dated May 9, 2012.

<sup>181</sup> See Calendar Year 2012 Financial Disclosure Statement for Representative Petri, dated April 22, 2013.

<sup>182</sup> See Calendar Year 2013 Financial Disclosure Statement for Representative Petri, dated May 7, 2014.

<sup>183</sup> Representative Petri's congressional office provided assistance to Manitowoc on another occasion prior to the OCE's jurisdiction. In early 2007, Representative Petri's staff arranged and attended a meeting between Manitowoc and the Office of Management and Budget ("OMB"), so that Manitowoc could present its views on a proposed Environmental Protection Agency ("EPA") rule phasing out certain chemicals. See Transcript of Interview of Manitowoc SVP ("Manitowoc SVP Transcript") (Exhibit 38 at 14-1891\_0432-0433); Chief of Staff Transcript (Exhibit 1 at 14-1891\_0057-0058); emails from Lindsay Bowers to Chief of Staff, Jan. 16, 2007 (Exhibit 39 at 14-1891\_0460-0462). The Manitowoc SVP told the Chief of Staff that "[t]his could not have been done without the Congressman's assistance in getting our concerns across to EPA and OMB." Email from Manitowoc SVP to Chief of Staff, Feb. 14, 2007 (Exhibit 39 at 14-1891\_0463). The Manitowoc SVP told the OCE that "if we didn't get to

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128. The Chief of Staff told the OCE that she learned of Representative Petri's ownership of Manitowoc stock in early 2007, at the same time that she learned of his ownership of Oshkosh stock.<sup>184</sup>
129. According to the Chief of Staff, there were no specific changes to office policies or procedures as they related to requests for assistance from Manitowoc, "other than again trying to be aware if there were requests."<sup>185</sup>
130. The Chief of Staff explained that when the congressional office received a request for assistance from Manitowoc, "the hope would be that we'd consider did we need to consult with ethics or could we take this action."<sup>186</sup> She discussed the need for this additional consideration with Representative Petri and other staff members.<sup>187</sup> However, as detailed below, this consultation did not occur.
131. In September 2012, the Manitowoc SVP contacted Representative Petri's congressional office seeking assistance in getting clarification about a hardship exemption the company was seeking regarding certain diesel engines used in its cranes.<sup>188</sup>
132. According to the Manitowoc SVP, the exemption would "literally prevent Manitowoc from losing roughly \$500 [million] in revenue and laying off workers!"<sup>189</sup>
133. The initial request for assistance came by email from the Manitowoc SVP to Representative Petri's Chief of Staff, who forwarded the request to the Legislative Assistant responsible for handling the issue.<sup>190</sup>
134. When asked if she sought Ethics Committee guidance after receiving the request for assistance from Manitowoc, the Chief of Staff told the OCE, "I apparently did not."<sup>191</sup>
135. According to the Legislative Assistant, the congressional office provided "two bursts" of assistance to Manitowoc with respect to the hardship exemption application.<sup>192</sup>
136. First, after consulting with the Manitowoc SVP, the Legislative Assistant initiated a series of email and telephone contacts with the EPA seeking a status update on Manitowoc's application.<sup>193</sup>

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say our say, it would have been . . . we would have been noncompetitive for a couple years . . ." Manitowoc SVP Transcript (Exhibit 38 at 14-1891\_0440). The Chief of Staff told the OCE that the congressional office did not seek Ethics Committee guidance before contacting OMB. Chief of Staff Transcript (Exhibit 1 at 14-1891\_0059).

<sup>184</sup> Chief of Staff Transcript (Exhibit 1 at 14-1891\_0053).

<sup>185</sup> *Id.* at 14-1891-0053-0054.

<sup>186</sup> *Id.* at 14-1891\_0054.

<sup>187</sup> *Id.*

<sup>188</sup> Manitowoc SVP Transcript (Exhibit 38 at 14-1891\_0433-0434).

<sup>189</sup> Email from Manitowoc SVP to Legislative Assistant, Nov. 15, 2012 (Exhibit 40 at 14-1891\_0467).

<sup>190</sup> Email from Manitowoc SVP to Chief of Staff, Sept. 19, 2012 (Exhibit 41 at 14-1891\_0472); email from Chief of Staff to Manitowoc SVP and Legislative Assistant, Sept. 19, 2012 (Exhibit 41 at 14-1891\_0472).

<sup>191</sup> Chief of Staff Transcript (Exhibit 1 at 14-1891\_0056).

<sup>192</sup> Legislative Assistant Transcript (Exhibit 2 at 14-1891\_0106).

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137. According to the EPA Official with whom the Legislative Assistant corresponded, the request from Representative Petri's office was no different from requests he receives from other Members' offices on a daily basis.<sup>194</sup>
138. In addition to contacting the EPA, the Legislative Assistant said that he may have had a conversation with staff of the National Association of Manufacturers, who had experience with these types of issues and with whom Manitowoc had been working.<sup>195</sup>
139. The Legislative Assistant said that, after his contacts with the EPA, "Manitowoc got back to us and said that it seemed to be fine; that they had enough of a comfort level based on their conversations with EPA that they were comfortable."<sup>196</sup>
140. On November 15, 2012, the Manitowoc SVP emailed Representative Petri's Legislative Assistant and Chief of Staff with an update on the matter, noting that they had reached "the best possible result":<sup>197</sup>

From: Bernard, Al J ([REDACTED]@manitowoc.com)  
Sent: Thursday, November 15, 2012 5:52 PM  
To: James, Kevin  
Cc: Gebhardt, Debbie  
Subject: Re: Tier IV Engines -- Hardship Request

Kevin,  
We kept "hounding" them for some documentation that they would consider us for exemption at the appropriate time, and they did! I think it's unprecedented. I'll forward it to you under another e-mail. This is really the best possible result. Thank you for your help and we will keep you apprised.  
Best,  
Al

141. The Manitowoc SVP later told Representative Petri's Chief of Staff that the result "[c]ouldn't have happen [*sic*] w/o Mr. Petri's staff."<sup>198</sup>
142. The second "burst" of assistance from Representative Petri's office came approximately eight months later, when Manitowoc was still seeking clarification regarding the status of the hardship exemption application.<sup>199</sup>

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<sup>193</sup> *Id.*; Transcript of Interview of EPA Official, May 27, 2014 ("EPA Official Transcript") (Exhibit 42 at 14-1891\_0477-0479); email from Legislative Assistant to EPA Official, Sept. 26, 2012 (Exhibit 43 at 14-1891\_0493); email from EPA Official to Legislative Assistant, Oct. 5, 2012 (Exhibit 43 at 14-1891\_0492-0493); email from Legislative Assistant to EPA Official, Oct. 15, 2012 (Exhibit 43 at 14-1891\_0492).

<sup>194</sup> EPA Official Transcript (Exhibit 42 at 14-1891\_0480-0481).

<sup>195</sup> Legislative Assistant Transcript (Exhibit 2 at 14-1891\_0113-0114).

<sup>196</sup> *Id.* at 14-1891\_0113.

<sup>197</sup> Email from Manitowoc SVP to Legislative Assistant and Chief of Staff, Nov. 15, 2012 (Exhibit 44 at 14-1891\_0495).

<sup>198</sup> Email from Manitowoc SVP to Chief of Staff, Nov. 15, 2012 (Exhibit 41 at 14-1891\_0470).

<sup>199</sup> Legislative Assistant Transcript (Exhibit 2 at 14-1891\_0114-0115); Letter from Representative Thomas Petri to EPA Regional Administrator – Region 5, Aug. 8, 2013 (Exhibit 45 at 14-1891\_0499-0500).

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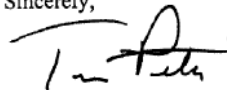
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143. On August 8, 2013, Representative Petri sent a letter to an EPA Regional Administrator, explaining that he had again been contacted by Manitowoc regarding the pending application for a hardship exemption.<sup>200</sup>
144. In the letter to the EPA, Representative Petri “urge[d] that full consideration be given to Manitowoc’s application for an exemption,” noting that, “from what I have been told, significant revenue and jobs are at stake” should the exemption be delayed.<sup>201</sup>

I strongly urge that full consideration be given to Manitowoc’s application for an exemption under this process. I understand that the company has worked proactively on this process for over two years and, from what I have been told, significant revenue and jobs are at stake should they not be able to fulfill orders early next year.

Please don’t hesitate to contact Kevin James in my office at [kevin.james@mail.house.gov](mailto:kevin.james@mail.house.gov) or 202-225-████ if we can be of assistance in any way.

Sincerely,



Thomas E. Petri

145. When asked if she sought Ethics Committee review of the letter before it was sent, Representative Petri’s Chief of Staff told the OCE, “I don’t believe I did.”<sup>202</sup> She also did not believe that Representative Petri’s ownership of Manitowoc stock was disclosed to the EPA when this letter was sent.<sup>203</sup>
146. The Ethics Committee letter memorializing the advice provided to Representative Petri and his congressional office does not include any advice relating to this matter.<sup>204</sup>
147. When asked if he was aware that Manitowoc was facing this issue relating to its diesel engines, Representative Petri said, “I’m sure they discussed it with me, but I don’t recall anything specific about it.”<sup>205</sup>
148. Representative Petri did not recall being aware of the assistance his office provided.<sup>206</sup> When asked if he was part of any discussion about the assistance he or his office could

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<sup>200</sup> Letter from Representative Thomas Petri to EPA Regional Administrator – Region 5, Aug. 8, 2013 (Exhibit 45 at 14-1891\_0499-500).

<sup>201</sup> *Id.* at 14-1891\_0500.

<sup>202</sup> Chief of Staff Transcript (Exhibit 1 at 14-1891\_0063).

<sup>203</sup> *Id.*

<sup>204</sup> Letter from the Chief Counsel and Staff Director, Committee on Ethics, to Rep. Thomas Petri, May 21, 2014 (Exhibit 10 at 14-1891\_0327-0239).

<sup>205</sup> Rep. Petri Transcript (Exhibit 4 at 14-1891\_0226).

<sup>206</sup> *Id.* at 14-1891\_0222-0224.



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provide Manitowoc, Representative Petri said, “We would have, I assume, done whatever we would do with any company.”<sup>207</sup>

149. The Chief of Staff recalled discussing the letter to the EPA with the Legislative Assistant, but she did not recall sharing the letter with Representative Petri.<sup>208</sup>
150. However, the Legislative Assistant recalled receiving Representative Petri’s approval for the assistance provided to Manitowoc: “[A]t some point in the process I recall that I basically got his approval to – I filled him in on the situation and got his approval to proceed essentially with assisting them through the EPA.”<sup>209</sup>
151. On September 16, 2013, the Manitowoc SVP reported to Representative Petri’s Legislative Assistant that EPA “did comment verbally that it was ‘good’ that ‘Congress’ chimed in our behalf . . . .”<sup>210</sup>
152. The EPA Official who worked with Representative Petri’s staff on this matter told the OCE that Representative Petri’s stock ownership was not disclosed to him during the initial contacts or in the subsequent letter from Representative Petri.<sup>211</sup>
153. The EPA Official said that he has never been faced with a situation in which a Member disclosed ownership of stock in a company on whose behalf his or her office was contacting the EPA; he said that if such a situation did arise, “it might set off some sort of flag in [his] mind, and [he] might actually consult with others” at the EPA.<sup>212</sup>
154. According to the Manitowoc SVP, as of the date of his interview with the OCE, the EPA was still considering the company’s request for a hardship exemption.<sup>213</sup>

**D. Representative Petri Performed Official Acts on Behalf of the Plum Creek Timber Company at the Time He or His Wife Held a Financial Interest in the Company**

155. As of December 31, 2012, Representative Petri reported owning between \$50,000 and \$100,000 worth of stock in Plum Creek.<sup>214</sup> As of December 31, 2013, he reported owning between \$100,000 and \$250,000 worth of stock in Plum Creek.<sup>215</sup>

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<sup>207</sup> *Id.* at 14-1891\_0223.

<sup>208</sup> Chief of Staff Transcript (Exhibit 1 at 14-1891\_0062-0063).

<sup>209</sup> Legislative Assistant Transcript (Exhibit 2 at 14-1891\_0117).

<sup>210</sup> Email from Manitowoc SVP to Legislative Assistant, Sept. 16, 2013 (Exhibit 46 at 14-1891\_0502).

<sup>211</sup> EPA Official Transcript (Exhibit 42 at 14-1891\_0479-0480; 0485-0486).

<sup>212</sup> *Id.* at 14-1891\_00480.

<sup>213</sup> Manitowoc SVP Transcript (Exhibit 38 at 14-1891\_0435).

<sup>214</sup> *See* Calendar Year 2012 Financial Disclosure Statement for Representative Petri, dated April 22, 2013.

<sup>215</sup> *See* Calendar Year 2013 Financial Disclosure Statement for Representative Petri, dated May 7, 2014. In his Calendar Year 2013 Financial Disclosure Statement, Representative Petri reported that his spouse purchased between \$50,000 and \$100,000 in Plum Creek stock on March 13, 2013. In the same report, Representative Petri reported that he held between \$100,000 and \$250,000 in Plum Creek stock; he did not identify this asset as held by his spouse or held jointly.

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156. Prior to the most recent redistricting in Wisconsin, Plum Creek owned forest land in Representative Petri's congressional district.<sup>216</sup>
157. Since Representative Petri's wife purchased Plum Creek stock, Representative Petri and his congressional office have performed official acts on behalf of Plum Creek. It appears that in one case, Representative Petri's office sought guidance from the Ethics Committee before taking the action requested by Plum Creek, but that the office did not seek Ethics Committee guidance in other instances.
- a. Support for the Land and Water Conservation Fund ("LWCF")
158. The LWCF provides funding to federal, state, and local governments to purchase land for conservation and recreation purposes.<sup>217</sup> According to one organization, since its inception in 1965, the LWCF has helped state and local communities acquire over 7 million acres of land and has underwritten the development of more than 41,000 state and local parks and recreation areas.<sup>218</sup>
159. On May 15, 2012, the Plum Creek Lobbyist emailed Representative Petri's Legislative Assistant to ask for Representative Petri's support of an LWCF legislative provision.<sup>219</sup>
160. On May 17, 2012, several days after Representative Petri's wife purchased Plum Creek stock, the Legislative Assistant responded to the request by noting that Representative Petri "agreed to sign the LWCF letter."<sup>220</sup>
161. The Legislative Assistant said that Representative Petri "is generally supportive of conservation and has signed a lot of letters in the past in support of LWCF."<sup>221</sup>
162. According to both the Legislative Assistant and the Plum Creek Lobbyist, the LWCF is important to a number of entities. The Legislative Assistant told the OCE, "Typically with the Land and Water Conservation Fund, we actually would be contacted by a lot of public lands group, Trust for Public Land and some others. And so there was a lot of different constituent groups who reached out to us to ask for support" of the LWCF.<sup>222</sup> The Plum Creek Lobbyist said that he works "with a coalition of folks from the conservation community" on the LWCF.<sup>223</sup>

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<sup>216</sup> Rep. Petri Transcript (Exhibit 4 at 14-1891\_0226); Chief of Staff Transcript (Exhibit 1 at 14-1891\_0065).

<sup>217</sup> See U.S. Forest Service, LWCF Purchases – About the Fund, *available at* <http://www.fs.fed.us/land/staff/LWCF/about.shtml>.

<sup>218</sup> See Trust for Public Land, LWCF, *available at* <http://www.tpl.org/land-and-water-conservation-fund-lwcf>.

<sup>219</sup> Email from Plum Creek Lobbyist to Legislative Assistant, May 15, 2012 (Exhibit 47 at 14-1891\_0504).

<sup>220</sup> Email from Legislative Assistant to Plum Creek Lobbyist, May 17, 2012 (Exhibit 47 at 14-1891\_0504).

<sup>221</sup> Legislative Assistant Transcript (Exhibit 2 at 14-1891\_0123).

<sup>222</sup> *Id.*

<sup>223</sup> Transcript of Interview of Plum Creek Lobbyist, May 23, 2014 ("Plum Creek Lobbyist Transcript") (Exhibit 48 at 14-1891\_0518).

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163. Representative Petri's Chief of Staff told the OCE, "Again, the land and water conservation fund is a large, they have millions of dollars supporting a lot of different types of projects around the country."<sup>224</sup>
164. The Chief of Staff told the OCE that she could not recall whether there was any contact with the Ethics Committee seeking guidance as to whether it was appropriate for Representative Petri to take the action requested by Plum Creek.<sup>225</sup>
165. The Ethics Committee letter memorializing the advice provided to Representative Petri and his congressional office does not include any advice relating to this matter.<sup>226</sup>

b. Forest Roads Legislation

166. In July 2012, the Plum Creek Lobbyist emailed the Legislative Assistant to ask for Representative Petri's support of legislation regarding the regulation of forest roads by the EPA under the Clean Water Act.<sup>227</sup>
167. Later that same day, a former legislative assistant for Representative Petri emailed the Plum Creek Lobbyist: "I'm happy to let you know that Congressman Petri is a cosponsor of the bill and will surely support it in Committee."<sup>228</sup>
168. According to the Plum Creek Lobbyist, the company undertook its efforts in support of the forest roads legislation in conjunction with other companies and organizations, including the National Alliance of Forest Owners ("NAFO").<sup>229</sup> The Plum Creek Lobbyist said this issue involved a very broad coalition of interested parties.<sup>230</sup>

c. Truck Weight Limits

169. The Plum Creek Lobbyist told the OCE that he has had no contacts with Representative Petri or his congressional office on the issue of truck weight limits since Representative Petri or his spouse purchased stock in the company.<sup>231</sup>
170. Representative Petri's Chief of Staff told the OCE that she was only made aware of Plum Creek's interest in the truck weight limits issue through news reports about Representative Petri's stock ownership, noting that she had "never specifically considered that."<sup>232</sup> She added, "I can remember that they had an interest like literally hundreds of companies around the country do. . . . Any company that's moving goods on the highways could potentially be impacted . . . ."<sup>233</sup>

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<sup>224</sup> Chief of Staff Transcript (Exhibit 1 at 14-1891\_0071).

<sup>225</sup> *Id.*

<sup>226</sup> Letter from the Chief Counsel and Staff Director, Committee on Ethics, to Rep. Thomas Petri, May 21, 2014 (Exhibit 10 at 14-1891\_0327-0329).

<sup>227</sup> Email from Plum Creek Lobbyist to Chief of Staff and Legislative Assistant, July 24, 2012 (Exhibit 49 at 14-1891\_0537-0538).

<sup>228</sup> Email from Meagan McCanna to Plum Creek Lobbyist, July 24, 2012 (Exhibit 49 at 14-1891\_0537).

<sup>229</sup> Plum Creek Lobbyist Transcript (Exhibit 48 at 14-1891\_0522-0523).

<sup>230</sup> *Id.* at 14-1891\_0523.

<sup>231</sup> *Id.* at 14-1891\_0520.

<sup>232</sup> Chief of Staff Transcript (Exhibit 1 at 14-1891\_0065).

<sup>233</sup> *Id.* at 14-1891\_0065-0066.

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171. The Chief of Staff noted that the truck weight limits issue “is an issue before the highway and transit subcommittee [currently chaired by Representative Petri] as it has been for literally years. . . . [S]ize and weight issues, they’re constant issues before the committee.”<sup>234</sup>

d. Timber Tax Provisions

172. In April 2013, the Plum Creek Lobbyist had an email sent to Representative Petri’s staff to request that Representative Petri sign on to a multi-Member letter to the House Ways and Means Committee leadership in support of three tax provisions important to the timber industry.<sup>235</sup>

173. According to the Plum Creek Lobbyist, the company was working with its “allies in the industry under the leadership of NAFO.”<sup>236</sup> He estimated that NAFO may have between 40 to 80 companies as members.<sup>237</sup> The NAFO website identifies more than 70 organizations as members.<sup>238</sup>

174. On April 15, 2013, one of Representative Petri’s legislative assistants emailed the Plum Creek Lobbyist “to let [him] know that Rep. Petri has agreed to sign this letter.”<sup>239</sup>

175. The Chief of Staff told the OCE that the legislative assistant sought advice from the Committee on Ethics prior to Representative Petri agreeing to sign the letter to the Ways and Means Committee leadership.<sup>240</sup>

176. The Chief of Staff explained that the legislative assistant approached either her or Representative Petri to say that he had been contacted by Plum Creek about signing the letter.<sup>241</sup> She said that either she or Representative Petri told the legislative assistant that, because Representative Petri’s wife owned Plum Creek stock, “we’d better contact the ethics committee to see if it would be okay for him to sign the letter.”<sup>242</sup>

177. Representative Petri had no recollection of this letter, but noted that if someone did contact the Ethics Committee about the letter, it was to follow “our policy just to attempt to abide by the rules and not do anything that would raise any question.”<sup>243</sup> He added that the Committee, “[m]ust have said it was all right, from the point of view of the ethics committee, or we wouldn’t have signed it.”<sup>244</sup>

178. The legislative assistant was tasked with contacting the Committee on Ethics, and he reported to the Chief of Staff that the Committee had advised that, because the issue

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<sup>234</sup> *Id.* at 14-1891\_0066.

<sup>235</sup> Email from Carrie Crossfield to Legislative Assistant, Apr. 5, 2013 (Exhibit 50 at 14-1891\_0540).

<sup>236</sup> Plum Creek Lobbyist Transcript (Exhibit 48 at 14-1891\_0526).

<sup>237</sup> *Id.* at 14-1819\_0526-0527.

<sup>238</sup> See <http://www.nafoalliance.org/about/our-members>.

<sup>239</sup> Email from Richard Markowitz to Plum Creek Lobbyist, Apr. 15, 2013 (Exhibit 51 at 14-1891\_0542); Letter from Rep. Thomas Petri, *et al.*, to House Ways and Means Committee Chairman and Ranking Member, Apr. 15, 2013 (Exhibit 52 at 14-1891\_0544-0546).

<sup>240</sup> Chief of Staff Transcript (Exhibit 1 at 14-1891\_0068).

<sup>241</sup> *Id.* at 14-1891\_0068-0069.

<sup>242</sup> *Id.* at 14-1891\_0069.

<sup>243</sup> Rep. Petri Transcript (Exhibit 4 at 14-1891\_0228).

<sup>244</sup> *Id.*

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had an industry-wide impact, not just affecting Plum Creek, Representative Petri could sign the letter.<sup>245</sup>

179. The letter provided to Representative Petri by the Committee on Ethics summarizing the guidance it provided to him reflects this advice:<sup>246</sup>

- On or around April 15, 2013, a member of your staff contacted Committee staff regarding a request from a timber company, of which your wife is a stockholder. The timber company requested that you sign onto a letter being circulated by other Members and addressed to the Committee on Ways and Means. The letter supported tax revisions that would benefit the timber industry as a whole. Your staff asked if the effect of signing such a letter would impact your financial interests as a member of a class or as an individual. Committee staff provided informal, staff-level guidance that the tax revisions as described would impact the timber industry nationwide, rather than impacting or benefiting the specific timber company.

180. The Board notes that the classes affected by the official acts taken on behalf of Plum Creek include large numbers of entities.

### III. CONCLUSION

181. During the time that Representative Petri owned Oshkosh stock, he and his congressional office performed official acts on behalf of the company. On many occasions, Representative Petri and his staff appropriately sought and received Ethics Committee advice prior to providing official assistance to the company. He did not, however, seek advice before taking all official acts. Further, on at least one occasion, the advice he received from the Ethics Committee appears to have been based on incomplete or inaccurate information.
182. The Board finds that there is substantial reason to believe that Representative Petri violated House rules and standards of conduct by improperly performing official acts on behalf of Oshkosh at a time when he had a financial interest in the company.
183. During the time that Representative Petri owned Manitowoc stock, he and his congressional office performed official acts on behalf of the company. In 2012 and 2013, he and his congressional office contacted the EPA on Manitowoc's behalf regarding an application for a hardship exemption that the company was seeking.
184. The Board finds that there is substantial reason to believe that Representative Petri violated House rules and standards of conduct by improperly performing official acts on behalf of Manitowoc at a time when he had a financial interest in the company.

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<sup>245</sup> Chief of Staff Transcript (Exhibit 1 at 14-1891\_0069-0070).

<sup>246</sup> Letter from Chief Counsel and Staff Director, House Committee on Ethics, to Rep. Thomas Petri, May 21, 2014 (Exhibit 10 at 14-1891\_0329).

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185. During the time that Representative Petri or his spouse owned Plum Creek stock, he and his congressional office performed official actions on behalf of the company. The classes of companies affected by these official acts include large numbers of entities.
186. The Board finds that there is not substantial reason to believe that Representative Petri violated House rules and standards of conduct by improperly performing official acts on behalf of Plum Creek at a time when he had a financial interest in the company.
187. Accordingly, the Board recommends that the Committee on Ethics further review the allegation, as there is substantial reason to believe that Representative Petri improperly performed official acts on behalf of companies in which he had a financial interest, in violation of House rules and standards of conduct.

# **EXHIBIT 1**

## **TRANSCRIPT OF INTERVIEW OF REPRESENTATIVE PETRI'S CHIEF OF STAFF**

OFFICE OF CONGRESSIONAL ETHICS

REVIEW NO. 14-1891

INTERVIEW OF

TRANSCRIPT OF

████████████████████

RECORDED PROCEEDINGS

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MAY 27, 2014

BEFORE:

BRYSON MORGAN, OCE Investigator

SCOTT GAST, OCE Investigator

APPEARANCES:

ROB KELNER, Counsel to Rep. Petri

KEVIN GLANDON, Counsel to Rep. Petri

Transcribed by:

Margaret A. Fischer GA CCR 749



1           MR. GAST: This is Scott Gast and  
2           Bryson Morgan from the office of  
3           professional ethics.

4           It is May 27, 2014. We're here with  
5           ██████████, chief of staff to  
6           Congressman Petri and Rob Kelner and  
7           Kevin Glandon, counsel with Ms. ██████████

8 BY MR. GAST:

9           Q     I want to thank you for answering our  
10          questions here today. We usually like to start  
11          with little bit of background information.

12          You are currently chief of staff to  
13          Representative Petri; is that correct?

14          A     Correct.

15          Q     How long have you been in that position?

16          A     Since January 2001.

17          Q     And what are your general duties as  
18          chief of staff?

19          A     I oversee the office, provide general  
20          oversight of both legislative and other staff  
21          members' activities in the district and here.

22          We do the hiring, budgets, you know, just  
23          general providing advice to the congressman.

24          Q     Are you responsible for any specific  
25          issue areas as chief of staff?

1           A     It's currently I handle work related to  
2     the highway and transit subcommittee and the  
3     aviation subcommittee.

4           Q     How long have you been handling that  
5     work?

6           A     I have done the highway transit  
7     subcommittee off and on but since probably 2004 or  
8     2005, and aviation subcommittee since 2007.

9           Q     Okay. Any other issues that you are  
10    responsible for?

11          A     Not specifically.

12          Q     Okay. What did you do prior to serving  
13    as chief of staff?

14          A     I was in the government affairs office  
15    of the American Trucking Associations.

16          Q     How long did you do that?

17          A     Just a little under two years.

18          Q     Okay. I want to discuss with you today  
19    some actions that the congressional office has  
20    taken on behalf of companies in which  
21    Representative Petri owns stock.

22                So to start out can you tell us a little bit  
23    about your awareness of Congressman Petri's  
24    portfolio, what companies he owns stocks in and how  
25    you came to know that?

1           A     I am aware of his financial disclosure  
2 forms.

3           Q     Did you have any specific discussions  
4 with the congressman about the companies he owns  
5 stock in?

6           A     When I became aware that he owned stock  
7 in some constituent companies or companies in the  
8 district.

9           Q     And what were those conversations?

10          A     What do you mean, what were the?

11          Q     You say you had conversations with  
12 Representative Petri when you became aware of his  
13 ownership of stock in certain companies in the  
14 district?

15          A     Uh-huh (affirmative).

16          Q     What was the substance of those  
17 conversations?

18          A     Well just that we would have to be  
19 careful as we proceeded in the future to be certain  
20 that anything that we did was consistent with house  
21 rules, potentially checking with ethics committee  
22 if we had concerns that perhaps there might be some  
23 things that we couldn't do because of that, and  
24 that there might be heightened scrutiny or someone  
25 may choose to do a press report or, you know, a

1 story, you know, about that because of them being  
2 in the district.

3 Q Do you recall when that conversation  
4 was?

5 A I believe that was in early 2007.

6 Q Okay. What prompted you to have that  
7 conversation at that time?

8 A As I recall, it was when we're doing our  
9 earmark disclosure forms.

10 When requesting an earmark a member has to  
11 then sign a declaration that you don't have a  
12 financial interest in that company or whatever the  
13 entity is that you're seeking funds for.

14 Q And was that the first year that those  
15 forms were required or had they been required in  
16 the past?

17 A Well, you know, I'm not sure. I think  
18 it was a republican conference requirement, but I  
19 can't say for sure when that started.

20 Q Do you recall doing those forms for  
21 previous earmark requests in previous fiscal years?

22 A Again I just can't remember when it  
23 started. If we're required to we would have, but I  
24 just don't know when that requirement came in to  
25 being.

1           Q     But you recall that it was in the early  
2     2007 cycle of appropriation requests that that's when  
3     the issue of this conversation came up?

4           A     That's my recollection, yes.

5           Q     Okay. And prior to that had you been  
6     aware of Congressman Petri's stock holdings  
7     including some of the companies in the district?

8           A     I don't recall that I was.

9           Q     Okay. All right. After becoming aware  
10    of that issue and as you said the need to be  
11    careful, was there any training given to staff or  
12    to Mr. Petri about the ethics rules related to that  
13    issue about working with companies in which he  
14    owned stock?

15          A     Training, no.

16          Q     Okay. What about internal office  
17    policies, did you come up with any policies?

18          A     Well we did have a discussion at the  
19    time, you know, that we'd need to be aware and  
20    careful, you know, before taking any action.

21          Q     When you say we had a discussion, who is  
22    that that was part of that discussion?

23          A     Well I recall I think we talked about it  
24    at some staff meetings at different times, and when  
25    staff would come up to me eventually request for

1 action would, you know, I'd be made aware of it so.

2 Q Was there any type of maybe a watch list  
3 put together of companies in which Mr. Petri owned  
4 stocks that were shared with the office?

5 A I don't believe so.

6 Q How would those instances be flagged  
7 when the requests for assistance came in, if it  
8 came from someone in the company in which the  
9 congressman had stock, how would those be  
10 identified?

11 A It would be with each individual request  
12 for some type of assistance.

13 Q How would that be spotted? Was the  
14 staff informed of the companies that Representative  
15 Petri owned stock in?

16 What was the process for handling those  
17 instances when a request came in that needed this  
18 careful treatment?

19 A I think it primarily fell on me  
20 primarily.

21 MR. MORGAN: So were you then as chief of staff aware  
22 of all of the requests the office considered?

23 A I think requests that were more than  
24 just routine, that required a letter, you know, or  
25 something like that.

1           Generally I would frequently during our  
2 weekly staff meetings talk about okay, what issues  
3 are you working on.

4           But in general when something would rise to  
5 the level of a letter or something like that I  
6 would be made aware of that.

7           Q     Okay. I want to talk to you  
8 specifically about the Oshkosh Corporation. I'll  
9 talk to you about a couple different companies  
10 starting with Oshkosh Corporation.

11           How often would you have dealings with the  
12 people from Oshkosh?

13           A     It's hard to say specifically. I mean  
14 we've, I've had dealings with them since 2001 since  
15 I started periodically.

16           I can't say there was a set regular sequence  
17 of contacts but, you know, they were a major  
18 company in the district so we would from time to  
19 time have contact with them, yes.

20           Q     And who from Oshkosh would you generally  
21 interact with?

22           A     The primary person was Jay Kimmitt, who  
23 was the head of their government affairs, but there  
24 were a few other people that, again that changed  
25 over the years.

1 Q Okay. And who from the congressional  
2 office would have contact with Oshkosh?

3 A Frequently it would be myself, and then  
4 usually for them whoever was handling defense  
5 issues and that changed over time.

6 Q Okay. Who is that currently?

7 A Currently it's Chris Grawien.

8 Q And prior to Chris?

9 A It was Meagan McKenna.

10 Q And prior to Meagan?

11 A I want to say Kevin James.

12 Q Okay. And prior to Kevin?

13 A James Fenlon.

14 Q And just prior to James?

15 A Tyler Schwartz, I believe.

16 Q Okay. How often would Oshkosh  
17 representatives interact with Mr. Petri himself?

18 A Again it's hard to say specifically, but  
19 on occasion.

20 I don't know if you're looking for a specific  
21 number. You know, it would depend on what was  
22 happening.

23 Q Would it be a couple times a month,  
24 couple times a year?

25 A It's hard to remember specifically but



1 not, I don't believe it was a couple times a month  
2 at all. It was more a few times a year if that.

3 But I can't say, you know, a specific number  
4 each year, but on occasion.

5 Q Okay. Did you ever have conversation  
6 with anyone at Oshkosh about Representative Petri's  
7 stock ownership?

8 A Yes.

9 Q What were those conversations? Who did  
10 you have those conversations with, first?

11 A I believe the first conversation would  
12 have been in 2007.

13 Q Okay. Who was that with?

14 A I believe it was Jay Kimmitt.

15 Q What did you discuss with him?

16 A I had to tell him that Congressman Petri  
17 couldn't submit the earmark request for the  
18 upcoming fiscal year.

19 Q And why did you tell him that? What  
20 prompted that?

21 A Well their expectation is that we would  
22 be submitting the request, so we had to tell him  
23 that we could not.

24 Q Why couldn't you?

25 A Because of the stock, because of

1       Congressman Petri owned stock and, you know, the  
2       financial interest form that was required.

3           Q     Had you had any conversations with the  
4       ethics committee about that issue at this time?

5           A     I don't believe so.

6           Q     So was this an internal decision made by  
7       the congressman and you, without consulting with  
8       the ethics committee?

9           A     For the 2007 earmark?

10          Q     Yes.

11          A     Yes.

12          Q     Okay. What was Mr. Kimmitt's general  
13       reaction?

14          A     Well at the time not that pleased just  
15       because, you know, they were seeking funding, you  
16       know.

17          Q     Did you refer him to other congressional  
18       offices or Senate offices?

19          A     I don't know if I specifically referred  
20       them to anyone. I don't recall that.

21          Q     Okay. What other conversations did you  
22       have with folks at Oshkosh about the stock  
23       ownership?

24          A     I think as in the future when some  
25       requests were made I said well I'd have to ask the

1 ethics committee or I'd have to run it by the  
2 ethics committee.

3 Q Was there ever occasions when the office  
4 decided not to provide the requested assistance  
5 from Oshkosh, the Oshkosh-requested assistance?

6 A The primary one was the earmarks.

7 Q Any other occasions when the company  
8 asked for something and you had to tell them you  
9 couldn't provide the requested assistance?

10 A I don't recall anything right now.

11 Q Okay. Let's go through a couple of the  
12 requests that you got from Oshkosh.

13 A Okay.

14 Q The first being the award of the  
15 contract to Oshkosh for the procurement of tactical  
16 vehicles and subsequent protest filed by BAE  
17 Systems and Navistar?

18 A Right.

19 Q Are you familiar with that issue?

20 A Yes.

21 Q How did that issue come to the attention  
22 of the office?

23 A I believe it was during a meeting with  
24 Jay Kimmitt, I'm not sure if there were other  
25 people from Oshkosh there, probably in September of

1 2009.

2 Q And what was the context of that coming  
3 up?

4 A They raised concerns. They gave us the  
5 background and they raised concerns about the  
6 actions of BAE and the Texas delegation, which was  
7 becoming very aggressive in terms of their comments  
8 and actions regarding the contract award and the  
9 protest proceedings.

10 Q Did they have a specific request for  
11 help from Representative Petri?

12 A As I recall the initial conversation,  
13 they had expressed some concern about whether there  
14 were some reports that there might be a request to  
15 have language in either of the DOD authorization or  
16 DOD appropriations bills concerning the contract  
17 and protest.

18 Q And did they request anything about that  
19 attempt to maybe seek some language about the  
20 contract?

21 A Yes. Eventually Congressman Petri spoke  
22 or contacted Congressman McKeon, who was then  
23 ranking on the armed services committee.

24 Q And was that as a result of this meeting  
25 that you had with the Oshkosh folks?

1           A     Probably the meeting and I'm sure  
2     subsequent emails, phone conversations.

3           Q     Okay. Do you know the rough time period  
4     when Representative Petri contacted Chairman  
5     McKeon?

6           A     Roughly late September.

7           Q     Okay. I'll show you a document. This is  
8     an undated memo --

9           A     Uh-huh (affirmative).

10          Q     -- from the congressman to Chairman  
11     McKeon which is Bates number PETOCE 5.

12          A     Uh-huh (affirmative).

13          Q     Are you familiar with this memo?

14          A     Yes.

15          Q     What is this memo?

16          A     This was a memo that was put together  
17     when Congressman Petri talked to Mr. McKeon on  
18     the floor so he could hand him and there was some paper  
19     regarding the issue.

20          Q     And who drafted this memo?

21          A     This was actually on my computer.

22          Q     Okay.

23          A     Yes.

24          Q     So did you draft it then?

25          A     Yes.

1           Q     When you said I believe you said that  
2     Representative Petri handed this to chairman or  
3     ranking member McKeon at the time on the floor?

4           A     That's my recollection. I mean usually  
5     when they talk to members on the floor during votes  
6     we'd generally give papers on that.

7           We just found it was more effective so that  
8     they then have something to get to their staff or  
9     whatever.

10          Q     And did Representative Petri report back  
11     to you about the conversation, what was said and  
12     what Mr. McKeon's response was?

13          A     I don't have a specific recollection of  
14     that. He may have, but I just can't recall at this  
15     point.

16          Q     I want to ask you about the last  
17     paragraph of the memo.

18          A     Uh-huh (affirmative).

19          Q     That starts in the interests of  
20     disclosure I do own some stock in Oshkosh.

21                 What prompted you to include that email, I  
22     mean excuse me that paragraph, in this memo?

23          A     That is the result of consulting with  
24     the ethics committee.

25          Q     And was it you that consulted with the

1 ethics committee?

2 A Yes.

3 Q And can you tell me what their advice  
4 was regarding this memo and conversation with  
5 Representative McKeon?

6 A The advice was that he disclose that he  
7 does own stock, that he was, didn't weigh in on the  
8 original contract and that we're just, he was just  
9 asking for, you know, to let the process that was  
10 in place, the GAO review of the protest, to just  
11 let that proceed without any other kind of  
12 political interference.

13 Q Was this your first time consulting with  
14 the ethics committee on this issue?

15 A I believe so, yes.

16 Q And was this advice specific to this  
17 memo and this conversation, or was it advice  
18 generally when dealing with this issue?

19 A My recollection is that I was talking  
20 about this, I can't say I remember exactly, but I  
21 think what we're talking about at the time was  
22 talking about the authorization and appropriations  
23 bills.

24 I just wasn't aware of any other, you know,  
25 things that were going on.

1 Q Sure. I want to ask you about an  
2 October 9, 2009 delegation letter to Secretary of  
3 Defense Gates?

4 A Right.

5 Q Are you familiar with this letter?

6 A Yes.

7 Q Okay. Who came up with the idea for  
8 this delegation letter?

9 A Oshkosh Corporation initially.

10 Q And how was that communicated to your  
11 office?

12 A I don't know if it was phone call,  
13 email, meeting. I can't at this point remember  
14 specifically how this conversation.

15 Q Who initially drafted the letter?

16 A Senator Kohl's office took the lead on  
17 the language. I don't know if Oshkosh Corporation  
18 submitted a draft and that could be, but Senator  
19 Cole's office then worked on submitting the draft  
20 to some others to look at.

21 Q Okay. Is it fair to say that  
22 Representative Petri took the lead on the letter on  
23 the house side?

24 A In terms of distributing it to the other  
25 delegation members and collecting signatures.



1           Q     I'm going to show you this document.  
2     This is an email exchange from October 1, 2009  
3     between you and James Fenlon?

4           A     Uh-huh (affirmative).

5           Q     PETOCE-15. Do you recall this email  
6     exchange?

7           A     Yes, I do. When reading it.

8           Q     Okay. And you say once we get the  
9     language I'll run it by ethics committee just so we  
10    can say we got clearance if anyone raises anything.

11           Q     Where were you going to get the language  
12    from? Where was it coming from?

13           A     Well again there had been discussion  
14    about doing a letter, I don't know at this point we  
15    didn't have the language.

16           Q     Do you remember where that was coming  
17    from, who was going to get the letter?

18           A     Again I think typically Oshkosh would  
19    have, but we didn't have anything at the time.

20           Q     Okay. And then later that day --

21           A     Uh-huh (affirmative).

22           Q     -- you email James Fenlon again, "Actually,  
23    I talked to ethics and they said no problem as long  
24    as it says let the process in place proceed, et  
25    cetera."

1           First of all, what was the ethical issue that  
2           prompted you to run it by the ethics committee?

3           A       Well again because he owned stock in the  
4           company, that was really the only reason I would  
5           run something like this by the ethics committee.

6           If he didn't own stock I wouldn't have  
7           contacted the ethics committee.

8           Q       And do you recall discussing the stock  
9           issue with the ethics committee during the process  
10          of this letter?

11          A       I can't say I recall the exact  
12          conversation. But again I wouldn't have talked, I  
13          wouldn't have called them if I didn't, if  
14          Congressman Petri didn't have stock.

15          So my, I don't know why, I mean I'm sure I  
16          did because that was the reason for calling.

17          Q       Any other issues that you wanted to run  
18          by them at all?

19          A       No. And I think again we were starting to  
20          talk about having a delegation letter, so that was  
21          the reason for calling is that there was talk of  
22          the delegation letter so I wanted to be sure  
23          because he owned the stock, would this be okay to do  
24          on behalf of this constituent company that we have  
25          that was under attack, so.

1           Q     And the contact with the  
2     committee, and this was a separate conversation  
3     from one that you had regarding the contact with  
4     Representative McKeon; is that correct?

5           A     That's my recollection, yes.

6           Q     And do you recall the guidance that the  
7     committee gave you?

8           A     Again I'm going based on, I can't recall  
9     the exact conversation now at this point in time,  
10    but based on this email I'd say okay, as long as  
11    the message is let the process in place proceed.

12           That's the recollection of my conversation  
13    with the ethics committee.

14           Q     Do you recall discussing the need for  
15    disclosure of Representative Petri's stock  
16    ownership?

17           A     I don't recall if I discussed it, but I  
18    assume if they said to disclose for this delegation  
19    letter I would have done that if that was the  
20    understanding I had or if they suggested that.

21           Q     Did Representative Petri disclose his  
22    stock ownership to Secretary Gates at the time this  
23    letter was sent?

24           A     No.

25           Q     And given that he had disclosed to

1 Representative McKeon in the memo that I gave you,  
2 why was this a different situation in which there  
3 was not a similar disclosure made?

4 A Because ethics committee did not suggest  
5 doing that.

6 Q Do you recall is that something you  
7 might have brought up with them about to question  
8 whether he should disclose?

9 A I don't recall bringing it up.

10 Q You don't recall whether the issue of  
11 disclosure was discussed at all in the contact with  
12 the ethics committee?

13 A I don't remember the issue coming up  
14 regarding our delegation letter. I don't recall.

15 Q Let me show you this document. Is that  
16 your handwriting? First of all, are these your  
17 notes?

18 A Yes.

19 Q Okay. And it's undated, for the record  
20 the Bates number is PETOCE 6421. Do you recall  
21 when these notes were taken?

22 A Again it's not dated, but looking back  
23 now I assume, I'd think the notes were in  
24 relation to it was the end of September.

25 And my recollection or I think that the

1 letter one was more referring to the October 1 call  
2 regarding the delegation letter, that's my  
3 understanding.

4 That's looking back at it now, at this point  
5 that's my recollection of this.

6 Q Okay. So to the best of your  
7 recollection, this reflects your notes of what?

8 A These notes I believe refer to the call  
9 where we're talking about the, talking to McKeon or  
10 the appropriators.

11 That's my recollection now and I think that  
12 it's reflected in the McKeon memo.

13 Q Okay. And who is Susan Olson? I see  
14 her name.

15 A She was on the staff of the ethics  
16 committee.

17 Q Is this who you spoke with at the  
18 committee?

19 A I believe so.

20 Q And then next to her name is the section  
21 crossed out there and under that it says whoever he  
22 talks to disclose that and then a dash. Not weighing  
23 in on whether they should, did weigh in on contract  
24 interest, stock, asking following procedure, a lot  
25 of that is cut off.

1           A     Huh-uh (affirmative).

2           Q     Can you walk us through what those notes  
3 what you meant by those notes?

4           A     Well those were my notes from the phone  
5 conversation.

6                     Again my recollection is I was calling about  
7 talking to chairman, or he wasn't chairman,  
8 Congressman McKeon or someone on either the  
9 authorizers or appropriations.

10                    And this was their like I said it's a  
11 constituent company, he owns stock in it, can he do  
12 this and the answer was yes.

13           Q     And it says whoever he talks to disclose  
14 that dash. Do you know what was to be disclosed?

15           A     That he owned stock.

16           Q     That he owned stock. And what about the  
17 line not weighing in on whether they should, what does  
18 that refer to?

19           A     I think that was I couldn't get the  
20 whole thing, it was just this is not a full  
21 sentence, but it was I think it was not weighing on  
22 whether they should, didn't weigh in on the  
23 original contract I think is what that -- well  
24 that's what it says below but I think weigh in on  
25 the original contract I believe.

1           Q     And then the note off to the left side  
2 of the page there Carol Owen on letter equals okay;  
3 do you know what that refers to?

4           A     I believe that that would have been  
5 about the delegation letter.

6           Q     And who is Carol Owen?

7           A     Well I think I have the name wrong, I  
8 think it's Carol Dixon but I just did not have the  
9 name correct listed correctly on this.

10           But again looking back at it now I think  
11 that's referring to the delegation letter.

12           Q     Okay. And would that have been a  
13 separate conversation or was she on the phone with  
14 will Susan Olson or how did that work?

15           A     She was not on the phone with Susan  
16 Olson. I believe that was a separate conversation.

17           Q     Do you have any idea when that  
18 conversation took place?

19           A     Well based on this email it seems to be  
20 October 1.

21           Q     Okay. Did there come a time when  
22 Representative Petri had a telephone conversation  
23 with the Secretary of the Army?

24           A     Yes.

25           Q     Do you recall when that was? Let me

1 show you this, it may help.

2 A Okay.

3 Q And let me for the record say this is a  
4 page of handwritten notes Bates labeled PETOCE  
5 6426. Are you familiar with these notes?

6 A Yes.

7 Q And these are your notes?

8 A Yes.

9 Q And what do those notes reflect?

10 A The phone conversation that Congressman  
11 Petri had with the secretary.

12 Q And were you part of that call?

13 A Only in a, I mean I did hear the call.

14 Q Were you on the phone with him or were  
15 you sitting in the room with Congressman Petri?

16 A I was not on the phone, I just heard  
17 Congressman Petri's part of the conversation.

18 Q Okay. And based on your notes here is  
19 it correct to say that the call with the Secretary  
20 of the Army occurred on December 9?

21 A Based on these notes I'd say that.

22 Q And can you tell me what was said during  
23 the conversation with Representative Petri and the  
24 secretary?

25 A Again the primary purpose was the same



1 message that the delegation had been sending and  
2 the concerns that were raised about the political  
3 pressure being put on by the Texas delegation, and  
4 there was concern that should the Wisconsin  
5 delegation continue or be a counterbalance to that,  
6 you know, was the political pressure having an  
7 impact, if any.

8 Q And kind of walk me through these notes  
9 here.

10 Do these notes reflect what Representative  
11 Petri was saying, do they reflect what the  
12 secretary was saying, or do they reflect both?

13 A I believe they reflect both.

14 Q Okay. So let's start with and "agitated  
15 about long;" do you know what that refers to?

16 A I don't know what that refers to, I'm  
17 sorry.

18 Q What about "follow regular order"?

19 A That again was the message follow the  
20 regular order, let the GAO process continue without  
21 political interference.

22 Q And then "contract does stand, not drag  
23 it out?"

24 A I believe that was if the contract  
25 stands if the GAO came out with a favorable

1 determination don't let Texas and BAE and the  
2 others just continue to drag it out. There were  
3 concerns about that.

4 Q And then what about "long" and "Gates  
5 visit?"

6 A Again I don't recall at this time what  
7 long means.

8 Secretary Gates was going to visit Oshkosh, I  
9 don't know if it was before or after this call, but  
10 he did visit Oshkosh Corp thanking them for  
11 their work, I just don't know if it was before or  
12 after this.

13 Q Okay. "I want to go forward."

14 A I don't know looking at this today  
15 whether that was referring to something Congressman  
16 Petri said or what the secretary said. I don't  
17 know, I'm not sure.

18 Q Okay. And what about this at the end  
19 "wouldn't have issued if expect?"

20 A Again I don't know. I can't say at this  
21 point.

22 Q Okay.

23 A I just don't know.

24 Q Then at the left there, "appreciated  
25 offer of counterweight of pressure not needed

1 politics," what's that refer to?

2 A I believe those are my notes of what  
3 Congressman Petri said after the call, basically  
4 summarizing what the secretary said on the call.

5 Q Okay. What did that, what was the  
6 message the secretary said on the call based on  
7 these notes?

8 A Well again the focus was on the  
9 political pressure being put on by Texas. And he  
10 was indicating that they weren't understanding,  
11 they weren't feeling the political pressure, you  
12 know, admitting or understanding that it's  
13 politics.

14 Q What was this offer of counterweight of  
15 pressure?

16 A That again was there's office pressure  
17 being put on by Texas, should there, does Wisconsin  
18 need to put on more pressure to counterbalance  
19 everything that Texas was doing so that was fair.

20 MR. KELNER: Scott when you're done  
21 why don't we take a quick break.

22 BY MR. GAST:

23 Q Okay. Does that offer of counter  
24 pressure conflict in any way with the suggestion  
25 that the message was to let the process play out

1 without interference?

2 A I don't know specifically what the  
3 counter, what the counterweight or activities would  
4 have been.

5 Again our message was to not interfere with  
6 the GAO process. And the Texas delegation had a  
7 meeting with someone from the army at one point,  
8 there was consideration given to should we request  
9 a meeting.

10 If Texas had it should we, should Wisconsin  
11 delegation do the same thing.

12 Q Okay. Just a couple quick questions to  
13 wrap it up. Did you have any contact with the  
14 ethics committee to discuss this particular call?

15 A I do not believe I did.

16 Q Okay. And during the call did  
17 Representative Petri at any point discuss his stock  
18 ownership in Oshkosh?

19 A I do not recall if he did or not.

20 Q Was that something that you and  
21 Representative Petri discussed about the need to  
22 make a disclosure?

23 A I can't remember if we did or not.

24 MR. GAST: All right. Why don't we  
25 take five minutes.

1 (A brief recess was taken.)

2 BY MR. GAST:

3 Q All right, back on the record. Scott  
4 Gast and Bryson Morgan with the Office of  
5 Congressional Ethics with [REDACTED], Rob  
6 Kelner, Kevin Glandon.

7 Back to the actions that the congressional  
8 office took for the Oshkosh Corporation regarding  
9 the protest of the FMTV contract. I just want to show  
10 you this letter, part of this email looks to be a  
11 draft letter that was provided to the office by the  
12 Oshkosh Corporation to Ashton Carter the  
13 Under-Secretary of Defense for acquisition  
14 technology, and logistics. PETOCE-4 24.

15 I just want to ask you if you recall whether  
16 this letter ever went out?

17 A I don't think it did. No, I don't think  
18 it did.

19 Q Okay. I'm going to move on to a  
20 December 22, 2009 delegation letter to Secretary of  
21 the Army John McHugh. I'll ask you if you're  
22 familiar with this letter? Again this is  
23 PETOCE-451. Are you familiar with this letter?

24 A Yes.

25 Q And do you recall how this, the idea for

1 this letter came up?

2 A It was at the suggestion of Oshkosh  
3 Corporation.

4 Q And let me now show you this series of  
5 emails and notes from December 18, 2009, shortly  
6 before this letter, the date of this letter,  
7 PETOCE-28, 25 and 27.

8 Is it fair to say that this set of documents  
9 reflects contacts that you had with Carol Dixon on  
10 the committee of ethics on December 18, 2009?

11 A Yes.

12 Q And this last page, are those  
13 handwritten notes from a phone conversation you had  
14 with Carol Dixon on the 18th of December?

15 A Yes.

16 Q It appears from these notes that the  
17 ethics committee has raised the issue of whether  
18 delegation members should sign on to the letter  
19 when they don't have an interest in the issues  
20 specific to their district; is that correct?

21 A Yes, the district or some kind of  
22 legislative congressional interest.

23 Q Some official connection?

24 A Some official connection.

25 Q Do you recall whether the issue of

1 Representative Petri's stock ownership was  
2 discussed with Carol?

3 A In the original phone call to Carol  
4 which preceded this I did mention the stock  
5 ownership, which was why I was calling a delegation  
6 letter like this.

7 If you didn't own stock I wouldn't have  
8 called the ethics committee.

9 And I think that's also what the reference in  
10 the second paragraph is about, this is a major  
11 constituent company that we'd be defending no  
12 matter what.

13 Q And do you recall what the ethics  
14 committee's guidance was with respect to this  
15 letter and the stock issue?

16 A She as I recall requested a slight  
17 change in the wording, and then talks specifically  
18 about the other delegation members and the need for  
19 them to have some kind of connection to Oshkosh  
20 Corporation.

21 Q Did you discuss the stock issues at all?

22 A Other than the initial conversation I  
23 don't recall her bringing it up --

24 Q And what was --

25 A -- on her call back after she reviewed

1 the letter.

2 Q And what was the initial conversation  
3 about the stock issue?

4 A Again I don't recall the specific  
5 conversation but I did, I want to say this is  
6 another delegation letter that we're contemplating  
7 sending, given the fact that Congressman Petri  
8 owned stock and I'm going to send you the letter  
9 and is it okay for him to sign the, send the  
10 letter.

11 Q So did they give you any guidance  
12 specific to the stock issue?

13 A I don't remember her raising that issue.  
14 Again her concerns seemed to be on the other  
15 delegation members.

16 Q Okay. Did Representative Petri disclose  
17 his ownership of the Oshkosh stock in any manner  
18 with respect to this letter to the Secretary of the  
19 Army?

20 A No.

21 Q And just to close the loop on that, you  
22 and the ethics committee did not discuss the  
23 disclosure question, whether or not Representative  
24 Petri should disclose his ownership of stock to  
25 Secretary McHugh?



1 A I asked --

2 MR. KELNER: Let me just you said,  
3 Scott, the disclosure question as if  
4 there was disclosure question.

5 BY MR. MORGAN:

6 Q Was disclosure of his stock discussed in  
7 your conversation with Carol Dixon?

8 A I disclosed with Carol Dixon that he  
9 owned stock, there was not any mention from the  
10 ethics committee that he needed to disclose it.

11 Q Okay. But she did review, she did  
12 review the letter?

13 A Yes. She had the copy of the letter and  
14 Senator Finegold's office had requested a change,  
15 and I gave her that revised letter for her to look  
16 at as well.

17 Q And you say that Carol Dixon also  
18 requested a change to the wording of the letter?

19 A Yes.

20 Q Okay.

21 A Which we did.

22 Q Okay. And to be just clear for the  
23 record, the version of the letter that she, that  
24 Carol Dixon reviewed and then approved after  
25 suggested change did not include disclosure of

1 Congressman Petri's stock?

2 A It did not.

3 BY MR. GAST: All right. Let me, this next document  
4 is a February 2, 2010 letter from Mr. Petri to Secretary  
5 of the Army John McHugh and this is PETOCE-113  
6 regarding a bridge contract with BAE. Are you  
7 familiar with that letter?

8 A Yes.

9 Q Let me show you this email related to  
10 that letter. This is an email exchange between you  
11 and Carol Dixon February 26, 2010, PETOCE 37. Are  
12 you familiar with that email exchange?

13 A Yes.

14 Q And this appears to be you forwarding to  
15 Carol Dixon a copy of a draft of this letter to the  
16 Secretary of the Army for review.

17 Do you recall the stock ownership issue being  
18 discussed with Carol with respect to this letter?

19 A I believe, in looking at this I believe  
20 we had an initial phone conversation and then I  
21 sent her a copy of the proposed letter.

22 And again in the email it says so again given  
23 Representative Petri's stock ownership issue, and  
24 in the scheme of things not that much, wanted to  
25 make sure it was okay to send as part of his

1 representing one of our largest employer  
2 constituents.

3 Q It appears from the second email that  
4 Ms. Dixon left you a voice mail message approving  
5 the letter; is that correct?

6 A Yes.

7 Q Did she in her voice mail or in any  
8 subsequent contacts, email, conversations, phone  
9 conversations, provide any guidance with respect to  
10 this letter; any changes, any concerns, any --

11 A My recollection is that she said it was  
12 okay to send.

13 Q And then when this letter was sent to  
14 Secretary McHugh was there disclosure made of  
15 Congressman Petri's ownership of Oshkosh stock at  
16 the same time?

17 A No.

18 Q Okay. I want to shift gears a little  
19 bit to June 2013.

20 And I'll show you this letter regarding a  
21 proposed reprogramming action from the Department of  
22 Defense about the tactical wheeled vehicle program.

23 This does not have a Bates number, but it's a  
24 June 10, 2013 letter.

25 A Okay.

1 Q Do you recall this letter?

2 A Yes.

3 Q And how did the idea for this letter  
4 come up?

5 A From Oshkosh Corporation.

6 Q Did you consult with the committee on  
7 ethics about this letter?

8 A Yes.

9 Q And do you recall who you spoke with at  
10 the committee or who you had contact with?

11 A My recollection is it was Carol Dixon.

12 Q Okay. And what was the issue that  
13 prompted you to reach out to the ethics committee?

14 A The stock ownership issue.

15 Q And do you recall what the advice was  
16 from the committee with respect to this letter?

17 A Well I can't recall the exact  
18 conversation. Based on emails sent to the staff  
19 handling it I believe they did say disclose his  
20 stock ownership.

21 Q And is that then reflected in the last  
22 page of this letter, the attached memo from  
23 Representative Petri to each of the recipients of  
24 the letter?

25 A Yes.

1           Q     Was there any discussion of why such a  
2 disclosure was made in this instance but had not  
3 been made in previous contacts with executive  
4 branch officials?

5           A     Discussions with?

6           Q     Disclosure of the stock ownership. Why  
7 it was done in this case but not in other cases  
8 where Representative Petri had letters to other  
9 officials?

10          A     I don't know if there were discussions,  
11 we just followed what the ethics committee advice  
12 was, this was to other members.

13          Q     Was that a distinction that you  
14 discussed with the ethics committee?

15          A     I don't know that I discussed that  
16 distinction. I'm just going to note and see it  
17 appears they did say it on communications going to  
18 other members, I can't say why.

19          Q     But you never had a specific discussion  
20 with anyone at the committee about when a  
21 disclosure is appropriate and when it's not  
22 necessary?

23          A     I don't recall having that. I looked at  
24 each instance based on what their advice was for  
25 that.

1 BY MR. MORGAN: Was that, was it Carol Dixon's  
2 suggestion that the disclosure be made or did you  
3 ask her if a disclosure should be made and she said  
4 yes or do you recall whose?

5 A Again I don't recall the exact wording  
6 of the conversation.

7 Q Okay.

8 A I think I probably -- well I don't want  
9 to guess, the reason for the call was the stock  
10 ownership, can he send this letter, and based on my  
11 communications with the staff that was their  
12 advice.

13 Q Were you at all curious as to why in the  
14 previous letters there's no suggestion disclosure  
15 be included and now Carol is saying include a  
16 disclosure; do you have any sense of why it was  
17 they seemingly shifted the type of advice they were  
18 giving?

19 Did you think about that being strange at the  
20 time?

21 A I mean I thought about it. But again  
22 they didn't raise, they didn't say to do it so I  
23 didn't, I thought we didn't have to do it and acted  
24 that way.

25 If they'd said do it I would have done it as

1 we did do when they said to do it.

2 So I didn't question, I don't know if I  
3 questioned them on it but they didn't raise the  
4 issue.

5 BY MR. GAST: Were there any instances in which  
6 the committee suggested or encouraged disclosure but  
7 for whatever reason the office decided not to  
8 include a disclosure?

9 A I don't recall anything like that.

10 Q Was there ever a situation in which you  
11 wanted to include a disclosure and Mr. Petri said  
12 it wasn't necessary or directed it be taken out of  
13 the letter?

14 A I don't recall anything like that.

15 Q With respect to the reprogramming  
16 action, do you recall taking any other action from  
17 the office aside from this letter to the committee  
18 members?

19 A I don't recall any other action.

20 Q Were there any conversations with  
21 committee staff?

22 A I didn't have any.

23 Q Okay. What about did Representative  
24 Petri have any conversations with the committee  
25 chairs of appropriations or armed services on this

1 issue?

2 A Not that I'm aware of.

3 Q Okay. Any contacts with the Department  
4 of Defense on this issue?

5 A Not that I'm aware of. No.

6 Q All right. I want to talk to you just  
7 briefly about I guess this is the Pierce  
8 Manufacturing Division?

9 A Yes.

10 Q -- of Oshkosh and the fire trucks?

11 A Yes.

12 Q What general contact did you have with  
13 the folks at Oshkosh about Pierce specific requests  
14 for assistance?

15 A There was a request in December of last  
16 year about a letter to the FAA concerning  
17 consideration of these newer, cleaner engines when  
18 AIP, airport improvement program, grant funds were  
19 being awarded.

20 Q And did Representative Petri end up  
21 sending a letter to the FAA on that issue?

22 A No.

23 Q Was there a reason why he did not?

24 A The letter was initially going to be  
25 sent in December of last year, in part because of



1 our ethics consultation it was delayed and the  
2 holidays came and the person that the letter was  
3 originally addressed to left the agency.

4 Q And in your ethics committee  
5 consultation was the stock ownership issue  
6 addressed?

7 A Yes.

8 Q And what was the committee's findings on  
9 that issue?

10 A It was similar to the previous  
11 delegation letters of the letter is okay but cite  
12 some kind of connection to Pierce or the issue and  
13 your congressional duties, responsibilities.

14 Q Was there any discussion about  
15 disclosure of Representative Petri's ownership of  
16 Oshkosh stock with the ethics committee?

17 A Well I disclosed that he had the stock.

18 Q To the committee?

19 A To the committee. They did not raise  
20 the issue of disclosing.

21 Q Okay.

22 MR. GAST: I have a question about  
23 this exchange. For the record this is an  
24 email exchange that begins with  
25 PETOCE-4298.

1 BY MR. GAST:

2 Q For the record it's actually two emails  
3 beginning with PETOCE-2572. Are you generally  
4 familiar with this email exchange?

5 A Yes.

6 Q And it involves, it appears it involves  
7 an issue involving federal truck weight limit and  
8 the delivery of fire engines; is that a fair  
9 statement?

10 A Yes.

11 Q And Oshkosh was seeking a change in the  
12 definition or exemption from the definition for the  
13 limit of fire trucks; is that a fair  
14 characterization of their request?

15 A My understanding is this wasn't just  
16 Oshkosh, it was in general the fire and emergency  
17 vehicle association, the whole community.

18 So it was broader than just Oshkosh.

19 Q When you talk about that association,  
20 that community, do you know roughly how many  
21 entities are involved?

22 A I think there were a couple different  
23 associations. I can't say specifically, but I  
24 think it affected the emergency vehicle industry --

25 Q Do you recall?

1 A -- or users maybe.

2 Q Do you recall what associations were  
3 involved?

4 A I don't recall the names offhand.

5 Q Okay. Did you have contact with  
6 companies other than Oshkosh or contact with these  
7 associations about this issue?

8 A I don't believe I did.

9 Q And looking at the middle of the first  
10 page email from you to Will Stone, and Mr. Stone  
11 appears to be a consultant for Oshkosh Corporation?

12 A Uh-huh (affirmative).

13 Q Is that correct?

14 A Yes.

15 Q And you email Mr. Stone "all right,  
16 talked to Jennifer on the subcommittee and passed  
17 on Petri's interest and support for addressing."  
18 Can you tell us what you meant by that email?

19 A I was passing on that I had talked to a  
20 member of the subcommittee staff, other members had  
21 expressed support and were working on this issue  
22 having to do with I think they were getting  
23 ticketed when they would deliver fire trucks.

24 So as if we're going from the manufacturer to  
25 whatever town they on occasion were getting

1 ticketed, so that was the purpose of it.

2 So just although I can't recall the exact  
3 conversation like I said this was something that  
4 Congressman Petri had an interest in as well.

5 Q And the subcommittee, is that the  
6 subcommittee on?

7 A Highways and transit.

8 Q Highways and transit and who is  
9 Jennifer?

10 A Jennifer Hall. She was a staff member  
11 on the subcommittee.

12 Q Okay. And had you sought any ethics  
13 committee guidance on the issue of advocating on  
14 behalf of Oshkosh with committee staff on issues  
15 such as this?

16 A I don't believe I did.

17 Q Okay. Was that an issue that ever came  
18 up?

19 A I don't believe so.

20 Q Was there ever consideration given to  
21 the need to disclose ownership of Representative  
22 Petri stock in Oshkosh when having conversations  
23 with the subcommittee staff?

24 A I don't know if I did. I can't remember  
25 at this point. I can't recall that I did.

1           Q     I will show you this email, this is a  
2 set of emails between [REDACTED] and Jay Kimmitt  
3 PETOCE 2927, PETOCE-2519, PETOCE-2019, these are  
4 the emails.

5           Are you generally familiar with the issue in  
6 these emails?

7           A     Yes.

8           Q     This involves the sale of one of the  
9 vehicles manufactured by the Oshkosh Corporation to  
10 the United Arab Emirates; is that a fair  
11 characterization?     A     Yes.

12          Q     It appears that Mr. Kimmitt contacted you to  
13 seek your assistance in checking with the foreign  
14 affairs committee about pre-consultation with the  
15 state department on this transaction?

16          A     If they'd been notified.

17          Q     What was Oshkosh's specific request when  
18 they sent these emails?

19          A     My understanding is that I think it's  
20 the state department does an informal notification  
21 that something will be coming up and the foreign  
22 affairs committee indicates if they'll have an  
23 initial problem with it or not.

24                 So the request was has that come up, just  
25 what is the status and if there were questions let

1       them know that Jay Kimmitt was available to talk.

2       So it was just this status of the request.

3               Q       And you contacted the foreign affairs  
4       committee after getting this contact from  
5       Mr. Kimmitt?

6               A       Yes.

7               Q       And what is it that you asked of the  
8       committee?

9               A       I believe I asked has the state  
10       department sent up the request and if so if you  
11       have any questions, you know, Jay Kimmitt will be  
12       available to answer them as I recall.

13              Q       And what was the committee's response?

14              A       They eventually said that it did but  
15       they didn't have any problems with it, that was the  
16       ultimate response.

17              Looking at this there was a preliminary  
18       response that it hadn't and then ultimately it did and  
19       it didn't see it as being controversial.

20              Q       Did the sale ultimately go through?

21              A       I don't know.

22              Q       And did you consult with the ethics at  
23       all before taking this action on behalf of Oshkosh?

24              A       I did not.

25              Q       Did you have any discussion internally

1 in the office about whether that type of advocacy  
2 on behalf of Oshkosh was appropriate, given  
3 Representative Petri's ownership of stock in the  
4 company?

5 A I don't think I had any discussion. It  
6 was simply checking on the status of something.

7 Q Let me show you this, just a quick  
8 question on this schedule entry, this is document PETOCE  
9 6885.

10 This appears to be an entry from  
11 Representative Petri's schedule, based on how it  
12 was produced, meeting with delegates at the  
13 Egyptian office of the Egyptian attache in  
14 May 2008, and in the notes section, it notes that Jay  
15 Kimmitt of Oshkosh Corporation is joining the  
16 meeting.

17 Do you recall this scheduling item, this  
18 meeting?

19 A I recall it, yes.

20 Q And why was Mr. Kimmitt sitting in on  
21 this meeting, joining this meeting?

22 A Because Oshkosh Corporation or Egyptians  
23 had bought Oshkosh trucks or will buy Oshkosh  
24 trucks.

25 Q What was the subject of this meeting,

1 what was to be discussed?

2 A Well all I know is from reading this  
3 calendar entry which says the status of the U.S.-  
4 Egyptian strategic relationship, Iraq, Israeli-Palestinian  
5 negotiations, Sudan, and terrorist issues.

6 Q Did you sit in on this meeting?

7 A No.

8 Q What was Mr. Kimmitt's role to be at the  
9 meeting?

10 A I can't answer that. I don't know.

11 Q Was it unusual to have someone sit in on  
12 a meeting with officials from the Egyptian  
13 government?

14 A No.

15 Q Can you give us examples of other  
16 situations, similar situations that are?

17 A Well I know Oshkosh Corporation had sat  
18 in previously.

19 Q With Egyptian officials?

20 A Yes.

21 Q Do you know if there was any discussion  
22 about Oshkosh's sale of the vehicles to the  
23 delegation of Egypt?

24 A I don't know, I wasn't aware. And I  
25 don't know that Jay Kimmitt attended the meeting.



1           Q     Okay.  Just briefly on appropriation  
2 requests made by the Oshkosh Corporation has  
3 Representative Petri submitted appropriation  
4 requests on behalf of Oshkosh in the past?

5           A     Yes.

6           Q     And at some point did that change?

7           A     Yes.

8           Q     And what prompted that change?

9           A     Once he owned stock he no longer  
10 requested appropriations.

11          Q     And do you recall the dates when that  
12 time period, when that change happened?

13          A     It would have been in early 2007 for the  
14 2008 appropriations cycle.

15          Q     And that was prompted as such, we talked  
16 about at the beginning of the interview, filling  
17 out the appropriation request form, certification  
18 of no financial interest?

19          A     Right.

20          Q     And you became aware that Representative  
21 Petri owned stock in Oshkosh; is that correct?

22          A     Correct.

23          Q     Okay.  It appears from some of the  
24 materials provided that Oshkosh continued to meet  
25 with the staff members in the office about their

1 appropriations requests; is that something that  
2 continued to go on after the decision was made not  
3 to submit the earmark requests?

4 A I recall that I may have had a meeting  
5 or two where they just told us what requests were  
6 being made. We did not make the requests, they  
7 just informed us.

8 Q Did you in any way support or encourage  
9 requests made by Oshkosh through other members?

10 A Not that I recall, no.

11 Q No informal conversations with members  
12 or staff or at member or staff levels about an Oshkosh  
13 request, correct?

14 A I don't recall anything like that.

15 Q All right. I think those are all the  
16 questions I have about the Oshkosh company.

17 I want to move on to the Manitowoc Company.  
18 I have got to learn how to say it?

19 A Not too many syllables.

20 Q Despite how it looks on the paper. Can  
21 you just tell us generally about the office's  
22 interaction with representatives from the company?

23 A Again it's a long-standing established  
24 company in the district, it's a major employer, we  
25 have contact with them on occasion.

1           I can't say on a regular basis or so many  
2 times per month or year, as issues warrant, I  
3 think. But it's a major employer company in the  
4 district.

5           Q     Who from the company do you generally  
6 have contact with?

7           A     Primarily Al Bernard.

8           Q     What's Mr. Bernard's role in the  
9 company?

10          A     He's their government affairs person.

11          Q     You are aware Representative Petri  
12 currently owns stock in the company?

13          A     Yes.

14          Q     How did you become aware of that fact?

15          A     At the same time that I became aware of  
16 the Oshkosh Corporation stock.

17          Q     Did you have conversations at any time  
18 with anyone at the company about Mr. Petri's stock  
19 ownership?

20          A     I can't recall. I don't know.

21          Q     Upon learning that he had stock in the  
22 company, same as Oshkosh, were any steps taken to  
23 change office policy or inform staff of that fact,  
24 or were any changes made on how requests from the  
25 company were handled?

1           A     I don't think there were specific  
2 changes, other than again trying to be aware if  
3 there were requests.

4           Q     And if you were to identify such a  
5 request how would that be handled, given the  
6 knowledge of the stock ownership?

7           A     Usually I would become aware of a  
8 request as it made its way through the process.

9           Q     And then what would happen once you  
10 became aware of a request from the company?

11          A     Well I think we had, the hope would be  
12 that we'd consider did we need to consult with  
13 ethics or could we take this action.

14          Q     So it was similar type of awareness as  
15 with the Oshkosh situation; is that a fair  
16 statement?

17          A     That's what we discussed when we  
18 realized or found out that we knew that he owned  
19 stock.

20          Q     And that was in early 2007?

21          A     I believe so, yes.

22          BY MR. MORGAN:     Okay.  When you say that  
23 was what we discussed, who did you discuss that with?

24          A     With the congressmen and other some  
25 other staff at the time.

1           BY MR. GAST:     And do you recall occasions when  
2     a request from the company came in that you sought  
3     ethics committee guidance on?

4           A     I was aware of a, I recall being made  
5     aware or I remembering being made aware of a  
6     situation.

7           Q     And what was the situation?

8           A     They contacted us about, I can't recall  
9     the exact issue, but something about tier four  
10    engines or something like that.

11          They had a problem trying to get a response  
12    or clear guidance from I think it was EPA as I  
13    recall.

14          Q     And how were you made aware of this  
15    situation?

16          A     I think it was through an email.

17          Q     Do you recall who made you aware of  
18    this?

19          A     Al Bernard.

20          Q     And when was this?

21          A     I can't remember exactly when it came  
22    in, a couple years ago initially. I'm not, I can't  
23    say specifically.

24          Q     And what was it that Al made you aware?

25          A     That they had been trying to get some

1 kind of guidance or approval to do something from  
2 EPA and that they were having -- I think it was  
3 EPA -- and that they were having trouble getting a  
4 clear response.

5 Q And then did you seek ethics committee  
6 guidance after getting that email from Mr. Bernard?

7 A I apparently did not.

8 Q Was that a specific decision not to seek  
9 guidance or?

10 A I don't know why, to be honest, I  
11 didn't. It came in as a constituent request  
12 similar to others and I didn't.

13 Q Okay. I have a couple documents I want  
14 to show you about that particular issue, but before  
15 we get there I want to ask you back to 2007  
16 January, February 2007.

17 A Uh-huh (affirmative).

18 Q Lindsay Bowers who I guess was on the  
19 staff at that time?

20 A Yes.

21 Q She was legislative assistant at the  
22 time?

23 A Yes.

24 Q Had some contact with Mr. Bernard about  
25 an EPA rule making phasing out certain chemicals

1 under the significant new alternatives policy  
2 program; does that sound familiar?

3 A Yes.

4 Q Let me show you this set of documents,  
5 and this for the record is PETOCE 1543 and PETOCE  
6 8036 and PETOCE 1548 and PETOCE 7988.

7 Do you recall this assistance provided to the  
8 company with regard to this EPA rule making?

9 A Yes.

10 Q Do you recall how this came to your  
11 attention?

12 A I don't recall specifically. I think  
13 this had been an issue, a longstanding issue that  
14 the office had been working on.

15 Q When you say long time, do you recall  
16 when it started?

17 A I don't recall specifically but I think  
18 it was, you know, possibly a year or more before  
19 this.

20 Q Okay. And what was it that Manitowoc  
21 was requesting, what assistance were they  
22 requesting?

23 A I'm not sure I can give you the  
24 specifics of the issue itself. It was rather  
25 complex and I didn't get involved in the specifics

1 of it.

2 But it had something to do with foam and some  
3 kind of standards or compliance or requirements to  
4 use a new kind of foam and phasing out the  
5 requirements for the foam and allowing some other  
6 companies to continue to use the old foam.

7 That's about the extent of my understanding  
8 of the issue itself.

9 Q Okay. And what were they asking for  
10 help with?

11 A My understanding is that Manitowoc and  
12 other companies had gone on to use the new foam,  
13 but other companies that had not met the  
14 requirements were potentially going to be given  
15 additional time beyond the original EPA deadline.

16 Q And what was the company, what  
17 assistance were they looking for?

18 A I think here it was primarily setting up  
19 a meeting with OMB so that they could present their  
20 case to OMB.

21 Q And what assistance did the office  
22 provide?

23 A My recollection is that we just  
24 contacted OMB and asked if they'd meet with  
25 Manitowoc Company.



1 Q Did they agree to meet?

2 A Yes.

3 Q It looks like Ms. Bowers may have attended  
4 with the company?

5 A Yes.

6 Q And did you attend the meeting?

7 A I did not.

8 Q Okay. Any other assistance the office  
9 provided, other than arranging the meeting and  
10 attending that meeting?

11 A In conjunction with this?

12 Q With this particular issue.

13 A There may have been, I don't recall at  
14 this point.

15 Q Do you recall did Representative Petri  
16 send a letter to EPA or OMB?

17 A He may have, I just I don't know, I'm  
18 not sure.

19 Q And was ethics committee guidance ever  
20 sought regarding the assistance being provided to  
21 the company, given his stock ownership?

22 A At this point in time, no.

23 Q Do you recall if there was ever any  
24 disclosure to OMB or EPA of the fact that  
25 Representative Petri's stock ownership in the

1 company?

2 A No.

3 Q Back to the issue of the tier four  
4 engines; do you recall how that matter came to the  
5 office's attention?

6 A I seem to recall it was through an  
7 email.

8 Q Let me show you this email chain to  
9 refresh your recollection. Do you see it's PETOCE  
10 7962. Are you familiar with this email exchange?

11 A Yes.

12 Q Does this help refresh your recollection  
13 as to how the matter came to the office's  
14 attention?

15 A Yes.

16 Q And how is that?

17 A From an email from Al Bernard.

18 Q And that was an email to you?

19 A To me.

20 Q In September of 2012?

21 A Correct.

22 Q And it appears from the response that  
23 you sent to Al that you brought Kevin James in to  
24 the situation?

25 A Uh-huh (affirmative).

1           Q     Mr. James is currently and remains a  
2 legislative assistant in the office?

3           A     Correct.

4           Q     When this issue came to your attention  
5 from Mr. Bernard, and we talked about this, did you  
6 seek any ethics committee guidance about providing  
7 assistance to the company with this matter?

8           A     I don't think I did.

9           Q     And what assistance did the office  
10 provide to Manitowoc with regard to this matter,  
11 this issue?

12          A     Kevin handled the issue on a day-to-day  
13 basis. I think eventually there was a letter.

14          Q     Okay. Did Kevin work with you, keep you  
15 apprised of the actions he was taking on this  
16 issue?

17          A     I'd think he would from time to time. I  
18 can't recall specifically but.

19          Q     You say that you thought it culminated  
20 or included a letter.

21                Let me show you this letter dated August 8,  
22 2013 from Representative Petri to the regional  
23 administrator of EPA.

24                This is PETOCE 1544. Was this the letter to  
25 which you were referring?

1           A     Yes.

2           Q     Okay. Do you recall reviewing this  
3 letter before it was sent out?

4           A     I don't have a specific memory, but I'm  
5 sure I did.

6           Q     Okay. Do you recall sharing this letter  
7 with Representative Petri?

8           A     I don't recall.

9           Q     As a general matter, would he see  
10 correspondence addressed to officials in the  
11 executive branch before it was sent out?

12          A     He generally would.

13          Q     Okay. He seemed to have some question  
14 whether that was his signature or somebody else had  
15 signed for him.

16                Do you recall the circumstances of how this  
17 letter got to be signed?

18          A     Well there are two of us in the office  
19 that do have the authority to sign, because  
20 frequently he's not here.

21          Q     Right.

22          A     He probably was not here. I don't know  
23 if during the recess we sometimes do contact. I  
24 can't, I just don't recall the circumstances  
25 surrounding this.

1           Q     Who are the two people in the office  
2 authorized to sign?

3           A     Myself and Linda Towes.

4           Q     What is Ms. Towes' title, what's?

5           A     She's office manager, chief case worker.

6           Q     You don't recall the circumstances about  
7 how this letter came to be signed?

8           A     I remember having a conversation with  
9 Kevin about it, but I can't recall beyond that what  
10 happened at this point.

11          Q     What was the conversation that you had  
12 with Kevin?

13          A     Well just about how they had been trying  
14 to get this answer or guidance from EPA and should  
15 we send the letter.

16          Q     Okay. And did you seek ethics committee  
17 review of this letter before it was sent?

18          A     I don't believe I did.

19          Q     Okay. Was there any disclosure of  
20 Representative Petri's ownership of Manitowoc stock  
21 included or associated with this letter?

22          A     No, I don't believe so.

23          Q     Did you discuss this matter with  
24 Representative Petri at all?

25          A     Again I can't recall specific, well I

1 can't recall throughout the course if it had been  
2 discussed or not.

3 Q Okay. Do you recall any other occasions  
4 on which Manitowoc came to the office seeking  
5 assistance with a particular matter?

6 A I don't recall now.

7 Q Okay.

8 MR. KELNER: About how much longer  
9 do you think you have?

10 MR. GAST: That does it for  
11 Manitowoc, so I just want to talk about  
12 Plum Creek and Danaher, which I don't  
13 imagine will be too much longer.

14 THE WITNESS: I wouldn't mind a  
15 quick break.

16 MR. GAST: We'll try to get through  
17 the rest of this.

18 (A brief recess was taken.)

19 MR. GAST: Scott Gast and Bryson  
20 Morgan with the Office of Congressional  
21 Ethics with [REDACTED], Rob Kelner  
22 and Kevin Glandon.

23 BY MR. GAST:

24 Q I want to move on to Plum Creek Timber Company.  
25 If you could just tell me a little bit about your

1 experience with the company, the office's  
2 relationship with the company in general?

3 A It was a constituent company in the  
4 district prior to the last round of redistricting.  
5 It was in Adams County. They have some forest  
6 lands, we had some contact but it's limited.

7 Q What issues would you have contact with  
8 them on?

9 A There was a silviculture bill, something  
10 about storm management on forest roads, there was  
11 something about timber tax issues in the proposed  
12 ways and means negotiations or as ways and  
13 means was looking at tax reform, comprehensive  
14 tax reform, and there may have been a few other  
15 issues I don't recall.

16 I was made aware that the 97,000-pound truck  
17 issue was something that they had an interest in.

18 Q How were you made aware of that?

19 A I think I first made, was aware through  
20 this article that was written. I had never  
21 specifically considered that.

22 I can remember that they had an interest like  
23 literally hundreds of companies around the country  
24 do.

25 Q And when you say the article that was

1 written, which article are you referring to?

2 A The I think it was in February of this  
3 year article.

4 Q Was that specifically about  
5 Representative Petri's stock ownership in the  
6 company and his interest in that issue?

7 A I think it's his wife's stock.

8 Q Okay.

9 A And I don't know his interest in the  
10 issue. It is an issue before the highway and  
11 transit sub committee as it has been for literally  
12 years.

13 I'm talking about size and weight issues,  
14 they're constant issues before the committee.

15 Q But then prior to that press reporting  
16 you said I think -- tell me is this is a fair  
17 characterization -- you had never thought of the  
18 truck weights limit as a Plum Creek issue?

19 A Well in looking at it I didn't think  
20 could this affect Plum Creek because it affects  
21 literally thousands of companies around, around the  
22 country.

23 It's national policy. Any company that's  
24 moving goods on the highways could potentially be  
25 impacted by it so it's beyond industry-wide it's,



1 you know, it affects every industry potentially.

2 Q And then you mentioned Representative  
3 Petri's wife having stock in the company; how did  
4 you become aware of that fact?

5 A I can't recall specifically.

6 Q Do you recall generally how you were  
7 made aware?

8 A I don't know if it was through a  
9 financial disclosure, I can't recall.

10 Q Do you know when you were made aware?

11 A I can't specifically recall.

12 Q Have you ever discussed Mrs. Petri's  
13 stock ownership with anyone at Plum Creek?

14 A I did at some point, I can't recall  
15 exactly when, when the reporter was working on the  
16 story. I don't know if I did before that, I can't  
17 recall.

18 Q And when the news reporter was working  
19 on the story what was the, what were the contacts  
20 that you had?

21 A I contacted Bob Harris who represents  
22 them and just to give them a heads-up that this  
23 reporter was writing this story.

24 Q Any other contacts with anybody at Plum  
25 Creek about the stock ownership?

1           A     I can't recall now.

2           Q     You mentioned Bob Harris, he's an  
3 outside lobbyist for the company?

4           A     I believe he is outside.

5           Q     Do you work with anyone else who  
6 represents or is associated with Plum Creek?

7           A     Not that I recall.

8           Q     Okay. I want to ask you about an  
9 April 2013 letter that Representative Petri signed,  
10 it's along with approximately 30 other Members on  
11 the letter, addressed to Chairman Camp and Ranking  
12 Member Levin at Ways and Means Committee.

13           This is PETOCE 6961 and PETOCE 6956 is the  
14 letter. Do you recall this letter?

15          A     Yes.

16          Q     And was, before signing on to the letter  
17 was there any contact of the ethics committee about  
18 the letter?

19          A     Yes.

20          Q     Can you tell me about that contact?

21          A     That was done by Richard Markowitz on  
22 our staff who handles tax issues.

23          Q     What prompted him to reach out to the  
24 ethics committee?

25          A     When he approached us, I don't remember

1 if it was myself or Congressman Petri, he said that  
2 he'd been contacted by Plum Creek about signing  
3 this letter.

4 And again I don't know if it was myself or  
5 Congressman Petri, I think we're together, said  
6 well Congressman Petri's wife owned stock in Plum  
7 Creek.

8 BY MR. MORGAN: Who said that?

9 A I don't know if it was myself or  
10 Congressman Petri, one of the two of us did, I just  
11 can't recall, and that we'd better contact the  
12 ethics committee to see if it would be okay for him  
13 to sign the letter.

14 BY MR. GAST: And Mr. Markowitz, was he tasked with  
15 making that contact to the committee?

16 A Yes.

17 Q Did he report back to you about this  
18 conversation with the committee?

19 A Yes.

20 Q What did he tell the committee it's  
21 guidance was?

22 A I don't recall the specific conversation  
23 but I think it was because as I recall it was  
24 industry-wide and didn't affect only Plum Creek,  
25 that it would be okay with the congressman to sign

1 it.

2 Q Was there any discussion about  
3 disclosure of his stock ownership to the recipients  
4 of the letter, Mr. Camp and Mr. Levin?

5 A No, because there was no, I don't recall  
6 the ethics committee suggesting that.

7 Q Okay. Now prior to April 15, 2013 based  
8 on some of the documents the office provided us it  
9 appears that the office had signed on to other  
10 Dear Colleagues for the land and water conservation  
11 fund and to other actions that had been requested by  
12 Plum Creek, it doesn't appear there were similar  
13 outreach to the ethics committee.

14 Do you know if there had been previous  
15 contacts with the ethics committee about doing some  
16 of these previous things?

17 A I'm just not familiar with what  
18 specific.

19 Q Sure. Let me show you this one here,  
20 it's a land and water conservation fund letter.  
21 This is a May 2012 email between Bob Harris and  
22 Kevin James and the second email between the same  
23 two folks about signing on to a land and water  
24 conservation fund letter supporting that fund to  
25 transportation conferees. The Bates on this is

1 Harris 386 and Harris 6.

2 Are you generally familiar with the issue on  
3 that?

4 A I'm familiar with the land and water  
5 conservation fund.

6 Q Are you familiar with the request to  
7 sign on to this letter supporting the funding for the  
8 fund from the land and transportation conference?

9 A I'm, I can't specifically recall.

10 Q Do you recall whether there was any  
11 contact with the ethics committee for guidance on  
12 whether Congressman Petri, it was appropriate for  
13 him to sign on to this letter?

14 A I don't recall.

15 Q And is there a reason why it doesn't  
16 appear there was any outreach to the ethics  
17 committee that you can recall in this case, but  
18 there was later in April 2013 letter on the tax  
19 issue?

20 A I can't recall. Again the land and  
21 water conservation fund is a large, they have  
22 millions of dollars supporting a lot of different  
23 types of projects around the country.

24 Q Okay. Let me move on to the Danaher  
25 Corporation. Can you tell me a little bit about

1 the office's relationship with that company?

2 A I don't think we have any relationship  
3 that I'm aware of.

4 Q Have you had any contact with anyone who  
5 works with or is associated with the company with  
6 the congressional office?

7 A Not that I can recall.

8 Q And in that same light, do you recall  
9 any requests for assistance or support of  
10 particular legislative items coming from the  
11 company to the office?

12 A I don't recall any.

13 MR. GAST: I believe those are all  
14 the questions that we have. Thank you  
15 very much for your time.

16 THE WITNESS: Thank you.

17 (The interview was concluded.)

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## 1 C E R T I F I C A T E

2 GEORGIA:

3 COBB COUNTY:

4 I hereby certify that the foregoing deposition  
5 was taken down, as stated in the caption, and the  
6 questions and the answers thereto were reduced to  
7 typewriting under my direction; that the preceding  
8 pages represent a true and correct transcript, to  
9 the best of my ability, of the evidence given by  
10 said witness upon said hearing.

11 And I further certify that I am not of kin or  
12 counsel to the parties to the case; am not in the  
13 regular employ of counsel for any of said parties  
14 nor am I in anywise interested in the result of  
15 said case.

16 Disclosure pursuant to OCGA Section  
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23 where applicable.

24 This the 10th day of June, 2014.

25

26 Margaret A. Fischer, CCR No. B-749  
27 My Commission Expires 3-01-18

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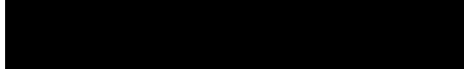
Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended

ERRATA SHEET

Page	Line	Correction	Reason
17	19	Change "Cole's" to "Kohl's"	Name misspelled
28	16	Change "office" to "all this"	Reflects witness's testimony
32	5	Insert "about" after "calling"	Reflects witness's testimony
32	7	Change "you" to "he"	Reflects witness's testimony
65	19	Insert comma after "think"	Reflects witness's testimony
65	20	Insert quotation marks ("") before "could" and a comma + quotation mark (",") after "Creek"	Reflects witness's testimony

This errata sheet is submitted subject to 18 U.S.C. § 1001 (commonly known as the False Statements Act).

Witness Name: 

Witness Signature: 

Date: June 19, 2014

## **EXHIBIT 2**

### **TRANSCRIPT OF INTERVIEW OF REPRESENTATIVE PETRI'S LEGISLATIVE ASSISTANT**

INTERVIEW OF [REDACTED]

Present:

Scott Gast, Investigative Counsel

Bryson Morgan, Investigative Counsel

Rob Kelner, Counsel for the Witness

Kevin Glandon, Counsel for the Witness

[REDACTED]

Transcribed By:

Julie Thompson

1 MR. GAST: For the record, today is May 22, 2014. This is  
2 Scott Gast with Bryson Morgan with the Office of  
3 Congressional Ethics. Here with [REDACTED]  
4 with the office of Congressman Thomas Petri with  
5 his counsel Rob Kelner and Kevin Glandon, and we  
6 appreciate you being here today.

7 We usually like to start these  
8 interviews with a little bit of background. If  
9 you could tell us your current position in the  
10 office and your general duties in that position.

11 [REDACTED] (the "Witness"): Yes. My current position is  
12 legislative assistant.

13 MR. GAST: Okay.

14 WITNESS: And so I handle Congressman Petri's education,  
15 and workforce issues, energy, environment,  
16 interior issues, and healthcare. And so the  
17 responsibilities of a legislative assistant is  
18 to advise him on votes and manage legislative  
19 initiatives that -- bills he's introduced, or  
20 joint letters that he wants to do, or take  
21 meetings with constituents, and other things  
22 like that.

23 MR. GAST: Okay. Can you say those issues once again that  
24 you said? Ed and workforce, energy,  
25 environment.

1 WITNESS: Interior issues.

2 MR. GAST: Okay. And healthcare?

3 WITNESS: And healthcare.

4 MR. GAST: And how long have you been in that position?

5 WITNESS: Since June of 2010. So I should be clear by

6 saying that I became a legislative assistant in

7 roughly the December 2009/January 2010 time

8 frame and handled a different set of issues at

9 that point. That was some transportation and

10 infrastructure issues, veterans, foreign

11 affairs, defense, water issues, and agriculture.

12 And then when another legislative

13 assistant left in June of 2010, I switched over

14 and took over her issues.

15 MR. GAST: And was that that left in 2010?

16 WITNESS: Lindsay Punzenberger.

17 MR. GAST: Okay.

18 WITNESS: Lindsey Bowers I think was her name prior to

19 getting married.

20 MR. GAST: Okay. And in that December 2009/January 2010

21 time frame, did you succeed James Fenlon as a

22 legislative assistant? Was that kind of the

23 transition?

24 WITNESS: Yes.

25 MR. GAST: And took over the defense issues from him?

1 WITNESS: Yes.

2 MR. GAST: What did you do prior to becoming an LA in  
3 2009/2010?

4 WITNESS: I was a legislative correspondent in the office  
5 from April 2009 through when I transitioned.

6 MR. GAST: Okay. And before that?

7 WITNESS: I worked for Congressman Frank Wolf.

8 MR. GAST: Okay.

9 WITNESS: -- from April 2007 to April 2009.

10 MR. GAST: Okay. Want to talk to you about your time as a  
11 legislative assistant in Representative Petri's  
12 office, during that time were you made aware of  
13 the extent of Representative Petri's stock  
14 ownership in any way?

15 WITNESS: Not that I recall. I didn't recall being aware  
16 of any of it, but in reviewing documents in  
17 preparation for this interview, I recalled that  
18 I was made aware of his ownership in Oshkosh  
19 Corporation at the time.

20 MR. GAST: In Oshkosh specifically?

21 WITNESS: Yes.

22 MR. GAST: And do you recall the circumstances around that,  
23 how you learned that?

24 WITNESS: I don't recall.

25 MR. GAST: Do you remember when that was?

1 WITNESS: I don't remember.

2 MR. GAST: But more generally, had there been any  
3 discussion about Representative Petri owning  
4 stock in various companies; that that might be  
5 something to keep aware of if you work with  
6 those companies?

7 WITNESS: I don't recall any specific discussion.  
8 Typically, Debbie Gebhardt, Chief of Staff, was  
9 really the one who was aware of those things and  
10 would help flag potential issues.

11 MR. GAST: Were there -- was there any ethics training, or  
12 were you given any information about ethics  
13 rules related to official actions taken on  
14 behalf of companies in which the Congressman had  
15 stock ownership?

16 WITNESS: Certainly, we're required to go through ethics  
17 training, and there's an expectation that we be  
18 aware of the rules that we're supposed to be  
19 complying with. And anything that was -- that  
20 we thought might cause any issues in terms of  
21 ethics, we were supposed to raise with our Chief  
22 of Staff and potentially consult the ethics  
23 committee.

24 MR. GAST: Nothing specific as to potential conflicts that  
25 might arise with stock ownership by the member?

1 WITNESS: Only in the sense that when I came into that  
2 job, there was already discussion of -- that  
3 they had already been dealing with the fact that  
4 he owned stock in Oshkosh Corporation and had  
5 been in consultation with the ethics committee.  
6 So I became aware of that as I came into that  
7 job.

8 MR. GAST: And when you say "that job," which job do you  
9 mean?

10 WITNESS: I mean when I transitioned to be a legislative  
11 assistant, taking over for James Fenlon.

12 MR. GAST: Okay. The December 2009 to January 2010 time  
13 period?

14 WITNESS: Yes.

15 MR. GAST: Okay. Were there any office policies on that  
16 issue about dealing with companies in which  
17 Representative Petri owned stock?

18 WITNESS: Not -- I'm only aware just that we were -- in  
19 general, Debbie was the one who would flag  
20 issues if she was aware of them because  
21 everything generally goes through Debbie.

22 MR. GAST: Okay. And how would you spot those times when  
23 you should go to Debbie with a question?

24 WITNESS: Those times would be just from our awareness of  
25 ethics rules, or the fact that we had been



1 through ethics training; and the fact that when  
2 we give memos to Congressman Petri, we run them  
3 through Debbie, and so she was aware of his  
4 stock ownership and would help us to make sure  
5 we were doing what we needed to do to be in  
6 compliance.

7 MR. GAST: Were you given a list of companies that  
8 Congressman Petri had stock ownership of?

9 WITNESS: No.

10 MR. GAST: Okay. It's fair to say that, that was kind of  
11 Debbie's role in the office?

12 WITNESS: Yeah. In addition -- yeah. In addition to all  
13 of her other responsibilities.

14 MR. GAST: Okay. Other than the Oshkosh issue that you  
15 mentioned when you came on as an LA, were there  
16 other times in the office where you became aware  
17 of the fact that you were working on an issue  
18 that involved a company that Representative  
19 Petri owned stock in?

20 WITNESS: No. Because I was -- I was never aware of the  
21 other companies --

22 MR. GAST: Okay.

23 WITNESS: -- specifically.

24 MR. MORGAN: Do you remember anything about the context in  
25 which you became aware that he owned Oshkosh

1 stock, how that came up? If it was in a  
2 conversation with Debbie, or do you recall  
3 anything more about that?

4 WITNESS: I don't. I don't recall. As I mentioned  
5 earlier, I didn't even recall being aware until  
6 seeing in an email that it was mentioned, as part  
7 of the preparation for this interview. So I  
8 just don't recall how it -- in what context it  
9 came up then.

10 MR. GAST: Were there ever any conversations in the office  
11 about stock performance of any companies or the  
12 general performance of certain companies?

13 WITNESS: Not really stock performance. As a member of  
14 Congress, constituents come in, and he would  
15 just generally ask how things are going in  
16 Wisconsin. But he would ask that of almost  
17 every group that came in.

18 MR. GAST: Okay. Let me talk to you about the Oshkosh  
19 Corporation. How often would you have  
20 interactions with representatives from the  
21 company?

22 WITNESS: Highly infrequently.

23 MR. GAST: When you would have those interactions, who at  
24 the company would you deal with?

25 WITNESS: I don't recall specifically. There was --

1 during the period were I was transitioning -- I  
2 can't remember the name of the person. It's in  
3 the emails that -- I just can't remember who it  
4 was. There was someone directly from Oshkosh  
5 that I had at least some interaction with, and  
6 then I think there was -- Will Stone I think was  
7 involved as potentially representing them.

8 And then after that, there was very,  
9 very little interaction that I can recall with  
10 Oshkosh and, particularly, since I stopped  
11 handling defense six months later and --

12 MR. GAST: And when you say "after that," what do you mean  
13 by that?

14 WITNESS: I mean after any interaction that we had related  
15 to the FMTV contract.

16 MR. GAST: And who succeeded you as the person handling  
17 defense issues?

18 WITNESS: Meagan McCanna.

19 MR. GAST: Okay. And when you would have these  
20 interactions with Oshkosh folks, how would that  
21 generally come up?

22 WITNESS: Initially when we were doing the FMTV contract,  
23 it was just that James Fenlon already had sort  
24 of -- I mean, when we transitioned, James had  
25 already been -- this had been an ongoing thing

1 for months, and James had ongoing communication  
2 with folks; and he forwarded me at least one  
3 email I think that -- to try and sort of get me  
4 up to speed on the issue.

5 And so it -- we just had direct email  
6 contact, and it just -- whatever was sort of  
7 going on with the issue, we were communicating  
8 about.

9 MR. GAST: How often would Representative Petri interact  
10 with the Oshkosh folks?

11 WITNESS: I don't think too frequently. If they -- I'm  
12 trying to recall if they ever came in for  
13 meetings. I don't recall that they came in for  
14 meetings frequently, at least I can't really  
15 recall any, honestly. I think a lot of it was  
16 at a staff level. Of course, I'm not aware.  
17 I'm not fully tied into his schedule in the  
18 district, and he's constantly traveling in the  
19 district; and I don't know at what points he did  
20 (inaudible). I can't speak to that.

21 MR. GAST: Okay. And aside from the FMTV contract issue,  
22 were there any other subjects which you  
23 discussed with the Oshkosh folks?

24 WITNESS: I didn't recall any, except in reviewing  
25 documents for this process. There was a time

1 when Bill Povoderick (phonetic) contacted us,  
2 and I don't -- from seeing the document, I have  
3 very little bit of information. I can't recall  
4 the full details, but I think he contacted us in  
5 some capacity about Oshkosh doing -- trying to  
6 establish a training relationship with Herzing  
7 University.

8 MR. GAST: With which university?

9 WITNESS: Herzing, H-e-r-z-i-n-g --

10 MR. GAST: Okay.

11 WITNESS: -- which is a school in Wisconsin, and I believe  
12 I just connected him with a staffer on education  
13 and workforce. I can't remember the nature of  
14 the request, and I don't recall that we did  
15 anything beyond that.

16 MR. GAST: Okay. Any other instances?

17 WITNESS: Not that I can recall.

18 MR. GAST: Other subjects? Did you ever have conversations  
19 with the Oshkosh folks about non public  
20 information?

21 WITNESS: Not that I can recall specifically. I don't --  
22 I honestly don't recall even having that many  
23 conversations with them, and I just can't recall  
24 any specific conversations like that.

25 MR. GAST: What about like heads up on, you know, we have

1 layoffs coming up, wanted to let you know about  
2 that or things of that nature? You recall any  
3 of that?

4 WITNESS: I recall that they had layoffs at some point,  
5 but I don't recall having a personal  
6 conversation with them about that.

7 MR. GAST: Okay.

8 WITNESS: Yeah. I don't recall.

9 MR. GAST: Okay. And did you ever discuss with the Oshkosh  
10 folks Congressman Petri's stock ownership, the  
11 fact that he was an owner of shares of Oshkosh?

12 WITNESS: No. I don't remember doing that.

13 MR. GAST: I want to talk specifically about that -- the  
14 Family of Medium Tactical Vehicles.

15 WITNESS: Mm-hmm.

16 MR. GAST: I guess is the FMTV contract. You said you got  
17 involved with transitioning from James Fenlon.

18 What did Mr. Fenlon tell you about the work that  
19 had gone on when you made that transition?

20 WITNESS: It's hard for me to remember. It was -- just  
21 because it was four years ago, and it was just -  
22 - I was a new legislative assistant. There was  
23 a lot going on. I can just remember that he  
24 sort of got me up to speed on what was going on  
25 and sent me some emails, and at some point

1 within the two-month period, we sort of handed  
2 off the baton. I just can't remember anything  
3 more specifically about what specific  
4 conversations we had as part of that transition.

5 MR. GAST: Okay. Do you recall what the first project you  
6 worked on, on that issue after you took over  
7 from James?

8 WITNESS: I think it was a letter related to whether the  
9 Army would do a potential bridge contract for  
10 the other contractor, which I think was BAE  
11 Systems.

12 MR. GAST: And how did that project get started?

13 WITNESS: It's hard for me to remember the details. I  
14 believe it got started because -- I honestly  
15 can't remember. Yeah. I'm sorry. I just can't  
16 recall. We transitioned, and there was multiple  
17 steps in the FMTV process, and some of them took  
18 place before me, and I honestly just can't  
19 recall how it got started. It's just too long  
20 ago.

21 MR. GAST: Let me just back up one second. When you had  
22 the kind of transition discussions with James  
23 Fenlon, did the issue of Representative Petri's  
24 stock ownership come up at all during those  
25 discussions?

1 WITNESS: I can't remember if they did.

2 MR. GAST: Okay. And then on this letter, the bridge  
3 contract letter, you recall who initiated the  
4 idea for the letter?

5 WITNESS: I don't recall. I'm sorry.

6 MR. GAST: Okay. All you can do is recall what you can.  
7 Can you tell me what you do remember about the  
8 letter itself and how it moved forward?

9 WITNESS: I don't remember much about the process. I  
10 mean, I remember -- and I barely remembered the  
11 specific letter until reviewing the documents in  
12 preparation for this. So I just remember  
13 drafting it and running it through Debbie, but  
14 there's not much more that I can remember about  
15 it.

16 MR. MORGAN: So was that a letter that was a project that  
17 transitioned from James to you, or was it -- do  
18 you remember if it started after you took over?

19 WITNESS: I do think it started after -- I do think that,  
20 that was not something James had worked on  
21 because I do remember drafting the letter. I  
22 just can't recall the process by which it got  
23 started, and so -- yeah.

24 I'm sure we were in constant  
25 communication with Oshkosh about the process,



1 and so we knew -- and we had some sense of like  
2 -- and hearing what the agency was putting out.  
3 So we knew what was going on and trying to be as  
4 helpful as possible to ensure that they were  
5 treated fairly in the process, but I just can't  
6 recall anything more about what the specific  
7 circumstances were about how it got started.

8 MR. GAST: Do you remember ethics issues coming up at any  
9 point during the process of drafting and  
10 preparing the letter?

11 WITNESS: I don't recall anything specific during that  
12 letter process.

13 MR. GAST: Did you yourself have any contact with the  
14 ethics committee about the letter?

15 WITNESS: I don't recall having any ethics contact.

16 MR. GAST: Do you know if anybody else had any contact with  
17 the ethics committee about the letter?

18 WITNESS: I don't know.

19 MR. GAST: Were you given any guidance about the letter  
20 from an ethics perspective?

21 WITNESS: I don't recall anything specifically.

22 MR. GAST: Was there any discussion about Representative  
23 Petri disclosing his ownership of Oshkosh stock  
24 to the Secretary of the Army, the recipient of  
25 the letter?

1 WITNESS: I don't recall any specific discussion on that.

2 MR. MORGAN: So let me sort of back up a little bit here.

3 The letter was regarding a bridge contract; is

4 that right, a contract from the Department of

5 Defense or the Army? Do you remember who was

6 awarding the contract?

7 WITNESS: I'm fairly sure it was the Army.

8 MR. MORGAN: Okay. And you were -- you said you were in

9 constant communication with Oshkosh about the

10 contract. Were you monitoring the contract

11 bidding and award process as an LA, or how did

12 you become aware of the contract?

13 WITNESS: Well, when I transitioned from James, a lot of

14 the -- the process was largely -- it had been

15 going on for months, and so when I transitioned,

16 I became aware of those things. And as -- I

17 can't remember the exact specific stuff, but

18 there was sort of multiple steps in this

19 process.

20 MR. MORGAN: In the contracting process?

21 WITNESS: Yeah. There was -- there was the initial award.

22 MR. MORGAN: Okay.

23 WITNESS: Which I seem to recall took place before I ever

24 transitioned, and then there was the -- there

25 was a protest; and I think GAO did an

1 evaluation, and I can't remember the exact  
2 timing of when I took over and when that GAO  
3 issue became resolved. But then I think the  
4 bridge aspect came up after GAO upheld the  
5 contract. And just so at different points in  
6 the process, you know, we -- Oshkosh would tell  
7 us, okay, you know, GAO upheld this and we -- so  
8 we are just hearing from them how things were  
9 going throughout this process essentially.

10 MR. MORGAN: And were you monitoring other contracts as well?  
11 Was that -- had monitoring contracts become a  
12 part of your sort of work portfolio?

13 WITNESS: No. Not at all. As a legislative assistant,  
14 you have no time to do that, and it's not really  
15 within your typical roles. It was only because  
16 in this particular case we had been involved  
17 because there as a very specific issue with  
18 (inaudible) constituent company, a fair  
19 treatment in this process that we were more  
20 specifically involved.

21 And there would be other instances. I  
22 mean, as a legislative assistant, for example,  
23 there's times when you're constituents go  
24 through any kind of competitive bidding process  
25 or they go through a competitive grant process.

1 If they feel like they're not getting fair  
2 treatment, they reach out to their member of  
3 Congress, and you sometimes write a letter. So  
4 there's certainly been lots of instances as a  
5 legislative assistant where you -- you assist  
6 constituents, whether they be companies, or  
7 schools, or individuals who are doing something  
8 with a federal agency. And they don't feel like  
9 they've been receiving fair treatment, and you  
10 send a letter on their behalf.

11 And so, certainly in those cases,  
12 you're involved in that specific circumstance,  
13 but it's not your job generally to follow every  
14 single thing that is going on with any person or  
15 company in your district.

16 MR. MORGAN: During that time period when you were handling  
17 defense issues, do you recall any other  
18 companies that you were doing similar work for,  
19 monitoring contracts or protests of awards?

20 WITNESS: Not that I can recall during that time. I can  
21 certainly think of instances when I've been a  
22 legislative assistant where we have advocated on  
23 behalf of constituents' companies, schools, or  
24 otherwise, individuals for different processes  
25 with federal agencies.

1 MR. MORGAN: Okay.

2 MR. GAST: Aside from that letter on the bridge contract,  
3 were there other occasions on which you provided  
4 assistance to Oshkosh on this contract?

5 WITNESS: Not that I can recall.

6 MR. GAST: Did you have any communications with any of the  
7 folks at the Armed Services committee?

8 WITNESS: I don't remember any communications.

9 MR. GAST: How about at the appropriations committee, the  
10 defense subcommittee?

11 WITNESS: No. I can't recall any.

12 MR. GAST: Okay. Aside from the FMTV contract protest and  
13 having that implemented, were there any other  
14 occasions in which you provided specific  
15 assistance to Oshkosh?

16 WITNESS: Not that I can remember other than the incident  
17 when Bill (Inaudible) reached out to us about  
18 the training with Herzing University. That's  
19 the only other thing I can recall.

20 MR. GAST: What about -- did you ever deal with Oshkosh in  
21 appropriations requests that they would ask the  
22 Congressman to support?

23 WITNESS: Not Oshkosh but certainly I managed the  
24 appropriations requests within my issue areas,  
25 but I don't recall any for Oshkosh.

1 MR. GAST: Okay. Let me show you this email. I have a  
2 copy for you. This is just an email exchange  
3 between you and Will Stone, who you mentioned  
4 you may have worked with on Oshkosh.

5 WITNESS: Mm-hmm.

6 MR. MORGAN: This is Bates Number 861.

7 MR. GAST: Okay.

8 WITNESS: Okay.

9 MR. GAST: You recall this email?

10 WITNESS: No.

11 MR. GAST: Does this help to, I guess, jog your memory as  
12 to conversations you might have had with Oshkosh  
13 about appropriations requests?

14 WITNESS: No. We had a lot of appropriations requests. I  
15 just can't -- I can't remember what this  
16 specifically might have been.

17 MR. GAST: Do you remember generally meeting with Will  
18 Stone or Mike Power from Oshkosh to talk about  
19 appropriations matters in general?

20 WITNESS: No. This jives -- I remember the name Mike  
21 Power now, but I just can't specifically  
22 remember what this was about. Yeah. I just  
23 can't remember this specifically.

24 MR. GAST: Did Representative Petri submit any  
25 appropriations requests on behalf of Oshkosh

1 while you were handling the issues, the defense  
2 issues?

3 WITNESS: Not that I can recall. I can't say that we  
4 didn't. I just can't remember specifically what  
5 those appropriations requests were for that  
6 year.

7 MR. GAST: Okay. I want to talk to you now about the  
8 Manitowoc Company or the Manitowoc Company  
9 pronounced different ways.

10 WITNESS: Manitowoc, yeah. It's all the Wisconsin names,  
11 sorry.

12 MR. GAST: Do you recall having interactions with  
13 representatives from that company?

14 WITNESS: Yes.

15 MR. GAST: And who at that company did you deal with?

16 WITNESS: Al Bernard.

17 MR. GAST: And who is he?

18 WITNESS: I think Al works directly for the company doing  
19 federal relations of some sort. I'm not 100  
20 percent sure if he's employed directly by them  
21 or represents them, but he represented them in  
22 communication with us.

23 MR. GAST: He was your primary contact?

24 WITNESS: Yes.

25 MR. GAST: Anybody else that you worked with from

1 Manitowoc?

2 WITNESS: Not that I can recall.

3 MR. GAST: Okay.

4 WITNESS: Yeah. I'm pretty sure all my communication were  
5 with him, and I just can't recall if there was anybody else.

6 MR. GAST: And how often generally would you deal with Mr.  
7 Bernard?

8 WITNESS: There was sort of two bursts. There was kind of  
9 an initial period where they reached out to us,  
10 and we had some conversations -- I don't know --  
11 maybe it was seven, eight, or nine back and  
12 forth phone calls, emails over a period of a  
13 couple months. And then they went back and  
14 continued to work with EPA.

15 And then I think we had a second  
16 period of communication, sort of a second round  
17 of that, but other than that, this particular  
18 issue, I don't recall any communication with him  
19 in my time as an LA.

20 MR. GAST: Okay. And you said two bursts. Was that  
21 related to the same issue?

22 WITNESS: Same issue.

23 MR. GAST: And that was dealing with the EPA, I guess, on a  
24 hardship exemption?

25 WITNESS: Yes.



1 MR. GAST: Okay. And before we get into the details of  
2 that, how generally would you interact with him?  
3 Would it be by phone? Would he come in and talk  
4 to you, by email?

5 WITNESS: I don't think we ever met face to face. I think  
6 it was either by phone or by email.

7 MR. GAST: Okay. And what about interactions with  
8 Representative Petri? How often would he  
9 interface with Mr. Bernard or anybody from  
10 Manitowoc?

11 WITNESS: I don't know -- I don't recall him ever meeting  
12 Bernard, and I can't -- I personally can't  
13 recall any specific times that they have met  
14 with us in D.C. or met Congressman Petri in D.C.  
15 As I mentioned earlier, I don't know Congressman  
16 Petri's schedule in the district.

17 MR. GAST: Sure. And then besides from this EPA issue, you  
18 said you don't recall any other contacts with  
19 Mr. Bernard on any other subjects?

20 WITNESS: Yeah. No. Not that I can remember.

21 MR. GAST: Did you and Mr. Bernard ever discuss  
22 Representative Petri's ownership of the  
23 company's stock?

24 WITNESS: No. I don't remember discussing that.

25 MR. GAST: Were you aware at the time you were working on

1 this EPA issue with the company that

2 Representative Petri owned Manitowoc stock?

3 WITNESS: I don't recall being aware.

4 MR. GAST: Before we get into the two bursts with EPA, do

5 you recall -- do you have any information about

6 back in January, February 2007 -- I guess you

7 weren't with the Congressman at that point --

8 any discussions about Lindsay Bowers assisting

9 the company with a rule making, EPA rule making?

10 Is that something that ever came to your

11 attention?

12 WITNESS: No. But you should be aware that I was an

13 intern in the office --

14 MR. GAST: Okay.

15 WITNESS: -- from November of 2006 to April 2007.

16 MR. GAST: Okay.

17 WITNESS: I switched careers. I used to work for -- off

18 Capitol Hill and became an intern from that time

19 period for Congressman Petri and then worked for

20 Congressman Wolf.

21 MR. GAST: Okay.

22 WITNESS: But, no, I don't recall any discussions with

23 Lindsay about any relationship with Manitowoc.

24 MR. GAST: Okay. Or even through Mr. Bernard, any

25 discussion about the assistance that she may

1 have provided them previously?

2 WITNESS: No. I don't recall anything.

3 MR. GAST: Alright. And then it looks like from some other  
4 documents that the office provided us that  
5 around September of 2012 this issue about the  
6 hardship exemption came up. Do you recall how  
7 that came about, how the whole process started?

8 WITNESS: Yes. I'm pretty sure that Al reached out to  
9 Debbie. I can't remember if it was by phone or  
10 email, but -- and then Debbie connected Al to  
11 me. And then Al gave me background on the  
12 issue, and then we sort of went from there.

13 MR. GAST: And what was the issue involved?

14 WITNESS: I won't remember all the particulars exactly,  
15 but essentially my recollection is that there's  
16 requirements for diesel engine emissions. I  
17 think they're called Tier 4 emissions,  
18 standards. So Manitowoc Company, I believe they  
19 -- I believe they -- I think they manufacturer  
20 diesel engines as part of the cranes that they  
21 build.

22 So they were trying to apply for a  
23 hardship exemption from the EPA, and essentially  
24 they were trying to -- they had done the  
25 application, and they were trying to get sort of

1 clearance from the EPA that everything was right  
2 and seemed fine because my understanding was  
3 that they needed -- they can't wait until two  
4 months before they have to deliver engines to  
5 find out that they're not eligible for an  
6 exemption. And they needed some clarity so that  
7 they wouldn't find out at the last minute that  
8 they hadn't like crossed a T or something in  
9 their application.

10 And so they were really -- they were  
11 far ahead of where they needed to be in terms of  
12 the deadlines, and they just needed some clarity  
13 from EPA that everything seemed in order. And  
14 so that was -- they were struggling to get that  
15 clarity, and they were reaching out to us to see  
16 if we could help them in this application  
17 process to get some clarity from the agency.

18 MR. GAST: And do you recall what they specifically asked  
19 for, what assistance they asked for?

20 WITNESS: I can't recall specifically if -- because  
21 there's different ways that you can interact  
22 with agencies. You can call the liaison office.  
23 You can send a letter, and I believe that at  
24 first we called the liaison office and just had  
25 some interaction with some folks at EPA. And I

1 think at some point we -- I know that we  
2 followed up with a letter at some point. I just  
3 can't remember the exact timing of those things.

4 MR. GAST: When you say we first called the liaison office,  
5 who do you mean by "we"?

6 WITNESS: I mean me.

7 MR. GAST: You, okay. Did you work with anybody else in  
8 the office on this?

9 WITNESS: No.

10 MR. GAST: And was this Al that you worked with at the  
11 company?

12 WITNESS: Yes.

13 MR. GAST: Was there anyone else that you worked with?

14 WITNESS: Not persistently. I honestly can't recall if --  
15 there's some potential that Al put me on a  
16 conference call with, you know, Manitowoc  
17 engineers at some point to sort of explain in  
18 more detail what they had done with this  
19 hardship exemption process, but I honestly can't  
20 recall whether that actually took place or not.  
21 There's certainly potential. I just can't  
22 remember, but that's the only interaction I can  
23 think of with Manitowoc.

24 And, certainly, Debbie was involved in  
25 the sense that, you know, when we wrote the

1 letter, I showed it to her. So Debbie was the  
2 only other person in the office that I worked  
3 with.

4 MR. GAST: Okay. And then let's walk through this. You  
5 said you initially called over to the EPA. Do  
6 you remember who you dealt with over there?

7 WITNESS: I don't recall the name specifically.

8 MR. GAST: Did you work through the liaison office, or did  
9 you -- do you remember what --

10 WITNESS: Yeah.

11 MR. GAST: -- entity you called?

12 WITNESS: I mean, I can't remember the specific call, but  
13 I would almost certainly have worked through the  
14 liaison office.

15 MR. GAST: Okay. And do you recall what that conversation  
16 was?

17 WITNESS: My recollection of how it played out was that  
18 they -- someone at the liaison office was very  
19 helpful and said, we'll look into this, and  
20 we'll get in touch with our -- I think it's the  
21 Chicago office that was the responsible office.  
22 And I think whoever I spoke with at EPA looked  
23 into it and --

24 My initial -- or my recollection of  
25 how this played out was that the first burst of

1 activity was that we contacted EPA, and then we  
2 were able to sort of -- EPA basically, through  
3 further conversations directly with Manitowoc,  
4 would give them assurances that everything was  
5 in order with their application; and that's when  
6 everything seemed to be fine.

7 MR. GAST: Okay. So that first burst ended with assurances  
8 from EPA that the application looked to be in  
9 order?

10 WITNESS: I can't say specifically that it was that  
11 strong, but Manitowoc -- when we reached out to  
12 EPA, EPA then I think had further conversations  
13 with Manitowoc; and Manitowoc got back to us and  
14 said that it seemed to be fine; that they had  
15 enough of a comfort level based on their  
16 conversations with EPA that they were  
17 comfortable. That's my recollection of how it  
18 played out.

19 MR. GAST: Any other role that you and the office had in  
20 that first burst of activity?

21 WITNESS: I think I might have had a conversation with the  
22 National Association of Manufacturers  
23 potentially because Al had already been engaged  
24 with them, and I think that they -- so they  
25 might have given me some feedback and thoughts

1 based on their own experience with these issues.

2 MR. GAST: Okay. Any other assistance?

3 WITNESS: I can't remember. I mean, I know we wrote at  
4 least one letter to EPA on this issue, and there  
5 might have been a second. I just can't recall,  
6 and I can't remember the exact timing --

7 MR. GAST: Sure.

8 WITNESS: -- of those letters. But, yeah, so there  
9 potentially could have been. I just can't  
10 recall exactly the timing of everything.

11 MR. GAST: And do you recall when this second burst then  
12 came around?

13 WITNESS: Not exactly. I feel like it was maybe four, or  
14 five, or six months later. I just -- I can't  
15 remember. So potentially it was in early 2013.  
16 I just -- I really can't say for sure.

17 MR. GAST: And what prompted the second round of activity?

18 WITNESS: Al Bernard reaching out.

19 MR. GAST: And what was the issue this -- on this occasion?

20 WITNESS: It's hard for me to recall, but I think it  
21 essentially was that they didn't have as much --  
22 they were still struggling with the same issue  
23 essentially, but they still felt like there was  
24 a lot of uncertainty trying to get -- they  
25 didn't sort of know the status of their



1 application. They weren't getting clear  
2 communications from EPA, and they were getting  
3 closer to sort of when they had to make  
4 decisions. And so I think it was sort of a  
5 further -- just conversations, and I think we  
6 did a letter at that point, but basically the  
7 same issue that we were dealing with the first  
8 time.

9 MR. GAST: And was that a letter to the regional EPA  
10 administrator?

11 WITNESS: I think so. Yeah.

12 MR. GAST: Any other assistance provided beyond that  
13 letter? Were there conversations with the EPA?

14 WITNESS: I don't think so, except what I mentioned before  
15 that there may have been a second letter in the  
16 process. I just -- I can't recall specifically.

17 MR. GAST: And how did this kind of second round of  
18 activity wrap up?

19 WITNESS: I'm pretty sure it was similar to the first in  
20 the sense that Manitowoc got some kind of either  
21 approval or had further discussions with EPA,  
22 and they were happy with how it played out. I  
23 just -- I can't remember exactly what happened  
24 on that. I guess I should say I remember it  
25 being a positive outcome. I just can't remember

1 what the specific outcome was.

2 MR. GAST: Okay. And you had said that during this time  
3 that you were providing this assistance to the  
4 company, you were not aware that Representative  
5 Petri held stock in the company, Manitowoc?

6 WITNESS: Yeah. I don't recall being aware.

7 MR. GAST: Were there any conversations of which you were  
8 aware with the ethics committee about the  
9 assistance that you were providing?

10 WITNESS: I'm not aware of any conversations.

11 MR. GAST: And you yourself didn't have any conversations  
12 with ethics committee staff?

13 WITNESS: Not that I can recall. No.

14 MR. GAST: Okay. Did you have any conversations with  
15 Debbie about ethics committee guidance, or  
16 rules, or communications with the committee?

17 WITNESS: Not that I can recall.

18 MR. GAST: So then given the fact that you weren't aware of  
19 the stock ownership and you don't recall being  
20 aware of the stock ownership, you don't recall  
21 any occasion where Representative Petri's  
22 ownership of the company's stock was disclosed  
23 to the EPA?

24 WITNESS: No. Not that I can recall.

25 MR. GAST: Okay. Do you have any questions about

1 Manitowoc?

2 MR. MORGAN: Yeah. During these two bursts with the EPA, you  
3 said you were working with Al and Debbie as  
4 well. Did you have any direct interactions with  
5 Representative Petri about the EPA issues with  
6 Manitowoc?

7 WITNESS: Only -- I can't remember specifically how it  
8 happened, but at some point in the process I  
9 recall that I basically got his approval to -- I  
10 filled him in on the situation and got his  
11 approval to proceed essentially with assisting  
12 them through the EPA.

13 MR. MORGAN: Do you recall if that was during that first  
14 burst of activity, or was it during the second  
15 or both?

16 WITNESS: I can't recall specifically. My recollection is  
17 that I asked him about -- I recall asking him  
18 about the letter in some way, but I can't recall  
19 if he was involved in me simply just making a  
20 phone call over to EPA to inquire about the  
21 status of their application.

22 MR. MORGAN: Was that a face-to-face meeting you had with the  
23 Congressman?

24 WITNESS: I can't recall. Yeah. I just can't remember.  
25 Typically, I would write these things as a memo

1 and give it to him, but I can't recall  
2 specifically.

3 MR. MORGAN: Okay. But you were -- the purpose of you  
4 communicating with him was to seek his approval  
5 to move forward with working with Manitowoc on  
6 the issue?

7 WITNESS: Yes.

8 MR. MORGAN: Okay. And you did receive his approval?

9 WITNESS: Yes.

10 MR. MORGAN: Do you recall if you received that directly from  
11 him, or was that relayed through Debbie or  
12 someone else in the office?

13 WITNESS: It would have been -- if I gave it to him in a  
14 memo, it would have just been in writing that he  
15 would have acknowledged and said, yes, I'm fine  
16 with sending a letter. If I had spoken to him  
17 directly, he just would have told me it was  
18 fine.

19 MR. MORGAN: Okay.

20 MR. GAST: And you don't recall his stock ownership coming  
21 up in your contacts with him?

22 WITNESS: No. I don't recall. No.

23 MR. GAST: Okay. I want to talk to you about the Plum  
24 Creek Timber Company --

25 WITNESS: Okay.

1 MR. GAST: -- now. Are you familiar with that company?

2 WITNESS: Yes.

3 MR. GAST: And have you had contacts with that company

4 through the Congressional Office?

5 WITNESS: Mm-hmm.

6 MR. GAST: Who do you deal with at the Plum Creek Timber

7 Company?

8 WITNESS: I think the only person I've dealt with is Bob

9 Harris.

10 MR. GAST: And do you know what his role is with the

11 company?

12 WITNESS: He represents them. I don't know if he's

13 employed directly by them or if he's outside the

14 company, but he has represented them in all

15 relations with us.

16 MR. GAST: Generally, how much contact do you have with

17 them?

18 WITNESS: I recall that they -- that Bob Harris comes in

19 for meetings every once in a while, sometimes

20 sort of as part of a larger association of

21 different companies involved in logging. So

22 those meetings, probably maybe twice a year, and

23 then --

24 MR. GAST: Are those meetings with you or with the

25 Congressman?

1 WITNESS: Sometimes with the Congressman, sometimes with  
2 me, sometimes with -- there's -- it's potential  
3 there's sometimes with other staff, depending on  
4 what the topic of the meeting is. And then  
5 other communications directly with Bob, I can't  
6 remember very many. It's probably not more than  
7 once or twice a year I think.

8 MR. GAST: Generally, what subjects do you have interaction  
9 with Plum Creek on?

10 WITNESS: Mostly logging issues, which calls kind of under  
11 the interior issue that I work on.

12 MR. GAST: Any other issues?

13 WITNESS: Bob Harris has, I think, in the past reached out  
14 to me on tax issues because of certain issues  
15 with depreciation and other things, and if I  
16 recall, I would have always sent him on to  
17 Richard Markowitz, who is our legislative  
18 assistant who handles tax issues.

19 MR. GAST: Okay.

20 WITNESS: And then there's -- I think they're impacted by  
21 a water issue as well, which is another person  
22 in the office.

23 MR. GAST: Who would handle that water issue?

24 WITNESS: It would have been Meagan for a long time.

25 MR. GAST: Okay.

1 WITNESS: And then more recently Cate Johnson when Meagan  
2 left.

3 MR. GAST: Cate Johnson?

4 WITNESS: Yeah, C-a-t-e. Catherine Johnson is her full  
5 name.

6 MR. GAST: Okay. In July of 2010 -- let me show you this.  
7 I want to just kind of walk through a couple of  
8 times when the office worked with Plum Creek  
9 starting with this one from July of 2010.

10 MR. MORGAN: What's the Bates Number on that?

11 MR. GAST: This is Bates Number Harris 000515.

12 WITNESS: Okay.

13 MR. GAST: Do you recall this email exchange between you  
14 and Bob Harris?

15 WITNESS: I vaguely recall it now, particularly from  
16 having it in front of me.

17 MR. GAST: And in the email response that you make to Bob,  
18 you indicate that, "My boss signed the letter,"  
19 meaning this dear colleague relating to a LEED  
20 building rating system issue. Do you recall the  
21 circumstances surrounding that decision to sign  
22 on to that letter?

23 WITNESS: Not specifically, other than I remember this  
24 particular issue, and I remember researching it  
25 and thinking that the sponsor of the letter, and

1 the people asking for it had -- I thought the  
2 concerns of the letter were valid, if I  
3 remember, and so I don't remember specifically  
4 how I asked him. I'm assuming it was in a memo.  
5 And so, yeah, that's all I can recall other than  
6 I researched it --

7 MR. GAST: And then you --

8 WITNESS: -- on the merit.

9 MR. GAST: You said that you prepared a memo for the  
10 Congressman seeking his decision about whether  
11 to sign?

12 WITNESS: Yeah. I can't say for certain but, yeah, I --  
13 certainly, much of what we do in the office is  
14 done by memo, but I can't recall specifically  
15 how this particular incident was handled.

16 MR. GAST: Okay. And you would have then received approval  
17 from the Congressman before agreeing to sign the  
18 letter?

19 WITNESS: Yes.

20 MR. GAST: Okay. Let me show you another email.

21 MR. KELNER: After this, why don't we take a five-minute  
22 break?

23 MR. GAST: Okay. Hopefully this won't be too much longer.  
24 Take a look at that email. This is Harris  
25 000386.



1 WITNESS: Okay.

2 MR. GAST: And if you look at the second page, it's a  
3 separate email from June, also an exchange  
4 between you and Bob Harris.

5 WITNESS: Okay.

6 MR. GAST: Do you recall this issue with the Land and Water  
7 Conservation Fund generally?

8 WITNESS: Yes.

9 MR. GAST: And do you recall these two emails?

10 WITNESS: I don't recall them specifically other than just  
11 seeing them here.

12 MR. GAST: Can you tell us what you remember about the  
13 circumstances of getting these emails from Mr.  
14 Harris and what you would have done after  
15 receiving them?

16 WITNESS: Typically with the Land and Water Conservation  
17 Fund, we actually would be contacted by a lot of  
18 public lands groups, Trust for Public Land and  
19 some others. And so there was a lot of  
20 different constituent groups who reached out to  
21 us to ask for support of the Land and Water  
22 Conservation Fund, and my boss is generally  
23 supportive of conservation and has signed a lot  
24 of letters in the past in support of LWCF.

25 So I actually -- I have a lot of

1 recollection over the years of getting a lot of  
2 requests from public lands groups. I actually  
3 didn't even recall getting this specific request  
4 from Plum Creek.

5 MR. GAST: On the first email, the email from Mr. Harris  
6 urging the Congressman to sign on to a letter in  
7 which you agree that -- which you inform him  
8 that Representative Petri agreed to sign the  
9 letter, would you have followed a similar  
10 process to seek the Congressman's agreement to  
11 sign the letter as you did with the LEED letter  
12 we just discussed?

13 WITNESS: Yes. You mean running it by him in some way --

14 MR. GAST: Mm-hmm.

15 WITNESS: -- and getting his approval before agreeing to  
16 sign?

17 WITNESS: Yes.

18 MR. GAST: Do you recall if that was an in-person  
19 discussion, whether you did a memo?

20 WITNESS: I can't recall specifically.

21 MR. GAST: Okay. Was there any discussion that you recall  
22 about the fact that Representative Petri's wife  
23 had just purchased stock in -- on May 11, 2012,  
24 in Plum Creek?

25 WITNESS: I don't recall any such discussion.

1 MR. GAST: Did Representative Petri bring that up in any of  
2 the conversations or correspondence that you may  
3 have had about whether or not to sign on to the  
4 letter?

5 WITNESS: No. I don't recall anything specifically. I  
6 don't recall that I even told him that Plum  
7 Creek was supportive.

8 MR. GAST: Okay.

9 WITNESS: Even though I said this in one of these emails  
10 that I will let him know, again, of Plum Creek's  
11 support. There's a lot of times with staff --  
12 you get hundreds of emails -- where you say,  
13 "I'll let your boss -- let the Congressman know  
14 of your support for this," and it doesn't mean  
15 that you're specifically going and telling them  
16 every single time of every single thing. So I  
17 think there's a high likelihood that I did not  
18 relay that specifically, but I don't know for  
19 sure.

20 MR. GAST: Okay. And on the second email where Mr. Harris  
21 asks if you can have Mr. Petri speak to the  
22 leadership and the conferees on the issue, do  
23 you know if Congressman Petri actually did have  
24 any of those kinds of conversations?

25 WITNESS: I don't know for sure, but I think it's

1 unlikely.

2 MR. GAST: Do you recall discussing that with Congressman  
3 Petri, discussing the request?

4 WITNESS: I don't recall speaking with him about that.

5 MR. GAST: And do you recall any discussions about ethics  
6 committee consultations or guidance on the  
7 question of whether to either sign the letter or  
8 talk to the leadership?

9 WITNESS: I don't recall any specific conversations.

10 MR. GAST: You want to --

11 MR. KELNER: Yeah.

12 MR. GAST: -- take a quick break?

13 MR. KELNER: Just a quick five-minute break.

14 (WHEREUPON, a recess was taken.)

15 END OF FILE 1

16

17 MR. GAST: Alright. This is Scott Gast and Bryson Morgan  
18 with the OCE back with [REDACTED], Rob Kelner,  
19 and Kevin Glandon.

20 Hopefully not too many more questions  
21 for you. Still on the subject of Plum Creek and  
22 your interactions with them, did you have any  
23 interactions on the subject of truck weight  
24 limits?

25 WITNESS: No.

1 MR. GAST: That didn't fall in your portfolio?

2 WITNESS: No.

3 MR. GAST: Do you know who that would have been?

4 WITNESS: Debbie Gebhardt. She handles highway issues.

5 MR. GAST: Okay. How about forest roads, dealing with EPA  
6 regulations on forest roads as a point source  
7 for pollution?

8 WITNESS: If it's -- my recollection is that's a Clean  
9 Water Act issue, and that would have -- Clean  
10 Water falls under transportation  
11 infrastructures. So I'm fairly certain that  
12 that was Meagan's issue.

13 MR. GAST: Alright. Let me just show you this email from  
14 Bob Harris to Debbie and to you. This is Bates  
15 Number PET-OCE-1532. If you want to take a look  
16 at that.

17 WITNESS: Alright.

18 MR. GAST: Do you recall this email?

19 WITNESS: Not specifically. I recall the issue, and I  
20 recall the bill. And it was a transportation and  
21 infrastructure bill, so it wouldn't have been  
22 one that -- a lot of time people get confused  
23 because I handle environment. They always come  
24 to me thinking that I would handle these issues,  
25 and I always, a lot of times, end up having to

1 refer them to our water person because water  
2 falls under T&I.

3 MR. GAST: Okay. And that would have been Meagan?

4 WITNESS: Yes. I'm assuming -- yeah. This was before --

5 MR. GAST: 2012.

6 WITNESS: -- Meagan left.

7 MR. GAST: And would you have done any work on this issue  
8 or --

9 WITNESS: I don't -- I don't recall doing any work. I  
10 assume I would have forwarded it on.

11 MR. GAST: Okay. Now let me move on to a fourth issue, tax  
12 issues. You said that was Rich Markowitz in  
13 your office?

14 WITNESS: Mm-hmm.

15 MR. GAST: Do you recall having any conversations with Bob  
16 Harris about timber tax issues?

17 WITNESS: No. Other than -- I think in the past Bob  
18 Harris has sent me an email saying there's some  
19 issue related to tax that he would either like  
20 to talk about or wanted us to support, and I  
21 think I've constantly referred him to Richard  
22 Markowitz.

23 MR. GAST: So even though you might be on those emails, you  
24 had no role in --

25 WITNESS: No.

1 MR. GAST: -- that issue? Okay. That is all I have on  
2 Plum Creek. And then just finally, I want to  
3 ask you if you had any interactions with the  
4 Danaher Corporation?

5 WITNESS: No.

6 MR. GAST: Are you familiar with that company?

7 WITNESS: I wasn't until this process.

8 MR. GAST: Okay. But you have not had any -- worked on any  
9 matters that they brought to your attention or  
10 anything like that?

11 WITNESS: I can't remember anything.

12 MR. GAST: Okay. I believe those are all the questions we  
13 had for you.

14 MR. KELNER: Okay. Great.

15 END OF INTERVIEW

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CONFIDENTIAL

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

ERRATA SHEET

Page	Line	Correction	Reason
11	1	Change "Powderick" to "Broydrick"	Correct spelling of his name.

This errata sheet is submitted subject to 18 U.S.C. § 1001 (commonly known as the False Statements Act).

Witness Name: \_\_\_\_\_  
Witness Signature: \_\_\_\_\_  
Date: 6/19/2014

# **EXHIBIT 3**

## **TRANSCRIPT OF INTERVIEW OF REPRESENTATIVE PETRI'S FORMER LEGISLATIVE ASSISTANT**



INTERVIEW OF [REDACTED]

Present:

Scott Gast, Investigative Counsel

Bryson Morgan, Investigative Counsel

[REDACTED] (telephonically)

Rob Kelner, Counsel to Representative Petri

Kevin Glandon, Counsel to Representative Petri

Transcribed By:

Julie Thompson

1 MR. GAST: For the record, this is Scott Gast with my  
2 colleague, Bryson Morgan, of the Office of  
3 Congressional Ethics. It is May 22, 2014. Here  
4 with [REDACTED], former legislative assistant  
5 for Congressman Tom Petri, who is joining us  
6 telephonically for an interview, and we are  
7 joined in person by counsel for Mr. [REDACTED], Rob  
8 Kelner and Kevin Glandon. And, again, Mr.  
9 [REDACTED], we appreciate your time in talking to  
10 us.

11 Generally, I like to start with a  
12 little bit of background about what your current  
13 situation is. If you could tell us your current  
14 employment, position, how long you've been in  
15 that position, and what your duties are, we'd  
16 appreciate that.

17 [REDACTED] (the "Witness"): Sure. So currently I'm the  
18 Village administrator for a community in the  
19 state of Wisconsin, the Village of Little Chute,  
20 which is in northeast Wisconsin.

21 And as the administrator, I'm  
22 essentially the chief administrative officer for  
23 the community, and I'm employed by the -- or I  
24 work for the Village board, an appointed  
25 position, and essentially responsible for

1 carrying out the operations of the government --  
2 of the Village government here and ensuring that  
3 we're operating in the most efficient and  
4 effective manner possible. And I've been  
5 employed with the Village of Little Chute since  
6 September 30, 2013, so just about seven months  
7 or so.

8 Prior to that I worked -- I moved from  
9 Washington, D.C.

10 MR. GAST: And what were you doing in Washington?

11 WITNESS: So my most recent position previous to this one,  
12 I worked for the Office of Chief of Naval  
13 Operations at the Pentagon or OpNav. I was a  
14 presidential management fellow with OpNav and  
15 spent two years working in various financial and  
16 acquisition related positions.

17 I worked for the deputies of Secretary  
18 of the Navy under research development  
19 acquisition for a bit of time.

20 I worked in the assistant secretary's  
21 office in the financial management branch doing  
22 more financial management type activities.

23 And then lastly, I guess I spent a  
24 little bit of time in Pearl Harbor working with  
25 the Pacific Fleet.

1 And then lastly finished up my two-  
2 year fellowship with the Navy working for six  
3 months at NAVSEA, or at the Washington Navy  
4 Yard, working for the Ohio Replacement program.

5 And then finally with the -- back at  
6 OpNav at headquarters there, working in an  
7 operational and readiness billet for OpNav N9I,  
8 which is the warfare integration branch of  
9 OpNav, and I did that for, like I said, two  
10 years. I started with them in August of 2011  
11 and worked through to September of 2013; and  
12 that was a great time.

13 Prior to that, I worked on Capitol  
14 Hill for the Armed Forces Foundation, a  
15 nonprofit providing service -- or providing  
16 financial resources, recreational opportunities,  
17 and counseling, and other opportunities to  
18 wounded warriors and their families; and I did  
19 that from January of 2010 to August of 2011.

20 And prior to that, I was with  
21 Congressman Petri's office.

22 MR. GAST: And how long were you with the Congressman?

23 WITNESS: So I started -- I guess going all the way back,  
24 I interned for the Congressman in the summer of  
25 2004 while I was studying at UW Green Bay.

1     Upon returning to finish up my  
2     undergraduate degree, I then worked part-time  
3     for the Congressman, for his campaign office in  
4     Fond du Lac, Wisconsin.

5     When I graduated from the University  
6     of Wisconsin Green Bay in December of 2005, I  
7     then was offered a position to work in the  
8     Congressman's district office in Fond du Lac,  
9     and I worked in the district office from  
10    December of 2005 to August of 2007, at which  
11    point in time I then accepted a position in the  
12    Congressman's -- well, Washington, D.C.,  
13    office.

14    I moved to Washington then, and from  
15    August 2007 I started there as a case worker.  
16    Shortly thereafter, I became a legislative  
17    correspondent in the Congressman's office and  
18    then handled a few legislative duties from  
19    probably 2008 to sometime in early 2009. I was  
20    the legislative correspondent.

21    And then in early 2009, I believe, I became  
22    -- or was promoted to just a legislative  
23    assistant, kind of shed the legislative  
24    correspondent duties, and then handled a much  
25    larger portfolio of legislative issues for the

1 Congressman, including transportation and  
2 infrastructure, Armed Services, appropriations,  
3 the Great Lakes issues, and a few other issues.  
4 But those were the primary focus from 2009 until  
5 the time that I left the Congressman's office in  
6 January of 2010.

7 MR. GAST: Okay. Quite a history.

8 WITNESS: Yeah. Very interesting career so far.

9 MR. GAST: Yeah. We are obviously interested in talking to  
10 you about your time in Representative Petri's  
11 office.

12 First, generally, when you were  
13 employed in the office, were you aware of  
14 Representative Petri's stock ownership in any  
15 way?

16 WITNESS: You know, I basically was aware of the  
17 Congressman's, I guess, personal investments due  
18 to being kind of tied into the state of  
19 Wisconsin and having various -- I had a Google  
20 alert set up for anything that every happened  
21 with the Congressman, any kind of newspaper article  
22 or whenever the disclosure reports came out from  
23 Congress. Obviously, I was interested in  
24 reading those, so there was some personal  
25 knowledge that I had gained from that. So, yes,

1 I was aware of some of the interests the  
2 Congressman had.

3 MR. GAST: Were you ever given any information about the  
4 Congressman's stock ownership through the  
5 Congressional Office?

6 WITNESS: No. There was never -- never given, you know,  
7 detailed information, or there was never a  
8 matter of discussion with regards to what the  
9 Congressman's personal investments were.

10 MR. GAST: Were you told about any specific companies that  
11 he might have an interest in that you may work  
12 with through the Congressional Office?

13 WITNESS: Not from a perspective of interest, but, you  
14 know, generally in the weekly -- we'd have  
15 weekly staff meetings, and if an issue would  
16 come up where there was any kind of -- any kind  
17 of involvement or dealings with anything that  
18 was a personal interest to the Congressman, the  
19 Chief of Staff generally would highlight those  
20 issues and kind of handle those more from a --  
21 ensuring that the staff and the Congressman, you  
22 know, treated those in a different matter so  
23 that we complied with any -- you know, didn't  
24 treat them any differently than any other  
25 Congressional or constituent request.

1 MR. GAST: Okay. Was there any ethical training or  
2 information provided to you specifically dealing  
3 with how to work with companies in which the  
4 member might have a financial interest?

5 WITNESS: So the ethical training, and I believe the ethics  
6 committee had an annual or even biannual  
7 training that was mandatory; and it was  
8 mandatory through the office that we attend  
9 those or at least do the online version of those  
10 trainings of staff, no matter if you were an  
11 intern, I believe, all the way up through the  
12 Chief of Staff. We were required as staff to  
13 meet those annual training requirements.

14 As far as anything, you know, official  
15 or extra training for the staff in general with  
16 regards to that type of information, there was  
17 never any formal training process for that. So  
18 it was basically what was provided by the House  
19 Ethics Committee.

20 MR. GAST: Okay. What about any policies in the office  
21 that related specifically to dealing with  
22 companies in which Congressman Petri may have  
23 owned stock? Were there any specific policies?

24 WITNESS: Not necessarily a written policy or, you know,  
25 you couldn't point to a policy manual so to



1 speak. But like I mentioned in -- we were  
2 pretty -- we were obviously a smaller office. I  
3 think there was but 10 folks in the office in  
4 the Washington office, and then we'd be joined  
5 by the district office on phone-con on a weekly  
6 basis.

7 And if those issues -- or if there  
8 were issues of that nature that would come up or  
9 we knew, based upon the Congressional calendar,  
10 about an issue, any companies like that would  
11 pop up, that would be an issue then where the  
12 Chief of Staff would get involved to work  
13 directly one-on-one with the staff to make sure  
14 that they were handled appropriately.

15 MR. GAST: And during your time in the office, were you  
16 involved in any of those situations where the  
17 Chief of Staff would get involved?

18 WITNESS: So my time in the district office was pretty --  
19 I basically acted as a field representative, you  
20 know. So I didn't get involved with any  
21 legislative issues or things like that.

22 As a case worker and then as a  
23 legislative correspondent, those issues were  
24 very few and far between. I guess the direct  
25 involvement with working with committees and

1 things was very limited. Basically didn't --  
2 that was outside of my job description.

3 And then as a legislative assistant,  
4 the position that I started in -- somewhere late  
5 2008, early 2009, then as issues came up with  
6 any of those companies where the Congressman  
7 would have had interest, then I was involved and  
8 worked with the Chief of Staff to ensure that we  
9 treated those companies with regards to any kind  
10 of ethic issue.

11 MR. GAST: So there were occasions on which -- while you  
12 were an LA, in which matters that came up that  
13 involved companies in which the Congressman  
14 owned stock?

15 WITNESS: Yes.

16 MR. GAST: And what companies were those?

17 WITNESS: The only company that I recall that would meet  
18 the requirements or I guess the description of  
19 your question would be the Oshkosh Corporation,  
20 or at that time I believe they were Oshkosh  
21 Truck.

22 MR. GAST: Any other companies that you recall where the  
23 Chief of Staff stepped in because there were  
24 additional sensitivities related to  
25 Representative Petri's stock ownership?

1 WITNESS: Not that I recall directly working with any  
2 other company in my time on any kind of  
3 legislative issues while I was in the -- as the  
4 legislative assistant. No.

5 MR. GAST: What about the Manitowoc Company?

6 WITNESS: Yeah. The Manitowoc Company, I don't -- I don't  
7 recall ever doing any -- or handling any  
8 legislative issues on behalf of the Manitowoc  
9 Company or working with them. We did --  
10 obviously, they had, you know, representation in  
11 Washington, D.C., but I don't recall taking any  
12 action on behalf of the Manitowoc Company or for  
13 the Congressman.

14 They were obviously -- Manitowoc  
15 Company is one of the largest employers in the  
16 Sixth Congressional District, and so obviously  
17 their names would pop up occasionally along with  
18 the other major employers in the district. But  
19 as far as actually working on any type of -- any  
20 type of issues for them, I don't recall doing  
21 that or having the need, any type of involvement  
22 with that.

23 MR. GAST: Okay. Let's talk specifically then about the  
24 Oshkosh Corporation.

25 WITNESS: Okay.

1 MR. GAST: Who at the Oshkosh Corporation would you  
2 generally deal with?

3 WITNESS: Generally -- well, quite honestly, as I started  
4 out in the position, those relationships were  
5 generally managed through the Chief of Staff,  
6 Debbie Gebhardt, at the time. And so she would  
7 generally work directly with Jay Kimmitt, and  
8 then I believe -- and I think he might have been  
9 the vice president of legislative affairs for  
10 Oshkosh Corporation.

11 So I did have -- you know, I think  
12 we'd be copied or occasionally on the same email  
13 chain, or I'd be asked to, you know, provide him  
14 information or -- you know, that type of -- I  
15 didn't have a direct line of communication with  
16 Mr. Kimmitt.

17 Secondly, I know they had a gentleman  
18 who used to work in their Washington, D.C.  
19 office by the name of Mike Powers, and if any  
20 issues popped up with regard to Oshkosh  
21 Corporation, that was generally my kind of point  
22 of contact for that organization.

23 And then I believe they also employed  
24 a lobbyist by the name of Will Stone, but my  
25 interactions with Will was -- like I said, that

1 was generally also managed or -- that  
2 relationship was kind of handled by the Chief of  
3 Staff. So as I started as a new legislative  
4 assistant, those relationships and any issues  
5 were, you know, kind of introduced or, you know,  
6 facilitated through the Chief of Staff.

7 MR. GAST: Okay. What was Representative Petri's level of  
8 interaction with Oshkosh folks?

9 WITNESS: I don't know that I can -- I don't know. I  
10 would say that I don't think he had any  
11 interaction with them, other than if there was a  
12 meeting, but that's purely speculation. I don't  
13 know that they had any direct contact with him.

14 Everything was generally managed, and  
15 that was -- but then this is true for every or  
16 almost every relationship that the Congressional  
17 Office had. It's managed through staff and  
18 through the Chief of Staff, and then if there  
19 was ever an issue that bubbled up to the  
20 executive level so to speak, then it would go to  
21 the Congressman. But those relationships were  
22 generally, you know, managed and handled at the  
23 staff level.

24 MR. GAST: What was your sense of how often the Congressman  
25 would have meetings with representatives from

1 Oshkosh?

2 WITNESS: In my time as a legislative assistant, I don't  
3 know that I sat in on one -- I don't think I sat  
4 in on any meetings with representatives from  
5 Oshkosh with the Congressman. It was generally  
6 myself or -- myself and the Chief of Staff that  
7 would handle those meetings. I do not recall  
8 having a meeting directly with them and the  
9 Congressman at the same time.

10 MR. GAST: Okay. And in your dealings with the company,  
11 what subjects would you generally have  
12 dealings about?

13 WITNESS: So Oshkosh Corporation -- or Oshkosh Truck at  
14 the time, they -- one of their subsidiaries is  
15 Pierce Manufacturing, which is a fire truck  
16 manufacturer here in the Fox Valley. It was  
17 outside of the Sixth Congressional District, but  
18 it was -- you know, I believe they were owned by  
19 Oshkosh Truck and so along with that, and then  
20 their DOD kind of operations. Any kind of, you  
21 know, legislation affecting those organizations  
22 would generally be the only interaction, whether  
23 it was for a DOD piece, or the fire department,  
24 or the fire truck business.  
25 Other than that, you know, they have

1 other -- they have a wide array of different subsidiary  
2 businesses, and I never got involved with  
3 anything other than the two pieces, their Pierce  
4 Manufacturing and the Oshkosh DOD branch I  
5 guess.

6 MR. GAST: Okay. And were you aware during the time that  
7 you were working with Oshkosh that  
8 Representative Petri was a stockholder in the  
9 company?

10 WITNESS: Yes. I was aware of that.

11 MR. GAST: And how did you become aware of that?

12 WITNESS: Through personal information, and then, as I  
13 mentioned, obviously, in staff meetings if  
14 issues were to come up with regards to Oshkosh  
15 Corp or any organization that the Congressman  
16 had interest in that would be highlighted by the  
17 Chief of Staff; and that would be handled in a  
18 certain manner.

19 So I guess to summarize my answer,  
20 through my own personal knowledge and then  
21 through my dealings with -- through office staff  
22 meetings and the handling of that.

23 MR. GAST: And did that stock ownership prompt generally  
24 the way in which you worked with Oshkosh? Did  
25 that prompt any different approach to dealing

1 with that company and its issues?

2 WITNESS: Yes. And by different I guess I would say that  
3 we would handle them -- knowing that there was a  
4 financial interest there, that we would work any  
5 kind of -- before any kind of action or work was  
6 completed on their behalf or, you know, any  
7 action taken, official action by the  
8 Congressman's office, it was generally the, you  
9 know, policy that the staff would work with the  
10 House Ethics Committee to make sure that we were  
11 complying with ethics rules and make sure that  
12 any action that was taken on their behalf was  
13 done appropriately.

14 MR. GAST: And who on the staff worked with the ethics  
15 committee?

16 WITNESS: That was -- as the involvement would kind of  
17 bubble to the surface within, you know, as  
18 highlighted in the staff meetings, the Chief of  
19 Staff would generally be the point of contact  
20 for the -- for the Congressional staff and make  
21 sure that any action that was taken was done so,  
22 and she would communicate with the ethics  
23 committee to clear any action that would be  
24 taken.

25 MR. GAST: Did you yourself have any contact with the



1 committee, the ethics committee?

2 WITNESS: I can't definitely say -- I mean, I seem to  
3 remember maybe calling them on occasion or  
4 submitting things to them, but generally  
5 speaking, that action or those efforts were  
6 handled by the Chief of Staff.

7 MR. GAST: And can you tell us what the general advice  
8 relayed to you by the Chief of Staff from the  
9 ethics committee, what that advice was?

10 WITNESS: If I recall -- and it's been a number of years -  
11 - but if I recall, generally our advice was  
12 treat any -- or treat any -- you know, if we're  
13 dealing with the Oshkosh Corporation, treat them  
14 and do as you would for them as you would for  
15 any other Congressional -- or any other  
16 constituent, or any other Wisconsin-based  
17 business, you know. Don't go above and beyond  
18 for anybody, and we definitely didn't do that.  
19 And so that was generally -- the consensus was  
20 don't -- treat them as you would any other  
21 constituent and -- so that was kind of the  
22 general guideline I would say.

23 MR. GAST: Was there any discussion about disclosing  
24 Representative Petri's ownership of stock when  
25 taking action on behalf of the company?

1 WITNESS: Not that I recall.

2 MR. GAST: Was there ever a time where the ethics committee  
3 encouraged the Congressman not to take a  
4 particular action or urged you to change an  
5 approach?

6 WITNESS: You know, not that I recall. I would say  
7 though, just based upon the relationship that  
8 the ethics committee had with the office, that  
9 would have been communicated through the Chief  
10 of Staff, and so --

11 MR. GAST: Okay.

12 WITNESS: -- she would have been the person to handle that  
13 kind of -- adjusting a different approach or  
14 anything like that.

15 MR. GAST: I want to talk you a little bit about the  
16 contract that Oshkosh was awarded for the Family  
17 of Medium Tactical Vehicles, FMTV.

18 WITNESS: Yeah.

19 MR. GAST: You recall that issue?

20 WITNESS: Yeah.

21 MR. GAST: And how did that come to the attention of the  
22 office?

23 WITNESS: Without anything sitting in front of me, you  
24 know, to jog my memory, I would imagine that,  
25 you know, through either Mike Powers or through

1 Jay Kimmitt that would have been communicated  
2 most likely either to the Chief of Staff, then  
3 to myself that there was -- that issue existed.

4 MR. GAST: And can you tell us what the general issue was?

5 WITNESS: So as I recall, the Army had a contract for --  
6 for the FMTV, and there was a process in place  
7 for, you know, competitive bidding.

8 And then from my recollection, there  
9 was -- Oshkosh Corporation was awarded the  
10 contract, and at that point in time the contract  
11 was then being -- there was already a previous -  
12 - a prior, I guess, contractor that had been  
13 producing the -- a different line of -- a piece  
14 of equipment that the Army was trying to  
15 procure. The contract, once awarded to Oshkosh,  
16 then left that corporation, which -- and they  
17 were headquartered or based out of Texas; and I  
18 think they're owned by BAE, at which point in  
19 time the Texas delegation started to, from my  
20 recollection, try to get involved in the  
21 process.

22 There was a, if I recall correctly, a  
23 GAO - they looked at the process, the  
24 competitive process, and over that time the  
25 Texas delegation was attempting to kind of muddy

1 the water so to speak, you know, saying that  
2 Oshkosh was incapable, saying that the process  
3 was flawed to some way or manner. So they went  
4 to various lengths to kind of disrupt that  
5 process from my recollection.

6 MR. GAST: And what was it that Oshkosh asked the  
7 Congressman and the office to do?

8 WITNESS: And, again, not without any documents in front  
9 of me to jog my memory, an overview of that  
10 request would have been -- or from my  
11 recollection, was that they wanted the process  
12 to -- to let the process play out. Let the GAO  
13 conduct their review of the bid award and the  
14 bidding process; let the GAO do their due  
15 diligence and not to get -- not to politicize  
16 the acquisition process essentially and the bid  
17 award process.

18 That, you know, there's a very  
19 detailed process in place that the Army utilized  
20 or DOD utilized to procure items, you know. Let  
21 that process work the way it does, and if there  
22 was a review, let the GAO then conduct it. Let  
23 them do that work and report back but not to,  
24 you know, start politicizing that process and  
25 whatnot.

1 MR. GAST: And was there specific action that they  
2 requested or that the office suggested?

3 WITNESS: I believe the action that was suggested or that  
4 the office did work on was to -- to work with  
5 the Wisconsin delegation, both on the House and  
6 Senate side, to reinforce that that process be  
7 allowed to continue, you know; that we don't  
8 interfere with the process, and there was  
9 Congressional delegation letter sent on that  
10 issue.

11 MR. GAST: Yeah. Without having you here to show you some  
12 of these documents, it looks like there is --  
13 there was an October 9, 2009, delegation letter  
14 to the Secretary of Defense.

15 WITNESS: Mm-hmm.

16 MR. GAST: Whose idea was that letter?

17 WITNESS: I don't recall the actual idea. I would -- you  
18 know, I would imagine that would have come to  
19 fruition with discussions between myself, the  
20 Chief of Staff, and then folks over at Oshkosh.

21 MR. GAST: And who drafted the letter, did the initial  
22 draft?

23 WITNESS: I believe it was a collaborative effort between  
24 myself and the Chief of Staff, but I do not  
25 recall specifically who wrote the letter.

1 MR. GAST: Would Oshkosh have had input on that letter?

2 WITNESS: Yes. They most likely would have.

3 MR. GAST: And then who took the lead on circulating the  
4 letter, getting the delegation on board?

5 WITNESS: That would have been my -- that would have been  
6 directly in my job responsibility, working with  
7 the other members of the delegation, their MLAs  
8 or their legislative assistant who handled DOD  
9 issues. I worked directly with those other  
10 offices.

11 MR. GAST: In some of the documents that Representative  
12 Petri's office has provided to us about this  
13 process, there was an email from the Chief of  
14 Staff, Debbie Gebhardt, to you from October 1,  
15 2009.

16 WITNESS: I have it up in front of me now.

17 MR. GAST: Okay. It's -- just for the record, it's Bates  
18 Number PET-OCE2451. And in it Debbie says to  
19 you, "Once we get the language, I'll run it by  
20 ethics committee just so we can say we got  
21 clearance if anyone raises anything." What was  
22 the ethics issue that she wanted to run by the  
23 committee?

24 WITNESS: So once we get the language from the letter, she  
25 was going to run it by ethics so that -- to get

1 clearance so that any action -- any action by  
2 the Congressman's office in our effort to  
3 circulate the delegation letter was appropriate,  
4 knowing that the Congressman had stock interest  
5 in Oshkosh Corporation. I believe that would  
6 have been her intent there.

7 MR. GAST: Okay. Was there any internal discussion between  
8 you and Debbie about the stock issue and whether  
9 or not it impacted this letter effort?

10 WITNESS: I don't recall specific conversations. I'm sure  
11 we did discuss that, you know, but, again, I  
12 think, you know, the consensus was let's let the  
13 ethics committee weigh in and ensure that that's  
14 okay. So I don't recall a specific conversation  
15 between Debbie and myself. I would imagine that  
16 would have taken place.

17 MR. GAST: Okay. Do you recall then getting feedback from  
18 Debbie from the ethics committee?

19 WITNESS: Generally I would receive an email from her or,  
20 you know, in a discussion say I talked to  
21 ethics, you know, or, you know, received this  
22 feedback. And we'd implement that feedback or  
23 whatever advice they'd given us and then go  
24 about our business.

25 MR. GAST: And I guess later in this email chain Debbie

1 emails you again, and she says, "Actually, I  
2 talked to ethics, and they said no problem as  
3 long as it says let the process that is in place  
4 proceed, et cetera." Do you recall any further  
5 discussion about her conversation with the  
6 ethics committee?

7 WITNESS: I do not.

8 MR. GAST: Okay. In the letter that was ultimately sent to  
9 the Secretary of Defense, do you know whether  
10 Representative Petri disclosed his ownership of  
11 Oshkosh stock, whether in some attachment, or  
12 some conversation, or some way when this letter  
13 was sent to the Secretary?

14 WITNESS: Not that I'm aware of.

15 MR. GAST: Do you recall any discussion about the  
16 possibility of making such a disclosure?

17 WITNESS: I do not recall that conversation.

18 MR. GAST: Do you recall discussing with Debbie at all the  
19 possibility of disclosure in the discussion of  
20 the guidance that the ethics committee may have  
21 given her?

22 WITNESS: No. I do not recall that discussion.

23 MR. GAST: I want to move from that letter. It appears  
24 from some of the emails that were provided to  
25 our office that there may have been a telephone



1 call between Representative Petri and the  
2 Secretary of the Army. Is that something that  
3 you're familiar with?

4 WITNESS: Yes. You know, I had the opportunity to review  
5 these emails, and I do recall the Congressman  
6 having a conversation with Secretary McHugh.  
7 So, yes, I do.

8 MR. GAST: So there -- actually that call did go through?

9 WITNESS: I believe so. Yes.

10 MR. GAST: Did you staff that call?

11 WITNESS: I -- so the Congressman did not generally, from  
12 my experience of working in his office, ever --  
13 well, no, I shouldn't say ever -- did not have  
14 staff sit in on phone calls with outside  
15 parties, unless specifically requested for a  
16 subject matter expert piece of information. But  
17 otherwise, the Congressman handled that type of  
18 work on his own.

19 MR. GAST: Okay. Do you know how the idea of a call from  
20 Congressman Petri to the Secretary came about?

21 WITNESS: Off the top of my head, no, but I would imagine  
22 that we've discussed it. I mean, I imagine that  
23 would be in the email traffic that that was all  
24 set up to make that -- or to have that call take  
25 place.

1 MR. GAST: And did you draft talking points for the  
2 Congressman for the call?

3 WITNESS: Not that I can recall. No.

4 MR. GAST: Do you know did Oshkosh provide talking points  
5 for the Congressman to use for the call?

6 WITNESS: Not that I'm aware. I don't recall if there was  
7 a memo or what was given to the Congressman  
8 prior to the call.

9 MR. GAST: We do have a document that was produced by the  
10 office that is headlined Representative Thomas  
11 E. Petri, December 8, 2009, Talking Points for  
12 Secretary of the Army, John McHugh.

13 WITNESS: Okay.

14 MR. GAST: For the record, it's Bates Number PET-OCE463.

15 WITNESS: And what was the date -- what was the date on  
16 that?

17 MR. GAST: The date on the heading is December 8, 2009, and  
18 without having that in front of you,  
19 unfortunately, does that sound like something  
20 that you might have drafted?

21 WITNESS: That would be a document that I most likely  
22 would have drafted. Yes.

23 MR. GAST: Okay. But you don't have any --

24 WITNESS: I mean, not -- without seeing it, I can't say  
25 specifically yes, but if there was a -- if there

1 were talking points, whether it was for a  
2 committee hearing markup or for action, I would  
3 draft those for the Congressman and then give  
4 them to the Chief of Staff to review; and then  
5 she would then pass that along to the  
6 Congressman.

7 MR. GAST: Okay. We can discuss this afterwards. We may  
8 want to email this to you just so you can have a  
9 look at it and see, and we'll work that out with  
10 your -- with your counsel.

11 WITNESS: Okay.

12 MR. GAST: So you're not sure if anyone actually staffed  
13 the Congressman when he talked to Secretary  
14 McHugh?

15 WITNESS: Not that I recall. No.

16 MR. GAST: But you don't recall being in the room when he  
17 made the call or being on the line when he made  
18 the call?

19 WITNESS: No. I do not.

20 MR. GAST: Did you subsequently learn about the  
21 conversation?

22 WITNESS: I'm sure we probably had a debrief afterwards.  
23 It would have probably more or less been a  
24 verbal discussion, and at this point in time, I  
25 don't recall the outcome of that conversation or

1 what was said there.

2 MR. GAST: Who would have been involved in that debrief?

3 WITNESS: Well, based on the locations of the offices, I  
4 sat kind of more in the bullpen area. The Chief  
5 of Staff's office was directly connected to the  
6 Congressman's office. So he would generally  
7 finish up a phone call, and I -- you know, from  
8 my recollection, they would have a conversation  
9 about that. And if I was present, I would have  
10 been in the Chief of Staff's office, but I don't  
11 recall being there or what the -- what that was  
12 -- you know, I guess what was discussed.

13 MR. GAST: Okay. And so when you say they would generally  
14 have a conversation afterwards, is that the  
15 Congressman and the Chief of Staff?

16 WITNESS: Yes.

17 MR. GAST: Okay. Do you know if Congressman Petri brought  
18 up the issue of his stock ownership during the  
19 call with the Secretary of the Army?

20 WITNESS: I don't know that. No.

21 MR. GAST: Okay. Do you know if there were any  
22 consultations with the ethics committee about  
23 the call?

24 WITNESS: Not that I'm aware of.

25 MR. GAST: Okay. I want to move on then to a -- do you

1 recall a December 22, 2009, delegation,  
2 Wisconsin delegation letter to Secretary McHugh?  
3 WITNESS: December 22, 2009?  
4 MR. GAST: Yeah. Let me just pull this up.  
5 WITNESS: Yes.  
6 MR. GAST: It would have been a -- I don't think I have the  
7 letter here. It would have been shortly after  
8 the GAO review, protest review concluded and  
9 they made their announcement. And this was a  
10 delegation letter to the Secretary of the Army  
11 urging quick implementation of the contract.  
12 Does that sound familiar?  
13 WITNESS: Yes. I have that email and letter in front of  
14 me.  
15 MR. GAST: And who came up with the idea of this letter?  
16 WITNESS: I would imagine it was, I guess, a collaborative  
17 effort amongst the staff and the Oshkosh  
18 Corporation.  
19 MR. GAST: Do you know who had drafted the initial letter?  
20 WITNESS: I do not recall.  
21 MR. GAST: Okay. And was it Representative Petri's office  
22 and was it you who took the lead on getting this  
23 letter signed and sent?  
24 WITNESS: Yes. I took the lead in working with the  
25 Congressional delegation to circulate that

1 letter.

2 MR. GAST: And was there any consultation with the ethics  
3 committee on this letter?

4 WITNESS: If there was, it would have been handled between  
5 the Chief of Staff and the committee itself.

6 MR. GAST: Okay. And do you recall any conversations with  
7 the Chief of Staff about any feedback from the  
8 ethics committee on this particular letter?

9 WITNESS: I don't recall at this time. No.

10 MR. GAST: Okay. I want to ask you about an undated  
11 memorandum that was provided to our office to  
12 Representative Buck McKeon from Representative  
13 Tom Petri with the subject line Army Procurement  
14 Family of Median Tactical Vehicles.

15 WITNESS: Okay.

16 MR. GAST: Without having that memorandum in front of you,  
17 does that sound familiar to you?

18 WITNESS: The memo doesn't necessarily ring a bell.

19 Obviously, I recall Buck McKeon's name from my  
20 time in working on Capitol Hill, but what's the  
21 -- you know, the detail of the memo do not -- I  
22 do not recall what they would be at this time.

23 MR. GAST: Okay. The last paragraph of the memo, and it's  
24 about just over half a page -- and, again, the  
25 memo is about the FMTV contract --

1 WITNESS: Mm-hmm.

2 MR. GAST: -- and the protest filed by the losing bidders.

3 The memo itself ends with a request that no

4 language regarding this procurement be included

5 in the final agreement approved by the

6 conferees. And then there is a last paragraph

7 which says, "In the interest of full disclosure,

8 I do own some stock in Oshkosh. I was not

9 involved in any way and did not weigh in on this

10 contract award in any way. This is a major

11 employer in my Congressional District, and I am

12 simply requesting fair treatment and that we

13 follow established procedure for my

14 constituents." Does that language sound

15 familiar to you?

16 WITNESS: I mean, it sounds familiar I guess. Unless I

17 read the entire document, I don't know where

18 that language would have come from, but -- so I

19 guess not necessarily, no. It doesn't sound

20 familiar that I can say -- speak intelligently

21 to that language.

22 MR. GAST: Okay. This might be another instance where we

23 send the document to you through your lawyers

24 and --

25 WITNESS: Okay.

1 MR. GAST: -- and see if that rings any bells. Aside from  
2 those specific actions that we just talked  
3 about, are there any other instances in which  
4 Oshkosh sought specific assistance from the  
5 Congressional Office or in which the  
6 Congressional Office provided specific  
7 assistance to the company?

8 WITNESS: You know, outside the FMTV contract award, there  
9 may have been, earlier in the year, an issue  
10 with regards to a Department of Homeland  
11 Security grant process, but it was, if I recall,  
12 after the fact, after the -- or the  
13 appropriations process had expired from the  
14 Congressional Office point of view. But other  
15 than that, no, I don't recall taking any action  
16 or working directly with Oshkosh Truck. Most of  
17 the time that I was there, it revolved around  
18 the FMTV contract award.

19 MR. GAST: Okay. Were you involved with any appropriations  
20 requests made by Oshkosh?

21 WITNESS: I was -- I was not -- I was involved with  
22 appropriations requests. However, I do not  
23 recall submitting any requests for Oshkosh  
24 Corporation or working with them on  
25 appropriations requests.



1 MR. GAST: Do you recall meeting with the Oshkosh folks  
2 about requests that they were having other  
3 members make?

4 WITNESS: I don't specifically remember meeting with them  
5 about appropriations requests.

6 MR. GAST: Okay.

7 WITNESS: No, I don't.

8 MR. GAST: I have an email here which I'll read to you.  
9 It's relatively short. This is from April of  
10 2009, and for the record it's PET-OCE3978. You  
11 received an email from Michael McGourty  
12 (phonetic), who was with Representative Steve  
13 Kagen's office about finalizing some  
14 appropriations requests that they've gotten from  
15 Oshkosh Truck.

16 You replied on Friday, April 3, 2009,  
17 "Hey, Mike, Rep. Petri is a shareholder in  
18 Oshkosh Truck, and, therefore, cannot submit any  
19 requests on their behalf. I think it would be  
20 safe to assume that if he was not, he would be  
21 making a request for them. Let me know if you  
22 need anything else. Thanks, [REDACTED]" Do you  
23 recall that email?

24 WITNESS: Yeah. I have that email in front of me here.

25 MR. GAST: Okay. When you say that Representative Petri is

1 a shareholder and cannot submit requests on  
2 their behalf, was that a policy of the office,  
3 or how did that come about?

4 WITNESS: I don't recall if it was a policy of the office.  
5 I would imagine that it was something that was  
6 worked with regards to the -- with the ethics  
7 committee, if anything, and so I guess that's  
8 the best that I can say on that.

9 You know, the appropriations request  
10 cycle in early 2009 there was right about the  
11 time that I had taken over as the ML -- or the  
12 full legislative assistant, and so there was a  
13 transfer of appropriation issues for myself and  
14 another staffer that was leaving. And so -- but  
15 I don't recall what guidance I had, whether it  
16 was from ethics or from the office itself on how  
17 we wouldn't make requests on their behalf.

18 MR. GAST: And how did you learn that you couldn't make any  
19 requests on their behalf?

20 WITNESS: I guess, like I just said, I don't recall if  
21 that was, you know, guidance from ethics or  
22 guidance from the Chief of Staff.

23 MR. GAST: Okay.

24 WITNESS: It would have been one of those two sources.

25 MR. GAST: Do you recall having any conversations with

1 Oshkosh representatives about that policy?

2 WITNESS: I don't recall offhand conversations with them  
3 about that. No.

4 MR. GAST: And then just a few last questions.

5 WITNESS: Sure.

6 MR. GAST: During your time with the Congressman, did you  
7 have any interactions with the Plum Creek Timber  
8 Company?

9 WITNESS: Not that I recall. No.

10 MR. GAST: What about with the Danaher Corporation.

11 WITNESS: Not with -- I don't -- I don't know who they  
12 are. I don't know that I've ever interacted  
13 with or done anything for them.

14 MR. GAST: They're a medical device company.

15 WITNESS: Okay. Then definitely not.

16 MR. GAST: Okay. I think that was --

17 MR. MORGAN: I had one question. This is Bryson Morgan with  
18 the OCE. You said that generally speaking the  
19 ethics advice with regards to Oshkosh or any  
20 companies in which Representative Petri owned  
21 stock was to treat them the same as any  
22 constituent or Wisconsin business, you know,  
23 don't go above and beyond. I think your words  
24 were to that effect. Would you say that that  
25 was complied with during your time working for

1 Representative Petri?

2 WITNESS: Yes. I mean, the interactions with all  
3 constituents or contacts to the office, you  
4 know, no one moved -- everybody was treated in a  
5 similar manner, and I guess the main thing was  
6 what are the -- as you look at how to kind of  
7 weigh what the priorities were, what's the  
8 impact to the state of Wisconsin and more  
9 specifically the Sixth Congressional District.  
10 And, you know -- and so that was really how I  
11 viewed my position with the Congressman's  
12 office, and I think how, you know, as a manager,  
13 the Chief of Staff preferred it to be, you know.  
14 Let's -- let's focus on treating everybody  
15 equally and working on issues that are of  
16 importance for the district and for the state.

17 MR. MORGAN: Okay.

18 MR. GAST: All right. I think those are all the questions  
19 we have for you. We appreciate your time.

20 MR. KELNER: Thanks very much, [REDACTED].

21 MR. GLANDON: Thank you, [REDACTED].

22 WITNESS: Hey, thanks, gentleman. You guys have a great  
23 day.

24 MR. KELNER: Okay. Bye-bye.

25 MR. GAST: You too.

1    END OF INTERVIEW  
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# **EXHIBIT 4**

## **TRANSCRIPT OF INTERVIEW OF REPRESENTATIVE PETRI**

INTERVIEW OF THOMAS PETRI

Present:

Scott Gast, Investigative Counsel

Bryson Morgan, Investigative Counsel

Rob Kelner, Counsel to Representative Petri

Kevin Glandon, Counsel to Representative Petri

Thomas Petri

Transcribed By:

Julie Thompson

1 MR. GAST: For the record, this is Scott Gast with Bryson  
2 Morgan from the Office of Congressional Ethics.

3 It is Tuesday, May 27, 2014. Here with  
4 Congressman Thomas Petri and counsel for Mr.  
5 Petri, Rob Kelner and Kevin Glandon.

6 Congressman, we appreciate you taking  
7 the time to talk to us. I want to focus on some  
8 of the actions that you've taken to support or  
9 to provide assistance for companies of which you  
10 have owned stock.

11 THOMAS PETRI (the "Witness"): Mm-hmm.

12 MR. GAST: So we'd like to start out by just getting a  
13 sense of how you manage your portfolio, how you  
14 choose which stocks to invest in, and how to --  
15 when to buy and sell. If you could just give us  
16 an overview of that process.

17 WITNESS: Well, I've been buying stocks -- I think the  
18 first stock I bought was the initial offering of  
19 the Ford Motor Company back in 1948 when I was  
20 eight years old.

21 MR. KELNER: Wow.

22 WITNESS: And the -- I used to work summers at a bank in  
23 Fond du Lac and spent my lunch hour over at the  
24 stockbroker's office, and he would -- the  
25 broker, Roger Gormicken (phonetic) would let me

1 take the -- in those days there were loose-leafs  
2 on over-the-counter, American Exchange, and the  
3 New York Stock Exchange.

4 So things I would -- my theory was I  
5 would read all of them. I didn't have to -- all  
6 I had to do was avoid making a bad investment.  
7 So get as much information as possible and sort  
8 through, and sort through, and sort through, and  
9 if you get all 10,000 stocks down to one or two,  
10 probably would be a -- and so anything I could  
11 think of why not to buy. So that was sort of  
12 what I'd do as a kid, and I --

13 But Roger told me -- I said, "Is there  
14 anything I could spend my summer earnings on  
15 that would make sense?" And he said, "Well,  
16 there's this strange company in Upstate New York  
17 in Rochester called the Haloid Corporation  
18 that's selling at 200 times earnings, and I  
19 don't know why it should be. So maybe someone  
20 knows something. I don't know, but why don't  
21 you -- you might look at that." So I did, and  
22 it gradually changed its name from Haloid, to  
23 Haloid Xerox, and then to Xerox --

24 MR. GAST: Wow.

25 WITNESS: -- and that's why I'm in Congress. It went from

1 just a small amount of money to quite -- so I've  
2 been -- I followed -- another company was Emery  
3 Air Freight before FedEx. And so John Emery  
4 came out of World War II and set up a company to  
5 do air freight.

6 So I've been very interested in  
7 following, and learning about, and making wise  
8 decisions. I've never speculated. I did once  
9 in college. Tried to buy a future in copper or  
10 some darn thing, and it -- I couldn't figure it  
11 out. And so that's sort of the background of  
12 all this.

13 MR. GAST: Okay. And how about more recently? How do you  
14 manage your portfolio nowadays?

15 WITNESS: Well, I don't buy and sell very much, and I do  
16 try to -- have tried to diversify a little bit  
17 and buy stock based on whatever information I  
18 could get from reading, and visiting, and  
19 knowing people running a company that seemed to  
20 be running an operation with integrity.

21 I think that may be why I've drifted a  
22 little bit recently to -- not that recently, but  
23 occasionally buying stock in companies in the  
24 district I represent. Plus it seems like a good  
25 idea to invest in people I was representing



1 because they were investing in me.

2 MR. GAST: And do you work with a broker or a financial  
3 advisor?

4 WITNESS: Honestly, except for Roger, anytime I've gotten  
5 any advice from -- except for one exception I  
6 can think of, if they were trying to sell me  
7 stuff to get rid of -- they'd have some bigger  
8 investor, and they'd want to just get rid of to  
9 smaller investors. So I've always done it  
10 myself.

11 MR. KELNER: But you do have a broker?

12 WITNESS: Oh, you can't buy it without a broker.

13 MR. KELNER: Right.

14 MR. GAST: Right.

15 WITNESS: That's the way it works. I do have -- but I  
16 don't have a financial advisor. Let's put it  
17 that way. I have a couple -- there are a couple  
18 brokers.

19 There's a broker at Merrill Lynch who  
20 handles the stock my wife and myself owns.  
21 There's a broker at whatever the company is that  
22 handles my wife's retirement fund that I -- she  
23 often asks me to handle that.

24 And there's a lady at the Foley and  
25 Lardner Law Firm in Milwaukee that manages --

1 that - a trust that was set up under my parents'  
2 will that -- and she deals with a broker at --  
3 Barron Company (phonetic) in Milwaukee.

4 MR. GAST: And when you do make decisions to either buy or  
5 sell a particular stock, who's usually involved  
6 in that decision?

7 WITNESS: Beg your pardon?

8 MR. GAST: Who's involved in the decision to buy or sell  
9 stocks when you make those decisions?

10 WITNESS: Myself.

11 MR. GAST: Just yourself? Okay. And how closely do you  
12 monitor the performance of the companies either  
13 that you have in your portfolio or you're  
14 considering buying?

15 WITNESS: Well, I read the annual reports. They don't  
16 send out quarterly reports anymore, and I read  
17 the financial press. I check the Washington  
18 Post weekly stock reports. I keep a computer --  
19 one of these free computer things where you can  
20 list stocks you own. So I will occasionally  
21 check to see -- you can click to see if there  
22 are recent stories on that website about  
23 different companies. I have companies that I  
24 own but also companies that I'm trying to follow  
25 or learn more about.

1 MR. GAST: You ever reach out to the companies directly for

2 --

3 WITNESS: No.

4 MR. GAST: -- information or questions? Okay. Do you ever

5 consult with the ethics committee before a

6 transaction?

7 WITNESS: No.

8 MR. GAST: I'm going to ask you about a couple of specific

9 stocks in your portfolio and how you came to

10 make the decision to purchase that stock, the

11 first one, the Oshkosh Corporation. How did you

12 come to be an owner of that stock?

13 WITNESS: Well, I had some money to invest, and I had

14 visited the Oshkosh Truck on numerous occasions

15 over the years and had got to know a fellow

16 named Gene Goodson, who was a transformative

17 manager, and respected what he did. I think

18 he's a professor if he's still -- if he hadn't

19 retired, at Ann Arbor, Michigan.

20 So I thought that was probably a good

21 -- might be a good investment. It turned out I

22 was wrong in the short run, but it's not been

23 particularly good or bad over the long run.

24 MR. GAST: And was Mr. Goodson, was he at the company?

25 WITNESS: He was the head of the company.

1 MR. GAST: He was the head of the company. Okay. And when  
2 was that, that you first bought Oshkosh stock?

3 WITNESS: I'd have to check the records. I can't even  
4 remember. I think he'd probably left the  
5 company by then, but I -- he was succeeded or  
6 sort of half ousted by a guy named Bob Bohn, who  
7 was president and now who's left. And now  
8 there's another fellow running the company.

9 MR. GAST: And what about the Manitowoc Company? How did  
10 you come to make the decision to purchase stock  
11 in that company?

12 WITNESS: Somewhat similar. I know the company. It's  
13 obviously a big factor in Manitowoc, as the  
14 Oshkosh Company is in Oshkosh, and I was  
15 impressed by the leadership. But I think the  
16 fellow's name was Fred Fisher, who came in after  
17 the owner of the company or largest stockowner,  
18 John West, who is a legend in Oshkosh, became  
19 inactive. And he transformed the company into a  
20 modern international company as well.

21 He had left by the time I bought any  
22 stock, but I started following the company as a  
23 result of that action.

24 MR. GAST: Was there any particular piece of information or  
25 anything that triggered your purchase of the

1 stock?

2 WITNESS: No. Just looking at people who seemed to be  
3 taking an intelligent approach to moving their  
4 organizations into the modern work and taking a  
5 broad view. One of the reasons they were --  
6 both those people were -- I got to know them was  
7 that they were trying to take their middle and  
8 coming executives and get them to think more  
9 broadly rather than just about trucks or just  
10 about cranes, about the context.

11 So one of the things they would do was  
12 to set up meetings with their Congressman or  
13 other elected officials, so they would try to  
14 get them more aware of the different issues that  
15 they had to deal with to be a successful  
16 company.

17 MR. GAST: Okay. What about the Plum Creek Timber Company?  
18 How did you come to be an investor in that  
19 company?

20 WITNESS: I don't know exactly. My mother-in-law says  
21 that she's the one who told me about it. She  
22 does the same sort of thing. But I mean, I  
23 looked at the company, and it seemed like --  
24 it's a differently organized company. It's a  
25 REIT, which means that its stock is not taxed at

1 the corporate level, but it's taxed at the  
2 individual level; and that seems to be a  
3 desirable formula for something like a pension  
4 fund because a pension fund usually is not  
5 subject to tax until you get the money. So that made  
6 me especially interested in it for my wife's  
7 thing.

8 MR. GAST: And that stock you hold as part of her  
9 retirement plan?

10 WITNESS: That's in several different -- I think it's --  
11 but that was -- it's certainly in my wife's  
12 retirement plan.

13 MR. GAST: Okay.

14 WITNESS: But it's also -- I think we also have some in  
15 our own -- on our own.

16 MR. GAST: And, finally, what about the Danaher  
17 Corporation? How did you come to be an investor  
18 in that company?

19 WITNESS: Read about Danaher, and it's a little bit --  
20 another kind I don't yet own that I've been  
21 following, the Smucker Company. You read about  
22 -- in the financial press about companies that  
23 are really well run, and this seemed to be a  
24 very well-run company. And it's actually, as  
25 best I can tell, is more or less headquartered

1 here in the D.C. area, but I've never talked  
2 with or had any dealings to my knowledge with  
3 anyone -- connection with Danaher.

4 MR. GAST: Okay. What's your understanding of the rules  
5 that apply to actions that you or your  
6 Congressional Office would take on behalf of  
7 companies in which you own stock?

8 WITNESS: My understanding is that I have an obligation to  
9 file an annual financial statement and disclose  
10 my holdings to my -- to anyone who's interested.  
11 And that there's no rule against my owning stock  
12 in companies. It would be pretty hard to own  
13 stock and -- find companies that didn't do  
14 business -- if they're traded on an exchange --  
15 in a Congressional district. Companies operate  
16 pretty globally now. And --

17 MR. GAST: Are you aware of rules about potential conflict  
18 of interests between your personal financial  
19 interest in the company and the actions that  
20 your Congressional Office may take on behalf of  
21 the company?

22 WITNESS: Well, I know that I'm not supposed to do  
23 anything, use my official position for personal  
24 gain.

25 MR. GAST: Have you had any contact with the committee on

1 ethics about how your Congressional Office  
2 interacts with companies in which you're an  
3 investor?

4 WITNESS: My office -- I have not personally.

5 MR. GAST: Okay.

6 WITNESS: But I think I've always asked people in my  
7 office to try to be as sensitive as possible to  
8 the rules governing our actions, and if there  
9 was any question, to not only ask me, but to  
10 bring it up with the ethics committee to get  
11 their advice and to follow it; and that's the  
12 policy in this office.

13 MR. GAST: How do you generally manage requests for  
14 assistance or for consideration made by  
15 companies in which you own stock?

16 WITNESS: Same as any other request.

17 MR. GAST: Have you had any ethics training for the staff  
18 on how to deal with questions that may come up  
19 dealing with companies in which you're an  
20 investor?

21 WITNESS: You'd have to check with the Chief of Staff. I  
22 think they have been attended for a variety of  
23 different seminars and discussions over the  
24 years.

25 MR. GAST: What about office policies? Is there anything



1 specific on dealing with companies in which you  
2 own stock?

3 WITNESS: We made no exceptions for or against.

4 MR. GAST: Is there some list of companies in which you own  
5 stock that you share with staff so that they're  
6 aware of your holdings?

7 WITNESS: I filed my ethics statement.

8 MR. GAST: And since the news reports this go-around about  
9 some of your actions on behalf of these  
10 companies, have you made any changes to policies  
11 or training in the office?

12 WITNESS: No.

13 MR. GAST: Okay.

14 WITNESS: We were trying to operate as properly as we  
15 possibly could from the get-go.

16 MR. GAST: Have there ever been occasions when a company in  
17 which you had owned stock has asked for  
18 assistance and you either declined to provide  
19 the assistance because you didn't think it was  
20 appropriate, or you referred them to another  
21 member or to a Senate office? Have you ever had  
22 any of those kind of occasions?

23 WITNESS: You'd have to check with our Chief of Staff,  
24 Debbie Gebhardt, but I do believe that there  
25 have been such occasions.

1 MR. GAST: Do you know what stock -- what companies that's  
2 involved?

3 WITNESS: I'm not sure.

4 MR. GAST: Okay. Do you know what the issues were that  
5 were involved?

6 WITNESS: I think there were rules about making requests  
7 for -- I'm not -- you'd better check with  
8 Debbie, but I think it had to do with contact  
9 with the appropriations committee for specific  
10 things we've been doing for years for companies  
11 that -- where there might be an issue if I owned  
12 stock.

13 MR. GAST: Okay.

14 MR. GAST: You said that at least some of the reason that  
15 you came to be an owner of the companies in your  
16 district is you've gotten to know these  
17 companies and gotten to meet with some of the  
18 leadership. Are you privy at times to non-  
19 public information about the company's  
20 operations?

21 WITNESS: Not to my knowledge.

22 MR. GAST: For example, are you given a heads up about  
23 certain actions the company is considering  
24 taking or will be taking in the future before  
25 that information is made public?

1 WITNESS: They do routinely -- they or sometimes  
2 government agencies contact -- sometimes there's  
3 an issue as to whether the executive branch is  
4 controlled by Republicans or Democrats as to  
5 which offices they contact most quickly. But  
6 they generally let the Senators and House  
7 members know of the -- that a decision has  
8 already been made to issue a particular award or  
9 take a particular action so that we can  
10 coordinate with the constituent on press  
11 relations, but I don't think there's been  
12 anything other than that, which has been the  
13 practice for years.

14 MR. GAST: And have you ever used information like that to  
15 make a trade, to make a decision to buy or sell  
16 stock?

17 WITNESS: Not -- never.

18 MR. KELNER: Scott, can I just clarify one thing on the last  
19 question about being provided information about  
20 upcoming events. I think you were asking about  
21 information provided by the company to the  
22 Congressman. Is that what you were addressing,  
23 Congressman? I just want to --

24 WITNESS: I think it's provided by the government.

25 MR. KELNER: Yeah. I think maybe --

1 MR. GAST: Okay.

2 MR. KELNER: -- he was answering a different question.

3 WITNESS: Oh, I'm sorry.

4 MR. KELNER: Why don't we go back, just to make a clear  
5 record.

6 MR. GAST: So I think your answer was that sometimes you  
7 can get a heads up notification, information  
8 from the government about actions --

9 WITNESS: Yeah.

10 MR. GAST: -- they are taking? Do you ever get information  
11 or a heads up from the company themselves about  
12 --

13 WITNESS: I don't think so.

14 MR. GAST: Okay. What about notices of layoffs? Is that  
15 something that they might bring to your  
16 attention?

17 WITNESS: I think they -- they have called our office I  
18 believe. You'd have to check with Debbie on  
19 that. I haven't -- I have not personally talked  
20 with people about that, but they may have  
21 contacted our office.

22 MR. GAST: Okay.

23 MR. MORGAN: So just further clarifying this, when you said  
24 you've never used information like that to make  
25 a trade, have you ever used information like

1 what we've just been discussing from the company  
2 or from the government in making a trade?

3 WITNESS: No.

4 MR. GAST: I want to talk to you specifically about the  
5 Oshkosh Corporation now. How long have you had  
6 a relationship with the company?

7 WITNESS: Since 1978, maybe early '79.

8 MR. GAST: And how did that start?

9 WITNESS: Well, I ran for Congress. Oshkosh Company has  
10 been owned for years by the Moslin (phonetic)  
11 family, and I think they -- Mr. Moslin supported  
12 my campaign.

13 MR. GAST: How -- generally, how often do you have contact  
14 with representatives from the company?

15 WITNESS: Well, it's a little hard to say. When I go to  
16 Oshkosh, I often go to chamber -- they have a  
17 Chamber of Commerce breakfast. There are a  
18 couple of executives from Oshkosh Truck often at  
19 those meetings. I go to other meetings in the  
20 community. There may be people from Oshkosh.

21 Specifically, I mean, I would say  
22 occasionally delegation or individuals from one  
23 or another of the Oshkosh operations might have  
24 business in Washington and stop by. They have  
25 something called Pierce that makes a whole range

1 of firefighting equipment, and they've have  
2 various issues over the years and come by as  
3 well as the military people, obviously.

4 MR. GAST: How often would you say the company initiated a  
5 contact with your Congressional Office in which  
6 you're involved?

7 WITNESS: Well, maybe -- I don't know. I mean, with me,  
8 maybe couple times a year.

9 MR. GAST: Couple times a year.

10 WITNESS: I mean, they may be calling the Chief of Staff  
11 more often. I'm not sure.

12 MR. GAST: And who from the company do you have that  
13 contact with that couple of times a year?

14 WITNESS: It varies depending on who's coming out to  
15 visit. They have a representative in  
16 Washington, Jay Kimmitt. He will, I think,  
17 call and set up appointments for the different  
18 executives of the company who are in the area.  
19 And I'm -- we have a rule here to try to meet  
20 anyone from our district who is visiting.

21 MR. GAST: And what subjects do you generally have  
22 discussions with them about?

23 WITNESS: Well, I guess it would vary on what it is that  
24 they were involved with. I think there was some  
25 -- once some discussion of how fast fire trucks

1 could respond to airplane crashes. They were  
2 very interested in those kind of standards  
3 because their trucks can respond very quickly.  
4 They thought, therefore, the government should  
5 be very strict in purchasing equipment that  
6 could respond quickly.

7 MR. GAST: Do they generally come in with specific requests  
8 for assistance?

9 WITNESS: Not -- no. I don't think so. When I visit with  
10 them, it's, I think, usually that they're out  
11 here for other reasons, and they stop by.

12 MR. GAST: Have you ever discussed your ownership of  
13 Oshkosh stock with these representatives from  
14 the company?

15 WITNESS: Yes.

16 MR. GAST: And what do you generally discuss?

17 WITNESS: I say I bought it at 15. It went down to 3.  
18 This is not -- it's -- overall it's been one of  
19 my less successful investments, although it has  
20 come back over the years, and I did buy some as  
21 it was moving back. But it's not -- it's  
22 nothing like some other companies.

23 Both it and Manitowoc had made large  
24 acquisitions before the financial meltdown, and,  
25 therefore, had a lot of debt. And so Wall

1 Street worried that they might not survive, and  
2 they went -- took enormous stock losses.

3 MR. GAST: I want to talk to you about the contract, the  
4 Army contract that Oshkosh was awarded for the  
5 Family of Medium Tactical Vehicles.

6 WITNESS: Yes.

7 MR. GAST: You familiar with that --

8 WITNESS: Oh, yeah.

9 MR. GAST: -- that subject? How did the issue of the  
10 contract award and the subsequent protest of  
11 that award come to your attention?

12 WITNESS: Well, we've been working on this thing for a  
13 long time, and I think it first came up when --  
14 it may have been Jay Kimmitt talking to someone  
15 in our office who was working with some people  
16 at the Pentagon on an award before this one for  
17 partial.

18 And Duncan Hunter was getting a lot of  
19 pressure from the Texas delegation and the  
20 military people about -- thought it would be  
21 helpful if someone from Wisconsin would sit in  
22 at the meeting with Duncan Hunter that the Texas  
23 people had requested so he could be in a  
24 position of saying he was getting pressure from  
25 both sides.



1 And the military people, to my  
2 understanding, were interested in this because  
3 the stuff Stuart Stevens (phonetic) was making  
4 was crap, and they were fighting for  
5 specifications that it be shipped to the  
6 military bases on flatbeds rather than being  
7 driven over the road because it would fall apart  
8 before it got there. And they had buddies who  
9 had died because of this lousy equipment.

10 And so I was very happy to do  
11 everything I could to help Oshkosh Truck, which  
12 makes a superior product, in getting this award,  
13 and they later, quite unusually, of course, won  
14 the whole contract.

15 And Stuart Stevens tried a Hail Mary  
16 to see if it couldn't disrupt that, filing a  
17 challenge to the military's award, arguing that  
18 Oshkosh Truck was underpricing and not charging  
19 the American people enough for the goods that it  
20 was making, and, therefore, the contract should  
21 be set aside. And I, Wisconsin delegation,  
22 argued that the military should stick by its  
23 award.

24 I don't think we were involved prior  
25 to the military -- that I'm aware of, but you

1 can check on that -- prior to the military  
2 deciding, according to their procedures, that  
3 they would give the contract to Oshkosh Truck,  
4 after having given prior contracts and working  
5 with them for many years.

6 MR. GAST: And did you personally have conversations with  
7 Jay about the need to weigh in as a Wisconsin  
8 delegation to kind of offset the Texas  
9 delegation?

10 WITNESS: I don't recall.

11 MR. GAST: Okay.

12 WITNESS: I'm sure he talked to Debbie.

13 MR. GAST: And anybody else on your staff that worked on  
14 this matter?

15 WITNESS: I'm sure there were other people, but Debbie  
16 would know.

17 MR. GAST: Okay.

18 WITNESS: Tyler might have.

19 MR. GAST: Okay.

20 WITNESS: He's with the FBI now.

21 MR. GAST: Okay. And you said that Jay had thought it  
22 would be a good idea to have someone from the  
23 Wisconsin delegation sit in with the Texas  
24 delegation?

25 WITNESS: This is prior. This was not this contract.

1 MR. GAST: Okay.

2 WITNESS: This was way, years before.

3 MR. GAST: Okay.

4 WITNESS: I mean, we've been working on this stuff for --

5 long before I owned any stock.

6 MR. GAST: Sure. Did Oshkosh make any specific requests

7 for assistance with regard to this FMTV

8 contract?

9 WITNESS: I don't know.

10 MR. GAST: Who would know that?

11 WITNESS: I mean, for the contract or for the challenge of

12 the contract?

13 MR. GAST: For either.

14 WITNESS: I don't know. You'd have to -- you'd have to

15 check. We provided all of our correspondence

16 and emails, and I don't know.

17 MR. GAST: Did you have any specific conversations with

18 anyone at Oshkosh about what they were looking

19 for, what kind of assistance they were seeking?

20 WITNESS: When?

21 MR. GAST: At any point after the protest was lodged.

22 WITNESS: I don't recall.

23 MR. KELNER: Can we take a counsel restroom break for a few

24 minutes?

25 MR. GAST: Sure.

1 (WHEREUPON, a recess was taken.)

2 END OF PART 1

3

4 MR. GAST: Again, this is Scott Gast and Bryon Morgan with  
5 the Office of Congressional Ethics with  
6 Congressman Petri, Rob Kelner, and Kevin  
7 Glandon. And before we took the break we were  
8 talking about your interactions with the Oshkosh  
9 Corporation following the filing of a protest to  
10 the award of the contract for the medium  
11 tactical vehicles.

12 Subsequently, you and your staff took  
13 a number of steps with Oshkosh on that issue. I  
14 want to ask you generally, before you took any  
15 of those steps, were there any conversations  
16 within the office about reaching out to the  
17 ethics committee for guidance about what you  
18 could or couldn't do or conversations internally  
19 about steps that you could take to assist  
20 Oshkosh or what you couldn't?

21 WITNESS: I believe we checked every step with the ethics  
22 committee.

23 MR. GAST: Okay. Do you recall specifically reaching out  
24 to the committee in advance of taking any  
25 actions or --

1 WITNESS: We wouldn't have taken any action without  
2 reaching out in advance. It was always done  
3 through the Chief of Staff.

4 MR. GAST: Okay.

5 Alright. Shortly after the protest was filed in  
6 September, there was a Wisconsin delegation  
7 letter to Secretary Robert Gates on the issue,  
8 October 9, 2009. Do you recall that letter?

9 WITNESS: I don't, but I've seen it since. It's been  
10 recalled to my attention.

11 MR. GAST: Okay. Do you recall who came up with the idea  
12 for that delegation letter?

13 WITNESS: No.

14 MR. GAST: Did that idea originate with your office?

15 MR. KELNER: I think he just answered that question by saying  
16 he doesn't remember.

17 MR. GAST: We -- in the documents you provided our office,  
18 there are some emails from your Chief of Staff  
19 about reaching out to the ethics committee. Do  
20 you know what prompted that reaching out to the  
21 ethics committee?

22 WITNESS: I think it was our general policy.

23 MR. GAST: And what was the issue that you reached out to  
24 ethics on?

25 WITNESS: I don't recall. I mean, anything dealing with

1 Oshkosh probably.

2 MR. GAST: Okay. Did you have any discussions with your  
3 Chief of Staff about her conversations with the  
4 ethics committee?

5 WITNESS: She would report what they advised, and I'd say  
6 follow their advice.

7 MR. GAST: Okay. There was some indication in the  
8 documents that your office provided us that you  
9 may have had a member-to-member conversation  
10 with Chairman Buck McKeon about the issue around  
11 the same time. Do you recall having a  
12 conversation with Chairman McKeon?

13 WITNESS: I believe -- it's general practice that I  
14 follow, and I probably did in this case, that  
15 there was an issue before his committee that we  
16 wanted to let him know of our interest in, and I  
17 handed him a memo explaining the details - or his  
18 aide because I've learned over the years when  
19 people approach me on things having to do with  
20 my committee work, it's very hard to get a firm  
21 grasp of all the details. It's much simpler not  
22 to try to get someone up to speed and explain  
23 the whole thing, but just say here's an issue.  
24 Here's a memo. This is the position that we'd  
25 appreciate you taking a look at. So that memo

1 should exist in the record.

2 MR. GAST: I think you did provide that to us. Let me see

3 if I can get that here.

4 MR. MORGAN: Let's give him the Bates.

5 MR. GAST: The Bates number on this is PET-OCE5.

6 WITNESS: Yeah.

7 MR. GAST: Is this the memorandum that you --

8 WITNESS: Yeah.

9 MR. GAST: -- believe that you gave to --

10 WITNESS: Yeah.

11 MR. GAST: -- Chairman McKeon? And do you recall the

12 circumstances of how you got this to him?

13 WITNESS: Handed it to him on the floor of the House that

14 day.

15 MR. GAST: The floor of the House. Do you recall what you

16 discussed with him when you gave him this memo?

17 WITNESS: I basically said I think you have something --

18 this will explain what our interest is. I

19 appreciate you taking a look at it or giving it

20 to your aides handling the legislation that

21 you're dealing with, something like that.

22 MR. GAST: And I want to ask you about the last paragraph

23 of this memo --

24 WITNESS: Yeah.

25 MR. GAST: -- where it says, "In the interest of full

1 disclosure, I do own some stock."

2 WITNESS: Yeah.

3 MR. GAST: What prompted you to include this paragraph?

4 WITNESS: I don't know.

5 MR. GAST: Do you know how it came to be there?

6 WITNESS: I don't know. You could check with Debbie.

7 MR. GAST: Okay. Do you know why in your earlier letter to

8 Secretary Gates from the delegation, a similar

9 disclosure of your stock ownership was not

10 included?

11 WITNESS: I don't know. From the delegation?

12 MR. GAST: Mm-hmm.

13 WITNESS: Well, I don't know, but it would be rather weird

14 to separate out each individual member of the

15 delegation on things like this.

16 MR. GAST: Did you have general discussions in the office

17 about disclosing your stock ownership when

18 having contacts, either through memos or

19 letters, to executive branch officials?

20 MR. KELNER: By general discussions in the office, do you

21 mean like in staff meetings with the full staff?

22 MR. GAST: With any staff members, with your Chief of

23 Staff, with any of the legislative staff?

24 WITNESS: Only with Debbie.

25 MR. GAST: And what were those discussions that you had



1 with Debbie?

2 WITNESS: Do the right thing, and if there's a question,  
3 ask the ethics committee and follow their  
4 advice. It's my impression that the ethics --  
5 having been a member of the ethics committee,  
6 that one of its functions was to advise members  
7 if there were any possible question, so as to  
8 avoid situations such as this.

9 MR. GAST: Alright. Do you recall having a telephone  
10 conversation with the Secretary of the Army  
11 about this issue?

12 WITNESS: Yes.

13 MR. GAST: Can you tell me how that conversation came to  
14 be?

15 WITNESS: You'd have to check with Debbie. I think she  
16 suggested it.

17 MR. GAST: Okay. And what was the substance of your  
18 conversation with the Secretary?

19 WITNESS: As best I can recall, urged the Secretary to  
20 follow the rules, stick by the guns and not,  
21 because of political pressure, reverse the  
22 decision that they've made on the merits.

23 MR. GAST: And what was the Secretary's response?

24 WITNESS: Thank you very much. He was -- I think he said  
25 he was very aware of the issue.

1 MR. GAST: Did anyone from your office staff the call with  
2 you; were they on the call with you?

3 WITNESS: I beg your pardon?

4 MR. GAST: Did anyone on your staff, staff the call; were  
5 they on the call with you?

6 WITNESS: Well, Debbie's office is right there. The door  
7 may have been open.

8 MR. GAST: Okay.

9 WITNESS: She would have given me -- I usually make calls  
10 myself, but she might have had gotten him on the  
11 line or made arrangements that I should call at  
12 a certain time. I can't remember.

13 MR. GAST: Okay. Did you have any contact with Oshkosh  
14 representatives either before the call or right  
15 after the call to discuss your conversation with  
16 the Secretary?

17 WITNESS: I can't recall. I would assume, but I don't  
18 know. Someone -- the Chief of Staff may have  
19 talked to them, but I don't know. I can't  
20 recall I should say.

21 MR. GAST: And did you -- did the subject of your stock  
22 ownership come up at all during the call?

23 WITNESS: No. I don't believe so. I'm not sure though,  
24 but I don't -- I don't recall for sure.

25 MR. GAST: Did you disclose your ownership of stock during

1 that call?

2 WITNESS: I don't recall, but I don't think so.

3 MR. GAST: Okay.

4 WITNESS: I was urging that they follow their rules.

5 MR. GAST: So after the delegation letter to the Secretary  
6 of Defense, your conversation with Chairman  
7 McKeon, and the conversation with the Secretary  
8 of the Army, in December of 2009 there was a  
9 second delegation letter to the Secretary of the  
10 Army urging the quick implementation of the GAO  
11 recommendation. Do you recall that letter?

12 WITNESS: I'm sorry. I don't off the top of my head.

13 MR. GAST: I'll show you a copy of it.

14 WITNESS: GAO recommendation such as they recommended the  
15 contract go forward?

16 MR. GAST: They made certain recommendations about the bid  
17 process. I think there was some minor questions  
18 they wanted answered. This is Bates Number PET-  
19 OCE451 for the record.

20 WITNESS: Okay. (Inaudible)

21 MR. GAST: Do you recall this letter?

22 WITNESS: I honestly don't, but I certainly would not  
23 argue that it wasn't sent out.

24 MR. GAST: Sure.

25 WITNESS: I believe it was.

1 MR. GAST: Do you know who came up with the idea for  
2 sending this letter?

3 WITNESS: I don't. You'd have to ask Debbie. She might  
4 have a better idea.

5 MR. GAST: Are you aware of any ethics review of this  
6 letter or any guidance provided by the ethics  
7 committee?

8 WITNESS: I am not.

9 MR. GAST: Okay.

10 WITNESS: I don't know. Debbie would know.

11 MR. GAST: Okay.

12 WITNESS: I don't know if this originated in our office or  
13 in Senator Kohl's office. I'm not  
14 sure.

15 MR. GAST: Okay. Similar set of questions with regard to  
16 this letter from you to the Secretary of the  
17 Army on February of 2010. This is PET-OCE113.  
18 Do you recall this letter?

19 WITNESS: Not specifically, no.

20 MR. GAST: And this expresses your concerns with an  
21 additional bridge contract awarded to BAE  
22 Systems, I believe it is --

23 WITNESS: Okay.

24 MR. GAST: -- to continue -- to extend their contract  
25 because of the protest period. Do you know what

1 prompted this letter from you to the Secretary?

2 WITNESS: I don't.

3 MR. GAST: Do you recall who came up with the idea of this  
4 letter?

5 WITNESS: I don't.

6 MR. GAST: Do you recall any discussion of ethics review of  
7 this letter?

8 WITNESS: I don't.

9 MR. GAST: Okay. Okay. I want to move on now to an issue,  
10 still involving the Oshkosh Corporation. In  
11 June of 2013, you and seven other members in the  
12 House sent a letter to the chair and ranking  
13 members of the Armed Services and defense  
14 appropriations subcommittees. I'll give you a  
15 copy of that letter. And this is a letter dated  
16 June 10, 2013.

17 WITNESS: Mm-hmm.

18 MR. GAST: Do you recall this letter?

19 MR. GLANDON: You want to clarify the Bates?

20 MR. GAST: This one is actually not --

21 WITNESS: June 10, 2013. I don't, but I -- obviously, we  
22 must have done that.

23 MR. GAST: Do you recall the issue involved, the Defense  
24 Department's proposed reprogramming action,  
25 which would have taken money away from the Tactical

1     Wheeled Vehicle Program?

2     WITNESS: No, I don't.

3     MR. GAST: Okay. I want to direct your attention to the

4     last page of this document, which is a

5     memorandum --

6     WITNESS: Yes, okay.

7     MR. GAST: -- from you to the recipients of the letter. Do

8     you recall this memo?

9     WITNESS: No.

10    MR. GAST: Any idea how --

11    WITNESS: Did we do something wrong in disclosing -- I

12    don't --

13    MR. KELNER: Let them ask the questions.

14    WITNESS: Okay. Well, I mean, what's the point. I don't

15    know.

16    MR. GAST: Do you know what prompted you to include this

17    memo?

18    WITNESS: Absolutely. I assume it was on the advice of

19    ethics committee --

20    MR. GAST: Okay.

21    WITNESS: -- but I don't know.

22    MR. GAST: Do you know why you included this memorandum

23    with this letter but not in the previous letters

24    to the Secretary of the Army and the Secretary

25    of the Defense?

1 WITNESS: You'd have to check with Debbie.

2 MR. GAST: Did the Oshkosh Corporation ever ask you or your  
3 office to submit any appropriations requests on  
4 their behalf?

5 WITNESS: I believe that they did years ago.

6 MR. GAST: And did there come a time when your policy on  
7 submitting appropriations requests coming up  
8 from Oshkosh changed?

9 WITNESS: I believe so.

10 MR. GAST: And when was that? Do you recall when that was?

11 WITNESS: It was when I bought stock in Oshkosh Truck as  
12 best I can -- as best to my recollection.

13 MR. GAST: And what --

14 WITNESS: I think -- I don't -- I shouldn't -- I believe  
15 they had made various requests of members of the  
16 delegation each year, and they did again. And  
17 Debbie might have said that they did, and I  
18 said, "Well, I own stock in that corporation."  
19 She said, "Oh, my goodness, then maybe we can't  
20 do that." But I'm not sure.

21 MR. GAST: Okay.

22 WITNESS: But I disclosed that I had the stock, or she  
23 might have known already because of my having  
24 filed ethics statements. I'm not sure.

25 MR. MORGAN: Are you aware if she then reached out to the

1 ethics committee for advice on that issue?

2 WITNESS: I don't know.

3 MR. MORGAN: Was it a direction from you to not make

4 appropriations requests because you owned stock?

5 WITNESS: I would -- my recommendation would have been to

6 do whatever the rules required.

7 MR. MORGAN: Okay. Do you remember, did she ever come back

8 to you saying I checked with the ethics

9 committee and here's what they said, or how was

10 that issue resolved?

11 WITNESS: It was resolved that we wouldn't do it, as I

12 understand.

13 MR. MORGAN: Okay. But you can't recall -- you don't recall

14 if that was because of advice from the ethics

15 committee or if it was just a decision that you

16 and Debbie made?

17 WITNESS: I don't think it was because of a decision that

18 we made. I think we were trying to do the right

19 thing as the referees advised us.

20 MR. GAST: I want to move on to the Manitowoc Company.

21 WITNESS: Manitowoc.

22 MR. GAST: Manitowoc.

23 WITNESS: There's their crane right there.

24 MR. GAST: Wow.

25 WITNESS: That fell over when we had the earthquake.



1 MR. GAST: Yeah. And how long have you had a relationship  
2 with the Manitowoc Company?

3 WITNESS: Since '79.

4 MR. GAST: And how did you become involved with that?

5 WITNESS: Well, I became elected to represent Manitowoc,  
6 and I'm quite sure I stood outside the Manitowoc  
7 Company gate in February and March in the snow  
8 in the first time I ran.

9 And later -- I'm trying to think. I  
10 think we have a big thing in Manitowoc called  
11 the Badger, which is the last car ferry on the  
12 Great Lakes. It goes from Manitowoc to  
13 Ludington, and I believe there was some kind of  
14 a special party out on the Badger. And I was  
15 taken out to it on a launch with some other  
16 people, including John West, who was quite a  
17 legendary figure.

18 And I'm sure over the years we -- you  
19 know, there would be various things we would be  
20 doing with the Manitowoc Company, as with any  
21 other company in our district. They were  
22 larger, so there might be somewhat more but not  
23 a whole lot.

24 MR. GAST: How often would you say that you had  
25 interactions with company officials?

1 WITNESS: Well, I toured the factory a number of times,  
2 had meetings with executives. Their executives  
3 attend meetings of various organizations in  
4 Oshkosh and in Manitowoc that I would attend.  
5 They had an either full or part-time Washington  
6 representative named Al Bernard, who we would  
7 work with on issues affecting the Manitowoc  
8 Company from time to time, but I don't know how  
9 often. It would be several times a year at  
10 least.

11 MR. GAST: Okay. And have there been occasions when the  
12 company has come to you or your office with  
13 specific requests for assistance?

14 WITNESS: I imagine so. I can't recall a specific  
15 occasion, but they aren't anymore. They were --  
16 they had a boat building division, which is now  
17 owned by an Italian company up -- outside of our  
18 district but up in Marinette, and they would --  
19 they were interested in doing work with the  
20 military and with the government. I think they  
21 made an ice breaker up there. I don't know if  
22 we were involved in that at all, and they were  
23 heavily involved partnering with General  
24 Dynamics, one of the other big defense  
25 contractors in working on getting a contract for

1 the Toro Cruiser. I think we may have helped  
2 them with some of that.

3 MR. GAST: And are those requests for assistance by the  
4 company handled differently in any way because  
5 you own stock in the company?

6 WITNESS: They sold that defense operation some years ago.  
7 I can't really recall. I don't think we -- we  
8 dealt with them as best we could. That's what  
9 we were supposed to do.

10 MR. GAST: Okay. Are you aware of assistance provided back  
11 in January or February of 2007 by Lindsay Bowers  
12 of your office to Manitowoc regarding an EPA  
13 rule making about phasing out of certain  
14 chemicals?

15 WITNESS: Vaguely. This has to do with their ice making  
16 division? I don't know.

17 MR. GAST: It involved getting a meeting with OMB about the  
18 proposed rule that EPA was coming out with.

19 WITNESS: The chemicals wouldn't be involved with cranes or  
20 with ships. It should probably have to do with  
21 making ice machines, I surmise. I don't know.

22 MR. GAST: Do you recall if there was any discussion in the  
23 office about what assistance you can provide  
24 Manitowoc?

25 WITNESS: I don't.

1 MR. GAST: Any discussions about reaching out to the ethics  
2 committee for guidance about what assistance  
3 could be provided?

4 WITNESS: No. I don't even recall if I owned stock in  
5 Manitowoc at that particular time. Maybe I did.  
6 You have the dates down.

7 MR. GAST: Okay. But you don't recall any ethics guidance  
8 that was shared with your office?

9 WITNESS: No.

10 MR. GAST: I want to talk to you about September 2012  
11 through August 2013, assistance provided by your  
12 office to Manitowoc about a hardship exemption  
13 request to the EPA regarding some diesel engines  
14 that they used in their cranes. Do you recall  
15 your office providing assistance to the company  
16 on that issue?

17 WITNESS: What was it again?

18 MR. GAST: The company was seeking a hardship exemption  
19 from the EPA regarding some diesel engines that  
20 are used in its cranes.

21 WITNESS: It could well be. I'm sure it is, but I don't  
22 have a specific recollection.

23 MR. GAST: And I think this was something that Kevin James  
24 on your staff --

25 WITNESS: Okay.

1 MR. GAST: -- worked with.

2 WITNESS: Yeah. He's still there.

3 MR. GAST: Okay. What do you recall generally about that  
4 issue?

5 WITNESS: I don't.

6 MR. GAST: Okay. Were there any discussions about -- with  
7 you about steps that your office took to help  
8 the company?

9 WITNESS: We would have, I assume, done whatever we would  
10 do with any company.

11 MR. GAST: Do you recall discussing any contacts with the  
12 EPA on behalf of the company to try to get  
13 additional information?

14 WITNESS: You'd have to ask Kevin.

15 MR. GAST: Okay. I want to show you a letter from August  
16 8, 2013, from you to the regional administrator  
17 at the EPA. This is Bates Number PET-OCE1544.

18 WITNESS: Okay.

19 MR. GAST: Reading this letter, does this refresh your  
20 recollection at all about the issue involved?

21 WITNESS: No.

22 MR. GAST: Okay. Do you recall discussing this issue with  
23 anybody on your staff?

24 WITNESS: I may have discussed it with Kevin. I can't --  
25 I don't have a specific recollection.

1 MR. GAST: Okay. Do you recall discussing this issue at  
2 all with anyone at the Manitowoc Company?

3 WITNESS: I really don't have a specific recollection. It  
4 may have been mentioned in the course of some  
5 other meetings.

6 MR. GAST: Okay. Do you recall approving and signing this  
7 letter to the regional administrator?

8 WITNESS: Well, I'm not sure that's my signature actually.

9 MR. GAST: Okay.

10 WITNESS: But it might be. Maybe I did sign it. People  
11 sometimes sign my signature at the office, but  
12 I'm not -- they do a pretty good job. It could  
13 be I did.

14 MR. GAST: Who in the office is authorized to sign on your  
15 behalf?

16 WITNESS: I don't know. There's been no specific  
17 authorization. Check with Debbie on it.

18 Sometimes I'm in the district or something, and  
19 they want to get a letter out.

20 MR. GAST: Okay. Are you informed before something is  
21 signed on your behalf?

22 WITNESS: I think it depends. I don't know.

23 MR. GAST: Would this letter have been sent without you  
24 having been made aware of it?

25 WITNESS: Well, I'm not particularly aware of it now, but

1 I might have been at the time. I didn't say I  
2 wasn't.

3 MR. GAST: Okay. As a general matter, does your office  
4 send out letters to executive branch officials  
5 without first discussing it with you?

6 WITNESS: As a general matter, we don't send out that many  
7 letter to the executive branch.

8 MR. GAST: Sure.

9 WITNESS: I don't know, but we -- well, we sent -- well,  
10 that's not true. We sent a lot of letters  
11 without discussing it specifically with me.  
12 We're constantly working on cases involving  
13 Social Security, immigration, and 101 other  
14 issues, and we do not -- I do not necessarily  
15 approve each letter or even am informed of them.

16 MR. GAST: And do you recall any discussion about seeking  
17 ethics guidance with respect to sending this  
18 letter to the EPA?

19 WITNESS: No.

20 MR. GAST: Do you recall any discussions about getting  
21 ethics guidance on taking any action on behalf  
22 of Manitowoc regarding --

23 WITNESS: Manitowoc.

24 MR. GAST: Manitowoc regarding this hardship exemption  
25 request?

1 WITNESS: (No audible response.)

2 MR. GAST: Okay.

3 MR. MORGAN: Were you aware that Manitowoc was facing this  
4 issue with their diesel engines?

5 WITNESS: Well, I'm sure they discussed it with me, but I  
6 don't recall anything specific about it.

7 MR. MORGAN: Okay.

8 MR. GAST: I want to ask you just a few more questions  
9 about the two other companies, first Plum Creek  
10 Timber.

11 WITNESS: Okay.

12 MR. GAST: Can you describe your relationship with the  
13 company?

14 WITNESS: I think they have an operation in Adams County,  
15 which is no longer in my district but was, and  
16 invited me to visit the operation. And I did do  
17 that. Clare Wettstein in our district office  
18 would have made the arrangements.

19 I can't remember who went with me on  
20 that occasion, but we visited their office. And  
21 the fellow that was running it or someone, his  
22 coworkers or a couple people, drove us around to  
23 see different logging operations and view their  
24 lands.

25 MR. GAST: Do you have regular interactions with company



1 representatives through the Congressional  
2 Office?

3 WITNESS: No. Not that I'm aware of.

4 MR. GAST: Are you aware of specific requests for  
5 assistance or support that the company has made  
6 --

7 WITNESS: No.

8 MR. GAST: -- to your Congressional Office?

9 WITNESS: It's my impression they own land -- I think it's  
10 more or less equal to the size of the state of  
11 Maryland, and most of it is not in the Sixth  
12 Congressional District. They probably operate  
13 through a lot of other offices if they have a  
14 problem but not through us.

15 MR. GAST: Sure. I want to show you a letter to Dave Camp  
16 and Sandra Levin of the Ways and Means Committee you had signed  
17 onto in April of 2013 --

18 WITNESS: Okay.

19 MR. GAST: -- regarding certain timber tax provisions, and  
20 there's some 30 members signed on this letter,  
21 which is PET-OCE6956.

22 WITNESS: Okay.

23 MR. GAST: Do you recall this letter?

24 WITNESS: No.

25 MR. GAST: There's some indication that your office reached

1 out to the ethics committee prior to you signing  
2 this letter to get their guidance on whether it  
3 was appropriate for you to sign with the stock  
4 ownership. Do you know what prompted that  
5 ethics committee question?

6 WITNESS: I assume if it -- someone did, it would have  
7 been Debbie, Chief of Staff, how was following  
8 our policy just to attempt to abide by the rules  
9 and not do anything that would raise any  
10 question. And if we had any question as to  
11 whether it was appropriate or not, to check with  
12 the ethics committee.

13 MR. GAST: Can you recall hearing back from Debbie at all  
14 about her --

15 WITNESS: Must have said it was all right, from the point  
16 of view of the ethics committee, or we wouldn't  
17 have signed it.

18 MR. GAST: And, finally, I want to ask you about the  
19 Danaher Corporation.

20 WITNESS: Yeah.

21 MR. GAST: Can you discuss your relationship with that  
22 company, describe the relationship you had?

23 WITNESS: To the best of my knowledge, I've never met, or  
24 talked, or had any dealings with anyone from  
25 Danaher Corporation.

1 I was surprised to learn of your  
2 including it on this, and upon reviewing --  
3 trying to figure out what possible reason, I've  
4 discovered that they had acquired some facility  
5 in Fond du Lac, Wisconsin, which I was totally  
6 unaware of was even -- had any connection with  
7 Danaher. It had been known locally as the  
8 Giddings & Lewis Electronic Division, Giddings &  
9 Lewis being a large machine tool company, one of  
10 the old, old firms in Fond du Lac, Wisconsin,  
11 which has gone through a lot of different  
12 ownership lately.

13 MR. GAST: And do you recall, has Danaher made any specific  
14 requests for assistance to your office that  
15 you're aware of?

16 WITNESS: As I said, I've had -- never. We treated them  
17 just the same as everyone else, except we  
18 weren't even aware that they were a constituent.

19 MR. GAST: Okay. I believe that those are all the  
20 questions that I have. We appreciate your time  
21 and, you know, helping us put together this  
22 information. Thank you for your help.

23 MR. MORGAN: Thank you very much.

24 WITNESS: It was nice of you to come by.

25 MR. GAST: Thanks for having us.

1 END OF INTERVIEW  
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CONFIDENTIAL

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

ERRATA SHEET

Page	Line	Correction	Reason
6	3	Change "Barron" to "Baird"	Reflects witness testimony
8	18	Change "Oshkosh" to "Manitowoc"	Reflects correct location
9	4	Change "work" to "world"	Reflects witness testimony
17	10	Change "Maslin" to "Mosling"	Reflects witness's testimony
17	11	Change "Maslin" to "Mosling"	Reflects witness's testimony
19	17	Change "15" to "50"	Reflects witness's testimony
39	1	Change "Toro" to "Littoral"	Reflects witness testimony

This errata sheet is submitted subject to 18 U.S.C. § 1001 (commonly known as the False Statements Act).

Witness Name: THOMAS E. LARRY  
 Witness Signature: [Handwritten Signature]  
 Date: JUNE 19, 2014

# **EXHIBIT 5**

## **TRANSCRIPT OF INTERVIEW OF OSHKOSH CORPORATION EXECUTIVE VICE PRESIDENT FOR GOVERNMENT OPERATIONS AND INDUSTRY RELATIONS**

OFFICE OF CONGRESSIONAL ETHICS

REVIEW NO. 14-1891

INTERVIEW OF

TRANSCRIPT OF

██

RECORDED PROCEEDINGS

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May 29, 2014

BEFORE:

BRYSON MORGAN, OCE Investigator

NATE WRIGHT, OCE Investigator

APPEARANCES:

SCOTT THOMAS, Attorney for Mr. ██████████

AIMEE GHOSH, Attorney for Mr. ██████████

Transcribed by:

BETH RADABAUGH, CSR, RPR

1 MR. MORGAN: All right. For the  
2 record, this is Bryson Morgan with the Office of  
3 Congressional Ethics, joined by Nathan Wright  
4 with the OCE as well, and we are here with  
5 [REDACTED] of Oshkosh Corporation, who is  
6 represented by his attorney, Scott Thomas and  
7 Aimee --

8 MS. GHOSH: Ghosh.

9 MR. MORGAN: -- Ghosh. It's  
10 May 29th, 2014.

11 [REDACTED], we would like to start  
12 off with just getting some background  
13 information about you.

14 How long have you been with the  
15 Oshkosh Corporation?

16 WITNESS: I joined Oshkosh in  
17 May of 2001. And, for the record, my full name  
18 is [REDACTED], middle initial [REDACTED], last name [REDACTED],  
19 [REDACTED]. My nickname is [REDACTED].

20 MR. MORGAN: Okay. What is your  
21 current position with Oshkosh Corporation?

22 WITNESS: I'm Executive Vice  
23 President, Government Operations, Industry  
24 Relations.

25 MR. MORGAN: Okay. What are your --



1 well, let's say how long have you been in that  
2 current position?

3 WITNESS: I have been an  
4 executive vice president with the company for I  
5 believe five years. Before that I was senior  
6 vice president. Before that I was a  
7 vice president, and when I was hired in 2001, my  
8 initial title was assistant vice president.

9 MR. MORGAN: Okay. What are your  
10 duties in your current position?

11 WITNESS: The primary duties in  
12 my current position is advise the executive  
13 operating team, including our four business  
14 units' presidents on all government relations  
15 matters both domestically and internationally.

16 MR. MORGAN: And when you say  
17 domestically, do you mean federal and state?

18 WITNESS: Primarily federal, but  
19 we certainly do state level also.

20 MR. MORGAN: Okay. So in that  
21 capacity are you registered as a federal  
22 lobbyist?

23 WITNESS: I am not.

24 MR. MORGAN: You're not. Okay.  
25 Are you registered as a state

1 lobbyist in any states?

2 WITNESS: I am not.

3 MR. MORGAN: Okay. Who else at  
4 Oshkosh Corporation interacts with federal  
5 elected officials?

6 WITNESS: I have two gentlemen  
7 employed by me in my office. One gentleman's  
8 name is Mark Meservey, M-e-s-e-r-v-e-y, and the  
9 other is Lee Morris.

10 MR. MORGAN: Okay. What are their  
11 titles?

12 WITNESS: Mark is a vice  
13 president, Oshkosh Defense, and Lee is -- title  
14 is -- I think he's a manager of government  
15 relations.

16 MR. MORGAN: Okay. And they report  
17 to you?

18 WITNESS: They do.

19 MR. MORGAN: Okay. What other  
20 officials at Oshkosh also interact with federal  
21 officials? Does the president or CEO of the  
22 company interact with federal officials on  
23 occasion?

24 WITNESS: Yes.

25 MR. MORGAN: How would -- how would

1       you describe those occasions? Are those  
2       frequent contacts?

3               WITNESS: I would say on a  
4       quarterly basis my CEO comes in to Washington,  
5       D.C. and I arrange for meetings with federal  
6       officials as necessary.

7               MR. WRIGHT: Are those primarily  
8       members of the legislative branch or the  
9       executive branch?

10              WITNESS: Both.

11              MR. MORGAN: What about Mike Power?

12              WITNESS: Mike Power used -- I  
13       hired Mike in my office and Mike worked for me  
14       for about -- now you're going to stretch my  
15       recollection of dates, but I would say Mike was  
16       in my office for about two years, two and a half  
17       years, and then he had an opportunity for a  
18       promotion to move up to Wisconsin initially with  
19       our Pierce manufacturing division, our fire and  
20       emergency division, and then most recently he  
21       was promoted and moved down to become the  
22       assistant general counsel for our defense  
23       business unit.

24              MR. MORGAN: Okay. Are there any  
25       other persons at Oshkosh that have regular

1 contacts with federal officials?

2 WITNESS: We have a policy in  
3 the -- well, let me say my pol -- the policy  
4 that I've established within the company that is  
5 pretty tightly maintained, that anyone who wants  
6 to have a contact with a legislative official or  
7 staff, they will coordinate that through my  
8 office. I am notified of any high-level  
9 administrative meeting let's say at the  
10 assistant secretary or above level. We have  
11 certainly federal officials at programatic level  
12 activities, program managers for Army program  
13 management for truck activities that's both  
14 uniform and civilian that my defense units deal  
15 with on a daily basis. Those contacts I have no  
16 dealings with.

17 MR. MORGAN: Okay. Well, does the  
18 company use any outside consultants for  
19 government affairs?

20 WITNESS: We do.

21 MR. MORGAN: Okay. On the federal  
22 side who are the consultants you use?

23 WITNESS: Currently I have three  
24 firms that I engage. One is Jeff Green &  
25 Associates.

1 MR. MORGAN: Okay.

2 WITNESS: I've got another one  
3 that just changed their name. It used to be  
4 Denny Miller & Associates and now they're  
5 with -- who's -- who's --

6 MR. MORGAN: Is this Will Stone?

7 WITNESS: Will Stone, yeah. He's  
8 now with a new firm.

9 MR. THOMAS: Is it okay if he  
10 consults his phone to get the answer?

11 MR. MORGAN: It is. I'll tell you.  
12 Could it be Jefferson Consulting Group?

13 WITNESS: That's it, Jefferson  
14 Consulting Group. There you go.

15 MR. MORGAN: Okay.

16 WITNESS: And the only other one  
17 is a gentleman named John Young, and those are  
18 the only three outside consultants that I have  
19 control over.

20 MR. MORGAN: Okay.

21 WITNESS: Now, the company  
22 further engages the Cohen Group, but that is not  
23 for legislative activities. That is strictly  
24 business-related advice and counsel plus  
25 international business development.

1 MR. MORGAN: Okay. Cohen, C-o-h-e-n?

2 WITNESS: Yeah. Former Secretary  
3 Cohen.

4 MR. MORGAN: What -- generally  
5 speaking, what subjects do you discuss with  
6 members of congress in your interactions with  
7 them?

8 WITNESS: The primary -- well,  
9 the vast majority of the time that we spend  
10 dealing with members of congress and staff deals  
11 with the annual authorization appropriations  
12 process for the defense department. Also the  
13 tran -- the not so annual, but the  
14 transportation bill that may or may not occur.

15 Those are the two primary recurring  
16 pieces of legislation. Homeland Security, the  
17 bill is also of interest to us.

18 MR. MORGAN: And your means of  
19 communicating with members of congress, is it  
20 primarily via in-person meeting, phone call or  
21 e-mail?

22 WITNESS: I would say 95 percent  
23 of our conversations deal with not members of  
24 congress, but staff, personal and professional  
25 staff.

1           MR. MORGAN: Okay. And is that --  
2 would that be typically via e-mail or phone call  
3 or meeting?

4           WITNESS: I would say typically  
5 phone calls, e-mails and meetings. I would say  
6 almost -- half I would say personal meetings and  
7 the rest e-mails and phone calls.

8           MR. MORGAN: Okay. Now, I want to  
9 ask you some more general questions about your  
10 interactions with Representative Petri's office.

11          WITNESS: Okay.

12          MR. MORGAN: How often do you -- do  
13 you or that you are aware of representatives of  
14 Oshkosh Corporation have interactions with his  
15 congressional office?

16          WITNESS: Well, it depends on the  
17 time period you're talking about, but I would  
18 say once a quarter maybe, dependent upon the  
19 level of activity and what's going on. I might  
20 have two or three conversations with Petri's  
21 chief of staff in a one-week period and I may  
22 not speak to her for six months.

23          MR. MORGAN: Okay. Are you the  
24 person with Oshkosh that primarily has contact  
25 with Representative Petri's office?

1                   WITNESS: I do most of the  
2                   communications at his chief of staff level. At  
3                   below the chief of staff level Mark Meservey,  
4                   Lee Morris or one of my outside consultants,  
5                   primarily Will Stone might have conversations  
6                   with staff or people below Debbie or with Debbie  
7                   even, with Debbie Gebhardt, who is his chief of  
8                   staff.

9                   MR. MORGAN: And the subjects that  
10                  you communicate with Representative Petri's  
11                  office, are they in that same range,  
12                  appropriations, transportation, Homeland  
13                  Security?

14                 WITNESS: Those would be all --  
15                 all subjects we'd have conversations with him  
16                 about.

17                 MR. MORGAN: Any additional issues  
18                 you've talked to his office about that come to  
19                 your mind?

20                 WITNESS: Not to my recollection.

21                 MR. MORGAN: I want to get a sense of  
22                 how frequently you contact Representative  
23                 Petri's office as opposed to other congressional  
24                 offices.

25                 I know that, you know, many companies



1 have a certain number of members that they work  
2 closely with. Maybe that's ten, five, fifty, a  
3 hundred, I don't know, but how frequently do you  
4 interact with Congressman Petri's office  
5 relative to other offices?

6 WITNESS: I would say it would  
7 depend on the issue. Let's say on the defense  
8 issues, there are other offices that I  
9 communicate with significantly more.

10 On transportation issues Petri is --  
11 since he is a senior member of the  
12 Transportation Committee, we communicate with  
13 him probably more than other members.

14 On Homeland Security issues less than  
15 other members. It really is issue by issue,  
16 significantly determined by what committee he  
17 might sit on.

18 MR. MORGAN: Okay. Would you say  
19 that Congressman Petri is the company's main  
20 point of contact in congress?

21 WITNESS: No.

22 MR. MORGAN: Would you say he's one  
23 of a handful of offices that are the main point  
24 of contact?

25 WITNESS: He is one of the

1 Wisconsin delegation that we have a long-term  
2 relationship with because you have to remember,  
3 he is the congressman that represents the  
4 district where our headquarters is.

5 MR. MORGAN: Um-hmm.

6 WITNESS: We have over 3,000  
7 employees that work in his district and we have  
8 a very large manufacturing operation there. So  
9 yes, he is one, but we also have other locations  
10 in Wisconsin, Minnesota. We have suppliers in  
11 42 states. We have over 50 -- you know, over  
12 2,500 suppliers.

13 So I would say that my relationship  
14 with the Petri office is less than a number of  
15 other Wisconsin members.

16 MR. MORGAN: Okay. Of that pool of  
17 members that are main points of contact for the  
18 company, are those members points of contact  
19 primarily because of the company's activities in  
20 the members' district?

21 WITNESS: The members that we try  
22 to --

23 (Cell phone interruption.)

24 WITNESS: Sorry about that.

25 The members that I have developed

1 relationships with over the last 14 years I've  
2 been with Oshkosh and the 18 years before that  
3 are based primarily on programatic type  
4 importance to us. So the most important members  
5 to me are the members who sit on the  
6 subcommittees of defense on both the house and  
7 senate Appropriations Committees and the house  
8 and senate Armed Services Committees. Also  
9 members on the Transportation Committees and  
10 Homeland Security.

11 But our largest, shall we say,  
12 federally funded portion of our company is our  
13 defense business. We have four businesses.  
14 Defense is certainly all federally funded. Our  
15 other businesses have minor federal funding in  
16 them or are impacted by federal spending like  
17 the transportation bill.

18 Oshkosh Corporation owns McNeilus.  
19 We're the largest producer of concrete trucks  
20 and refuse trucks in the United States, Canada  
21 and Mexico. So a large transportation bill  
22 means more infrastructure, a lot more  
23 construction, a lot more concrete and then we  
24 have an opportunity that's good for our  
25 business.

1           You have a fire grant program where  
2       congress provides money for local fire companies  
3       to train and equip people. So we are also the  
4       number one producer of fire trucks and apparatus  
5       in the United States under the brand name  
6       Pierce. So that in a general sense if there is  
7       a larger amount of federal appropriation for  
8       companies to -- or for fire companies to buy  
9       equipment, then that's good for our business  
10      because then we can go and try to win that  
11      business.

12           But our biggest piece of federal  
13      funding every year is defense. So my strongest  
14      relationships and the ones that we work on most  
15      dearly are related to our defense business.

16           MR. MORGAN: Okay. In your  
17      interactions with Representative Petri or his  
18      staff, have you ever discussed Oshkosh's company  
19      performance? I know that's a fairly broad --

20           WITNESS: That's a very broad --

21           MR. MORGAN: -- question. So I have  
22      a few documents that I want to show you --

23           WITNESS: Sure.

24           MR. MORGAN: -- that will maybe jog  
25      your memory here.

1           They're -- and I'll read these Bates  
2 numbers here. This is PETOCE2011. It's an  
3 e-mail. You're not included in this e-mail, but  
4 it's Debbie Gebhardt e-mailing others saying she  
5 had talked to you about some company layoffs.

6           WITNESS: Yes.

7           MR. MORGAN: Okay. There's  
8 PETOCE5571. This appears to be an e-mail from  
9 you to Debbie Gebhardt that she then forwarded  
10 on to others, not including yourself, but  
11 relaying the message that [REDACTED] said that  
12 this, referring to a 1.05 billion delivery order  
13 supply, would result in about 400 new hires at  
14 Oshkosh, and the third document is PETOCE1832.  
15 This appears to be an e-mail from  
16 Debbie Gebhardt to you where she writes "Thanks  
17 for sending me information about the production  
18 success." It's on the second page there.

19           So I realize that I asked a broad --  
20 a broad question. I'll give you some time to  
21 take a look at those.

22           (Pause on the record.)

23           WITNESS: Okay. Which one do you  
24 want to start with?

25           MR. MORGAN: What did -- well, let's

1 talk about the production success. Do you  
2 recall what that reference would have been to?

3 WITNESS: Are we talking about  
4 1831?

5 MR. MORGAN: I think it's that top --  
6 I think it's on the second page of that.

7 (Pause on the record.)

8 WITNESS: Well, let me tell you  
9 exactly what this issue is and I don't know why  
10 the reference to production success.

11 MR. MORGAN: Um-hmm.

12 WITNESS: The issue is a local  
13 issue. Given the number of trucks that we were  
14 producing at the height of the conflicts in  
15 Afghanistan and Iraq and also when we won the  
16 contract for what's called the MRAP all-terrain  
17 vehicle, we were producing close to 1,500 trucks  
18 a month. We did not -- and even to this day we  
19 do not have parking facilities for all the  
20 trucks that we produce.

21 MR. MORGAN: Um-hmm.

22 WITNESS: So we are contiguous,  
23 our manufacturing is contiguous with a local  
24 airport and we have for years parked trucks that  
25 have been produced, accepted by the Army and are

1 waiting shipping instructions by the Army, they  
2 are stored on the airport grounds.

3 As you can reference the subject  
4 again --

5 MR. MORGAN: Um-hmm.

6 WITNESS: -- it says truck  
7 parking again.

8 MR. MORGAN: Right.

9 WITNESS: Every --

10 MR. MORGAN: It appears that there  
11 was some controversy in the local community  
12 about the parking issues?

13 WITNESS: Every once in a while  
14 we get a -- Mr. Petri's office gets a call from  
15 somebody who doesn't like all the trucks  
16 blocking their view of the airport or whatever.

17 So this I believe chain -- my  
18 recollection, this change -- this chain is only  
19 about, you know, why do we have so many trucks  
20 onboard, on the grounds and, you know, we're  
21 going to do all we can to get them out as  
22 quickly as we can.

23 MR. MORGAN: And so to the best of  
24 your knowledge, obviously it wasn't your  
25 statement, but Debbie Gebhardt's reference to

1 the production's success was Oshkosh's quickly  
2 churning out vehicles that were then being  
3 parked and creating the controversy?

4 WITNESS: I can't speculate what  
5 was in her mind, why she said that.

6 MR. MORGAN: Okay. You didn't have  
7 any separate conversation with her about the  
8 production of the vehicles at that time?

9 WITNESS: No.

10 MR. MORGAN: Okay. The second e-mail  
11 about potential layoffs --

12 WITNESS: Yeah.

13 MR. MORGAN: -- can you give us a  
14 similar sort of context and explanation for  
15 that?

16 WITNESS: Sure. As we -- as we  
17 went up significantly in production -- and  
18 possibly if we do this in sequence, your first  
19 one from 2009 --

20 MR. MORGAN: So you want to do the  
21 additional hires?

22 WITNESS: If that's all right.

23 MR. MORGAN: That's fine. If that  
24 cuts to the context, that's fine.

25 WITNESS: Okay. In June of 2009



1 is when we were awarded a contract for  
2 \$1 billion to produce the MRAP all-terrain  
3 vehicle. We produced or put out -- you can see  
4 a copy of the press release that we the company  
5 did, which I attached to an e-mail and sent to  
6 Debbie and said we expect that we will hire  
7 probably -- this win we will hire about 400  
8 additional people and it could go higher  
9 depending on how many -- ultimately how many  
10 vehicles they bought. The original contract was  
11 for 5,000 vehicles. We ended up producing 8,600  
12 vehicles.

13 So this was just notifying the local  
14 congressmen. I also notified Senator Kohl and  
15 Senator Johnson, at the time, the exact same  
16 thing. This was a -- provided them our press  
17 release and told them, shall we say, of the --  
18 what is now public knowledge.

19 At the peak, was in the 2010, 2011  
20 time frame, probably 2010 when we were producing  
21 trucks for the Army, Marine Corps and the MATV,  
22 but then the budget numbers started going the  
23 other direction, and we have -- if I could show  
24 you, I don't have it with me, but the number of  
25 trucks per day we produced went down and has

1       come down significantly. I think we hit a high  
2       of about 80 trucks a day. We are on our way  
3       down right now to under 20 trucks a day now.

4               So since that height we have now  
5       announced three different layoffs and in October  
6       of '12 was another one of those decisions that  
7       we notified our unionized and our white collar  
8       work force that we had to have a layoff.

9               I always give affected members of  
10       congress, whether it's Wisconsin or anyplace  
11       that we have people -- we have manufacturing in  
12       many states. I work with that local congressman  
13       and that delegation that if we're having  
14       significant personnel either pluses or minuses,  
15       I always call them after the market closes on  
16       the day before we go with a public announcement  
17       of that so they are prepared for any press  
18       inquiries they might have.

19              MR. MORGAN: Can you -- like with the  
20       hires, you said you also notified Senators Cole  
21       and Johnson. With regards to the layoff  
22       announcements, can you think of any specific  
23       other member offices that you also notified?

24              WITNESS: For this particular  
25       case it would be those three because those are

1 the two senators and one member of congress who  
2 are directly affected by it.

3 MR. MORGAN: Okay. And just to be  
4 clear again, your methodology for notifying is  
5 after the market closes but before the next --  
6 before it becomes public information.

7 WITNESS: The day before it  
8 becomes public information.

9 MR. MORGAN: Okay. Now, I want to --  
10 well, can you think of any other similar  
11 instances like these three we just went through  
12 in which you would give Congressman Petri's  
13 office a heads up of something affecting the  
14 company or a non-public announcement the company  
15 was going to make? Can you think of any other  
16 instances?

17 WITNESS: With Mr. Petri or any  
18 member?

19 MR. MORGAN: Well, let's start with  
20 Mr. Petri.

21 WITNESS: There have -- as far as  
22 contract awards, generally speaking when there  
23 is a contract award, we don't find out about it  
24 until there is public release by the Department  
25 of Defense, and so there is no ability, shall we

1 say, to notify a member early. As a matter of  
2 fact, I would suggest to you that the department  
3 probably notifies members before they notify us  
4 sometimes.

5 MR. MORGAN: I was just going to ask  
6 about that.

7 WITNESS: But you'll have to --  
8 but the Department of Defense, for example, puts  
9 out contract award notifications on their  
10 website every day I think around 4:30, 5:00. I  
11 think around 5:00 is when they do it. You can  
12 go to their website and you can see each award  
13 that was made.

14 MR. WRIGHT: And have you ever asked  
15 a member of congress to let you know when they  
16 might find out about the award, if they did find  
17 out about the award before it would be publicly  
18 announced?

19 WITNESS: No. I've never known a  
20 reason to ask somebody to tell me something  
21 early.

22 MR. WRIGHT: Okay.

23 WITNESS: I mean what advantage  
24 does that give us? We either won it or we  
25 didn't win it.

1           MR. MORGAN: Well, what about asking  
2           Congressman Petri's office for notifications of  
3           other -- of other government actions like, for  
4           example, a GAO report on a contract protest,  
5           asking his office to give you a heads up on that  
6           before it becomes publicly announced?

7           WITNESS: Well, my experience  
8           both from the time I worked on the congressional  
9           staff and since I've been with the company, I've  
10          been through a number of, shall we say, GAO  
11          protests on both sides of it and I would have to  
12          say that the GAO does a very commendable job at  
13          keeping things under wrap. It is one of those  
14          things that I've never known anybody to find out  
15          in any case what the GAO determination is before  
16          it becomes publicly available.

17          MR. MORGAN: What about information  
18          from other committees? I think we may get to  
19          this a little bit later, but I think there  
20          was -- I'll show you this.

21                   (Pause on the record.)

22          MR. MORGAN: I'll give you a few  
23          documents here. This is starting with  
24          PETOCE2519. I'll give you time to look through  
25          this.

1                   And PETOCE3946.

2                   (Pause on the record.)

3                   MR. MORGAN: It appears that this has  
4 to do with an MRAP contract that was awarded to  
5 Oshkosh and --

6                   MR. THOMAS: Now, these are just --  
7 both of these documents? Is that what you're  
8 referring to?

9                   MR. MORGAN: Yes. The first one he's  
10 holding there is an e-mail from you,  
11 Mr. ██████████, to Debbie notifying her that -- it  
12 says "We have a contract to sell the MRAP  
13 all-terrain vehicle to UAE. As I mentioned,  
14 this is not public information yet. So I must  
15 ask you to not disclose publicly." Then you ask  
16 "What I'm trying to determine is if the  
17 committee has been informally notified about  
18 this pending case and if so, may I make an  
19 appointment with the right person to brief  
20 them?"

21                   WITNESS: Um-hmm.

22                   MR. MORGAN: Could you give us some  
23 context for this, what this informal  
24 notification to the Foreign Affairs Committee  
25 is, what that process is?

1           WITNESS: Yeah. The process is  
2 that when you are making a foreign military  
3 sale, the approval process includes approval by  
4 the two Foreign Relations and Foreign Affairs  
5 Committees, the house and the senate. It's a  
6 very archaic system in many ways, but it first  
7 has to go through defense and commerce and all  
8 those people have to eventually agree that you  
9 can do a case.

10           Now, this is already after we have  
11 signed, shall we say, a potential sale with UAE.  
12 Then you begin this whole process of approval.

13           MR. THOMAS: UAE?

14           WITNESS: United Arab Emirates.

15           Once the internal interagency work  
16 is done, then State sends to the Foreign  
17 Relations Committees and Foreign Affairs  
18 Committees notification of pending sales of  
19 military equipment and, as you can see, there's  
20 a case number associated with this one.

21           MR. MORGAN: Um-hmm. Is that  
22 notification also sent to Oshkosh?

23           WITNESS: No.

24           MR. MORGAN: No. Okay.

25           WITNESS: No. But there is, and

1 this has been argued between this administration  
2 and previous administrations and the committees  
3 about how long the notification process takes.  
4 There is -- when I -- in here we -- informally  
5 notified. If you understand that they  
6 informally notify the committee that this case  
7 for UAE or any other case is going to be sent to  
8 the committee on a formal basis, the committee  
9 staff wants to be informally notified so that  
10 they can do a bunch of legwork on it and then  
11 when the formal notification comes, then the  
12 committee decides whether or not to approve it  
13 or not.

14 So to be honest with you, this was  
15 the first major defense case that my office had  
16 handled. So we were back in July of 2012 sort  
17 of learning the notification process for a  
18 foreign military sales case. So what I was  
19 asking Debbie in here was essentially can you  
20 give me a contact with the Foreign Affairs  
21 Committee to help so I can offer to come up  
22 there and brief them on this case and any  
23 questions they might have on it.

24 MR. MORGAN: Okay. And do you recall  
25 what assistance Debbie or anyone else in



1           Congressman Petri's office did provide?

2                       WITNESS:  The primary was to tell  
3           me who in the house we needed to talk to and  
4           we -- and I -- she told us that the case had not  
5           come -- if I remember correctly,  
6           pre-notification or pre-clearance had not hit  
7           the Hill yet.

8                       In my view at the time I didn't want  
9           to bother the people on the committee on the  
10          case until the informal -- until the state had  
11          sent up at least the pre-notification so that it  
12          would be on their radar and if I remember right,  
13          she helped me find the right person.  She told  
14          me that it had not -- according to what I read  
15          here and recalling what she wrote, she said  
16          we're checking on who handles it and then she  
17          finally told me that they had -- Jamie McCormack  
18          was the person who handled it.  Probably Jamie  
19          worked for the republicans in the house and then  
20          she told me back here that the case hasn't come  
21          up for pre-consultation yet.

22                      MR. MORGAN:  Okay.

23                      WITNESS:  So she was -- helped  
24          educate me on the process.

25                      MR. MORGAN:  Did you ultimately have

1 any contacts or meeting with I think it was  
2 Jaime McCormack?

3 WITNESS: Yes.

4 MR. MORGAN: Okay. Who attended that  
5 meeting or was it -- what was the nature of  
6 those communications? Was it e-mails, phone  
7 calls or was it a meeting?

8 WITNESS: It was a meeting.

9 MR. MORGAN: Okay. And who was at  
10 the meeting?

11 WITNESS: Best of my  
12 recollection, I believe it was myself and  
13 Mark Meservey.

14 MR. MORGAN: Was anyone from  
15 Representative Petri's office there?

16 WITNESS: No.

17 MR. MORGAN: Did you provide  
18 Representative Petri's office a status update  
19 after the meeting or a debrief on the meeting?

20 WITNESS: Not to my recollection.  
21 I may and I -- but I do not recall having any  
22 communication with Petri's office after that  
23 referencing the UAE case.

24 MR. MORGAN: Okay. And the -- this  
25 contract award you mention here in this

1 e-mail, it's July 11th, that it is not public  
2 information, do you happen to recall when that  
3 contract award was publicly announced?

4 WITNESS: I do not recall.

5 MR. MORGAN: Do you recall if it  
6 would have been days later, weeks later?

7 WITNESS: It would be weeks later  
8 it looks like because we wouldn't publicly  
9 announce it until we knew congress had approved  
10 it. Once congress, you know, has signed off on  
11 it, then there's actually a little more work to  
12 do after that, but it's pretty -- it has to go  
13 back to the State Department after congress  
14 has -- or the committees have signed off, it has  
15 to go back to state and the DSP5, which is the  
16 license, is then issued. Once you have the  
17 DSP5, then you essentially can feel good enough  
18 to publicly announce that you have that  
19 contract.

20 MR. MORGAN: Okay. Now, I want to  
21 ask you some questions about your knowledge of  
22 Representative Petri being a -- or owning stock  
23 in Oshkosh Corporation.

24 Do you recall -- well, you are aware  
25 right now that he owns and has owned stock in

1 the company?

2 WITNESS: I am.

3 MR. MORGAN: Do you recall when you  
4 first became aware of that?

5 WITNESS: The first time I became  
6 aware was actually in a phone call from  
7 Debbie Gebhardt, his chief of staff, back in the  
8 2008, 2009 time frame where she informed me that  
9 the new house ethics rules had been passed and  
10 published and that since Mr. Petri owned Oshkosh  
11 stock, that he would not be able to be helpful  
12 going forward without clearing anything he did  
13 for us with the Ethics Committee.

14 MR. MORGAN: Okay.

15 WITNESS: That was the first time  
16 I was aware that Mr. Petri owned stock.

17 MR. WRIGHT: And do you recall what  
18 perhaps prompted her to reach out to you?

19 WITNESS: I can't speculate on  
20 why she did other than what she said, and that  
21 was the passage of the new ethics rules and his  
22 ownership in the stock changed the relationship  
23 and what he could do for us without approval of  
24 the Ethics Committee.

25 MR. WRIGHT: Do you remember if that

1 was a time period when you had frequent contacts  
2 with his office?

3 WITNESS: Again, the word  
4 frequent is -- I would say there were ten to  
5 fifteen other offices I had more frequent  
6 contacts. I -- again, my contacts with Petri's  
7 office were sporadic and sometimes long in  
8 between, and long would mean a couple of months.  
9 I don't believe I've spoken with Mr. Petri's  
10 office now probably for two or three months.

11 MR. MORGAN: Have you personally had  
12 any conversations with the congressman himself  
13 about his stock --

14 WITNESS: No.

15 MR. MORGAN: -- in Oshkosh?

16 It didn't even ever come up in a  
17 passing meeting with him?

18 WITNESS: Nope.

19 MR. MORGAN: Any discussions about  
20 his stock ownership with other staff members  
21 besides the chief of staff that you recall?

22 WITNESS: I -- no.

23 MR. MORGAN: Were there ever any  
24 internal discussions in Oshkosh Corporation  
25 about how his ownership of stock might affect

1 your interactions with his office?

2 WITNESS: I informed my boss at  
3 the time, whose name was Robert Bohn, B-o-h-n,  
4 who at the time was chairman and CEO of Oshkosh  
5 Corporation. I was a direct report to him and I  
6 informed him of the conversation.

7 MR. MORGAN: What was his reaction?  
8 When you say you told him of the conversation,  
9 you're referring to the conversation you had  
10 with the chief of staff?

11 WITNESS: Yes.

12 MR. MORGAN: Okay. And what was  
13 Mr. Bohn's reaction?

14 WITNESS: Okay.

15 MR. MORGAN: Was there any discussion  
16 of no longer making requests of his office for  
17 appropriations or --

18 WITNESS: No.

19 MR. MORGAN: -- anything along those  
20 lines?

21 Okay. I know it is not your  
22 obligation to deal with how members or their  
23 offices may or may not handle nonpublic  
24 information, but in providing, you know, this is  
25 July 11, 2012, some nonpublic information to

1 Representative Petri's office about the company,  
2 did that raise any red flags in your mind?

3 WITNESS: You're talking about  
4 the UAE --

5 MR. MORGAN: Yeah.

6 WITNESS: -- order?

7 MR. MORGAN: Um-hmm.

8 WITNESS: It doesn't raise a red  
9 flag as far as my belief that it would be  
10 handled properly by Debbie in terms of the  
11 information. I had -- we've had a long and good  
12 relationship with Debbie Gebhardt and it is my  
13 belief that she would handle that information as  
14 nonpublic information. I never suspected her of  
15 doing anything otherwise.

16 In retrospect given the training and  
17 everything that I've had in the company as an  
18 officer of the company, our ethical policies  
19 that we have, the Oshkosh way, as we call it,  
20 and the annual training that I go through as an  
21 officer, I probably could have worded that  
22 e-mail differently and come up with the same  
23 result.

24 MR. MORGAN: What I mean to get at  
25 here is were there any steps taken by Oshkosh,

1 once you found out that he held stock in the  
2 company, to limit the interactions or limit the  
3 information disclosed to his office?

4 WITNESS: Well, first of all, we  
5 treat any outside person, whether they're a  
6 shareholder or not, we get significant training  
7 on what kind of information that we can pass to  
8 anybody. Every year I have to take another  
9 course on outside -- you know, insider --  
10 trading outside information on disclosures.

11 So we have a regular process that we  
12 use and as an officer of the company I have even  
13 stronger responsibilities. So...

14 MR. WRIGHT: Is that what led to the  
15 policy that Oshkosh wouldn't alert members about  
16 changes in employees, layoffs or hires until  
17 after the close of business the day before the  
18 announcement would come out?

19 WITNESS: Oh, absolutely.  
20 Absolutely. I mean that was meant to ensure  
21 that very much like, you know, releasing our  
22 earnings statement either after or before the  
23 close of the market. There are certainly times  
24 within our policies and the SEC's policies when  
25 you can provide information and outside -- in



1 terms of -- I don't think it's covered by law,  
2 but informing someone of a pending notification  
3 of layoffs and the impact that it may have on  
4 his district. I've done that not only to  
5 Mr. Petri, but I've done the same thing to other  
6 members, but it's always been after the market  
7 has closed.

8 MR. WRIGHT: Did you ever have any  
9 reason to believe that that type of information,  
10 you know, nonpublic information might be being  
11 used by Representative Petri or anyone in his  
12 office to make trades?

13 WITNESS: No.

14 MR. WRIGHT: Did you have any  
15 heightened concern about Representative Petri  
16 being given that information as opposed to other  
17 congressional offices?

18 WITNESS: No.

19 MR. WRIGHT: Okay. So would you say  
20 that you treated him like other shareholders and  
21 other members of congress in how you shared  
22 information with his office?

23 WITNESS: Yes.

24 MR. MORGAN: I want to very quickly  
25 ask you some questions about some assistance

1 that Representative Petri's office provided to  
2 Oshkosh with regards to a contract award  
3 regarding the family of medium tactical  
4 vehicles. This would have been in 2009. I  
5 believe the contract was awarded around August  
6 of 2009 and there was some subsequent protest to  
7 that award by BAE Systems and Navistar.

8 Do you recall how Representative  
9 Petri's office became involved in that issue?

10 WITNESS: We communicated -- I  
11 communicated to Debbie Gebhardt. After the  
12 announcement that we had won the award, there  
13 was obviously -- once that became public  
14 knowledge, we were very excited about that. We  
15 had worked very hard to win that award.

16 There was a short period of time  
17 before the protest by BAE Systems and Navistar  
18 was lodged with the GAO. I can't remember  
19 exactly how many days it was afterwards, but  
20 when it was lodged, not only did BAE Systems  
21 begin the formal protest process, they began a  
22 very significant public relations campaign and  
23 going to many people on the Hill and other  
24 places to try to argue their case outside the  
25 GAO but with members of congress and in the

1 public sector.

2           They even had a -- Lexington  
3 Institute. There is a gentleman over there who  
4 is one of the members of the Lexington Institute  
5 who writes on defense policy issues and  
6 procurement issues and he wrote a fairly  
7 scathing article about us winning the contract  
8 and made some rather significant accusations,  
9 and so they were going all out -- oh, by the  
10 way, he failed to mention at the bottom of the  
11 page that he was also a consultant to  
12 BAE Systems, but that's neither here nor there.

13           So there was a lot of activity  
14 starting up. So we decided that we were going  
15 to try to even the playing field on the Hill on  
16 the congressional side to hopefully prevent any  
17 congressional influence being taken with the  
18 Department of Defense or the GAO. So we decided  
19 that we would try to get a delegation letter  
20 sent to the Department of Defense to say let the  
21 GAO work. Don't be -- don't do anything that  
22 would stop this award, you know, to Oshkosh for  
23 the F-MTV until the GAO makes their  
24 recommendations, or their determination.

25           So we went to a number of members of

1 the congressional delegation and asked them to  
2 sign a letter that I drafted. Mr. Petri was one  
3 of those people.

4 MR. MORGAN: So this is a Wisconsin  
5 delegation letter to the Secretary of Defense,  
6 Robert Gates, is that --

7 WITNESS: I believe there was one  
8 to Ash Carter, the Under Secretary of Defense for  
9 Acquisition and was there also one to Secretary  
10 Gates? I don't recall. I think there was.

11 MR. MORGAN: I believe there was.

12 WITNESS: Yeah.

13 MR. MORGAN: We have --

14 WITNESS: I would not be  
15 surprised if I didn't cover both bases.

16 MR. MORGAN: I believe we have a --  
17 this is PETOCE461. It appears to be a Wisconsin  
18 delegation letter to Secretary Gates.

19 WITNESS: Right.

20 MR. MORGAN: PETOCE451. This is --  
21 appears to be a letter to the Secretary of the  
22 Army from the Wisconsin delegation.

23 WITNESS: Right.

24 MR. MORGAN: And then there's also  
25 PETOCE113, which is a letter from -- just from

1 Representative Petri to the Secretary of the  
2 Army. So...

3 With regards to the delegation letter  
4 to the Secretary of Defense, you said you  
5 drafted that letter?

6 WITNESS: It is my recollection  
7 that I drafted most of this letter, yes.

8 MR. MORGAN: Was one congressional  
9 office your point of contact for circulating the  
10 letter?

11 WITNESS: On the house side I  
12 believe it was Mr. Obey's office. It could have  
13 been Mr. Petri. I cannot recall. On the senate  
14 side it was Senator Kohl.

15 MR. MORGAN: Okay. Were you involved  
16 in any discussions with any of those offices  
17 about Ethics Committee guidance with regards to  
18 the letter?

19 WITNESS: No.

20 MR. MORGAN: Okay. Do you recall  
21 what the result of that letter was?

22 WITNESS: Well, if you believe,  
23 as I do, that nobody in congress nor anybody in  
24 the Department of Defense would do anything to  
25 improperly influence the GAO's decision, and I

1 truly believe that, this was more of a publicity  
2 thing than anything else to counteract and put  
3 our, shall we say, views on what was going on  
4 out there.

5 MR. MORGAN: Okay.

6 WITNESS: We put out a press  
7 release I believe, if I'm not mistaken, which  
8 was picked up, you know, by the military press.  
9 So it was essentially our way of countering what  
10 BAE Systems and Navistar were trying to do in  
11 the public arena.

12 MR. MORGAN: Okay.

13 MR. WRIGHT: Did each of the members  
14 put out the press release or did Oshkosh put out  
15 the press release?

16 WITNESS: My recollection is we  
17 put out a press release with some quotes from  
18 both Senator Kohl and Congressman Petri in it.

19 MR. WRIGHT: Okay.

20 WITNESS: Again, this was -- this  
21 was an active publicity campaign to counteract  
22 what we believed was some very unfair attacks  
23 and, shall we say, misinformation that was being  
24 put out by BAE Systems and Navistar. At this --  
25 did we think that Robert Gates was going to

1 write, you know, back and say no problem, we'll  
2 take -- no. But this is kind of what you do.  
3 This is the letter writing war.

4 MR. MORGAN: I see. Would that also  
5 be the case with the delegation letter to the  
6 Secretary of the Army?

7 WITNESS: Absolutely, yes.

8 MR. MORGAN: Do you recall if you  
9 drafted that letter --

10 WITNESS: Yes, I recall drafting  
11 this one, too.

12 Now, you have to look at the timing  
13 on this one. December 22nd, 2009 the GAO has  
14 already made its public determination.

15 MR. MORGAN: Um-hmm.

16 WITNESS: And there were a couple  
17 of elements they said needed to be, well, fixed,  
18 but the award should go to Oshkosh. This letter  
19 basically asks Secretary McHugh to act quickly  
20 to make those fixes and to move on with the  
21 award.

22 MR. MORGAN: Okay. Do you recall who  
23 your point persons were to circulate that  
24 letter?

25 WITNESS: Again, I believe it was

1 Senator Kohl and I believe Dave Obey's office.  
2 The reason I say that by this time  
3 Will Stone was working as a consultant. Will  
4 has -- was former chief of staff to Dave Obey.  
5 Will did and continues to do a lot of my  
6 Wisconsin lifting for me.

7 MR. MORGAN: Okay. And any  
8 recollection of discussion of Ethics Committee  
9 guidance or advice?

10 WITNESS: None.

11 MR. MORGAN: Okay. And the  
12 Representative Petri letter to the Secretary of  
13 the Army, do you recall who initiated that  
14 effort?

15 (Pause on the record.)

16 WITNESS: This was a letter,  
17 again, that I drafted. I haven't seen this  
18 letter in a while. There was an attempt being  
19 made by BAE System after the GAO ruled against  
20 them and during the period -- this is  
21 February 2010 now. BAE System was now trying to  
22 go back and get what they called a bridge  
23 contract.

24 By the time that the money ran out on  
25 their contract, there would be a break in



1 production between when the final BAE System  
2 truck came off the line and the first Oshkosh  
3 truck came off the line. So BAE System was  
4 trying to make the case, well, you need to give  
5 us more money so that we have a tooth to tail  
6 production.

7 This was being fought out  
8 legislatively and the building -- legislatively  
9 and the building. They were trying to get money  
10 from congress to do that. This was a letter  
11 that went to the Secretary of the Army and the  
12 acting assistant Secretary for Technology,  
13 Dean Poppo, just essentially saying, you know,  
14 don't give them a bridge contract, there's no  
15 need to.

16 MR. MORGAN: Do you recall any  
17 discussions about Ethics Committee guidance with  
18 regards to that letter?

19 WITNESS: No, I do not.

20 MR. MORGAN: Do you recall  
21 Representative Petri reaching out to I think it  
22 was then ranking member Buck McKeon on the Armed  
23 Services Committee to talk about the protest,  
24 the BAE Systems protest?

25 WITNESS: Would you say that

1 again, please.

2 MR. MORGAN: I think it was around  
3 this same time period as the Wisconsin  
4 delegation letter to the Secretary of Defense,  
5 there was a --

6 WITNESS: While the GAO protest  
7 was ongoing.

8 MR. MORGAN: There was outreach by  
9 Representative Petri to Buck McKeon to discuss  
10 that same issue. Do you recall that?

11 WITNESS: I have no recollection  
12 of that.

13 MR. MORGAN: Okay. And there was  
14 similar outreach from Representative Petri to  
15 the Secretary of the Army around that time  
16 period to discuss the protest. Do you recall  
17 that?

18 WITNESS: I do not.

19 MR. WRIGHT: Do you remember Petri  
20 ever having -- setting up a telephone  
21 conversation with the Secretary of the Army in  
22 December right around when the GAO report would  
23 have come out?

24 WITNESS: I was not privy to  
25 that, no.

1           MR. WRIGHT: Okay. If you were aware  
2 of that, would you have written talking points  
3 or something along those lines for Mr. Petri's  
4 office to provide them for that call?

5           WITNESS: It would not be unusual  
6 for a congressional office to ask for talking  
7 points, but I do not have a recollection of  
8 writing talking points or being aware of that  
9 call, but it's five, six years ago now. So...

10          MR. MORGAN: Okay. I just want to  
11 ask you some similar questions about what I  
12 believe was a Department of Defense  
13 reprogramming request to congress --

14          WITNESS: Um-hmm.

15          MR. MORGAN: -- in about October of  
16 2 -- or actually June of 2013 with regards to  
17 tactical-wheeled vehicles.

18          WITNESS: Yep.

19          MR. MORGAN: This is -- the letter  
20 does not have a Bates number on it, but the  
21 attached memo does, which is PETOCE46. You can  
22 take a look at this, and I wondered if you could  
23 just tell us the same sorts of things about this  
24 letter, if you recall it, who initiated it.

25          WITNESS: Yes. I will presume

1 that you're familiar with the reprogramming  
2 process within the appropriations process or --

3 MR. MORGAN: Generally.

4 WITNESS: Generally. All right.

5 Well, each year the Department of  
6 Defense comes up with requests, formal requests  
7 to the relevant four defense committees to move  
8 money from one account to the other. They have  
9 to ask the committees, the four committees  
10 permission to move let's say \$10 million from  
11 the Army procurement into Navy or whatever,  
12 something like that.

13 There are restrictions on what they  
14 call the low threshold reprogramming and above  
15 threshold, and I'm getting a little bit too  
16 detailed, but this was a large omnibus  
17 reprogramming. In other words, it was multi  
18 billions of dollars that was moving around by  
19 the department from different accounts and in  
20 there there was money that they were going to  
21 take out of medium and heavy tactical-wheeled  
22 vehicles, which we produce for the Marine Corps  
23 and the Army.

24 Much like all companies who are  
25 losers in the reprogramming battle or potential

1 losers in the reprogramming battle, you try to  
2 convince one or more of the four committees to  
3 disapprove the movement of that money. The  
4 rules of the road are you only have to get one  
5 committee of four to disapprove the movement of  
6 that money.

7 So as you can see, it was addressed  
8 to the two armed services chairmen and ranking  
9 member, two appropriation chairmen and ranking  
10 members. So this letter was a -- was a group of  
11 members that had constituent interest in our  
12 tactical-wheeled vehicle programs. They also in  
13 many cases are members of the armed services or  
14 appropriations committees or fairly senior. So  
15 I instituted and asked if we could get members  
16 to sign this denial of the reprogramming  
17 request.

18 MR. MORGAN: Do you recall how you  
19 became aware of the reprogramming request?

20 WITNESS: That comes up from the  
21 Department of Defense and it is a public  
22 document that comes up. The number of  
23 FY13-109PA is a number of a reprogramming action  
24 that comes up to the congress and within hours  
25 it's public. You know, you'll find it on many,

1 shall we say, different defense publications,  
2 websites. I mean it's -- as soon as it hits the  
3 Hill, this stuff becomes public.

4 MR. MORGAN: Right. And the idea for  
5 the letter, was that your idea?

6 WITNESS: That was my idea.

7 MR. MORGAN: And which office was  
8 the -- was one congressional office the point  
9 office for circulating that?

10 WITNESS: I would say probably  
11 based on this -- looking at this, I would say  
12 either re -- I would say probably Petri's office  
13 was probably the lead on this, but we had  
14 Ribble, Shuster.

15 Shuster is Chairman of  
16 Transportation, but he's also on the house  
17 Armed Services Committee plus his largest -- the  
18 largest manufacturing facility in his district  
19 is ours. So we have a very good relation with  
20 him. Bridenstein, Duckworth, all these people.

21 So we were looking for any and all  
22 members that would be willing to sign this.

23 MR. MORGAN: And you'll notice the  
24 attached memo there is a, you know, a disclosure  
25 by Representative Petri of his stock ownership.

1 WITNESS: Right.

2 MR. MORGAN: Do you recall having any  
3 conversation with his office about the need for  
4 that disclosure to be included?

5 WITNESS: Again, I go back to my  
6 conversation in 2008, 2009 with Debbie and she  
7 made it very clear to me that any and all  
8 activities that she would take on our behalf,  
9 she would have to run through the Ethics  
10 Committee. So my belief was any and all that I  
11 asked her that they ended up doing for us was  
12 run through the Ethics Committee.

13 MR. MORGAN: But she didn't involve  
14 you --

15 WITNESS: No.

16 MR. MORGAN: -- in that process?

17 WITNESS: No.

18 MR. MORGAN: Or even notify you that  
19 Ethics said X, can't do X or can do Y?

20 WITNESS: No.

21 MR. MORGAN: Moving on now to  
22 appropriations requests.

23 WITNESS: Yeah.

24 MR. MORGAN: It is our understanding  
25 that there came a time somewhere around early

1 2007 with regards to fiscal year 2008 that  
2 Representative Petri's office stopped making, at  
3 least formally making appropriations requests  
4 for Oshkosh. Is that -- does that jog your  
5 memory? Does that sound familiar?

6 WITNESS: It would not surprise  
7 me --

8 MR. MORGAN: Okay.

9 WITNESS: -- but it does not --  
10 it doesn't jog any direct time or decision that  
11 was announced to us that we're not going to do  
12 it anymore.

13 MR. MORGAN: Okay. That wasn't a  
14 part of the conversation you had with Debbie  
15 about Ethics?

16 WITNESS: No. It was a fairly  
17 short conversation with Debbie. It really was.

18 MR. MORGAN: So has the -- so prior  
19 to that time period had Oshkosh made  
20 appropriations requests of Congressman Petri?

21 WITNESS: I'm sure we did, yeah.

22 MR. MORGAN: And did he, in fact,  
23 make those requests? Are you aware of any of  
24 those? I'm not going to ask you about specific  
25 items that were requested, but are you aware



1 that he did make requests on behalf of Oshkosh  
2 prior to 2007?

3 WITNESS: I never had proof that  
4 any requests that we made down to the committee  
5 was made by Mr. Petri. I mean the committee  
6 staff doesn't share who requests what.

7 MR. MORGAN: Okay.

8 WITNESS: Nor did I ever ask.

9 MR. MORGAN: So how was it -- what's  
10 your -- what's your practice for requesting? Do  
11 you request something through multiple  
12 offices --

13 WITNESS: Yes.

14 MR. MORGAN: -- in the hopes that one  
15 ultimately does submit it?

16 WITNESS: Yes.

17 MR. MORGAN: And so when you made  
18 appropriations requests of Congressman Petri's  
19 office, you would have also been making that  
20 request through other offices?

21 WITNESS: Yes.

22 MR. MORGAN: Okay.

23 MR. WRIGHT: If one office notifies  
24 you that they are, in fact, going to make the  
25 request, would you then tell the other offices

1 that this request is being submitted through --

2 WITNESS: No. I mean the reality  
3 of it is, you know, the more people that request  
4 it -- I mean having been on the Appropriations  
5 Committee for 18 years, I know how the process  
6 works. So it's better to have as many people  
7 requesting the same thing as you possibly can.

8 MR. MORGAN: But there wasn't any  
9 point in which Representative Petri's office  
10 came back to you and said we cannot make  
11 requests on your behalf because the congressman  
12 owns stock in the company?

13 WITNESS: It was clear to me in  
14 my conversation with Debbie, again I think in  
15 2008 when I first found out that he owned stock,  
16 that they would not be able to do anything that  
17 was not approved by Ethics --

18 MR. WRIGHT: Um-hmm.

19 WITNESS: -- in advance. So it  
20 was -- it never stopped me from filling out a  
21 form and sending it over. What they did with  
22 it, whether they had gotten it approved by  
23 Ethics or threw it in the trash can, I never  
24 knew.

25 MR. WRIGHT: Okay.

1           MR. MORGAN: All right. Well, I want  
2 to move on then to some assistance that  
3 Representative Petri's office may have provided  
4 with regard to tier-four engines and aviation  
5 fire trucks --

6           WITNESS: Um-hmm.

7           MR. MORGAN: -- the FAA regulation of  
8 those engines or something along those lines.  
9 Does that sound familiar?

10          WITNESS: Yes.

11          MR. MORGAN: Do you recall reaching  
12 out to Congressman Petri's office for assistance  
13 with that issue?

14          WITNESS: Me personally, that's  
15 not an issue that I had much interest in  
16 personally and knowledge of. That was work by  
17 Lee Morris in my office.

18          MR. MORGAN: Um-hmm.

19          WITNESS: It impacted our fire and  
20 emergency business primarily.

21          MR. MORGAN: So that would have been  
22 Pierce?

23          WITNESS: That would have been  
24 Pierce and my recollection of the briefings I  
25 got back from Lee and -- that this was something

1 that they were trying to do on a transportation  
2 bill and they were working both the house and  
3 the senate to get language included that covered  
4 these two issues that would help us in our fire  
5 and emergency business and, again, the best of  
6 my recollection Lee Morris and Will Stone  
7 probably took the lead on those issues.

8 MR. MORGAN: Okay. Do you  
9 remember --

10 WITNESS: Ultimately we never got  
11 it.

12 MR. MORGAN: You never got language?

13 WITNESS: Never got language.

14 MR. MORGAN: Do you recall if there  
15 was a letter in 2013 sent from Congressman Petri  
16 to the FAA regarding those engines? Do you  
17 recall that letter?

18 WITNESS: I don't recall a  
19 letter, no.

20 MR. MORGAN: Okay. Do you recall any  
21 discussion of exempting the trucks from truck  
22 weight limits? Does that jog --

23 WITNESS: Yes.

24 MR. MORGAN: -- your memory?

25 WITNESS: Yes.

1           MR. MORGAN: Do you remember how that  
2 issue played out?

3           WITNESS: Well, we were  
4 unsuccessful. The issue is given the federal  
5 and some state weight limitations on certain  
6 roads, when it was time to deliver a fire truck  
7 to, you pick a place in the United States, it  
8 was overweight and rather than the firemen  
9 coming up, picking up the truck in Appleton,  
10 Wisconsin and driving it home, they then had to  
11 make the very expensive decision to have it  
12 shipped by a -- essentially a lowboy and brought  
13 and it was very expensive, very time consuming.

14           Our attempt to change the -- get the  
15 exemption in the federal statute that would  
16 allow weight limitations not apply to fire and  
17 emergency vehicles, which would then allow folks  
18 to pick up their trucks.

19           Now, quite honestly, would that  
20 benefit Pierce Manufacturing or Oshkosh  
21 Corporation in a single bit? No, because we  
22 don't pay the transportation. The firehouse  
23 does, but it's something that we felt important  
24 to our customers, our customers were hoping to  
25 try to get. So we took it on as an effort.

1 MR. MORGAN: Do you recall which  
2 congressional offices the company worked with on  
3 that effort?

4 WITNESS: I am certain that  
5 Mr. Petri's office was contacted because he's on  
6 the Transportation Committee, Mr. Shuster's  
7 office because he was also on transportation and  
8 also, you know, part of -- we have a major  
9 operation in his district. I remember certainly  
10 Senator Kohl being -- office being, but beyond  
11 those three, this -- you know, I don't recall  
12 who else.

13 MR. MORGAN: And do you recall what  
14 assistance Representative Petri's office  
15 provided?

16 WITNESS: I would have to defer  
17 to Lee.

18 MR. MORGAN: To Lee. Okay.

19 The last issue I want to ask you  
20 about is -- has to do with meetings that you may  
21 have had with representatives from the Egyptian  
22 government and those meetings were either  
23 attended or facilitated by Representative Petri.

24 WITNESS: Um-hmm.

25 MR. MORGAN: It appears that there --

1       you may have been in one meeting around May of  
2       2006. Do you recall that meeting?

3               WITNESS: Yes.

4               MR. MORGAN: What -- who were you  
5       meeting with?

6               WITNESS: This was an Egyptian  
7       delegation and Mr. Petri invited me to come up.  
8       This delegation was coming in to his office to  
9       talk to him. I don't recall exactly what  
10      Mr. Petri's interest in Egypt is, but he has --  
11      my recollection is he has specific interest in  
12      Egypt and has good relationships with, you know,  
13      Egyptian officials.

14              We also had contracts with Egypt and  
15      had built trucks for Egypt and Egypt was also  
16      building our truck in -- in their  
17      Egyptian -- the old Egyptian M-1 tank facility.  
18      So we had a relationship with Egypt.

19              He invited me up into his office when  
20      this delegation came in and he introduced me as  
21      a representative of Oshkosh Truck Corporation,  
22      which our name at that time was, and I met all  
23      of these folks. I couldn't tell you right now a  
24      single name or a person or a position. I sat  
25      there during their discussions and when they all

1 left, I shook their hands and smiled and off I  
2 went.

3 MR. MORGAN: Do you recall what the  
4 discussions were about?

5 WITNESS: It was eight years ago.  
6 No, honestly I don't. I mean it was not  
7 substantive. It was a lot of diplomatic  
8 latitudes as I recall.

9 MR. MORGAN: There was no -- there  
10 wasn't any discussion of Oshkosh's commercial  
11 relationship with Egypt?

12 WITNESS: No.

13 MR. MORGAN: Okay.

14 WITNESS: No, not at all.

15 MR. MORGAN: Did that introduction to  
16 those officials result in later communications,  
17 contacts between you and those officials?

18 WITNESS: Absolutely not. I --  
19 again, when I left the office, I'm not even sure  
20 if I had who attended that. I just was -- I  
21 think he was just trying to bring someone up to  
22 meet these guys so he wouldn't have to meet them  
23 alone.

24 MR. MORGAN: And he at that time  
25 would have known that Oshkosh was doing business



1 with the government of Egypt?

2 WITNESS: It was public  
3 knowledge, sure. It was...

4 MR. MORGAN: Was there a similar  
5 meeting in 2008?

6 WITNESS: I recall I went to  
7 another grip and grin, as I call it, with  
8 Egyptian officials in his office with the same  
9 explanation and result.

10 MR. MORGAN: And that was around  
11 2008? Do you recall the time frame of that?

12 WITNESS: I don't.

13 MR. MORGAN: And any discussion of  
14 Oshkosh's business with the Egyptian government  
15 during that meeting?

16 WITNESS: None.

17 MR. MORGAN: Did that meeting result  
18 in any follow-up communications between you and  
19 those Egyptian officials?

20 WITNESS: It did not.

21 MR. MORGAN: Okay.

22 WITNESS: Our dealings with  
23 Egypt -- Egypt has a procurement office here in  
24 Washington, D.C. That's -- that's who you talk  
25 with.

1           MR. MORGAN: Is Representative Petri  
2 ever involved in the communications that the  
3 company has with Egypt about its business with  
4 the country?

5           WITNESS: Not to my recollection.  
6 I've never...

7           MR. WRIGHT: Any other countries?

8           WITNESS: No.

9           MR. MORGAN: Do you have any...

10           I just want to make sure that we have  
11 this clear for the record, which is after that  
12 initial conversation with Debbie about Ethics,  
13 running everything by Ethics, you don't recall  
14 any specific instances in which you discussed  
15 Ethics Committee advice or their guidance or  
16 restrictions on Congressman Petri's activities  
17 with her after that initial conversation?

18           WITNESS: (No audible response).

19           MR. MORGAN: Okay.

20           WITNESS: I don't recall any  
21 specific conversations about that. I presumed  
22 that they were sending stuff, as you saw in that  
23 one thing, through Ethics.

24           MR. MORGAN: I think those are all  
25 the questions I have. I don't know if, Nate,

1 you had any additional questions.

2 MR. WRIGHT: Just a couple of  
3 clarifications.

4 WITNESS: Sure.

5 MR. WRIGHT: Has Representative Petri  
6 ever declined a request that you've made to  
7 Oshkosh that you can remember?

8 WITNESS: Declined a request.

9 MR. WRIGHT: Yeah. If you would ask  
10 him for support writing a letter or anything  
11 like that, that you can remember him saying --  
12 declining for any reason?

13 WITNESS: Not to my recollection.

14 MR. WRIGHT: Okay. When the  
15 president and CEO would make trips to  
16 Washington, would Petri ever be on the list of  
17 members that he would meet with?

18 WITNESS: Yes.

19 MR. WRIGHT: And would that be when  
20 transportation-related issues were important to  
21 Oshkosh or?

22 WITNESS: No. It would be based  
23 upon when my old chairman and CEO was in town  
24 and now my current CEO was in town, which is  
25 generally on a quarterly basis. The Wisconsin

1 delegation meetings we do at least once a year,  
2 but probably twice a year and it's just go in  
3 and sit down and update them on, you know, any  
4 issue that we're talking about.

5 The direct requests and legislative  
6 activities and the things that we are trying to  
7 accomplish doing, generally speaking my CEOs  
8 don't get directly involved in that. Not that  
9 it's, you know. There are times when I say,  
10 okay, this meeting with this senator or this  
11 meeting with this -- especially a chairman of a  
12 committee or something like that, then I may  
13 have he engage on a particular issue, but most  
14 of the time it's -- well, certainly with the  
15 Wisconsin delegation there was a more collegial  
16 and just familiar briefing every time we went  
17 in.

18 MR. WRIGHT: And I think I may have  
19 gotten a little bit confused on this document  
20 here. It's PETOCE2519.

21 WITNESS: Thank you.

22 MR. WRIGHT: If I remember correctly,  
23 you had said that one of the reasons why you  
24 might provide this information to Ms. Gebhardt,  
25 even though it might still be weeks until the

1 contract would come out, was because you  
2 understood that she wouldn't have, you know,  
3 said anything publicly or done anything that  
4 would have disrupted the contract; is that  
5 correct?

6 WITNESS: That's correct.

7 MR. WRIGHT: That's what I was  
8 remembering. I don't want to mischaracterize.

9 WITNESS: No, and in hindsight,  
10 and this was a couple, three years ago, in  
11 hindsight there was probably a better way to ask  
12 that question than I did given my  
13 responsibilities as an officer of the company  
14 and concerns about disclosure of inside  
15 information to non -- to, you know, people  
16 outside the company now.

17 MR. WRIGHT: You did specifically ask  
18 her in that to not disclose?

19 WITNESS: Correct.

20 MR. WRIGHT: Was that the company  
21 policy if they were going to communicate with a  
22 member of congress about something that may not  
23 become public? I know you had mentioned before  
24 that if an announcement about layoffs or hires  
25 was going to come, you wouldn't communicate that

1       until the day before.  If you needed to  
2       communicate something in the future, you would  
3       ask them to keep it private, confidential?

4                WITNESS:  This is the only case  
5       that I can recall -- and, again, in hindsight I  
6       could have done a better job of explaining what  
7       I was looking for without the information I  
8       provided.  This is the only one that I can ever  
9       remember providing more than -- that potentially  
10      could happen more than 24 hours later, in other  
11      words, within a cycle.  I have no recollection  
12      of any other thing because I'm very careful  
13      about that.

14               Probably my sloppiness on this was  
15      based upon the fact that even though I say it's  
16      not public information, there were very many  
17      people who knew about our -- you know, that we  
18      were working this contract about UAE.  So maybe,  
19      you know, I was a little bit sloppier than I  
20      should, but, you know, this is -- was not a huge  
21      contract that...

22               MR. WRIGHT:  That's all the  
23      questions.

24               MR. MORGAN:  Well, like we said at  
25      the beginning, you are not the subject of our

1 review. We are just gathering facts and if  
2 there's anything else you'd like to add to the  
3 record, feel free. Otherwise, I think we are  
4 done with our questions.

5 MR. THOMAS: Could I just ask a  
6 question or two about this?

7 MR. MORGAN: After the recording,  
8 certainly.

9 MR. THOMAS: Okay.

10 (Recording ends.)

11 MR. MORGAN: Again, this is  
12 Bryson Morgan and Nate Wright with the OCE here  
13 with [REDACTED] just continuing our interview.

14 WITNESS: The question is on the  
15 e-mail to Debbie Gebhardt referencing the  
16 potential UAE contract and the DSP5 process and  
17 the congressional approval process. Whereas I  
18 did state that I probably could have worded that  
19 e-mail in such a way that I did not have to  
20 officially -- well, not officially. That I  
21 didn't have to identify specifically a country  
22 when asking for assistance on who on the Foreign  
23 Relations Committee I needed to speak to, there  
24 is a presumption in business that when you're  
25 working within the governmental organizations

1 and operations, that there is a level of -- of  
2 company proprietary information as being held as  
3 such, and very much -- there were literally  
4 hundreds of people in the U.S. government that  
5 knew we were working this program; people in  
6 commerce, people in defense, people in state,  
7 people in the embassy and UAE. All their -- our  
8 presumption on -- on -- is that government  
9 officials will handle that information properly  
10 and will not disclose nonpublic information.

11 MR. THOMAS: That's fine.

12 MR. MORGAN: All right?

13 MR. THOMAS: Thank you.

14 (The recording ends.)  
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STATE OF NEW JERSEY )

: ss.

COUNTY OF HUNTERDON )

I, BETH RADABAUGH, a Certified Shorthand Reporter and Notary Public within and for the State of New Jersey, do hereby certify that the within is a true and accurate transcription, to the best of my ability, of tape-recorded proceedings held on May 29, 2014.

I further certify that I am not related to any of the parties to this action by blood or marriage; and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 9th day of June, 2014.

\_\_\_\_\_  
BETH RADABAUGH, CSR, RPR  
LICENSE NO. 30X100232500

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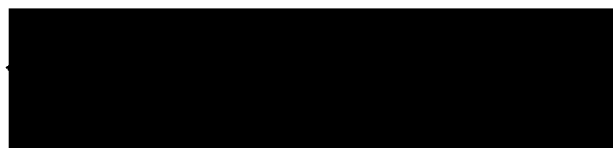
Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended

ERRATA SHEET

Page	Line	Correction	Reason
6	3	"pol" change to "policy"	Correction
8	13	"tran" change to "transportation"	Correction
20	20	"Cole" change to "Kohl"	Correction
27	10	"the state" change to "State"	Correction
32	18	"██████" change to "██████"	Correction
37	23	"F-MTV" change to "FMTV"	Correction
46	14	"low" change to "below"	Correction
53	19	"██████" change to "██████"	Correction
58	8	"latitudes" change to "platitudes"	Correction

This errata sheet is submitted subject to 18 U.S.C. § 1001 (commonly known as the False Statements Act).

Witness Name:



Witness Signature:

Date:

6/23/2014

# **EXHIBIT 6**

To: Rep. Buck McKeon  
From: Rep. Tom Petri  
Re: Army Procurement - Family of Medium Tactical Vehicles (FMTV)

Recently, Oshkosh Defense (a division of Oshkosh Corporation which is located in my congressional district) was awarded an Army contract for the U.S. Army's Family of Medium Tactical Vehicles (FMTV). The contract award is for the production of up to 23,000 vehicles and trailers as well as engineering and support. The contract was awarded through a competitive bid.

The losing bidders, BAE Systems of the U.K. and Navistar International of Illinois, have filed a protest, which is now being considered by the General Accountability Office (GAO). Note that BAE has produced the trucks in the past at a plant in Texas.

Apparently, efforts may be underway by some members of the Texas and Mississippi delegations to circumvent the GAO protest process and insert language regarding the contract award in the DOD authorization and/or appropriations conference report.

All I am asking is that we follow the established, fair process and procedures that we have in place. It is appropriate that GAO resolve the issue. Congress should not attempt to influence or interfere with an impartial review of the facts and the awarding of this contract.

I request that no language regarding this procurement be included in the final agreement approved by conferees.

In the interests of full disclosure, I do own some stock in Oshkosh. I was not involved in any way and did not weigh in on this contract award in any way. This is a major employer in my congressional district, and I am simply requesting fair treatment and that that we follow established procedure for my constituents.

# **EXHIBIT 7**

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

OFFICE OF CONGRESSIONAL ETHICS  
UNITED STATES HOUSE OF REPRESENTATIVES

**MEMORANDUM OF INTERVIEW**

IN RE: House Armed Service Committee Chairman  
REVIEW NO.: 14-1891  
DATE: May 23, 2014  
LOCATION: Via Telephone  
TIME: 12:35 PM to 12:50 p.m. (approximately)  
PARTICIPANTS: Scott Gast  
Bryson Morgan  
Catherine McElroy, Committee Counsel

**SUMMARY:** The OCE requested an interview with the witness and he consented to an interview. The witness made the following statements in response to our questioning:

1. The witness is currently the Chairman of the House Armed Services Committee (“HASC”).
2. The witness did not recall having any conversations with Rep. Thomas Petri about the Army’s award of a Family of Medium Tactical Vehicles (“FMTV”) contract to the Oshkosh Corporation and the subsequent protest filed by the losing bidders.
3. The witness did not recall receiving a memorandum about this issue from Rep. Petri. He said that he often has conversations with Members about certain issues and that sometimes Members will hand him papers. He gives the paperwork to a staff member who is responsible for getting it to the right person.
4. The witness did not recall receiving a June 10, 2013 letter from Rep. Petri and several other members, addressed to him and the HASC Ranking Member, as well as the Chair and Ranking Member of the House Defense Appropriations Subcommittee, regarding a proposed Department of Defense reprogramming action. He did not recall any other contact with Rep. Petri about this issue.
5. The witness said that the response letter sent to Rep. Petri was a routine letter that is similar to letters sent to other Members.
6. The witness did not recall any other instances in which Rep. Petri asked for his assistance with any matter related to the Oshkosh Corporation.

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

This memorandum was prepared on June 5, 2014, based on the notes that the OCE staff prepared during the interview with the witness on May 23, 2014. I certify that this memorandum contains all pertinent matters discussed with the witness on May 23, 2014.

Scott Gast  
Investigative Counsel

# **EXHIBIT 8**

Christoforen  
President + CEO  
Schneider National, Inc.  
P.O. Box 2545  
3101 South Parkerland Drive  
GB WI 54306-2545

Janet -

Nov. 2

Susan  
Olson  
~~Nov. 6-7-8 Subcomm. trip to Tampa  
to AOPA convention.~~

= whenever he talks to, disclose  
that -

Carl Owen  
on 1/11/88  
OK.

not weighing in on  
whether they should

didn't weigh in on  
contract, have interest, short  
- asking me follow  
full + fair procedure  
P. Owen



# **EXHIBIT 9**

**From:** Gebhardt, Debbie  
**Sent:** Tuesday, September 29, 2009 11:03:09 AM  
**To:** 'Will Stone'  
**Subject:** RE: Cong. Daily

Of course they have to fight to keep the jobs -- if it were reversed, I am sure we would do the same (truthfully I hope)

---

**From:** Will Stone [REDACTED@dennymiller.com]  
**Sent:** Tuesday, September 29, 2009 10:55 AM  
**To:** Gebhardt, Debbie  
**Subject:** RE: Cong. Daily

The Army isn't looking too kindly on BAE's efforts. I don't mind local delegations fighting to save jobs -- we all do that. I object to the lies and creation of more lies.

Will Stone  
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(202) 737-4518 fax  
REDACTED mobile  
REDACTED@dennymiller.com  
[www.dennymiller.com](http://www.dennymiller.com)

---

**From:** Gebhardt, Debbie [mailto:Debbie.Gebhardt@mail.house.gov]  
**Sent:** Tuesday, September 29, 2009 10:52 AM  
**To:** Will Stone  
**Subject:** RE: Cong. Daily

I am trading calls with McKeon's personal COS, I kind of know him too, to reinforce the Member conversation about leave the process alone and let it play out.

The Army knows Oshkosh Corp well - so I would think this stuff trashing the company and saying it doesn't know how to build trucks wouldn't play well with DOD, don't you think!

---

**From:** Will Stone [REDACTED@dennymiller.com]  
**Sent:** Tuesday, September 29, 2009 10:38 AM  
**To:** Gebhardt, Debbie  
**Subject:** RE: Cong. Daily

Saw it and the letter is full of BS (Oshkosh is NOT on the edge of bankruptcy)

Also -- they're spreading a new lie: they're saying the only reason Oshkosh was able to refinance their debt was because of the surge in stock price due to winning the two contracts. FACT: the refinancing

was closed in March 2009 (began in December 2008) and the contracts were announced 5 months later in July & Aug 2009.

Will Stone  
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Denny Miller Associates  
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████ mobile  
████@dennymiller.com  
[www.dennymiller.com](http://www.dennymiller.com)

---

**From:** Gebhardt, Debbie [mailto:Debbie.Gebhardt@mail.house.gov]

**Sent:** Tuesday, September 29, 2009 9:22 AM

**To:** █████@oshkoshcorp.com; Will Stone

**Subject:** Cong. Daily

Did you see the piece in Congress Daily that 25 members - mostly from Texas - have sent letter about the contract award to Sec. Gates -- want a meeting. Says it is too risky to give it to Oshkosh and that BAE has built reliable affordable trucks for the Army. In a tme of war shouldn't terminate relationship with proven manufacturer. Say no independent cost analysis on the competing bids for the contract.

Looked at Culberson's web site but didn't see anything about it yet. I assume you guys may have a copy of the letter?

# **EXHIBIT 10**

K. Michael Conaway, Texas  
*Chairman*  
Linda T. Sánchez, California  
*Ranking Member*

Charles W. Dent, Pennsylvania  
Patrick Meehan, Pennsylvania  
Trey Gowdy, South Carolina  
Susan W. Brooks, Indiana

Pedro R. Pierluisi, Puerto Rico  
Michael E. Capuano, Massachusetts  
Yvette D. Clarke, New York  
Ted Deutch, Florida



ONE HUNDRED THIRTEENTH CONGRESS

## U.S. House of Representatives

COMMITTEE ON ETHICS

Thomas A. Rust  
*Staff Director and Chief Counsel*

Jeanne White  
*Administrative Staff Director*

Jackie M. Barber  
*Counsel to the Chairman*

Daniel J. Taylor  
*Counsel to the Ranking Member*

1015 Longworth House Office Building  
Washington, D.C. 20515-6328  
Telephone: (202) 225-7103  
Facsimile: (202) 225-7392

May 21, 2014

### **MEMBER'S PERSONAL ATTENTION**

The Honorable Tom Petri  
U.S. House of Representatives  
2462 Rayburn House Office Building  
Washington, DC 20515

Dear Representative Petri:

I am writing in response to your April 18, 2014, letter in which you “authorize staff of the Committee on Ethics (Committee) to discuss with the staff of the Office of Congressional Ethics (OCE) all matters concerning requests for advice from [you] or [your] staff regarding” four companies. Specifically, your “authorization” includes requests for guidance regarding “(A) Oshkosh Corporation, on or after January 1, 2006; (B) Manitowoc Company, Inc., on or after January 1, 2007; (C) Danaher Corporation, on or after January 1, 2011; or (D) Plum Creek Timber Company, Inc., on or after January 1, 2012.”

Both House and Committee rules require the Committee to conduct its work in a confidential manner. Committee Rule 3(j) generally requires that the Committee “keep confidential any request for advice from a Member, officer, or employee, as well as any response thereto.” Further, Committee Rule 7(b) states that: “No member of the staff . . . may make public, unless approved by an affirmative vote of a majority of the members of the Committee, any information, document, or other material that is confidential . . . and that is obtained during the course of employment with the Committee.” This confidentiality requirement for Committee staff is derived from parallel language found in House Rule XI, clause 3(g)(1)(F). For this reason, even with your consent, Committee staff may not discuss with a third party advice that Committee staff have given to you or your staff absent an affirmative vote of the full Committee.

Committee Rule 3(j) does authorize the Committee to “release to the requesting individual a copy of their own written request for advice . . ., any subsequent written communications between such individual and Committee staff regarding the request, and any Committee advisory opinion . . . issued to that individual in response.” The requesting individual is free to share materials released to the individual with anyone, including staff of OCE. Committee staff reviewed the Committee’s files, and the Committee does not have a record of a written request from you for a formal advisory opinion from the Committee regarding the four companies identified in your letter.

Committee staff also reviewed their notes and phone logs, and they do have records of your office seeking informal, staff-level guidance from Committee staff regarding at least one of the relevant companies. However, under Committee Rule 3(j) the Committee “shall not release any internal Committee staff work product, communications or notes in response to” an individual’s request for a copy of their own written request for advice.

The rules do permit Committee staff to memorialize their communications with you and/or your staff and send the memorialization to you. You are then free to share the memorialization of those communications with the staff of OCE. The following represents Committee staff’s attempt to memorialize our communications with you. Please note that this reflects all guidance of which Committee staff has records regarding the four companies that you specifically named in your letter, including guidance on an un-named timber company that the Committee staff believes may be relevant. Of course, this may not represent all guidance given to you or your staff because Committee staff’s records over the course of more than eight years of guidance may not be complete.

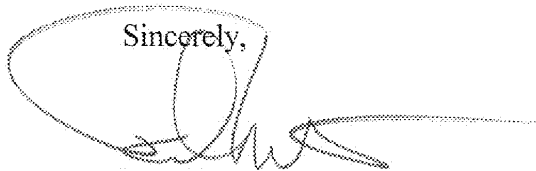
- On or around October 1, 2009, a member of your staff contacted Committee staff regarding a request to sign a letter from the Wisconsin congressional delegation to the Secretary of Defense regarding a military truck contract that was awarded to Oshkosh Corporation. Committee staff has no record of whether or not your staff mentioned your financial interest in Oshkosh Corporation. Your staff said that the Texas congressional delegation was signing a letter supporting the entities that did not win the contract, and the Wisconsin delegation was preparing to sign its own letter asking the Secretary of Defense to allow the bid protest process to proceed pursuant to normal Department of Defense policy and not allow outside intervention in the process. Your staff further said that the letter would not mention Oshkosh Corporation specifically. Committee staff provided informal, staff-level guidance that you could sign onto the Wisconsin delegation letter.
- On or around December 18, 2009, a member of your staff contacted Committee staff regarding a request to sign another Wisconsin delegation letter to the Secretary of Defense following publication of the Department of Defense decision in the reexamination of the Oshkosh Corporation defense contract. Again, Committee staff has no record of whether or not your staff mentioned your financial interest in Oshkosh Corporation. Committee staff reviewed the letter, and provided informal, staff-level guidance suggesting one small edit to the letter after which you could sign onto the letter.
- On or around February 26, 2010, a member of your staff contacted Committee staff regarding a request to sign onto a third letter from the Wisconsin delegation to the Secretary of Defense regarding the Oshkosh Corporation contract bid dispute. Again, Committee staff has no record of whether or not your staff mentioned your financial interest in Oshkosh Corporation. This letter urged the Army not to award a one-year bridge contract to another defense contractor while Oshkosh Corporation geared up for its contract. Committee staff reviewed the

draft letter and provided informal, staff-level guidance saying that you could sign onto the letter.

- On or around June 15, 2010, a member of your staff contacted Committee staff regarding a letter to the House Sergeant-at-Arms asking that Oshkosh Corporation be permitted to display an Oshkosh vehicle outdoors on the grounds of the Capitol complex. Again, Committee staff has no record of whether or not your staff mentioned your financial interest in Oshkosh Corporation. However, your staff did indicate that the vehicle was manufactured in your district. Committee staff reviewed the letter and provided informal, staff-level guidance that you could send the letter.
- On or around April 15, 2013, a member of your staff contacted Committee staff regarding a request from a timber company, of which your wife is a stockholder. The timber company requested that you sign onto a letter being circulated by other Members and addressed to the Committee on Ways and Means. The letter supported tax revisions that would benefit the timber industry as a whole. Your staff asked if the effect of signing such a letter would impact your financial interests as a member of a class or as an individual. Committee staff provided informal, staff-level guidance that the tax revisions as described would impact the timber industry nationwide, rather than impacting or benefiting the specific timber company.

If you have any questions, please do not hesitate to contact me. To the extent you are represented by counsel in relation to this matter, please direct questions on such matters through your counsel to me, at (202) 225-7103.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Rust", with a long horizontal flourish extending to the right.

Tom Rust  
Chief Counsel and Staff Director

cc: Rob Kelner, Esq.

# **EXHIBIT 11**



**Congress of the United States**  
Washington, DC 20510

October 9, 2009

The Honorable Robert Gates  
Secretary of Defense  
The Pentagon  
Washington, DC 20301

Dear Secretary Gates:

We seek your assistance in preserving the integrity of the defense acquisition process as it relates to the U.S. Army's Family of Medium Tactical Vehicles (FMTV) competitive rebuy contract awarded by the Army on August 27, 2009, and formally protested to the General Accountability Office (GAO) by the losing bidders in September. Specifically, we are concerned with recent efforts, based on inaccurate and incomplete information, to publicly criticize the Army's contract award to Oshkosh Corporation, efforts that threaten to undermine the ongoing independent review and analysis of the GAO. We encourage you to ensure that the ongoing protest review process remains free from undue influence or outside interference.

Unfortunately and despite prohibitions on such interference, some appear to be attempting to influence the ongoing Government Accountability Office review of this award. While we firmly believe that the GAO protest of this program will be rejected as without merit, we are concerned with the blatant efforts to affect the outcome of this independent, quasi-judicial review by attempting to raise protest issues through a public media campaign and through improper contact with Department of Defense officials.

We are also concerned that some have gone so far as requesting that the Army provide highly confidential and sensitive source selection materials for their review. We believe this is both inappropriate and a dangerous precedent that could result in undue interference in the competitive process.

Finally, we believe the ongoing public relations campaign initiated by disappointed parties has disseminated a significant amount of incomplete and inaccurate information regarding the FMTV competition. Oshkosh Corporation is a strong, diverse company that has produced over 67,000 military vehicles for use by our armed forces, and is well situated to reliably serve the Department of Defense for decades to come. Oshkosh officials assure us that they have more than enough capacity to handle the anticipated FMTV production, as well as any surge production that might be required, with no impact on its existing contracts. In fact, the DOD scrutinized and confirmed Oshkosh's manufacturing capacity and capability in two separate reviews this year, during both the M-ATV and FMTV competitions. Over its 80-year history of manufacturing vehicles for the Department of Defense, Oshkosh and its highly-skilled union workforce has proven its capability to delivery quality products on schedule while keeping costs low to the government.

In order to ensure that the process goes forward in an unbiased manner, we know you will take steps to ensure the Department handles outside inquiries relating to the FMTV procurement decision, including requests for sensitive source selection materials, in strict compliance with the law,

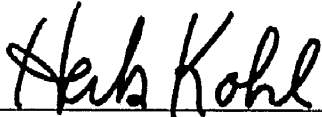
PET-OCE-0000010

14-1891\_0331

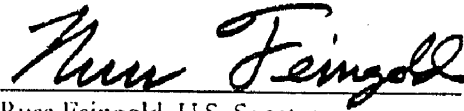
particularly while the GAO conducts its review of the protests. We request that you provide the undersigned with a complete copy of all materials provided to other Members of Congress relating to the FMTV competition as well as the opportunity to receive the same briefings that are provided to other Member offices, including Committee briefings.

We are especially proud of our constituent's long history of supporting our men and women in uniform and ensuring they receive the best equipment available. We appreciate your efforts to ensure the FMTV procurement and protest review process is handled in a professional manner. We look forward to working with you on this matter.

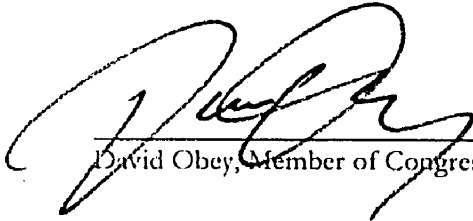
Sincerely,



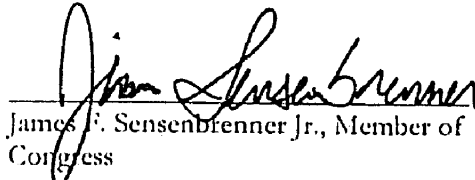
Herb Kohl, U.S. Senator



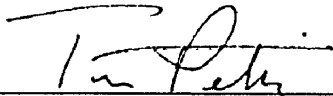
Russ Feingold, U.S. Senator



David Obey, Member of Congress



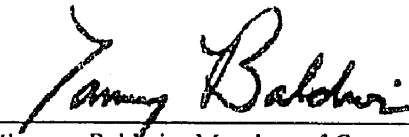
James F. Sensenbrenner Jr., Member of Congress



Tom Petri, Member of Congress



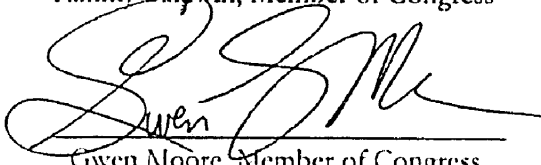
Ron Kind, Member of Congress



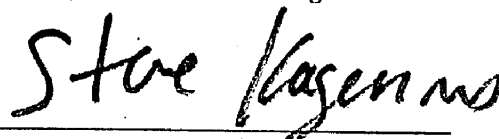
Tammy Baldwin, Member of Congress



Paul Ryan, Member of Congress



Gwen Moore, Member of Congress



Steve Kagen, M.D.

# **EXHIBIT 12**

**Gebhardt, Debbie**

---

**From:** Fenlon, James  
**Sent:** Thursday, October 01, 2009 3:58 PM  
**To:** Gebhardt, Debbie  
**Subject:** RE: oshkosh letter

All right, good to know. I will let you know if I hear from anyone in Kohl's office.

---

**From:** Gebhardt, Debbie  
**Sent:** Thursday, October 01, 2009 3:49 PM  
**To:** Fenlon, James  
**Subject:** RE: oshkosh letter

Actually I talked to ethics and they said no problem -- as long as it says let the process that is in place proceed , etc.

---

**From:** Fenlon, James  
**Sent:** Thursday, October 01, 2009 12:26 PM  
**To:** Gebhardt, Debbie  
**Subject:** RE: oshkosh letter

Sounds good.

---

**From:** Gebhardt, Debbie  
**Sent:** Thursday, October 01, 2009 12:25 PM  
**To:** Fenlon, James  
**Subject:** oshkosh letter

once we get the language, i'll run it by ethics committee just so we can say we got clearance if anyone raises anything.

# **EXHIBIT 13**

**Advisory:** You should find a pdf of the letter attached.

October 14, 2009

## Wisconsin Congressional Delegation Defends Oshkosh Corp., Jobs

Congressman Tom Petri says the issue is clear: "Oshkosh Corp. won this contract fair and square, but the losers are trying to take it away."

Sen. Herb Kohl agreed. "Oshkosh was competitive in a fair and independent bid for this work, and we expect the General Accounting Office will agree with the Army's decision," he said.

In August the U.S. Army chose Oshkosh Corp. to produce its Family of Medium Tactical Vehicles (FMTV) at a cost of \$3 billion. The result was a howl of protest from BAE Systems, Inc., which previously produced the vehicle, and Navistar, which bid on the contract. In early September, each company separately urged the Government Accountability Office (GAO) to consider blocking the Oshkosh contract. GAO is expected to make a decision by mid-December.

Petri, with the help of Sen. Herb Kohl, organized a letter to Defense Secretary Robert Gates from the entire Wisconsin delegation which noted "recent efforts, based on inaccurate and incomplete information, to publicly criticize the Army's contract award to Oshkosh Corporation, efforts that threaten to undermine the ongoing independent review and analysis of the GAO. We encourage you to ensure that the ongoing protest review process remains free from undue influence or outside interference."

The letter is an effort to counter the delegation from Texas, where the FMTV has previously been produced. The Army owns the designs for the FMTV, giving it the right to seek out the best deal and move production.

"Unfortunately and despite prohibitions on such interference, some appear to be attempting to influence the ongoing Government Accountability Office review of this award," the Wisconsin lawmakers wrote. "While we firmly believe that the GAO protest of this program will be rejected as without merit, we are concerned with the blatant efforts to affect the outcome of this independent, quasi-judicial review by attempting to raise protest issues through a public media campaign and through improper contact with Department of Defense officials."

"We are also concerned that some have gone so far as requesting that the Army provide highly confidential and sensitive source selection materials for their review. We believe this is both inappropriate and a dangerous precedent that could result in undue interference in the competitive process," they wrote.

The lawmakers protested "the ongoing public relations campaign initiated by disappointed parties [that] has disseminated a significant amount of incomplete and inaccurate information regarding the FMTV competition."

"Oshkosh Corporation is a strong, diverse company that has produced over 67,000 military vehicles for use by our armed forces, and is well situated to reliably serve the Department of Defense for decades to come. Oshkosh officials assure us that they have more than enough capacity to handle the anticipated FMTV production, as well as any surge production that might be required, with no impact on its existing contracts. In fact, the DOD scrutinized and confirmed Oshkosh's manufacturing capacity and capability in two separate reviews this year, during both the M-ATV and FMTV competitions. Over its 80-year history of manufacturing vehicles for the Department of Defense, Oshkosh and its highly-skilled union workforce has proven its capability to delivery quality products on schedule while keeping costs low to the government," they wrote.

Several members of the delegation offered comments separate from the letter.

"Wisconsinites are rightfully proud of the high quality trucks and other products that Oshkosh Corporation designs and builds," said Sen. Russ Feingold. "My colleagues from Texas should respect contract decisions made by the independent experts who best understand the equipment needs of our troops."

Congressman Paul Ryan remarked: "While review and reform of the procurement process is appropriate, I share the concerns of my Wisconsin colleagues with what we believe to be inappropriate efforts to politicize and undermine the independent GAO review of Oshkosh's FMTV contract. We are proud to represent the hard-working Wisconsinites who produce the high quality equipment critical to protecting and supporting the brave men and women in our armed forces."

"I am deeply committed to protecting jobs in Wisconsin and preserving the integrity of the federal contracting process," said Congresswoman Tammy Baldwin. "I'm proud to join the other members of our state delegation in bringing the attacks on the Oshkosh Corporation's well-earned contract to Secretary Gates' attention and look forward to his prompt consideration of this matter," Baldwin said.

"I am proud of the track record of the Wisconsin's own Oshkosh Corporation, and the company's proven ability to meet the manufacturing needs of the Department of Defense," Congresswoman Gwen Moore said. "It's that very track record that helped earn Oshkosh this contract to produce the Family of Medium Tactical Vehicles. I share the concern of my colleagues that the contract is being inappropriately challenged through a public relations campaign that I believe disrupts and undermines the ongoing independent review and analysis of the GAO."

"Oshkosh Corporation was awarded the FMTV contract as part of an open and competitive process. It is my belief that Wisconsin workers can compete against anyone on a level playing field. I expect the General Accounting Office will be allowed to conduct its review of the protests in a free and fair environment with no outside influences," said Congressman Steve Kagen, M.D.

"Oshkosh Corporation has the proven capabilities to reliably serve the Department of Defense and was fairly awarded the contract to continue doing just that," said Congressman Ron

Kind. "While this situation is unfortunate, I hope that the GAO recognizes this as they accurately and without influence, review the situation. It's important that our men and women stationed overseas are provided with the equipment they need to safely get the job done."

#####



# **EXHIBIT 14**

CONFIDENTIAL

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

OFFICE OF CONGRESSIONAL ETHICS  
UNITED STATES HOUSE OF REPRESENTATIVES

**MEMORANDUM OF INTERVIEW**

IN RE: Secretary of the Army  
REVIEW NO.: 14-1891  
DATE: May 27, 2014  
LOCATION: Via Telephone  
TIME: 11:45 a.m. to 12:00 p.m. (approximately)  
PARTICIPANTS: Paul Solis  
Nate Wright  
Col. Gregory Bowman

**SUMMARY:** The OCE requested an interview with the witness and he consented to an interview. The witness made the following statements in response to our questioning:

1. The witness is the Secretary of the Army. The witness recalled one conversation with Rep. Tom Petri regarding an Army contract award for the production of the Family of Medium Tactical Vehicles (“FMTV”) to Oshkosh Corporation. The witness stated that after the contract was awarded in August 2009, Rep. Petri asked for a telephone conversation that occurred on December 9, 2009.
2. The witness stated it was hardly uncommon to have such a phone call with a Member of Congress, as it was established congressional practice to advocate for companies in one’s district. The witness stated he receives roughly a dozen letters from Members each week.
3. The witness stated that during the conversation, Rep. Petri was concerned about a protest that had been lodged with the Government Accountability Office (“GAO”) regarding the FMTV contract award and wanted to make sure that the Army would act in an expedited manner after the protest was resolved. Rep. Petri was confident that the GAO would uphold the contract award.
4. The witness said Rep. Petri made no indication during the conversation that he could apply political pressure. The witness said he is pretty immune to pressure, noting that the contract had already been awarded and the process had to play out under normal rules.
5. The witness was not aware of Rep. Petri’s stock ownership in Oshkosh Corporation until informed of it by OCE staff. He said that knowing about Rep. Petri’s ownership would not have affected his conversation because the contract had already been let, a protest had been filed, and the process would have to play out under GAO rules.

CONFIDENTIAL

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

6. The witness stated that the Army conducted a reevaluation of the contract at the direction of the GAO.
7. The witness was asked about a letter from Rep. Petri to the witness dated February 26, 2010 (PET-OCE-00000113) regarding a potential bridge contract with the losing bidder. The witness said there was nothing unusual about this letter and that he received dozens of similar letters on a repeated basis.
8. The witness was asked about a response letter dated March 12, 2010 (PET-OCE-00000132). He said Michelle Cromwell in his office initially responded to the letter on March 1, 2010 and then forwarded it to the Deputy Assistant Secretary of the Army for Procurement, who responded more fully.
9. The witness said that the bridge contract was not awarded. He stated that Rep. Petri's letter had no affect on that decision. The only thing that affected the decision was the new contractor's ability to meet the contract's requirements. The witness said that the new contractor, the Oshkosh Corporation, has a long relationship with the Army and Rep. Petri wanted Oshkosh to have as much of the contract as possible.
10. The contacts made by Rep. Petri did not stand out in the witness' mind and he believed if the OCE cited everyone for contacts like these, it would have to cite 435 Members.
11. The witness recalled Wisconsin delegation letters, but did not recall a phone conversation with any other member of the Wisconsin delegation. The witness believed this was because Oshkosh's actual home was in Rep. Petri's district.
12. The witness was also sure that he received other letters from the Texas delegation supporting the previous contractor as they were "very active" on the issue, but was unsure if he had phone conversations with any Member in the Texas delegation.

This memorandum was prepared on May 28, 2014, based on the notes that the OCE staff prepared during the interview with the witness on May 27, 2014. I certify that this memorandum contains all pertinent matters discussed with the witness on May 27, 2014.

Nate Wright  
Senior Investigator & Law Clerk

# **EXHIBIT 15**

12/9 Sec - Army

agitated about long

- follow regular order

- contract does stand,  
not drag it out

Appreciated  
offer of weight  
counter-weight  
of pressure,  
not needed  
politics.

long  
Yates visit

want to go forward

have to see what GAO  
say.

Wouldn't have issued  
if

Expect

# **EXHIBIT 16**

# Congress of the United States

Washington, DC 20515

December 22, 2009

The Honorable John M. McHugh  
Secretary of the Army  
101 Army Pentagon  
Washington, D.C. 20310-0101

Dear Secretary McHugh:

We write to urge you to move quickly to implement the recent recommendations of the Government Accountability Office (GAO) regarding the pending contract with Oshkosh Corporation to produce the Army's Family of Medium Tactical Vehicles (FMTV).

It is important to highlight what the GAO did not recommend in its detailed decision released on December 17. Specifically, the GAO did not question the validity of the RFP, did not recommend a new competition or resubmission of bids, did not recommend new discussions with bidders and did not recommend the cancellation of the current contract award to Oshkosh pending the Army's re-evaluation. We request that the Army adhere to the recommendations of the GAO report and refrain from taking actions outside the scope of the GAO's recommendations.

In fact, the GAO upheld the vast majority of the Army's evaluation decisions under protest, including the Army's positive reviews of Oshkosh's price, which the GAO decision confirms is \$440 million below the price offered by the incumbent competitor. The GAO also outright rejected protest challenges relating to Oshkosh's financial condition and most aspects of Oshkosh's production and technical capabilities, including its expertise in the design and manufacture of armored cabs.

The GAO recommended the Army re-evaluate two elements of the production capability subfactor -- representing a relatively small portion of the many factors considered in the contract award decision. While the Army should reevaluate the offerors' proposals under these elements to address GAO's recommendations, we believe that the Army will continue to have compelling grounds to find that Oshkosh has the proven capability to perform under the FMTV contract. Oshkosh assures us that it has the vast majority of manufacturing infrastructure in place as a result of its ongoing programs, has already acquired additional key tooling and equipment, and has well-established plans to implement any other improvements necessary to support the FMTV contract.

Again, we urge you to move forward to address the GAO's recommendations and finalize the FMTV contract with Oshkosh Corporation as soon as possible. We believe the Army will continue to have every reason to conclude that Oshkosh has the proven

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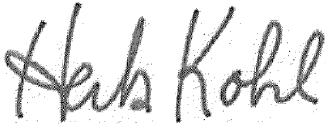
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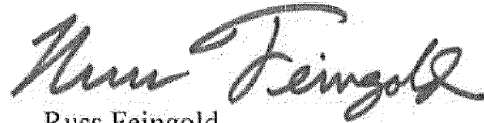
The Honorable John M. McHugh  
December 22, 2009  
Page Two

experience and capability, offers the most cost-effective pricing, and would provide the Army and the taxpayer with the best value for the FMTV program. Thank you for your attention to this request.

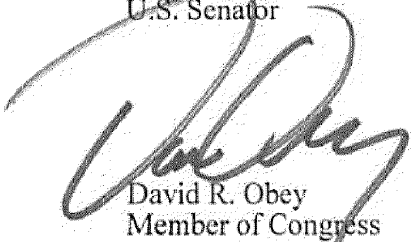
Sincerely,



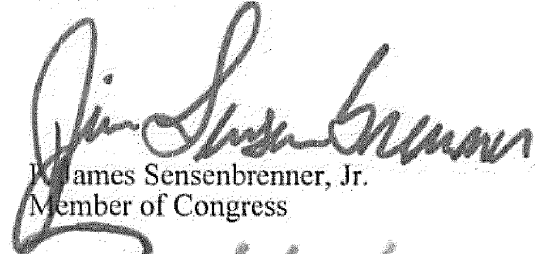
Herb Kohl  
U.S. Senator



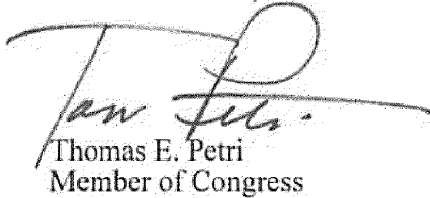
Russ Feingold  
U.S. Senator



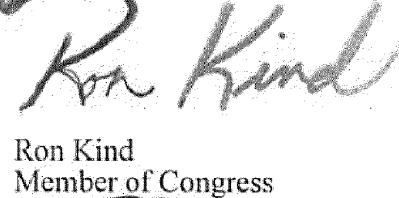
David R. Obey  
Member of Congress



James Sensenbrenner, Jr.  
Member of Congress



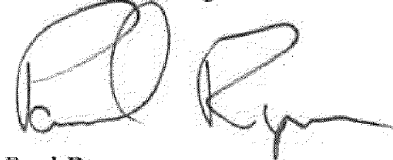
Thomas E. Petri  
Member of Congress



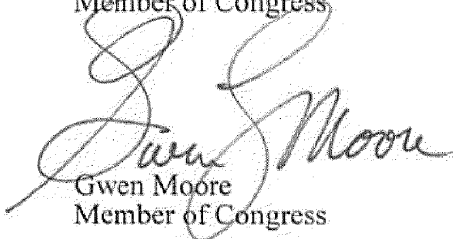
Ron Kind  
Member of Congress



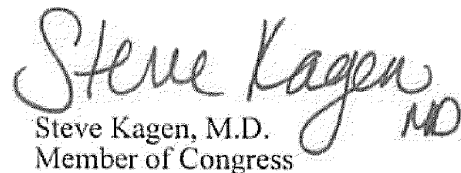
Tammy Baldwin  
Member of Congress



Paul Ryan  
Member of Congress



Gwen Moore  
Member of Congress



Steve Kagen, M.D.  
Member of Congress



# **EXHIBIT 17**

**From:** Goldson, Chris  
**Sent:** Friday, December 18, 2009 02:49:39 PM  
**To:** Fenlon, James  
**Subject:** RE: Delegation Letter to McHugh

It's conditional. If you have all the other members, then add us. If not, my boss will defer. Thanks.

Christopher Goldson  
Legislative Assistant  
Office of Congresswoman Gwen Moore  
1239 Longworth House Office Building  
Washington, DC 20515  
[www.house.gov/gwenmoore](http://www.house.gov/gwenmoore)

---

**From:** Fenlon, James  
**Sent:** Friday, December 18, 2009 2:17 PM  
**To:** Goldson, Chris  
**Subject:** RE: Delegation Letter to McHugh

So your boss is a yes?

We did run this past ethics in both the House and the Senate.

So far I have Kind, Kagen and Kohl on board. I would imagine Obey and Feingold will be contacting me shortly.

---

**From:** Goldson, Chris  
**Sent:** Friday, December 18, 2009 1:29 PM  
**To:** Fenlon, James  
**Subject:** RE: Delegation Letter to McHugh

Thanks for heading this up. I think one area of concern I am having with this letter is at the end of paragraph 2 where it says "We request that the Army adhere to the recommendations of the GAO report and refrain from taking actions outside the scope of the GAO's recommendations."

I don't want this letter to be read as somehow inferring that we are going to restrict the ability of the Army to determine its fighting needs. I think the rest of the letter particularly makes that point very well or infers it.

Again, as with the original, if the rest of the delegation is fine with the letter, my boss is willing to sign.

Christopher Goldson  
Legislative Assistant  
Office of Congresswoman Gwen Moore  
1239 Longworth House Office Building  
Washington, DC 20515  
[www.house.gov/gwenmoore](http://www.house.gov/gwenmoore)

PET-OCE-00000632

14-1891\_0348

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

From: Fenlon, James  
Sent: Friday, December 18, 2009 12:06 PM  
To: Georges, Anne; 'Chad\_Metzler@kohl.senate.gov';  
'Brittany\_Benowitz@feingold.senate.gov'; Ledden, Joshua; Shipley, Amber;  
Gulick, Erin; Goldson, Chris; Brady (WI08), Kevin; Brachman, Ellis  
Subject: Delegation Letter to McHugh

Hey Team,

I attached the revised letter. There was only one small change we made to the last sentence of the second paragraph.

More importantly, in our discussions with ethics, they stated that unless a Member has a direct correlation with Oshkosh Corp. (ie, employees, suppliers, ect.) they should not sign onto this letter.

We specifically asked about Rep. Kagen and Rep. Obey and they said that they were 'OK' to sign. So if you are uncomfortable or unsure of your ties to Oshkosh Corp, we definitely understand if your boss doesn't sign on.

With all that being said, it is imperative that this letter go out TODAY. I apologize for the extremely quick turnaround on this and understand if you can't make it happen.

If you could get back to me by at least 2 p.m., it would be greatly appreciated. I will then circulate for signatures.

Thanks again for your willingness to go to bat with us on this issue. It is greatly appreciated!

Thanks and if you have any questions, let me know.

James

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

From: Fenlon, James  
Sent: Thursday, December 17, 2009 5:20 PM  
To: Georges, Anne; 'Chad\_Metzler@kohl.senate.gov';  
'Brittany\_Benowitz@feingold.senate.gov'; Ledden, Joshua; Shipley, Amber;  
Gulick, Erin; Goldson, Chris; Brady (WI08), Kevin; Brachman, Ellis  
Subject:

Hey team,

I attached some docs from Oshkosh Corp. They sent, for your Members' consideration, a draft letter to Secretary of the Army John McHugh urging the Army to move quickly to implement the narrow recommendations of the GAO decision (announced Monday and released publicly today), and affirm the prior award decision to Oshkosh. They feel this letter would provide the Army support to move forward quickly, is consistent with the GAO recommendations, and would preempt the ongoing efforts to reopen the award.

PET-OCE-00000633

14-1891\_0349

I have asked them to chop the letter down to a one-pager. Once I have that, I will send it out to you (probably tomorrow AM). We also are going to run it past ethics.

Once all that has taken place, I will touch base with you all for potential support. We would like to have this done by mid-day tomorrow. If you have any questions or concerns, just ask.

Thanks,

James

James P. Fenlon | Legislative Assistant

---

Congressman Tom Petri WI-06  
2462 Rayburn House Office Building  
Washington, D.C. 20515  
Phone : 202.225.██████  
Fax: 202.225.2356  
james.fenlon@mail.house.gov

Subscribe to Rep. Tom Petri's monthly e-newsletter at  
<http://petri.house.gov/subscribe.shtml>

# **EXHIBIT 18**

**From:** [REDACTED]@oshkoshcorp.com  
**Sent:** Friday, December 18, 2009 03:58:12 PM  
**To:** Fenlon, James  
**Subject:** Re: FW: Delegation Letter to McHugh

Thank you, James. I was afraid of that after our conversation. Good luck with the drive. Travel safely.

Michael G. Power  
Director, Government & Homeland Security Business Development  
Oshkosh Corporation  
1300 North 17th Street, Suite 1040  
Arlington, VA 22209  
DIRECT: (703) 525-[REDACTED]  
FAX: (703) 525-8408  
CELL: [REDACTED]  
E-MAIL: [REDACTED]@oshkoshcorp.com  
www.oshkoshcorporation.com

"Fenlon, James"  
<James.Fenlon@mai  
l.house.gov>  
12/18/2009 03:39  
PM  
To  
<[REDACTED]@oshkoshcorp.com>  
cc  
Subject  
FW: Delegation Letter to McHugh

FYI...

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

From: Fenlon, James  
Sent: Friday, December 18, 2009 3:39 PM  
To: Fenlon, James; Georges, Anne; 'Chad\_Metzler@kohl.senate.gov';  
'Brittany\_Benowitz@feingold.senate.gov'; Ledden, Joshua; Shipley, Amber;  
Gulick, Erin; Goldson, Chris; Brady (WI08), Kevin; Brachman, Ellis;  
Cooper, Rob; Gebhardt, Debbie  
Subject: RE: Delegation Letter to McHugh

Hey team,

So as of right now, we are waiting to hear from Rep. Obey, Rep.

PET-OCE-00000620

14-1891\_0352

Sensenbrenner, and Rep. Moore. This letter will be circulated first thing on Monday morning. One of our staff will circulate on the House side and then get it to Chad in Senator Kohl's office.

I have a wedding in Wisconsin tomorrow and my flight has been cancelled (typical) already in anticipation of the "big snow storm". I am heading out in a few minutes to hit the road.

Debbie Gebhardt, Rep. Petri's Chief of Staff, is the contact over here on Monday morning. Should anyone need anything from me, I will have my blackberry and cell phone on me.

Hope you all have a good weekend.

James

James Fenlon  
james.fenlon@mail.house.gov  
[REDACTED]

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

From: Fenlon, James  
Sent: Friday, December 18, 2009 12:06 PM  
To: Georges, Anne; 'Chad\_Metzler@kohl.senate.gov';  
'Brittany\_Benowitz@feingold.senate.gov'; Ledden, Joshua; Shipley, Amber;  
Gulick, Erin; Goldson, Chris; Brady (WI08), Kevin; Brachman, Ellis  
Subject: Delegation Letter to McHugh

Hey Team,

I attached the revised letter. There was only one small change we made to the last sentence of the second paragraph.

More importantly, in our discussions with ethics, they stated that unless a Member has a direct correlation with Oshkosh Corp. (ie, employees, suppliers, ect.) they should not sign onto this letter.

We specifically asked about Rep. Kagen and Rep. Obey and they said that they were 'OK' to sign. So if you are uncomfortable or unsure of your ties to Oshkosh Corp, we definitely understand if your boss doesn't sign on.

With all that being said, it is imperative that this letter go out TODAY. I apologize for the extremely quick turnaround on this and understand if you can't make it happen.

If you could get back to me by at least 2 p.m., it would be greatly appreciated. I will then circulate for signatures.

Thanks again for your willingness to go to bat with us on this issue. It is greatly appreciated!

Thanks and if you have any questions, let me know.

PET-OCE-00000621

14-1891\_0353

James

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

From: Fenlon, James

Sent: Thursday, December 17, 2009 5:20 PM

To: Georges, Anne; 'Chad\_Metzler@kohl.senate.gov';

'Brittany\_Benowitz@feingold.senate.gov'; Ledden, Joshua; Shipley, Amber;

Gulick, Erin; Goldson, Chris; Brady (WI08), Kevin; Brachman, Ellis

Subject:

Hey team,

I attached some docs from Oshkosh Corp. They sent, for your Members' consideration, a draft letter to Secretary of the Army John McHugh urging the Army to move quickly to implement the narrow recommendations of the GAO decision (announced Monday and released publicly today), and affirm the prior award decision to Oshkosh. They feel this letter would provide the Army support to move forward quickly, is consistent with the GAO recommendations, and would preempt the ongoing efforts to reopen the award.

I have asked them to chop the letter down to a one-pager. Once I have that, I will send it out to you (probably tomorrow AM). We also are going to run it past ethics.

Once all that has taken place, I will touch base with you all for potential support. We would like to have this done by mid-day tomorrow. If you have any questions or concerns, just ask.

Thanks,

James

James P. Fenlon | Legislative Assistant

---

Congressman Tom Petri WI-06  
2462 Rayburn House Office Building  
Washington, D.C. 20515  
Phone : 202.225.██████  
Fax: 202.225.2356  
james.fenlon@mail.house.gov

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PET-OCE-00000622

14-1891\_0354



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Thank you.

# **EXHIBIT 19**

**Gebhardt, Debbie**

---

**From:** Gebhardt, Debbie  
**Sent:** Friday, December 18, 2009 11:03 AM  
**To:** Dixon, Carol  
**Subject:** draft  
**Attachments:** Draft Delegation Letter 12-17-09 v3.doc

Carol:

Here is the draft letter which would be sent by our Senators (Feingold always runs it by their ethics committee so assume that is underway) and as many House members as we can get today.

Let me know what you think -- again, this is a major constituent company in our district that Mr. Petri would be defending no matter what!!

Thanks --

Debbie

12/18/2009

PET-OCE-00000028

14-1891\_0357

# **EXHIBIT 20**

**Gebhardt, Debbie**

---

**From:** Dixon, Carol  
**Sent:** Friday, December 18, 2009 1:14 PM  
**To:** Gebhardt, Debbie  
**Subject:** RE: Letter

That change is fine - I re-read the whole letter.

- Carol

Carol E. Dixon, Counsel  
Committee on Standards of Official Conduct  
Suite HT-2, The Capitol  
Washington, DC 20515  
(202) 225-7103  
[carol.dixon@mail.house.gov](mailto:carol.dixon@mail.house.gov)

---

**From:** Gebhardt, Debbie  
**Sent:** Friday, December 18, 2009 1:12 PM  
**To:** Dixon, Carol  
**Subject:** Letter

Hi Carol:

Just to be on the up and up and final -- Sen. Feingold's office has made a *slight* change per their review so I wanted to be sure you had absolute final copy on it. I assume this makes no difference to you but they added "assures us that it" in the sentence below which is in the 4th paragraph:

"Oshkosh **assures us that it** has the vast majority of manufacturing infrastructure in place as a result of its ongoing programs, has already acquired additional key tooling and equipment, and has well-established plans to implement any other improvements necessary to support the FMTV contract. "

Want to be ready to respond that ethics has seen final version of letter if asked. Letter attached. (and apparently every district has some kind of connection to Oshkosh-checked that out).

I hope I will not have to bother you again -- so thanks again and enjoy the holiday.

Debbie

12/18/2009

PET-OCE-00000025

14-1891\_0359

# **EXHIBIT 21**

## RE-EVALUATION CONTRACT ANNOUNCEMENT

DEPARTMENT OF THE ARMY  
OFFICE OF THE CHIEF OF LEGISLATIVE LIAISON  
1600 ARMY PENTAGON  
WASHINGTON, DC 20310-1600

**RELEASE DATE:** February 12, 2010

A copy of this announcement is provided to the following:

Senator Herbert Kohl  
Senator Russ Feingold  
Representative Thomas Petri

- ◇ Today, the Army is not making a new award only lifting the stop work order after re-evaluation of the contract awarded on August 26, 2009, to Oshkosh Corporation, 2307 Oregon Street, Oshkosh, Wisconsin 54902-7062.
- ◇ The estimated cumulative total of this contract is \$3,023,192,525.00.
- ◇ This contract procures the estimated production quantity of 23,341 Family of Medium Tactical Vehicles, 12,415 trucks and 10,926 trailers.
- ◇ The work will be performed in Oshkosh, Wisconsin.
- ◇ The estimated contract completion date is September 30, 2014.

Your point of contact with the Army Legislative Liaison is Ms. Sharon Henson at (703) 697-████. Please refer to serial number 503.

# **EXHIBIT 22**



**From:** Wright, Niel  
**Sent:** Friday, February 12, 2010 06:28:10 PM  
**To:** Wright, Niel  
**Subject:** Oshkosh Release: Correction: "It's" Typo In First Line  
**Attachments:** 2.12.10 Oshk contract.doc



# News Release

From U.S. Rep. Tom Petri

Contact:

Niel Wright, 202/225-██████, [niel.wright@mail.house.gov](mailto:niel.wright@mail.house.gov)

February 12, 2010

## Army Reaffirms Oshkosh Contract

The Army affirmed Friday that its contract with Oshkosh Corporation to produce its Family of Medium Tactical Vehicles (FMTV) should go ahead.

Rep. Tom Petri welcomed the news.

"I am pleased but I am not surprised," he said. "I always knew Oshkosh was the best place to build these vehicles. The bidding process was fair, and fairness was all we were asking for. I am confident that our local workers will do a great job for the military and the country."

In August, the U.S. Army chose Oshkosh Corporation to produce its Family of Medium Tactical Vehicles (FMTV) at a cost of \$3 billion. The result was a howl of protest from BAE Systems, Inc., which previously produced the vehicle, and Navistar, which bid on the contract.

In early September, each company separately urged the Government Accountability Office (GAO) to consider blocking the Oshkosh contract. GAO agreed to look into the issue, and subsequently announced in December that, while it upheld most of the Army's decision, it recommended that the Army reevaluate some portions. The Army was then given 60 days to reconsider the contract in light of the GAO recommendations, giving the Army until Sunday, February 14, to respond to the recommendations.

"This is great news for Oshkosh Corporation and a testament to the quality of their products and the commitment of their workforce. This will be an economic boost to the Fox Valley and the entire state," Senator Herb Kohl said.

PET-OCE-00001123

14-1891\_0363

“Today’s decision is great news for the Oshkosh Corporation and its employees who work every day to produce high quality vehicles and products for our Armed Forces,” Senator Russ Feingold said. “Wisconsinites are rightfully proud of Oshkosh Corporation. The Army’s decision shows that this Wisconsin company is the best company to provide these essential vehicles for our service members.”

#####

***Niel Wright, Press Secretary  
Office of Congressman Tom Petri (R-WI)  
(Broadcasters: It's pronounced "Pea-try")  
202/225-██████  
[niel.wright@mail.house.gov](mailto:niel.wright@mail.house.gov)***

Subscribe to Rep. Tom Petri's monthly e-newsletter at: <http://petri.house.gov/subscribe.shtml>

# **EXHIBIT 23**

**Congress of the United States**  
**House of Representatives**  
Washington, DC 20515-4906

6TH DISTRICT OFFICES:  
FOND DU LAC, WI  
(920) 922-████  
OSHKOSH, WI  
(920) 231-████

February 26, 2010

The Honorable John M. McHugh  
Secretary of the Army  
101 Army Pentagon  
Washington, DC 20310-0101

Dear Secretary McHugh:

I am writing to thank you for conducting the Family of Medium Tactical Vehicles (FMTV) procurement in such a fair and professional manner, despite the often contentious nature of these competitive contract awards. I was pleased to see the Army reconfirm its original choice of Oshkosh Corporation for future FMTV production, and I am confident that Oshkosh Corporation, which is a top employer in my Congressional District, will continue to be a reliable, high quality and cost-effective producer for the Army.

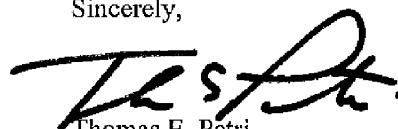
That said, I am concerned about news reports I have read that the incumbent contractor may seek a sole source bridge contract through mid-2011. I believe the Army made the right choice to begin work immediately given the substantial price difference between the new contract and the existing contract. Statements in these news reports give the impression that a bridge contract is necessary to ensure that the Army's production requirement for FMTV vehicles is met. My understanding, however, is that the Army appropriately planned the FMTV transition period to account for possible delays associated with protests. Therefore, no bridge contract is necessary because Oshkosh Corporation can meet the original vehicle production schedule set forth in the August 2009 award.

If my understanding is correct, I would have concerns that awarding a bridge contract would set a bad precedent for future contract awards because it would encourage disappointed incumbent contractors to delay Army procurements through similar protests in the future. Additionally, contractors compete aggressively for the Army's business with the expectation that the terms of their contracts will be honored, provided they perform as expected. In the case of the FMTV competitive rebuy, my understanding is that the Army entered into a 5-year requirements contract that legally obligates the Army to place all of its FMTV orders with Oshkosh.

In light of these concerns, I ask that you reject efforts to award an additional bridge contract to the losing incumbent. This would prevent any further delays in the newly awarded FMTV contract and would protect the integrity of Army contracting decisions. I also ask that you notify me of any activity by the Army to initiate an additional bridge contract to the losing incumbent.

Thank you again for conducting this procurement in such a professional manner. Please do not hesitate to contact me should you wish to discuss this further.

Sincerely,



Thomas E. Petri  
Member of Congress

TEP:kj

cc: Dean G. Popps, Acting Assistant Secretary  
for Acquisition, Logistics & Technology

PET-OCE-00000791

14-1891\_0366

# **EXHIBIT 24**

## Gebhardt, Debbie

---

**From:** Gebhardt, Debbie  
**Sent:** Friday, February 26, 2010 3:29 PM  
**To:** Dixon, Carol  
**Subject:** RE: Army Contract and Oshkosh Corp

Carol --

I am headed out shortly and I knew you said you were giving training from 3 to 5 -- so just wanted to let you know that I received your voice mail message approving the letter. Thanks!

Debbie

---

**From:** Gebhardt, Debbie  
**Sent:** Friday, February 26, 2010 1:46 PM  
**To:** Dixon, Carol  
**Subject:** Army Contract and Oshkosh Corp

Hi Carol --

Here is the proposed letter to Army Secretary just flagging the potential push for a "bridge" contract on the part of BAE. Again, the only place we have seen this mentioned is in Texas newspapers. So again, given Rep. Petri's stock ownership issue (though in the scheme of things not that much), wanted to make sure it was OK to send as part of his representing one of our largest employers/constituents.

Thanks!

Debbie

*Debra Gebhardt  
Chief of Staff  
Rep. Thomas E. Petri*

# **EXHIBIT 25**

Congress of the United States  
House of Representatives  
Washington, DC 20515-4906

6TH DISTRICT OFFICES:  
FOND DU LAC, WI  
(920) 922-████  
OSHKOSH, WI  
(920) 231-████

June 10, 2013

Hon. Howard "Buck" McKeon  
Chairman  
House Armed Services Committee  
2120 Rayburn House Office Building  
Washington, D.C. 20515

Hon. C.W. Bill Young  
Chairman  
Defense Appropriations Subcommittee  
H-405 U.S. Capitol  
Washington, D.C. 20515

Hon. Adam Smith  
Ranking Member  
House Armed Services Committee  
2120 Rayburn House Office Building  
Washington, D.C. 20515

Hon. Peter J. Visclosky  
Ranking Member  
Defense Appropriations Subcommittee  
1016 Longworth House Office Building  
Washington, D.C. 20515

Dear Chairman McKeon, Ranking Member Smith, Chairman Young and Ranking Member Visclosky:

The Department of Defense's proposed Omnibus Reprogramming Action (FY13-09PA), dated May 17, 2013, makes significant cuts to the tactical wheeled vehicle (TWV) industrial base. We are concerned by the Department of Defense's apparent deteriorating commitment to the many small businesses and large firms that comprise this base. From fiscal year 2012 through fiscal year 2014 and inclusive of the proposed reprogramming action, each President's Budget request for medium and heavy TWV's has been reduced by more than 30% on average from the previous fiscal year. Allowing this industry to languish under a further 28.7% reduction in fiscal year 2013 funding will weaken the industrial base that enabled the design, testing, manufacturing, and delivery of critical lifesaving equipment, such as thousands of Mine-Resistant Ambush-Protected (MRAP) Vehicles.

We urge the committee to consider the long-term impact of allowing this unique manufacturing capability to atrophy and reject this reprogramming. In response to the 2008 financial crisis and the collapse of commercial outlets for specialty trucks and off-road vehicles, TWV suppliers and manufacturers have already lowered profit margins and cut overhead so they might continue to meet urgent operational requirements, such as eliminating contractor positions to save manufacturing jobs, curtailing executive compensation, and leaving non-essential salaried positions vacant.

With the downturn in defense budgets, each of these firms has obtained or is pursuing foreign military sales opportunities to offset these domestic reductions. These sales have served as a viable risk mitigation option in past, but recently have seen several foreign militaries delay acquisition decisions in anticipation of low-cost or no-cost Excess Defense Articles (EDA) driven by each of the Services' TWV divestment plans.



June 10, 2013

Page Two

Collectively, these economic factors risk an accelerated contraction and consolidation of the TWV industrial base to the detriment of the taxpayer, recapitalization of TWV fleets, and future acquisitions. It is our understanding that when examining just one of the Services' requirements, many of its "replacement" medium and heavy TWVs are found to be reaching the middle of their service lives, often requiring immediate rebuilds upon their return home after the last decade of war. As even more of these replacement vehicles pass the mid-point of their service life, we recommend that you carefully weigh the consequences of today's budget decisions against the future cost of depreciated force readiness and a diminished TWV design and manufacturing capability.

In light of these future requirements, the risk associated with current TWV divestment plans, and the unparalleled capability that the TWV industrial base has developed to build MRAPs, we believe it is essential that the Congress protect appropriate policy to ensure the current industrial base will be ready to reset and manufacture the next generation of TWVs. We respectfully request that you reject DOD's request to reprogram any fiscal year 2013 funding for the Army's Family of Medium and Heavy tactical wheeled vehicles.

Thank you for your strong leadership on this critical industrial base issue.

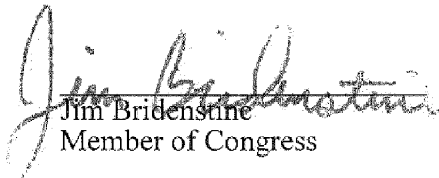
Sincerely,



Thomas E. Petri  
Member of Congress



Reid Ribble  
Member of Congress



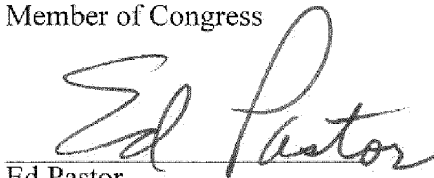
Jim Bridenstine  
Member of Congress



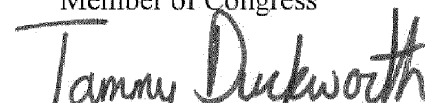
Bill Shuster  
Member of Congress



Ron Kind  
Member of Congress



Ed Pastor  
Member of Congress



Tammy Duckworth  
Member of Congress



Andre Carson  
Member of Congress

PET-OCE-00004274

14-1891\_0371

*Memo*

---

Date: June 10, 2013

To: Chairman McKeon  
Chairman Young  
Ranking Member Smith  
Ranking Member Visclosky

From: Congressman Tom Petri

In the interest of full disclosure and at the suggestion of the House Committee on Ethics, I would like to note my ownership of shares in Oshkosh Corporation, a major employer in my Congressional district that contributes to the tactical wheeled vehicle industrial base. I give similar consideration and support to issues affecting other constituent companies in my district.

PET-OCE-00000046

14-1891\_0372

# **EXHIBIT 26**



RE: Need to speak to you

McCanna, Meagan

to:

██████████@oshkoshcorp.com', Gebhardt, Debbie

05/22/2013 05:14 PM

Cc:

██████████@oshkoshcorp.com"

Hide Details

From: "McCanna, Meagan" <Meagan.McCanna@mail.house.gov>

To: "██████████@oshkoshcorp.com" <██████████@oshkoshcorp.com>, "Gebhardt, Debbie" <Debbie.Gebhardt@mail.house.gov>,"

Cc: ██████████@oshkoshcorp.com" <██████████@oshkoshcorp.com>

2 Attachments



Letter - 5.13 - TWV Omnibus Reprogramming Action.docx



Letter - 5.13 - TWV Omnibus Reprogramming Action.pdf

Hi Jay,

Attached are both the Word and PDF formats of the letter. Let me know what else I can do in the upcoming week.

Looking forward to speaking soon,  
Meagan

**From:** ██████████@oshkoshcorp.com [██████████@oshkoshcorp.com]  
**Sent:** Wednesday, May 22, 2013 4:27 PM  
**To:** Gebhardt, Debbie  
**Cc:** McCanna, Meagan; ██████████@oshkoshcorp.com  
**Subject:** RE: Need to speak to you

Thanks very much -- this is very important for the company. Send me the "tweaked" letter as soon as you can.

Timing -- I plan to spend the next few days getting support from difference offices. I am hopeful by the end of the week to have several commitments but probably will run into next week.

I would like to target sending the final signed letter to the Committees as early the week of June 3 as we can.

Appreciate all your assistance on this! We look forward to working with Meagan on coordinating the support / signatures.

Jay Kimmitt  
Executive Vice President  
Oshkosh Corporation  
(703) 525-██████████

From: "Gebhardt, Debbie" <Debbie.Gebhardt@mail.house.gov>  
 To: [REDACTED]@oshkoshcorp.com" [REDACTED]@oshkoshcorp.com">  
 Cc: "McCanna, Meagan" <Meagan.McCanna@mail.house.gov>  
 Date: 05/22/2013 04:21 PM  
 Subject: RE: Need to speak to you

---

We are good to go on this but may want to make couple little tweaks here and there just for Petri style. So will have that to you in next 30 minutes.

I am including Meagan McCanna on this email who will handle logistics of signatures etc. If when we have final you want to give to staffers and have them get in touch with Meagan if they want to sign on, that would be fine. If there are staffers you want us to reach out to, let us know. What is your timing – as you say, tomorrow afternoon they leave for a week's recess.

**From:** [REDACTED]@oshkoshcorp.com [REDACTED]@oshkoshcorp.com]  
**Sent:** Wednesday, May 22, 2013 11:50 AM  
**To:** Gebhardt, Debbie  
**Subject:** Need to speak to you

about sending this letter. will call today.

Jay Kimmitt  
 Executive Vice President  
 Oshkosh Corporation  
 (703) 525-[REDACTED]

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 Thank you.

Although this e-mail and any attachments are believed to be free of any virus or other defect which might affect any computer system, it is the responsibility of the recipient to check that it is virus-free and the sender accepts no responsibility or liability for any loss, injury, damage, cost or expense arising in

any way from receipt or use thereof by the recipient.

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Thank you.

# **EXHIBIT 27**

## Gebhardt, Debbie

---

**From:** Gebhardt, Debbie  
**Sent:** Monday, June 10, 2013 2:15 PM  
**To:** McCanna, Meagan  
**Subject:** RE: just curious on status of that letter to Armed Services

Should have something like this attached:

Memo

To: Chairman McKeon  
Rep. Smith  
Chairman  
Rep.

From: Rep. Tom Petri

In the interests of full disclosure and at the suggestion of the Ethics Committee, I wanted to note that I do own stock in Oshkosh Corporation, a major employer in my Congressional district, and would that I would give similar consideration and treatment to other constituent companies in my district.

**From:** McCanna, Meagan  
**Sent:** Friday, June 07, 2013 10:54 AM  
**To:** Gebhardt, Debbie  
**Subject:** RE: just curious on status of that letter to Armed Services

Jay wants to close it COB today. We'll send it out tomorrow.

Current cosigners:

Petri  
Ribble  
Kind  
Bridenstine  
Pastor  
Duckworth  
Shuster  
Carson

Bishop pulled after Hagel made a statement that the 11 day furlough, instead of 24, was dependent on the savings from this specific reprogramming. His district has the largest population of DOD civilians in Congress at 12,000. They're sympathetic to the industry, but local politics is requiring them to tacitly support the reprogramming. I don't think Bishop's concern is relevant to TEP, but good to be aware of.



Getting Shuster on board was big because historically, if one member of HASC objects to a reprogramming action it's been removed. Any reprogramming action is supposed to be noncontroversial. Who knows if that will be the case these days with the sequester, but it's definitely a plus.

**From:** Gebhardt, Debbie  
**Sent:** Friday, June 07, 2013 10:46 AM  
**To:** McCanna, Meagan  
**Subject:** just curious on status of that letter to Armed Services

Again, ethics suggested we put that note on it so don't want to forget that.

# **EXHIBIT 28**

**From:** McCanna, Meagan  
**Sent:** Tuesday, November 29, 2011 06:00:21 PM  
**To:** Gebhardt, Debbie  
**Subject:** RE: fire trucks

**This message has been archived. [View the original item](#)**

Thanks for including me... interesting. So did they indeed want a broader definition than Tim has supported in the past?

---

Meagan McCanna | Legislative Assistant  
Office of Congressman Thomas E. Petri

**From:** Gebhardt, Debbie  
**Sent:** Tuesday, November 29, 2011 5:46 PM  
**To:** 'Will Stone'  
**Subject:** RE: fire trucks

Alright -- talked to Jennifer on the Subcommittee and passed on Petri's interest and support for addressing.

**From:** Will Stone [redacted@dennymiller.com]  
**Sent:** Tuesday, November 29, 2011 11:19 AM  
**To:** Gebhardt, Debbie  
**Subject:** Re: fire trucks

Can Lee and I stop by today or set up a call with you to explain things?

Will Stone  
Vice President  
Denny Miller Associates  
400 North Capitol Street  
Suite 363  
Washington, DC. 20001  
(202) 783-[redacted] office  
[redacted] mobile

PET-OCE-00004298

14-1891\_0381

██████████@dennymiller.com

Typed on my Blackberry with two thumbs - please forgive any typos

From: Gebhardt, Debbie [mailto:Debbie.Gebhardt@mail.house.gov]

Sent: Tuesday, November 29, 2011 11:01 AM

To: Will Stone

Subject: RE: fire trucks

OK, I read the language as much broader with option 1 a general exemption of all emergency vehicles from all federal weight laws (and again this only applies to Interstates since fed. government only has jurisdiction over interstates) and option 2 seems to actually set state limits (which is a much broader approach than we have taken in past).

Not that I am objecting, I just want to be able to understand it so I can explain to Petri.

From: Will Stone [██████████@dennymiller.com]

Sent: Monday, November 28, 2011 6:29 PM

To: Gebhardt, Debbie

Subject: RE: fire trucks

The exemption that exists for fire trucks covers everything on all roads however some states say this doesn't apply to delivery. So all we're asking for is an expansion of the existing exemption to cover the vehicle in transit to the fire department.

Will Stone

Vice President

Denny Miller Associates

400 North Capitol Street

Suite 363

Washington, DC 20001

(202) 783-██████████ office

██████████ mobile

██████████@dennymiller.com

PET-OCE-00004299

14-1891\_0382

www.dennymiller.com <<http://www.dennymiller.com/>>

---

From: Gebhardt, Debbie [Debbie.Gebhardt@mail.house.gov]  
Sent: Monday, November 28, 2011 5:36 PM  
To: Will Stone  
Subject: fire trucks

I am handling this weight issue and have been reading the brochures left with Meagan. At one point I was told this exemption was needed just for delivery of the trucks to the municipalities/counties, etc. But this actually is a TOTAL exemption so no federal weight limits would ever apply? I assume fire trucks are not on the Interstates very often (except for delivery) which are the only roads where federal weight limits apply.

PET-OCE-00004300

14-1891\_0383

**From:** Will Stone [redacted@dennymiller.com]  
**Sent:** Monday, November 28, 2011 06:28:39 PM  
**To:** Gebhardt, Debbie  
**Subject:** RE: fire trucks

**This message has been archived. [View the original item](#)**

The exemption that exists for fire trucks covers everything on all roads however some states say this doesn't apply to delivery. So all we're asking for is an expansion of the existing exemption to cover the vehicle in transit to the fire department.

Will Stone  
Vice President  
Denny Miller Associates  
400 North Capitol Street  
Suite 363  
Washington, DC 20001  
(202) 783-[redacted] office  
[redacted] mobile  
[redacted]@dennymiller.com  
[www.dennymiller.com](http://www.dennymiller.com) <<http://www.dennymiller.com/>>

---

**From:** Gebhardt, Debbie [Debbie.Gebhardt@mail.house.gov]  
**Sent:** Monday, November 28, 2011 5:36 PM  
**To:** Will Stone  
**Subject:** fire trucks

I am handling this weight issue and have been reading the brochures left with Meagan. At one point I was told this exemption was needed just for delivery of the trucks to the municipalities/counties, etc. But this actually is a TOTAL exemption so no federal weight limits would ever apply? I assume fire trucks are not on the Interstates very often (except for delivery) which are the only roads where federal weight limits apply.

PET-OCE-00002572

14-1891\_0384

**From:** Will Stone [REDACTED@dennymiller.com]  
**Sent:** Monday, November 07, 2011 04:25:59 PM  
**To:** Gebhardt, Debbie  
**Subject:** Oshkosh and firetruck axel weights

**This message has been archived. [View the original item](#)**

Debbie do you have time tomorrow around 11 to meet with Lee Morris and me regarding the progress of the transportation bill and the language on fire truck axel weights?

If 11 or earlier doesn't work do you have time after lunch?

Thanks

Will Stone

Vice President

Denny Miller Associates

400 N. Capitol Street, NW

Suite 363

Washington, DC 20001

(202) 783-REDACTED office

REDACTED mobile

REDACTED@dennymiller.com

www.dennymiller.com

# **EXHIBIT 29**



**From:** [REDACTED]@oshkoshcorp.com  
**Sent:** Wednesday, July 11, 2012 04:13:44 PM  
**To:** Gebhardt, Debbie  
**Subject:** Call to Foreign Affairs

**This message has been archived. [View the original item](#)**

Debbie,

We have a contract to sell the MRAP All Terrain Vehicle (MATV) to UAE -- as I mentioned, this is not public information yet so I must ask you to not disclose publically. The DSP-5 case number is [REDACTED]. What I am trying to determine is if the Committee has been "informally notified" about this pending case and if so, may I make an appointment with the right person to brief them on the potential sale and answer any questions they may have.

Many Thanks for your assistance on this.

Jay Kimmitt  
Executive Vice President  
Oshkosh Corporation  
(703) 525-[REDACTED]

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Thank you.

PET-OCE-00002519

14-1891\_0387

# **EXHIBIT 30**

**From:** Gebhardt, Debbie  
**Sent:** Thursday, July 12, 2012 05:32:26 AM  
**To:** [REDACTED]@oshkoshcorp.com'  
**Subject:** Re: Call to Foreign Affairs

**This message has been archived. [View the original item](#)**

That call was earlier and we emailed and did talk after so no problem.  
Sorry I was a bit slow on the language of what we sent to Committee. Bad (or busy) day  
and not thinking clearly.

From: [REDACTED]@oshkoshcorp.com [REDACTED]@oshkoshcorp.com]  
Sent: Wednesday, July 11, 2012 10:31 PM  
To: Gebhardt, Debbie  
Subject: Re: Call to Foreign Affairs

Sorry I missed your call. For future reference my cell [REDACTED]. Just got out of a  
dinner. Talk to you tomorrow? Thanks,

Jay Kimmitt  
Executive Vice President  
Oshkosh Corporation

---

From: "Gebhardt, Debbie" [Debbie.Gebhardt@mail.house.gov]  
Sent: 07/11/2012 05:37 PM AST  
To: Jay Kimmitt  
Subject: RE: Call to Foreign Affairs

Trying to call you.

From: [REDACTED]@oshkoshcorp.com [REDACTED]@oshkoshcorp.com]  
Sent: Wednesday, July 11, 2012 5:27 PM  
To: Gebhardt, Debbie  
Subject: RE: Call to Foreign Affairs

PET-OCE-00002019

14-1891\_0389

many thanks, this program is very important to the company.

Jay Kimmitt  
Executive Vice President  
Oshkosh Corporation  
(703) 525-██████

From: "Gebhardt, Debbie" <Debbie.Gebhardt@mail.house.gov>  
To: ████████@oshkoshcorp.com" <██████@oshkoshcorp.com>  
Date: 07/11/2012 05:16 PM  
Subject: RE: Call to Foreign Affairs

---

They are checking on who handles this at the Committee. Will let you know.

From: ████████@oshkoshcorp.com [██████@oshkoshcorp.com  
<██████@oshkoshcorp.com> ]  
Sent: Wednesday, July 11, 2012 4:14 PM  
To: Gebhardt, Debbie  
Subject: Call to Foreign Affairs

Debbie,

We have a contract to sell the MRAP All Terrain Vehicle (MATV) to UAE -- as I mentioned, this is not public information yet so I must ask you to not disclose publically. The DSP-5 case number is ████████. What I am trying to determine is if the Committee has been "informally notified" about this pending case and if so, may I make an appointment with the right person to brief them on the potential sale and answer any questions they may have.

Many Thanks for your assistance on this.

Jay Kimmitt  
Executive Vice President  
Oshkosh Corporation  
(703) 525-██████

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# **EXHIBIT 31**

**From:** Gebhardt, Debbie  
**Sent:** Thursday, July 12, 2012 10:33:29 AM  
**To:** [REDACTED]@oshkoshcorp.com'  
**Subject:** RE: typo

I asked them if I could check periodically on status. Jamie McCormick is the staffer on full committee that handles it.

---

**From:** [REDACTED]@oshkoshcorp.com [REDACTED]@oshkoshcorp.com]  
**Sent:** Thursday, July 12, 2012 10:29 AM  
**To:** Gebhardt, Debbie  
**Subject:** RE: typo

Many thanks Debbie.

Jay Kimmitt  
Executive Vice President  
Oshkosh Corporation  
(703) 525-[REDACTED]

**From:** "Gebhardt, Debbie" <Debbie.Gebhardt@mail.house.gov>  
**To:** [REDACTED]@oshkoshcorp.com" <[REDACTED]@oshkoshcorp.com>  
**Date:** 07/12/2012 10:22 AM  
**Subject:** RE: typo

---

Heard back from committee, they said case hasn't come up yet for preconsultation. They don't expect it to generate controversy when it does.

**From:** [REDACTED]@oshkoshcorp.com [REDACTED]@oshkoshcorp.com]  
**Sent:** Wednesday, July 11, 2012 6:03 PM  
**To:** Gebhardt, Debbie  
**Subject:** typo

---

One Mr. Petri's most important companies, Oshkosh Corporation, is seeking government approval to sell the MRAP All Terrain Vehicle (MATV) to the UAE. It is our understanding that the State Department has completed all the inter-agency approvals and now the company is waiting for Congressional approval.

Could we find out if State has sent up the "informal" Congressional notification on this case? If so, would it be appropriate and helpful if the company offered to brief staff and answer any question on the potential sale? If so, whom would you like them to contact?

The DSP-5 case number is [REDACTED]

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Thank you.



# **EXHIBIT 32**

**From:** Gebhardt, Debbie  
**Sent:** Thursday, May 11, 2006 03:46:18 PM  
**To:** 'Jay Kimmitt'  
**Subject:** RE: DOD Auth

Ok thanks.

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

From: Jay Kimmitt [redacted@oshtruck.com]  
Sent: Thursday, May 11, 2006 3:24 PM  
To: Gebhardt, Debbie  
Subject: RE: DOD Auth

None that I have been able to find. We struck out with the HASC.  
Hopefully we will be more successful with the HAC.

Jay Kimmitt  
Senior Vice President, Washington Operations Oshkosh Truck Corporation 1300 North 17th Street, Suite  
1040 Arlington, VA 22209-3801 703.525. [redacted]  
703.525.8408 (fax)

"Gebhardt, Debbie" <Debbie.Gebhardt@ mail.house.gov>		To
	"Jay Kimmitt" <[redacted]@oshtruck.com>	
05/11/2006 03:18 PM		cc
	RE: DOD Auth	Subject

Thanks -- Is there any Oshkosh Truck specific provision at all?

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

From: Jay Kimmitt [redacted@oshtruck.com]  
Sent: Thursday, May 11, 2006 10:14 AM  
To: Gebhardt, Debbie  
Subject: RE: DOD Auth

Thanks for checking. I have found nothing in the Armed Service markup to be concerned about ref OTC.  
Best,

Jay Kimmitt  
Senior Vice President, Washington Operations Oshkosh Truck Corporation 1300 North 17th Street, Suite

1040 Arlington, VA 22209-3801 703.525. [REDACTED]  
703.525.8408 (fax)

"Gebhardt,  
Debbie"  
<Debbie.Gebhardt@  
mail.house.gov>  
05/11/2006 10:03  
AM  
RE: DOD Auth

To  
"Jay Kimmitt"  
<[REDACTED]@oshtruck.com>  
cc  
Subject

Jay:

I know we submitted request for appropriations -- the DOD authorization bill is on Floor today -- anything in there or something we should be aware of?

Thanks.

Debbie

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

From: Jay Kimmitt [REDACTED]@oshtruck.com]  
Sent: Wednesday, May 10, 2006 9:47 AM  
To: Gebhardt, Debbie  
Subject: RE: Egyptian Military Visit

great, thanks. we very much appreciate your help.

Jay Kimmitt  
Senior Vice President, Washington Operations Oshkosh Truck Corporation 1300 North 17th Street, Suite  
1040 Arlington, VA 22209-3801 703.525. [REDACTED]  
703.525.8408 (fax)

"Gebhardt,  
Debbie"  
<Debbie.Gebhardt@  
mail.house.gov>  
05/09/2006 07:36  
PM

To  
"Jay Kimmitt"  
<[REDACTED]@oshtruck.com>  
cc

PET-OCE-00001659

14-1891\_0397

Subject  
RE: Egyptian Military Visit

We are inviting you!

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

From: Jay Kimmitt [REDACTED]@oshtruck.com]  
Sent: Tuesday, May 09, 2006 4:20 PM  
To: Gebhardt, Debbie  
Subject: RE: Egyptian Military Visit

Thanks very much. I assume we are being invited to attend.

Jay Kimmitt  
Senior Vice President, Washington Operations Oshkosh Truck Corporation 1300 North 17th Street, Suite  
1040 Arlington, VA 22209-3801 703.525. [REDACTED]  
703.525.8408 (fax)

"Gebhardt,  
Debbie"  
<Debbie.Gebhardt@  
mail.house.gov>  
05/09/2006 01:44  
PM  
"Jay Kimmitt"  
<[REDACTED]@oshtruck.com>  
RE: Egyptian Military Visit

To  
cc  
Subject

Hi Jay:

This meeting has beenscheduled for Thursday, May 18 at 4:00.

Debbie

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

From: Jay Kimmitt [REDACTED]@oshtruck.com]

PET-OCE-00001660

14-1891\_0398

Sent: Monday, May 08, 2006 5:11 PM  
To: Gebhardt, Debbie  
Subject: Egyptian Military Visit

Debbie,

We would like to participate in the meeting with the Egyptian military visit to Mr. Petri if you accept their offer. Happy to host a lunch for the group and Mr. Petri if this is how he would like to do the visit. Let me know if we can work this out.

Many thanks,

Jay Kimmitt  
Senior Vice President, Washington Operations Oshkosh Truck Corporation 1300 North 17th Street, Suite 1040 Arlington, VA 22209-3801 703.525. [REDACTED]  
703.525.8408 (fax)

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Thank you.

# **EXHIBIT 33**

## **Talking Points**

**Rep. Tom Petri**

**Hilbert Economic Summit**

**Suggested Topic: "Perspectives on the Region and Beyond."**

**August 16, 2007**

### **General Opening - Welcome to Conference**

- I'm pleased to be a part to this event. It's appropriate that Hilbert host an economic summit as today's forward looking agenda represents the outlook necessary, even in Wisconsin's smaller towns, for economic success in the current global environment.
- Northeastern Wisconsin may seem to some to be tucked safely away from the upheavals and troubles of the broader economic world, but the reality is that no place is isolated from the forces driving the world's economy.
- This is as true in Hilbert as it is in New York, London, and Hong Kong and successful businesses will prepare by arming themselves to confront the looming challenges while also being unafraid to exploit emerging opportunities.
- There is no doubt that the current world environment poses a number of challenges - each carrying various risks.
  - Risks can be managed if understood; international risk also affects the domestic business environment and all must be well-informed.
  - Each business must think of itself as an international player even if its primary market extends no further than Illinois.
- Opportunities exist alongside risks. Growing wealth throughout the world has broadened the market for U.S. markets, and many in the Wisconsin business community have noticed.
  - International trade is a growing segment of the Wisconsin economy - double digit growth in state exports in 2004, 2005, and 2006. Exports are up 64 percent since 2001.
  - Wisconsin's appears to be transitioning from an economy focused on local and regional business to one that is finding increasing success in the dynamic international marketplace.



## Challenges Ahead

- The U.S. economy will face a number of challenges over the next few years. These challenges are a primary concern for businesses doing business in both domestic and foreign markets.
- The local Wisconsin market mirrors the national market; large and small businesses in Northeastern Wisconsin will face the same pressures as their counterparts elsewhere.
- **Political Challenges:** 2006 elections produced new majorities in both the House and Senate that are decidedly less friendly to expanding trade than either the Bush administration and the former Republican congressional majorities.
  - Already, the House leadership has allowed presidential fast-track negotiating authority to expire, making the terrain for negotiating new free trade agreements very difficult.
  - Previously negotiated agreements with Peru, Panama, Columbia, and South Korea also face an uncertain future in the House. New opportunities for U.S. exports will be lost should these agreements continue to languish.
- **Commercial Challenges:** Housing market reversals are having an impact on the domestic economy.
  - Job losses in the Wisconsin housing and construction sector are causing the state's unemployment rate to creep up from record lows, though at 5.0 percent it is still below the average rate from the 1970s, 1980s, and 1990s.
  - Higher gasoline prices earlier this year, slowed consumer spending and reduced economic growth in Wisconsin and throughout the upper Midwest.
- **Financial Challenges:** Deepening problems in U.S. credit markets resulting from the subprime meltdown are likely to make it more expensive and more difficult to borrow.
  - Higher operating costs likely to make global competition more difficult.
  - Rising oil price will have an uneven impact on global competitors. Oil priced in dollars cost U.S. buyers more, but dollar's drop against Euro and Yen mitigates impact of oil prices on producers using those currencies.
  - Energy remains a prime concern of U.S. manufacturers. Congress has struggled in recent years to adopt a comprehensive and positive energy policy. It appears that this year's energy package also falls short of reaching this goal.

## **Opportunities in the Global World**

- Over the past two decades, the United States has sought to expand international trade. Both the Bush and Clinton administrations, one Republican and the other Democratic, have pursued a free trade agenda seeking to achieve a number of national goals.
- This policy has not always been popular. In fact, its very success in fostering economic development throughout the world has produced stiff competition within many industries and caused some to question why we ever followed this particular path.
- After years of steadily growing trade deficits, this tide appears to be turning in our favor:
  - American business community has risen to the challenge - producing products in many sectors that are a match for the international competition.
  - Professional economic forecasters point to a worldwide correction in trade and capital imbalances which should result in a continued readjustment in the relative value of the world's major currencies.
  - The dollar's decline coupled with our growing economic strength suggest continued robust export growth by U.S. producers and a declining trade deficit for the remaining years of this decade. (*Source: Global Insights*)

## **Wisconsin Companies Have Risen to the Global Challenge**

- There's plenty of evidence to suggest that Wisconsin's companies are up to this challenge and are ready to meet their international competitors.
- Strong growth in Wisconsin's export put the state above the median in several measures of trade achievement:
  - Wisconsin ranks 19th among the states by measure of export value;
  - Our state's exports accounted for 6.6 percent of our state GDP, ranking 15th among the 50 states;
  - Wisconsin export growth has outpaced national growth in this sector in recent years (15 percent vs. 14.7 in 2006 and 17.4 percent vs. 10.4 percent in 2005).

## **Specific Wisconsin Success Stories**

- Oshkosh Truck has enjoyed international success. Earlier this year, the company signed a contract with the Egyptian Defense ministry for specially designed military trucks - expanding their markets and creating opportunities for other Wisconsin companies
- Harley Davidson is working to penetrate the Chinese market -- opening its first dealership in that country last year. This is an important effort in a market that most believe will be difficult to crack.
- Saudi Arabia has become the number two importer of Wisconsin-built transportation equipment and Bangladesh is now the fifth largest importer of Wisconsin's electrical equipment and appliances.

## **Rosy Scenario's, Yes - Problems as Well**

- Not all companies and workers are enjoying success. Rough spots need to be addressed:
  - Sock manufacturer in Sheboygan County, highly automated and thoroughly modern, finding domestic markets disrupted by growing sock imports despite government promises to enforce agreed upon quotas.
  - Service sector employees not afforded same benefits when jobs are lost to foreign competitors -- A.C. Nielsen employees' application for Trade Adjustment Benefits denied because the company does not produce an "item."

## **Opportunities for Constructive Government Action**

- Break Stalemate in Trade Policy - Bipartisan agreement will be necessary for U.S. to move forward with future trade deals, both parties will need to compromise.
- Enforce Trade Laws and Agreements to Protect Threatened U.S. Companies - unfair trade practices must be aggressively checked to maintain support for new trade deals.
- Fiscally Responsible Government with Low Taxes to Promote Growth - low deficits and low taxes will help U.S. companies as global environment evolves.
- Transportation Investments to Facilitate Movement of Goods and People - our national transportation system is in need of increased investment.
- Expand Worker Dislocation Benefits to Include Service Sector Employees - TAA (Trade Adjustment Assistance) law will be reauthorized this year.
- Workforce Training - new training approaches to help workers adjust and remain productive within a changing employment landscape.

## Wisconsin Economic Statistics

### Trade

- In 2006 Wisconsin exports were valued at \$17.2 billion. This is an increase of 15 percent over the 2005 which itself showed a 17.4 percent increase over 2004. Since 2001, state exports have increased by 64 percent.
- Leading components of Wisconsin's 2006 exports are as follows:
  - Machinery Manufacturing- 26.5 percent
  - Computers and electronics production - 18.3 percent
  - Transportation Equipment - 13.7 percent
  - Electric Appliances and Part - 5.2 percent
  - Paper - 4.5 percent
- Canada remains the top market for Wisconsin exports. Mexico has been a strong market for Wisconsin with exports increasing by 177 percent over 2001 levels.
- China has passed Japan to become with Wisconsin's third largest market with exports increasing 172 percent over 2001.
- Other export destinations of note include Saudi Arabia (transportation equipment) which increased its purchases of Wisconsin products by 202 percent over 2005. Bangladesh has become the fifth largest importer of Wisconsin produced electrical equipment and appliances.
- Wisconsin's top five export destinations and percentage of export volume:
  - Canada - 31.7 percent
  - Mexico - 10.8 percent
  - China - 5.1 percent
  - Japan - 4.3 percent
  - United Kingdom - 4.0 percent

### Manufacturing Facts

- Wisconsin GDP \$216.3 billion
- Manufacturing portion of GDP - \$44.6 billion (21 percent)
- Manufacturing employment (2006) - 504,600
- Annual manufacturing wages (2005) - \$44,457 (Average state wage - \$35,115)

## Wisconsin Economic Outlook

- Wisconsin's unemployment rate was at 5.0 percent in June, higher than the national average of 4.5 percent.
- The WI Department of Revenue expects employment growth to remain slow in the state, citing the slowdown in the housing market, increased risks from sub-prime mortgage markets, and peak gasoline prices which hurt consumption.
- Modest gains in manufacturing employment that were expected in 2006 have mostly evaporated. The sector produced 100 new jobs during the year for growth of less than 0.1 percent.
- U.S. Labor Department figures show 2006 personal income to have grown in Wisconsin by 4.8 percent, lower than national income growth (6.3 percent), but equal to regional growth.
- Per capita income in the state increased 4.3 percent, again lower than the national rate (5.2 percent), and in this case below the regional rate of growth (4.5 percent).
- The Revenue Estimate, based upon the forecasts of Global Insights, Inc., expects the Wisconsin economy to remain slow during the third and fourth quarter of 2007 with a return to moderate growth in 2008 and 2009.

# **EXHIBIT 34**

**Subject:** Copy: Delegates of the Egyptian Office of the Defense Attaché  
**Start:** Thu 05/15/2008 04:00 PM  
**End:** Thu 05/15/2008 04:30 PM  
**Recurrence:** (none)  
**Meeting Status:** Not yet Responded  
**Required Attendees:** Schwartz, Tyler

\*Also joining is Jay Kimmitt of Oshkosh Corporation

\*To discuss the status of the US-Egyptian strategic relationship in light of the situation in Iraq, Iran-Israeli & Palestinian negotiations, and developments in Sudan and terrorist issues

# **EXHIBIT 35**



**From:** Gebhardt, Debbie  
**Sent:** Wednesday, May 07, 2008 01:53:16 PM  
**To:** [REDACTED]@oshtruck.com'  
**Subject:** Egyptians

Hi Jay:

As you may recall, you joined Rep. Petri for a meeting that the Egyptian Office of the Defense Attache requested for the Egyptian White Paper delegation (senior Armed Forces officials) to discuss security and military objectives.

We haven't set up meeting yet, but he was wondering if you guys would be interested in joining us again for the meeting?

They are here next week.

Debbie

# **EXHIBIT 36**

**From:** Gebhardt, Debbie  
**Sent:** Friday, May 09, 2008 03:34:46 PM  
**To:** ██████████@oshtruck.com'  
**Subject:** Re: Egyptians

Will do.

-----  
Sent from my BlackBerry Wireless Handheld (www.BlackBerry.net)

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

**From:** ██████████@oshtruck.com <██████████@oshtruck.com>  
**To:** Gebhardt, Debbie  
**Sent:** Fri May 09 15:22:46 2008  
**Subject:** Re: Egyptians

please let me know when the meeting is and i would like to make it. most appreciate. thanks

good weekend.

Jay Kimmitt  
Executive Vice President  
Oshkosh Corporation

1300 North 17th Street  
Suite 1040

Arlington, VA 22209  
(703) 525-██████ (Direct)

"Gebhardt, Debbie" <Debbie.Gebhardt@ mail.house.gov>	<██████████@oshtruck.com>	To
05/07/2008 01:53 PM		cc
	Egyptians	Subject

Hi Jay:

PET-OCE-00001729

14-1891\_0413

As you may recall, you joined Rep. Petri for a meeting that the Egyptian Office of the Defense Attache requested for the Egyptian White Paper delegation (senior Armed Forces officials) to discuss security and military objectives.

We haven't set up meeting yet, but he was wondering if you guys would be interested in joining us again for the meeting?

They are here next week.

Debbie

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Thank you.

# **EXHIBIT 37**

**From:** Oppe, Lydia  
**Sent:** Thursday, May 15, 2008 03:59:08 PM  
**To:** Gebhardt, Debbie; Schwartz, Tyler  
**Subject:** FYI

Jay Kimmitt just called  
he can't make it to the egyptian attaché meeting

# **EXHIBIT 38**

## **TRANSCRIPT OF INTERVIEW OF MANITOWOC COMPANY SENIOR VICE PRESIDENT FOR WASHINGTON OPERATIONS AND GLOBAL SECURITY**

INTERVIEW OF [REDACTED]

Present:

Scott Gast, Investigative Counsel

Bryson Morgan, Investigative Counsel

[REDACTED]

Transcribed By:

Julie Thompson



1 MR. GAST: Alright. Just for the record, this is Scott  
2 Gast here with Bryson Morgan, both of the Office  
3 of Congressional Ethics, joined by telephone by  
4 [REDACTED] from the Manitowoc Corporation, and,  
5 Mr. [REDACTED], we appreciate you being with us  
6 telephonically today.

7 I usually like to start with a few  
8 background questions. So if you could tell us  
9 your current position with the Manitowoc Company  
10 and some of your duties in that position.

11 [REDACTED] (the "Witness"): Yes, sir. My name is [REDACTED]  
12 [REDACTED]. I'm a Senior Vice President for  
13 Washington Operations and our global security.  
14 I'm responsible for security for all of our  
15 facilities here in the United States and around  
16 the world. Thus, why I do have kind of a  
17 traveling schedule. I've been with Manitowoc  
18 for -- it will be 14 years on May 30th, and  
19 prior to that I was military. I was -- I'm a  
20 retired military officer.

21 MR. GAST: Okay. Can you tell us a little bit about the  
22 Manitowoc Corporation? What their business is?

23 WITNESS: Absolutely. Briefly, Manitowoc is a  
24 manufacturing company. It started about 112  
25 years ago in the city of Manitowoc. We started

1 out as a ship builder. We build many of the  
2 wooden ships of the Great Lakes at the turn of  
3 the last century. Then we got into large ship  
4 building programs, and during that time, in  
5 order to provide lift for many of the heavy  
6 components and modules to put these ships  
7 together, we bought a crane company.

8 And then even ducktail to that, we  
9 developed some refrigeration innovations that we  
10 developed to be on board ships.

11 During World War II, the United States  
12 Navy, besides Electric Boat, asked Manitowoc to  
13 build 29 diesel submarines, and with that at the  
14 beginning of the war, we had over 25,000  
15 employees at the Manitowoc shipyard.

16 Many people wonder how you can build a  
17 ship up in the Great Lakes. You know, the Great  
18 Lakes are very large, and when we build the  
19 submarines, we actually put them on barges and  
20 tote them down the Illinois River in  
21 Mississippi. And then they had their sea trials  
22 in the Gulf of Mexico. Then, of course, they  
23 went to their specific war areas or areas of  
24 operation.

25 By the end of the war, ship building

1 dramatically dropped, of course, because of the  
2 war machine had stopped World War II and people  
3 were going back more to civilian items. And  
4 there wasn't much of a call, so we took those  
5 other two segments, the crane segment and what  
6 we call the food service, and those two  
7 particular segments started to grow, although we  
8 continued to build ships for the Navy and the  
9 Coast Guard over those passing years.

10 About five years ago, actually six  
11 years ago, just before the recession, we sold  
12 the marine group of Manitowoc and emphasized our  
13 two other segments, which actually grew quite  
14 significantly. The ship building industry was  
15 really only accounting for about 5 percent of  
16 our revenue, and we felt that by selling that  
17 segment we could invest more in the other two  
18 segments, which is now lift solutions, which are  
19 cranes, which accounts for about 68 percent of  
20 our gross revenue, and food service, which  
21 includes ice machines, walk-in freezers.

22 We also have the hot side, which are  
23 griddles, and we deal mostly with hotel chains  
24 and fast food chains like McDonald's,  
25 Yum, which owns KFC. And that is -- the food

1 service takes up the remainder, that 32 percent  
2 of our gross revenue.

3 So in effect, we sold our legacy, and  
4 that's where I became involved or I got involved  
5 because I was more on the ship building side of  
6 it. I was a Coast Guard officer. Actually, a  
7 black shoe as they say. I was more of a sailor  
8 and really was working the -- well the federal  
9 side because shipbuilding in the United States  
10 really depends -- it's a small amount of  
11 commercial work, but it's largely government  
12 related work.

13 And so today the Manitowoc Company is  
14 about a \$4 to \$4.5 billion a year midcap or  
15 small cap, as you say, it's right in the middle  
16 there, depending largely on our sales of large  
17 cranes around the world and as well as our food  
18 service. And we are -- we have manufacturing  
19 facilities just about all around the world,  
20 especially in some of the big markets like Asia,  
21 Southwest Asia, (inaudible), the Americas, and  
22 of course Europe, and Middle East.

23 MR. GAST: Well, now let me ask you, of your 14 years with  
24 the company, how many of those have been in  
25 Washington Operations in that area?

1 WITNESS: The last -- actually the last 11 -- 11-1/2 years  
2 I've worked mostly Washington. I've worked  
3 government relations in Washington as well as  
4 some international relationships based on some  
5 of the networking that I have done. The last  
6 two and a half, three years I was given an  
7 additional assignment, which is actually turning  
8 out to be more of my primary, more in the  
9 operations of security. As a large -- as you  
10 can imagine, as a large global company, security  
11 has now become quite important --

12 MR. GAST: Sure.

13 WITNESS: -- with the environment that we have. So almost  
14 about three years now I've been -- I've been  
15 doing the security, but at the same time managed  
16 some of the relationships that I have in  
17 Washington, D.C.

18 MR. GAST: And can you go into a little more detail about  
19 what it is, what your duties are in the  
20 Washington Operations side of things?

21 WITNESS: Sure as -- I am a registered lobbyist. I  
22 register -- submit my forms, although I'm not as  
23 active as I used to be.

24 MR. GAST: Mm-hmm.

25 WITNESS: I was more active when we had the marine side

1 because of the numerous federal contracts. I  
2 also assist the company with certain issues that  
3 might come up with agencies and basically meet  
4 with staffers and discuss some of the issues. I  
5 mostly work with our trade associations, the  
6 National Association of Manufacturers, the  
7 Association of Equipment Manufacturers, which  
8 have their own advocates, and we, together try  
9 to leverage our associations in order to discuss  
10 certain issues that either affect the company  
11 positively or negative.

12 MR. GAST: Okay. Who else at the company would interact  
13 with government officials besides yourself?

14 WITNESS: Well, you know, basically I was a one-man shop.  
15 I did have someone work for me a number of years  
16 ago when we were still in the marine side of it,  
17 but, you know, other than some of the  
18 fundraisers that we attended, you know, where I  
19 would get some of the other leadership involved,  
20 I was really the only one that managed that.

21 I did a monthly report. I reported my  
22 activities, and much of this is a matter of  
23 public records because of the reports that I had  
24 to submit based on the FEC, you know, of course,  
25 of late with the Feingold-McCain Act, LDA 203, it's

1 a matter of public record.

2 MR. GAST: Would you ever bring senior company officials  
3 with you for Hill visits, or would they reach  
4 out on their own to any elected officials or  
5 staff?

6 WITNESS: Any -- any visits up to Washington I would  
7 coordinate with my -- with my senior folks.  
8 With our last CEO, prior to Glen Tellock,  
9 I remember bringing him, and those  
10 were mostly, basically getting familiar. What  
11 we used to call fly-ins.

12 If one of our senior executives had  
13 business in the Washington, D.C., area, they  
14 would ask to meet with some of the elected  
15 officials, and not necessarily our own elected  
16 officials but all of the officials that had some  
17 sort of oversight with some of the things that  
18 we did.

19 MR. GAST: Sure. Is it fair to say then that if there were  
20 government related issues to deal with, that  
21 would all go through you? That you would be  
22 aware of all that?

23 WITNESS: That's correct. I would be familiar. I was  
24 basically the -- well, I'd either be the  
25 bottleneck or the -- or the ramp on, but, yes.

1 Everyone would have to clear anything that they  
2 were doing in Washington, so that there would be  
3 no inconsistencies either with a messaging or  
4 with any other issues. It would just come out  
5 of our office.

6 MR. GAST: Okay. Did the company have any consultants,  
7 government relations consultants or anything  
8 like that?

9 WITNESS: You know, we didn't. When I first started  
10 working with the company many, many, many -- I  
11 mean, when I first arrived, I actually worked  
12 for the shipyard, which was Marinette Marine  
13 (phonetic).

14 MR. GAST: Mm-hmm.

15 WITNESS: And they had that "K Street Connection." But  
16 that's why they hired me. They really wanted to  
17 get away from that and have an employee,  
18 basically an in-house person do most of their  
19 vetting on Capitol Hill. So I can tell you for  
20 the years that I have been, I've never hired  
21 anyone.

22 Now, I don't consider trade  
23 associations anyone (inaudible). So we are  
24 members of the US Chamber of Commerce as  
25 maintenance.



1 MR. GAST: Mm-hmm.

2 WITNESS: This is our -- as I said earlier, we are a  
3 member of the National Association of  
4 Manufacturers. We're members of the Association  
5 of Equipment Manufacturers.

6 And we're also members of the  
7 Association of the Heat and Refrigeration  
8 Institute, which not only is a trade  
9 association, but they're also a classification  
10 institute. They actually put their stamps of  
11 approval, very much like UL does, when you make  
12 refrigeration products or heating products.  
13 They actually put them through an independent  
14 laboratory testing, and they're sanctioned by  
15 the government, those particular agencies. So -  
16 - but to answer your original question, no.  
17 I've never had to hire a consultant.

18 MR. GAST: Okay. And, generally, what subjects do you  
19 communicate to federal officials about? What  
20 are the key issues for the company?

21 WITNESS: Sure. And, you know, this is, again, a matter  
22 of public record when I filled out my original  
23 registration. Naturally, transportation is very  
24 important to us.

25 MR. GAST: Mm-hmm.

1 WITNESS: -- defense, environmental, and on occasion there  
2 would be issues that deal with immigration  
3 because of some of the H2B requests that we had  
4 for good relation, and entering taxes as well.

5 MR. GAST: Okay.

6 WITNESS: But for the most part it was transportation  
7 because of our cranes and defense, which really  
8 came under the auspices of our marine group.

9 MR. GAST: Okay. And how generally do you interact on  
10 these issues. It is meetings, emails, phone  
11 calls, letters, how -- what's the general way  
12 that you go about --

13 WITNESS: It was mostly through really -- you know, old  
14 school. I like to go up on the Hill and -- I  
15 knew a lot of the people up there, so it would  
16 mostly be in discussions. But, generally, I  
17 would go up there with one of our trade  
18 associations, along with them, and we would show  
19 kind of a solidarity for a particular issue,  
20 whether it was something that had to do with,  
21 you know, the transportation bill. If it had to  
22 do with funding a particular defense project  
23 that was already, you know, on the books; that  
24 sort of thing. I never generally had to write  
25 to anyone, other than, you know, if there was an

1 issue that I wasn't fully aware of. I would  
2 probably ask for some material, but that would  
3 be the extent of it.

4 MR. GAST: Okay. And is the company and are you involved  
5 in fundraising for members of Congress?

6 WITNESS: Yes, yes. We do. We do have an active  
7 political action committee, which is registered  
8 with the FEC.

9 MR. GAST: Mm-hmm.

10 WITNESS: It is only from the restricted class - it's  
11 a leadership PAC. There's no grassroots to it.  
12 So very few people -- and actually that's gotten  
13 smaller since we lost our marine business.

14 MR. GAST: Mm-hmm.

15 WITNESS: So we have a -- I would say a very modest  
16 PAC participation. Now, generally,  
17 since I've been doing this other -- what we do  
18 is pack the PAC donations to our trade  
19 association since they -- they follow the same  
20 issues and really pursue some of the concerns  
21 that we have.

22 MR. GAST: Okay. I want to talk to you now about your  
23 interactions, specifically with Congressman  
24 Petri from Wisconsin and his Congressional  
25 office. How often would you say that you have

1 interactions with his office?

2 WITNESS: Well, as I said, the last two or three years I  
3 have been basically out of the country. We had  
4 a large project down in Mexico. So I would say  
5 in the last three years with his office,  
6 probably about two or three times. Naturally,  
7 like any other member of Congress, Senator or  
8 Congressman, they do ask for contributions.

9 MR. GAST: Sure.

10 WITNESS: We do have a PAC board that considers those,  
11 and what I do is I make the recommendation. I  
12 am a non-voting members. That's out we set up  
13 the PAC. I put together the -- either the  
14 justifications, or I make the recommendation and  
15 leave it up to the PAC to -- whether they want  
16 to make a contribution or not. So in that  
17 sense, I would say that just like any of the  
18 other members, it was the -- you know, the cycle  
19 --

20 MR. GAST: Right.

21 WITNESS: -- which is basically two years, and naturally  
22 we're restricted to whatever the limitations are  
23 financially. So I would get involved in that,  
24 but I would not have any direct contact.

25 I will add that with Congressman

1 Petri, since he was our Congressman and we were  
2 his constituents, there was a -- we had an  
3 annual fundraiser for him that we sponsored, and  
4 this has been going on for many, many years. So  
5 we always made sure that we would be available  
6 to sponsor that, and we had those once a year.  
7 And, again, that's -- that's a matter of public  
8 record.

9 MR. GAST: Right.

10 WITNESS: We would have something locally for Congressman  
11 Petri. When we were in the -- you know, doing  
12 the ship business, there was occasional -- I  
13 would say maybe we would -- or I would talk to  
14 either his staff. Very infrequently I would  
15 talk to Mr. Petri, but basically his staff  
16 concerning the budget, you know, what the  
17 defense budget was going to be like and also  
18 transportation because I believe Mr. Petri is on  
19 T&I, and we would discuss that. That was  
20 limited maybe. I would say -- let's see.  
21 Hearings were usually around the springtime. So  
22 we would discuss there, and then maybe towards  
23 the end of the fiscal year. So maybe two or  
24 three times.  
25 But, again, I mean, this is involving

1 other members as well. I know you focusing on  
2 Petri, but this is -- these are members on both  
3 sides of the aisle.

4 MR. GAST: Sure, sure. How often would you make specific  
5 requests for action of Congressman Petri on  
6 behalf of the company?

7 WITNESS: You know, I can tell you of two occasions that  
8 we had requested, and it wasn't that we wanted  
9 him to either influence or do anything about it.  
10 But as a constituent, we were -- and,  
11 ironically, it was with the same agency. It was  
12 EPA.

13 It was either about eight or nine  
14 years ago. We had an issue with green gases,  
15 and when we make these large walk-in freezers,  
16 they're insulated with certain foam; and we use  
17 a refrigerant and a gas. And at the time EPA  
18 wanted everyone to go to this more  
19 environmentally friendly gas.

20 Well, we saw where EPA was going with  
21 that, and we decided to go ahead and make the  
22 investment and go green early. Well, what had  
23 happened was some of our other companies that  
24 were in the same business were not prepared to  
25 do that, and they had asked for kind -- not an

1 exemption but to defer the date when it was  
2 supposed to be effective. When we found that  
3 out, what that did is that put us from a  
4 competitive situation, since this gas was more  
5 expensive. It would -- it would affect our  
6 competitiveness on the market.

7 So we tried to contact EPA so  
8 that we can discuss, get our technical people  
9 with them, and we were not getting anywhere. So  
10 we made a request that -- through the staff, if  
11 they would be able to set up some sort of a  
12 meeting so that we can discuss our concern, and  
13 he was able to -- I should say the staff and he  
14 were able to get a hold of EPA and made the  
15 arrangements for us to sit down and -- and  
16 really kind of tell our side of the story. And  
17 that was the extent of that.

18 And then just recently, and recently  
19 is three years ago, we had an issue on our crane  
20 side with -- which had to do with the engines.

21 MR. GAST: Mm-hmm.

22 WITNESS: As you may know, we're going from Tier 3 to Tier  
23 4 engines, which are more restrictive. However,  
24 we were having an issue with the OEMs,  
25 basically, the engine makers. We had orders in

1 for certain products, yet we didn't have the  
2 engines. So you have to design the chassis  
3 around those engines, and this was all new  
4 technology.

5 And we were running out of the  
6 credits, and we -- we were constantly after EPA.  
7 There is a provision in the rule that we can get  
8 an exemption if -- provided -- if we came under  
9 certain things, and one of them was -- there was  
10 a financial exemption, meaning that it would  
11 have a great impact on the -- on the revenues of  
12 the company and also affect the human resources.  
13 Then there was another which had to do with  
14 technical.

15 We compared all of those. Time was  
16 getting short, and EPA was not responding.  
17 Again, we went back to the office just to  
18 request some consideration before this was going  
19 to happen because it was going to cost us quite  
20 a bit of money. We would actually have to stop  
21 production because we didn't have the engine,  
22 and if we kept using the Tier 3 engines, we  
23 couldn't sell them here in the United States or  
24 wherever -- you know, here in the United States.

25 So, again, I believe the staff



1 prepared a letter that went to EPA asking that  
2 they sit down, and then there -- there was other  
3 -- there was some other particulars to that too.  
4 EPA had told us that we had a certain amount of  
5 time, and then that time changed, and it looked  
6 it they weren't even going to consider it.

7 So all wanted to do was to have a  
8 meeting, and, again, have a face-to-face.  
9 Actually, we didn't have a meeting, we had a  
10 conference call --

11 MR. GAST: Okay.

12 WITNESS: -- with EPA, and, actually, they're still --  
13 they're still considering. There was some rule  
14 changes made, and I don't think it had anything  
15 to do with us. But it turned out that we did  
16 have some credits. We did have some time, and  
17 then with the rule change that the EPA had made,  
18 we were able to get a little more time, get the  
19 OEMs to get their -- their engines to us.

20 And those are the only two occasions  
21 that I can honestly recall that we asked, and it  
22 was, again, not -- not for any type of  
23 influence. But we just wanted to have a meeting  
24 or a conference call with them.

25 MR. GAST: Okay. I think some of those -- some of the

1 documents that the company provided us reflect  
2 those couple of instances. I just want to ask  
3 you a couple questions about both of them.

4 WITNESS: Sure.

5 MR. GAST: On the first one, do you recall who you worked  
6 with in Representative Petri's office. This  
7 would have been --

8 WITNESS: Oh, yeah.

9 MR. GAST: -- the EPA --

10 WITNESS: Boy, that's a long time ago. I can't -- you  
11 know, it was one LAs.

12 MR. GAST: Could it have been Lindsay Bowers? Does that  
13 sound familiar?

14 WITNESS: Which name?

15 MR. GAST: Lindsay Bowers?

16 WITNESS: You know, what -- yeah. Lindsay does sound  
17 familiar. I believe she helped us. Yeah.

18 Lindsay, I think she -- I think that was her.

19 Yeah. I remember her asking me, you know, what

20 some of the facts were. We actually had a

21 meeting with her. I flew in the president of

22 the -- of the -- actually, not the president but

23 the technical guy because I'm not an engineer --

24 to explain some of the technicalities behind it.

25 But, again, the issue was not so much

1 the rule, but the issue was the fact that we had  
2 this friendly gas that we were paying a  
3 phenomenal amount, and then, you know, they were  
4 -- they were going to go ahead and postpone  
5 that.

6 MR. GAST: Right.

7 WITNESS: We could have done the same thing.

8 MR. GAST: Did you work at all with the Congressman's Chief  
9 of Staff, Debra Gebhardt?

10 WITNESS: Oh, I've talked to Debbie. Well, I know Debbie  
11 very well.

12 MR. GAST: Okay.

13 WITNESS: Debbie basically just kind of set it up. If I  
14 couldn't get a hold of a particular LA, I would  
15 give Debbie a call, but Debbie was never there  
16 for any of the meetings or -- you know, Debbie  
17 was basically the office manager.

18 MR. GAST: Right.

19 WITNESS: She took care -- if I needed to get a hold of  
20 somebody, she would have them call me back, and  
21 that was it.

22 MR. GAST: Did you ever have any interactions with  
23 Representative Petri himself about that issue?

24 WITNESS: You know, I believe he was in the office when we  
25 -- he had come out, and, I believe, you know, he

1 listened to what our story was and basically  
2 said something to the effect of, you know,  
3 Lindsay is very good with. She was like, I  
4 believe, the environmental -- that was her  
5 issues, and that she would take care of us, if I  
6 recall that.

7 MR. GAST: Okay.

8 WITNESS: Mr. Petri was always a gentleman. Whoever was  
9 out there waiting and stuff, he would stick his  
10 head out and say hello and things of that  
11 nature. He was a nice person.

12 MR. GAST: Okay. And you said then that the actual  
13 assistance that the Petri staff provided was  
14 working with EPA and possibly OMB?

15 WITNESS: Yeah, yeah. Exactly. What had happened was  
16 they set up a meeting for us, and we sat down.  
17 We brought in the engineers, and there was no  
18 guarantees. We were just going to get kind of  
19 our day in court.

20 MR. GAST: Sure.

21 WITNESS: And we went through -- they talked all about,  
22 you know, our R35 and 25, you know. Apparently,  
23 EPA -- and OMB was -- I guess OMB was there  
24 because it's a budgetary issue.

25 MR. GAST: Mm-hmm.

1 WITNESS: And also they were representing the white house  
2 in some respect about this rule --

3 MR. GAST: Okay.

4 WITNESS: -- whether or not it should make this  
5 change. But the whole sense of it is that  
6 we wanted them to know that, as a company, we  
7 made the change based on the fact that the EPA  
8 was going to go in that direction. We want to  
9 be ahead of the game, but we also told them that  
10 it was not that expensive, as many of our other  
11 companies are, you know, competing said it  
12 would. And we showed them. We had factual  
13 information to show them, and that was the  
14 extent of it.

15 MR. GAST: And you said you were ultimately successful in  
16 convincing EPA of your position?

17 WITNESS: Well, I -- no. I didn't say that, but what  
18 happened was we left the meeting; and later on  
19 there was some sort of a -- just a very minor  
20 change about the fact that the others, they  
21 didn't change anything. They did say that  
22 people that did have the gases weren't going to  
23 have them at this particular point, as opposed  
24 to pushing it down the road a little more.

25 So it was kind of a compromise between

1 the two.

2 MR. GAST: Okay.

3 WITNESS: Yeah. It wasn't going to be as long as it would  
4 have been. I think if -- if we didn't get to  
5 say our say, it would have been -- we would have  
6 been buying that product, and we would have been  
7 noncompetitive for a couple years, something  
8 like that.

9 But they never made any promises at  
10 that meeting. They never said anything, and  
11 basically took our information. And, really, we  
12 didn't find out for -- well, we didn't know. I  
13 mean, we didn't find out for -- I think it was  
14 eight or nine months later --

15 MR. GAST: Okay.

16 WITNESS: -- the change was made. Yeah.

17 MR. MORGAN: How did you find out? This is Bryson Morgan  
18 here. How did you find out what the outcome  
19 was? Was that relayed to you by Congressman  
20 Petri's office, or did you find out through  
21 other means?

22 WITNESS: No. I found out through the segment, you know,  
23 the ice people.

24 MR. GAST: And how did they find out? Were --

25 WITNESS: I don't --

1 MR. GAST: Okay.

2 WITNESS: I don't know. You know, again, you may or may  
3 not know, a lot of times, you know, my job is to  
4 provide some sort of access or provide some sort  
5 of, you know, place where people can -- you  
6 know, just like, you know, when I took people up  
7 to the hill, they would -- we would come up with  
8 talking points. But I very rarely followed up  
9 unless they followed up with me.

10 MR. GAST: Okay.

11 WITNESS: So I was out of the picture. Basically, I did  
12 my job.

13 MR. GAST: Okay. Shifting to that second occasion that you  
14 discussed with the diesel engines for the cranes  
15 --

16 WITNESS: Yes.

17 MR. GAST: -- do you recall who you worked with in  
18 Representative Petri's office on that issue?

19 WITNESS: I believe his first name is Jason.

20 MR. GAST: Could it have been Kevin James?

21 WITNESS: Or is it Patrick? I'm sorry. Say that again.

22 MR. GAST: Kevin James?

23 WITNESS: Yeah, Kevin James. That's it. Yeah.

24 MR. GAST: Okay. Again, did you have any interaction with  
25 Representative Petri on this particular issue?

1 WITNESS: Not on this one. No. Not at all.

2 MR. GAST: Okay. And the specific help that you were  
3 seeking was getting some kind of access to EPA,  
4 which turned out to be a conference call; is  
5 that correct?

6 WITNESS: Yeah. I mean, here's exactly what was  
7 happening. We were running out of time because  
8 you had time limits with these.

9 MR. GAST: Mm-hmm.

10 WITNESS: And we tried everything. I mean, we kept  
11 calling them. We had a -- we had a contact.

12 And I'll tell you, it didn't start with us, it  
13 actually started with the National Association  
14 of Manufacturers. They had made a  
15 recommendation, and they have their contacts as  
16 well because this was not just a Manitowoc  
17 issue. This was industry wide because many of  
18 these off-road cranes needed their Tier 4  
19 engines.

20 MR. GAST: Right.

21 WITNESS: So it kind of was in unison with that. So the  
22 recommendation was made that -- and  
23 interestingly enough, when we did this, even EPA  
24 suggested that we get some congressional help on  
25 this, almost as if it were saying that, you



1 know, that would -- that would be good because  
2 it would put a little more focus or light in how  
3 important this issue was. So even EPA was  
4 recommending. So that's when I went to Kevin --  
5 MR. GAST: Mm-hmm.

6 WITNESS: -- and I gave him the facts over the phone. He  
7 took them down, and I believe that they sent  
8 them a letter. And the letter basically said  
9 what I had told him. We had this -- we were  
10 under the impression that we had this time to  
11 submit all this for a -- originally it was a  
12 technical exemption because of the fact that the  
13 OEMs were not ready. They did not have --  
14 there's a provision in that ruling, in that  
15 federal regulation that said, you know, need be.  
16 So we were writing the second version of War and  
17 Peace, the technical guys were --

18 MR. GAST: Right.

19 WITNESS: -- in submitting this, and they kept coming back  
20 and telling us to revise this, that and -- and  
21 we weren't getting anywhere. We were spinning  
22 our wheels.

23 MR. GAST: Right. WITNESS: So, you know, after talking  
24 with NAM, and then there was a -- and I can't remember  
25 the name. They gave me a name in EPA in Washington

1 that I called. They said that you may want to  
2 get your representative involved in this, and I  
3 did. So they wrote a letter, and I think the  
4 last line was something to the effect that it  
5 would be -- you know, please -- you know,  
6 whatever you can do, please try to get together  
7 with them.

8 And we did -- I believe there was a  
9 conference call. We discussed it. There was --  
10 all we could do was tell them -- and then that's  
11 when they recommended to us that we go with a  
12 financial hardship, which we were very skeptical  
13 about doing because you're basically ripping up  
14 your financial Pomona to the agency, and even  
15 though they assure you that, you know, the  
16 Freedom of Information Act protects us and we  
17 can -- you know, we were still afraid to do  
18 that. But that was our only resort, and that's  
19 what we ended up doing is we ended up giving  
20 them the financial exemption.

21 MR. GAST: Okay. During this second occasion, were you  
22 aware that Representative Petri owned stock in  
23 the company?

24 WITNESS: You know, I knew he owned -- I knew he owned  
25 stock in the company.

1 MR. GAST: How did you become aware of that?

2 WITNESS: I think somebody mentioned it to me a while ago.

3 I mean, it wasn't -- it wasn't a secret.

4 MR. GAST: Do you remember --

5 WITNESS: He had -- you know, and, of course, there's

6 always kind of turning heads and stuff, but that

7 never came up. I mean, but I can't tell you

8 when I knew that. I mean, just about everybody

9 in Manitowoc owns Manitowoc stock.

10 MR. GAST: Sure. Do you recall where you would have heard

11 that? Who would have told you that?

12 WITNESS: Let me think. No. I can't pin it down. It

13 might have been passing by, you know. I know

14 it wasn't any of our office here or -- I didn't

15 -- I just know.

16 MR. GAST: Right.

17 WITNESS: I mean, it wasn't through our folks, and we've

18 never ever discussed that. I mean, I can

19 honestly tell you. We've never mentioned

20 anything about Mr. Petri owning stock. Like I

21 said, Manitowoc is a small community, and we

22 just had our shareholders meeting and just about

23 the whole town turns out to sit at this meeting.

24 (Inaudible)

25 MR. GAST: Have you ever had any discussions with

1 Representative Petri about his stock?

2 WITNESS: Never, never. And I would have never done that

3 because that would have been inappropriate.

4 MR. GAST: Ever have general discussions about the --

5 WITNESS: Never.

6 MR. GAST: -- companies performance or --

7 WITNESS: No.

8 MR. GAST: -- or the stock price, or how things were going?

9 WITNESS: I've never. I didn't want to put myself in that

10 position, and I didn't want to put him in that

11 position. That was never a discussion.

12 MR. GAST: Ever discuss the stock ownership?

13 WITNESS: The other thing too, I mean, I might add is

14 that, you know, again, I heard this a long time

15 ago. It could have been true. It could have

16 been not true. I don't know.

17 MR. GAST: Mm-hmm. Ever discuss the stock ownership with

18 his staff, his Congressional staff?

19 WITNESS: No, no.

20 MR. GAST: So were there any discussions about the

21 potential need to disclose his stock ownership

22 when he was reaching out on behalf of the

23 company? Did that ever come up?

24 WITNESS: No.

25 MR. GAST: Any --

1 WITNESS: I didn't even think of that.

2 MR. GAST: Anybody on his staff raise the potential about  
3 going to the ethics committee for guidance about  
4 how to -- how to provide assistance to the  
5 company?

6 WITNESS: No. I wouldn't even think why they would  
7 discuss that with me in the first place.

8 MR. GAST: Okay. Let me ask you about another project.  
9 Back in the fall of 2007, Representative Petri  
10 sponsored a project in the Water Resources  
11 Development Act I believe it was to provide some  
12 funding to deepen the navigable channel of  
13 Manitowoc Harbor. Does that sound familiar at  
14 all? Do you -- are you familiar with that --

15 WITNESS: No.

16 MR. GAST: -- that funding?

17 WITNESS: No. That -- no. That doesn't sound familiar to  
18 me at all.

19 MR. GAST: Would --

20 WITNESS: Now, again, most of my issues were based or out  
21 in Washington.

22 MR. GAST: Mm-hmm.

23 WITNESS: I very rarely got involved with what was going  
24 back in the district.

25 MR. GAST: Okay. Do you know, would deepening the harbor

1 have had any impact on the company, on the  
2 business?

3 WITNESS: No. Not at all.

4 MR. GAST: Okay.

5 WITNESS: We're most -- we're on a construction site. You  
6 know, we thought years ago about getting -- you  
7 know, putting things on the -- you know what  
8 they do? And, again, this is up to the owners  
9 of the cranes. A lot of times they use our  
10 cranes, they put them on barges, and they bolt  
11 them down. And that's -- you know, they use  
12 them for that kind of thing. But, no, that  
13 wouldn't have affected us at all.

14 MR. GAST: So that wouldn't have helped shipping the cranes  
15 out or anything?

16 WITNESS: Oh, no, no, no.

17 MR. GAST: Okay.

18 WITNESS: You know, just to tell you about the crane  
19 industry, most of the sales -- actually, I would  
20 say 90 percent of our sales are to the folks  
21 that rent the cranes out to projects. So we're  
22 not really interested.

23 When we do our forecasts for cranes,  
24 we look at capacity issues, inventories. So  
25 even in a bad year, you know, where construction

1 is done, if a renter is low on inventory,  
2 they're going to buy cranes.

3 MR. GAST: Mm-hmm.

4 WITNESS: So that would be -- you know, it's almost  
5 counterintuitive, but, you know, it's -- we look  
6 at inventory. We look at capacity, what's going  
7 on, and they're the ones who set up all the  
8 projects; and that's what they base their --  
9 their buys on and their acquisitions.

10 MR. GAST: Okay. Just a couple more questions for you.  
11 Did the company ever seek Representative Petri's  
12 assistance with request for funding or  
13 appropriations requests?

14 WITNESS: Never. We never did that. As a matter of fact,  
15 because he was in -- now, I can be quite honest,  
16 you know. We have other members of Congress  
17 that we talk to as well.

18 MR. GAST: Okay. And what about beyond the couple of  
19 things we've talked about already, were there  
20 any other times where the company sought  
21 assistance from the Congressman or his office  
22 that come to mind?

23 WITNESS: You know, we very rarely -- and I -- you know, I  
24 think that's what many members of Congress like  
25 about Manitowoc. I mean, we -- we're -- how

1 would you say, pragmatic. We support people  
2 that we want to see in Congress, and we ask for  
3 very -- we ask for very little.

4 MR. GAST: So no --

5 WITNESS: It's almost as a last resort, and I say this  
6 tongue in cheek too. I mean, it's a lot of work  
7 for me, I mean, for one guy to get around to do  
8 that, you know. It really truly is a -- you  
9 know, we're a big company, but we still -- we're  
10 still like, you know, a small little company;  
11 and we take a lot of pride in ethics. We take a  
12 lot of pride with our integrity. I mean, it's  
13 part of our -- I would say it's part of our DNA.

14 MR. GAST: Yeah.

15 WITNESS: We don't ask a lot of favors.

16 MR. GAST: I think those are all the questions we have for  
17 you. Is there anything else that you think  
18 would be helpful for us to know?

19 WITNESS: I can't think of anything, but, you know,  
20 clearly -- you know, I understand what you folks  
21 are doing, but Manitowoc has always had a  
22 reputation of being above board. If you need  
23 anything else from us, please, don't hesitate to  
24 call. I just apologize that I couldn't be there  
25 in person. I would rather be there in person so



1 that we can meet each other, and if you need to,  
2 that's fine too. I'll look at the schedule,  
3 but, you know, we're here to assist you in any  
4 way we can.

5 MR. GAST: Well, we appreciate that, and we appreciate your  
6 time. Thank you for answering our questions.

7 WITNESS: You bet. And you have a nice day now.

8 MR. GAST: You too. Thank you.

9 MR. MORGAN: You too. Thanks.

10 END OF INTERVIEW

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

ERRATA SHEET

Page	Line	Correction	Reason
3	8	"DOVETAIL" vice "DUCKTAIL"	INCORRECT WORD
3	18	"built" vice "build"	" "
5	21	"INDIA"	INAUDIBLE
11	4	"immigration" vice "good relation"	INCORRECT WORDS
12	18	"PAC" vice "pack"	INCORRECT WORDS
18	16	add "left" after "credits."	
25	18	"this" vice "their"	
26	14	"the code of" after "in"	strike "that"
27	13	"open up" vice "ripping up"	
27	14	"KAMOND" vice "POMONZ"	
28	24	"to hear about MANITOWOC."	

This errata sheet is submitted subject to 18 U.S.C. § 1001 (commonly known as the False Statements Act).

Witness Name:



Witness Signature:

Date:

6/17/2014



# **EXHIBIT 39**

## **Gebhardt, Debbie**

---

**From:** Bowers, Lindsay  
**Sent:** Monday, January 08, 2007 2:03 PM  
**To:** Gebhardt, Debbie  
**Subject:** Manitowoc Company

**Importance:** High

Do you have time to discuss this issue today? After website meeting? I just spoke to someone at EPA and their perspective differs from Al Bernard's. (meaning possibly bad from Manitowoc Company) But we also have to think about the boating industry.

I think if we are going to help Manitowoc Company it needs to happen soon. I am waiting to give Al this info tell I talk to you.

**Lindsay A. Bowers**  
**Legislative Assistant**  
**Congressman Thomas E. Petri**  
**6th District, Wisconsin**  
**202.225.████**  
**202.225.2356-fax**

**From:** Gebhardt, Debbie  
**Sent:** Tuesday, January 16, 2007 02:19:48 PM  
**To:** Bowers, Lindsay  
**Subject:** RE: Manitowoc

ok

---

**From:** Bowers, Lindsay  
**Sent:** Tuesday, January 16, 2007 1:49 PM  
**To:** Gebhardt, Debbie  
**Subject:** Manitowoc

Just spoke to someone at OMB, it appears that I will just be able to schedule something over the phone. Then I will just go over to OMB with AI and whoever else attends from Manitowoc.

So is it okay to set-up? I'm waiting to hear back from AI.

**Lindsay A. Bowers**  
**Legislative Assistant**  
**Congressman Thomas E. Petri**  
**6th District, Wisconsin**  
**202.225.████**  
**202.225.2356-fax**

**Gebhardt, Debbie**

---

**From:** Bowers, Lindsay  
**Sent:** Wednesday, January 31, 2007 10:32 AM  
**To:** Gebhardt, Debbie  
**Subject:** Manitowoc Company

fyi

We are meeting with OMB at 2:00p.m on Monday, February 12th. The meeting will be in either the new or old Executive building. I will attend the meeting, just wanted to give you a heads up in case you are interested in attending as well. If so, I need security info from you.

**Lindsay A. Bowers**  
**Legislative Assistant**  
**Congressman Thomas E. Petri**  
**6th District, Wisconsin**  
**202.225.████**  
**202.225.2356-fax**

**From:** Bernard, Al [REDACTED]@manitowoc.com]  
**Sent:** Wednesday, February 14, 2007 01:32:57 PM  
**To:** Gebhardt, Debbie  
**Subject:** Snap Ruling

Debbie,

I just wanted to pass on to you how appreciative we are at Manitowoc for the support we received from Congressman Petri.

As you may know, the meeting with OMB went very well. We got the impression that this meeting has really given the impetus for the ruling to be passed shortly – and we think it will be favorable. This could not have been done without the Congressman's assistance in getting our concerns across to EPA and OMB.

I also wanted to tell you how effective and helpful Lindsay was to our issue. Despite the fact that Lindsay just reported in and had to become familiar with an issue that was both complex and time critical (for us), she became an expert within a very short time, prepared the strategy and eventually coordinated the meeting with OMB. Her timing for the meeting could not have been more serendipitous. She orchestrated the entire engagement in a period that would be considered "light speed" in a town known for its slow bureaucratic process. Please pass our thanks to her for the hard work. Mr. Petri is certainly blessed with some of the best staff people I have come across in my time on Capitol Hill.

Finally, it takes leadership to run an outstanding staff and for that we are grateful to you.

You can count on us for any support we can provide you and the Congressman ... we are just a phone call away.

Best regards, Al

**Al J. Bernard**  
Senior Vice President, Washington Operations  
**The Manitowoc Company, Inc.**  
Tel: (202) 863-[REDACTED]  
Fax: (202) 863-3639  
[www.manitowoc.com](http://www.manitowoc.com)

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received this email in error, please notify the sender and delete this communication and all attachments.

# **EXHIBIT 40**

## James, Kevin

---

**From:** James, Kevin  
**Sent:** Tuesday, August 06, 2013 5:00 PM  
**To:** 'Bernard, Al J'  
**Subject:** RE: TPEM for Manitowoc - correspondence

Thanks, Al. I'll get back to you as soon as I can.

Kevin

---

**From:** Bernard, Al J [redacted@manitowoc.com]  
**Sent:** Tuesday, August 06, 2013 3:43 PM  
**To:** James, Kevin  
**Subject:** RE: TPEM for Manitowoc - correspondence

Kevin,

Steve was wrong. Clear and basic.

That's why I wanted to pursue the fact that EPA misled us and we had the e-mail to prove that. When we had the meeting with the group that actually reviews the hardship application, they dropped the "bomb" on us.

I think they knew this before we had the meeting and brought the fact that they had a direct ruling change sent to OMB for review and approval. The team did not want to pursue my direct engagement for fear of some retribution ... which I found weak.

So to answer your question, we did not misinterpret our instructions or actions from EPA, and EPA did not misunderstand our intentions.

Best,

Al

---

**From:** James, Kevin [mailto:Kevin.James@mail.house.gov]  
**Sent:** Tuesday, August 06, 2013 3:16 PM  
**To:** Bernard, Al J  
**Subject:** RE: TPEM for Manitowoc - correspondence

Al,

I was reading through old emails on this subject. See the highlighted portion below. Can you clarify- did it turn out that the type of request Manitowoc was seeking was different from what Steve referenced below and that's why the two-year limitation came into effect? He says "the normal submission time-frame for a Technical or Engineering Hardship request found at 40 CFR 1039.625(m) is approximately 90 to 120 days before the date of engine delivery is required." Ultimately, was it another type of technical hardship request, or some particular circumstance, that triggered the requirement that you had to apply two years ahead of time?

Kevin



---

**From:** Bernard, Al J [redacted@manitowoc.com]  
**Sent:** Thursday, November 15, 2012 6:00 PM  
**To:** James, Kevin  
**Subject:** Fw: TPEM for Manitowoc - correspondence

Kevin:

For your files. We will follow-up with you later this year. This exemption will literally prevent Manitowoc from losing roughly \$500M in revenue and laying off workers!

Thank you.

Al

---

**From:** Schiller, Ingo P  
**Sent:** Thursday, November 15, 2012 04:44 AM  
**To:** Bernard, Al J  
**Subject:** TPEM for Manitowoc - correspondence

Here is the correspondence that I received from Steve DeBord at the EPA regarding our discussion and review of the hardship exemption request.

**From:** Steven DeBord [redacted@epamail.epa.gov]  
**Sent:** Tuesday, October 16, 2012 1:49 PM  
**To:** Herbert, Michael A  
**Cc:** Josh Lewis; Justin Greuel  
**Subject:** RE: Call to discuss TPEM for Manitowoc

Hi Mike,

All is well here, I hope the same on your end.

Here is a copy of our response to our USEPA/Office of Congressional and Intergovernmental Relations:

Re: Manitowoc Technical or Engineering Hardship request (40 CFR 1039.625(m))

Josh,

Per our phone conversation yesterday, please find the update on our review of Manitowoc's hardship request.

As we discussed, the normal submission time-frame for a Technical or Engineering Hardship request found at 40 CFR 1039.625(m) is approximately 90 to 120 days before the date of engine delivery is required. Manitowoc has stated they will require a decision approximately 90 business days before engine delivery date. Manitowoc is being very proactive in their request dated almost a full year in advance as they anticipate that they'll need hardship relief starting in 2014. This early submission is helpful in the aspect of giving EPA extra time in preparing the package and gathering data, however, this early submission will require that we wait for up-to-date current year data before issuing any final approval.

We have reviewed the hardship request and have had several phone calls and email correspondence in the past several weeks. Justin and I spoke with the company by phone on October 3, 2012. We've indicated to the manufacturer that we will not be making a decision on their request until Q3 2013. It is our policy to review/monitor developments with the engine

manufacturer's ability to supply compliant engines and the equipment manufacturer's ability to redesign equipment to ensure that the need for hardship materializes and that we have the most accurate information to appropriately respond to the request.

I intend to check in with Manitowoc periodically to continue to gather necessary information and update the request package as we get closer to Q3 2013.

Thanks,

Steve

At this time we do not anticipate any difficulties in your application for Hardship Exemption. I think we should establish quarterly calls as we get closer and then accelerate to monthly if necessary. I think we should set up another call in the second week of November and involve your management if that is helpful.

Thanks,  
Steven D. DeBord  
U.S. Environmental Protection Agency  
Transportation and Air Quality  
Compliance Division, Diesel Engine Compliance Center  
Mail Code 6403J  
1310 L Street, N.W.  
Washington, DC 20005  
202.343. [REDACTED]

▼ "Herbert, Michael A" ---10/15/2012 10:56:57 PM---Hi Steve,

From: "Herbert, Michael A" <[REDACTED]@manitowoc.com>  
To: Steven DeBord/DC/USEPA/US@EPA  
Date: 10/15/2012 10:56 PM  
Subject: RE: Call to discuss TPEM for Manitowoc

---

Hi Steve,

I hope all is well with you. I haven't heard from you since we had our call last week. Will you be able to send me an email summarizing our tele-conference and the status of our hardship exemption? I would like to at least communicate the status of our application in "your words" to my management so we can plan our production requirements.

Look forward to hearing from you.

Thanks,  
Mike

**Michael A. Herbert, P.E.**  
Director, Product Planning and Marketing  
Manitowoc Cranes - North America  
T 717.593. [REDACTED] | M 717.816.3255  
*Integrity, Commitment to Stakeholders, and Passion for Excellence.*

# **EXHIBIT 41**

**From:** Bernard, Al J [REDACTED]@manitowoc.com]  
**Sent:** Thursday, November 15, 2012 06:00:53 PM  
**To:** Gebhardt, Debbie  
**Subject:** Re: Tier IV Engines -- Hardship Request

**This message has been archived. [View the original item](#)**

Couldn't have happen w/o Mr. Petri's staff.

From: Gebhardt, Debbie [mailto:Debbie.Gebhardt@mail.house.gov]  
Sent: Thursday, November 15, 2012 04:58 PM  
To: Bernard, Al J; James, Kevin <Kevin.James@mail.house.gov>  
Subject: RE: Tier IV Engines -- Hardship Request

Glad it seems to have worked out!

From: Bernard, Al J [REDACTED]@manitowoc.com]  
Sent: Thursday, November 15, 2012 5:52 PM  
To: James, Kevin  
Cc: Gebhardt, Debbie  
Subject: Re: Tier IV Engines -- Hardship Request

Kevin,  
We kept "hounding" them for some documentation that they would consider us for exemption at the appropriate time, and they did! I think it's unprecedented. I'll forward it to you under another e-mail. This is really the best possible result. Thank you for your help and we will keep you apprised.  
Best,  
Al

From: James, Kevin [mailto:Kevin.James@mail.house.gov]  
Sent: Thursday, November 15, 2012 04:12 PM  
To: Bernard, Al J  
Subject: RE: Tier IV Engines -- Hardship Request

Al,

I just want to follow up with you to see where things stand with the exemption. When we

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last spoke I think you guys were going to go back to the lower level EPA folks to see what you could get in writing regarding everything being "in order" with respect to your application.

Kevin

From: Bernard, Al J [REDACTED@manitowoc.com]  
Sent: Wednesday, September 19, 2012 9:07 AM  
To: James, Kevin  
Cc: Gebhardt, Debbie  
Subject: RE: Tier IV Engines -- Hardship Request

Hello Kevin,

I have attached the letters we wrote with the relevant materials for the exemption. My engineers have been communicating with Steven DeBord at EPA. DeBord has my guys rewriting the letter with no apparent action going forward. They trimmed a 22 page letter to 11 pages – which I think is too much. Then again, for techies, it may not be enough.

They are using 40 CFR 1039.625 as the basis for the exemption, however, I believe it may be 40 CFR 1068.255. Nevertheless, that's a clarification we need to determine. [I included both provisions for your edification .] We understand that some of our competitors have received the exemption which puts us at a competitive disadvantage. As I mentioned below, we tried using our membership with the National Association of Manufacturers to get some response, but NAM also reported to me this morning that they are getting no action as well. They told me that it possibly may be because of the departure of the head of the Transportation and Air Quality division, Margo Oge. Who knows.

A meeting of the minds to determine if we qualify is my recommendation to expedite the request. We are clearly being impacted from meeting customer demand and the reassigning of human resources to address this issue.

Any help and advice you can provide will be greatly appreciative.

Thank you.

PET-OCE-00007963

14-1891\_0471

Al

From: Gebhardt, Debbie [mailto:Debbie.Gebhardt@mail.house.gov]  
Sent: Wednesday, September 19, 2012 8:54 AM  
To: Bernard, Al J  
Cc: James, Kevin  
Subject: RE: Tier IV Engines -- Hardship Request

Al:

Kevin James on our staff handles EPA issues. I have cc'ed him on this email.

Debbie

From: Bernard, Al J [redacted@manitowoc.com]  
Sent: Wednesday, September 19, 2012 8:04 AM  
To: Gebhardt, Debbie  
Subject: Tier IV Engines -- Hardship Request

Good morning Debbie,

I need some help. I'm getting stonewalled by EPA on a very critical issue for Manitowoc. I even used one of our trade associations to intervene (NAM), and they are getting the same treatment. Who can I talk to on your staff that would assist me in getting an answer from the Agency?

Thank you.

Al

PET-OCE-00007964

14-1891\_0472

Al J. Bernard

Senior Vice President, Washington Operations

The Manitowoc Company Inc.

|O| 202-548-██████████ |M| ██████████

“Integrity, Commitment to Stakeholders, Passion for Excellence”

# **EXHIBIT 42**

## **TRANSCRIPT OF INTERVIEW OF ENVIRONMENTAL PROTECTION AGENCY OFFICE OF CONGRESSIONAL AND INTERGOVERNMENTAL RELATIONS OFFICIAL**



INTERVIEW OF [REDACTED]

Present:

Scott Gast, Investigative Counsel

Bryson Morgan, Investigative Counsel

[REDACTED]

Transcribed By:

Julie Thompson

1 MR. GAST: Alright. For the record, this is Scott Gast  
2 with Bryson Morgan of the Office of  
3 Congressional Ethics. It is about 3:15 on  
4 Tuesday, May 27, 2014. We're joined on the  
5 telephone by [REDACTED] from the Environmental  
6 Protection Agency, and we appreciate the time  
7 talking with us about a matter that is under  
8 review by our office.

9 As we mentioned before, you have  
10 information that could be helpful as we put  
11 together a factual record for this case, so,  
12 again, thank you for the time.

13 Just a quick couple of background  
14 questions. Can you give us your current title?

15 [REDACTED] (the "Witness"): Sure. Supervisory Program  
16 Analyst in the Office of Congressional and  
17 Intergovernmental Relations at EPA.

18 MR. GAST: Alright. Supervisory Program Analyst at the  
19 Office of Congressional and Intergovernmental  
20 Relations; is that right?

21 WITNESS: Yeah. In the office -- yeah. In the Office of  
22 Congressional and Intergovernmental Relations at  
23 EPA. That office is part of the Office of the  
24 Administrator.

25 MR. GAST: Okay. And how long have you been in that

1 position?

2 WITNESS: I've been in the office for 10 years, in this  
3 position for the past 6 or 7.

4 MR. GAST: Okay. I want to talk to you about your  
5 interactions with the Office of Representative  
6 Thomas Petri in the time period from the fall of  
7 2012 to approximately the fall of 2013 regarding  
8 an economic hardship exemption filed by the  
9 Manitowoc Company, Incorporated. Are you  
10 familiar with that -- that application for an  
11 exemption?

12 WITNESS: I'm familiar with the generality, but the  
13 application -- yeah -- related to a request I  
14 had gotten from Petri's office. Yes.

15 MR. GAST: And can you tell me about the request that you  
16 got; how this was brought to your attention  
17 initially?

18 WITNESS: Sure. And I sent a PDF with some emails that kind  
19 of talked through this, but I had been contacted by  
20 a staff person in Petri's office regarding the  
21 hardship request letter that they had submitted,  
22 the company had submitted to the correct, sort  
23 of technical experts at EPA. And to my  
24 recollection, Petri's office had followed up  
25 with our office to get a status update on that

1 request.

2 MR. GAST: Okay. And based on the information that you  
3 sent, it appears that would have been in  
4 September of 2012; is that correct?

5 WITNESS: Yeah. I believe the initial request came in, in  
6 September of 2012, and then I, as typical with  
7 these type of requests, I worked with our -- the  
8 correct technical folks within the agency here  
9 to get a status update to fulfill the request.  
10 So and that took, you know, into October, but  
11 the initial request did come in, in September.

12 MR. GAST: Okay. And in addition to -- or other than the  
13 request for a status update, did the staff  
14 member for Representative Petri ask for any  
15 other assistance or ask for any other action?

16 WITNESS: Not that I recall. You have the email that I  
17 have from the staff person. I -- there may have  
18 been a phone call or two, but I think they were  
19 very much related to the -- just to getting an  
20 answer on the status. It did not touch on other  
21 issues.

22 MR. GAST: Okay. And were you able to then get them an  
23 update on the status?

24 WITNESS: Yes. And that update is reflected in one of the  
25 emails. It's on page 4 of what I had sent. My

1 recollection is that I had gotten this in  
2 writing from one of our technical experts, and I  
3 had then called Petri's office to deliver this  
4 update over the phone and if they had any other  
5 questions.

6 MR. GAST: Okay. Any other contact with the office around  
7 this time, around this request?

8 WITNESS: Not that I recall. No.

9 MR. GAST: And in any of your conversations or contacts  
10 with Representative Petri's staff member, did  
11 the issue of Representative Petri's stock  
12 ownership in the company, in the Manitowoc  
13 Company come up?

14 WITNESS: Not that I recall.

15 MR. GAST: Were you ever informed by Representative Petri's  
16 staff that Representative Petri did own stock in the company?

17 WITNESS: Not that I recall.

18 MR. GAST: Would that have made a difference in how you  
19 handled the request?

20 WITNESS: It would not have. No. And it actually -- I  
21 think -- you know, I -- as I said, I've been  
22 doing this job for 10 years. I don't think I've  
23 ever had an instance where anything like that  
24 was the case, so I feel like it would have  
25 stuck out as something that is not common for a

1 staff person to share in a status update, you  
2 know, this type of status request. So, no, I  
3 don't recall that coming up or that it would  
4 have -- would have changed --

5 Well, I'm sorry. That part is sort of  
6 a hypothetical in that I've never had a  
7 situation like that. So it might set off some  
8 sort of flag in my mind, and I might actually  
9 consult with others here; and I did not do that  
10 in this case.

11 MR. GAST: Okay.

12 MR. MORGAN: How -- how often do you receive these types of  
13 requests from Congressional offices?

14 WITNESS: Pretty much daily. I mean, that's one of the  
15 main things we do, either through letters, or  
16 through emails, or phone calls. We get  
17 requests pretty much on a daily basis, either I  
18 or others on my team here for status updates on  
19 requests like this or on our Standard Renewable  
20 Fuels program, where people are trying to get  
21 applications approved. So these are not  
22 uncommon requests.

23 MR. GAST: And did anything about the request through  
24 Representative Petri's office strike you as  
25 different or unusual?

1 WITNESS: No, no. And this was one that I think I  
2 actually -- you know, and it was clear I think  
3 in what I had sent to you that the -- the  
4 company had actually been in very close contact  
5 with our technical staff as well. And when  
6 that's the case, I tend to -- that's the more  
7 appropriate way for these things to play out.  
8 And so I think the -- we tend to not have to get  
9 into as much detail with the Congressional  
10 staffers because we can assure them that the  
11 company is working directly with the technical  
12 experts at EPA.

13 MR. GAST: Okay.

14 WITNESS: As I think I indicated on the phone the other  
15 day, the -- the update that I provided to  
16 Petri's staff person was pretty much identical  
17 to what our technical staff provided directly to  
18 the company.

19 MR. GAST: Okay. Did there come a point then, after you  
20 provided that status update, that you had  
21 further contact with Representative Petri's  
22 office?

23 WITNESS: Not that I recall. And, again, looking back at  
24 the emails, it appears the staffer and I  
25 exchanged an email or two where we attempted to

1 connect to talk through the status updates, and  
2 I think we did that. And I have no recollection  
3 or no record of other emails, you know, after  
4 the October exchange of emails, and then we did,  
5 in fact, then jump ahead to -- when was it --  
6 August of 2013 is when we actually got a letter  
7 that originally came in to our office, our  
8 regional administrator in Region 5. But -- but  
9 in terms of the back and forth in the September  
10 and October time frame of 2012, that was all I  
11 recall.

12 MR. GAST: Okay. And then no further contact between that  
13 point and then this letter from August of 2013?

14 WITNESS: Yeah. Nothing I recall.

15 MR. GAST: And how did you get involved with this letter to  
16 the regional administrator?

17 WITNESS: I don't actually remember. We have a  
18 correspondence management system, and so the  
19 letter was in that system. It had come in to  
20 our Region 5 office. I think they had taken a  
21 look at it, and then realized it was something  
22 that should be -- that was more appropriate for  
23 response from EPA headquarters. And so they had  
24 forwarded the letter on to EPA headquarters, and  
25 then that response worked its way through a



1 drafting and then approval process, culminating  
2 in the response going in February of 2014.

3 So I first started seeing drafts of  
4 the response in say early February of this year.

5 MR. GAST: Okay. Who would have been in charge of  
6 preparing the response to this letter from  
7 Congressman Petri?

8 WITNESS: The initial -- the substance of the response  
9 would have been originally drafted by the staff  
10 experts in the Office of Transportation and Air  
11 Quality, the same ones who had provided the  
12 status update to me --

13 MR. GAST: Okay.

14 WITNESS: -- in 2012.

15 MR. GAST: And did you, as Congressional Affairs, have a  
16 role in reviewing or approving the letter, the  
17 response before it was sent?

18 WITNESS: Yeah. So -- yeah. As with all Congressional  
19 letters, it works its way up through the --  
20 where it's sort of an Air-specific response, and  
21 that's the case here. By Air, I mean from the  
22 office of Air and Radiation.

23 MR. GAST: Okay.

24 WITNESS: The -- it's typical for the assistant  
25 administrator for that office or the acting

1 assistant administrator in this case to be the  
2 one who does the final review from that office  
3 and ultimately signs it. And then that letter  
4 works its way to the Office of Congressional and  
5 Intergovernmental Relations for final review,  
6 final processing, and sending it out.

7 And so that was the case here as well,  
8 and so I saw it after it had been reviewed and  
9 signed by -- by Janet McCabe, who is the head of  
10 that office, the acting head.

11 And as is often common with these  
12 letters, there was, I recall, some back and  
13 forth where we did some updating of the letter,  
14 not so much on the substance but just to make  
15 sure it was accurate and up to date. And so  
16 there may have been, you know, a pass back or  
17 two between our office and the Office of Air and  
18 Radiation, but that's not uncommon for these  
19 types of letters.

20 MR. GAST: Okay. Since receiving the letter until the time  
21 that EPA responded, did you have any contact  
22 with Representative Petri's office by email,  
23 telephone call, meeting, anything like that?

24 WITNESS: Not that I recall. And as I said, the letter  
25 actually came into our Region 5 office, so the -

1 - they may have sent it directly to them, or  
2 they may have put a hardcopy in the mail. I  
3 don't know exactly how that went down, but, no,  
4 I did not. I did not have any contact with the  
5 office.

6 MR. GAST: If Congressman Petri's staff had reached out to  
7 the Region 5 office, would you have been made  
8 aware of those contacts?

9 WITNESS: Not in all cases. No. It's -- sometimes that's  
10 a courtesy, or if a staff person in the regional  
11 office happens to know that there's an issue,  
12 either I or someone in the headquarters office  
13 has been following, they might just let us know  
14 on our regularly scheduled weekly calls or  
15 through email. But in this case I don't recall  
16 them reaching out and saying anything about a  
17 contact.

18 MR. GAST: And do you recall hearing from any other  
19 individual or office in the EPA who had any  
20 contact with Representative Petri's office on  
21 this issue?

22 WITNESS: On this issue, no, not that I recall.

23 MR. GAST: Okay. And do you recall being told or being --  
24 or learning at any point during the time you  
25 received the letter to providing a response that

1 Representative Petri was an owner of stock in  
2 the Manitowoc Company?

3 WITNESS: No. I don't recall anyone ever saying anything  
4 about that.

5 MR. GAST: Okay. And are you aware of any instance where  
6 Congressman Petri's office disclosed that fact  
7 to EPA, to Region 5, or any other entity or  
8 office?

9 WITNESS: Not that I'm aware of. No.

10 MR. GAST: Okay. I believe those may be all the questions  
11 we have for you.

12 WITNESS: Okay.

13 MR. GAST: Bryson, do you have any questions?

14 MR. MORGAN: No. That's it.

15 MR. GAST: Alright. Again, we appreciate the time and the  
16 information, and thank you for speaking to us  
17 today.

18 WITNESS: Okay. Thank you.

19 MR. GAST: Alright. Thanks, [REDACTED].

20 WITNESS: Okay. Alrighty. Bye-bye.

21 MR. GAST: Bye.

22 END OF INTERVIEW

23

24

25

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6:1 7:16 11:10	<b>regarding</b> 3:7,20	<b>staff</b> 3:20 4:13,17	<b>title</b> 2:14	<hr/> <b>0</b> <hr/>
<b>petri</b> 3:6 4:14 5:16	<b>region</b> 8:8,20 10:25	5:10,16 6:1 7:5,16	<b>today</b> 12:17	<hr/> <b>1</b> <hr/>
9:7 12:1	11:7 12:7	7:17 9:9 11:6,10	<b>told</b> 11:23	<b>10</b> 3:2 5:22
<b>petris</b> 3:14,20,24	<b>regional</b> 8:8,16	<b>staffer</b> 7:24	<b>touch</b> 4:20	<b>15</b> 2:3
5:3,10,11,15 6:24	11:10	<b>staffers</b> 7:10	<b>transcribed</b> 1:15	<hr/> <b>2</b> <hr/>
7:16,21 10:22	<b>regularly</b> 11:14	<b>standard</b> 6:19	<b>transportation</b>	<b>2012</b> 3:7 4:4,6 8:10
11:6,20 12:6	<b>related</b> 3:13 4:19	<b>started</b> 9:3	9:10	9:14
<b>phone</b> 4:18 5:4	<b>relations</b> 2:17,20	<b>status</b> 3:25 4:9,13	<b>trying</b> 6:20	<b>2013</b> 3:7 8:6,13
6:16 7:14	2:22 10:5	4:20,23 6:1,2,18	<b>tuesday</b> 2:4	<b>2014</b> 2:4 9:2
<b>play</b> 7:7	<b>remember</b> 8:17	7:20 8:1 9:12	<b>two</b> 4:18 7:25 10:17	<b>27</b> 2:4
<b>point</b> 7:19 8:13	<b>renewable</b> 6:19	<b>stock</b> 5:11,16 12:1	<b>type</b> 4:7 6:2	<hr/> <b>3</b> <hr/>
11:24	<b>representative</b> 3:5	<b>strike</b> 6:24	<b>types</b> 6:12 10:19	
<b>position</b> 3:1,3	4:14 5:10,11,15	<b>stuck</b> 5:25	<b>typical</b> 4:6 9:24	
<b>preparing</b> 9:6	5:16 6:24 7:21	<b>submitted</b> 3:21,22	<hr/> <b>U</b> <hr/>	
<b>present</b> 1:8	10:22 11:20 12:1	<b>substance</b> 9:8	<b>ultimately</b> 10:3	
<b>pretty</b> 6:14,17 7:16	<b>request</b> 3:13,15,21	10:14	<b>uncommon</b> 6:22	
<b>process</b> 9:1	4:1,5,9,11,13 5:7	<b>supervisory</b> 2:15	10:18	

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CONFIDENTIAL

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

ERRATA SHEET

Page	Line	Correction	Reason
3	12	"I'm familiar with the issue generally..."	Transcription error
6	19-20	"... on our Renewable Fuels Standard program..."	Transcription error

This errata sheet is submitted subject to 18 U.S.C. § 1001 (commonly known as the False Statements Act).

Witness Name: \_\_\_\_\_  
Witness Signature: \_\_\_\_\_  
Date: ✓ 6/20/14 \_\_\_\_\_



# **EXHIBIT 43**



RE: FW: Tier IV Engines -- Hardship Request (Manitowoc Co.)

James, Kevin

to:

Josh Lewis

10/15/2012 10:04 AM

Hide Details

From: "James, Kevin" <Kevin.James@mail.house.gov>

To: Josh Lewis/DC/USEPA/US@EPA

1 Attachment



image001.gif

Hey Josh,

Give me a call when you have a second. I spoke to Manitowoc again and can give you an update. My direct is 202-226-██████.

Thanks again,  
Kevin

Kevin James | Legislative Assistant

---

Congressman Tom Petri WI-06  
2462 Rayburn House Office Building  
Washington, D.C. 20515  
Phone : 202.225.██████  
Fax: 202.225.2356  
[kevin.james@mail.house.gov](mailto:kevin.james@mail.house.gov)

---

**From:** Josh Lewis [██████████@epamail.epa.gov]

**Sent:** Friday, October 05, 2012 11:37 AM

**To:** James, Kevin

**Subject:** Re: FW: Tier IV Engines -- Hardship Request (Manitowoc Co.)

Hi Kevin,

file:///C:/Users/JOLEWIS/AppData/Local/Temp/notes3C1AE0/~web7708.htm

5/21/2014

EPA\_014  
14-1891\_0492



Have some info to share w/ you on this...give me a call when you have a chance. (I may be on the phone when you call, but I'll be able to call you back quickly if that's the case)

Josh Lewis  
USEPA/Office of Congressional and Intergovernmental Relations  
phone: 202-564-  
fax: 202-501-1550

"James, Kevin" ---09/26/2012 02:03:13 PM---Hey Josh, Attached is the letter from Manitowoc Cranes to EPA, as well as some additional informatio

From: "James, Kevin" <Kevin.James@mail.house.gov>  
To: Josh Lewis/DC/USEPA/US@EPA  
Date: 09/26/2012 02:03 PM  
Subject: FW: Tier IV Engines -- Hardship Request (Manitowoc Co.)

---

Hey Josh,

Attached is the letter from Manitowoc Cranes to EPA, as well as some additional information that was requested. I've also attached the regulatory excerpt for the exemption that they are applying to.

Thanks so much for your assistance.

Kevin

**Kevin James | Legislative Assistant**

---

Congressman Tom Perri WI-06  
2462 Rayburn House Office Building  
Washington, D.C. 20515  
Phone : 202.225.  
Fax: 202.225.2356  
[kevin.james@mail.house.gov](mailto:kevin.james@mail.house.gov)

[attachment "Manitowoc TPDM Hardship Request Letter 2 July 2012.pdf" deleted by Josh Lewis/DC/USEPA/US] [attachment "Additional items requested by Steven DeBord 19-July-2012.pptx" deleted by Josh Lewis/DC/USEPA/US] [attachment "40CFR1039.625.pdf" deleted by Josh Lewis/DC/USEPA/US]

# **EXHIBIT 44**

## James, Kevin

---

**From:** James, Kevin  
**Sent:** Monday, November 19, 2012 9:32 AM  
**To:** 'Bernard, Al J'  
**Subject:** RE: Tier IV Engines -- Hardship Request

**This message has been archived. [View the original item](#)**

That's great news, Al! Keep us posted on how things proceed and let us know if there's anything else we can help with.

Kevin

From: Bernard, Al J [redacted@manitowoc.com]  
Sent: Thursday, November 15, 2012 5:52 PM  
To: James, Kevin  
Cc: Gebhardt, Debbie  
Subject: Re: Tier IV Engines -- Hardship Request

Kevin,  
We kept "hounding" them for some documentation that they would consider us for exemption at the appropriate time, and they did! I think it's unprecedented. I'll forward it to you under another e-mail. This is really the best possible result. Thank you for your help and we will keep you apprised.  
Best,  
Al

From: James, Kevin [mailto:Kevin.James@mail.house.gov]  
Sent: Thursday, November 15, 2012 04:12 PM  
To: Bernard, Al J  
Subject: RE: Tier IV Engines -- Hardship Request

Al,

I just want to follow up with you to see where things stand with the exemption. When we last spoke I think you guys were going to go back to the lower level EPA folks to see what you could get in writing regarding everything being "in order" with respect to your application.

Kevin

From: Bernard, Al J [redacted@manitowoc.com]

Sent: Wednesday, September 19, 2012 9:07 AM  
To: James, Kevin  
Cc: Gebhardt, Debbie  
Subject: RE: Tier IV Engines -- Hardship Request

Hello Kevin,

I have attached the letters we wrote with the relevant materials for the exemption. My engineers have been communicating with Steven DeBord at EPA. DeBord has my guys rewriting the letter with no apparent action going forward. They trimmed a 22 page letter to 11 pages – which I think is too much. Then again, for techies, it may not be enough.

They are using 40 CFR 1039.625 as the basis for the exemption, however, I believe it may be 40 CFR 1068.255. Nevertheless, that's a clarification we need to determine. [I included both provisions for your edification .] We understand that some of our competitors have received the exemption which puts us at a competitive disadvantage. As I mentioned below, we tried using our membership with the National Association of Manufacturers to get some response, but NAM also reported to me this morning that they are getting no action as well. They told me that it possibly may be because of the departure of the head of the Transportation and Air Quality division, Margo Oge. Who knows.

A meeting of the minds to determine if we qualify is my recommendation to expedite the request. We are clearly being impacted from meeting customer demand and the reassigning of human resources to address this issue.

Any help and advice you can provide will be greatly appreciative.

Thank you.

Al

From: Gebhardt, Debbie [<mailto:Debbie.Gebhardt@mail.house.gov>]  
Sent: Wednesday, September 19, 2012 8:54 AM  
To: Bernard, Al J  
Cc: James, Kevin  
Subject: RE: Tier IV Engines -- Hardship Request

Al:

Kevin James on our staff handles EPA issues. I have cc'ed him on this email.

Debbie

From: Bernard, Al J [REDACTED@manitowoc.com]  
Sent: Wednesday, September 19, 2012 8:04 AM  
To: Gebhardt, Debbie  
Subject: Tier IV Engines -- Hardship Request

Good morning Debbie,

I need some help. I'm getting stonewalled by EPA on a very critical issue for Maniowoc. I even used one of our trade associations to intervene (NAM), and they are getting the same treatment. Who can I talk to on your staff that would assist me in getting an answer from the Agency?

Thank you.

Al

Al J. Bernard  
Senior Vice President, Washington Operations  
The Maniowoc Company Inc.  
|O| 202-548-REDACTED |M| REDACTED

"Integrity, Commitment to Stakeholders, Passion for Excellence"

# **EXHIBIT 45**



**Congress of the United States**  
**House of Representatives**  
Washington, DC 20515-4906

6TH DISTRICT OFFICES:  
FOND DU LAC, WI  
(920) 922-████  
OSHKOSH, WI  
(920) 231-████

August 8, 2013

Dr. Susan Hedman  
Regional Administrator  
U. S. Environmental Protection Agency (EPA) – Region 5  
77 West Jackson Boulevard  
Mail Code: R-19J  
Chicago, IL 60604-3507

Dear Regional Administrator Hedman:

I'm writing regarding a request being submitted by Manitowoc Cranes, part of The Manitowoc Company, Inc., for an economic hardship exemption under the Tier IV emission standards for diesel engines.

It is my understanding that Manitowoc contacted EPA over two years ago regarding the possibility of a technical hardship exemption because of concerns that they might not be able to meet the Tier IV standards as a result of difficulties with engine suppliers. The company reached out well ahead of what they understood the deadline to be for such an exemption in order to ensure that the exemption was processed with ample time to avoid supply disruptions.

Manitowoc contacted my office almost a year ago requesting assistance with this process. At the time, the company had been told by EPA that their application would not be processed until ninety days before the scheduled engine delivery date, roughly in the third quarter of 2013 given that the engines are supposed to be delivered in early 2014. The company expressed great concern that if they were turned down for an exemption at that point, they would face significant revenue losses (on the order of several hundred million dollars) because of, among other reasons, an inability to fulfill orders beginning in 2014. They were therefore seeking some kind of preliminary review from EPA to ensure that their application appeared to be in good order, assuming the circumstances did not change between then and the time the application was processed. EPA staff indicated that there were no anticipated difficulties with the application and that they would maintain monthly or quarterly contact to ensure things stayed on track.

I was contacted again recently by Manitowoc regarding this process. It is my understanding that EPA notified Manitowoc that, due to peculiarities of this case, the company was required to submit a technical hardship exemption application at least two years prior to the engine delivery date in order to be eligible. Because the engine delivery date is roughly five months away, this type of exemption is no longer an option at this point. Therefore, EPA has now encouraged Manitowoc to pursue an economic hardship exemption. Manitowoc has indicated that they plan to file the necessary paperwork for such an exemption as soon as possible.

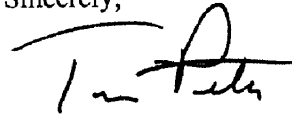
PET-OCE-00001544

14-1891\_0499

I strongly urge that full consideration be given to Manitowoc's application for an exemption under this process. I understand that the company has worked proactively on this process for over two years and, from what I have been told, significant revenue and jobs are at stake should they not be able to fulfill orders early next year.

Please don't hesitate to contact Kevin James in my office at [kevin.james@mail.house.gov](mailto:kevin.james@mail.house.gov) or 202-225-████ if we can be of assistance in any way.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Petri". The signature is written in a cursive style with a prominent horizontal stroke at the top.

Thomas E. Petri

# **EXHIBIT 46**

## James, Kevin

---

**From:** Bernard, Al J <[REDACTED]@manitowoc.com>  
**Sent:** Monday, September 16, 2013 10:28 AM  
**To:** James, Kevin  
**Subject:** RE: Tier IV

Hi Kevin,

Mum's been the word. They did comment verbally that it was "good" that "Congress" chimed in on our behalf, and that we submitted a very "thorough" package.

I will certainly keep you apprised if we hear anything.

Thank you!

Al

---

**From:** James, Kevin [<mailto:Kevin.James@mail.house.gov>]  
**Sent:** Monday, September 16, 2013 9:24 AM  
**To:** Bernard, Al J  
**Subject:** Tier IV

Al,

We got this letter in the mail late last week. Obviously it doesn't say much, but just wanted to check in to see how the exemption process is going.

Kevin

Kevin James | Legislative Assistant

---

Congressman Tom Petri WI-06  
2462 Rayburn House Office Building  
Washington, D.C. 20515  
Phone : 202.225. [REDACTED]  
Fax: 202.225.2356  
[kevin.james@mail.house.gov](mailto:kevin.james@mail.house.gov)

# **EXHIBIT 47**

---

**From:** James, Kevin [Kevin.James@mail.house.gov]  
**Sent:** Thursday, May 17, 2012 6:53 PM  
**To:** Bob Harris  
**Subject:** RE:

Hey Bob,

Sorry for the delayed response. Rep. Petri agreed to sign the LWCF letter.

Kevin

---

**From:** Bob Harris [redacted@aol.com]  
**Sent:** Tuesday, May 15, 2012 3:26 PM  
**To:** James, Kevin  
**Cc:** redacted@plumcreek.com  
**Subject:**

Hello Kevin.

Hope things are well. I am writing about the Land and Water Conservation Fund (LWCF) and to urge, on behalf of Plum Creek, the Congressman's support for including the Senate-passed language on the LWCF in the Transportation Conference.

The LWCF has maintained a high level of bi-partisan support for many years. Companies like Plum Creek have worked with local and national conservation groups, states and federal agencies using LWCF and Forest Legacy funding to accomplish much in combining conservation goals and practices and forest stewardship.

In Wisconsin, Plum Creek has a long history of working with the State of Wisconsin's lands officials on major Legacy Projects, including the recent Central Sands Project in the Rome area, and on LWCF-based projects in the Chequamegon-Nicolet National Forests, consolidating in-holdings.

The Senate provision will keep the LWCF operating in the coming years and provide certainty through Fiscal Years 2013-2014.

Thanks for your interest. I hope the Congressman will support the provision.

Bob H.

Bob Harris  
Nutter & Harris  
1667 K Street, NW  
Suite 1220  
Washington, D.C. 20006

202 289-7400  
202 289- (direct)  
 (cell)

redacted@aol.com

---

**From:** James, Kevin [Kevin.James@mail.house.gov]  
**Sent:** Wednesday, June 27, 2012 3:57 PM  
**To:** Bob Harris  
**Cc:** [REDACTED]@plumcreek.com; [REDACTED]@plumcreek.com  
**Subject:** RE: Land And Water Conservation Fund -- Transportation Conference

Thanks, Bob. I let him know again of Plum Creek's support for LWCF.

Kevin

---

**From:** Bob Harris ([REDACTED]@aol.com)  
**Sent:** Tuesday, June 26, 2012 1:02 PM  
**To:** James, Kevin  
**Cc:** [REDACTED]@plumcreek.com; [REDACTED]@plumcreek.com  
**Subject:** Land And Water Conservation Fund -- Transportation Conference

As you know, I have been working in support of the LWCF provision in the Senate Transportation bill on behalf of Plum Creek. Mr. Petri has supported this effort through signing a letter to the leadership.

We at a point in the conference where LWCF has become a central point. I would ask your boss to again let the Speakers office and the House conferees know of Mr. Petri's interest in and support for this provision.

Thanks. If you have any questions, please give me a call at [REDACTED].

Bob H.

Bob Harris  
Nutter & Harris  
1667 K Street, N.W.  
Suite 1220  
Washington, D.C. 20006

202 289-[REDACTED]  
202 289-7414 (fax)  
[REDACTED] (cell)

[REDACTED]@aol.com

# **EXHIBIT 48**

## **TRANSCRIPT OF INTERVIEW OF LOBBYIST FOR PLUM CREEK TIMBER COMPANY**



INTERVIEW OF [REDACTED]

Present:

Scott Gast, Investigative Counsel

Bryson Morgan, Investigative Counsel

Connie Pendleton, Counsel for Mr. [REDACTED]

[REDACTED]

Transcribed By:

Julie Thompson

1 MR. GAST: For the record, this is Scott Gast with Bryson  
2 Morgan of the Office of Congressional Ethics.

3 It is May 23, 2014. Here with Mr. [REDACTED]  
4 and counsel for Mr. [REDACTED], Connie Pendleton. I  
5 appreciate you being here to talk with us as  
6 part of our review.

7 We're interested in speaking with you  
8 in your role as a representative of the Plum  
9 Creek Timber Company. So if you could just  
10 start out by telling us, you know, what your  
11 relationship, what's your role with respect to  
12 the company?

13 [REDACTED] (the "Witness"): I am a partner -- I don't have a  
14 title -- of Nutter & Harris, two-person firm --  
15 I'm on retainer to Plum Creek. I have been on  
16 retainer to Plum Creek since -- I think it was  
17 1991, but it could be 1990. I am their outside  
18 lobbyist here in Washington. I'm in effect  
19 their Washington office.

20 MR. GAST: And can you tell us, generally, what issues you  
21 work on for the company?

22 WITNESS: Generally, environmental, energy, tax, natural  
23 resource issues. Plum Creek is a timber  
24 company. So I don't do a lot of manufacturing  
25 issues, although --

1 MR. GAST: Sure.

2 WITNESS: -- they have manufacturing facilities.

3 MR. GAST: And does anybody else at Plum Creek interact  
4 with federal officials?

5 WITNESS: Sure.

6 MR. GAST: Who else would do that?

7 WITNESS: I work for a gentleman named Bob Jirsa, J-i-r-s-  
8 a, who is -- I think his title is Vice President  
9 for Public Affairs -- and he is who I report to  
10 directly. There are others, but if you want  
11 other names, we'll --

12 MR. GAST: Can you give us a sense of who those other  
13 people are?

14 WITNESS: Well, the CEOs --

15 MR. GAST: Okay.

16 WITNESS: -- just here for a series of meetings with the  
17 National Alliance of Forest Owners.

18 MR. GAST: Okay.

19 WITNESS: They participate in -- they don't come here  
20 often, but they participate in trade association  
21 meetings and things such as that.

22 MR. GAST: Okay.

23 WITNESS: That goes through the whole executive -- the  
24 executive chain of the organization.

25 MR. GAST: Okay. Does the company have any other outside

1 lobbyists, consultants here in D.C.?

2 WITNESS: Not directly, no.

3 MR. GAST: Okay.

4 WITNESS: They do through other trade -- through trade  
5 associations.

6 MR. GAST: Okay. And can you give us a general sense of  
7 your interactions with federal officials on  
8 behalf of Plum Creek, what agencies, entities  
9 you talk to?

10 WITNESS: Mostly Congress.

11 MR. GAST: Are those in personal meetings? Do you have  
12 email, telephone calls, letters? What's the  
13 general nature?

14 WITNESS: Few letters, as you might suspect anymore,  
15 emails mostly, phone calls, meetings. It  
16 varies. It depends upon the issue.

17 MR. GAST: The whole range?

18 WITNESS: Whole range.

19 MR. GAST: Okay.

20 WITNESS: It depends upon the time and the issue.

21 MR. GAST: And you work with staff and members, primarily  
22 staff?

23 WITNESS: Mostly all staff.

24 MR. GAST: Yeah, okay. How often would you say you  
25 actually interact with members?

1 WITNESS: What do you mean by "how often"?

2 MR. GAST: Percentage wise of your time, contacts.

3 WITNESS: I'd say 10 percent.

4 MR. GAST: Okay. And what about on the campaign and the  
5 fundraising side; are you involved in that as  
6 well?

7 WITNESS: What do you mean "involved"?

8 MR. GAST: Are you -- do you attend fundraisers?

9 WITNESS: Yes.

10 MR. GAST: Okay. I want to talk to you about your  
11 interaction with Representative Petri from  
12 Wisconsin and his office. How often would you  
13 say that you have interactions with him or his  
14 office?

15 WITNESS: His office, I'd probably say on average  
16 somewhere between 5 and 10 times a year.

17 MR. GAST: And what about with the member himself?

18 WITNESS: Once or twice a year at the most, and it's  
19 usually casual.

20 MR. GAST: Okay. Who in Representative Petri's office do  
21 you have contact with?

22 WITNESS: Mostly with Kevin James. I'm terrible with  
23 names. Kevin does most of the natural resource  
24 stuff.

25 MR. GAST: Okay.

1 WITNESS: Meagan -- I cannot think of her last name at  
2 this stage of the game, and there's a gentleman  
3 named Markowitz who does -- Richard Markowitz  
4 who does taxes; that's generally where the  
5 interface is.

6 MR. GAST: And Meagan -- could that be Megan McCanna?

7 WITNESS: Meagan McCanna.

8 MR. GAST: Okay. And what issues do you work with her on?

9 WITNESS: Water, timber.

10 MR. GAST: Okay. And what issues do you talk to  
11 Representative Petri about at his office?

12 WITNESS: Oh, his office?

13 MR. GAST: Yeah.

14 WITNESS: Forced roads, regulation of forced roads under  
15 the clean water act, which was enacted in  
16 legislation in the farm bill, tax policy, and  
17 funding for the Land and Water Conservation  
18 Fund.

19 MR. GAST: Okay. Do you ever have conversations with the  
20 staff or the member about company performance,  
21 stock price --

22 WITNESS: No.

23 MR. GAST: -- bottom line?

24 WITNESS: No.

25 MR. GAST: No such conversations. Are you aware that

1 Congressman Petri owns stock --

2 WITNESS: I am.

3 MR. GAST: -- his wife owns stock in Plum Creek Timber?

4 WITNESS: Yes, I'm aware.

5 MR. GAST: And how did you become aware of that?

6 WITNESS: Through newspaper reports.

7 MR. GAST: Have you ever had a conversation with the

8 Congressman about his stock ownership?

9 WITNESS: No.

10 MR. GAST: Any conversations with members of his staff

11 about his --

12 WITNESS: Yes.

13 MR. GAST: And what were those conversations?

14 WITNESS: His Chief of Staff called to tell me that all of

15 this was being written up. Press reports were

16 coming out about it.

17 MR. GAST: Did you discuss how to respond to the reports or

18 --

19 WITNESS: No.

20 MR. GAST: -- the substance of the reports?

21 WITNESS: No.

22 MR. GAST: Did she ask you to do anything --

23 WITNESS: No.

24 MR. GAST: -- or say anything?

25 WITNESS: No.

1 MR. MORGAN: Do you recall when -- when about that  
2 conversation with the Chief of Staff was?

3 WITNESS: Early February probably. Late January, early  
4 February I first learned about this.

5 MR. GAST: Any subsequent conversations with her?

6 WITNESS: I told Plum Creek what was going on. A couple  
7 days later I called her back and said, "I've  
8 told Plum Creek what's going on." And I think  
9 that was done by phone.

10 MR. GAST: Okay.

11 WITNESS: Both. Both my contact with Plum Creek and with  
12 Debbie Gebhardt.

13 MR. GAST: And what was her reaction when you said you were  
14 --

15 WITNESS: I can't remember.

16 MR. GAST: Okay. Did you discuss anything else relative to  
17 the stock issue?

18 WITNESS: No.

19 MR. GAST: And prior to that conversation with the Chief of  
20 Staff, had you had any conversations with the  
21 staff about --

22 WITNESS: No.

23 MR. GAST: -- the stock ownership issue?

24 MS. PENDLETON: Just let him finish his question before you  
25 answer because you don't know what he's going to



1 ask.

2 MR. GAST: I want to talk to you about occasions when you

3 requested assistance or action from

4 Representative Petri's office. I have a few

5 documents to walk through as well. This is, for

6 the record, an email, Bates labeled Harris 515.

7 Want to take a minute to look that over?

8 WITNESS: Mm-hmm.

9 MR. GAST: Do you recall this email?

10 WITNESS: No. But it's here. So --

11 MR. GAST: Do you recall the issue?

12 WITNESS: Yeah.

13 MR. GAST: And why was this an important issue for Plum

14 Creek?

15 WITNESS: Wood is discriminated against in the LEED

16 building rating system. We were working with

17 members on the Hill to try to get LEED to be

18 more favorable to wood, wood products.

19 MR. GAST: And when you say "we were working," who is we?

20 WITNESS: Me, Plum Creek, and a group of allies in the

21 wood products industry to work on these issues.

22 MR. MORGAN: Was there a certain group within that industry

23 that was taking the lead role in this advocacy?

24 WITNESS: Probably not a lead role. It was a group that

25 includes five, six, seven organizations.

1 MR. MORGAN: Is it a trade association, or is --

2 WITNESS: They are trade associations. It's not one

3 association. And companies participate as well.

4 MR. GAST: So when you say "five, six, seven

5 organizations," that's five, six, seven trade

6 associations?

7 WITNESS: Yeah.

8 MR. GAST: And then those trade associations are made up of

9 many companies?

10 WITNESS: Yeah.

11 MR. GAST: Okay.

12 WITNESS: Very broad, very broad.

13 MR. GAST: Okay. Do you have a sense of how many companies

14 were interested in this issue total?

15 WITNESS: A couple hundred.

16 MR. GAST: Couple hundred, okay.

17 MS. PENDLETON: Can I just note for the record that this email,

18 Bates Number 515, is from 2010?

19 MR. GAST: Yes.

20 MS. PENDLETON: So technically before the time period --

21 MR. GAST: Right.

22 MS. PENDLETON: -- that's covered by the request for

23 information.

24 MR. GAST: Okay. And we appreciate you providing it again.

25 Any particular reason why you reached out to

1 Representative Petri's office?

2 WITNESS: As I recall, it was a sign-on letter that was  
3 circulated by Congressman Schrader and Goodlatte  
4 (phonetic), and I think it was circulated  
5 broadly throughout the House.

6 MR. GAST: Okay.

7 WITNESS: Plum Creek has -- don't hold me to this number,  
8 but Plum Creek has 50 or so, maybe 35 to 50  
9 members of the House with whom we regularly  
10 communicate on issues of this nature where they  
11 either own timberland or are adjacent to areas  
12 where they own timberland. We communicate with  
13 all members of the Wisconsin delegation, where  
14 we have timberland, on issues of this kind.

15 MR. GAST: Okay. And you see from the email that Kevin  
16 James replied that his boss had signed on the  
17 letter.

18 WITNESS: Correct.

19 MR. GAST: Do you recall if Representative Petri's office  
20 provided any other assistance on this issue?

21 WITNESS: No. Not that I can recall.

22 MR. GAST: Okay. Alright. Let me go to another one. This  
23 is a set of two emails actually. For the  
24 record, it is Harris 386 and Harris 6.

25 WITNESS: Mm-hmm. I'm aware of the issue.

1 MR. GAST: Okay. You know, again, similar questions. Why  
2 was this an important issue for Plum Creek?

3 WITNESS: Plum Creek has a long history of conservation  
4 practices working with the federal government,  
5 primarily the forest service, conducting land  
6 exchanges, and conservation land deals where  
7 they sell their land to -- or they sell  
8 easements on their land to the federal  
9 government. It's used for dispute resolution so  
10 to speak. The Land and Water Conservation Fund  
11 and the Forest Legacy program have been primary  
12 vehicles the federal government has to do that,  
13 and the Land and Water Conservation Fund and the  
14 Legacy program have been cut over the years  
15 through budget reductions; and Plum Creek  
16 supports continued vibrant funding for this.

17 I work with a coalition of folks from  
18 the conservation community, led by an  
19 organization called Outdoors America, and I work  
20 with them regularly. And in this instance, they  
21 work to get letters of support for the Land and  
22 Water Conservation Fund sent with a large number  
23 of signatures on it, and I think Petri joined on  
24 this letter probably along with 50 or 60 other  
25 folks.

1 MR. GAST: And, again, reach out to Congressman Petri's  
2 office because of the relationship that the  
3 company has with owning timber in or near his  
4 district?

5 WITNESS: That and you may note that -- I would add that  
6 Plum Creek has done three major conservation  
7 agreements in the state of Wisconsin.

8 MR. GAST: Okay. And then you see in the second email an  
9 email from you to Kevin James, cc'd to Bob Jirsa  
10 and Kristen Smith. Who is Kristen Smith, first  
11 of all?

12 WITNESS: Kristen Smith works for Bob Jirsa. I don't know  
13 her title.

14 MR. GAST: Okay. And you asked if Mr. Petri could speak  
15 with the House leadership and conferees on the  
16 same issue, the Land and Water Conservation  
17 Fund. Do you know if Congressman Petri actually  
18 had those conversations?

19 WITNESS: No, I don't.

20 MR. GAST: Okay. Do you know if Congressman Petri or his  
21 office provided any other assistance on this  
22 issue?

23 WITNESS: No.

24 MR. GAST: Okay. Do you work on the federal truck weights  
25 limits, truck weight limits?

1 WITNESS: I did.

2 MR. GAST: And is that an issue of importance to Plum  
3 Creek?

4 WITNESS: Modest.

5 MR. GAST: Modest. Have you had conversations or contacts  
6 with Representative Petri or his office on that  
7 issue?

8 WITNESS: Not in the time period that you all are looking  
9 at.

10 MR. GAST: So not since January 2012?

11 WITNESS: Right.

12 MR. GAST: Had you had contacts prior to that?

13 WITNESS: One.

14 MR. GAST: One. Any reason why you didn't have contacts  
15 after January 2012 on this issue?

16 WITNESS: It wasn't important.

17 MR. GAST: Okay. Forest roads issue that you mentioned  
18 earlier, why is that an important issue to Plum  
19 Creek?

20 WITNESS: If forest roads are regulated under the clean  
21 water act, the Environmental Protection Agency  
22 would have the ability to require Plum Creek and  
23 other companies like Plum Creek to mitigate  
24 runoff and to apply things on the ground that  
25 would mitigate runoff during rain occurrences,

1 for example, and storms that would be terribly  
2 expensive. And it's not necessary because  
3 they've already mitigated practices. Forest  
4 practices mitigate on their own, so additional  
5 regulation is not necessary.

6 MR. GAST: Now, I understand from some emails that you have  
7 provided us that there was legislation that had  
8 been introduced by Representative Schrader and  
9 Herrera Butler.

10 WITNESS: Correct.

11 MR. GAST: Had you had contact with Representative Petri's  
12 office about that legislation?

13 WITNESS: Yes.

14 MR. GAST: Can you just generally describe the  
15 conversations you had, the contacts you had?

16 WITNESS: You've got, I think, a series of emails. That's  
17 it.

18 MR. GAST: Okay.

19 WITNESS: Maybe a phone conversation here and there -- I  
20 don't recall -- to check on the status of  
21 whether he either signed -- whether he either  
22 signed on to legislation or would have talked to  
23 the chairman.

24 MR. GAST: Okay. And you were interested in having him  
25 sign on as a cosponsor?

1 WITNESS: Oh, sure.

2 MR. GAST: Did you ask for any other assistance with

3 signing on to dear colleagues or speaking to --

4 WITNESS: Don't recall doing that. No.

5 MR. GAST: Okay. Again, was this something that Plum Creek

6 undertook with other --

7 WITNESS: Oh, yes.

8 MR. GAST: -- companies? And can you just describe who

9 else was involved in that?

10 WITNESS: Well, I can give you a -- I can provide you with

11 a list of Plum Creek constituent members during

12 this period of time. They would have all been

13 contacted in one form or another.

14 MR. GAST: Okay.

15 MR. MORGAN: What do you mean by "constituent members?"

16 WITNESS: Members where they have a constituent

17 relationship, where they own land.

18 MR. MORGAN: Okay.

19 MR. GAST: What other entities, companies, or organizations

20 were you working with on this issue?

21 WITNESS: On?

22 MR. GAST: On the forest roads legislation?

23 WITNESS: Forest roads? Primarily the National Alliance

24 of Forest Owners, NAFO, but there were other

25 organizations. Plum Creek is a member of other



1 organizations that participated in this debate  
2 as well as the state associations where Plum  
3 Creek owns land. So Plum Creek owns land in 18  
4 states. I did not work directly with those  
5 folks, but they would have been involved in  
6 terms of sending letters requesting members to  
7 so forth and so on, traditional lobbying  
8 practices.

9 MR. GAST: Is it fair to say that, that was a pretty broad  
10 coalition of --

11 WITNESS: Very.

12 MR. GAST: -- entities? Did you have any interactions with  
13 Representative Petri himself on that issue?

14 WITNESS: You know, I can't recall, but I've run into him  
15 on the streets from time to time; and we may  
16 have discussed it. But we had a meeting in July  
17 of -- I don't recall whether it was 2012 or  
18 2013. Bob Jirsa and I met with him. I would be  
19 shocked if it was not discussed.

20 MR. GAST: Can you just generally describe how your  
21 meetings with Representative Petri would go,  
22 what subjects were discussed, and --

23 WITNESS: Well, in a meeting of this nature, first thing  
24 you're going to do is you're going to talk about  
25 how the economy and the timber economy is in

1 Wisconsin, and then you're going to talk about  
2 the importance of the issues in which you're  
3 working on in which the meeting is held.

4 In July of '12 and '13, we were  
5 working on the forest roads legislation, so I'm  
6 sure it would have been discussed. We were also  
7 working on taxes, so I suspect that would have  
8 come up. And generally, those we brief a member  
9 on the importance of the issue, and that's it.

10 MS. PENDLETON: But do you recall specifically if these came up,  
11 or this is just the best of your recollection?

12 WITNESS: Best of my recollection.

13 MR. GAST: Okay.

14 WITNESS: I can't recall specifics of any of those  
15 meetings.

16 MS. PENDLETON: And do forest roads have anything to do with  
17 truck weights?

18 WITNESS: Nothing.

19 MR. GAST: Separate issue?

20 WITNESS: Totally separate issue.

21 MR. GAST: And do you recall in any of your meetings with  
22 Representative Petri, did the subject of his or  
23 his wife's stock ownership --

24 WITNESS: No.

25 MR. GAST: -- ever come up? Okay.

1 WITNESS: Never. I don't recall it ever coming up.

2 MR. GAST: Okay.

3 MR. MORGAN: Do you recall Representative Petri asking a lot  
4 of questions about the company's performance?  
5 You said that generally those types of meetings  
6 would include a discussion of the economy, how  
7 the timber economy is doing. Do you recall any  
8 specific discussions of Plum Creek's  
9 performance?

10 MS. PENDLETON: Do you have a time period you're --

11 MR. MORGAN: These meetings. I'm wondering in these meetings  
12 that you were in with Representative Petri.

13 WITNESS: No. I don't ever recall it coming up.

14 MR. GAST: I wanted to ask you about the tax provisions.

15 WITNESS: Sure.

16 MR. GAST: I'll show you this email. And, for the record,  
17 this is PET-OCE6948.

18 WITNESS: I recall.

19 MR. GAST: Okay. Why was this an important issue for Plum  
20 Creek?

21 WITNESS: The federal tax code contains a number of  
22 provisions that recognize in the tax code the  
23 long-term interest of ownership in timberland.  
24 Generally, timber grows and is harvested on a  
25 25, 20, 25 to 70, 80-year rotation. And so when

1 you own timberland for extended periods of time,  
2 it's dealt with differently than it is other  
3 kinds of investments, if you own a firm or a  
4 company that makes widgets. You make widgets  
5 over and over again. You harvest trees once  
6 every 25 years in the south, 80 years in the  
7 north, 60, 70, 80 years. The tax code reflects  
8 that, and the investments that go with folks who  
9 invest long-term in timber.

10 And as tax reform became an issue du  
11 jour in 2013, we were working with members of  
12 Congress to ensure that, as tax reform was  
13 discussed and dealt with, folks recognized that  
14 timber was a different kind of investment, and  
15 the provisions in the current tax code were not  
16 repealed.

17 MR. GAST: And, again, when you say "we were working" on,  
18 who do you include?

19 WITNESS: Plum Creek and allies in the industry under the  
20 leadership of NAFO, the National Alliance of  
21 Forest Owners.

22 MR. MORGAN: Do you have any sense of how many organizations  
23 are members of NAFO?

24 WITNESS: Eighty, maybe sixty.

25 MR. MORGAN: Somewhere in there.

1 WITNESS: Yeah. It represents probably 80 million acres  
2 of timberland. So it may be 40 companies that  
3 represent 80 million acres of timberland.

4 MR. MORGAN: Okay.

5 WITNESS: It's probably available somewhere.

6 MR. GAST: And in this letter you ask if Representative  
7 Petri will sign a multi-member letter --

8 WITNESS: Correct.

9 MR. GAST: -- to the chairman of the ways and means  
10 committee. Do you know if he did so?

11 WITNESS: My recollection, he signed the letter.

12 MR. GAST: Okay. Was there any discussion of which you  
13 were a part about the need to check with the  
14 ethics committee before signing on to that  
15 letter?

16 WITNESS: I wouldn't have any -- I wouldn't recall --

17 MR. GAST: Okay.

18 WITNESS: -- any discussion with me about it.

19 MR. GAST: And, again, did the subject of Petri, either  
20 Representative Petri or his wife's stock  
21 ownership come up in the context --

22 WITNESS: No.

23 MR. GAST: -- of this discussion? Okay.

24 WITNESS: Not that I recall.

25 MR. GAST: There appears to have been a couple of emails

1 that you provided us in which you were asking  
2 for a meeting on this issue. Do you recall  
3 meeting either with Representative Petri himself  
4 or the staff on this?

5 WITNESS: Like I said, in July, it was either '12 or '13,  
6 we met with Petri. Taxes was on the agenda.

7 MR. GAST: Yeah. It looks like it would have been July 10,  
8 2013. Does that sound about right?

9 WITNESS: Sounds about right.

10 MR. GAST: Okay. Did Plum Creek ever approach  
11 Representative Petri or his office with requests  
12 for appropriations?

13 WITNESS: I can't recall. I don't believe any of the  
14 conservation deals that we did in Wisconsin  
15 involved Petri. I don't recall.

16 MR. GAST: Okay. And just a few other last questions. Do  
17 you recall any other instances since January of  
18 2012 when you went to Representative Petri or  
19 his office seeking some kind of action or  
20 assistance on behalf of Plum Creek?

21 WITNESS: I can't recall anything else.

22 MR. GAST: Okay. No help with any agency matters --

23 WITNESS: No.

24 MR. GAST: -- regulatory issues, things like that? Okay.  
25 Is there anything else that you think would be

1 helpful for us to be aware of in this matter?

2 WITNESS: Not that I can recall.

3 MR. GAST: Okay.

4 MR. MORGAN: You said there are about 50 members that you

5 have more regular contact with. I was wondering

6 if you could give me some sort of sense of how

7 frequent you contact Representative Petri's

8 office in comparison to those other constituent

9 members?

10 WITNESS: About the same.

11 MR. MORGAN: About the same. Are there any members that are

12 -- that you view as being stronger allies as

13 opposed to others?

14 WITNESS: Of course.

15 MR. MORGAN: Is Representative Petri one of those stronger

16 allies?

17 WITNESS: Sure.

18 MR. MORGAN: And how many of the 50 or so would you say are

19 your stronger allies?

20 WITNESS: Stronger?

21 MR. MORGAN: Yeah.

22 WITNESS: Half maybe.

23 MR. MORGAN: Half. Does he stand out as being a much

24 stronger ally than other members?

25 WITNESS: No.

1 MR. GAST: I think those are the questions we have for you.

2 WITNESS: Okay.

3 MR. GAST: We appreciate your time.

4 WITNESS: Sure. Happy to do it.

5 END OF INTERVIEW

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CONFIDENTIAL

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

ERRATA SHEET

Page	Line	Correction	Reason
3	14	Strike "s" after CEO	Transcription error
6	14	Change "Forced" to "Forest"	Transcription error
6	14	Change "forced" to "forest"	Transcription error

This errata sheet is submitted subject to 18 U.S.C. § 1001 (commonly known as the False Statements Act).

**Witness Name:**   
**Witness Signature:**   
**Date:** June 19, 2014

# **EXHIBIT 49**

## Gebhardt, Debbie

---

**From:** Bob Harris <[REDACTED]@aol.com>  
**Sent:** Tuesday, July 24, 2012 3:47 PM  
**To:** McCanna, Meagan; Gebhardt, Debbie; James, Kevin  
**Subject:** Re: Forest Roads Legislation, HR 2541 (T&I Mark-Up)

Thanks for the note back Meagan -- and thanks for you help and Congressman's support.

Bob H.

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

**From:** McCanna, Meagan <Meagan.McCanna@mail.house.gov>  
**To:** Gebhardt, Debbie <Debbie.Gebhardt@mail.house.gov>; James, Kevin <Kevin.James@mail.house.gov>; 'Bob Harris' <[REDACTED]@aol.com>  
**Sent:** Tue, Jul 24, 2012 3:45 pm  
**Subject:** RE: Forest Roads Legislation, HR 2541 (T&I Mark-Up)

Thanks for the documents, Bob.

I'm happy to let you know that Congressman Petri is a cosponsor of the bill and will surely support it in Committee.

---

**From:** Gebhardt, Debbie  
**Sent:** Tuesday, July 24, 2012 3:42 PM  
**To:** James, Kevin; 'Bob Harris'  
**Cc:** McCanna, Meagan  
**Subject:** RE: Forest Roads Legislation, HR 2541 (T&I Mark-Up)

Thanks, Bob!

---

**From:** James, Kevin  
**Sent:** Tuesday, July 24, 2012 3:23 PM  
**To:** 'Bob Harris'; Gebhardt, Debbie  
**Cc:** McCanna, Meagan  
**Subject:** RE: Forest Roads Legislation, HR 2541 (T&I Mark-Up)

Bob,

Meagan McCanna would handle this issue because it falls under the Clean Water Act. I'm CC'ing her and will forward her the attachments.

Kevin

---

**From:** Bob Harris [mailto:[REDACTED]@aol.com]  
**Sent:** Tuesday, July 24, 2012 3:23 PM  
**To:** Gebhardt, Debbie; James, Kevin  
**Cc:** [REDACTED]@aol.com  
**Subject:** Forest Roads Legislation, HR 2541 (T&I Mark-Up)

Good afternoon.

I represent Plum Creek Timber Company here in DC. I am writing about legislation (HR 2541) introduced last year by Congresswoman Herrera Beutler and Congressman Schrader addressing the treatment of forest roads under the Clean Water Act. Mr. Petri is a co-sponsor.

We understand that legislation may be marked up in the Transportation and Infrastructure Committee this week. This is an extremely important bill to Plum Creek and the timber producers and forest products industry in Wisconsin. HR 2541 is a bi-partisan bill -- with 60 co-sponsors.

The bill would affirm and preserve EPA's currently policy that forest roads should be regulated as a non-point source under the Clean Water Act, using BMP's under Section 302 of the Act. In May of last year, the U.S. Court of Appeals for the Ninth Circuit issues a ruling that would regulate forest roads under the point source provision of the Act, requiring an NPDES permit.

Also, last year, Representatives Herrera Beutler and Schrader introduced HR 2541 in response to the Ninth Circuit's action. Late last year, Congress enacted, as part of the Omnibus Appropriations bill, a provision modeled after H.R. 2542, preventing the Ninth Circuit's decision from being implemented throughout Fiscal Year 2012.

Most recently, EPA published a Notice of Intent (NOI) that would deal with the Ninth Circuit's case.

In June, the Supreme Court announced the Court would review the Ninth Circuit's decision.

While we are gratified that the Court will hear the case, Plum Creek continues to support the legislation. And, the company would urge the Congresswoman to support reporting the bill favorably when it is considered in the T&I Committee.

I would be happy to meet and discuss the bill and mark-up in more detail. Please let me know if you have some time and want to meet.

I have attached a couple of documents (a set of talking points and a tool kit, including descriptive materials about the need for legislation, the court decision and others) prepared by the National Alliance of Forest Owners (NAFO) providing background and information on the Ninth Circuit's decision and the legislation.

Thank you for your interest and support.

Bob H.

Bob Harris  
Nutter & Harris  
1667 K Street, N.W.  
Nutter & Harris  
Suite 1220  
Washington, D.C. 20006

202 289-  
202 289-7414 (fax)  
(cell)



# **EXHIBIT 50**

**From:** James, Kevin <Kevin.James@mail.house.gov>  
**Sent:** Friday, April 5, 2013 2:05 PM  
**To:** 'Carrie Crossfield' <[REDACTED]@gmail.com>; 'Bob Harris' <[REDACTED]@aol.com>  
**Cc:** Markowitz, Rich <Rich.Markowitz@mail.house.gov>  
**Subject:** Re: Tax issue letter regarding forestry  
**Attach:** TaxTalkingPoints040113.doc

---

Bob,

I think Richard Markowitz in our office would be the better person to speak with. He handles all tax issues.

Kevin

---

**From:** Carrie Crossfield [ [REDACTED]@gmail.com ]  
**Sent:** Friday, April 05, 2013 12:49 PM  
**To:** James, Kevin  
**Cc:** Bob Harris  
**Subject:** Tax issue letter regarding forestry

Thank you for the Congressman's strong support of forestry and of Plum Creek. I am writing on behalf of Plum Creek in hopes the Congressman will sign onto a bi-partisan letter to the House Ways and Means Committee "working groups" to reinforce the importance of maintaining policies that are vital to productive, working forests in the US. There are three (3) important Internal Revenue Code provisions that the industry is working to highlight as the Committee considers Tax Reform. The three provisions allow private forestland owners to deduct timber growing and operating costs and reforestation expenses and to characterize gains from the harvest or sale of characterize timber as a capital gain (rather than ordinary income.).

We are working with the Committee and Members to retain these provisions. These provisions help ensure and promote investments in private forestlands, ensure a strong steady supply of fiber to mills and provide significant environmental and recreation benefits. These provisions apply to all forest landowners – both large and small.

Through the National Alliance of Forest Owners (NAFO) we have reached out to a few Members to serve as co-leaders of the Ways and Means Committee letter. Four offices are currently considering leading the letter; but because of the recess, we have not yet been able to reach a final commitment. We are hopeful we will have sign-off by Friday, April 5. As soon as they are comfortable with the draft or have finalized it, I will pass it along. The letter will reflect the information provided in the attached one-page explanation of the timber tax issues.

Because Chairman Camp has set a the deadline of Monday, April 15 for the Working Groups to receive input, we wanted to give you a heads up that we are working on the letter and to see if you had any questions. Once completed, we would very much appreciate the Congressman signing onto the letter before Friday, April 12. Please let me us know if you have any questions and many thanks for your consideration of our request.

Bob Harris

Nutter & Harris

1025 Connecticut Avenue, N.W.

Suite 1000

Washington, D.C. 20036

202 828-[REDACTED]

202 828-[REDACTED] (direct)

[REDACTED] (cell)

[REDACTED]@aol.com

PET-OCE-00006948

14-1891\_0540

# **EXHIBIT 51**

**From:** Markowitz, Rich </O=U.S. HOUSE OF REPRESENTATIVES/OU=U.S. HOUSE/CN=RECIPIENTS/CN=MEMBERS/CN=CONG. PETRI (WI06)/CN=USHOUSE?RICH MARKOWITZ>  
**Sent:** Monday, April 15, 2013 2:34 PM  
**To:** 'Bob Harris' <[REDACTED]@aol.com>  
**Subject:** RE: Timber Tax Letter/Members Letter to the Ways and Means Committee

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Hi Bob,

Just a quick note to let you know that Rep. Petri has agreed to sign this letter.

Best,  
Richard

-----  
Richard Markowitz  
Senior Legislative Assistant  
Office of Rep. Tom Petri  
202.225. [REDACTED]  
Rich.Markowitz@mail.house.gov

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

From: Bob Harris [ [REDACTED]@aol.com ]  
Sent: Saturday, April 13, 2013 5:16 PM  
To: Markowitz, Rich; James, Kevin  
Subject: Timber Tax Letter/Members Letter to the Ways and Means Committee

The timber tax letter to the Ways and Means Committee being co-lead by Representative Benishek, Representative Michaud and others will close on Monday. The sponsors will start collecting signatures in the afternoon.

I hope Mr. Petri can get on the letter.

Thanks for your interest.

Bob H.

Bob Harris  
Nutter & Harris  
1025 Connecticut Avenue, N.W.  
Suite 1000  
Washington, D.C. 20036

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202 828- [REDACTED] (office)  
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[REDACTED]@aol.com

PET-OCE-00006961

14-1891\_0542

# **EXHIBIT 52**

Congress of the United States  
Washington, DC 20515

April 15, 2013

The Honorable Dave Camp  
Chairman  
Ways and Means Committee  
1102 Longworth House Office Building  
Washington, D.C. 20515

The Honorable Sander M. Levin  
Ranking Member  
Ways and Means Committee  
1106 Longworth House Office Building  
Washington, D.C. 20515

Dear Chairman Camp, Ranking Member Levin, members of the Working Group on Debt, Equity and Capital and members of the Working Group on Manufacturing Tax Reform:

In response to the invitation from the Committee on Ways and Means for interested Members of Congress to provide input in the Working Group process, we wish to express our views about the tax treatment of working forests across America. We appreciate this opportunity to provide input to the Committee and wish to highlight three provisions in the tax code that reflect the unique nature of the timber industry and are critical to sustaining private ownership of forestland.

Private management of forestland directly supports nearly one million American jobs, benefits our economy and local communities by providing domestically-grown raw material for businesses that rely on wood products and contributes to environmental quality. The majority of private lands are owned by families and small businesses: family forest owners, averaging less than 100 acres per owner, own approximately 62% of the private forestlands in the U.S.

Growing timber is unlike any other business. It can take between 20 and 80 years to harvest a tree, which is one of many reasons why Congress has long recognized the unique challenge of managing forestland for economic return. These factors include:

- o Investment in timber ties up large amounts of capital in the land;
- o Substantial costs are incurred to plant the trees, maintain the forest (including fire prevention, road maintenance and pest control), and improve the growth and productivity of the trees;
- o Forestland owners invest money in replanting after harvest, research, management and silviculture activities, as well as environmental protections and set-asides for wetlands, protected species, and others; and
- o Healthy forests provide significant environmental value by consuming carbon dioxide, curtailing erosion, creating wildlife habitat, sourcing drinking water, and maintaining natural open space for human recreation.

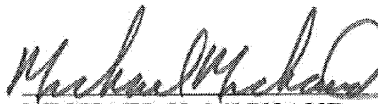

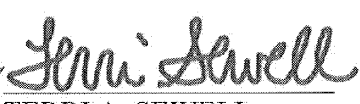
In response to these challenges, beginning in 1943 and through the years, policymakers have adopted rules that reflect the nature of the business for both individuals and corporations. These provisions allow owners to:

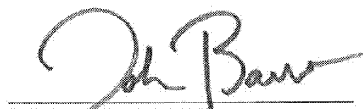
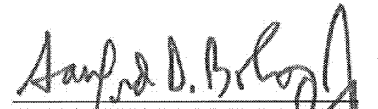
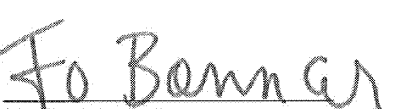
- Deduct the costs of forest management, including preventive measures (fire, pest and disease), thinning, fertilization, interest, taxes, protection of wetlands and endangered species, and forestry activities. (Sections 162 and 263A(c)(5));
- Receive capital gains treatment for the harvest of timber or sales of standing trees. (Sections 1231(b)(2) and 631(a)&(b));and
- Deduct up to \$10,000 of reforestation costs per stand, with the remainder amortized over 7 years. (Section 194).

These timber tax provisions have provided equality across investment assets for timber, and have well-served the nation, timber products consumers and manufacturers, forest owners and the environment. Today, private forests account for approximately the same acreage they did in the 1940s, but with 70% greater productivity in terms of forest production.


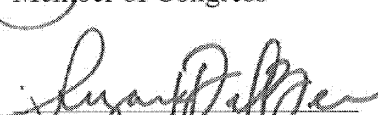
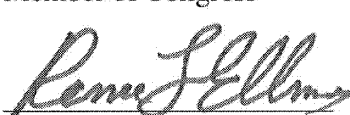
As Congress examines various options for tax reform and deficit reduction, we urge the Committee and Working Group to consider, as Congress has for over 50 years, that timber is the ultimate long-term investment, that decisions to invest in timber were made decades ago, and that changing the tax treatment would drastically affect investments in working forests that contribute to economic growth and environmental quality.

Sincerely,

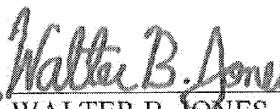
		
MICHAEL H. MICHAUD Member of Congress	DAN BENISHEK Member of Congress	TERRI A. SEWELL Member of Congress

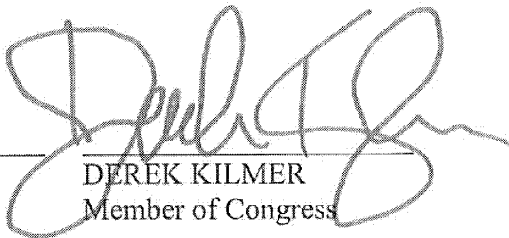
		
JOHN BARROW Member of Congress	SANFORD D. BISHOP, JR. Member of Congress	JO BONNER Member of Congress


		
CORRINE BROWN Member of Congress	G. K. BUTTERFIELD Member of Congress	STEVE DAINES Member of Congress


		
PETER A. DEFAZIO Member of Congress	SUZAN K. DELBENE Member of Congress	RENEE L. ELLMERS Member of Congress


  
GREG HARPER  
Member of Congress

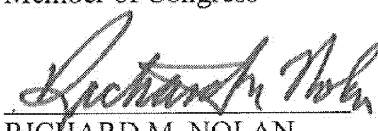
  
WALTER B. JONES  
Member of Congress


  
DEREK KILMER  
Member of Congress

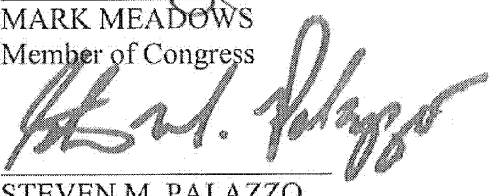
  
ANN M. KUSTER  
Member of Congress

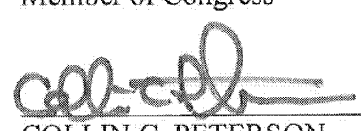
  
MIKE MCINTYRE  
Member of Congress


  
MARK MEADOWS  
Member of Congress

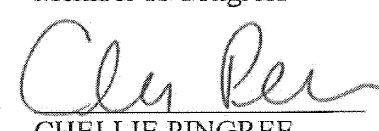
  
RICHARD M. NOLAN  
Member of Congress

  
WILLIAM L. OWENS  
Member of Congress


  
STEVEN M. PALAZZO  
Member of Congress

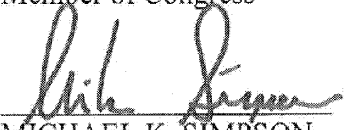
  
COLLIN C. PETERSON  
Member of Congress

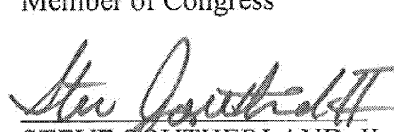
  
THOMAS E. PETRI  
Member of Congress

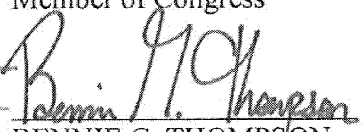
  
CHELLIE PINGREE  
Member of Congress

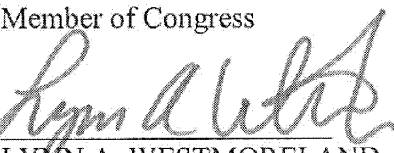
  
KURT SCHRADER  
Member of Congress

  
AUSTIN SCOTT  
Member of Congress

  
MICHAEL K. SIMPSON  
Member of Congress

  
STEVE SOUTHERLAND, II  
Member of Congress

  
BENNIE G. THOMPSON  
Member of Congress

  
LYNN A. WESTMORELAND  
Member of Congress