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

TABLE OF CONTENTS

I. INTRODUCTION ................................................................................................................ 3
   A. Summary of Allegations ................................................................................................. 3
   B. Jurisdictional Statement ............................................................................................... 3
   C. Procedural History ........................................................................................................ 4
   D. Summary of Investigative Activity .............................................................................. 4

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 ...................................................... 5
   A. Applicable Laws, Rules, and Standards of Conduct .................................................... 5
   B. Representative Petri Performed Official Acts on Behalf of the Oshkosh Corporation at the Time He Held a Financial Interest in the Company ............................................. 7
   C. Representative Petri Performed Official Acts on Behalf of the Manitowoc Company at the Time He Held a Financial Interest in the Company ............................................ 29
   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 .......... 33

III. CONCLUSION .............................................................................................................. 37
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.¹

2. If Representative Petri or his congressional office improperly performed official acts 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.”² 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.

¹ 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.

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, 2014.³ 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, 2014.⁴ 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;

³ 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 110th Congress (hereafter “the Resolution”), the timeframe for conducting a preliminary review is 30 days from the date of receipt of the Board’s request.

⁴ 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.
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.”

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

Under House Rule 23, clause 3, Members “may not permit compensation" 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.”

A Member who considers advocating on a matter that may affect his “personal financial interest . . . should first contact the Standards Committee for guidance.”

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.” 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).”

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.’” Official 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.” However, “[i]f a Member seeks to act on a matter where he might benefit as

---

5 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).
6 House Ethics Manual at 237.
7 Id.
8 Id.
9 Id. at 245 (emphasis omitted).
10 In the Matter of Maxine Waters at 15.
11 Id. at 39.
Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended

a member of a large class, the Committee has taken the position that such action does not require recusal.” 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.”

“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.”

The Committee on Ethics “has warned Members that the failure to establish policies that inculcate ethical behavior can result in discipline.” The Committee recommended reprobation 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.

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. As of December 31, 2007, he reported owning between $100,000 and $250,000 worth of Oshkosh stock. As of December 31, 2008, he reported owning between $15,000 and $50,000 worth of Oshkosh stock. As of December 31, 2009, he reported owning between $250,000 and $500,000 worth of Oshkosh stock. As of December 31, 2010, he reported owning between $250,000 and $500,000 worth of Oshkosh stock. As of December 31, 2011, he reported owning between $100,000 and $250,000 worth of Oshkosh stock. As of December 31, 2012, he reported owning between $250,000 and $500,000 worth of Oshkosh stock. As of December 31, 2013, Representative Petri reported owning between $500,000 and $1,000,000 worth of stock in Oshkosh.

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

---

12 Id.
13 In the Matter of Maxine Waters at 14.
14 Id. at 42 (citations omitted).
15 Id. at 48. See also In the Matter of Allegations Relating to Representative Don Young, 113th Cong., 2d Sess. (2014) at 52-54.
16 Id.
Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended

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.\textsuperscript{25}

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.\textsuperscript{26} 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 . . . .”\textsuperscript{27}

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.\textsuperscript{28}

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.\textsuperscript{29} The Legislative Assistant said that the Chief of Staff “was aware of those things and would help flag potential issues.”\textsuperscript{30} 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.”\textsuperscript{31}

19. When asked if he ever discussed his stock ownership with representatives of Oshkosh, Representative Petri said that he had.\textsuperscript{32} 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 . . . .”\textsuperscript{33}

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.

\textsuperscript{25} Transcript of Interview of Representative Petri’s Chief of Staff, May 27, 2014 (“Chief of Staff Transcript”) (Exhibit 1 at 14-1891\_0006-0007).
\textsuperscript{26} Id. at 14-1891\_0005-0006.
\textsuperscript{27} Id. at 14-1891\_0005.
\textsuperscript{28} Id. at 14-1891\_0007.
\textsuperscript{29} 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).
\textsuperscript{30} Legislative Assistant Transcript (Exhibit 2 at 14-1891\_0089).
\textsuperscript{31} Former Legislative Assistant Transcript (Exhibit 3 at 14-1891\_0147).
\textsuperscript{32} Transcript of Interview of Representative Thomas Petri, May 27, 2014 (“Rep. Petri Transcript”) (Exhibit 4 at 14-1891\_0201).
\textsuperscript{33} Id.
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.\(^3^4\)

23. In September 2009, the losing bidders filed protests with the Government Accountability Office ("GAO"), challenging the award of the FMTV contract to Oshkosh.\(^3^5\)

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.\(^3^6\)

25. Oshkosh then sought assistance from the Wisconsin congressional delegation, including Representative Petri, to counter the efforts of the Texas congressional delegation.\(^3^7\)

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."\(^3^8\)

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.\(^3^9\)

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

\(^3^6\) Chief of Staff Transcript (Exhibit 1 at 14-1891_0014-0016); 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-.\(^3^7\) 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).
\(^3^8\) Rep. Petri Transcript (Exhibit 4 at 14-1891_0206-0207).
\(^3^9\) Id. at 14-1891_0208-0209; Chief of Staff Transcript (Exhibit 1 at 14-1891_0014-0016).
or giving it to your aides . . . . ”

The HASC Chairman had no recollection of the conversation or memorandum.

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. 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.”

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.”

31. The final paragraph of the memorandum disclosed Representative Petri’s ownership of Oshkosh stock:

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 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.

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.

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.

41 Memorandum of Interview of House Armed Services Committee Chairman, May 23, 2014 (“HASC Chairman MOI”) (Exhibit 7 at 14-1891_0319).
42 HASC Memo (Exhibit 6 at 14-1891_0317) (emphasis omitted).
43 Id.
44 Id. (emphasis in original).
45 Id.
46 Id.
47 Chief of Staff Transcript (Exhibit 1 at 14-1891_0015-0016).
48 Id. at 14-1891_0017.
Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended

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.49

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.”50

36. The Oshkosh EVP told the OCE that he had no recollection of any outreach by Representative Petri to the HASC leadership.51

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.52

38. The Ethics Committee’s memorialization of advice provided does not include any advice relating to Representative Petri’s contact with the HASC Chairman.53

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.54

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 . . . .”55

49 See Chief of Staff Handwritten Notes (Exhibit 8 at 14-1891_0322); Chief of Staff Transcript (Exhibit 1 at 14-1891_0023-0025).
50 Email from Chief of Staff to Oshkosh Outside Lobbyist, Sept. 29, 2009 (Exhibit 9 at 14-1891_0324).
51 Oshkosh EVP Transcript (Exhibit 5 at 14-1891_0284).
52 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.
53 Id.
54 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).
55 Letter from Wisconsin Congressional Delegation to Secretary of Defense, Oct. 9, 2009 (Exhibit 11 at 14-1891_0331).
41. The delegation letter was initiated and drafted by Oshkosh. 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.

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. 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 . . . .”

43. Representative Petri did not recall how the delegation letter was initiated. 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.” 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.”

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”:

```
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 . . . .”

---

56 Oshkosh EVP Transcript (Exhibit 5 at 14-1891_0277-0279); Chief of Staff Transcript (Exhibit 1 at 14-1891_0018).
57 Chief of Staff Transcript (Exhibit 1 at 14-1891_0018); Former Legislative Assistant Transcript (Exhibit 3 at 14-1891_0160).
58 Oshkosh EVP Transcript (Exhibit 5 at 14-1891_0280).
59 Id. at 14-1891_0279-0280.
60 Rep. Petri Transcript (Exhibit 4 at 14-1891_0207).
61 Id. at 14-1891_0207-0208.
62 Id. at 14-1891_00208.
63 Email from Chief of Staff to Former Legislative Assistant, Oct. 1, 2009 (Exhibit 12 at 14-1891_0334).
64 Chief of Staff Transcript (Exhibit 1 at 14-1891_0020).

Page 12 of 38
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.\textsuperscript{65}

\begin{verbatim}
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.
\end{verbatim}

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."\textsuperscript{66}

48. The delegation letter to the Secretary of Defense did not include any disclosure of Representative Petri’s financial interest in Oshkosh.\textsuperscript{67}

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.”\textsuperscript{68}

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.”\textsuperscript{69}

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 . . . .”\textsuperscript{70} 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.”\textsuperscript{71}

\textsuperscript{65} Email from Chief of Staff to Former Legislative Assistant, Oct. 1, 2009 (Exhibit 12 at 14-1891_0334).
\textsuperscript{66} Chief of Staff Transcript (Exhibit 1 at 14-1891_0021).
\textsuperscript{67} Letter from Wisconsin Congressional Delegation to Secretary of Defense, Oct. 9, 2009 (Exhibit 11 at 14-1891_0331-0332).
\textsuperscript{68} Chief of Staff Transcript (Exhibit 1 at 14-1891_0021).
\textsuperscript{69} Id. at 14-1891_0022.
\textsuperscript{70} Media Advisory, Wisconsin Congressional Delegation Defends Oshkosh Corp., Jobs, Oct. 14, 2009 (Exhibit 13 at 14-1891_0336).
\textsuperscript{71} Id.
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:

- 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,” 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 . . . .”

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

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.

---

72 Letter from the Chief Counsel and Staff Director, Committee on Ethics, to Rep. Thomas Petri, May 21, 2014 (Exhibit 10 at 14-1891_0328).
73 Id.
74 Letter from Wisconsin Congressional Delegation to Secretary of Defense, Oct. 9, 2009 (Exhibit 11 at 14-1891_0331).
75 Id.
55. On December 9, 2009, Representative Petri had a telephone conversation with the Secretary of the Army about the FMTV contract.  

56. Representative Petri said that his Chief of Staff may have suggested that he contact the Secretary of the Army. The Oshkosh EVP told the OCE that he “was not privy to” Representative Petri’s call to the Secretary of the Army.

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.”

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.

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.”

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.

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. He noted that he believes Representative Petri may have asked for a telephone call because Oshkosh was located in his congressional district.

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. He said that knowledge of Representative Petri’s financial interest would not have affected how he handled the FMTV contract or protest.

---

76 Rep. Petri Transcript (Exhibit 4 at 14-1891_0211); Chief of Staff Transcript (Exhibit 1 at 14-1891_0026).
77 Rep. Petri Transcript (Exhibit 4 at 14-1891_0211).
78 Oshkosh EVP Transcript (Exhibit 5 at 14-1891_0284).
79 Id.
80 Id. at 14-1891_0212-0213.
81 Id. at 14-1891_0211.
82 Memorandum of Interview of Secretary of the Army, May 27, 2014 (“Secretary of the Army MOI”) (Exhibit 14 at 14-1891_0340).
83 Id.
84 Id. at 14-1891_0341.
85 Id. at 14-1891_0340.
86 Id.
63. The Chief of Staff was able to hear Representative Petri’s side of the conversation with the Secretary. 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 . . .”

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.”

65. The Chief of Staff did not recall consulting with the Committee on Ethics regarding this call. The Chief of Staff did not recall whether Representative Petri disclosed his ownership of Oshkosh stock during the call.

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.

**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. GAO sustained the protests and recommended that the Army reevaluate certain aspects of the proposals submitted by the three bidders.

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.”

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.

70. The letter was drafted by and sent at the request of Oshkosh. Representative Petri’s office took a lead role in circulating the draft letter to Members of the Wisconsin delegation.

---

87 Chief of Staff Transcript (Exhibit 1 at 14-1891_0026).
88 Id. at 14-1891_0026-0027.
89 Id. at 14-1891_0027; see also Chief of Staff Handwritten Notes (Exhibit 15 at 14-1891_0343).
90 Chief of Staff Transcript (Exhibit 1 at 14-1891_0030).
91 Id.
92 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).
93 GAO Report at 1.
94 Id. at 23.
95 Letter from Wisconsin Congressional Delegation to Secretary of the Army, Dec. 22, 2009 (Exhibit 16 at 14-1891_0345).
96 Rep. Petri Transcript (Exhibit 4 at 14-1891_0214).
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. 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.”

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!!”

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. The Ethics Committee staff member emailed back: “That change is fine – I re-read the whole letter.”

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.”

---

97 Oshkosh EVP Transcript (Exhibit 5 at 14-1891_0281); Chief of Staff Transcript (Exhibit 1 at 14-1891_0031-0032).
98 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).
99 Chief of Staff Transcript (Exhibit 1 at 14-1891_0032-0034).
100 Id. at 14-1891_0034.
101 Email from Chief of Staff to Committee on Ethics Staff Member, Dec. 18, 2009 (Exhibit 19 at 14-1891_0357).
102 Email from Chief of Staff to Committee on Ethics Staff Member, Dec. 18, 2009 (Exhibit 20 at 14-1891_0359).
103 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).
104 Chief of Staff Transcript (Exhibit 1 at 14-1891_0035).
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:

- 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. That same day, Representative Petri issued a news release noting that he was “pleased but . . . not surprised” with the Army’s decision.

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 . . . .” 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.”

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.

79. According to the Oshkosh EVP, the letter was drafted by Oshkosh.

---

105 Letter from the Chief Counsel and Staff Director, Committee on Ethics, to Rep. Thomas Petri, May 21, 2014 (Exhibit 10 at 14-1891_0328).
109 Id.
111 Oshkosh EVP Transcript (Exhibit 5 at 14-1891_0282).
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:  

```
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.”  

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.”

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. 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.

---

112 Email from Chief of Staff to Committee on Ethics Staff Member, Feb. 26, 2010 (Exhibit 24 at 14-1891_0368).
113 Email from Chief of Staff to Committee on Ethics Staff Member, Feb. 26, 2010 (Exhibit 24 at 14-1891_0368).
114 Chief of Staff Transcript (Exhibit 1 at 14-1891_0037).
115 Secretary of the Army MOI (Exhibit 14 at 14-1891_0341).
116 Id.
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:\footnote{Letter from the Chief Counsel and Staff Director, Committee on Ethics, to Rep. Thomas Petri, May 21, 2014 (Exhibit 10 at 14-1891_0328).}

- 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.

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.\footnote{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).}

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.”\footnote{\textit{Id.} at 14-1891_0371.}
86. Included with the letter was a separate memo from Representative Petri disclosing his ownership of Oshkosh stock.\(^{120}\)

\[
\text{Memo}
\]

\begin{center}
\begin{tabular}{l}
Date: June 10, 2013 \\
To: Chairman McKeon \\
\hspace{1cm} Chairman Young \\
\hspace{1cm} Ranking Member Smith \\
\hspace{1cm} Ranking Member Visclosky \\
From: Congressman Tom Petri \\
\end{tabular}
\end{center}

\begin{center}
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.
\end{center}

87. In his interview with the OCE, Representative Petri said that he did not recall either the letter or the attached memorandum.\(^{121}\)

88. According to both the Oshkosh EVP and Representative Petri’s Chief of Staff, the letter was initiated by Oshkosh.\(^{122}\) 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.”\(^{123}\)

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.\(^{124}\)

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.\(^{125}\)

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.\(^{126}\)

---

\(^{120}\) 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).

\(^{121}\) Rep. Petri Transcript (Exhibit 4 at 14-1891_0215-0216).

\(^{122}\) Oshkosh EVP Transcript (Exhibit 5 at 14-1891_0288); Chief of Staff Transcript (Exhibit 1 at 14-1891_0038).

\(^{123}\) Email from Oshkosh EVP to Chief of Staff, et al., May 22, 2013 (Exhibit 26 at 14-1891_0374).

\(^{124}\) Chief of Staff Transcript (Exhibit 1 at 14-1891_0038).

\(^{125}\) Id.

Page 21 of 38
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.” On June 10, 2013, the Chief of Staff emailed the former legislative assistant a draft attachment:

![Email from Chief of Staff to Meagan McCanna, June 10, 2013 (Exhibit 27 at 14-1891_0378).]

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. 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.”

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

---

126 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).
127 Email from Chief of Staff to Meagan McCanna, June 7, 2013 (Exhibit 27 at 14-1891_0379).
128 Email from Chief of Staff to Meagan McCanna, June 10, 2013 (Exhibit 27 at 14-1891_0378).
129 Chief of Staff Transcript (Exhibit 1 at 14-1891_0039).
130 Id. at 14-1891_0039-0041.
131 Id. at 14-1891_0041-0042.
95. The HASC Chairman told the OCE that he did not recall receiving either the letter or the attached memorandum. He did not recall any other contacts with Representative Petri related to this reprogramming request.

c. Truck Weight Limits

96. Pierce Manufacturing ("Pierce") is an Oshkosh subsidiary that manufactures fire trucks and related equipment.

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.

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.”

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.”

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.”

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.

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

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. Before that

---

132 HASC Chairman MOI (Exhibit 7 at 14-1891_0319).
133 Id.
134 Oshkosh EVP Transcript (Exhibit 5 at 14-1891_0254).
135 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).
136 Email from Chief of Staff to Will Stone, Nov. 29, 2011 (Exhibit 28 at 14-1891_0381).
137 Chief of Staff Transcript (Exhibit 1 at 14-1891_0045-0046).
138 Id. at 14-1891_0044.
139 Id. at 14-1891_0046.
140 Letter from Chief Counsel and Staff Director, Committee on Ethics, to Rep. Thomas Petri, May 21, 2014 (Exhibit 10 at 14-1891_0327-0329).
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:

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 . . . .” Later that day, she reported to the Oshkosh EVP that, “They are checking on who handles this at the Committee. Will let you know.” The Oshkosh EVP thanked her, noting that “this program is very important to the company.”

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.” She later added, “I asked them if I could check periodically on status.”

---

141 Oshkosh EVP Transcript (Exhibit 5 at 14-1891_0265).
142 Id.
143 Email from Oshkosh EVP to Chief of Staff, July 11, 2012 (Exhibit 29 at 14-1891_0387).
144 Chief of Staff Transcript (Exhibit 1 at 14-1891_0048).
145 Email from Chief of Staff to Oshkosh EVP, July 11, 2012 (Exhibit 30 at 14-1891_0390).
146 Email from Oshkosh EVP to Chief of Staff, July 11, 2012 (Exhibit 30 at 14-1891_0389-0390).
147 Email from Chief of Staff to Oshkosh EVP, July 12, 2012 (Exhibit 31 at 14-1891_0393).
148 Email from Chief of Staff to Oshkosh EVP, July 12, 2012 (Exhibit 31 at 14-1891_0393).
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.”\textsuperscript{149} He added that the Chief of Staff “helped educate me on the process.”\textsuperscript{150}

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.”\textsuperscript{151}

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.\textsuperscript{152}

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.\textsuperscript{153}

111. According to the Oshkosh EVP, the first meeting took place in or around May 2006:\textsuperscript{154}

   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.\textsuperscript{155}

112. According to the Oshkosh EVP, the discussions were “not substantive.”\textsuperscript{156} He described them as “a lot of diplomatic latitudes as I recall.”\textsuperscript{157} 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.\textsuperscript{158}

\textsuperscript{149} Oshkosh EVP Transcript (Exhibit 5 at 14-1891_0267).
\textsuperscript{150} Id.
\textsuperscript{151} Chief of Staff Transcript (Exhibit 1 at 14-1891_0048-0049).
\textsuperscript{152} 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).
\textsuperscript{153} Oshkosh EVP Transcript (Exhibit 5 at 14-1891_0296-0297, 0299).
\textsuperscript{154} The Board notes that the first meeting falls outside of the OCE’s jurisdiction.
\textsuperscript{155} Oshkosh EVP Transcript (Exhibit 5 at 14-1891_0297-0298).
\textsuperscript{156} Id. at 14-1891_0298.
\textsuperscript{157} Id.
\textsuperscript{158} Id.
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.”

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:

---Original Message---
From: Jay Kimmitt [kimmitt@oshtruck.com]
Sent: Monday, May 08, 2006 5:11 PM
To: Gabhardt, 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
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].”

- 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.

---

159 Id.
160 Email from Oshkosh EVP to Chief of Staff, May 8, 2006 (Exhibit 32 at 14-1891_0398-0399).
115. The second meeting occurred on or around May 15, 2008. 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.

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.”

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.” 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.

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.

---


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

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

165 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).

166 Oshkosh EVP Transcript (Exhibit 5 at 14-1891_0299).

167 Id. at 14-1891_0300.
119. According to an entry from Representative Petri’s schedule, he was to meet with delegates of the Egyptian Office of the Defense Attaché. The calendar entry noted that the Oshkosh EVP would be joining the meeting.

<table>
<thead>
<tr>
<th>Subject:</th>
<th>Copy: Delegates of the Egyptian Office of the Defense Attaché</th>
</tr>
</thead>
<tbody>
<tr>
<td>Start:</td>
<td>Thu 05/15/2008 04:00 PM</td>
</tr>
<tr>
<td>End:</td>
<td>Thu 05/15/2008 04:30 PM</td>
</tr>
<tr>
<td>Recurrence:</td>
<td>(none)</td>
</tr>
<tr>
<td>Meeting Status:</td>
<td>Not yet Responded</td>
</tr>
<tr>
<td>Required Attendees:</td>
<td>Schwartz, Tyler</td>
</tr>
</tbody>
</table>

*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.” She recalled that “Oshkosh Corporation had sat in previously” with Egyptian officials.

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.

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.

* * *

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.

---

169 Id.
170 Chief of Staff Transcript (Exhibit 1 at 14-1891_0049).
171 Id. at 14-1891_0050.
172 Id.
173 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).
174 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).
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. As of December 31, 2007, he reported owning between $250,000 and $500,000 worth of Manitowoc stock. As of December 31, 2008, he reported owning between $50,000 and $100,000 worth of Manitowoc stock. As of December 31, 2009, he reported owning between $100,000 and $250,000 worth of Manitowoc stock. As of December 31, 2010, he reported owning between $100,000 and $250,000 worth of Manitowoc stock. As of December 31, 2011, he reported owning between $100,000 and $250,000 worth of Manitowoc stock. As of December 31, 2012, he reported owning between $100,000 and $250,000 worth of Manitowoc stock. As of December 31, 2013, Representative Petri reported owning between $250,000 and $500,000 worth of Manitowoc stock.

127. Since Representative Petri purchased stock in Manitowoc, he and his congressional office have performed official acts on behalf of the company.

---

183 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 EVP (“Manitowoc EVP 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 EVP 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 EVP to Chief of Staff, Feb. 14, 2007 (Exhibit 39 at 14-1891_0463). The Manitowoc EVP told the OCE that “if we didn’t get to
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.\textsuperscript{184}

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.”\textsuperscript{185}

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.”\textsuperscript{186} She discussed the need for this additional consideration with Representative Petri and other staff members.\textsuperscript{187} 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.\textsuperscript{188}

132. According to the Manitowoc SVP, the exemption would “literally prevent Manitowoc from losing roughly $500 [million] in revenue and laying off workers!”\textsuperscript{189}

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.\textsuperscript{190}

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.”\textsuperscript{191}

135. According to the Legislative Assistant, the congressional office provided “two bursts” of assistance to Manitowoc with respect to the hardship exemption application.\textsuperscript{192}

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.\textsuperscript{193}
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.\(^{194}\)

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.\(^{195}\)

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.”\(^{196}\)

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”:\(^{197}\)

```
From: Bernard, Al J [bernard.ai@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.”\(^{198}\)

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.\(^{199}\)

\(^{193}\) "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).

\(^{194}\) EPA Official Transcript (Exhibit 42 at 14-1891_0480-0481).

\(^{195}\) Legislative Assistant Transcript (Exhibit 2 at 14-1891_0113-0114).

\(^{196}\) Id. at 14-1891_0113.

\(^{197}\) Email from Manitowoc SVP to Legislative Assistant and Chief of Staff, Nov. 15, 2012 (Exhibit 44 at 14-1891_0495).

\(^{198}\) Email from Manitowoc SVP to Chief of Staff, Nov. 15, 2012 (Exhibit 41 at 14-1891_0470).

\(^{199}\) 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).
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.\footnote{Letter from Representative Thomas Petri to EPA Regional Administrator – Region 5, Aug. 8, 2013 (Exhibit 45 at 14-1891_0499-500).}

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.\footnote{Id. at 14-1891_0500.}

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 or 202-225-_____ if we can be of assistance in any way.

Sincerely,

Thomas E. Petri

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.”\footnote{Chief of Staff Transcript (Exhibit 1 at 14-1891_0063).} She also did not believe that Representative Petri’s ownership of Manitowoc stock was disclosed to the EPA when this letter was sent.\footnote{Id.}

The Ethics Committee letter memorializing the advice provided to Representative Petri and his congressional office does not include any advice relating to this matter.\footnote{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).}

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.”\footnote{Rep. Petri Transcript (Exhibit 4 at 14-1891_0226).}

Representative Petri did not recall being aware of the assistance his office provided.\footnote{Id. at 14-1891_0222-0224.} When asked if he was part of any discussion about the assistance he or his office could
Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended

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

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.

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.”

151. On September 16, 2013, the Manitowoc SVP reported to Representative Petri’s Legislative Assistant that EPA “did comment verbally that is was ‘good’ that ‘Congress’ chimed in our behalf . . . .”

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.

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.

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.

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. As of December 31, 2013, he reported owning between $100,000 and $250,000 worth of stock in Plum Creek.

207 Id. at 14-1891_0223.
208 Chief of Staff Transcript (Exhibit 1 at 14-1891_0062-0063).
209 Legislative Assistant Transcript (Exhibit 2 at 14-1891_0117).
210 Email from Manitowoc SVP to Legislative Assistant, Sept. 16, 2013 (Exhibit 46 at 14-1891_0502).
211 EPA Official Transcript (Exhibit 42 at 14-1891_0479-0480; 0485-0486).
212 Id. at 14-1891_00480.
213 Manitowoc SVP Transcript (Exhibit 38 at 14-1891_0435).
215 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.
156. Prior to the most recent redistricting in Wisconsin, Plum Creek owned forest land in Representative Petri’s congressional district.\footnote{216}{Rep. Petri Transcript (Exhibit 4 at 14-1891_0226); Chief of Staff Transcript (Exhibit 1 at 14-1891_0065).}

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.\footnote{217}{See U.S. Forest Service, LWCF Purchases – About the Fund, available at http://www.fs.fed.us/land/staff/LWCF/about.shtml.} 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.\footnote{218}{See Trust for Public Land, LWCF, available at http://www.tpl.org/land-and-water-conservation-fund-lwcf.}

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.\footnote{219}{Email from Plum Creek Lobbyist to Legislative Assistant, May 15, 2012 (Exhibit 47 at 14-1891_0504).}

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.”\footnote{220}{Email from Legislative Assistant to Plum Creek Lobbyist, May 17, 2012 (Exhibit 47 at 14-1891_0504).}

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.”\footnote{221}{Legislative Assistant Transcript (Exhibit 2 at 14-1891_0123).}

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.\footnote{222}{Id.} The Plum Creek Lobbyist said that he works “with a coalition of folks from the conservation community” on the LWCF.\footnote{223}{Transcript of Interview of Plum Creek Lobbyist, May 23, 2014 (“Plum Creek Lobbyist Transcript”) (Exhibit 48 at 14-1891_0518).}
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.”

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.

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.

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.

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.”

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”). The Plum Creek Lobbyist said this issue involved a very broad coalition of interested parties.

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.

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.” 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 . . . .”

---

224 Chief of Staff Transcript (Exhibit 1 at 14-1891_0071).
225 Id.
226 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).
227 Email from Plum Creek Lobbyist to Chief of Staff and Legislative Assistant, July 24, 2012 (Exhibit 49 at 14-1891_0537-0538).
228 Email from Meagan McCanna to Plum Creek Lobbyist, July 24, 2012 (Exhibit 49 at 14-1891_0537).
229 Plum Creek Lobbyist Transcript (Exhibit 48 at 14-1891_0522-0523).
230 Id. at 14-1891_0523.
231 Id. at 14-1891_0520.
232 Chief of Staff Transcript (Exhibit 1 at 14-1891_0065).
233 Id. at 14-1891_0065-0066.
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.”

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.

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

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.”

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.

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. 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.”

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.” 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.”

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
had an industry-wide impact, not just affecting Plum Creek, Representative Petri could sign the letter.\textsuperscript{245}

179. The letter provided to Representative Petri by the Committee on Ethics summarizing the guidance it provided to him reflects this advice.\textsuperscript{246}

- 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.

\textsuperscript{245} Chief of Staff Transcript (Exhibit 1 at 14-1891_0069-0070).
\textsuperscript{246} Letter from Chief Counsel and Staff Director, House Committee on Ethics, to Rep. Thomas Petri, May 21, 2014 (Exhibit 10 at 14-1891_0329).
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

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

It is May 27, 2014. We're here with [redacted], chief of staff to Congressman Petri and Rob Kelner and Kevin Glandon, counsel with Ms. [redacted]

BY MR. GAST:

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

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

A Correct.

Q How long have you been in that position?


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

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

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

Q Are you responsible for any specific issue areas as chief of staff?
A It's currently I handle work related to
the highway and transit subcommittee and the
aviation subcommittee.

Q How long have you been handling that
work?

A I have done the highway transit
subcommittee off and on but since probably 2004 or

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

A Not specifically.

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

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

Q How long did you do that?

A Just a little under two years.

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

So to start out can you tell us a little bit
about your awareness of Congressman Petri's
portfolio, what companies he owns stocks in and how
you came to know that?
A I am aware of his financial disclosure forms.

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

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

Q And what were those conversations?

A What do you mean, what were the?

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

A Uh-huh (affirmative).

Q What was the substance of those conversations?

A Well just that we would have to be careful as we proceeded in the future to be certain that anything that we did was consistent with house rules, potentially checking with ethics committee if we had concerns that perhaps there might be some things that we couldn't do because of that, and that there might be heightened scrutiny or someone may choose to do a press report or, you know, a
story, you know, about that because of them being in the district.

Q  Do you recall when that conversation was?

A  I believe that was in early 2007.

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

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

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

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

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

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

A  Again I just can't remember when it started. If we're required to we would have, but I just don't know when that requirement came in to being.
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
action would, you know, I'd be made aware of it so.

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

A  I don't believe so.

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

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

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

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

A  I think it primarily fell on me
primarily.

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

A  I think requests that were more than
just routine, that required a letter, you know, or
something like that.
Generally I would frequently during our weekly staff meetings talk about okay, what issues are you working on.

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

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

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

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

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

Q      And who from Oshkosh would you generally interact with?

A      The primary person was Jay Kimmitt, who was the head of their government affairs, but there were a few other people that, again that changed over the years.
Q  Okay. And who from the congressional office would have contact with Oshkosh?
A  Frequently it would be myself, and then usually for them whoever was handling defense issues and that changed over time.
Q  Okay. Who is that currently?
A  Currently it's Chris Grawien.
Q  And prior to Chris?
A  It was Meagan McKenna.
Q  And prior to Meagan?
A  I want to say Kevin James.
Q  Okay. And prior to Kevin?
A  James Fenlon.
Q  And just prior to James?
A  Tyler Schwartz, I believe.
Q  Okay. How often would Oshkosh representatives interact with Mr. Petri himself?
A  Again it's hard to say specifically, but on occasion.
I don't know if you're looking for a specific number. You know, it would depend on what was happening.
Q  Would it be a couple times a month, couple times a year?
A  It's hard to remember specifically but
not, I don't believe it was a couple times a month
at all. It was more a few times a year if that.

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

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

Q  What were those conversations? Who did
you have those conversations with, first?
A  I believe the first conversation would
have been in 2007.

Q  Okay. Who was that with?
A  I believe it was Jay Kimmitt.

Q  What did you discuss with him?
A  I had to tell him that Congressman Petri
couldn't submit the earmark request for the
upcoming fiscal year.

Q  And why did you tell him that? What
prompted that?
A  Well their expectation is that we would
be submitting the request, so we had to tell him
that we could not.

Q  Why couldn't you?
A  Because of the stock, because of
Congressman Petri owned stock and, you know, the financial interest form that was required.

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

A  I don't believe so.

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

A  For the 2007 earmark?

Q  Yes.

A  Yes.

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

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

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

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

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

A  I think as in the future when some requests were made I said well I'd have to ask the
ethics committee or I'd have to run it by the ethics committee.

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

A The primary one was the earmarks.

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

A I don't recall anything right now.

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

A Okay.

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

A Right.

Q Are you familiar with that issue?

A Yes.

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

A I believe it was during a meeting with Jay Kimmitt, I'm not sure if there were other people from Oshkosh there, probably in September of
2009.

Q And what was the context of that coming up?

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

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

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

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

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

Q And was that as a result of this meeting that you had with the Oshkosh folks?
A  Probably the meeting and I'm sure
subsequent emails, phone conversations.

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

A  Roughly late September.

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

A  Uh-huh (affirmative).

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

A  Uh-huh (affirmative).

Q  Are you familiar with this memo?

A  Yes.

Q  What is this memo?

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

Q  And who drafted this memo?

A  This was actually on my computer.

Q  Okay.

A  Yes.

Q  So did you draft it then?

A  Yes.
Q  When you said I believe you said that Representative Petri handed this to chairman or ranking member McKeon at the time on the floor?

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

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

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

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

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

A  Uh-huh (affirmative).

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

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

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

Q  And was it you that consulted with the
ethics committee?
   A   Yes.
   Q   And can you tell me what their advice was regarding this memo and conversation with Representative McKeon?
   A   The advice was that he disclose that he does own stock, that he was, didn't weigh in on the original contract and that we're just, he was just asking for, you know, to let the process that was in place, the GAO review of the protest, to just let that proceed without any other kind of political interference.
   Q   Was this your first time consulting with the ethics committee on this issue?
   A   I believe so, yes.
   Q   And was this advice specific to this memo and this conversation, or was it advice generally when dealing with this issue?
   A   My recollection is that I was talking about this, I can't say I remember exactly, but I think what we're talking about at the time was talking about the authorization and appropriations bills.
   I just wasn't aware of any other, you know, things that were going on.
Q  Sure. I want to ask you about an October 9, 2009 delegation letter to Secretary of Defense Gates?
A  Right.
Q  Are you familiar with this letter?
A  Yes.
Q  Okay. Who came up with the idea for this delegation letter?
A  Oshkosh Corporation initially.
Q  And how was that communicated to your office?
A  I don't know if it was phone call, email, meeting. I can't at this point remember specifically how this conversation.
Q  Who initially drafted the letter?
A  Senator Kohl's office took the lead on the language. I don't know if Oshkosh Corporation submitted a draft and that could be, but Senator Cole's office then worked on submitting the draft to some others to look at.
Q  Okay. Is it fair to say that Representative Petri took the lead on the letter on the house side?
A  In terms of distributing it to the other delegation members and collecting signatures.
Q    I'm going to show you this document.

This is an email exchange from October 1, 2009 between you and James Fenlon?

A    Uh-huh (affirmative).

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

A    Yes, I do. When reading it.

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

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

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

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

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

Q    Okay. And then later that day --

A    Uh-huh (affirmative).

Q    -- you email James Fenlon again, "Actually, I talked to ethics and they said no problem as long as it says let the process in place proceed, et cetera."
First of all, what was the ethical issue that prompted you to run it by the ethics committee?

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

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

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

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

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

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

A No. And I think again we were starting to talk about having a delegation letter, so that was the reason for calling is that there 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, so.
Q   And the contact with the
committee, and this was a separate conversation
from one that you had regarding the contact with
Representative McKeon; is that correct?
A   That's my recollection, yes.
Q   And do you recall the guidance that the
committee gave you?
A   Again I'm going based on, I can't recall
the exact conversation now at this point in time,
but based on this email I'd say okay, as long as
the message is let the process in place proceed.
That's the recollection of my conversation
with the ethics committee.
Q   Do you recall discussing the need for
disclosure of Representative Petri's stock
ownership?
A   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.
Q   Did Representative Petri disclose his
stock ownership to Secretary Gates at the time this
letter was sent?
A   No.
Q   And given that he had disclosed to
Representative McKeon in the memo that I gave you, why was this a different situation in which there was not a similar disclosure made?

A Because ethics committee did not suggest doing that.

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

A I don't recall bringing it up.

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

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

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

A Yes.

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

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

And my recollection or I think that the
letter one was more referring to the October 1 call
regarding the delegation letter, that's my
understanding.

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

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

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

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

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

A  She was on the staff of the ethics
committee.

Q  Is this who you spoke with at the
committee?

A  I believe so.

Q  And then next to her name is the section
crossed out there and under that it says whoever he
talks to disclose that and then a dash. Not weighing
in on whether they should, did weigh in on contract
interest, stock, asking following procedure, a lot
of that is cut off.
A  Huh-uh (affirmative).
Q  Can you walk us through what those notes
what you meant by those notes?
A  Well those were my notes from the phone
conversation.
Again my recollection is I was calling about
talking to chairman, or he wasn't chairman,
Congressman McKeon or someone on either the
authorizers or appropriations.
And this was their like I said it's a
constituent company, he owns stock in it, can he do
this and the answer was yes.
Q  And it says whoever he talks to disclose
that dash. Do you know what was to be disclosed?
A  That he owned stock.
Q  That he owned stock. And what about the
line not weighing in on whether they should, what does
that refer to?
A  I think that was I couldn't get the
whole thing, it was just this is not a full
sentence, but it was I think it was not weighing on
whether they should, didn't weigh in on the
original contract I think is what that -- well
that's what it says below but I think weigh in on
the original contract I believe.
Q And then the note off to the left side of the page there Carol Owen on letter equals okay; do you know what that refers to?
A I believe that that would have been about the delegation letter.
Q And who is Carol Owen?
A Well I think I have the name wrong, I think it's Carol Dixon but I just did not have the name correct listed correctly on this.
But again looking back at it now I think that's referring to the delegation letter.
Q Okay. And would that have been a separate conversation or was she on the phone with will Susan Olson or how did that work?
A She was not on the phone with Susan Olson. I believe that was a separate conversation.
Q Do you have any idea when that conversation took place?
A Well based on this email it seems to be October 1.
Q Okay. Did there come a time when Representative Petri had a telephone conversation with the Secretary of the Army?
A Yes.
Q Do you recall when that was? Let me
show you this, it may help.

A  Okay.

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

A  Yes.

Q  And these are your notes?

A  Yes.

Q  And what do those notes reflect?

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

Q  And were you part of that call?

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

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

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

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

A  Based on these notes I'd say that.

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

A  Again 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
dlegation continue or be a counterbalance to that,
you know, was the political pressure having an
impact, if any.

Q  And kind of walk me through these notes
here.

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

A  I believe they reflect both.

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

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

Q  What about "follow regular order"?

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

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

A  I believe that was if the contract
stands if the GAO came out with a favorable
determination don't let Texas and BAE and the
others just continue to drag it out. There were
conscerns about that.

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

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

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

Q  Okay. "I want to go forward."

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

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

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

Q  Okay.

A  I just don't know.

Q  Then at the left there, "appreciated
offer of counterweight of pressure not needed
politics," what's that refer to?

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

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

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

Q  What was this offer of counterweight of
pressure?

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

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

BY MR. GAST:

Q  Okay. Does that offer of counter
pressure conflict in any way with the suggestion
that the message was to let the process play out
without interference?

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

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

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

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

A I do not believe I did.

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

A I do not recall if he did or not.

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

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

MR. GAST: All right. Why don't we take five minutes.
(A brief recess was taken.)

BY MR. GAST:

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

Back to the actions that the congressional office took for the Oshkosh Corporation regarding the protest of the FMTV contract. I just want to show you this letter, part of this email looks to be a draft letter that was provided to the office by the Oshkosh Corporation to Ashton Carter the Under-Secretary of Defense for acquisition technology, and logistics. PETOCE-424.

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

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

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

A   Yes.

Q   And do you recall how this, the idea for
this letter came up?

A It was at the suggestion of Oshkosh Corporation.

Q And let me now show you this series of emails and notes from December 18, 2009, shortly before this letter, the date of this letter,

PETOCE-28, 25 and 27.

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

A Yes.

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

A Yes.

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

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

Q Some official connection?

A Some official connection.

Q Do you recall whether the issue of
Representative Petri's stock ownership was discussed with Carol?

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

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

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

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

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

Q Did you discuss the stock issues at all?

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

Q And what was --

A -- on her call back after she reviewed
Q  And what was the initial conversation about the stock issue?
A  Again I don't recall the specific conversation but I did, I want to say this 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.
Q  So did they give you any guidance specific to the stock issue?
A  I don't remember her raising that issue. Again her concerns seemed to be on the other delegation members.
Q  Okay. Did Representative Petri disclose his ownership of the Oshkosh stock in any manner with respect to this letter to the Secretary of the Army?
A  No.
Q  And just to close the loop on that, you and the ethics committee did not discuss the disclosure question, whether or not Representative Petri should disclose his ownership of stock to Secretary McHugh?
MR. KELNER: Let me just you said, Scott, the disclosure question as if there was disclosure question.

BY MR. MORGAN:

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

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

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

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

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

A Yes.

Q Okay.

A Which we did.

Q Okay. And to be just clear for the record, the version of the letter that she, that Carol Dixon reviewed and then approved after suggested change did not include disclosure of
Congressman Petri's stock?

A It did not.

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

A Yes.

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

A Yes.

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

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

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

And again in the email it says so again given Representative Petri's stock ownership issue, and in the scheme of things not that much, wanted to make sure it was okay to send as part of his
representing one of our largest employer
constituents.

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

A Yes.

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

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

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

A No.

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

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

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

A Okay.
Q  Do you recall this letter?
A  Yes.
Q  And how did the idea for this letter come up?
A  From Oshkosh Corporation.
Q  Did you consult with the committee on ethics about this letter?
A  Yes.
Q  And do you recall who you spoke with at the committee or who you had contact with?
A  My recollection is it was Carol Dixon.
Q  Okay. And what was the issue that prompted you to reach out to the ethics committee?
A  The stock ownership issue.
Q  And do you recall what the advice was from the committee with respect to this letter?
A  Well I can't recall the exact conversation. Based on emails sent to the staff handling it I believe they did say disclose his stock ownership.
Q  And is that then reflected in the last page of this letter, the attached memo from Representative Petri to each of the recipients of the letter?
A  Yes.
Q  Was there any discussion of why such a disclosure was made in this instance but had not been made in previous contacts with executive branch officials?

A  Discussions with?

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

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

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

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

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

A  I don't recall having that. I looked at each instance based on what their advice was for that.
BY MR. MORGAN: Was that, was it Carol Dixon's
suggestion that the disclosure be made or did you
ask her if a disclosure should be made and she said
yes or do you recall whose?

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

Q   Okay.

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

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

Did you think about that being strange at the
time?

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

If they'd said do it I would have done it as
we did do when they said to do it.

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

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

A I don't recall anything like that.

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

A I don't recall anything like that.

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

A I don't recall any other action.

Q Were there any conversations with committee staff?

A I didn't have any.

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

A Not that I'm aware of.

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

A Not that I'm aware of. No.

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

A Yes.

Q -- of Oshkosh and the fire trucks?

A Yes.

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

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

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

A No.

Q Was there a reason why he did not?

A The letter was initially going to be sent in December of last year, in part because of
our ethics consultation it was delayed and the
holidays came and the person that the letter was
originally addressed to left the agency.

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

A Yes.

Q And what was the committee’s findings on
that issue?

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

Q Was there any discussion about
disclosure of Representative Petri’s ownership of
Oshkosh stock with the ethics committee?

A Well I disclosed that he had the stock.

Q To the committee?

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

Q Okay.

MR. GAST: I have a question about
this exchange. For the record this is an
e-mail exchange that begins with

PETOCE-4298.
BY MR. GAST:

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

A    Yes.

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

A    Yes.

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

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

        So it was broader than just Oshkosh.

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

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

Q    Do you recall?
-- or users maybe.

Q Do you recall what associations were involved?

A I don't recall the names offhand.

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

A I don't believe I did.

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

A Uh-huh (affirmative).

Q Is that correct?

A Yes.

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

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

So as if we're going from the manufacturer to whatever town they on occasion were getting
ticketed, so that was the purpose of it.

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.

Q And the subcommittee, is that the subcommittee on?

A Highways and transit.

Q Highways and transit and who is Jennifer?

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

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

A I don't believe I did.

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

A I don't believe so.

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

A I don't know if I did. I can't remember at this point. I can't recall that I did.
Q    I will show you this email, this is a set of emails between [REDACTED] and Jay Kimmitt PETOCE 2927, PETOCE-2519, PETOCE-2019, these are the emails.

Are you generally familiar with the issue in these emails?

A    Yes.

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

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

A    If they'd been notified.

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

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

So the request was has that come up, just what is the status and if there were questions let
them know that Jay Kimmitt was available to talk.
So it was just this status of the request.
Q And you contacted the foreign affairs
committee after getting this contact from
Mr. Kimmitt?
A Yes.
Q And what is it that you asked of the
committee?
A I believe I asked has the state
department sent up the request and if so if you
have any questions, you know, Jay Kimmitt will be
available to answer them as I recall.
Q And what was the committee's response?
A They eventually said that it did but
they didn't have any problems with it, that was the
ultimate response.
Looking at this there was a preliminary
response that it hadn't and then ultimately it did and
it didn't see it as being controversial.
Q Did the sale ultimately go through?
A I don't know.
Q And did you consult with the ethics at
all before taking this action on behalf of Oshkosh?
A I did not.
Q Did you have any discussion internally
in the office about whether that type of advocacy
on behalf of Oshkosh was appropriate, given
Representative Petri's ownership of stock in the
corporation?

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

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

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

Do you recall this scheduling item, this
meeting?

A  I recall it, yes.

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

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

Q  What was the subject of this meeting,
what was to be discussed?

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

Q Did you sit in on this meeting?

A No.

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

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

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

A No.

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

A Well I know Oshkosh Corporation had sat
in previously.

Q With Egyptian officials?

A Yes.

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

A I don't know, I wasn't aware. And I
don't know that Jay Kimmitt attended the meeting.
Q  Okay. Just briefly on appropriation

requests made by the Oshkosh Corporation has

Representative Petri submitted appropriation

requests on behalf of Oshkosh in the past?

A  Yes.

Q  And at some point did that change?

A  Yes.

Q  And what prompted that change?

A  Once he owned stock he no longer

requested appropriations.

Q  And do you recall the dates when that

time period, when that change happened?

A  It would have been in early 2007 for the

2008 appropriations cycle.

Q  And that was prompted as such, we talked

about at the beginning of the interview, filling

out the appropriation request form, certification

of no financial interest?

A  Right.

Q  And you became aware that Representative

Petri owned stock in Oshkosh; is that correct?

A  Correct.

Q  Okay. It appears from some of the

materials provided that Oshkosh continued to meet

with the staff members in the office about their
appropriations requests; is that something that continued to go on after the decision was made not to submit the earmark requests?

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

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

A Not that I recall, no.

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

A I don’t recall anything like that.

Q All right. I think those are all the questions I have about the Oshkosh company. I want to move on to the Manitowoc Company. I have got to learn how to say it?

A Not too many syllables.

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

A Again it's a long-standing established company in the district, it's a major employer, we have contact with them on occasion.
I can't say on a regular basis or so many times per month or year, as issues warrant, I think. But it's a major employer company in the district.

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

A  Primarily Al Bernard.

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

A  He's their government affairs person.

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

A  Yes.

Q  How did you become aware of that fact?

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

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

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

Q  Upon learning that he had stock in the company, same as Oshkosh, were any steps taken to change office policy or inform staff of that fact, or were any changes made on how requests from the company were handled?
A I don't think there were specific changes, other than again trying to be aware if there were requests.

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

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

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

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

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

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

Q And that was in early 2007?

A I believe so, yes.

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

A With the congressmen and other some other staff at the time.
BY MR. GAST: And do you recall occasions when a request from the company came in that you sought ethics committee guidance on?

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

Q And what was the situation?

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

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

Q And how were you made aware of this situation?

A I think it was through an email.

Q Do you recall who made you aware of this?

A Al Bernard.

Q And when was this?

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

Q And what was it that Al made you aware?

A That they had been trying to get some
kind of guidance or approval to do something from
EPA and that they were having -- I think it was
EPA -- and that they were having trouble getting a
clear response.

Q And then did you seek ethics committee
guidance after getting that email from Mr. Bernard?
A I apparently did not.
Q Was that a specific decision not to seek
guidance or?
A I don't know why, to be honest, I
didn't. It came in as a constituent request
similar to others and I didn't.
Q Okay. I have a couple documents I want
to show you about that particular issue, but before
we get there I want to ask you back to 2007
A Uh-huh (affirmative).
Q Lindsay Bowers who I guess was on the
staff at that time?
A Yes.
Q She was legislative assistant at the
time?
A Yes.
Q Had some contact with Mr. Bernard about
an EPA rule making phasing out certain chemicals
under the significant new alternatives policy program; does that sound familiar?

A  Yes.

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

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

A  Yes.

Q  Do you recall how this came to your attention?

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

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

A  I don't recall specifically but I think it was, you know, possibly a year or more before this.

Q  Okay. And what was it that Manitowoc was requesting, what assistance were they requesting?

A  I'm not sure I can give you the specifics of the issue itself. It was rather complex and I didn't get involved in the specifics
But it had something to do with foam and some kind of standards or compliance or requirements to use a new kind of foam and phasing out the requirements for the foam and allowing some other companies to continue to use the old foam. That's about the extent of my understanding of the issue itself.

Q  Okay. And what were they asking for help with?

A  My understanding is that Manitowoc and other companies had gone on to use the new foam, but other companies that had not met the requirements were potentially going to be given additional time beyond the original EPA deadline.

Q  And what was the company, what assistance were they looking for?

A  I think here it was primarily setting up a meeting with OMB so that they could present their case to OMB.

Q  And what assistance did the office provide?

A  My recollection is that we just contacted OMB and asked if they'd meet with 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
company?

A No.

Q Back to the issue of the tier four engines; do you recall how that matter came to the office's attention?

A I seem to recall it was through an email.

Q Let me show you this email chain to refresh your recollection. Do you see it's PETOCE 7962. Are you familiar with this email exchange?

A Yes.

Q Does this help refresh your recollection as to how the matter came to the office's attention?

A Yes.

Q And how is that?

A From an email from Al Bernard.

Q And that was an email to you?

A To me.

Q In September of 2012?

A Correct.

Q And it appears from the response that you sent to Al that you brought Kevin James in to the situation?

A Uh-huh (affirmative).
Mr. James is currently and remains a legislative assistant in the office?

Correct.

When this issue came to your attention from Mr. Bernard, and we talked about this, did you seek any ethics committee guidance about providing assistance to the company with this matter?

I don't think I did.

And what assistance did the office provide to Manitowoc with regard to this matter, this issue?

Kevin handled the issue on a day-to-day basis. I think eventually there was a letter.

Okay. Did Kevin work with you, keep you apprised of the actions he was taking on this issue?

I'd think he would from time to time. I can't recall specifically but.

You say that you thought it culminated or included a letter.

Let me show you this letter dated August 8, 2013 from Representative Petri to the regional administrator of EPA.

This is PETOCE 1544. Was this the letter to which you were referring?
A Yes.

Q Okay. Do you recall reviewing this letter before it was sent out?

A I don't have a specific memory, but I'm sure I did.

Q Okay. Do you recall sharing this letter with Representative Petri?

A I don't recall.

Q As a general matter, would he see correspondence addressed to officials in the executive branch before it was sent out?

A He generally would.

Q Okay. He seemed to have some question whether that was his signature or somebody else had signed for him.

Do you recall the circumstances of how this letter got to be signed?

A Well there are two of us in the office that do have the authority to sign, because frequently he's not here.

Q Right.

A He probably was not here. I don't know if during the recess we sometimes do contact. I can't, I just don't recall the circumstances surrounding this.
Q Who are the two people in the office authorized to sign?
A Myself and Linda Towes.
Q What is Ms. Towes' title, what's?
A She's office manager, chief case worker.
Q You don't recall the circumstances about how this letter came to be signed?
A I remember having a conversation with Kevin about it, but I can't recall beyond that what happened at this point.
Q What was the conversation that you had with Kevin?
A Well just about how they had been trying to get this answer or guidance from EPA and should we send the letter.
Q Okay. And did you seek ethics committee review of this letter before it was sent?
A I don't believe I did.
Q Okay. Was there any disclosure of Representative Petri's ownership of Manitowoc stock included or associated with this letter?
A No, I don't believe so.
Q Did you discuss this matter with Representative Petri at all?
A Again I can't recall specific, well I
can't recall throughout the course if it had been
discussed or not.

Okay. Do you recall any other occasions
on which Manitowoc came to the office seeking
assistance with a particular matter?

I don't recall now.

Okay.

MR. KELNER: About how much longer
do you think you have?

MR. GAST: That does it for
Manitowoc, so I just want to talk about
Plum Creek and Danaher, which I don't
imagine will be too much longer.

THE WITNESS: I wouldn't mind a
quick break.

MR. GAST: We'll try to get through
the rest of this.

(A brief recess was taken.)

MR. GAST: Scott Gast and Bryson
Morgan with the Office of Congressional
Ethics with [redacted], Rob Kelner
and Kevin Glandon.

BY MR. GAST:

I want to move on to Plum Creek Timber Company.

If you could just tell me a little bit about your
experience with the company, the office's relationship with the company in general?

A It was a constituent company in the district prior to the last round of redistricting. It was in Adams County. They have some forest lands, we had some contact but it's limited.

Q What issues would you have contact with them on?

A There was a silviculture bill, something about storm management on forest roads, there was something about timber tax issues in the proposed ways and means negotiations or as ways and means was looking at tax reform, comprehensive tax reform, and there may have been a few other issues I don't recall.

I was made aware that the 97,000-pound truck issue was something that they had an interest in.

Q How were you made aware of that?

A I think I first made, was aware through this article that was written. I had never specifically considered that.

I can remember that they had an interest like literally hundreds of companies around the country do.

Q And when you say the article that was
written, which article are you referring to?

A  The I think it was in February of this year article.

Q  Was that specifically about Representative Petri's stock ownership in the company and his interest in that issue?

A  I think it's his wife's stock.

Q  Okay.

A  And I don't know his interest in the issue. It is an issue before the highway and transit sub committee as it has been for literally years.

I'm talking about size and weight issues, they're constant issues before the committee.

Q  But then prior to that press reporting you said I think -- tell me is this is a fair characterization -- you had never thought of the truck weights limit as a Plum Creek issue?

A  Well in looking at it I didn't think could this affect Plum Creek because it affects literally thousands of companies around, around the country.

It's national policy. Any company that's moving goods on the highways could potentially be impacted by it so it's beyond industry-wide it's,
Q And then you mentioned Representative Petri's wife having stock in the company; how did you become aware of that fact?
A I can't recall specifically.
Q Do you recall generally how you were made aware?
A I don't know if it was through a financial disclosure, I can't recall.
Q Do you know when you were made aware?
A I can't specifically recall.
Q Have you ever discussed Mrs. Petri's stock ownership with anyone at Plum Creek?
A I did at some point, I can't recall exactly when, when the reporter was working on the story. I don't know if I did before that, I can't recall.
Q And when the news reporter was working on the story what was the, what were the contacts that you had?
A I contacted Bob Harris who represents them and just to give them a heads-up that this reporter was writing this story.
Q Any other contacts with anybody at Plum Creek about the stock ownership?
A: I can't recall now.

Q: You mentioned Bob Harris, he's an outside lobbyist for the company?

A: I believe he is outside.

Q: Do you work with anyone else who represents or is associated with Plum Creek?

A: Not that I recall.

Q: Okay. I want to ask you about an April 2013 letter that Representative Petri signed, it's along with approximately 30 other Members on the letter, addressed to Chairman Camp and Ranking Member Levin at Ways and Means Committee.

This is PETOCE 6961 and PETOCE 6956 is the letter. Do you recall this letter?

A: Yes.

Q: And was, before signing on to the letter was there any contact of the ethics committee about the letter?

A: Yes.

Q: Can you tell me about that contact?

A: That was done by Richard Markowitz on our staff who handles tax issues.

Q: What prompted him to reach out to the ethics committee?

A: When he approached us, I don't remember
if it was myself or Congressman Petri, he said that
he'd been contacted by Plum Creek about signing
this letter.

And again I don't know if it was myself or
Congressman Petri, I think we're together, said
well Congressman Petri's wife owned stock in Plum
Creek.

BY MR. MORGAN: Who said that?
A I don't know if it was myself or
Congressman Petri, one of the two of us did, I just
can't recall, and that we'd better contact the
ethics committee to see if it would be okay for him
to sign the letter.

BY MR. GAST: And Mr. Markowitz, was he tasked with
making that contact to the committee?
A Yes.
Q Did he report back to you about this
conversation with the committee?
A Yes.
Q What did he tell the committee it's
guidance was?
A I don't recall the specific conversation
but I think it was because as I recall it was
industry-wide and didn't affect only Plum Creek,
that it would be okay with the congressman to sign
Q Was there any discussion about disclosure of his stock ownership to the recipients of the letter, Mr. Camp and Mr. Levin?
A No, because there was no, I don't recall the ethics committee suggesting that.
Q Okay. Now prior to April 15, 2013 based on some of the documents the office provided us it appears that the office had signed on to other Dear Colleagues for the land and water conservation fund and to other actions that had been requested by Plum Creek, it doesn't appear there were similar outreach to the ethics committee.

Do you know if there had been previous contacts with the ethics committee about doing some of these previous things?
A I'm just not familiar with what specific.
Q Sure. Let me show you this one here, it's a land and water conservation fund letter. This is a May 2012 email between Bob Harris and Kevin James and the second email between the same two folks about signing on to a land and water conservation fund letter supporting that fund to transportation conferees. The Bates on this is
Harris 386 and Harris 6.

Are you generally familiar with the issue on that?

A  I'm familiar with the land and water conservation fund.

Q  Are you familiar with the request to sign on to this letter supporting the funding for the fund from the land and transportation conference?

A  I'm, I can't specifically recall.

Q  Do you recall whether there was any contact with the ethics committee for guidance on whether Congressman Petri, it was appropriate for him to sign on to this letter?

A  I don't recall.

Q  And is there a reason why it doesn't appear there was any outreach to the ethics committee that you can recall in this case, but there was later in April 2013 letter on the tax issue?

A  I can't recall. 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.

Q  Okay. Let me move on to the Danaher Corporation. Can you tell me a little bit about
the office's relationship with that company?

A I don't think we have any relationship that I'm aware of.

Q Have you had any contact with anyone who works with or is associated with the company with the congressional office?

A Not that I can recall.

Q And in that same light, do you recall any requests for assistance or support of particular legislative items coming from the company to the office?

A I don't recall any.

MR. GAST: I believe those are all the questions that we have. Thank you very much for your time.

THE WITNESS: Thank you.

(The interview was concluded.)
CERTIFICATE

GEORGIA:

COBB COUNTY:

I hereby certify that the foregoing deposition was taken down, as stated in the caption, and the questions and the answers thereto were reduced to typewriting under my direction; that the preceding pages represent a true and correct transcript, to the best of my ability, of the evidence given by said witness upon said hearing.

And I further certify that I am not of kin or counsel to the parties to the case; am not in the regular employ of counsel for any of said parties nor am I in anywise interested in the result of said case.

Disclosure pursuant to OCGA Section 9-11-28(d): The party taking this deposition will receive the original and one copy based on our standard and customary per page charges. Copies to other parties will be available under our usual and customary pricing structure. Incidental direct expenses of production may be added to either party where applicable.

This the 10th day of June, 2014.

Margaret A. Fischer, CCR No. B-749
My Commission Expires 3-01-18


CONFIDENTIAL

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

ERRATA SHEET

<table>
<thead>
<tr>
<th>Page</th>
<th>Line</th>
<th>Correction</th>
<th>Reason</th>
</tr>
</thead>
<tbody>
<tr>
<td>17</td>
<td>19</td>
<td>Change &quot;Coles&quot; to &quot;Kohl's&quot;</td>
<td>Name misspelled</td>
</tr>
<tr>
<td>28</td>
<td>16</td>
<td>Change &quot;office&quot; to &quot;all this&quot;</td>
<td>Reflects witness's testimony</td>
</tr>
<tr>
<td>32</td>
<td>5</td>
<td>Insert &quot;about&quot; after &quot;all of&quot;</td>
<td></td>
</tr>
<tr>
<td>32</td>
<td>7</td>
<td>Change &quot;you&quot; to &quot;he&quot;</td>
<td>Reflects witness's testimony</td>
</tr>
<tr>
<td>65</td>
<td>19</td>
<td>Insert comma after &quot;think&quot;</td>
<td>Reflects witness's testimony</td>
</tr>
<tr>
<td>65</td>
<td>20</td>
<td>Insert quotation mark (&quot;), before &quot;could,&quot; and a comma after &quot;reek&quot;</td>
<td>Reflects witness's testimony</td>
</tr>
</tbody>
</table>

This errata sheet is submitted subject to 18 U.S.C. § 1001 (commonly known as the False Statements Act).

Witness Name: [Redacted]

Witness Signature: [Redacted]

Date: [Redacted]
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

Transcribed By:
Julie Thompson
MR. GAST: For the record, today is May 22, 2014. This is Scott Gast with Bryson Morgan with the Office of Congressional Ethics. Here with [REDACTED] with the office of Congressman Thomas Petri with his counsel Rob Kelner and Kevin Glandon, and we appreciate you being here today.

We usually like to start these interviews with a little bit of background. If you could tell us your current position in the office and your general duties in that position.

[REDACTED] (the "Witness"): Yes. My current position is legislative assistant.

MR. GAST: Okay.

WITNESS: And so I handle Congressman Petri's education, and workforce issues, energy, environment, interior issues, and healthcare. And so the responsibilities of a legislative assistant is to advise him on votes and manage legislative initiatives that -- bills he's introduced, or joint letters that he wants to do, or take meetings with constituents, and other things like that.

MR. GAST: Okay. Can you say those issues once again that you said? Ed and workforce, energy,
WITNESS: Interior issues.

MR. GAST: Okay. And healthcare?

WITNESS: And healthcare.

MR. GAST: And how long have you been in that position?

WITNESS: Since June of 2010. So I should be clear by saying that I became a legislative assistant in roughly the December 2009/January 2010 time frame and handled a different set of issues at that point. That was some transportation and infrastructure issues, veterans, foreign affairs, defense, water issues, and agriculture. And then when another legislative assistant left in June of 2010, I switched over and took over her issues.

MR. GAST: And was that that left in 2010?

WITNESS: Lindsay Punzenberger.

MR. GAST: Okay.

WITNESS: Lindsey Bowers I think was her name prior to getting married.

MR. GAST: Okay. And in that December 2009/January 2010 time frame, did you succeed James Fenlon as a legislative assistant? Was that kind of the transition?

WITNESS: Yes.

MR. GAST: And took over the defense issues from him?
WITNESS: Yes.

MR. GAST: What did you do prior to becoming an LA in 2009/2010?

WITNESS: I was a legislative correspondent in the office from April 2009 through when I transitioned.

MR. GAST: Okay. And before that?

WITNESS: I worked for Congressman Frank Wolf.

MR. GAST: Okay.

WITNESS: -- from April 2007 to April 2009.

MR. GAST: Okay. Want to talk to you about your time as a legislative assistant in Representative Petri's office, during that time were you made aware of the extent of Representative Petri's stock ownership in any way?

WITNESS: Not that I recall. I didn't recall being aware of any of it, but in reviewing documents in preparation for this interview, I recalled that I was made aware of his ownership in Oshkosh Corporation at the time.

MR. GAST: In Oshkosh specifically?

WITNESS: Yes.

MR. GAST: And do you recall the circumstances around that, how you learned that?

WITNESS: I don't recall.

MR. GAST: Do you remember when that was?
WITNESS: I don't remember.

MR. GAST: But more generally, had there been any discussion about Representative Petri owning stock in various companies; that that might be something to keep aware of if you work with those companies?

WITNESS: I don't recall any specific discussion. Typically, Debbie Gebhardt, Chief of Staff, was really the one who was aware of those things and would help flag potential issues.

MR. GAST: Were there -- was there any ethics training, or were you given any information about ethics rules related to official actions taken on behalf of companies in which the Congressman had stock ownership?

WITNESS: Certainly, we're required to go through ethics training, and there's an expectation that we be aware of the rules that we're supposed to be complying with. And anything that was -- that we thought might cause any issues in terms of ethics, we were supposed to raise with our Chief of Staff and potentially consult the ethics committee.

MR. GAST: Nothing specific as to potential conflicts that might arise with stock ownership by the member?
WITNESS: Only in the sense that when I came into that job, there was already discussion of -- that they had already been dealing with the fact that he owned stock in Oshkosh Corporation and had been in consultation with the ethics committee. So I became aware of that as I came into that job.

MR. GAST: And when you say "that job," which job do you mean?

WITNESS: I mean when I transitioned to be a legislative assistant, taking over for James Penlon.

MR. GAST: Okay. The December 2009 to January 2010 time period?

WITNESS: Yes.

MR. GAST: Okay. Were there any office policies on that issue about dealing with companies in which Representative Petri owned stock?

WITNESS: Not -- I'm only aware just that we were -- in general, Debbie was the one who would flag issues if she was aware of them because everything generally goes through Debbie.

MR. GAST: Okay. And how would you spot those times when you should go to Debbie with a question?

WITNESS: Those times would be just from our awareness of ethics rules, or the fact that we had been
through ethics training; and the fact that when we give memos to Congressman Petri, we run them through Debbie, and so she was aware of his stock ownership and would help us to make sure we were doing what we needed to do to be in compliance.

MR. GAST: Were you given a list of companies that Congressman Petri had stock ownership of?

WITNESS: No.

MR. GAST: Okay. It's fair to say that, that was kind of Debbie's role in the office?

WITNESS: Yeah. In addition -- yeah. In addition to all of her other responsibilities.

MR. GAST: Okay. Other than the Oshkosh issue that you mentioned when you came on as an LA, were there other times in the office where you became aware of the fact that you were working on an issue that involved a company that Representative Petri owned stock in?

WITNESS: No. Because I was -- I was never aware of the other companies --

MR. GAST: Okay.

WITNESS: -- specifically.

MR. MORGAN: Do you remember anything about the context in which you became aware that he owned Oshkosh
stock, how that came up? If it was in a
conversation with Debbie, or do you recall
anything more about that?

WITNESS: I don't. I don't recall. As I mentioned
earlier, I didn't even recall being aware until
seeing in an email that it was mentioned, as part
of the preparation for this interview. So I
just don't recall how it -- in what context it
came up then.

MR. GAST: Were there ever any conversations in the office
about stock performance of any companies or the
general performance of certain companies?

WITNESS: Not really stock performance. As a member of
Congress, constituents come in, and he would
just generally ask how things are going in
Wisconsin. But he would ask that of almost
every group that came in.

MR. GAST: Okay. Let me talk to you about the Oshkosh
Corporation. How often would you have
interactions with representatives from the
company?

WITNESS: Highly infrequently.

MR. GAST: When you would have those interactions, who at
the company would you deal with?

WITNESS: I don't recall specifically. There was --
during the period were I was transitioning -- I can't remember the name of the person. It's in the emails that -- I just can't remember who it was. There was someone directly from Oshkosh that I had at least some interaction with, and then I think there was -- Will Stone I think was involved as potentially representing them. And then after that, there was very, very little interaction that I can recall with Oshkosh and, particularly, since I stopped handling defense six months later and --

MR. GAST: And when you say "after that," what do you mean by that?

WITNESS: I mean after any interaction that we had related to the FMTV contract.

MR. GAST: And who succeeded you as the person handling defense issues?

WITNESS: Meagan McCanna.

MR. GAST: Okay. And when you would have these interactions with Oshkosh folks, how would that generally come up?

WITNESS: Initially when we were doing the FMTV contract, it was just that James Fenlon already had sort of -- I mean, when we transitioned, James had already been -- this had been an ongoing thing
for months, and James had ongoing communication
with folks; and he forwarded me at least one
email I think that -- to try and sort of get me
up to speed on the issue.
And so it -- we just had direct email
contact, and it just -- whatever was sort of
going on with the issue, we were communicating
about.

MR. GAST: How often would Representative Petri interact
with the Oshkosh folks?

WITNESS: I don't think too frequently. If they -- I'm
trying to recall if they ever came in for
meetings. I don't recall that they came in for
meetings frequently, at least I can't really
recall any, honestly. I think a lot of it was
at a staff level. Of course, I'm not aware.
I'm not fully tied into his schedule in the
district, and he's constantly traveling in the
district; and I don't know at what points he did
(inaudible). I can't speak to that.

MR. GAST: Okay. And aside from the FMTV contract issue,
were there any other subjects which you
discussed with the Oshkosh folks?

WITNESS: I didn't recall any, except in reviewing
documents for this process. There was a time
when Bill Povoderick (phonetic) contacted us, and I don't -- from seeing the document, I have very little bit of information. I can't recall the full details, but I think he contacted us in some capacity about Oshkosh doing -- trying to establish a training relationship with Herzing University.

MR. GAST: With which university?

WITNESS: Herzing, H-e-r-z-i-n-g --

MR. GAST: Okay.

WITNESS: -- which is a school in Wisconsin, and I believe I just connected him with a staffer on education and workforce. I can't remember the nature of the request, and I don't recall that we did anything beyond that.

MR. GAST: Okay. Any other instances?

WITNESS: Not that I can recall.

MR. GAST: Other subjects? Did you ever have conversations with the Oshkosh folks about non public information?

WITNESS: Not that I can recall specifically. I don't -- I honestly don't recall even having that many conversations with them, and I just can't recall any specific conversations like that.

MR. GAST: What about like heads up on, you know, we have
 layoffs coming up, wanted to let you know about
that or things of that nature? You recall any
of that?
WITNESS: I recall that they had layoffs at some point,
but I don't recall having a personal
conversation with them about that.
MR. GAST: Okay.
WITNESS: Yeah. I don't recall.
MR. GAST: Okay. And did you ever discuss with the Oshkosh
folks Congressman Petri's stock ownership, the
fact that he was an owner of shares of Oshkosh?
WITNESS: No. I don't remember doing that.
MR. GAST: I want to talk specifically about that -- the
Family of Medium Tactical Vehicles.
WITNESS: Mm-hmm.
MR. GAST: I guess is the FMTV contract. You said you got
involved with transitioning from James Fenlon.
What did Mr. Fenlon tell you about the work that
had gone on when you made that transition?
WITNESS: It's hard for me to remember. It was -- just
because it was four years ago, and it was just --
- I was a new legislative assistant. There was
a lot going on. I can just remember that he
sort of got me up to speed on what was going on
and sent me some emails, and at some point
within the two-month period, we sort of handed
off the baton. I just can't remember anything
more specifically about what specific
conversations we had as part of that transition.
MR. GAST: Okay. Do you recall what the first project you
worked on, on that issue after you took over
from James?
WITNESS: I think it was a letter related to whether the
Army would do a potential bridge contract for
the other contractor, which I think was BAE
Systems.
MR. GAST: And how did that project get started?
WITNESS: It's hard for me to remember the details. I
believe it got started because -- I honestly
can't remember. Yeah. I'm sorry. I just can't
recall. We transitioned, and there was multiple
steps in the FMTV process, and some of them took
place before me, and I honestly just can't
recall how it got started. It's just too long
ago.
MR. GAST: Let me just back up one second. When you had
the kind of transition discussions with James
Fenlon, did the issue of Representative Petri's
stock ownership come up at all during those
discussions?
WITNESS: I can't remember if they did.

MR. GAST: Okay. And then on this letter, the bridge contract letter, you recall who initiated the idea for the letter?

WITNESS: I don't recall. I'm sorry.

MR. GAST: Okay. All you can do is recall what you can. Can you tell me what you do remember about the letter itself and how it moved forward?

WITNESS: I don't remember much about the process. I mean, I remember -- and I barely remembered the specific letter until reviewing the documents in preparation for this. So I just remember drafting it and running it through Debbie, but there's not much more that I can remember about it.

MR. MORGAN: So was that a letter that was a project that transitioned from James to you, or was it -- do you remember if it started after you took over?

WITNESS: I do think it started after -- I do think that, that was not something James had worked on because I do remember drafting the letter. I just can't recall the process by which it got started, and so -- yeah.

I'm sure we were in constant communication with Oshkosh about the process,
and so we knew -- and we had some sense of like
-- and hearing what the agency was putting out.
So we knew what was going on and trying to be as
helpful as possible to ensure that they were
treated fairly in the process, but I just can't
recall anything more about what the specific
circumstances were about how it got started.

MR. GAST: Do you remember ethics issues coming up at any
point during the process of drafting and
preparing the letter?

WITNESS: I don't recall anything specific during that
letter process.

MR. GAST: Did you yourself have any contact with the
ethics committee about the letter?

WITNESS: I don't recall having any ethics contact.

MR. GAST: Do you know if anybody else had any contact with
the ethics committee about the letter?

WITNESS: I don't know.

MR. GAST: Were you given any guidance about the letter
from an ethics perspective?

WITNESS: I don't recall anything specifically.

MR. GAST: Was there any discussion about Representative
Petri disclosing his ownership of Oshkosh stock
to the Secretary of the Army, the recipient of
the letter?
WITNESS: I don't recall any specific discussion on that.

MR. MORGAN: So let me sort of back up a little bit here. The letter was regarding a bridge contract; is that right, a contract from the Department of Defense or the Army? Do you remember who was awarding the contract?

WITNESS: I'm fairly sure it was the Army.

MR. MORGAN: Okay. And you were -- you said you were in constant communication with Oshkosh about the contract. Were you monitoring the contract bidding and award process as an LA, or how did you become aware of the contract?

WITNESS: Well, when I transitioned from James, a lot of the -- the process was largely -- it had been going on for months, and so when I transitioned, I became aware of those things. And as -- I can't remember the exact specific stuff, but there was sort of multiple steps in this process.

MR. MORGAN: In the contracting process?

WITNESS: Yeah. There was -- there was the initial award.

MR. MORGAN: Okay.

WITNESS: Which I seem to recall took place before I ever transitioned, and then there was the -- there was a protest; and I think GAO did an
evaluation, and I can't remember the exact
timing of when I took over and when that GAO
issue became resolved. But then I think the
bridge aspect came up after GAO upheld the
contract. And just so at different points in
the process, you know, we -- Oshkosh would tell
us, okay, you know, GAO upheld this and we -- so
we are just hearing from them how things were
going throughout this process essentially.

MR. MORGAN: And were you monitoring other contracts as well?
Was that -- had monitoring contracts become a
part of your sort of work portfolio?

WITNESS: No. Not at all. As a legislative assistant,
you have no time to do that, and it's not really
within your typical roles. It was only because
in this particular case we had been involved
because there as a very specific issue with
(inaudible) constituent company, a fair
treatment in this process that we were more
specifically involved.

And there would be other instances. I
mean, as a legislative assistant, for example,
there's times when you're constituents go
through any kind of competitive bidding process
or they go through a competitive grant process.
If they feel like they're not getting fair
treatment, they reach out to their member of
Congress, and you sometimes write a letter. So
there's certainly been lots of instances as a
legislative assistant where you -- you assist
constituents, whether they be companies, or
schools, or individuals who are doing something
with a federal agency. And they don't feel like
they've been receiving fair treatment, and you
send a letter on their behalf.
And so, certainly in those cases,
you're involved in that specific circumstance,
but it's not your job generally to follow every
single thing that is going on with any person or
company in your district.

MR. MORGAN: During that time period when you were handling
defense issues, do you recall any other
companies that you were doing similar work for,
monitoring contracts or protests of awards?

WITNESS: Not that I can recall during that time. I can
certainly think of instances when I've been a
legislative assistant where we have advocated on
behalf of constituents' companies, schools, or
otherwise, individuals for different processes
with federal agencies.
MR. MORGAN: Okay.

MR. GAST: Aside from that letter on the bridge contract, were there other occasions on which you provided assistance to Oshkosh on this contract?

WITNESS: Not that I can recall.

MR. GAST: Did you have any communications with any of the folks at the Armed Services committee?

WITNESS: I don't remember any communications.

MR. GAST: How about at the appropriations committee, the defense subcommittee?

WITNESS: No. I can't recall any.

MR. GAST: Okay. Aside from the FMTV contract protest and having that implemented, were there any other occasions in which you provided specific assistance to Oshkosh?

WITNESS: Not that I can remember other than the incident when Bill (Inaudible) reached out to us about the training with Herzing University. That's the only other thing I can recall.

MR. GAST: What about -- did you ever deal with Oshkosh in appropriations requests that they would ask the Congressman to support?

WITNESS: Not Oshkosh but certainly I managed the appropriations requests within my issue areas, but I don't recall any for Oshkosh.
MR. GAST: Okay. Let me show you this email. I have a copy for you. This is just an email exchange between you and Will Stone, who you mentioned you may have worked with on Oshkosh.

WITNESS: Mm-hmm.

MR. MORGAN: This is Bates Number 861.

MR. GAST: Okay.

WITNESS: Okay.

MR. GAST: You recall this email?

WITNESS: No.

MR. GAST: Does this help to, I guess, jog your memory as to conversations you might have had with Oshkosh about appropriations requests?

WITNESS: No. We had a lot of appropriations requests. I just can't -- I can't remember what this specifically might have been.

MR. GAST: Do you remember generally meeting with Will Stone or Mike Power from Oshkosh to talk about appropriations matters in general?

WITNESS: No. This jives -- I remember the name Mike Power now, but I just can't specifically remember what this was about. Yeah. I just can't remember this specifically.

MR. GAST: Did Representative Petri submit any appropriations requests on behalf of Oshkosh
while you were handling the issues, the defense
issues?

WITNESS: Not that I can recall. I can't say that we
didn't. I just can't remember specifically what
those appropriations requests were for that
year.

MR. GAST: Okay. I want to talk to you now about the
Manitowoc Company or the Manitowoc Company
pronounced different ways.

WITNESS: Manitowoc, yeah. It's all the Wisconsin names,
sorry.

MR. GAST: Do you recall having interactions with
representatives from that company?

WITNESS: Yes.

MR. GAST: And who at that company did you deal with?

WITNESS: Al Bernard.

MR. GAST: And who is he?

WITNESS: I think Al works directly for the company doing
federal relations of some sort. I'm not 100
percent sure if he's employed directly by them
or represents them, but he represented them in
communication with us.

MR. GAST: He was your primary contact?

WITNESS: Yes.

MR. GAST: Anybody else that you worked with from
Manitowoc?

WITNESS: Not that I can recall.

MR. GAST: Okay.

WITNESS: Yeah. I'm pretty sure all my communication were
with him, and I just can't recall if there was anybody else.

MR. GAST: And how often generally would you deal with Mr.
Bernard?

WITNESS: There was sort of two bursts. There was kind of
an initial period where they reached out to us,
and we had some conversations -- I don't know --
maybe it was seven, eight, or nine back and
forth phone calls, emails over a period of a
couple months. And then they went back and
continued to work with EPA.

And then I think we had a second
period of communication, sort of a second round
of that, but other than that, this particular
issue, I don't recall any communication with him
in my time as an LA.

MR. GAST: Okay. And you said two bursts. Was that
related to the same issue?

WITNESS: Same issue.

MR. GAST: And that was dealing with the EPA, I guess, on a
hardship exemption?

WITNESS: Yes.
MR. GAST: Okay. And before we get into the details of
that, how generally would you interact with him?
Would it be by phone? Would he come in and talk
to you, by email?

WITNESS: I don't think we ever met face to face. I think
it was either by phone or by email.

MR. GAST: Okay. And what about interactions with
Representative Petri? How often would he
interface with Mr. Bernard or anybody from
Manitowoc?

WITNESS: I don't know -- I don't recall him ever meeting
Bernard, and I can't -- I personally can't
recall any specific times that they have met
with us in D.C. or met Congressman Petri in D.C.
As I mentioned earlier, I don't know Congressman
Petri's schedule in the district.

MR. GAST: Sure. And then besides from this EPA issue, you
said you don't recall any other contacts with
Mr. Bernard on any other subjects?

WITNESS: Yeah. No. Not that I can remember.

MR. GAST: Did you and Mr. Bernard ever discuss
Representative Petri's ownership of the
company's stock?

WITNESS: No. I don't remember discussing that.

MR. GAST: Were you aware at the time you were working on
this EPA issue with the company that Representative Petri owned Manitowoc stock?

WITNESS: I don't recall being aware.

MR. GAST: Before we get into the two bursts with EPA, do you recall -- do you have any information about back in January, February 2007 -- I guess you weren't with the Congressman at that point -- any discussions about Lindsay Bowers assisting the company with a rule making, EPA rule making?

Is that something that ever came to your attention?

WITNESS: No. But you should be aware that I was an intern in the office --

MR. GAST: Okay.


MR. GAST: Okay.

WITNESS: I switched careers. I used to work for -- off Capitol Hill and became an intern from that time period for Congressman Petri and then worked for Congressman Wolf.

MR. GAST: Okay.

WITNESS: But, no, I don't recall any discussions with Lindsay about any relationship with Manitowoc.

MR. GAST: Okay. Or even through Mr. Bernard, any discussion about the assistance that she may
have provided them previously?

WITNESS: No. I don't recall anything.

MR. GAST: Alright. And then it looks like from some other
documents that the office provided us that
around September of 2012 this issue about the
hardship exemption came up. Do you recall how
that came about, how the whole process started?

WITNESS: Yes. I'm pretty sure that Al reached out to
Debbie. I can't remember if it was by phone or
email, but -- and then Debbie connected Al to
me. And then Al gave me background on the
issue, and then we sort of went from there.

MR. GAST: And what was the issue involved?

WITNESS: I won't remember all the particulars exactly,
but essentially my recollection is that there's
requirements for diesel engine emissions. I
think they're called Tier 4 emissions,
standards. So Manitowoc Company, I believe they
-- I believe they -- I think they manufacturer
diesel engines as part of the cranes that they
build.

So they were trying to apply for a
hardship exemption from the EPA, and essentially
they were trying to -- they had done the
application, and they were trying to get sort of
clearance from the EPA that everything was right
and seemed fine because my understanding was
that they needed -- they can't wait until two
months before they have to deliver engines to
find out that they're not eligible for an
exemption. And they needed some clarity so that
they wouldn't find out at the last minute that
they hadn't like crossed a T or something in
their application.

And so they were really -- they were
far ahead of where they needed to be in terms of
the deadlines, and they just needed some clarity
from EPA that everything seemed in order. And
so that was -- they were struggling to get that
clarity, and they were reaching out to us to see
if we could help them in this application
process to get some clarity from the agency.

MR. GAST: And do you recall what they specifically asked
for, what assistance they asked for?

WITNESS: I can't recall specifically if -- because
there's different ways that you can interact
with agencies. You can call the liaison office.
You can send a letter, and I believe that at
first we called the liaison office and just had
some interaction with some folks at EPA. And I
think at some point we -- I know that we
followed up with a letter at some point. I just
can't remember the exact timing of those things.

MR. GAST: When you say we first called the liaison office,
who do you mean by "we"?

WITNESS: I mean me.

MR. GAST: You, okay. Did you work with anybody else in
the office on this?

WITNESS: No.

MR. GAST: And was this Al that you worked with at the
company?

WITNESS: Yes.

MR. GAST: Was there anyone else that you worked with?

WITNESS: Not persistently. I honestly can't recall if --
there's some potential that Al put me on a
conference call with, you know, Manitowoc
engineers at some point to sort of explain in
more detail what they had done with this
hardship exemption process, but I honestly can't
recall whether that actually took place or not.

There's certainly potential. I just can't
remember, but that's the only interaction I can
think of with Manitowoc.

And, certainly, Debbie was involved in
the sense that, you know, when we wrote the
letter, I showed it to her. So Debbie was the
only other person in the office that I worked
with.

MR. GAST: Okay. And then let's walk through this. You
said you initially called over to the EPA. Do
you remember who you dealt with over there?

WITNESS: I don't recall the name specifically.

MR. GAST: Did you work through the liaison office, or did
you -- do you remember what --

WITNESS: Yeah.

MR. GAST: -- entity you called?

WITNESS: I mean, I can't remember the specific call, but
I would almost certainly have worked through the
liaison office.

MR. GAST: Okay. And do you recall what that conversation
was?

WITNESS: My recollection of how it played out was that
they -- someone at the liaison office was very
helpful and said, we'll look into this, and
we'll get in touch with our -- I think it's the
Chicago office that was the responsible office.
And I think whoever I spoke with at EPA looked
into it and --

My initial -- or my recollection of
how this played out was that the first burst of
activity was that we contacted EPA, and then we
were able to sort of -- EPA basically, through
further conversations directly with Manitowoc,
would give them assurances that everything was
in order with their application; and that's when
everything seemed to be fine.

MR. GAST: Okay. So that first burst ended with assurances
from EPA that the application looked to be in
order?

WITNESS: I can't say specifically that it was that
strong, but Manitowoc -- when we reached out to
EPA, EPA then I think had further conversations
with Manitowoc; and 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. That's my recollection of how it
played out.

MR. GAST: Any other role that you and the office had in
that first burst of activity?

WITNESS: I think I might have had a conversation with the
National Association of Manufacturers
potentially because Al had already been engaged
with them, and I think that they -- so they
might have given me some feedback and thoughts
based on their own experience with these issues.

MR. GAST: Okay. Any other assistance?

WITNESS: I can't remember. I mean, I know we wrote at
least one letter to EPA on this issue, and there
might have been a second. I just can't recall,
and I can't remember the exact timing --

MR. GAST: Sure.

WITNESS: -- of those letters. But, yeah, so there
potentially could have been. I just can't
recall exactly the timing of everything.

MR. GAST: And do you recall when this second burst then
came around?

WITNESS: Not exactly. I feel like it was maybe four, or
five, or six months later. I just -- I can't
remember. So potentially it was in early 2013.
I just -- I really can't say for sure.

MR. GAST: And what prompted the second round of activity?

WITNESS: Al Bernard reaching out.

MR. GAST: And what was the issue this -- on this occasion?

WITNESS: It's hard for me to recall, but I think it
essentially was that they didn't have as much --
they were still struggling with the same issue
essentially, but they still felt like there was
a lot of uncertainty trying to get -- they
didn't sort of know the status of their
application. They weren't getting clear communications from EPA, and they were getting closer to sort of when they had to make decisions. And so I think it was sort of a further -- just conversations, and I think we did a letter at that point, but basically the same issue that we were dealing with the first time.

MR. GAST: And was that a letter to the regional EPA administrator?

WITNESS: I think so. Yeah.

MR. GAST: Any other assistance provided beyond that letter? Were there conversations with the EPA?

WITNESS: I don't think so, except what I mentioned before that there may have been a second letter in the process. I just -- I can't recall specifically.

MR. GAST: And how did this kind of second round of activity wrap up?

WITNESS: I'm pretty sure it was similar to the first in the sense that Manitowoc got some kind of either approval or had further discussions with EPA, and they were happy with how it played out. I just -- I can't remember exactly what happened on that. I guess I should say I remember it being a positive outcome. I just can't remember
what the specific outcome was.

MR. GAST: Okay. And you had said that during this time
that you were providing this assistance to the
company, you were not aware that Representative
Petri held stock in the company, Manitowoc?

WITNESS: Yeah. I don't recall being aware.

MR. GAST: Were there any conversations of which you were
aware with the ethics committee about the
assistance that you were providing?

WITNESS: I'm not aware of any conversations.

MR. GAST: And you yourself didn't have any conversations
with ethics committee staff?

WITNESS: Not that I can recall. No.

MR. GAST: Okay. Did you have any conversations with
Debbie about ethics committee guidance, or
rules, or communications with the committee?

WITNESS: Not that I can recall.

MR. GAST: So then given the fact that you weren't aware of
the stock ownership and you don't recall being
aware of the stock ownership, you don't recall
any occasion where Representative Petri's
ownership of the company's stock was disclosed
to the EPA?

WITNESS: No. Not that I can recall.

MR. GAST: Okay. Do you have any questions about
MR. MORGAN: Yeah. During these two bursts with the EPA, you said you were working with Al and Debbie as well. Did you have any direct interactions with Representative Petri about the EPA issues with Manitowoc?

WITNESS: Only -- I can't remember specifically how it happened, but at 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.

MR. MORGAN: Do you recall if that was during that first burst of activity, or was it during the second or both?

WITNESS: I can't recall specifically. My recollection is that I asked him about -- I recall asking him about the letter in some way, but I can't recall if he was involved in me simply just making a phone call over to EPA to inquire about the status of their application.

MR. MORGAN: Was that a face-to-face meeting you had with the Congressman?

WITNESS: I can't recall. Yeah. I just can't remember. Typically, I would write these things as a memo
and give it to him, but I can't recall specifically.

MR. MORGAN: Okay. But you were -- the purpose of you communicating with him was to seek his approval to move forward with working with Manitowoc on the issue?

WITNESS: Yes.

MR. MORGAN: Okay. And you did receive his approval?

WITNESS: Yes.

MR. MORGAN: Do you recall if you received that directly from him, or was that relayed through Debbie or someone else in the office?

WITNESS: It would have been -- if I gave it to him in a memo, it would have just been in writing that he would have acknowledged and said, yes, I'm fine with sending a letter. If I had spoken to him directly, he just would have told me it was fine.

MR. MORGAN: Okay.

MR. GAST: And you don't recall his stock ownership coming up in your contacts with him?

WITNESS: No. I don't recall. No.

MR. GAST: Okay. I want to talk to you about the Plum Creek Timber Company --

WITNESS: Okay.
MR. GAST: -- now. Are you familiar with that company?

WITNESS: Yes.

MR. GAST: And have you had contacts with that company through the Congressional Office?

WITNESS: Mm-hmm.

MR. GAST: Who do you deal with at the Plum Creek Timber Company?

WITNESS: I think the only person I've dealt with is Bob Harris.

MR. GAST: And do you know what his role is with the company?

WITNESS: He represents them. I don't know if he's employed directly by them or if he's outside the company, but he has represented them in all relations with us.

MR. GAST: Generally, how much contact do you have with them?

WITNESS: I recall that they -- that Bob Harris comes in for meetings every once in a while, sometimes sort of as part of a larger association of different companies involved in logging. So those meetings, probably maybe twice a year, and then --

MR. GAST: Are those meetings with you or with the Congressman?
WITNESS: Sometimes with the Congressman, sometimes with me, sometimes with -- there's -- it's potential there's sometimes with other staff, depending on what the topic of the meeting is. And then other communications directly with Bob, I can't remember very many. It's probably not more than once or twice a year I think.

MR. GAST: Generally, what subjects do you have interaction with Plum Creek on?

WITNESS: Mostly logging issues, which calls kind of under the interior issue that I work on.

MR. GAST: Any other issues?

WITNESS: Bob Harris has, I think, in the past reached out to me on tax issues because of certain issues with depreciation and other things, and if I recall, I would have always sent him on to Richard Markowitz, who is our legislative assistant who handles tax issues.

MR. GAST: Okay.

WITNESS: And then there's -- I think they're impacted by a water issue as well, which is another person in the office.

MR. GAST: Who would handle that water issue?

WITNESS: It would have been Meagan for a long time.

MR. GAST: Okay.
WITNESS: And then more recently Cate Johnson when Meagan left.

MR. GAST: Cate Johnson?

WITNESS: Yeah, C-a-t-e. Catherine Johnson is her full name.

MR. GAST: Okay. In July of 2010 -- let me show you this. I want to just kind of walk through a couple of times when the office worked with Plum Creek starting with this one from July of 2010.

MR. MORGAN: What's the Bates Number on that?

MR. GAST: This is Bates Number Harris 000515.

WITNESS: Okay.

MR. GAST: Do you recall this email exchange between you and Bob Harris?

WITNESS: I vaguely recall it now, particularly from having it in front of me.

MR. GAST: And in the email response that you make to Bob, you indicate that, "My boss signed the letter," meaning this dear colleague relating to a LEED building rating system issue. Do you recall the circumstances surrounding that decision to sign on to that letter?

WITNESS: Not specifically, other than I remember this particular issue, and I remember researching it and thinking that the sponsor of the letter, and
the people asking for it had -- I thought the
concerns of the letter were valid, if I
remember, and so I don't remember specifically
how I asked him. I'm assuming it was in a memo.
And so, yeah, that's all I can recall other than
I researched it --

MR. GAST: And then you --

WITNESS: -- on the merit.

MR. GAST: You said that you prepared a memo for the
Congressman seeking his decision about whether
to sign?

WITNESS: Yeah. I can't say for certain but, yeah, I --
certainly, much of what we do in the office is
done by memo, but I can't recall specifically
how this particular incident was handled.

MR. GAST: Okay. And you would have then received approval
from the Congressman before agreeing to sign the
letter?

WITNESS: Yes.

MR. GAST: Okay. Let me show you another email.

MR. KELNER: After this, why don't we take a five-minute
break?

MR. GAST: Okay. Hopefully this won't be too much longer.

Take a look at that email. This is Harris

000386.
WITNESS: Okay.

MR. GAST: And if you look at the second page, it's a separate email from June, also an exchange between you and Bob Harris.

WITNESS: Okay.

MR. GAST: Do you recall this issue with the Land and Water Conservation Fund generally?

WITNESS: Yes.

MR. GAST: And do you recall these two emails?

WITNESS: I don't recall them specifically other than just seeing them here.

MR. GAST: Can you tell us what you remember about the circumstances of getting these emails from Mr. Harris and what you would have done after receiving them?

WITNESS: Typically with the Land and Water Conservation Fund, we actually would be contacted by a lot of public lands groups, 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 Land and Water Conservation Fund, and my boss is generally supportive of conservation and has signed a lot of letters in the past in support of LWCF.

So I actually -- I have a lot of
recol l ection over the years of getting a lot of
requests from public lands groups. I actually
didn't even recall getting this specific request
from Plum Creek.

MR. GAST: On the first email, the email from Mr. Harris
urging the Congressman to sign on to a letter in
which you agree that -- which you inform him
that Representative Petri agreed to sign the
letter, would you have followed a similar
process to seek the Congressman's agreement to
sign the letter as you did with the LEED letter
we just discussed?

WITNESS: Yes. You mean running it by him in some way --

MR. GAST: Mm-hmm.

WITNESS: -- and getting his approval before agreeing to
sign?

WITNESS: Yes.

MR. GAST: Do you recall if that was an in-person
discussion, whether you did a memo?

WITNESS: I can't recall specifically.

MR. GAST: Okay. Was there any discussion that you recall
about the fact that Representative Petri's wife
had just purchased stock in -- on May 11, 2012,
in Plum Creek?

WITNESS: I don't recall any such discussion.
MR. GAST: Did Representative Petri bring that up in any of
the conversations or correspondence that you may
have had about whether or not to sign on to the
letter?

WITNESS: No. I don't recall anything specifically. I
don't recall that I even told him that Plum
Creek was supportive.

MR. GAST: Okay.

WITNESS: Even though I said this in one of these emails
that I will let him know, again, of Plum Creek's
support. There's a lot of times with staff --
you get hundreds of emails -- where you say,
"I'll let your boss -- let the Congressman know
of your support for this," and it doesn't mean
that you're specifically going and telling them
every single time of every single thing. So I
think there's a high likelihood that I did not
relay that specifically, but I don't know for
sure.

MR. GAST: Okay. And on the second email where Mr. Harris
asks if you can have Mr. Petri speak to the
leadership and the conferees on the issue, do
you know if Congressman Petri actually did have
any of those kinds of conversations?

WITNESS: I don't know for sure, but I think it's
unlikely.

MR. GAST: Do you recall discussing that with Congressman Petri, discussing the request?

WITNESS: I don't recall speaking with him about that.

MR. GAST: And do you recall any discussions about ethics committee consultations or guidance on the question of whether to either sign the letter or talk to the leadership?

WITNESS: I don't recall any specific conversations.

MR. GAST: You want to --

MR. KELNER: Yeah.

MR. GAST: -- take a quick break?

MR. KELNER: Just a quick five-minute break.

(WHEREUPON, a recess was taken.)

END OF FILE 1

MR. GAST: Alright. This is Scott Gast and Bryson Morgan with the OCE back with [REDACTED], Rob Kelner, and Kevin Glandon. Hopefully not too many more questions for you. Still on the subject of Plum Creek and your interactions with them, did you have any interactions on the subject of truck weight limits?

WITNESS: No.
MR. GAST: That didn't fall in your portfolio?

WITNESS: No.

MR. GAST: Do you know who that would have been?

WITNESS: Debbie Gebhardt. She handles highway issues.

MR. GAST: Okay. How about forest roads, dealing with EPA regulations on forest roads as a point source for pollution?

WITNESS: If it's -- my recollection is that's a Clean Water Act issue, and that would have -- Clean Water falls under transportation infrastructures. So I'm fairly certain that that was Meagan's issue.

MR. GAST: Alright. Let me just show you this email from Bob Harris to Debbie and to you. This is Bates Number PET-OCE-1532. If you want to take a look at that.

WITNESS: Alright.

MR. GAST: Do you recall this email?

WITNESS: Not specifically. I recall the issue, and I recall the bill. And it was a transportation and infrastructure bill, so it wouldn't have been one that -- a lot of time people get confused because I handle environment. They always come to me thinking that I would handle these issues, and I always, a lot of times, end up having to
refer them to our water person because water
falls under T&I.

MR. GAST: Okay. And that would have been Meagan?

WITNESS: Yes. I'm assuming -- yeah. This was before --

MR. GAST: 2012.

WITNESS: -- Meagan left.

MR. GAST: And would you have done any work on this issue
or --

WITNESS: I don't -- I don't recall doing any work. I
assume I would have forwarded it on.

MR. GAST: Okay. Now let me move on to a fourth issue, tax
issues. You said that was Rich Markowitz in
your office?

WITNESS: Mm-hmm.

MR. GAST: Do you recall having any conversations with Bob
Harris about timber tax issues?

WITNESS: No. Other than -- I think in the past Bob
Harris has sent me an email saying there's some
issue related to tax that he would either like
to talk about or wanted us to support, and I
think I've constantly referred him to Richard
Markowitz.

MR. GAST: So even though you might be on those emails, you
had no role in --

WITNESS: No.
MR. GAST: -- that issue? Okay. That is all I have on
Plum Creek. And then just finally, I want to
ask you if you had any interactions with the
Danaher Corporation?

WITNESS: No.

MR. GAST: Are you familiar with that company?

WITNESS: I wasn't until this process.

MR. GAST: Okay. But you have not had any -- worked on any
matters that they brought to your attention or
anything like that?

WITNESS: I can't remember anything.

MR. GAST: Okay. I believe those are all the questions we
had for you.

MR. KELNER: Okay. Great.

END OF INTERVIEW
plum 34:23 35:6
36:9 37:8 40:4,24
41:6,10 42:21
45:2
point 3:9 12:4,25
15:9 24:7 27:1,2
27:17 31:6 33:8
43:6
points 10:19 17:5
policies 6:15
pollution 43:7
portfolio 17:12
43:1
position 2:9,10,11
3:4
positive 31:25
possible 15:4
potential 5:10,24
13:9 27:15,21
36:2
potentially 5:22 9:7
29:23 30:9,15
povderick 11:1
power 20:18,21
preparation 4:17
8:7 14:12
prepared 38:9
preparing 15:10
present 1:8
pretty 22:4 25:8
31:19
previously 25:1
primary 21:23
prior 3:18 4:2
probably 35:22
36:6
proceed 33:11
process 10:25 13:17
14:9,22,25 15:5,9
15:12 16:11,14,19
16:20 17:6,9,19
17:24,25 25:7
26:17 27:19 31:16
33:8 40:10 45:7
processes 18:24
project 13:5,12
14:16
prompted 30:17
pronounced 21:9
protest 16:25 19:12
protests 18:19
provided 19:3,14
25:1,4 31:12
providing 32:3,9
public 11:19 39:18
39:18 40:2
punzenberger 3:16
purchased 40:23
purpose 34:3
put 27:15
putting 15:2
Q
question 6:23 42:7
questions 32:25
42:20 45:12
quick 42:12,13
R
raise 5:21
rating 37:20
reach 18:2
reached 19:17 22:9
25:8 29:11 36:13
39:20
reaching 26:15
30:18
really 5:9 8:13
10:14 17:14 26:10
30:16
recall 4:15,15,22,24
5:7 8:2,4,5,8,25
9:9 10:12,13,15
10:24 11:3,14,17
11:21,22,23 12:2
12:4,5,8 13:5,16
13:19 14:3,5,6,22
15:6,11,15,21
16:1,23 18:17,20
19:5,11,19,25
20:9 21:3,12 22:2
22:5,18 23:11,13
23:18 24:3,5,22
25:2,6 26:18,20
27:14,20 28:7,15
30:5,10,11,20
31:16 32:6,13,17
32:19,20,24 33:9
33:13,16,17,18,24
34:1,10,20,22
35:18 36:16 37:13
37:15,20 38:5,14
39:6,9,10 40:3,18
40:20,21,25 41:5
41:6 42:2,4,5,9
43:18,19,20 44:9
44:15
recalled 4:17
receive 34:8
received 34:10
38:16
receiving 18:9
39:15
recess 42:14
recipient 15:24
recollected 25:15
28:17,24 29:17
33:16 40:1 43:8
record 2:1
refer 44:1
referred 44:21
regarding 16:3
regional 31:9
regulations 43:6
related 5:13 9:14
13:8 22:21 44:19
relating 37:19
relations 21:19
35:15
relationship 11:6
24:23
relay 41:18
relayed 34:11
remember 4:25 5:1
7:24 9:2,3 11:13
12:12,20,23 13:2
13:13,15 14:1,7,9
14:10,12,14,18,21
15:8 16:5,17 17:1
19:8,16 20:15,17
20:20,22,23 21:4
23:20,24 25:9,14
27:3,22 28:6,9,12
30:3,6,15 31:23
31:24,25 33:7,24
36:6 37:23,24
38:3,3 39:12
45:11
remembered 14:10
representative 4:11
4:13 5:3 6:17
7:18 10:9 13:23
15:22 20:24 23:8
23:22 24:2 32:4
32:21 33:5 40:8
40:22 41:1
representatives
8:20 21:13
represented 21:21
35:14
representing 9:7
represents 21:21
35:12
request 11:14 40:3
42:3
requests 19:21,24
20:13,14,25 21:5
40:2
required 5:16
requirements 25:16
researched 38:6
researching 37:24
resolved 17:3
response 37:17
responsibilities
2:17 7:13
responsible 28:21
reviewing 4:16
10:24 14:11
rich 44:12
richard 36:17
44:21
right 16:4 26:1
roads 43:5,6
rob 1:11 2:5 42:18
role 7:11 29:19
35:10 44:24
roles 17:15
roughly 3:7
round 22:16 30:17
31:17
rule 24:9,9
rules 5:13,18 6:25
32:16
run 7:2
running 14:13
40:13
s
saying 3:6 44:18
schedule 10:17
23:16
school 11:1
schools 18:7,23
scott 1:9 2:2 42:17
second 13:21 22:15
22:16 30:5,11,17
31:15,17 33:14
39:2 41:20
secretary 15:24
see 26:15
seeing 8:6 11:2
39:11
seek 34:4 40:10
seeking 38:10
send 18:10 26:23
sending 34:16
sense 6:1 15:1
27:25 31:20
sent 12:25 36:16
44:18
separate 39:3
september 25:5
services 19:7
set 3:8
seven 22:11
shares 12:11
show 20:1 37:6
38:20 43:13
showed 28:1
sign 37:21 38:11,17
40:6,8,11,16 41:3
42:7
signed 37:18 39:23
similar 18:13 31:19
40:9
simply 33:19
single 18:4 41:16
41:16
situation 33:10
six 9:11 30:14
sorry 13:15 14:5
21:11
sort 9:23 10:3,6
12:24 13:1 16:2
16:18 17:12 21:19
22:8,16 25:12,25
CONFIDENTIAL

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

ERRATA SHEET

<table>
<thead>
<tr>
<th>Page</th>
<th>Line</th>
<th>Correction</th>
<th>Reason</th>
</tr>
</thead>
<tbody>
<tr>
<td>11</td>
<td>1</td>
<td>Change &quot;Proutenick&quot; to &quot;Broutenick&quot;</td>
<td>Correct spelling of his name.</td>
</tr>
</tbody>
</table>

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
MR. GAST: For the record, this is Scott Gast with my
colleagues, Bryson Morgan, of the Office of
Congressional Ethics. It is May 22, 2014. Here
with [Redacted], former legislative assistant
for Congressman Tom Petri, who is joining us
telephonically for an interview, and we are
joined in person by counsel for Mr. [Redacted], Rob
Kelner and Kevin Glandon. And, again, Mr.
[Redacted], we appreciate your time in talking to
us.

Generally, I like to start with a
little bit of background about what your current
situation is. If you could tell us your current
employment, position, how long you've been in
that position, and what your duties are, we'd
appreciate that.

[Redacted] (the "Witness"): Sure. So currently I'm the
Village administrator for a community in the
state of Wisconsin, the Village of Little Chute,
which is in northeast Wisconsin.

And as the administrator, I'm
essentially the chief administrative officer for
the community, and I'm employed by the -- or I
work for the Village board, an appointed
position, and essentially responsible for
carrying out the operations of the government --
of the Village government here and ensuring that
we're operating in the most efficient and
effective manner possible. And I've been
employed with the Village of Little Chute since
September 30, 2013, so just about seven months
or so.

Prior to that I worked -- I moved from
Washington, D.C.

MR. GAST: And what were you doing in Washington?

WITNESS: So my most recent position previous to this one,
I worked for the Office of Chief of Naval
Operations at the Pentagon or OpNav. I was a
presidential management fellow with OpNav and
spent two years working in various financial and
acquisition related positions.

I worked for the deputies of Secretary
of the Navy under research development
acquisition for a bit of time.

I worked in the assistant secretary's
office in the financial management branch doing
more financial management type activities.

And then lastly, I guess I spent a
little bit of time in Pearl Harbor working with
the Pacific Fleet.
And then lastly finished up my two-year fellowship with the Navy working for six months at NAVSEA, or at the Washington Navy Yard, working for the Ohio Replacement program.

And then finally with the -- back at OpNav at headquarters there, working in an operational and readiness billet for OpNav N9I, which is the warfare integration branch of OpNav, and I did that for, like I said, two years. I started with them in August of 2011 and worked through to September of 2013; and that was a great time.

Prior to that, I worked on Capitol Hill for the Armed Forces Foundation, a nonprofit providing service -- or providing financial resources, recreational opportunities, and counseling, and other opportunities to wounded warriors and their families; and I did that from January of 2010 to August of 2011.

And prior to that, I was with Congressman Petri's office.

MR. GAST: And how long were you with the Congressman?

WITNESS: So I started -- I guess going all the way back, I interned for the Congressman in the summer of 2004 while I was studying at UW Green Bay.
Upon returning to finish up my undergraduate degree, I then worked part-time for the Congressman, for his campaign office in Fond du Lac, Wisconsin. When I graduated from the University of Wisconsin Green Bay in December of 2005, I then was offered a position to work in the Congressman's district office in Fond du Lac, and I worked in the district office from December of 2005 to August of 2007, at which point in time I then accepted a position in the Congressman's -- well, Washington, D.C., office. I moved to Washington then, and from August 2007 I started there as a case worker. Shortly thereafter, I became a legislative correspondent in the Congressman's office and then handled a few legislative duties from probably 2008 to sometime in early 2009. I was the legislative correspondent. And then in early 2009, I believe, I became -- or was promoted to just a legislative assistant, kind of shed the legislative correspondent duties, and then handled a much larger portfolio of legislative issues for the
Congressman, including transportation and
infrastructure, Armed Services, appropriations,
the Great Lakes issues, and a few other issues.
But those were the primary focus from 2009 until
the time that I left the Congressman's office in
January of 2010.

MR. GAST: Okay. Quite a history.

WITNESS: Yeah. Very interesting career so far.

MR. GAST: Yeah. We are obviously interested in talking to
you about your time in Representative Petri's
office.

First, generally, when you were
employed in the office, were you aware of
Representative Petri's stock ownership in any
way?

WITNESS: You know, I basically was aware of the
Congressman's, I guess, personal investments due
to being kind of tied into the state of
Wisconsin and having various -- I had a Google
alert set up for anything that every happened
with the Congressman, any kind of newspaper article
or whenever the disclosure reports came out from
Congress. Obviously, I was interested in
reading those, so there was some personal
knowledge that I had gained from that. So, yes,
I was aware of some of the interests the Congressman had.

MR. GAST: Were you ever given any information about the Congressman's stock ownership through the Congressional Office?

WITNESS: No. There was never -- never given, you know, detailed information, or there was never a matter of discussion with regards to what the Congressman's personal investments were.

MR. GAST: Were you told about any specific companies that he might have an interest in that you may work with through the Congressional Office?

WITNESS: Not from a perspective of interest, but, you know, generally in the weekly -- we'd have weekly staff meetings, and if an issue would come up where there was any kind of -- any kind of involvement or dealings with anything that was a personal interest to the Congressman, the Chief of Staff generally would highlight those issues and kind of handle those more from a -- ensuring that the staff and the Congressman, you know, treated those in a different matter so that we complied with any -- you know, didn't treat them any differently than any other Congressional or constituent request.
MR. GAST: Okay. Was there any ethical training or
information provided to you specifically dealing
with how to work with companies in which the
member might have a financial interest?
WITNESS: So the ethical training, and I believe the ethics
committee had an annual or even biannual
training that was mandatory; and it was
mandatory through the office that we attend
those or at least do the online version of those
trainings of staff, no matter if you were an
intern, I believe, all the way up through the
Chief of Staff. We were required as staff to
meet those annual training requirements.
As far as anything, you know, official
or extra training for the staff in general with
regards to that type of information, there was
never any formal training process for that. So
it was basically what was provided by the House
Ethics Committee.
MR. GAST: Okay. What about any policies in the office
that related specifically to dealing with
companies in which Congressman Petri may have
owned stock? Were there any specific policies?
WITNESS: Not necessarily a written policy or, you know,
you couldn't point to a policy manual so to
speak. But like I mentioned in -- we were pretty -- we were obviously a smaller office. I think there was but 10 folks in the office in the Washington office, and then we'd be joined by the district office on phone-con on a weekly basis.

And if those issues -- or if there were issues of that nature that would come up or we knew, based upon the Congressional calendar, about an issue, any companies like that would pop up, that would be an issue then where the Chief of Staff would get involved to work directly one-on-one with the staff to make sure that they were handled appropriately.

MR. GAST: And during your time in the office, were you involved in any of those situations where the Chief of Staff would get involved?

WITNESS: So my time in the district office was pretty -- I basically acted as a field representative, you know. So I didn't get involved with any legislative issues or things like that.

As a case worker and then as a legislative correspondent, those issues were very few and far between. I guess the direct involvement with working with committees and
things was very limited. Basically didn't --
that was outside of my job description.
And then as a legislative assistant,
the position that I started in -- somewhere late
2008, early 2009, then as issues came up with
any of those companies where the Congressman
would have had interest, then I was involved and
worked with the Chief of Staff to ensure that we
treated those companies with regards to any kind
of ethic issue.

MR. GAST: So there were occasions on which -- while you
were an LA, in which matters that came up that
involved companies in which the Congressman
owned stock?

WITNESS: Yes.

MR. GAST: And what companies were those?

WITNESS: The only company that I recall that would meet
the requirements or I guess the description of
your question would be the Oshkosh Corporation,
or at that time I believe they were Oshkosh
Truck.

MR. GAST: Any other companies that you recall where the
Chief of Staff stepped in because there were
additional sensitivities related to
Representative Petri's stock ownership?
WITNESS: Not that I recall directly working with any other company in my time on any kind of legislative issues while I was in the -- as the legislative assistant. No.

MR. GAST: What about the Manitowoc Company?

WITNESS: Yeah. The Manitowoc Company, I don't -- I don't recall ever doing any -- or handling any legislative issues on behalf of the Manitowoc Company or working with them. We did -- obviously, they had, you know, representation in Washington, D.C., but I don't recall taking any action on behalf of the Manitowoc Company or for the Congressman.

They were obviously -- Manitowoc Company is one of the largest employers in the Sixth Congressional District, and so obviously their names would pop up occasionally along with the other major employers in the district. But as far as actually working on any type of -- any type of issues for them, I don't recall doing that or having the need, any type of involvement with that.

MR. GAST: Okay. Let's talk specifically then about the Oshkosh Corporation.

WITNESS: Okay.
MR. GAST: Who at the Oshkosh Corporation would you
generally deal with?

WITNESS: Generally -- well, quite honestly, as I started
out in the position, those relationships were
generally managed through the Chief of Staff,
Debbie Gebhardt, at the time. And so she would
generally work directly with Jay Kimmitt, and
then I believe -- and I think he might have been
the vice president of legislative affairs for
Oshkosh Corporation.

So I did have -- you know, I think
we'd be copied or occasionally on the same email
chain, or I'd be asked to, you know, provide him
information or -- you know, that type of -- I
didn't have a direct line of communication with
Mr. Kimmitt.

Secondly, I know they had a gentleman
who used to work in their Washington, D.C.
office by the name of Mike Powers, and if any
issues popped up with regard to Oshkosh
Corporation, that was generally my kind of point
of contact for that organization.

And then I believe they also employed
a lobbyist by the name of Will Stone, but my
interactions with Will was -- like I said, that
was generally also managed or -- that relationship was kind of handled by the Chief of Staff. So as I started as a new legislative assistant, those relationships and any issues were, you know, kind of introduced or, you know, facilitated through the Chief of Staff.

MR. GAST: Okay. What was Representative Petri's level of interaction with Oshkosh folks?

WITNESS: I don't know that I can -- I don't know. I would say that I don't think he had any interaction with them, other than if there was a meeting, but that's purely speculation. I don't know that they had any direct contact with him.

Everything was generally managed, and that was -- but then this is true for every or almost every relationship that the Congressional Office had. It's managed through staff and through the Chief of Staff, and then if there was ever an issue that bubbled up to the executive level so to speak, then it would go to the Congressman. But those relationships were generally, you know, managed and handled at the staff level.

MR. GAST: What was your sense of how often the Congressman would have meetings with representatives from
Oshkosh?

WITNESS: In my time as a legislative assistant, I don't know that I sat in on one -- I don't think I sat in on any meetings with representatives from Oshkosh with the Congressman. It was generally myself or -- myself and the Chief of Staff that would handle those meetings. I do not recall having a meeting directly with them and the Congressman at the same time.

MR. GAST: Okay. And in your dealings with the company, what subjects would you generally have dealings about?

WITNESS: So Oshkosh Corporation -- or Oshkosh Truck at the time, they -- one of their subsidiaries is Pierce Manufacturing, which is a fire truck manufacturer here in the Fox Valley. It was outside of the Sixth Congressional District, but it was -- you know, I believe they were owned by Oshkosh Truck and so along with that, and then their DOD kind of operations. Any kind of, you know, legislation affecting those organizations would generally be the only interaction, whether it was for a DOD piece, or the fire department, or the fire truck business.

Other than that, you know, they have
other -- they have a wide array of different subsidiary businesses, and I never got involved with anything other than the two pieces, their Pierce Manufacturing and the Oshkosh DOD branch I guess.

MR. GAST: Okay. And were you aware during the time that you were working with Oshkosh that Representative Petri was a stockholder in the company?

WITNESS: Yes. I was aware of that.

MR. GAST: And how did you become aware of that?

WITNESS: Through personal information, and then, as I mentioned, obviously, in staff meetings if issues were to come up with regards to Oshkosh Corp or any organization that the Congressman had interest in that would be highlighted by the Chief of Staff; and that would be handled in a certain manner.

So I guess to summarize my answer, through my own personal knowledge and then through my dealings with -- through office staff meetings and the handling of that.

MR. GAST: And did that stock ownership prompt generally the way in which you worked with Oshkosh? Did that prompt any different approach to dealing
with that company and its issues?

WITNESS: Yes. And by different I guess I would say that we would handle them -- knowing that there was a financial interest there, that we would work any kind of -- before any kind of action or work was completed on their behalf or, you know, any action taken, official action by the Congressman's office, it was generally the, you know, policy that the staff would work with the House Ethics Committee to make sure that we were complying with ethics rules and make sure that any action that was taken on their behalf was done appropriately.

MR. GAST: And who on the staff worked with the ethics committee?

WITNESS: That was -- as the involvement would kind of bubble to the surface within, you know, as highlighted in the staff meetings, the Chief of Staff would generally be the point of contact for the -- for the Congressional staff and make sure that any action that was taken was done so, and she would communicate with the ethics committee to clear any action that would be taken.

MR. GAST: Did you yourself have any contact with the
committee, the ethics committee?

WITNESS: I can't definitely say -- I mean, I seem to remember maybe calling them on occasion or submitting things to them, but generally speaking, that action or those efforts were handled by the Chief of Staff.

MR. GAST: And can you tell us what the general advice relayed to you by the Chief of Staff from the ethics committee, what that advice was?

WITNESS: If I recall -- and it's been a number of years -- but if I recall, generally our advice was treat any -- or treat any -- you know, if we're dealing with the Oshkosh Corporation, treat them and do as you would for them as you would for any other Congressional -- or any other constituent, or any other Wisconsin-based business, you know. Don't go above and beyond for anybody, and we definitely didn't do that. And so that was generally -- the consensus was don't -- treat them as you would any other constituent and -- so that was kind of the general guideline I would say.

MR. GAST: Was there any discussion about disclosing Representative Petri's ownership of stock when taking action on behalf of the company?
WITNESS: Not that I recall.

MR. GAST: Was there ever a time where the ethics committee encouraged the Congressman not to take a particular action or urged you to change an approach?

WITNESS: You know, not that I recall. I would say though, just based upon the relationship that the ethics committee had with the office, that would have been communicated through the Chief of Staff, and so --

MR. GAST: Okay.

WITNESS: -- she would have been the person to handle that kind of -- adjusting a different approach or anything like that.

MR. GAST: I want to talk you a little bit about the contract that Oshkosh was awarded for the Family of Medium Tactical Vehicles, FMTV.

WITNESS: Yeah.

MR. GAST: You recall that issue?

WITNESS: Yeah.

MR. GAST: And how did that come to the attention of the office?

WITNESS: Without anything sitting in front of me, you know, to jog my memory, I would imagine that, you know, through either Mike Powers or through
Jay Kimmitt that would have been communicated
most likely either to the Chief of Staff, then
to myself that there was -- that issue existed.

MR. GAST: And can you tell us what the general issue was?

WITNESS: So as I recall, the Army had a contract for --
for the FMTV, and there was a process in place
for, you know, competitive bidding.

And then from my recollection, there
was -- Oshkosh Corporation was awarded the
contract, and at that point in time the contract
was then being -- there was already a previous --
a prior, I guess, contractor that had been
producing the -- a different line of -- a piece
of equipment that the Army was trying to
procure. The contract, once awarded to Oshkosh,
then left that corporation, which -- and they
were headquartered or based out of Texas; and I
think they're owned by BAE, at which point in
time the Texas delegation started to, from my
recollection, try to get involved in the
process.

There was a, if I recall correctly, a
GAO -- they looked at the process, the
competitive process, and over that time the
Texas delegation was attempting to kind of muddy
the water so to speak, you know, saying that
Oshkosh was incapable, saying that the process
was flawed to some way or manner. So they went
to various lengths to kind of disrupt that
process from my recollection.

MR. GAST: And what was it that Oshkosh asked the
Congressman and the office to do?

WITNESS: And, again, not without any documents in front
of me to jog my memory, an overview of that
request would have been -- or from my
recollection, was that they wanted the process
to -- to let the process play out. Let the GAO
conduct their review of the bid award and the
bidding process; let the GAO do their due
diligence and not to get -- not to politicize
the acquisition process essentially and the bid
award process.

That, you know, there's a very
detailed process in place that the Army utilized
or DOD utilized to procure items, you know. Let
that process work the way it does, and if there
was a review, let the GAO then conduct it. Let
them do that work and report back but not to,
you know, start politicizing that process and
whatnot.
MR. GAST: And was there specific action that they requested or that the office suggested?

WITNESS: I believe the action that was suggested or that the office did work on was to -- to work with the Wisconsin delegation, both on the House and Senate side, to reinforce that that process be allowed to continue, you know; that we don't interfere with the process, and there was Congressional delegation letter sent on that issue.

MR. GAST: Yeah. Without having you here to show you some of these documents, it looks like there is -- there was an October 9, 2009, delegation letter to the Secretary of Defense.

WITNESS: Mm-hmm.

MR. GAST: Whose idea was that letter?

WITNESS: I don't recall the actual idea. I would -- you know, I would imagine that would have came to fruition with discussions between myself, the Chief of Staff, and then folks over at Oshkosh.

MR. GAST: And who drafted the letter, did the initial draft?

WITNESS: I believe it was a collaborative effort between myself and the Chief of Staff, but I do not recall specifically who wrote the letter.
MR. GAST: Would Oshkosh have had input on that letter?

WITNESS: Yes. They most likely would have.

MR. GAST: And then who took the lead on circulating the letter, getting the delegation on board?

WITNESS: That would have been my -- that would have been directly in my job responsibility, working with the other members of the delegation, their MLAs or their legislative assistant who handled DOD issues. I worked directly with those other offices.

MR. GAST: In some of the documents that Representative Petri's office has provided to us about this process, there was an email from the Chief of Staff, Debbie Gebhardt, to you from October 1, 2009.

WITNESS: I have it up in front of me now.

MR. GAST: Okay. It's -- just for the record, it's Bates Number PET-0CE2451. And in it Debbie says to you, "Once we get the language, I'll run it by ethics committee just so we can say we got clearance if anyone raises anything." What was the ethics issue that she wanted to run by the committee?

WITNESS: So once we get the language from the letter, she was going to run it by ethics so that -- to get
clearance so that any action -- any action by
the Congressman's office in our effort to
circulate the delegation letter was appropriate,
knowing that the Congressman had stock interest
in Oshkosh Corporation. I believe that would
have been her intent there.

MR. GAST: Okay. Was there any internal discussion between
you and Debbie about the stock issue and whether
or not it impacted this letter effort?

WITNESS: I don't recall specific conversations. I'm sure
we did discuss that, you know, but, again, I
think, you know, the consensus was let's let the
ethics committee weigh in and ensure that that's
okay. So I don't recall a specific conversation
between Debbie and myself. I would imagine that
would have taken place.

MR. GAST: Okay. Do you recall then getting feedback from
Debbie from the ethics committee?

WITNESS: Generally I would receive an email from her or,
you know, in a discussion say I talked to
ethics, you know, or, you know, received this
feedback. And we'd implement that feedback or
whatever advice they'd given us and then go
about our business.

MR. GAST: And I guess later in this email chain Debbie
emails you again, and she says, "Actually, I
talked to ethics, and they said no problem as
long as it says let the process that is in place
proceed, et cetera." Do you recall any further
discussion about her conversation with the
ethics committee?

WITNESS: I do not.

MR. GAST: Okay. In the letter that was ultimately sent to
the Secretary of Defense, do you know whether
Representative Petri disclosed his ownership of
Oshkosh stock, whether in some attachment, or
some conversation, or some way when this letter
was sent to the Secretary?

WITNESS: Not that I'm aware of.

MR. GAST: Do you recall any discussion about the
possibility of making such a disclosure?

WITNESS: I do not recall that conversation.

MR. GAST: Do you recall discussing with Debbie at all the
possibility of disclosure in the discussion of
the guidance that the ethics committee may have
given her?

WITNESS: No. I do not recall that discussion.

MR. GAST: I want to move from that letter. It appears
from some of the emails that were provided to
our office that there may have been a telephone
call between Representative Petri and the
Secretary of the Army. Is that something that
you're familiar with?

WITNESS: Yes. You know, I had the opportunity to review
these emails, and I do recall the Congressman
having a conversation with Secretary McHugh.
So, yes, I do.

MR. GAST: So there -- actually that call did go through?

WITNESS: I believe so. Yes.

MR. GAST: Did you staff that call?

WITNESS: I -- so the Congressman did not generally, from
my experience of working in his office, ever --
well, no, I shouldn't say ever -- did not have
staff sit in on phone calls with outside
parties, unless specifically requested for a
subject matter expert piece of information. But
otherwise, the Congressman handled that type of
work on his own.

MR. GAST: Okay. Do you know how the idea of a call from
Congressman Petri to the Secretary came about?

WITNESS: Off the top of my head, no, but I would imagine
that we've discussed it. I mean, I imagine that
would be in the email traffic that that was all
set up to make that -- or to have that call take
place.
MR. GAST: And did you draft talking points for the
Congressman for the call?

WITNESS: Not that I can recall. No.

MR. GAST: Do you know did Oshkosh provide talking points
for the Congressman to use for the call?

WITNESS: Not that I'm aware. I don't recall if there was
a memo or what was given to the Congressman
prior to the call.

MR. GAST: We do have a document that was produced by the
office that is Headlined Representative Thomas
E. Petri, December 8, 2009, Talking Points for
Secretary of the Army, John McHugh.

WITNESS: Okay.

MR. GAST: For the record, it's Bates Number PET-OCE463.

WITNESS: And what was the date -- what was the date on
that?

MR. GAST: The date on the heading is December 8, 2009, and
without having that in front of you,
unfortunately, does that sound like something
that you might have drafted?

WITNESS: That would be a document that I most likely
would have drafted. Yes.

MR. GAST: Okay. But you don't have any --

WITNESS: I mean, not -- without seeing it, I can't say
specifically yes, but if there was a -- if there
were talking points, whether it was for a
committee hearing markup or for action, I would
draft those for the Congressman and then give
them to the Chief of Staff to review; and then
she would then pass that along to the
Congressman.

MR. GAST: Okay. We can discuss this afterwards. We may
want to email this to you just so you can have a
look at it and see, and we'll work that out with
your -- with your counsel.

WITNESS: Okay.

MR. GAST: So you're not sure if anyone actually staffed
the Congressman when he talked to Secretary
McHugh?

WITNESS: Not that I recall. No.

MR. GAST: But you don't recall being in the room when he
made the call or being on the line when he made
the call?

WITNESS: No. I do not.

MR. GAST: Did you subsequently learn about the
conversation?

WITNESS: I'm sure we probably had a debrief afterwards.
It would have probably more or less been a
verbal discussion, and at this point in time, I
don't recall the outcome of that conversation or
what was said there.

MR. GAST: Who would have been involved in that debrief?

WITNESS: Well, based on the locations of the offices, I sat kind of more in the bullpen area. The Chief of Staff's office was directly connected to the Congressman's office. So he would generally finish up a phone call, and I -- you know, from my recollection, they would have a conversation about that. And if I was present, I would have been in the Chief of Staff's office, but I don't recall being there or what the -- what that was -- you know, I guess what was discussed.

MR. GAST: Okay. And so when you say they would generally have a conversation afterwards, is that the Congressman and the Chief of Staff?

WITNESS: Yes.

MR. GAST: Okay. Do you know if Congressman Petri brought up the issue of his stock ownership during the call with the Secretary of the Army?

WITNESS: I don't know that. No.

MR. GAST: Okay. Do you know if there were any consultations with the ethics committee about the call?

WITNESS: Not that I'm aware of.

MR. GAST: Okay. I want to move on then to a -- do you
recall a December 22, 2009, delegation,
Wisconsin delegation letter to Secretary McHugh?
WITNESS: December 22, 2009?
MR. GAST: Yeah. Let me just pull this up.
WITNESS: Yes.
MR. GAST: It would have been a -- I don't think I have the
letter here. It would have been shortly after
the GAO review, protest review concluded and
they made their announcement. And this was a
delegation letter to the Secretary of the Army
urging quick implementation of the contract.
Does that sound familiar?
WITNESS: Yes. I have that email and letter in front of
me.
MR. GAST: And who came up with the idea of this letter?
WITNESS: I would imagine it was, I guess, a collaborative
effort amongst the staff and the Oshkosh
Corporation.
MR. GAST: Do you know who had drafted the initial letter?
WITNESS: I do not recall.
MR. GAST: Okay. And was it Representative Petri's office
and was it you who took the lead on getting this
letter signed and sent?
WITNESS: Yes. I took the lead in working with the
Congressional delegation to circulate that
MR. GAST: And was there any consultation with the ethics committee on this letter?

WITNESS: If there was, it would have been handled between the Chief of Staff and the committee itself.

MR. GAST: Okay. And do you recall any conversations with the Chief of Staff about any feedback from the ethics committee on this particular letter?

WITNESS: I don't recall at this time. No.

MR. GAST: Okay. I want to ask you about an undated memorandum that was provided to our office to Representative Buck McKeon from Representative Tom Petri with the subject line Army Procurement Family of Median Tactical Vehicles.

WITNESS: Okay.

MR. GAST: Without having that memorandum in front of you, does that sound familiar to you?

WITNESS: The memo doesn't necessarily ring a bell. Obviously, I recall Buck McKeon's name from my time in working on Capitol Hill, but what's the -- you know, the detail of the memo do not -- I do not recall what they would be at this time.

MR. GAST: Okay. The last paragraph of the memo, and it's about just over half a page -- and, again, the memo is about the FMTV contract --
WITNESS: Mm-hmm.

MR. GAST: -- and the protest filed by the losing bidders. The memo itself ends with a request that no language regarding this procurement be included in the final agreement approved by the conferees. And then there is a last paragraph which says, "In the interest 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 we follow established procedure for my constituents." Does that language sound familiar to you?

WITNESS: I mean, it sounds familiar I guess. Unless I read the entire document, I don't know where that language would have came from, but -- so I guess not necessarily, no. It doesn't sound familiar that I can say -- speak intelligently to that language.

MR. GAST: Okay. This might be another instance where we send the document to you through your lawyers and --

WITNESS: Okay.
MR. GAST: -- and see if that rings any bells. Aside from those specific actions that we just talked about, are there any other instances in which Oshkosh sought specific assistance from the Congressional Office or in which the Congressional Office provided specific assistance to the company?

WITNESS: You know, outside the FMTV contract award, there may have been, earlier in the year, an issue with regards to a Department of Homeland Security grant process, but it was, if I recall, after the fact, after the -- or the appropriations process had expired from the Congressional Office point of view. But other than that, no, I don't recall taking any action or working directly with Oshkosh Truck. Most of the time that I was there, it revolved around the FMTV contract award.

MR. GAST: Okay. Were you involved with any appropriations requests made by Oshkosh?

WITNESS: I was -- I was not -- I was involved with appropriations requests. However, I do not recall submitting any requests for Oshkosh Corporation or working with them on appropriations requests.
MR. GAST: Do you recall meeting with the Oshkosh folks about requests that they were having other members make?

WITNESS: I don't specifically remember meeting with them about appropriations requests.

MR. GAST: Okay.

WITNESS: No, I don't.

MR. GAST: I have an email here which I'll read to you. It's relatively short. This is from April of 2009, and for the record it's PET-OCE3978. You received an email from Michael McGourty (phonetic), who was with Representative Steve Kagen's office about finalizing some appropriations requests that they've gotten from Oshkosh Truck.

You replied on Friday, April 3, 2009, "Hey, Mike, Rep. Petri is a shareholder in Oshkosh Truck, and, therefore, cannot submit any requests on their behalf. I think it would be safe to assume that if he was not, he would be making a request for them. Let me know if you need anything else. Thanks, [REDACTED]" Do you recall that email?

WITNESS: Yeah. I have that email in front of me here.

MR. GAST: Okay. When you say that Representative Petri is
a shareholder and cannot submit requests on
their behalf, was that a policy of the office,
or how did that come about?
WITNESS: I don't recall if it was a policy of the office.
I would imagine that it was something that was
worked with regards to the -- with the ethics
committee, if anything, and so I guess that's
the best that I can say on that.
You know, the appropriations request
cycle in early 2009 there was right about the
time that I had taken over as the ML -- or the
full legislative assistant, and so there was a
transfer of appropriation issues for myself and
another staffer that was leaving. And so -- but
I don't recall what guidance I had, whether it
was from ethics or from the office itself on how
we wouldn't make requests on their behalf.
MR. GAST: And how did you learn that you couldn't make any
requests on their behalf?
WITNESS: I guess, like I just said, I don't recall if
that was, you know, guidance from ethics or
guidance from the Chief of Staff.
MR. GAST: Okay.
WITNESS: It would have been one of those two sources.
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
Representative Petri?

WITNESS: Yes. I mean, the interactions with all constituents or contacts to the office, you know, no one moved -- everybody was treated in a similar manner, and I guess the main thing was what are the -- as you look at how to kind of weigh what the priorities were, what's the impact to the state of Wisconsin and more specifically the Sixth Congressional District.

And, you know -- and so that was really how I viewed my position with the Congressman's office, and I think how, you know, as a manager, the Chief of Staff preferred it to be, you know. Let's -- let's focus on treating everybody equally and working on issues that are of importance for the district and for the state.

MR. MORGAN: Okay.

MR. GAST: All right. I think those are all the questions we have for you. We appreciate your time.

MR. KELNER: Thanks very much.

MR. GLANDON: Thank you.

WITNESS: Hey, thanks, gentleman. You guys have a great day.


MR. GAST: You too.
END OF INTERVIEW
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
MR. GAST: For the record, this is Scott Gast with Bryson Morgan from the Office of Congressional Ethics. It is Tuesday, May 27, 2014. Here with Congressman Thomas Petri and counsel for Mr. Petri, Rob Kelner and Kevin Glandon. Congressman, we appreciate you taking the time to talk to us. I want to focus on some of the actions that you've taken to support or to provide assistance for companies of which you have owned stock.

THOMAS PETRI (the "Witness"): Mm-hmm.

MR. GAST: So we'd like to start out by just getting a sense of how you manage your portfolio, how you choose which stocks to invest in, and how to -- when to buy and sell. If you could just give us an overview of that process.

WITNESS: Well, I've been buying stocks -- I think the first stock I bought was the initial offering of the Ford Motor Company back in 1948 when I was eight years old.

MR. KELNER: Wow.

WITNESS: And the -- I used to work summers at a bank in Fond du Lac and spent my lunch hour over at the stockbroker's office, and he would -- the broker, Roger Gormicken (phonetic) would let me
take the -- in those days there were loose-leafs
on over-the-counter, American Exchange, and the
New York Stock Exchange.
So things I would -- my theory was I
would read all of them. I didn't have to -- all
I had to do was avoid making a bad investment.
So get as much information as possible and sort
through, and sort through, and sort through, and
if you get all 10,000 stocks down to one or two,
probably would be a -- and so anything I could
think of why not to buy. So that was sort of
what I'd do as a kid, and I --
But Roger told me -- I said, "Is there
anything I could spend my summer earnings on
that would make sense?" And he said, "Well,
there's this strange company in Upstate New York
in Rochester called the Haloid Corporation
that's selling at 200 times earnings, and I
don't know why it should be. So maybe someone
knows something. I don't know, but why don't
you -- you might look at that." So I did, and
it gradually changed its name from Haloid, to
Haloid Xerox, and then to Xerox --
MR. GAST: Wow.
WITNESS: -- and that's why I'm in Congress. It went from
just a small amount of money to quite -- so I've been -- I followed -- another company was Emery Air Freight before FedEx. And so John Emery came out of World War II and set up a company to do air freight.

So I've been very interested in following, and learning about, and making wise decisions. I've never speculated. I did once in college. Tried to buy a future in copper or some darn thing, and it -- I couldn't figure it out. And so that's sort of the background of all this.

MR. GAST: Okay. And how about more recently? How do you manage your portfolio nowadays?

WITNESS: Well, I don't buy and sell very much, and I do try to -- have tried to diversify a little bit and buy stock based on whatever information I could get from reading, and visiting, and knowing people running a company that seemed to be running an operation with integrity.

I think that may be why I've drifted a little bit recently to -- not that recently, but occasionally buying stock in companies in the district I represent. Plus it seems like a good idea to invest in people I was representing
because they were investing in me.

MR. GAST: And do you work with a broker or a financial
advisor?

WITNESS: Honestly, except for Roger, anytime I've gotten
any advice from -- except for one exception I
can think of, if they were trying to sell me
stuff to get rid of -- they'd have some bigger
investor, and they'd want to just get rid of to
smaller investors. So I've always done it
myself.

MR. KELNER: But you do have a broker?

WITNESS: Oh, you can't buy it without a broker.

MR. KELNER: Right.

MR. GAST: Right.

WITNESS: That's the way it works. I do have -- but I
don't have a financial advisor. Let's put it
that way. I have a couple -- there are a couple
brokers.

There's a broker at Merrill Lynch who
handles the stock my wife and myself owns.

There's a broker at whatever the company is that
handles my wife's retirement fund that I -- she
often asks me to handle that.

And there's a lady at the Foley and
Lardner Law Firm in Milwaukee that manages --
that - a trust that was set up under my parents'
will that -- and she deals with a broker at --
Barron Company (phonetic) in Milwaukee.
MR. GAST: And when you do make decisions to either buy or
sell a particular stock, who's usually involved
in that decision?
WITNESS: Beg your pardon?
MR. GAST: Who's involved in the decision to buy or sell
stocks when you make those decisions?
WITNESS: Myself.
MR. GAST: Just yourself? Okay. And how closely do you
monitor the performance of the companies either
that you have in your portfolio or you're
considering buying?
WITNESS: Well, I read the annual reports. They don't
send out quarterly reports anymore, and I read
the financial press. I check the Washington
Post weekly stock reports. I keep a computer --
one of these free computer things where you can
list stocks you own. So I will occasionally
check to see -- you can click to see if there
are recent stories on that website about
different companies. I have companies that I
own but also companies that I'm trying to follow
or learn more about.
MR. GAST: You ever reach out to the companies directly for
--
WITNESS: No.
MR. GAST: -- information or questions? Okay. Do you ever
consult with the ethics committee before a
transaction?
WITNESS: No.
MR. GAST: I'm going to ask you about a couple of specific
stocks in your portfolio and how you came to
make the decision to purchase that stock, the
first one, the Oshkosh Corporation. How did you
come to be an owner of that stock?
WITNESS: Well, I had some money to invest, and I had
visited the Oshkosh Truck on numerous occasions
over the years and had got to know a fellow
named Gene Goodson, who was a transformative
manager, and respected what he did. I think
he's a professor if he's still -- if he hadn't
retired, at Ann Arbor, Michigan.
So I thought that was probably a good
-- might be a good investment. It turned out I
was wrong in the short run, but it's not been
particularly good or bad over the long run.
MR. GAST: And was Mr. Goodson, was he at the company?
WITNESS: He was the head of the company.
MR. GAST: He was the head of the company. Okay. And when
was that, that you first bought Oshkosh stock?

WITNESS: I'd have to check the records. I can't even
remember. I think he'd probably left the
company by then, but I -- he was succeeded or
sort of half ousted by a guy named Bob Bohn, who
was president and now who's left. And now
there's another fellow running the company.

MR. GAST: And what about the Manitowoc Company? How did
you come to make the decision to purchase stock
in that company?

WITNESS: Somewhat similar. I know the company. It's
obviously a big factor in Manitowoc, as the
Oshkosh Company is in Oshkosh, and I was
impressed by the leadership. But I think the
fellow's name was Fred Fisher, who came in after
the owner of the company or largest stockowner,
John West, who is a legend in Oshkosh, became
inactive. And he transformed the company into a
modern international company as well.

He had left by the time I bought any
stock, but I started following the company as a
result of that action.

MR. GAST: Was there any particular piece of information or
anything that triggered your purchase of the
WITNESS: No. Just looking at people who seemed to be taking an intelligent approach to moving their organizations into the modern work and taking a broad view. One of the reasons they were both those people were — I got to know them was that they were trying to take their middle and coming executives and get them to think more broadly rather than just about trucks or just about cranes, about the context.

So one of the things they would do was to set up meetings with their Congressman or other elected officials, so they would try to get them more aware of the different issues that they had to deal with to be a successful company.

MR. GAST: Okay. What about the Plum Creek Timber Company? How did you come to be an investor in that company?

WITNESS: I don't know exactly. My mother-in-law says that she's the one who told me about it. She does the same sort of thing. But I mean, I looked at the company, and it seemed like -- it's a differently organized company. It's a REIT, which means that its stock is not taxed at
the corporate level, but it's taxed at the
individual level; and that seems to be a
desirable formula for something like a pension
fund because a pension fund usually is not
subject to tax until you get the money. So that made
me especially interested in it for my wife's
thing.

MR. GAST: And that stock you hold as part of her
retirement plan?

WITNESS: That's in several different -- I think it's --
but that was -- it's certainly in my wife's
retirement plan.

MR. GAST: Okay.

WITNESS: But it's also -- I think we also have some in
our own -- on our own.

MR. GAST: And, finally, what about the Danaher
Corporation? How did you come to be an investor
in that company?

WITNESS: Read about Danaher, and it's a little bit --
another kind I don't yet own that I've been
following, the Smucker Company. You read about
-- in the financial press about companies that
are really well run, and this seemed to be a
very well-run company. And it's actually, as
best I can tell, is more or less headquartered
here in the D.C. area, but I've never talked
with or had any dealings to my knowledge with
anyone -- connection with Danaher.

MR. GAST: Okay. What's your understanding of the rules
that apply to actions that you or your
Congressional Office would take on behalf of
companies in which you own stock?

WITNESS: My understanding is that I have an obligation to
file an annual financial statement and disclose
my holdings to my -- to anyone who's interested.

And that there's no rule against my owning stock
in companies. It would be pretty hard to own
stock and -- find companies that didn't do
business -- if they're traded on an exchange --
in a Congressional district. Companies operate
pretty globally now. And --

MR. GAST: Are you aware of rules about potential conflict
of interests between your personal financial
interest in the company and the actions that
your Congressional Office may take on behalf of
the company?

WITNESS: Well, I know that I'm not supposed to do
anything, use my official position for personal
gain.

MR. GAST: Have you had any contact with the committee on
ethics about how your Congressional Office
interacts with companies in which you're an
investor?

WITNESS: My office -- I have not personally.

MR. GAST: Okay.

WITNESS: But I think I've always asked people in my
office to try to be as sensitive as possible to
the rules governing our actions, and if there
was any question, to not only ask me, but to
bring it up with the ethics committee to get
their advice and to follow it; and that's the
policy in this office.

MR. GAST: How do you generally manage requests for
assistance or for consideration made by
companies in which you own stock?

WITNESS: Same as any other request.

MR. GAST: Have you had any ethics training for the staff
on how to deal with questions that may come up
dealing with companies in which you're an
investor?

WITNESS: You'd have to check with the Chief of Staff. I
think they have been attended for a variety of
different seminars and discussions over the
years.

MR. GAST: What about office policies? Is there anything
specific on dealing with companies in which you
own stock?

WITNESS: We made no exceptions for or against.

MR. GAST: Is there some list of companies in which you own
stock that you share with staff so that they're
aware of your holdings?

WITNESS: I filed my ethics statement.

MR. GAST: And since the news reports this go-around about
some of your actions on behalf of these
companies, have you made any changes to policies
or training in the office?

WITNESS: No.

MR. GAST: Okay.

WITNESS: We were trying to operate as properly as we
possibly could from the get-go.

MR. GAST: Have there ever been occasions when a company in
which you had owned stock has asked for
assistance and you either declined to provide
the assistance because you didn't think it was
appropriate, or you referred them to another
member or to a Senate office? Have you ever had
any of those kind of occasions?

WITNESS: You'd have to check with our Chief of Staff,
Debbie Gebhardt, but I do believe that there
have been such occasions.
MR. GAST: Do you know what stock -- what companies that's involved?

WITNESS: I'm not sure.

MR. GAST: Okay. Do you know what the issues were that were involved?

WITNESS: I think there were rules about making requests for -- I'm not -- you'd better check with Debbie, but I think it had to do with contact with the appropriations committee for specific things we've been doing for years for companies that -- where there might be an issue if I owned stock.

MR. GAST: Okay.

MR. GAST: You said that at least some of the reason that you came to be an owner of the companies in your district is you've gotten to know these companies and gotten to meet with some of the leadership. Are you privy at times to non-public information about the company's operations?

WITNESS: Not to my knowledge.

MR. GAST: For example, are you given a heads up about certain actions the company is considering taking or will be taking in the future before that information is made public?
WITNESS: They do routinely -- they or sometimes government agencies contact -- sometimes there's an issue as to whether the executive branch is controlled by Republicans or Democrats as to which offices they contact most quickly. But they generally let the Senators and House members know of the -- that a decision has already been made to issue a particular award or take a particular action so that we can coordinate with the constituent on press relations, but I don't think there's been anything other than that, which has been the practice for years.

MR. GAST: And have you ever used information like that to make a trade, to make a decision to buy or sell stock?

WITNESS: Not -- never.

MR. KELNER: Scott, can I just clarify one thing on the last question about being provided information about upcoming events. I think you were asking about information provided by the company to the Congressman. Is that what you were addressing, Congressman? I just want to --

WITNESS: I think it's provided by the government.

MR. KELNER: Yeah. I think maybe --
MR. GAST: Okay.

MR. KELNER: -- he was answering a different question.

WITNESS: Oh, I'm sorry.

MR. KELNER: Why don't we go back, just to make a clear record.

MR. GAST: So I think your answer was that sometimes you can get a heads up notification, information from the government about actions --

WITNESS: Yeah.

MR. GAST: -- they are taking? Do you ever get information or a heads up from the company themselves about --

WITNESS: I don't think so.

MR. GAST: Okay. What about notices of layoffs? Is that something that they might bring to your attention?

WITNESS: I think they -- they have called our office I believe. You'd have to check with Debbie on that. I haven't -- I have not personally talked with people about that, but they may have contacted our office.

MR. GAST: Okay.

MR. MORGAN: So just further clarifying this, when you said you've never used information like that to make a trade, have you ever used information like
what we've just been discussing from the company or from the government in making a trade?

WITNESS: No.

MR. GAST: I want to talk to you specifically about the Oshkosh Corporation now. How long have you had a relationship with the company?

WITNESS: Since 1978, maybe early '79.

MR. GAST: And how did that start?

WITNESS: Well, I ran for Congress. Oshkosh Company has been owned for years by the Moslin (phonetic) family, and I think they -- Mr. Moslin supported my campaign.

MR. GAST: How -- generally, how often do you have contact with representatives from the company?

WITNESS: Well, it's a little hard to say. When I go to Oshkosh, I often go to chamber -- they have a Chamber of Commerce breakfast. There are a couple of executives from Oshkosh Truck often at those meetings. I go to other meetings in the community. There may be people from Oshkosh. Specifically, I mean, I would say occasionally delegation or individuals from one or another of the Oshkosh operations might have business in Washington and stop by. They have something called Pierce that makes a whole range
of firefighting equipment, and they've have
various issues over the years and come by as
well as the military people, obviously.
MR. GAST: How often would you say the company initiated a
contact with your Congressional Office in which
you're involved?
WITNESS: Well, maybe -- I don't know. I mean, with me,
maybe couple times a year.
MR. GAST: Couple times a year.
WITNESS: I mean, they may be calling the Chief of Staff
more often. I'm not sure.
MR. GAST: And who from the company do you have that
contact with that couple of times a year?
WITNESS: It varies depending on who's coming out to
visit. They have a representative in
Washington, Jay Kimmitt. He will, I think,
call and set up appointments for the different
executives of the company who are in the area.
And I'm -- we have a rule here to try to meet
anyone from our district who is visiting.
MR. GAST: And what subjects do you generally have
discussions with them about?
WITNESS: Well, I guess it would vary on what it is that
they were involved with. I think there was some
-- once some discussion of how fast fire trucks
could respond to airplane crashes. They were very interested in those kind of standards because their trucks can respond very quickly. They thought, therefore, the government should be very strict in purchasing equipment that could respond quickly.

MR. GAST: Do they generally come in with specific requests for assistance?

WITNESS: Not -- no. I don't think so. When I visit with them, it's, I think, usually that they're out here for other reasons, and they stop by.

MR. GAST: Have you ever discussed your ownership of Oshkosh stock with these representatives from the company?

WITNESS: Yes.

MR. GAST: And what do you generally discuss?

WITNESS: 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, although it has come back over the years, and I did buy some as it was moving back. But it's not -- it's nothing like some other companies.

Both it and Manitowoc had made large acquisitions before the financial meltdown, and, therefore, had a lot of debt. And so Wall
Street worried that they might not survive, and they went -- took enormous stock losses.

MR. GAST: I want to talk to you about the contract, the Army contract that Oshkosh was awarded for the Family of Medium Tactical Vehicles.

WITNESS: Yes.

MR. GAST: You familiar with that --

WITNESS: Oh, yeah.

MR. GAST: -- that subject? How did the issue of the contract award and the subsequent protest of that award come to your attention?

WITNESS: Well, we've been working on this thing for a long time, and I think it first came up when -- it may have been Jay Kimmitt talking to someone in our office who was working with some people at the Pentagon on an award before this one for partial.

And Duncan Hunter was getting a lot of pressure from the Texas delegation and the military people about -- thought it would be helpful if someone from Wisconsin would sit in at the meeting with Duncan Hunter that the Texas people had requested so he could be in a position of saying he was getting pressure from both sides.
And the military people, to my understanding, were interested in this because the stuff Stuart Stevens (phonetic) was making was crap, and they were fighting for specifications that it be shipped to the military bases on flatbeds rather than being driven over the road because it would fall apart before it got there. And they had buddies who had died because of this lousy equipment.

And so I was very happy to do everything I could to help Oshkosh Truck, which makes a superior product, in getting this award, and they later, quite unusually, of course, won the whole contract.

And Stuart Stevens tried a Hail Mary to see if it couldn't disrupt that, filing a challenge to the military's award, arguing that Oshkosh Truck was underpricing and not charging the American people enough for the goods that it was making, and, therefore, the contract should be set aside. And I, Wisconsin delegation, argued that the military should stick by its award.

I don't think we were involved prior to the military -- that I'm aware of, but you
can check on that -- prior to the military
deciding, according to their procedures, that
they would give the contract to Oshkosh Truck,
after having given prior contracts and working
with them for many years.
MR. GAST: And did you personally have conversations with
Jay about the need to weigh in as a Wisconsin
delegation to kind of offset the Texas
delegation?
WITNESS: I don't recall.
MR. GAST: Okay.
WITNESS: I'm sure he talked to Debbie.
MR. GAST: And anybody else on your staff that worked on
this matter?
WITNESS: I'm sure there were other people, but Debbie
would know.
MR. GAST: Okay.
WITNESS: Tyler might have.
MR. GAST: Okay.
WITNESS: He's with the FBI now.
MR. GAST: Okay. And you said that Jay had thought it
would be a good idea to have someone from the
Wisconsin delegation sit in with the Texas
delegation?
WITNESS: This is prior. This was not this contract.
MR. GAST: Okay.

WITNESS: This was way, years before.

MR. GAST: Okay.

WITNESS: I mean, we've been working on this stuff for -- long before I owned any stock.

MR. GAST: Sure. Did Oshkosh make any specific requests for assistance with regard to this FMTV contract?

WITNESS: I don't know.

MR. GAST: Who would know that?

WITNESS: I mean, for the contract or for the challenge of the contract?

MR. GAST: For either.

WITNESS: I don't know. You'd have to -- you'd have to check. We provided all of our correspondence and emails, and I don't know.

MR. GAST: Did you have any specific conversations with anyone at Oshkosh about what they were looking for, what kind of assistance they were seeking?

WITNESS: When?

MR. GAST: At any point after the protest was lodged.

WITNESS: I don't recall.

MR. KELNER: Can we take a counsel restroom break for a few minutes?

MR. GAST: Sure.
WHEREUPON, a recess was taken.)

END OF PART 1

MR. GAST: Again, this is Scott Gast and Bryon Morgan with the Office of Congressional Ethics with Congressman Petri, Rob Kelner, and Kevin Glandon. And before we took the break we were talking about your interactions with the Oshkosh Corporation following the filing of a protest to the award of the contract for the medium tactical vehicles.

Subsequently, you and your staff took a number of steps with Oshkosh on that issue. I want to ask you generally, before you took any of those steps, were there any conversations within the office about reaching out to the ethics committee for guidance about what you could or couldn't do or conversations internally about steps that you could take to assist Oshkosh or what you couldn't?

WITNESS: I believe we checked every step with the ethics committee.

MR. GAST: Okay. Do you recall specifically reaching out to the committee in advance of taking any actions or --
WITNESS: We wouldn't have taken any action without reaching out in advance. It was always done through the Chief of Staff.

MR. GAST: Okay.

Alright. Shortly after the protest was filed in September, there was a Wisconsin delegation letter to Secretary Robert Gates on the issue, October 9, 2009. Do you recall that letter?

WITNESS: I don't, but I've seen it since. It's been recalled to my attention.

MR. GAST: Okay. Do you recall who came up with the idea for that delegation letter?

WITNESS: No.

MR. GAST: Did that idea originate with your office?

MR. KELNER: I think he just answered that question by saying he doesn't remember.

MR. GAST: We -- in the documents you provided our office, there are some emails from your Chief of Staff about reaching out to the ethics committee. Do you know what prompted that reaching out to the ethics committee?

WITNESS: I think it was our general policy.

MR. GAST: And what was the issue that you reached out to ethics on?

WITNESS: I don't recall. I mean, anything dealing with
Oshkosh probably.

MR. GAST: Okay. Did you have any discussions with your Chief of Staff about her conversations with the ethics committee?

WITNESS: She would report what they advised, and I'd say follow their advice.

MR. GAST: Okay. There was some indication in the documents that your office provided us that you may have had a member-to-member conversation with Chairman Buck McKeon about the issue around the same time. Do you recall having a conversation with Chairman McKeon?

WITNESS: I believe -- it's general practice that I follow, and I probably did in this case, that there was an issue before his committee that we wanted to let him know of our interest in, and I handed him a memo explaining the details - or his aide because I've learned over the years when people approach me on things having to do with my committee work, it's very hard to get a firm grasp of all the details. It's much simpler not to try to get someone up to speed and explain the whole thing, but just say here's an issue. Here's a memo. This is the position that we'd appreciate you taking a look at. So that memo
should exist in the record.

MR. GAST: I think you did provide that to us. Let me see if I can get that here.

MR. MORGAN: Let's give him the Bates.

MR. GAST: The Bates number on this is PET-0CE5.

WITNESS: Yeah.

MR. GAST: Is this the memorandum that you --

WITNESS: Yeah.

MR. GAST: -- believe that you gave to --

WITNESS: Yeah.

MR. GAST: -- Chairman McKeon? And do you recall the circumstances of how you got this to him?

WITNESS: Handed it to him on the floor of the House that day.

MR. GAST: The floor of the House. Do you recall what you discussed with him when you gave him this memo?

WITNESS: I basically said I think you have something -- this will explain what our interest is. I appreciate you taking a look at it or giving it to your aides handling the legislation that you're dealing with, something like that.

MR. GAST: And I want to ask you about the last paragraph of this memo --

WITNESS: Yeah.

MR. GAST: -- where it says, "In the interest of full
disclosure, I do own some stock."

WITNESS: Yeah.

MR. GAST: What prompted you to include this paragraph?

WITNESS: I don't know.

MR. GAST: Do you know how it came to be there?

WITNESS: I don't know. You could check with Debbie.

MR. GAST: Okay. Do you know why in your earlier letter to Secretary Gates from the delegation, a similar disclosure of your stock ownership was not included?

WITNESS: I don't know. From the delegation?

MR. GAST: Mm-hmm.

WITNESS: Well, I don't know, but it would be rather weird to separate out each individual member of the delegation on things like this.

MR. GAST: Did you have general discussions in the office about disclosing your stock ownership when having contacts, either through memos or letters, to executive branch officials?

MR. KELNER: By general discussions in the office, do you mean like in staff meetings with the full staff?

MR. GAST: With any staff members, with your Chief of Staff, with any of the legislative staff?

WITNESS: Only with Debbie.

MR. GAST: And what were those discussions that you had
with Debbie?

WITNESS: Do the right thing, and if there's a question, ask the ethics committee and follow their advice. It's my impression that the ethics -- having been a member of the ethics committee, that one of its functions was to advise members if there were any possible question, so as to avoid situations such as this.

MR. GAST: Alright. Do you recall having a telephone conversation with the Secretary of the Army about this issue?

WITNESS: Yes.

MR. GAST: Can you tell me how that conversation came to be?

WITNESS: You'd have to check with Debbie. I think she suggested it.

MR. GAST: Okay. And what was the substance of your conversation with the Secretary?

WITNESS: As best I can recall, 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.

MR. GAST: And what was the Secretary's response?

WITNESS: Thank you very much. He was -- I think he said he was very aware of the issue.
MR. GAST: Did anyone from your office staff the call with you; were they on the call with you?
WITNESS: I beg your pardon?
MR. GAST: Did anyone on your staff, staff the call; were they on the call with you?
WITNESS: Well, Debbie's office is right there. The door may have been open.
MR. GAST: Okay.
WITNESS: She would have given me -- I usually make calls myself, but she might have had gotten him on the line or made arrangements that I should call at a certain time. I can't remember.
MR. GAST: Okay. Did you have any contact with Oshkosh representatives either before the call or right after the call to discuss your conversation with the Secretary?
WITNESS: I can't recall. I would assume, but I don't know. Someone -- the Chief of Staff may have talked to them, but I don't know. I can't recall I should say.
MR. GAST: And did you -- did the subject of your stock ownership come up at all during the call?
WITNESS: No. I don't believe so. I'm not sure though, but I don't -- I don't recall for sure.
MR. GAST: Did you disclose your ownership of stock during
that call?

WITNESS: I don't recall, but I don't think so.

MR. GAST: Okay.

WITNESS: I was urging that they follow their rules.

MR. GAST: So after the delegation letter to the Secretary
of Defense, your conversion with Chairman
McKeon, and the conversation with the Secretary
of the Army, in December of 2009 there was a
second delegation letter to the Secretary of the
Army urging the quick implementation of the GAO
recommendation. Do you recall that letter?

WITNESS: I'm sorry. I don't off the top of my head.

MR. GAST: I'll show you a copy of it.

WITNESS: GAO recommendation such as they recommended the
contract go forward?

MR. GAST: They made certain recommendations about the bid
process. I think there was some minor questions
they wanted answered. This is Bates Number PET-
OCE451 for the record.

WITNESS: Okay. (Inaudible)

MR. GAST: Do you recall this letter?

WITNESS: I honestly don't, but I certainly would not
argue that it wasn't sent out.

MR. GAST: Sure.

WITNESS: I believe it was.
MR. GAST: Do you know who came up with the idea for sending this letter?

WITNESS: I don't. You'd have to ask Debbie. She might have a better idea.

MR. GAST: Are you aware of any ethics review of this letter or any guidance provided by the ethics committee?

WITNESS: I am not.

MR. GAST: Okay.

WITNESS: I don't know. Debbie would know.

MR. GAST: Okay.

WITNESS: I don't know if this originated in our office or in Senator Kohl's office. I'm not sure.

MR. GAST: Okay. Similar set of questions with regard to this letter from you to the Secretary of the Army on February of 2010. This is PET-OCE113. Do you recall this letter?

WITNESS: Not specifically, no.

MR. GAST: And this expresses your concerns with an additional bridge contract awarded to BAE Systems, I believe it is --

WITNESS: Okay.

MR. GAST: -- to continue -- to extend their contract because of the protest period. Do you know what
prompted this letter from you to the Secretary?

WITNESS: I don't.

MR. GAST: Do you recall who came up with the idea of this letter?

WITNESS: I don't.

MR. GAST: Do you recall any discussion of ethics review of this letter?

WITNESS: I don't.

MR. GAST: Okay. Okay. I want to move on now to an issue, still involving the Oshkosh Corporation. In June of 2013, you and seven other members in the House sent a letter to the chair and ranking members of the Armed Services and defense appropriations subcommittees. I'll give you a copy of that letter. And this is a letter dated June 10, 2013.

WITNESS: Mm-hmm.

MR. GAST: Do you recall this letter?

MR. GLANDON: You want to clarify the Bates?

MR. GAST: This one is actually not --

WITNESS: June 10, 2013. I don't, but I -- obviously, we must have done that.

MR. GAST: Do you recall the issue involved, the Defense Department's proposed reprogramming action,

which would have taken money away from the Tactical
Wheeled Vehicle Program?

WITNESS: No, I don't.

MR. GAST: Okay. I want to direct your attention to the last page of this document, which is a memorandum --

WITNESS: Yes, okay.

MR. GAST: -- from you to the recipients of the letter. Do you recall this memo?

WITNESS: No.

MR. GAST: Any idea how --

WITNESS: Did we do something wrong in disclosing -- I don't --

MR. KELNER: Let them ask the questions.

WITNESS: Okay. Well, I mean, what's the point. I don't know.

MR. GAST: Do you know what prompted you to include this memo?

WITNESS: Absolutely. I assume it was on the advice of ethics committee --

MR. GAST: Okay.

WITNESS: -- but I don't know.

MR. GAST: Do you know why you included this memorandum with this letter but not in the previous letters to the Secretary of the Army and the Secretary of the Defense?
WITNESS: You'd have to check with Debbie.

MR. GAST: Did the Oshkosh Corporation ever ask you or your office to submit any appropriations requests on their behalf?

WITNESS: I believe that they did years ago.

MR. GAST: And did there come a time when your policy on submitting appropriations requests coming up from Oshkosh changed?

WITNESS: I believe so.

MR. GAST: And when was that? Do you recall when that was?

WITNESS: It was when I bought stock in Oshkosh Truck as best I can -- as best to my recollection.

MR. GAST: And what --

WITNESS: I think -- I don't -- I shouldn't -- I believe they had made various requests of members of the delegation each year, and they did again. And Debbie might have said that they did, and I said, "Well, I own stock in that corporation."

She said, "Oh, my goodness, then maybe we can't do that." But I'm not sure.

MR. GAST: Okay.

WITNESS: But I disclosed that I had the stock, or she might have known already because of my having filed ethics statements. I'm not sure.

MR. MORGAN: Are you aware if she then reached out to the
ethics committee for advice on that issue?

WITNESS: I don't know.

MR. MORGAN: Was it a direction from you to not make appropriations requests because you owned stock?

WITNESS: I would -- my recommendation would have been to do whatever the rules required.

MR. MORGAN: Okay. Do you remember, did she ever come back to you saying I checked with the ethics committee and here's what they said, or how was that issue resolved?

WITNESS: It was resolved that we wouldn't do it, as I understand.

MR. MORGAN: Okay. But you can't recall -- you don't recall if that was because of advice from the ethics committee or if it was just a decision that you and Debbie made?

WITNESS: I don't think it was because of a decision that we made. I think we were trying to do the right thing as the referees advised us.

MR. GAST: I want to move on to the Manitowoc Company.

WITNESS: Manitowoc.

MR. GAST: Manitowoc.

WITNESS: There's their crane right there.

MR. GAST: Wow.

WITNESS: That fell over when we had the earthquake.
MR. GAST: Yeah. And how long have you had a relationship with the Manitowoc Company?

WITNESS: Since '79.

MR. GAST: And how did you become involved with that?

WITNESS: Well, I became elected to represent Manitowoc, and I'm quite sure I stood outside the Manitowoc Company gate in February and March in the snow in the first time I ran.

And later -- I'm trying to think. I think we have a big thing in Manitowoc called the Badger, which is the last car ferry on the Great Lakes. It goes from Manitowoc to Ludington, and I believe there was some kind of a special party out on the Badger. And I was taken out to it on a launch with some other people, including John West, who was quite a legendary figure.

And I'm sure over the years we -- you know, there would be various things we would be doing with the Manitowoc Company, as with any other company in our district. They were larger, so there might be somewhat more but not a whole lot.

MR. GAST: How often would you say that you had interactions with company officials?
WITNESS: Well, I toured the factory a number of times, had meetings with executives. Their executives attend meetings of various organizations in Oshkosh and in Manitowoc that I would attend. They had an either full or part-time Washington representative named Al Bernard, who we would work with on issues affecting the Manitowoc Company from time to time, but I don't know how often. It would be several times a year at least.

MR. GAST: Okay. And have there been occasions when the company has come to you or your office with specific requests for assistance?

WITNESS: I imagine so. I can't recall a specific occasion, but they aren't anymore. They were -- they had a boat building division, which is now owned by an Italian company up -- outside of our district but up in Marinette, and they would -- they were interested in doing work with the military and with the government. I think they made an ice breaker up there. I don't know if we were involved in that at all, and they were heavily involved partnering with General Dynamics, one of the other big defense contractors in working on getting a contract for
the Toro Cruiser. I think we may have helped
them with some of that.
MR. GAST: And are those requests for assistance by the
company handled differently in any way because
you own stock in the company?
WITNESS: They sold that defense operation some years ago.
I can't really recall. I don't think we -- we
dealt with them as best we could. That's what
we were supposed to do.
MR. GAST: Okay. Are you aware of assistance provided back
in January or February of 2007 by Lindsay Bowers
of your office to Manitowoc regarding an EPA
rule making about phasing out of certain
chemicals?
WITNESS: Vaguely. This has to do with their ice making
division? I don't know.
MR. GAST: It involved getting a meeting with OMB about the
proposed rule that EPA was coming out with.
WITNESS: The chemicals wouldn't be involved with cranes or
with ships. It should probably have to do with
making ice machines, I surmise. I don't know.
MR. GAST: Do you recall if there was any discussion in the
office about what assistance you can provide
Manitowoc?
WITNESS: I don't.
MR. GAST: Any discussions about reaching out to the ethics committee for guidance about what assistance could be provided?

WITNESS: No. I don't even recall if I owned stock in Manitowoc at that particular time. Maybe I did. You have the dates down.

MR. GAST: Okay. But you don't recall any ethics guidance that was shared with your office?

WITNESS: No.

MR. GAST: I want to talk to you about September 2012 through August 2013, assistance provided by your office to Manitowoc about a hardship exemption request to the EPA regarding some diesel engines that they used in their cranes. Do you recall your office providing assistance to the company on that issue?

WITNESS: What was it again?

MR. GAST: The company was seeking a hardship exemption from the EPA regarding some diesel engines that are used in its cranes.

WITNESS: It could well be. I'm sure it is, but I don't have a specific recollection.

MR. GAST: And I think this was something that Kevin James on your staff --

WITNESS: Okay.
MR. GAST: -- worked with.

WITNESS: Yeah. He's still there.

MR. GAST: Okay. What do you recall generally about that issue?

WITNESS: I don't.

MR. GAST: Okay. Were there any discussions about -- with you about steps that your office took to help the company?

WITNESS: We would have, I assume, done whatever we would do with any company.

MR. GAST: Do you recall discussing any contacts with the EPA on behalf of the company to try to get additional information?

WITNESS: You'd have to ask Kevin.

MR. GAST: Okay. I want to show you a letter from August 8, 2013, from you to the regional administrator at the EPA. This is Bates Number PET-OCE1544.

WITNESS: Okay.

MR. GAST: Reading this letter, does this refresh your recollection at all about the issue involved?

WITNESS: No.

MR. GAST: Okay. Do you recall discussing this issue with anybody on your staff?

WITNESS: I may have discussed it with Kevin. I can't -- I don't have a specific recollection.
MR. GAST: Okay. Do you recall discussing this issue at all with anyone at the Manitowoc Company?

WITNESS: I really don't have a specific recollection. It may have been mentioned in the course of some other meetings.

MR. GAST: Okay. Do you recall approving and signing this letter to the regional administrator?

WITNESS: Well, I'm not sure that's my signature actually.

MR. GAST: Okay.

WITNESS: But it might be. Maybe I did sign it. People sometimes sign my signature at the office, but I'm not -- they do a pretty good job. It could be I did.

MR. GAST: Who in the office is authorized to sign on your behalf?

WITNESS: I don't know. There's been no specific authorization. Check with Debbie on it. Sometimes I'm in the district or something, and they want to get a letter out.

MR. GAST: Okay. Are you informed before something is signed on your behalf?

WITNESS: I think it depends. I don't know.

MR. GAST: Would this letter have been sent without you having been made aware of it?

WITNESS: Well, I'm not particularly aware of it now, but
I might have been at the time. I didn't say I wasn't.

MR. GAST: Okay. As a general matter, does your office send out letters to executive branch officials without first discussing it with you?

WITNESS: As a general matter, we don't send out that many letter to the executive branch.

MR. GAST: Sure.

WITNESS: I don't know, but we -- well, we sent -- well, that's not true. We sent a lot of letters without discussing it specifically with me.

We're constantly working on cases involving Social Security, immigration, and 101 other issues, and we do not -- I do not necessarily approve each letter or even am informed of them.

MR. GAST: And do you recall any discussion about seeking ethics guidance with respect to sending this letter to the EPA?

WITNESS: No.

MR. GAST: Do you recall any discussions about getting ethics guidance on taking any action on behalf of Manitowoc regarding --

WITNESS: Manitowoc.

MR. GAST: Manitowoc regarding this hardship exemption request?
WITNESS: (No audible response.)

MR. GAST: Okay.

MR. MORGAN: Were you aware that Manitowoc was facing this issue with their diesel engines?

WITNESS: Well, I'm sure they discussed it with me, but I don't recall anything specific about it.

MR. MORGAN: Okay.

MR. GAST: I want to ask you just a few more questions about the two other companies, first Plum Creek Timber.

WITNESS: Okay.

MR. GAST: Can you describe your relationship with the company?

WITNESS: I think they have an operation in Adams County, which is no longer in my district but was, and invited me to visit the operation. And I did do that. Clare Wettstein in our district office would have made the arrangements.

I can't remember who went with me on that occasion, but we visited their office. And the fellow that was running it or someone, his coworkers or a couple people, drove us around to see different logging operations and view their lands.

MR. GAST: Do you have regular interactions with company
representatives through the Congressional
Office?

WITNESS: No. Not that I'm aware of.

MR. GAST: Are you aware of specific requests for
assistance or support that the company has made
--

WITNESS: No.

MR. GAST: -- to your Congressional Office?

WITNESS: It's my impression they own land -- I think it's
more or less equal to the size of the state of
Maryland, and most of it is not in the Sixth
Congressional District. They probably operate
through a lot of other offices if they have a
problem but not through us.

MR. GAST: Sure. I want to show you a letter to Dave Camp
and Sandra Levin of the Ways and Means Committee you had signed
onto in April of 2013 --

WITNESS: Okay.

MR. GAST: -- regarding certain timber tax provisions, and
there's some 30 members signed on this letter,
which is PET-0CE6956.

WITNESS: Okay.

MR. GAST: Do you recall this letter?

WITNESS: No.

MR. GAST: There's some indication that your office reached
out to the ethics committee prior to you signing
this letter to get their guidance on whether it
was appropriate for you to sign with the stock
ownership. Do you know what prompted that
ethics committee question?
WITNESS: I assume if it -- someone did, it would have
been Debbie, Chief of Staff, how was following
our policy just to attempt to abide by the rules
and not do anything that would raise any
question. And if we had any question as to
whether it was appropriate or not, to check with
the ethics committee.
MR. GAST: Can you recall hearing back from Debbie at all
about her --
WITNESS: Must have said it was all right, from the point
of view of the ethics committee, or we wouldn't
have signed it.
MR. GAST: And, finally, I want to ask you about the
Danaher Corporation.
WITNESS: Yeah.
MR. GAST: Can you discuss your relationship with that
company, describe the relationship you had?
WITNESS: To the best of my knowledge, I've never met, or
talked, or had any dealings with anyone from
Danaher Corporation.
I was surprised to learn of your
including it on this, and upon reviewing --
trying to figure out what possible reason, I've
discovered that they had acquired some facility
in Fond du Lac, Wisconsin, which I was totally
unaware of was even -- had any connection with
Danaher. It had been known locally as the
Giddings & Lewis Electronic Division, Giddings &
Lewis being a large machine tool company, one of
the old, old firms in Fond du Lac, Wisconsin,
which has gone through a lot of different
ownership lately.

MR. GAST: And do you recall, has Danaher made any specific
requests for assistance to your office that
you're aware of?

WITNESS: As I said, I've had -- never. We treated them
just the same as everyone else, except we
weren't even aware that they were a constituent.

MR. GAST: Okay. I believe that those are all the
questions that I have. We appreciate your time
and, you know, helping us put together this
information. Thank you for your help.

MR. MORGAN: Thank you very much.

WITNESS: It was nice of you to come by.

MR. GAST: Thanks for having us.
END OF INTERVIEW
A
abide 46:8
absolutely 34:18
acquired 47:4
acquisitions 19:24
action 8:23 15:9
25:1 33:24 43:21
actions 2:8 11:5 19:
12:8 13:9 14:23
16:8 24:25
adams 44:14
additional 32:21
41:13
addressing 15:22
administrator 41:16 42:7
advance 24:24 25:2
advice 5:5 12:11
26:6 29:4 34:18
36:1 14
advise 29:6
advised 26:5 36:19
advisor 5:3 16
agencies 15:2
ago 35:5 39:6
aide 26:18
aides 27:20
air 4:3 5
airplane 19:1
al 38:6
alright 25:5 29:9
american 3:2 21:19
amount 4:1
ann 7:19
annual 6:15 11:9
answer 16:6
answered 25:15
31:18
answering 16:2
anybody 22:13
41:23
anymore 6:16
38:15
anytime 5:4
apart 21:7
apply 11:5
appointments 18:17
appreciate 2:6
26:25 27:19 47:20
approach 9:3 26:19
appropriate 13:20
46:3 11
appropriations 14:
9:33 14 35:3 7
36:4
approve 43:15
approving 42:6
april 45:17
arbor 7:19
area 11:1 18:18
arent 38:15
argue 31:23
argued 21:22
arguing 21:17
armed 33:13
army 20:4 29:10
31:8 30 32:17
34:24
arrangements 30:
11 44:18
aside 21:21
asked 12:6 13:17
asking 15:20
asks 5:23
assist 24:19
assistance 2:9
12:14 13:18 19:
19:8 23:7 19
38:13 39:3 10:23
40:2 11:15 45:5
47:14
assume 30:17 34:18
41:9 46:6
attempt 46:8
attend 38:3 4
attended 12:22
attention 16:16
20:11 25:10 34:3
audible 44:1
august 40:11 41:15
authorization 42:17
authorized 42:14
avoid 3:6 29:8
award 15:8 20:10
20:11 15 21:13
21:23 24:10
awarded 20:4
32:21
aware 9:14 11:17
32:5 35:25 39:10
42:24 25 44:3
45:3 4 47:15 18
B
back 2:19 16:4
19:20 23:36:7
39:10 46:13
background 4:11
bad 3:6 7:23
badger 37:11 14
bade 32:21
bank 2:22
barron 6:3
based 4:17
bases 21:6
basically 27:17
bates 27:4 5 31:18
33:19 41:17
beg 6:7 30:3
behalf 11:6 20 13:9
35:4 41:12 42:15
42:21 43:21
believe 13:24 16:18
24:21 26:13 27:9
30:23 31:25 32:22
35:5 9 14 37:3
47:19
bernard 38:6
best 10:25 29:19
35:12 12 39:8
46:23
better 14:7 32:4
bid 31:16
big 8:13 37:10
38:24
bigger 5:7
bit 4:16 22 10:19
boat 38:16
bob 8:6
bohn 8:6
bought 2:18 8:2 21
19:17 35:11
bowers 39:11
branch 15:3 28:19
43:4 7
break 23:23 24:7
breaker 38:21
breakfast 17:17
bridge 32:21
bring 12:10 16:15
broad 9:5
broadly 9:9
broker 2:25 5:2 11
5:12 19 21 6:2
brokers 5:18
bryon 24:4
bryson 1:10 2:1
buck 26:10
buddies 21:8
building 38:16
business 11:14
17:24
buy 2:15 3:11 4:9
4:15 17 5:12 6:4 8:
15:15 19:20
buying 2:17 4:23
6:14
C
e 1:1 1
call 18 17 30:1 2:4
30:5 11 14 15 22
31:1
called 3:17 16:17
17:25 37:10
calling 18:10
calls 30:9
camp 45:15
campaign 17:12
cant 5:12 8:3 30:12
30:17 19 35:19
36:13 38:14 39:7
41:24 44:19
car 37:17
case 26:14
cases 43:12
certain 14:23 30:12
31:16 39 13 45:19
certainly 10:11
31:12
chair 33:12
chairman 26:10 12
27:11 31:6
challenge 21:17
23:11
chamber 17:16 17
changed 3:22 35:8
changes 13:10
charging 21:18
check 6:17 21 8:3
12:21 13:23 14:7
16:18 22:1 23:15
28:6 29:15 35:1
42:17 46:11
checked 24:21 36:8
chemicals 39:14 19
chief 12:21 13:23
18:10 25:3 18
26:3 28:22 30:18
46:7
choose 2:14
circumstances 8:
27:12
clear 16:4
click 6:21
closely 6:11
close 4:9
come 7:12 8:10
9:18 10:17 12:18
18:2 19:7 20
20:11 30:22 35:6
36:7 38:12 47:24
coming 9:8 18:14
35:7 39:18
college 17:17
committee 7:5
11:25 12:10 14:9
24:17 22 24 25:19
25:21 26 4 15:20
29:3 5 32:7 34:19
36:1 9 15 40:2
45:16 46:15 12
46:16
community 17:20
companies 2:9 4:23
6:12 23 23:24 7:1
10:22 11:7 12:13
11:15 12:2 15:19
13:1 4 10 14:1:10

J


K


L


M

saying 20:24 25:15
36:8
says 9:20 27:25
scott 1:9 2:1 15:18
24:4
second 31:9
secretary 25:7 28:8
29:10,18,19 30:16
31:5,7,9 32:16
33:1 34:24,24
secretarys 29:23
security 43:13
see 6:21,21 21:16
27:2 44:23
seeking 23:19
40:18 43:16
seen 25:9
sell 2:15 4:15 5:6
6:5,8 15:15
selling 3:18
seminars 12:23
senate 13:21
senator 32:13
senators 15:6
send 6:16 43:4,6
sending 32:2 43:17
sense 2:13 3:15
sensitive 12:7
sent 31:23 33:12
42:23 43:9,10
separate 28:14
september 25:6
40:10
services 33:13
set 4:4 6:1 9:12
18:17 21:21 32:15
seven 33:11
share 13:5
shared 40:8
shes 9:21
shipped 21:5
ships 39:20
short 7:22
shortly 25:5
shouldnt 35:14
show 31:13 41:15
45:15
dides 20:25
sign 42:10,11,14
46:3
signature 42:8,11
signed 42:21 45:16
45:20 46:17
signing 42:6 46:1
similar 8:12 28:8
32:15
smaller 26:21
sit 20:21 22:23
situations 29:8
sixth 45:11
size 45:10
small 4:1
smaller 5:9
smucker 10:21
snow 37:7
social 43:13
sold 39:6
somewhat 8:12
37:22
sorry 16:3 31:12
sort 3:7,8,8,11 4:11
8:6 9:22
special 37:14
specific 7:8 13:1
14:9 19:7 23:6,17
38:13,14 40:22
41:25 42:3,16
44:6 45:4 47:13
specifically 17:4,21
24:23 32:19 43:11
specifications 21:5
speculated 4:8
speed 26:22
spend 3:14
spent 2:23
staff 12:17,21 13:5
24:12 25:3,18
26:3 28:21,21,22
28:23 30:1,4,4
30:18 40:24 41:23
46:7
standards 19:2
start 2:12 17:8
started 8:22
state 45:10
statement 11:9
13:7
statements 35:24
step 24:21
steps 24:13,15,19
41:7
stevens 21:3,15
stick 21:22 29:20
stock 2:10,18 3:3
4:17,23 5:20 6:5
6:8 7:10,12 8:2
8:10,22 9:1,25
10:8 11:7,11,13
12:15 13:2,5,17
14:1,12 15:16
19:13 20:2 23:5
28:1,9,17 30:21
30:25 35:11,18,22
36:4 39:5 40:4
46:3
stockbrokers 2:24
stockowner 8:17
stocks 2:14,17 3:9
6:9,20 7:9
stood 37:6
stop 17:24 19:11
stories 6:22
strange 3:16
street 20:1
strict 19:5
stuart 21:3,15
stuff 5:7 21:3 23:4
subcommittees 33:14
subject 10:5 20:9
30:21
subjects 18:21
submit 35:3
submitting 35:7
subsequent 20:10
subsequently 24:12
substance 29:17
succeeded 8:5
successful 9:15
19:19
suggested 29:16
summer 3:14
summers 2:22
superior 21:12
support 2:8 45:5
supported 17:11
CONFIDENTIAL

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

ERRATA SHEET

<table>
<thead>
<tr>
<th>Page</th>
<th>Line</th>
<th>Correction</th>
<th>Reason</th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td>3</td>
<td>Change &quot;Burron&quot; to &quot;Baron&quot;</td>
<td>Reflects witness testimony</td>
</tr>
<tr>
<td>8</td>
<td>18</td>
<td>Change &quot;Ashkash&quot; to &quot;Manitouwoc&quot;</td>
<td>Reflects correct location</td>
</tr>
<tr>
<td>9</td>
<td>4</td>
<td>Change &quot;work&quot; to &quot;world&quot;</td>
<td>Reflects witness testimony</td>
</tr>
<tr>
<td>17</td>
<td>10</td>
<td>Change &quot;Moslin&quot; to &quot;Mosling&quot;</td>
<td>Reflects witness testimony</td>
</tr>
<tr>
<td>17</td>
<td>11</td>
<td>Change &quot;Moslin&quot; to &quot;Mosling&quot;</td>
<td>Reflects witness testimony</td>
</tr>
<tr>
<td>19</td>
<td>17</td>
<td>Change &quot;15&quot; to &quot;50&quot;</td>
<td>Reflects witness testimony</td>
</tr>
<tr>
<td>39</td>
<td>1</td>
<td>Change &quot;Toro&quot; to &quot;Littoral&quot;</td>
<td>Reflects witness testimony</td>
</tr>
</tbody>
</table>

This errata sheet is submitted subject to 18 U.S.C. § 1001 (commonly known as the False Statements Act).

Witness Name: [Signature]

Witness Signature: [Signature]

Date: [Date]
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

---------------------------

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
MR. MORGAN: All right. For the record, this is Bryson Morgan with the Office of Congressional Ethics, joined by Nathan Wright with the OCE as well, and we are here with [redacted] of Oshkosh Corporation, who is represented by his attorney, Scott Thomas and Aimee --

MS. GHOSH: Ghosh.


[redacted], we would like to start off with just getting some background information about you.

How long have you been with the Oshkosh Corporation?

WITNESS: I joined Oshkosh in May of 2001. And, for the record, my full name is [redacted], middle initial [redacted], last name [redacted], [redacted]. My nickname is [redacted].

MR. MORGAN: Okay. What is your current position with Oshkosh Corporation?

WITNESS: I'm Executive Vice President, Government Operations, Industry Relations.

MR. MORGAN: Okay. What are your --
well, let's say how long have you been in that current position?

WITNESS: I have been an executive vice president with the company for I believe five years. Before that I was senior vice president. Before that I was a vice president, and when I was hired in 2001, my initial title was assistant vice president.

MR. MORGAN: Okay. What are your duties in your current position?

WITNESS: The primary duties in my current position is advise the executive operating team, including our four business units' presidents on all government relations matters both domestically and internationally.

MR. MORGAN: And when you say domestically, do you mean federal and state?

WITNESS: Primarily federal, but we certainly do state level also.

MR. MORGAN: Okay. So in that capacity are you registered as a federal lobbyist?

WITNESS: I am not.

MR. MORGAN: You're not. Okay.

Are you registered as a state
lobbyist in any states?

    WITNESS: I am not.

    MR. MORGAN: Okay. Who else at Oshkosh Corporation interacts with federal elected officials?

    WITNESS: I have two gentlemen employed by me in my office. One gentleman's name is Mark Meservey, M-e-s-e-r-v-e-y, and the other is Lee Morris.

    MR. MORGAN: Okay. What are their titles?

    WITNESS: Mark is a vice president, Oshkosh Defense, and Lee is -- title is -- I think he's a manager of government relations.

    MR. MORGAN: Okay. And they report to you?

    WITNESS: They do.

    MR. MORGAN: Okay. What other officials at Oshkosh also interact with federal officials? Does the president or CEO of the company interact with federal officials on occasion?

    WITNESS: Yes.

    MR. MORGAN: How would -- how would
you describe those occasions? Are those frequent contacts?

WITNESS: I would say on a quarterly basis my CEO comes in to Washington, D.C. and I arrange for meetings with federal officials as necessary.

MR. WRIGHT: Are those primarily members of the legislative branch or the executive branch?

WITNESS: Both.

MR. MORGAN: What about Mike Power?

WITNESS: Mike Power used -- I hired Mike in my office and Mike worked for me for about -- now you're going to stretch my recollection of dates, but I would say Mike was in my office for about two years, two and a half years, and then he had an opportunity for a promotion to move up to Wisconsin initially with our Pierce manufacturing division, our fire and emergency division, and then most recently he was promoted and moved down to become the assistant general counsel for our defense business unit.

MR. MORGAN: Okay. Are there any other persons at Oshkosh that have regular
contacts with federal officials?

WITNESS: We have a policy in
the -- well, let me say my pol -- the policy
that I've established within the company that is
pretty tightly maintained, that anyone who wants
to have a contact with a legislative official or
staff, they will coordinate that through my
office. I am notified of any high-level
administrative meeting let's say at the
assistant secretary or above level. We have
certainly federal officials at programatic level
activities, program managers for Army program
management for truck activities that's both
uniform and civilian that my defense units deal
with on a daily basis. Those contacts I have no
dealings with.

MR. MORGAN: Okay. Well, does the
company use any outside consultants for
government affairs?

WITNESS: We do.

MR. MORGAN: Okay. On the federal
side who are the consultants you use?

WITNESS: Currently I have three
firms that I engage. One is Jeff Green &
Associates.
MR. MORGAN: Okay.

WITNESS: I've got another one that just changed their name. It used to be Denny Miller & Associates and now they're with -- who's -- who's --

MR. MORGAN: Is this Will Stone?

WITNESS: Will Stone, yeah. He's now with a new firm.

MR. THOMAS: Is it okay if he consults his phone to get the answer?

MR. MORGAN: It is. I'll tell you. Could it be Jefferson Consulting Group?

WITNESS: That's it, Jefferson Consulting Group. There you go.

MR. MORGAN: Okay.

WITNESS: And the only other one is a gentleman named John Young, and those are the only three outside consultants that I have control over.

MR. MORGAN: Okay.

WITNESS: Now, the company further engages the Cohen Group, but that is not for legislative activities. That is strictly business-related advice and counsel plus international business development.
MR. MORGAN: Okay. Cohen, C-o-h-e-n?

WITNESS: Yeah. Former Secretary Cohen.

MR. MORGAN: What -- generally speaking, what subjects do you discuss with members of congress in your interactions with them?

WITNESS: The primary -- well, the vast majority of the time that we spend dealing with members of congress and staff deals with the annual authorization appropriations process for the defense department. Also the tran -- the not so annual, but the transportation bill that may or may not occur. Those are the two primary recurring pieces of legislation. Homeland Security, the bill is also of interest to us.

MR. MORGAN: And your means of communicating with members of congress, is it primarily via in-person meeting, phone call or e-mail?

WITNESS: I would say 95 percent of our conversations deal with not members of congress, but staff, personal and professional staff.
MR. MORGAN: Okay. And is that --
would that be typically via e-mail or phone call
or meeting?

WITNESS: I would say typically
phone calls, e-mails and meetings. I would say
almost -- half I would say personal meetings and
the rest e-mails and phone calls.

MR. MORGAN: Okay. Now, I want to
ask you some more general questions about your
interactions with Representative Petri's office.

WITNESS: Okay.

MR. MORGAN: How often do you -- do
you or that you are aware of representatives of
Oshkosh Corporation have interactions with his
congressional office?

WITNESS: Well, it depends on the
time period you're talking about, but I would
say once a quarter maybe, dependent upon the
level of activity and what's going on. I might
have two or three conversations with Petri's
chief of staff in a one-week period and I may
not speak to her for six months.

MR. MORGAN: Okay. Are you the
person with Oshkosh that primarily has contact
with Representative Petri's office?
WITNESS: I do most of the communications at his chief of staff level. At below the chief of staff level Mark Meservey, Lee Morris or one of my outside consultants, primarily Will Stone might have conversations with staff or people below Debbie or with Debbie even, with Debbie Gebhardt, who is his chief of staff.

MR. MORGAN: And the subjects that you communicate with Representative Petri's office, are they in that same range, appropriations, transportation, Homeland Security?

WITNESS: Those would be all -- all subjects we'd have conversations with him about.

MR. MORGAN: Any additional issues you've talked to his office about that come to your mind?

WITNESS: Not to my recollection.

MR. MORGAN: I want to get a sense of how frequently you contact Representative Petri's office as opposed to other congressional offices.

I know that, you know, many companies
have a certain number of members that they work closely with. Maybe that's ten, five, fifty, a hundred, I don't know, but how frequently do you interact with Congressman Petri's office relative to other offices?

WITNESS: I would say it would depend on the issue. Let's say on the defense issues, there are other offices that I communicate with significantly more.

On transportation issues Petri is -- since he is a senior member of the Transportation Committee, we communicate with him probably more than other members.

On Homeland Security issues less than other members. It really is issue by issue, significantly determined by what committee he might sit on.

MR. MORGAN: Okay. Would you say that Congressman Petri is the company's main point of contact in congress?

WITNESS: No.

MR. MORGAN: Would you say he's one of a handful of offices that are the main point of contact?

WITNESS: He is one of the
Wisconsin delegation that we have a long-term relationship with because you have to remember, he is the congressman that represents the district where our headquarters is.

MR. MORGAN: Um-hmm.

WITNESS: We have over 3,000 employees that work in his district and we have a very large manufacturing operation there. So yes, he is one, but we also have other locations in Wisconsin, Minnesota. We have suppliers in 42 states. We have over 50 -- you know, over 2,500 suppliers.

So I would say that my relationship with the Petri office is less than a number of other Wisconsin members.

MR. MORGAN: Okay. Of that pool of members that are main points of contact for the company, are those members points of contact primarily because of the company's activities in the members' district?

WITNESS: The members that we try to --

(Cell phone interruption.)

WITNESS: Sorry about that.

The members that I have developed
relationships with over the last 14 years I've been with Oshkosh and the 18 years before that are based primarily on programatic type importance to us. So the most important members to me are the members who sit on the subcommittees of defense on both the house and senate Appropriations Committees and the house and senate Armed Services Committees. Also members on the Transportation Committees and Homeland Security.

But our largest, shall we say, federally funded portion of our company is our defense business. We have four businesses. Defense is certainly all federally funded. Our other businesses have minor federal funding in them or are impacted by federal spending like the transportation bill.

Oshkosh Corporation owns McNeilus. We're the largest producer of concrete trucks and refuse trucks in the United States, Canada and Mexico. So a large transportation bill means more infrastructure, a lot more construction, a lot more concrete and then we have an opportunity that's good for our business.
You have a fire grant program where congress provides money for local fire companies to train and equip people. So we are also the number one producer of fire trucks and apparatus in the United States under the brand name Pierce. So that in a general sense if there is a larger amount of federal appropriation for companies to -- or for fire companies to buy equipment, then that's good for our business because then we can go and try to win that business.

But our biggest piece of federal funding every year is defense. So my strongest relationships and the ones that we work on most dearly are related to our defense business.

MR. MORGAN: Okay. In your interactions with Representative Petri or his staff, have you ever discussed Oshkosh's company performance? I know that's a fairly broad --

WITNESS: That's a very broad --

MR. MORGAN: -- question. So I have a few documents that I want to show you --

WITNESS: Sure.

MR. MORGAN: -- that will maybe jog your memory here.
They're -- and I'll read these Bates numbers here. This is PETOCE2011. It's an e-mail. You're not included in this e-mail, but it's Debbie Gebhardt e-mailing others saying she had talked to you about some company layoffs.

WITNESS: Yes.

MR. MORGAN: Okay. There's PETOCE5571. This appears to be an e-mail from you to Debbie Gebhardt that she then forwarded on to others, not including yourself, but relaying the message that blank said that this, referring to a 1.05 billion delivery order supply, would result in about 400 new hires at Oshkosh, and the third document is PETOCE1832. This appears to be an e-mail from Debbie Gebhardt to you where she writes "Thanks for sending me information about the production success." It's on the second page there.

So I realize that I asked a broad -- a broad question. I'll give you some time to take a look at those.

(Pause on the record.)

WITNESS: Okay. Which one do you want to start with?

MR. MORGAN: What did -- well, let's
talk about the production success. Do you recall what that reference would have been to?

WITNESS: Are we talking about 1831?

MR. MORGAN: I think it's that top -- I think it's on the second page of that.

(Pause on the record.)

WITNESS: Well, let me tell you exactly what this issue is and I don't know why the reference to production success.

MR. MORGAN: Um-hmm.

WITNESS: The issue is a local issue. Given the number of trucks that we were producing at the height of the conflicts in Afghanistan and Iraq and also when we won the contract for what's called the MRAP all-terrain vehicle, we were producing close to 1,500 trucks a month. We did not -- and even to this day we do not have parking facilities for all the trucks that we produce.

MR. MORGAN: Um-hmm.

WITNESS: So we are contiguous, our manufacturing is contiguous with a local airport and we have for years parked trucks that have been produced, accepted by the Army and are
waiting shipping instructions by the Army, they are stored on the airport grounds.

As you can reference the subject again --

MR. MORGAN: Um-hmm.

WITNESS: -- it says truck parking again.

MR. MORGAN: Right.

WITNESS: Every --

MR. MORGAN: It appears that there was some controversy in the local community about the parking issues?

WITNESS: Every once in a while we get a -- Mr. Petri's office gets a call from somebody who doesn't like all the trucks blocking their view of the airport or whatever.

So this I believe chain -- my recollection, this change -- this chain is only about, you know, why do we have so many trucks onboard, on the grounds and, you know, we're going to do all we can to get them out as quickly as we can.

MR. MORGAN: And so to the best of your knowledge, obviously it wasn't your statement, but Debbie Gebhardt's reference to
the production's success was Oshkosh's quickly
churning out vehicles that were then being
parked and creating the controversy?

    WITNESS: I can't speculate what
was in her mind, why she said that.

    MR. MORGAN: Okay. You didn't have
any separate conversation with her about the
production of the vehicles at that time?

    WITNESS: No.

    MR. MORGAN: Okay. The second e-mail
about potential layoffs --

    WITNESS: Yeah.

    MR. MORGAN: -- can you give us a
similar sort of context and explanation for
that?

    WITNESS: Sure. As we -- as we
went up significantly in production -- and
possibly if we do this in sequence, your first
one from 2009 --

    MR. MORGAN: So you want to do the
additional hires?

    WITNESS: If that's all right.

    MR. MORGAN: That's fine. If that
cuts to the context, that's fine.

    WITNESS: Okay. In June of 2009
is when we were awarded a contract for
$1 billion to produce the MRAP all-terrain
vehicle. We produced or put out -- you can see
a copy of the press release that we the company
did, which I attached to an e-mail and sent to
Debbie and said we expect that we will hire
probably -- this win we will hire about 400
additional people and it could go higher
depending on how many -- ultimately how many
vehicles they bought. The original contract was
for 5,000 vehicles. We ended up producing 8,600
vehicles.

So this was just notifying the local
congressmen. I also notified Senator Kohl and
Senator Johnson, at the time, the exact same
thing. This was a -- provided them our press
release and told them, shall we say, of the --
what is now public knowledge.

At the peak, was in the 2010, 2011
time frame, probably 2010 when we were producing
trucks for the Army, Marine Corps and the MATV,
but then the budget numbers started going the
other direction, and we have -- if I could show
you, I don't have it with me, but the number of
trucks per day we produced went down and has
come down significantly. I think we hit a high
of about 80 trucks a day. We are on our way
down right now to under 20 trucks a day now.

So since that height we have now
announced three different layoffs and in October
of '12 was another one of those decisions that
we notified our unionized and our white collar
work force that we had to have a layoff.

I always give affected members of
congress, whether it's Wisconsin or anyplace
that we have people -- we have manufacturing in
many states. I work with that local congressman
and that delegation that if we're having
significant personnel either pluses or minuses,
I always call them after the market closes on
the day before we go with a public announcement
of that so they are prepared for any press
inquiries they might have.

MR. MORGAN: Can you -- like with the
hires, you said you also notified Senators Cole
and Johnson. With regards to the layoff
announcements, can you think of any specific
other member offices that you also notified?

WITNESS: For this particular
case it would be those three because those are
the two senators and one member of congress who
are directly affected by it.

MR. MORGAN: Okay. And just to be
clear again, your methodology for notifying is
after the market closes but before the next --
before it becomes public information.

WITNESS: The day before it
becomes public information.

MR. MORGAN: Okay. Now, I want to --
well, can you think of any other similar
instances like these three we just went through
in which you would give Congressman Petri's
office a heads up of something affecting the
company or a non-public announcement the company
was going to make? Can you think of any other
instances?

WITNESS: With Mr. Petri or any
member?

MR. MORGAN: Well, let's start with
Mr. Petri.

WITNESS: There have -- as far as
contract awards, generally speaking when there
is a contract award, we don't find out about it
until there is public release by the Department
of Defense, and so there is no ability, shall we
say, to notify a member early. As a matter of fact, I would suggest to you that the department probably notifies members before they notify us sometimes.

MR. MORGAN: I was just going to ask about that.

WITNESS: But you'll have to -- but the Department of Defense, for example, puts out contract award notifications on their website every day I think around 4:30, 5:00. I think around 5:00 is when they do it. You can go to their website and you can see each award that was made.

MR. WRIGHT: And have you ever asked a member of congress to let you know when they might find out about the award, if they did find out about the award before it would be publicly announced?

WITNESS: No. I've never known a reason to ask somebody to tell me something early.

MR. WRIGHT: Okay.

WITNESS: I mean what advantage does that give us? We either won it or we didn't win it.
MR. MORGAN: Well, what about asking Congressman Petri's office for notifications of other -- of other government actions like, for example, a GAO report on a contract protest, asking his office to give you a heads up on that before it becomes publicly announced?

WITNESS: Well, my experience both from the time I worked on the congressional staff and since I've been with the company, I've been through a number of, shall we say, GAO protests on both sides of it and I would have to say that the GAO does a very commendable job at keeping things under wrap. It is one of those things that I've never known anybody to find out in any case what the GAO determination is before it becomes publicly available.

MR. MORGAN: What about information from other committees? I think we may get to this a little bit later, but I think there was -- I'll show you this.

(Pause on the record.)

MR. MORGAN: I'll give you a few documents here. This is starting with PETOCE2519. I'll give you time to look through this.
And PETOCE3946.

(Pause on the record.)

MR. MORGAN: It appears that this has
to do with an MRAP contract that was awarded to
Oshkosh and --

MR. THOMAS: Now, these are just --
both of these documents? Is that what you're
referring to?

MR. MORGAN: Yes. The first one he's
holding there is an e-mail from you,
Mr. [REDACTED], to Debbie notifying her that -- it
says "We have a contract to sell the MRAP
all-terrain vehicle to UAE. As I mentioned,
this is not public information yet. So I must
ask you to not disclose publicly." Then you ask
"What I'm 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?"

WITNESS: Um-hmm.

MR. MORGAN: Could you give us some
context for this, what this informal
notification to the Foreign Affairs Committee
is, what that process is?
WITNESS: Yeah. The process is that when you are making a foreign military sale, the approval process includes approval by the two Foreign Relations and Foreign Affairs Committees, the house and the senate. It's a very archaic system in many ways, but it first has to go through defense and commerce and all those people have to eventually agree that you can do a case.

Now, this is already after we have signed, shall we say, a potential sale with UAE. Then you begin this whole process of approval.

MR. THOMAS: UAE?

WITNESS: United Arab Emirates.

Once the internal interagency work is done, then State sends to the Foreign Relations Committees and Foreign Affairs Committees notification of pending sales of military equipment and, as you can see, there's a case number associated with this one.

MR. MORGAN: Um-hmm. Is that notification also sent to Oshkosh?

WITNESS: No.

MR. MORGAN: No. Okay.

WITNESS: No. But there is, and
this has been argued between this administration
and previous administrations and the committees
about how long the notification process takes.
There is -- when I -- in here we -- informally
notified. If you understand that they
informally notify the committee that this case
for UAE or any other case is going to be sent to
the committee on a formal basis, the committee
staff wants to be informally notified so that
they can do a bunch of legwork on it and then
when the formal notification comes, then the
committee decides whether or not to approve it
or not.

So to be honest with you, this was
the first major defense case that my office had
handled. So we were back in July of 2012 sort
of learning the notification process for a
foreign military sales case. So what I was
asking Debbie in here was essentially can you
give me a contact with the Foreign Affairs
Committee to help so I can offer to come up
there and brief them on this case and any
questions they might have on it.

MR. MORGAN: Okay. And do you recall
what assistance Debbie or anyone else in
Congressman Petri's office did provide?

WITNESS: The primary was to tell me who in the house we needed to talk to and we -- and I -- she told us that the case had not come -- if I remember correctly, pre-notification or pre-clearance had not hit the Hill yet.

In my view at the time I didn't want to bother the people on the committee on the case until the informal -- until the state had sent up at least the pre-notification so that it would be on their radar and if I remember right, she helped me find the right person. She told me that it had not -- according to what I read here and recalling what she wrote, she said we're checking on who handles it and then she finally told me that they had -- Jamie McCormack was the person who handled it. Probably Jamie worked for the republicans in the house and then she told me back here that the case hasn't come up for pre-consultation yet.

MR. MORGAN: Okay.

WITNESS: So she was -- helped educate me on the process.

MR. MORGAN: Did you ultimately have
any contacts or meeting with I think it was
Jaime McCormack?

WITNESS: Yes.

MR. MORGAN: Okay. Who attended that
meeting or was it -- what was the nature of
those communications? Was it e-mails, phone
calls or was it a meeting?

WITNESS: It was a meeting.

MR. MORGAN: Okay. And who was at
the meeting?

WITNESS: Best of my
recollection, I believe it was myself and
Mark Meservey.

MR. MORGAN: Was anyone from
Representative Petri's office there?

WITNESS: No.

MR. MORGAN: Did you provide
Representative Petri's office a status update
after the meeting or a debrief on the meeting?

WITNESS: Not to my recollection.

I may and I -- but I do not recall having any
communication with Petri's office after that
referencing the UAE case.

MR. MORGAN: Okay. And the -- this
contract award you mention here in this
e-mail, it's July 11th, that it is not public information, do you happen to recall when that contract award was publicly announced?

    WITNESS: I do not recall.

    MR. MORGAN: Do you recall if it would have been days later, weeks later?

    WITNESS: It would be weeks later it looks like because we wouldn't publicly announce it until we knew congress had approved it. Once congress, you know, has signed off on it, then there's actually a little more work to do after that, but it's pretty -- it has to go back to the State Department after congress has -- or the committees have signed off, it has to go back to state and the DSP5, which is the license, is then issued. Once you have the DSP5, then you essentially can feel good enough to publicly announce that you have that contract.

    MR. MORGAN: Okay. Now, I want to ask you some questions about your knowledge of Representative Petri being a -- or owning stock in Oshkosh Corporation.

    Do you recall -- well, you are aware right now that he owns and has owned stock in
the company?

WITNESS: I am.

MR. MORGAN: Do you recall when you first became aware of that?

WITNESS: The first time I became aware was actually in a phone call from Debbie Gebhardt, his chief of staff, back in the 2008, 2009 time frame where she informed me that the new house ethics rules had been passed and published and that since Mr. Petri owned Oshkosh stock, that he would not be able to be helpful going forward without clearing anything he did for us with the Ethics Committee.

MR. MORGAN: Okay.

WITNESS: That was the first time I was aware that Mr. Petri owned stock.

MR. WRIGHT: And do you recall what perhaps prompted her to reach out to you?

WITNESS: I can't speculate on why she did other than what she said, and that was the passage of the new ethics rules and his ownership in the stock changed the relationship and what he could do for us without approval of the Ethics Committee.

MR. WRIGHT: Do you remember if that
was a time period when you had frequent contacts
with his office?

      WITNESS: Again, the word
frequent is -- I would say there were ten to
fifteen other offices I had more frequent
contacts. I -- again, my contacts with Petri's
office were sporadic and sometimes long in
between, and long would mean a couple of months.
I don't believe I've spoken with Mr. Petri's
office now probably for two or three months.
      MR. MORGAN: Have you personally had
any conversations with the congressman himself
about his stock --
      WITNESS: No.
      MR. MORGAN: -- in Oshkosh?
      It didn't even ever come up in a
passing meeting with him?
      WITNESS: Nope.
      MR. MORGAN: Any discussions about
his stock ownership with other staff members
besides the chief of staff that you recall?
      WITNESS: I -- no.
      MR. MORGAN: Were there ever any
internal discussions in Oshkosh Corporation
about how his ownership of stock might affect
your interactions with his office?

WITNESS: I informed my boss at the time, whose name was Robert Bohn, B-o-h-n, who at the time was chairman and CEO of Oshkosh Corporation. I was a direct report to him and I informed him of the conversation.

MR. MORGAN: What was his reaction?

When you say you told him of the conversation, you're referring to the conversation you had with the chief of staff?

WITNESS: Yes.

MR. MORGAN: Okay. And what was Mr. Bohn's reaction?

WITNESS: Okay.

MR. MORGAN: Was there any discussion of no longer making requests of his office for appropriations or --

WITNESS: No.

MR. MORGAN: -- anything along those lines?

Okay. I know it is not your obligation to deal with how members or their offices may or may not handle nonpublic information, but in providing, you know, this is July 11, 2012, some nonpublic information to
Representative Petri's office about the company, did that raise any red flags in your mind?

WITNESS: You're talking about

the UAE --

MR. MORGAN: Yeah.

WITNESS: -- order?

MR. MORGAN: Um-hmm.

WITNESS: It doesn't raise a red flag as far as my belief that it would be handled properly by Debbie in terms of the information. I had -- we've had a long and good relationship with Debbie Gebhardt and it is my belief that she would handle that information as nonpublic information. I never suspected her of doing anything otherwise.

In retrospect given the training and everything that I've had in the company as an officer of the company, our ethical policies that we have, the Oshkosh way, as we call it, and the annual training that I go through as an officer, I probably could have worded that e-mail differently and come up with the same result.

MR. MORGAN: What I mean to get at here is were there any steps taken by Oshkosh,
once you found out that he held stock in the company, to limit the interactions or limit the information disclosed to his office?

WITNESS: Well, first of all, we treat any outside person, whether they're a shareholder or not, we get significant training on what kind of information that we can pass to anybody. Every year I have to take another course on outside -- you know, insider -- trading outside information on disclosures.

So we have a regular process that we use and as an officer of the company I have even stronger responsibilities. So...

MR. WRIGHT: Is that what led to the policy that Oshkosh wouldn't alert members about changes in employees, layoffs or hires until after the close of business the day before the announcement would come out?

WITNESS: Oh, absolutely. Absolutely. I mean that was meant to ensure that very much like, you know, releasing our earnings statement either after or before the close of the market. There are certainly times within our policies and the SEC's policies when you can provide information and outside -- in
terms of -- I don't think it's covered by law, but informing someone of a pending notification of layoffs and the impact that it may have on his district. I've done that not only to Mr. Petri, but I've done the same thing to other members, but it's always been after the market has closed.

MR. WRIGHT: Did you ever have any reason to believe that that type of information, you know, nonpublic information might be being used by Representative Petri or anyone in his office to make trades?

WITNESS: No.

MR. WRIGHT: Did you have any heightened concern about Representative Petri being given that information as opposed to other congressional offices?

WITNESS: No.

MR. WRIGHT: Okay. So would you say that you treated him like other shareholders and other members of congress in how you shared information with his office?

WITNESS: Yes.

MR. MORGAN: I want to very quickly ask you some questions about some assistance
that Representative Petri's office provided to
Oshkosh with regards to a contract award
regarding the family of medium tactical
vehicles. This would have been in 2009. I
believe the contract was awarded around August
of 2009 and there was some subsequent protest to
that award by BAE Systems and Navistar.

Do you recall how Representative
Petri's office became involved in that issue?

WITNESS: We communicated -- I
communicated to Debbie Gebhardt. After the
announcement that we had won the award, there
was obviously -- once that became public
knowledge, we were very excited about that. We
had worked very hard to win that award.

There was a short period of time
before the protest by BAE Systems and Navistar
was lodged with the GAO. I can't remember
exactly how many days it was afterwards, but
when it was lodged, not only did BAE Systems
begin the formal protest process, they began a
very significant public relations campaign and
going to many people on the Hill and other
places to try to argue their case outside the
GAO but with members of congress and in the
public sector.

    They even had a -- Lexington
Institute. There is a gentleman over there who
is one of the members of the Lexington Institute
who writes on defense policy issues and
procurement issues and he wrote a fairly
scathing article about us winning the contract
and made some rather significant accusations,
and so they were going all out -- oh, by the
way, he failed to mention at the bottom of the
page that he was also a consultant to
BAE Systems, but that's neither here nor there.

    So there was a lot of activity
starting up. So we decided that we were going
to try to even the playing field on the Hill on
the congressional side to hopefully prevent any
congressional influence being taken with the
Department of Defense or the GAO. So we decided
that we would try to get a delegation letter
sent to the Department of Defense to say let the
GAO work. Don't be -- don't do anything that
would stop this award, you know, to Oshkosh for
the F-MTV until the GAO makes their
recommendations, or their determination.

    So we went to a number of members of
the congressional delegation and asked them to sign a letter that I drafted. Mr. Petri was one of those people.

MR. MORGAN: So this is a Wisconsin delegation letter to the Secretary of Defense, Robert Gates, is that --

WITNESS: I believe there was one to Ash Carter, the Under Secretary of Defense for Acquisition and was there also one to Secretary Gates? I don't recall. I think there was.

MR. MORGAN: I believe there was.

WITNESS: Yeah.

MR. MORGAN: We have --

WITNESS: I would not be surprised if I didn't cover both bases.

MR. MORGAN: I believe we have a -- this is PETOCE461. It appears to be a Wisconsin delegation letter to Secretary Gates.

WITNESS: Right.

MR. MORGAN: PETOCE451. This is -- appears to be a letter to the Secretary of the Army from the Wisconsin delegation.

WITNESS: Right.

MR. MORGAN: And then there's also PETOCE113, which is a letter from -- just from
Representative Petri to the Secretary of the Army. So...

With regards to the delegation letter to the Secretary of Defense, you said you drafted that letter?

WITNESS: It is my recollection that I drafted most of this letter, yes.

MR. MORGAN: Was one congressional office your point of contact for circulating the letter?

WITNESS: On the house side I believe it was Mr. Obey's office. It could have been Mr. Petri. I cannot recall. On the senate side it was Senator Kohl.

MR. MORGAN: Okay. Were you involved in any discussions with any of those offices about Ethics Committee guidance with regards to the letter?

WITNESS: No.

MR. MORGAN: Okay. Do you recall what the result of that letter was?

WITNESS: Well, if you believe, as I do, that nobody in congress nor anybody in the Department of Defense would do anything to improperly influence the GAO's decision, and I
truly believe that, this was more of a publicity thing than anything else to counteract and put our, shall we say, views on what was going on out there.

MR. MORGAN: Okay.

WITNESS: We put out a press release I believe, if I'm not mistaken, which was picked up, you know, by the military press. So it was essentially our way of countering what BAE Systems and Navistar were trying to do in the public arena.

MR. MORGAN: Okay.

MR. WRIGHT: Did each of the members put out the press release or did Oshkosh put out the press release?

WITNESS: My recollection is we put out a press release with some quotes from both Senator Kohl and Congressman Petri in it.

MR. WRIGHT: Okay.

WITNESS: Again, this was -- this was an active publicity campaign to counteract what we believed was some very unfair attacks and, shall we say, misinformation that was being put out by BAE Systems and Navistar. At this -- did we think that Robert Gates was going to
write, you know, back and say no problem, we'll take -- no. But this is kind of what you do. This is the letter writing war.

MR. MORGAN: I see. Would that also be the case with the delegation letter to the Secretary of the Army?

WITNESS: Absolutely, yes.

MR. MORGAN: Do you recall if you drafted that letter --

WITNESS: Yes, I recall drafting this one, too.

Now, you have to look at the timing on this one. December 22nd, 2009 the GAO has already made its public determination.

MR. MORGAN: Um-hmm.

WITNESS: And there were a couple of elements they said needed to be, well, fixed, but the award should go to Oshkosh. This letter basically asks Secretary McHugh to act quickly to make those fixes and to move on with the award.

MR. MORGAN: Okay. Do you recall who your point persons were to circulate that letter?

WITNESS: Again, I believe it was
Senator Kohl and I believe Dave Obey's office. The reason I say that by this time Will Stone was working as a consultant. Will has -- was former chief of staff to Dave Obey. Will did and continues to do a lot of my Wisconsin lifting for me.

MR. MORGAN: Okay. And any recollection of discussion of Ethics Committee guidance or advice?

WITNESS: None.

MR. MORGAN: Okay. And the Representative Petri letter to the Secretary of the Army, do you recall who initiated that effort?

(Pause on the record.)

WITNESS: This was a letter, again, that I drafted. I haven't seen this letter in a while. There was an attempt being made by BAE System after the GAO ruled against them and during the period -- this is February 2010 now. BAE System was now trying to go back and get what they called a bridge contract.

By the time that the money ran out on their contract, there would be a break in
production between when the final BAE System
track came off the line and the first Oshkosh
track came off the line. So BAE System was
trying to make the case, well, you need to give
us more money so that we have a tooth to tail
production.

This was being fought out
legislatively and the building -- legislatively
and the building. They were trying to get money
from congress to do that. This was a letter
that went to the Secretary of the Army and the
acting assistant Secretary for Technology,
Dean Popps, just essentially saying, you know,
don't give them a bridge contract, there's no
need to.

MR. MORGAN: Do you recall any
discussions about Ethics Committee guidance with
regards to that letter?

WITNESS: No, I do not.

MR. MORGAN: Do you recall
Representative Petri reaching out to I think it
was then ranking member Buck McKeon on the Armed
Services Committee to talk about the protest,
the BAE Systems protest?

WITNESS: Would you say that
again, please.

MR. MORGAN: I think it was around
this same time period as the Wisconsin
dlegation letter to the Secretary of Defense,
there was a --

WITNESS: While the GAO protest
was ongoing.

MR. MORGAN: There was outreach by
Representative Petri to Buck McKeon to discuss
that same issue. Do you recall that?

WITNESS: I have no recollection
of that.

MR. MORGAN: Okay. And there was
similar outreach from Representative Petri to
the Secretary of the Army around that time
period to discuss the protest. Do you recall
that?

WITNESS: I do not.

MR. WRIGHT: Do you remember Petri
ever having -- setting up a telephone
conversation with the Secretary of the Army in
December right around when the GAO report would
have come out?

WITNESS: I was not privy to
that, no.
MR. WRIGHT: Okay. If you were aware of that, would you have written talking points or something along those lines for Mr. Petri's office to provide them for that call?

WITNESS: It would not be unusual for a congressional office to ask for talking points, but I do not have a recollection of writing talking points or being aware of that call, but it's five, six years ago now. So...

MR. MORGAN: Okay. I just want to ask you some similar questions about what I believe was a Department of Defense reprogramming request to congress --

WITNESS: Um-hmm.

MR. MORGAN: -- in about October of 2012 -- or actually June of 2013 with regards to tactical-wheeled vehicles.

WITNESS: Yep.

MR. MORGAN: This is -- the letter does not have a Bates number on it, but the attached memo does, which is PETOCE46. You can take a look at this, and I wondered if you could just tell us the same sorts of things about this letter, if you recall it, who initiated it.

WITNESS: Yes. I will presume
that you're familiar with the reprogramming
process within the appropriations process or --

MR. MORGAN: Generally.

WITNESS: Generally. All right.

Well, each year the Department of
Defence comes up with requests, formal requests
to the relevant four defense committees to move
money from one account to the other. They have
to ask the committees, the four committees
permission to move let's say $10 million from
the Army procurement into Navy or whatever,
something like that.

There are restrictions on what they
call the low threshold reprogramming and above
threshold, and I'm getting a little bit too
detailed, but this was a large omnibus
reprogramming. In other words, it was multi
billions of dollars that was moving around by
the department from different accounts and in
there there was money that they were going to
take out of medium and heavy tactical-wheeled
vehicles, which we produce for the Marine Corps
and the Army.

Much like all companies who are
losers in the reprogramming battle or potential
losers in the reprogramming battle, you try to convince one or more of the four committees to disapprove the movement of that money. The rules of the road are you only have to get one committee of four to disapprove the movement of that money.

So as you can see, it was addressed to the two armed services chairmen and ranking member, two appropriation chairmen and ranking members. So this letter was a -- was a group of members that had constituent interest in our tactical-wheeled vehicle programs. They also in many cases are members of the armed services or appropriations committees or fairly senior. So I instituted and asked if we could get members to sign this denial of the reprogramming request.

MR. MORGAN: Do you recall how you became aware of the reprogramming request?

WITNESS: That comes up from the Department of Defense and it is a public document that comes up. The number of FY13-109PA is a number of a reprogramming action that comes up to the congress and within hours it's public. You know, you'll find it on many,
shall we say, different defense publications, websites. I mean it's -- as soon as it hits the Hill, this stuff becomes public.

MR. MORGAN: Right. And the idea for the letter, was that your idea?

WITNESS: That was my idea.

MR. MORGAN: And which office was the -- was one congressional office the point office for circulating that?

WITNESS: I would say probably based on this -- looking at this, I would say either re -- I would say probably Petri's office was probably the lead on this, but we had Ribble, Shuster.

Shuster is Chairman of Transportation, but he's also on the house Armed Services Committee plus his largest -- the largest manufacturing facility in his district is ours. So we have a very good relation with him. Bridenstein, Duckworth, all these people.

So we were looking for any and all members that would be willing to sign this.

MR. MORGAN: And you'll notice the attached memo there is a, you know, a disclosure by Representative Petri of his stock ownership.
WITNESS: Right.

MR. MORGAN: Do you recall having any conversation with his office about the need for that disclosure to be included?

WITNESS: Again, I go back to my conversation in 2008, 2009 with Debbie and she made it very clear to me that any and all activities that she would take on our behalf, she would have to run through the Ethics Committee. So my belief was any and all that I asked her that they ended up doing for us was run through the Ethics Committee.

MR. MORGAN: But she didn't involve you --

WITNESS: No.

MR. MORGAN: -- in that process?

WITNESS: No.

MR. MORGAN: Or even notify you that Ethics said X, can't do X or can do Y?

WITNESS: No.

MR. MORGAN: Moving on now to appropriations requests.

WITNESS: Yeah.

MR. MORGAN: It is our understanding that there came a time somewhere around early
2007 with regards to fiscal year 2008 that Representative Petri's office stopped making, at least formally making appropriations requests for Oshkosh. Is that -- does that jog your memory? Does that sound familiar?

WITNESS: It would not surprise me --

MR. MORGAN: Okay.

WITNESS: -- but it does not -- it doesn't jog any direct time or decision that was announced to us that we're not going to do it anymore.

MR. MORGAN: Okay. That wasn't a part of the conversation you had with Debbie about Ethics?

WITNESS: No. It was a fairly short conversation with Debbie. It really was.

MR. MORGAN: So has the -- so prior to that time period had Oshkosh made appropriations requests of Congressman Petri?

WITNESS: I'm sure we did, yeah.

MR. MORGAN: And did he, in fact, make those requests? Are you aware of any of those? I'm not going to ask you about specific items that were requested, but are you aware
that he did make requests on behalf of Oshkosh prior to 2007?

WITNESS: I never had proof that any requests that we made down to the committee was made by Mr. Petri. I mean the committee staff doesn't share who requests what.

MR. MORGAN: Okay.

WITNESS: Nor did I ever ask.

MR. MORGAN: So how was it -- what's your -- what's your practice for requesting? Do you request something through multiple offices --

WITNESS: Yes.

MR. MORGAN: -- in the hopes that one ultimately does submit it?

WITNESS: Yes.

MR. MORGAN: And so when you made appropriations requests of Congressman Petri's office, you would have also been making that request through other offices?

WITNESS: Yes.

MR. MORGAN: Okay.

MR. WRIGHT: If one office notifies you that they are, in fact, going to make the request, would you then tell the other offices
that this request is being submitted through --

WITNESS: No. I mean the reality
of it is, you know, the more people that request
it -- I mean having been on the Appropriations
Committee for 18 years, I know how the process
works. So it's better to have as many people
requesting the same thing as you possibly can.

MR. MORGAN: But there wasn't any
point in which Representative Petri's office
came back to you and said we cannot make
requests on your behalf because the congressman
owns stock in the company?

WITNESS: It was clear to me in
my conversation with Debbie, again I think in
2008 when I first found out that he owned stock,
that they would not be able to do anything that
was not approved by Ethics --

MR. WRIGHT: Um-hmm.

WITNESS: -- in advance. So it
was -- it never stopped me from filling out a
form and sending it over. What they did with
it, whether they had gotten it approved by
Ethics or threw it in the trash can, I never
knew.

MR. WRIGHT: Okay.
MR. MORGAN: All right. Well, I want
to move on then to some assistance that
Representative Petri's office may have provided
with regard to tier-four engines and aviation
fire trucks --

WITNESS: Um-hmm.

MR. MORGAN: -- the FAA regulation of
those engines or something along those lines.
Does that sound familiar?

WITNESS: Yes.

MR. MORGAN: Do you recall reaching
out to Congressman Petri's office for assistance
with that issue?

WITNESS: Me personally, that's
not an issue that I had much interest in
personally and knowledge of. That was work by
Lee Morris in my office.

MR. MORGAN: Um-hmm.

WITNESS: It impacted our fire and
emergency business primarily.

MR. MORGAN: So that would have been
Pierce?

WITNESS: That would have been
Pierce and my recollection of the briefings I
got back from Lee and -- that this was something
that they were trying to do on a transportation bill and they were working both the house and the senate to get language included that covered these two issues that would help us in our fire and emergency business and, again, the best of my recollection Lee Morris and Will Stone probably took the lead on those issues.

MR. MORGAN: Okay. Do you remember --

WITNESS: Ultimately we never got it.

MR. MORGAN: You never got language?

WITNESS: Never got language.

MR. MORGAN: Do you recall if there was a letter in 2013 sent from Congressman Petri to the FAA regarding those engines? Do you recall that letter?

WITNESS: I don't recall a letter, no.

MR. MORGAN: Okay. Do you recall any discussion of exempting the trucks from truck weight limits? Does that jog --

WITNESS: Yes.

MR. MORGAN: -- your memory?

WITNESS: Yes.
MR. MORGAN: Do you remember how that issue played out?

WITNESS: Well, we were unsuccessful. The issue is given the federal and some state weight limitations on certain roads, when it was time to deliver a fire truck to, you pick a place in the United States, it was overweight and rather than the firemen coming up, picking up the truck in Appleton, Wisconsin and driving it home, they then had to make the very expensive decision to have it shipped by a -- essentially a lowboy and brought and it was very expensive, very time consuming.

Our attempt to change the -- get the exemption in the federal statute that would allow weight limitations not apply to fire and emergency vehicles, which would then allow folks to pick up their trucks.

Now, quite honestly, would that benefit Pierce Manufacturing or Oshkosh Corporation in a single bit? No, because we don't pay the transportation. The firehouse does, but it's something that we felt important to our customers, our customers were hoping to try to get. So we took it on as an effort.
MR. MORGAN: Do you recall which congressional offices the company worked with on that effort?

WITNESS: I am certain that Mr. Petri's office was contacted because he's on the Transportation Committee, Mr. Shuster's office because he was also on transportation and also, you know, part of -- we have a major operation in his district. I remember certainly Senator Kohl being -- office being, but beyond those three, this -- you know, I don't recall who else.

MR. MORGAN: And do you recall what assistance Representative Petri's office provided?

WITNESS: I would have to defer to Lee.

MR. MORGAN: To Lee. Okay. The last issue I want to ask you about is -- has to do with meetings that you may have had with representatives from the Egyptian government and those meetings were either attended or facilitated by Representative Petri.

WITNESS: Um-hmm.

MR. MORGAN: It appears that there --
you may have been in one meeting around May of 2006. Do you recall that meeting?

    WITNESS: Yes.

    MR. MORGAN: What -- who were you meeting with?

    WITNESS: This was an Egyptian delegation and Mr. Petri invited me to come up. This delegation was coming in to his office to talk to him. I don't recall exactly what Mr. Petri's interest in Egypt is, but he has -- my recollection is he has 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 up 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.

MR. MORGAN: Do you recall what the discussions were about?

WITNESS: It was eight years ago. No, honestly I don't. I mean it was not substantive. It was a lot of diplomatic latitudes as I recall.

MR. MORGAN: There was no -- there wasn't any discussion of Oshkosh's commercial relationship with Egypt?

WITNESS: No.

MR. MORGAN: Okay.

WITNESS: No, not at all.

MR. MORGAN: Did that introduction to those officials result in later communications, contacts between you and those officials?

WITNESS: Absolutely not. I -- again, when I left the office, I'm not even sure if I had who attended that. I just was -- I think he was just trying to bring someone up to meet these guys so he wouldn't have to meet them alone.

MR. MORGAN: And he at that time would have known that Oshkosh was doing business
with the government of Egypt?

WITNESS: It was public knowledge, sure. It was...

MR. MORGAN: Was there a similar meeting in 2008?

WITNESS: 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.

MR. MORGAN: And that was around 2008? Do you recall the time frame of that?

WITNESS: I don't.

MR. MORGAN: And any discussion of Oshkosh's business with the Egyptian government during that meeting?

WITNESS: None.

MR. MORGAN: Did that meeting result in any follow-up communications between you and those Egyptian officials?

WITNESS: It did not.

MR. MORGAN: Okay.

WITNESS: Our dealings with Egypt -- Egypt has a procurement office here in Washington, D.C. That's -- that's who you talk with.
MR. MORGAN: Is Representative Petri ever involved in the communications that the company has with Egypt about its business with the country?

WITNESS: Not to my recollection.

I've never...

MR. WRIGHT: Any other countries?

WITNESS: No.

MR. MORGAN: Do you have any...

I just want to make sure that we have this clear for the record, which is after that initial conversation with Debbie about Ethics, running everything by Ethics, you don't recall any specific instances in which you discussed Ethics Committee advice or their guidance or restrictions on Congressman Petri's activities with her after that initial conversation?

WITNESS: (No audible response).

MR. MORGAN: Okay.

WITNESS: I don't recall any specific conversations about that. I presumed that they were sending stuff, as you saw in that one thing, through Ethics.

MR. MORGAN: I think those are all the questions I have. I don't know if, Nate,
you had any additional questions.

MR. WRIGHT: Just a couple of
clarifications.

WITNESS: Sure.

MR. WRIGHT: Has Representative Petri ever declined a request that you've made to
Oshkosh that you can remember?

WITNESS: Declined a request.

MR. WRIGHT: Yeah. If you would ask
him for support writing a letter or anything
like that, that you can remember him saying --
declining for any reason?

WITNESS: Not to my recollection.

MR. WRIGHT: Okay. When the
president and CEO would make trips to
Washington, would Petri ever be on the list of
members that he would meet with?

WITNESS: Yes.

MR. WRIGHT: And would that be when
transportation-related issues were important to
Oshkosh or?

WITNESS: No. It would be based
upon when my old chairman and CEO was in town
and now my current CEO was in town, which is
generally on a quarterly basis. The Wisconsin
delegation meetings we do at least once a year, but probably twice a year and it's just go in and sit down and update them on, you know, any issue that we're talking about.

The direct requests and legislative activities and the things that we are trying to accomplish doing, generally speaking my CEOs don't get directly involved in that. Not that it's, you know. There are times when I say, okay, this meeting with this senator or this meeting with this -- especially a chairman of a committee or something like that, then I may have he engage on a particular issue, but most of the time it's -- well, certainly with the Wisconsin delegation there was a more collegial and just familiar briefing every time we went in.

MR. WRIGHT: And I think I may have gotten a little bit confused on this document here. It's PETOCE2519.

WITNESS: Thank you.

MR. WRIGHT: If I remember correctly, you had said that one of the reasons why you might provide this information to Ms. Gebhardt, even though it might still be weeks until the
contract would come out, was because you understood that she wouldn't have, you know, said anything publicly or done anything that would have disrupted the contract; is that correct?

WITNESS: That's correct.

MR. WRIGHT: That's what I was remembering. I don't want to mischaracterize.

WITNESS: No, and in hindsight, and this was a couple, three years ago, in hindsight there was probably a better way to ask that question than I did given my responsibilities as an officer of the company and concerns about disclosure of inside information to non -- to, you know, people outside the company now.

MR. WRIGHT: You did specifically ask her in that to not disclose?

WITNESS: Correct.

MR. WRIGHT: Was that the company policy if they were going to communicate with a member of congress about something that may not become public? I know you had mentioned before that if an announcement about layoffs or hires was going to come, you wouldn't communicate that
until the day before. If you needed to
communicate something in the future, you would
ask them to keep it private, confidential?

    WITNESS: This is the only case
that I can recall -- and, again, in hindsight I
could have done a better job of explaining what
I was looking for without the information I
provided. This is the only one that I can ever
remember providing more than -- that potentially
could happen more than 24 hours later, in other
words, within a cycle. I have no recollection
of any other thing because I'm very careful
about that.

    Probably my sloppiness on this was
based upon the fact that even though I say it's
not public information, there were very many
people who knew about our -- you know, that we
were working this contract about UAE. So maybe,
you know, I was a little bit sloppier than I
should, but, you know, this is -- was not a huge
contract that...

    MR. WRIGHT: That's all the
questions.

    MR. MORGAN: Well, like we said at
the beginning, you are not the subject of our
review. We are just gathering facts and if there's anything else you'd like to add to the record, feel free. Otherwise, I think we are done with our questions.

MR. THOMAS: Could I just ask a question or two about this?

MR. MORGAN: After the recording, certainly.

MR. THOMAS: Okay.

(Recording ends.)

MR. MORGAN: Again, this is Bryson Morgan and Nate Wright with the OCE here with [REDACTED] just continuing our interview.

WITNESS: The question is on the e-mail to Debbie Gebhardt referencing the potential UAE contract and the DSP5 process and the congressional approval process. Whereas I did state that I probably could have worded that e-mail in such a way that I did not have to officially -- well, not officially. That I didn't have to identify specifically a country when asking for assistance on who on the Foreign Relations Committee I needed to speak to, there is a presumption in business that when you're working within the governmental organizations
and operations, that there is a level of -- of company proprietary information as being held as such, and very much -- there were literally hundreds of people in the U.S. government that knew we were working this program; people in commerce, people in defense, people in state, people in the embassy and UAE. All their -- our presumption on -- on -- is that government officials will handle that information properly and will not disclose nonpublic information.

MR. THOMAS: That's fine.

MR. MORGAN: All right?

MR. THOMAS: Thank you.

(The recording ends.)
CERTIFICATE

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
funding 13:15 14:13
further 7:22 67:13
future 64:2
FY13-109PA 47:23
F-MTV 37:23

G
GAC 3:15 10:12
36:18,25 37:18,21,23
41:13 42:14 44:6,22
GAC’s 39:25
Gates 38:6,10,18 40:25
gathering 65:1
Gebhardt 10:7 15:4,9
15:16 30:7 33:12
36:11 62:24 65:15
Gebhardt’s 17:25
general 5:22 9:9 14:6
generally 8:4 21:22
46:3,4 61:25 62:7
gentleman 7:17 37:3
gentleman’s 4:7
gentlemen 4:6
getting 2:13 46:15
Ghosh 1:17 2:8,8,9
give 15:20 18:13 20:9
21:12 22:24 35:2,22
23:24 24:22 26:26
43:4,14
given 16:13 33:16
35:16 55:4 63:12
go 7:14 14:10 19:8
20:16 22:12 25:7
29:12,15 33:20 41:18
42:22 49:5 62,2
going 5:14 9:19 17:21
26:7 30:12 36:23
37:9,14 40:3,25 46:20
50:11,24 51:24 63:21
63:25
good 13:24 14:9 29:17
33:11 48:19 57:12
gotten 52:22 62:19
government 2:23 3:14
4:14 6:19 23:3 56:22
59:1,14 64:8
governmental 65:25
grant 14:1
Green 6:24
grin 59:7
grit 59:7
grounds 17:2,20
group 7:12,14,22 47:10
guidance 39:17 42:9
43:17 60:15
guys 58:22

H
H 1:6 2:18
half 5:16 9:6
hand 67:18
handful 11:23
handle 32:23 33:13
66:9
handled 26:16 27:18
33:10
handles 27:16
hands 58:1
happen 29:2 64:10
hard 36:15
headquarters 12:4
heads 21:13 23:5
heavy 46:21
height 16:14 20:4
heightened 35:15
held 34:1 66:2 67:12
help 26:21 54:4
helped 27:13,23
helpful 30:11
hereunto 67:17
high 20:1
higher 19:5
high-level 6:8
Hill 27:7 36:23 37:15
48:3
hindsight 63:9,11 64:5
hire 19:6,7
hired 3:7,15
hires 15:13 18:21 20:20
34:16 63:24
hit 20:1 27:6
hits 48:2
holding 24:10
home 55:10
Homeland 8:16 10:12
11:14 13:10
honest 26:14
honestly 55:19 58:6
hopefully 37:16
hopes 51:14
hoping 55:24
hours 47:24 64:10
house 13:6,7 25:5 27:3
27:19 30:9 39:11
48:16 54:2
huge 64:20
hundred 11:3
hundreds 66:44
HUNTERDON 67:5

J
idea 48:4,5,6
identify 65:21
impact 35:3
improved 13:16 53:19
importance 13:4
important 13:4 55:23
61:20
improperly 39:25
included 15:3 49:4 54:3
includes 25:3
including 3:13 15:10
Industry 2:23

L
language 54:3,12,13
large 12:8 13:21 46:16
larger 14:7
largest 13:11 19:48 17:48
latitudes 58:8
law 35:1
layoff 20:8,21
layoffs 15:5 18:11 20:5
34:16 35:6 63:24
lead 48:13 54:7
learning 36:17
led 34:14
Lee 4:9,13 10:4 53:17
53:25 54:6 56:17,18
left 58:1,19
legislation 8:16
legislative 5:8 6:6 7:23
62:5
legislatively 43:8,8

legwork 26:10
letter 37:19 38:2,5,18
38:21,25 39:3,5,7,10
39:18,21 41:3,5,9,18
41:24 42:12,16,18
43:10,18 44:4 45:19
45:24 47:10 48:5
54:15,17,19 61:10
let’s 3:1 6:9 11:7 15:25
21:19 46:10
level 3:19 6:10,11 9:19
10:2,3 66:1
Lexington 37:2,4
license 29:16 67:22
lifting 42:6
limit 34:2,2
limitations 55:5,16
limits 54:22
line 43:2,3
lines 32:20 45:3 53:8
list 61:16
literally 66:3
little 23:19 29:11 46:15
62:19 64:19
lobbyist 3:22 4,1
local 14:2 16:12,23
17:11 19:13 20:12
locations 12:9
lodged 36:18,20
long 2:14 3:1 26:3 31:7
31:8 33:11
longer 32:16
long-term 12:1
look 15:21 23:24 41:12
45:22
looking 49:11 64:7
looks 29:8
losers 46:25 47:1
lot 13:22,23 37:13 42:5
58:7
low 46:14
lowboy 55:12

M
main 11:19 23 12:17
maintained 6:5
major 26:15 56:8
majority 8:9
making 25:2 32:16
50:2,3 51:19
management 6:13
manager 4:14
managers 6:12
manufacturing 5:19
12:8 16:23 20:11
48:18 55:20
Marine 19:21 46:22
Mark 4:8,12 10:3 28:13
market 20:15 21:5
34:23 35:6
marriage 67:15
matter 22:1 67:16
<table>
<thead>
<tr>
<th>Page 74</th>
</tr>
</thead>
<tbody>
<tr>
<td>1831 16:4</td>
</tr>
<tr>
<td>2 24:16</td>
</tr>
<tr>
<td>2,500 12:12</td>
</tr>
<tr>
<td>20 20:3</td>
</tr>
<tr>
<td>2001 2:17 3:7</td>
</tr>
<tr>
<td>2006 57:2</td>
</tr>
<tr>
<td>2007 50:1 51:2</td>
</tr>
<tr>
<td>2008 30:8 49:6 50:1</td>
</tr>
<tr>
<td>52:15 59:5,11</td>
</tr>
<tr>
<td>2009 18:19,25 30:8</td>
</tr>
<tr>
<td>36:4 64:11 41:13 49:6</td>
</tr>
<tr>
<td>2010 19:19,20 42:21</td>
</tr>
<tr>
<td>2011 19:19</td>
</tr>
<tr>
<td>2012 26:16 32:25</td>
</tr>
<tr>
<td>2013 45:16 54:15</td>
</tr>
<tr>
<td>2014 1:9 2:10 67:12,18</td>
</tr>
<tr>
<td>22nd 41:13</td>
</tr>
<tr>
<td>24 64:10</td>
</tr>
<tr>
<td>29 1:9 67:12</td>
</tr>
<tr>
<td>29th 2:10</td>
</tr>
<tr>
<td>3 3,000 12:6</td>
</tr>
<tr>
<td>30X100232500 67:22</td>
</tr>
<tr>
<td>4 4:30 22:10</td>
</tr>
<tr>
<td>400 15:13 19:7</td>
</tr>
<tr>
<td>42 12:11</td>
</tr>
<tr>
<td>5 5,000 19:11</td>
</tr>
<tr>
<td>5:00 22:10,11</td>
</tr>
<tr>
<td>50 12:11</td>
</tr>
<tr>
<td>8 8,600 19:11</td>
</tr>
<tr>
<td>80 20:2</td>
</tr>
<tr>
<td>9 9th 67:18</td>
</tr>
<tr>
<td>95 8:22</td>
</tr>
</tbody>
</table>

| 1,500 16:17                      |
| 1,05 15:12                       |
| 11 32:25                         |
| 11th 29:1                        |
| 12 20:6                          |
| 14 13:1                          |
| 14-1891 1:2                      |
| 18 13:2 52:5                     |
CONFIDENTIAL

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

**ERRATA SHEET**

<table>
<thead>
<tr>
<th>Page</th>
<th>Line</th>
<th>Correction</th>
<th>Reason</th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td>3</td>
<td>&quot;pol&quot; change to &quot;policy&quot;</td>
<td>Correction</td>
</tr>
<tr>
<td>8</td>
<td>13</td>
<td>&quot;tran&quot; change to &quot;Transportation&quot;</td>
<td>Correction</td>
</tr>
<tr>
<td>20</td>
<td>20</td>
<td>&quot;Cole&quot; change to &quot;Kohl&quot;</td>
<td>Correction</td>
</tr>
<tr>
<td>27</td>
<td>10</td>
<td>&quot;the state&quot; change to &quot;State&quot;</td>
<td>Correction</td>
</tr>
<tr>
<td>32</td>
<td>18</td>
<td>[Redacted] change to [Redacted]</td>
<td>Correction</td>
</tr>
<tr>
<td>37</td>
<td>23</td>
<td>&quot;F-MTV&quot; change to &quot;FMTV&quot;</td>
<td>Correction</td>
</tr>
<tr>
<td>46</td>
<td>14</td>
<td>&quot;low&quot; change to &quot;below&quot;</td>
<td>Correction</td>
</tr>
<tr>
<td>53</td>
<td>19</td>
<td>[Redacted] change to [Redacted]</td>
<td>Correction</td>
</tr>
<tr>
<td>58</td>
<td>8</td>
<td>&quot;latitudes&quot; change to &quot;platitudes&quot;</td>
<td>Correction</td>
</tr>
</tbody>
</table>

This errata sheet is submitted subject to 18 U.S.C. § 1001 (commonly known as the False Statements Act).

Witness Name:  
Witness Signature: [Redacted]  
Date: 16/23/2014
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 we follow established procedure for my constituents.
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: 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.
CONFIDENTIAL

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
Chris Logren  
President & CEO  
Schneider National, Inc.  
P.O. Box 2545  
3107 South Parkerland Drive  
GB WI 54306-2545

Janet -

Nov 2

Susan Nov 6-7-8 Subcomm trip to AOPA convention.  
= whoever he talks to, disclose that -  

Car loans on hr = OK.  

Gail don't weigh in on whether they should  

didn't weigh in on contract, have interest short  

- asking me follow up & fair procedure
EXHIBIT 9
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)

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  
Vice President  
Denny Miller Associates  
400 North Capitol Street, NW  
Suite 363  
Washington, DC 20001  
(202) 783- office  
(202) 737-4518 fax  
@mobile  
@dennymiller.com  
www.dennymiller.com

I am trading calls with McKeon’s personal COS, I kind of know him too, to reinforce the Member’s 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!

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 (begun in December 2008) and the contracts were announced 5 months later in July & Aug 2009.

Will Stone  
Vice President  
Denny Miller Associates  
400 North Capitol Street, NW  
Suite 363  
Washington, DC 20001  
(202) 783-[redacted] office  
(202) 737-4518 fax  
[redacted] mobile  
[redacted]@dennymiller.com  
www.dennymiller.com  

From: Gebhardt, Debbie [mailto:Debbie.Gebhardt@mail.house.gov]  
Sent: Tuesday, September 29, 2009 9:22 AM  
To: [redacted]@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 time 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
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 thereeto.” 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,

[Signature]

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,
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
Herb Kohl, U.S. Senator

Russ Feingold
Russ Feingold, U.S. Senator

David Obey
David Obey, Member of Congress

Tom Petri
Tom Petri, Member of Congress

Tammy Baldwin
Tammy Baldwin, Member of Congress

Gwen Moore
Gwen Moore, Member of Congress

James F. Sensenbrenner Jr.
James F. Sensenbrenner Jr., Member of Congress

Ron Kind
Ron Kind, Member of Congress

Paul Ryan
Paul Ryan, Member of Congress

Steve Kagen
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.
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.”

#####
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

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
12/9 See Army

contended about long

- follow regular order
- contract doesn't stand, not drag it out

appreciated

offer weight long

counterweight, States visit

needy, need to go forward

politics, have to see what GAO says

wouldn't have issued it

Expect
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
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

Ron Kind  
Member of Congress

Thomas E. Petri  
Member of Congress

Jim Sensenbrenner, Jr.  
Member of Congress

Tammy Baldwin  
Member of Congress

Ron Kind  
Member of Congress

Gwen Moore  
Member of Congress

Paul Ryan  
Member of Congress

Steve Kagen, M.D.  
Member of Congress

PET-OCE-00000452
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

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
-----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, etc.) 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.
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

EXHIBIT 18
From: [Email 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@mail.house.gov
<James.Fenlon@mail.house.gov>

To: [Email Redacted]@oshkoshcorp.com
cc: [Email Redacted]@oshkoshcorp.com

12/18/2009 03:39 PM

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.
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

-----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 (WI), Kevin; Brachman, Ellis
Subject: Delegatoin 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.
-----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: 202.225.3267
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

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.
The information contained in this electronic mail message is confidential information and intended only for the use of the individual or entity named above, and may be privileged. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this transmission in error, please contact the sender immediately, delete this material from your computer and destroy all related paper media. Please note that the documents transmitted are not intended to be binding until a hard copy has been manually signed by all parties.
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
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

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
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.
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.
“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

Congress of the United States
House of Representatives
Washington, DC 20515–4906

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 has 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 3-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,

[Signature]

Thomas E. Petri
Member of Congress

cc: Dean G. Popps, Acting Assistant Secretary for Acquisition, Logistics & Technology
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
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

B. G. K. Kind
Member of Congress

Ed Pastor
Member of Congress

Tammy Duckworth
Member of Congress

Andre Carson
Member of Congress
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.
EXHIBIT 26
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: [redacted]@oshkoshcorp.com [Meagan.McCanna@mail.house.gov]
Sent: Wednesday, May 22, 2013 4:27 PM
To: Gebhardt, Debbie
Cc: McCanna, Meagan; [redacted]@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) 625-[redacted]
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 (cc) [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-____

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.

The information contained in this electronic mail message is confidential information and intended only for the use of the individual or entity named above, and may be privileged. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this transmission in error, please contact the sender immediately, delete this material from your computer and destroy all related paper media. Please note that the documents transmitted are not intended to be binding until a hard copy has been manually signed by all parties.

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.

The information contained in this electronic mail message is confidential information and intended only for the use of the individual or entity named above, and may be privileged. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this transmission in error, please contact the sender immediately, delete this material from your computer and destroy all related paper media. Please note that the documents transmitted are not intended to be binding until a hard copy has been manually signed by all parties.
Thank you.
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
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

Alright -- talked to Jennifer on the Subcommittee and passed on Petri's interest and support for addressing.

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- office
 mobile
@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 [mailto:WillStone@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
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.
From: Will Stone [***@dennymiller.com]
Sent: Monday, November 28, 2011 6:28:39 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-*** office
*** mobile
***@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.
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- office
mobile
@dennymiller.com
www.dennymiller.com
EXHIBIT 29
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]

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.

The information contained in this electronic mail message is confidential information and intended only for the use of the individual or entity named above, and may be privileged. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this transmission in error, please contact the sender immediately, delete this material from your computer and destroy all related paper media. Please note that the documents transmitted are not intended to be binding until a hard copy has been manually signed by all parties.

Thank you.
EXHIBIT 30
From: Gebhardt, Debbie  
Sent: Thursday, July 12, 2012 05:32:26 AM  
To: @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: @oshkoshcorp.com [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: @oshkoshcorp.com [oshkoshcorp.com]  
Sent: Wednesday, July 11, 2012 5:27 PM  
To: Gebhardt, Debbie  
Subject: RE: Call to Foreign Affairs
many thanks, this program is very important to the company.

Jay Kimmitt
Executive Vice President
Oshkosh Corporation
(703) 525-xxx

From: "Gebhardt, Debbie" <Debbie.Gebhardt@mail.house.gov>
To: xxxxxxxx@oshkoshcorp.com” <xxxxxxxxxxxxx@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: xxxxxxxx@oshkoshcorp.com [xxxxxxxxxxxxx@oshkoshcorp.com
<xxxxxxxxxxxxx@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 xxxxxxxx. 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-xxx

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.

The information contained in this electronic mail message is confidential information and
intended only for the use of the individual or entity named above, and may be privileged. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this transmission in error, please contact the sender immediately, delete this material from your computer and destroy all related paper media. Please note that the documents transmitted are not intended to be binding until a hard copy has been manually signed by all parties. 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.

The information contained in this electronic mail message is confidential information and intended only for the use of the individual or entity named above, and may be privileged. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this transmission in error, p
EXHIBIT 31
From: Gebhardt, Debbie
Sent: Thursday, July 12, 2012 10:33:29 AM
To: *@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-

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]

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.

The information contained in this electronic mail message is confidential information and intended only for the use of the individual or entity named above, and may be privileged. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this transmission in error, please contact the sender immediately, delete this material from your computer and destroy all related paper media. Please note that the documents transmitted are not intended to be binding until a hard copy has been manually signed by all parties.

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.

The information contained in this electronic mail message is confidential information and intended only for the use of the individual or entity named above, and may be privileged. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this transmission in error, please contact the sender immediately, delete this material from your computer and destroy all related paper media. Please note that the documents transmitted are not intended to be binding until a hard copy has been manually signed by all parties.

Thank you.
EXHIBIT 32
Ok thanks.

-----Original Message-----
From: Jay Kimmitt
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>

05/11/2006 03:18 PM

To: "Jay Kimmitt"
<[REDACTED]@oshtruck.com>

05/11/2006 03:18 PM

cc

To: Gebhardt, Debbie
Subject: RE: DOD Auth

Thanks -- Is there any Oshkosh Truck specific provision at all?

-----Original Message-----
From: Jay Kimmitt
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
Jay:

I know we submitted request for appropraitions -- 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 [mailto@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 703.525 703.525.8408 (fax)
We are inviting you!

-----Original Message-----
From: Jay Kimmitt [example@oshruck.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
703.525.8408 (fax)

"Gebhardt,
Debbie"
<Debbie.Gebhardt@mail.house.gov>  To
"Jay Kimmitt"
<example@oshruck.com>  cc
05/09/2006 01:44
PM  Subject
RE: Egyptian Military Visit

Hi Jay:

This meeting has been scheduled for Thursday, May 18 at 4:00.

Debbie

-----Original Message-----
From: Jay Kimmitt [example@oshruck.com]
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... 703.525.8408 (fax)

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.

The information contained in this electronic mail message is confidential information and intended only for the use of the individual or entity named above, and may be privileged. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this transmission in error, please contact the sender immediately, delete this material from your computer and destroy all related paper media. Please note that the documents transmitted are not intended to be binding until a hard copy has been manually signed by all parties. Thank you.
the use of the individual or entity named above, and may be privileged. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this transmission in error, please contact the sender immediately, delete this material from your computer and destroy all related paper media. Please note that the documents transmitted are not intended to be binding until a hard copy has been manually signed by all parties.
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.

The information contained in this electronic mail message is confidential information and intended only for the use of the individual or entity named above, and may be privileged. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this transmission in error, please contact the sender immediately, delete this material from your computer and destroy all related paper media. Please note that the documents transmitted are not intended to be binding until a hard copy has been manually signed by all parties.
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.

The information contained in this electronic mail message is confidential information and intended only for the use of the individual or entity named above, and may be privileged. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this transmission in error, please contact the sender immediately, delete this material from your computer and destroy all related paper media. Please note that the documents transmitted are not intended to be binding until a hard copy has been manually signed by all parties.
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.
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
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
Will do.

------------------------
Sent from my BlackBerry Wireless Handheld (www.BlackBerry.net)

----- Original Message -----  
From: [Redacted]@oshruck.com   [Redacted]@oshruck.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- [Redacted] (Direct)

"Gebhardt, Debbie"  
<Debbie.Gebhardt@mail.house.gov>  
To  
[Redacted]@oshruck.com>  
cc  
05/07/2008 01:53 PM  
 Egyptians  
Subject

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

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.

The information contained in this electronic mail message is confidential information and intended only for the use of the individual or entity named above, and may be privileged. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this transmission in error, please contact the sender immediately, delete this material from your computer and destroy all related paper media. Please note that the documents transmitted are not intended to be binding until a hard copy has been manually signed by all parties.

Thank you.
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

Present:
Scott Gast, Investigative Counsel
Bryson Morgan, Investigative Counsel

Transcribed By:
Julie Thompson
MR. GAST: Alright. Just for the record, this is Scott Gast here with Bryson Morgan, both of the Office of Congressional Ethics, joined by telephone by [Name redacted] from the Manitowoc Corporation, and, Mr. [Name redacted], we appreciate you being with us telephonically today.

I usually like to start with a few background questions. So if you could tell us your current position with the Manitowoc Company and some of your duties in that position.

[Name redacted] (the "Witness"): Yes, sir. My name is [Name redacted]. I'm a Senior Vice President for Washington Operations and our global security. I'm responsible for security for all of our facilities here in the United States and around the world. Thus, why I do have kind of a traveling schedule. I've been with Manitowoc for -- it will be 14 years on May 30th, and prior to that I was military. I was -- I'm a retired military officer.

MR. GAST: Okay. Can you tell us a little bit about the Manitowoc Corporation? What their business is?

WITNESS: Absolutely. Briefly, Manitowoc is a manufacturing company. It started about 112 years ago in the city of Manitowoc. We started
out as a ship builder. We build many of the wooden ships of the Great Lakes at the turn of the last century. Then we got into large ship building programs, and during that time, in order to provide lift for many of the heavy components and modules to put these ships together, we bought a crane company. And then even ducktail to that, we developed some refrigeration innovations that we developed to be on board ships.

During World War II, the United States Navy, besides Electric Boat, asked Manitowoc to build 29 diesel submarines, and with that at the beginning of the war, we had over 25,000 employees at the Manitowoc shipyard. Many people wonder how you can build a ship up in the Great Lakes. You know, the Great Lakes are very large, and when we build the submarines, we actually put them on barges and tote them down the Illinois River in Mississippi. And then they had their sea trials in the Gulf of Mexico. Then, of course, they went to their specific war areas or areas of operation.

By the end of the war, ship building
dramatically dropped, of course, because of the
war machine had stopped World War II and people
were going back more to civilian items. And
there wasn't much of a call, so we took those
other two segments, the crane segment and what
we call the food service, and those two
particular segments started to grow, although we
continued to build ships for the Navy and the
Coast Guard over those passing years.

About five years ago, actually six
years ago, just before the recession, we sold
the marine group of Manitowoc and emphasized our
two other segments, which actually grew quite
significantly. The ship building industry was
really only accounting for about 5 percent of
our revenue, and we felt that by selling that
segment we could invest more in the other two
segments, which is now lift solutions, which are
cranes, which accounts for about 68 percent of
our gross revenue, and food service, which
includes ice machines, walk-in freezers.

We also have the hot side, which are
griddles, and we deal mostly with hotel chains
and fast food chains like McDonald's,
Yum, which owns KFC. And that is -- the food
service takes up the remainder, that 32 percent
of our gross revenue.

So in effect, we sold our legacy, and
that's where I became involved or I got involved
because I was more on the ship building side of
it. I was a Coast Guard officer. Actually, a
black shoe as they say. I was more of a sailor
and really was working the -- well the federal
side because shipbuilding in the United States
really depends -- it's a small amount of
commercial work, but it's largely government
related work.

And so today the Manitowoc Company is
about a $4 to $4.5 billion a year midcap or
small cap, as you say, it's right in the middle
there, depending largely on our sales of large
cranes around the world and as well as our food
service. And we are -- we have manufacturing
facilities just about all around the world,
especially in some of the big markets like Asia,
Southwest Asia, (inaudible), the Americas, and
of course Europe, and Middle East.

MR. GAST: Well, now let me ask you, of your 14 years with
the company, how many of those have been in
Washington Operations in that area?
WITNESS: The last -- actually the last 11 -- 11-1/2 years I've worked mostly Washington. I've worked government relations in Washington as well as some international relationships based on some of the networking that I have done. The last two and a half, three years I was given an additional assignment, which is actually turning out to be more of my primary, more in the operations of security. As a large -- as you can imagine, as a large global company, security has now become quite important --

MR. GAST: Sure.

WITNESS: -- with the environment that we have. So almost about three years now I've been -- I've been doing the security, but at the same time managed some of the relationships that I have in Washington, D.C.

MR. GAST: And can you go into a little more detail about what it is, what your duties are in the Washington Operations side of things?

WITNESS: Sure as -- I am a registered lobbyist. I register -- submit my forms, although I'm not as active as I used to be.

MR. GAST: Mm-hmm.

WITNESS: I was more active when we had the marine side
because of the numerous federal contracts. I also assist the company with certain issues that might come up with agencies and basically meet with staffers and discuss some of the issues. I mostly work with our trade associations, the National Association of Manufacturers, the Association of Equipment Manufacturers, which have their own advocates, and we, together try to leverage our associations in order to discuss certain issues that either affect the company positively or negative.

MR. GAST: Okay. Who else at the company would interact with government officials besides yourself?

WITNESS: Well, you know, basically I was a one-man shop. I did have someone work for me a number of years ago when we were still in the marine side of it, but, you know, other than some of the fundraisers that we attended, you know, where I would get some of the other leadership involved, I was really the only one that managed that. I did a monthly report. I reported my activities, and much of this is a matter of public records because of the reports that I had to submit based on the FEC, you know, of course, of late with the Feingold-McCain Act, LDA 203, it's
MR. GAST: Would you ever bring senior company officials with you for Hill visits, or would they reach out on their own to any elected officials or staff?

WITNESS: Any -- any visits up to Washington I would coordinate with my -- with my senior folks.

With our last CEO, prior to Glen Tellock,

I remember bringing him, and those

were mostly, basically getting familiar. What we used to call fly-ins.

If one of our senior executives had business in the Washington, D.C., area, they would ask to meet with some of the elected officials, and not necessarily our own elected officials but all of the officials that had some sort of oversight with some of the things that we did.

MR. GAST: Sure. Is it fair to say then that if there were government related issues to deal with, that would all go through you? That you would be aware of all that?

WITNESS: That's correct. I would be familiar. I was basically the -- well, I'd either be the bottleneck or the -- or the ramp on, but, yes.
Everyone would have to clear anything that they were doing in Washington, so that there would be no inconsistencies either with a messaging or with any other issues. It would just come out of our office.

MR. GAST: Okay. Did the company have any consultants, government relations consultants or anything like that?

WITNESS: You know, we didn't. When I first started working with the company many, many, many -- I mean, when I first arrived, I actually worked for the shipyard, which was Marinette Marine (phonetic).

MR. GAST: Mm-hmm.

WITNESS: And they had that "K Street Connection." But that's why they hired me. They really wanted to get away from that and have an employee, basically an in-house person do most of their vetting on Capitol Hill. So I can tell you for the years that I have been, I've never hired anyone.

Now, I don't consider trade associations anyone (inaudible). So we are members of the US Chamber of Commerce as maintenance.
MR. GAST: Mm-hmm.

WITNESS: This is our -- as I said earlier, we are a member of the National Association of Manufacturers. We're members of the Association of Equipment Manufacturers.

And we're also members of the Association of the Heat and Refrigeration Institute, which not only is a trade association, but they're also a classification institute. They actually put their stamps of approval, very much like UL does, when you make refrigeration products or heating products.

They actually put them through an independent laboratory testing, and they're sanctioned by the government, those particular agencies. So -- but to answer your original question, no. I've never had to hire a consultant.

MR. GAST: Okay. And, generally, what subjects do you communicate to federal officials about? What are the key issues for the company?

WITNESS: Sure. And, you know, this is, again, a matter of public record when I filled out my original registration. Naturally, transportation is very important to us.

MR. GAST: Mm-hmm.
WITNESS: -- defense, environmental, and on occasion there would be issues that deal with immigration because of some of the H2B requests that we had for good relation, and entering taxes as well.

MR. GAST: Okay.

WITNESS: But for the most part it was transportation because of our cranes and defense, which really came under the auspices of our marine group.

MR. GAST: Okay. And how generally do you interact on these issues. It is meetings, emails, phone calls, letters, how -- what's the general way that you go about --

WITNESS: It was mostly through really -- you know, old school. I like to go up on the Hill and -- I knew a lot of the people up there, so it would mostly be in discussions. But, generally, I would go up there with one of our trade associations, along with them, and we would show kind of a solidarity for a particular issue, whether it was something that had to do with, you know, the transportation bill. If it had to do with funding a particular defense project that was already, you know, on the books; that sort of thing. I never generally had to write to anyone, other than, you know, if there was an
issue that I wasn't fully aware of. I would
probably ask for some material, but that would
be the extent of it.

MR. GAST: Okay. And is the company and are you involved
in fundraising for members of Congress?

WITNESS: Yes, yes. We do. We do have an active
political action committee, which is registered
with the FEC.

MR. GAST: Mm-hmm.

WITNESS: It is only from the restricted class - it's
a leadership PAC. There's no grassroots to it.
So very few people -- and actually that's gotten
smaller since we lost our marine business.

MR. GAST: Mm-hmm.

WITNESS: So we have a -- I would say a very modest
PAC participation. Now, generally,
since I've been doing this other -- what we do
is pack the PAC donations to our trade
association since they -- they follow the same
issues and really pursue some of the concerns
that we have.

MR. GAST: Okay. I want to talk to you now about your
interactions, specifically with Congressman
Petri from Wisconsin and his Congressional
office. How often would you say that you have
WITNESS: Well, as I said, the last two or three years I have been basically out of the country. We had a large project down in Mexico. So I would say in the last three years with his office, probably about two or three times. Naturally, like any other member of Congress, Senator or Congressman, they do ask for contributions.

MR. GAST: Sure.

WITNESS: We do have a PAC board that considers those, and what I do is I make the recommendation. I am a non-voting members. That's out we set up the PAC. I put together the -- either the justifications, or I make the recommendation and leave it up to the PAC to -- whether they want to make a contribution or not. So in that sense, I would say that just like any of the other members, it was the -- you know, the cycle --

MR. GAST: Right.

WITNESS: -- which is basically two years, and naturally we're restricted to whatever the limitations are financially. So I would get involved in that, but I would not have any direct contact.

I will add that with Congressman
Petri, since he was our Congressman and we were his constituents, there was a -- we had an annual fundraiser for him that we sponsored, and this has been going on for many, many years. So we always made sure that we would be available to sponsor that, and we had those once a year. And, again, that's -- that's a matter of public record.

MR. GAST: Right.

WITNESS: We would have something locally for Congressman Petri. When we were in the -- you know, doing the ship business, there was occasional -- I would say maybe we would -- or I would talk to either his staff. Very infrequently I would talk to Mr. Petri, but basically his staff concerning the budget, you know, what the defense budget was going to be like and also transportation because I believe Mr. Petri is on T&I, and we would discuss that. That was limited maybe. I would say -- let's see. Hearings were usually around the springtime. So we would discuss there, and then maybe towards the end of the fiscal year. So maybe two or three times.

But, again, I mean, this is involving
other members as well. I know you focusing on
Petri, but this is -- these are members on both
sides of the aisle.
MR. GAST: Sure, sure. How often would you make specific
requests for action of Congressman Petri on
behalf of the company?
WITNESS: You know, I can tell you of two occasions that
we had requested, and it wasn't that we wanted
him to either influence or do anything about it.
But as a constituent, we were -- and,
ironically, it was with the same agency. It was
EPA.
It was either about eight or nine
years ago. We had an issue with green gases,
and when we make these large walk-in freezers,
they're insulated with certain foam; and we use
a refrigerant and a gas. And at the time EPA
wanted everyone to go to this more
environmentally friendly gas.
Well, we saw where EPA was going with
that, and we decided to go ahead and make the
investment and go green early. Well, what had
happened was some of our other companies that
were in the same business were not prepared to
do that, and they had asked for kind -- not an
exemption but to defer the date when it was
supposed to be effective. When we found that
out, what that did is that put us from a
competitive situation, since this gas was more
expensive. It would -- it would affect our
competitiveness on the market.
So we tried to contact EPA so
that we can discuss, get our technical people
with them, and we were not getting anywhere. So
we made a request that -- through the staff, if
they would be able to set up some sort of a
meeting so that we can discuss our concern, and
he was able to -- I should say the staff and he
were able to get a hold of EPA and made the
arrangements for us to sit down and -- and
really kind of tell our side of the story. And
that was the extent of that.
And then just recently, and recently
is three years ago, we had an issue on our crane
side with -- which had to do with the engines.
MR. GAST: Mm-hmm.
WITNESS: As you may know, we're going from Tier 3 to Tier
4 engines, which are more restrictive. However,
we were having an issue with the OEMs,
basically, the engine makers. We had orders in
for certain products, yet we didn't have the engines. So you have to design the chassis around those engines, and this was all new technology.

And we were running out of the credits, and we -- we were constantly after EPA. There is a provision in the rule that we can get an exemption if -- provided -- if we came under certain things, and one of them was -- there was a financial exemption, meaning that it would have a great impact on the -- on the revenues of the company and also affect the human resources. Then there was another which had to do with technical.

We compared all of those. Time was getting short, and EPA was not responding. Again, we went back to the office just to request some consideration before this was going to happen because it was going to cost us quite a bit of money. We would actually have to stop production because we didn't have the engine, and if we kept using the Tier 3 engines, we couldn't sell them here in the United States or wherever -- you know, here in the United States.

So, again, I believe the staff
prepared a letter that went to EPA asking that
they sit down, and then there -- there was other
-- there was some other particulars to that too.
EPA had told us that we had a certain amount of
time, and then that time changed, and it looked
it they weren't even going to consider it.
So all wanted to do was to have a
meeting, and, again, have a face-to-face.
Actually, we didn't have a meeting, we had a
conference call --
MR. GAST: Okay.
WITNESS: -- with EPA, and, actually, they're still --
they're still considering. There was some rule
changes made, and I don't think it had anything
to do with us. But it turned out that we did
have some credits. We did have some time, and
then with the rule change that the EPA had made,
we were able to get a little more time, get the
OEMs to get their -- their engines to us.
And those are the only two occasions
that I can honestly recall that we asked, and it
was, again, not -- not for any type of
influence. But we just wanted to have a meeting
or a conference call with them.
MR. GAST: Okay. I think some of those -- some of the
documents that the company provided us reflect
two couple instances. I just want to ask
you a couple questions about both of them.

WITNESS: Sure.

MR. GAST: On the first one, do you recall who you worked
with in Representative Petri's office. This
would have been --

WITNESS: Oh, yeah.

MR. GAST: -- the EPA --

WITNESS: Boy, that's a long time ago. I can't -- you
know, it was one LAs.

MR. GAST: Could it have been Lindsay Bowers? Does that
sound familiar?

WITNESS: Which name?

MR. GAST: Lindsay Bowers?

WITNESS: You know, what -- yeah. Lindsay does sound
familiar. I believe she helped us. Yeah.

Lindsay, I think she -- I think that was her.

Yeah. I remember her asking me, you know, what
some of the facts were. We actually had a
meeting with her. I flew in the president of
the -- of the -- actually, not the president but
the technical guy because I'm not an engineer --
to explain some of the technicalities behind it.

But, again, the issue was not so much
the rule, but the issue was the fact that we had
this friendly gas that we were paying a
phenomenal amount, and then, you know, they were
-- they were going to go ahead and postpone
that.

MR. GAST: Right.

WITNESS: We could have done the same thing.

MR. GAST: Did you work at all with the Congressman's Chief
of Staff, Debra Gebhardt?

WITNESS: Oh, I've talked to Debbie. Well, I know Debbie
very well.

MR. GAST: Okay.

WITNESS: Debbie basically just kind of set it up. If I
couldn't get a hold of a particular LA, I would
give Debbie a call, but Debbie was never there
for any of the meetings or -- you know, Debbie
was basically the office manager.

MR. GAST: Right.

WITNESS: She took care -- if I needed to get a hold of
somebody, she would have them call me back, and
that was it.

MR. GAST: Did you ever have any interactions with
Representative Petri himself about that issue?

WITNESS: You know, I believe he was in the office when we
-- he had come out, and, I believe, you know, he
listened to what our story was and basically
said something to the effect of, you know,
Lindsay is very good with. She was like, I
believe, the environmental -- that was her
issues, and that she would take care of us, if I
recall that.

MR. GAST: Okay.

WITNESS: Mr. Petri was always a gentleman. Whoever was
out there waiting and stuff, he would stick his
head out and say hello and things of that
nature. He was a nice person.

MR. GAST: Okay. And you said then that the actual
assistance that the Petri staff provided was
working with EPA and possibly OMB?

WITNESS: Yeah, yeah. Exactly. What had happened was
they set up a meeting for us, and we sat down.
We brought in the engineers, and there was no
guarantees. We were just going to get kind of
our day in court.

MR. GAST: Sure.

WITNESS: And we went through -- they talked all about,
you know, our R35 and 25, you know. Apparently,
EPA -- and OMB was -- I guess OMB was there
because it's a budgetary issue.

MR. GAST: Mm-hmm.
WITNESS: And also they were representing the white house
in some respect about this rule --
MR. GAST: Okay.
WITNESS: -- whether or not it should make this
change. But the whole sense of it is that
we wanted them to know that, as a company, we
made the change based on the fact that the EPA
was going to go in that direction. We want to
be ahead of the game, but we also told them that
it was not that expensive, as many of our other
companies are, you know, competing said it
would. And we showed them. We had factual
information to show them, and that was the
extent of it.
MR. GAST: And you said you were ultimately successful in
convincing EPA of your position?
WITNESS: Well, I -- no. I didn't say that, but what
happened was we left the meeting; and later on
there was some sort of a -- just a very minor
change about the fact that the others, they
didn't change anything. They didn't say that
people that did have the gases weren't going to
have them at this particular point, as opposed
to pushing it down the road a little more.
So it was kind of a compromise between
the two.

MR. GAST: Okay.

WITNESS: Yeah. It wasn't going to be as long as it would have been. I think if -- if we didn't get to say our say, it would have been -- we would have been buying that product, and we would have been noncompetitive for a couple years, something like that.

But they never made any promises at that meeting. They never said anything, and basically took our information. And, really, we didn't find out for -- well, we didn't know. I mean, we didn't find out for -- I think it was eight or nine months later --

MR. GAST: Okay.

WITNESS: -- the change was made. Yeah.

MR. MORGAN: How did you find out? This is Bryson Morgan here. How did you find out what the outcome was? Was that relayed to you by Congressman Petri's office, or did you find out through other means?

WITNESS: No. I found out through the segment, you know, the ice people.

MR. GAST: And how did they find out? Were --

WITNESS: I don't --
MR. GAST: Okay.

WITNESS: I don't know. You know, again, you may or may not know, a lot of times, you know, my job is to provide some sort of access or provide some sort of, you know, place where people can -- you know, just like, you know, when I took people up to the hill, they would -- we would come up with talking points. But I very rarely followed up unless they followed up with me.

MR. GAST: Okay.

WITNESS: So I was out of the picture. Basically, I did my job.

MR. GAST: Okay. Shifting to that second occasion that you discussed with the diesel engines for the cranes --

WITNESS: Yes.

MR. GAST: -- do you recall who you worked with in Representative Petri's office on that issue?

WITNESS: I believe his first name is Jason.

MR. GAST: Could it have been Kevin James?

WITNESS: Or is it Patrick? I'm sorry. Say that again.

MR. GAST: Kevin James?

WITNESS: Yeah, Kevin James. That's it. Yeah.

MR. GAST: Okay. Again, did you have any interaction with Representative Petri on this particular issue?
WITNESS: Not on this one. No. Not at all.

MR. GAST: Okay. And the specific help that you were seeking was getting some kind of access to EPA, which turned out to be a conference call; is that correct?

WITNESS: Yeah. I mean, here's exactly what was happening. We were running out of time because you had time limits with these.

MR. GAST: Mm-hmm.

WITNESS: And we tried everything. I mean, we kept calling them. We had a -- we had a contact. And I'll tell you, it didn't start with us, it actually started with the National Association of Manufacturers. They had made a recommendation, and they have their contacts as well because this was not just a Manitowoc issue. This was industry wide because many of these off-road cranes needed their Tier 4 engines.

MR. GAST: Right.

WITNESS: So it kind of was in unison with that. So the recommendation was made that -- and interestingly enough, when we did this, even EPA suggested that we get some congressional help on this, almost as if it were saying that, you
know, that would -- that would be good because it would put a little more focus or light in how important this issue was. So even EPA was recommending. So that's when I went to Kevin --

MR. GAST: Mm-hmm.

WITNESS: -- and I gave him the facts over the phone. He took them down, and I believe that they sent them a letter. And the letter basically said what I had told him. We had this -- we were under the impression that we had this time to submit all this for a -- originally it was a technical exemption because of the fact that the OEMs were not ready. They did not have -- there's a provision in that ruling, in that federal regulation that said, you know, need be. So we were writing the second version of War and Peace, the technical guys were --

MR. GAST: Right.

WITNESS: -- in submitting this, and they kept coming back and telling us to revise this, that and -- and we weren't getting anywhere. We were spinning our wheels.

MR. GAST: Right. WITNESS: So, you know, after talking with NAM, and then there was a -- and I can't remember the name. They gave me a name in EPA in Washington
that I called. They said that you may want to
get your representative involved in this, and I
did. So they wrote a letter, and I think the
last line was something to the effect that it
would be -- you know, please -- you know,
whatever you can do, please try to get together
with them.

And we did -- I believe there was a
conference call. We discussed it. There was --
all we could do was tell them -- and then that's
when they recommended to us that we go with a
financial hardship, which we were very skeptical
about doing because you're basically ripping up
your financial Pomona to the agency, and even
though they assure you that, you know, the
Freedom of Information Act protects us and we
can -- you know, we were still afraid to do
that. But that was our only resort, and that's
what we ended up doing is we ended up giving
them the financial exemption.

MR. GAST: Okay. During this second occasion, were you
aware that Representative Petri owned stock in
the company?

WITNESS: You know, I knew he owned -- I knew he owned
stock in the company.
MR. GAST: How did you become aware of that?

WITNESS: I think somebody mentioned it to me a while ago.

I mean, it wasn't -- it wasn't a secret.

MR. GAST: Do you remember --

WITNESS: He had -- you know, and, of course, there's always kind of turning heads and stuff, but that never came up. I mean, but I can't tell you when I knew that. I mean, just about everybody in Manitowoc owns Manitowoc stock.

MR. GAST: Sure. Do you recall where you would have heard that? Who would have told you that?

WITNESS: Let me think. No. I can't pin it down. It might have been passing by, you know. I know it wasn't any of our office here or -- I didn't -- I just know.

MR. GAST: Right.

WITNESS: I mean, it wasn't through our folks, and we've never ever discussed that. I mean, I can honestly tell you. We've never mentioned anything about Mr. Petri owning stock. Like I said, Manitowoc is a small community, and we just had our shareholders meeting and just about the whole town turns out to sit at this meeting.

(Inaudible)

MR. GAST: Have you ever had any discussions with
Representative Petri about his stock?

WITNESS: Never, never. And I would have never done that because that would have been inappropriate.

MR. GAST: Ever have general discussions about the --

WITNESS: Never.

MR. GAST: -- companies performance or --

WITNESS: No.

MR. GAST: -- or the stock price, or how things were going?

WITNESS: I've never. I didn't want to put myself in that position, and I didn't want to put him in that position. That was never a discussion.

MR. GAST: Ever discuss the stock ownership?

WITNESS: The other thing too, I mean, I might add is that, you know, again, I heard this a long time ago. It could have been true. It could have been not true. I don't know.

MR. GAST: Mm-hmm. Ever discuss the stock ownership with his staff, his Congressional staff?

WITNESS: No, no.

MR. GAST: So were there any discussions about the potential need to disclose his stock ownership when he was reaching out on behalf of the company? Did that ever come up?

WITNESS: No.

MR. GAST: Any --
WITNESS: I didn't even think of that.

MR. GAST: Anybody on his staff raise the potential about
going to the ethics committee for guidance about
how to -- how to provide assistance to the
company?

WITNESS: No. I wouldn't even think why they would
discuss that with me in the first place.

MR. GAST: Okay. Let me ask you about another project.

Back in the fall of 2007, Representative Petri
sponsored a project in the Water Resources
Development Act I believe it was to provide some
funding to deepen the navigable channel of
Manitowoc Harbor. Does that sound familiar at
all? Do you -- are you familiar with that --

WITNESS: No.

MR. GAST: -- that funding?

WITNESS: No. That -- no. That doesn't sound familiar to
me at all.

MR. GAST: Would --

WITNESS: Now, again, most of my issues were based or out
in Washington.

MR. GAST: Mm-hmm.

WITNESS: I very rarely got involved with what was going
back in the district.

MR. GAST: Okay. Do you know, would deepening the harbor
have had any impact on the company, on the business?

WITNESS: No. Not at all.

MR. GAST: Okay.

WITNESS: We're most -- we're on a construction site. You know, we thought years ago about getting -- you know, putting things on the -- you know what they do? And, again, this is up to the owners of the cranes. A lot of times they use our cranes, they put them on barges, and they bolt them down. And that's -- you know, they use them for that kind of thing. But, no, that wouldn't have affected us at all.

MR. GAST: So that wouldn't have helped shipping the cranes out or anything?

WITNESS: Oh, no, no, no.

MR. GAST: Okay.

WITNESS: You know, just to tell you about the crane industry, most of the sales -- actually, I would say 90 percent of our sales are to the folks that rent the cranes out to projects. So we're not really interested.

When we do our forecasts for cranes, we look at capacity issues, inventories. So even in a bad year, you know, where construction
is done, if a renter is low on inventory,
they're going to buy cranes.

MR. GAST: Mm-hmm.

WITNESS: So that would be -- you know, it's almost
counterintuitive, but, you know, it's -- we look
at inventory. We look at capacity, what's going
on, and they're the ones who set up all the
projects; and that's what they base their --
their buys on and their acquisitions.

MR. GAST: Okay. Just a couple more questions for you.

Did the company ever seek Representative Petri's
assistance with request for funding or
appropriations requests?

WITNESS: Never. We never did that. As a matter of fact,
because he was in -- now, I can be quite honest,
you know. We have other members of Congress
that we talk to as well.

MR. GAST: Okay. And what about beyond the couple of
things we've talked about already, were there
any other times where the company sought
assistance from the Congressman or his office
that come to mind?

WITNESS: You know, we very rarely -- and I -- you know, I
think that's what many members of Congress like
about Manitowoc. I mean, we -- we're -- how
would you say, pragmatic. We support people
that we want to see in Congress, and we ask for
very -- we ask for very little.

MR. GAST: So no --

WITNESS: It's almost as a last resort, and I say this
tongue in cheek too. I mean, it's a lot of work
for me, I mean, for one guy to get around to do
that, you know. It really truly is a -- you
know, we're a big company, but we still -- we're
still like, you know, a small little company;
and we take a lot of pride in ethics. We take a
lot of pride with our integrity. I mean, it's
part of our -- I would say it's part of our DNA.

MR. GAST: Yeah.

WITNESS: We don't ask a lot of favors.

MR. GAST: I think those are all the questions we have for
you. Is there anything else that you think
would be helpful for us to know?

WITNESS: I can't think of anything, but, you know,
clearly -- you know, I understand what you folks
are doing, but Manitowoc has always had a
reputation of being above board. If you need
anything else from us, please, don't hesitate to
call. I just apologize that I couldn't be there
in person. I would rather be there in person so
that we can meet each other, and if you need to, that's fine too. I'll look at the schedule, but, you know, we're here to assist you in any way we can.

MR. GAST: Well, we appreciate that, and we appreciate your time. Thank you for answering our questions.

WITNESS: You bet. And you have a nice day now.

MR. GAST: You too. Thank you.

MR. MORGAN: You too. Thanks.

END OF INTERVIEW
d 6:17 8:13
date 16:1
day 21:19 34:7
deal 4:23 8:20 11:2
debbie 20:10,10,13
20:15,15,16
debra 20:9
decided 15:21
deeper 30:12
deepest 30:25
defense 11:1,7,22
14:17
defier 16:1
depending 5:16
depends 5:10
design 17:2
detail 6:18
developed 3:9,10
development 30:11
18:9 17:1,21
23:4,12,12,13
25:12 28:14 29:9
29:10 30:1
diesel 3:13 24:14
direct 13:24
direction 22:8
disclose 29:21
discuss 7:4,9 14:19
14:22 16:8,12
29:12,17 30:7
discussed 24:14
27:9 28:18
discussion 29:11
discussions 11:16
28:25 29:4,20
district 30:24
dna 33:13
documents 19:1
doesn't 30:17
doing 6:15 9:2
12:17 14:11 27:13
27:19 33:21
donations 12:18
don't 9:22 18:14
23:25 24:2 29:16
33:15,23
dramatically 4:1
dropped 4:1
ducktail 3:8
duties 2:10 6:19
earlier 10:2
early 15:22
east 5:22
effect 5:3 21:2 27:4
effective 16:2
eight 15:13 23:14
either 7:10 8:24 9:3
13:13 14:14 15:9
15:13
elect 8:4,14,15
electric 3:12
e-mails 11:10
emphasized 4:12
employed 9:17
employees 3:15
ended 27:19,19
engine 16:25 17:21
engineer 19:23
engineers 21:17
engines 16:20,23
17:2,3,22 18:19
24:14 25:19
entering 11:4
environmental
11:1 21:4
environmentally
15:19
epa 15:12,17,20
16:7,14 17:6,16
18:1,4,12,17 19:9
21:14,23 22:7,16
25:3,23 26:3,25
equipment 7:7 10:5
especially 5:20
ethics 2:3 30:3
33:11
europe 5:22
everybody 28:8
effectively 21:15 25:6
executives 8:12
exemption 16:1
17:8,10 26:12
27:20
expensive 16:5
22:10
explain 19:24
extent 12:3 16:17
22:14
face 5:3 21:2 27:4
facilities 2:15 5:19
fact 20:1 22:7,20
26:12 32:14
facts 19:20 26:6
factual 22:12
fair 8:19
fall 30:9
familiar 8:10,23
19:13,17 30:13,14
30:17
fast 4:24
favors 33:15
fec 7:24 12:8
federal 5:8 7:1
10:19 26:15
fiegoldmccain
7:25
felt 4:16
filled 10:22
financial 17:9
27:12,14,20
financially 13:23
find 23:12,13,17,18
23:20,24
fine 34:2
first 9:9,11 19:5
24:19 30:7
fiscal 14:23
five 4:10
flew 19:21
flyins 8:11
foam 15:16
focus 26:2
focusing 15:1
folks 8:7 28:17
follow 12:19
followed 24:8,9
food 4:6,20,24,25
5:17
forecasts 31:23
forms 6:22
found 16:2 23:22
freedom 27:16
freezers 4:21 15:15
friendly 15:19 20:2
fully 12:1
funding 11:22
30:12,16 32:12
fund raiser 14:3
fundraisers 7:18
fundraising 12:5
4:24
5:23 6:12,18,24
7:12 8:2,19 9:6,14
10:1,18,25 11:5,9
12:4,9,14,22 13:9
13:20 14:9 15:4
16:21 18:11,25
19:5,9,12,15 20:6
20:8,12,18,22
21:7,12,20,25
22:3,15 23:2,15
23:24 24:1,10,13
24:17,20,22,24
25:2,9,20 26:5,18
26:23 27:21 28:1
28:4,10,16,25
29:4,6,8,12,17,20
29:25 30:2,8,16
30:19,22,25 31:4
31:14,17 32:3,10
32:18 33:4,14,16
34:5,8
gebhardt 20:9
general 11:11 29:4
generally 10:18
11:9,16,24 12:16
gentleman 21:8
going 8:10 16:9
17:16 25:3 26:21
31:6
give 20:15
given 6:6
giving 27:19
6:18 8:21 11:12
11:14,17 15:18,21
15:22 20:4 22:8
27:11
go 4:3 14:4,17
15:20 16:22 17:18
17:19 18:6 20:4
21:18 22:8,22
23:3 29:8 30:3,23
32:6
good 11:4 21:3 26:1
gotten 12:12
government 5:11
6:3 7:13 8:20 9:7
10:15
green 15:14,22
grew 4:13
griddles 4:23
gross 4:20 5:2
group 4:12 11:8
grow 4:7
guarantees 21:18
guard 4:9 5:6
guess 21:23
guidance 30:3
gulf 3:22
guy 19:23 33:7
guys 26:17
h2b 11:3
half 6:6
happen 17:19
happened 15:23
21:15 22:18
happening 25:7
harbor 30:13,25
name 21:11 19:14
24:19 26:25,25
national 7:6 10:3
25:13
naturally 10:23
13:6,21
nature 21:11
navigable 30:12
navy 3:12 4:8
necessarily 8:15
need 26:15 29:21
33:22 34:1
needed 20:19 25:18
negative 7:11
networking 6:5
never 9:20 10:17
11:24 20:15 23:9
23:10 28:7,18,19
29:2,2,2,5,9,11
32:14,14
new 17:3
nice 21:11 34:7
nine 15:13 23:14
noncompetitive 23:7
nonvoting 13:12
number 7:15
numbers 7:1
occasion 1:1 24:13
27:21
occasional 14:12
occasions 15:7
18:20
oems 16:24 18:19
26:13
office 2:2 9:5 12:25
13:1,5 17:17 19:6
20:17,24 23:20
24:18 28:14 32:21
officer 2:20 5:6
officals 7:13 8:2,4
8:15,16,16 10:19
offroad 25:18
oh 19:8 20:10 31:16
okay 2:21 7:12 9:6
10:18 11:5,9 12:4
12:22 18:11,25
20:12 21:7,12
22:3 23:2,15 24:1
24:10,13 24:25,25
27:21 30:8,25
31:4,17 32:10,18
old 11:13
omb 21:14,23,23
once 14:6
oneman 7:14
ones 32:7
operation 3:24
operations 2:13
5:25 6:9,20
opposed 22:23
order 3:5 7:9
orders 16:25
original 10:16,22
originally 26:11
outcome 23:18
oversight 8:17
owned 27:22,24,24
owners 31:8
ownership 29:12
29:17,21
owning 28:20
owns 4:25 28:9

P
pac 12:11,16,18
13:10,13,15
pack 12:18
part 11:6 33:13,13
participation 12:16
particular 4:7
10:15 11:19,22
20:14 22:23 24:25
particulars 18:3
passing 4:9 28:13
patrick 24:21
paying 20:2
peace 26:17
people 3:16 4:2
11:15 12:12 16:8
24:6 33:1
percent 4:15,19 5:1
31:20
performance 29:6
person 9:18 21:11
33:25,25
petri 12:24 14:1,11
14:15,18 15:2,5
20:23 21:8,13
24:25 27:22 28:20
29:1 30:9
petris 19:6 23:20
24:18 32:11
phenomenal 20:3
phone 11:10 26:6
phonetic 9:13
picture 24:11
pin 28:12
place 24:5 30:7
please 27:5,6 33:23
point 22:23
points 24:8
political 12:7
pomona 27:14
position 2:9,10
22:16 29:10,11
positively 7:11
possibly 21:14
postpone 20:4
potential 29:21
30:2
pragmatic 33:1
prepared 15:24
18:1
present 1:8
president 2:12
19:21,22
price 29:8
pride 33:11,12
primary 6:8
prior 2:19 8:8
probably 12:2 13:6
product 23:6
production 17:21
products 10:12,12
17:1
programs 3:4
project 11:22 13:4
30:8,10
projects 31:21 32:8
promises 23:9
protects 27:16
provide 3:5 24:4,4
30:4,11
provided 17:8 19:1
21:13
provision 17:7
26:14
public 7:23 8:1
10:22 14:7
pursue 12:20
pushing 22:24
put 3:6,19 10:10,13
13:13 16:3 26:2
29:9,10 31:10
putting 31:7

Q
question 10:16
questions 2:8 19:3
32:10 33:16 34:6
quite 4:13 6:11
17:19 32:15

R
r35 21:22
raise 30:2
ramp 8:25
rarely 24:8 30:23
32:23
reach 8:3
reaching 29:22
ready 26:13
really 4:15 5:8,10
7:20 9:16 11:7,13
12:20 16:16 23:11
31:22 33:8
recall 18:21 19:5
21:6 24:17 28:10
recession 4:11
recommendation 13:11,14 25:15,22
recommended 27:11
recommending 26:4
record 2:1 8:1
10:22 14:8
records 7:23
reflect 19:1
refrigerant 15:17
refrigeration 3:9
10:7,12
register 6:22
registered 6:21
12:7
registration 10:23
regulation 26:15
related 5:12 8:20
relation 11:4
relations 6:3 9:7
relationships 6:4
6:16
relayed 23:19
remainder 5:1
remember 8:9
19:19 26:24 28:4
rent 31:21
renter 32:1
report 7:21
reported 7:21
reports 7:23
representative 19:6
20:23 24:18,25
27:2,22 29:1 30:9
32:11
representing 22:1
reputation 33:22
request 16:10
17:18 32:12
requested 15:8
requests 11:3 15:5
32:13
resort 27:18 33:5
resources 17:12
30:10
respect 22:2
responding 17:16
responsible 2:14
restricted 12:10
13:22
restrictive 16:23
retired 2:20
revenue 4:16,20 5:2
revenues 17:11
revise 26:20
right 5:15 13:20
14:9 20:6,18
25:20 26:18,23
28:16
ripping 27:13
river 3:20
| road 22:24 | try 7:8 27:6 |
| rule 17:7 18:13,17 | turn 3:2 |
| 20:1 22:2 | turned 18:15 25:4 |
| ruling 26:14 | turning 6:7 28:6 |
| running 17:5 25:7 | turns 28:23 |
| sailor 5:7 | two 4:5,6,13,17 6:6 |
| sales 5:16 31:19,20 | 13:2,6,21 14:23 |
| sanctioned 10:14 | 15:7 18:20 23:1 |
| sat 21:16 | type 18:22 |
| saw 15:20 | ul 10:11 |
| saying 25:25 | ultimately 22:15 |
| schedule 2:17 34:2 | understand 33:20 |
| school 11:14 | unison 25:21 |
| scott 1:9 2:1 | united 2:15 3:11 |
| sea 3:21 | 5:9 17:23,24 |
| second 24:13 26:16 | use 15:16 31:9,11 |
| 27:21 | usually 2:7 14:21 |
| secret 28:3 | version 26:16 |
| security 2:13,14 6:9 | vetting 9:19 |
| 6:10,15 | vice 2:12 |
| see 14:20 33:2 | visits 8:3,6 |
| seek 32:11 | W |
| seeking 25:3 | waiting 21:9 |
| segment 4:5,17 | walkin 4:21 15:15 |
| 23:22 | want 12:22 13:15 |
| segments 4:5,7,13 | 19:2 22:8 27:1 |
| 4:18 | 29:9,10 33:2 |
| sell 17:23 | wanted 9:16 15:8 |
| selling 4:16 | 15:18 18:7,23 |
| senator 13:7 | 22:6 |
| senior 2:12 8:2,7,12 | war 3:11,14,23,25 |
| sense 13:17 22:5 | 4:2,2 26:16 |
| sent 26:7 | washington 2:13 |
| service 4:6,20 5:1 | 5:25 6:2,3,17,20 |
| 5:18 | 8:6,13 9:2 26:25 |
| set 13:12 16:11 | 30:21 |
| 20:13 21:16 32:7 | wasn't 4:4 12:1 15:8 |
| shareholders 28:22 | 23:3 28:3,3,14,17 |
| shifting 24:13 | water 30:10 |
| ship 3:1,3,17,25 | way 11:11 34:4 |
| 4:14 5:5 14:12 | went 3:23 17:17 |
| shipbuilding 5:9 | 18:1 21:21 26:4 |
| shipping 31:14 | weve 28:17,19 |
| ships 3:2,6,10 4:8 | 32:19 |
# ERRATA SHEET

<table>
<thead>
<tr>
<th>Page</th>
<th>Line</th>
<th>Correction</th>
<th>Reason</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>8</td>
<td>&quot;DOVELTAIL&quot; vice &quot;DVEKTAIL&quot;</td>
<td>INCORRECT WORD</td>
</tr>
<tr>
<td>3</td>
<td>18</td>
<td>&quot;built&quot; vice &quot;build&quot;</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>21</td>
<td>&quot;INDIA&quot;</td>
<td>INAUDIBLE</td>
</tr>
<tr>
<td>11</td>
<td>4</td>
<td>&quot;immigration&quot; vice &quot;good relation&quot;</td>
<td>INCORRECT WORDS</td>
</tr>
<tr>
<td>12</td>
<td>18</td>
<td>&quot;PAC&quot; vice &quot;PACK&quot;</td>
<td>INCORRECT WORDS</td>
</tr>
<tr>
<td>18</td>
<td>10</td>
<td>add &quot;left&quot; after &quot;credits.&quot;</td>
<td></td>
</tr>
<tr>
<td>25</td>
<td>18</td>
<td>&quot;this&quot; vice &quot;their&quot;</td>
<td></td>
</tr>
<tr>
<td>24</td>
<td>14</td>
<td>&quot;the code of&quot; after &quot;in&quot;</td>
<td>STRIKE &quot;that&quot;</td>
</tr>
<tr>
<td>27</td>
<td>13</td>
<td>&quot;open up&quot; vice &quot;ripping up&quot;</td>
<td></td>
</tr>
<tr>
<td>27</td>
<td>14</td>
<td>&quot;KEMOND&quot; vice &quot;POMONA&quot;</td>
<td></td>
</tr>
<tr>
<td>28</td>
<td>24</td>
<td>&quot;to hear about Malinowski&quot;</td>
<td></td>
</tr>
</tbody>
</table>

This errata sheet is submitted subject to 18 U.S.C. § 1001 (commonly known as the False Statements Act).

Witness Name: [REDACTED]

Witness Signature: [REDACTED]

Date: 6/17/2014
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
202.225.2222
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 Al and whoever else attends from Manitowoc.

So is it okay to set-up? I'm waiting to hear back from Al.

Lindsay A. Bowers
Legislative Assistant
Congressman Thomas E. Petri
6th District, Wisconsin
202.225.2356
202.225.2356-fax
We are meeting with OMB at 2:00 p.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.
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) 863-2900
Fax: (202) 863-3639
www.manitowoc.com

******************************** Confideniality Statement ********************************

The information contained in this email communication and all attachments hereto are intended to be confidential, privileged and are for the sole use of the intended recipient. Any retention, dissemination or distribution of this communication and any attachments is strictly prohibited. If you have
received this email in error, please notify the sender and delete this
communication and all attachments.
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 [removed@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
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  
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

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 717.533.8119 M 717.816.3255
Integrity, Commitment to Stakeholders, and Passion for Excellence.
EXHIBIT 41
From: Bernard, Al J [mailto: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 [mailto: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.
Kevin James on our staff handles EPA issues. I have cc’ed him on this email.

Debbie

Good morning Debbie,

I need some help. I’m getting stonewalled by EPA on a very critical issue for Manitowoc. I even used one 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 Manitowoc Company Inc.

202-548-####  

“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 ***

Present:
Scott Gast, Investigative Counsel
Bryson Morgan, Investigative Counsel

Transcribed By:
Julie Thompson
MR. GAST: Alright. For the record, this is Scott Gast with Bryson Morgan of the Office of Congressional Ethics. It is about 3:15 on Tuesday, May 27, 2014. We're joined on the telephone by [redacted] from the Environmental Protection Agency, and we appreciate the time talking with us about a matter that is under review by our office.

As we mentioned before, you have information that could be helpful as we put together a factual record for this case, so, again, thank you for the time.

Just a quick couple of background questions. Can you give us your current title?

[Witness]: Sure. Supervisory Program Analyst in the Office of Congressional and Intergovernmental Relations at EPA.

MR. GAST: Alright. Supervisory Program Analyst at the Office of Congressional and Intergovernmental Relations; is that right?

WITNESS: Yeah. In the office -- yeah. In the Office of Congressional and Intergovernmental Relations at EPA. That office is part of the Office of the Administrator.

MR. GAST: Okay. And how long have you been in that
position?

WITNESS: I've been in the office for 10 years, in this position for the past 6 or 7.

MR. GAST: Okay. I want to talk to you about your interactions with the Office of Representative Thomas Petri in the time period from the fall of 2012 to approximately the fall of 2013 regarding an economic hardship exemption filed by the Manitowoc Company, Incorporated. Are you familiar with that -- that application for an exemption?

WITNESS: I'm familiar with the generality, but the application -- yeah -- related to a request I had gotten from Petri's office. Yes.

MR. GAST: And can you tell me about the request that you got; how this was brought to your attention initially?

WITNESS: Sure. And I sent a PDF with some emails that kind of talked through this, but I had been contacted by a staff person in Petri's office regarding the hardship request letter that they had submitted, the company had submitted to the correct, sort of technical experts at EPA. And to my recollection, Petri's office had followed up with our office to get a status update on that
request.

MR. GAST: Okay. And based on the information that you
sent, it appears that would have been in
September of 2012; is that correct?

WITNESS: Yeah. I believe the initial request came in, in
September of 2012, and then I, as typical with
these type of requests, I worked with our -- the
correct technical folks within the agency here
to get a status update to fulfill the request.

So and that took, you know, into October, but
the initial request did come in, in September.

MR. GAST: Okay. And in addition to -- or other than the
request for a status update, did the staff
member for Representative Petri ask for any
other assistance or ask for any other action?

WITNESS: Not that I recall. You have the email that I
have from the staff person. I -- there may have
been a phone call or two, but I think they were
very much related to the -- just to getting an
answer on the status. It did not touch on other
issues.

MR. GAST: Okay. And were you able to then get them an
update on the status?

WITNESS: Yes. And that update is reflected in one of the
emails. It's on page 4 of what I had sent. My
recollection is that I had gotten this in
writing from one of our technical experts, and I
had then called Petri's office to deliver this
update over the phone and if they had any other
questions.

MR. GAST: Okay. Any other contact with the office around
this time, around this request?

WITNESS: Not that I recall. No.

MR. GAST: And in any of your conversations or contacts
with Representative Petri's staff member, did
the issue of Representative Petri's stock
ownership in the company, in the Manitowoc
Company come up?

WITNESS: Not that I recall.

MR. GAST: Were you ever informed by Representative Petri's
staff that Representative Petri did own stock in the company?

WITNESS: Not that I recall.

MR. GAST: Would that have made a difference in how you
handled the request?

WITNESS: It would not have. No. And it actually -- I
think -- you know, I -- as I said, I've been
doing this job for 10 years. I don't think I've
ever had an instance where anything like that
was the case, so I feel like it would have
stuck out as something that is not common for a
staff person to share in a status update, you
know, this type of status request. So, no, I
don't recall that coming up or that it would
have -- would have changed --
Well, I'm sorry. That part is sort of
a hypothetical in that I've never had a
situation like that. So it might set off some
sort of flag in my mind, and I might actually
consult with others here; and I did not do that
in this case.
MR. GAST: Okay.
MR. MORGAN: How -- how often do you receive these types of
requests from Congressional offices?
WITNESS: Pretty much daily. I mean, that's one of the
main things we do, either through letters, or
through emails, or phone calls. We get
requests pretty much on a daily basis, either I
or others on my team here for status updates on
requests like this or on our Standard Renewable
Fuels program, where people are trying to get
applications approved. So these are not
uncommon requests.
MR. GAST: And did anything about the request through
Representative Petri's office strike you as
different or unusual?
WITNESS: No, no. And this was one that I think I actually -- you know, and it was clear I think in what I had sent to you that the -- the company had actually been in very close contact with our technical staff as well. And when that's the case, I tend to -- that's the more appropriate way for these things to play out. And so I think the -- we tend to not have to get into as much detail with the Congressional staffers because we can assure them that the company is working directly with the technical experts at EPA.

MR. GAST: Okay.

WITNESS: As I think I indicated on the phone the other day, the -- the update that I provided to Petri's staff person was pretty much identical to what our technical staff provided directly to the company.

MR. GAST: Okay. Did there come a point then, after you provided that status update, that you had further contact with Representative Petri's office?

WITNESS: Not that I recall. And, again, looking back at the emails, it appears the staffer and I exchanged an email or two where we attempted to
connect to talk through the status updates, and
I think we did that. And I have no recollection
or no record of other emails, you know, after
the October exchange of emails, and then we did,
in fact, then jump ahead to -- when was it --
August of 2013 is when we actually got a letter
that originally came in to our office, our
regional administrator in Region 5. But -- but
in terms of the back and forth in the September
and October time frame of 2012, that was all I
recall.

MR. GAST: Okay. And then no further contact between that
point and then this letter from August of 2013?


MR. GAST: And how did you get involved with this letter to
the regional administrator?

WITNESS: I don't actually remember. We have a
correspondence management system, and so the
letter was in that system. It had come in to
our Region 5 office. I think they had taken a
look at it, and then realized it was something
that should be -- that was more appropriate for
response from EPA headquarters. And so they had
forwarded the letter on to EPA headquarters, and
then that response worked its way through a
drafting and then approval process, culminating in the response going in February of 2014.

So I first started seeing drafts of the response in say early February of this year.

MR. GAST: Okay. Who would have been in charge of preparing the response to this letter from Congressman Petri?

WITNESS: The initial -- the substance of the response would have been originally drafted by the staff experts in the Office of Transportation and Air Quality, the same ones who had provided the status update to me --

MR. GAST: Okay.

WITNESS: -- in 2012.

MR. GAST: And did you, as Congressional Affairs, have a role in reviewing or approving the letter, the response before it was sent?

WITNESS: Yeah. So -- yeah. As with all Congressional letters, it works its way up through the -- where it's sort of an Air-specific response, and that's the case here. By Air, I mean from the office of Air and Radiation.

MR. GAST: Okay.

WITNESS: The -- it's typical for the assistant administrator for that office or the acting
assistant administrator in this case to be the
one who does the final review from that office
and ultimately signs it. And then that letter
works its way to the Office of Congressional and
Intergovernmental Relations for final review,
final processing, and sending it out.
And so that was the case here as well,
and so I saw it after it had been reviewed and
signed by -- by Janet McCabe, who is the head of
that office, the acting head.
And as is often common with these
letters, there was, I recall, some back and
forth where we did some updating of the letter,
not so much on the substance but just to make
sure it was accurate and up to date. And so
there may have been, you know, a pass back or
two between our office and the Office of Air and
Radiation, but that's not uncommon for these
types of letters.

MR. GAST: Okay. Since receiving the letter until the time
that EPA responded, did you have any contact
with Representative Petri's office by email,
telephone call, meeting, anything like that?

WITNESS: Not that I recall. And as I said, the letter
actually came into our Region 5 office, so the -
- they may have sent it directly to them, or
  they may have put a hardcopy in the mail. I
don't know exactly how that went down, but, no,
I did not. I did not have any contact with the
office.
MR. GAST: If Congressman Petri's staff had reached out to
the Region 5 office, would you have been made
aware of those contacts?
WITNESS: Not in all cases. No. It's -- sometimes that's
a courtesy, or if a staff person in the regional
office happens to know that there's an issue,
either I or someone in the headquarters office
has been following, they might just let us know
on our regularly scheduled weekly calls or
through email. But in this case I don't recall
them reaching out and saying anything about a
contact.
MR. GAST: And do you recall hearing from any other
individual or office in the EPA who had any
contact with Representative Petri's office on
this issue?
WITNESS: On this issue, no, not that I recall.
MR. GAST: Okay. And do you recall being told or being --
or learning at any point during the time you
received the letter to providing a response that
Representative Petri was an owner of stock in
the Manitowoc Company?

WITNESS: No. I don't recall anyone ever saying anything
about that.

MR. GAST: Okay. And are you aware of any instance where
Congressman Petri's office disclosed that fact
to EPA, to Region 5, or any other entity or
office?

WITNESS: Not that I'm aware of. No.

MR. GAST: Okay. I believe those may be all the questions
we have for you.

WITNESS: Okay.

MR. GAST: Bryson, do you have any questions?

MR. MORGAN: No. That's it.

MR. GAST: Alright. Again, we appreciate the time and the
information, and thank you for speaking to us
today.

WITNESS: Okay. Thank you.

MR. GAST: Alright. Thanks.


MR. GAST: Bye.

END OF INTERVIEW
CONFIDENTIAL

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

ERRATA SHEET

<table>
<thead>
<tr>
<th>Page</th>
<th>Line</th>
<th>Correction</th>
<th>Reason</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>12</td>
<td>&quot;I'm familiar with the issue generally...&quot;</td>
<td>Transcription error</td>
</tr>
<tr>
<td>6</td>
<td>19-20</td>
<td>&quot;...on our Renewable Fuels Standard program...&quot;</td>
<td>Transcription error</td>
</tr>
</tbody>
</table>

This errata sheet is submitted subject to 18 U.S.C. § 1001 (commonly known as the False Statements Act).

Witness Name: [Redacted]
Witness Signature: [Redacted]
Date: 6/20/14
EXHIBIT 43
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 202-226-2356.

Thanks again,
Kevin

Kevin James | Legislative Assistant

Congressman Tom Petri WI-06
2462 Rayburn House Office Building
Washington, D.C. 20515
Phone: 202-225-2356
Fax: 202-225-2356
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
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

Hey Josh,

Attached is the letter from Manitowoc Cranes to EPA, as well as some additional information.

From: "James, Kevin" <Kevin.James@mail.house.gov>  
To: Josh Lewis/DC/USEPA/US@EPA  
Date: 09/28/2012 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 Petri W1-06  
2462 Rayburn House Office Building  
Washington, D.C. 20515  
Phone: 202.225.____  
Fax: 202.225.2356  
kevin.james@mail.house.gov

[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
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 [jakebegard@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

Al J. Bernard
Senior Vice President, Washington Operations
The Manitowoc Company Inc.

“Integrity, Commitment to Stakeholders, Passion for Excellence”
EXHIBIT 45
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.
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 or 202-225-____ if we can be of assistance in any way.

Sincerely,

Thomas E. Petri
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: 202.225.9701
Fax: 202.225.2356
kevin.james@mail.house.gov
Hey Bob,


Kevin

---

From: Bob Harris [bobbyharris@aol.com]
Sent: Tuesday, May 15, 2012 3:26 PM
To: James, Kevin
Cc: @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 or 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)

bobbyharris@aol.com


Thanks, Bob. I let him know again of Plum Creek's support for LWCF.

Kevin

From: Bob Harris [alt@example.com]
To: James, Kevin
Cc: @plumcreek.com; @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 all at @aol.com.

Bob H.

Bob Harris
Nutter & Harris
1667 K Street, N.W.
Suite 1220
Washington, D.C. 20006

202 289
202 289-7414 (fax)
@plumcreek.com
@aol.com
EXHIBIT 48

TRANSCRIPT OF INTERVIEW OF LOBBYIST FOR PLUM CREEK TIMBER COMPANY
INTERVIEW OF

Present:
Scott Gast, Investigative Counsel
Bryson Morgan, Investigative Counsel
Connie Pendleton, Counsel for Mr.

Transcribed By:
Julie Thompson
MR. GAST: For the record, this is Scott Gast with Bryson Morgan of the Office of Congressional Ethics.

It is May 23, 2014. Here with Mr. [REDACTED] and counsel for Mr. [REDACTED], Connie Pendleton. I appreciate you being here to talk with us as part of our review.

We're interested in speaking with you in your role as a representative of the Plum Creek Timber Company. So if you could just start out by telling us, you know, what your relationship, what's your role with respect to the company?

[REDACTED] (the "Witness"): I am a partner -- I don't have a title -- of Nutter & Harris, two-person firm -- I'm on retainer to Plum Creek. I have been on retainer to Plum Creek since -- I think it was 1991, but it could be 1990. I am their outside lobbyist here in Washington. I'm in effect their Washington office.

MR. GAST: And can you tell us, generally, what issues you work on for the company?

WITNESS: Generally, environmental, energy, tax, natural resource issues. Plum Creek is a timber company. So I don't do a lot of manufacturing issues, although --
MR. GAST: Sure.

WITNESS: -- they have manufacturing facilities.

MR. GAST: And does anybody else at Plum Creek interact with federal officials?

WITNESS: Sure.

MR. GAST: Who else would do that?

WITNESS: I work for a gentleman named Bob Jirsa, J-i-r-s-a, who is -- I think his title is Vice President for Public Affairs -- and he is who I report to directly. There are others, but if you want other names, we'll --

MR. GAST: Can you give us a sense of who those other people are?

WITNESS: Well, the CEOs --

MR. GAST: Okay.

WITNESS: -- just here for a series of meetings with the National Alliance of Forest Owners.

MR. GAST: Okay.

WITNESS: They participate in -- they don't come here often, but they participate in trade association meetings and things such as that.

MR. GAST: Okay.

WITNESS: That goes through the whole executive -- the executive chain of the organization.

MR. GAST: Okay. Does the company have any other outside
lobbyists, consultants here in D.C.?

WITNESS: Not directly, no.

MR. GAST: Okay.

WITNESS: They do through other trade -- through trade associations.

MR. GAST: Okay. And can you give us a general sense of your interactions with federal officials on behalf of Plum Creek, what agencies, entities you talk to?

WITNESS: Mostly Congress.

MR. GAST: Are those in personal meetings? Do you have email, telephone calls, letters? What's the general nature?

WITNESS: Few letters, as you might suspect anymore, emails mostly, phone calls, meetings. It varies. It depends upon the issue.

MR. GAST: The whole range?

WITNESS: Whole range.

MR. GAST: Okay.

WITNESS: It depends upon the time and the issue.

MR. GAST: And you work with staff and members, primarily staff?

WITNESS: Mostly all staff.

MR. GAST: Yeah, okay. How often would you say you actually interact with members?
WITNESS: What do you mean by "how often"?

MR. GAST: Percentage wise of your time, contacts.

WITNESS: I'd say 10 percent.

MR. GAST: Okay. And what about on the campaign and the fundraising side; are you involved in that as well?

WITNESS: What do you mean "involved"?

MR. GAST: Are you -- do you attend fundraisers?

WITNESS: Yes.

MR. GAST: Okay. I want to talk to you about your interaction with Representative Petri from Wisconsin and his office. How often would you say that you have interactions with him or his office?

WITNESS: His office, I'd probably say on average somewhere between 5 and 10 times a year.

MR. GAST: And what about with the member himself?

WITNESS: Once or twice a year at the most, and it's usually casual.

MR. GAST: Okay. Who in Representative Petri's office do you have contact with?

WITNESS: Mostly with Kevin James. I'm terrible with names. Kevin does most of the natural resource stuff.

MR. GAST: Okay.
WITNESS: Meagan -- I cannot think of her last name at this stage of the game, and there's a gentleman named Markowitz who does -- Richard Markowitz who does taxes; that's generally where the interface is.

MR. GAST: And Meagan -- could that be Megan McCanna?

WITNESS: Meagan McCanna.

MR. GAST: Okay. And what issues do you work with her on?

WITNESS: Water, timber.

MR. GAST: Okay. And what issues do you talk to Representative Petri about at his office?

WITNESS: Oh, his office?

MR. GAST: Yeah.

WITNESS: Forced roads, regulation of forced roads under the clean water act, which was enacted in legislation in the farm bill, tax policy, and funding for the Land and Water Conservation Fund.

MR. GAST: Okay. Do you ever have conversations with the staff or the member about company performance, stock price --

WITNESS: No.

MR. GAST: -- bottom line?

WITNESS: No.

MR. GAST: No such conversations. Are you aware that 14-1891_0512
Congressman Petri owns stock --

WITNESS: I am.

MR. GAST: -- his wife owns stock in Plum Creek Timber?

WITNESS: Yes, I'm aware.

MR. GAST: And how did you become aware of that?

WITNESS: Through newspaper reports.

MR. GAST: Have you ever had a conversation with the Congressman about his stock ownership?

WITNESS: No.

MR. GAST: Any conversations with members of his staff about his --

WITNESS: Yes.

MR. GAST: And what were those conversations?

WITNESS: His Chief of Staff called to tell me that all of this was being written up. Press reports were coming out about it.

MR. GAST: Did you discuss how to respond to the reports or --

WITNESS: No.

MR. GAST: -- the substance of the reports?

WITNESS: No.

MR. GAST: Did she ask you to do anything --

WITNESS: No.

MR. GAST: -- or say anything?

WITNESS: No.
MR. MORGAN: Do you recall when -- when about that conversation with the Chief of Staff was?

WITNESS: Early February probably. Late January, early February I first learned about this.

MR. GAST: Any subsequent conversations with her?

WITNESS: I told Plum Creek what was going on. A couple days later I called her back and said, "I've told Plum Creek what's going on." And I think that was done by phone.

MR. GAST: Okay.

WITNESS: Both. Both my contact with Plum Creek and with Debbie Gebhardt.

MR. GAST: And what was her reaction when you said you were --

WITNESS: I can't remember.

MR. GAST: Okay. Did you discuss anything else relative to the stock issue?

WITNESS: No.

MR. GAST: And prior to that conversation with the Chief of Staff, had you had any conversations with the staff about --

WITNESS: No.

MR. GAST: -- the stock ownership issue?

MS. PENDLETON: Just let him finish his question before you answer because you don't know what he's going to
MR. GAST: I want to talk to you about occasions when you requested assistance or action from Representative Petri's office. I have a few documents to walk through as well. This is, for the record, an email, Bates labeled Harris 515. Want to take a minute to look that over?

WITNESS: Mm-hmm.

MR. GAST: Do you recall this email?

WITNESS: No. But it's here. So --

MR. GAST: Do you recall the issue?

WITNESS: Yeah.

MR. GAST: And why was this an important issue for Plum Creek?

WITNESS: Wood is discriminated against in the LEED building rating system. We were working with members on the Hill to try to get LEED to be more favorable to wood, wood products.

MR. GAST: And when you say "we were working," who is we?

WITNESS: Me, Plum Creek, and a group of allies in the wood products industry to work on these issues.

MR. MORGAN: Was there a certain group within that industry that was taking the lead role in this advocacy?

WITNESS: Probably not a lead role. It was a group that includes five, six, seven organizations.
MR. MORGAN: Is it a trade association, or is --

WITNESS: They are trade associations. It's not one association. And companies participate as well.

MR. GAST: So when you say "five, six, seven organizations," that's five, six, seven trade associations?

WITNESS: Yeah.

MR. GAST: And then those trade associations are made up of many companies?

WITNESS: Yeah.

MR. GAST: Okay.

WITNESS: Very broad, very broad.

MR. GAST: Okay. Do you have a sense of how many companies were interested in this issue total?

WITNESS: A couple hundred.

MR. GAST: Couple hundred, okay.

MS. PENDLETON: Can I just note for the record that this email, Bates Number 515, is from 2010?

MR. GAST: Yes.

MS. PENDLETON: So technically before the time period --

MR. GAST: Right.

MS. PENDLETON: -- that's covered by the request for information.

MR. GAST: Okay. And we appreciate you providing it again. Any particular reason why you reached out to
Representative Petri's office?

WITNESS: As I recall, it was a sign-on letter that was circulated by Congressman Schrader and Goodlatte (phonetic), and I think it was circulated broadly throughout the House.

MR. GAST: Okay.

WITNESS: Plum Creek has -- don't hold me to this number, but Plum Creek has 50 or so, maybe 35 to 50 members of the House with whom we regularly communicate on issues of this nature where they either own timberland or are adjacent to areas where they own timberland. We communicate with all members of the Wisconsin delegation, where we have timberland, on issues of this kind.

MR. GAST: Okay. And you see from the email that Kevin James replied that his boss had signed on the letter.

WITNESS: Correct.

MR. GAST: Do you recall if Representative Petri's office provided any other assistance on this issue?

WITNESS: No. Not that I can recall.

MR. GAST: Okay. Alright. Let me go to another one. This is a set of two emails actually. For the record, it is Harris 386 and Harris 6.

WITNESS: Mm-hmm. I'm aware of the issue.
MR. GAST: Okay. You know, again, similar questions. Why was this an important issue for Plum Creek?

WITNESS: Plum Creek has a long history of conservation practices working with the federal government, primarily the forest service, conducting land exchanges, and conservation land deals where they sell their land to -- or they sell easements on their land to the federal government. It's used for dispute resolution so to speak. The Land and Water Conservation Fund and the Forest Legacy program have been primary vehicles the federal government has to do that, and the Land and Water Conservation Fund and the Legacy program have been cut over the years through budget reductions; and Plum Creek supports continued vibrant funding for this.

I work with a coalition of folks from the conservation community, led by an organization called Outdoors America, and I work with them regularly. And in this instance, they work to get letters of support for the Land and Water Conservation Fund sent with a large number of signatures on it, and I think Petri joined on this letter probably along with 50 or 60 other folks.
MR. GAST: And, again, reach out to Congressman Petri's office because of the relationship that the company has with owning timber in or near his district?

WITNESS: That and you may note that -- I would add that Plum Creek has done three major conservation agreements in the state of Wisconsin.

MR. GAST: Okay. And then you see in the second email an email from you to Kevin James, cc'd to Bob Jirsa and Kristen Smith. Who is Kristen Smith, first of all?

WITNESS: Kristen Smith works for Bob Jirsa. I don't know her title.

MR. GAST: Okay. And you asked if Mr. Petri could speak with the House leadership and conferees on the same issue, the Land and Water Conservation Fund. Do you know if Congressman Petri actually had those conversations?

WITNESS: No, I don't.

MR. GAST: Okay. Do you know if Congressman Petri or his office provided any other assistance on this issue?

WITNESS: No.

MR. GAST: Okay. Do you work on the federal truck weights limits, truck weight limits?
WITNESS: I did.

MR. GAST: And is that an issue of importance to Plum Creek?

WITNESS: Modest.

MR. GAST: Modest. Have you had conversations or contacts with Representative Petri or his office on that issue?

WITNESS: Not in the time period that you all are looking at.

MR. GAST: So not since January 2012?

WITNESS: Right.

MR. GAST: Had you had contacts prior to that?

WITNESS: One.

MR. GAST: One. Any reason why you didn't have contacts after January 2012 on this issue?

WITNESS: It wasn't important.

MR. GAST: Okay. Forest roads issue that you mentioned earlier, why is that an important issue to Plum Creek?

WITNESS: If forest roads are regulated under the clean water act, the Environmental Protection Agency would have the ability to require Plum Creek and other companies like Plum Creek to mitigate runoff and to apply things on the ground that would mitigate runoff during rain occurrences,
for example, and storms that would be terribly expensive. And it's not necessary because they've already mitigated practices. Forest practices mitigate on their own, so additional regulation is not necessary.

MR. GAST: Now, I understand from some emails that you have provided us that there was legislation that had been introduced by Representative Schrader and Herrera Butler.

WITNESS: Correct.

MR. GAST: Had you had contact with Representative Petri's office about that legislation?

WITNESS: Yes.

MR. GAST: Can you just generally describe the conversations you had, the contacts you had?


MR. GAST: Okay.

WITNESS: Maybe a phone conversation here and there -- I don't recall -- to check on the status of whether he either signed -- whether he either signed on to legislation or would have talked to the chairman.

MR. GAST: Okay. And you were interested in having him sign on as a cosponsor?
WITNESS: Oh, sure.

MR. GAST: Did you ask for any other assistance with signing on to dear colleagues or speaking to --

WITNESS: Don't recall doing that. No.

MR. GAST: Okay. Again, was this something that Plum Creek undertook with other --

WITNESS: Oh, yes.

MR. GAST: -- companies? And can you just describe who else was involved in that?

WITNESS: Well, I can give you a -- I can provide you with a list of Plum Creek constituent members during this period of time. They would have all been contacted in one form or another.

MR. GAST: Okay.

MR. MORGAN: What do you mean by "constituent members?"

WITNESS: Members where they have a constituent relationship, where they own land.

MR. MORGAN: Okay.

MR. GAST: What other entities, companies, or organizations were you working with on this issue?

WITNESS: On?

MR. GAST: On the forest roads legislation?

WITNESS: Forest roads? Primarily the National Alliance of Forest Owners, NAFO, but there were other organizations. Plum Creek is a member of other
organizations that participated in this debate as well as the state associations where Plum Creek owns land. So Plum Creek owns land in 18 states. I did not work directly with those folks, but they would have been involved in terms of sending letters requesting members to so forth and so on, traditional lobbying practices.

MR. GAST: Is it fair to say that, that was a pretty broad coalition of --

WITNESS: Very.

MR. GAST: -- entities? Did you have any interactions with Representative Petri himself on that issue?

WITNESS: You know, I can't recall, but I've run into him on the streets from time to time; and we may have discussed it. But we had a meeting in July of -- I don't recall whether it was 2012 or 2013. Bob Jirsa and I met with him. I would be shocked if it was not discussed.

MR. GAST: Can you just generally describe how your meetings with Representative Petri would go, what subjects were discussed, and --

WITNESS: Well, in a meeting of this nature, first thing you're going to do is you're going to talk about how the economy and the timber economy is in
Wisconsin, and then you're going to talk about
the importance of the issues in which you're
working on in which the meeting is held.
In July of '12 and '13, we were
working on the forest roads legislation, so I'm
sure it would have been discussed. We were also
working on taxes, so I suspect that would have
come up. And generally, those we brief a member
on the importance of the issue, and that's it.

MS. PENDLETON: But do you recall specifically if these came up,
or this is just the best of your recollection?
WITNESS: Best of my recollection.
MR. GAST: Okay.
WITNESS: I can't recall specifics of any of those
meetings.
MS. PENDLETON: And do forest roads have anything to do with
truck weights?
WITNESS: Nothing.
MR. GAST: Separate issue?
WITNESS: Totally separate issue.
MR. GAST: And do you recall in any of your meetings with
Representative Petri, did the subject of his or
his wife's stock ownership --
WITNESS: No.
MR. GAST: -- ever come up? Okay.
WITNESS: Never. I don't recall it ever coming up.

MR. GAST: Okay.

MR. MORGAN: Do you recall Representative Petri asking a lot
of questions about the company's performance?

You said that generally those types of meetings
would include a discussion of the economy, how
the timber economy is doing. Do you recall any
specific discussions of Plum Creek's
performance?

MS. PENDLETON: Do you have a time period you're --

MR. MORGAN: These meetings. I'm wondering in these meetings
that you were in with Representative Petri.

WITNESS: No. I don't ever recall it coming up.

MR. GAST: I wanted to ask you about the tax provisions.

WITNESS: Sure.

MR. GAST: I'll show you this email. And, for the record,
this is PET-OCE6948.

WITNESS: I recall.

MR. GAST: Okay. Why was this an important issue for Plum
Creek?

WITNESS: The federal tax code contains a number of
provisions that recognize in the tax code the
long-term interest of ownership in timberland.

Generally, timber grows and is harvested on a

25, 20, 25 to 70, 80-year rotation. And so when
you own timberland for extended periods of time, it's dealt with differently than it is other kinds of investments, if you own a firm or a company that makes widgets. You make widgets over and over again. You harvest trees once every 25 years in the south, 80 years in the north, 60, 70, 80 years. The tax code reflects that, and the investments that go with folks who invest long-term in timber.

And as tax reform became an issue du jour in 2013, we were working with members of Congress to ensure that, as tax reform was discussed and dealt with, folks recognized that timber was a different kind of investment, and the provisions in the current tax code were not repealed.

MR. GAST: And, again, when you say "we were working" on, who do you include?

WITNESS: Plum Creek and allies in the industry under the leadership of NAFO, the National Alliance of Forest Owners.

MR. MORGAN: Do you have any sense of how many organizations are members of NAFO?

WITNESS: Eighty, maybe sixty.

MR. MORGAN: Somewhere in there.
WITNESS: Yeah. It represents probably 80 million acres of timberland. So it may be 40 companies that represent 80 million acres of timberland.

MR. MORGAN: Okay.

WITNESS: It's probably available somewhere.

MR. GAST: And in this letter you ask if Representative Petri will sign a multi-member letter --

WITNESS: Correct.

MR. GAST: -- to the chairman of the ways and means committee. Do you know if he did so?

WITNESS: My recollection, he signed the letter.

MR. GAST: Okay. Was there any discussion of which you were a part about the need to check with the ethics committee before signing on to that letter?

WITNESS: I wouldn't have any -- I wouldn't recall --

MR. GAST: Okay.

WITNESS: -- any discussion with me about it.

MR. GAST: And, again, did the subject of Petri, either Representative Petri or his wife's stock ownership come up in the context --

WITNESS: No.

MR. GAST: -- of this discussion? Okay.

WITNESS: Not that I recall.

MR. GAST: There appears to have been a couple of emails
that you provided us in which you were asking
for a meeting on this issue. Do you recall
meeting either with Representative Petri himself
or the staff on this?

WITNESS: Like I said, in July, it was either '12 or '13,
we met with Petri. Taxes was on the agenda.

MR. GAST: Yeah. It looks like it would have been July 10,
2013. Does that sound about right?

WITNESS: Sounds about right.

MR. GAST: Okay. Did Plum Creek ever approach
Representative Petri or his office with requests
for appropriations?

WITNESS: I can't recall. I don't believe any of the
conservation deals that we did in Wisconsin
involved Petri. I don't recall.

MR. GAST: Okay. And just a few other last questions. Do
you recall any other instances since January of
2012 when you went to Representative Petri or
his office seeking some kind of action or
assistance on behalf of Plum Creek?

WITNESS: I can't recall anything else.

MR. GAST: Okay. No help with any agency matters --
WITNESS: No.

MR. GAST: -- regulatory issues, things like that? Okay.
Is there anything else that you think would be
helpful for us to be aware of in this matter?

WITNESS: Not that I can recall.

MR. GAST: Okay.

MR. MORGAN: You said there are about 50 members that you
have more regular contact with. I was wondering
if you could give me some sort of sense of how
frequent you contact Representative Petri's
office in comparison to those other constituent
members?

WITNESS: About the same.

MR. MORGAN: About the same. Are there any members that are
-- that you view as being stronger allies as
opposed to others?

WITNESS: Of course.

MR. MORGAN: Is Representative Petri one of those stronger
allies?

WITNESS: Sure.

MR. MORGAN: And how many of the 50 or so would you say are
your stronger allies?

WITNESS: Stronger?

MR. MORGAN: Yeah.

WITNESS: Half maybe.

MR. MORGAN: Half. Does he stand out as being a much
stronger ally than other members?

WITNESS: No.
MR. GAST: I think those are the questions we have for you.

WITNESS: Okay.

MR. GAST: We appreciate your time.

WITNESS: Sure. Happy to do it.

END OF INTERVIEW
A
ability 14:22
acres 21:1,3
act 6:15 14:21
action 9:3 22:19
add 13:5
additional 15:4
adjacent 11:11
advocacy 9:23
affairs 3:9
agencies 4:8
agency 14:21 22:22
agenda 22:6
agreements 13:7
alliance 3:17 16:23
20:20
allies 9:20 20:19
23:12 16:19
ally 23:24
alright 11:22
america 12:19
answer 8:25
anybody 3:3
anymore 4:14
appears 21:25
apply 14:24
appreciate 2:5
10:24 24:3
approach 22:10
appropriations 22:12
areas 11:11
asked 13:14
asking 19:3 22:1
assistance 9:3
11:20 13:21 16:2
22:20
association 3:20
10:1,3
associations 4:5
10:2,6,8 17:2
attend 5:8
available 21:5
average 5:15
aware 6:25 7:4,5
11:25 23:1
B
back 8:7
bates 9:6 10:18
behalf 4:8 22:20
believe 22:13
best 18:11,12
bill 6:16
bob 2:13 3:7 13:9
13:12 17:18
boss 11:16
bottom 6:23
brief 18:8
broad 10:12,12
17:9
broadly 11:5
bryan 1:10 2:1
budget 12:15
building 9:16
butler 15:9
C
c 4:1
called 7:14 8:7
12:19
calls 4:12,15
campaign 5:4
cant 8:15 17:14
18:14 22:13,21
casual 5:19
ced 13:9
ceos 3:14
certain 9:22
chain 3:24
chairman 15:23
21:9
check 15:20 21:13
chief 7:14 8:2,19
circulated 11:3,4
clean 6:15 14:20
coalition 12:17
17:10
code 19:21,22 20:7
20:15
colleagues 16:3
come 3:19 18:8,25
21:21
coming 7:16 19:1
19:13
committee 21:10
21:14
communicate

11:10,12
11:10,12
10:3,9
10:13 14:23 16:8
16:19 21:2
12:9,12,21
2:24 3:25 6:20
13:3 20:4
19:4
23:8
12:5
13:15
4:10 20:12
12:2
7:1,8
11:3 13:1,17,20
11:1 2:4
6:17
12:3,6,10,13,18
12:22 13:6,16
22:14
16:11
16:15,16 23:8
4:1
5:21 8:11
15:11 23:5,7
16:13
5:2 14:5
14:12,14 15:15
19:21
21:21
12:16
7:7 19:15
6:19
26:5 7:10,13 8:5
8:20 13:18 14:5
15:15
11:18 15:10
21:8
15:25
1:9,10,11
2:4
8:6 10:15,16
21:25
course 23:14
covered 10:22
2:9,15,16,23
3:3 4:8 7:3 8:6,8
8:11 9:14,20 11:7
11:8 12:2,3,15
13:6 14:3,19,22
14:23 16:5,11,25
17:3,3 19:20
20:19 22:10,20
creeks 19:8
current 20:15
cut 12:14

D
d 4:1
days 8:7
deals 12:6 22:14
deal 20:2,13
dear 16:3
debate 17:1
debbie 8:12
debtor 11:13
depend 4:16,20
describe 15:14 16:8
17:20
didnt 14:14
different 20:14
differently 20:2
directly 3:10 4:2
17:4
discriminated 9:15
discuss 7:17 8:16
discussed 17:16,19
17:22 18:6 20:13
discussion 19:6
21:12,18,23
discussions 19:8
dispute 12:9
district 13:4
documents 9:5
doing 16:4 19:7
dont 2:13,24 3:19
8:25 11:7 13:12
13:19 15:20 16:4
17:17 19:1,13
22:13,15
du 20:10
early 14:18
early 8:3,3
easements 12:8
economy 17:25,25
19:6,7
effect 2:18
eighty 20:24
either 11:11 15:21
15:21 21:19 22:3
22:5
e-mail 4:12 9:6,9
10:17 11:15 13:8
13:9 19:16
e-mails 4:15 11:23
15:6,16 21:25
enacted 6:15
energy 2:22
ensure 20:12
entities 4:8 16:19
17:12
environmental
2:22 14:21
ethics 2:2 21:14
example 15:1
exchanges 12:6
executive 3:23,24
expensive 15:2
extended 20:1
F
facilities 3:2
fair 17:9
farm 6:16
favorable 9:18
february 8:3,4
federal 3:4 4:7 12:4
12:8,12 13:24
19:21
finish 8:24
firm 2:14 20:3
first 8:4 13:10
17:23
five 9:25 10:4,5
folks 12:17,25 17:5
20:8,13
forced 6:14,14
forest 3:17 12:5,11
14:17,20 15:3
16:22,23,24 18:5
18:16 20:21
form 16:13
forth 17:7
frequent 23:7
period 10:20 14:8
   16:12 19:10
periods 20:1
personal 4:11
pete6948 19:17
petri 5:11 6:11 7:1
   12:23 13:14,17,20
   14:6 17:13,21
   18:22 19:3,12
   21:7,19,20 22:3,6
   22:11,15,18 23:15
petris 5:20 9:4 11:1
   11:19 13:1 15:11
   23:7
phone 4:15 8:9
   15:19
phonetic 11:4
plum 2:8,15,16,23
   3:3 4:8 7:3 8:6,8
   8:11 9:13,20 11:7
   11:8 12:2,3,15
   13:6 14:2,18,22
   14:23 16:5,11,25
   17:2,3 19:8,19
   20:19 22:10,20
policy 6:16
practices 12:4 15:3
   15:4 17:8
present 1:8
president 3:8
press 7:15
pretty 17:9
price 6:21
primarily 4:21 12:5
   16:23
primary 12:11
prior 8:19 14:12
probably 5:15 8:3
   9:24 12:24 21:1,5
products 9:18,21
program 12:11,14
protection 14:21
provide 16:10
provided 11:20
   13:21 15:7 22:1
providing 10:24
provisions 19:14,22
   20:15
public 3:9

Q
question 8:24
questions 12:1 19:4
   22:16 24:1

R
rain 14:25
range 4:17,18
rating 9:16
reach 13:1
reached 10:25
reaction 8:13
reason 10:25 14:14
recall 8:1 9:9,11
   11:2,19,21 15:20
   16:4 17:14,17
   18:10,14,21 19:1
   19:3,7,13,18
   21:16,24 22:2,13
   22:15,17,21 23:2
recognize 19:22
recognized 20:13
recollection 18:11
   18:12 21:11
   19:1
record 2:1 9:6
   10:17 11:24 19:16
reductions 12:15
reflects 20:7
reform 20:10,12
regular 23:5
regularly 11:9
   12:20
regulate 14:20
regulation 6:14
   15:5
regulatory 22:24
relationship 2:11
   13:2 16:17
relative 8:16
remember 8:15
repealed 20:16
replied 11:16
report 3:9
reports 7:6,15,17
   7:20
represent 21:3
representative 2:8
   5:11,20 6:11 9:4
   11:1,19 14:6 15:8
   15:11 17:13,21
   18:22 19:3,12
   21:6,20 22:3,11
   22:18 23:7,15
represents 21:1
request 10:22
requested 9:3
requesting 17:6
requests 22:11
require 14:22
resolution 12:9
resource 2:23 5:23
respect 2:11
respond 7:17
retainer 2:15,16
review 2:6
richard 6:3
right 10:21 14:11
   22:8,9
roads 6:14,14 14:17
   14:20 16:22,23
   18:5,16

S
schrader 11:3 15:8
scott 1:9 2:1
second 13:8
see 11:15 13:8
seeking 22:19
sell 12:7,7
sending 17:6
sense 3:12 4:6
   10:13 20:22 23:6
sent 12:22
separate 18:19,20
series 3:16 15:16
service 12:5
set 11:23
seven 9:25 10:4,5
shocked 17:19
show 19:16
side 5:5
sign 15:25 21:7
signatures 12:23

T
take 9:7
talk 2:5 4:9 5:10
   6:10 9:2 17:24

signed 11:16 15:21
   15:22 21:11
signing 16:3 21:14
signon 11:2
similar 12:1
six 9:25 10:4,5
sixty 20:24
smith 13:10,10,12
sort 23:6
sound 22:8
sounds 22:9
south 20:6
speak 12:10 13:14
speaking 2:7 16:3
specific 19:8
specifically 18:10
specifies 18:14
staff 4:21,22,23
   6:20 7:10,14 8:2
   8:20,21 22:4
stage 6:2
stand 23:23
start 2:10
state 13:7 17:2
states 17:4
status 15:20
stock 6:21 7:1,3,8
   8:17,23 18:23
   21:20
storms 15:1
streets 17:15
stronger 23:12,15
   23:19,20,24
stuff 5:24
subject 18:22 21:19
subjects 17:22
subsequent 8:5
substance 7:20
support 12:21
supports 12:16
sure 3:1,5 16:1 18:6
   19:15 23:17 24:4
suspect 4:14 18:7
system 9:16
<table>
<thead>
<tr>
<th>two 11:23</th>
<th>two person 2:14</th>
<th>types 19:5</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>understanding 15:6</td>
<td>undertook 16:6</td>
</tr>
<tr>
<td>varies 4:16</td>
<td>vehicles 12:12</td>
<td>vibrant 12:16</td>
</tr>
<tr>
<td>walk 9:5</td>
<td>want 3:10</td>
<td>was 5:10</td>
</tr>
<tr>
<td>went 22:18</td>
<td>whats 2:11</td>
<td>4:12</td>
</tr>
<tr>
<td>wise 5:2</td>
<td>witness 2:13,22</td>
<td>3:2</td>
</tr>
<tr>
<td>4:23</td>
<td>5:1,3,7,9,15</td>
<td>5:18,22</td>
</tr>
<tr>
<td>7:9,12,14,19,21</td>
<td>7:23,25</td>
<td>8:3,6,11</td>
</tr>
<tr>
<td>10:2,7,10,12,15</td>
<td>1991 2:17</td>
<td>20:2,6</td>
</tr>
<tr>
<td>4 20:21</td>
<td>40 21:2</td>
<td>5 5:16</td>
</tr>
</tbody>
</table>
| 8 80 20:6,7 | 21:1,3 | 80year 19:25 | 9
CONFIDENTIAL

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

ERRATA SHEET

<table>
<thead>
<tr>
<th>Page</th>
<th>Line</th>
<th>Correction</th>
<th>Reason</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>14</td>
<td>Strike &quot;s&quot; after CEO</td>
<td>Transcription error</td>
</tr>
<tr>
<td>6</td>
<td>14</td>
<td>Change &quot;Forced&quot; to &quot;Forest&quot;</td>
<td>Transcription error</td>
</tr>
<tr>
<td>6</td>
<td>14</td>
<td>Change &quot;forced&quot; to &quot;forest&quot;</td>
<td>Transcription error</td>
</tr>
</tbody>
</table>

This errata sheet is submitted subject to 18 U.S.C. § 1001 (commonly known as the False Statements Act).

Witness Name: [Redacted]
Witness Signature: [Redacted]
Date: June 19, 2014
Gebhardt, Debbie

From: Bob Harris <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' <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 <aol.com>
Sent: Tuesday, July 24, 2012 3:23 PM
To: Gebhardt, Debbie; James, Kevin
Cc: 
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
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 [carricrossfield@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-####
202 828-#### (direct)
###-#### (cell)
@aol.com

---

PET-OCE-00006948

14-1891_0540
EXHIBIT 51
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.____
Rich.markowitz@mail.house.gov

-----Original Message-----
From: Bob Harris [____@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

____(cell)
202 828-____(office)
202 828-____(direct)
____@aol.com
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:

- Investment in timber ties up large amounts of capital in the land;
- 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;
- 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
- 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
<table>
<thead>
<tr>
<th>Name</th>
<th>Signature</th>
<th>Position</th>
</tr>
</thead>
<tbody>
<tr>
<td>GREG HARPER</td>
<td></td>
<td>Member of Congress</td>
</tr>
<tr>
<td>WALTER B. JONES</td>
<td></td>
<td>Member of Congress</td>
</tr>
<tr>
<td>DEREK KILMER</td>
<td></td>
<td>Member of Congress</td>
</tr>
<tr>
<td>ANN M. KUSTER</td>
<td></td>
<td>Member of Congress</td>
</tr>
<tr>
<td>MIKE MCINTYRE</td>
<td></td>
<td>Member of Congress</td>
</tr>
<tr>
<td>MARK MEADOWS</td>
<td></td>
<td>Member of Congress</td>
</tr>
<tr>
<td>RICHARD M. NOLAN</td>
<td></td>
<td>Member of Congress</td>
</tr>
<tr>
<td>WILLIAM L. OWENS</td>
<td></td>
<td>Member of Congress</td>
</tr>
<tr>
<td>STEVEN M. PALAZZO</td>
<td></td>
<td>Member of Congress</td>
</tr>
<tr>
<td>COLLIN C. PETERSON</td>
<td></td>
<td>Member of Congress</td>
</tr>
<tr>
<td>THOMAS E. PETRI</td>
<td></td>
<td>Member of Congress</td>
</tr>
<tr>
<td>CHELLIE PINGREE</td>
<td></td>
<td>Member of Congress</td>
</tr>
<tr>
<td>KURT SCHRADER</td>
<td></td>
<td>Member of Congress</td>
</tr>
<tr>
<td>AUSTIN SCOTT</td>
<td></td>
<td>Member of Congress</td>
</tr>
<tr>
<td>MICHAEL K. SIMPSON</td>
<td></td>
<td>Member of Congress</td>
</tr>
<tr>
<td>STEVE SOUTHERLAND, II</td>
<td></td>
<td>Member of Congress</td>
</tr>
<tr>
<td>BENNIE G. THOMPSON</td>
<td></td>
<td>Member of Congress</td>
</tr>
<tr>
<td>LYNN A. WESTMORELAND</td>
<td></td>
<td>Member of Congress</td>
</tr>
</tbody>
</table>