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August 1, 2014

BY HAND DELIVERY

The Honorable K. Michael Conaway
Chairman
Committee on Ethics
1015 Longworth House Office Building
Washington, D.C. 20515

The Honorable Linda T. Sánchez
Ranking Member
Committee on Ethics
1015 Longworth House Office Building
Washington, D.C. 20515

Re: Representative Thomas Petri

Dear Chairman Conaway and Ranking Member Sánchez:

This case arises from an Office of Congressional Ethics (“OCE”) referral relating to actions taken by Congressman Tom Petri in support of two large public companies with headquarters and a significant employee base in his district, Oshkosh Corporation and The Manitowoc Company. Because Representative Petri’s family financial portfolio includes holdings in both companies, he proactively directed his staff to review the Committee on Ethics’ rules and, when appropriate, to seek additional guidance from the staff of the Committee on numerous occasions over five years.

In every instance, Representative Petri has made a good faith effort to comply fully with both the letter and spirit of the rules and the guidance his staff received. Because he consistently complied with House Rules, based on specific advice obtained from this Committee, we respectfully ask that you expedite review and dismiss this matter. Doing so promptly and with accompanying guidance to OCE regarding the rights of Members to rely in good faith on the guidance provided by Ethics Committee staff will resolve this matter fully as to Representative Petri and dramatically enhance Members’ confidence in the consistency and clarity of applicable ethical standards.

The response below addresses with particularity the concerns raised by OCE, including correcting the incomplete and misleading record upon which the referral was based. Among other things, we believe the full record clearly establishes the following:

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- Representative Petri's support of Oshkosh, which employs more than 3,000 people in his district, dates back more than 25 years, and precedes by more than fifteen years his purchase of Oshkosh stock. His support for Oshkosh's involvement in the very military procurement on which the OCE report focuses dates back nearly ten years prior to his purchase of Oshkosh stock, and was plainly not motivated by that stock ownership. Indeed, Oshkosh's role in that procurement was a matter of such broad concern that it attracted the attention and backing of the entire Wisconsin congressional delegation. Nonetheless, once he became an Oshkosh stockholder, Representative Petri directed his staff to obtain, and then followed scrupulously, specific guidance from the Ethics Committee's staff regarding how he could continue to participate in this matter important to his district notwithstanding his ownership of Oshkosh shares.
- So too, Representative Petri took actions to support Manitowoc, which employs hundreds of his constituents, long before he became a stockholder, including on one of the very matters on which the OCE report focuses. The advice the Ethics Committee provided regarding Oshkosh applies with equal force to the support that he provided to Manitowoc.
- Finally, OCE's review was materially incomplete. It failed even to ask key witnesses highly relevant questions, consistently drew negative inferences from shortcomings in the record keeping not of Representative Petri, but rather of those with whom his staff interacted, and failed to grapple with significant exculpatory evidence. Most troublingly, in faulting Representative Petri even though his conduct precisely tracked the advice he sought in good faith and received, OCE seeks to impose a novel standard of conduct that would undermine the ability of all Members to rely with confidence on the ethics advice they receive from Committee staff.

There is no dispute Mr. Petri took official acts on behalf of constituents that are among the largest employers in his district, including Oshkosh Corporation and Manitowoc Company, and that he purchased stock in both companies beginning in 2006. Nor is there any dispute that his support for both companies began years before he invested in them – *decades* before, in the case of Oshkosh. Yet when he did buy their stock, he demonstrated the “added circumspection”¹ this Committee says it expects of Members by seeking its advice.

¹ *House Ethics Manual* (“*Ethics Manual*”) at 237 (2008).

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He consulted the Committee about this very issue not just once, as he might have, but *repeatedly* over a period of years. The Committee's advice was sound, and Mr. Petri and staff, at his direction, followed it without exception.

Uncontroverted evidence makes clear that on several occasions his Chief of Staff submitted for the Ethics Committee's review draft letters to executive branch officials or officers of the House on behalf of Oshkosh. In each instance, she reminded the Committee of his publicly disclosed ownership of Oshkosh stock. E-mail records show that senior Committee staff reviewed and approved those letters. The Ethics Committee's approval of several letters that referred to Oshkosh but did *not* include any disclaimer concerning his stock holdings is contrary to OCE's apparent suggestion that he should have included a disclaimer about his stock ownership in every instance.

For example:

- On February 26, 2010, Mr. Petri's Chief of Staff sent an e-mail to Carol Dixon, a lawyer who was then the Committee's Director of Advice and Education, asking her to review a letter to the Secretary of the Army concerning a competitor's attempt to obtain a "bridge contract" delaying implementation of an Oshkosh contract. The Chief of Staff attached the draft letter (in the precise form in which it ultimately went out) and wrote, "[s]o 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."² The letter referred several times to Oshkosh Corporation. It included *no* special disclaimer regarding Mr. Petri's ownership of Oshkosh stock. After Ms. Dixon left a voice mail approving the letter,³ the Chief of Staff sent her a confirmatory e-mail: "... so just wanted to let you know that I received your voice mail message approving the letter. Thanks!"⁴
- A few months later, on June 15, 2010, Mr. Petri's Chief of Staff contacted Ms. Dixon for review of a draft letter to the House Sergeant-at-Arms requesting that Oshkosh be permitted to display on House grounds a vehicle it was producing for the Army. She again pointedly reminded the Committee of Mr. Petri's

² See Exhibit 1, PET-OCE-00000110-11, 13, at PET-OCE-00000110 (emphasis added); see also *id.* at PET-OCE-00000111, 13.

³ OCE Report & Findings, Exhibit 1 (Transcript of Chief of Staff Interview), at 36:3-17.

⁴ See Exhibit 2, PET-OCE-00000112.

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ownership of Oshkosh stock, which was the reason for his office's consultation with the Committee in the first place: "*Given the stock issue*, just want to be sure there is no problem from your perspective. Mr. Petri would do the same for any company in our district. Text of letter follows."⁵ The draft letter mentioned Oshkosh but did *not* include any special disclaimer regarding Mr. Petri's ownership of Oshkosh stock. Ms. Dixon responded by e-mail: "I don't have a problem with that And the text of your letter is fine."⁶

- As recently as December 2013, the Chief of Staff asked Ms. Dixon to review a letter from Representative Petri and Representative Reid Ribble to the Federal Aviation Administration ("FAA") requesting that the agency allow airports to buy new, cleaner aviation fire trucks. The Chief of Staff again reminded Ms. Dixon that, "[a]s you know, Mr. Petri *holds some stock in Oshkosh Corp.*, which is the owner of Pierce Manufacturing that makes aviation fire trucks. He would, of course, take similar actions for any constituent company and major employer in the district."⁷ She asked Ms. Dixon to "[l]et me know if you see any problems with Mr. Petri sending this letter"⁸ She attached the draft letter, which did not mention Oshkosh or Pierce and included *no* special disclaimer regarding Mr. Petri's ownership of Oshkosh stock. Ms. Dixon replied that it was "essentially fine" but recommended that it expressly mention "that their districts contain a company that produces the engines" or state some other "reason . . . why this issue is their official business."⁹

In each of these instances, Mr. Petri's Chief of Staff expressly reminded the Committee of his investment in Oshkosh and submitted for review a letter that made no special reference to that investment. The investments had, of course, already been disclosed on his public financial disclosure forms and in news reports in 2008.¹⁰ Though Mr. Petri proposed to take official action for Oshkosh, senior Committee staff *approved all three letters*, making clear that the

⁵ See Exhibit 3, PET-OCE-00003691-92 (emphasis added).

⁶ See *id.*; see also Exhibit 4, PET-OCE-00000116 (June 15, 2010 Letter to The Honorable Wilson Livingood, Sergeant at Arms, U.S. House of Representatives).

⁷ See Exhibit 5, PET-OCE-00001508-10 (emphasis added).

⁸ See *id.*

⁹ *Id.* The letter was never sent because the intended recipient left FAA.

¹⁰ Exhibit 6, PET-OCE-00006367.

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Committee rightly believed he could act on behalf of Oshkosh notwithstanding his stock ownership.

Mr. Petri reasonably relied on this advice. Members who consult with the Ethics Committee on numerous occasions, as Mr. Petri has done, should be able to trust that acting according to that advice is a safe harbor from allegations of wrongdoing, whether by the Committee or by OCE. Likewise, punishing Members for takings actions that are not materially distinguishable from actions approved by the Committee would be unfair and would undermine Members' trust in the advice provided by the Committee.

Remarkably, even though OCE itself identified e-mails concerning the FAA letter as "exculpatory," and disclosed them to Mr. Petri's counsel during discovery as required by applicable rules,¹¹ OCE made no mention of the FAA letter in its report and findings. Yet those exculpatory e-mails showed that after Oshkosh encouraged Mr. Petri's office to consider sending a letter to FAA, his Chief of Staff replied that "we always have to run letters past Ethics due to the stock issue."¹² Later, she again reminded Oshkosh that "[o]nce okay, then I will have to ship it off to Ethics for approval. Petri has agreed to send letter (*if we are approved*)."¹³

The Committee's advice regarding the FAA letter is particularly instructive in light of OCE's bizarre allegation that Mr. Petri's Chief of Staff once told the Committee that a letter seeking fair treatment of Oshkosh in a bid protest would (somehow) not even mention Oshkosh. The allegation is false, not to mention nonsensical, as discussed below. But it is also ironic because the FAA exchange shows that on the one occasion when Mr. Petri submitted a draft letter that did *not* name the company, the Committee actually recommended that he *should* have referenced it in order to demonstrate "why this issue is [his] official business."

¹¹ See Exhibit 7 (OCE Letter of June 13, 2014, to Mr. Petri); OCE Rule 4(f).

¹² See Exhibit 8, OSH00000209-10, 213-15, at OSH00000215.

¹³ See *id.* at OSH00000214 (emphasis added).

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I. House Rules Require “Added Circumspection” But Permit Members To Support Companies Whose Stock They Own.

House rules do not include any general prohibition on official actions by Members on behalf of companies in which they own stock. This Committee’s repeated approval of actions Mr. Petri proposed to take on behalf of Oshkosh accurately reflected those rules, as interpreted in the Committee’s prior guidance.

House Rule XXIII states that a Member “may not receive compensation and may not permit compensation to accrue . . . from any source, the receipt of which would occur by virtue of *influence improperly exerted* . . .”¹⁴ Similarly, a provision in the Code of Ethics for Government Service cautions against accepting “benefits” when doing so might reasonably be construed as “influencing” the performance of a Member’s official duties.¹⁵

This Committee has candidly acknowledged a lack of clarity in its guidance regarding conflicts of interest. After the investigative subcommittee (“ISC”) in the *Berkley* case warned that Members need better guidance to “maneuver the sometimes murky waters of the rules pertaining to conflicts of interests,”¹⁶ the Committee noted that:

The ISC highlighted its own view, concurring in the view of the Committee in resolving the recent *Waters* case, that the House should create much clearer guidance for the community and the public on conflicts of interest rules. The Committee certainly agrees with the ISC’s recommendation, and believes the time has come to engage in a comprehensive review of the House’s conflicts standards so that they are clearer and more easily digested by the House community.¹⁷

¹⁴ House Rule 23, cl. 3 (emphasis added).

¹⁵ See Code of Ethics for Government Service, 72 Stat., Part 2, B12 (1958), H. Con. Res. 175, 85th Cong. ¶ 5.

¹⁶ App. A, Comm. on Ethics, *In the Matter of Allegations Related to Representative Shelley Berkley*, 112th Congress, 2d. Sess. (2012) (*Berkley*) at 51.

¹⁷ Comm. on Ethics, *In the Matter of Allegations Related to Representative Shelley Berkley*, H. Rep. 112th Congress, 2d. Sess. (2012) (*Berkley*) at 4.

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Although the Committee issued a “pink sheet” in late 2012 offering some further guidance, it did not specifically address matters arising from stock ownership.¹⁸

The House could have established a rule requiring Members to divest themselves of stock prior to taking official actions. But it did not do so. Currently, “[n]o statute or rule requires the divestiture of private assets or holdings by Members.”¹⁹ Though the House adopted a rule barring appropriations “earmark” requests by Members who own stock in the beneficiary, it stopped short of applying that rule to other kinds of official action.

In contrast, Congress has imposed divestiture and recusal requirements for *executive branch* officials.²⁰ The distinction Congress made between itself and the executive branch was based on sound constitutional principles. Unlike most executive branch officials, Members of Congress are elected to fulfill their constitutional duties by representing their constituencies with respect to a “broad spectrum of business and economic endeavors”²¹ and they are regularly held accountable through the election process.

The *Ethics Manual* provides the most specific guidance regarding stock ownership. When taking official actions in which the Member may have a financial interest, “such as sponsoring legislation, advocating or participating in an action by a House committee, or contacting an executive branch agency,” the *Ethics Manual* merely cautions that “a Member’s decision on whether to take any such action . . . requires *added circumspection*.”²² To aid them in their decisions, Members are urged to contact the Ethics Committee for advice.²³ That is exactly what Representative Petri did on multiple occasions.

II. Representative Petri’s Support For Oshkosh and Manitowoc Complied With House Rules And Was Appropriately Circumspect.

Given his history of support for Oshkosh and Manitowoc prior to owning their stocks, their status as major employers in his district, and the “added circumspection” he demonstrated

¹⁸ “Rules Prohibiting Use of One’s Official Position for Personal Gain,” Pink Sheet (Dec. 27, 2012).

¹⁹ See *Ethics Manual* at 234.

²⁰ See 18 U.S.C. § 208(a).

²¹ See *Ethics Manual* at 234.

²² See *id.* at 237 (emphasis added).

²³ See *id.*

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by frequently clearing his actions in advance with Ethics Committee staff, Mr. Petri's support for both constituents complied with House rules.

A. Oshkosh and Manitowoc Are Major Constituents That Representative Petri Supported Prior To Owning Their Stocks.

Mr. Petri's office periodically provided assistance to Oshkosh Corporation and The Manitowoc Company long before he owned stock in either company. This is compelling evidence that his support for them after he purchased their stock reflected nothing more than the ordinary performance of his official duties.

1. Oshkosh Corporation

Oshkosh Corporation is a large manufacturing company that makes specialty trucks and equipment. It is a publicly held company with its global headquarters in Oshkosh, Wisconsin, a major city in Mr. Petri's district. The company operates a large production facility in his district and employs 3,400 of his constituents. Those employees, as well as their dependents, retired Oshkosh employees, and thousands of other constituents depend directly on Oshkosh's success to ensure their families' well-being. Not surprisingly, Mr. Petri has listened closely to, and advanced the interests of, the company and its employees, as appropriate, for decades.

For example, twenty-five years ago, in October 1988, Mr. Petri and two other Members signed a letter to then-Vice President George Bush opposing his proposal in a presidential debate to eliminate funding for the HEMTT truck, which was produced by Oshkosh.²⁴ Mr. Petri continued to advocate for Oshkosh when cuts were included in the Department of Defense's procurement budget the following year.²⁵

Though OCE takes issue with Mr. Petri's support, after he purchased Oshkosh stock, of the company's bid to build the Family of Medium Tactical Vehicles ("FMTV") for the Army, his support for Oshkosh's role in the FMTV program in fact began long before he invested in Oshkosh. In April 1997, he sent a letter to the Chairman of the House Committee on National

²⁴ Exhibit 9 (Oct. 27, 1988 Letter to Vice President George Bush).

²⁵ Exhibit 10 ("Oshkosh Truck loses vote; battle for contract not over," *The Milwaukee Journal*, 10A, June 21, 1989).

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Security regarding the FMTV program, asking the committee to “support the Army’s acquisition strategy to obtain a second source in the second multiyear procurement.”²⁶

In June 2002, he and another Member signed a letter to the Secretary of the Army “in support of the Army’s decision to competitively award the next contract for the Family of Medium Tactical Vehicles (FMTV). One of the two competing companies is Oshkosh Truck Corporation, a well-respected Wisconsin company that has been doing business with the Army for over forty years.”²⁷ The letter noted that it was their “hope that the Army will continue to conduct the competition in an open and fair manner”²⁸ This is the very same FMTV program – and the same objective of obtaining fair treatment in the bidding process – for which he offered Oshkosh support both before and after he purchased its stock in 2006.

2. *Manitowoc Company*

The Manitowoc Company is a large, publicly held corporation headquartered in Manitowoc, Wisconsin, another major city in his district. The company employs hundreds of his constituents. At the request of Marinette Marine (then a part of The Manitowoc Company), Mr. Petri signed a letter in 2002 supporting the Maritime Administration Title XI loan guarantee program.²⁹ In May 2004, he met with Manitowoc executives regarding legislative priorities, their bid with another company to help build the Littoral Combat Ship, and asbestos reform.³⁰

OCE highlights the assistance he provided to Manitowoc, after he became a stockholder, regarding an EPA rulemaking on refrigeration equipment. But his work for Manitowoc on that issue actually began *before* he invested in the company. In December 2005, Mr. Petri sent a letter to the Administrator of the EPA requesting a meeting with the Administrator and Manitowoc officials to discuss the impact of the proposed rule. On January 23, 2006, he hosted

²⁶ Exhibit 11 (Apr. 9, 1997 Letter to The Honorable Floyd Spence, Chairman of the House Committee on National Security).

²⁷ Exhibit 12 (June 7, 2002 Letter to Honorable, Thomas E. White, Secretary of the Army).

²⁸ *Id.*

²⁹ Exhibit 13 (Mar. 8, 2002 Letter to The Honorable Frank Wolf, Chairman of the Subcommittee on Commerce, Justice, State, and the Judiciary).

³⁰ Exhibit 14.

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a meeting in his Washington office with representatives of Manitowoc and EPA.³¹ All of this was prior to his becoming a Manitowoc stockholder.

This is not a case in which a Member acted, out of the blue, to help a company for the first time after buying its stock. Mr. Petri's office had a long and deep history of support for both companies. In contrast, the two Ethics Committee precedents on which OCE relies to assert that Mr. Petri's actions were improper, the *Berkley* and *Waters* cases, involved Members who intervened on behalf of firms for which they had no real track record of providing constituent support. In *Berkley*, the Congresswoman acted not on behalf of a major constituent for which her office had a record of support but rather on behalf of her *husband's medical practice*.³² In *Waters*, the Member's district was in Los Angeles, but her Chief of Staff acted on behalf of a Boston-based bank, with limited connections to her district, in which her husband was a major stockholder and former board member.³³ It does not appear, based on the record, that Congresswoman Waters had a history of regularly acting on behalf of that bank prior to her husband's financial interest in it.

Moreover, the *Berkley* and *Waters* cases are distinguishable in other important respects. Oshkosh and Manitowoc are large, publicly held companies in which Mr. Petri was one of a very large class of stockholders. He owns about *one ten-thousandth* of the 85 million Oshkosh shares outstanding and *seven hundred-thousandths* of Manitowoc's 135 million shares. In contrast, the medical practice and bank at issue in the *Berkeley* and *Waters* cases, respectively, were small, closely held firms in which the Members had a much greater financial interest.³⁴

Indeed, in the *Waters* case, this Committee specifically noted that her office's actions were critical to ensuring the bank did not fail, and that had it failed, she and her husband would have lost their entire \$350,000 investment.³⁵ There can be no plausible claim that Mr. Petri's support for Oshkosh or Manitowoc – both widely held companies with large market capitalizations – could have resulted in such a direct and profound impact on his financial interest.

³¹ See Exhibit 15.

³² See *Berkley* at 1.

³³ Comm. on Ethics, *In the Matter of Allegations Related to Representative Maxine Waters*, H. Rep. 112th Cong. 2d. Sess. (2012) (*Waters*) at 168-69.

³⁴ See App. A, *Berkley* at 3-4; *Waters* at 168, 170.

³⁵ See *Waters* at 11.

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B. Mr. Petri's Office Consulted The Ethics Committee Repeatedly, Shared The Material Facts, And Relied On The Committee's Advice.

As noted above, Mr. Petri's office on numerous occasions consulted with this Committee to determine whether he could take official actions on behalf of Oshkosh notwithstanding his ownership of Oshkosh stock. The first such consultations took place in the Fall of 2009, after Oshkosh was awarded the Army's FMTV contract in a procurement process in which Mr. Petri had no involvement. When a bid protest was filed with the Government Accountability Office ("GAO"), and the Texas delegation took steps to pressure the Army to reverse the contract award, the entire Wisconsin delegation sought to ensure that the Army did not succumb to political pressure.³⁶

Mr. Petri's first step was to ask the then-Ranking Member of the House Armed Services Committee ("HASC") that "we follow the established, fair process and procedures," and that the Committee not accede to alleged efforts to insert language in an authorization bill blocking the contract award.³⁷ He did *not* ask for any special treatment or outcome.

Because he owned Oshkosh stock, his Chief of Staff consulted the Ethics Committee. She testified that Committee staff approved in advance his conveying this message but suggested that when discussing the Oshkosh contract, he should disclose that he owns Oshkosh stock, state that he had not weighed in on the original contract, and explain that he was only seeking to let the process proceed without political interference. OCE itself concedes in its report that "[t]his 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."³⁸

The memorandum that Mr. Petri hand delivered to the HASC Ranking Member included the following disclaimer:

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

³⁶ Oshkosh had submitted the low bid. In fact, GAO determined that Oshkosh's bid was \$440 million less than the bid tendered by the incumbent FMTV contractor whose bid protest the Texas delegation sought to support.

³⁷ Exhibit 16, PET-OCE-00000005 (Memorandum to Representative Buck McKeon).

³⁸ OCE Report & Findings ¶ 34.

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district, and I am simply requesting fair treatment and that we follow established procedure for my constituents.³⁹

As the handwritten notes, supported by record testimony, make clear, the Ethics Committee was told of Mr. Petri's Oshkosh stock in this very first call to obtain ethics advice.⁴⁰ The Committee offered no objection to Mr. Petri making this request to the HASC Ranking Member, and Mr. Petri followed the Committee's advice in disclosing his stock ownership.

On October 9, 2009, Mr. Petri co-signed a Wisconsin delegation letter to Secretary of Defense Gates asking that he ensure there was no political interference with the ongoing GAO bid protest.⁴¹ Mr. Petri's Chief of Staff testified that she again consulted this Committee before he signed onto the letter, and her testimony is supported by contemporaneous e-mail records in which she advised a legislative assistant that "once we get the language, I'll run it by ethics committee just so we can say we got clearance if anyone raises anything."⁴² She later e-mailed the legislative assistant to report that "[a]ctually I talked to ethics and they said no problem -- as long as it says let the process that is in place proceed, etc."⁴³

OCE repeatedly makes the outrageous assertion that "on at least one occasion, the advice [Mr. Petri] received from the Ethics Committee appears to have been based on incomplete or inaccurate information."⁴⁴ The sole basis for this assertion is the claim made in this Committee's May 21, 2014, letter to Mr. Petri that when his Chief of Staff consulted Carol Dixon regarding the Gates letter, "[y]our staff further said that the letter would not mention Oshkosh Corporation specifically."⁴⁵

³⁹ See Exhibit 16, PET-OCE-00000005 (Memorandum to Representative Buck McKeon).

⁴⁰ See Exhibit 17, PET-OCE-00006421; OCE Report & Findings, Exhibit 1 (Transcript of Chief of Staff Interview), at 14:7-16:25, 21:15-23:25.

⁴¹ Exhibit 18, PET-OCE-00000083-84 (Oct. 9, 2009 Letter to Secretary of Defense Robert Gates).

⁴² See Exhibit 19, PET-OCE-00000015; OCE Report & Findings, Exhibit 1 (Transcript of Chief of Staff Interview), at 18:1-21:14.

⁴³ See Exhibit 19, PET-OCE-00000015.

⁴⁴ OCE Report & Findings ¶ 181.

⁴⁵ Exhibit 20 (May 21, 2014 Ethics Committee Letter to Representative Petri), at 2.

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To begin with, OCE's deceptive language — "on at least one occasion" — implies that its findings turn on something other than this one claim with respect to the Gates letter, when in fact they do not. But more importantly, the Chief of Staff *never* told Ms. Dixon that the Gates letter would fail to mention Oshkosh. The Committee's letter is simply mistaken, and you should reject OCE's findings based on the Gates letter for several reasons.

First, tellingly, even though this claim is by far the most serious allegation in its report, OCE never even *asked* the Chief of Staff during her lengthy interview whether she in fact told Ms. Dixon that the letter would make no mention of Oshkosh.⁴⁶ Had she been asked, her answer would have been a categorical "No!"

Second, it makes no sense whatsoever that the Chief of Staff would have said Oshkosh would not be mentioned. How exactly would one write a letter signed by the entire Wisconsin delegation concerning the protest of a contract awarded to Oshkosh without mentioning Oshkosh? The answer is that one wouldn't.

Third, why would the Chief of Staff have suggested that there would be no mention of Oshkosh when, just weeks before, the Committee had instructed that a communication to the HASC Ranking Member should affirmatively *include* a reference to Mr. Petri's ownership of Oshkosh stock?⁴⁷ If there had been no objection to mentioning Oshkosh then, why would the Chief of Staff have had any reason to suggest that the Gates letter would somehow be written in code without naming the very company at the center of the entire bid protest?

Fourth, it is very clear that the Committee staff's own recollections of the Chief of Staff's inquiries are not fully accurate, which is easily understandable given the passage of time. For example, with respect to the February 26, 2010, letter to the Secretary of the Army discussed on page 3 above, the staff states that "Committee staff has no record of whether or not your staff mentioned your financial interest in Oshkosh Corporation."⁴⁸ Yet we produced to OCE conclusive proof that when Mr. Petri's office sought advice concerning that letter it *did* disclose that very fact. In an e-mail to Ms. Dixon concerning that letter, the Chief of Staff wrote "so

⁴⁶ See OCE Report & Findings, Exhibit 1 (Transcript of Chief of Staff Interview).

⁴⁷ See Exhibit 17, PET-OCE-00006421; OCE Report & Findings, Exhibit 1 (Transcript of Chief of Staff Interview), at 15:16-16:12.

⁴⁸ Exhibit 20 (May 21, 2014 Ethics Committee Letter to Mr. Petri), at 2.

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again, given Rep. Petri's stock ownership . . . , wanted to make sure it was ok to send as part of his representing one of our largest employers/constituents."⁴⁹

Committee staff acknowledge in their May 21 letter that "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."⁵⁰ We submit that the staff's recollection of the advice sought regarding the Gates letter is one such example of the incompleteness of Committee records.⁵¹ It would be unfair to draw a negative inference against Mr. Petri on the basis of the Committee's incomplete records.

Moreover, the Committee repeatedly approved letters to executive branch officials and an officer of the House that *did* name Oshkosh. For OCE to suggest, then, that this letter should not include a reference to Oshkosh simply defies commonsense.

OCE also makes much in its report of the fact that this and other delegation letters to executive branch officials did not include special disclaimers concerning Mr. Petri's Oshkosh stock ownership, of the sort that had been included in his memo to the HASC Ranking Member (and would later be included in other letters to fellow Members of Congress). Yet, as detailed above, on the other occasions when the Committee was provided with a draft letter to an executive branch official for prior approval, and reminded of his stock ownership, the Committee approved those letters *without any disclaimer*. In light of this, OCE's suggestion that the absence of a disclaimer was somehow improper is unfounded. Further, as a procedural matter, in focusing on the presence or absence of a disclaimer in every single instance (and regardless of Committee advice), the OCE would seem to be substituting its own judgment for the Committee's in determining what the rules require.

As the Chief of Staff testified when asked why disclaimers were included in some letters and not in others, she "looked at each instance based on what [the Ethics Committee's] advice was for that If they'd said do it, I would have done it, as we did do when they said to do

⁴⁹ See Exhibit 1, at PET-OCE-00000110.

⁵⁰ Exhibit 20 (May 21, 2014 Ethics Committee Letter to Mr. Petri), at 2.

⁵¹ Your staff also recalls that the February 26 letter was addressed to the "Secretary of Defense," when in fact it was addressed to the Secretary of the Army. There are still other instances in which the staff's May 21, 2014, letter reflects the understandable incompleteness of Committee records and staff recollections.

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it.”⁵² She correctly added that it appeared the Committee asked for the disclaimers only in cases when Mr. Petri was writing to fellow Members of Congress.⁵³

After the GAO issued recommendations that were favorable to Oshkosh, Mr. Petri considered signing a Wisconsin delegation letter to the Secretary of the Army urging him to implement those recommendations. His Chief of Staff e-mailed Ms. Dixon to request a call “regarding a letter that is going out today re: this Army contract that has WI and TX battling each other (we talked about a different letter a couple of weeks ago).”⁵⁴ The Chief of Staff testified that she had already discussed Mr. Petri’s stock ownership with Ms. Dixon by phone, “which is why I was calling If [he] didn’t own stock, I wouldn’t have called the ethics committee.”⁵⁵

After the call, she forwarded Ms. Dixon the draft letter and wrote: “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!”⁵⁶ That same day, after the Chief of Staff sent a revised draft of the letter with a minor technical change, Ms. Dixon responded “[t]hat change is fine -- I re-read the whole letter.”⁵⁷

In May 2013, Mr. Petri planned to sign with other Members a letter to the Chairs and Ranking Members of the HASC and House Defense Appropriations Subcommittee opposing efforts to reprogram funds used for tactical wheeled vehicles. Once again, his Chief of Staff reached out to Ms. Dixon. She wrote: “Carol -- left [a] message, could you give a call re: a constituent inquiry that we have and just want to run by you -- we have consulted on related matters in [the] past so think we are in the clear, but just want to be sure.”⁵⁸

⁵² OCE Report & Findings, Exhibit 1 (Transcript of Chief of Staff Interview), at 38:19-25, 39:13-40:1.

⁵³ *Id.* at 38:13-18.

⁵⁴ Exhibit 21, PET-OCE-00000029.

⁵⁵ OCE Report & Findings, Exhibit 1 (Transcript of Chief of Staff Interview) at 38:13-18.

⁵⁶ Exhibit 22, PET-OCE-00000092.

⁵⁷ *See* Exhibit 23, PET-OCE-00000096; *see also* Exhibit 24, PET-OCE-00000094-95; Exhibit 25, PET-OCE-00000097-98.

⁵⁸ *See* Exhibit 26, PET-OCE-00000117.

The Honorable K. Michael Conaway
The Honorable Linda T. Sánchez
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After speaking with Ms. Dixon, Mr. Petri's Chief of Staff advised a legislative assistant that the Ethics Committee wanted the letter to fellow Members to include a disclaimer regarding Mr. Petri's ownership of Oshkosh stock. On June 3, she diligently e-mailed the legislative assistant about the letter: "Remember, when we send it we have to attach a disclaimer about stock ownership -- per Ethics Committee advice."⁵⁹ On June 7 and 10, she e-mailed additional reminders to the legislative assistant, and included in the June 10 reminder draft text for the disclaimer, with a note: "Should have something like this attached."⁶⁰ The final letter, sent that afternoon on behalf of Mr. Petri and seven other Members, was accompanied by a cover note from Mr. Petri stating: "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 . . ."⁶¹

Mr. Petri testified that "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."⁶² The documentary record described above makes clear that his Chief of Staff did on numerous occasions seek advice from this Committee and that she carefully followed the advice. It is likewise clear that in providing advice, the Committee was well aware Mr. Petri owned Oshkosh stock, not just based on public financial disclosure forms and news reports but also because the Chief of Staff frequently reminded the Committee of that fact. Yet in all of the various consultations with Ms. Dixon, the Committee never once objected to Mr. Petri taking official action on behalf of Oshkosh. In light of the applicable rules and precedents, the Committee was absolutely right.

C. There Was No Requirement Or Need To Consult The Ethics Committee In Every Instance.

OCE highlights instances in which Mr. Petri's office did not consult the Ethics Committee in advance of taking action for Oshkosh or Manitowoc. Given the frequency and specificity with which Mr. Petri's Chief of Staff consulted this Committee about essentially the same question -- whether Mr. Petri could take official actions for a major constituent whose stock

⁵⁹ Exhibit 27, PET-OCE-00000118.

⁶⁰ Exhibit 28, PET-OCE-00000119-20.

⁶¹ See Exhibit 29, PET-OCE-00000121-23.

⁶² OCE Report & Findings, Exhibit 4 (Transcript of Representative Petri Interview), at 24:21-25:3.

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he owned — we submit there was no requirement that he check with the Committee about literally every action he took on their behalf. Moreover, his actions were entirely proper.

1. *Call to Secretary of the Army*

On December 9, 2009, in the heat of efforts to ensure there would be no political interference with the Army's award of the FMTV contract, Mr. Petri placed a call to the Secretary of the Army. While he did not check with the Ethics Committee specifically about that call, his Chief of Staff had already consulted the Committee at least twice regarding his effort to defend the FMTV award process.⁶³ The call to the Secretary of the Army was materially indistinguishable from those previously approved actions. During the call, Mr. Petri merely requested that the Army allow the GAO bid protest to proceed without interference.⁶⁴

The Secretary emphasized in his testimony that "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."⁶⁵ Mr. Petri "made no indication during the conversation that he could apply political pressure."⁶⁶ In response apparently to OCE probing about whether Mr. Petri should have disclosed to him his stock ownership, the Secretary testified that it made no difference whether Mr. Petri disclosed it.⁶⁷

The Secretary added trenchantly that "[t]he contacts made by Rep. Petri did not stand out in [his] mind and he believed if the OCE cited everyone for contacts like these, it would have to cite 435 Members."⁶⁸ OCE correctly identified the Secretary's testimony as "exculpatory."⁶⁹

⁶³ In September, in connection with the discussion with Representative McKeon, and in October, with respect to the October 9, 2009 delegation letter to Secretary Gates.

⁶⁴ See OCE Report & Findings, Exhibit 4 (Transcript of Representative Petri Interview), at 29:9-25; OCE Report & Findings, Exhibit 1 (Transcript of Chief of Staff Interview), at 24:21-29:11.

⁶⁵ See OCE Report & Findings, Exhibit 14 (Memorandum of Interview with Secretary of the Army McHugh), at 14-1891-340. OCE reported that because of a technical error with its recording of this interview, instead of a transcript OCE prepared a memorandum memorializing the interview.

⁶⁶ *Id.*

⁶⁷ *Id.*

⁶⁸ *Id.* at 14-1891_0341.

⁶⁹ See Exhibit 7 (June 13, 2014 Letter from OCE to Mr. Petri), at 3.

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2. *Call to Highways and Transit Subcommittee*

Two years later, in November 2011, Mr. Petri's Chief of Staff called a staffer on the Subcommittee on Highways and Transit to support a legislative change in the rules governing truck weight limits.⁷⁰ While this was an issue of concern to Pierce, the Oshkosh subsidiary that makes fire emergency vehicles, it was also an issue that affected a very broad class of companies across the emergency vehicle industry. She testified that "[m]y 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."⁷¹

She was right about that. Indeed, a recent letter to the Chairman and Ranking Member of the Transportation and Infrastructure Committee on this very same issue, which Mr. Petri did not co-sign, sent by Members with districts across the country, highlights the broad interest in this issue by the International Association of Fire Chiefs, the Fire Apparatus Manufacturers Association, and others.⁷²

Even OCE concedes (correctly) that official actions affecting a large class or industry, whether or not motivated by support for a particular constituent, do not present issues under House ethics rules. For example, OCE did not suggest further review of Mr. Petri's actions on behalf of his constituent, Plum Creek, in which he also owns stock, on the ground that his actions affected a "large numbers of entities."⁷³

3. *Status Check Regarding UAE Contract*

After Oshkosh won a contract with the United Arab Emirates in 2012 for the sale of military vehicles, Oshkosh asked Mr. Petri's Chief of Staff to check whether the State Department had provided the required formal notification of the contract to the House Foreign Affairs Committee, in which case Oshkosh wanted to be prepared to answer any questions. After checking with the Foreign Affairs Committee, the Chief of Staff e-mailed Oshkosh to report that the contract had not "come up yet for preconsultation I asked them if I could check periodically on status."⁷⁴

⁷⁰ Exhibit 30, PET-OCE-00004298-300.

⁷¹ OCE Report & Findings, Exhibit 1 (Transcript of Chief of Staff Interview), at 43:15-18.

⁷² See Exhibit 31 (June 4, 2014, Letter to Chairman Shuster and Ranking Member Rahall).

⁷³ See OCE Report & Findings ¶ 180.

⁷⁴ Exhibit 32, PET-OCE-00003927-28.

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The Chief of Staff testified that she did not consult with the Ethics Committee about this call because “[i]t was simply checking on the status of something.”⁷⁵ Indeed, this Committee has distinguished between seeking to influence the outcome of a decision and merely arranging a meeting or checking on status, generally finding that the latter does not give rise to a finding of impropriety.⁷⁶ In contrast, in the *Berkley* case, “Representative Berkley herself testified that the office’s interest went beyond simply determining the status of the matter”⁷⁷

4. *Meetings with Egyptian Officials*

In May of 2006, Mr. Petri met with a visiting delegation of Egyptian officials. Knowing that Oshkosh was a longtime supplier of military equipment to Egypt, he invited an Oshkosh representative to join him.⁷⁸ Though OCE focuses on this meeting, they fail to note that the meeting took place *before* Mr. Petri even owned Oshkosh stock, so he could hardly have been expected to consult the Ethics Committee about the meeting.⁷⁹ Although a second meeting took place in 2008, after he did own Oshkosh stock, it appears that Oshkosh did not even attend that meeting.⁸⁰

⁷⁵ OCE Report & Findings, Exhibit 1 (Transcript of Chief of Staff Interview), at 47:25-48:6.

⁷⁶ See, e.g., Comm. on Ethics, *In the Matter of Representative William H. Boner*, 100th Cong., 1st Sess. 28 (1987); see also *Berkley* at 43.

⁷⁷ *Berkley* at 43.

⁷⁸ See Exhibit 33, PET-OCE-00001658-1662; see, e.g., Oshkosh Truck Corporation, *A body in motion: 2000 Annual Report*, available at http://media.corporate-ir.net/media_files/irol/93/93403/reports/2000ar.pdf (last visited July 31, 2014), at 12 (noting that “[i]n Egypt, Oshkosh established local co-production of tank-transporter trailers and began supplying \$24.4 million worth” of equipment).

⁷⁹ Mr. Petri first purchased stock in Oshkosh in late October 2006.

⁸⁰ Witnesses’ recollections on this point seem a bit muddled, but as OCE itself concedes (though it buries the point in a footnote), on the day of the scheduled meeting, a member of Mr. Petri’s staff e-mailed the Chief of Staff to report that Oshkosh would not be able to send a representative to the meeting: “[Oshkosh EVP] just called [-] he can’t make it to the [E]gyptian attaché meeting.” See OCE Report & Findings ¶ 117 n. 165; Exhibit 34, PET-OCE-00006093. In fact, the e-mail stating that the EVP had called to cancel was sent one minute before the meeting was scheduled to take place, and so the record seems reasonably clear that Oshkosh did not attend. See Exhibit 35, PET-OCE-00006885 (listing the time scheduled for the meeting).

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Moreover, OCE identified as “exculpatory” undisputed evidence that at the meetings with Egyptian officials there was no discussion whatsoever of Oshkosh’s business dealings with the Egyptian government. Asked whether the topic came up, the Oshkosh representative who attended the first meeting testified “no Not at all.” He further testified that the meeting did not lead to any later communications or contacts with the Egyptian officials.⁸¹

OCE misleadingly implies some connection between these meetings and a contract awarded to Oshkosh, by citing talking points for an August 2007 appearance by Mr. Petri in a small town in his district, which referred to a recent Oshkosh contract to make trucks for Egypt as a “Wisconsin Success Story.”⁸² Oshkosh has been making trucks for the Egyptian military since at least the 1990s. OCE cites no evidence tying any of those contracts to the meet-and-greets with Egyptian officials. Nor could it.

5. *Manitowoc*

OCE notes that Mr. Petri’s Chief of Staff did not consult the Ethics Committee concerning two issues on which his office acted for Manitowoc after he purchased Manitowoc stock. Against the backdrop of advice already received regarding Oshkosh, in situations that were materially indistinguishable, the fact that consultation did not take place again about essentially the same legal question does not amount to a violation of House rules.

OCE begins its discussion about Mr. Petri’s actions on behalf of Manitowoc by citing an example that is outside its jurisdiction because it dates to 2007.⁸³ Setting aside OCE’s violation of its own rules by investigating events that are outside its jurisdiction, the example it cites is, once again, highly misleading.

OCE notes that in 2007, Mr. Petri’s staff helped arrange a meeting for Manitowoc with OMB, so that the company could present its views regarding a proposed EPA rule on phasing out certain chemicals used in making refrigeration equipment. But this was a routine matter that Mr. Petri’s staff had been working on for Manitowoc since 2005, *prior* to his investment in

⁸¹ See Exhibit 7 (June 13, 2014 OCE Letter to Mr. Petri Concerning Exculpatory Evidence), at 2-3.

⁸² Exhibit 36, PET-OCE-00004812-17.

⁸³ See, e.g., OCE, *Citizens’ Guide*, available at <http://oce.house.gov/citizens-guide.html> (last visited July 31, 2014) (“The OCE has jurisdiction to investigate any alleged violation . . . committed . . . on or after March 11, 2008.”).

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Manitowoc.⁸⁴ Moreover, why could Mr. Petri not request a meeting at OMB for this major constituent if he could undertake the whole variety of contacts with executive branch agencies for Oshkosh that, as described above, the Ethics Committee later approved? There was no material difference.

After he purchased Manitowoc stock, Mr. Petri's office did assist Manitowoc with one new issue, which concerned the company's application for a "hardship exemption" from rules governing certain diesel engines used in its cranes. After a long period of inaction by EPA, and with the delivery date for the engines fast approaching, his office contacted EPA to check on the status of a response. EPA responded by telling Manitowoc that there were no anticipated problems and that the agency would stay in touch.

Months later, however, EPA told Manitowoc that it should have submitted its exemption application *two years* before delivery of the engines and that it should now submit an application for a different kind of hardship exemption. EPA had said nothing of the kind during its prior response to the company, or during the long period in which it had the company's application under review. On August 8, 2013, Mr. Petri sent the regional administrator a letter noting the agency's inconsistent actions and urging that "full consideration be given" to the company's forthcoming, revised application.⁸⁵ His effort to get the agency to make a decision in a timely fashion was similar to many such efforts he and other Members routinely make on behalf of constituents. By this time, of course, Mr. Petri's Chief of Staff had consulted with this Committee on numerous occasions about stock ownership issues. There was no requirement that she do so again in this case, and the outcome clearly would have been no different.

D. Mr. Petri's Chief of Staff Monitored Official Actions For Companies In Which He Owned Stock.

Finally, OCE tries to make hay out of the fact that Mr. Petri did not have any "written office policies"⁸⁶ or formal training governing stock ownership. There is no requirement under House rules, or under any guidance published by this Committee, that a Member must have such a written policy. Having failed to establish any violation of House rules, OCE throws in this red herring to distract attention from the reality that the Chief of Staff regularly monitored and flagged for Ethics Committee review issues involving stock ownership.

⁸⁴ As with Oshkosh stock, Mr. Petri first purchased stock in Manitowoc in late October 2006.

⁸⁵ Exhibit 37, PET-OCE-00001544-45 (Aug. 8, 2013 Letter from Representative Petri to EPA Regional Administrator Dr. Susan Hedman).

⁸⁶ OCE Report & Findings ¶ 18.

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OCE cites the Committee's statement in the *Waters* case attributing misconduct to "the lack of any discernable policy with respect to conflict of interest."⁸⁷ Yet OCE acknowledges, as it must, that both current and former legislative assistants it interviewed testified that Mr. Petri's Chief of Staff kept track of issues presented by his stock ownership, using weekly staff meetings to flag the issues that required review.⁸⁸ No more than this was required. And, of course, in sharp contrast to the facts in the *Waters* case, the "discernable policy" in the Petri office was manifested again and again by the office's practice of consulting the Ethics Committee.⁸⁹

* * *

Mr. Petri cooperated extensively with OCE, producing thousands of pages of documents and making himself and his staff available for transcribed interviews. The voluminous record, fairly interpreted, makes clear there was no violation of House rules. Mr. Petri did what any Member should do: He frequently consulted the Ethics Committee and reasonably relied on its advice that ownership of stock did not preclude him from acting, in the ordinary course of his duties, on behalf of some of the largest employers in his district. The record reveals a conscientious, committed, and responsible public servant. If there is a lack of clarity under the existing rules, the proper response is to issue new rules and guidelines, not unfairly to pursue a Member who has diligently sought to abide by the existing rules and repeatedly received Committee approval for his actions.

⁸⁷ *Id.*

⁸⁸ *Id.*; see also OCE Report & Findings, Exhibit 1 (Transcript of Chief of Staff Interview), at 6:16-8:6 (discussing Chief of Staff's practice of monitoring significant official actions through weekly staff meetings).

⁸⁹ As Mr. Petri told OCE, "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". OCE Report & Findings, Exhibit 4 (Transcript of Representative Petri Interview), at 12:6-12.

COVINGTON & BURLING LLP

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Accordingly, we respectfully urge the Committee to dismiss this matter and to repudiate OCE's deeply flawed and unfounded report.

Respectfully submitted,

A handwritten signature in blue ink, appearing to be a combination of the names Robert K. Kelner, Robert D. Lenhard, and Kevin R. Glandon, written in a cursive style.

Robert K. Kelner
Robert D. Lenhard
Kevin R. Glandon

Exhibits to Congressman Petri's Response
to Office of Congressional Ethics Report,
Review No. 14-1891

Exhibit 1

Gebhardt, Debbie

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

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*

THOMAS E. PETRI
8TH DISTRICT, WISCONSIN

2402 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-4906
(202) 225-2476

Congress of the United States
House of Representatives
Washington, DC 20515-4906

8TH DISTRICT OFFICES
FOND DU LAC, WI
(920) 922-1180
OSHKOSH, WI
(920) 231-8333

February 24, 2010

The Honorable John M. McHugh
Secretary of the Army
101 Army Pentagon
Washington, DC 20310-0101

Dear Secretary McHugh:

I am writing to thank you for conducting the Family of Medium Tactical Vehicles (FMTV) procurement in such a fair and professional manner, despite the often contentious nature of these competitive contract awards. I was pleased to see the Army reconfirm its original choice of Oshkosh Corporation for future FMTV production, and I am confident that Oshkosh Corporation, which is a top employer in my Congressional District, will continue to be a reliable, high quality and cost-effective producer for the Army.

That said, I am concerned about news reports I have read that the incumbent contractor may seek a sole source bridge contract through mid-2011. I believe the Army made the right choice to begin work immediately given the substantial price difference between the new contract and the existing contract. Statements in these news reports give the impression that a bridge contract is necessary to ensure that the Army's production requirement for FMTV vehicles is met. My understanding, however, is that the Army appropriately planned the FMTV transition period to account for possible delays associated with protests. Therefore, no bridge contract is necessary because Oshkosh Corporation can meet the original vehicle production schedule set forth in the August 2009 award.

If my understanding is correct, I would have concerns that awarding a bridge contract would set a bad precedent for future contract awards because it would encourage disappointed incumbent contractors to delay Army procurements through similar protests in the future. Additionally, contractors compete aggressively for the Army's business with the expectation that the terms of their contracts will be honored, provided they perform as expected. In the case of the FMTV competitive rebuy, my understanding is that the Army entered into a 5-year requirements contract that legally obligates the Army to place all of its FMTV orders with Oshkosh.

In light of these concerns, I ask that you reject efforts to award an additional bridge contract to the losing incumbent. This would prevent any further delays in the newly awarded FMTV contract and would protect the integrity of Army contracting decisions. I also ask that you notify me of any activity by the Army to initiate an additional bridge contract to the losing incumbent.

Thank you again for conducting this procurement in such a professional manner. Please do not hesitate to contact me should you wish to discuss this further.

Sincerely,

Thomas E. Petri
Member of Congress

TEP:kj

cc: Dean G. Popps, Acting Assistant Secretary
for Acquisition, Logistics & Technology

PET-OCE-00000111

THOMAS E. PETRI
6TH DISTRICT, WISCONSIN

2462 RAYBURN HOUSE OFFICE BUILDING
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Congress of the United States
House of Representatives
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6TH DISTRICT OFFICE:
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(920) 922-1100

OSHKOSH, WI
(820) 231-8353

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.

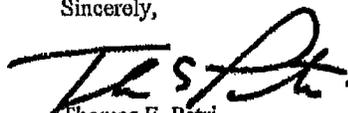
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Thank you again for conducting this procurement in such a professional manner. Please do not hesitate to contact me should you wish to discuss this further.

Sincerely,


Thomas E. Petri
Member of Congress

TEP:kj

cc: Dean G. Popps, Acting Assistant Secretary
for Acquisition, Logistics & Technology

PET-OCE-00000113

Exhibit 2

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 3

From: Gebhardt, Debbie
Sent: Tuesday, June 15, 2010 05:14:58 PM
To: Dixon, Carol
Subject: RE: On-going Question

Great -- you know how the press is, so I am being ultra-careful.

From: Dixon, Carol
Sent: Tuesday, June 15, 2010 4:18 PM
To: Gebhardt, Debbie
Subject: RE: On-going Question

I don't have a problem with that. It me, it is the equivalent to requesting a House room for them to have a briefing, just it has to be outside because of the size of the vehicle. And the text of your letter is fine.

- Carol

Carol E. Dixon, Counsel
Committee on Standards of Official Conduct
HVC-227, Capitol Visitors Center
Washington, DC 20515
(202) 225-7103
carol.dixon@mail.house.gov

From: Gebhardt, Debbie
Sent: Tuesday, June 15, 2010 4:13 PM
To: Dixon, Carol
Subject: On-going Question

Hi Carol:

Rep. Petri would like to send a letter to the Sergeant-at-Arms asking that Oshkosh Corp. (Defense Division) be allowed to display on the House side the new MATV that they have been producing (a more nimble, mine-resistant vehicle to carry troops in Afghanistan in particular -- Sec. Gates visited the plant in our district earlier this year to thank the workers for the quick production of these vehicles that are saving lives.). The production line will be over later this summer as the contract will be fulfilled then (I think they are producing something like 1,000 vehicles per month which is amazing).

Senator Kohl will be sending the same request for the MATV to be displayed on the Senate side the following day. Given the stock issue, just want to be sure there is no problem from your perspective. Mr. Petri would do the same for any company in our district. Text of letter follows.

Thanks very much --

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

Dear Mr. Livingood:

In July 2009, Oshkosh Defense was awarded the contract for the MRAP All-Terrain Vehicle, which is currently being fielded in Afghanistan and already has shown success in the face of adversity. Many of my colleagues and their staff would benefit from the opportunity to see this vehicle in person and to ask the engineers and designers questions about its capabilities.

I respectfully request that Oshkosh Defense be given the opportunity for a static display on the morning of Wednesday, June 30, from 8:30 a.m. to 12:00 p.m. on the corner of C St., SE, and New Jersey Ave., SE, between the Longworth and Cannon House Office Buildings. The display would encompass two different vehicle variants with employees from Oshkosh Defense in attendance to answer questions for Members and staff.

Exhibit 4

THOMAS E. PETRI
6TH DISTRICT, WISCONSIN

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OSHKOSH, WI
(920) 231-6333

Congress of the United States
House of Representatives
Washington, DC 20515-4906

June 15, 2010

The Honorable Wilson Livingood
Sergeant at Arms
U.S. House of Representatives
Washington, D.C. 20515

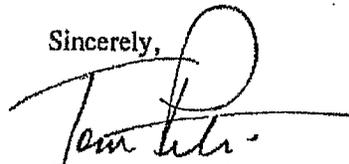
Dear Mr. Livingood:

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I respectfully request that Oshkosh Defense be given the opportunity for a static display on the morning of Wednesday, June 30, from 8:30 a.m. to 12:00 p.m. on the corner of C St., SE, and New Jersey Ave., SE, between the Longworth and Cannon House Office Buildings. The display would encompass two different vehicle variants with employees from Oshkosh Defense in attendance to answer questions for Members and staff.

If you have any questions on this matter, please feel free to contact Meagan McCanna on my staff at 225-2476 or [REDACTED]@mail.house.gov.

Sincerely,



Thomas E. Petri
Member of Congress

TEP:mm

PET-OCE-00000116

Exhibit 5

From: Gebhardt, Debbie
Sent: Friday, December 20, 2013 05:26:08 PM
To: Dixon, Carol
Subject: RE: Running this letter by you

Got it. Thanks Carol.

From: Dixon, Carol
Sent: Friday, December 20, 2013 5:23 PM
To: Gebhardt, Debbie
Subject: RE: Running this letter by you

It is essentially fine, except I would like to see some reason stated why this issue is their official business. So they should either mention that their districts contain a company that produces the engines (or has many of the workers as constituents), or if they have some committee role that relates to better environmental conditions, they could cite that credential.

- Carol

Carol E. Dixon
Director of Advice & Education
House Committee on Ethics
1015 Longworth House Office Building
Washington, DC 20515
(202) 225-7103
carol.dixon@mail.house.gov

From: Gebhardt, Debbie
Sent: Thursday, December 19, 2013 3:19 PM
To: Dixon, Carol
Subject: Running this letter by you

Dear Carol:

Once again, wanted to run by a draft letter (attached and below) for signature by Rep. Petri and Rep. Ribble. It is to the FAA regarding their actions on awarding federal aviation funds to airports for purchase of aviation fire trucks. There are some companies that have the newer cleaner engines vs. the old diesel engines. The cost is a bit higher (not much) but in considering awarding of grants, FAA frequently will direct the airports to go with the lower cost, dirtier engines. The Administration (Obama and before) have been pushing to adopt the cleaner generation of engines and by 2017 they will be required.

This letter simply encourages FAA to let airports decide if they want the cleaner, more efficient engines and not dismiss out of hand applications for trucks with those engines in favor of the older engines.

As you know, Mr. Petri holds some stock in Oshkosh Corp, which is the owner of Pierce Manufacturing that makes aviation fire trucks. He would, of course, take similar actions for any constituent company and major employer in the district. Pierce is physically located in Petri's district, but Mr. Ribble's district is only a block or two away, so he has employees and many connections to Pierce. So they are encouraging fair consideration for the newer more environmentally friendly engines.

Let me know if you see any problems with Mr. Petri sending this letter or have any questions – we hope to get this out by tomorrow when we all leave for the holiday (including you, I hope!). Thanks very much.

Debbie

Debra Gebhardt
Chief of Staff
U.S. Rep. Thomas E. Petri
2462 Rayburn | Washington, D.C. 20515
202-225-██████

December 20, 2013

Ms. Christa Fornarotto
Associate Administrator for Airports
800 Independence Avenue, SW
Room 600E
Washington, D.C. 20591

Dear Administrator Fornarotto:

We are writing to encourage the FAA to not exclude or discourage the use of Tier 4i engines in Air Rescue Fire Fighting (AARF) vehicles when considering applications by airports for AIP funding. It is our understanding that the FAA may at times not allow airports to specify or consider the new engines, which may have the unintended consequence of losing the environmental benefits of the EPA-compliant engine utilized by some ARFF manufacturers.

While we are not seeking a mandated use of Tier 4i engines, neither should they be disadvantaged in the AIP review process should an airport wish to move to vehicles with this technology. We understand that since these engines meet the requirements of an EPA mandate and represent widely available technology provided by most engine manufacturers, this should not be construed as proprietary technology, and the desire by airports to utilize vehicles with the EPA compliant engines should not be considered anticompetitive. There is an increased cost in utilizing the most energy efficient technology, but by not allowing airports to consider vehicles with the Tier 4i engines, the FAA is in fact lowering the number of manufacturers eligible to participate in the bidding process.

Again, we urge the FAA to allow airports to make the determination on the ARFF vehicle that best meets their needs and to utilize the cleanest technology currently available if they so

choose. We believe the environmental benefits should not be dismissed but rather should be taken into consideration in the AIP process. Thank you for your attention to this important issue.

Sincerely,

Thomas E. Petri
Member of Congress

Reid J. Ribble
Member of Congress

Exhibit 6



June 16, 2008

Petri's stock buys could raise questions

By *ELLYN FERGUSON*
Gannett News Service

WASHINGTON - Rep. Tom Petri added more Manitowoc Co. and Oshkosh Corp. stock to his portfolio in 2007, according to financial disclosure forms released Monday.

Petri spokesman Niel Wright said his boss has invested in the manufacturers "because he knows the companies and has high regard for their management."

But the stock buys could raise questions of real or perceived conflict of interest should he advocate for the companies, which are constituents and major employers in Petri's 6th Congressional District.

Wright said his boss would contact the Standards of Official Conduct Committee, informally known as the ethics committee, for guidance if there's a possible conflict of interest. But Wright said potential conflicts exist for any member of Congress with stocks since a vote on legislation could directly or indirectly affect a company or industry.

"Should one really not be able to invest in companies you know well?" he asked. Wright said Petri did not request special project funding, known as earmarks, for either company in 2007.

Petri, R-Fond du Lac, bought between \$15,000 and \$50,000 of Manitowoc Co. stock on Nov. 5. He paid \$50,000 to \$100,000 for stock in Oshkosh Corp. stock the next day.

Members of Congress are required to file annual financial disclosure statements.

These reports offer a broad look at lawmakers' finances. They report assets, income and debts in wide ranges and can exclude the value of primary residences, furniture and other items. Members of Congress also are required to report trips paid for by others, and any boards or foundations they may serve on.

By the start of 2008, Petri valued all of his stock in Manitowoc Co., a maker of cranes, foodservice equipment and ships, at between \$250,000 to \$500,000. He valued the stock in Oshkosh Corp., which produces military vehicles, fire and emergency trucks and other specialty vehicles, between \$100,000 and \$250,000.

The two companies are not Petri's most valuable holdings. He owned U.S. Bank and Walgreen Corp. stock valued between \$5 million and \$25 million in 2007. His other valuable assets included an interest in Lloyd's of London and stock in Warren Buffet's Berkshire Hathaway Inc. His holdings in each were valued between \$1 million and \$5 million.

Petri's dividend, interest and capital gains income dwarfed his congressional salary of \$165,200. He reported unearned income between \$1.29 million and \$6.37 million.

His largest debt was a \$1 million to \$5 million loan from Merrill Lynch secured by stock.

Petri, who is in his 15th term, continued to be a partner in Lloyd's, the insurance underwriter in London, and a director in Society Insurance in Fond du Lac. As required by House ethics rules, Petri donated the \$4,100 in board payments to a charity.

He reported one trip that was paid for by a private group. He traveled to Shanghai, Nanjing and Beijing, China, from March 31 to April 8 courtesy of the Aspen Institute, which runs education seminars.

Exhibit 7

Board
Porter Gross, Chair David Skaggs, Co-Chair
Jay Lazenby Karim English
Alison Hayward Rhonda Pookney, BG (R)
Andy Burger Michael Barnes
Omar S. Ashmawy, Staff Director & Chief Counsel

oce.house.gov
oce@mail.house.gov

Congress of the United States

House of Representatives

OFFICE OF CONGRESSIONAL ETHICS

Washington, DC 20515

Mailing Address
P.O. Box 895
Washington, DC 20515-0895

Office Address
425 3rd Street, SW
Suite 1110
Washington, DC 20024

(202) 225-9739
(202) 226-0997 (TAS)

CONFIDENTIAL

June 13, 2014

Honorable Thomas Petri
2462 Rayburn HOB
Washington, DC 20515

Re: Review No. 14-1891

Dear Representative Petri:

The Office of Congressional Ethics ("OCE") is providing you with information received during the course of its review that may trigger its obligations under Rule 4(F) of the OCE Rules for the Conduct of Investigations.

In addition to the enclosed documents, the following information comes from witness interviews:

Jay Kimmitt, Executive Vice President, Oshkosh Corporation

Morgan: I want to ask you some questions about your knowledge of Representative Petri being a – or owning stock in Oshkosh Corporation. . . . Do you recall when you first became aware of that?

Kimmitt: 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. . . . 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 of stock changed the relationship and what he could do for us without approval of the Ethics Committee.

* * *

Morgan: Have you personally had any conversations with the congressman himself about his stock –

Kimmitt: No.

Morgan: -- in Oshkosh? It didn't even ever come up in a passing meeting with him?

Kimmitt: Nope.

Morgan: Any discussions about his stock ownership with other staff members besides the chief of staff that you recall?

Kimmitt: I – no.

* * *

Kimmitt: 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. . . .

Morgan: Would that also be the case with the delegation letter to the Secretary of the Army?

Kimmitt: Absolutely, yes.

* * *

Morgan: Do you recall having any conversation with his office about the need for that disclosure to be included?

Kimmitt: 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.

* * *

Morgan: But there wasn't any point in which Representative Petri's office came back to you and said we cannot make [appropriation] requests on your behalf because the congressman owns stock in the company?

Kimmitt: It was clear to me in my conversation with Debbie, again I think in 2008 when I first found out he owned stock, that they would not be able to do anything that was not approved by Ethics . . . 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.

* * *

Morgan: 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 meeting were either attended or facilitated by Representative Petri. . . There was no – there wasn't any discussion of Oshkosh's commercial relationship with Egypt?

Kimmitt: No. . . . Not at all.

Morgan: Did that introduction to those officials result in later communications, contacts between you and those officials?

- Kimmitt: 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. . . .
- Morgan: Was there a similar meeting in 2008?
- Kimmitt: 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. . . .
- Morgan: And any discussion of Oshkosh's business with the Egyptian government during that meeting?
- Kimmitt: None.
- Morgan: Did that meeting result in any follow-up communications between you and those Egyptian officials?
- Kimmitt: It did not. . . .
- Morgan: Is Representative Petri ever involved in the communications that the company has with Egypt about its business with the country?
- Kimmitt: Not to my recollection. I've never . . .
- Wright: Any other countries?
- Kimmitt: No.

John McHugh, Secretary of the Army¹

- 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.
- 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.
- 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.
- 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.

¹ Due to technical difficulties, a transcript of the interview with the Secretary of the Army is not available. Rather, a Memorandum of Interview was prepared by OCE staff summarizing the interview.

Will Smith, House Appropriations Committee Staff Director

Gast: And this is a comprehensive list of every official request that Congressman Petri . . . submitted to the committee since fiscal year 2006?

Smith: Correct. . . .

Gast: And there's no requests listed for fiscal years '11 through '13.

Smith: That's correct.

* * *

Gast: First is some material relating to proposed requests for fiscal year 2009 for the Oshkosh Corporation. . . . Based on the chart you provided, it doesn't look like Representative Petri made these requests as requested by Oshkosh; is that correct? Am I reading that right?

Smith: If this is dated 2008, that would fiscal '09, and I don't see anything highlighted for fiscal '09. So that would -- I would make the same determination . . . if I were asked. Yes.

* * *

Gast: Now, there are three requests here in this packet I gave you. Again, based on the spreadsheet you gave us, it does not appear that any of these were actually submitted by Congressman Petri to the Committee?

Smith: Fiscal '10.

Gast: Again, it looks like there's just one lightweight tactical utility vehicles . . . right?

Smith: Right.

Gast: And to your knowledge, does that have anything to do with Oshkosh?

Smith: Not to my knowledge.

* * *

Gast: Do you recall any contacts by Representative Petri or his office on behalf of the Manitowoc Company?

Smith: I do not.

Gast: What about on behalf of Plum Creek Timber?

Smith: I do not.

Gast: Or the Danaher Corporation?

Smith: No. Not to my knowledge.

Josh Lewis, Environmental Protection Agency

Morgan: How -- how often do you receive these types of requests from Congressional offices?

Lewis: Pretty much daily. . . .

Gast: And did anything about the request through Representative Petri's office strike you as different or unusual?

Lewis: No, no.

Robert Harris, Lobbyist for Plum Creek Timber Company

Harris: We were working with members on the Hill to try to get LEED to be more favorable to wood, wood products.

Gast: And when you say "we were working," who is we?

Harris: Me, Plum Creek, and a group of allies in the wood products industry to work on these issues.

Morgan: Was there a certain group within that industry that was taking the lead role in this advocacy?

Harris: Probably not a lead role. It was a group that includes five, six, seven organizations....

Gast: Okay. Do you have a sense of how many companies were interested in this issue total?

Harris: Couple hundred, okay.

* * *

Harris: [T]he 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 conversation community, led by an organization called Outdoors America, and I work with them regularly.

* * *

Gast: Do you work on the federal truck weights limits, truck weight limits?

Harris: I did....

Gast: Have you had conversations or contacts with Representative Petri or his office on that issue?

Harris: Not in the time period that you all are looking at.

Gast: So not since January 2012?

Harris: Right.

* * *

Gast: What other entities, companies, or organizations were you working with on this issue?

Harris: On?

Gast: On the forest roads legislation?

Harris: 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 state associations where Plum Creek owns land....

Gast: Is it fair to say that, that was a pretty broad coalition of –
Harris: Very.

* * *

Morgan: Do you recall Representative Petri asking a lot of questions about the company's performance? You said generally those types of meetings would include a discussion of the economy, how the timber economy is doing. Do you recall specific discussions of Plum Creek's performance? ...

Harris: No, I don't ever recall it coming up.

* * *

Harris: 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.

Gast: And, again, when you say "we were working" on, who do you include?

Harris: Plum Creek and its allies in the industry under the leadership of NAFO, the National Alliance of Forest Owners.

Morgan: Do you have any sense of how many organizations are members of NAFO?

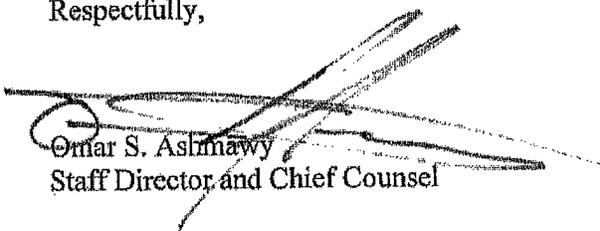
Harris: Eighty, maybe sixty . . . It represents probably 80 million acres of timberland. So it may be 40 companies that represent 80 million acres of timberland.

Mary Britton, Vice President & Chief Counsel, Litigation, Danaher Corporation

- As we discussed, Danaher is not aware of any contacts with Representative Thomas Petri, his congressional office, his congressional campaign, or anyone acting on their behalf. Consequently, Danaher is now aware of having any documents responsive to the [Request for Information].

If you have any questions regarding this information, please contact Scott Gast, Investigative Counsel, at (202) 226-1560. Thank you for your assistance and cooperation.

Respectfully,



Omar S. Aslamawy
Staff Director and Chief Counsel

Exhibit 8

RE: Ethics requested a change

Gebhardt, Debbie [REDACTED]@mail.house.gov]

Sent: Saturday, December 21, 2013 9:17 AM

To: Daniels, Mckay [REDACTED]@mail.house.gov]; Will Stone

Also, I was told Christa's last real day in the office was yesterday, so not sure she would have actually been able to do anything with this?

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

From: Gebhardt, Debbie

Sent: Friday, December 20, 2013 05:27 PM Eastern Standard Time

To: Daniels, Mckay; 'Will Stone'

Subject: Ethics requested a change

So will have to deal with this in January --- sorry. They want us to put in why this is part of our official business -- such as we have manufacturer in our district, affects our Committee etc. So remind me on Jan. 2!

Ethics requested a change

Gebhardt, Debbie [REDACTED]@mail.house.gov]

Sent: Friday, December 20, 2013 5:27 PM

To: Daniels, Mckay [REDACTED]@mail.house.gov]; Will Stone

So will have to deal with this in January --- sorry. They want us to put in why this is part of our official business -- such as we have manufacturer in our district, affects our Committee etc. So remind me on Jan. 2!

FW: Draft

Gebhardt, Debbie [REDACTED]@mail.house.gov]

Sent: Thursday, December 19, 2013 2:23 PM

To: Will Stone

Let me know if you have changes so I can ship it to the Ethics Committee and HOPE to get signoff by tomorrow. I hope I didn't change the overall message of the letter.

From: Daniels, Mckay

Sent: Thursday, December 19, 2013 2:02 PM

To: Gebhardt, Debbie; 'Will Stone'

Subject: RE: Draft

Works here

McKay Daniels
Chief of Staff
Congressman Reid Ribble, WI-08
(202) 225-[REDACTED]

From: Gebhardt, Debbie

Sent: Thursday, December 19, 2013 12:50 PM

To: 'Will Stone'; Daniels, Mckay

Subject: Draft

Okay, here is my revised draft -- being sure that airports CAN consider these engines, not mandated etc., but shouldn't be discouraged from utilizing them. Let me know any edits or if I have screwed it up somehow.

Once okay, then I will have to ship it off to Ethics for approval. Petri has agreed to send letter (if we are approved).

Thanks.

Debbie

Draft

Gebhardt, Debbie [REDACTED]@mail.house.gov]

Sent: Thursday, December 19, 2013 12:49 PM

To: Will Stone; Daniels, Mckay [REDACTED]@mail.house.gov]

Attachments: Fornarotto ARFF engners 1~1.doc (26 KB)

Okay, here is my revised draft – being sure that airports CAN consider these engines, not mandated etc., but shouldn't be discouraged from utilizing them. Let me know any edits or if I have screwed it up somehow.

Once okay, then I will have to ship it off to Ethics for approval. Petri has agreed to send letter (if we are approved).

Thanks.

Debbie

RE: Oshkosh airport vehicles

Gebhardt, Debbie [REDACTED]@mail.house.gov]

Sent: Wednesday, December 18, 2013 5:26 PM

To: Will Stone; Daniels, McKay [REDACTED]@mail.house.gov]

Will, the turnaround basically is 2 days because we are all gone after Friday, which could be tough. And we always have to run letters past Ethics due to the stock issue.

Also, Christa is leaving the FAA for private sector. Not sure when her last day is, but does it make sense to send to the new or acting. Can try to figure out timing. Or is there some other deadline you are trying to meet?

Debbie

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

From: Will Stone [REDACTED]@dennymiller.com]

Sent: Wednesday, December 18, 2013 03:21 PM Eastern Standard Time

To: Gebhardt, Debbie; Daniels, McKay

Subject: Oshkosh airport vehicles

Debbie & McKay

Attached is a draft of a letter that would be helpful to Oshkosh if sent by the end of the year. As you know Oshkosh is the first company to meet the Tier 4i EPA standard in their airport fire & rescue vehicles however the airports looking to purchase the equipment are being driven by the FAA to the dirtier vehicles due to cost.

The letter is self-explanatory however please call me if you have any questions.

Thank you for the help -- a quick turn around is greatly appreciated.

Will Stone
Vice President
Denny Miller Associates
400 N. Capitol Street, NW
Suite 363
Washington, DC 20001
(202) 783- [REDACTED] office
(202) 674- [REDACTED] mobile
[REDACTED]@dennymiller.com
www.dennymiller.com

Exhibit 9

Congress of the United States
Washington, DC 20515

October 27, 1988

The Honorable George Bush
Vice President
Executive Office Building
Washington, D.C.

Dear Mr. Vice President:

We were disappointed to hear in the last presidential campaign debate that the first item of military equipment you wished to eliminate as President was the HEMTT 10-ton truck.

As members of the Wisconsin congressional delegation, Republican and Democrat alike, we think it is important that you understand the facts about the HEMTT, or Heavy Expanded Mobility Tactical Truck.

First, it is incorrect that the Army does not want the HEMTT. The total buy for which funds have been authorized and appropriated by the Congress is 13,275. The Army's Procurement Objective for the HEMTT is 13,587. In other words, the Army's own validated military requirement calls for 312 more HEMTT's than have yet been funded by the Congress.

Second, we think it is important to understand the cost implications. The question posed in the debate concerned how to save money by canceling programs. The issue with regard to the HEMTT last year was whether to continue HEMTT production for now and bring in its successor vehicle later, or to halt HEMTT production now and accelerate work on its successor, the Palletized Loading System (PLS). But the PLS is a much more sophisticated, and, hence, more expensive system. So, dropping the HEMTT will not trim the budget -- it will add to it.

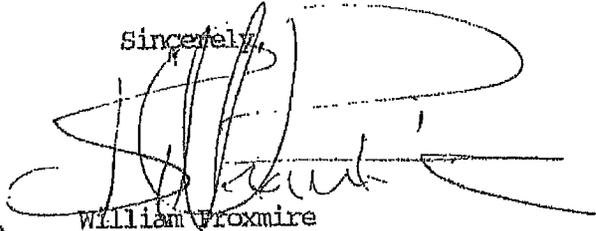
In sum, here are two very good reasons for supporting the HEMTT should you be elected President:

- o Military need -- the Army has a validated military requirement for the system; and
- o Budget economics -- it will be cheaper to buy the HEMTT than its successor.

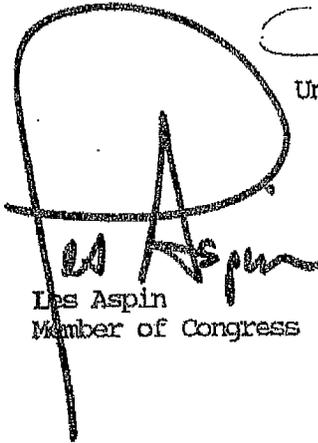
The Honorable George Bush
Page Two

We supported the HEMTT last year. We supported the HEMTT this year. We will be supporting the HEMTT in the coming year. Once you have had the opportunity to go over the facts about the HEMTT, we feel confident that you, too, will join us in backing procurement of this vehicle.

Sincerely,



William Proxmire
United States Senator



Les Aspin
Member of Congress



Thomas E. Petri
Member of Congress

Exhibit 10

6-21-1989

Oshkosh Truck loses vote; battle for contract not over

By FRANK A. ADKINS

Contractors voted 16-9 in favor of a resolution to support the Oshkosh Truck Co. in its bid to supply 2,000 military vehicles to the Army's 10th Army Center of Excellence, a battle that is expected to last through the end of the year.

The proposed plan would allow Oshkosh to compete for the contract, which is valued at \$1.2 billion. The contract is for 10-year delivery of 2,000 vehicles.

The 10th Army Center of Excellence is located at Fort Benning, Ga. It is the largest training center in the world.

The contract is for 10-year delivery of 2,000 vehicles. The vehicles are to be used for training purposes.

The contract is for 10-year delivery of 2,000 vehicles. The vehicles are to be used for training purposes.

The contract is for 10-year delivery of 2,000 vehicles. The vehicles are to be used for training purposes.



Lee Martin

Classical Motors and Packard of Milwaukee, Wis. The contract is for 10-year delivery of 2,000 vehicles.

Several subcontractors, including Oshkosh, are competing for the contract. The contract is for 10-year delivery of 2,000 vehicles.

Lee Martin, Oshkosh Truck Co. representative, said the company is confident it will win the contract. The contract is for 10-year delivery of 2,000 vehicles.

The contract is for 10-year delivery of 2,000 vehicles. The vehicles are to be used for training purposes.

The contract is for 10-year delivery of 2,000 vehicles. The vehicles are to be used for training purposes.

The contract is for 10-year delivery of 2,000 vehicles. The vehicles are to be used for training purposes.

The contract is for 10-year delivery of 2,000 vehicles. The vehicles are to be used for training purposes.

March

From Page 1A
The battle in the Great Lakes region is far from over. The Oshkosh Truck Co. is still competing for the contract.

The Oshkosh Truck Co. is still competing for the contract. The contract is for 10-year delivery of 2,000 vehicles.

The Oshkosh Truck Co. is still competing for the contract. The contract is for 10-year delivery of 2,000 vehicles.

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The Oshkosh Truck Co. is still competing for the contract. The contract is for 10-year delivery of 2,000 vehicles.

trashed and abandoned, they will be agents of the region, said. "We're going through this with the Tribal Council. They want to sell out."

The Lake Superior Tribal Council recently agreed to sell the treaty rights negotiator with the state.

Crystalline at the walk, including the Great Lakes Environmental Council, the Great Lakes Indian, Fish and Wildlife Commission and the Great Lakes Regional Council.

The walk is part of a larger effort to protect the Great Lakes region. The Oshkosh Truck Co. is still competing for the contract.

The Oshkosh Truck Co. is still competing for the contract. The contract is for 10-year delivery of 2,000 vehicles.

The Oshkosh Truck Co. is still competing for the contract. The contract is for 10-year delivery of 2,000 vehicles.

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The Oshkosh Truck Co. is still competing for the contract. The contract is for 10-year delivery of 2,000 vehicles.

The Oshkosh Truck Co. is still competing for the contract. The contract is for 10-year delivery of 2,000 vehicles.

Summer

From Page 1A
The forecast for the summer months is generally favorable. The Oshkosh Truck Co. is still competing for the contract.

The Oshkosh Truck Co. is still competing for the contract. The contract is for 10-year delivery of 2,000 vehicles.

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The Oshkosh Truck Co. is still competing for the contract. The contract is for 10-year delivery of 2,000 vehicles.

AMERICAN
Carpet \$5.95
Cleaning \$1.95

BULLETIN
LEASE A BRAND NEW
1985 BUICK REGAL
LEASE WITH EQUIPMENT
\$3999

BANK & SON
AUTOMAL

Exhibit 11

THOMAS E. PETRI
6TH DISTRICT, WISCONSIN

2282 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-4906
(202) 225-2476

Congress of the United States
House of Representatives
Washington, DC 20515-4906

6TH DISTRICT OFFICES:
FOND DU LAC, WI
(414) 922-1180
OSHKOSH, WI
(414) 231-6333

April 9, 1997

The Honorable Floyd Spence
Chairman
House Committee On National Security
Washington, D.C. 20515

Dear *Floyd* Chairman Spence:

As the committee begins its review of the FY 1998 DoD budget, I would like to bring a key Defense program to your attention. I am referring to the Army's Family of Medium Tactical Vehicles (FMTV) program; a truck program that is very high on the Army's unfunded priority list.

The Army is currently fielding the FMTV to its highest priority units. When the initial multiyear is completed, a total of 10,843 trucks will be fielded. The Army's budget request for FY 1998 provides \$209.4 million to buy the last 1,509 trucks of that contract. In keeping with the Army's strategy, production of this last segment of trucks will be complete in November 1998. Presently, the Army's intention as part of the follow-on multiyear production contract is to create a competitive second source. The Army believes that this approach will create a larger production base allowing faster fielding of trucks and reducing vehicle unit costs through competition.

However, there is one difficulty that arises from this strategy. When production from the first multiyear contract is completed in November 1998, there will be a two month production break before initiation of a second multiyear by the current manufacturer. This break can be bridged at an additional cost of \$80 million. The funding would be additive to the budget request and provide about 500 much needed trucks. Most of the added vehicles would include special variants such as wreckers, expandable vans and tankers.

I would be grateful if the committee would support the Army's acquisition strategy to obtain a second source in the second multiyear procurement. Also, I would ask that the committee add \$80 million in FY 1998 to the Other Procurement, Army appropriation on the FMTV line. This allows procurement of an additional 500 trucks while averting a production break upon the completion of the first multiyear.

Your assistance in this matter is greatly appreciated.

Sincerely,



Thomas E. Petri
Member of Congress

TEP:cm

Exhibit 12

Congress of the United States
Washington, DC 20515

June 7, 2002

Honorable Thomas E. White
Secretary
Department of the Army
The Pentagon, Washington, D.C. 20310

Dear Secretary White:

We are writing you in support of the Army's decision to competitively award the next contract for the Family of Medium Tactical Vehicle (FMTV). One of the two competing companies is Oshkosh Truck Corporation, a well-respected Wisconsin company that has been doing business with the Army for over forty years. Its high-quality products are well known in the defense industry.

Recently, the House passed, with our support, the Fiscal Year 2003 Defense Authorization bill, which permits the U.S. Army to spend \$681.4 million for the FMTV. This matches the President's request for 3,574 FMTVs. The FMTV is the U.S. Army's primary medium tactical truck for combat support and combat service support forces.

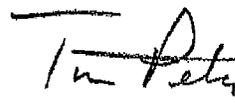
Currently, Oshkosh Truck and Stewart & Stevenson have their versions of the FMTV at the Aberdeen proving grounds for the performance and reliability testing stage of the competition. We are aware that the Army does not expect to award the contract for the FMTV until March of next year. It is our hope that the Army will continue to conduct the competition in an open and fair manner for both contractors. Moreover, we would appreciate the opportunity to be briefed on the plan to determine an eventual winner of the contract. A fair and open competition to award the FMTV contract would not only be beneficial to the primary manufacturer, but also to the secondary manufacturers working on the FMTV project, such as the Mayville Engineering Company. Oshkosh Truck is an outstanding Wisconsin company and deserves equal consideration for this merit-based contract.

We hope that you will thoroughly review our inquiry regarding the FMTV. We appreciate your prompt attention to this important issue affecting our districts and we look forward to your reply.

Sincerely,



F. JAMES SENSENBRENNER, JR.,
Member of Congress



THOMAS E. PETRI
Member of Congress

Exhibit 13

Congress of the United States

Washington, DC 20515

March 8, 2002

The Honorable Frank Wolf
Chairman, Subcommittee on Commerce, Justice State and the Judiciary
H-309, The Capitol
Washington, D.C. 20515

Dear Mr. Chairman:

We respectfully ask for your support in appropriating \$50 million for the Maritime Administration's Title XI Ship Loan Guarantee Program in fiscal year 2003. Without the Title XI Ship Loan Guarantee program commercial ship construction in the United States will, for all practical purposes, come to a halt. Owners and operators of vessels will not have the means to replace their aging fleets, which will increase the risks to our environment, jeopardize American energy self-sufficiency, and severely weaken the defense shipbuilding industrial base.

The Administration's budget, as last year, proposes no funds for Title XI loan guarantees, and wrongly labels the program an unnecessary corporate subsidy. The Title XI program is not a subsidy; it is a loan guarantee that provides affordable ship financing to small and medium sized ship operating companies that would not be able to obtain credit at reasonable rates or terms because of the high capital cost of ships and the few banks familiar with ship financing. Historically the Title XI program has had one of the lowest default rates of any government loan guarantee program, three percent.

Many opponents of the program point to the recent default by American-Classic Voyages (AMCV) as grounds for eliminating the program. Unforeseeable were the terrorist attacks of September 11th that sunk the vacation cruise market, as fear of additional terrorist attacks led to numerous cancellations, decreased future bookings, and evaporation of cash assets. As a result, three established cruise ship companies filed for Chapter 11 reorganization. AMCV was one of these companies, which led to a default on its Title XI loan guarantees, including two 1,900-passenger ships under construction at Ingalls Shipbuilding. If not for these horrible acts of terror and their devastating impact on the cruise ship industry, no default would have occurred and construction of these ships would have continued.

Title XI supports many other commercial markets, some of which also support national defense in wartime. It has enabled small and medium sized companies to order and receive vessels that promote U.S. commerce while protecting our environment. Today there are pending applications for more environmentally safe double-hulled oil tankers, and potential for 20 to 40 double-hulled shuttle tankers to serve the growing offshore oil production market in the Gulf of Mexico. These ships, along with numerous pending ship construction projects totaling over \$5 billion, would modernize and expand the U.S. flag fleet.

The construction of commercial ships lowers the cost of naval ships to the taxpayer by reducing shipyard overhead costs and facilitating incorporation of commercial practices, and commercial technology into military construction projects, further strengthening the defense shipbuilding industrial base. It will also preserve the jobs of thousands of highly skilled craftsmen essential to naval construction. At a time when the Pentagon leadership acknowledges that it is providing less than half of what is necessary to sustain a 300-ship Navy, and the six remaining shipbuilders, upon which the Navy depends, we cannot afford to eliminate the one program which helps preserve that vital industrial base with minimal government investment.

Title XI program is absolutely necessary to meeting the national objectives of energy self-sufficiency, increased domestic commerce, and a strengthened defense shipbuilding industrial base. Accordingly, we urge you to appropriate \$50 million for the Title XI Ship Loan Guarantee Program in fiscal year 2003. Thank you for your consideration of our request for this vital program

Sincerely,

Carl Wilder

Joe Wilson

Tom Allen

Randy Allen

Gene Taylor

John Taylor

Sammy Callahan

Mary Kaptur

Joe P. M...

Bob ...

Robert A. Underhill

Ernie M. Thompson

Norm Dick

Paul Stapale

Danny

Charles Curran

Chip Pilson

Eric Carter

Pat A. Spink

Frank A. LeBiondo

Jennifer Durr

Rich Lamm

Virgil Goode

Tim Maloney

Bob Goodlett

Ron Egan

Peter Huelbeck

Ed Schroek

John E. Ballocci

[Signature]

Rosmit Shyams

John B. Larson

James Langerin

Walter B. Jones

Mike Mastone

J. Sutton

[Signature]

[Signature]

[Signature]

[Signature]
CT/02

John Davis

[Signature]

Wayne T. Gilcrest

Mike Doyle

Neil Alessandria

Mrs. M. Clayton

Bob Filmer

Dan Vitter

Roy Wicker

Tom Davis

Auson Davis

Jim Jefferson

Clarence

Joseph M Hoefel

Ernie L. Engel

Jim Oberstar

Tom Petri

Chris Smith

Wendell Roy

Luella Sanchez

Jim Moran

[Signature]

Rob DeFazio

Billy Tauzin

Dup Boucher

Corine Brown

Bill Bonnell Jr.

John Cooney

Quinn Hunt

Darlene Hooley

Exhibit 14

Gebhardt, Debbie

From: Gebhardt, Debbie
Sent: Wednesday, May 12, 2004 12:02 PM
To: Kerkman, Sue
Subject: RE: Manitowoc Co.

we are going to go ahead and sign on to the Feingold letter on the sub naming, so just alert the Mayor's office this is happening.

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

From: Kerkman, Sue
Sent: Wednesday, May 12, 2004 11:59 AM
To: Gebhardt, Debbie
Subject: RE: Manitowoc Co.

Let's keep our fingers crossed.

From: Gebhardt, Debbie
Sent: Wednesday, May 12, 2004 11:57 AM
To: Kerkman, Sue
Subject: RE: Manitowoc Co.

Right, we talked yesterday about item #4 and the defense contract. They are one of three consortiums competing for this contract and the decision is to be announced May 27.

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

From: Kerkman, Sue
Sent: Wednesday, May 12, 2004 11:46 AM
To: Gebhardt, Debbie; Markowitz, Rich
Subject: Manitowoc Co.

Tim and I met with Terry Growcock and all the senior executives from the company, including Marinette Shipbuilding. In general, they are very optimistic about their company and are currently adding 150 jobs at the plant in Sturgeon Bay where they have 3 times as many employees as last year. They have added 700 jobs in Marinette and 70 in Manitowoc at the crane plant.

Areas of concern include:

1. Legislation....too much, too many changes constantly on corporations, especially as the result of the Enron etc. scandals. Much time and money is spent on governance compliance, often which lack interpretive guidance. They figure it costs the company \$2 million per year. They have to "audit the audit". Unions hold out because they want more protections for the workers but at the end of the day, businesses go out of business and workers lose their pensions. This causes problems for Man. Co. in their crane operation. They even have loans held up because of the compliance issues.
2. They want us to influence Kohl and Feingold regarding the Asbestos Reform. This is a big burden for the company. While lawsuits are questionable in nature and they never lose any, they again spend an enormous amount of time on them. The worst thing would be to do nothing. With the number of frivolous claims, the people who have legitimate claims are the ones harmed.
3. Transportation bill is of big interest to them.
4. Marinette Marine is bidding on that large contract to build the ships for the defense department. The House pulled out all the \$\$ for shipbuilding in '05 and put it into '06. This will cost at least 400 jobs in WI (though not in our district). Al Bernard is working the issue with the Senate but want Tim to watch it in the conference. The issue is actually bigger than the \$\$ deal. Someone pulled a fast one to get that change but they don't know who it was. What they know is that General Dynamics want to keep them out of it. The company has partnered with Lockheed and no one from either company saw it coming. Tim offered to contact Kohl but they said Al can handle it in the Senate.

Exhibit 15

Gebhardt, Debbie

From: Bernard, Al <[REDACTED]@MarinetteMarine.com>
Sent: Monday, January 23, 2006 3:36 PM
To: Mullane, Patrick
Cc: Gebhardt, Debbie
Subject: EPA Meeting

Patrick,

I want to thank you again, for all of your help ... I sincerely appreciate it! It was unanimous among our group that it was a productive meeting. Terry will send a note to the Congressman thanking him and his staff for that.

If you agree, I can draft a "thank you" and follow-up to EPA from Chairman Petri -- for your review -- with the following: thanks for their time and concern to the Issue, a very brief review of action items that were discussed, appreciation for using MTW experience in determining a reasonable transition time and keeping the Congressman posted on their progress and resolution with the rulemaking. If there is anything else, please don't hesitate in letting me know

Regards, Al

Al J. Bernard
Senior Vice President, Washington Operations
The Manitowoc Company, Inc.
Tel: (202) 863-[REDACTED]
Fax: (202) 863-3639
www.manitowoc.com

***** Confidentiality Statement *****

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Exhibit 16

To: Rep. Buck McKeon
From: Rep. Tom Petri
Re: Army Procurement - Family of Medium Tactical Vehicles (FMTV)

Recently, Oshkosh Defense (a division of Oshkosh Corporation which is located in my congressional district) was awarded an Army contract for the U.S. Army's Family of Medium Tactical Vehicles (FMTV). The contract award is for the production of up to 23,000 vehicles and trailers as well as engineering and support. The contract was awarded through a competitive bid.

The losing bidders, BAE Systems of the U.K. and Navistar International of Illinois, have filed a protest, which is now being considered by the General Accountability Office (GAO). Note that BAE has produced the trucks in the past at a plant in Texas.

Apparently, efforts may be underway by some members of the Texas and Mississippi delegations to circumvent the GAO protest process and insert language regarding the contract award in the DOD authorization and/or appropriations conference report.

All I am asking is that we follow the established, fair process and procedures that we have in place. It is appropriate that GAO resolve the issue. Congress should not attempt to influence or interfere with an impartial review of the facts and the awarding of this contract.

I request that no language regarding this procurement be included in the final agreement approved by conferees.

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

Exhibit 17

Christofaren
President + CEO
Schneider National Inc.



Janet -

Nov. 2

Susan
Blom Nov 6-7-8 Subcomm. trip Tampa
to AOPA convention

= whoever he talks to, disclose
that -

Carol Owen
on Hr =
OK.

not weighing in on

whether they should

didn't weigh in on
contract, have interest stock
- asking we follow
full + fair procedure
standards

Exhibit 18

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.

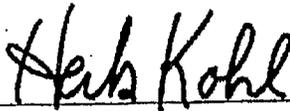
Finally, we believe the ongoing public relations campaign initiated by disappointed parties has disseminated a significant amount of incomplete and inaccurate information regarding the FMTV competition. Oshkosh Corporation is a strong, diverse company that has produced over 67,000 military vehicles for 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,

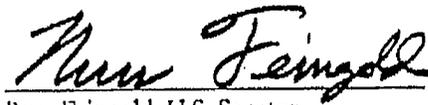
particularly while the GAO conducts its review of the protests. We request that you provide the undersigned with a complete copy of all materials provided to other Members of Congress relating to the FMTV competition as well as the opportunity to receive the same briefings that are provided to other 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.

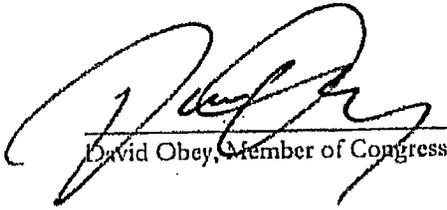
Sincerely,



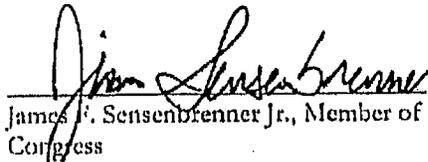
Herb Kohl, U.S. Senator



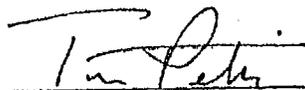
Russ Feingold, U.S. Senator



David Obey, Member of Congress



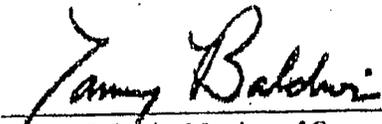
James F. Sensenbrenner Jr., Member of Congress



Tom Petri, Member of Congress



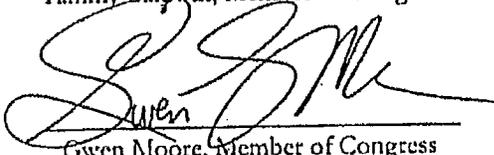
Ron Kind, Member of Congress



Tammy Baldwin, Member of Congress



Paul Ryan, Member of Congress



Gwen Moore, Member of Congress



Steve Kagen, M.D.

Exhibit 19

Gebhardt, Debbie

From: Fenlon, James
Sent: Thursday, October 01, 2009 3:58 PM
To: Gebhardt, Debbie
Subject: RE: oshkosh letter

All right, good to know. I will let you know if I hear from anyone in Kohl's office.

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

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

From: Fenlon, James
Sent: Thursday, October 01, 2009 12:26 PM
To: Gebhardt, Debbie
Subject: RE: oshkosh letter

Sounds good.

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

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

Exhibit 20

K. Michael Conaway, Texas
Chairman
Linda T. Sánchez, California
Ranking Member

Charles W. Dent, Pennsylvania
Patrick Meehan, Pennsylvania
Trey Gowdy, South Carolina
Susan W. Brooks, Indiana

Pedro R. Pierluisi, Puerto Rico
Michael E. Capuano, Massachusetts
Yvette D. Clarke, New York
Ted Deutch, Florida



ONE HUNDRED THIRTEENTH CONGRESS

U.S. House of Representatives

COMMITTEE ON ETHICS

May 21, 2014

Thomas A. Rust
Staff Director and Chief Counsel

Joanne White
Administrative Staff Director

Jackie M. Barber
Counsel to the Chairman

Daniel J. Taylor
Counsel to the Ranking Member

1015 Longworth House Office Building
Washington, D.C. 20515-6328
Telephone: (202) 225-7103
Facsimile: (202) 225-7392

MEMBER'S PERSONAL ATTENTION

The Honorable Tom Petri
U.S. House of Representatives
2462 Rayburn House Office Building
Washington, DC 20515

Dear Representative Petri:

I am writing in response to your April 18, 2014, letter in which you "authorize staff of the Committee on Ethics (Committee) to discuss with the staff of the Office of Congressional Ethics (OCE) all matters concerning requests for advice from [you] or [your] staff regarding" four companies. Specifically, your "authorization" includes requests for guidance regarding "(A) Oshkosh Corporation, on or after January 1, 2006; (B) Manitowoc Company, Inc., on or after January 1, 2007; (C) Danaher Corporation, on or after January 1, 2011; or (D) Plum Creek Timber Company, Inc., on or after January 1, 2012."

Both House and Committee rules require the Committee to conduct its work in a confidential manner. Committee Rule 3(j) generally requires that the Committee "keep confidential any request for advice from a Member, officer, or employee, as well as any response thereto." Further, Committee Rule 7(b) states that: "No member of the staff . . . may make public, unless approved by an affirmative vote of a majority of the members of the Committee, any information, document, or other material that is confidential . . . and that is obtained during the course of employment with the Committee." This confidentiality requirement for Committee staff is derived from parallel language found in House Rule XI, clause 3(g)(1)(F). For this reason, even with your consent, Committee staff may not discuss with a third party advice that Committee staff have given to you or your staff absent an affirmative vote of the full Committee.

Committee Rule 3(j) does authorize the Committee to "release to the requesting individual a copy of their own written request for advice . . ., any subsequent written communications between such individual and Committee staff regarding the request, and any Committee advisory opinion . . . issued to that individual in response." The requesting individual is free to share materials released to the individual with anyone, including staff of OCE. Committee staff reviewed the Committee's files, and the Committee does not have a record of a written request from you for a formal advisory opinion from the Committee regarding the four companies identified in your letter.

Committee staff also reviewed their notes and phone logs, and they do have records of your office seeking informal, staff-level guidance from Committee staff regarding at least one of the relevant companies. However, under Committee Rule 3(j) the Committee "shall not release any internal Committee staff work product, communications or notes in response to" an individual's request for a copy of their own written request for advice.

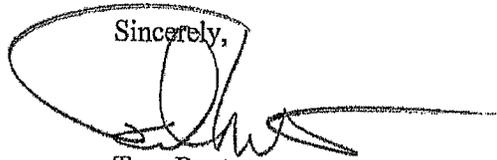
The rules do permit Committee staff to memorialize their communications with you and/or your staff and send the memorialization to you. You are then free to share the memorialization of those communications with the staff of OCE. The following represents Committee staff's attempt to memorialize our communications with you. Please note that this reflects all guidance of which Committee staff has records regarding the four companies that you specifically named in your letter, including guidance on an un-named timber company that the Committee staff believes may be relevant. Of course, this may not represent all guidance given to you or your staff because Committee staff's records over the course of more than eight years of guidance may not be complete.

- On or around October 1, 2009, a member of your staff contacted Committee staff regarding a request to sign a letter from the Wisconsin congressional delegation to the Secretary of Defense regarding a military truck contract that was awarded to Oshkosh Corporation. Committee staff has no record of whether or not your staff mentioned your financial interest in Oshkosh Corporation. Your staff said that the Texas congressional delegation was signing a letter supporting the entities that did not win the contract, and the Wisconsin delegation was preparing to sign its own letter asking the Secretary of Defense to allow the bid protest process to proceed pursuant to normal Department of Defense policy and not allow outside intervention in the process. Your staff further said that the letter would not mention Oshkosh Corporation specifically. Committee staff provided informal, staff-level guidance that you could sign onto the Wisconsin delegation letter.
- On or around December 18, 2009, a member of your staff contacted Committee staff regarding a request to sign another Wisconsin delegation letter to the Secretary of Defense following publication of the Department of Defense decision in the reexamination of the Oshkosh Corporation defense contract. Again, Committee staff has no record of whether or not your staff mentioned your financial interest in Oshkosh Corporation. Committee staff reviewed the letter, and provided informal, staff-level guidance suggesting one small edit to the letter after which you could sign onto the letter.
- On or around February 26, 2010, a member of your staff contacted Committee staff regarding a request to sign onto a third letter from the Wisconsin delegation to the Secretary of Defense regarding the Oshkosh Corporation contract bid dispute. Again, Committee staff has no record of whether or not your staff mentioned your financial interest in Oshkosh Corporation. This letter urged the Army not to award a one-year bridge contract to another defense contractor while Oshkosh Corporation geared up for its contract. Committee staff reviewed the

draft letter and provided informal, staff-level guidance saying that you could sign onto the letter.

- On or around June 15, 2010, a member of your staff contacted Committee staff regarding a letter to the House Sergeant-at-Arms asking that Oshkosh Corporation be permitted to display an Oshkosh vehicle outdoors on the grounds of the Capitol complex. Again, Committee staff has no record of whether or not your staff mentioned your financial interest in Oshkosh Corporation. However, your staff did indicate that the vehicle was manufactured in your district. Committee staff reviewed the letter and provided informal, staff-level guidance that you could send the letter.
- On or around April 15, 2013, a member of your staff contacted Committee staff regarding a request from a timber company, of which your wife is a stockholder. The timber company requested that you sign onto a letter being circulated by other Members and addressed to the Committee on Ways and Means. The letter supported tax revisions that would benefit the timber industry as a whole. Your staff asked if the effect of signing such a letter would impact your financial interests as a member of a class or as an individual. Committee staff provided informal, staff-level guidance that the tax revisions as described would impact the timber industry nationwide, rather than impacting or benefiting the specific timber company.

If you have any questions, please do not hesitate to contact me. To the extent you are represented by counsel in relation to this matter, please direct questions on such matters through your counsel to me, at (202) 225-7103.

Sincerely,

Tom Rust
Chief Counsel and Staff Director

cc: Rob Kelner, Esq.

Exhibit 21

Gebhardt, Debbie

From: Gebhardt, Debbie

Sent: Friday, December 18, 2009 10:41 AM

To: Dixon, Carol

Subject: Emergency Question re: WI delegation letter going out today

Hi Carol:

I was wondering if you could give me a quick call regarding a letter that is going out today re: this Army contract that has WI and TX battling each other (we talked about a different letter a couple weeks ago). My direct number is [REDACTED].

Thanks very much --

Debbie

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

12/18/2009

PET-OCE-00000029

Exhibit 22

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

Exhibit 23

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 24

Gebhardt, Debbie

From: Gebhardt, Debbie
Sent: Friday, December 18, 2009 1:12 PM
To: Dixon, Carol
Subject: Letter
Attachments: FEINGOLD.Draft Delegation Letter 12-17-09 v3.doc

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

December 18, 2009

The Honorable John M. McHugh
Secretary of the Army
101 Army Pentagon
Washington, DC 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 are confident 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,

Exhibit 25

Congress of the United States

Washington, DC 20515

December 22, 2009

The Honorable John M. McHugh
Secretary of the Army
101 Army Pentagon
Washington, D.C. 20310-0101

Dear Secretary McHugh:

We write to urge you to move quickly to implement the recent recommendations of the Government Accountability Office (GAO) regarding the pending contract with Oshkosh Corporation to produce the Army's Family of Medium Tactical Vehicles (FMTV).

It is important to highlight what the GAO did not recommend in its detailed decision released on December 17. Specifically, the GAO did not question the validity of the RFP, did not recommend a new competition or resubmission of bids, did not recommend new discussions with bidders and did not recommend the cancellation of the current contract award to Oshkosh pending the Army's re-evaluation. We request that the Army adhere to the recommendations of the GAO report and refrain from taking actions outside the scope of the GAO's recommendations.

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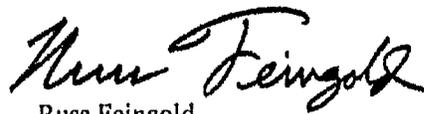
The Honorable John M. McHugh
December 22, 2009
Page Two

experience and capability, offers the most cost-effective pricing, and would provide the Army and the taxpayer with the best value for the FMTV program. Thank you for your attention to this request.

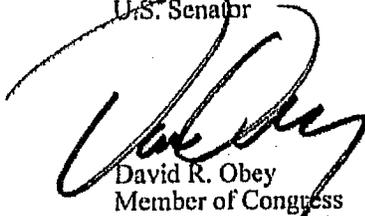
Sincerely,



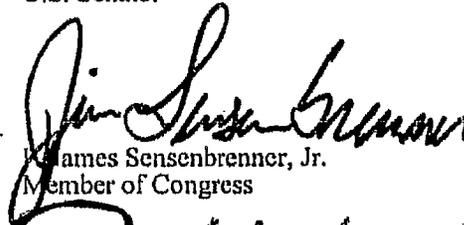
Herb Kohl
U.S. Senator



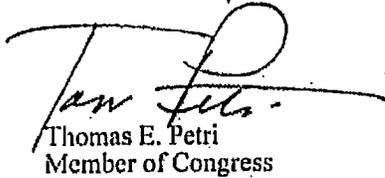
Russ Feingold
U.S. Senator



David R. Obey
Member of Congress



James Sensenbrenner, Jr.
Member of Congress



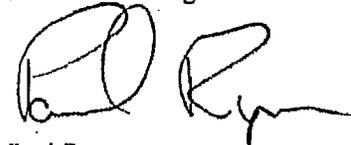
Thomas E. Petri
Member of Congress



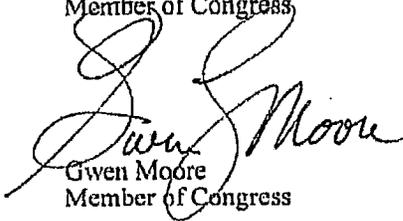
Ron Kind
Member of Congress



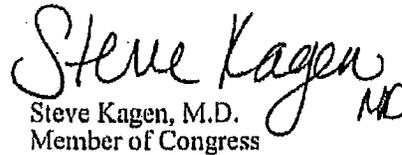
Tammy Baldwin
Member of Congress



Paul Ryan
Member of Congress



Gwen Moore
Member of Congress



Steve Kagen, M.D.
Member of Congress

Exhibit 26

Gebhardt, Debbie

From: Gebhardt, Debbie
Sent: Wednesday, May 22, 2013 12:51 PM
To: Dixon, Carol
Subject: inquiry -

Carol – left message, could you give a call re: a constituent inquiry that we have and just want to run by you --- we have consulted on related matters in past so think we are in the clear, but just want to be sure.

Thanks -- Debbie

Debra Gebhardt
Chief of Staff
U.S. Rep. Thomas E. Petri
2462 Rayburn | Washington, D.C. 20515
202-225-████

Exhibit 27

Gebhardt, Debbie

From: Gebhardt, Debbie
Sent: Monday, June 03, 2013 4:33 PM
To: McCanna, Meagan
Subject: how is that Oskhosh letter going?

Remember, when we send it we have to attach a disclaimer about stock ownership – per Ethics Committee advice.

Exhibit 28

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 29

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.

THOMAS E. PETRI
8TH DISTRICT, WISCONSIN

2402 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-4906
(202) 225-2476

8TH DISTRICT OFFICER
FOND DU LAC, WI
(920) 922-1180

OSHKOSH, WI
(920) 231-6333

Congress of the United States
House of Representatives
Washington, DC 20515-4906

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.

PET-OCE-00000122

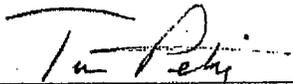
June 10, 2013
Page Two

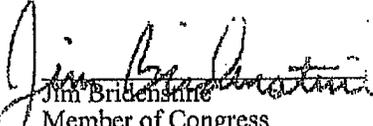
Collectively, these economic factors risk an accelerated contraction and consolidation of the TWV industrial base to the detriment of the taxpayer, recapitalization of TWV fleets, and future acquisitions. It is our understanding that when examining just one of the Services' requirements, many of its "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.

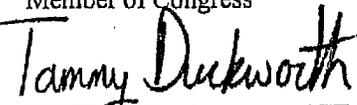
Thank you for your strong leadership on this critical industrial base issue.

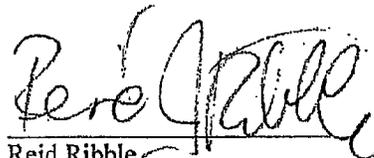
Sincerely,

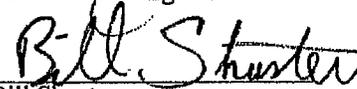

Thomas E. Petri
Member of Congress

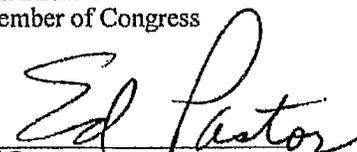

Jim Bridenstine
Member of Congress


Ron Kind
Member of Congress


Tammy Duckworth
Member of Congress


Reid Ribble
Member of Congress


Bill Shuster
Member of Congress


Ed Pastor
Member of Congress


Andre Carson
Member of Congress

Exhibit 30

From: McCanna, Meagan
Sent: Tuesday, November 29, 2011 06:00:21 PM
To: Gebhardt, Debbie
Subject: RE: fire trucks

This message has been archived. View the original item

Thanks for including me... interesting. So did they indeed want a broader definition than Tim has supported in the past?

Meagan McCanna | Legislative Assistant
Office of Congressman Thomas E. Petri

From: Gebhardt, Debbie
Sent: Tuesday, November 29, 2011 5:46 PM
To: 'Will Stone'
Subject: RE: fire trucks

Alright -- talked to Jennifer on the Subcommittee and passed on Petri's interest and support for addressing

From: Will Stone [mailto:████████@dennymiller.com]
Sent: Tuesday, November 29, 2011 11:19 AM
To: Gebhardt, Debbie
Subject: Re: fire trucks

Can Lee and I stop by today or set up a call with you to explain things?

Will Stone
Vice President
Denny Miller Associates
400 North Capitol Street
Suite 363
Washington, DC. 20001
(202) 783-████████ office
(202) 674-████████ mobile

██████████@dennymiller.com

Typed on my Blackberry with two thumbs - please forgive any typos

From: Gebhardt, Debbie [mailto:██████████@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:██████████@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

(202) 674-██████████ mobile

██████████@dennymiller.com

PET-OCE-00004299

www.dennymiller.com <<http://www.dennymiller.com/>>

From: Gebhardt, Debbie [REDACTED]@mail.house.gov]
Sent: Monday, November 28, 2011 5:36 PM
To: Will Stone
Subject: fire trucks

I am handling this weight issue and have been reading the brochures left with Meagan. At one point I was told this exemption was needed just for delivery of the trucks to the municipalities/counties, etc. But this actually is a TOTAL exemption so no federal weight limits would ever apply? I assume fire trucks are not on the Interstates very often (except for delivery) which are the only roads where federal weight limits apply.

PET-OCE-00004300

Exhibit 31

Congress of the United States
Washington, DC 20515

June 4, 2014

The Honorable Bill Shuster
Chairman
Committee on Transportation and
Infrastructure
U.S. House of Representatives
Washington, DC 20515

The Honorable Nick J. Rahall, II
Ranking Member
Committee on Transportation and
Infrastructure
U.S. House of Representatives
Washington, DC 20515

Dear Chairman Shuster and Ranking Member Rahall:

We are writing today to urge you to include language in the upcoming surface transportation reauthorization bill to implement a national standard for the treatment of emergency vehicles under federal vehicle weight laws. This provision, as attached, was previously included in the transportation bill successfully reported out of the Committee in the 112th Congress. The language enjoys the support of both the International Association of Fire Chiefs (IAFC) and the Fire Apparatus Manufacturers Association (FAMA). The IAFC represents over 13,000 chief fire and emergency officers, while FAMA represents over 110 companies that design, manufacture and service fire apparatus used by first responders.

Influenced in large part by the September 11, 2001 terrorist attacks and subsequent large-scale natural disasters, we as a nation have undertaken significant efforts to improve our emergency response capabilities, including the procurement of more capable emergency equipment. First responders are facing significantly greater operational demands, and modern equipment is critical to ensuring that firefighters and other first responders are able to answer the call and respond effectively to emergencies of all types. For firefighters, specific requirements include increased aerial ladder reach and weight capacities, larger water-carrying capacities, and the need to combine multiple functions within one vehicle. These increased operating requirements are driving emergency vehicles to carry additional weight with larger axle weight capacities, often causing these vehicles to exceed federal and state axle weight limitations. While many federal and state laws and regulations provide some exemptions to emergency vehicles, the operation of emergency vehicles is increasingly running afoul of state laws designed to govern commercial truck traffic.

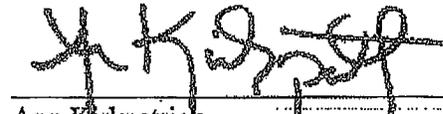
We strongly support the implementation of a uniform standard under federal laws and regulations to ensure fire trucks and other heavy emergency vehicles are exempt from axle weight rules designed for commercial vehicles. Such a regulatory exemption should extend to emergency vehicles in service, as well as vehicles being demonstrated or delivered to fire departments by a manufacturer, service, or sales dealer.

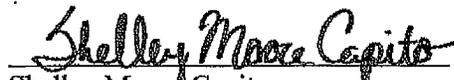
An appropriately tailored emergency vehicle exemption is extremely important to ensure firefighters have access to the equipment necessary to perform their mission, and at the same time would have little impact on road conditions given the small numbers of emergency vehicles in service and their relatively infrequent use on public highways. In addition, expanded emphasis on the ability of first responders to share personnel and equipment across municipal and state lines in the event of a major emergency further highlights the need for a uniform approach to the regulation of emergency vehicles.

Thank you again for your attention to this initiative on behalf of our nation's first responders. Please contact Paul Bleiberg on the staff of Congressman Ribble if you have any questions regarding this matter.

Sincerely,


Reid J. Ribble
Member of Congress


Ann Kirkpatrick
Member of Congress


Shelley Moore Capito
Member of Congress


Daniel Lipinski
Member of Congress


André Carson
Member of Congress


Cheri Bustos
Member of Congress

Amend section 127 of title 23, United States Code, by adding at the end the following:

(i) Emergency Vehicles—

(1) In General— Notwithstanding subsection (a), a State may not enforce against an emergency vehicle, vehicle weight limits of:

- less than 24,000 pounds on a single steering axle;
- less than 33,500 pounds on a single drive axle;
- less than 62,000 pounds on a tandem axle; or
- less than 52,000 pounds on a tandem rear drive steer axle, up to a maximum gross vehicle weight of 86,000 lbs.

(2) Emergency Vehicle Defined— For the purposes of this subsection, emergency vehicle means a vehicle designed to be used under emergency conditions to transport personnel and equipment, and to support the suppression of fires and mitigation of other hazardous situations. [per the National Fire Protection Association (NFPA) Standard 1901]

Exhibit 32

From: Gebhardt, Debbie
Sent: Thursday, July 12, 2012 10:33:29 AM
To: [REDACTED]@oshkoshcorp.com'
Subject: RE: typo

I asked them if I could check periodically on status. Jamie McCormick is the staffer on full committee that handles it.

From: [REDACTED]@oshkoshcorp.com [mailto:[REDACTED]@oshkoshcorp.com]
Sent: Thursday, July 12, 2012 10:29 AM
To: Gebhardt, Debbie
Subject: RE: typo

Many thanks Debbie.

Jay Kimmitt
Executive Vice President
Oshkosh Corporation
(703) 525-[REDACTED]

From: "Gebhardt, Debbie" <[REDACTED]@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 [mailto:[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 050390117

Although this e-mail and any attachments are believed to be free of any virus or other defect which might affect any computer system, it is the responsibility of the recipient to check that it is virus-free and the sender accepts no responsibility or liability for any loss, injury, damage, cost or expense arising in any way from receipt or use thereof by the recipient.

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Thank you.

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Thank you.

Exhibit 33

From: Gebhardt, Debbie
Sent: Thursday, May 11, 2006 03:46:18 PM
To: 'Jay Kimmitt'
Subject: RE: DOD Auth

Ok thanks.

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

From: Jay Kimmitt [mailto:██████████@oshtruck.com]
Sent: Thursday, May 11, 2006 3:24 PM
To: Gebhardt, Debbie
Subject: RE: DOD Auth

None that I have been able to find. We struck out with the HASC.
Hopefully we will be more successful with the HAC.

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

"Gebhardt, Debbie" <██████████@ mail.house.gov>	"Jay Kimmitt" <██████████@oshtruck.com>	To
05/11/2006 03:18 PM		cc
	RE: DOD Auth	Subject

Thanks -- Is there any Oshkosh Truck specific provision at all?

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

From: Jay Kimmitt [mailto:██████████@oshtruck.com]
Sent: Thursday, May 11, 2006 10:14 AM
To: Gebhardt, Debbie
Subject: RE: DOD Auth

Thanks for checking. I have found nothing in the Armed Service markup to be concerned about ref OTC.
Best,

Jay Kimmitt
Senior Vice President, Washington Operations Oshkosh Truck Corporation 1300 North 17th Street, Suite

1040 Arlington, VA 22209-3801 703.525 [REDACTED]
703.525.8408 (fax)

"Gebhardt,
Debbie"
<[REDACTED]@
mail.house.gov>

05/11/2006 10:03
AM

"Jay Kimmitt"
<[REDACTED]@oshtruck.com>

To

cc

Subject

RE: DOD Auth

Jay:

I know we submitted request for appropriations -- the DOD authorization bill is on Floor today -- anything in there or something we should be aware of?

Thanks.

Debbie

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

From: Jay Kimmitt [mailto:[REDACTED]@oshtruck.com]
Sent: Wednesday, May 10, 2006 9:47 AM
To: Gebhardt, Debbie
Subject: RE: Egyptian Military Visit

great, thanks. we very much appreciate your help.

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

"Gebhardt,
Debbie"
<[REDACTED]@
mail.house.gov>

05/09/2006 07:36
PM

"Jay Kimmitt"
<[REDACTED]@oshtruck.com>

To

cc

PET-OCE-00001659

Subject
RE: Egyptian Military Visit

We are inviting you!

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

From: Jay Kimmitt [mailto: [REDACTED]@oshtruck.com]
Sent: Tuesday, May 09, 2006 4:20 PM
To: Gebhardt, Debbie
Subject: RE: Egyptian Military Visit

Thanks very much. I assume we are being invited to attend.

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

"Gebhardt,
Debbie"

< [REDACTED]@
mail.house.gov>

05/09/2006 01:44
PM

"Jay Kimmitt"
< [REDACTED]@oshtruck.com>

To

cc

Subject

RE: Egyptian Military Visit

Hi Jay:

This meeting has beenscheduled for Thursday, May 18 at 4:00.

Debbie

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

From: Jay Kimmitt [mailto: [REDACTED]@oshtruck.com]

PET-OCE-00001660

Sent: Monday, May 08, 2006 5:11 PM
To: Gebhardt, Debbie
Subject: Egyptian Military Visit

Debbie,

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

Many thanks,

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

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Thank you.

Exhibit 34

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 35

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

*Also joining is Jay Kimmitt of Oshkosh Corporation

*To discuss the status of the US-Egyptian strategic relationship in light of the situation in Iraq, Iran-Israeli & Palestinian negotiations, and developments in Sudan and terrorist issues

Exhibit 36

Talking Points
Rep. Tom Petri
Hilbert Economic Summit
Suggested Topic: "Perspectives on the Region and Beyond."
August 16, 2007

General Opening - Welcome to Conference

- I'm pleased to be a part to this event. It's appropriate that Hilbert host an economic summit as today's forward looking agenda represents the outlook necessary, even in Wisconsin's smaller towns, for economic success in the current global environment.
- Northeastern Wisconsin may seem to some to be tucked safely away from the upheavals and troubles of the broader economic world, but the reality is that no place is isolated from the forces driving the world's economy.
- This is as true in Hilbert as it is in New York, London, and Hong Kong and successful businesses will prepare by arming themselves to confront the looming challenges while also being unafraid to exploit emerging opportunities.
- There is no doubt that the current world environment poses a number of challenges - each carrying various risks.
 - Risks can be managed if understood; international risk also affects the domestic business environment and all must be well-informed.
 - Each business must think of itself as an international player even if its primary market extends no further than Illinois.
- Opportunities exist alongside risks. Growing wealth throughout the world has broadened the market for U.S. markets, and many in the Wisconsin business community have noticed.
 - International trade is a growing segment of the Wisconsin economy - double digit growth in state exports in 2004, 2005, and 2006. Exports are up 64 percent since 2001.
 - Wisconsin's appears to be transitioning from an economy focused on local and regional business to one that is finding increasing success in the dynamic international marketplace.

Challenges Ahead

- The U.S. economy will face a number of challenges over the next few years. These challenges are a primary concern for businesses doing business in both domestic and foreign markets.
- The local Wisconsin market mirrors the national market; large and small businesses in Northeastern Wisconsin will face the same pressures as their counterparts elsewhere.
- **Political Challenges:** 2006 elections produced new majorities in both the House and Senate that are decidedly less friendly to expanding trade than either the Bush administration and the former Republican congressional majorities.
 - Already, the House leadership has allowed presidential fast-track negotiating authority to expire, making the terrain for negotiating new free trade agreements very difficult.
 - Previously negotiated agreements with Peru, Panama, Columbia, and South Korea also face an uncertain future in the House. New opportunities for U.S. exports will be lost should these agreements continue to languish.
- **Commercial Challenges:** Housing market reversals are having an impact on the domestic economy.
 - Job losses in the Wisconsin housing and construction sector are causing the state's unemployment rate to creep up from record lows, though at 5.0 percent it is still below the average rate from the 1970s, 1980s, and 1990s.
 - Higher gasoline prices earlier this year, slowed consumer spending and reduced economic growth in Wisconsin and throughout the upper Midwest.
- **Financial Challenges:** Deepening problems in U.S. credit markets resulting from the subprime meltdown are likely to make it more expensive and more difficult to borrow.
 - Higher operating costs likely to make global competition more difficult.
 - Rising oil price will have an uneven impact on global competitors. Oil priced in dollars cost U.S. buyers more, but dollar's drop against Euro and Yen mitigates impact of oil prices on producers using those currencies.
 - Energy remains a prime concern of U.S. manufacturers. Congress has struggled in recent years to adopt a comprehensive and positive energy policy. It appears that this year's energy package also falls short of reaching this goal.

Opportunities in the Global World

- Over the past two decades, the United States has sought to expand international trade. Both the Bush and Clinton administrations, one Republican and the other Democratic, have pursued a free trade agenda seeking to achieve a number of national goals.
- This policy has not always been popular. In fact, its very success in fostering economic development throughout the world has produced stiff competition within many industries and caused some to question why we ever followed this particular path.
- After years of steadily growing trade deficits, this tide appears to be turning in our favor:
 - American business community has risen to the challenge - producing products in many sectors that are a match for the international competition.
 - Professional economic forecasters point to a worldwide correction in trade and capital imbalances which should result in a continued readjustment in the relative value of the world's major currencies.
 - The dollar's decline coupled with our growing economic strength suggest continued robust export growth by U.S. producers and a declining trade deficit for the remaining years of this decade. (*Source: Global Insights*)

Wisconsin Companies Have Risen to the Global Challenge

- There's plenty of evidence to suggest that Wisconsin's companies are up to this challenge and are ready to meet their international competitors.
- Strong growth in Wisconsin's export put the state above the median in several measures of trade achievement:
 - Wisconsin ranks 19th among the states by measure of export value;
 - Our state's exports accounted for 6.6 percent of our state GDP, ranking 15th among the 50 states;
 - Wisconsin export growth has outpaced national growth in this sector in recent years (15 percent vs. 14.7 in 2006 and 17.4 percent vs. 10.4 percent in 2005).

Specific Wisconsin Success Stories

- Oshkosh Truck has enjoyed international success. Earlier this year, the company signed a contract with the Egyptian Defense ministry for specially designed military trucks - expanding their markets and creating opportunities for other Wisconsin companies
- Harley Davidson is working to penetrate the Chinese market -- opening its first dealership in that country last year. This is an important effort in a market that most believe will be difficult to crack.
- Saudi Arabia has become the number two importer of Wisconsin-built transportation equipment and Bangladesh is now the fifth largest importer of Wisconsin's electrical equipment and appliances.

Rosy Scenario's, Yes - Problems as Well

- Not all companies and workers are enjoying success. Rough spots need to be addressed:
 - Sock manufacturer in Sheboygan County, highly automated and thoroughly modern, finding domestic markets disrupted by growing sock imports despite government promises to enforce agreed upon quotas.
 - Service sector employees not afforded same benefits when jobs are lost to foreign competitors -- A.C. Nielsen employees' application for Trade Adjustment Benefits denied because the company does not produce an "item."

Opportunities for Constructive Government Action

- Break Stalemate in Trade Policy - Bipartisan agreement will be necessary for U.S. to move forward with future trade deals, both parties will need to compromise.
- Enforce Trade Laws and Agreements to Protect Threatened U.S. Companies - unfair trade practices must be aggressively checked to maintain support for new trade deals.
- Fiscally Responsible Government with Low Taxes to Promote Growth - low deficits and low taxes will help U.S. companies as global environment evolves.
- Transportation Investments to Facilitate Movement of Goods and People - our national transportation system is in need of increased investment.
- Expand Worker Dislocation Benefits to Include Service Sector Employees - TAA (Trade Adjustment Assistance) law will be reauthorized this year.
- Workforce Training - new training approaches to help workers adjust and remain productive within a changing employment landscape.

Wisconsin Economic Statistics

Trade

- In 2006 Wisconsin exports were valued at \$17.2 billion. This is an increase of 15 percent over the 2005 which itself showed a 17.4 percent increase over 2004. Since 2001, state exports have increased by 64 percent.
- Leading components of Wisconsin's 2006 exports are as follows:
 - Machinery Manufacturing- 26.5 percent
 - Computers and electronics production - 18.3 percent
 - Transportation Equipment - 13.7 percent
 - Electric Appliances and Part - 5.2 percent
 - Paper - 4.5 percent
- Canada remains the top market for Wisconsin exports. Mexico has been a strong market for Wisconsin with exports increasing by 177 percent over 2001 levels.
- China has passed Japan to become with Wisconsin's third largest market with exports increasing 172 percent over 2001.
- Other export destinations of note include Saudi Arabia (transportation equipment) which increased its purchases of Wisconsin products by 202 percent over 2005. Bangladesh has become the fifth largest importer of Wisconsin produced electrical equipment and appliances.
- Wisconsin's top five export destinations and percentage of export volume:
 - Canada - 31.7 percent
 - Mexico - 10.8 percent
 - China - 5.1 percent
 - Japan - 4.3 percent
 - United Kingdom - 4.0 percent

Manufacturing Facts

- Wisconsin GDP \$216.3 billion
- Manufacturing portion of GDP - \$44.6 billion (21 percent)
- Manufacturing employment (2006) - 504,600
- Annual manufacturing wages (2005) - \$44,457 (Average state wage - \$35,115)

Wisconsin Economic Outlook

- Wisconsin's unemployment rate was at 5.0 percent in June, higher than the national average of 4.5 percent.
- The WI Department of Revenue expects employment growth to remain slow in the state, citing the slowdown in the housing market, increased risks from sub-prime mortgage markets, and peak gasoline prices which hurt consumption.
- Modest gains in manufacturing employment that were expected in 2006 have mostly evaporated. The sector produced 100 new jobs during the year for growth of less than 0.1 percent.
- U.S. Labor Department figures show 2006 personal income to have grown in Wisconsin by 4.8 percent, lower than national income growth (6.3 percent), but equal to regional growth.
- Per capita income in the state increased 4.3 percent, again lower than the national rate (5.2 percent), and in this case below the regional rate of growth (4.5 percent).
- The Revenue Estimate, based upon the forecasts of Global Insights, Inc., expects the Wisconsin economy to remain slow during the third and fourth quarter of 2007 with a return to moderate growth in 2008 and 2009.

Exhibit 37

Congress of the United States
House of Representatives
Washington, DC 20515-4906

August 8, 2013

Dr. Susan Hedman
Regional Administrator
U. S. Environmental Protection Agency (EPA) – Region 5
77 West Jackson Boulevard
Mail Code: R-19J
Chicago, IL 60604-3507

Dear Regional Administrator Hedman:

I'm writing regarding a request being submitted by Manitowoc Cranes, part of The Manitowoc Company, Inc., for an economic hardship exemption under the Tier IV emission standards for diesel engines.

It is my understanding that Manitowoc contacted EPA over two years ago regarding the possibility of a technical hardship exemption because of concerns that they might not be able to meet the Tier IV standards as a result of difficulties with engine suppliers. The company reached out well ahead of what they understood the deadline to be for such an exemption in order to ensure that the exemption was processed with ample time to avoid supply disruptions.

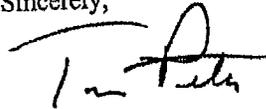
Manitowoc contacted my office almost a year ago requesting assistance with this process. At the time, the company had been told by EPA that their application would not be processed until ninety days before the scheduled engine delivery date, roughly in the third quarter of 2013 given that the engines are supposed to be delivered in early 2014. The company expressed great concern that if they were turned down for an exemption at that point, they would face significant revenue losses (on the order of several hundred million dollars) because of, among other reasons, an inability to fulfill orders beginning in 2014. They were therefore seeking some kind of preliminary review from EPA to ensure that their application appeared to be in good order, assuming the circumstances did not change between then and the time the application was processed. EPA staff indicated that there were no anticipated difficulties with the application and that they would maintain monthly or quarterly contact to ensure things stayed on track.

I was contacted again recently by Manitowoc regarding this process. It is my understanding that EPA notified Manitowoc that, due to peculiarities of this case, the company was required to submit a technical hardship exemption application at least two years prior to the engine delivery date in order to be eligible. Because the engine delivery date is roughly five months away, this type of exemption is no longer an option at this point. Therefore, EPA has now encouraged Manitowoc to pursue an economic hardship exemption. Manitowoc has indicated that they plan to file the necessary paperwork for such an exemption as soon as possible.

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 [REDACTED]@mail.house.gov or 202-225-2476 if we can be of assistance in any way.

Sincerely,



Thomas E. Petri