

EXHIBIT 1

TRANSCRIPT OF INTERVIEW OF REPRESENTATIVE PETRI'S CHIEF OF STAFF

OFFICE OF CONGRESSIONAL ETHICS

REVIEW NO. 14-1891

INTERVIEW OF

████████████████████

TRANSCRIPT OF

RECORDED PROCEEDINGS

MAY 27, 2014

BEFORE:

BRYSON MORGAN, OCE Investigator

SCOTT GAST, OCE Investigator

APPEARANCES:

ROB KELNER, Counsel to Rep. Petri

KEVIN GLANDON, Counsel to Rep. Petri

Transcribed by:

Margaret A. Fischer GA CCR 749

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

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

8 BY MR. GAST:

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

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

14 A Correct.

15 Q How long have you been in that position?

16 A Since January 2001.

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

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

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

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

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

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

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

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

11 A Not specifically.

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

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

16 Q How long did you do that?

17 A Just a little under two years.

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

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

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

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

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

9 Q And what were those conversations?

10 A What do you mean, what were the?

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

15 A Uh-huh (affirmative).

16 Q What was the substance of those
17 conversations?

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

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

3 Q Do you recall when that conversation
4 was?

5 A I believe that was in early 2007.

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

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

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

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

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

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

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

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

4 A That's my recollection, yes.

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

8 A I don't recall that I was.

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

15 A Training, no.

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

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

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

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

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

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

5 A I don't believe so.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 Q Okay. Who is that currently?

7 A Currently it's Chris Grawien.

8 Q And prior to Chris?

9 A It was Meagan McKenna.

10 Q And prior to Meagan?

11 A I want to say Kevin James.

12 Q Okay. And prior to Kevin?

13 A James Fenlon.

14 Q And just prior to James?

15 A Tyler Schwartz, I believe.

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

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

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

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

25 A It's hard to remember specifically but

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

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

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

8 A Yes.

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

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

13 Q Okay. Who was that with?

14 A I believe it was Jay Kimmitt.

15 Q What did you discuss with him?

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

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

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

24 Q Why couldn't you?

25 A Because of the stock, because of

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

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

5 A I don't believe so.

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

9 A For the 2007 earmark?

10 Q Yes.

11 A Yes.

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

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

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

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

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

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

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

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

6 A The primary one was the earmarks.

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

10 A I don't recall anything right now.

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

13 A Okay.

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

18 A Right.

19 Q Are you familiar with that issue?

20 A Yes.

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

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

1 2009.

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

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

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

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

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

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

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

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

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

6 A Roughly late September.

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

9 A Uh-huh (affirmative).

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

12 A Uh-huh (affirmative).

13 Q Are you familiar with this memo?

14 A Yes.

15 Q What is this memo?

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

20 Q And who drafted this memo?

21 A This was actually on my computer.

22 Q Okay.

23 A Yes.

24 Q So did you draft it then?

25 A Yes.

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

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

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

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

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

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

18 A Uh-huh (affirmative).

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

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

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

25 Q And was it you that consulted with the

1 ethics committee?

2 A Yes.

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

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

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

15 A I believe so, yes.

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

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

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

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

4 A Right.

5 Q Are you familiar with this letter?

6 A Yes.

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

9 A Oshkosh Corporation initially.

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

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

15 Q Who initially drafted the letter?

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

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

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

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

4 A Uh-huh (affirmative).

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

7 A Yes, I do. When reading it.

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

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

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

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

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

20 Q Okay. And then later that day --

21 A Uh-huh (affirmative).

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

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

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

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

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

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

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

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

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

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

5 A That's my recollection, yes.

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

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

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

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

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

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

24 A No.

25 Q And given that he had disclosed to

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

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

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

9 A I don't recall bringing it up.

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

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

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

18 A Yes.

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

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

25 And my recollection or I think that the

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

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

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

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

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

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

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

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

19 A I believe so.

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

1 A Huh-uh (affirmative).

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

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

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

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

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

15 A That he owned stock.

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

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

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

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

6 Q And who is Carol Owen?

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

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

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

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

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

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

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

24 A Yes.

25 Q Do you recall when that was? Let me

1 show you this, it may help.

2 A Okay.

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

6 A Yes.

7 Q And these are your notes?

8 A Yes.

9 Q And what do those notes reflect?

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

12 Q And were you part of that call?

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

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

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

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

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

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

25 A Again the primary purpose was the same

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

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

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

13 A I believe they reflect both.

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

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

18 Q What about "follow regular order"?

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

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

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

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

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

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

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

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

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

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

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

22 Q Okay.

23 A I just don't know.

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

1 politics," what's that refer to?

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

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

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

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

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

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

22 BY MR. GAST:

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

1 without interference?

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

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

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

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

15 A I do not believe I did.

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

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

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

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

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

1 (A brief recess was taken.)

2 BY MR. GAST:

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

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

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

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

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

24 A Yes.

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

1 this letter came up?

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

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

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

11 A Yes.

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

15 A Yes.

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

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

23 Q Some official connection?

24 A Some official connection.

25 Q Do you recall whether the issue of

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

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

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

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

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

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

21 Q Did you discuss the stock issues at all?

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

24 Q And what was --

25 A -- on her call back after she reviewed

1 the letter.

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

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

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

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

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

20 A No.

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

1 A I asked --

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

5 BY MR. MORGAN:

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

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

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

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

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

19 A Yes.

20 Q Okay.

21 A Which we did.

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

1 Congressman Petri's stock?

2 A It did not.

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

8 A Yes.

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

13 A Yes.

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

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

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

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

1 representing one of our largest employer
2 constituents.

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

6 A Yes.

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

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

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

17 A No.

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

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

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

25 A Okay.

1 Q Do you recall this letter?

2 A Yes.

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

5 A From Oshkosh Corporation.

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

8 A Yes.

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

11 A My recollection is it was Carol Dixon.

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

14 A The stock ownership issue.

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

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

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

25 A Yes.

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

5 A Discussions with?

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

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

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

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

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

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

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

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

7 Q Okay.

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

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

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

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

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

1 we did do when they said to do it.

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

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

9 A I don't recall anything like that.

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

14 A I don't recall anything like that.

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

19 A I don't recall any other action.

20 Q Were there any conversations with
21 committee staff?

22 A I didn't have any.

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

1 issue?

2 A Not that I'm aware of.

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

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

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

9 A Yes.

10 Q -- of Oshkosh and the fire trucks?

11 A Yes.

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

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

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

22 A No.

23 Q Was there a reason why he did not?

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

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

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

7 A Yes.

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

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

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

17 A Well I disclosed that he had the stock.

18 Q To the committee?

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

21 Q Okay.

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

1 BY MR. GAST:

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

5 A Yes.

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

10 A Yes.

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

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

18 So it was broader than just Oshkosh.

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

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

25 Q Do you recall?

1 A -- or users maybe.

2 Q Do you recall what associations were
3 involved?

4 A I don't recall the names offhand.

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

8 A I don't believe I did.

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

12 A Uh-huh (affirmative).

13 Q Is that correct?

14 A Yes.

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

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

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

1 ticketed, so that was the purpose of it.

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

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

7 A Highways and transit.

8 Q Highways and transit and who is
9 Jennifer?

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

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

16 A I don't believe I did.

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

19 A I don't believe so.

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

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

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

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

7 A Yes.

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

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

16 A If they'd been notified.

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

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

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

1 them know that Jay Kimmitt was available to talk.

2 So it was just this status of the request.

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

6 A Yes.

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

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

13 Q And what was the committee's response?

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

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

20 Q Did the sale ultimately go through?

21 A I don't know.

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

24 A I did not.

25 Q Did you have any discussion internally

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

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

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

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

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

19 A I recall it, yes.

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

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

25 Q What was the subject of this meeting,

1 what was to be discussed?

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

6 Q Did you sit in on this meeting?

7 A No.

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

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

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

14 A No.

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

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

19 Q With Egyptian officials?

20 A Yes.

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

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

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

5 A Yes.

6 Q And at some point did that change?

7 A Yes.

8 Q And what prompted that change?

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

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

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

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

19 A Right.

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

22 A Correct.

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

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

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

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

10 A Not that I recall, no.

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

14 A I don't recall anything like that.

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

17 I want to move on to the Manitowoc Company.

18 I have got to learn how to say it?

19 A Not too many syllables.

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

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

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

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

7 A Primarily Al Bernard.

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

10 A He's their government affairs person.

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

13 A Yes.

14 Q How did you become aware of that fact?

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

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

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

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

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

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

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

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

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

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

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

20 Q And that was in early 2007?

21 A I believe so, yes.

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

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

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

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

7 Q And what was the situation?

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

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

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

16 A I think it was through an email.

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

19 A Al Bernard.

20 Q And when was this?

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

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

25 A That they had been trying to get some

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

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

7 A I apparently did not.

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

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

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

17 A Uh-huh (affirmative).

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

20 A Yes.

21 Q She was legislative assistant at the
22 time?

23 A Yes.

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

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

3 A Yes.

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

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

9 A Yes.

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

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

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

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

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

23 A I'm not sure I can give you the
24 specifics of the issue itself. It was rather
25 complex and I didn't get involved in the specifics

1 of it.

2 But it had something to do with foam and some
3 kind of standards or compliance or requirements to
4 use a new kind of foam and phasing out the
5 requirements for the foam and allowing some other
6 companies to continue to use the old foam.

7 That's about the extent of my understanding
8 of the issue itself.

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

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

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

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

21 Q And what assistance did the office
22 provide?

23 A My recollection is that we just
24 contacted OMB and asked if they'd meet with
25 Manitowoc Company.

1 Q Did they agree to meet?

2 A Yes.

3 Q It looks like Ms. Bowers may have attended
4 with the company?

5 A Yes.

6 Q And did you attend the meeting?

7 A I did not.

8 Q Okay. Any other assistance the office
9 provided, other than arranging the meeting and
10 attending that meeting?

11 A In conjunction with this?

12 Q With this particular issue.

13 A There may have been, I don't recall at
14 this point.

15 Q Do you recall did Representative Petri
16 send a letter to EPA or OMB?

17 A He may have, I just I don't know, I'm
18 not sure.

19 Q And was ethics committee guidance ever
20 sought regarding the assistance being provided to
21 the company, given his stock ownership?

22 A At this point in time, no.

23 Q Do you recall if there was ever any
24 disclosure to OMB or EPA of the fact that
25 Representative Petri's stock ownership in the

1 company?

2 A No.

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

6 A I seem to recall it was through an
7 email.

8 Q Let me show you this email chain to
9 refresh your recollection. Do you see it's PETOCE
10 7962. Are you familiar with this email exchange?

11 A Yes.

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

15 A Yes.

16 Q And how is that?

17 A From an email from Al Bernard.

18 Q And that was an email to you?

19 A To me.

20 Q In September of 2012?

21 A Correct.

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

25 A Uh-huh (affirmative).

1 Q Mr. James is currently and remains a
2 legislative assistant in the office?

3 A Correct.

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

8 A I don't think I did.

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

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

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

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

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

21 Let me show you this letter dated August 8,
22 2013 from Representative Petri to the regional
23 administrator of EPA.

24 This is PETOCE 1544. Was this the letter to
25 which you were referring?

1 A Yes.

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

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

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

8 A I don't recall.

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

12 A He generally would.

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

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

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

21 Q Right.

22 A He probably was not here. I don't know
23 if during the recess we sometimes do contact. I
24 can't, I just don't recall the circumstances
25 surrounding this.

1 Q Who are the two people in the office
2 authorized to sign?

3 A Myself and Linda Towes.

4 Q What is Ms. Towes' title, what's?

5 A She's office manager, chief case worker.

6 Q You don't recall the circumstances about
7 how this letter came to be signed?

8 A I remember having a conversation with
9 Kevin about it, but I can't recall beyond that what
10 happened at this point.

11 Q What was the conversation that you had
12 with Kevin?

13 A Well just about how they had been trying
14 to get this answer or guidance from EPA and should
15 we send the letter.

16 Q Okay. And did you seek ethics committee
17 review of this letter before it was sent?

18 A I don't believe I did.

19 Q Okay. Was there any disclosure of
20 Representative Petri's ownership of Manitowoc stock
21 included or associated with this letter?

22 A No, I don't believe so.

23 Q Did you discuss this matter with
24 Representative Petri at all?

25 A Again I can't recall specific, well I

1 can't recall throughout the course if it had been
2 discussed or not.

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

6 A I don't recall now.

7 Q Okay.

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

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

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

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

18 (A brief recess was taken.)

19 MR. GAST: Scott Gast and Bryson
20 Morgan with the Office of Congressional
21 Ethics with [REDACTED], Rob Kelner
22 and Kevin Glandon.

23 BY MR. GAST:

24 Q I want to move on to Plum Creek Timber Company.
25 If you could just tell me a little bit about your

1 experience with the company, the office's
2 relationship with the company in general?

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

7 Q What issues would you have contact with
8 them on?

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

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

18 Q How were you made aware of that?

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

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

25 Q And when you say the article that was

1 written, which article are you referring to?

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

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

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

8 Q Okay.

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

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

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

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

23 It's national policy. Any company that's
24 moving goods on the highways could potentially be
25 impacted by it so it's beyond industry-wide it's,

1 you know, it affects every industry potentially.

2 Q And then you mentioned Representative
3 Petri's wife having stock in the company; how did
4 you become aware of that fact?

5 A I can't recall specifically.

6 Q Do you recall generally how you were
7 made aware?

8 A I don't know if it was through a
9 financial disclosure, I can't recall.

10 Q Do you know when you were made aware?

11 A I can't specifically recall.

12 Q Have you ever discussed Mrs. Petri's
13 stock ownership with anyone at Plum Creek?

14 A I did at some point, I can't recall
15 exactly when, when the reporter was working on the
16 story. I don't know if I did before that, I can't
17 recall.

18 Q And when the news reporter was working
19 on the story what was the, what were the contacts
20 that you had?

21 A I contacted Bob Harris who represents
22 them and just to give them a heads-up that this
23 reporter was writing this story.

24 Q Any other contacts with anybody at Plum
25 Creek about the stock ownership?

1 A I can't recall now.

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

4 A I believe he is outside.

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

7 A Not that I recall.

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

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

15 A Yes.

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

19 A Yes.

20 Q Can you tell me about that contact?

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

23 Q What prompted him to reach out to the
24 ethics committee?

25 A When he approached us, I don't remember

1 if it was myself or Congressman Petri, he said that
2 he'd been contacted by Plum Creek about signing
3 this letter.

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

8 BY MR. MORGAN: Who said that?

9 A I don't know if it was myself or
10 Congressman Petri, one of the two of us did, I just
11 can't recall, and that we'd better contact the
12 ethics committee to see if it would be okay for him
13 to sign the letter.

14 BY MR. GAST: And Mr. Markowitz, was he tasked with
15 making that contact to the committee?

16 A Yes.

17 Q Did he report back to you about this
18 conversation with the committee?

19 A Yes.

20 Q What did he tell the committee it's
21 guidance was?

22 A I don't recall the specific conversation
23 but I think it was because as I recall it was
24 industry-wide and didn't affect only Plum Creek,
25 that it would be okay with the congressman to sign

1 it.

2 Q Was there any discussion about
3 disclosure of his stock ownership to the recipients
4 of the letter, Mr. Camp and Mr. Levin?

5 A No, because there was no, I don't recall
6 the ethics committee suggesting that.

7 Q Okay. Now prior to April 15, 2013 based
8 on some of the documents the office provided us it
9 appears that the office had signed on to other
10 Dear Colleagues for the land and water conservation
11 fund and to other actions that had been requested by
12 Plum Creek, it doesn't appear there were similar
13 outreach to the ethics committee.

14 Do you know if there had been previous
15 contacts with the ethics committee about doing some
16 of these previous things?

17 A I'm just not familiar with what
18 specific.

19 Q Sure. Let me show you this one here,
20 it's a land and water conservation fund letter.
21 This is a May 2012 email between Bob Harris and
22 Kevin James and the second email between the same
23 two folks about signing on to a land and water
24 conservation fund letter supporting that fund to
25 transportation conferees. The Bates on this is

1 Harris 386 and Harris 6.

2 Are you generally familiar with the issue on
3 that?

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

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

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

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

14 A I don't recall.

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

20 A I can't recall. Again the land and
21 water conservation fund is a large, they have
22 millions of dollars supporting a lot of different
23 types of projects around the country.

24 Q Okay. Let me move on to the Danaher
25 Corporation. Can you tell me a little bit about

1 the office's relationship with that company?

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

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

7 A Not that I can recall.

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

12 A I don't recall any.

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

16 THE WITNESS: Thank you.

17 (The interview was concluded.)

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C E R T I F I C A T E

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GEORGIA:

COBB COUNTY:

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

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

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This the 10th day of June, 2014.

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

<p style="text-align: center;">A</p> <p>ability 72:6 acquisition 30:13 acted 39:23 action 6:20 7:1 36:21 40:16,16,19 47:23 53:13 actions 3:19 13:6,8 30:7 60:15 69:11 activities 2:21 29:3 adams 64:5 added 72:14 additional 57:15 addressed 42:3,6 61:10 67:11 addressing 44:17 administrator 60:23 admitting 28:12 advice 2:23 16:3,6 16:16,17 37:15 38:11,24 39:12,17 advocacy 48:1 advocating 45:13 affairs 3:14 8:23 46:14,22 47:3 52:10 affect 65:20 68:24 affirmative 4:15 14:9,12 15:18 18:4,21 23:1 44:12 55:17 59:25 agency 42:3 aggressive 13:7 agitated 26:14 ago 54:22 agree 58:1 aip 41:18 airport 41:18 al 52:7 54:19,24 59:17,23 allowing 57:5 alternatives 56:1 american 3:15 answer 23:12 47:12 49:10 62:14 answering 2:9 answers 72:5 anybody 66:24</p>	<p>anywise 72:9 apparently 55:7 appear 69:12 70:16 appearances 1:15 appears 31:16 35:14 36:3 38:17 43:6 44:11 46:12 48:10 50:23 59:22 69:9 applicable 72:14 appreciated 27:24 apprised 60:15 approached 67:25 appropriate 38:21 48:2 70:12 appropriation 6:2 50:1,3,17 appropriations 13:16 16:22 23:9 40:25 50:10,14 51:1 appropriators 22:10 approval 55:1 approved 34:24 approving 36:4 approximately 67:10 april 67:9 69:7 70:18 arab 46:10 areas 2:25 armed 13:23 40:25 army 24:23 25:20 29:7 30:21 33:19 35:5,16 arranging 58:9 article 64:20,25 65:1,3 ashton 30:12 aside 40:17 asked 12:8 34:1 47:7,9 57:24 asking 16:9 22:24 57:9 assistance 7:7,12 12:4,5,9 41:14 46:13 56:7,21 57:17,21 58:8,20</p>	<p>60:7,9 63:5 71:9 assistant 55:21 60:2 associated 62:21 67:6 71:5 association 43:17 43:19 associations 3:15 43:23 44:2,7 assume 20:18 21:23 attache 48:13 attached 37:22 attack 19:25 attempt 13:19 attend 58:6 attended 49:25 58:3 attending 58:10 attention 12:21 56:11 59:5,14 60:4 august 60:21 authority 61:19 authorization 13:15 16:22 authorized 62:2 authorizers 23:9 available 47:1,12 72:13 aviation 3:3,8 award 12:14 13:8 awarded 41:19 aware 4:1,6,12 6:6 6:9,19 7:1,21 8:6 16:24 41:2,5 49:24 50:20 52:11 52:14,15 53:2,7 53:10 54:4,5,5,14 54:17,24 64:16,18 64:19 66:4,7,10 71:3 awareness 3:23 53:14</p> <p style="text-align: center;">B</p> <p>b749 72:18 back 15:10 21:22 22:4 24:10 30:3,7 32:25 55:15 59:3</p>	<p>68:17 background 2:11 13:5 bae 12:16 13:6 27:1 35:6 based 20:8,10 24:19 25:18,21 28:6 37:18 38:24 39:10 48:11 69:7 72:12 basically 28:3 basis 52:1 60:13 bates 14:11 21:20 25:4 36:23 69:25 becoming 6:9 13:7 beginning 43:3 50:16 begins 42:24 behalf 3:20 19:24 45:14 47:23 48:2 50:4 believe 5:5 7:5 9:15 10:1,11,14 11:5 12:23 15:1 16:15 22:8,19 23:25 24:4,16 26:13,24 28:2 29:15 35:19 35:19 37:19 44:8 45:16,19 47:9 53:21 62:18,22 67:4 71:13 bernard 52:7 54:19 55:6,24 59:17 60:5 bernards 52:8 best 22:6 72:6 better 68:11 beyond 57:15 62:9 65:25 bill 64:9 bills 13:16 16:23 bit 2:11 3:22 36:19 63:25 70:25 bob 66:21 67:2 69:21 bought 48:23 bowers 55:18 58:3 branch 38:4 61:11 break 28:21 63:15</p>	<p>bridge 35:6 brief 30:1 63:18 briefly 41:7 50:1 bringing 21:9 32:23 broader 43:18 brought 21:7 59:23 bryson 1:12 2:2 30:4 63:19 budgets 2:22 buy 48:23</p> <p style="text-align: center;">C</p> <p>c 72:1,1 calendar 49:3 call 17:12 22:1,8 25:12,13,19 27:9 28:3,4,6 29:14,16 32:3,25 39:9 called 19:13 32:8 calling 19:16,21 23:6 32:5 camp 67:11 69:4 cant 5:19,22 8:16 10:3 15:14 16:20 17:13 19:11 20:8 27:20 29:23 37:17 38:18 43:23 45:2 45:24,25 49:10 52:1,20 54:8,21 54:22 60:18 61:24 62:9,25 63:1 66:5 66:9,11,14,16 67:1 68:11 70:9 70:20 caption 72:4 careful 4:19 6:11 6:20 7:18 carol 24:2,6,8 31:9 31:14 32:2,3 34:7 34:8,17,24 35:11 35:15,18 37:11 39:1,15 carter 30:12 case 38:7 57:20 62:5 70:17 72:8 72:10 cases 38:7 ccr 1:22 72:18</p>
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<p>certain 4:13,19 55:25</p> <p>certification 50:17</p> <p>certify 72:4,8</p> <p>cetera 18:25</p> <p>chain 59:8</p> <p>chairman 14:4,10 15:2 23:7,7 67:11</p> <p>chairs 40:25</p> <p>change 32:17 34:14 34:18,25 43:11 50:6,8,12 52:23</p> <p>changed 8:24 9:5</p> <p>changes 36:10 52:24 53:2</p> <p>characterization 43:14 46:11 65:17</p> <p>charges 72:12</p> <p>checking 4:21 46:13 48:6</p> <p>chemicals 55:25</p> <p>chief 2:5,12,18,25 3:13 7:21 62:5</p> <p>choose 4:25</p> <p>chris 9:7,8</p> <p>circumstances 61:16,24 62:6</p> <p>cite 42:11</p> <p>cleaner 41:17</p> <p>clear 34:22 54:12 55:4</p> <p>clearance 18:10</p> <p>close 33:21</p> <p>cobb 72:3</p> <p>coles 17:19</p> <p>colleagues 69:10</p> <p>collecting 17:25</p> <p>come 6:17,25 12:21 24:21 37:4 46:24</p> <p>coming 13:2 18:12 18:16 21:13 46:21 71:10</p> <p>comments 13:7</p> <p>commission 72:18</p> <p>committee 4:21 11:4,8 12:1,2 13:23 15:24 16:1 16:14 18:9 19:2,5 19:7,9 20:2,7,13</p>	<p>21:4,12 22:16,18 29:14 31:10,17 32:8 33:22 34:10 37:6,10,13,16 38:11,14,20 40:6 40:17,21,24 42:4 42:16,18,19 45:13 45:14 46:14,22 47:4,8 54:3 55:5 58:19 60:6 62:16 65:11,14 67:12,17 67:24 68:12,15,18 68:20 69:6,13,15 70:11,17</p> <p>committees 32:14 42:8 47:13</p> <p>communicated 17:10</p> <p>communications 38:17 39:11</p> <p>community 43:17 43:20</p> <p>companies 3:20,24 4:4,7,7,13 6:7,13 7:3,14 8:9 44:6 57:6,12,13 64:23 65:21</p> <p>company 5:12 7:8 8:18 12:7 19:4,24 23:11 32:11 48:4 51:16,17,22,24 52:3,5,9,12,18,22 52:25 53:10 54:2 56:8 57:16,25 58:4,21 59:1 60:7 63:24 64:1,2,3 65:6,23 66:3 67:3 71:1,5,11</p> <p>complex 56:25</p> <p>compliance 57:3</p> <p>comprehensive 64:13</p> <p>computer 14:21</p> <p>concern 13:13 26:4</p> <p>concerning 13:16 41:16</p> <p>concerns 4:22 13:4 13:5 26:2 27:3 33:14 36:10</p>	<p>concluded 71:17</p> <p>conferees 69:25</p> <p>conference 5:18 70:8</p> <p>conflict 28:24</p> <p>congressional 1:1 3:19 9:1 11:17 30:5,7 31:22 42:13 63:20 71:6</p> <p>congressman 2:6 2:23 3:23 4:4 6:6 7:9 10:16 11:1,7 13:21,22 14:10,17 19:14 23:8 25:10 25:15,17 27:15 28:3 33:7 35:1 36:15 45:4 68:1,5 68:6,10,25 70:12</p> <p>congressmen 53:24</p> <p>conjunction 58:11</p> <p>connection 31:23 31:24 32:19 42:12</p> <p>conservation 69:10 69:20,24 70:5,21</p> <p>consider 53:12</p> <p>consideration 29:8 41:17 45:20</p> <p>considered 7:22 64:21</p> <p>consistent 4:20</p> <p>constant 65:14</p> <p>constituent 4:7 19:24 23:11 32:11 55:11 64:3</p> <p>constituents 36:2</p> <p>consult 37:6 47:22 53:12</p> <p>consultant 44:11</p> <p>consultation 42:1,5</p> <p>consulted 15:25</p> <p>consulting 11:7 15:23 16:13</p> <p>contact 8:19 9:2 20:1,3 21:11 29:13 37:10 41:12 44:5,6 47:4 51:25 52:6 55:24 61:23 64:6,7 67:17,20 68:11,15 70:11</p>	<p>71:4</p> <p>contacted 13:22 14:4 19:7 46:12 47:3 54:8 57:24 66:21 68:2</p> <p>contacts 8:17 31:9 36:8 38:3 41:3 66:19,24 69:15</p> <p>contemplating 33:6</p> <p>context 13:2</p> <p>continue 26:5,20 27:2 57:6</p> <p>continued 50:24 51:2</p> <p>contract 12:15 13:8 13:16,20 16:8 22:23 23:23,25 26:22,24 30:9 35:6</p> <p>controversial 47:19</p> <p>conversation 5:3,7 6:3 10:5,11 13:12 15:11 16:4,17 17:14 19:12 20:2 20:9,12 23:5 24:13,16,18,22 25:10,17,23 31:13 32:22 33:2,5 34:7 35:20 37:18 39:6 45:3 62:8,11 68:18,22</p> <p>conversations 4:9 4:11,17 10:9,10 11:3,21 14:2 36:8 36:9 40:20,24 45:22 51:11 52:17</p> <p>copies 72:12</p> <p>copy 34:13 35:15 35:21 72:12</p> <p>corp 27:10</p> <p>corporation 8:8,10 17:9,17 30:8,12 31:3 32:20 37:5 44:11 46:9 48:15 48:22 49:17 50:2 52:16 70:25</p> <p>correct 2:13,14 20:4 24:9 25:19 31:20 36:5 44:13</p>	<p>50:21,22 51:13 59:21 60:3 72:6</p> <p>correctly 24:9</p> <p>correspondence 61:10</p> <p>couldnt 4:23 10:17 10:24 12:9 23:19</p> <p>counsel 1:16,17 2:7 72:8,9</p> <p>counter 28:23 29:3</p> <p>counterbalance 26:5 28:18</p> <p>counterweight 27:25 28:14 29:3</p> <p>country 64:23 65:22 70:23</p> <p>county 64:5 72:3</p> <p>couple 8:9 9:23,24 10:1 12:11 29:12 43:22 54:22 55:13</p> <p>course 63:1</p> <p>creek 63:12,24 65:18,20 66:13,25 67:6 68:2,7,24 69:12</p> <p>crossed 22:21</p> <p>culminated 60:19</p> <p>curious 39:13</p> <p>currently 2:12 3:1 9:6,7 52:12 60:1</p> <p>customary 72:12 72:13</p> <p>cut 22:25</p> <p>cycle 6:2 50:14</p>
D				
			<p>d 72:11</p> <p>danaher 63:12 70:24</p> <p>dash 22:22 23:14</p> <p>date 31:6</p> <p>dated 21:22 60:21</p> <p>dates 50:11</p> <p>day 18:20 72:15</p> <p>daytoday 60:12</p> <p>deadline 57:15</p> <p>dealing 16:18</p> <p>dealings 8:11,14</p> <p>dear 69:10</p>	

<p>30:5 63:21 1:6 2:5 december 25:20 30:20 31:5,10,14 41:15,25 decided 12:4 40:7 decision 11:6 51:2 55:8 declaration 5:11 defending 32:11 defense 9:4 17:3 30:13 36:22 41:4 definition 43:12,12 delayed 42:1 delegates 48:12 delegation 13:6 17:2,8,25 19:20 19:22 20:18 21:14 22:2 24:5,11 26:1 26:3,5 29:6,11 30:20 31:18 32:5 32:18 33:6,15 42:11 49:23 deliver 44:23 delivery 43:8 department 36:21 41:3 46:15,20 47:10 depend 9:21 deposition 72:4,11 despite 51:20 determination 27:1 didnt 16:7 18:15,19 19:6,13,14 23:22 32:7 39:22,22,23 39:23 40:2,3,22 47:15,19 55:11,12 56:25 65:19 68:24 different 6:24 8:9 21:2 43:22 70:22 direct 72:13 directed 40:12 direction 72:5 disclose 16:6 20:18 20:21 21:8 22:22 23:13 33:16,24 34:10 37:19 45:21 disclosed 20:25 23:14 34:8 42:17</p>	<p>disclosing 42:20 disclosure 4:1 5:9 15:20 20:15 21:3 21:11 29:22 33:23 34:3,4,6,25 36:14 38:2,6,21 39:2,3 39:14,16 40:6,8 40:11 42:15 58:24 62:19 66:9 69:3 72:11 discuss 3:18 10:15 29:14,17 32:21 33:22 53:23 62:23 discussed 20:17 21:11 29:21 32:2 34:6 35:18 38:14 38:15 49:1 53:17 53:23 63:2 66:12 discussing 19:8 20:14 discussion 6:18,21 6:22 18:13 38:1 38:19 42:14 47:25 48:5 49:21 69:2 discussions 4:3 38:5,10 distinction 38:13 38:16 distributing 17:24 district 2:21 4:8,14 5:2 6:7 8:18 31:20,21 51:24 52:4 64:4 division 41:8 dixon 24:8 31:9,14 34:7,8,17,24 35:11,15 36:4 37:11 dixons 39:1 document 14:7 18:1 21:15 35:3 48:8 documents 31:8 55:13 56:4 69:8 dod 13:15,16 doesnt 69:12 70:15 doing 5:8,20 18:14 21:5 28:19 69:15 dollars 70:22</p>	<p>dont 5:11,24 6:8 7:5 9:20 10:1 11:5,19,20 12:10 15:13 17:12,17 18:14 19:15 20:17 21:9,10,13,14 26:16 27:1,6,9,11 27:14,16,20,23 28:21 29:2,24 30:17,17 31:19 32:23 33:4,13 38:10,15,23 39:5 39:8 40:2,9,14,19 44:4,8 45:16,19 45:24 47:21 48:5 49:10,24,25 51:14 52:20 53:1 55:10 56:12,17 58:13,17 60:8 61:4,8,22,24 62:6,18,22 63:6 63:12 64:15 65:9 66:8,16 67:25 68:4,9,22 69:5 70:14 71:2,12 draft 14:24 17:18 17:19 30:11 35:15 drafted 14:20 17:15 drag 26:22 27:2 duties 2:17 42:13</p> <hr/> <p style="text-align: center;">E</p> <hr/> <p>e 72:1,1 early 5:5 6:1 50:13 53:20 earmark 5:9,10,21 10:17 11:9 51:3 earmarks 12:6 effective 15:7 egypt 49:23 egyptian 48:13,13 49:4,12,19 egyptians 48:22 either 13:15 23:8 72:14 email 15:21 17:13 18:2,5,22 20:10 24:19 30:10 35:9 35:10,12,22 36:3</p>	<p>36:8 42:24 43:4 44:10,15,18 46:1 54:16 55:6 59:7,8 59:10,17,18 69:21 69:22 emails 14:2 31:5 37:18 43:2 46:2,4 46:6,18 emergency 43:16 43:24 emirates 46:10 employ 72:9 employer 36:1 51:24 52:3 encourage 51:8 encouraged 40:6 engines 41:17 43:8 54:10 59:4 entities 43:21 entity 5:13 entry 48:8,10 49:3 epa 54:12 55:2,3,25 56:8 57:15 58:16 58:24 60:23 62:14 equals 24:2 established 51:23 et 18:24 ethical 19:1 ethics 1:1 2:3 4:21 6:12 11:4,8 12:1,2 15:24 16:1,14 18:9,23 19:2,5,7,9 20:13 21:4,12 22:15 29:14 30:5 31:10,17 32:8,13 33:22 34:10 37:7 37:13 38:11,14 42:1,4,16 45:12 47:22 53:13 54:3 55:5 58:19 60:6 62:16 63:21 67:17 67:24 68:12 69:6 69:13,15 70:11,16 eventually 6:25 13:21 47:14 60:13 evidence 72:6 exact 19:11 20:9 37:17 39:5 45:2 54:9</p>	<p>exactly 16:20 54:21 66:15 examples 49:15 exchange 18:2,6 35:10,12 42:23,24 43:4 59:10 excuse 15:22 executive 38:3 61:11 exemption 43:12 expect 27:19 expectation 10:21 expenses 72:14 experience 64:1 expires 72:18 expressed 13:13 44:21 extent 57:7</p> <hr/> <p style="text-align: center;">F</p> <hr/> <p>f 72:1 faa 41:16,21 fact 33:7 52:14,23 58:24 66:4 fair 17:21 28:19 31:8 43:8,13 46:10 53:15 65:16 familiar 12:19 14:13 17:5 25:5 30:22,23 35:7,12 43:4 46:5 56:2 59:10 69:17 70:2 70:4,6 favorable 26:25 february 35:4,11 55:16 65:2 federal 43:7 feeling 28:11 fell 7:19 fenlon 9:13 18:3,22 filed 12:16 filling 50:16 financial 4:1 5:12 11:2 50:18 66:9 findings 42:8 finegolds 34:14 fire 41:10 43:8,13 43:16 44:23 first 5:14 10:10,11</p>
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

12:14 16:13 19:1 21:16 44:9 64:19 fiscal 5:21 10:18 fischer 1:22 72:18 five 29:25 flagged 7:6 floor 14:18 15:3,5 fmtv 30:9 foam 57:2,4,5,6,12 focus 28:8 folks 11:22 13:25 41:13 69:23 follow 26:18,19 followed 38:11 following 22:24 foregoing 72:4 foreign 46:13,21 47:3 forest 64:5,10 form 11:2 50:17 forms 4:2 5:9,15,20 forward 27:13 forwarding 35:14 found 15:7 53:18 four 54:9 59:3 frequently 8:1 9:3 -61:20 full 23:20 fund 69:11,20,24 69:24 70:5,8,21 funding 11:15 70:7 funds 5:13 41:18 further 72:8 future 4:19 11:24	30:5 46:2 63:21 general 2:17,19,23 8:4 11:12 41:12 43:16 61:9 64:2 generally 8:1,20 15:6 16:18 43:3 46:5 51:21 52:5 61:12 66:6 70:2 georgia 72:2 getting 44:22,25 47:4 55:3,6 give 15:6 33:11 49:15 56:23 66:22 given 6:11 20:25 29:8 33:7 35:22 45:20 48:2 53:5 57:14 58:21 72:6 giving 39:18 glandon 1:17 2:7 30:6 63:22 go 12:11 27:13 47:20 51:2 going 16:25 18:1,11 18:17 20:8 27:8 30:19 33:8 38:16 38:17 41:24 44:24 57:14 goods 65:24 government 3:14 8:23 49:13 52:10 grant 41:18 grawien 9:7 guess 39:9 41:7 55:18 guidance 20:6 32:14 33:11 36:9 45:13 54:3,12 55:1,6,9 58:19 60:6 62:14 68:21 70:11	handles 67:22 handling 3:4 7:16 9:4 37:19 handwriting 21:16 handwritten 25:4 31:13 happen 53:9 happened 50:12 62:10 happening 9:22 hard 8:13 9:18,25 harris 66:21 67:2 69:21 70:1,1 head 8:23 headsup 66:22 hear 25:13 heard 25:16 hearing 72:7 hed 68:2 heightened 4:24 help 13:11 25:1 57:10 59:12 hes 52:10 61:20 67:2 highway 3:2,6 65:10 highways 45:7,8 65:24 hiring 2:22 holdings 6:6 holidays 42:2 honest 55:10 hope 53:11 house 4:20 17:23 huhuh 23:1 hundreds 64:23	26:16 27:17 30:19 33:8 38:16 41:2,5 54:22 56:23 58:17 61:4 65:13 69:17 70:4,9 71:3 imagine 63:13 impact 26:7 impacted 65:25 improvement 41:18 incidental 72:13 include 15:21 34:25 39:15 40:8,11 included 39:15 60:20 62:21 including 6:7 indicates 46:22 indicating 28:10 individual 7:11 industry 43:24 66:1 industrywide 65:25 68:24 inform 52:23 informal 46:20 51:11 information 2:11 informed 7:14 51:7 initial 13:12 32:22 33:2 35:20 46:23 initially 17:9,15 41:24 54:22 instance 38:2,24 instances 7:6,17 40:5 interact 8:21 9:17 interaction 51:22 interest 5:12 11:2 22:24 31:19,22 44:17 45:4 50:18 64:17,22 65:6,9 interested 72:9 interests 15:19 interfere 29:5 interference 16:12 26:21 29:1 internal 6:16 11:6 internally 47:25 interview 1:5 50:16 71:17	investigator 1:12 1:13 involved 43:21 44:3 56:25 involves 43:6,6 46:8 involving 43:7 iraq 49:4 israelipalenstinian 49:4 issue 2:25 6:3,10,13 11:4 12:19,21 14:19 16:14,18 19:1,9 21:10,13 31:17,25 32:15 33:3,12,13 35:17 35:23 37:12,14 40:4 41:1,4,21 42:5,9,12,20 43:7 44:7,21 45:13,17 46:5 54:9 55:14 56:13,13,24 57:8 58:12 59:3 60:4 60:11,12,16 64:17 65:6,10,10,18 70:2,19 issued 27:19 issues 3:9 8:2 9:5 19:17 31:19 32:21 45:14 49:5 52:2 64:7,11,15 65:13 65:14 67:22 item 48:17 items 71:10 ive 8:14
G				J
ga 1:22 gao 16:10 26:20,25 29:6 gast 1:13 2:1,1,8 28:22 29:24 30:2 30:4 35:3 40:5 42:22 43:1 54:1 63:10,16,19,19,23 68:14 71:13 gates 17:3 20:22 27:4,8 gears 36:18 2:5,7	H hadnt 47:18 hall 45:10 hand 14:18 handed 15:2 handle 3:1 handled 52:25 53:5 60:12	I id 7:1 11:25 12:1 20:10 21:23 25:21 60:17 idea 17:7 24:17 30:25 37:3 identified 7:10 identify 53:4 ill 8:8 14:7 18:9 30:21 36:20 im 5:17 12:24 14:1 18:1 19:15 20:8	interested 72:9 interests 15:19 interfere 29:5 interference 16:12 26:21 29:1 internal 6:16 11:6 internally 47:25 interview 1:5 50:16 71:17	james 9:11,13,14 18:3,22 59:23 60:1 69:22 january 2:16 55:16 jay 8:22 10:14 12:24 46:2 47:1 47:11 48:14 49:25 jennifer 44:16 45:9 45:10 john 30:21 35:5 joining 48:15,21 june 36:19,24

72:15	large 70:21	little 2:11 3:17,22 36:18 63:25 70:25	mckenna 9:9	7:21 30:4 34:5 39:1 53:22 63:20 68:8
K	largest 36:1	lobbyist 67:3	mckeon 13:22 14:5 14:11,17 15:3 16:5 20:4 21:1 22:9,12 23:8	move 30:19 51:17 63:24 70:24
keep 60:14	late 14:6	logistics 30:14	mckeons 15:12	moving 65:24
kelner 1:16 2:6 28:20 30:6 34:2 63:8,21	lead 17:16,22	long 2:15 3:4,16 18:23 20:10 26:15 27:4,7 56:15	meagan 9:9,10	<hr/> N <hr/>
kevin 1:17 2:7 9:11 9:12 30:6 59:23 60:12,14 62:9,12 63:22 69:22	learn 51:18	longer 50:9 63:8,13	mean 4:10 8:13 15:4,22 19:15 25:13 39:21	name 22:14,20 24:7 24:9
kimmitt 8:22 10:14 12:24 46:2,12 47:1,5,11 48:15 48:20 49:25	learning 52:21	longstanding 51:23 56:13	means 27:7 64:12 64:13 67:12	names 44:4
kimmitts 11:12 49:8	left 24:1 27:24 36:4 42:3	look 17:20 34:15	meant 23:3 44:18	national 65:23
kin 72:8	legislative 2:20 31:22 55:21 60:2 71:10	looked 38:23	meet 50:24 57:24 58:1	navistar 12:17
kind 16:11 26:8 31:21 32:19 42:12 55:1 57:3,4	letter 7:24 8:5 17:2 17:5,8,15,22 18:14,17 19:10,20 19:22 20:19,23 21:14 22:1,2 24:2 24:5,11 30:10,11 30:16,20,22,23 31:1,6,6,18 32:6 32:15 33:1,6,8,10 33:18 34:12,13,15 34:18,23 35:4,7 35:10,15,18,21 36:5,10,13,20,24 37:1,3,7,16,22,24 39:10 40:13,17 41:16,21,24 42:2 42:11 58:16 60:13 60:20,21,24 61:3 61:6,17 62:7,15 62:17,21 67:9,11 67:14,14,16,18 68:3,13 69:4,20 69:24 70:7,13,18	looks 30:10 51:20 58:3	meeting 12:23 13:24 14:1 17:13 29:7,9 48:12,16 48:18,21,21,25 49:6,9,12,25 51:4 57:19 58:6,9,10	necessary 38:22 40:12
knew 53:18	letters 38:8 39:14 42:11	loop 33:21	meetings 6:24 8:2	need 6:10,19 20:14 28:18 29:21 32:18 45:21 53:12
know 2:22 3:25 4:25 5:1,17,24 6:19,20 7:1,24 8:17 9:20,21 10:3 11:1,15,16,19 14:3 16:9,24 17:12,17 18:14 19:15 23:14 24:3 26:6,15,16 27:9 27:11,14,17,20,23 28:12 29:2 38:10 38:15 40:2 43:20 45:24 47:1,11,21 49:2,10,17,21,24 49:25 52:20 55:10 56:18 58:17 61:22 65:9 66:1,8,10,16 68:4,9 69:14	level 8:5	lot 22:24 70:22	member 5:10 15:3 44:20 45:10 51:12 67:12	needed 7:17 27:25 34:10
knowledge 53:6	levels 51:12	<hr/> M <hr/>	members 2:21 15:5 17:25 31:18 32:18 33:15 38:12,18 40:18 44:20 50:25 51:9,11 67:10	negotiations 49:5 64:12
kohls 17:16	levin 67:12 69:4	mail 36:4,7	memo 14:8,13,15 14:16,20 15:17,22 16:4,17 21:1 22:12 37:22	never 38:19 64:20 65:17
<hr/> L <hr/>	light 71:8	major 8:17 32:10 51:24 52:3	memory 61:4	new 56:1 57:4,12
labeled 25:4	limit 43:7,13 65:18	making 55:25 56:8 68:15	mention 32:4 34:9	newer 41:17
land 69:10,20,23 70:4,8,20	limited 64:6	management 64:10	mentioned 66:2 67:2	news 66:18
lands 64:6	linda 62:3	manager 62:5	message 20:11 26:1 26:19 28:6,25 29:5 36:4	note 24:1 38:16
language 13:15,19 17:17 18:9,11,15	lindsay 55:18	manitowoc 51:17 56:20 57:11,25 60:10 62:20 63:4 63:11	met 57:13	notes 21:17,21,23 22:7,8 23:2,3,4 25:4,5,7,9,18,21 26:8,10 28:2,7 31:5,13,16 48:14 48:14
	line 23:17	manner 33:17	mind 63:14	notification 46:20
	list 7:2	manufactured 46:9 44:24	minutes 29:25	notified 46:16
	listed 24:9	manufacturing 41:8	month 9:23 10:1 52:2	number 9:21 10:3 14:11 21:20 36:23
	literally 64:23 65:11,21	margaret 1:22 72:18	morgan 1:12 2:2	<hr/> O <hr/>
		markowitz 67:21 68:14		occasion 9:19 10:4 44:25 51:25
		materials 50:24		occasions 12:3,7 54:1 63:3
		matter 32:12 59:4 59:13 60:7,10 61:9 62:23 63:5		occurred 25:20
		mchugh 30:21 33:25 35:5 36:14		oce 1:12,13
				ocga 72:11
				october 17:2 18:2 22:1 24:20
				offer 27:25 28:14

28:23	original 16:8 23:23 23:25 32:3 57:15 72:12	P	41:20 45:4,22 50:3,21 52:11 58:15 60:22 61:7 62:24 67:9 68:1,5 68:10 70:12	press 4:25 65:15
offhand 44:4	originally 42:3	page 24:2 25:4 31:12 37:22 44:10 72:12	petris 3:23 6:6 10:6 20:15 25:17 32:1 35:1,23 36:15 42:15 44:17 48:3 48:11 52:18 58:25 62:20 65:5 66:3 66:12 68:6	pressure 26:3,6 27:25 28:9,11,15 28:16,18,24
office 1:1 2:2,19 3:14,19 6:16 7:4 7:22 9:2 12:3,22 17:11,16,19 28:16 30:4,8,11 34:14 40:7,17 48:1,13 50:25 52:23 56:14 57:21 58:8 60:2,9 61:18 62:1,5 63:4 63:20 69:8,9 71:6 71:11	oshkosh 8:8,10,12 8:20 9:2,16 10:6 11:22 12:5,12,15 12:25 13:25 15:20 17:9,17 18:18 27:8,10 29:18 30:8,12 31:2 32:19 33:17 36:15 37:5 41:10,13 42:16 43:11,16,18 44:6,11 45:14,22 46:9 47:23 48:2 48:15,22,23,23 49:17 50:2,4,21 50:24 51:9,12,16 52:16,22 53:15	pages 72:6	phasing 55:25 57:4	previous 5:21,21 38:3 39:14 42:10 69:14,16
offices 11:18,18 51:21 59:5,13 64:1 71:1	oshkoshrequested 12:5	paper 14:18 51:20	phone 14:2 17:12 23:4 24:13,15 25:10,14,16 31:13 32:3 35:20 36:8	previously 49:18
official 31:23,24	oshkoshs 46:17 49:22	papers 15:6	pierce 41:7,13 42:12	pricing 72:13
officials 38:4,9 49:12,19 61:10	outreach 69:13 70:16	paragraph 15:17 15:22 32:10	place 16:10 18:24 20:11 24:18	primarily 7:19,20 52:7 57:18
okay 3:9,12,18 5:6 6:5,9,16 8:2,7 9:1 9:6,12,16 10:5,13 11:12,21 12:11,13 14:3,7,22 17:7,21 18:8,20 19:23 20:10 21:19 22:6 22:13 24:2,12,21 25:2,18 26:14 27:13,18,22 28:5 28:23 29:12,16 30:19 33:9,16 34:11,20,22 35:25 36:12,18,25 37:12 39:7 40:23 41:3 42:11,21 44:5 45:12,17 50:1,23 53:22 55:13 56:20 57:9 58:8 60:14 61:2,6,13 62:16 62:19 63:3,7 65:8 67:8 68:12,25 69:7 70:24	owned 4:6 6:14 7:3 7:15 11:1 19:3,23 23:15,16 33:8 34:9 50:9,21 53:18 68:6	part 6:22 25:12,17 30:10 35:25 41:25	played 11:14	probably 3:7 12:25 14:1 39:8 61:22
old 57:6	ownership 4:13 10:7 11:23 20:16 20:22 29:18 32:1 32:5 33:17,24 35:17,23 36:15 37:14,20 38:6 39:10 42:5,15 45:21 48:3 52:19 53:6 58:21,25 62:20 65:5 66:13 66:25 69:3	particular 29:14 55:14 58:12 63:5 71:10	plum 63:12,24 65:18,20 66:13,24 67:6 68:2,6,24 69:12	problem 18:23 46:23 54:11
olson 22:13 24:14 24:16	owns 3:21,24 4:4 23:11 52:12	period 14:3 50:12	point 15:15 17:13 18:14 20:9 22:4 27:21 29:7,17 45:25 50:6 58:14 58:22 62:10 66:14	problems 47:15
omb 57:19,20,24 58:16,24		periodically 8:15	police 6:17,17	procedure 22:24
once 18:8 50:9 53:9		person 8:22 42:2 52:10	policy 52:23 56:1 65:23	proceed 16:11 18:24 20:11
order 26:18,20		peto 14:11 21:20 25:4 35:11 46:3 48:8 56:5,5,6,6 59:9 60:24 67:13 67:13	political 16:12 26:2 26:6,21 28:9,11	proceeded 4:19
		peto113 35:5	politics 28:1,13	proceedings 1:6 13:9
		peto15 18:5	portfolio 3:24	process 7:16 16:9 18:24 19:9 20:11 26:20 28:25 29:6 53:8
		peto2019 46:3	position 2:15	procurement 12:15
		peto2519 46:3	possibly 56:18	produced 48:12
		peto2572 43:3	potentially 4:21 57:14 65:24 66:1	production 72:14
		peto28 31:7	preceded 32:4	professional 2:3
		peto4 30:14	preceding 72:5	program 36:22 41:18 56:2
		peto4298 42:25	preconsultation 46:14	projects 70:23
		peto451 30:23	present 57:19	prompted 5:6 10:20 15:21 19:2 37:13 50:8,15 67:23
		petri 1:16,17 2:6,13 3:21 4:12 6:12 7:3,15 9:17 10:16 11:1 13:11,21 14:4,17 15:2,10 17:22 19:14 20:21 24:22 25:11,15,23 26:11 27:16 28:3 29:17,21 33:7,16 33:24 35:4 37:23 38:8 40:11,24		proposed 35:21 36:21
				proposed 64:11
				protest 12:16 13:9 13:17 16:10 30:9
				provide 2:19 12:4,9 36:9 57:22 60:10

provided 30:11
50:24 56:7 58:9
58:20 69:8
providing 2:23
60:6
purpose 25:25 45:1
pursuant 72:11
put 7:3 14:16 26:3
28:9,17,18

Q

question 21:7 33:23
34:3,4 40:2 42:22
48:8 61:13
questioned 40:3
questions 2:10
29:12 46:25 47:11
51:16 71:14 72:5
quick 28:21 29:12
48:7 63:15

R

r 72:1
raise 39:22 40:3
42:19
raised 13:4,5 26:2
31:17
raises 18:10
raising 33:13
ranking 13:23 15:3
67:11
reach 37:13 67:23
reaction 11:13
reading 18:7 49:2
realized 53:18
really 19:4
reason 19:4,16,21
39:9 40:7 41:23
70:15
recall 5:3,8,20 6:1,8
6:23 11:20 12:10
13:12 15:14 18:5
19:8,11 20:6,8,14
20:17 21:6,9,10
21:14,20 24:25
27:6 29:19 30:15
30:25 31:25 32:13
32:16,23 33:4
35:17 37:1,9,15
37:17 38:23 39:4

39:5 40:9,14,16
40:19 43:25 44:2
44:4 45:2,25
47:12 48:17,19
50:11 51:4,10,14
52:20 54:1,4,8,13
54:17 56:7,10,12
56:15,17 58:13,15
58:23 59:4,6
60:18 61:2,6,8,16
61:24 62:6,9,25
63:1,3,6 64:15
66:5,6,9,11,14,17
67:1,7,14 68:11
68:22,23 69:5
70:9,10,14,17,20
71:7,8,12
receive 72:12
recess 30:1 61:23
63:18
recipients 37:23
69:3
recollection 6:4
15:4,13 16:19
20:5,12 21:25
22:5,7,11 23:6
36:11 37:11 57:23
59:9,12
record 21:19 25:3
30:3 34:23 42:23
43:2 56:5
recorded 1:6
redistricting 64:4
reduced 72:5
refer 11:17 22:8
23:18 28:1
reference 32:9
referred 11:19
referring 22:1
24:11 27:15 60:25
65:1
refers 24:3 26:15
26:16
reflect 25:9 26:10
26:11,12,13
reflected 22:12
37:21
reflects 22:7 31:9
reform 64:13,14

refresh 59:9,12
regard 56:8 60:10
regarding 13:8
14:19 16:4 20:3
21:14 22:2 30:8
35:6 36:20 58:20
regional 60:22
regular 8:16 26:18
26:20 52:1 72:9
related 3:1 6:12
35:9
relation 21:24
relationship 49:4
64:2 71:1,2
remains 60:1
remember 5:22
9:25 16:20 17:13
18:16 21:13 29:23
33:13 45:24 54:21
62:8 64:22 67:25
remembering 54:5
rep 1:16,17
report 4:25 15:10
68:17
reporter 66:15,18
66:23
reporting 65:15
reports 13:14
represent 72:6
representative 2:13
3:21 4:12 7:14
10:6 13:11 14:4
15:2,10 16:5
17:22 20:4,15,21
21:1 24:22 25:23
26:10 29:17,21
32:1 33:16,23
35:23 37:23 38:8
40:23 41:20 42:15
45:21 48:3,11
50:3,20 52:11
58:15,25 60:22
61:7 62:20,24
65:5 66:2 67:9
representatives
9:17 51:22
representing 36:1
represents 66:21
67:6

reprogramming
36:21 40:15
republican 5:18
request 6:25 7:11
7:17 10:17,22
13:10,14,18 29:8
41:15 43:14 46:17
46:24 47:2,10
50:17 51:13 53:5
53:8,10 54:2
55:11 70:6
requested 12:4,9
32:16 34:14,18
50:10 69:11
requesting 5:10
56:21,22
requests 5:21 6:2
7:7,22,23 11:25
12:12 41:13 50:2
50:4 51:1,3,5,6,9
52:24 53:3 71:9
required 5:15,15
5:23 7:24 11:2
requirement 5:18
5:24
requirements 57:3
57:5,14
respect 32:14 33:18
35:18 36:9 37:16
40:15
response 15:12
47:13,16,18 54:11
55:4 59:22
responsibilities
42:13
responsible 2:24
3:10
rest 63:17
result 13:24 15:23
72:9
review 1:2 16:10
34:11,12 35:16
62:17
reviewed 32:25
34:24
reviewing 61:2
revised 34:15
richard 67:21
right 6:9 12:10,18

17:4 29:24 30:3
35:3 41:6 44:15
50:19 51:15 61:21
rise 8:4
roads 64:10
rob 1:16 2:6 30:5
63:21
role 49:8 52:8
room 25:15
rough 14:3
roughly 14:6 43:20
round 64:4
routine 7:24
rule 55:25 56:8
rules 4:21 6:12
run 12:1 18:9 19:2
19:5,17

S

s 49:3
sale 46:8 47:20
49:22
sat 49:17
saying 26:11,12
39:15
says 18:24 22:21
23:13,24 35:22
49:3
schedule 48:8,11
scheduling 48:17
scheme 35:24
schwartz 9:15
scott 1:13 2:1 28:20
30:3 34:3 63:19
scrutiny 4:24
second 32:10 36:3
69:22
secretary 17:2
20:22 24:23 25:11
25:19,24 26:12
27:8,16 28:4,6
30:20 33:18,25
35:4,16 36:14
section 22:20 48:14
72:11
see 22:13 38:16
47:19 59:9 61:9
68:12
seek 13:19 46:13

55:5,8 60:6 62:16 seeking 5:13 11:15 43:11 63:4 seemingly 39:17 senate 11:18 senator 17:16,18 34:14 send 33:8,9 35:25 36:12 39:10 58:16 62:15 sending 26:1 33:7 41:21 sense 39:16 sent 20:23 35:21 36:13 37:18 41:25 46:18 47:10 59:23 61:3,11 62:17 sentence 23:21 separate 20:2 24:13 24:16 september 12:25 14:6 21:24 59:20 sequence 8:16 series 31:4 services 13:23 40:25 serving 3:12 set 8:16 31:8 46:2 56:4 setting 57:18 shared 7:4 sharing 61:6 shes 62:5 shift 36:18 shifted 39:17 shortly 31:5 show 14:7 18:1 21:15 25:1 30:9 31:4 35:9 36:20 46:1 48:7 55:14 56:4 59:8 60:21 69:19 side 17:23 24:1 sign 5:11 31:18 33:9 61:19 62:2 68:13,25 70:7,13 signature 61:14 signatures 17:25 signed 61:15,17	62:7 67:9 69:9 significant 56:1 signing 67:16 68:2 69:23 silviculture 64:9 similar 21:3 42:10 49:16 53:14 55:12 69:12 simply 48:6 sit 49:6,11 sitting 25:15 48:20 situation 21:2 40:10 53:15 54:6 54:7,15 59:24 situations 49:16,16 size 65:13 slight 32:16 somebody 61:14 sorry 26:17 sought 45:12 54:2 58:20 sound 56:2 specific 2:24 4:3 9:20 10:3 13:10 15:13 16:16 31:20 33:4,12 38:19 41:13 46:17 53:1 55:8 61:4 62:25 68:22 69:18 specifically 3:11 8:8,13 9:18,25 11:19 17:14 29:2 32:17 43:23 54:23 56:12,17 60:18 64:21 65:4 66:5 66:11 70:9 specifics 56:24,25 spoke 13:21 22:17 37:9 spotted 7:13 staff 2:5,12,18,20 2:25 3:13 6:11,24 6:25 7:14,21 8:2 15:8 22:15 37:18 39:11 40:21 44:20 45:10,14,23 50:25 51:12,12 52:23 53:25 55:19 67:22 stand 26:22	standard 72:12 standards 57:3 stands 26:25 start 2:10 3:22 26:14 started 5:19,23 8:15 56:16 starting 8:10 19:19 starts 15:19 state 46:15,20 47:9 stated 72:4 statement 43:9 53:16 status 46:25 47:2 48:6 49:3 steps 52:22 stock 3:21 4:5,6,13 6:6,14 7:9,15 10:7 10:25 11:1,22 15:20 16:7 19:3,6 19:8,14,23 20:15 20:22 22:24 23:11 23:15,16 29:17 32:1,4,7,15,21 33:3,8,12,17,24 34:6,9 35:1,17,23 36:15 37:14,20 38:6 39:9 42:5,16 42:17 45:22 48:3 50:9,21 52:12,16 52:18,21 53:6,19 58:21,25 62:20 65:5,7 66:3,13,25 68:6 69:3 stocks 3:24 7:4 stone 44:10,10,15 storm 64:10 story 5:1 66:16,19 66:23 strange 39:19 strategic 49:4 structure 72:13 sub 65:11 subcommittee 3:2 3:3,7,8 44:16,20 45:5,6,11,23 subject 48:25 submit 10:17 51:3 submitted 17:18	50:3 submitting 10:22 17:19 subsequent 12:16 14:2 36:8 substance 4:16 sudan 49:5 suggest 21:4 suggested 20:20 34:25 40:6 suggesting 69:6 suggestion 28:24 31:2 39:2,14 summarizing 28:4 support 44:17,21 51:8 71:9 supporting 69:24 70:7,22 sure 5:17,19 12:24 14:1 17:1 19:15 19:22 27:17 35:25 56:23 58:18 61:5 69:19 surrounding 61:25 susan 22:13 24:14 24:15 syllables 51:19 systems 12:17	67:22 70:18 technology 30:14 telephone 24:22 tell 3:22 10:16,19 10:22 12:8 16:3 25:22 44:18 51:21 63:25 65:16 67:20 68:20 70:25 terms 13:7 17:24 terrorist 49:5 texas 13:6 26:3 27:1 28:9,17,19 29:6,10 thank 2:9 71:14,16 thanking 27:10 thats 6:2,4 15:4 20:5,12 22:2,4,5 22:11 23:24 24:11 32:9 53:17 57:7 65:23 theres 28:16 39:14 thereto 72:5 theyll 46:22 theyre 65:14 thing 23:20 29:11 things 4:23 16:25 35:24 69:16 think 5:17 6:23 7:19,23 11:24 16:21 18:18 19:19 21:23,25 22:11 23:19,21,23,24 24:7,8,10 30:17 30:17 32:9 39:8 39:19 43:22,24 44:22 46:19 48:5 51:15 52:3 53:1 53:11 54:12,16 55:2 56:12,17 57:18 60:8,13,17 63:9 64:19 65:2,7 65:16,19 68:5,23 71:2 thought 39:21,23 60:19 65:17 thousands 65:21 ticketed 44:23 45:1 tier 54:9 59:3 timber 63:24 64:11
T				
t 72:1,1 tactical 12:15 36:22 take 28:21 29:25 53:13 taken 3:20 21:21 30:1 40:12 52:22 63:18 72:4 talk 8:2,7,9 15:5 19:20,21 41:6 43:19 47:1 63:11 talked 6:23 14:17 18:23 19:12 44:16 44:19 50:15 60:5 talking 16:19,21,22 22:9,9 23:7 65:13 talks 22:22 23:13 32:17 tasked 68:14 tax 64:11,13,14				

<p>time 5:7 6:19 8:18 8:19 9:5 11:4,14 14:3 15:3 16:13 16:21 18:19 20:9 20:22 24:21 27:6 36:16 39:20 50:12 52:15,17 53:25 55:19,22 56:15 57:15 58:22 60:17 60:17 71:15 times 6:24 9:23,24 10:1,2 52:2 title 62:4 today 2:10 3:18 27:14 told 51:5 towes 62:3,4 town 44:25 training 6:11,15 transaction 46:15 transcribed 1:21 transcript 1:5 72:6 transit 3:2,6 45:7,8 65:11 transportation 69:25 70:8 treatment 7:18 trouble 55:3 truck 43:7 64:16 65:18 trucking 3:15 trucks 41:10 43:13 44:23 48:23,24 true 72:6 try 63:16 trying 53:2 54:11 54:25 62:13 two 3:17 43:2 51:5 61:18 62:1 68:10 69:23 tyler 9:15 type 7:2,12 39:17 48:1 53:14 types 70:23 typewriting 72:5 typically 18:18</p> <hr/> <p style="text-align: center;">U</p> <hr/> <p>u 49:3</p>	<p>uhhuh 4:15 14:9,12 15:18 18:4,21 44:12 55:17 59:25 ultimate 47:16 ultimately 47:18,20 undated 14:8 21:19 undersecretary 30:13 understanding 20:20 22:3 28:10 28:12 43:15 46:19 57:7,11 united 46:10 unusual 49:11 upcoming 10:18 use 57:4,6,12 users 44:1 usual 72:13 usually 2:10 9:4 15:4 53:7</p> <hr/> <p style="text-align: center;">V</p> <hr/> <p>vehicle 36:22 43:17 43:24 vehicles 12:16 46:9 49:22 version 34:23 visit 27:5,8,10 voice 36:4,7 votes 15:5</p> <hr/> <p style="text-align: center;">W</p> <hr/> <p>walk 23:2 26:8 want 2:9 3:18 8:7 9:11 15:16 17:1 27:13 30:9,15 33:5 36:18 39:8 41:6 51:17 55:13 55:15 63:11,24 67:8 wanted 19:17,22 35:24 40:11 warrant 52:2 wasnt 16:24 23:7 40:12 43:15 49:24 watch 7:2 water 69:10,20,23 70:4,21 way 28:24 39:24 51:8 53:8</p>	<p>ways 64:12,12 67:12 wed 6:19 15:6 32:11 53:12 68:11 weekly 8:2 weigh 16:7 22:23 23:22,24 weighing 22:22 23:17,21 weight 43:7 65:13 weights 65:18 went 30:16 weve 8:14 whats 28:1 52:8 62:4 wheeled 36:22 wife 66:3 68:6 wifes 65:7 wisconsin 26:4 28:17 29:10 witness 63:14 71:16 72:7 wording 32:17 34:18 39:5 work 3:1,5 24:14 27:11 60:14 67:5 worked 17:19 worker 62:5 working 6:13 8:3 44:21 56:14 66:15 66:18 works 71:5 wouldnt 19:6,12,13 27:19 32:7 63:14 wrap 29:13 writing 66:23 written 64:20 65:1 wrong 24:7</p> <hr/> <p style="text-align: center;">X</p> <hr/> <p style="text-align: center;">Y</p> <hr/> <p>year 5:14 9:24 10:2 10:4,18 41:16,25 52:2 56:18 65:3 years 3:17 5:21 8:25 54:22 65:12 youre 5:13 9:20 28:20 30:21</p>	<p style="text-align: center;">Z</p> <hr/> <p style="text-align: center;">0</p> <hr/> <p>000pound 64:16</p> <hr/> <p style="text-align: center;">1</p> <hr/> <p>1 18:2 22:1 24:20 10 36:24 10th 72:15 141891 1:2 15 69:7 1543 56:5 1544 60:24 1548 56:6 18 31:5,10 18th 31:14</p> <hr/> <p style="text-align: center;">2</p> <hr/> <p>2 35:4 2001 2:16 8:14 2004 3:7 2005 3:8 2007 3:8 5:5 6:2 10:12 11:9 50:13 53:20 55:15,16 2008 48:14 50:14 2009 13:1 17:2 18:2 30:20 31:5,10 2010 35:4,11 2012 59:20 69:21 2013 36:19,24 60:22 67:9 69:7 70:18 2014 1:9 2:4 72:15 22 30:20 24 30:14 25 31:7 26 35:11 27 1:9 2:4 31:7 2927 46:3</p> <hr/> <p style="text-align: center;">3</p> <hr/> <p>30 67:10 30118 72:18 37 35:11 386 70:1</p> <hr/> <p style="text-align: center;">4</p> <hr/> <p style="text-align: center;">5</p>	<p>5 14:11</p> <hr/> <p style="text-align: center;">6</p> <hr/> <p>6 70:1 6421 21:20 6426 25:5 6885 48:9 6956 67:13 6961 67:13</p> <hr/> <p style="text-align: center;">7</p> <hr/> <p>749 1:22 7962 59:10 7988 56:6</p> <hr/> <p style="text-align: center;">8</p> <hr/> <p>8 60:21 8036 56:6</p> <hr/> <p style="text-align: center;">9</p> <hr/> <p>9 17:2 25:20 91128 72:11 97 64:16</p>
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EXHIBIT 2

TRANSCRIPT OF INTERVIEW OF REPRESENTATIVE PETRI'S LEGISLATIVE ASSISTANT

INTERVIEW OF [REDACTED]

Present:

Scott Gast, Investigative Counsel

Bryson Morgan, Investigative Counsel

Rob Kelner, Counsel for the Witness

Kevin Glandon, Counsel for the Witness

[REDACTED]

Transcribed By:

Julie Thompson

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

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

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

13 MR. GAST: Okay.

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

23 MR. GAST: Okay. Can you say those issues once again that
24 you said? Ed and workforce, energy,
25 environment.

1 WITNESS: Interior issues.

2 MR. GAST: Okay. And healthcare?

3 WITNESS: And healthcare.

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

5 WITNESS: Since June of 2010. So I should be clear by

6 saying that I became a legislative assistant in

7 roughly the December 2009/January 2010 time

8 frame and handled a different set of issues at

9 that point. That was some transportation and

10 infrastructure issues, veterans, foreign

11 affairs, defense, water issues, and agriculture.

12 And then when another legislative

13 assistant left in June of 2010, I switched over

14 and took over her issues.

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

16 WITNESS: Lindsay Punzenberger.

17 MR. GAST: Okay.

18 WITNESS: Lindsey Bowers I think was her name prior to

19 getting married.

20 MR. GAST: Okay. And in that December 2009/January 2010

21 time frame, did you succeed James Fenlon as a

22 legislative assistant? Was that kind of the

23 transition?

24 WITNESS: Yes.

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

1 WITNESS: Yes.

2 MR. GAST: What did you do prior to becoming an LA in
3 2009/2010?

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

6 MR. GAST: Okay. And before that?

7 WITNESS: I worked for Congressman Frank Wolf.

8 MR. GAST: Okay.

9 WITNESS: -- from April 2007 to April 2009.

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

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

20 MR. GAST: In Oshkosh specifically?

21 WITNESS: Yes.

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

24 WITNESS: I don't recall.

25 MR. GAST: Do you remember when that was?

1 WITNESS: I don't remember.

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

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

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

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

24 MR. GAST: Nothing specific as to potential conflicts that
25 might arise with stock ownership by the member?

1 WITNESS: Only in the sense that when I came into that
2 job, there was already discussion of -- that
3 they had already been dealing with the fact that
4 he owned stock in Oshkosh Corporation and had
5 been in consultation with the ethics committee.
6 So I became aware of that as I came into that
7 job.

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

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

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

14 WITNESS: Yes.

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

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

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

24 WITNESS: Those times would be just from our awareness of
25 ethics rules, or the fact that we had been

1 through ethics training; and the fact that when
2 we give memos to Congressman Petri, we run them
3 through Debbie, and so she was aware of his
4 stock ownership and would help us to make sure
5 we were doing what we needed to do to be in
6 compliance.

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

9 WITNESS: No.

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

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

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

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

22 MR. GAST: Okay.

23 WITNESS: -- specifically.

24 MR. MORGAN: Do you remember anything about the context in
25 which you became aware that he owned Oshkosh

1 stock, how that came up? If it was in a
2 conversation with Debbie, or do you recall
3 anything more about that?

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

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

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

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

22 WITNESS: Highly infrequently.

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

25 WITNESS: I don't recall specifically. There was --

1 during the period were I was transitioning -- I
2 can't remember the name of the person. It's in
3 the emails that -- I just can't remember who it
4 was. There was someone directly from Oshkosh
5 that I had at least some interaction with, and
6 then I think there was -- Will Stone I think was
7 involved as potentially representing them.

8 And then after that, there was very,
9 very little interaction that I can recall with
10 Oshkosh and, particularly, since I stopped
11 handling defense six months later and --

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

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

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

18 WITNESS: Meagan McCanna.

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

22 WITNESS: Initially when we were doing the FMTV contract,
23 it was just that James Fenlon already had sort
24 of -- I mean, when we transitioned, James had
25 already been -- this had been an ongoing thing

1 for months, and James had ongoing communication
2 with folks; and he forwarded me at least one
3 email I think that -- to try and sort of get me
4 up to speed on the issue.

5 And so it -- we just had direct email
6 contact, and it just -- whatever was sort of
7 going on with the issue, we were communicating
8 about.

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

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

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

24 WITNESS: I didn't recall any, except in reviewing
25 documents for this process. There was a time

1 when Bill Povoderick (phonetic) contacted us,
2 and I don't -- from seeing the document, I have
3 very little bit of information. I can't recall
4 the full details, but I think he contacted us in
5 some capacity about Oshkosh doing -- trying to
6 establish a training relationship with Herzing
7 University.

8 MR. GAST: With which university?

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

10 MR. GAST: Okay.

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

16 MR. GAST: Okay. Any other instances?

17 WITNESS: Not that I can recall.

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

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

25 MR. GAST: What about like heads up on, you know, we have

1 layoffs coming up, wanted to let you know about
2 that or things of that nature? You recall any
3 of that?

4 WITNESS: I recall that they had layoffs at some point,
5 but I don't recall having a personal
6 conversation with them about that.

7 MR. GAST: Okay.

8 WITNESS: Yeah. I don't recall.

9 MR. GAST: Okay. And did you ever discuss with the Oshkosh
10 folks Congressman Petri's stock ownership, the
11 fact that he was an owner of shares of Oshkosh?

12 WITNESS: No. I don't remember doing that.

13 MR. GAST: I want to talk specifically about that -- the
14 Family of Medium Tactical Vehicles.

15 WITNESS: Mm-hmm.

16 MR. GAST: I guess is the FMTV contract. You said you got
17 involved with transitioning from James Fenlon.
18 What did Mr. Fenlon tell you about the work that
19 had gone on when you made that transition?

20 WITNESS: It's hard for me to remember. It was -- just
21 because it was four years ago, and it was just -
22 - I was a new legislative assistant. There was
23 a lot going on. I can just remember that he
24 sort of got me up to speed on what was going on
25 and sent me some emails, and at some point

1 within the two-month period, we sort of handed
2 off the baton. I just can't remember anything
3 more specifically about what specific
4 conversations we had as part of that transition.

5 MR. GAST: Okay. Do you recall what the first project you
6 worked on, on that issue after you took over
7 from James?

8 WITNESS: I think it was a letter related to whether the
9 Army would do a potential bridge contract for
10 the other contractor, which I think was BAE
11 Systems.

12 MR. GAST: And how did that project get started?

13 WITNESS: It's hard for me to remember the details. I
14 believe it got started because -- I honestly
15 can't remember. Yeah. I'm sorry. I just can't
16 recall. We transitioned, and there was multiple
17 steps in the FMTV process, and some of them took
18 place before me, and I honestly just can't
19 recall how it got started. It's just too long
20 ago.

21 MR. GAST: Let me just back up one second. When you had
22 the kind of transition discussions with James
23 Fenlon, did the issue of Representative Petri's
24 stock ownership come up at all during those
25 discussions?

1 WITNESS: I can't remember if they did.

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

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

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

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

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

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

24 I'm sure we were in constant
25 communication with Oshkosh about the process,

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

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

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

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

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

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

18 WITNESS: I don't know.

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

21 WITNESS: I don't recall anything specifically.

22 MR. GAST: Was there any discussion about Representative
23 Petri disclosing his ownership of Oshkosh stock
24 to the Secretary of the Army, the recipient of
25 the letter?

1 WITNESS: I don't recall any specific discussion on that.

2 MR. MORGAN: So let me sort of back up a little bit here.

3 The letter was regarding a bridge contract; is

4 that right, a contract from the Department of

5 Defense or the Army? Do you remember who was

6 awarding the contract?

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

8 MR. MORGAN: Okay. And you were -- you said you were in

9 constant communication with Oshkosh about the

10 contract. Were you monitoring the contract

11 bidding and award process as an LA, or how did

12 you become aware of the contract?

13 WITNESS: Well, when I transitioned from James, a lot of

14 the -- the process was largely -- it had been

15 going on for months, and so when I transitioned,

16 I became aware of those things. And as -- I

17 can't remember the exact specific stuff, but

18 there was sort of multiple steps in this

19 process.

20 MR. MORGAN: In the contracting process?

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

22 MR. MORGAN: Okay.

23 WITNESS: Which I seem to recall took place before I ever

24 transitioned, and then there was the -- there

25 was a protest; and I think GAO did an

1 evaluation, and I can't remember the exact
2 timing of when I took over and when that GAO
3 issue became resolved. But then I think the
4 bridge aspect came up after GAO upheld the
5 contract. And just so at different points in
6 the process, you know, we -- Oshkosh would tell
7 us, okay, you know, GAO upheld this and we -- so
8 we are just hearing from them how things were
9 going throughout this process essentially.

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

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

21 And there would be other instances. I
22 mean, as a legislative assistant, for example,
23 there's times when you're constituents go
24 through any kind of competitive bidding process
25 or they go through a competitive grant process.

1 If they feel like they're not getting fair
2 treatment, they reach out to their member of
3 Congress, and you sometimes write a letter. So
4 there's certainly been lots of instances as a
5 legislative assistant where you -- you assist
6 constituents, whether they be companies, or
7 schools, or individuals who are doing something
8 with a federal agency. And they don't feel like
9 they've been receiving fair treatment, and you
10 send a letter on their behalf.

11 And so, certainly in those cases,
12 you're involved in that specific circumstance,
13 but it's not your job generally to follow every
14 single thing that is going on with any person or
15 company in your district.

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

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

1 MR. MORGAN: Okay.

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

5 WITNESS: Not that I can recall.

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

8 WITNESS: I don't remember any communications.

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

11 WITNESS: No. I can't recall any.

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

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

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

23 WITNESS: Not Oshkosh but certainly I managed the
24 appropriations requests within my issue areas,
25 but I don't recall any for Oshkosh.

1 MR. GAST: Okay. Let me show you this email. I have a
2 copy for you. This is just an email exchange
3 between you and Will Stone, who you mentioned
4 you may have worked with on Oshkosh.

5 WITNESS: Mm-hmm.

6 MR. MORGAN: This is Bates Number 861.

7 MR. GAST: Okay.

8 WITNESS: Okay.

9 MR. GAST: You recall this email?

10 WITNESS: No.

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

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

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

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

24 MR. GAST: Did Representative Petri submit any
25 appropriations requests on behalf of Oshkosh

1 while you were handling the issues, the defense
2 issues?

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

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

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

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

14 WITNESS: Yes.

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

16 WITNESS: Al Bernard.

17 MR. GAST: And who is he?

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

23 MR. GAST: He was your primary contact?

24 WITNESS: Yes.

25 MR. GAST: Anybody else that you worked with from

1 Maniwoc?

2 WITNESS: Not that I can recall.

3 MR. GAST: Okay.

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

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

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

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

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

22 WITNESS: Same issue.

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

25 WITNESS: Yes.

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

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

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

11 WITNESS: I don't know -- I don't recall him ever meeting
12 Bernard, and I can't -- I personally can't
13 recall any specific times that they have met
14 with us in D.C. or met Congressman Petri in D.C.

15 As I mentioned earlier, I don't know Congressman
16 Petri's schedule in the district.

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

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

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

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

25 MR. GAST: Were you aware at the time you were working on

1 this EPA issue with the company that
2 Representative Petri owned Manitowoc stock?

3 WITNESS: I don't recall being aware.

4 MR. GAST: Before we get into the two bursts with EPA, do
5 you recall -- do you have any information about
6 back in January, February 2007 -- I guess you
7 weren't with the Congressman at that point --
8 any discussions about Lindsay Bowers assisting
9 the company with a rule making, EPA rule making?
10 Is that something that ever came to your
11 attention?

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

14 MR. GAST: Okay.

15 WITNESS: -- from November of 2006 to April 2007.

16 MR. GAST: Okay.

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

21 MR. GAST: Okay.

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

24 MR. GAST: Okay. Or even through Mr. Bernard, any
25 discussion about the assistance that she may

1 have provided them previously?

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

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

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

13 MR. GAST: And what was the issue involved?

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

22 So they were trying to apply for a
23 hardship exemption from the EPA, and essentially
24 they were trying to -- they had done the
25 application, and they were trying to get sort of

1 clearance from the EPA that everything was right
2 and seemed fine because my understanding was
3 that they needed -- they can't wait until two
4 months before they have to deliver engines to
5 find out that they're not eligible for an
6 exemption. And they needed some clarity so that
7 they wouldn't find out at the last minute that
8 they hadn't like crossed a T or something in
9 their application.

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

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

20 WITNESS: I can't recall specifically if -- because
21 there's different ways that you can interact
22 with agencies. You can call the liaison office.
23 You can send a letter, and I believe that at
24 first we called the liaison office and just had
25 some interaction with some folks at EPA. And I

1 think at some point we -- I know that we
2 followed up with a letter at some point. I just
3 can't remember the exact timing of those things.

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

6 WITNESS: I mean me.

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

9 WITNESS: No.

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

12 WITNESS: Yes.

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

14 WITNESS: Not persistently. I honestly can't recall if --

15 there's some potential that Al put me on a

16 conference call with, you know, Manitowoc

17 engineers at some point to sort of explain in

18 more detail what they had done with this

19 hardship exemption process, but I honestly can't

20 recall whether that actually took place or not.

21 There's certainly potential. I just can't

22 remember, but that's the only interaction I can

23 think of with Manitowoc.

24 And, certainly, Debbie was involved in

25 the sense that, you know, when we wrote the

1 letter, I showed it to her. So Debbie was the
2 only other person in the office that I worked
3 with.

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

7 WITNESS: I don't recall the name specifically.

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

10 WITNESS: Yeah.

11 MR. GAST: -- entity you called?

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

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

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

24 My initial -- or my recollection of
25 how this played out was that the first burst of

1 activity was that we contacted EPA, and then we
2 were able to sort of -- EPA basically, through
3 further conversations directly with Manitowoc,
4 would give them assurances that everything was
5 in order with their application; and that's when
6 everything seemed to be fine.

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

10 WITNESS: I can't say specifically that it was that
11 strong, but Manitowoc -- when we reached out to
12 EPA, EPA then I think had further conversations
13 with Manitowoc; and Manitowoc got back to us and
14 said that it seemed to be fine; that they had
15 enough of a comfort level based on their
16 conversations with EPA that they were
17 comfortable. That's my recollection of how it
18 played out.

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

21 WITNESS: I think I might have had a conversation with the
22 National Association of Manufacturers
23 potentially because Al had already been engaged
24 with them, and I think that they -- so they
25 might have given me some feedback and thoughts

1 based on their own experience with these issues.

2 MR. GAST: Okay. Any other assistance?

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

7 MR. GAST: Sure.

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

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

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

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

18 WITNESS: Al Bernard reaching out.

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

20 WITNESS: It's hard for me to recall, but I think it
21 essentially was that they didn't have as much --
22 they were still struggling with the same issue
23 essentially, but they still felt like there was
24 a lot of uncertainty trying to get -- they
25 didn't sort of know the status of their

1 application. They weren't getting clear
2 communications from EPA, and they were getting
3 closer to sort of when they had to make
4 decisions. And so I think it was sort of a
5 further -- just conversations, and I think we
6 did a letter at that point, but basically the
7 same issue that we were dealing with the first
8 time.

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

11 WITNESS: I think so. Yeah.

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

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

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

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

1 what the specific outcome was.

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

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

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

10 WITNESS: I'm not aware of any conversations.

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

13 WITNESS: Not that I can recall. No.

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

17 WITNESS: Not that I can recall.

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

24 WITNESS: No. Not that I can recall.

25 MR. GAST: Okay. Do you have any questions about

1 Manitowoc?

2 MR. MORGAN: Yeah. During these two bursts with the EPA, you
3 said you were working with Al and Debbie as
4 well. Did you have any direct interactions with
5 Representative Petri about the EPA issues with
6 Manitowoc?

7 WITNESS: Only -- I can't remember specifically how it
8 happened, but at some point in the process I
9 recall that I basically got his approval to -- I
10 filled him in on the situation and got his
11 approval to proceed essentially with assisting
12 them through the EPA.

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

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

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

24 WITNESS: I can't recall. Yeah. I just can't remember.
25 Typically, I would write these things as a memo

1 and give it to him, but I can't recall

2 specifically.

3 MR. MORGAN: Okay. But you were -- the purpose of you

4 communicating with him was to seek his approval

5 to move forward with working with Manitowoc on

6 the issue?

7 WITNESS: Yes.

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

9 WITNESS: Yes.

10 MR. MORGAN: Do you recall if you received that directly from

11 him, or was that relayed through Debbie or

12 someone else in the office?

13 WITNESS: It would have been -- if I gave it to him in a

14 memo, it would have just been in writing that he

15 would have acknowledged and said, yes, I'm fine

16 with sending a letter. If I had spoken to him

17 directly, he just would have told me it was

18 fine.

19 MR. MORGAN: Okay.

20 MR. GAST: And you don't recall his stock ownership coming

21 up in your contacts with him?

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

23 MR. GAST: Okay. I want to talk to you about the Plum

24 Creek Timber Company --

25 WITNESS: Okay.

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

2 WITNESS: Yes.

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

5 WITNESS: Mm-hmm.

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

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

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

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

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

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

24 MR. GAST: Are those meetings with you or with the
25 Congressman?

1 WITNESS: Sometimes with the Congressman, sometimes with
2 me, sometimes with -- there's -- it's potential
3 there's sometimes with other staff, depending on
4 what the topic of the meeting is. And then
5 other communications directly with Bob, I can't
6 remember very many. It's probably not more than
7 once or twice a year I think.

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

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

12 MR. GAST: Any other issues?

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

19 MR. GAST: Okay.

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

23 MR. GAST: Who would handle that water issue?

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

25 MR. GAST: Okay.

1 WITNESS: And then more recently Cate Johnson when Meagan
2 left.

3 MR. GAST: Cate Johnson?

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

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

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

11 MR. GAST: This is Bates Number Harris 000515.

12 WITNESS: Okay.

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

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

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

23 WITNESS: Not specifically, other than I remember this
24 particular issue, and I remember researching it
25 and thinking that the sponsor of the letter, and

1 the people asking for it had -- I thought the
2 concerns of the letter were valid, if I
3 remember, and so I don't remember specifically
4 how I asked him. I'm assuming it was in a memo.
5 And so, yeah, that's all I can recall other than
6 I researched it --

7 MR. GAST: And then you --

8 WITNESS: -- on the merit.

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

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

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

19 WITNESS: Yes.

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

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

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

24 Take a look at that email. This is Harris

25 000386.

1 WITNESS: Okay.

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

5 WITNESS: Okay.

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

8 WITNESS: Yes.

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

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

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

16 WITNESS: Typically with the Land and Water Conservation
17 Fund, we actually would be contacted by a lot of
18 public lands groups, Trust for Public Land and
19 some others. And so there was a lot of
20 different constituent groups who reached out to
21 us to ask for support of the Land and Water
22 Conservation Fund, and my boss is generally
23 supportive of conservation and has signed a lot
24 of letters in the past in support of LWCF.
25 So I actually -- I have a lot of

1 recollection over the years of getting a lot of
2 requests from public lands groups. I actually
3 didn't even recall getting this specific request
4 from Plum Creek.

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

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

14 MR. GAST: Mm-hmm.

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

17 WITNESS: Yes.

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

20 WITNESS: I can't recall specifically.

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

25 WITNESS: I don't recall any such discussion.

1 MR. GAST: Did Representative Petri bring that up in any of
2 the conversations or correspondence that you may
3 have had about whether or not to sign on to the
4 letter?

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

8 MR. GAST: Okay.

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

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

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

1 unlikely.

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

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

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

9 WITNESS: I don't recall any specific conversations.

10 MR. GAST: You want to --

11 MR. KELNER: Yeah.

12 MR. GAST: -- take a quick break?

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

14 (WHEREUPON, a recess was taken.)

15 END OF FILE 1

16

17 MR. GAST: Alright. This is Scott Gast and Bryson Morgan
18 with the OCE back with [REDACTED], Rob Kelner,
19 and Kevin Glandon.

20 Hopefully not too many more questions
21 for you. Still on the subject of Plum Creek and
22 your interactions with them, did you have any
23 interactions on the subject of truck weight
24 limits?

25 WITNESS: No.

1 MR. GAST: That didn't fall in your portfolio?

2 WITNESS: No.

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

4 WITNESS: Debbie Gebhardt. She handles highway issues.

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

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

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

17 WITNESS: Alright.

18 MR. GAST: Do you recall this email?

19 WITNESS: Not specifically. I recall the issue, and I
20 recall the bill. And it was a transportation and
21 infrastructure bill, so it wouldn't have been
22 one that -- a lot of time people get confused
23 because I handle environment. They always come
24 to me thinking that I would handle these issues,
25 and I always, a lot of times, end up having to

1 refer them to our water person because water
2 falls under T&I.

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

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

5 MR. GAST: 2012.

6 WITNESS: -- Meagan left.

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

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

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

14 WITNESS: Mm-hmm.

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

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

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

25 WITNESS: No.

1 MR. GAST: -- that issue? Okay. That is all I have on
2 Plum Creek. And then just finally, I want to
3 ask you if you had any interactions with the
4 Danaher Corporation?

5 WITNESS: No.

6 MR. GAST: Are you familiar with that company?

7 WITNESS: I wasn't until this process.

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

11 WITNESS: I can't remember anything.

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

14 MR. KELNER: Okay. Great.

15 END OF INTERVIEW

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A	<p>16:5,7 aside 10:21 19:2,12 asked 26:18,19 33:17 38:4 asking 33:17 38:1 asks 41:21 aspect 17:4 assist 18:5 assistance 19:4,15 24:25 26:19 30:2 31:12 32:3,9 assistant 2:12,17 3:6,13,22 4:11 6:11 12:22 17:13 17:22 18:5,22 36:18 assisting 24:8 33:11 association 29:22 35:20 assume 44:10 assuming 38:4 44:4 assurances 29:4,7 attention 24:11 45:9 award 16:11,21 awarding 16:6 awards 18:19 aware 4:12,15,18 5:5,9,18 6:6,18,20 7:3,16,20,25 8:5 10:16 16:12,16 23:25 24:3,12 32:4,6,8,10,18,20 awareness 6:24</p>	<p>becoming 4:2 behalf 5:14 18:10 18:23 20:25 believe 11:11 13:14 25:18,19 26:23 45:12 bernard 21:16 22:7 23:9,12,19,21 24:24 30:18 beyond 11:15 31:12 bidding 16:11 17:24 bill 11:1 19:17 43:20,21 bills 2:19 bit 2:8 11:3 16:2 bob 35:8,18 36:5 36:13 37:14,17 39:4 43:14 44:15 44:17 boss 37:18 39:22 41:13 bowers 3:18 24:8 break 38:22 42:12 42:13 bridge 13:9 14:2 16:3 17:4 19:2 bring 41:1 brought 45:9 bryson 1:10 2:2 42:17 build 25:21 building 37:20 burst 28:25 29:7,20 30:11 33:14 bursts 22:8,20 24:4 33:2</p>	<p>17:1 19:11 20:15 20:15,21,23 21:3 21:4 22:5 23:12 23:12 25:9 26:3 26:20 27:3,14,19 27:21 28:12 29:10 30:3,5,6,9,14,16 31:16,23,25 33:7 33:16,18,24,24 34:1 36:5 38:12 38:14 40:20 45:11 capacity 11:5 capitol 24:18 careers 24:17 case 17:16 cases 18:11 cate 37:1,3,4 catherine 37:4 cause 5:20 certain 8:12 36:14 38:12 43:11 certainly 5:16 18:4 18:11,21 19:23 27:21,24 28:13 38:13 chicago 28:21 chief 5:8,21 circumstance 18:12 circumstances 4:22 15:7 37:21 39:13 clarity 26:6,12,15 26:17 clean 43:8,9 clear 3:5 31:1 clearance 26:1 closer 31:3 colleague 37:19 come 8:14 9:21 13:24 23:3 43:23 comes 35:18 comfort 29:15 comfortable 29:17 coming 12:1 15:8 34:20 committee 5:23 6:5 15:14,17 19:7,9 32:8,12,15,16 42:6 communicating</p>	<p>10:7 34:4 communication 10:1 14:25 16:9 21:22 22:4,16,18 communications 19:6,8 31:2 32:16 36:5 companies 5:4,6,14 6:16 7:7,21 8:11 8:12 18:6,18,23 35:21 company 7:18 8:21 8:24 17:18 18:15 21:8,8,13,15,18 24:1,9 25:18 27:11 32:4,5 34:24 35:1,3,7,11 35:14 45:6 companys 23:23 32:22 competitive 17:24 17:25 compliance 7:6 complying 5:19 concerns 38:2 conferees 41:22 conference 27:16 conflicts 5:24 confused 43:22 congress 8:14 18:3 congressional 2:3 35:4 congressman 2:4 2:14 4:7 5:14 7:2 7:8 12:10 19:22 23:14,15 24:7,19 24:20 33:23 35:25 36:1 38:10,17 40:6 41:13,23 42:2 congressmans 40:10 connected 11:12 25:10 conservation 39:7 39:16,22,23 constant 14:24 16:9 constantly 10:18 44:21</p>
B	<p>back 13:21 16:2 22:11,13 24:6 29:13 42:18 background 2:8 25:11 bae 13:10 barely 14:10 based 29:15 30:1 basically 29:2 31:6 33:9 bates 20:6 37:10,11 43:14 baton 13:2</p>	<p style="text-align: center;">C</p> <p>c 23:14,14 call 26:22 27:16 28:12 33:20 called 25:17 26:24 27:4 28:5,11 calls 22:12 36:10 cant 9:2,3 10:14,20 11:3,13,23 13:2 13:15,15,18 14:1 14:22 15:5 16:17</p>	<p>communicating</p>	<p>communicating</p>

constituent 17:18 39:20	creeks 41:10	disclosing 15:23	42:7 44:19	exemption 22:24 25:6,23 26:6 27:19
constituents 2:21 8:14 17:23 18:6 18:23	crossed 26:8	discuss 12:9 23:21	eligible 26:5	expectation 5:17
contact 10:6 15:13 15:15,16 21:23 35:16	current 2:9,11	discussed 10:23 40:12	email 8:6 10:3,5 20:1,2,9 23:4,6 25:10 37:13,17 38:20,24 39:3 40:5,5 41:20 43:13,18 44:18	experience 30:1
contacted 11:1,4 29:1 39:17	<hr/> D <hr/>	discussing 23:24 42:2,3	emails 9:3 12:25 22:12 39:9,13 41:9,12 44:23	explain 27:17
contacts 23:18 34:21 35:3	d 23:14,14	discussion 5:3,7 6:2 15:22 16:1 24:25 40:19,21,25	emissions 25:16,17	extent 4:13
context 7:24 8:8	danaher 45:4	discussions 13:22 13:25 24:8,22 31:21 42:5	employed 21:20 35:13	<hr/> F <hr/>
continued 22:14	deadlines 26:12	district 10:18,19 18:15 23:16	ended 29:7	face 23:5,5
contract 9:15,22 10:21 12:16 13:9 14:3 16:3,4,6,10 16:10,12 17:5 19:2,4,12	deal 8:24 19:20 21:15 22:6 35:6	document 11:2	energy 2:15,24	facetoface 33:22
contracting 16:20	dealing 6:3,16 22:23 31:7 43:5	documents 4:16 10:25 14:11 25:4	engaged 29:23	fact 6:3,25 7:1,17 12:11 32:18 40:22
contractor 13:10	dealt 28:6 35:8	doesnt 41:14	engine 25:16	fair 7:10 17:18 18:1 18:9
contracts 17:10,11 18:19	dear 37:19	doing 7:5 9:22 11:5 12:12 18:7,18 21:18 44:9	engineers 27:17	fairly 15:5 16:7 43:11
conversation 8:2 12:6 28:15 29:21	debbie 5:8 6:19,21 6:23 7:3 8:2 14:13 25:9,10 27:24 28:1 32:15 33:3 34:11 43:4 43:14	dont 4:24 5:1,7 8:4 8:4,8,25 10:11,13 10:19 11:2,14,21 11:22 12:5,8,12 14:5,9 15:11,15 15:18,21 16:1 18:8 19:8,25 22:10,18 23:5,11 23:11,15,18,24 24:3,22 25:2 28:7 31:14 32:6,19,20 34:20,22 35:12 38:3,21 39:10 40:25 41:5,6,18 41:25 42:4,9 44:9	engines 25:20 26:4	familiar 35:1 45:6
conversations 8:10 11:18,23,24 13:4 20:12 22:10 29:3 29:12,16 31:5,13 32:7,10,11,14 41:2,24 42:9 44:15	december 3:7,20 6:12	entity 28:11	ensure 15:4	family 12:14
corporation 4:19 6:4 8:19 45:4	decision 37:21 38:10	environment 2:15 2:25 43:23	entity 28:11	far 26:11
correspondence 41:2	decisions 31:4	epa 22:14,23 23:17 24:1,4,9 25:23 26:1,13,25 28:5 28:22 29:1,2,8,12 29:12,16 30:4 31:2,9,13,21 32:23 33:2,5,12 33:20 43:5	environment 2:15 2:25 43:23	february 24:6
correspondent 4:4	defense 3:11,25 9:11,17 16:5 18:17 19:10 21:1	essentially 17:9 25:15,23 30:21,23 33:11	epa 22:14,23 23:17 24:1,4,9 25:23 26:1,13,25 28:5 28:22 29:1,2,8,12 29:12,16 30:4 31:2,9,13,21 32:23 33:2,5,12 33:20 43:5	federal 18:8,25 21:19
counsel 1:9,10,11 1:12 2:5	deliver 26:4	establish 11:6	environment 2:15 2:25 43:23	feedback 29:25
course 10:16	department 16:4	ethics 2:3 5:11,12 5:16,21,22 6:5,25 7:1 15:8,14,15,17 15:20 32:8,12,15 42:5	epa 22:14,23 23:17 24:1,4,9 25:23 26:1,13,25 28:5 28:22 29:1,2,8,12 29:12,16 30:4 31:2,9,13,21 32:23 33:2,5,12 33:20 43:5	feel 18:1,8 30:13
cranes 25:20	depending 36:3	evaluation 17:1	entity 28:11	felt 30:23
creek 34:24 35:6 36:9 37:8 40:4,24 41:7 42:21 45:2	depreciation 36:15	exact 16:17 17:1 27:3 30:6	environment 2:15 2:25 43:23	fenlon 3:21 6:11 9:23 12:17,18 13:23
	detail 27:18	exactly 25:14 30:10 30:13 31:23	entity 28:11	file 42:15
	details 11:4 13:13 23:1	example 17:22	environment 2:15 2:25 43:23	filled 33:10
	didnt 4:15 8:5 10:24 21:4 30:21 30:25 32:11 40:3 43:1	exchange 20:2 37:13 39:3	entity 28:11	finally 45:2
	diesel 25:16,20		entity 28:11	find 26:5,7
	different 3:8 17:5 18:24 21:9 26:21 35:21 39:20		entity 28:11	fine 26:2 29:6,14 34:15,18
	direct 10:5 33:4		entity 28:11	first 13:5 26:24 27:4 28:25 29:7 29:20 31:7,19 33:13 40:5
	directly 9:4 21:18 21:20 29:3 34:10 34:17 35:13 36:5		entity 28:11	five 30:14
	disclosed 32:22		entity 28:11	fiveminute 38:21 42:13
		<hr/> E <hr/>	entity 28:11	flag 5:10 6:19
		earlier 8:5 23:15	entity 28:11	fmtv 9:15,22 10:21 12:16 13:17 19:12
		early 30:15	entity 28:11	folks 9:20 10:2,10 10:23 11:19 12:10
		ed 2:24	entity 28:11	
		education 2:14 11:12	entity 28:11	
		eight 22:11	entity 28:11	
		either 23:6 31:20	entity 28:11	

19:7 26:25
follow 18:13
followed 27:2 40:9
foreign 3:10
forest 43:5,6
forth 22:12
forward 14:8 34:5
forwarded 10:2
 44:10
four 12:21 30:13
fourth 44:11
frame 3:8,21
frank 4:7
frequently 10:11,14
front 37:16
full 11:4 37:4
fully 10:17
fund 39:7,17,22
further 29:3,12
 31:5,21

G

gao 16:25 17:2,4,7
gast 1:9 2:1,2,13,23
 3:2,4,15,17,20,25
 4:2,6,8,10,20,22
 4:25 5:2,11,24 6:8
 6:12,15,22 7:7,10
 7:14,22 8:10,18
 8:23 9:12,16,19
 10:9,21 11:8,10
 11:16,18,25 12:7
 12:9,13,16 13:5
 13:12,21 14:2,6
 15:8,13,16,19,22
 19:2,6,9,12,20
 20:1,7,9,11,17,24
 21:7,12,15,17,23
 21:25 22:3,6,20
 22:23 23:1,7,17
 23:21,25 24:4,14
 24:16,21,24 25:3
 25:13 26:18 27:4
 27:7,10,13 28:4,8
 28:11,15 29:7,19
 30:2,7,11,17,19
 31:9,12,17 32:2,7
 32:11,14,18,25
 34:20,23 35:1,3,6

35:10,16,24 36:8
 36:12,19,23,25
 37:3,6,11,13,17
 38:7,9,16,20,23
 39:2,6,9,12 40:5
 40:14,18,21 41:1
 41:8,20 42:2,5,10
 42:12,17,17 43:1
 43:3,5,13,18 44:3
 44:5,7,11,15,23
 45:1,6,8,12
gebhardt 5:8 43:4
general 2:10 6:19
 8:12 20:19
generally 5:2 6:21
 8:15 9:21 18:13
 20:17 22:6 23:2
 35:16 36:8 39:7
 39:22
getting 3:19 18:1
 31:1,2 39:13 40:1
 40:3,15

give 7:2 29:4 34:1
given 5:12 7:7
 15:19 29:25 32:18
glandon 1:12 2:5
 42:19
go 5:16 6:23 17:23
 17:25
goes 6:21
going 8:15 10:7
 12:23,24 15:3
 16:15 17:9 18:14
 41:15
grant 17:25
great 45:14
group 8:17
groups 39:18,20
 40:2
guess 12:16 20:11
 22:23 24:6 31:24
guidance 15:19
 32:15 42:6

H

hadnt 26:8
handed 13:1
handle 2:14 36:23
 43:23,24

handled 3:8 38:15
handles 36:18 43:4
handling 9:11,16
 18:16 21:1
happened 31:23
 33:8
happy 31:22
hard 12:20 13:13
 30:20
hardship 22:24
 25:6,23 27:19
harris 35:9,18
 36:13 37:11,14
 38:24 39:4,14
 40:5 41:20 43:14
 44:16,18

heads 11:25
healthcare 2:16 3:2
 3:3
hearing 15:2 17:8
held 32:5
help 5:10 7:4 20:11
 26:16
helpful 15:4 28:19
herzing 11:6,9,9
 19:18
hes 2:19 10:18
 21:20 35:12,13
high 41:17
highly 8:22
highway 43:4
hill 24:18
honestly 10:15
 11:22 13:14,18
 27:14,19
hopefully 38:23
 42:20
hundreds 41:12

I

idea 14:4
ill 41:13
im 6:18 10:11,16,17
 13:15 14:5,24
 16:7 21:19 22:4
 25:8 31:19 32:10
 34:15 38:4 43:11
 44:4
impacted 36:20

implemented 19:13
inaudible 10:20
 17:18 19:17
incident 19:16
 38:15
indicate 37:18
individuals 18:7,24
inform 40:7
information 5:12
 11:3,20 24:5
infrastructure 3:10
 43:21
infrastructures
 43:11
infrequently 8:22
initial 16:21 22:9
 28:24
initially 9:22 28:5
initiated 14:3
initiatives 2:19
inperson 40:18
inquire 33:20
instances 11:16
 17:21 18:4,21
interact 10:9 23:2
 26:21
interaction 9:5,9
 9:14 26:25 27:22
 36:8
interactions 8:20
 8:23 9:20 21:12
 23:7 33:4 42:22
 42:23 45:3
interface 23:9
interior 2:16 3:1
 36:11
intern 24:13,18
interview 1:4 4:17
 8:7 45:15
interviews 2:8
introduced 2:19
investigative 1:9,10
involved 7:18 9:7
 12:17 17:16,20
 18:12 25:13 27:24
 33:19 35:21
issue 6:16 7:14,17
 10:4,7,21 13:6,23
 17:3,17 19:24

22:18,21,22 23:17
 24:1 25:5,12,13
 30:4,19,22 31:7
 34:6 36:11,21,23
 37:20,24 39:6
 41:22 43:9,12,19
 44:7,11,19 45:1
issues 2:15,16,23
 3:1,8,10,11,14,25
 5:10,20 6:20 9:17
 15:8 18:17 21:1,2
 30:1 33:5 36:10
 36:12,14,14,18
 43:4,24 44:12,16
ive 18:21 35:8
 44:21

J

1:4,13 2:3,11
 3:21 6:11 9:23,24
 10:1 12:17 13:7
 13:22 14:17,20
 16:13 42:18
january 3:7,20
 6:12 24:6
jives 20:20
job 6:2,7,8,8 18:13
jog 20:11
johnson 37:1,3,4
joint 2:20
julie 1:19
july 37:6,9
june 3:5,13 39:3

K

keep 5:5
kelner 1:11 2:5
 38:21 42:11,13,18
 45:14
 1:4,12,13 2:3
 2:5,11 42:18,19
kind 3:22 7:10
 13:22 17:24 22:8
 31:17,20 36:10
 37:7
kinds 41:24
knew 15:1,3
know 10:19 11:25
 12:1 15:16,18
 17:6,7 22:10

23:11,15 27:1,16 27:25 30:3,25 35:10,12 41:10,13 41:18,23,25 43:3	long 3:4 13:19 36:24 longer 38:23 look 28:19 38:24 39:2 43:15 looked 28:22 29:8 looks 25:3 lot 10:15 12:23 16:13 20:14 30:24 39:17,19,23,25 40:1 41:11 43:22 43:25 lots 18:4 lwcf 39:24	35:24 member 5:25 8:13 18:2 memo 33:25 34:14 38:4,9,14 40:19 memory 20:11 memos 7:2 mentioned 7:15 8:4 8:6 20:3 23:15 31:14 merit 38:8 met 23:5,13,14 mike 20:18,20 minute 26:7 mmhmm 12:15 20:5 35:5 40:14 44:14 monitoring 16:10 17:10,11 18:19 months 9:11 10:1 16:15 22:13 26:4 30:14 morgan 1:10 2:2 7:24 14:16 16:2,8 16:20,22 17:10 18:16 19:1 20:6 33:2,13,22 34:3,8 34:10,19 37:10 42:17 move 34:5 44:11 moved 14:8 multiple 13:16 16:18	O occasion 30:19 32:21 occasions 19:3,14 oce 42:18 office 2:2,4,10 4:4 4:12 6:15 7:11,16 8:10 24:13 25:4 26:22,24 27:4,8 28:2,8,14,18,21 28:21 29:19 34:12 35:4 36:22 37:8 38:13 44:13 official 5:13 okay 2:13,23 3:2,17 3:20 4:6,8,10 6:12 6:15,22 7:10,14 7:22 8:18 9:19 10:21 11:10,16 12:7,9 13:5 14:2,6 16:8,22 17:7 19:1 19:12 20:1,7,8 21:7 22:3,20 23:1 23:7 24:14,16,21 24:24 27:7 28:4 28:15 29:7 30:2 32:2,14,25 34:3,8 34:19,23,25 36:19 36:25 37:6,12 38:16,20,23 39:1 39:5 40:21 41:8 41:20 43:5 44:3 44:11 45:1,8,12 45:14 once 2:23 35:19 36:7 ongoing 9:25 10:1 order 26:13 29:5,9 oshkosh 4:18,20 6:4 7:14,25 8:18 9:4,10,20 10:10 10:23 11:5,19 12:9,11 14:25 15:23 16:9 17:6 19:4,15,20,23,25 20:4,12,18,25 outcome 31:25 32:1 outside 35:13 owned 6:4,17 7:19	7:25 24:2 owner 12:11 ownership 4:14,18 5:15,25 7:4,8 12:10 13:24 15:23 23:22 32:19,20,22 34:20 owning 5:3
L la 4:2 7:15 16:11 22:19 land 39:6,16,18,21 lands 39:18 40:2 largely 16:14 larger 35:20 layoffs 12:1,4 leadership 41:22 42:8 learned 4:23 lead 37:19 40:11 left 3:13,15 37:2 44:6 legislative 2:12,17 2:18 3:6,12,22 4:4 4:11 6:10 12:22 17:13,22 18:5,22 36:17 letter 13:8 14:2,3,4 14:8,11,16,21 15:10,12,14,17,19 15:25 16:3 18:3 18:10 19:2 26:23 27:2 28:1 30:4 31:6,9,13,15 33:18 34:16 37:18 37:22,25 38:2,18 40:6,9,11,11 41:4 42:7 letters 2:20 30:8 39:24 level 10:16 29:15 liaison 26:22,24 27:4 28:8,14,18 likelihood 41:17 limits 42:24 lindsay 3:16 24:8 24:23 lindsey 3:18 list 7:7 little 2:8 9:9 11:3 16:2 logging 35:21 36:10	M making 24:9,9 33:19 manage 2:18 managed 19:23 manitowoc 21:8,8 21:10 22:1 23:10 24:2,23 25:18 27:16,23 29:3,11 29:13,13 31:20 32:5 33:1,6 34:5 manufacturer 25:19 manufacturers 29:22 markowitz 36:17 44:12,22 married 3:19 matters 20:19 45:9 mccanna 9:18 meagan 9:18 36:24 37:1 44:3,6 meagans 43:12 mean 6:9,10 9:12 9:14,24 14:10 17:22 27:5,6 28:12 30:3 40:13 41:14 meaning 37:19 medium 12:14 meeting 20:17 23:11 33:22 36:4 meetings 2:21 10:13,14 35:19,22	N name 3:18 9:2 20:20 28:7 37:5 names 21:10 national 29:22 nature 11:13 12:2 needed 7:5 26:3,6 26:11,12 never 7:20 new 12:22 nine 22:11 non 11:19 november 24:15 number 20:6 37:10 37:11 43:15	P page 39:2 part 8:6 13:4 17:12 25:20 35:20 particular 17:16 22:17 37:24 38:15 particularly 9:10 37:15 particulars 25:14 people 38:1 43:22 percent 21:20 performance 8:11 8:12,13 period 6:13 9:1 13:1 18:16 22:9 22:12,16 24:19 persistently 27:14 person 9:2,16 18:14 28:2 35:8 36:21 44:1 personal 12:5 personally 23:12 perspective 15:20 petoce 1532 43:15 petri 2:4 5:3 6:17 7:2,8,19 10:9 15:23 20:24 23:8 23:14 24:2,19 32:5 33:5 40:8 41:1,21,23 42:3 petris 2:14 4:11,13 12:10 13:23 23:16 23:22 32:21 40:22 phone 22:12 23:3,6 25:9 33:20 phonetic 11:1 place 13:18 16:23 27:20 played 28:17,25 29:18 31:22	

plum 34:23 35:6
36:9 37:8 40:4,24
41:6,10 42:21
45:2
point 3:9 12:4,25
15:9 24:7 27:1,2
27:17 31:6 33:8
43:6
points 10:19 17:5
policies 6:15
pollution 43:7
portfolio 17:12
43:1
position 2:9,10,11
3:4
positive 31:25
possible 15:4
potential 5:10,24
13:9 27:15,21
36:2
potentially 5:22 9:7
29:23 30:9,15
povoderick 11:1
power 20:18,21
preparation 4:17
8:7 14:12
prepared 38:9
preparing 15:10
present 1:8
pretty 22:4 25:8
31:19
previously 25:1
primary 21:23
prior 3:18 4:2
probably 35:22
36:6
proceed 33:11
process 10:25 13:17
14:9,22,25 15:5,9
15:12 16:11,14,19
16:20 17:6,9,19
17:24,25 25:7
26:17 27:19 31:16
33:8 40:10 45:7
processes 18:24
project 13:5,12
14:16
prompted 30:17
pronounced 21:9

protest 16:25 19:12
protests 18:19
provided 19:3,14
25:1,4 31:12
providing 32:3,9
public 11:19 39:18
39:18 40:2
punzenberger 3:16
purchased 40:23
purpose 34:3
put 27:15
putting 15:2

Q

question 6:23 42:7
questions 32:25
42:20 45:12
quick 42:12,13

R

raise 5:21
rating 37:20
reach 18:2
reached 19:17 22:9
25:8 29:11 36:13
39:20
reaching 26:15
30:18
really 5:9 8:13
10:14 17:14 26:10
30:16
recall 4:15,15,22,24
5:7 8:2,4,5,8,25
9:9 10:12,13,15
10:24 11:3,14,17
11:21,22,23 12:2
12:4,5,8 13:5,16
13:19 14:3,5,6,22
15:6,11,15,21
16:1,23 18:17,20
19:5,11,19,25
20:9 21:3,12 22:2
22:5,18 23:11,13
23:18 24:3,5,22
25:2,6 26:18,20
27:14,20 28:7,15
30:5,10,11,20
31:16 32:6,13,17
32:19,20,24 33:9
33:13,16,17,18,24

34:1,10,20,22
35:18 36:16 37:13
37:15,20 38:5,14
39:6,9,10 40:3,18
40:20,21,25 41:5
41:6 42:2,4,5,9
43:18,19,20 44:9
44:15
recalled 4:17
receive 34:8
received 34:10
38:16
receiving 18:9
39:15
recess 42:14
recipient 15:24
recollection 25:15
28:17,24 29:17
33:16 40:1 43:8
record 2:1
refer 44:1
referred 44:21
regarding 16:3
regional 31:9
regulations 43:6
related 5:13 9:14
13:8 22:21 44:19
relating 37:19
relations 21:19
35:15
relationship 11:6
24:23
relay 41:18
relayed 34:11
remember 4:25 5:1
7:24 9:2,3 11:13
12:12,20,23 13:2
13:13,15 14:1,7,9
14:10,12,14,18,21
15:8 16:5,17 17:1
19:8,16 20:15,17
20:20,22,23 21:4
23:20,24 25:9,14
27:3,22 28:6,9,12
30:3,6,15 31:23
31:24,25 33:7,24
36:6 37:23,24
38:3,3 39:12
45:11

remembered 14:10
representative 4:11
4:13 5:3 6:17
7:18 10:9 13:23
15:22 20:24 23:8
23:22 24:2 32:4
32:21 33:5 40:8
40:22 41:1
representatives
8:20 21:13
represented 21:21
35:14
representing 9:7
represents 21:21
35:12
request 11:14 40:3
42:3
requests 19:21,24
20:13,14,25 21:5
40:2
required 5:16
requirements 25:16
researched 38:6
researching 37:24
resolved 17:3
response 37:17
responsibilities
2:17 7:13
responsible 28:21
reviewing 4:16
10:24 14:11
rich 44:12
richard 36:17
44:21
right 16:4 26:1
roads 43:5,6
rob 1:11 2:5 42:18
role 7:11 29:19
35:10 44:24
roles 17:15
roughly 3:7
round 22:16 30:17
31:17
rule 24:9,9
rules 5:13,18 6:25
32:16
run 7:2
running 14:13
40:13

S

saying 3:6 44:18
schedule 10:17
23:16
school 11:11
schools 18:7,23
scott 1:9 2:2 42:17
second 13:21 22:15
22:16 30:5,11,17
31:15,17 33:14
39:2 41:20
secretary 15:24
see 26:15
seeing 8:6 11:2
39:11
seek 34:4 40:10
seeking 38:10
send 18:10 26:23
sending 34:16
sense 6:1 15:1
27:25 31:20
sent 12:25 36:16
44:18
separate 39:3
september 25:5
services 19:7
set 3:8
seven 22:11
shares 12:11
show 20:1 37:6
38:20 43:13
showed 28:1
sign 37:21 38:11,17
40:6,8,11,16 41:3
42:7
signed 37:18 39:23
similar 18:18 31:19
40:9
simply 33:19
single 18:14 41:16
41:16
situation 33:10
six 9:11 30:14
sorry 13:15 14:5
21:11
sort 9:23 10:3,6
12:24 13:1 16:2
16:18 17:12 21:19
22:8,16 25:12,25

27:17 29:2 30:25 31:3,4 35:20 source 43:6 speak 10:20 41:21 speaking 42:4 specific 5:7,24 11:24 13:3 14:11 15:6,11 16:1,17 17:17 18:12 19:14 23:13 28:12 32:1 40:3 42:9 specifically 4:20 7:23 8:25 11:21 12:13 13:3 15:21 17:20 20:16,21,23 21:4 26:18,20 28:7 29:10 31:16 33:7,16 34:2 37:23 38:3,14 39:10 40:20 41:5 41:15,18 43:19 speed 10:4 12:24 spoke 28:22 spoken 34:16 sponsor 37:25 spot 6:22 staff 5:8,22 10:16 32:12 36:3 41:11 staffer 11:12 standards 25:18 start 2:7 started 13:12,14,19 14:18,19,23 15:7 25:7 starting 37:9 status 30:25 33:21 steps 13:17 16:18 stock 4:13 5:4,15 5:25 6:4,17 7:4,8 7:19 8:1,11,13 12:10 13:24 15:23 23:23 24:2 32:5 32:19,20,22 34:20 40:23 stone 9:6 20:3,18 stopped 9:10 strong 29:11 struggling 26:14 30:22	stuff 16:17 subcommittee 19:10 subject 42:21,23 subjects 10:22 11:18 23:19 36:8 submit 20:24 succeed 3:21 succeeded 9:16 support 19:22 39:21,24 41:11,14 44:20 supportive 39:23 41:7 supposed 5:18,21 sure 7:4 14:24 16:7 21:20 22:4 23:17 25:8 30:7,16 31:19 41:19,25 surrounding 37:21 switched 3:13 24:17 system 37:20 systems 13:11	26:5 36:20 theyve 18:9 thing 9:25 18:14 19:19 41:16 things 2:21 5:9 8:15 12:2 16:16 17:8 27:3 33:25 36:15 think 3:18 9:6,6 10:3,11,15 11:4 13:8,10 14:19,19 16:25 17:3 18:21 21:18 22:15 23:5 23:5 25:17,19 27:1,23 28:20,22 29:12,21,24 30:20 31:4,5,11,14 35:8 36:7,13,20 41:17 41:25 44:17,21 thinking 37:25 43:24 thomas 2:4 thompson 1:19 thought 5:20 38:1 thoughts 29:25 tied 10:17 tier 25:17 timber 34:24 35:6 44:16 time 3:7,21 4:10,12 4:19 6:12 10:25 17:14 18:16,20 22:19 23:25 24:18 31:8 32:2 36:24 41:16 43:22 times 6:22,24 7:16 17:23 23:13 37:8 41:11 43:25 timing 17:2 27:3 30:6,10 today 2:1,6 told 34:17 41:6 topic 36:4 touch 28:20 training 5:11,17 7:1 11:6 19:18 transcribed 1:18 transition 3:23 12:19 13:4,22	transitioned 4:5 6:10 9:24 13:16 14:17 16:13,15,24 transitioning 9:1 12:17 transportation 3:9 43:10,20 traveling 10:18 treated 15:5 treatment 17:19 18:2,9 truck 42:23 trust 39:18 try 10:3 trying 10:12 11:5 15:3 25:22,24,25 30:24 twice 35:22 36:7 two 22:8,20 24:4 26:3 33:2 39:9 twomonth 13:1 typical 17:15 typically 5:8 33:25 39:16	wants 2:20 wasnt 45:7 water 3:11 36:21 36:23 39:6,16,21 43:9,10 44:1,1 way 4:14 33:18 40:13 ways 21:9 26:21 weight 42:23 went 22:13 25:12 whats 37:10 wife 40:22 wisconsin 8:16 11:11 21:10 witness 1:11,12 2:11,14 3:1,3,5,16 3:18,24 4:1,4,7,9 4:15,21,24 5:1,7 5:16 6:1,10,14,18 6:24 7:9,12,20,23 8:4,13,22,25 9:14 9:18,22 10:11,24 11:9,11,17,21 12:4,8,12,15,20 13:8,13 14:1,5,9 14:19 15:11,15,18 15:21 16:1,7,13 16:21,23 17:13 18:20 19:5,8,11 19:16,23 20:5,8 20:10,14,20 21:3 21:10,14,16,18,24 22:2,4,8,22,25 23:5,11,20,24 24:3,12,15,17,22 25:2,8,14 26:20 27:6,9,12,14 28:7 28:10,12,17 29:10 29:21 30:3,8,13 30:18,20 31:11,14 31:19 32:6,10,13 32:17,24 33:7,16 33:24 34:7,9,13 34:22,25 35:2,5,8 35:12,18 36:1,10 36:13,20,24 37:1 37:4,12,15,23 38:8,12,19 39:1,5 39:8,10,16 40:13
	T		U	
	t 26:8 44:2 tactical 12:14 take 2:20 38:21,24 42:12 43:15 taken 5:13 42:14 talk 4:10 8:18 12:13 20:18 21:7 23:3 34:23 42:8 44:20 tax 36:14,18 44:11 44:16,19 tell 2:9 12:18 14:7 17:6 39:12 telling 41:15 terms 5:20 26:11 thats 19:18 27:22 29:5,17 38:5 43:8 theres 5:17 14:14 17:23 18:4 25:15 26:21 27:15,21 36:2,3,20 41:11 41:17 44:18 theyre 18:1 25:17		V	
			W	
			wait 26:3 walk 28:4 37:7 want 4:10 12:13 21:7 34:23 37:7 42:10 43:15 45:2 wanted 12:1 44:20	

40:15,17,20,25	<hr/> 1 <hr/>		
41:5,9,25 42:4,9	1 42:15		
42:25 43:2,4,8,17	100 21:19		
43:19 44:4,6,9,14	11 40:23		
44:17,25 45:5,7	<hr/> 2 <hr/>		
45:11	2006 24:15		
wolf 4:7 24:20	2007 4:9 24:6,15		
wont 25:14 38:23	2009 3:7,20 4:3,5,9		
work 5:5 12:18	6:12		
17:12 18:18 22:14	2010 3:5,7,13,15,20		
24:17 27:7 28:8	4:3 6:12 37:6,9		
36:11 44:7,9	2012 25:5 40:23		
worked 4:7 13:6	44:5		
14:20 20:4 21:25	2013 30:15		
24:19 27:10,13	2014 2:1		
28:2,13 37:8 45:8	22 2:1		
workforce 2:15,24	<hr/> 3 <hr/>		
11:13	<hr/> 4 <hr/>		
working 7:17 23:25	4 25:17		
33:3 34:5	<hr/> 5 <hr/>		
works 21:18	<hr/> 6 <hr/>		
wouldnt 26:7 43:21	<hr/> 7 <hr/>		
wrap 31:18	<hr/> 8 <hr/>		
write 18:3 33:25	861 20:6		
writing 34:14	<hr/> 9 <hr/>		
wrote 27:25 30:3			
<hr/> X <hr/>			
<hr/> Y <hr/>			
yeah 7:12,12 12:8			
13:15 14:23 16:21			
20:22 21:10 22:4			
23:20 28:10 30:8			
31:11 32:6 33:2			
33:24 37:4 38:5			
38:12,12 42:11			
44:4			
year 21:6 35:22			
36:7			
years 12:21 40:1			
youre 17:23 18:12			
41:15			
<hr/> Z <hr/>			
<hr/> 0 <hr/>			
000386 38:25			
000515 37:11			

EXHIBIT 3

TRANSCRIPT OF INTERVIEW OF REPRESENTATIVE PETRI'S FORMER LEGISLATIVE ASSISTANT

INTERVIEW OF [REDACTED]

Present:

Scott Gast, Investigative Counsel

Bryson Morgan, Investigative Counsel

[REDACTED] (telephonically)

Rob Kelner, Counsel to Representative Petri

Kevin Glandon, Counsel to Representative Petri

Transcribed By:

Julie Thompson

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

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

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

21 And as the administrator, I'm
22 essentially the chief administrative officer for
23 the community, and I'm employed by the -- or I
24 work for the Village board, an appointed
25 position, and essentially responsible for

1 carrying out the operations of the government --
2 of the Village government here and ensuring that
3 we're operating in the most efficient and
4 effective manner possible. And I've been
5 employed with the Village of Little Chute since
6 September 30, 2013, so just about seven months
7 or so.

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

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

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

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

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

23 And then lastly, I guess I spent a
24 little bit of time in Pearl Harbor working with
25 the Pacific Fleet.

1 And then lastly finished up my two-
2 year fellowship with the Navy working for six
3 months at NAVSEA, or at the Washington Navy
4 Yard, working for the Ohio Replacement program.

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

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

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

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

23 WITNESS: So I started -- I guess going all the way back,
24 I interned for the Congressman in the summer of
25 2004 while I was studying at UW Green Bay.

1 Upon returning to finish up my
2 undergraduate degree, I then worked part-time
3 for the Congressman, for his campaign office in
4 Fond du Lac, Wisconsin.

5 When I graduated from the University
6 of Wisconsin Green Bay in December of 2005, I
7 then was offered a position to work in the
8 Congressman's district office in Fond du Lac,
9 and I worked in the district office from
10 December of 2005 to August of 2007, at which
11 point in time I then accepted a position in the
12 Congressman's -- well, Washington, D.C.,
13 office.

14 I moved to Washington then, and from
15 August 2007 I started there as a case worker.
16 Shortly thereafter, I became a legislative
17 correspondent in the Congressman's office and
18 then handled a few legislative duties from
19 probably 2008 to sometime in early 2009. I was
20 the legislative correspondent.

21 And then in early 2009, I believe, I became
22 -- or was promoted to just a legislative
23 assistant, kind of shed the legislative
24 correspondent duties, and then handled a much
25 larger portfolio of legislative issues for the

1 Congressman, including transportation and
2 infrastructure, Armed Services, appropriations,
3 the Great Lakes issues, and a few other issues.
4 But those were the primary focus from 2009 until
5 the time that I left the Congressman's office in
6 January of 2010.

7 MR. GAST: Okay. Quite a history.

8 WITNESS: Yeah. Very interesting career so far.

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

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

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

1 I was aware of some of the interests the
2 Congressman had.

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

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

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

13 WITNESS: Not from a perspective of interest, but, you
14 know, generally in the weekly -- we'd have
15 weekly staff meetings, and if an issue would
16 come up where there was any kind of -- any kind
17 of involvement or dealings with anything that
18 was a personal interest to the Congressman, the
19 Chief of Staff generally would highlight those
20 issues and kind of handle those more from a --
21 ensuring that the staff and the Congressman, you
22 know, treated those in a different matter so
23 that we complied with any -- you know, didn't
24 treat them any differently than any other
25 Congressional or constituent request.

1 MR. GAST: Okay. Was there any ethical training or
2 information provided to you specifically dealing
3 with how to work with companies in which the
4 member might have a financial interest?

5 WITNESS: So the ethical training, and I believe the ethics
6 committee had an annual or even biannual
7 training that was mandatory; and it was
8 mandatory through the office that we attend
9 those or at least do the online version of those
10 trainings of staff, no matter if you were an
11 intern, I believe, all the way up through the
12 Chief of Staff. We were required as staff to
13 meet those annual training requirements.

14 As far as anything, you know, official
15 or extra training for the staff in general with
16 regards to that type of information, there was
17 never any formal training process for that. So
18 it was basically what was provided by the House
19 Ethics Committee.

20 MR. GAST: Okay. What about any policies in the office
21 that related specifically to dealing with
22 companies in which Congressman Petri may have
23 owned stock? Were there any specific policies?

24 WITNESS: Not necessarily a written policy or, you know,
25 you couldn't point to a policy manual so to

1 speak. But like I mentioned in -- we were
2 pretty -- we were obviously a smaller office. I
3 think there was but 10 folks in the office in
4 the Washington office, and then we'd be joined
5 by the district office on phone-con on a weekly
6 basis.

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

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

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

22 As a case worker and then as a
23 legislative correspondent, those issues were
24 very few and far between. I guess the direct
25 involvement with working with committees and

1 things was very limited. Basically didn't --
2 that was outside of my job description.

3 And then as a legislative assistant,
4 the position that I started in -- somewhere late
5 2008, early 2009, then as issues came up with
6 any of those companies where the Congressman
7 would have had interest, then I was involved and
8 worked with the Chief of Staff to ensure that we
9 treated those companies with regards to any kind
10 of ethic issue.

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

15 WITNESS: Yes.

16 MR. GAST: And what companies were those?

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

22 MR. GAST: Any other companies that you recall where the
23 Chief of Staff stepped in because there were
24 additional sensitivities related to
25 Representative Petri's stock ownership?

1 WITNESS: Not that I recall directly working with any
2 other company in my time on any kind of
3 legislative issues while I was in the -- as the
4 legislative assistant. No.

5 MR. GAST: What about the Manitowoc Company?

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

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

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

25 WITNESS: Okay.

1 MR. GAST: Who at the Oshkosh Corporation would you
2 generally deal with?

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

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

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

23 And then I believe they also employed
24 a lobbyist by the name of Will Stone, but my
25 interactions with Will was -- like I said, that

1 was generally also managed or -- that
2 relationship was kind of handled by the Chief of
3 Staff. So as I started as a new legislative
4 assistant, those relationships and any issues
5 were, you know, kind of introduced or, you know,
6 facilitated through the Chief of Staff.

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

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

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

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

1 Oshkosh?

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

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

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

1 other -- they have a wide array of different subsidiary
2 businesses, and I never got involved with
3 anything other than the two pieces, their Pierce
4 Manufacturing and the Oshkosh DOD branch I
5 guess.

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

10 WITNESS: Yes. I was aware of that.

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

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

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

23 MR. GAST: And did that stock ownership prompt generally
24 the way in which you worked with Oshkosh? Did
25 that prompt any different approach to dealing

1 with that company and its issues?

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

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

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

25 MR. GAST: Did you yourself have any contact with the

1 committee, the ethics committee?

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

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

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

23 MR. GAST: Was there any discussion about disclosing
24 Representative Petri's ownership of stock when
25 taking action on behalf of the company?

1 WITNESS: Not that I recall.

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

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

11 MR. GAST: Okay.

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

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

18 WITNESS: Yeah.

19 MR. GAST: You recall that issue?

20 WITNESS: Yeah.

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

23 WITNESS: Without anything sitting in front of me, you
24 know, to jog my memory, I would imagine that,
25 you know, through either Mike Powers or through

1 Jay Kimmitt that would have been communicated
2 most likely either to the Chief of Staff, then
3 to myself that there was -- that issue existed.

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

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

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

22 There was a, if I recall correctly, a
23 GAO - they looked at the process, the
24 competitive process, and over that time the
25 Texas delegation was attempting to kind of muddy

1 the water so to speak, you know, saying that
2 Oshkosh was incapable, saying that the process
3 was flawed to some way or manner. So they went
4 to various lengths to kind of disrupt that
5 process from my recollection.

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

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

18 That, you know, there's a very
19 detailed process in place that the Army utilized
20 or DOD utilized to procure items, you know. Let
21 that process work the way it does, and if there
22 was a review, let the GAO then conduct it. Let
23 them do that work and report back but not to,
24 you know, start politicizing that process and
25 whatnot.

1 MR. GAST: And was there specific action that they
2 requested or that the office suggested?

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

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

15 WITNESS: Mm-hmm.

16 MR. GAST: Whose idea was that letter?

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

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

23 WITNESS: I believe it was a collaborative effort between
24 myself and the Chief of Staff, but I do not
25 recall specifically who wrote the letter.

1 MR. GAST: Would Oshkosh have had input on that letter?

2 WITNESS: Yes. They most likely would have.

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

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

11 MR. GAST: In some of the documents that Representative
12 Petri's office has provided to us about this
13 process, there was an email from the Chief of
14 Staff, Debbie Gebhardt, to you from October 1,
15 2009.

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

17 MR. GAST: Okay. It's -- just for the record, it's Bates
18 Number PET-OCE2451. And in it Debbie says to
19 you, "Once we get the language, I'll run it by
20 ethics committee just so we can say we got
21 clearance if anyone raises anything." What was
22 the ethics issue that she wanted to run by the
23 committee?

24 WITNESS: So once we get the language from the letter, she
25 was going to run it by ethics so that -- to get

1 clearance so that any action -- any action by
2 the Congressman's office in our effort to
3 circulate the delegation letter was appropriate,
4 knowing that the Congressman had stock interest
5 in Oshkosh Corporation. I believe that would
6 have been her intent there.

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

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

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

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

25 MR. GAST: And I guess later in this email chain Debbie

1 emails you again, and she says, "Actually, I
2 talked to ethics, and they said no problem as
3 long as it says let the process that is in place
4 proceed, et cetera." Do you recall any further
5 discussion about her conversation with the
6 ethics committee?

7 WITNESS: I do not.

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

14 WITNESS: Not that I'm aware of.

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

17 WITNESS: I do not recall that conversation.

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

22 WITNESS: No. I do not recall that discussion.

23 MR. GAST: I want to move from that letter. It appears
24 from some of the emails that were provided to
25 our office that there may have been a telephone

1 call between Representative Petri and the
2 Secretary of the Army. Is that something that
3 you're familiar with?

4 WITNESS: Yes. You know, I had the opportunity to review
5 these emails, and I do recall the Congressman
6 having a conversation with Secretary McHugh.

7 So, yes, I do.

8 MR. GAST: So there -- actually that call did go through?

9 WITNESS: I believe so. Yes.

10 MR. GAST: Did you staff that call?

11 WITNESS: I -- so the Congressman did not generally, from
12 my experience of working in his office, ever --
13 well, no, I shouldn't say ever -- did not have
14 staff sit in on phone calls with outside
15 parties, unless specifically requested for a
16 subject matter expert piece of information. But
17 otherwise, the Congressman handled that type of
18 work on his own.

19 MR. GAST: Okay. Do you know how the idea of a call from
20 Congressman Petri to the Secretary came about?

21 WITNESS: Off the top of my head, no, but I would imagine
22 that we've discussed it. I mean, I imagine that
23 would be in the email traffic that that was all
24 set up to make that -- or to have that call take
25 place.

1 MR. GAST: And did you draft talking points for the
2 Congressman for the call?

3 WITNESS: Not that I can recall. No.

4 MR. GAST: Do you know did Oshkosh provide talking points
5 for the Congressman to use for the call?

6 WITNESS: Not that I'm aware. I don't recall if there was
7 a memo or what was given to the Congressman
8 prior to the call.

9 MR. GAST: We do have a document that was produced by the
10 office that is headlined Representative Thomas
11 E. Petri, December 8, 2009, Talking Points for
12 Secretary of the Army, John McHugh.

13 WITNESS: Okay.

14 MR. GAST: For the record, it's Bates Number PET-OCE463.

15 WITNESS: And what was the date -- what was the date on
16 that?

17 MR. GAST: The date on the heading is December 8, 2009, and
18 without having that in front of you,
19 unfortunately, does that sound like something
20 that you might have drafted?

21 WITNESS: That would be a document that I most likely
22 would have drafted. Yes.

23 MR. GAST: Okay. But you don't have any --

24 WITNESS: I mean, not -- without seeing it, I can't say
25 specifically yes, but if there was a -- if there

1 were talking points, whether it was for a
2 committee hearing markup or for action, I would
3 draft those for the Congressman and then give
4 them to the Chief of Staff to review; and then
5 she would then pass that along to the
6 Congressman.

7 MR. GAST: Okay. We can discuss this afterwards. We may
8 want to email this to you just so you can have a
9 look at it and see, and we'll work that out with
10 your -- with your counsel.

11 WITNESS: Okay.

12 MR. GAST: So you're not sure if anyone actually staffed
13 the Congressman when he talked to Secretary
14 McHugh?

15 WITNESS: Not that I recall. No.

16 MR. GAST: But you don't recall being in the room when he
17 made the call or being on the line when he made
18 the call?

19 WITNESS: No. I do not.

20 MR. GAST: Did you subsequently learn about the
21 conversation?

22 WITNESS: I'm sure we probably had a debrief afterwards.
23 It would have probably more or less been a
24 verbal discussion, and at this point in time, I
25 don't recall the outcome of that conversation or

1 what was said there.

2 MR. GAST: Who would have been involved in that debrief?

3 WITNESS: Well, based on the locations of the offices, I

4 sat kind of more in the bullpen area. The Chief

5 of Staff's office was directly connected to the

6 Congressman's office. So he would generally

7 finish up a phone call, and I -- you know, from

8 my recollection, they would have a conversation

9 about that. And if I was present, I would have

10 been in the Chief of Staff's office, but I don't

11 recall being there or what the -- what that was

12 -- you know, I guess what was discussed.

13 MR. GAST: Okay. And so when you say they would generally

14 have a conversation afterwards, is that the

15 Congressman and the Chief of Staff?

16 WITNESS: Yes.

17 MR. GAST: Okay. Do you know if Congressman Petri brought

18 up the issue of his stock ownership during the

19 call with the Secretary of the Army?

20 WITNESS: I don't know that. No.

21 MR. GAST: Okay. Do you know if there were any

22 consultations with the ethics committee about

23 the call?

24 WITNESS: Not that I'm aware of.

25 MR. GAST: Okay. I want to move on then to a -- do you

1 recall a December 22, 2009, delegation,
2 Wisconsin delegation letter to Secretary McHugh?

3 WITNESS: December 22, 2009?

4 MR. GAST: Yeah. Let me just pull this up.

5 WITNESS: Yes.

6 MR. GAST: It would have been a -- I don't think I have the
7 letter here. It would have been shortly after
8 the GAO review, protest review concluded and
9 they made their announcement. And this was a
10 delegation letter to the Secretary of the Army
11 urging quick implementation of the contract.

12 Does that sound familiar?

13 WITNESS: Yes. I have that email and letter in front of
14 me.

15 MR. GAST: And who came up with the idea of this letter?

16 WITNESS: I would imagine it was, I guess, a collaborative
17 effort amongst the staff and the Oshkosh
18 Corporation.

19 MR. GAST: Do you know who had drafted the initial letter?

20 WITNESS: I do not recall.

21 MR. GAST: Okay. And was it Representative Petri's office
22 and was it you who took the lead on getting this
23 letter signed and sent?

24 WITNESS: Yes. I took the lead in working with the
25 Congressional delegation to circulate that

1 letter.

2 MR. GAST: And was there any consultation with the ethics
3 committee on this letter?

4 WITNESS: If there was, it would have been handled between
5 the Chief of Staff and the committee itself.

6 MR. GAST: Okay. And do you recall any conversations with
7 the Chief of Staff about any feedback from the
8 ethics committee on this particular letter?

9 WITNESS: I don't recall at this time. No.

10 MR. GAST: Okay. I want to ask you about an undated
11 memorandum that was provided to our office to
12 Representative Buck McKeon from Representative
13 Tom Petri with the subject line Army Procurement
14 Family of Median Tactical Vehicles.

15 WITNESS: Okay.

16 MR. GAST: Without having that memorandum in front of you,
17 does that sound familiar to you?

18 WITNESS: The memo doesn't necessarily ring a bell.
19 Obviously, I recall Buck McKeon's name from my
20 time in working on Capitol Hill, but what's the
21 -- you know, the detail of the memo do not -- I
22 do not recall what they would be at this time.

23 MR. GAST: Okay. The last paragraph of the memo, and it's
24 about just over half a page -- and, again, the
25 memo is about the FMTV contract --

1 WITNESS: Mm-hmm.

2 MR. GAST: -- and the protest filed by the losing bidders.

3 The memo itself ends with a request that no

4 language regarding this procurement be included

5 in the final agreement approved by the

6 conferees. And then there is a last paragraph

7 which says, "In the interest of full disclosure,

8 I do own some stock in Oshkosh. I was not

9 involved in any way and did not weigh in on this

10 contract award in any way. This is a major

11 employer in my Congressional District, and I am

12 simply requesting fair treatment and that we

13 follow established procedure for my

14 constituents." Does that language sound

15 familiar to you?

16 WITNESS: I mean, it sounds familiar I guess. Unless I

17 read the entire document, I don't know where

18 that language would have come from, but -- so I

19 guess not necessarily, no. It doesn't sound

20 familiar that I can say -- speak intelligently

21 to that language.

22 MR. GAST: Okay. This might be another instance where we

23 send the document to you through your lawyers

24 and --

25 WITNESS: Okay.

1 MR. GAST: -- and see if that rings any bells. Aside from
2 those specific actions that we just talked
3 about, are there any other instances in which
4 Oshkosh sought specific assistance from the
5 Congressional Office or in which the
6 Congressional Office provided specific
7 assistance to the company?

8 WITNESS: You know, outside the FMTV contract award, there
9 may have been, earlier in the year, an issue
10 with regards to a Department of Homeland
11 Security grant process, but it was, if I recall,
12 after the fact, after the -- or the
13 appropriations process had expired from the
14 Congressional Office point of view. But other
15 than that, no, I don't recall taking any action
16 or working directly with Oshkosh Truck. Most of
17 the time that I was there, it revolved around
18 the FMTV contract award.

19 MR. GAST: Okay. Were you involved with any appropriations
20 requests made by Oshkosh?

21 WITNESS: I was -- I was not -- I was involved with
22 appropriations requests. However, I do not
23 recall submitting any requests for Oshkosh
24 Corporation or working with them on
25 appropriations requests.

1 MR. GAST: Do you recall meeting with the Oshkosh folks
2 about requests that they were having other
3 members make?

4 WITNESS: I don't specifically remember meeting with them
5 about appropriations requests.

6 MR. GAST: Okay.

7 WITNESS: No, I don't.

8 MR. GAST: I have an email here which I'll read to you.
9 It's relatively short. This is from April of
10 2009, and for the record it's PET-OCE3978. You
11 received an email from Michael McGourty
12 (phonetic), who was with Representative Steve
13 Kagen's office about finalizing some
14 appropriations requests that they've gotten from
15 Oshkosh Truck.

16 You replied on Friday, April 3, 2009,
17 "Hey, Mike, Rep. Petri is a shareholder in
18 Oshkosh Truck, and, therefore, cannot submit any
19 requests on their behalf. I think it would be
20 safe to assume that if he was not, he would be
21 making a request for them. Let me know if you
22 need anything else. Thanks, [REDACTED]" Do you
23 recall that email?

24 WITNESS: Yeah. I have that email in front of me here.

25 MR. GAST: Okay. When you say that Representative Petri is

1 a shareholder and cannot submit requests on
2 their behalf, was that a policy of the office,
3 or how did that come about?

4 WITNESS: I don't recall if it was a policy of the office.
5 I would imagine that it was something that was
6 worked with regards to the -- with the ethics
7 committee, if anything, and so I guess that's
8 the best that I can say on that.

9 You know, the appropriations request
10 cycle in early 2009 there was right about the
11 time that I had taken over as the ML -- or the
12 full legislative assistant, and so there was a
13 transfer of appropriation issues for myself and
14 another staffer that was leaving. And so -- but
15 I don't recall what guidance I had, whether it
16 was from ethics or from the office itself on how
17 we wouldn't make requests on their behalf.

18 MR. GAST: And how did you learn that you couldn't make any
19 requests on their behalf?

20 WITNESS: I guess, like I just said, I don't recall if
21 that was, you know, guidance from ethics or
22 guidance from the Chief of Staff.

23 MR. GAST: Okay.

24 WITNESS: It would have been one of those two sources.

25 MR. GAST: Do you recall having any conversations with

1 Oshkosh representatives about that policy?

2 WITNESS: I don't recall offhand conversations with them
3 about that. No.

4 MR. GAST: And then just a few last questions.

5 WITNESS: Sure.

6 MR. GAST: During your time with the Congressman, did you
7 have any interactions with the Plum Creek Timber
8 Company?

9 WITNESS: Not that I recall. No.

10 MR. GAST: What about with the Danaher Corporation.

11 WITNESS: Not with -- I don't -- I don't know who they
12 are. I don't know that I've ever interacted
13 with or done anything for them.

14 MR. GAST: They're a medical device company.

15 WITNESS: Okay. Then definitely not.

16 MR. GAST: Okay. I think that was --

17 MR. MORGAN: I had one question. This is Bryson Morgan with
18 the OCE. You said that generally speaking the
19 ethics advice with regards to Oshkosh or any
20 companies in which Representative Petri owned
21 stock was to treat them the same as any
22 constituent or Wisconsin business, you know,
23 don't go above and beyond. I think your words
24 were to that effect. Would you say that that
25 was complied with during your time working for

1 Representative Petri?

2 WITNESS: Yes. I mean, the interactions with all
3 constituents or contacts to the office, you
4 know, no one moved -- everybody was treated in a
5 similar manner, and I guess the main thing was
6 what are the -- as you look at how to kind of
7 weigh what the priorities were, what's the
8 impact to the state of Wisconsin and more
9 specifically the Sixth Congressional District.

10 And, you know -- and so that was really how I
11 viewed my position with the Congressman's
12 office, and I think how, you know, as a manager,
13 the Chief of Staff preferred it to be, you know.
14 Let's -- let's focus on treating everybody
15 equally and working on issues that are of
16 importance for the district and for the state.

17 MR. MORGAN: Okay.

18 MR. GAST: All right. I think those are all the questions
19 we have for you. We appreciate your time.

20 MR. KELNER: Thanks very much, [REDACTED].

21 MR. GLANDON: Thank you, [REDACTED].

22 WITNESS: Hey, thanks, gentleman. You guys have a great
23 day.

24 MR. KELNER: Okay. Bye-bye.

25 MR. GAST: You too.

1 END OF INTERVIEW

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A	25:2 26:12 28:19 29:10 30:13	bid 20:13,16	chute 2:19 3:5	29:25 31:11 32:5 32:6,14 36:9
accepted 5:11	array 15:1	bidders 31:2	circulate 23:3	congressman 2:5
acquisition 3:16,19 20:16	article 6:21	bidding 19:7 20:14	29:25	4:21,22,24 5:3 6:1
acted 9:19	aside 32:1	billet 4:7	circulating 22:3	6:21 7:2,18,21
action 11:12 16:5,7 16:7,12,21,23 17:5,25 18:4 21:1 21:3 23:1,1 27:2 32:15	asked 12:13 20:6	bit 2:12 3:19,24 18:15	clear 16:23	8:22 10:6,13
actions 32:2	assistance 32:4,7	board 2:24 22:4	clearance 22:21 23:1	11:13 13:21,24
activities 3:22	assistant 2:4 3:20 5:23 10:3 11:4 13:4 14:2 22:8 34:12	branch 3:21 4:8 15:4	collaborative 21:23 29:16	14:5,9 15:15 18:3 20:7 23:4 25:5,11 25:17,20 26:2,5,7 27:3,6,13 28:15 28:17 35:6
actual 21:17	assume 33:20	brought 28:17	colleague 2:2	congressmans 5:8
additional 10:24	attachment 24:11	bryson 1:10 2:2 35:17	come 7:16 9:8 15:14 18:21 34:3	5:12,17 6:5,17 7:4 7:9 16:8 23:2 28:6 36:11
adjusting 18:13	attempting 19:25	bubble 16:17	committee 8:6,19 16:10,15,23 17:1 17:1,9 18:2,8 22:20,23 23:13,18 24:6,20 27:2 28:22 30:3,5,8 34:7	connected 28:5
administrative 2:22	attend 8:8	bubbled 13:19	committees 9:25	consensus 17:19 23:12
administrator 2:18 2:21	attention 18:21	buck 30:12,19	communicate 16:22	constituent 7:25 17:16,21 35:22
advice 17:7,9,11 23:23 35:19	award 4:10,19 5:10 5:15	bullpen 28:4	communicated 18:9 19:1	constituents 31:14 36:3
affairs 12:9	awarded 18:16 19:9,15	business 14:24 17:17 23:24 35:22	communication 12:15	consultation 30:2
agreement 31:5	aware 6:13,16 7:1 15:6,10,11 24:14 26:6 28:24	businesses 15:2	community 2:18,23	consultations 28:22
alert 6:20	B	byebye 36:24	companies 7:10 8:3 8:22 9:10 10:6,9 10:13,16,22 35:20	contact 12:22 13:13 16:19,25
allowed 21:7	back 4:5,23 20:23	C	company 10:17 11:2,5,6,9,12,15 14:10 15:9 16:1 17:25 32:7 35:8 35:14	contacts 36:3
announcement 29:9	background 2:12	c 3:9 5:12 11:11 12:18	competitive 19:7 19:24	continue 21:7
annual 8:6,13	bae 19:18	calendar 9:9	completed 16:6	contract 18:16 19:5 19:10,10,15 29:11 30:25 31:10 32:8 32:18
answer 15:19	based 9:9 18:7 19:17 28:3	call 25:1,8,10,19,24 26:2,5,8 27:17,18 28:7,19,23	complied 7:23 35:25	contractor 19:12
anybody 17:18	basically 6:16 8:18 9:19 10:1	calling 17:3	complying 16:11	conversation 23:14 24:5,12,17 25:6 27:21,25 28:8,14
appears 24:23	basis 9:6	calls 25:14	concluded 29:8	conversations 23:10 30:6 34:25 35:2
appointed 2:24	bates 22:17 26:14	campaign 5:3	conduct 20:13,22	copied 12:12
appreciate 2:9,16 36:19	bay 4:25 5:6	cant 17:2 26:24	conferes 31:6	corp 15:15
approach 15:25 18:5,13	behalf 11:8,12 16:6 16:12 17:25 33:19 34:2,17,19	capitol 4:13 30:20	congress 6:23	corporation 10:19 11:24 12:1,10,21 14:13 17:13 19:9 19:16 23:5 29:18 32:24 35:10
appropriate 23:3	believe 5:21 8:5,11 10:20 12:8,23 14:18 21:3,23 23:5 25:9	career 6:8	congressional 2:3 7:5,12,25 9:9 11:16 13:16 14:17 16:20 17:15 21:9	correctly 19:22
appropriately 9:14 16:13	basis 9:6	carrying 3:1		correspondent 5:17
appropriation 34:13	bates 22:17 26:14	case 5:15 9:22		
appropriations 6:2 32:13,19,22,25 33:5,14 34:9	bay 4:25 5:6	certain 15:18		
approved 31:5	believe 5:21 8:5,11 10:20 12:8,23 14:18 21:3,23 23:5 25:9	cetera 24:4		
april 33:9,16	bell 30:18	chain 12:13 23:25		
area 28:4	bells 32:1	change 18:4		
armed 4:14 6:2	best 34:8	chief 2:22 3:12 7:19 8:12 9:12,17 10:8 10:23 12:5 13:2,6 13:18 14:6 15:17 16:18 17:6,8 18:9 19:2 21:20,24 22:13 27:4 28:4 28:10,15 30:5,7 34:22 36:13		
army 19:5,14 20:19	beyond 17:17 35:23			
	biannual 8:6			

5:20,24 9:23 couldnt 8:25 34:18 counsel 1:9,10,12 1:13 2:7 27:10 counseling 4:17 creek 35:7 current 2:12,13 currently 2:17 cycle 34:10	D d 3:9 5:12 11:11 12:18 danaher 35:10 date 26:15,15,17 day 36:23 deal 12:2 dealing 8:2,21 15:25 17:13 dealings 7:17 14:10 14:12 15:21 debbie 12:6 22:14 22:18 23:8,15,18 23:25 24:18 debrief 27:22 28:2 december 5:6,10 26:11,17 29:1,3 defense 21:14 24:9 definitely 17:2,18 35:15 degree 5:2 delegation 19:19,25 21:5,9,13 22:4,7 23:3 29:1,2,10,25 department 14:23 32:10 deputies 3:17 description 10:2,18 detail 30:21 detailed 7:7 20:19 development 3:18 device 35:14 didnt 7:23 9:20 10:1 12:15 17:18 different 7:22 15:1 15:25 16:2 18:13 19:13 differently 7:24 diligence 20:15	direct 9:24 12:15 13:13 directly 9:13 11:1 12:7 14:8 22:6,9 28:5 32:16 disclosed 24:10 disclosing 17:23 disclosure 6:22 24:16,19 31:7 discuss 23:11 27:7 discussed 25:22 28:12 discussing 24:18 discussion 7:8 17:23 23:7,20 24:5,15,19,22 27:24 discussions 21:19 disrupt 20:4 district 5:8,9 9:5,18 11:16,18 14:17 31:11 36:9,16 document 26:9,21 31:17,23 documents 20:8 21:12 22:11 dod 14:20,23 15:4 20:20 22:8 doesnt 30:18 31:19 doing 3:10,21 11:7 11:20 dont 11:6,6,11,20 13:9,9,10,12 14:2 14:3 17:17,20 21:7,17 23:10,14 26:6,23 27:16,25 28:10,20 29:6 30:9 31:17 32:15 33:4,7 34:4,15,20 35:2,11,11,12,23 draft 21:22 26:1 27:3 drafted 21:21 26:20,22 29:19 du 5:4,8 due 6:17 20:14 duties 2:15 5:18,24	E e 26:11 earlier 32:9 early 5:19,21 10:5 34:10 effect 35:24 effective 3:4 efficient 3:3 effort 21:23 23:2,9 29:17 efforts 17:5 either 18:25 19:2 email 12:12 22:13 23:19,25 25:23 27:8 29:13 33:8 33:11,23,24 emails 24:1,24 25:5 employed 2:23 3:5 6:13 12:23 employer 31:11 employers 11:15,18 employment 2:14 encouraged 18:3 ends 31:3 ensure 10:8 23:13 ensuring 3:2 7:21 entire 31:17 equally 36:15 equipment 19:14 essentially 2:22,25 20:16 established 31:13 et 24:4 ethic 10:10 ethical 8:1,5 ethics 2:3 8:5,19 16:10,11,14,22 17:1,9 18:2,8 22:20,22,25 23:13 23:18,21 24:2,6 24:20 28:22 30:2 30:8 34:6,16,21 35:19 everybody 36:4,14 executive 13:20 existed 19:3 experience 25:12 expert 25:16 expired 32:13 extra 8:15	F facilitated 13:6 fact 32:12 fair 31:12 familiar 25:3 29:12 30:17 31:15,16,20 families 4:18 family 18:16 30:14 far 6:8 8:14 9:24 11:19 feedback 23:17,22 23:22 30:7 fellow 3:14 fellowship 4:2 1:4,11 2:4,7 2:9,17 field 9:19 filed 31:2 final 31:5 finalizing 33:13 finally 4:5 financial 3:15,21 3:22 4:16 8:4 16:4 finish 5:1 28:7 finished 4:1 fire 14:15,23,24 first 6:12 flawed 20:3 fleet 3:25 fmtv 18:17 19:6 30:25 32:8,18 focus 6:4 36:14 folks 9:3 13:8 21:20 33:1 follow 31:13 fond 5:4,8 forces 4:14 formal 8:17 former 2:4 foundation 4:14 fox 14:16 friday 33:16 front 18:23 20:8 22:16 26:18 29:13 30:16 33:24 fruition 21:19 full 31:7 34:12 further 24:4	G gained 6:25 gao 19:23 20:12,14 20:22 29:8 gast 1:9 2:1,1 3:10 4:22 6:7,9 7:3,10 8:1,20 9:15 10:11 10:16,22 11:5,23 12:1 13:7,24 14:10 15:6,11,23 16:14,25 17:7,23 18:2,11,15,19,21 19:4 20:6 21:1,11 21:16,21 22:1,3 22:11,17 23:7,17 23:25 24:8,15,18 24:23 25:8,10,19 26:1,4,9,14,17,23 27:7,12,16,20 28:2,13,17,21,25 29:4,6,15,19,21 30:2,6,10,16,23 31:2,22 32:1,19 33:1,6,8,25 34:18 34:23,25 35:4,6 35:10,14,16 36:18 36:25 gebhardt 12:6 22:14 general 8:15 17:7 17:22 19:4 generally 2:11 6:12 7:14,19 12:2,3,5,7 12:21 13:1,14,22 14:5,11,22 15:23 16:8,19 17:4,11 17:19 23:19 25:11 28:6,13 35:18 gentleman 12:17 36:22 getting 22:4 23:17 29:22 give 27:3 given 7:3,6 23:23 24:21 26:7 glandon 1:13 2:8 36:21 go 13:20 17:17 23:23 25:8 35:23
----------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

going 4:23 22:25		investigative 1:9,10	know 6:16 7:6,14	limited 10:1
google 6:19	I	investments 6:17	7:22,23 8:14,24	line 12:15 19:13
gotten 33:14	id 12:13	7:9	9:20 11:10 12:11	27:17 30:13
government 3:1,2	idea 21:16,17 25:19	involved 9:12,16,17	12:13,14,17 13:5	little 2:12,19 3:5,24
graduated 5:5	29:15	9:20 10:7,13 15:2	13:5,9,9,13,22	18:15
grant 32:11	ill 22:19 33:8	19:20 28:2 31:9	14:3,18,21,25	lobbyist 12:24
great 4:12 6:3	im 2:17,21,23 23:10	32:19,21	16:6,9,17 17:12	locations 28:3
36:22	24:14 26:6 27:22	involvement 7:17	17:17 18:6,24,25	long 2:14 4:22 24:3
green 4:25 5:6	28:24	9:25 11:21 16:16	19:7 20:1,18,20	look 27:9 36:6
guess 3:23 4:23	imagine 18:24	issue 7:15 9:10,11	20:24 21:7,18	looked 19:23
6:17 9:24 10:18	21:18 23:15 25:21	10:10 13:19 18:19	23:11,12,20,21,21	looks 21:12
15:5,19 16:2	25:22 29:16 34:5	19:3,4 21:10	24:9 25:4,19 26:4	losing 31:2
19:12 23:25 28:12	impact 36:8	22:22 23:8 28:18	28:7,12,17,20,21	
29:16 31:16,19	impacted 23:9	32:9	29:19 30:21 31:17	M
34:7,20 36:5	implement 23:22	issues 5:25 6:3,3	32:8 33:21 34:9	main 36:5
guidance 24:20	implementation	7:20 9:7,8,21,23	34:21 35:11,12,22	major 11:18 31:10
34:15,21,22	29:11	10:5 11:3,8,20	36:4,10,12,13	making 24:16
guideline 17:22	importance 36:16	12:20 13:4 15:14	knowing 16:3 23:4	33:21
guys 36:22	incapable 20:2	16:1 22:9 34:13	knowledge 6:25	managed 12:5 13:1
	included 31:4	36:15	15:20	13:14,17,22
H	including 6:1	items 20:20		management 3:14
half 30:24	information 7:3,7	ive 3:4 35:12	L	3:21,22
handle 7:20 14:7	8:2,16 12:14		la 10:12	manager 36:12
16:3 18:12	15:12 25:16	J	lac 5:4,8	mandatory 8:7,8
handled 5:18,24	infrastructure 6:2	1:4,11 2:4,17	lakes 6:3	manitowoc 11:5,6
9:14 13:2,22	initial 21:21 29:19	33:22 36:20,21	language 22:19,24	11:8,12,14
15:17 17:6 22:8	input 22:1	january 4:19 6:6	31:4,14,18,21	manner 3:4 15:18
25:17 30:4	instance 31:22	jay 12:7 19:1	larger 5:25	20:3 36:5
handling 11:7	instances 32:3	job 10:2 22:6	largest 11:15	manual 8:25
15:22	integration 4:8	jog 18:24 20:9	lastly 3:23 4:1	manufacturer
happened 6:20	intelligently 31:20	john 26:12	late 10:4	14:16
harbor 3:24	intent 23:6	joined 2:7 9:4	lawyers 31:23	manufacturing
head 25:21	interacted 35:12	joining 2:5	lead 22:3 29:22,24	14:15 15:4
heading 26:17	interaction 13:8,11	julie 1:18	learn 27:20 34:18	markup 27:2
headlined 26:10	14:22		leaving 34:14	matter 7:8,22 8:10
headquartered	interactions 12:25	K	left 6:5 19:16	25:16
19:17	35:7 36:2	kagens 33:13	legislation 14:21	matters 10:12
headquarters 4:6	interest 7:11,13,18	kelner 1:12 2:8	legislative 2:4 5:16	mcgourty 33:11
hearing 27:2	8:4 10:7 15:16	36:20,24	5:18,20,22,23,25	mchugh 25:6 26:12
hey 33:17 36:22	16:4 23:4 31:7	kevin 1:13 2:8	9:21,23 10:3 11:3	27:14 29:2
highlight 7:19	interested 6:9,23	kimmitt 12:7,16	11:4,8 12:9 13:3	mckean 30:12
highlighted 15:16	interesting 6:8	19:1	14:2 22:8 34:12	mckeons 30:19
16:18	interests 7:1	kind 5:23 6:18,21	lengths 20:4	mean 17:2 25:22
hill 4:14 30:20	interfere 21:8	7:16,16,20 10:9	letter 21:9,13,16,21	26:24 31:16 36:2
history 6:7	intern 8:11	11:2 12:21 13:2,5	21:25 22:1,4,24	median 30:14
homeland 32:10	internal 23:7	14:20,20 16:5,5	23:3,9 24:8,12,23	medical 35:14
honestly 12:3	interned 4:24	16:16 17:21 18:13	29:2,7,10,13,15	medium 18:17
house 8:18 16:10	interview 1:4 2:6	19:25 20:4 28:4	29:19,23 30:1,3,8	meet 8:13 10:17
21:5	37:1	36:6	level 13:7,20,23	meeting 13:12 14:8
	introduced 13:5	knew 9:9		

33:1,4 meetings 7:15 13:25 14:4,7 15:13,22 16:18 member 8:4 members 22:7 33:3 memo 26:7 30:18 30:21,23,25 31:3 memorandum 30:11,16 memory 18:24 20:9 mentioned 9:1 15:13 michael 33:11 mike 12:19 18:25 33:17 ml 34:11 mlas 22:7 mmhmm 21:15 31:1 months 3:6 4:3 morgan 1:10 2:2 35:17,17 36:17 move 24:23 28:25 moved 3:8 5:14 36:4 muddy 19:25	obviously 6:9,23 9:2 11:10,14,16 15:13 30:19 occasion 17:3 occasionally 11:17 12:12 occasions 10:11 oce 35:18 october 21:13 22:14 offered 5:7 offhand 35:2 office 2:2 3:12,21 4:21 5:3,8,9,13,17 6:5,11,13 7:5,12 8:8,20 9:2,3,4,5 9:15,18 12:19 13:17 15:21 16:8 18:8,22 20:7 21:2 21:4 22:12 23:2 24:25 25:12 26:10 28:5,6,10 29:21 30:11 32:5,6,14 33:13 34:2,4,16 36:3,12 officer 2:22 offices 22:10 28:3 official 8:14 16:7 ohio 4:4 okay 6:7 8:1,20 11:23,25 13:7 14:10 15:6 18:11 22:17 23:7,14,17 24:8 25:19 26:13 26:23 27:7,11 28:13,17,21,25 29:21 30:6,10,15 30:23 31:22,25 32:19 33:6,25 34:23 35:15,16 36:17,24 once 19:15 22:19 22:24 oneonone 9:13 online 8:9 operating 3:3 operational 4:7 operations 3:1,13 14:20	opnav 3:13,14 4:6 4:7,9 opportunities 4:16 4:17 opportunity 25:4 organization 12:22 15:15 organizations 14:21 oshkosh 10:19,20 11:24 12:1,10,20 13:8 14:1,5,13,13 14:19 15:4,7,14 15:24 17:13 18:16 19:9,15 20:2,6 21:20 22:1 23:5 24:11 26:4 29:17 31:8 32:4,16,20 32:23 33:1,15,18 35:1,19 outcome 27:25 outside 10:2 14:17 25:14 32:8 overview 20:9 owned 8:23 10:14 14:18 19:18 35:20 ownership 6:14 7:4 10:25 15:23 17:24 24:10 28:18	petri 1:12,13 2:5 8:22 15:8 24:10 25:1,20 26:11 28:17 30:13 33:17 33:25 35:20 36:1 petris 4:21 6:10,14 10:25 13:7 17:24 22:12 29:21 phone 25:14 28:7 phonecon 9:5 phonetic 33:12 piece 14:23 19:13 25:16 pieces 15:3 pierce 14:15 15:3 place 19:6 20:19 23:16 24:3 25:25 play 20:12 plum 35:7 point 5:11 8:25 12:21 16:19 19:10 19:18 27:24 32:14 points 26:1,4,11 27:1 policies 8:20,23 policy 8:24,25 16:9 34:2,4 35:1 politicize 20:15 politicizing 20:24 pop 9:11 11:17 popped 12:20 portfolio 5:25 position 2:14,15,25 3:11 5:7,11 10:4 12:4 36:11 positions 3:16 possibility 24:16,19 possible 3:4 powers 12:19 18:25 preferred 36:13 present 1:8 28:9 president 12:9 presidential 3:14 pretty 9:2,18 previous 3:11 19:11 primary 6:4 prior 3:8 4:13,20 19:12 26:8	priorities 36:7 probably 5:19 27:22,23 problem 24:2 procedure 31:13 proceed 24:4 process 8:17 19:6 19:21,23,24 20:2 20:5,11,12,14,16 20:17,19,21,24 21:6,8 22:13 24:3 32:11,13 procure 19:15 20:20 procurement 30:13 31:4 produced 26:9 producing 19:13 program 4:4 promoted 5:22 prompt 15:23,25 protest 29:8 31:2 provide 12:13 26:4 provided 8:2,18 22:12 24:24 30:11 32:6 providing 4:15,15 pull 29:4 purely 13:12
N				Q
n9i 4:7 name 12:19,24 30:19 names 11:17 nature 9:8 naval 3:12 navsea 4:3 navy 3:18 4:2,3 necessarily 8:24 30:18 31:19 need 11:21 33:22 never 7:6,6,7 8:17 15:2 new 13:3 newspaper 6:21 nonprofit 4:15 northeast 2:20 number 17:10 22:18 26:14				question 10:19 35:17 questions 35:4 36:18 quick 29:11 quite 6:7 12:3
O		P		R
		pacific 3:25 page 30:24 paragraph 30:23 31:6 particular 18:4 30:8 parties 25:15 parttime 5:2 pass 27:5 pearl 3:24 pentagon 3:13 person 2:7 18:12 personal 6:17,24 7:9,18 15:12,20 perspective 7:13 petoce2451 22:18 petoce3978 33:10 petoce463 26:14	raises 22:21 read 31:17 33:8 readiness 4:7 reading 6:24 really 36:10 recall 10:17,22 11:1 11:7,11,20 14:7 17:10,11 18:1,6 18:19 19:5,22 21:17,25 23:10,14 23:17 24:4,15,17	

24:18,22 25:5 26:3,6 27:15,16 27:25 28:11 29:1 29:20 30:6,9,19 30:22 32:11,15,23 33:1,23 34:4,15 34:20,25 35:2,9 receive 23:19 received 23:21 33:11 recollection 19:8,20 20:5,11 28:8 record 2:1 22:17 26:14 33:10 recreational 4:16 regard 12:20 regarding 31:4 regards 7:8 8:16 10:9 15:14 32:10 34:6 35:19 reinforce 21:6 related 3:16 8:21 10:24 relationship 13:2 13:16 18:7 relationships 12:4 13:4,21 relatively 33:9 relayed 17:8 remember 17:3 33:4 rep 33:17 replacement 4:4 replied 33:16 report 20:23 reports 6:22 representation 11:10 representative 1:12 1:13 6:10,14 9:19 10:25 13:7 15:8 17:24 22:11 24:10 25:1 26:10 29:21 30:12,12 33:12,25 35:20 36:1 representatives 13:25 14:4 35:1 request 7:25 20:10 31:3 33:21 34:9	requested 21:2 25:15 requesting 31:12 requests 32:20,22 32:23,25 33:2,5 33:14,19 34:1,17 34:19 required 8:12 requirements 8:13 10:18 research 3:18 resources 4:16 responsibility 22:6 responsible 2:25 returning 5:1 review 20:13,22 25:4 27:4 29:8,8 revolved 32:17 right 34:10 36:18 ring 30:18 rings 32:1 rob 1:12 2:7 room 27:16 rules 16:11 run 22:19,22,25 <hr/> S <hr/> safe 33:20 sat 14:3,3 28:4 saying 20:1,2 says 22:18 24:1,3 31:7 scott 1:9 2:1 secondly 12:17 secretary 3:17 21:14 24:9,13 25:2,6,20 26:12 27:13 28:19 29:2 29:10 secretarys 3:20 security 32:11 see 27:9 32:1 seeing 26:24 senate 21:6 send 31:23 sense 13:24 sensitivities 10:24 sent 21:9 24:8,13 29:23	september 3:6 4:11 service 4:15 services 6:2 set 6:20 25:24 seven 3:6 shareholder 33:17 34:1 shed 5:23 short 33:9 shortly 5:16 29:7 shouldnt 25:13 show 21:11 side 21:6 signed 29:23 similar 36:5 simply 31:12 sit 25:14 sitting 18:23 situation 2:13 situations 9:16 six 4:2 sixth 11:16 14:17 36:9 smaller 9:2 sought 32:4 sound 26:19 29:12 30:17 31:14,19 sounds 31:16 sources 34:24 speak 9:1 13:20 20:1 31:20 speaking 17:5 35:18 specific 7:10 8:23 21:1 23:10,14 32:2,4,6 specifically 8:2,21 11:23 21:25 25:15 26:25 33:4 36:9 speculation 13:12 spent 3:15,23 staff 7:15,19,21 8:10,12,12,15 9:12,13,17 10:8 10:23 12:5 13:3,6 13:17,18,23 14:6 15:13,17,21 16:9 16:14,18,19,20 17:6,8 18:10 19:2	21:20,24 22:14 25:10,14 27:4 28:15 29:17 30:5 30:7 34:22 36:13 staffed 27:12 staffer 34:14 staffs 28:5,10 start 2:11 20:24 started 4:10,23 5:15 10:4 12:3 13:3 19:19 state 2:19 6:18 36:8 36:16 stepped 10:23 steve 33:12 stock 6:14 7:4 8:23 10:14,25 15:23 17:24 23:4,8 24:11 28:18 31:8 35:21 stockholder 15:8 stone 12:24 studying 4:25 subject 25:16 30:13 subjects 14:11 submit 33:18 34:1 submitting 17:4 32:23 subsequently 27:20 subsidiaries 14:14 subsidiary 15:1 suggested 21:2,3 summarize 15:19 summer 4:24 sure 2:17 9:13 16:10,11,21 23:10 27:12,22 35:5 surface 16:17 <hr/> T <hr/> tactical 18:17 30:14 take 18:3 25:24 taken 16:7,12,21,24 23:16 34:11 talk 11:23 18:15 talked 23:20 24:2 27:13 32:2 talking 2:9 6:9 26:1 26:4,11 27:1	telephone 24:25 telephonically 1:11 2:6 tell 2:13 17:7 19:4 texas 19:17,19,25 thank 36:21 thanks 33:22 36:20 36:22 thats 13:12 23:13 34:7 theres 20:18 theyre 19:18 35:14 theyve 33:14 thing 36:5 things 9:21 10:1 17:4 think 9:3 12:8,11 13:10 14:3 19:18 23:12 29:6 33:19 35:16,23 36:12,18 thomas 26:10 thompson 1:18 tied 6:18 timber 35:7 time 2:9 3:19,24 4:12 5:11 6:5,10 9:15,18 10:20 11:2 12:6 14:2,9 14:14 15:6 18:2 19:10,19,24 27:24 30:9,20,22 32:17 34:11 35:6,25 36:19 told 7:10 tom 2:5 30:13 top 25:21 traffic 25:23 training 8:1,5,7,13 8:15,17 trainings 8:10 transcribed 1:17 transfer 34:13 transportation 6:1 treat 7:24 17:12,12 17:13,20 35:21 treated 7:22 10:9 36:4 treating 36:14 treatment 31:12
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EXHIBIT 4

TRANSCRIPT OF INTERVIEW OF REPRESENTATIVE PETRI

INTERVIEW OF THOMAS PETRI

Present:

Scott Gast, Investigative Counsel

Bryson Morgan, Investigative Counsel

Rob Kelner, Counsel to Representative Petri

Kevin Glandon, Counsel to Representative Petri

Thomas Petri

Transcribed By:

Julie Thompson

1 MR. GAST: For the record, this is Scott Gast with Bryson

2 Morgan from the Office of Congressional Ethics.

3 It is Tuesday, May 27, 2014. Here with

4 Congressman Thomas Petri and counsel for Mr.

5 Petri, Rob Kelner and Kevin Glandon.

6 Congressman, we appreciate you taking

7 the time to talk to us. I want to focus on some

8 of the actions that you've taken to support or

9 to provide assistance for companies of which you

10 have owned stock.

11 THOMAS PETRI (the "Witness"): Mm-hmm.

12 MR. GAST: So we'd like to start out by just getting a

13 sense of how you manage your portfolio, how you

14 choose which stocks to invest in, and how to --

15 when to buy and sell. If you could just give us

16 an overview of that process.

17 WITNESS: Well, I've been buying stocks -- I think the

18 first stock I bought was the initial offering of

19 the Ford Motor Company back in 1948 when I was

20 eight years old.

21 MR. KELNER: Wow.

22 WITNESS: And the -- I used to work summers at a bank in

23 Fond du Lac and spent my lunch hour over at the

24 stockbroker's office, and he would -- the

25 broker, Roger Gormicken (phonetic) would let me

1 take the -- in those days there were loose-leafs
2 on over-the-counter, American Exchange, and the
3 New York Stock Exchange.

4 So things I would -- my theory was I
5 would read all of them. I didn't have to -- all
6 I had to do was avoid making a bad investment.
7 So get as much information as possible and sort
8 through, and sort through, and sort through, and
9 if you get all 10,000 stocks down to one or two,
10 probably would be a -- and so anything I could
11 think of why not to buy. So that was sort of
12 what I'd do as a kid, and I --

13 But Roger told me -- I said, "Is there
14 anything I could spend my summer earnings on
15 that would make sense?" And he said, "Well,
16 there's this strange company in Upstate New York
17 in Rochester called the Haloid Corporation
18 that's selling at 200 times earnings, and I
19 don't know why it should be. So maybe someone
20 knows something. I don't know, but why don't
21 you -- you might look at that." So I did, and
22 it gradually changed its name from Haloid, to
23 Haloid Xerox, and then to Xerox --

24 MR. GAST: Wow.

25 WITNESS: -- and that's why I'm in Congress. It went from

1 just a small amount of money to quite -- so I've
2 been -- I followed -- another company was Emery
3 Air Freight before FedEx. And so John Emery
4 came out of World War II and set up a company to
5 do air freight.

6 So I've been very interested in
7 following, and learning about, and making wise
8 decisions. I've never speculated. I did once
9 in college. Tried to buy a future in copper or
10 some darn thing, and it -- I couldn't figure it
11 out. And so that's sort of the background of
12 all this.

13 MR. GAST: Okay. And how about more recently? How do you
14 manage your portfolio nowadays?

15 WITNESS: Well, I don't buy and sell very much, and I do
16 try to -- have tried to diversify a little bit
17 and buy stock based on whatever information I
18 could get from reading, and visiting, and
19 knowing people running a company that seemed to
20 be running an operation with integrity.

21 I think that may be why I've drifted a
22 little bit recently to -- not that recently, but
23 occasionally buying stock in companies in the
24 district I represent. Plus it seems like a good
25 idea to invest in people I was representing

1 because they were investing in me.

2 MR. GAST: And do you work with a broker or a financial
3 advisor?

4 WITNESS: Honestly, except for Roger, anytime I've gotten
5 any advice from -- except for one exception I
6 can think of, if they were trying to sell me
7 stuff to get rid of -- they'd have some bigger
8 investor, and they'd want to just get rid of to
9 smaller investors. So I've always done it
10 myself.

11 MR. KELNER: But you do have a broker?

12 WITNESS: Oh, you can't buy it without a broker.

13 MR. KELNER: Right.

14 MR. GAST: Right.

15 WITNESS: That's the way it works. I do have -- but I
16 don't have a financial advisor. Let's put it
17 that way. I have a couple -- there are a couple
18 brokers.

19 There's a broker at Merrill Lynch who
20 handles the stock my wife and myself owns.
21 There's a broker at whatever the company is that
22 handles my wife's retirement fund that I -- she
23 often asks me to handle that.

24 And there's a lady at the Foley and
25 Lardner Law Firm in Milwaukee that manages --

1 that - a trust that was set up under my parents'
2 will that -- and she deals with a broker at --
3 Barron Company (phonetic) in Milwaukee.

4 MR. GAST: And when you do make decisions to either buy or
5 sell a particular stock, who's usually involved
6 in that decision?

7 WITNESS: Beg your pardon?

8 MR. GAST: Who's involved in the decision to buy or sell
9 stocks when you make those decisions?

10 WITNESS: Myself.

11 MR. GAST: Just yourself? Okay. And how closely do you
12 monitor the performance of the companies either
13 that you have in your portfolio or you're
14 considering buying?

15 WITNESS: Well, I read the annual reports. They don't
16 send out quarterly reports anymore, and I read
17 the financial press. I check the Washington
18 Post weekly stock reports. I keep a computer --
19 one of these free computer things where you can
20 list stocks you own. So I will occasionally
21 check to see -- you can click to see if there
22 are recent stories on that website about
23 different companies. I have companies that I
24 own but also companies that I'm trying to follow
25 or learn more about.

1 MR. GAST: You ever reach out to the companies directly for

2 --

3 WITNESS: No.

4 MR. GAST: -- information or questions? Okay. Do you ever

5 consult with the ethics committee before a

6 transaction?

7 WITNESS: No.

8 MR. GAST: I'm going to ask you about a couple of specific

9 stocks in your portfolio and how you came to

10 make the decision to purchase that stock, the

11 first one, the Oshkosh Corporation. How did you

12 come to be an owner of that stock?

13 WITNESS: Well, I had some money to invest, and I had

14 visited the Oshkosh Truck on numerous occasions

15 over the years and had got to know a fellow

16 named Gene Goodson, who was a transformative

17 manager, and respected what he did. I think

18 he's a professor if he's still -- if he hadn't

19 retired, at Ann Arbor, Michigan.

20 So I thought that was probably a good

21 -- might be a good investment. It turned out I

22 was wrong in the short run, but it's not been

23 particularly good or bad over the long run.

24 MR. GAST: And was Mr. Goodson, was he at the company?

25 WITNESS: He was the head of the company.

1 MR. GAST: He was the head of the company. Okay. And when
2 was that, that you first bought Oshkosh stock?

3 WITNESS: I'd have to check the records. I can't even
4 remember. I think he'd probably left the
5 company by then, but I -- he was succeeded or
6 sort of half ousted by a guy named Bob Bohn, who
7 was president and now who's left. And now
8 there's another fellow running the company.

9 MR. GAST: And what about the Manitowoc Company? How did
10 you come to make the decision to purchase stock
11 in that company?

12 WITNESS: Somewhat similar. I know the company. It's
13 obviously a big factor in Manitowoc, as the
14 Oshkosh Company is in Oshkosh, and I was
15 impressed by the leadership. But I think the
16 fellow's name was Fred Fisher, who came in after
17 the owner of the company or largest stockowner,
18 John West, who is a legend in Oshkosh, became
19 inactive. And he transformed the company into a
20 modern international company as well.

21 He had left by the time I bought any
22 stock, but I started following the company as a
23 result of that action.

24 MR. GAST: Was there any particular piece of information or
25 anything that triggered your purchase of the

1 stock?

2 WITNESS: No. Just looking at people who seemed to be
3 taking an intelligent approach to moving their
4 organizations into the modern work and taking a
5 broad view. One of the reasons they were --
6 both those people were -- I got to know them was
7 that they were trying to take their middle and
8 coming executives and get them to think more
9 broadly rather than just about trucks or just
10 about cranes, about the context.

11 So one of the things they would do was
12 to set up meetings with their Congressman or
13 other elected officials, so they would try to
14 get them more aware of the different issues that
15 they had to deal with to be a successful
16 company.

17 MR. GAST: Okay. What about the Plum Creek Timber Company?
18 How did you come to be an investor in that
19 company?

20 WITNESS: I don't know exactly. My mother-in-law says
21 that she's the one who told me about it. She
22 does the same sort of thing. But I mean, I
23 looked at the company, and it seemed like --
24 it's a differently organized company. It's a
25 REIT, which means that its stock is not taxed at

1 the corporate level, but it's taxed at the
2 individual level; and that seems to be a
3 desirable formula for something like a pension
4 fund because a pension fund usually is not
5 subject to tax until you get the money. So that made
6 me especially interested in it for my wife's
7 thing.

8 MR. GAST: And that stock you hold as part of her
9 retirement plan?

10 WITNESS: That's in several different -- I think it's --
11 but that was -- it's certainly in my wife's
12 retirement plan.

13 MR. GAST: Okay.

14 WITNESS: But it's also -- I think we also have some in
15 our own -- on our own.

16 MR. GAST: And, finally, what about the Danaher
17 Corporation? How did you come to be an investor
18 in that company?

19 WITNESS: Read about Danaher, and it's a little bit --
20 another kind I don't yet own that I've been
21 following, the Smucker Company. You read about
22 -- in the financial press about companies that
23 are really well run, and this seemed to be a
24 very well-run company. And it's actually, as
25 best I can tell, is more or less headquartered

1 here in the D.C. area, but I've never talked
2 with or had any dealings to my knowledge with
3 anyone -- connection with Danaher.

4 MR. GAST: Okay. What's your understanding of the rules
5 that apply to actions that you or your
6 Congressional Office would take on behalf of
7 companies in which you own stock?

8 WITNESS: My understanding is that I have an obligation to
9 file an annual financial statement and disclose
10 my holdings to my -- to anyone who's interested.
11 And that there's no rule against my owning stock
12 in companies. It would be pretty hard to own
13 stock and -- find companies that didn't do
14 business -- if they're traded on an exchange --
15 in a Congressional district. Companies operate
16 pretty globally now. And --

17 MR. GAST: Are you aware of rules about potential conflict
18 of interests between your personal financial
19 interest in the company and the actions that
20 your Congressional Office may take on behalf of
21 the company?

22 WITNESS: Well, I know that I'm not supposed to do
23 anything, use my official position for personal
24 gain.

25 MR. GAST: Have you had any contact with the committee on

1 ethics about how your Congressional Office
2 interacts with companies in which you're an
3 investor?

4 WITNESS: My office -- I have not personally.

5 MR. GAST: Okay.

6 WITNESS: But I think I've always asked people in my
7 office to try to be as sensitive as possible to
8 the rules governing our actions, and if there
9 was any question, to not only ask me, but to
10 bring it up with the ethics committee to get
11 their advice and to follow it; and that's the
12 policy in this office.

13 MR. GAST: How do you generally manage requests for
14 assistance or for consideration made by
15 companies in which you own stock?

16 WITNESS: Same as any other request.

17 MR. GAST: Have you had any ethics training for the staff
18 on how to deal with questions that may come up
19 dealing with companies in which you're an
20 investor?

21 WITNESS: You'd have to check with the Chief of Staff. I
22 think they have been attended for a variety of
23 different seminars and discussions over the
24 years.

25 MR. GAST: What about office policies? Is there anything

1 specific on dealing with companies in which you
2 own stock?

3 WITNESS: We made no exceptions for or against.

4 MR. GAST: Is there some list of companies in which you own
5 stock that you share with staff so that they're
6 aware of your holdings?

7 WITNESS: I filed my ethics statement.

8 MR. GAST: And since the news reports this go-around about
9 some of your actions on behalf of these
10 companies, have you made any changes to policies
11 or training in the office?

12 WITNESS: No.

13 MR. GAST: Okay.

14 WITNESS: We were trying to operate as properly as we
15 possibly could from the get-go.

16 MR. GAST: Have there ever been occasions when a company in
17 which you had owned stock has asked for
18 assistance and you either declined to provide
19 the assistance because you didn't think it was
20 appropriate, or you referred them to another
21 member or to a Senate office? Have you ever had
22 any of those kind of occasions?

23 WITNESS: You'd have to check with our Chief of Staff,
24 Debbie Gebhardt, but I do believe that there
25 have been such occasions.

1 MR. GAST: Do you know what stock -- what companies that's
2 involved?

3 WITNESS: I'm not sure.

4 MR. GAST: Okay. Do you know what the issues were that
5 were involved?

6 WITNESS: I think there were rules about making requests
7 for -- I'm not -- you'd better check with
8 Debbie, but I think it had to do with contact
9 with the appropriations committee for specific
10 things we've been doing for years for companies
11 that -- where there might be an issue if I owned
12 stock.

13 MR. GAST: Okay.

14 MR. GAST: You said that at least some of the reason that
15 you came to be an owner of the companies in your
16 district is you've gotten to know these
17 companies and gotten to meet with some of the
18 leadership. Are you privy at times to non-
19 public information about the company's
20 operations?

21 WITNESS: Not to my knowledge.

22 MR. GAST: For example, are you given a heads up about
23 certain actions the company is considering
24 taking or will be taking in the future before
25 that information is made public?

1 WITNESS: They do routinely -- they or sometimes
2 government agencies contact -- sometimes there's
3 an issue as to whether the executive branch is
4 controlled by Republicans or Democrats as to
5 which offices they contact most quickly. But
6 they generally let the Senators and House
7 members know of the -- that a decision has
8 already been made to issue a particular award or
9 take a particular action so that we can
10 coordinate with the constituent on press
11 relations, but I don't think there's been
12 anything other than that, which has been the
13 practice for years.

14 MR. GAST: And have you ever used information like that to
15 make a trade, to make a decision to buy or sell
16 stock?

17 WITNESS: Not -- never.

18 MR. KELNER: Scott, can I just clarify one thing on the last
19 question about being provided information about
20 upcoming events. I think you were asking about
21 information provided by the company to the
22 Congressman. Is that what you were addressing,
23 Congressman? I just want to --

24 WITNESS: I think it's provided by the government.

25 MR. KELNER: Yeah. I think maybe --

1 MR. GAST: Okay.

2 MR. KELNER: -- he was answering a different question.

3 WITNESS: Oh, I'm sorry.

4 MR. KELNER: Why don't we go back, just to make a clear
5 record.

6 MR. GAST: So I think your answer was that sometimes you
7 can get a heads up notification, information
8 from the government about actions --

9 WITNESS: Yeah.

10 MR. GAST: -- they are taking? Do you ever get information
11 or a heads up from the company themselves about
12 --

13 WITNESS: I don't think so.

14 MR. GAST: Okay. What about notices of layoffs? Is that
15 something that they might bring to your
16 attention?

17 WITNESS: I think they -- they have called our office I
18 believe. You'd have to check with Debbie on
19 that. I haven't -- I have not personally talked
20 with people about that, but they may have
21 contacted our office.

22 MR. GAST: Okay.

23 MR. MORGAN: So just further clarifying this, when you said
24 you've never used information like that to make
25 a trade, have you ever used information like

1 what we've just been discussing from the company
2 or from the government in making a trade?

3 WITNESS: No.

4 MR. GAST: I want to talk to you specifically about the
5 Oshkosh Corporation now. How long have you had
6 a relationship with the company?

7 WITNESS: Since 1978, maybe early '79.

8 MR. GAST: And how did that start?

9 WITNESS: Well, I ran for Congress. Oshkosh Company has
10 been owned for years by the Moslin (phonetic)
11 family, and I think they -- Mr. Moslin supported
12 my campaign.

13 MR. GAST: How -- generally, how often do you have contact
14 with representatives from the company?

15 WITNESS: Well, it's a little hard to say. When I go to
16 Oshkosh, I often go to chamber -- they have a
17 Chamber of Commerce breakfast. There are a
18 couple of executives from Oshkosh Truck often at
19 those meetings. I go to other meetings in the
20 community. There may be people from Oshkosh.

21 Specifically, I mean, I would say
22 occasionally delegation or individuals from one
23 or another of the Oshkosh operations might have
24 business in Washington and stop by. They have
25 something called Pierce that makes a whole range

1 of firefighting equipment, and they've have
2 various issues over the years and come by as
3 well as the military people, obviously.

4 MR. GAST: How often would you say the company initiated a
5 contact with your Congressional Office in which
6 you're involved?

7 WITNESS: Well, maybe -- I don't know. I mean, with me,
8 maybe couple times a year.

9 MR. GAST: Couple times a year.

10 WITNESS: I mean, they may be calling the Chief of Staff
11 more often. I'm not sure.

12 MR. GAST: And who from the company do you have that
13 contact with that couple of times a year?

14 WITNESS: It varies depending on who's coming out to
15 visit. They have a representative in
16 Washington, Jay Kimmitt. He will, I think,
17 call and set up appointments for the different
18 executives of the company who are in the area.
19 And I'm -- we have a rule here to try to meet
20 anyone from our district who is visiting.

21 MR. GAST: And what subjects do you generally have
22 discussions with them about?

23 WITNESS: Well, I guess it would vary on what it is that
24 they were involved with. I think there was some
25 -- once some discussion of how fast fire trucks

1 could respond to airplane crashes. They were
2 very interested in those kind of standards
3 because their trucks can respond very quickly.
4 They thought, therefore, the government should
5 be very strict in purchasing equipment that
6 could respond quickly.

7 MR. GAST: Do they generally come in with specific requests
8 for assistance?

9 WITNESS: Not -- no. I don't think so. When I visit with
10 them, it's, I think, usually that they're out
11 here for other reasons, and they stop by.

12 MR. GAST: Have you ever discussed your ownership of
13 Oshkosh stock with these representatives from
14 the company?

15 WITNESS: Yes.

16 MR. GAST: And what do you generally discuss?

17 WITNESS: I say I bought it at 15. It went down to 3.
18 This is not -- it's -- overall it's been one of
19 my less successful investments, although it has
20 come back over the years, and I did buy some as
21 it was moving back. But it's not -- it's
22 nothing like some other companies.

23 Both it and Manitowoc had made large
24 acquisitions before the financial meltdown, and,
25 therefore, had a lot of debt. And so Wall

1 Street worried that they might not survive, and
2 they went -- took enormous stock losses.

3 MR. GAST: I want to talk to you about the contract, the
4 Army contract that Oshkosh was awarded for the
5 Family of Medium Tactical Vehicles.

6 WITNESS: Yes.

7 MR. GAST: You familiar with that --

8 WITNESS: Oh, yeah.

9 MR. GAST: -- that subject? How did the issue of the
10 contract award and the subsequent protest of
11 that award come to your attention?

12 WITNESS: Well, we've been working on this thing for a
13 long time, and I think it first came up when --
14 it may have been Jay Kimmitt talking to someone
15 in our office who was working with some people
16 at the Pentagon on an award before this one for
17 partial.

18 And Duncan Hunter was getting a lot of
19 pressure from the Texas delegation and the
20 military people about -- thought it would be
21 helpful if someone from Wisconsin would sit in
22 at the meeting with Duncan Hunter that the Texas
23 people had requested so he could be in a
24 position of saying he was getting pressure from
25 both sides.

1 And the military people, to my
2 understanding, were interested in this because
3 the stuff Stuart Stevens (phonetic) was making
4 was crap, and they were fighting for
5 specifications that it be shipped to the
6 military bases on flatbeds rather than being
7 driven over the road because it would fall apart
8 before it got there. And they had buddies who
9 had died because of this lousy equipment.

10 And so I was very happy to do
11 everything I could to help Oshkosh Truck, which
12 makes a superior product, in getting this award,
13 and they later, quite unusually, of course, won
14 the whole contract.

15 And Stuart Stevens tried a Hail Mary
16 to see if it couldn't disrupt that, filing a
17 challenge to the military's award, arguing that
18 Oshkosh Truck was underpricing and not charging
19 the American people enough for the goods that it
20 was making, and, therefore, the contract should
21 be set aside. And I, Wisconsin delegation,
22 argued that the military should stick by its
23 award.

24 I don't think we were involved prior
25 to the military -- that I'm aware of, but you

1 can check on that -- prior to the military
2 deciding, according to their procedures, that
3 they would give the contract to Oshkosh Truck,
4 after having given prior contracts and working
5 with them for many years.

6 MR. GAST: And did you personally have conversations with
7 Jay about the need to weigh in as a Wisconsin
8 delegation to kind of offset the Texas
9 delegation?

10 WITNESS: I don't recall.

11 MR. GAST: Okay.

12 WITNESS: I'm sure he talked to Debbie.

13 MR. GAST: And anybody else on your staff that worked on
14 this matter?

15 WITNESS: I'm sure there were other people, but Debbie
16 would know.

17 MR. GAST: Okay.

18 WITNESS: Tyler might have.

19 MR. GAST: Okay.

20 WITNESS: He's with the FBI now.

21 MR. GAST: Okay. And you said that Jay had thought it
22 would be a good idea to have someone from the
23 Wisconsin delegation sit in with the Texas
24 delegation?

25 WITNESS: This is prior. This was not this contract.

1 MR. GAST: Okay.

2 WITNESS: This was way, years before.

3 MR. GAST: Okay.

4 WITNESS: I mean, we've been working on this stuff for --

5 long before I owned any stock.

6 MR. GAST: Sure. Did Oshkosh make any specific requests

7 for assistance with regard to this FMTV

8 contract?

9 WITNESS: I don't know.

10 MR. GAST: Who would know that?

11 WITNESS: I mean, for the contract or for the challenge of

12 the contract?

13 MR. GAST: For either.

14 WITNESS: I don't know. You'd have to -- you'd have to

15 check. We provided all of our correspondence

16 and emails, and I don't know.

17 MR. GAST: Did you have any specific conversations with

18 anyone at Oshkosh about what they were looking

19 for, what kind of assistance they were seeking?

20 WITNESS: When?

21 MR. GAST: At any point after the protest was lodged.

22 WITNESS: I don't recall.

23 MR. KELNER: Can we take a counsel restroom break for a few

24 minutes?

25 MR. GAST: Sure.

1 (WHEREUPON, a recess was taken.)

2 END OF PART 1

3

4 MR. GAST: Again, this is Scott Gast and Bryon Morgan with
5 the Office of Congressional Ethics with
6 Congressman Petri, Rob Kelner, and Kevin
7 Glandon. And before we took the break we were
8 talking about your interactions with the Oshkosh
9 Corporation following the filing of a protest to
10 the award of the contract for the medium
11 tactical vehicles.

12 Subsequently, you and your staff took
13 a number of steps with Oshkosh on that issue. I
14 want to ask you generally, before you took any
15 of those steps, were there any conversations
16 within the office about reaching out to the
17 ethics committee for guidance about what you
18 could or couldn't do or conversations internally
19 about steps that you could take to assist
20 Oshkosh or what you couldn't?

21 WITNESS: I believe we checked every step with the ethics
22 committee.

23 MR. GAST: Okay. Do you recall specifically reaching out
24 to the committee in advance of taking any
25 actions or --

1 WITNESS: We wouldn't have taken any action without
2 reaching out in advance. It was always done
3 through the Chief of Staff.

4 MR. GAST: Okay.

5 Alright. Shortly after the protest was filed in
6 September, there was a Wisconsin delegation
7 letter to Secretary Robert Gates on the issue,
8 October 9, 2009. Do you recall that letter?

9 WITNESS: I don't, but I've seen it since. It's been
10 recalled to my attention.

11 MR. GAST: Okay. Do you recall who came up with the idea
12 for that delegation letter?

13 WITNESS: No.

14 MR. GAST: Did that idea originate with your office?

15 MR. KELNER: I think he just answered that question by saying
16 he doesn't remember.

17 MR. GAST: We -- in the documents you provided our office,
18 there are some emails from your Chief of Staff
19 about reaching out to the ethics committee. Do
20 you know what prompted that reaching out to the
21 ethics committee?

22 WITNESS: I think it was our general policy.

23 MR. GAST: And what was the issue that you reached out to
24 ethics on?

25 WITNESS: I don't recall. I mean, anything dealing with

1 Oshkosh probably.

2 MR. GAST: Okay. Did you have any discussions with your
3 Chief of Staff about her conversations with the
4 ethics committee?

5 WITNESS: She would report what they advised, and I'd say
6 follow their advice.

7 MR. GAST: Okay. There was some indication in the
8 documents that your office provided us that you
9 may have had a member-to-member conversation
10 with Chairman Buck McKeon about the issue around
11 the same time. Do you recall having a
12 conversation with Chairman McKeon?

13 WITNESS: I believe -- it's general practice that I
14 follow, and I probably did in this case, that
15 there was an issue before his committee that we
16 wanted to let him know of our interest in, and I
17 handed him a memo explaining the details - or his
18 aide because I've learned over the years when
19 people approach me on things having to do with
20 my committee work, it's very hard to get a firm
21 grasp of all the details. It's much simpler not
22 to try to get someone up to speed and explain
23 the whole thing, but just say here's an issue.
24 Here's a memo. This is the position that we'd
25 appreciate you taking a look at. So that memo

1 should exist in the record.

2 MR. GAST: I think you did provide that to us. Let me see
3 if I can get that here.

4 MR. MORGAN: Let's give him the Bates.

5 MR. GAST: The Bates number on this is PET-OCE5.

6 WITNESS: Yeah.

7 MR. GAST: Is this the memorandum that you --

8 WITNESS: Yeah.

9 MR. GAST: -- believe that you gave to --

10 WITNESS: Yeah.

11 MR. GAST: -- Chairman McKeon? And do you recall the
12 circumstances of how you got this to him?

13 WITNESS: Handed it to him on the floor of the House that
14 day.

15 MR. GAST: The floor of the House. Do you recall what you
16 discussed with him when you gave him this memo?

17 WITNESS: I basically said I think you have something --

18 this will explain what our interest is. I

19 appreciate you taking a look at it or giving it

20 to your aides handling the legislation that

21 you're dealing with, something like that.

22 MR. GAST: And I want to ask you about the last paragraph
23 of this memo --

24 WITNESS: Yeah.

25 MR. GAST: -- where it says, "In the interest of full

1 disclosure, I do own some stock."

2 WITNESS: Yeah.

3 MR. GAST: What prompted you to include this paragraph?

4 WITNESS: I don't know.

5 MR. GAST: Do you know how it came to be there?

6 WITNESS: I don't know. You could check with Debbie.

7 MR. GAST: Okay. Do you know why in your earlier letter to
8 Secretary Gates from the delegation, a similar
9 disclosure of your stock ownership was not
10 included?

11 WITNESS: I don't know. From the delegation?

12 MR. GAST: Mm-hmm.

13 WITNESS: Well, I don't know, but it would be rather weird
14 to separate out each individual member of the
15 delegation on things like this.

16 MR. GAST: Did you have general discussions in the office
17 about disclosing your stock ownership when
18 having contacts, either through memos or
19 letters, to executive branch officials?

20 MR. KELNER: By general discussions in the office, do you
21 mean like in staff meetings with the full staff?

22 MR. GAST: With any staff members, with your Chief of
23 Staff, with any of the legislative staff?

24 WITNESS: Only with Debbie.

25 MR. GAST: And what were those discussions that you had

1 with Debbie?

2 WITNESS: Do the right thing, and if there's a question,
3 ask the ethics committee and follow their
4 advice. It's my impression that the ethics --
5 having been a member of the ethics committee,
6 that one of its functions was to advise members
7 if there were any possible question, so as to
8 avoid situations such as this.

9 MR. GAST: Alright. Do you recall having a telephone
10 conversation with the Secretary of the Army
11 about this issue?

12 WITNESS: Yes.

13 MR. GAST: Can you tell me how that conversation came to
14 be?

15 WITNESS: You'd have to check with Debbie. I think she
16 suggested it.

17 MR. GAST: Okay. And what was the substance of your
18 conversation with the Secretary?

19 WITNESS: As best I can recall, urged the Secretary to
20 follow the rules, stick by the guns and not,
21 because of political pressure, reverse the
22 decision that they've made on the merits.

23 MR. GAST: And what was the Secretary's response?

24 WITNESS: Thank you very much. He was -- I think he said
25 he was very aware of the issue.

1 MR. GAST: Did anyone from your office staff the call with
2 you; were they on the call with you?

3 WITNESS: I beg your pardon?

4 MR. GAST: Did anyone on your staff, staff the call; were
5 they on the call with you?

6 WITNESS: Well, Debbie's office is right there. The door
7 may have been open.

8 MR. GAST: Okay.

9 WITNESS: She would have given me -- I usually make calls
10 myself, but she might have had gotten him on the
11 line or made arrangements that I should call at
12 a certain time. I can't remember.

13 MR. GAST: Okay. Did you have any contact with Oshkosh
14 representatives either before the call or right
15 after the call to discuss your conversation with
16 the Secretary?

17 WITNESS: I can't recall. I would assume, but I don't
18 know. Someone -- the Chief of Staff may have
19 talked to them, but I don't know. I can't
20 recall I should say.

21 MR. GAST: And did you -- did the subject of your stock
22 ownership come up at all during the call?

23 WITNESS: No. I don't believe so. I'm not sure though,
24 but I don't -- I don't recall for sure.

25 MR. GAST: Did you disclose your ownership of stock during

1 that call?

2 WITNESS: I don't recall, but I don't think so.

3 MR. GAST: Okay.

4 WITNESS: I was urging that they follow their rules.

5 MR. GAST: So after the delegation letter to the Secretary
6 of Defense, your conversation with Chairman
7 McKeon, and the conversation with the Secretary
8 of the Army, in December of 2009 there was a
9 second delegation letter to the Secretary of the
10 Army urging the quick implementation of the GAO
11 recommendation. Do you recall that letter?

12 WITNESS: I'm sorry. I don't off the top of my head.

13 MR. GAST: I'll show you a copy of it.

14 WITNESS: GAO recommendation such as they recommended the
15 contract go forward?

16 MR. GAST: They made certain recommendations about the bid
17 process. I think there was some minor questions
18 they wanted answered. This is Bates Number PET-
19 OCE451 for the record.

20 WITNESS: Okay. (Inaudible)

21 MR. GAST: Do you recall this letter?

22 WITNESS: I honestly don't, but I certainly would not
23 argue that it wasn't sent out.

24 MR. GAST: Sure.

25 WITNESS: I believe it was.

1 MR. GAST: Do you know who came up with the idea for
2 sending this letter?

3 WITNESS: I don't. You'd have to ask Debbie. She might
4 have a better idea.

5 MR. GAST: Are you aware of any ethics review of this
6 letter or any guidance provided by the ethics
7 committee?

8 WITNESS: I am not.

9 MR. GAST: Okay.

10 WITNESS: I don't know. Debbie would know.

11 MR. GAST: Okay.

12 WITNESS: I don't know if this originated in our office or
13 in Senator Kohl's office. I'm not
14 sure.

15 MR. GAST: Okay. Similar set of questions with regard to
16 this letter from you to the Secretary of the
17 Army on February of 2010. This is PET-OCE113.
18 Do you recall this letter?

19 WITNESS: Not specifically, no.

20 MR. GAST: And this expresses your concerns with an
21 additional bridge contract awarded to BAE
22 Systems, I believe it is --

23 WITNESS: Okay.

24 MR. GAST: -- to continue -- to extend their contract
25 because of the protest period. Do you know what

1 prompted this letter from you to the Secretary?

2 WITNESS: I don't.

3 MR. GAST: Do you recall who came up with the idea of this
4 letter?

5 WITNESS: I don't.

6 MR. GAST: Do you recall any discussion of ethics review of
7 this letter?

8 WITNESS: I don't.

9 MR. GAST: Okay. Okay. I want to move on now to an issue,
10 still involving the Oshkosh Corporation. In
11 June of 2013, you and seven other members in the
12 House sent a letter to the chair and ranking
13 members of the Armed Services and defense
14 appropriations subcommittees. I'll give you a
15 copy of that letter. And this is a letter dated
16 June 10, 2013.

17 WITNESS: Mm-hmm.

18 MR. GAST: Do you recall this letter?

19 MR. GLANDON: You want to clarify the Bates?

20 MR. GAST: This one is actually not --

21 WITNESS: June 10, 2013. I don't, but I -- obviously, we
22 must have done that.

23 MR. GAST: Do you recall the issue involved, the Defense
24 Department's proposed reprogramming action,
25 which would have taken money away from the Tactical

1 Wheeled Vehicle Program?

2 WITNESS: No, I don't.

3 MR. GAST: Okay. I want to direct your attention to the
4 last page of this document, which is a
5 memorandum --

6 WITNESS: Yes, okay.

7 MR. GAST: -- from you to the recipients of the letter. Do
8 you recall this memo?

9 WITNESS: No.

10 MR. GAST: Any idea how --

11 WITNESS: Did we do something wrong in disclosing -- I
12 don't --

13 MR. KELNER: Let them ask the questions.

14 WITNESS: Okay. Well, I mean, what's the point. I don't
15 know.

16 MR. GAST: Do you know what prompted you to include this
17 memo?

18 WITNESS: Absolutely. I assume it was on the advice of
19 ethics committee --

20 MR. GAST: Okay.

21 WITNESS: -- but I don't know.

22 MR. GAST: Do you know why you included this memorandum
23 with this letter but not in the previous letters
24 to the Secretary of the Army and the Secretary
25 of the Defense?

1 WITNESS: You'd have to check with Debbie.

2 MR. GAST: Did the Oshkosh Corporation ever ask you or your
3 office to submit any appropriations requests on
4 their behalf?

5 WITNESS: I believe that they did years ago.

6 MR. GAST: And did there come a time when your policy on
7 submitting appropriations requests coming up
8 from Oshkosh changed?

9 WITNESS: I believe so.

10 MR. GAST: And when was that? Do you recall when that was?

11 WITNESS: It was when I bought stock in Oshkosh Truck as
12 best I can -- as best to my recollection.

13 MR. GAST: And what --

14 WITNESS: I think -- I don't -- I shouldn't -- I believe
15 they had made various requests of members of the
16 delegation each year, and they did again. And
17 Debbie might have said that they did, and I
18 said, "Well, I own stock in that corporation."
19 She said, "Oh, my goodness, then maybe we can't
20 do that." But I'm not sure.

21 MR. GAST: Okay.

22 WITNESS: But I disclosed that I had the stock, or she
23 might have known already because of my having
24 filed ethics statements. I'm not sure.

25 MR. MORGAN: Are you aware if she then reached out to the

1 ethics committee for advice on that issue?

2 WITNESS: I don't know.

3 MR. MORGAN: Was it a direction from you to not make

4 appropriations requests because you owned stock?

5 WITNESS: I would -- my recommendation would have been to

6 do whatever the rules required.

7 MR. MORGAN: Okay. Do you remember, did she ever come back

8 to you saying I checked with the ethics

9 committee and here's what they said, or how was

10 that issue resolved?

11 WITNESS: It was resolved that we wouldn't do it, as I

12 understand.

13 MR. MORGAN: Okay. But you can't recall -- you don't recall

14 if that was because of advice from the ethics

15 committee or if it was just a decision that you

16 and Debbie made?

17 WITNESS: I don't think it was because of a decision that

18 we made. I think we were trying to do the right

19 thing as the referees advised us.

20 MR. GAST: I want to move on to the Manitowoc Company.

21 WITNESS: Manitowoc.

22 MR. GAST: Manitowoc.

23 WITNESS: There's their crane right there.

24 MR. GAST: Wow.

25 WITNESS: That fell over when we had the earthquake.

1 MR. GAST: Yeah. And how long have you had a relationship
2 with the Manitowoc Company?

3 WITNESS: Since '79.

4 MR. GAST: And how did you become involved with that?

5 WITNESS: Well, I became elected to represent Manitowoc,
6 and I'm quite sure I stood outside the Manitowoc
7 Company gate in February and March in the snow
8 in the first time I ran.

9 And later -- I'm trying to think. I
10 think we have a big thing in Manitowoc called
11 the Badger, which is the last car ferry on the
12 Great Lakes. It goes from Manitowoc to
13 Ludington, and I believe there was some kind of
14 a special party out on the Badger. And I was
15 taken out to it on a launch with some other
16 people, including John West, who was quite a
17 legendary figure.

18 And I'm sure over the years we -- you
19 know, there would be various things we would be
20 doing with the Manitowoc Company, as with any
21 other company in our district. They were
22 larger, so there might be somewhat more but not
23 a whole lot.

24 MR. GAST: How often would you say that you had
25 interactions with company officials?

1 WITNESS: Well, I toured the factory a number of times,
2 had meetings with executives. Their executives
3 attend meetings of various organizations in
4 Oshkosh and in Manitowoc that I would attend.
5 They had an either full or part-time Washington
6 representative named Al Bernard, who we would
7 work with on issues affecting the Manitowoc
8 Company from time to time, but I don't know how
9 often. It would be several times a year at
10 least.

11 MR. GAST: Okay. And have there been occasions when the
12 company has come to you or your office with
13 specific requests for assistance?

14 WITNESS: I imagine so. I can't recall a specific
15 occasion, but they aren't anymore. They were --
16 they had a boat building division, which is now
17 owned by an Italian company up -- outside of our
18 district but up in Marinette, and they would --
19 they were interested in doing work with the
20 military and with the government. I think they
21 made an ice breaker up there. I don't know if
22 we were involved in that at all, and they were
23 heavily involved partnering with General
24 Dynamics, one of the other big defense
25 contractors in working on getting a contract for

1 the Toro Cruiser. I think we may have helped
2 them with some of that.

3 MR. GAST: And are those requests for assistance by the
4 company handled differently in any way because
5 you own stock in the company?

6 WITNESS: They sold that defense operation some years ago.
7 I can't really recall. I don't think we -- we
8 dealt with them as best we could. That's what
9 we were supposed to do.

10 MR. GAST: Okay. Are you aware of assistance provided back
11 in January or February of 2007 by Lindsay Bowers
12 of your office to Manitowoc regarding an EPA
13 rule making about phasing out of certain
14 chemicals?

15 WITNESS: Vaguely. This has to do with their ice making
16 division? I don't know.

17 MR. GAST: It involved getting a meeting with OMB about the
18 proposed rule that EPA was coming out with.

19 WITNESS: The chemicals wouldn't be involved with cranes or
20 with ships. It should probably have to do with
21 making ice machines, I surmise. I don't know.

22 MR. GAST: Do you recall if there was any discussion in the
23 office about what assistance you can provide
24 Manitowoc?

25 WITNESS: I don't.

1 MR. GAST: Any discussions about reaching out to the ethics
2 committee for guidance about what assistance
3 could be provided?

4 WITNESS: No. I don't even recall if I owned stock in
5 Manitowoc at that particular time. Maybe I did.
6 You have the dates down.

7 MR. GAST: Okay. But you don't recall any ethics guidance
8 that was shared with your office?

9 WITNESS: No.

10 MR. GAST: I want to talk to you about September 2012
11 through August 2013, assistance provided by your
12 office to Manitowoc about a hardship exemption
13 request to the EPA regarding some diesel engines
14 that they used in their cranes. Do you recall
15 your office providing assistance to the company
16 on that issue?

17 WITNESS: What was it again?

18 MR. GAST: The company was seeking a hardship exemption
19 from the EPA regarding some diesel engines that
20 are used in its cranes.

21 WITNESS: It could well be. I'm sure it is, but I don't
22 have a specific recollection.

23 MR. GAST: And I think this was something that Kevin James
24 on your staff --

25 WITNESS: Okay.

1 MR. GAST: -- worked with.

2 WITNESS: Yeah. He's still there.

3 MR. GAST: Okay. What do you recall generally about that
4 issue?

5 WITNESS: I don't.

6 MR. GAST: Okay. Were there any discussions about -- with
7 you about steps that your office took to help
8 the company?

9 WITNESS: We would have, I assume, done whatever we would
10 do with any company.

11 MR. GAST: Do you recall discussing any contacts with the
12 EPA on behalf of the company to try to get
13 additional information?

14 WITNESS: You'd have to ask Kevin.

15 MR. GAST: Okay. I want to show you a letter from August
16 8, 2013, from you to the regional administrator
17 at the EPA. This is Bates Number PET-OCE1544.

18 WITNESS: Okay.

19 MR. GAST: Reading this letter, does this refresh your
20 recollection at all about the issue involved?

21 WITNESS: No.

22 MR. GAST: Okay. Do you recall discussing this issue with
23 anybody on your staff?

24 WITNESS: I may have discussed it with Kevin. I can't --
25 I don't have a specific recollection.

1 MR. GAST: Okay. Do you recall discussing this issue at
2 all with anyone at the Manitowoc Company?

3 WITNESS: I really don't have a specific recollection. It
4 may have been mentioned in the course of some
5 other meetings.

6 MR. GAST: Okay. Do you recall approving and signing this
7 letter to the regional administrator?

8 WITNESS: Well, I'm not sure that's my signature actually.

9 MR. GAST: Okay.

10 WITNESS: But it might be. Maybe I did sign it. People
11 sometimes sign my signature at the office, but
12 I'm not -- they do a pretty good job. It could
13 be I did.

14 MR. GAST: Who in the office is authorized to sign on your
15 behalf?

16 WITNESS: I don't know. There's been no specific
17 authorization. Check with Debbie on it.

18 Sometimes I'm in the district or something, and
19 they want to get a letter out.

20 MR. GAST: Okay. Are you informed before something is
21 signed on your behalf?

22 WITNESS: I think it depends. I don't know.

23 MR. GAST: Would this letter have been sent without you
24 having been made aware of it?

25 WITNESS: Well, I'm not particularly aware of it now, but

1 I might have been at the time. I didn't say I
2 wasn't.

3 MR. GAST: Okay. As a general matter, does your office
4 send out letters to executive branch officials
5 without first discussing it with you?

6 WITNESS: As a general matter, we don't send out that many
7 letter to the executive branch.

8 MR. GAST: Sure.

9 WITNESS: I don't know, but we -- well, we sent -- well,
10 that's not true. We sent a lot of letters
11 without discussing it specifically with me.
12 We're constantly working on cases involving
13 Social Security, immigration, and 101 other
14 issues, and we do not -- I do not necessarily
15 approve each letter or even am informed of them.

16 MR. GAST: And do you recall any discussion about seeking
17 ethics guidance with respect to sending this
18 letter to the EPA?

19 WITNESS: No.

20 MR. GAST: Do you recall any discussions about getting
21 ethics guidance on taking any action on behalf
22 of Manitowoc regarding --

23 WITNESS: Manitowoc.

24 MR. GAST: Manitowoc regarding this hardship exemption
25 request?

1 WITNESS: (No audible response.)

2 MR. GAST: Okay.

3 MR. MORGAN: Were you aware that Manitowoc was facing this
4 issue with their diesel engines?

5 WITNESS: Well, I'm sure they discussed it with me, but I
6 don't recall anything specific about it.

7 MR. MORGAN: Okay.

8 MR. GAST: I want to ask you just a few more questions
9 about the two other companies, first Plum Creek
10 Timber.

11 WITNESS: Okay.

12 MR. GAST: Can you describe your relationship with the
13 company?

14 WITNESS: I think they have an operation in Adams County,
15 which is no longer in my district but was, and
16 invited me to visit the operation. And I did do
17 that. Clare Wettstein in our district office
18 would have made the arrangements.

19 I can't remember who went with me on
20 that occasion, but we visited their office. And
21 the fellow that was running it or someone, his
22 coworkers or a couple people, drove us around to
23 see different logging operations and view their
24 lands.

25 MR. GAST: Do you have regular interactions with company

1 representatives through the Congressional
2 Office?

3 WITNESS: No. Not that I'm aware of.

4 MR. GAST: Are you aware of specific requests for
5 assistance or support that the company has made
6 --

7 WITNESS: No.

8 MR. GAST: -- to your Congressional Office?

9 WITNESS: It's my impression they own land -- I think it's
10 more or less equal to the size of the state of
11 Maryland, and most of it is not in the Sixth
12 Congressional District. They probably operate
13 through a lot of other offices if they have a
14 problem but not through us.

15 MR. GAST: Sure. I want to show you a letter to Dave Camp
16 and Sandra Levin of the Ways and Means Committee you had signed
17 onto in April of 2013 --

18 WITNESS: Okay.

19 MR. GAST: -- regarding certain timber tax provisions, and
20 there's some 30 members signed on this letter,
21 which is PET-OCE6956.

22 WITNESS: Okay.

23 MR. GAST: Do you recall this letter?

24 WITNESS: No.

25 MR. GAST: There's some indication that your office reached

1 out to the ethics committee prior to you signing
2 this letter to get their guidance on whether it
3 was appropriate for you to sign with the stock
4 ownership. Do you know what prompted that
5 ethics committee question?

6 WITNESS: I assume if it -- someone did, it would have
7 been Debbie, Chief of Staff, how was following
8 our policy just to attempt to abide by the rules
9 and not do anything that would raise any
10 question. And if we had any question as to
11 whether it was appropriate or not, to check with
12 the ethics committee.

13 MR. GAST: Can you recall hearing back from Debbie at all
14 about her --

15 WITNESS: Must have said it was all right, from the point
16 of view of the ethics committee, or we wouldn't
17 have signed it.

18 MR. GAST: And, finally, I want to ask you about the
19 Danaher Corporation.

20 WITNESS: Yeah.

21 MR. GAST: Can you discuss your relationship with that
22 company, describe the relationship you had?

23 WITNESS: To the best of my knowledge, I've never met, or
24 talked, or had any dealings with anyone from
25 Danaher Corporation.

1 I was surprised to learn of your
2 including it on this, and upon reviewing --
3 trying to figure out what possible reason, I've
4 discovered that they had acquired some facility
5 in Fond du Lac, Wisconsin, which I was totally
6 unaware of was even -- had any connection with
7 Danaher. It had been known locally as the
8 Giddings & Lewis Electronic Division, Giddings &
9 Lewis being a large machine tool company, one of
10 the old, old firms in Fond du Lac, Wisconsin,
11 which has gone through a lot of different
12 ownership lately.

13 MR. GAST: And do you recall, has Danaher made any specific
14 requests for assistance to your office that
15 you're aware of?

16 WITNESS: As I said, I've had -- never. We treated them
17 just the same as everyone else, except we
18 weren't even aware that they were a constituent.

19 MR. GAST: Okay. I believe that those are all the
20 questions that I have. We appreciate your time
21 and, you know, helping us put together this
22 information. Thank you for your help.

23 MR. MORGAN: Thank you very much.

24 WITNESS: It was nice of you to come by.

25 MR. GAST: Thanks for having us.

1 END OF INTERVIEW

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20

21

22

23

24

25

A	26:25 27:19 47:20	awarded 20:4 32:21	43:4,7	challenge 21:17 23:11
abide 46:8	approach 9:3 26:19	aware 9:14 11:17 13:6 21:25 29:25	break 23:23 24:7	chamber 17:16,17
absolutely 34:18	appropriate 13:20 46:3,11	32:5 35:25 39:10	breaker 38:21	changed 3:22 35:8
acquired 47:4	appropriations 14:9 33:14 35:3,7 36:4	42:24,25 44:3 45:3,4 47:15,18	breakfast 17:17	changes 13:10
acquisitions 19:24	approve 43:15		bridge 32:21	charging 21:18
action 8:23 15:9 25:1 33:24 43:21	approving 42:6	B	bring 12:10 16:15	check 6:17,21 8:3 12:21 13:23 14:7 16:18 22:1 23:15 28:6 29:15 35:1 42:17 46:11
actions 2:8 11:5,19 12:8 13:9 14:23 16:8 24:25	april 45:17	back 2:19 16:4 19:20,21 36:7 39:10 46:13	broad 9:5	checked 24:21 36:8
adams 44:14	arbor 7:19	background 4:11	broadly 9:9	chemicals 39:14,19
additional 32:21 41:13	area 11:1 18:18	bad 3:6 7:23	broker 2:25 5:2,11 5:12,19,21 6:2	chief 12:21 13:23 18:10 25:3,18 26:3 28:22 30:18 46:7
addressing 15:22	arent 38:15	badger 37:11,14	brokers 5:18	choose 2:14
administrator 41:16 42:7	argue 31:23	bae 32:21	bryon 24:4	circumstances 27:12
advance 24:24 25:2	argued 21:22	bank 2:22	bryson 1:10 2:1	clare 44:17
advice 5:5 12:11 26:6 29:4 34:18 36:1,14	arguing 21:17	barron 6:3	buck 26:10	clarify 15:18 33:19
advise 29:6	armed 33:13	based 4:17	buddies 21:8	clarifying 16:23
advised 26:5 36:19	army 20:4 29:10 31:8,10 32:17 34:24	bases 21:6	building 38:16	clear 16:4
advisor 5:3,16	arrangements 30:11 44:18	basically 27:17	business 11:14 17:24	click 6:21
agencies 15:2	aside 21:21	bates 27:4,5 31:18 33:19 41:17	buy 2:15 3:11 4:9 4:15,17 5:12 6:4,8 15:15 19:20	closely 6:11
ago 35:5 39:6	asked 12:6 13:17	behalf 11:6,20 13:9 35:4 41:12 42:15 42:21 43:21	buying 2:17 4:23 6:14	college 4:9
aide 26:18	asking 15:20	believe 13:24 16:18 24:21 26:13 27:9 30:23 31:25 32:22 35:5,9,14 37:13 47:19	C	come 7:12 8:10 9:18 10:17 12:18 18:2 19:7,20 20:11 30:22 35:6 36:7 38:12 47:24
aides 27:20	asks 5:23	bernard 38:6	c 11:1	coming 9:8 18:14 35:7 39:18
air 4:3,5	assist 24:19	best 10:25 29:19 35:12,12 39:8 46:23	call 18:17 30:1,2,4 30:5,11,14,15,22 31:1	commerce 17:17
airplane 19:1	assistance 2:9 12:14 13:18,19 19:8 23:7,19 38:13 39:3,10,23 40:2,11,15 45:5 47:14	better 14:7 32:4	called 3:17 16:17 17:25 37:10	committee 7:5 11:25 12:10 14:9 24:17,22,24 25:19 25:21 26:4,15,20 29:3,5 32:7 34:19 36:1,9,15 40:2 45:16 46:1,5,12 46:16
al 38:6	assume 30:17 34:18 41:9 46:6	bid 31:16	calling 18:10	community 17:20
alright 25:5 29:9	attempt 46:8	big 8:13 37:10 38:24	calls 30:9	companies 2:9 4:23 6:12,23,23,24 7:1 10:22 11:7,12,13 11:15 12:2,15,19 13:1,4,10 14:1,10
american 3:2 21:19	attend 38:3,4	bigger 5:7	camp 45:15	
amount 4:1	attended 12:22	bit 4:16,22 10:19	campaign 17:12	
ann 7:19	attention 16:16 20:11 25:10 34:3	boat 38:16	cant 5:12 8:3 30:12 30:17,19 35:19 36:13 38:14 39:7 41:24 44:19	
annual 6:15 11:9	audible 44:1	bob 8:6	car 37:11	
answer 16:6	august 40:11 41:15	bohn 8:6	case 26:14	
answered 25:15 31:18	authorization 42:17	bought 2:18 8:2,21 19:17 35:11	cases 43:12	
answering 16:2	authorized 42:14	bowers 39:11	certain 14:23 30:12 31:16 39:13 45:19	
anybody 22:13 41:23	avoid 3:6 29:8	branch 15:3 28:19	certainly 10:11 31:22	
anymore 6:16 38:15	award 15:8 20:10 20:11,16 21:12,17 21:23 24:10		chair 33:12	
anytime 5:4			chairman 26:10,12 27:11 31:6	
apart 21:7				
apply 11:5				
appointments 18:17				
appreciate 2:6				

14:15,17 19:22 44:9 company 2:19 3:16 4:2,4,19 5:21 6:3 7:24,25 8:1,5,8,9 8:11,12,14,17,19 8:20,22 9:16,17 9:19,23,24 10:18 10:21,24 11:19,21 13:16 14:23 15:21 16:11 17:1,6,9,14 18:4,12,18 19:14 36:20 37:2,7,20 37:21,25 38:8,12 38:17 39:4,5 40:15,18 41:8,10 41:12 42:2 44:13 44:25 45:5 46:22 47:9 companys 14:19 computer 6:18,19 concerns 32:20 conflict 11:17 congress 3:25 17:9 congressional 2:2 11:6,15,20 12:1 18:5 24:5 45:1,8 45:12 congressman 2:4,6 9:12 15:22,23 24:6 connection 11:3 47:6 consideration 12:14 considering 6:14 14:23 constantly 43:12 constituent 15:10 47:18 consult 7:5 contact 11:25 14:8 15:2,5 17:13 18:5 18:13 30:13 contacted 16:21 contacts 28:18 41:11 context 9:10 continue 32:24	contract 20:3,4,10 21:14,20 22:3,25 23:8,11,12 24:10 31:15 32:21,24 38:25 contractors 38:25 contracts 22:4 controlled 15:4 conversation 26:9 26:12 29:10,13,18 30:15 31:7 conversations 22:6 23:17 24:15,18 26:3 conversion 31:6 coordinate 15:10 copper 4:9 copy 31:13 33:15 corporate 10:1 corporation 3:17 7:11 10:17 17:5 24:9 33:10 35:2 35:18 46:19,25 correspondence 23:15 couldnt 4:10 21:16 24:18,20 counsel 1:9,10,11 1:12 2:4 23:23 county 44:14 couple 5:17,17 7:8 17:18 18:8,9,13 44:22 course 21:13 42:4 coworkers 44:22 crane 36:23 cranes 9:10 39:19 40:14,20 crap 21:4 crashes 19:1 creek 9:17 44:9 cruiser 39:1	dated 33:15 dates 40:6 dave 45:15 day 27:14 days 3:1 deal 9:15 12:18 dealing 12:19 13:1 25:25 27:21 dealings 11:2 46:24 deals 6:2 dealt 39:8 debbie 13:24 14:8 16:18 22:12,15 28:6,24 29:1,15 32:3,10 35:1,17 36:16 42:17 46:7 46:13 debbies 30:6 debt 19:25 december 31:8 deciding 22:2 decision 6:6,8 7:10 8:10 15:7,15 29:22 36:15,17 decisions 4:8 6:4,9 declined 13:18 defense 31:6 33:13 33:23 34:25 38:24 39:6 delegation 17:22 20:19 21:21 22:8 22:9,23,24 25:6 25:12 28:8,11,15 31:5,9 35:16 democrats 15:4 departments 33:24 depending 18:14 depends 42:22 describe 44:12 46:22 desirable 10:3 details 26:17,21 didnt 3:5 11:13 13:19 43:1 died 21:9 diesel 40:13,19 44:4 different 6:23 9:14 10:10 12:23 16:2 18:17 44:23 47:11	differently 9:24 39:4 direct 34:3 direction 36:3 directly 7:1 disclose 11:9 30:25 disclosed 35:22 disclosing 28:17 34:11 disclosure 28:1,9 discovered 47:4 discuss 19:16 30:15 46:21 discussed 19:12 27:16 41:24 44:5 discussing 17:1 41:11,22 42:1 43:5,11 discussion 18:25 33:6 39:22 43:16 discussions 12:23 18:22 26:2 28:16 28:20,25 40:1 41:6 43:20 disrupt 21:16 district 4:24 11:15 14:16 18:20 37:21 38:18 42:18 44:15 44:17 45:12 diversify 4:16 division 38:16 39:16 47:8 document 34:4 documents 25:17 26:8 doesnt 25:16 doing 14:10 37:20 38:19 dont 3:19,20,20 4:15 5:16 6:15 9:20 10:20 15:11 16:4,13 18:7 19:9 21:24 22:10 23:9 23:14,16,22 25:9 25:25 28:4,6,11 28:13 30:17,19,23 30:24,24 31:2,2 31:12,22 32:3,10 32:12 33:2,5,8,21	34:2,12,14,21 35:14 36:2,13,17 38:8,21 39:7,16 39:21,25 40:4,7 40:21 41:5,25 42:3,16,22 43:6,9 44:6 door 30:6 drifted 4:21 driven 21:7 drove 44:22 du 2:23 47:5,10 duncan 20:18,22 dynamics 38:24
			E	
				earlier 28:7 early 17:7 earnings 3:14,18 earthquake 36:25 eight 2:20 either 6:4,12 13:18 23:13 28:18 30:14 38:5 elected 9:13 37:5 electronic 47:8 emails 23:16 25:18 emery 4:2,3 engines 40:13,19 44:4 enormous 20:2 epa 39:12,18 40:13 40:19 41:12,17 43:18 equal 45:10 equipment 18:1 19:5 21:9 especially 10:6 ethics 2:2 7:5 12:1 12:10,17 13:7 24:5,17,21 25:19 25:21,24 26:4 29:3,4,5 32:5,6 33:6 34:19 35:24 36:1,8,14 40:1,7 43:17,21 46:1,5 46:12,16 events 15:20 exactly 9:20

<p>example 14:22 exception 5:5 exceptions 13:3 exchange 3:2,3 11:14 executive 15:3 28:19 43:4,7 executives 9:8 17:18 18:18 38:2 38:2 exemption 40:12 40:18 43:24 exist 27:1 explain 26:22 27:18 explaining 26:17 expresses 32:20 extend 32:24</p> <hr/> <p style="text-align: center;">F</p> <p>facility 47:4 facing 44:3 factor 8:13 factory 38:1 fall 21:7 familiar 20:7 family 17:11 20:5 fast 18:25 fbi 22:20 february 32:17 37:7 39:11 fedex 4:3 fell 36:25 fellow 7:15 8:8 44:21 fellows 8:16 ferry 37:11 fighting 21:4 figure 4:10 37:17 47:3 file 11:9 filed 13:7 25:5 35:24 filing 21:16 24:9 finally 10:16 46:18 financial 5:2,16 6:17 10:22 11:9 11:18 19:24 find 11:13 fire 18:25</p>	<p>firefighting 18:1 firm 5:25 26:20 firms 47:10 first 2:18 7:11 8:2 20:13 37:8 43:5 44:9 fisher 8:16 flatbeds 21:6 floor 27:13,15 fmtv 23:7 focus 2:7 foley 5:24 follow 6:24 12:11 26:6,14 29:3,20 31:4 followed 4:2 following 4:7 8:22 10:21 24:9 46:7 fond 2:23 47:5,10 ford 2:19 formula 10:3 forward 31:15 fred 8:16 free 6:19 freight 4:3,5 full 27:25 28:21 38:5 functions 29:6 fund 5:22 10:4,4 further 16:23 future 4:9 14:24</p> <hr/> <p style="text-align: center;">G</p> <p>gain 11:24 gao 31:10,14 gast 1:9 2:1,1,12 3:24 4:13 5:2,14 6:4,8,11 7:1,4,8 7:24 8:1,9,24 9:17 10:8,13,16 11:4 11:17,25 12:5,13 12:17,25 13:4,8 13:13,16 14:1,4 14:13,14,22 15:14 16:1,6,10,14,22 17:4,8,13 18:4,9 18:12,21 19:7,12 19:16 20:3,7,9 22:6,11,13,17,19</p>	<p>22:21 23:1,3,6,10 23:13,17,21,25 24:4,4,23 25:4,11 25:14,17,23 26:2 26:7 27:2,5,7,9,11 27:15,22,25 28:3 28:5,7,12,16,22 28:25 29:9,13,17 29:23 30:1,4,8,13 30:21,25 31:3,5 31:13,16,21,24 32:1,5,9,11,15,20 32:24 33:3,6,9,18 33:20,23 34:3,7 34:10,16,20,22 35:2,6,10,13,21 36:20,22,24 37:1 37:4,24 38:11 39:3,10,17,22 40:1,7,10,18,23 41:1,3,6,11,15,19 41:22 42:1,6,9,14 42:20,23 43:3,8 43:16,20,24 44:2 44:8,12,25 45:4,8 45:15,19,23,25 46:13,18,21 47:13 47:19,25 gate 37:7 gates 25:7 28:8 gebhardt 13:24 gene 7:16 general 25:22 26:13 28:16,20 38:23 43:3,6 generally 12:13 15:6 17:13 18:21 19:7,16 24:14 41:3 getgo 13:15 getting 2:12 20:18 20:24 21:12 38:25 39:17 43:20 giddings 47:8,8 give 2:15 22:3 27:4 33:14 given 14:22 22:4 30:9 giving 27:19</p>	<p>glandon 1:12 2:5 24:7 33:19 globally 11:16 go 16:4 17:15,16,19 31:15 goaround 13:8 goes 37:12 going 7:8 good 4:24 7:20,21 7:23 22:22 42:12 goodness 35:19 goods 21:19 goodson 7:16,24 gormicken 2:25 gotten 5:4 14:16,17 30:10 governing 12:8 government 15:2 15:24 16:8 17:2 19:4 38:20 gradually 3:22 grasp 26:21 great 37:12 guess 18:23 guidance 24:17 32:6 40:2,7 43:17 43:21 46:2 guns 29:20 guy 8:6</p> <hr/> <p style="text-align: center;">H</p> <p>hadnt 7:18 hail 21:15 half 8:6 haloid 3:17,22,23 handed 26:17 27:13 handle 5:23 handled 39:4 handles 5:20,22 handling 27:20 happy 21:10 hard 11:12 17:15 26:20 hardship 40:12,18 43:24 havent 16:19 head 7:25 8:1 31:12 headquartered</p>	<p>10:25 heads 14:22 16:7 16:11 hearing 46:13 heavily 38:23 hed 8:4 help 21:11 41:7 47:22 helped 39:1 helpful 20:21 helping 47:21 heres 26:23,24 36:9 hes 7:18,18 22:20 41:2 hold 10:8 holdings 11:10 13:6 honestly 5:4 31:22 hour 2:23 house 15:6 27:13 27:15 33:12 hunter 20:18,22</p> <hr/> <p style="text-align: center;">I</p> <p>ice 38:21 39:15,21 id 3:12 8:3 26:5 idea 4:25 22:22 25:11,14 32:1,4 33:3 34:10 ii 4:4 ill 31:13 33:14 im 3:25 6:24 7:8 11:22 14:3,7 16:3 18:11,19 21:25 22:12,15 30:23 31:12 32:13 35:20 35:24 37:6,9,18 40:21 42:8,12,18 42:25 44:5 45:3 imagine 38:14 immigration 43:13 implementation 31:10 impressed 8:15 impression 29:4 45:9 inactive 8:19 inaudible 31:20 include 28:3 34:16 included 28:10</p>
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

34:22	issue 14:11 15:3,8 20:9 24:13 25:7 25:23 26:10,15,23 29:11,25 33:9,23 36:1,10 40:16 41:4,20,22 42:1 44:4	42:16,22 43:9 46:4 47:21	little 4:16,22 10:19 17:15	medium 20:5 24:10
including 37:16 47:2	issues 9:14 14:4 18:2 38:7 43:14	knowing 4:19	locally 47:7	meet 14:17 18:19
indication 26:7 45:25	italian 38:17	knowledge 11:2 14:21 46:23	lodged 23:21	meeting 20:22 39:17
individual 10:2 28:14	ive 2:17 4:1,6,8,21 5:4,9 10:20 11:1 12:6 25:9 26:18 46:23 47:3,16	known 35:23 47:7	logging 44:23	meetings 9:12 17:19,19 28:21 38:2,3 42:5
individuals 17:22	<hr/> J <hr/>	knows 3:20	long 7:23 17:5 20:13 23:5 37:1	meltdown 19:24
information 3:7 4:17 7:4 8:24 14:19,25 15:14,19 15:21 16:7,10,24 16:25 41:13 47:22	james 40:23	kohls 32:13	longer 44:15	member 13:21 28:14 29:5
informed 42:20 43:15	january 39:11	<hr/> L <hr/>	look 3:21 26:25 27:19	members 15:7 28:22 29:6 33:11 33:13 35:15 45:20
initial 2:18	jay 18:16 20:14 22:7,21	lac 2:23 47:5,10	looking 9:23	membertomember 26:9
initiated 18:4	job 42:12	lady 5:24	looseleafs 3:1	memo 26:17,24,25 27:16,23 34:8,17
integrity 4:20	john 4:3 8:18 37:16	lakes 37:12	losses 20:2	memorandum 27:7 34:5,22
intelligent 9:3	julie 1:19	land 45:9	lot 19:25 20:18 37:23 43:10 45:13 47:11	memos 28:18
interactions 24:8 37:25 44:25	june 33:11,16,21	land 45:9	lousy 21:9	mentioned 42:4
interacts 12:2	<hr/> K <hr/>	lands 44:24	ludington 37:13	merits 29:22
interest 11:19 26:16 27:18,25	keep 6:18	lardner 5:25	lunch 2:23	merrill 5:19
interested 4:6 10:6 11:10 19:2 21:2 38:19	kelner 1:11 2:5,21 5:11,13 15:18,25 16:2,4 23:23 24:6 25:15 28:20 34:13	large 19:23 47:9	lynch 5:19	met 46:23
interests 11:18	kevin 1:12 2:5 24:6 40:23 41:14,24	larger 37:22	<hr/> M <hr/>	michigan 7:19
internally 24:18	kid 3:12	largest 8:17	machine 47:9	middle 9:7
international 8:20	kimmitt 18:16 20:14	lately 47:12	machines 39:21	military 18:3 20:20 21:1,6,22,25 22:1 38:20
interview 1:4 48:1	kind 10:20 13:22 19:2 22:8 23:19 37:13	launch 37:15	making 3:6 4:7 14:6 17:2 21:3,20 39:13,15,21	militarys 21:17
invest 2:14 4:25 7:13	know 3:19,20 7:15 8:12 9:6,20 11:22 14:1,4,16 15:7 18:7 22:16 23:9 23:10,14,16 25:20 26:16 28:4,5,6,7 28:11,13 30:18,19 32:1,10,10,12,25 34:15,16,21,22 36:2 37:19 38:8 38:21 39:16,21	law 5:25	manage 2:13 4:14 12:13	milwaukee 5:25 6:3
investigative 1:9,10		layoffs 16:14	manager 7:17	minor 31:17
investing 5:1		leadership 8:15 14:18	manages 5:25	minutes 23:24
investment 3:6 7:21		learn 6:25 47:1	manitowoc 8:9,13 19:23 36:20,21,22 37:2,5,6,10,12,20 38:4,7 39:12,24 40:5,12 42:2 43:22,23,24 44:3	mmhmm 2:11 28:12 33:17
investments 19:19		learned 26:18	march 37:7	modern 8:20 9:4
investor 5:8 9:18 10:17 12:3,20		learning 4:7	marinette 38:18	money 4:1 7:13 10:5 33:25
investors 5:9		left 8:4,7,21	mary 21:15	monitor 6:12
invited 44:16		legend 8:18	maryland 45:11	morgan 1:10 2:2 16:23 24:4 27:4 35:25 36:3,7,13 44:3,7 47:23
involved 6:5,8 14:2 14:5 18:6,24 21:24 33:23 37:4 38:22,23 39:17,19 41:20		legendary 37:17	matter 22:14 43:3,6	moslin 17:10,11
involving 33:10 43:12		legislation 27:20	mckeon 26:10,12 27:11 31:7	motherinlaw 9:20
		legislative 28:23	mean 9:22 17:21 18:7,10 23:4,11 25:25 28:21 34:14	motor 2:19
		letter 25:7,8,12 28:7 31:5,9,11,21 32:2,6,16,18 33:1 33:4,7,12,15,15 33:18 34:7,23 41:15,19 42:7,19 42:23 43:7,15,18 45:15,20,23 46:2	means 9:25 45:16	moving 9:3 19:21
		letters 28:19 34:23 43:4,10		
		level 10:1,2		
		levin 45:16		
		lewis 47:8,9		
		lindsay 39:11		
		line 30:11		
		list 6:20 13:4		

N	37:25 43:4	overview 2:16	17:10 21:3	proposed 33:24
name 3:22 8:16	offset 22:8	owned 2:10 13:17	piece 8:24	39:18
named 7:16 8:6	oh 5:12 16:3 20:8	14:11 17:10 23:5	pierce 17:25	protest 20:10 23:21
38:6	35:19	36:4 38:17 40:4	plan 10:9,12	24:9 25:5 32:25
necessarily 43:14	okay 4:13 6:11 7:4	owner 7:12 8:17	plum 9:17 44:9	provide 2:9 13:18
need 22:7	8:1 9:17 10:13	14:15	plus 4:24	27:2 39:23
never 4:8 11:1	11:4 12:5 13:13	ownership 19:12	point 23:21 34:14	provided 15:19,21
15:17 16:24 46:23	14:4,13 16:1,14	28:9,17 30:22,25	46:15	15:24 23:15 25:17
47:16	16:22 22:11,17,19	46:4 47:12	policies 12:25	26:8 32:6 39:10
new 3:3,16	22:21 23:1,3	owning 11:11	13:10	40:3,11
news 13:8	24:23 25:4,11	owns 5:20	policy 12:12 25:22	providing 40:15
nice 47:24	26:2,7 28:7 29:17		35:6 46:8	provisions 45:19
non 14:18	30:8,13 31:3,20	P	political 29:21	public 14:19,25
notices 16:14	32:9,11,15,23	page 34:4	portfolio 2:13 4:14	purchase 7:10 8:10
notification 16:7	33:9,9 34:3,6,14	paragraph 27:22	6:13 7:9	8:25
nowadays 4:14	34:20 35:21 36:7	28:3	position 11:23	purchasing 19:5
number 24:13 27:5	36:13 38:11 39:10	pardon 6:7 30:3	20:24 26:24	put 5:16 47:21
31:18 38:1 41:17	40:7,25 41:3,6,15	parents 6:1	possible 3:7 12:7	
numerous 7:14	41:18,22 42:1,6,9	part 10:8 24:2	29:7 47:3	Q
	42:20 43:3 44:2,7	partial 20:17	possibly 13:15	quarterly 6:16
O	44:11 45:18,22	particular 6:5 8:24	post 6:18	question 12:9 15:19
obligation 11:8	47:19	15:8,9 40:5	potential 11:17	16:2 25:15 29:2,7
obviously 8:13 18:3	old 2:20 47:10,10	particularly 7:23	practice 15:13	46:5,10,10
33:21	omb 39:17	42:25	26:13	questions 7:4 12:18
occasion 38:15	once 4:8 18:25	partnering 38:23	present 1:8	31:17 32:15 34:13
44:20	open 30:7	parttime 38:5	president 8:7	44:8 47:20
occasionally 4:23	operate 11:15	party 37:14	press 6:17 10:22	quick 31:10
6:20 17:22	13:14 45:12	pension 10:3,4	15:10	quickly 15:5 19:3,6
occasions 7:14	operation 4:20 39:6	pentagon 20:16	pressure 20:19,24	quite 4:1 21:13
13:16,22,25 38:11	44:14,16	people 4:19,25 9:2	29:21	37:6,16
oce451 31:19	operations 14:20	9:6 12:6 16:20	pretty 11:12,16	
october 25:8	17:23 44:23	17:20 18:3 20:15	42:12	R
offering 2:18	organizations 9:4	20:20,23 21:1,19	previous 34:23	raise 46:9
office 2:2,24 11:6	38:3	22:15 26:19 37:16	prior 21:24 22:1,4	ran 17:9 37:8
11:20 12:1,4,7,12	organized 9:24	42:10 44:22	22:25 46:1	range 17:25
12:25 13:11,21	originate 25:14	performance 6:12	privy 14:18	ranking 33:12
16:17,21 18:5	originated 32:12	period 32:25	probably 3:10 7:20	reach 7:1
20:15 24:5,16	oshkosh 7:11,14	personal 11:18,23	8:4 26:1,14 39:20	reached 25:23
25:14,17 26:8	8:2,14,14,18 17:5	personally 12:4	45:12	35:25 45:25
28:16,20 30:1,6	17:9,16,18,20,23	16:19 22:6	problem 45:14	reaching 24:16,23
32:12,13 35:3	19:13 20:4 21:11	pet 31:18	procedures 22:2	25:2,19,20 40:1
38:12 39:12,23	21:18 22:3 23:6	petocele113 32:17	process 2:16 31:17	read 3:5 6:15,16
40:8,12,15 41:7	23:18 24:8,13,20	petocele1544 41:17	product 21:12	10:19,21
42:11,14 43:3	26:1 30:13 33:10	petocele5 27:5	professor 7:18	reading 4:18 41:19
44:17,20 45:2,8	35:2,8,11 38:4	petocele6956 45:21	program 34:1	really 10:23 39:7
45:25 47:14	ousted 8:6	petri 1:4,11,12,13	prompted 25:20	42:3
offices 15:5 45:13	outside 37:6 38:17	2:4,5,11 24:6	28:3 33:1 34:16	reason 14:14 47:3
official 11:23	overall 19:18	phasing 39:13	46:4	reasons 9:5 19:11
officials 9:13 28:19	overthecounter 3:2	phonetic 2:25 6:3	properly 13:14	recall 22:10 23:22
				24:23 25:8,11,25

26:11 27:11,15 29:9,19 30:17,20 30:24 31:2,11,21 32:18 33:3,6,18 33:23 34:8 35:10 36:13,13 38:14 39:7,22 40:4,7,14 41:3,11,22 42:1,6 43:16,20 44:6 45:23 46:13 47:13	17:14 19:13 30:14 45:1 representing 4:25 reprogramming 33:24 republicans 15:4 request 12:16 40:13 43:25 requested 20:23 requests 12:13 14:6 19:7 23:6 35:3,7 35:15 36:4 38:13 39:3 45:4 47:14 required 36:6 resolved 36:10,11 respect 43:17 respected 7:17 respond 19:1,3,6 response 29:23 44:1 restroom 23:23 result 8:23 retired 7:19 retirement 5:22 10:9,12 reverse 29:21 review 32:5 33:6 reviewing 47:2 rid 5:7,8 right 5:13,14 29:2 30:6,14 36:18,23 46:15 road 21:7 rob 1:11 2:5 24:6 robert 25:7 rochester 3:17 roger 2:25 3:13 5:4 routinely 15:1 rule 11:11 18:19 39:13,18 rules 11:4,17 12:8 14:6 29:20 31:4 36:6 46:8 run 7:22,23 10:23 running 4:19,20 8:8 44:21	saying 20:24 25:15 36:8 says 9:20 27:25 scott 1:9 2:1 15:18 24:4 second 31:9 secretary 25:7 28:8 29:10,18,19 30:16 31:5,7,9 32:16 33:1 34:24,24 secretarys 29:23 security 43:13 see 6:21,21 21:16 27:2 44:23 seeking 23:19 40:18 43:16 seen 25:9 sell 2:15 4:15 5:6 6:5,8 15:15 selling 3:18 seminars 12:23 senate 13:21 senator 32:13 senators 15:6 send 6:16 43:4,6 sending 32:2 43:17 sense 2:13 3:15 sensitive 12:7 sent 31:23 33:12 42:23 43:9,10 separate 28:14 september 25:6 40:10 services 33:13 set 4:4 6:1 9:12 18:17 21:21 32:15 seven 33:11 share 13:5 shared 40:8 shes 9:21 shipped 21:5 ships 39:20 short 7:22 shortly 25:5 shouldnt 35:14 show 31:13 41:15 45:15 sides 20:25 sign 42:10,11,14	46:3 signature 42:8,11 signed 42:21 45:16 45:20 46:17 signing 42:6 46:1 similar 8:12 28:8 32:15 simpler 26:21 sit 20:21 22:23 situations 29:8 sixth 45:11 size 45:10 small 4:1 smaller 5:9 smucker 10:21 snow 37:7 social 43:13 sold 39:6 somewhat 8:12 37:22 sorry 16:3 31:12 sort 3:7,8,8,11 4:11 8:6 9:22 special 37:14 specific 7:8 13:1 14:9 19:7 23:6,17 38:13,14 40:22 41:25 42:3,16 44:6 45:4 47:13 specifically 17:4,21 24:23 32:19 43:11 specifications 21:5 speculated 4:8 speed 26:22 spend 3:14 spent 2:23 staff 12:17,21 13:5 13:23 18:10 22:13 24:12 25:3,18 26:3 28:21,21,22 28:23,23 30:1,4,4 30:18 40:24 41:23 46:7 standards 19:2 start 2:12 17:8 started 8:22 state 45:10 statement 11:9 13:7	statements 35:24 step 24:21 steps 24:13,15,19 41:7 stevens 21:3,15 stick 21:22 29:20 stock 2:10,18 3:3 4:17,23 5:20 6:5 6:18 7:10,12 8:2 8:10,22 9:1,25 10:8 11:7,11,13 12:15 13:2,5,17 14:1,12 15:16 19:13 20:2 23:5 28:1,9,17 30:21 30:25 35:11,18,22 36:4 39:5 40:4 46:3 stockbrokers 2:24 stockowner 8:17 stocks 2:14,17 3:9 6:9,20 7:9 stood 37:6 stop 17:24 19:11 stories 6:22 strange 3:16 street 20:1 strict 19:5 stuart 21:3,15 stuff 5:7 21:3 23:4 subcommittees 33:14 subject 10:5 20:9 30:21 subjects 18:21 submit 35:3 submitting 35:7 subsequent 20:10 subsequently 24:12 substance 29:17 succeeded 8:5 successful 9:15 19:19 suggested 29:16 summer 3:14 summers 2:22 superior 21:12 support 2:8 45:5 supported 17:11
recalled 25:10 recess 24:1 recipients 34:7 recollection 35:12 40:22 41:20,25 42:3 recommendation 31:11,14 36:5 recommendations 31:16 recommended 31:14 record 2:1 16:5 27:1 31:19 records 8:3 referees 36:19 referred 13:20 refresh 41:19 regard 23:7 32:15 regarding 39:12 40:13,19 43:22,24 45:19 regional 41:16 42:7 regular 44:25 reit 9:25 relations 15:11 relationship 17:6 37:1 44:12 46:21 46:22 remember 8:4 25:16 30:12 36:7 44:19 report 26:5 reports 6:15,16,18 13:8 represent 4:24 37:5 representative 1:11 1:12 18:15 38:6 representatives	S sandra 45:16	signing 42:6 46:1 similar 8:12 28:8 32:15 simpler 26:21 sit 20:21 22:23 situations 29:8 sixth 45:11 size 45:10 small 4:1 smaller 5:9 smucker 10:21 snow 37:7 social 43:13 sold 39:6 somewhat 8:12 37:22 sorry 16:3 31:12 sort 3:7,8,8,11 4:11 8:6 9:22 special 37:14 specific 7:8 13:1 14:9 19:7 23:6,17 38:13,14 40:22 41:25 42:3,16 44:6 45:4 47:13 specifically 17:4,21 24:23 32:19 43:11 specifications 21:5 speculated 4:8 speed 26:22 spend 3:14 spent 2:23 staff 12:17,21 13:5 13:23 18:10 22:13 24:12 25:3,18 26:3 28:21,21,22 28:23,23 30:1,4,4 30:18 40:24 41:23 46:7 standards 19:2 start 2:12 17:8 started 8:22 state 45:10 statement 11:9 13:7	statements 35:24 step 24:21 steps 24:13,15,19 41:7 stevens 21:3,15 stick 21:22 29:20 stock 2:10,18 3:3 4:17,23 5:20 6:5 6:18 7:10,12 8:2 8:10,22 9:1,25 10:8 11:7,11,13 12:15 13:2,5,17 14:1,12 15:16 19:13 20:2 23:5 28:1,9,17 30:21 30:25 35:11,18,22 36:4 39:5 40:4 46:3 stockbrokers 2:24 stockowner 8:17 stocks 2:14,17 3:9 6:9,20 7:9 stood 37:6 stop 17:24 19:11 stories 6:22 strange 3:16 street 20:1 strict 19:5 stuart 21:3,15 stuff 5:7 21:3 23:4 subcommittees 33:14 subject 10:5 20:9 30:21 subjects 18:21 submit 35:3 submitting 35:7 subsequent 20:10 subsequently 24:12 substance 29:17 succeeded 8:5 successful 9:15 19:19 suggested 29:16 summer 3:14 summers 2:22 superior 21:12 support 2:8 45:5 supported 17:11	

supposed 11:22
39:9
sure 14:3 18:11
22:12,15 23:6,25
30:23,24 31:24
32:14 35:20,24
37:6,18 40:21
42:8 43:8 44:5
45:15
surmise 39:21
surprised 47:1
survive 20:1
systems 32:22

T

tactical 20:5 24:11
33:25
take 3:1 9:7 11:6,20
15:9 23:23 24:19
taken 2:8 24:1 25:1
33:25 37:15
talk 2:7 17:4 20:3
40:10
talked 11:1 16:19
22:12 30:19 46:24
talking 20:14 24:8
tax 10:5 45:19
taxed 9:25 10:1
telephone 29:9
tell 10:25 29:13
texas 20:19,22 22:8
22:23
thank 29:24 47:22
47:23
thanks 47:25
thats 3:18,25 4:11
5:15 10:10 12:11
14:1 39:8 42:8
43:10
theory 3:4
theres 3:16 5:19,21
5:24 8:8 11:11
15:2,11 29:2
36:23 42:16 45:20
45:25
theyre 11:14 13:5
19:10
theyve 18:1 29:22
thing 4:10 9:22

10:7 15:18 20:12
26:23 29:2 36:19
37:10
things 3:4 6:19
9:11 14:10 26:19
28:15 37:19
think 2:17 3:11
4:21 5:6 7:17 8:4
8:15 9:8 10:10,14
12:6,22 13:19
14:6,8 15:11,20
15:24,25 16:6,13
16:17 17:11 18:16
18:24 19:9,10
20:13 21:24 25:15
25:22 27:2,17
29:15,24 31:2,17
35:14 36:17,18
37:9,10 38:20
39:1,7 40:23
42:22 44:14 45:9

thomas 1:4,13 2:4
2:11
thompson 1:19
thought 7:20 19:4
20:20 22:21
timber 9:17 44:10
45:19
time 2:7 8:21 20:13
26:11 30:12 35:6
37:8 38:8,8 40:5
43:1 47:20
times 3:18 14:18
18:8,9,13 38:1,9
told 3:13 9:21
tool 47:9
top 31:12
toro 39:1
totally 47:5
toured 38:1
trade 15:15 16:25
17:2
traded 11:14
training 12:17
13:11
transaction 7:6
transcribed 1:18
transformative
7:16

transformed 8:19
treated 47:16
tried 4:9,16 21:15
triggered 8:25
truck 7:14 17:18
21:11,18 22:3
35:11
trucks 9:9 18:25
19:3
true 43:10
trust 6:1
try 4:16 9:13 12:7
18:19 26:22 41:12
trying 5:6 6:24 9:7
13:14 36:18 37:9
47:3
tuesday 2:3
turned 7:21
two 3:9 44:9
tyler 22:18

U

unaware 47:6
underpricing 21:18
understand 36:12
understanding
11:4,8 21:2
unusually 21:13
upcoming 15:20
upstate 3:16
urged 29:19
urging 31:4,10
use 11:23
usually 6:5 10:4
19:10 30:9

V

vaguely 39:15
varies 18:14
variety 12:22
various 18:2 35:15
37:19 38:3
vary 18:23
vehicle 34:1
vehicles 20:5 24:11
view 9:5 44:23
46:16
visit 18:15 19:9
44:16
visited 7:14 44:20

visiting 4:18 18:20

W

wall 19:25
want 2:7 5:8 15:23
17:4 20:3 24:14
27:22 33:9,19
34:3 36:20 40:10
41:15 42:19 44:8
45:15 46:18
wanted 26:16 31:18
war 4:4
washington 6:17
17:24 18:16 38:5
wasnt 31:23 43:2
way 5:15,17 23:2
39:4
ways 45:16
website 6:22
wed 2:12 26:24
weekly 6:18
weigh 22:7
weird 28:13
wellrun 10:24
went 3:25 19:17
20:2 44:19
west 8:18 37:16
wettstein 44:17
weve 14:10 17:1
20:12 23:4
whats 11:4 34:14
wheeled 34:1
whos 6:5,8 8:7
11:10 18:14
wife 5:20
wifes 5:22 10:6,11
wisconsin 20:21
21:21 22:7,23
25:6 47:5,10
wise 4:7
witness 2:11,17,22
3:25 4:15 5:4,12
5:15 6:7,10,15 7:3
7:7,13,25 8:3,12
9:2,20 10:10,14
10:19 11:8,22
12:4,6,16,21 13:3
13:7,12,14,23
14:3,6,21 15:1,17
15:24 16:3,9,13
16:17 17:3,7,9,15
18:7,10,14,23
19:9,15,17 20:6,8
20:12 22:10,12,15
22:18,20,25 23:2
23:4,9,11,14,20
23:22 24:21 25:1
25:9,13,22,25
26:5,13 27:6,8,10
27:13,17,24 28:2
28:4,6,11,13,24
29:2,12,15,19,24
30:3,6,9,17,23
31:2,4,12,14,20
31:22,25 32:3,8
32:10,12,19,23
33:2,5,8,17,21
34:2,6,9,11,14,18
34:21 35:1,5,9,11
35:14,22 36:2,5
36:11,17,21,23,25
37:3,5 38:1,14
39:6,15,19,25
40:4,9,17,21,25
41:2,5,9,14,18,21
41:24 42:3,8,10
42:16,22,25 43:6
43:9,19,23 44:1,5
44:11,14 45:3,7,9
45:18,22,24 46:6
46:15,20,23 47:16
47:24
won 21:13
work 2:22 5:2 9:4
26:20 38:7,19
worked 22:13 41:1
working 20:12,15
22:4 23:4 38:25
43:12
works 5:15
world 4:4
worried 20:1
wouldnt 25:1 36:11
39:19 46:16
wow 2:21 3:24
36:24
wrong 7:22 34:11

X	3 19:17			
xerox 3:23,23	30 45:20			
Y	4			
yeah 15:25 16:9	5			
20:8 27:6,8,10,24	6			
28:2 37:1 41:2	7			
46:20	8			
year 18:8,9,13	79 17:7 37:3			
35:16 38:9	8			
years 2:20 7:15	8 41:16			
12:24 14:10 15:13	9			
17:10 18:2 19:20	9 25:8			
22:5 23:2 26:18				
35:5 37:18 39:6				
york 3:3,16				
youd 12:21 13:23				
14:7 16:18 23:14				
23:14 29:15 32:3				
35:1 41:14				
youre 6:13 12:2,19				
18:6 27:21 47:15				
youve 2:8 14:16				
16:24				
Z				
0				
000 3:9				
1				
1 24:2				
10 3:9 33:16,21				
101 43:13				
15 19:17				
19 48 2:19				
19 78 17:7				
2				
200 3:18				
2007 39:11				
2009 25:8 31:8				
2010 32:17				
2012 40:10				
2013 33:11,16,21				
40:11 41:16 45:17				
2014 2:3				
27 2:3				
3				

EXHIBIT 5

TRANSCRIPT OF INTERVIEW OF OSHKOSH CORPORATION EXECUTIVE VICE PRESIDENT FOR GOVERNMENT OPERATIONS AND INDUSTRY RELATIONS

OFFICE OF CONGRESSIONAL ETHICS

REVIEW NO. 14-1891

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INTERVIEW OF

[REDACTED]

TRANSCRIPT OF

RECORDED PROCEEDINGS

May 29, 2014

BEFORE:

BRYSON MORGAN, OCE Investigator

NATE WRIGHT, OCE Investigator

APPEARANCES:

SCOTT THOMAS, Attorney for Mr. [REDACTED]

AIMEE GHOSH, Attorney for Mr. [REDACTED]

Transcribed by:

BETH RADABAUGH, CSR, RPR

1 MR. MORGAN: All right. For the
2 record, this is Bryson Morgan with the Office of
3 Congressional Ethics, joined by Nathan Wright
4 with the OCE as well, and we are here with
5 [REDACTED] of Oshkosh Corporation, who is
6 represented by his attorney, Scott Thomas and
7 Aimee --

8 MS. GHOSH: Ghosh.

9 MR. MORGAN: -- Ghosh. It's
10 May 29th, 2014.

11 [REDACTED], we would like to start
12 off with just getting some background
13 information about you.

14 How long have you been with the
15 Oshkosh Corporation?

16 WITNESS: I joined Oshkosh in
17 May of 2001. And, for the record, my full name
18 is [REDACTED], middle initial [REDACTED], last name [REDACTED],
19 [REDACTED]. My nickname is [REDACTED].

20 MR. MORGAN: Okay. What is your
21 current position with Oshkosh Corporation?

22 WITNESS: I'm Executive Vice
23 President, Government Operations, Industry
24 Relations.

25 MR. MORGAN: Okay. What are your --

1 well, let's say how long have you been in that
2 current position?

3 WITNESS: I have been an
4 executive vice president with the company for I
5 believe five years. Before that I was senior
6 vice president. Before that I was a
7 vice president, and when I was hired in 2001, my
8 initial title was assistant vice president.

9 MR. MORGAN: Okay. What are your
10 duties in your current position?

11 WITNESS: The primary duties in
12 my current position is advise the executive
13 operating team, including our four business
14 units' presidents on all government relations
15 matters both domestically and internationally.

16 MR. MORGAN: And when you say
17 domestically, do you mean federal and state?

18 WITNESS: Primarily federal, but
19 we certainly do state level also.

20 MR. MORGAN: Okay. So in that
21 capacity are you registered as a federal
22 lobbyist?

23 WITNESS: I am not.

24 MR. MORGAN: You're not. Okay.

25 Are you registered as a state

1 lobbyist in any states?

2 WITNESS: I am not.

3 MR. MORGAN: Okay. Who else at
4 Oshkosh Corporation interacts with federal
5 elected officials?

6 WITNESS: I have two gentlemen
7 employed by me in my office. One gentleman's
8 name is Mark Meservey, M-e-s-e-r-v-e-y, and the
9 other is Lee Morris.

10 MR. MORGAN: Okay. What are their
11 titles?

12 WITNESS: Mark is a vice
13 president, Oshkosh Defense, and Lee is -- title
14 is -- I think he's a manager of government
15 relations.

16 MR. MORGAN: Okay. And they report
17 to you?

18 WITNESS: They do.

19 MR. MORGAN: Okay. What other
20 officials at Oshkosh also interact with federal
21 officials? Does the president or CEO of the
22 company interact with federal officials on
23 occasion?

24 WITNESS: Yes.

25 MR. MORGAN: How would -- how would

1 you describe those occasions? Are those
2 frequent contacts?

3 WITNESS: I would say on a
4 quarterly basis my CEO comes in to Washington,
5 D.C. and I arrange for meetings with federal
6 officials as necessary.

7 MR. WRIGHT: Are those primarily
8 members of the legislative branch or the
9 executive branch?

10 WITNESS: Both.

11 MR. MORGAN: What about Mike Power?

12 WITNESS: Mike Power used -- I
13 hired Mike in my office and Mike worked for me
14 for about -- now you're going to stretch my
15 recollection of dates, but I would say Mike was
16 in my office for about two years, two and a half
17 years, and then he had an opportunity for a
18 promotion to move up to Wisconsin initially with
19 our Pierce manufacturing division, our fire and
20 emergency division, and then most recently he
21 was promoted and moved down to become the
22 assistant general counsel for our defense
23 business unit.

24 MR. MORGAN: Okay. Are there any
25 other persons at Oshkosh that have regular

1 contacts with federal officials?

2 WITNESS: We have a policy in
3 the -- well, let me say my pol -- the policy
4 that I've established within the company that is
5 pretty tightly maintained, that anyone who wants
6 to have a contact with a legislative official or
7 staff, they will coordinate that through my
8 office. I am notified of any high-level
9 administrative meeting let's say at the
10 assistant secretary or above level. We have
11 certainly federal officials at programatic level
12 activities, program managers for Army program
13 management for truck activities that's both
14 uniform and civilian that my defense units deal
15 with on a daily basis. Those contacts I have no
16 dealings with.

17 MR. MORGAN: Okay. Well, does the
18 company use any outside consultants for
19 government affairs?

20 WITNESS: We do.

21 MR. MORGAN: Okay. On the federal
22 side who are the consultants you use?

23 WITNESS: Currently I have three
24 firms that I engage. One is Jeff Green &
25 Associates.

1 MR. MORGAN: Okay.

2 WITNESS: I've got another one
3 that just changed their name. It used to be
4 Denny Miller & Associates and now they're
5 with -- who's -- who's --

6 MR. MORGAN: Is this Will Stone?

7 WITNESS: Will Stone, yeah. He's
8 now with a new firm.

9 MR. THOMAS: Is it okay if he
10 consults his phone to get the answer?

11 MR. MORGAN: It is. I'll tell you.
12 Could it be Jefferson Consulting Group?

13 WITNESS: That's it, Jefferson
14 Consulting Group. There you go.

15 MR. MORGAN: Okay.

16 WITNESS: And the only other one
17 is a gentleman named John Young, and those are
18 the only three outside consultants that I have
19 control over.

20 MR. MORGAN: Okay.

21 WITNESS: Now, the company
22 further engages the Cohen Group, but that is not
23 for legislative activities. That is strictly
24 business-related advice and counsel plus
25 international business development.

1 MR. MORGAN: Okay. Cohen, C-o-h-e-n?

2 WITNESS: Yeah. Former Secretary

3 Cohen.

4 MR. MORGAN: What -- generally
5 speaking, what subjects do you discuss with
6 members of congress in your interactions with
7 them?

8 WITNESS: The primary -- well,
9 the vast majority of the time that we spend
10 dealing with members of congress and staff deals
11 with the annual authorization appropriations
12 process for the defense department. Also the
13 tran -- the not so annual, but the
14 transportation bill that may or may not occur.

15 Those are the two primary recurring
16 pieces of legislation. Homeland Security, the
17 bill is also of interest to us.

18 MR. MORGAN: And your means of
19 communicating with members of congress, is it
20 primarily via in-person meeting, phone call or
21 e-mail?

22 WITNESS: I would say 95 percent
23 of our conversations deal with not members of
24 congress, but staff, personal and professional
25 staff.

1 MR. MORGAN: Okay. And is that --
2 would that be typically via e-mail or phone call
3 or meeting?

4 WITNESS: I would say typically
5 phone calls, e-mails and meetings. I would say
6 almost -- half I would say personal meetings and
7 the rest e-mails and phone calls.

8 MR. MORGAN: Okay. Now, I want to
9 ask you some more general questions about your
10 interactions with Representative Petri's office.

11 WITNESS: Okay.

12 MR. MORGAN: How often do you -- do
13 you or that you are aware of representatives of
14 Oshkosh Corporation have interactions with his
15 congressional office?

16 WITNESS: Well, it depends on the
17 time period you're talking about, but I would
18 say once a quarter maybe, dependent upon the
19 level of activity and what's going on. I might
20 have two or three conversations with Petri's
21 chief of staff in a one-week period and I may
22 not speak to her for six months.

23 MR. MORGAN: Okay. Are you the
24 person with Oshkosh that primarily has contact
25 with Representative Petri's office?

1 WITNESS: I do most of the
2 communications at his chief of staff level. At
3 below the chief of staff level Mark Meservey,
4 Lee Morris or one of my outside consultants,
5 primarily Will Stone might have conversations
6 with staff or people below Debbie or with Debbie
7 even, with Debbie Gebhardt, who is his chief of
8 staff.

9 MR. MORGAN: And the subjects that
10 you communicate with Representative Petri's
11 office, are they in that same range,
12 appropriations, transportation, Homeland
13 Security?

14 WITNESS: Those would be all --
15 all subjects we'd have conversations with him
16 about.

17 MR. MORGAN: Any additional issues
18 you've talked to his office about that come to
19 your mind?

20 WITNESS: Not to my recollection.

21 MR. MORGAN: I want to get a sense of
22 how frequently you contact Representative
23 Petri's office as opposed to other congressional
24 offices.

25 I know that, you know, many companies

1 have a certain number of members that they work
2 closely with. Maybe that's ten, five, fifty, a
3 hundred, I don't know, but how frequently do you
4 interact with Congressman Petri's office
5 relative to other offices?

6 WITNESS: I would say it would
7 depend on the issue. Let's say on the defense
8 issues, there are other offices that I
9 communicate with significantly more.

10 On transportation issues Petri is --
11 since he is a senior member of the
12 Transportation Committee, we communicate with
13 him probably more than other members.

14 On Homeland Security issues less than
15 other members. It really is issue by issue,
16 significantly determined by what committee he
17 might sit on.

18 MR. MORGAN: Okay. Would you say
19 that Congressman Petri is the company's main
20 point of contact in congress?

21 WITNESS: No.

22 MR. MORGAN: Would you say he's one
23 of a handful of offices that are the main point
24 of contact?

25 WITNESS: He is one of the

1 Wisconsin delegation that we have a long-term
2 relationship with because you have to remember,
3 he is the congressman that represents the
4 district where our headquarters is.

5 MR. MORGAN: Um-hmm.

6 WITNESS: We have over 3,000
7 employees that work in his district and we have
8 a very large manufacturing operation there. So
9 yes, he is one, but we also have other locations
10 in Wisconsin, Minnesota. We have suppliers in
11 42 states. We have over 50 -- you know, over
12 2,500 suppliers.

13 So I would say that my relationship
14 with the Petri office is less than a number of
15 other Wisconsin members.

16 MR. MORGAN: Okay. Of that pool of
17 members that are main points of contact for the
18 company, are those members points of contact
19 primarily because of the company's activities in
20 the members' district?

21 WITNESS: The members that we try
22 to --

23 (Cell phone interruption.)

24 WITNESS: Sorry about that.

25 The members that I have developed

1 relationships with over the last 14 years I've
2 been with Oshkosh and the 18 years before that
3 are based primarily on programatic type
4 importance to us. So the most important members
5 to me are the members who sit on the
6 subcommittees of defense on both the house and
7 senate Appropriations Committees and the house
8 and senate Armed Services Committees. Also
9 members on the Transportation Committees and
10 Homeland Security.

11 But our largest, shall we say,
12 federally funded portion of our company is our
13 defense business. We have four businesses.
14 Defense is certainly all federally funded. Our
15 other businesses have minor federal funding in
16 them or are impacted by federal spending like
17 the transportation bill.

18 Oshkosh Corporation owns McNeilus.
19 We're the largest producer of concrete trucks
20 and refuse trucks in the United States, Canada
21 and Mexico. So a large transportation bill
22 means more infrastructure, a lot more
23 construction, a lot more concrete and then we
24 have an opportunity that's good for our
25 business.

1 You have a fire grant program where
2 congress provides money for local fire companies
3 to train and equip people. So we are also the
4 number one producer of fire trucks and apparatus
5 in the United States under the brand name
6 Pierce. So that in a general sense if there is
7 a larger amount of federal appropriation for
8 companies to -- or for fire companies to buy
9 equipment, then that's good for our business
10 because then we can go and try to win that
11 business.

12 But our biggest piece of federal
13 funding every year is defense. So my strongest
14 relationships and the ones that we work on most
15 dearly are related to our defense business.

16 MR. MORGAN: Okay. In your
17 interactions with Representative Petri or his
18 staff, have you ever discussed Oshkosh's company
19 performance? I know that's a fairly broad --

20 WITNESS: That's a very broad --

21 MR. MORGAN: -- question. So I have
22 a few documents that I want to show you --

23 WITNESS: Sure.

24 MR. MORGAN: -- that will maybe jog
25 your memory here.

1 They're -- and I'll read these Bates
2 numbers here. This is PETOCE2011. It's an
3 e-mail. You're not included in this e-mail, but
4 it's Debbie Gebhardt e-mailing others saying she
5 had talked to you about some company layoffs.

6 WITNESS: Yes.

7 MR. MORGAN: Okay. There's
8 PETOCE5571. This appears to be an e-mail from
9 you to Debbie Gebhardt that she then forwarded
10 on to others, not including yourself, but
11 relaying the message that [REDACTED] said that
12 this, referring to a 1.05 billion delivery order
13 supply, would result in about 400 new hires at
14 Oshkosh, and the third document is PETOCE1832.
15 This appears to be an e-mail from
16 Debbie Gebhardt to you where she writes "Thanks
17 for sending me information about the production
18 success." It's on the second page there.

19 So I realize that I asked a broad --
20 a broad question. I'll give you some time to
21 take a look at those.

22 (Pause on the record.)

23 WITNESS: Okay. Which one do you
24 want to start with?

25 MR. MORGAN: What did -- well, let's

1 talk about the production success. Do you
2 recall what that reference would have been to?

3 WITNESS: Are we talking about
4 1831?

5 MR. MORGAN: I think it's that top --
6 I think it's on the second page of that.

7 (Pause on the record.)

8 WITNESS: Well, let me tell you
9 exactly what this issue is and I don't know why
10 the reference to production success.

11 MR. MORGAN: Um-hmm.

12 WITNESS: The issue is a local
13 issue. Given the number of trucks that we were
14 producing at the height of the conflicts in
15 Afghanistan and Iraq and also when we won the
16 contract for what's called the MRAP all-terrain
17 vehicle, we were producing close to 1,500 trucks
18 a month. We did not -- and even to this day we
19 do not have parking facilities for all the
20 trucks that we produce.

21 MR. MORGAN: Um-hmm.

22 WITNESS: So we are contiguous,
23 our manufacturing is contiguous with a local
24 airport and we have for years parked trucks that
25 have been produced, accepted by the Army and are

1 waiting shipping instructions by the Army, they
2 are stored on the airport grounds.

3 As you can reference the subject
4 again --

5 MR. MORGAN: Um-hmm.

6 WITNESS: -- it says truck
7 parking again.

8 MR. MORGAN: Right.

9 WITNESS: Every --

10 MR. MORGAN: It appears that there
11 was some controversy in the local community
12 about the parking issues?

13 WITNESS: Every once in a while
14 we get a -- Mr. Petri's office gets a call from
15 somebody who doesn't like all the trucks
16 blocking their view of the airport or whatever.

17 So this I believe chain -- my
18 recollection, this change -- this chain is only
19 about, you know, why do we have so many trucks
20 onboard, on the grounds and, you know, we're
21 going to do all we can to get them out as
22 quickly as we can.

23 MR. MORGAN: And so to the best of
24 your knowledge, obviously it wasn't your
25 statement, but Debbie Gebhardt's reference to

1 the production's success was Oshkosh's quickly
2 churning out vehicles that were then being
3 parked and creating the controversy?

4 WITNESS: I can't speculate what
5 was in her mind, why she said that.

6 MR. MORGAN: Okay. You didn't have
7 any separate conversation with her about the
8 production of the vehicles at that time?

9 WITNESS: No.

10 MR. MORGAN: Okay. The second e-mail
11 about potential layoffs --

12 WITNESS: Yeah.

13 MR. MORGAN: -- can you give us a
14 similar sort of context and explanation for
15 that?

16 WITNESS: Sure. As we -- as we
17 went up significantly in production -- and
18 possibly if we do this in sequence, your first
19 one from 2009 --

20 MR. MORGAN: So you want to do the
21 additional hires?

22 WITNESS: If that's all right.

23 MR. MORGAN: That's fine. If that
24 cuts to the context, that's fine.

25 WITNESS: Okay. In June of 2009

1 is when we were awarded a contract for
2 \$1 billion to produce the MRAP all-terrain
3 vehicle. We produced or put out -- you can see
4 a copy of the press release that we the company
5 did, which I attached to an e-mail and sent to
6 Debbie and said we expect that we will hire
7 probably -- this win we will hire about 400
8 additional people and it could go higher
9 depending on how many -- ultimately how many
10 vehicles they bought. The original contract was
11 for 5,000 vehicles. We ended up producing 8,600
12 vehicles.

13 So this was just notifying the local
14 congressmen. I also notified Senator Kohl and
15 Senator Johnson, at the time, the exact same
16 thing. This was a -- provided them our press
17 release and told them, shall we say, of the --
18 what is now public knowledge.

19 At the peak, was in the 2010, 2011
20 time frame, probably 2010 when we were producing
21 trucks for the Army, Marine Corps and the MATV,
22 but then the budget numbers started going the
23 other direction, and we have -- if I could show
24 you, I don't have it with me, but the number of
25 trucks per day we produced went down and has

1 come down significantly. I think we hit a high
2 of about 80 trucks a day. We are on our way
3 down right now to under 20 trucks a day now.

4 So since that height we have now
5 announced three different layoffs and in October
6 of '12 was another one of those decisions that
7 we notified our unionized and our white collar
8 work force that we had to have a layoff.

9 I always give affected members of
10 congress, whether it's Wisconsin or anyplace
11 that we have people -- we have manufacturing in
12 many states. I work with that local congressman
13 and that delegation that if we're having
14 significant personnel either pluses or minuses,
15 I always call them after the market closes on
16 the day before we go with a public announcement
17 of that so they are prepared for any press
18 inquiries they might have.

19 MR. MORGAN: Can you -- like with the
20 hires, you said you also notified Senators Cole
21 and Johnson. With regards to the layoff
22 announcements, can you think of any specific
23 other member offices that you also notified?

24 WITNESS: For this particular
25 case it would be those three because those are

1 the two senators and one member of congress who
2 are directly affected by it.

3 MR. MORGAN: Okay. And just to be
4 clear again, your methodology for notifying is
5 after the market closes but before the next --
6 before it becomes public information.

7 WITNESS: The day before it
8 becomes public information.

9 MR. MORGAN: Okay. Now, I want to --
10 well, can you think of any other similar
11 instances like these three we just went through
12 in which you would give Congressman Petri's
13 office a heads up of something affecting the
14 company or a non-public announcement the company
15 was going to make? Can you think of any other
16 instances?

17 WITNESS: With Mr. Petri or any
18 member?

19 MR. MORGAN: Well, let's start with
20 Mr. Petri.

21 WITNESS: There have -- as far as
22 contract awards, generally speaking when there
23 is a contract award, we don't find out about it
24 until there is public release by the Department
25 of Defense, and so there is no ability, shall we

1 say, to notify a member early. As a matter of
2 fact, I would suggest to you that the department
3 probably notifies members before they notify us
4 sometimes.

5 MR. MORGAN: I was just going to ask
6 about that.

7 WITNESS: But you'll have to --
8 but the Department of Defense, for example, puts
9 out contract award notifications on their
10 website every day I think around 4:30, 5:00. I
11 think around 5:00 is when they do it. You can
12 go to their website and you can see each award
13 that was made.

14 MR. WRIGHT: And have you ever asked
15 a member of congress to let you know when they
16 might find out about the award, if they did find
17 out about the award before it would be publicly
18 announced?

19 WITNESS: No. I've never known a
20 reason to ask somebody to tell me something
21 early.

22 MR. WRIGHT: Okay.

23 WITNESS: I mean what advantage
24 does that give us? We either won it or we
25 didn't win it.

1 MR. MORGAN: Well, what about asking
2 Congressman Petri's office for notifications of
3 other -- of other government actions like, for
4 example, a GAO report on a contract protest,
5 asking his office to give you a heads up on that
6 before it becomes publicly announced?

7 WITNESS: Well, my experience
8 both from the time I worked on the congressional
9 staff and since I've been with the company, I've
10 been through a number of, shall we say, GAO
11 protests on both sides of it and I would have to
12 say that the GAO does a very commendable job at
13 keeping things under wrap. It is one of those
14 things that I've never known anybody to find out
15 in any case what the GAO determination is before
16 it becomes publicly available.

17 MR. MORGAN: What about information
18 from other committees? I think we may get to
19 this a little bit later, but I think there
20 was -- I'll show you this.

21 (Pause on the record.)

22 MR. MORGAN: I'll give you a few
23 documents here. This is starting with
24 PETOCE2519. I'll give you time to look through
25 this.

1 And PETOCE3946.

2 (Pause on the record.)

3 MR. MORGAN: It appears that this has
4 to do with an MRAP contract that was awarded to
5 Oshkosh and --

6 MR. THOMAS: Now, these are just --
7 both of these documents? Is that what you're
8 referring to?

9 MR. MORGAN: Yes. The first one he's
10 holding there is an e-mail from you,
11 Mr. [REDACTED], to Debbie notifying her that -- it
12 says "We have a contract to sell the MRAP
13 all-terrain vehicle to UAE. As I mentioned,
14 this is not public information yet. So I must
15 ask you to not disclose publicly." Then you ask
16 "What I'm trying to determine is if the
17 committee has been informally notified about
18 this pending case and if so, may I make an
19 appointment with the right person to brief
20 them?"

21 WITNESS: Um-hmm.

22 MR. MORGAN: Could you give us some
23 context for this, what this informal
24 notification to the Foreign Affairs Committee
25 is, what that process is?

1 WITNESS: Yeah. The process is
2 that when you are making a foreign military
3 sale, the approval process includes approval by
4 the two Foreign Relations and Foreign Affairs
5 Committees, the house and the senate. It's a
6 very archaic system in many ways, but it first
7 has to go through defense and commerce and all
8 those people have to eventually agree that you
9 can do a case.

10 Now, this is already after we have
11 signed, shall we say, a potential sale with UAE.
12 Then you begin this whole process of approval.

13 MR. THOMAS: UAE?

14 WITNESS: United Arab Emirates.

15 Once the internal interagency work
16 is done, then State sends to the Foreign
17 Relations Committees and Foreign Affairs
18 Committees notification of pending sales of
19 military equipment and, as you can see, there's
20 a case number associated with this one.

21 MR. MORGAN: Um-hmm. Is that
22 notification also sent to Oshkosh?

23 WITNESS: No.

24 MR. MORGAN: No. Okay.

25 WITNESS: No. But there is, and

1 this has been argued between this administration
2 and previous administrations and the committees
3 about how long the notification process takes.
4 There is -- when I -- in here we -- informally
5 notified. If you understand that they
6 informally notify the committee that this case
7 for UAE or any other case is going to be sent to
8 the committee on a formal basis, the committee
9 staff wants to be informally notified so that
10 they can do a bunch of legwork on it and then
11 when the formal notification comes, then the
12 committee decides whether or not to approve it
13 or not.

14 So to be honest with you, this was
15 the first major defense case that my office had
16 handled. So we were back in July of 2012 sort
17 of learning the notification process for a
18 foreign military sales case. So what I was
19 asking Debbie in here was essentially can you
20 give me a contact with the Foreign Affairs
21 Committee to help so I can offer to come up
22 there and brief them on this case and any
23 questions they might have on it.

24 MR. MORGAN: Okay. And do you recall
25 what assistance Debbie or anyone else in

1 Congressman Petri's office did provide?

2 WITNESS: The primary was to tell
3 me who in the house we needed to talk to and
4 we -- and I -- she told us that the case had not
5 come -- if I remember correctly,
6 pre-notification or pre-clearance had not hit
7 the Hill yet.

8 In my view at the time I didn't want
9 to bother the people on the committee on the
10 case until the informal -- until the state had
11 sent up at least the pre-notification so that it
12 would be on their radar and if I remember right,
13 she helped me find the right person. She told
14 me that it had not -- according to what I read
15 here and recalling what she wrote, she said
16 we're checking on who handles it and then she
17 finally told me that they had -- Jamie McCormack
18 was the person who handled it. Probably Jamie
19 worked for the republicans in the house and then
20 she told me back here that the case hasn't come
21 up for pre-consultation yet.

22 MR. MORGAN: Okay.

23 WITNESS: So she was -- helped
24 educate me on the process.

25 MR. MORGAN: Did you ultimately have

1 any contacts or meeting with I think it was
2 Jaime McCormack?

3 WITNESS: Yes.

4 MR. MORGAN: Okay. Who attended that
5 meeting or was it -- what was the nature of
6 those communications? Was it e-mails, phone
7 calls or was it a meeting?

8 WITNESS: It was a meeting.

9 MR. MORGAN: Okay. And who was at
10 the meeting?

11 WITNESS: Best of my
12 recollection, I believe it was myself and
13 Mark Meservey.

14 MR. MORGAN: Was anyone from
15 Representative Petri's office there?

16 WITNESS: No.

17 MR. MORGAN: Did you provide
18 Representative Petri's office a status update
19 after the meeting or a debrief on the meeting?

20 WITNESS: Not to my recollection.
21 I may and I -- but I do not recall having any
22 communication with Petri's office after that
23 referencing the UAE case.

24 MR. MORGAN: Okay. And the -- this
25 contract award you mention here in this

1 e-mail, it's July 11th, that it is not public
2 information, do you happen to recall when that
3 contract award was publicly announced?

4 WITNESS: I do not recall.

5 MR. MORGAN: Do you recall if it
6 would have been days later, weeks later?

7 WITNESS: It would be weeks later
8 it looks like because we wouldn't publicly
9 announce it until we knew congress had approved
10 it. Once congress, you know, has signed off on
11 it, then there's actually a little more work to
12 do after that, but it's pretty -- it has to go
13 back to the State Department after congress
14 has -- or the committees have signed off, it has
15 to go back to state and the DSP5, which is the
16 license, is then issued. Once you have the
17 DSP5, then you essentially can feel good enough
18 to publicly announce that you have that
19 contract.

20 MR. MORGAN: Okay. Now, I want to
21 ask you some questions about your knowledge of
22 Representative Petri being a -- or owning stock
23 in Oshkosh Corporation.

24 Do you recall -- well, you are aware
25 right now that he owns and has owned stock in

1 the company?

2 WITNESS: I am.

3 MR. MORGAN: Do you recall when you
4 first became aware of that?

5 WITNESS: The first time I became
6 aware was actually in a phone call from
7 Debbie Gebhardt, his chief of staff, back in the
8 2008, 2009 time frame where she informed me that
9 the new house ethics rules had been passed and
10 published and that since Mr. Petri owned Oshkosh
11 stock, that he would not be able to be helpful
12 going forward without clearing anything he did
13 for us with the Ethics Committee.

14 MR. MORGAN: Okay.

15 WITNESS: That was the first time
16 I was aware that Mr. Petri owned stock.

17 MR. WRIGHT: And do you recall what
18 perhaps prompted her to reach out to you?

19 WITNESS: I can't speculate on
20 why she did other than what she said, and that
21 was the passage of the new ethics rules and his
22 ownership in the stock changed the relationship
23 and what he could do for us without approval of
24 the Ethics Committee.

25 MR. WRIGHT: Do you remember if that

1 was a time period when you had frequent contacts
2 with his office?

3 WITNESS: Again, the word
4 frequent is -- I would say there were ten to
5 fifteen other offices I had more frequent
6 contacts. I -- again, my contacts with Petri's
7 office were sporadic and sometimes long in
8 between, and long would mean a couple of months.
9 I don't believe I've spoken with Mr. Petri's
10 office now probably for two or three months.

11 MR. MORGAN: Have you personally had
12 any conversations with the congressman himself
13 about his stock --

14 WITNESS: No.

15 MR. MORGAN: -- in Oshkosh?

16 It didn't even ever come up in a
17 passing meeting with him?

18 WITNESS: Nope.

19 MR. MORGAN: Any discussions about
20 his stock ownership with other staff members
21 besides the chief of staff that you recall?

22 WITNESS: I -- no.

23 MR. MORGAN: Were there ever any
24 internal discussions in Oshkosh Corporation
25 about how his ownership of stock might affect

1 your interactions with his office?

2 WITNESS: I informed my boss at
3 the time, whose name was Robert Bohn, B-o-h-n,
4 who at the time was chairman and CEO of Oshkosh
5 Corporation. I was a direct report to him and I
6 informed him of the conversation.

7 MR. MORGAN: What was his reaction?
8 When you say you told him of the conversation,
9 you're referring to the conversation you had
10 with the chief of staff?

11 WITNESS: Yes.

12 MR. MORGAN: Okay. And what was
13 Mr. Bohn's reaction?

14 WITNESS: Okay.

15 MR. MORGAN: Was there any discussion
16 of no longer making requests of his office for
17 appropriations or --

18 WITNESS: No.

19 MR. MORGAN: -- anything along those
20 lines?

21 Okay. I know it is not your
22 obligation to deal with how members or their
23 offices may or may not handle nonpublic
24 information, but in providing, you know, this is
25 July 11, 2012, some nonpublic information to

1 Representative Petri's office about the company,
2 did that raise any red flags in your mind?

3 WITNESS: You're talking about
4 the UAE --

5 MR. MORGAN: Yeah.

6 WITNESS: -- order?

7 MR. MORGAN: Um-hmm.

8 WITNESS: It doesn't raise a red
9 flag as far as my belief that it would be
10 handled properly by Debbie in terms of the
11 information. I had -- we've had a long and good
12 relationship with Debbie Gebhardt and it is my
13 belief that she would handle that information as
14 nonpublic information. I never suspected her of
15 doing anything otherwise.

16 In retrospect given the training and
17 everything that I've had in the company as an
18 officer of the company, our ethical policies
19 that we have, the Oshkosh way, as we call it,
20 and the annual training that I go through as an
21 officer, I probably could have worded that
22 e-mail differently and come up with the same
23 result.

24 MR. MORGAN: What I mean to get at
25 here is were there any steps taken by Oshkosh,

1 once you found out that he held stock in the
2 company, to limit the interactions or limit the
3 information disclosed to his office?

4 WITNESS: Well, first of all, we
5 treat any outside person, whether they're a
6 shareholder or not, we get significant training
7 on what kind of information that we can pass to
8 anybody. Every year I have to take another
9 course on outside -- you know, insider --
10 trading outside information on disclosures.

11 So we have a regular process that we
12 use and as an officer of the company I have even
13 stronger responsibilities. So...

14 MR. WRIGHT: Is that what led to the
15 policy that Oshkosh wouldn't alert members about
16 changes in employees, layoffs or hires until
17 after the close of business the day before the
18 announcement would come out?

19 WITNESS: Oh, absolutely.
20 Absolutely. I mean that was meant to ensure
21 that very much like, you know, releasing our
22 earnings statement either after or before the
23 close of the market. There are certainly times
24 within our policies and the SEC's policies when
25 you can provide information and outside -- in

1 terms of -- I don't think it's covered by law,
2 but informing someone of a pending notification
3 of layoffs and the impact that it may have on
4 his district. I've done that not only to
5 Mr. Petri, but I've done the same thing to other
6 members, but it's always been after the market
7 has closed.

8 MR. WRIGHT: Did you ever have any
9 reason to believe that that type of information,
10 you know, nonpublic information might be being
11 used by Representative Petri or anyone in his
12 office to make trades?

13 WITNESS: No.

14 MR. WRIGHT: Did you have any
15 heightened concern about Representative Petri
16 being given that information as opposed to other
17 congressional offices?

18 WITNESS: No.

19 MR. WRIGHT: Okay. So would you say
20 that you treated him like other shareholders and
21 other members of congress in how you shared
22 information with his office?

23 WITNESS: Yes.

24 MR. MORGAN: I want to very quickly
25 ask you some questions about some assistance

1 that Representative Petri's office provided to
2 Oshkosh with regards to a contract award
3 regarding the family of medium tactical
4 vehicles. This would have been in 2009. I
5 believe the contract was awarded around August
6 of 2009 and there was some subsequent protest to
7 that award by BAE Systems and Navistar.

8 Do you recall how Representative
9 Petri's office became involved in that issue?

10 WITNESS: We communicated -- I
11 communicated to Debbie Gebhardt. After the
12 announcement that we had won the award, there
13 was obviously -- once that became public
14 knowledge, we were very excited about that. We
15 had worked very hard to win that award.

16 There was a short period of time
17 before the protest by BAE Systems and Navistar
18 was lodged with the GAO. I can't remember
19 exactly how many days it was afterwards, but
20 when it was lodged, not only did BAE Systems
21 begin the formal protest process, they began a
22 very significant public relations campaign and
23 going to many people on the Hill and other
24 places to try to argue their case outside the
25 GAO but with members of congress and in the

1 public sector.

2 They even had a -- Lexington
3 Institute. There is a gentleman over there who
4 is one of the members of the Lexington Institute
5 who writes on defense policy issues and
6 procurement issues and he wrote a fairly
7 scathing article about us winning the contract
8 and made some rather significant accusations,
9 and so they were going all out -- oh, by the
10 way, he failed to mention at the bottom of the
11 page that he was also a consultant to
12 BAE Systems, but that's neither here nor there.

13 So there was a lot of activity
14 starting up. So we decided that we were going
15 to try to even the playing field on the Hill on
16 the congressional side to hopefully prevent any
17 congressional influence being taken with the
18 Department of Defense or the GAO. So we decided
19 that we would try to get a delegation letter
20 sent to the Department of Defense to say let the
21 GAO work. Don't be -- don't do anything that
22 would stop this award, you know, to Oshkosh for
23 the F-MTV until the GAO makes their
24 recommendations, or their determination.

25 So we went to a number of members of

1 the congressional delegation and asked them to
2 sign a letter that I drafted. Mr. Petri was one
3 of those people.

4 MR. MORGAN: So this is a Wisconsin
5 delegation letter to the Secretary of Defense,
6 Robert Gates, is that --

7 WITNESS: I believe there was one
8 to Ash Carter, the Under Secretary of Defense for
9 Acquisition and was there also one to Secretary
10 Gates? I don't recall. I think there was.

11 MR. MORGAN: I believe there was.

12 WITNESS: Yeah.

13 MR. MORGAN: We have --

14 WITNESS: I would not be
15 surprised if I didn't cover both bases.

16 MR. MORGAN: I believe we have a --
17 this is PETOCE461. It appears to be a Wisconsin
18 delegation letter to Secretary Gates.

19 WITNESS: Right.

20 MR. MORGAN: PETOCE451. This is --
21 appears to be a letter to the Secretary of the
22 Army from the Wisconsin delegation.

23 WITNESS: Right.

24 MR. MORGAN: And then there's also
25 PETOCE113, which is a letter from -- just from

1 Representative Petri to the Secretary of the
2 Army. So...

3 With regards to the delegation letter
4 to the Secretary of Defense, you said you
5 drafted that letter?

6 WITNESS: It is my recollection
7 that I drafted most of this letter, yes.

8 MR. MORGAN: Was one congressional
9 office your point of contact for circulating the
10 letter?

11 WITNESS: On the house side I
12 believe it was Mr. Obey's office. It could have
13 been Mr. Petri. I cannot recall. On the senate
14 side it was Senator Kohl.

15 MR. MORGAN: Okay. Were you involved
16 in any discussions with any of those offices
17 about Ethics Committee guidance with regards to
18 the letter?

19 WITNESS: No.

20 MR. MORGAN: Okay. Do you recall
21 what the result of that letter was?

22 WITNESS: Well, if you believe,
23 as I do, that nobody in congress nor anybody in
24 the Department of Defense would do anything to
25 improperly influence the GAO's decision, and I

1 truly believe that, this was more of a publicity
2 thing than anything else to counteract and put
3 our, shall we say, views on what was going on
4 out there.

5 MR. MORGAN: Okay.

6 WITNESS: We put out a press
7 release I believe, if I'm not mistaken, which
8 was picked up, you know, by the military press.
9 So it was essentially our way of countering what
10 BAE Systems and Navistar were trying to do in
11 the public arena.

12 MR. MORGAN: Okay.

13 MR. WRIGHT: Did each of the members
14 put out the press release or did Oshkosh put out
15 the press release?

16 WITNESS: My recollection is we
17 put out a press release with some quotes from
18 both Senator Kohl and Congressman Petri in it.

19 MR. WRIGHT: Okay.

20 WITNESS: Again, this was -- this
21 was an active publicity campaign to counteract
22 what we believed was some very unfair attacks
23 and, shall we say, misinformation that was being
24 put out by BAE Systems and Navistar. At this --
25 did we think that Robert Gates was going to

1 write, you know, back and say no problem, we'll
2 take -- no. But this is kind of what you do.
3 This is the letter writing war.

4 MR. MORGAN: I see. Would that also
5 be the case with the delegation letter to the
6 Secretary of the Army?

7 WITNESS: Absolutely, yes.

8 MR. MORGAN: Do you recall if you
9 drafted that letter --

10 WITNESS: Yes, I recall drafting
11 this one, too.

12 Now, you have to look at the timing
13 on this one. December 22nd, 2009 the GAO has
14 already made its public determination.

15 MR. MORGAN: Um-hmm.

16 WITNESS: And there were a couple
17 of elements they said needed to be, well, fixed,
18 but the award should go to Oshkosh. This letter
19 basically asks Secretary McHugh to act quickly
20 to make those fixes and to move on with the
21 award.

22 MR. MORGAN: Okay. Do you recall who
23 your point persons were to circulate that
24 letter?

25 WITNESS: Again, I believe it was

1 Senator Kohl and I believe Dave Obey's office.
2 The reason I say that by this time
3 Will Stone was working as a consultant. Will
4 has -- was former chief of staff to Dave Obey.
5 Will did and continues to do a lot of my
6 Wisconsin lifting for me.

7 MR. MORGAN: Okay. And any
8 recollection of discussion of Ethics Committee
9 guidance or advice?

10 WITNESS: None.

11 MR. MORGAN: Okay. And the
12 Representative Petri letter to the Secretary of
13 the Army, do you recall who initiated that
14 effort?

15 (Pause on the record.)

16 WITNESS: This was a letter,
17 again, that I drafted. I haven't seen this
18 letter in a while. There was an attempt being
19 made by BAE System after the GAO ruled against
20 them and during the period -- this is
21 February 2010 now. BAE System was now trying to
22 go back and get what they called a bridge
23 contract.

24 By the time that the money ran out on
25 their contract, there would be a break in

1 production between when the final BAE System
2 truck came off the line and the first Oshkosh
3 truck came off the line. So BAE System was
4 trying to make the case, well, you need to give
5 us more money so that we have a tooth to tail
6 production.

7 This was being fought out
8 legislatively and the building -- legislatively
9 and the building. They were trying to get money
10 from congress to do that. This was a letter
11 that went to the Secretary of the Army and the
12 acting assistant Secretary for Technology,
13 Dean Poppo, just essentially saying, you know,
14 don't give them a bridge contract, there's no
15 need to.

16 MR. MORGAN: Do you recall any
17 discussions about Ethics Committee guidance with
18 regards to that letter?

19 WITNESS: No, I do not.

20 MR. MORGAN: Do you recall
21 Representative Petri reaching out to I think it
22 was then ranking member Buck McKeon on the Armed
23 Services Committee to talk about the protest,
24 the BAE Systems protest?

25 WITNESS: Would you say that

1 again, please.

2 MR. MORGAN: I think it was around
3 this same time period as the Wisconsin
4 delegation letter to the Secretary of Defense,
5 there was a --

6 WITNESS: While the GAO protest
7 was ongoing.

8 MR. MORGAN: There was outreach by
9 Representative Petri to Buck McKeon to discuss
10 that same issue. Do you recall that?

11 WITNESS: I have no recollection
12 of that.

13 MR. MORGAN: Okay. And there was
14 similar outreach from Representative Petri to
15 the Secretary of the Army around that time
16 period to discuss the protest. Do you recall
17 that?

18 WITNESS: I do not.

19 MR. WRIGHT: Do you remember Petri
20 ever having -- setting up a telephone
21 conversation with the Secretary of the Army in
22 December right around when the GAO report would
23 have come out?

24 WITNESS: I was not privy to
25 that, no.

1 MR. WRIGHT: Okay. If you were aware
2 of that, would you have written talking points
3 or something along those lines for Mr. Petri's
4 office to provide them for that call?

5 WITNESS: It would not be unusual
6 for a congressional office to ask for talking
7 points, but I do not have a recollection of
8 writing talking points or being aware of that
9 call, but it's five, six years ago now. So...

10 MR. MORGAN: Okay. I just want to
11 ask you some similar questions about what I
12 believe was a Department of Defense
13 reprogramming request to congress --

14 WITNESS: Um-hmm.

15 MR. MORGAN: -- in about October of
16 2 -- or actually June of 2013 with regards to
17 tactical-wheeled vehicles.

18 WITNESS: Yep.

19 MR. MORGAN: This is -- the letter
20 does not have a Bates number on it, but the
21 attached memo does, which is PETOCE46. You can
22 take a look at this, and I wondered if you could
23 just tell us the same sorts of things about this
24 letter, if you recall it, who initiated it.

25 WITNESS: Yes. I will presume

1 that you're familiar with the reprogramming
2 process within the appropriations process or --

3 MR. MORGAN: Generally.

4 WITNESS: Generally. All right.

5 Well, each year the Department of
6 Defense comes up with requests, formal requests
7 to the relevant four defense committees to move
8 money from one account to the other. They have
9 to ask the committees, the four committees
10 permission to move let's say \$10 million from
11 the Army procurement into Navy or whatever,
12 something like that.

13 There are restrictions on what they
14 call the low threshold reprogramming and above
15 threshold, and I'm getting a little bit too
16 detailed, but this was a large omnibus
17 reprogramming. In other words, it was multi
18 billions of dollars that was moving around by
19 the department from different accounts and in
20 there there was money that they were going to
21 take out of medium and heavy tactical-wheeled
22 vehicles, which we produce for the Marine Corps
23 and the Army.

24 Much like all companies who are
25 losers in the reprogramming battle or potential

1 losers in the reprogramming battle, you try to
2 convince one or more of the four committees to
3 disapprove the movement of that money. The
4 rules of the road are you only have to get one
5 committee of four to disapprove the movement of
6 that money.

7 So as you can see, it was addressed
8 to the two armed services chairmen and ranking
9 member, two appropriation chairmen and ranking
10 members. So this letter was a -- was a group of
11 members that had constituent interest in our
12 tactical-wheeled vehicle programs. They also in
13 many cases are members of the armed services or
14 appropriations committees or fairly senior. So
15 I instituted and asked if we could get members
16 to sign this denial of the reprogramming
17 request.

18 MR. MORGAN: Do you recall how you
19 became aware of the reprogramming request?

20 WITNESS: That comes up from the
21 Department of Defense and it is a public
22 document that comes up. The number of
23 FY13-109PA is a number of a reprogramming action
24 that comes up to the congress and within hours
25 it's public. You know, you'll find it on many,

1 shall we say, different defense publications,
2 websites. I mean it's -- as soon as it hits the
3 Hill, this stuff becomes public.

4 MR. MORGAN: Right. And the idea for
5 the letter, was that your idea?

6 WITNESS: That was my idea.

7 MR. MORGAN: And which office was
8 the -- was one congressional office the point
9 office for circulating that?

10 WITNESS: I would say probably
11 based on this -- looking at this, I would say
12 either re -- I would say probably Petri's office
13 was probably the lead on this, but we had
14 Ribble, Shuster.

15 Shuster is Chairman of
16 Transportation, but he's also on the house
17 Armed Services Committee plus his largest -- the
18 largest manufacturing facility in his district
19 is ours. So we have a very good relation with
20 him. Bridenstein, Duckworth, all these people.

21 So we were looking for any and all
22 members that would be willing to sign this.

23 MR. MORGAN: And you'll notice the
24 attached memo there is a, you know, a disclosure
25 by Representative Petri of his stock ownership.

1 WITNESS: Right.

2 MR. MORGAN: Do you recall having any
3 conversation with his office about the need for
4 that disclosure to be included?

5 WITNESS: Again, I go back to my
6 conversation in 2008, 2009 with Debbie and she
7 made it very clear to me that any and all
8 activities that she would take on our behalf,
9 she would have to run through the Ethics
10 Committee. So my belief was any and all that I
11 asked her that they ended up doing for us was
12 run through the Ethics Committee.

13 MR. MORGAN: But she didn't involve
14 you --

15 WITNESS: No.

16 MR. MORGAN: -- in that process?

17 WITNESS: No.

18 MR. MORGAN: Or even notify you that
19 Ethics said X, can't do X or can do Y?

20 WITNESS: No.

21 MR. MORGAN: Moving on now to
22 appropriations requests.

23 WITNESS: Yeah.

24 MR. MORGAN: It is our understanding
25 that there came a time somewhere around early

1 2007 with regards to fiscal year 2008 that
2 Representative Petri's office stopped making, at
3 least formally making appropriations requests
4 for Oshkosh. Is that -- does that jog your
5 memory? Does that sound familiar?

6 WITNESS: It would not surprise
7 me --

8 MR. MORGAN: Okay.

9 WITNESS: -- but it does not --
10 it doesn't jog any direct time or decision that
11 was announced to us that we're not going to do
12 it anymore.

13 MR. MORGAN: Okay. That wasn't a
14 part of the conversation you had with Debbie
15 about Ethics?

16 WITNESS: No. It was a fairly
17 short conversation with Debbie. It really was.

18 MR. MORGAN: So has the -- so prior
19 to that time period had Oshkosh made
20 appropriations requests of Congressman Petri?

21 WITNESS: I'm sure we did, yeah.

22 MR. MORGAN: And did he, in fact,
23 make those requests? Are you aware of any of
24 those? I'm not going to ask you about specific
25 items that were requested, but are you aware

1 that he did make requests on behalf of Oshkosh
2 prior to 2007?

3 WITNESS: I never had proof that
4 any requests that we made down to the committee
5 was made by Mr. Petri. I mean the committee
6 staff doesn't share who requests what.

7 MR. MORGAN: Okay.

8 WITNESS: Nor did I ever ask.

9 MR. MORGAN: So how was it -- what's
10 your -- what's your practice for requesting? Do
11 you request something through multiple
12 offices --

13 WITNESS: Yes.

14 MR. MORGAN: -- in the hopes that one
15 ultimately does submit it?

16 WITNESS: Yes.

17 MR. MORGAN: And so when you made
18 appropriations requests of Congressman Petri's
19 office, you would have also been making that
20 request through other offices?

21 WITNESS: Yes.

22 MR. MORGAN: Okay.

23 MR. WRIGHT: If one office notifies
24 you that they are, in fact, going to make the
25 request, would you then tell the other offices

1 that this request is being submitted through --

2 WITNESS: No. I mean the reality
3 of it is, you know, the more people that request
4 it -- I mean having been on the Appropriations
5 Committee for 18 years, I know how the process
6 works. So it's better to have as many people
7 requesting the same thing as you possibly can.

8 MR. MORGAN: But there wasn't any
9 point in which Representative Petri's office
10 came back to you and said we cannot make
11 requests on your behalf because the congressman
12 owns stock in the company?

13 WITNESS: It was clear to me in
14 my conversation with Debbie, again I think in
15 2008 when I first found out that he owned stock,
16 that they would not be able to do anything that
17 was not approved by Ethics --

18 MR. WRIGHT: Um-hmm.

19 WITNESS: -- in advance. So it
20 was -- it never stopped me from filling out a
21 form and sending it over. What they did with
22 it, whether they had gotten it approved by
23 Ethics or threw it in the trash can, I never
24 knew.

25 MR. WRIGHT: Okay.

1 MR. MORGAN: All right. Well, I want
2 to move on then to some assistance that
3 Representative Petri's office may have provided
4 with regard to tier-four engines and aviation
5 fire trucks --

6 WITNESS: Um-hmm.

7 MR. MORGAN: -- the FAA regulation of
8 those engines or something along those lines.
9 Does that sound familiar?

10 WITNESS: Yes.

11 MR. MORGAN: Do you recall reaching
12 out to Congressman Petri's office for assistance
13 with that issue?

14 WITNESS: Me personally, that's
15 not an issue that I had much interest in
16 personally and knowledge of. That was work by
17 Lee Morris in my office.

18 MR. MORGAN: Um-hmm.

19 WITNESS: It impacted our fire and
20 emergency business primarily.

21 MR. MORGAN: So that would have been
22 Pierce?

23 WITNESS: That would have been
24 Pierce and my recollection of the briefings I
25 got back from Lee and -- that this was something

1 that they were trying to do on a transportation
2 bill and they were working both the house and
3 the senate to get language included that covered
4 these two issues that would help us in our fire
5 and emergency business and, again, the best of
6 my recollection Lee Morris and Will Stone
7 probably took the lead on those issues.

8 MR. MORGAN: Okay. Do you
9 remember --

10 WITNESS: Ultimately we never got
11 it.

12 MR. MORGAN: You never got language?

13 WITNESS: Never got language.

14 MR. MORGAN: Do you recall if there
15 was a letter in 2013 sent from Congressman Petri
16 to the FAA regarding those engines? Do you
17 recall that letter?

18 WITNESS: I don't recall a
19 letter, no.

20 MR. MORGAN: Okay. Do you recall any
21 discussion of exempting the trucks from truck
22 weight limits? Does that jog --

23 WITNESS: Yes.

24 MR. MORGAN: -- your memory?

25 WITNESS: Yes.

1 MR. MORGAN: Do you remember how that
2 issue played out?

3 WITNESS: Well, we were
4 unsuccessful. The issue is given the federal
5 and some state weight limitations on certain
6 roads, when it was time to deliver a fire truck
7 to, you pick a place in the United States, it
8 was overweight and rather than the firemen
9 coming up, picking up the truck in Appleton,
10 Wisconsin and driving it home, they then had to
11 make the very expensive decision to have it
12 shipped by a -- essentially a lowboy and brought
13 and it was very expensive, very time consuming.

14 Our attempt to change the -- get the
15 exemption in the federal statute that would
16 allow weight limitations not apply to fire and
17 emergency vehicles, which would then allow folks
18 to pick up their trucks.

19 Now, quite honestly, would that
20 benefit Pierce Manufacturing or Oshkosh
21 Corporation in a single bit? No, because we
22 don't pay the transportation. The firehouse
23 does, but it's something that we felt important
24 to our customers, our customers were hoping to
25 try to get. So we took it on as an effort.

1 MR. MORGAN: Do you recall which
2 congressional offices the company worked with on
3 that effort?

4 WITNESS: I am certain that
5 Mr. Petri's office was contacted because he's on
6 the Transportation Committee, Mr. Shuster's
7 office because he was also on transportation and
8 also, you know, part of -- we have a major
9 operation in his district. I remember certainly
10 Senator Kohl being -- office being, but beyond
11 those three, this -- you know, I don't recall
12 who else.

13 MR. MORGAN: And do you recall what
14 assistance Representative Petri's office
15 provided?

16 WITNESS: I would have to defer
17 to Lee.

18 MR. MORGAN: To Lee. Okay.

19 The last issue I want to ask you
20 about is -- has to do with meetings that you may
21 have had with representatives from the Egyptian
22 government and those meetings were either
23 attended or facilitated by Representative Petri.

24 WITNESS: Um-hmm.

25 MR. MORGAN: It appears that there --

1 you may have been in one meeting around May of
2 2006. Do you recall that meeting?

3 WITNESS: Yes.

4 MR. MORGAN: What -- who were you
5 meeting with?

6 WITNESS: This was an Egyptian
7 delegation and Mr. Petri invited me to come up.
8 This delegation was coming in to his office to
9 talk to him. I don't recall exactly what
10 Mr. Petri's interest in Egypt is, but he has --
11 my recollection is he has specific interest in
12 Egypt and has good relationships with, you know,
13 Egyptian officials.

14 We also had contracts with Egypt and
15 had built trucks for Egypt and Egypt was also
16 building our truck in -- in their
17 Egyptian -- the old Egyptian M-1 tank facility.
18 So we had a relationship with Egypt.

19 He invited me up into his office when
20 this delegation came in and he introduced me as
21 a representative of Oshkosh Truck Corporation,
22 which our name at that time was, and I met all
23 of these folks. I couldn't tell you right now a
24 single name or a person or a position. I sat
25 there during their discussions and when they all

1 left, I shook their hands and smiled and off I
2 went.

3 MR. MORGAN: Do you recall what the
4 discussions were about?

5 WITNESS: It was eight years ago.
6 No, honestly I don't. I mean it was not
7 substantive. It was a lot of diplomatic
8 latitudes as I recall.

9 MR. MORGAN: There was no -- there
10 wasn't any discussion of Oshkosh's commercial
11 relationship with Egypt?

12 WITNESS: No.

13 MR. MORGAN: Okay.

14 WITNESS: No, not at all.

15 MR. MORGAN: Did that introduction to
16 those officials result in later communications,
17 contacts between you and those officials?

18 WITNESS: Absolutely not. I --
19 again, when I left the office, I'm not even sure
20 if I had who attended that. I just was -- I
21 think he was just trying to bring someone up to
22 meet these guys so he wouldn't have to meet them
23 alone.

24 MR. MORGAN: And he at that time
25 would have known that Oshkosh was doing business

1 with the government of Egypt?

2 WITNESS: It was public
3 knowledge, sure. It was...

4 MR. MORGAN: Was there a similar
5 meeting in 2008?

6 WITNESS: I recall I went to
7 another grip and grin, as I call it, with
8 Egyptian officials in his office with the same
9 explanation and result.

10 MR. MORGAN: And that was around
11 2008? Do you recall the time frame of that?

12 WITNESS: I don't.

13 MR. MORGAN: And any discussion of
14 Oshkosh's business with the Egyptian government
15 during that meeting?

16 WITNESS: None.

17 MR. MORGAN: Did that meeting result
18 in any follow-up communications between you and
19 those Egyptian officials?

20 WITNESS: It did not.

21 MR. MORGAN: Okay.

22 WITNESS: Our dealings with
23 Egypt -- Egypt has a procurement office here in
24 Washington, D.C. That's -- that's who you talk
25 with.

1 MR. MORGAN: Is Representative Petri
2 ever involved in the communications that the
3 company has with Egypt about its business with
4 the country?

5 WITNESS: Not to my recollection.
6 I've never...

7 MR. WRIGHT: Any other countries?

8 WITNESS: No.

9 MR. MORGAN: Do you have any...

10 I just want to make sure that we have
11 this clear for the record, which is after that
12 initial conversation with Debbie about Ethics,
13 running everything by Ethics, you don't recall
14 any specific instances in which you discussed
15 Ethics Committee advice or their guidance or
16 restrictions on Congressman Petri's activities
17 with her after that initial conversation?

18 WITNESS: (No audible response).

19 MR. MORGAN: Okay.

20 WITNESS: I don't recall any
21 specific conversations about that. I presumed
22 that they were sending stuff, as you saw in that
23 one thing, through Ethics.

24 MR. MORGAN: I think those are all
25 the questions I have. I don't know if, Nate,

1 you had any additional questions.

2 MR. WRIGHT: Just a couple of
3 clarifications.

4 WITNESS: Sure.

5 MR. WRIGHT: Has Representative Petri
6 ever declined a request that you've made to
7 Oshkosh that you can remember?

8 WITNESS: Declined a request.

9 MR. WRIGHT: Yeah. If you would ask
10 him for support writing a letter or anything
11 like that, that you can remember him saying --
12 declining for any reason?

13 WITNESS: Not to my recollection.

14 MR. WRIGHT: Okay. When the
15 president and CEO would make trips to
16 Washington, would Petri ever be on the list of
17 members that he would meet with?

18 WITNESS: Yes.

19 MR. WRIGHT: And would that be when
20 transportation-related issues were important to
21 Oshkosh or?

22 WITNESS: No. It would be based
23 upon when my old chairman and CEO was in town
24 and now my current CEO was in town, which is
25 generally on a quarterly basis. The Wisconsin

1 delegation meetings we do at least once a year,
2 but probably twice a year and it's just go in
3 and sit down and update them on, you know, any
4 issue that we're talking about.

5 The direct requests and legislative
6 activities and the things that we are trying to
7 accomplish doing, generally speaking my CEOs
8 don't get directly involved in that. Not that
9 it's, you know. There are times when I say,
10 okay, this meeting with this senator or this
11 meeting with this -- especially a chairman of a
12 committee or something like that, then I may
13 have he engage on a particular issue, but most
14 of the time it's -- well, certainly with the
15 Wisconsin delegation there was a more collegial
16 and just familiar briefing every time we went
17 in.

18 MR. WRIGHT: And I think I may have
19 gotten a little bit confused on this document
20 here. It's PETOCE2519.

21 WITNESS: Thank you.

22 MR. WRIGHT: If I remember correctly,
23 you had said that one of the reasons why you
24 might provide this information to Ms. Gebhardt,
25 even though it might still be weeks until the

1 contract would come out, was because you
2 understood that she wouldn't have, you know,
3 said anything publicly or done anything that
4 would have disrupted the contract; is that
5 correct?

6 WITNESS: That's correct.

7 MR. WRIGHT: That's what I was
8 remembering. I don't want to mischaracterize.

9 WITNESS: No, and in hindsight,
10 and this was a couple, three years ago, in
11 hindsight there was probably a better way to ask
12 that question than I did given my
13 responsibilities as an officer of the company
14 and concerns about disclosure of inside
15 information to non -- to, you know, people
16 outside the company now.

17 MR. WRIGHT: You did specifically ask
18 her in that to not disclose?

19 WITNESS: Correct.

20 MR. WRIGHT: Was that the company
21 policy if they were going to communicate with a
22 member of congress about something that may not
23 become public? I know you had mentioned before
24 that if an announcement about layoffs or hires
25 was going to come, you wouldn't communicate that

1 until the day before. If you needed to
2 communicate something in the future, you would
3 ask them to keep it private, confidential?

4 WITNESS: This is the only case
5 that I can recall -- and, again, in hindsight I
6 could have done a better job of explaining what
7 I was looking for without the information I
8 provided. This is the only one that I can ever
9 remember providing more than -- that potentially
10 could happen more than 24 hours later, in other
11 words, within a cycle. I have no recollection
12 of any other thing because I'm very careful
13 about that.

14 Probably my sloppiness on this was
15 based upon the fact that even though I say it's
16 not public information, there were very many
17 people who knew about our -- you know, that we
18 were working this contract about UAE. So maybe,
19 you know, I was a little bit sloppier than I
20 should, but, you know, this is -- was not a huge
21 contract that...

22 MR. WRIGHT: That's all the
23 questions.

24 MR. MORGAN: Well, like we said at
25 the beginning, you are not the subject of our

1 review. We are just gathering facts and if
2 there's anything else you'd like to add to the
3 record, feel free. Otherwise, I think we are
4 done with our questions.

5 MR. THOMAS: Could I just ask a
6 question or two about this?

7 MR. MORGAN: After the recording,
8 certainly.

9 MR. THOMAS: Okay.

10 (Recording ends.)

11 MR. MORGAN: Again, this is
12 Bryson Morgan and Nate Wright with the OCE here
13 with [REDACTED] just continuing our interview.

14 WITNESS: The question is on the
15 e-mail to Debbie Gebhardt referencing the
16 potential UAE contract and the DSP5 process and
17 the congressional approval process. Whereas I
18 did state that I probably could have worded that
19 e-mail in such a way that I did not have to
20 officially -- well, not officially. That I
21 didn't have to identify specifically a country
22 when asking for assistance on who on the Foreign
23 Relations Committee I needed to speak to, there
24 is a presumption in business that when you're
25 working within the governmental organizations

1 and operations, that there is a level of -- of
2 company proprietary information as being held as
3 such, and very much -- there were literally
4 hundreds of people in the U.S. government that
5 knew we were working this program; people in
6 commerce, people in defense, people in state,
7 people in the embassy and UAE. All their -- our
8 presumption on -- on -- is that government
9 officials will handle that information properly
10 and will not disclose nonpublic information.

11 MR. THOMAS: That's fine.

12 MR. MORGAN: All right?

13 MR. THOMAS: Thank you.

14 (The recording ends.)
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<p>ability 21:25 67:11 able 30:11 52:16 absolutely 34:19,20 41:7 58:18 accepted 16:25 accomplish 62:7 account 46:8 accounts 46:19 accurate 67:10 accusations 37:8 Acquisition 38:9 act 41:19 acting 43:12 action 47:23 67:14 actions 23:3 active 40:21 activities 6:12,13 7:23 12:19 49:8 60:16 62:6 activity 9:19 37:13 add 65:2 additional 10:17 18:21 19:8 61:1 addressed 47:7 administration 26:1 administrations 26:2 administrative 6:9 advance 52:19 advantage 22:23 advice 7:24 42:9 60:15 advise 3:12 affairs 6:19 24:24 25:4 25:17 26:20 affect 31:25 Afghanistan 16:15 ago 45:9 58:5 63:10 agree 25:8 Aimee 1:17 2:7 airport 16:24 17:2,16 alert 34:15 allow 55:16,17 all-terrain 16:16 19:2 24:13 amount 14:7 announce 29:9,18 announced 20:5 22:18 23:6 29:3 50:11 announcement 20:16 21:14 34:18 36:12 63:24 announcements 20:22 annual 8:11,13 33:20 answer 7:10 anybody 23:14 34:8 39:23 anymore 50:12 anyplace 20:10 apparatus 14:4 APPEARANCES 1:15 appears 15:8,15 17:10</p>	<p>24:3 38:17,21 56:25 Appleton 55:9 apply 55:16 appointment 24:19 appropriation 14:7 47:9 appropriations 8:11 10:12 13:7 32:17 46:2 47:14 49:22 50:3,20 51:18 52:4 approval 25:3,3,12 30:23 65:17 approve 26:12 approved 29:9 52:17 52:22 Arab 25:14 archaic 25:6 arena 40:11 argue 36:24 argued 26:1 armed 13:8 43:22 47:8 47:13 48:17 Army 6:12 16:25 17:1 19:21 38:22 39:2 41:6 42:13 43:11 44:15,21 46:11,23 arrange 5:5 article 37:7 Ash 38:8 asked 15:19 22:14 38:1 47:15 49:11 asking 23:1,5 26:19 65:22 asks 41:19 assistance 26:25 35:25 53:2,12 56:14 65:22 assistant 3:8 5:22 6:10 43:12 associated 25:20 Associates 6:25 7:4 attached 19:5 45:21 48:24 attacks 40:22 attempt 42:18 55:14 attended 28:4 56:23 58:20 attorney 1:16,17 2:6 audible 60:18 August 36:5 authorization 8:11 available 23:16 aviation 53:4 award 21:23 22:9,12,16 22:17 28:25 29:3 36:2,7,12,15 37:22 41:18,21 awarded 19:1 24:4 36:5 awards 21:22 aware 9:13 29:24 30:4 30:6,16 45:1,8 47:19 50:23,25</p>	<p>back 26:16 27:20 29:13 29:15 30:7 41:1 42:22 49:5 52:10 53:25 background 2:12 BAE 36:7,17,20 37:12 40:10,24 42:19,21 43:1,3,24 based 13:3 48:11 61:22 64:15 bases 38:15 basically 41:19 basis 5:4 6:15 26:8 61:25 Bates 15:1 45:20 battle 46:25 47:1 began 36:21 beginning 64:25 behalf 49:8 51:1 52:11 belief 33:9,13 49:10 believe 3:5 17:17 28:12 31:9 35:9 36:5 38:7 38:11,16 39:12,22 40:1,7 41:25 42:1 45:12 believed 40:22 benefit 55:20 best 17:23 28:11 54:5 67:11 BETH 1:22 67:7,21 better 52:6 63:11 64:6 beyond 56:10 biggest 14:12 bill 8:14,17 13:17,21 54:2 billion 15:12 19:2 billions 46:18 bit 23:19 46:15 55:21 62:19 64:19 blocking 17:16 blood 67:15 Bohn 32:3 Bohn's 32:13 boss 32:2 bother 27:9 bottom 37:10 bought 19:10 branch 5:8,9 brand 14:5 break 42:25 Bridenstein 48:20 bridge 42:22 43:14 brief 24:19 26:22 briefing 62:16 briefings 53:24 bring 58:21 broad 14:19,20 15:19 15:20 brought 55:12 Bryson 1:12 2:2 65:12</p>	<p>Buck 43:22 44:9 budget 19:22 building 43:8,9 57:16 built 57:15 bunch 26:10 business 3:13 5:23 7:25 13:13,25 14:9,11,15 34:17 53:20 54:5 58:25 59:14 60:3 65:24 businesses 13:13,15 business-related 7:24 buy 14:8 B-o-h-n 32:3</p> <hr/> <p>C 67:1,1 call 8:20 9:2 17:14 20:15 30:6 33:19 45:4,9 46:14 59:7 called 16:16 42:22 calls 9:5,7 28:7 campaign 36:22 40:21 Canada 13:20 capacity 3:21 careful 64:12 Carter 38:8 case 20:25 23:15 24:18 25:9,20 26:6,7,15,18 26:22 27:4,10,20 28:23 36:24 41:5 43:4 64:4 cases 47:13 Cell 12:23 CEO 4:21 5:4 32:4 61:15,23,24 CEOs 62:7 certain 11:1 55:5 56:4 certainly 3:19 6:11 13:14 34:23 56:9 62:14 65:8 Certified 67:7 certify 67:9,13 chain 17:17,18 chairman 32:4 48:15 61:23 62:11 chairmen 47:8,9 change 17:18 55:14 changed 7:3 30:22 changes 34:16 checking 27:16 chief 9:21 10:2,3,7 30:7 31:21 32:10 42:4 churning 18:2 circulate 41:23 circulating 39:9 48:9 civilian 6:14 clarifications 61:3 clear 21:4 49:7 52:13 60:11 clearing 30:12 close 16:17 34:17,23</p>	<p>closed 35:7 closely 11:2 closes 20:15 21:5 Cohen 7:22 8:1,3 Cole 20:20 collar 20:7 collegial 62:15 come 10:18 20:1 26:21 27:5,20 31:16 33:22 34:18 44:23 57:7 63:1,25 comes 5:4 26:11 46:6 47:20,22,24 coming 55:9 57:8 commendable 23:12 commerce 25:7 66:6 commercial 58:10 committee 11:12,16 24:17,24 26:6,8,8,12 26:21 27:9 30:13,24 39:17 42:8 43:17,23 47:5 48:17 49:10,12 51:4,5 52:5 56:6 60:15 62:12 65:23 committees 13:7,8,9 23:18 25:5,17,18 26:2 29:14 46:7,9,9 47:2 47:14 communicate 10:10 11:9,12 63:21,25 64:2 communicated 36:10 36:11 communicating 8:19 communication 28:22 communications 10:2 28:6 58:16 59:18 60:2 community 17:11 companies 10:25 14:2 14:8,8 46:24 company 3:4 4:22 6:4 6:18 7:21 12:18 13:12 14:18 15:5 19:4 21:14,14 23:9 30:1 33:1,17,18 34:2 34:12 52:12 56:2 60:3 63:13,16,20 66:2 company's 11:19 12:19 concern 35:15 concerns 63:14 concrete 13:19,23 confidential 64:3 conflicts 16:14 confused 62:19 congress 8:6,10,19,24 11:20 14:2 20:10 21:1 22:15 29:9,10,13 35:21 36:25 39:23 43:10 45:13 47:24 63:22 congressional 1:1 2:3 9:15 10:23 23:8</p>

<p>35:17 37:16,17 38:1 39:8 45:6 48:8 56:2 65:17</p> <p>congressman 11:4,19 12:3 20:12 21:12 23:2 27:1 31:12 40:18 50:20 51:18 52:11 53:12 54:15 60:16</p> <p>congressmen 19:14</p> <p>constituent 47:11</p> <p>construction 13:23</p> <p>consultant 37:11 42:3</p> <p>consultants 6:18,22 7:18 10:4</p> <p>Consulting 7:12,14</p> <p>consults 7:10</p> <p>consuming 55:13</p> <p>contact 6:6 9:24 10:22 11:20,24 12:17,18 26:20 39:9</p> <p>contacted 56:5</p> <p>contacts 5:2 6:1,15 28:1 31:1,6,6 58:17</p> <p>context 18:14,24 24:23</p> <p>contiguous 16:22,23</p> <p>continues 42:5</p> <p>continuing 65:13</p> <p>contract 16:16 19:1,10 21:22,23 22:9 23:4 24:4,12 28:25 29:3,19 36:2,5 37:7 42:23,25 43:14 63:1,4 64:18,21 65:16</p> <p>contracts 57:14</p> <p>control 7:19</p> <p>controversy 17:11 18:3</p> <p>conversation 18:7 32:6 32:8,9 44:21 49:3,6 50:14,17 52:14 60:12 60:17</p> <p>conversations 8:23 9:20 10:5,15 31:12 60:21</p> <p>convince 47:2</p> <p>coordinate 6:7</p> <p>copy 19:4</p> <p>Corporation 2:5,15,21 4:4 9:14 13:18 29:23 31:24 32:5 55:21 57:21</p> <p>Corps 19:21 46:22</p> <p>correct 63:5,6,19</p> <p>correctly 27:5 62:22</p> <p>counsel 5:22 7:24</p> <p>counteract 40:2,21</p> <p>countering 40:9</p> <p>countries 60:7</p> <p>country 60:4 65:21</p> <p>COUNTY 67:5</p> <p>couple 31:8 41:16 61:2 63:10</p>	<p>course 34:9</p> <p>cover 38:15</p> <p>covered 35:1 54:3</p> <p>creating 18:3</p> <p>CSR 1:22 67:21</p> <p>current 2:21 3:2,10,12 61:24</p> <p>Currently 6:23</p> <p>customers 55:24,24</p> <p>cuts 18:24</p> <p>cycle 64:11</p> <p>C-o-h-e-n 8:1</p> <hr/> <p style="text-align: center;">D</p> <hr/> <p>daily 6:15</p> <p>dates 5:15</p> <p>Dave 42:1,4</p> <p>day 16:18 19:25 20:2,3 20:16 21:7 22:10 34:17 64:1 67:18</p> <p>days 29:6 36:19</p> <p>deal 6:14 8:23 32:22</p> <p>dealing 8:10</p> <p>dealings 6:16 59:22</p> <p>deals 8:10</p> <p>Dean 43:13</p> <p>dearly 14:15</p> <p>Debbie 10:6,6,7 15:4,9 15:16 17:25 19:6 24:11 26:19,25 30:7 33:10,12 36:11 49:6 50:14,17 52:14 60:12 65:15</p> <p>debrief 28:19</p> <p>December 41:13 44:22</p> <p>decided 37:14,18</p> <p>decides 26:12</p> <p>decision 39:25 50:10 55:11</p> <p>decisions 20:6</p> <p>declined 61:6,8</p> <p>declining 61:12</p> <p>defense 4:13 5:22 6:14 8:12 11:7 13:6,13,14 14:13,15 21:25 22:8 25:7 26:15 37:5,18,20 38:5,8 39:4,24 44:4 45:12 46:6,7 47:21 48:1 66:6</p> <p>defer 56:16</p> <p>delegation 12:1 20:13 37:19 38:1,5,18,22 39:3 41:5 44:4 57:7,8 57:20 62:1,15</p> <p>deliver 55:6</p> <p>delivery 15:12</p> <p>denial 47:16</p> <p>Denny 7:4</p> <p>department 8:12 21:24 22:2,8 29:13 37:18,20 39:24 45:12 46:5,19 47:21</p>	<p>depend 11:7</p> <p>dependent 9:18</p> <p>depending 19:9</p> <p>depends 9:16</p> <p>describe 5:1</p> <p>detailed 46:16</p> <p>determination 23:15 37:24 41:14</p> <p>determine 24:16</p> <p>determined 11:16</p> <p>developed 12:25</p> <p>development 7:25</p> <p>different 20:5 46:19 48:1</p> <p>differently 33:22</p> <p>diplomatic 58:7</p> <p>direct 32:5 50:10 62:5</p> <p>direction 19:23</p> <p>directly 21:2 62:8</p> <p>disapprove 47:3,5</p> <p>disclose 24:15 63:18 66:10</p> <p>disclosed 34:3</p> <p>disclosure 48:24 49:4 63:14</p> <p>disclosures 34:10</p> <p>discuss 8:5 44:9,16</p> <p>discussed 14:18 60:14</p> <p>discussion 32:15 42:8 54:21 58:10 59:13</p> <p>discussions 31:19,24 39:16 43:17 57:25 58:4</p> <p>disrupted 63:4</p> <p>district 12:4,7,20 35:4 48:18 56:9</p> <p>division 5:19,20</p> <p>document 15:14 47:22 62:19</p> <p>documents 14:22 23:23 24:7</p> <p>doing 33:15 49:11 58:25 62:7</p> <p>dollars 46:18</p> <p>domestically 3:15,17</p> <p>drafted 38:2 39:5,7 41:9 42:17</p> <p>drafting 41:10</p> <p>driving 55:10</p> <p>DSP5 29:15,17 65:16</p> <p>Duckworth 48:20</p> <p>duties 3:10,11</p> <p>D.C 5:5 59:24</p> <hr/> <p style="text-align: center;">E</p> <hr/> <p>E 67:1,1</p> <p>early 22:1,21 49:25</p> <p>earnings 34:22</p> <p>educate 27:24</p> <p>effort 42:14 55:25 56:3</p> <p>Egypt 57:10,12,14,15 57:15,18 58:11 59:1</p>	<p>59:23,23 60:3</p> <p>Egyptian 56:21 57:6,13 57:17,17 59:8,14,19</p> <p>eight 58:5</p> <p>either 20:14 22:24 34:22 48:12 56:22</p> <p>elected 4:5</p> <p>elements 41:17</p> <p>embassy 66:7</p> <p>emergency 5:20 53:20 54:5 55:17</p> <p>Emirates 25:14</p> <p>employed 4:7</p> <p>employees 12:7 34:16</p> <p>ended 19:11 49:11</p> <p>ends 65:10 66:14</p> <p>engage 6:24 62:13</p> <p>engages 7:22</p> <p>engines 53:4,8 54:16</p> <p>ensure 34:20</p> <p>equip 14:3</p> <p>equipment 14:9 25:19</p> <p>especially 62:11</p> <p>essentially 26:19 29:17 40:9 43:13 55:12</p> <p>established 6:4</p> <p>ethical 33:18</p> <p>ethics 1:1 2:3 30:9,13 30:21,24 39:17 42:8 43:17 49:9,12,19 50:15 52:17,23 60:12 60:13,15,23</p> <p>eventually 25:8</p> <p>exact 19:15</p> <p>exactly 16:9 36:19 57:9</p> <p>example 22:8 23:4</p> <p>excited 36:14</p> <p>executive 2:22 3:4,12 5:9</p> <p>exempting 54:21</p> <p>exemption 55:15</p> <p>expect 19:6</p> <p>expensive 55:11,13</p> <p>experience 23:7</p> <p>explaining 64:6</p> <p>explanation 18:14 59:9</p> <p>e-mail 8:21 9:2 15:3,3,8 15:15 18:10 19:5 24:10 29:1 33:22 65:15,19</p> <p>e-mailing 15:4</p> <p>e-mails 9:5,7 28:6</p> <hr/> <p style="text-align: center;">F</p> <hr/> <p>F 67:1</p> <p>FAA 53:7 54:16</p> <p>facilitated 56:23</p> <p>facilities 16:19</p> <p>facility 48:18 57:17</p> <p>fact 22:2 50:22 51:24 64:15</p> <p>facts 65:1</p>	<p>failed 37:10</p> <p>fairly 14:19 37:6 47:14 50:16</p> <p>familiar 46:1 50:5 53:9 62:16</p> <p>family 36:3</p> <p>far 21:21 33:9</p> <p>February 42:21</p> <p>federal 3:17,18,21 4:4 4:20,22 5:5 6:1,11,21 13:15,16 14:7,12 55:4 55:15</p> <p>federally 13:12,14</p> <p>feel 29:17 65:3</p> <p>felt 55:23</p> <p>field 37:15</p> <p>fifteen 31:5</p> <p>fifty 11:2</p> <p>filling 52:20</p> <p>final 43:1</p> <p>finally 27:17</p> <p>find 21:23 22:16,16 23:14 27:13 47:25</p> <p>fine 18:23,24 66:11</p> <p>fire 5:19 14:1,2,4,8 53:5,19 54:4 55:6,16</p> <p>firehouse 55:22</p> <p>firemen 55:8</p> <p>firm 7:8</p> <p>firms 6:24</p> <p>first 18:18 24:9 25:6 26:15 30:4,5,15 34:4 43:2 52:15</p> <p>fiscal 50:1</p> <p>five 3:5 11:2 45:9</p> <p>fixed 41:17</p> <p>fixes 41:20</p> <p>flag 33:9</p> <p>flags 33:2</p> <p>folks 55:17 57:23</p> <p>follow-up 59:18</p> <p>force 20:8</p> <p>foreign 24:24 25:2,4,4 25:16,17 26:18,20 65:22</p> <p>form 52:21</p> <p>formal 26:8,11 36:21 46:6</p> <p>formally 50:3</p> <p>former 8:2 42:4</p> <p>forward 30:12</p> <p>forwarded 15:9</p> <p>fought 43:7</p> <p>found 34:1 52:15 four 3:13 13:13 46:7,9 47:2,5</p> <p>frame 19:20 30:8 59:11</p> <p>free 65:3</p> <p>frequent 5:2 31:1,4,5</p> <p>frequently 10:22 11:3</p> <p>full 2:17</p> <p>funded 13:12,14</p>
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<p>funding 13:15 14:13 further 7:22 67:13 future 64:2 FY13-109PA 47:23 F-MTV 37:23</p> <hr/> <p style="text-align: center;">G</p> <p>GAO 23:4,10,12,15 36:18,25 37:18,21,23 41:13 42:19 44:6,22 GAO's 39:25 Gates 38:6,10,18 40:25 gathering 65:1 Gebhardt 10:7 15:4,9 15:16 30:7 33:12 36:11 62:24 65:15 Gebhardt's 17:25 general 5:22 9:9 14:6 generally 8:4 21:22 46:3,4 61:25 62:7 gentleman 7:17 37:3 gentleman's 4:7 gentlemen 4:6 getting 2:12 46:15 Ghosh 1:17 2:8,8,9 give 15:20 18:13 20:9 21:12 22:24 23:5,22 23:24 24:22 26:20 43:4,14 given 16:13 33:16 35:16 55:4 63:12 go 7:14 14:10 19:8 20:16 22:12 25:7 29:12,15 33:20 41:18 42:22 49:5 62:2 going 5:14 9:19 17:21 19:22 21:15 22:5 26:7 30:12 36:23 37:9,14 40:3,25 46:20 50:11,24 51:24 63:21 63:25 good 13:24 14:9 29:17 33:11 48:19 57:12 gotten 52:22 62:19 government 2:23 3:14 4:14 6:19 23:3 56:22 59:1,14 66:4,8 governmental 65:25 grant 14:1 Green 6:24 grin 59:7 grip 59:7 grounds 17:2,20 group 7:12,14,22 47:10 guidance 39:17 42:9 43:17 60:15 guys 58:22</p> <hr/> <p style="text-align: center;">H</p> <p>H 1:6 2:18 half 5:16 9:6 hand 67:18</p>	<p>handful 11:23 handle 32:23 33:13 66:9 handled 26:16 27:18 33:10 handles 27:16 hands 58:1 happen 29:2 64:10 hard 36:15 headquarters 12:4 heads 21:13 23:5 heavy 46:21 height 16:14 20:4 heightened 35:15 held 34:1 66:2 67:12 help 26:21 54:4 helped 27:13,23 helpful 30:11 hereunto 67:17 high 20:1 higher 19:8 high-level 6:8 Hill 27:7 36:23 37:15 48:3 hindsight 63:9,11 64:5 hire 19:6,7 hired 3:7 5:13 hires 15:13 18:21 20:20 34:16 63:24 hit 20:1 27:6 hits 48:2 holding 24:10 home 55:10 Homeland 8:16 10:12 11:14 13:10 honest 26:14 honestly 55:19 58:6 hopefully 37:16 hopes 51:14 hoping 55:24 hours 47:24 64:10 house 13:6,7 25:5 27:3 27:19 30:9 39:11 48:16 54:2 huge 64:20 hundred 11:3 hundreds 66:4 HUNTERDON 67:5</p> <hr/> <p style="text-align: center;">I</p> <p>idea 48:4,5,6 identify 65:21 impact 35:3 impacted 13:16 53:19 importance 13:4 important 13:4 55:23 61:20 improperly 39:25 included 15:3 49:4 54:3 includes 25:3 including 3:13 15:10 Industry 2:23</p>	<p>influence 37:17 39:25 informal 24:23 27:10 informally 24:17 26:4 26:6,9 information 2:13 15:17 21:6,8 23:17 24:14 29:2 32:24,25 33:11 33:13,14 34:3,7,10,25 35:9,10,16,22 62:24 63:15 64:7,16 66:2,9 66:10 informed 30:8 32:2,6 informing 35:2 infrastructure 13:22 initial 2:18 3:8 60:12 60:17 initially 5:18 initiated 42:13 45:24 inquiries 20:18 inside 63:14 insider 34:9 instances 21:11,16 60:14 Institute 37:3,4 instituted 47:15 instructions 17:1 interact 4:20,22 11:4 interactions 8:6 9:10 9:14 14:17 32:1 34:2 interacts 4:4 interagency 25:15 interest 8:17 47:11 53:15 57:10,11 interested 67:16 internal 25:15 31:24 international 7:25 internationally 3:15 interruption 12:23 interview 1:5 65:13 introduced 57:20 introduction 58:15 Investigator 1:12,13 invited 57:7,19 involve 49:13 involved 36:9 39:15 60:2 62:8 in-person 8:20 Iraq 16:15 issue 11:7,15,15 16:9 16:12,13 36:9 44:10 53:13,15 55:2,4 56:19 62:4,13 issued 29:16 issues 10:17 11:8,10,14 17:12 37:5,6 54:4,7 61:20 items 50:25</p> <hr/> <p style="text-align: center;">J</p> <p>Jaime 28:2 Jamie 27:17,18 █ 1:6 2:5,19 15:11</p>	<p>65:13 Jeff 6:24 Jersey 7:12,13 67:3,9 job 23:12 64:6 jog 14:24 50:4,10 54:22 John 7:17 Johnson 19:15 20:21 joined 2:3,16 █ 1:6 2:18 July 26:16 29:1 32:25 June 18:25 45:16 67:18</p> <hr/> <p style="text-align: center;">K</p> <p>keep 64:3 keeping 23:13 █ 1:6,16,17 2:5 2:11,18 15:11 24:11 65:13 kind 34:7 41:2 knew 29:9 52:24 64:17 66:5 know 10:25,25 11:3 12:11 14:19 16:9 17:19,20 22:15 29:10 32:21,24 34:9,21 35:10 37:22 40:8 41:1 43:13 47:25 48:24 52:3,5 56:8,11 57:12 60:25 62:3,9 63:2,15,23 64:17,19 64:20 knowledge 17:24 19:18 29:21 36:14 53:16 59:3 known 22:19 23:14 58:25 Kohl 19:14 39:14 40:18 42:1 56:10 K-i-m-m-i-t-t 2:19</p> <hr/> <p style="text-align: center;">L</p> <p>language 54:3,12,13 large 12:8 13:21 46:16 larger 14:7 largest 13:11,19 48:17 48:18 latitudes 58:8 law 35:1 layoff 20:8,21 layoffs 15:5 18:11 20:5 34:16 35:3 63:24 lead 48:13 54:7 learning 26:17 led 34:14 Lee 4:9,13 10:4 53:17 53:25 54:6 56:17,18 left 58:1,19 legislation 8:16 legislative 5:8 6:6 7:23 62:5 legislatively 43:8,8</p>	<p>legwork 26:10 letter 37:19 38:2,5,18 38:21,25 39:3,5,7,10 39:18,21 41:3,5,9,18 41:24 42:12,16,18 43:10,18 44:4 45:19 45:24 47:10 48:5 54:15,17,19 61:10 let's 3:1 6:9 11:7 15:25 21:19 46:10 level 3:19 6:10,11 9:19 10:2,3 66:1 Lexington 37:2,4 license 29:16 67:22 lifting 42:6 limit 34:2,2 limitations 55:5,16 limits 54:22 line 43:2,3 lines 32:20 45:3 53:8 list 61:16 literally 66:3 little 23:19 29:11 46:15 62:19 64:19 lobbyist 3:22 4:1 local 14:2 16:12,23 17:11 19:13 20:12 locations 12:9 lodged 36:18,20 long 2:14 3:1 26:3 31:7 31:8 33:11 longer 32:16 long-term 12:1 look 15:21 23:24 41:12 45:22 looking 48:11,21 64:7 looks 29:8 losers 46:25 47:1 lot 13:22,23 37:13 42:5 58:7 low 46:14 lowboy 55:12</p> <hr/> <p style="text-align: center;">M</p> <p>main 11:19,23 12:17 maintained 6:5 major 26:15 56:8 majority 8:9 making 25:2 32:16 50:2,3 51:19 management 6:13 manager 4:14 managers 6:12 manufacturing 5:19 12:8 16:23 20:11 48:18 55:20 Marine 19:21 46:22 Mark 4:8,12 10:3 28:13 market 20:15 21:5 34:23 35:6 marriage 67:15 matter 22:1 67:16</p>
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<p>matters 3:15 MATV 19:21 McCormack 27:17 28:2 McHugh 41:19 McKeon 43:22 44:9 McNeilus 13:18 mean 3:17 22:23 31:8 33:24 34:20 48:2 51:5 52:2,4 58:6 means 8:18 13:22 meant 34:20 medium 36:3 46:21 meet 58:22,22 61:17 meeting 6:9 8:20 9:3 28:1,5,7,8,10,19,19 31:17 57:1,2,5 59:5 59:15,17 62:10,11 meetings 5:5 9:5,6 56:20,22 62:1 member 11:11 20:23 21:1,18 22:1,15 43:22 47:9 63:22 members 5:8 8:6,10,19 8:23 11:1,13,15 12:15 12:17,18,20,21,25 13:4,5,9 20:9 22:3 31:20 32:22 34:15 35:6,21 36:25 37:4,25 40:13 47:10,11,13,15 48:22 61:17 memo 45:21 48:24 memory 14:25 50:5 54:24 mention 28:25 37:10 mentioned 24:13 63:23 Meservy 4:8 10:3 28:13 message 15:11 met 57:22 methodology 21:4 Mexico 13:21 middle 2:18 Mike 5:11,12,13,13,15 military 25:2,19 26:18 40:8 Miller 7:4 million 46:10 mind 10:19 18:5 33:2 Minnesota 12:10 minor 13:15 minuses 20:14 mischaracterize 63:8 misinformation 40:23 mistaken 40:7 money 14:2 42:24 43:5 43:9 46:8,20 47:3,6 month 16:18 months 9:22 31:8,10 Morgan 1:12 2:1,2,9,20 2:25 3:9,16,20,24 4:3 4:10,16,19,25 5:11,24</p>	<p>6:17,21 7:1,6,11,15 7:20 8:1,4,18 9:1,8,12 9:23 10:9,17,21 11:18 11:22 12:5,16 14:16 14:21,24 15:7,25 16:5 16:11,21 17:5,8,10,23 18:6,10,13,20,23 20:19 21:3,9,19 22:5 23:1,17,22 24:3,9,22 25:21,24 26:24 27:22 27:25 28:4,9,14,17,24 29:5,20 30:3,14 31:11 31:15,19,23 32:7,12 32:15,19 33:5,7,24 35:24 38:4,11,13,16 38:20,24 39:8,15,20 40:5,12 41:4,8,15,22 42:7,11 43:16,20 44:2 44:8,13 45:10,15,19 46:3 47:18 48:4,7,23 49:2,13,16,18,21,24 50:8,13,18,22 51:7,9 51:14,17,22 52:8 53:1 53:7,11,18,21 54:8,12 54:14,20,24 55:1 56:1 56:13,18,25 57:4 58:3 58:9,13,15,24 59:4,10 59:13,17,21 60:1,9,19 60:24 64:24 65:7,11 65:12 66:12 Morris 4:9 10:4 53:17 54:6 move 5:18 41:20 46:7 46:10 53:2 moved 5:21 movement 47:3,5 moving 46:18 49:21 MRAP 16:16 19:2 24:4 24:12 multi 46:17 multiple 51:11 M-e-s-e-r-v-e-y 4:8 M-1 57:17</p> <hr/> <p style="text-align: center;">N</p> <p>name 2:17,18 4:8 7:3 14:5 32:3 57:22,24 named 7:17 Nate 1:13 60:25 65:12 Nathan 2:3 nature 28:5 Navistar 36:7,17 40:10 40:24 Navy 46:11 necessary 5:6 need 43:4,15 49:3 needed 27:3 41:17 64:1 65:23 neither 37:12 never 22:19 23:14 33:14 51:3 52:20,23 54:10,12,13 60:6</p>	<p>new 7:8 15:13 30:9,21 67:3,9 nickname 2:19 non 63:15 nonpublic 32:23,25 33:14 35:10 66:10 non-public 21:14 Nope 31:18 Notary 67:8 notice 48:23 notification 24:24 25:18,22 26:3,11,17 35:2 notifications 22:9 23:2 notified 6:8 19:14 20:7 20:20,23 24:17 26:5,9 notifies 22:3 51:23 notify 22:1,3 26:6 49:18 notifying 19:13 21:4 24:11 number 11:1 12:14 14:4 16:13 19:24 23:10 25:20 37:25 45:20 47:22,23 numbers 15:2 19:22</p> <hr/> <p style="text-align: center;">O</p> <p>Obey 42:4 Obey's 39:12 42:1 obligation 32:22 obviously 17:24 36:13 occasion 4:23 occasions 5:1 occur 8:14 OCE 1:12,13 2:4 65:12 October 20:5 45:15 offer 26:21 office 1:1 2:2 4:7 5:13 5:16 6:8 9:10,15,25 10:11,18,23 11:4 12:14 17:14 21:13 23:2,5 26:15 27:1 28:15,18,22 31:2,7,10 32:1,16 33:1 34:3 35:12,22 36:1,9 39:9 39:12 42:1 45:4,6 48:7,8,9,12 49:3 50:2 51:19,23 52:9 53:3,12 53:17 56:5,7,10,14 57:8,19 58:19 59:8,23 officer 33:18,21 34:12 63:13 offices 10:24 11:5,8,23 20:23 31:5 32:23 35:17 39:16 51:12,20 51:25 56:2 official 6:6 officially 65:20,20 officials 4:5,20,21,22 5:6 6:1,11 57:13 58:16,17 59:8,19 66:9</p>	<p>oh 34:19 37:9 okay 2:20,25 3:9,20,24 4:3,10,16,19 5:24 6:17,21 7:1,9,15,20 8:1 9:1,8,11,23 11:18 12:16 14:16 15:7,23 18:6,10,25 21:3,9 22:22 25:24 26:24 27:22 28:4,9,24 29:20 30:14 32:12,14,21 35:19 39:15,20 40:5 40:12,19 41:22 42:7 42:11 44:13 45:1,10 50:8,13 51:7,22 52:25 54:8,20 56:18 58:13 59:21 60:19 61:14 62:10 65:9 old 57:17 61:23 omnibus 46:16 onboard 17:20 once 9:18 17:13 25:15 29:10,16 34:1 36:13 62:1 ones 14:14 one-week 9:21 ongoing 44:7 operating 3:13 operation 12:8 56:9 operations 2:23 66:1 opportunity 5:17 13:24 opposed 10:23 35:16 order 15:12 33:6 organizations 65:25 original 19:10 Oshkosh 2:5,15,16,21 4:4,13,20 5:25 9:14 9:24 13:2,18 15:14 24:5 25:22 29:23 30:10 31:15,24 32:4 33:19,25 34:15 36:2 37:22 40:14 41:18 43:2 50:4,19 51:1 55:20 57:21 58:25 61:7,21 Oshkosh's 14:18 18:1 58:10 59:14 outcome 67:16 outreach 44:8,14 outside 6:18 7:18 10:4 34:5,9,10,25 36:24 63:16 overweight 55:8 owned 29:25 30:10,16 52:15 ownership 30:22 31:20 31:25 48:25 owning 29:22 owns 13:18 29:25 52:12</p> <hr/> <p style="text-align: center;">P</p> <p>page 15:18 16:6 37:11 parked 16:24 18:3</p>	<p>parking 16:19 17:7,12 part 50:14 56:8 particular 20:24 62:13 parties 67:14 pass 34:7 passage 30:21 passed 30:9 passing 31:17 Pause 15:22 16:7 23:21 24:2 42:15 pay 55:22 peak 19:19 pending 24:18 25:18 35:2 people 10:6 14:3 19:8 20:11 25:8 27:9 36:23 38:3 48:20 52:3,6 63:15 64:17 66:4,5,6,6,7 percent 8:22 performance 14:19 period 9:17,21 31:1 36:16 42:20 44:3,16 50:19 permission 46:10 person 9:24 24:19 27:13,18 34:5 57:24 personal 8:24 9:6 personally 31:11 53:14 53:16 personnel 20:14 persons 5:25 41:23 PETOCE113 38:25 PETOCE1832 15:14 PETOCE2011 15:2 PETOCE2519 23:24 62:20 PETOCE3946 24:1 PETOCE451 38:20 PETOCE46 45:21 PETOCE461 38:17 PETOCE5571 15:8 Petri 11:10,19 12:14 14:17 21:17,20 29:22 30:10,16 35:5,11,15 38:2 39:1,13 40:18 42:12 43:21 44:9,14 44:19 48:25 50:20 51:5 54:15 56:23 57:7 60:1 61:5,16 Petri's 9:10,20,25 10:10,23 11:4 17:14 21:12 23:2 27:1 28:15,18,22 31:6,9 33:1 36:1,9 45:3 48:12 50:2 51:18 52:9 53:3,12 56:5,14 57:10 60:16 phone 7:10 8:20 9:2,5,7 12:23 28:6 30:6 pick 55:7,18 picked 40:8</p>
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p>picking 55:9 piece 14:12 pieces 8:16 Pierce 5:19 14:6 53:22 53:24 55:20 place 55:7 places 36:24 played 55:2 playing 37:15 please 44:1 plus 7:24 48:17 pluses 20:14 point 11:20,23 39:9 41:23 48:8 52:9 points 12:17,18 45:2,7 45:8 pol 6:3 policies 33:18 34:24,24 policy 6:2,3 34:15 37:5 63:21 pool 12:16 Popps 43:13 portion 13:12 position 2:21 3:2,10,12 57:24 possibly 18:18 52:7 potential 18:11 25:11 46:25 65:16 potentially 64:9 Power 5:11,12 practice 51:10 prepared 20:17 president 2:23 3:4,6,7 3:8 4:13,21 61:15 presidents 3:14 press 19:4,16 20:17 40:6,8,14,15,17 presume 45:25 presumed 60:21 presumption 65:24 66:8 pretty 6:5 29:12 prevent 37:16 previous 26:2 pre-clearance 27:6 pre-consultation 27:21 pre-notification 27:6 27:11 primarily 3:18 5:7 8:20 9:24 10:5 12:19 13:3 53:20 primary 3:11 8:8,15 27:2 prior 50:18 51:2 private 64:3 privy 44:24 probably 11:13 19:7,20 22:3 27:18 31:10 33:21 48:10,12,13 54:7 62:2 63:11 64:14 65:18 problem 41:1</p>	<p>proceedings 1:6 67:12 process 8:12 24:25 25:1 25:3,12 26:3,17 27:24 34:11 36:21 46:2,2 49:16 52:5 65:16,17 procurement 37:6 46:11 59:23 produce 16:20 19:2 46:22 produced 16:25 19:3 19:25 producer 13:19 14:4 producing 16:14,17 19:11,20 production 15:17 16:1 16:10 18:8,17 43:1,6 production's 18:1 professional 8:24 program 6:12,12 14:1 66:5 programatic 6:11 13:3 programs 47:12 promoted 5:21 promotion 5:18 prompted 30:18 proof 51:3 properly 33:10 66:9 proprietary 66:2 protest 23:4 36:6,17,21 43:23,24 44:6,16 protests 23:11 provide 27:1 28:17 34:25 45:4 62:24 provided 19:16 36:1 53:3-56:15 64:8 provides 14:2 providing 32:24 64:9 public 19:18 20:16 21:6 21:8,24 24:14 29:1 36:13,22 37:1 40:11 41:14 47:21,25 48:3 59:2 63:23 64:16 67:8 publications 48:1 publicity 40:1,21 publicly 22:17 23:6,16 24:15 29:3,8,18 63:3 published 30:10 put 19:3 40:2,6,14,14 40:17,24 puts 22:8</p> <hr/> <p style="text-align: center;">Q</p> <p>quarter 9:18 quarterly 5:4 61:25 question 14:21 15:20 63:12 65:6,14 questions 9:9 26:23 29:21 35:25 45:11 60:25 61:1 64:23 65:4 quickly 17:22 18:1</p>	<p>35:24 41:19 quite 55:19 quotes 40:17</p> <hr/> <p style="text-align: center;">R</p> <p>R 67:1 RADABAUGH 1:22 67:7,21 radar 27:12 raise 33:2,8 ran 42:24 range 10:11 ranking 43:22 47:8,9 reach 30:18 reaching 43:21 53:11 reaction 32:7,13 read 15:1 27:14 reality 52:2 realize 15:19 really 11:15 50:17 reason 22:20 35:9 42:2 61:12 reasons 62:23 recall 16:2 26:24 28:21 29:2,4,5,24 30:3,17 31:21 36:8 38:10 39:13,20 41:8,10,22 42:13 43:16,20 44:10 44:16 45:24 47:18 49:2 53:11 54:14,17 54:18,20 56:1,11,13 57:2,9 58:3,8 59:6,11 60:13,20 64:5 recalling 27:15 recollection 5:15 10:20 17:18 28:12,20 39:6 40:16 42:8 44:11 45:7 53:24 54:6 57:11 60:5 61:13 64:11 recommendations 37:24 record 2:2,17 15:22 16:7 23:21 24:2 42:15 60:11 65:3 RECORDED 1:6 recording 65:7,10 66:14 recurring 8:15 red 33:2,8 reference 16:2,10 17:3 17:25 referencing 28:23 65:15 referring 15:12 24:8 32:9 refuse 13:20 regard 53:4 regarding 36:3 54:16 regards 20:21 36:2 39:3,17 43:18 45:16 50:1</p>	<p>registered 3:21,25 regular 5:25 34:11 regulation 53:7 related 14:15 67:14 relation 48:19 relations 2:24 3:14 4:15 25:4,17 36:22 65:23 relationship 12:2,13 30:22 33:12 57:18 58:11 relationships 13:1 14:14 57:12 relative 11:5 relaying 15:11 release 19:4,17 21:24 40:7,14,15,17 releasing 34:21 relevant 46:7 remember 12:2 27:5,12 30:25 36:18 44:19 54:9 55:1 56:9 61:7 61:11 62:22 64:9 remembering 63:8 report 4:16 23:4 32:5 44:22 Reporter 67:8 representative 9:10,25 10:10,22 14:17 28:15 28:18 29:22 33:1 35:11,15 36:1,8 39:1 42:12 43:21 44:9,14 48:25 50:2 52:9 53:3 56:14,23 57:21 60:1 61:5 representatives 9:13 56:21 represented 2:6 represents 12:3 reprogramming 45:13 46:1,14,17,25 47:1,16 47:19,23 republicans 27:19 request 45:13 47:17,19 51:11,20,25 52:1,3 61:6,8 requested 50:25 requesting 51:10 52:7 requests 32:16 46:6,6 49:22 50:3,20,23 51:1 51:4,6,18 52:11 62:5 response 60:18 responsibilities 34:13 63:13 rest 9:7 restrictions 46:13 60:16 result 15:13 33:23 39:21 58:16 59:9,17 retrospect 33:16 review 1:2 65:1 Ribble 48:14</p>	<p>right 2:1 17:8 18:22 20:3 24:19 27:12,13 29:25 38:19,23 44:22 46:4 48:4 49:1 53:1 57:23 66:12 road 47:4 roads 55:6 Robert 32:3 38:6 40:25 RPR 1:22 67:21 ruled 42:19 rules 30:9,21 47:4 run 49:9,12 running 60:13</p> <hr/> <p style="text-align: center;">S</p> <p>sale 25:3,11 sales 25:18 26:18 sat 57:24 saw 60:22 saying 15:4 43:13 61:11 says 17:6 24:12 scathing 37:7 Scott 1:16 2:6 second 15:18 16:6 18:10 secretary 6:10 8:2 38:5 38:8,9,18,21 39:1,4 41:6,19 42:12 43:11 43:12 44:4,15,21 sector 37:1 Security 8:16 10:13 11:14 13:10 SEC's 34:24 see 19:3 22:12 25:19 41:4 47:7 seen 42:17 sell 24:12 senate 13:7,8 25:5 39:13 54:3 senator 19:14,15 39:14 40:18 42:1 56:10 62:10 senators 20:20 21:1 sending 15:17 52:21 60:22 sends 25:16 senior 3:5 11:11 47:14 sense 10:21 14:6 sent 19:5 25:22 26:7 27:11 37:20 54:15 separate 18:7 sequence 18:18 services 13:8 43:23 47:8,13 48:17 set 67:18 setting 44:20 share 51:6 shared 35:21 shareholder 34:6 shareholders 35:20 shipped 55:12</p>
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p>shipping 17:1 shook 58:1 short 36:16 50:17 Shorthand 67:8 show 14:22 19:23 23:20 Shuster 48:14,15 Shuster's 56:6 side 6:22 37:16 39:11 39:14 sides 23:11 sign 38:2 47:16 48:22 signed 25:11 29:10,14 significant 20:14 34:6 36:22 37:8 significantly 11:9,16 18:17 20:1 similar 18:14 21:10 44:14 45:11 59:4 single 55:21 57:24 sit 11:17 13:5 62:3 six 9:22 45:9 sloppier 64:19 sloppiness 64:14 smiled 58:1 somebody 17:15 22:20 soon 48:2 Sorry 12:24 sort 18:14 26:16 sorts 45:23 sound 50:5 53:9 speak 9:22 65:23 speaking 8:5 21:22 62:7 specific 20:22 50:24 57:11 60:14,21 specifically 63:17 65:21 speculate 18:4 30:19 spend 8:9 spending 13:16 spoken 31:9 sporadic 31:7 ss 67:4 staff 6:7 8:10,24,25 9:21 10:2,3,6,8 14:18 23:9 26:9 30:7 31:20 31:21 32:10 42:4 51:6 start 2:11 15:24 21:19 started 19:22 starting 23:23 37:14 state 3:17,19,25 25:16 27:10 29:13,15 55:5 65:18 66:6 67:3,9 statement 17:25 34:22 states 4:1 12:11 13:20 14:5 20:12 55:7 status 28:18 statute 55:15 steps 33:25 stock 29:22,25 30:11,16 30:22 31:13,20,25 34:1 48:25 52:12,15</p>	<p>Stone 7:6,7 10:5 42:3 54:6 stop 37:22 stopped 50:2 52:20 stored 17:2 stretch 5:14 strictly 7:23 stronger 34:13 strongest 14:13 stuff 48:3 60:22 subcommittees 13:6 subject 17:3 64:25 subjects 8:5 10:9,15 submit 51:15 submitted 52:1 subsequent 36:6 substantive 58:7 success 15:18 16:1,10 18:1 suggest 22:2 suppliers 12:10,12 supply 15:13 support 61:10 sure 14:23 18:16 50:21 58:19 59:3 60:10 61:4 surprise 50:6 surprised 38:15 suspected 33:14 system 25:6 42:19,21 43:1,3 Systems 36:7,17,20 37:12 40:10,24 43:24</p> <hr/> <p style="text-align: center;">T</p> <p>T 67:1,1 tactical 36:3 tactical-wheeled 45:17 46:21 47:12 tail 43:5 take 15:21 34:8 41:2 45:22 46:21 49:8 taken 33:25 37:17 takes 26:3 talk 16:1 27:3 43:23 57:9 59:24 talked 10:18 15:5 talking 9:17 16:3 33:3 45:2,6,8 62:4 tank 57:17 tape-recorded 67:12 team 3:13 Technology 43:12 telephone 44:20 tell 7:11 16:8 22:20 27:2 45:23 51:25 57:23 ten 11:2 31:4 terms 33:10 35:1 Thank 62:21 66:13 Thanks 15:16 thing 19:16 35:5 40:2</p>	<p>52:7 60:23 64:12 things 23:13,14 45:23 62:6 think 4:14 16:5,6 20:1 20:22 21:10,15 22:10 22:11 23:18,19 28:1 35:1 38:10 40:25 43:21 44:2 52:14 58:21 60:24 62:18 65:3 third 15:14 Thomas 1:16 2:6 7:9 24:6 25:13 65:5,9 66:11,13 three 6:23 7:18 9:20 20:5,25 21:11 31:10 56:11 63:10 threshold 46:14,15 threw 52:23 tier-four 53:4 tightly 6:5 time 8:9 9:17 15:20 18:8 19:15,20 23:8,24 27:8 30:5,8,15 31:1 32:3,4 36:16 42:2,24 44:3,15 49:25 50:10 50:19 55:6,13 57:22 58:24 59:11 62:14,16 times 34:23 62:9 timing 41:12 title 3:8 4:13 titles 4:11 told 19:17 27:4,13,17 27:20 32:8 tooth 43:5 top 16:5 town 61:23,24 trades 35:12 trading 34:10 train 14:3 training 33:16,20 34:6 tran 8:13 Transcribed 1:21 TRANSCRIPT 1:5 transcription 67:11 transportation 8:14 10:12 11:10,12 13:9 13:17,21 48:16 54:1 55:22 56:6,7 transportation-related 61:20 trash 52:23 treat 34:5 treated 35:20 trips 61:15 truck 6:13 17:6 43:2,3 54:21 55:6,9 57:16,21 trucks 13:19,20 14:4 16:13,17,20,24 17:15 17:19 19:21,25 20:2,3 53:5 54:21 55:18 57:15</p>	<p>true 67:10 truly 40:1 try 12:21 14:10 36:24 37:15,19 47:1 55:25 trying 24:16 40:10 42:21 43:4,9 54:1 58:21 62:6 twice 62:2 two 4:6 5:16,16 8:15 9:20 21:1 25:4 31:10 47:8,9 54:4 65:6 type 13:3 35:9 typically 9:2,4</p> <hr/> <p style="text-align: center;">U</p> <p>UAE 24:13 25:11,13 26:7 28:23 33:4 64:18 65:16 66:7 ultimately 19:9 27:25 51:15 54:10 Um-hmm 12:5 16:11 16:21 17:5 24:21 25:21 33:7 41:15 45:14 52:18 53:6,18 56:24 understand 26:5 understanding 49:24 understood 63:2 unfair 40:22 uniform 6:14 unionized 20:7 unit 5:23 United 13:20 14:5 25:14 55:7 units 3:14 6:14 unsuccessful 55:4 unusual 45:5 update 28:18 62:3 use 6:18,22 34:12 U.S 66:4</p> <hr/> <p style="text-align: center;">V</p> <p>vast 8:9 vehicle 16:17 19:3 24:13 47:12 vehicles 18:2,8 19:10 19:11,12 36:4 45:17 46:22 55:17 vice 2:22 3:4,6,7,8 4:12 view 17:16 27:8 views 40:3</p> <hr/> <p style="text-align: center;">W</p> <p>waiting 17:1 want 9:8 10:21 14:22 15:24 18:20 21:9 27:8 29:20 35:24 45:10 53:1 56:19 60:10 63:8 wants 6:5 26:9 war 41:3 Washington 5:4 59:24</p>	<p>61:16 wasn't 17:24 50:13 52:8 58:10 way 20:2 33:19 37:10 40:9 63:11 65:19 67:15 ways 25:6 website 22:10,12 websites 48:2 weeks 29:6,7 62:25 weight 54:22 55:5,16 went 18:17 19:25 21:11 37:25 43:11 58:2 59:6 62:16 we'll 41:1 we're 13:19 17:20 20:13 27:16 50:11 62:4 we've 33:11 WHEREOF 67:17 white 20:7 willing 48:22 win 14:10 19:7 22:25 36:15 winning 37:7 Wisconsin 5:18 12:1,10 12:15 20:10 38:4,17 38:22 42:6 44:3 55:10 61:25 62:15 WITNESS 2:16,22 3:3 3:11,18,23 4:2,6,12 4:18,24 5:3,10,12 6:2 6:20,23 7:2,7,13,16 7:21 8:2,8,22 9:4,11 9:16 10:1,14,20 11:6 11:21,25 12:6,21,24 14:20,23 15:6,23 16:3 16:8,12,22 17:6,9,13 18:4,9,12,16,22,25 20:24 21:7,17,21 22:7 22:19,23 23:7 24:21 25:1,14,23,25 27:2,23 28:3,8,11,16,20 29:4 29:7 30:2,5,15,19 31:3,14,18,22 32:2,11 32:14,18 33:3,6,8 34:4,19 35:13,18,23 36:10 38:7,12,14,19 38:23 39:6,11,19,22 40:6,16,20 41:7,10,16 41:25 42:10,16 43:19 43:25 44:6,11,18,24 45:5,14,18,25 46:4 47:20 48:6,10 49:1,5 49:15,17,20,23 50:6,9 50:16,21 51:3,8,13,16 51:21 52:2,13,19 53:6 53:10,14,19,23 54:10 54:13,18,23,25 55:3 56:4,16,24 57:3,6 58:5,12,14,18 59:2,6 59:12,16,20,22 60:5,8</p>
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

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EXHIBIT 6

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

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

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

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

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

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

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

EXHIBIT 7

CONFIDENTIAL

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

OFFICE OF CONGRESSIONAL ETHICS
UNITED STATES HOUSE OF REPRESENTATIVES

MEMORANDUM OF INTERVIEW

IN RE: House Armed Service Committee Chairman
REVIEW NO.: 14-1891
DATE: May 23, 2014
LOCATION: Via Telephone
TIME: 12:35 PM to 12:50 p.m. (approximately)
PARTICIPANTS: Scott Gast
Bryson Morgan
Catherine McElroy, Committee Counsel

SUMMARY: The OCE requested an interview with the witness and he consented to an interview. The witness made the following statements in response to our questioning:

1. The witness is currently the Chairman of the House Armed Services Committee (“HASC”).
2. The witness did not recall having any conversations with Rep. Thomas Petri about the Army’s award of a Family of Medium Tactical Vehicles (“FMTV”) contract to the Oshkosh Corporation and the subsequent protest filed by the losing bidders.
3. The witness did not recall receiving a memorandum about this issue from Rep. Petri. He said that he often has conversations with Members about certain issues and that sometimes Members will hand him papers. He gives the paperwork to a staff member who is responsible for getting it to the right person.
4. The witness did not recall receiving a June 10, 2013 letter from Rep. Petri and several other members, addressed to him and the HASC Ranking Member, as well as the Chair and Ranking Member of the House Defense Appropriations Subcommittee, regarding a proposed Department of Defense reprogramming action. He did not recall any other contact with Rep. Petri about this issue.
5. The witness said that the response letter sent to Rep. Petri was a routine letter that is similar to letters sent to other Members.
6. The witness did not recall any other instances in which Rep. Petri asked for his assistance with any matter related to the Oshkosh Corporation.

CONFIDENTIAL

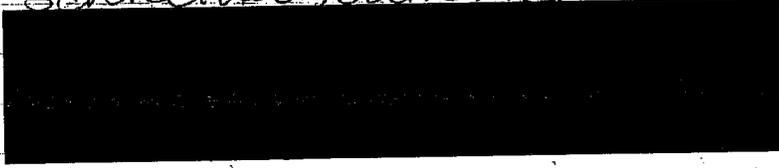
Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended

This memorandum was prepared on June 5, 2014, based on the notes that the OCE staff prepared during the interview with the witness on May 23, 2014. I certify that this memorandum contains all pertinent matters discussed with the witness on May 23, 2014.

Scott Gast
Investigative Counsel

EXHIBIT 8

Christofgren
President + CEO
Schneider National Inc.



Nov. 2

Janet -

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

= whenever he talks to, disclose
that -

Carl Owen
on 1/11 = 100
OK.

not weighing in on
whether they should

didn't weigh in on
contract, have interest, short
- asking me follow
full + fair procedure
... should not influence

EXHIBIT 9

From: Gebhardt, Debbie
Sent: Tuesday, September 29, 2009 11:03:09 AM
To: 'Will Stone'
Subject: RE: Cong. Daily

Of course they have to fight to keep the jobs -- if it were reversed, I am sure we would do the same (truthfully I hope)

From: Will Stone [redacted@dennymiller.com]
Sent: Tuesday, September 29, 2009 10:55 AM
To: Gebhardt, Debbie
Subject: RE: Cong. Daily

The Army isn't looking too kindly on BAE's efforts. I don't mind local delegations fighting to save jobs -- we all do that. I object to the lies and creation of more lies.

Will Stone
Vice President
Denny Miller Associates
400 North Capitol Street, NW
Suite 363
Washington, DC 20001
(202) 783-[redacted] office
(202) 737-4518 fax
[redacted] mobile
[redacted@dennymiller.com]
www.dennymiller.com

From: Gebhardt, Debbie [mailto:[redacted@mail.house.gov]]
Sent: Tuesday, September 29, 2009 10:52 AM
To: Will Stone
Subject: RE: Cong. Daily

I am trading calls with McKeon's personal COS, I kind of know him too, to reinforce the Member conversation about leave the process alone and let it play out.

The Army knows Oshkosh Corp well - so I would think this stuff trashing the company and saying it doesn't know how to build trucks wouldn't play well with DOD, don't you think!

From: Will Stone [redacted@dennymiller.com]
Sent: Tuesday, September 29, 2009 10:38 AM
To: Gebhardt, Debbie
Subject: RE: Cong. Daily

Saw it and the letter is full of BS (Oshkosh is NOT on the edge of bankruptcy)

Also -- they're spreading a new lie: they're saying the only reason Oshkosh was able to refinance their debt was because of the surge in stock price due to winning the two contracts. FACT: the refinancing

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14-1891_0324

was closed in March 2009 (begun in December 2008) and the contracts were announced 5 months later in July & Aug 2009.

Will Stone
Vice President
Denny Miller Associates
400 North Capitol Street, NW
Suite 363
Washington, DC 20001
(202) 783- office
(202) 737-4518 fax
 mobile
@dennymiller.com
www.dennymiller.com

From: Gebhardt, Debbie [mailto: @mail.house.gov]
Sent: Tuesday, September 29, 2009 9:22 AM
To: @oshkoshcorp.com; Will Stone
Subject: Cong. Daily

Did you see the piece in Congress Daily that 25 members - mostly from Texas - have sent letter about the contract award to Sec. Gates -- want a meeting. Says it is too risky to give it to Oshkosh and that BAE has built reliable affordable trucks for the Army. In a tme of war shouldn't terminate relationship with proven manufacturer. Say no independent cost analysis on the competing bids for the contract.

Looked at Culberson's web site but didn't see anything about it yet. I assume you guys may have a copy of the letter?

EXHIBIT 10

K. Michael Conaway, Texas
Chairman
Linda T. Sanchez, 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
Tod Deutch, Florida



ONE HUNDRED THIRTEENTH CONGRESS

U.S. House of Representatives

COMMITTEE ON ETHICS

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

1615 Longworth House Office Building
Washington, D.C. 20515-6328
Telephone: (202) 225-7103
Facsimile: (202) 225-7392

May 21, 2014

MEMBER'S PERSONAL ATTENTION

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

Dear Representative Petri:

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

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

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

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

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

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

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

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

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Tom Rust', with a long horizontal flourish extending to the right.

Tom Rust
Chief Counsel and Staff Director

cc: Rob Kelner, Esq.

EXHIBIT 11

Congress of the United States
Washington, DC 20510

October 9, 2009

The Honorable Robert Gates
Secretary of Defense
The Pentagon
Washington, DC 20301

Dear Secretary Gates:

We seek your assistance in preserving the integrity of the defense acquisition process as it relates to the U.S. Army's Family of Medium Tactical Vehicles (FMTV) competitive rebuy contract awarded by the Army on August 27, 2009, and formally protested to the General Accountability Office (GAO) by the losing bidders in September. Specifically, we are concerned with recent efforts, based on inaccurate and incomplete information, to publicly criticize the Army's contract award to Oshkosh Corporation, efforts that threaten to undermine the ongoing independent review and analysis of the GAO. We encourage you to ensure that the ongoing protest review process remains free from undue influence or outside interference.

Unfortunately and despite prohibitions on such interference, some appear to be attempting to influence the ongoing Government Accountability Office review of this award. While we firmly believe that the GAO protest of this program will be rejected as without merit, we are concerned with the blatant efforts to affect the outcome of this independent, quasi-judicial review by attempting to raise protest issues through a public media campaign and through improper contact with Department of Defense officials.

We are also concerned that some have gone so far as requesting that the Army provide highly confidential and sensitive source selection materials for their review. We believe this is both inappropriate and a dangerous precedent that could result in undue interference in the competitive process.

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

In order to ensure that the process goes forward in an unbiased manner, we know you will take steps to ensure the Department handles outside inquiries relating to the FMTV procurement decision, including requests for sensitive source selection materials, in strict compliance with the law,

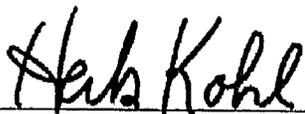
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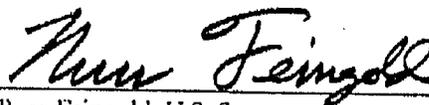
particularly while the GAO conducts its review of the protests. We request that you provide the undersigned with a complete copy of all materials provided to other Members of Congress relating to the FMIV competition as well as the opportunity to receive the same briefings that are provided to other 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 FMIV procurement and protest review process is handled in a professional manner. We look forward to working with you on this matter.

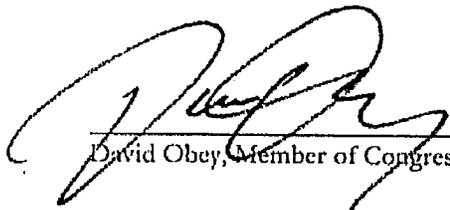
Sincerely,



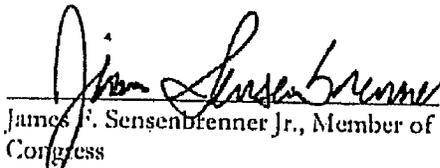
Herb Kohl, U.S. Senator



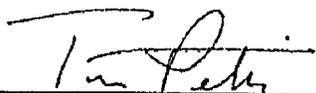
Russ Feingold, U.S. Senator



David Obey, Member of Congress



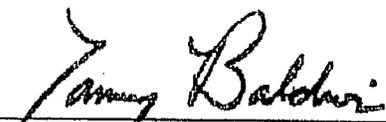
James F. Sensenbrenner Jr., Member of Congress



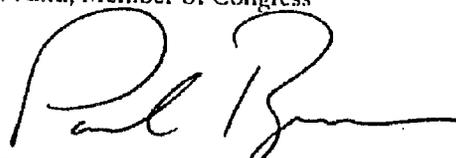
Tom Petri, Member of Congress



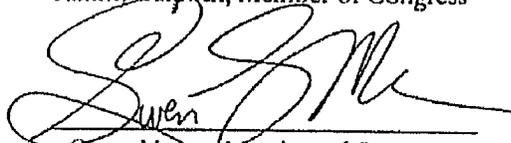
Ron Kind, Member of Congress



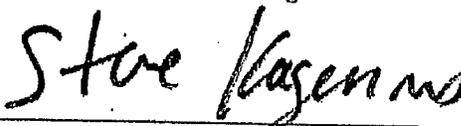
Tammy Baldwin, Member of Congress



Paul Ryan, Member of Congress



Gwen Moore, Member of Congress



Steve Kagen, M.D.

EXHIBIT 12

Gebhardt, Debbie

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

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

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

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

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

Sounds good.

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

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

EXHIBIT 13

Advisory: You should find a pdf of the letter attached.

October 14, 2009

Wisconsin Congressional Delegation Defends Oshkosh Corp., Jobs

Congressman Tom Petri says the issue is clear: "Oshkosh Corp. won this contract fair and square, but the losers are trying to take it away."

Sen. Herb Kohl agreed. "Oshkosh was competitive in a fair and independent bid for this work, and we expect the General Accounting Office will agree with the Army's decision," he said.

In August the U.S. Army chose Oshkosh Corp. to produce its Family of Medium Tactical Vehicles (FMTV) at a cost of \$3 billion. The result was a howl of protest from BAE Systems, Inc., which previously produced the vehicle, and Navistar, which bid on the contract. In early September, each company separately urged the Government Accountability Office (GAO) to consider blocking the Oshkosh contract. GAO is expected to make a decision by mid-December.

Petri, with the help of Sen. Herb Kohl, organized a letter to Defense Secretary Robert Gates from the entire Wisconsin delegation which noted "recent efforts, based on inaccurate and incomplete information, to publicly criticize the Army's contract award to Oshkosh Corporation, efforts that threaten to undermine the ongoing independent review and analysis of the GAO. We encourage you to ensure that the ongoing protest review process remains free from undue influence or outside interference."

The letter is an effort to counter the delegation from Texas, where the FMTV has previously been produced. The Army owns the designs for the FMTV, giving it the right to seek out the best deal and move production.

"Unfortunately and despite prohibitions on such interference, some appear to be attempting to influence the ongoing Government Accountability Office review of this award," the Wisconsin lawmakers wrote. "While we firmly believe that the GAO protest of this program will be rejected as without merit, we are concerned with the blatant efforts to affect the outcome of this independent, quasi-judicial review by attempting to raise protest issues through a public media campaign and through improper contact with Department of Defense officials."

"We are also concerned that some have gone so far as requesting that the Army provide highly confidential and sensitive source selection materials for their review. We believe this is both inappropriate and a dangerous precedent that could result in undue interference in the competitive process," they wrote.

The lawmakers protested "the ongoing public relations campaign initiated by disappointed parties [that] has disseminated a significant amount of incomplete and inaccurate information regarding the FMTV competition."

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

Several members of the delegation offered comments separate from the letter.

"Wisconsinites are rightfully proud of the high quality trucks and other products that Oshkosh Corporation designs and builds," said Sen. Russ Feingold. "My colleagues from Texas should respect contract decisions made by the independent experts who best understand the equipment needs of our troops."

Congressman Paul Ryan remarked: "While review and reform of the procurement process is appropriate, I share the concerns of my Wisconsin colleagues with what we believe to be inappropriate efforts to politicize and undermine the independent GAO review of Oshkosh's FMTV contract. We are proud to represent the hard-working Wisconsinites who produce the high quality equipment critical to protecting and supporting the brave men and women in our armed forces."

"I am deeply committed to protecting jobs in Wisconsin and preserving the integrity of the federal contracting process," said Congresswoman Tammy Baldwin. "I'm proud to join the other members of our state delegation in bringing the attacks on the Oshkosh Corporation's well-earned contract to Secretary Gates' attention and look forward to his prompt consideration of this matter," Baldwin said.

"I am proud of the track record of the Wisconsin's own Oshkosh Corporation, and the company's proven ability to meet the manufacturing needs of the Department of Defense," Congresswoman Gwen Moore said. "It's that very track record that helped earn Oshkosh this contract to produce the Family of Medium Tactical Vehicles. I share the concern of my colleagues that the contract is being inappropriately challenged through a public relations campaign that I believe disrupts and undermines the ongoing independent review and analysis of the GAO."

"Oshkosh Corporation was awarded the FMTV contract as part of an open and competitive process. It is my belief that Wisconsin workers can compete against anyone on a level playing field. I expect the General Accounting Office will be allowed to conduct its review of the protests in a free and fair environment with no outside influences," said Congressman Steve Kagen, M.D.

"Oshkosh Corporation has the proven capabilities to reliably serve the Department of Defense and was fairly awarded the contract to continue doing just that," said Congressman Ron

Kind. "While this situation is unfortunate, I hope that the GAO recognizes this as they accurately and without influence, review the situation. It's important that our men and women stationed overseas are provided with the equipment they need to safely get the job done."

#####

EXHIBIT 14

CONFIDENTIAL

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

OFFICE OF CONGRESSIONAL ETHICS
UNITED STATES HOUSE OF REPRESENTATIVES

MEMORANDUM OF INTERVIEW

IN RE: Secretary of the Army
REVIEW NO.: 14-1891
DATE: May 27, 2014
LOCATION: Via Telephone
TIME: 11:45 a.m. to 12:00 p.m. (approximately)
PARTICIPANTS: Paul Solis
Nate Wright
Col. Gregory Bowman

SUMMARY: The OCE requested an interview with the witness and he consented to an interview. The witness made the following statements in response to our questioning:

1. The witness is the Secretary of the Army. The witness recalled one conversation with Rep. Tom Petri regarding an Army contract award for the production of the Family of Medium Tactical Vehicles (“FMTV”) to Oshkosh Corporation. The witness stated that after the contract was awarded in August 2009, Rep. Petri asked for a telephone conversation that occurred on December 9, 2009.
2. The witness stated it was hardly uncommon to have such a phone call with a Member of Congress, as it was established congressional practice to advocate for companies in one’s district. The witness stated he receives roughly a dozen letters from Members each week.
3. The witness stated that during the conversation, Rep. Petri was concerned about a protest that had been lodged with the Government Accountability Office (“GAO”) regarding the FMTV contract award and wanted to make sure that the Army would act in an expedited manner after the protest was resolved. Rep. Petri was confident that the GAO would uphold the contract award.
4. The witness said Rep. Petri made no indication during the conversation that he could apply political pressure. The witness said he is pretty immune to pressure, noting that the contract had already been awarded and the process had to play out under normal rules.
5. The witness was not aware of Rep. Petri’s stock ownership in Oshkosh Corporation until informed of it by OCE staff. He said that knowing about Rep. Petri’s ownership would not have affected his conversation because the contract had already been let, a protest had been filed, and the process would have to play out under GAO rules.

CONFIDENTIAL

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

6. The witness stated that the Army conducted a reevaluation of the contract at the direction of the GAO.
7. The witness was asked about a letter from Rep. Petri to the witness dated February 26, 2010 (PET-OCE-00000113) regarding a potential bridge contract with the losing bidder. The witness said there was nothing unusual about this letter and that he received dozens of similar letters on a repeated basis.
8. The witness was asked about a response letter dated March 12, 2010 (PET-OCE-00000132). He said Michelle Cromwell in his office initially responded to the letter on March 1, 2010 and then forwarded it to the Deputy Assistant Secretary of the Army for Procurement, who responded more fully.
9. The witness said that the bridge contract was not awarded. He stated that Rep. Petri's letter had no affect on that decision. The only thing that affected the decision was the new contractor's ability to meet the contract's requirements. The witness said that the new contractor, the Oshkosh Corporation, has a long relationship with the Army and Rep. Petri wanted Oshkosh to have as much of the contract as possible.
10. The contacts made by Rep. Petri did not stand out in the witness' mind and he believed if the OCE cited everyone for contacts like these, it would have to cite 435 Members.
11. The witness recalled Wisconsin delegation letters, but did not recall a phone conversation with any other member of the Wisconsin delegation. The witness believed this was because Oshkosh's actual home was in Rep. Petri's district.
12. The witness was also sure that he received other letters from the Texas delegation supporting the previous contractor as they were "very active" on the issue, but was unsure if he had phone conversations with any Member in the Texas delegation.

This memorandum was prepared on May 28, 2014, based on the notes that the OCE staff prepared during the interview with the witness on May 27, 2014. I certify that this memorandum contains all pertinent matters discussed with the witness on May 27, 2014.

Nate Wright
Senior Investigator & Law Clerk

EXHIBIT 15

12/9 Sec - Army

agitated about Long

follow regular order

contract does stand,
not drag it out

Appreciated
offer of weight
counter-measure,
of pressure,
not needed
political.

Long
Gates visit.

want to go forward

have to see what GAO
says.

Wouldn't have issued
if

Expect

EXHIBIT 16

Congress of the United States

Washington, DC 20515

December 22, 2009

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

Dear Secretary McHugh:

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

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

In fact, the GAO upheld the vast majority of the Army's evaluation decisions under protest, including the Army's positive reviews of Oshkosh's price, which the GAO decision confirms is \$440 million below the price offered by the incumbent competitor. The GAO also outright rejected protest challenges relating to Oshkosh's financial condition and most aspects of Oshkosh's production and technical capabilities, including its expertise in the design and manufacture of armored cabs.

The GAO recommended the Army re-evaluate two elements of the production capability subfactor -- representing a relatively small portion of the many factors considered in the contract award decision. While the Army should reevaluate the offerors' proposals under these elements to address GAO's recommendations, we believe that the Army will continue to have compelling grounds to find that Oshkosh has the proven capability to perform under the FMTV contract. Oshkosh assures us that it has the vast majority of manufacturing infrastructure in place as a result of its ongoing programs, has already acquired additional key tooling and equipment, and has well-established plans to implement any other improvements necessary to support the FMTV contract.

Again, we urge you to move forward to address the GAO's recommendations and finalize the FMTV contract with Oshkosh Corporation as soon as possible. We believe the Army will continue to have every reason to conclude that Oshkosh has the proven

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PET-OCE-00000451

14-1891_0345

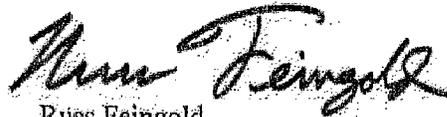
The Honorable John M. McHugh
December 22, 2009
Page Two

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

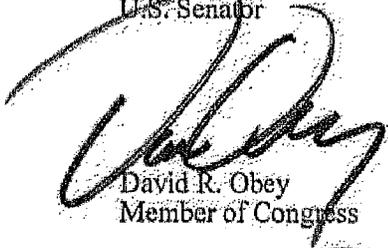
Sincerely,



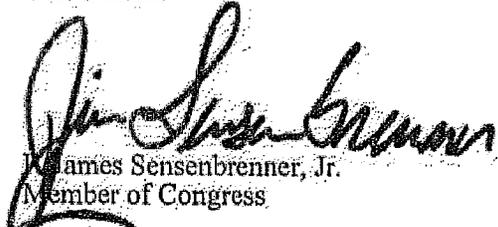
Herb Kohl
U.S. Senator



Russ Feingold
U.S. Senator



David R. Obey
Member of Congress



James Sensenbrenner, Jr.
Member of Congress



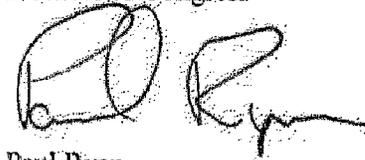
Thomas E. Petri
Member of Congress



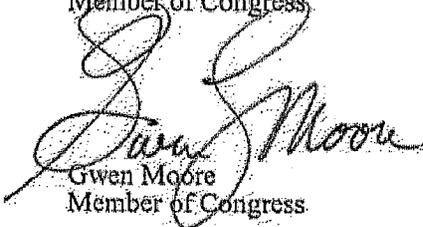
Ron Kind
Member of Congress



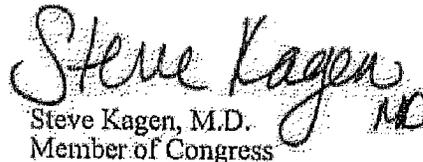
Tammy Baldwin
Member of Congress



Paul Ryan
Member of Congress



Gwen Moore
Member of Congress



Steve Kagen, M.D.
Member of Congress

EXHIBIT 17

From: Goldson, Chris
Sent: Friday, December 18, 2009 02:49:39 PM
To: Fenlon, James
Subject: RE: Delegation Letter to McHugh

It's conditional. If you have all the other members, then add us. If not, my boss will defer. Thanks.

Christopher Goldson
Legislative Assistant
Office of Congresswoman Gwen Moore
1239 Longworth House Office Building
Washington, DC 20515
www.house.gov/gwenmoore

From: Fenlon, James
Sent: Friday, December 18, 2009 2:17 PM
To: Goldson, Chris
Subject: RE: Delegation Letter to McHugh

So your boss is a yes?

We did run this past ethics in both the House and the Senate.

So far I have Kind, Kagen and Kohl on board. I would imagine Obey and Feingold will be contacting me shortly.

From: Goldson, Chris
Sent: Friday, December 18, 2009 1:29 PM
To: Fenlon, James
Subject: RE: Delegation Letter to McHugh

Thanks for heading this up. I think one area of concern I am having with this letter is at the end of paragraph 2 where it says "We request that the Army adhere to the recommendations of the GAO report and refrain from taking actions outside the scope of the GAO's recommendations."

I don't want this letter to be read as somehow inferring that we are going to restrict the ability of the Army to determine its fighting needs. I think the rest of the letter particularly makes that point very well or infers it.

Again, as with the original, if the rest of the delegation is fine with the letter, my boss is willing to sign.

Christopher Goldson
Legislative Assistant
Office of Congresswoman Gwen Moore
1239 Longworth House Office Building
Washington, DC 20515
www.house.gov/gwenmoore

PET-OCE-00000632

14-1891_0348

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

From: Fenlon, James
Sent: Friday, December 18, 2009 12:06 PM
To: Georges, Anne; '[REDACTED]@kohl.senate.gov';
'[REDACTED]@feingold.senate.gov'; Ledden, Joshua; Shipley, Amber;
Gulick, Erin; Goldson, Chris; Brady (WI08), Kevin; Brachman, Ellis
Subject: Delegation Letter to McHugh

Hey Team,

I attached the revised letter. There was only one small change we made to the last sentence of the second paragraph.

More importantly, in our discussions with ethics, they stated that unless a Member has a direct correlation with Oshkosh Corp. (ie, employees, suppliers, ect.) they should not sign onto this letter.

We specifically asked about Rep. Kagen and Rep. Obey and they said that they were 'OK' to sign. So if you are uncomfortable or unsure of your ties to Oshkosh Corp, we definitely understand if your boss doesn't sign on.

With all that being said, it is imperative that this letter go out TODAY. I apologize for the extremely quick turnaround on this and understand if you can't make it happen.

If you could get back to me by at least 2 p.m., it would be greatly appreciated. I will then circulate for signatures.

Thanks again for your willingness to go to bat with us on this issue. It is greatly appreciated!

Thanks and if you have any questions, let me know.

James

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

From: Fenlon, James
Sent: Thursday, December 17, 2009 5:20 PM
To: Georges, Anne; '[REDACTED]@kohl.senate.gov';
'[REDACTED]@feingold.senate.gov'; Ledden, Joshua; Shipley, Amber;
Gulick, Erin; Goldson, Chris; Brady (WI08), Kevin; Brachman, Ellis
Subject:

Hey team,

I attached some docs from Oshkosh Corp. They sent, for your Members' consideration, a draft letter to Secretary of the Army John McHugh urging the Army to move quickly to implement the narrow recommendations of the GAO decision (announced Monday and released publicly today), and affirm the prior award decision to Oshkosh. They feel this letter would provide the Army support to move forward quickly, is consistent with the GAO recommendations, and would preempt the ongoing efforts to reopen the award.

PET-OCE-00000633

14-1891_0349

I have asked them to chop the letter down to a one-pager. Once I have that, I will send it out to you (probably tomorrow AM). We also are going to run it past ethics.

Once all that has taken place, I will touch base with you all for potential support. We would like to have this done by mid-day tomorrow. If you have any questions or concerns, just ask.

Thanks,

James

James P. Fenlon | Legislative Assistant

Congressman Tom Petri WI-06
2462 Rayburn House Office Building
Washington, D.C. 20515
Phone : 202.225.██████
Fax: 202.225.2356
██████@mail.house.gov

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<http://petri.house.gov/subscribe.shtml>

PET-OCE-00000634

14-1891_0350

EXHIBIT 18

From: [REDACTED]@oshkoshcorp.com
Sent: Friday, December 18, 2009 03:58:12 PM
To: Fenlon, James
Subject: Re: FW: Delegation Letter to McHugh

Thank you, James. I was afraid of that after our conversation. Good luck with the drive. Travel safely.

Michael G. Power
Director, Government & Homeland Security Business Development
Oshkosh Corporation
1300 North 17th Street, Suite 1040
Arlington, VA 22209
DIRECT: (703) 525-[REDACTED]
FAX: (703) 525-8408
CELL: [REDACTED]
E-MAIL: [REDACTED]@oshkoshcorp.com
www.oshkoshcorporation.com

"Fenlon, James"
<[REDACTED]@mail.i.house.gov>
12/18/2009 03:39 PM
To: [REDACTED]@oshkoshcorp.com
cc:
Subject: FW: Delegation Letter to McHugh

FYI...

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

From: Fenlon, James
Sent: Friday, December 18, 2009 3:39 PM
To: Fenlon, James; Georges, Anne; [REDACTED]@kohl.senate.gov'; [REDACTED]@feingold.senate.gov'; Ledden, Joshua; Shipley, Amber; Gulick, Erin; Goldson, Chris; Brady (WI08), Kevin; Brachman, Ellis; Cooper, Rob; Gebhardt, Debbie
Subject: RE: Delegation Letter to McHugh

Hey team,

So as of right now, we are waiting to hear from Rep. Obey, Rep.

PET-OCE-00000620

14-1891_0352

Sensenbrenner, and Rep. Moore. This letter will be circulated first thing on Monday morning. One of our staff will circulate on the House side and then get it to Chad in Senator Kohl's office.

I have a wedding in Wisconsin tomorrow and my flight has been cancelled (typical) already in anticipation of the "big snow storm". I am heading out in a few minutes to hit the road.

Debbie Gebhardt, Rep. Petri's Chief of Staff, is the contact over here on Monday morning. Should anyone need anything from me, I will have my blackberry and cell phone on me.

Hope you all have a good weekend.

James

James Fenlon

[REDACTED]@mail.house.gov

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

From: Fenlon, James

Sent: Friday, December 18, 2009 12:06 PM

To: Georges, Anne; [REDACTED]@kohl.senate.gov;

[REDACTED]@feingold.senate.gov; Ledden, Joshua; Shipley, Amber; Gulick, Erin; Goldson, Chris; Brady (WI08), Kevin; Brachman, Ellis

Subject: Delegation Letter to McHugh

Hey Team,

I attached the revised letter. There was only one small change we made to the last sentence of the second paragraph.

More importantly, in our discussions with ethics, they stated that unless a Member has a direct correlation with Oshkosh Corp. (ie, employees, suppliers, ect.) they should not sign onto this letter.

We specifically asked about Rep. Kagen and Rep. Obey and they said that they were 'OK' to sign. So if you are uncomfortable or unsure of your ties to Oshkosh Corp, we definitely understand if your boss doesn't sign on.

With all that being said, it is imperative that this letter go out TODAY. I apologize for the extremely quick turnaround on this and understand if you can't make it happen.

If you could get back to me by at least 2 p.m., it would be greatly appreciated. I will then circulate for signatures.

Thanks again for your willingness to go to bat with us on this issue. It is greatly appreciated!

Thanks and if you have any questions, let me know.

PET-OCE-00000621

14-1891_0353

James

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

From: Fenlon, James

Sent: Thursday, December 17, 2009 5:20 PM

To: Georges, Anne; [REDACTED]@kohl.senate.gov';
[REDACTED]@feingold.senate.gov'; Ledden, Joshua; Shipley, Amber;
Gulick, Erin; Goldson, Chris; Brady (WI08), Kevin; Brachman, Ellis
Subject:

Hey team,

I attached some docs from Oshkosh Corp. They sent, for your Members' consideration, a draft letter to Secretary of the Army John McHugh urging the Army to move quickly to implement the narrow recommendations of the GAO decision (announced Monday and released publicly today), and affirm the prior award decision to Oshkosh. They feel this letter would provide the Army support to move forward quickly, is consistent with the GAO recommendations, and would preempt the ongoing efforts to reopen the award.

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Once all that has taken place, I will touch base with you all for potential support. We would like to have this done by mid-day tomorrow. If you have any questions or concerns, just ask.

Thanks,

James

James P. Fenlon | Legislative Assistant

Congressman Tom Petri WI-06
2462 Rayburn House Office Building
Washington, D.C. 20515
Phone : 202.225. [REDACTED]
Fax: 202.225.2356
[REDACTED]@mail.house.gov

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PET-OCE-00000622

14-1891_0354

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Thank you.

PET-OCE-00000623

14-1891_0355

EXHIBIT 19

Gebhardt, Debbie

From: Gebhardt, Debbie
Sent: Friday, December 18, 2009 11:03 AM
To: Dixon, Carol
Subject: draft
Attachments: Draft Delegation Letter 12-17-09 v3.doc

Carol:

Here is the draft letter which would be sent by our Senators (Feingold always runs it by their ethics committee so assume that is underway) and as many House members as we can get today.

Let me know what you think -- again, this is a major constituent company in our district that Mr. Petri would be defending no matter what!

Thanks --

Debbie

12/18/2009

PET-OCE-0000028

14-1891_0357

EXHIBIT 20

Gebhardt, Debbie

From: Dixon, Carol
Sent: Friday, December 18, 2009 1:14 PM
To: Gebhardt, Debbie
Subject: RE: Letter

That change is fine - I re-read the whole letter.

- Carol

Carol E. Dixon, Counsel
Committee on Standards of Official Conduct
Suite HT-2, The Capitol
Washington, DC 20515
(202) 225-7103
carol.dixon@mail.house.gov

From: Gebhardt, Debbie
Sent: Friday, December 18, 2009 1:12 PM
To: Dixon, Carol
Subject: Letter

Hi Carol:

Just to be on the up and up and final -- Sen. Feingold's office has made a *slight* change per their review so I wanted to be sure you had absolute final copy on it. I assume this makes no difference to you but they added "assures us that it" in the sentence below which is in the 4th paragraph:

"Oshkosh assures us that it has the vast majority of manufacturing infrastructure in place as a result of its ongoing programs, has already acquired additional key tooling and equipment, and has well-established plans to implement any other improvements necessary to support the FMTV contract. "

Want to be ready to respond that ethics has seen final version of letter if asked. Letter attached.
(and apparently every district has some kind of connection to Oshkosh-checked that out).

I hope I will not have to bother you again -- so thanks again and enjoy the holiday.

Debbie

12/18/2009

PET-OCE-00000025

14-1891_0359

EXHIBIT 21

RE-EVALUATION CONTRACT ANNOUNCEMENT

DEPARTMENT OF THE ARMY
OFFICE OF THE CHIEF OF LEGISLATIVE LIAISON
1600 ARMY PENTAGON
WASHINGTON, DC 20310-1600

RELEASE DATE: February 12, 2010

A copy of this announcement is provided to the following:

Senator Herbert Kohl
Senator Russ Feingold
Representative Thomas Petri

- ◇ Today, the Army is not making a new award only lifting the stop work order after re-evaluation of the contract awarded on August 26, 2009, to Oshkosh Corporation, 2307 Oregon Street, Oshkosh, Wisconsin 54902-7062.
- ◇ The estimated cumulative total of this contract is \$3,023,192,525.00.
- ◇ This contract procures the estimated production quantity of 23,341 Family of Medium Tactical Vehicles, 12,415 trucks and 10,926 trailers.
- ◇ The work will be performed in Oshkosh, Wisconsin.
- ◇ The estimated contract completion date is September 30, 2014.

Your point of contact with the Army Legislative Liaison is Ms. Sharon Henson at (703) 697-████. Please refer to serial number 503.

EXHIBIT 22

From: Wright, Niel
Sent: Friday, February 12, 2010 06:28:10 PM
To: Wright, Niel
Subject: Oshkosh Release: Correction: "It's" Typo In First Line
Attachments: 2.12.10 Oshk contract.doc



News Release

From U.S. Rep. Tom Petri

Contact:

Niel Wright, 202/225-██████████, ██████████@mail.house.gov

February 12, 2010

Army Reaffirms Oshkosh Contract

The Army affirmed Friday that its contract with Oshkosh Corporation to produce its Family of Medium Tactical Vehicles (FMTV) should go ahead.

Rep. Tom Petri welcomed the news.

"I am pleased but I am not surprised," he said. "I always knew Oshkosh was the best place to build these vehicles. The bidding process was fair, and fairness was all we were asking for. I am confident that our local workers will do a great job for the military and the country."

In August, the U.S. Army chose Oshkosh Corporation to produce its Family of Medium Tactical Vehicles (FMTV) at a cost of \$3 billion. The result was a howl of protest from BAE Systems, Inc., which previously produced the vehicle, and Navistar, which bid on the contract.

In early September, each company separately urged the Government Accountability Office (GAO) to consider blocking the Oshkosh contract. GAO agreed to look into the issue, and subsequently announced in December that, while it upheld most of the Army's decision, it recommended that the Army reevaluate some portions. The Army was then given 60 days to reconsider the contract in light of the GAO recommendations, giving the Army until Sunday, February 14, to respond to the recommendations.

"This is great news for Oshkosh Corporation and a testament to the quality of their products and the commitment of their workforce. This will be an economic boost to the Fox Valley and the entire state," Senator Herb Kohl said.

PET-OCE-00001123

14-1891_0363

“Today’s decision is great news for the Oshkosh Corporation and its employees who work every day to produce high quality vehicles and products for our Armed Forces,” Senator Russ Feingold said. “Wisconsinites are rightfully proud of Oshkosh Corporation. The Army’s decision shows that this Wisconsin company is the best company to provide these essential vehicles for our service members.”

#####

***Niel Wright, Press Secretary
Office of Congressman Tom Petri (R-WI)
(Broadcasters: It's pronounced "Pea-try")
202/225-██████████
██████████@mail.house.gov***

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EXHIBIT 23

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

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

February 26, 2010

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

Dear Secretary McHugh:

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

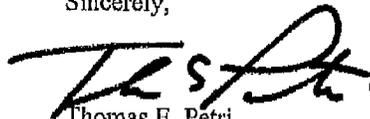
That said, I am concerned about news reports I have read that the incumbent contractor may seek a sole source bridge contract through mid-2011. I believe the Army made the right choice to begin work immediately given the substantial price difference between the new contract and the existing contract.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

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

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

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

Sincerely,



Thomas E. Petri
Member of Congress

TEP:kj

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

PET-OCE-00000791

14-1891_0366

EXHIBIT 24

Gebhardt, Debbie

From: Gebhardt, Debbie
Sent: Friday, February 26, 2010 3:29 PM
To: Dixon, Carol
Subject: RE: Army Contract and Oshkosh Corp

Carol --

I am headed out shortly and I knew you said you were giving training from 3 to 5 -- so just wanted to let you know that I received your voice mail message approving the letter. Thanks!

Debbie

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

Hi Carol --

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

Thanks!

Debbie

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

EXHIBIT 25

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

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.

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.

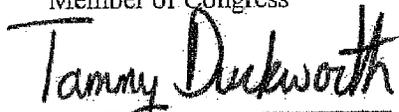
Thank you for your strong leadership on this critical industrial base issue.

Sincerely,


Thomas E. Petri
Member of Congress

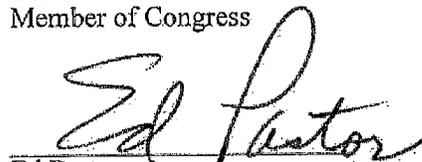

Jim Bridenstine
Member of Congress


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

Memo

Date: June 10, 2013

To: Chairman McKeon
Chairman Young
Ranking Member Smith
Ranking Member Visclosky

From: Congressman Tom Petri

In the interest of full disclosure and at the suggestion of the House Committee on Ethics, I would like to note my ownership of shares in Oshkosh Corporation, a major employer in my Congressional district that contributes to the tactical wheeled vehicle industrial base. I give similar consideration and support to issues affecting other constituent companies in my district.

PET-OCE-0000046

14-1891_0372

EXHIBIT 26



RE: Need to speak to you
McCanna, Meagan

to: [redacted]@oshkoshcorp.com', Gebhardt, Debbie
05/22/2013 05:14 PM

Cc: [redacted]@oshkoshcorp.com"

Hide Details

From: "McCanna, Meagan" <[redacted]@mail.house.gov>

To: "[redacted]@oshkoshcorp.com" <[redacted]@oshkoshcorp.com>, "Gebhardt, Debbie" <[redacted]@mail.house.gov>,"

Cc: [redacted]@oshkoshcorp.com" <[redacted]@oshkoshcorp.com>

2 Attachments



Letter - 5.13 - TWV Omnibus Reprogramming Action.docx



Letter - 5.13 - TWV Omnibus Reprogramming Action.pdf

Hi Jay,

Attached are both the Word and PDF formats of the letter. Let me know what else I can do in the upcoming week.

Looking forward to speaking soon,
Meagan

From: [redacted]@oshkoshcorp.com [redacted]@oshkoshcorp.com]
Sent: Wednesday, May 22, 2013 4:27 PM
To: Gebhardt, Debbie
Cc: McCanna, Meagan; [redacted]@oshkoshcorp.com
Subject: RE: Need to speak to you

Thanks very much -- this is very important for the company. Send me the "tweaked" letter as soon as you can.

Timing -- I plan to spend the next few days getting support from difference offices. I am hopeful by the end of the week to have several commitments but probably will run into next week.

I would like to target sending the final signed letter to the Committees as early the week of June 3 as we can.

Appreciate all your assistance on this! We look forward to working with Meagan on coordinating the support / signatures.

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

From: "Gebhardt, Debbie" <[REDACTED]@mail.house.gov>
To: [REDACTED]@oshkoshcorp.com" <[REDACTED]@oshkoshcorp.com>
Cc: "McCanna, Meagan" <[REDACTED]@mail.house.gov>
Date: 05/22/2013 04:21 PM
Subject: RE: Need to speak to you

We are good to go on this but may want to make couple little tweaks here and there just for Petri style. So will have that to you in next 30 minutes.

I am including Meagan McCanna on this email who will handle logistics of signatures etc. If when we have final you want to give to staffers and have them get in touch with Meagan if they want to sign on, that would be fine. If there are staffers you want us to reach out to, let us know. What is your timing – as you say, tomorrow afternoon they leave for a week's recess.

From: [REDACTED]@oshkoshcorp.com [REDACTED]@oshkoshcorp.com]
Sent: Wednesday, May 22, 2013 11:50 AM
To: Gebhardt, Debbie
Subject: Need to speak to you

about sending this letter. will call today.

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

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Thank you.

EXHIBIT 27

Gebhardt, Debbie

From: Gebhardt, Debbie
Sent: Monday, June 10, 2013 2:15 PM
To: McCanna, Meagan
Subject: RE: just curious on status of that letter to Armed Services

Should have something like this attached:

Memo

To: Chairman McKeon
Rep. Smith
Chairman
Rep.

From: Rep. Tom Petri

In the interests of full disclosure and at the suggestion of the Ethics Committee, I wanted to note that I do own stock in Oshkosh Corporation, a major employer in my Congressional district, and would that I would give similar consideration and treatment to other constituent companies in my district.

From: McCanna, Meagan
Sent: Friday, June 07, 2013 10:54 AM
To: Gebhardt, Debbie
Subject: RE: just curious on status of that letter to Armed Services

Jay wants to close it COB today. We'll send it out tomorrow.

Current cosigners:

Petri
Ribble
Kind
Bridenstine
Pastor
Duckworth
Shuster
Carson

Bishop pulled after Hagel made a statement that the 11 day furlough, instead of 24, was dependent on the savings from this specific reprogramming. His district has the largest population of DOD civilians in Congress at 12,000. They're sympathetic to the industry, but local politics is requiring them to tacitly support the reprogramming. I don't think Bishop's concern is relevant to TEP, but good to be aware of.

Getting Shuster on board was big because historically, if one member of HASC objects to a reprogramming action it's been removed. Any reprogramming action is supposed to be noncontroversial. Who knows if that will be the case these days with the sequester, but it's definitely a plus.

From: Gebhardt, Debbie
Sent: Friday, June 07, 2013 10:46 AM
To: McCanna, Meagan
Subject: just curious on status of that letter to Armed Services

Again, ethics suggested we put that note on it so don't want to forget that.

EXHIBIT 28

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

~~This message has been archived. View the original item~~

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

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

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

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

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

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

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

PET-OCE-00004298

14-1891_0381

██████████@dennymiller.com

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

From: Gebhardt, Debbie [mailto:██████████@mail.house.gov]

Sent: Tuesday, November 29, 2011 11:01 AM

To: Will Stone

Subject: RE: fire trucks

OK, I read the language as much broader with option 1 a general exemption of all emergency vehicles from all federal weight laws (and again this only applies to Interstates since fed. government only has jurisdiction over interstates) and option 2 seems to actually set state limits (which is a much broader approach than we have taken in past).

Not that I am objecting, I just want to be able to understand it so I can explain to Petri.

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

Sent: Monday, November 28, 2011 6:29 PM

To: Gebhardt, Debbie

Subject: RE: fire trucks

The exemption that exists for fire trucks covers everything on all roads however some states say this doesn't apply to delivery. So all we're asking for is an expansion of the existing exemption to cover the vehicle in transit to the fire department.

Will Stone

Vice President

Denny Miller Associates

400 North Capitol Street

Suite 363

Washington, DC 20001

(202) 783-██████████ office

██████████ mobile

██████████@dennymiller.com

PET-OCE-00004299

14-1891_0382

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

From: Gebhardt, Debbie [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

14-1891_0383

From: Will Stone [redacted@dennymiller.com]
Sent: Monday, November 28, 2011 06:28:39 PM
To: Gebhardt, Debbie
Subject: RE: fire trucks

~~This message has been archived. View the original item.~~

The exemption that exists for fire trucks covers everything on all roads however some states say this doesn't apply to delivery. So all we're asking for is an expansion of the existing exemption to cover the vehicle in transit to the fire department.

Will Stone
Vice President
Denny Miller Associates
400 North Capitol Street
Suite 363
Washington, DC 20001
(202) 783-[redacted] office
[redacted] mobile
[redacted]@dennymiller.com
www.dennymiller.com <<http://www.dennymiller.com/>>

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-00002572

14-1891_0384

From: Will Stone [REDACTED]@dennymiller.com]
Sent: Monday, November 07, 2011 04:25:59 PM
To: Gebhardt, Debbie
Subject: Oshkosh and firetruck axel weights

~~This message has been archived. View the original item.~~

Debbie do you have time tomorrow around 11 to meet with Lee Morris and me regarding the progress of the transportation bill and the language on fire truck axel weights?

If 11 or earlier doesn't work do you have time after lunch?

Thanks

Will Stone

Vice President

Denny Miller Associates

400 N. Capitol Street, NW

Suite 363

Washington, DC 20001

(202) 783-[REDACTED] office

[REDACTED] mobile

[REDACTED]@dennymiller.com

www.dennymiller.com

PET-OCE-00002575

14-1891_0385

EXHIBIT 29

From: [REDACTED]@oshkoshcorp.com
Sent: Wednesday, July 11, 2012 04:13:44 PM
To: Gebhardt, Debbie
Subject: Call to Foreign Affairs

This message has been archived. View the original item.

Debbie,

We have a contract to sell the MRAP All Terrain Vehicle (MATV) to UAE -- as I mentioned, this is not public information yet so I must ask you to not disclose publically. The DSP-5 case number is [REDACTED]. What I am trying to determine is if the Committee has been "informally notified" about this pending case and if so, may I make an appointment with the right person to brief them on the potential sale and answer any questions they may have.

Many Thanks for your assistance on this.

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

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Thank you.

PET-OCE-00002519

14-1891_0387

EXHIBIT 30

From: Gebhardt, Debbie
Sent: Thursday, July 12, 2012 05:32:26 AM
To: [REDACTED]@oshkoshcorp.com'
Subject: Re: Call to Foreign Affairs

~~This message has been archived. View the original item.~~

That call was earlier and we emailed and did talk after so no problem.
Sorry I was a bit slow on the language of what we sent to Committee. Bad (or busy) day
and not thinking clearly.

From: [REDACTED]@oshkoshcorp.com [REDACTED]@oshkoshcorp.com]
Sent: Wednesday, July 11, 2012 10:31 PM
To: Gebhardt, Debbie
Subject: Re: Call to Foreign Affairs

Sorry I missed your call. For future reference my cell [REDACTED]. Just got out of a
dinner. Talk to you tomorrow? Thanks,

Jay Kimmitt
Executive Vice President
Oshkosh Corporation

From: "Gebhardt, Debbie" [REDACTED]@mail.house.gov]
Sent: 07/11/2012 05:37 PM AST
To: Jay Kimmitt
Subject: RE: Call to Foreign Affairs

Trying to call you.

From: [REDACTED]@oshkoshcorp.com [REDACTED]@oshkoshcorp.com]
Sent: Wednesday, July 11, 2012 5:27 PM
To: Gebhardt, Debbie
Subject: RE: Call to Foreign Affairs

PET-OCE-00002019

14-1891_0389

many thanks, this program is very important to the company.

Jay Kimmitt
Executive Vice President
Oshkosh Corporation
(703) 525-██████

From: "Gebhardt, Debbie" <██████████@mail.house.gov>
To: ██████████@oshkoshcorp.com" <██████████@oshkoshcorp.com>
Date: 07/11/2012 05:16 PM
Subject: RE: Call to Foreign Affairs

They are checking on who handles this at the Committee. Will let you know.

From: ██████████@oshkoshcorp.com [██████████@oshkoshcorp.com
<██████████@oshkoshcorp.com>]
Sent: Wednesday, July 11, 2012 4:14 PM
To: Gebhardt, Debbie
Subject: Call to Foreign Affairs

Debbie,

We have a contract to sell the MRAP All Terrain Vehicle (MATV) to UAE -- as I mentioned, this is not public information yet so I must ask you to not disclose publically. The DSP-5 case number is ██████████. What I am trying to determine is if the Committee has been "informally notified" about this pending case and if so, may I make an appointment with the right person to brief them on the potential sale and answer any questions they may have.

Many Thanks for your assistance on this.

Jay Kimmitt
Executive Vice President
Oshkosh Corporation
(703) 525-██████

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14-1891_0390

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EXHIBIT 31

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

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

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

Many thanks Debbie.

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

From: "Gebhardt, Debbie" <[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 [REDACTED]@oshkoshcorp.com]
Sent: Wednesday, July 11, 2012 6:03 PM
To: Gebhardt, Debbie
Subject: typo

PET-OCE-00003927

14-1891_0393

One Mr. Petri's most important companies, Oshkosh Corporation, is seeking government approval to sell the MRAP All Terrain Vehicle (MATV) to the UAE. It is our understanding that the State Department has completed all the inter-agency approvals and now the company is waiting for Congressional approval.

Could we find out if State has sent up the "informal" Congressional notification on this case? If so, would it be appropriate and helpful if the company offered to brief staff and answer any question on the potential sale? If so, whom would you like them to contact?

The DSP-5 case number is [REDACTED]

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Thank you.

EXHIBIT 32

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

Ok thanks.

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

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

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

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

"Gebhardt, Debbie" <Debbie.Gebhardt@ mail.house.gov>	"Jay Kimmitt" <[redacted]@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 [redacted@oshtruck.com]
Sent: Thursday, May 11, 2006 10:14 AM
To: Gebhardt, Debbie
Subject: RE: DOD Auth

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

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

PET-OCE-00001658

14-1891_0396

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

"Gebhardt,
Debbie"
<Debbie.Gebhardt@
mail.house.gov>
05/11/2006 10:03
AM
RE: DOD Auth

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

Jay:

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

Thanks.

Debbie

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

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

great, thanks. we very much appreciate your help.

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

"Gebhardt,
Debbie"
<[REDACTED]@
mail.house.gov>
05/09/2006 07:36
PM

"Jay Kimmitt"
<[REDACTED]@oshtruck.com>
cc

PET-OCE-00001659

14-1891_0397

Subject
RE: Egyptian Military Visit

We are inviting you!

-----Original Message-----

From: Jay Kimmitt [redacted@oshtruck.com]
Sent: Tuesday, May 09, 2006 4:20 PM
To: Gebhardt, Debbie
Subject: RE: Egyptian Military Visit

Thanks very much. I assume we are being invited to attend.

Jay Kimmitt
Senior Vice President, Washington Operations Oshkosh Truck Corporation 1300 North 17th Street, Suite
1040 Arlington, VA 22209-3801 703.525. [redacted]
703.525.8408 (fax)

"Gebhardt,
Debbie"
<[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 [redacted@oshtruck.com]

PET-OCE-00001660

14-1891_0398

Sent: Monday, May 08, 2006 5:11 PM
To: Gebhardt, Debbie
Subject: Egyptian Military Visit

Debbie,

We would like to participate in the meeting with the Egyptian military visit to Mr. Petri if you accept their offer. Happy to host a lunch for the group and Mr. Petri if this is how he would like to do the visit. Let me know if we can work this out.

Many thanks,

Jay Kimmitt
Senior Vice President, Washington Operations Oshkosh Truck Corporation 1300 North 17th Street, Suite 1040 Arlington, VA 22209-3801 703.525. [REDACTED]
703.525.8408 (fax)

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EXHIBIT 33

Talking Points

Rep. Tom Petri

Hilbert Economic Summit

Suggested Topic: "Perspectives on the Region and Beyond."

August 16, 2007

General Opening - Welcome to Conference

- I'm pleased to be a part to this event. It's appropriate that Hilbert host an economic summit as today's forward looking agenda represents the outlook necessary, even in Wisconsin's smaller towns, for economic success in the current global environment.
- Northeastern Wisconsin may seem to some to be tucked safely away from the upheavals and troubles of the broader economic world, but the reality is that no place is isolated from the forces driving the world's economy.
- This is as true in Hilbert as it is in New York, London, and Hong Kong and successful businesses will prepare by arming themselves to confront the looming challenges while also being unafraid to exploit emerging opportunities.
- There is no doubt that the current world environment poses a number of challenges - each carrying various risks.
 - Risks can be managed if understood; international risk also affects the domestic business environment and all must be well-informed.
 - Each business must think of itself as an international player even if its primary market extends no further than Illinois.
- Opportunities exist alongside risks. Growing wealth throughout the world has broadened the market for U.S. markets, and many in the Wisconsin business community have noticed.
 - International trade is a growing segment of the Wisconsin economy - double digit growth in state exports in 2004, 2005, and 2006. Exports are up 64 percent since 2001.
 - Wisconsin's appears to be transitioning from an economy focused on local and regional business to one that is finding increasing success in the dynamic international marketplace.

Challenges Ahead

- The U.S. economy will face a number of challenges over the next few years. These challenges are a primary concern for businesses doing business in both domestic and foreign markets.
- The local Wisconsin market mirrors the national market; large and small businesses in Northeastern Wisconsin will face the same pressures as their counterparts elsewhere.
- **Political Challenges:** 2006 elections produced new majorities in both the House and Senate that are decidedly less friendly to expanding trade than either the Bush administration and the former Republican congressional majorities.
 - Already, the House leadership has allowed presidential fast-track negotiating authority to expire, making the terrain for negotiating new free trade agreements very difficult.
 - Previously negotiated agreements with Peru, Panama, Columbia, and South Korea also face an uncertain future in the House. New opportunities for U.S. exports will be lost should these agreements continue to languish.
- **Commercial Challenges:** Housing market reversals are having an impact on the domestic economy.
 - Job losses in the Wisconsin housing and construction sector are causing the state's unemployment rate to creep up from record lows, though at 5.0 percent it is still below the average rate from the 1970s, 1980s, and 1990s.
 - Higher gasoline prices earlier this year, slowed consumer spending and reduced economic growth in Wisconsin and throughout the upper Midwest.
- **Financial Challenges:** Deepening problems in U.S. credit markets resulting from the subprime meltdown are likely to make it more expensive and more difficult to borrow.
 - Higher operating costs likely to make global competition more difficult.
 - Rising oil price will have an uneven impact on global competitors. Oil priced in dollars cost U.S. buyers more, but dollar's drop against Euro and Yen mitigates impact of oil prices on producers using those currencies.
 - Energy remains a prime concern of U.S. manufacturers. Congress has struggled in recent years to adopt a comprehensive and positive energy policy. It appears that this year's energy package also falls short of reaching this goal.

Opportunities in the Global World

- Over the past two decades, the United States has sought to expand international trade. Both the Bush and Clinton administrations, one Republican and the other Democratic, have pursued a free trade agenda seeking to achieve a number of national goals.
- This policy has not always been popular. In fact, its very success in fostering economic development throughout the world has produced stiff competition within many industries and caused some to question why we ever followed this particular path.
- After years of steadily growing trade deficits, this tide appears to be turning in our favor:
 - American business community has risen to the challenge - producing products in many sectors that are a match for the international competition.
 - Professional economic forecasters point to a worldwide correction in trade and capital imbalances which should result in a continued readjustment in the relative value of the world's major currencies.
 - The dollar's decline coupled with our growing economic strength suggest continued robust export growth by U.S. producers and a declining trade deficit for the remaining years of this decade. (*Source: Global Insights*)

Wisconsin Companies Have Risen to the Global Challenge

- There's plenty of evidence to suggest that Wisconsin's companies are up to this challenge and are ready to meet their international competitors.
- Strong growth in Wisconsin's export put the state above the median in several measures of trade achievement:
 - Wisconsin ranks 19th among the states by measure of export value;
 - Our state's exports accounted for 6.6 percent of our state GDP, ranking 15th among the 50 states;
 - Wisconsin export growth has outpaced national growth in this sector in recent years (15 percent vs. 14.7 in 2006 and 17.4 percent vs. 10.4 percent in 2005).

Specific Wisconsin Success Stories

- Oshkosh Truck has enjoyed international success. Earlier this year, the company signed a contract with the Egyptian Defense ministry for specially designed military trucks - expanding their markets and creating opportunities for other Wisconsin companies
- Harley Davidson is working to penetrate the Chinese market -- opening its first dealership in that country last year. This is an important effort in a market that most believe will be difficult to crack.
- Saudi Arabia has become the number two importer of Wisconsin-built transportation equipment and Bangladesh is now the fifth largest importer of Wisconsin's electrical equipment and appliances.

Rosy Scenario's, Yes - Problems as Well

- Not all companies and workers are enjoying success. Rough spots need to be addressed:
 - Sock manufacturer in Sheboygan County, highly automated and thoroughly modern, finding domestic markets disrupted by growing sock imports despite government promises to enforce agreed upon quotas.
 - Service sector employees not afforded same benefits when jobs are lost to foreign competitors -- A.C. Nielsen employees' application for Trade Adjustment Benefits denied because the company does not produce an "item."

Opportunities for Constructive Government Action

- Break Stalemate in Trade Policy - Bipartisan agreement will be necessary for U.S. to move forward with future trade deals, both parties will need to compromise.
- Enforce Trade Laws and Agreements to Protect Threatened U.S. Companies - unfair trade practices must be aggressively checked to maintain support for new trade deals.
- Fiscally Responsible Government with Low Taxes to Promote Growth - low deficits and low taxes will help U.S. companies as global environment evolves.
- Transportation Investments to Facilitate Movement of Goods and People - our national transportation system is in need of increased investment.
- Expand Worker Dislocation Benefits to Include Service Sector Employees - TAA (Trade Adjustment Assistance) law will be reauthorized this year.
- Workforce Training - new training approaches to help workers adjust and remain productive within a changing employment landscape.

Wisconsin Economic Statistics

Trade

- In 2006 Wisconsin exports were valued at \$17.2 billion. This is an increase of 15 percent over the 2005 which itself showed a 17.4 percent increase over 2004. Since 2001, state exports have increased by 64 percent.
- Leading components of Wisconsin's 2006 exports are as follows:
 - Machinery Manufacturing- 26.5 percent
 - Computers and electronics production - 18.3 percent
 - Transportation Equipment - 13.7 percent
 - Electric Appliances and Part - 5.2 percent
 - Paper - 4.5 percent
- Canada remains the top market for Wisconsin exports. Mexico has been a strong market for Wisconsin with exports increasing by 177 percent over 2001 levels.
- China has passed Japan to become with Wisconsin's third largest market with exports increasing 172 percent over 2001.
- Other export destinations of note include Saudi Arabia (transportation equipment) which increased its purchases of Wisconsin products by 202 percent over 2005. Bangladesh has become the fifth largest importer of Wisconsin produced electrical equipment and appliances.
- Wisconsin's top five export destinations and percentage of export volume:
 - Canada - 31.7 percent
 - Mexico - 10.8 percent
 - China - 5.1 percent
 - Japan - 4.3 percent
 - United Kingdom - 4.0 percent

Manufacturing Facts

- Wisconsin GDP \$216.3 billion
- Manufacturing portion of GDP - \$44.6 billion (21 percent)
- Manufacturing employment (2006) - 504,600
- Annual manufacturing wages (2005) - \$44,457 (Average state wage - \$35,115)

Wisconsin Economic Outlook

- Wisconsin's unemployment rate was at 5.0 percent in June, higher than the national average of 4.5 percent.
- The WI Department of Revenue expects employment growth to remain slow in the state, citing the slowdown in the housing market, increased risks from sub-prime mortgage markets, and peak gasoline prices which hurt consumption.
- Modest gains in manufacturing employment that were expected in 2006 have mostly evaporated. The sector produced 100 new jobs during the year for growth of less than 0.1 percent.
- U.S. Labor Department figures show 2006 personal income to have grown in Wisconsin by 4.8 percent, lower than national income growth (6.3 percent), but equal to regional growth.
- Per capita income in the state increased 4.3 percent, again lower than the national rate (5.2 percent), and in this case below the regional rate of growth (4.5 percent).
- The Revenue Estimate, based upon the forecasts of Global Insights, Inc., expects the Wisconsin economy to remain slow during the third and fourth quarter of 2007 with a return to moderate growth in 2008 and 2009.

EXHIBIT 34

Subject: Copy: Delegates of the Egyptian Office of the Defense Attaché
Start: Thu 05/15/2008 04:00 PM
End: Thu 05/15/2008 04:30 PM
Recurrence: (none)
Meeting Status: Not yet Responded
Required Attendees: Schwartz, Tyler

*Also joining is Jay Kimmitt of Oshkosh Corporation

*To discuss the status of the US-Egyptian strategic relationship in light of the situation in Iraq, Iran-Israeli & Palestinian negotiations, and developments in Sudan and terrorist issues

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EXHIBIT 35

From: Gebhardt, Debbie
Sent: Wednesday, May 07, 2008 01:53:16 PM
To: [REDACTED]@oshtruck.com
Subject: Egyptians

Hi Jay:

As you may recall, you joined Rep. Petri for a meeting that the Egyptian Office of the Defense Attache requested for the Egyptian White Paper delegation (senior Armed Forces officials) to discuss security and military objectives.

We haven't set up meeting yet, but he was wondering if you guys would be interested in joining us again for the meeting?

They are here next week.

Debbie

PET-OCE-00001732

14-1891_0411

EXHIBIT 36

From: Gebhardt, Debbie
Sent: Friday, May 09, 2008 03:34:46 PM
To: [REDACTED]@oshtruck.com'
Subject: Re: Egyptians

Will do.

Sent from my BlackBerry Wireless Handheld (www.BlackBerry.net)

----- Original Message -----

From: [REDACTED]@oshtruck.com <[REDACTED]@oshtruck.com>
To: Gebhardt, Debbie
Sent: Fri May 09 15:22:46 2008
Subject: Re: Egyptians

please let me know when the meeting is and i would like to make it. most appreciate. thanks

good weekend.

Jay Kimmitt
Executive Vice President
Oshkosh Corporation

1300 North 17th Street
Suite 1040

Arlington, VA 22209
(703) 525-[REDACTED] (Direct)

"Gebhardt,
Debbie"
<[REDACTED]@
mail.house.gov>

05/07/2008 01:53
PM

<[REDACTED]@oshtruck.com>

Egyptians

To

cc

Subject

Hi Jay:

PET-OCE-00001729

14-1891_0413

As you may recall, you joined Rep. Petri for a meeting that the Egyptian Office of the Defense Attache requested for the Egyptian White Paper delegation (senior Armed Forces officials) to discuss security and military objectives.

We haven't set up meeting yet, but he was wondering if you guys would be interested in joining us again for the meeting?

They are here next week.

Debbie

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Thank you.

EXHIBIT 37

From: Oppe, Lydia
Sent: Thursday, May 15, 2008 03:59:08 PM
To: Gebhardt, Debbie; Schwartz, Tyler
Subject: FYI

Jay Kimmitt just called
he can't make it to the egyptian attaché meeting

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EXHIBIT 38

TRANSCRIPT OF INTERVIEW OF MANITOWOC COMPANY SENIOR VICE PRESIDENT FOR WASHINGTON OPERATIONS AND GLOBAL SECURITY

INTERVIEW OF [REDACTED]

Present:

Scott Gast, Investigative Counsel

Bryson Morgan, Investigative Counsel

[REDACTED]

Transcribed By:

Julie Thompson

1 MR. GAST: Alright. Just for the record, this is Scott
2 Gast here with Bryson Morgan, both of the Office
3 of Congressional Ethics, joined by telephone by
4 [REDACTED] from the Manitowoc Corporation, and,
5 Mr. [REDACTED], we appreciate you being with us
6 telephonically today.

7 I usually like to start with a few
8 background questions. So if you could tell us
9 your current position with the Manitowoc Company
10 and some of your duties in that position.

11 [REDACTED] (the "Witness"): Yes, sir. My name is [REDACTED]
12 [REDACTED]. I'm a Senior Vice President for
13 Washington Operations and our global security.
14 I'm responsible for security for all of our
15 facilities here in the United States and around
16 the world. Thus, why I do have kind of a
17 traveling schedule. I've been with Manitowoc
18 for -- it will be 14 years on May 30th, and
19 prior to that I was military. I was -- I'm a
20 retired military officer.

21 MR. GAST: Okay. Can you tell us a little bit about the
22 Manitowoc Corporation? What their business is?

23 WITNESS: Absolutely. Briefly, Manitowoc is a
24 manufacturing company. It started about 112
25 years ago in the city of Manitowoc. We started

1 out as a ship builder. We build many of the
2 wooden ships of the Great Lakes at the turn of
3 the last century. Then we got into large ship
4 building programs, and during that time, in
5 order to provide lift for many of the heavy
6 components and modules to put these ships
7 together, we bought a crane company.

8 And then even ducktail to that, we
9 developed some refrigeration innovations that we
10 developed to be on board ships.

11 During World War II, the United States
12 Navy, besides Electric Boat, asked Manitowoc to
13 build 29 diesel submarines, and with that at the
14 beginning of the war, we had over 25,000
15 employees at the Manitowoc shipyard.

16 Many people wonder how you can build a
17 ship up in the Great Lakes. You know, the Great
18 Lakes are very large, and when we build the
19 submarines, we actually put them on barges and
20 tote them down the Illinois River in
21 Mississippi. And then they had their sea trials
22 in the Gulf of Mexico. Then, of course, they
23 went to their specific war areas or areas of
24 operation.

25 By the end of the war, ship building

1 dramatically dropped, of course, because of the
2 war machine had stopped World War II and people
3 were going back more to civilian items. And
4 there wasn't much of a call, so we took those
5 other two segments, the crane segment and what
6 we call the food service, and those two
7 particular segments started to grow, although we
8 continued to build ships for the Navy and the
9 Coast Guard over those passing years.

10 About five years ago, actually six
11 years ago, just before the recession, we sold
12 the marine group of Manitowoc and emphasized our
13 two other segments, which actually grew quite
14 significantly. The ship building industry was
15 really only accounting for about 5 percent of
16 our revenue, and we felt that by selling that
17 segment we could invest more in the other two
18 segments, which is now lift solutions, which are
19 cranes, which accounts for about 68 percent of
20 our gross revenue, and food service, which
21 includes ice machines, walk-in freezers.

22 We also have the hot side, which are
23 griddles, and we deal mostly with hotel chains
24 and fast food chains like McDonald's,
25 Yum, which owns KFC. And that is -- the food

1 service takes up the remainder, that 32 percent
2 of our gross revenue.

3 So in effect, we sold our legacy, and
4 that's where I became involved or I got involved
5 because I was more on the ship building side of
6 it. I was a Coast Guard officer. Actually, a
7 black shoe as they say. I was more of a sailor
8 and really was working the -- well the federal
9 side because shipbuilding in the United States
10 really depends -- it's a small amount of
11 commercial work, but it's largely government
12 related work.

13 And so today the Manitowoc Company is
14 about a \$4 to \$4.5 billion a year midcap or
15 small cap, as you say, it's right in the middle
16 there, depending largely on our sales of large
17 cranes around the world and as well as our food
18 service. And we are -- we have manufacturing
19 facilities just about all around the world,
20 especially in some of the big markets like Asia,
21 Southwest Asia, (inaudible), the Americas, and
22 of course Europe, and Middle East.

23 MR. GAST: Well, now let me ask you, of your 14 years with
24 the company, how many of those have been in
25 Washington Operations in that area?

1 WITNESS: The last -- actually the last 11 -- 11-1/2 years
2 I've worked mostly Washington. I've worked
3 government relations in Washington as well as
4 some international relationships based on some
5 of the networking that I have done. The last
6 two and a half, three years I was given an
7 additional assignment, which is actually turning
8 out to be more of my primary, more in the
9 operations of security. As a large -- as you
10 can imagine, as a large global company, security
11 has now become quite important --

12 MR. GAST: Sure.

13 WITNESS: -- with the environment that we have. So almost
14 about three years now I've been -- I've been
15 doing the security, but at the same time managed
16 some of the relationships that I have in
17 Washington, D.C.

18 MR. GAST: And can you go into a little more detail about
19 what it is, what your duties are in the
20 Washington Operations side of things?

21 WITNESS: Sure as -- I am a registered lobbyist. I
22 register -- submit my forms, although I'm not as
23 active as I used to be.

24 MR. GAST: Mm-hmm.

25 WITNESS: I was more active when we had the marine side

1 because of the numerous federal contracts. I
2 also assist the company with certain issues that
3 might come up with agencies and basically meet
4 with staffers and discuss some of the issues. I
5 mostly work with our trade associations, the
6 National Association of Manufacturers, the
7 Association of Equipment Manufacturers, which
8 have their own advocates, and we, together try
9 to leverage our associations in order to discuss
10 certain issues that either affect the company
11 positively or negative.

12 MR. GAST: Okay. Who else at the company would interact
13 with government officials besides yourself?

14 WITNESS: Well, you know, basically I was a one-man shop.
15 I did have someone work for me a number of years
16 ago when we were still in the marine side of it,
17 but, you know, other than some of the
18 fundraisers that we attended, you know, where I
19 would get some of the other leadership involved,
20 I was really the only one that managed that.

21 I did a monthly report. I reported my
22 activities, and much of this is a matter of
23 public records because of the reports that I had
24 to submit based on the FEC, you know, of course,
25 of late with the Feingold-McCain Act, LDA 203, it's

1 a matter of public record.

2 MR. GAST: Would you ever bring senior company officials
3 with you for Hill visits, or would they reach
4 out on their own to any elected officials or
5 staff?

6 WITNESS: Any -- any visits up to Washington I would
7 coordinate with my -- with my senior folks.
8 With our last CEO, prior to Glen Tellock,
9 I remember bringing him, and those
10 were mostly, basically getting familiar. What
11 we used to call fly-ins.

12 If one of our senior executives had
13 business in the Washington, D.C., area, they
14 would ask to meet with some of the elected
15 officials, and not necessarily our own elected
16 officials but all of the officials that had some
17 sort of oversight with some of the things that
18 we did.

19 MR. GAST: Sure. Is it fair to say then that if there were
20 government related issues to deal with, that
21 would all go through you? That you would be
22 aware of all that?

23 WITNESS: That's correct. I would be familiar. I was
24 basically the -- well, I'd either be the
25 bottleneck or the -- or the ramp on, but, yes.

1 Everyone would have to clear anything that they
2 were doing in Washington, so that there would be
3 no inconsistencies either with a messaging or
4 with any other issues. It would just come out
5 of our office.

6 MR. GAST: Okay. Did the company have any consultants,
7 government relations consultants or anything
8 like that?

9 WITNESS: You know, we didn't. When I first started
10 working with the company many, many, many -- I
11 mean, when I first arrived, I actually worked
12 for the shipyard, which was Marinette Marine
13 (phonetic).

14 MR. GAST: Mm-hmm.

15 WITNESS: And they had that "K Street Connection." But
16 that's why they hired me. They really wanted to
17 get away from that and have an employee,
18 basically an in-house person do most of their
19 vetting on Capitol Hill. So I can tell you for
20 the years that I have been, I've never hired
21 anyone.

22 Now, I don't consider trade
23 associations anyone (inaudible). So we are
24 members of the US Chamber of Commerce as
25 maintenance.

1 MR. GAST: Mm-hmm.

2 WITNESS: This is our -- as I said earlier, we are a
3 member of the National Association of
4 Manufacturers. We're members of the Association
5 of Equipment Manufacturers.

6 And we're also members of the
7 Association of the Heat and Refrigeration
8 Institute, which not only is a trade
9 association, but they're also a classification
10 institute. They actually put their stamps of
11 approval, very much like UL does, when you make
12 refrigeration products or heating products.
13 They actually put them through an independent
14 laboratory testing, and they're sanctioned by
15 the government, those particular agencies. So -
16 - but to answer your original question, no.
17 I've never had to hire a consultant.

18 MR. GAST: Okay. And, generally, what subjects do you
19 communicate to federal officials about? What
20 are the key issues for the company?

21 WITNESS: Sure. And, you know, this is, again, a matter
22 of public record when I filled out my original
23 registration. Naturally, transportation is very
24 important to us.

25 MR. GAST: Mm-hmm.

1 WITNESS: -- defense, environmental, and on occasion there
2 would be issues that deal with immigration
3 because of some of the H2B requests that we had
4 for good relation, and entering taxes as well.

5 MR. GAST: Okay.

6 WITNESS: But for the most part it was transportation
7 because of our cranes and defense, which really
8 came under the auspices of our marine group.

9 MR. GAST: Okay. And how generally do you interact on
10 these issues. It is meetings, emails, phone
11 calls, letters, how -- what's the general way
12 that you go about --

13 WITNESS: It was mostly through really -- you know, old
14 school. I like to go up on the Hill and -- I
15 knew a lot of the people up there, so it would
16 mostly be in discussions. But, generally, I
17 would go up there with one of our trade
18 associations, along with them, and we would show
19 kind of a solidarity for a particular issue,
20 whether it was something that had to do with,
21 you know, the transportation bill. If it had to
22 do with funding a particular defense project
23 that was already, you know, on the books; that
24 sort of thing. I never generally had to write
25 to anyone, other than, you know, if there was an

1 issue that I wasn't fully aware of. I would
2 probably ask for some material, but that would
3 be the extent of it.

4 MR. GAST: Okay. And is the company and are you involved
5 in fundraising for members of Congress?

6 WITNESS: Yes, yes. We do. We do have an active
7 political action committee, which is registered
8 with the FEC.

9 MR. GAST: Mm-hmm.

10 WITNESS: It is only from the restricted class - it's
11 a leadership PAC. There's no grassroots to it.
12 So very few people -- and actually that's gotten
13 smaller since we lost our marine business.

14 MR. GAST: Mm-hmm.

15 WITNESS: So we have a -- I would say a very modest
16 PAC participation. Now, generally,
17 since I've been doing this other -- what we do
18 is pack the PAC donations to our trade
19 association since they -- they follow the same
20 issues and really pursue some of the concerns
21 that we have.

22 MR. GAST: Okay. I want to talk to you now about your
23 interactions, specifically with Congressman
24 Petri from Wisconsin and his Congressional
25 office. How often would you say that you have

1 interactions with his office?

2 WITNESS: Well, as I said, the last two or three years I
3 have been basically out of the country. We had
4 a large project down in Mexico. So I would say
5 in the last three years with his office,
6 probably about two or three times. Naturally,
7 like any other member of Congress, Senator or
8 Congressman, they do ask for contributions.

9 MR. GAST: Sure.

10 WITNESS: We do have a PAC board that considers those,
11 and what I do is I make the recommendation. I
12 am a non-voting members. That's out we set up
13 the PAC. I put together the -- either the
14 justifications, or I make the recommendation and
15 leave it up to the PAC to -- whether they want
16 to make a contribution or not. So in that
17 sense, I would say that just like any of the
18 other members, it was the -- you know, the cycle
19 --

20 MR. GAST: Right.

21 WITNESS: -- which is basically two years, and naturally
22 we're restricted to whatever the limitations are
23 financially. So I would get involved in that,
24 but I would not have any direct contact.

25 I will add that with Congressman

1 Petri, since he was our Congressman and we were
2 his constituents, there was a -- we had an
3 annual fundraiser for him that we sponsored, and
4 this has been going on for many, many years. So
5 we always made sure that we would be available
6 to sponsor that, and we had those once a year.
7 And, again, that's -- that's a matter of public
8 record.

9 MR. GAST: Right.

10 WITNESS: We would have something locally for Congressman
11 Petri. When we were in the -- you know, doing
12 the ship business, there was occasional -- I
13 would say maybe we would -- or I would talk to
14 either his staff. Very infrequently I would
15 talk to Mr. Petri, but basically his staff
16 concerning the budget, you know, what the
17 defense budget was going to be like and also
18 transportation because I believe Mr. Petri is on
19 T&I, and we would discuss that. That was
20 limited maybe. I would say -- let's see.
21 Hearings were usually around the springtime. So
22 we would discuss there, and then maybe towards
23 the end of the fiscal year. So maybe two or
24 three times.
25 But, again, I mean, this is involving

1 other members as well. I know you focusing on
2 Petri, but this is -- these are members on both
3 sides of the aisle.

4 MR. GAST: Sure, sure. How often would you make specific
5 requests for action of Congressman Petri on
6 behalf of the company?

7 WITNESS: You know, I can tell you of two occasions that
8 we had requested, and it wasn't that we wanted
9 him to either influence or do anything about it.
10 But as a constituent, we were -- and,
11 ironically, it was with the same agency. It was
12 EPA.

13 It was either about eight or nine
14 years ago. We had an issue with green gases,
15 and when we make these large walk-in freezers,
16 they're insulated with certain foam; and we use
17 a refrigerant and a gas. And at the time EPA
18 wanted everyone to go to this more
19 environmentally friendly gas.

20 Well, we saw where EPA was going with
21 that, and we decided to go ahead and make the
22 investment and go green early. Well, what had
23 happened was some of our other companies that
24 were in the same business were not prepared to
25 do that, and they had asked for kind -- not an

1 exemption but to defer the date when it was
2 supposed to be effective. When we found that
3 out, what that did is that put us from a
4 competitive situation, since this gas was more
5 expensive. It would -- it would affect our
6 competitiveness on the market.

7 So we tried to contact EPA so
8 that we can discuss, get our technical people
9 with them, and we were not getting anywhere. So
10 we made a request that -- through the staff, if
11 they would be able to set up some sort of a
12 meeting so that we can discuss our concern, and
13 he was able to -- I should say the staff and he
14 were able to get a hold of EPA and made the
15 arrangements for us to sit down and -- and
16 really kind of tell our side of the story. And
17 that was the extent of that.

18 And then just recently, and recently
19 is three years ago, we had an issue on our crane
20 side with -- which had to do with the engines.

21 MR. GAST: Mm-hmm.

22 WITNESS: As you may know, we're going from Tier 3 to Tier
23 4 engines, which are more restrictive. However,
24 we were having an issue with the OEMs,
25 basically, the engine makers. We had orders in

1 for certain products, yet we didn't have the
2 engines. So you have to design the chassis
3 around those engines, and this was all new
4 technology.

5 And we were running out of the
6 credits, and we -- we were constantly after EPA.
7 There is a provision in the rule that we can get
8 an exemption if -- provided -- if we came under
9 certain things, and one of them was -- there was
10 a financial exemption, meaning that it would
11 have a great impact on the -- on the revenues of
12 the company and also affect the human resources.
13 Then there was another which had to do with
14 technical.

15 We compared all of those. Time was
16 getting short, and EPA was not responding.
17 Again, we went back to the office just to
18 request some consideration before this was going
19 to happen because it was going to cost us quite
20 a bit of money. We would actually have to stop
21 production because we didn't have the engine,
22 and if we kept using the Tier 3 engines, we
23 couldn't sell them here in the United States or
24 wherever -- you know, here in the United States.

25 So, again, I believe the staff

1 prepared a letter that went to EPA asking that
2 they sit down, and then there -- there was other
3 -- there was some other particulars to that too.
4 EPA had told us that we had a certain amount of
5 time, and then that time changed, and it looked
6 it they weren't even going to consider it.

7 So all wanted to do was to have a
8 meeting, and, again, have a face-to-face.
9 Actually, we didn't have a meeting, we had a
10 conference call --

11 MR. GAST: Okay.

12 WITNESS: -- with EPA, and, actually, they're still --
13 they're still considering. There was some rule
14 changes made, and I don't think it had anything
15 to do with us. But it turned out that we did
16 have some credits. We did have some time, and
17 then with the rule change that the EPA had made,
18 we were able to get a little more time, get the
19 OEMs to get their -- their engines to us.

20 And those are the only two occasions
21 that I can honestly recall that we asked, and it
22 was, again, not -- not for any type of
23 influence. But we just wanted to have a meeting
24 or a conference call with them.

25 MR. GAST: Okay. I think some of those -- some of the

1 documents that the company provided us reflect
2 those couple of instances. I just want to ask
3 you a couple questions about both of them.

4 WITNESS: Sure.

5 MR. GAST: On the first one, do you recall who you worked
6 with in Representative Petri's office. This
7 would have been --

8 WITNESS: Oh, yeah.

9 MR. GAST: -- the EPA --

10 WITNESS: Boy, that's a long time ago. I can't -- you
11 know, it was one LAs.

12 MR. GAST: Could it have been Lindsay Bowers? Does that
13 sound familiar?

14 WITNESS: Which name?

15 MR. GAST: Lindsay Bowers?

16 WITNESS: You know, what -- yeah. Lindsay does sound
17 familiar. I believe she helped us. Yeah.

18 Lindsay, I think she -- I think that was her.

19 Yeah. I remember her asking me, you know, what

20 some of the facts were. We actually had a

21 meeting with her. I flew in the president of

22 the -- of the -- actually, not the president but

23 the technical guy because I'm not an engineer --

24 to explain some of the technicalities behind it.

25 But, again, the issue was not so much

1 the rule, but the issue was the fact that we had
2 this friendly gas that we were paying a
3 phenomenal amount, and then, you know, they were
4 -- they were going to go ahead and postpone
5 that.

6 MR. GAST: Right.

7 WITNESS: We could have done the same thing.

8 MR. GAST: Did you work at all with the Congressman's Chief
9 of Staff, Debra Gebhardt?

10 WITNESS: Oh, I've talked to Debbie. Well, I know Debbie
11 very well.

12 MR. GAST: Okay.

13 WITNESS: Debbie basically just kind of set it up. If I
14 couldn't get a hold of a particular LA, I would
15 give Debbie a call, but Debbie was never there
16 for any of the meetings or -- you know, Debbie
17 was basically the office manager.

18 MR. GAST: Right.

19 WITNESS: She took care -- if I needed to get a hold of
20 somebody, she would have them call me back, and
21 that was it.

22 MR. GAST: Did you ever have any interactions with
23 Representative Petri himself about that issue?

24 WITNESS: You know, I believe he was in the office when we
25 -- he had come out, and, I believe, you know, he

1 listened to what our story was and basically
2 said something to the effect of, you know,
3 Lindsay is very good with. She was like, I
4 believe, the environmental -- that was her
5 issues, and that she would take care of us, if I
6 recall that.

7 MR. GAST: Okay.

8 WITNESS: Mr. Petri was always a gentleman. Whoever was
9 out there waiting and stuff, he would stick his
10 head out and say hello and things of that
11 nature. He was a nice person.

12 MR. GAST: Okay. And you said then that the actual
13 assistance that the Petri staff provided was
14 working with EPA and possibly OMB?

15 WITNESS: Yeah, yeah. Exactly. What had happened was
16 they set up a meeting for us, and we sat down.
17 We brought in the engineers, and there was no
18 guarantees. We were just going to get kind of
19 our day in court.

20 MR. GAST: Sure.

21 WITNESS: And we went through -- they talked all about,
22 you know, our R35 and 25, you know. Apparently,
23 EPA -- and OMB was -- I guess OMB was there
24 because it's a budgetary issue.

25 MR. GAST: Mm-hmm.

1 WITNESS: And also they were representing the white house
2 in some respect about this rule --

3 MR. GAST: Okay.

4 WITNESS: -- whether or not it should make this
5 change. But the whole sense of it is that
6 we wanted them to know that, as a company, we
7 made the change based on the fact that the EPA
8 was going to go in that direction. We want to
9 be ahead of the game, but we also told them that
10 it was not that expensive, as many of our other
11 companies are, you know, competing said it
12 would. And we showed them. We had factual
13 information to show them, and that was the
14 extent of it.

15 MR. GAST: And you said you were ultimately successful in
16 convincing EPA of your position?

17 WITNESS: Well, I -- no. I didn't say that, but what
18 happened was we left the meeting; and later on
19 there was some sort of a -- just a very minor
20 change about the fact that the others, they
21 didn't change anything. They did say that
22 people that did have the gases weren't going to
23 have them at this particular point, as opposed
24 to pushing it down the road a little more.

25 So it was kind of a compromise between

1 the two.

2 MR. GAST: Okay.

3 WITNESS: Yeah. It wasn't going to be as long as it would
4 have been. I think if -- if we didn't get to
5 say our say, it would have been -- we would have
6 been buying that product, and we would have been
7 noncompetitive for a couple years, something
8 like that.

9 But they never made any promises at
10 that meeting. They never said anything, and
11 basically took our information. And, really, we
12 didn't find out for -- well, we didn't know. I
13 mean, we didn't find out for -- I think it was
14 eight or nine months later --

15 MR. GAST: Okay.

16 WITNESS: -- the change was made. Yeah.

17 MR. MORGAN: How did you find out? This is Bryson Morgan
18 here. How did you find out what the outcome
19 was? Was that relayed to you by Congressman
20 Petri's office, or did you find out through
21 other means?

22 WITNESS: No. I found out through the segment, you know,
23 the ice people.

24 MR. GAST: And how did they find out? Were --

25 WITNESS: I don't --

1 MR. GAST: Okay.

2 WITNESS: I don't know. You know, again, you may or may
3 not know, a lot of times, you know, my job is to
4 provide some sort of access or provide some sort
5 of, you know, place where people can -- you
6 know, just like, you know, when I took people up
7 to the hill, they would -- we would come up with
8 talking points. But I very rarely followed up
9 unless they followed up with me.

10 MR. GAST: Okay.

11 WITNESS: So I was out of the picture. Basically, I did
12 my job.

13 MR. GAST: Okay. Shifting to that second occasion that you
14 discussed with the diesel engines for the cranes
15 --

16 WITNESS: Yes.

17 MR. GAST: -- do you recall who you worked with in
18 Representative Petri's office on that issue?

19 WITNESS: I believe his first name is Jason.

20 MR. GAST: Could it have been Kevin James?

21 WITNESS: Or is it Patrick? I'm sorry. Say that again.

22 MR. GAST: Kevin James?

23 WITNESS: Yeah, Kevin James. That's it. Yeah.

24 MR. GAST: Okay. Again, did you have any interaction with
25 Representative Petri on this particular issue?

1 WITNESS: Not on this one. No. Not at all.

2 MR. GAST: Okay. And the specific help that you were
3 seeking was getting some kind of access to EPA,
4 which turned out to be a conference call; is
5 that correct?

6 WITNESS: Yeah. I mean, here's exactly what was
7 happening. We were running out of time because
8 you had time limits with these.

9 MR. GAST: Mm-hmm.

10 WITNESS: And we tried everything. I mean, we kept
11 calling them. We had a -- we had a contact.
12 And I'll tell you, it didn't start with us, it
13 actually started with the National Association
14 of Manufacturers. They had made a
15 recommendation, and they have their contacts as
16 well because this was not just a Manitowoc
17 issue. This was industry wide because many of
18 these off-road cranes needed their Tier 4
19 engines.

20 MR. GAST: Right.

21 WITNESS: So it kind of was in unison with that. So the
22 recommendation was made that -- and
23 interestingly enough, when we did this, even EPA
24 suggested that we get some congressional help on
25 this, almost as if it were saying that, you

1 know, that would -- that would be good because
2 it would put a little more focus or light in how
3 important this issue was. So even EPA was
4 recommending. So that's when I went to Kevin --

5 MR. GAST: Mm-hmm.

6 WITNESS: -- and I gave him the facts over the phone. He
7 took them down, and I believe that they sent
8 them a letter. And the letter basically said
9 what I had told him. We had this -- we were
10 under the impression that we had this time to
11 submit all this for a -- originally it was a
12 technical exemption because of the fact that the
13 OEMs were not ready. They did not have --
14 there's a provision in that ruling, in that
15 federal regulation that said, you know, need be.
16 So we were writing the second version of War and
17 Peace, the technical guys were --

18 MR. GAST: Right.

19 WITNESS: -- in submitting this, and they kept coming back
20 and telling us to revise this, that and -- and
21 we weren't getting anywhere. We were spinning
22 our wheels.

23 MR. GAST: Right. WITNESS: So, you know, after talking
24 with NAM, and then there was a -- and I can't remember
25 the name. They gave me a name in EPA in Washington

1 that I called. They said that you may want to
2 get your representative involved in this, and I
3 did. So they wrote a letter, and I think the
4 last line was something to the effect that it
5 would be -- you know, please -- you know,
6 whatever you can do, please try to get together
7 with them.

8 And we did -- I believe there was a
9 conference call. We discussed it. There was --
10 all we could do was tell them -- and then that's
11 when they recommended to us that we go with a
12 financial hardship, which we were very skeptical
13 about doing because you're basically ripping up
14 your financial Pomona to the agency, and even
15 though they assure you that, you know, the
16 Freedom of Information Act protects us and we
17 can -- you know, we were still afraid to do
18 that. But that was our only resort, and that's
19 what we ended up doing is we ended up giving
20 them the financial exemption.

21 MR. GAST: Okay. During this second occasion, were you
22 aware that Representative Petri owned stock in
23 the company?

24 WITNESS: You know, I knew he owned -- I knew he owned
25 stock in the company.

1 MR. GAST: How did you become aware of that?

2 WITNESS: I think somebody mentioned it to me a while ago.

3 I mean, it wasn't -- it wasn't a secret.

4 MR. GAST: Do you remember --

5 WITNESS: He had -- you know, and, of course, there's

6 always kind of turning heads and stuff, but that

7 never came up. I mean, but I can't tell you

8 when I knew that. I mean, just about everybody

9 in Manitowoc owns Manitowoc stock.

10 MR. GAST: Sure. Do you recall where you would have heard

11 that? Who would have told you that?

12 WITNESS: Let me think. No. I can't pin it down. It

13 might have been passing by, you know. I know

14 it wasn't any of our office here or -- I didn't

15 -- I just know.

16 MR. GAST: Right.

17 WITNESS: I mean, it wasn't through our folks, and we've

18 never ever discussed that. I mean, I can

19 honestly tell you. We've never mentioned

20 anything about Mr. Petri owning stock. Like I

21 said, Manitowoc is a small community, and we

22 just had our shareholders meeting and just about

23 the whole town turns out to sit at this meeting.

24 (Inaudible)

25 MR. GAST: Have you ever had any discussions with

1 Representative Petri about his stock?

2 WITNESS: Never, never. And I would have never done that

3 because that would have been inappropriate.

4 MR. GAST: Ever have general discussions about the --

5 WITNESS: Never.

6 MR. GAST: -- companies performance or --

7 WITNESS: No.

8 MR. GAST: -- or the stock price, or how things were going?

9 WITNESS: I've never. I didn't want to put myself in that

10 position, and I didn't want to put him in that

11 position. That was never a discussion.

12 MR. GAST: Ever discuss the stock ownership?

13 WITNESS: The other thing too, I mean, I might add is

14 that, you know, again, I heard this a long time

15 ago. It could have been true. It could have

16 been not true. I don't know.

17 MR. GAST: Mm-hmm. Ever discuss the stock ownership with

18 his staff, his Congressional staff?

19 WITNESS: No, no.

20 MR. GAST: So were there any discussions about the

21 potential need to disclose his stock ownership

22 when he was reaching out on behalf of the

23 company? Did that ever come up?

24 WITNESS: No.

25 MR. GAST: Any --

1 WITNESS: I didn't even think of that.

2 MR. GAST: Anybody on his staff raise the potential about
3 going to the ethics committee for guidance about
4 how to -- how to provide assistance to the
5 company?

6 WITNESS: No. I wouldn't even think why they would
7 discuss that with me in the first place.

8 MR. GAST: Okay. Let me ask you about another project.

9 Back in the fall of 2007, Representative Petri
10 sponsored a project in the Water Resources
11 Development Act I believe it was to provide some
12 funding to deepen the navigable channel of
13 Manitowoc Harbor. Does that sound familiar at
14 all? Do you -- are you familiar with that --

15 WITNESS: No.

16 MR. GAST: -- that funding?

17 WITNESS: No. That -- no. That doesn't sound familiar to
18 me at all.

19 MR. GAST: Would --

20 WITNESS: Now, again, most of my issues were based or out
21 in Washington.

22 MR. GAST: Mm-hmm.

23 WITNESS: I very rarely got involved with what was going
24 back in the district.

25 MR. GAST: Okay. Do you know, would deepening the harbor

1 have had any impact on the company, on the
2 business?

3 WITNESS: No. Not at all.

4 MR. GAST: Okay.

5 WITNESS: We're most -- we're on a construction site. You
6 know, we thought years ago about getting -- you
7 know, putting things on the -- you know what
8 they do? And, again, this is up to the owners
9 of the cranes. A lot of times they use our
10 cranes, they put them on barges, and they bolt
11 them down. And that's -- you know, they use
12 them for that kind of thing. But, no, that
13 wouldn't have affected us at all.

14 MR. GAST: So that wouldn't have helped shipping the cranes
15 out or anything?

16 WITNESS: Oh, no, no, no.

17 MR. GAST: Okay.

18 WITNESS: You know, just to tell you about the crane
19 industry, most of the sales -- actually, I would
20 say 90 percent of our sales are to the folks
21 that rent the cranes out to projects. So we're
22 not really interested.

23 When we do our forecasts for cranes,
24 we look at capacity issues, inventories. So
25 even in a bad year, you know, where construction

1 is done, if a renter is low on inventory,
2 they're going to buy cranes.

3 MR. GAST: Mm-hmm.

4 WITNESS: So that would be -- you know, it's almost
5 counterintuitive, but, you know, it's -- we look
6 at inventory. We look at capacity, what's going
7 on, and they're the ones who set up all the
8 projects; and that's what they base their --
9 their buys on and their acquisitions.

10 MR. GAST: Okay. Just a couple more questions for you.

11 Did the company ever seek Representative Petri's
12 assistance with request for funding or
13 appropriations requests?

14 WITNESS: Never. We never did that. As a matter of fact,
15 because he was in -- now, I can be quite honest,
16 you know. We have other members of Congress
17 that we talk to as well.

18 MR. GAST: Okay. And what about beyond the couple of
19 things we've talked about already, were there
20 any other times where the company sought
21 assistance from the Congressman or his office
22 that come to mind?

23 WITNESS: You know, we very rarely -- and I -- you know, I
24 think that's what many members of Congress like
25 about Manitowoc. I mean, we -- we're -- how

1 would you say, pragmatic. We support people
2 that we want to see in Congress, and we ask for
3 very -- we ask for very little.

4 MR. GAST: So no --

5 WITNESS: It's almost as a last resort, and I say this
6 tongue in cheek too. I mean, it's a lot of work
7 for me, I mean, for one guy to get around to do
8 that, you know. It really truly is a -- you
9 know, we're a big company, but we still -- we're
10 still like, you know, a small little company;
11 and we take a lot of pride in ethics. We take a
12 lot of pride with our integrity. I mean, it's
13 part of our -- I would say it's part of our DNA.

14 MR. GAST: Yeah.

15 WITNESS: We don't ask a lot of favors.

16 MR. GAST: I think those are all the questions we have for
17 you. Is there anything else that you think
18 would be helpful for us to know?

19 WITNESS: I can't think of anything, but, you know,
20 clearly -- you know, I understand what you folks
21 are doing, but Manitowoc has always had a
22 reputation of being above board. If you need
23 anything else from us, please, don't hesitate to
24 call. I just apologize that I couldn't be there
25 in person. I would rather be there in person so

1 that we can meet each other, and if you need to,
2 that's fine too. I'll look at the schedule,
3 but, you know, we're here to assist you in any
4 way we can.

5 MR. GAST: Well, we appreciate that, and we appreciate your
6 time. Thank you for answering our questions.

7 WITNESS: You bet. And you have a nice day now.

8 MR. GAST: You too. Thank you.

9 MR. MORGAN: You too. Thanks.

10 END OF INTERVIEW

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	B			
<p>able 16:11,13,14 18:18 absolutely 2:23 access 24:4 25:3 accounting 4:15 accounts 4:19 acquisitions 32:9 act 7:25 27:16 30:11 action 12:7 15:5 active 6:23,25 12:6 activities 7:22 actual 21:12 add 13:25 29:13 additional 6:7 advocates 7:8 affect 7:10 16:5 17:12 afraid 27:17 agencies 7:3 10:15 agency 15:11 27:14 ago 2:25 4:10,11 7:16 15:14 16:19 19:10 28:2 29:15 31:6 ahead 15:21 20:4 22:9 aisle 15:3 ■:4,11 2:4,11,11 alright 2:1 americas 5:21 amount 5:10 18:4 20:3 annual 14:3 answer 10:16 answering 34:6 anybody 30:2 apologize 33:24 apparently 21:22 appreciate 2:5 34:5 34:5 appropriations 32:13 approval 10:11 area 5:25 8:13 areas 3:23,23 arrangements 16:15</p>	<p>back 4:3 17:17 20:20 26:19 30:9 30:24 background 2:8 bad 31:25 barges 3:19 31:10 base 32:8 based 6:4 7:24 22:7 30:20 basically 7:3,14 8:10,24 9:18 13:3 13:21 14:15 16:25 20:13,17 21:1 23:11 24:11 26:8 27:13 beginning 3:14 behalf 15:6 29:22 believe 14:18 17:25 19:17 20:24,25 21:4 24:19 26:7 27:8 30:11 ■:1,4,11 2:4 2:5,11,12 bet 34:7 beyond 32:18 big 5:20 33:9 bill 11:21</p>	C		
		<p>c 6:17 8:13 call 4:4,6 8:11 18:10,24 20:15,20 25:4 27:9 33:24 called 27:1 calling 25:11 calls 11:11 cant 19:10 26:24 28:7,12 33:19 cap 5:15 capacity 31:24 32:6 capitol 9:19 care 20:19 21:5 century 3:3 ceo 8:8 certain 7:2,10</p>		

31:9,10,14,21,23 32:2 credits 17:6 18:16 current 2:9 cycle 13:18	27:19 33:21 donations 12:18 dont 9:22 18:14 23:25 24:2 29:16 33:15,23 dramatically 4:1 dropped 4:1 ducktail 3:8 duties 2:10 6:19	everybody 28:8 exactly 21:15 25:6 executives 8:12 exemption 16:1 17:8,10 26:12 27:20 expensive 16:5 22:10 explain 19:24 extent 12:3 16:17 22:14	31:20 33:20 follow 12:19 followed 24:8,9 food 4:6,20,24,25 5:17 forecasts 31:23 forms 6:22 found 16:2 23:22 freedom 27:16 freezers 4:21 15:15 friendly 15:19 20:2 fully 12:1 funding 11:22 30:12,16 32:12 fundraiser 14:3 fundraisers 7:18 fundraising 12:5	gentleman 21:8 getting 8:10 16:9 17:16 25:3 26:21 31:6 give 20:15 given 6:6 giving 27:19 glen 8:8 global 2:13 6:10 go 6:18 8:21 11:12 11:14,17 15:18,21 15:22 20:4 22:8 27:11 going 4:3 14:4,17 15:20 16:22 17:18 17:19 18:6 20:4 21:18 22:8,22 23:3 29:8 30:3,23 32:2,6 good 11:4 21:3 26:1 gotten 12:12 government 5:11 6:3 7:13 8:20 9:7 10:15 grassroots 12:11 great 3:2,17,17 17:11 green 15:14,22 grew 4:13 griddles 4:23 gross 4:20 5:2 group 4:12 11:8 grow 4:7 guarantees 21:18 guard 4:9 5:6 guess 21:23 guidance 30:3 gulf 3:22 guy 19:23 33:7 guys 26:17
D	E	F	G	H
d 6:17 8:13 date 16:1 day 21:19 34:7 deal 4:23 8:20 11:2 debbie 20:10,10,13 20:15,15,16 debra 20:9 decided 15:21 deepen 30:12 deepening 30:25 defense 11:1,7,22 14:17 defer 16:1 depending 5:16 depends 5:10 design 17:2 detail 6:18 developed 3:9,10 development 30:11 didnt 9:9 17:1,21 18:9 22:17,21 23:4,12,12,13 25:12 28:14 29:9 29:10 30:1 diesel 3:13 24:14 direct 13:24 direction 22:8 disclose 29:21 discuss 7:4,9 14:19 14:22 16:8,12 29:12,17 30:7 discussed 24:14 27:9 28:18 discussion 29:11 discussions 11:16 28:25 29:4,20 district 30:24 dna 33:13 documents 19:1 doesnt 30:17 doing 6:15 9:2 12:17 14:11 27:13	earlier 10:2 early 15:22 east 5:22 effect 5:3 21:2 27:4 effective 16:2 eight 15:13 23:14 either 7:10 8:24 9:3 13:13 14:14 15:9 15:13 elected 8:4,14,15 electric 3:12 emails 11:10 emphasized 4:12 employee 9:17 employees 3:15 ended 27:19,19 engine 16:25 17:21 engineer 19:23 engineers 21:17 engines 16:20,23 17:2,3,22 18:19 24:14 25:19 entering 11:4 environment 6:13 environmental 11:1 21:4 environmentally 15:19 epa 15:12,17,20 16:7,14 17:6,16 18:1,4,12,17 19:9 21:14,23 22:7,16 25:3,23 26:3,25 equipment 7:7 10:5 especially 5:20 ethics 2:3 30:3 33:11 europe 5:22	facetoface 18:8 facilities 2:15 5:19 fact 20:1 22:7,20 26:12 32:14 facts 19:20 26:6 factual 22:12 fair 8:19 fall 30:9 familiar 8:10,23 19:13,17 30:13,14 30:17 fast 4:24 favors 33:15 fec 7:24 12:8 federal 5:8 7:1 10:19 26:15 feingoldmccain 7:25 felt 4:16 filled 10:22 financial 17:10 27:12,14,20 financially 13:23 find 23:12,13,17,18 23:20,24 fine 34:2 first 9:9,11 19:5 24:19 30:7 fiscal 14:23 five 4:10 flew 19:21 flyins 8:11 foam 15:16 focus 26:2 focusing 15:1 folks 8:7 28:17	game 22:9 gas 15:17,19 16:4 20:2 gases 15:14 22:22 gast 1:9 2:1,2,21 5:23 6:12,18,24 7:12 8:2,19 9:6,14 10:1,18,25 11:5,9 12:4,9,14,22 13:9 13:20 14:9 15:4 16:21 18:11,25 19:5,9,12,15 20:6 20:8,12,18,22 21:7,12,20,25 22:3,15 23:2,15 23:24 24:1,10,13 24:17,20,22,24 25:2,9,20 26:5,18 26:23 27:21 28:1 28:4,10,16,25 29:4,6,8,12,17,20 29:25 30:2,8,16 30:19,22,25 31:4 31:14,17 32:3,10 32:18 33:4,14,16 34:5,8 gebhardt 20:9 general 11:11 29:4 generally 10:18 11:9,16,24 12:16	h2b 11:3 half 6:6 happen 17:19 happened 15:23 21:15 22:18 happening 25:7 harbor 30:13,25

hardship 27:12	31:19	joined 2:3	left 22:18	marinette 9:12
head 21:10	influence 15:9	julie 1:16	legacy 5:3	market 16:6
heads 28:6	18:23	justifications 13:14	letter 18:1 26:8,8	markets 5:20
heard 28:10 29:14	information 22:13		27:3	material 12:2
hearings 14:21	23:11 27:16	K	letters 11:11	matter 7:22 8:1
heat 10:7	infrequently 14:14	k 9:15	leverage 7:9	10:21 14:7 32:14
heating 10:12	inhouse 9:18	kept 17:22 25:10	lift 3:5 4:18	mcdonalds 4:24
heavy 3:5	innovations 3:9	26:19	light 26:2	mean 9:11 14:25
hello 21:10	instances 19:2	kevin 24:20,22,23	limitations 13:22	23:13 25:6,10
help 25:2,24	institute 10:8,10	26:4	limited 14:20	28:3,7,8,17,18
helped 19:17 31:14	insulated 15:16	key 10:20	limits 25:8	29:13 32:25 33:6
helpful 33:18	integrity 33:12	kfc 4:25	lindsay 19:12,15,16	33:7,12
heres 25:6	interact 7:12 11:9	kind 2:16 11:19	19:18 21:3	meaning 17:10
hesitate 33:23	interaction 24:24	15:25 16:16 20:13	line 27:4	means 23:21
hill 8:3 9:19 11:14	interactions 12:23	21:18 22:25 25:3	listened 21:1	meet 7:3 8:14 34:1
24:7	13:1 20:22	25:21 28:6 31:12	little 2:21 6:18	meeting 16:12 18:8
hire 10:17	interested 31:22	knew 11:15 27:24	18:18 22:24 26:2	18:9,23 19:21
hired 9:16,20	interestingly 25:23	27:24 28:8	33:3,10	21:16 22:18 23:10
hold 16:14 20:14	international 6:4	know 3:17 7:14,17	lobbyist 6:21	28:22,23
20:19	interview 1:4 34:10	7:18,24 9:9 10:21	locally 14:10	meetings 11:10
honest 32:15	inventories 31:24	11:13,21,23,25	long 19:10 23:3	20:16
honestly 18:21	inventory 32:1,6	13:18 14:11,16	29:14	member 10:3 13:7
28:19	invest 4:17	15:1,7 16:22	look 31:24 32:5,6	members 9:24 10:4
hot 4:22	investigative 1:9,10	17:24 19:11,16,19	34:2	10:6 12:5 13:12
hotel 4:23	investment 15:22	20:3,10,16,24,25	looked 18:5	13:18 15:1,2
house 22:1	involved 5:4,4 7:19	21:2,22,22 22:6	lost 12:13	32:16,24
human 17:12	12:4 13:23 27:2	22:11 23:12,22	lot 11:15 24:3 31:9	mentioned 28:2,19
	30:23	24:2,2,3,3,5,6,6	33:6,11,12,15	messaging 9:3
I	involving 14:25	26:1,15,23 27:5,5	low 32:1	mexico 3:22 13:4
ice 4:21 23:23	ironically 15:11	27:15,17,24 28:5		midcap 5:14
id 8:24	issue 11:19 12:1	28:13,13,15 29:14	M	middle 5:15,22
ii 3:11 4:2	15:14 16:19,24	29:16 30:25 31:6	machine 4:2	military 2:19,20
ill 25:12 34:2	19:25 20:1,23	31:7,7,11,18,25	machines 4:21	mind 32:22
illinois 3:20	21:24 24:18,25	32:4,5,16,23,23	maintenance 9:25	minor 22:19
im 2:12,14,19 6:22	25:17 26:3	33:8,9,10,18,19	makers 16:25	mississippi 3:21
19:23 24:21	issues 7:2,4,10 8:20	33:20 34:3	managed 6:15 7:20	mmhmm 6:24 9:14
imagine 6:10	9:4 10:20 11:2,10		manager 20:17	10:1,25 12:9,14
immigration 11:2	12:20 21:5 30:20	L	manitowoc 2:4,9	16:21 21:25 25:9
impact 17:11 31:1	31:24	la 20:14	2:17,22,23,25	26:5 29:17 30:22
important 6:11	items 4:3	laboratory 10:14	3:12,15 4:12 5:13	32:3
10:24 26:3	ive 2:17 6:2,2,14,14	lakes 3:2,17,18	25:16 28:9,9,21	modest 12:15
impression 26:10	9:20 10:17 12:17	large 3:3,18 5:16	30:13 32:25 33:21	modules 3:6
inappropriate 29:3	20:10 29:9	6:9,10 13:4 15:15	manufacturers 7:6	money 17:20
inaudible 5:21 9:23		largely 5:11,16	7:7 10:4,5 25:14	monthly 7:21
28:24	J	las 19:11	manufacturing	months 23:14
includes 4:21	j 2:11	late 7:25	2:24 5:18	morgan 1:10 2:2
inconsistencies 9:3	james 24:20,22,23	lda 7:25	marine 4:12 6:25	23:17,17 34:9
independent 10:13	jason 24:19	leadership 7:19	7:16 9:12 11:8	
industry 4:14 25:17	job 24:3,12	12:11	12:13	N
		leave 13:15		

nam 26:24	12:22 18:11,25	person 9:18 21:11	30:4,11	register 6:22
name 2:11 19:14	20:12 21:7,12	33:25,25	provided 17:8 19:1	registered 6:21
24:19 26:25,25	22:3 23:2,15 24:1	petri 12:24 14:1,11	21:13	12:7
national 7:6 10:3	24:10,13,24 25:2	14:15,18 15:2,5	provision 17:7	registration 10:23
25:13	27:21 30:8,25	20:23 21:8,13	26:14	regulation 26:15
naturally 10:23	31:4,17 32:10,18	24:25 27:22 28:20	public 7:23 8:1	related 5:12 8:20
13:6,21	old 11:13	29:1 30:9	10:22 14:7	relation 11:4
nature 21:11	omb 21:14,23,23	petris 19:6 23:20	pursue 12:20	relations 6:3 9:7
navigable 30:12	once 14:6	24:18 32:11	pushing 22:24	relationships 6:4
navy 3:12 4:8	oneman 7:14	phenomenal 20:3	put 3:6,19 10:10,13	6:16
necessarily 8:15	ones 32:7	phone 11:10 26:6	13:13 16:3 26:2	relayed 23:19
need 26:15 29:21	operation 3:24	phonetic 9:13	29:9,10 31:10	remainder 5:1
33:22 34:1	operations 2:13	picture 24:11	putting 31:7	remember 8:9
needed 20:19 25:18	5:25 6:9,20	pin 28:12		19:19 26:24 28:4
negative 7:11	opposed 22:23	place 24:5 30:7	Q	rent 31:21
networking 6:5	order 3:5 7:9	please 27:5,6 33:23	question 10:16	renter 32:1
never 9:20 10:17	orders 16:25	point 22:23	questions 2:8 19:3	report 7:21
11:24 20:15 23:9	original 10:16,22	points 24:8	32:10 33:16 34:6	reported 7:21
23:10 28:7,18,19	originally 26:11	political 12:7	quite 4:13 6:11	reports 7:23
29:2,2,2,5,9,11	outcome 23:18	pomona 27:14	17:19 32:15	representative 19:6
32:14,14	oversight 8:17	position 2:9,10		20:23 24:18,25
new 17:3	owned 27:22,24,24	22:16 29:10,11	R	27:2,22 29:1 30:9
nice 21:11 34:7	owners 31:8	positively 7:11	r35 21:22	32:11
nine 15:13 23:14	ownership 29:12	possibly 21:14	raise 30:2	representing 22:1
noncompetitive	29:17,21	postpone 20:4	ramp 8:25	reputation 33:22
23:7	owning 28:20	potential 29:21	rarely 24:8 30:23	request 16:10
nonvoting 13:12	owns 4:25 28:9	30:2	32:23	17:18 32:12
number 7:15		pragmatic 33:1	reach 8:3	requested 15:8
numerous 7:1		prepared 15:24	reaching 29:22	requests 11:3 15:5
	P	18:1	ready 26:13	32:13
	pac 12:11,16,18	present 1:8	really 4:15 5:8,10	resort 27:18 33:5
	13:10,13,15	president 2:12	7:20 9:16 11:7,13	resources 17:12
	pack 12:18	19:21,22	12:20 16:16 23:11	30:10
	part 11:6 33:13,13	price 29:8	31:22 33:8	respect 22:2
	participation 12:16	pride 33:11,12	recall 18:21 19:5	responding 17:16
	particular 4:7	primary 6:8	21:6 24:17 28:10	responsible 2:14
	10:15 11:19,22	prior 2:19 8:8	recession 4:11	restricted 12:10
	20:14 22:23 24:25	probably 12:2 13:6	recommendation	13:22
	particulars 18:3	product 23:6	13:11,14 25:15,22	restrictive 16:23
	passing 4:9 28:13	production 17:21	recommended	retired 2:20
	patrick 24:21	products 10:12,12	27:11	revenue 4:16,20 5:2
	paying 20:2	17:1	recommending	revenues 17:11
	peace 26:17	programs 3:4	26:4	revise 26:20
	people 3:16 4:2	project 11:22 13:4	record 2:1 8:1	right 5:15 13:20
	11:15 12:12 16:8	30:8,10	10:22 14:8	14:9 20:6,18
	22:22 23:23 24:5	projects 31:21 32:8	records 7:23	25:20 26:18,23
	24:6 33:1	promises 23:9	reflect 19:1	28:16
	percent 4:15,19 5:1	protects 27:16	refrigerant 15:17	ripping 27:13
	31:20	provide 3:5 24:4,4	refrigeration 3:9	river 3:20
	performance 29:6		10:7,12	

road 22:24	short 17:16	stick 21:9	12:12 13:12 14:7	truly 33:8
rule 17:7 18:13,17 20:1 22:2	show 11:18 22:13	stock 27:22,25 28:9 28:20 29:1,8,12 29:17,21	14:7 19:10 24:23 26:4 27:10,18 31:11 32:8,24 34:2	try 7:8 27:6
ruling 26:14	showed 22:12	stop 17:20	theres 12:11 26:14 28:5	turn 3:2
running 17:5 25:7	side 4:22 5:5,9 6:20 6:25 7:16 16:16 16:20	stopped 4:2	theyre 10:9,14 15:16 18:12,13 32:2,7	turned 18:15 25:4
S	sides 15:3	story 16:16 21:1	thing 11:24 20:7 29:13 31:12	turning 6:7 28:6
sailor 5:7	significantly 4:14	street 9:15	things 6:20 8:17 17:9 21:10 29:8 31:7 32:19	turns 28:23
sales 5:16 31:19,20	sir 2:11	stuff 21:9 28:6	think 18:14,25 19:18,18 23:4,13 27:3 28:2,12 30:1 30:6 32:24 33:16 33:17,19	two 4:5,6,13,17 6:6 13:2,6,21 14:23 15:7 18:20 23:1
sanctioned 10:14	sit 16:15 18:2 28:23	subjects 10:18	thompson 1:16	type 18:22
sat 21:16	site 31:5	submarines 3:13,19	thought 31:6	U
saw 15:20	situation 16:4	submit 6:22 7:24 26:11	three 6:6,14 13:2,5 13:6 14:24 16:19	ul 10:11
saying 25:25	six 4:10	submitting 26:19	tier 16:22,22 17:22 25:18	ultimately 22:15
schedule 2:17 34:2	skeptical 27:12	successful 22:15	time 3:4 6:15 15:17 17:15 18:5,5,16 18:18 19:10 25:7 25:8 26:10 29:14 34:6	understand 33:20
school 11:14	small 5:10,15 28:21 33:10	suggested 25:24	times 13:6 14:24 24:3 31:9 32:20	unison 25:21
scott 1:9 2:1	smaller 12:13	support 33:1	today 2:6 5:13	united 2:15 3:11 5:9 17:23,24
sea 3:21	sold 4:11 5:3	supposed 16:2	told 18:4 22:9 26:9 28:11	use 15:16 31:9,11
second 24:13 26:16 27:21	solidarity 11:19	sure 6:12,21 8:19 10:21 13:9 14:5 15:4,4 19:4 21:20 28:10	tongue 33:6	usually 2:7 14:21
secret 28:3	solutions 4:18	T	tote 3:20	V
security 2:13,14 6:9 6:10,15	somebody 20:20 28:2	t 14:19	town 28:23	version 26:16
see 14:20 33:2	sorry 24:21	take 21:5 33:11,11	trade 7:5 9:22 10:8 11:17 12:18	vetting 9:19
seek 32:11	sort 8:17 11:24 16:11 22:19 24:4 24:4	takes 5:1	traded 11:17 12:18	vice 2:12
seeking 25:3	sought 32:20	talk 12:22 14:13,15 32:17	transcribed 1:15	visits 8:3,6
segment 4:5,17 23:22	sound 19:13,16 30:13,17	talked 20:10 21:21 32:19	transportation 10:23 11:6,21 14:18	W
segments 4:5,7,13 4:18	southwest 5:21	talking 24:8 26:23	travelling 2:17	waiting 21:9
sell 17:23	specific 3:23 15:4 25:2	taxes 11:4	trials 3:21	walkin 4:21 15:15
selling 4:16	specifically 12:23	technical 16:8 17:14 19:23 26:12 26:17	tried 16:7 25:10	want 12:22 13:15 19:2 22:8 27:1 29:9,10 33:2
senator 13:7	spinning 26:21	technicalities 19:24	true 29:15,16	wanted 9:16 15:8 15:18 18:7,23 22:6
senior 2:12 8:2,7,12	sponsor 14:6	technology 17:4		war 3:11,14,23,25 4:2,2 26:16
sense 13:17 22:5	sponsored 14:3 30:10	telephone 2:3		washington 2:13 5:25 6:2,3,17,20 8:6,13 9:2 26:25 30:21
sent 26:7	springtime 14:21	telephonically 2:6		wasnt 4:4 12:1 15:8 23:3 28:3,3,14,17
service 4:6,20 5:1 5:18	staff 8:5 14:14,15 16:10,13 17:25 20:9 21:13 29:18 29:18 30:2	tell 2:8,21 9:19 15:7 16:16 25:12 27:10 28:7,19 31:18		water 30:10
set 13:12 16:11 20:13 21:16 32:7	staffers 7:4	telling 26:20		way 11:11 34:4
shareholders 28:22	stamps 10:10	tellock 8:8		went 3:23 17:17 18:1 21:21 26:4
shifting 24:13	start 2:7 25:12	testing 10:14		weve 28:17,19 32:19
ship 3:1,3,17,25 4:14 5:5 14:12	started 2:24,25 4:7 9:9 25:13	thank 34:6,8		
shipbuilding 5:9	states 2:15 3:11 5:9 17:23,24	thanks 34:9		
shipping 31:14		thats 5:4 8:23 9:16		
ships 3:2,6,10 4:8				
shipyard 3:15 9:12				
shoe 5:7				
shop 7:14				

whats 11:11 32:6	31:25			
wheels 26:22	years 2:18,25 4:9			
white 22:1	4:10,11 5:23 6:1,6			
wide 25:17	6:14 7:15 9:20			
wisconsin 12:24	13:2,5,21 14:4			
witness 2:11,23 6:1	15:14 16:19 23:7			
6:13,21,25 7:14	31:6			
8:6,23 9:9,15 10:2	youre 27:13			
10:21 11:1,6,13	yum 4:25			
12:6,10,15 13:2	<hr/>			
13:10,21 14:10	Z			
15:7 16:22 18:12	<hr/>			
19:4,8,10,14,16	0			
20:7,10,13,19,24	<hr/>			
21:8,15,21 22:1,4	000 3:14			
22:17 23:3,16,22	<hr/>			
23:25 24:2,11,16	1			
24:19,21,23 25:1	<hr/>			
25:6,10,21 26:6	11 6:1			
26:19,23 27:24	111 6:1			
28:2,5,12,17 29:2	112 2:24			
29:5,7,9,13,19,24	142 :18 5:23			
30:1,6,15,17,20	<hr/>			
30:23 31:3,5,16	2			
31:18 32:4,14,23	<hr/>			
33:5,15,19 34:7	2 6:1			
wonder 3:16	2007 30:9			
wooden 3:2	203 7:25			
work 5:11,12 7:5	25 3:14 21:22			
7:15 20:8 33:6	29 3:13			
worked 6:2,2 9:11	<hr/>			
19:5 24:17	3			
working 5:8 9:10	<hr/>			
21:14	3 16:22 17:22			
world 2:16 3:11 4:2	30th 2:18			
5:17,19	32 5:1			
wouldnt 30:6 31:13	<hr/>			
31:14	4			
write 11:24	<hr/>			
writing 26:16	4 5:14,14 16:23			
wrote 27:3	25:18			
<hr/>	<hr/>			
X	5			
<hr/>	<hr/>			
Y	5 4:15 5:14			
<hr/>	<hr/>			
yeah 19:8,16,17,19	6			
21:15,15 23:3,16	<hr/>			
24:23,23 25:6	68 4:19			
33:14	<hr/>			
year 5:14 14:6,23	7			
	<hr/>			
	8			
	<hr/>			
	9			
	<hr/>			
	90 31:20			

CONFIDENTIAL

Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended

ERRATA SHEET

Page	Line	Correction	Reason
3	8	"DOVETAIL" vice "DUCKTAIL"	INCORRECT WORD
3	18	"built" vice "build"	" "
5	21	"INDIA"	INAUDIBLE
11	4	"immigration" vice "good relation"	INCORRECT WORDS
12	18	"PAC" vice "pack"	INCORRECT WORDS
18	16	add "left" after "credits."	
25	18	"this" vice "their"	
26	14	"the code of" after "in"	strike "that"
27	13	"open up" vice "ripping up"	
27	14	"KIMOND" vice "POMONZA"	
28	24	"to hear about Manitowoc."	

This errata sheet is submitted subject to 18 U.S.C. § 1001 (commonly known as the False Statements Act).

Witness Name:

Witness Signature:

Date:



6/17/2014

EXHIBIT 39

Gebhardt, Debbie

From: Bowers, Lindsay
Sent: Monday, January 08, 2007 2:03 PM
To: Gebhardt, Debbie
Subject: Manitowoc Company

Importance: High

Do you have time to discuss this issue today? After website meeting? I just spoke to someone at EPA and their perspective differs from Al Bernard's. (meaning possibly bad from Manitowoc Company) But we also have to think about the boating industry.

I think if we are going to help Manitowoc Company it needs to happen soon. I am waiting to give Al this info tell I talk to you.

Lindsay A. Bowers
Legislative Assistant
Congressman Thomas E. Petri
6th District, Wisconsin
202.225.████
202.225.2356-fax

From: Gebhardt, Debbie
Sent: Tuesday, January 16, 2007 02:19:48 PM
To: Bowers, Lindsay
Subject: RE: Manitowoc

ok

From: Bowers, Lindsay
Sent: Tuesday, January 16, 2007 1:49 PM
To: Gebhardt, Debbie
Subject: Manitowoc

Just spoke to someone at OMB, it appears that I will just be able to schedule something over the phone. Then I will just go over to OMB with AI and whoever else attends from Manitowoc.

So is it okay to set-up? I'm waiting to hear back from AI.

Lindsay A. Bowers
Legislative Assistant
Congressman Thomas E. Petri
6th District, Wisconsin
202.225.██████████
202.225.2356-fax

PET-OCE-00008036

14-1891_0461

Gebhardt, Debbie

From: Bowers, Lindsay
Sent: Wednesday, January 31, 2007 10:32 AM
To: Gebhardt, Debbie
Subject: Manitowoc Company

fyi

We are meeting with OMB at 2:00p.m on Monday, February 12th. The meeting will be in either the new or old Executive building. I will attend the meeting, just wanted to give you a heads up in case you are interested in attending as well. If so, I need security info from you.

Lindsay A. Bowers
Legislative Assistant
Congressman Thomas E. Petri
6th District, Wisconsin
202.225.██████
202.225.2356-fax

From: Bernard, Al [REDACTED]@manitowoc.com]
Sent: Wednesday, February 14, 2007 01:32:57 PM
To: Gebhardt, Debbie
Subject: Snap Ruling

Debbie,

I just wanted to pass on to you how appreciative we are at Manitowoc for the support we received from Congressman Petri.

As you may know, the meeting with OMB went very well. We got the impression that this meeting has really given the impetus for the ruling to be passed shortly – and we think it will be favorable. This could not have been done without the Congressman's assistance in getting our concerns across to EPA and OMB.

I also wanted to tell you how effective and helpful Lindsay was to our issue. Despite the fact that Lindsay just reported in and had to become familiar with an issue that was both complex and time critical (for us), she became an expert within a very short time, prepared the strategy and eventually coordinated the meeting with OMB. Her timing for the meeting could not have been more serendipitous. She orchestrated the entire engagement in a period that would be considered "light speed" in a town known for its slow bureaucratic process. Please pass our thanks to her for the hard work. Mr. Petri is certainly blessed with some of the best staff people I have come across in my time on Capitol Hill.

Finally, it takes leadership to run an outstanding staff and for that we are grateful to you.

You can count on us for any support we can provide you and the Congressman ... we are just a phone call away.

Best regards, Al

Al J. Bernard
Senior Vice President, Washington Operations
The Manitowoc Company, Inc.
Tel: (202) 863- [REDACTED]
Fax: (202) 863-3639
www.manitowoc.com

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PET-OCE-00007988

14-1891_0463

received this email in error, please notify the sender and delete this communication and all attachments.

EXHIBIT 40

James, Kevin

From: James, Kevin
Sent: Tuesday, August 06, 2013 5:00 PM
To: 'Bernard, Al J'
Subject: RE: TPEM for Manitowoc - correspondence

Thanks, Al. I'll get back to you as soon as I can.

Kevin

From: Bernard, Al J [mailto: [REDACTED]@manitowoc.com]
Sent: Tuesday, August 06, 2013 3:43 PM
To: James, Kevin
Subject: RE: TPEM for Manitowoc - correspondence

Kevin,

Steve was wrong. Clear and basic.

That's why I wanted to pursue the fact that EPA misled us and we had the e-mail to prove that. When we had the meeting with the group that actually reviews the hardship application, they dropped the "bomb" on us.

I think they knew this before we had the meeting and brought the fact that they had a direct ruling change sent to OMB for review and approval. The team did not want to pursue my direct engagement for fear of some retribution ... which I found weak.

So to answer your question, we did not misinterpret our instructions or actions from EPA, and EPA did not misunderstand our intentions.

Best,

Al

From: James, Kevin [mailto: [REDACTED]@mail.house.gov]
Sent: Tuesday, August 06, 2013 3:16 PM
To: Bernard, Al J
Subject: RE: TPEM for Manitowoc - correspondence

Al,

I was reading through old emails on this subject. See the highlighted portion below. Can you clarify- did it turn out that the type of request Manitowoc was seeking was different from what Steve referenced below and that's why the two-year limitation came into effect? He says "the normal submission time-frame for a Technical or Engineering Hardship request found at 40 CFR 1039.625(m) is approximately 90 to 120 days before the date of engine delivery is required." Ultimately, was it another type of technical hardship request, or some particular circumstance, that triggered the requirement that you had to apply two years ahead of time?

Kevin

From: Bernard, Al J [redacted@manitowoc.com]
Sent: Thursday, November 15, 2012 6:00 PM
To: James, Kevin
Subject: Fw: TPEM for Manitowoc - correspondence

Kevin:

For your files. We will follow-up with you later this year. This exemption will literally prevent Manitowoc from losing roughly \$500M in revenue and laying off workers!

Thank you.

Al

From: Schiller, Ingo P
Sent: Thursday, November 15, 2012 04:44 AM
To: Bernard, Al J
Subject: TPEM for Manitowoc - correspondence

Here is the correspondence that I received from Steve DeBord at the EPA regarding our discussion and review of the hardship exemption request.

From: Steven DeBord [redacted@epamail.epa.gov]
Sent: Tuesday, October 16, 2012 1:49 PM
To: Herbert, Michael A
Cc: Josh Lewis; Justin Greuel
Subject: RE: Call to discuss TPEM for Manitowoc

Hi Mike,

All is well here, I hope the same on your end.

Here is a copy of our response to our USEPA/Office of Congressional and Intergovernmental Relations:

Re: Manitowoc Technical or Engineering Hardship request (40 CFR 1039.625(m))

Josh,

Per our phone conversation yesterday, please find the update on our review of Manitowoc's hardship request.

As we discussed, the normal submission time-frame for a Technical or Engineering Hardship request found at 40 CFR 1039.625(m) is approximately 90 to 120 days before the date of engine delivery is required. Manitowoc has stated they will require a decision approximately 90 business days before engine delivery date. Manitowoc is being very proactive in their request dated almost a full year in advance as they anticipate that they'll need hardship relief starting in 2014. This early submission is helpful in the aspect of giving EPA extra time in preparing the package and gathering data, however, this early submission will require that we wait for up-to-date current year data before issuing any final approval.

We have reviewed the hardship request and have had several phone calls and email correspondence in the past several weeks. Justin and I spoke with the company by phone on October 3, 2012. We've indicated to the manufacturer that we will not be making a decision on their request until Q3 2013. It is our policy to review/monitor developments with the engine

manufacturer's ability to supply compliant engines and the equipment manufacturer's ability to redesign equipment to ensure that the need for hardship materializes and that we have the most accurate information to appropriately respond to the request.

I intend to check in with Manitowoc periodically to continue to gather necessary information and update the request package as we get closer to Q3 2013.

Thanks,

Steve

At this time we do not anticipate any difficulties in your application for Hardship Exemption. I think we should establish quarterly calls as we get closer and then accelerate to monthly if necessary. I think we should set up another call in the second week of November and involve your management if that is helpful.

Thanks,
Steven D. DeBord
U.S. Environmental Protection Agency
Transportation and Air Quality
Compliance Division, Diesel Engine Compliance Center
Mail Code 6403J
1310 L Street, N.W.
Washington, DC 20005
202.343.██████

▼ "Herbert, Michael A" ---10/15/2012 10:56:57 PM---Hi Steve,

From: "Herbert, Michael A" <██████████@manitowoc.com>
To: Steven DeBord/DC/USEPA/US@EPA
Date: 10/15/2012 10:56 PM
Subject: RE: Call to discuss TPEM for Manitowoc

Hi Steve,

I hope all is well with you. I haven't heard from you since we had our call last week. Will you be able to send me an email summarizing our tele-conference and the status of our hardship exemption? I would like to at least communicate the status of our application in "your words" to my management so we can plan our production requirements.

Look forward to hearing from you.

Thanks,
Mike

Michael A. Herbert, P.E.
Director, Product Planning and Marketing
Manitowoc Cranes - North America
T 717.593.██████ | M 717.816.3255
Integrity, Commitment to Stakeholders, and Passion for Excellence.

EXHIBIT 41

From: Bernard, Al J [REDACTED]@manitowoc.com]
Sent: Thursday, November 15, 2012 06:00:53 PM
To: Gebhardt, Debbie
Subject: Re: Tier IV Engines -- Hardship Request

This message has been archived. View the original item

Couldn't have happen w/o Mr. Petri's staff.

From: Gebhardt, Debbie [mailto:REDACTED@mail.house.gov]
Sent: Thursday, November 15, 2012 04:58 PM
To: Bernard, Al J; James, Kevin <REDACTED@mail.house.gov>
Subject: RE: Tier IV Engines -- Hardship Request

Glad it seems to have worked out!

From: Bernard, Al J [REDACTED]@manitowoc.com]
Sent: Thursday, November 15, 2012 5:52 PM
To: James, Kevin
Cc: Gebhardt, Debbie
Subject: Re: Tier IV Engines -- Hardship Request

Kevin,
We kept "hounding" them for some documentation that they would consider us for exemption at the appropriate time, and they did! I think it's unprecedented. I'll forward it to you under another e-mail. This is really the best possible result. Thank you for your help and we will keep you apprised.
Best,
Al

From: James, Kevin [mailto:REDACTED@mail.house.gov]
Sent: Thursday, November 15, 2012 04:12 PM
To: Bernard, Al J
Subject: RE: Tier IV Engines -- Hardship Request

Al,

I just want to follow up with you to see where things stand with the exemption. When we

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last spoke I think you guys were going to go back to the lower level EPA folks to see what you could get in writing regarding everything being "in order" with respect to your application.

Kevin

From: Bernard, Al J [REDACTED]@manitowoc.com]
Sent: Wednesday, September 19, 2012 9:07 AM
To: James, Kevin
Cc: Gebhardt, Debbie
Subject: RE: Tier IV Engines -- Hardship Request

Hello Kevin,

I have attached the letters we wrote with the relevant materials for the exemption. My engineers have been communicating with Steven DeBord at EPA. DeBord has my guys rewriting the letter with no apparent action going forward. They trimmed a 22 page letter to 11 pages – which I think is too much. Then again, for techies, it may not be enough.

They are using 40 CFR 1039.625 as the basis for the exemption, however, I believe it may be 40 CFR 1068.255. Nevertheless, that's a clarification we need to determine. [I included both provisions for your edification .] We understand that some of our competitors have received the exemption which puts us at a competitive disadvantage. As I mentioned below, we tried using our membership with the National Association of Manufacturers to get some response, but NAM also reported to me this morning that they are getting no action as well. They told me that it possibly may be because of the departure of the head of the Transportation and Air Quality division, Margo Oge. Who knows.

A meeting of the minds to determine if we qualify is my recommendation to expedite the request. We are clearly being impacted from meeting customer demand and the reassigning of human resources to address this issue.

Any help and advice you can provide will be greatly appreciative.

Thank you.

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Al

From: Gebhardt, Debbie [mailto:██████████@mail.house.gov]
Sent: Wednesday, September 19, 2012 8:54 AM
To: Bernard, Al J
Cc: James, Kevin
Subject: RE: Tier IV Engines -- Hardship Request

Al:

Kevin James on our staff handles EPA issues. I have cc'ed him on this email.

Debbie

From: Bernard, Al J [██████████@manitowoc.com]
Sent: Wednesday, September 19, 2012 8:04 AM
To: Gebhardt, Debbie
Subject: Tier IV Engines -- Hardship Request

Good morning Debbie,

I need some help. I'm getting stonewalled by EPA on a very critical issue for Maniowoc. I even used one our trade associations to intervene (NAM), and they are getting the same treatment. Who can I talk to on your staff that would assist me in getting an answer from the Agency?

Thank you.

Al

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Al J. Bernard

Senior Vice President, Washington Operations

The Manitowoc Company Inc.

[O] 202-548-██████████ [M] ██████████

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EXHIBIT 42

TRANSCRIPT OF INTERVIEW OF ENVIRONMENTAL PROTECTION AGENCY OFFICE OF CONGRESSIONAL AND INTERGOVERNMENTAL RELATIONS OFFICIAL

INTERVIEW OF [REDACTED]

Present:

Scott Gast, Investigative Counsel

Bryson Morgan, Investigative Counsel

[REDACTED]

Transcribed By:

Julie Thompson

1 MR. GAST: Alright. For the record, this is Scott Gast
2 with Bryson Morgan of the Office of
3 Congressional Ethics. It is about 3:15 on
4 Tuesday, May 27, 2014. We're joined on the
5 telephone by [REDACTED] from the Environmental
6 Protection Agency, and we appreciate the time
7 talking with us about a matter that is under
8 review by our office.

9 As we mentioned before, you have
10 information that could be helpful as we put
11 together a factual record for this case, so,
12 again, thank you for the time.

13 Just a quick couple of background
14 questions. Can you give us your current title?

15 [REDACTED] (the "Witness"): Sure. Supervisory Program
16 Analyst in the Office of Congressional and
17 Intergovernmental Relations at EPA.

18 MR. GAST: Alright. Supervisory Program Analyst at the
19 Office of Congressional and Intergovernmental
20 Relations; is that right?

21 WITNESS: Yeah. In the office -- yeah. In the Office of
22 Congressional and Intergovernmental Relations at
23 EPA. That office is part of the Office of the
24 Administrator.

25 MR. GAST: Okay. And how long have you been in that

1 position?

2 WITNESS: I've been in the office for 10 years, in this
3 position for the past 6 or 7.

4 MR. GAST: Okay. I want to talk to you about your
5 interactions with the Office of Representative
6 Thomas Petri in the time period from the fall of
7 2012 to approximately the fall of 2013 regarding
8 an economic hardship exemption filed by the
9 Manitowoc Company, Incorporated. Are you
10 familiar with that -- that application for an
11 exemption?

12 WITNESS: I'm familiar with the generality, but the
13 application -- yeah -- related to a request I
14 had gotten from Petri's office. Yes.

15 MR. GAST: And can you tell me about the request that you
16 got; how this was brought to your attention
17 initially?

18 WITNESS: Sure. And I sent a PDF with some emails that kind
19 of talked through this, but I had been contacted by
20 a staff person in Petri's office regarding the
21 hardship request letter that they had submitted,
22 the company had submitted to the correct, sort
23 of technical experts at EPA. And to my
24 recollection, Petri's office had followed up
25 with our office to get a status update on that

1 request.

2 MR. GAST: Okay. And based on the information that you
3 sent, it appears that would have been in
4 September of 2012; is that correct?

5 WITNESS: Yeah. I believe the initial request came in, in
6 September of 2012, and then I, as typical with
7 these type of requests, I worked with our -- the
8 correct technical folks within the agency here
9 to get a status update to fulfill the request.
10 So and that took, you know, into October, but
11 the initial request did come in, in September.

12 MR. GAST: Okay. And in addition to -- or other than the
13 request for a status update, did the staff
14 member for Representative Petri ask for any
15 other assistance or ask for any other action?

16 WITNESS: Not that I recall. You have the email that I
17 have from the staff person. I -- there may have
18 been a phone call or two, but I think they were
19 very much related to the -- just to getting an
20 answer on the status. It did not touch on other
21 issues.

22 MR. GAST: Okay. And were you able to then get them an
23 update on the status?

24 WITNESS: Yes. And that update is reflected in one of the
25 emails. It's on page 4 of what I had sent. My

1 recollection is that I had gotten this in
2 writing from one of our technical experts, and I
3 had then called Petri's office to deliver this
4 update over the phone and if they had any other
5 questions.

6 MR. GAST: Okay. Any other contact with the office around
7 this time, around this request?

8 WITNESS: Not that I recall. No.

9 MR. GAST: And in any of your conversations or contacts
10 with Representative Petri's staff member, did
11 the issue of Representative Petri's stock
12 ownership in the company, in the Manitowoc
13 Company come up?

14 WITNESS: Not that I recall.

15 MR. GAST: Were you ever informed by Representative Petri's
16 staff that Representative Petri did own stock in the company?

17 WITNESS: Not that I recall.

18 MR. GAST: Would that have made a difference in how you
19 handled the request?

20 WITNESS: It would not have. No. And it actually -- I
21 think -- you know, I -- as I said, I've been
22 doing this job for 10 years. I don't think I've
23 ever had an instance where anything like that
24 was the case, so I feel like it would have
25 stuck out as something that is not common for a

1 staff person to share in a status update, you
2 know, this type of status request. So, no, I
3 don't recall that coming up or that it would
4 have -- would have changed --

5 Well, I'm sorry. That part is sort of
6 a hypothetical in that I've never had a
7 situation like that. So it might set off some
8 sort of flag in my mind, and I might actually
9 consult with others here; and I did not do that
10 in this case.

11 MR. GAST: Okay.

12 MR. MORGAN: How -- how often do you receive these types of
13 requests from Congressional offices?

14 WITNESS: Pretty much daily. I mean, that's one of the
15 main things we do, either through letters, or
16 through emails, or phone calls. We get
17 requests pretty much on a daily basis, either I
18 or others on my team here for status updates on
19 requests like this or on our Standard Renewable
20 Fuels program, where people are trying to get
21 applications approved. So these are not
22 uncommon requests.

23 MR. GAST: And did anything about the request through
24 Representative Petri's office strike you as
25 different or unusual?

1 WITNESS: No, no. And this was one that I think I
2 actually -- you know, and it was clear I think
3 in what I had sent to you that the -- the
4 company had actually been in very close contact
5 with our technical staff as well. And when
6 that's the case, I tend to -- that's the more
7 appropriate way for these things to play out.
8 And so I think the -- we tend to not have to get
9 into as much detail with the Congressional
10 staffers because we can assure them that the
11 company is working directly with the technical
12 experts at EPA.

13 MR. GAST: Okay.

14 WITNESS: As I think I indicated on the phone the other
15 day, the -- the update that I provided to
16 Petri's staff person was pretty much identical
17 to what our technical staff provided directly to
18 the company.

19 MR. GAST: Okay. Did there come a point then, after you
20 provided that status update, that you had
21 further contact with Representative Petri's
22 office?

23 WITNESS: Not that I recall. And, again, looking back at
24 the emails, it appears the staffer and I
25 exchanged an email or two where we attempted to

1 connect to talk through the status updates, and
2 I think we did that. And I have no recollection
3 or no record of other emails, you know, after
4 the October exchange of emails, and then we did,
5 in fact, then jump ahead to -- when was it --
6 August of 2013 is when we actually got a letter
7 that originally came in to our office, our
8 regional administrator in Region 5. But -- but
9 in terms of the back and forth in the September
10 and October time frame of 2012, that was all I
11 recall.

12 MR. GAST: Okay. And then no further contact between that
13 point and then this letter from August of 2013?

14 WITNESS: Yeah. Nothing I recall.

15 MR. GAST: And how did you get involved with this letter to
16 the regional administrator?

17 WITNESS: I don't actually remember. We have a
18 correspondence management system, and so the
19 letter was in that system. It had come in to
20 our Region 5 office. I think they had taken a
21 look at it, and then realized it was something
22 that should be -- that was more appropriate for
23 response from EPA headquarters. And so they had
24 forwarded the letter on to EPA headquarters, and
25 then that response worked its way through a

1 drafting and then approval process, culminating
2 in the response going in February of 2014.

3 So I first started seeing drafts of
4 the response in say early February of this year.

5 MR. GAST: Okay. Who would have been in charge of
6 preparing the response to this letter from
7 Congressman Petri?

8 WITNESS: The initial -- the substance of the response
9 would have been originally drafted by the staff
10 experts in the Office of Transportation and Air
11 Quality, the same ones who had provided the
12 status update to me --

13 MR. GAST: Okay.

14 WITNESS: -- in 2012.

15 MR. GAST: And did you, as Congressional Affairs, have a
16 role in reviewing or approving the letter, the
17 response before it was sent?

18 WITNESS: Yeah. So -- yeah. As with all Congressional
19 letters, it works its way up through the --
20 where it's sort of an Air-specific response, and
21 that's the case here. By Air, I mean from the
22 office of Air and Radiation.

23 MR. GAST: Okay.

24 WITNESS: The -- it's typical for the assistant
25 administrator for that office or the acting

1 assistant administrator in this case to be the
2 one who does the final review from that office
3 and ultimately signs it. And then that letter
4 works its way to the Office of Congressional and
5 Intergovernmental Relations for final review,
6 final processing, and sending it out.

7 And so that was the case here as well,
8 and so I saw it after it had been reviewed and
9 signed by -- by Janet McCabe, who is the head of
10 that office, the acting head.

11 And as is often common with these
12 letters, there was, I recall, some back and
13 forth where we did some updating of the letter,
14 not so much on the substance but just to make
15 sure it was accurate and up to date. And so
16 there may have been, you know, a pass back or
17 two between our office and the Office of Air and
18 Radiation, but that's not uncommon for these
19 types of letters.

20 MR. GAST: Okay. Since receiving the letter until the time
21 that EPA responded, did you have any contact
22 with Representative Petri's office by email,
23 telephone call, meeting, anything like that?

24 WITNESS: Not that I recall. And as I said, the letter
25 actually came into our Region 5 office, so the -

1 - they may have sent it directly to them, or
2 they may have put a hardcopy in the mail. I
3 don't know exactly how that went down, but, no,
4 I did not. I did not have any contact with the
5 office.

6 MR. GAST: If Congressman Petri's staff had reached out to
7 the Region 5 office, would you have been made
8 aware of those contacts?

9 WITNESS: Not in all cases. No. It's -- sometimes that's
10 a courtesy, or if a staff person in the regional
11 office happens to know that there's an issue,
12 either I or someone in the headquarters office
13 has been following, they might just let us know
14 on our regularly scheduled weekly calls or
15 through email. But in this case I don't recall
16 them reaching out and saying anything about a
17 contact.

18 MR. GAST: And do you recall hearing from any other
19 individual or office in the EPA who had any
20 contact with Representative Petri's office on
21 this issue?

22 WITNESS: On this issue, no, not that I recall.

23 MR. GAST: Okay. And do you recall being told or being --
24 or learning at any point during the time you
25 received the letter to providing a response that

1 Representative Petri was an owner of stock in
2 the Manitowoc Company?

3 WITNESS: No. I don't recall anyone ever saying anything
4 about that.

5 MR. GAST: Okay. And are you aware of any instance where
6 Congressman Petri's office disclosed that fact
7 to EPA, to Region 5, or any other entity or
8 office?

9 WITNESS: Not that I'm aware of. No.

10 MR. GAST: Okay. I believe those may be all the questions
11 we have for you.

12 WITNESS: Okay.

13 MR. GAST: Bryson, do you have any questions?

14 MR. MORGAN: No. That's it.

15 MR. GAST: Alright. Again, we appreciate the time and the
16 information, and thank you for speaking to us
17 today.

18 WITNESS: Okay. Thank you.

19 MR. GAST: Alright. Thanks, [REDACTED].

20 WITNESS: Okay. Alrighty. Bye-bye.

21 MR. GAST: Bye.

22 END OF INTERVIEW

23

24

25

A	byebye 12:20	difference 5:18	frame 8:10	issue 5:11 11:11,21
able 4:22	C	different 6:25	fuels 6:20	11:22
accurate 10:15	call 4:18 10:23	directly 7:11,17	fulfill 4:9	issues 4:21
acting 9:25 10:10	called 5:3	11:1	further 7:21 8:12	ive 3:2 5:21,22 6:6
action 4:15	calls 6:16 11:14	disclosed 12:6	G	J
addition 4:12	case 2:11 5:24 6:10	doing 5:22	gast 1:9 2:1,1,18,25	janet 10:9
administrator 2:24	7:6 9:21 10:1,7	dont 5:22 6:3 8:17	3:4,15 4:2,12,22	job 5:22
8:8,16 9:25 10:1	11:15	11:3,15 12:3	5:6,9,15,18 6:11	joined 2:4
affairs 9:15	cases 11:9	drafted 9:9	6:23 7:13,19 8:12	█ 1:4,11 2:5,15
agency 2:6 4:8	changed 6:4	drafting 9:1	8:15 9:5,13,15,23	12:19
ahead 8:5	charge 9:5	drafts 9:3	10:20 11:6,18,23	julie 1:16
air 9:10,21,22	clear 7:2	E	12:5,10,13,15,19	jump 8:5
10:17	close 7:4	early 9:4	12:21	K
airspecific 9:20	come 4:11 5:13	economic 3:8	generality 3:12	kind 3:18
alright 2:1,18 12:15	7:19 8:19	either 6:15,17	getting 4:19	know 4:10 5:21 6:2
12:19	coming 6:3	11:12	give 2:14	7:2 8:3 10:16
alrighty 12:20	common 5:25	email 4:16 7:25	going 9:2	11:3,11,13
analyst 2:16,18	10:11	10:22 11:15	gotten 3:14 5:1	L
answer 4:20	company 3:9,22	emails 3:18 4:25	H	learning 11:24
appears 4:3 7:24	5:12,13,16 7:4,11	6:16 7:24 8:3,4	handled 5:19	letter 3:21 8:6,13
application 3:10,13	7:18 12:2	entity 12:7	happens 11:11	8:15,19,24 9:6,16
applications 6:21	congressional 2:3	environmental 2:5	hardcopy 11:2	10:3,13,20,24
appreciate 2:6	2:16,19,22 6:13	epa 2:17,23 3:23	hardship 3:8,21	11:25
12:15	7:9 9:15,18 10:4	7:12 8:23,24	head 10:9,10	letters 6:15 9:19
appropriate 7:7	congressman 9:7	10:21 11:19 12:7	headquarters 8:23	10:12,19
8:22	11:6 12:6	ethics 2:3	8:24 11:12	█ 1:4,11 2:5,15
approval 9:1	connect 8:1	exactly 11:3	hearing 11:18	long 2:25
approved 6:21	consult 6:9	exchange 8:4	helpful 2:10	look 8:21
approving 9:16	contact 5:6 7:4,21	exchanged 7:25	hypothetical 6:6	looking 7:23
approximately 3:7	8:12 10:21 11:4	exemption 3:8,11	I	M
assistance 4:15	11:17,20	experts 3:23 5:2	identical 7:16	mail 11:2
assistant 9:24 10:1	contacted 3:19	7:12 9:10	im 3:12 6:5 12:9	main 6:15
assure 7:10	contacts 5:9 11:8	F	incorporated 3:9	management 8:18
attempted 7:25	conversations 5:9	fact 8:5 12:6	indicated 7:14	manitowoc 3:9
attention 3:16	correct 3:22 4:4,8	factual 2:11	individual 11:19	5:12 12:2
august 8:6,13	correspondence	fall 3:6,7	information 2:10	matter 2:7
aware 11:8 12:5,9	8:18	familiar 3:10,12	4:2 12:16	mccabe 10:9
B	counsel 1:9,10	february 9:2,4	informed 5:15	mean 6:14 9:21
back 7:23 8:9 10:12	couple 2:13	feel 5:24	initial 4:5,11 9:8	meeting 10:23
10:16	courtesy 11:10	filed 3:8	initially 3:17	member 4:14 5:10
background 2:13	culminating 9:1	final 10:2,5,6	instance 5:23 12:5	mentioned 2:9
based 4:2	current 2:14	first 9:3	interactions 3:5	mind 6:8
basis 6:17	D	flag 6:8	intergovernmental	morgan 1:10 2:2
believe 4:5 12:10	daily 6:14,17	folks 4:8	2:17,19,22 10:5	6:12 12:14
brought 3:16	date 10:15	followed 3:24	interview 1:4 12:22	N
bryson 1:10 2:2	day 7:15	following 11:13	investigative 1:9,10	
12:13	deliver 5:3	forth 8:9 10:13	involved 8:15	
bye 12:21	detail 7:9	forwarded 8:24		

never 6:6	processing 10:6	5:19 6:2,23	2:18	unusual 6:25
<hr/> O <hr/>	program 2:15,18	requests 4:7 6:13	sure 2:15 3:18	update 3:25 4:9,13
october 4:10 8:4,10	6:20	6:17,19,22	10:15	4:23,24 5:4 6:1
office 2:2,8,16,19	protection 2:6	responded 10:21	system 8:18,19	7:15,20 9:12
2:21,21,23,23 3:2	provided 7:15,17	response 8:23,25	<hr/> T <hr/>	updates 6:18 8:1
3:5,14,20,24,25	7:20 9:11	9:2,4,6,8,17,20	taken 8:20	updating 10:13
5:3,6 6:24 7:22	providing 11:25	11:25	talk 3:4 8:1	<hr/> V <hr/>
8:7,20 9:10,22,25	put 2:10 11:2	review 2:8 10:2,5	talked 3:19	<hr/> W <hr/>
10:2,4,10,17,17	<hr/> Q <hr/>	reviewed 10:8	talking 2:7	want 3:4
10:22,25 11:5,7	quality 9:11	reviewing 9:16	team 6:18	way 7:7 8:25 9:19
11:11,12,19,20	questions 2:14 5:5	right 2:20	technical 3:23 4:8	10:4
12:6,8	12:10,13	role 9:16	5:2 7:5,11,17	weekly 11:14
offices 6:13	quick 2:13	<hr/> S <hr/>	telephone 2:5 10:23	went 11:3
okay 2:25 3:4 4:2	<hr/> R <hr/>	saw 10:8	tell 3:15	witness 2:15,21 3:2
4:12,22 5:6 6:11	radiation 9:22	saying 11:16 12:3	tend 7:6,8	3:12,18 4:5,16,24
7:13,19 8:12 9:5	10:18	scheduled 11:14	terms 8:9	5:8,14,17,20 6:14
9:13,23 10:20	reached 11:6	scott 1:9 2:1	thank 2:12 12:16	7:1,14,23 8:14,17
11:23 12:5,10,12	reaching 11:16	seeing 9:3	12:18	9:8,14,18,24
12:18,20	realized 8:21	sending 10:6	thanks 12:19	10:24 11:9,22
ones 9:11	recall 4:16 5:8,14	sent 3:18 4:3,25 7:3	thats 6:14 7:6,6	12:3,9,12,18,20
originally 8:7 9:9	5:17 6:3 7:23	9:17 11:1	9:21 10:18 11:9	worked 4:7 8:25
owner 12:1	8:11,14 10:12,24	september 4:4,6,11	12:14	working 7:11
ownership 5:12	11:15,18,22,23	8:9	theres 11:11	works 9:19 10:4
<hr/> P <hr/>	12:3	set 6:7	things 6:15 7:7	writing 5:2
page 4:25	receive 6:12	share 6:1	think 4:18 5:21,22	<hr/> X <hr/>
part 2:23 6:5	received 11:25	signed 10:9	7:1,2,8,14 8:2,20	<hr/> Y <hr/>
pass 10:16	receiving 10:20	signs 10:3	thomas 3:6	yeah 2:21,21 3:13
pdf 3:18	recollection 3:24	situation 6:7	thompson 1:16	4:5 8:14 9:18,18
people 6:20	5:1 8:2	sorry 6:5	time 2:6,12 3:6 5:7	year 9:4
period 3:6	record 2:1,11 8:3	sort 3:22 6:5,8 9:20	8:10 10:20 11:24	years 3:2 5:22
person 3:20 4:17	reflected 4:24	speaking 12:16	12:15	<hr/> Z <hr/>
6:1 7:16 11:10	regarding 3:7,20	staff 3:20 4:13,17	title 2:14	<hr/> 0 <hr/>
petri 3:6 4:14 5:16	region 8:8,20 10:25	5:10,16 6:1 7:5,16	today 12:17	<hr/> 1 <hr/>
9:7 12:1	11:7 12:7	7:17 9:9 11:6,10	told 11:23	10 3:2 5:22
petris 3:14,20,24	regional 8:8,16	staffer 7:24	touch 4:20	15 2:3
5:3,10,11,15 6:24	11:10	staffers 7:10	transcribed 1:15	<hr/> 2 <hr/>
7:16,21 10:22	regularly 11:14	standard 6:19	transportation	2012 3:7 4:4,6 8:10
11:6,20 12:6	related 3:13 4:19	started 9:3	9:10	9:14
phone 4:18 5:4	relations 2:17,20	status 3:25 4:9,13	trying 6:20	2013 3:7 8:6,13
6:16 7:14	2:22 10:5	4:20,23 6:1,2,18	tuesday 2:4	2014 2:4 9:2
play 7:7	remember 8:17	7:20 8:1 9:12	two 4:18 7:25 10:17	27 2:4
point 7:19 8:13	renewable 6:19	stock 5:11,16 12:1	type 4:7 6:2	<hr/> 3 <hr/>
11:24	representative 3:5	strike 6:24	types 6:12 10:19	
position 3:1,3	4:14 5:10,11,15	stuck 5:25	typical 4:6 9:24	
preparing 9:6	5:16 6:24 7:21	submitted 3:21,22	<hr/> U <hr/>	
present 1:8	10:22 11:20 12:1	substance 9:8	ultimately 10:3	
pretty 6:14,17 7:16	request 3:13,15,21	10:14	uncommon 6:22	
process 9:1	4:1,5,9,11,13 5:7	supervisory 2:15	10:18	

32:3				
4				
44:25				
5				
58:8,20 10:25 11:7 12:7				
6				
63:3				
7				
73:3				
8				
9				

EXHIBIT 43

8



RE: FW: Tier IV Engines -- Hardship Request (Manitowoc Co.)

James, Kevin

to:

Josh Lewis

10/15/2012 10:04 AM

Hide Details

From: "James, Kevin" <[REDACTED]@mail.house.gov>

To: Josh Lewis/DC/USEPA/US@EPA

1 Attachment



image001.gif

Hey Josh,

Give me a call when you have a second. I spoke to Manitowoc again and can give you an update. My direct is 202-226-[REDACTED]

Thanks again,
Kevin

Kevin James | Legislative Assistant

Congressman Tom Petri WI-06
2462 Rayburn House Office Building
Washington, D.C. 20515
Phone: 202.225.[REDACTED]
Fax: 202.225.2356
[REDACTED]@mail.house.gov

From: Josh Lewis [REDACTED]@epamail.epa.gov
Sent: Friday, October 05, 2012 11:37 AM
To: James, Kevin
Subject: Re: FW: Tier IV Engines -- Hardship Request (Manitowoc Co.)

Hi Kevin,



Have some info to share w/ you on this...give me a call when you have a chance. (I may be on the phone when you call, but I'll be able to call you back quickly if that's the case)

Josh Lewis
 USEPA/Office of Congressional and Intergovernmental Relations
 phone: 202-564-
 fax: 202-501-1550

"James, Kevin" <[REDACTED]>: 09/26/2012 02:03:13 PM---Hey Josh, Attached is the letter from Manitowoc Cranes to EPA, as well as some additional informatio

From: "James, Kevin" <[REDACTED]>
 To: Josh Lewis/DC/USEPA/US@EPA
 Date: 09/26/2012 02:03 PM
 Subject: FW: Tier IV Engines -- Hardship Request (Manitowoc Co.)

Hey Josh,

Attached is the letter from Manitowoc Cranes to EPA, as well as some additional information that was requested. I've also attached the regulatory excerpt for the exemption that they are applying to.

Thanks so much for your assistance.

Kevin

Kevin James | Legislative Assistant

Congressman Tom Petri WI-06
 2462 Rayburn House Office Building
 Washington, D.C. 20515
 Phone : 202.225.
 Fax: 202.225.3356
 [REDACTED]@mail.house.gov

[attachment "Manitowoc TPDM Hardship Request Letter 2 July 2012.pdf" deleted by Josh Lewis/DC/USEPA/US] [attachment "Additional items requested by Steven DeBord 19 July 2012.pptx" deleted by Josh Lewis/DC/USEPA/US] [attachment "40CFR1039.625.pdf" deleted by Josh Lewis/DC/USEPA/US]

EXHIBIT 44

James, Kevin

From: James, Kevin
Sent: Monday, November 19, 2012 9:32 AM
To: 'Bernard, Al J'
Subject: RE: Tier IV Engines -- Hardship Request

This message has been archived. [View the original item](#)

That's great news, Al! Keep us posted on how things proceed and let us know if there's anything else we can help with.

Kevin

From: Bernard, Al J [redacted@manitowoc.com]
Sent: Thursday, November 15, 2012 5:52 PM
To: James, Kevin
Cc: Gebhardt, Debbie
Subject: Re: Tier IV Engines -- Hardship Request

Kevin,
We kept "hounding" them for some documentation that they would consider us for exemption at the appropriate time, and they did! I think it's unprecedented. I'll forward it to you under another e-mail. This is really the best possible result. Thank you for your help and we will keep you apprised.
Best,
Al

From: James, Kevin [mailto:redacted@mail.house.gov]
Sent: Thursday, November 15, 2012 04:12 PM
To: Bernard, Al J
Subject: RE: Tier IV Engines -- Hardship Request

Al,

I just want to follow up with you to see where things stand with the exemption. When we last spoke I think you guys were going to go back to the lower level EPA folks to see what you could get in writing regarding everything being "in order" with respect to your application.

Kevin

From: Bernard, Al J [redacted@manitowoc.com]

Sent: Wednesday, September 19, 2012 9:07 AM
To: James, Kevin
Cc: Gebhardt, Debbie
Subject: RE: Tier IV Engines -- Hardship Request

Hello Kevin,

I have attached the letters we wrote with the relevant materials for the exemption. My engineers have been communicating with Steven DeBord at EPA. DeBord has my guys rewriting the letter with no apparent action going forward. They trimmed a 22 page letter to 11 pages – which I think is too much. Then again, for techies, it may not be enough.

They are using 40 CFR 1039.625 as the basis for the exemption, however, I believe it may be 40 CFR 1068.255. Nevertheless, that's a clarification we need to determine. [I included both provisions for your edification .] We understand that some of our competitors have received the exemption which puts us at a competitive disadvantage. As I mentioned below, we tried using our membership with the National Association of Manufacturers to get some response, but NAM also reported to me this morning that they are getting no action as well. They told me that it possibly may be because of the departure of the head of the Transportation and Air Quality division, Margo Oge. Who knows.

A meeting of the minds to determine if we qualify is my recommendation to expedite the request. We are clearly being impacted from meeting customer demand and the reassigning of human resources to address this issue.

Any help and advice you can provide will be greatly appreciative.

Thank you.

Al

From: Gebhardt, Debbie [mailto: [REDACTED]@mail.house.gov]
Sent: Wednesday, September 19, 2012 8:54 AM
To: Bernard, Al J
Cc: James, Kevin
Subject: RE: Tier IV Engines -- Hardship Request

Al:

Kevin James on our staff handles EPA issues. I have cc'ed him on this email.

Debbie

From: Bernard, Al J [REDACTED]@manitowoc.com]
Sent: Wednesday, September 19, 2012 8:04 AM
To: Gebhardt, Debbie
Subject: Tier IV Engines -- Hardship Request

Good morning Debbie,

I need some help. I'm getting stonewalled by EPA on a very critical issue for Manitowoc. I even used one of our trade associations to intervene (NAM), and they are getting the same treatment. Who can I talk to on your staff that would assist me in getting an answer from the Agency?

Thank you.

Al

Al J. Bernard

Senior Vice President, Washington Operations

The Manitowoc Company Inc.

|O| 202-548-[REDACTED] |M| [REDACTED]

"Integrity, Commitment to Stakeholders, Passion for Excellence"

EXHIBIT 45

Congress of the United States
House of Representatives
Washington, DC 20515-4906

8TH DISTRICT OFFICES:
FOND DU LAC, WI
(920) 922-████
OSHKOSH, WI
(920) 231-████

August 8, 2013

Dr. Susan Hedman
Regional Administrator
U. S. Environmental Protection Agency (EPA) – Region 5
77 West Jackson Boulevard
Mail Code: R-19J
Chicago, IL 60604-3507

Dear Regional Administrator Hedman:

I'm writing regarding a request being submitted by Manitowoc Cranes, part of The Manitowoc Company, Inc., for an economic hardship exemption under the Tier IV emission standards for diesel engines.

It is my understanding that Manitowoc contacted EPA over two years ago regarding the possibility of a technical hardship exemption because of concerns that they might not be able to meet the Tier IV standards as a result of difficulties with engine suppliers. The company reached out well ahead of what they understood the deadline to be for such an exemption in order to ensure that the exemption was processed with ample time to avoid supply disruptions.

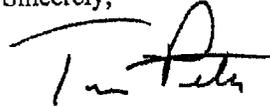
Manitowoc contacted my office almost a year ago requesting assistance with this process. At the time, the company had been told by EPA that their application would not be processed until ninety days before the scheduled engine delivery date, roughly in the third quarter of 2013 given that the engines are supposed to be delivered in early 2014. The company expressed great concern that if they were turned down for an exemption at that point, they would face significant revenue losses (on the order of several hundred million dollars) because of, among other reasons, an inability to fulfill orders beginning in 2014. They were therefore seeking some kind of preliminary review from EPA to ensure that their application appeared to be in good order, assuming the circumstances did not change between then and the time the application was processed. EPA staff indicated that there were no anticipated difficulties with the application and that they would maintain monthly or quarterly contact to ensure things stayed on track.

I was contacted again recently by Manitowoc regarding this process. It is my understanding that EPA notified Manitowoc that, due to peculiarities of this case, the company was required to submit a technical hardship exemption application at least two years prior to the engine delivery date in order to be eligible. Because the engine delivery date is roughly five months away, this type of exemption is no longer an option at this point. Therefore, EPA has now encouraged Manitowoc to pursue an economic hardship exemption. Manitowoc has indicated that they plan to file the necessary paperwork for such an exemption as soon as possible.

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-[REDACTED] if we can be of assistance in any way.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Petri". The signature is written in a cursive style with a prominent horizontal line across the top.

Thomas E. Petri

EXHIBIT 46

James, Kevin

From: Bernard, Al J <[REDACTED]@manitowoc.com>
Sent: Monday, September 16, 2013 10:28 AM
To: James, Kevin
Subject: RE: Tier IV

Hi Kevin,

Mum's been the word. They did comment verbally that it was "good" that "Congress" chimed in on our behalf, and that we submitted a very "thorough" package. I will certainly keep you apprised if we hear anything.

Thank you!

Al

From: James, Kevin [mailto:[REDACTED]@mail.house.gov]
Sent: Monday, September 16, 2013 9:24 AM
To: Bernard, Al J
Subject: Tier IV

Al,

We got this letter in the mail late last week. Obviously it doesn't say much, but just wanted to check in to see how the exemption process is going.

Kevin

Kevin James | Legislative Assistant

Congressman Tom Petri WI-06
2462 Rayburn House Office Building
Washington, D.C. 20515
Phone : 202.225.[REDACTED]
Fax: 202.225.2356
[REDACTED]@mail.house.gov

EXHIBIT 47

From: James, Kevin [REDACTED@mail.house.gov]
Sent: Thursday, May 17, 2012 6:53 PM
To: Bob Harris
Subject: RE:

Hey Bob,

Sorry for the delayed response. Rep. Petri agreed to sign the LWCF letter.

Kevin

From: Bob Harris [REDACTED@aol.com]
Sent: Tuesday, May 15, 2012 3:26 PM
To: James, Kevin
Cc: [REDACTED@plumcreek.com]
Subject:

Hello Kevin.

Hope things are well. I am writing about the Land and Water Conservation Fund (LWCF) and to urge, on behalf of Plum Creek, the Congressman's support for including the Senate-passed language on the LWCF in the Transportation Conference.

The LWCF has maintained a high level of bi-partisan support for many years. Companies like Plum Creek have worked with local and national conservation groups, states and federal agencies using LWCF and Forest Legacy funding to accomplish much in combining conservation goals and practices and forest stewardship.

In Wisconsin, Plum Creek has a long history of working with the State of Wisconsin's lands officials on major Legacy Projects, including the recent Central Sands Project in the Rome area, and on LWCF-based projects in the Chequamegon-Nicolet National Forests, consolidating in-holdings.

The Senate provision will keep the LWCF operating in the coming years and provide certainty through Fiscal Years 2013-2014.

Thanks for your interest. I hope the Congressman will support the provision.

Bob H.

Bob Harris
Nutter & Harris
1667 K Street, NW
Suite 1220
Washington, D.C. 20006

202 289-7400
202 289-[REDACTED] (direct)
[REDACTED] (cell)

[REDACTED@aol.com]

From: James, Kevin [redacted@mail.house.gov]
Sent: Wednesday, June 27, 2012 3:57 PM
To: Bob Harris
Cc: [redacted@plumcreek.com]; [redacted@plumcreek.com]
Subject: RE: Land And Water Conservation Fund -- Transportation Conference

Thanks, Bob. I let him know again of Plum Creek's support for LWCF.

Kevin

From: Bob Harris [redacted@aol.com]
Sent: Tuesday, June 26, 2012 1:02 PM
To: James, Kevin
Cc: [redacted@plumcreek.com]; [redacted@plumcreek.com]
Subject: Land And Water Conservation Fund -- Transportation Conference

As you know, I have been working in support of the LWCF provision in the Senate Transportation bill on behalf of Plum Creek. Mr. Petri has supported this effort through signing a letter to the leadership.

We at a point in the conference where LWCF has become a central point. I would ask your boss to again let the Speakers office and the House conferees know of Mr. Petri's interest in and support for this provision.

Thanks. If you have any questions, please give me a call at [redacted].

Bob H.

Bob Harris
Nutter & Harris
1667 K Street, N.W.
Suite 1220
Washington, D.C. 20006

202 289-[redacted]
202 289-7414 (fax)
[redacted] (cell)

[redacted@aol.com]

EXHIBIT 48

TRANSCRIPT OF INTERVIEW OF LOBBYIST FOR PLUM CREEK TIMBER COMPANY

INTERVIEW OF [REDACTED]

Present:

Scott Gast, Investigative Counsel

Bryson Morgan, Investigative Counsel

Connie Pendleton, Counsel for Mr. [REDACTED]

[REDACTED]

Transcribed By:

Julie Thompson

1 MR. GAST: For the record, this is Scott Gast with Bryson
2 Morgan of the Office of Congressional Ethics.

3 It is May 23, 2014. Here with Mr. [REDACTED]
4 and counsel for Mr. [REDACTED], Connie Pendleton. I
5 appreciate you being here to talk with us as
6 part of our review.

7 We're interested in speaking with you
8 in your role as a representative of the Plum
9 Creek Timber Company. So if you could just
10 start out by telling us, you know, what your
11 relationship, what's your role with respect to
12 the company?

13 [REDACTED] (the "Witness"): I am a partner -- I don't have a
14 title -- of Nutter & Harris, two-person firm --
15 I'm on retainer to Plum Creek. I have been on
16 retainer to Plum Creek since -- I think it was
17 1991, but it could be 1990. I am their outside
18 lobbyist here in Washington. I'm in effect
19 their Washington office.

20 MR. GAST: And can you tell us, generally, what issues you
21 work on for the company?

22 WITNESS: Generally, environmental, energy, tax, natural
23 resource issues. Plum Creek is a timber
24 company. So I don't do a lot of manufacturing
25 issues, although --

1 MR. GAST: Sure.

2 WITNESS: -- they have manufacturing facilities.

3 MR. GAST: And does anybody else at Plum Creek interact
4 with federal officials?

5 WITNESS: Sure.

6 MR. GAST: Who else would do that?

7 WITNESS: I work for a gentleman named Bob Jirsa, J-i-r-s-
8 a, who is -- I think his title is Vice President
9 for Public Affairs -- and he is who I report to
10 directly. There are others, but if you want
11 other names, we'll --

12 MR. GAST: Can you give us a sense of who those other
13 people are?

14 WITNESS: Well, the CEOs --

15 MR. GAST: Okay.

16 WITNESS: -- just here for a series of meetings with the
17 National Alliance of Forest Owners.

18 MR. GAST: Okay.

19 WITNESS: They participate in -- they don't come here
20 often, but they participate in trade association
21 meetings and things such as that.

22 MR. GAST: Okay.

23 WITNESS: That goes through the whole executive -- the
24 executive chain of the organization.

25 MR. GAST: Okay. Does the company have any other outside

1 lobbyists, consultants here in D.C.?

2 WITNESS: Not directly, no.

3 MR. GAST: Okay.

4 WITNESS: They do through other trade -- through trade
5 associations.

6 MR. GAST: Okay. And can you give us a general sense of
7 your interactions with federal officials on
8 behalf of Plum Creek, what agencies, entities
9 you talk to?

10 WITNESS: Mostly Congress.

11 MR. GAST: Are those in personal meetings? Do you have
12 email, telephone calls, letters? What's the
13 general nature?

14 WITNESS: Few letters, as you might suspect anymore,
15 emails mostly, phone calls, meetings. It
16 varies. It depends upon the issue.

17 MR. GAST: The whole range?

18 WITNESS: Whole range.

19 MR. GAST: Okay.

20 WITNESS: It depends upon the time and the issue.

21 MR. GAST: And you work with staff and members, primarily
22 staff?

23 WITNESS: Mostly all staff.

24 MR. GAST: Yeah, okay. How often would you say you
25 actually interact with members?

1 WITNESS: What do you mean by "how often"?

2 MR. GAST: Percentage wise of your time, contacts.

3 WITNESS: I'd say 10 percent.

4 MR. GAST: Okay. And what about on the campaign and the
5 fundraising side; are you involved in that as
6 well?

7 WITNESS: What do you mean "involved"?

8 MR. GAST: Are you -- do you attend fundraisers?

9 WITNESS: Yes.

10 MR. GAST: Okay. I want to talk to you about your
11 interaction with Representative Petri from
12 Wisconsin and his office. How often would you
13 say that you have interactions with him or his
14 office?

15 WITNESS: His office, I'd probably say on average
16 somewhere between 5 and 10 times a year.

17 MR. GAST: And what about with the member himself?

18 WITNESS: Once or twice a year at the most, and it's
19 usually casual.

20 MR. GAST: Okay. Who in Representative Petri's office do
21 you have contact with?

22 WITNESS: Mostly with Kevin James. I'm terrible with
23 names. Kevin does most of the natural resource
24 stuff.

25 MR. GAST: Okay.

1 WITNESS: Meagan -- I cannot think of her last name at
2 this stage of the game, and there's a gentleman
3 named Markowitz who does -- Richard Markowitz
4 who does taxes; that's generally where the
5 interface is.

6 MR. GAST: And Meagan -- could that be Megan McCanna?

7 WITNESS: Meagan McCanna.

8 MR. GAST: Okay. And what issues do you work with her on?

9 WITNESS: Water, timber.

10 MR. GAST: Okay. And what issues do you talk to
11 Representative Petri about at his office?

12 WITNESS: Oh, his office?

13 MR. GAST: Yeah.

14 WITNESS: Forced roads, regulation of forced roads under
15 the clean water act, which was enacted in
16 legislation in the farm bill, tax policy, and
17 funding for the Land and Water Conservation
18 Fund.

19 MR. GAST: Okay. Do you ever have conversations with the
20 staff or the member about company performance,
21 stock price --

22 WITNESS: No.

23 MR. GAST: -- bottom line?

24 WITNESS: No.

25 MR. GAST: No such conversations. Are you aware that

1 Congressman Petri owns stock --

2 WITNESS: I am.

3 MR. GAST: -- his wife owns stock in Plum Creek Timber?

4 WITNESS: Yes, I'm aware.

5 MR. GAST: And how did you become aware of that?

6 WITNESS: Through newspaper reports.

7 MR. GAST: Have you ever had a conversation with the
8 Congressman about his stock ownership?

9 WITNESS: No.

10 MR. GAST: Any conversations with members of his staff
11 about his --

12 WITNESS: Yes.

13 MR. GAST: And what were those conversations?

14 WITNESS: His Chief of Staff called to tell me that all of
15 this was being written up. Press reports were
16 coming out about it.

17 MR. GAST: Did you discuss how to respond to the reports or
18 --

19 WITNESS: No.

20 MR. GAST: -- the substance of the reports?

21 WITNESS: No.

22 MR. GAST: Did she ask you to do anything --

23 WITNESS: No.

24 MR. GAST: -- or say anything?

25 WITNESS: No.

1 MR. MORGAN: Do you recall when -- when about that
2 conversation with the Chief of Staff was?

3 WITNESS: Early February probably. Late January, early
4 February I first learned about this.

5 MR. GAST: Any subsequent conversations with her?

6 WITNESS: I told Plum Creek what was going on. A couple
7 days later I called her back and said, "I've
8 told Plum Creek what's going on." And I think
9 that was done by phone.

10 MR. GAST: Okay.

11 WITNESS: Both. Both my contact with Plum Creek and with
12 Debbie Gebhardt.

13 MR. GAST: And what was her reaction when you said you were
14 --

15 WITNESS: I can't remember.

16 MR. GAST: Okay. Did you discuss anything else relative to
17 the stock issue?

18 WITNESS: No.

19 MR. GAST: And prior to that conversation with the Chief of
20 Staff, had you had any conversations with the
21 staff about --

22 WITNESS: No.

23 MR. GAST: -- the stock ownership issue?

24 MS. PENDLETON: Just let him finish his question before you
25 answer because you don't know what he's going to

1 ask.

2 MR. GAST: I want to talk to you about occasions when you
3 requested assistance or action from
4 Representative Petri's office. I have a few
5 documents to walk through as well. This is, for
6 the record, an email, Bates labeled Harris 515.
7 Want to take a minute to look that over?

8 WITNESS: Mm-hmm.

9 MR. GAST: Do you recall this email?

10 WITNESS: No. But it's here. So --

11 MR. GAST: Do you recall the issue?

12 WITNESS: Yeah.

13 MR. GAST: And why was this an important issue for Plum
14 Creek?

15 WITNESS: Wood is discriminated against in the LEED
16 building rating system. We were working with
17 members on the Hill to try to get LEED to be
18 more favorable to wood, wood products.

19 MR. GAST: And when you say "we were working," who is we?

20 WITNESS: Me, Plum Creek, and a group of allies in the
21 wood products industry to work on these issues.

22 MR. MORGAN: Was there a certain group within that industry
23 that was taking the lead role in this advocacy?

24 WITNESS: Probably not a lead role. It was a group that
25 includes five, six, seven organizations.

1 MR. MORGAN: Is it a trade association, or is --

2 WITNESS: They are trade associations. It's not one
3 association. And companies participate as well.

4 MR. GAST: So when you say "five, six, seven
5 organizations," that's five, six, seven trade
6 associations?

7 WITNESS: Yeah.

8 MR. GAST: And then those trade associations are made up of
9 many companies?

10 WITNESS: Yeah.

11 MR. GAST: Okay.

12 WITNESS: Very broad, very broad.

13 MR. GAST: Okay. Do you have a sense of how many companies
14 were interested in this issue total?

15 WITNESS: A couple hundred.

16 MR. GAST: Couple hundred, okay.

17 MS. PENDLETON: Can I just note for the record that this email,
18 Bates Number 515, is from 2010?

19 MR. GAST: Yes.

20 MS. PENDLETON: So technically before the time period --

21 MR. GAST: Right.

22 MS. PENDLETON: -- that's covered by the request for
23 information.

24 MR. GAST: Okay. And we appreciate you providing it again.

25 Any particular reason why you reached out to

1 Representative Petri's office?

2 WITNESS: As I recall, it was a sign-on letter that was
3 circulated by Congressman Schrader and Goodlatte
4 (phonetic), and I think it was circulated
5 broadly throughout the House.

6 MR. GAST: Okay.

7 WITNESS: Plum Creek has -- don't hold me to this number,
8 but Plum Creek has 50 or so, maybe 35 to 50
9 members of the House with whom we regularly
10 communicate on issues of this nature where they
11 either own timberland or are adjacent to areas
12 where they own timberland. We communicate with
13 all members of the Wisconsin delegation, where
14 we have timberland, on issues of this kind.

15 MR. GAST: Okay. And you see from the email that Kevin
16 James replied that his boss had signed on the
17 letter.

18 WITNESS: Correct.

19 MR. GAST: Do you recall if Representative Petri's office
20 provided any other assistance on this issue?

21 WITNESS: No. Not that I can recall.

22 MR. GAST: Okay. Alright. Let me go to another one. This
23 is a set of two emails actually. For the
24 record, it is Harris 386 and Harris 6.

25 WITNESS: Mm-hmm. I'm aware of the issue.

1 MR. GAST: Okay. You know, again, similar questions. Why
2 was this an important issue for Plum Creek?

3 WITNESS: Plum Creek has a long history of conservation
4 practices working with the federal government,
5 primarily the forest service, conducting land
6 exchanges, and conservation land deals where
7 they sell their land to -- or they sell
8 easements on their land to the federal
9 government. It's used for dispute resolution so
10 to speak. The Land and Water Conservation Fund
11 and the Forest Legacy program have been primary
12 vehicles the federal government has to do that,
13 and the Land and Water Conservation Fund and the
14 Legacy program have been cut over the years
15 through budget reductions; and Plum Creek
16 supports continued vibrant funding for this.

17 I work with a coalition of folks from
18 the conservation community, led by an
19 organization called Outdoors America, and I work
20 with them regularly. And in this instance, they
21 work to get letters of support for the Land and
22 Water Conservation Fund sent with a large number
23 of signatures on it, and I think Petri joined on
24 this letter probably along with 50 or 60 other
25 folks.

1 MR. GAST: And, again, reach out to Congressman Petri's
2 office because of the relationship that the
3 company has with owning timber in or near his
4 district?

5 WITNESS: That and you may note that -- I would add that
6 Plum Creek has done three major conservation
7 agreements in the state of Wisconsin.

8 MR. GAST: Okay. And then you see in the second email an
9 email from you to Kevin James, cc'd to Bob Jirsa
10 and Kristen Smith. Who is Kristen Smith, first
11 of all?

12 WITNESS: Kristen Smith works for Bob Jirsa. I don't know
13 her title.

14 MR. GAST: Okay. And you asked if Mr. Petri could speak
15 with the House leadership and conferees on the
16 same issue, the Land and Water Conservation
17 Fund. Do you know if Congressman Petri actually
18 had those conversations?

19 WITNESS: No, I don't.

20 MR. GAST: Okay. Do you know if Congressman Petri or his
21 office provided any other assistance on this
22 issue?

23 WITNESS: No.

24 MR. GAST: Okay. Do you work on the federal truck weights
25 limits, truck weight limits?

1 WITNESS: I did.

2 MR. GAST: And is that an issue of importance to Plum
3 Creek?

4 WITNESS: Modest.

5 MR. GAST: Modest. Have you had conversations or contacts
6 with Representative Petri or his office on that
7 issue?

8 WITNESS: Not in the time period that you all are looking
9 at.

10 MR. GAST: So not since January 2012?

11 WITNESS: Right.

12 MR. GAST: Had you had contacts prior to that?

13 WITNESS: One.

14 MR. GAST: One. Any reason why you didn't have contacts
15 after January 2012 on this issue?

16 WITNESS: It wasn't important.

17 MR. GAST: Okay. Forest roads issue that you mentioned
18 earlier, why is that an important issue to Plum
19 Creek?

20 WITNESS: If forest roads are regulated under the clean
21 water act, the Environmental Protection Agency
22 would have the ability to require Plum Creek and
23 other companies like Plum Creek to mitigate
24 runoff and to apply things on the ground that
25 would mitigate runoff during rain occurrences,

1 for example, and storms that would be terribly
2 expensive. And it's not necessary because
3 they've already mitigated practices. Forest
4 practices mitigate on their own, so additional
5 regulation is not necessary.

6 MR. GAST: Now, I understand from some emails that you have
7 provided us that there was legislation that had
8 been introduced by Representative Schrader and
9 Herrera Butler.

10 WITNESS: Correct.

11 MR. GAST: Had you had contact with Representative Petri's
12 office about that legislation?

13 WITNESS: Yes.

14 MR. GAST: Can you just generally describe the
15 conversations you had, the contacts you had?

16 WITNESS: You've got, I think, a series of emails. That's
17 it.

18 MR. GAST: Okay.

19 WITNESS: Maybe a phone conversation here and there -- I
20 don't recall -- to check on the status of
21 whether he either signed -- whether he either
22 signed on to legislation or would have talked to
23 the chairman.

24 MR. GAST: Okay. And you were interested in having him
25 sign on as a cosponsor?

1 WITNESS: Oh, sure.

2 MR. GAST: Did you ask for any other assistance with
3 signing on to dear colleagues or speaking to --

4 WITNESS: Don't recall doing that. No.

5 MR. GAST: Okay. Again, was this something that Plum Creek
6 undertook with other --

7 WITNESS: Oh, yes.

8 MR. GAST: -- companies? And can you just describe who
9 else was involved in that?

10 WITNESS: Well, I can give you a -- I can provide you with
11 a list of Plum Creek constituent members during
12 this period of time. They would have all been
13 contacted in one form or another.

14 MR. GAST: Okay.

15 MR. MORGAN: What do you mean by "constituent members?"

16 WITNESS: Members where they have a constituent
17 relationship, where they own land.

18 MR. MORGAN: Okay.

19 MR. GAST: What other entities, companies, or organizations
20 were you working with on this issue?

21 WITNESS: On?

22 MR. GAST: On the forest roads legislation?

23 WITNESS: Forest roads? Primarily the National Alliance
24 of Forest Owners, NAFO, but there were other
25 organizations. Plum Creek is a member of other

1 organizations that participated in this debate
2 as well as the state associations where Plum
3 Creek owns land. So Plum Creek owns land in 18
4 states. I did not work directly with those
5 folks, but they would have been involved in
6 terms of sending letters requesting members to
7 so forth and so on, traditional lobbying
8 practices.

9 MR. GAST: Is it fair to say that, that was a pretty broad
10 coalition of --

11 WITNESS: Very.

12 MR. GAST: -- entities? Did you have any interactions with
13 Representative Petri himself on that issue?

14 WITNESS: You know, I can't recall, but I've run into him
15 on the streets from time to time; and we may
16 have discussed it. But we had a meeting in July
17 of -- I don't recall whether it was 2012 or
18 2013. Bob Jirsa and I met with him. I would be
19 shocked if it was not discussed.

20 MR. GAST: Can you just generally describe how your
21 meetings with Representative Petri would go,
22 what subjects were discussed, and --

23 WITNESS: Well, in a meeting of this nature, first thing
24 you're going to do is you're going to talk about
25 how the economy and the timber economy is in

1 Wisconsin, and then you're going to talk about
2 the importance of the issues in which you're
3 working on in which the meeting is held.

4 In July of '12 and '13, we were
5 working on the forest roads legislation, so I'm
6 sure it would have been discussed. We were also
7 working on taxes, so I suspect that would have
8 come up. And generally, those we brief a member
9 on the importance of the issue, and that's it.

10 MS. PENDLETON: But do you recall specifically if these came up,
11 or this is just the best of your recollection?

12 WITNESS: Best of my recollection.

13 MR. GAST: Okay.

14 WITNESS: I can't recall specifics of any of those
15 meetings.

16 MS. PENDLETON: And do forest roads have anything to do with
17 truck weights?

18 WITNESS: Nothing.

19 MR. GAST: Separate issue?

20 WITNESS: Totally separate issue.

21 MR. GAST: And do you recall in any of your meetings with
22 Representative Petri, did the subject of his or
23 his wife's stock ownership --

24 WITNESS: No.

25 MR. GAST: -- ever come up? Okay.

1 WITNESS: Never. I don't recall it ever coming up.

2 MR. GAST: Okay.

3 MR. MORGAN: Do you recall Representative Petri asking a lot
4 of questions about the company's performance?
5 You said that generally those types of meetings
6 would include a discussion of the economy, how
7 the timber economy is doing. Do you recall any
8 specific discussions of Plum Creek's
9 performance?

10 MS. PENDLETON: Do you have a time period you're --

11 MR. MORGAN: These meetings. I'm wondering in these meetings
12 that you were in with Representative Petri.

13 WITNESS: No. I don't ever recall it coming up.

14 MR. GAST: I wanted to ask you about the tax provisions.

15 WITNESS: Sure.

16 MR. GAST: I'll show you this email. And, for the record,
17 this is PET-OCE6948.

18 WITNESS: I recall.

19 MR. GAST: Okay. Why was this an important issue for Plum
20 Creek?

21 WITNESS: The federal tax code contains a number of
22 provisions that recognize in the tax code the
23 long-term interest of ownership in timberland.
24 Generally, timber grows and is harvested on a
25 25, 20, 25 to 70, 80-year rotation. And so when

1 you own timberland for extended periods of time,
2 it's dealt with differently than it is other
3 kinds of investments, if you own a firm or a
4 company that makes widgets. You make widgets
5 over and over again. You harvest trees once
6 every 25 years in the south, 80 years in the
7 north, 60, 70, 80 years. The tax code reflects
8 that, and the investments that go with folks who
9 invest long-term in timber.

10 And as tax reform became an issue du
11 jour in 2013, we were working with members of
12 Congress to ensure that, as tax reform was
13 discussed and dealt with, folks recognized that
14 timber was a different kind of investment, and
15 the provisions in the current tax code were not
16 repealed.

17 MR. GAST: And, again, when you say "we were working" on,
18 who do you include?

19 WITNESS: Plum Creek and allies in the industry under the
20 leadership of NAFO, the National Alliance of
21 Forest Owners.

22 MR. MORGAN: Do you have any sense of how many organizations
23 are members of NAFO?

24 WITNESS: Eighty, maybe sixty.

25 MR. MORGAN: Somewhere in there.

1 WITNESS: Yeah. It represents probably 80 million acres
2 of timberland. So it may be 40 companies that
3 represent 80 million acres of timberland.

4 MR. MORGAN: Okay.

5 WITNESS: It's probably available somewhere.

6 MR. GAST: And in this letter you ask if Representative
7 Petri will sign a multi-member letter --

8 WITNESS: Correct.

9 MR. GAST: -- to the chairman of the ways and means
10 committee. Do you know if he did so?

11 WITNESS: My recollection, he signed the letter.

12 MR. GAST: Okay. Was there any discussion of which you
13 were a part about the need to check with the
14 ethics committee before signing on to that
15 letter?

16 WITNESS: I wouldn't have any -- I wouldn't recall --

17 MR. GAST: Okay.

18 WITNESS: -- any discussion with me about it.

19 MR. GAST: And, again, did the subject of Petri, either
20 Representative Petri or his wife's stock
21 ownership come up in the context --

22 WITNESS: No.

23 MR. GAST: -- of this discussion? Okay.

24 WITNESS: Not that I recall.

25 MR. GAST: There appears to have been a couple of emails

1 that you provided us in which you were asking
2 for a meeting on this issue. Do you recall
3 meeting either with Representative Petri himself
4 or the staff on this?

5 WITNESS: Like I said, in July, it was either '12 or '13,
6 we met with Petri. Taxes was on the agenda.

7 MR. GAST: Yeah. It looks like it would have been July 10,
8 2013. Does that sound about right?

9 WITNESS: Sounds about right.

10 MR. GAST: Okay. Did Plum Creek ever approach
11 Representative Petri or his office with requests
12 for appropriations?

13 WITNESS: I can't recall. I don't believe any of the
14 conservation deals that we did in Wisconsin
15 involved Petri. I don't recall.

16 MR. GAST: Okay. And just a few other last questions. Do
17 you recall any other instances since January of
18 2012 when you went to Representative Petri or
19 his office seeking some kind of action or
20 assistance on behalf of Plum Creek?

21 WITNESS: I can't recall anything else.

22 MR. GAST: Okay. No help with any agency matters --

23 WITNESS: No.

24 MR. GAST: -- regulatory issues, things like that? Okay.
25 Is there anything else that you think would be

1 helpful for us to be aware of in this matter?

2 WITNESS: Not that I can recall.

3 MR. GAST: Okay.

4 MR. MORGAN: You said there are about 50 members that you

5 have more regular contact with. I was wondering

6 if you could give me some sort of sense of how

7 frequent you contact Representative Petri's

8 office in comparison to those other constituent

9 members?

10 WITNESS: About the same.

11 MR. MORGAN: About the same. Are there any members that are

12 -- that you view as being stronger allies as

13 opposed to others?

14 WITNESS: Of course.

15 MR. MORGAN: Is Representative Petri one of those stronger

16 allies?

17 WITNESS: Sure.

18 MR. MORGAN: And how many of the 50 or so would you say are

19 your stronger allies?

20 WITNESS: Stronger?

21 MR. MORGAN: Yeah.

22 WITNESS: Half maybe.

23 MR. MORGAN: Half. Does he stand out as being a much

24 stronger ally than other members?

25 WITNESS: No.

1 MR. GAST: I think those are the questions we have for you.

2 WITNESS: Okay.

3 MR. GAST: We appreciate your time.

4 WITNESS: Sure. Happy to do it.

5 END OF INTERVIEW

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<p style="text-align: center;">A</p> <p>ability 14:22 acres 21:1,3 act 6:15 14:21 action 9:3 22:19 add 13:5 additional 15:4 adjacent 11:11 advocacy 9:23 affairs 3:9 agencies 4:8 agency 14:21 22:22 agenda 22:6 agreements 13:7 alliance 3:17 16:23 20:20 allies 9:20 20:19 23:12,16,19 ally 23:24 alright 11:22 america 12:19 answer 8:25 anybody 3:3 anymore 4:14 appears 21:25 apply 14:24 appreciate 2:5 10:24 24:3 approach 22:10 appropriations 22:12 areas 11:11 asked 13:14 asking 19:3 22:1 assistance 9:3 11:20 13:21 16:2 22:20 association 3:20 10:1,3 associations 4:5 10:2,6,8 17:2 attend 5:8 available 21:5 average 5:15 aware 6:25 7:4,5 11:25 23:1</p> <hr/> <p style="text-align: center;">B</p> <p>back 8:7</p>	<p>bates 9:6 10:18 behalf 4:8 22:20 believe 22:13 best 18:11,12 bill 6:16 bob 2:13 3:7 13:9 13:12 17:18 boss 11:16 bottom 6:23 brief 18:8 broad 10:12,12 17:9 broadly 11:5 bryson 1:10 2:1 budget 12:15 building 9:16 butler 15:9</p> <hr/> <p style="text-align: center;">C</p> <p>c 4:1 called 7:14 8:7 12:19 calls 4:12,15 campaign 5:4 cant 8:15 17:14 18:14 22:13,21 casual 5:19 ccd 13:9 ceos 3:14 certain 9:22 chain 3:24 chairman 15:23 21:9 check 15:20 21:13 chief 7:14 8:2,19 circulated 11:3,4 clean 6:15 14:20 coalition 12:17 17:10 code 19:21,22 20:7 20:15 colleagues 16:3 come 3:19 18:8,25 21:21 coming 7:16 19:1 19:13 committee 21:10 21:14 communicate</p>	<p>11:10,12 community 12:18 companies 10:3,9 10:13 14:23 16:8 16:19 21:2 company 2:9,12,21 2:24 3:25 6:20 13:3 20:4 companys 19:4 comparison 23:8 conducting 12:5 conferees 13:15 congress 4:10 20:12 congressional 2:2 congressman 7:1,8 11:3 13:1,17,20 connie 1:11 2:4 conservation 6:17 12:3,6,10,13,18 12:22 13:6,16 22:14 constituent 16:11 16:15,16 23:8 consultants 4:1 contact 5:21 8:11 15:11 23:5,7 contacted 16:13 contacts 5:2 14:5 14:12,14 15:15 contains 19:21 context 21:21 continued 12:16 conversation 7:7 8:2,19 15:19 conversations 6:19 6:25 7:10,13 8:5 8:20 13:18 14:5 15:15 correct 11:18 15:10 21:8 cosponsor 15:25 counsel 1:9,10,11 2:4 couple 8:6 10:15,16 21:25 course 23:14 covered 10:22 creek 2:9,15,16,23 3:3 4:8 7:3 8:6,8</p>	<p>8:11 9:14,20 11:7 11:8 12:2,3,15 13:6 14:3,19,22 14:23 16:5,11,25 17:3,3 19:20 20:19 22:10,20 creeks 19:8 current 20:15 cut 12:14</p> <hr/> <p style="text-align: center;">D</p> <p>d 4:1 days 8:7 deals 12:6 22:14 dealt 20:2,13 dear 16:3 debate 17:1 debbie 8:12 delegation 11:13 depends 4:16,20 describe 15:14 16:8 17:20 didnt 14:14 different 20:14 differently 20:2 directly 3:10 4:2 17:4 discriminated 9:15 discuss 7:17 8:16 discussed 17:16,19 17:22 18:6 20:13 discussion 19:6 21:12,18,23 discussions 19:8 dispute 12:9 district 13:4 documents 9:5 doing 16:4 19:7 dont 2:13,24 3:19 8:25 11:7 13:12 13:19 15:20 16:4 17:17 19:1,13 22:13,15 du 20:10</p> <hr/> <p style="text-align: center;">E</p> <p>earlier 14:18 early 8:3,3 easements 12:8 economy 17:25,25</p>	<p>19:6,7 effect 2:18 eighty 20:24 either 11:11 15:21 15:21 21:19 22:3 22:5 email 4:12 9:6,9 10:17 11:15 13:8 13:9 19:16 emails 4:15 11:23 15:6,16 21:25 enacted 6:15 energy 2:22 ensure 20:12 entities 4:8 16:19 17:12 environmental 2:22 14:21 ethics 2:2 21:14 example 15:1 exchanges 12:6 executive 3:23,24 expensive 15:2 extended 20:1</p> <hr/> <p style="text-align: center;">F</p> <p>facilities 3:2 fair 17:9 farm 6:16 favorable 9:18 february 8:3,4 federal 3:4 4:7 12:4 12:8,12 13:24 19:21 finish 8:24 firm 2:14 20:3 first 8:4 13:10 17:23 five 9:25 10:4,5 folks 12:17,25 17:5 20:8,13 forced 6:14,14 forest 3:17 12:5,11 14:17,20 15:3 16:22,23,24 18:5 18:16 20:21 form 16:13 forth 17:7 frequent 23:7</p>
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fund 6:18 12:10,13 12:22 13:17	group 9:20,22,24	investigative 1:9,10	late 8:3	members 4:21,25
funding 6:17 12:16	grows 19:24	investment 20:14	lead 9:23,24	7:10 9:17 11:9,13
fundraisers 5:8	<hr/> H <hr/>	investments 20:3,8	leadership 13:15	16:11,15,16 17:6
fundraising 5:5	half 23:22,23	involved 5:5,7 16:9	20:20	20:11,23 23:4,9
<hr/> G <hr/>	happy 24:4	17:5 22:15	learned 8:4	23:11,24
game 6:2	█ 1:4,11,12 2:3	issue 4:16,20 8:17	led 12:18	mentioned 14:17
gast 1:9 2:1,1,20	2:4,13,14 9:6	8:23 9:11,13	leed 9:15,17	met 17:18 22:6
3:1,3,6,12,15,18	11:24,24	10:14 11:20,25	legacy 12:11,14	million 21:1,3
3:22,25 4:3,6,11	harvest 20:5	12:2 13:16,22	legislation 6:16	minute 9:7
4:17,19,21,24 5:2	harvested 19:24	14:2,7,15,17,18	15:7,12,22 16:22	mitigate 14:23,25
5:4,8,10,17,20,25	held 18:3	16:20 17:13 18:9	18:5	15:4
6:6,8,10,13,19,23	help 22:22	18:19,20 19:19	letter 11:2,17 12:24	mitigated 15:3
6:25 7:3,5,7,10,13	helpful 23:1	20:10 22:2	21:6,7,11,15	mmhmm 9:8 11:25
7:17,20,22,24 8:5	herrera 15:9	issues 2:20,23,25	letters 4:12,14	modest 14:4,5
8:10,13,16,19,23	hes 8:25	6:8,10 9:21 11:10	12:21 17:6	morgan 1:10 2:2
9:2,9,11,13,19	hill 9:17	11:14 18:2 22:24	limits 13:25,25	8:1 9:22 10:1
10:4,8,11,13,16	history 12:3	ive 8:7 17:14	line 6:23	16:15,18 19:3,11
10:19,21,24 11:6	hold 11:7	<hr/> J <hr/>	list 16:11	20:22,25 21:4
11:15,19,22 12:1	house 11:5,9 13:15	james 5:22 11:16	lobbying 17:7	23:4,11,15,18,21
13:1,8,14,20,24	hundred 10:15,16	13:9	lobbyist 2:18	23:23
14:2,5,10,12,14	<hr/> I <hr/>	january 8:3 14:10	lobbyists 4:1	multimember 21:7
14:17 15:6,11,14	id 5:3,15	14:15 22:17	long 12:3	<hr/> N <hr/>
15:18,24 16:2,5,8	ill 19:16	jirs 3:7	longterm 19:23	nafo 16:24 20:20
16:14,19,22 17:9	im 2:15,18 5:22 7:4	jirsa 3:7 13:9,12	20:9	20:23
17:12,20 18:13,19	11:25 18:5 19:11	17:18	look 9:7	name 6:1
18:21,25 19:2,14	importance 14:2	joined 12:23	looking 14:8	named 3:7 6:3
19:16,19 20:17	18:2,9	jour 20:11	looks 22:7	names 3:11 5:23
21:6,9,12,17,19	important 9:13	julie 1:18	lot 2:24 19:3	national 3:17 16:23
21:23,25 22:7,10	12:2 14:16,18	july 17:16 18:4	<hr/> M <hr/>	20:20
22:16,22,24 23:3	19:19	22:5,7	major 13:6	natural 2:22 5:23
24:1,3	include 19:6 20:18	<hr/> K <hr/>	manufacturing	nature 4:13 11:10
gebhardt 8:12	includes 9:25	kevin 5:22,23 11:15	2:24 3:2	17:23
general 4:6,13	industry 9:21,22	13:9	markowitz 6:3,3	near 13:3
generally 2:20,22	20:19	kind 11:14 20:14	matter 23:1	necessary 15:2,5
6:4 15:14 17:20	information 10:23	22:19	matters 22:22	need 21:13
18:8 19:5,24	instance 12:20	kinds 20:3	mccanna 6:6,7	never 19:1
gentleman 3:7 6:2	instances 22:17	know 2:10 8:25	meagan 6:1,6,7	newspaper 7:6
give 3:12 4:6 16:10	interact 3:3 4:25	12:1 13:12,17,20	mean 5:1,7 16:15	north 20:7
23:6	interaction 5:11	17:14 21:10	means 21:9	note 10:17 13:5
go 11:22 17:21 20:8	interactions 4:7	kristen 13:10,10,12	meeting 17:16,23	number 10:18 11:7
goes 3:23	5:13 17:12	<hr/> L <hr/>	18:3 22:2,3	12:22 19:21
going 8:6,8,25	interest 19:23	labeled 9:6	meetings 3:16,21	nutter 2:14
17:24,24 18:1	interested 2:7	land 6:17 12:5,6,7	4:11,15 17:21	<hr/> O <hr/>
goodlatte 11:3	10:14 15:24	12:8,10,13,21	18:15,21 19:5,11	occasions 9:2
government 12:4,9	interface 6:5	13:16 16:17 17:3	19:11	occurrences 14:25
12:12	interview 1:4 24:5	17:3	megan 6:6	office 2:2,19 5:12
ground 14:24	introduced 15:8	large 12:22	member 5:17 6:20	5:14,15,20 6:11
	invest 20:9		16:25 18:8	6:12 9:4 11:1,19

13:2,21 14:6 15:12 22:11,19 23:8 officials 3:4 4:7 oh 6:12 16:1,7 okay 3:15,18,22,25 4:3,6,19,24 5:4,10 5:20,25 6:8,10,19 8:10,16 10:11,13 10:16,24 11:6,15 11:22 12:1 13:8 13:14,20,24 14:17 15:18,24 16:5,14 16:18 18:13,25 19:2,19 21:4,12 21:17,23 22:10,16 22:22,24 23:3 24:2 once 5:18 20:5 opposed 23:13 organization 3:24 12:19 organizations 9:25 10:5 16:19,25 17:1 20:22 outdoors 12:19 outside 2:17 3:25 owners 3:17 16:24 20:21 ownership 7:8 8:23 18:23 19:23 21:21 owning 13:3 owns 7:1,3 17:3,3	period 10:20 14:8 16:12 19:10 periods 20:1 personal 4:11 peto 6:948 19:17 petri 5:11 6:11 7:1 12:23 13:14,17,20 14:6 17:13,21 18:22 19:3,12 21:7,19,20 22:3,6 22:11,15,18 23:15 petris 5:20 9:4 11:1 11:19 13:1 15:11 23:7 phone 4:15 8:9 15:19 phonetic 11:4 plum 2:8,15,16,23 3:3 4:8 7:3 8:6,8 8:11 9:13,20 11:7 11:8 12:2,3,15 13:6 14:2,18,22 14:23 16:5,11,25 17:2,3 19:8,19 20:19 22:10,20 policy 6:16 practices 12:4 15:3 15:4 17:8 present 1:8 president 3:8 press 7:15 pretty 17:9 price 6:21 primarily 4:21 12:5 16:23 primary 12:11 prior 8:19 14:12 probably 5:15 8:3 9:24 12:24 21:1,5 products 9:18,21 program 12:11,14 protection 14:21 provide 16:10 provided 11:20 13:21 15:7 22:1 providing 10:24 provisions 19:14,22 20:15 public 3:9	<hr/> Q <hr/> question 8:24 questions 12:1 19:4 22:16 24:1 <hr/> R <hr/> rain 14:25 range 4:17,18 rating 9:16 reach 13:1 reached 10:25 reaction 8:13 reason 10:25 14:14 recall 8:1 9:9,11 11:2,19,21 15:20 16:4 17:14,17 18:10,14,21 19:1 19:3,7,13,18 21:16,24 22:2,13 22:15,17,21 23:2 recognize 19:22 recognized 20:13 recollection 18:11 18:12 21:11 record 2:1 9:6 10:17 11:24 19:16 reductions 12:15 reflects 20:7 reform 20:10,12 regular 23:5 regularly 11:9 12:20 regulated 14:20 regulation 6:14 15:5 regulatory 22:24 relationship 2:11 13:2 16:17 relative 8:16 remember 8:15 repealed 20:16 replied 11:16 report 3:9 reports 7:6,15,17 7:20 represent 21:3 representative 2:8 5:11,20 6:11 9:4 11:1,19 14:6 15:8	15:11 17:13,21 18:22 19:3,12 21:6,20 22:3,11 22:18 23:7,15 represents 21:1 request 10:22 requested 9:3 requesting 17:6 requests 22:11 require 14:22 resolution 12:9 resource 2:23 5:23 respect 2:11 respond 7:17 retainer 2:15,16 review 2:6 richard 6:3 right 10:21 14:11 22:8,9 roads 6:14,14 14:17 14:20 16:22,23 18:5,16 █ 1:4,12 2:3 role 2:8,11 9:23,24 rotation 19:25 run 17:14 runoff 14:24,25 <hr/> S <hr/> schrader 11:3 15:8 scott 1:9 2:1 second 13:8 see 11:15 13:8 seeking 22:19 sell 12:7,7 sending 17:6 sense 3:12 4:6 10:13 20:22 23:6 sent 12:22 separate 18:19,20 series 3:16 15:16 service 12:5 set 11:23 seven 9:25 10:4,5 shocked 17:19 show 19:16 side 5:5 sign 15:25 21:7 signatures 12:23	signed 11:16 15:21 15:22 21:11 signing 16:3 21:14 signon 11:2 similar 12:1 six 9:25 10:4,5 sixty 20:24 smith 13:10,10,12 sort 23:6 sound 22:8 sounds 22:9 south 20:6 speak 12:10 13:14 speaking 2:7 16:3 specific 19:8 specifically 18:10 specifics 18:14 staff 4:21,22,23 6:20 7:10,14 8:2 8:20,21 22:4 stage 6:2 stand 23:23 start 2:10 state 13:7 17:2 states 17:4 status 15:20 stock 6:21 7:1,3,8 8:17,23 18:23 21:20 storms 15:1 streets 17:15 stronger 23:12,15 23:19,20,24 stuff 5:24 subject 18:22 21:19 subjects 17:22 subsequent 8:5 substance 7:20 support 12:21 supports 12:16 sure 3:1,5 16:1 18:6 19:15 23:17 24:4 suspect 4:14 18:7 system 9:16 <hr/> T <hr/> take 9:7 talk 2:5 4:9 5:10 6:10 9:2 17:24
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EXHIBIT 49

Gebhardt, Debbie

From: Bob Harris <[REDACTED]@aol.com>
Sent: Tuesday, July 24, 2012 3:47 PM
To: McCanna, Meagan; Gebhardt, Debbie; James, Kevin
Subject: Re: Forest Roads Legislation, HR 2541 (T&I Mark-Up)

Thanks for the note back Meagan -- and thanks for you help and Congressman's support.

Bob H.

-----Original Message-----

From: McCanna, Meagan <[REDACTED]@mail.house.gov>
To: Gebhardt, Debbie <[REDACTED]@mail.house.gov>; James, Kevin <[REDACTED]@mail.house.gov>; 'Bob Harris' <[REDACTED]@aol.com>
Sent: Tue, Jul 24, 2012 3:45 pm
Subject: RE: Forest Roads Legislation, HR 2541 (T&I Mark-Up)

Thanks for the documents, Bob.

I'm happy to let you know that Congressman Petri is a cosponsor of the bill and will surely support it in Committee.

From: Gebhardt, Debbie
Sent: Tuesday, July 24, 2012 3:42 PM
To: James, Kevin; 'Bob Harris'
Cc: McCanna, Meagan
Subject: RE: Forest Roads Legislation, HR 2541 (T&I Mark-Up)

Thanks, Bob!

From: James, Kevin
Sent: Tuesday, July 24, 2012 3:23 PM
To: 'Bob Harris'; Gebhardt, Debbie
Cc: McCanna, Meagan
Subject: RE: Forest Roads Legislation, HR 2541 (T&I Mark-Up)

Bob,

Meagan McCanna would handle this issue because it falls under the Clean Water Act. I'm CC'ing her and will forward her the attachments.

Kevin

From: Bob Harris ([REDACTED]@aol.com)
Sent: Tuesday, July 24, 2012 3:23 PM
To: Gebhardt, Debbie; James, Kevin
Cc: [REDACTED]@aol.com
Subject: Forest Roads Legislation, HR 2541 (T&I Mark-Up)

Good afternoon.

I represent Plum Creek Timber Company here in DC. I am writing about legislation (HR 2541) introduced last year by Congresswoman Herrera Beutler and Congressman Schrader addressing the treatment of forest roads under the Clean Water Act. Mr. Petri is a co-sponsor.

We understand that legislation may be marked up in the Transportation and Infrastructure Committee this week. This is an extremely important bill to Plum Creek and the timber producers and forest products industry in Wisconsin. HR 2541 is a bi-partisan bill – with 60 co-sponsors.

The bill would affirm and preserve EPA's currently policy that forest roads should be regulated as a non-point source under the Clean Water Act, using BMP's under Section 302 of the Act. In May of last year, the U.S. Court of Appeals for the Ninth Circuit issues a ruling that would regulate forest roads under the point source provision of the Act, requiring an NPDES permit.

Also, last year, Representatives Herrera Beutler and Schrader introduced HR 2541 in response to the Ninth Circuit's action. Late last year, Congress enacted, as part of the Omnibus Appropriations bill, a provision modeled after H.R. 2542, preventing the Ninth Circuit's decision from being implemented throughout Fiscal Year 2012.

Most recently, EPA published a Notice of Intent (NOI) that would deal with the Ninth Circuit's case.

In June, the Supreme Court announced the Court would review the Ninth Circuit's decision.

While we are gratified that the Court will hear the case, Plum Creek continues to support the legislation. And, the company would urge the Congresswoman to support reporting the bill favorably when it is considered in the T&I Committee.

I would be happy to meet and discuss the bill and mark-up in more detail. Please let me know if you have some time and want to meet.

I have attached a couple of documents (a set of talking points and a tool kit, including descriptive materials about the need for legislation, the court decision and others) prepared by the National Alliance of Forest Owners (NAFO) providing background and information on the Ninth Circuit's decision and the legislation.

Thank you for your interest and support.

Bob H.

Bob Harris
Nutter & Harris
1667 K Street, N.W.
Nutter & Harris
Suite 1220
Washington, D.C. 20006

202 289-
202 289-7414 (fax)
(cell)

EXHIBIT 50

From: James, Kevin <[REDACTED]@mail.house.gov>
Sent: Friday, April 5, 2013 2:05 PM
To: 'Carrie Crossfield' <[REDACTED]@gmail.com>; 'Bob Harris' <[REDACTED]@aol.com>
Cc: Markowitz, Rich <[REDACTED]@mail.house.gov>
Subject: Re: Tax issue letter regarding forestry
Attach: TaxTalkingPoints040113.doc

Bob,

I think Richard Markowitz in our office would be the better person to speak with. He handles all tax issues.

Kevin

From: Carrie Crossfield [[REDACTED]@gmail.com]
Sent: Friday, April 05, 2013 12:49 PM
To: James, Kevin
Cc: Bob Harris
Subject: Tax issue letter regarding forestry

Thank you for the Congressman's strong support of forestry and of Plum Creek. I am writing on behalf of Plum Creek in hopes the Congressman will sign onto a bi-partisan letter to the House Ways and Means Committee "working groups" to reinforce the importance of maintaining policies that are vital to productive, working forests in the US. There are three (3) important Internal Revenue Code provisions that the industry is working to highlight as the Committee considers Tax Reform. The three provisions allow private forestland owners to deduct timber growing and operating costs and reforestation expenses and to characterize gains from the harvest or sale of characterize timber as a capital gain (rather than ordinary income.).

We are working with the Committee and Members to retain these provisions. These provisions help ensure and promote investments in private forestlands, ensure a strong steady supply of fiber to mills and provide significant environmental and recreation benefits. These provisions apply to all forest landowners – both large and small.

Through the National Alliance of Forest Owners (NAFO) we have reached out to a few Members to serve as co-leaders of the Ways and Means Committee letter. Four offices are currently considering leading the letter; but because of the recess, we have not yet been able to reach a final commitment. We are hopeful we will have sign-off by Friday, April 5. As soon as they are comfortable with the draft or have finalized it, I will pass it along. The letter will reflect the information provided in the attached one-page explanation of the timber tax issues.

Because Chairman Camp has set a the deadline of Monday, April 15 for the Working Groups to receive input, we wanted to give you a heads up that we are working on the letter and to see if you had any questions. Once completed, we would very much appreciate the Congressman signing onto the letter before Friday, April 12. Please let me us know if you have any questions and many thanks for your consideration of our request.

Bob Harris

Nutter & Harris

1025 Connecticut Avenue, N.W.

Suite 1000

Washington, D.C. 20036

202 828-[REDACTED]

202 828-[REDACTED] (direct)

[REDACTED] (cell)

[REDACTED]@aol.com

PET-OCE-00006948

14-1891_0540

EXHIBIT 51

From: Markowitz, Rich </O=U.S. HOUSE OF REPRESENTATIVES/OU=U.S. HOUSE/CN=RECIPIENTS/CN=MEMBERS/CN=CONG. PETRI (WI06)/CN=USHOUSE?RICH MARKOWITZ>
Sent: Monday, April 15, 2013 2:34 PM
To: 'Bob Harris' <[REDACTED]@aol.com>
Subject: RE: Timber Tax Letter/Members Letter to the Ways and Means Committee

Hi Bob,

Just a quick note to let you know that Rep. Petri has agreed to sign this letter.

Best,
Richard

Richard Markowitz
Senior Legislative Assistant
Office of Rep. Tom Petri
202.225. [REDACTED]
[REDACTED]@mail.house.gov

-----Original Message-----

From: Bob Harris [[REDACTED]@aol.com]
Sent: Saturday, April 13, 2013 5:16 PM
To: Markowitz, Rich; James, Kevin
Subject: Timber Tax Letter/Members Letter to the Ways and Means Committee

The timber tax letter to the Ways and Means Committee being co-lead by Representative Benishek, Representative Michaud and others will close on Monday. The sponsors will start collecting signatures in the afternoon.

I hope Mr. Petri can get on the letter.

Thanks for your interest.

Bob H.

Bob Harris
Nutter & Harris
1025 Connecticut Avenue, N.W.
Suite 1000
Washington, D.C. 20036

[REDACTED] (cell)
202 828- [REDACTED] (office)
202 828- [REDACTED] (direct)

[REDACTED]@aol.com

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14-1891_0542

EXHIBIT 52

Congress of the United States
Washington, DC 20515

April 15, 2013

The Honorable Dave Camp
Chairman
Ways and Means Committee
1102 Longworth House Office Building
Washington, D.C. 20515

The Honorable Sander M. Levin
Ranking Member
Ways and Means Committee
1106 Longworth House Office Building
Washington, D.C. 20515

Dear Chairman Camp, Ranking Member Levin, members of the Working Group on Debt, Equity and Capital and members of the Working Group on Manufacturing Tax Reform:

In response to the invitation from the Committee on Ways and Means for interested Members of Congress to provide input in the Working Group process, we wish to express our views about the tax treatment of working forests across America. We appreciate this opportunity to provide input to the Committee and wish to highlight three provisions in the tax code that reflect the unique nature of the timber industry and are critical to sustaining private ownership of forestland.

Private management of forestland directly supports nearly one million American jobs, benefits our economy and local communities by providing domestically-grown raw material for businesses that rely on wood products and contributes to environmental quality. The majority of private lands are owned by families and small businesses: family forest owners, averaging less than 100 acres per owner, own approximately 62% of the private forestlands in the U.S.

Growing timber is unlike any other business. It can take between 20 and 80 years to harvest a tree, which is one of many reasons why Congress has long recognized the unique challenge of managing forestland for economic return. These factors include:

- o Investment in timber ties up large amounts of capital in the land;
- o Substantial costs are incurred to plant the trees, maintain the forest (including fire prevention, road maintenance and pest control), and improve the growth and productivity of the trees;
- o Forestland owners invest money in replanting after harvest, research, management and silviculture activities, as well as environmental protections and set-asides for wetlands, protected species, and others; and
- o Healthy forests provide significant environmental value by consuming carbon dioxide, curtailing erosion, creating wildlife habitat, sourcing drinking water, and maintaining natural open space for human recreation.

In response to these challenges, beginning in 1943 and through the years, policymakers have adopted rules that reflect the nature of the business for both individuals and corporations. These provisions allow owners to:

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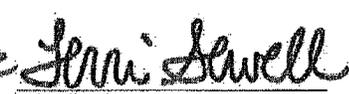
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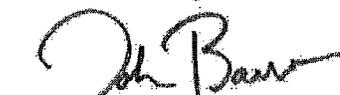
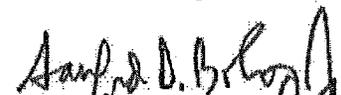
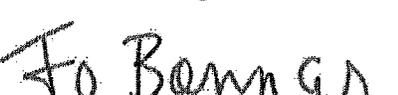
- o Deduct the costs of forest management, including preventive measures (fire, pest and disease), thinning, fertilization, interest, taxes, protection of wetlands and endangered species, and forestry activities. (Sections 162 and 263A(c)(5));
- o Receive capital gains treatment for the harvest of timber or sales of standing trees. (Sections 1231(b)(2) and 631(a)&(b));and
- o Deduct up to \$10,000 of reforestation costs per stand, with the remainder amortized over 7 years. (Section 194).

These timber tax provisions have provided equality across investment assets for timber, and have well-served the nation, timber products consumers and manufacturers, forest owners and the environment. Today, private forests account for approximately the same acreage they did in the 1940s, but with 70% greater productivity in terms of forest production.

As Congress examines various options for tax reform and deficit reduction, we urge the Committee and Working Group to consider, as Congress has for over 50 years, that timber is the ultimate long-term investment, that decisions to invest in timber were made decades ago, and that changing the tax treatment would drastically affect investments in working forests that contribute to economic growth and environmental quality.

Sincerely,

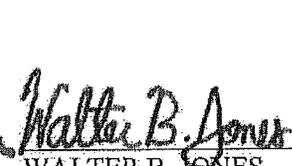
		
MICHAEL H. MICHAUD Member of Congress	DAN BENISHEK Member of Congress	TERRI A. SEWELL Member of Congress

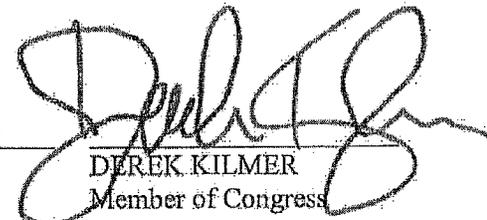
		
JOHN BARROW Member of Congress	SANFORD D. BISHOP JR. Member of Congress	JO BONNER Member of Congress

		
CORRINE BROWN Member of Congress	G. K. BUTTERFIELD Member of Congress	STEVE DAINES Member of Congress

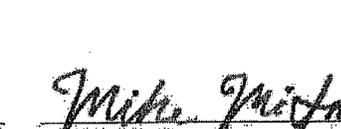
		
PETER A. DEFAZIO Member of Congress	SUZAN K. DELBENE Member of Congress	RENEE L. ELLMERS Member of Congress


GREG HARPER
Member of Congress

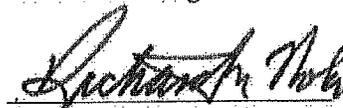

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Member of Congress


DEREK KILMER
Member of Congress

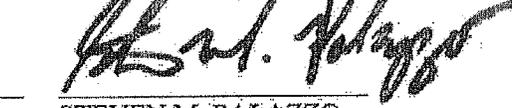

ANN M. KUSTER
Member of Congress


MIKE MCINTYRE
Member of Congress


MARK MEADOWS
Member of Congress


RICHARD M. NOLAN
Member of Congress

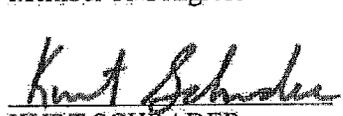

WILLIAM L. OWENS
Member of Congress


STEVEN M. PALAZZO
Member of Congress

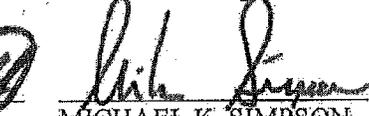

COLLIN C. PETERSON
Member of Congress

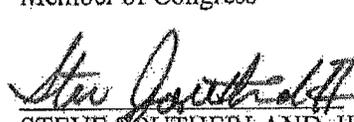

THOMAS E. PETRI
Member of Congress

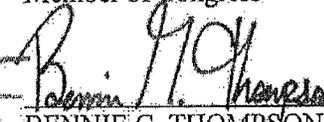

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KURT SCHRADER
Member of Congress


AUSTIN SCOTT
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MICHAEL K. SIMPSON
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STEVE SOUTHERLAND, II
Member of Congress


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LYNN A. WESTMORELAND
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