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111TH CONGRESS
1st Session

HOUSE OF REPRESENTATIVES

REVIEW NO.
09–9012

OFFICE OF CONGRESSIONAL ETHICS UNITED STATES HOUSE OF REPRESENTATIVES

Report and Findings

Transmitted to the
Committee on Standards of Official Conduct
on December 2, 2009
and released publicly pursuant to H. Res. 895 of the
110th Congress as amended

December 2009

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OFFICE OF

CONGRESSIONAL ETHICS

BOARD

UNITED STATES HOUSE OF REPRESENTATIVES
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REPORT

Review No. 09–9012

The Board of the Office of Congressional Ethics (hereafter the "Board"), by a vote of no less than four members, on November 20, 2009, adopted the following report and findings and ordered them to be transmitted to the Committee on Standards of Official Conduct of the United States House of Representatives.

SUBJECT: Representative Todd Tiahrt.

NATURE OF THE ALLEGED VIOLATION: In Fiscal Year 2009, Representative Todd Tiahrt authored earmarks for clients of the PMA Group, Inc. ("PMA"). During campaign cycles 2008 and 2010, Representative Tiahrt received contributions to his campaign committee and Leadership PAC from PMA's Political Action Committee ("PAC"), PMA employees, the PACs of PMA clients for whom he authored an earmark, and the employees of those clients.

If Representative Tiahrt solicited or accepted contributions or other items of value in exchange for or because of an official act, or solicited or accepted contributions or other items of value in a manner which gave the appearance that the contributions were linked to an official act, then Representative Tiahrt may have violated 18 U.S.C. § 201(b) (Bribery), 18 U.S.C. § 201(c) (Illegal Gratuities), 5 U.S.C. § 7353 (Gifts), and House Rules and Standards of Conduct.

RECOMMENDATION: The Board recommends that the Committee on Standards of Official Conduct further review the above allegations.

VOTES IN THE AFFIRMATIVE: 4

VOTES IN THE NEGATIVE: 0

ABSTENTIONS: 2

MEMBER OF THE BOARD OR STAFF DESIGNATED TO PRESENT THIS REPORT TO THE STANDARDS COMMITTEE: Leo Wise, Staff Director & Chief Counsel.

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FINDING OF FACT AND CITATIONS TO LAW

Review No. 09–9012

On November 20, 2009, the Board of the Office of Congressional Ethics (hereafter the "Board" and the "OCE") adopted the following findings of fact and accompanying citations to law, regulations, rules and standards of conduct *(in italics)*. The Board notes that these findings do not constitute a determination that a violation actually occurred.

I. INTRODUCTION

1. Representative Tiahrt would not consent to an interview with the OCE, nor would he allow members of his staff, the Chief of Staff and Military Legislative Assistant (hereafter "MLA"), to be interviewed by the OCE.

A. SUMMARY OF ALLEGATIONS

2. If Representative Tiahrt solicited or accepted contributions or other items of value in exchange for or because of an official act, or solicited or accepted contributions or other items of value in a manner which gave the appearance that the contributions were linked to an official act, then Representative Tiahrt may have violated 18 U.S.C. § 201(b) (Bribery), 18 U.S.C. § 201(c) (Illegal Gratuities), 5 U.S.C. § 7353 (Gifts), and House Rules and Standards of Conduct.

B. JURISDICTIONAL STATEMENT

3. The OCE has jurisdiction to review any alleged violation by a Member, officer, or employee of the House of any law, rule, regulation, or other standard of conduct applicable to the conduct of such Member, officer, or employee in the performance of his duties or the discharge of his responsibilities.[1] The allegations that are the subject of this review concern Representative Tiahrt, a Member of the United States House of Representatives from Kansas. The Resolution the United States House of Representatives adopted creating the OCE directs that, "[n]o review shall be undertaken . . . by the board of any alleged violation that occurred before the date of adoption of this resolution."[2] The House adopted this Resolution on March 11, 2008. Because the conduct under review occurred or relates to actions taken after March 11, 2008, review by the OCE is in accordance with the Resolution.

[1] H. Res 895, 110th Cong. (2008) ("the Resolution").
[2] *Id.* at § 1(e) (2008).

C. PROCEDURAL HISTORY

4. The OCE received a written request for a preliminary review in this matter signed by at least two members of the Board on July 6, 2009. The preliminary review commenced on that date (July 6, 2009).[3] The preliminary review was scheduled to end on August 5, 2009.

5. At least three members of the Board voted to initiate a second-phase review in this matter on August 5, 2009. The second phase review commenced on August 6, 2009.[4] The second-phase review was scheduled to end on September 20, 2009.

6. The Board voted to extend the 45-day second-phase review by an additional 14 days on September 17, 2009, as provided for under H. Res 895.[5] Following the extension, the second-phase review was scheduled to end on October 5, 2009.[6]

7. Representative Tiahrt presented a statement to the Board, under Rule 9(B) of the OCE's Rules for the Conduct of Investigations, on November 9, 2009.

8. The Board voted to refer the matter to the Committee on Standards of Official Conduct for further review and adopted these findings on November 20, 2009.

9. This report and findings in this matter were transmitted to the Committee on Standards of Official Conduct on December 2, 2009.

D. SUMMARY OF INVESTIGATIVE ACTIVITY

10. Due to the nature of the allegations in this review, the OCE's investigation required the collection of information from a number of sources.

11. The OCE reviewed publically available records of campaign contributions to the campaign committees of Members of the House Appropriations Subcommittee on Defense from recipients of earmarks during the 2008 and 2010 campaign cycles. The review included campaign contributions to the leadership PACs, if any, of these Members.

12. Specifically, the OCE reviewed campaign contributions to these Members from donors that were affiliated with the lobbying firm of PMA, *i.e.,* contributions from the PMA PAC, PMA employees, the PACs of corporate clients of PMA and employees of PMA clients.

13. The OCE also reviewed campaign contributions to Members of the Defense Subcommittee from PACs of non-PMA clients, and employees of non-PMA clients.

14. Beyond Members of the Defense Subcommittee, the investigation included a review of campaign contributions from PMA clients

[3] A preliminary review is "requested" in writing by members of the Board of the OCE. The request for a preliminary review is "received" by the OCE on a date certain. According to the Resolution, the timeframe for conducting a preliminary review is 30 days from the date of receipt of the Board's request.

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

[5] *Id.* at § 1(c)(2)(A)(ii) (2008).

[6] The 14-day extension expires after the 45-day second-phase review ends. The 14-day extension does not begin on the date of the Board vote.

and non-PMA clients to Representatives who are not on the Defense Subcommittee, but authored defense earmarks PMA clients and non-PMA clients.

15. The OCE requested information from forty PMA clients that received earmarks from Members of the Defense Subcommittee for fiscal years 2008 to 2010.

16. All of the PMA clients that the OCE contacted cooperated with the investigation, except for two.

17. Aeroflex and Kimball and Associates are the only PMA clients that refused to cooperate with the investigation.

18. Thirty-eight PMA clients and Representatives' offices produced documents totaling approximately 200,000 pages. These PMA clients also made witnesses available for interviews upon request of the OCE.

19. Based on the information discovered during the review of the produced documents, the OCE interviewed twenty-six individual PMA client witnesses.

20. In addition, the OCE interviewed six witnesses who were formerly employed as lobbyists with PMA during the 2008 and 2010 campaign cycles.

21. In sum, the OCE requested and received documentary, and in some cases testimonial, information from the following sources:

(1) 21st Century Systems, Inc.;
(2) AAR Composites;
(3) Advanced Acoustic Concepts;
(4) Advanced Concepts & Technologies Intl.;
(5) Aircraft Interior Products;
(6) Applied Global Technologies;
(7) Argon ST;
(8) Boeing Corporation;
(9) Carnegie Mellon University;
(10) Coda Octopus Group;
(11) Concurrent Technologies Corporation;
(12) Conemaugh Health Systems;
(13) Cryptek;
(14) DDL OMNI Engineering;
(15) DRS Technologies;
(16) EM Solutions;
(17) General Atomics;
(18) General Dynamics;
(19) Goodrich Corporation;
(20) Innovative Concepts, Inc.;
(21) ITT Corporation;
(22) Lockheed Martin Corporation;
(23) MobilVox;
(24) NuVant Systems, Inc.;
(25) Optimal Solutions & Technologies;
(26) Parametric Technology Corporation;
(27) Planning Systems Inc.;
(28) Profile Systems;
(29) Prologic, Inc.;
(30) QTL Biosystems;
(31) RaySat Antenna Systems;
(32) Rockwell Collins;

(33) Samueli Institute;
(34) Sierra Nevada Corporation;
(35) Teledyne Continental Motors, Inc.;
(36) Teledyne Controls;
(37) Windber Research Institute;
(38) Xunlight Corporation;
(39) Vice President, 21st Century Systems, Inc.;
(40) Chief Administrative Officer, 21st Century Systems, Inc.;
(41) Vice President for Communications, 21st Century Systems, Inc.;
(42) PAC Treasurer, 21st Century Systems, Inc.;
(43) General Manager, AAR Composites;
(44) Chief Operating Officer, AAR Composites;
(45) Chief Executive Officer, Applied Global Technologies;
(46) Vice President, Applied Global Technologies;
(47) PAC Treasurer, DRS Technologies;
(48) President, DRS Technologies;
(49) Chief Operating Officers, Optimal Solutions & Technologies;
(50) Chief Executive Officer, Optimal Solutions & Technologies;
(51) Director, Optimal Solutions & Technologies;
(52) CEO, Samueli Institute;
(53) Vice President, Sierra Nevada Corporation;
(54) Congressional Affairs Director, Sierra Nevada Corporation;
(55) Assistant to Business Development Director, Teledyne Continental Motors, Inc.;
(56) Business Development Director, Teledyne Continental Motors, Inc.;
(57) PAC Treasurer, Teledyne Controls;
(58) General Manager, Teledyne Controls;
(59) Vice President, Teledyne Controls;
(60) Director of Contracts, Teledyne Controls;
(61) Contract Administrator, Teledyne Controls;
(62) Legislative Affairs Director, Teledyne Controls;
(63) Associate General Counsel, Teledyne Controls;
(64) President, Teledyne Controls;
(65) PMA Lobbyist 1;
(66) PMA Lobbyist 2;
(67) PMA Lobbyist 3;
(68) PMA Lobbyist 4;
(69) PMA Lobbyist 5; and
(70) PMA Lobbyist 6.

II. REPRESENATIVE TIAHRT'S EARMARK PROCESS, CAMPAIGN FUNDRAISING, AND RELATIONSHIP TO PMA

A. RELEVANT LAW, REGULATIONS, RULES OR STANDARDS OF CONDUCT

22. *18 U.S.C. § 201(b)—Bribery of public officials and witnesses*
"(b) Whoever—
(2) being a public official or person selected to be a public official, directly or indirectly, corruptly demands, seeks, receives,

accepts, or agrees to receive or accept anything of value personally or for any other person or entity, in return for:

(A) being influenced in the performance of any official act . . . ."

23. *18 U.S.C. § 201(c)—Illegal Gratuities*

"(c) Whoever—

(1) otherwise than as provided by law for the proper discharge of official duty—

(B) being a public official, former public official, or person selected to be a public official, otherwise than as provided by law for the proper discharge of official duty, directly or indirectly demands, seeks, receives, accepts, or agrees to receive or accept anything of value personally for or because of any official act performed or to be performed by such official or person . . . ."

24. *"An illegal gratuity . . . may constitute merely a reward for some future act that the public official will take (and may have already determined to take), or for a past act that he has already taken."*[7]

25. *House Rules and Standards of Conduct*

"[T]he scope of the House standards of conduct in this area is broader than that of the criminal bribery statute . . . the House standards of conduct generally preclude any link between the solicitation or receipt of a contribution and a specific official action."[8]

"Put another way, there are fundraising activities that do not violate any criminal statute but well may violate House standards of conduct."[9]

"[T]here are certain proffered campaign contributions that must be declined, and certain fundraising opportunities that must be forgone, solely because they create an appearance of improper conduct."[10]

"[N]o solicitation of a campaign or political contribution may be linked to an action taken or to be taken by a Member or employee in his or her official capacity."[11] *In addition, a Member may not accept any contribution that is linked with any specific official action taken or to be taken by that Member."*[12]

"It is probably not wrong for the campaign managers of a legislator . . . to request contributions from those for whom the legislator has done appreciable favors, but this should never be presented as a payment for the services rendered. Moreover, the possibility of such a contribution should never be suggested by the legislator or his staff as the time the favor is done. Furthermore, a decent interval of time should be allowed to lapse so that neither party will feel that there is a close connection between the two acts. The Standards Committee has long advised

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[7] House Ethics Manual (2008) at 79. See also United States v. Sun-Diamond Growers, 526 U.S. 398, 404 (1999).

[8] Memorandum of the Chairman and Ranking Minority Member, Recommendations for disposition of the complaint filed against Representative DeLay. Accessed online on June 24, 2009 at http://ethics.house.gov/Investigations/Default.aspx?Section=18.

[9] *Id.*

[10] *Id.*

[11] House Ethics Manual (2008) at 147.

[12] Memorandum of the Chairman and Ranking Minority Member, Recommendations for disposition of the complaint filed against Representative DeLay. Accessed online on June 24, 2009 at http://ethics.house.gov/Investigations/Default.aspx?Section=18.

Members and staff that they should always exercise caution to avoid even the appearance that solicitations of campaign contributions are connected in any way with an action taken or to be taken in their official capacity."[13]

"[A] Member should not sponsor or participate in any solicitation that offers donors any special access to the Member in the Member's official capacity."[14]

"[G]overnment officials should 'never discriminate unfairly by the dispensing of special favors or privileges to anyone, whether for remuneration or not."[15]

"'[P]ublic office is a public trust,' and the public has a right to expect House Members and staff to exercise impartial judgment in performing their duties."[16]

"'Ethics rules, if reasonably drafted and reliably enforced, increase the likelihood that legislators (and other officials) will make decisions and policies on the basis of the merits of issues, rather than on the basis of factors (such as personal gain) that should be irrelevant."[17]

26. *5 U.S.C. § 7353—Gifts to Federal Employees*

"(a) Except as permitted by subsection (b), no Member of Congress . . . shall solicit or accept anything of value from a person—

(1) seeking official action from, doing business with . . . the individual's employing entity; or

(2) whose interests may be substantially affected by the performance or nonperformance of the individual's official duties. (b)(1) Each supervising ethics office is authorized to issue rules or regulations implementing the provisions of this section and providing reasonable exceptions as may be appropriate.

(2)(A) Subject to subparagraph (B), a Member, officer, or employee may accept a gift pursuant to rules and regulations established by such individual's supervising ethics office pursuant to paragraph (1)

(B) No gift may be accepted pursuant to subparagraph (A) in return for being influenced in the performance of an official act."

27. *House Ethics Manual—Soliciting Campaign and Political Contributions*

While the federal gift statute (5 U.S.C. § 7353) broadly restricts the ability of House Members and staff to solicit things of value from virtually anyone, even when no personal benefit to the solicitor is involved, legislative materials concerning the statute state that it does not apply to the solicitation of political contributions. Consistent with those materials, the Standards Committee has long taken the position that the restrictions on solicitation set forth in that statute do not apply to political solicitations. However, in soliciting campaign or political contributions, Members and staff are subject to a number of other restrictions, as follows.

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[13] *Id.*
[14] *Id.*
[15] *Id.* at 151 (citing Code of Ethics for Government Service,§ 5).
[16] *Id.* at 151 (citing Code of Ethics for Government Service,§ 10).
[17] *Id.* at 151 (citing Congressional Ethics Reform: Hearing Before the Bipartisan Task Force on Ethics, U.S. House of Representatives, 101st Cong., 1st Sess. 113 (1989)).

"A Contribution linked to an Official Action May Not Be Accepted

. . . no solicitation of a campaign or political contribution may be linked to any action taken or to be taken by a Member or employee in his or her official capacity.

In a similar vein, a Member or employee may not accept any contribution that the donor links to any official action that the Member or employee has taken, or is being asked to take. In this respect, a campaign or political contribution is treated like any other gift, and acceptance of a contribution in these circumstances may implicate a provision of the federal gift statute (5 U.S.C. § 7353) or the criminal statutes on bribery and illegal gratuities."[18]

B. EARMARK PROCESS

28. The Board notes that Representative Tiahrt would not consent to an interview with the OCE, nor would he allow members of his staff, including the Chief of Staff, Jeff Kahrs, and the MLA, Jim Richardson, to be interviewed by the OCE. Representative Tiahrt's counsel submitted a written memorandum that she prepared and represented was an outline for his process for vetting and reviewing appropriations requests.[19] However, the Board notes that this attorney has no personal knowledge of the earmarks under review and therefore, the submitted outline is not considered evidence.

29. During the time period of the 2008 and 2010 election cycles, Representative Tiahrt authored three earmarks for PMA clients.

30. The PMA clients that received earmarks during this period are Boeing ($9M) and Aeroflex ($1M and $2.4M).[20]

31. In response to the OCE's Request for Information ("RFI"), Representative Tiahrt produced internal documents related to appropriations requests and earmarks.

32. The documents include emails between entities requesting appropriation earmarks and Jim Richardson, Representative Tiahrt's MLA or "Defense Appropriations Aide."[21]

[18] House Ethics Manual (2008) at 150.

[19] This process is also on Representative Tiahrt's website, available at, http://www.house.gov/toddtiahrt/pdf/defense—project—vetting—process.pdf.

[20] H.R. 2638, Pub. L. 110–329 (2009).

[21] See example in attached Exhibit 1.

33. Representative Tiahrt submitted the following document to the OCE which is titled "Congressman Todd Tiahrt Defense Appropriations Form."

Congressman Todd Tiahrt Defense Appropriations Form
Staff Contact: Jim Richardson | 202.225[redacted] | Jim.Richardson@mail.house.gov
** ALL REQUESTS DUE MARCH 1st **

General Information

Name, Short Description of Project:

Benefit to DoD: (250 characters or less):

Support PM/Agency Name and Contact: _____

Amount/Language Requested: _____ Minimum Funding Needed to Execute: _____

Name of Intended Recipient: _____

Physical Address of Recipient (KS, if possible): _____

POC at Recipient (Name, Ph #, E-mail): _____

Government Affairs Representative (if applicable)

Name: _____ Phone: _____

E-mail Address: _____

Project Information

Appropriations Account: _____ Budget Line Detail (PE/R-1/P-1): _____

Has this project been authorized, if yes, please describe: _____

Other Congressional Offices approached with request: _____

Previous Years Funding: FY09: _____ FY08: _____ FY07: _____ Previous: _____

Kansas Connection

Kansas Benefit/Connection (include work percentage for various partners, if applicable): _____

Total % of work in Kansas: _____

Number of Kansas employees (if applicable): _____

Number of Kansans directly affected by request (if applicable): _____

34. In addition, the Board notes the following email that appears to describe part of the defense appropriations process.

Richardson, Jim
From: Richardson, Jim
Sent: Monday, March 17, 2008 5:58 PM
To: 'Wyman, Jill'; 'Thomas Bezas'
Subject: financial plan and earmark request form

Attachments: recipient request certification form.doc

Tom and Jill – because your requests would be classified as earmarks – I need you to filled-out this form with an attached financial plan. The financial plans do not have to be extensive, but must include anticipated sources of the funding for the duration of the project; percent and source of required matching fund; and justification for use of federal taxpayer dollars. Please include who and what percentage would be receiving funding from this request. Both the form and financial plans need to be e-mail to me. I need this by COB tomorrow. Sorry for the late notice. Please let me know if you have any questions. – Jim

James L. Richardson
Defense Appropriations Aide
Office of Congressman Todd Tiahrt

35. Representative Tiahrt, Jim Richardson and Jeff Kahrs also submitted written, signed statements to the OCE briefly discussing their general roles and responsibilities.[22] All three denied any wrongdoing. The OCE did not request these documents, nor were they accepted in lieu of witness interviews.

36. The Board notes that the Legislative Affairs Director of Teledyne Controls, when interviewed by the OCE, stated that Jim Richardson, Representative Tiahrt's MLA, was present at all fundraisers he attended.[23]

37. Because Representative Tiahrt would not make Jim Richardson available for an interview with the OCE, the Board does not know why Richardson was present or, more specifically, whether he discussed earmarks with campaign contributors at these fundraisers.

C. CAMPAIGN FUNDRAISING

38. During the 2008 and 2010 campaign cycles, Representative Tiahrt's campaign committee, "Kansans for Tiahrt," received $8,950 in contributions from PMA's PAC and employees. Kansans for Tiahrt and Tiahrt's Leadership PAC, "Heart PAC" also received $32,300 in contributions from Boeing's PAC and employees. Heart PAC also received $2,700 in contributions from AeroPAC. Teledyne Technologies Inc.[24] PAC has contributed $4,000 corresponding to the 2008 election cycle.[25]

39. In response to the OCE's RFI, Representative Tiahrt produced internal documents related to fundraising. The documents included emails, invitations to fundraisers, and fundraiser flyers. However, because Representative Tiahrt did not make himself

[22] Letter from Todd Tiahrt to Leo Wise, July 31, 2009; Letter from Jeff Kahrs to Leo Wise, July 31, 2009; Letter from Jim Richardson to Leo Wise, July 31, 2009.

[23] Memorandum of Interview of Teledyne Controls Legislative Affairs Director, October 6, 2009 (Exhibit 2 at 09–9012—5).

[24] Teledyne Controls and Teledyne Continental Motors Inc. are business units of Teledyne Technologies Inc.

[25] The contribution amounts are from the reports that Representative Tiahrt filed with the Federal Election Commission.

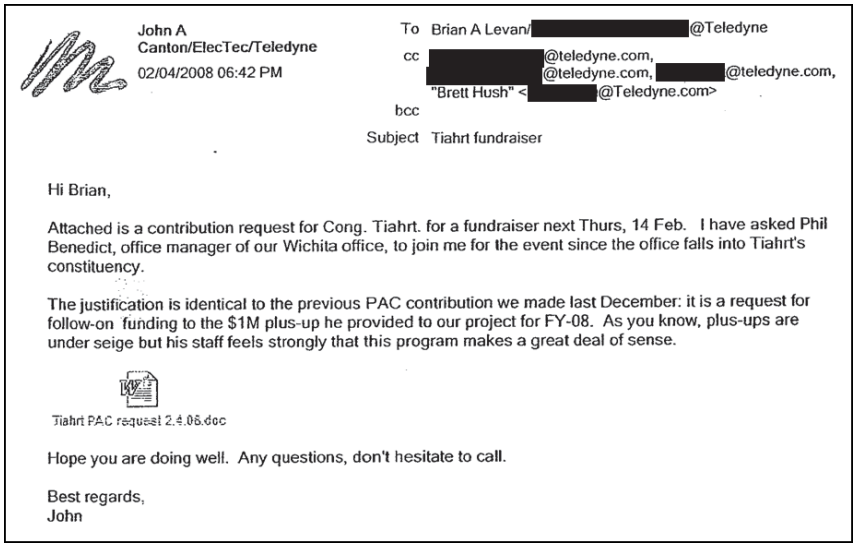
available for an interview, the OCE has an incomplete factual record related to fundraising processes.

40. Many of the emails submitted to the OCE concerning fundraising were authored by Jeff Kahrs, the Chief of Staff.[26]

D. RELATIONSHIP TO PMA & PMA CLIENTS

41. The OCE obtained documents in which PMA clients discuss making campaign contributions to Representative Tiahrt and also discuss the receipt of earmarks authored by Representative Tiahrt.

42. A February 4, 2008 email[27] contains a statement that the "justification" for a contribution from the PMA client's PAC to Representative Tiahrt is a "follow-on" for a $1 million earmark authored by Representative Tiahrt.



John A
Canton/ElecTec/Teledyne
02/04/2008 06:42 PM

To Brian A Levan/[redacted]@Teledyne
cc [redacted]@teledyne.com, [redacted]@teledyne.com, [redacted]@teledyne.com, "Brett Hush" <[redacted]@Teledyne.com>
bcc
Subject Tiahrt fundraiser

Hi Brian,

Attached is a contribution request for Cong. Tiahrt. for a fundraiser next Thurs, 14 Feb. I have asked Phil Benedict, office manager of our Wichita office, to join me for the event since the office falls into Tiahrt's constituency.

The justification is identical to the previous PAC contribution we made last December: it is a request for follow-on funding to the $1M plus-up he provided to our project for FY-08. As you know, plus-ups are under seige but his staff feels strongly that this program makes a great deal of sense.

Tiahrt PAC request 2.4.08.doc

Hope you are doing well. Any questions, don't hesitate to call.

Best regards,
John

[26] See example in attached Exhibit 3.

[27] The email was created in February 2008 and discusses contributions and appropriations in Fiscal Year 08.

43. An April 13, 2007 email[28] connects a PAC request with Representative Tiahrt's interest in supporting a Teledyne project. Within the same paragraph, a PAC contribution and Representative Tiahrt's project support are discussed. Further, the email demonstrates the PAC treasurer's action based on the request.

Brian A Levan/Headquarters/Teledyne
04/13/2007 11:43 AM

To John T Kuelbs/[redacted]@Teledyne, Dale A Schnittjer/[redacted]@Teledyne, [redacted]@tbe.com, Robyn E
cc
bcc
Subject Fw: PAC contribution request

All,

Attached is a Controls request for a $1,000 TDY PAC check to Cong. Tiahrt.

The TDY PAC gave $2,000 in 2004 to Cong. Tiahrt.

Let me know if you object.

Brian Levan
805-373-[redacted]

---- Forwarded by Brian A Levan/Headquarters/Teledyne on 04/13/2007 11:40 AM ----

John A Canton/ElecTec/Teledyne
04/03/2007 12:55 PM

To Brian A Levan/[redacted]@Teledyne
cc [redacted]@teledyne.com, "Brett Hush" <[redacted]@Teledyne.com>
Subject PAC contribution request

Hi Brian,

Hope your move to the valley went well; the parking lot sure has a lot of empty spaces now.

Here's a PAC request for Cong. Tiahrt. We have an office in his district, Wichita, and he is interested in supporting our effort to upgrade the Navy C-130s' flight data acquisition systems.

The fundraiser has already been held and I couldn't attend but promised I would submit a fundraiser request.

TT Steak Out 3.28.07.pdf

PMA email of Tiahrt PAC request.doc Tiahrt PAC request.doc

Any questions, please call any time.

John Canton
Director of Business Development
Government Programs &
Legislative Affairs

[28] The email was created in 2007 and discusses a contribution submitted for the 2008 election cycle.

44. In addition, the Board notes that a February 7, 2008 "Request for TDY–PAC Contribution" evidences a similar linkage. Teledyne Controls highlights the FY–08 "plus-up" request and $1 million earmark obtained from Representative Tiahrt. The document also contains a statement that Teledyne Controls intends to seek additional project funding for Fiscal Year 09.

Request for TDY-PAC Contribution

Candidate Name:____Todd Tiahrt_____

Indicate why supporting the candidate is consistent with the mission of TDY-PAC

In what capacity does the candidate serve in their political role (as a committee member/approprations function etc?)?
Ranking Member of the House Appropriations Defense subcommittee

How important is the candidate's sponsorship any programs we are involved in?
Very important for the success for our system to be qualified on board Navy C-130 H and J aircraft.

How big are the programs, if any, the candidate supports?
Our request is that he support a program anticipated to be in the $5M range.

Who is the competition for the programs?
Smiths Aerospace, Honeywell, L-3

What dollar revenue does the program bring to Teledyne Technologies
Approx. $3M for the C-130T model, with potential to rise considerably with application to the "J" model.

Is the candidate in a position to lawfully influence the funding or the ultimate awardee/recipient of the government?
Yes, as the ranking Republican on the Defense Appropriations Defense Subcommittee, he can lawfully exert a great deal of influence in this area.

Has TDY interacted with the candidate in the past?
-Yes, we have briefed his Legislative Staff on the Navy/USMC unfunded requirement for a new C-130 flight data acquisition system.
-Cong. Tiahrt supported our FY-08 plus-up request and was successful in obtaining a $1M earmark for the C-130 AHMS. We intend to request production funding for FY-09.

Any other information that is relevant.
The NAVAIR program manager, was pleased with the news of the 08 earmark and is supportive of continued future funding for the production program.

45. When interviewed about the document, the Teledyne Controls PAC treasurer stated that he created the form.[29] The questions attempt to address how the PAC contribution will benefit Teledyne Controls' business; the questions are listed in order of importance to Teledyne Controls.[30]

[29] Memorandum of Interview of Teledyne Controls PAC Treasurer, October 6, 2009 (Exhibit 4 at 09–9012—10).
[30] *Id.* at 09–9012—10–11.

46. Another "Request for TDY–PAC Contribution," dated March 28, 2008, contains a statement that MLA Jim Richardson told Teledyne that Representative Tiahrt intended to support the funding request. The Board notes that this information is included in an internal Teledyne document, the purpose of which is to cause the Teledyne PAC to make a contribution to Representative Tiahrt.

Request for TDY-PAC Contribution

Candidate Name:____Todd Tiahrt_____

Indicate why supporting the candidate is consistent with the mission of TDY-PAC

In what capacity does the candidate serve in their political role (as a committee member/approprations function etc?)?
Ranking Member of the House Appropriations Defense subcommittee

How important is the candidate's sponsorship any programs we are involved in?
Very important for the success for our system to be qualified on board Navy C-130 H and J aircraft.

How big are the programs, if any, the candidate supports?
Our request is that he support a program anticipated to be in the $5M range.

Who is the competition for the programs?
Smiths Aerospace, Honeywell, L-3

What dollar revenue does the program bring to Teledyne Technologies
Approx. $3M to start, with potential to rise

Is the candidate in a position to lawfully influence the funding or the ultimate awardee/recipient of the government?
Yes, as the ranking Republican on the Defense Appropriations Defense Subcommittee, he can lawfully exert a great deal of influence in this area.

Has TDY interacted with the candidate in the past?
Yes, we have briefed his Legislative Staff on the Navy/USMC unfunded requirement for a new C-130 flight data acquisition system.

Any other information that is relevant.

C:\DOCUME~1\BWORTH~1\LOCALS~1\Temp\notes4B1C36\Tiahrt PAC request.doc 08/07/09 2:14 PM

> Jim Richardson, his senior legislative staffer has already confirmed the requirement with the NAVAIR program manager and has expressed Cong. Tiahrt's intention to support our position.

47. When interviewed about the role of earmarks in PAC decisions, Teledyne Continental Motors, Inc.'s Business Development Director stated that Teledyne would be more likely to support the campaigns of those Members that supported the company; however the witness stated that he never engaged in a "quid pro quo" during his time as a lobbyist. The witness stated that in his experience, Members are very careful about separating legislative actions from campaign actions. He stated that no Member has ever "leaned on him" for contributions.[31]

48. Teledyne Continental Motors, Inc.'s Business Development Director stated that he has a "familiar" relationship with Representative Tiahrt and that he has personally received several telephone calls from Representative Tiahrt himself soliciting campaign contributions. These calls occurred roughly two to three years ago. During these calls, the witness stated that Representative Tiahrt never discussed a Teledyne project.[32]

49. The Board notes that the witness' statements are inconsistent with the content of the Teledyne emails and PAC documents referenced in findings 42, 43, 44, and 46.

50. When interviewed, Teledyne Controls' Legislative Affairs Director stated that he recalled attending a fundraiser for Representative Tiahrt and told Representative Tiahrt about the specifics of one of the company's projects.[33]

51. The OCE has also obtained documents that discuss meetings, briefings, and other communications between Representative Tiahrt, his staff, and former PMA employees concerning earmarks and fundraising.[34]

E. CONTRIBUTIONS LINKED TO OFFICIAL ACTS BY OUTSIDE ENTITIES

52. The OCE found evidence that entities seeking earmarks from Members of Congress appear to have linked contributions to Members' campaigns and/or PACs to specific legislative acts.

53. The federal gift statute, 5 U.S.C. § 7353, prohibits the solicitation or acceptance of anything of value from a person seeking official action from or doing business with the House, or from someone whose interests may be substantially affected by the performance or nonperformance of a Member's, Officer's or staff member's official duties. The statute also provides that the Committee on Standards of Official Conduct may enact reasonable exceptions to the prohibition. According to the Ethics Manual, the Standards Committee has long taken the position that the restrictions on solicitation set forth in the statute do not apply to political solicitations. However, Members and staff are subject to a number of other

[31] Memorandum of Interview of Teledyne Continental Motors, Inc. Business Development Director, October 5, 2009 (Exhibit 5 at 09–9012—15).

[32] *Id.*

[33] Memorandum of Interview of Teledyne Controls Legislative Affairs Director, October 6, 2009 (Exhibit 2 at 09–9012—5).

[34] See examples in attached Exhibit 6. All screen captures displayed within the findings of fact are contained in attached Exhibit 7.

restrictions regarding the solicitation of campaign or political contributions under the rules of the House.

54. Under House rules, a Member or employee may not accept any contribution that the donor links to any official action that the Member or employee has taken, or is being asked to take. If a donor's contribution is linked to any official action, it is treated like any other gift and may be subject as such to the federal gift statute and the criminal statutes on bribery and illegal gratuities.

55. The Board notes that the examples provided in the Ethics Manual of instances where a Member may be in violation of the House's rule against accepting a contribution linked to an official action are all instances in which the Member has some degree of knowledge of the link. As a result, it stands to reason that it is unlikely a violation of the rule could occur unless and until a Member is aware of the link and does nothing to remedy the situation.

56. The Board notes that because the OCE was unable to interview Representative Tiahrt or his staff, the Board is unable to conclude whether the Member was aware or not that the donor linked the contribution to an official act.

III. CONCLUSION

57. Given that the documents the OCE has obtained through its investigation show potential connections between appropriations requests from former PMA clients and campaign contributions from the same clients to Representative Tiahrt, without further information that can only be obtained through witness interviews, the OCE cannot fully assess Representative Tiahrt's role in the former clients' intentions to make contributions based on receipt of earmarks. In the event that the OCE is unable to obtain information necessary to reach this determination, and there is probable cause to believe the allegations based on obtained evidence, the Board may refer the matter to the Standards Committee for further review. The Board finds that the evidence gathered in the OCE's review supports a finding of probable cause.

58. For the above reasons, the Board recommends that the Standards Committee further review the above described allegations concerning Representative Tiahrt.

IV. INFORMATION THE OCE WAS UNABLE TO OBTAIN AND RECOMMNEDATIONS FOR THE ISSUANCE OF SUBPOENAS

59. The OCE was unable to interview Representative Tiahrt, Representative Tiahrt's Chief of Staff, or Representative Tiahrt's MLA.

60. In every instance, the OCE asked the recipient of an OCE RFI to identify any information they withheld and the reason they were withholding it. However, absent the authority to subpoena the evidence in possession of the witness, it is impossible for the OCE to verify if information was withheld, but not documented.

61. In some instances documents were redacted or specific information was not provided. For instance, DRS Technologies provided evidence responsive to the OCE's RFI but indicated they would not provide any information regarding their "Legislative Strategy."

62. In at one least instance, the OCE had reason to believe a witness withheld information requested, but did not comply with the OCE's request that they identify what was being withheld. Specifically Boeing represented that they had fully cooperated. However, Boeing indicated that they had no electronic mail responsive to the OCE's RFI. The OCE then received, from another source, electronic mail to and from Boeing that were in fact responsive to the OCE's request.

63. The Board also notes that while the OCE was able to interview six former employees of PMA that provided general information on PMA and its business practices, many remaining former employees either refused to consent to interviews or did not return calls from the OCE. In addition, the OCE was unable to obtain any evidence within PMA's possession.

64. The Board recommends that the Standards Committee seek releases from or issue subpoenas to Representative Tiahrt, Representative Tiahrt's Chief of Staff, Representative Tiahrt's MLA.

EXHIBIT 1

3

Richardson, Jim

From: Richardson, Jim
Sent: Monday, February 23, 2009 12:09 PM
To: Richardson, Jim
Subject: FY10 Defense Appropriations Form
Attachments: FY10 Member Request Form.doc; Fy2010 Tiahrt Defense Approps Form.doc

Folks –

Attached is the Committee's FY10 Appropriations Request Form and Mr. Tiahrt's internal Defense Appropriations form.

Mr. Tiahrt's Defense Appropriations deadline remains March 1st.

Please let me know if you have any questions or need a deadline extension. I look forward to a productive year.

Best regards,
Jim

James L. Richardson
Defense Appropriations Aide
Office of Congressman Todd Tiahrt
Phone: 202.225[redacted] Fax: 202.225.3489

EXHIBIT 2

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:	Legislative Affairs Director for Teledyne Controls
REVIEW #s:	09-1583; 09-4486; 09-9063; 09-9064; 09-9075; 09-9099
DATE:	October 6, 2009
LOCATION:	Teledyne Controls 501 Continental Boulevard El Segundo, CA 90245
TIME:	2 p.m. to 3 p.m. (approximately)
PARTICIPANTS:	Kedric L. Payne Omar Ashmawy Melanie Cibik David Berardinelli

SUMMARY: The Legislative Affairs Director for Teledyne Controls (hereafter the "witness") was interviewed pursuant to the above referenced Review Numbers. The OCE requested an interview with the witness on July 22, 2009, and he consented to an interview. The witness made the following statements in response to our questioning:

1. The witness was given an 18 U.S.C. § 1001 warning and consented to an interview. He signed a written acknowledgement of the warning, which will be placed in the case file in this review.

2. The witness has been employed with Teledyne Controls since 1996. He is responsible for researching potential projects where the company can compete for business.

3. He is involved with the company's political action committee (hereafter "PAC"), which he helped to create in 2001. He promotes the PAC within the company and is responsible for arranging the payroll deductions for the PAC.

4. The reason for establishing the PAC was to support the Members of Congress who supported the company's business objectives. The PAC is for business development and access to Members.

5. PMA advised the company with setting up the PAC and the idea was that the PAC would assist with putting the company on the radar of Members who could assist the company with federal funding, specifically defense appropriations.

6. By contributing, the company's representatives attended fundraisers and could see the members of Congress and discuss the path of potential legislation.

7. PMA's advice on how the PAC should contribute was based on the past support the Representative provided to the company and the committee on which they served.

8. The specific amount that PMA recommended for the contributions was based on the amount of money that the Member was trying to raise.

9. For example, the witness attended a fundraiser for Representative Murtha and he was able to speak to the Member and he believes that he influenced him in a "good way".

10. PMA did not suggest that Members were pressuring companies to make contributions. However, he could deduce that the level of contributions had an impact on obtaining earmarks from PMA's perspective. PMA did not specifically say that you must contribute to get an earmark.

11. When making contributions, the witness says that it does go through your mind whether you are buying influence.

12. PMA advised the company's PAC on one occasion not to contribute because there would be no face time with the Member.

13. The witness recalls attending the fundraiser for Representative Tiahrt. The witness told Representative Tiahrt about the specifics of the company's project. The witness also attended a fundraiser at a hockey game for Representative Tiahrt. Representative Tiahrt's Military Legislative Assistant attended all of the fundraisers.

This memorandum was prepared on November 19, 2009, based on the notes that the OCE staff prepared during the interview with the witness on October 6, 2009. I certify that this memorandum contains all pertinent matter discussed with the witness on October 6, 2009.

Kedric L. Payne
Investigative Counsel

EXHIBIT 3

From: [redacted]@netscape.net
To: [redacted]@boeing.com; [redacted]@boeing.com
Subject: April 20th Chicago Hastert Event for Congressman Tiahrt
Date: Wed, Apr 8, 2009 2:00 pm
Attachments: Tiahrt_Hastert_4.20_invite.docx (28K)

Men---

I wanted to pass along to you the invite for the event that Speaker Hastert is holding on behalf of Todd a week from Monday in Chicago. Any help you all can provide would be appreciated.

Thanks,

JEFF KAHRS

New Deals on Dell Netbooks - Now starting at $299

EXHIBIT 4

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:	PAC Treasurer, Teledyne Controls
REVIEW #s:	09-1583; 09-9063; 09-9099; 09-4486; 09-9064; 09-9012; 09-9075
DATE:	October 6, 2009
LOCATION:	Teledyne Controls 501 Continental Boulevard El Segundo, CA 90245
TIME:	9:35 a.m. – 10:45 a.m. (approximately)
PARTICIPANTS:	Omar Ashmawy Kedric Payne Melanie Cibik David Berardinelli

SUMMARY: The PAC Treasurer and Director of External Financial Reports and Assistant Controller for Teledyne Controls (hereafter the "witness") was interviewed pursuant to the above referenced Review Numbers. The OCE requested an interview with the witness on July 22, 2009, and he consented to an interview. The witness made the following statements in response to our questioning:

1. The witness was given an 18 U.S.C. § 1001 warning and consented to an interview. The witness signed a written acknowledgement of the warning, which will be placed in the case file in this review.

2. The witness has been employed with Teledyne Controls since 2000. His job title was initially Assistant Controller. Eventually his job title was changed to Director of External Financial Reports and Assistant Controller. He is also the treasurer of the Teledyne Controls political action committee (hereafter "PAC").

3. The witness has been the treasurer of the Teledyne PAC since the PAC was formed in early 2002. He also helped the company form the PAC.

4. As treasurer, he maintains the PAC account and manages the required FEC filings. He also receives requests for contributions and sends them out to the PAC committee. In general he facilitates the process the committee uses to decide who to contribute to. He also manages the reports to PAC contributors and reviews information about the PAC that is provided to the employees of Teledyne Controls. He does not solicit the restricted class.

5. Employees at Teledyne Controls can request that the company's PAC contribute to candidates and elected officials. When a request for a contribution is made to the PAC,

the witness does a background check on the candidate. This background check consists of searching the internet. If he sees something negative he will do a little more research to see if the negative information is true.

6. If he finds no issues, then he can generally send out the request to the rest of the committee. If he does have an issue with the request, then he will speak with the Chairman of committee, Mr. John Kuelbs. They may change the amount of the request.

7. The witness then sends the request to the other committee members with any information he has found. If no one objects in about a week's time, he writes a check and it is given to the employee who made the request. About 1 percent of the time the check goes directly to the campaign.

8. Essentially only two employees make requests to the Teledyne PAC – Mr. John Braun of Teledyne Brown Engineering and the witness. Teledyne Brown engineering and Teledyne Controls are two business units of Teledyne. The witness trusts that these two individuals will give the PAC money to the right people.

9. The witness has zero interaction with the campaigns and the elected representatives. All the contact is done thru the two business units.

10. He did not know what the role of other lobbyists was in the PAC or deciding PAC contributions. He thought it was minimal. The fact that PMA was involved with a request to the PAC was not more or less a justification for the witness. He recalled an example in which PMA had requested the Teledyne PAC give $5,000 to Representative Visclosky's Calumet PAC, but the witness and the PAC chairman reduced it to $2,500. The witness recalled PMA's response to Teledyne's decision as, "We had hoped for $5,000, but we'll try to smooth it over." He did not know what PMA meant by this comment.

11. The OCE showed the witness the questionnaire Teledyne asks their employees to submit when requesting a contribution be made. The witness created the questions on the form. When making the decision to whom to give PAC money, the first qualification is what committee the Representative is on – for example, the Appropriations Subcommittee on Defense. Individual projects will also be mentioned, however, the witness did not look too closely at that. However, they do look to see if the Representative can help give Teledyne business. When asked if Teledyne has not given a contribution to a Member of Congress because they were not on the right committee, he said no because Teledyne trusts heavily in Mr. Braun and Mr. Canton.

12. When asked further about the form, the witness at first said he did not look at the forms and then said that he should not say that and that he did look at them to see what was

there. He also said that the questions go down in the order of magnitude – i.e. the most important questions were first.

13. When asked specifically about the question "is the candidate in a position to lawfully influence the funding or the alternate awardee/recipient of the government," the witness said that he has never seen a request where the answer was no. If there a request and the answer to that question was no, then he would ask why it made sense to give the money.

14. He did not remember if he ever received current earmark information when a request to the PAC came in. When asked why Teledyne contributes through its PAC, he said that the only value is access – so they know you exist. But he thought Teledyne would be ok without a PAC.

15. The witness is not involved in Teledyne's requests for federal funding or the request or receipt of earmarks.

This memorandum was prepared on November 9, 2009, based on the notes that the OCE staff prepared during the interview with the witness on October 6, 2009. I certify that this memorandum contains all pertinent matter discussed with the witness on October 6, 2009.

Omar S. Ashmawy
Investigative Counsel

EXHIBIT 5

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:	Business Development Director, Teledyne Brown Engineering
Review #:	09-1583; 09-9063; 09-9099; 09-4486; 09-9064; 09-9012; 09-9075
Date:	October 5, 2009
Location:	Teledyne Brown Engineering 2101 N. Wilson Blvd. Arlington, VA
Time:	11:30 a.m. – 12:30 p.m. (approximate)
Participants:	Paul Solis Kedric Payne David Berardinelli (Teledyne Counsel) Melanie Cibik (Teledyne Counsel)

Summary: The Business Development Director and Vice President of Washington Operations in Teledyne's Washington DC office was interview pursuant to the above referenced review numbers. The OCE requested an interview with the witness on July 22, 2009, and he consented to an interview. The witness made the following statements in response to our questioning:

1. The witness was given an 18 U.S.C. § 1001 warning and consented to an interview. He signed a written acknowledgement of the warning, which will be placed in the case file in this review.

2. The witness has been a lobbyist for Teledyne since June of 2001, starting with the title of Director of Business Development. His job duties include: being the public face of the company in Washington; operational control over the DC area; business development and government affairs work; and keeping relationships up with the Executive and Legislative Branches of the federal government.

3. The Teledyne Political Action Committee (hereafter "PAC") is administered from the Thousand Oaks, CA office; however, the witness is the PAC's most active participant. He is responsible for making contribution requests. Brian Levan is the PAC treasurer.

4. 60% of Teledyne's work is government related, including weapons systems.

5. The process for seeking federal money begins with establishing a need within the company. Then, the witness makes a calculation as to whether Congress would be amenable to "plus-ups" for a specific set of projects. The requests are made thereafter.

6. On the Hill, the witness meets with staff of Member offices and the relevant representative from Teledyne who has knowledge of a specific project. The witness prepares the Teledyne employee for the meeting with congressional staff. A presentation is made to staff with documents and white papers. The witness has had meetings with Members on occasion. He typically has meetings on the Hill with Member offices one to two times per month.

7. Teledyne also hired outside lobbyists including Brown & Associates, SMI, Main Street Strategies, and PMA. One of the reasons the Teledyne chose PMA is because the company wanted a relationship with Congressman Murtha's office. The witness would contact PMA two to three times per year, five to six conversations per period of contact.

8. The witness continued to recommend PMA to Teledyne executives because he felt that Paul Magliocchetti was a very effective lobbyist who had access, knew the legislative process well, was politically connected, and had strong personal relationships with Member offices.

9. PMA had no major role in Teledyne PAC contribution decisions. PMA lobbyists would simply ask the witness if he would like to attend certain fundraisers.

10. The witness stated that Teledyne's PAC supported Members who supported Teledyne's interests and Members who were in key positions in Congress; key positions being leadership and appropriations positions.

11. The witness stated that the vast extent, maybe 90%, of contributions from Teledyne PAC go to Members who are in key leadership positions or who are not representing a district where Teledyne has facilities.

12. The witness recalled a specific fundraiser for Representative Moran. He stated that the Speaker of the House was contacting all appropriators and informing them that they were responsible for raising certain funds for the DCCC. The witness attended the event with individuals from Boeing. Boeing did not have a relationship with Moran, which the witness thought was illogical because Boeing has many assets in Moran's district and because Moran is an appropriator. At the event, there were no discussions of Teledyne projects with Mr. Moran.

13. The witness recalled another fundraising event for Representative Murtha which he didn't sponsor but possibly hosted. He stated that he did not assist in holding the fundraiser because Murtha sponsored a Teledyne earmark; Teledyne would have supported Murtha anyway.

14. The witness recalled several contributions made to Representative Kaptur from Teledyne PAC. He stated that Teledyne made the contributions because Ms. Kaptur rarely raises funds and because she was very supportive of Teledyne, very receptive, and a great congresswoman for northern Ohio. The witness stated that he did not want to "snub" Representative Kaptur and show as if Teledyne did not support her re-election efforts. The witness also recalled working with Representative Kaptur and her staff on a consent decree between the EPA and Teledyne in Ohio.

15. When asked why a contribution request was made on the same day as the witness notified a colleague that Teledyne had just received a Kaptur-sponsored earmark, the witness stated that the timing was coincidental and that there was no solicitation from Representative Kaptur's office.

16. When asked about the role of earmarks in PAC decisions, the witness stated that Teledyne would be more likely to support the campaigns of those Members that supported Teledyne; however the witness stated that there was no "quid pro quo" occurring. He stated that in his experience, Members are very careful about separating legislative actions from campaign actions. He stated that no Member has ever "leaned on him" for contributions.

17. The witness stated that over three years ago, Representative Tiahrt made several calls to him personally, soliciting for fundraisers. No projects were ever discussed during the fundraising phone calls. He stated that he has a "familiar" relationship with Tiahrt.

This memorandum was prepared on October 16, 2009, based on the notes that the OCE staff prepared during the interview with the witness on October 5, 2009. I certify that this memorandum contains all pertinent matter discussed with the witness on October 5, 2009.

Paul Solis
Investigative Counsel

EXHIBIT 6

John A
Canton/ElecTec/Teledyne
02/15/2008 10:58 AM

To [redacted]@teledyne.com
cc "Brett Hush" <[redacted]@Teledyne.com>,
[redacted]@teledyne.com, [redacted]@teledyne.com
bcc
Subject Legislative Action

2/14/08 meetings on the Hill with Kevin Miller, PMA

Todd Tihrt, R. Kans: breakfast fundraiser. we arrived early, at the same time as Tihrt and were able to have a private discussion for about 20 min. before other arrivals. Phil sat next to him during the meal. All in all, a great deal of "face-time." Phil invited him to visit the Wichita facility; probably will happen this summer.

Meeting at Tihrt's office: Jim Richardson, Legislative lead for defense issues: Kevin and I explained the current funding situation regarding the C-130 AHMS: that we haven't received funding yet and may not actually get into discussions with the PM until the AMPS program has been decided.

However, I had earlier proposed to Kevin that we exploit NAVAIR Structures interest in getting our box on the "J" model, so we explained to Jim that we intended to expand the effort to include the "J." I provided him an estimate of $1M for the NRE-through testing for the "J" so that would explain our keeping our request for 09 at $5M. $1M for the "J" and $4M for the "T" model production. Production for the "J" could be forward fit. We would look at retrofit as we go.

He was positive about the program and acknowledged, but very tentative about the success of any earmarks this year.

Sen. Pat Roberts, Kans: we briefed Libby Burgess, Military Legislative Asst.. This is a new program for her but with Tihrt and Richardson on board, it is a good possibility he will support it. This may solidify our position if the issue goes to Conference.

Phil, we did not know that, just after we arrived at the Capitol, there was a taxi strike. That is why you were having difficulty finding a cab. I hope your made it back OK. It affected us too, with slippages in our meeting schedule at the Senate; and, it turns-out that the weather in San Diego went down the tubes and I ended up with a real late arrival.

Other meeting reports to follow.
JAC

John A
Canton/ElecTec/Teledyne
05/22/2008 09:04 AM

To [redacted]@teledyne.com
cc [redacted]@teledyne.com, [redacted]@teledyne.com, [redacted]@teledyne.com, "Brett Hush" <[redacted]@Teledyne.com>,
bcc:
Subject DC. Prelim Trip report

1. C-40: PMA 207 is moving out nicely but they still haven't received confirmation that the funding has been reprogrammed into the C-40 line. Kevin Miller will try to make contact with his budget contact in the Pentagon to ensure the $1M has been transferred.

I am working closely with Bill Fleming, the lead for this project, about just what we will be providing. He is slowly coming up-to-speed on MFOQA and the situation at PMA-209. He now understands that they have "an agenda" will not be his friend in this effort. He does not intend to describe our program in terms of "providing MFOQA" but that it is intended to equip the aircraft to acquire the data necessary for MFOQA. What we do in terms of MFOQA analysis we will provide as engineering services in support of the equipment installation. Bill is arranging a technical discussion between his group and Jody Thursday morning. They will likely access Wiley Labs for a PO.

2. Leg. Action: breakfast with Todd Tihrt. We are very well placed with Todd. I was able to sit next to him and continue to build up our profile with he and his staff. He confirmed that he will visit our Wichita office during Aug. He is solidly behind a legislative initiative to make sure Boeing obtains a tanker contract. In fact, he expressed amazment at some of the things that have gone on in the AF about the selection decision.

C-130: Tihrt's staff are proceeding with support of our request for another plus-up for the C-130 for '09. Kevin will schedule another discussion with the CO of PMA 207 to discuss implementation strategy. I have asked him to stress the carry-over nature of our C-40 effort; that the infrastructure set in-place would also support other aircraft 207 is responsibile for.

3. FAMS: we are stil in limbo. Gfter my conversation with Todd Trafford last Friday and his request that I call and see him this week, we have another void. We were supposed to meet at noon today but that is becoming doubtful. Carolyn Hanna has also not received any word.

4. E-6B: Jim Land is in Wichita for the Red Team review. I spoke with Scott Frisell (Boeing Bus Dev) about competition and communicated the belief that Smiths may be trying to make a run at this. Scott said Boeing has communicated to NAVAIR about the RFP statement that the OEM would have to be contacted for technical data: that they have not been contacted by anyone and, indeed, there is proprietary data that would have to be transferred. NAVAIR has not yet responded. We also discussed how to find an appropriate way to communicate the fact that our proposal is based on firm, technical data and any other proposal would be based largely on speculation.

John Canton
Director of Business Development
Government Programs &
Legislative Affairs

(310) 765-[redacted]
(310)765-3604 fax
[redacted] cell

Destination Control Statement (DCS)
These commodities, technologies, and/or software are exported from the United States in accordance with the US Export Administration Regulations. Diversion contrary to U.S. law is prohibited. U.S. law prohibits disposition of these commodities to any end user for any end use related to the design, development,

cc

Subject Fw: KC-X Another Congressional Hearing

Kevin, please confer internally (perhaps Briggs, Brian, Rich, etc).

I would like to know what PMA thinks of the subcommittee's "open session" including the composition of the subcommittee. Is Tihrt and the Wash. State, St. Louis delegations involved?

During the Murtha fundraiser and our breakfast with Tihrt, both expressed firm committment to award to a US company.

JAC

— Forwarded by John A Canton/ElecTec/Teledyne on 07/03/2008 01:18 PM —

"Stanton, Joe"
<[redacted]@tbe.com>
07/03/2008 11:41 AM

To <[redacted]@teledyne.com>

cc

Subject KC-X Another Congressional Hearing

John,
The list of hearings on the KC-X tanker program continues to increase. The House Armed Services Air and Land Forces subcommittee announced plans yesterday to convene an open session on July 10th to discuss the tanker program. The Pentagon Acquisition Chief John Young, Air Force Acquisition executive Sue Payton, GAO Counsel Gary Kepplinger, and GAO procurement law expert Michael Golden are expected to testify. Congressional lawmakers intend to monitor developments more closely on how to proceed with the program. That should add a little more molasses to the procurement process.
Joe

John A
Canton/ElecTec/Teledyne
07/29/2008 01:13 PM

To "Kevin Miller" <[redacted]@thepmagroup.com>
cc
bcc
Subject Re: 08 events

Perfect, Kevin, can you provide one other set of info.

The names of Roberts and Tiahrt's staffers we briefed.o 14 Feb.

Many thanks,
John

"Kevin Miller" <[redacted]@thepmagroup.com>

"Kevin Miller"
<[redacted]@thepmagroup.com>

07/29/2008 01:05 PM

To <[redacted]@teledyne.com>
cc
Subject 08 events

John, we briefed Tiahrt and Roberts' staffs 14 Feb.

You and I also attended a Tialrt event that morning: I went on the PMA PAC.

I attended a Tiahrt event 13 March on the PMA PAC – don't think you did, despite the fact that we had a meeting at Pax that morning. I may have attended one 14 May…check your records for that one because I can't find it.

The San Diego event was 27 March at the Hotel del.

Think that's it…hope it helps.

San Diego skyline still intact.
Kevin

EXHIBIT 7

Brian A Levan/Headquarters/Teledyne
04/13/2007 11:43 AM

To John T Kuelbs/[redacted]@Teledyne, Dale A Schnittjer/[redacted]@Teledyne, [redacted]@tbe.com, Robyn E
cc
bcc
Subject Fw: PAC contribution request

All,

Attached is a Controls request for a $1,000 TDY PAC check to Cong. Tiahrt.

The TDY PAC gave $2,000 in 2004 to Cong. Tiahrt.

Let me know if you object.

Brian Levan
805-373-[redacted]

---- Forwarded by Brian A Levan/Headquarters/Teledyne on 04/13/2007 11:40 AM ----

John A Canton/ElecTec/Teledyne
04/03/2007 12:55 PM

To Brian A Levan/[redacted]@Teledyne
cc [redacted]@teledyne.com, "Brett Hush" <[redacted]@Teledyne.com>
Subject PAC contribution request

Hi Brian,

Hope your move to the valley went well; the parking lot sure has a lot of empty spaces now.

Here's a PAC request for Cong. Tiahrt. We have an office in his district, Wichita, and he is interested in supporting our effort to upgrade the Navy C-130s' flight data acquisition systems.

The fundraiser has already been held and I couldn't attend but promised I would submit a fundraiser request.

TT Steak Out 3.26.07.pdf

PMA email of Tiahrt PAC request.doc

Tiahrt PAC request.doc

Any questions, please call any time.

John Canton
Director of Business Development
Government Programs &
Legislative Affairs

(310) 442-[redacted]

TDY 11118

John A
Canton/ElecTec/Teledyne
02/04/2008 06:42 PM

To Brian A Levan/[redacted]@Teledyne
cc [redacted]@teledyne.com, [redacted]@teledyne.com, [redacted]@teledyne.com, "Brett Hush" <[redacted]@Teledyne.com>
bcc
Subject Tiahrt fundraiser

Hi Brian,

Attached is a contribution request for Cong. Tiahrt. for a fundraiser next Thurs, 14 Feb. I have asked Phil Benedict, office manager of our Wichita office, to join me for the event since the office falls into Tiahrt's constituency.

The justification is identical to the previous PAC contribution we made last December; it is a request for follow-on funding to the $1M plus-up he provided to our project for FY-08. As you know, plus-ups are under seige but his staff feels strongly that this program makes a great deal of sense.

Tiahrt PAC request 2 4 08.doc

Hope you are doing well. Any questions, don't hesitate to call.

Best regards,
John

TDY 09775

09-9012_23

Request for TDY-PAC Contribution

Requestor: _____John Canton_____

Company: _____Teledyne Controls_____

For contributions from the TDY PAC, the following should be provided:

1. **Candidate Name:**_____**Todd Tiahrt**_____
2. **Political Party:**_____**Republican**_____
3. **Current Office Held:**_____**Rep. US Congress**_____

   Candidate Address:___ 2250 N. Rock Road #118A
   Wichita, KS 67226___

4. **Purpose of Disbursement(*):**__**fundraiser for next election**
5. **Indicate if for Primary, General or Other (describe): General**
6. **Indicate date of election**_____**2008**_
7. **Date of Disbursement:** _____**7 Feb. 2008** _____

   Check Payable to: ____ Kansans for Tiahrt
   2250 N. Rock Road #118A
   Wichita, KS 67226_____

8. **Amount of Disbursement:** _____**$1,000**__
9. **Provide an ID or FEC # for the Candidate:**___**FEC: C00295592**
10. **Telephone Number of Candidate:** _ 202-215-[redacted] ____
11. **Indicate who should receive the signed check and by what date:**

    _____**mail to above address: by 7 Feb. 2008**

12. **Indicate if a late contribution report is necessary**__**no**__

    If necessary, provide the appropriate form to report the contribution.

- Provide any and all literature or fund-raising request information from the candidate

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Request for TDY-PAC Contribution

Candidate Name:____Todd Tiahrt_____

Indicate why supporting the candidate is consistent with the mission of TDY-PAC

In what capacity does the candidate serve in their political role (as a committee member/approprations function etc?)?

Ranking Member of the House Appropriations Defense subcommittee

How important is the candidate's sponsorship any programs we are involved in?

Very important for the success for our system to be qualified on board Navy C-130 H and J aircraft.

How big are the programs, if any, the candidate supports?

Our request is that he support a program anticipated to be in the $5M range.

Who is the competition for the programs?

Smiths Aerospace, Honeywell, L-3

What dollar revenue does the program bring to Teledyne Technologies

Approx. $3M for the C-130T model, with potential to rise considerably with application to the "J" model.

Is the candidate in a position to lawfully influence the funding or the ultimate awardee/recipient of the government?

Yes, as the ranking Republican on the Defense Appropriations Defense Subcommittee, he can lawfully exert a great deal of influence in this area.

Has TDY interacted with the candidate in the past?

-Yes, we have briefed his Legislative Staff on the Navy/USMC unfunded requirement for a new C-130 flight data acquisition system.

-Cong. Tiahrt supported our FY-08 plus-up request and was successful in obtaining a $1M earmark for the C-130 AHMS. We intend to request production funding for FY-09.

Any other information that is relevant.

The NAVAIR program manager, was pleased with the news of the 08 earmark and is supportive of continued future funding for the production program.

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Richardson, Jim
From: Richardson, Jim
Sent: Monday, March 17, 2008 5:58 PM
To: 'Wyman, Jill'; 'Thomas Bezas'
Subject: financial plan and earmark request form...

Attachments: recipient request certification form.doc

5

Tom and Jill – because your requests would be classified as earmarks – I need you to filled-out this form with an attached financial plan. The financial plans do not have to be extensive, but must include anticipated sources of the funding for the duration of the project; percent and source of required matching fund; and justification for use of federal taxpayer dollars. Please include who and what percentage would be receiving funding from this request. Both the form and financial plans need to be e-mail to me. I need this by COB tomorrow. Sorry for the late notice. Please let me know if you have any questions. – Jim

James L. Richardson
Defense Appropriations Aide
Office of Congressman Todd Tiahrt
Phone: 202.225.[redacted] Fax: 202.225.3489

recipient request certificatio...

Congressman Todd Tiahrt Defense Appropriations Form
Staff Contact: Jim Richardson | 202.225.6216 | Jim.Richardson@ mail.house.gov
** ALL REQUESTS DUE MARCH 1st **

General Information

Name, Short Description of Project:

Benefit to DoD: (250 characters or less):

Support PM/Agency Name and Contact: _____

Amount/Language Requested: _____ Minimum Funding Needed to Execute: _____

Name of Intended Recipient: _____

Physical Address of Recipient (KS, if possible): _____

POC at Recipient (Name, Ph #, E-mail): _____

Government Affairs Representative (if applicable)

Name: _____ Phone: _____

E-mail Address: _____

Project Information

Appropriations Account: _____ Budget Line Detail (PE/R-1/P-1): _____

Has this project been authorized, if yes, please describe: _____

Other Congressional Offices approached with request: _____

Previous Years Funding: FY09: _____ FY08: _____ FY07: _____ Previous: _____

Kansas Connection

Kansas Benefit/Connection (include work percentage for various partners, if applicable): _____

Total % of work in Kansas: _____

Number of Kansas employees (if applicable): _____

Number of Kansans directly affected by request (if applicable): _____

Request for TDY-PAC Contribution

Requestor: _____John Canton_____

Company: _____Teledyne Controls_____

For contributions from the TDY PAC, the following should be provided:

1. **Candidate Name:_____Todd Tiahrt_____**
2. **Political Party:_____Republican_____**
3. **Current Office Held:_____Rep. US Congress_____**
4. **Candidate Address:___P.O. Box 29576, Wash DC 20017____**
5. **Purpose of Disbursement(*):__fundraiser for next election**
6. **Indicate if for Primary, General or Other (describe): Primary**
7. **Indicate date of election_____2008_**
8. **Date of Disbursement: _____28 March _____**
9. **Check Payable to: ____ Tiahrt for Congress_____**
10. **Amount of Disbursement: _____$1,000___**
11. **Provide an ID or FEC # for the Candidate:___FEC: C00295592**
12. **Telephone Number of Candidate: _202 526-[redacted]____**
13. **Indicate who should receive the signed check and by what date:**
    _____mail to above post office address: by 6 April
14. **Indicate if a late contribution report is necessary__no__**
    <u>If necessary, provide the appropriate form to report the contribution.</u>

- Provide any and all literature or fund-raising request information from the candidate

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TDY 09771

09-9012_28

Request for TDY-PAC Contribution

Candidate Name:____Todd Tiahrt_____

Indicate why supporting the candidate is consistent with the mission of TDY-PAC

In what capacity does the candidate serve in their political role (as a committee member/appropriations function etc?)?
Ranking Member of the House Appropriations Defense subcommittee

How important is the candidate's sponsorship any programs we are involved in?
Very important for the success for our system to be qualified on board Navy C-130 H and J aircraft.

How big are the programs, if any, the candidate supports?
Our request is that he support a program anticipated to be in the $5M range.

Who is the competition for the programs?
Smiths Aerospace, Honeywell, L-3

What dollar revenue does the program bring to Teledyne Technologies
Approx. $3M to start, with potential to rise

Is the candidate in a position to lawfully influence the funding or the ultimate awardee/recipient of the government?
Yes, as the ranking Republican on the Defense Appropriations Defense Subcommittee, he can lawfully exert a great deal of influence in this area.

Has TDY interacted with the candidate in the past?
Yes, we have briefed his Legislative Staff on the Navy/USMC unfunded requirement for a new C-130 flight data acquisition system.

Any other information that is relevant.

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Jim Richardson, his senior legislative staffer has already confirmed the requirement with the NAVAIR program manager and has expressed Cong. Tiahrt's intention to support our position.