

111TH CONGRESS }
1st Session

HOUSE OF REPRESENTATIVES

{ REVIEW NO.
09-1583

**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



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December 2009

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OFFICE OF
CONGRESSIONAL ETHICS
BOARD

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REPORT

Review No. 09-1583

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 ordered it to be transmitted to the Committee on Standards of Official Conduct of the United States House of Representatives.

SUBJECT: Representative C.W. Bill Young

NATURE OF THE ALLEGED VIOLATION: In Fiscal Year 2009, Representative C.W. Bill Young authored several earmarks for clients of PMA Group, Inc. (hereafter "PMA"). During campaign cycles 2008 and 2010, Representative Young received contributions to his campaign committee and "Leadership PAC" from PMA's PAC, PMA employees, the PACs of PMA clients for whom he authored earmarks, and the employees of those clients.

If Representative Young 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 Young may have violated 18 U.S.C. § 201(b) (Bribery), 18 U.S.C. § 201(c) (Illegal Gratuities), 5 U.S.C. § 7353 (Gifts to Federal Employees), and House Rules and Standards of Conduct.

RECOMMENDATION: The Board of the Office of Congressional Ethics recommends that the Committee on Standards of Official Conduct dismiss the above allegations.

VOTES IN THE AFFIRMATIVE: 6

VOTES IN THE NEGATIVE: 0

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

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FINDINGS OF FACT AND CITATIONS TO LAW

Review No. 09–1583

On November 20, 2009, the Board of the Office of Congressional Ethics (hereafter the “Board”) 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 of whether or not a violation actually occurred.

I. INTRODUCTION

A. SUMMARY OF ALLEGATIONS

1. There is not substantial reason to believe that Representative Young 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.

B. JURISDICTIONAL STATEMENT

2. The allegations that were the subject of this review concern Representative C.W. Bill Young, a Member of the United States House of Representatives from the 10th District of Florida. The Resolution the United States House of Representatives adopted creating the Office of Congressional Ethics (hereafter “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.”¹ The House adopted this Resolution on March 11, 2008. Because the conduct under review occurred after March 11, 2008, review by the Board is in accordance with the Resolution.

C. PROCEDURAL HISTORY

3. 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.² The preliminary review was scheduled to end on August 5, 2009.

4. 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, 2009.³ The second-phase review was scheduled to end on September 20, 2009.

¹H. Res. 895, 110th Cong. § 1(e) (2008) (as amended).

²A preliminary review is “requested” in writing by members of the Board of the OCE. The request for a preliminary review is “received” by the OCE on a date certain. According to H. Res. 895 of the 110th Congress (hereafter “the Resolution”), the timeframe for conducting a preliminary review is 30 days from the date of receipt of the Board’s request.

³According to the Resolution, the Board must vote 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

Continued

5. The Board voted to extend the 45-day second phase review by an additional 14 days, as provided by the Resolution, on September 17, 2009. Following the extension, the second-phase review was scheduled to end on October 5, 2009.⁴

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

7. This report and findings were transmitted to the Committee on Standards of Official Conduct on December 2, 2009.

D. SUMMARY OF INVESTIGATIVE ACTIVITY

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

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

10. Specifically, the OCE reviewed campaign contributions to these Members from donors that were affiliated with the lobbying firm of Paul Magliocchetti and Associates Group, Inc. (hereafter "PMA"), *i.e.*, contributions from the PMA PAC, PMA employees, the PACs of corporate clients of PMA ("PMA clients") and employees of PMA clients.

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

12. Beyond Members of the Defense Subcommittee, the investigation included a review of campaign contributions from PMA clients and non-PMA clients to Representatives who are not on the Defense Subcommittee, but authored defense earmarks for PMA clients and non-PMA clients.

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

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

15. Aeroflex and Kimball and Associates are the only PMA client that refused to cooperate with the investigation.

16. 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.

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

a second-phase, the second-phase begins when the preliminary review ends. The second-phase review does not begin on the date of the Board vote.

⁴*Id.* at § 1(c)(2)(A)(ii) (2008).

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

19. 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 Officer, 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;
- (70) PMA Lobbyist 6;
- (71) The Chief of Staff of Representative Young; and
- (72) Representative Young.

II. THE OCE UNCOVERED NO EVIDENCE THAT REPRESENTATIVE YOUNG REQUESTED EARMARKS FOR PMA CLIENTS IN CONNECTION WITH CAMPAIGN CONTRIBUTIONS HE RECEIVED

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

20. 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

21. 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”

22. *“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.”*⁵

23. *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.”*⁶

*“Put another way, there are fundraising activities that do not violate any criminal statute but well may violate House standards of conduct.”*⁷

*“[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.”*⁸

*“[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.”*⁹ *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.”*¹⁰

*“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 at 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 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.”*¹¹

*“[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.”*¹²

⁵House Ethics Manual (2008) at 79. *See also* United States v. Sun-Diamond Growers, 526 U.S. 398, 404 (1999).

⁶Memorandum 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>.

⁷*Id.*

⁸*Id.*

⁹House Ethics Manual (2008) at 147.

¹⁰Memorandum 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>.

¹¹*Id.*

¹²House Ethics Manual (2008) at 147.

*“[G]overnment officials should ‘never discriminate unfairly by the dispensing of special favors or privileges to anyone, whether for remuneration or not.’”*¹³

*“[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.”*¹⁴

24. 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.”

25. 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.

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.

¹³*Id.* at 151 (citing Code of Ethics for Government Service, ¶5).

¹⁴*Id.* at 151 (citing Code of Ethics for Government Service, ¶10).

26. Based on the facts collected by the OCE, the Board concludes there is not substantial reason to believe the allegations that are the subject of this review.¹⁵

B. EARMARK PROCESS

27. Representative C.W. Bill Young represents the 10th Congressional District of Florida.

28. The process for handling Representative Young's requests for earmarks to the House Defense Appropriations Subcommittee is initially managed by his Congressional office staff.¹⁶ However, he reviews every request and meets with the representatives of the companies on whose behalf he makes the request.¹⁷

29. Representative Young refuses to meet with lobbyists and repeatedly pointed out to the OCE that he does not meet with any lobbyists—to include former employees of PMA.¹⁸ When he meets with the representatives of companies for whom he requests earmarks, it is his practice to meet only with the companies' principals without a lobbyist present. This practice carries to even brief interactions with lobbyists.¹⁹ According to Representative Young, if a lobbyist makes contact with him regarding a project or an earmark request, the Congressman tells the lobbyist to send his client instead.²⁰

30. While members of his staff might have had interactions with PMA lobbyists, Representative Young has never met with a PMA lobbyist on any matter and could not recall an instance when a PMA lobbyist attempted to lobby him.²¹

31. Representative Young's office only requests earmarks for companies in his district.²² In vetting those requests, his office has several rules. Representative Young's primary rule is that the request must be for a project that the Department of Defense wants. Representative Young's policy is to not request earmarks for "start-up" ideas.²³

32. Whether a company has contributed to his campaign is not a factor in the Congressman's decision whether or not to request an earmark for a particular entity.²⁴

33. Representative Young's Chief of Staff also explained that on a number of occasions companies who were clients of PMA did not use PMA to lobby their office. Instead, the company would use lobbyists from a different firm or no lobbyist at all.²⁵

¹⁵ Rule 9 of the OFFICE OF CONGRESSIONAL ETHICS, RULES FOR THE CONDUCT OF INVESTIGATIONS 11 (2009) provides that "[t]he Board shall refer a matter to the Standards Committee for further review if it determines there is a substantial reason to believe the allegation based on all the information then known to the Board."

¹⁶ Memorandum of Interview of Rep. Young (Exhibit 1 at 09-1583_2).

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.*

²¹ *Id.* at 09-1583_3.

²² *Id.* at 09-1583_2.

²³ *Id.* at 09-1583_2.

²⁴ *Id.* at 09-1583_3.

²⁵ Memorandum of Interview of Representative Young's Chief of Staff (Exhibit 2 at 09-1583_5).

C. CAMPAIGN FUNDRAISING

34. During campaign cycles 2008 and 2010, Representative Young accepted approximately \$68,600 in campaign contributions from PMA's PAC and employees and from the PAC and employees of PMA clients.²⁶

35. Congressman Young does not have a full-time, ongoing fundraising process.²⁷ According to the Congressman, he does not raise significant amounts of money, in comparison to his peers, for his campaign and does not contribute "dues" to the National Republican Congressional Committee as is expected of him.²⁸

36. The Congressman does not organize fundraisers and does not make phone calls or write letters requesting contributions.²⁹ Representative Young's Chief of Staff is the individual who is primarily responsible for directing the Congressman's campaign and fundraising activities. He does this in his "free time."³⁰ Representative Young's Chief of Staff confirmed that the Congressman does not actively fundraise.³¹ Instead, community members will offer to hold a fundraising event to benefit his campaign and Representative Young will participate.³²

37. As a matter of policy, Representative Young does not have fundraising events during the defense bill mark-up.³³

D. RELATIONSHIP WITH PMA

38. During the time period of the 2008 and 2010 campaign cycles, six corporate clients of PMA were awarded earmarks requested by Representative Young.

39. The PMA clients that received earmarks during this period are:

- (a) DRS Technologies (Requested, \$19,800,000);
- (b) General Dynamics (Requested, \$16,200,000);
- (c) Concurrent Technologies Corporation (Requested, \$7,200,000);
- (d) Coda Octopus Group (Requested, \$4,000,000);
- (e) AAR Composites (Requested, \$1,600,000); and
- (f) Information Technology and Application Corp. (Requested, \$1,600,000).³⁴

40. Representative Young explained to the OCE that his interaction with the companies, if any, was directly with employees of the companies.³⁵ Congressman Young's Chief of Staff indicated that in some instances their office was not approached by PMA, but by another lobbying agency representing the entity.³⁶

²⁶Contribution amounts are derived from reports filed with the Federal Election Commission by Congressman Bill Young Campaign Committee and Victory PAC.

²⁷*Id.*

²⁸Memorandum of Interview of Representative Young (Exhibit 1 at 09-1583_3).

²⁹*Id.*

³⁰Memorandum of Interview of Representative Young's Chief of Staff (Exhibit 2 at 09-1583_5).

³¹*Id.*

³²*Id.*

³³Memorandum of Interview of Representative Young (Exhibit 1 at 09-1583_3.)

³⁴H.R. 3222, Pub. L. 110-116 (2008); H.R. 2638, Pub. L. 110-329 (2009); and H.R. 3326, 111 Cong. (2009).

³⁵Memorandum of Interview of Representative Young (Exhibit 1 at 09-1583_2).

³⁶Memorandum of Interview of Representative Young's Chief of Staff (Exhibit 2 at 09-1583_5).

41. While Representative Young knew Mr. Paul Magliocchetti from when Mr. Magliocchetti worked for the committee, he has no personal relationship with him or with any other former PMA principal or employee.³⁷

42. Representative Young's only interaction with a former PMA employee was an individual who served as an escort on several Congressional Delegation trips.³⁸ However, the individual left PMA before the issues that are the subject of this Review began.³⁹ With this exception, Representative Young has had no personal interaction with PMA or its lobbyists.

43. PMA has only contributed to Congressman Young's campaign on one occasion.⁴⁰ Mr. Rich Efford, a former PMA lobbyist, attended a fundraising event and made a contribution from PMA's PAC.⁴¹ Representative Young highlighted the fact that Mr. Efford had not been invited to the event and came of his own accord.⁴² Mr. Efford had never lobbied the Congressman on a project previous to the event or afterwards.⁴³

E. PERCEPTION OF CORPORATE DONORS

44. There is evidence that some of the commercial entities seeking earmarks from Representative Young believe that a political donation to him has an impact on his decision to author an earmark for that donor.⁴⁴

45. However, Representative Young and his Chief of Staff credibly articulated a process that separates the Member's legislative activities and his campaign fundraising activities.⁴⁵ Representative Young achieves this separation by eliminating his and his legislative staff's role in the campaign's fundraising operation.⁴⁶ Representative Young further separates his fundraising and legislative activities by not holding fundraisers during the mark-up of the appropriations bill.⁴⁷

46. Representative Young explained to the OCE that he operates their campaign and Congressional office in this manner to prevent even the appearance that their legislative acts are influenced by contributions to their campaign or PAC.⁴⁸

47. The Board notes that one risk associated with this is the possibility of an appearance of a conflict of interest if, out of ignorance, the Member's campaign accepts a contribution near in time to a legislative act that has an impact on the individual or entity making the contribution. This potential for an appearance of a conflict may explain why companies requesting an earmark appear to think that a contribution to the respective campaign or PAC affects the ultimate receipt of an earmark. The House Ethics Manual is

³⁷ Memorandum of Interview of Representative Young (Exhibit 1 at 09-1583__3).

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² *Id.*

⁴³ *Id.*

⁴⁴ Email from AAR, dated May 6, 2008 (Exhibit 3 at 09-1583__8).

⁴⁵ Memorandum of Interview of Representative Young (Exhibit 1 at 09-1583__3).

⁴⁶ Memorandum of Interview of Representative Young's Chief of Staff (Exhibit 2 at 09-1583__5).

⁴⁷ Memorandum of Interview of Representative Young (Exhibit 1 at 09-1583__3).

⁴⁸ *Id.*

unclear as to what obligations, if any, are placed on a Member to discourage or disabuse an entity of that impression.

III. CONCLUSION

48. For these reasons, the Board recommends that the Standards Committee dismiss the above described allegations concerning Representative Young.

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

49. In every instance, the OCE asked the recipient of an OCE request for information 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.

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

51. In at least one 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 Corporation represented that they had fully cooperated. However, Boeing Corporation indicated that they had no electronic mail responsive to the OCE's Request for Information. The OCE then received, from another source, electronic mail to and from Boeing Corporation that were in fact responsive to the OCE's request.

52. 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.

53. The Board makes the recommendation contained in this referral based on the factual record before it. Given its recommendation to dismiss, the Board does not recommend the issuance of subpoenas, but recognizes that the Committee on Standards of Official Conduct may determine otherwise.

EXHIBIT 1

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: Representative C.W. Bill Young
REVIEW #: 09-1583
DATE: October 29, 2009
LOCATION: Office of Representative Young
2407 Rayburn HOB
Washington, DC 20515
TIME: 2:10 p.m. – 3 p.m. (approximately)
PARTICIPANTS: Omar Ashmawy
Kedric L. Payne
Harry Glenn
Tom Rice

SUMMARY: Representative C.W. Bill Young is a Member of the United States House of Representatives for the 10th District of Florida. He was interviewed pursuant to Review No. 09-1583. The OCE requested an interview with Representative Young on July 6, 2009, and he consented to an interview. Representative Young made the following statements in response to our questioning:

1. Representative Young 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. Representative Young explained that his office accepts for consideration every earmark requests that comes to his office.
3. The earmark requests are initially reviewed by his staff and then he is provided with the requests. He vets all of the requests and he turns down a large number.
4. His practice for all earmark requests is that he does not speak to lobbyists about the requests. Instead, he has the lobbyists send in the principles of the company that is requesting the earmark. He does this even when a lobbyist tried to speak with him briefly at events.
5. He only provides earmarks to entities that are located in his district.
6. His office follows several rules. The earmark request must also have a connection with the Department of Defense. He does not simply assist start-up companies with acquiring federal grants.

CONFIDENTIAL

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

7. If the earmark request is legitimate, he supports it. Contributions to his campaign are not a factor in the Congressman's decision whether or not to request an earmark.
8. One example of an earmark that he supported was for the STAR center, which creates triggers for atomic weapons. The STAR center maintains jobs in his district and he requests earmarks for it.
9. He did not have any relationship with PMA Group, Inc. (hereafter "PMA"), but he knew Paul Magliocchetti when he was a staffer for the House Appropriations Committee. He had no social interaction with Mr. Magliocchetti or any other PMA employee. In general, Representative Young rarely has any social engagements.
10. Representative Young has never met with a PMA lobbyist on any project and did not recall a time when a PMA lobbyist tried to lobby him, individually, on any topic.
11. Representative Young's campaign received one check from PMA. This occurred at an event where PMA was not invited. The PMA representative that attended was Rich Efford.
12. Mr. Efford did not attend the fundraiser to lobby Representative Young. PMA never lobbied Representative Young.
13. The PMA lobbyist may have discussions with Representative Young's staff.
14. Representative Young mentioned that Leo Clark escorted him on various Codels, but Mr. Clark left PMA well before the current scandal surfaced.
15. Representative Young does not organize fundraisers, make phone calls, or write letter to solicit contributions. He does not raise significant amounts of money, in comparison to his peers, for his campaign and does not contribute "dues" to the National Republican Congressional Committee as is expected of him.
16. He also does not have fundraisers during the defense bill mark ups. He does this to prevent the appearance that his decisions are influenced by contributions.
17. He does not tell anyone to give him a contribution for any act.

This memorandum was prepared on November 19, 2009, based on the notes that the OCE staff prepared during the interview with Representative Young on October 29, 2009. I certify that this memorandum contains all pertinent matter discussed with Representative Young on October 29, 2009.

Kedric L. Payne
Investigative Counsel

MOI -- Page 2 of 2

OFFICE OF CONGRESSIONAL ETHICS

EXHIBIT 2

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: Representative Young's Chief of Staff
REVIEW #: 09-1583
DATE: September 11, 2009
LOCATION: Office of Representative Young
2407 Rayburn HOB
Washington, DC 20515
TIME: 9:30 a.m. – 10:30 a.m. (approximately)
PARTICIPANTS: Omar Ashmawy
Kedric L. Payne

SUMMARY: Representative C.W. Bill Young's Chief of Staff (hereafter the "witness") was interviewed pursuant to Review No. 09-1583. The OCE requested an interview with the witness on July 6, 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 explained that in many instances companies who may have hired PMA to lobby for them, did use PMA when approaching the Congressman's office. The companies either approached the office without a lobbyist or with a non-PMA lobbyist.
3. Congressman Young does not have a professional fundraiser working with his campaign. In fact, the Congressman does not have a full-time fundraising process. Instead, from time to time individuals in the Congressman's district will offer to hold fundraising event for the Member.
4. The witness is the liaison for those fundraising events. He does this in his free time.
5. PMA has never had a fundraising event for Congressman Young. PMA has never asked to hold a fundraising event or co-hosted a fundraising event for the Member. There has only been one PMA contribution to the Congressman or his PAC since 2007. That contribution was unsolicited.

This memorandum was typed on November 19, 2009, based on the notes that the OCE staff prepared during the interview with the witness on September 11, 2009. This memorandum contains all pertinent matter discussed with the witness on September 11, 2009.

CONFIDENTIAL

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

Omar S. Ashmawy
Investigative Counsel

EXHIBIT 3

From: Bill Cole
Sent: Tuesday, May 06, 2008 3:41 PM
To: Tim Romanesko
Subject: RE: AAR Composites - Visit

They are not asking. I have provided personal contributions in the past knowing that the resulting contacts could help our business--and in the case of Congressman Young I believe it has to some extent. I assume from your message you are thinking along the same lines rather than a Corporate contribution.

-----Original Message-----
From: Tim Romanesko
Sent: Tuesday, May 06, 2008 2:57 PM
To: Bill Cole
Subject: Re: AAR Composites - Visit

Let me know if they are asking for contributions.

----- Original Message -----
From: Bill Cole
To: Terry Stinson; Tim Romanesko; Chris Mason
Sent: Tue May 05 13:49:17 2008
Subject: FW: AAR Composites - Visit

The meeting with Shabra Anderson, Regional Director for Senator Bill Nelson here in Tampa, went very well. Enclosed is the presentation we used to introduce our Corporation and our Composites F-22 efforts. She is now working to get us a meeting with the Legislative Aids and Senator Nelson himself in DC. She, and we, would like to explore the potential for a Town Hall Meeting here at our facility.

I will keep you informed of our progress.

Tom,

Bill

From: Bill Cole
Sent: Tuesday, May 06, 2008 12:53 PM
To: Shabra Anderson**billnelson.senate.gov**
Subject: AAR Composites - Visit

Dear Shabra,

We all appreciate the time you spent with us today learning about AAR Composites and hope that you enjoyed the visit as much as we did. Enclosed is the presentation we shared to introducing ourselves and our relationship with the F-22 Raptor program.

As discussed, we are very interested in meeting with your Legislative Aids or other member of Senator Nelson's team who you think would

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benefit from further discussions regarding the F 22 funding and its relationship to our employees and our nation in general.

Again, we certainly appreciate your visit and look forward to speaking with you in the future.

Truly yours,

Bill Cole
General Manager
AAR Composites
14201 Myerlake Circle
Clearwater, Florida, USA 33760
Phone: 727-533-
Fax: 727-533-3233

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