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ONE HUNDRED ELEVENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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March 31, 2010

Mr. Ed Whitacre Jr.
Chief Executive Officer
General Motors Corporation
300 Renaissance Center
Detroit, MI 48243

Dear Mr. Whitacre:

On July 22, 2009, Ranking Member Issa wrote to former General Motors Co. ("GM") CEO Frederick Henderson expressing concern that GM may be making business decisions based on inappropriate political interference and requested responses to a number of questions and documents on plant and dealership closures.¹ While you answered some of his questions in your formal response, dated September 8, 2009, you failed to provide documents necessary to the Committee's investigation.²

Following his last letter, a number of news reports have implied that the U.S. Department of the Treasury politicized the Delphi bankruptcy, securing supplemental payments for Delphi's unionized employees while Delphi's salaried employees were forced to accept payments set by the Pension Benefit Guarantee Corporation.³ When questioned about its disparate treatment of Delphi employees and retirees, Tom Wilkinson, spokesman for GM, stated that it agreed to supplement Delphi union employees and retirees because it had promised to do so in 1999.⁴ It did not supplement Delphi non-union employees and retirees because it "isn't something that GM has any control over" and "GM doesn't have the legal obligation nor does it have the money to re-fund those pensions."⁵

As stated in Ranking Member Issa's previous letter, the politicization of GM's operations will almost certainly hurt the American taxpayers by reducing the likelihood

¹ Letter from Darrell Issa, U.S. Congressman, to Frederick A. Henderson, CEO GM (July 22, 2009) (on file with author), *available at* http://republicans.oversight.house.gov/index.php?option=com_content&view=article&id=7%3Aissa-questions-general-motors-on-inappropriate-political-interference-in-business-decisions&catid=22&Itemid=27.

² Letter from Michael J. Robinson, GM North America Vice President and General Counsel, to Darrell Issa, U.S. Congressman (Sept. 8, 2009) (on file with author).

³ Walsh, Mary Williams, *For Delphi Pensioners, the Union Label Helps*, The New York Times, October 27, 2009. Available at <http://www.nytimes.com/2009/10/27/business/27delphi.html?pagewanted=print>.

⁴ Id.

⁵ Id.

that the company will ever become profitable and have any chance of repaying the taxpayers' \$51 billion bailout of GM.⁶ The American people have a right to know that their money is being spent wisely and is not being used to satisfy the narrow interests of individual politicians or special interest groups. Therefore, we write to reiterate and expand upon Ranking Member Issa's request for information. To assist the Committee with its investigation, please provide the following documents:

1. All records and communications between GM and the President's Automotive Task Force, the United Auto Workers, any Member of Congress or other public official, referring or relating to the closure of any GM facility, including but not limited to GM manufacturing plants, dealerships, and subsidiaries, between November 1, 2008 and March 31, 2010;
2. All records and communications between GM and the President's Automotive Task Force, the United Auto Workers, any Member of Congress or other public official, referring or relating to a decision to reopen a GM facility that had previously been closed or idled, including but not limited to GM manufacturing plants, dealerships, and subsidiaries, between November 1, 2008 and March 31, 2010;
3. All records and communications between GM and the U.S. Department of the Treasury, the President's Automotive Task Force, the United Auto Workers, the Pension Benefit Guaranty Corporation, Delphi Corporation, Delphi Holding, any Member of Congress or other public official, referring or relating to retirement or pension benefits for GM or Delphi Corporation employees, between November 1, 2008 and March 31, 2010; and
4. All current collective bargaining agreements covering GM employees and those in force in 1999.

We respectfully request that you provide the requested information **no later than Wednesday, April 13, 2010**. Please note that, for purposes of responding to this request, the terms "records," "communications," and "referring or relating" should be interpreted consistently with the attached Definitions of Terms.

The Committee on Oversight and Government Reform is the main investigative committee in the U.S. House of Representatives. Pursuant to House Rule X, it has authority to investigate the subjects within the Committee's legislative jurisdiction as well as "any matter" within the jurisdiction of the other standing House Committees. This broad jurisdiction includes the oversight of Executive Branch operations and administrative functions.

If you have any questions regarding this request, please contact Christopher Hixon or Marvin Kaplan of the Committee Staff at (202) 225-5074.

⁶ U.S. Treasury Department Office of Financial Stability, "Troubled Asset Relief Program Transaction Report," (July 6, 2009), *available at* http://www.financialstability.gov/docs/transaction-reports/transactions-report_070609.pdf.

Sincerely,

David M. Jones

Andy J. Carter

John J. Dewey

Ken Burton

[Signature]

Brian P. Sullivan

Steve Chaffetz

Al Frake

Jim Jurb

Sam Schul

Symon A. [Signature]

Michael R. [Signature]

Definitions of Terms

1. The term "record" means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, interoffice and intra office communications, electronic mail (e-mail), contracts, cables, notations of any type of conversation, telephone call, meeting or other communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape or otherwise. A record bearing any notation not a part of the original text is to be considered a separate record. A draft or non-identical copy is a separate record within the meaning of this term.
2. The term "communication" means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether face-to-face, in a meeting, by telephone, mail, telexes, discussions, releases, personal delivery, or otherwise.
3. The terms "referring or relating," with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with or is in any manner whatsoever pertinent to that subject.