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REPORT
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REQUESTING THAT THE PRESIDENT TRANSMIT TO THE HOUSE OF REPRESENTATIVES ALL INFORMATION IN HIS POSSESSION RELATING TO SPECIFIC COMMUNICATIONS WITH CHRYSLER LLC ("CHRYSLER")

JUNE 12, 2009.—Referred to the House Calendar and ordered to be printed

Mr. WAXMAN, from the Committee on Energy and Commerce, submitted the following

R E P O R T

The Committee on Energy and Commerce, to whom was referred the resolution (H. Res. 462) requesting that the President transmit to the House of Representatives all information in his possession relating to specific communications with Chrysler LLC ("Chrysler"), having considered the same, report thereon without amendment and without recommendation.

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PURPOSE AND SUMMARY

H. Res. 462 requests the President, not later than 14 days after adoption of the resolution, to provide the House information relating to communications with Chrysler LLC. Specifically, the resolution seeks documents in the President's possession "referring or relating to scheduled Chrysler plant closings: (1) that were discussed as part of the required February 17, 2009, Chrysler viability determination filing; (2) that were identified in the March 30, 2009, announcement by the Administration; (3) that were prepared for the

11:30 a.m. conference call on April 30, 2009, between members of the President's Auto Task Force (hereafter in this resolution referred to as the "Task Force") and Members of Congress, including transcripts; (4) revealing the President's knowledge regarding such plant closings prior to March 30, 2009; (5) included in Chrysler's April 30, 2009, bankruptcy filing in New York; (6) that identifies who was aware of such plant closings that would be announced prior to April 30, 2009, among the Administration, Chrysler, the Task Force, and the International Union, United Automobile, Aerospace and Agricultural Implement Workers of America (also referred to as the "UAW"); and (7) the interaction and procedures for identifying the 789 Chrysler dealerships in the United States scheduled for closure, as announced on May 14, 2009."

BACKGROUND AND NEED FOR LEGISLATION

H. Res. 462 was introduced on May 20, 2009, by Rep. LaTourette (R–OH) and eight cosponsors. H. Res. 462 is a resolution of inquiry. Under clause 7 of rules XIII of the Rules of the House of Representatives, the Committee must act on such a resolution within 14 legislative days or a privileged motion to discharge the Committee is in order.

Under the rules and precedents of the House, a resolution of inquiry is one of the methods used by the House to obtain information from the executive branch. According to volume 7, chapter 24, section 8 of Deschler's Procedure, it is a "simple resolution making a direct request or demand of the President or the head of an executive department to furnish the House of Representatives with specific factual information in the possession of the executive branch."

On November 18, 2008, General Motors, Chrysler, and Ford appeared before Congress and requested $25 billion under the Troubled Asset Relief Program. Chrysler subsequently appeared before Congress on December 4, 2008, and asked for a $7 billion loan. On December 19, 2008, President George W. Bush announced emergency funds for General Motors and Chrysler under the Troubled Asset Relief Program. On February 17, 2009, Chrysler submitted its viability restructuring plan to the U.S. government, and on March 29, 2009, the White House Auto Task Force announced a 30-day deadline for Chrysler to finalize a partnership with Fiat. On April 30, 2009, Chrysler filed for bankruptcy under Chapter 11. On May 1, 2009, Chrysler announced that it will shut down eight plants permanently, and on May 14, 2009, Chrysler announced the termination of 789 dealerships.

The Committee is conducting oversight on issues relating to the restructuring of the auto industry, including a June 12, 2009, hearing by its Subcommittee on Oversight and Investigations on "GM and Chrysler Dealership Closures and Restructuring." Given these facts, the Committee approved filing this report on H. Res. 462 in the House without recommendation.

COMMITTEE HEARINGS

The Committee held no hearings on H. Res. 462.

COMMITTEE CONSIDERATION

The Committee on Energy and Commerce met in open session on Wednesday, June 10, 2009, and ordered H. Res. 462 reported to the House with no recommendation. No amendments were offered to the resolution.

COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires the Committee to list the record votes on the motion to report legislation and amendments thereto. A motion by Mr. Waxman to order H. Res. 462 reported to the House with no recommendation was agreed to by a voice vote. There were no record votes during consideration of the resolution.

APPLICABILITY OF LAW TO THE LEGISLATIVE BRANCH

The Committee finds that H. Res. 462 does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act of 1985.

STATEMENT OF OVERSIGHT FINDINGS AND RECOMMENDATIONS OF THE COMMITTEE

In compliance with clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the findings and recommendations of the Committee are reflected in the descriptive portions of this report.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

H. Res. 462 is intended to direct the President to furnish certain documents relating to scheduled Chrysler plant and dealership closure.

CONSTITUTIONAL AUTHORITY STATEMENT

The Committee finds that the clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, requiring a statement of constitutional authority for laws proposed by bills or joint resolutions, does not apply because H. Res. 462 is not a bill or joint resolution that may be enacted into law.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5 U.S.C. App., 5(b) of the Federal Advisory Committee Act were created by H. Res. 462.

FEDERAL MANDATES STATEMENT

The Committee states that H. Res. 462 contains no unfunded mandates.

EARMARKS AND TAX AND TARIFF BENEFITS

H. Res. 462 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI of the Rules of the House of Representatives.

COMMITTEE COST ESTIMATE

Pursuant to clause 3(d) of rule XIII of the Rules of the House of Representatives, the Committee estimates the costs of implementing the resolution would be minimal. The Congressional Budget Office did not provide a cost estimate for the resolution.

NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

Pursuant to clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee finds that H. Res. 462 would result in no new budget authority, entitlement authority, or tax expenditures or revenues.

SECTION-BY-SECTION ANALYSIS

H. Res. 462 requests the President to transmit to the House of Representatives, not later than 14 days after adoption of the resolution, all documents in his possession "referring or relating to scheduled Chrysler plant closings: (1) that were discussed as part of the required February 17, 2009, Chrysler viability determination filing; (2) that were identified in the March 30, 2009, announcement by the Administration; (3) that were prepared for the 11:30 a.m. conference call on April 30, 2009, between members of the President's Auto Task Force (hereafter in this resolution referred to as the "Task Force") and Members of Congress, including transcripts; (4) revealing the President's knowledge regarding such plant closings prior to March 30, 2009; (5) included in Chrysler's April 30, 2009, bankruptcy filing in New York; (6) that identifies who was aware of such plant closings that would be announced prior to April 30, 2009, among the Administration, Chrysler, the Task Force, and the International Union, United Automobile, Aerospace and Agricultural Implement Workers of America (also referred to as the "UAW"); and (7) the interaction and procedures for identifying the 789 Chrysler dealerships in the United States scheduled for closure, as announced on May 14, 2009."

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, the Committee states that this resolution does not change any existing federal statute.

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