



GM take on the pension liabilities for the Hourly *and* Salaried plans...GM has stated that it cannot assume responsibility for either the previously-agreed-to Hourly plan...or the Delphi's Salaried plan."<sup>2</sup> (Emphasis added.) Some documents show discussions about GM assuming both plans, while other documents reveal the plan to "top-up" only the union plans.

Treasury's production, however, does not contain contemporaneous communications showing how the discussion of terminating both plans moved to the option of funding (or assuming) both, to funding just one.

Treasury has also represented that it "did not authorize, approve, or consent to the PBGC's determination to terminate either pension plan," and "played an advisory role only."<sup>3</sup> However, e-mails produced to the Committee show Treasury officials were heavily involved in the decision through the convening of meetings, providing comments on draft settlement agreements and PBGC proposals, and conferring with GM and Delphi officials apart from PBGC. Due to Treasury's failure to comply with the document request, the full extent and propriety of Treasury's involvement is impossible to determine.

Seven weeks have passed since my August 13, 2012 request, yet Treasury has failed to fully explain its role in determining the fate of Delphi pensioners. My request was straightforward, seeking documents that likely have already been collected pursuant to Freedom of Information Act (FOIA) requests and Delphi-related civil litigation. As you are aware, responses to Congressional requests are not limited by FOIA exemptions or common law privileges, thus all documents should have been produced without redaction or limitation. I likewise requested a certification affirming that a diligent search had been performed and that all responsive documents were produced or described on a privilege log.<sup>4</sup> To date, neither a certification nor a privilege log has been provided. Without Treasury's production of the remaining documents in a timely fashion, I am left to conclude that the Department has chosen to deliberately hide documents from Congress and the American people.

I ask that you provide a complete production of all documents requested, without redaction, relevant to the Delphi hourly and salaried pensions or identify documents withheld in a privilege log. These documents should be provided no later than October 12, 2012. Additionally, I ask that you immediately make available to my investigative team Treasury officials involved in and with knowledge of Delphi pension discussions.

Sincerely,

  
Dave Camp  
CHAIRMAN

<sup>2</sup> PBGC produced the e-mail referenced. A diligent search of Treasury records produced suggests that its copy of the e-mail was withheld.

<sup>3</sup> Letter from Alastair M. Fitzpayne, Assistant Secretary for Legislative Affairs, Department of the Treasury, to Dave Camp, Chairman, House Committee on Ways and Means (Sept. 7, 2012).

<sup>4</sup> Attempts by Committee staff to confirm whether the Treasury Department plans to update their response have gone unanswered.

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