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AND THE WORKFORCE
U.S. HOUSE OF REPRESENTATIVES
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April 16, 2014

The Honorable Bill Haslam
Office of the Governor
1st Floor, State Capitol
Nashville, TN 37243

Dear Governor Haslam:

Pursuant to our oversight responsibilities on the U.S. House Committee on Education and the Workforce, we respectfully request information about whether any Tennessee state officials directly or indirectly conditioned, or threatened to condition, state aid to Volkswagen (VW) on the outcome of the efforts to establish a union and/or works council at the Chattanooga plant.

As you know, workers at the Chattanooga plant have sought union representation with the United Auto Workers (UAW) and the creation of a local works council, a labor relations model based on other VW plants around the world. A National Labor Relations Board election on February 12, 13, and 14, 2014, was intended to allow workers at the plant to freely choose whether to unionize, and ultimately bargain for a works council, which is a right guaranteed to them under federal law. Objections have been filed to that election, alleging the process was tainted by actions and statements of outside parties, including state officials.

Recent press reports suggest that Tennessee state officials may have conditioned state aid—a mix of cash, cash equivalents, and tax credits—for adding a new full-size sport utility vehicle line to the VW plant on the outcome of the workers' representation question. For example, a document prepared by state officials dated August 23, 2013, entitled "Project Trinity Final Summary of Incentives," proposes various cash grants, tax exemptions, and tax credits in support of the VW expansion and included a provision stating such aid was "subject to works council discussion between the State of Tennessee and VW being concluded to the satisfaction of the State of Tennessee."

In circumstances in which state aid has been conditioned or is threatened to be conditioned on the outcome of a question of workers' representation, Congress has a significant interest. Such state-level conditioning may undermine employees' federally-guaranteed freedom to choose

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whether or not to be represented by a union. The National Labor Relations Act (NLRA) establishes that it is the “policy of the United States” to encourage and protect the “exercise by workers of full freedom of association, self-organization, and designation of representatives of their own choosing, for the purpose of negotiating the terms and conditions of their employment or other mutual aid or protection.” The courts have recognized that, by enacting the NLRA, the federal government struck a particular balance in these rights to organize and collectively bargain and in labor relations generally, and that action by other governments to upset that balance is preempted by this federal law.

The U.S. Committee on Education and the Workforce has oversight and legislative jurisdiction over our nation’s labor laws. Our request is part of an inquiry to understand the extent to which the activities of Tennessee state officials may have undermined, or attempted to undermine, federal rights guaranteed to workers in Chattanooga.

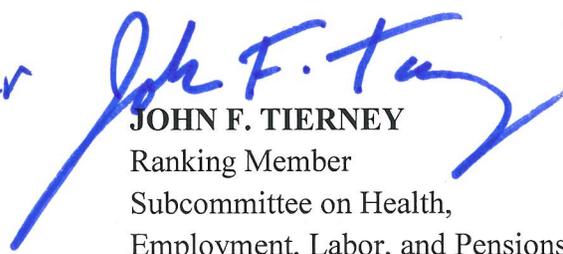
Attached is a detailed schedule of requested information. Please provide the requested information to us no later than 30 days after receipt of this letter. In responding to this information request, apply the instructions and definitions outlined in Attachment II.

Should you have any questions regarding our request, please contact us or direct your staff to coordinate your response with the committee’s staff, who can be reached at (202) 225-3725.

Sincerely,



GEORGE MILLER
Senior Democratic Member



JOHN F. TIERNEY
Ranking Member
Subcommittee on Health,
Employment, Labor, and Pensions

cc: Chairman John Kline
Chairman David P. Roe

Attachment

Attachment I

Schedule

All communications between the State and VW regarding the provision of state aid for the benefit or support of the Chattanooga VW plant, including the nature of the state aid and any direct or indirect conditions on such aid.

All communications between the State with third parties regarding provision of state aid for the benefit or support of the Chattanooga VW plant, including the nature of the state aid and any direct or indirect conditions on such aid.

All communications between state officials regarding provision of state aid for the benefit or support of the Chattanooga VW plant, including the nature of the state aid and any direct or indirect conditions on such aid.

A determination of whether any of the state aid offered, including the list of grants and other items on the "Project Trinity" document referenced above, included any federal dollars; and if so, how much.

Attachment II

Instructions & Definitions

In responding to this document request, please apply the instructions and definitions set forth below.

Instructions

1. Produce a copy of all responsive documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. Also produce documents that you have a legal right to obtain, that you have a right to copy, or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party.
2. If you know that any entity, organization, or individual denoted in this request has been, or is currently, known by any name other than that herein denoted, the request should be read also to include such alternative identification.
3. Produce each document sequentially date-stamped and in a form that renders the document capable of being copied.
4. Identify each item number in the Schedule to which each document is responsive.
5. Produce responsive documents together with copies of file labels, dividers or identifying markers with which they were associated when this request was issued.
6. Produce every responsive document even if another person or entity also possesses a non-identical or identical copy of the same document.
7. If any of the requested information is stored in machine-readable or electronic form (such as on a computer server, hard drive, CD, DVD, memory stick, or computer backup tape), you should consult with Committee counsel to determine the appropriate format in which to produce the information.
8. If any document responsive to this request was, but no longer is, in your possession, custody, or control, to the best that you are able, identify the document (stating its date, author, subject and recipients) and explain the circumstances by which the document ceased to be in your possession, custody, or control.
9. This request is continuing in nature and applies to any newly-discovered information. Any record, document, compilation of data, or information not produced because it has not been located or discovered by the return date should be produced immediately upon location or discovery subsequent thereto.

Definitions

1. The term “document” 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 calls, meetings or other communications, 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, voicemails, microfiche, microfilm, videotape, recordings and motion pictures), and electronic and mechanical records or representations of any kind (including, without limitation, tapes, cassettes, disks, computer server files, computer hard drive files, CDs, DVDs memory sticks, and recordings) and other written, printed typed, or other graphic or recorded matter of any kind of nature, however or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft of non-identical copy is a separate document within the meaning of this term.
2. The term “related,” 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.
3. The terms “you” or “your” refer to the entity to which the request is addressed, to the custodian of documents for the entity, or both, as the context most broadly construed allows or requires.
4. The terms “and” and “or” shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information which might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neuter genders.
5. The term “communication” means each manner or means of disclosure or exchange of information, regardless of the method used, 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.