

111TH CONGRESS
1ST SESSION

H. R. 2793

To require a report to the Congress from the Presidential Task Force on the Auto Industry regarding closings of vehicle dealerships in connection with the bankruptcies of Chrysler Corporation and General Motors Corporation, and to suspend imposition of withdrawal liability to multiemployer plans in connection with the closing of such dealerships (and to suspend the requirement for payment of existing withdrawal liability in connection with such closings) until 60 days after submission of such report.

IN THE HOUSE OF REPRESENTATIVES

JUNE 10, 2009

Mr. KLINE of Minnesota (for himself, Mr. WILSON of South Carolina, and Mrs. BACHMANN) introduced the following bill; which was referred to the Committee on Education and Labor, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To require a report to the Congress from the Presidential Task Force on the Auto Industry regarding closings of vehicle dealerships in connection with the bankruptcies of Chrysler Corporation and General Motors Corporation, and to suspend imposition of withdrawal liability to multiemployer plans in connection with the closing of such dealerships (and to suspend the requirement for payment of existing withdrawal liability in connection with such closings) until 60 days after submission of such report.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Auto Dealers’ Pension
5 Fairness Act of 2009”.

6 **SEC. 2. REPORT OF PRESIDENTIAL TASK FORCE ON THE**
7 **AUTO INDUSTRY REGARDING DEALERSHIP**
8 **CLOSINGS.**

9 (a) IN GENERAL.—Not later than 30 days after the
10 date of the enactment of this Act, the Presidential Task
11 Force on the Auto Industry shall submit a report to each
12 House of the Congress regarding the closing of vehicle
13 dealerships in connection with proceedings commenced
14 during 2009 under chapter 11 of title 11, United States
15 Code, with respect to Chrysler Corporation and General
16 Motors Corporation.

17 (b) MATTERS COVERED BY REPORT.—The report
18 submitted pursuant to subsection (a) shall—

19 (1) describe in detail the role of the Task Force
20 in negotiating, reviewing, approving, or relating in
21 any other respect to the plans of reorganization or
22 restructuring in connection with proceedings com-
23 menced during 2009 under chapter 11 of title 11,
24 United States Code, with respect to Chrysler Cor-
25 poration and General Motors Corporation,

1 (2) describe in detail any advice or direction
2 provided by the Task Force or any other involve-
3 ment of the Task Force with respect to determina-
4 tions of which vehicle dealerships of Chrysler Cor-
5 poration and General Motors Corporation were se-
6 lected for closure in connection with such plans of
7 reorganization or restructuring, and which were spe-
8 cifically selected for exemption from such closure,

9 (3) set forth any rationale or economic analyses
10 used by the Task Force in connection with its advice
11 or other involvement in determinations regarding the
12 closure of profitable vehicle dealerships in connection
13 with such reorganization or restructuring,

14 (4) set forth any assessment made by the Task
15 Force of the aggregate amount of withdrawal liabil-
16 ity which, by reason of the closure of vehicle dealer-
17 ships of Chrysler Corporation and General Motors
18 Corporation in connection with such plans of reorga-
19 nization or restructuring, has been and will be im-
20 posed under part 1 of subtitle D of title IV of the
21 Employee Retirement Income Security Act of 1974
22 on contributing sponsors owning or operating such
23 dealerships, and

24 (5) set forth any assessment made by the Task
25 Force of job losses and related economic impact ex-

1 pected to arise from such closure of such dealer-
2 ships.

3 (c) SUSPENSION OF WITHDRAWAL LIABILITY TO
4 MULTIEMPLOYER PLANS.—

5 (1) IN GENERAL.—During the period beginning
6 on the date of the enactment of this Act and ending
7 60 days after the date on which the report required
8 under subsection (b) is submitted to each House of
9 the Congress—

10 (A) no withdrawal liability may be imposed
11 pursuant to proceedings commenced under the
12 provisions of part 1 of subtitle D of title IV of
13 the Employee Retirement Income Security Act
14 of 1974 in connection with proceedings com-
15 menced during 2009 under chapter 11 of title
16 11, United States Code, by reason of the clos-
17 ing of an applicable vehicle dealership owned or
18 operated by any contributing sponsor, and

19 (B) any payment of withdrawal liability
20 imposed under such provisions prior to such pe-
21 riod on a contributing sponsor by reason of the
22 closing of an applicable vehicle dealership
23 owned or operated by such contributing sponsor
24 which would be payable (but for this sub-

1 section) during such period shall not be pay-
2 able.

3 (2) APPLICABLE VEHICLE DEALERSHIP.—For
4 purposes of this subsection, the term “applicable ve-
5 hicle dealership” means a vehicle dealership of
6 Chrysler Corporation or General Motors Corporation
7 which has been closed in 2009, or is scheduled dur-
8 ing 2009 for closure, in connection with any plan of
9 reorganization or restructuring in connection with
10 proceedings commenced during 2009 under chapter
11 11 of title 11, United States Code, with respect to
12 Chrysler Corporation or General Motors Corpora-
13 tion.

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