

United States Senate

WASHINGTON, DC 20510

September 19, 2019

The Honorable William P. Barr
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530

Dear Attorney General Barr:

Following this week's antitrust oversight hearing in the Senate Subcommittee on Antitrust, Competition Policy and Consumer Rights, we write to express our serious concerns regarding reports of a Justice Department antitrust investigation into four automakers that entered into an agreement with the California Air Resources Board (CARB) to set vehicle emission standards.

On September 6, the *Wall Street Journal* reported that the Justice Department had launched an investigation into whether Ford Motor Company, Honda Motor Company, BMW AG, and Volkswagen AG had violated federal antitrust law by agreeing with CARB to comply with vehicle emissions standards that are more stringent than those that the Trump Administration intends to impose. The same day, the Environmental Protection Agency (EPA) and the Department of Transportation (DOT) sent a letter to CARB suggesting that its agreement with the automakers "appears to be inconsistent with federal law."

A number of competition law experts have raised questions about why the Justice Department would examine this conduct, with one prominent antitrust law scholar suggesting that the investigation is likely "an attempt to placate an Administration angered by California's insistence on more stringent emission standards than the federal government requires."¹ This is troubling, as the Justice Department's investigatory and enforcement decisions should be based on an impartial analysis of the facts and the applicable antitrust law, and must be entirely free of improper political influence.

The appearance of inappropriate political influence is a serious matter, and the Department should take every step to remove any doubts about the impartiality of its prosecutorial decisions.

Accordingly, we respectfully request that the Justice Department provide responses to each of the following requests:

1. Please describe any efforts by the President, any employee of the White House, or any adviser to the President (either official or unofficial) to offer an opinion, provide information, inquire into deliberation, or otherwise exert influence over the Department of Justice regarding any investigation into Ford Motor Company, Honda Motor

¹ Herbert Hovenkamp, "Are Regulatory Agreements to Address Climate Change Anticompetitive?," *The Regulatory Review* (Sept. 11, 2019), at <https://www.theregreview.org/2019/09/11/hovenkamp-are-regulatory-agreements-to-address-climate-change-anticompetitive/>.

Company, BMW AG, or Volkswagen AG relating to any agreements or discussions with CARB regarding California vehicle emissions standards.

2. Please describe any contacts between the President, any employee of the White House, or any adviser to the President (either official or unofficial) with the Department of Justice regarding any investigation into Ford Motor Company, Honda Motor Company, BMW AG, or Volkswagen AG relating to any agreements or discussions with CARB regarding California vehicle emissions standards. If any such contacts are documented in writing, please provide copies.
3. Please describe any contacts between any official or employee of the EPA or DOT with the Department of Justice regarding any investigation into Ford Motor Company, Honda Motor Company, BMW AG, or Volkswagen AG relating to any agreements or discussions with CARB regarding California vehicle emissions standards. If any such contacts are documented in writing, please provide copies.
4. Did you or any other Department of Justice official with responsibility over the Antitrust Division instruct the Antitrust Division to initiate an investigation into any automaker relating to any agreements or discussions with CARB regarding California vehicle emissions standards?
5. Please provide copies of any correspondence between the Department of Justice and Ford Motor Company, Honda Motor Company, BMW AG or Volkswagen AG relating to any investigation into automakers' agreements or discussions with CARB regarding California vehicle emissions standards.

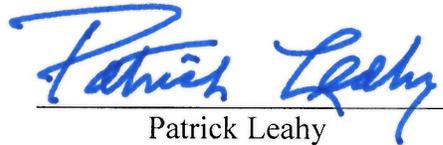
The public should be able to trust that federal law enforcement is impartial and free of political influence.

Thank you for your prompt attention to this request.

Sincerely,



Amy Klobuchar
United States Senator



Patrick Leahy
United States Senator



Sheldon Whitehouse
United States Senator



Richard Blumenthal
United States Senator