

ONE HUNDRED TWELFTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON ENERGY AND COMMERCE
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October 12, 2011

The Honorable Cliff Stearns
Chairman
Subcommittee on Oversight and Investigations
House Committee on Energy and Commerce
2125 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Stearns:

We are writing to express our concern with your decision not to invite a representative from the Department of Energy to Friday's hearing on Solyndra.

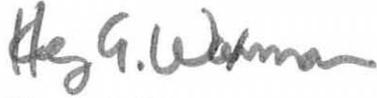
A major purpose of Friday's hearing appears to be to examine whether the Department of Energy (DOE) should have consulted with the Department of Justice (DOJ) when restructuring the government loan to Solyndra in February 2011. This issue was raised in a February 10, 2011, email produced to the Committee last Friday, where an official from the Department of the Treasury inquired whether DOE needed DOJ approval before approving a restructuring agreement that subordinated the government position. It was also raised in an email dated August 17, 2011, where another Treasury Department official tells an OMB official that Treasury had recommended that DOE seek DOJ's approval of proposed restructuring in February 2011.

You have invited representatives of the Department of the Treasury to testify on Friday about these emails. We believe that DOE should also be represented. DOE lawyers looked closely at the legal authority issues. To understand the communications between Treasury and DOE and DOE's legal analysis regarding subordination, the Subcommittee should have both Department of Energy and Treasury representatives at the witness table on Friday.

We therefore respectfully request that the Subcommittee invite an appropriate DOE representative to the hearing on Friday. If it is not possible to have both representatives testify together on Friday, we suggest that you postpone the hearing until both witnesses can appear.

The Honorable Cliff Stearns
October 12, 2011
Page 2

Sincerely,



Henry A. Waxman
Ranking Member



Diana DeGette
Ranking Member
Subcommittee on Oversight
and Investigations

cc: The Honorable Fred Upton
Chairman
Committee on Energy and Commerce