

ONE HUNDRED TWELFTH CONGRESS  
**Congress of the United States**  
**House of Representatives**  
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**Opening Statement of Rep. Henry A. Waxman**  
**Ranking Member, Committee on Energy and Commerce**  
**“The Department of Energy’s Role in Managing Civilian Radioactive Waste”**  
**Subcommittee on Environment and the Economy**  
**June 1, 2011**

Mr. Chairman, I am a strong advocate for serious oversight. Throughout my service on the Committee on Oversight and Government Reform and this Committee, I have led numerous investigations into governmental agencies, private companies, and entire industrial sectors. I take the role of congressional investigator very seriously.

Today this Committee is holding its second hearing on the decision to shut down the Yucca Mountain waste repository project. Questions have been raised about this decision and I support a fair and impartial inquiry.

But that does not appear to be what this Committee is doing.

Even before the Committee launched its investigation, Chairman Shimkus had apparently already reached his own conclusions.

In January, the Chairman told *The Hill* that he wanted to ask questions about whether the decision to “pull the plug” on Yucca Mountain was “all politics.” He stated that he thought people already knew the answer to that question, but “you should go through the process of asking the questions.”

Then, last month, he called the decision to halt the Yucca Mountain license application and review “politics at its worst at its highest levels.” Full Committee Chairman Upton has made similar comments.

A congressional investigation should be a genuine inquiry, not a process of asking questions to reach a predetermined conclusion.

At our first hearing, Chairman Shimkus tried to prevent members from asking relevant and important questions. Then he made baseless and offensive allegations when I insisted on my right to question the NRC Chairman, Gregory Jaczko.

The latest affront to fairness is the effort to prevent Democratic staff from attending Committee interviews of fact witnesses. Ranking Member Green and I wrote a letter today to

Chairmen Upton and Shimkus protesting this new policy, which I ask to be made part of the hearing record.

Excluding Democratic staff from Committee interviews is inappropriate and inconsistent with Committee precedents. The practice denies nearly half the members of the Committee equal access to relevant information about the investigation. It wastes taxpayer resources by necessitating duplicative interviews. And it calls into question the basic fairness and credibility of the Committee's inquiry.

In my long oversight experience, I have encountered only one chairman who tried to exclude minority staff from interviews of fact witnesses, and even he relented and allowed minority participation after I protested the exclusion. I do not believe the Dan Burton model is one this Committee should emulate.

Our job should be to keep an open mind in the investigation and follow the facts where they lead. If the evidence shows that the Energy Department decided to close Yucca Mountain for invalid reasons, we should not hesitate to be critical. But we should also not prejudge the facts or use unfair and partisan procedures – such as excluding Democratic staff from interviews – in conducting this investigation.

Mr. Chairman, we are still in the early stages of this investigation. I hope we can resolve these procedural differences so we can focus on the work of the investigation.

And I hope this hearing – and the witnesses we will hear from today – will help get us back on track.