

ONE HUNDRED TWELFTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON ENERGY AND COMMERCE
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Opening Statement of Rep. Diana DeGette
Ranking Member, Subcommittee on Oversight and Investigations
Business Meeting “To Consider a Motion Authorizing the Issuance of a Subpoena for OMB
Records relating to DOE Loan Guarantee to Solyndra”
Subcommittee on Oversight and Investigation
July 14, 2011

Today, we are voting to issue a subpoena to OMB for documents relating to its review of a DOE loan guarantee issued to Solyndra, a solar panel company, in 2009. This subpoena is wholly unnecessary, since OMB continues to work with and provide requested information to the Committee.

I agree with the Chairman that this loan guarantee program is a legitimate subject of Subcommittee oversight. And I agree that the Committee has broad rights to the documents regarding this loan. But today’s subpoena – the first to be issued by this Committee in this Congress – is premature and partisan. The Subcommittee has not yet built the case that it is necessary.

OMB has not given the Committee 100% of what it wants but they have acted in good faith to meet the Committee’s needs.

- On April 11, OMB provided a detailed staff briefing to answer Committee questions on Solyndra.
- On April 27 and, again, on June 7, OMB provided *in camera* reviews of additional documents.
- In June 2011, in response to a Committee request, OMB agreed to provide a witness at a hearing – though the majority’s response was to hold the hearing on a date when the witness was unable to attend and then stage an “empty chair” hearing – opting for cheap theatre over actual fact-finding.
- And on July 11 – this past Monday – OMB provided the Committee with an additional *in camera* review of detailed communications between OMB and DOE and between OMB and Solyndra, while promising to work with the Committee to provide additional specific information as necessary.

But less than 24 hours later, the majority announced that they would pursue a subpoena.

Mr. Chairman, it is important to note that none of the documents provided to the Committee suggest any impropriety or wrongdoing on behalf of OMB and DOE. That's why the majority's actions suggest a fundamental misunderstanding of how the subpoena process should work. The majority seems to believe that because the documents they have reviewed don't show any evidence of wrongdoing, they need to issue a subpoena to find evidence to justify issuing it. This "shoot first, aim later" approach makes absolutely no sense. It makes this investigation appear to be a fishing expedition instead of a legitimate fact-finding exercise.

The majority's refusal to attempt to make any accommodations for OMB is inconsistent with how this Committee has previously conducted oversight. In the past, we have made accommodations, to ensure that the Committee's interest in obtaining necessary documents is balanced against the interests of the producing party. And in his two years as chairman of this committee, Congressman Waxman did not issue a single partisan subpoena. Both of those precedents are in danger today.

I am disappointed that the Committee has decided to proceed with an unnecessary and partisan subpoena. Mr. Chairman, this Committee can and should do a better and more careful job of conducting oversight.