

ONE HUNDRED TWELFTH CONGRESS
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House of Representatives
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Opening Statement of Rep. Henry A. Waxman
Ranking Member, Committee on Energy and Commerce
Hearing on “The Continuing Developments in the Solyndra Loan Investigation”
Subcommittee on Oversight and Investigations
October 14, 2011

After the Subcommittee’s last hearing on Solyndra, Ranking Member DeGette and I wrote Chairman Upton to request that the Committee hold hearings on the effectiveness of U.S. policies in promoting clean energy. We asked the Committee to examine what steps our nation needs to take to make sure that we do not cede the clean energy market to China and other countries.

No such hearings have been scheduled. In fact, the Subcommittee Chairman told the media last week that the United States “can’t compete with China to make solar panels and wind turbines.”

I cannot disagree more strongly with the Chairman’s statement. The clean energy economy will be the growth industry of this century. We will lose millions of jobs if we give up this industry to China. We can out-compete China. But to do so, we have to reject the defeatist, anti-science, anti-progress, anti-jobs views of those who oppose investments in clean energy.

Instead of helping America lead the world in clean energy, the Republican-controlled House is doing everything possible to maintain our addiction to fossil fuels and cripple renewable energy companies. Republicans voted against putting a price on carbon pollution, which would have created market opportunities for clean energy. Republicans voted to slash funding for research and development into new clean energy technologies. And now Republicans are opposing government investments in solar, wind, and other clean energy companies.

This agenda may be good for the oil companies; it may be good for the coal companies; but it is terrible for the American people and our economy.

This hearing is supposed to be about whether the Department of Energy had legal authority to subordinate the government’s loan to Solyndra when the loan was restructured earlier this year.

But it is a rigged proceeding.

The Chairman has invited witnesses from the Treasury Department who raised questions about DOE's legal authority. That's appropriate. Members should have a chance to hear from the Treasury witnesses and why they had concerns.

But we should also have a chance to hear from DOE. The Energy Department disagreed with Treasury, so they were not allowed to testify. We are going to get only one side of the story. That's no way to run an investigation.

And it gets worse.

The Committee has received a six-page document from the Department of Energy that explains the Department's legal rationale for subordination. We asked last week if the majority would object if we released this document so the public could understand DOE's rationale. The majority objected. They did not want the public to see DOE's explanation.

On Wednesday, the Democratic staff asked the Republican staff if there would be an objection if we included a discussion of the DOE legal memorandum in the background memorandum we provide to Democratic members. Again, the Republicans objected. They asked us to withhold this critical information – DOE's legal rationale for its actions – from our own members.

And yesterday, the Republicans said they don't believe this memo should be made public at this time.

This investigation is beginning to resemble a kangaroo court. At our last hearing, witnesses who asserted their lawful constitutional rights were publicly humiliated. And now the Republican majority is withholding exculpatory information from the public.

I don't object to an investigation into Solyndra. Based on the record to date, I don't see evidence of wrongful conduct by government officials, just a bad investment decision. But as I have repeatedly said, I support a fair and thorough investigation. If mistakes were made with taxpayer money, we should understand them and take steps to prevent them in the future.

But our investigation needs to be fair. Humiliating witnesses is not fair. Preventing the Department of Energy from testifying is not fair. Suppressing exculpatory evidence is not fair.

Mr. Chairman, I believe you are a fair man. But you are not conducting this investigation fairly and impartially, and I hope you will reconsider.