SUBPOENA

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES OF THE CONGRESS OF THE UNITED STATES OF AMERICA

To MR. JACOB LEW, DIRECTOR, THE OFFICE OF MANAGEMENT AND BUDGET

You are hereby commanded to be and appear before the Committee on Energy and Commerce
Subcommittee on Oversight and Investigations
of the House of Representatives of the United States at the place, date and time specified below.

☐ **to testify** touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of testimony: _____

Date: _____ Time: _____

☑ **to produce the things identified on the attached schedule** touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of production: 2125 Rayburn House Office Building, Washington, DC

Date: July 22, 2011 Time: 12:00 PM

To United States Marshals Service or any authorized staff member

_____ to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 15 day of July, 2011.

Fred Upton
Chairman or Authorized Member

Attest: Karen L. Haas
Clerk

PROOF OF SERVICE

Subpoena for
MR. JACOB LEW, DIRECTOR, THE OFFICE OF MANAGEMENT AND BUDGET

Address 725 17th STREET, NW, WASHINGTON, DC 20503

before the Committee on Energy and Commerce

Subcommittee on Oversight and Investigations

U.S. House of Representatives
112th Congress

Served by (print name) ALAN M. SLOBODIN

Title CHIEF INVESTIGATIVE COUNSEL

Manner of service FAX

Date JULY 15, 2011

Signature of Server Alan M. Slobodin

Address 2125 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, D.C. 20515

Attachment to Subpoena

[Mr. Jacob Lew, The Office of Management and Budget]

Documents to be Produced

1. All documents in possession of the Office of Management and Budget relating to the $535 million loan guarantee issued to Solyndra, Inc., by the Department of Energy including, but not limited to, notes, analyses, reports, memoranda, and all drafts of such documents.

2. All documents containing communications (including, but not limited to, letters and email) between and among the offices, subdivisions, entities, officials, administrators, employees, attorneys, agents, advisors, consultants, staff, of the Office of Management and Budget relating to the $535 million loan guarantee issued to Solyndra, Inc., by the Department of Energy.

3. All documents containing communications (including, but not limited to, letters and email) between the Office of Management and Budget and the Department of Energy relating to the $535 million loan guarantee issued to Solyndra, Inc., by the Department of Energy.

4. All documents containing communications (including, but not limited to, letters and email) between the Office of Management and Budget and the White House (including, but not limited to, the White House Office of Energy and Climate Change Policy, the Council on Environmental Equality, and the National Economic Council) relating to the $535 million loan guarantee issued to Solyndra, Inc., by the Department of Energy.

Instructions

1. The relevant time period for above-referenced documents is January 1, 2008, to the present.

2. In complying with this subpoena, you are directed to produce all responsive documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. You are also directed to produce records that you have a legal right to obtain, that you have a right to copy or to which you have access, as well as records that you have placed in the temporary possession, custody, or control of any third party.

3. No records, documents, data or information called for by this request shall be destroyed, modified, removed, transferred or otherwise made inaccessible to the Committee on Energy and Commerce.

4. In the event that any entity, organization or individual denoted in this subpoena has been, or is also known by any other name than that herein denoted, the subpoena shall be read also to include them under that alternative identification.

5. Each document produced shall be produced in a form that renders the document capable of being copied.

6. Documents produced in response to this subpoena shall be produced together with copies of file labels, dividers or identifying markers with which they were associated when this subpoena was served. To the extent that documents were not stored with file labels, dividers, or identifying markers, they shall be organized into separate folders by subject matter prior to production

7. All documents, or groups of documents, produced shall be identified by the paragraph number in the Attachment to the subpoena to which the documents, or groups of documents, are responsive.

8. It shall not be a basis for refusal to produce documents that any other person or entity also possesses non-identical or identical copies of the same document.

9. If any of the subpoenaed information is available in machine-readable or electronic form (such as on a computer server, hard drive, CD, DVD, memory stick, or computer back-up tape), you shall consult with Committee staff to determine the appropriate format in which to produce the information. Documents produced in electronic format shall be organized, identified, and indexed electronically in a manner comparable to the organizational structure called for in Paragraph 6 above. Documents produced in an electronic format shall also be produced in searchable format.

10. If compliance with the subpoena cannot be made in full, compliance shall be made to the extent possible, and your production shall be accompanied by a written explanation of why full compliance is not possible.

11. In the event that a document is withheld on any basis, provide the following information concerning each and every such document withheld from production: (a) the reason the document is not being produced; (b) type of document; (c) general subject matter; (d) date, author and addressee; and (e) relationship of author and addressee to each other.

12. If any document responsive to this subpoena was, but no longer is, in your possession, custody, or control, identify the document (stating its date, author, subject and recipient(s)) and explain the circumstances by which the document ceased to be in your possession, custody, or control.

13. If a date or other descriptive detail set forth in this subpoena referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, you should produce all documents which would be responsive as if the date or other descriptive detail were correct.

14. This request is continuing in nature and applies to any newly-discovered information. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date, shall be produced immediately upon location or discovery subsequent thereto.

15. All documents shall be bates-stamped sequentially and produced sequentially.

16. Two sets of responsive records shall be produced, one set to the Majority staff and one set to the Minority staff. The Majority set shall be delivered to Majority staff in Room 2125 of the Rayburn House Office Building and the Minority set shall be delivered to the Minority staff at 2322-A Rayburn House Office Building. You shall consult with the Committee staff regarding the method of delivery prior to sending any material.

17. Upon completion of the document production, you should submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control which reasonably could contain responsive documents; (2) documents responsive to the request have not been destroyed, modified, removed, transferred, or otherwise made inaccessible to the Committee since the date of receiving the Committee's request or in anticipation of receiving the Committee's request, and (3) all documents identified during the search that are responsive have been produced to the Committee, identified in a privilege log provided to the Committee, as described in Paragraph 11 above.

Definitions

1. The term "document" means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, interoffice and intra-office communications, electronic mail ("e-mail"), instant messages, calendars, contracts, cables, notations of any type of conversation, telephone call, meeting or other communication, bulletins, printed matter, computer printouts, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, power point presentations, spreadsheets, and work sheets. The term "document" includes all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments to the foregoing, as well as any attachments or appendices thereto. The term "document" also means any graphic or oral records or representations of any kind (including, without limitation, photographs, charts, graphs, voice mails, microfiche, microfilm, videotapes, recordings, and motion pictures), electronic and mechanical records or representations of any kind (including, without limitation, tapes, cassettes, disks, computer server files, computer hard drive files, CDs, DVDs, back up tape, memory sticks, recordings, and removable computer media such as thumb drives, flash drives, memory cards, and external hard drives), and other written,

printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, electronic format, disk, videotape or otherwise. A document bearing any notation not part of the original text is considered to be a separate document. A draft or non-identical copy is a separate document within the meaning of this term.

2. The term "documents in your possession, custody or control" means (a) documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, or representatives acting on your behalf; (b) documents that you have a legal right to obtain, that you have a right to copy, or to which you have access; and (c) documents that have been placed in the possession, custody, or control of any third party.

3. The term "communication" means each manner or means of disclosure, transmission, or exchange of information, in the form of facts, ideas, opinions, inquiries, or otherwise, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether face-to-face, in a meeting, by telephone, mail, e-mail, instant message, discussion, release, personal delivery, or otherwise.

4. The terms "and" and "or" should be construed broadly and either conjunctively or disjunctively as necessary to bring within the scope of this request any information which might otherwise be construed to be outside its scope. The singular includes the plural number, and vice versa. The masculine includes the feminine and neuter genders.

5. The terms "person" or "persons" mean natural persons, firms, partnerships, associations, limited liability corporations and companies, limited liability partnerships, corporations, subsidiaries, divisions, departments, joint ventures, proprietorships, syndicates, other legal, business or government entities, or any other organization or group of persons, and all subsidiaries, affiliates, divisions, departments, branches, and other units thereof.

6. The terms "referring" or "relating," with respect to any given subject, mean anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with, or is in any manner whatsoever pertinent to that subject.

7. The term "Office of Management and Budget" means and refers to any of its offices, subdivisions, entities, officials, administrators, employees, attorneys, agents, advisors, consultants, staff, or any other persons acting on behalf or under the control or direction of the OMB.

8. The term "White House" means and refers to any its offices, subdivisions, entities, officials, administrators, employees, attorneys, agents, advisors, consultants, staff, or any other persons acting on behalf or under the control or direction of the OMB.

9. The term "Department of Energy" means and refers to any of its offices, subdivisions, entities, officials, administrators, employees, attorneys, agents, advisors, consultants,

staff, or any other persons acting on behalf or under the control or direction of the Department of Energy.

10. The terms "you" or "your" mean and refers to

    For government recipients:

    "You" or "your" means and refers to you as a natural person and the United States and any of its agencies, offices, subdivisions, entities, officials, administrators, employees, attorneys, agents, advisors, consultants, staff, or any other persons acting on your behalf or under your control or direction; and includes any other person(s) defined in the document request letter.