

**Opening Statement of the Honorable Cliff Stearns
Chairman, Subcommittee on Oversight and Investigations
Business Meeting – White House Subpoenas
Thursday, November 3**

The purpose of today's business meeting is to authorize the issuance of two subpoenas to the White House and the Office of the Vice President for documents relating to the DOE loan guarantee to Solyndra, Inc. This is only the second time this Subcommittee has considered a resolution authorizing a subpoena in this Congress. Earlier this year, OMB repeatedly failed to cooperate with our investigation and we agreed to put off a vote on that subpoena because we were assured that engaging in a dialogue with the Administration and the Minority would resolve all of the problems without the need to resort to a subpoena. But that was just a stalling tactic, and we were forced to issue a subpoena several weeks later. Unfortunately, the same continued uncooperative conduct by the Administration has necessitated today's vote.

On September 1, 2011, this Committee requested documents from the White House Counsel relating to the Solyndra loan guarantee. Specifically, the Committee asked the White House to produce: all documents containing communications relating to Solyndra between the White House and Solyndra, and between the White House and Solyndra's investors.

Two weeks later, the White House began to produce select communications, which revealed that senior advisors in the West Wing were monitoring and discussing Solyndra. Based on these documents, we sent a second request to the White House Counsel on October 5 for all internal communications relating to Solyndra. We requested that they engage in a dialogue with us about how best to manage the production of documents. Instead, the White House Counsel's office waited until October 14 to respond, informing us in a letter that in the opinion of the White House, the Committee didn't need to see such documents.

On October 18, the Committee staff informed the Counsel's office that it needed to invoke a valid privilege or produce the responsive documents. When asked again to contact Committee staff in order to start a dialogue on this issue, the White House Counsel's office refused to engage in any discussion. One week later, on October 25, the White House Counsel sent another non-responsive letter to the Committee, again refusing to produce the documents, because, in the Administration's opinion, the Committee did not need to see such documents.

Only after repeated failed attempts to engage the White House did the Committee notify the White House and the Administration that it intended to notice a business meeting to discuss the possible issuance of subpoenas to obtain the requested information. This finally got the attention of the White House Counsel and we met with her yesterday. Unfortunately, the White House was unable, or unwilling, to answer even the most basic questions: Do you have any responsive documents? Are you going to be asserting executive privilege? What quantity of documents do you have? Have you conducted an internal investigation to inform us as to what types of documents you have? Without the answers to these questions, it is nearly impossible to narrow or limit the scope of our requests.

As the President himself has stated: “The Government should not keep information confidential merely because public officials might be embarrassed by disclosure, because errors and failures might be revealed, or because of speculative or abstract fears.”

I regret that we have reached this place. The Committee has been investigating this for over 8 months and has clearly established the legitimacy of our investigation. Two of the first three companies to receive loan guarantees have now filed for bankruptcy protection. And just yesterday, the DOE IG stated in his Congressional testimony that the loan guarantee program has been badly mismanaged. He testified that the Loan Guarantee Program office could not: “readily demonstrate how it resolved or mitigated relevant risks prior to granting loan guarantees.” This is extremely troubling. We have a right to know who was involved and what decisions were made and why. At this point in time, I am not confident that we will have a good faith response from the White House without issuing a subpoena.

The Committee does not take this action lightly. Voting to authorize this subpoena is a necessary step in carrying out this Committee’s constitutional obligations. We simply cannot allow the executive branch at its highest levels to pick and choose what they will produce, or whether they will produce anything at all. Keeping documents confidential because “public officials might be embarrassed by disclosure” or “because errors and failures might be revealed” is inexcusable. The American people demand more. We have a Constitutional duty to pursue this important investigation of the DOE loan guarantee program to further our legitimate role in conducting oversight over how the executive branch has spent the taxpayer’s money.

The Committee needs to better understand what the White House's involvement was with regard to Solyndra's loan guarantee. If the White House has nothing to hide, they should cooperate with this investigation and produce the documents. I believe the President owes it to the American people to explain in detail what happened to their tax money.