

Congress of the United States
House of Representatives
Washington, DC 20515

January 24, 2002

The Honorable David M. Walker
Comptroller General
U.S. General Accounting Office
441 G Street, N.W.
Washington, D.C. 20548

Dear Mr. Walker:

On April 19, 2001, we wrote to you to request an investigation of the process by which the National Energy Policy was developed. Specifically, we asked that you review records of all meetings of the Energy Task Force (formally known as the National Energy Policy Development Group (NEPDG)) chaired by Vice President Cheney.

On May 10, 2001, you wrote to us agreeing to conduct such an inquiry and began to seek records and interviews with Administration officials. Unfortunately, since your inquiry began, you have received virtually no cooperation from the Administration. You twice have been asked by the Vice President's lawyer to provide legal justifications for your inquiry, which you did on both June 1, 2001, and June 22, 2001. Finally, in the face of the Vice President's refusal to cooperate with your investigation you sent him a "Demand Letter" on July 18, 2001, enumerating the specific records that you were seeking. On August 2, 2001, Vice President Cheney wrote to Congress to explain he was not going to comply with your request and laying forth his reasons.

On August 6, 2001, you issued a statement noting that you had attempted to speak with the Vice President without success. You stated, "We will continue to attempt to resolve this matter in a reasonable and timely manner. However, if necessary, we are prepared to issue a formal report on this matter to Congress, the President, and other executive branch officials to obtain the information we are seeking." That report would serve as a preface to a possible suit by GAO.

On August 17, 2001, you issued that report. As stipulated in 31 U.S.C. § 716, the report was filed with the President and Congress. This represents just the fifth such report that GAO has issued in the 21 years since § 716 was enacted, and it is the first report regarding non-cooperation by the President or Vice-President.

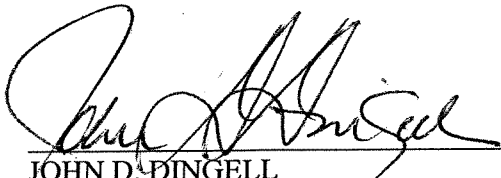
We commend you for your efforts to resolve this matter through negotiation. It is now clear to us, however, that the Vice President has expressed no intention of cooperating with your investigation. As a result, we urge you to proceed with a lawsuit at this time.

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The need to obtain the information we requested has only increased over time, particularly with recent questions concerning the influence of officials of Enron in the development of the National Energy Policy. In addition, consideration in the Senate of comprehensive energy legislation is likely in the near future, and several Senators have indicated an interest in the information.

We have discussed with you the importance of this investigation as well as the precedents which are being established. We continue to prefer the voluntary cooperation of the Vice President, but since it appears not to be forthcoming, we call on you to bring this lawsuit to resolve this matter.

Sincerely,



JOHN D. DINGELL
RANKING MEMBER
COMMITTEE ON ENERGY AND COMMERCE



HENRY A. WAXMAN
RANKING MEMBER
COMMITTEE ON GOVERNMENT REFORM