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Comptroller General
of the United States

United States General Accounting Office
Washington, DC 20548

B-287944

July 18, 2001

The Vice President of the United States

Dear Mr. Vice President:

Pursuant to 31 U.S.C. §§ 712 and 717, we are reviewing the process by which the National Energy Policy was developed. Our study focuses on factual information, not the deliberative process, regarding how the policy was developed, including the participants, meetings held, their purpose, information gathered, and costs incurred. To date, our request for access to records necessary to do our work has been denied by your Office.

The purpose of this letter is to demand full and complete access, under 31 U.S.C. § 716(b), to records relating to the development of the Administration's National Energy Policy. Specifically, we request records that are responsive to the five questions in our June 1, 2001 letter to your counsel, Mr. David Addington:

1. Your counsel identified nine meetings conducted by the National Energy Policy Development Group (NEPDG) in his May 4, 2001, letter to the Chairmen and Ranking Minority Members of the House Committee on Energy and Commerce and the House Committee on Government Reform (hereinafter May 4 letter). We request records providing the names of the attendees for each meeting, their titles, and the office represented.

2. In the May 4 letter, your counsel indicated that six professional staff, referred to as the group support staff, were assigned to the Office of the Vice President to provide support to the NEPDG. We request records providing their names, titles, the office each individual represented, the date on which each individual began working for such office, and the responsibilities of the group support staff.

3. In the May 4 letter, your counsel indicated that various members of the group support staff met with many individuals to gather information relevant to the NEPDG work. We request records providing the following information with regard to each of these meetings: (a) the date and location, (b) any person present, including his or her name, title, and office

or clients represented, (c) the purpose and agenda, (d) any information presented, (e) minutes or notes, and (f) how members of the NEPDG, group support staff, or others determined who would be invited to the meetings.

4. We request records providing the following information with regard to any meetings the Vice President as chair of the NEPDG had with individuals to gather information relevant to the NEPDG: (a) the date and location, (b) any person present, including his or her name, title, and office or clients represented, (c) the purpose and agenda, (d) any information presented, (e) minutes or notes, and (f) how the Vice President or others determined who would be invited to the meetings.

5. We request any records containing information about the direct and indirect costs incurred in the development of the National Energy Policy. To date, we have been given 77 pages of miscellaneous records purporting to relate to these direct and indirect costs. Because the relevance of many of these records is unclear, we continue to request all records responsive to our request, including any records that clarify the nature and purpose of the costs.

We undertook this review at the request of Representatives John D. Dingell and Henry A. Waxman, Ranking Minority Members of the House Committee on Energy and Commerce and the House Committee on Government Reform, respectively. It has now been more than two months since we initiated contact with your Office on this review. On May 8, 2001, GAO requested an initial meeting with officials in the Office of the Vice President to discuss our review. On May 16, Mr. Addington sent a letter to GAO questioning the appropriateness of GAO's review, expressing reluctance to supply the information requested, and asking for a statement of GAO's legal authority to conduct the audit. We responded on June 1 that the inquiry was consistent with our authorities and asked for access to records containing the information set forth above. In a June 7 letter, Mr. Addington again questioned our authority to do this review, and in our June 22 reply we explained our statutory authorities in detail. We also repeated our request for information relevant to our study. Subsequent discussions with representatives of the White House Counsel's Office and the Department of Justice have failed to resolve the issue.

GAO has clear authority to conduct this review under 31 U.S.C. §§ 712 and 717. We have a statutory right of access under 31 U.S.C. § 716(a) to the records we have

requested. Pursuant to 31 U.S.C. § 716(b), you are required to respond to this request within 20 days. The law further requires that if full access to the requested records is not granted, you must furnish a description of any information withheld and state the reasons for withholding the information.

Respectfully yours,

David M. Walker
Comptroller General
of the United States

cc: Chairman and Ranking Minority Member
Committee on Energy and Commerce
House of Representatives

Chairman and Ranking Minority Member
Committee on Government Reform
House of Representatives

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