

We should preserve it, instead, as the magnificent wilderness it has always been, and must always be.

HONORING RICHARD COWAN FOR  
HIS CONTRIBUTIONS TO LEGAL  
ASSISTANCE FOR SENIORS

**HON. FORTNEY PETE STARK**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 13, 2003*

Mr. STARK. Mr. Speaker, I rise today to honor the accomplishments of Richard Cowan, Executive Director of Legal Assistance for Seniors (LAS) and its well-known Health Insurance Counseling and Advocacy Program (HICAP). HICAP's health insurance counseling program provides the local assistance seniors need to make sure Medicare works for them.

With a leadership style of humor and compassion, Richard Cowan has steered LAS and HICAP through a major growth in services, outreach, and budget during his nine-year tenure as Executive Director. The agency's size has quadrupled under Cowan's leadership, and the legal staff has increased from six attorneys to thirteen.

Richard Cowan worked to develop Healthy Seniors, a program that unites the work of LAS and HICAP, and he led the Senior Immigrant Legal Services Project. He advocated for the Elder Abuse Prevention and Grandparent/Kin Caregiver programs and strengthened the agency's ties throughout Alameda County's senior, social services, health, and legal networks.

He spearheaded development of several LAS newsletters, and expanded LAS's funding resources to include over 30 major individual donors and firm contributors. Also, Cowan oversaw the hiring of a diverse LAS staff, which has the capability to assist clients in eight languages. He was a founding member of Alameda County Senior Services Coalition and Save Oakland Seniors, two groups dedicated to advocating for increased senior services.

Prior to joining LAS, Richard Cowan was Executive Director of the Conciliation Forums of Oakland, a citywide dispute resolution center, for six years, and interim Executive Director of the Volunteer Centers of Alameda County for one year. He earned his Bachelor of Arts, Master of Arts, and Masters of Public Health degrees from the University of California, Berkeley.

I am honored to join the colleagues of Richard Cowan in commending him for his years of exemplary leadership at Legal Assistance for Seniors. I have great respect for the work of Mr. Cowan and this organization. Under his direction, Legal Assistance for Seniors has become a program that should be modeled nationwide.

SPECIAL ORDER: CHENEY TASK  
FORCE RECORDS AND GAO AU-  
THORITY

**HON. HENRY A. WAXMAN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 13, 2003*

Mr. WAXMAN. Mr. Speaker, last Friday, February 7, the General Accounting Office

abandoned its efforts to obtain basic records about the operations of the White House task force on energy policy. This action received only limited attention, and few people fully understand its profound consequences.

When we have divided government, the public can expect Congress to conduct needed oversight over the Executive Branch. But today we are living in an era of one-party control. This means the House and the Senate aren't going to conduct meaningful oversight of the Bush Administration.

When there is one-party control of both the White House and Congress, there is only one entity that can hold the Administration accountable . . . and that is the independent General Accounting Office.

But now GAO has been forced to surrender this fundamental independence.

When GAO decided not to appeal the district court decision in *Walker v. Cheney*, it crossed a divide. In the Comptroller General's words, GAO will now require "an affirmative statement of support from at least one full committee with jurisdiction over any records access matter prior to any future court action by GAO."

Translated, what this means is that GAO will bring future actions to enforce its rights to documents only with the blessing of the majority party in Congress.

This is a fundamental shift in our systems of check and balances. For all practical purposes, the Bush Administration is now immune from effective oversight by any body in Congress.

Some people say GAO should never have brought legal action to obtain information about the energy task force headed by Vice President Cheney. But in reality, GAO had no choice.

The Bush Administration's penchant for secrecy has been demonstrated time and again. The Department of Justice has issued a directive curtailing public access to information under the Freedom of Information Act. The White House has restricted access to presidential records. The Administration has refused to provide information about the identity of over 1,000 individuals detained in the name of homeland security.

The White House deliberately picked this fight with GAO because it wants to run the government in secret.

GAO's efforts to obtain information about the Cheney task force began with a routine request. The task force was formed in January 2001 to make recommendations about the nation's energy future. During the course of the task force's deliberations, the press reported that major campaign contributors had special access to the task force while environmental organizations, consumer groups, and the public were shut out. Rep. Dingell, the ranking member of the Energy and Commerce Committee, and I felt that Congress and the public had the right to know whether and to what extent the task force's energy recommendations may have been influenced by well-connected outside parties. Accordingly, we asked GAO to obtain some basic information on the energy task force's operations, such as who was present at each meeting of the task force, who were the professional staff, who did the Vice President and task force staff meet with, and what costs were incurred as part of the process. We did not request, and GAO did not seek, information on internal communications.

From the start, the White House assumed a hostile and uncompromising position, arguing that GAO's investigation "would unconstitutionally interfere with the functioning of the Executive Branch." Stand-offs between Congress and the White House are not new, of course. Typically, they are resolved through hard bargaining and compromise. But the White House made clear that it wasn't willing to bargain or to compromise. Even when GAO voluntarily scaled back its request—dropping its request for minutes and notes—the Vice President's office was intransigent.

The White House's contempt for legitimate congressional requests for information was apparent even in the one area in which it conceded GAO's authority. The Vice President acknowledged that GAO was entitled to review the costs associated with the task force. However, the only information he provided to GAO about costs were 77 pages of random documents. Some of the pages consisted of simply numbers or dollar amounts without an explanation of what the money was for; other pages consisted only of a drawing of cellular or desk phones. Without an explanation—which the Administration refused to provide, of course the information was utterly useless.

The statutes governing GAO's authority spell out an elaborate process which the agency must follow before initiating any litigation against the Executive Branch. The statute even gives the White House authority to block litigation by certifying that disclosure "reasonably could be expected to impair substantially the operations of the Government."

In this case, GAO followed the letter and the spirit of that statute, even giving the White House an opportunity to file a certification. But the White House position was that GAO had no right even to ask for documents. Faced with an Administration that had no interest in reaching an accommodation, GAO was left with a stark choice: GAO could drop the matter, effectively conceding the White House's position that it was immune from oversight, or it could invoke its statutory authority to sue the Executive Branch. Reluctantly, on February 22, 2002, GAO filed its first-ever suit against the Executive Branch to obtain access to information.

It's not hard to figure out why the White House was so eager to pick a fight with GAO. After all, GAO provides the muscle for Congress' oversight function. Over the past century, Congress has increasingly turned to GAO to monitor and oversee an Executive Branch that has ballooned in size and strength. Moreover, because it has earned a reputation for fairness and independence, GAO is particularly threatening to an Administration that doesn't want to be challenged on any front.

GAO's effort failed at the trial level. In December, the district court in the case issued a sweeping decision in favor of the Bush Administration, ruling that GAO has no standing to sue the Executive Branch. The judge who wrote the decision was a recent Bush appointee who served as a deputy to Ken Starr during the independent counsel investigation of the Clinton Administration. The judge's reasoning contorted the law, and it ignored both Supreme Court and appellate court precedent recognizing GAO's right to use the courts to enforce its statutory rights to information.

This brings us to last week. Before deciding whether to pursue an appeal, the Comptroller General consulted with congressional leaders.