in the case of my decision to file suit a year ago, my latest decision was based on what I felt was the right thing to do based on all the facts that were available to me. In addition, the input that I did receive was not divided along party lines and there was significant bi-partisan support for my decision not to appeal.

Finally, my decision to seek a vote by at least a full committee of jurisdiction prior to any possible future legal action to obtain records is one that I believe is both prudent and appropriate, given my experience as Comptroller General and in light of the recent district court decision. Specifically, if we are ever ''stonewalled'' again in connection with a matter that in my professional and independent judgment we should pursue, I would formally request that an appropriate committee of jurisdiction vote regarding whether they would support a related court action. I can assure you that my related recommendation would be based on the merits of the case and not partisan considerations.

I look forward to continuing to work with you in the future on issues of mutual interest and concern.

Sincerely yours,

DAVID M. WALKER,
Comptroller General of the United States.

Enclosure.

GAO PRESS STATEMENT ON WALKER V. CHENEY

After thorough review and analysis of the district court's decision in *Walker* v. *Cheney*, as well as extensive outreach with congressional leadership and others concerning various policy matters and the potential ramifications of the court's decision, for the reasons outlined below, GAO has decided not to appeal the decision.

As Comptroller General Walker has made clear on a number of occasions, GAO would not have filed this suit absent a formal written request from at least one full Senate committee with jurisdiction over this matter. Contrary to the district court's decision, and as re-confirmed in a letter to the Comptroller General dated January 24, 2003, two full committee chairs and two subcommittee chairs of the Senate, acting on behalf of their respective committees and subcommittees, all of which had jurisdiction over this matter, asked GAO to pursue its NEPDG investigation prior to GAO filing suit last year. Importantly, under GAO's governing statute, the agency is required to perform work when requested by a committee. In this case, GAO had made exhaustive efforts to reach an accommodation with the Administration, and only after all such attempts had failed did GAO file suit as its only remaining option. This is precisely the process that Congress directed GAO to follow when it enacted GAO's access statute in 1980.

For a number of reasons, GAO strongly believes the district court's decision is incorrect. In GAO's view, the district court misapplied the Supreme Court's decision in *Raines* v. *Byrd* to GAO. Unlike the legislator-plaintiffs in Raines, who sought to invalidate a statute which had been enacted by the Congress, GAO sought to carry out—not invalidate—the information-gathering responsibilities which Congress assigned to it in GAO's access statute. The district court's decision thus has prevented GAO from discharging its statutory responsibilities in this case. Furthermore, the opinion was based, in part, on a material factual error relating to the role various Senate chairs played as noted above. The opinion also leads to the highly questionable result that private citizens have more authority to enforce their rights to obtain information from the Executive Branch than the Comptroller General of the United States, acting in his official capacity as head of GAO.

Despite GAO's conviction that the district court's decision was incorrect, further pursuit of the NEPDG information would require investment of significant time and resources over several years. At the same time, several private litigants are attempting to obtain much of the same information GAO has been seeking, and this information will be made available to GAO if they are successful in their cases.

Importantly, because the district court's decision did not address the merits, it has no effect on GAO's statutory audit rights or on the obligation of agencies to provide GAO with information. In addition, the court's decision is confined to the unique circumstances posed by this particular case and does not preclude GAO from filing suit on a different matter involving different facts and circumstances in the future.

GAO will continue to fulfill its statutory mission: to support the Congress in the discharge of Congress' constitutional responsibilities and to help assure reasonable transparency and appropriate accountability in government. GAO also will continue to perform its audit, evaluation, and investigative work in a professional, objective, fact-based, non-partisan, non-ideological, fair, and balanced manner.

According to Comptroller General Walker, ''In the final analysis, transparency and accountability in government are essential elements for a healthy democracy. In America, all public servants, including constitutional officers, work for the people. While reasonable people can disagree on the proper amount of transparency and the appropriate degree of accountability, in the world's greatest democracy, we should lead by example and base public disclosure on what is the right thing to do rather than on what one believes one is compelled to do. Based on my extensive congressional outreach efforts, there is a broad-based and bi-partisan consensus that GAO should have received the limited and non-deliberative NEPDG-related information that we were seeking without having to resort to litigation. While we have decided not to pursue this matter further in the courts, we hope that the Administration will do the right thing and fulfill its obligations when it comes to disclosures to GAO, the Congress, and the public, not only in connection with this matter but all matters in the future. We hope that GAO is never again put in the position of having to resort to the courts to obtain information that Congress needs to perform its constitutional duties, but we will be prepared to do so in the future if necessary.''

JULIE DASH—DIRECTOR'S GUILD AWARD NOMINATION, THE ROSA PARKS STORY

HON. DIANE E. WATSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 2003

Ms. WATSON. Mr. Speaker, I rise today to share my pride over the nomination of Ms. Julie Dash for a prestigious Director's Guild Award for her work on The Rosa Parks Story. She was nominated in the category of Outstanding Directorial Achievement in Movies for Television for 2002. The winners will be announced at the 55th Annual DGA Awards Dinner on Saturday, March 1, 2003 at The Century Plaza Hotel in Los Angeles. Ms. Dash is the only female nominated in this category this year.

The Rosa Parks Story stars Angela Bassett, Cicely Tyson and Dexter Scott King, the son of Dr. Martin Luther King, Jr. The film brings to life the peaceful dissent an exhausted Rosa Parks showed on a crowded Montgomery, Alabama bus in 1955, and the Civil Rights Movement that ensued. The movie originally aired on television on February 24, 2002.

It seems appropriate that Ms. Dash would be nominated for this award during Black History Month. African American actors, directors and others in the industry are hard-pressed to find meaningful, quality projects. Given these challenges, I am even more proud of Ms. Dash's achievement today.

Ms. Dash's own story of success is also very inspiring. She was born and raised in New York City, and in 1992 became the first African American woman to have her film, Daughters of the Dust, receive a full-length theatrical release. In 1994 Ms. Dash was chosen as one of the 100 Fearless Women by Mirabella magazine.

She has received numerous awards, including The Sojourner Truth Award from the New York Chapter of the Links, the Maya Deren Award from the American Film Institute, a Candace Award from the National Coalition of 100 Black Women, and the prestigious John Simon Guggenheim Memorial Foundation Fellowship.

I was honored to host a congressional screening of the film, The Rosa Parks Story, last year prior to the film's television debut. I had the good fortune then of meeting Ms. Dash, along with Ms. Cicely Tyson, Ms. Angela Bassett, and many others who were instrumental in the success of this movie. I particularly want to acknowledge the contributions of Mr. Willis Edwards in the production of this film. His work as producer of the film was instrumental in its success.

This film has held meaning and significance for me personally, and it brings me great joy to see Ms. Dash's work recognized by the Director's Guild of America. I wish her the best at the awards ceremony on March lst!

Thank you. I yield back the balance of my time.

RECOGNITION OF JOE PHILLIP PROTENIC

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 2003

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Joe Phillip Protenic, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, troop 314, and in earning the most prestigious award of Eagle Scout.

Stephen has been very active with his troop, where one of his favorite activities was a five day canoe trip, where the troop had Sunday morning worship on the river.

For his Eagle Scout project, Joe designed and built a 4'x6' shed at a house built by Habitat For Humanity in Liberty, Missouri. Because the house does not have a walk-out basement, the homeowners are thrilled to have this easily accessible storage space.