



**Testimony of Daniel Schuman,  
Policy Counsel and Director of the Advisory Committee on Transparency,  
the Sunlight Foundation,  
before the House Committee on Oversight and Government Reform  
on March 13, 2013**

Chairman Issa, Ranking Member Cummings, and distinguished members of the Oversight and Government Reform Committee, thank you for the honor and privilege of speaking here today.

My name is Daniel Schuman and I am policy counsel with the Sunlight Foundation, a non-partisan non-profit organization whose mission is to use cutting-edge technology to make government transparent and accountable. We take inspiration from Justice Brandeis' famous adage "Sunlight is said to be the best of disinfectants."

I appreciate the opportunity to appear during Sunshine Week to discuss the state of government transparency.

**THE STATE OF TRANSPARENCY**

Government transparency means different things to different people, but at its heart is the idea that the public has the right to know what the government is doing. Modern technology, when employed properly, makes government openness possible on an unprecedented scale and in ways previously unimaginable. We believe that public information should be available online, in real time, and in machine-readable formats because it empowers citizens, journalists, advocates, public officials, and everyone else to be more-fully involved in civic life.

While the Obama Administration has made significant rhetorical strides towards a 21st century vision of transparency, we believe that government must do more to yield information that is accurate, complete, and useful. It must rededicate itself to addressing the fundamental challenge of transparency itself.

Over the last few years, we saw the launch of the Open Government Directive,<sup>1</sup> which required agencies to create openness plans and release high value datasets to the public. We saw a memo that enshrined a presumption of disclosure for responses to Freedom of Information Act

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<sup>1</sup> See "A Watershed Moment in Transparency and Accountability," by Ellen Miller, Sunlight Foundation (Dec. 11, 2009), available at <http://sunlightfoundation.com/blog/2009/12/11/a-watershed-moment-in-transparency-and-accountability/>; "Open Government: Idling in the Driveway," by Ellen Miller, Sunlight Foundation (April 8, 2010), available at <http://sunlightfoundation.com/blog/2010/04/08/open-government-idling-in-the-driveway/>.

requests.<sup>2</sup> We saw the creation of the first Federal Chief Technology Officer<sup>3</sup> and the launch of Data.gov<sup>4</sup>. The newly created White House Ethics Czar fought against FOIA backlogs and implemented greater lobbying disclosure<sup>5</sup> for the Wall Street and Main Street bailouts. The President spoke about fixing campaign finance disclosure in the wake of the *Citizens United* decision.<sup>6</sup> And, more recently, we've seen the rollout of Ethics.gov,<sup>7</sup> the "We the People" platform,<sup>8</sup> the Open Government Partnership<sup>9</sup>, the Presidential Innovation Fellows,<sup>10</sup> and FOIA Online<sup>11</sup>. This is an impressive list, and there's more.

Unfortunately, many of these initiatives have tapered off. There's no longer any experimentation around improved lobbying disclosure.<sup>12</sup> The President has acquiesced to unlimited money in our political system.<sup>13</sup> Agencies generally are not complying with the presumption of disclosure for FOIA requests.<sup>14</sup> There's no longer an Ethics Czar, or any senior staffer devoted full time to pulling together the many strands of government openness. The technological solutions that are being embraced, such as the "We the People" platform, often are more centered on getting public input than providing data about the government to the public. The brightest spot is the international Open Government Partnership,<sup>15</sup> but it contains little about ethics in government, and many of its commitments represent longstanding pledges for incremental change.

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<sup>2</sup> See "New Obama Orders on Transparency, FOIA Requests," by Ed O'Keefe, Washington Post (Jan. 21, 2009), available at [http://voices.washingtonpost.com/federal-eye/2009/01/in\\_a\\_move\\_that.html](http://voices.washingtonpost.com/federal-eye/2009/01/in_a_move_that.html).

<sup>3</sup> See "Kundra's Mission," by Ellen Miller, Sunlight Foundation (April 4, 2009), available at <http://sunlightfoundation.com/blog/2009/04/04/kundras-mission/>.

<sup>4</sup> See "White House Opens Doors on Major Open Government Initiative," by Micah Sifry and Nancy Scola, TechPresident (May 21, 2009), available at <http://techpresident.com/blog-entry/white-house-opens-doors-major-open-government-initiatives>.

<sup>5</sup> See "White House Lobbying Meeting: Public Debrief," by John Wonderlich, Sunlight Foundation (May 6, 2009), available at <http://sunlightfoundation.com/blog/2009/05/06/white-house-lobbying-meeting-public-debrief/>.

<sup>6</sup> See "Transparency in the State of the Union," by Ellen Miller, Sunlight Foundation (January 24, 2012), available at <http://sunlightfoundation.com/blog/2012/01/24/transparency-in-the-state-of-the-union/>.

<sup>7</sup> See "White House Launches Ethics.gov," by John Wonderlich, Sunlight Foundation (March 8, 2012), available at <http://sunlightfoundation.com/blog/2012/03/08/white-house-launches-ethics-gov/>.

<sup>8</sup> See "With 'We The People,' White House Promises to Go E-to-the-People," by Nick Judd, TechPresident (Sep. 1, 2011), available at <http://techpresident.com/blog-entry/we-people-white-house-promises-go-e-people>.

<sup>9</sup> See "Two Suggestions For the US National Action Plan," by John Wonderlich, Sunlight Foundation (Aug. 31, 2011), available at <http://sunlightfoundation.com/blog/2011/08/31/two-suggestions-for-the-us-national-action-plan/>.

<sup>10</sup> See "Wanted: A Few Good Women and Men to Serve as Presidential Innovation Fellows," White House (May 23, 2012), available at <http://www.whitehouse.gov/blog/2012/05/23/wanted-few-good-women-and-men-serve-presidential-innovation-fellows>.

<sup>11</sup> See "A Status Report on FOIAonline," OpenTheGovernment.Org (Jan. 22, 2013), available at <http://www.openthegovernment.org/node/3835>.

<sup>12</sup> See "Lobbyists celebrate departure of White House ethics chief," by Paul Blumenthal, Sunlight Foundation (Aug. 9, 2010), available at <http://sunlightfoundation.com/blog/2010/08/09/lobbyists-celebrate-departure-of-white-house-ethics-chief/>.

<sup>13</sup> See "Obama Versus Campaign Finance Laws," by John Wonderlich, Sunlight Foundation (Feb. 15, 2013), available at <http://sunlightfoundation.com/blog/2013/02/15/obama-versus-campaign-finance-laws/>.

<sup>14</sup> See "Testing Obama's Promise of Government Transparency," Bloomberg (Sep. 27, 2012), available at <http://go.bloomberg.com/multimedia/bloomberg-checks-obama-transparency/>.

<sup>15</sup> See "Preparing for the US National Action Plan," by John Wonderlich, Sunlight Foundation (Sep. 16, 2011), available at <http://sunlightfoundation.com/blog/2011/09/16/preparing-for-the-us-national-action-plan/>.

## LEGISLATION RIPE FOR CONSIDERATION BY CONGRESS

Many challenges remain unmet by the executive branch. Fortunately, Congress has been active in crafting legislation solutions, many of which are ripe for final consideration by Congress. We identify four bills that already have been considered by this Committee and should be fast-tracked through the process.<sup>16</sup> They are the DATA Act, the Access to Congressionally Mandated Reports Act, the Federal Advisory Committee Act Amendments, and the Presidential Library Donation Reform Act.

### *The DATA Act*

The issue of federal spending transparency deserves special attention, particularly in light of the sequester, the Super Committee, and the fight over spending priorities. The American people should be able to track every federal dollar from the moment the President proposes a budget to the receipt of funds by sub-awardees or sub-contractors, and every point in between. This Committee took on this monumental task and crafted the DATA Act, regarding which Sunlight's executive director had the opportunity to testify in 2011.<sup>17</sup>

Without getting into too many details, we believe the DATA Act is a revolutionary transparency measure for three reasons. It provides for the government-wide systematic tracking of funds by instantiating unique identifiers for spending data at a high level of granularity. It vests responsibility for tracking spending in a Board that has the sole mission of spending transparency, building on the excellent work of the Recovery, Accountability, and Transparency Board. And, it would release new datasets and allow for the automatic checking of spending information to make sure that it is accurate and reliable.

We at the Sunlight Foundation know that currently released federal spending data is not reliable. For the third year in a row, we used the government's data to evaluate its grants, and found \$1.55 trillion in misreported spending.<sup>18</sup> That's a huge discrepancy.<sup>19</sup> We evaluated the consistency, completeness, and timeliness of how spending information is reported to the public, and found our government's effort to be sorely wanting.<sup>20</sup> While the Administration is again making vague declarations about its desire to start to get serious about unique identifiers and data quality, we

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<sup>16</sup> We are also keeping a close eye on the implementation of recently-passed transparency measures, such as the STOCK Act.

<sup>17</sup> See "Testimony of Ellen Miller Before the House Oversight and Government Reform Committee Regarding Transparency Through Technology," Sunlight Foundation (March 11, 2011), available at <http://sunlightfoundation.com/policy/documents/testimony-ellen-miller-house-oversight/>.

<sup>18</sup> See "Analysis of federal spending shows faults in data collection and reporting," available at <http://sunlightfoundation.com/press/releases/2013/02/04/us-government-misreported-155-trillion-grants-2011/>; and our Clear Spending Scorecard, available at <http://sunlightfoundation.com/clearspending/scorecard/>. See also "ClearSpending Released with New Data," by Kaitlin Divine (Feb. 14, 2013), available at <http://sunlightfoundation.com/blog/2013/02/04/clearspending-released-with-new-data/>.

<sup>19</sup> We compared two datasets against each other. The first dataset is FAADS-PLUS (Federal Awards and Assistance Data System PLUS), which contains information about direct assistance and is available from USASpending.gov. The second dataset is the CFDA (Catalog of Federal Domestic Assistance), which are yearly program obligation estimates for all grants and loans. We measured the consistency between these two datasets. For more on methodology, see <http://sunlightfoundation.com/clearspending/methodology/>.

<sup>20</sup> 69.2% of reported funds failed because the numbers we cross-checked were inconsistent; 26% were incomplete; and 1.5% of obligations were not timely.

know that real progress will only come in response to congressional initiative.<sup>21</sup> We hope that the legislation will speedily work its way through Congress.<sup>22</sup>

### ***Access to Congressionally Mandated Reports Act***

Another transparency initiative championed on a bipartisan basis by this Committee is the ongoing effort to have all legally-mandated reports from federal agencies to Congress be made available online in one central location. The Access to Congressionally Mandated Reports Act was favorably reported by this committee and the Committee on House Administration, but time ran out before the House had an opportunity to vote on the measure in the 112<sup>th</sup> Congress.<sup>23</sup> With so much of the work done, we hope that Chairman Issa and Ranking Member Cummings will again spearhead the effort and speedily send the measure to the Senate, where a companion bill is waiting.<sup>24</sup>

### ***Federal Advisory Committee Act Amendments & Presidential Library Donation Reform Act***

We also urge the Committee to speedily consider the Federal Advisory Committee Act Amendments bill and the Presidential Library Donation Reform Act.<sup>25</sup> Federal advisory committees play an important role in how agencies formulate rules, but significant loopholes have emerged in how they disclose their work to the public. Advisory committees shouldn't be a stealthy way for special interests to influence the political process.<sup>26</sup> The Presidential Library Donation Reform Act<sup>27</sup> would require presidential libraries to disclose their donors, which would provide valuable information on special interests whose donations put them in close proximity with (future) former presidents.

## **LEGISLATION THE COMMITTEE SHOULD EXPLORE**

Presidential administrations are ephemeral, and (all too often) so is the will to be transparent. The White House has created several new transparency initiatives that should be made into government policy, such as the Open Government Directive, Data.gov, and FOIA reform.

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<sup>21</sup> See "Only Congressional Pressure Can Drive Real Federal Spending Transparency Reforms," by Daniel Schuman, Sunlight Foundation (Feb. 15, 2013), available at <http://sunlightfoundation.com/blog/2013/02/15/only-congressional-pressure-can-drive-real-federal-spending-transparency-reforms/>.

<sup>22</sup> We also hope that the Committee will look at why many agencies are doing such a poor job meeting their current reporting obligations.

<sup>23</sup> See "'Access to Congressionally Mandated Reports Act' Advances to the House Floor," by Daniel Schuman, Sunlight Foundation (June 23, 2011), available at <http://sunlightfoundation.com/blog/2011/06/23/access-to-congressionally-mandated-reports-act-advances-to-the-house-floor/>.

<sup>24</sup> Senators Warner and Portman introduced the Senate version in the 112<sup>th</sup> Congress and are expected to do so again for the 113<sup>th</sup>.

<sup>25</sup> We also think highly of the Grant Reform and New Transparency Act (the GRANT Act), but have not delved deeply into the matter. See <http://sunlightfoundation.com/blog/2011/12/16/grant-transparency-good-duns-numbers-bad/>.

<sup>26</sup> See "Fixing Federal Advisory Committees," by Daniel Schuman, Sunlight Foundation (July 12, 2011), available at <http://sunlightfoundation.com/blog/2011/07/12/fixing-federal-advisory-committees/>.

<sup>27</sup> See "Two Transparency Bills Already On-Tap for New Congress," by Paul Blumenthal, Sunlight Foundation (Jan. 5, 2009), available at <http://sunlightfoundation.com/blog/2009/01/05/two-transparency-bills-already-on-tap-for-new-congress/>.

In addition, Committee oversight on issues where the executive branch has pre-existing transparency obligations, such as White House Visitor Logs, OIRA Lobbying Reports, and DOJ's OLC Opinions, would be salutary to government openness.

### ***Open Government Directive***

The Open Government Directive is a groundbreaking initiative led by the White House to make the federal government more open and accountable, and came out of extensive consultation with the public. With a tight timeframe, the OGD required agencies to publish 3 high value datasets, create and regularly update open government plans, proactively disseminate useful information using modern technologies, participate in a high level working group on transparency, reduce FOIA backlogs by 10% annually, and much more.<sup>28</sup>

The results have been decidedly mixed, due in significant part to reticence by many agencies to comply.<sup>29</sup> The non-compliance is a reason to double-down, not back away. The goals and requirements of the Open Government Directive include a foundation for what is necessary to open up government, and agencies should not have the false sense that they can wait for the Obama Administration's transparency enthusiasm to wane or its focus to shift or the presidency to change hands. That's why Congressional action is necessary. Agencies should be under no illusion that they can avoid continually engaging the public, making and executing plans for openness, reducing their FOIA backlogs, publishing new data sets, and so on. The best parts of OGD should be codified into law.

### ***Federal Transparency Websites Such As Data.gov***

As part of the Administrations' openness efforts, it created a number of federal transparency websites, most notably Data.gov, which is a central clearinghouse where agencies post raw datasets. While it has its flaws, Data.gov contributes significantly to government openness.<sup>30</sup> The same is true for the IT Spending Dashboard, USASpending.gov, and many of the other initiatives funded through the E-Government Fund.<sup>31</sup> However, the E-Government Fund is intended as a capital fund for start-up government transparency efforts, not mature programs. As many of these initiatives have matured and found their place serving important government purposes, they should be defined in law and given their own budget lines.

### ***Freedom of Information Act***

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<sup>28</sup> See "Open Government Directive Timelines," by Daniel Schuman, Sunlight Foundation (Dec. 8, 2009), available at <http://sunlightfoundation.com/blog/2009/12/08/open-government-directive-timelines/>.

<sup>29</sup> See "Obama's Open Government Directive, Two Years On," by John Wonderlich, Sunlight Foundation (Dec. 7, 2011), available at <http://sunlightfoundation.com/blog/2011/12/07/obamas-open-government-directive-two-years-on/>; and the Sunlight Foundation's Open Government Implementation Tracker, available at [http://www.opencongress.org/wiki/Open\\_Government\\_Directive\\_Implementation\\_Tracking](http://www.opencongress.org/wiki/Open_Government_Directive_Implementation_Tracking).

<sup>30</sup> See "Data.gov Clarity," by John Wonderlich, Sunlight Foundation (April 4, 2011), available at <http://sunlightfoundation.com/blog/2011/04/14/data-gov-clarity/>.

<sup>31</sup> See "GAO Progress Report for E-Gov Fund," by Daniel Schuman, Sunlight Foundation (Sept. 27, 2011), available at <http://sunlightfoundation.com/blog/2011/09/27/gao-looks-at-e-gov/>.

It's time to modernize FOIA. The Administration's directive placing a presumption in favor of disclosure should, with appropriate modifications, be enacted into law.<sup>32</sup> The FOIA Online initiative, which allows the public to make online FOIA requests of agencies, search responses to other requests, and track agencies as they formulate a response, should be expanded to more agencies and placed on firmer financial footing.<sup>33</sup> In addition, documents that agencies publish to the public should be made available online, as is called for in the Public Online Information Act.<sup>34</sup> The Office of Government Information Services, better known as the federal FOIA Ombudsman, should be strengthened, including by giving it the ability to directly request its budget from Congress via a dedicated budget line item. Finally, and most importantly, real teeth must be put into measures that impose proactive disclosure, including requiring the federal government to identify the data it already holds.<sup>35</sup>

### ***White House Visitor Logs***

The White House began releasing its visitor logs,<sup>36</sup> as part of an agreement to settle a lawsuit filed by Citizens for Responsibility and Ethics and Washington that sought the records, starting with records for the second half of September 2009.<sup>37</sup> (A separate lawsuit by Judicial Watch is ongoing.)<sup>38</sup> As my colleague John Wonderlich explained in testimony before the House Energy and Commerce Committee, "the visitor logs disclosure rules should be tightened, but real reform must also include updating lobbying disclosure laws."<sup>39</sup> The White House has significant discretion about which logs to release, and it is unclear how a future president would behave. There's also significant opportunity for avoiding disclosure, such as meetings at coffee shops across the street from the White House.<sup>40</sup> We believe the rules regarding disclosure of visitor

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<sup>32</sup> See "Memorandum for the Heads of Executive Departments and Agencies – Subject: The Freedom of Information Act," The White House (Jan. 21, 2009), available at <http://www.whitehouse.gov/the-press-office/freedom-information-act>.

<sup>33</sup> See the FOIA Online website at <https://foiaonline.regulations.gov/foia/action/public/home>. The British non-profit organization My Society's website *What Do They Know* likely is the inspiration for FOIA Online. More information available at <http://www.whatdotheyknow.com/>.

<sup>34</sup> See <http://sunlightfoundation.com/policy/poia/>.

<sup>35</sup> See "The Missing Open Data Policy," by John Wonderlich, Sunlight Foundation (March 22, 2012), available at <http://sunlightfoundation.com/blog/2012/03/22/the-missing-open-data-policy/>.

<sup>36</sup> See "White House Visitor Logs -- 25k Records Released for Late September," by Daniel Schuman, Sunlight Foundation (Dec. 30, 2009), available at <http://sunlightfoundation.com/blog/2009/12/30/white-house-visitor-logs-25k-records-released-for-late-september/>.

<sup>37</sup> See "CREW and Obama Administration Reach Historic Legal Settlement – White House to Post Visitor Logs," CREW (Sep. 4, 2009), available at <http://www.citizensforethics.org/index.php/press/entry/crew-and-obama-administration-reach-historic-settlement-on-visitor-records/>.

<sup>38</sup> See "WH Selectively Releases More Visitor Logs," Judicial Watch (Sep. 4, 2012), available at <http://www.judicialwatch.org/blog/2012/09/wh-releases-more-visitor-logs-forced-by-jw-lawsuit/>.

<sup>39</sup> See "John Wonderlich Testimony Before the House Energy and Commerce Committee Regarding White House Visitor Logs," Sunlight Foundation (May 3, 2011), available at <http://sunlightfoundation.com/policy/documents/john-wonderlich-testimony-house-energy-and-commerce/>.

<sup>40</sup> See "White House meets lobbyists off campus," by Chris Frates, POLITICO (Feb. 24, 2011), available at <http://www.politico.com/news/stories/0211/50081.html>.

logs should be fleshed out and enacted into law. Of course, to truly track the exertion of influence by special interests, we need comprehensive lobbying reform.<sup>41</sup>

### ***OIRA Lobbying***

The Office of Information and Regulatory Affairs within OMB is responsible for reviewing all major rulemakings by executive branch agencies prior to promulgation. As such, it is a significant locus of lobbying activities. While there are executive-branch promulgated rules that are supposed to make lobbying activities transparent, as a practical matter the rules are evaded or ignored, according to reports by GAO, the Center for Progressive Reform, and the Center for Effective Government.<sup>42</sup> While it is within the executive branch's power to fix this problem, it has failed to do so, and Congress should set these rules. We encourage the Committee to review whether the Administration is following its own rules and to formulate legislation that establishes a clear framework for disclosure.

### ***Department of Justice Office of Legal Counsel Opinions***

The opinions of the Department of Justice's Office of Legal Counsel constitute authoritative legal advice to the executive branch on questions central to the functioning of government. A 2010 Obama administration memo endorsed "the presumption that [OLC] should make significant opinions fully and promptly available to the public."<sup>43</sup> The Obama Administration's first nominee to head the OLC, along with 18 other former DOJ officials, went further in a 2006 article in which they declared that "OLC should publicly disclose its written legal opinions in a timely manner, absent strong reasons for delay or nondisclosure."<sup>44</sup>

A Sunlight Foundation analysis revealed that the DOJ is still withholding 39% of the 509 opinions it issued between 1998 and March 2012.<sup>45</sup> We also determined that a list of opinion titles provided via FOIA request varied significantly from the list of opinions available on OLC's website.<sup>46</sup> These reports are essential to understanding executive branch behavior, but far too many of these reports are withheld from the public. Even for those reports that cannot be released in their entirety, their existence and subject matter should be identified publicly.<sup>47</sup> Rules

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<sup>41</sup> The Sunlight Foundation is a strong supporter of the proposed Lobbying Disclosure Enhancement Act, which would eliminate the 20% threshold to register as a lobbyist and enact other meaningful reforms. For more, see <http://sunlightfoundation.com/policy/lobbying/>.

<sup>42</sup> See "Fix Federal Rulemaking Lobbying Transparency," by Daniel Schuman, Sunlight Foundation (Oct. 4, 2012), available at <http://sunlightfoundation.com/blog/2012/10/04/fix-federal-rulemaking-lobbying-transparency/>.

<sup>43</sup> See "Memorandum for Attorneys of the Office – Re: Best Practice for OLC Advice and Written Opinions," Office of Legal Counsel, Department of Justice (July 16, 2010), available at <http://www.justice.gov/olc/pdf/olc-legal-advice-opinions.pdf>.

<sup>44</sup> See "Guidelines for the President's Legal Advisors," the American Constitution Society (May 2006), available at [http://www.acslaw.org/files/Microsoft%20Word%20-%202011\\_Johnsen\\_OLC.pdf](http://www.acslaw.org/files/Microsoft%20Word%20-%202011_Johnsen_OLC.pdf).

<sup>45</sup> See "39% of Office of Legal Counsel Opinions Kept from the Public," by Daniel Schuman, Sunlight Foundation (Aug. 15, 2012), available at <http://sunlightfoundation.com/blog/2012/08/15/39-of-office-of-legal-counsel-opinions-kept-from-the-public/>.

<sup>46</sup> 21 opinions were available on the DOJ's website that were not identified in FOIA responses to public requests for a list of these documents. The DOJ did not publish on its website 24 reports that it identified in its FOIA response that we were able to locate using a Google search.

<sup>47</sup> Here are some sample reports: "Lawfulness of Recess Appointments During a Recess of the Senate Notwithstanding Periodic Pro Forma Sessions"; "Whether Proposals by Illinois and New York to Use the Internet and Out-Of-State Transaction Processors to Sell Lottery Tickets to In-State Adults Violate the Wire Act Date

regarding when and how the reports are made available to Congress and to the public should be spelled out and enacted into law.

## A BRIEF WORD ABOUT CONGRESS AND CRS

While this hearing focuses on executive branch transparency, I would be remiss if I did not mention an additional measure that this Committee, on its own, could implement right now to make government more transparent.<sup>48</sup> The Congressional Research Service regularly issues reports on matters of importance to national policymaking, including executive branch activities. These timely, authoritative reports help Congress and the public gain a deeper understanding of issues ranging from FOIA reform to the E-Government Fund to the Presidential Records Act.<sup>49</sup> Unfortunately, the reports are not systematically made available to the public, and the reports that are available to the public are either out-of-date or behind a pay wall.

While we and many others support a resolution that would make all reports available through the House Clerk,<sup>50</sup> we recommend that the Committee on Oversight and Government Reform publish CRS reports that pertain to matters under its jurisdiction on the committee website. Other legislative support agencies, such as GAO and CBO, already release their reports to the public, and CRS reports are often made available on an *ad hoc* basis by individual members of Congress and committees. The release of the reports in a timely fashion would help make sure that the public has up-to-date and complete access to scholarly discussions on executive branch activities.

## CONCLUSION

Today's discussion of transparency in the federal bureaucracy, well-timed to coincide with Sunshine Week, provides a welcome opportunity to discuss how the government can become more open and accountable. While there are important transparency-related issues that my testimony does not explore in great depth, such as the important of disclosing the role of money in our political system as reflected in lobbying and campaign finance disclosure, or the great issues of national security,<sup>51</sup> it is my hope that we've provided a solid foundation for discussing

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Posted"; "Constitutionality of Legislation Extending the Term of the FBI Director"; "Whether Bills May Be Presented by Congress and Returned by the President by Electronic Means"; and "Authority to Use Military Force in Libya."

<sup>48</sup> I can't help but mention that Congress should provide Bulk Access to Legislative Data as well as publish its expenditures as spreadsheet files, but as you can see I'm doing so in this footnote. For more, see "House Convenes Second Public Meeting on Legislative Bulk Data," by Daniel Schuman, Sunlight Foundation (Feb. 14, 2013), available at <http://sunlightfoundation.com/blog/2013/02/14/house-convenes-second-public-meeting-on-legislative-bulk-data/>; and "Will the House's Leg Spending Bill Match Its Transparency Priorities?" by Daniel Schuman, Sunlight Foundation (May 24, 2012), available at <http://sunlightfoundation.com/blog/tag/House-Appropriations-Committee/>.

<sup>49</sup> See "The Freedom of Information Act and Nondisclosure Provisions in Other Federal Laws," by Gina Stevens, Congressional Research Service (Sep. 24, 2010), available at <http://www.fas.org/sgp/crs/secretary/R41406.pdf>; "Reauthorization of the E-Government Act: A Brief Overview," by Jeffrey W. Seifert, Congressional Research Service (May 14, 2008), available at <http://www.fas.org/sgp/crs/secretary/RL34492.pdf>; "The Presidential Records Act: Background and Recent Issues for Congress," by Wendy Ginsberg, Congressional Research Service (Nov. 15, 2012), available at <http://www.fas.org/sgp/crs/secretary/R40238.pdf>.

<sup>50</sup> See "It's Time to Give the Public Access to CRS Reports," by Matt Rumsey, Sunlight Foundation (March 7, 2013), available at <http://sunlightfoundation.com/blog/2013/03/07/its-time-to-give-the-public-access-to-crs-reports/>.

<sup>51</sup> Or making the legislative or judicial branches more transparent, for that matter.



many important issues. More information about federal transparency issues can be found on the Sunlight Foundation's website.<sup>52</sup>

James Madison, whose birthday anchors Sunshine Week, said “a popular government without popular information or the means of acquiring it, is but a prologue to a farce, or a tragedy, or perhaps both. Knowledge will forever govern ignorance: And a people who mean to be their own Governors, must arm themselves with the power which knowledge gives.”

He was surely right. Thank you for the opportunity to appear before you today and for your continued attention to these issues. I am looking forward to our discussion.

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<sup>52</sup> See “Sunlight Foundation Policy Agenda,” available at <http://sunlightfoundation.com/policy/agenda/>.