



RESTORING TRUST IN GOVERNMENT AND IMPROVING TRANSPARENCY

“Too often the American people don’t know who Washington is working for, and when they find out, they don’t like what they hear. . . . We’re not going to be able to change America unless we challenge the culture that has dominated Washington for far too long. And that means shining a bright light on how Washington works.”

[Speech in New Hampshire, 9/4/2007]

It is no coincidence that the disastrous policies of the Bush-Cheney years have been accompanied by unprecedented secrecy for the American people and unprecedented access by lobbyists, the wealthy and the well-connected. The evidence of the Bush Administration and its cronies manipulating public policy for private gain, and then keeping the decision-making process secret, is staggering. Oil and gas executives met with Vice President Cheney to write our energy laws, with the goal of increasing their profits and saddling the public with their environmental and public health costs; Cheney went to the Supreme Court to keep the names of these lobbyists secret. An industry executive was appointed by the White House to the position of czar on global warming, while some of the nation’s top climate scientists at federal agencies were silenced. The administration has ignored public disclosure rules and has invoked a legal tool known as the “state secrets” privilege more than any other previous administration to get cases thrown out of civil court. The American people are frustrated with Washington’s secrecy, and the bad decisions that have resulted from it.

Barack Obama has led efforts to reform government both in the Illinois State Senate and in the United States Senate, and he will bring this commitment with him to the White House. As president, Obama will restore the American people’s trust in their government by making government more open and transparent and by giving regular Americans unprecedented new tools to keep track of government officials, who they are meeting with, who is giving them money and how they are spending taxpayer dollars.

CLOSING THE REVOLVING DOOR

Barack Obama will establish new requirements for political appointees to discourage the use of public sector positions for personal or private gain.

(1) CLOSING THE REVOLVING DOOR ON FORMER EMPLOYERS: Obama will eliminate incentives that could be provided to newly-hired public employees to favor their former employers. No political appointees in an Obama Administration will be permitted to work on regulations or contracts directly and substantially related to their prior employer for two years. A two-year ban will remove the incentive to employers to provide some sort of financial incentive, such as generous severance package, to an employee leaving for a government job with an agency that regulates them.

(2) CLOSING THE REVOLVING DOOR FOR FUTURE EMPLOYERS: Obama will also shut the revolving door on appointees who would leave his Administration to become lobbyists. In an Obama Administration no political appointee will be able to lobby the executive branch during the remainder of the Administration.

ENDING ABUSE OF NO-BID CONTRACTS

(1) FIGHT WASTEFUL SPENDING BY ENDING ABUSE OF NO-BID CONTRACTS: The current Administration has abused its power by handing out contracts without competition to its politically connected friends and supporters. These abuses cost taxpayers billions of dollars each year. According to a 2006 study by the House Government Reform Committee, federal contracting mushroomed from \$203 billion in FY 2000 to \$377 billion by FY 2005—an increase of 86 percent. And the value of contracts not subject to full and open competition grew from \$67 billion to \$145 billion during the same period—an increase of 115 percent. According to a report by the Center for American Progress, during just the last three years more than five federal officials have been convicted of crimes involving federal contracting, three others were placed under indictment, and more are under investigation. Barack Obama will end abuse of no-bid contracts. He will require that all contract orders over \$25,000 be competitively awarded unless the contracting officer provides written justification that the order falls within a specified exception and that the requirements and evaluation criteria are clear for every contract.

RESTORING OBJECTIVITY TO THE EXECUTIVE BRANCH

(1) BAN GIFTS TO EXECUTIVE BRANCH EMPLOYEES: Gifts from registered lobbyists harm the political process because they give lobbyists an avenue for building and maintaining relationships that advance their agendas. As president, Barack Obama will issue an executive order banning registered lobbyists or lobbying firms from giving gifts in any amount or any form to executive branch employees. An Obama Administration will make decisions that affect the country based on what is best for the public, not what is best for lobbyists.

(2) FREE CAREER OFFICIALS FROM THE INFLUENCE OF POLITICS: Too often decisions in the executive branch, such as hiring and promotion, rely on ideology and political

loyalty, with insufficient regard for competence and experience. The ideological litmus tests used by Monica Goodling and others to fill non-political positions within U.S. Attorney's Offices, the Civil Rights Division, and the Immigration Court illustrate unchecked abuses by political appointees. Barack Obama will issue an Executive Order asking all new hires at the agencies to sign a form affirming that no political appointee offered them the job solely on the basis of political affiliation or contribution. The Executive Order will also require that all employees engaged in and making hiring decisions also certify that they will not take political affiliation into account as they make hiring decisions for career positions.

(3) REMOVE THE USE OF PUBLIC OFFICE FOR PARTISAN ADVANTAGE: Public office should not be used to advance political interests. Too often federal workers dismiss the law that governs political activity, both because of political incentives not to use it and because of inadequate enforcement mechanisms. As president, Barack Obama will issue an Executive Order banning the use of public office to further partisan advantage in political elections. Obama's Executive Order will create an additional and effective enforcement mechanism of the Hatch Act's prohibitions on ideological litmus tests for non-political hires and other political appointee abuses. Under the enforcement procedure, any non-political civil servant who believes a Hatch Act violation has occurred may submit a written complaint with the Inspector General of the agency involved. Within 60 days of receipt of the complaint, the Inspector General will be required to investigate and issue a written report detailing the scope of the investigation and findings indicating whether the complaint has merit. When the agency head's decision is challenged, the report shall be made to the President. A finding by the Inspector General that activity was improperly based upon political considerations shall be a basis for discipline, up to and including termination.

SHINING LIGHT ON WASHINGTON LOBBYING

As a senator, Barack Obama pushed Congress to pass the most sweeping lobbying reform legislation since Watergate. The legislation Obama championed will ban gifts from lobbyists and eliminate Senate floor, gym, and parking privileges for former Senators, Senate Officers, and Speakers of the House who are lobbyists. As president, Obama will build on these successes to grant the public specific and useful information about how lobbyists are trying to influence Washington.

(1) EXPAND DEFINITION OF "LOBBYING" TO INCLUDE GOVERNMENT CONTRACTS AND PRESIDENTIAL PARDONS: Under current law, there are entire classes of lobbying not subject to disclosure requirements. For instance, lobbying for government contracts is a well-known practice called 'procurement lobbying,' which is separate from lobbying for specific legislation or earmarks. Much of procurement lobbying is not subject to existing reporting requirements. Barack Obama will expand disclosure requirements to include procurement lobbying, along with lobbying for presidential pardons.

(2) CENTRALIZE ETHICS AND LOBBYING INFORMATION FOR VOTERS: Under current law, enforcement of ethics and lobbying laws is spread widely among a variety of different agencies, which do not frequently work together, and do not provide the public information in an easily accessible format. As president, Obama will create a centralized database of lobbying reports, congressional ethics records, and campaign finance filings that is made available on the Internet in a searchable, sortable and downloadable format, and compiled and maintained by one agency and under one roof. This database will allow Americans to see easily and in one place who their legislators are meeting with; who they are collecting money from and how much money they are collecting; and to review their ethics records.

(3) REQUIRE INDEPENDENT MONITORING OF LOBBYING LAWS AND ETHICS RULES: Currently, Congress polices itself on ethics and lobbying rules, creating a situation where the fox is guarding the henhouse. Earlier this year, Congress defeated legislation that Barack Obama championed to create an independent and professional enforcement agency to investigate congressional ethics violations. As president, Obama will use the power of the presidency to fight for passage of this law, ensuring an independent watchdog oversees the investigation of ethics violations so that the public can be assured that ethics complaints will be investigated. Final enforcement for violations would remain with the Ethics Committees.

(4) DISCLOSE ALL CONTRIBUTIONS TO ORGANIZATIONS AFFILIATED WITH THE PRESIDENT OR MEMBERS OF CONGRESS: The ethics reform bill passed by Congress in August only requires disclosure of lobbyist contributions to entities such as presidential inaugural committees, presidential libraries, and foundations affiliated with members of Congress. These contributions should be disclosed whether they're made by a corporation's lobbyist or the corporation's CEO. For that reason, Obama will work to ensure that all contributions to these types of organizations are fully disclosed to the public.

GIVING GOVERNMENT BACK TO THE PEOPLE

(1) SUNLIGHT BEFORE SIGNING: Too often bills are rushed through Congress and to the president before the public has the opportunity to review them. As president, Barack Obama will not sign any non-emergency bill without giving the American public an opportunity to review and comment on the White House website for five days. In addition to ensuring that the public has the ability to review legislation, the sunlight will help ensure that earmarks tucked into appropriations bills are exposed. And Obama will sign legislation in the light of day without attaching signing statements that undermine the legislative intent.

(2) 21ST CENTURY FIRESIDE CHATS: People who care deeply about issues in Washington but live outside the beltway rarely have the opportunity to question and interact with government agencies. Messages are filtered through the media, and many times the hard

questions are not asked. Barack Obama will bring democracy and policy directly to the people by requiring his Cabinet officials to have periodic national broadband town hall meetings to discuss issues before their agencies. The Internet makes it possible to take our leaders directly to the people. If this is possible then it should also be mandatory.

(3) RESTORE MEANING TO THE FREEDOM OF INFORMATION ACT: The American people deserve to know what their government does and why. Ours is an open government, and our ability to understand our government at work--the freedom of information we enjoy--has been copied by other countries around the world. The Freedom of Information Act is a pillar of our open government. Unfortunately, in recent years our government has failed to keep the American people informed about what it was doing and why, and it has refused to provide Americans with information they are entitled to by law. Turning our tradition of free information upside down, the Bush administration has instructed agencies to presume citizens are not entitled to information unless they are willing to sue for it. Barack Obama would restore the tradition of free information by issuing an Executive Order that information should be released unless an agency reasonably foresees harm to a protected interest.

(4) CONDUCT REGULATORY AGENCY BUSINESS IN PUBLIC: Every day, government agencies make decisions that impact the lives of Americans. These decisions require public deliberation and input. But at many agencies, these deliberations are conducted out of the public view. For example, several agencies, including the Securities & Exchange Commission and the Federal Communications Commission, hold public meetings only one or two days a month. On all the other days, the commissioners and staff members host lobbyists and lawyers in private meetings, and operate outside of the public eye. In these private meetings, companies can make their case for the regulation that they want. Average citizens cannot participate in this process, and consumer groups just do not have the resources to offset the waves of corporate lobbyists that constantly walk the halls of these agencies.

Barack Obama will require his appointees who lead the Executive Branch departments and rulemaking agencies to conduct the significant business of the agency in public, so that any citizen can see in person or watch on the Internet as the agencies debate and deliberate the issues that affect American society. Videos of meetings will be archived on the web, and the transcript will be available to the public. Obama will also require his nominees to commit to employ all the technological tools available to allow average citizens not just to observe, but to participate and be heard on the issues that affect their daily lives.

(5) MAKING WHITE HOUSE COMMUNICATIONS PUBLIC: Barack Obama would amend Executive Order 12866 to ensure that communications about regulatory policymaking between persons outside government and all White House staff are disclosed to the public. The Obama White House would invoke its executive privilege to protect the confidentiality of communications concerning national security and similar traditionally sensitive matters, not to withhold information about private interests' communication on regulatory policy. There are communications that should be kept private because

disclosure could endanger the public. But the White House is the people's house and the people have a right to know who visits.

(6) RELEASING PRESIDENTIAL RECORDS: Under the Presidential Records Act, presidential records are supposed to be released to the public 12 years after the end of a presidential administration. In November 2001, President Bush issued an order that gave current and former presidents and vice presidents broad authority to withhold presidential records or delay their release indefinitely. As president, Barack Obama will nullify the Bush order and establish procedures to ensure the timely release of presidential records.

(7) EXPOSING TAX BREAKS AND EARMARKS TO PUBLIC SCRUTINY: Every American has the right to know how the government spends their tax dollars, but that information has been hidden from public view for too long. In the Senate, Barack Obama teamed up with Sen. Tom Coburn (R-OK) to pass a law that will lift the veil of secrecy in Washington by creating a Google-like search engine that will allow regular people to track federal grants, contracts, earmarks and loans online. As president, Obama will give voters more tools to track special interest spending. He will:

- **Create a Public “Contracts and Influence” Database:** The nation's top government contractors have spent millions lobbying the government and contributing to federal candidates. Many of these companies go on to cash-in on lucrative no-bid contracts. For instance, Halliburton, the sixth-largest recipient of federal contracts, has spent more than \$2.8 million on lobbying and \$527,800 on political contributions since President Bush took office. As president, Obama will create a “contracts and influence” database which will disclose how much federal contractors spend on lobbying, and ensure citizens have easy access to contract details and contractor performance, such as compliance with federal regulations. Obama's plan will apply to all contractors that receive at least \$150,000 in federal funds.

- **Expose Special Interest Tax Breaks to Public Scrutiny:** Thousands of high-priced lobbyists descend on Congress to try to work special-interest tax breaks for their corporate clients into the tax code. Opening this process up to public view is the first step of holding government accountable. Building on his “Google for Government” bill, which allows every American to do a simple search and see exactly how federal money is being spent, Barack Obama will ensure that any tax breaks for corporate recipients – or tax earmarks – are also publicly available by directing the Office of Management and Budget to post them on its website in an easily searchable format.

(8) POLITICAL APPOINTEE REFORM: FEMA Director Brown was not qualified to head the agency, and the result was a disaster for the people of New Orleans. But in an Obama Administration, every official will have to rise to the standard of proven excellence in the agency's mission. Barack Obama will issue an Executive Order requiring that political appointees possess relevant professional qualifications and experience related to the core

mission of the agency for which they are nominated, and would restore integrity and competence to the executive branch.