



Monday, January 28, 2008

Senate Finance Committee Proposed Transparency/Disclosure Rules Changes

Background

On Wednesday, January 30, the Senate Finance Committee will discuss creating new rules intended to increase transparency of the committee's meetings. The change has been prompted by an attempt to comply with the Honest Leadership and Open Government Act of 2007 (PL 110-81) and the committee has released a [draft of the proposed rules changes](#). While these proposed changes are a welcome step toward openness and transparency, the new language is still in need of improvement. Below is a summary of the draft rule changes and OMB Watch's recommendations to strengthen the draft language.

Availability of All Meeting Records

The committee's draft proposal states it must post either a video, an audio recording, *or* a transcript of all committee markups on the Internet within 21 business days of each meeting.

This draft language is not sufficiently broad to capture publication of all available documents and records related to the committee markup and could allow the committee to withhold other available records. For example, if a transcript and a video were both produced, the committee could withhold publication of the video as long as the transcript was posted. The Finance Committee should be required to post all existing records of its markups and not meet the minimum standard.

OMB Watch recommends the language be changed to: "the committee shall make publicly available through the Internet *all available records and documents* including –

- (a) a video recording,
- (b) an audio recording, *and*
- (c) a corrected transcript.

Timeliness of Publication

Additionally, the draft language does not require timely promulgation of meeting records. Twenty-one (21) business days represents over four calendar weeks – a duration in which Congress may have already marked-up, debated, voted on, and passed a piece of legislation. Without timely access to committee activity and information, advocates, analysts, the media, government officials and concerned citizens will not be able to accurately track the positions and decisions of committee members or express their policy preferences to their representatives in sufficient time.

OMB Watch recommends the committee publish all available records including video and audio recordings on the committee website *within five (5) business days*. A longer period of ten (10) business days would be acceptable for a corrected transcript to give Senate offices an opportunity to respond.

Retention of Information

Finally, the draft language may result in some records being available for only a few weeks. As they are currently written, the new rules state records of committee markups must be available until the end of a "Congress." Should a markup occur in the latter part of an election year, its record would be required to be available only until Congress adjourns for the year, perhaps for as little as a few weeks. Given the technical feasibility of long-term storage of electronic materials, OMB Watch recommends the records be archived and available to the public on the Finance committee website permanently.