

THE COMMITTEE ON ENERGY AND COMMERCE

INTERNAL MEMORANDUM

April 29, 2011

MEMORANDUM

To: Members, Subcommittee on Oversight and Investigations

From: Subcommittee on Oversight and Investigations Staff

Subject: May 3, 2011, Hearing on “White House Transparency, Visitor Logs, and Lobbyists”

On Tuesday, May 3, 2011, at 10:30 a.m. in Room 2322 of Rayburn House Office Building, the Subcommittee on Oversight and Investigations will hold a hearing entitled “White House Transparency, Visitor Logs, and Lobbyists.” The hearing will examine the Administration’s policies on transparency and lobbyist access to the Executive Branch.

I. Witnesses

The hearing will have two panels of invited witnesses. The first panel is scheduled to include:

- Brad Kiley, Director, White House Office of Management and Administration, or his designee

The second panel will include:

- Tom Fitton, President, Judicial Watch
- John Wonderlich, Policy Director, Sunlight Foundation

Additional witnesses may be called at the discretion of the Majority.

II. Discussion

The U.S. Secret Service creates records, commonly referred to as “visitor logs,” of individuals who enter the White House. These records include compilations from the Worker and Visitor Entrance System (WAVE), which logs planned meetings taking place in the White House, and the Access Control Records System (ACR), which logs electronic key pass entries.

In September 2009, the Administration reached a judicial [settlement](#) of litigation brought by the advocacy organization Citizens for Responsibility and Ethics in Washington (CREW)

under the Freedom of Information Act (FOIA). The President [announced](#), “We will achieve our goal of making this the most open and transparent administration in history... . Americans have a right to know whose voices are being heard in the policymaking process.”

In a statement posted to the White House blog on September 4, 2009, the White House announced that, under the settlement, “[e]ach month, records of visitors from the previous 90-120 days will be made available online.” The blog post [stated](#) that the White House policy would be to release all records except (1) personal information of the visitor, (2) purely personal guests of the first or second families, and (3) a small group of particularly sensitive meetings. As to the third group of “particularly sensitive” records, the White House website uses national security meetings and meetings with potential Supreme Court nominees as examples of the types of meetings which would fall into this category. The White House’s stated policy is to disclose the number of records withheld on the third basis, and to disclose the records when they are no longer sensitive.

The White House updates its blog regularly with visitor logs. The blog currently states that “as part of its commitment to transparency” over 1,000,000 records have been released to date. The Administration recently responded to a Committee request for information about White House health care reform meetings by producing copies of visitor logs.

However, an April 18 [report](#) by the Center for Public Integrity states that the logs “routinely omit or cloud key details about the identity of visitors, whom they met with and the nature of their visits.” According to the Center for Public Integrity, “[t]hese are critical gaps that raise doubts about the records’ historical accuracy and utility”

The Center for Public Integrity report noted the following about the White House visitor logs:

- Thousands of known visitors to the White House are missing from the logs, including meetings with various lobbyists.
- The event description is left blank for more than 20% of visits.
- Less than 1% of the estimated 500,000 visits the White House had in its first eight months—a time when many key health care negotiations were conducted—has been disclosed.
- Two thirds of the roughly 1,000,000 names listed are individuals who passed through on guided group tours.

The Committee itself has some experience with the White House visitor logs. On February 18, 2011, Chairman Upton and other senior Members sent a letter to the former director of the White House Office of Health Reform (WHOHR), Nancy-Ann DeParle, requesting information about meetings between WHOHR personnel and third parties. In response to this request, the White House initially produced a list of publicly released visitor logs covering the time period from January 24, 2009, to August 7, 2009. As of April 28, 2011, the Committee also

received a list of meetings between DeParle and various associations, but has received no other information about those meetings or meetings other WHOHR staff held.

III. Issues

The following issues will be examined at the hearing:

- How are visitor access records collected?
- What exactly is the Obama Administration's policy for what information will be released? Has the White House been consistent with its announced policies?
- Who decides when exceptions to the disclosure policy apply?
- Have there been White House meetings with lobbyists and other interest groups about which information has not been released to the public?
- Have White House officials met with lobbyists and other interest groups outside of the White House in order to avoid generating records of such meetings?
- What changes has the Administration made to the FOIA process?
- What else can be done to improve transparency and public access to information?

IV. Staff Contacts

If you have any questions about this hearing, please contact Stacy Cline or Sean Hayes, Counsels for the Subcommittee on Oversight and Investigations, at (202) 225-2927.