



Department of Defense NDAA proposals would reverse progress on transparency, accountability

The Department of Defense (DoD) has [proposed](#) several provisions for inclusion in this year's National Defense Authorization Act that would significantly weaken transparency, accountability, and oversight. DoD's proposed FOIA exemption has been rejected by Congress several times in the past, the proposal to classify future defense spending would deny the public and Congress access to vital spending information, and the proposal to weaken lobbying restrictions would undermine reforms passed in the FY 2018 NDAA.

1) Section 1061 would obstruct public access to crucial information

Section 1061 of DoD's proposal would create an extremely harmful new Freedom of Information Act (FOIA) exemption, which would undermine FOIA and the public's access to a broad range of important information about government functions. As the open government community [has said](#) every time this proposal has come up in the past, DoD already has broad authority to withhold sensitive classified and unclassified information under FOIA's existing exemptions, Executive Order 13526, and other statutes. DoD's extremely broad proposed exemption could be used to hamper the public's ability to hold officials accountable, by concealing information about the military's handling of sexual assault complaints, its oversight of contractors, and other matters of compelling public interest. Importantly, similar DoD-proposed FOIA exemptions have been rejected in several past NDAs.

2) Section 1041 would undermine lobbying reform

Section 1041 of DoD's proposal would reverse important lobbying restrictions that were put into the [FY 2018 NDAA](#) by the late Senator John McCain, giving private companies undue influence over DoD policy. It would amend the FY 2018 NDAA by replacing the term "lobbying activities" with the more narrowly-defined "lobbying contacts." It would also speed the revolving door through which officials can profit from government service by working for the private sector. Currently, covered officials are banned from lobbying the entire Department of Defense within one or two years of retirement or separation. The new proposal would apply the ban to only "a Department of Defense component in which such individual served within one year of retirement or separation." Read more about the proposal at the [Project On Government Oversight](#).

3) Section 1047 would classify spending information and inhibit Congressional oversight

Section 1047 of DoD's proposal asks Congress to obstruct its own oversight of defense spending by rescinding a decades-old requirement for an unclassified version of the Future Years Defense Program (FYDP) database. The unclassified FYDP is an important resource for oversight and accountability, providing important insight into defense spending. This provision would deprive Congress and the public of unclassified defense spending analysis from the Congressional Research Service, GAO, and more. More information on this DoD proposal and its potential ramifications can be found at the Federation of American Scientists [Secrecy Blog](#).

These provisions would further reduce the already limited public access to important DoD information. They would seriously damage transparency, oversight, and accountability, and should not be included in the NDAA. Please contact Emily Manna at emanna@openthegovernment.org for more information.