

United States House of Representatives
Committee on the Judiciary
Bob Goodlatte, Chairman

"Truth in Testimony" Disclosure Form

Clause 2(g)(5) of Rule XI of the Rules of the House of Representatives require the disclosure of the following information by witnesses appearing in a nongovernmental capacity.

Hearing: Ongoing Oversight: Monitoring the Activities of the Justice Department's Civil, Tax and Environment and Natural Resources Divisions and the U.S. Trustee Program
Date: May 19, 2015 at 1:00 pm, Room 2141, Rayburn House Office Building

1. Name: Daniel Z. Epstein	2. Entity(ies) you are representing: Cause of Action, where I serve as Executive Director and Board President
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3. Business Address and Telephone Number: [REDACTED]

4. Have <u>you</u> received any Federal grants or contracts (including any subgrants and subcontracts), or contracts or payments originating with a foreign government, during the current fiscal year or either of the two preceding fiscal years that are relevant to the subject matter on which you have been invited to testify? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	5. Have any of the <u>entities that you are representing</u> received any Federal grants or contracts (including any subgrants or subcontracts) during the current fiscal year or either of the two preceding fiscal years that are relevant to the subject matter on which you have been invited to testify? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
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6. If you answered "yes" to either item 4 or 5, please provide the following: a) list the source (by agency and program) and amount of each Federal grant, subgrant, contract, or subcontract related to the subject matter of the hearing, and indicate whether the recipient of such grant was you or the entity(ies) you are representing; and b) list the amount and country of origin of any payment or contract related to the subject matter of the hearing originating with a foreign government., and indicate whether the recipient of such grant was you or the entity(ies) you are representing. (Please use additional sheets if necessary.)
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7. Signature: 	Date: May 18, 2015
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Curriculum Vitae
Daniel Z. Epstein

Contact Information

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Washington, D.C. 20006

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Employment

Cause of Action Institute (Washington, D.C.)

Executive Director (*August 2011 – Present*)

Cause of Action is 501(c)(3) strategic oversight group dedicated to using investigations, litigation and messaging to advocate reform in the areas of government accountability and regulatory abuse. At Cause of Action, I lead the strategy and development of administrative law matters, as well as lead, develop and manage investigations on federal spending, agency politicization, federally funded nonprofit abuse and government ethics.

U.S. House of Representatives, Committee on Oversight and Government Reform

Counsel for Oversight and Investigations (*February 2009 – August 2011*)

Served as lead counsel on tax, labor, nonprofit and federal grant spending investigations and oversight. Some of my prominent investigations concerned the Association of Community Organizations for Reform Now, the Service Employees International Union, the National Labor Relations Board, the National Mediation Board, the Department of Labor, the Department of Housing and Urban Development, the Department of Justice, the Financial Crisis Inquiry Commission, and the Office of Management and Budget. Staffed hearings on federal grant oversight, project labor agreements, NLRB v. Boeing, politicization of federal contracting, consumer debt collection in arbitration, the Washington Metropolitan Area Transportation Administration, the United States Agency for International Development, the Pension Benefit Guaranty Corporation, and oversight of government management. Drafted legislation concerning classified information and federal funding policy.

Charles G. Koch Foundation (Washington, D.C.)

Associate, Legal Reform (*May 2008 -February 2009*)

Managed law-related grants for the Foundation and performed research and legal analysis on environmental, labor and white-collar criminal issues.

Presentations

- *Make Your Job Easier With Open Government Tools*, Sunlight Foundation, Advisory Committee on Transparency (Feb. 18, 2015).
- *Freedom of Information Act Workshop*, Am. Bar. Assn. Section on Administrative Law and Regulatory Practice (Jan. 26, 2015).
- *Helping the 114th Congress build a more transparent government*, Sunlight Foundation, Advisory Committee on Transparency (Dec. 11, 2014).
- *The Dog Ate My E-mails: Document Retention Policies, Litigation Holds, and Legal Ethics*, Federalist Society 2014 National Lawyers Convention (Nov. 17, 2014).
- *DC Transparency Crisis Panel*, Sponsored by Judicial Watch (Mar. 19, 2014).
- *State Policy Network: 20th Annual Meeting* (November 2012)
- *Reporter's Toolbox: Practical Tips and Tools for Citizen Journalists*, Americans for Prosperity: Defending the American Dream Summit (Aug. 3, 2012)

- *Proposed Freedom of Information Act Regulations*, The White House Office of Science and Technology Policy (June 11, 2012).
- *Civil & Human Rights Conference*, Sponsored by Make It Safe Coalition, 226 Dirksen Senate Office Building (May 21, 2012).

Opinion Pieces

1. *Six Recommendations to Make Washington More Transparent*, The Hill (Jan. 16, 2015).
2. *How about Amnesty for Our Schools?* The Hill (Dec. 4, 2014).
3. *Et tu, DOJ? Will Loretta Lynch Ignore IRS Fraud as AG as She Did in Her Own Backyard?* Roll Call (Nov. 26, 2014).
4. *Fishy business at the Supreme Court: Florida Capt. John Yates' sad saga*, Fox News (Nov. 5, 2014).
5. *After Holder: Four Things The Next Attorney General Must Address*, Daily Caller (Sept. 30, 2014).
6. *The Dark Money Complex*, Roll Call (Aug. 14, 2014).
7. *All IRS roads lead to the archivist*, Wash. Times. (July 28, 2014).
8. *Gov. McAuliffe's outsized political clout*, Wash. Post. (July 17, 2014).
9. *When regulators retaliate*, The Hill (June 24, 2014).
10. *FTC's Data Security Grab is Adjudication without Authority*, Roll Call (Feb. 18, 2014).
11. *The Politics of Targeting*, The Hill (Feb. 5, 2014).
12. *With Its Report On The Financial Crisis, What Is The Federal Government Trying to Hide?* Forbes (Dec. 19, 2013).
13. *Obamacare's Implementation Poses Grave, But Largely Unknown Risks for Beneficiaries*, Forbes (Sept. 30, 2013).
14. *Cronyism becomes a way of life*, Wash. Times, (Aug. 14, 2013).
15. *Who should be holding whom accountable*, The Hill, (July 12, 2013).
16. *Lax IRS Oversight Fostered Costly Charity Scams*, Fiscal Times, (June 20, 2013).
17. *Congress is Not the Answer: How We Really Should Be Investigating the IRS*, Roll Call (June 11, 2013).
18. *Does the IRS believe that support for Israel is support for terrorism?* FoxNews (May 16, 2013).
19. *Thomas Perez: Justice belabored*, The Hill (May 9, 2013).
20. *When foreign investment and national security collide*, The Hill (Nov. 27, 2012).
21. *Opacity of Hope: Obama broke FOIA promises*, Wash. Examiner (Oct. 16, 2012).
22. *A muddled message on e-mails*, Wash. Post. (Aug. 17, 2012).
23. *Ethics office audit of GSA fell far short*, Federal Times (Aug. 12, 2012).
24. *Culture Must Protect Fed Whistleblowers*, Roll Call (May 22, 2012).
25. *Occupy's Public Safety Threat Ignored by DOJ*, Breitbart (May 3, 2012).
26. *Is the GSA Just the Tip of the Iceberg?*, Townhall, (Apr. 19, 2012).
27. *Is federal aid being misused?* Phila. Inquirer, (Mar. 27, 2012).
28. *Does it take a lawsuit for the White House to be transparent?* Fox News, (Mar. 23, 2012).

Service

- Member, Advisory Committee on Transparency, Sunlight Foundation
- Board member, Federalist Society Executive Committee on Administrative Law

Bar/Court Admissions

U.S. Court of Appeals for the D.C. Circuit; U.S. District Court for the District of Maryland; U.S. District Court for the Northern District of Illinois; U.S. District Court for the District of Columbia; U.S. Court of Federal Claims; Court of Appeals, Maryland; Court of Appeals, D.C.

Representative Matters

- Freedom of Information Act Matters
 - CoA v. Office of Management and Budget, Case No. 1:12-cv-00379-ESH (DDC 2012) [*won a fee award against the government*].
 - CoA v. HHS & ORI, Case No. 8:12-cv-00943-AW (D. Md 2012) [*action dismissed after agency produced documents*].
 - CoA v. FTC, Case No. 1:12-cv-00850-EGS (DDC 2012, D.C. Cir 2014).
 - CoA v. NARA, Case No. 13-5127 (DDC 2013, D.C. Cir 2013).
 - Oral Argument here.
 - CoA v. IRS, Case No. 1:13-cv-00920-ABJ (DDC 2013).
 - CoA v. DHS OIG, Case No. 1:13-cv-00876-RJL (DDC 2013) [*litigation contributed to the resignation of the Inspector General*].
- Administrative Procedures Act and Constitutional Law Matters
 - American Public Gas Assoc. v. DOE, Case No. 11-1485 (D.C. Circuit 2012).
 - FTC v. LabMD (FTC Administrative Law Proceeding, 2013)
 - XP Technology v. U.S., Case No. 1:12-cv-00774-MMS (CFC 2012).
 - XP Vehicles, Inc. v. DOE, Case No. 1:13-cv-00037-KBJ (DDC 2013).
 - McCutcheon v. FEC, No. 12-536 (U.S. Supreme Court 2013).
 - Amicus Brief cited in Majority Opinion at 36.
 - Rhea Lana, Inc. v. DOL, Case No. 1:13-cv-____ (D.D.C. 2013, D.C. Cir. 2015).
 - Craig Zucker v. CPSC, Case No. 8:13-cv-03355-DKC (D. Md. 2013).
- False Claims Act Matters
 - CoA ex rel. United States v. CTA, Case No. 12-9673 (N.D. IL 2012, 7th Cir. 2015).
- Oversight & Investigations
 - Regulatory Capture: Forest City Enterprises, Greentech Automotive, DOE Loan Program
 - Tax Exempt Entities, Lobbying, and Federal Spending: Fiscal Sponsorship of Nonprofits, Communities Putting Prevention to Work, Executive Branch Earmarks, Promotional Items, Affordable Care Act
 - Government Ethics: National Labor Relations Board, Hatch Act Violations

Education

Ph.D. Candidate, George Washington University, Department of Political Science (Expected 2019).

J.D., Emory University (2008)

Comment Contributor, Emory International Law Review (2007).

Emory Moot Court Honor Society (2007, 2008).

- *Elected Order of Emory Advocates.*

Research Assistant to Professor Timothy Terrell (2006).

B.A., *cum laude*, Political Science and Philosophy (with distinction on Senior Thesis) (2005)

- *Elected Pi Sigma Alpha, Department of Political Science, Kenyon College.*

Professional Interests

Epstein C.V.

Page 4

American Politics: Judicial politics, Bureaucratic politics, Government transparency and ethics, Executive power, Congressional oversight, Inspector Generals, and Federal spending policy.

Public Law: Law & Public Policy, Administrative Law, Legislation, Congressional Investigations, Political & Election Law, Federal Appropriations & Procurement Law, Tax-Exempt Entities Law, Constitutional Law, Appellate Advocacy, Jurisprudence, Legal & Political Theory, and Legal Ethics.

Publications

Peer-Reviewed Publications

Daniel Z. Epstein, *An Unreviewable Presidential Privilege*, __ PRES. STUD. QTLY (forthcoming 2015) (with Mark Rozell, Ph.D).

Law Reviews

Daniel Z. Epstein, *Rationality, Legitimacy, & The Law*, 7 WASH. U. JURISPRUDENCE REV. (2014).

Daniel Z. Epstein, 17 BUFFALO J. GENDER, L. & SOC. JUSTICE (2009).

Professional Periodicals

Daniel Z. Epstein & Mark J. Rozell, *Despite Pledge of Transparency, Obama Is Clogging Information Flow*, NATIONAL LAW JOURNAL (April 14, 2014).

Daniel Z. Epstein, *Redressing Politicized Spending*, 15 ENGAGE No. 1 (Mar. 25, 2014).

Daniel Z. Epstein, *The Reductio Ad Absurdum of Regulating Corruption*, JURIST, (2013).

Daniel Z. Epstein & Michael D. Pepson, *Gmail.gov: When Politics Gets Personal Does the Public Have a Right to Know?* ENGAGE (2012).

Working Papers

Daniel Z. Epstein, *The Norm of Judicial Efficiency* (in draft)

Daniel Z. Epstein, *Stealth Regulation* (in draft)