

# **Civil Society Progress Report on the US National Action Plan**

September 2012

## Civil Society Progress Report on the National Action Plan – September 2012

### Introduction

On September 20, 2011 the Obama Administration released the Open Government Partnership US National Action Plan (NAP), a wide-ranging agenda of steps the Administration committed to undertaking to make the federal government more open and accountable.

The NAP addresses three broad challenges, and includes 26 commitments to help achieve 17 goals. This report is similarly arranged. Wording from the plan is in italics. The Administration does not intend to have enacted this plan in its entirety until January 2013 – a date that will put the US in sync with the majority of countries participating in the Open Government Partnership. This report is a one-year progress report on the steps the Administration has taken thus far, and how much work is left to be done in the remaining few months.

In January OpenTheGovernment.org will release a full assessment of the Administration's efforts to implement the plan. The assessment will look at both whether the Administration met the letter of the commitment, if it took the [recommendations](#) made by civil society, and if the Administration stretched itself beyond the commitment to meet its expressed goals and make the effort more successful.

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## Challenge 1: Increase Public Integrity

### 1.1 Promote Public Participation in Government

*In the United States, we have a government of the people, by the people, and for the people, and the wisdom, energy, and creativity of the American public is the nation's greatest asset. The U.S. is committed to expanding opportunities for public participation in government, and will:*

- **Launch the “We the People” Petition Platform.** Building on President Obama’s desire to hear directly from the American people, the White House has announced that it will launch “We the People” to give Americans a direct line to voice their concerns to the Administration via online petitions. This is a tool to enable the public to create and sign petitions on a range of issues. If a petition meets a public signature threshold, it will be reviewed by White House policymakers, who will consult relevant Administration officials and provide an official and public response. More information can be found at <http://www.WhiteHouse.gov/WeThePeople>.

Status: Met

- **Open Source “We the People.”** The White House plans to publish the source code of “We the People” so that it is available to any government around the world that seeks to solicit and respond to the concerns of the public.

Status: Met

- **Develop Best Practices and Metrics for Public Participation.** We will identify best practices for public participation in government and suggest metrics that will allow agencies to assess progress toward the goal of becoming more participatory. This effort will highlight those agencies that have incorporated the most useful and robust forms of public participation in order to encourage other agencies to learn from their examples.

Status: In Progress

OMB staff has conducted research on existing resources and research from the field of public engagement, and are currently in the process of producing a document that would summarize the best practices and metrics for involving the public in shaping policy. The civil society input team recommended that, in advance of producing such a document, the White House should participate in a convening of a group of 25-30 academic experts, practitioners, and federal managers to help to refine and synthesize the key processes that should accompany public participation initiatives, but this proposal was rejected.

The government launched the We The People platform in September 2011, fulfilling the basic commitment made in the plan. The platform has attracted several million people to use it in its first year of existence, a significant achievement. The White House has provided responses to dozens of petitions that have passed the 25,000 signature threshold. There are several examples where it could reasonably be argued that a petition has successfully influenced policy, though it never possible to say with

certainty what would have occurred in petition's absence. The platform was open-sourced on August 23<sup>rd</sup>, 2012.

The civil society input team has encouraged the team to introduce more engagement-enhancing elements into We The People, like comments or the ability for organizers to contact petition signers; to offer an open feedback mechanism (similar to <http://wethepeople.uservoice.com>) that would allow users to provide direction on how the site should change; to publish more aggregate information about the site itself, including the number of petitions, hurdle-clearing petitions, signers, responses, and links archived petitions; and to better articulate the instances in petitions have had an impact on policy through case studies. While the operational team expressed an understanding of the value of these recommendations, they have not acted on any of the proposals, citing legal and political constraints as well as a lack of implementation capacity. They have expressed hope that once the platform code was open source, external developers would assist them in implementing some of these recommendations.

The We The People project team ultimately hopes to offer APIs and tools that would enable signatures to be gathered through third party e-petition and social media platforms like Facebook or Change.org, which would drastically enhance the reach and impact of the site.

## 1.2 Modernize Management of Government Records

***The backbone of a transparent and accountable government is strong records management that documents the decisions and actions of the Federal Government. The transition to digital information creates new opportunities for records management, but much of government still relies on outdated systems and policies designed during a paper-based world. To meet current challenges, the U.S. will:***

- ***Reform Records Management Policies and Practices Across the Executive Branch.*** We will launch an initiative that will recommend reforms and require reporting on current policies and practices. The initiative will consider changes to existing laws and ask how technology can be leveraged to improve records management while making it cost-effective. The initiative will seek a reformed, digital-era, government-wide records management framework that promotes accountability and performance.

**Status: Met**

The openness community largely welcomed the release of the President's Memorandum on Managing Government Records in November 2011. The Memorandum set the stage for creating effective and efficient records management policies in the federal government.

The President's Memorandum required each agency head to submit a report to the Archivist and the Director of the Office of Management and Budget (OMB) on their current plans for improving records management programs, to outline current obstacles to sound, cost-effective records management policies, and to catalog potential reforms and improvements. Agencies delivered these plans, none of which were made publicly available, in March.

OMB and the National Archives and Records Administration used the feedback from the reports to draft a Records Management Directive. Outside stakeholders, including openness organizations, met with NARA officials to discuss the outlines and possible content of the Directive. The directive, released August 24<sup>th</sup>, included both the requirement that agencies designate a senior official to oversee records management and an emphasis on records management within the cloud.

### 1.3 Continue to Improve Freedom of Information Act Administration

***The Freedom of Information Act (FOIA) guarantees public access to executive branch agency records that are not exempted from disclosure. The Administration's reforms to date have increased transparency, reduced backlogs, and encouraged disclosure of government information before a FOIA request is made. To improve the administration of FOIA, the U.S. will:***

- ***Professionalize FOIA Administration.*** We will continue work on a new civil service personnel category (or job series) for officials who specialize in administering FOIA and other information programs. It is important to recognize the professional nature of the work done by those administering FOIA.

**Status: Met**

- ***Harness the Power of Technology.*** We will expand our use of technology to achieve greater efficiencies in FOIA administration, including utilization of technology to assist in searching for and processing records. Moreover, as agencies increasingly post information on their websites, we will work to ensure that the information is searchable and readily usable by the public.

**Status: Partially Met**

Over the past year, the Administration has continued to press agencies to reduce their backlog of unanswered FOIA requests and to process requests for information faster. Despite improvements in these areas by some agencies, the public continues to be frustrated by long delays and other frustrations.

OPM released a civil service personnel category that encompassed government workers whose primary job duties are executing the FOIA in March. The job series, called the Government Information Series, also includes government workers like Privacy Act Officers or Records Managers whose primary duties are related to government information/disclosure. OPM's announcement was met with little notice from groups who have long-advocated for efforts to professionalize FOIA. Early in the process of creating the new series, a few organizations expressed concerns that OPM's proposal focused too much on management tasks.

The Department of Justice (DOJ) has created an interagency working group to discuss using technology to make the FOIA process more efficient. We understand this group has shared ideas and discussed best practices. However, there is no indication that the Administration has embraced, or encouraged agencies to embrace, a holistic approach to using technology to make it easier for the public to make and track FOIA requests, to make it easier for the government to manage FOIA requests, and to make it easier for the public to access information released under the FOIA.

## 1.4 Declassify National Security Information

***In many cases, information that at one time was not made public for reasons of national security can eventually be made available through the declassification process. In Executive Order 13526, “Classified National Security Information,” the President established a National Declassification Center to strengthen Open Government by improving coordination among agencies and streamlining the declassification process throughout the Federal Government. In the next year, the Center will:***

**• Lead a Multi-Agency Effort.** *This multi-agency effort will work to declassify historically valuable classified records in which more than one agency has an interest, and work to address the backlog of 400 million pages previously accessioned to the National Archives. The Center will also oversee the development of standard declassification processes and training to improve and align declassification reviews across agencies. The Center will consider public input when developing its prioritization plan, as well as report on its progress, provide opportunities for public comment in a variety of media, and host at least one public forum to update the public and answer questions.*

**Status: Partially Met**

Over the past year, the Administration has taken action on several fronts. New members have been appointed to the Public Interest Declassification Board; the Fundamental Classification Guidance Review has been completed; and the National Declassification Center (NDC) is fully functional. The NDC has made progress in increasing the pace and productivity of declassification of historically valuable classified records. Barriers to interagency cooperation have been reduced and declassification procedures have been streamlined. The NDC is currently processing some 5 million pages of classified records per month, a significant improvement over past performance, and it has assessed 90% of the backlog of classified documents subject to review for declassification.

Disappointingly, however, all indications are that the NDC will not fulfill its presidentially-assigned goal of eliminating the backlog of around 400 million pages of classified records by December 31, 2013. NDC officials note correctly that this is due to circumstances beyond their control, including the requirements of the congressionally-mandated Kyl-Lott Act. A new approach to declassification will likely be needed to deal with those problematic circumstances, including converting appropriate historical FRD information to the national security information category.

In other areas of classification policy, the Fundamental Classification Guidance Review has produced some encouraging results in improving the clarity and traceability of classification decisions. But it is less clear that it has meaningfully reduced over-classification. One step in the right direction would be to create a self-canceling classification process that would provide for true automatic declassification and help avoid creation of future backlogs. Most of the work on “transforming” the classification and declassification system remains to be accomplished.

## 1.5 Support and Improve Agency Implementation of Open Government Plans

*The OMB Open Government Directive, mentioned above, required agencies both to take immediate steps and to establish long-term goals to achieve greater openness and transparency. Over the next year, the U.S. will:*

- **Monitor Agency Implementation of Plans.** *Taking account of the views and perspectives of outside stakeholders, the White House will carefully monitor agency implementation of the plans. As a result, agencies will improve their efforts to disclose information to the public and to make such disclosure useful, identify new opportunities for public participation in agency decision-making, and solicit collaboration with those outside government.*

**Status: Partially Met**

In the year since the release of the National Action Plan, most agencies have released an updated version of the open government plans required by the Open Government Directive (OGD), and a handful of agencies have reached out directly to representatives of the open government and engagement communities to get feedback about their plans. Agencies efforts to meet the requirements of the OGD, the strength of their plans, and the quality of their efforts to implement their plans are widely varied.

As previously mentioned, the OGD requires agencies to create open government plans, and update those plans at least every two years. The first wave of updated plans went up on agencies' websites around April 17, 2012. Agencies that had made interim changes to their plans prior to the two year deadline, and some smaller agencies, posted revised versions over the following few months. To date, the Department of Labor is the only major agency that has yet to post any updates to its plan: the revised version is more than 4 months past due

The Administration's Open Government Dashboard (<http://www.whitehouse.gov/open/around>) has not been updated to reflect agencies efforts to implement version 1 of agency plans, or the release of Version 2 of the plans. The Dashboard does not allow visitors to access any of the information that shows why an agency is ranked as either green or yellow (there are no reds on the dashboard) on an element. Some agencies do periodically post updates on implementation of their plan on their /open page, and use the pages to share information with the public. The [National Archives and Records Administration](#), the [Environmental Protection Agency \(EPA\)](#), and [NASA](#), for example, have integrated their /open pages in to the way the agency operates: adding in links, blogs, and regular updates. Other agencies, however, like the [Department of Labor](#) and the [Department of Interior](#) have rarely added anything new to the page.



## 1.6 Strengthen and Expand Whistleblower Protections for Government Personnel

***Employees with the courage to report wrongdoing are a government's best defense against waste, fraud, and abuse. Federal law clearly prohibits retaliation against most government employees who blow the whistle, but some employees have diminished protections, and judicially-created loopholes have left others without an adequate remedy. To address these problems, we will:***

- ***Advocate for Legislation to Reform and Expand Whistleblower Protections.*** Recently, Congress nearly enacted legislation that would eliminate loopholes in existing protections, provide protections for employees in the intelligence community, and create pilot programs to explore potential structural reforms in the remedial process. The Administration will continue to work with Congress to enact this legislation.

**Status: In Progress**

As we write, Congress is poised to take action on the Whistleblower Protection Enhancement Act (S. 743, as amended). The legislation would significantly reform and expand protections for federal whistleblowers, particularly by eliminating current loopholes. But unfortunately, in reaching a compromise that could pass both Chambers in this short legislative session, the cosponsors removed some of the more substantial structural reforms, including the protections for employees in the intelligence community. The outcome for the legislation is uncertain, as time is short before Congress leaves for the election recess. In earlier stages of the legislative process, the Administration's support was essential. The Administration's role has diminished recently, mostly through circumstance, but they have continued to offer assistance and support as needed.

- ***Explore Utilization of Executive Branch Authority to Implement Reforms if Congress is Unwilling to Act.*** Statutory reform is preferable, but if Congress remains deadlocked, the Administration will explore options for utilizing executive branch authority to strengthen and expand whistleblower protections.

**Status: In Progress**

We believe that some type of executive action as described is actively under consideration by the Obama Administration and that affirmative steps have been taken to arrive at a policy. However, given that some actions taken by the Administration have eroded protections for whistleblowers, we strongly encourage the administration to move from exploration to execution now.

There have been some positive developments under the independent offices that support whistleblowers, primarily under the leadership of Obama appointees (appointed prior to the NAP) at the Office of Special Counsel, the Merit Systems Protection Board, as well as some initiative in the IG community (which is of course is independent of the administration).

The OSC is on track to deliver 156 favorable actions for federal employees who have suffered reprisal for whistleblowing or other prohibited personnel practices. This number is an all-time high for the agency and represents an 86% increase over FY 2011.

Although it isn't directly influenced by the action plan or under the purview of the administration, whistleblower advocates were pleased to see the DOJ IG add an ombudsman for whistleblowers. Justice is now joining the ranks of Interior, Defense, Commerce, Homeland Security and the others with similar programs established.

But sadly, since the President's commitment to whistleblower protections for federal workers in the NAP, there have been serious actions taken by the Obama administration that also contradict this commitment. First, this administration has prosecuted more federal workers for disclosures under the Espionage Act than all other presidencies combined. In all of these prosecutions the alleged leak involved a criticism of government programs or policies. At the same time, similar leaks of classified information that show the Administration in a positive light are rarely even investigated, and none have been prosecuted. Second, the President's Director of National Intelligence has issued a directive increasing surveillance of national security workers, which raises concerns about intimidation of whistleblowers, particularly given the lack of protections for these workers. Third, there have been several reported instances of email surveillance of federal workers by agencies, perhaps the most concerning being the monitoring of whistleblowers at the FDA in their disclosures to the Office of Special Counsel and Congress. Last, and the action with the gravest consequence, Obama's DOJ and OPM chose to appeal a case to the Federal Circuit that recently resulted in hundreds of thousands of employees being removed from the merit system and the protections afforded them under the Whistleblower Protection Act, winning their argument that federal workers whose positions are labeled "sensitive" because they may be in a position where they may need eligibility for access to classified information—but who do not yet have access to classified information—may not have access to the Merit Systems Protection Board (*Berry v. Conyers and Northover*).

Essentially, given that the Obama administration hasn't taken official action to strengthen whistleblower protections since making a few key political appointments prior to the NAP Action Plan, but has taken several affirmative actions that remove protections, it will be difficult to give any credit to the Administration under this objective if they fail to issue an official executive action that significantly reforms and expands protections for whistleblowing and makes clear the President's policy is zero tolerance for suppression and retaliation of whistleblowers. We hope this is forthcoming.

## 1.7 Enhance Enforcement of Regulations through Further Disclosure of Compliance Information

*From highway safety and clean air to workers' safety and toxic chemicals, smart regulations cannot work without effective enforcement. Disclosure of regulatory compliance information helps to foster fair and consistent enforcement of important regulatory obligations. The President issued a memorandum requiring Federal enforcement agencies to make publicly available compliance information easily accessible, downloadable, and searchable online. In the next year, Federal agencies will:*

- **Provide Enforcement and Compliance Data Online.** Agencies will continue to develop plans for providing greater transparency about their regulatory compliance and enforcement activities, and look for new ways to make that information accessible to the public.

Status: In Progress

Although the January 18 Regulatory Compliance Memorandum (<http://www.whitehouse.gov/the-press-office/2011/01/18/presidential-memoranda-regulatory-compliance>) was a promising step toward improving access to regulatory compliance information, there is frustration with the lack of progress in the initiative. Only a handful of agencies have completed plans in compliance with the memorandum and made those plans available to the public. In addition, the quality of those plans varies widely from agency to agency. Plans are not available through one central website location, and locating individual agency plans can be difficult.

Progress has been made on providing better access to enforcement and compliance information in some agencies. For example, the Department of Labor's Searchable Enforcement Database provides the public with one-stop access to enforcement data across DOL. However, it is not clear that the administration has pushed the initiative as a priority across all enforcement agencies.

The administration should prioritize the completion and release of online data disclosure plans and facilitate better coordination among agencies so that successful models of plans and databases are promoted.

## 1.8 Increase Transparency of Legal Entities Formed in the U.S.

***Legal entities can provide access to the international financial system for illicit actors and may frustrate financial investigations. To increase transparency over the next year, we will:***

- ***Advocate for Legislation Requiring Meaningful Disclosure.*** As a critical element of a broader strategy to safeguard the international financial system from such abuse of legal entities, the Administration will advocate for legislation that will require the disclosure of meaningful beneficial ownership information for corporations at the time of company formation.

**Status: Partially Met**

The Administration and agency officials from Treasury and Justice assigned to monitor and advocate for this legislation met with civil society representatives several times. Although the officials appear to be ideologically committed to the passage of legislation, there has been little actual advocacy for legislation that civil society is aware of and they are aware of no engagement by the White House in moving the legislation to a vote.

## Challenge 2: Manage Public Resources More Effectively

### 2.1 Implement Extractive Industries Transparency Initiative

*The Extractive Industries Transparency Initiative (EITI) has developed a voluntary framework under which governments publicly disclose their revenues from oil, gas, and mining assets, and companies make parallel disclosures regarding payments that they are making to obtain access to publicly owned resources. These voluntary disclosures are designed to foster integrity and accountability when it comes to development of the world's natural resources. This Administration:*

**• Is Hereby Committing to Implement the EITI to Ensure that Taxpayers Are Receiving Every Dollar Due for Extraction of our Natural Resources.** *The U.S. is a major developer of natural resources. The U.S. collects approximately \$10 billion in annual revenues from the development of oil, gas, and minerals on Federal lands and offshore, and disburses the bulk of these revenues to the U.S. Treasury, with smaller portions disbursed to five Federal agencies, 35 States, 41 American Indian tribes, and approximately 30,000 individual Indian mineral owners. By signing onto the global standard that EITI sets, the U.S. Government can help ensure that American taxpayers are receiving every dollar due for the extraction of these valuable public resources.*

Status: In Progress

**• Will Work in Partnership with Industry and Citizens to Build on Recent Progress.** *The Administration has already made important strides in reforming the management of our natural resources to ensure that there are no conflicts of interest between the production and the collection of revenues from these resources. Signing onto the EITI initiative will further these objectives by creating additional “sunshine” for the process of collecting revenues from natural resource extraction. Industry already provides the Federal Government with this data. We should share it with all of our citizens. Toward that end, the Federal Government will work with industry and citizens to develop a sensible plan over the next two years for disclosing relevant information and enhancing the accountability and transparency of our revenue collection efforts.*

Status: In Progress

President Obama announced the US' intention to implement the EITI during his speech at the launch of the Open Government Partnership (OGP) in New York in September. The US has begun the application process, but it is not yet completed. On July 26, the Department of Interior (DOI) announced the founding of the US national EITI multi-stakeholder group (MSG) to oversee implementation. The MSG will be convened as a new federal advisory group established under the US Federal Advisory Committee Act and will consist of approximately 21 members to represent a range of interests concerned with the implementation of USEITI, including non-federal representatives from the extractive industry and the public, and may ultimately include representatives from state, local, and/or tribal governments.

Representatives of civil society met with the Administration and agency officials to discuss how the US can effectively implement the EITI. The Department of Interior has been actively engaged with civil society on the composition of the MSG.

## 2.2 Increase Transparency in Spending By Applying Lessons from the Recovery Act to All Federal Spending

*The Administration has provided the public detailed information about stimulus spending (Recovery.gov), Federal procurement and financial assistance spending, down to the sub-award level for grants and contracts (USAspending.gov), the accuracy of payments to non-Federal recipients to reduce fraud, waste, and abuse (Paymentaccuracy.gov), and Federal information-technology spending (it.usaspending.gov). In the coming year, the U.S. will:*

- **Provide Strategic Direction to Increase Transparency.** On June 13, 2011, the President furthered his commitment to Federal spending transparency in Executive Order 13576, which establishes the new Government Accountability & Transparency Board (GATB). Within six months of its establishment, the GATB will provide a report to the President recommending concrete steps that can be taken to achieve the goals of the Executive Order. The report will focus on integrating systems that collect and display spending data, ensuring the reliability of those data, and broadening the deployment of cutting-edge technologies that can identify and prevent fraud.

**Status: In Progress**

In June 2011, President Obama established the Government Accountability and Transparency Board (GATB) through Executive Order 13576. The GATB was established to “provide strategic direction for enhancing the transparency of Federal spending and advance efforts to detect and remediate fraud, waste, and abuse in Federal programs.” It was charged with issuing a report to make recommendations on improving the display of government spending data, improving federal spending data quality, and increasing the use of fraud detection priorities.

The GATB held its first meeting on July 28, 2011. It issued its report and recommendations to the president in Dec. 2011, within the six month timeframe, and made three main recommendations to strengthen federal spending transparency and accountability. The GATB’s report included a set of lessons learned from Recovery.gov: Two were on preventing waste, fraud, and abuse, and three were about spending transparency. The creation of the Board and the submission of the report fulfill the basic requirement set forth by the National Action Plan commitment to provide strategic direction to increase transparency. However, enacting the recommendations of the GATB, going beyond the simple issuance of a set of recommendations will mark a significant step forward in increasing federal spending transparency.

## 2.3 Increase Transparency of Foreign Assistance

***Greater foreign aid transparency promotes effective development by helping recipient governments manage their aid flows and by empowering citizens to hold governments accountable for the use of assistance. Increased transparency also supports evidence-based, data-driven approaches to foreign aid (assisted, where appropriate and feasible, by the use of randomized controlled experiments).***

***Building on these commitments, the U.S. will:***

- ***Release and Implement Government-wide Reporting Requirements for Foreign Aid. These requirements will direct all Federal agencies that administer foreign assistance to provide timely and detailed information on budgets, disbursements, and project implementation. Agencies will be responsible for providing a set of common data fields that are internationally comparable. The information collected through the above initiative will be released in an open format and made available on a central portal – the Foreign Assistance Dashboard (ForeignAssistance.gov) – that will be updated quarterly.***

**Status: In Progress**

The U.S. became a signatory to the International Aid Transparency Initiative (IATI) in November 2011. Please see [here](#) for details. No information has been published to the IATI Registry yet.

The [Foreign Assistance Dashboard](#), a tool for users to “examine, research, and track U.S. Government foreign assistance investments in an accessible and easy-to-understand format” was launched in December 2010. Please see [here](#) for more details.

Since then Department of State has published its planning data (December 2010). USAID has published its planning data (December 2010) and its obligation and spent data (June 2012). Please see [here](#) for details. The Millennium challenge Corporation has published its planning, obligation and spent data (November 2011). Please see [here](#) for more details.

OMB guidance on aid transparency commitments has been delayed. One key element advocates and others will look for in the guidance is for XML format to be the default way agencies share information with the Dashboard and the IATI Registry. To facilitate the publication of timely and comprehensive data, the IATI feed should be used by the Dashboard team to collect information from the different agencies

By December 2012 USG is scheduled to publicly release its IATI implementation plan. We expect that it will cover all agencies administering foreign assistance rather than individual agency plans. This is an important step in implementation and a key component of the common standard – which includes all IATI components and its publishing approach - agreed by [The Global Partnership for Effective Development Cooperation](#). The aim is for full implementation by December 2015 of the common standard reached at the Fourth High Level Forum on Aid Effectiveness, which took place in Busan, Korea in November – December 2011.

Publish What You Fund will be launching the 2012 Aid Transparency Index in Washington, D.C. in October 2012. The Index will be accompanied by a U.S. specific report which will include in depth analysis on the six U.S. agencies included in the 2012 Index.

## 2.4 Create a More Effective and Responsive Government – Performance.gov

*Responding to the President’s challenge to cut waste, save money, and better serve the American people, Performance.gov provides a window on the Administration’s approach to improving performance and accountability. The site gives the government and the public a view of the progress underway in cutting waste, streamlining government, and improving performance. Over the next year, the U.S. will:*

- **Improve Government Performance and Accountability.** *We will continue to improve the website, including adding data on other government-wide management initiatives. In particular, the site will be updated to meet the requirements of the recently enacted Government Performance and Results Modernization Act, which requires regular progress updates on the top agency-specific performance goals.*

Status: In Progress

OMB provided public access to performance.gov [in August 2011](#). At that time, it provided access to information on eight Administration management improvement initiatives, such as acquisition, financial management, and technology reform projects. In February 2012, OMB [added descriptive information](#) on more than 100 agency priority goals and 14 cross-agency priority goals.

In its A-11 budget guidance to agencies in August 2012, OMB required agencies to [provide machine-readable data](#) for information to be posted on performance.gov. It also detailed how agencies should submit information to create a [governmentwide inventory](#) of all federal programs that will be posted on performance.gov, beginning in 2013.

By law, OMB is required to post regular progress updates on agency and cross-agency priority performance goals. [According to its guidance](#) to agencies, the first draft reports are due November 15, 2012.



## Challenge 3: Improve Public Services

### 3.1 Expand Public Participation in the Development of Regulations

*For two and a half years, the Administration has promoted public participation in rulemaking, which covers such diverse subjects as energy, education, homeland security, agriculture, food safety, environmental protection, health care, and airline and automobile safety. In January 2010, the President issued Executive Order 13563, "Improving Regulation and Regulatory Review," which requires timely consultation with affected stakeholders and the use of Regulations.gov, an online portal to view and comment on pending regulations "in an open format that can be easily searched and downloaded." In the next year, the U.S. will:*

- **Overhaul the Public Participation Interface on Regulations.gov.** *The U.S. will continue its vital efforts in this area by overhauling the public participation interface on Regulations.gov. We will revamp public commenting mechanisms, search functions, user interfaces, and other major features to help the public find, follow, and participate in Federal rulemakings. In this way, we will ensure what the President has called "an open exchange of information and perspectives."*

**Status: Met**

The work of the eRulemaking Project Management Office is one of the bright spots in this report. The team is a joy to work with: they have been open to new ideas, are bringing a new public-user perspective to designing the Regulations.gov interface, and have been proactive in reaching out to public stakeholders for proposals and reactions as the redesign process goes forward. They have released some significant updates over the course of the year, and continue to work on implementation of the outstanding issues.

Important priorities continue to be improved capabilities for commenting and for finding and reviewing information. Commenting functionality should continue to develop so that Regulations.gov offers users an experience that aligns with their general expectations of online commenting, to the extent that this experience elicits participation that matters in the rulemaking process. Finding this balance will require experimentation, since the requirements for effective participation in this context are more demanding than in the typical online commenting setting. Developing faster, more reliable ways for users to find information about the proposed rule and to read the submissions of other commenters is essential. Agencies must discover ways to present rulemaking information that are more attuned to the online environment and to the needs of users who are not familiar with the vocabulary and practices of rulemaking. The work now being done on design and functionality of the Regulations.gov public interface and the agency-side Federal Docket Management System is crucial, but this is not simply a technical challenge. It will require agencies to work collaboratively with the PMO and other entities (e.g., the Federal Register) to adapt current drafting, comment-posting, and other practices, if the potential of e-rulemaking is to be realized.

### 3.2 Use Data.gov as a Platform to Spur Innovation

*The U.S. champions the publication of machine-readable data and the use of challenges, prizes, and competitions to catalyze breakthroughs in national priorities. The Data.gov site supplies the public with large amounts of useful, machine-readable government data that can be used by innovators without intellectual property constraint. To accelerate this movement, the U.S. will:*

- **Contribute Data.gov as a Platform.** Through the U.S.-India Open Government Dialogue, the two countries have partnered to release “Data.gov-in-a-Box,” an open source version of the United States’ “Data.gov” data portal and India’s “India.gov.in” document portal. It will be available for implementation by countries globally, encouraging governments around the world to stand up open data sites that promote transparency, improve citizen engagement, and engage application developers in continuously improving these efforts.

Status: Met

- **Foster Communities on Data.gov.** We will work toward expanding the number of Data.gov “communities” that connect data related to particular subject matters with users and producers of that data. With communities focused on health, energy, and law already launched, we will work to launch new communities in education, research and development, and public safety in the next year.

Status: Met

The Administration discussed open sourcing data.gov for use in other nations and creating new communities with representatives of civil society, and was receptive to the advice it received.

In December the White House released the Data.gov source code. The Indian government launched a beta-version of its [data.gov.in](https://data.gov.in) platform in September.

There are currently about a dozen communities on Data.gov. There are now communities focused on education, safety, and more.

### 3.3 Encourage Communication between Government Officials and Citizen-Experts

*In many cases, those who work in government turn to those outside for advice and support. But too often, officials know only a subset of relevant experts or need to find experts in a new area. To overcome these hurdles, the U.S. will:*

- **Launch ExpertNet.** *This platform will enable government officials to better communicate with citizens who have expertise on a pertinent topic. It will give members of the public an opportunity to participate in a public consultation relevant to their areas of interest and knowledge, and allow officials to pose questions to and interact with the public in order to receive useful information.*

**Status: In Progress**

Little publicly visible work has been done on ExpertNet, but the government has worked with the civil society team to re-envision what the platform will look like, both as a minimum viable product and, to a lesser extent, in its ultimately more robust form. It is now viewed as a “network of networks,” weaving together several existing community platforms, rather than as a new, standalone platform.

OMB staff has focused on surmounting internal bureaucratic hurdles and on recruiting agency partners for meaningful pilot initiatives. The US Patent & Trade Office appears likely to utilize the Stack Exchange platform to gather input from external experts. OMB staff will document the “lessons learned” from this pilot and will provide guidance to other agencies to successfully expand upon these initial efforts.

### 3.4 Reform Government Websites

*More citizens seek government information through the internet than any other source. In addition to continuing to be accessible, government websites should be easy to find, use, and navigate. On April 27, 2011, the President issued Executive Order 13571, "Streaming Service Delivery and Improving Customer Service," to begin sweeping reform of government websites. As part of this ongoing initiative, the U.S. will:*

- **Begin an Online National Dialogue With the American Public.** We will solicit the American public's input on how best to improve Federal agency use of the internet and online tools.

Status: Met

- **Update Government-wide Policies for Websites.** We will reform the seven-year-old policy that governs the management, look and feel, and structure of Federal Government websites to make them more useful and beneficial for the public.

Status: In Progress

The administration has made significant progress on implementing its commitment to reform government websites, building on ongoing initiatives to modernize improve the government's use of information technology that predated the NAP commitment.

The administration began its efforts in this area with a brief but constructive public dialogue via IdeaScale held in September 2011. Agencies then published baseline "web improvement plans" describing their current activities to effectively utilize the web to provide citizens with information and services. The plans, which were very brief, were published in October 2011. It should be noted that a few agencies did not submit plans.

In May 2012, President Obama issued a memorandum, "Building a 21st Century Digital Government," which introduced a new Digital Government Strategy developed by Federal Chief Information Officer (CIO), Steven VanRoekel. The strategy was a detailed plan to modernize federal IT, including key reforms of online information and services. Central to the strategy is a shift to designing IT systems to support greater openness. Agencies are required to transition two existing major systems to be more open (with APIs and mobile access) within a year and publish a plan for transitioning others. In August, the administration published an update on progress in the first three months.

However, OMB has not yet replaced the seven-year-old memo that governs federal websites – an update which is necessary to strengthen the standards for federal websites in order to increase transparency. Under the Digital Government Strategy, OMB is to publish a new web policy by November 2012, which could replace the seven-year-old memo.

### 3.5 Publish Data to Help Consumers and Scientists

***In many cases, the government has information that can be leveraged to help consumers make better decisions and to aid scientific research. To unlock the potential of this data, the U.S. will:***

- ***Promote Smart Disclosure.*** *The government already discloses data to inform decision-making in many areas by, for example, providing access to comprehensive tools to facilitate the search for insurance options best suited to an individual's specific needs. To build on this work, OMB recently issued guidance to Federal agencies on "smart disclosure." We have also established a task force dedicated to promoting better disclosure policies. In response to this guidance, agencies and departments will work over the next year to ensure the timely release of complex information in standardized, machine-readable formats that enable consumers to make informed decisions in numerous domains.*

**Status: In Progress**

- ***Publish Guidelines on Scientific Data.*** *We will develop Federal guidelines to promote the preservation, accessibility, and interoperability of scientific digital data produced through unclassified research supported wholly or in part by funding from the Federal science agencies.*

**Status: In Progress**

In November 2011, the Office of Science and Technology Policy issued a request for information on "Public Access to Digital Data Resulting From Federally Funded Scientific Research." The RFI sought recommendations and approaches for ensuring the long-term stewardship of digital data and how best to coordinate federal agency data policies and when possible, harmonize data management plans of the agencies. Despite a significant number of responses to the RFI and a growing emphasis on digital data (e.g. the "Big Data Research and Development Initiative, March 2012) the Administration has yet to issue a digital data policy or directive.

Two federal agencies have implemented data management plans as a condition of grant funding. Data management plans are intended to document how research data will be described, accessed, archived, shared, re-used, and re-distributed over the length of the funded project and beyond. As of January 2011, the National Science Foundation (NSF) required those seeking NSF funding to submit a data management plan in grant proposals. Similarly, the National Endowment for the Humanities Office for Digital Humanities announced in June 2011 that the grant program, Digital Humanities Implementation Grant, requires a data management plan modeled after the NSF plan.

### 3.6 Promote Innovation Through International Collaboration

*The U.S has used prizes and competition to foster a culture of innovation in both the public and private sectors. In this spirit, the United States will:*

- **Launch International Space Apps Competition.** *The National Aeronautics and Space Administration and key space agencies around the world will gather with scientists and concerned citizens to use publicly- released data (e.g., Earth science and planetary observations) so as to create solutions for global challenges such as weather impacts on the global economy and depletion of ocean resources. An international collaboration website will be created to facilitate citizen participation*

**Status: Met**

It must certainly be accepted that this event was an unfettered success. NASA, working with the space agencies of the UK, Australia, and Japan, facilitated simultaneous events in 24 cities, spanning all 7 continents and the International Space Station for 48 hours of intense coding with over 2,000 participants that worked on 111 projects, with 37 of them meeting the criteria for judging.

That said, it would have been nice to see a broader engagement of international space agencies, and more promotion of the event by NASA beyond that done by the small team that was responsible for it. While there have been some indications of attempting to leverage this event into a sustainable community, at this point nothing publicly tangible has been accomplished in this regard.

### Snapshot of US National Action Plan Implementation Progress

Commitments	Met	In Progress	Partially Met	Not Met
Launch the “We the People” Petition Platform <i>p. 3-4</i>	X			
Open Source “We the People” <i>p. 3-4</i>	X			
Develop Best Practices and Metrics for Public Participation <i>p. 3-4</i>		X		
Reform Records Management Policies and Practices Across the Executive Branch <i>p. 5</i>	X			
Professionalize FOIA Administration <i>p. 6</i>	X			
Harness the Power of Technology [to Improve FOIA Processing] <i>p. 6</i>			X	
Lead a Multi-Agency Effort [to Declassify National Security Information] <i>p. 7</i>			X	
Monitor Agency Implementation of [Open Government] Plans <i>p. 8</i>			X	
Advocate for Legislation to Reform and Expand Whistleblower Protections <i>p. 9-10</i>		X		
Explore Utilization of Executive Branch Authority to Implement [Whistleblower] Reforms if Congress is Unwilling to Act <i>p. 9-10</i>		X		
Provide Enforcement and Compliance Data Online <i>p. 11</i>			X	
Advocate for Legislation Requiring Meaningful Disclosure [of Beneficial Corporate Ownership Information] <i>p. 12</i>			X	
Commit to Implement the EITI to Ensure that Taxpayers Are Receiving Every Dollar Due for Extraction of our Natural Resources <i>p. 13</i>		X		
Work in Partnership with Industry and Citizens to Build on Recent Progress [in Reforming Natural Resource Management] <i>p. 13</i>		X		
Provide Strategic Direction to Increase [Federal Spending] Transparency <i>p. 14</i>		X		
Release and Implement Government-wide Reporting Requirements for Foreign Aid <i>p. 15</i>		X		

Commitments	Met	In Progress	Partially Met	Not Met
Improve Government Performance and Accountability – Performance.gov <i>p. 16</i>		X		
Overhaul the Public Participation Interface on Regulations.gov <i>p. 17</i>		X		
Contribute Data.gov as a Platform <i>p. 18</i>	X			
Foster Communities on Data.gov <i>p. 18</i>	X			
Launch ExpertNet <i>p. 19</i>		X		
Begin an Online National Dialogue With the American Public [on How to Improve Federal Agency Use of the Internet and Online Tools] <i>p. 20</i>	X			
Update Government-wide Policies for Websites <i>p. 20</i>		X		
Promote Smart Disclosure <i>p. 21</i>		X		
Publish Guidelines on Scientific Data <i>p. 21</i>		X		
Launch International Space Apps Competition <i>p. 22</i>	X			