Civil Society Report on Implementation of the First US National Action Plan

March 2013

March 12, 2013

Two years ago, in early 2011, the Obama Administration held its first convening on the Open Government Partnership (OGP), which has grown into a vibrant multi-national mix of governments, civil society organizations, academics, and others. Those engaged in the OGP experiment are all focused on making participating governments more open, collaborative with civil society, and participative for the public. These goals are expressed in each country's National Action Plan (Plan).

The OpenTheGovernment.org (OTG) coalition has played key roles from the outset in the US government's development of its Plan: first in pushing the Administration to go beyond repackaging its existing activities and instead, to consider policy priorities developed by more than 20 civil society organizations; second, in coordinating the efforts of a wide and diverse range of civil society organizations (and affiliated individuals and academics) to share policy ideas with the Administration, to make recommendations to the government on the implementation of its Plan, and to meet with government officials on each of the commitments evaluated here; and third, the effort you see in this Report – in assessing the progress made by the government both on the letter of its commitments as well as on civil society's recommendations for achieving the goals underlying those specific items.

The goals established by the first Plan are noteworthy, commendably reflecting a number of our community's policy goals, and are a clear sign that the Administration understands the broad range of issues that must be tackled before we can achieve the greater goal of transforming government to be open and accountable to the public. Several critical issues, most notably those surrounding national security and campaign finance reform, are not addressed, however.

This National Action Plan was only a first installment on the work needed. As this report finds, although the government met most of its particular commitments, progress toward even its own interim goals has been far less dramatic and even halting in some respects. Indeed, regrettably, the specific commitments included in the plan do not put the US on a path to accomplish those goals quickly. Some of the commitments in the Plan only constituted repackaging of existing activities and promises to do something that was already done or about to be done.

Achieving the bold vision of open and accountable government envisioned by the Partnership and embraced by President Obama requires ambitious commitments in future iterations. The US government must be willing to think big, and, rather than promising only baby steps, to commit to bold transformative strides.

For our part, we will push future Plans to address critical issues that are not yet on the table, and will continue to urge progress in the areas of government spending transparency, transformation of the classification system, proactive disclosure, the Freedom of Information Act (FOIA), and ethics disclosure, around which our community has already built a consensus, and to work with our civil society colleagues and government to implement the concrete steps that must be taken in these areas. As the community of civil society organizations engaging on the OGP expands, our coalition will continue to create new openness communities around refreshed and expanded ideas for advancing government openness and accountability. And we and our civil society colleagues will work with the Administration on Plans 2, 3, and 4 – and push them to do more and better. We understand the work is hard for everyone involved, but the goal is worth it.

Our special thanks go to Amy Bennett, John Bertot, Wayne Moses Burke, and Abby Paulson for all their work on this initiative and this report.

Thank you for your engagement and support!

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Acknowledgments

American Association of Law Libraries
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America Speaks
Daniel Clark
Association of Research Libraries
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Brennan Center for Justice
Elizabeth Goitein
Center for Effective Government*
Gavin Baker, Katie Greenhaw, Craig Jennings, & Sean Moulton
Center for Progressive Reform
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Executive Summary

For the U.S., the OGP originated in the White House from the President himself and reflects his commitment to openness in government. By issuing the first National Action Plan, the US stands as a leader on issues of transparency for accountability. For the United States to sustain this leadership and continue to make significant progress toward more openness and accountability, the US government must be willing to think big, and rather than promising only baby steps, to commit to bold transformative strides. Additionally, several critical issues, most notably surrounding national security issues and campaign finance reform, should not be left unaddressed by the second National Action Plan. It will be the only way to achieve the President's desired legacy of being "the most transparent Administration in history."

The OGP initiative requires the delivery of a country action plan developed with public consultation. The US released the 1st US National Action Plan to coincide with the announcement of the launch of the Open Government Partnership on September 20, 2011. OpenTheGovernment.org has acted as the primary coordinator of civil society organizations with a stake in US participation in the OGP since July 2011. As part of this work, OpenTheGovernment.org collaborated with academics with open government expertise to develop an evaluation framework for assessing the implementation of the US National Action Plan (NAP). The evaluation process used to create this report is intended to encourage government officials to collaborate with civil society on open government initiatives and to provide the necessary pressure to keep the government making progress on key openness and accountability issues after it meets the basic letter of the commitment.

The first US National Action Plan addressed three broad challenges (Increase Public Integrity, Manage Public Resources Effectively, and Improve Public Services) and included 26 concrete commitments to help achieve 17 larger goals. These commitments address areas of concern for a broad array of stakeholders. Officials involved in managing the creation and implementation of the plan set a deadline of December 31, 2012 for meeting all of the commitments.

To facilitate collaboration, civil society (CSO) teams consisting of volunteers from civil society organizations engaged in open government issues were established around each of the government's commitments. This report is based on evaluations of the government's efforts to meet the commitments, as completed by the leader of each team. The evaluations cover four basic areas:

1. Completion of commitments
2. Efforts to collaborate with civil society organizations on the initiative
3. Responsiveness of the government to recommendations made by civil society organizations
4. Meaningfulness and sustainability of the government's efforts

Overall, by the implementation deadline the evaluators determined that government met the letter of its commitment in 19 of the 25 commitments evaluated by the teams. For the most part, these commitments are commendable first steps toward addressing critical issues and meeting the larger

goals laid out by the government in the Plan. Some commitments were not met by the deadline because the initiative was wrapped into a larger effort to create a federal digital strategy. In other cases, the evaluators cited a lack of time and resources as a contributing factor to the government not meeting certain commitments.

The evaluation also shows that civil society organizations rated the government's efforts to collaborate fairly high and there was also notable progress toward the implementation recommendations of civil society on several of the commitments. We hope that these positive indicators carry over into the creation and implementation of the 2nd National Action Plan.

As noted above, the evaluations also cover three additional metrics: collaboration, movement toward civil society recommendations, and meaningfulness and sustainability of efforts. Commitment summary pages explain how the government's efforts were scored on each of these three sections. The section also includes tables ranking the government's efforts by each of the three metrics.

Following the commitment summary pages, the report includes suggestions–based on the experience of this evaluation process–for how the government can improve the next National Action Plan. Under the Open Government Partnership, the government is expected to create a revised National Action Plan in the next year. The suggestions include improving civil society engagement during the creation of the Plan; making sure agencies have sufficient support to meet commitments; being transparent about the input the Administration receives from the public and agencies; including commitments in the Plan that are more ambitious than what the government has already accomplished; setting milestones for agency implementation; including initiatives in the Plan even if the timeline for implementing extends beyond what is able to be accomplished by the NAP deadline; creating a more ambitious revised National Action Plan; and learning from other countries' experiences.

Beyond this immediate report, discussions will continue with the Administration. OpenTheGovernment.org and other civil society organizations will be sharing more information and specific ideas for reform as the Administration begins the process of developing that Plan.

For the OpenTheGovernment.org coalition, recommendations will come from the priorities for strengthening government openness and accountability identified during 2012 by more than 20 national organizations committed to improving openness and accountability. We believe that by making ambitious commitments in the areas of government spending transparency, transformation of the classification system, proactive disclosure, the Freedom of Information Act (FOIA), and ethics disclosure, the Administration could make real progress on the road to open and accountable government.

Report Overview

This evaluation is motivated by some of the same beliefs that are at the heart of the Open Government Partnership (OGP): 1) government works better when officials work with civil society organizations, and 2) careful monitoring of the Administration's efforts to meet concrete open government commitments encourages a "race to the top." In creating this report, OpenTheGovernment.org asked civil society organizations to report not only on if the government met its commitment, but also on the government's efforts to collaborate on the initiative, movement toward civil society organizations' recommendations for implementing each commitment, and the meaningfulness and sustainability of the government's efforts.

The US was the primary driver behind the creation of the OGP initiative. To become a part of the OGP, a nation must, among other things, meet minimum eligibility requirements and sign a high-level declaration of support for open government. Most importantly, the OGP also requires each participating country to deliver a country action plan developed with public consultation.

Two years ago, in early 2011, the Obama Administration held its first convening on the Open Government Partnership (OGP), which has grown into a vibrant multi-national mix of governments, civil society organizations, academics, and others. The OpenTheGovernment.org (OTG) coalition has played key roles from the outset in the US government's development of its National Action Plan (Plan): first, in pushing the Administration not to just repackage its existing activities and to, instead, consider policy priorities developed by more than 20 civil society organizations; second, in coordinating the efforts of a wide range of civil society organizations to share policy ideas with the Administration and to make recommendations to the government on the implementation of its Plan; and third, in the effort you see in this Report – to assess the progress made.

In July 2011, the US State Department hosted the first major OGP outreach with dozens of countries at a meeting in Washington, D.C. During this meeting, it became apparent that while the US was heavily engaged on the diplomatic side, planning for the creation of a US action plan was not well-coordinated. Furthermore, U.S. transparency advocacy organizations were not adequately represented in the efforts that were occurring, and the US had not set up any systemic way for civil society organizations to provide input on the plan.

The OpenTheGovernment.org coalition (OTG) stepped into the role of coordinator of the openness and transparency community in the U.S. Over the course of July through September 20, 2011, OpenTheGovernment.org engaged the broader U.S. civil society transparency community, and some international organizations that work on U.S. government transparency issues, to help influence the creation of the U.S. National Action Plan.

OTG established a Google group to encourage information sharing between groups both inside and outside D.C, coordinated 6 face-to-face meetings with a wide range of groups, set up regular conference calls, and facilitated communications with the Obama Administration. While encouraging the Administration to act on our coalition's priorities, we also helped make sure that the wider transparency community—including organizations that had not previously engaged in domestic policy but have an

interest in U.S. actions—met with the Administration's domestic policy team that wrote the U.S. National Action Plan.

On September 20, 2011, the US released a National Action Plan that addressed three broad challenges (Increase Public Integrity, Manage Public Resources Effectively, and Improve Public Services) and included 26 concrete commitments to make progress toward 17 goals. The commitments, for the most part, are commendable first steps toward addressing the concerns of a broad array of the stakeholders. They are, however, only a first installment on the work needed to achieve the greater goal of transforming government to be open and accountable to the public.

The inherent danger in any sort of a governmental action plan is that it turns into a "check the box" exercise. Once the government meets the basic wording of a commitment, new issues and crises can distract attention away from transparency priorities and progress stalls. To combat this tendency, and to help make sure the government continued to make progress toward its larger goals, OpenTheGovernment.org worked with our civil society partners to present the Administration with detailed recommendations of what needed to be done to meet their openness goals. We also established civil society (CSO) teams around each of the government's commitments and the White House worked with us to set up meetings with each of these teams and the responsible official(s) inside the government. In some cases, these teams were already working together on these and other issues, but formally organizing the teams allowed for a focused effort on collaboration with the administration.

In order to create the kind of external pressure that is needed to encourage a "race to the top," OpenTheGoverment.org worked with academics who have open government expertise (see the methodology section for a full description) to develop metrics that go beyond whether the government met the letter of the commitment. The evaluation covers four basic areas:

1. Completion of commitments
2. Efforts to collaborate with civil society organizations on the initiative
3. Responsiveness of the government to recommendations made by civil society organizations
4. Meaningfulness and sustainability of the government's efforts

Evaluators were also asked to suggest next steps the government should take to continue to make progress on the issue.

Overall, the evaluation shows that civil society organizations rated the government's efforts to collaborate fairly high. On a scale of 1 – 5, the median score for the government's efforts to collaborate on each commitment was a 4.There was also notable progress toward the implementation recommendations of civil society on several of the commitments. We hope that these positive indicators carry over into the creation and implementation of the 2nd National Action Plan. For the United States to continue to make significant progress toward more openness and accountability, the government must work with civil society organizations to identify critical issues and develop concrete commitments and

policies that move toward our shared goal of real and lasting transformation of the entire US Government.

This report builds off a Progress Report we released on September 20, 2012, the first anniversary of the USG Plan. At that point, leaders of our civil society teams reported that eight of the government's commitments were fully met and that the government was in progress toward meeting the remainder of the commitments.

Following this Overview is a section discussing whether civil society organizations say the government met the basic wording of the commitment by the implementation deadline. The next section provides *Expanded Evaluation Summaries* and is devoted to the evaluation metrics expanded beyond the Yes/No of meeting the commitments: collaboration, movement toward civil society recommendations, and meaningfulness and sustainability of efforts.

Each commitment has a page summarizing the evaluation completed by the civil society teams. The section also includes tables ranking the government's efforts by each of the three metrics.

The remainder of the report consists of the evaluation methodology and civil society suggestions for the creation of the next National Action Plan.

Throughout this report we refer to the commitments according to where they are listed under the three broad challenges in the National Action Plan. For example, Commitment 2.3 relates to the third commitment (Increase Transparency of Foreign Assistance) under Challenge 2 (Manage Public Resources Effectively).

Did the Government Meet its National Action Plan Commitments?

The US released the 1st US National Action Plan to coincide with the announcement of the launch of the Open Government Partnership on September 20, 2011. At the time of the plan's release, OpenTheGovernment.org (OTG) and others applauded the scope and breadth of the issues addressed in the plan. The plan includes 26 concrete commitments that are intended to move the government toward 17 larger goals. Regrettably, however, the commitments included in the plan do not put the US on a path to accomplish those goals quickly. Some of the commitments in the Plan only constituted repackaging of existing activities and promises to do something that was already done or about to be done. In addition to laying out the specific steps the government would take, officials involved in managing the creation and implementation of the plan set a deadline of December 31, 2012 for meeting all of the commitments.

A status report, coordinated by OTG and published on the one-year anniversary of the plan's release (September 20, 2012), indicated the government had already met or partially met half of the commitments in the plan. Work on the remaining 13 commitments was listed as "in progress."

Overall, by the implementation deadline the evaluators determined that government met the letter of its commitment in 19 of the 25 commitments. For the most part, these commitments are commendable first steps toward addressing critical issues and meeting the larger goals laid out by the government in the Plan.

Overall, by the implementation deadline the evaluators determined that government met the letter of its commitment in 19 of the 25 commitments. For the most part, these commitments are commendable first steps toward addressing critical issues and meeting the larger goals laid out by the government in the Plan. Notably, however, some of the commitments included in the plan had already been met before the release of the plan, or were part of initiatives that the government had previously announced and where work was already underway. The six commitments that the government did not meet according to the evaluations were all listed as "in progress" by the Status Report. Some of the commitments were not completed because they were rolled into a larger initiative or, most frequently, because of time and resource constraints.

Summary of Achievements by Commitment

1.1a: Launch the "We The People" Petition Platform, 1.1b: Open Source We the People, and 1.1c: Develop Best Practices and Metrics for Public Participation

"*Promote Public Participation in Government*" is the larger goal of the first three concrete commitments in the National Action Plan. These commitments related to the White House's petition site, *We The People*, and best practices and metrics for public participation. People can upload petitions to the site and add their signature to any other existing petition. Once a petition reaches a certain threshold (5,000 when the site was launched, 100,000 as of January 16, 2013), White House staff will respond to the petition. The government met the first two components with the launch of the site in September 2011 and the release of the source code on An August 23, 2012. The remaining commitment, to develop best practices and metrics for public participation, was not complete. According to the evaluation sheet, the

failure to meet the deadline was due in part to the government's decision to include the item in the larger effort to create a new digital strategy for the federal government.

1.2: Reform Government Records Management Policies

This commitment is referred to in the National Action Plan as "*Modernize Management of Government Records*." While the government is still a long way from having a modern, efficient, records management system, the government met the wording of its commitment to reform records management policies and practices across the Executive Branch with the release President's Memorandum on Managing Government Records in November 2011, and the subsequent release of the Records Management Directive by the Director of the Office of Management and Budget (OMB) and the Archivist on August 24, 2012. The issuances of the memos are commendable first steps, but recent surveys by the National Archives and Records Administration (NARA) demonstrate the weakness of the federal government's current records management system. According to the 2011 Records Management Self-Assessment Report, most agencies are at risk of losing or destroying records. For this reason, it is notable that the Directive includes deadlines far out into this decade, meaning it will be many more years before we can say with any certainty that federal government agencies are not improperly destroying or otherwise losing records.

1.3a: Create a Job Series for FOIA Professionals and 1.3b – Expand the Use of Technology for FOIA

"Professionalize FOIA Administration" and *"Harness the Power of Technology for FOIA"* are the titles of these commitments in the National Action Plan. The government moved toward these goals by virtue of meeting its commitments to continue to improve administration of the Freedom of Information Act (FOIA). The first commitment to professionalize FOIA Administration was met with the release of a new civil service personnel category, called the Government Information Series, in March 2012. OPM needs to ensure that the new job series is thoughtfully and thoroughly implemented by agency hiring officials in order to have its intended effect, however. The government also met the letter of its commitment to expand the use of technology to improve FOIA processing through the creation by the Department of Justice (DOJ) of a working group that shares best practices and ideas. While this is a useful step, it does not accomplish the goal of harnessing the power of technology for FOIA. The state of the use of technology for FOIA processing is still well below the modern expectations of civil society organizations.

1.4: Establish the National Declassification Center

The National Action Plan refers to this commitment as "*Declassify National Security Information*." In reality, the National Declassification Center (NDC) at the National Archives and Records Administration (NARA) was established prior to the release of the US National Action Plan. The government met its commitment to lead a multi-agency effort to declassify historically valuable classified records in which more than one agency has an interest, and work to address the massive backlog of classified records previously accessioned by NARA, through the NDC's on-going efforts. The President set a deadline of December 31, 2013 for the NDC to eliminate the backlog of almost 400 million pages of classified historical records it faced when it began its task. The evaluation cited the NDC's impressive strides toward reducing the backlog. Disappointingly, however, the NDC is unlikely to meet that deadline.

1.5: Monitor Agency Implementation of Open Government Plans

"*Support and Improve Agency Implementation of Open Government Plans*" is the title of this commitment in the National Action Plan. The commitment was to monitor agency implementation of open government plans. According to the evaluation, the government did not meet this commitment. The Administration believes it met the commitment by: regularly convening agency open government representatives through the Interagency Open Government Working Group; encouraging agencies to meet with stakeholders before, during, and after the release of updated open government plans in April 2012; and by providing updates on agency implementation of the plans through blogs and public presentations. The evaluation, however, cites a lack of follow up on the agencies' part to reach out to stakeholder groups, or even produce updated reports in a timely fashion, and the lack of public information about the White House's efforts as the reason the commitment could not be judged as completed. The evaluators saw the lack of responsiveness from the agencies as an indicator that it was not a White House priority.

> ***DIFFERENCES FROM THE GOVERNMENT'S PERSPECTIVE***
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> Although the government argues it met its commitment, the evaluation cites the lack of public information about the White House's efforts as the reason the commitment [to monitor implementation of agency open government plans] could not be judged as completed, and a lack of follow up on the agencies' part to reach out to stakeholder groups, or even produce updated reports in a timely fashion.

1.6a: Advocate for Legislation to Reform and Expand Whistleblower Protections, and 1.6b: Explore Utilization of Executive Branch Authority to Implement Reforms if Congress is Unwilling to Act on Whistleblower Protections

The Administration took some important first steps toward meeting the larger goal to strengthen and expand whistleblower protections for government personnel by meeting the wording of its commitments related to whistleblowers. With support from the Administration, Congress passed the Whistleblower Protection Enhancement Act (WPEA) and the President signed it into law in November 2012. Shortly before, President Obama issued Presidential Policy Directive 19, using executive action to extend some protections to intelligence community personnel left out of the WPEA.

The civil society groups were poised to give high marks for this commitment. Unfortunately, though, there are deep concerns about a national security loophole, created by a case the Administration appealed, that undermines both the WPEA and PPD-19. This loophole allows agencies discretion to arbitrarily label positions as "sensitive" and to remove employees from those positions whether or not their duties include access to classified information. Additionally, the President has directed the DNI to join a rulemaking that evaluators anticipate will affirm that loophole, by substantially replacing the rights under the civil service system and Whistleblower Protection Act.

1.7: Provide Enforcement and Compliance Data Online

"Enhance Enforcement of Regulations through Further Disclosure of Compliance Information" is the title of this commitment in the National Action Plan. Some agencies released plans for providing greater transparency about the regulatory compliance and enforcement activities, meeting the wording of the government's commitment. According to the evaluation, however, there are not a significant number of agencies with these plans. Although the government's actions technically meet the threshold, the evaluation refers to the larger effort as not complete.

1.8: Advocate for Legislation Requiring Meaningful Disclosure of Legal Entities Formed in the US

This commitment is referred to as "*Increase Transparency of Legal Entities Formed in the U.S"* in the National Action Plan. The evaluators considered that the efforts of agency officials technically met the Administration's commitment to advocate for legislation that would require the disclosure of meaningful beneficial ownership information for corporations at the time of company formation. The lack of information about the beneficial owners of corporations is linked to the flow of illicit money, tax evasion, terrorist financing, and other negative outcomes. The evaluation also noted, however, that civil society was not aware of any engagement by the White House in advocating for relevant legislation.

2.1a: Commit to Implement the Extractive Industries Transparency Initiative (EITI), and 2.1b: Work in Partnership with Industry and Citizens to Build on Recent Progress

Although the government has made significant progress, the two commitments related to the US government's implementation of the Extractive Industries Transparency Initiative (EITI) were rated as not met by the evaluators. The EITI process is still ongoing and the US candidacy process is not yet complete. The creation of a plan to disclose relevant information must be completed by the multi-stakeholder group. The government appointed members to the US EITI Advisory Committee on December 21, 2012. The group held its first meeting on February 13, 2013. The EITI is 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.

2.2: Release the Government Accountability & Transparency Report (GATB) Report

"Increase Transparency in Spending by Applying Lessons from the Recovery Act to All Federal Spending" is the title of this commitment in the National Action Plan. The release of the Government Accountability & Transparency Board's (GATB) report in December 2011 met the letter of the government's commitment to increase federal spending transparency. The report includes specific recommendations focused on integrating systems that collect and display spending data, ensuring the reliability of the data, and broadening the use of technologies to detect and prevent fraud. The evaluation noted that the government has a long way to go, however, to meet the spirit of the government's

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commitment to "increase transparency in spending by applying lessons from the Recovery Act to all federal spending."

2.3: Release and Implement Governmentwide Reporting Requirements for Foreign Aid

The National Action Plan refers to this commitment as *"Increase Transparency of Foreign Assistance*." Although the government failed to fully meet its commitment to release and implement governmentwide reporting requirements for foreign aid, the evaluation of the commitment calls the efforts thus far "commendable." A guidance bulletin (No. 12-01) released in September 2012 by OMB sets out the way all agencies that administer foreign assistance should provide aid data. However, this guidance has yet to be implemented. As of January 2013, only three agencies were partially reporting information to the Foreign Assistance Dashboard.

2.4: Improve Government Performance and Accountability – Performance.gov

"Create a More Effective and Responsive Government- Performance.gov" is the title of this commitment in the National Action Plan. The Administration took steps toward meeting this larger goal, and met the letter of the commitment, through the addition of new information on government-wide management initiatives to Performance.gov Information on the progress in the Administration's technology and cybersecurity initiatives is regularly added to the site. As of December 2012, the site has been successfully updated to meet the requirements of the Government Performance and Results Modernization Act, which requires regular progress updates on the top agency-specific performance goals. The evaluators have several recommendations, however, to make the site a more useful tool for improving government effectiveness and responsiveness.

3.1: Overhaul the Public Participation Interface on Regulations.gov

"Expand Public Participation in the Development of Regulations" is the title of this commitment in the National Action Plan. Toward that end, the government successfully met its commitment to make it easier for the public to find, follow, and participate in Federal rulemakings. The eRulemaking team at the Environmental Protection Agency (EPA), which manages Regulations.gov, made significant improvements to the public interface, and continue to work in collaboration with stakeholders to further improve the site. Further work is needed to make it easier for the public be a part of the rulemaking progress.

3.2a: Contribute Data.gov as a Platform, and 3.2b - Foster Communities on Data.gov

Two commitments related to Data.gov, a central location for access to data sets collected by the government, were considered met by the evaluators. These commitments are steps toward meeting the larger goal of using Data.gov as a platform to spur innovation. In December the White House released the Data.gov source code. The Indian government launched a beta-version of its data.gov.in platform in September. The evaluators gave the government a "qualified" pass on the commitment to foster communities on Data.gov. There are currently about a dozen communities on Data.gov, including some of the communities explicitly mentioned in the text of the commitment: education, and public safety.

According to Administration officials, a community dedicated to research and development will be launched soon.

3.3: Encourage Communication between Government Officials and Citizen Experts (ExpertNet)

The government failed to meet its commitment to launch a platform that would enable government officials to better communicate with citizens who have expertise on a particular topic. According to the evaluation, officials charged with creating the platform, which is called ExpertNet, were unable to complete the commitment due to time and resource constraints.

3.4a: Begin an Online National Dialogue with the American Public (Reforming Websites), and 3.4b: Update Government-wide Policies for Websites

These commitments are important first steps toward the larger goal of reforming government websites. Around the same time as the release of the National Action Plan, the Administration hosted a brief but constructive dialogue on IdeaScale that met its commitment to solicit input on how best to improve federal agencies' use of the internet and online tools. The introduction of a new Digital Government Strategy in May 2012 helped the Administration meet a second, related commitment: to reform policies governing the management, look and feel, and structure of federal websites. An updated memorandum is expected to be released in early 2013.

3.5: Publish Guidelines on Scientific Data

The title of this commitment is *"Publish Data to Help Consumers and Scientists."* Toward that end, evaluators state that the government met its commitment to develop federal guidelines to promote the preservation, accessibility and interoperability of scientific data produced through unclassified research supported wholly or in part by funding from federal science agencies, noting, however, that the commitment was met after the implementation deadline.

On February 22, 2013, the Administration issued a memorandum on "Increasing Access to the Results of Federally-Funded Scientific Research." The Memorandum covers both journal literature and digital data stemming from federally-funded research.

3.6: Launch International Space Apps Competition

"Promote Innovation Through International Collaboration" is the larger goal of this commitment. The government met the last evaluated commitment in the plan, to launch an international space apps competition, in April 2012. The National Aeronautics and Space Administration (NASA) hosted the event to connect space agencies, external organizations, and citizens to solve space-related and global challenges. Organizers have already scheduled a follow-up event for April 2013.

Expanded Evaluation Summaries

As previously described, this section is devoted to the expanded evaluation metrics. Civil society teams were asked to evaluate three additional areas:

1. Efforts to collaborate with civil society organizations on the initiative
2. Responsiveness of the government to recommendations made by civil society organizations
3. Meaningfulness and sustainability of the government's efforts

Each commitment has a page summarizing the evaluation completed by our civil society teams. Following the summary pages are tables ranking the government's efforts by each of the three metrics. Links to the original evaluation completed by the civil society team are available on each page or presented in full here.

1.1a: Launch the "We The People" Petition Platform

Collaboration:

The civil society team gave the Administration a high score in this category for their willingness to meet and discuss the activities behind *We The People*. According to the evaluation, the score was not higher because the government was largely bound by a pre-determined plan of action, meaning there was less of a chance for civil society to have input on the initiative. The evaluators understood, however, that budgetary constraints and the political and legal complexities of working at such a high level within the White House limited the team's ability to collaborate.

Movement Toward Civil Society Recommendations:

The evaluation sheet for this commitment gave the government relatively low scores for its efforts to meet the recommendations civil society organizations developed to improve implementation of the effort: The evaluation gave high marks to the White House for utilizing its full weight and promotional capacity to the site's launch. Evaluators also gave the government credit for providing a traditional web form for the public to provide feedback on the site and taking comments over twitter, although these methods still fall short of the open and transparent mechanism civil society organizations recommended.

According to the evaluation, the government was less successful at illustrating the public's actual impact or potential impact on government policy, though the White House did put up a post on its blog on the anniversary of the launch discussing particular petitions and responses. Evaluators also cited legal limitations and other concerns that prevented the government from making progress on introducing more engagement-enhancing elements to the site (like the ability for citizens to comment on and discuss petitions), and noted that, although adding APIs is in the government's plans for upgrades to the site, they have been unable to accomplish this yet.

Civil society organizations chose recommendations with an eye toward reaching beyond the words of the commitment, and what the government could reasonably accomplish in a 12 – 16 month time frame. For a full listing of the recommendations, evaluators' suggested next steps for further progress, and a breakdown of the scoring, please visit here: http://opengovpartners.org/us/files/2013/02/OGP-NAP-Eval-raw-1.1a.pdf

Meaningful and Sustainable:

Evaluators cited the government's continual improvement to *We The People* after the launch as evidence of the government's intent to make the effort meaningful and sustainable, especially given they needed only to launch the site to meet the commitment. Accordingly, the evaluation includes a high score on this element.

1.1b: Open Source We the People

Collaboration:

According to the team's scoring, the government team did very well in collaborating with civil society in the development of the *We The People* platform. The government team was very open to assistance and advice on how to best fulfill this commitment, and reached out to many organizations for support in releasing the software and laying the foundation for building a community around it.

Movement Toward Civil Society Recommendations:

The evaluation sheet for this commitment gave the government particularly high scores for its efforts to meet the recommendations civil society organizations developed to improve implementation of the effort. In particular, the evaluation gives the government credit for creating a sustainable structure to incorporate community and public participation by engaging Code for America, and collaborating with the community to provide a roadmap for participation on Github that includes the ability for users to submit input through Twitter and email.

Civil society organizations chose recommendations with an eye toward reaching beyond the words of the commitment, and what the government could reasonably accomplish in a 12 – 16 month time frame. For a full listing of the recommendations, evaluators' suggested next steps for further progress, and a breakdown of the scoring, please visit here: http://opengovpartners.org/us/files/2013/02/OGP-NAP-Eval-raw-1.1b.pdf

Meaningful and Sustainable:

The government was also given a high score in this category. The evaluators say that there is every indication that the government is interested in leveraging the open source release to improve their product, and that they will continue to engage with the community to ensure mutual benefits.

1.1c: Develop Best Practices and Metrics for Public Participation

Collaboration:

The evaluation includes a mid-range score in this section. According to the evaluation, the government met with the civil society team several times, it did not seem to the team that any recommendations made a difference in the process or development.

Movement Toward Civil Society Recommendations:

The evaluation sheet for this commitment gave the government particularly low scores for its efforts to meet the recommendations civil society organizations developed to improve implementation of the effort because, despite the fact the civil society team found external funding, a neutral location, and was willing to manage most if not all of the organizational efforts, the government did not hold a workshop of experts in the field to build a foundation for developing best practices and metrics for public participation. The evaluation also noted the government's apparent unwillingness to update metrics after their release. The development of best practices and metrics was rolled into the government's larger effort to create a federal digital strategy. The government is expected to release a document outlining best practices and metrics soon.

Civil society organizations chose recommendations with an eye toward reaching beyond the words of the commitment, and what the government could reasonably accomplish in a 12 – 16 month time frame. For a full listing of the recommendations, evaluators' suggested next steps for further progress, and a breakdown of the scoring, please visit here: http://opengovpartners.org/us/files/2013/02/OGP-NAP-Eval-raw-1.1c.pdf

Meaningful and Sustainable:

The evaluators gave the government a fairly high score in this category. According to the evaluation, while the Administration was not able to meet the deadline for implementing this commitment, the score on this section would have been improved if the government produced some analysis of best practices and guidance to agencies.

1.2: Modernize Management of Government Records

Collaboration:

Civil society organizations rated the government's collaboration on meeting this commitment as exemplary. Staff at the National Archives and Records Administration met regularly with outside stakeholders, and shared information as appropriate and addressed community concerns through regular meetings. The evaluation sheet praises NARA for being actively engaged in pushing the agencies forward as much as possible and the Administration for being actively and constructively engaged in the process.

Movement Toward Civil Society Recommendations:

The evaluation sheet for this commitment gave the government strong scores for its efforts to meet the recommendations civil society organizations developed to improve implementation of the effort. In meeting this commitment the government produced two products, the President's Memorandum on Managing Government Records and the ensuing Records Management Directive issued by the Archivist and the Director of the Office of Management and Budget (OMB). The evaluation sheet gives the government particularly high credit for including sections in the Directive that require the development of uniform electronic records management standards and encourage research. Overall, civil society organizations said that the government's execution of this commitment lays groundwork for future improvements.

Civil society organizations chose recommendations with an eye toward reaching beyond the words of the commitment, and what the government could reasonably accomplish in a 12 – 16 month time frame. For a full listing of the recommendations, evaluators' suggested next steps for further progress, and a breakdown of the scoring, please visit here: http://opengovpartners.org/us/files/2013/02/OGP-NAP-Eval-raw-1.2.pdf

Meaningful and Sustainable:

This category was also scored as exceptional by the evaluators. The evaluation specifically cited the timelines in the Directive, though long, as useful for making sure the government continues to work on the issue, and that agencies are focused on the effort.

1.3a: Professionalize FOIA Administration

Collaboration:

According to the evaluation, a job series to promote FOIA professionalization had been a priority for many non-governmental organizations for several years. The government was given a high score in this category because a good deal of the collaboration between the government and civil society organizations on this commitment was done well in advance of the release of the National Action Plan and continued during the plan's implementation timeline.

Movement Toward Civil Society Recommendations:

The evaluation sheet for this commitment gave the government relatively low scores for its efforts to meet the recommendations civil society organizations developed to improve implementation of the effort. According to the evaluation, while the job series is a right step toward promoting professionalization, there are some concerns about the extent the new job series emphasizes management tasks. The evaluators also recognize that including FOIA compliance and assistance as a factor in job performance reviews for all employees with information management responsibilities is beyond the scope of what can be accomplished through the job series. The evaluation does give the government some credit for discussing the concept with civil society organizations.

Civil society organizations chose recommendations with an eye toward reaching beyond the words of the commitment, and what the government could reasonably accomplish in a 12 – 16 month time frame. For a full listing of the recommendations, evaluators' suggested next steps for further progress, and a breakdown of the scoring, please visit here: http://opengovpartners.org/us/files/2013/02/OGP-NAP-Eval-raw-1.3a.pdf

Meaningful and Sustainable:

The evaluation notes that whether the job series promotes professionalization depends on how well it is implemented. Agency hiring managers must collaborate with agency FOIA personnel to make sure the government is able to find and retain the best qualified people. The government was given an average score in this category in honor of steps taken by the Office of Government Information Services (OGIS) at the National Archives and Records Administration (NARA) to set up a working group including FOIA professionals and outside stakeholders to discuss challenges in implementing the job series and share ideas and best practices.

1.3b: Harness the Power of Technology for FOIA

Collaboration:

The government was given a moderate score in this category. The evaluation notes that the Office of Information Policy (OIP) at the Department of Justice was very open to meeting with civil society to discuss issues and share information. After these meetings, civil society noticed positive steps.

Movement Toward Civil Society Recommendations:

The evaluation sheet for this commitment gave the government mid-range scores for its efforts to meet the recommendations civil society organizations developed to improve implementation of the effort. According to the evaluation, while the working group set up by OIP to promote the use of technology to streamline FOIA processing meets the letter of the commitment, it is a far cry from an embrace of the shared-service site, FOIAonline, sought by civil society. While civil society organizations are not aware of OIP encouraging agencies to join FOIAonline, they did give OIP some credit for issuing generally supportive statements of the concept after meeting with civil society organizations to discuss potential roadblocks to the shared-service's adoption.

The evaluation also notes that the government made progress toward its two remaining recommendations for using technology to improve FOIA processing, managing records from birth and encouraging research and development on appropriately managing government records, by virtue of the Records Management Directive issued by NARA and the Director of OMB. The effort would be greatly enhanced by a greater understanding of the inherent connection between good records management and an efficient FOIA process.

Civil society organizations chose recommendations with an eye toward reaching beyond the words of the commitment, and what the government could reasonably accomplish in a 12 – 16 month time frame. For a full listing of the recommendations, evaluators' suggested next steps for further progress, and a breakdown of the scoring, please visit here: http://opengovpartners.org/us/files/2013/02/OGP-NAP-Eval-raw-1.3b.pdf

Meaningful and Sustainable:

The agencies supporting FOIAonline are clearly dedicated to improving and expanding FOIAonline. However, neither the administration nor the OIP have explicitly supported the service. The Administration should embrace a holistic approach to managing and administering the FOIA, including through active support of FOIAonline.

1.4 Declassify National Security Information

Collaboration:

The evaluation notes that NARA generally, and the National Declassification Center and the Information Security Oversight Office in particular, were outstanding in soliciting and welcoming the input of civil society on this initiative. In addition to meeting the goals for public outreach stated in its plan, the relevant staff at NARA was in frequent communication with open government advocates and made themselves available to discuss their progress, which they have done fully and frankly.

Movement Toward Civil Society Recommendations:

The evaluation sheet for this commitment gave the government moderate scores for its efforts to meet the recommendations civil society organizations developed to improve implementation of the effort.

Evaluators gave the government high credit for its efforts to fully staff and reauthorize the Public Interest Declassification Board (PIDB). Congressional action is needed for any further progress on expediting appointment of new members to the PIDB. The evaluation notes some progress on the part of the government toward creating a self-cancelling classification process by virtue of the inclusion of a recommendation in the PIDB's report to establish an expedited no review declassification review process for certain documents where the reason for classification will expire after a certain date or event. The evaluators urge the Administration to act on this recommendation to make further progress.

The evaluation also notes that NARA, the NDC, and some other agencies are developing pilot programs to streamline declassification. However, the government has not yet adopted any pilot programs to reduce overclassification. Moreover, although the government did take steps to eliminate obsolete classification categories through the fundamental classification guidance review, there is insufficient information available to fully evaluate the review's effectiveness. The evaluation further suggests steps the government can take to reduce the effect of the Kyl-Lott Amendment (which requires all records have a documented page by page review for certain nuclear weapons information).

Civil society organizations chose recommendations with an eye toward reaching beyond the words of the commitment, and what the government could reasonably accomplish in a 12 – 16 month time frame. For a full listing of the recommendations, evaluators' suggested next steps for further progress, and a breakdown of the scoring, please visit here: http://opengovpartners.org/us/files/2013/02/OGP-NAP-Eval-raw-1.4.pdf

Meaningful and Sustainable:

The civil society team gave the government a high score on this section. The evaluators also urge the Administration to appoint a White House point person to focus on these issues and to serve as a liaison for both the agencies and civil society, and state that the person's first task can and should be to promote Administration endorsement of the PIDB's report and establishment of the Security Classification Reform Steering Committee recommended by the PIDB.

1.5: Support and Improve Agency Implementation of Open Government Plans

Collaboration:

The evaluation sheet includes a mid-range score for the government's efforts to collaborate with civil society on this initiative. According to the evaluation, the Administration was open to discussing how to make more information about their role in overseeing agencies' open government work accessible. The Administration also shared contact information for a few civil society members with the agencies in case any of them wanted input on Version 2 of their plans. The civil society team met with about half a dozen agencies (out of the nearly 40 that produce open government plans) prior or shortly after the release of Version 2.

Movement Toward Civil Society Recommendations:

The evaluation sheet for this commitment gave the government fairly low scores for its efforts to meet the recommendations civil society organizations developed to improve implementation of the effort. According to the evaluation, it was made clear to the civil society team that the White House did a lot of work behind the scenes to make sure agencies were implementing their open government plans, and revising them as required. However, there is no publicly available information that indicates the Administration monitored implementation of the plans.

The evaluation did give the Administration credit for requiring agencies to update their Open Government Plans (although few sought public input into the revised version, and several plans were published late), and for issuing some memos outlining agency responsibilities on some issues related to transparency. Further, the evaluation notes that the White House's Open Government Dashboard is out-of-date and only some agencies make available the data that went into the dashboard.

Civil society organizations chose recommendations with an eye toward reaching beyond the words of the commitment, and what the government could reasonably accomplish in a 12 – 16 month time frame. For a full listing of the recommendations, evaluators' suggested next steps for further progress, and a breakdown of the scoring, please visit here: http://opengovpartners.org/us/files/2013/02/OGP-NAP-Eval-raw-1.5.pdf

Meaningful and Sustainable:

The government was given a relatively low score in this section. According to the evaluation, the Administration should be given credit for launching the Open Government Directive. As a result, some agencies are embracing openness and setting high standards. However, as the evaluation also notes, a lack of continued attention on the part of the Administration has allowed other agencies to treat implementation of Open Government Plans as a low priority or "check the box" exercise.

1.6a: Advocate for Legislation to Reform and Expand Whistleblower Protections

Collaboration:

According to the civil society team, the government was successful in its outreach and communication efforts. Officials and congressional staff worked with members of civil society to push for greater whistleblower protections.

Movement Toward Civil Society Recommendations:

The evaluation sheet for this commitment gave the government middling scores for its efforts to meet the recommendations civil society organizations developed to improve implementation of the effort, by virtue of the enactment of the Whistleblower Protection Enhancement Act (WPEA, S.743, as amended by the House). On November 13th, the Senate unanimously passed the WPEA. President Obama signed this landmark legislation into law on November 27, 2012. The evaluation cites the Administration's unwavering support of the WPEA, paired with Congress' sweeping endorsement by unanimous consent, as a demonstration of the strong mandate. The legislation expands protections for federal workers who blow the whistle on waste, fraud, abuse, and illegality. However, while the WPEA includes many significant reforms, two important provisions were stripped—access to jury trial, and safeguards for national security and intelligence community whistleblowers.

The civil society groups were poised to give high marks for this commitment. But there are deep concerns about a national security loophole created by a case the Administration appealed. Additionally, the President has directed the DNI to join rulemaking that we anticipate will affirm that loophole by substantially replacing the rights under the civil service system and Whistleblower Protection Act. This loophole allows agencies discretion to label positions arbitrarily as "sensitive" and remove employees from those whether or not their duties include access to classified information.

Civil society organizations chose recommendations with an eye toward reaching beyond the words of the commitment, and what the government could reasonably accomplish in a 12 – 16 month time frame. For a full listing of the recommendations, evaluators' suggested next steps for further progress, and a breakdown of the scoring, please visit here: http://opengovpartners.org/us/files/2013/02/OGP-NAP-Eval-Whistleblower-web-1.6a.pdf

Meaningful and Sustainable:

The evaluation gives a middle of the road score to the government on the meaningfulness and sustainability of its efforts. The new reforms in law are meaningful, but also are vulnerable to loopholes, like the one that has been created and defended by the Administration. The meaningfulness and sustainability of the reforms they supported will depend upon the Administration closing the loophole for employees in positions labeled as "sensitive" or similar, and ensuring additional loopholes are not created by Administration action.

1.6b: Explore Utilization of Executive Branch Authority to Implement Reforms if Congress is Unwilling to Act on Whistleblower Protections

Collaboration:

The government's efforts to collaborate on this initiative were given a relatively low score. Given this was a Presidential Policy Directive for the intelligence community (PPD-19), there were months during which the civil society team was uncertain about the status of the commitment. However, the White House was as collaborative as possible given the secrecy around issuing the directive.

Movement Toward Civil Society Recommendations:

The evaluation sheet for this commitment gave the government a relatively high score for its efforts to meet the recommendations civil society organizations developed to improve implementation of the effort, especially for issuing PPD 19 on October 10, extending whistleblower protections to many in the intelligence and national security community for the first time. According to the evaluators, the President went above and beyond the commitment to simply "explore" utilization of executive branch authority to implement reforms—he took meaningful executive action. However, not all of the recommendations made by the civil society groups were included in the PPD. Also since issuing the PPD, the President directed the DNI to join reopened, proposed rules that we anticipate will affirm a national security loophole created by an appeal brought by the Administration. We anticipate these rules will undermine both the WPEA and the PPD by creating a national security system that allows for agency discretion to remove employees on national security grounds whether or not their duties include review of classified information if those employees' positions are labeled as "sensitive."

Civil society organizations chose recommendations with an eye toward reaching beyond the words of the commitment, and what the government could reasonably accomplish in a 12 – 16 month time frame. For a full listing of the recommendations, evaluators' suggested next steps for further progress, and a breakdown of the scoring, please visit here: http://opengovpartners.org/us/files/2013/02/OGP-NAP-Eval-Whistleblower-web-update-1.6b.pdf

Meaningful and Sustainable:

The government was given a moderate score on this category. We are encouraged that the Administration has finally released the text of the PPD to the public at our urging. We are hopeful that the public now can evaluate and collaborate on implementation. However, to make this commitment meaningful and sustainable, the Administration must implement the PPD properly, close the loophole for employees in positions labeled as "sensitive" or similar, and ensure additional loopholes are not created through Administrative action.

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

Collaboration:

A relatively low score was awarded to the government's efforts to collaborate with civil society on this initiative. According to the evaluation, the government's follow-through on this particular commitment was disappointing. An initial meeting was held in April, during which the civil society team discussed its ideas and expectations with several government participants, but no subsequent efforts were made to engage the team or report on the government's progress for this commitment.

Movement Toward Civil Society Recommendations:

The evaluation sheet for this commitment gave the government a mid-range score for its efforts to meet the recommendations civil society organizations developed to improve implementation of the effort, mostly for actions by a handful of agencies that made significant progress toward making regulatory data available. While progress has been made government-wide in the publishing of enforcement and compliance data online, the success for individual agencies has been disjointed and inconsistent in meeting this open-ended commitment.

Civil society organizations chose recommendations with an eye toward reaching beyond the words of the commitment, and what the government could reasonably accomplish in a 12 – 16 month time frame. For a full listing of the recommendations, evaluators' suggested next steps for further progress, and a breakdown of the scoring, please visit here: http://opengovpartners.org/us/files/2013/02/OGP-NAP-Eval-raw-1.7.pdf

Meaningful and Sustainable:

The evaluation included a mid-range score in this category. According to the evaluation, it is difficult to determine the extent to which the administration supported efforts to achieve this commitment at the agency level. The agencies that have submitted regulatory compliance data disclosure plans or improved regulatory data disclosure and accessibility were already recognized as leaders in this area. It is also unclear how the administration intends to track or communicate the progress made on this initiative.

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

Collaboration:

The Administration and the agency officials from Treasury and Justice assigned to monitor and advocate for this legislation met with civil society representatives several times on this subject, although not necessarily together and at the request of civil society. This hindered the creation of an advocacy action plan. Accordingly, the government was given a mid-range score on this section.

Movement Toward Civil Society Recommendations:

The evaluation sheet for this commitment gave the government a particularly low score for its efforts to meet the recommendations civil society organizations developed to improve implementation of the effort. The civil society team developed an extensive and detailed list of recommendations for the government to improve the implementation of this initiative. Overall, the evaluation notes that agency officials did engage in some outreach to advocate for applicable legislation, but civil society is not aware of any engagement by the White House in advocating for legislation. Although the Department of Treasury and Department of Justice have broad strategies for addressing beneficial ownership deficiencies, there was little indication of any concrete plans for White House support of legislative action. Outreach to state-level actors about the issue was limited. The lack of coordination hindered the government's ability to make significant progress toward passing legislation.

Civil society organizations chose recommendations with an eye toward reaching beyond the words of the commitment, and what the government could reasonably accomplish in a 12 – 16 month time frame. For a full listing of the recommendations, evaluators' suggested next steps for further progress, and a breakdown of the scoring, please visit here: http://opengovpartners.org/us/files/2013/02/OGP-NAP-Eval-raw-1.8.pdf

Meaningful and Sustainable:

The government's efforts were given a relatively low score in this section. The evaluation suggests that the government should work with civil society to craft an advocacy plan for the legislation in order to improve the meaningfulness and sustainability of this initiative.

2.1a: Commit to Implement the Extractive Industries Transparency Initiative (EITI)

Collaboration:

The evaluation sheet cites a significant effort by the Department of the Interior to be collaborative with civil society, and provides a relatively high score on the section. According to the civil society team, it is clear that the Department of Interior (DOI) made a genuine effort to work with civil society during its consultation to attract interest in the EITI. It is also clear that DOI made a genuine effort to learn and incorporate the interests of various stakeholders to the process.

Movement Toward Civil Society Recommendations:

The evaluation sheet for this commitment does not provide the government scores for its efforts to meet the recommendations civil society organizations developed to improve implementation of the effort, as the US is still too early in the process to make fair determinations.

Although the evaluation of the government's efforts to meet this commitment were scored high in other categories, the civil society recommendations for this commitment set very high standards for implementing the EITI. Most determinations will be made by the recently established Multi-Stakeholder Group.

Civil society organizations chose recommendations with an eye toward reaching beyond the words of the commitment, and what the government could reasonably accomplish in a 12 – 16 month time frame. For a full listing of the recommendations, evaluators' suggested next steps for further progress, and a breakdown of the scoring, please visit here: http://opengovpartners.org/us/files/2013/02/OGP-NAP-Eval-raw-2.1a.pdf

Meaningful and Sustainable:

As previously mentioned, the sustainability and meaningfulness of the government's efforts to meet the commitment were scored relatively high. The evaluation refers to the efforts made as clear and sincere. The evaluation also cites the need for some upgrades to their communications infrastructure and strategy and says that there has clearly been an investment in reviewing and understanding the existing and evolving EITI standard to assess the implications for US implementation.

2.1b: Work in Partnership with Industry and Citizens to Build on Recent Progress (EITI)

Collaboration:

According to the evaluation, the government's efforts to collaborate with civil society organizations on this initiative were genuine and beneficial. The government was awarded a relatively high score in this category.

Movement Toward Civil Society Recommendations:

The evaluation sheet for this commitment gave the government primarily low scores for its efforts to meet the recommendations civil society organizations developed to improve implementation of the effort. The evaluators gave the government credit for providing overview information about extractive industries on federal lands. The government was given low scores in particular for not providing more detailed information or analyses on these industries, and not suggesting a roadmap for how data to be reported under Section 1504 of the Dodd-Frank Act can complement payment reporting through the Extractive Industries Transparency Initiative.

The commitment was to work on a plan to disclose information, and this work must be completed by the recently-established multi-stakeholder group.

Civil society organizations chose recommendations with an eye toward reaching beyond the words of the commitment, and what the government could reasonably accomplish in a 12 – 16 month time frame. For a full listing of the recommendations, evaluators' suggested next steps for further progress, and a breakdown of the scoring, please visit here: http://opengovpartners.org/us/files/2013/02/OGP-NAP-Eval-raw-2.1b-updated.pdf

Meaningful and Sustainable:

The government was given a relatively high score on this section because, although the Multi-Stakeholder Group (MSG) that will be responsible for creating a plan to disclose information had not begun its work by the NAP deadline, the MSG was formed in December 2012 and met for the first time in February 2013, laying the groundwork for meaningful collaboration between government, civil society, and industry.

2.2: Increase Transparency in Spending by Applying Lessons from the Recovery Act to All Federal Spending

Collaboration:

According to the evaluation, the civil society team had little opportunity to voice its priorities to the government. In part this was because the scope of the commitment was narrow and partially fulfilled before the release of the National Action Plan, leaving virtually no avenue for informing the government what the panel understands as important "lessons of the Recovery Act." The government was given a relatively low score in this section.

Movement Toward Civil Society Recommendations:

The evaluation sheet for this commitment gave the government particularly low scores for its efforts to meet the recommendations civil society organizations developed to improve implementation of the effort. The recommendations concretely expressed what needed to be done to increase federal spending data quality and were ambitious in scope. The government was given low scores for failing to take any steps toward several important recommendations, including: establishing a comprehensive government entity identification system; establishing a uniform standard for identifying budget authorities and tracking their use; and requiring that all tiers of recipients of federal funds report on the use of funds. The evaluators also note that while government representatives with whom they communicated about the activities of the GATB were informative, a regular communication channel would have been helpful. While the government has made progress in implementing some of recommendations made by the Government Accountability and Transparency Board (GATB) in its initial report, it was not communicated to the civil society team whether any movement had been made on any other aspects of spending transparency.

Work is underway to fulfill at least one of those recommendations: the creation of a universal award identifier (UAID) on which OMB will be releasing implementation guidance to agencies in the coming months. The evaluators gave the government credit for progress on making the outlay data from the Department of Treasury online and for creating the Council on Financial Assistance Reform (COFAR) by the office of Management and Budget (OMB) to work on, among other things, creating standard data definitions and reducing the reporting burden on recipients.

Civil society organizations chose recommendations with an eye toward reaching beyond the words of the commitment, and what the government could reasonably accomplish in a 12 – 16 month time frame. For a full listing of the recommendations, evaluators' suggested next steps for further progress, and a breakdown of the scoring, please visit here: http://opengovpartners.org/us/files/2013/02/OGP-NAP-Eval-raw-2.2.pdf

Meaningful and Sustainable:

Since the issuance of the report, the GATB has continued to function, meeting regularly and working to implement the recommendations it made to the president. Accordingly, the score on this section was relatively high.

2.3: Increase Transparency of Foreign Assistance

Collaboration:

The evaluators gave the government a mid-range score on its efforts to collaborate with civil society organizations. According to the civil society team, the government has been collaborative and receptive to suggestions from a selected number of civil society organizations working on government transparency. It is unclear to the team how wide-reaching consultations on foreign assistance have been, specifically on the OMB bulletin released in September 2012, as this was chiefly an inter-agency process. The evaluation sheet also makes suggestions for improving future collaborations.

Movement Toward Civil Society Recommendations:

The evaluation sheet for this commitment gave the government relatively high scores for its efforts to meet the recommendations civil society organizations developed to improve implementation of the effort. Although the government did not fully meet this commitment, the evaluation sheet notes that the government made particularly strong progress toward beginning publication of data in the International Aid Transparency Initiative (IATI) format and producing an IATI implementation schedule (these efforts, though, do not totally meet the expectations of civil society organizations). The evaluation also gives the government credit for what evaluators refer to as "ambitious" guidance from OMB on aid transparency, (although, as of January 2013, the IATI Registry included partial information for only two agencies), and for moving toward making automated public XML feeds the default for agencies sharing information with the Dashboard team (agencies can now use XML or Excel).

The civil society team recognized the Millennium Challenge Corporation (MCC) for fully embracing the culture of transparency that should serve an example to follow by other agencies. While recognizing the challenges, MCC has continued to push the agenda forward and has invested internal resources to explore the possibilities of aid transparency.

Civil society organizations chose recommendations with an eye toward reaching beyond the words of the commitment, and what the government could reasonably accomplish in a 12 – 16 month time frame. For a full listing of the recommendations, evaluators' suggested next steps for further progress, and a breakdown of the scoring, please visit here: http://opengovpartners.org/us/files/2013/02/OGP-NAP-Eval-raw-2.3.pdf

Meaningful and Sustainable:

The civil society team gave the government a relatively high score in this category. The evaluation noted that the challenges to implement the commitments to aid transparency across so many agencies, managing different volumes of foreign assistance, and using so many different systems, are significant. It notes that the government has been receptive to comments and suggestions on the most effective way of delivery, but that there remain some issues to be addressed, particularly around the implementation schedule and the quality of the information registered with IATI.

2.4: Create a More Effective and Responsive Government-Performance.gov

Collaboration:

The evaluators did not give the government a particularly strong score in this category. According to the evaluation, although there is a "feedback" button on the homepage to accept comments, the Administration did not proactively seek broader citizen or external stakeholder engagement in the design and content of the website, as it did for the Recovery.gov website. The Administration did seek out expert opinion on the design and elements within the Improve Performance and the Technology initiatives.

Movement Toward Civil Society Recommendations:

The evaluation sheet for this commitment gave the government particularly high scores for its efforts to meet the recommendations civil society organizations developed to improve implementation of the effort. The civil society team developed an extensive and detailed list of recommendations for the government to improve the implementation of this initiative. Overall, the evaluation notes that the government made significant progress toward meeting these detailed recommendations and calls the website "a useful window into the Administration's management improvement priorities." In particular, the evaluators recognize the government for providing baseline and trend data for the reported performance measures.

The evaluators note that there still is much room for continued improvement, however. According to the evaluation, the Performance.gov site remains difficult to find, as there are no links to the site from the White House, OMB, or agency homepages. The evaluation notes that the site's functionality and complexity require a high level of prior understanding and sophistication to understand where and how to find specific information.

Civil society organizations chose recommendations with an eye toward reaching beyond the words of the commitment, and what the government could reasonably accomplish in a 12 – 16 month time frame. For a full listing of the recommendations, evaluators' suggested next steps for further progress, and a breakdown of the scoring, please visit here: http://opengovpartners.org/us/files/2013/02/OGP-NAP-Eval-raw-2.4.pdf

Meaningful and Sustainable:

The evaluation gives a middling score to the government on the meaningfulness and sustainability of its efforts, citing inconsistency in whether the information is kept current on Performance.gov. Additionally, the evaluation says that the level of commitment to sustainability in some areas is unclear; for example, the IT Dashboard was archived due to lack of funding. In the areas where information *is* kept current, such as for Improving Performance, underlying data collection systems have been built that will contribute to their being sustainable over a long period.

3.1: Expand Public Participation in the Development of Regulations: Regulations.gov

Collaboration:

According to the civil society team, the eRulemaking team at EPA that is responsible for Regulations.gov truly understands how to do outreach, gather input from a diverse group of interested parties, and integrate that feedback into their application and future roadmap. Many improvements to the Regulations.gov website as a platform for public participation emerged from this collaboration. Not surprisingly, given this feedback, the government's score on this section was particularly high.

Movement Toward Civil Society Recommendations:

The evaluation sheet for this commitment gave the government strong scores for its efforts to meet the recommendations civil society organizations developed to improve implementation of the effort, in particular for adding multiple resources to educate citizens about rulemaking. The eRulemaking team was also rewarded for beginning to provide information that improves commenters understanding of both their potential and actual impact and for creating an API which allows developers access to proposed rules and publicly viewable comments.

Civil society organizations chose recommendations with an eye toward reaching beyond the words of the commitment, and what the government could reasonably accomplish in a 12 – 16 month time frame. For a full listing of the recommendations, evaluators' suggested next steps for further progress, and a breakdown of the scoring, please visit here: http://opengovpartners.org/us/files/2013/02/OGP-NAP-Eval-raw-3.1.pdf

Meaningful and Sustainable:

The evaluation sheet provides high scores for the government in this section. Evaluators point to a page put up by the eRulemaking team that lists all improvements to Regulations.gov as a useful tool for seeing the progress they have made and state that the team has indicated that it will continue to work toward an effective commenting system.

3.2a: Contribute Data.gov as a Platform

Collaboration:

The evaluation sheet provides a relatively high score on this section. This score was not higher because the project was largely set in motion prior to the release of the National Action Plan and continued successfully along that trajectory. The government team was open and engaged in the meeting that civil society conducted with them but there was no real opportunity for civil society to support their implementation.

Movement Toward Civil Society Recommendations:

The evaluation sheet for this commitment gave the government mid-range scores for its efforts to meet the recommendations civil society organizations developed to improve implementation of the effort, including efforts toward providing sufficient documentation to allow the installation of the software, releasing the code for the OpenGovPlatform on GitHub, and establishing the foundations for a community that will help to improve and maintain the software. The evaluation notes, however, that the roadmap for the product, as well as sufficient documentation for developers to become actively engaged in the project, seem to be lacking. The evaluation also discusses the White House's relative lack of overt efforts to work with other countries to establish live implementations of the platform.

Civil society organizations chose recommendations with an eye toward reaching beyond the words of the commitment, and what the government could reasonably accomplish in a 12 – 16 month time frame. For a full listing of the recommendations, evaluators' suggested next steps for further progress, and a breakdown of the scoring, please visit here: http://opengovpartners.org/us/files/2013/02/OGP-NAP-Eval-raw-3.2a.pdf

Meaningful and Sustainable:

The government received a relatively low score in this category. According to the evaluation sheet, a review of the pertinent websites (http://ogpl.gov.in/ and https://github.com/opengovplatform/opengovplatform-beta) and an Internet search for activity related to the OpenGov Platform turn up very little. Civil society's request for a final meeting with the government team was not fulfilled, so the team was left to assess from an outside perspective whether the government intends to sustain and build upon the effort.

3.2b: Foster Communities on Data.gov

Collaboration:

The government's efforts to collaborate on this initiative were given a mid-range score. According to the evaluation, while members of civil society were able to meet with the responsible officials in the White House about the Data.gov commitments and the officials were open and engaged in the discussion, there were not many details provided about how they expected to accomplish this goal and they were not particularly looking for advice on how to do so.

Movement Toward Civil Society Recommendations:

The evaluation sheet for this commitment gave the government a perfect score for its efforts to meet the recommendations civil society organizations developed to improve implementation of the effort. The Data.gov team increased functionality in the Data.gov communities by adding user forums on the site as well as blogs that allow community members to post comments.

Civil society organizations chose recommendations with an eye toward reaching beyond the words of the commitment, and what the government could reasonably accomplish in a 12 – 16 month time frame. For a full listing of the recommendations, evaluators' suggested next steps for further progress, and a breakdown of the scoring, please visit here: http://opengovpartners.org/us/files/2013/02/OGP-NAP-Eval-raw-3.2b.pdf

Meaningful and Sustainable:

The evaluators gave the initiative a low score in this category. The evaluators judge the lack of participation on the community forums and blogs as an indicator that community functionality has not been targeted as an important part of the Data.gov agenda. The evaluation states that community demand and awareness is essential to creating a sustainable demand for data and providing guidance on how to define a high-value data set.

3.3: Encourage Communication between Government Officials and Citizen Experts (ExpertNet)

Collaboration:

The government was given high scores on this section as the team was very open to civil society input on this commitment and engaged in frank conversations and actively looked for ways to accomplish this difficult commitment.

Movement Toward Civil Society Recommendations:

The evaluation sheet for this commitment does not provide the government scores for its efforts to meet the recommendations civil society organizations developed to improve implementation of the effort, as the government was not able to launch the initiative. According to the evaluation, the political will or the time or the budget did not exist to bring ExpertNet to fruition. The civil society team therefore decided that scoring the recommendations on this commitment was not reasonable.

Civil society organizations chose recommendations with an eye toward reaching beyond the words of the commitment, and what the government could reasonably accomplish in a 12 – 16 month time frame. For a full listing of the recommendations, evaluators' suggested next steps for further progress, and a breakdown of the scoring, please visit here: http://opengovpartners.org/us/files/2013/02/OGP-NAP-Eval-raw-3.3.pdf

Meaningful and Sustainable:

The government's efforts were scored relatively high on this section. According to the evaluation, the team that was responsible for this commitment did everything they could to make something happen that was meaningful, given the time and budget constraints they were under. Unfortunately, this project was not high-enough priority and, so, it did not receive the attention that it needed to be accomplished.

3.4a: Begin an Online National Dialogue with the American Public (Reforming Websites)

Collaboration:

The government was awarded a mid-range score on this section. The administration did conduct outreach to civil society groups to encourage participation in the dialogue but outreach was rushed and limited. It was unclear to the civil society team how participants' input informed the development of the Digital Government Strategy. The administration should have sought to provide participants with a better sense of what the government took away from the dialogue, what was most useful, and how it informed their web reform effort.

Movement Toward Civil Society Recommendations:

The evaluation sheet for this commitment gave the government a mid-range score for its efforts to meet the recommendations civil society organizations developed to improve implementation of the effort, including for hosting a well-organized and structured dialogue using IdeaScale's features. The evaluation also gives the government credit for providing sufficient time for public participation, though more time and greater notice would have led to an even broader and more robust conversation. Similarly, the evaluation notes that while the dialogue included some feedback, it was more limited than many groups would have preferred. The evaluation also notes that the government's effort to provide participants with a clear purpose and instructions for engagement could have been improved by better outreach.

Civil society organizations chose recommendations with an eye toward reaching beyond the words of the commitment, and what the government could reasonably accomplish in a 12 – 16 month time frame. For a full listing of the recommendations, evaluators' suggested next steps for further progress, and a breakdown of the scoring, please visit here: http://opengovpartners.org/us/files/2013/02/OGP-NAP-Eval-raw-3.4a.pdf

Meaningful and Sustainable:

The government's efforts on this initiative were given a mid-range score in this category. According to the evaluation, the administration did a fair job conducting the dialogue in a meaningful way, but there seemed to be little consideration of keeping the dialogue open or transitioning it to provide feedback on other aspects of the web reform effort as it moved forward.

3.4b: Update Government-wide Policies for Websites

Collaboration:

The government team working on the digital strategy commitment was given a strong score on its efforts at collaboration. According to the evaluation, the team had several meetings with civil society groups interested, presented their plans, took feedback and questions, and asked for specific input on particular items. The score was not higher because civil society did not get a chance to provide input on drafts or plans before they were released.

Movement Toward Civil Society Recommendations:

The evaluation sheet for this commitment gave the government strong scores for its efforts to meet the recommendations civil society organizations developed to improve implementation of the effort, in particular for improving measurement of website performance and customer satisfaction, requiring agencies to establish new API and mobile access, and for providing agencies with guidance on digital services.

Overall, the evaluators said that the digital strategy document that explained the vision for improving electronic services offered by the government included detailed deliverables and deadlines for agencies and offices across the entire government. This type of accountability and clarity made following up on progress much easier. The evaluation went on to cite the careful, detailed, and public planning for and beginning of execution of the digital strategy as making progress toward, or fulfilling, most of the recommendations made by civil society organizations.

Civil society organizations chose recommendations with an eye toward reaching beyond the words of the commitment, and what the government could reasonably accomplish in a 12 – 16 month time frame. For a full listing of the recommendations, evaluators' suggested next steps for further progress, and a breakdown of the scoring, please visit here: http://opengovpartners.org/us/files/2013/02/OGP-NAP-Eval-raw-3.4b.pdf

Meaningful and Sustainable:

The government's efforts were rated very high in this category. According to the evaluation, the Administration's efforts on this have been extremely well organized across the entire government. Follow through for this commitment seems well coordinated by OMB. Evaluators also note that trainings that explain the long-term benefits of openness on government performance and accountability, or some other method of strengthening the culture of openness at an agency, could improve the meaningfulness and sustainability of the initiative.

3.5: Publish Data to Help Consumers and Scientists

Collaboration:

Evaluators report that there was some limited collaboration between civil society and the government team on this initiative, but only after many requests. Accordingly, the government was given a relatively low score on this section.

Movement Toward Civil Society Recommendations:

The evaluation sheet for this commitment gave the government low scores for its efforts to meet the recommendations civil society organizations developed to improve implementation of the effort. On promoting the preservation of scientific digital data, the government was given credit for the efforts of two agencies, the National Science Foundation and the National Endowment for the Humanities, to require data management plans as part of grant funding. The White House has yet to require all agencies to follow suit, however. Similarly, the evaluation notes that, although the Office of Science and Technology Policy (OSTP) issued a request for information on "Public Access to Digital Data Resulting From Federally Funded Scientific Research," the Administration has yet to issue a digital data policy or directive.

On February 22, 2013, the Administration issued a memorandum on "Increasing Access to the Results of Federally-Funded Scientific Research." The Memorandum covers both journal literature and digital data stemming from federally-funded research.

In terms of promoting scientific integrity, the government was given credit in particular for including specific protections for scientists in the Whistleblower Protection Enhancement Act, which was signed into law in November 2012. However, while most agencies created media policies as part of their scientific integrity policies, very few put in place media policies that enable scientists to communicate with the media and the public, and that give scientists the right to review agency documents that rely on their research for accuracy.

Civil society organizations chose recommendations with an eye toward reaching beyond the words of the commitment, and what the government could reasonably accomplish in a 12 – 16 month time frame. For a full listing of the recommendations, evaluators' suggested next steps for further progress, and a breakdown of the scoring, please visit here: http://opengovpartners.org/us/files/2013/02/OGP-NAP-Eval-raw-3.5b.pdf

Meaningful and Sustainable:

According to the evaluation, the lack of public information regarding the development of policy or guidance for the use of scientific data makes it unclear whether the government efforts to meet this commitment were meaningful or sustainable. The government was, therefore, given a relatively low score on this section.

3.6: Promote Innovation Through International Collaboration(Space Apps)

Collaboration:

According to the civil society team, NASA did an excellent job of collaborating with civil society in the execution of this commitment.

Movement Toward Civil Society Recommendations:

The evaluation sheet for this commitment gave the government very high scores for its efforts to meet the recommendations civil society organizations developed to improve implementation of the effort for its engagement of as many space agencies as possible, especially given the natural hesitation of governments to participate in such a novel project; and for making it an annual event. Although civil society initially recommended that the government try to use the project to build a continuous community, they realized this was not practical for the government team to implement.

Civil society organizations chose recommendations with an eye toward reaching beyond the words of the commitment, and what the government could reasonably accomplish in a 12 – 16 month time frame. For a full listing of the recommendations, evaluators' suggested next steps for further progress, and a breakdown of the scoring, please visit here: http://opengovpartners.org/us/files/2013/02/OGP-NAP-Eval-raw-3.6.pdf

Meaningful and Sustainable:

According to the evaluation, the effort that the government team is putting in to ensure the success of the 2013 event, and the continued growth and effectiveness of the Space Apps Challenge shows that NASA intends this to be a meaningful and sustainable effort. The government was therefore given a high score in this area.

Commitments Grouped by Score

Commitments Grouped by Score on Collaboration (highest to lowest)
1.6a: Advocate for Legislation to Reform and Expand Whistleblower Protections
3.6: Promote Innovation through International Collaboration (Space Apps)
1.1b: Open Source We the People
3.1: Expand Public Participation in the Development of Regulations.gov
1.2: Modernize Management of Government Records
3.3: Encourage Communication between Government Officials and Citizen Experts
1.4: Declassify National Security Information
3.4b: Update Government-wide Policies for Websites
2.1a: Commit to Implement the Extractive Industries Transparency Initiative (EITI)
2.1b: Work in Partnership with Industry and Citizens to Build on Recent Progress (EITI)
1.1: Launch We the People
1.3a: Professionalize FOIA Administration
3.2a: Contribute to Data.gov as a Platform
2.3: Increase Transparency of Foreign Assistance
3.2b: Foster Communities on Data.gov
1.6b: Explore Utilization of Executive Branch Authority to Implement Reforms if Congress is Unwilling to Act on Whistleblower Protections
3.4a: Begin an Online Dialogue with the American Public (Reforming Websites)
1.3b: Harness the Power of Technology for FOIA
1.1c: Develop Best Practices and Metrics for Public Participation
1.5: Support and Improve Agency Implementation of Open Government Plans
1.8: Increase Transparency of Legal Entities Formed in the US
2.4: Create a More Effective and Responsive Government – Performance.gov
1.7: Enhance Enforcement of Regulations through Further Disclosure of Compliance Information
2.2: Increase Transparency in Spending by Applying Lessons from the Recovery Act to All Federal Spending
3.5b: Publish Data to Help Consumers and Scientists

Commitments Ranked by Score on Progress Toward Civil Society Recommendations (highest to lowest) *denotes a tied score
3.2b: Foster Communities on Data.gov
3.6: Promote Innovation through International Collaboration (Space Apps)
2.3: Increase Transparency of Foreign Assistance
1.1b: Open Source We the People*
1.6b: Explore Utilization of Executive Branch Authority to Implement Reforms if Congress is Unwilling to Act on Whistleblower Protections*
2.4: Create a More Effective and Responsive Government – Performance.gov
3.4b: Update Government-wide Policies for Websites
3.1: Expand Public Participation in the Development of Regulations.gov
1.2: Modernize Management of Government Records
3.2a: Contribute to Data.gov as a Platform **
3.4a: Begin an Online Dialogue with the American Public (Reforming Websites) **
1.3b: Harness the Power of Technology for FOIA***
1.6a: Advocate for Legislation to Reform and Expand Whistleblower Protections***
1.7: Enhance Enforcement of Regulations through Further Disclosure of Compliance Information***
1.4: Declassify National Security Information
1.3a: Professionalize FOIA Administration
1.5: Support and Improve Agency Implementation of Open Government Plans
1.1a: Launch We the People
3.5b: Publish Data to Help Consumers and Scientists
2.1b: Work in Partnership with Industry and Citizens to Build on Recent Progress (EITI)
1.1c: Develop Best Practices and Metrics for Public Participation
1.8: Increase Transparency of Legal Entities Formed in the US
2.2: Increase Transparency in Spending by Applying Lessons from the Recovery Act to All Federal Spending
3.3: Encourage Communication between Government Officials and Citizen Experts
2.1a: Commit to Implement the Extractive Industries Transparency Initiative (EITI)

Commitments Grouped by Meaningful and Sustainable Score (highest to lowest)
3.6: Promote Innovation through International Collaboration (Space Apps)
1.1b: Open Source We the People
3.1: Expand Public Participation in the Development of Regulations.gov
1.2: Modernize Management of Government Records
3.4b: Update Government-wide Policies for Websites
3.3: Encourage Communication between Government Officials and Citizen Experts
2.1a: Commit to Implement the Extractive Industries Transparency Initiative (EITI)
2.1b: Work in Partnership with Industry and Citizens to Build on Recent Progress (EITI)
1.4: Declassify National Security Information
1.1a: Launch We the People
1.1c: Develop Best Practices and Metrics for Public Participation
2.2: Increase Transparency in Spending by Applying Lessons from the Recovery Act to All Federal Spending
2.3: Increase Transparency of Foreign Assistance
1.3a: Professionalize FOIA Administration
3.4a: Begin an Online Dialogue with the American Public (Reforming Websites)
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3.2a: Contribute to Data.gov as a Platform
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1.6b: Explore Utilization of Executive Branch Authority to Implement Reforms if Congress is Unwilling to Act on Whistleblower Protections
1.8: Increase Transparency of Legal Entities Formed in the US
3.5b: Publish Data to Help Consumers and Scientists
1.6a: Advocate for Legislation to Reform and Expand Whistleblower Protections

Suggestions for the Second National Action Plan

1: **Improve civil society engagement during the creation of the second National Action Plan**.

The first US National Action Plan was created in a relatively short time frame. The White House began efforts in July 2011 to engage civil society organizations that work on openness on ideas for the plan. Engagement efforts consisted primarily of a series of meetings held in DC, with a few people calling in to represent organizations outside the Beltway. In August, the White House also put up a blog post about the development of the plan, and welcomed readers to send any thoughts to a general email address, opengov@ostp.gov. The final plan was released by the White House on September 20, 2011.

Civil society organizations offered a number of ideas for improving the engagement process during the creation of the first plan. The suggestions included utilizing the blog formats used by the Public Interest Declassification Board (PIDB) to gather public input for its report on transforming the classification system. The PIDB's consultations were done in public and online, and they did not just take the comments privately and summarize them online. In their first such consultation, the PIDB posed questions; the public submitted comments to the open blog; and, at the end of each question period, the PIDB summarized what they had heard and posed the next question. In the second consultation, the Board members posted papers, invited public comment and often responded to the commenters, and then invited the public to submit their own papers.

Another idea offered for improving the engagement process was to create a Presidential Advisory Committee on Open Government under the Federal Advisory Committee Act of 1972 (FACA). This Committee would provide experts and the public with an official, structured, and ongoing forum to discuss open government initiatives. The committee would also help raise the profile of open government on the international stage throughout the U.S. federal government, setting an example for other countries.

According to White House officials, the second National Action Plan will not be released until mid-September to October 2013. There is plenty of time in developing the next Plan for the White House to engage civil society organizations in the plan's development in a truly participatory and collaborative way – as the Open Government Partnership requires.

2: **Be transparent about the input you receive from the public and agencies, and about how that input shapes the plan.**

The Administration received ideas for the first National Action Plan from a variety of sources. In addition to giving readers of the White House blog an email address to send any feedback to, the White House also received a number of proposals from civil society organizations. We understand that agencies were also offered the opportunity to propose initiatives for inclusion in the plan.

For the creation of the next National Action Plan, the Administration should be more transparent about what input it receives. One model for this is the "Seat at the Table" website managed by the President's transition team: all papers and proposals that were given to the transition team were made publicly available via the site. At a minimum, the Administration should explain how it will manage the second engagement process in a transparent way. This kind of openness enables the public to understand more about the government's decision-making process.

3: **Make sure agencies that are less experienced at working with the public have sufficient support to meet commitments.**

Agencies that are known to have a fairly well-established culture of openness and collaboration were generally more successful at meeting commitments, and scored relatively high in the overall evaluation. Efforts by the National Archives and Records Administration (NARA) to meet commitments to declassify historical records and reform records management, for example, were given high-scores on collaboration and on making a concerted effort to implement their commitments in a meaningful and sustainable way. NARA, which has as part of its mission ensuring that the people can discover, use, and learn from preserved government records, had already developed strong ties with open government advocates and other stakeholders prior to the release of the National Action Plan. Sharing ideas and keeping lines of communication about the status of the initiatives, and any foreseeable roadblocks helped NARA make progress, and made it possible for civil society organizations to influence policy.

Similarly, evaluators gave high scores to the Environmental Protection Agency (EPA)-led effort to make it easy for the public to participate in agency rulemaking. From the initial release of Regulations.gov, to the release of toxics information online, and the creation of FOIAonline (a new shared service that makes it easier for the public to make and track Freedom of Information Act (FOIA) requests), EPA has long been recognized as an innovator at using technology to better connect the public to government information. According to the evaluation, the high ranking of the EPA's efforts are in part because the "eRulemaking team at EPA…truly understands how to do outreach, gather input from a diverse group of interested parties, and integrate that feedback into their application and future roadmap."

Also not surprisingly, given the National Aeronautics and Space Administration's (NASA) reputation as a leader in technology-focused open government, evaluators gave the effort to launch an international space apps competition high scores across the board. The initiative was even called a "model" that should be "leveraged in other governmental arenas." Originally conceived as a continuous community, the team at NASA found that they did not have sufficient time and resources, or community enthusiasm, to sustain the initiative. Instead, NASA is developing the effort into an annual event. Planning for the 2013 event is already underway.

On the other hand, some initiatives led by agencies that do not have a long track record of working with the public were not successful. For example, while evaluators gave the Department of Interior credit for trying to be collaborative with civil society organizations, they noted that the agency simply did not have the outreach skills to successfully get the word out about the Extractive Industries Transparency Initiative, especially about the in-state meetings DOI held to hear from local stakeholders. The evaluators urged Interior to consult with the Administration and to use the White House's citizen

engagement expertise to publicize the initiative, but there was little visibility by the Administration in this process.

When developing and implementing the second US National Action Plan, the Administration should work to make sure agencies that are less experienced at working with the public have sufficient support to meet the commitments. The White House's Open Government Working Group, a group of high-ranking agency and Administration officials that meet regularly to discuss open government initiatives and share best practices, should be useful in this regard.

> 4: **Set milestones and guidelines for agency implementation, especially for multi-agency initiatives.**

Setting clear expectations for what agencies must do to successfully implement an Administration initiative makes it easier for government officials and civil society organizations to know whether an agency is making progress, and to hold an agency's feet to the fire if it fails to meet deadlines. The Records Management Directive released by the Archivist and the Director of the Office for Management and Budget, for example, includes clear deadlines and deliverables to ensure agencies are making progress toward effectively managing government records.

Other multi-agency initiatives in the National Action Plan lack this kind of specificity, however. For example, the Administration released the Regulatory Compliance Memo on January 18, 2012, in relation to the commitment to improve regulatory enforcement by providing agency enforcement and compliance data online. According to the evaluation, though, only a handful of agencies have released plans in compliance with the Memo and there is a lack of uniformity in the plans: some agencies have described improvement processes on their websites and others in regulatory compliance data plans. Even where an agency has articulated an improvement process, it may not be useful because it is unclear or has not been continuously updated.

The Administration would also increase progress in the delivery of foreign assistance transparency by publishing an agency-by-agency implementation schedule. The evaluation of the commitment said that an implementation schedule specific to each agency is crucial to hold agencies to account for this progress and ensure resources are devoted to improve each agency's efforts to the publication of more and better aid information. As previously mentioned, some of the commitments in the first National Action Plan were completed before the release of the plan, or were on course to be completed shortly after the release. According to the Open Government Partnership's guidelines, action plans are meant to include concrete commitments that build on existing efforts, identify new steps to complete on-going reforms, or initiate action in an entirely new area. The inclusion of already completed commitments in the US National Action Plan sends the wrong signal to agency officials, civil society organizations, and the public about the Administration's intent to make further progress on an issue. It also sends a message to other governments in the OGP that the guidelines can be discounted.

5: **For ongoing initiatives, make commitments that go well beyond what has already been accomplished.**

In some instances, the low bar set by the White House hindered progress. The commitment to create a National Declassification Center (NDC) to expedite the declassification of historical records was completed well before the release of the plan. According to the evaluation of the commitment, while the White House was generally supportive of efforts by NARA and the NDC, it did not appear that the Administration was leading these efforts or actively working to promote them beyond what had already been done. Likewise, the evaluation sheet on the White House commitment to improve federal spending transparency said that while the government met the low-bar letter of the commitment – to have the already-established Government Accountability Board (GATB) issue an already-required report – it has far to go in meeting its spirit.

6: **Be brave.**

"Partially met" commitments do not mean no progress has been made. Progress on some of the "unmet" commitments from the first national action plan moved the US government much further down the road toward open and accountable government. The US commitment to implement the Extractive Industries Transparency Initiative, for example, is important in terms of setting an example for other countries regarding the use of national resources and reducing possibilities of corruption. While the US government still has a long way to go before completing the process, the evaluation of the commitment said that the government made a strong effort and should be commended.

Similarly, the commitment to increase the transparency of foreign assistance was not completed by the end of the evaluation period: as of January 2013, only three agencies were partially reporting information to the Foreign Assistance Dashboard. The release of foreign assistance guidance is a significant step; however the implementation process, more specifically the publication of timely and detailed foreign assistance information, has moved slowly.

7: **Create a more ambitious second National Action Plan.**

As has been noted several times throughout this report, the first National Action Plan included several commitments that were either already completed, or well under way, when the Plan was released. Notably, the wording of many of the other commitments allowed the government to do very little to technically meet its requirements. The inclusion of weak commitments sends the wrong signal about the Administration's desire to make a lasting impact on open government and its commitment to the "stretch" goals of the Open Government Partnership.

There is still important progress to be made on many of the issues included in the first National Action Plan. We encourage you to look to the recommendations civil society organizations made for each

commitment for concrete ideas. Additionally, there are several critical issues, most notably surrounding national security issues and campaign finance reform, that should not be left unaddressed by the second National Action Plan.

We will be sharing more information and specific ideas for reform as the Administration begins the process of developing the second National Action Plan, as will other civil society organizations. Throughout 2012, more than 20 national organizations committed to improving openness and accountability, including the coordinator of this report, OpenTheGovernment.org, identified priorities for strengthening government openness. We believe that by making ambitious commitments in the areas of government spending transparency, transformation of the classification system, proactive disclosure, the Freedom of Information Act (FOIA), and ethics disclosure, the Administration could make real progress on the road to open and accountable government.

The spirit of collaboration underpins the Open Government Partnership and civil society is committed to continuing our work with the US government in the coming years toward our common goal of open, transparent, and accountable government.

8: **Learn from the global experience.**

The United States was among the first countries to launch its engagement process and to release its National Action Plan. Since the release of the first US plan, more than 40 countries have delivered commitments and many more have begun reaching out to the public and civil society for input. The US should take advantage of the opportunity to learn from what has worked particularly well in other countries.

Appendix A: Methodology

The assessment used an iterative and multi-method design strategy to collect assessment data on the National Action Plan. More specifically, the study team engaged in a phased approach to its research design, with each phase building on precedent phases.

Phase I: Review and Assessment

- Reviewed the National Action Plan (NAP) to identify the commitments.
- Reviewed Civil Society recommendations and assessment criteria regarding open government and transparency initiatives. Compiled by a number of Civil Society teams, this report served as the basis for identifying and securing assessment teams by topic/commitment area in the NAP.
- Identified and reviewed open government assessment methodologies used by researchers, civil society groups, and others.

Phase II: Initial Assessment Framework

Based on the findings from Phase I, the study team:

- Laid out the 26 commitments in the NAP and developed initial criteria for assessment.
- Drafted a methodology that involved both qualitative and quantitative assessment techniques. More specifically, the initial methodology involved several techniques
    - Binary, for whether the commitment has been met.
    - Ordinal, for a further expansion of the extent to which the commitment has been met.
    - Numeric, for any measures that have a numeric count component.
    - Qualitative, for additional details and explanations regarding the assessment.
- Developed an initial data collection protocol to capture assessments regarding the identified commitments. The protocol intended for the Civil Society teams to develop the extensiveness criteria against which the Commitment would be measured

Phase III: Feedback and Refinement

Civil Society groups reviewed the initial proposed methodology and draft protocol and made several comments regarding the approach, criteria, and complexity in terms of data collection. The feedback provided a number of suggestions regarding the collection methodology, including:

- Simplification of the data collection form (designed as a spreadsheet).
- Simplification of the metrics, criteria, and scoring approaches.
- Simplification and enhancement of qualitative data capabilities, especially in the ability to offer comments from assessors.

This resulted in a data collection form that provided four assessment points: 1) Whether the Administration had met the commitment (binary, yes/no; 2); The extent to which the government had collaborated with civil society on implementation of the commitment (ordinal, 1-5); 3) The extent to

which the government's implementation accorded with the recommendations made by civil society organizations (ordinal, 1-5); and 4) the meaningfulness and sustainability of the government's efforts (ordinal, 1 – 5). The CSOs also provided comments explaining the scores given, on whether the government had implemented the commitment in a way that was meaningful and sustainable, and on needed next steps. Moreover, the form allowed for aggregation of scores within and across criteria, as well as an overall total score.

The final protocol is available at: http://bit.ly/UbfGjf

Phase IV: Administration Feedback

The final protocol was provided to the Administration for review and comment prior to data collection. The study team and some representatives of civil society organizations met with the inter-agency Open Government Working Group to discuss the proposal. At the meeting, the study team agreed to make some clarifications to the protocol to differentiate between the Administration's commitments in the National Action Plan and the civil society recommendations. The study team also agreed to share the raw evaluations with the Administration prior to compiling the final report. The government teams were given the opportunity to respond to the raw evaluations of the civil society teams; some did. Civil society teams were not obligated to make changes in response to the government comments.

Phase V: Data Collection

Prior to data collection, the Civil Society teams convened to discuss the study methodology with the study team to ensure valid and reliable data collection. The teams and the study team discussed issues regarding the protocol, how to collect the data, common definitions, and other methods for ensuring quality data collection activities.

After the session, Civil Society teams used the final protocol to assess the Administration's progress regarding 25 of the NAP's 26 commitments. Each team completed the protocol and submitted the final version to the study team.

Phase VI: Data Analysis and Review

The study team reviewed the submitted and completed protocols. They analyzed the numeric survey assessments, tallying and ranking results. In addition, the study team reviewed and analyzed the qualitative comments provided by the teams.

Once the data were compiled and summarized, the study team shared the results with both the Civil Society teams and the Administration for feedback and comment. The Administration shared its comments with the study team.

After additional review, the study team finalized its analysis and released the results.

Appendix B: Generic Commitment Evaluation Template

Commitment Number and Title		
Please fill in ALL white areas (note that the Comment/Explanation column is optional) Thank you for helping to evaluate the US Administration's implementation of its Open Government Partnership National Action Plan. Should you have any questions, do not hesitate to contact Wayne Burke at wayne@open4m.org or Abby Paulson at apaulson@openthegovernment.org. You can also learn more about this effort at http://opengovpartners.org/us		
What Was Accomplished?		
Government Commitment	#	
Please answer the following question either yes or no:	yes - no	Comment/Explanation (optional)
Did the government meet this commitment as it was originally written?		
Civil Society Recommendations		
Please provide a rating in response to the following questions, where 5 equals very collaborative and 1 equals not at all collaborative.	5 - 4 - 3 - 2 - 1	Comment/Explanation (optional)
How collaborative was the government in working with civil society on this commitment?		
The following are the recommendations that we as civil society established in order to define completion of this commitment. Please assign each recommendation below a completion rating of between 1 and 5, where 5 is equivalent to yes and 1 is equivalent to no. Your ratings will be used to determine an answer to the question, "Did government accomplish the civil society recommendations for this commitment?" Feel free to add any comments or explanation that you feel are important to include in the final report.	5 - 4 - 3 - 2 - 1	Comment/Explanation (optional)
Civil Society Recommendations (number differs for each commitment)		
Total		

Total Possible		
Was It Done in a Meaningful and Sustainable Manner?		
Please note, government does not need to have accomplished the goal in order to score well on this portion.		
Please answer the following question on a scale of 5 - 1, where 5 is an unequivocal yes and 1 is an unequivocal no:		Comment/Explanation (optional)
The government made a concerted effort to implement this commitment in a meaningful and sustainable way.		
Please provide essay style answers to the following questions and email them to Abby Paulson at apaulson@openthegovernment.org.	Emailed? yes - no	Essay style answers to be e-mailed to apaulson@openthegovernment.org for insertion into report format. Thank you for your cooperation.
Please provide additional context for your answer and provide specific examples. If appropriate, answer the following questions within your response: What did the government do particularly well? What else should they have done? What did they do that was unexpected? Did the Administration sufficiently support the efforts at an agency level? Did the agency do everything in their power to accomplish the commitment? NOTE: Some of these questions make a distinction between the efforts put forward by the White House and the efforts put forward by the responsible official at an agency level. If this distinction is relevant for your commitment, please differentiate between the two.		
What are the next steps the government should take to ensure the sustainability of this initiative?		