

INDEPENDENT REPORTING MECHANISM (IRM):

UNITED STATES END-OF-TERM REPORT 2014–2015

Suzanne Piotrowski
Rutgers University-Newark
First End-of-Term Report



INDEPENDENT REPORTING MECHANISM (IRM): UNITED STATES END-OF-TERM REPORT 2014-2015

Some commitments in the US second action plan contributed to major changes in government practice through crowdsourcing, online participation, and disclosure of information on extractives and intelligence. While many commitments did not show progress after the midterm, the third action plan carries forward these efforts and includes other priority areas such as law enforcement, sustainable development, and subnational governance.

The Open Government Partnership (OGP) is a voluntary international initiative that aims to secure commitments from governments to their citizenry to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. The Independent Reporting Mechanism (IRM) carries out a review of the activities of each OGP-participating country. This report summarizes the results of the two-year period 2014 and 2015, and it includes some relevant developments up to December 2016.

During the second action plan, the OGP process in the US was coordinated by the Executive Office of the President. The government agencies with primary responsibility for commitments in the plan are regular participants in the Interagency Open Government Working Group and make the biggest contribution to open government reform. During the first year of the action plan, the Office of Science and Technology Policy (OSTP) coordinated the Working Group. In 2015, the National Archives took over this role. The government published its final self-assessment report for the second action plan in June 2016.

The US published its third action plan on 27 October 2015. The plan includes 45 commitments that cover public service delivery, access to information, public participation, government integrity, fiscal transparency, justice and law enforcement, subnational governance, and global sustainable development. Most of the commitment topics from the second action plan were carried over and expanded in the third plan.

TABLE 1: AT A GLANCE

NUMBER OF COMMITMENTS: 26

LEVEL OF COMPLETION

	MIDTERM	END OF TERM
COMPLETED:	2	4
SUBSTANTIAL:	17	17
LIMITED:	7	5
NOT STARTED:	0	0

NUMBER OF COMMITMENTS WITH:

CLEAR RELEVANCE TO OGP VALUES:	24	24
TRANSFORMATIVE POTENTIAL IMPACT	2	2
SUBSTANTIAL OR COMPLETE IMPLEMENTATION	19	21
ALL THREE (🌟):	2	2

DID IT OPEN GOVERNMENT

MAJOR	N/A	6
OUTSTANDING	N/A	0

MOVING FORWARD

COMMITMENTS CARRIED OVER TO NEXT ACTION PLAN:	21
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CONSULTATION WITH CIVIL SOCIETY DURING IMPLEMENTATION

Countries participating in OGP follow a process for consultation during development and implementation of their OGP action plan. US Second National Action Plan development was led centrally but drew from expertise and innovations across a wide range of stakeholders, including many government agencies in charge of various commitments. The development of the action plan relied on innovative tools and in-person forums that were used to generate collaboration. Civil society groups actively participated and made strong efforts to learn from and build upon the actions of the first plan. However, the decision-making process did not seek active collaboration with the public and involved a narrow range of participants. Also, it was not carried out according to a well-defined or transparent schedule.

During the implementation of the plan, the government-wide Interagency Open Government Working Group held quarterly open meetings including civil society. In addition, the current civil society coalition, OpenTheGovernment.org, and an informal network of government and nongovernmental professionals provided regular feedback and guidance. Citizens were involved in the context of specific commitments. For example, the Members Meetings of the Extractive Industries Transparency Initiative (EITI) included private companies and civil society organizations. Although some policy areas of the action plan such as fossil fuel subsidies and open education were underrepresented, citizens were involved regularly through many channels, including open meetings, public discussion groups, citizen collaboration bodies, and crowdsourcing initiatives.

Table 2: Action Plan Consultation Process

PHASE OF ACTION PLAN	OGP PROCESS REQUIREMENT (ARTICLES OF GOVERNANCE SECTION)	DID THE GOVERNMENT MEET THIS REQUIREMENT
During Implementation	Regular forum for consultation during implementation?	Yes
	Consultations: Open or Invitation-only?	Open
	Consultations on IAP2 spectrum ¹	Involve

PROGRESS IN COMMITMENT IMPLEMENTATION

All the indicators and methods used in the IRM research can be found in the IRM Procedures Manual, available at (<http://www.opengovpartnership.org/about/about-irm>). One measure deserves further explanation due to its particular interest for readers and usefulness for encouraging a race to the top between OGP-participating countries: the “starred commitment” (★). Starred commitments are considered exemplary OGP commitments. To receive a star, a commitment must meet several criteria:

1. It must be specific enough that a judgment can be made about its potential impact. Starred commitments will have “medium” or “high” specificity.
2. The commitment’s language should make clear its relevance to opening government. Specifically, it must relate to at least one of the OGP values of Access to Information, Civic Participation, or Public Accountability.
3. The commitment would have a “transformative” potential impact if completely implemented.
4. Finally, the commitment must see significant progress during the action plan implementation period, receiving a ranking of “substantial” or “complete” implementation.

Based on these criteria, after the first year of implementation, the US action plan contained two starred commitments. This number did not change after the second year of implementation. The two starred commitments are:

- Commitment 11: Extractive Industries Transparency Initiative (EITI)
- Commitment 13: Federal Spending

Commitments assessed as star commitments in the midterm report can lose their starred status if at the end of the action plan implementation cycle, their completion falls short of substantial or full completion, resulting in overall limited completion at the end of term, per commitment language.

Finally, the graphs in this section present an excerpt of the wealth of data the IRM collects during its reporting process. For the full dataset for the US, see the OGP Explorer at www.opengovpartnership.org/explorer.

ABOUT “DID IT OPEN GOVERNMENT?”

Often, OGP commitments are worded vaguely or are not clearly related to opening government, but they achieve significant political reforms. Other times, commitments with significant progress may appear relevant and ambitious, but fail to open government. To capture these subtleties and, more importantly, changes in government practice, the IRM introduced a new variable, ‘Did it open government?’, in end of term reports. This variable attempts to move beyond measuring outputs and deliverables to looking at how the government practice has changed because of the commitment’s implementation. This can be contrasted to the IRM’s “starred commitments” which describe *potential* impact.

IRM researchers assess the “Did it open government?” variable regarding each of the OGP values relevant to a commitment. It asks, did it stretch the government practice beyond business as usual? The scale for assessment is as follows:

- Worsened: worsens government openness as a result of the measures taken by the commitment.
- Did not change: did not change status quo of government practice.
- Marginal: some change, but minor in terms of its impact over level of openness.
- Major: a step forward for government openness in the relevant policy area, but remains limited in scope or scale
- Outstanding: a reform that has transformed ‘business as usual’ in the relevant policy area by opening government.

To assess this variable, researchers establish the status quo at the outset of the action plan. They then assess outcomes as *implemented* for changes in government openness.

Readers should keep in mind limitations. IRM end of term reports are prepared only a few months after the implementation cycle is completed. The variable focuses on outcomes that can be observed on government openness practices at the end of the two-year implementation period. The report and the variable do not intend to assess impact because of the complex methodological implications and the time frame of the report.

Table 3: Overview: Assessment of Progress by Commitment

COMMITMENT OVERVIEW	SPECIFICITY				OGP VALUE RELEVANCE <i>(as written)</i>				POTENTIAL IMPACT				COMPLETION		MIDTERM		DID IT OPEN GOVERNMENT?				
	None	Low	Medium	High	Access to Information	Civic participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	END OF TERM		Worsens	Did not change	Marginal	Major	Outstanding
															Substantial	Complete					
1. Public Participation				X	X	X			X						X					X	
2. Records Management			X		X		X			X					X				X		
3. FOIA				X	X		X			X					X			X			
4. Classification of Documents			X		X		X			X					X				X		
5. Controlled Unclassified Information				X	X		X			X			X		X			X			
6. Foreign Intelligence Surveillance			X		X	X				X						X				X	
7. Privacy Compliance		X			X		X			X			X		X				X		
8. Open Government Plans				X	X					X					X				X		
9. Whistleblowing			X				X			X					X				X		
10. Legal Entities			X		Unclear						X			X				X			
★ 11. Executive Industries Transparency Initiative				X	X		X				X				X					X	
12. Fossil Fuel Subsidies			X		X					X						X			X		
★ 13. Federal Spending			X		X	X	X				X				X					X	

COMMITMENT OVERVIEW	SPECIFICITY				OGP VALUE RELEVANCE <i>(as written)</i>				POTENTIAL IMPACT				COMPLETION		MIDTERM		DID IT OPEN GOVERNMENT?				
	None	Low	Medium	High	Access to Information	Civic participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	END OF TERM		Worsens	Did not change	Marginal	Major	Outstanding
															Substantial	Complete					
14. Foreign Assistance.gov			X		X		X			X			X						X		
15. Performance.gov			X		X		X		X						X				X		
16. Import and Export Systems		X			X		X		X						X			X			
17. Participatory Budgeting			X			X			X				X						X		
18. Visa Sanctions		X			Unclear					X			X					X			
19. Public Participation in Rulemaking		X				X	X		X						X				X		
20. Open Data				X	X		X			X					X				X		
21. ExpertNET		X				X			X				X					X			
22. Federal Websites			X		X		X		X						X				X		
23. Public Collaboration			X		X	X	X			X					X					X	
24. Open Education				X	X	X	X			X					X			X			
25. Deliver Services through Information Technology			X			X	X			X					X					X	
26. Big Data		X			X	X	X	X		X					X				X		

GENERAL OVERVIEW OF COMMITMENTS

As part of OGP, countries are required to make commitments in a two-year action plan. End of term reports assess an additional metric: 'Did it open government?' The tables that follow summarize the completion level at the end of term and progress on this metric. For commitments that were complete already at the midterm, the report provides a summary of the progress report findings but focuses on analysis of the 'did it open government?' variable. For additional details on previously completed commitments, please see the US IRM midterm progress report. The US plan focused on four key areas: improving the quality of the involvement of society in decision making, improving the quality of public service provision, restricting corruption, and facilitating freedom of information and introducing an open data system.

¹IAP2 spectrum information available at: http://c.ymcdn.com/sites/www.iap2.org/resource/resmgr/Foundations_Course/IAP2_P2_Spectrum.pdf

1 | PUBLIC PARTICIPATION

Improve Public Participation in Government

In the first NAP, the Administration expanded opportunities for public participation in government, recognizing the value of the American public as a strategic partner in solving some of the country's most difficult challenges. The United States is committed to continuing to expand public participation in government and will:

- Expand and Simplify the Use of We the People.** In 2014, the White House will introduce improvements to We the People that will make petitioning the Government easier and more effective. These improvements will enhance public participation by creating a more streamlined process for signing petitions and a new Application Programming Interface (API) that will allow third parties to collect and submit signatures to We the People petitions from their own websites. These improvements will also enhance transparency by enabling the public to perform data analysis on the signatures and petitions. The White House will publish a software development kit to help people build tools using the We the People API and will engage with the public on improvements to the API and expansion of its use.
- Publish Best Practices and Metrics for Public Participation.** In the first National Action Plan, the Administration committed to identify best practices for public participation in government and to suggest metrics that would allow agencies to assess progress toward this goal. Over the past two years, the Administration consulted with the public, civil society stakeholders, and academics on how best to implement this initiative from the first National Action Plan. In 2014, the United States will continue these efforts and publish best practices and metrics for public participation.

Responsible Institution(s): White House, General Services Administration (milestone 1.2.)

Supporting Institution(s): Other executive agencies and civil society

Start Date: 1 January 2014

End Date: 31 December 2014

COMMITMENT OVERVIEW	SPECIFICITY				OGP VALUE RELEVANCE (as written)				POTENTIAL IMPACT				COMPLETION		MIDTERM		DID IT OPEN GOVERNMENT?					
	None	Low	Medium	High	Access to Information	Civic participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete	Worsens	Did not change	Marginal	Major	Outstanding	
1. Overall				X	X	X			X						X						X	
1.1. E-petitions				X	X	X			X						X							
1.2. Public Participation Best Practices				X	X	X			X						X							

COMMITMENT AIM

This commitment aimed to involve citizens in the design and implementation of government programs by improving the We the People online petition website. Improvements would enable users to sign petitions more conveniently on the website and on other organizations' websites. In turn, the public would be able to perform data analysis on the signatures and petition¹ and to identify best practices and metrics for public participation in government.

STATUS

Midterm: Substantial

At the end of the first year of implementation, moderate progress had been made on e-petitions. A new form of Application Programming Interface (API) was released in October 2014, allowing users to write and to sign petitions on websites external to We the People, according to the government's self-assessment report. A .sql download file of the petitions and programmer resources were made available to analyze and to reuse these petitions. However, at the time of the report, the IRM researcher was unable to find evidence use of the new API on websites external to We the People.

As of 31 December 2014, substantial progress had been made on publishing best practices for public participation.

End of term: Complete

The milestone related to We the People petitions is complete. In July 2015, the Administration announced the integration of the We the People platform with Change.org, an online petition website. The integration means that signatures on Change.org will count toward the threshold required to receive an official response from the administration. In addition, the code behind the We the People platform was opened on Drupal.org and GitHub to encourage greater external use.² Lastly, the API that was released in 2014 is now on other external websites³ and mobile apps.⁴

As for the second milestone, a group at the General Services Administration (GSA) collaborated with civil society to publish a Public Participation Playbook in February 2015.⁵ There are two commenting resources with which the public can submit ideas and code or design contributions to improve the playbook.⁶ According to civil society's final progress report, the Administration requested input from civil society stakeholders but has not incorporated their recommendations, including clarifying the definition, rules, and regulations of public participation. However, given that the playbook identifies best practices for participation and offers metrics for assessing agency progress, the milestone is considered complete.

DID IT OPEN GOVERNMENT?

Civic participation: Major

This commitment sought to make it easier for the public to connect directly and openly with the government to suggest policy changes. After two years of implementation, the commitment created opportunities for Americans to speak directly to the government in a more convenient and efficient way. By July 2015, there were nearly 20 million users on We the People, more than 400 thousand petitions received nearly 30 million signatures, and 79 percent of users said they would use the site again.⁷ In addition, the release of the platform's API enabled citizens to sign petitions through external websites. For example, more than 160 million users on Change.org can now receive a response from the administration without having to list their petitions elsewhere, and citizens can sign and monitor petitions directly from their mobile phones. Moreover, petitions led to real changes. For instance, a law on the freedom to choose a cell phone network (August 2014) and a ban on forced conversation therapy for minors (April 2015) both began as We the People petitions.

Despite the progress, We the People still has important limitations. For instance, many petitions cover topics that do not fall under government jurisdiction, and petitions require a high threshold of signatures to receive an official response. Even when petitions reach the threshold, government responses sometimes offer bland positions rather than respond to specific citizen concerns. Furthermore, laws such as the ones mentioned above may have passed regardless of the e-petitions. Although challenges remain, the commitment has made it significantly easier for citizens to voice concerns and suggest changes.

CARRIED FORWARD?

The publication of best practices for public participation will be carried forward to the next action plan with plans to produce a new edition of the Public Participation Playbook that incorporates the input from civil society as well as the public. The Administration also plans to improve the responsiveness of We the People by responding to petitions within 60 days after they meet the signature threshold.

¹“Petition the White House on the Issues that Matter to You,” The White House, <https://petitions.whitehouse.gov/>

²Jason Goldman, “How We’re Changing the Way We Respond to Petitions,” Blog, The White House, 28 July 2015, <http://bit.ly/2ewoT23>

³Fusion, Nikki Baboun, and Adam Weinstein, “The U.S. Is the Only Industrialized Nation that Puts Children in Solitary Confinement. Help Us Stop This.” Fusion, 28 September 2015, <http://fus.in/2e4wMO9>; “Save Lives: Tell the President You Support His Action to Reduce Gun Violence,” Care2 Petitions, <http://bit.ly/2dsLpI9>; “Don’t Let Congress Run Out the Clock on 13.5 Million Workers,” Sign for Good, <http://bit.ly/2ebAlpj>

⁴A recently updated mobile app allows users to sign petitions from their iPhones. Big Sauce LLC, “We the People!” iTunes Preview, <http://apple.co/1LCY5Hj>

⁵“US Public Participation Playbook,” US Government, <http://participation.usa.gov/>

⁶US civil society organization (CSO) points of contact for the US Second National Open Government Action Plan, survey administered by Suzanne Piotrowski, Rutgers University-Newark’s School of Public Affairs and Administration, 2015.

⁷“We the People, By the Numbers,” The White House, <https://obamawhitehouse.archives.gov/share/we-people-numbers>

2 | RECORDS MANAGEMENT

Modernize Management of Government Records

The backbone of a transparent and accountable government is strong records management that documents the decisions and actions of the Federal Government. When records are well managed, agencies can use them to assess the impact of programs, reduce redundant efforts, save money, and share knowledge within and across their organizations. Greater reliance on electronic communications has radically increased the volume and diversity of information that agencies must manage. With proper planning, technology can make these records less burdensome to manage and easier to use and share. To meet current challenges, the National Archives and Records Administration (NARA) will work with Federal agencies to implement new guidance that addresses the automated electronic management of email records, as well as the Presidential Directive to manage both permanent and temporary email records in an accessible electronic format by the end of 2016. NARA will also collaborate with industry to establish voluntary data and metadata standards to make it easier for individuals to search publicly-available government records.

Responsible Institution(s): National Archives and Records Administration

Supporting Institution(s): None

Start Date: 1 January 2014

End Date: 31 December 2016

COMMITMENT OVERVIEW	SPECIFICITY				OGP VALUE RELEVANCE (as written)				POTENTIAL IMPACT				COMPLETION		MIDTERM		DID IT OPEN GOVERNMENT?				
	None	Low	Medium	High	Access to Information	Civic participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	END OF TERM		Worsens	Did not change	Marginal	Major	Outstanding
															Substantial	Complete					
			X		X		X			X					X				X		
															X						

COMMITMENT AIM

Records are instrumental in preserving the business of government. This commitment aimed at modernizing the management of federal records. The commitment states that the National Archives and Records Administration (NARA) will work with federal agencies to implement new guidance for managing email records as well as to implement the Records Management Presidential Directive, which was enacted in 2012 as a result of the first National Action Plan.¹ Additionally, NARA will collaborate with industry to establish voluntary data and metadata standards to make it easier for the public to search government records.

STATUS

Midterm: Substantial

After the first year of implementation, substantial progress had been made on this commitment, but concerns remained. NARA worked with agencies to implement new guidance for managing email records, through “Bulletins on Managing Email,” dated August 2013² and March 2014,³ as well as the Office of Management and Budget’s (OMB) September 2014 “Guidance on Managing Email,”⁴ according to the government’s self-assessment report.

The August 2013 bulletin provides agencies with a new records management approach, known as “Capstone,” for managing their federal record emails electronically.⁵ The Capstone approach classifies emails based on the role or position of the end user, rather than on the content of the individual email. The bulletin dated March 2014 introduced a draft report and plan. It also solicited feedback from the public as well as civil society groups to find economically viable, automated solutions to reduce the burden of records management responsibilities.⁶ A few public comments were made and the final report and plan on automated electronic records management was issued in September 2014.⁷ Civil society members interviewed on this commitment stated that, despite NARA’s efforts to push agencies forward on this commitment, not all agencies complied meaningfully with the guidance on managing email records.⁸

Official guidance was not released on metadata standards. Nonetheless, NARA sought public feedback on a draft of metadata guidance.⁹

End of term: Substantial

In April 2015, NARA published a white paper to help further explain the process and decisions leading to the Capstone approach for managing email records.¹⁰ In addition, NARA sought public comments on the development of a schedule for agencies to adopt the new approach. OpenTheGovernment.org and its partners received a response to their public comments in July 2015.¹¹ NARA published the records schedule in September 2015¹² with answers to frequently asked questions about the Capstone approach and additional guidance.¹³

Although there has been substantial progress, many agencies still are not managing temporary and permanent email records in an electronic format. According to NARA’s 2015 Records Management Self-Assessment Report, 73 percent of agencies have documented and approved policies and procedures to handle temporary email records, and only 40 percent have approved policies and procedures for permanent emails.¹⁴ All agencies must comply with the presidential directive on managing government records by the end of 2016. Although the commitment was supposed to be completed by the end of 2016, civil society was concerned that some agencies were not on track to meet the deadline.¹⁵

In terms of the metadata standards, NARA published metadata guidance for the transfer of permanent electronic records in September 2015.¹⁶ The guidance specifies which metadata elements must be included in a transfer, how transfers should occur, and how they must be documented. However, apart from the request for public comments, the IRM researcher could not find evidence of NARA collaborating with industry to develop the standards, as stipulated by the commitment.

DID IT OPEN GOVERNMENT?

Access to information: Marginal

This commitment aimed to make government more open and accessible by improving the electronic management of email records. Tens of billions of emails are created in the federal government each year,¹⁷ and agencies preserve them in different ways, such as with email archiving systems, with electronic records management systems, and by printing and filing.¹⁸ As a result, the commitment aimed to implement guidelines for automating and standardizing the electronic management of emails.

While it is too early to discuss the long-term impacts of the commitment's outputs, NARA's new Capstone approach and metadata guidance are positive steps for improving the management of electronic records and establishing standards to make it easier for the public to access the records. Capstone simplifies email management by designating senior official email accounts as permanent records that must be transferred to NARA, and all others as temporary records that can be deleted after a set period. In addition, NARA provided thorough guidance to agencies on how to implement Capstone, how to measure successful implementation, and how to transfer records.

Although nearly 80 percent of agencies indicated they adopted or plan to adopt Capstone,¹⁹ only one percent of e-mail addresses currently are saved digitally using the approach.²⁰ Moreover, monitoring for compliance is an issue. According to the NARA, only about a third of agencies report auditing the management of e-mail.²¹ As a result, the ultimate impact of this commitment will hinge on the proper implementation of Capstone and other best practices in the months to come.

CARRIED FORWARD?

This commitment will be carried forward in the next action plan, with plans to (1) increase transparency in managing email, (2) report on agency progress in managing email, and (3) improve the records control schedule repository by seeking feedback from civil society.²²

¹ Jeffrey D. Zients and David S. Ferriero, "Managing Government Records Directive," Executive Office of the President, 24 August 2012, <http://bit.ly/2n3Daec>;

² "NARA Bulletin 2013-02," National Archives, 29 August 2013, <http://bit.ly/2gjymxC>

³ Arian Ravanbakhsh, "Comment on and Discuss the Automated Electronic Records Management Report and Plan," Records Express Blog, Chief Records Officer at the National Archives, 10 March 2014, <http://bit.ly/2hfgXrv>

⁴ Beth F. Cobert and David S. Ferriero, "Guidance on Managing Email," Executive Office of the President, 15 September 2014, <http://bit.ly/2myLEqX>

⁵ "NARA Bulletin 2013-02," <http://bit.ly/2myLEqX>

⁶ Ravanbakhsh, "Comment on and Discuss the Automated Electronic Records Management Report and Plan," <http://bit.ly/2hfgXrv>

⁷ National Archives and Records Administration (NARA), *Managing Government Records Directive: Automated Electronic Records Management Report/Plan* by the Office of the Chief Records Officer (Report, Washington, D.C., 19 September 2014), <http://bit.ly/2g8MBSi>

⁸ CSO Stakeholder Focus Groups, facilitated by Suzanne Piotrowski, 2015.

⁹ E. Kyle Douglas, "Agency Records Management Training Requirements," Records Express Blog, Chief Records Officer at the National Archives, 2 December 2016, <http://bit.ly/2jcxUj4>

¹⁰ NARA, *White Paper on the Capstone Approach and Capstone GRS* by the Office of the Chief Records Officer (White paper, Washington, D.C., April 2015), <http://bit.ly/2dtk20J>

¹¹ *Civil Society Progress Report: Final Check-In on the Implementation of the United States' Second Open Government National Action Plan* by OpenTheGovernment.org (Report, Washington, D.C., February 2016), <http://bit.ly/1VqfUPm>

¹² "General Records Schedule 6.1: Email Managed under a Capstone Approach," National Archives, <http://bit.ly/2eldWE7>

¹³ "Frequently Asked Questions (FAQs) about GRS 6.1, Email Managed under a Capstone Approach," National Archives, <http://bit.ly/2e5dUyk>

¹⁴ Office of the Chief Records Officer, *Records Management Self-Assessment 2015* by NARA (Assessment, Washington, D.C., 12 July 2016), <http://bit.ly/2dtlWTD>

¹⁵ *Civil Society Progress Report: Final Check-In on the Implementation of the United States' Second Open Government National Action Plan*, <http://bit.ly/1VqfUPm>

¹⁶ David S. Ferriero, "NARA Bulletin 2015-04," National Archives, 15 September 2015, <http://bit.ly/2gjuvPU8>

¹⁷ David S. Ferriero, "Managing Those Emails," Prologue Magazine, National Archives, 2015, <http://bit.ly/2eqSzOY>

¹⁸ *Records Management Self-Assessment 2015*, <http://bit.ly/2dtlWTD>

¹⁹ *Records Management Self-Assessment 2015*, <http://bit.ly/2dtlWTD>

²⁰ Lauren Harper, "Saving Government Email an Open Question with December 2016 Deadline Looming," National Security Archive, 14 March 2016, <http://bit.ly/2et5H6G>

²¹ Office of the Chief Records Officer, *Records Management Self-Assessment 2015* by NARA (Assessment, Washington, D.C., 12 July 2016), <http://bit.ly/2dtlWTD>

²² *Civil Society Progress Report: Final Check-In on the Implementation of the United States' Second Open Government National Action Plan*, <http://bit.ly/1VqfUPm>

3 | FOIA

Modernize the Freedom of Information Act

The Obama Administration has already made important progress to improve the Freedom of Information Act (FOIA) process by simplifying the process of filing requests at many agencies, by proactively disclosing information in the public interest in advance of requests, by speeding up processing times, by greatly reducing FOIA backlogs, and by publishing more data on FOIA compliance. There is still much more that the Administration can do and the United States is committed to further modernizing FOIA processes through the following initiatives:

- **Improve the Customer Experience through a Consolidated Online FOIA Service.** More than 100 Federal agencies are subject to FOIA. For the average requester, this can mean significant energy spent searching for the right agency and navigating the unique process for submitting a request to that agency. The Administration will launch a consolidated request portal that allows the public to submit a request to any Federal agency from a single website and includes additional tools to improve the customer experience. The U.S. Government will establish a FOIA task force that will review current practices, seek public input, and determine the best way to implement this consolidated FOIA service.
- **Develop Common FOIA Regulations and Practices for Federal Agencies.** Certain steps in the FOIA process are generally shared across Federal agencies. Standardizing these common aspects through a core FOIA regulation and common set of practices would make it easier for requesters to understand and navigate the FOIA process and easier for the Government to keep regulations up to date. The Administration will initiate an interagency process to determine the feasibility and the potential content of a core FOIA regulation that is both applicable to all agencies and retains flexibility for agency-specific requirements.
- **Improve Internal Agency FOIA Processes.** Over the past few years, several agencies have analyzed existing FOIA practices and used this information to make dramatic improvements in their backlogs and processing times, as well as to increase the proactive release of information in the public interest. The U.S. Government will scale these targeted efforts to improve the efficiency of agencies with the biggest backlogs, and to share lessons learned to further improve internal agency FOIA processes.
- **Establish a FOIA Modernization Advisory Committee.** Improvements to FOIA administration must take into account the views and interests of both requesters and the Government. The United States will establish a formal FOIA Advisory Committee, comprised of government and non-governmental members of the FOIA community, to foster dialog between the Administration and the requester community, solicit public comments, and develop consensus recommendations for improving FOIA administration and proactive disclosures.
- **Improve FOIA Training Across Government to Increase Efficiency.** In order to efficiently and effectively respond to FOIA requests, every Federal employee - not just those in an agency's FOIA office - should fully understand the FOIA process. The Administration will make standard e-learning training resources available for FOIA professionals and other Federal employees and encourage their use.¹

Responsible Institution(s): Department of Justice, National Archives and Records Administration, General Services Administration

Supporting Institution(s): All federal agencies

Start Date: Not Specified

End Date: Not Specified

COMMITMENT OVERVIEW	SPECIFICITY				OGP VALUE RELEVANCE <i>(as written)</i>				POTENTIAL IMPACT				COMPLETION		MIDTERM END OF TERM		DID IT OPEN GOVERNMENT?				
	None	Low	Medium	High	Access to Information	Civic participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete	Worsens	Did not change	Marginal	Major	Outstanding
	3. Overall				X	X		X			X					X			X		
3.1. Consolidated FOIA Request Portal				X	X		X		X				X								
3.2. Core FOIA Regulation and Common Practices			X		X				X				X								
3.3. Internal Agency FOIA Processes			X		X				X							X					
3.4. FOIA Advisory Committee				X	X				X							X					
3.5. FOIA Training				X	X		X		X							X					

COMMITMENT AIM

This commitment aimed to ensure the best use of the Freedom of Information Act (FOIA) by improving FOIA procedures, increasing the capacity of individual agencies to implement procedures, and making it easier for citizens to understand and to utilize the FOIA process.

STATUS

Midterm: Substantial

While there was progress on various aspects of the commitment at the time of the midterm evaluation, including improving internal agency FOIA processes and setting up the FOIA Advisory Committee, some areas needed additional work.

Limited progress was made on launching a FOIA request portal and developing FOIA regulations. A consolidated website for FOIA requests was still under development and had not been released publically. The first iteration of the consolidated request portal was launched in May 2015 at open.foia.gov.

In early 2014, the Department of Justice's Office of Information Policy (DOJ OIP) received a proposed model common FOIA regulation from civil society members and shared that with agency representatives who attended a kick-off meeting in May 2014, according to both civil society and government leads on this commitment.² After the kick-off meeting, an interagency taskforce responsible for developing a draft of core FOIA regulations was established. However, the civil society members interviewed by the IRM researcher stated that the completed draft had not been shared with civil society.³

At the midterm evaluation, the government had completed the milestones related to improving FOIA processes, establishing a FOIA advisory committee, and improving FOIA training resources.

In May 2014, the OIP launched an initiative to improve the efficiency of agencies with the biggest backlogs and to share lessons learned that would further improve internal agency FOIA processes, according to the government's self-assessment report. As the lead for this commitment, the DOJ held "Best Practices" workshops to meet this requirement and disseminated best practices across the interagency community.⁴ The DOJ published a recap of each workshop and the best practices shared on its blog called FOIA Post.

NARA launched a FOIA Advisory Committee in June 2014, according to government leads on this commitment. The Committee is composed of 20 members of FOIA experts, of whom 10 are from inside the government and 10 are from outside the government.⁵

Lastly, OIP released standard e-learning training resources in March 2015, according to the government's midterm self-assessment report.

End of term: Substantial

Neither the IRM researcher nor civil society identified progress toward the launch of a FOIA request portal since the midterm review. The portal (<https://open.foia.gov/>) was still in development as of February 2016. Furthermore, civil society leads who reviewed this portal stated that it did not improve on what was available previously to FOIA requesters through FOIA.gov.⁶

The DOJ issued guidance in March 2016 on FOIA regulations and issued a regulation template that includes both guidelines and sample language.⁷

By the end of 2015, the OIP held seven workshops to identify and share best practices such as using multitrack processing, conducting internal reviews, and employing a FOIA tracking system. The public was invited to attend some of the workshops that focused on FOIA efficiency.⁸

DID IT OPEN GOVERNMENT?

Access to information: Did not change

While this commitment sought to provide resources and clear standards for agencies to respond to FOIA requests effectively, it did not contribute to making more or higher quality information available to citizens. The core FOIA regulation and the consolidated FOIA request portal, for example, were not completed by the end of the action plan, although the latter did not seem to improve the FOIAonline website.⁹

The other milestones—greater FOIA efficiency, the creation of the FOIA Modernization Advisory Committee, and better FOIA training—were completed, but did not change the status quo of access to information. There is no evidence of implementation of the FOIA best practices for efficiency that were shared at the interagency workshops. The FOIA Advisory Committee met six times throughout 2014 and 2015, but did not submit recommendations until April 2016, after the close of the action plan.¹⁰ The OIP developed a suite of FOIA training tools, including an infographic, a brief video, and two online modules. While one of the modules is geared toward FOIA professionals and covers all procedural and substantive requirements of the law, the other module is brief and designed for all federal employees as a primer to the law.¹¹ According to the government, 89 of the 100 agencies

that filed a Chief FOIA Office Report in 2015 reported having more than 80 percent of staff attend substantive FOIA training. Though OIP held a wide range of FOIA trainings beforehand, the new training platform is a qualitative improvement. Nonetheless, it is not possible to conclude that the new modules alone stretched government practice in the publication of more or better information.

CARRIED FORWARD?

The FOIA request portal will be carried forward to the next action plan with plans to improve its functions. Civil society states that the portal has potential but, to become an effective tool, should be fixed to allow users to track requests, share requests between agencies, and disseminate previously released information through FOIA requests online in a systematic and organized manner.¹²

¹This commitment included five specific, related milestones that are analyzed together.

²Daniel, "Introducing Model Federal FOIA Regulations," Blog, Model FOIA Regulations, 27 May 2014, <http://bit.ly/2gQH5I7>

³CSO Stakeholder Focus Groups, facilitated by Suzanne Piotrowski, 2015.

⁴"Best Practices Workshop Series," Office of Information Policy (OIP), US Department of Justice (DOJ), <http://bit.ly/2eQ8iGM>

⁵US Government points of contact for the US Second National Open Government Action Plan, survey administered by Suzanne Piotrowski, Rutgers University-Newark's School of Public Affairs and Administration, 2015.

⁶Open Government Partnership (OGP), *Civil Society Progress Report: Third Check-In on the Implementation of the United States' Second Open Government National Action Plan* by the US Government (Report, Washington, D.C., 2015), <http://bit.ly/2iKsper>

⁷"Guidance for Agency FOIA Regulations," OIP, US DOJ, <http://bit.ly/2h3O528>

⁸"Best Practices Workshop Series," <http://bit.ly/2eQ8iGM>

⁹OGP, *United States IRM Progress Report 2013-2015* by Suzanne Piotrowski (Report, Washington, D.C., 2015), <http://bit.ly/2e2RtYj>

¹⁰National Archives, *Final Report and Recommendations* by the FOIA Advisory Committee (Report to the archivist, Washington, D.C., 19 April 2016), <http://bit.ly/2eHucPf>

¹¹OIP, "New DOJ FOIA Training Resources Now Available to Agencies," Blog, US DOJ, 13 March 2015, <http://bit.ly/2fujbiM>

¹²*Civil Society Progress Report: Third Check-In on the Implementation of the United States' Second Open Government National Action Plan*, <http://bit.ly/2iKsper>

4 | CLASSIFICATION OF DOCUMENTS

Transform the Security Classification System

While national security requires that certain information be protected as classified, democratic principles simultaneously require government to be transparent - wherever possible - about its activities. Overclassification may have high costs and operational impacts on agencies. Classification must therefore be kept to the minimum required to meet national security needs, and information should be made available to the public through proper declassification once the need for protecting the information has passed. In continuation of our efforts to transform the classification system and declassify as much material as possible, while simultaneously protecting national security, the Administration will:

- **Create a Security Classification Reform Committee.** The Public Interest Declassification Board, an advisory committee made up of experts outside government as well as former government classification experts, has made several recommendations for reducing overclassification and simplifying the classification system in its report, [Transforming the Security Classification System](#). The interagency Classification Review Committee, which will report to the Assistant to the President for Homeland Security and Counterterrorism, will review these recommendations, coordinate efforts to implement those that are accepted, and meet periodically with external stakeholders to obtain their input as appropriate.
- **Systematically Review and Declassify Historical Data on Nuclear Activities.** The Classification Review Committee will work with the Department of Defense, Department of Energy, Office of the Director of National Intelligence, and Department of State to determine, consistent with applicable statutes, how to implement a systematic review process for the declassification of no-longer sensitive historical information on nuclear programs (Formerly Restricted Data or FRD), focusing on specific events and topics of historical nuclear policy interest and ways for the public to help identify priorities for declassification review.
- **Pilot Technological Tools to Analyze Classified Presidential Records.** The Central Intelligence Agency and NARA will pilot the use of new tools to provide classification reviewers with search capability for unstructured data and automate initial document analysis, beginning with Presidential Records from the Reagan Administration's classified e-mail system.
- **Implement Monitoring and Tracking of Declassification Reviews.** The National Declassification Center at NARA will implement a referral and tracking system that will automatically notify appropriate agency representatives when classified records are ready for declassification review and enable monitoring to ensure that agencies meet review deadlines. This system will include records of Presidential Libraries.¹

Responsible Institution(s): National Archives and Records Administration, Classification Review Committee, Central Intelligence Agency, Department of Defense, Department of Energy, Department of State, and Office of the Director of National Intelligence

Supporting Institution(s): Public Interest Declassification Board

Start Date: Not Specified

End Date: Not Specified

COMMITMENT OVERVIEW	SPECIFICITY				OGP VALUE RELEVANCE (as written)				POTENTIAL IMPACT				COMPLETION		MIDTERM		DID IT OPEN GOVERNMENT?				
	None	Low	Medium	High	Access to Information	Civic participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	END OF TERM		Worsens	Did not change	Marginal	Major	Outstanding
															Substantial	Complete					
4. Overall			X	X			X			X					X				X		
4.1. Classification Reform Committee			X	X						X											
4.2. Nuclear Activities Information			X	X						X					X						
4.3. Analyze Presidential Records			X	X			X			X			X								
4.4. Declassification Tracking System				X	X		X			X					X						

COMMITMENT AIM

This commitment intended to transform the classification system and make information available to the public through declassification while simultaneously protecting national security, once the need for protecting the information had passed.

STATUS

Midterm: Substantial

There was substantial progress in some areas of this commitment after the first year of implementation, including establishing the Security Classification Reform Committee (SCRC) and implementing an automated notification and tracking system for agency declassification review of federal records. However, further efforts are needed on other areas such as the analysis of classified Presidential Records.

At the midterm evaluation, the Government had created the SCRC. The SCRC, comprised of a National Security Council Staff chair and representatives from relevant agencies and departments, was established in response to the Public Interest Declassification Board's (PIDB) 2012 report to the president, according to government leads on this milestone.²

Substantial progress was made in reviewing the declassification of nuclear activities and monitoring declassification reviews. In 2014, the PIDB held a public meeting with the representatives from the Department of State, Department of Energy, and Department of Defense to discuss designing and implementing a systematic process by which they would review formally restricted data (FRD) on nuclear activities, including data identified by the public, according to the government's midterm self-assessment report. Eight of the 10 FRD topics reviewed were declassified and made available publicly on the Department of Defense website.³

As of December 2014, limited progress was made in piloting tools for analyzing classified presidential records. The CIA sponsored the project and enlisted scientists at the Advanced Research Lab (ARL) at the University of Texas to test pilot technological tools in two regions of the State of Texas: College Station and Austin. However, according to the civil society members interviewed at the time on this milestone, the outcome of the pilot project was unclear.⁴

According to the government's midterm self-assessment report, since mid-April 2014, the National Declassification Center (NDC) at NARA has been implementing the system of automated notification and follow-up reminders for agency review when classified federal records are ready for declassification.⁵ The automated system for presidential records had not been implemented as of the midterm evaluation report. Implementation was targeted for summer 2015, according to a government lead on this milestone.⁶

End of term: Substantial

Progress was made on reviewing the declassification of nuclear activities since the midterm review, but additional work needs to be done. Twenty-five FRD topics were reviewed by the end of 2015, of which 13 were fully declassified and made available publicly on the Department of Defense Open Government webpage.⁷ Civil society believes that the vast body of FRD records are not subject to systematic declassification review, including records identified by the public to be of interest such as information about the past development of US nuclear weapons, storage locations, stockpile numbers, and testing information.⁸

The milestone related to a pilot analysis of classified presidential records was completed. In June 2015, PIDB hosted a public meeting on the results of the pilot project completed at the University of Texas at Austin.⁹

The IRM researcher and civil society were unable to find evidence of progress in tracking declassification reviews. While the monitoring and tracking system may have streamlined the declassification process for historic documents, the automated system for presidential records has not been implemented yet.¹⁰

DID IT OPEN GOVERNMENT?

Access to information: Marginal

In 2012, the PIDB reported that the current classification and declassification system is "compromised by over-classification" and "incapable of dealing adequately with the large volumes of classified information generated in an era of digital communications."¹¹ Thus, this commitment intended to simplify the management of electronic records and provide increased access to information that no longer needs to be classified.

While it may serve as an initial step towards transforming the security classification system, this commitment marginally changed government practice. Notable progress includes the new NDC "Indexing on Demand" option, through which citizens can fast-track the final declassification of specific records they would like to access.¹² Once declassified, records become available to citizens within days.¹³ As of August 2015, the NDC had completed 58 projects and declassified 3.1 million pages of records through this system.¹⁴

Despite the progress mentioned above, the creation of the SCRC has not led to any tangible results, and it is unclear if NDC referral and tracking enabled agencies to meet more review deadlines. Moreover, only a small portion of the vast body of FRD records has been released. The commitment may be considered a marginal step in opening the government.

CARRIED FORWARD?

This commitment will be carried forward to the next action plan with plans to (1) expand the use of the technological tools that were piloted by the Central Intelligence Agency (CIA) and NARA, (2) establish a special systematic declassification review program, (3) pilot a topic-based interagency declassification guide, and (4) declassify historical records in the public interest.

¹ This commitment included four specific, related milestones that are analyzed together.

² National Archives, *Transforming the Security Declassification System* by Public Interest Declassification Board (Report to the President, Washington, D.C., November 2012), <http://bit.ly/2erizvb>

³ *United States of America Midterm Self-Assessment Report for the Open Government Partnership: Second Open Government National Action Plan 2013-2015* by the US Government (Report, Washington, D.C., March 2015), <http://bit.ly/2neovNA>

⁴ CSO Stakeholder Focus Groups, facilitated by Suzanne Piotrowski, 2015.

⁵ US Government points of contact for the US Second National Open Government Action Plan, survey administered by Suzanne Piotrowski, 2015.

⁶ US Government points of contact for the US Second National Open Government Action Plan, survey administered by Suzanne Piotrowski, 2015.

⁷ *United States of America Final Self-Assessment Report for the Open Government Partnership: Second Open Government National Action Plan 2013-2015* by the US Government (Report, Washington, D.C., 2016) <http://bit.ly/2jkJ87>

⁸ *Civil Society Progress Report: Final Check-In on the Implementation of the United States' Second Open Government National Action Plan*, <http://bit.ly/1VqfUPm>

⁹ PIDB, "What We Heard and Learned at our June 25th Public Meeting," 6 July 2015, <http://bit.ly/2hNNFkb>

¹⁰ *Civil Society Progress Report: Final Check-In on the Implementation of the United States' Second Open Government National Action Plan*, <http://bit.ly/1VqfUPm>

¹¹ *Transforming the Security Declassification System*, <http://bit.ly/2erizvb>

¹² "2015 Update on Operations of the National Declassification Center," NARA, <http://bit.ly/2exDBcS>

¹³ Nate Jones, "What the National Archives Can Do for *Truly* Open Government," Blog, National Security Archive, 31 March 2016, <http://bit.ly/2exFbew>

¹⁴ dmcilwain2, "NDC Indexing Update," Blog, National Declassification Center, 12 August 2015, <http://bit.ly/2exFc22>

5 | CONTROLLED UNCLASSIFIED INFORMATION

Implement the Controlled Unclassified Information Program

The Government currently uses ad hoc, agency-specific policies, procedures, and markings to safeguard and protect certain controlled unclassified information (CUI), such as information that involves privacy, security, proprietary business interests, and law enforcement investigations. This patchwork of policies has resulted in inconsistent marking and safeguarding of documents, unclear or unnecessarily restrictive dissemination policies, and impediments to authorized information sharing. The President therefore directed NARA to establish a program to standardize processes and procedures for managing CUI. Over the next year, NARA will issue implementation guidance, with phased implementation schedules, and an enhanced CUI Registry that designates what information falls under the program.

Responsible Institution(s): National Archives and Records Administration (NARA)

Supporting Institution(s): The Controlled Unclassified Information (CUI) Council and the agencies that use the CUI markings

Start Date: 1 January 2014

End Date: 31 December 2014

COMMITMENT OVERVIEW	SPECIFICITY				OGP VALUE RELEVANCE (as written)				POTENTIAL IMPACT				COMPLETION		MIDTERM		DID IT OPEN GOVERNMENT?				
	None	Low	Medium	High	Access to Information	Civic participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	END OF TERM		Worsens	Did not change	Marginal	Major	Outstanding
															Substantial	Complete					
				X	X		X			X				X				X			

COMMITMENT AIM

NARA aimed to help agencies manage controlled unclassified information (CUI) by providing implementation guidance with phased implementation deadlines for establishing standardized processes and procedures.

STATUS

Midterm: Limited

At the end of the first year of implementation, limited progress was made on drafting the standardized rules for managing CUI. NARA circulated a draft of CUI regulation, including the Notice of Proposed Rulemaking (NPRM), for interagency review in May 2014. The agency shared it with civil society members in November 2014.¹ As of 31 December 2014, the implementation guidance had not been published.

End of term: Substantial

Progress was made on this commitment since the midterm review. In May 2015, the Information Security Oversight Office (ISOO) published a draft document on the Federal Register² outlining how agencies should designate, safeguard, disseminate, mark, decontrol, and dispose of CUI.³ The draft document explained what qualifies as CUI. The draft also set forth procedures for transmitting, safeguarding, and decontrolling the information, as well as establishing a management structure around CUI policies.⁴ Civil society organizations indicated their concern that the implementation was delayed when the draft regulation opened for another round of agency comments.⁵ By the end of the action plan, a final regulation for managing CUI had not been published yet.

DID IT OPEN GOVERNMENT?

Access to information: Did not change

This commitment sought to improve access to information by issuing implementation guidance for managing CUI. While the ISOO proposed regulations to eliminate inconsistencies in marking documents, the regulations were not finalized by the end of the action plan. On 14 September 2016, after the close of the second action plan, NARA issued a final rule concerning CUI.⁶ According to the Government, “NARA will continue to work with agencies to create phased implementation plans that agencies will execute in phases in the years ahead.”⁷ Given that implementation of the new rule—and therefore any changes in government practice—will occur in the future, this commitment did not open the government during the dates of this action plan.

CARRIED FORWARD?

This commitment will be carried forward to the next action plan with plans to publish the enhanced CUI Registry and to apply the requirements of the CUI program to contractors, grantees, and licensees.

¹“CUI Registry – Categories and Subcategories,” Controlled Unclassified Information, National Archives, <http://www.archives.gov/cui/registry/category-list.html>

²Information Security Oversight Office, “Controlled Unclassified Information,” Federal Register, NARA, 14 September 2016, <http://bit.ly/2eAcZoy>

³Civil Society Progress Report: Final Check-In on the Implementation of the United States’ Second Open Government National Action Plan, <http://bit.ly/1VqfUPm>

⁴Civil Society Progress Report: Final Check-In on the Implementation of the United States’ Second Open Government National Action Plan, <http://bit.ly/1VqfUPm>

⁵Civil Society Progress Report: Final Check-In on the Implementation of the United States’ Second Open Government National Action Plan, <http://bit.ly/1VqfUPm>

⁶“Controlled Unclassified Information,” <http://bit.ly/2eAcZoy>

⁷United States of America Final Self-Assessment Report for the Open Government Partnership: Second Open Government National Action Plan 2013-2015, <http://bit.ly/2jkJ87>

6 | FOREIGN INTELLIGENCE SURVEILLANCE

Increase Transparency of Foreign Intelligence Surveillance Activities

In June 2013, the President directed the U.S. Intelligence Community to declassify and make public as much information as possible about certain sensitive intelligence collection programs undertaken under the authority of the Foreign Intelligence Surveillance Act (FISA), while being mindful of the need to protect national security. Nearly two thousand pages of documents have since been released, including materials that were provided to Congress in conjunction with its oversight and reauthorization of these authorities. As information is declassified, the U.S. Intelligence Community is [posting online](#) materials and other information relevant to FISA, the FISA Court, and oversight and compliance efforts. The Administration has further committed to:

- **Share Data on the Use of National Security Legal Authorities.** The Administration will release annual public reports on the U.S. Government's use of certain national security authorities. These reports will include the total number of orders issued during the prior twelve-month period and the number of targets affected by them.
- **Review and Declassify Information Regarding Foreign Intelligence Surveillance Programs.** The Director of National Intelligence will continue to review and, where appropriate, declassify information related to foreign intelligence surveillance programs.
- **Consult with Stakeholders.** The Administration will continue to engage with a broad group of stakeholders and seek input from the Privacy and Civil Liberties Oversight Board to ensure the Government appropriately protects privacy and civil liberties while simultaneously safeguarding national security.¹

Responsible Institution(s): Office of the Director of National Intelligence and other intelligence agencies

Supporting Institution(s): Privacy and Civil Liberties Oversight Board

Start Date: Not Specified

End Date: Not Specified

COMMITMENT OVERVIEW	SPECIFICITY				OGP VALUE RELEVANCE (as written)				POTENTIAL IMPACT				COMPLETION		MIDTERM		DID IT OPEN GOVERNMENT?					
	None	Low	Medium	High	Access to Information	Civic participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete	END OF TERM					
																	Worsens	Did not change	Marginal	Major	Outstanding	
6. Overall			X		X	X					X					X					X	
6.1. National Security Authorities			X		X					X						X						
6.2. Foreign Intelligence Surveillance Programs		X			X				X							X						
6.3. Stakeholder Consultation		X				X			X							X						

COMMITMENT AIM

This commitment aimed to disclose information regarding national security legal authorities and foreign intelligence surveillance activities, when appropriate.

STATUS

Midterm: Completed

All milestones were completed by the midterm evaluation. In June 2014, the Office of Director of National Intelligence (ODNI) released its first annual Statistical Transparency Report. It presented data on how often the government used certain national security authorities during calendar year 2013.² A government lead on the second milestone stated that information on foreign intelligence surveillance programs is reviewed routinely, declassified when appropriate,³ and publicly tracked on a new Intelligence Community (IC) website called IC on the Record.⁴ ODNI and the DOJ have been engaged constantly with civil society organizations as well as with the members of PCLOB, according to both government and civil society members interviewed on this commitment.⁵

DID IT OPEN GOVERNMENT?

Access to information: Major

Civic participation: Marginal

This commitment sought to increase access to information by reshaping the intelligence community's approach to transparency on sensitive issues. The IRM researcher believes this commitment contributed to access to information in a major way because there is substantial new information available on foreign intelligence activities. For instance, the ODNI released two annual reports on the use of national security authorities.⁶ The reports allow the public to track the number of orders issued and targets affected under the Foreign Intelligence Surveillance Act (FISA) from year to year.

The more significant outcome has been the declassification and publication of information on Section 702 and Section 215 surveillance programs, two of the main National Security Agency (NSA) programs revealed by Edward Snowden to collect telephone and e-mail records in bulk.⁷ As part of this commitment, the ODNI declassified and released information on Section 702 and Section 215 on IC on the Record. The blog also contains official statements, testimony from officials, speeches, interviews, and fact sheets.⁸ In addition, the Privacy and Civil Liberties Oversight Board (PCLOB) published a report in July 2014 on the NSA's Section 702 program using information declassified by the ONDI.⁹ According to civil society, the report "disclosed a number of important new facts about the program,"¹⁰ including the role of the Federal Bureau of Investigation (FBI) and the CIA in surveillance, the framework and effectiveness of targeting techniques, and incidents of noncompliance.¹¹

Civic participation has seen progress, but limitations remain. Civil society noted that there has been "increased government engagement with civil society on both an informal and formal basis."¹² However, participants also mentioned that there was not an informed exchange of views given the extent of classified documents, which limited the usefulness of the meetings.¹³ Thus, the IRM researcher considers civic participation to have improved marginally.

CARRIED FORWARD?

This commitment will be carried forward to the next action plan with plans to publish an open government plan for the intelligence community, establish intelligence.gov as the community's primary data portal, continue to engage with civil society, and encourage employees to raise concerns in cases of misconduct.

¹This commitment included three specific, related milestones that are analyzed together.

²Office of the Director of National Intelligence, "Statistical Transparency Report Regarding Use of National Security Authorities: Annual Statistics for Calendar Year 2013," National Security Authorities, 26 June 2014, <http://bit.ly/1VVG5xl>

³US Government points of contact for the US Second National Open Government Action Plan, survey administered by Suzanne Piotrowski, 2015.

⁴Office of the Director of National Intelligence, "Revisions to the Psychological and Emotional Questions on the Standard Form 86, Questionnaire for National Security Positions," Official Statement, IC on the Record, 17 November 2016, <http://icontherecord.tumblr.com/>

⁵US Government points of contact for the US Second National Open Government Action Plan, survey administered by Suzanne Piotrowski, 2015; *Civil Society Progress Report: Second Check-In on the Implementation of the United States' Second Open Government National Action Plan* by Open The Government (Progress report, Washington, D.C., January 2015), <http://bit.ly/1O7asyN>

⁶Office of the Director of National Intelligence, "Statistical Transparency Report Regarding Use of National Security Authorities – Annual Statistics for Calendar Year 2013," Transparency Report, IC on the Record, 26 June 2014, <http://bit.ly/2dPRO04>; Office of the Director of National Intelligence, "Statistical Transparency Report Regarding Use of National Security Authorities – Annual Statistics for Calendar Year 2014," Transparency Report, IC on the Record, 22 April 2015, <http://bit.ly/2dMshtv>

⁷Privacy and Civil Liberties Oversight Board (PCLOB), "Report on the Surveillance Program Operated Pursuant to Section 702 of the Foreign Intelligence Surveillance Act," 2 July 2014, <http://bit.ly/1FJat9g>

⁸"Revisions to the Psychological and Emotional Questions on the Standard Form 86, Questionnaire for National Security Positions," <http://icontherecord.tumblr.com/>

⁹"Report on the Surveillance Program Operated Pursuant to Section 702 of the Foreign Intelligence Surveillance Act," <http://bit.ly/1FJat9g>

¹⁰*Civil Society Progress Report: Final Check-In on the Implementation of the United States' Second Open Government National Action Plan*, 46, <http://bit.ly/1VqfUPm>

¹¹Steven Aftergood, "When the Administration Asks Itself to Declassify," Federation of American Scientists, 28 July 2014, <http://bit.ly/2eKpezb>

¹²*Civil Society Progress Report: Final Check-In on the Implementation of the United States' Second Open Government National Action Plan*, 46, <http://bit.ly/1VqfUPm>

¹³*Civil Society Progress Report: Final Check-In on the Implementation of the United States' Second Open Government National Action Plan*, 46, <http://bit.ly/1VqfUPm>

7 | PRIVACY COMPLIANCE

Make Privacy Compliance Information More Accessible

As data increasingly help drive efficiency and effectiveness of public services, public trust in the Government's good stewardship of data is essential. The Federal Government has a dedicated workforce that has long worked to ensure the proper management and security of personal information held by Federal agencies. Agencies are required to routinely review, assess, and publicly report on their collection and use of personal information. To improve transparency and accountability of Federal data collection, the Administration will:

- **Improve the Accessibility of Privacy Policies and Compliance Reports.** To make it easier for citizens to find and understand what information the Government collects and maintains, Federal agencies will make it easier for the public to access, download, and search online for publicly-available privacy policies and privacy compliance reports.
- **Update and Improve Reporting on Federal Agency Data Policies and Practices.** Agencies will collaborate to review the content of publicly-available privacy compliance reports and to consider best practices to ensure that the reports provide meaningful information about the Federal Government's management of personal information.¹

Responsible Institution(s): Members of Office of Management and Budget's Chief Information Officer Council Privacy Community of Practice, Office of Science and Technology Policy, Private and Civil Liberties Oversight Board

Supporting Institution(s): None

Start Date: Not Specified

End Date: Not Specified

COMMITMENT OVERVIEW	SPECIFICITY				OGP VALUE RELEVANCE (as written)				POTENTIAL IMPACT				COMPLETION		MIDTERM		DID IT OPEN GOVERNMENT?								
	None	Low	Medium	High	Access to Information	Civic participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete	Worsens	Did not change	Marginal	sMajor	Outstanding				
7. Overall		X			X			X		X				X					X						
7.1. Accessibility of Privacy Policies and Compliance Reports		X			X			X		X				X											
7.2. Improve Privacy Compliance Reports		X			X				X			Unclear													
														X											

COMMITMENT AIM

This commitment aimed to make it easier for citizens to access, download, and search online for publicly available privacy policies and privacy compliance reports.

STATUS

Midterm: Limited

Limited progress was made on improving the accessibility of privacy policies and compliance reports by the end of the first year of implementation.

Although the government pursued some initiatives aimed at improving the privacy compliance reports, initiatives were limited to a few agencies. The OSTP had an interagency meeting with the PCLOB and the agencies covered under Section 803 of the 9/11 Commission Act to discuss how the reports could be standardized and improved, according to the government's midterm self-assessment report.² However, only eight agencies under Section 803 were part of the process and, as of spring 2015, only a small number of Section 803 reports had been made public. It was unclear whether the content of privacy compliance reports improved.

End of term: Substantial

The government did not complete the milestone related to improving the accessibility of privacy policies and compliance reports, despite progress. PCLOB consulted with agencies that file Section 803 reports to identify changes to make their reports more accessible and informative. PCLOB also produced draft recommendations which they shared with agencies for feedback and input, according to the government's self-assessment report. However, the accessibility of the reports varies among agencies. For example, the DOJ,³ Department of Homeland Security (DHS),⁴ and Department of Defense⁵ have dedicated webpages for privacy reports that are listed by quarter, while other agencies such as the Treasury⁶ and the Office of the Director of National Intelligence⁷ have outdated information or gaps in reporting. Furthermore, other agencies required to issue Section 803 reports such as the CIA, the Department of State, and the Department of Health and Human Services (HHS),⁸ had not published the reports by the end of the second action plan.

Several agencies improved reporting on the management of personal information. For example, in the past, DOJ listed the number of privacy reviews conducted during the reporting period without disclosing what was covered. In 2014, the agency began providing names and summaries of Privacy Impact Assessments.⁹ According to civil society, other agencies such as DHS are publishing detailed privacy and civil liberty reports. However, the quantity and quality of information varies by agency.¹⁰ In June 2016, after the close of the second action plan, the PCLOB published ten recommendations for making privacy reports more informative.¹¹ The main goal of the recommendations is to promote reports that include explanatory text about what numbers mean, not just numerical information about agencies' implementation of privacy policies.

DID IT OPEN GOVERNMENT?

Access to information: Marginal

This commitment aimed to give more structure and consistency to agency implementation of privacy policies. Specifically, the commitment looked to improve the accessibility and content of privacy compliance reports. Although it is premature to assess impact, making privacy reports more accessible in the long run may prevent federal agencies from abusing private information or from failing to keep it safe. However, the scope of this commitment was limited. It focused on privacy reporting under Section 803 of the 9/11 Commission Act, which only covers eight agencies.¹² Within this subset of agencies, while some agencies such as the DOJ and DHS have easily accessible webpages with quarterly privacy reports, other agencies such as CIA and HHS have not published reports. Therefore, this commitment led to marginal improvements in public access to information about privacy policies and reviews.

CARRIED FORWARD?

This commitment will be carried forward to the next action plan with plans to include privacy initiatives that go beyond the current limited scope of privacy compliance report. To achieve greater changes in government practice, the IRM researcher recommends further expanding the content of reports to include more substance on Privacy Impact Assessments, complaints, and civil liberties compliance activities.¹³

¹ This commitment included two specific, related milestones that are analyzed together.

² *United States of America Midterm Self-Assessment Report for the Open Government Partnership: Second Open Government National Action Plan 2013-2015*, <http://bit.ly/2neovNA>

³ "Reports," US DOJ, <https://www.justice.gov/opcl/reports>

⁴ "DHS Section 803 Reports to Congress," Department of Homeland Security, <http://bit.ly/2h07bX6>

⁵ "Reports," Defense Privacy and Civil Liberties Division, US Department of Defense, <http://dpcl.d.defense.gov/Reports/>

⁶ "Annual Reports, Privacy Act," US Department of the Treasury, <http://bit.ly/2h9oSCr>

⁷ "Reports," Office of Civil Liberties, Privacy and Transparency, Office of the Director of National Intelligence, <http://bit.ly/2h1bDak>

⁸ "3.4 Privacy," HHS.gov, <https://www.hhs.gov/open/plan/privacy.html>

⁹ *Civil Society Progress Report: Final Check-In on the Implementation of the United States' Second Open Government National Action Plan*, <http://bit.ly/1VqfUPm>

¹⁰ *Civil Society Progress Report: Final Check-In on the Implementation of the United States' Second Open Government National Action Plan*, <http://bit.ly/1VqfUPm>

¹¹ The White House, "Reports Under Section 803 of the 9/11 Commission Act: Recommendations for Privacy and Civil Liberties Officers," US Government, 10 June 2016, <http://bit.ly/2gWSgfl>

¹² The eight agencies are the DOJ, Department of Homeland Security, Department of Defense, Director of National Intelligence, Treasury, Department of Health and Human Services (HHS), Central Intelligence Agency, and the Department of State.

¹³ *United States IRM Progress Report 2013-2015*, <http://bit.ly/2e2RtYj>

8 | OPEN GOVERNMENT PLANS

Support and Improve Agency Implementation of Open Government Plans

The Office of Management and Budget and the Office of Science and Technology Policy will work with an existing interagency open government group, made up of individuals from across the Executive Branch, to develop guidelines for Federal agencies as they work to update their Open Government Plans in the coming months. These guidelines will require, at a minimum, new measures on proactive disclosures. The interagency group will solicit input from civil society organizations for these guidelines and will work to ensure robust implementation of the agency plans in accordance with the [Open Government Directive](#).

Responsible Institution(s): Office of Management and Budget, Office of Science and Technology Policy

Supporting Institution(s): Interagency Open Government Working Group

Start Date: Not Specified

End Date: Not Specified

COMMITMENT OVERVIEW	SPECIFICITY				OGP VALUE RELEVANCE (as written)				POTENTIAL IMPACT				COMPLETION		MIDTERM		DID IT OPEN GOVERNMENT?				
	None	Low	Medium	High	Access to Information	Civic participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	END OF TERM		Worsens	Did not change	Marginal	Major	Outstanding
															Substantial	Complete					
				X	X				X						X				X		

COMMITMENT AIM

To facilitate the implementation of the second US national action plan, this commitment aimed to develop guidelines for federal agencies to update their own open government plans.

STATUS

Midterm: Substantial

This commitment was substantially complete at the midterm review, although not all agencies had been cooperative in implementing plans or reporting progress. In February 2014, the OSTP issued guidance for agencies developing a 2014 open government plan.¹ Most federal agencies posted their new individual plans on their websites by the June 2014 deadline.

End of term: Substantial

This commitment remains substantially complete. According to civil society, most agencies published open government plans by the June 2014 deadline.² In a review of 15 agencies, the IRM researcher found that 14 updated their open government plans according to the new OSTP guidance.³ They include status updates on major initiatives listed in preceding plans. They also introduce new open government initiatives for the coming two years and describe progress in certain new thematic areas such as open data, whistleblower protection, and privacy. However, civil society stakeholders are concerned that there is no formal system for tracking agency publication or implementation of the plans, which makes it difficult to assess agency progress.⁴

DID IT OPEN GOVERNMENT?

Access to information: Marginal

Individual agencies are required to publish open government plans every two years. This commitment sought to develop guidelines for agencies for their open government plan updates. While agencies have been cooperative in this effort, some agencies have not updated their plans. For example, the OMB had not updated its open government plan by the end of 2015.⁵ According to a letter to President Obama signed by 22 civil society organizations, “The failure of OMB to meet its open government obligations is particularly troubling given that OMB plays a central oversight role on information policy.”⁶ Furthermore, the updated plans are not significantly different from the previous ones. However, given that the new plans include each agency’s progress in open data, privacy compliance, proactive disclosure of information, and dissemination of whistleblower rights, the commitment can be considered a marginal step toward opening the government.

CARRIED FORWARD?

This commitment will be carried forward to the next action plan, with plans to develop a system for holding agencies accountable as well as a central location where the public can monitor implementation of the agency plans.⁷

¹The White House, *2014 Agency Open Government Plans* by Todd Park (Memorandum, 24 February 2014), <http://bit.ly/2neiC2Q>

²*Civil Society Progress Report: Final Check-In on the Implementation of the United States’ Second Open Government National Action Plan*, <http://bit.ly/1VqfUPm>

³The IRM researcher reviewed 15 agencies: the Department of Agriculture, Department of Commerce, Department of Defense, Department of Education, Department of Energy, HHS, Department of Homeland Security, Department of Housing and Urban Development, Department of the Interior, DOJ, Department of Labor, Department of State, Department of Transportation, Department of the Treasury, and the Department of Veterans Affairs. The Department of Veteran Affairs was the only agency that did not update its open government plan during the dates of the second action plan.

⁴*Civil Society Progress Report: Final Check-In on the Implementation of the United States’ Second Open Government National Action Plan*, <http://bit.ly/1VqfUPm>

⁵*Civil Society Progress Report: Final Check-In on the Implementation of the United States’ Second Open Government National Action Plan*, <http://bit.ly/1VqfUPm>

⁶*Civil Society Progress Report: Final Check-In on the Implementation of the United States’ Second Open Government National Action Plan*, <http://bit.ly/1VqfUPm>

⁷*Civil Society Progress Report: Second Check-In on the Implementation of the United States’ Second Open Government National Action Plan*, <http://bit.ly/1O7asyN>

9 | WHISTLEBLOWING

Strengthen and Expand Whistleblower Protections for Government Personnel

Employees with the courage to report wrongdoing through appropriate, legally authorized channels are a government's best defense against waste, fraud, and abuse. Federal law prohibits retaliation against most government employees and contractors who act as whistleblowers, and those protections were strengthened by recent legislation and Executive action. However, some who work for the Government still have diminished statutory protections. The Government must also ensure that Federal employees know their rights. Therefore, the Administration will:

- **Mandate Participation in the Office of Special Counsel Whistleblower Certification Program.** To ensure that Federal employees understand their whistleblower rights and how to make protected disclosures, the Administration will require covered agencies to complete the U.S. Office of Special Counsel's program to certify compliance with the Whistleblower Protection Act's notification requirements.
- **Implement the Presidential Directive on Protecting Whistleblowers.** The U.S. Government will continue to work to implement the President's October 2012 Policy Directive on Protecting Whistleblowers with Access to Classified Information (PPD-19), including by ensuring strong, independent due process procedures; awareness of protections; and agency understanding of the protections available to government contractors under the directive.
- **Advocate for Legislation to Expand Whistleblower Protections.** With the Administration's support, Congress recently enacted legislation to strengthen whistleblower protections for most Federal Government employees and contractors, but there are still gaps in statutory protections available to certain government employees and contractors. The Administration will continue to work with Congress to enact appropriate legislation to protect these individuals.
- **Explore Executive Authority to Expand Whistleblower Protections if Congress Does Not Act.** While statutory protections are preferable, the Administration will explore additional options for utilizing Executive authority to further strengthen and expand whistleblower protections if Congress fails to act further.¹

Responsible Institution(s): Office of the Director of National Intelligence

Supporting Institution(s): All federal agencies and the US Congress

Start Date: Not Specified

End Date: Not Specified

COMMITMENT OVERVIEW	SPECIFICITY				OGP VALUE RELEVANCE (as written)				POTENTIAL IMPACT				COMPLETION		MIDTERM		DID IT OPEN GOVERNMENT?				
	None	Low	Medium	High	Access to Information	Civic participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	END OF TERM		Worsens	Did not change	Marginal	Major	Outstanding
															Substantial	Complete					
9. Overall			X			X				X					X				X		
9.1. Certification Program			X			X			X							X					
9.2. Presidential Directive		X				X			X						X						
9.3. Legislative Advocacy		X				X			X				X								
9.4. Executive Authority	X					X			X				X								

COMMITMENT AIM

This commitment aimed to ensure that every employee in government is aware of his or her whistleblower rights and receives adequate protection when acting as a whistleblower.

STATUS

Midterm: Substantial

The first milestone mandating participation in a whistleblower certification program was completed at the midterm, yet remains very limited in its scope. The Administration mandated that federal agencies participate in the Office of Special Counsel (OSC) whistleblower certification program, according to the government's self-assessment report. While the Administration required participation, and thus fulfilled the milestone, most agencies have not complied.

By the end of the first year of implementation, substantial progress had been made on implementing the presidential directive on whistleblowing (milestone 9.2). The President's 2012 Policy Directive on Protecting Whistleblowers with Access to Classified Information (PPD-19) seeks to ensure intelligence community employees or those who are eligible for access to classified information can report waste, fraud, and abuse effectively

while protecting classified national security information.² As part of its implementation, the Director of National Intelligence issued a Whistleblower Protection Directive in March 2014. The DOJ also produced the Report on Regulations Protecting FBI Whistleblowers in April 2014 pursuant to PPD-19. However, civil society members interviewed by the IRM researcher addressed several limitations of PPD-19, including a lack of independent due process to enforce the rights and public posting of individual guidelines under PPD-19 by federal agencies.

As of December 2014, limited progress had been made in advocating for whistleblower legislation and exploring executive authority to expand whistleblower protections. The Intelligence Authorization Act (IAA) for fiscal year 2014 passed and codified statutory protections for whistleblowers consistent with the requirements in PPD-19, according to the government's self-assessment report.³ Civil society believed that there are gaps in statutory protections for whistleblowers in government and that the Administration had not advocated actively for legislation that could fill those gaps.⁴

End of term: Substantial

The IRM researcher identified no further progress on implementing the presidential whistleblowing directive since the midterm report.

The milestones related to advocating for whistleblower legislation and using executive authority to extend whistleblower protections have not been completed. As civil society members noted, the Administration could have supported areas, but did not advocate actively for important whistleblower protections in legislation, including expanding protection for intelligence community contractors.

DID IT OPEN GOVERNMENT?

Public accountability: Marginal

To expand whistleblower protections and ensure that all federal employees know their whistleblower rights, this commitment sought to implement President Obama's PPD-19, to raise awareness of whistleblower rights, and to expand protections through legislation or executive authority. In terms of raising awareness, the Administration required that agencies participate in the OSC whistleblower certification program. To become certified, agencies must place informational posters about whistleblower rights in their facilities and provide whistleblower information to new and existing employees, among other tasks. However, compliance was low. According to civil society, the OSC predicted a 10 percent certification rate for agencies by the end of 2015. As of December 2015, the OSC testified that it had "certified 46 agencies or agency components."⁵ For comparison, this number increased to 78 agencies with another 56 agencies registered for certification by September 2016—after the close of the action plan.

In terms of new legislation to expand whistleblowing protections, a notable outcome of the commitment was the passage of the 2014 IAA. Title VI of the law codifies and expands on PPD-19's protections by introducing additional enforcement mechanisms to better prevent retaliation against whistleblowers.⁶ However, it remains to be seen whether the improved regulatory framework will translate into effective implementation and better protections for whistleblowers in practice.

CARRIED FORWARD?

The implementation of the Presidential Directive on Protecting Whistleblowers will be carried forward to the next action plan, with plans to mandate that every agency publish their guidelines under PPD-19.

The milestone related to working with Congress to expand whistleblower protections will be carried forward to the next action plan, with plans to support legislation to ensure that government employees, including government contractors in the intelligence community, have whistleblower rights.

¹This commitment included four specific, related milestones that are analyzed together.

²The White House, "Presidential Policy Directive/PPD-19," US Government, 10 October 2012, <http://fas.org/irp/offdocs/ppd/ppd-19.pdf>

³"S. 1681 (113th): Intelligence Authorization Act for Fiscal Year 2014," GovTrack, <https://www.govtrack.us/congress/bills/113/s1681/text>

⁴*Civil Society Progress Report: Second Check-In on the Implementation of the United States' Second Open Government National Action Plan*, <http://bit.ly/1O7asyN>

⁵"Testimony of Special Counsel Carolyn N. Lerner U.S. Office of Special Counsel," U.S. House of Representatives Committee on Oversight and Government Reform Subcommittee on Government Operations, 16 December 2015, <http://bit.ly/2e5P4w1>

⁶Congressional Research Service, *Intelligence Whistleblower Protections: In Brief* by Rodney M. Perry (Report, Washington, D.C., 23 October 2014), <http://bit.ly/2efJNoD>

10 | LEGAL ENTITIES

Increase Transparency of Legal Entities Formed in the United States

The United States has been working closely with partners around the world to combat the criminal misuse of businesses, shell companies, and front companies. These legal entities are used to access the international financial system and facilitate financial crime, while masking the true identity of illicit actors. These legal entities are also used by individuals and companies to shelter assets and evade taxes. Enhanced transparency of companies formed in the United States will help to prevent criminal organizations from obscuring who really benefits from the businesses they operate, help to address tax avoidance, and also help developing countries to combat corruption when criminal actors look to illicitly deposit their money abroad. To promote transparency in company ownership, the Administration will:

- **Advocate for Legislation Requiring Meaningful Disclosure.** The White House will continue to publicly advocate for legislation requiring disclosure of meaningful information at the time a company is formed, showing not just who owns the company, but also who receives financial benefits from the entity.
- **Establish an Explicit Customer Due Diligence Obligation for U.S. Financial Institutions.** In 2014, the Administration will work to enact a rule requiring U.S. financial institutions to identify the beneficial owners of companies that are legal entities. The Treasury Department is currently engaged in rulemaking to clarify customer due diligence requirements for U.S. financial institutions. The agency has received public comments through an Advance Notice of Rulemaking and also hosted several stakeholder roundtables.

Responsible Institution(s): Department of Treasury, Department of Justice

Supporting Institution(s): US Congress

Start Date: 1 January 2014

End Date: 31 December 2014

COMMITMENT OVERVIEW	SPECIFICITY				OGP VALUE RELEVANCE (as written)				POTENTIAL IMPACT				COMPLETION		MIDTERM		DID IT OPEN GOVERNMENT?					
	None	Low	Medium	High	Access to Information	Civic participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete	Worsens	Did not change	Marginal	Major	Outstanding	
10. Overall			X		Unclear						X			X				X				
10.1. Disclosure Legislation			X		Unclear						X			X								
10.2. Customer Due Diligence Obligation			X		Unclear						X			X								

COMMITMENT AIM

This commitment aimed to increase transparency of legal entities formed in the US to prevent companies from obscuring who owns or controls the legal entity.

STATUS

Midterm: Limited

At the midterm evaluation, limited progress had been made on the first milestone related to advocacy for disclosure legislation. The White House advocated for legislation requiring meaningful disclosure of beneficial ownership information, according to the government's self-assessment report. One bill would require every legal entity formed in the US to list a single "responsible party" on Internal Revenue Service (IRS) form SS-4. However, civil society members interviewed on this commitment were concerned that, even if enacted, it would be possible for companies to complete the IRS form without disclosing real beneficial owners due to the "weak" definition of "responsible party" and lack of clear enforcement mechanism.¹

As for the second milestone, there had been moderate progress toward establishing an explicit customer due diligence obligation for US financial institutions. In August 2014, the US Treasury Department issued a NPRM that would require financial institutions to collect information about the beneficial ownership of legal entities.²

End of term: Limited

Advocacy for legislation requiring disclosure has not been completed. Although the White House advocated for legislation requiring disclosure of beneficial ownership information, the information to be disclosed cannot be considered "meaningful" without a clear definition of a responsible party and enforcement mechanism.

An explicit customer due diligence obligation for financial institutions has not been completed. Civil society is concerned about the effectiveness of the proposed rule and, as of December 2015, the Treasury Department had not published customer due diligence rulemaking.³

DID IT OPEN GOVERNMENT?

Access to information: Did not change

Civic participation: Did not change

Public accountability: Did not change

Enhancing transparency of companies is important to prevent criminal organizations from obscuring their ownership of legal entities as well as to combat corruption, money laundering, and other financial crimes. While this commitment has the potential to bring transparency to private companies, it has not opened government so far due to limited completion. Specifically, a law requiring the disclosure of beneficial ownership information and a customer due diligence obligation for financial institutions have not been passed.

CARRIED FORWARD?

The IRM researcher and civil society stakeholders recommend revising the language of the legislation to include a concrete definition of a responsible party, clear enforcement mechanisms, and public availability of the information. This commitment is carried forward to the next action plan with plans to ask Congress to require disclosure of beneficial ownership information and to clarify customer due diligence requirements for US financial institutions.

¹ Civil Society Progress Report: Second Check-In on the Implementation of the United States' Second Open Government National Action Plan, <http://bit.ly/1O7asyN>

² US Government, "Federal Register," proposed rules, Vol. 79, No. 149, 4 August 2014, 45151, <http://bit.ly/2ge2z0M>

³ Civil Society Progress Report: Final Check-In on the Implementation of the United States' Second Open Government National Action Plan, <http://bit.ly/1VqfUPm>

11 | EXTRACTIVE INDUSTRIES TRANSPARENCY INITIATIVE

Implement the Extractive Industries Transparency Initiative

Two years ago, at the launch of the OGP, President Obama announced the U.S. commitment to implement the Extractive Industries Transparency Initiative (EITI), an international standard aimed at increasing transparency and accountability in the payments that companies make and the revenues governments receive for their natural resources. The United States has actively worked toward increasing revenue transparency and accountability in relevant industry sectors, ensuring that American taxpayers receive every dollar due for the extraction of the Nation's natural resources.

The United States continues to work toward EITI candidacy, including by seeking public comment and feedback on the Federal Government's candidacy application. The Administration intends to publish the first United States EITI report in 2015 and to achieve EITI compliance in 2016. The United States will also:

- *Disclose additional revenues on geothermal and renewable energy;*
- *Unilaterally disclose all payments received by the U.S. Department of Interior*
- *Create a process to discuss future disclosure of timber revenues; and*
- *Promote the development of innovative open data tools that make extractive data more meaningful for and accessible to the American people.*

Responsible Institution(s): Department of the Interior, Department of State, Department of Treasury

Supporting Institution(s): Extractive Industries Transparency Initiative Multistakeholder Group, State of Wyoming, California State Lands Commission, Interstate Oil and Gas Compact Commission, Interstate Mining Compact Commission

COMMITMENT OVERVIEW	SPECIFICITY				OGP VALUE RELEVANCE (as written)				POTENTIAL IMPACT				COMPLETION		MIDTERM		DID IT OPEN GOVERNMENT?				
	None	Low	Medium	High	Access to Information	Civic participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	END OF TERM		Worsens	Did not change	Marginal	Major	Outstanding
															Substantial	Complete					
11. Overall				X	X		X				X				X					X	
11.1. Geothermal and Renewable Energy Revenues			X		X		X			X					X						
11.2. Department of Interior Payments				X	X		X			X					X						
11.3. Timber Revenues			X		X		X			X		Unclear									
11.4. Open Data Tool on Extractives				X	X		X			X					X						

✦ Editorial note: This commitment is clearly relevant to OGP values as written, has transformative potential impact, and is substantially or completely implemented and therefore qualifies as a starred commitment.

COMMITMENT AIM

Starting in 2015, this commitment aimed to produce annual reports as part of the Extractive Industries Transparency Initiative (EITI) to increase transparency and accountability in transactions for natural resources.

STATUS

Midterm: Substantial

By March 2015, a significant effort had been put into moving forward on this commitment, although an annual report on EITI had not been published. In addition to hosting several multistakeholder group meetings, the Department of Interior, in collaboration with the GSA team, created the Natural Resources Data Portal¹ that reveals the amount and the use of natural resource revenues extracted from U.S. federal lands.²

Additionally, this commitment designated four specific milestones:

- The disclosure of additional revenues on geothermal and renewable energy was achieved through the Natural Resources Data Portal, which includes information on revenues for geothermal and wind.
- The unilateral disclosure of all payments received by the US Department of Interior was achieved through the Natural Resources Data Portal.
- It was unclear whether a process to discuss future disclosure of timber revenues had been put in place as no public documents were evident.³
- The development of open data tools for extractive data had been completed through the Natural Resources Data Portal, a collaboration with 18F that uses cutting-edge data reporting tools.

End of term: Substantial

In December 2015, the Administration achieved the commitment's main objective of publishing the first US EITI report.⁴ The report provides an extensive overview of natural resource extraction in the US. For example, it outlines the laws that regulate natural resource extraction, describes the distribution of federal revenue from resource extraction, and explains the impact of natural resource extraction on the national economy, state economies, and tribal lands.

Despite the Natural Resources Data Portal and EITI report, this commitment has not been completed because there is no evidence that a process to disclose timber revenues was created, as stipulated in the text of the commitment. Timber revenue disclosure is included in both the 2016 US EITI work-plan⁵ and third national action plan.⁶

DID IT OPEN GOVERNMENT?

Access to information: Major

This commitment aimed to increase transparency in natural resource federal revenues and company payments by disclosing resource data and by publishing an EITI report. As part of this commitment, the Administration published its first EITI report and launched the Natural Resources Data Portal. These resources provide an abundance of easy-to-use information on extractives and represent major progress toward making natural resource data more accessible to the public. Furthermore, with these steps, the US has become closer to reaching full EITI compliance.

The EITI report provides information about the production, governance, and taxation of extractive industries in the US. According to the Project on Government Oversight (POGO), the report includes new information such as "the amount of royalties paid by companies for extracting oil, gas, and coal from federal lands, production volumes of natural resources being extracted on an annual basis, [and] the impact of tax breaks and other subsidies."⁷ The report offered the public a closer look into the disbursement of natural resource revenues. For instance, POGO noted that one of the report's revelations is that taxpayers receive more compensation from geothermal renewable resources than from copper, gold, or iron mining companies, which are not required to pay royalties for extraction from public lands.⁸

In addition to the report, the accompanying dataset is also a major step forward in accessing information on extractives. The online portal offers disaggregated data in open data format on natural resource production, government revenues, and economic impacts. In addition, it discusses the revenue sustainability of 12 resource-rich counties and discloses how government funds are distributed to national funds, tribes, and state governments. An interactive glossary of terms and dynamic visualizations also make the data easy to use.⁹

Although the commitment resulted in greater access to information, several limitations remain. First, the US EITI report did not include information on commodity revenues at the project level.¹⁰ Second, although individuals and corporations own significant natural resource wealth in the US, the report focused on federal lands.¹¹ Third, there was a low level of private sector participation in EITI disclosures. To illustrate, only 12 out of a maximum of 41 applicable companies reported corporate income taxes.¹² Transparency International USA noted that the “lack of tax reporting by companies is problematic.”¹³ POGO’s Executive Director and Chair of the EITI Civil Society Sector said, “As ambitious as this report is, our biggest challenge for next year will be expanding corporate income tax reporting.”¹⁴

CARRIED FORWARD?

This commitment will be carried forward to the next action plan with plans to require project-level reporting under USEITI.¹⁵ When moving forward on implementing EITI, a renewed focus should be placed on corporate tax reporting to provide critical information to the American people and increase the United States’ chances of validation.

¹ “National Resource Revenues from U.S. Federal Lands,” 18f, <http://18f.github.io/doi-extractives-data/>

² *Civil Society Progress Report: Second Check-In on the Implementation of the United States’ Second Open Government National Action Plan*, <http://bit.ly/1O7asyN>

³ The US Government stated that this milestone is part of the United States Extractive Industries Transparency Initiative (USEITI) work plan for 2016, which the US EITI Multistakeholder Group approved and made available publicly in 2015.

⁴ “About/USEITI Executive Summary,” USEITI, <https://useiti.doi.gov/about/report/>

⁵ USEITI, *Workplan* (Report, Washington, D.C., 8 January 2016), <http://on.doi.gov/2fqZ4Wg>

⁶ *Third Open Government National Action Plan for the United State of America* by OGP (Report, Washington, D.C., 27 October 2015), <http://bit.ly/2n3BEIQ>

⁷ Mia Steinle, “EITI Report Shows Impact of Resource Extraction on Taxpayers,” Project on Government Oversight, 15 December 2015, <http://bit.ly/2ew2FgU>

⁸ “EITI Report Shows Impact of Resource Extraction on Taxpayers,” <http://bit.ly/2ew2FgU>

⁹ “What’s New,” USEITI, <https://useiti.doi.gov/about/whats-new/>

¹⁰ *Civil Society Progress Report: Second Check-In on the Implementation of the United States’ Second Open Government National Action Plan*, <http://bit.ly/1O7asyN>

¹¹ Sam Bartlett, “EITI Welcomes First US Report,” Extractive Industries Transparency Initiative (EITI), 18 December 2015, <https://eiti.org/node/4463>

¹² “About/USEITI Executive Summary,” <https://useiti.doi.gov/about/report/>

¹³ Daniel Dudis, “Guest Post: US Implementation of the EITI—Good Progress, But Needs Improvement,” Global Anticorruption Blog, 16 December 2015, <http://bit.ly/2dZsVE5>

¹⁴ “EITI Report Shows Impact of Resource Extraction on Taxpayers,” <http://bit.ly/2ew2FgU>

¹⁵ *Civil Society Progress Report: Second Check-In on the Implementation of the United States’ Second Open Government National Action Plan*, <http://bit.ly/1O7asyN>

12 | FOSSIL FUEL SUBSIDIES

Make Fossil Fuel Subsidies More Transparent

Regular public reporting on U.S. Government spending on fossil fuel subsidies will increase transparency and enhance accountability. The United States will publicly publish an annual report outlining Government spending on fossil fuel subsidies and share it with the Group of 20 (G-20) and other relevant international bodies.

Responsible Institution(s): US Department of Treasury

Supporting Institution(s): None

Start Date: Not Specified

End Date: Not Specified

COMMITMENT OVERVIEW	SPECIFICITY				OGP VALUE RELEVANCE (as written)				POTENTIAL IMPACT				COMPLETION		MIDTERM		DID IT OPEN GOVERNMENT?				
	None	Low	Medium	High	Access to Information	Civic participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	END OF TERM		Worsens	Did not change	Marginal	Major	Outstanding
															Substantial	Complete					
			X		X					X						X			X		
																X					

COMMITMENT AIM

In accordance with the G20 pledge, this commitment aimed to produce a report outlining government spending on fossil fuel subsidies and share it with the group of G20, among others.

STATUS

Midterm: Completed

This commitment was completed by the midterm review. The midterm government’s self-assessment report stated that US government spending on fossil fuel subsidies was published on the Treasury’s open government website in August 2014 and submitted to the G20.¹

DID IT OPEN GOVERNMENT?

Access to information: Marginal

Regular public reporting on US government spending on fossil fuel subsidies may increase awareness of energy production, corporate subsidization, and carbon emissions. The Treasury produced a report on fossil fuel subsidies that identifies 11 permanent provisions in the tax code that provide preferences to producers of fossil fuels. In all, the provisions amount to \$4.7 billion in fossil fuel subsidies per year. The report provides a brief description, analysis, and estimated cost of each of the tax provisions. However, civil society members working on fossil fuel subsidies pointed out that this commitment was weak from the beginning, given no specific requirement for the scope of the report. Furthermore, the report does not disaggregate data based on the type of fuel or subsidy. Thus, it is not possible to distinguish between grants to states or local government and tax exemptions for companies. Stakeholders also suggested including the information on fossil fuel subsidies in a more centralized location such as on USA Spending.gov.² Ultimately, given the limited scope of the report, this commitment is considered only a marginal step in opening the government.

CARRIED FORWARD?

The commitment will not be carried forward to the next action plan.

¹ "United States – Progress Report on Fossil Fuel Subsidies," US Treasury, <http://bit.ly/1Je4mMP>

² *United States IRM Progress Report 2013-2015*, <http://bit.ly/2e2RtYj>

★ 13 | FEDERAL SPENDING

Increase Transparency in Spending

The Administration's efforts to increase transparency in Federal spending have opened up new data on Federal procurement and financial assistance. The Administration intends to further increase the transparency of where Federal tax dollars are spent by committing to:

- **Join the Global Initiative on Fiscal Transparency.** The United States will join the Global Initiative on Fiscal Transparency (GIFT), an international network of governments and non-government organizations aimed at enhancing financial transparency, accountability, and stakeholder engagement. The Administration will actively participate in the GIFT Working Group and seek opportunities to work with others to champion fiscal openness in appropriate global forums.
- **Regularly Engage with External Stakeholders.** The U.S. Government will hold quarterly meetings with external stakeholders to identify and prioritize ways to improve the usability and functionality of the USASpending.gov website.
- **Open Up Federal Spending Data.** The U.S. Government will make Federal spending data more easily available in open and machine-readable formats.
- **Publish Additional Federal Contracting Data.** The Administration will facilitate the publication of certain Federal Government contract information not currently available in order to increase transparency and accountability of the Federal procurement system. Information will be made available consistent with Federal rulemaking procedures.
- **Provide Strategic Direction for Enhancing Fiscal Transparency.** The Administration, through the work of the Government Accountability and Transparency Board (GATB), will continue to provide strategic direction to the Federal Government on ways to increase Federal spending transparency and to detect waste, fraud, or abuse. GATB will update its annual plan with 2013 accomplishments and 2014 objectives including issues of data analytics and data integrity and standardization for procurement and grants.¹
- **Improve USASpending.gov.** In 2015, the Administration will launch a refreshed USASpending.gov website that will improve the site's design and user experience, including better enabling users to explore the data using interactive maps and improving the search functionality and application programming interface.
- **Improve accessibility and reusability of Federal financial data.** In 2015, as part of implementation of the [DATA Act](#), the Administration will work to improve the accessibility and reusability of Federal financial data by issuing data element definition standards and standards for exchanging financial data. The Administration, through the Office of Management and Budget, will leverage industry data exchange standards to the extent practicable to maximize the sharing and utilization of Federal financial data.
- **Explore options for visualization and publication of additional Federal financial data.** The Administration, through the Treasury Department, will use small-scale pilots to help explore options for visualizing and publishing Federal financial data from across the government as required by the [DATA Act](#).
- **Continue to engage stakeholders.** The Administration will continue to engage with a broad group of stakeholders to seek input on Federal financial transparency initiatives including [DATA Act](#) implementation, by hosting town hall meetings, conducting interactive workshops, and seeking input via open innovation collaboration tools.

Responsible Institution(s): Office of Management and Budget, US Department of Treasury, General Services Administration, US Agency for International Development, Department of Homeland Security, Department of Education, Government Accountability and Transparency Board

Supporting Institution(s): None

Start Date: Not Specified

End Date: Not Specified

COMMITMENT OVERVIEW	SPECIFICITY				OGP VALUE RELEVANCE <i>(as written)</i>				POTENTIAL IMPACT				COMPLETION		MIDTERM END OF TERM		DID IT OPEN GOVERNMENT?					
	None	Low	Medium	High	Access to Information	Civic participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete	Worsens	Did not change	Marginal	Major	Outstanding	
13. Overall			X		X	X	X				X				X						X	
13.1. Global Initiative on Fiscal Transparency				X	X				X							X						
13.2. Engage External Stakeholders				X	X	X	X		X						X							
13.3. Data Availability			X		X		X		X						X							
13.4. Contracting Data			X		X		X		X						X							
13.5. Government Accountability and Transparency Board	X				X					X						X						
13.6. Improve USASpending.gov			X		X		X		X						X							
13.7. Accessibility and Reusability of Federal Financial Data				X	X		X			X			X									
13.8. Visualization and Publication of Federal and Financial Data			X		X		X		X							X						
13.9. Continue to Engage Stakeholders			X			X			X							X						

⚡ Editorial note: This commitment is clearly relevant to OGP values as written, has transformative potential impact, and is substantially or completely implemented and therefore qualifies as a starred commitment.

COMMITMENT AIM

This commitment aimed to open access to federal fiscal data that is both accurate and rendered in a way that is useful and intelligible to citizens, civil society organization, businesses, and other government organizations.

STATUS

Midterm: Substantial

At the midterm evaluation, the US Government had joined the Global Initiative on Fiscal Transparency (GIFT) and participated in the OGP-GIFT Fiscal Openness Working Group (FOWG) throughout 2014 to promote OGP governments' implementation of budget transparency commitments.²

Substantial progress was made on engaging with external stakeholders and improving USAspending.gov. The OMB and the Treasury met with external stakeholders in October 2014 and February 2015 to seek input from government and civil society stakeholders. In response to feedback from external stakeholders, the Treasury launched a refreshed USAspending.gov with increased usability in April 2015.

Substantial progress had been made in opening federal spending data and publishing additional federal contracting data. Federal spending data such as the total amount of money distributed to an agency and total amount distributed to a city or county in a fiscal year are now available in machine-readable formats, according to the IRM researcher's review of USAspending.gov. Further federal contracting data will be published as new statutory and regulatory requirements for opening contracting data are introduced, according to the government's self-assessment report.

The milestone related to providing strategic direction for enhanced fiscal transparency was completed. The Government Accountability and Transparency Board released its annual plan document in April 2014. The document describes progress made by the Board in 2013 and planned activities for 2014.³

When it comes to implementing the Digital Accountability and Transparency Act (DATA Act),⁴ exploring options for visualizing and publishing additional federal financial data and engaging stakeholders were completed while limited progress was made on improving the accessibility and reusability of federal financial data. The Treasury conducted small-scale pilots to create a standard taxonomy and to demonstrate how the additional data elements required by the DATA Act could be visualized.⁵ In addition, the Treasury held multiple stakeholder meetings and launched an open collaboration webpage⁶ to post updates and collect input on the data standardization issues.⁷

End of term: Substantial

Meetings with external stakeholders and the improvement of USAspending.gov are ongoing tasks. In November 2015, another quarterly meeting was held to seek input from external stakeholders. As an outcome of the meeting, a new beta site⁸ launched for feedback on the future USAspending.gov site that will be completed in 2017.⁹ The IRM researcher believes the new beta site allows the public to provide feedback on data display and search functionality components.

The IRM researcher did not identify further progress on opening federal spending or contracting data since the midterm review.

Substantial progress was made on milestones for implementing the DATA Act. In August 2015, OMB and the Treasury finalized 57 data element definition standards,¹⁰ after consulting with federal stakeholders through interagency councils and with non-federal stakeholders through GitHub.¹¹ Furthermore, standards for exchanging financial data (DATA Act Schema)¹² also were developed and, by May 2017, all federal agencies will follow them when posting information on USAspending.gov.¹³

DID IT OPEN GOVERNMENT?

Access to information: Marginal

Civic participation: Major

This commitment sought to increase public accessibility to federal spending data by improving the usability and functionality of the USASpending.gov website, opening more data, improving data standards and analytics, and seeking input from external stakeholders. The IRM researcher considers these efforts to be a major improvement in civic participation and a marginal improvement in access to information.

The most notable access to information results included expanded federal spending data, a revamped USASpending.gov, and new data standards. The public now has greater access to information on money distributions to agencies, cities, and counties in machine-readable formats. Quarterly agency budget reports are available in machine-readable formats for the first time.¹⁴ In addition, the Treasury launched a more visually appealing and accessible version of USASpending.gov with clearer search results. However, the new version of the website was criticized upon release for its loss of functionality.¹⁵ According to the Center for Effective Government, "The look is more engaging, draws people in, and encourages you to do basic searches, which is good. But then it falls apart once you try and dig into data."¹⁶ In response to the negative feedback, the government restored most of the previous functions within a few months.¹⁷

The Government also aimed to improve the quality of data included on USASpending.gov. According to the Government Accountability Office (GAO), in 2014 the site "did not properly report" \$619 billion in grants and loans. In fact, the GAO found that only two to seven percent of the awards on the website were consistent with agency records.¹⁸ The OMB and the Treasury released 57 data standards in 2015 to make agency reporting information consistent.¹⁹ Although these standards have the potential to transform the quality of federal spending data, their implementation will require further guidance and is not expected to be completed until 2017.²⁰

Despite the data limitations, the commitment has contributed to civic participation in a major way. The government engaged citizens through town halls, meetings, webinars, monthly calls, conferences, and training events. In addition, the government created an online collaboration page on GitHub²¹ and an open beta version of USASpending.gov,²² through which administrators received and responded to public comments. According to the Data Coalition, the new beta website allows the public "to suggest improvements and take ownership all along the way."²³ In the words of the Sunlight Foundation, this "is a sign that Treasury has learned some lessons from previous efforts in this area and is committed to a truly collaborative process."²⁴ The swift modifications to USASpending.gov in 2015 after negative feedback is evidence of the powerful role of civil society during this process.

CARRIED FORWARD?

This commitment will be carried forward to the next national action plan with plans to improve the quality of the data published on USASpending.gov and plans for all federal agencies to meet the 2017 deadline for using data element definition standards and data exchange standards.

¹ This commitment included nine specific, related milestones that are analyzed together.

² Global Initiative for Fiscal Transparency. 2015. "About the Fiscal Openness Working Group." Accessed April 10. <http://www.fiscaltransparency.net/fowg/>

³ Government Accountability and Transparency Board, "Way Forward for Calendar Year 2014," <http://bit.ly/2i1Wnd1>

⁴ US Government, "Digital Accountability and Transparency Act of 2014," Public Law 113-11, Government Publishing Office, 2 May 2014, <http://bit.ly/2h8vNM>

⁵ *United States of America Midterm Self-Assessment Report for the Open Government Partnership: Second Open Government National Action Plan 2013-2015*, <http://bit.ly/2neovNA>

⁶ "About Federal Spending Transparency," Federal Spending Transparency, <http://fedspendingtransparency.github.io/>

⁷ *United States of America Midterm Self-Assessment Report for the Open Government Partnership: Second Open Government National Action Plan 2013-2015*, <http://bit.ly/2neovNA>

⁸ USASpending.gov, <https://openbeta.usaspending.gov/>

⁹ David Lebyk, "Help Treasury Reinvent USASpending.gov," Treasury Notes blog, US Treasury, 10 November 2015, <http://bit.ly/2gZzjtr>

¹⁰ Federal Spending Transparency Data Standards, <https://max.gov/datastandards>

¹¹ Federal Spending Transparency, Data Act Collaboration Space, <https://fedspendingtransparency.github.io/>

¹² "DATA Act Information Model Schema v1.0," Data Model, Federal Spending Transparency, <http://bit.ly/2gvSZnQ>

¹³ "Data Act," USASpending.gov, <https://www.usaspending.gov/pages/data-act.aspx>

¹⁴ "MAX Information and Reports (Executive, Legislative, and Judicial Users): FY 2015 – SF 133 Reports on Budget Execution and Budgetary Resources) [sic]," Office of Management and Budget (OMB), <http://bit.ly/2fjmDwm>

¹⁵ Charles S. Clark, "Refreshed USASpending Website Irks Some Transparency Advocates," Government Executive, 3 April 2015, <http://bit.ly/1GlcPvL>

¹⁶ "Refreshed USASpending Website Irks Some Transparency Advocates," <http://bit.ly/1GlcPvL>

¹⁷ Department of the Treasury, *USASpending.gov Refreshed, But Data Quality Issues Remain* by the Office of Inspector General (Audit report, Washington, D.C., 22 December 2015), <http://bit.ly/2ezc1Yt>

¹⁸ US Government Accountability Office (GAO), *Oversight Needed to Address Underreporting and Inconsistencies on Federal Award Website* (Report, Washington, D.C., 30 June 2014), <http://www.gao.gov/products/GAO-14-476>

¹⁹ "Federal Spending Transparency Data Standards," OMB, <http://bit.ly/2eQC6Dz>

²⁰ US GAO, *DATA ACT: Progress Made but Significant Challenges Must Be Addressed to Ensure Full and Effective Implementation* by Michelle A. Sager (Report, Washington, D.C., 19 April 2016), <http://bit.ly/1XHE4pz>

²¹ "Fedspendingtransparency/USASpending-Issue-Tracker," <http://bit.ly/2g24vuL>

²² USASpending.gov, <http://bit.ly/2gZuAYE>

²³ Jessica Yabsley, "Treasury Unveils DATA Act-Mandated USASpending.gov Upgrade 18 Months Early," Blog, Data Coalition, 16 November 2015, <http://bit.ly/1kZrnZz>

²⁴ Matthew Rumsey, "Treasury's New USASpending.gov Beta Will Evolve in the Open," Sunlight Foundation, 11 November 2015, <http://bit.ly/2ehrFwA>

14 | FOREIGNASSISTANCE.GOV

Increase Transparency of Foreign Assistance

Greater foreign aid transparency promotes effective development by helping recipient governments manage their aid flows and by empowering citizens to hold governments accountable for the use of foreign assistance. Increased transparency also supports evidence-based, data-driven approaches to foreign aid. As outlined in past OMB guidance to Federal agencies, by December 2015, agencies managing or implementing U.S. foreign assistance will establish an automated and timely process for publishing foreign aid data to ForeignAssistance.gov. Throughout 2014, the United States Agency for International Development, the Department of State, Department of Health and Human Services, Department of Agriculture, Department of Defense, Department of Treasury, and other agencies will work to add or expand detailed, timely, and high-quality foreign assistance data to ForeignAssistance.gov. The Department of State, as the lead agency for the U.S. government on this issue, will also continue to engage civil society organizations and the public online about the content and the use of the data on the website.

Responsible Institution(s): Department of State

Supporting Institution(s): US Agency for International Development, the Department of State, Department of Health and Human Services, Department of Agriculture, Department of Defense, Department of Treasury, and other agencies

Start Date: 1 January 2014

End Date: 31 December 2015

COMMITMENT OVERVIEW	SPECIFICITY				OGP VALUE RELEVANCE (as written)				POTENTIAL IMPACT				COMPLETION		MIDTERM		DID IT OPEN GOVERNMENT?				
	None	Low	Medium	High	Access to Information	Civic participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	END OF TERM		Worsens	Did not change	Marginal	Major	Outstanding
															Substantial	Complete					
			X		X		X			X				X							
													X								

COMMITMENT AIM

The goal of this commitment was to increase foreign assistance transparency among all federal agencies managing or implementing US foreign assistance by establishing a process for publishing foreign aid data to ForeignAssistance.gov. The commitment required agencies managing US foreign assistance to add timely and high-quality foreign aid data to ForeignAssistance.gov throughout 2014.

STATUS

Midterm: Limited

After the first year of implementation, limited progress had been made on this commitment. By December 2014, 10 agencies administering 98 percent of US foreign assistance had published data on ForeignAssistance.gov, according to the government's midterm self-assessment report and civil society progress report. However, data on foreign assistance programs of the Department of Defense had not been reported in accordance with OMB guidelines.¹

End of term: Limited

This commitment has not been completed. A GAO review of ForeignAssistance.gov in August 2016 found that 10 out of 22 agencies required to disclose foreign assistance information published their data on the website. Moreover, the GAO found that the current data is incomplete because several of the 10 agencies that reported information provided only partial numbers.²

DID IT OPEN GOVERNMENT?

Access to information: Marginal

Greater foreign aid transparency may improve aid effectiveness and better coordination of aid resources. This commitment aimed to publish foreign assistance data online. At the close of the action plan, 10 agencies representing 98 percent of the US Government's foreign assistance portfolio provided data on ForeignAssistance.gov. The data on the website is from as early as fiscal year 2006 and is broken down into the nine categories of US foreign assistance.³ In addition, users can access the data through map visualizations, by downloading spreadsheets, or by filtering by country, agency, and year.

Despite the progress, the IRM researcher considers that this commitment only marginally opened government because the quality and scope of the data published so far is limited in many respects. According to the GAO report, the 10 reporting agencies for fiscal year 2014 did not report more than \$10 billion in disbursements and about \$6 billion in obligations. These missing amounts represented 26 percent of total annual disbursements and 14 percent of total annual obligations. Furthermore, the GAO found that "the website is not fully transparent about these data limitations" and was not updated "with verified annual data to ensure quality."⁴ The lack of comprehensiveness and quality limits the usability of the website's information.

According to civil society, another concern regarding data quality is that ForeignAssistance.gov often lacks descriptive project information that would give users greater insights into how funding is being used. Civil society also acknowledged that data comprehensiveness and usability remain serious issues that need attention.⁵

CARRIED FORWARD?

This commitment will be carried forward to the next action plan with plans to address the definition and scope of data on foreign assistance and to improve data quality. It will be important to ensure greater involvement from both the White House and agencies' senior leadership as well as to encourage collaboration across teams to provide meaningful information about US foreign assistance to the public.

¹ United States IRM Progress Report 2013-2015, <http://bit.ly/2e2RtYj>

² US GAO, FOREIGN ASSISTANCE: Actions Needed to Improve Transparency and Quality of Data on ForeignAssistance.gov by David B. Gootnick (Report, Washington, D.C., August 2016), <http://www.gao.gov/assets/680/679204.pdf>

³ The nine categories are economic development; education and social services; health; peace and security; democracy, human rights, and governance; environment; humanitarian assistance; program management; and, multisector.

⁴ FOREIGN ASSISTANCE: Actions Needed to Improve Transparency and Quality of Data on ForeignAssistance.gov, <http://www.gao.gov/assets/680/679204.pdf>

⁵ Civil Society Progress Report: Second Check-In on the Implementation of the United States' Second Open Government National Action Plan, <http://bit.ly/1O7asyN>

15 | PERFORMANCE.GOV

Continue to Improve Performance.Gov

Performance.gov provides a window to the public on the Administration's efforts to create a government that is more effective, efficient, innovative, and responsive. The Federal Government improved the website by publishing regular progress updates on agency and cross-agency goals. In 2014, the Federal Government will add new performance goals with implementation strategies as well as enhanced website functionality, such as data exports, to make the information more accessible and useable.

Responsible Institution(s): Office of Management and Budget

Supporting Institution(s): All agencies covered by the Chief Financial Officers Act of 1990

Start Date: 1 January 2014

End Date: 31 December 2014

COMMITMENT OVERVIEW	SPECIFICITY				OGP VALUE RELEVANCE (as written)				POTENTIAL IMPACT				COMPLETION		MIDTERM		END OF TERM		DID IT OPEN GOVERNMENT?				
	None	Low	Medium	High	Access to Information	Civic participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete	Worsens	Did not change	Marginal	Major	Outstanding		
			X		X			X		X					X					X			

COMMITMENT AIM

Performance.gov provides a window into the Administration's approach to improving performance and accountability with the aim of cutting waste, saving money, and better serving the American people. The commitment aimed to enhance the functionality of the website and to add new performance goals.

STATUS

Midterm: Substantial

At the midterm evaluation, substantial progress had been made on this commitment, although concerns remained. In February 2015, agencies added their new annual performance plans and reports to Performance.gov and reported on progress of the agency and cross-agency priority goals on a quarterly basis. It was not clear how this commitment met the objective of enabling federal agencies to clarify priorities and to operate more effectively.

End of term: Substantial

No noticeable progress was made since the midterm review. While agencies had been cooperative in the effort to add information to the website, the public's accessibility and usability of Performance.gov has not improved, according to the IRM researcher's review of the website. For example, there is no raw data to analyze, no time comparison, and no interpretation for the lay user.

DID IT OPEN GOVERNMENT?

Access to information: Marginal

This commitment aimed to increase efficacy of government performance by making federal agencies' performance goals and objectives more accessible and easier to use. All cabinet departments and nine other major agencies now publish strategic goals and objectives, Agency Priority Goals (APGs), and Cross-Agency Priority Goals on Performance.gov. While the website provides more data in an editable format as a result of this commitment, the IRM researcher found that this commitment only marginally increases access to information due to the website's limited practicality for the general public, including academic researchers. For example, it lacks raw data, illustrations of change over time, and interpretations for non-experts. According to a stakeholder, the site's intended audience is not clear given that its interface and information in PDF format does not seem appropriate for the general public.¹ In addition, the GAO reviewed a sample of Performance.gov data and found limited information on the quality of performance data used to determine progress on APGs. The GAO noted that "it would be challenging" for the public to understand how performance information "is accurate and reliable—that is, suitable for making judgments about agency progress or decisions for different courses of action."²

CARRIED FORWARD?

Although this commitment will not be carried forward to the next action plan, the government acknowledged plans to have exportable data available for agency performance goals.

¹ United States IRM Progress Report 2013-2015, <http://bit.ly/2e2RtYj>

² US GAO, *Greater Transparency Needed in Public Reporting on the Quality of Performance Information for Selected Agencies' Priority Goals* by J. Christopher Mihm (Report, Washington, D.C., 10 September 2015), <http://www.gao.gov/products/GAO-15-788>

16 | IMPORT AND EXPORT SYSTEMS

Consolidate Import and Export Systems to Curb Corruption

The Administration will develop guidelines for directing the consolidation of United States import/export systems to a “single window” platform to streamline business and regulatory transactions, promote transparency, and keep America competitive, safe, and secure.

Responsible Institution(s): Department of Homeland Security, Customs and Border Protection

Supporting Institution(s): Other agencies with authority regarding border issues such as the Department of Defense and the Department of the Interior

Start Date: Not Specified

End Date: Not Specified

COMMITMENT OVERVIEW	SPECIFICITY				OGP VALUE RELEVANCE (as written)				POTENTIAL IMPACT				COMPLETION		MIDTERM		DID IT OPEN GOVERNMENT?				
	None	Low	Medium	High	Access to Information	Civic participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	END OF TERM		Worsens	Did not change	Marginal	Major	Outstanding
															Substantial	Complete					
		X			X		X		X						X			X			
															X						

COMMITMENT AIM

This commitment aimed to streamline transactions and promote transparency so that the international trade community can comply with US trade laws and regulations more easily and efficiently.

STATUS

Midterm: Substantial

Substantial progress was made at the midterm evaluation. In collaboration with other federal agencies, the US Customs and Border Protection (CBP) was developing Automated Commercial Environment (ACE), which will become the single window platform for import and export requirements.¹ A specific guideline for developing and implementing ACE is available publicly on the CBP website.

End of term: Substantial

The timeline for this commitment predicted completion by the end of 2016. While significant capabilities have been deployed, concerns of stakeholder readiness necessitated additional time for testing and transition to ACE for various trade participants.² A transition period for electronic entry and entry summary filings in ACE began on 1 November 2015, according to the IRM researcher’s review of the CBP website.

DID IT OPEN GOVERNMENT?

Access to information: Did not change

The current trade system often requires importers and exporters to submit information manually and multiple times to multiple agencies. If successfully implemented, the electronic single window platform could increase transparency of the trade process significantly. However, because the platform was not implemented by the end of the action plan, it is too early to conclude whether this commitment opened the government.

CARRIED FORWARD?

This commitment will be carried forward to the next action plan with plans to meet the new timeline set by CBP.

¹ US Customs and Border Protection, *Automated Commercial Environment: ACEopedia* (January 2015), <http://bit.ly/1lqds1>

² "What Are the ACE Mandatory Use Dates?" ACE Mandatory Use Dates, <http://bit.ly/2gvLxch>

17 | PARTICIPATORY BUDGETING

Promote Public Participation in Community Spending Decisions

Participatory budgeting allows citizens to play a key role in identifying, discussing, and prioritizing public spending projects, and gives them a voice in how taxpayer dollars are spent. Several communities around the country, such as Chicago, New York, San Francisco, and Vallejo, already have had success in, or are currently planning, participatory budgeting processes to help determine local budgeting priorities. One way participatory budgeting can be utilized by cities is through eligible Department of Housing and Urban Development Housing and Community Development funds, which can be used to promote affordable housing, provide services to the most vulnerable citizens, and create jobs through the expansion and retention of businesses. In 2014, the Administration will work in collaboration with the Strong Cities, Strong Communities initiative (SC2), the National League of Cities, non-profit organizations, philanthropies, and interested cities to: create tools and best practices that communities can use to implement projects; raise awareness among other American communities that participatory budgeting can be used to help determine local investment priorities; and help educate communities on participatory budgeting and its benefits.

Responsible Institution(s): Office of Science and Technology Policy, the Department of Housing and Urban Development

Supporting Institution(s): Strong Cities, Strong Communities initiative, the National League of Cities, non-profit organizations, philanthropies, and interested cities

Start Date: 1 January 2014

End Date: 1 December 2014

COMMITMENT OVERVIEW	SPECIFICITY				OGP VALUE RELEVANCE (as written)				POTENTIAL IMPACT				COMPLETION		MIDTERM		DID IT OPEN GOVERNMENT?				
	None	Low	Medium	High	Access to Information	Civic participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	END OF TERM		Worsens	Did not change	Marginal	Major	Outstanding
															Substantial	Complete					
			X		X				X				X						X		

COMMITMENT AIM

Participatory budgeting initiatives have the potential to give citizens direct control over some portion of government funds spent in their community. This milestone aimed to create tools and best practices for participatory budgeting and for educating communities on the benefits of participatory budgeting.

STATUS

Midterm: Limited

Some progress was made at the midterm review, but efforts to promote participatory budgeting were not continued. In May 2014, the OSTP hosted a meeting to share lessons learned and to discuss best practices of participatory budgeting. Approximately 50 participants attended the meeting, including government staffers, funders, academics, and nonprofit organizations such as the Participatory Budgeting Project, Community Voices Heard, and the Community Development Project.¹ At the meeting, attendees shared their ongoing work related to participatory budgeting, discussed the work's impact, and brainstormed new strategies for engagement and outreach.² The Department of Housing and Urban Development (HUD) also created a new participatory budgeting resources page on its website in collaboration with civil society.³ However, by May 2015, no further efforts had been made to collaborate with stakeholders to promote public participation in community spending.

End of term: Limited

As of December 2015, the IRM researcher saw no progress since the midterm review.

DID IT OPEN GOVERNMENT?

Civic participation: Marginal

Communities around the world, including Porto Alegre in Brazil and Chicago in the US, successfully implemented participatory budgeting projects to help determine local budgeting priorities. Building on successful cases, this commitment sought to introduce participatory budgeting practices in many other communities in the country. The commitment had two main results: a meeting of subject-matter experts at the White House in May 2014 and a new HUD webpage with participatory budgeting resources.

While the results were positive steps forward for the development of participatory budgeting, they were limited in reach and only marginally opened government. Attendees called the White House meeting "fantastic" and noted that "having the White House come out and say that this is a best practice based on their set of criteria, research, and contacts with people who are on the ground implementing it, makes it make a lot more sense to some people."⁴ However, no further collaborative effort was made after the meeting to discuss and implement best practices of participatory budgeting. The new HUD webpage provides a brief description of participatory budgeting and nine links to external resources including a newspaper article, a journal article, an introductory video, and analyses of participatory budgeting.⁵ Nonetheless, the amount of resources is limited, and there is no evidence of dissemination, which would have contributed to raising awareness of the subject.

CARRIED FORWARD?

This commitment will be carried forward to the next national action plan with plans to make more concerted efforts at monitoring participatory budgeting pilots and measuring their success over time.

¹PBAdmin, "The White House & PBP Host National Convening," Participatory Budgeting Project, 12 June 2014, <http://bit.ly/2eBWtUL>

²Lynn Overmann and Vivian Graubard, "Promoting Innovation in Civic Engagement: Celebrating Community-led Participatory Budgeting," Blog, White House, 2 June 2014, <http://bit.ly/1eTIGI4>

³"Participatory Budgeting," HUD [US Department of Housing and Urban Development] Exchange, <http://bit.ly/2eDnLtJ>

⁴Nancy Scola, "The White House Brings Participatory Budgeting in from the Fringe," Next City, 15 May 2014, <http://bit.ly/2eWYhuB>

⁵"Participatory Budgeting," <http://bit.ly/2eDnLtJ>

18 | VISA SANCTIONS

Expand Visa Sanctions to Combat Corruption

In early 2014, the U.S. Government will launch an interagency process to explore ways to strengthen U.S. efforts to deny safe haven to corrupt individuals. These efforts include the possibility of strengthening the Presidential Proclamation that denies safe haven in the United States to those who have committed, participated in, or were beneficiaries of corrupt practices in performing public functions. Although this 2004 Proclamation has proven useful in denying safe haven to kleptocrats and their associates and families, experience with its enforcement has revealed several potential areas for enhancement that the Administration will continue to explore.

Responsible Institution(s): Department of State, Department of Justice, US Department of Treasury

Supporting Institution(s): None

Start Date: Not Specified

End Date: Not Specified

COMMITMENT OVERVIEW	SPECIFICITY				OGP VALUE RELEVANCE (as written)				POTENTIAL IMPACT				COMPLETION		MIDTERM		DID IT OPEN GOVERNMENT?							
	None	Low	Medium	High	Access to Information	Civic participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete	END OF TERM							
																	Worsens	Did not change	Marginal	Major	Outstanding			
		X			Unclear					X									X					
														X										

COMMITMENT AIM

This milestone aimed to expand visa sanctions to those who have committed, participated in, or were beneficiaries of corrupt practices in performing public functions.

STATUS

Midterm: Limited

Limited progress was made by the end of the first year of implementation. US Congress passed a series of bills that impose sanctions against foreign officials who show strong evidence of corruption or violation of human rights, including visa bans and asset freezes against Russians and Ukrainians who abused human rights in Ukraine.

End of term: Limited

As of December 2015, the IRM researcher identified no further progress toward expanding visa sanctions to foreign officials convicted of corruption or human rights violations.

DID IT OPEN GOVERNMENT?

Access to information: Did not change

Civic participation: Did not change

Public accountability: Did not change

Due to its weak relevance to open government and limited completion rate, this commitment did not increase transparency in government, civic participation, or public accountability.

CARRIED FORWARD?

This commitment was not carried forward to the next action plan. Because its relevance to open government is unclear, the IRM researcher recommends that this commitment be substantially revised with clear links to one or more of the open government values before being included in the future. Public access to information and public accountability should be core parts of the goal of exposing international corruption and preventing individual perpetrators from taking safe harbor in the US.

19 | PUBLIC PARTICIPATION IN RULEMAKING

Further Expand Public Participation in the Development of Regulations

The Administration continues to promote public participation in rulemaking, which covers such diverse subjects as energy, education, homeland security, agriculture, food safety, environmental protection, health care, and airline and automobile safety. Regulations.gov and a related underlying electronic Federal Docket Management System (FDMS) support the rulemaking processes at most Administration and many independent regulatory agencies, and are designed to make it easier for the public to comment on proposed regulations and for government agencies to post those proposed rules online. The online platform currently allows the public to view and comment on proposed rules, and includes associated data in the docket that can be searched and downloaded. The Administration will:

- **Make Commenting on Proposed Rulemakings Easier.** The eRulemaking Program Management Office (PMO), which leads Regulations.gov and the FDMS, will explore launching an API to allow the public to comment on proposed regulations using third-party websites.
- **Continue Proactive Outreach with Stakeholders.** To be responsive to non-government users of Regulations.gov, the PMO will continue to proactively engage and meet with outside stakeholder groups to obtain input on how best to improve the website.
- **Make Regulations Easier to Read.** The Consumer Financial Protection Bureau launched an [open source pilot](#) to make regulations easier to read and understand. Based on the performance of the pilot, the model will be considered for potential expansion to other agencies.¹

Responsible Institution(s): Office of Management and Budget

Supporting Institution(s): Environmental Protection Agency, General Services Administration, National Archives and Records Administration, and Consumer Financial Protection Bureau

Start Date: Not Specified

End Date: Not Specified

COMMITMENT OVERVIEW	SPECIFICITY				OGP VALUE RELEVANCE (as written)				POTENTIAL IMPACT				COMPLETION		MIDTERM		DID IT OPEN GOVERNMENT?				
	None	Low	Medium	High	Access to Information	Civic participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	END OF TERM		Worsens	Did not change	Marginal	Major	Outstanding
															Substantial	Complete					
19. Overall		X				X	X		X						X				X		
19.1. Commenting on Rulemaking		X				X	X		X												
19.2. Stakeholder Outreach		X				X			X						X						
19.3. Regulations		X				X	X		X						X						

COMMITMENT AIM

This commitment aimed to promote public participation in rulemaking by making it easier for people to find open rulemakings, review relevant documents, and submit comments.

STATUS

Midterm: Substantial

The simplification of comments on proposed rulemakings was complete at the midterm review. The interagency eRulemaking team developed a new API that enables the public to comment on proposed regulations using third-party websites. Substantial progress was made on continued stakeholder engagement and more readable regulations. The eRulemaking team continuously reached out to civil society stakeholders for input in making improvements with Regulations.gov, and civil society members interviewed assessed the Regulations.gov changes positively.² The Consumer Financial Protection Bureau (CFPB) and GSA also worked and vowed to continue working together to explore opportunities to expand CFPB's open source pilot to other agencies,³ according to the government's midterm self-assessment report.

End of term: Completed

The IRM researcher identified continued efforts toward engaging with stakeholders and making regulations easier to read. In response to outside stakeholders, the eRulemaking team implemented enhancements and upgrades to Regulations.gov since the midterm review. For example, in August 2015, the homepage contents and layouts, the point of contact section, and the primary documents section to improve user accessibility and usability were updated. Meanwhile, CFPB piloted its open source pilot tool with the Bureau of Alcohol, Tobacco, Firearms, and Explosives, according to the government's self-assessment report.⁴

DID IT OPEN GOVERNMENT?

Civic participation: Marginal

This commitment aimed to improve public participation in rulemaking by making it easier to read regulations and comment on them. The main results of the commitment—the ability to comment on regulations from websites other than regulations.gov and a new pilot platform for easy reading of regulations—represent positive yet incremental steps forward for civic participation.

While the API released in 2014 allows users to submit comments on regulations.gov from third-party websites,⁵ the IRM researcher only saw the Federal Register using the API on its website.⁶ No statistics are available on the number or percentage of comments on regulations.gov that come from external sites.⁷ Nonetheless, especially compared to the 2012 API launch⁸ which allowed third-party initiatives to pull and visualize commenting data from regulations.gov,⁹ the most recent functionality is only a marginal improvement.

The eRegulations tool makes regulations much easier to read for ordinary citizens by providing in-line interpretations and definitions, a feature for viewing and comparing revisions, and an easy-to-use design that works on tablets and phones.¹⁰ However, at this point, only one chapter of alcohol, tobacco products, and firearm regulations is available.¹¹

CARRIED FORWARD?

These milestones will be carried forward to the next national action plan with plans to incorporate stakeholder feedback prior to the drafting process of regulations.

¹This commitment included three specific, related milestones that are analyzed together.

²*Civil Society Progress Report: Second Check-In on the Implementation of the United States' Second Open Government National Action Plan*, <http://bit.ly/1O7asyN>

³"Repositories," Consumer Financial Protection Bureau, GitHub, <https://github.com/cfpb>

⁴*United States of America Final Self-Assessment Report for the Open Government Partnership: Second Open Government National Action Plan 2013-2015*, <http://bit.ly/1VqfUPm>

⁵This article provides a detailed explanation of the differences between the previously launched API and the most recent version. Bill Brantley, "The API Briefing: Writable APIs – The Federal Register.gov Commenting Feature," DigitalGov, 13 August 2014, <http://bit.ly/2fzRRDz>

⁶Office of the Federal Register, "New 'Submit a Formal Comment' Feature!" NARA, July 2014, <http://bit.ly/2fjx9od>

⁷"Site Data," Regulations.gov, <https://www.regulations.gov/siteData>

⁸Alexander Howard, "Regulations.gov Relaunches with APIs, Integrates Social Media, Hopes for Public Participation," GovFresh, 21 February 2012, <http://bit.ly/2eiSBHo>

⁹Splunk, "eRegulations Insights," <http://bit.ly/2esrKfj>

¹⁰eRegulations Beta, <https://atf-eregs.18f.gov/about>

¹¹eRegulations Beta, <https://atf-eregs.18f.gov/>

20 | OPEN DATA

Open Data to the Public

Open Data fuels innovation that grows the economy and advances government transparency and accountability. Government data has been used by journalists to uncover variations in hospital billings, by citizens to learn more about the social services provided by charities in their communities, and by entrepreneurs building new software tools to help farmers plan and manage their crops. Building upon the successful implementation of open data commitments in the first NAP, the second NAP will include commitments to make government data more accessible and useful for the public. Through these commitments, the United States will:

- **Manage Government Data as a Strategic Asset.** In an effort to make U.S. Government data more accessible and useful, Federal agencies will develop an inventory of their data and publish a list of datasets that are public or can be made public. Agencies will also develop new mechanisms to solicit public feedback regarding open government data.
- **Launch an Improved Data.gov.** Data.gov allows the public to easily find, download, and use data collected or created by the Federal Government. The United States will launch a new version of Data.gov to make it even easier to discover, understand, and use open government data. The new Data.gov will index all Federal agency datasets in one easy-to-use catalog. This new website will help developers, researchers, journalists, and other stakeholders find data and will help the public more easily find tools and resources to access Government services.
- **Open Agriculture and Nutrition Data.** Global development, agriculture, and health have been a key focus of the Administration's Open Data Initiatives. To expand these efforts internationally, the United States, in partnership with the United Kingdom, established the Global Open Data on Agriculture and Nutrition (GODAN). GODAN aims to increase the quality, quantity, and timeliness of available data to support agriculture and nutrition efforts - as well as to increase the number and diversity of stakeholders who are applying data-based solutions to improve agriculture and nutrition. This initiative will support public and private global efforts to make agriculture and nutrition data more available and easier to access. The United States will create an interagency group that will promote open data efforts in the public and private sectors and encourage new efforts to release agriculture and nutrition data.
- **Open Natural Disaster-Related Data to Support Response and Recovery Efforts.** Government data is used to help first responders and survivors make better-informed decisions during the chaos of a natural disaster. Expanding the amount of natural disaster-related open government data will increase awareness of the effects of natural disasters and improve disaster relief and recovery efforts. FEMA, through its [OpenFEMA](#) initiative, will release new disaster-related data in a machine-readable format and host workshops to build tools that support first responders, survivors, and impacted communities.¹

Responsible Institution(s): Federal Emergency Management Agency

Supporting Institution(s): Office of Management and Budget, General Services Administration, US Department of Agriculture

Start Date: Not Specified

End Date: Not Specified

COMMITMENT OVERVIEW	SPECIFICITY				OGP VALUE RELEVANCE (as written)				POTENTIAL IMPACT				COMPLETION		MIDTERM		DID IT OPEN GOVERNMENT?																			
	None	Low	Medium	High	Access to Information	Civic participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	END OF TERM		Worsens	Did not change	Marginal	Major	Outstanding															
															Substantial	Complete																				
20. Overall				X	X		X			X					X				X																	
20.1. Inventory of Data				X	X				X						X																					
20.2. Data.gov				X	X		X		X						X																					
20.3. Open Agriculture and Nutrition Data				X	X				X			X																								
20.4. OpenFEMA			X		X		X		X					X																						
														X																						

COMMITMENT AIM

This open data commitment aimed to make government data more accessible and useful for the public by publishing agriculture data, nutrition data, and natural disaster-related data, as well as by improving the usability of Data.gov.

STATUS

Midterm: Substantial

By the midterm evaluation, substantial progress was made on developing data inventories. The OMB used a public dashboard to monitor agency compliance on developing inventory of their data and published a list of datasets that are public or could be made public.²

The government also launched an improved Data.gov. The website implemented a new version of catalog CKAN in January 2014, which consolidates all datasets into a single catalog.³

Limited progress was made on releasing agriculture and nutrition data. According to the civil society members that the IRM researcher interviewed, the only noticeable effort made by the Administration to open more agriculture and nutrition data was to encourage relevant organizations to join the Global Open Data on Agriculture and Nutrition (GODAN).⁴

Substantial progress was made on releasing natural disaster-related data. Federal Emergency Management Agency (FEMA) offered some of its data publicly in a machine-readable format via an API. In addition, FEMA hosted several workshops and meetings with civil society stakeholders to discuss best practices expanding the amount of natural disaster-related open data to support disaster survivors and impacted communities.

End of term: Substantial

As part of the OpenFEMA initiative, FEMA launched the beta version of a data visualization tool in January 2015. On 11 June 2015, the agency officially released the tool. The IRM researcher did not find further progress on the other milestones.

DID IT OPEN GOVERNMENT?

Access to information: Marginal

Civic participation: Marginal

Public accountability: Marginal

This commitment sought to make government data more accessible and useful for the public. As written, it focused on improving access to information. However, as implemented, the commitment also contributed to civic participation and public accountability in a marginal way. Although some of the commitment's milestones did not enhance open government practices,⁵ positive results include improvements to data.gov and natural disaster-related data. The data.gov site now works on mobile phones and tablets, has a simpler and more visually appealing design, and features icons on the home screen for easy access to popular subjects. In addition, it now runs on open source systems and is being developed in the open.⁶ The government also launched a customer help desk in March 2015 for users to request data or report problems.⁷ Users so far submitted hundreds of requests, which are available publicly along with the government's response.⁸ Given that people can report problems and receive feedback to their claims, this tool represents a small step forward for participation and accountability.

As for natural disaster-related data, FEMA published data summaries of all federally declared disasters and launched a data visualization tool that was well received by civil society.⁹ The tool allows users to view disasters by type or location down to the county level and to view the amount of federal resources allocated to states, tribes, and territories.¹⁰ It can help the public assess the risk of disasters in their area for preparation purposes. It is also a preliminary step for holding the government accountable for disaster spending as users can see if funding is going to the areas that are most afflicted by natural disasters.

CARRIED FORWARD?

Open data will be carried forward to the next national action plan with plans to help the public engage more in the process of opening government data. For data consumers to make determinations about what data is missing and what data they would find useful, it is necessary to have more comprehensive and accurate data listings on Data.gov.

¹This commitment included four specific milestones that are analyzed together.

²"Selected: Milestone 13 – November 20th 2016," Project Open Data Dashboard, <https://labs.data.gov/dashboard/offices>

³CKAN, <http://demo.ckan.org/>

⁴Global Open Data for Agriculture and Nutrition (GODAN), <http://www.godan.info>

⁵For example, there is no evidence of agriculture or nutrition data releases. In addition, although most agencies have public data listings, there was no notable improvement in the number of agencies with high-quality listings during the time frame of the action plan. According to the Project Open Data Dashboard, 14 agencies had high-quality listings for the quarter ending in May 2014, but only 13 agencies had high-quality listings for the quarter ending in November 2015. "Selected: Milestone 13 – November 20th 2016," Project Open Data Dashboard, <https://labs.data.gov/dashboard/offices>

⁶Marion Royal, "Designing for Open Data: Improvements to Data.gov," Developers, Data.gov, 12 January 2014, <http://bit.ly/2ePTFmT>

⁷Philip Ashlock, "Announcing the Data.gov Help Desk," Meta [Blog], Data.gov, 20 March 2015, <http://bit.ly/2ey3sxx>

⁸"Data Requests," Data.gov, Data.gov <https://www.data.gov/requests>

⁹For example, the Center for Disaster Philanthropy described FEMA's "incredible data visualization tool" as useful not just for the public, but also for funders, who can use it to avoid duplicating government efforts, to better fill gaps in coverage, and to predict future disasters. Regine A. Webster, "FEMA Offers New Tool for Disaster Philanthropy," Blog, Center for Disaster Philanthropy, 12 July 2015, <http://bit.ly/2fyMwHO>

¹⁰"FEMA Launches New Data Visualization Tool," Updates, Domestic Preparedness, 18 June 2015, <http://bit.ly/2eGwPR9>

21 | EXPERTNET

Continue to Pilot Expert Networking Platforms

Expert networking platforms offer the potential for Government officials to find and connect with Federal colleagues, academic researchers, or members of the general public that have specialized skills or unique expertise. The pilot program ExpertNet, launched by the Food and Drug Administration to connect Federal experts with each other and with citizens who have expertise on a pertinent topic, will be expanded in 2014. The Environmental Protection Agency and U.S. Department of Agriculture are also working to leverage a similar networking platform to enable collaboration and discovery among researchers and scientists. The Administration will work with the research community to assess the impact of expert networking and will convene agencies to identify best practices.

Responsible Institution(s): Food and Drug Administration, Environmental Protection Agency, US Department of Agriculture

Supporting Institution(s): Members of academic community and other researchers

Start Date: 1 January 2014

End Date: 31 December 2014

COMMITMENT OVERVIEW	SPECIFICITY				OGP VALUE RELEVANCE (as written)				POTENTIAL IMPACT				COMPLETION		MID TERM		DID IT OPEN GOVERNMENT?							
	None	Low	Medium	High	Access to Information	Civic participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete	END OF TERM		Worsens	Did not change	Marginal	Major	Outstanding	
		X				X				X				X						X				

COMMITMENT AIM

This commitment aimed to expand expert networking platforms within agencies such as ExpertNet, launched by the Food and Drug Administration (FDA). It also aimed to collaborate with the research community to determine the impact of these platforms and to identify best practices.

STATUS

Midterm: Limited

At the time of the midterm review, a limited amount of work had been done on this commitment. The government's self-assessment report states that the FDA expanded its ExpertNet pilot to include other parts of the agency and began drafting best practices. However, both civil society and the IRM researcher were uncertain whether the FDA's pilot program was in use because it was hard to access the program via online search.

End of term: Limited

No progress has been made on this commitment since the midterm review.

DID IT OPEN GOVERNMENT?

Civic participation: Did not change

Expert networking platforms connect experts in government with each other and with experts outside of government to encourage collaboration and scholarship on a wide variety of topics. This commitment aimed to expand the pilot platform launched by the FDA and explore the impacts of these communities. The IRM researcher found little evidence that FDA's ExpertNet has played an important role in opening the government, given that it is unclear if the platform has been in use.

CARRIED FORWARD?

This commitment was not included in the third national action plan.

22 | FEDERAL WEBSITES

Reform Government Websites

More citizens seek government information through the internet than any other source. In addition to continuing to be accessible, government websites should be easy to find, use, and navigate. The Administration will continue to work to implement its [Digital Government Strategy](#) to improve Federal websites and to promote a more citizen-centered government. These efforts will include revising and updating OMB policies for Federal Agency websites in 2014.

Responsible Institution(s): Office of Management and Budget, General Services Administration

Supporting Institution(s): All federal agencies

Start Date: 1 January 2014

End Date: 31 December 2014

COMMITMENT OVERVIEW	SPECIFICITY				OGP VALUE RELEVANCE (as written)				POTENTIAL IMPACT				COMPLETION		MIDTERM		DID IT OPEN GOVERNMENT?				
	None	Low	Medium	High	Access to Information	Civic participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	END OF TERM		Worsens	Did not change	Marginal	Major	Outstanding
															Substantial	Complete					
			X		X		X		X						X				X		
															X						

COMMITMENT AIM

This commitment aimed to make government websites more accessible, usable, and useful for citizens by implementing the Digital Government Strategy and by updating OMB policies for federal agency websites.

STATUS

Midterm: Substantial

While the actual revision of OMB policies for federal agency websites was not done at the midterm review, some noticeable efforts had been made to provide guidance for improving the websites, including the White House's release of the US Digital Service Playbook¹ and the TechFAR Handbook² in 2014.

End of term: Substantial

Little progress has been made on improving federal websites since the midterm review. As of December 2015, revised OMB policies for federal websites were not available online. The only update the IRM researcher identified was a June 2015 Memorandum requiring federal websites to provide services through a secure connection.³

DID IT OPEN GOVERNMENT?

Access to information: Marginal

To improve federal websites and to promote a more citizen-centered government, this commitment aimed at developing and utilizing best practices to improve government websites. While the playbook details 13 best practices for building effective digital services, and the handbook offers guidance on how to implement these practices, it is unclear whether and to what extent federal agencies are employing the strategies to improve their websites. Some websites are not easy to use and navigate. After the close of the action plan, the OMB noted that it would “start to hold agencies and our acquisition partners, our private sector partners, more accountable to using...the Digital Services Playbook [emphasis added].”⁴ Therefore, although the commitment could lead to significant changes in the future, it has improved access to information only marginally.

CARRIED FORWARD?

This commitment will be carried forward to the next national action plan with plans to improve web design standards, assess website accessibility, and develop Limited English Proficiency policies.

¹ “USDS/Playbook,” GitHub, <http://bit.ly/1K9Bov3>

² “USDS/Playbook,” <http://bit.ly/1K9Bov3>

³ Executive Office of the President OMB, *Policy to Require Secure Connections Across Federal Websites and Web Services* by Federal Chief Information Officer Tony Scott (Memorandum, Washington, D.C., 8 June 2015), <http://bit.ly/2mNFPGr>

⁴ Nicole Ogrysko, “OMB Wants Digital Services Playbook to Be More than Shelfware,” Federal News Radio, 19 January 2016, <http://bit.ly/23egzsl>

23 | PUBLIC COLLABORATION

Promote Innovation Through Collaboration and Harness the Ingenuity of the American Public

Creating a more Open Government and addressing our Nation's most challenging issues requires an informed and active citizenry. Recognizing the value of the American public as a strategic partner in addressing some of the country's most pressing challenges, the United States will work to more effectively harness the expertise, ingenuity, and creativity of the American public by enabling, accelerating, and scaling the use of open innovation methods across the Federal Government, including commitments to:

- **Create an Open Innovation Toolkit.** In 2014, the Administration will convene an interagency group to develop an "open innovation toolkit" for Federal agencies that will include best practices, training, policies, and guidance on authorities related to open innovation, including approaches such as incentive prizes, crowdsourcing, and citizen science.
- **New Incentive Prizes and Challenges on Challenge.gov.** The U.S. Government champions the use of challenges, prizes, and competitions to catalyze breakthroughs in national priorities. Launched on September 2010, Challenge.gov has hosted more than 300 crowdsourcing competitions, and the platform has been used by more than 50 Federal departments and agencies. The website will continue to provide public listings of new competitions offered by the Administration to engage citizens in solving difficult problems to help agencies achieve their missions.
- **Increased Crowdsourcing and Citizen Science Programs.** Public participation in scientific research, one type of crowdsourcing known as "citizen science", allows the public to make critical contributions to the fields of science, technology, engineering, and math by collecting, analyzing, and sharing a wide range of data. The Administration will expand its use of crowdsourcing and citizen science programs to further engage the public in problem-solving. For example, the National Aeronautics and Space Administration (NASA) will seek to drastically increase the number of asteroid observations by the amateur astronomer community as part of the Asteroid Grand Challenge. NASA will also launch the third International Space Apps Challenge in 2014, building upon the previously successful International Space Apps Challenges to continue to use publicly-released data to solve global challenges. In addition, the Environmental Protection Agency will expand its citizen science activities, such as leveraging crowdsourcing to monitor water quality; NARA will increase its citizen archivist crowdsourcing projects that make records more accessible online to include captioning of historical films and transcription of other Federal records by the public; and the U.S. Geological Survey will expand its National Map Corps program to use public input to improve the National Map.¹

Responsible Institution(s): Office of Science and Technology Policy, Environmental Protection Agency, Department of Health and Human Services, National Archives and Records Agency, Office of Personnel Management, US Agency for International Development

Supporting Institution(s): National Aeronautics and Space Administration, US Geological Survey

COMMITMENT OVERVIEW	SPECIFICITY				OGP VALUE RELEVANCE (as written)				POTENTIAL IMPACT				COMPLETION		MIDTERM		DID IT OPEN GOVERNMENT?				
	None	Low	Medium	High	Access to Information	Civic participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	END OF TERM		Worsens	Did not change	Marginal	Major	Outstanding
															Substantial	Complete					
23. Overall			X	X	X	X	X			X					X					X	
23.1. Open Innovation Toolkit				X	X	X	X		X						X						
23.2. Challenge.gov			X		X	X	X		X						X						
23.3. Citizen Science Programs			X		X	X	X			X					X						

COMMITMENT AIM

This commitment aimed to enhance collaboration between the public and the federal government by using open innovation tools such as citizen science and crowdsourcing.

STATUS

Midterm: Substantial

Substantial progress was made on all aspects of the commitment at the time of the midterm evaluation. In November 2014, the OSTP and the Challenges and Prizes Community of Practice hosted a workshop to kick off the development of the Open Innovation Toolkit.² In addition, since its launch in 2010, Challenge.gov hosted nearly 400 crowdsourcing competitions and was used by more than 70 federal departments and agencies.³ Lastly, some federal agencies, including the NARA and the Environmental Protection Agency (EPA), made continuous efforts to expand their use of crowdsourcing and citizen science projects.

End of term: Substantial

In September 2015, OSTP collaborated with other federal agencies and the Domestic Policy Council to host another workshop entitled Open Science and Innovation: Of the People, By the People, For the People. The workshop aimed to raise awareness of open innovation tools inside and outside of the federal government.⁴ During the same month, an interagency group of experts launched the first of two parts of the Open Innovation Toolkit: The Citizen Science and Crowdsourcing Toolkit.⁵

The Challenge.gov website improved. Federal agencies have continued to use prize competitions to engage citizens in helping agencies solve problems and achieve their missions. A new mentorship program launched in October 2015 to avail some experts in public sector challenges to agencies looking to host a challenge event.⁶ By the end of the action plan, more than 80 federal agencies had hosted over 640 competitions.⁷

Lastly, in collaboration with other federal agencies, the Federal Community of Practice on Crowdsourcing and Citizen Science (CCS) hosted a series of workshops and meetings since the midterm report to share lessons learned and to develop best practices for designing, implementing, and evaluating crowdsourcing and citizen science initiatives.⁸

By the end of 2015, all five citizen science initiatives mentioned in the commitment text were underway and growing: the National Aeronautics and Space Administration (NASA) Asteroid Grand Challenge,⁹ the third International Space Apps Challenge,¹⁰ an EPA crowdsourcing initiative to monitor water quality,¹¹ the NARA citizen archivist project,¹² and the US Geological Survey National Map Corps program.¹³

DID IT OPEN GOVERNMENT?

Access to information: Did not change

Civic participation: Major

Open innovation tools such as citizen science and crowdsourcing could make government more effective and efficient in the production and delivery of public services as well as could enhance the relationship between government and citizens. This commitment sought to further identify and expand citizen science and crowdsourcing efforts. Although it is too early to capture the long-term impacts and gains from these new collaborative tools, crowdsourcing and citizen science projects created many more opportunities for citizens to collaborate with federal agencies and thus opened the government in a major way.

Some of the successful proposals on Challenge.gov fostered genuine collaboration between government and citizens. For example, the Safe Shelter Collaborative, a project led jointly by civil society and the New Jersey Department of Children and Families, uses technology to help service providers, law enforcement agencies, and other stakeholders find shelter space for human trafficking survivors.¹⁴ In a different project, federal and external researchers worked together to use government illness data to forecast the timing, peak, and intensity of the influenza season.¹⁵ Since its creation, more than 250,000 people have participated in challenges on Challenge.gov, and the website has been visited more than 4.5 million times.¹⁶

The Administration's new citizen science projects also improved opportunities for citizens to engage with government. Notable examples include the EPA's Air Sensor Toolbox that allows citizens to monitor local air pollution¹⁷ and NASA's Asteroid Data Hunter, through which citizens can help identify asteroids to protect against the threat of impacts.¹⁸

CARRIED FORWARD?

The topic of open innovation will be carried forward to the next national action plan with plans to further expand open innovation activities, coordinate them across government, redesign Challenge.gov, and increase public participation in open science.

¹This commitment included three specific, related milestones that are analyzed together.

²"Challenges and Prizes Community," DigitalGov, <http://bit.ly/2h8g1AX>

³"Introduction to Challenge.gov." About, Challenge.gov, <https://www.challenge.gov/about/>

⁴Jenn Gustetic, Kristen Honey, and Lea Shanley, "Open Science and Innovation: Of the People, By the People, For the People," Blog, White House, 9 September 2015, <http://bit.ly/1MeY9Sj>

⁵"Federal Crowdsourcing and Citizen Science Toolkit," Toolkit Citizenscience.gov, <https://crowdsourcing-toolkit.sites.usa.gov/>

⁶"Mentors," Challenge.gov, <https://www.challenge.gov/mentors/>

⁷"About," Challenge.gov, <https://www.challenge.gov/about/>

⁸"Federal Crowdsourcing and Citizen Science," Digital.gov, <http://bit.ly/2gZo8B3>

⁹US GAO, *OPEN INNOVATION: Practices to Engage Citizens and Effectively Implement Federal Initiatives* by J. Christopher Mihm (Report to congressional committees, Washington, D.C., October 2016), <http://www.gao.gov/assets/690/680425.pdf>

¹⁰"NASA Space Apps Challenge," National Aeronautics and Space Agency (NASA), 14 April 2014, <http://go.nasa.gov/2eFIBsq>

¹¹"EPA Urban Waters Program – Amigos Bravos," Catalog CitizenScience.gov, <http://bit.ly/2eFK6a5>

¹²"Citizen Archivist Dashboard," National Archives, <https://www.archives.gov/citizen-archivist>

¹³US Geological Survey, "The National Map Corps," <http://nationalmap.gov/TheNationalMapCorps/index.html>

¹⁴Business Wire, "Caravan Studios Wins Competition for Innovative Solution Supporting Human Trafficking Survivors," 30 April 2014, <http://bit.ly/2f7aLxs>

¹⁵"Flu Activity Forecasting Website Launched," Influenza, Centers for Disease Control and Prevention, 19 January 2016, <http://bit.ly/1nw0WMM>

¹⁶"About," Challenge.gov, <https://www.challenge.gov/about/>

¹⁷Federal Crowdsourcing and Citizen Science Toolkit, "The Air Sensor Toolbox: Citizen Scientists Measure Air Quality," <http://bit.ly/2f7jQpl>

¹⁸Asteroid Data Hunter, NASA Tournament Lab, <http://asteroids.topcoder.com/asteroiddatahunter/>

24 | OPEN EDUCATION

Open education is the open sharing of digital learning materials, tools, and practices that ensures free access to and legal adoption of learning resources. There is a growing body of evidence that the use of open education resources improves the quality of teaching and learning, including by accelerating student comprehension and by fostering more opportunities for affordable cross-border and cross-cultural educational experiences. The United States is committed to open education and will:

- **Raise open education awareness and identify new partnerships.** The U.S. Department of State, the U.S. Department of Education, and the Office of Science and Technology Policy will jointly host a workshop on challenges and opportunities in open education internationally with stakeholders from academia, industry, and government. The session will foster collaboration among OGP members and other interested governments and will produce best practices to inform good policies in open education.
- **Pilot new models for using open educational resources to support learning.** The State Department will conduct three pilots overseas by December 2015 that use open educational resources to support learning in formal and informal learning contexts. The pilots' results, including best practices, will be made publicly available for interested educators.
- **Launch an online skills academy.** The Department of Labor (DOL), with cooperation from the Department of Education, will award \$25 million through competitive grants to launch an online skills academy in 2015 that will offer open online courses of study, using technology to create high-quality, free, or low-cost pathways to degrees, certificates, and other employer-recognized credentials. This academy will help students prepare for in-demand careers. Courses will be free for all to access on an open learning platform, although limited costs may be incurred for students seeking college credit that can be counted toward a degree. Leveraging emerging public and private models, the investments will help students earn credentials online through participating accredited institutions, and expand the open access to curriculum designed to speed the time to credit and completion. The online skills academy will also leverage the burgeoning marketplace of free and open-licensed learning resources, including content developed through DOL's community college grant program, to ensure that workers can get the education and training they need to advance their careers, particularly in key areas of the economy.

Responsible Institution(s): Department of State, Department of Education, Office of Science and Technology Policy

Supporting Institution(s): None

COMMITMENT OVERVIEW	SPECIFICITY				OGP VALUE RELEVANCE (as written)				POTENTIAL IMPACT				COMPLETION		MIDTERM		DID IT OPEN GOVERNMENT?				
	None	Low	Medium	High	Access to Information	Civic participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	END OF TERM		Worsens	Did not change	Marginal	Major	Outstanding
															Substantial	Complete					
24. Overall				X	X	X	X			X					X			X			
24.1. Awareness and Partnerships				X		X				X				X							
24.2. Pilot New Models of Learning				X	X		X			X											
24.3. Online Skills Academy				X	X					X											

COMMITMENT AIM

This commitment built on existing initiatives to promote open education by ensuring free or low-cost access to digital learning materials, tools, and practices such as an online skills academy.

STATUS

Midterm: Substantial

Limited progress was made in raising awareness of open education by the midterm review. In consultation with civil society stakeholders, agencies had planned the logistics for an open education workshop, including goals, location, timing, and invitees.¹

Substantial progress was made on piloting new open education models and launching an online skills academy. The Department of State began implementing the first and second pilot programs and initial preparations were underway for the third pilot.² In preparation for launching an online skills academy,³ the Department of Labor and Department of Education hosted a public virtual listening session in February 2015 to solicit public input on the development of the academy that would offer open online courses for free or at low costs.⁴

End of term: Substantial

The milestone related to raising awareness of open education was completed. In September 2015, the White House OSTP, the Department of Education, and the Department of State cohosted an International Open Education Workshop, bringing together civil society and foreign government participants from eight countries to examine existing open education efforts and to identify opportunities for future collaboration between government and civil society.⁵ At the workshop, participants shared examples of ways that openly licensed educational materials are being used to solve local education challenges around the world. The Department of State also completed three overseas pilot programs, compiled results, and published them online.⁶ The IRM researcher found no further progress on a skills academy since the midterm report. It is unclear whether there has been progress in the development of the academy after the public listening session in February 2015, according to the civil society final progress report.

DID IT OPEN GOVERNMENT?

Access to information: Did not change

Civic participation: Did not change

This commitment sought to increase efforts to support open educational resources. Given that some students, particularly those from low income families, do not have access to high-quality educational content while others do, providing free and openly accessible digital learning materials can play an outstanding role in improving students' educational experiences. However, this commitment has a weak relevance to promoting transparency in government or other open government values.

CARRIED FORWARD?

This commitment is included in the third action plan and seeks to expand access to open educational resources through open licensing and technology.

¹ US Government points of contact for the US Second National Open Government Action Plan, survey administered by Suzanne Piotrowski, 2015.

² United States of America Midterm Self-Assessment Report for the Open Government Partnership: Second Open Government National Action Plan 2013-2015, <http://bit.ly/2neovNA>

³ "Online Skills Academy," US Department of Labor, <http://www.doleta.gov/skillsacademy/>

⁴ United States of America Midterm Self-Assessment Report for the Open Government Partnership: Second Open Government National Action Plan 2013-2015, <http://bit.ly/2neovNA>

⁵ Richard Culatta, Sunshine Ison, and Nancy Weiss, "Openly Licensed Educational Resources: Providing Equitable Access to Education for All Learners," Blog, White House, <http://bit.ly/1OPoEND>

⁶ "U.S. Department of State Pilots Use Cases for Open Educational Resources," Bureau of Educational and Cultural Affairs, US Government, <http://bit.ly/2g3q1uo>

25 | DELIVER SERVICES THROUGH INFORMATION TECHNOLOGY

The Administration is committed to serving the American people more effectively and efficiently through smarter IT delivery. The newly launched U.S. Digital Service will work to remove barriers to digital service delivery and remake the experience that people and businesses have with their government. To improve delivery of Federal services, information, and benefits, the Administration will:

- **Expand digital service delivery expertise in government.** Throughout 2015, the Administration will continue recruiting top digital talent from the private and public sectors to expand services across the government. These individuals - who have expertise in technology, procurement, human resources, and financing - will serve as digital professionals in a number of capacities in the Federal government, including the new U.S. Digital Service and 18F digital delivery team within the U.S. General Services Administration, as well as within multiple Federal agencies. These teams will take best practices from the public and private sectors and scale them across agencies with a focus on the customer experience.
- **Build digital services in the open.** The Administration will expand its efforts to build digital services in the open. This includes using open and transparent processes intended to better understand user needs, testing pilot digital projects, and designing and developing digital services at scale. In addition, building on the recently published [Digital Services Playbook](#), the Administration will continue to openly publish best practices on collaborative websites that enable the public to suggest improvements. Building digital services in the open will allow for collaboration with the public on improvements and enable reuse by entrepreneurs, nonprofits, other governments, and the public.
- **Adopt an open source software policy.** Using and contributing back to open source software can fuel innovation, lower costs, and benefit the public. No later than December 31, 2015, the Administration will work through the Federal agencies to develop an open source software policy that, together with the Digital Services Playbook, will support improved access to custom software code developed for the Federal government.

Responsible Institution(s): Office of Management and Budget, General Services Administration

Supporting Institution(s): None

Start Date: Not Specified

End Date: Not Specified

COMMITMENT OVERVIEW	SPECIFICITY				OGP VALUE RELEVANCE (as written)				POTENTIAL IMPACT				COMPLETION		MIDTERM		DID IT OPEN GOVERNMENT?									
	None	Low	Medium	High	Access to Information	Civic participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	END OF TERM		Worsens	Did not change	Marginal	Major	Outstanding					
															Substantial	Complete										
25. Overall			X		X	X				X					X					X						
25.1. Expand Digital Service Delivery			X		Unclear						X				X											
25.2. Build Digital Services in the Open		X			X	X			X					X												
25.3. Open Source Software Policy				X	X	X			X				X													
													X													

COMMITMENT AIM

This commitment aimed to deliver public services more effectively and efficiently through innovative information technologies.

STATUS

Midterm: Substantial

At the midterm review, substantial progress had been made on improving digital service delivery expertise in government. The US Digital Service and the 18F digital delivery team under the GSA recruited more than 120 engineers, designers, and product managers from inside and outside government to work to improve the government’s digital system.¹

Substantial progress was made on building digital services in the open. The 18F team carried out most of its work in the open through GitHub² and regularly updated the progress made on each project on its dashboard.³ Limited progress had been made on adopting an open source software policy. An interagency team solicited input from civil society and began working on a draft of open source software policy, according to the government’s self-assessment report; however, there was no tangible result.

End of term: Substantial

Continued efforts have been made to implement the commitment. The US Digital Service and the 18F digital delivery team recruited more people with expertise in technology, procurement, human resources, and financing. By August 2016, the two teams had recruited more than 170 engineers, designers, and product managers.⁴ They also updated the Digital Services Playbook in response to the public comments on GitHub, according to the IRM researcher's search of Internet archives. In March 2016, OMB released a draft of open source software policy for public comment.⁵ The draft received hundreds of comments from open source advocates and government agencies⁶ before it was published officially in August 2016,⁷ after the time frame of the action plan.

DID IT OPEN GOVERNMENT?

Access to information: Major

Civic participation: Major

This commitment aimed to enhance technical expertise in government and to involve citizens in the improvement of digital services. The government engaged in substantive conversations with civil society both in revising the Digital Service Playbook and in drafting the open source policy,⁸ but the main outcome of this commitment was the creation and expansion of the US digital service team. Since its launch in August 2014, the team has grown to include more than 170 people. More importantly, although the commitment was relevant only to civic participation as it was written, the digital service team spearheaded or collaborated on projects that contributed to civic participation and access to information in a major way. Notable projects include the following:

- A new digital application for veterans to apply for healthcare online. The team worked directly with veterans to find a system that worked for them.⁹ In the 30 days after the launch of the new portal, more than 11,600 veterans used it to apply for a health plan, "with many receiving coverage within 10 minutes."¹⁰
- The College Scorecard tool, which contains national data on college cost, graduation rate, financial aid, student debt, and post-college earnings for more than 7,000 US institutions of higher education going back 18 years. According to the Center for American Progress, despite its limitations, the College Scorecard "is almost certainly the largest release ever of higher education data" and "showcases the power of unlocking even a small portion of the data capabilities held by the federal government."¹¹ The newly disclosed data includes information on average family incomes, student loan repayment, and post-graduation earnings.¹² The latter is particularly groundbreaking as it relies on administrative data from the Treasury rather than on self-reported numbers.

Overall, the new data was well received by civil society.¹³ Nearly 1.5 million people used it in its first year, more than 10 times the usage of its predecessor.¹⁴ There is evidence that researchers are using the new data,¹⁵ and that the tool influences how students approach higher education.¹⁶

- A new program called Hack the Pentagon, the first "bug bounty" program in the history of the federal government through which more than 1,400 hackers were invited to test the security of the Pentagon's networks and applications. It took only 13 minutes to receive the first vulnerability report, and individuals from 44 states submitted 138 valid reports that were addressed later.¹⁷

CARRIED FORWARD?

Although this commitment will not be carried forward to the next action plan, the government plans to continue innovative and productive technology initiatives such as 18F and Innovation Fellows.

¹ *United States of America Midterm Self-Assessment Report for the Open Government Partnership: Second Open Government National Action Plan 2013-2015*, <http://bit.ly/2neovNA>

² "Repository," 18F, <https://github.com/18f>

³ 18F, <https://18f.gsa.gov/dashboard>

⁴ US Digital Service, "Two Years of the U.S. Digital Service," Medium, 9 August 2016, <http://bit.ly/2el2LSS>

⁵ Executive Office of the President, OMB, *Memorandum for the Heads of Departments and Agencies* by Tony Scott and Anne E. Rung (Memorandum, Washington, D.C., 8 August 2016), <https://sourcecode.cio.gov/>

⁶ "White House/Open Source Policy," GitHub, <http://bit.ly/2ewAINX>

⁷ Mark Rockwell, "White House Releases Open Source Policy," Open Source, FCW, 8 August 2016, <http://bit.ly/2bAmpSz>

⁸ "White House Releases Open Source Policy," <http://bit.ly/2bAmpSz>

⁹ Emily Tavoulares and Mary Ann Brody, "Introducing a New Digital Application for Health Care at VA," Medium, U.S. Digital Service, 1 July 2016, <http://bit.ly/2g1HW9P>

¹⁰ The White House Office of the Press Secretary, "IMPACT REPORT: Transforming Government Services through Technology and Innovation," US Government, 9 August 2016, <http://bit.ly/2aJ8wjp>

¹¹ Center for American Progress, *Scoring the College Scorecard: What's Good and What Needs Improvement* by Ben Miller (Report, February 2016), <http://ampr.gs/1PP9ntD>

¹² Jonathan Rothwell, "Understanding the College Scorecard," Op-ed, Brookings, 28 September 2015, <http://brook.gs/2eFckg>

¹³ The Institute for Higher Education Policy, for example, welcomed the "wealth of never-before-seen data on higher education" in a press release. Similarly, the Institute for College Access and Success (TICAS) called the scorecard "a helpful tool for students and families and a treasure trove of data for analysts." However, many organizations did not think that the scorecard was comprehensive enough, while others emphasized certain data limitations. For a discussion of the limitations of the scorecard, see the Center for American Progress' report and the Brookings article cited above. Tanika Davis, "IHEP Releases Statement on College Scorecard," News release, Institute for Higher Education Policy (IHEP), 14 September 2015, <http://bit.ly/2fgRQOy>;

TICAS, "Where Most Students Borrow and Few Can Pay Down Their Debt," Blog, TICAS, 22 September 2016, <http://bit.ly/2fvMGRC>

¹⁴ "IMPACT REPORT: Transforming Government Services through Technology and Innovation," <http://bit.ly/2aJ8wjp>

¹⁵ For example, National Public Radio (NPR) used the new data to create university rankings, and TICAS analyzed the borrower data in a series of blog posts. Anya Kamenetz, "The New College Scorecard: NPR Does Some Math," Morning Edition, NPR, 21 September 2015, <http://n.pr/1gG4d85>; TICAS, "The Missing Middle: Borrowers Who Aren't Either Defaulting or Repaying," College Scorecard, TICAS, 26 September 2016, <http://ticas.org/tags/college-scorecard>

¹⁶ Adela Soliz, "Is College Choice Impacted by Data in the College Scoreboard?" Brown Center Chalkboard, Brookings, 29 April 2016, <http://brook.gs/2flmCx>

¹⁷ Ash Carter, "The Pentagon's First Bug Bounty Exceeded All Expectations," Blog, Medium, 17 June 2016, <http://bit.ly/2fx02NF>

26 | BIG DATA

President Obama has recognized the growing importance of big data technologies for our economy and the advancement of public good in areas such as education, energy conservation, and healthcare. The Administration is taking action to ensure responsible uses of big data to promote greater openness and accountability across a range of areas and sectors. As part of the work it is doing in this area, the Administration has committed to:

- **Enhance sharing of best practices on data privacy for state and local law enforcement.** Federal agencies with expertise in law enforcement, privacy, and data practices will seek to enhance collaboration and information sharing about privacy best practices among state and local law enforcement agencies receiving Federal grants.
- **Ensure privacy protection for big data analyses in health.** Big Data introduces new opportunities to advance medicine and science, improve health care, and support better public health. To ensure that individual privacy is protected while capitalizing on new technologies and data, the Administration, led by the Department of Health and Human Services, will: (1) consult with stakeholders to assess how Federal laws and regulations can best accommodate big data analyses that promise to advance medical science and reduce health care costs; and (2) develop recommendations for ways to promote and facilitate research through access to data while safeguarding patient privacy and autonomy. These recommendations will inform potential legislative efforts, regulatory guidance, and policy actions.
- **Expand technical expertise in government to stop discrimination.** U.S. Government departments and agencies will work to expand their technical expertise to identify outcomes facilitated by big data analytics that may have a discriminatory impact on protected classes.

Responsible Institution(s): Department of Health, Office of Science and Technology Policy, Department of Justice

Supporting Institution(s): None

Start Date: Not Specified

End Date: Not Specified

COMMITMENT OVERVIEW	SPECIFICITY				OGP VALUE RELEVANCE (as written)				POTENTIAL IMPACT				COMPLETION		MIDTERM		DID IT OPEN GOVERNMENT?				
	None	Low	Medium	High	Access to Information	Civic participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete	Worsens	Did not change	Marginal	Major	Outstanding
26. Overall		X			X	X	X	X			X				X				X		
26.1. Data Privacy in Law Enforcement	X						X	X		X					X						
26.2. Big Data in Health			X		X	X		X		X					X						
26.3. Stop Discrimination		X					X	X		X				X							

COMMITMENT AIM

To promote greater openness and accountability across a range of areas and sectors, including education and healthcare, this commitment aimed to ensure responsible use of big data through sharing best practices on data privacy, privacy protection for big data health analyses, and improved technical expertise in anti-discrimination.

STATUS

Midterm: Substantial

Substantial progress was made on the commitment at the end of the first year of implementation. In September 2014, the DOJ published a document¹ and supplemental guide² regarding best practices on data privacy for state and local law enforcement entities.³ To ensure privacy protection for big data analyses in health, the HHS, with the support of a federal advisory committee, began gathering information, engaging with stakeholders through public listening sessions, and finalizing a report of its work, according to the government’s midterm self-assessment report. Lastly, federal agencies held a series of workshops to address concerns about the increasing availability of big data sets and the discriminatory impact of their use on American consumers.

End of term: Substantial

Continued efforts have been made on all aspects of the commitment since the midterm review. First, in addition to the 2014 best practices guide on big data privacy, the DOJ published another guide in 2015 that highlighted examples of implementation of the best practices.⁴ Second, the Health IT Policy Committee released a report regarding privacy recommendations for health big data in August 2015.⁵ Lastly, in January 2016—after the time frame of the action plan—the Federal Trade Commission (FTC) produced a report that highlighted concerns about whether big data may be used to unfairly categorize consumers.⁶ The report included information from the FTC’s 2014 workshop as well as public comments and recent research.

DID IT OPEN GOVERNMENT?

Access to information: Did not change

Civic participation: Marginal

Public accountability: Did not change

So far, big data has played an important role for the US government. A well-known example is the FBI-led investigation following the Boston Marathon bombing that involved compiling 10 terabytes of social media, cell phone, and video data.⁷ As big data becomes more prevalent, ensuring responsible use is important to protect the privacy of citizens, whether as public service users, consumers, or patients. Thus, this commitment sought to promote privacy and anti-discrimination in the use of big data. However, most of the commitment’s results did not yield improvements in open government. For example, the DOJ published a guide for law enforcement that provides links to online privacy trainings, but there is no public information on how many people have taken the courses. Similarly, although the DOJ published a report featuring local case studies, few examples mention privacy reforms, and none refer to the results of the trainings.

The most relevant aspect of the commitment for open government was the development of health big data recommendations. Specifically, the Health IT Privacy and Security Working Group convened several public meetings and hearings with leading experts from “a wide range of stakeholder groups, including consumer and privacy advocacy groups, consumer-facing enterprises, academia, big data analytics companies, and healthcare delivery systems” to gather inputs.⁸ The final recommendations were published online, along with stakeholder contributions during the process.

CARRIED FORWARD?

This commitment will be carried forward to the next action plan with plans to address not just privacy but also big data use and effectiveness issues in both policing and counterterrorism.

¹ US DOJ, *Overview and Recommendations for Fostering Responsible Use and Privacy Best Practices with State and Local Law Enforcement Agencies Receiving Federal Grants* by the Office of the Deputy Attorney General (Report, Washington, D.C., 15 September 2014), <http://bit.ly/2h06PCK>

² US Government, *Resource Guide for Enhancing Community Relationships and Protecting Privacy and Constitutional Rights* by the Bureau of Justice Assistance (BJA) (Guide, November 2014), <https://www.bja.gov/Publications/CommRelGuide.pdf>

³ US Government points of contact for the US Second National Open Government Action Plan, survey administered by Suzanne Piotrowski, 2015.

⁴ US Government’s BJA, *Solving Real-World Business Problems in the Field: Highlights from BJA’s Global Justice Information Sharing Implementations* by the Global TTA Providers (Report, 28 April 2016), <http://bit.ly/2gvoQoY>

⁵ *Health Big Data Recommendations* by HITPC Privacy and Security Workgroup (August 2015), <http://bit.ly/28MaiSV>

⁶ US Government, *Big Data: A Tool for Inclusion or Exclusion?* by the Federal Trade Commission (FTC) (Report, January 2016), <http://bit.ly/1UJ9vOE>

⁷ Frank Konkel, “Boston Probe’s Big Data Use Hints at the Future,” FCW, 26 April 2013, <http://bit.ly/1UUiMHN>

⁸ *Health Big Data Recommendations*, <http://bit.ly/28MaiSV>

METHODOLOGICAL NOTE

Commitments are clustered based on the original OGP action plan.

This report builds upon the research conducted for the midterm assessment report of the Second National Action Plan. In addition to the research conducted for that report, this report relies on primary documents including government websites, reports, and other related material.



Dr. Suzanne
Piotrowski
from Rutgers

University-Newark is Deputy Dean and an Associate Professor in the School of Public Affairs and Administration. She has expertise in public management, accountability, and transparency issues. Her research focuses on non-mission-based values in public administration, including administrative transparency and ethics.



OGP aims to
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