

# Independent Reporting Mechanism (IRM): United States Progress Report 2015-2016

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Independent Reporting Mechanism

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## Executive Summary: United States

### Independent Reporting Mechanism Progress Report 2015-2016

While the third US national action plan contains several high-impact commitments in new areas such as climate data, open health research, and police data, there was a limited amount of progress on most commitments as of June 2016. Going forward, it is important that the US government expand collaboration with the public during the OGP process and address issues of ethics and public accountability that undermine progress on the open government agenda.

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 United States began participating in OGP in 2011. The Independent Reporting Mechanism (IRM) carries out an annual review of the activities of each country that participates in OGP.

During the first year of the plan, the Executive Office of the President (EOP) led the OGP initiative in the United States. Since then, the General Services Administration has assumed a lead role. The State Department coordinates all international-facing OGP efforts. Many other government agencies are involved in implementing the plan's commitments. These agencies are regular participants in the Interagency Open Government Working Group, a forum that meets monthly to discuss open government initiatives with quarterly meetings open to the public.

#### OGP Process

Countries participating in OGP follow a process for consultation during the development and implementation of their action plan. EOP led the development of the third action plan, during which the public was able to submit ideas and proposals through both online and in-person channels. However, the US government did not provide written feedback to public inputs or share a draft of the action plan before its release, which limited the opportunities for active collaboration.

During the implementation of the plan, the government engaged with civil society stakeholders through the quarterly open meetings of the Interagency Open Government Working group and through a Google Open Government Group. In September 2016, the government submitted its midterm self-assessment report describing progress during the first year of implementing the action plan. The report was not available for public comments prior to its release.

#### At a Glance

Participating since:	2011
Number of commitments:	45

#### Level of Completion

Completed:	4% (2)
Substantial:	36% (16)
Limited:	53% (24)
Not started:	7% (3)

#### Commitment Emphasis

Access to information:	82% (37)
Civic participation:	49% (22)
Public accountability:	9% (4)
Tech & innovation for transparency & accountability:	62% (28)

#### Commitments That Are...

Clearly relevant to an OGP value:	91% (41)
Of transformative potential impact:	13% (6)
Substantially or completely implemented:	40% (18)
All three (★):	3

## Commitment Implementation

As part of their OGP participation, countries make commitments in a two-year action plan. The third US national action plan contains 45 commitments. Table I summarizes each commitment's level of completion and potential impact. In September 2016, the US government published seven new and expanded commitments in addition to the original 45 commitments.<sup>1</sup> Given that these seven new commitments were published after the close of this evaluation (June 2016), they will be fully assessed in the upcoming IRM end-of-term report.

The US received three starred commitments (Commitments 14, 20, and 36). Note that the IRM updated the criteria for starred commitments in early 2015 to raise the standard for model OGP commitments. Under these criteria, commitments must be highly specific, relevant to OGP values, of transformative potential impact, and substantially completed or complete. (For more details, see Section III of this report.)

**Table I: Assessment of Progress by Commitment**

COMMITMENT SHORT NAME	POTENTIAL IMPACT				LEVEL OF COMPLETION			
	NONE	MINOR	MODERATE	TRANSFORMATIVE	NOT STARTED	LIMITED	SUBSTANTIAL	COMPLETE
✦ COMMITMENT IS MEASURABLE, CLEARLY RELEVANT TO OGP VALUES AS WRITTEN, HAS TRANSFORMATIVE POTENTIAL IMPACT, AND IS SUBSTANTIALLY OR COMPLETELY IMPLEMENTED.								
<b>Theme 1: Open Government to Improve Public Services</b>								
<b>1. Reconstitute USA.Gov</b>								
<b>2. Increase accessibility of government information online</b>								
<b>3. Expand access to educational resources</b>								
<b>4. Public listing of every address</b>								
<b>5. Optimize the College Scorecard</b>								
<b>6. Improve individuals' access to own information</b>								
<b>7. Support Open311 to enhance transparency and participation</b>								
<b>8. Data-driven precision medicine</b>								
<b>9. Increase access to workforce data</b>								
<b>10. Evidence-based policy for service delivery</b>								
<b>11. Expand use of the federal infrastructure permitting dashboard</b>								
<b>12. Single-window platform for imports and exports</b>								
<b>Theme 2: Access to Information</b>								
<b>13. Improve government records</b>								
✦ <b>14. Modernize FOIA and release nonprofit tax filings</b>								
<b>15. Streamline the declassification process</b>								

COMMITMENT SHORT NAME	POTENTIAL IMPACT				LEVEL OF COMPLETION			
	NONE	MINOR	MODERATE	TRANSFORMATIVE	NOT STARTED	LIMITED	SUBSTANTIAL	COMPLETE
<p>⊕ COMMITMENT IS MEASURABLE, CLEARLY RELEVANT TO OGP VALUES AS WRITTEN, HAS TRANSFORMATIVE POTENTIAL IMPACT, AND IS SUBSTANTIALLY OR COMPLETELY IMPLEMENTED.</p>								
<b>16. Implement the Controlled Unclassified Information program</b>								
<b>17. Improve transparency of privacy programs and practices</b>								
<b>18. Enhance transparency of federal use of investigative technologies</b>								
<b>19. Increase transparency of the intelligence community</b>								
⊕ <b>20. Open science</b>								
<b>21. Open data to the public</b>								
<b>22. Increase transparency of trade policy and negotiations</b>								
<b>23. Develop a machine-readable government organizational chart</b>								
<b>Theme 3: Public Participation</b>								
<b>24. Improve public participation</b>								
<b>25. Expand public participation in the development of regulations</b>								
<b>26. Open innovation</b>								
<b>27. Open mapping</b>								
<b>Theme 4: Government Integrity</b>								
<b>28. Track implementation of open government plans</b>								
<b>29. Strengthen whistleblower protections</b>								
<b>30. Beneficial ownership</b>								
<b>31. Transparency of extractive industries</b>								
<b>Theme 5: Fiscal Transparency</b>								
<b>32. Increase transparency in spending</b>								
<b>33. Improve quality and use of US foreign-assistance Information</b>								
<b>34. Participatory budgets and responsive spending</b>								
<b>Theme 6: Justice and Law Enforcement</b>								
<b>35. Expand access to justice</b>								
⊕ <b>36. Police open data</b>								
<b>Theme 7: Support Open Government at the Subnational Level</b>								

COMMITMENT SHORT NAME	POTENTIAL IMPACT				LEVEL OF COMPLETION			
	NONE	MINOR	MODERATE	TRANSFORMATIVE	NOT STARTED	LIMITED	SUBSTANTIAL	COMPLETE
✪ COMMITMENT IS MEASURABLE, CLEARLY RELEVANT TO OGP VALUES AS WRITTEN, HAS TRANSFORMATIVE POTENTIAL IMPACT, AND IS SUBSTANTIALLY OR COMPLETELY IMPLEMENTED.								
<b>37. Open federal data to benefit local communities</b>								
<b>38. Support the Municipal Data Network</b>								
<b>39. Foster data ecosystems</b>								
<b>40. Support communities through data-driven government</b>								
<b>Theme 8: Open Government to Support Global Sustainable Development</b>								
<b>41. Open and accountable implementation of the SDGs</b>								
<b>42. Open climate data</b>								
<b>43. Air quality data</b>								
<b>44. Promote food security and data sharing for agriculture and nutrition</b>								
<b>45. Promote data sharing about global preparedness for epidemic threats</b>								

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<sup>1</sup> US Government, Announcing New Open Government Initiatives, September 2016, <http://bit.ly/2tFI1n2>

**Table 2: Summary of Progress by Commitment**

<b>NAME OF COMMITMENT</b>	<b>RESULTS</b>
<p><b>1. Reconstitute USA.gov</b></p> <ul style="list-style-type: none"> <li>• OGP Value Relevance: Clear</li> <li>• Potential Impact: Minor</li> <li>• Completion: Substantial</li> </ul>	<p>The goal of this commitment is to make USA.gov (the official portal for government information and services) more user-friendly and more responsive to user needs. The General Services Administration launched a six-week discovery phase to learn how users interact with the website, published a final report with findings, and launched a blog series that shares updates to USA.gov. The government also launched vote.USA.gov to connect the public with voter registration information. Early results include a pilot partnership between vote.USA.gov and Facebook to increase awareness of voter registration information.</p>
<p><b>2. Increase Accessibility of Government Information Online</b></p> <ul style="list-style-type: none"> <li>• OGP Value Relevance: Clear</li> <li>• Potential Impact: Minor</li> <li>• Completion: Limited</li> </ul>	<p>This commitment aims to improve the accessibility of government websites for those with disabilities and limited English proficiency by: 1) implementing and improving the US Web Design Standards; 2) reporting the accessibility of government websites; and 3) developing limited-English-proficiency policies and programs. While the government regularly updated the US Web Design Standards, there was limited progress on the other two milestones during the first year of implementation. In terms of early results, just over 100 government websites and applications are using the US Web Design Standards, which have reached about 60 million users. The IRM researcher recommends continuing user research with both government and public users, and implementing the pending activities.</p>
<p><b>3. Expand Access to Educational Resources</b></p> <ul style="list-style-type: none"> <li>• OGP Value Relevance: Clear</li> <li>• Potential Impact: Moderate</li> <li>• Completion: Limited</li> </ul>	<p>This commitment seeks to increase access to federally funded education materials for domestic and international stakeholders by: 1) openly licensing education resources; 2) convening stakeholders to encourage additional open education efforts; and 3) publishing best practices on open licensing. As of the midterm of the action plan, the Department of Education launched a #GoOpen campaign to encourage open access to education resources, and government leaders developed a Federal Playbook on Opening Licensing of education resources. Early results include 31 school districts committing to replace at least one textbook with openly licensed resources, and 14 states committing to expand the use of openly licensed resources as part of #GoOpen. Moving forward, the IRM recommends publicizing available resources and identifying potential users.</p>
<p><b>4. Public Listing of Every Address</b></p> <ul style="list-style-type: none"> <li>• OGP Value Relevance: Clear</li> <li>• Potential Impact: Minor</li> <li>• Completion: Limited</li> </ul>	<p>To improve government services such as first responder services that rely on accurate geospatial and address data to respond to 911 calls, this commitment aims to develop a consolidated public listing of every street address in the United States. By the midterm of the action plan, the Department of Transportation had begun work on a National Address Database pilot including ten states and four counties/cities to identify a minimum data content guideline, as well as a data scheme. If this commitment is included in a future OGP action plan, the IRM recommends that it go beyond the development of data standards to include publishing national address information.</p>

<p><b>5. Optimize the College Scorecard</b></p> <ul style="list-style-type: none"> <li>• OGP Value Relevance: Clear</li> <li>• Potential Impact: Minor</li> <li>• Completion: Substantial</li> </ul>	<p>This commitment focuses on improving the Department of Education’s College Scorecard (a portal with information on college costs and outcomes) by releasing annual data updates, forming technical review panels, strengthening data collection on post-secondary education, and improving user-friendliness. As of mid-2016, the Department of Education contracted with RTI International to convene a panel of experts to discuss best practices for using education data, and added about 700 less-than-two-year institutions that offer Associate or Bachelor’s degrees to the Scorecard, among other minor improvements. In the first year since its launch, nearly 1.5 million individual users have accessed the Scorecard, and researchers have published studies suggesting that the Scorecard influences how prospective students approach secondary education. The IRM recommends that the Department of Education continue adding institutions to the Scorecard, updating features based on user feedback, and following up on recommendations from the review panel.</p>
<p><b>6. Improve Individuals’ Access to Own Information</b></p> <ul style="list-style-type: none"> <li>• OGP Value Relevance: Clear</li> <li>• Potential Impact: Moderate</li> <li>• Completion: Not Started</li> </ul>	<p>Currently, internet users seeking information or making transactions on government websites usually must create separate usernames and passwords for different websites, thus increasing vulnerability to online identity theft. For this reason, the U.S. government committed to develop new, digitized identification authentication tools to protect user privacy and simplify the process. Implementation of this commitment, however, has not started due to funding challenges. The IRM recommends that developers improve the ability of users to both access and correct personal information online.</p>
<p><b>7. Support Open311 to Enhance Transparency and Participation</b></p> <ul style="list-style-type: none"> <li>• OGP Value Relevance: Clear</li> <li>• Potential Impact: Minor</li> <li>• Completion: Limited</li> </ul>	<p>This commitment sets out to have the General Services Administration (GSA) use the Open311 platform to increase transparency and participation in government service delivery across the local and federal levels. Open311 allows people to report issues to government officials and track responses. GSA is currently holding monthly conference calls with local governments to develop new formats for releasing Open311 data. In addition, GSA began developing pilot programs for using Open311 at the federal level, though early results on integrating federal and local government service delivery are limited. The IRM recommends GSA publish Open311 data, improve online mechanisms for public feedback on government service delivery, and better specify the commitment’s deliverables if included in a future OGP action plan.</p>
<p><b>8. Data-Driven Precision Medicine</b></p> <ul style="list-style-type: none"> <li>• OGP Value Relevance: Clear</li> <li>• Potential Impact: Transformative</li> <li>• Completion: Limited</li> </ul>	<p>The goal of this commitment is to improve health through precision medicine, in which individual patient characteristics such as genetic code and lifestyle help define treatments. Specifically, the commitment seeks to form a cohort of more than one million volunteer participants (including low-income and underrepresented communities), and allow patients to directly access and donate their health data for research. If fully implemented, the commitment could have a transformative impact on individualizing healthcare given its unprecedented scale. During the first year of implementation, the National Institutes of Health awarded grants to organizations that will support implementation of the initiative, and launched a pilot program – Sync for Science – for individuals to electronically access and share their health data with researchers. Other results include the establishment of the National Cancer Institute Data Commons, which allows researchers to download and share genomic data for cancer research. Moving forward, the IRM suggests prioritizing cohort diversity, active engagement, and the privacy of participants.</p>

<p><b>9. Increase Access to Workforce Data</b></p> <ul style="list-style-type: none"> <li>• OGP Value Relevance: Clear</li> <li>• Potential Impact: Moderate</li> <li>• Completion: Limited</li> </ul>	<p>A 2015 Center for Open Data Enterprise report found that the Occupational Information Network lacked sufficient real-world job classifications and information, among other challenges. In response, this commitment looks to improve the website by working with search providers to exchange employment-related data, and by developing APIs to index and release data. The government has documented its progress at the DataAtWork website, but new workforce data was not published until after the time of writing. These later results will be assessed in the IRM end-of-term report.</p>
<p><b>10. Evidence-based Policy for Service Delivery</b></p> <ul style="list-style-type: none"> <li>• OGP Value Relevance: Unclear</li> <li>• Potential Impact: None</li> <li>• Completion: Limited</li> </ul>	<p>This commitment aims to enhance public-service delivery through data-based evaluations of current programs. However, the commitment does not clarify what data will be used, or how it will improve the delivery of services. The government self-assessment report states that 22 government agencies have proposed 75 actions for policymaking, but the Office of Social Innovation and Civic Participation has not provided information on these actions at the time of writing. The IRM recommends that this commitment explicitly reflect OGP values by publishing the implementation status of the various agency actions.</p>
<p><b>11. Expand Use of the Federal Infrastructure Permitting Dashboard</b></p> <ul style="list-style-type: none"> <li>• OGP Value Relevance: Clear</li> <li>• Potential Impact: Moderate</li> <li>• Completion: Limited</li> </ul>	<p>The current permitting process for large-scale infrastructure projects is lengthy and time-consuming. This commitment attempts to streamline the process by posting infrastructure project permitting information to the Federal Infrastructure Permitting Dashboard. So far, the government has signed into law the <i>Fixing America's Surface Transportation Act</i>, which includes a legal requirement to use the Dashboard for infrastructure project timelines, and has taken initial steps to implement this law. However, infrastructure project information was yet to be published on the Dashboard at the time of writing. The next step is meeting the internal deadlines for publishing the information.</p>
<p><b>12. Single-Window Platform for Imports and Exports</b></p> <ul style="list-style-type: none"> <li>• OGP Value Relevance: Unclear</li> <li>• Potential Impact: Moderate</li> <li>• Completion: Substantial</li> </ul>	<p>Given that shippers must currently submit filings to multiple agencies as part of the import-export process, this commitment seeks to simplify the transactions by developing a single-window platform for shippers to submit all filings. To implement this platform, the Customs and Border Protection (CBP) established mandatory deadlines for users to transition to the new filing system, and published a full list of functions that have transitioned to the new system. While industry representatives have acknowledged the benefits of the new filling system, some have expressed concerns over the project's delayed rollout and slow performance. If carried forward to the next action plan, the IRM recommends that this commitment be more closely linked to OGP values through information disclosures on the efficiency and use of the system, or through more active public engagement.</p>
<p><b>13. Improve Government Records</b></p> <ul style="list-style-type: none"> <li>• OGP Value Relevance: Clear</li> <li>• Potential Impact: Minor</li> <li>• Completion: Substantial</li> </ul>	<p>This commitment aims to improve the management of public records, particularly emails, by: 1) increasing transparency in email management; 2) reporting agency progress in managing emails; and 3) improving the Records Control Schedule Repository based on civil society feedback. To fulfill the commitment, the National Archives and Records Administration (NARA) published a list of official email accounts that will be preserved as records, and updated the template for the annual reports in which agencies document their records' management performance. The meeting with civil society is pending. The IRM recommends NARA include additional agencies in the list of official email accounts and move forward on obtaining civil society feedback.</p>



<p><b>14. Modernize FOIA and Release Nonprofit Tax Filings</b></p> <ul style="list-style-type: none"> <li>• OGP Value Relevance: Clear</li> <li>• Potential Impact: Transformative</li> <li>• Completion: Substantial</li> </ul>	<p>Government agencies have received criticism for not responding to Freedom of Information Act (FOIA) requests in a timely and adequate manner. This commitment seeks to address these concerns by: 1) expanding FOIA.gov; 2) improving proactive disclosures; 3) improving agency FOIA websites; 4) educating students on FOIA; and 5) releasing nonprofit tax filings. Although these activities are incremental steps forward for FOIA, the release of nonprofit tax filings has been a major demand of open government advocates and has a transformative potential impact. As part of this commitment, the Department of Justice discussed improving agency FOIA websites with the public and carried out a pilot program in which seven agencies published roughly 48,000 pages of FOIA-released records. In addition, the Internal Revenue Service posted non-profit tax filings online. However, the government did not expand FOIA.gov or educate students on FOIA during the first year of implementation. The IRM recommends further streamlining how agencies respond to FOIA requests and expanding the disclosure of non-profit tax filings.</p>
<p><b>15. Streamline the Declassification Process</b></p> <ul style="list-style-type: none"> <li>• OGP Value Relevance: Clear</li> <li>• Potential Impact: Moderate</li> <li>• Completion: Limited</li> </ul>	<p>Currently, requests for declassification of historical records are often time-consuming and costly. This commitment attempts to streamline the declassification process by: 1) developing a technological tool to automate the declassification review; 2) piloting an interagency declassification guide; 3) establishing a declassification review program; and 4) declassifying daily briefs from the Nixon and Ford administrations. However, the government achieved limited progress in implementing these activities during the first year of the plan. In the future, the IRM suggests addressing civil society recommendations on expediting reviews and expanding the declassification of information on the use of force.</p>
<p><b>16. Implement the Controlled Unclassified Information Program</b></p> <ul style="list-style-type: none"> <li>• OGP Value Relevance: Clear</li> <li>• Potential Impact: Moderate</li> <li>• Completion: Not Started</li> </ul>	<p>Presently, there are no common protocols for marking and disseminating sensitive information that is unclassified but requires safeguarding, known as Controlled Unclassified Information (CUI). As a result, this commitment, carried over from the previous action plan, calls for implementation guidance, phased implementation schedules, a CUI registry, and a Federal Acquisition Regulation to apply CUI standards to contractors, grantees, and licenses. However, there was no evidence of progress on this commitment as of June 2016. Next steps include implementing the new CUI regulations across agencies.</p>
<p><b>17. Improve Transparency of Privacy Programs and Practices</b></p> <ul style="list-style-type: none"> <li>• OGP Value Relevance: Unclear</li> <li>• Potential Impact: Moderate</li> <li>• Completion: Substantial</li> </ul>	<p>In the wake of the 2015 hacking of government personnel records, this commitment seeks to better protect government-held personal data by revising the guidance on federal agencies' responsibilities to protect this information. As of the time of writing, the Office of Management posted a draft of the guidance for public comments, and published the final revised (Circular A-130) version after the close of this report's evaluation period. The Circular A-130 was well received by civil society stakeholders. Moving forward, the IRM recommends implementing the guidance and further engaging with civil society to address data security.</p>

<p><b>18. Enhance Transparency of Federal Use of Investigative Technologies</b></p> <ul style="list-style-type: none"> <li>• OGP Value Relevance: Clear</li> <li>• Potential Impact: Minor</li> <li>• Completion: Limited</li> </ul>	<p>The increasing use of unmanned aircraft systems (UAS) by law enforcement and military agencies has raised privacy concerns among the public. In accordance with President Obama’s 2015 memorandum on the use of UAS, this commitment aims to encourage agencies to develop and publish their privacy assessments. While the Department of Justice (DOJ) and the Department of Homeland Security (DHS) have submitted policy guidance and best practice documents for the use of UAS, only the DOJ guidance explicitly calls for privacy reviews, and none provide evidence of compliance. The IRM recommends engaging the public through clear accountability and oversight mechanisms.</p>
<p><b>19. Increase Transparency of the Intelligence Community</b></p> <ul style="list-style-type: none"> <li>• OGP Value Relevance: Clear</li> <li>• Potential Impact: Moderate</li> <li>• Completion: Limited</li> </ul>	<p>This commitment aims to increase transparency in the intelligence community (IC) following a string of high-level leaks by government employees. To achieve this, the commitment calls for: 1) an IC open government plan; 2) an IC information portal (intelligence.gov); 3) a structure for civil society engagement; and 4) better awareness of the channels for airing grievances. While the government developed a structure for civil society engagement with the IC, progress on the other activities was limited as of June 2016. Next steps include launching the IC open government plan and the Intelligence.gov website.</p>
<p><b>★20. Open Science</b></p> <ul style="list-style-type: none"> <li>• OGP Value Relevance: Clear</li> <li>• Potential Impact: Transformative</li> <li>• Completion: Substantial</li> </ul>	<p>The National Institutes of Health requires federally funded research to be publicly available, but other agencies annually produce tens of thousands of research publications that are behind paywalls. As a result, this commitment looks to: 1) publish the results of federally funded scientific research; and 2) develop low-cost scientific instrumentation for citizen scientists to advance scientific programs. As of June 2016, 16 government agencies had completed plans to increase public access to federally funded scientific research, 14 had implemented their plans, and seven had begun to implement data management plans. The Office of Science and Technology Policy also began consulting stakeholders to survey the state of citizen science instruments. Early results include requirements that authors of peer-reviewed scientific articles deposit a copy in federal repositories within one year of publication. The IRM recommends that the government track the implementation of the new requirements, complete the survey of the citizen science landscape, and develop and distribute low-cost scientific instrumentation.</p>
<p><b>21. Open Data to the Public</b></p> <ul style="list-style-type: none"> <li>• OGP Value Relevance: Clear</li> <li>• Potential Impact: Moderate</li> <li>• Completion: Limited</li> </ul>	<p>Given that public demand for open data has increased, this commitment aims to: 1) create Open Data Guidelines for key data-related issues; and 2) establish user-friendly feedback mechanisms to connect data users to the government. During the first year of the plan, the Office of Science and Technology Policy created a best-practices document with civil society input, but did not develop the Open Data Guidelines. The feedback mechanism is also pending. Moving forward, the IRM suggests clarifying the scope of the proposed feedback channels for data users.</p>
<p><b>22. Increase Transparency of Trade Policy and Negotiations</b></p> <ul style="list-style-type: none"> <li>• OGP Value Relevance: Clear</li> <li>• Potential Impact: Minor</li> <li>• Completion: Substantial</li> </ul>	<p>Following civil society demands for greater transparency in US trade policies and negotiations, this commitment calls on the Office of the United States Trade Representative (USTR) to post trade dispute hearing videos, engage with the public, and consult with Congress. To fulfill the commitment, the USTR released a set of guidelines for transparency in trade policy. The USTR also published the full text of the Trans-Pacific Partnership agreement on its website, in line with the above guidelines. In the future, the IRM recommends specifying the mechanisms through which the public will provide input into trade negotiations.</p>

<p><b>23. Develop a Machine-Readable Government Organizational Chart</b></p> <ul style="list-style-type: none"> <li>• OGP Value Relevance: Clear</li> <li>• Potential Impact: Moderate</li> <li>• Completion: Limited</li> </ul>	<p>This commitment attempts to consolidate government organizational information in a standardized machine-readable format across the federal government to help the public better identify and engage with government officials. As of June 2016, there is limited evidence of progress beyond the government gathering existing data and merging it into a dataset. Next steps include opening the consolidated dataset to the public and ensuring consistent data management within each agency.</p>
<p><b>24. Improve Public Participation</b></p> <ul style="list-style-type: none"> <li>• OGP Value Relevance: Clear</li> <li>• Potential Impact: Moderate</li> <li>• Completion: Limited</li> </ul>	<p>This commitment seeks to increase public participation in government by: 1) improving the responsiveness of the We the People petition website; 2) updating the US Public Participation Playbook; 3) expanding engagement with civil society in open government efforts; and 4) encouraging public participation in policymaking. In April 2016, the government redesigned We the People and decreased response times, but made limited progress on the other three activities. The IRM recommends greater sustained engagement with civil society, as opposed to one-off events or meetings.</p>
<p><b>25. Expand Public Participation in the Development of Regulations</b></p> <ul style="list-style-type: none"> <li>• OGP Value Relevance: Clear</li> <li>• Potential Impact: Moderate</li> <li>• Completion: Limited</li> </ul>	<p>The goal of this commitment is to facilitate greater public understanding of regulations by expanding the “eRegulations” pilot (a website that makes regulations easier to find, read, and understand), as well as leveraging Regulations.gov, application programming interfaces (APIs), and the Federal Docket Management System to pilot other applications. As of June 2016, the e-Regulations pilot includes the Federal Election Commission and the Bureau of Alcohol, Tobacco, Firearms, and Explosives. Going forward, the IRM suggests expanding the eRegulations platform to include more government agencies.</p>
<p><b>26. Open Innovation</b></p> <ul style="list-style-type: none"> <li>• OGP Value Relevance: Clear</li> <li>• Potential Impact: Moderate</li> <li>• Completion: Substantial</li> </ul>	<p>This commitment aims to improve mechanisms through which the public can provide input on the country’s greatest challenges by: 1) expanding open innovation projects; 2) improving the Challenge.gov website; and 3) coordinating open innovation activities across government agencies. During the first year of the action plan, the government expanded citizen science projects across several government agencies, created a blog on Challenge.gov to highlight success stories, and launched Citizencience.gov, which catalogs over 400 citizen science projects. In the future, the IRM suggests encouraging greater public participation in open innovation projects, disclosing results in open data format, and launching an open source version of Challenge.gov.</p>
<p><b>27. Open Mapping</b></p> <ul style="list-style-type: none"> <li>• OGP Value Relevance: Clear</li> <li>• Potential Impact: Moderate</li> <li>• Completion: Complete</li> </ul>	<p>This commitment aims to leverage the growing variety of mapping data applications to improve public service delivery and broaden the range of beneficiaries. Specifically, the commitment calls on various government agencies to continue and expand their open mapping efforts. During the first year of the action plan, participating agencies largely continued development of existing mapping initiatives, and carried out mapathons. Early results include about 50,000 contributions to the State Department’s MapGive platform; a series of mapathons focused on Ethiopia, Nepal, and Mozambique; and two mapping challenges hosted by the US Geological Survey. The IRM recommends expanding the use of open mapping data for public services, raising greater awareness of the existing data, and expanding open mapping in overseas programs.</p>

<p><b>28. Track Implementation of Open Government Plans</b></p> <ul style="list-style-type: none"> <li>• OGP Value Relevance: Clear</li> <li>• Potential Impact: Minor</li> <li>• Completion: Limited</li> </ul>	<p>This commitment seeks to develop guidelines for federal agencies to actively update their Open Government Plans in 2016 and annually report progress on implementation online. Agencies were instructed to post Open Government Plans online, but this guidance was published after the time of writing. The IRM recommends that the government centralize information on the plans' implementation, and that agencies ensure that their draft action plans are available for public commenting.</p>
<p><b>29. Strengthen Whistleblower Protection</b></p> <ul style="list-style-type: none"> <li>• OGP Value Relevance: Clear</li> <li>• Potential Impact: Moderate</li> <li>• Completion: Limited</li> </ul>	<p>This commitment aims to address a perceived lack of whistleblower protection by: 1) developing a common training program on whistleblowers' rights and duties; 2) improving the adjudication process for reprisal claims by Department of Justice employees; and 3) overseeing compliance with the presidential directive on protecting whistleblowers. While the Office of the Director of National Intelligence developed the curriculum for whistleblower training with input from civil society, the other activities had limited progress at the midterm. The IRM recommends further engaging with civil society to train federal employees on whistleblower protection, and ensuring that government agencies implement the training programs.</p>
<p><b>30. Beneficial Ownership</b></p> <ul style="list-style-type: none"> <li>• OGP Value Relevance: Unclear</li> <li>• Potential Impact: Moderate</li> <li>• Completion: Substantial</li> </ul>	<p>Currently, the United States does not clearly define beneficial ownership and does not require companies to maintain or disclose this information, which can lead to illegal financial activity. As a result, this commitment seeks to gain Congressional support for beneficial ownership disclosure, and develop a rule clarifying due diligence requirements for US financial institutions. In May 2016, the Treasury Department finalized a rule requiring financial institutions to report beneficial ownership, and proposed a new rule requiring some foreign companies to obtain tax identification numbers from the Internal Revenue Service. However, Congress has not passed any legislation requiring beneficial ownership disclosure. In the future, the IRM recommends that beneficial ownership information be publicly disclosed, rather than only reported to government institutions.</p>
<p><b>31. Transparency of Extractive Industries</b></p> <ul style="list-style-type: none"> <li>• OGP Value Relevance: Clear</li> <li>• Potential Impact: Transformative</li> <li>• Completion: Limited</li> </ul>	<p>This commitment aims to bring the United States into compliance with the Extractive Industries Transparency Initiative (EITI) by: 1) nominating subnational representatives to the EITI's Multi-Stakeholder Group (MSG); 2) implementing a stakeholder outreach process for forestry revenues; and 3) implementing project-level reporting. By the midterm of the action plan, the USEITI submitted a proposal for subnational engagement with the MSG, but made limited progress on the other two activities. So far, three states have opted-in to the USEITI process (Alaska, Montana, and Wyoming). The IRM recommends expanding the subnational opt-ins, disclosing forestry revenues, and releasing beneficial ownership information.</p>

<p><b>32. Increase Transparency in Spending</b></p> <ul style="list-style-type: none"> <li>• OGP Value Relevance: Clear</li> <li>• Potential Impact: Moderate</li> <li>• Completion: Limited</li> </ul>	<p>The goal of this commitment is to increase transparency in federal spending by improving the poor quality of federal spending data on USASpending.gov. Specifically, the commitment calls on the government to: 1) improve federal spending data; 2) improve public procurement and grants systems; and 3) centralize integrity and ownership information of contractors. In November 2015, the government launched a beta version of USASpending.gov that allows the public to comment on proposed features. The government also proposed a rule to replace proprietary identification of contractors with generic terminology that was well received by stakeholders. Moving forward, the IRM recommends further engaging with the public to fully implement the Digital Accountability and Transparency Act of 2014, and disclosing greater contract-related documents and information.</p>
<p><b>33. Improve the Quality and Use of U.S. Foreign Assistance Information</b></p> <ul style="list-style-type: none"> <li>• OGP Value Relevance: Clear</li> <li>• Potential Impact: Moderate</li> <li>• Completion: Limited</li> </ul>	<p>This commitment aims to improve the quality of US foreign assistance data by ensuring that it is reported in accordance with the Busan common standard, and by promoting data usage. Early results include a State Department toolkit for agencies that do not yet report on ForeignAssistance.gov, and initiatives to raise awareness of aid transparency data. Though there are lingering concerns about the quality of the data on ForeignAssistance.gov, the approval of the Foreign Aid Transparency and Accountability Act in Congress in mid-2016 was a positive development. Next steps include further efforts to improve the quality and comprehensiveness of foreign assistance data, and increase awareness and usage through stakeholder engagement.</p>
<p><b>34. Participatory Budgets and Responsive Spending</b></p> <ul style="list-style-type: none"> <li>• OGP Value Relevance: Clear</li> <li>• Potential Impact: Minor</li> <li>• Completion: Complete</li> </ul>	<p>This commitment seeks to hold a participatory budgeting workshop to engage and empower the public in the budgeting process. In February 2016, the US Office of Science and Technology Policy held a two-day participatory budget workshop with the Harvard Ash Center for Democratic Governance in Washington, DC attended by 75 elected officials, academics, technologists, and community members. Participants at the workshop made commitments to support participatory budgeting activities in local communities and within government. The IRM recommends evaluating existing efforts and taking concrete steps to implement and support participatory budgeting in practice.</p>
<p><b>35. Expand Access to Justice</b></p> <ul style="list-style-type: none"> <li>• OGP Value Relevance: Clear</li> <li>• Potential Impact: Minor</li> <li>• Completion: Substantial</li> </ul>	<p>This commitment aims to expand access to justice by having the White House Legal Aid Interagency Roundtable include input from civil society, increase its participating agencies, and report its progress annually. As of the midterm of the action plan, the roundtable increased its number of agencies from 20 to 22, engaged the civil legal aid community, and launched a website and toolkit on legal aid. The IRM recommends strengthening the links between federal and local governments working on the issue of legal aid.</p>

<p>🔗 <b>36. Police Open Data</b></p> <ul style="list-style-type: none"> <li>• OGP Value Relevance: Clear</li> <li>• Potential Impact: Transformative</li> <li>• Completion: Substantial</li> </ul>	<p>In response to low public trust in the police amid a string of recent killings of black men by white police officers, this commitment aims to improve the transparency of policing activities through the expansion of the Police Data Initiative, a voluntary network of law enforcement agencies that publish previously undisclosed datasets. During the first year of the action plan, the initiative doubled in size. By June 2016, there were 57 participating jurisdictions and 136 public datasets that have received close coverage from the media. In addition, there is growing evidence of data usage and collaboration between law enforcement agencies and the public. Moving forward, the IRM recommends establishing criminal justice data standards and creating visualizations that make the data easier to understand.</p>
<p><b>37. Open Federal Data to Benefit Local Communities</b></p> <ul style="list-style-type: none"> <li>• OGP Value Relevance: Clear</li> <li>• Potential Impact: Minor</li> <li>• Completion: Limited</li> </ul>	<p>This commitment seeks to update an interactive online map of federally funded community-based initiatives across the country and disclose additional federal datasets to spur local civic innovation. As of the midterm of the action plan, the map was not updated. However, the US government did launch the Opportunity Project as a platform that engages the private sector and civil society organizations in the development of digital tools using federal and local datasets. Next steps include continued collaboration between the government and the private sector, local communities, and civil society in building data tools to improve economic opportunities.</p>
<p><b>38. Support the Municipal Data Network</b></p> <ul style="list-style-type: none"> <li>• OGP Value Relevance: Clear</li> <li>• Potential Impact: Minor</li> <li>• Completion: Substantial</li> </ul>	<p>This commitment aims to establish a municipal network that will share best practices regarding data initiatives, establish cross-city and cross-sector partnerships, and work with Data.gov. To fulfill this commitment, the Municipal Data Network was established in early 2016. It later became the Civic Analytics Network, a network of city-level Chief Data Officers that collaborate on data visualization and predictive analytics to address issues such as economic opportunity and poverty reduction. Going forward, the IRM suggests openly sharing the results of the Network, establishing data standards, and linking complementary municipal data initiatives.</p>
<p><b>39. Foster Data Ecosystems</b></p> <ul style="list-style-type: none"> <li>• OGP Value Relevance: Clear</li> <li>• Potential Impact: Minor</li> <li>• Completion: Not Started</li> </ul>	<p>To leverage technology and open data to address local civic challenges, the US government committed to host an Open Data Impact Summit. As of June 2016, the White House had not yet hosted the event. In the future, the IRM recommends that the US government propose specific mechanisms that improve data interoperability between federal, state and local government datasets.</p>
<p><b>40. Support Communities Through Data-Driven Government</b></p> <ul style="list-style-type: none"> <li>• OGP Value Relevance: Clear</li> <li>• Potential Impact: Minor</li> <li>• Completion: Limited</li> </ul>	<p>The goal of this commitment is to leverage technology tools to improve the federal government's work with local communities. As of the midterm of the action plan, the federal government established a Community of Practice for Community Solutions, a group of federal experts who apply data to find solutions to local challenges. In addition, the General Services Administration began working with states to improve digital service delivery and launched the SuperPublic innovation lab in San Francisco, which will focus on urban problems and scale solutions. Moving forward, the IRM suggests clarifying the expected outcomes of these initiatives and the timelines for their implementation.</p>

<p><b>41. Open and Accountable Implementation of the SDGs</b></p> <ul style="list-style-type: none"> <li>• OGP Value Relevance: Clear</li> <li>• Potential Impact: Minor</li> <li>• Completion: Substantial</li> </ul>	<p>To better implement the Sustainable Development Goals (SDGs), this commitment looks to: 1) support the Global Partnership for Sustainable Development Data; 2) inventory existing SDG-relevant data with civil society; and 3) develop a strategy to track progress on the SDGs. During the first year of implementation, the State Department established a working group to support the Partnership and launched a Data Collaborative for Local Impact in Tanzania to leverage data for sustainable development. In the future, the IRM recommends launching additional initiatives through the Partnership and regularly tracking progress on the SDGs online.</p>
<p><b>42. Open Climate Data</b></p> <ul style="list-style-type: none"> <li>• OGP Value Relevance: Clear</li> <li>• Potential Impact: Transformative</li> <li>• Completion: Limited</li> </ul>	<p>To increase the availability of climate-relevant data worldwide, this commitment aims to: 1) encourage disclosure of Arctic data; 2) leverage open climate data through international partnerships; 3) build Digital Elevation Models; and 4) create an integrated system of heat health information. As of the time of writing, the US government achieved limited progress beyond launching a heat health information portal and hosting heat-related seminars. The IRM recommends expanding open data initiatives such as the Climate Data Initiative and including science and climate data commitments in future OGP action plans.</p>
<p><b>43. Air Quality Data</b></p> <ul style="list-style-type: none"> <li>• OGP Value Relevance: Clear</li> <li>• Potential Impact: Moderate</li> <li>• Completion: Substantial</li> </ul>	<p>This commitment seeks to make more air quality data available by expanding the Environmental Protection Agency’s AirNow program – which tracks air quality in more than 400 US cities – to include 20 global cities. As of mid-2016, the AirNow website tracks air quality in 14 global cities. The next steps include greater data collection and reporting, as well as leveraging the air quality data to reduce air pollution.</p>
<p><b>44. Promote Food Security and Data Sharing for Agriculture and Nutrition</b></p> <ul style="list-style-type: none"> <li>• OGP Value Relevance: Clear</li> <li>• Potential Impact: Minor</li> <li>• Completion: Limited</li> </ul>	<p>To promote the proactive sharing of agriculture and nutrition data, the US government committed to host a summit of the Global Open Data for Agriculture and Nutrition (GODAN) Initiative and co-chair a working group on precision agriculture. To fulfill this commitment, the Department of Agriculture co-chaired the GODAN Nutrition Data Gap Working Group and established a precision agriculture working group. In the future, the IRM recommends improving agriculture and nutrition data sharing between national and subnational governments, private companies, and civil society organizations.</p>
<p><b>45. Promote Data Sharing About Global Preparedness for Epidemic Threats</b></p> <ul style="list-style-type: none"> <li>• OGP Value Relevance: Clear</li> <li>• Potential Impact: Moderate</li> <li>• Completion: Substantial</li> </ul>	<p>Given the recent outbreaks of Ebola and Zika, this commitment aims to have the US government undergo and release the results of an external assessment of its ability to prevent, detect, and respond to epidemic threats under the framework of the Global Health Security Agenda (GHSA). In May 2016, a team of experts conducted the GHSA assessment for the United States. The IRM recommends engaging with public and private stakeholders to use the results of the GHSA assessment to improve domestic epidemic preparedness.</p>

## Recommendations

Many of the commitments in the third US action plan are high-impact transparency initiatives. While the current action plan covers more ground than its predecessors, limited engagement with civil society stakeholders during the OGP process remains an issue. (See Section II for more details.) Under the new Trump administration, it is critical that the government actively collaborate with the public in the development of the next action plan, engage new actors in the OGP process both inside and outside of government, and include ambitious commitments on ethics, public accountability, and other priority issues.

Beginning in 2014, all OGP IRM reports include five key recommendations about the next OGP action planning cycle. Governments participating in OGP are required to respond to these key recommendations in their annual self-assessments. These recommendations follow the SMART logic; they are Specific, Measurable, Answerable, Relevant, and Time-bound. On the basis of this evaluation, the IRM presents the key recommendations below. For the full set of recommendations, please see Section V of this report.

**Table 2: Five Key Recommendations**

1. Collaborate with the public during the development of the next action plan.
2. Focus on fewer and more-transformative commitments.
3. Develop commitments on ethics reforms that address asset disclosures, conflict of interest, lobbying, and/or campaign finance.
4. Address priority issues such as public-service delivery and infrastructure reform.
5. Engage the legislative branch in the OGP process.

**Eligibility Requirements:** To participate in OGP, governments must demonstrate commitment to open government by meeting minimum criteria on key dimensions of open government. Third-party indicators are used to determine country progress on each of the dimensions. For more information, see Section VII on eligibility requirements at the end of this report or visit [bit.ly/1929F11](http://bit.ly/1929F11).

The Open Government Partnership (OGP) aims to secure concrete commitments from governments to promote transparency, to empower citizens, to fight corruption, and to harness new technologies to strengthen governance. OGP's Independent Reporting Mechanism assesses development and implementation of national action plans to foster dialogue among stakeholders and to improve accountability.





# I. National Participation in OGP

## I.1 History of OGP Participation

The Open Government Partnership (OGP) is a voluntary, multistakeholder international initiative that aims to secure concrete commitments from governments to their citizenry to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. OGP provides an international forum for dialogue and sharing among governments, civil society organizations, and the private sector, all of which contribute to a common pursuit of open government.

To participate in OGP, governments must exhibit a demonstrated commitment to open government by meeting a set of (minimum) performance criteria on key dimensions of open government that are particularly consequential for increasing government responsiveness, strengthening public engagement, and fighting corruption. Objective, third-party indicators are used to determine the extent of country progress on each of the dimensions. See Section VII on eligibility requirements for more details.

All OGP-participating governments develop OGP action plans that elaborate concrete commitments over a two-year period. Action plans set out governments' OGP commitments, which should move government practice beyond the status quo. These commitments may build on existing efforts, identify new steps to complete ongoing reforms, or initiate action in an entirely new area.

The United States was one of the founding OGP countries. It launched its first national action plan in September 2011 during the first administration of former president Barack Obama. Prior to its participation in OGP, the US government laid out open government principles for US federal agencies and departments in 2009 in the Memorandum on Transparency and Open Government.<sup>1</sup> In December 2013, the US government released its second national action plan, which ran through 2015. The third national action plan was published in October 2015, with an end date of July 2017. At the time of writing, no target date had been set for the publication of a fourth national action plan.

This IRM evaluation follows similar assessments of the previous two US national action plans. The IRM published its progress report on the first US national action plan in October 2013, praising the plan for being “highly varied and, in many respects, ambitious and innovative.”<sup>2</sup> The report also noted success in fulfilling most of the commitments. The IRM published its progress report on the second national action plan in mid-2015, praising the US government for its continued messaging on the importance of open government, but also leveling a clear critique that the language had not resulted in transformative action.<sup>3</sup> In early 2017, the IRM published its first end-of-term report for the United States. This report assessed the results at the end of the action plan's two-year period and recognized major improvements in crowdsourcing, online participation, and information on extractives and intelligence.

The third national action plan (referred to hereafter as “the action plan”) attempted to build on the progress of the first two plans and expand open government to new areas, despite sharp domestic political divisions.

The IRM aims to inform ongoing dialogue around development and implementation of future commitments in each OGP-participating country. To meet its mandate, IRM partnered with Dr. Brad Gutierrez, an independent researcher, who carried out the initial evaluation of the development and implementation of the action plan. The IRM later partnered with Dr. Jason I. McMann, who collaborated with IRM staff to complete the evaluation.

To gather the voices of multiple stakeholders, Dr. Gutierrez carried out a variety of online and in-person roundtables. The first was a panel during a civic technology online conference

in October 2016. Civil society stakeholders from 10 different states participated.<sup>4</sup> This was followed by an in-person session in Washington, DC in November 2016 with civil society members who had more direct engagement with US government officials in the open government space.

To understand the government's perspective, Dr. Gutierrez led a series of thematic conference calls with the lead officials for agencies' commitments. Dr. Gutierrez also attended numerous official meetings and policy check-ins of the Open Government Working Group, conducted interviews, and reviewed key documents. It is important to mention that this IRM report was written during and directly following the 2016 US presidential elections, which demanded the attention of many stakeholders, both inside and outside of government.

As part of the evaluation process, the IRM also reviewed a series of documents, including the IRM reports on the first and second action plans, the self-assessment published by the government in September 2016, and other articles, reports, and evaluations. The methods of this evaluation are fully detailed in Section VI of this report.

## **1.2 OGP Leadership in the United States**

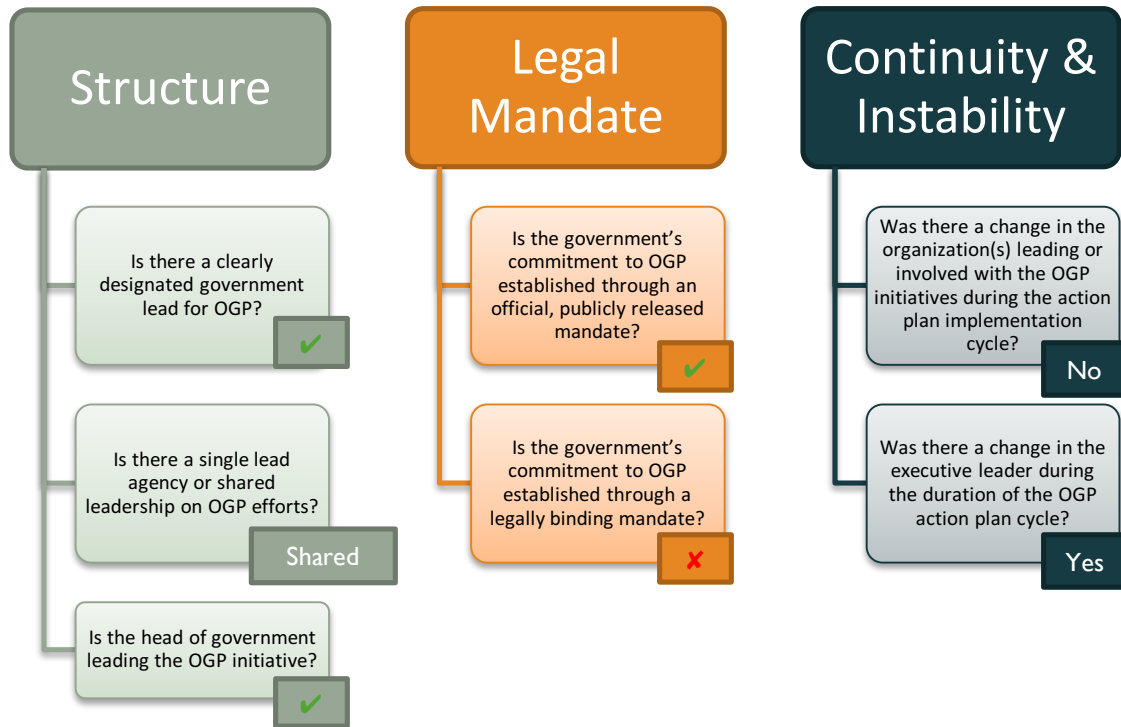
This subsection describes the leadership and institutional context for OGP in the United States. Table I.1 summarizes this structure while the narrative below provides additional details.

During the first year of the action plan, the Executive Office of the President (EOP) led the OGP initiative. Since then, the General Services Administration has assumed a lead role. The State Department coordinates all international-facing OGP efforts and participates in many of the plan's commitments. In addition, the executive agencies in government with primary responsibility for commitments in the plan are regular participants in the Interagency Open Government Working Group. This working group was launched in early 2010 as a forum to discuss open government and improve transparency, participation, and collaboration.<sup>5</sup> The group meets monthly, and meetings are open to the public on a quarterly basis. As regular participants, the 41 agencies that comprise this working group make the biggest contribution to open government reform.<sup>6</sup>

Through Obama's 2009 memorandum, government agencies are expected to create their own open government plans. There is no legally binding mandate for agencies to participate in the goals of OGP or to meet the commitments in the action plan. As for the other branches of government, the judicial and legislative branches do not have direct involvement in the implementation of the action plan.

Obama took deliberate steps to draw numerous advisers from government, academia, and civil society into leading the effort, and he took an active role in the process of achieving the OGP commitments during his tenure. Though the government did not experience a change in executive leadership during the first year of the plan's implementation (the period evaluated by this report), there was a change during the second year of the action plan as the Trump administration took office. This is an important factor to consider in the overall context of the plan, which is discussed later in Section IV of this report.

**Table 1.1: OGP Leadership in the United States**



### 1.3 Institutional Participation in OGP

This subsection explains which government institutions were involved at various stages of the OGP process. The next section will describe the involvement of nongovernmental organizations.

The development of the third action plan was led by the Office of Science and Technology Policy (OSTP) in the EOP. While there are over 100 federal agencies across the US government, all of which were extended an opportunity to collaborate on the development of the action plan, the 23 Chief Financial Officer (CFO) Act agencies and the 18 non-CFO Act agencies that comprise the Interagency Open Government Working Group carried out most of the work.<sup>7</sup>

The working group meets monthly, with quarterly meetings open to civil society attendees. Agencies share updates and collaborate on agency commitments at these monthly meetings. The proceedings of the nonpublic meetings are not published, so the input from external stakeholders in this forum is limited. In addition to the working group meetings, OSTP managed a website dedicated to the US government's Open Government Initiative<sup>8</sup> and an OpenGov blog<sup>9</sup> to post updates and information about the US government's activities related to open government. OSTP also established a Google Open Government Group for communicating and collaborating with interested parties, including large numbers of civil society actors. However, the Open Government Initiative webpage and OpenGov blog were taken down following the change of administration in January 2017.

The agencies that participated in the institutional process for developing the third action plan are listed in Table 1.2. There is no information readily available regarding the process for determining which agency inputs for commitments were rejected or accepted. Nonetheless, the focus of the third action plan on access-to-information commitments prioritized the role of a few agencies, including the General Services Administration, Office of Management and Budget, and NARA. This is unsurprising given that these agencies have

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broad oversight over issues such as information technology, financial management, and government records management and classification across the breadth of the US government.

**Table 1.2 Participation in OGP by Government Institutions**

How did institutions participate?		Ministries, Departments, and Agencies	Legislative	Judiciary (including quasi-judicial agencies)	Other (including constitutional independent or autonomous bodies)	Subnational Governments
Consult <sup>10</sup>	Number	23	0	0	18	12
	Which ones?	See endnote <sup>11</sup>			See endnote <sup>12</sup>	
Propose <sup>13</sup>	Number	21	0	0	13	10
	Which ones?	See endnote <sup>14</sup>			See endnote <sup>15</sup>	See endnote <sup>16</sup>
Implement <sup>17</sup>	Number	18	0	0	10	0
	Which ones?	See endnote <sup>18</sup>			See endnote <sup>19</sup>	

<sup>1</sup> Transparency and Open Government Presidential Memorandum, Federal Register 76, no. 14 (26 January 2009), <http://1.usa.gov/1BQCSGL>

<sup>2</sup> IRM report, “United States Progress Report 2011-13”, The Open Government Partnership, 23 October 2014, <http://bit.ly/1DB7cJ0>

<sup>3</sup> IRM report, “United States Progress Report 2013-2015”, The Open Government Partnership, September 2015, [http://www.opengovpartnership.org/sites/default/files/US%202nd%20IRM%20Report\\_final\\_0.pdf](http://www.opengovpartnership.org/sites/default/files/US%202nd%20IRM%20Report_final_0.pdf)

<sup>4</sup> The following states were represented in the civil society online conference: Arizona, California, Florida, Georgia, Indiana, Massachusetts, New York, Texas, Virginia, and Washington.

<sup>5</sup> White House Archives, Open Government Initiative, Open Government Working Group, <https://obamawhitehouse.archives.gov/open/about/working-group>

<sup>6</sup> Please see the full list of participating agencies here: <http://bit.ly/2q8Flu>

<sup>7</sup> The names of the CFO and non-CFO agencies can be found in footnotes 11 and 12, respectively, below.

<sup>8</sup> White House Archives, Open Government Initiative, <https://obamawhitehouse.archives.gov/open>

<sup>9</sup> White House Archives, Open Government Initiative Blog, <https://obamawhitehouse.archives.gov/open/blog>

<sup>10</sup> These institutions were invited to or observed the development of the action plan, but may or may not be responsible for commitments in the action plan.

<sup>11</sup> Departments of Agriculture, Commerce, Defense, Education, Energy, Health and Human Services, Homeland Security, Housing and Urban Development, Interior, Justice, Labor, State, Transportation, the Treasury, and Veterans Affairs; Environment Protection Agency; General Services Administration; National Aeronautics and Space Administration; National Science Foundation; Office of Personnel Management; Small Business Administration; Social Security Administration; US Agency for International Development; and US Nuclear Regulatory Commission.

<sup>12</sup> Office of Management and Budget (OMB), Office of Science and Technology Policy (OSTP), Office of the United States Trade Representative, Corporation for National and Community Service (CNCS), US Equal Employment Opportunity Commission (EEOC), Federal Communications Commission, Federal Housing Finance Agency, Federal Trade Commission, Institute of Museum and Library Services, Millennium Challenge Corporation

(MCC), National Archives and Records Administration (NARA), National Endowment for the Arts, National Labor Relations Board (NRLB), National Transportation Safety Board (NTSB), Occupational Safety and Health Review Commission, Peace Corps, Pension and Benefit Guarantee Corporation (PBGC), Securities & Exchange Commission (SEC)

<sup>13</sup> These institutions proposed commitments for inclusion in the action plan.

<sup>14</sup> Departments of Agriculture, Commerce, Defense, Education, Energy, Health and Human Services, Homeland Security, Housing and Urban Development, Interior, Justice, Labor, State, Transportation, the Treasury, and Veterans Affairs; Environment Protection Agency; General Services Administration; National Aeronautics and Space Administration; National Science Foundation; Office of Personnel Management; US Agency for International Development; and US Nuclear Regulatory Commission.

<sup>15</sup> Office of Management and Budget (OMB), Office of Science and Technology Policy (OSTP), Office of the United States Trade Representative, Federal Communications Commission, Federal Trade Commission, Institute of Museum and Library Services, Millennium Challenge Corporation (MCC), National Archives and Records Administration (NARA), National Labor Relations Board (NRLB), National Transportation Safety Board (NTSB), Peace Corps, Pension and Benefit Guarantee Corporation (PBGC), Securities & Exchange Commission (SEC)

<sup>16</sup> State of North Carolina, Cities of San Francisco, Los Angeles, Chicago, Philadelphia, Pittsburgh, New Orleans, Knoxville, Newport News, and Austin.

<sup>17</sup> These institutions are responsible for implementing commitments in action plan whether or not they proposed those commitments.

<sup>18</sup> Departments of Agriculture, Commerce, Defense, Education, Energy, Health and Human Services, Homeland Security, Housing and Urban Development, Interior, Justice, Labor, State, Transportation, the Treasury, Environment Protection Agency; General Services Administration; National Aeronautics and Space Administration; and US Agency for International Development

<sup>19</sup> Office of Management and Budget (OMB), Office of Science and Technology Policy (OSTP), Office of the United States Trade Representative, Central Intelligence Agency, Office of National Intelligence, Consumer Finance Protection Board, US Geologic Service, Millennium Challenge Corporation (MCC), National Archives and Records Administration (NARA), and Peace Corps,

## **II. National OGP Process**

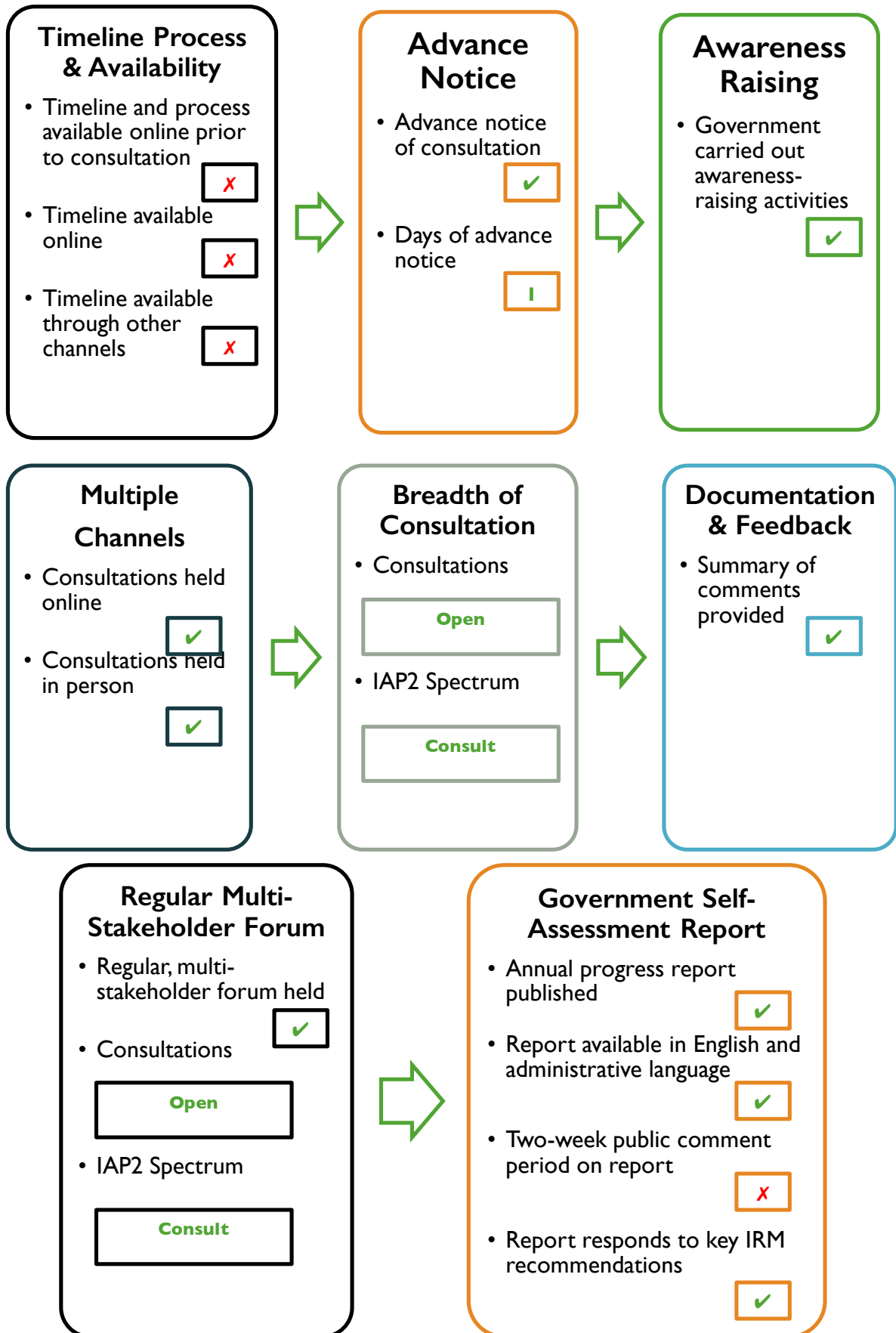
The public submitted ideas and proposals during the development of the action plan through both online and in-person channels. However, the US government did not provide written feedback to public inputs or publish a draft of the action plan before its formal release, limiting the opportunities for active collaboration.

The Executive Office of the President (EOP) led the development of the action plan, which involved federal government agencies, subnational institutions, civil society representatives, foundations, academics, and members of the public. While civil society actively participated in providing ideas and comments, the government did not respond to their recommendations or share a draft of the plan before its publication. In addition, participants were largely based in the Washington, DC area. The process of developing the action plan is fully assessed in Section 2.1 below.

During the implementation of the plan, described in Section 2.2 below, the government communicated with civil society organizations and members of the public through the Google Open Government Group and the quarterly open meetings of the Interagency Open Government Working Group. Except for the quarterly meetings, however, the process did not follow a well-defined or transparent schedule.

Countries participating in OGP follow a set of requirements for consultation during development, implementation, and review of their OGP action plan. Table 2.1 summarizes the performance of the US government during the 2015-2017 action plan.

Table 2.1: National OGP Process in the United States



## 2.1 Action Plan Development

The development of the third action plan did not follow a clear or well-defined schedule. The government first provided a timeline of key meetings via a post on the Open Government Google Group on 16 March 2015, notifying the group's members of a kickoff event for developing the third action plan the following day, in conjunction with activities held as part of the annual Sunshine Week.<sup>1</sup> A subsequent post on the OpenGov blog on 4 June 2015 invited anyone interested to submit ideas and recommendations for commitments in the action plan.<sup>2</sup> The invitation was sent to the Google group on 10 June 2015.

On 30 July 2015, the US government held a public meeting to discuss potential commitments for the third action plan. The two-hour meeting was well attended in person and via live stream by a mix of government officials, civil society representatives, and members of the public. However, the number of people wanting to speak overwhelmed the time available. Subsequently, there was strong feedback from some civil society stakeholders that reports from government leads limited the opportunity for meaningful exchanges and that the meeting did not achieve the goal of "discussing" commitments.

The government also solicited public comments and inputs online through Hackpad, a collaborative real-time text editor. Using this tool, the public could share ideas for commitments to include in the action plan or comment on existing proposals. The government suggested 13 themes based on both new and previous initiatives in areas such as open data, public participation, whistleblowing, transparency in the extractives sector, and records management. The public could also submit ideas on topics of their choosing. Overall, members of the public submitted a wide variety of recommendations through the tool, including proposals on beneficial ownership, lobbying, and contracting.<sup>3</sup>

In parallel with the government's development of the action plan, civil society prepared its own Model National Action Plan.<sup>4</sup> OpenTheGovernment.org, a civil society coalition that has previously organized civil society evaluations of the OGP process in the United States,<sup>5</sup> invited both civil society groups and members of the public to submit model commitments through a Google site.<sup>6</sup> Nearly 20 different organizations contributed to the drafting of the model plan,<sup>7</sup> which was then sent to the government. The final plan contained 21 different topics, including ethics, privacy, beneficial ownership, and procurement reform. Many of the topics were subdivided into separate goals and activities.

The last public meeting before the official release of the third national action plan was the August quarterly Interagency Open Government Working Group meeting. Civil society was not consulted on a draft of the plan, either at that meeting or at any point prior to the publication of the plan.

The government published the third action plan on 27 October 2015. The plan received mixed reviews from civil society, varying by sector. For example, InterAction praised the government's adoption of civil society inputs on foreign-aid transparency,<sup>8</sup> while the Electronic Frontier Foundation criticized the plan's progress on trade transparency.<sup>9</sup> Despite the differing opinions on the content of the plan, many civil society groups agreed in their assessment of the experience of collaborating with the government on the development of the action plan. In the words of the OpenTheGovernment.org coalition: "OpenTheGovernment.org and many of our partners found that in the lead-up to the NAP [national action plan] release, the onus was largely on civil society groups to push for meetings with relevant government leads, and the meetings that were granted were often lacking in government attendance and substantive collaboration."<sup>10</sup>

According to the coalition, civil society groups did not have access to contact information for the government agency representatives responsible for the OGP process, which made scheduling meetings difficult. Consequently, many groups relied on their pre-existing contacts with government representatives.<sup>11</sup> In addition, meetings often did not live up to the expectations of civil society. As the coalition writes:



Many groups hoped that meetings with government leads would include discussion of specific language regarding the commitments for the NAP – particularly in response to the recommendations made by civil society; instead, the discussion often only went as far as high-level concepts. As a result civil society had very little knowledge of whether agencies thought recommendations were reasonable, what changes would make them more viable, and what would actually be in the plan, making it difficult to collaborate and offer feedback. While many government officials were happy to receive civil society’s recommendations, they were seldom willing to offer feedback on those recommendations, leading to what several groups described as a one-sided conversation.<sup>12</sup>

The drafters of the civil society-led model action plan additionally emphasized the hope that the plan would create a strong impetus for the government to engage with the drafters in discussing how the plan could inform the final commitments. However, the civil society community found that the third national action plan incorporated few of civil society’s recommendations. Specifically, the community scored the model action plan’s 21 commitments on a five-point scale based on the degree to which the government version incorporated the recommendations. Civil society groups found that while four of the 21 recommendations were at least partially incorporated, the majority were not.<sup>13</sup>

In addition, as in previous action plan development periods, the focus of engagement with civil society was with those organizations located in the Washington, DC area. The government did not carry out a national outreach effort to bring in other stakeholders. As a result, the scope and scale of participation was limited and not representative of civil society as a whole. Live conferencing of meetings for those further afield was only modestly successful due to repeated technical difficulties.

## **2.2 Ongoing Multistakeholder Forum**

As part of their participation in OGP, governments commit to identify a forum to enable regular multistakeholder consultation on the implementation of OGP commitments. The forum can be an existing entity or a new one. This section summarizes that information.

Since the release of the third national action plan, engagement with civil society stakeholders has continued through both the Interagency Open Government Working Group and the Google Open Government Group. The quarterly open Interagency Open Government Working Group meeting is an excellent opportunity to hear from government leads on specific commitments. Updates are provided on implementation progress, challenges, and successes or failures. With a set time limit of two hours, the meeting inevitably ends before everyone can share their viewpoints. Questions from external attendees are encouraged.

Following the quarterly meeting, notes or proceedings are posted on the Google Open Government group, which is used by government leads to update each other and civil society members on progress. This regularly generates discussion between government and nongovernment group members. The IRM researcher was invited to the quarterly meetings and the Google Group, which provided a rich opportunity for group or one-on-one dialogues on the progress of the action plan.

Civil society stakeholders have suggested that a dashboard be developed for a more comprehensive, centralized record of implementation status. Some leads for individual commitments have a dashboard for their respective commitment, but there is no central dashboard that records progress on the entire action plan.

The White House used the OpenGov blog to post highlights of actions in the open government arena. However, as mentioned previously, the blog has not been operational following the change in administration in January 2017. Nonetheless, it is important to emphasize that both the Interagency Open Government Working Group and the Google Open Government Group have remained active.

### 2.3 Self-Assessment

The OGP Articles of Governance require that participating countries publish a self-assessment report three months after the end of the first year of implementation. The self-assessment report must be made available for public comments for a two-week period. This section assesses compliance with these requirements and the quality of the report.

The government published its midterm self-assessment report for the third action plan on 20 September 2016.<sup>14</sup> There was no public comment period provided before the release. It was compiled from contributions of the individual commitment leads across the government and covers the entire action plan.

As with many of the commitments themselves, the assessments are general in nature when addressing consultation with outside entities. The US government highlights specific achievements with links to relevant websites and documents, but provides evidence to support levels of completion on a case-by-case basis. Some sections are thorough while others are brief and vague. The descriptions of next steps also vary in substance by commitment. In some cases, next steps are limited to brief updates, such as “Plan another conference for next year.” In other cases, there is detailed consideration given to how a commitment can be an ongoing effort beyond the current term of the action plan.

### 2.4 Follow-up on Previous IRM Recommendations

Table 2.2: Previous IRM Report Key Recommendations

Recommendation 1	Recommendation 2	Recommendation 3	Recommendation 4	Recommendation 5
The third National Action Plan should concentrate on including more commitments that are ambitious and far-reaching.	The Third National Action Plan should expand its scope and include public participation to identify commitments on trade policy, access to justice and civil rights, ethics and integrity of governance, and state and local open government	When developing the third National Action Plan, participation should be expanded outside the Beltway and decentralized to reach a broader range of individuals.	In the next action plan, the US government should include commitments... in the following areas: declassification and over-classification; Office of Government Information Services reform; foreign intelligence and surveillance; and whistleblower protection.	The next action plan should include concrete steps to support the continuation of the open government initiatives during and after an administrative transition. Civil society should have an active role in the development of such a plan.
Addressed? <input checked="" type="checkbox"/>	Addressed? <input checked="" type="checkbox"/>	Addressed? <input checked="" type="checkbox"/>	Addressed? <input checked="" type="checkbox"/>	Addressed? <input type="checkbox"/>
Integrated into next action plan? <input checked="" type="checkbox"/>	Integrated into next action plan? <input checked="" type="checkbox"/>	Integrated into next action plan? <input checked="" type="checkbox"/>	Integrated into next action plan? <input checked="" type="checkbox"/>	Integrated into next action plan? <input type="checkbox"/>

As part of their participation in OGP, all participating countries must address the previous IRM assessment’s recommendations in their self-assessment report. Table 2.2 indicates

whether the government addressed the previous IRM report's recommendations and whether it integrated them into the current (third) action plan.

Of the five recommendations, the government addressed four in its self-assessment report. Specifically, the self-assessment contains a section that acknowledges the previous IRM report's recommendations as they relate to both greater participation of civil society in the OGP process and the inclusion of commitments in areas such as declassification, whistleblower protection, and access to information. However, the self-assessment did not address the fifth recommendation about including concrete steps to ensure continuity of open government initiatives during and after the transition. This recommendation was also not integrated into the third action plan, although the government frequently affirmed that the people championing open government would continue their work.

Four of the five IRM recommendations were integrated into the third action plan. Although the commitments in the third action plan range in their level of ambition and scope, the first recommendation was integrated in that the government expanded the reach of the action plan to include—for the first time as part of the OGP process—high-impact commitments on issues such as transparency in law enforcement, climate data, and scientific research. In the case of the second recommendation, the issue of ethics and integrity of governance was not addressed in the assertive manner requested by civil society stakeholders, but the government did include specific commitments on trade policy, access to justice, and open government at the state and local levels. The government followed the third recommendation on expanding participation beyond the Washington, DC area by using live streams and online collaborative tools to gather public inputs. However, it is important to note that consultation remains concentrated in the Washington area. Lastly, the fourth recommendation was solidly addressed and integrated into the action plan with specific commitments on declassification, controlled unclassified information, foreign intelligence, and whistleblower protections.

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<sup>1</sup> Sunshine Week is an annual event held in mid-March to coincide with James Madison's birthday and National Freedom of Information Day on 16 March. Its goal is to educate the public about the importance of open government and the dangers of excessive and unnecessary secrecy. It began in 2005.

<sup>2</sup> Corinna Zarek, "Help us Strengthen Open Government," 4 June 2015, <http://bit.ly/2oN98sT>

<sup>3</sup> Hackpad, "How to participate in development of the US Open Government National Action Plan 3.0," <http://bit.ly/1GLThSn>

<sup>4</sup> Civil Society Model Commitments for the Third US National Action Plan, Version 1.3, September 2015, <http://bit.ly/2oBni4D>

<sup>5</sup> OpenTheGovernment.org, We are, [http://www.openthegovernment.org/we\\_are](http://www.openthegovernment.org/we_are)

<sup>6</sup> Drafting the 3<sup>rd</sup> National Action Plan, <https://sites.google.com/site/draftingnap3/>

<sup>7</sup> The contributing organizations included: Brennan Center for Justice; Center for Democracy and Technology; Constitution Project; Council for a Livable World; Center for Arms Control and Non-Proliferation; Demand Progress; Electronic Privacy Information Center; Electronic Frontier Foundation; Government Accountability Project; InterAction; National Security Archive; OpenTheGovernment.org; Project On Government Oversight; Publish What You Fund; World Privacy Forum.

<sup>8</sup> Laia Griñó, "The US Commits To The Right Things In Foreign Aid Transparency: Increasing Quality and Use," Interaction, 4 November 2015, <http://bit.ly/2oQB6E5>

<sup>9</sup> Jeremy Malcolm, "US Open Government Commitments Fail to Improve Trade Transparency," 27 October 2015, <http://bit.ly/1RCe4sg>

<sup>10</sup> "Administration Falling Short on Required Consultations with Civil Society," OpenTheGovernment, March 18, 2015. Accessed at: <http://www.openthegovernment.org/node/5053>.

<sup>11</sup> Ibid.

<sup>12</sup> Ibid.

<sup>13</sup> Ibid.

<sup>14</sup> United States Government, Midterm Self-Assessment Report for the Open Government Partnership: Third Open Government National Action Plan 2015-2017, September 2016, <http://bit.ly/2qvDgcj>

### III. Commitments

All OGP-participating governments develop OGP action plans that include concrete commitments over a two-year period. Governments begin their OGP action plans by sharing existing efforts related to open government, including specific strategies and ongoing programs.

Commitments should be appropriate to each country's unique circumstances and challenges. OGP commitments should also be relevant to OGP values laid out in the OGP Articles of Governance and Open Government Declaration signed by all OGP-participating countries.

#### What Makes a Good Commitment?

Recognizing that achieving open government commitments often involves a multiyear process, governments should attach time frames and benchmarks to their commitments that indicate what is to be accomplished each year, whenever possible. This report details each of the commitments the country included in its action plan and analyzes them for their first year of implementation.

While most indicators used to assess each commitment are self-explanatory, a number deserve further explanation.

- **Specificity:** The IRM researcher first assesses the level of specificity and measurability with which each commitment or action was framed. The options are as follows:
  - **High** (Commitment language provides clear, verifiable activities and measurable deliverables for achievement of the commitment's objective);
  - **Medium** (Commitment language describes activity that is objectively verifiable and includes deliverables, but these deliverables are not clearly measurable or relevant to the achievement of the commitment's objective);
  - **Low** (Commitment language describes activity that can be construed as verifiable but requires some interpretation on the part of the reader to identify what the activity sets out to do and determine what the deliverables would be);
  - **None** (Commitment language contains no measurable activity, deliverables or milestones).
- **Relevance:** The IRM researcher evaluated each commitment for its relevance to OGP values. Based on a close reading of the commitment text as stated in the action plan, the guiding questions to determine the relevance of the commitment to OGP values are as follows:
  - **Access to Information:** Will government disclose more information or improve the quality of the information disclosed to the public?
  - **Civic Participation:** Will government create or improve opportunities or capabilities for the public to inform or influence decisions?
  - **Public Accountability:** Will government create or improve opportunities to hold officials answerable to their actions?
  - **Technology & Innovation for Transparency and Accountability:** Will technological innovation be used in conjunction with one of the other three OGP values to advance either transparency or accountability?<sup>1</sup>
- **Potential impact:** The IRM is tasked with assessing the *potential impact* of the commitment, if completed. The IRM researcher uses the text from the action plan to do the following:
  - Identify the social, economic, political, or environmental problem;
  - Establish the status quo at the outset of the action plan; and
  - Assess the degree to which the commitment, if implemented, would impact performance and address the problem.

**Starred commitments** are considered exemplary OGP commitments. To receive a star, a commitment must meet several criteria:

- It must be specific enough that a judgment can be made about its potential impact. Starred commitments will have “medium” or “high” specificity.
- 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.
- The commitment would have a “transformative” potential impact if completely implemented.<sup>2</sup>
- There must be significant progress on the commitment during the action plan implementation period, receiving an assessment of “substantial” or “complete” implementation.

Based on these criteria, the third national action plan of the United States contains three starred commitments, namely:

- Commitment 14: Modernize FOIA and Release Nonprofit Tax Filings
- Commitment 20: Open Science
- Commitment 36: Police Open Data

The graphs in this section present an excerpt of the wealth of data the IRM collects during its progress-reporting process. For the full data set for the United States and all other OGP-participating countries, see the OGP Explorer.<sup>3</sup>

### General Overview of the Commitments

The third US action plan contains 45 commitments that cover eight thematic areas: public-service delivery, access to information, public participation, government integrity, fiscal transparency, justice and law enforcement, subnational governance, and global sustainable development.

The action plan does not specify lead actors or dates for most of the commitments. The lead actors listed under each commitment in the sections that follow are therefore taken directly from the US government’s midterm self-assessment report. The lack of dates, on the other hand, made it difficult to judge whether or not commitments were on time, based on agency work plans. The assessment was thus made based on the commitment’s overall level of completion at the midterm of the action plan.

The text of each commitment is taken directly from the action plan. Note that commitment titles have been adjusted to improve the readability of the report.

Lastly, the US government published seven new and expanded commitments in September 2016.<sup>4</sup> Given that these new commitments were released after the close of this evaluation (June 2016), they will be fully assessed in the upcoming IRM end-of-term report.

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<sup>1</sup> Open Government Partnership, IRM Procedures Manual, <http://bit.ly/2xblXjm>

<sup>2</sup> The International Experts Panel changed this criterion in 2015. For more information visit: <http://www.opengovpartnership.org/node/5919>

<sup>3</sup> OGP Explorer, <http://bit.ly/2idDcPA>

<sup>4</sup> US Government, Announcing New Open Government Initiatives, September 2016, <http://bit.ly/2tFI1n2>

## Theme I. Open Government to Improve Public Services

### Commitment I. Reconstitute USA.Gov

#### Commitment Text:

#### **Reconstitute USA.gov as the Front Door to the U.S. Government**

*For a government to truly be open, the public must be able to find information about government activities and services. Established by the e-Government Act of 2002 as the official web portal of the U.S. Government, USA.gov has a long history of connecting millions of citizens to the government information and services they need. Recently re-launched to be more responsive to users, USA.gov has become a more efficient and adaptive publishing platform for Federal, state, and local governments. Going forward, the General Services Administration will implement additional user-centered enhancements, including delivering enhanced content, and will work with agencies to help the public identify and receive services they need based on their own goals rather than government structure.*

**Responsible institution(s):** General Services Administration

**Supporting institution(s):** Not specified

**Start date:** Not Specified

**End date:** Not specified

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
I. Overall		✓			✓			✓		✓			Yes			✓	

#### Context and objectives

This commitment aims to improve upon the usefulness of [USA.gov](http://USA.gov) as the portal to government information and services. The primary objective is to design the website around public needs and goals for the portal rather than those of the government. Although the commitment promises “user-centered enhancements” and “enhanced content,” it does not specify how exactly the government aims to improve the portal. Without that detailed information, it is difficult to foresee a significant level of impact resulting from this commitment, should it be fully achieved. The commitment’s overall goal does demonstrate relevance to two OGP values. At its core, it strives to increase access to government information and services. It also provides for online availability of information that demonstrates a commitment to use technology to improve transparency.

#### Completion

In late 2015, a General Services Administration (GSA) team made up of USA.gov staff and 18F (a technology team within GSA) started the Federal Front Door — an initiative to improve the interactions between the government and the public. The team carried out in-person interviews during a six-week discovery phase to learn more about how users access government information.<sup>1</sup> The team published a final report and launched an eight-part blog series on [blog.USA.gov](http://blog.USA.gov) to share the findings.



As for concrete web developments, the USA.gov blog itself was created in late 2015.<sup>2</sup> The blog announces updates to USA.gov, showcases new ideas and initiatives, and highlights relevant articles, events, and resources for users. On 23 September 2015, the USA.gov team launched vote.USA.gov, an online tool to connect the public with voter registration information.<sup>3</sup> In January 2016, a new exploratory landing page was launched with a user-friendly interface and an English-Spanish toggle.<sup>4</sup> In March 2016, USA.gov shared its Snapchat account with the public to better connect with younger people on social media.<sup>5</sup>

According to the government self-assessment, GSA is collaborating with the Small Business Administration and the Department of Commerce to merge the information and services of [Business.USA.gov](https://www.business.usa.gov) with the USA.gov platform to reduce duplication across .gov websites. This was also announced on *Blog.USA.gov* in a post from 29 June 2016, with more information promised through the summer. At the time of writing, however, the June post is the only mention of this project and there is no reference to it on the Business.USA.gov site.

Despite the progress in gathering user inputs and designing new online tools, the IRM researcher does not consider the commitment to be complete after the first year of the plan, given that the action plan does not specify any concrete activities that could be used to conclude that the commitment is fully completed.

### Early Results (if any)

As part of the Federal Front Door initiative, the government interviewed a total of 3,635 people in Jacksonville, Kansas City, Minneapolis, Philadelphia, and Sacramento.<sup>6</sup> In its final report, the government team identified some of the current problems that people face when they try to access government information online. These include a lack of trust, an overload of options, and a lack of transparency. The team also identified specific issues to focus on, such as streamlining cross-agency services, disseminating information through search engines and proxies, and improving the US Web Design Standards.<sup>7</sup>

One of the most promising USA.gov innovations has been vote.USA.gov. Since it was first launched in September 2015, the website has received hundreds of thousands of visitors. The government later partnered with Facebook to further increase awareness of the site. Facebook notifications asking users whether they were registered to vote were tested in a pilot project in South Carolina on 15 January 2016. The notifications generated 25,000 visitors to vote.USA.gov in one day. Later pilot projects in four states resulted in 250,000 more visitors to the site and made vote.USA.gov the second most viewed government website.<sup>8</sup> The government has continued to improve the site, which is now available in Spanish and features new visuals.<sup>9</sup>

### Next Steps

According to the government self-assessment, GSA expects to continue user testing and share the results with other agencies. It will also continue to communicate its work through the USA.gov blog. In addition, the USA.gov Contact Center will continue to host monthly listening sessions for digital managers and designers to listen in on calls.

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<sup>1</sup> Federal Front Door, <https://labs.usa.gov/#overview>

<sup>2</sup> Sarah Crane, "Introducing the USA.gov Blog," 20 October 2015, <http://bit.ly/2qzDQWZ>

<sup>3</sup> Sarah Crane, "USA.gov Launches vote.USA.gov to Help Citizens Register to Vote," 2 October 2015, <http://bit.ly/2oUZmJB>

<sup>4</sup> USA.gov, <https://www.usa.gov/explore/>

<sup>5</sup> Jessica Milcetic, "Why We Launched a Snapchat Account and How We'll Measure Success," 30 March 2016, <http://bit.ly/2p5Xv0l>

<sup>6</sup> Federal Front Door, Research Methodology, February 2016, <http://bit.ly/2pyhojo>



<sup>7</sup> Colin MacArthur et al, "Informing the Future of the Federal Front Door," 29 February 2016, <http://bit.ly/2plRx8M>

<sup>8</sup> Jessica Milcetic, "Preliminary Results from Voter Registration Partnership with Facebook," 26 January 2016, <http://bit.ly/2p9OF1D>

<sup>9</sup> Yoz Grahame, "The New Vote.gov: Leaner, Faster and Multi-Lingual," 27 September 2016, <http://bit.ly/2pj4gsm>

## **Commitment 2. Increase Accessibility of Government Information Online**

### **Commitment Text:**

#### **Increase Accessibility of Government Information Online**

Developing and adopting accessible, universally-designed programs and websites is critical to making sure every American has access to public services. Additionally, Section 508 of the Rehabilitation Act requires that people with disabilities have access to and use of information and data that is comparable to the access and use by people without disabilities. The U.S. Access Board promulgates the Section 508 standards that specify what is required by Section 508 for websites. To increase accessibility of government information online, the United States will:

- **Implement and Improve Upon the U.S. Web Design Standards.** In September 2015, the U.S. Digital Service launched a set of design patterns and tools as best practices to improve design of the hundreds of websites across dozens of agencies to provide consistent, visually appealing, and easy-to-use government websites that are compliant with Federal disability access requirements. Focusing on the user experience, the U.S. Digital Service worked with an interagency team to create a common visual style that is applicable across a broad range of government platforms. The team will use open platforms to work to improve upon the design standards, making regular releases in the coming months.
- **Review and Report Accessibility Compliance of Federal Websites.** By creating and implementing software code that can assist in evaluating the accessibility of websites across the government, the United States will increase the government's ability to assess accessibility of Federal information for citizen consumers and Federal workers with disabilities. The General Services Administration will expand the transparent reporting platform [pulse.cio.gov](https://pulse.cio.gov) to measure performance of all Federal web domains against web policy requirements and industry best practices, while connecting domain owners to information and resources to better ensure that their sites comply with the requirements of Section 508.
- **Develop Limited-English-Proficiency Policies and Programs.** The United States will ensure that public-facing programs and activities, including recipients of Federal financial assistance through the General Services Administration, have policies and practices in place to provide meaningful access to limited-English-proficient individuals. The General Services Administration will conduct outreach and training efforts with its employees and recipients of Federal assistance to inform these policies and programs.

**Responsible institution(s):** General Services Administration

**Supporting institution(s):** All Federal Agencies, members of the public

**Start date:** Not specified

**End date:** Not specified

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative		Not started	Limited	Substantial	Complete
2. Overall		✓			✓					✓			No		✓		
2.1. Implement and Improve Upon the US Web Design Standards.		✓			✓					✓			Yes			✓	
2.2. Review and Report Accessibility Compliance of Federal Websites.		✓			✓					✓			No		✓		
2.3. Develop Limited-English-Proficiency Policies and Programs		✓			✓					✓			No		✓		

### Context and Objectives

The three milestones under this commitment aim to improve access to government websites for those people with disabilities and limited English-language proficiency. This commitment also aims to improve compliance with Section 508 of the Rehabilitation Act of 1973, which sets out access standards for those with disabilities. As part of this process, the US Digital Service will create common visual styles to provide consistency across the multitude of government websites.

While the commitment has a clear objective, each of the proposed activities lacks specificity. For example, the government states a clear intent to improve the US Web Design Standards, but it is unclear how exactly the standards will be improved or how they will look when completed. Likewise, it is not clear which metrics the government will use to assess the accessibility compliance of federal websites.

The potential impact is somewhat mitigated by the lack of a clear accountability mechanism through which civil society can exercise a defined role in addressing shortfalls in the accessibility of online government information. The commitment also lacks detail regarding the existing shortfalls that the commitment is intended to address. Additionally, milestones 2.1 and 2.2 are largely internal processes to mitigate unspecified issues with government websites. There is no stated intent in these milestones to engage with external stakeholders. Milestone 2.3 does commit to outreach and training efforts for recipients of federal assistance, although the mechanisms for such outreach remain unknown. All milestones in the commitment show relevance to access to information.

### Completion

As part of the first milestone, the government made regular updates to the US Web Design Standards throughout the action plan period. Specifically, the interagency team working on the standards released eight updates during the first year of implementing the plan (through June 2016). The first official major release of the standards took place on 23 February 2017—during the second year of the action plan. For this reason, the IRM researcher considers the activity to be substantially complete after the first year.

There was limited progress on the second milestone. The government aimed to expand the reporting platform pulse.cio.gov to measure the accessibility and performance of

government websites. However, as of early 2017, the platform reported only how many federal government domains 1) use HTTPS (for secure connections) and 2) participate in the digital analytics program, which tracks how people interact with government websites.<sup>1</sup>

The government stated that the General Services Administration (GSA) is working with the Chief Information Officers Council Accessibility Community of Practice, agency coordinators, and web developers to design an implementation strategy. According to the government, the Pulse platform will use an open-source technology to review federal website domains for their compliance with accessibility standards.

As for the third milestone on improved limited-English-proficiency (LEP) policies and programs, the government pointed to GSA's development of a Limited English Proficiency Action Plan. This plan is not available online, however, and there is limited evidence of new LEP policies or programs, as promised by the commitment. While a committee of the Interagency Working Group on Limited English Proficiency published a guide for ordering foreign-language services in August 2016, this is only a small step toward fulfilling the commitment and took place during the second year of the action plan.<sup>2</sup>

### **Early Results (if any)**

Since its launch, the US Web Design Standards have been used extensively. By the end of 2016, more than 3,400 people followed the project on GitHub (a web-based development platform) and contributed to the code. Just over 100 government websites and applications used the standards, including vote.U.S.A.gov from Commitment 1.<sup>3</sup> According to Google Analytics data, the standards reached a total of about 60 million users—for a combined total of nearly 500 million page views—during each of the last three quarters of 2016.<sup>4</sup> I8F, a technology team within GSA, publishes a series of blog posts with updates and stories on how agencies are using the standards.<sup>5</sup>

### **Next Steps**

Across the commitment there is a need to continue user research with members of the public and government users. The deployment of the Pulse program will help enhance knowledge of where government agencies stand on meeting accessibility benchmarks. According to its self-assessment report, the government also plans to continue collaboration with the LEP Interagency Working Group and continue outreach to the public on LEP policies and programs.

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<sup>1</sup> Pulse, <https://pulse.cio.gov/>

<sup>2</sup> GSA, Language Offerings, <https://www.gsa.gov/portal/content/245623>

<sup>3</sup> GitHub, Website and applications that use the Standards, <http://bit.ly/2pKYVi3>

<sup>4</sup> US Web Design Standards, What's new, <https://standards.usa.gov/whats-new/>

<sup>5</sup> I8F, Web Design Standards, <https://i8f.gsa.gov/tags/web-design-standards/>

## Commitment 3. Expand Access to Educational Resources

### Commitment Text:

#### **Expand Access to Educational Resources through Open Licensing and Technology**

Open educational resources are an investment in sustainable human development; they have the potential to increase access to high-quality education and reduce the cost of educational opportunities around the world. Open educational resources can expand access to key educational materials, enabling the domestic and international communities to attain skills and more easily access meaningful learning opportunities. The United States has worked collaboratively with domestic and international civil society stakeholders to encourage open education initiatives. Building on that momentum, the United States will openly license more Federal grant-supported education materials and resources, making them widely and freely available. In addition to convening stakeholders to encourage further open education efforts, the United States will publish best practices and tools for agencies interested in developing grant-supported open licensing projects, detailing how they can integrate open licensing into projects from technical and legal perspectives.

**Responsible institution(s):** Department of Education, Department of State, Institute of Museum and Library Services, and Office of Science and Technology Policy

**Supporting institution(s):** All Federal agencies, civil society organizations

**Start date:** Not specified

**End date:** Not specified

Commitment Overview	Specificity				OGP Value Relevance (as Written)				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
3. Overall			✓		✓			✓			✓		No		✓		

### Context and Objectives

The goal for this commitment is to expand the opportunities for domestic and international stakeholders to access and utilize educational materials and resources funded by federal grants. The government proposes three actions to achieve this objective: 1) openly license more education materials and resources; 2) convene stakeholders to encourage additional open-education efforts; and 3) publish best practices and tools for agencies that would like to develop open-licensing projects.

This commitment carries forward Commitment 24 from the second action plan (2013-2015), which also focused on open education. As part of that commitment, the government published the results of three open-education pilot projects, and hosted an International Open Education Workshop with civil society and foreign government participants.

Open education has been an important issue area for civil society stakeholders. On 4 August 2015, a coalition of organizations from the education, library, technology, public interest, and legal communities submitted an open letter to President Barack Obama, calling for a strong policy to ensure the availability, free use, and sharing of open educational resources.<sup>1</sup> By 13 August 2015, the letter was signed by 109 organizations.<sup>2</sup>

Public comment version: please do not cite

While the commitment includes objectively verifiable deliverables, such as openly licensed materials and resources, some elements are left to interpretation. For example, it is not clear how many new resources the government plans to openly license, or how it will involve stakeholders in improving open-education efforts.

Fulfillment of the commitment would expand access to educational materials and resources, which is relevant to OGP's value of access to information, but it is not clear which stakeholders will have a voice in determining the thematic focus of the materials licensed for open access. Technology and innovation will figure prominently in fulfilling this commitment, as the online environment will maximize its reach.

The potential impact of this commitment, as written, is diminished by the lack of identified mechanisms through which civil society will be able to influence the types and level of materials and resources to be licensed for open and free availability. Nonetheless, greater open-education resources could have a significant impact. According to Creative Commons, more openly licensed educational resources “will benefit schools in a number of ways including: increasing equity, keeping content relevant and high quality, empowering teachers, and saving districts money.”<sup>3</sup>

### **Completion**

On 29 October 2015, the Department of Education launched #GoOpen, a campaign to encourage schools, teachers, and states to make more educational resources available for open access. As part of the campaign, the agency proposed a new regulation that would require all copyrightable intellectual property created with grant funds to be openly licensed.

In addition, in consultation with civil society stakeholders, government leaders were developing a Federal Playbook on Open Licensing to provide government agencies and institutional users of open resources with information about processes for developing the resources.<sup>4</sup> As of 31 December 2016, the playbook was completed but was awaiting approval from the relevant working group of a federal advisory committee for the mechanisms for implementation. The playbook was officially released in January 2017—well into the second year of the action plan<sup>5</sup>. Therefore, this will be included and assessed in the end-of-term assessment.

By the end of the period assessed by this report (June 2016), the government acknowledged that completion was limited. Despite the launch of the #GoOpen campaign, agencies were still working to identify and produce federally funded open-education resources.

### **Early Results (if any)**

As part of the #GoOpen campaign, an initial cohort of ten school districts committed to replace at least one textbook with openly licensed educational resources. Private companies and nonprofit organizations signed up to support the effort through improved digital infrastructure, workshops, and professional development resources.<sup>6</sup> By February 2016, 31 school districts committed to replace at least one textbook with open resources, and 14 states<sup>7</sup> made #GoOpen commitments to:

- implement a statewide technology strategy that features the use of openly licensed resources;
- develop and maintain a statewide repository for openly licensed resources;
- publish openly licensed resources on the Learning Registry;<sup>8</sup>
- share practices and resources with other states and districts; and
- document the state's progress online.

In addition, early reports from participants in the campaign are quite positive. According to superintendents from Tennessee who are involved in the process, the transition to openly resourced materials has freed up funds for expanding access to computers and tablets,

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enabled collaboration with educators from around the country, and ensured use of up-to-date resources that match frequently shifting state standards.<sup>9</sup>

### Next Steps

By the nature of its focus, both government and civil society stakeholders expect this commitment's activities to be an ongoing process of updates, improvements, and future developments that will extend beyond the term of this action plan. In interviews with government and civil society representatives, the IRM researcher asked about next steps. The responses emphasized the collaborative relationship between government and civil society education experts in publicizing the availability of resources and highlighting the potential users. It remains unclear exactly how this will happen, but the details of such activities could serve as a future milestone for upcoming actions plans that include open-education efforts.

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<sup>1</sup> Institute for the Study of Knowledge Management in Education, Coalition Letter to President Obama Calling for OER Policy, <http://www.iskme.org/oerusa-letter>

<sup>2</sup> White House OER Letter, <http://bit.ly/1KDoHcb>

<sup>3</sup> Cable Green, "US Dept. of Education proposes Open Licensing Policy. CC joins White House announcement," 30 October 2015, <http://bit.ly/2qNRYQc>

<sup>4</sup> Background provided on conference website for the 13<sup>th</sup> annual Open Education Conference held in Richmond, VA November 2-4, 2016. See: <https://openeducation2016.sched.com/event/7InD/promoting-government-use-of-oer-the-federal-open-licensing-playbook>

<sup>5</sup> Cable Green, "State Department Publishes Open Licensing 'Playbook' for Federal Agencies," 20 January 2017, <http://bit.ly/2jHbpGK>

<sup>6</sup> US Department of Education, "US Department of Education Launches Campaign to Encourage Schools to #GoOpen with Educational Resources," 29 October 2015, <http://bit.ly/1HgXLvG>

<sup>7</sup> US Department of Education, "US Department of Education Recognizes 14 States and 40 Districts Committing to #GoOpen with Educational Resources," 26 February 2016, <http://bit.ly/1TMvmaT>

<sup>8</sup> Learning Registry, <http://learningregistry.org/>

<sup>9</sup> Grace Tatter, "Tennessee joins campaign to #GoOpen with educational resources," *Chalkbeat*, 10 November 2016, <http://bit.ly/2q0mh5l>

## Commitment 4. Public Listing of Every Address

### Commitment Text:

#### Launch a Process to Create a Consolidated Public Listing of Every Address in the United States

Although address information for residential and commercial properties is collected across the United States by all levels of government and industry, it isn't currently compiled in an open, easily accessible format. Additionally, much of the information collected at the Federal level is prohibited from public release due to various privacy laws. This non-private address information can be crucial to first responders and emergency service providers and can also be useful to innovators who might use it to build tools or launch services to improve communities. The Department of Transportation will begin coordinating across the public and private sector; connecting agencies, industry and innovators to gain consensus on an open standard for public address information; pursuing open data strategies for sharing certain address information — excluding names and other private information; and exploring uses of this information that drive innovation and inform the public.

**Responsible institution(s):** Department of Transportation, Census Bureau in the Department of Commerce, Department of Homeland Security, Environmental Protection Agency

**Supporting institution(s):** State and county government leaders

**Start date:** Not specified

**End date:** Not specified

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
4. Overall			✓		✓					✓			No		✓		

### Context and objectives

This commitment sets out to launch a process to develop a consolidated public listing of every street address in the United States. While the Census Bureau and the US Postal Service have databases that contain residential and commercial addresses, this information is protected by privacy laws and is not available for public use.

A public listing of US addresses would help improve a broad range of government services, most notably first-responder services. As more people use wireless phones to call 911, there is a greater need for more accurate geospatial and address data. According to Steve Lewis, the Department of Transportation's geographic information officer, "The first responder community is going to be the biggest beneficiary. If you're routing an ambulance, the route might take you across one county into the next or one state into the next. Having a contiguous database of address points for the nation would provide better access outside of just a county or a city."<sup>1</sup>

The commitment would also minimize the duplication of efforts within government to map addresses. A Government Accountability Office (GAO) report published in February 2015



found that “some data are collected multiple times by federal, state, and local entities, resulting in duplication in effort and resources.” In addition, the GAO found that the initiative to build a national address database “could potentially result in significant savings for federal, state, and local governments.”<sup>2</sup> According to the president of the National States Geographic Information Council, “Address data are duplicated more often than any other type of data produced by government agencies, and the duplication happens at every level of government.”<sup>3</sup>

This commitment is relevant to access to information in that it aims to improve the quantity and quality of address data available, even though the most likely users of the data would be other government authorities, such as first-responder services. The potential impact of this commitment is minor because the government falls short of committing to a mechanism for publishing the data, instead proposing the launch of a process to determine what will be made available and how it could be used. Lastly, while the commitment has a clear goal, it is not clear which open-data strategies will be pursued or how the Department of Transportation will coordinate with other agencies and the private sector to reach a consensus on an open standard for public address information.

### **Completion**

Completion on this commitment is limited. By June 2016 (the end of the period assessed by this report), the government was still working on a National Address Database (NAD) pilot project involving 10 states and four counties/cities to identify a minimum data content guideline, as well as a data scheme.<sup>4</sup> A proposed NAD minimum content standard was published in March 2016,<sup>5</sup> along with a scheme and geodatabase template.<sup>6</sup> However, the results of the pilot project were published in September 2016<sup>7</sup>—after the close of the evaluation period—and will be assessed in the end-of-term report. The government acknowledged in its self-assessment that there was limited progress on this commitment by the summer of 2016. Given the data available at the time of the evaluation, the commitment is progressing, but cannot be assessed as on time.

### **Early Results (if any)**

Stakeholders point to one of the early partner states, Arkansas, as a good benchmark of what this project could achieve. Since September 2014, Arkansas has provided statewide data on address points from the Arkansas GIS Office website.<sup>8</sup> However, given that national address information is yet to be publicly released as part of this commitment, there are no early results to assess in terms of greater public access to information. According to the Department of Transportation, an initial release of the NAD is expected in early 2017.<sup>9</sup>

### **Next Steps**

Moving forward, it is unclear if there will be funding to complete the project. According to Lewis, the Department of Transportation official, “We’re going to continue that coalition of the willing until I find that magic pot of gold. We have some volunteers waiting now and we’re going to look for other states.”<sup>10</sup> As a next step, the government plans to launch a crowdsourcing app to collect address data from state and local governments. If this commitment is included in a future action plan, it should go beyond the development of an open standard and strive to publish national address information.

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<sup>1</sup> Greg Otto, “Coming Soon: An open database of every US address,” *Fedscoop*, 28 October 2015, <http://bit.ly/2ps9pkC>

<sup>2</sup> United States Government Accountability Office, *Progress Needed on Identifying Expenditures, Building and Utilizing a Data Infrastructure, and Reducing Duplicative Efforts*, February 2015, <http://www.gao.gov/assets/670/668494.pdf>

<sup>3</sup> National States Geographic Information Council, “US lags behind the developed world with lack of national address database,” 17 November 2015, <https://gisandscience.com/2015/11/>

<sup>4</sup> US Department of Transportation, National Address Database, <https://www.transportation.gov/NAD>

<sup>5</sup> US Department of Transportation, National Address Database (NAD) Minimum Content Standard, 11 March 2016, <http://bit.ly/2pvZVJ5>

<sup>6</sup> US Department of Transportation, Geodatabase Template, <http://bit.ly/2qSw6Dx>

<sup>7</sup> US Department of Transportation, National Address Database Pilot Project Findings Report, 20 September 2016, <http://bit.ly/2q5tizY>

<sup>8</sup> Arkansas GIS Office, Address Points, <http://gis.arkansas.gov/product/situs-address-points/>

<sup>9</sup> US Department of Transportation, National Address Database, <https://www.transportation.gov/NAD>

<sup>10</sup> Jake Williams, “GIS leaders push National Address Database program forward without funding,” StateScoop, 26 October 2016, <http://bit.ly/2q5SdU7>

## Commitment 5. Optimize the College Scorecard

### Commitment Text:

#### Help Students Make Informed Decisions About Higher Education.

Completing higher education can provide huge benefits to students that last throughout their lives. Compared to those with a high school diploma, college graduates earn \$1 million more over their lifetimes and have an easier time finding a job. Research shows that when students have better information they make better choices about their education. To arm prospective students and their families with better information on college costs and quality, the Administration launched the new College Scorecard, providing comprehensive data on costs and student outcomes at nearly all U.S. post-secondary institutions that is also available through an application programming interface (API) to increase the ways that the public can get access to and interact with the information. The Department of Education will continue testing the Scorecard with students and counselors to optimize features and capabilities, release annual updates to the data, form technical review panels to explore how to strengthen data collection and use, and create new capabilities with the open API to better serve all users, from those choosing colleges to those working to improve college quality.

**Responsible institution(s):** Department of Education, Department of Treasury, Department of Veterans Affairs, Office of Management and Budget

**Supporting institution(s):** Higher education institutions, educational organizations, and students and parents

**Start date:** Not specified

**End date:** Not specified

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
5. Overall			✓		✓			✓		✓			Yes			✓	

### Context and Objectives

The College Scorecard was launched in September 2015 as a central clearinghouse for information on college costs and outcomes for students, families, counselors, and anyone with an interest in this data.<sup>1</sup> The previous IRM report assessed the College Scorecard as a major improvement in access to information because it allows users to analyze and compare schools based on their cost, graduation rate, and postgraduation salaries. The latter was particularly groundbreaking because the data was from the Department of the Treasury, not self-reported numbers. Other newly disclosed data included average family incomes and student loan repayment.<sup>2</sup>

This commitment, if fulfilled, would improve the College Scorecard through a roster of actions to be undertaken by the Department of Education. Specifically, the government proposes optimizing features and capabilities, releasing annual data updates, forming technical review panels, and improving the open API. While the commitment presents a set of verifiable activities, some elements of the commitment lack specificity. For example, it is

unclear which features and capabilities will be improved, how the API will be enhanced, or who will join the technical review panels. Nonetheless, the commitment is clearly relevant to access to information as it aims to improve the quality and breadth of education data, as well as the ease of access. The commitment also proposes technological improvements to the online database.

While the College Scorecard is an important source of education data, the commitment aims to make incremental improvements to the already existing site. In addition, there is little information in the commitment to suggest that its fulfillment would alleviate a major issue with the current College Scorecard. For this reason, the potential impact of the commitment is minor.

### **Completion**

By June 2016, this commitment was substantially completed. The Department of Education contracted with RTI International, a research institute, to form a technical review panel with outside experts to identify improvements to the College Scorecard. RTI convened the panel on 2-3 December 2015 to explore the best ways to present the education data and assess the impact of possible changes. The panel included 57 researchers, higher-education representatives, data users, federal government officials, and other experts in the field. In early 2016, a report was published with the panel's main findings and recommendations.<sup>3</sup>

In February 2016, the Department of Education added to the scorecard about 700 less-than-two-year institutions that offer and award associate's or bachelor's degrees.<sup>4</sup> In March 2016, the Department of Education removed closed institutions from the data and updated "caution flags" for schools that face financial or compliance issues. This helps to ensure greater accountability and higher-quality information for prospective students.<sup>5</sup> Other more minor updates took place regularly and are visible on GitHub.<sup>6</sup> Major updates to the site, including the annual September update, occurred after the close of this report's evaluation period and will be assessed in the end-of-term report.

### **Early Results (if any)**

Since its initial launch in September 2015, the site has been used extensively by journalists, researchers, and families. In its first year, nearly 1.5 million individual users accessed the College Scorecard,<sup>7</sup> and more than 600 developers accessed the API.<sup>8</sup> In addition, researchers have published several studies using the data<sup>9</sup> and have found that the scorecard influences how students approach higher education.<sup>10</sup> As for the media, several magazines and sites use the data for their college rankings.<sup>11</sup> The College Scorecard data was also used to redesign the GI Bill College Comparison Tool.<sup>12</sup> Nonetheless, the scorecard is not without its critics, who challenge the accuracy of the data and disagree with the tool's focus on financial outcomes as key determinants of college quality.<sup>13</sup>

### **Next Steps**

The next steps for this initiative are to 1) continue to add institutions to the website as data becomes available and 2) update features and visualizations based on user feedback. This does not require a new commitment, but rather maintenance of the current website. In addition, the government should strive to follow up on the technical review panel's recommendations by improving the consumer tool, refining the site's data, and expanding outreach efforts to raise awareness.

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<sup>1</sup> US Department of Education, College Scorecard, <https://collegescorecard.ed.gov/>

<sup>2</sup> Independent Reporting Mechanism, US End-of-Term Report 2014-2015, <http://bit.ly/2qrBA88>

<sup>3</sup> The results of this research on consumer information can be found at: [https://edsurveys.rti.org/IPEDS\\_TRP\\_DOCS/prod/documents/CSI\\_Summary.pdf](https://edsurveys.rti.org/IPEDS_TRP_DOCS/prod/documents/CSI_Summary.pdf)

<sup>4</sup> US Department of Education, College Scorecard Data, Change Log, <https://collegescorecard.ed.gov/data/changelog/>

<sup>5</sup> HomeRoom, “Choose a School More Easily with the College Scorecard,” <http://bit.ly/2pA1baU>

<sup>6</sup> GitHub, College Scorecard, <https://github.com/RTICWDT/college-scorecard/releases>

<sup>7</sup> White House, “IMPACT REPORT: Transforming Government Services through Technology and Innovation,” 9 August 2016, <http://bit.ly/2pkSs0o>

<sup>8</sup> HomeRoom, “Choose a School More Easily with the College Scorecard,” <http://bit.ly/2pA1baU>

<sup>9</sup> See <http://ticas.org/tags/college-scorecard> for analysis by the Institute for College Access & Success. The Center for American Progress also published an evaluation of the data, available here: <http://ampr.gs/2qsoF5Q>

<sup>10</sup> Michael Hurwitz and Jonathan Smith, “Student Responsiveness to Earnings Data in the College Scorecard,” 22 April 2016, [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2768157](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2768157)

<sup>11</sup> For use of the Scorecard data in Forbes rankings of best value colleges, see Caroline Howard, “Best Value Colleges 2017: 300 Schools Worth the Investment,” *Forbes*, 26 April 2017, <http://bit.ly/2r2JEtp>. Washington Monthly also uses the data for its rankings, available here: <http://bit.ly/2pkMXPe>.

<sup>12</sup> Robert Longley, “VA Improves its GI Bill College Comparison Tool,” 17 May 2016, <http://bit.ly/2qUc77c>

<sup>13</sup> For criticism of the College Scorecard, see some of the following examples: <http://nyti.ms/2qsDcib>; <http://on.wsj.com/2r0Soze>; <http://bit.ly/2r0BYXM>; <http://bit.ly/2r0TP0J>

## Commitment 6. Improve Individuals' Access to Own Information

### Commitment Text:

#### **Make it Easier for Individuals to Access Their Own Information**

*In addition to providing protections for Federal information, including information about individuals, the government has certain obligations to give individuals the ability to review information about themselves that the government has collected. When members of the public seek information about themselves from government agencies, they traditionally submit signed statements to authenticate that they are legitimate requesters. However, as agencies move toward digitization, new approaches can digitally authenticate individuals requesting information. To improve the public's ability to request and access information about themselves, the Administration will explore new authentication tools to enhance protection of individual privacy while providing individuals with information about themselves. An interagency team including the Office of Management and Budget, the General Services Administration, and the National Institute of Standards and Technology in the Department of Commerce will work to develop new authentication tools to protect individual privacy and ensure that personal records go only to the intended recipients.*

**Responsible institution(s):** Office of Management and Budget and General Services Administration

**Supporting institution(s):** Privacy advocates and the public

**Start date:** Not specified

**End date:** Not specified

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
6. Overall		✓			✓			✓			✓		No	✓			

### Context and Objectives

A 2010 Pew Research Center study found that 82 percent of internet users had looked for information or completed a transaction on a government website in the last year.<sup>1</sup> However, the government uses more than 11,000 websites and users generally must create a separate username and password for each agency website, if not submit hand-signed statements to authenticate their identity. As a result, the public must manage multiple log-in credentials while the government operates multiple credentialing systems. This is not only inconvenient and inefficient, but also insecure because weak and stolen passwords are among the most common ways that online systems are compromised.<sup>2</sup>

To simplify the process for individuals to acquire information about themselves that the government has previously collected, this commitment strives to digitize identification authentication tools. The commitment is linked to the US government's My Data initiatives to ensure that people have greater access to their own health, education, energy, and finance information. For example, previous initiatives such as Blue Button and Green Button expanded access to one's own medical records and energy usage, respectively.<sup>3</sup> Focusing on

Public comment version: please do not cite

digital authentication, this commitment builds on several previous pilot projects, most recently Connect.gov and MyUSA.<sup>4</sup> According to I8F, a technology office within the General Services Administration (GSA), the commitment will draw on lessons learned from both previous pilot projects and Gov.UK Verify, a similar initiative in the United Kingdom.<sup>5</sup>

I8F stated that the commitment is expected to produce a system that acts as a single account through which people can interact with the government.<sup>6</sup> In this sense, the initiative could significantly reduce the amount of time people spend to access their own information. However, the commitment text lacks specifics. For example, it is not clear which new authentication tools the government expects to develop, whether users will be able to authenticate their identity using third parties, or which agencies are expected to join the system. Without this information, it is not possible to identify more than a moderate potential impact.

### Completion

This commitment is delayed. According to the self-assessment report, the interagency team responsible for fulfilling this commitment—made up of the Office of Management and Budget, GSA, and the National Institute of Standards and Technology—has been trying to secure funding for the project. The government expected the initial phase of work to begin in the fall of 2016 (after the evaluation period covered by this report) with product prototyping, user research and testing, and stakeholder research.

### Early Results (if any)

Given the limited progress in completing the commitment, there are no specific results to report. According to the government, an initial launch is expected in June 2017.

### Next Steps

Given the complexity of this initiative, the government stated that an assessment will be carried out after the initial phase to determine whether the project is viable and how best to identify partners to pursue further development. Industry experts emphasized the importance of building on the existing infrastructure and policy, avoiding duplication of efforts, and understanding the pitfalls of previous pilot initiatives.<sup>7</sup> Moving forward, the developers could also integrate online features that allow users not only to access but also to correct any personal information that is erroneous.

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<sup>1</sup> Pew Research Center, Government Online, 27 April 2010, <http://pewrsr.ch/1QITpZQ>

<sup>2</sup> John Moore, “How many parties does it take to provide a single government login?” FCW, 22 May 2015, <http://bit.ly/2r3X7Ai>

<sup>3</sup> Kristen Honey et al, “My Data: Empowering All Americans with Personal Data Access,” DigitalGov, 16 March 2016, <http://bit.ly/2pBgSxY>

<sup>4</sup> Jason Miller, “Can GSA’s I8F succeed where 3 other ID management projects have struggled?” *Federal News Radio*, 23 May 2016, <http://bit.ly/2pojza>

<sup>5</sup> Gov.UK, Guidance Gov.UK Verify, 17 February 2017, <http://bit.ly/1ASQBil>

<sup>6</sup> Joel Minton, “Building a modern shared authentication platform,” I8F, 10 May 2016, <http://bit.ly/1OopqhT>

<sup>7</sup> Jason Miller, “Can GSA’s I8F succeed where 3 other ID management projects have struggled?” *Federal News Radio*, 23 May 2016, <http://bit.ly/2pojza>

## Commitment 7. Support Open311 to Enhance Transparency and Participation

### Commitment Text:

#### Support Open311 to Enhance Transparency and Participation

Open311 is a transparent, participatory way for governments to deliver services to citizens. Its name comes from the commonly used 311 phone number that residents can dial in some cities to report non-emergency complaints or request services. Open311 is a shared open platform that can be integrated either online through a city's website or via a smartphone application. It allows citizens to find government services and report problems in the open, providing a simple and consistent way to contact government and get something fixed. To reduce the burden of navigating the separation between local and Federal government, the USA.gov Contact Center at the General Services Administration will use Open311 to expand avenues for public participation and provide more transparency in government service delivery across both local and Federal governments. More than a dozen cities have already adopted Open311 and additional cities are committing to implement it including San Diego, Philadelphia, and New York City.

**Responsible institution(s):** General Services Administration

**Supporting institution(s):** City government and civil society leaders

**Start date:** Not specified

**End date:** Not specified

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
7. Overall		✓					✓	✓		✓			No		✓		

### Context and Objectives

Already used in several cities across the United States and internationally,<sup>1</sup> Open311 serves as a shared open platform for collaborative issue tracking. Named for the 311 call centers in the United States for the public to report nonemergency issues, Open311 is a form of technology that allows people to report nonemergency issues in public spaces to relevant authorities and track how the government responds. In addition, because it is an open platform, people can collaborate and exchange information on issues.<sup>2</sup>

This commitment aims to have the USA.Gov Contact Center use Open311 so that the public can provide inputs not only at the local level, but also at the federal level. However, the commitment is vague. According to the action plan text, the government expects to “expand avenues for public participation and provide more transparency in government service delivery,” but it is unclear how exactly this will be achieved beyond using the Open311 technology.

As for the commitment's relevance to open government, the commitment text does not indicate how the public is to be involved or how there will be greater transparency in public-service delivery. Nonetheless, it is possible to infer broadly that the government expects to



use the Open311 platform for the public to identify issues and for the government to respond. In this sense, the commitment is relevant to public accountability, as people would be able to track how government officials respond to their claims. Although these claims would be public, the commitment is not relevant to access to information or civic participation, as defined by the IRM, because there is no expected release of government-held information or direct public involvement in decision making. Nonetheless, if the government undertakes information disclosures and engages people directly in decision making as part of this commitment, these findings will be fully assessed in the IRM end-of-term report.

### **Completion**

There is limited progress on this commitment. According to the government self-assessment, the General Services Administration (GSA) is hosting monthly conference calls with local governments to develop new formats for releasing Open311 data in bulk. In addition, GSA is in the process of developing pilot programs for using the Open311 infrastructure at the federal level. However, there are no concrete results yet of the government using Open311 to integrate federal and local public-service delivery data.

### **Early Results (if any)**

Given the limited progress, there are no results to assess.

### **Next Steps**

The next step for this commitment will be for federal project developers to collaborate with city governments to complete, test, and expand pilot projects. It will be important not only to publish Open311 data, but also to create online mechanisms for the public to hold officials accountable for the delivery of public services. If included in a future action plan, this commitment should specify the expected deliverables and set out a clear plan for achieving them.

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<sup>1</sup> Open311 Wiki, GeoReport v2 Servers, [http://wiki.open311.org/GeoReport\\_v2/Servers/](http://wiki.open311.org/GeoReport_v2/Servers/)

<sup>2</sup> Open311, What is Open311? <http://www.open311.org/learn/>

## Commitment 8. Data-Driven Precision Medicine

### Commitment Text:

#### **Empower Americans and Improve Health with Data-Driven Precision Medicine**

The President’s Precision Medicine Initiative (PMI) seeks to enable a new era of medicine through research, technology, and policies that empower patients, researchers, and providers to work together toward development of individualized care, and ultimately help improve public health outcomes. PMI is a cross-governmental effort driven by the White House, the Department of Health and Human Services, the Department of Veterans Affairs, and the Department of Defense. Under PMI, the United States commits to building a volunteer research cohort of more than one million participants who are centrally involved in the design and implementation of the cohort and to linking genomic data, biological samples, data from mobile devices, and lifestyle data with clinical data from electronic health records. The Administration will also promote “direct-from-participant” functionality allowing patients to directly access and donate their health data for research. A priority under PMI is to ensure inclusion of low-income and underserved populations that have traditionally been underrepresented in scientific research — both improving the quality of research and ensuring that existing health disparities are not exacerbated.

**Responsible institution(s):** Department of Defense, Department of Energy, Department of Health and Human Services, Department of Veterans Affairs, and the National Institute of Standards and Technology at Commerce

**Supporting institution(s):** Researchers, technologists, health and privacy advocates, medical professionals and care providers, veterans, and the public

**Start date:** Not specified

**End date:** Not specified

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
8. Overall			✓	✓	✓		✓					✓	No		✓		

### Context and Objectives

This commitment builds on President Barack Obama’s Precision Medicine Initiative (PMI), which seeks to create a new era of medicine through research, technology, and policies that empower patients, providers, and researchers.<sup>1</sup> The goal is to transform the practice of medicine from an exercise based on the “average person” to one in which individual patient characteristics such as genetic code help define appropriate treatment.

As part of this commitment, the government aims to build a volunteer research cohort of more than one million participants while ensuring the inclusion of low-income and underserved communities. These participants would contribute genomic data, clinical data, and biological samples, as well as information about their lifestyle and environment. The government also proposes to improve participants’ access to their own health information.

The commitment is relevant to both access to information and civic participation. In terms of access to information, the overall objective of the commitment is to improve the information available for researchers studying the effects of genetics, lifestyle, and environmental factors on health and disease. In addition, the government plans to make it easier for people to access—and donate—their own health information. As for civic participation, the government aims to involve the public in the oversight and governance of the initiative by including them on its steering committee and advisory board.<sup>2</sup> According to the director of the National Institutes of Health (NIH), “Participants will be true partners, not subjects, not patients.”<sup>3</sup>

Given the commitment’s emphasis on expanding health-data sharing and public input in health research, it is a potentially transformative initiative. Because of its unprecedented size, the study data is expected to help researchers tailor treatments to specific individuals based on their genomes, lifestyle, and environment. While some experts believe that the funding for this project would be better used by tackling known public-health issues,<sup>4</sup> most acknowledge that the broad scale and scope of the project could lead to transformative new health treatments.<sup>5</sup> Although researchers and experts in the field caution that the study will not yield medical breakthroughs for many years, they stress that the program could be especially impactful given its use of data gathering through mobile phones and wearable devices that can “clarify relationships between diseases on the one hand, and environmental, behavioral, and genetic factors on the other.”<sup>6</sup> Researchers have also found that the study can particularly “transform our knowledge of diabetes,” cancer, and other major diseases.<sup>7</sup>

### **Completion**

According to the government self-assessment, the NIH received funding to build the infrastructure and capacity for the volunteer research cohort of one million participants (renamed the All of Us Research Program in October 2016).<sup>8</sup> In February 2016, the NIH began awarding grants to organizations that will support the implementation of the initiative.<sup>9</sup> Nonetheless, by June 2016, participants had not yet been recruited. It is worth mentioning, however, that the All of Us program has a long-term focus. The NIH expected to enroll nearly 80,000 people by the end of 2016, and the full one million by the end of 2019.<sup>10</sup>

A related development includes the February 2016 launch of Sync for Science, a pilot program that allows individuals to access their own electronic health data and share it with researchers.<sup>11</sup>

The government also made progress on opening up health data. In June 2016, the National Cancer Institute (NCI) launched the Genomic Data Commons, which serves as a repository for researchers to use and share genomic data for cancer research.<sup>12</sup> The FDA, meanwhile, issued draft regulations for DNA sequencing<sup>13</sup> and launched PrecisionFDA, an open-source, cloud-based platform for the genomics community to collaborate and share ideas.<sup>14</sup>

Although the government made significant progress during the first year of the action plan, the overall completion of the commitment is limited, given that the bulk of the All of Us program featured in the commitment remains pending.

### **Early Results (if any)**

As part of the All of Us program, the NIH has partnered with community health centers to engage with participants from across the country. The enrollment of participants began in late 2016. The early results of the program will therefore be assessed in the IRM end-of-term report.

One of the most visible early results is the NCI Genomic Data Commons. According to the Institute of Medicine (now known as the National Academy of Medicine, a health and medicine nonprofit organization), there was an “urgent need to store, harmonize, and analyze existing cancer genomics data.”<sup>15</sup> According to researchers, the cost of analyzing a single cancer genomics data set in 2016 was over \$1 million.<sup>16</sup> In this context, the Genomic

Data Commons offers greater access to data and enables collaboration between researchers. By October 2016, the data portal included more than 14,500 cases, 260,000 files, and 38 disease types.<sup>17</sup> The portal allows researchers to search, download, and submit data through built-in tools. According to the dean of the biological sciences division at the University of Chicago, “With the [Genomic Data Commons], the pace of discovery shifts from slow and sequential to fast and parallel. Discovery processes that today would require many years, millions of dollars, and the coordination of multiple research teams could literally be performed in days, or even hours.”<sup>18</sup>

Though not directly within the framework of this commitment, other precision medicine initiatives are showing promise. By August 2016, the Department of Veterans Affairs’ Million Veteran Program had enrolled 500,000 veterans to study their genomes, military experience, health, and lifestyle. This initiative was launched in 2011—well before this action plan—but there is already research underway on the clinical, environmental, and genomic data stemming from the study.<sup>19</sup>

### Next Steps

Researchers emphasize that cohort diversity and health disparities, participant engagement, and privacy and security remain important challenges that must be considered as the All of Us program progresses.<sup>20</sup> According to the World Privacy Forum, some of the important privacy issues raised include the lack of relevant privacy laws that regulate the collection and use of individual health data, the potential waiver of patient-physician legal privileges that shield data from disclosure, and the possibility of law enforcement accessing the patient data gathered as part of the program.<sup>21</sup>

For the government, the next steps will include pushing beyond the conceptualization and capacity-building stages of developing this initiative toward implementation. This will require recruiting the volunteer cohort for the All of Us program and supporting the work of the other agencies involved in taking precision medicine forward. Including this commitment in the next action plan would be advisable to keep it on the radar of those making funding decisions for medical research. If integrated into the next plan, however, it is important that the government set specific milestones and activities that can be accomplished in two years.

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<sup>1</sup> White House, The Precision Medicine Initiative, <https://obamawhitehouse.archives.gov/precision-medicine>

<sup>2</sup> Robert Pear, “Uncle Sam Wants You – Or at Least Your Genetic and Lifestyle Information,” *The New York Times*, 23 July 2016, <http://nyti.ms/2xGcPpN>

<sup>3</sup> Toni Clarke, “White House proposes measures to speed genomic test development,” 6 July 2016, <http://reut.rs/2yxQiuJ>

<sup>4</sup> Ronald Bayer, “Public Health in the Precision-Medicine Era,” *The New England Journal of Medicine* 376, no. 6 (2015): 499-501, <http://www.nejm.org/doi/pdf/10.1056/NEJMp1506241>

<sup>5</sup> <http://healthaffairs.org/blog/2017/02/28/the-future-of-precision-medicine-great-promise-significant-challenges/>

<sup>6</sup> Jonathan Darrow et al, “The Future of Precision Medicine: Great Promise, Significant Challenges,” *Health Affairs*, 28 February 2017, <http://bit.ly/2lnBojy>. See also Robert G. Mennel, “Precision medicine: hype or hope?” *Baylor University Medical Center Proceedings* 28, no. 3 (2015): 397-400, <http://bit.ly/2xH9aI9>

<sup>7</sup> Judith E. Fradkin et al, “NIH Precision Medicine Initiative: Implications for Diabetes Research,” *Diabetes Care* 39, no. 7 (2016): 1080-1084, <http://care.diabetesjournals.org/content/39/7/1080>

<sup>8</sup> National Institutes of Health, “PMI Cohort Program announces new name: the All of Us Research Program”, 12 October 2016, <http://bit.ly/2pXxgJ2>

<sup>9</sup> National Institutes of Health, All of Us Research Program, Awardees, <https://allofus.nih.gov/funding/awardees>

<sup>10</sup> Judith E. Fradkin et al, “NIH Precision Medicine Initiative: Implications for Diabetes Research,” *Diabetes Care* 39, no. 7 (2016): 1080-1084, <http://care.diabetesjournals.org/content/39/7/1080>

- <sup>11</sup> Duke University, SciPol, “Apps to enable patients to access their EHRs, share with researchers,” 20 February 2016, <http://bit.ly/2rrMZlI>
- <sup>12</sup> National Cancer Institute, Genomic Data Commons, <https://gdc.cancer.gov/>
- <sup>13</sup> Matthew Herper, “Obama Seeks To Make Mark On Genetic Medicine,” *Forbes*, 6 July 2016, <http://bit.ly/2rrBmuu>
- <sup>14</sup> PrecisionFDA, <https://precision.fda.gov/>
- <sup>15</sup> Amber Harmon, “Genomic Data Commons: Expanded access to large-scale cancer genomic data,” 10 December 2014, <http://bit.ly/2pVeIRg>
- <sup>16</sup> Robert L. Grossman et al, “Toward a Shared Vision for Cancer Genomic Data,” 22 September 2016, <http://www.nejm.org/doi/full/10.1056/NEJMp1607591#t=article>
- <sup>17</sup> National Cancer Institute, Genomic Data Commons (Web Archive from October 2016), <http://bit.ly/2pM450D>
- <sup>18</sup> Amber Harmon, “Genomic Data Commons: Expanded access to large-scale cancer genomic data,” 10 December 2014, <http://bit.ly/2pVeIRg>
- <sup>19</sup> US Department of Veterans Affairs, “Million Veteran Program is Now Largest Genomic Database in the World,” 1 August 2016, <https://www.va.gov/opa/pressrel/pressrelease.cfm?id=2806>
- <sup>20</sup> Pamela L. Sanker and Lisa S. Parker, “The Precision Medicine Initiative’s All of Us Research Program: an agenda for research on its ethical, legal, and social issues,” *Genetics in Medicine*, 8 December 2016, <http://go.nature.com/2pHCdLI>
- <sup>21</sup> World Privacy Forum, “Privacy, the Precision Medicine Initiative, & the All of Us Research Program: Will Any Legal Protections Apply?” <http://bit.ly/2pXrwPS>

## Commitment 9. Increase Access to Workforce Data

### Commitment Text:

#### Increase Access to Workforce Data to Promote Employment

The U.S. government spends billions of dollars each year to support many different groups in finding pathways to employment — from veterans to disconnected youth to the unemployed. Until now, however, there has been no easy way for American job seekers, employers, and Federal agencies to get a full picture of the workforce ecosystem to understand challenges and opportunities for these initiatives, as well as to create more effective programs. Through the Workforce Data Initiative, the Administration will increase interoperability of and access to the workforce data ecosystem, establishing a new baseline from which a new generation of workforce innovation can develop. To achieve this, the United States will focus on improving the Occupational Information Network by defining a schema that establishes interoperability among training, skill, job, and wage listings across the Internet and working with search providers and aggregators to build application programming interfaces to index and make available that same data.

**Responsible institution(s):** Department of Labor, White House Office of Science and Technology Policy

**Supporting institution(s):** Academia, industry, and other private organizations

**Start date:** Not specified

**End date:** Not specified

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
9. Overall			✓		✓			✓			✓		No		✓		

### Context and Objectives

The Occupational Information Network (O\*Net Online) is an online resource that contains occupational information for job seekers.<sup>1</sup> According to a report by the Center for Open Data Enterprise, the portal is “an essential resource with widespread use.”<sup>2</sup> The report, which combines feedback from participants who attended an Open Data Roundtable on 16 November 2015, nonetheless also found that the website faced many challenges, such as a need for more “real-world job classifications” and a “lagging currency of information.” Some of the recommendations included working with private companies to build a more robust occupational database and developing application programming interfaces (APIs) to facilitate reuse by developers.<sup>3</sup>

In response to these issues, this commitment aims to 1) work with search providers and aggregators to exchange data on jobs, required skills, trainings, and expected wage levels and 2) develop APIs to index and release the data. The government expects to do this through the Workforce Data Initiative, a partnership between the Department of Labor, the White House Office of Science and Technology Policy, the University of Chicago, and 22 nonprofit and for-profit institutions.<sup>4</sup>

Although the commitment's overall objective of increasing access to workforce data is clear, its expected methodology is vague. For example, it is unclear how exactly the government will define "a schema that establishes interoperability among training, skill, job, and wage listings across the internet," or which form that schema will take. Nonetheless, the APIs that are expected to index and release the workforce data are concrete deliverables. For this reason, the commitment has a medium level of specificity.

As for potential impact, the commitment has a laudable goal of integrating public information about the workforce (such as from government sources) with privately held data from job websites and human resources software.<sup>5</sup> If fulfilled, the commitment would improve access to information on labor-market metrics not only for employers and job seekers, but also for government agencies that promote employment and for researchers. According to a research fellow at the Center for Data Science and Public Policy who is involved in the project, "By making these public and private data sets accessible and linkable, while still protecting the privacy of individuals and data partners, this project opens up a new, rich vein of raw material for use in economics and policy."<sup>6</sup> However, given that the commitment text does not specify the intended scale of the project, it is not possible to assign more than a moderate potential impact.

### **Completion**

While government stakeholders assess the progress on this commitment as substantial, there was little evidence of significant progress by the end of the period under review in this report (June 2016). As such, it has been coded as having limited completion as of June 2016. Progress on this initiative is documented at the DataAtWork website.<sup>7</sup> However, the data promised by the commitment was not published until after June 2016. As a result, it will be reflected in the completion section in the IRM end-of-term report.

### **Early Results (if any)**

The workforce data was published after the period evaluated by this report. The results will therefore be assessed in the IRM end-of-term report.

### **Next Steps**

Government stakeholders plan to continue making the data available through APIs to create a new ecosystem of services and products.

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<sup>1</sup> O\*Net Online, <https://www.onetonline.org/>

<sup>2</sup> The Center for Open Data Enterprise, Open Data for the Labor Market, <http://bit.ly/2qwHTXm>

<sup>3</sup> Ibid.

<sup>4</sup> US Department of Labor, Overview of DOL-Wide Innovation Projects, <http://bit.ly/2pXNrXT>

<sup>5</sup> Amy Deora, "Third Open Government National Action Plan – Coming Attractions for Open Data Enthusiasts," 2 November 2015, <http://bit.ly/2q0pK0j>

<sup>6</sup> Center for Data Science and Public Policy, "Sloan Grant Supports Construction of Powerful New Labor Database," 13 July 2016, <http://bit.ly/2pXDyJy>

<sup>7</sup> Data At Work, <http://dataatwork.org/>



## Commitment 10. Evidence-Based Policy for Service Delivery

### Commitment Text:

#### Promote Evidence-Based Policy for More Effective Service Delivery

Using evidence and concrete data to evaluate government programs and policies can improve public service delivery at all levels of government. In July 2015, the Administration launched an interagency evidence-based policymaking group to promote more effective government service delivery and better results for families and communities in need. The group will work with agencies to build capacity to make better use of evidence and to make more transparent decisions about service delivery programs. The group will catalyze specific actions across Federal agencies that are designed to advance the use of evidence in decision-making and strengthen the use of data and evidence to develop and implement more impactful service delivery programs.

**Responsible institution(s):** White House Domestic Policy Council, Office of Management and Budget, Office of Science and Technology Policy

**Supporting institution(s):** Federal departments and agencies

**Start date:** Not specified

**End date:** Not specified

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not started	Limited	Substantial	Complete
10. Overall		✓			Unclear				✓				No		✓		

### Context and Objectives

This commitment is an attempt by the US government to improve public-service delivery through data-driven evaluations of current programs and policies. Specifically, the government aims to have an interagency evidence-based policy-making group promote specific actions across government to better use evidence and data in public-service delivery. However, there is no specific problem identified in this commitment for which the use of evidence and data represents a solution. There is also no clear intention to engage with civil society in the fulfillment of this commitment or to publish data for public use. Given that the commitment is internally facing to government, it is not relevant to any of the OGP values of open government. In addition, the commitment does not specify which evidence and data will be used to influence policy making or how it is expected to improve the delivery of public services. For this reason, it is not possible to assign any potential impact to this commitment.

### Completion

According to the acting director of the US Office of Personnel Management, the White House convened officials from across the government to share active projects involving evidence-based policy making in December 2015. At this workshop, nine agencies presented information on their ongoing initiatives.<sup>1</sup>



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The government self-assessment report considers this commitment to be substantially fulfilled because 22 government agencies proposed 75 actions to use evidence in decision making, policy, and practice. However, the website of the Office of Social Innovation and Civic Participation, which is responsible for monitoring the implementation of these actions, did not mention the initiative or the actions at the time of writing.<sup>2</sup> Without access to the 75 commitments and their status of implementation, the completion of this commitment at the midterm is considered to be limited.

### **Early Results (if any)**

A later version of the Office of Social Innovation and Civic Participation website (posted after the close of the period evaluated by this report) includes a reference to the White House Interagency Evidence Process, a process through which 22 agencies are undertaking 75 actions to build and use evidence. The site lists some of the broad actions, including capacity building of staff to build models and indicators for evaluations, dissemination of existing evidence, tiered-evidence grant making, and use of behavioral science and rapid cycle testing to assess policy impacts.<sup>3</sup> However, there is no further evidence of the initiative or its outcomes.

### **Next Steps**

According to the government, the next step for this commitment is to monitor the implementation of the agency's actions and share notable results. However, it is important to mention that this commitment is internal to government and is therefore not consistent with the OGP values of open government. If this type of evidence-based policy-making commitment is included in a future action plan, it should contain explicit links to access to information, civic participation, or public accountability. This could be achieved by making the clearinghouse of existing evidence available for public use, for example, or publishing the implementation status of the various agency actions to enable public monitoring.

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<sup>1</sup> US Office of Personnel Management, Remarks of Acting OPM Director Beth Cobert, 8 March 2016, <http://bit.ly/2rvG22u>

<sup>2</sup> The Midterm Self-Assessment Report assigns oversight of this commitment to the White House Domestic Policy Council's Office of Social Innovation. On their webpage listing their initiatives, there was no information referencing this commitment or any program emphasizing evidence-based policy decision-making. Please see <http://bit.ly/2q0yyTU> for the website as it was available on 18 October 2016.

<sup>3</sup> US Office of Social Innovation and Civic Participation, Find What Works, <http://bit.ly/2rvNwT0>

## Commitment 11. Expand Use of the Federal Infrastructure Permitting Dashboard

### Commitment Text:

#### **Expand Use of the Federal Infrastructure Permitting Dashboard**

*In September 2015, the Office of Management and Budget and Council on Environmental Quality issued guidance directing the 11 Federal agencies that play a significant role in the permitting, review, funding, and development of large-scale infrastructure projects to begin developing coordinated project review schedules and posting them publicly on the Federal Infrastructure Permitting Dashboard by 2016. Expanding use of the Dashboard to infrastructure projects involving complex permitting processes and significant environmental effects will improve communication with project applicants and sponsors, increase interagency coordination, and increase the transparency and accountability of the Federal permitting and environmental review process.*

**Responsible institution(s):** Council for Environmental Quality, Office of Management and Budget, Federal Permitting Improvement Steering Council

**Supporting institution(s):** Federal agencies that play a significant role in the permitting, review, funding, and development of large-scale infrastructure projects.

**Start date:** Not specified

**End date:** Not specified

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and a Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
11. Overall				✓	✓			✓			✓		No		✓		

### Context and Objectives

This commitment is designed to increase access to information about the permitting process for large-scale infrastructure projects. Currently, the permitting process is lengthy, as some projects require an environmental impact statement (EIS) before the government can issue permits. According to the US Government Accountability Office, the average time it took to complete an EIS in 2012 was 4.6 years.<sup>1</sup> To improve communication with both internal and external partners during the process, the government aims to post infrastructure project permitting information on the Federal Infrastructure Permitting Dashboard, an existing portal that was previously limited to certain transportation projects.

As written, the commitment is relevant to access to information and technology and innovation. While this commitment would expand the amount of public information available on the permitting process for infrastructure projects, it does not specify any channels through which the public would be directly engaged. It is also not clear how accountability would be improved through this commitment as there is no mechanism defined for responses to internet or telephonic inquiries about specific projects posted on the website.

The commitment addresses an important issue area and is of moderate potential impact. According to the Bipartisan Policy Center, “A lack of transparency around the federal

permitting process obscures inherent inefficiencies... Adding additional projects to the dashboard is a step in the right direction and should be continued.”<sup>2</sup> By making information available regarding project timelines, agency responsibilities, and status updates, stakeholders would be able to closely monitor the permitting process. Having agencies post updates could also improve coordination between agencies and incentivize better on-time performance. Nonetheless, the commitment does not directly seek to streamline the permitting process, opting instead to improve its transparency alone. For this reason, the commitment has a moderate potential impact.

### **Completion**

In December 2015, the *Fixing America’s Surface Transportation Act* (FAST Act) was signed into law. Title 41 of the law (or FAST-41) establishes, among other things, a Federal Permitting Improvement Steering Council (FPISC), new procedures for interagency coordination, and a legal requirement to use the Federal Infrastructure Permitting Dashboard to track infrastructure project timelines.<sup>3</sup>

Since then, the government has taken the initial steps necessary to implement the law and fulfill the commitment. According to quarterly progress reports on Performance.gov, the cross-agency team responsible for implementation began upgrading the permitting dashboard to meet FAST-41 requirements between January and March 2016.<sup>4</sup> During that time, the team also requested data to inform implementation guidance and established an interagency working group.<sup>5</sup> Between April and June 2016, the implementing team assigned agencies and agency staff to specific roles, identified the projects to be included in the dashboard, and nominated an executive director to lead the FPISC.

However, by June 2016 (the close of the period under review by this report), many of the expected deliverables were delayed, including the publication of a list of infrastructure projects to be included on the dashboard (known as the “covered project” inventory) and the initial publication of infrastructure project information on the dashboard. According to the government, this delay occurred because these activities require consultation, approval, and action by the executive director of the FPISC, who, by June 2016, had not yet been confirmed.<sup>6</sup>

Ultimately then, while the government laid the initial groundwork for completing the commitment, no new infrastructure information was available on the dashboard as of June 2016. For this reason, the commitment has a limited completion.

### **Early Results (if any)**

As stated in the preceding section, there was not yet greater access to information on infrastructure projects by the end of the period under evaluation. Instead, most of the progress made by June 2016—while important—involved internal efforts to implement the new legislation.

Nonetheless, the passage of the FAST Act, and particularly FAST-41, has been well received. According to industry members, the FAST-41 is “potentially the most significant regulatory reform enactment in two decades”<sup>7</sup> and has “the potential to reduce the time and expense of environmental reviews, clearances and permitting while maintaining the integrity of federal responsibilities.”<sup>8</sup> Other private-sector representatives added that the law “improves transparency for the public and legislators by requiring the posting of specific information on covered projects...including status reports to explain project status and delays.”<sup>9</sup> Some environmental groups and unions also supported the passage of the law.<sup>10</sup>

All later updates, including infrastructure project information released as part of this commitment after June 2016, will be fully assessed in the IRM end-of-term report.

### **Next Steps**

The immediate next steps are to meet the deadlines for implementation of the program. A follow-on commitment is not necessary as future work will involve maintaining the

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dashboard and ensuring its continued use for publishing information on infrastructure projects.

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<sup>1</sup> Marie E. Quasius et al., “FAST Act Expedites Permitting and Environmental Review for Large Infrastructure Projects,” 7 January 2016, <http://bit.ly/2qBMpli>

<sup>2</sup> Andy Winkler, “Accelerate the Permitting Process,” Bipartisan Policy Center, 2 February 2017, <http://bit.ly/2rLcYok>

<sup>3</sup> Permitting Dashboard, Fixing America’s Surface Transportation (FAST) Act, <http://bit.ly/2qIejFD>

<sup>4</sup> Infrastructure Permitting Modernization, FY2016 Q2 Progress Update, <http://bit.ly/2qwx876>

<sup>5</sup> Ibid.

<sup>6</sup> See fourth quarter progress report at: <https://www.performance.gov/node/3393/view?view=public#progress-update>. Included in this report is a milestone spreadsheet with many items moved to the 2017 calendar year.

<sup>7</sup> Jamie Conrad, “Congress Enacts Infrastructure Reform, but Implementation Lags,” 6 June 2016, <http://bit.ly/2rjOrtd>

<sup>8</sup> Jack Allen and Ron Deverman, “Expediting Environmental Reviews Under the FAST Act,” 26 January 2017, <http://bit.ly/2qXihUG>

<sup>9</sup> Marie E. Quasius et al., “FAST Act Expedites Permitting and Environmental Review for Large Infrastructure Projects,” 7 January 2016, <http://bit.ly/2qBMpli>

<sup>10</sup> Jamie Conrad, “Congress Enacts Infrastructure Reform, but Implementation Lags,” 6 June 2016, <http://bit.ly/2rjOrtd>

## Commitment 12. Single-Window Platform for Imports and Exports

### Commitment Text:

#### **Consolidate Import and Export Systems to Promote the Economic Competitiveness of U.S. Businesses**

The Administration will launch a consolidated single-window platform to streamline and speed import and export transactions, increasing economic efficiencies and effectiveness. Using the single window, industry trading partners will be able to file required information only once, replacing the current system of manual, paper-based submissions made multiple times to multiple agencies. The Department of Homeland Security is leading development and implementation of the single window according to global standards and best practices designed to facilitate the exchange of information across government systems, including with businesses and foreign governments.

**Responsible institution(s):** Department of Homeland Security Customs and Border Protection along with other Federal agencies with authorities at US borders

**Supporting institution(s):** Civil society stakeholders, including industry, customs brokers, importers, software vendors, and others

**Start date:** Not specified

**End date:** Not specified

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
12. Overall				✓	Unclear						✓		No			✓	

### Context and Objectives

This commitment sets out to streamline the import-export transaction process that currently requires shippers to submit multiple paper-based filings to multiple agencies by launching a single-window platform through which trading partners can submit shipment information electronically to all agencies. The commitment derives from Presidential Executive Order 13659, *Streamlining the Export/Import Process for America's Business*, signed by President Barack Obama on 19 February 2014.<sup>1</sup> It also was included in the previous action plan.

While this effort is designed to produce an outcome that simplifies the transaction process for importers and exporters, the commitment is not directly relevant to the OGP values of access to information, civic participation, or public accountability. Instead, the commitment represents an e-government initiative that would streamline a public service—in this case, the submission of shipment information to government agencies that process and approve imports and exports.

Nonetheless, by moving from a cumbersome multiagency process to a single online window, the fulfillment of the commitment would have a significant positive impact on import-export transactions. There are currently 47 government agencies and more than 200 forms involved in the customs process. Since there is no centralized portal through which to submit information, shippers often must file the same information for different agencies,

sometimes in paper form.<sup>2</sup> According to the World Bank's 2016 Logistics Performance Index, the United States ranked 16th in customs efficiency.<sup>3</sup> A single online window through which shippers can submit all filings would improve efficiency, enable better record keeping, and reduce costs. The commitment has also received strong endorsements from the private sector.<sup>4</sup>

### Completion

This commitment has achieved a significant level of progress toward completion. To implement the single window, also known as the Automated Commercial Environment (ACE), Customs and Border Protection (CBP) established "mandatory use dates," or deadlines for users to transition to the new system. The deadlines are staggered based on different filing functions. There were two mandatory use dates during the period assessed by this report: 31 March 2016 and 28 May 2016.<sup>5</sup> The full list of functions that transitioned to the new system by June 2016 is available on the CBP website for the program.<sup>6</sup> However, the initiative is behind schedule as the pre-established deadline of 31 December 2016 for a complete program was pushed back.<sup>7</sup>

### Early Results (if any)

Early reviews from commercial users are mixed. On the one hand, industry representatives recognize the significant benefits of the new system.<sup>8</sup> On the other hand, there have been concerns with the project's delayed rollout and slow performance.<sup>9</sup> According to the American Association of Exporters and Importers, members experienced significant lags and issues after the 31 March 2016 mandatory use date<sup>10</sup> although the CBP worked with users to remedy concerns.<sup>11</sup>

### Next Steps

The rollout of the ACE program is the culmination of a long multiyear effort. Government stakeholders expect there will be requirements for additional capabilities as the program is implemented. If this initiative is carried forward in the future, it is important that it be more closely linked to the OGP values of open government, such as by publishing information on the efficiency and use of the system or by engaging trade partners directly to suggest improvements.

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<sup>1</sup> White House, Office of the Press Secretary, Executive Order -- Streamlining the Export/Import Process for America's Businesses, 19 February 2014, <http://bit.ly/2qOkTTW>

<sup>2</sup> Costanzo, John, *Automated Commercial Environment (ACE) and the Single Window Initiative – Are You Ready?*, Industry Week, October 27, 2016. Accessed online on Jan 2, 2017 at: <http://www.industryweek.com/trade/automated-commercial-environment-ace-and-single-window-initiative-are-you-ready>.

<sup>3</sup> The World Bank, International LPI Global Ranking, Global Rankings 2016, <http://bit.ly/2qlvhrR>

<sup>4</sup> Please see <http://bit.ly/2q4nlGF> and <http://bit.ly/2qZXzUe>.

<sup>5</sup> US Customs and Border Protection, ACE Mandatory Use Dates, <http://bit.ly/2r0gMVN>

<sup>6</sup> For detailed information about the ACE program see: <https://www.cbp.gov/trade/automated>. For information on which filing functions have transitioned to the new system, see: <https://www.cbp.gov/trade/automated/ace-mandatory-use-dates>

<sup>7</sup> "US Customs postpones more ACE rollouts," JOC, 12 January 2017, <http://bit.ly/2j5mZc6>

<sup>8</sup> Costanzo, John, *Automated Commercial Environment (ACE) and the Single Window Initiative – Are You Ready?*, Industry Week, October 27, 2016. Accessed online on Jan 2, 2017 at: <http://www.industryweek.com/trade/automated-commercial-environment-ace-and-single-window-initiative-are-you-ready>. See also: <http://bit.ly/2rlX8TR> ; <http://bit.ly/2q0yRPs> ; and <http://bit.ly/2qZXzUe>

<sup>9</sup> Reynolds Hutchins, "US Customs' ACE woes 'jeopardizing shipments'," JOC, 4 April 2016, <http://bit.ly/1Vr5TmR>. See also: <http://bit.ly/2ryWqjn>

<sup>10</sup> Ibid.

<sup>11</sup> Reynolds Hutchins, "US Customs says ACE glitches over as it readies next phase," JOC, 5 April 2016, <http://bit.ly/205AUOI>

## Theme 2. Access to Information

### Commitment 13. Improve Government Records

**Commitment Text:**

**Improve Management of Government Records**

The backbone of a transparent and accountable government is strong records management. Modernization of records management improves performance and promotes openness and accountability by better documenting the actions and decisions of the Federal government. The Managing Government Records Directive requires agencies to manage all of their email in electronic form by the end of 2016. To support these requirements and expand upon them, the United States will:

- **Increase Transparency in Managing Email.** The National Archives and Records Administration will release a public dataset of positions of government officials whose email will come to the National Archives for permanent preservation under the Capstone approach. This dataset will increase transparency and accountability in the recordkeeping process, while facilitating public participation in the ongoing dialogue over records that document key actions, policies, and decisions of the Federal government.
- **Report on Agency Progress in Managing Email.** The National Archives will also introduce targeted questions regarding email management to agencies through new and existing reporting mechanisms, and will report publicly on agencies' progress, allowing stakeholders to track progress on agencies' email management efforts.
- **Improve the Records Control Schedule Repository.** The National Archives currently posts information about recordkeeping time frames in a records control schedule repository. The Archives will seek feedback from civil society to improve access to the data contained within this repository.

**Responsible institution(s):** The National Archives and Records Administration

**Supporting institution(s):** Civil society organizations

**Start date:** Not specified

**End date:** Not specified

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
13. Overall			✓		✓	✓				✓			No			✓	
13.1. Increase Transparency in Managing Email				✓	✓					✓			Yes			✓	
13.2. Report on Agency Progress in Managing Email		✓			✓					✓			Yes				✓
13.3. Improve the Records Control Schedule Repository		✓			✓	✓				✓			No	✓			



## Context and Objectives

This commitment aims to improve the management of public records, particularly emails. Each year, the government produces tens of billions of emails that are filed in different ways such as by printing and filing, email archiving, and using electronic records-management systems.<sup>1</sup>

To automate and standardize the management of email records, the US government introduced an email management approach known as Capstone as part of the previous action plan. The Capstone approach designates senior official email accounts as permanent records that must be transferred to the National Archives and Records Administration (NARA), and all others as temporary records that can be deleted after a set period.

Building on this progress, the commitment in this action plan proposes publishing the list of government officials whose accounts will be permanently transferred to NARA (Milestone 13.1) and having agencies report on their progress with Capstone (Milestone 13.2). The commitment also aims to improve the Records Control Schedule Repository with the input of civil society stakeholders (Milestone 13.3).

While the objective of the commitment is clear and relevant to access to information, the milestones provide little insight into what tangible benefits will result from the public listing of government email accounts, which new questions agencies will have to answer as part of their reporting, or what new mechanisms will be made available for stakeholders to track progress on email management. As for improving the Records Control Schedule Repository, while the promise to “seek feedback from civil society” is laudable and falls under the OGP value of civic participation, the generality of this statement makes it difficult for the IRM researcher to envision how this feedback will be sought, with what frequency, and to what effect.

In addition, the full implementation of this commitment would not necessarily translate into improved records management. For example, publishing a list of email accounts that will be preserved and having agencies report on their management of emails will not guarantee the more impactful goal of achieving implementation of the Capstone approach across all government agencies. For these reasons, the potential impact of this commitment is minor.

## Completion

The three milestones included in the commitment have varying degrees of completion. The National Archives data set listing official email accounts that will be preserved permanently (Milestone 13.1) is available online.<sup>2</sup> However, the government noted in its self-assessment report that as of June 2016, this activity was not yet fully complete as the data set was still expected to be updated with additional agency information.

In terms of the improved reporting on agency progress in managing email (Milestone 13.2), the NARA updated the template for the Senior Agency Official for Records Management Annual Report, which is a report that agencies must submit regarding their records-management performance. The template now includes targeted questions for agencies on what they have done to manage all email records in an accessible electronic format by the end of 2016, what they plan to do next, and if they expect to meet the requirement in time.<sup>3</sup> The NARA’s records management self-assessment final report now tracks this information across agencies.<sup>4</sup>

As for improving the records control schedule repository (Milestone 3), the public feedback meeting with civil society had not materialized by June 2016 but remained on the agenda.

## Early Results (if any)

The early results of the commitment have represented positive, yet incremental, steps forward for access to information. Although the NARA published a data set online with the official email accounts it will preserve permanently, only two agencies—NARA and the National Security Agency—had their information online by June 2016, the close of the

period under review by this report. (Later updates will be covered and assessed in the IRM end-of-term report.) In addition, the listings are in PDF form, which limits the opportunities for cross-agency analysis.

As it relates to the improved reporting on agency progress in managing email, the NARA's Records Management Self-Assessment 2015 report now tracks new information on how agencies are performing on email management. According to the report, 79 percent of agencies plan to implement the Capstone approach to managing emails, and more than half (52 percent) plan to use the General Records Schedule 6.1 that the NARA created for implementation.<sup>5</sup>

### **Next Steps**

The next steps for this commitment will be the fulfillment of the public-engagement element in milestone 13.3 and the inclusion of additional agencies in the NARA data set as part of milestone 13.1.

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<sup>1</sup> David S. Ferriero, "Managing Those Emails," Prologue Magazine, National Archives, 2015, <http://bit.ly/2eqSzOY>

<sup>2</sup> General Records Schedule (GRS) 6.1, Email Managed under a Capstone Approach, <http://bit.ly/2q3YVYV>

<sup>3</sup> National Archives, 2015 SAO Annual Reports, <http://bit.ly/2pTsJwm>. Download the template here: <http://bit.ly/2r0jWcc>

<sup>4</sup> National Archives, Records Management Self-Assessment (RMSA), <http://bit.ly/2rm4yq9>. See page 15 of the 2015 report to see this information: <http://bit.ly/2dtlWTD>

<sup>5</sup> National Archives, Records Management Self-Assessment 2015, <http://bit.ly/2dtlWTD>

## ★ **Commitment 14. Modernize FOIA and Release Nonprofit Tax Filings**

### **Commitment Text:**

#### **Modernize Implementation of the Freedom of Information Act**

As the Freedom of Information Act (FOIA) approaches its 50th anniversary in 2016, the Administration will continue to build on its commitment to improve the implementation of FOIA to increase efficiency and effectiveness for Federal government employees charged with carrying out the law and for customers who use the law to access information about government activities. To further this work, the Administration will:

- **Expand the Services Offered on FOIA.gov.** The Administration will harness technology to improve the services offered on FOIA.gov. Building upon the commitment from the second NAP to launch a consolidated online FOIA service, the Department of Justice will collaborate with agencies, seek public input, review existing technologies such as FOIAonline, and leverage technological tools to expand on the existing FOIA.gov. Additional new features will also be explored, including a guided request tool, online tracking of request status, simplified reporting methods for agencies, improved FOIA contact information, and tools that will enhance the public's ability to locate already posted information.
- **Improve Agency Proactive Disclosures by Posting FOIA-Released Records Online.** The Department of Justice will lead a pilot program with seven agencies to test the feasibility of posting FOIA-released records online so that they are available to the public. The pilot will seek to answer important questions including costs associated with such a policy, effect on staff time required to process requests, effect on interactions with government stakeholders, and the justification for exceptions to such a policy, such as for personal privacy. As part of the pilot, the Department of Justice will get input from civil society stakeholders, including requesters and journalists. Upon completion of the pilot, the Justice Department will make the results available to the public.
- **Improve Agency FOIA Websites.** The Administration will issue guidance and create best practices for agency FOIA web pages, including developing a template for key elements to encourage all agencies to update their FOIA websites to be consistent, informative, and user-friendly.
- **Increase Understanding of FOIA.** The National Archives will develop tools to teach students about FOIA, drawing upon real-world examples to foster democracy and explain how the public can use FOIA to learn more about the government's actions. The National Archives will seek partnerships with outside educational and library organizations to create and promote standards-compatible curriculum resources
- **Proactively Release Nonprofit Tax Filings.** Tax filings for nonprofit organizations contain data that is legally required to be publicly released. Accessing the filings generally requires a request from the public, which can include a FOIA request, and results in more than 40 million pages provided in a non-machine-readable format. The Internal Revenue Service will launch a new process that will remove personally identifiable information before releasing the public information within electronically filed nonprofit tax filings. The electronically filed tax filings will be released as open, machine-readable data, allowing the public to review the finances and other information of more than 340,000 American nonprofit and charitable organizations.

**Responsible institution(s):** Department of Justice, Internal Revenue Service, and National Archives and Records Administration

**Supporting institution(s):** All Federal agencies, civil society organizations

**Start date:** Not specified

**End date:** Not specified

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
14. Overall			✓		✓	✓		✓				✓	No			✓	
14.1. Expand the Services Offered on FOIA.gov			✓		✓			✓			✓		No		✓		
14.2. Improve Agency Proactive Disclosures			✓		✓	✓		✓			✓		Yes				✓
14.3. Improve Agency FOIA Websites		✓			✓					✓			No		✓		
14.4 Increase Understanding of FOIA			✓		✓	✓		✓			✓		No	✓			
14.5 Proactively Release Nonprofit Tax Filings				✓	✓			✓			✓		Yes				✓

**Editorial Note:** This commitment is a starred commitment because it is measurable, clearly relevant to OGP values as written, has transformative potential impact, and is substantially or completely implemented.

### Context and Objectives

The Freedom of Information Act (FOIA) is a perennial target of stakeholders seeking more information about the workings of government. Historically, government agencies have been criticized for not responding to FOIA requests in a timely manner, for providing responses containing large amounts of redacted information, and for being overly restrictive in their determination of what information can be released.<sup>1</sup> The objective of this commitment is to address those criticisms by improving online services to those submitting information requests and proactively disclosing information. To achieve this objective, the commitment proposes five separate activities. While the first four activities are incremental steps forward for FOIA, the release of nonprofit tax filings (milestone 14.5) has been a major demand of open government advocates and has a transformative potential impact. Each of the milestones are described individually below.

- Milestone 14.1 commits to expand the services on FOIA.gov. This follows up on a commitment from the previous action plan to launch a consolidated online FOIA service for people to submit requests from a single window, regardless of the agency. Several technical improvements are proposed as new features (including online tracking of request data and a guided request tool), but none are definitively promised, lowering the milestone’s specificity. Improving FOIA.gov has been a priority for civil society organizations<sup>2</sup> and could streamline the process for requesting and accessing information. However, without knowing which features will

be implemented, it is not possible to determine that the milestone would be transformative if completed.

- Milestone 14.2 stipulates that the Justice Department will lead a pilot project to determine the feasibility of publicly posting FOIA-released documents online. This “release to one, release to all” policy would allow interested stakeholders to access information queried by others without having to go through the FOIA request process themselves. Many civil society organizations praised the initiative, while journalists and others expressed concerns about how losing exclusive access to requested files would serve as a disincentive to carry out investigative journalism efforts.<sup>3</sup> A policy of proactive disclosure could be a transformative step forward for access to information as the public would gain access to all documents considered to be of importance by requesters. Nonetheless, the current proposal is for a pilot project to weigh the pros and cons of such a policy, not for the establishment of the policy itself. Given this more limited scope, it has a moderate potential impact. As written, the milestone is relevant to both access to information and civic participation as it emphasizes gathering civil society stakeholder opinions during the pilot.
- Milestone 14.3 aims to provide guidance and issue best practices for agencies to improve their FOIA websites. While the guidance could help agencies provide higher-quality information, the milestone does not provide specifics on its expected outcome beyond “developing a template for key elements.” In addition, publishing guidance—while a useful first step—does not guarantee adoption by agencies, which is why the milestone has a minor potential impact.
- Milestone 14.4 is outward facing and takes on the challenge of educating students about FOIA: what it is, how it works, and why it is important. More detail of the specific tools to be developed and how they will be integrated into the educational materials for schools and libraries would make this commitment stronger, but it shows relevance to OGP values through expanding access to information about FOIA, partnering with nongovernmental organizations to develop new resources, and using online educational technology to expand transparency.
- Milestone 14.5 aims to proactively release tax information on nonprofit organizations. Prior to the action plan, the process for accessing tax filings for nonprofit organizations required a request, often including a FOIA request, resulting in large volumes of non-machine-readable documentation (image files stored on DVDs). This milestone commits to proactively release the tax filing information of nonprofits—after removing personally identifiable information—in a machine-readable format. This milestone is highly specific and addresses the OGP values of access to information and use of technology and innovation to enhance transparency. This data has long been requested by open government advocates<sup>4</sup> and has the potential to transform the US nonprofit sector, the largest in the world (about 10 percent of the economy).<sup>5</sup> If fully implemented, the release of nonprofit tax data (including finances, activities, and structure) would allow the public to track the effectiveness of its donations, government auditors to spot waste or abuse, and researchers to identify gaps and areas for improvement.

Overall, while most of the commitment’s activities are incremental steps forward for open government, the release of nonprofit tax information (milestone 14.5) is a potentially transformative initiative for access to information, as mentioned above. Given that the IRM recognizes the most ambitious element of commitments, this commitment is considered to have an overall transformative potential impact and therefore qualifies as a starred commitment.<sup>6</sup>

## Completion

This commitment encompasses a wide range of activities that had varying degrees of completion:

- The expansion of services offered on FOIA.gov (Milestone 14.1) did not take place by this midterm review. According to the government self-assessment, the Department of Justice was working to create a proposal for an initial phase of iterative development to build a consolidated FOIA request system and other tools. However, no tangible products were available by June 2016.
- The department Office of Information Policy (OIP) carried out a pilot program in which seven agencies (or components thereof)<sup>7</sup> posted FOIA-released records online (Milestone 14.2) during a six-month period. The OIP published a report presenting and analyzing the results of the pilot project in June 2016.<sup>8</sup>
- To kick off the effort to improve agency FOIA websites (Milestone 14.3), the OIP held a roundtable open to the public on 16 June 2016.<sup>9</sup> At this meeting, the government gathered inputs and suggestions from agency representatives and members of the public for the web guidance.
- There were no concrete steps taken to improve understanding of FOIA (Milestone 14.4). The government cited an online call for suggestions of records in the National Archives Catalog that could help students understand the role of FOIA, but the call was published after the close of this evaluation period (June 2016).<sup>10</sup> Furthermore, the first material published as part of this activity was released in November 2016.<sup>11</sup> It will therefore count for completion in the IRM end-of-term report.
- On 16 June 2016, the Internal Revenue Service announced the online disclosure of nonprofit electronic tax filings (Milestone 14.5).<sup>12</sup> The machine-readable data includes electronically filed Forms 990, 990-EZ, and 990-PF dating back to 2011. The data is hosted by Amazon<sup>13</sup> and excludes certain donor information and personally identifiable information.

## Early Results (if any)

Two of the commitment's activities show promising early results: the proactive disclosure of FOIA-requested documents and the disclosure of nonprofit tax filings. As stated above, the OIP led a six-month pilot project during which agencies published FOIA-released documents.<sup>14</sup> During the pilot, the seven participating agencies posted a total of about 48,000 pages online.<sup>15</sup> Some of the agencies documented major increases in the amount of information published. For example, the Department of Defense posted about 13,186 pages during the first month of the pilot, compared to 6,353 pages in the preceding month, a 108 percent increase.<sup>16</sup> The National Archives and Records Administration, on the other hand, averaged 277 pages posted per month during the pilot, as opposed to 51 beforehand (an increase of more than 400 percent).<sup>17</sup> In addition, the government found that the number of visitors to agency websites remained constant or increased during the pilot although there was no discernible change in the number of documents requested.<sup>18</sup>

Reactions to the pilot were mixed. On the one hand, many agency FOIA officers registered their concerns about posting FOIA-released information, especially because documents must be compliant with Section 508 of the Rehabilitation Act,<sup>19</sup> which they considered "time-consuming and technologically burdensome."<sup>20</sup> One FOIA officer noted that many small agencies cannot afford the resources or technology to make documents compliant while another added that this policy would "slow down FOIA processing as a whole."<sup>21</sup> In addition, some journalists said that this type of proactive disclosure could serve as a disincentive for investigative journalism since others could report on information they requested.<sup>22</sup> On the other hand, many others, including reporters, welcomed the new policy after the completion of the pilot.<sup>23</sup>

Public comment version: please do not cite

Perhaps the most promising early result of this commitment is the newly disclosed nonprofit tax filings, which respond to a major demand of open government advocates.<sup>24</sup> According to Carl Malamud, the president and founder of Public.Resource.Org who won the lawsuit that spurred this release,<sup>25</sup>

This is a huge release: 1.4 million e-file returns dating back to 2011 available for free and a commitment to update the data store on a monthly basis... The result of this release is going to be transformative. With e-file data, a host of services will be able to start analyzing the nonprofit sector, both individual organizations and collections of nonprofits that have characteristics in common, such as geographic location, area of business or size of CEO salaries...<sup>26</sup>

According to the Sunlight Foundation, this data release ushers the “nonprofit sector into the age of transparency,” adding that “journalists, auditors and congressional investigators will now be able to analyze the data to look for trends and patterns, finding and flagging issues. It’s also going to empower officials and watchdogs to track and reveal influence in the nonprofit world.”<sup>27</sup> The disclosure of the filing data was equally praised by the private sector,<sup>28</sup> other NGOs,<sup>29</sup> and the media.<sup>30</sup>

### Next Steps

The next steps for this commitment require completing the pending items, including the improvement of FOIA.gov, agency FOIA websites, and understanding of FOIA among the public. Civil society organizations have placed a heavy emphasis on this commitment, with the improvement of FOIA.gov and building a consolidated FOIA request portal receiving particularly strong attention.<sup>31</sup> Moving forward, it is important for the government to collaborate with civil society to ensure that the new tools are being developed with sufficient public input.

There will most certainly be room for a FOIA-related commitment in the next national action plan. Some civil society organizations would like to see an expansion of the proactive disclosure pilot to make the products of FOIA requests publicly available to all, not just the individual or organization making the request.<sup>32</sup> Other organizations—including journalist organizations—support the policy, though with modifications such as a waiting period between the moment a document is released to a requester and its posting online for public use.<sup>33</sup> Beyond expanding the pilot included in this commitment, the government could include efforts in future action plans to further streamline how agencies respond to FOIA requests, to ensure fewer delays.

As for the disclosure of nonprofit tax filings, the next step is to expand the contents of the data set. The data release included only electronic filings, and as of June 2016, only about two-thirds of nonprofit organizations filed electronically.<sup>34</sup> Going forward, the government could work to ensure that the remaining one-third of nonprofit tax filings are available in more-accessible formats than the current TIFF image files on DVDs that are available upon request.

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<sup>1</sup> See a January 2016 Congressional report documenting the shortcomings of FOIA, available here: <http://bit.ly/1ZnEer4>. See also the challenges from the point of view of ProPublica, available here: <http://bit.ly/2qE6DfS>

<sup>2</sup> See <http://bit.ly/2qECjIV> and <http://bit.ly/2rCR7ib>.

<sup>3</sup> For an overview of the debate, see here: <http://bit.ly/2qNyUkT>. Some civil society views on the subject can be found at: <http://bit.ly/2qPlwlv> and <http://bit.ly/2rjqxVd>. A Reporters Committee for Freedom of the Press survey of journalist opinions on the milestone is available at: <http://bit.ly/2l6HWRm>

<sup>4</sup> “Opening IRS e-file data would add innovation and transparency to \$1.6 trillion US nonprofit sector,” 22 January 2014, <http://bit.ly/2qIqmeH>



- <sup>5</sup> See a blog post by the Data Coalition for more information on the importance of nonprofit tax data at: <http://bit.ly/2qHRfgR>
- <sup>6</sup> See the editorial note below the commitment table for the definition of a starred commitment.
- <sup>7</sup> The seven agencies were the Office of the Director of National Intelligence, the Millennium Challenge Corporation, the Environmental Protection Agency, and components or offices of the Departments of Defense, Homeland Security and Justice, and the National Archives and Records Administration
- <sup>8</sup> Department of Justice, Office of Information Policy, Proactive Disclosure Pilot Assessment, June 2016, <http://bit.ly/29UUXyO>
- <sup>9</sup> Department of Justice, Office of Information Policy, Summer Requester Roundtable on Agency FOIA Websites, 27 May 2016, <http://bit.ly/2rAoe6T>
- <sup>10</sup> History Hub, “Help us show the power of FOIA,” 19 August 2016, <https://historyhub.history.gov/thread/1347>
- <sup>11</sup> National Archives, “Teaching the Next Generation about the Power of FOIA,” 2 November 2016, <http://bit.ly/2edJRCa>
- <sup>12</sup> IRS, “IRS Makes Electronically Filed Form 990 Data Available in New Format,” 16 June 2016, <http://bit.ly/2aheIUf>
- <sup>13</sup> Amazon Web Services, IRS 990 Filings on AWS, <https://aws.amazon.com/public-datasets/irs-990/>
- <sup>14</sup> Department of Justice, Office of Information Policy, Proactive Disclosure Pilot Assessment, June 2016, <http://bit.ly/29UUXyO>
- <sup>15</sup> *Ibid.*, 12. See ODNI Pilot Metrics pages 22-33 to calculate the total number of pages posted ODNI.
- <sup>16</sup> *Ibid.*
- <sup>17</sup> *Ibid.*
- <sup>18</sup> *Ibid.*, 13.
- <sup>19</sup> According to Section 508 of the Rehabilitation Act, public information must be accessible to people with disabilities.
- <sup>20</sup> Luis Ferre Sadurni, “Chief FOIA Officers Council meets for the first time,” Reporters Committee for Freedom of the Press, 25 July 2016, <http://bit.ly/2q4QwET>
- <sup>21</sup> *Ibid.*
- <sup>22</sup> *Ibid.*
- <sup>23</sup> Adam Marshall, “When does the public get public records?” <http://bit.ly/2a5OWAt>
- <sup>24</sup> Tom Lee, “Nonprofit E-File Data Should Be Open,” *Sunlight Foundation*, 26 April, 2013, <http://bit.ly/2qEeNW2>
- <sup>25</sup> Justin Duncan, “In the fight for open nonprofit data, everything changed in one month,” Data Coalition, 2 July 2015, <http://bit.ly/2qHRfgR>
- <sup>26</sup> Carl Malamud, “OpenGov Voices: Opening nonprofit tax-return data online will be transformative,” 16 June 2016, <http://bit.ly/2qBzKRj>
- <sup>27</sup> Alex Howard, “IRS Opens up Form 990 data, ushering nonprofit sector into the age of transparency,” 16 June 2016, <http://bit.ly/2roeq2w>
- <sup>28</sup> See <http://bit.ly/2rCk4LN> and <http://bit.ly/2qHSywu>.
- <sup>29</sup> See <http://bit.ly/2pVYPaC>.
- <sup>30</sup> See <http://bit.ly/2rBTVg4>, <http://bit.ly/1PwFf6u>, and <http://bit.ly/29DMUFC>.
- <sup>31</sup> This finding is based on interviews with civil society representatives (detailed in Section VI of this report), as well as articles online, available at: <http://bit.ly/2qECjIV> and <http://bit.ly/2rCR7ib>
- <sup>32</sup> Alex Howard, “Governments should use FOIA demand to drive open data disclosure,” 14 July 2016, <http://bit.ly/2pW4RrP>
- <sup>33</sup> Project on Government Oversight, “FOIA: Release to One, Wait, Release to All,” 20 July 2015, <http://bit.ly/2qD8lch>
- <sup>34</sup> Anna Massoglia, “IRS releasing electronically-filed nonprofit tax data,” Center for Responsive Politics, 20 June 2016, <http://bit.ly/2pVYPaC>



## Commitment 15. Streamline the Declassification Process

### Commitment Text:

#### **Streamline the Declassification Process**

While national security interests require that certain information be protected as classified, democratic principles require government to be transparent, wherever possible, about its activities. Declassification is a time-consuming and costly process that often involves manual review of records. In order to identify processes and tools to help automate and streamline declassification, the Administration will:

- **Develop a Plan to Implement Technological Tools to Help Automate Declassification Review.** The interagency Classification Reform Committee will develop a plan to expand the use of technological tools that were piloted by the Central Intelligence Agency and the National Archives to help automate declassification review.
- **Pilot the Use of a Topic-Based Interagency Declassification Guide.** When reviewing documents for declassification, multiple agencies may have had a stake in the creation and classification of those documents, and ordinarily each must review them prior to declassification. The Classification Reform Committee will work with agencies to pilot a declassification guide based on a topic or event in order to enable trained interagency staff to review this information where it resides, rather than referring the classified information to multiple agencies, avoiding the sometimes lengthy interagency review process.
- **Establish a Special Systematic Declassification Review Program.** The National Declassification Center at the National Archives will implement a special systematic declassification review program for previously reviewed and exempted historical Federal records that were accessioned to the National Archives and reviewed prior to the creation of the National Declassification Center in 2010.
- **Declassify Historical Intelligence Records in the Public Interest.** The Central Intelligence Agency will lead an interagency project to declassify no-longer-sensitive Presidential Daily Briefs from the Nixon and Ford administrations. Working with Intelligence Community agencies and the Classification Reform Committee, the Central Intelligence Agency will manage a line-by-line review of these important historical documents and post them online in machine-readable formats.

**Responsible institution(s):** Central Intelligence Agency and National Archives and Records Administration

**Supporting institution(s):** Classification Reform Committee, Federal agencies with classification authority, and civil society stakeholders

**Start date:** Not specified

**End date:** Not specified

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
15. Overall			✓		✓			✓			✓		No		✓		
15.1. Develop Tools to Help Automate Declassification Review		✓			✓			✓		✓			No	✓			
15.2. Pilot an Interagency Declassification Guide			✓		✓					✓			No		✓		
15.3. Establish a Declassification Review Program			✓		✓					✓			No		✓		
15.4 Declassify Historical Intelligence Records				✓	✓			✓		✓			No		✓		

### Context and Objectives

This commitment seeks to streamline the declassification process. Requests from various segments of society for declassification of historical documents can be a resource-draining exercise, often limiting the degree to which those requests can be met. In its 2012 report to the president, the Public Interest Declassification Board noted that the classification system was “compromised by over-classification” and was “incapable of dealing adequately with the large volumes of classified information generated in an era of digital communications.”<sup>1</sup> To address these issues, the US government as part of the previous action plan created a security classification reform committee, declassified historical records on nuclear activities and presidential records, and improved tracking of declassification reviews. The current commitment builds on this progress and proposes four separate milestones:

- Develop a plan to implement technological tools to automate declassification review (Milestone 15.1);
- Pilot the use of an interagency declassification guide based on topics or events (Milestone 15.2);
- Establish a declassification review program for previously reviewed and exempted records (Milestone 15.3); and
- Declassify Presidential Daily Briefs, which are daily intelligence reports provided to the president, from the Nixon and Ford administrations (Milestone 15.4).

As written, the four milestones vary in their degree of specificity. Milestone 15.1, for example, is quite vague as it does not specify what kinds of technological tools the government expects to implement. On the other hand, Milestone 15.4 specifies a clear

deliverable—the publication of Presidential Daily Briefs from the Nixon and Ford administrations in machine-readable formats. As for relevance, the milestones all are relevant to access to information, and some also make use of technology and innovation.

Though Milestone 15.1 is too vague to identify a significant potential impact, the other milestones have the potential to moderately impact the declassification process. For example, the use of an interagency declassification guide (Milestone 15.2) could allow an interagency team to process reviews, rather than relying on other agencies, and therefore reduce delays. The nongovernmental National Security Archive noted that the establishment of a declassification review program (Milestone 15.3) is one of the action plan's many "potentially powerful transparency initiatives."<sup>2</sup> As for the declassification of Presidential Daily Briefs,<sup>3</sup> civil society organizations have long demanded their release and have previously resorted to lawsuits to obtain the information.<sup>4</sup>

However, it is also important to mention that civil society's priorities for declassification were not included in the commitment.<sup>5</sup> For this reason, a coalition of civil society organizations noted that the initiatives included in this commitment "fall short of being truly 'transformative' in their reach."<sup>6</sup>

### **Completion**

Completion of this commitment is limited overall due to slow progress in completing the various milestones. Progress on each of the milestones as of June 2016 is as follows:

- While the government stated that the Central Intelligence Agency is testing and evaluating technological tools, it is unclear if there is any progress in developing the plan promised in Milestone 15.1.
- As part of Milestone 15.2, the Classification Reform Committee asked agencies to identify topics to include in the interagency declassification guide by late 2016.
- According to the government, the National Declassification Center at the National Archives substantially completed Milestone 15.3 by building an inventory and database of records accessioned prior to 2010 and piloting the review process. The government self-assessment states that more than 66,000 pages have been declassified following this new process. However, an online search found no mention of progress on this milestone or evidence of the declassified documents.<sup>7</sup> In addition, this initiative is included in the National Archives Open Government Plan 2016-2018,<sup>8</sup> which was released in September 2016, after the period assessed by this report.
- The Presidential Daily Briefs promised as part of Milestone 15.4 were published on 24 August 2016,<sup>9</sup> after the cutoff date of June 2016 for this report. The release will be fully assessed in the IRM end-of-term report.

### **Early Results (if any)**

This commitment is of high interest to open government advocates, who submitted many proposals for streamlining the declassification process during the development of the action plan.<sup>10</sup> Given the limited completion by the end of the evaluation period for this report, however, there are not yet any early results to assess. The release of Presidential Daily Briefs and any other later progress will be assessed in the IRM end-of-term report.

### **Next Steps**

Across this commitment, next steps will include continuing to explore new tools to assist with the declassification process, piloting a topical declassification guide, and declassifying previously reviewed and exempted historical federal records. Some of the recommendations made by civil society organizations on this topic include ending re-reviews of documents and the pass/fail review process,<sup>11</sup> as well as having the Classification Reform Committee report

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publicly on its work; including an option for expedited reviews; and declassifying information on overseas military strikes and CIA prisoner programs.<sup>12</sup>

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<sup>1</sup> Public Interest Declassification Board, Transforming the Security Declassification System, <http://bit.ly/2erizvb>

<sup>2</sup> Lauren Harper, "Third National Action Plan Released, Senate CISA Vote Threatens Integrity of the FOIA, and Much More," 29 October 2015, <http://bit.ly/2q7SB7F>

<sup>3</sup> See a discussion of the Presidential Daily Briefs by the National Security Archive for more details and background information: <http://bit.ly/2rdwvkb>

<sup>4</sup> The National Security Archive, "President's Daily Briefs from Kennedy and Johnson Finally Released," 16 September 2015, <http://bit.ly/2rPzpln>

<sup>5</sup> OpenTheGovernment.org, "Scoring the Third National Action Plan: Civil Society Analysis," 10 November 2015, <http://www.openthegovernment.org/node/5028>

<sup>6</sup> Civil Society Report on Implementation of the Second US National Action Plan, February 2016, <http://bit.ly/2qRG4EJ>

<sup>7</sup> The government self-assessment indicates that as documents are declassified, they are re-filed and listed online on the NDC blog, available at: <https://declassification.blogs.archives.gov/> However, there is no mention of this initiative or the newly released documents on the blog.

<sup>8</sup> National Archives and Records Administration, Open Government Plan 2016-2018, <https://usnationalarchives.github.io/opengovplan/>

<sup>9</sup> Central Intelligence Agency, President's Daily Brief, <https://www.cia.gov/library/readingroom/presidents-daily-brief>

<sup>10</sup> Civil Society Model Commitments for the Third US National Action Plan, September 2015, <http://bit.ly/2oBni4D>

<sup>11</sup> Lauren Harper, "Third National Action Plan Released, Senate CISA Vote Threatens Integrity of the FOIA, and Much More," 29 October 2015, <http://bit.ly/2q7SB7F>

<sup>12</sup> Civil Society Model Commitments for the Third US National Action Plan, September 2015, <http://bit.ly/2oBni4D>

## Commitment 16. Implement the Controlled Unclassified Information Program

### Commitment Text:

#### Implement the Controlled Unclassified Information Program

The National Archives will continue implementation of an open and unified program for managing unclassified information that requires safeguarding or dissemination controls that are consistent with law, regulations, and government-wide policies, which is known as Controlled Unclassified Information (CUI). The National Archives will issue implementation guidance, establish phased implementation schedules, and publish an enhanced CUI Registry that designates what information falls under the program. In addition, the National Archives will work with the Federal Acquisition Regulatory Council to propose a Federal Acquisition Regulation rule to apply the requirements of the CUI program to contractors, grantees, and licensees.

**Responsible institution(s):** National Archives and Records Administration

**Supporting institution(s):** CUI Advisory Council and Federal agencies possessing controlled unclassified information

**Start date:** Not specified

**End date:** Not specified

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
16. Overall				✓	✓						✓		No	✓			

### Context and Objectives

This commitment seeks to provide further guidance for agencies, contractors, and licensees on the handling of Controlled Unclassified Information (CUI). This category of information includes sensitive information that is unclassified but requires safeguarding or dissemination controls. There are currently more than 100 ways of defining CUI, and there are no common protocols used by agencies for safeguarding and disseminating the information. According to the National Archives and Records Administration (NARA), “information is inconsistently marked, without any common definitions related to these ad hoc markings. CUI reform is designed to address these deficiencies, in that it will provide a common definition and standardize processes and procedures.”<sup>1</sup>

This commitment is directly carried forward from the previous action plan, which also promised the issuing of implementation guidance, establishment of phased implementation schedules, and publication of a CUI registry. This commitment proposes an additional activity—a federal acquisition regulation to apply CUI standards to contractors, grantees, and licensees.

If fully implemented, the commitment could provide clearer guidance for handling CUI. In so doing, it could provide access to previously unreleased unclassified information. Beyond standardizing the way different agencies handle the information, this commitment also envisions extending the CUI requirements to contractors, who are currently not bound by

the same rules as federal agencies. For this reason, the commitment has a moderate potential impact.

### **Completion**

At the time of this evaluation, it was unclear if there was any progress on the commitment. In its self-assessment, the government stated only that the NARA expected to complete the commitment in the fall of 2016. The government published the implementing regulation on 14 September 2016 and released the CUI Marking Handbook on 6 December 2016.<sup>2</sup> However, this took place after the close of the evaluation period (June 2016) and will therefore be reflected in the analysis of the IRM end-of-term report.

### **Early Results (if any)**

According to the Implementation Guidance issued on 14 September 2016, each federal agency will have 180 days from the effective date of the regulation (14 September 2016) to develop its policies and an additional 180 days to develop and deploy a training program for its staff, followed by 180 days to ensure all staff receive the training.<sup>3</sup> This timetable suggests that the effects of this commitment will not be immediately felt by federal agencies or those hoping to have greater access to unclassified government documents.

### **Next Steps**

The next step for this commitment is to fully implement the new regulations across the relevant federal agencies. There is no need for additional commitments in future action plans.

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<sup>1</sup> National Archives, Controlled Unclassified Information (CUI), FAQ's, <https://www.archives.gov/cui/faqs.html>

<sup>2</sup> Relevant documents for this commitment can be found at the National Archives website on Controlled Unclassified Information at: <https://www.archives.gov/cui>.

<sup>3</sup> Controlled Unclassified Information Notice 2016-01, National Archives and Records Administration, September 14, 2016. Accessed on January 2, 2017 at: <https://www.archives.gov/files/2016-cuio-notice-2016-01-implementation-guidance.pdf>.

## Commitment 17. Improve Transparency of Privacy Programs and Practices

### Commitment Text:

#### **Improve Transparency of Privacy Programs and Practices**

Federal information must be protected, and the protection of privacy is of utmost importance. The Administration, led by the Office of Management and Budget, will revise certain guidance on Federal agencies' responsibilities for protecting personally identifiable information. The revised guidance will include principles that agencies should use to promote fair information practices, such as transparency and accountability. The guidance will also emphasize the importance of using privacy impact assessments to analyze how agencies handle personally identifiable information and ensure that agency processes conform to all applicable privacy requirements. In addition, revised guidance will direct agencies to take a coordinated approach to information security and privacy, including requiring agencies to develop and maintain a continuous monitoring strategy to ensure that privacy and security controls are functioning properly.

**Responsible institution(s):** Office of Management and Budget

**Supporting institution(s):** Agencies covered by the Chief Financial Officers Act of 1990

**Start date:** Not specified

**End date:** Not specified

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
17. Overall		✓			Unclear						✓		Yes			✓	

### Context and Objectives

This commitment speaks in general terms to the issues of protecting personally identifiable information held by the government on members of the public and improving the transparency of the rules governing that protection. A substantial database hack of government personnel records in 2015 compromised more than 20 million people (including federal employees, contractors, and their families and friends)<sup>1</sup> and prompted demands for improved government security and privacy practices.<sup>2</sup>

While it addresses an important issue, the commitment text is vague. References to intentions to “revise certain guidance” and “include principles that agencies should use” provide little detail on the approach to be implemented. Lack of mention of outreach to external privacy advocates also lessens the potential impact of this commitment. As it is presented, it is unclear if the commitment is relevant to any specific OGP values as it focuses on the internal management and protection of personal data and does not necessarily portend the release of more or higher-quality information to the public.

## Completion

In October 2015, the Office of Management and Budget (OMB) posted draft guidance online for public comments.<sup>3</sup> The guidance received 67 comments.<sup>4</sup> OMB then issued the final revised guidance (Circular A-130) outlining general responsibilities for federal agencies managing personally identifiable information in July 2016.<sup>5</sup> However, since the release of the final revised guidance took place after June 2016 (the close of this report's evaluation period), it will be reflected and assessed in the IRM end-of-term report.

## Early Results (if any)

The revised Circular A-130 was generally well received by nongovernmental stakeholders, who noted the guidance's emphasis on continuous monitoring over checklist compliance and "integration of privacy and security as a policy matter."<sup>6</sup> According to OpenTheGovernment.org, "This is the first time in 15 years the public has been able to weigh-in comprehensively on this guidance...[which] has been the guiding light on fundamentally important laws relating to the management, dissemination, and security of government information."<sup>7</sup> Nonetheless, as the activities under this commitment are modifications to internal government procedures, and Circular A-130 contains no mandatory timeline for its full implementation, there are no early results to report in terms of greater access to information. In interviews, civil society stakeholders added that it is unlikely that any results will be obvious to the casual observer of government IT procedures.<sup>8</sup>

## Next Steps

The immediate next step is to implement the revised guidance. Following the compromise of personal data via a computer breach in early 2015, there are heightened expectations for improved data security. While this commitment may result in revised procedures for IT systems and digital handling of data, meaningful engagement with civil society experts would help to alleviate concerns over this issue.

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<sup>1</sup> Ellen Nakashima, "Hacks of OPM databases compromised 22.1 million people, federal authorities say," *Washington Post*, 9 July 2015, <http://wapo.st/2qg9rxl>

<sup>2</sup> Nuala O'Connor, "Why the OPM Data Breach is Unlike Any Other," 22 June 2015, <http://bit.ly/1J1FQeY>

<sup>3</sup> Circular A-130, <https://a130.cio.gov/>

<sup>4</sup> Github, OMB e-Gov A-130, <https://github.com/ombegov/a130/issues/>

<sup>5</sup> Circular No. A-130, <http://bit.ly/2rAjz7Q>

<sup>6</sup> Jason Miller, "Cyber checklist is dead, long live the new A-130," *Federal News Radio*, 8 August 2016, <http://bit.ly/2qWcCgT>

<sup>7</sup> OpenTheGovernment.org, "Openness groups submit comments on OMB's "Circular A-130" guidance," 25 November 2015, <http://www.openthegovernment.org/node/5055>

<sup>8</sup> Comments made to the IRM researcher during interviews with civil society stakeholders. For more details on the interviews and other methods undertaken to complete this report, please see Section VI.



## Commitment 18. Enhance Transparency of Federal Use of Investigative Technologies

### Commitment Text:

#### Enhance Transparency of Federal Use of Investigative Technologies

As law enforcement and homeland security agencies have harnessed the use of new technologies, such as unmanned aircraft systems, the Administration has recognized that these technologies — which have proven to be safe and low-cost alternatives to traditional methods for criminal investigation, identification, and apprehension — must be used in a manner that protects the privacy and civil liberties of the public. Consistent with the goals of the President’s February 2015 memorandum, law enforcement agencies are encouraged to develop and make publicly available a privacy analysis for advanced technologies and undertake periodic privacy review of their use.

**Responsible institution(s):** Department of Homeland Security and Department of Justice

**Supporting institution(s):** Law enforcement agencies and civil society organizations

**Start date:** Not specified

**End date:** Not specified

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
18. Overall		✓			✓					✓			No		✓		

### Context and Objectives

The increasing use of unmanned aircraft systems (UAS) by military and law enforcement agencies has raised public concerns about the protection of privacy and civil liberties.<sup>1</sup> In response to those concerns, President Barack Obama in February 2015 issued a memorandum<sup>2</sup> on the use of UAS that called for new privacy, transparency, and accountability rules.<sup>3</sup> This commitment follows these guidelines by encouraging agencies to develop and share their privacy assessments with the public. However, the commitment text is vague in that there is no indication of what will be included in the privacy analyses or how much information will be shared with the public. The commitment has a minor potential impact because its scope is unclear, and because the government is “encouraging”—rather than requiring—the development and publication of privacy analyses. In terms of its relevance to OGP values, the commitment is weakly relevant to access to information because it aims to disclose the privacy analysis, even if the scope of the analysis is unclear.

### Completion

The government’s midterm self-assessment report classifies this commitment as complete and cites the following documents as proof:

- Policy guidance issued by the Department of Justice (DOJ) in May 2015 on the use of UAS;<sup>4</sup>

Public comment version: please do not cite

- Formal policy guidance issued by the DOJ in September 2015, and by the Department of Homeland Security (DHS) in October 2015, on the use of cell-site simulators,<sup>5</sup> which function as cell towers to acquire information from nearby cellular devices; and
- DHS best practices regarding the use of UAS, published in December 2015.<sup>6</sup>

However, a review of these documents above reveals that only the May 2015 DOJ guidance explicitly calls for privacy reviews.<sup>7</sup> Specifically, the guidance stipulates that “Senior Component Officials for Privacy in agencies using UAS must conduct annual privacy reviews of their agency’s use of UAS to ensure compliance with existing laws, regulations, and Department policy, and to identify potential privacy risks.”<sup>8</sup> Nonetheless, there is no mention of publishing the reviews as required by the commitment.

In addition, there is no evidence that agencies are complying with the policy guidance. For example, on the issue of transparency, which is the intended goal of this commitment, the DOJ guidance states that the DOJ will provide general summaries of its use of UAS on its website. However, a search on the DOJ website reveals no such information. Likewise, there is no evidence that law enforcement agencies are developing and publishing privacy reviews, as required by this commitment. Given the lack of evidence of compliance with the guidance (which was published before the start of the action plan), the completion of this commitment is limited.

### **Early Results (if any)**

The current results of this commitment include the publication of DOJ and DHS policy guidance and best-practices documents designed to establish rules for government officials on the use of UAS in law enforcement missions. These documents are important, but they are not an end in themselves. The implementation of the provisions within the documents will determine the success of the commitment. At the time of this evaluation, however, there was no evidence of implementation.

### **Next Steps**

According to interviewed civil society stakeholders,<sup>9</sup> the absence of a transparent accountability mechanism beyond the agencies’ internal review processes is a major gap in this commitment’s ability to achieve the goal of increased confidence in the government’s use of UAS without jeopardizing public privacy concerns. OpenTheGovernment.org added that significant limitations of the new guidance are that it does not apply to local law enforcement agencies, and that it is still unclear how often UAS are employed by the US government, which agencies possess them, or how local law enforcement is using them.

Any consideration of this topic in a future national action plan should include a commitment to involving members of the public in the process of overseeing UAS use. OpenTheGovernment.org also suggested that the DOJ share information with Congress to increase their oversight over this issue.

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<sup>1</sup> Gregory McNeal, “Drones and aerial surveillance: Considerations for legislatures,” Brookings Institution, November 2014, <http://brook.gs/2qcn8RG>

<sup>2</sup> The White House, Presidential Memorandum: Promoting Economic Competitiveness While Safeguarding Privacy, Civil Rights, and Civil Liberties in Domestic Use of Unmanned Aircraft Systems, 15 February 2015, <http://bit.ly/2qcxTUm>

<sup>3</sup> Gregory McNeal, “What You Need To Know About The Federal Government’s Drone Privacy Rules,” Forbes, 15 February 2015, <http://bit.ly/2qVWF1Bt>

<sup>4</sup> Department of Justice Policy Guidance, Domestic use of Unmanned Aircraft Systems, May 2015. Accessed on January 2, 2017 at: <https://www.justice.gov/file/441266/download>.

<sup>5</sup> See DHS guidance here: <http://bit.ly/1mqvY88>. DOJ guidance is available here: <http://bit.ly/1MSWb5g>

<sup>6</sup> US Department of Homeland Security, Best Practices for Protecting Privacy, Civil Rights & Civil Liberties In Unmanned Aircraft Systems Programs, 18 December 2015, <http://bit.ly/2qQjYC9>

<sup>7</sup> The DHS best practices include conducting a privacy impact assessment, but the authors explicitly mention that the best practices “are not prescriptive”.

<sup>8</sup> Department of Justice Policy Guidance, Domestic use of Unmanned Aircraft Systems, May 2015. Accessed on January 2, 2017 at: <https://www.justice.gov/file/441266/download>.

<sup>9</sup> Comments made to the IRM researcher during interviews with civil society stakeholders. For more details on the interviews and other methods undertaken to complete this report, please see Section VI.

## Commitment 19. Increase Transparency of the Intelligence Community

### Commitment Text:

#### **Increase Transparency of the Intelligence Community**

Building on steps the Administration has taken to reform U.S. signals intelligence activities, the Administration will increase its efforts to make information regarding foreign intelligence activities more publicly available, while continuing to protect such information when disclosure could harm national security. In 2015, the Director of National Intelligence issued Principles of Intelligence Transparency for the Intelligence Community to enhance public understanding of the intelligence community by making information available through authorized channels. The principles also emphasize the importance of intelligence officials diligently exercising both their classification and declassification responsibilities. Furthering these commitments, the United States will:

- **Publish an Open Government Plan for the Intelligence Community.** The Office of the Director of National Intelligence will publish an Open Government Plan for the Intelligence Community. Among other efforts, the plan will call on the Intelligence Community agencies to describe their governance frameworks in readily understandable terms, supported with appropriate releases of corresponding legal and policy documents; develop and apply criteria for identifying other information about the Intelligence Community that can be feasibly released to enhance public understanding; and establish an Intelligence Community transparency council consisting of officials responsible for coordinating agency transparency efforts.
- **Expand and Improve Public Electronic Access to Information About the Intelligence Community.** The Office of the Director of National Intelligence will establish [Intelligence.gov](https://intelligence.gov) as the primary portal for the intelligence community's public information. [Intelligence.gov](https://intelligence.gov) will provide a single venue to present information from across the intelligence community, including plain language descriptions of its mission, activities and governance framework, and links to other relevant intelligence community websites.
- **Develop a Structure for Engagement with Civil Society.** The Intelligence Community will hold regular meetings with civil society to better inform transparency efforts in light of the Intelligence Community's mission, responsibilities, priorities, and challenges. In addition, the Office of the Director of National Intelligence will lead a process to identify and update applicable processes and guidelines so that the use of social media can become fully integrated in each intelligence community agency's public communications efforts.
- **Reinforce the Principle that the Intelligence Community Workforce Can and Should Raise Concerns through Appropriate Mechanisms.** The Intelligence Community will enhance efforts to ensure that its workforce understands how to use authorized channels for submitting workforce concerns about potential misconduct. In addition, the Civil Liberties and Privacy Office of the Office of the Director of National Intelligence will leverage the National Intelligence Award program to recognize outstanding achievement by an intelligence professional in effectuating change through conduct that exemplifies the professional ethics principles of speaking truth to power or reporting misconduct through authorized channels.

**Responsible institution(s):** Office of the Director of National Intelligence

**Supporting institution(s):** Intelligence community agencies

**Start date:** Not specified

**End date:** Not specified

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
19. Overall				✓	✓	✓	✓	✓			✓		No		✓		
19.1. Open Government Plan for the Intelligence Community				✓	✓						✓		No		✓		
19.2. Improve Access to Information on Intelligence Community				✓	✓		✓				✓		No		✓		
19.3. Develop a Structure for Civil Society Engagement			✓			✓				✓			Yes			✓	
19.4. Reinforce Principle of Raising Concerns			✓				✓			✓			No		✓		

### Context and Objectives

This commitment seeks to increase transparency of the intelligence community and address public concerns about intelligence practices following a string of high-level leaks by government employees and contractors.<sup>1</sup> The commitment also looks to build on the previous work of the Office of the Director of National Intelligence (ODNI) to become more transparent. As part of the previous national action plan, ODNI released information on its blog *IC on the Record*,<sup>2</sup> including significant information on Section 702 and Section 215 surveillance programs, two of the main programs revealed by Edward Snowden to collect telephone and email records in bulk.

This commitment contains four milestones, the first three of which deal with the sharing of information about the intelligence community and its work with the public: the creation of an Open Government Plan (Milestone 19.1), the establishment of a public online portal, Intelligence.gov (Milestone 19.2), and the development of a structure for civil society engagement with the intelligence community (Milestone 19.3). The first two milestones include highly specific activities designed to improve access to information. The third one focuses on actively engaging with civil society although the engagement structure is not specified beyond “regular meetings.”

Milestone 19.4 targets the perception that potential whistleblowers within the intelligence community are dissuaded from coming forward for fear of institutional retribution. It seeks to ensure that individuals understand the channels available for airing grievances. In this sense, the activity centers on improving public accountability. However, it lacks specificity in that makes a vague promise to “enhance efforts” to have staff understand the mechanisms for raising concerns.

The potential impact of the commitment is moderate, if fully achieved. The achievement of the first two milestones, in particular, would expand the amount of information publicly available about the intelligence community. The disclosure of information about agency governance frameworks, for example, would help clarify how intelligence agencies operate, which rules it follows, and how its oversight mechanisms work. The creation of Intelligence.gov would help centralize this information and make it user-friendly although it is worth mentioning that the *IC on the Record* webpage<sup>3</sup> currently serves a similar function, which makes it difficult to expect a transformative improvement. While the latter two milestones represent positive initiatives, their text is too vague to determine that they would have a significant impact if completed.

### **Completion**

As described at the November 2016 Interagency Open Government Working Group meeting, and as acknowledged by the government in its self-assessment report, progress on most of these milestones is limited. While ODNI has said that its leadership is committed to open government and transparency in the intelligence community, bureaucratic delays have prevented further completion of the commitment.

According to the government, the Intelligence Transparency Council was established in April 2016,<sup>4</sup> but the open government plan for the intelligence community was yet to be developed (Milestone 19.1). In addition, the government began developing intelligence.gov (milestone 19.2) and a National Intelligence Professional Awards program (milestone 19.4), but neither of these activities was substantially completed.

There was substantial progress in civil society engagement (milestone 19.3). The OpenTheGovernment.org civil society coalition previously confirmed that the development of a structure for civic engagement was underway.<sup>5</sup> Nonetheless, given the limited progress in completing the other milestones, the IRM considers the commitment to be at a limited stage of completion.

### **Early Results (if any)**

Given the lack of substantial progress by the midterm of the action plan (June 2016), there are no early results to report.

### **Next Steps**

The pending activities are the launch of the intelligence community's open government plan and the creation of the new intelligence.gov website. However, at the time of writing, it is unclear if the new administration will implement these steps. The current version of this website is a career portal for people wishing to learn about future employment with intelligence agencies.<sup>6</sup>

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<sup>1</sup> Greg Miller, "Edward Snowden, Bradley Manning and the risk of the low-level, tech-savvy leaker," *Washington Post*, 11 June 2013, <http://wapo.st/2qkn5PN>

<sup>2</sup> Office of the Director of National Intelligence, *IC on the Record*, <https://icontherecord.tumblr.com/>

<sup>3</sup> Office of the Director of National Intelligence, *IC on the Record*, <https://icontherecord.tumblr.com/>

<sup>4</sup> Office of the Director of National Intelligence, *The Intelligence Transparency Council*, <https://fas.org/sgp/othergov/intel/dni-itc.pdf>

<sup>5</sup> Civil Society Report on the Implementation of the Second US National Action Plan, February 2016, 47, <http://bit.ly/1VqfUPm>

<sup>6</sup> United States Intelligence Community, *Intelligence Careers*, Intelligence.gov

## ★ Commitment 20. Open Science

### **Commitment Text:**

#### **Advance Open Science through Increased Public Access to Data, Research, and Technologies**

*By providing access to government-funded scientific information and data, Federal agencies leverage scientific investments while catalyzing American innovation and novel applications for business and entrepreneurship. Federal agencies can also take steps to make the research they support more open. In September 2015, the Office of Science and Technology Policy encouraged Federal science agencies, in designing citizen science and crowdsourcing projects, to take steps to ensure that datasets, code, applications, and technologies generated by such projects are transparent, open, and freely available to the public. To continue momentum and collaborations for open science, the Office of Science and Technology Policy will:*

- **Increase Public Access to Results of Federally Funded Scientific Research.** *In 2013, the Office of Science and Technology Policy directed Federal science agencies to develop plans to increase access to the results of unclassified research supported wholly or in part by Federal funding. The public's ability to search, retrieve, and analyze both scientific publications and research data leverages Federal investments and provides new opportunities for scientific advancement and economic growth. The Office of Science and Technology Policy will work to ensure that all Federal agencies that spend more than \$100 million per year on research and development finalize plans and implement policies and programs to make scientific publications and digital data resulting from Federally funded research accessible to and usable by scientists, entrepreneurs, educators, students, and the general public.*
- **Encourage Increased Public Participation in Open Science Using Low-cost Scientific Instruments.** *One step that the Federal government could take to increase participation in citizen science and crowdsourcing is to develop hardware and software tools that are affordable, easy to use, and easy to improve. The Administration will kick off an interagency dialogue to identify best practices for how the Federal government can foster the development of low-cost scientific instrumentation and work with stakeholders through workshops and ideation challenges to identify opportunities for getting them into the hands of volunteers, such as air-quality monitors or wearables for monitoring personal health. Using these low-cost scientific instruments, volunteers can contribute their expertise to help advance a variety of scientific and societal goals.*

**Responsible institution(s):** Office of Science and Technology Policy

**Supporting institution(s):** Federal science agencies

**Start date:** Not specified

**End date:** Not specified



Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential impact				On-Time?	Completion			
	None	Low	Medium	High	Access to information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
20. Overall				✓	✓	✓		✓				✓	No			✓	
20.1. Increase Public Access to Results of Federally Funded Scientific Research				✓	✓			✓				✓	Yes			✓	
20.2. Encourage Increased Public Participation in Open Science			✓			✓		✓			✓		No	✓			

**Editorial Note:** This commitment is a starred commitment because it is measurable, clearly relevant to OGP values as written, has transformative potential impact, and is substantially or completely implemented.

### Context and Objectives

To more thoroughly leverage the scientific investments of the federal government, this commitment aims to increase public participation in open science and generate scientific innovation through the use of data produced by government-funded research. Milestone 20.1 focuses on the release of unclassified research publications and data for a subset of Federal agencies, while Milestone 20.2 seeks to foster the development of low-cost scientific instrumentation, such as air-quality monitors or wearables to facilitate personal health monitoring, for citizen scientists to advance various scientific programs.

Collectively, these milestones have clear relevance for OGP values surrounding access to information and technology and innovation. Milestone 20.2 is also relevant to civic participation because it involves collaboration between government and members of the public in scientific research. The milestones are specific although the scope of Milestone 20.2 (how many tools will be developed or meetings held) is not entirely clear.

If fully implemented, making federally funded research results publicly accessible rather than available upon subscription (Milestone 20.1) would be transformative. Since 2008, the National Institutes of Health (NIH) has required federally funded research to be publicly available, but other agencies, such as the National Science Foundation and the Department of Agriculture, produce tens of thousands of research publications annually that could be released to the public.<sup>1</sup> Demand for this information is high. Several bills on open access to scientific research have been introduced in Congress in recent years with major support from research, academic, library, and other civil society organizations.<sup>2</sup> In addition, a 2012 petition calling for open access to taxpayer-funded scientific articles received 65,000 signatures,<sup>3</sup> and each weekday, 700,000 users access the NIH open-access repository to retrieve more than 1.5 million articles.<sup>4</sup>



## Completion

The government has made substantial progress toward completing Milestone 20.1. With respect to the development of public-access plans, according to the US government's midterm self-assessment report<sup>5</sup>, by mid-2016, 16 government agencies had *completed* plans to broaden public access to federally funded scientific publications and data, with these agencies covering 98 percent of all federal research and development expenditures; 10 out of 16 agencies have *released* these plans publicly as of July 2016.<sup>6</sup>

With respect to implementation of the plans, as of 22 July 2016, 14 of the 16 agencies have implemented plans requiring proactive publication of federally funded research, while seven such agencies have begun to implement related data-management plans governing such research.<sup>7</sup> In addition, as of this same date, an unspecified number of agencies have made training materials publicly available to researchers affected by the aforementioned plans and have held stakeholder "outreach activities." Repositories intended to house federally funded research have also been established in line with this commitment and are currently operational among all agencies that have public-access plans in place. While not all agencies have implemented public-access plans in line with this commitment, the majority of the 16 agencies have done so, indicative of substantial progress on this front.<sup>8</sup>

According to the US government's midterm self-assessment report, limited progress has been made on Milestone 20.2. The Office of Science and Technology Policy (OSTP) has begun consulting with relevant stakeholders (for example, federal agencies, research organizations, and industry) to survey the existing state of citizen science instruments, but does not affirm having made any progress beyond that. The scope of the instruments being examined and the mechanisms by which the public will utilize and benefit from these instruments similarly remains unclear.

## Early Results (if any)

Although there are no early results regarding the use of citizen science instruments (Milestone 20.2), there are positive results regarding the publication of federally funded research (Milestone 20.1). According to a February 2016 blog post on the website of the President's Council of Advisors on Science and Technology dating from (and as noted previously), the majority of federal agencies referenced above require that the authors of peer-reviewed scientific articles deposit a copy of their work in federal repositories within one year of publication, implying an increase in the public availability of federally funded scientific publications and data.<sup>9</sup> The government noted that "these accomplishments to-date represent a sea change in access to Federally funded research results."<sup>10</sup> Nevertheless, data quantifying the increase in public access to and consultation of scientific publications and data made possible by agencies' newly implemented public-access plans is not readily available. For example, the precise increase in the number of publications contained in such repositories following plan implementation remains unclear, and there is little solid information on any increase in repository usage (for example, an increase in the unique number of visitors to these repositories or downloads of publications and/or data).

## Next Steps

According to a July 2016 statement by John P. Holdren, director of OSTP and assistant to the president for science and technology, "It is expected that... agencies will continue to improve their policies and procedures for increasing access to scholarly publications and digital data as they gain more experience. OSTP continues to convene a series of interagency meetings to coordinate policy implementation and technology development across agencies and promote collaboration in addressing common challenges," implying continued momentum for implementing public-access plans among the remaining agencies that have yet to do so.<sup>11</sup> As for the citizen science activities, immediate next steps include completing the government survey of the citizen-science landscape, followed by more-concrete steps to develop, distribute, and utilize low-cost, citizen science instrumentation.

<sup>1</sup> Brian Vastag and David Brown, “White House moves to make federally funded research open to the public,” *Washington Post*, 22 February 2013, <http://wapo.st/2sVvnlr>

<sup>2</sup> Notes on two recent bills introduced in Congress are included in the Harvard Open Access Project, available at <http://bit.ly/2sBVhg0> and <http://bit.ly/2sWFQgT>. See civil society reactions to the initiative in the commitment at: <http://bit.ly/2sRsZpq> and <http://bit.ly/2srLMNR>.

<sup>3</sup> Brian Vastag and David Brown, “White House moves to make federally funded research open to the public,” *Washington Post*, 22 February 2013, <http://wapo.st/2sVvnlr>

<sup>4</sup> The NIH Public Access Policy, 2012, <http://bit.ly/2sRwum6>.

<sup>5</sup> “United States of America Midterm Self-Assessment Report for the Open Government Partnership: Third Open Government National Action Plan, 2015-2017.” September 2016. pp.21-22. [https://www.opengovpartnership.org/sites/default/files/USA\\_NAP3\\_self-assessment-report\\_20160916.pdf](https://www.opengovpartnership.org/sites/default/files/USA_NAP3_self-assessment-report_20160916.pdf).

<sup>6</sup> Federal STI Managers Group. “Implementation of Public Access Programs in Federal Agencies.” [https://cendi.gov/projects/Public\\_Access\\_Plans\\_US\\_Fed\\_Agencies.html#AwardDates](https://cendi.gov/projects/Public_Access_Plans_US_Fed_Agencies.html#AwardDates). Consulted 4 June 2017.

<sup>7</sup> Holdren, John P, Director and Assistant to the President for Science and Technology, Executive Office of the President Office of Science and Technology Policy. Update transmitted to US Congress.” 22 July 2016. [http://pcastarchive.net/PCAST4/www.whitehouse.gov/sites/default/files/public\\_access\\_-\\_report\\_to\\_congress\\_-\\_jul2016\\_.pdf](http://pcastarchive.net/PCAST4/www.whitehouse.gov/sites/default/files/public_access_-_report_to_congress_-_jul2016_.pdf) Consulted 4 June 2017.

<sup>8</sup> Ibid.

<sup>9</sup> Sheehan, Jerry, Assistant Director for Scientific Data and Information at the White House Office of Science and Technology Policy. 2 February 2016. “Increasing Access to the Results of Federally Funded Science.” Website of the President’s Council of Advisors of Science and Technology. <https://obamawhitehouse.archives.gov/blog/2016/02/22/increasing-access-results-federally-funded-science>. Consulted 4 June 2017.

<sup>10</sup> Ibid.

<sup>11</sup> [DH fix] Holdren, John P, Director and Assistant to the President for Science and Technology, Executive Office of the President Office of Science and Technology Policy. Update transmitted to U.S. Congress.” 22 July 2016, [https://obamawhitehouse.archives.gov/sites/default/files/public\\_access\\_-\\_report\\_to\\_congress\\_-\\_jul2016\\_.pdf](https://obamawhitehouse.archives.gov/sites/default/files/public_access_-_report_to_congress_-_jul2016_.pdf).

## Commitment 21. Open Data to the Public

### Commitment Text:

#### Open Data to the Public

Data must be accessible, discoverable, and usable to have the desired impact of increasing transparency and improving public service delivery. The United States continues to promote open data best practices, connect experts through working groups and roundtables, and produce resources for both agencies and the public. The first and second NAPs included commitments to make government data more accessible and useful to the public. To build upon these successes as well as launch new initiatives to help fulfill open data's potential, the United States will:

- **Develop National Open Data Guidelines.** The Director of the Office of Management and Budget and the U.S. Chief Technology Officer will work with Data.gov, the Federal Open Data working group, representatives from Federal, state, and local governments, and civil society stakeholders to create Open Data National Guidelines on key issues for Federal open data.
- **Promote Public Feedback Tools to Facilitate the Release of Open Data.** The U.S. Open Data Policy directs agencies to engage with data users to prioritize release of open government data, and agencies approach this requirement in a variety of ways. The Office of Management and Budget and the General Services Administration will work with Federal agencies to promote consistent, customer-friendly feedback mechanisms on opening new datasets and improving existing datasets.

**Responsible institution(s):** General Services Administration, Office of Management and Budget, and Office of Science and Technology Policy

**Supporting institution(s):** Center for Open Data Enterprise

**Start date:** Not specified

**End date:** Not specified

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
21. Overall			✓		✓	✓		✓			✓		No		✓		
21.1. Develop National Open Data Guidelines			✓		✓	✓					✓		No		✓		
21.2. Promote Public Feedback Tools		✓			✓	✓		✓		✓			No		✓		

### Context and Objectives

As part of this commitment, the government aims to develop clear guidelines surrounding open data and actively engage data users regarding their data needs and usage. More specifically, Milestone 21.1 focuses on creating open data guidelines for key issues

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surrounding federal open data. Milestone 21.2 focuses on establishing user-friendly feedback mechanisms that effectively connect data users to government.

Collectively, the milestones are relevant to access to information, civic participation, and technology and innovation because they involve establishing guidelines for disclosing information and engaging the public during the process. Although Milestone 21.2 seeks public feedback on open data practices, it is worth mentioning that the commitment is not relevant to public accountability—as it is defined by the IRM—as there is no clear indication that the government would be required to act on, or otherwise respond to, the feedback received.

The milestones vary in their level of specificity. Milestone 21.1 is relatively specific in that it presents a concrete product (the National Open Data Guidelines), but it does not clearly specify the scope of “key issues” to be addressed. Milestone 21.2 is vaguer because it is unclear how promoting “consistent, customer-friendly feedback mechanisms” will look in practice.

Open data is important given the public demand for it and Americans’ belief in its potential positive impact on government accountability. Specifically, a 2014 survey conducted by the Pew Research Center in association with the John S. and James L. Knight Foundation demonstrates high public demand for government data, with “65% of Americans in the prior 12 months [using] the internet to find data or information pertaining to government,” and 37% of adults using the internet to obtain information/data about the *federal* government in particular. The same study finds that while 53 percent of Americans believe that government data sharing helps the public to hold government officials accountable for their actions, only five percent of respondents feel that the federal government shares data “very effectively.” In light of these findings, there is clear and unmet demand for innovation in the provision of federal open data that this commitment aims to help address.<sup>1</sup>

Nonetheless, the commitment as worded represents a moderate—yet important—step forward for open data. While the involvement of data users in both the development of open data guidelines and accessibility of databases is an important step forward, it is unclear how exactly users will be involved or if the government plans to create or improve new tools for engagement beyond simply promoting them. The new open data guidelines, on the other hand, could play a major role in standardizing government release of data. Without knowing their scope, however, it is not possible to identify a transformative potential impact.

### Completion

The government made limited progress on both the open data guidelines (Milestone 21.1) and the public feedback tools (Milestone 21.2). With respect to the open data guidelines, according to the government’s own midterm self-Assessment report,<sup>2</sup> the Office of Science and Technology Policy co-hosted a series of four roundtables with the Center for Open Data Enterprise in 2016 on four core open data topics: privacy, data quality, sharing and applying research data, and public-private collaboration.<sup>3</sup> Civil society actors, including nonprofits and academics, participated in the roundtables. The findings to emerge from these roundtables were subsequently incorporated into a series of thematic reports for each topic and synthesized into a best-practices document.<sup>4</sup> However, as of June 2016, there was no clear evidence that the development of more-formal Open Data Guidelines at the federal level had begun.

With respect to the public-feedback tools, as described in the midterm self-assessment report, the US General Services Administration (GSA) has continued to actively engage with data users via the Data.gov Help Desk which serves as a centralized platform for users to submit data-related feedback and inquiries intended for a variety of federal agencies and subsequently track government responses.<sup>5</sup> The IRM researcher confirmed that the Help Desk features are operational via Data.Gov.<sup>6</sup> However, it is important to mention that the Help Desk was originally launched in March 2015,<sup>7</sup> prior to the start of the third action plan. While GSA did add a new feature to the site through which users can submit data stories

about their use of government data sets,<sup>8</sup> there is no evidence to suggest more than limited progress on promoting “consistent, customer-friendly feedback mechanisms,” as stipulated by the commitment.

### Early Results (if any)

Although there are no early results yet from the Open Data Guidelines, which are still pending publication, the GSA Help Desk is a promising innovation. Specifically, the Help Desk allows the public to request data or report problems with existing data. Hundreds of requests have been submitted; they are tracked online with government responses published alongside.<sup>9</sup> However, as mentioned previously, the Help Desk was launched prior to the start of the action plan.

### Next Steps

The development of official federal-level Open Data Guidelines is pending, and constitutes a clear and important next step. In its midterm self-assessment report, the government has indicated that it will continue to utilize the Data.gov Help Desk to engage with data users as envisioned under Milestone 21.1, but it does not provide more detailed information on the scope or timing of any updates that are envisioned for the Help Desk.<sup>10</sup> Clarity on this front would be advantageous for federal data users.

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<sup>1</sup> Findings come from an online survey of 3,212 adults in Pew Research Center’s “American Trends Panel,” November 17 – December 15, 2014, as reported by John B. Horrigan and Lee Rainie in “American’s Views on Open Government Data.” 21 April 2015. A Pew Research Center Report. Available at: <http://www.pewinternet.org/2015/04/21/open-government-data/>. Consulted 24 June 2017.

<sup>2</sup> “United States of America Midterm Self-Assessment Report for the Open Government Partnership: Third Open Government National Action Plan, 2015-2017.” September 2016. p.23. [https://www.opengovpartnership.org/sites/default/files/USA\\_NAP3\\_self-assessment-report\\_20160916.pdf](https://www.opengovpartnership.org/sites/default/files/USA_NAP3_self-assessment-report_20160916.pdf).

<sup>3</sup> See also The Center for Open Data Enterprise. “The 2016 US Open Data Roundtables: Recommendations from Data Providers and Users.” September 2016. p.5 <http://reports.opendataenterprise.org/2016opendataroundtables.pdf>.

<sup>4</sup> The Center for Open Data Enterprise. “The 2016 US Open Data Roundtables: Recommendations from Data Providers and Users.” September 2016. <http://reports.opendataenterprise.org/2016opendataroundtables.pdf>.

<sup>5</sup> “United States of America Midterm Self-Assessment Report for the Open Government Partnership: Third Open Government National Action Plan, 2015-2017.” September 2016. p.23. [https://www.opengovpartnership.org/sites/default/files/USA\\_NAP3\\_self-assessment-report\\_20160916.pdf](https://www.opengovpartnership.org/sites/default/files/USA_NAP3_self-assessment-report_20160916.pdf).

<sup>6</sup> See specifically <https://www.data.gov/contact>.

<sup>7</sup> Ashlock, Phillip. “Announcing the Data.gov Help Desk.” *Meta: The Data.gov Blog*. 20 March, 2015. <https://www.data.gov/meta/announcing-data-gov-help-desk/>. Consulted 4 June 2017.

<sup>8</sup> Data.gov, Submit Data Stories to Dat.gov, <http://bit.ly/2tufn8f> <https://docs.google.com/a/opengovpartnership.org/forms/d/e/1FAIpQLSdL->

<sup>9</sup> Data.gov, Data Requests, <https://www.data.gov/requests/>

<sup>10</sup> “United States of America Midterm Self-Assessment Report for the Open Government Partnership: Third Open Government National Action Plan, 2015-2017.” September 2016. p.23. [https://www.opengovpartnership.org/sites/default/files/USA\\_NAP3\\_self-assessment-report\\_20160916.pdf](https://www.opengovpartnership.org/sites/default/files/USA_NAP3_self-assessment-report_20160916.pdf).

## Commitment 22. Increase Transparency of Trade Policy and Negotiations

### Commitment Text:

#### **Increase Transparency of Trade Policy and Negotiations**

*In September 2015, the Administration appointed a Chief Transparency Officer in the Office of the United States Trade Representative who will take concrete steps to increase transparency in trade negotiations, engage with the public, and consult with Congress on transparency policy. This work builds on previous steps to increase stakeholder engagement with trade negotiators, expand participation in trade advisory committees, and publish more trade information online. To further increase public access to U.S. trade policy and negotiations, the Office of the United States Trade Representative will also continue to promote transparency and public access to international trade disputes in the World Trade Organization and under regional trade agreements, and encourage other countries to similarly increase transparency in this regard. The Office of the United States Trade Representative will also continue to encourage posting video of trade dispute hearings to give the public insight into these processes.*

**Responsible institution(s):** Office of the U.S. Trade Representative

**Supporting institution(s):** Civil society stakeholders

**Start date:** Not specified

**End date:** Not specified

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
22. Overall		✓			✓	✓				✓			Yes			✓	

### Context and Objectives

This commitment aims to make trade policy and negotiations more transparent and accessible to stakeholders. Building on previous efforts, the Office of the US Trade Representative (USTR) will encourage public access to trade disputes through public posting of trade dispute hearing videos, increase the transparency of US trade policy negotiations more generally, and encourage other countries to do the same. In addition, the commitment mentions that the chief transparency officer of the USTR will take steps to increase transparency in trade negotiations, engage with the public, and consult with Congress.

The commitment has clear relevance for the OGP value of access to information and civic participation. However, the scope and nature of the activities listed under this commitment are unclear. No particular steps are specified that would grant the public or specific stakeholders greater access to trade policy negotiations at the World Trade Organization and other fora. It is similarly unclear which “concrete steps” the chief transparency officer<sup>1</sup> will take to promote transparency and civic engagement. Furthermore, there is no clear specification of the range of trade-related information that would be made publicly available. Specificity for this commitment is therefore low.

The commitment responds to high demands for greater transparency in US trade policy and negotiations, which are largely inaccessible to the public.<sup>2</sup> According to the Electronic Frontier Foundation (EFF), at the time of the action plan's release, negotiations on three major trade deals were "being conducted in secrecy" and "there has been no public release of text [under discussion], even in redacted form."<sup>3</sup> Given that trade deals cover wide-reaching issues such as worker rights and environmental protection, this commitment's focus on greater transparency and participation in this area of policy making is noteworthy.

Due to its limited scope and lack of specificity, however, this commitment has a minor potential impact. As mentioned above, the commitment text does not list the concrete actions that will be carried out to achieve the overall objective. The sole concrete deliverable—online video postings of trade dispute hearings—is limited in scope and would not by itself constitute a major improvement in public access to information on trade policy. According to EFF, while greater transparency of trade disputes is welcome, the commitment does not adequately tackle the core issue of greater transparency in trade negotiations.<sup>4</sup>

### Completion

Completion for this commitment is substantial. Following the appointment of Timothy Reif as chief transparency officer in September 2015,<sup>5</sup> the USTR released in October 2015 a set of guidelines<sup>6</sup> intended to "assure the useful and timely exchange of information regarding trade policy," to be further developed and implemented by the chief transparency officer. The guidelines are jointly focused on providing information on trade negotiations to Congress and to the public. Concerning the latter, the guidelines highlight the need to balance public input with the need for confidentiality in trade negotiations. Specific mechanisms for encouraging public input identified in the guidelines include

- providing information on trade negotiations to the public through press releases, fact sheets, and other channels;
- publishing reports on the US trade agenda alongside more targeted, issue-specific reports;
- making the text of trade agreements publicly available at least 60 days before they are signed by the president; and,
- publishing a summary of trade negotiation objectives at least 30 days prior to initiating negotiations of a trade agreement.

Under these same guidelines, the USTR further plans to solicit public comments on trade agreements through the *Federal Register*,<sup>7</sup> hold public hearings and stakeholder briefing events, and provide greater amounts of relevant information online through websites, social media, and other channels.<sup>8</sup>

The guidelines represent an important step toward enhancing transparency surrounding trade policymaking. The guidelines are substantially more concrete than the text of the commitment itself and specify a broader range of activities that the USTR will undertake in line with this commitment.

With respect to recent trade agreement negotiations – notably, the Trans-Pacific Partnership—the USTR published the full text of the agreement on its website,<sup>9</sup> in line with the above guidelines, and alongside a complementary factsheet on transparency and confidentiality in the negotiation process.<sup>10</sup> According to the US government's midterm self-assessment report, the USTR has also hosted press conferences and stakeholder engagement forums for each negotiating round of the Transatlantic Trade and Investment Partnership.<sup>11</sup>

### Early Results (if any)

The USTR website<sup>12</sup> contains information on US trade agreements in line with the above guidelines, along with a variety of information routinely released by the USTR press office.<sup>13</sup>



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That said, early results from the commitment activities are difficult to identify, given the lack of publicly available information on any measurable improvement in public engagement with trade-policy negotiations. The same is true of several less tangible activities specified under the commitment, such as encouraging transparency of trade negotiations at the World Trade Organization and among trading partners.

### Next Steps

Next steps for this commitment include more clearly specifying the mechanisms through which the public will be able to provide inputs into trade negotiations, and identifying the range of information to be published.

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<sup>1</sup> The position of Chief Transparency Officer was formally established under the Bipartisan Congressional Trade Priorities and Accountability Act of 2015. <https://www.congress.gov/bill/114th-congress/senate-bill/995/text?r=12>.

<sup>2</sup> Edward-Isaac Dovere, "Extreme secrecy eroding support for Obama's trade pact," *Politico*, 4 May 2015, <http://politi.co/2tRix8c>

<sup>3</sup> Jeremy Malcolm, "US Open Government Commitments Fail to Improve Trade Transparency," 27 October 2015, <http://bit.ly/1RCe4sg>

<sup>4</sup> Ibid.

<sup>5</sup> Office of the United States Trade Representative. September 2015. "Press Release: Timothy Reif to Serve as Chief Transparency Officer." <https://ustr.gov/about-us/policy-offices/press-office/press-releases/2015/september/timothy-reif-serve-chief>. Consulted 6 June 2017.

<sup>6</sup> Office of the United States Trade Representative. 27 October 2015. "Guidelines for Consultation and Engagement." <https://ustr.gov/sites/default/files/USTR%20Guidelines%20for%20Consultation%20and%20Engagement.pdf>. Consulted 6 June 2017.

<sup>7</sup> US Federal Register. "Understanding the Federal Register." <https://www.federalregister.gov/reader-aids/using-federalregister-gov>. Consulted 6 June 2017.

<sup>8</sup> Office of the United States Trade Representative. 27 October 2015. "Guidelines for Consultation and Engagement." <https://ustr.gov/sites/default/files/USTR%20Guidelines%20for%20Consultation%20and%20Engagement.pdf>. Consulted 6 June 2017.

<sup>9</sup> United States Trade Representative. "TPP Full Text." <https://ustr.gov/trade-agreements/free-trade-agreements/trans-pacific-partnership/tpp-full-text>. Consulted 6 June 2017.

<sup>10</sup> Office of the United States Trade Representative. "Fact Sheet: Transparency and the Trans-Pacific Partnership." <https://ustr.gov/about-us/policy-offices/press-office/fact-sheets/2012/june/transparency-and-the-tpp>. Consulted 6 June 2017.

<sup>11</sup> For an example of the public call for stakeholder participation, see, for example: Office of the United States Trade Representative. "T-TIP Round Information." October 2016. <https://ustr.gov/ttip/ttip-round-information>. Consulted 6 June 2017.

<sup>12</sup> Office of the United States Trade Representative Website. [www.ustr.gov](http://www.ustr.gov). Consulted 6 June 2017.

<sup>13</sup> Office of the United States Trade Representative. Press Office Website. <https://ustr.gov/about-us/policy-offices/press-office>. Consulted 6 June 2017.



## Commitment 23. Develop a Machine-Readable Government Organizational Chart

### Commitment Text:

#### Develop a Machine Readable Government Organizational Chart

The United States Government Manual, published by the National Archives, has provided access to agency organizational information and charts since the 1940s. To facilitate access to government agencies, the General Services Administration will work with the National Archives' Office of the Federal Register to capture agencies' organizational directories as machine-readable raw data in a consistent format across the U.S. Federal government. Documentation for this format will be made available so that other government bodies, including local governments, can also publish their office names, organizational structure, and contact information as standardized open data. Making this data public and consistently available across the Federal government will help the public to find the offices and officials that serve them in a simple and straightforward manner.

**Responsible institution(s):** General Services Administration, National Archives and Records Administration

**Supporting institution(s):** Office of Management and Budget, Office of Personnel Management

**Start date:** Not specified

**End date:** Not specified

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
23. Overall				✓	✓			✓			✓		No	✓			

### Context and Objectives

The US Government Manual<sup>1</sup> has been a key source of agency organizational information since its initial publication in the 1940s. This commitment aims to capture organizational information – including office names, organizational structure, and contact information – in a standardized machine-readable format across the entire federal government, with related documentation provided to local governments to facilitate its standardization beyond the level of federal government. In doing so, the government aims to make it easier for the public to identify and engage with government officials at all levels, comprising a clear component of the open government agenda.

This commitment is highly specific with clear relevance to the OGP values of access to information and technology and innovation. If fully implemented, a machine-readable organizational chart would be an important improvement over the status quo. The government's current listing of agencies and bureaus is in PDF form, rather than open data format, and lacks detailed information on the organizational units of government.<sup>2</sup> Therefore, a machine-readable government organizational chart could facilitate public oversight, as well as communication between members of the public and government

officials. Nonetheless, it is important to note that this data alone does not guarantee better channels of communication between government and the public or ensure the improvement of oversight mechanisms. For this reason, the commitment is considered to have a moderate potential impact.

### **Completion**

According to the midterm self-assessment report, the government “has been gathering existing directory data and merging it into a consolidated dataset of directory information.”<sup>3</sup> However, the IRM researcher was unable to identify progress on the organizational chart beyond this statement. As a result, completion of this commitment is limited.

### **Early Results (if any)**

No early results are evident at this time due to the limited progress made on this commitment.

### **Next Steps**

Next steps include opening the consolidated data set to the public and ensuring that there is a consistent data-management and governance process within each agency. According to Jim Harper of the Cato Institute, an advocate for the release of a machine-readable government organizational chart, it will be important for the White House and other important actors to actually use the final product to ensure that it accurately represents and guides government actions.<sup>4</sup>

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<sup>1</sup> US Government Manual. <https://www.usgovernmentmanual.gov/>. Consulted 6 June 2017.

<sup>2</sup> Jim Harper, “There’s No Machine-Readable Government Org Chart,” Cato Institute, 11 January, 2012, <http://bit.ly/2u0sfVVR>

<sup>3</sup> United States of America Midterm Self-Assessment Report for the Open Government Partnership: Third Open Government National Action Plan, 2015-2017.” September 2016. p.25. [https://www.opengovpartnership.org/sites/default/files/USA\\_NAP3\\_self-assessment-report\\_20160916.pdf](https://www.opengovpartnership.org/sites/default/files/USA_NAP3_self-assessment-report_20160916.pdf).

<sup>4</sup> Jim Harper, “Obama Administration Promises a Machine-Readable Federal Government Organizational Chart,” Cato Institute, 17 November 2015, <http://bit.ly/2tRix8A>

## Theme 3. Public Participation

### Commitment 24. Improve Public Participation

#### **Commitment Text:**

#### **Raise the Voice of Citizens through Improved Public Participation in Government**

The creativity and energy of the American people have a critical role to play in helping to tackle the greatest challenges facing our nation today. The Administration recognized this by launching and expanding new opportunities for public participation in government. In furtherance of public participation in government, the United States will:

- **Increase Responsiveness and Encourage Reuse of We the People.** The We the People petitions platform gives Americans a direct line to the White House to raise issues and voice concerns. The Administration commits to leading a more responsive petitions process and will strive to respond to petitions that meet the signature threshold with an update or policy statement within 60 days of meeting the threshold wherever possible. A dedicated White House team will take petitions that get enough support to the appropriate policy experts for their review and to issue an official response. The We the People team will also open the software code behind the platform to allow outside collaborators to more easily collect and contribute signatures from third-party platforms and to reuse the software code to adapt the petitions site for their own uses.
- **Improve and Report on Implementation of the U.S. Public Participation Playbook.** In 2015, the Administration launched the U.S. Public Participation Playbook, a template providing best practices, resources, and performance metrics to encourage public participation in government decision-making. The United States will update and improve the U.S. Public Participation Playbook based on feedback from agencies, civil society, and the public, and begin publicly sharing how the playbook's resources are implemented in order to improve public participation in government.
- **Expand Civil Society Participation in Open Government Efforts.** Open Government efforts including National Action Plans are stronger and more effective when governments work alongside civil society to develop and implement them. The United States will continue expanding opportunities for government agencies to engage with civil society online and in person to create new commitments and to seek input and feedback throughout implementation processes. The Administration will also strive to include members and sectors of civil society and the public who have not previously been engaged in this work.
- **Encourage Public Participation in Policymaking.** Providing opportunities for citizens to participate in government policymaking processes allows diverse stakeholders to contribute to decision-making, leading to more meaningful and effective policies. Several agencies, including the Office of Management and Budget, the Department of the Treasury, the Department of Justice, and the National Aeronautics and Space Administration, successfully engage with and obtain views from stakeholders outside of government during the policymaking process. The Office of Management and Budget will share with U.S. agencies its processes for soliciting informal public comments on proposed policies and will assist interested agencies in implementing this approach.

**Responsible institution(s):** The White House, General Services Administration, Office of Management and Budget, Office of Science and Technology Policy, and Federal agencies

**Supporting institution(s):** Civil society organizations

**Start date:** Not specified

**End date:** Not specified

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				On Time ?	Completion			
	None	Low	Medium	High	Access to information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
24. Overall				✓	✓	✓	✓	✓			✓		No		✓		
24.1. Increase Responsiveness Reuse of We the People				✓		✓	✓	✓			✓		Yes			✓	
24.2. Improve and Report on U.S. Public Participation Playbook				✓	✓	✓	✓	✓		✓			No		✓		
24.3. Expand Civil Society Participation in Open Government		✓				✓				✓			No		✓		
24.4. Encourage Public Participation in Policymaking			✓			✓				✓			No		✓		

### Context and Objectives

This commitment contains four milestones with the collective goal of improving public participation in government. Each milestone focuses on a different target audience or mechanism for participation.

Milestone 24.1 sets out to improve the responsiveness of the We the People petition website by committing to providing a response to petitions that meet the threshold of 100,000 signatures in 60 days. This represents a clear deliverable with relevance to OGP values. According to Professor David Karpf of George Washington University, who has written previously about the site,<sup>1</sup> the 60-day promise is “a welcome correction” and “a meaningful commitment that, if citizens collectively come together and petition their government, the government will offer a timely response.”<sup>2</sup>

This milestone addresses an important issue, namely that previous petitions often went unanswered. The average response time for petitions in 2013, for example, was 271 days.<sup>3</sup> Nonetheless, it is important to point out that the government promised a 60-day response time in July 2015, prior to the start of this action plan.<sup>4</sup> The other component of the milestone—the release of the software code—is also less than transformative given that during the previous action plan, the government published the platform’s code, an application programming interface already in use by third parties, and integrated the site with Change.org, an online petition website.<sup>5</sup>

Milestone 24.2 commits to updating and improving the U.S. Public Participation Playbook,<sup>6</sup> which was developed as part of the previous action plan. The milestone is specific and relevant to both access to information and civic participation given the emphasis on seeking stakeholder feedback and sharing how the playbook is used. The potential impact is minor

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because while the government intends to receive public suggestions for improvements on the playbook, it is not clear how the playbook will be improved, or if there will be any actions taken to improve its uptake beyond sharing the implementation of its resources.

Milestone 24.3 involves expanding engagement with civil society in open government efforts. While the objective is important, there is little detail about the specific mechanisms to be used, or the exact goals to be achieved. Without such detail, it is difficult to assess a significant level of potential impact.

Milestone 24.4 aims to encourage public participation in policymaking. Specifically, the Office of Management and Budget (OMB) commits to 1) share its existing process of soliciting public comments on proposed policies with other agencies and 2) assist agencies in implementing the process. The latter, however, is limited to “interested” agencies, which lowers the specificity and potential impact of the milestone. It is also difficult to identify the milestone’s concrete deliverables, as well as how the public will be involved. Although the sharing of best practices on public engagement among agencies is internal to government, the implementation of these practices is relevant to civic participation.

### **Completion**

Completion on this commitment overall is limited. Progress on each of the milestones is described below.

- As part of the effort to improve We the People (Milestone 24.1), the government launched a redesigned platform in April 2016.<sup>7</sup> The update includes improved mobile compatibility, accessibility for visually impaired users, and navigation. In addition, the government improved its responsiveness to petitions. Since the announcement of the 60-day goal in July 2015, the average response time decreased to 45 days throughout the rest of 2015. In the first half of 2016, the average response time decreased further to 34 days.<sup>8</sup> As of June 2016, encouraging reuse of the platform through third-party sites was still pending.
- There is limited progress on the improved U.S. Public Participation Playbook (Milestone 24.2). According to its midterm self-assessment report, the government reported that the interagency team in charge of the playbook is “developing and reviewing case studies” from agencies that have used the playbook.<sup>9</sup> As of November 2016, civil society stakeholders wished to be more closely involved in the process, which was a point of frustration for those interviewed.<sup>10</sup>
- Although the government has consulted with stakeholders during the implementation of this plan through the quarterly open government meetings and on an individual commitment basis, there is little evidence that civil society participation in open government efforts (Milestone 24.3) has been expanded. Nor are there concrete examples of improvements. In fact, through interviews, and as explained in Section 2.1, civil society stakeholders still wish to see expanded opportunities for engagement in the OGP process.
- There is little progress on participatory policymaking (Milestone 24.4). In its self-assessment report, the government noted that OMB is working with the General Services Administration and the Office of Science and Technology Policy “to identify existing approaches to participatory policymaking and to find agencies to pilot those approaches in their own policymaking efforts.”<sup>11</sup>

### **Early Results (if any)**

Given the limited progress in fulfilling this commitment, there were few early results as of June 2016. Nonetheless, as mentioned above, the response times on the We the People platform have decreased significantly and the webpage has become easier to use due to mobile compatibility, greater accessibility, and improved navigation. In addition, as in the past, the US government worked with civil society organizations to develop additional

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commitments to include in this plan. These were released in September 2016 as stand-alone commitments.<sup>12</sup>

### Next Steps

Public participation has been one of the most frequently cited deficiencies by civil society in the open government agenda.<sup>13</sup> Beyond fulfilling this commitment and completing its various activities, civil society is looking for sustained engagement rather than episodic dialogues as part of a special meeting or event.

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<sup>1</sup> Dave Karpf, “How the White House’s We the People E-Petition Site Became a Virtual Ghost-Town,” 20 June 2014, <http://bit.ly/1IGP5qt>

<sup>2</sup> Dave Karpf, “White House Hits Reset Button on WeThePeople,” *Civictist*, 28 July 2015, <http://bit.ly/2t2HwBI>

<sup>3</sup> Pew Research Center, “‘We the People’: Five Years of Online Petitions,” Pew Research Center, 28 December 2016, <http://pewrsr.ch/2ieb9fx>

<sup>4</sup> Billy Mitchell, “White House updates We the People petition platform,” 28 July 2015, <http://bit.ly/2twP9DC>

<sup>5</sup> Independent Reporting Mechanism, United States End-of-Term Report 2014-2015, <http://bit.ly/2sEBDv0>

<sup>6</sup> US Public Participation Playbook, <https://participation.usa.gov/>

<sup>7</sup> Jason Goldman, “Redesigning We the People,” 21 April 2016, <http://bit.ly/2u7OvhG>

<sup>8</sup> Pew Research Center, “‘We the People’: Five Years of Online Petitions,” Pew Research Center, 28 December 2016, <http://pewrsr.ch/2ieb9fx>

<sup>9</sup> US Government, Midterm Self-Assessment Report, September 2016, <http://bit.ly/2tFW4sK>

<sup>10</sup> Please see Section VI. Methodology to consult the full list of people interviewed for this report.

<sup>11</sup> US Government, Midterm Self-Assessment Report, September 2016, <http://bit.ly/2tFW4sK>

<sup>12</sup> US Government, Announcing New Open Government Initiatives, September 2016, <http://bit.ly/2tF1In2>

<sup>13</sup> Please see Section VI. Methodology to consult the full list of people interviewed for this report.

## Commitment 25. Expand Public Participation in the Development of Regulations

### Commitment Text:

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

Public participation in Federal rulemaking is important, providing individuals who are affected by Federal regulations with an opportunity to comment and have their voices heard. Rulemaking covers the full spectrum of public policy issues, including energy, education, homeland security, agriculture, food safety, environmental protection, health care, tax administration, and transportation safety. In order to make regulations easier to read and navigate, the Administration will expand the open source pilot developed by the Consumer Financial Protection Bureau to additional agencies. By leveraging the Regulations.gov website, application programming interfaces, and the Federal Docket Management System, the Administration will develop and pilot applications to make commenting on proposed rulemakings easier and will find ways to promote commenting opportunities.

**Responsible institution(s):** Consumer Financial Protection Bureau, Environmental Protection Agency, General Services Administration, National Archives and Records Administration, and Office of Management and Budget

**Supporting institution(s):** Federal Election Commission and the Bureau of Alcohol, Tobacco, Firearms, and Explosives within the Department of Justice

**Start date:** Not specified

**End date:** Not specified

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
25. Overall			✓		✓	✓		✓			✓		No		✓		

### Context and Objectives

This commitment aims to make it easier for the public to read, navigate, and comment on regulations across all public-policy areas, with a particular emphasis on promoting and simplifying opportunities to comment on proposed rulemakings. To achieve this objective, the government will expand an open-source pilot program developed by the Consumer Financial Protection Bureau (CFPB) while simultaneously leveraging Regulations.gov (a federal repository of government regulation),<sup>1</sup> application programming interfaces, and the Federal Docket Management System to develop and pilot other applications.<sup>2</sup>

The CFPB pilot, known as “eRegulations,” is an open-source repository of regulation that is intended to make regulation “easier to find, read, and understand.” It does so by using clear typography, dynamic tables of contents, timelines of regulatory revisions, and text-search functionality, alongside definitions of key terms, official interpretations, and embedded analysis from the Federal Register.<sup>3</sup> The platform also includes “requests for information,” which solicit public input into proposed rulemakings.



In this context, expanding the eRegulations platform to additional agencies is a concrete and verifiable activity that would bring similar levels of depth, clarity, and commenting abilities to other areas of regulation. However, the commitment does not specify how many agencies are expected to use the platform or how many more regulations will be available. For this reason, the commitment is of medium specificity. As for relevance to OGP values, the commitment is relevant to access to information and civic participation (in light of the proposed extension of commenting functionalities to other policy areas), as well as technology and innovation.

If fully implemented, this commitment would improve opportunities for public comments on regulations. While civil society has previously noted the recent improvements (and challenges) to commenting through Regulations.gov,<sup>4</sup> the eRegulations pilot offers a more clear and comprehensive commenting platform. Specifically, in comparing commenting platforms across the two websites, the latter offers clearer visibility of information describing the comment period (that is, the start and end dates), simpler instructions for submitting comments, and interpretations and definitions that make the regulations easier to follow. Expanding this level of clarity to all public-policy areas would be a major change. However, as noted above, the commitment does not specify how many agencies are expected to adopt the platform, and given that the platform is expected to remain in pilot form, the commitment falls short of transformative in its scope.

### **Completion**

As described on the government's eRegulations GitHub webpage<sup>5</sup> and as affirmed in the US government's own midterm self-assessment report,<sup>6</sup> the eRegulations platform now includes the Federal Election Commission and the Bureau of Alcohol, Tobacco, Firearms and Explosives. A wide range of regulation nevertheless remains beyond the scope of these agencies. Moreover, while the midterm self-assessment report notes that the General Services Administration's I8F technology office piloted a project in 2016 to allow for more-granular commenting on proposed rulemakings (that is, paragraph-level comments as opposed to combined comments for the entire rule),<sup>7</sup> this pilot took place in July 2016<sup>8</sup> after the midterm reporting period had passed and therefore falls beyond the purview of this assessment.<sup>9</sup> Completion of this commitment at midterm is therefore limited.

### **Early Results (if any)**

The eRegulations pilot platform has received positive feedback for its user-friendliness.<sup>10</sup> However, at the time of writing, the Consumer Finance Protection Bureau, the Federal Election Commission, and the Bureau of Alcohol, Tobacco, Firearms and Explosives were the only agencies using the platform to list proposed regulations. There are also no publicly available numbers on visits to the site, comments made, or regulations listed.

### **Next Steps**

Next steps should include expanding I8F's commenting pilot and the eRegulations platform to encompass additional government agencies.

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<sup>1</sup> See [www.regulations.gov](http://www.regulations.gov).

<sup>2</sup> On the latter, see <https://www.fdms.gov/fdms/public/aboutus>.

<sup>3</sup> eRegulations Site. <https://www.consumerfinance.gov/eregulations/about>. Consulted 24 June 2017.

<sup>4</sup> "Regulations.gov Continues to Improve, but Still Has Potential for Growth," Sunlight Foundation, 9 April 2013, <http://bit.ly/2slRfxz>

<sup>5</sup> eRegulations GitHub Site. <https://eregs.github.io/>. Consulted 24 June 2017.

<sup>6</sup> "United States of America Midterm Self-Assessment Report for the Open Government Partnership: Third Open Government National Action Plan, 2015-2017." September 2016. pp.26-27.



[https://www.opengovpartnership.org/sites/default/files/USA\\_NAP3\\_self-assessment-report\\_20160916.pdf](https://www.opengovpartnership.org/sites/default/files/USA_NAP3_self-assessment-report_20160916.pdf).  
Consulted 24 June 2017.

<sup>7</sup> Ibid.

<sup>8</sup> See eRegulations GitHub Site. "Notice and Comment." Available at: <https://eregs.github.io/features/notice-and-comment/>. Consulted 24 June 2017.

<sup>9</sup> The midterm reporting period ends on 30 June 2016.

<sup>10</sup> Susan P Crawford, "One Federal Website That Works," 29 October 2013, <https://bloom.bg/2t6Y5fP>

## Commitment 26. Open Innovation

### Commitment Text:

#### **Engage the Public on our Nation's Greatest Challenges**

*Creating a more open government and successfully addressing our nation's greatest challenges requires the active participation of an informed and active citizenry representing all sectors of society. Facilitating the participation of a broader range of stakeholders through new avenues can help leverage fresh perspectives and empowers communities to help solve problems. By enabling and scaling the use of open innovation methods, including through challenges, citizen science, and crowdsourcing, the United States will harness the ingenuity of the public to accelerate innovation across government and improve the efficiency and effectiveness of government, including through commitments to:*

- **Increase the Impact of Open Innovation Activities.** *Over the last five years, as agencies have used and designed open innovation programs more effectively, such programs have become more ambitious in design, making a greater impact across sectors. Some examples include the Department of Health and Human Services, which will expand the Climate and Health Innovation Challenge Series, a public-private partnership launched in June 2015 to build awareness, knowledge, and action at the intersection of climate change and human health. In addition, the Environmental Protection Agency will expand the use of citizen science approaches in environmental research by engaging amateur beekeepers to provide data to better understand the effects of environmental stressors and by engaging citizen scientists in research on harmful algal blooms using smartphone microscopy. The U.S. Geological Survey will roll out Science Cache, a web and mobile-based app for engaging the public in citizen science projects, such as finding huckleberry plants in Glacier National Park and taking pictures and recording data to inform research on climate change impacts. The National Archives will expand its citizen archivist program that makes records more accessible online to include citizen-scanning of Federal records in the agency's new Innovation Hub.*
- **Redesign Challenge.gov as a Platform.** *Challenge.gov is the government's website that catalogues opportunities for the public to provide solutions to issues that government is working to address such as providing better access to services for veterans and empowering women and families. In 2016, the United States will launch a new version of Challenge.gov to make it easier for the public to discover, understand, and participate in prizes and challenges. The General Services Administration will also release an open source version of Challenge.gov to enable implementation by governments around the world to improve citizen engagement, encourage entrepreneurship, and develop breakthrough solutions to meet national needs.*
- **Coordinate Open Innovation Opportunities Across Government.** *Federal agencies will catalog their current open innovation activities including prizes, challenges, citizen science, and crowdsourcing activities. Agencies will list all prizes and challenges on Challenge.gov. In addition, the General Services Administration will create a new project database that lists citizen science and crowdsourcing projects from across government. To continue to build the evidence base for open innovation, agencies will contribute metrics-driven case studies for open innovation activities to the Open Innovation Toolkit.*

**Responsible institution(s):** Environmental Protection Agency, General Services Administration, Health and Human Services, National Archives and Records Administration, National Aeronautics and Space Administration, Office of Science and Technology Policy, US Geological Survey, National Park Service in the Department of the Interior, and Department of Agriculture

**Supporting institution(s):** Federal agencies, academia, civil society organizations, and the public

**Start date:** Not specified

**End date:** Not specified

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential impact				On Time ?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
26. Overall				✓	✓	✓		✓			✓		Yes			✓	
26.1. Open Innovation Activities				✓		✓		✓			✓		Yes			✓	
26.2. Redesign Challenge.gov				✓	✓	✓		✓		✓			Yes			✓	
26.3. Coordinate Open Innovation Across Government				✓	✓			✓		✓			Yes			✓	

### Context and Objectives

This commitment seeks to improve mechanisms through which the public can contribute to the diverse set of challenges facing the country. This commitment contains three milestones with the central theme of enhancing open innovation. All milestones list specific activities to be completed, such as carrying out particular citizen science projects, releasing an open-source version of Challenge.gov, and creating new a new database that lists citizen science and crowdsourcing projects from across government. The individual milestones are described below.

- Milestone 26.1 seeks to improve open innovation programs by expanding the Climate and Health Innovation Challenge Series (which encourages research and innovation at the intersection of climate change and health); engaging amateur beekeepers and citizen scientists on environmental research; developing Science Cache, a web- and mobile-based app for science projects; and expanding citizen archivist programs to include scanning of government records. As written, this milestone centers on the engagement of members of the public in research and innovation, which is relevant to the OGP values of civic participation and technology and innovation.
- Milestone 26.2 focuses on improving Challenge.gov, which lists federal challenges and prize competitions. Specifically, the government proposes redesigning the website and releasing an open version to enable reuse by others. Given its emphasis on both making government websites easier to use and encouraging participation in innovative initiatives, this milestone is relevant to all OGP values except for public accountability.
- Milestone 26.3 aims to increase coordination of open innovation across the government. To achieve this goal, the government expects to centralize all prizes and challenges on Challenge.gov, create a new database that lists citizen science and

crowdsourcing projects from across the government, and develop open innovation case studies to be included in the Open Innovation Toolkit. With its focus on better organizing and disclosing information on open innovation efforts, this milestone is relevant to access to information and technology and innovation.

Though they vary in scope, these milestones together comprise a commitment with high potential. The impact of previous open innovation initiatives, particularly citizen science programs, is well documented.<sup>1</sup> While this commitment does not aim to transform how the public is involved in these projects—previous projects have also focused on citizen research into environmental protection and archiving, for example<sup>2</sup>—it does expand open innovation into the study of new topics such as environmental stressors from beekeeping, and research on algal blooms using smartphone microscopy. If fully implemented, the commitment would also improve the tracking of open innovation opportunities online (through a revamped Challenge.gov), across government (through a new database tracking current projects), and potentially beyond the United States (through the release of an open source version of Challenge.gov).

### Completion

All three milestones within this commitment are substantially complete. The expansion of open innovation activities (Milestone 26.1) includes five separate activities. Progress on each is described below.

- The National Institute of Environmental Health Sciences (NIEHS) sponsored the NIEHS Climate Change and Environmental Exposures Challenge as part of the Climate and Health Innovation Challenge Series mentioned in the commitment text.<sup>3</sup> The challenge was a prize competition that awarded prizes to innovative data visualization tools connecting climate change science with exposure pathways for environmental hazards. The winning entries were announced on 23 February 2016.<sup>4</sup>
- Although the government's self-assessment report mentioned the creation of a citizen science initiative with amateur beekeepers titled "Show me the Honey," the IRM researcher could not find evidence that this program was operational. Nonetheless, a newer program called HiveScience was launched by the Environmental Protection Agency (EPA) in 2017.<sup>5</sup> Given that its start date falls after the end of the period assessed by this report,<sup>6</sup> this initiative will be assessed in the upcoming IRM end-of-term report.
- The Environmental Protection Agency (EPA) created a citizen science initiative through which members of the public can conduct research on algal blooms using their smartphones. This project, named CyanoScope,<sup>7</sup> allows members of the public to test the water in their neighborhoods and submit the data online.
- According to the government self-assessment report, the Science Cache app for gathering data in national parks was still in development by the US Geological Survey as of June 2016.
- Members of the public can scan government records in the National Archives' Innovation Hub as part of the agency's citizen archivist program.<sup>8</sup> However, this appears to have started as early as August 2015, prior to the start of the action plan.<sup>9</sup>

To improve Challenge.gov (Milestone 26.2), the government launched a blog called PrizeWire to highlight success stories, news and updates, and evidence of impact.<sup>10</sup> The Challenge.gov website also now allows users to create a profile through which they can identify their skills and interests, receive alerts, and track their submissions. The release of an open-source version of Challenge.gov was pending at the time of this evaluation.

As part of the effort to coordinate open innovation opportunities across government (Milestone 26.3), in April 2016 the government launched citizenscience.gov, a site that links

to a catalog of existing projects, a toolkit with related resources, and access to a community of practitioners who share best practices. In addition, about 25 agencies joined Challenge.gov during the first year of the action plan to increase the site's total to more than 100 federal government agencies.<sup>11</sup>

### **Early Results (if any)**

There is now greater information available online on open innovation efforts. As mentioned in the previous section, approximately 25 more agencies are listing challenges on Challenge.gov, which now has a blog and allows users to create a profile, offering them easier access to information on new projects that may interest them and past projects in which they were involved. The new Citizenscience.gov also links to a centralized catalog of more than 400 citizen science projects by over 25 agencies<sup>12</sup> and provides guidance and case studies.<sup>13</sup> Together, these developments point to more-centralized sources of information on open innovation and citizen science.

The core result of this commitment, however, is the expanding engagement between the government and members of the public on innovative projects. For example, the winning entries to the NIEHS Climate Change and Environmental Exposures Challenge included tools that visualize the effects of climate change, such as extreme heat and air pollution, at the local and national levels. These submissions were then incorporated into the US Climate Resilience Toolkit that was shared with communities and decision-makers.<sup>14</sup> As for the citizen scanning initiative led by the National Archives, participants scanned and uploaded more than 65,000 pages of records, according to the government's self-assessment report.

It is worth mentioning that the rate of participation has been somewhat low. For example, there were around 10 entries to the aforementioned NIEHS challenge.<sup>15</sup> In the case of the CyanoScope project, 41 people participated to make 417 observations.<sup>16</sup>

Still, it is important to keep in mind that the government's citizen science projects go far beyond the ones explicitly listed under the commitment. Other ongoing initiatives include phenology monitoring on the Appalachian Trail, which; has led to more than 155,000 observations on "the timing of life cycle events that may be sensitive to climate change"; the Dragonfly Mercury Project, which engages members of the public in collecting larval dragonflies to test for mercury levels; and BioBlitz, through which citizen scientists can discover and document species at national parks.<sup>17</sup>

### **Next Steps**

Government agencies should continue to support the ongoing initiatives as well as seek new opportunities for public engagement. It is also important that that agencies broadly disseminate open innovation projects to ensure high levels of public participation. The government could also make a more active effort to disclose the intermediate and final products of the citizen science projects in open data format for reuse by others in the field. Lastly, the government should launch an open-source version of the Challenge.gov as promised in the commitment text.

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<sup>1</sup> Anne Bowser and Lea Shanley, New Visions in Citizen Science, Woodrow Wilson Center, November 2013, <http://bit.ly/2tGq8Gd>

<sup>2</sup> Independent Reporting Mechanism, United States End-of-Term Report 2014-2015, <http://bit.ly/2sEBDv0>

<sup>3</sup> NIEHS, The NIEHS Climate Change and Environmental Exposures Challenge, <http://bit.ly/2sQ8ywD>

<sup>4</sup> Ibid.

<sup>5</sup> EPA, HiveScience, <https://www.epa.gov/citizen-science/hivescience>

<sup>6</sup> The end of the reporting period of this report is June 2016.

<sup>7</sup> CyanoScope, <https://cyanos.org/cyanoscope/>

<sup>8</sup> National Archives, Citizen Scanning, <https://www.archives.gov/innovation-hub/scanning.html>

<sup>9</sup> National Archives, Citizen Scanning (web archive from 11 August 2015), <http://bit.ly/2uUZGay>

<sup>10</sup> Challenge.gov, PrizeWire, <https://www.challenge.gov/prizewire/>

<sup>11</sup> According to a web archive of the site on 19 September 2015 (see here: <http://bit.ly/2ti5bOk>), more than 75 agencies participated at the start of this action plan. The government stated in its self-assessment that more than 100 agencies now list challenges and prize competitions on Challenge.gov. This figure is on the “About” section of the website (see here: <https://www.challenge.gov/about/>).

<sup>12</sup> CitizenScience.gov Catalog, Federal Crowdsourcing and Citizen Science Catalog, <https://ccsinventory.wilsoncenter.org/>

<sup>13</sup> CitizenScience.gov Toolkit, Federal Crowdsourcing and Citizen Science Toolkit, <https://crowdsourcing-toolkit.sites.usa.gov/>

<sup>14</sup> NIEHS, The NIEHS Climate Change and Environmental Exposures Challenge, <http://bit.ly/2sQ8ywD>

<sup>15</sup> Ibid.

<sup>16</sup> iNaturalist.org, CyanoScope, <http://www.inaturalist.org/projects/cyanoscope>

<sup>17</sup> US Government, Midterm Self-Assessment Report, September 2016, <http://bit.ly/2tFW4sK>

## Commitment 27. Open Mapping

### Commitment Text:

#### **Collaborate with Citizen and Global Cartographers in Open Mapping**

Engaging communities to use open mapping platforms ensures the widest possible benefit of geographic data and improved public services for individuals and communities using that data. The Administration will expand interagency collaboration and coordination with the open mapping community to promote the use of open mapping data in both domestic and international applications. Specifically, the State Department will continue and expand its public diplomacy program for open mapping, MapGive. Additionally, the Peace Corps will train volunteers to collaborate with their host communities on using and contributing to open mapping platforms. The U.S. Agency for International Development will promote the use of open mapping platforms in its programs and through data creation and youth engagement initiatives like Mapping for Resilience. The Department of the Interior will continue to promote the use of open mapping technologies to manage and share data in interactive map capabilities, including in production of the National Park Service’s digital map program’s web and mobile products. The U.S. Geological Survey will also continue crowdsourcing mapping efforts.

**Responsible institution(s):** Peace Corps, Department of State, U.S. Agency for International Development, United States Geological Survey

**Supporting institution(s):** Academia, civil society organizations, humanitarian aid organizations, and students

**Start date:** Not specified

**End date:** Not specified

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative	Yes	Not Started	Limited	Substantial	Complete
27. Overall				✓	✓	✓		✓			✓		Yes				✓

### Context and Objectives

This commitment aims to leverage open mapping data to improve public-service delivery and broaden its range of beneficiaries. This commitment occurs in the context of a growing variety of mapping data applications related to public-service delivery, including mapping the scope of natural disasters,<sup>1</sup> mapping citywide variation in air pollution and temperatures,<sup>2</sup> and mapping progress on the United Nations’ Sustainable Development Goals,<sup>3</sup> among others. Open mapping data (like open data) is important because it can be used, modified, and shared without restrictions, facilitating broader access to and usage of the data.<sup>4</sup>

As part of this specific commitment, the government aims to promote the use of open mapping through current initiatives such as MapGive,<sup>5</sup> Mapping for Resilience,<sup>6</sup> and the National Park Service’s digital map service.<sup>7</sup> These activities are highly specific, with clear delineation of the agencies involved and their respective mapping initiatives.

The commitment has clear relevance for OGP values of access to information and technology and participation. The commitment is also relevant to civic participation because



it aims not only to improve the quality of map data, but also to empower volunteers to contribute and use open mapping data through US Peace Corps outreach and through the State Department's MapGive initiative.

Collaborating with members of the public on open mapping is an important initiative. According to a recent report by the Global Partnership for Sustainable Development Data, "over 70% of the world is not currently mapped in any openly accessible data source with any meaningful level of detail."<sup>8</sup> As the report states, many of the most vulnerable and at-risk communities are precisely the ones that are not mapped, which is why initiatives that improve the availability of open mapping data have great potential for impact. For example, a project mapping Nepal before the 2015 earthquake demonstrates the impact of reliable open map data on disaster prevention, response, and recovery.<sup>9</sup>

Despite the importance of the commitment's overall objective, the concrete activities outlined in the commitment text fall short of transformative for several reasons. First, most of the initiatives listed are existing projects, such as MapGive, Mapping for Resilience, and the mapping efforts by the National Park Service and the US Geological Survey. More importantly, the government commits only to "continue" many of these initiatives, rather than expand them beyond the status quo. In addition, the initiatives that the government does propose expanding, such as MapGive, largely relate to developing open mapping infrastructure, as opposed to actively using open mapping data to facilitate public-service delivery.

### **Completion**

Progress on this commitment is complete. The US State Department, through MapGive, continued to expand its public programs on open mapping. In 2015-2016, for example, MapGive enrolled 30 college students as "virtual interns" to receive OpenStreetMap training, validate map data, and make edits to existing data.<sup>10</sup> From 30 March to 1 April 2016, MapGive also organized a three-day mapathon during the annual conference of the American Association of Geographers.<sup>11</sup> The mapathon included keynote lectures by experts in the field, panel sessions, and mapping exercises. It focused on three key themes: Secondary Cities and Urban Resilience, Disaster Preparedness and Response, and Health and Infectious Disease.<sup>12</sup>

As noted in the US government's midterm self-assessment report,<sup>13</sup> MapGive, in conjunction with the US Agency for International Development (USAID), continues to support overseas partners in preparing for and responding to humanitarian disasters by providing high-resolution commercial satellite imagery.<sup>14</sup> USAID also contributes to open mapping efforts on an ongoing basis through its "USAID GeoCenter," which leverages geospatial analysis to respond to international development challenges, specifically by training USAID staff to utilize mapping data.<sup>15</sup>

In June 2016, the Peace Corps held a series of OpenStreetMap mapathons focused on malaria prevention.<sup>16</sup> Volunteers at the mapathons received training on how to use OpenStreetMap and contributed edits to maps of local areas in Mozambique. According to the US government's midterm self-assessment report,<sup>17</sup> the Peace Corps also trained 122 staff members and volunteers in open mapping.

The Department of the Interior continues to leverage open mapping to develop and share mapping data through its ongoing "NPMaP" initiative,<sup>18</sup> which allows the public to contribute to and customize maps of national parks. During this report's evaluation period (October 2015 – June 2016), the National Park Service (NPS) released Park Tiles 3, a new platform for viewing NPS maps that features new visuals.<sup>19</sup> However, at the time of writing, the new platform was in beta mode and available only to NPS employees, partners, and contractors.<sup>20</sup>

The US Geological Survey is similarly engaged in crowdsourced mapping efforts through initiatives such as "The National Map Corps," for which volunteers update structural data (such as for schools and hospitals) and contribute it to national maps.<sup>21</sup> The National Map



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Corps (TNMCorps) publishes a monthly newsletter and holds mapping challenges.<sup>22</sup> During the first year of the action plan, TNMCorps held public challenges to map law enforcement facilities in New York and Pennsylvania.<sup>23</sup>

### Early Results (if any)

As of June 2016, there is evidence of concrete results stemming from the implementation of the commitment:

- The MapGive “virtual interns” contributed approximately 50,000 changes to map data during the 2015-2016 school year.<sup>24</sup> The students focused on different areas of the world depending on current needs, such as western Mexico after Hurricane Patricia and eastern Afghanistan after an earthquake.
- Although the amount of data contributed is unclear, participants at the 2016 MapGive Mapathon participated in three projects: mapping infrastructure in Mekelle, Ethiopia, to facilitate better water and sanitation services;<sup>25</sup> mapping infrastructure in western Nepal to aid first-responder and earthquake-recovery efforts;<sup>26</sup> and mapping the Zambezia Province in Mozambique to develop anti-malaria spraying programs.<sup>27</sup>
- Volunteers at the Peace Corps mapathons also contributed to the anti-malaria spraying project in Mozambique mentioned above. While there are no publicly available numbers on the amount of data contributed by participants, 15 people participated in the mapathon, which was held at Mapbox and lasted two hours.<sup>28</sup> The resulting map data is expected to help partners on the ground estimate the number of households and structures that require spraying to kill mosquitoes that transmit malaria.<sup>29</sup>
- The TNMCorps of the US Geological Survey hosted two mapping challenges to map law enforcement facilities in Pennsylvania and New York. Twenty people participated in the Pennsylvania project, and 17 participated in the New York project. In total, volunteers updated, verified, added, or removed nearly 1000 data points in Pennsylvania and nearly 700 in New York.<sup>30</sup>

### Next Steps

Building upon the progress made under this commitment, next steps should include ongoing efforts to actively expand the use of open mapping data for public-service delivery, continue to raise awareness of open mapping, and expand open mapping in overseas programs, such as through Peace Corps.

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<sup>1</sup> Humanitarian Open Street Map. “Disaster Mapping Projects.” <https://www.hotosm.org/projects/disaster-mapping>. Consulted 24 June 2017.

<sup>2</sup> As described in Millner, Jack. “How Open Data is Being Used to Hack Climate Change.” *The Guardian*. Available at: <https://www.theguardian.com/media-network/media-network-blog/2014/apr/14/climate-change-flooding-open-data>. Consulted 24 June 2017.

<sup>3</sup> Global Partnership for Sustainable Development Data. 2016. “Open Mapping for the SDGs.” <https://static1.squarespace.com/static/55f7418ce4b0c5233375af19/t/57f2c796e6f2e11b28718f00/1475528602076/OpenMappingfortheSDGsGuide.pdf>. Consulted 24 June 2017. See also Smith, Megan and Clark, Courtney. “Volunteers Unlock the Power of Maps for Sustainable Development.” The White House Blog. Available at: <https://obamawhitehouse.archives.gov/blog/2016/07/18/volunteers-unlock-power-maps-sustainable-development>. Consulted 24 June 2017.

<sup>4</sup> “The Open Definition.” <http://opendefinition.org/>. Consulted 25 June 2017.

<sup>5</sup> MapGive, <https://mapgive.state.gov/>

<sup>6</sup> Mapping for Resilience, <http://hotosm.github.io/tracing-guides/guide/kulna.html>

- <sup>7</sup> National Park Service, <https://www.nps.gov/npmap/>
- <sup>8</sup> Global Partnership for Sustainable Development Data. 2016. “Open Mapping for the SDGs.” <https://static1.squarespace.com/static/55f7418ce4b0c5233375af19/t/57f2c796e6f2e11b28718f00/1475528602076/OpenMappingfortheSDGsGuide.pdf>. Consulted 24 June 2017.
- <sup>9</sup> The World Bank, “Harnessing the Power of the Crowd: Reflections Six Months after the Gorkha Earthquake in Nepal,” 27 October 2015, <http://bit.ly/2uiBvoZ>
- <sup>10</sup> “The Reality is Virtual: US College Students Assist MapGive and USAID.” <https://2016.stateofthemap.us/the-reality-is-virtual/>. Consulted 24 June 2017. See also MapGive. “Events” page. Available at: <https://mapgive.state.gov/events/>. Consulted 24 June 2017.
- <sup>11</sup> “AAG Mapathon.” Available at: <http://2016.aagmapathon.org/>. Consulted 24 June 2017.
- <sup>12</sup> AAG Mapathon, Summary, <http://2016.aagmapathon.org/summary.html>
- <sup>13</sup> “United States of America Midterm Self-Assessment Report for the Open Government Partnership: Third Open Government National Action Plan, 2015-2017.” September 2016. pp.29-30. [https://www.opengovpartnership.org/sites/default/files/USA\\_NAP3\\_self-assessment-report\\_20160916.pdf](https://www.opengovpartnership.org/sites/default/files/USA_NAP3_self-assessment-report_20160916.pdf).
- <sup>14</sup> MapGive. “Imagery to the Crowd.” <https://mapgive.state.gov/itcc/>. Consulted 24 June 2017.
- <sup>15</sup> Sinton, Diana S. 9 March 2016. “The USAID GeoCenter: Innovation Through Professional Development and Community Partnerships.” *Directions Magazine*. <http://www.directionsmag.com/entry/usaid-geocenter/464615>. Consulted 24 June 2017.
- <sup>16</sup> Maron, Mikel. 17 June 2016. “See You at the Peace Corps Mapathon.” <https://www.mapbox.com/blog/peace-corps-mapathon/>. Consulted 24 June 2017. See the details for the various mapathons here: <http://bit.ly/2w47uYz>; <http://bit.ly/2v6f2wl>; and <http://bit.ly/2vp5Dvi>
- <sup>17</sup> “United States of America Midterm Self-Assessment Report for the Open Government Partnership: Third Open Government National Action Plan, 2015-2017.” September 2016. pp.29-30. [https://www.opengovpartnership.org/sites/default/files/USA\\_NAP3\\_self-assessment-report\\_20160916.pdf](https://www.opengovpartnership.org/sites/default/files/USA_NAP3_self-assessment-report_20160916.pdf).
- <sup>18</sup> National Park Service, NPMaP. <https://www.nps.gov/npmap/>. Consulted 24 June 2017.
- <sup>19</sup> National Park Service, NPMaP, Blog, <https://www.nps.gov/npmap/blog/>
- <sup>20</sup> Ibid.
- <sup>21</sup> US Geological Survey National Map Corps. <https://nationalmap.gov/TheNationalMapCorps/>. Consulted 24 June 2017.
- <sup>22</sup> USGS, The National Map Corps – Newsletters, <https://nationalmap.gov/TheNationalMapCorps/newsletters.html>
- <sup>23</sup> The National Map Corps, Past Mapping Challenges, <http://bit.ly/2xtptHp>
- <sup>24</sup> “The Reality is Virtual: US College Students Assist MapGive and USAID.” <https://2016.stateofthemap.us/the-reality-is-virtual/>. Watch the presentation for the exact number of changes made to the map data.
- <sup>25</sup> The AAG Mapathon, Mekelle – Ethiopia, <http://2016.aagmapathon.org/mekelle/>
- <sup>26</sup> The AAG Mapathon, Pokhara – Nepal, <http://2016.aagmapathon.org/pokhara/>
- <sup>27</sup> The AAG Mapathon, Zambezia Province – Mozambique, <http://2016.aagmapathon.org/mozambique/>
- <sup>28</sup> Julianne Baker-Gallegos, “Peace Corps mapping for malaria prevention,” 24 June 2016, <http://bit.ly/2g5egt5>
- <sup>29</sup> Milange District, Mozambique II – Africa Indoor Residual Spraying Campaign, <http://bit.ly/2g5Lp7K>
- <sup>30</sup> The National Map Corps, Past Mapping Challenges, <http://bit.ly/2xtptHp>

## Theme 4. Government Integrity

### Commitment 28. Track Implementation of Open Government Plans

**Commitment Text:**

**Track Agency Progress of Open Government Plan Implementation**

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 update their Open Government Plans in 2016. These guidelines will require agencies to publish annual progress reports describing implementation progress and will include updating agencies’ Open Government web pages. The Administration will solicit input from civil society organizations for the updated guidance.

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

**Supporting institution(s):** Civil society organizations

**Start date:** Not specified

**End date:** Not Specified

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
28. Overall			✓		✓	✓				✓			No		✓		

**Context and Objectives**

This commitment aims to develop guidelines ensuring that federal agencies actively update their Open Government Plans in 2016 and report annually on their implementation through online progress reports. The development of these guidelines follows a December 2009 directive on open government (M-10-06),<sup>1</sup> as well as President Obama’s January 2009 “Memorandum on Transparency and Open Government,”<sup>2</sup> which collectively “instruct executive departments and agencies to take specific actions to incorporate the principles of transparency, participation, and collaboration” into their work.<sup>3</sup>

The guidelines described under this commitment are relatively specific, but the commitment does not clearly indicate the scope of agency participation or civil society inputs; specificity is therefore medium. The commitment has relevance for the OGP value of access to information and civic participation given that civil society input will be solicited on the guidelines, which aim to encourage the posting of additional information on agency open government efforts.

If fully implemented, this commitment would have a minor potential impact. Under the December 2009 directive, agencies are instructed to update their open government plans every two years.<sup>4</sup> A related “Memorandum for the Heads of Executive Departments and Agencies” from 24 February 2014<sup>5</sup>—developed as part of the previous national action

plan—provides supplementary guidance on this point, instructing agencies to update their open government webpages and “solicit input from key stakeholders,”<sup>6</sup> including the public, when updating their open government plans. The 2014 memorandum pertains specifically to agencies’ 2014 open government plans. The guidelines proposed under this commitment represent the 2016 equivalent, subject to the additional requirement that agencies now publish annual implementation reports, which was not clearly specified in the 2014 memorandum. Given that this guidance builds on the previously established agency open government plans and guidance, the potential impact of this commitment is minor.<sup>7</sup>

### Completion

As of June 2016, progress on this commitment was limited. The guidelines described under this commitment were issued under the “Memorandum for the Heads of Executive Departments and Agencies” (M-16-16), dated 14 July 2016.<sup>8</sup> The memorandum instructs agencies to post their open government plans on their open government webpages by 16 September 2016,<sup>9</sup> “publish progress reports... at least annually,”<sup>10</sup> and solicit “public input and feedback”<sup>11</sup> on the plans. Given that the guidance was published just after the June 2016 cutoff date for this report, the results will be reflected in the IRM end-of-term report.

### Early Results (if any)

As of June 2016, there were no early results to report for this commitment. The publication of the agency open government plans, their level of compliance with the 2016 guidelines, and the role of civil society will be fully assessed in the IRM end-of-term report.

### Next Steps

At a minimum, government agencies that have not yet published open government plans must do so. As agencies implement their plans, it is important that government stakeholders meet regularly with their civil society counterparts. In the future, agencies could also ensure that draft action plans are available for comment and discussion earlier in the process. To improve compliance and monitoring, the government could centralize information on agency plans, progress updates, and results.

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<sup>1</sup> Executive Office of the President; Office of Management and Budget. 8 December 2009. “Memorandum for the Heads of Executive Departments and Agencies.” M-10-06. [https://web.archive.org/web/20100808154622/https://www.whitehouse.gov/sites/default/files/omb/assets/memoranda\\_2010/m10-06.pdf](https://web.archive.org/web/20100808154622/https://www.whitehouse.gov/sites/default/files/omb/assets/memoranda_2010/m10-06.pdf). Consulted 24 June 2017.

<sup>2</sup> The White House. 21 January 2009. “Memorandum for the Heads of Executive Departments and Agencies.” <https://obamawhitehouse.archives.gov/the-press-office/transparency-and-open-government>. Consulted 24 June 2017.

<sup>3</sup> Quote from Scott, Tony and Smith, Megan. Executive Office of the President; Office of Management and Budget. “Memorandum for the Heads of Executive Departments and Agencies.” M-16-16. P.1. <https://web.archive.org/web/20160920193939/https://www.whitehouse.gov/sites/default/files/omb/memoranda/2016/m-16-16.pdf>. Consulted 24 June 2017.

<sup>4</sup> See p.5.

<sup>5</sup> Park, Todd. 24 February 2014. “Memorandum for the Heads of Executive Departments and Agencies.” [https://obamawhitehouse.archives.gov/sites/default/files/microsites/ostp/open\\_gov\\_plan\\_guidance\\_memo\\_final.pdf](https://obamawhitehouse.archives.gov/sites/default/files/microsites/ostp/open_gov_plan_guidance_memo_final.pdf). Consulted 24 June 2017.

<sup>6</sup> Ibid. p.2.

<sup>7</sup> Note, in addition, that similar reporting is carried out by the Open Government Partnership’s Independent Review Mechanism in the form of this progress report.

<sup>8</sup> [DH fix; see n3] Tony and Smith, Megan. Executive Office of the President; Office of Management and Budget. “Memorandum for the Heads of Executive Departments and Agencies.” M-16-16. P.1. Avail Tony and Smith, Megan. Executive Office of the President; Office of Management and Budget. “Memorandum for the Heads of Executive Departments and Agencies.” M-16-16. P.1.

<https://web.archive.org/web/20160920193939/https://www.whitehouse.gov/sites/default/files/omb/memoranda/2016/m-16-16.pdf>. Consulted 24 June 2017.

<sup>9</sup> Ibid. p.1.

<sup>10</sup> Ibid. p.2.

<sup>11</sup> Ibid. p.1.

## Commitment 29. Strengthen Whistleblower Protections

### Commitment Text:

#### **Strengthen Whistleblower Protections for Government Employees**

The Administration has continued to increase support for Federal employees who report waste, fraud, and misconduct through appropriate, legally authorized channels. Ensuring that employees, contractors, and the public understand the roles and responsibilities during the whistleblower process is key to properly protecting employees who act as whistleblowers. In furtherance of these efforts, the Administration will:

- **Develop a Common Training Program on Whistleblowing Rights and Duties.** The Director of National Intelligence will coordinate with other departments and agencies to develop a common whistleblower training curriculum that can be used by all Federal agencies covered under the presidential directive protecting whistleblowers with access to classified information, PPD-19. The training program will include disclosure procedures, applicable protections from unlawful retaliation for protected disclosures, and best practices for managers and supervisors. The Intelligence Community will seek input from civil society in developing the program and its compliance will be reviewed by agencies' inspectors general.
- **Improve the Adjudication Process for Reprisal Claims by Department of Justice Employees.** The Department of Justice will propose revisions to its regulations providing whistleblower protection procedures for employees of the Federal Bureau of Investigation, including proposing to expand the list of officials to whom protected disclosures may be made. Findings of reprisal will be reported to the Federal Bureau of Investigation's Office of Professional Responsibility and to the Federal Bureau of Investigation Director for appropriate action. Additionally, the Department of Justice will continue to evaluate and update its mandatory training program to ensure all employees understand their rights and responsibilities under whistleblower-protection laws.
- **Oversee Compliance with the Presidential Directive on Protecting Whistleblowers.** The Inspector General for the Intelligence Community will create a peer review process to oversee reprisal reviews under PPD-19, creating a single point of contact to develop criteria for peer reviews. These criteria will include common review standards and reporting requirements for reviewing reprisal allegations within the Intelligence Community.

**Responsible institution(s):** Federal Bureau of Investigation within the Department of Justice, Office of the Director of National Intelligence, and Inspector General of the Intelligence Community

**Supporting institution(s):** Intelligence community agencies

**Start date:** Not specified

**End date:** Not specified

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				On Time ?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
29. Overall			✓			✓	✓				✓		No		✓		
29.1. Common Training Program				✓		✓	✓				✓		Yes			✓	
29.2. Improve Adjudication Process			✓				✓				✓		No		✓		
29.3. Oversee Compliance with Presidential Directive on Whistleblowers		✓					✓			✓			No		✓		

### Context and Objectives

This commitment seeks to strengthen whistleblower protections. In 2012, President Barack Obama issued Presidential Policy Directive 19 (PPD-19) to better protect whistleblowers with access to classified information. As part of the previous action plan, the government carried out efforts to implement PPD-19 and raise awareness of whistleblower protections among government employees. Nonetheless, the perceived lack of whistleblower protections has persisted,<sup>1</sup> and civil society has spoken out about the deficiencies in the system.<sup>2</sup> To address this issue and strengthen whistleblower protections, this commitment includes three milestones, each described below.

Milestone 29.1 proposes a training curriculum for federal employees who have access to classified information. The milestone is specific in that it lists several of the elements to be included in the training, such as disclosure procedures, protections from unlawful retaliation, and best practices. It is relevant to the OGP values of civic participation and public accountability because the government will seek civil society input for the program, which will help inform federal employees of their rights to hold government actors accountable for their actions. The training has the potential to play a major role in fulfilling the mandate of PPD-19 by creating greater awareness of the avenues available for whistleblowing and the protections against retaliation. It builds on the whistleblower trainings carried out during the previous action plan by focusing on government employees with access to classified information.

Milestone 29.2 aims to improve the process of adjudicating claims of reprisal by whistleblower employees of the Federal Bureau of Investigation (FBI). Specifically, the Department of Justice will propose revisions to its whistleblower-protection regulations. Although the scope of the revisions is not fully clear, this milestone addresses an important issue. In January 2015, the Government Accountability Office (GAO) found that FBI employees do not receive clear guidance on protected disclosures or have the means to seek corrective action if they experience retaliation for disclosures to supervisors.<sup>3</sup> In addition, the GAO found that the Department of Justice took up to 10.6 years to resolve



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adjudicated complaints and did not consistently comply with regulatory requirements.<sup>4</sup> In this context, improving the adjudication process for reprisal claims and ensuring that FBI employees understand their protections would be a significant achievement.

Milestone 29.3 seeks to better track compliance with PPD-19 by creating a peer-review process for overseeing reprisal reviews. Although the text mentions that the government will designate a point of contact for developing criteria for these reviews, there is little detail on the content of the criteria beyond the inclusion of “common review standards and reporting requirements.” As a result, although this commitment could improve compliance with whistleblower regulation, it is not possible to assign it more than a minor potential impact.

### **Completion**

Overall, there is limited progress on this commitment. As of June 2016, the government had made substantial progress in developing a common training program for federal agencies covered under PPD-19 (Milestone 29.1). According to the government self-assessment report, the Office of the Director of National Intelligence had developed the curriculum with input from civil society and was to coordinate it with government departments and agencies. The curriculum was published in late 2016 and will therefore be reflected in the IRM end-of-term report.

The improved adjudication process for reprisal claims by FBI employees (Milestone 29.2) was still pending as of June 2016. Nonetheless, the Department of Justice, together with its Office of Inspector General Whistleblower Ombudsperson Program, implemented a whistleblowing training for all FBI employees in 2015, which was expanded and made mandatory in 2016.<sup>5</sup> This milestone is therefore considered to have limited completion.

The peer review process to oversee compliance with PPD-19 was not created as of June 2016. According to the government self-assessment report, the Inspector General for the Intelligence Community was “training inspector general personnel on how to conduct reprisal investigations,” which will “serve as the foundation for the peer review criteria.” However, given that the milestone specifically called for the creation of a peer-review process that follows a defined set of criteria, the trainings cannot be considered more than limited progress.

### **Early Results (if any)**

In December 2016, the Project on Government Oversight reported that George Ellard, inspector general at the National Security Agency (NSA), was placed on administrative leave for having retaliated against a whistleblower.<sup>6</sup> This marks the first use of the review process created by PPD-19, which involves an External Review Panel comprised of the inspectors general of the Department of Justice, the Department of the Treasury, and the Central Intelligence Agency. According to Steven Aftergood, Director of the Secrecy Program at the Federation of American Scientists, “The finding against Ellard is extraordinary and unprecedented. This is the first real test drive for a new process of protecting whistleblowers. Until now, they’ve been at the mercy of their own agencies, and dependent on the whims of their superiors.”<sup>7</sup> The NSA whistleblower who experienced the retaliation stated, “To me, the PPD-19 process and the assistance of the Intelligence Community Inspector General’s Office was critical to my success personally and professionally.”<sup>8</sup> Though this result is not directly related to the commitment at hand, it is the first piece of evidence that demonstrates the effectiveness of PPD-19, as well as the government’s efforts to raise awareness among employees with access to classified information.

### **Next Steps**

Beyond completing the pending items that fall under the commitment, such as the revised FBI whistleblower-protection regulations and the peer-review process for overseeing compliance with PPD-19, there is a need for greater engagement with civil society stakeholders, particularly on the training curriculum for federal employees (Milestone 29.1).



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The government acknowledged this is a next step in its midterm self-assessment report.<sup>9</sup> In addition, there should be follow-up to ensure that agencies are implementing the curriculum in their training programs.

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<sup>1</sup> Colby Bermel, “Whistleblowers: VA’s Watchdog Office is Failing us,” Government Executive, 31 July 2015, <http://bit.ly/2uCU8UC>

<sup>2</sup> Scott H. Amey, “NAP Causes Irritability Among Civil Society Groups,” Project on Government Oversight, 3 November 2015, <http://bit.ly/2uMCApU>

<sup>3</sup> United States Government Accountability Office, Whistleblower Protection, Additional Actions Needed to Improve DOJ’s Handling of FBI Retaliation Complaints, January 2015, <http://www.gao.gov/assets/670/668055.pdf>

<sup>4</sup> Ibid.

<sup>5</sup> Nicole Ogrysko, “In celebration of whistleblowers, oversight community says ‘We’re listening’” Federal News Radio, 1 August 2016, <http://bit.ly/2tjtLPM>

<sup>6</sup> Adam Zagorin, “NSA Watchdog Removed for Whistleblower Retaliation,” Project on Government Oversight, 15 December 2016, <http://bit.ly/2h73H4m>

<sup>7</sup> Ibid.

<sup>8</sup> Charles S. Clark, “Why the NSA Inspector General Lost His Job (and Wants It Back),” Government Executive, 16 December 2016, <http://bit.ly/2tLlcNa>

<sup>9</sup> US Government, Midterm Self-Assessment Report for the Open Government Partnership, September 2016, <http://bit.ly/2tFV4sK>

## Commitment 30. Beneficial Ownership

### Commitment Text:

#### **Increase Transparency of Legal Entities Formed in the United States**

The Administration is committed to increasing transparency of legal entities to combat high-level corruption, money laundering, and other financial crimes. The Department of the Treasury and the White House will continue engaging Congress to build bipartisan support to require that meaningful beneficial ownership information be disclosed at the time a company is formed. The Department of the Treasury will also work towards finalizing a rule to clarify customer due diligence requirements for U.S. financial institutions.

**Responsible institution(s):** The White House, Department of the Treasury

**Supporting institution(s):** Congress

**Start date:** Not specified

**End date:** Not specified

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
30. Overall		✓			Unclear						✓		Yes			✓	

### Context and Objectives

This commitment aims to gain congressional support for beneficial ownership<sup>1</sup> disclosure at the time of company formation, as well as to finalize a rule clarifying due diligence requirements for US financial institutions. These measures are intended to combat companies' engagement in illicit activities, such as money laundering, corruption, and tax evasion.<sup>2</sup> The measures are carried forward from a commitment in the previous action plan, which similarly proposed beneficial-ownership legislation and due-diligence requirements.

The commitment is clear with respect to its aspirations, but lacks key details on the precise activities to be carried out (for example, the time frame for rule passage, which companies would be covered by disclosure and due diligence requirements, and what kind of information would be disclosed and to whom). Specificity for this commitment is therefore low. Like its counterpart in the previous national action plan, this commitment also does not specify if any beneficial-ownership information will be disclosed to the public. In this sense, the commitment may improve how the government keeps track of legal entities, but is not strictly relevant to the OGP value of access to information, which requires public disclosure.

If fully realized, the potential impact of this commitment could be moderate. The imprecise nature of the commitment is counterbalanced by the vast scope of global illicit financial activities that continue unabated, as evidenced by the recently released Panama Papers.<sup>3</sup> According to Transparency International (TI), the United States does not clearly define beneficial ownership and does not require maintaining or disclosing this information.<sup>4</sup> The Treasury Department noted that this remains an area of vulnerability for financial crimes.<sup>5</sup> Therefore, establishing a requirement to disclose beneficial-ownership information, as

outlined under this commitment and as supported by TI-USA,<sup>6</sup> represents an important step forward.

### **Completion**

Progress on this commitment is substantial. On 6 May 2016, the Treasury Department finalized a rule requiring financial institutions to identify the beneficial owners behind companies that hold accounts with them. This “customer due diligence” rule responds directly to the commitment. In addition, the Treasury Department proposed a new rule requiring some foreign companies to obtain a tax identification number from the Internal Revenue Service (IRS), which would require them to report ownership information. As of mid-2016, however, Congress had not yet passed beneficial-ownership legislation requiring all US-owned companies to report on their beneficial owners, a move the Treasury Department supported.<sup>7</sup> For this reason, the commitment is considered to be substantially rather than fully complete.

### **Early Results (if any)**

Early results of the customer due-diligence rule cannot be fully assessed because financial institutions covered by the rule are not required to comply until 11 May 2018.<sup>8</sup> Nonetheless, there has been strong feedback to the rule by civil society. TI-USA welcomed the rule but pointed out “significant gaps,” such as how the rule does not apply retroactively, “creating a major gap in information collected.”<sup>9</sup> In addition, TI-USA noted that the rule includes senior management officials in its definition of beneficial owners although these are often “figureheads.”<sup>10</sup> In a press release shortly after the issuance of the final rule, Liz Confalone, policy counsel at Global Financial Integrity, stated that “Managers—as persons who conduct the day-to-day operations of a company—are not beneficial owners... This means that banks can fulfill their due diligence requirement without identifying any actual beneficial owner.”<sup>11</sup> In the same press release, Heather Lowe, the group’s Legal Counsel and Director of Government Affairs, said the beneficial-ownership definition used by the new Treasury rule “is not sufficient. A statute creating a central registry of beneficial ownership information has to get the concept right. The definition of ‘beneficial owner’ is the whole game; the success of the initiative lives and dies on the quality of that definition.”

### **Next Steps**

Next steps include ongoing engagement between the Treasury Department and Congress to pass beneficial-ownership legislation and the pending implementation of the customer due-diligence rule beginning in May 2018. Previous recommendations submitted by the Financial Accountability and Corporate Transparency Coalition include proposals such as distinguishing between managers and beneficial owners, lowering the threshold for beneficial owners to 10 percent ownership interest in the legal entity, and establishing due-diligence requirements for existing accounts.<sup>12</sup> TI-USA has also been vocal in its support for beneficial-ownership legislation.<sup>13</sup>

In the next action plan, the government could expand efforts to promote beneficial-ownership transparency by committing to public disclosures of information. In addition, efforts to combat corruption could also include election ethics reform and more-transparent election finance requirements.

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<sup>1</sup> Beneficial owners are “the individuals that ultimately control or profit from a company.” See Sayne, Aaron et al. August 2015. “Owning Up: Options for Disclosing the Identities of Beneficial Owners of Extractive Companies.” Natural Resource Governance Institute Briefing. Available at: <http://bit.ly/2vNWnBv>.

<sup>2</sup> See US Department of the Treasury Press Center. Press Release from 5 May 2016. “Treasury Announces Key Regulations and Legislation to Counter Money Laundering and Corruption, Combat Tax Evasion.” <https://www.treasury.gov/press-center/press-releases/Pages/jl0451.aspx>. Consulted 25 June 2017.

<sup>3</sup> The International Consortium of Investigative Journalists. “The Panama Papers.” <https://panamapapers.icij.org/>. Consulted 25 June 2017.

<sup>4</sup> Transparency International, United States Beneficial Ownership Transparency, 2015, [https://www.transparency.org/files/content/publication/2015\\_BOcountryReport\\_US.pdf](https://www.transparency.org/files/content/publication/2015_BOcountryReport_US.pdf)

<sup>5</sup> Department of the Treasury, National Money Laundering Risk Assessment, 2015, <http://bit.ly/1YLBVKN>

<sup>6</sup> Transparency International, “Transparency International-USA Calls for Greater Transparency of Anonymous Companies in the US,” 4 April 2016, <http://bit.ly/2trMkBC>

<sup>7</sup> Somanader, Tanya. 6 May 2016. The White House Blog. “President Obama’s Efforts on Financial Transparency and Anti-Corruption: What You Need to Know.” <http://bit.ly/2vNNij3>. Consulted 25 June 2017. See also US Department of the Treasury Press Center. Press Release from 5 May 2016. “Treasury Announces Key Regulations and Legislation to Counter Money Laundering and Corruption, Combat Tax Evasion.” <https://www.treasury.gov/press-center/press-releases/Pages/jl0451.aspx>. Consulted 25 June 2017.

<sup>8</sup> See text of rule at Federal Register. 11 May 2016. “Customer Due Diligence Requirements for Financial Institutions.” <http://bit.ly/2n351Mm>. Consulted 25 June 2017.

<sup>9</sup> Transparency International-USA, Press Release, 6 May 2016, <http://bit.ly/2ts0ySj>

<sup>10</sup> Ibid.

<sup>11</sup> Heather Lowe and Liz Confalone, “New Treasury Rule on Beneficial Ownership Fails to Ensure that Beneficial Owners are Identified,” Global Financial Integrity, 9 May 2016, <http://bit.ly/2upDVzH>

<sup>12</sup> FACT Coalition, Comments on the FinCEN proposed rulemaking, 3 October 2014, <http://bit.ly/2uNG6zO>

<sup>13</sup> Transparency International, “House and Senate Introduce Legislation Promoting Transparency in Beneficial Ownership of Companies,” 3 February 2016, <http://bit.ly/2tDq382>

## Commitment 31. Transparency of Extractive Industries

### Commitment Text:

#### Implement the Extractive Industries Transparency Initiative

Since the launch of the Open Government Partnership, the Administration has been committed to implementing the Extractive Industries Transparency Initiative (EITI), an international standard aimed at increasing transparency and accountability in the payments companies make and the revenues governments receive for their natural resources. The United States continues to work toward fully complying with the EITI standard, including publishing the first United States EITI report in 2015, and to achieve EITI compliance no later than 2017. The United States will also:

- Work with the EITI Multi-Stakeholder Group (MSG) to define tiers of subnational engagement, including working with state and tribal governments to formally nominate representatives as members of the MSG and encouraging enhanced integration of state and tribal information into U.S. EITI reporting;
- Create and implement a process to conduct stakeholder outreach and assessment of issues related to disclosure of forestry revenues; and
- Continue implementing project-level reporting and satisfy the beneficial ownership requirements consistent with the relevant provisions under the EITI standard.

**Responsible institution(s):** Department of the Interior, Department of State

**Supporting institution(s):** EITI Multi-Stakeholder Group

**Start date:** Not specified

**End date:** Not specified

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
31. Overall				✓	✓	✓						✓	No		✓		
31.1. Define Tiers of Subnational Engagement				✓	✓	✓						✓	Yes			✓	
31.2. Stakeholder Outreach and Assessment of Disclosure of Forestry Revenues			✓		✓	✓					✓		No		✓		
31.3. Satisfy the Beneficial Ownership Requirements				✓	✓							✓	No		✓		

## Context and Objectives

This commitment aims to bring the United States into full compliance with the Extractive Industries Transparency Initiative (EITI). The EITI promotes greater transparency and accountability surrounding extractive-sector financial transactions, specifically government receipts and company payments,<sup>1</sup> and was founded as a “global standard to promote the open and accountable management of extractive resources.”<sup>2</sup> The EITI Standard requires member countries to disclose various types of information along the extractive-sector value chain, ranging from contract and license recipients to revenue allocation. To become fully compliant with the EITI Standard, the EITI board reviews members’ policies and practices in the extractive sector and “validates” them against a set of requirements contained in the EITI Standard. “Satisfactory” validation indicates that a country is in full compliance.<sup>3</sup> As of 2017, the EITI has 52 implementing countries at various stages of validation.<sup>4</sup> The United States became an EITI “candidate” in 2014 (indicative of its pre-validation member status) and published its first EITI Report in 2015, covering extractive-sector activities in 2013. US validation is currently scheduled for April 2018.<sup>5</sup>

Milestones 31.1 and 31.3 are directly linked to US membership in EITI and pending validation against the EITI Standard. Under Milestone 31.1, the government commits to nominate subnational representatives to the EITI’s Multi-Stakeholder Group (MSG)<sup>6</sup> and encourage subnational EITI reporting, specifically at the state and tribal levels. Milestone 31.3 commits the government to implementing project-level extractive-sector reporting (as opposed to industrywide reporting) and satisfying beneficial-ownership reporting requirements,<sup>7</sup> as required under the EITI Standard. Milestone 31.2 aims to create and implement a stakeholder outreach process for forestry revenues and is not explicitly linked to US membership in the EITI.

Overall specificity for this commitment is high. Milestones 31.1 and 31.3 have high specificity; they commit the government to clear and well-defined activities. By contrast, Milestone 31.2 is only moderately specific because it does not specify the range of stakeholders that will be consulted or the specific forestry revenue issues that will be addressed.

If fully implemented, compliance with the EITI Standard is potentially transformative given the substantial revenue the United States derives from the extractive sector. In 2013, government revenue from the sector reached nearly \$25 billion USD; in 2015, revenues declined to \$8 billion USD in light of declining natural-resource prices (specifically oil)<sup>8</sup> but still remained substantial. Moreover, according to the USEITI, in 2014, the United States was the world’s largest producer of petroleum and natural gas and was the world’s second largest coal producer.<sup>9</sup> According to the US Energy Information Administration, the United States remained the world’s largest producer of petroleum and natural gas in 2015, affirming its importance as a global resource producer.<sup>10</sup>

Beyond compliance with the EITI Standard, the individual milestones under this commitment also have high potential impact. Project-level reporting, for example, was previously one of the key recommendations from civil society for the EITI.<sup>11</sup> It was one of the main recommendations in the previous IRM report as well.<sup>12</sup> Greater subnational engagement in EITI, beneficial-ownership disclosures, and engagement on forestry revenue were also all previously supported by civil society organizations and would provide more detailed information on extractives to the public.<sup>13</sup> Given that the majority of US oil, for instance, is produced outside of federally owned lands, greater subnational participation in EITI would result in more-comprehensive disclosures of information.<sup>14</sup>

## Completion

Overall, completion for this commitment is limited as two of the three individual milestones had limited progress as of June 2016. With respect to subnational engagement in the EITI (Milestone 31.1), the USEITI<sup>15</sup> submitted an update to the EITI’s International Secretariat in June 2016 proposing a three-tiered plan for subnational engagement with the MSG and clarifying that subnational reporting will occur on an opt-in basis,<sup>16</sup> with discussion facilitated

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by the USEITI MSG's State and Tribal Opt-in Subcommittee.<sup>17</sup> Specifically, the three tiers discussed include: (1) having the MSG establish a point of contact with subnational governments; (2) having members of subnational governments appointed to the USEITI MSG; and (3) having subnational governments undertake "enhanced opt-in," meaning states and/or tribes would opt in to assist the USEITI with subnational EITI reporting. In 2016, three out of 33 resource-producing states -- Alaska, Montana, and Wyoming -- opted in to the process.<sup>18</sup>

With respect to the disclosure of forestry revenues (milestone 31.2), the US government's midterm self-assessment report acknowledges that progress is limited. The USEITI initiated a stakeholder assessment process for forestry during a March 2016 meeting of the MSG.<sup>19</sup> This is confirmed by the MSG's summary of proceedings from its meeting on 8-9 March 2016, which indicates that the discussion focused on the possibility of bringing the US forestry sector under the auspices of the USEITI.<sup>20</sup>

As for the project-level reporting and beneficial-ownership requirements (Milestone 31.3), according to the US government's midterm self-assessment report, the USEITI's MSG agreed to include company-level reporting in its forthcoming 2016 EITI report, with new regulations defining project-level reporting adopted by the United States in 2016.<sup>21</sup> The regulations referenced here presumably refer to Section 1504 of The Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010 (124 Stat. 1376), which mandates project-level disclosure of extractive-sector companies' payments to governments. A revised version of this section of the act was adopted and published by the US Securities and Exchange Commission (SEC) on 27 June 2016.<sup>22</sup> However, as of mid-2016, no clear progress had been made on beneficial-ownership disclosures under the USEITI. The IRM researcher therefore agrees with the government's own assessment that completion for this milestone is limited.

### **Early Results (if any)**

Under the USEITI MSG's three-tiered approach to subnational reporting (Milestone 31.1), as of mid-2016 three states had opted into the process (Alaska, Montana, and Wyoming). However, the amount and level of detail of information disclosed at the state and tribal levels remains to be seen.

Due to the preliminary nature of the discussions that took place, there are no early results regarding the disclosure of forestry data (Milestone 31.2).

As for project-level reporting (Milestone 31.3), the new rule published by the SEC in June 2016 was well received by open government groups. Publish What You Pay – United States (PWYP-US), a coalition of civil society organizations working on openness and accountability in the extractives sector, strongly supported the new rule. According to the director of PWYP-US, the SEC rule "will empower citizens to hold their governments accountable for how their resource wealth is used."<sup>23</sup> However, after strong opposition to the rule by the American Petroleum Institute and other organizations,<sup>24</sup> in February 2017, President Donald Trump signed House Joint Resolution 41, which revoked the SEC rule and therefore eliminated the requirement that extractive companies release project-level information on payments to governments.<sup>25</sup>

### **Next Steps**

In March 2017, the Trump administration announced the end of US government efforts to seek validation against the EITI Standard, leaving in doubt the future of the program.<sup>26</sup> The IRM recommends that the US government continue to pursue the disclosure of information on the extractive sector at the subnational level, as well as payments and beneficial ownership information at the company and project levels.



- <sup>1</sup> EITI. “About US.” <https://eiti.org/who-we-are>.” Consulted 25 June 2016. See also “USEITI: About Us.” <https://useiti.doi.gov/about/>. Consulted 25 June 2017.
- <sup>2</sup> EITI. “About US.” <https://eiti.org/who-we-are>.” Consulted 25 June 2016.
- <sup>3</sup> EITI. “The EITI Standard.” <https://eiti.org/standard/overview>. Consulted 25 June 2017. See also EITI. “Validation.” <https://eiti.org/validation>. Consulted 25 June 2017; and EITI. “Moving from Compliant to Candidate Country.” <https://eiti.org/about/how-we-work#moving-from-candidate-to-compliant-country>. Consulted 25 June 2017.
- <sup>4</sup> EITI. “About US.” <https://eiti.org/who-we-are>.” Consulted 25 June 2016.
- <sup>5</sup> EITI. “US Country Page.” <https://eiti.org/united-states-america>. Consulted 25 June 2017.
- <sup>6</sup> The MSG is a country-specific EITI-focused body whose members are drawn from government officials, companies, and civil society. According to the EITI, “the MSG is the main decision-making body responsible for setting objectives for EITI implementation linked to wider national priorities in the extractive sector, producing EITI Reports, and ensuring that the findings contribute to public debate and get turned into reforms.” See EITI. “Multi-Stakeholder Governance: The Power of Three.” <https://eiti.org/oversight>. Consulted 25 June 2017.
- <sup>7</sup> Beneficial owners are “the individuals that ultimately control or profit from a company.” See Sayne, Aaron et al. August 2015. “Owning Up: Options for Disclosing the Identities of Beneficial Owners of Extractive Companies.” Natural Resource Governance Institute Briefing. [https://resourcegovernance.org/sites/default/files/documents/nrgi\\_beneficial\\_owners20150820.pdf](https://resourcegovernance.org/sites/default/files/documents/nrgi_beneficial_owners20150820.pdf).
- <sup>8</sup> See Breul, Hannah. US Energy Administration. 6 January 2016. “US Oil Prices Started 2015 Relatively Low, Ended the Year Lower.” Available at: <https://www.eia.gov/todayinenergy/detail.php?id=24432>. Consulted 25 June 2017.
- <sup>9</sup> USEITI. “How it Works.” Available at: <https://useiti.doi.gov/how-it-works/>. Consulted 25 June 2017. For additional production data, see USEITI. “How it Works: Production.” Available at: <https://useiti.doi.gov/how-it-works/production/>. Consulted 25 June 2017.
- <sup>10</sup> Doman, Linda. US Energy Information Administration. 23 May 2016. “United States Remains Largest Producer of Petroleum and Natural Gas Hydrocarbons.” Available at: <https://www.eia.gov/todayinenergy/detail.php?id=26352>. Consulted 25 June 2017.
- <sup>11</sup> Civil Society Progress Report, September 2015, <http://bit.ly/2iKsper>
- <sup>12</sup> IRM, United States End-of-Term Report 2014-2015, <http://bit.ly/2sEBDv0>
- <sup>13</sup> Civil Society Progress Report, September 2015, <http://bit.ly/2iKsper>
- <sup>14</sup> Amrit Naresh, EITI in the US: why only on federal lands? (Part 1), 29 February 2012, <http://bit.ly/2eOfnwL>
- <sup>15</sup> The USEITI is a US government body responsible for all aspects of the US’s EITI membership.
- <sup>16</sup> USEITI. “Update to the International Secretariat: Subnational Payments.” Available at: <https://www.doi.gov/sites/doi.gov/files/migrated/eiti/FACA/upload/USEITI-Subnational-Opt-In-Position-Piece-5-6-15-cleandraft.pdf>. Consulted 25 June 2017. Note that there is some confusion regarding the proposal date for these guidelines. The “Update” itself appears to date from 6 May 2015. However, the US Government’s own Midterm Self-Assessment Report dates these guidelines to June 2016. See “United States of America Midterm Self-Assessment Report for the Open Government Partnership: Third Open Government National Action Plan, 2015-2017.” September 2016. P.33. [https://www.opengovpartnership.org/sites/default/files/USA\\_NAP3\\_self-assessment-report\\_20160916.pdf](https://www.opengovpartnership.org/sites/default/files/USA_NAP3_self-assessment-report_20160916.pdf).
- <sup>17</sup> Ibid. The meeting minutes of the Subcommittee can be found on the website of the US Department of the Interior at <https://www.doi.gov/eiti/faca/state-tribal-opt-in-subcommittee>. Consulted 25 June 2017.
- <sup>18</sup> USEITI. “About Us: What’s New.” Available at: <https://useiti.doi.gov/about/whats-new/>. Consulted 25 June 2017. For discussion of the US’s 33 producing states, see USEITI. 6 May 2015. “Update to the International Secretariat: Subnational Payments.” P.33. Available at: <https://www.doi.gov/sites/doi.gov/files/migrated/eiti/FACA/upload/USEITI-Subnational-Opt-In-Position-Piece-5-6-15-cleandraft.pdf>. Consulted 25 June 2017.
- <sup>19</sup> “United States of America Midterm Self-Assessment Report for the Open Government Partnership: Third Open Government National Action Plan, 2015-2017.” September 2016. P.33. [https://www.opengovpartnership.org/sites/default/files/USA\\_NAP3\\_self-assessment-report\\_20160916.pdf](https://www.opengovpartnership.org/sites/default/files/USA_NAP3_self-assessment-report_20160916.pdf).
- <sup>20</sup> United States Extractive Industries Transparency Initiative Multi-Stakeholder Group Advisory Committee Meeting: March 8-9, 2016. “Summary of Proceedings: US Department of the Interior Prepared. March 2016.”



Available at: [https://www.doi.gov/sites/doi.gov/files/uploads/useiti\\_msg\\_-\\_mar\\_2016\\_mtg\\_summary\\_final.pdf](https://www.doi.gov/sites/doi.gov/files/uploads/useiti_msg_-_mar_2016_mtg_summary_final.pdf).  
Consulted 25 June 2017. See specifically pp.19-20.

<sup>21</sup> “United States of America Midterm Self-Assessment Report for the Open Government Partnership: Third Open Government National Action Plan, 2015-2017.” September 2016. P.33.  
[https://www.opengovpartnership.org/sites/default/files/USA\\_NAP3\\_self-assessment-report\\_20160916.pdf](https://www.opengovpartnership.org/sites/default/files/USA_NAP3_self-assessment-report_20160916.pdf).

<sup>22</sup> See US Securities and Exchange Commission. 27 June 2016. “Press Release: SEC Adopts Rules for Resource Extraction Issuers under Dodd-Frank Act.” <https://www.sec.gov/news/pressrelease/2016-132.html>. Consulted 26 June 2017. See also related discussion in USEITI. 18 November 2016. “2016 Executive Summary.” pp.26-27.  
[https://useiti.doi.gov/downloads/USEITI\\_executive-summary\\_2016-11-18.pdf](https://useiti.doi.gov/downloads/USEITI_executive-summary_2016-11-18.pdf). Consulted 25 June 2017.

<sup>23</sup> PWYP-US, “SEC Releases Strong Oil, Gas and Mining Transparency Rule and Restores US Leadership,” 27 June 2016, <http://bit.ly/2tDuGLa>

<sup>24</sup> See <http://bit.ly/2tEk2Uq> and <http://bit.ly/2uZDXRe> for some of the arguments made by those in opposition to the rule.

<sup>25</sup> Roger Yu, “Trump signs legislation to scrap Dodd-Frank rule on oil extraction,” 14 February 2017, <https://usat.ly/2w0TQUl>

<sup>26</sup> Project on Government Oversight, “Administration Sounds Death Knell for Transparency Initiative,” 17 March 2017, <http://bit.ly/2wEI0RE>

## Theme 5. Fiscal Transparency

### Commitment 32. Increase Transparency in Spending

#### **Commitment Text:**

#### **Increase Transparency in Spending**

The Administration continues to look for new ways to increase transparency in Federal spending. In 2015, the Budget of the U.S. Government was made available in an open-source format for the first time, allowing the public to explore it in new and creative ways. In addition, the Administration finalized data standards as required by landmark legislation mandating transparency of spending data, the Digital Accountability and Transparency Act of 2014 (DATA Act). These data standards provide a basis to improve the quality and consistency of Federal spending data, and as a result, help provide the public with valuable, usable information on how Federal dollars are spent. Better understanding of U.S. government finances will increase public confidence and increased use of the data will drive innovation and economic growth. In addition to continually engaging stakeholders from inside and outside of government on expanding Federal spending transparency efforts, the United States will:

- **Publish Standardized, Reliable, and Reusable Federal Spending Data.** The Department of the Treasury and the Office of Management and Budget will leverage technology to engage stakeholders and adopt a highly participatory and innovative approach to develop a re-imagined USAspending.gov to make spending data more accessible and searchable. This will also include an expansion of the data disclosed to include all account-level expenditures in a structured industry format. The Administration will provide regular progress updates to give both Federal agencies and taxpayers a better understanding of the impact of Federal funds.
- **Improve the Usability of Public Procurement and Grants Systems and Make It Easier to Identify Awardees.** The United States will leverage digital technologies and stakeholder feedback to improve the effectiveness of the public procurement and grants systems and foster openness and competition. This includes modernizing the online environment in which contract opportunities can be found and where grant programs are catalogued, and establishing a transparent process to explore alternatives for how Federal awardees are identified.
- **Centralize Integrity and Ownership Information of Contractors.** The Administration will facilitate the display, in a unified view, of the integrity information of Federal contractors and grant recipients. For contractors, this will include additional information on labor violations, identification of parent and subsidiary organizations, and information about corporate contractor performance in order to give acquisition officials a comprehensive understanding of the performance and integrity of a corporation in carrying out Federal contracts and grants.

**Responsible institution(s):** Office of Management and Budget, Department of the Treasury, and General Services Administration

**Supporting institution(s):** All Federal agencies, civil society organizations

**Start date:** Not specified

**End date:** Not specified

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
32. Overall				✓	✓	✓		✓			✓		No		✓		
32.1. Improve Federal Spending Data				✓	✓	✓		✓			✓		Yes			✓	
32.2. Improve Public Procurement and Grants Systems			✓		✓	✓		✓			✓		No		✓		
32.3 Centralize Integrity and Ownership Information of Contractors				✓	✓			✓			✓		No		✓		

### Context and Objectives

This commitment aims to increase transparency in federal spending. It is the product of congressional legislation, the Digital Accountability and Transparency Act of 2014 (DATA Act), which requires greater transparency of federal spending data. The commitment also builds on progress made as part of the previous national action plan, in which the US government joined the Global Initiative on Fiscal Transparency (GIFT), engaged stakeholders to improve USASpending.gov, finalized data standards to comply with the DATA Act, and released new batches of spending data in machine-readable formats, among other things. This commitment consists of three milestones, each described below.

- Milestone 32.1 intends to make spending data more accessible by developing an improved USASpending.gov website through engagement with stakeholders and technology. The milestone specifies that the site will be expanded with account-level expenditures, though it doesn't fully explain how members of the public will be involved. It also commits to regular updates to ensure stakeholders are aware of continuing innovation.
- Milestone 32.2 involves leveraging digital technologies and public feedback to improve procurement and grant systems. Although the milestone specifies greater transparency of federal awardees as a goal, the text could better specify how the procurement and grant systems will be improved to achieve this goal, and how the public will be consulted during the process.
- Milestone 32.3 focuses on improving the integrity of the contracting process by centralizing details about contractors receiving government contracts. The commitment is highly specific in that it lists the information to be centralized, such as labor violations, the names of parent and subsidiary organizations, and corporate contractor performance.

Together, these milestones are relevant to access to information, civic participation, and technology and innovation. Greater access to information is the main objective as all three milestones focus on making federal spending and contracting data more accessible and usable. The first two milestones also explicitly mention that public inputs will feed into the final products although the scope of participation is unclear.

If fully implemented, the commitment could lead to a substantial improvement in the transparency of federal spending. Both the Government Accountability Office<sup>1</sup> and civil society organizations<sup>2</sup> have previously noted the poor quality of federal spending data on USASpending.gov that could be improved during this action plan. In addition, civil society organizations specifically called for many of the items included in the current commitment. For example, the Project on Government Oversight (POGO) recommended that information on contractor integrity and performance be better maintained and disclosed.<sup>3</sup> The Sunlight Foundation similarly called for improved grants reporting and a better system for identifying awardees.<sup>4</sup>

Although the commitment is promising, it falls short of transformative. USASpending.gov was revamped in April 2015 through a process that closely involved civil society.<sup>5</sup> In this sense, public engagement during the expansion of USASpending.gov would not transform business as usual. As pointed out by the Open Contracting Partnership, the commitment is an important step forward but could go further to ensure that contracting information is open and freely reusable and that the public plays a role not only in the expansion of USASpending.gov, but also as part of a permanent feedback loop.<sup>6</sup>

### **Completion**

This commitment has limited completion. The government launched a beta version of USASpending.gov in November 2015 (Milestone 32.1), which allows the public to comment on proposed features.<sup>7</sup> According to the government self-assessment report, the USASpending.gov team also held in-person sessions to obtain public feedback.

The self-assessment report states that the government engaged stakeholders to improve the procurement and grant systems (Milestone 32.2). However, given the lack of concrete improvements to these systems as of June 2016, this milestone is considered to have limited completion.

To centralize contractor integrity and performance information (Milestone 32.3), the government proposed a rule in November 2015 to replace proprietary identification of entities with a generic terminology.<sup>8</sup> This rule is part of an effort to move away from the Data Universal Numbering System (DUNS), a standard developed by the private company Dun & Bradstreet that keeps track of entities receiving government funds. Given that the DUNS is a proprietary standard, much of the data on contractors is not public or reusable. For this reason, both the Government Accountability Office<sup>9</sup> and leading open data groups<sup>10</sup> have advocated for a move away from the DUNS. The proposed rule is an initial step in that direction.

In addition, the government finalized a regulation in March 2016 to require contractors to identify their immediate owner/subsidiary, and all predecessors that held a contract or grant in the previous three years.<sup>11</sup> However the website that is supposed to display this information, the Federal Awardee Performance and Integrity Information System (FAPIIS), does not yet include this information, according to the website's own description.<sup>12</sup> As a result, the milestone is considered to have limited completion.

### **Early Results (if any)**

Although there is limited progress on two of the three milestones under this commitment, the revamping of USASpending.gov and the efforts to open contracting data have both been well received by stakeholders. In terms of USASpending.gov, the new open beta site allows users to submit ideas and collaborate with others on proposed features. According to the Data Coalition, "the built-in feedback mechanism will allow the public to suggest

improvements and take ownership all along the way.”<sup>13</sup> The Sunlight Foundation added that the new website “is a sign that Treasury has learned some lessons from previous efforts in this area and is committed to a truly collaborative process.”<sup>14</sup>

The proposed rule to move away from the proprietary DUNS system and open contracting data was also well received. Scott Amey, general counsel for POGO, said that “it’s about time that the federal government unshackles itself from DUNS numbers. The proposed rule is a good start to free it from an identification system that isn’t working and is costly.”<sup>15</sup> He added, “It’s ridiculous to think that the current system allows contractors to have hundreds of DUNS numbers, which makes it impossible to obtain a complete picture of a company and its government work.”<sup>16</sup> Hudson Hollister, executive director of the Data Transparency Coalition, similarly added that “as long as the proprietary DUNS Number remains in place as the default standard identifier for contractors and grantees, federal spending information will not be open data.”<sup>17</sup>

### Next Steps

The next steps include continuing to engage with the public to implement the DATA Act and improve USASpending.gov, modernizing the procurement and grant systems based on public feedback, and continuing the move away from the DUNS systems and toward open data on contractors and grantees. Beyond sustaining the activities carried out as part of this commitment, the government could in the future increase the impact of these efforts by promising to disclose additional contract-related documents and information, as previously recommended by civil society.<sup>18</sup> Other proposals put forward by civil society organizations include disclosing contractor political spending, publishing information on defense contracting fraud,<sup>19</sup> and engaging with the public through a permanent feedback mechanism on issues of contracting and government services.<sup>20</sup>

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<sup>1</sup> Merete F. Gerli, Tracking Federal Funds: USASpending.gov and Other Data Sources, Congressional Research Service, 13 May 2015, <https://fas.org/sgp/crs/misc/R44027.pdf>

<sup>2</sup> Civil Society Progress Report, September 2015, <http://bit.ly/2h6rLsE>

<sup>3</sup> Project on Government Oversight, A National Action Plan for Contract Reform, 21 May 2015, <http://bit.ly/2uGHRfH>

<sup>4</sup> Ginger McCall, “Suggestions for the OGP National Action Plan,” Sunlight Foundation, 10 October 2013, <http://bit.ly/2tNSuA7>

<sup>5</sup> For an overview of the activities carried out by the US government as part of the second national action plan, please see the previous IRM report, available here: <http://bit.ly/2sEBDv0>. The civil society assessment of these activities is available in an OpenTheGovernment.org progress report, available here: <http://bit.ly/1VqfUPm>

<sup>6</sup> Ruairi Macdonald, “US OGP National Action Plan 3.1: Next steps to open US government contracting,” Open Contracting Partnership, 29 October 2015, <http://bit.ly/2w4mUed>

<sup>7</sup> USASpending.gov, open beta site, <https://openbeta.usaspending.gov/index.html>

<sup>8</sup> Federal Register, Federal Acquisition Regulation; Unique Identification of Entities Receiving Federal Awards, 18 November 2015, <https://www.gpo.gov/fdsys/pkg/FR-2015-11-18/pdf/2015-29414.pdf>

<sup>9</sup> Government Accountability Office, Government Is Analyzing Alternatives for Contractor Identification Numbers, 12 June 2012, <http://www.gao.gov/assets/600/591551.pdf>

<sup>10</sup> See a letter of support from the Data Coalition here: <http://bit.ly/1QH7uyK>.

<sup>11</sup> Federal Register, Federal Acquisition Regulation; Information on Corporate Contractor Performance and Integrity, 7 March 2016, <http://bit.ly/2uj23O7>

<sup>12</sup> FAPIIS, Help, <https://www.fapiis.gov/fapiis/help.action>

<sup>13</sup> Jessica Yabsley, “Treasury Unveils DATA Act-Mandated USASpending.gov Upgrade 18 Months Early,” Blog, Data Coalition, 16 November 2015, <http://bit.ly/1kZrnZz>

<sup>14</sup> Matthew Rumsey, "Treasury's New USASpending.gov Beta Will Evolve in the Open," Sunlight Foundation, 11 November 2015, <http://bit.ly/2ehrFwA>

<sup>15</sup> Jason Miller, "Major change proposed to how agencies track vendors," Federal News Radio, 19 November 2015, <http://bit.ly/2v53icL>

<sup>16</sup> Ibid.

<sup>17</sup> Ibid.

<sup>18</sup> Project on Government Oversight, A National Action Plan for Contract Reform, 21 May 2015, <http://bit.ly/2uGHRfH>

<sup>19</sup> Ibid.

<sup>20</sup> Ruairi Macdonald, "US OGP National Action Plan 3.1: Next steps to open US government contracting," Open Contracting Partnership, 29 October 2015, <http://bit.ly/2w4mUed>

## **Commitment 33. Improve the Quality and Use of U.S. Foreign Assistance Information**

### **Commitment Text:**

#### ***Improve the Quality and Enhance the Use of U.S. Foreign Assistance Information***

*Greater transparency and quality of foreign aid data promotes effective and sustainable development by helping recipient governments manage their aid flows and by empowering citizens to hold governments accountable for the use of assistance. Increased transparency also supports evidence-based, data-driven approaches to foreign aid. The first two NAPs called for agencies administering foreign assistance to publish their aid information in line with the internationally agreed-upon standard. Agencies have published information and data to ForeignAssistance.gov, with plans for incremental progress to address the quality and completeness of the data. However, producing additional, higher-quality data does not address the capacity of stakeholders to use the data, nor does it ensure that stakeholders know the data even exists. To raise awareness, increase accessibility, and build demand for foreign assistance data, the United States will:*

- ***Improve the Quality, Comprehensiveness, and Completeness of Foreign Assistance Data.*** *U.S. agencies will substantially improve the quality and increase the comprehensiveness and completeness of the data reported in accordance with the internationally recognized Busan common standard, emphasizing the reporting of commonly established subnational geographic information, project documents and information, results, and sector codes as priority data needs for users.*
- ***Build Capacity to Use Data.*** *The Administration will support selective capacity-development efforts in partner countries to make it easier to use U.S. foreign assistance data for effective decision-making, including in pursuit of achieving the goals of the 2030 Agenda for Sustainable Development. The United States will explore ways to promote and increase data accessibility and the dissemination of data to stakeholders through offline methods and will promote existing foreign assistance information sources and raise awareness for aid transparency efforts to contribute to increased data use by U.S. Government and civil society and the international community.*

**Responsible institution(s):** Millennium Challenge Corporation, Department of State, United States Agency for International Development

**Supporting institution(s):** Agencies that have foreign assistance funds in their portfolio and civil society organizations

**Start date:** Not specified

**End date:** Not specified

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
33. Overall				✓	✓			✓			✓		No		✓		
33.1. Improve Foreign Assistance Data				✓	✓			✓			✓		No		✓		
33.2. Build Capacity to Use Data		✓			✓					✓			Yes			✓	

### Context and Objectives

This commitment aims to improve the quality and use of US foreign-assistance data. It builds on efforts to improve foreign-assistance transparency during the previous two national action plans, during which the government developed standards for reporting foreign-assistance data and increased the amount of data published on ForeignAssistance.gov, a website created in 2011 to serve as a central repository for US foreign-assistance information. As part of this commitment, the government proposes two milestones:

- Milestone 33.1 aims to improve the quality of foreign-assistance data and proposes a list of specific priority items to be published in accordance with the Busan common standard, such as subnational geographic information and sector codes. This milestone has strong relevance to the OGP values of access to information and technology and innovation because it focuses on improving the quality of foreign-assistance data available online at ForeignAssistance.gov.
- Milestone 33.2 seeks to build the capacity of the public to use foreign-assistance data by making it easier to use the data and raising awareness of existing sources of information. The milestone is relevant to access to information and is clear in its overall objective, but it lacks specificity in terms of mechanisms. Given the absence of concrete and measurable proposed actions, it is not possible to assign a significant potential impact.

Together, these milestones represent a moderate, but important, effort to improve the quality and use of foreign-assistance information. Laia Griño, director of transparency, accountability and results at InterAction, noted prior to the launch of this action plan that despite important progress in aid transparency, “the current quality of USAID’s data makes it largely unusable.”<sup>1</sup> As a result, the government’s focus on data quality is vital. Moreover, the commitment closely reflects civil society inputs.<sup>2</sup> According to Griño, the commitment “holds the most potential of any of the U.S. government’s commitments to achieve the promise of aid transparency.”<sup>3</sup> Nonetheless, it is important to mention that some of the mechanisms for achieving the commitment’s objectives are unclear (such as how the government will raise awareness of foreign-assistance data), which leaves some doubt as to the possible scope of the results.



## Completion

Overall, the commitment has a limited level of completion. Although the government has made substantial progress on expanding usage of foreign-assistance data, there is less evidence of substantive improvements to the quality of data found on ForeignAssistance.gov.

To improve the quality of the data on ForeignAssistance.gov (milestone 33.1), the State Department in November 2015 launched an onboarding toolkit and coaching sessions for agencies that do not yet report on ForeignAssistance.gov. According to the government self-assessment report, several new agencies, such as the Department of Commerce, Department of Energy, Department of Labor, Department of Transportation, and Overseas Private Investment Corporation were onboarding as of mid-2016. For its part, the Department of the Treasury was increasing the number of data fields submitted to the site. Nonetheless, the number of agencies reporting data remained the same between the start of the action plan (October 2015) and the end of this report's evaluation period (June 2016).<sup>4</sup> Given that the government did not cite progress beyond the steps mentioned above, the milestone is considered to have a limited level of completion.

As for building capacity to improve data usage (Milestone 33.2), the State Department, USAID, and Millennium Challenge Corporation have published blog posts,<sup>5</sup> launched challenges, and held events to raise awareness of aid-transparency data. For instance, the government challenged the public to use ForeignAssistance.gov as part of the National Day for Civic Hacking<sup>6</sup> and worked with university students on using foreign-assistance data through the State Department's Diplomacy Lab Program.<sup>7</sup> In addition, the government launched an application programming interface for developers to use the data on ForeignAssistance.gov.<sup>8</sup> Given the many steps taken to expand usage of foreign-assistance data, the IRM agrees with the government's self-assessment that this milestone is substantially completed.

## Early Results (if any)

Despite positive efforts to increase the comprehensiveness and usage of foreign-assistance data, there are still significant limitations to the quality of the data online at ForeignAssistance.gov. In August 2016, the Government Accountability Office (GAO) found that "the data on ForeignAssistance.gov were incomplete and that [the] State [Department] was not fully transparent about such limitations on the website."<sup>9</sup> Specifically, the GAO found that ForeignAssistance.gov "did not report over \$10 billion in disbursements and about \$6 billion in obligations" for fiscal year 2014, compared to USAID-verified data.<sup>10</sup> These missing amounts represented 26 percent of total annual reimbursements and 14 percent of annual obligations.

Nonetheless, a positive development by mid-2016 was the approval of the Foreign Aid Transparency and Accountability Act in Congress. Although the passage of this legislation falls outside of the scope of the commitment, the law could spur the expansion and monitoring of aid transparency.<sup>11</sup>

## Next Steps

The next steps on this commitment include continued efforts to improve the quality and comprehensiveness of foreign-assistance data as well as ongoing stakeholder engagement to increase data usage and awareness. Some recommendations from civil society include creating a central leadership structure that holds agencies accountable while preserving their autonomy, improving data-management systems, building data apps and tools, and publishing more humanitarian-aid and gender data.<sup>12</sup>

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<sup>1</sup> Laia Griño, "USAID Moving On Up on Aid Transparency," 9 July 2015, <http://bit.ly/2v7miYo>

<sup>2</sup> The OpenTheGovernment.org civil society coalition scored the commitment as having "mostly incorporated" civil society recommendations. See the full score here: <http://www.openthegovernment.org/node/5028>. See also

the following articles written by civil society stakeholders calling for greater quality, usage, and accessibility of aid data, including specific elements included in the commitment such as sector codes: <http://bit.ly/2v7miYo>; <http://bit.ly/2hd0XXs>; <https://www.interaction.org/blog/foreign-assistance-dashboard-redesign>

<sup>3</sup> Laia Griño, “The US Commits To The Right Things In Foreign Aid Transparency: Increasing Quality And Use,” 4 November 2015, <http://bit.ly/2oQB6E5>

<sup>4</sup> Based on archived versions of ForeignAssistance.gov from 30 October 2015 (available here: <http://bit.ly/2hcOEuC>) and 1 July 2016 (available here: <http://bit.ly/2walmPQ>), the number of agencies submitting data to ForeignAssistance.gov remained the same (10).

<sup>5</sup> Dennis Vega, “Call to Action: Drive Demand For Open Foreign Assistance Information,” 26 May 2016, <http://bit.ly/2tSMfv3>

<sup>6</sup> National Day of Civic Hacking, Challenge: Open Foreign Assistance, 4 June 2016, <http://bit.ly/2vaqB4P>

<sup>7</sup> Assessing and Developing Usability For Foreign Aid Data Diplomacy Lab, 2 January 2016, <http://bit.ly/2vi2CBw>

<sup>8</sup> ForeignAssistance.gov, For Developers, <http://www.foreignassistance.gov/developers>

<sup>9</sup> Government Accountability Office, Actions Needed to Improve Transparency and Quality of Data on ForeignAssistance.gov, August 2016, <https://www.gao.gov/assets/680/679204.pdf>

<sup>10</sup> Ibid.

<sup>11</sup> Adva Saldinger, “US Congress approves long-sought Foreign Aid Transparency and Accountability Act,” Devex, 7 July 2016, <http://bit.ly/29pknFx>

<sup>12</sup> Friends of Publish What You Fund, How Can Data Revolutionize Development? October 2016, <http://bit.ly/2tTKIdC>

## Commitment 34. Participatory Budgets and Responsive Spending

### Commitment Text:

#### **Empower Americans through Participatory Budgets and Responsive Spending**

Participatory budgeting promotes the public's participation in spending taxpayer dollars by engaging citizens in a community to help decide how to allocate public funds. To advance participatory budgeting in the United States, the White House will work with communities, non-profits, civic technologists, and foundation partners to develop new commitments that will expand the use of participatory budgeting in the United States. As a first step, the White House will convene an action-oriented Participatory Budgeting Workshop in 2015 to garner commitments that support community decision-making for certain projects using public funds.

**Responsible institution(s):** Department of Housing and Urban Development and Office of Science and Technology Policy

**Supporting institution(s):** NA

**Start date:** Not specified

**End date:** Not specified

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
34. Overall				✓		✓				✓			Yes				✓

### Context and Objectives

This commitment aims to hold a participatory budgeting workshop in 2015. As defined by the International Budget Partnership, participatory budgeting (PB) is “the process by which citizens deliberate and negotiate over the distribution of public resources.” By engaging with the public in the budget process, PB can empower individuals, particularly those from low-income communities who have historically been excluded from such processes.<sup>1</sup> During the previous action plan, the government held a meeting of subject-matter experts at the White House, and the Department of Housing and Urban Development created a PB resources page on its website.<sup>2</sup> This commitment looks to build on these previous efforts.

The commitment is relevant to the OGP value of civic participation and is highly specific in that there is a clear and measurable deliverable (the PB workshop). However, the commitment is limited in scope in that it proposes a one-time event without follow-up. As a result, its impact if fully implemented is likely to be minor.

### Completion

This commitment is complete. In February 2016, the US Office of Science and Technology Policy held a two-day PB workshop in conjunction with the Harvard Kennedy School’s Ash Center for Democratic Governance and Innovation in Washington, DC. The workshop was attended by 75 elected officials, academics, technologists, and community members, among

others. The workshop's goal was to discuss ways to expand and strengthen PB in the United States.<sup>3</sup>

### **Early Results (if any)**

Participants at the PB workshop made commitments to support and expand PB in the future. For example, government officials and activists committed to building additional political support for PB and to attending the Participatory Budgeting Conference in May 2016. Others committed to sharing their experiences with local communities looking to get involved. Federal agencies, for their part, committed to encouraging other bureaus to support PB through their work plans and policies.<sup>4</sup> However, given the vagueness of these commitments, it is not possible to identify results that stem directly from the PB workshop.

Although beyond the scope of this commitment, the Participatory Budgeting Project (PBP) partnered with the White House Opportunity Project, an open data effort launched in March 2016 to improve economic mobility through expanded resources and tools. As part of this project, the PBP will incorporate data and tools from the Opportunity Project into PB processes across the country.<sup>5</sup>

### **Next Steps**

Potential next steps include organizing additional PB workshops, evaluating existing efforts, and taking concrete steps to implement and support PB in practice. In the future, partnerships between civil society organizations and local governments to expand engagement and raise awareness of PB could increase the potential impact of these initiatives.

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<sup>1</sup> International Budget Partnership. "Themes: Participatory Budgeting." <http://www.internationalbudget.org/themes/PB/#WhatIs>. Consulted 25 June 2017.

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

<sup>3</sup> Ash Center for Democratic Governance and Innovation. 8 March 2016. "Ash Brings Focus on Participatory Budgeting to Policymakers in Washington." <https://ash.harvard.edu/news/ash-bring-focus-participatory-budgeting-policymakers-washington>. Consulted 25 June 2017.

<sup>4</sup> Great Cities Institute, GCI Attends 2nd White House Convening on Participatory Budgeting, 29 February 2016, <http://bit.ly/2eYp8by>

<sup>5</sup> Participatory Budgeting Project, PBP Working with The White House to Connect Open Data to Participatory Budgeting, 10 March 2016, <http://bit.ly/2vbCFT7>

## Theme 6. Justice and Law Enforcement

### Commitment 35. Expand Access to Justice

**Commitment Text:**

**Expand Access to Justice to Promote Federal Programs**

Equal access to justice helps lift individuals and families out of poverty, or helps to keep them securely in the middle class, and bolsters the public’s faith in the justice system. The White House Legal Aid Interagency Roundtable, which currently includes 20 Federal offices and is co-led by the White House Domestic Policy Council and the Department of Justice, works to raise awareness about the profound impact that legal aid programs can have in advancing efforts to promote access to health and housing, education and employment, family stability, and public safety. These agencies work diligently to determine which programs that help the vulnerable and underserved could be more effective and efficient, and produce better outcomes for the public when legal services are among the supportive services provided. On September 24, 2015, President Obama issued a memorandum intended to institutionalize this Roundtable, expand the participating agencies, and include consideration of equal access to justice for low-income people in both the civil and criminal justice systems. The Roundtable will seek input from civil society, and will annually report on the progress of this work.

**Responsible institution(s):** White House Domestic Policy Council, Department of Justice

**Supporting institution(s):** 21 Federal partners that make up the White House Legal Aid Interagency Roundtable

**Start date:** Not specified

**End date:** Not specified

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
35. Overall		✓				✓				✓			Yes			✓	

**Context and Objectives**

This commitment is the result of a presidential memorandum from 24 September 2015<sup>1</sup> that seeks to institutionalize the White House Legal Aid Interagency Roundtable. The roundtable was formed in 2012 with the goal of raising awareness of the positive benefits of legal-aid programs. Studies have shown that access to civil legal aid can dramatically impact outcomes.<sup>2</sup> Moreover, studies suggest that “about 80 percent of the civil legal needs of those living in poverty are unmet.”<sup>3</sup> This commitment aims to have the roundtable seek input from civil society members, expand its participating agencies, and report its progress annually.

The commitment has clear relevance for the OGP value of civic participation. However, specificity for this commitment is low given the lack of detail concerning how outreach to civil society will be conducted, who will be contacted, and what will be done with the

information received. Although greater access to justice is an important objective, the commitment has a minor potential impact given the lack of clarity surrounding civil society's involvement in influencing policies and decisions in this space.

### Completion

Completion for this commitment is substantial. The roundtable held its inaugural meeting in February 2016 and now comprises 22 agencies (up from 20 in September 2015).<sup>4</sup> According to the government's midterm self-assessment report,<sup>5</sup> roundtable leaders engaged with the civil legal-aid community via a series of presentations, and they launched a website<sup>6</sup> and toolkit to "provide a roadmap to the ways in which legal services can enhance federal strategies for serving vulnerable and underserved populations." The toolkit includes a primer on legal aid, relevant case studies, and additional resources.<sup>7</sup> In addition, the roundtable launched a report to follow up on a civil legal-aid workshop from May 2015 and published four case studies on civil legal aid.<sup>8</sup> However, by the close of this report's evaluation period (June 2016), the roundtable had not yet published an annual report on its outreach activities. Activities carried out after June 2016 will be fully reflected in the IRM end-of-term report.

### Early Results (if any)

As of June 2016, there was limited evidence of the roundtable substantively engaging with the public—beyond presentations and the launch of online resources—after its inaugural meeting in February 2016. The civil-aid toolkit, new website, and case studies represent a growing source of information and resources on civil legal aid, but these measures fall short of meaningful collaboration with the public on expanding access to justice. Nonetheless, the roundtable serves as an important forum for raising awareness of civil legal aid both inside and outside of government and for encouraging the development of new government programs to improve access to justice for Americans. The full results of this initiative during the action-plan period will be assessed in the IRM end-of-term report.

### Next Steps

Next steps for this commitment include expanding outreach to civil society and improving government programs that promote equal access to justice for low-income people. According to the midterm self-assessment report, the roundtable will continue to update its website and toolkit and will participate in two additional interagency working groups, on self-represented parties in administrative hearings and on access to justice indicators and data collection.<sup>9</sup> Moving forward, it is important for the government to sustain communication not only with civil society stakeholders, but also among the various agencies leading this initiative. Future efforts could also expand the linkages between the federal government and local governments working on this issue.

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<sup>1</sup> White House Office of the Press Secretary. 24 September 2015. "Memorandum for the Heads of Executive Departments and Agencies: On the Establishment of the White House Legal Aid Interagency Roundtable." <https://www.justice.gov/atj/file/851121/download>. Consulted 26 June 2017.

<sup>2</sup> United Nations, United States of America: Legal Aid Interagency Roundtable, <http://bit.ly/2vj9H4y>

<sup>3</sup> Rebecca Buckwalter-Poza, "Making Justice Equal," Center for American Progress, 8 December 2016, <http://amp.rgs/2hojR9a>

<sup>4</sup> Department of Justice, Attorney General Loretta E. Lynch and Domestic Policy Council Director Cecilia Muñoz Convencione Inaugural White House Legal Aid Interagency Roundtable, 3 March 2016, <http://bit.ly/2vVew18>

<sup>5</sup> "United States of America Midterm Self-Assessment Report for the Open Government Partnership: Third Open Government National Action Plan, 2015-2017." September 2016. p.37. [https://www.opengovpartnership.org/sites/default/files/USA\\_NAP3\\_self-assessment-report\\_20160916.pdf](https://www.opengovpartnership.org/sites/default/files/USA_NAP3_self-assessment-report_20160916.pdf).

<sup>6</sup> US Department of Justice Legal Aid Interagency Roundtable Homepage. <https://www.justice.gov/lair>. Consulted 26 June 2017.

<sup>7</sup> US Department of Justice Legal Aid Interagency Roundtable Toolkit, <https://www.justice.gov/lair/toolkit>

<sup>8</sup> Department of Justice, Attorney General Loretta E. Lynch and Domestic Policy Council Director Cecilia Muñoz Convene Inaugural White House Legal Aid Interagency Roundtable, 3 March 2016, <http://bit.ly/2vVewI8>

<sup>9</sup> “United States of America Midterm Self-Assessment Report for the Open Government Partnership: Third Open Government National Action Plan, 2015-2017.” September 2016. p.37.  
[https://www.opengovpartnership.org/sites/default/files/USA\\_NAP3\\_self-assessment-report\\_20160916.pdf](https://www.opengovpartnership.org/sites/default/files/USA_NAP3_self-assessment-report_20160916.pdf).

## ★ Commitment 36. Police Open Data

### Commitment Text:

#### **Build Safer and Stronger Communities with Police Open Data**

*In response to recommendations of the President’s Task Force on 21st Century Policing, the United States is fostering a nationwide community of practices to highlight and connect local open data innovations in law enforcement agencies to enhance community trust and build a new culture of proactive transparency in policing. The Office of Science and Technology Policy and the Domestic Policy Council have been working on the Police Data Initiative in collaboration with Federal, state, and local governments and civil society to proactively release policing data, including incident-level data disaggregated by protected group. This work aims to improve trust, bring better insight and analysis to policing efforts, and ultimately co-create solutions to enhance public safety and reduce bias and unnecessary use of force in policing. Currently, 26 participating jurisdictions including New Orleans, Knoxville, and Newport News, are working side-by-side with top technologists, researchers, data scientists, and design experts to identify and overcome existing barriers to police efficacy and community safety. The Office of Science and Technology Policy and the Domestic Policy Council will continue to expand the Police Data Initiative to include additional jurisdictions. They will explore opportunities to work more closely with state partners and work to build out more resources such as playbooks and technology tools to help jurisdictions easily extract and publish data.*

**Responsible institution(s):** Domestic Policy Council, Office of Management and Budget, Office of Science and Technology Policy

**Supporting institution(s):** Law enforcement leadership from states, counties and cities, academia, foundations, nonprofit organizations and technologists

**Start date:** Not specified

**End date:** Not specified

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
36. Overall			✓		✓	✓		✓				✓	Yes			✓	

**Editorial Note:** This commitment is a starred commitment because it is measurable, clearly relevant to OGP values as written, has transformative potential impact, and is substantially or completely implemented.

### Context and Objectives

This commitment expands on work initiated as a recommendation from President Barack Obama’s Task Force on 21st Century Policing.<sup>1</sup> Specifically, this commitment aims to expand the reach of the Police Data Initiative by including additional state partners and developing more resources to collect and publish policing data. The US government launched the Police Data Initiative in May 2015 with the goal of using open data to build community trust, foster innovation, increase internal accountability, and reduce inappropriate uses of force.<sup>2</sup> The initiative involves a community of law enforcement agencies, technologists, and researchers who publish data sets on policing activities.



As of June 2015, a Gallup poll found that the percentage of Americans having “a great deal” or “quite a lot” of trust in the police dropped to 52 percent, tying an all-time low since polling on that issue began 22 years ago. The combined percentage of respondents having “very little” or no confidence in the police similarly reached a historic high at 18 percent, amid a series of incidents in which black men were killed by white police officers.<sup>3</sup> This commitment’s attempts to use data to improve community trust in policing take place against this backdrop.

This commitment has the potential to be transformative, even though it is not clear which kinds of data will be released. As public distrust of the police has grown, there have been repeated calls for greater transparency of policing activities.<sup>4</sup> In particular, there have been calls for greater public disclosure of information surrounding the use of force by law enforcement.<sup>5</sup> As researchers have noted, this type of information “remains extremely limited.”<sup>6</sup> In fact, there is no central repository containing data on homicides or other kinds of police violence, and there are no rules requiring law enforcement agencies to collect this information.<sup>7</sup> In 2015, FBI Director James Comey acknowledged, “It’s ridiculous that I can’t tell you how many people were shot by the police last week, last month, last year.”<sup>8</sup>

Although law enforcement agencies track many other kinds of criminal-justice data, the comprehensiveness and quality of the information vary widely.<sup>9</sup> As a result, citizen-led data initiatives have attempted to fill the gaps and now provide some of the most comprehensive data in this field. By uncovering cases of racial profiling and police brutality, these initiatives have demonstrated the impact this kind of data can generate.<sup>10</sup> In this context, government efforts such as the Police Data Initiative that provide greater public access to police data—including the use of force—hold significant potential, even if they remain a small part of the solution to a much broader issue.

The specificity of this commitment is medium. While the commitment’s goals are clear, the text does not clearly indicate the scope of jurisdictional expansion or the specific type or range of tools that might be developed. The commitment has clear relevance for OGP values of access to information, civic participation (due to the engagement with civil society as part of the initiative), and technology and innovation, but the commitment is somewhat vague on the mechanisms for achieving progress in these areas.

### **Completion**

The government has achieved substantial progress toward fulfilling this commitment. As of April 2016 (marking the initiative’s one-year anniversary), the Police Data Initiative was expanded to include 53 total jurisdictions (up from 26 at the outset of the third national action plan), including three out of the five largest police departments and covering roughly 40 million people.<sup>11</sup> By June 2016, the number of participating jurisdictions had increased to 57.<sup>12</sup> The initiative also had published 136 data sets by this date.<sup>13</sup> The data sets cover assaults on officers, officer-involved shootings, and use of force, among other issues.<sup>14</sup> In addition, the initiative’s leadership team hosted 180 people from law enforcement and civil society, including universities, nonprofits, and the technology sector, to share lessons learned from efforts to disclose police data.<sup>15</sup>

### **Early Results (if any)**

As part of the Police Data Initiative, law enforcement agencies across the country have been publishing previously undisclosed data sets on policing activities, such as historical officer-involved shooting data from the Vermont State Police,<sup>16</sup> use-of-force data from the Salt Lake City Police Department,<sup>17</sup> police demographics data from the Indianapolis Police Department,<sup>18</sup> and stop-and-frisk data from the Philadelphia Police Department.<sup>19</sup> The media has closely covered these data disclosures, highlighting findings from the data.<sup>20</sup>

There is also growing evidence of data usage and collaboration between law enforcement agencies and the public. The New Orleans Police Department, for example, worked directly with youth coders and mentors on newly disclosed policing data sets.<sup>21</sup> In Orlando, the

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police department held an event with sexual-assault and domestic-violence victim advocates to discuss its policing data and learn how to best use it to improve practices.<sup>22</sup> Another example is a partnership between the Charlotte-Mecklenburg Police Department and the University of Chicago's Center for Data Science and Public Policy to help predict officer characteristics that are more likely to lead to adverse interactions with the public.<sup>23</sup>

Despite the promising early results, the quality of the newly disclosed data remains a challenge. For example, law enforcement agencies currently publish data sets that define terms differently.<sup>24</sup> The lack of uniform standards across the initiative limits the potential for regional comparisons. In addition, some cities provide data that is poorly structured or covers a limited range of dates.<sup>25</sup>

### Next Steps

The immediate next steps include expanding the number of jurisdictions participating in the initiative and increasing the number of data sets published. To accomplish these goals, it is important to ensure implementation and ownership of the initiative by the Office of Community Oriented Policing Services within the Department of Justice. Additional resources could also be devoted to raising awareness of the initiative and the existing data, creating visualization tools that make the data easier to understand, and sustaining engagement with the public. In the medium-to-long term, developing criminal-justice data standards will be essential to ensure the reliability and usability of the data released as part of the initiative.

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<sup>1</sup> President's Task Force on 21st Century Policing. 2015. Final Report of the President's Task Force on 21st Century Policing. Washington, DC: Office of Community Oriented Policing Services. <http://bit.ly/2eaHIXN>

<sup>2</sup> Megan Smith and Roy L. Austin, Jr, Launching the Police Data Initiative, 18 May 2015, <http://bit.ly/2uLbFjw>

<sup>3</sup> Jones, M. Jeffrey. Gallup. "In US, Confidence in Police Lowest in 22 Years." See <http://www.gallup.com/poll/183704/confidence-police-lowest-years.aspx>. Consulted 27 June 2017.

<sup>4</sup> DeRay McKesson, "Opinion: Washington Needs to Tell the Truth about Police Violence," *Washington Post*, 16 June 16, 2015, <http://wapo.st/2vjn3xV>.

<sup>5</sup> Michael Grothaus, "The US Doesn't Track Deaths By Police, So Citizens Are Doing It." *Fast Company*, 18 June 2015, <http://www.fastcompany.com/3045724/fatal-encounters-crowdsourcing-deaths-by-police>.

<sup>6</sup> Robyn Caplan et al, Open Data, the Criminal Justice System, and the Police Data Initiative, *Datacivilrights.org*, 27 October 2015, [http://www.datacivilrights.org/pubs/2015-1027/Open\\_Data\\_Police\\_Data\\_Initiative.pdf](http://www.datacivilrights.org/pubs/2015-1027/Open_Data_Police_Data_Initiative.pdf)

<sup>7</sup> Michael Grothaus, "The US Doesn't Track Deaths By Police, So Citizens Are Doing It." *Fast Company*, 18 June 2015, <http://www.fastcompany.com/3045724/fatal-encounters-crowdsourcing-deaths-by-police>.

<sup>8</sup> Katelyn Fossett, "The DIY Effort to Count Who Police Kill," *Politico*, 9 June 2015, <http://politi.co/2wcho9c>

<sup>9</sup> Robyn Caplan et al, Open Data, the Criminal Justice System, and the Police Data Initiative, *Datacivilrights.org*, 27 October 2015, [http://www.datacivilrights.org/pubs/2015-1027/Open\\_Data\\_Police\\_Data\\_Initiative.pdf](http://www.datacivilrights.org/pubs/2015-1027/Open_Data_Police_Data_Initiative.pdf)

<sup>10</sup> Ibid.

<sup>11</sup> Wardell, Clarence and Ross, Denise. Medium. "The Police Data Initiative Year of Progress: How We're Building on the President's Call to Leverage Open Data to Increase Trust between Police and Citizens." <https://medium.com/@ObamaWhiteHouse/the-police-data-initiative-year-of-progress-how-we-re-building-on-the-president-s-call-to-leverage-3ac86053e1a9>. Consulted 27 June 2017.

<sup>12</sup> See an archived version of the Police Data Initiative website from June 2016, available here: <http://bit.ly/2uPFAUk>.

<sup>13</sup> Ibid.

<sup>14</sup> Data sets are available for download on the Police Data Initiative's website at <https://www.policedatinitiative.org/datasets/>. Note that additional data sets have been added since the time of writing of this report, so the website will display more than 90 data sets.

<sup>15</sup> Alyssa Doom and Damian Ortellado, “Lessons learned from a year of opening police data,” Sunlight Foundation, 4 May 2016, <http://bit.ly/2uLABkh>

<sup>16</sup> Elizabeth Hewitt, Vermont State Police invite scrutiny with new database, 16 November 2016, <http://bit.ly/2vdhU9A>

<sup>17</sup> Derek Major, Salt Lake City joins the Police Data Initiative, 17 May 2016, <http://bit.ly/2uL0LBP>

<sup>18</sup> Jason Shueh, This Week in Civic Tech: Indianapolis PD Opens Use-of-Force Data, Machine Learning Leaps Forward, 17 December 2015, <http://bit.ly/2uLIV3H>

<sup>19</sup> Juliana Reyes, Why we should be talking about the Police Department’s stop-and-frisk data, 9 May 2016, <http://bit.ly/2uPri1e>

<sup>20</sup> See notes 16, 17, and 18 above for examples of media coverage. See also media coverage of police data in Orlando, available here: <http://bit.ly/2va8YCw>.

<sup>21</sup> Denice Ross, “Does Open Data Build Trust?” 22 July 2015, <http://bit.ly/2f03eoe>

<sup>22</sup> City of Orlando, City of Orlando Organizes Domestic Violence and Sexual Assault Data Preview Event, 28 January 2016, <http://bit.ly/2wcyFiO>

<sup>23</sup> Patil, DJ, Abramson, Jerry, and Austin, Roy. 27 October 2015. The White House Blog. “The Police Data Initiative: A 5-Month Update.” <https://obamawhitehouse.archives.gov/blog/2015/10/27/police-data-initiative-5-month-update>. Consulted 27 June 2017.

<sup>24</sup> Jeff Asher, Which Cities Share The Most Crime Data? *FiveThirtyEight*, 28 December 2015, <http://53eig.ht/2v9Sdat>

<sup>25</sup> Ibid.

## Theme 7. Support Open Government at the Subnational Level

### Commitment 37. Open Federal Data to Benefit Local Communities

**Commitment Text:**

**Open Federal Data to Benefit Local Communities**

State and local governments are increasingly using Federal open data to deliver value and improve citizen services at the local level. For example, cities use postal data compiled by the Department of Housing and Urban Development to benchmark the successes of blight eradication initiatives, and to borrow effective practices from cities experiencing success. Urban planners use data from the National Oceanic and Atmospheric Administration on projected sea level rise, in concert with elevation data from the U.S. Geological Survey, to set zoning and building standards that account for climate change. Additionally, state and local emergency planners rely on data feeds from the National Weather Service to trigger protocols that protect critical infrastructure as severe weather approaches. In 2015, the Administration published an online map containing open datasets from community-based initiatives across more than 15 Federal agencies to help citizens discover the work taking place in their own communities. The Administration will continue to update the map with datasets on new initiatives to help citizens, researchers, journalists, and other stakeholders identify and track the progress of this work in a single, accessible location. The Administration will release additional Federal data to fill crucial information gaps at the local level and spur civic innovations that foster economic growth, access to healthcare, community resilience, and other entrepreneurial efforts.

**Responsible institution(s):** Census Bureau and National Oceanic and Atmospheric Administration in the Department of Commerce, Department of Education, Department of Labor, Office of the Surgeon General in the Department of Health and Human Services, Department of Housing and Urban Development, Office of Management and Budget, Department of Agriculture, and United States Geological Survey

**Supporting institution(s):** State and local government leaders, civil society stakeholders, academia, advocates, and technologists

**Start date:** Not specified

**End date:** Not specified

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
37. Overall			✓		✓			✓		✓			No		✓		

**Context and Objectives**

This commitment aims to update an online interactive map containing open data sets from federally funded community-based initiatives across the country.<sup>1</sup> According to the White House, the map’s goal is to offer “a more interactive view of our community based initiatives

around the country.”<sup>2</sup> The map visualizes community-based initiatives and includes demographic information. Updates to the map are intended to help members of civil society and other interested stakeholders track initiative progress in a centralized location, fill data gaps at the local level, and contribute to civic innovations that benefit society in a variety of ways.

Updating the existing interactive map and releasing additional data from community-based initiatives has clear relevance for OGP values of access to information and technology and innovation. However, the commitment text does not fully explain the extent of the proposed activities. Although the government commits to continuing “to update the map with datasets” and releasing “additional Federal data,” it is unclear which data sets will be published, or how many. Due to the lack of specificity surrounding the scope of the initiative and unclear opportunities for actual data usage, this commitment is likely to have a minor impact if fully implemented.

### **Completion**

There is limited progress in fulfilling this commitment. According to the US government’s midterm self-assessment report,<sup>3</sup> many data layers associated with the initial map of community-based initiatives are now available via the Department of Housing and Urban Development’s “Promise Zones” initiative,<sup>4</sup> which aims to improve economic, educational, housing, and public-safety outcomes in high-poverty communities. However, the IRM researcher was unable to find this information in a review of the Promise Zones website.<sup>5</sup> More importantly, the updating of the original map with additional data sets—the core activity of this commitment—was not completed.<sup>6</sup>

The self-assessment report notes that in March 2016, the US government launched the Opportunity Project<sup>7</sup> “as a platform for using a newly curated combination of Federal and local open data and digital tools to expand access to opportunity for all Americans.” However, the Opportunity Project is a platform that opens federal and local government data sets for external partners to develop digital tools that increase economic opportunity. In this sense, the Opportunity Project is only tangentially related to the commitment as it is written. For this reason, the commitment is considered to have a limited level of completion.

### **Early Results (if any)**

Although the map mentioned in the commitment text did not receive any updates or generate results, the new Opportunity Project holds significant promise. As Alex Howard, the deputy director of the Sunlight Foundation, points out, the power of the Opportunity Project is that it is not just a website that discloses data, but rather a platform that engages private-sector companies and nonprofit organizations in the creation of digital tools that can directly serve individuals.<sup>8</sup> As Howard noted, people may not view or download the data on the government website, but they will benefit from the improved services offered by companies that are using the data.<sup>9</sup> For example, Redfin, a private real estate company, used job data from the Department of Commerce to create an Opportunity Score that shows users which jobs are accessible to them without a car.<sup>10</sup> Other private-sector innovations include Zillow’s “Invest in the Future,” a tool that identifies areas of Baltimore that have high potential for development,<sup>11</sup> and PolicyMap’s tool to help families in Philadelphia find housing that meets the criteria that are most important to them.<sup>12</sup> Nonetheless, as mentioned above, the results achieved as part of the Opportunity Project are not closely linked to this commitment as it is written in the action plan.

### **Next Steps**

Next steps include the ongoing expansion of the Opportunity Project and continued collaboration between the government and the private sector, local communities, and civil society organizations on disclosing and utilizing data to improve economic opportunities.

<sup>1</sup> See The White House. “Map of Administration Community-based Initiatives: About the Data.” The map is available at <https://obamawhitehouse.archives.gov/omb/place/datasets>. Consulted 27 June 2017. For the actual map, see <https://obamawhitehouse.archives.gov/omb/place>.

<sup>2</sup> Ibid.

<sup>3</sup> “United States of America Midterm Self-Assessment Report for the Open Government Partnership: Third Open Government National Action Plan, 2015-2017.” September 2016. pp.38-39.

<sup>4</sup> See US Department of Housing and Urban Development. “Promise Zones.” [https://portal.hud.gov/hudportal/HUD?src=/program\\_offices/comm\\_planning/economicdevelopment/programs/pz](https://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/economicdevelopment/programs/pz). Consulted 27 June 2017.

<sup>5</sup> US Department of Housing and Urban Development Exchange. “Promise Zones First Round Urban Designees.” <https://www.hudexchange.info/programs/promise-zones/promise-zones-urban-designees/#los-angeles>. Consulted 27 June 2017.

<sup>6</sup> The map website specifies that it was last updated in August 2015, prior to the start of the third national action plan. A comparison between this website (available here: <https://obamawhitehouse.archives.gov/omb/place>) and an archived version from October 2015 (available here: <http://bit.ly/2heUFGR>) confirms that the number of data sets available on the website has not changed.

<sup>7</sup> The White House, Office of the Press Secretary. 7 March 2016. “Fact Sheet: The White House Launches ‘The Opportunity Project,’ Utilizing Open Data to Build Stronger Ladders of Opportunity for All.” <https://obamawhitehouse.archives.gov/the-press-office/2016/03/07/fact-sheet-white-house-launches-opportunity-project-utilizing-open-data>. Consulted 27 June 2017.

<sup>8</sup> Alex Howard, President Obama’s new open data initiative could help cities help themselves, 8 March 2016, <http://tek.io/2tPUHXM>

<sup>9</sup> Conner Forrest, How the White House ‘Opportunity Project’ wants to use open data to improve communities, 7 March 2016, <http://tek.io/1U5YHgg>

<sup>10</sup> Amanda Ziadeh, White House launches open data Opportunity Project, 8 March 2016, <http://bit.ly/2uMpiID>

<sup>11</sup> Zillow, White House Opportunity Project: Invest in the Future of Baltimore, 7 March 2016, <http://bit.ly/2uMbAFA>

<sup>12</sup> Amanda Ziadeh, White House launches open data Opportunity Project, 8 March 2016, <http://bit.ly/2uMpiID>

## Commitment 38. Support the Municipal Data Network

### Commitment Text:

#### Support the Municipal Data Network

Local governments have the ability to enact change and revolutionize services and efficiency by using data analytics and encouraging transparency and the economy through open data. However, municipal governments face challenges in leveraging the data economy — challenges that range from legacy systems to limited resources, capacity, and skills in data. Cities and counties across the country will join to establish a Municipal Data Network, led by San Francisco, Los Angeles, Chicago, Philadelphia, and Pittsburgh, and supported by Data.gov within the General Services Administration. This network will identify methods to sustainably share and scale data successes related to open data, analytics, performance management, data culture and capacity, data infrastructure and tools, and data standards, so that local governments across the country can accelerate their efforts. In addition, this network will identify opportunities for cross-city partnerships as well as ways to join with the philanthropic and private sector and relevant Federal and state agencies to accelerate data efforts in a repeatable and scalable manner.

**Responsible institution(s):** General Services Administration

**Supporting institution(s):** State and local government leaders, academia, foundations, and civil society stakeholders

**Start date:** Not specified

**End date:** Not specified

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
38. Overall				✓	✓	✓		✓					Yes			✓	

### Context and Objectives

This commitment aims to establish a Municipal Data Network. The network will identify methods of sharing and scaling successful data initiatives, establish cross-city and cross-sector partnerships (for example, public-private, public-philanthropic), and receive support from Data.gov within the General Services Administration (GSA). This commitment takes place in the context of a broader movement among cities to utilize data to enhance transparency to improve the provision of public services, increase municipal revenue, and meet a variety of other goals.<sup>1</sup>

This commitment is highly specific because it proposes a clear deliverable (the establishment of the Municipal Data Network), identifies the lead actors, and lists several proposed activities. The commitment has clear relevance for the OGP values of access to information and technology and innovation. It is also relevant to civic participation because it proposes partnerships between municipalities and the philanthropic and private sectors.

If fully implemented, this commitment is likely to have a minor impact. Existing initiatives and organizations, such as What Works Cities and the Sunlight Foundation, are already engaged



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in substantive efforts to facilitate open data usage among cities and create networks of municipal leaders to help share data successes.<sup>2</sup> While GSA could play a key role in supporting local data initiatives as part of the proposed Municipal Data Network, it is difficult to foresee a significant impact without knowing the scale of the proposed network's activities and partnerships.

### **Completion**

There is substantial progress on this commitment. The Municipal Data Network was formally established in early 2016 and subsequently became the Civic Analytics Network, a network of city-level chief data officers run by the Harvard Kennedy School's Ash Center for Democratic Governance and Innovation, under the umbrella of the Data-Smart City Solutions Initiative.<sup>3</sup> The goal of the Civic Analytics Network is to collaborate on projects that enhance the use of data visualization and predictive analytics to address issues of economic opportunity, poverty reduction, and the root causes of social problems of equity and opportunity.<sup>4</sup> The Municipal Data Network's emergence as the Civic Analytics Network is mentioned in the US government's midterm self-assessment report<sup>5</sup> although the Civic Analytics Network's website does not make any mention of the Municipal Data Network. Moreover, the Civic Analytics Network participants do not exactly match those of the earlier Municipal Data Network.<sup>6</sup> The reasons for this discrepancy are unclear.

According to the federal government, the Civic Analytics Network held an in-person meeting in April 2016 and holds monthly teleconferences.<sup>7</sup> The April 2016 meeting took the form of a two-day network launch event,<sup>8</sup> and the Civic Analytics Network's website confirms the intention to hold monthly telephone meetings. In addition, the federal government noted in its self-assessment report that GSA is working to link this and other similar initiatives such as the MetroLab Network<sup>9</sup> and the What Works Cities initiative<sup>10</sup> to the US Data Federation, a data.gov coordinating mechanism.<sup>11</sup>

### **Early Results (if any)**

As described above, early results include monthly telephone meetings of the Civic Analytics Network and an in-person meeting in April 2016. There are no additional results to report as of June 2016 (the end of this report's evaluation period), as the network was launched only two months prior to that. An assessment of the network's most recent activities will be included in the IRM end-of-term report.

### **Next Steps**

As explained in the US government's midterm self-assessment report, next steps include establishing connections between the Civic Analytics Network and other complementary initiatives, such as What Works Cities and the MetroLab Network, under umbrella efforts by Data.gov.<sup>12</sup> Future efforts could also look to establish data standards, expand the number of cities and counties participating in the network, and ensure that the results of collaborative work are openly shared.

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<sup>1</sup> See Newcombe, Todd. 14 December 2016. "How Government Can Unlock Economic Benefits from Open Data." *Government Technology Magazine*. <http://www.govtech.com/data/How-Government-Can-Unlock-Economic-Benefits-from-Open-Data-Part-1.html>. Consulted 1 July 2017. See also McKinsey & Company. 2014. *Innovation in Local Government: Open Data and Information Technology*.

<sup>2</sup> See <https://whatworkscities.bloomberg.org/>. What Works Cities includes 85 cities as of July 2017.

<sup>3</sup> The website for original Municipal Data Network (no longer operational) is <http://www.munidatanet.org/>. The Civic Analytics Network can be found at <http://datasmart.ash.harvard.edu/civic-analytics-network>. Consulted 1 July 2017. For additional details on the Civic Analytics Network's intended scope of activities, see Data-Smart City Solutions. 4 May 2016. "About the Civic analytics Network: A Network of Leading Chief Data Officers." Harvard Kennedy School Ash Center for Democratic Governance and Innovation. <http://datasmart.ash.harvard.edu/news/article/about-the-civic-analytics-network-826>. Consulted 1 July 2017.



<sup>4</sup> Data-Smart City Solutions, About the Civic Analytics Network, 4 May 2016, <http://bit.ly/2vfiNDf>

<sup>5</sup> “United States of America Midterm Self-Assessment Report for the Open Government Partnership: Third Open Government National Action Plan, 2015-2017.” September 2016. p39.

<sup>6</sup> According to an archived version of the Municipal Data Network’s website from June 2016 (available here: <http://bit.ly/2f4APgX>), the 12 participants included: Boston, Chicago, New York, Fort Lauderdale, Los Angeles, Philadelphia, San Francisco, Kansas City, New Orleans, Dallas, Pittsburgh, and Atlanta. However, the 12 initial participants of the Civic Analytics Network (available here: <http://bit.ly/2f5lKeZ>) also included Minneapolis, San Diego, and Seattle, as well as Allegheny County, Pennsylvania and King County, Washington. Municipal Data Network participants that did not join the Civic Analytics Network (at least initially) include Fort Lauderdale, Philadelphia, Kansas City, Dallas, and Atlanta.

<sup>7</sup> Data-Smart City Solutions. 4 May 2016. “About the Civic analytics Network: A Network of Leading Chief Data Officers.” Harvard Kennedy School’s Ash Center for Democratic Governance and Innovation. <http://datasmart.ash.harvard.edu/news/article/about-the-civic-analytics-network-826>. Consulted 1 July 2017.

<sup>8</sup> Eyrason Eidam, Nationwide Network of Urban Chief Data Officers Prompts Collaboration to Address Social Issues, 13 April 2016, <http://bit.ly/1Q9wmhY>

<sup>9</sup> MetroLab Network, <https://metrolabnetwork.org>

<sup>10</sup> What Works Cities, <https://whatworkscities.bloomberg.org>

<sup>11</sup> US Data Federation, <https://federation.data.gov/about/>

<sup>12</sup> “United States of America Midterm Self-Assessment Report for the Open Government Partnership: Third Open Government National Action Plan, 2015-2017.” September 2016. p39. See also What Works Cities’ website at [www.whatworkscities.bloomberg.org](http://www.whatworkscities.bloomberg.org), and MetroLab Networks’ website at <http://metrolab.heinz.cmu.edu/annual-summit/>. Consulted 1 July 2017.

## Commitment 39. Foster Data Ecosystems

### Commitment Text:

#### Foster Data Ecosystems

Local data about topics ranging from crime statistics, to transportation, to the availability of fresh foods can be combined with Federal data to help policymakers identify and implement community outreach programs, aid people with disabilities in getting around, and eliminate food deserts. The Census Bureau has led initial efforts to work closely with cities and rural communities and open-source communities to establish interoperable software development frameworks, such as CitySDK. This tool addresses local concerns while bridging data gaps that can sometimes occur among Federal, state, and local data. In order to accelerate local solutions that are developed with open data, the White House will host the first-ever Open Data Impact Summit to recognize innovative solutions and create new pathways to leverage technology and data to address important civic problems.

**Responsible institution(s):** Office of Management and Budget, Census Bureau in the Department of Commerce

**Supporting institution(s):** State and local government leaders, civil society stakeholders

**Start date:** Not specified

**End date:** Not specified

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
39. Overall		✓			✓			✓		✓			No	✓			

### Context and Objectives

This commitment aims to host an Open Data Impact Summit on “local solutions” that leverage open data. The summit will recognize existing solutions and create new pathways to address civic problems. This commitment occurs in the context of federal government efforts to bridge the data gaps among federal, state, and local data. For example, the Census Bureau launched CitySDK (software development kit) in June 2015 to connect local and federal data. The tool allows users to more easily combine data sets from different sources. According to the Center for Open Data Enterprise, “this kind of open source solution could be applied in many areas where different kinds of users need to discover, access and connect disparate standardized datasets.”<sup>1</sup> In this context, the proposed Open Data Impact Summit could help contribute to the development of similar data solutions.

However, this commitment lacks specificity. While the goal of hosting a summit is concrete, crucial details are lacking, such as the range of participants, solutions, and problems to be addressed, as well as a clear definition of what “local” encompasses (communities, cities, or something else). Given this lack of clarity with regard to the goal and the one-off nature of the proposed summit, the commitment’s potential impact is minor.

### **Completion**

The White House had not yet hosted an open data summit as of June 2016 (the cutoff date for this evaluation). The US government's midterm self-assessment report<sup>2</sup> highlights a range of activities that it views as falling under this commitment, such as releasing a new version of the CitySDK platform<sup>3</sup> and launching the Opportunity Project, a platform for technologists and local leaders to develop digital solutions that improve economic opportunity using government data.<sup>4</sup> However, these activities fall outside the core aim of this commitment (to hold an open data summit), and are therefore not relevant for completion. Activities carried out after June 2016 will be fully reflected in the IRM end-of-term report.

### **Early Results (if any)**

There are no early results to report given that the Open Data Summit was not held until after June 2016.

### **Next Steps**

Next steps include continued collaboration with local communities to use open data. In the future, the government could increase the potential impact of this commitment by proposing specific mechanisms that improve data interoperability among federal, state, and local government data sets.

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<sup>1</sup> Center for Open Data Enterprise, The 2016 US Open Data Roundtables: Recommendations from Data Providers and Users, <http://reports.opendataenterprise.org/2016opendataroundtables.pdf>

<sup>2</sup> "United States of America Midterm Self-Assessment Report for the Open Government Partnership: Third Open Government National Action Plan, 2015-2017." September 2016. p.40.

<sup>3</sup> CitySDK. <https://uscensusbureau.github.io/citysdk/>. Consulted 1 July 2017.

<sup>4</sup> The Opportunity Project. <https://uscensusbureau.github.io/opportunity/>. Consulted 1 July 2017.

## Commitment 40. Support Communities Through Data-Driven Government

### Commitment Text:

#### **Extend Digital, Data-Driven Government to Federal Government’s Support for Communities**

The Administration has been expanding work in digital, data-driven government to support better Federal agency service delivery. A next phase of this work will leverage technology and innovation tools and open data to extend, embed, and fill gaps in the Federal government’s work with local communities. The Administration commits to working across Federal agencies to increase access to tools that ease collaboration across Federal agencies and with local partners, build Federal teams to develop lasting local capacity and increase partnerships between the Federal government and local innovators, and tailor high-value open data sets and visualization tools for the needs of local communities. These efforts will add capacity at the local level, improve the effectiveness of Federal support for communities, and spur civic innovation that improves economic growth, access to services, access to opportunity, and community resilience.

**Responsible institution(s):** Office of Management and Budget

**Supporting institution(s):** Federal agencies, state and local government leaders, civil society stakeholders

**Start date:** Not specified

**End date:** Not specified

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
40. Overall		✓			✓			✓		✓			No		✓		

### Context and Objectives

This commitment aims to fill gaps in the federal government’s work with local communities using technology, “innovation tools,” and open data. Specifically, the commitment looks to increase access to tools that facilitate interactions between federal agencies and local communities, build federal teams to develop local capacity, increase federal partnerships with local innovators, and tailor “high-value” data sets and visualizations to better suit the needs of local communities. This commitment occurs in the context of a broader movement among local communities to utilize data,<sup>1</sup> as well as federal government efforts to support municipal data projects and bridge the gap among federal, state, and local data.<sup>2</sup>

This commitment is vague. It highlights a range of outputs, but does not specify concrete steps that will be taken to facilitate their completion, nor does it specify the range of actors who will be involved. For example, it is unclear which agencies will participate in “Federal teams” that will improve “local capacity,” which steps are needed to “tailor high-value open data sets” to fit local needs, or which kinds of tools will be developed by working across agencies and with local partners.

The commitment has clear relevance for the OGP values of access to information and technology and innovation given its aim to tailor open data sets to the needs of local communities. However, without knowing the specific mechanisms and initiatives that will be implemented, it is not possible to anticipate anything beyond a minor potential impact. Moreover, this commitment shares the same aim as other commitments (specifically Commitments 38 and 39), and may duplicate work being led by other organizations such as What Works Cities<sup>3</sup> and the Harvard Kennedy School's Ash Center for Democratic Governance and Innovation. The impact of this particular commitment is therefore likely to be minor relative to the status quo.

### **Completion**

There is limited progress on this commitment. As described in the US government's midterm self-assessment report,<sup>4</sup> the federal government established a Community of Practice for Community Solutions comprised of federal experts who work with local communities to achieve "meaningful outcomes in communities," partially through the use of data.<sup>5</sup> The Community of Practice holds bi-weekly "Innovation Exchange" webinars to share solutions and approaches to challenges faced by local communities.<sup>6</sup> The IRM researcher was unable to ascertain precisely when the Community of Practice was established although its website dates back to May 2016.<sup>7</sup>

The midterm report also notes that the I8F consultancy team of the General Services Administration (GSA) has begun working with states and "localities" to improve digital service delivery. According to I8F's website, I8F "collaborates with other agencies to fix technical problems, build products, and improve how government serves the public through technology."<sup>8</sup> Specifically relevant for this commitment, on 23 February 2016, I8F announced a program to provide consulting services to local government projects that receive federal funds, with an emphasis on "digital upgrades" for IT projects.<sup>9</sup> However, the IRM researcher was unable to locate specific examples of activities carried out under this program on I8F's website or via other publicly available sources. The midterm report provides no further details on this work.<sup>10</sup>

Finally, the midterm report mentions that GSA launched a "shared collaboration space" in 2016 with the San Francisco mayor's office for government agencies at all levels and "community innovators." This appears to refer to the establishment of the SuperPublic innovation lab on 10 May 2016. According to a Department of Commerce press release announcing its establishment, SuperPublic will focus on urban problems and scale solutions. It is a joint effort of the San Francisco mayor's office under Mayor Ed Lee, the US Department of Commerce, GSA, and the City Innovate Foundation.<sup>11</sup> SuperPublic is relevant for this commitment but constitutes a small step toward achieving the commitment's broader aims.

In light of the above, the overall commitment has a limited level of completion. This is in line with the US government's own completion assessment, as indicated in its midterm self-assessment report.<sup>12</sup>

### **Early Results (if any)**

The IRM researcher was unable to identify early results for this commitment as of June 2016. The most relevant activities carried out as part of this commitment concern those falling under the work of the Community of Practice for Community Solutions and GSA's I8F. However, the Community of Practice was established not long before June 2016, and SuperPublic's projects were yet to be announced as of July 2016.<sup>13</sup> As a result, no concrete early results were visible at the time of writing. A full assessment of the commitment's results through the end of the action-plan period will be included in the IRM end-of-term report.

## Next Steps

Next steps include more-concrete efforts by the Community of Practice for Community Solutions and GSA's I8F to partner with local communities and develop digital solutions to local problems. In the future, the IRM recommends better specifying the lead actors in the text of the commitment, as well as the mechanisms that will be employed to achieve the overall objective. In addition, the IRM suggests combining future open data initiatives related to collaboration with subnational entities into a single commitment with concrete milestones and deadlines for completion.

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<sup>1</sup> See Newcombe, Todd. 14 December 2016. "How Government Can Unlock Economic Benefits from Open Data." *Government Technology Magazine*. <http://www.govtech.com/data/How-Government-Can-Unlock-Economic-Benefits-from-Open-Data-Part-1.html>. Consulted 1 July 2017. See also McKinsey & Company. 2014. *Innovation in Local Government: Open Data and Information Technology*.

<sup>2</sup> See commitments 38 and 39 in this report for information on government efforts to achieve these goals.

<sup>3</sup> See the What Works Cities website at [www.whatworkscities.bloomberg.org](http://www.whatworkscities.bloomberg.org) and the Ash Center's Civic Analytics Program website at <http://datasmart.ash.harvard.edu/civic-analytics-network>. Consulted 1 July 2017.

<sup>4</sup> "United States of America Midterm Self-Assessment Report for the Open Government Partnership: Third Open Government National Action Plan, 2015-2017." September 2016. pp.40-41.

<sup>5</sup> Community of Practice for Community Solutions Website. "About Us." <https://communitysolutions.sites.usa.gov/about-us/>. Consulted 1 July 2017.

<sup>6</sup> Ibid. See also Community of Practice for Community Solutions Website. "Innovation Exchange." <https://communitysolutions.sites.usa.gov/category/innovation-exchange/>. Consulted 1 July 2017.

<sup>7</sup> See an archived version of the website dating back to May 2016 here: <http://bit.ly/2wm0R2E>

<sup>8</sup> I8F Website. "About Us." <https://i8f.gsa.gov/about/>. Consulted 1 July 2017.

<sup>9</sup> Shueh, Jason. "Feds Extend I8F's Silicon Valley Expertise to Cities, States." GovTech. <http://bit.ly/2uV4Sgv>. Consulted 1 July 2017.

<sup>10</sup> "United States of America Midterm Self-Assessment Report for the Open Government Partnership: Third Open Government National Action Plan, 2015-2017." September 2016. pp.40-41.

<sup>11</sup> US Department of Commerce. Press Release. "San Francisco Mayor Ed Lee, US Department of Commerce, GSA Administrator Denise Turner Roth, and City Innovate Foundation Announce First-of-Its-Kind Innovation Lab Bringing Public, Private and Non-Profit Sectors Together to Solve Urban Problems." <https://www.commerce.gov/news/press-releases/2016/05/san-francisco-mayor-ed-lee-us-department-commerce-gsa-administrator>. Consulted 1 July 2017.

<sup>12</sup> "United States of America Midterm Self-Assessment Report for the Open Government Partnership: Third Open Government National Action Plan, 2015-2017." September 2016. pp.40-41.

<sup>13</sup> Shueh, Jason. "Feds Extend I8F's Silicon Valley Expertise to Cities, States." GovTech. <http://bit.ly/2uV4Sgv>. Consulted 1 July 2017.

## Theme 8. Open Government to Support Global Sustainable Development

### Commitment 41. Open and Accountable Implementation of the SDGs

**Commitment Text:**

**Promote Open and Accountable Implementation of the Sustainable Development Goals**

*In September 2015, world leaders including President Obama adopted the 2030 Agenda for Sustainable Development, the successor framework to the Millennium Development Goals, which set out a vision and priorities for global development for the next 15 years. The Administration is committed to ensuring that efforts to implement the Sustainable Development Goals (SDGs) are open, transparent, and undertaken in partnership and consultation with civil society. With the inclusion of Goal 16, promoting peaceful and inclusive societies and access to justice, this new set of global goals recognizes the foundational role of transparent, accountable institutions for global development. Consistent with the 2015 Joint Declaration on Open Government for the Implementation of the 2030 Agenda for Sustainable Development, this National Action Plan includes commitments to harness open government and promote progress toward the SDGs both in the United States and globally, including in the areas of education, health, climate resilience, air quality, food security, science and innovation, justice, and law enforcement. Building on these efforts, the United States will continue to work alongside the partner governments, and private foundations, civil society organizations, private sector companies, and multilateral partners on next steps for the Global Partnership for Sustainable Development Data, a group of like-minded actors committed to creating and using data to support progress toward the SDGs. The United States will also convene interagency stakeholders and consult with civil society to take stock of existing U.S. government data that relates to each of the 17 SDGs, and to propose a strategy for tracking progress toward achieving the SDGs in the United States.*

**Responsible institution(s):** Office of Management and Budget, General Services Administration, Millenium Challenge Corporation, Department of State, United States Agency for International Development

**Supporting institution(s):** Federal agencies, private foundations, civil society stakeholders, private sector companies, and multilateral partners

**Start date:** Not specified

**End date:** Not specified

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
41. Overall			✓		✓	✓		✓		✓			Yes			✓	



## Context and Objectives

The 17 Sustainable Development Goals<sup>1</sup> (SDGs), which came into force on 1 January 2016 as a set of successor goals to the Millennium Development Goals,<sup>2</sup> aim to end all forms of poverty.<sup>3</sup> Each of the 17 SDGs includes specific development targets that are intended to be achieved by 2030. The Global Partnership for Sustainable Development Data mentioned in the commitment text is a multistakeholder network of governments, businesses, and nongovernmental organizations that seeks to identify and fill national data gaps to achieve the SDGs.<sup>4</sup> This commitment is a direct response to these goals.

This commitment aims to have the US government engage in three specific activities to support the achievement of the SDGs: (1) continue to support the development of the Global Partnership for Sustainable Development Data;<sup>5</sup> (2) convene interagency stakeholders and civil society actors to inventory existing US data that is relevant for the SDGs; and (3) develop a strategy to track progress toward achieving the SDGs in the United States.

The commitment is particularly well aligned with three targets falling under Goal 17 of the SDGs: (1) “enhance the global partnership for sustainable development, complemented by *multi-stakeholder partnerships that mobilize and share knowledge, expertise, technology and financial resources, to support the achievement of the sustainable development goals in all countries...*”; (2) “by 2020, enhance capacity-building support to developing countries... to increase significantly the *availability of high-quality, timely and reliable data...*”; and (3) “by 2030, build on existing initiatives to develop *measurements of progress* on sustainable development that complement gross domestic product, and support statistical capacity-building in developing countries.”<sup>6</sup>

Specificity for this commitment is medium. While the commitment envisions some clear activities (such as developing a strategy for tracking progress on SDGs), other activities are not clearly measurable. For example, the commitment mentions that the government will “continue to work...on next steps” for the Global Partnership for Sustainable Development Data, but it is not clear what this could entail. Moreover, the commitment does not identify which stakeholders and civil society actors will participate in taking stock of US data and help to develop a strategy for tracking SDG progress in the United States.

The commitment has clear relevance for the OGP values of access to information, civic participation (due to the proposed engagement with civil society), and technology and innovation (given the focus on using data to track progress on sustainable development).

If fully implemented, this commitment (as written) is not anticipated to have a major impact because its activities are not linked to clear outputs that stretch existing government practice. For example, the US government committed only to *continue* working with the Global Partnership for Sustainable Development Data, which does not indicate a significant change to the status quo.<sup>7</sup> Similarly, the commitment does not specify how the US government intends to use the SDG-relevant data that it plans to inventory. Finally, while tracking progress toward achieving the SDGs is important, taking stock of existing data and proposing a strategy are preliminary steps in meeting this goal.

## Completion

This commitment is substantially complete. The United States has been a member of the Global Partnership for Sustainable Development Data since its creation in September 2015,<sup>8</sup> with the State Department serving as the lead US partner for this work.<sup>9</sup> According to the US government’s midterm self-assessment report, the State Department established an interagency working group to inform its work with the partnership<sup>10</sup> and, in coordination with the Millennium Challenge Corporation and the Global Partnership for Sustainable Development Data, launched a Data Collaborative for Local Impact (DCLI) in Tanzania, a multistakeholder initiative intended to leverage data for sustainable development. The Tanzania project represents one of the first two projects launched under the DCLI initiative, which began in April 2015.<sup>11</sup>



As for the inventorying of SDG-relevant data and tracking US progress toward the SDGs, the US government's midterm report notes that the Office of Management and Budget (OMB) has solicited inputs across agencies as a first step toward completing this activity and intends to confer with civil society stakeholders as well.<sup>12</sup> According to the midterm report, inventoried data will be housed in the National SDG Reporting Platform, which is to be launched by OMB in fall 2016. The platform will be open source and publicly available.<sup>13</sup>

### Early Results (if any)

Overall, early results for this commitment are limited in scope. The US government's participation in the Global Partnership for Sustainable Development Data's DCLI initiatives in Tanzania led to the establishment of the Tanzanian Data Lab (dLab), an open working space for data-related work.<sup>14</sup> The dLab's training team has launched a series of online learning modules on open data.<sup>15</sup> The dLab also hosted a roundtable with health and HIV stakeholders on 29 June 2016 to discuss ways to leverage data in this area. Roughly 30 stakeholders attended.<sup>16</sup> These results, while important, derive from a relatively limited range of activities that could be envisioned under the US government's work with the partnership.

No early results are visible with respect to the latter two activities envisioned under this commitment because the National SDG Reporting Platform was not released as of June 2016, the cutoff date for this evaluation. Activities carried out after this date will be reflected in the IRM end-of-term report.

### Next Steps

Next steps include launching additional US-supported initiatives in conjunction with the Global Partnership for Sustainable Development Data and regularly tracking progress on the SDGs through the US National SDG Reporting Platform. For this commitment to be more impactful in the future, the IRM recommends linking more-concrete outputs to the proposed activities. The US government released an update to this commitment in September 2016.<sup>17</sup> The new commitment proposes more-specific deliverables, such as the development of the SDG National Reporting Platform and an SDG Data Revolution Roadmap. Progress on this updated commitment will be assessed in the IRM end-of-term report.

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<sup>1</sup> United Nations. "Sustainable Development Goals." <http://www.un.org/sustainabledevelopment/sustainable-development-goals/>. Consulted 2 July 2017.

<sup>2</sup> For an overview, see United Nations. "Millennium Development Goals.." <http://www.un.org/millenniumgoals/>. Consulted 2 July 2017.

<sup>3</sup> United Nations. "The Sustainable Development Agenda." <http://www.un.org/sustainabledevelopment/development-agenda/>. Consulted 2 July 2017.

<sup>4</sup> Global Partnership for Sustainable Development Data. <http://www.data4sdgs.org/>. Consulted 2 July 2017.

<sup>5</sup> Global Partnership for Sustainable Development Data. <http://www.data4sdgs.org/>. Consulted 2 July 2017.

<sup>6</sup> United Nations. "Goal 17: Revitalize the Global Partnership for Sustainable Development." <http://www.un.org/sustainabledevelopment/globalpartnerships/>. Consulted 2 July 2017. Emphasis added.

<sup>7</sup> See Global Partnership for Sustainable Development Data. "Workstreams." <http://www.data4sdgs.org/>. Consulted 2 July 2017.

<sup>8</sup> US State Department Office of the Spokesperson. 22 September 2015. "Press Release: Harnessing the Data Revolution for Sustainable Development: US Government Commitments and Collaboration with the Global Partnership for Sustainable Development Data." <https://2009-2017.state.gov/r/pa/prs/ps/2015/09/247419.htm>. Consulted 2 July 2017.

<sup>9</sup> "United States of America Midterm Self-Assessment Report for the Open Government Partnership: Third Open Government National Action Plan, 2015-2017." September 2016. pp.41-42.

<sup>10</sup> Ibid. Note that the IRM Researcher was unable to verify the working group's establishment on the basis of publicly available information.

<sup>11</sup> Global Partnership for Sustainable Development Data. "Data Collaboratives for Local Impact." <http://www.data4sdgs.org/dc-data-collaboratives-for-local-impact/>. Consulted 2 July 2017. For an overview of other DCLI programs, see Global Partnership for Sustainable Development Data. "Local Collaboratives." <http://www.data4sdgs.org/data-collaboratives/>. Consulted 2 July 2017.

<sup>12</sup> The IRM researcher was unable to document OMB's solicitation of stakeholder inputs for these activities on the basis of publicly available information.

<sup>13</sup> "United States of America Midterm Self-Assessment Report for the Open Government Partnership: Third Open Government National Action Plan, 2015-2017." September 2016. pp.41-42.

<sup>14</sup> dLab website. <http://dlab.or.tz/>. Consulted 2 July 2017.

<sup>15</sup> dlab. "Training." The original link (<http://dlab.or.tz/node/57>) is now broken. See an archived version here: <http://bit.ly/2hor6TD>. Consulted 2 July 2017.

<sup>16</sup> dLab. "Engagement." The original link (<http://dlab.or.tz/engagement>) is now broken. See an archived version here: <http://bit.ly/2vtZNNZ>. Consulted 2 July 2017.

<sup>17</sup> US Government, Announcing New Open Government Initiatives, September 2016, <https://fas.org/sgp/obama/nap3-new.pdf>

## Commitment 42. Open Climate Data

### Commitment Text:

#### **Promote Open Climate Data Around the Globe**

The United States is a leader in providing information about climate, including through the Climate Resilience Toolkit comprising 40 tools, five map layers, and case studies in key areas of climate change risks and vulnerability, and with the Climate Data Initiative, an online catalog of more than 250 high-value climate-related datasets and data products from a dozen Federal agencies. Building on the success of these domestic initiatives, the United States will work to expand the availability and accessibility of climate-relevant data worldwide and promote the development of new technologies, products, and information services that can help solve real-life problems in the face of a changing climate. To promote open climate data globally the United States will:

- **Manage Arctic Data as a Strategic Asset.** The United States currently chairs the Arctic Council, the intergovernmental forum for addressing environment, stewardship and climate issues convened by eight Arctic governments (Canada, Denmark, Finland, Iceland, Norway, Russia, Sweden, and the United States) and the indigenous peoples of the Arctic. In an effort to make Arctic data more accessible and useful, the United States will encourage Arctic Council member countries and the global community to inventory relevant government data and publish a list of datasets that are public or can be made public.
- **Work to Stimulate Partnerships and Innovation.** The United States will work with other countries to leverage open data to stimulate innovation and private-sector entrepreneurship in the application of climate-relevant data in support of national climate-change preparedness. This will be pursued through partnerships such as the Climate Services for Resilient Development, which the United States launched this summer with more than \$34 million in financial and in-kind contributions from the U.S. Government and seven other founding-partner institutions from around the world.
- **Strive to Fill Data Gaps.** The United States will seek international opportunities to help meet critical data needs. For example, the United States is creating the first-ever publicly available, high-resolution Digital Elevation Model (DEM) of the Arctic to support informed land management, sustainable development, safe recreation, and scientific studies, as well as domain-specific challenges. DEMs can also serve as benchmarks against which future landscape changes (due to, for instance, erosion, sea level rise, extreme events, or climate change) can be measured. Moving forward, the United States will explore creating similarly valuable resources for parts of the world where publicly available, reliable, and high-resolution data are currently not available.
- **Create a National Integrated Heat Health Information System.** Heat early-warning systems can serve as effective tools for reducing illness, death, and loss of productivity associated with extreme heat. The National Oceanic and Atmospheric Administration and the Centers for Disease Control and Prevention are building a new National Integrated Heat Health Information System, which will provide a suite of decision-support services that better serve public health needs to prepare and respond. This effort will identify and harmonize existing capabilities and define and deliver the research, observations, prediction, vulnerability assessments, and other information needed to support heat-health preparedness. To inform the development of Integrated Heat Health Information Systems, the Administration will work closely with industry stakeholders and with other countries to implement a series of pilot projects that facilitate joint learning, co-production of knowledge, and the generation information and tools based on open data. These pilot activities will focus on collaborations at the city, regional, national, and international scales and are aimed at preparing citizens, communities, and governments to be more resilient to extreme heat events.

**Responsible institution(s):** Office of Science and Technology Policy, National Oceanic and Atmospheric Administration within the Department of Commerce, National Geospatial-Intelligence Agency within the Department of Defense, Centers for Disease Control and

Public comment version: please do not cite

Prevention within the Department of Health and Human Services, and United States Agency for International Development

**Supporting institution(s):** Arctic Council member countries, global environmental advocacy organizations, academia, and the public

**Start date:** Not specified

**End date:** Not specified

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
42. Overall			✓		✓	✓		✓				✓	No		✓		
42.1. Manage Arctic Data as a Strategic Asset			✓		✓			✓		✓			No		✓		
42.2. Stimulate Partnerships and Innovation		✓			Unclear					✓			No		✓		
42.3. Fill Data Gaps			✓		✓			✓				✓	No		✓		
42.4. Create a National Integrated Heat Health Information System			✓		✓	✓		✓			✓		Yes			✓	

### Context and Objectives

This commitment builds on previous domestic initiatives to open climate data. In March 2014, the US government launched the Climate Data Initiative, which included establishing climate.data.gov, releasing new climate data sets, creating innovation challenges, and partnering with the private sector to help communities manage the effects of climate change.<sup>1</sup> In November 2014, the government launched the US Climate Resilience Toolkit containing data, case studies, digital tools, and other resources to help the public understand and better prepare for the effects of climate change.<sup>2</sup> This commitment expands on these domestic initiatives to open climate data on a global scale. It encompasses four milestones:

- Milestone 42.1 leverages the US seat and position as chair on the Arctic Council, an intergovernmental forum comprised of eight countries and indigenous peoples bordering the Arctic environment. The goal is to make Arctic data more accessible by encouraging the council members to inventory and publish a list of relevant data sets. This milestone is clearly relevant to the OGP values of access to information and technology and innovation. However, it does not specify which actions would constitute “encouraging” others to track data. Moreover, the goal of the milestone is limited to listing existing data, rather than improving or further disclosing data. For

these reasons, it is difficult to anticipate a major impact, despite the importance of Arctic data for climate-change research.<sup>3</sup>

- Milestone 42.2 looks to leverage global partnerships such as the Climate Services for Resilient Development<sup>4</sup> to “stimulate innovation and private sector entrepreneurship” in applying data to climate-change preparedness. This milestone aims for greater use, but not necessarily disclosure or improvement, of climate data. For this reason, it is not considered relevant to the OGP values of open government. Moreover, this milestone lacks important details. The proposed activity—to “work with other countries”—is vague and does not provide any information about what will be carried out. Without more specifics, the activity cannot be assessed as having major potential impact.
- Milestone 42.3 seeks to create Digital Elevation Models (DEMs) for areas of the world that are lacking reliable, high-resolution data for public use. DEMs are representations of terrain surfaces using elevation data.<sup>5</sup> From the language of the milestone, it is not exactly clear which parts of the world beyond the Arctic will receive DEMs. Nonetheless, the improvement of topographical data has the potential to have a transformative impact. DEMs allow researchers to measure changes in landscapes over time, such as the melting of glaciers, erosion, and changes in sea level. This data is particularly important for the Arctic, which is one of the most poorly mapped regions in the world.<sup>6</sup> According to the executive director of the Geographic Information Network of Alaska at the University of Alaska Fairbanks, “Both the DEM itself and the source stereo pair imagery will be invaluable to future scientists seeking a snapshot of the Arctic during the onset of a period of major global climate change.”<sup>7</sup>
- Milestone 42.4 aims to improve heat health preparedness. Specifically, the government proposes implementing domestic and international pilot projects to use open data to prepare for extreme heat events. The milestone is relevant to access to information, civic participation, and technology and innovation, given its focus on providing information on heat events through collaboration with industry stakeholders. However, while the milestone cites a goal of preparing citizens and communities, it does not specify that civil society stakeholders will be involved, which lowers its potential impact. Nonetheless, heat preparedness is an important issue as heat-related deaths are expected to rise in the future with changing climate patterns.<sup>8</sup> For this reason, the milestone has a moderate potential impact.

While most of the commitment’s activities fall short of transformative, the disclosure of high-resolution digital elevation data (Milestone 42.3) has the potential to transform the possibilities for climate-change research, as explained above. Given that the IRM recognizes the most ambitious element of commitments, this commitment is considered to have an overall transformative potential impact.

### Completion

The government made limited progress overall on this commitment through June 2016. Progress on each of the four milestones that fall under this commitment is assessed below.

There is limited evidence of the United States encouraging other members of the Arctic Council to inventory and publish a list of their relevant data sets (Milestone 42.1). In its midterm self-assessment report, the US government highlights data sets that it has published, but it does not reference specific efforts to encourage other members of the Arctic Council to do the same. For example, the government mentions the disclosure of Arctic-related data sets on [climate.data.gov](http://climate.data.gov) as part of the Climate Data Initiative and on [toolkit.climate.gov](http://toolkit.climate.gov) as part of the Climate Resilience Toolkit, but both of these efforts are domestic initiatives.<sup>9</sup> There is no visible evidence of encouraging other Arctic countries to disclose data beyond “leading by example” as stated in the midterm report. For this reason, the IRM concludes

that there was limited progress on this milestone as of June 2016 (the cutoff date for this evaluation).

The government made little progress on working with other countries to leverage open climate data (Milestone 42.2). In its midterm report, the government mentions that it continued to collaborate with other countries through the Climate Services for Resilient Development partnership but acknowledges limited progress as of June 2016.<sup>10</sup>

There is some progress on using DEMs to fill data gaps (Milestone 42.3). According to the government's midterm report, DEMs covering all of Alaska were nearly complete, DEMs for Iceland were pending review by Iceland before release, and DEMs for Baffin Island (Canada), Svalbard (Norway), the Franz Joseph Islands (Russia), and Novaya Zemlya (Russia) were under development.<sup>11</sup> However, most of this information was released after June 2016, the cut-off date for this evaluation.<sup>12</sup> For this reason, these later releases will be reflected in the IRM end-of-term report.

As of June 2016, there is not much visible progress on the pilot projects to improve heat resilience (Milestone 42.4). According to a presentation by the National Oceanic and Atmospheric Administration (NOAA) Climate Program Office, the regional pilot for the Northeast (in New York City) was developed in February 2016.<sup>13</sup> However, the official launch of the first pilot project (in El Paso) took place in July 2016, just beyond the scope of this report.<sup>14</sup>

Nonetheless, the government made progress on other fronts. The National Integrated Heat Health Information System (NIHHIS) mentioned in the milestone text launched its web presence on 23 May 2016.<sup>15</sup> The portal displays heat warning information, safety tips, heat forecasts, and other heat-preparedness resources. In addition, the government held two webinars on extreme heat:

- NOAA held a webinar on 28 April 2016 to discuss extreme heat and health.<sup>16</sup>
- The White House hosted a webinar on 26 May 2016 to provide information on community heat preparedness and describe existing resources (including those available on the NIHHIS portal mentioned above).<sup>17</sup>

In light of these activities, this milestone (Milestone 42.4) is considered to be substantially completed.

### **Early Results (if any)**

There are no early results to report on Arctic data inventories by the Arctic Council members (Milestone 42.1) or intergovernmental collaboration to leverage open climate data (Milestone 42.2) due to the limited progress in completing these activities. As for the release of DEMs (Milestone 42.3), some parts of Alaska were mapped, and the maps were publicly available as of early 2016.<sup>18</sup> However, the bulk of the data was released after June 2016 and will therefore be fully assessed in the IRM end-of-term report.

As of June 2016, most early results from this commitment are related to improving heat preparedness (Milestone 42.4). For example, the NIHHIS represents an important new consolidated source of heat health information. Although the NIHHIS was officially established in June 2015—prior to the start of the action plan—the web portal is a positive step forward because it combines heat warnings, heat forecasts, and safety information from eight participating government agencies on a single easy-to-use portal.<sup>19</sup>

Based on the NIHHIS framework, the World Meteorological Organization, the World Health Organization, and the US government collaborated to develop the Global Heat Health Information Network in June 2016.<sup>20</sup> The network is expected to provide greater access to heat health information to improve extreme-heat preparedness although its effects on open government are yet to be determined.



## Next Steps

Moving forward, the US government should continue its efforts to fulfill this commitment by working with other countries on open climate data, mapping areas that suffer from poor topographical data, and engaging members of the public at the local level on methods to prepare for extreme heat. As the civil society co-chair of OGP, Manish Bapna, remarked at the United Nations, “more open data on climate projections, weather and natural resources can strengthen resilience planning. Armed with this information, people can develop more effective and robust responses to our changing climate.”<sup>21</sup> In the future, the US government could look to expand open data initiatives such as the Climate Data Initiative, and include climate data commitments in subsequent OGP national action plans.

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<sup>1</sup> John Podesta and John P. Holdren, Climate Data Initiative Launches with Strong Public and Private Sector Commitments, 19 March 2014, <http://bit.ly/2v0rHOc>

<sup>2</sup> US Climate Resilience Toolkit, <https://toolkit.climate.gov/>

<sup>3</sup> Norwegian Polar Institute, “The climate in the Arctic has impact worldwide,” <http://bit.ly/2u5xfKi>

<sup>4</sup> Climate Services for Resilient Development, <http://www.cs4rd.org/>

<sup>5</sup> ArcGIS, Digital Elevation Models, <https://learn.arcgis.com/en/related-concepts/digital-elevation-models.htm>

<sup>6</sup> Paul Morin et al, ArcticDEM: A Publicly Available, High Resolution Elevation Model of the Arctic, April 2016, <http://adsabs.harvard.edu/abs/2016EGUGA..18.8396M>

<sup>7</sup> Randy Showstack, “New Digital Maps Depict Alaska in Unprecedented Detail,” 6 September 2016, <http://bit.ly/2fbBZY8>

<sup>8</sup> US Global Change Research Program, The Impacts of Climate Change on Human Health in the United States: A Scientific Assessment, 2016, <https://health2016.globalchange.gov/>

<sup>9</sup> It is unclear if this data was disclosed during the period evaluated in this report. For example, the Arctic theme in the US Climate Resilience Toolkit was available dating back to at least September 2015, prior to the start of the third national action plan. See an archived version of the Toolkit from September 2015 here: <http://bit.ly/2hrNJGB>. As for the Climate Data Initiative, there were 270 Arctic-related data sets online as of September 2015 (see archived version here: <http://bit.ly/2vmvfgl>), compared to 251 in May 2016 (see archived version here: <http://bit.ly/2hrIkjY>).

<sup>10</sup> US Government, Midterm Self-Assessment Report, September 2016, <http://bit.ly/2tFW4sK>

<sup>11</sup> Ibid.

<sup>12</sup> See NGA Arctic Support 2017, <http://arcg.is/2ctAZv3>, which specifies that the five major releases of data began in September 2016. Furthermore, third party sources (available here: <http://bit.ly/2vmMftz>) indicate that progress was limited as of mid-2016.

<sup>13</sup> Juli Trtanj, Building Resilience to Extreme Heat: The National Integrated Heat Health Information System, <http://bit.ly/2u8NXUY>

<sup>14</sup> Gregg Garfin et al, Developing an Integrated Heat-Health Information System for Long-term Resilience to Climate and Weather Extremes in the El Paso-Juárez-Las Cruces Region,” 16 November 2016, <http://bit.ly/2wsFzQN>

<sup>15</sup> “National Integrated Heat Health Information System (NIHHIS) Web Launch: May 23, 2016,” <http://bit.ly/2fdnfb7>

<sup>16</sup> NOAA Climate Program Office, MAPP Webinar Series, 26 April 2016, <http://bit.ly/2vwVYQG>

<sup>17</sup> NOAA Climate Program Office, White House Webinar, 26 May 2016, <http://bit.ly/2ubkl8d>

<sup>18</sup> Meredith Somers, “NGA: Unclassified Arctic DEMs a treasure trove of data,” 5 February 2016, Federal News Radio, <http://bit.ly/2vmMftz>

<sup>19</sup> The portal is available at: <https://toolkit.climate.gov/nihhis/>. The participating agencies are listed on the top right-hand side of the page.

<sup>20</sup> American Meteorological Society, Beating the Heat: Building the Global Heat Health Information Network (GHHIN), 25 January 2017, <https://ams.confex.com/ams/97Annual/webprogram/Paper315301.html>

<sup>21</sup> World Resources Institute, “Manish Bapna Discusses Priorities for Open Government Partnership at UN General Assembly,” 21 September 2016, <http://bit.ly/2v4Qliv>

## Commitment 43. Air Quality Data

### Commitment Text:

#### **Make Additional Air Quality Data Available**

*To promote the efficient use of government resources, help protect the health of our personnel overseas, create partnerships on air quality with other nations, and contribute to the global scientific community, in February 2015, the Department of State and the Environmental Protection Agency launched a new partnership with a number of U.S. diplomatic missions overseas to enhance the availability of outdoor air quality data and expertise. The Department of State and the Environmental Protection Agency will expand that effort to include 20 global cities and will begin making that data available on the Environmental Protection Agency's AirNow website, which provides air quality information for more than 400 U.S. cities.*

**Responsible institution(s):** Department of State, Environmental Protection Agency

**Supporting institution(s):** City government leaders

**Start date:** Not specified

**End date:** Not specified

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
43. Overall				✓	✓			✓			✓		Yes			✓	

### Context and Objectives

This commitment aims to enhance the availability of air quality data by expanding the Environmental Protection Agency's (EPA's) existing AirNow program. The EPA launched the program in 1998 to track air-quality information in the United States in real time. The AirNow Air Quality Index provides information on the levels of pollution across 400 US cities and describes related health effects through daily forecasts and assessments of current conditions.<sup>1</sup>

This commitment seeks to publish air-quality data from 20 global cities on the EPA's AirNow website.<sup>2</sup> This commitment is highly specific because it clearly outlines the type of data to be collected, its scope, and where it will be published. The commitment has clear relevance for the OGP values of access to information and technology and innovation given its focus improving the availability of air-quality data through online means.

If fully implemented, this commitment could have a moderate potential impact. Besides serving as a health resource for US personnel and citizens abroad, the proposed air-quality data could spur foreign governments to implement policies that reduce air pollution, as it has in the past. In 2008, the US government installed air-quality measurement tools at its embassy in Beijing and began reporting the data daily.<sup>3</sup> Despite complaints from Chinese officials, the measurements gained traction among local residents and led the Chinese government to adopt policies aimed at curbing air pollution.<sup>4</sup> In this sense, although the commitment is limited to 20 global cities and does not specify any plans to raise awareness of the new data, its effects could be far-reaching.



## Completion

This commitment is substantially completed. According to the US government's midterm self-assessment report, data from 14 global cities in eight countries was publicly available on the AirNow website as of mid-2016. The data, which was collected via air-quality monitors at US embassies and consulates,<sup>5</sup> tracks the levels of particulate matter 2.5 (PM 2.5), tiny particles in the air that can cause serious health problems.

## Early Results (if any)

There are few early results on the use of the new air-quality data. According to the US government, the State Department and the EPA began meeting with stakeholders to discuss how AirNow data can be used to reduce air pollution, but the extent of these discussions is unclear. Nonetheless, the new data is helping to fill in the gaps in air-quality monitoring. For example, OpenAQ, an organization that aggregates air-quality information worldwide, noted that the air-quality data from the US embassy in Ethiopia was its first real-time air-quality source in all of Africa.<sup>6</sup>

## Next Steps

Next steps include expanding data collection and reporting to include additional cities as part of the AirNow program, while continuing efforts to use the AirNow data to reduce air pollution. In the future the data will be most impactful in areas that lack accurate or reliable air-quality monitoring tools, such as many parts of Africa.<sup>7</sup>

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<sup>1</sup> Ibid. [DH fix]

<sup>2</sup> AirNow website. [https://www.airnow.gov/index.cfm?action=topics.about\\_airnow](https://www.airnow.gov/index.cfm?action=topics.about_airnow). Consulted 2 July 2017.

<sup>3</sup> Joby Warrick, "US embassies are going to measure other countries' air quality. Surprise: Some don't like it much," 19 February 2015, *Washington Post*, <http://wapo.st/2vEemi3>

<sup>4</sup> David Roberts, "Opinion: How the US Embassy Tweeted to Clear Beijing's Air," 6 March 2015, <http://bit.ly/2hXiaQ9>

<sup>5</sup> "United States of America Midterm Self-Assessment Report for the Open Government Partnership: Third Open Government National Action Plan, 2015-2017." September 2016. pp.44-45.

<sup>6</sup> OpenAQ, New Data Source in Addis Ababa, Ethiopia (and First \*Real-Time\* Source for OpenAQ in All of Africa)," 19 August 2016, <http://bit.ly/2vCNKNp>

<sup>7</sup> Karl Mathiesen, "The global air pollution 'blindspot' affecting 1 billion people," *The Guardian*, 17 May 2016, <http://bit.ly/1TUYsjk>

## Commitment 44. Promote Food Security and Data Sharing for Agriculture and Nutrition

### Commitment Text:

#### **Promote Food Security and Data Sharing for Agriculture and Nutrition**

The United States co-founded the Global Open Data for Agriculture and Nutrition (GODAN) initiative in 2013 to make agriculture and nutrition data available, accessible, and usable to address the urgent challenge of ensuring world food security. In just two years, the Administration has helped expand that work to include more than 135 partners and a centralized secretariat. In 2016, the United States will help lead a GODAN Summit and co-chair a working group focused on filling critical global nutrition data gaps. The United States will also promote creation of a working group focused on improving data availability for, and global adoption of, precision agriculture practices.

**Responsible institution(s):** Department of State, Department of Agriculture, United States Agency for International Development

**Supporting institution(s):** Global Open Data for Agriculture and Nutrition stakeholders

**Start date:** Not specified

**End date:** Not specified

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
44. Overall			✓		✓	✓				✓			No		✓		

### Context and Objectives

This commitment is a follow-on to the 2013 development of the Global Open Data for Agriculture and Nutrition (GODAN) initiative.<sup>1</sup> The GODAN initiative is a partnership of national governments and nongovernmental, international, and private-sector organizations that support the proactive sharing of agriculture and nutrition data to address food security. It was launched at the 2013 OGP Summit in London.

As part of this commitment, the US government aims to host a GODAN summit and co-chair a working group that will focus on filling crucial gaps in global nutrition data. The government will also promote the creation of a working group that aims to support and improve data availability for precision agriculture. The commitment occurs in the context of broader movement toward leveraging data to improve food,<sup>2</sup> and by US-led efforts in this direction such as those spearheaded by the State Department's Office of Global Food Security.<sup>3</sup>

This commitment has a medium level of specificity because it lays out a series of clearly measurable activities, but it does not provide information on their scope or participants, such as what types of data will be assessed or which stakeholders will participate in the proposed working groups. The commitment has clear relevance for the OGP values of access to information and civic participation given its focus on convening GODAN

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stakeholders, including civil society organizations, to improve the availability of agriculture and nutrition data.

If fully implemented, the commitment is likely to have a minor impact given the limited scale of the activities it entails: hosting a single summit, and *promoting* the creation of a working group. Moreover, without knowing the scope of work of the proposed working group, it is not possible to anticipate a major impact.

### **Completion**

Progress on this commitment as of June 2016 is limited. As noted in the US government's midterm self-assessment report, the GODAN summit was held in September 2016 (which is beyond the scope of this midterm report).<sup>4</sup> According to the midterm report, the US Department of Agriculture co-chaired the GODAN Nutrition Data Gap Working Group and in June 2016 established a working group comprised of GODAN partners to address data availability for precision agriculture and its adoption.<sup>5</sup>

### **Early Results (if any)**

There are no visible early results to report as of June 2016 due to the limited public information on the products of the GODAN working groups mentioned above.<sup>6</sup> Furthermore, according to the GODAN website, the working group on precision agriculture concluded its work in September 2016.<sup>7</sup> The results of the GODAN summit will be fully assessed in the IRM end-of-term report.

### **Next Steps**

Next steps include hosting additional GODAN events, continuing collaboration with GODAN partners on thematic working groups, and further promoting precision agriculture. If this commitment is carried forward in the future, the IRM recommends specifying concrete actions that improve agriculture and nutrition data sharing between national and subnational governments, private companies, and civil society organizations.

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<sup>1</sup> See Global Open Data for Agriculture and Nutrition. "About GODAN." <http://www.godan.info/about>. Consulted 2 July 2017.

<sup>2</sup> Ibid.

<sup>3</sup> US State Department Office of Global Food Security. <https://www.state.gov/s/globalfoodsecurity/>. Consulted 2 July 2017.

<sup>4</sup> "United States of America Midterm Self-Assessment Report for the Open Government Partnership: Third Open Government National Action Plan, 2015-2017." September 2016. pp.45-46.

<sup>5</sup> The GODAN website lists a number of working groups, but does not specify their dates of establishment. See Global Open Data for Agriculture and Nutrition. "Working Groups." <http://www.godan.info/working-groups-list>. Consulted 2 July 2017.

<sup>6</sup> GODAN, Nutrition Data Working Group, <http://bit.ly/2vwP84o>

<sup>7</sup> GODAN, GODAN in 2016: A Year in Review, 13 January 2017, <http://bit.ly/2ui0BoB>

## Commitment 45. Promote Data Sharing About Global Preparedness for Epidemic Threats

### Commitment Text:

#### **Promote Data Sharing About Global Preparedness for Epidemic Threats**

The United States will undergo and publicly release an external assessment of capability across public and animal health systems to prevent, detect, and respond to epidemic threats, utilizing the 11 targets of the Global Health Security Agenda (GHSA). Through the GHSA, participating countries including the United States and international organizations have developed a voluntary, flexible, sustainable external assessment process to measure country capacity to achieve a strong laboratory system, infectious disease workforce, rapid disease detection and reporting, a national biosafety and biosecurity system, and other elements that are central to rapidly addressing infectious disease threats. The assessment relies on quantitative and qualitative data, including country self-reporting as well as the external assessment and is meant to be shared in order to provide a better understanding of global needs and a better targeting of global resources to fill gaps. The United States is also providing technical assistance to countries in using this tool to develop a baseline, and will continue to provide experts to participate in external assessments of other countries' efforts.

**Responsible institution(s):** Centers for Disease Control and Prevention within the Department of Health and Human Services, Department of Agriculture, Department of State, United States Agency for International Development

**Supporting institution(s):** Federal agencies involved in the threat assessment capability study.

**Start date:** Not specified

**End date:** Not specified

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
45. Overall				✓	✓						✓		Yes			✓	

### Context and Objectives

This commitment aims to have the US government undergo an external assessment of its ability to prevent, detect, and respond to epidemic threats through a standardized Global Health Security Agenda (GHSA) tool and to publicly release the results of the assessment. It also commits the United States to providing experts to assist with GHSA assessments in other countries. This commitment follows on the heels of a recent series of unprecedented epidemic crises, including the 2014-2016 Ebola outbreak in West Africa<sup>1</sup> and the Zika virus outbreak,<sup>2</sup> as well as earlier outbreaks of Middle East respiratory syndrome, H1N1 and H5N1 influenza, and severe acute respiratory syndrome.<sup>3</sup> Following the Ebola crises, a UN report noted that “the world’s preparedness and capacity to respond [to major health crises] is woefully insufficient” and that “the multiple failures experienced during the Ebola response demonstrated that the world remains ill-prepared to address the threat posed by epidemics.”<sup>4</sup>

This commitment is relevant to the OGP value of access to information and is highly specific because it presents a clear and measurable deliverable—the GHSA assessment. The GHSA assessment process consists of a self-evaluation phase and an external evaluation phase. During the former, the host country assesses its capabilities across a set of technical areas. Afterward, the Joint External Evaluation Team, which comprises experts from a variety of international organizations, assigns scores for each indicator, identifies strengths and weaknesses, and presents key recommendations.<sup>5</sup>

If fully implemented, the commitment is likely to have a moderate impact. Since the launch of the GHSA in February 2014, global health experts have recognized its potential to strengthen global preparedness for epidemics.<sup>6</sup> Furthermore, the recent Ebola crisis demonstrated the importance of preparedness in slowing the spread of disease.<sup>7</sup> While conducting and sharing a GHSA assessment on US preparedness for epidemic threats is therefore important, it does not by itself address any shortfalls that may exist. US support for GHSA assessments in countries that are at higher risk of future epidemics could be more impactful. The commitment does mention “technical assistance” to other countries, but the scope of this assistance is unclear, making it difficult to anticipate anything greater than a moderate impact.

### Completion

This commitment is substantially fulfilled as of June 2016. In conjunction with the World Health Organization, a multicountry team of experts carried out the GHSA assessment described in the commitment on 23-27 May 2016.<sup>8</sup> The assessment report was published in July 2016—just outside of this report’s evaluation period.<sup>9</sup> According to the US government’s midterm self-assessment report, the United States will collaborate with other countries to carry out similar assessments on an ongoing basis.<sup>10</sup>

### Early Results (if any)

The GHSA continued to grow throughout the first year of the action plan. Between October 2015 and June 2016 (the evaluation period of this report), the number of countries that undertook the GHSA assessment grew from five to 14.<sup>11</sup> The role of US assistance in this expansion is unclear. Given that the GHSA assessment of the United States was published after June 2016, it will be fully discussed in the IRM end-of-term report.

### Next Steps

Next steps include supporting other countries in evaluating their capacity to prevent, detect, and respond to epidemic threats. The US government should also look to engage with key public and private stakeholders to improve its domestic preparedness for epidemics in a transparent manner. Civil society organizations have proposed additional recommendations, such as expanding the use of quantitative indicators for the GHSA assessments,<sup>12</sup> engaging additional countries through the initiative,<sup>13</sup> and securing the participation of more international and local nongovernmental organizations in the GHSA process.<sup>14</sup>

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<sup>1</sup> US Centers for Disease Control and Prevention. “2014-2016 Ebola Outbreak in West Africa.” <https://www.cdc.gov/vhf/ebola/outbreaks/2014-west-africa/index.html>. Consulted 3 July 2017.

<sup>2</sup> See US Centers for Disease Control and Prevention. “Zika Virus.” <https://www.cdc.gov/zika/index.html>. Consulted 3 July 2017.

<sup>3</sup> United Nations High-Level Panel on the Global Response to Health Crises. 9 February 2016. “Report of the High-Level Panel on the Global Response to Health Crises: Protecting Humanity from Future Health Crises.” p.5. Available at: [https://www.un.org/ga/search/view\\_doc.asp?symbol=A/70/723](https://www.un.org/ga/search/view_doc.asp?symbol=A/70/723).

<sup>4</sup> Ibid. p.7.

<sup>5</sup> Global Health Security Agenda, Assessments & JEE, <https://www.ghsagenda.org/assessments>

<sup>6</sup> See the following articles for some examples of global health experts supporting the GHSA: <http://bit.ly/2vePydb>, <http://bit.ly/2vlcViy>, <http://bit.ly/2uj5m1f>

<sup>7</sup> Adeyemi Okunogbe, “What the Ebola Crisis Taught Us About Emergency Preparedness in Africa,” *RAND Corporation*, 4 June 2015, <http://bit.ly/2uhvZ2Q>

<sup>8</sup> “United States of America Midterm Self-Assessment Report for the Open Government Partnership: Third Open Government National Action Plan, 2015-2017.” September 2016. p.46. The specific dates of the evaluation can be found in the corresponding evaluation report: World Health Organization Alliance for Country Assessment. “Joint External Evaluation of United States of America: Mission Report June 2016.” Available at <https://www.ghsagenda.org/docs/default-source/jee-reports/united-states-jee-report.pdf>. Consulted 3 July 2017.

<sup>9</sup> “United States of America Midterm Self-Assessment Report for the Open Government Partnership: Third Open Government National Action Plan, 2015-2017.” September 2016. p.46.

<sup>10</sup> Ibid.

<sup>11</sup> The five countries that received assessments prior to October 2015 include Georgia, Peru, Portugal, Uganda, and the United Kingdom. See their assessments here: <https://www.ghsagenda.org/assessments>. The 14th country to receive an assessment was Taiwan in late June. See here for more details: <http://bit.ly/2vGfRez>

<sup>12</sup> Amanda Glassman and Katherine Lofgren, “Getting Serious on Global Health Security,” *Center for Global Development*, 26 September 2016, <https://www.cgdev.org/blog/getting-serious-global-health-security>

<sup>13</sup> Ibid.

<sup>14</sup> Health Security Partners, “NGOs and the Global Health Security Agenda,” 22 August 2015, <http://bit.ly/2fmoyVq>

## IV. Country Context

The implementation of the third national action plan took place during the 2016 US presidential election. Since then, the new Trump administration has reversed several Obama-era open government reforms and raised major concerns about ethics and transparency. Nonetheless, many federal agencies and subnational governments continue to implement open government reforms.

The United States has played a lead role internationally in promoting the aims and activities of OGP since cofounding the partnership in 2011. During a 2014 OGP meeting at the United Nations, President Barack Obama praised the achievements of the first three years of the partnership as “a steady wave of better government, and a steady wave of stronger civil societies.”<sup>1</sup>

The timing of this progress report coincides with the close of the 2016 US presidential campaign and the early months of Donald Trump’s presidency. The presidential transition has raised a number of questions from civil society observers regarding the future of the open government agenda.<sup>2</sup> Still, open government remains part of the federal government’s institutional agenda, as evidenced by the ongoing work at the agency level. Subnational governments also continue to implement important open government reforms.

### **Open Government under the New Administration**

The issue of transparency figured prominently during the 2016 presidential campaign as both major candidates were criticized on the subject.<sup>3</sup> In the case of Democratic candidate Hillary Clinton, critics pointed to issues such as her use of a private email server during her tenure as secretary of state and her refusal to hold press conferences.<sup>4</sup> On the other hand, Republican candidate Donald Trump was the first US presidential candidate in 40 years who did not release his tax returns.<sup>5</sup>

On 9 November 2016, Trump was elected as the 45th president of the United States. Trump’s victory followed a polarizing campaign under the banner “Make America Great Again” that included promises to strengthen the US economy,<sup>6</sup> build a wall on the border of Mexico and the US,<sup>7</sup> and temporarily ban immigration by Muslims.<sup>8</sup>

Several months after the election, the Trump administration has reversed many of its predecessor’s open government reforms. For example, in February 2017, Trump signed into law a bill that revoked an Obama-era rule requiring oil and mining companies to disclose payments to foreign governments.<sup>9</sup> In another departure from its predecessor, the Trump administration is no longer releasing White House visitor logs, citing “national security risks and privacy concerns.”<sup>10</sup>

In the first few months of the new administration, good-governance civil society organizations have aired major concerns. In April 2017, for example, a group of 17 governance experts and organizations issued a statement that said, “In the first hundred days of his Administration, President Donald Trump has established the worst record in modern times for a new President on fundamental governing issues of integrity, transparency and accountability.”<sup>11</sup> Among many major concerns, civil society groups have highlighted Trump’s conflicts of interest, unreleased tax returns, and criticism of the media.<sup>12</sup>

There is also evidence that the Trump administration is rolling back some of the previous open government initiatives carried out under the OGP framework. For instance, although the We the People e-petitions platform is still live on the White House website,<sup>13</sup> the Trump administration has not responded to any petitions through the platform. In March 2017, the Trump administration also announced the end of its efforts to seek validation from

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the Extractive Industries Transparency Initiative (EITI), an initiative that has featured in each of the US government's first three OGP national action plans.<sup>14</sup>

Nevertheless, since the presidential campaign, Trump has advocated for giving a voice to the people.<sup>15</sup> In his inaugural address, the president emphasized that, under his administration, everyone will speak their minds openly and debate disagreements with the government honestly.<sup>16</sup>

Moreover, the Trump administration has expressed a willingness to use data to improve public services. In July 2017, during a White House roundtable on using open data to fuel economic growth, officials stated the administration's desire to modernize government services using open data.<sup>17</sup> In fact, one of the stated goals of the newly created Office of American Innovation is to modernize government services.<sup>18</sup> In addition, the Trump administration has been a strong supporter of the US Digital Service and I8F,<sup>19</sup> two government technology teams that used cutting-edge technology to improve government services during the Obama administration.<sup>20</sup> These policy goals, even if only a small part of the president's agenda, align with the OGP goals of engaging with the public, utilizing open data, and improving government services.

### **Access to Information**

In June 2016, Congress passed the FOIA Improvement Act of 2016, designed to strengthen the legal basis for public access to government information in the United States.<sup>21</sup> The act codifies the "presumption of openness," which requires agencies to disclose documents unless doing so would pose a foreseeable harm or constitute a legal violation. In addition, the act is expected to strengthen the Office of Government Information Services, require agencies to update their regulations, and leverage technology to facilitate information requests.<sup>22</sup>

Civil society organizations strongly supported the passage of the law. A coalition of 28 good-government, transparency, and civil liberties organizations issued a strong statement of support, pointing to the presumption of openness, disclosure of 25-year-old policy drafts and deliberations, and codification of preemptive disclosures as particularly important elements of the legislation.<sup>23</sup> The executive director of OpenTheGovernment.org, a coalition of good-governance groups, noted that the "bill marks an important milestone; it significantly advances the public's right to know..."<sup>24</sup>

The Trump administration has yet to take significant positive actions on access to information although the number of Freedom of Information Act (FOIA) requests has increased. Following Trump's inauguration, there was an uptick in information requests,<sup>25</sup> and by May 2017, the number of FOIA lawsuits had reached its highest level in 25 years.<sup>26</sup> In addition, the average response time to FOIA requests has increased slightly during the Trump administration as compared to the previous administration.<sup>27</sup> Experts believe that delays will persist given the lack of proactive disclosure and the understaffed FOIA offices.<sup>28</sup>

As for open data, the United States ranked fourth worldwide in the 2016 version of the Open Data Barometer, dropping two spots from the previous year.<sup>29</sup> The United States scored highly in international trade, map, and state/local data, while receiving low scores in company register, land ownership, and budget data.<sup>30</sup> While open data initiatives are ongoing under the Trump administration, Trump has not yet appointed a White House chief information officer or chief technology officer to spearhead these efforts.<sup>31</sup>

### **Ethics and Disclosure**

Several months into the Trump presidency, there are concerns about his administration's adherence to ethical standards. A major point of concern has been Trump's conflicts of interest as both a business owner and president. While Trump's children took over the management of his business enterprises, Trump retained ownership. Civil society organizations and governance experts have repeatedly denounced this arrangement and have



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called for Trump to release his tax returns, divest his holdings, and place his assets in a blind trust with an independent overseer.<sup>32</sup> Several lawsuits have also been filed against Trump for violating the emoluments clause of the Constitution by receiving compensation from foreign states through his business interests.<sup>33</sup> In addition, several of Trump's political appointees made major omissions in ethics disclosures, such as failing to disclose business assets<sup>34</sup> or contacts with foreign governments.<sup>35</sup>

Despite the ethics concerns, one of Trump's core promises during the campaign was to "drain the swamp" of government corruption.<sup>36</sup> To this end, in January 2017, Trump signed an executive order on lobbying restrictions.<sup>37</sup> The order strengthened some previous lobbying provisions but weakened others.<sup>38</sup> Moreover, most of Trump's ethics promises remain unfulfilled, such as reforming the Lobbying Disclosure Act to compel lobbyists to disclose activities, strengthening campaign finance laws to prevent foreign lobbyists from raising money for US elections, and imposing a five-year lobbying ban on senators, representatives, and top staffers.<sup>39</sup>

### **Civic Space**

There has long been a vibrant civil society in the United States. There are few barriers to the creation of nonprofits,<sup>40</sup> and there are strong legal protections for associational culture.<sup>41</sup> These factors have fostered the development of a strong civil society sector. With recent initiatives such as Stand with Civil Society<sup>42</sup> in 2013 and the State Department's Strategic Dialogue with Civil Society,<sup>43</sup> the US government has further promoted and supported the work of civil society organizations. However, it remains to be seen if these programs will continue, given that Trump has proposed deep cuts to State Department funding.<sup>44</sup>

Civic space in the United States also faces important challenges. As it relates to the freedom of assembly, some protesters have faced excessive violence from law enforcement officials.<sup>45</sup> A 2015 Department of Justice report, for example, found that the police in Ferguson, Missouri, violated the constitutional rights of black protesters.<sup>46</sup> There is also evidence of FBI officials monitoring and infiltrating the Black Lives Matter and Occupy movements.<sup>47</sup> Most recently, the Department of Justice issued a search warrant on data from all visitors to the J20 website, which organized protests on the day of Trump's inauguration.<sup>48</sup> In terms of legal protections, as the UN special rapporteur on the rights to freedom of peaceful assembly and of association noted, there is an "increasingly hostile legal environment for peaceful protesters in some states."<sup>49</sup> In fact, there is a growing wave of state bills that seek to increasingly regulate protests, particularly unpermitted demonstrations.<sup>50</sup>

As for freedom of expression, CIVICUS notes that challenges in the United States include the increased prosecution of whistleblowers under the Obama administration and government efforts to compel technology companies to weaken encryption.<sup>51</sup> In addition, cases of elected officials blocking constituents or deleting comments on social-media platforms have raised questions about how to protect the right to free speech as civic discourse moves online.<sup>52</sup>

There are also concerns about the freedom of the press. For example, the UN denounced the Trump administration's "attack on the freedom of the press" through his repeated references to "fake news".<sup>53</sup> Similarly, Freedom House noted Trump's labeling of the press as "dishonest" and "enemies of the people", adding that "no U.S. president in recent memory has shown greater contempt for the press than Trump in his first months in office."<sup>54</sup>

### **Open Government at the Federal Agency Level**

Since 2009, federal agencies have led the way on open government reforms at the national level. In December 2009, the Office of Management and Budget issued a directive instructing executive departments and agencies to draft individual plans to advance their open government initiatives.<sup>55</sup> Since then, agencies have published several iterations of open

government plans. Agencies that published updated open government plans in 2016 include the US Trade Representative,<sup>56</sup> the Department of Justice,<sup>57</sup> the Department of the Treasury,<sup>58</sup> and the Environmental Protection Agency,<sup>59</sup> among others. The agency plans describe concrete steps that each agency is taking to be more open. Agencies report on new or expanded initiatives on a variety of subjects, such as open data<sup>60</sup> and proactive disclosures<sup>61</sup> while also reporting on participation in transparency initiatives.

### **Open Government at the Local Level**

Amid the uncertainty regarding open government policies at the national level under the Trump administration, cities have become leaders of the open government movement. For example, the city of Chicago was one of the first US cities to launch a data portal in 2010.<sup>62</sup> As of June 2017, 85 US cities had an open data portal.<sup>63</sup> In addition, more than 60 US cities have adopted open data reforms since 2006.<sup>64</sup>

These local level reforms go beyond open data policies. In 2009, for instance, Chicago became the first US city to implement a participatory budgeting initiative.<sup>65</sup> The government of Austin, Texas, is one of 15 pioneers in OGP's subnational pilot program and is currently implementing the first US subnational OGP action plan, which includes commitments on expanding collaboration with the public and addressing homelessness.<sup>66</sup> At the same time, there are challenges to the open government movement at the local level, as evidenced by the previously mentioned state bills on regulating protests.<sup>67</sup>

### **Stakeholder Priorities**

Civil society stakeholders interviewed for this report<sup>68</sup> emphasized the importance of improving the process of developing the OGP action plan. As described in Section II of this report, civil society organization (CSO) stakeholders published model commitments in September 2015 "to set high standards for the US government's third plan."<sup>69</sup> However, many of the participants in this effort expressed strong disappointment that their recommendations yielded no feedback from government stakeholders.<sup>70</sup> The OpenTheGovernment.org civil society coalition acknowledged that this lack of feedback led "to what several groups described as a one-sided conversation."<sup>71</sup> Civil society groups had to wait until the release of the official plan to see whether their suggestions had been accepted. As a result, funding for active open government engagement by many leading CSO stakeholders, such as the OpenTheGovernment.org civil society coalition, moved away from the OGP process to other programming priorities.

In terms of content, there is no consensus on stakeholder priorities given the variety of civil society groups working on government openness. The priorities of those involved in the OGP process range from FOIA and declassification to open contracting, foreign-aid transparency, and open education.<sup>72</sup> Nonetheless, there are several civil society model commitments that were not incorporated into the third action plan that remain civil society priorities moving forward.<sup>73</sup> OpenTheGovernment.org noted on its website that CSOs "hope that many of the recommended initiatives and policies developed by civil society still will be actively considered."<sup>74</sup> These priorities include improved disclosure of ethics information, campaign finance transparency, lobbying reforms, and transparency of military activities.<sup>75</sup>

More broadly, there is a divide among interviewed CSO stakeholders about the importance of access to information versus civic participation. During the conference calls and face-to-face meetings with CSO stakeholders,<sup>76</sup> the IRM noted that Washington, DC-based individuals and organizations emphasized FOIA and other transparency initiatives as being major concerns. On the other hand, stakeholders working in specific sectors outside of the DC area, such as those involved in the environment, energy, and digital security, recommended more engagement and venues for direct participation in the process of policymaking. In the case of the latter group, the priority was sustained engagement, rather than initiatives like *We the People* that have a high threshold of signatures required to

generate a government response. Despite the range of civil society priorities, the unanimous feedback from stakeholders was that they prefer fewer, more substantive commitments over the 45 commitments and 90 milestones contained in the third national action plan.

### **Scope of National Action Plan in Relation to National Context**

The third national action plan includes open government initiatives in a variety of sectors. While building on commitments from the previous action plan (in areas such as open innovation, whistleblowing, declassification, and fiscal transparency), the third national action plan covers new topics, including open mapping, open climate data, police open data, and sustainable development. These commitments respond to important issues in the national context, such as the growing demand among Americans for greater transparency in law enforcement, for example.<sup>77</sup>

As mentioned above, many of the open government initiatives in the United States are taking place at the federal-agency and subnational levels of government. Many of these initiatives necessarily fall outside of the scope of this third national action plan. For instance, although the Department of Transportation lists several initiatives in its open government plan, only two are featured in the national action plan: the federal infrastructure permitting dashboard and the creation of a national address database.<sup>78</sup> Similarly, the national action plan includes several commitments that explicitly support open government at the local level although these commitments cover only a small subset of subnational open government reforms.

In terms of thematic content, the action plan covers all three core OGP values of access to information, civic participation, and public accountability. The scope of the action plan in relation to each of these values is assessed below:

#### Access to information

One of the strongest aspects of this plan is the focus on information sharing and release through publically accessible databases and websites. Thirty-seven of the 45 commitments in this plan specify an aim of improving the public's access to information. These commitments cover a wide variety of topics such as education, health, labor, FOIA, beneficial ownership, and foreign assistance. Particular strengths include the growing partnerships with the private sector and the increasing focus on using stakeholder priorities to build technology tools. For example, as part of the Opportunity Project, private companies are using federal and local data sets to build civic tools.<sup>79</sup> Similarly, the improvement of USA.gov included a valuable discovery phase of in-person interviews to gauge user needs.<sup>80</sup>

#### Civic Participation

While many of the transparency initiatives in the action plan include efforts to seek public input, there are few commitments explicitly focused on improving avenues for members of the public to influence policy making. Some of the civic participation commitments in the plan focus on improving We the People, the Public Participation Playbook, and participatory budgeting. As government and CSO stakeholders acknowledged in conversations on this issue, resources at the government level for dedicated outreach efforts are lacking. This was cited as a contributing factor to the lower levels of awareness of the open government agenda in locations further from Washington, DC.

#### Public Accountability

This third national action plan contains a wealth of commitments establishing transparency portals for people to learn about the federal government's activities. However, few of these portals include mechanisms for the public to provide feedback and criticism that must be answered by the government. The Open311 and whistleblowing commitments are important exceptions. However, commitments such as the police open data initiative are not accompanied by specific accountability mechanisms. Other areas of public accountability, such as campaign finance reform, are not included in the plan at all.

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## V. General Recommendations

This third national action plan of the United States is extensive, encompassing 45 commitments and 90 individual milestones. Most commitments focus on improving public access to information on the workings and services of the US government. Under the new administration, it is critical that the government actively collaborate with the public in the development of the next action plan, engage new actors in the OGP process both inside and outside of government, and include ambitious commitments on ethics, public accountability, and other priority issues.

### **Collaborate with the Public during the Development of the Next Action Plan**

The main shortcoming of this third national action plan was the lack of substantive engagement during its development. As detailed in Section II of this report, the government did not publish a timeline of consultations, list the lead government officials, or provide agenda items for meetings. In addition, the government offered little feedback on inputs from civil society organizations, which submitted a detailed set of model commitments to be considered in the final plan.

In the spirit of OGP, participating governments should strive to co-create action plans with the public through a participatory process. To meet this goal during the development of the next action plan, the US government should adhere to the standards outlined in the recently released OGP Participation & Co-creation Standards.<sup>1</sup> Besides complying with these standards, the US government should focus specifically on meeting the following criteria to achieve a collaborative process:

- Publish information with adequate notice about the key stages, deadlines, consultation events, and methodology for developing the action plan;
- Publish progress updates on the development of the action plan, including draft commitments, meeting minutes, and an overview of public contributions;
- Establish mechanisms for members of the public to speak directly with federal officers about the government's priorities for commitments and the feasibility of civil society proposals;
- Enable civil society stakeholders to help set the agenda by selecting thematic priorities, identifying problems to resolve, and/or suggesting specific commitments;
- Publish a draft action plan for additional public inputs along with a written response explaining the reasoning behind the decisions on which citizen proposals were incorporated and which were not; and
- Jointly discuss, agree on, and oversee the action plan development process with civil society representatives, including the final selection of commitments.

### **Focus on Fewer and More-Transformative Commitments**

While there are several high-impact commitments in this third national action plan, many are limited in scope. For example, some commitments propose only a conference, increased collaboration *among* government agencies, or the *continuation* of existing initiatives. In addition, as noted in Section III of this report, many commitments lack specific details about how they will be implemented to achieve their overall objective.

Commitments in the fourth US national action plan should transform the way the government interacts with its people. Commitments may build on existing initiatives, but they should stretch government practice to address important social, economic, political, or

environmental policy problems. This means going beyond hosting one-time events or taking preliminary actions, such as drafting a plan or designing a new project. Instead, commitments should aim for concrete and ambitious outcomes that are feasible in a two-year period. All proposed activities should also be clearly defined, along with the timelines for implementation. Interviewed civil society stakeholders unanimously agreed that fewer, more-ambitious commitments are desirable.<sup>2</sup>

### **Develop Commitments on Ethics Reforms**

Commitments on ethics have been largely absent from US OGP national action plans, despite repeated civil society requests for their inclusion.<sup>3</sup> To mitigate the major ethics concerns facing the new administration noted in Section IV of this report, the US government should make concrete and ambitious ethics commitments addressing issues such as asset disclosures, lobbying regulations, and campaign finance rules. Specifically, the US government could propose ethics reforms around four key issues:

- Asset disclosures, including release of tax returns;
- Divestiture and management of conflicts of interest;
- Lobbying disclosures, such as information on Federal Advisory Committees and White House and federal agency visitor logs; and
- Transparency of campaign contributions through more-frequent filings and/or greater disclosures.

Other reforms previously supported by civil society include reforming the Lobbying Disclosure Act to require greater disclosures of lobbying activities, requiring federal contractors to disclose political campaign contributions, and disclosing more information on lobbying by contractors.<sup>4</sup>

Strong ethics commitments would also serve another purpose—fulfilling President Trump’s campaign promises to address government corruption. For instance, in October 2016, Trump promised to work with Congress to reform the Lobbying Disclosure Act, strengthen campaign finance laws to keep foreign lobbyists from raising funds for US elections, and impose a five-year lobbying ban on members of Congress and their top staffers.<sup>5</sup>

### **Move Beyond Transparency to Civic Engagement and Public Accountability**

As stated in Section IV of this report, 37 of the action plan’s 45 commitments specifically look to improve the public’s access to information. While these transparency initiatives are important, the next action plan should include more efforts to actively engage the public. Donald Trump’s victory in the 2016 presidential election was, in part, a statement by citizens that they feel unheard and disconnected from the government that serves them. Connecting with them requires a concerted outreach effort that goes beyond making information available online. While government stakeholders acknowledged that these “higher order” goals are more difficult to achieve, they represent an important next step.

Participatory components of this plan that could be expanded to other areas include the Data.gov Help Desk<sup>6</sup> and the Open311 initiative,<sup>7</sup> both of which allow the public to engage in direct dialogue with government officials who respond to citizen-raised issues and requests. These types of feedback loops can empower individuals to influence decision making and hold the government accountable for its actions. The US government could also take concrete steps to convene end users during the development of services (as was the case with USA.gov) and improve feedback mechanisms at the federal agency level.

### **Address Priority Issues Such as Service Delivery and Infrastructure**

The US government could use OGP as a platform for addressing priority issues on the national agenda. One key issue is modernized service delivery, one of the objectives of the



new Office of American Innovation (OAI). With support from the US Digital Service and 18F technology teams, the OAI should use digital technology tools and active engagement of end users to foster greater transparency and accountability in public-service delivery.

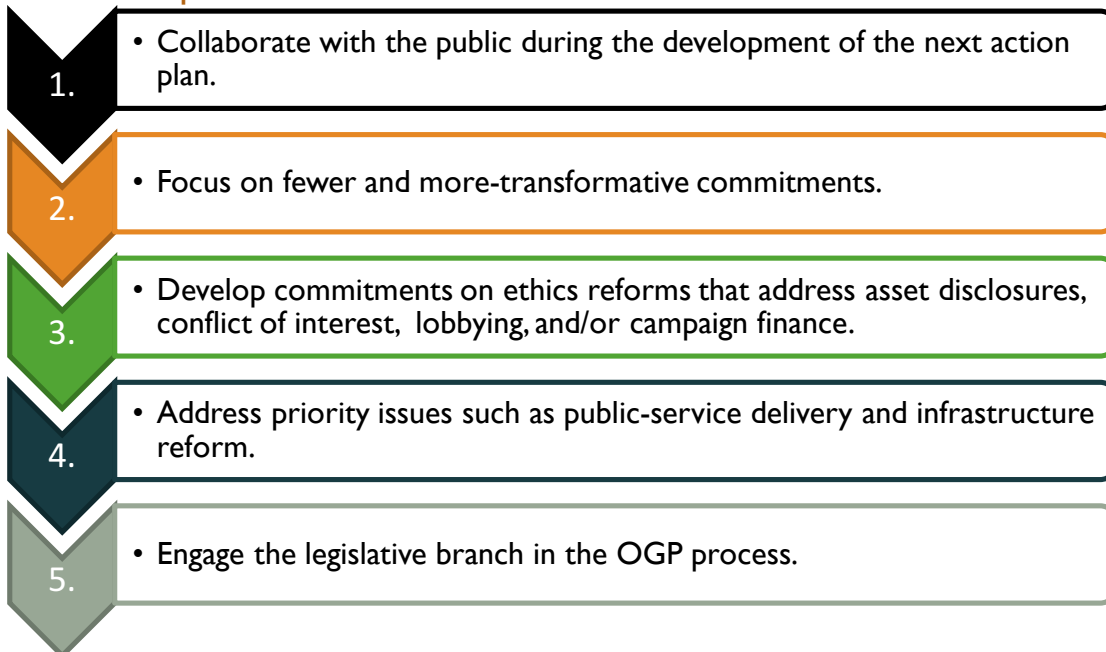
Another important issue with bipartisan support is infrastructure reform. An open process of developing new infrastructure projects is essential for reducing waste, fraud, and abuse. This could be achieved by disclosing data on investments, involving the public in decision making, and creating channels for people to hold government officials accountable.

### **Engage the Legislative Branch in the OGP Process**

None of the 90 milestones included in the third national action plan involve the legislative branch. Despite the partisan divide, there has historically been strong bipartisan support for greater oversight in Congress.<sup>8</sup> A recent example is the inclusion of language in the fiscal 2018 spending bill requiring the Congressional Research Service to publish its reports, a move that received strong support from civil society.<sup>9</sup>

In the future, the US government should work with both permanent and elected officials of Congress to develop concrete open government commitments. Specifically, the lead OGP agencies in the executive branch could engage with the Rules Committee or the US House Committee on Oversight and Government Reform to develop OGP commitments. In addition, passing legislation may be necessary to achieve transformative open government reforms, such as in the case of lobbying reform. As a core accountability institution, Congress could also better enforce rights and make internal procedures, such as committee records, open by default.

**Table 5.1: Top Five SMART Recommendations**



<sup>1</sup> OGP Participation & Co-creation Standards, <https://www.opengovpartnership.org/ogp-participation-co-creation-standards>. These standards were officially announced in February 2017 and will apply to countries that develop 2017-2019 action plans, such as the United States.

<sup>2</sup> See Section IV for more details on stakeholder priorities. See Section VI for a list of stakeholders interviewed for this report.

<sup>3</sup> See civil society requests for the first US national action plan here: <http://bit.ly/2uGvpjb>. See also the ethics commitments included in the model plan submitted by civil society organizations during the development of this third national action plan here: <http://bit.ly/2uGOSQJ>.

<sup>4</sup> Civil Society Model Commitments for the Third US National Action Plan, September 2015, <http://bit.ly/2oBni4D>

<sup>5</sup> Peter Overby, “Trump’s Efforts To ‘Drain the Swamp’ Lagging Behind His Campaign Rhetoric,” NPR, 26 April 2017, <http://n.pr/2oIKNUy>

<sup>6</sup> Data.gov, “Data Requests,” <https://www.data.gov/requests>

<sup>7</sup> Open311, <https://federation.data.gov/open311.html>

<sup>8</sup> Walter J. Oleszek, “Congressional Lawmaking: A Perspective On Secrecy and Transparency,” 30 November 2011, <https://fas.org/sgp/crs/secrecy/R42108.pdf>

<sup>9</sup> Charles S. Clark, “Transparency Advocates Cheer Bill to Publish Congressional Research,” 5 July 2017, <http://bit.ly/2uPYqol>

## VI. Methodology and Sources

The IRM midterm report is written by well-respected governance researchers based in each OGP-participating country. All IRM reports undergo a process of quality control to ensure the highest standards of research and due diligence have been applied.

Analysis of progress on OGP action plans is carried out through a combination of interviews, desk research, and feedback from nongovernmental stakeholder meetings. The IRM report builds on the findings of the government's own self-assessment report and any other assessments of progress put out by civil society, the private sector, or international organizations.

Each IRM researcher convenes stakeholder meetings to ensure an accurate portrayal of events. Given budgetary and calendar constraints, the IRM cannot consult all interested or affected parties. Consequently, the IRM strives for methodological transparency and therefore, where possible, makes public the process of stakeholder engagement in research (detailed later in this section). In those national contexts where anonymity of informants—governmental or nongovernmental—is required, the IRM reserves the ability to protect the anonymity of informants. Additionally, because of the necessary limitations of the method, the IRM strongly encourages commentary on public drafts of each national document.

Each report undergoes a four-step review and quality-control process:

1. Staff review: IRM staff reviews the report for grammar, readability, content, and adherence to IRM methodology.
2. International Experts Panel (IEP) review: IEP reviews the content of the report for rigorous evidence to support findings, evaluates the extent to which the action plan applies OGP values, and provides technical recommendations for improving the implementation of commitments and realization of OGP values through the action plan as a whole.
3. Prepublication review: Government and select civil society organizations are invited to provide comments on content of the draft IRM report.
4. Public comment period: The public is invited to provide comments on the content of the draft IRM report.

This review process, including the procedure for incorporating comments received, is outlined in greater detail in Section III of the Procedures Manual.<sup>1</sup>

### Interviews and Focus Groups

Each IRM researcher is required to hold at least one public information-gathering event. The IRM researcher makes an effort to invite stakeholders outside of the “usual suspects” list of invitees already participating in existing processes. Supplementary means may be needed to gather the inputs of stakeholders in a more meaningful way (e.g. online surveys, written responses, follow-up interviews). Additionally, researchers perform specific interviews with responsible agencies when the commitments require more information than is provided in the self-assessment or is accessible online.

The drafting of this report took place under a number of challenging circumstances, limiting the ideal breadth of interviews and public events held. The IRM researcher began the evaluation a month prior to the 2016 US presidential election, which demanded the attention of many stakeholders, inside and outside of government. Despite the tight schedule and obvious election-induced distractions, the IRM researcher attended a number of meetings with government and civil society stakeholders to gain insight and perspective on the development and implementation of the action plan. One such meeting was the November 2016 Interagency Open Government Working Group meeting during which

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government and civil society representatives shared views on the implementation status of several commitments.

The open public information-gathering event was conducted via a web-based videoconference held on 27 October 2016. Attendees included:

Luca Cioffi – QiqoChat (Charlottesville, VA)  
John Spady – National Dialogue Network (Seattle, WA)  
Bentley Davis – Settle It (Dallas, TX)  
Matthew Ramirez  
Yul Anderson – African American Future Society (New Port Richey, FL)  
Stephen Buckley – International Association for Public Participation (Cape Cod, MA)  
Kacie Kocher – (New York, NY)  
Kristin Wolff  
David Fridley – (Irvine, CA)  
Dawn Johnson – City Planner (Arizona)  
Larry Schooler – City of Austin (Austin, TX)  
Ele Munjeli  
Page Lieberman  
Matt Kirby - (Indianapolis, IN)  
Bill Wendel – Real Estate Café (Cambridge, MA)  
Andrea Moed  
Howard Dy – (Oakland, CA)  
Luigi – (Atlanta, GA)  
Joy Namunoga – Sunlight Foundation (Washington, DC)

The event raised two important issues that informed the review of this action plan. First, many expressed the view that the consultation efforts of the government did not go far enough outside the Washington, DC area. Second, participants debated just how far technology can go to solve open government challenges.

In addition to this event, the IRM researcher met individually and in small groups with a number of civil society stakeholders. One such roundtable took place on 18 November 2016 at the offices of [OpentheGovernment.org](http://OpentheGovernment.org). Attendees included:

Patrice McDermott ([OpentheGovernment.org](http://OpentheGovernment.org))  
Alex Howard (Sunlight Foundation)  
Mia Steinle (Project on Government Oversight)  
Sean Moulton (Project on Government Oversight)  
Jesse Franzblau ([OpentheGovernment.org](http://OpentheGovernment.org))  
Emily Manna ([OpentheGovernment.org](http://OpentheGovernment.org))

This was a wide-ranging conversation that included a discussion of the government-civil society consultation experience and civil society interactions with key government stakeholders during the implementation phase of the action plan.

Engagement with the government during the research for this report was coordinated with Corinna Zarek, the former government lead for open government in the White House Office of Science and Technology Policy. The IRM researcher met with Ms. Zarek on multiple occasions and enlisted her assistance in organizing a series of conference calls with government agency leads for individual commitments. These calls took place over the course of a week and were organized along the thematic groupings found in the action plan. Ms. Zarek requested that the researcher not share the names of the government leads publicly. The calls were held on the following dates under the listed themes:

21 November: Open Government to Improve Public Services  
22 November: Access to Information  
28 November: Public Participation  
29 November: Government Integrity and Fiscal Transparency

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30 November: Justice and Law Enforcement and Support Open Government at the Sub-National Level

1 December: Open Government to Support Global Sustainable Development

These calls provided information that supplemented the government's midterm self-assessment report and offered government stakeholders the opportunity to respond to critiques the IRM researcher had heard from civil society contacts.

In addition to the personal engagements, the IRM examined every website mentioned in the action plan and in the midterm self-assessment report to assess its functionality and its relevance to the commitments.

### **About the Independent Reporting Mechanism**

The IRM is a key means by which government, civil society, and the private sector can track government development and implementation of OGP action plans. The design of research and quality control of such reports is carried out by the International Experts Panel, comprised of experts in transparency, participation, accountability, and social science research methods.

The current membership of the International Experts Panel is

- César Nicandro Cruz-Rubio
- Hazel Feigenblatt
- Mary Francoli
- Brendan Halloran
- Hille Hinsberg
- Anuradha Joshi
- Jeff Lovitt
- Showers Mawowa
- Fredline M'Cormack-Hale
- Ernesto Velasco

A small staff based in Washington, DC shepherds reports through the IRM process in close coordination with the researcher. Questions and comments about this report can be directed to the staff at [irm@opengovpartnership.org](mailto:irm@opengovpartnership.org)

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<sup>1</sup> Open Government Partnership, IRM Procedures Manual, <https://www.opengovpartnership.org/documents/irm-procedures-manual>

## VII. Eligibility Requirements Annex

In September 2012, OGP decided to begin strongly encouraging participating governments to adopt ambitious commitments in relation to their performance against the OGP eligibility criteria.

The OGP Support Unit collates eligibility criteria on an annual basis. These scores are presented below.<sup>1</sup> When appropriate, the IRM reports will discuss the context surrounding progress or regress on specific criteria in the Country Context section.

**Table 7.1: Eligibility Annex for the United States**

Criteria	2011	Current	Change	Explanation
Budget transparency <sup>2</sup>	4	4	No change	4 = Executive's Budget Proposal and Audit Report published 2 = One of two published 0 = Neither published
Access to information <sup>3</sup>	4	4	No change	4 = Access to information (ATI) Law 3 = Constitutional ATI provision 1 = Draft ATI law 0 = No ATI law
Asset Declaration <sup>4</sup>	4	4	No change	4 = Asset disclosure law, data public 2 = Asset disclosure law, no public data 0 = No law
Citizen Engagement (Raw score)	4 (8.53) <sup>5</sup>	4 (8.24) <sup>6</sup>	No change	<i>EIU Citizen Engagement Index</i> raw score: 1 > 0 2 > 2.5 3 > 5 4 > 7.5
<b>Total/Possible (Percent)</b>	<b>16/16 (100%)</b>	<b>16/16 (100%)</b>	<b>No change</b>	<b>75% of possible points to be eligible</b>

<sup>1</sup> For more information, see <http://www.opengovpartnership.org/how-it-works/eligibility-criteria>.

<sup>2</sup> For more information, see Table 1 in <http://internationalbudget.org/what-we-do/open-budget-survey/>. For up-to-date assessments, see <http://www.obstracker.org/>.

<sup>3</sup> The two databases used are Constitutional Provisions at <http://www.right2info.org/constitutional-protections> and Laws and draft laws at <http://www.right2info.org/access-to-information-laws>.

<sup>4</sup> Simeon Djankov, Rafael La Porta, Florencio Lopez-de-Silanes, and Andrei Shleifer, "Disclosure by Politicians," (Tuck School of Business Working Paper 2009-60, 2009), <http://bit.ly/19nDEfK>; Organization for Economic Cooperation and Development (OECD), "Types of Information Decision Makers Are Required to Formally Disclose, and Level Of Transparency," in *Government at a Glance 2009*, (OECD, 2009), <http://bit.ly/13vGtqS>; Ricard Messick, "Income and Asset Disclosure by World Bank Client Countries" (Washington, DC: World Bank, 2009), <http://bit.ly/1clokyf>. For more recent information, see <http://publicofficialsfinancialdisclosure.worldbank.org>. In 2014, the OGP Steering Committee approved a change in the asset disclosure measurement. The existence of a law and de facto public access to the disclosed information replaced the old measures of disclosure by politicians and disclosure of high-level officials. For additional information, see the guidance note on 2014 OGP Eligibility Requirements at <http://bit.ly/1EjL4Y>.

<sup>5</sup> "Democracy Index 2010: Democracy in Retreat," The Economist Intelligence Unit (London: Economist, 2010), <http://bit.ly/eLC1rE>.

<sup>6</sup> "Democracy Index 2014: Democracy and its Discontents," The Economist Intelligence Unit (London: Economist, 2014), <http://bit.ly/18kEzCt>.