



**Open Government Partnership**  
**Independent Reporting Mechanism**  
**United States**  
**Public Comments Received on the**  
**2015-2017 End-of-Term Report**

The IRM received the following public comment:

*For the past 4 years, I have been participating (or, rather, trying to) in the U.S. Govt's #OpenGov Working Group, as representative of the U.S. Chapter (1400 members) of the International Association for Public Participation (established 1990).*

*I want to be clear that the comments that I made on the OGP's IRM Report on the U.S. OpenGov Report 2015-2017 are my own opinions, which may not necessarily be the same as any official IAP2-USA position. That platform for comments is located at [http://ogp.civiccomment.org/...](http://ogp.civiccomment.org/)*

*Anyone interested in joining a moderated email-group about Evaluation of #OpenGov, for deeper and broader information and discussion, can do so by sending any message to: [opengovmetrics+subscribe@googlegroups.com](mailto:opengovmetrics+subscribe@googlegroups.com)*

*And/or you can follow me on Twitter at <https://twitter.com/opengovmetrics>*

- Stephen Buckley, OpengGov rep, U.S. Chapter of the International Association for Public Participation

In addition to the general comment above, other public comments are included in the text of the report below. In particular, comments can be found on pages 4, 6, 8, and 218 of the report (see the page numbers in the center of the document's footer).

# Independent Reporting Mechanism (IRM): United States End-of-Term Report 2015–2017

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Dr. Jason I. McMann, Independent Researcher

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## Overview: United States

Independent Reporting Mechanism (IRM) End-of-Term Report 2015–2017

The third United States national action plan was more ambitious than its predecessors, leading to major advances in fiscal transparency, open science, and police data. However, about a third of the plan’s commitments saw limited implementation by the end of the action plan. There were also notable regressions in certain areas, such as e-petitions and transparency in the extractives sector.

001

The Open Government Partnership (OGP) is a voluntary international initiative that aims to secure commitments from governments to their citizenry to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. The Independent Reporting Mechanism (IRM) carries out a review of the activities of each OGP-participating country. This report summarizes the results of the period June 2015 to June 2017, with some relevant developments through early 2018.

The Executive Office of the President (EOP) leads the OGP initiative in the United States (US). The General Services Administration supports the EOP logistically and the State Department coordinates all international-facing OGP efforts. Implementation of the plan also involves many other agencies.

The highlights of the plan include outstanding improvements in fiscal transparency and open science. Other major results include better access to educational resources, police data, and climate data. The plan also saw more citizen science and expanded whistleblower protections. However, most commitments led to little or no changes in government practice. Furthermore, about a third of the commitments saw limited implementation by the end of the action plan, which represents a lower level of implementation than that of previous US action plans.

The US government did not publish its end-of-term self-assessment. Thus, it was not available during the writing of this report. The US government also did not publish its fourth national action plan on time. On 31 October 2017, the EOP notified OGP that the plan would be delayed “until early 2018.”<sup>1</sup>

<b>Table I: At a Glance</b>		
	<b>Mid-term</b>	<b>End of term</b>
Number of Commitments	45	52
<b>Level of Completion</b>		
Completed	4% (2)	31% (16)
Substantial	33% (15)	36% (19)
Limited	56% (25)	31% (16)
Not Started	7% (3)	2% (1)
<b>Number of Commitments with...</b>		
Clear Relevance to OGP Values	91% (41)	90% (47)
Transformative Potential Impact	13% (6)	12% (6)
Substantial or Complete Implementation	37% (17)	67% (35)
<b>All Three (⊕)</b>	3	4
<b>Did It Open government?</b>		
Major	6	
Outstanding	2	
<b>Moving Forward</b>		
Number of Commitments Carried Over to Next Action Plan	N/A	

<sup>1</sup> “Delay Letter: 4<sup>th</sup> U.S. National Action Plan for Open Government,” USA.gov, <https://open.usa.gov/national-action-plan/4/delay-letter/>.

This report was prepared by Dr. Jason Ian McMann, independent researcher.

#001

Posted by **Stephen Buckley** on **05/25/2018** at **7:35pm**

*Agree: 0, Disagree: 0*

The key phrase here is "notable regression". -- And that this is for U.S. government agencies during the time-period 2015-2017, covering only the first 5 months of the Trump Administration. --

In hindsight, it is also "notable" that in a program, launched on Obama's first day in office, and meant to \*better\* inform and engage citizens in their government, that the #1 reason given by supporters of his successor was that "people like me #HaveNoSay in government" (RAND Corp. 2016) -- <https://twitter.com/transpartisan/status/733409579514617856>

This "regression", cited by Alex Howard in link below, had been building long before 2015-2017, but it had been "notable" enough to be noticed by the many Americans who were surprised by the 2016 Presidential election. -- But it is curious that the OGP, an organization that was supposed to be evaluating citizens' engagement, is so reluctant to discuss why it also did not really notice the rising frustration of citizens feeling that they #HaveNoSay in their government. -- If the OGP's metrics for evaluating #OpenGov did not measure this rising dissatisfaction with the status-quo in citizen engagement, then there needs to be a more open discussion about how to improve accuracy -- more open and collaborative than whatever OGP/IRM has been doing done in the past. -- It's time for OGP to "walk its talk" and act in the way that it would have others act. -- Here's Alex Howard's "charitable" take. --

<https://e-pluribusunum.org/2018/05/11/open-government-partnership-researchers-find-flaws-and-growing-regression-on-open-government-in-the-usa/> --- I have provided other comments, below, but you can also join an email-group on this topic by sending any message to: [opengovmetrics+subscribe@googlegroups.com](mailto:opengovmetrics+subscribe@googlegroups.com)

## Consultation with Civil Society during Implementation

Countries participating in OGP follow a process for consultation during development and implementation of their action plan. The process for consultation during the development of the third action plan is described in the IRM midterm report.<sup>1</sup>

During the implementation of the plan, the United States (US) government consulted civil society organizations and members of the public through two avenues. These included a Google Group named US Open Government<sup>2</sup> and quarterly open meetings of the Interagency Open Government Working Group. The group, a forum that meets monthly, includes several US agencies involved in open government initiatives. During the implementation period of the third action plan (October 2015 to June 2017), the working group met seven times:

- 9 November 2015
- 23 February 2016
- 24 May 2016
- 23 August 2016<sup>3</sup>
- 15 November 2016
- 14 February 2017
- 30 May 2017

In general, the meetings featured updates from government representatives on specific OGP commitments, as well as questions and comments from civil society representatives and members of the public. Participants engaged either in person or remotely. With a two-hour time limit, however, the meetings invariably ended before everyone shared their viewpoints. The invitations, agendas, and minutes for these meetings were circulated on the US Open Government Google Group, which prompted further discussion.

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Table 2: Consultation during Implementation

Regular Multi-stakeholder Forum	Midterm	End of Term
1. Did a forum exist?	Yes	Yes
2. Did it meet regularly?	Yes	Yes

## #002

Posted by **Stephen Buckley** on **05/25/2018** at **5:31pm**

*Agree: 0, Disagree: 0*

Yes, technically, there was an option for "remote participation" which worked .. sort of .. sometimes.

But I could not depend on it working well enough to risk missing "what's going on" ... so I had to fly down to D.C. (from Boston) in order to attend these meetings in-person .. and speak, at one meeting, for a whole 2 minutes! Everyone else seemed to be from "inside-the-Beltway".

## #003

Posted by **Stephen Buckley** on **05/25/2018** at **5:23pm**

*Agree: 0, Disagree: 0*

As email-groups go, and considering the importance of the topic, the quality and quantity of discussion in this email-group was relatively anemic. At least it exists at all, since it took the Obama administration 5 years into its OpenGov initiative before discovering how to use the oldest and most simple Internet tool (email-listserv) for openly sharing information (on the topic, ironically, of how to be more open about its work).

## #004

Posted by **Stephen Buckley** on **05/25/2018** at **5:15pm**

*Agree: 0, Disagree: 0*

No, the meetings were not 2 hours long. They were only 1 hour. And the presentations on the agenda took up so much time that there was little remaining time for Q&A, nor an opportunity for "civil society" to offer their thoughts in a meaningful way.

And if persons from "the public" (i.e., not from a "civil society" organization) spoke at these meetings, then please give examples, because I can't remember any.

The IRM has adapted the International Association for Public Participation (IAP2) “Spectrum of Participation” to apply to OGP.<sup>4</sup> This spectrum shows the potential level of public influence on the contents of the action plan. In the spirit of OGP, most countries should aspire for “collaborative.”

006  
007

Table 3: Level of Public Influence during Implementation

Level of Public Influence during Implementation of Action Plan		Midterm	End of Term
<b>Empower</b>	The government handed decision-making power to members of the public.		
<b>Collaborate</b>	There was iterative dialogue AND the public helped set the agenda.		
<b>Involve</b>	The government gave feedback on how public inputs were considered.		
<b>Consult</b>	The public could give inputs.	✓	✓
<b>Inform</b>	The government provided the public with information on the action plan.		
<b>No Consultation</b>	No consultation		

<sup>1</sup> Open Government Partnership, *Independent Reporting Mechanism (IRM): United States Progress Report 2015-2016*, <http://bit.ly/2D34B0V>.

<sup>2</sup> “US Open Government,” Google Groups, <https://groups.google.com/forum/#!forum/us-open-government>.

<sup>3</sup> This meeting took the form of an Open Gov Consultation Session, which featured lightning talks from both civil society and government representatives, as well as discussion about 2016 open government plans at the agency level.

<sup>4</sup>[http://c.ymcdn.com/sites/www.iap2.org/resource/resmgr/foundations\\_course/IAP2\\_P2\\_Spectrum\\_FINAL.pdf](http://c.ymcdn.com/sites/www.iap2.org/resource/resmgr/foundations_course/IAP2_P2_Spectrum_FINAL.pdf)

005



## #005

Posted by **Stephen Buckley** on **05/25/2018** at **6:48pm**

*Agree: 0, Disagree: 0*

I was one of the "lightning speakers" at the this meeting and, since, I only had 2 minutes to speak about IAP2's "Core Values" for Public Participation, I focused on Core Value #6:

-- "Public participation provides participants with the information they need to participate in a meaningful way." --- I gave an example of how U.S. Government developed an OpenGov "best practices" guide, but the IAP2 (and others) were NOT invited to participate -- in a meaningful way -- that is to say, not until the very end of the document's development (when it was essentially finished). -- They did not follow the "best practice" of engaging stakeholders (like IAP2-USA) early in the process, not at the end, when "the stew is already cooked." --- Not only ironic, but hypocritical.

## #006

Posted by **Stephen Buckley** on **05/25/2018** at **4:47pm**

*Agree: 0, Disagree: 0*

It is true when the OGP's IRM says it has "adapted" the IAP2's "Spectrum of Public Participation". However, the changes are significant and IAP2 was not consulted. (Ironic, huh?)

<https://iap2usa.org/resources/Documents/Core%20Values%20Awards/IAP2%20-%20Spectrum%20-%20stand%20alone%20document.pdf>

## #007

Posted by **Stephen Buckley** on **05/25/2018** at **5:01pm**

*Agree: 0, Disagree: 0*

If the OGP wants countries to aspire the higher level of "Collaboration" in public participation, then OGP needs to aspire to the same level of participation in its own work (like this report)!

As the representative for the U.S. chapter of the IAP2 (International Association for Public Participation), it is my professional opinion that the NAP 3.0 effort was not adequate, by any objective measure.

And the OGP's IRM, by only allowing 2 weeks to provide feedback on this report, is not adequate either.

I would like to invite anyone reading this to contact me if they would like to participate in a more open and collaborative discussion of this evaluation of U.S. NAP 3.0 by the OGP's IRM.

## About the Assessment

The indicators and method used in the IRM research can be found in the IRM Procedures Manual.<sup>1</sup> One measure, the “starred commitment” (★), deserves further explanation due to its particular interest to readers and usefulness for encouraging a race to the top among OGP-participating countries. Starred commitments are considered exemplary OGP commitments. To receive a star, a commitment must meet several criteria:

- Starred commitments will have “medium” or “high” specificity. A commitment must lay out clearly defined activities and steps to make a judgment about its potential impact.
- 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>
- The government must make significant progress on this commitment during the action plan implementation period, receiving an assessment of “substantial” or “complete” implementation.

Starred commitments can lose their starred status if their completion falls short of substantial or full completion at the end of the action plan implementation period.

In the midterm report, the US action plan contained three starred commitments. At the end of term, based on the changes in the level of completion, the US action plan contained four starred commitments:

Commitment 14. Modernize FOIA and release nonprofit tax filings

Commitment 20. Open science

Commitment 36. Police open data

Commitment 42. Open climate data

Finally, the tables in this section present an excerpt of the wealth of data the IRM collects during its reporting process. For the full dataset for the United States, see the OGP Explorer at [www.opengovpartnership.org/explorer](http://www.opengovpartnership.org/explorer).

## About “Did It Open Government?”

To capture changes in government practices, the IRM introduced the new variable “Did It Open Government?” in end-of-term reports. This variable looks to move beyond measuring outputs and deliverables to focus on how government practices have changed as a result of the commitment’s implementation.

As written, some OGP commitments are vague and/or not clearly relevant to OGP values but achieve significant policy reforms. In other cases, commitments as written appear relevant and ambitious, but fail to open government as implemented. The “Did It Open Government” variable attempts to capture these subtleties.

The “Did It Open Government?” variable assesses changes in government practice using the following spectrum:

- Worsened: Government openness worsens as a result of the commitment.
- Did not change: No changes in government practice.
- Marginal: Some change, but minor in terms of its effect on level of openness.
- Major: A step forward for government openness in the relevant policy area, but remains limited in scope or scale.

- Outstanding: A reform that has transformed “business as usual” in the relevant policy area by opening government.

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

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

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<sup>1</sup> “About the IRM,” Open Government Partnership, <http://www.opengovpartnership.org/about/about-irm>.

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

# Commitment Implementation

## General Overview of Commitments

As part of OGP, countries are required to make commitments in a two-year action plan. The tables below summarize the completion level at the end of term and progress on the “Did It Open Government?” metric. For commitments that were complete at the midterm, the report will provide a summary of the progress report findings but focuses on analysis of the “Did It Open Government?” variable. For further details on these commitments, please see the United States IRM progress report (2015–2016).<sup>1</sup>

The third US action plan contains 52 commitments that generally 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 original version of the third action plan, launched in October 2015, contained 45 commitments.<sup>2</sup> In September 2016, the US government published seven new and expanded commitments in a stand-alone document.<sup>3</sup>

The text of each commitment is copied directly from both government sources mentioned above. Only commitment titles have been adjusted to improve the readability of the report. Since the government did not specify the lead actors for many commitments, the lead actors listed in this report are taken directly from the government’s midterm self-assessment.<sup>4</sup>

**Table 4: Assessment of Progress by Commitment**

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Midterm End of Term		Did It Open Government?					
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding	
1. Reconstitute USA.gov		✓			✓			✓							✓				✓			
2. Accessibility of Government Information Online		✓			✓					✓				✓					✓			
3. Expand Access to Educational Resources			✓		✓					✓				✓						✓		
4. Public Listing of Every Address			✓		✓					✓				✓					✓			
5. Optimize the College Scorecard			✓		✓					✓				✓					✓			
6. Improve Individual Access to Own Information		✓			✓					✓			✓						✓			
7. Support Open311		✓					✓	✓		✓			✓						✓			

8. Data-Driven Precision Medicine			✓	✓	✓		✓				✓		✓				✓		
9. Increase Access to Workforce Data			✓	✓			✓				✓		✓					✓	
10. Evidence-Based Policy for Service Delivery	✓			Unclear				✓				✓		✓				✓	
11. Federal Infrastructure Permitting Dashboard			✓	✓					✓			✓				✓			✓
12. Single Window Platform for Imports and Exports			✓	Unclear						✓			✓					✓	
13. Improve Government Records			✓	✓	✓				✓			✓						✓	
★ 14. Modernize Implementation of FOIA			✓	✓	✓						✓		✓						✓
15. Streamline the Declassification Process			✓	✓							✓		✓					✓	
16. Controlled Unclassified Information Program			✓	✓							✓				✓			✓	
17. Transparency of Privacy Programs		✓		Unclear						✓			✓					✓	
18. Transparency of Investigative Technologies		✓		✓						✓			✓					✓	
19. Transparency of the Intelligence Community			✓	✓	✓	✓	✓				✓		✓					✓	
★ 20. Open Science			✓	✓	✓						✓		✓						✓
21. Open Data to the Public			✓	✓	✓							✓		✓				✓	
22. Transparency of Trade Policy Negotiations		✓		✓	✓						✓			✓				✓	
23. Machine-Readable Government Organizational Chart			✓	✓								✓						✓	
24. Improve Public Participation			✓	✓	✓	✓	✓					✓					✓		
25. Public Participation in Regulations			✓	✓	✓							✓						✓	
26. Open Innovation			✓	✓	✓							✓							✓
27. Open Mapping			✓	✓	✓								✓					✓	
28. Track Implementation of Open Government Plans			✓	✓	✓					✓			✓					✓	
29. Strengthen Whistleblower Protections			✓		✓	✓							✓						✓
30. Beneficial Ownership		✓		Unclear						✓				✓				✓	
			✓	✓								✓						✓	

31. Transparency of Extractive Industries												✓								
32. Fiscal Transparency			✓	✓	✓		✓					✓								✓
33. Quality and Use of Foreign Assistance Data			✓	✓			✓					✓							✓	
34. Participatory Budgets			✓		✓			✓											✓	
35. Expand Access to Justice	✓				✓			✓						✓					✓	
★ 36. Police Open Data		✓		✓	✓		✓			✓				✓					✓	
37. Open Federal Data to Benefit Local Communities		✓		✓				✓					✓					✓		
38. Support the Municipal Data Network			✓	✓	✓		✓							✓					✓	
39. Foster Data Ecosystems	✓			✓		✓		✓			✓							✓		
40. Support Communities through Data-Driven Government	✓			✓		✓		✓					✓						✓	
41. Open and Accountable Implementation of SDGs		✓		✓	✓		✓							✓					✓	
★ 42. Open Climate Data		✓		✓	✓		✓				✓								✓	
43. Air Quality Data			✓	✓				✓						✓					✓	
44. Agriculture and Nutrition Data		✓		✓	✓			✓					✓						✓	
45. Data Sharing about Global Preparedness for Epidemics			✓	✓				✓						✓					✓	
46. Global Connectivity	✓			Unclear					✓				Not Assessed				✓			
47. Open Contracting		✓		✓	✓		✓					Not Assessed						✓		
48. Data for Sustainable Development		✓		✓	✓		✓					Not Assessed						✓		
49. Transparency of Security Sector Assistance		✓		✓			✓					Not Assessed						✓		
50. Open Collaboration on the Arctic		✓		✓	✓		✓					Not Assessed						✓		
51. Capacity Building for Extractives Transparency	✓			✓			✓					Not Assessed				✓				
52. Responsible Business Conduct		✓			✓			✓				Not Assessed				✓				

<sup>1</sup> Open Government Partnership, *Independent Reporting Mechanism (IRM): United States Progress Report 2015-2016*, <http://bit.ly/2D34B0V>.

<sup>2</sup> United States of America, *Third Open Government National Action Plan for the United States of America*, 27 October 2015, <http://bit.ly/2D0nO2r>.

<sup>3</sup> United States of America, *Announcing New Open Government Initiatives*, September 2016, <http://bit.ly/2tF11n2>.

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<sup>4</sup> United States of America, Midterm Self-Assessment Report for the Open Government Partnership, Third Open Government National Action Plan, September 2016, <http://bit.ly/2qvDgcj>.

## 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:** General Services Administration

**Supporting Institution:** Not Specified

**Start Date:** Not Specified

**End Date:** Not Specified

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Midterm		Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
I. Overall		✓			✓			✓		✓					✓	✓			✓		

### Commitment Aim

This commitment aimed to transform USA.gov into a more user-friendly web portal by implementing “user-centered enhancements” and “enhanced content.” The government anticipated these improvements would make information about government activities and services easier for the public to access. At its core, the commitment sought to design USA.gov based on the public’s—rather than the government’s—needs.

### Status

**Midterm: Substantial**

As described in the IRM progress report, the government had made substantial progress on this commitment at the midterm.

Specifically, in late 2015, the General Services Administration (GSA) initiated efforts to make USA.gov more user friendly. These efforts were known as the Federal Front Door initiative.<sup>1</sup> The initiative entailed interviews with 64 members of the public to better understand how they access information on government and the challenges they face when doing so.<sup>2</sup> The government



summarized the findings from this initiative in a series of blog posts on [blog.USA.gov](#)<sup>3</sup> and in a final summary report.<sup>4</sup> [Blog.USA.gov](#) was created in late 2015<sup>5</sup> to publicize updates to [USA.gov](#).

During this same time period, the government launched [vote.USA.gov](#)<sup>6</sup> to facilitate access to voter registration information. In early 2016, the government created a new landing page for [USA.gov](#) with Spanish-language functionality.<sup>7</sup> In June 2016, the GSA announced in a blog post that the [Business.USA.gov](#) website would be merged into [USA.gov](#) to streamline access to information on establishing a business in the United States.<sup>8</sup> These activities are nevertheless tangential to the commitment's goal of implementing user-centered enhancements to [USA.gov](#).

At the midterm, [Business.USA.gov](#) had not yet been merged into the broader [USA.gov](#) website, and the commitment's overarching aim of making [USA.gov](#) more user friendly remained incomplete.

### **End of term: Complete**

This commitment is complete. In a blog post from 10 January 2017,<sup>9</sup> the General Services Administration (GSA) announced a redesign of the [USA.gov](#) and [Gobierno.USA.gov](#) homepages. The post does not reference the Federal Front Door initiative. However, it indicates that the redesign was informed by usability testing and aims to "make it easier for the public to get answers to . . . top government questions."<sup>10</sup> Among other features, the redesigned website contains a What's New section, intended to facilitate access to new features. It also contains more streamlined homepage content.<sup>11</sup>

In a blog post from 27 September 2016, the GSA similarly announced a redesign of [vote.usa.gov](#). This redesign resulted in the implementation of full Spanish-language functionality for that site, a streamlined homepage, and a visual design aligned with US Web Design Standards (see Commitment 2).<sup>12</sup>

By the end of the action plan, [Business.USA.gov](#) had also been merged into the Small Business section of [USA.gov](#), and no longer functions as a stand-alone website.<sup>13</sup> As described above and in the progress report, this transition was announced in a [USA.gov](#) blog post on 29 June 2016 and was executed in August 2017.<sup>14</sup>

Lastly, using publicly available information, the IRM researcher could not ascertain whether the [USA.gov](#) Contact Center regularly held monthly listening sessions for digital managers and designers. The government's midterm self-assessment report described such sessions in the context of this commitment.<sup>15</sup> However, as these sessions are tangential to the core of the commitment, the IRM researcher did not consider them when assessing completion.

## **Did It Open Government?**

### **Access to Information: Marginal**

This commitment is complete. However, the improvements to [USA.gov](#), [Gobierno.USA.gov](#), and [vote.USA.gov](#) marginally opened government regarding access to information. They largely addressed cosmetic changes (e.g., homepage redesigns), as opposed to an increase in website content or a navigational redesign of the entire website. The IRM researcher could not assess whether the activities carried out under this commitment resulted in more user traffic to [USA.gov](#). The IRM researcher also could not assess how many unique users consulted the [USA.gov](#) blog post announcing the redesign. This was due to the lack of available traffic data for [USA.gov](#) and [Gobierno.USA.gov](#). Nonetheless, the minor web changes alone would not be expected to significantly increase traffic, just as they do not represent significant changes in government practice.

### **Carried Forward?**

The fourth US action plan has not yet been published (as of early 2018). Some actions could justify this commitment being carried forward. The government could significantly increase the amount of information available and involve the public in the redesign beyond consultation through GitHub. It

could also establish new channels of communication with the public. Otherwise, further improvements to USA.gov do not need to be included in the OGP action plan. The government should nevertheless continue to implement updates to USA.gov and Gobierno.USA.gov on an as-needed basis to facilitate the public's ability to access information on government activities and services.

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<sup>1</sup> Federal Front Door, <https://labs.usa.gov/>, consulted 2 October 2017.

<sup>2</sup> For confirmation of the number of interviews and details of the discovery process, see US General Services Administration, *Expectations and Challenges: Informing the Future of the Federal Front Door*, March 2016, [https://labs.usa.gov/files/FFD\\_ResearchReport.pdf](https://labs.usa.gov/files/FFD_ResearchReport.pdf), consulted 2 October 2017. For interview numbers, see p. 6.

<sup>3</sup> See, for example, Colin MacArthur, Carolyn Dew, and Michelle Chronister, "Learning How to Build a Better 'Front Door' for the Federal Government," Blog.USA.gov, 8 December 2015, <https://blog.usa.gov/learning-how-to-build-a-better-front-door-for-the-federal-government>, consulted 2 October 2017. For another such post, see Colin MacArthur, Carolyn Dew, Michelle Chronister, and John Yuda, "Informing the Future of the Federal Front Door," Blog.USA.gov, 26 February 2016, <https://blog.usa.gov/informing-the-future-of-the-federal-front-door>, consulted 2 October 2017.

<sup>4</sup> US General Services Administration, *Expectations and Challenges: Informing the Future of the Federal Front Door*, March 2016, [https://labs.usa.gov/files/FFD\\_ResearchReport.pdf](https://labs.usa.gov/files/FFD_ResearchReport.pdf), consulted 2 October 2017.

<sup>5</sup> Sarah Crane, "Introducing the USA.gov Blog," Blog.USA.gov, 20 October 2015, <https://blog.usa.gov/introducing-the-usagov-blog>, consulted 2 October 2017.

<sup>6</sup> Sarah Crane, "USA.gov Launches vote.USA.gov to Help Citizens Register to Vote," Blog.USA.gov, 2 October 2015, <https://blog.usa.gov/usa-gov-launches-vote-usa-gov-to-help-citizens-register-to-vote>, consulted 2 October 2017.

<sup>7</sup> Please see the web archives for [www.usa.gov/explore](http://www.usa.gov/explore), available at <http://bit.ly/2Eah2IS>.

<sup>8</sup> Ryan Edelstein, "Joining Forces with BusinessUSA to Better Serve Our Nation's Businesses," Blog.USA.gov, 29 June 2016, <https://blog.usa.gov/joining-forces-with-businessusa-to-better-serve-our-nation-s-businesses>, consulted 2 October 2017. See also United States of America, *Midterm Self-Assessment Report for the Open Government Partnership: Third Open Government National Action Plan, 2015-2017*, September 2016, 4, [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 2 October 2017.

<sup>9</sup> Maria Marrero, "Introducing the New USA.gov and GobiernoUSA.gov Home Pages," Blog.USA.gov, 10 January 2017, <https://blog.usa.gov/introducing-the-new-usa-gov-and-gobiernousa-gov-home-pages>, consulted 5 September 2017. The IRM researcher was unable to ascertain the precise implementation date using publicly available information.

<sup>10</sup> Ibid.

<sup>11</sup> Ibid.

<sup>12</sup> Yoz Grahame, "The New Vote.gov: Leaner, Faster and Multi-Lingual," *USA.gov Blog*, 26 September 2016, <https://blog.usa.gov/the-new-vote-gov-leaner-faster-and-multi-lingual>, consulted 5 September 2017.

<sup>13</sup> See <https://bit.ly/2vZk9zu>, consulted 5 September 2017.

<sup>14</sup> Ryan Edelstein, "Joining Forces with BusinessUSA to Better Serve Our Nation's Businesses," *USA.gov Blog*, 29 June 2016, <https://blog.usa.gov/joining-forces-with-businessusa-to-better-serve-our-nation-s-businesses>, consulted 5 September 2017. The web archives of Business.USA.gov from 1 August (available at <http://bit.ly/2EeSQVq>) and 31 August (available at <http://bit.ly/2BQZWVh>) show that the change was made in August 2017.

<sup>15</sup> United States of America, *Midterm Self-Assessment Report for the Open Government Partnership: Third Open Government National Action Plan, 2015-2017*, September 2016, 4, [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 2 October 2017.

## 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<sup>1</sup> 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](http://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:** General Services Administration

**Supporting Institutions:** 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				Completion		Midterm End of Term		Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
2. Overall		✓			✓				✓				✓						✓		
2.1. U.S. Web Design System		✓			✓				✓						✓						
2.2. Accessibility Compliance of Federal Websites		✓			✓				✓				✓								
2.3. Limited-English-Proficiency Policies		✓			✓				✓				✓								

### Commitment Aim

This commitment aimed to make government websites more accessible for individuals with disabilities and limited English proficiency. With respect to the former, the commitment aimed to make government websites compliant with Section 508 of the 1973 Rehabilitation Act.<sup>2</sup> That law requires equal access to comparable information for individuals with and without disabilities. The commitment aimed more specifically to:

- Improve upon the US Web Design Standards<sup>3</sup>—renamed the US Web Design System in January 2018—a set of user-centered design standards and tools for government websites;
- Expand the pulse.cio.gov reporting platform to measure federal websites’ compliance with “policy requirements and industry best practices,” including Section 508 of the Rehabilitation Act; and
- Ensure that public-facing government programs and activities have policies and practices that facilitate equal access by individuals with limited English proficiency.

### Status

#### Midterm: Limited

As described in the progress report, the government had made limited progress on this commitment at the midterm. With respect to the US Web Design System, the government released a series of eight updates through June 2016. However, it had not yet released the first official version of the standards (i.e., version 1.0.0).<sup>4</sup> Regarding pulse.cio.gov, at midterm, the platform reported only the number of federal domains that use HTTPS and participate in the Digital Analytics Program. It did not report any information on federal website compliance with Section 508 of the Rehabilitation Act. Lastly, while the General Services Administration purportedly released a limited-English-proficiency action plan prior to the midterm,<sup>5</sup> the plan was not publicly available.

## **End of Term: Limited**

The General Services Administration (GSA) released the first major version (version 1.0) of the US Web Design System (then known as the US Web Design Standards) on 23 February 2017.<sup>6</sup> Between then and the end of the reporting period in June 2017, GSA released seven updates on roughly a monthly basis. By the end of April 2018, there were 16 releases in all since the release of version 1.0, and releases are now biweekly.<sup>7</sup> The updates addressed bug fixes and incorporated additional technical features, as described on its website.<sup>8</sup> This milestone is therefore complete. The public can follow the work of the interagency team that is responsible for this system via a detailed roadmap.<sup>9</sup>

By contrast, the government has not incorporated additional website accessibility metrics into the pulse.cio.gov reporting platform relative to the midterm.<sup>10</sup> According to GSA:

“The Pulse accessibility program will use an open source technology to scan .gov domains against accessibility standards consistent with Section 508 of the Rehabilitation Act. This effort will identify a subset of potential accessibility errors and display accompanying recommendations. This tool is intended to be used in conjunction with manual inspection and will not be a replacement for full accessibility assessments. GSA is working with the Chief Information Officers Council Accessibility Community of Practice, agency coordinators and web developers to devise a deployment strategy for agencies.”<sup>11</sup>

However, this program was not yet operational by the end of the action plan.

As for the development of limited-English-proficiency policies, GSA’s limited-English-proficiency action plan remains unavailable. According to GSA, it has developed a plan that consists of three pillars:

- The development and deployment of an agency-wide language translation services contract and procedures;
- Targeted outreach and education for recipients of Federal Financial Assistance; and
- Meaningful LEP [limited-English-proficiency] access for GSA’s public-facing programs and in Federal buildings and locations under GSA custody and control.<sup>12</sup>

According to GSA, it has completed the first pillar whereas the second and third pillars are underway.<sup>13</sup> However, according to a federal interagency website on issues related to limited English proficiency—which was last updated on 30 March 2018—the GSA limited-English-proficiency action plan is “pending”.<sup>14</sup> Given that the plan is not yet publicly available, completion is limited. Given the lack of concrete results for two of the three milestones, the commitment’s overall completion is also limited.

## **Did It Open Government?**

### **Access to Information: Marginal**

The opening of government resulting from this commitment regarding access to information is linked entirely to the US Web Design System (USDWS), since the government did not make tangible progress on the two other milestones.

The USDWS Team reports that, by the end of the action plan in June 2017, roughly 142 million users—of which roughly 122 million were new users—visited government websites that use the system (via code and/or design).<sup>15</sup> By the end of March 2018, these numbers increased to roughly 179 million total users, of which roughly 155 million were new users.<sup>16</sup> Moreover, by the end of April 2018, 138 government websites and applications utilized the system.<sup>17</sup>

According to data from the Digital Analytics Program, the executive branch alone has more than 4,500 websites.<sup>18</sup> The number highlights the relatively small percentage of federal websites (approximately 2.8 percent) that currently employ the system. Among those sites that do employ it, it is unclear whether their implementation facilitated an increase in traffic.

Moreover, while the General Services Administration (GSA), using extensive user research, designed the system to be user friendly, the extent to which the system has directly improved access to information remains unclear. A series of interviews that GSA conducted with government agencies that employ the system speaks to this issue. For example, Customs and Border Protection (CBP) emphasized the importance of having “a ‘common look and feel’ for all CBP digital products” to help provide a more unified user experience. But the agency gives little indication of how the public has benefited from the visually unified sites.<sup>19</sup> The Lab in the Office of Personnel Management similarly notes that “the Standards . . . helped act as a catalyst for bringing along some user centered design thinking” for the USAJOBS website.<sup>20</sup> However, it does not clearly describe any positive impact on access to information.<sup>21</sup>

The most concrete example linking the system’s implementation to an improvement in access to information comes from an interview with Vets.gov. The interviewee described how users were initially confused by the site’s use of an asterisk to denote required fields on a web form. The system’s alternative indicator for required fields caused less confusion among users.<sup>22</sup> This example is nevertheless an isolated one and is limited in scope.

Two agencies explicitly linked their decision to implement the system to the Rehabilitation Act to better serve people with disabilities. These agencies include GSA’s Code.gov (the home of federal source code) and the Department of Agriculture. Olivier Kamanda, project manager for Code.gov, noted that “using the Standards we didn’t have to worry about ADA compliance, since those best practices are built into the package.”<sup>23</sup> The Department of Agriculture similarly noted that “we had some questions around 508 accessibility compliance, on how agencies can adhere to the accessibility guidelines when applying the Standards, and we were able to work quickly to ensure these needs were met, as well.”<sup>24</sup>

These isolated examples provide little indication of the extent to which similar concerns fueled the system’s adoption across the 138 government websites and applications that employ them. The examples also do not demonstrate measurable improvements in access to information. The IRM researcher therefore assesses this milestone to have marginally opened government.

## Carried Forward?

As of early 2018, the US government had not yet published a fourth action plan. The government should aim to continue to make progress on improving the accessibility of government information for people with disabilities and limited English proficiency. The government could also consider building upon the activities carried out relating to the standards. In these efforts, it could broaden the standards’ adoption to include a larger percentage of government websites.

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<sup>1</sup> During the pre-publication review of this report, GSA indicated that both the U.S. Digital Service and 18F launched this system. The commitment text above, however, was copied directly from the action plan and was therefore not revised. Comments received via e-mail on 30 April 2018.

<sup>2</sup> For more detailed information on Section 508, see US General Services Administration, “Section 508 Law and Related Laws and Policies,” Section508.gov, <https://www.section508.gov/content/learn/laws-and-policies>, consulted 2 October 2017.

<sup>3</sup> US General Services Administration and 18F, “U.S. Web Design Standards,” US Web Design System, <https://standards.usa.gov/>, consulted 2 October 2017.

<sup>4</sup> US General Services Administration and 18F, “Release Notes,” US Web Design System, 23 February 2017, <https://standards.usa.gov/whats-new/releases/>, consulted 2 October 2017.

<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, 5, [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 2 October 2017.

<sup>6</sup> US General Services Administration and 18F, “Release Notes: Version 1.0.0,” US Web Design System, <https://standards.usa.gov/whats-new/releases/#version-1-0-0>, consulted 6 September 2017.

<sup>7</sup> The IRM received this information from GSA during the pre-publication review of this report. The comment was received via e-mail on 30 April 2018.



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- <sup>8</sup> US General Services Administration and 18F, "Release Notes," US Web Design System, 23 February 2017, <https://standards.usa.gov/whats-new/releases/>, consulted 2 October 2017.
- <sup>9</sup> "Product roadmap," US Web Design System, <https://designsystem.digital.gov/whats-new/product-roadmap/>, consulted 2 May 2018.
- <sup>10</sup> See <https://bit.ly/2HH4shL>, consulted 6 September 2017.
- <sup>11</sup> The IRM received this information from GSA during the pre-publication review of this report. The comment was received via e-mail on 30 April 2018.
- <sup>12</sup> Ibid.
- <sup>13</sup> Ibid.
- <sup>14</sup> "Federal Agency LEP Plans," Limited English Proficiency (LEP), 30 March 2018, [https://www.lep.gov/guidance/fed\\_LEP\\_Plan.html](https://www.lep.gov/guidance/fed_LEP_Plan.html), consulted 2 May 2018.
- <sup>15</sup> "Q1 2017 Analytics Update," US Web Design System, 27 March 2017, <https://standards.usa.gov/whats-new/updates/2017/03/27/u-s-web-design-standards-exposure-analytics/>, consulted 6 September 2017.
- <sup>16</sup> "Overview," US Web Design System, <https://designsystem.digital.gov/whats-new/#web-analytics-for-sites-that-use-the-design-system>, consulted 2 May 2018.
- <sup>17</sup> The IRM received this information from GSA during the pre-publication review of this report. The comment was received via e-mail on 30 April 2018.
- <sup>18</sup> "About This Site," Analytics.USA.Gov, <https://analytics.usa.gov/#explanation>, consulted 6 September 2017.
- <sup>19</sup> "U.S. Customs and Border Patrol Case Study," US Web Design System, 31 March 2017, <https://standards.usa.gov/whats-new/updates/2017/03/31/u-s-customs-and-border-patrol-case-study/>, consulted 6 September 2017.
- <sup>20</sup> See [www.usajobs.gov](http://www.usajobs.gov), consulted 6 September 2017.
- <sup>21</sup> "How the USAJOBS Team Uses the U.S. Web Design Standards," US Web Design System, 19 June 2017, <https://standards.usa.gov/whats-new/updates/2017/06/19/usajobs-case-study/>, consulted 6 September 2017.
- <sup>22</sup> "How the Vets.gov Team Uses the U.S. Web Design Standards," US Web Design System, 10 July 2017, <https://standards.usa.gov/whats-new/updates/2017/07/10/vets-case-study/>, consulted 6 September 2017.
- <sup>23</sup> "How the Code.gov Team Uses the U.S. Web Design Standards," US Web Design System, 24 July 2017, <https://standards.usa.gov/whats-new/updates/2017/07/24/code-gov-case-study/>, consulted 6 September 2017.
- <sup>24</sup> "How the USDA Team Uses the U.S. Web Design Standards," US Web Design System, 6 June 2017, <https://standards.usa.gov/whats-new/updates/2017/06/06/usda-case-study/>, consulted 6 September 2017.

### 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 Institutions:** Department of Education, Department of State, Institute of Museum and Library Services (IMLS), and Office of Science and Technology Policy (OSTP)

**Supporting Institutions:** All Federal agencies, civil society organizations

**Start Date:** Not Specified

**End Date:** Not Specified

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Midterm		Did It Open Government?					
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding	
3. Overall			✓		✓			✓			✓			✓		✓					✓	

**Commitment Aim**

This commitment aimed to leverage open educational resources to broaden access to high-quality education and reduce its cost. The commitment sought to do so in three ways. It would openly license educational materials that are funded by federal grants, convene stakeholders to advance open education initiatives, and publish best practices and tools on how to incorporate open licensing into educational projects from technical and legal perspectives for interested agencies.

**Status**

**Midterm: Limited**

The government made limited progress on this commitment by the midterm. In late October 2015, the Department of Education launched the #GoOpen campaign<sup>1</sup> to encourage educators and states to broaden the availability of open educational resources. The department also proposed a regulation<sup>2</sup> that would mandate open licensing for all grant-funded, copyrightable intellectual property.



The government also convened civil society stakeholders to help develop the *Federal Playbook on Open Licensing*. The playbook would provide guidance on developing open educational resources for government agencies and institutional users.<sup>3</sup> The government completed the playbook as of 31 December 2016. However, it had not yet received implementation approval from a working group of the federal advisory committee, and the playbook had not been publicly released. Despite this progress, various aspects of the commitment remained incomplete at the midterm. The government acknowledged the limited progress in its midterm self-assessment report.<sup>4</sup>

### **End of Term: Complete**

By the end of term, the government completed this commitment.

On 17 January 2017, the Department of Education announced the publication of the final regulation on open licensing requirements for competitive grant programs. The announcement came in a blog post written by the director of the Office of Educational Technology. It was published on the Department of Education's Homeroom blog<sup>5</sup> and on Medium.com.<sup>6</sup> Subject to certain exceptions, the regulation requires that recipients of competitive grant funds awarded by the Department of Education openly license copyrightable grant deliverables that were produced using those funds.<sup>7</sup> The final regulation requires that the public be able to freely use and reuse deliverables created under these programs. The regulation applies this same requirement to grant deliverables and "program support materials" that are necessary to the use or reuse of those deliverables. Under the final regulation, grant recipients (as well as subgrantees) must also develop a dissemination plan, helping to broaden access to the deliverables they produce.<sup>8</sup> Per a statement on the website of the Office of Educational Technology, the final regulation was made effective on 22 May 2017 and will be fully implemented in fiscal year (FY) 2018.<sup>9</sup>

The #GoOpen campaign continued to progress post-midterm, with the release of a District Launch Packet in March 2017. The packet is intended to serve as a roadmap for districts that aim to become #GoOpen Districts by systematically adopting openly licensed educational materials.<sup>10</sup> More specifically, #GoOpen Launch Districts are required to "identify a #GoOpen district-level team that will apply best practices such as those described in [the] #GoOpen District Launch Packet to develop a strategy for the implementation of openly licensed educational resources and a #GoOpen implementation team to execute the strategy; replace at least one textbook with openly licensed educational resources in the next 12 months; [and] document and share their #GoOpen implementation process and experiences so others can learn from them."<sup>11</sup> Another category of #GoOpen Districts—Ambassador Districts—mentor Launch Districts. They also implement their own plans for systemically adopting open educational resources in a scalable, sustainable manner. In addition, Ambassador Districts share their experiences with other districts.<sup>12</sup>

Per the Office of Educational Technology, as of September 2017, there were 88 #GoOpen Launch Districts, and 22 #GoOpen Ambassador Districts.<sup>13</sup> As of this same date, the Department of Education had also recognized 20 #GoOpen states. These states have committed to support school districts and educators in their systematic adoption of open educational materials.<sup>14</sup> More specifically, #GoOpen states commit to do the following:

- Adopt/implement a statewide technology strategy that includes the use of openly licensed resources as a central component,
- Develop and maintain a statewide repository solution for openly licensed resources,
- Develop the technical capability to publish open educational resources to the Learning Registry,
- Participate in a community of practice with other #GoOpen states and districts to share learning resources and professional development resources, and
- Create a webpage to share the commitment to #GoOpen and document the state's progress.

Slightly beyond the close of the end-of-term reporting period, regional #GoOpen summits were scheduled to be held on 1 August 2017 in Virginia, and on 30 August 2017 in Indiana.<sup>15</sup> The scheduling of the summits highlights the ongoing nature of this initiative.

Lastly, the State Department officially released the *Federal Playbook on Open Licensing* in January 2017.<sup>16</sup> The playbook defines openly licensed resources as “works with licenses permitting free access, reuse, and redistribution . . . includ[ing] teaching and learning materials, research, data, and software.”<sup>17</sup> The playbook contains nine “plays” (or suggestions) that are intended to assist “federal grants managers interested in exploring or using openly licensed resources as a component of their programs.”<sup>18</sup> Each play includes a step-by-step implementation checklist, a list of key questions to consider, and case examples.

In light of this progress, the IRM researcher has assessed this commitment to be complete.

## Did It Open Government?

### Access to Information: Major

This commitment has substantially opened government with respect to access to information.

At the end of term, the #GoOpen campaign represents the clearest example of a change in government practice that has enhanced public access to educational information. As of September 2017, the #GoOpen campaign had grown considerably. As of that month, there were 88 #GoOpen Districts, 22 #GoOpen Ambassador Districts, and 20 #GoOpen states, each of which was releasing and utilizing open educational resources. The Department of Education’s Office of Educational Technology published a series of 18 “stories” via blog posts on its website. These stories describe how various educational institutions, districts, and systems have begun utilizing open educational resources linked to the #GoOpen initiative.<sup>19</sup>

In one notable example, Oklahoma’s Broken Arrow Public Schools acted to mitigate the impending impact of a USD \$7.3 million budget cut for the 2016–2017 school year by turning to openly licensed educational resources. Under the #GoOpen program, a team comprised of over 200 Broken Arrow teachers supported the transition to open resources. This effort culminated in the addition of six openly licensed courses in fall 2016. During the 2017–2018 school year, the team intends to release additional open education curricula covering English/language arts and math for K–5 students.<sup>20</sup>

This notable shift speaks to the potential that the #GoOpen initiative holds for schools seeking to benefit from open educational resources. According to the Census Bureau, in 2012 (the most recent year for which data are available), there were more than 14,000 public school districts in the United States.<sup>21</sup> The #GoOpen program had designated 110 Launch and Ambassador districts at the time of writing. However, total number of US public school districts highlights the potential reach of the initiative to facilitate uptake of open educational resources going forward.

While the other aspects of the commitment have not yet contributed to changes in government openness, they have the potential to in the future. The final regulation on open licensing requirements, while not yet in force, could substantially further the availability of open educational resources. In FY2017, the Department of Education’s budget included \$69.4 billion in discretionary funding.<sup>22</sup> The text of the final regulation noted that competitive grant programs generally comprise roughly 10 percent of that amount, around \$7 billion.<sup>23</sup> Though not yet finalized, the total budget is estimated by the Department of Education to be \$59 billion for FY2018.<sup>24</sup> By this estimate, roughly \$6 billion will be allocated to competitive grant programs during that time frame. The amount constitutes a relatively small percentage of the Department of Education’s overall budget. However, the competitive grant funding in absolute terms highlights the potential for a substantial increase in public access to educational materials, which would henceforth be openly available for reuse.

The *Federal Playbook on Open Licensing* could similarly open government. The playbook would provide a step-by-step roadmap for federal grant managers. Using it, they could incorporate the production of open resources (including open educational resources) into their grant-making programs. Information on the number of federal agencies using the playbook was not publicly available at the time of writing. However, the playbook could facilitate the voluntary incorporation of open educational resources into grant-making programs across the federal government.

## Carried Forward?

At the time of writing, the US government had not yet published its fourth action plan. Aside from implementing the final regulation on open licensing requirements, there is no need to include this commitment in the next action plan. The government has completed progress on all other fronts. Nonetheless, moving forward, the US government could further invest in organizing and maintaining the open educational resources produced through the #GoOpen campaign. Whether using repositories like the Learning Registry or Amazon Inspire,<sup>25</sup> the government will have to address the ongoing challenge of ensuring the high quality and usefulness of the newly available resources.<sup>26</sup>

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<sup>1</sup> "U.S. Department of Education Launches Campaign to Encourage Schools to #GoOpen with Educational Resources," US Department of Education, 29 October 2015, <https://www.ed.gov/news/press-releases/us-department-education-launches-campaign-encourage-schools-goopen-educational-resources>, consulted 2 October 2017.

<sup>2</sup> Ibid.

<sup>3</sup> For background information, see the website for the 13<sup>th</sup> annual Open Education Conference held in Richmond, Virginia, 2-4 November 2016, available at <https://openeducation2016.sched.com/event/7InD/promoting-government-use-of-oer-the-federal-open-licensing-playbook>, consulted 2 October 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, 6, [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 2 October 2017.

<sup>5</sup> Joseph South, "U.S. Department of Education Announces Final Regulation on Open Licensing Requirement for Competitive Grant Programs," 17 January 2017, Homeroom, US Department of Education, <https://blog.ed.gov/2017/01/u-s-department-education-announces-final-regulation-open-licensing-requirement-competitive-grant-programs/>, consulted 9 September 2017. A copy of the final regulation is available at <https://tech.ed.gov/files/2017/01/ED-Open-Licensing-Rule-1.1.17-Public.pdf>, Consulted 9 September 2017.

<sup>6</sup> Joseph South, "U.S. Department of Education Announces Final Regulation on Open Licensing Requirement for Competitive Grant Programs," Medium.com, 17 January 2017, <https://medium.com/@OfficeofEdTech/u-s-department-of-education-announces-final-regulation-on-open-licensing-requirement-for-60a127333997>, consulted 9 September 2017.

<sup>7</sup> Joseph South, "U.S. Department of Education Announces Final Regulation on Open Licensing Requirement for Competitive Grant Programs," Homeroom, US Department of Education, 17 January 2017, <https://blog.ed.gov/2017/01/u-s-department-education-announces-final-regulation-open-licensing-requirement-competitive-grant-programs/>, consulted 9 September 2017.

<sup>8</sup> Ibid.

<sup>9</sup> Department of Education Office of Educational Technology, <https://tech.ed.gov/open/>, consulted 9 September 2017.

<sup>10</sup> "#GoOpen District Launch Packet," US Department of Education, Office of Educational Technology, March 2017, <https://tech.ed.gov/open/districts/launch/>, consulted 9 September 2017. Two earlier versions of the packet were published in June 2013 (version 1.1) and January 2017 (version 2.1). See front matter of the packet, available at <https://tech.ed.gov/files/2017/03/GoOpen-District-Launch-Packet-2017-V-1.3.pdf>, consulted 9 September 2017.

<sup>11</sup> Ibid., page 5, consulted 9 September 2017.

<sup>12</sup> Ibid., pages 5-6, consulted 9 September 2017.

<sup>13</sup> "#GoOpen Districts," US Department of Education, Office of Educational Technology, <https://tech.ed.gov/open/districts/>, consulted 9 September 2017.

<sup>14</sup> "U.S. Department of Education Recognizes 14 States and 40 Districts Committing to #GoOpen with Educational Resources," US Department of Education, 26 February 2016, <https://www.ed.gov/news/press-releases/us-department-education-recognizes-13-states-and-40-districts-committing-goopen-educational-resources>, consulted 9 September 2017. See current list of #GoOpen states at "#GoOpen States," US Department of Education, Office of Educational Technology, <https://tech.ed.gov/open/states/>, consulted 9 September 2017.

<sup>15</sup> "#GoOpen Districts," US Department of Education, Office of Educational Technology, <https://tech.ed.gov/open/districts/>, consulted 9 September 2017.

<sup>16</sup> Cable Green, "State Department Publishes Open Licensing 'Playbook' for Federal Agencies," Creative Commons Blog, 20 January 2017, <https://creativecommons.org/2017/01/20/state-department-publishes-open-licensing-playbook-federal-agencies/>, consulted 9 September 2017. The *Federal Playbook on Open Licensing* is available for download via the website of the US Department of State's Bureau of Educational and Cultural Affairs at [https://eca.state.gov/files/bureau/open\\_licensing\\_playbook\\_final.pdf](https://eca.state.gov/files/bureau/open_licensing_playbook_final.pdf), consulted 9 September 2017.

<sup>17</sup> US Department of State. *Federal Open Licensing Playbook*, January 2017, 7, [https://eca.state.gov/files/bureau/open\\_licensing\\_playbook\\_final.pdf](https://eca.state.gov/files/bureau/open_licensing_playbook_final.pdf), consulted 9 September 2017.

<sup>18</sup> Ibid.

<sup>19</sup> "#Stories of EdTech Innovation," US Department of Education, Office of Educational Technology, [https://tech.ed.gov/stories/story\\_tag/goopen/](https://tech.ed.gov/stories/story_tag/goopen/), consulted 9 September 2017.

<sup>20</sup> "Broken Arrow Public Schools: Using OER to Improve Quality and Tackle Challenges," US Department of Education, Office of Educational Technology, [https://tech.ed.gov/stories/brokenarrow/?back=%2Fstories%2Fstory\\_tag%2Fgoopen%2F](https://tech.ed.gov/stories/brokenarrow/?back=%2Fstories%2Fstory_tag%2Fgoopen%2F), consulted 9 September 2017.

<sup>21</sup> "School Districts," US Census Bureau, <https://www.census.gov/did/www/schooldistricts/>, consulted 27 September 2017.

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<sup>22</sup> “Budget Factsheet for FY2016,” US Department of Education,

<https://www2.ed.gov/about/overview/budget/budget16/budget-factsheet.pdf>, consulted 27 September 2017.

<sup>23</sup> “Final Regulation on Open Licensing Requirement for Competitive Grant Programs,” US Department of Education, 4, <https://tech.ed.gov/files/2017/01/ED-Open-Licensing-Rule-1.11.17-Public.pdf>, consulted 9 September 2017.

<sup>24</sup> “Budget Factsheet for FY2018,” US Department of Education,

<https://www2.ed.gov/about/overview/budget/budget18/budget-factsheet.pdf>, consulted 27 September 2017.

<sup>25</sup> “Get Inspired to #GoOpen,” Getting Smart, 27 June 2016, <http://www.gettingsmart.com/2016/06/amazon-gets-inspired-to-goopen/>.

<sup>26</sup> Randy Wilhelm, “#GoOpen: So You’ve Embraced OER? Now What?” *EdScoop*, 8 November 2016, <http://edscoop.com/go-open-so-youve-embraced-oer-now-what>.

## 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 Institutions:** Department of Transportation (DOT), Census Bureau in the Department of Commerce, Department of Homeland Security (DHS), Environmental Protection Agency (EPA)

**Supporting Institutions:** State and county government leaders

**Start Date:** Not Specified

**End Date:** Not Specified

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Midterm End of Term		Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
4. Overall			✓		✓				✓				✓		✓			✓			

### Commitment Aim

This commitment aimed to begin developing a public national address database that includes every address in the United States. This database would improve a range of government services—most notably, first responder services—that rely on accurate geospatial and address data. The specific actions envisioned under this commitment included establishing a consensus on an open format for public address information. It also involved exploring strategies for openly sharing this information and exploring ways to leverage this information to drive innovation and to better inform the public.

### Status

#### Midterm: Limited

The government had made limited progress on this commitment at the midterm. By June 2016, the government was in the process of completing a National Address Database pilot. The pilot involved the collection of address data spanning 10 states and four counties and cities.<sup>1</sup> The goal of the pilot

was to produce minimum data content guidelines and a related data scheme for public address data.<sup>2</sup> While the government published initial guidelines and a data scheme in March 2016,<sup>3</sup> the government had not published an anticipated report summarizing the pilot's findings by the midterm.

### **End of Term: Substantial**

The Department of Transportation published a findings report for the National Address Database (NAD) pilot in September 2016.<sup>4</sup> The findings report identifies three types of data elements that comprise the minimum content needed to identify an address. These include the address itself, the geographic location of the address, and metadata about the address.<sup>5</sup> The findings report also outlines a proposed scheme for incorporating address information into the NAD.<sup>6</sup>

The report is less concrete regarding strategies for openly sharing NAD data, due to variation in jurisdictional control over address information (for example, control at the state versus county level). As noted in the report, "This will likely be a larger issue as the NAD moves from a pilot phase into a fuller roll-out. It should be expected that some states/counties/tribal agencies will have data sharing policies that may not allow public sharing."<sup>7</sup> Moreover, among the roughly 30 US states with active address programs, only 60 percent (i.e., 18 states) make that data available on a public web-mapping service. This speaks to the challenge the Department of Transportation will likely face in moving NAD beyond the pilot phase.<sup>8</sup>

In light of the progress on minimum content guidance and the NAD address scheme described in the findings report, the IRM researcher has assessed that this commitment is substantially complete. The IRM researcher also notes that further progress remains to be made on designing strategies for sharing NAD data.

### **Did It Open Government?**

#### **Access to Information: Did Not Change**

According to the findings report, the Department of Transportation "has made a commitment to stand-up a cloud-based environment to house the pilot NAD database created through this project as well as make continued efforts to find additional data contributors."<sup>9</sup> Nevertheless, at the end of term, the official government website for the National Address Database (NAD) continues to indicate that "an initial version of the NAD will be released in early 2017." The NAD minimum content guidance and address schema are publicly available. However, progress made on this commitment has not opened government regarding access to information. No address information collected from the pilot has been made available at the national level.

Therefore, address data publicly available at the end of term is no different than the data available at the beginning of the evaluation period. There has been no positive deviation from the status quo. Moreover, funding for the NAD pilot and its subsequent expansion has been exhausted as of October 2016. At the end of term, the IRM researcher could not locate more recent information concerning the NAD pilot's funding status and any subsequent expansion plans.

### **Carried Forward?**

At the time of writing, the US government had not yet published its fourth national action plan. There exists a relative lack of clarity about the benefits of the National Address Database (NAD) for audiences beyond the first-responder community. This suggests that, before proceeding with implementation, the government should devote additional attention to raising awareness of the database's potential impact as described in the commitment text.

Ian Dees, the founder of OpenAddresses, offered some potential guidance in this regard. (OpenAddresses is a civil society organization that engages in similar open mapping work.) Dees stated that "the justification for NAD has traditionally focused on the public use for emergency responders, but it's important to note that dozens of other important use-cases exist for such a

dataset. One such important use-case is to increase economic activity by providing important data to build geocoders . . . software that converts a human-understandable address into a geographic location on the Earth.” This has clear applications for GPS technology, among others.<sup>10</sup>

On a longer-term basis, strong intragovernmental partnerships will be essential. According to the findings report, “A key challenge will be in maintaining longer term State-Local coordination and partnerships so that the statewide aggregations can remain updated. In addition, these partnerships may need to go beyond simply exchanging data and involved providing technical assistance to locals, especially the smaller less technically enabled communities. This will be essential for long-term maintenance and update of both statewide data and the NAD.”<sup>11</sup> The government did not consult OpenAddresses in the process of drafting this commitment. OpenAddresses has collected address data covering 80 percent of the US population. Thus, its work in this area suggests that the government may benefit from collaborating more directly with civil society organizations already engaged in the collection of open address data in the United States.

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<sup>1</sup> “National Address Database,” US Department of Transportation, <https://www.transportation.gov/NAD>, consulted 2 October 2017.

<sup>2</sup> “National Address Database (NAD) Minimum Content Standard,” US Department of Transportation, 11 March 2016, <https://www.transportation.gov/gis/national-address-database/national-address-database-nad-minimum-content-standard>, consulted 2 October 2017. See also, “Geodatabase Template,” US Department of Transportation, <https://www.transportation.gov/gis/national-address-database/geodatabase-template>, consulted 2 October 2017.

<sup>3</sup> See preceding references.

<sup>4</sup> US Department of Transportation, *National Address Database Pilot Project Findings Report*, 20 September 2016, <https://www.transportation.gov/sites/dot.gov/files/docs/3%20NAD%20Pilot%20Project%20Final%20Report.pdf>, consulted 9 September 2017.

<sup>5</sup> *Ibid.*, 12.

<sup>6</sup> *Ibid.*, 13.

<sup>7</sup> *Ibid.*, 28.

<sup>8</sup> *Ibid.*, 29. See also Jake Williams, “GIS Leaders Push National Address Database Program Forward Without Funding,” *StateScoop*, 26 October 2016, <http://statescoop.com/after-national-address-database-pilot-gis-leaders-push-forward-without-funding>, consulted 9 September 2017.

<sup>9</sup> *Ibid.*, 32.

<sup>10</sup> Written comments provided to the IRM researcher, 28 October 2017.

<sup>11</sup> US Department of Transportation, *National Address Database Pilot Project Findings Report*, 20 September 2016, 30, <https://www.transportation.gov/sites/dot.gov/files/docs/3%20NAD%20Pilot%20Project%20Final%20Report.pdf>, consulted 9 September 2017.



## 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 Institutions:** Department of Education, Department of Treasury, Department of Veterans Affairs, Office of Management and Budget

**Supporting Institutions:** 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				Completion		Midterm End of Term		Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
5. Overall			✓		✓			✓		✓					✓	✓			✓		

### Commitment Aim

This commitment aimed to enhance the College Scorecard, first established in September 2015.<sup>1</sup> An online platform, the College Scorecard serves as a repository for data on costs of and student outcomes at US post-secondary institutions. The commitment called for optimizing the scorecard's capabilities and features, releasing annual data updates, forming technical review panels to improve data collection and use, and adding new functionalities to the Application Programming Interface (API).

### Status

#### Midterm: Substantial

The government had made substantial progress on this commitment at the midterm. In December 2015, the Department of Education (through work with a contractor, RTI International) held a



technical review panel comprised of external experts to identify means of improving the scorecard.<sup>2</sup> In early 2016, the panel published a report summarizing its findings.<sup>3</sup>

In February 2016, the Department of Education updated the scorecard with interim data. It added roughly 700 additional institutions,<sup>4</sup> removed some that had closed, and updated caution flags that indicate financial and/or compliance issues.<sup>5</sup> Major updates to the site, including the annual September update, occurred after the close of the midterm report's evaluation period. The scorecard's GitHub page documents updates to features and capabilities,<sup>6</sup> including those of the site's API. Various technical updates were implemented by the midterm.

### **End of Term: Complete**

In addition to implementing various technical and data updates through the end of term,<sup>7</sup> on 13 September 2016, the government launched its annual scorecard "data refresh." The specific features of the data refresh are described on the scorecard's GitHub page<sup>8</sup> and in the College Scorecard's Change Log.<sup>9</sup> As part of the refresh, the government updated scorecard data to include data from 2012–2014 (representing the latest data available). It also performed various user interface improvements (such as predictive search functionality and visual updates to the search page) and technical improvements. The API was also updated to reference the newer data. The scorecard's first quarterly data update of 2017 took place on 13 January. The government made additional updates to the site's technical features and data documentation through August 2017.<sup>10</sup>

According to an *Inside Higher Ed* article on 14 June 2017,<sup>11</sup> the Department of Education was planning to take "steps to update the [Scorecard] data" again sometime in late 2017. At the close of the end-of-term reporting period, no updates beyond the January 2017 data update were apparent, per the Change Log.<sup>12</sup>

The updates to the College Scorecard described above complete the aspects of the commitment that remained outstanding at the midterm.

### **Did It Open Government?**

#### **Access to Information: Marginal**

The activities carried out under this commitment marginally opened government with respect to access to educational information. The College Scorecard provides large amounts of educational cost and outcome data in a centralized location and standardized format. However, the updates carried out under this commitment represent far more incremental changes. On a technical level, the updates described on the scorecard's GitHub page and Change Log are largely minor improvements to the scorecard's user interface. On a substantive level, the September 2016 annual data refresh marginally improved the scorecard data's timeliness by making more recent data available. Moreover, while data on 700 additional institutions was added, these additions comprise just under 10 percent of all Title IV post-secondary institutions in the United States.<sup>13</sup> The additional also represent a relatively small increase compared to the now 7,000 institutions covered by the scorecard.<sup>14</sup>

### **Carried Forward?**

At the time of writing, the US government had not published its fourth national action plan. Unless the government overhauls the College Scorecard, it is not necessary to carry this commitment forward to the next plan. The government should nevertheless aim to update the scorecard on an ongoing basis to strengthen its data coverage and technical capabilities. In addition, the government should look to raise awareness and usage of the data by linking the scorecard to other important education tools, such as the Free Application for Federal Student Aid.

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

<sup>2</sup> RTI International, Report and Suggestions from College Scorecard Technical Review

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Panel 1: Consumer Information, [https://edsurveys.rti.org/IPEDS\\_TRP\\_DOCS/prod/documents/CSI\\_Summary.pdf](https://edsurveys.rti.org/IPEDS_TRP_DOCS/prod/documents/CSI_Summary.pdf), consulted 2 October 2017.

<sup>3</sup> Ibid.

<sup>4</sup> "Change Log," College Scorecard, US Department of Education, <https://collegescorecard.ed.gov/data/changelog/>, consulted 2 October 2017.

<sup>5</sup> Ted Mitchell, "Choose a School More Easily with the College Scorecard," Homeroom, US Department of Education, <https://blog.ed.gov/2016/09/choosing-college-easier-college-scorecard/>, consulted 2 October 2017.

<sup>6</sup> "College Scorecard," GitHub, <https://github.com/RTICWDT/college-scorecard/releases?after=v1.9.0>, consulted 9 September 2017.

<sup>7</sup> Ibid.

<sup>8</sup> "v1.12.0-March 229, 2018," College Scorecard, GitHub, <https://github.com/RTICWDT/college-scorecard/releases>, consulted 9 September 2017.

<sup>9</sup> "Change Log," College Scorecard, <https://collegescorecard.ed.gov/data/changelog/>, consulted 9 September 2017.

<sup>10</sup> "College Scorecard," GitHub, <https://github.com/RTICWDT/college-scorecard/releases>, consulted 9 September 2017.

<sup>11</sup> Andrew Kreighbaum, "Transparency with Staying Power," *Inside Higher Ed*, 14 June 2017, <https://www.insidehighered.com/news/2017/06/14/education-department-track-update-college-scorecard>, consulted 9 September 2017.

<sup>12</sup> "Change Log," College Scorecard, <https://collegescorecard.ed.gov/data/changelog/>, consulted 9 September 2017.

<sup>13</sup> "Fast Facts: Educational Institutions," Institute of Education Sciences' National Center for Education Statistics, <https://nces.ed.gov/fastfacts/display.asp?id=84>, consulted 9 September 2017. The data cited here come from "Chapter 2," *Digest of Education Statistics: 2015*, US Department of Education, National Center for Education Statistics, [https://nces.ed.gov/programs/digest/d15/ch\\_2.asp](https://nces.ed.gov/programs/digest/d15/ch_2.asp), consulted 9 September 2017.

<sup>14</sup> Ted Mitchell, "Choose a School More Easily with the College Scorecard," Homeroom, US Department of Education, <https://blog.ed.gov/2016/09/choosing-college-easier-college-scorecard/>, consulted 2 October 2017.

## Commitment 6. Improve Individual 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 Institutions:** Office of Management and Budget and General Services Administration

**Supporting Institutions:** Privacy advocates and the public

**Start Date:** Not Specified

**End Date:** Not Specified

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Midterm		Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	
6. Overall		✓			✓			✓			✓		✓					✓			

### Commitment Aim

This commitment sought to streamline authentication processes across government websites, increase security, and make it easier for individuals to acquire government-held information on themselves. It aimed to digitize identity authentication tools that act as a secure single window for interacting with the government.

### Status

#### **Midterm: Not Started**

The government had not started this commitment at midterm, due to a lack of funding. Pending a funding source, the government indicated that initial work on this commitment would begin in fall 2016.<sup>1</sup>

## **End of Term: Not Started**

At the end of term, the IRM researcher could not verify any additional progress on this commitment with publicly available information. The IRM researcher reached out to the government on multiple occasions but was unable to communicate directly with the officials in charge of implementing this commitment.<sup>2</sup>

## **Did It Open Government?**

### **Access to Information: Did Not Change**

This commitment did not open government, due to the lack of progress made.

## **Carried Forward?**

The US government had not published its fourth national action plan at the time of writing. The government should nevertheless aim to make progress on this commitment in light of the numerous challenges that individuals face in accessing government-held information about themselves. The challenges can specifically be attributed to the wide range of identity authentication systems that government agencies employ. The government could also strive to ensure that users can not only access but also correct their personal information online.

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<sup>1</sup> United States of America, *Midterm Self-Assessment Report for the Open Government Partnership: Third Open Government National Action Plan, 2015-2017*, September 2016, 8, [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 2 October 2017.

<sup>2</sup> The IRM researcher attempted to obtain a list of potential interviewees from the government's OGP point of contact (POC) on several distinct occasions during the drafting of this report, beginning in September 2017. In emails sent on 10 October and 24 October 2017, the IRM researcher explicitly requested that the POC make available a list of potential government interviewees to whom the researcher could speak regarding progress made on various commitments contained in the action plan. On 9 November 2017, the IRM researcher spoke via phone with the government POC and reiterated the earlier request for access to a list of potential interviewees. The IRM researcher followed up with an email to the government POC on that same day, reiterating the request for a list of interviewees, to which the POC had been receptive during the preceding phone call. The IRM researcher received no subsequent response from the government POC. Copies of the three emails referenced above are available upon request.

## 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:** General Services Administration

**Supporting Institutions:** City government and civil society leaders

**Start Date:** Not Specified

**End Date:** Not Specified

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Midterm		Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
7. Overall		✓					✓	✓		✓			✓	✓			✓				

### Commitment Aim

A shared open platform, Open311 allows the public to report non-emergency issues to the relevant authorities and track government responses. This commitment aimed to have the USA.gov Contact Center implement the Open311 platform so that the public could report and track government responses to non-emergency issues at the federal level, thereby enhancing public accountability.

### Status

#### Midterm: Limited

The government had made limited progress on this commitment at the midterm. Specifically, the General Services Administration was in the process of developing federal-level Open311 pilot programs.<sup>1</sup> However, by the close of the midterm reporting period, no such programs had been implemented.

## **End of Term: Limited**

At the end of term, the IRM researcher observed no additional progress made on this commitment, based on publicly available information. A January 2017 *State of Federal Information Technology* report lists Open311 as a key General Services Administration (GSA) initiative.<sup>2</sup> The report was published by the Federal Chief Information Officer Council—an interagency forum focused on federal information resources—in partnership with the GSA’s Office of Government-wide Policy. The listing of Open311 as a GSA initiative suggests that the commitment remains on the government’s radar. However, the IRM researcher was unable to document any concrete government progress toward piloting and/or implementing Open311 at the federal level.

## **Did It Open Government?**

### **Public Accountability: Did Not Change**

This commitment did not open government with respect to government accountability. The government made no progress on meeting this commitment since midterm, and the federal-level Open311 system envisioned under the commitment remains unrealized.

## **Carried Forward?**

The US government had not published its fourth national action plan at the time of writing. Given the lack of specificity surrounding this commitment, the government should more carefully evaluate the anticipated benefits of a federal Open311 program before moving forward with its implementation.

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<sup>1</sup> United States of America, *Midterm Self-Assessment Report for the Open Government Partnership: Third Open Government National Action Plan, 2015-2017*, September 2016, 6, [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 2 October 2017.

<sup>2</sup> Chief Information Officers Council, *State of Federal Information Technology*, January 2017, pp. C-13. <https://s3.amazonaws.com/sitesusa/wp-content/uploads/sites/1151/2017/05/CIO-Council-State-of-Federal-IT-Report-January-2017-1.pdf>, consulted 9 September 2017.

## 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 link 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 Institutions:** Department of Defense, Department of Energy (DOE), Department of Health and Human Services (HHS), Department of Veterans Affairs (VA), and the National Institute of Standards and Technology (NIST) at Commerce

**Supporting institutions:** 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				Completion		Midterm End of Term		Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
8. Overall				✓	✓	✓	✓				✓	✓	✓				✓				

### Commitment Aim

This commitment builds on President Obama’s Precision Medicine Initiative.<sup>1</sup> It aimed to usher in a new era of medicine characterized by individually tailored (i.e., “precision”) medical care using individual-level genomic, biological, lifestyle, and clinical data. The main activity envisioned under this commitment was constructing a volunteer research cohort of one million people to participate in a large-scale genomic study. The commitment sought substantial representation of low-income individuals and those from underserved communities. In addition, all participants were expected to have the ability to freely access and donate their own health data.

## Status

### Midterm: Limited

The government had made limited progress on this commitment by the midterm. The National Institutes of Health (NIH) had received \$130 million in funding<sup>2</sup> to begin building the volunteer research cohort program. In February 2016, the NIH began awarding grants to organizations that would help support the initiative.<sup>3</sup> That same month, the NIH revised its goal of recruiting 79,000 volunteers by the end of 2016<sup>4</sup> and the full cohort by the end of 2019.<sup>5</sup> By June 2016, no participants had been recruited. The program was officially designated the *All of Us* Research Program in October 2016.<sup>6</sup>

As for enabling members of the public to donate their own health data, the NIH and the Office of the National Coordinator for Health Information Technology, in February 2016, launched Sync for Science (S4S). S4S is a pilot tool that allows individuals to access and share their health information.<sup>7</sup> The government expected the tool become a key aspect of the *All of us* Research Program.

### End of Term: Limited

At the end of term, the government had made limited progress on the core activity described under this commitment: the recruitment of a volunteer research cohort. On 5 June 2017, Eric Dishman, the director of the *All of Us* Research Program, announced that the program's recruitment efforts had entered beta testing.<sup>8</sup> This effort will be in conjunction with the program's community health partners. Recruitment will initially be limited to a single site and later expanded to 100 sites throughout the United States. The program then aimed to recruit a beta test cohort of 10,000 volunteers, with recruitment scheduled to begin in early fall 2017.<sup>9</sup> This time frame falls beyond the assessment period for the commitment (which ends in June 2017). The time frame also indicates that the program did not meet its earlier recruitment goal of 79,000 volunteers by the end of 2016.

## Did It Open Government?

### Access to Information: Did Not Change

### Civic Participation: Did Not Change

The *All of Us* Research Program was expected to launch its beta recruitment phase in fall 2017, which lies beyond the assessment period for this report. The commitment, therefore, did not open government with respect to access to information during the time frame of the action plan.

Regarding civic participation, the commitment's relevance to this OGP value stems from a statement made by the director of National Institutes of Health (NIH) in relation to the Precision Medicine Initiative: "Participants will be true partners, not subjects, not patients."<sup>10</sup> At the close of the end-of-term reporting period, the *All of Us* Research Program's advisory panel comprises individuals from the NIH's Council of Councils. (The advisory panel is presumed to refer to the aforementioned "advisory board"; the Council of Councils serves as an advisory body to the NIH director.<sup>11</sup>) The panel members have professional backgrounds in science and medicine. The advisory panel's webpage<sup>12</sup> makes no mention of incorporating patients as panel members. Less information is available on the program's steering committee, which does not appear to have a webpage. However, the NIH has separately noted that the "Program[s] Steering Committee consists of the Program Directors/Principal Investigators (PDs/Pis) from each of the major awards," referencing those partner organizations who are program grantees. However, the NIH makes no clear reference to participation by patients or the public more broadly. Based on this information, the commitment cannot be said to have opened government with respect to civic participation.

While this commitment did not result in any changes in government openness during the span of the action plan, other precision medicine initiatives did. These took place outside of the OGP framework. For example, in June 2016, the National Cancer Institute launched the Genomic Data Commons, a repository for open genomic data for cancer research.<sup>13</sup> Researchers can search,



download, and upload genomic data. As of early 2018, the database included more than 30,000 cases and 300,000 files.<sup>14</sup> The cost of analyzing a single cancer genomics dataset in 2016 exceeded \$1 million.<sup>15</sup> However, the dean of the Biological Sciences Division at the University of Chicago acknowledged that with this new information, “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>16</sup>

## Carried Forward?

At the time of writing, the government had not yet published its fourth national action plan. The government should nevertheless continue making efforts to support the *All of Us* Research Program. The program stands unprecedented in size and scope, and may therefore have a potentially transformative impact on healthcare in the United States. To achieve impact in the future, it is important that the government follow through on its promise to build a representative cohort of participants. It should also disclose the results of the study and engage participants in the design and implementation of the program.

There is also widespread public support for the program. This suggests a demand for precision medicine initiatives among the population at large. A blog post from 17 August 2016 on the program’s website confirms this. It noted results from a nationwide representative survey of 2,601 randomly selected individuals conducted by National Institutes of Health researchers. The survey found that 79 percent expressed support for the program after reading a brief description of it. Also, 54 percent of respondents indicated they would definitely or probably participate if invited.<sup>17</sup> Importantly, intended participation rates among respondents who indicated they would “definitely” participate were constant across demographic groups. This includes those from historically underserved communities, highlighting the program’s potential value to individuals from these communities.

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<sup>1</sup> “The Precision Medicine Initiative,” The White House, 12 March 2016, <https://obamawhitehouse.archives.gov/precision-medicine>, consulted 3 October 2017.

<sup>2</sup> “About the *All of Us* Research Program,” *All of Us* Research Program, <https://allofus.nih.gov/about/about-all-us-research-program>, consulted 10 September 2017.

<sup>3</sup> “Awardees,” National Institutes of Health, *All of Us* Research Program, <https://allofus.nih.gov/funding/awardees>, consulted 2 October 2017.

<sup>4</sup> Francis S. Collins, “NIH Director’s Statement: Preparing to Launch the Precision Medicine Initiative Cohort Program,” *All of Us* Research Program, 25 February 2016, <https://allofus.nih.gov/news-events-and-media/announcements/nih-directors-statement-preparing-launch-precision-medicine>, consulted 10 September 2017.

<sup>5</sup> *Ibid.*

<sup>6</sup> “PMI Cohort Program Announces New Name: The *All of Us* Research Program,” *All of Us* Research Program, 13 October 2016, <https://allofus.nih.gov/news-events-and-media/announcements/pmi-cohort-program-announces-new-name-all-us-research-program>, consulted 10 September 2017; *All of Us* Research Program, <https://allofus.nih.gov/>, consulted 10 September 2017.

<sup>7</sup> Jon White, “NIH and ONC Launch the Sync for Science (S4S) Pilot: Enabling Individual Health Data Access and Donation,” *HealthIT Buzz*, 21 March 2016, <https://www.healthit.gov/buzz-blog/health-innovation/nih-and-onc-launch-the-sync-for-science-pilot/>.

<sup>8</sup> Eric Dishman, “Beta Testing Begins for NIH’s *All of Us* Research Program,” *All of Us* Research Program, 5 June 2017, <https://allofus.nih.gov/news-events-and-media/announcements/beta-testing-begins-nih-all-us-research-program>, consulted 10 September 2017.

<sup>9</sup> *Ibid.*

<sup>10</sup> Toni Clarke, “White House to Advance Obama’s Precision Medicine Initiative,” *The Hospitalist*, 7 July 2016, <http://www.the-hospitalist.org/hospitalist/article/121572/white-house-advance-obamas-precision-medicine-initiative>, consulted 28 September 2017.

<sup>11</sup> “Council of Councils,” National Institutes of Health Division of Program Coordination, Planning, and Strategic Initiatives, <http://dpcpsi.nih.gov/council>, last updated 8 May 2017, consulted 28 September 2017.

<sup>12</sup> “*All of Us* Research Program Advisory Panel,” *All of Us* Research Program, <https://allofus.nih.gov/about/who-we-are/all-us-research-program-advisory-panel>, consulted 28 September 2017.

<sup>13</sup> National Cancer Institute, Genomic Data Commons, <https://gdc.cancer.gov/>.

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<sup>14</sup> National Cancer Institute, GDC Data Portal, <https://portal.gdc.cancer.gov/>.

<sup>15</sup> Robert L. Grossman et al., "Toward a Shared Vision for Cancer Genomic Data," *The New England Journal of Medicine* (22 September 2016), <http://www.nejm.org/doi/full/10.1056/NEJMp1607591#t=article>.

<sup>16</sup> Amber Harmon, "Genomic Data Commons: Expanded Access to Large-Scale Cancer Genomic Data," *Science Node*, 10 December 2014, <http://bit.ly/2pVeIRg>.

<sup>17</sup> "Survey Shows Broad Support for National Precision Medicine Study," *All of Us Research Program*, 17 August 2016, <https://allofus.nih.gov/news-events-and-media/announcements/survey-shows-broad-support-national-precision-medicine-study>, consulted 10 September 2017.

## 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 Institutions:** Department of Labor, White House Office of Science and Technology Policy

**Supporting Institutions:** Academia, industry, and other private organizations

**Start Date:** Not Specified

**End Date:** Not Specified

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Midterm		Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
9. Overall			✓		✓			✓			✓			✓					✓		

### Commitment Aim

With this commitment, the government aimed to improve the Occupational Information Network by developing an internet-wide inter-operability schema covering training, skills, job, and wage listings. It also aimed to work with search providers and aggregators to develop application programming interfaces that provide access to and index this data.

### Status

#### Midterm: Limited

The government had made limited progress on this commitment at the midterm. Progress on this initiative pertains to the development of the DataAtWork website. The website's Open Skills Project<sup>1</sup> constitutes part of the Workforce Data Initiative described in the progress report (see the Context and Objectives section under this commitment). As described on its website, the Open Skills Projects "is a public-private partnership . . . focused on providing a dynamic, up-to-date, locally-relevant, and normalized taxonomy of skills and jobs." Its goal includes reducing "frictions in the

workforce data ecosystem by enabling a more granular common language of skills among industry, academia, government, and nonprofit organizations.”<sup>2</sup> By the close of the midterm reporting period, however, neither the inter-operability scheme nor the related application programming interfaces were publicly available via the Open Skills Project. Progress on this commitment was coded as limited at the midterm, in light of the preliminary establishment of the DataAtWork website.<sup>3</sup>

### **End of Term: Substantial**

Progress on this commitment was substantial at the end of term. The Open Skills Project released a taxonomy of skills and jobs that builds upon existing work by O\*Net, the Open Knowledge Foundation, and the National Skills Coalition.<sup>4</sup> Data is also accessible via the Open Skills application programming interface (API).<sup>5</sup> As described on the Open Skills API landing page, available data includes job titles and descriptions, and skills associated with a job. Per the Tools and Integrations section of the DataAtWork website, the Open Skills Project has also begun to collect and publish data on wage and employment outcomes by both educational attainment and training.<sup>6</sup> By the close of the end-of-term reporting period, the IRM researcher was unable to document evidence of government engagement with internet search providers and aggregators. In light of unclear progress on this aspect of the commitment, while close to complete, progress on this commitment is considered by the IRM researcher to be substantial at the end of term.

### **Did It Open Government?**

#### **Access to Information: Marginal**

This commitment marginally opened government with respect to access to information. As described on the DataAtWork website, “various people working with labor market data, including many of us here at the Center for Data Science and Public Policy, have been working on similar projects for quite some time, and there are already many parts of the solution to a fragmented workforce data ecosystem out there.”<sup>7</sup> The main advancement brought by the Open Skills Project lies in the project bringing “these data sets and ideas together in an effort to increase interoperability and accelerate [sic] innovation, transparency, and opportunity.” Per this same source, the Open Skills Project also distinguishes itself on the basis of several key features. Notably, it stands out for its collaborative nature; transparency of methods, tools, and decision making; ultrasimplicity; web orientation; and focus on reuse of and integration with existing tools. Also distinguishing the project is the fact that the data is “distributed” and “not tied to a given tool or project.”

That said, the improvement in access to information caused by these changes remains difficult to ascertain. To offer one example, a case study appearing on the DataAtWork website describes how Pairin needed more granular data on soft skills than was otherwise available prior to the launch of the Open Skills Project data.<sup>8</sup> Pairin software matches job seekers and employers based on soft skills. The new data schemes established under this commitment made matching more feasible. Still, this example remains an isolated case, and a limited number of case studies (only two) were available on the DataAtWork website at the time of writing.<sup>9</sup> In the absence of clearer case studies for the data schema, and application programming interfaces created as part of the Open Skills Project, this commitment did not lead to a more substantial opening of government.

### **Carried Forward?**

At the time of writing, the US government had not published its fourth national action plan. This commitment is largely complete and does not need to be explicitly carried forward to a future action plan. However, the government should continue efforts to broaden the use of the Open Skills Project data to position its scheme as the leading taxonomy of workforce data. Doing so would improve its usefulness going forward.

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<sup>1</sup> “Open Skills Project,” Data, DataAtWork, <http://dataatwork.org/data/>, consulted 9 October 2017.

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<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, 11, [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 2 October 2017.

<sup>4</sup> “Data,” DataAtWork, <http://dataatwork.org/data/>, consulted 9 October 2017. See also “FAQ,” DataAtWork, <http://dataatwork.org/faq/>, consulted 9 October 2017.

<sup>5</sup> “Open Skills API,” DataAtWork, <http://api.dataatwork.org/v1/spec/>, consulted 9 October 2017.

<sup>6</sup> “Tools and Integrations,” DataAtWork, <http://dataatwork.org/tools/>, consulted 9 October 2017.

<sup>7</sup> “FAQ,” DataAtWork, <http://dataatwork.org/faq/>, consulted 9 October 2017.

<sup>8</sup> Michael Simpson, “Case Studies: Pairin,” DataAtWork, <http://dataatwork.org/case-studies/pairin/>, consulted 9 October 2017.

<sup>9</sup> “Case Studies,” DataAtWork, <http://dataatwork.org/case-studies/>, consulted 9 October 2017.

## 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 Institutions:** White House Domestic Policy Council (DPC), Office of Management and Budget, Office of Science and Technology Policy

**Supporting Institutions:** Federal departments and agencies

**Start Date:** Not Specified

**End Date:** Not Specified

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Midterm End of Term		Did It Open Government?					
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding	
10. Overall	✓				Unclear				✓					↙				↙				

### Commitment Aim

This commitment aimed to make public service delivery more effective through data-driven evaluations of government policies, specifically for families and communities in need. The government expected work on this commitment to be carried out by an interagency, evidence-based policymaking group. The group would build capacity to use evidence to evaluate policies and advance the use of evidence-based policymaking across the federal government.

### Status

#### Midterm: Limited

At the midterm, the government had made limited progress on this commitment. In December 2015, the White House organized an event that convened government officials from nine agencies to share their work on evidence-based policymaking. Besides this, the government took no verifiable action toward meeting this commitment.<sup>1</sup> The government's midterm self-assessment report<sup>2</sup> indicated that 22 government agencies proposed 75 actions linked to evidence-based decision making. These efforts align with the commitment under the Office of Social Innovation and Civic Participation. However, the IRM researcher found no information to corroborate this assertion by the close of the midterm reporting period.

## End of Term: Limited

A page on the website of the Office of Social Innovation and Civic Participation references the 22 government agencies working on actions with evidence-based components.<sup>3</sup> This page was posted during the second year of implementation. In a general description, the page notes that these actions include the following:

- Building the capacity of staff to develop logic models, identify performance measures, and conduct rigorous evaluations;
- Offering training, technical assistance, and clearinghouses to disseminate evidence of what works;
- Expanding tiered-evidence grant-making and pay for success activity;
- Using behavioral sciences, rapid cycle testing, and rigorous evaluation methods to improve and assess program and policy impact; and
- Using administrative and program data to assess impact and adjust as needed.

However, the page does not provide more specific information on the 75 actions being carried out or their implementation status. The Office of Management and Budget indicated that the US government made notable progress on the actions as of January 2017.<sup>4</sup> However, the agency did not provide evidence of the types of actions taken, nor evidence of concrete results. At the close of the end-of-term reporting period, the IRM researcher was unable to locate any additional information on these activities. Completion, therefore, remains limited at the end of term.

## Did It Open Government?

**Access to information: Did not change**

**Civic participation: Did not change**

**Public accountability: Did not change**

This commitment had unclear relevance for the OGP values of open government because it lacked a public-facing element. As a result, it did not contribute to greater access to information, civic participation, or public accountability.

## Carried Forward?

At the time of writing, the US government had not published its fourth national action plan, so it is unclear if this commitment will be carried forward. The team responsible for coordinating evidence-based policymaking across the federal government is now the Evidence Team in the Economic Policy Division of the Office of Management and Budget (OMB). This small team supports other OMB offices and agencies to improve capacity to build and use evidence. If this commitment is included in a future action plan, it is essential that this team clearly specify the intended goals and activities. In addition, for the commitment to achieve greater openness in government, the improvement of public service delivery should directly involve the public. This can be accomplished by allowing users to evaluate the services they receive. The government could also publish the results of the evaluations and/or improve channels for the public to call for recourse or consequences as necessary.

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<sup>1</sup> "Remarks of Acting OPM Director Beth Cobert," US Office of Personnel Management, 8 March 2016, <http://bit.ly/2rvG22u>, consulted 2 October 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, 12, [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 2 October 2017.

<sup>3</sup> "Find What Works," Office of Social Innovation and Civic Participation, <https://obamawhitehouse.archives.gov/administration/eop/sicp/initiatives/find-what-works>, consulted 10 September 2017.

<sup>4</sup> The IRM received this information in a comment submitted by the US government during the pre-publication review of this report. The comment was received via e-mail on 30 April 2018.

## 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 Institutions:** Council for Environmental Quality, Office of Management and Budget, Federal Permitting Improvement Steering Council

**Supporting Institutions:** 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				Completion		Midterm		Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
11. Overall				✓	✓		✓			✓			✓		✓			✓			

### Commitment Aim

This commitment aimed to improve the transparency of the federal permitting process for large-scale infrastructure projects. It included 11 federal agencies that are involved in the permitting, review, funding, and development of such projects. The commitment required the agencies to develop and post coordinated project review schedules on the Permitting Dashboard for federal infrastructure projects.<sup>1</sup> In doing so, the government aimed to improve communication with applicants and across agencies. It also anticipated increasing transparency surrounding permitting and environmental impact review processes.

### Status

#### Midterm: Limited

At the midterm, the government had made limited progress on this commitment. Congress passed the Fixing America's Surface Transportation (FAST) Act<sup>2</sup> in December 2015. Under Title 41, the act requires the federal government to use the Permitting Dashboard to track infrastructure project timelines. It also establishes a Federal Permitting Improvement Steering Council (FPISC).<sup>3</sup> An



interagency team responsible for these aspects of the act's implementation prepared a list of infrastructure projects to be added to the dashboard between April and June 2016. The team nominated an FPISC executive director.<sup>4</sup> However, by the close of the midterm reporting period, the government had not yet confirmed the FPISC executive director. This director would ultimately be responsible for approving use of the Permitting Dashboard to track infrastructure projects. Thus, there was no further progress on this front at the midterm.<sup>5</sup>

### **End of Term: Complete**

In July 2016, President Obama appointed Richard Kidd, IV as executive director of the Federal Permitting Improvement Steering Committee (FPISC).<sup>6</sup> Several months later, on 22 September 2016, the FPISC released a list of 34 "covered projects," referred to as the "covered project inventory." The list comprised projects that are subject to the requirements of the Fixing America's Surface Transportation Act's Title 41 (FAST-41).<sup>7</sup> The official FPISC memorandum announcing the covered project inventory required the lead agency for each project to develop a coordinated project plan. The plans also had to be uploaded to the Permitting Dashboard by 29 November 2016.<sup>8</sup> As of September 2017, the dashboard contained coordinated project plans for 35 FAST-41 projects.<sup>9</sup> Each project's timeline includes a list of particular actions to be completed (such as obtaining right-of-way authorization and issuing safety reports and environmental impact statements). The timelines also list target and actual completion dates for each action. The commitment is therefore complete.

Richard Kidd left the post of executive director in January 2017, once President Trump took office.<sup>10</sup> Per the FPISC website, the position remains unfilled as of September 2017,<sup>11</sup> raising the possibility of future delays in posting covered projects to the dashboard.

### **Did It Open Government?**

#### **Access to Information: Marginal**

This commitment marginally opened government with respect to access to information by improving public access to development and completion timelines for infrastructure projects. The main benefit of the new Permitting Dashboard is that government agencies, project sponsors, and members of the public can now track the status of major infrastructure projects. Users of the dashboard can monitor progress on predefined milestones, including consultations, authorizations, and environmental impact assessments. For example, the dashboard includes information on the Mid-Barataria Sediment Diversion, a restoration project to address land loss in Louisiana. According to Restore the Mississippi River Delta, a coalition of national and local conservation groups working on this issue, "The Project's placement on the Federal Permitting Dashboard is equally important to ensuring accountability and transparency."<sup>12</sup>

Still, there are important limitations. First, the overall number of infrastructure projects listed on the dashboard is modest (35 as of September 2017). Second, as legal analysts have noted,<sup>13</sup> the information on the dashboard is not very useful for monitoring delays. For example, many project milestones lack clear target dates. In addition, both projects and milestones are labeled as "Cancelled," "Planned," "In Progress," or "Complete," which does not indicate if there are delays. To illustrate, as of February 2016, more than half of the projects were considered to be "In Progress," despite having deadlines in 2014 and 2015.<sup>14</sup> For this commitment to achieve a major change in government openness, the dashboard information needs to cover a wider range of projects and better illustrate progress during the permitting process.

### **Carried Forward?**

At the time of writing, the US government had not published its fourth national action plan, so it is unclear if this commitment will be carried forward.

While this commitment has opened government with respect to access to information, the actions taken do not automatically translate into a timelier permitting process. This remains a pressing issue. A 2016 report prepared by the National Association of Environmental Professionals indicates that

the average time to prepare an environmental impact statement (from notice of intent to final version) was 5.1 years. The association based the finding on an analysis of 177 environmental impact statements issued in 2016.<sup>15</sup> The government could therefore direct future efforts toward identifying and eliminating unnecessary inefficiencies and delays in the federal permitting process, while preserving environmental and other safeguards. As a result, these and other review processes could proceed more quickly to generate infrastructure investment.

As for the dashboard itself, the government could improve the quality of the information published. The government could incorporate into the dashboard the new accountability mechanisms proposed in President Trump's Executive Order 13807 on improving the permitting process (issued on 15 August 2017).<sup>16</sup> These mechanisms include assessing whether major infrastructure projects have clear timelines and identifying the time it takes to complete environmental reviews and authorizations. They also include producing scorecards that grade agencies on their timeliness and performance. The government could also establish dynamic reporting and visualizations on the dashboard, as planned,<sup>17</sup> to make information easier to understand. The Bipartisan Policy Center, a civil society organization in Washington, D.C., agrees that the government could make greater use of the dashboard to monitor infrastructure projects.<sup>18</sup> It also noted that the government could implement the new transparency and accountability measures proposed in Executive Order 13807, such as the performance scoring system, mandatory explanations for agency delays, cost estimates, and assessments of inefficiencies in the permitting process.<sup>19</sup>

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<sup>1</sup> Federal Infrastructure Permitting Dashboard, <https://www.permits.performance.gov/>, consulted 3 October 2017.

<sup>2</sup> "FAST-41L Fixing America's Surface Transportation (FAST) Act." Federal Infrastructure Permitting Dashboard, <https://www.permits.performance.gov/about/fast-41>, consulted 3 October 2017. For the text of the act, see <https://www.gpo.gov/fdsys/pkg/PLAW-114publ94/pdf/PLAW-114publ94.pdf>, consulted 3 October 2017.

<sup>3</sup> Ibid.

<sup>4</sup> This information was previously available in the FY2016 Q2 progress update for the Infrastructure Permitting Modernization project, available here: <http://bit.ly/2qwx876>. The IRM consulted this website in October 2017. However, the link is now broken and cannot be accessed through the archived website, available at <http://bit.ly/2COUnwS>.

<sup>5</sup> Similar to note 4 above, this information was available in the FY2016 Q4 progress update, which included a milestone spreadsheet with many items moved to the 2017 calendar year. In October 2017, the IRM consulted this website at <http://bit.ly/2FoqyF2>. However, the link is now broken and cannot be accessed through the archived website, available at <http://bit.ly/2COUnwS>.

<sup>6</sup> Mark Niquette, "Trump Repackages Council as 'New' in Infrastructure Plan," *Bloomberg*, 9 June 2017, <https://www.bloomberg.com/news/articles/2017-06-09/trump-wants-new-council-to-help-speed-up-public-works-projects>, consulted 10 September 2017.

<sup>7</sup> "FPISC Announces FAST-41 Covered Projects," Federal Infrastructure Projects Permitting Dashboard, <https://www.permits.performance.gov/about/news/fpisc-announces-fast-41-covered-projects>, consulted 10 September 2017. For a more detailed discussion of the criteria used to determine which projects are covered, see Federal Permitting Improvement Steering Council, *FAST-41: FY16 Annual Report to Congress*, April 2017, 1, <https://www.permits.performance.gov/sites/permits.performance.gov/files/docs/FAST-41%20FY%202016%20Annual%20Report%20to%20Congress%204.15.17.pdf>, consulted 27 September 2017.

<sup>8</sup> Richard Kidd IV, *Memorandum for the Federal Infrastructure Permitting Improvement Steering Council (FPISC)*, 22 September 2016, <https://www.permits.performance.gov/sites/permits.performance.gov/files/docs/1st%20FPISC%20External%20Action%20-%20Signed%20Covered%20Project%20Memo.pdf>, consulted 10 September 2017.

<sup>9</sup> "Projects," Federal Infrastructure Projects Permitting Dashboard, <https://www.permits.performance.gov/projects>, consulted 10 September 2017.

<sup>10</sup> LinkedIn, "Richard Kidd, IV," <https://www.linkedin.com/in/richard-g-kidd-iv-0a693275>, consulted 10 September 2017.

<sup>11</sup> "Federal Permitting Improvement Steering Council (FPISC) Leadership," Federal Infrastructure Projects Permitting Dashboard, <https://www.permits.performance.gov/about/federal-permitting-improvement-steering-council-fpisc-leadership>, consulted 10 September 2017.

<sup>12</sup> "State, Federal Partnership Critical to Advancing Large-Scale Louisiana Coastal Restoration Project," Environmental Defense Fund, 26 January 2018, <http://bit.ly/2GawTUb>.

<sup>13</sup> Thomas C. Jensen, Sandra A. Snodgrass, and Matthew Castelli, "Infrastructure Permit Streamlining under the FAST Act," Holland & Hart, <http://bit.ly/2Gcmp6U>.

<sup>14</sup> Ibid.

<sup>15</sup> "NAEP Annual National Environmental Policy Act (NEPA) Report for 2016: Summary," National Association of Environmental Professionals, <http://www.naep.org/>, consulted 27 September 2017. The current issue of the report is available only to association members and federal agency liaisons of the association, and is therefore not cited directly here.

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<sup>16</sup> “Presidential Executive Order on Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure,” White House, 15 August 2017, <http://bit.ly/2F6MGnQ>.

<sup>17</sup> *Before the Senate Comm. on Energy and Natural Resources* (12 December 2017) (testimony of Janet Pfleeger), [https://www.eenews.net/assets/2018/01/31/document\\_gw\\_07.pdf](https://www.eenews.net/assets/2018/01/31/document_gw_07.pdf).

<sup>18</sup> Andy Winkler, “How the Trump Administration Can Accelerate Permitting Now,” Bipartisan Policy Center, 4 April 2017, <http://bit.ly/2C0eyeC>.

<sup>19</sup> Andy Winkler, “Accelerating Federal Permitting and Environmental Review,” Bipartisan Policy Center, 1 February 2018, <http://bit.ly/2Coeilb>.

## 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 institutions:** Department of Homeland Security Customs and Border Protection (CBP) along with other Federal agencies with authorities at U.S. borders

**Supporting institutions:** 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				Completion		Midterm		Did It Open Government?					
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & ...	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding	
12. Overall				✓	Unclear						✓				✓			✓				

### Commitment Aim

Prior to the action plan, there were 47 government agencies and more than 200 forms involved in the customs process.<sup>1</sup> Moreover, shippers often had to file the same information for different agencies, sometimes in paper form. This commitment aimed to develop a digital, single-window platform for import and export transactions to streamline and accelerate the process of trading goods. The commitment traced its roots to Presidential Executive Order 13659 of 19 February 2014, Streamlining the Export/Import Process for America’s Business.<sup>2</sup> The previous action plan also included this commitment.

### Status

#### Midterm: Substantial

The government made substantial progress on this commitment by the midterm. The US single import/export window represents “the primary system through which the trade community reports imports and exports and the government determines admissibility.”<sup>3</sup> The window is referred to as the Automated Commercial Environment (ACE), and the Customs and Border Protection (CBP)

administers it. To facilitate the transition to the ACE, the CBP established a series of transition deadlines. These “mandatory use dates” indicated the date by which agencies were expected to transition away from CBP legacy systems and execute different trade-filing activities via the ACE. Two such dates occurred during the midterm evaluation period (31 March 2016 and 28 May 2016).<sup>4</sup>

### **End of term: Substantial**

Two additional mandatory use dates passed during the end-of-term evaluation period. As described on the Customs and Border Protection’s (CBP) website, these include the following:

- 23 July 2016: Mandatory use of Automated Commercial Environment (ACE) for filing electronic entries and corresponding entry summaries for remaining entry types (02, 07, 12, 21, 22, 31, 32, 34, 38).<sup>5</sup>
- 27 August 2016: Mandatory use of ACE for filing electronic protests.<sup>6</sup>

Per the ACE website,<sup>7</sup> several types of filings have mandatory use deadlines that will occur beyond the period of the action plan (16 September 2017, 9 December 2017, and 24 February 2018). While the CBP has made substantial progress toward meeting this commitment, it remains incomplete.

### **Did It Open Government?**

**Access to Information: Did Not Change**  
**Civic Participation: Did Not Change**  
**Public Accountability: Did Not Change**

This commitment had an important goal. However, it represented an e-government initiative, rather than an explicit effort to improve access to government-held information, civic participation, or public accountability. As a result, this commitment was not relevant to OGP values and did not open government.

### **Carried Forward?**

At the time of writing, the US government had not published its fourth national action plan. This commitment should not be carried forward, given its unclear relevance for open government and nearly completed state.

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<sup>1</sup> John Costanzo, “Automated Commercial Environment (ACE) and the Single Window Initiative – Are You Ready?” *Industry Week*, 27 October 2016, <http://www.industryweek.com/trade/automated-commercial-environment-ace-and-single-window-initiative-are-you-ready>, consulted 2 January 2017.

<sup>2</sup> “Executive Order — Streamlining the Export/Import Process for America’s Businesses,” White House, 19 February 2017, <https://obamawhitehouse.archives.gov/the-press-office/2014/02/19/executive-order-streamlining-exportimport-process-america-s-businesses>, consulted 3 October 2017.

<sup>3</sup> “ACE and Automated Systems,” US Customs and Border Protection, <https://www.cbp.gov/trade/automated>, consulted 10 September 2017.

<sup>4</sup> US Customs and Border Protection, *Automated Commercial Environment: Third and Fourth Quarters, Fiscal Year 2016 Report to Congress*, 11 April 2017, 5, [https://www.dhs.gov/sites/default/files/publications/CBP%20-%20Automated%20Commercial%20Environment%20-%20FY%202016%2C%20Third%20and%20Fourth%20Quarters\\_0.pdf](https://www.dhs.gov/sites/default/files/publications/CBP%20-%20Automated%20Commercial%20Environment%20-%20FY%202016%2C%20Third%20and%20Fourth%20Quarters_0.pdf), consulted 3 October 2017.

<sup>5</sup> “July 23rd Information Notice, Notice to Trade: ACE Capabilities Deployed and Mandated on 7/23/16,” US Customs and Border Protection, 21 July 2016, <https://www.cbp.gov/trade/ace/features/quota-ace>, consulted 3 October 2017. For confirmation that the date was met, see US Customs and Border Protection, *Automated Commercial Environment: Third and Fourth Quarters, Fiscal Year 2016 Report to Congress*, 11 April 2017, 5, [https://www.dhs.gov/sites/default/files/publications/CBP%20-%20Automated%20Commercial%20Environment%20-%20FY%202016%2C%20Third%20and%20Fourth%20Quarters\\_0.pdf](https://www.dhs.gov/sites/default/files/publications/CBP%20-%20Automated%20Commercial%20Environment%20-%20FY%202016%2C%20Third%20and%20Fourth%20Quarters_0.pdf), consulted 3 October 2017.

<sup>6</sup> “,” US Customs and Border Protection, 8 August 2017, previously available at: [https://apps.cbp.gov/csms/viewmmsg.asp?Recid=22032&page=&srch\\_argv=&srchtype=&btype=&sortby=&sby=](https://apps.cbp.gov/csms/viewmmsg.asp?Recid=22032&page=&srch_argv=&srchtype=&btype=&sortby=&sby=), consulted 3 October 2017. For confirmation that the date was met, see US Customs and Border Protection, *Automated Commercial*

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*Environment: Third and Fourth Quarters, Fiscal Year 2016 Report to Congress*, 11 April 2017, 5,  
[https://www.dhs.gov/sites/default/files/publications/CBP%20-%20Automated%20Commercial%20Environment%20-%20FY%202016%20C%20Third%20and%20Fourth%20Quarters\\_0.pdf](https://www.dhs.gov/sites/default/files/publications/CBP%20-%20Automated%20Commercial%20Environment%20-%20FY%202016%20C%20Third%20and%20Fourth%20Quarters_0.pdf), consulted 3 October 2017.  
<sup>7</sup> “ACE Transaction Details,” US Customs and Border Patrol, <https://www.cbp.gov/trade/automated/ace-transaction-details>,  
last updated 23 August 2017, consulted 3 October 2017.

## 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:** The National Archives and Records Administration (NARA)

**Supporting Institutions:** Civil society organizations

**Start Date:** Not Specified

**End Date:** Not Specified

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Midterm		Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
13. Overall			✓		✓	✓				✓				✓					✓		
13.1. Increase Transparency in Managing Email				✓	✓					✓				✓							
13.2. Report on Agency		✓			✓					✓						✓					

Progress in Managing Email													✓
13.3. Improve the Records Control Schedule Repository	✓										✓		
				✓	✓						✓		

**Commitment Aim**

Prior to the action plan, the government produced billions of emails that were filed and preserved in different ways, both digitally and in paper form.<sup>1</sup> This commitment aimed to improve the federal government’s management of email records. The government committed to:

- Release a dataset containing the names of government positions whose emails will be preserved at the National Archives,
- Report on agencies’ email management efforts, and
- Seek input from civil society to improve access to recordkeeping time frames contained in the Records Control Schedule repository.

**Status**

**Midterm: Limited**

By the midterm, the government had made limited overall progress on this commitment:

- The National Archives published a list of government officials whose emails would be preserved on its website. The list was issued under the September 2016 “General Records Schedule (GRS) 6.1: Email Managed under a Capstone Approach”.<sup>2</sup> However, per the government’s midterm self-assessment report,<sup>3</sup> the list was incomplete. It contained only information for the National Archives and Records Administration (NARA) and the National Security Agency. Milestone 13.1 completion was thus limited.
- NARA updated the template for the Senior Agency Official for Records Management Annual Reports to include questions on email management. It also began tracking responses across agencies.<sup>4</sup> NARA tracks and analyzes this information publicly on an annual basis in its *Records Management Self-Assessment* final report.<sup>5</sup> Milestone 13.2 was therefore complete.
- By the close of the midterm reporting period, NARA had not yet sought feedback from civil society on the Records Control Schedule repository.<sup>6</sup> Thus, there was no progress on Milestone 13.3.

**End of Term: Substantial**

Progress on this commitment was substantial at the end of term:

- Under General Records Schedule (GRS) 6.1, the National Archives and Records Administration published a list of 72 distinct agencies from which emails will be sent to the National Archives. These emails will be preserved via an online repository housed on the National Archives website.<sup>7</sup> For the offices within each agency that are subject to GRS 6.1, the repository includes a link to their active, approved verification forms NA-1005s in PDF format. The forms indicate a list of officials whose emails will be preserved. The list includes officials’ position titles, and each office’s summary page indicates the number of unique email accounts subject to preservation.<sup>8</sup> In light of these activities, the IRM assesses Milestone 13.1 as complete.
- Milestone 13.2 was complete at the midterm.



- Based on publicly available information, the IRM researcher found no evidence that the government has begun to engage civil society on the Records Control Schedule repository. Thus, there is no progress on Milestone 13.3.

## Did It Open Government?

### Access to Information: Marginal Civic Participation: Did Not Change

This commitment marginally opened government with respect to access to information and did not change government with respect to civic participation. The main change in government policy has been providing public access to information on agency officials whose emails will be preserved and information on how government agencies manage email. These steps lay the groundwork for future preservation of the government's electronic records. However, little progress has been made in transferring actual electronic records to the National Archives and Records Administration (NARA) for preservation.

The public now has access to a centralized list of 72 agencies submitting emails to the National Archives for preservation, comprising a far larger number of federal officials. The National Archives' Office of the Chief Records Officer produces a *Federal Agency Records Management 2016 Annual Report* from 20 September 2017, however, notes that only 32 percent of agencies (based on a total sample of 257) submitted NA-1005s in 2016 (up from 2 at the midterm). This highlights the substantial work that remains to be carried out under General Records Schedule 6.1.<sup>9</sup>

This same report notes that a plurality of agencies (42 percent) have drafted—but not yet approved—records retention schedules applicable to email. Only 19 percent of agencies attain the highest category of email records management.<sup>10</sup> Moreover, 81 percent of reporting agencies had not yet begun transferring permanent electronic records to NARA for preservation.

Collectively, these figures highlight the commitment's importance. However, they also indicate significant areas for future progress regarding federal electronic records management. Therefore, this commitment has an overall coding of marginal.

## Carried Forward?

At the time of writing, the US government had not yet published its fourth national action plan, so it is unclear if this commitment will be carried forward. The government could nevertheless pursue efforts to preserve emails. It could also seek to improve deposition rates among agencies that have not yet submitted NA-1005s or transferred records to the National Archives. The government should also engage with civil society on the Records Control Schedule repository and continue reporting efforts to monitor agencies' progress on improving email management.

<sup>1</sup> David S. Ferriero, "Managing Those Emails," *Prologue Magazine* 47, no. 2 (2015), <http://bit.ly/2eqSzOY>.

<sup>2</sup> National Archives and Records Administration, "General Records Schedule (GRS) 6.1: Email Managed under a Capstone Approach," September 2016, <https://www.archives.gov/files/records-mgmt/grs/grs06-1.pdf>, consulted 28 September 2017.

<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, 14, [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 2 October 2017.

<sup>4</sup> "2015 SAO Annual Reports," National Archives and Records Administration, <https://www.archives.gov/records-mgmt/agency/sao-reporting-2015>, last updated 28 June 2016, consulted 3 October 2017. The template is available for download via National Archives and Records Administration, Office of the Chief Records Officer, *Senior Agency Official for Records Management FY 2015 Annual Report*, <http://bit.ly/2r0jVcc>, consulted 3 October 2017.

<sup>5</sup> "Records Management Self-Assessment (RMSA)," National Archives and Records Administration, Office of the Chief Records Officer, <https://www.archives.gov/records-mgmt/resources/self-assessment.html>. See page 15 of the 2015 report in particular: National Archives and Records Administration, Office of the Chief Records Officer, *Records Management Self-*

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*Assessment 2015: An Assessment of Records Management Programs in the Federal Government*, 12 July 2016, <https://www.archives.gov/files/records-mgmt/resources/self-assessment-2015.pdf>, consulted 3 October 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, 14–15, [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 3 October 2017.

<sup>7</sup> As indicated on NARA's website, emails will be preserved from 103 agency offices. However, as some agencies have multiple offices that are subject to GRS 6.1, this activity covers a smaller number of distinct agencies (72). See "General Records Schedule (GRS) 6.1 Email Managed under a Capstone Approach," National Archives and Records Administration, <http://usnationalarchives.github.io/capstone-grs/index.html#about>, consulted 28 September 2017.

<sup>8</sup> *Ibid.*

<sup>9</sup> National Archives and Records Administration, Office of the Chief Records Officer, *Federal Agency Records Management 2016 Annual Report*. 20 September 2017, 22–23, <https://www.archives.gov/files/records-mgmt/resources/Federal%20Agency%20Records%20Management%20-%202016%20Annual%20Report.pdf>, consulted 28 September 2017. This is the most recent publicly available report. The figures cited here also highlight a discrepancy in that roughly 82 agencies (i.e., 32 percent) submitted NA-1005s, whereas forms from only 72 agencies appear in the NARA's repository listing. The reason for this discrepancy is unclear, though the discrepancy is minor.

<sup>10</sup> *Ibid.*, 11–12. This category includes agencies that meet the following criteria: possess a "NARA-approved records retention schedules covering emails; records retention are built into email management systems; permanent records are identified and captured by email management systems; [and] permanent records can be or have been successfully transferred to NARA."

## ✪ Commitment 14. Modernize Implementation of FOIA

### **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 institutions:** Department of Justice, Internal Revenue Service, and National Archives and Records Administration

**Supporting institutions:** All Federal agencies, civil society organizations

**Start Date:** Not Specified

**End Date:** Not Specified

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Midterm End of Term		Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Innovation	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
14. Overall			✓		✓	✓		✓			✓				✓						✓
14.1. Expand Services on FOIA.gov			✓		✓		✓			✓			✓								
14.2. Improve Agency Proactive Disclosures			✓		✓	✓	✓			✓						✓					
14.3. Improve Agency FOIA Websites		✓			✓					✓			✓								
14.4. Increase Understanding of FOIA			✓		✓	✓	✓			✓		✓									
14.5. Proactively Release Nonprofit Tax Filings				✓	✓		✓				✓					✓					

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

### Commitment Aim

In response to concerns about delays, heavy redactions, and overly restrictive criteria in the release of government information, this commitment aimed to modernize the implementation of the Freedom of Information Act (FOIA). More specifically, the government committed to:

- Using technology to expand and improve FOIA.gov services, with the goal of building a consolidated interagency FOIA request system;
- Piloting a program to proactively disclose FOIA-released records;
- Issuing guidance, best practices, and a web template to improve agencies' FOIA webpages;
- Developing and promote teaching tools related to FOIA; and
- Proactively releasing nonprofit tax filings in an open and machine-readable format.

## Status

### Midterm: Substantial

The government had made substantial progress on the overall commitment by the midterm, with variation across milestones:

- The Department of Justice (DOJ) was in the process of developing a proposal to build a consolidated Freedom of Information Act (FOIA) request system.<sup>1</sup> However, no concrete progress on an actual consolidated FOIA request system had materialized by the midterm, resulting in limited completion for Milestone 14.1.
- The DOJ's Office of Information Policy (OIP) piloted a proactive disclosure program for FOIA-requested materials, spanning seven agencies over a six-month period. The OIP published a findings report in June 2016,<sup>2</sup> resulting in the completion of Milestone 14.2.
- In June 2016, the DOJ's OIP held a roundtable<sup>3</sup> that was open to members of the public to solicit feedback on potential improvements to agencies' FOIA websites. However, no concrete progress (e.g., issuing of guidance or best practices) took place by the midterm, resulting in limited completion for Milestone 14.3.
- The government made no progress on developing and promoting FOIA-related teaching resources. Milestone 14.4, therefore, had not started at the midterm.
- In June 2016, the Internal Revenue Service disclosed online nonprofit electronic tax filings dating back to 2011.<sup>4</sup> This disclosure included forms 990, 990-EZ, and 990-PF on an Amazon web server.<sup>5</sup> Thus, Milestone 14.5 is complete.

### End of term: Substantial

At the end of term, the government's progress on this commitment remained substantial.

Regarding the expansion of services on FOIA.gov (Milestone 14.1), on 19 April 2017, the OIP announced it was collaborating with the General Services Administration's I8F team to develop a consolidated portal. The initial work would focus on user research and "discovery of issues necessary to inform future development."<sup>6</sup> As part of the announcement, OIP invited FOIA requesters and agency personnel to signal their interest in providing feedback on the development process. Those interested were to respond by email no later than 28 April 2017. During a meeting of the National Archives and Records Administration's (NARA) advisory committee on 20 April 2017, Melanie Pustay, OIP director, confirmed the OIP's receipt of \$1.3 million in funding to support the establishment of the proposed FOIA portal.<sup>7</sup>

On 31 August 2017, several months after the close of the end-of-term reporting period, I8F released a final version of the research plan on its GitHub page. This plan was used to inform the development of the proposed consolidated FOIA platform.<sup>8</sup> The plan notes that I8F "conducted a thorough review of materials already in place on the web and interviews with dozens of people who have filed FOIA requests and those who handle incoming requests."<sup>9</sup> However, using publicly available information, the IRM researcher was unable to ascertain the scope or content of the feedback received. In September 2017, I8F also released an extensive *FOIA Recommendations* report describing the findings from its research and discovery process.<sup>10</sup>

On 8 March 2018, the Department of Justice (DOJ) launched the first iteration of the National FOIA Portal on FOIA.gov.<sup>11</sup> The website includes customized forms for each agency, as well as information on what to do before submitting a request, how to submit a request, and what to expect after submitting a request. The website also provides agency-specific resources and maintains previous features, such as agency FOIA data and contact information. While the launch of the new platform fulfills the first milestone of this commitment, the website was not live by the end of the action plan period.<sup>12</sup> Completion for Milestone 4.1, therefore, remained limited by the end of term.

As for the next two milestones, the proactive disclosure of information by agencies (Milestone 14.2) was complete at the midterm. The improvement of agency FOIA webpages (Milestone 14.3), on the other hand, remained pending at the end of term. The Department of Justice issued guidance after the close of the action plan on 30 November 2017 to promote uniformity and ease of access among agency FOIA websites.<sup>13</sup> Among other things, the guidance recommends providing easy access to an agency's FOIA library, which contains information that has already been released. The guidance also stresses that "agencies should provide instructions for making a request."<sup>14</sup> In addition, users should be able to easily access key resources such as the FOIA Reference Guide, an agency's FOIA regulations, and annual reports on the administration of FOIA. This guidance fulfills Milestone 14.3. However, given that the guidance was issued several months after the close of the action plan period, completion for Milestone 14.3 remained limited by the end of term.

As for increasing understanding of FOIA (Milestone 14.4), on 19 August 2016, the NARA Office of Government Information Services (OGIS) issued an online call. The office solicited suggestions of records in the National Archives Catalog that are relevant for understanding FOIA.<sup>15</sup> To do this, the office used HistoryHub, a crowdsourcing platform sponsored by NARA for people to share information and work together.<sup>16</sup> In a blog post from 2 November 2016, the OGIS released an infographic describing the public's rights under FOIA and the information request process.<sup>17</sup> Per this same source, OGIS intended to integrate the infographic into lesson plans created by the National Archives' Educator and Public Programs divisions and conducted through the DocsTeach platform, which "offers teachers student activities using materials from the National Archives Catalog."<sup>18</sup>

The first FOIA-related teaching materials released through DocsTeach describe how FOIA requests can be used to obtain information on the public's response to the 1965 civil rights marches in Selma, Alabama.<sup>19</sup> At the end of term, these materials (titled "The Impact of Bloody Sunday in Selma") were available via DocsTeach.<sup>20</sup> They include photographs, letters, and other archived documents, along with a worksheet for students to fill out. The IRM researcher did not locate other teaching materials developed by NARA that have incorporated the FOIA infographic. The IRM researcher was similarly unable to locate a compiled list of suggested FOIA-relevant records from the National Archives.

NARA views this milestone as complete given the launch of the teaching materials and the soliciting of content from the public.<sup>21</sup> However, several aspects of the milestone were not completed. For example, the milestone called for NARA to "develop tools to teach students about FOIA." While the teaching materials about the civil rights marches in Selma, Alabama include the infographic about FOIA, it is difficult to interpret this single infographic as the new tools envisioned by the milestone. Moreover, NARA refers to the DocsTeach platform as providing a "powerful set of tools" to create interactive online learning activities, noting that its pages have been viewed millions of times since its launch.<sup>22</sup> Nonetheless, DocsTeach was created in 2010, well before the start of the action plan. It therefore cannot be considered to be the new tools envisioned by the milestone either.

In addition, there was no progress evident on "seek[ing] partnerships with outside educational and library organizations to create and promote standards-compatible curriculum resources" as specified in the text of the milestone. While NARA did ask the public for suggestions of records that could be useful for teaching materials,<sup>23</sup> the IRM does not consider this type of crowdsourcing to constitute developing partnerships with outside organizations. In light of these pending areas of work, completion for Milestone 14.4 was limited at the end of term.

Lastly, the disclosure of nonprofit tax filings (Milestone 14.5) was complete at the midterm. Building upon earlier work, by the end of term, the Internal Revenue Service updated its disclosure of electronic nonprofit tax filings to include data through 2017.<sup>24</sup> The milestone remains complete at the end of term.

## Did It Open Government?

### **Access to Information: Outstanding Civic Participation: Did Not Change**

This commitment opened government in outstanding fashion regarding access to information, and it opened government more marginally with respect to civic participation.

Regarding access to information, most of the milestones had either limited progress by the end of term or lacked follow-up (e.g., the pilot program for proactive disclosure). The disclosure of nonprofit tax filings (Milestone 14.5), on the other hand, played a major role in opening government. It resulted in the public release of vast amounts of nonprofit tax data.

Previously, tax filings were only available via image files on DVDs provided upon request and for a fee. Now, the data is available online in machine-readable format. According to the founder and director of Public.Resource.org, “This is a huge release: 1.4 million e-file returns dating back to 2011 available for free . . . The result of this release is going to be transformative.”<sup>25</sup> The Sunlight Foundation added that the release brought the “nonprofit sector into the age of transparency,” noting 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>26</sup> The disclosure received strong support from the private sector, other nongovernmental organizations, and the media.<sup>27</sup> In addition, as described above, the Internal Revenue Service (IRS) has continued to release updated data post-midterm, signaling an enduring change in government practice in this area.

There is also evidence of data usage. In August 2017, ProPublica announced that it had updated its Nonprofit Explorer<sup>28</sup> to include tax information for more than 132,000 nonprofit organizations for which data was previously unavailable. This addition directly resulted from the IRS release.<sup>29</sup> The explorer allows users to search nonprofit data by name, type, category, and state of the organization.

Still, there are some limitations. For example, the data covers only nonprofits that file electronically. About one-third of nonprofit organizations use paper forms for tax filings.<sup>30</sup> Data for these organizations remains available only via image files provided upon request and with payment. Secondly, the Amazon site that holds the data does not allow users to easily search within the data for specific information. This stands in contrast to other IRS web tools that enable searching through forms by form type, organization name, employer identification number, or posting date.<sup>31</sup> The IRM researcher has nevertheless assessed that the vast amount of data made available represents an outstanding movement toward more open government.

Regarding civic participation, this commitment did not change government openness. Conducting a proactive disclosure pilot (Milestone 14.2) and improving understanding of the Freedom of Information Act (Milestone 14.4) were relevant to civic participation as written. However, their implementation focused primarily on disclosing more information to the public, rather than on involving members of the public in decision-making processes.

## Carried Forward?

At the time of writing, the US government had not yet published its fourth national action plan, so it is unclear if this commitment is carried forward. The government should nevertheless continue to make progress on improving the Freedom of Information Act (FOIA) process. For example, 14,213 FOIA requests were pending at the beginning of FY2016 (the most recent time period for which data is available). In addition, 73,103 requests were submitted over the course of the fiscal year, with 15,462 requests left pending at the end of that year. More requests remained pending at the end of the fiscal year than at the start.<sup>32</sup> The new consolidated FOIA portal should make it easier and more efficient for the public to request information from government, but more work needs to be done.

Regarding this commitment and Milestone 14.5 in particular, Cinthia Schuman Ottinger and Janet Camarena suggested forward-looking actions to build upon the work already undertaken by the government in this area. Ottinger is a deputy director for philanthropy programs at the Aspen



Institute's Program on Philanthropy and Social Innovation. Camarena is director of transparency initiatives at the Foundation Center. They suggest that “the IRS [Internal Revenue Service] should encourage the Department of Treasury to eliminate the minimum \$10 million asset threshold on mandatory electronic filing, thus increasing the number of nonprofits subject to the mandatory e-filing requirement.” They also suggested Congress pass a bill requiring mandatory electronic filing of form 990. In addition, they advised the government to appoint a 990/AWS technical liaison within the IRS to “handle technical questions” regarding the 990 data. According to Ottinger and Camarena, the government should openly provide related metadata for the 990 forms (including the IRS form 990 XML schema). Lastly, they suggest that the government “create a Regular 990/AWS release schedule and web page” to facilitate stronger communication surrounding the “regularity and timing of the release of electronically-filed 990s to AWS.”<sup>33</sup> These suggestions represent concrete options that the government could explore if this commitment is to be carried forward.

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<sup>1</sup> United States of America, *Midterm Self-Assessment Report for the Open Government Partnership: Third Open Government National Action Plan, 2015-2017*, September 2016, 15, [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 2 October 2017.

<sup>2</sup> Department of Justice, Office of Information Policy, *Proactive Disclosure Pilot Assessment*, June 2016, [https://www.justice.gov/oip/reports/proactive\\_disclosure\\_pilot\\_assessment/download](https://www.justice.gov/oip/reports/proactive_disclosure_pilot_assessment/download), consulted 3 October 2017. For a list of participating agencies, see page 1.

<sup>3</sup> “Summer Requester Roundtable on Agency FOIA Websites,” Department of Justice, Office of Information Policy, 27 May 2016, <https://www.justice.gov/oip/blog/summer-requester-roundtable-agency-foia-websites>, consulted 3 October 2017.

<sup>4</sup> “IRS Makes Electronically Filed Form 990 Data Available in New Format,” Internal Revenue Service, 16 June 2016, <https://www.irs.gov/newsroom/irs-makes-electronically-filed-form-990-data-available-in-new-format>, consulted 3 October 2017.

<sup>5</sup> “IRS 990 Filings on AWS,” Amazon Web Services, <https://aws.amazon.com/public-datasets/irs-990/>, consulted 3 October 2017.

<sup>6</sup> “OIP Seeks Your Participation in the Development of the National FOIA Portal,” US Department of Justice, Office of Information Policy, 19 April 2017, <https://www.justice.gov/oip/blog/oip-seeks-your-participation-development-national-foia-portal>, consulted 14 September 2017.

<sup>7</sup> Meredith Somers, “National FOIA Portal Will Reduce Work on Both Sides of Federal Information Requests,” *Federal News Radio*, 24 April 2017, <https://federalnewsradio.com/technology/2017/04/national-foia-portal-will-reduce-work-on-both-sides-of-a-federal-information-request/>, consulted 14 September 2017.

<sup>8</sup> “FOIA Platform Research Plan,” 18F, GitHub, <https://github.com/18F/foia-recommendations/blob/master/research-plan.md>, consulted 14 September 2017.

<sup>9</sup> *Ibid.*

<sup>10</sup> “FOIA Recommendations,” 18F, GitHub, <https://github.com/18F/foia-recommendations/blob/master/recommendations.md>, consulted 14 September 2017.

<sup>11</sup> “Department of Justice Announces Launch of National FOIA Portal,” US Department of Justice, Office of Public Affairs, 8 March 2018, <https://www.justice.gov/opa/pr/department-justice-announces-launch-national-foia-portal>, consulted 2 May 2018.

<sup>12</sup> The action plan period ended on 30 June 2017.

<sup>13</sup> “OIP Guidance: Agency FOIA Websites 2.0,” US Department of Justice, Office of Information Policy, 30 November 2017, <https://www.justice.gov/oip/oip-guidance/OIP%20Guidance%3A%20Agency%20FOIA%20Websites%202.0>, consulted 3 May 2018.

<sup>14</sup> *Ibid.*

<sup>15</sup> “Help Us Show the Power of FOIA,” History Hub, 19 August 2016, <https://historyhub.history.gov/thread/1347>, consulted 13 September 2017.

<sup>16</sup> Kelly Osborn, “What is the History Hub?” History Hub, 3 December 2015, <https://historyhub.history.gov/docs/DOC-1012>, consulted 9 May 2018.

<sup>17</sup> “Teaching the Next Generation about the Power of FOIA,” National Archives, 2 November 2016, <http://bit.ly/2edJRCa>, consulted 13 September 2017.

<sup>18</sup> *Ibid.*

<sup>19</sup> *Ibid.*

<sup>20</sup> “The Impact of Bloody Sunday in Selma,” DocsTeach, <https://www.docsteach.org/activities/printactivity/the-impact-of-bloody-sunday-in-selma>, consulted 13 September 2017.

<sup>21</sup> NARA expressed this view in comments submitted to the IRM during the pre-publication review of this report. The IRM received the comments via e-mail on 30 April 2018.

<sup>22</sup> *Ibid.*



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- <sup>23</sup> “Teach the Children Well,” The National Archives, The FOIA Ombudsman, 23 August 2017, <https://foia.blogs.archives.gov/2017/08/23/teach-the-children-well/>, consulted 9 May 2018.
- <sup>24</sup> A listing of taxpayers and corresponding information is available at [https://s3.amazonaws.com/irs-form-990/index\\_2017.csv](https://s3.amazonaws.com/irs-form-990/index_2017.csv), consulted 13 September 2017.
- <sup>25</sup> Carl Malamud, “OpenGov Voices: Opening Nonprofit Tax-Return Data Online Will Be Transformative,” Sunlight Foundation, 16 June 2016, <http://bit.ly/2qBzKRj>.
- <sup>26</sup> Alex Howard, “IRS Opens up Form 990 Data, Ushering Nonprofit Sector into the Age of Transparency,” Sunlight Foundation, 16 June 2016, <http://bit.ly/2roeq2w>.
- <sup>27</sup> Chuck McLean, “IRS Releases Electronically Filed Form 990 Data,” GuideStar blog, 16 June 2016, <http://bit.ly/2rCk4LN>; Lindsey Parnell and Wendy Campos, “IRS Releases 990 Data in Machine-Readable Format, MossAdams, December 2016, <http://bit.ly/2qHSywu>; Anna Massoglia, “IRS Releasing Electronically-Filed Nonprofit Tax Data,” OpenSecrets blog, 20 June 2016, <http://bit.ly/2pVYPaC>; Peter Olsen-Phillips, “IRS Unleashes Flood of Searchable Charity Data,” *The Chronicle of Philanthropy*, 15 June 2016, <http://bit.ly/2rBTvg4>; Mark Hrywna, “Nonprofit Info Available in IRS Data Dump,” *The Nonprofit Times*, 16 June 2016, <http://bit.ly/1PwFf6u>; and Jason Shueh, “This Week in Civic Tech: IRS Publishes Nonprofit Tax Returns, Sunlight Foundation Releases Open Data Policy Playbook,” *Government Technology*, 7 July 2016, <http://bit.ly/29DMUfC>.
- <sup>28</sup> “Nonprofit Explorer,” ProPublica, last updated 15 September 2017, <https://projects.propublica.org/nonprofits/>.
- <sup>29</sup> Alec Glassford, “Nonprofit Explorer Update: Full Text of 1.9 Million Records,” *ProPublica*, 10 August 2017, <http://bit.ly/2HjQQJq>.
- <sup>30</sup> “IRS Makes Electronically Filed Form 990 Data Available in New Format,” Internal Revenue Service, 16 June 2016, <http://bit.ly/2Eua8Kp>.
- <sup>31</sup> “Search Political Organization Disclosures,” Internal Revenue Service, <https://forms.irs.gov/app/pod/basicSearch/search?execution=e1s1&format=>.
- <sup>32</sup> “Annual FOIA Requests: FY 2016,” FOIA.gov, <https://www.foia.gov/glance.html?DOJ>, consulted 14 September 2017.
- <sup>33</sup> Written comments provided to the IRM researcher, 27 October 2017.

## 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 institutions:** Central Intelligence Agency and National Archives and Records Administration

**Supporting institutions:** 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				Completion		Midterm End of Term		Did It Open Government?																			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency &	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding															
15. Overall			✓		✓			✓			✓			✓					✓																	
15.1. Automate Declassification Review		✓			✓			✓		✓			✓																							
15.2. Interagency Declassification Guide			✓		✓					✓			✓																							
15.3. Declassification Review Program			✓		✓					✓			✓																							
15.4. Declassify Historical Intelligence Records				✓	✓			✓		✓			✓																							
															✓																					

### Commitment Aim

This commitment built on the previous action plan’s commitment to reduce overclassification and better handle large volumes of classified digital material. It aimed to automate and streamline the declassification process by:

- Developing a plan to expand the use of technological tools that could help automate the declassification review process;
- Piloting a topic- and event-based declassification guide to make the interagency declassification review process more efficient;
- Implementing a systematic declassification review program for previously reviewed and exempted historical federal records whose review took place prior to the creation of the National Declassification Center; and
- Reviewing presidential daily briefs from the Nixon and Ford administrations for potential declassification and subsequent online dissemination in a machine-readable format.

## Status

### Midterm: Limited

By the midterm, the government had made limited progress on this commitment:

- The government's midterm self-assessment report noted that the Central Intelligence Agency (CIA) was developing, testing, and refining technological tools to further the declassification process. However, the IRM researcher did not independently observe any progress on Milestone 15.1 at the midterm.<sup>1</sup>
- The report also noted<sup>2</sup> that the Classification Reform Committee requested that agencies prepare a list of topics for inclusion in the interagency declassification guide. The anticipated due date for this was late 2016. Thus, Milestone 15.2 had limited completion.
- Per the report,<sup>3</sup> the National Archives' National Declassification Center (NDC) created an inventory of government records accessioned prior to 2010. The NDC began piloting the declassification review process for these materials, with 66,000 pages declassified by midterm. While newly declassified archives were announced on the NDC blog,<sup>4</sup> it was unclear which of these documents were declassified following the new review process. As a result, Milestone 15.3 had limited completion at the midterm.
- The CIA released the daily presidential briefs from the Nixon and Ford administrations shortly after the close of the midterm reporting period. By the midterm, Milestone 15.4, therefore, had limited completion.

### End of term: Limited

At the end of term, overall progress on this commitment remains limited:

- Using publicly available information, the IRM researcher was unable to verify whether the Central Intelligence Agency (CIA) made any progress on Milestone 15.1. The milestone, therefore, remains "not started".
- The IRM researcher was unable to verify whether agencies had prepared lists of topics for inclusion in the interagency declassification guide or whether the guide itself had been produced. Completion for Milestone 15.2, therefore, remains limited.
- The IRM researcher did not observe any further progress on Milestone 15.3 by the close of the end-of-term reporting period. Importantly, a roughly identical commitment appears in the National Archives and Records Administration's *Open Government Plan: 2016-2018*.<sup>5</sup> Specifically, the plan notes that "the NDC is developing 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 Center in 2010. This pilot activity will be followed with a formalized process to make re-review of previously exempted records a priority for the NDC."<sup>6</sup> In light of this statement, the IRM researcher assesses that no additional progress has been made on Milestone 15.3 since midterm. Completion, therefore, remains limited.
- On 24 August 2016, the CIA published a set of declassified "President's Daily Briefs" from the Nixon and Ford administrations,<sup>7</sup> resulting in the completion of Milestone 15.4. The declassified materials include 2,500 documents comprising 28,000 pages. The CIA released them in conjunction with a CIA symposium, "The President's Daily Brief: Delivering Intelligence to Nixon and Ford." This symposium was held at the Richard Nixon Presidential Library and Museum.<sup>8</sup> Speaking to the importance of these materials, the CIA noted that the briefs "contain the highest level of intelligence on the president's key national security issues and concerns . . . [and] were the primary vehicle for summarizing the day-to-day sensitive intelligence and analysis, as well as late-breaking reports, for the White House."<sup>9</sup> The briefs cover a variety of historically important events. These include the Vietnam War, the 1973–1974 embargo by the Organization of Petroleum Exporting Countries, and the Arab-Israeli War of 1973.<sup>10</sup>

## Did It Open Government?

### Access to Information: Marginal

This commitment marginally opened government regarding access to information. Given the limited progress on the other milestones, progress on this front stems solely from the Central Intelligence Agency's release of the declassified daily briefs (Milestone 15.4).

The release of the daily briefs expands the public's access to information from the Nixon and Ford administrations. The briefs provide details on important historical moments, such as President Nixon's trip to China, the end of the Vietnam War, and the rise of Mu'ammr Gaddhafi in Libya. The release also received significant attention from the media, which highlighted some of the most noteworthy details of the briefs.<sup>11</sup>

Still, the release of the Nixon and Ford briefs alone cannot be considered a major improvement because they build upon the 2015 release of the briefs from the Kennedy and Johnson administrations. The overall process of releasing presidential briefs has the potential to significantly further access to information among the public. However, each particular release constitutes an incremental step forward on this path.

### Carried Forward?

At the time of writing, the US government had not published its fourth national action plan, so it is unclear if this commitment is carried forward. Open government advocates expressed substantial interest in this commitment. Many submitted proposals for streamlining the declassification process during the development of the action plan.<sup>12</sup> The milestones that remain incomplete should be addressed going forward in light of this demand.

Regarding this commitment and Milestone 15.1, Steven Aftergood, project director at the Federation of American Scientists, noted that "a particular problem is that little or no new investment has been made in developing the technological aids to declassification that will undoubtedly be required to process the ever-accumulating mass of historically valuable classified records. Traditional declassification practices are simply inadequate to the task."<sup>13</sup> The IRM researcher observed no progress under this milestone during the evaluation period. However, Aftergood's comments speak to the importance of devoting renewed attention to this particular milestone, should the government ultimately move forward with this commitment.

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<sup>1</sup> United States of America, *Midterm Self-Assessment Report for the Open Government Partnership: Third Open Government National Action Plan, 2015-2017*, September 2016, 17, [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 2 October 2017.

<sup>2</sup> Ibid.

<sup>3</sup> Ibid.

<sup>4</sup> National Declassification Center Blog, National Archives and Records Administration, <https://declassification.blogs.archives.gov/>.

<sup>5</sup> National Archives and Records Administration, *Open Government Plan 2016-2018*, <https://usnationalarchives.github.io/opengovplan/>, consulted 14 September 2017. See specifically Commitment 39 in Appendix B of the plan.

<sup>6</sup> National Archives and Records Administration, *Open Government Plan 2016-2018: Section 6.2*, <https://usnationalarchives.github.io/opengovplan/declassification/>, consulted 14 September 2017.

<sup>7</sup> "President's Daily Brief," Central Intelligence Agency, <https://www.cia.gov/library/readingroom/presidents-daily-brief>, consulted 14 September 2017.

<sup>8</sup> Ibid.

<sup>9</sup> Ibid.

<sup>10</sup> "CIA Releases Roughly 2,500 Declassified President's Daily Briefs," Central Intelligence Agency, 24 August 2016, <https://www.cia.gov/news-information/press-releases-statements/2016-press-releases-statements/cia-releases-roughly-2-500-declassified-president2019s-daily-briefs.html>, consulted 28 September 2017.

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<sup>11</sup> Denise Salazar, "CIA at Nixon Library Releases Declassified Briefings Given to President in the '70s," *The Orange County Register*, 26 August 2016, <http://bit.ly/2sBR0jc>; David S. Cloud, "CIA Releases Thousands of Previously Classified Briefings to Presidents Nixon and Ford," *Los Angeles Times*, 24 August 2016, <http://lat.ms/2bnRoPn>; and Ryan Browne, "CIA Declassifies Thousands of Nixon, Ford Daily Intel Briefings," *CNN*, 26 August 2016, <http://cnn.it/2GdzHjt>.

<sup>12</sup> OpenTheGovernment.org, *Civil Society Model Commitments for the Third US National Action Plan*, September 2015, <http://bit.ly/2oBni4D>, consulted 14 September 2017.

<sup>13</sup> Written comments provided to the IRM researcher, 28 October 2017.

## 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:** National Archives and Records Administration

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

**Start Date:** Not Specified

**End Date:** Not Specified

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Midterm End of Term		Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
16. Overall				✓	✓						✓		✓					✓			

### Commitment Aim

Prior to the action plan, no common protocols existed for safeguarding sensitive information that was unclassified but required special controls. This commitment aimed to implement a program for managing this Controlled Unclassified Information (CUI).<sup>1</sup> It would issue an implementation guidance and schedules. It would also publish a registry designating which information is covered by the CUI Program. The commitment further aimed to propose a regulation applying CUI requirements to contractors, grantees, and licensees.

### Status

#### Midterm: Not Started

At the midterm, the government had not made any visible progress on this commitment.

#### End of term: Substantial

At the end of term, this commitment was substantially complete.

The government issued implementing guidance for the Controlled Unclassified Information (CUI) Program in the form of CUI Notice 2016-01 on 14 September 2016.<sup>2</sup> The guidance served as a complement to final rule 32 CFR Part 2002 on Controlled Unclassified Information. That rule was

published by the National Archives and Records Administration's (NARA) Information Security Oversight Office (ISOO) on the same date, with an effective date of 14 November 2016.<sup>3</sup> Section 2002.10 of the rule designates the CUI Registry as the central repository for all information on CUI, including guidance, policy instructions, and decontrolling procedures. Various sections of the rule pertain to government contractors, grantees, and licensees, whose access to and use of CUI must be subject to information-sharing agreements under the rule. CUI Notice 2016-01 requires parent agencies to "publish an implementing policy for the CUI Program." More specifically, these policies must identify the responsible office or organization within each agency, as well as their CUI senior agency official and program manager. The policies must also establish a reporting system for CUI-related incidents, establish an agency-level self-inspection program, and establish CUI training requirements and safeguarding procedures.<sup>4</sup>

The final rule "establish[es] policy for agencies on designating, safeguarding, disseminating, marking, decontrolling, and disposing of CUI, self-inspection and oversight requirements." It also applies to all federal agencies that deal with CUI and "which operate, use, or have access to Federal information and information systems on behalf of an agency."<sup>5</sup> Agencies are required to develop and administer the aforementioned CUI training programs to all agency employees within 180 days of the effective date of a given agency's CUI policy. Agencies must also verify that safeguarding requirements described in 32 CFR Part 2002 are met. Within 360 days of the effective date of the rule (14 November 2016), agencies must also establish a transition plan for configuring CUI systems in line with the requirements. Within two years of this same date, agencies must develop and begin to implement the aforementioned self-inspection programs. Collectively, these specifications constitute the phased implementation guidelines outlined in the commitment.

Under CUI Notice 2016-01, agencies are also required to report annually on their progress to the NARA, with the first annual report due on 1 November 2017.<sup>6</sup> Moreover, on 7 April 2017, the director of the ISOO issued a memorandum for heads of executive departments and agencies. The memorandum requested interim progress reports on agencies' implementation of the CUI Program be submitted to the NARA by 31 May 2017.<sup>7</sup> However, the IRM researcher was unable to confirm how many agencies submitted such reports.

Beyond these activities, the NARA has published the CUI Registry on its website.<sup>8</sup> As described on the site, the CUI Registry represents "the Government-wide online repository for Federal-level guidance regarding CUI policy and practice." The registry serves as a guide to information under the CUI Program.

By the end of term, a stand-alone Federal Acquisition Regulation (FAR) applying the requirements of the CUI Program to contractors, grantees, and licensees had not been finalized. According to a NARA status update, the FAR has been under development through weekly meetings within the FAR Council for a year and is now expected in FY2019.<sup>9</sup> In light of the commitment's explicit reference to the US government proposing a FAR, this commitment is considered to be substantially complete.

## **Did It Open Government?**

### **Access to Information: Did Not Change**

As described in the regulation 32 CFR Part 2002, "prior to the CUI [Controlled Unclassified Information] Program, agencies often employed ad hoc, agency-specific policies, procedures, and markings to handle this information. This patchwork approach caused agencies to mark and handle information inconsistently, implement unclear or unnecessarily restrictive disseminating policies, and create obstacles to sharing information. . . . An executive branch-wide CUI policy balances the need to safeguard CUI with the public interest in sharing information appropriately and without unnecessary burdens."<sup>10</sup>

By outlining the federal government's method of handling and disseminating CUI information, the guidelines carried out under this commitment lay the groundwork for facilitating greater public access to CUI. This will help remedy the core CUI-related accessibility issues described above in the regulation. That said, the Information Security Oversight Office (ISOO) acknowledged in February



2018 that the full implementation of the new CUI policies will require three to four years.<sup>11</sup> Comments provided to the IRM researcher by Steven Aftergood, project director at the Federation of American Scientists (FAS), echo this concern. Aftergood noted that “the development of a new policy on [CUI] has been more arduous and more time-consuming than anyone inside or outside of government expected.”<sup>12</sup> Moreover, several agencies have also raised issues that must be resolved before implementation, such as lack of funding and gaps in coverage of certain kinds of information.<sup>13</sup>

While the implementation of the new policies could help to ensure that CUI is handled efficiently, it does not guarantee an increase in the quantity of information released. The ISOO emphasized that the new program should result in more transparency. However, the FAS Project on Government Secrecy pointed out it remains to be seen if this will be the case.<sup>14</sup> Aftergood noted to the IRM researcher that “the implications of CUI for transparency and public access to information are uncertain. Positive features include clear articulation of criteria for CUI, which must be based on statute, regulation or established policy. Other controls that lack such an identifiable basis will be disallowed. However, the number of authorized CUI categories and subcategories has now ballooned to more than 400 distinct items, which is a much larger number than public observers had anticipated.” Aftergood concluded that even if the CUI program is fully implemented, it is not clear that there will be a net increase in transparency.

On the other hand, NARA clarified that the CUI program no longer has subcategories, only categories.<sup>15</sup> According to the change log of the CUI Registry, the government revised the registry’s taxonomy on 2 April 2018 “for simplification and to better meet agency needs.”<sup>16</sup> Moreover, NARA noted that these categories are based on statute, federal regulation, and government-wide policy (i.e., not just any regulation or policy). As a result, NARA insisted that there has been no increase in the amount of information that requires protection as a result of the program. Rather, CUI is limited to the types of unclassified information that already required protection previously. In other words, according to NARA, the CUI program merely pulls together the information types that agencies were already obliged to protect into one place by category.<sup>17</sup>

NARA also noted that there are only roughly 100 categories of CUI. Indeed, upon reviewing archived versions of the CUI Registry’s list of categories and subcategories, the IRM confirmed that the total number of classifications—even before the change in taxonomy that eliminated the “subcategory” level—lingered around 100.<sup>18</sup>

## Carried Forward?

At the time of writing, the US government had not published its fourth national action plan, so it is unclear if this commitment is carried forward. In the future, it will be important for the government to continue to implement the new CUI guidelines. It should also continue taking concrete actions to ensure that agencies use the new system to make more information available to the public.

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<sup>1</sup> CUI is “unclassified information that requires safeguarding or dissemination controls pursuant to and consistent with law, regulations, and [g]overnment-wide policies.” See “CUI,” National Archives and Records Administration, <https://www.archives.gov/cui>, last updated 4 October 2017, consulted 4 October 2017.

<sup>2</sup> National Archives and Records Administration, Information Security Oversight Office, *CUI Notice 2016-01: Implementation Guidance for the Controlled Unclassified Information Program*, 14 September 2016, <https://www.archives.gov/files/2016-cuio-notice-2016-01-implementation-guidance.pdf>, consulted 11 September 2011.

<sup>3</sup> National Archives and Records Administration, Information Security Oversight Office. : *Controlled Unclassified Information, Final Rule*, 14 September 2016, <https://www.gpo.gov/fdsys/pkg/FR-2016-09-14/pdf/2016-21665.pdf>, consulted 11 September 2017. Note that the final rule does not contain page numbers; thus none are cited here.

<sup>4</sup> National Archives and Records Administration, Information Security Oversight Office, *CUI Notice 2016-01: Implementation Guidance for the Controlled Unclassified Information Program*, 14 September 2016, <https://www.archives.gov/files/2016-cuio-notice-2016-01-implementation-guidance.pdf>, consulted 11 September 2011.

<sup>5</sup> National Archives and Records Administration, Information Security Oversight Office, *32 CFR Part 2002: Controlled Unclassified Information, Final Rule*, 14 September 2016, <https://www.gpo.gov/fdsys/pkg/FR-2016-09-14/pdf/2016-21665.pdf>, consulted 11 September 2017.

<sup>6</sup> National Archives and Records Administration, Information Security Oversight Office, *CUI Notice 2016-01: Implementation Guidance for the Controlled Unclassified Information Program*, 14 September 2016, <https://www.archives.gov/files/2016-cuio-notice-2016-01-implementation-guidance.pdf>, consulted 11 September 2011.

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<sup>7</sup> National Archives and Records Administration, Information Security Oversight Office, *Memorandum on Controlled Unclassified Information (CUI) Program Implementation Status Report*, 7 April 2017, 1, <https://www.archives.gov/files/cui/registry/policy-guidance/registry-documents/20170407-cui-status-report-request-and-forms.pdf>, consulted 11 September 2017.

<sup>8</sup> “Controlled Unclassified Information Registry,” National Archives, <https://www.archives.gov/cui>, consulted 11 September 2011.

<sup>9</sup> National Archives and Records Administration, Information Security Oversight Office, *Controlled Unclassified Information*, 15 September 2017, <https://archivescarterchronicle.files.wordpress.com/2018/02/feb-15-2018-webex.pdf>.

<sup>10</sup> National Archives and Records Administration, Information Security Oversight Office, : *Controlled Unclassified Information, Final Rule*, 14 September 2016, <https://www.gpo.gov/fdsys/pkg/FR-2016-09-14/pdf/2016-21665.pdf>, consulted 11 September 2017.

<sup>11</sup> National Archives and Records Administration, Information Security Oversight Office, *Controlled Unclassified Information*, 15 February 2018, <https://archivescarterchronicle.files.wordpress.com/2018/02/feb-15-2018-webex.pdf>.

<sup>12</sup> Written comments provided by Steven Aftergood, 28 October 2017.

<sup>13</sup> Steven Aftergood, “A Bumpy Road for Controlled Unclassified Information,” *Federation of American Scientists*, 30 October 2017, <https://fas.org/blogs/secretcy/2017/10/cui-bumpy/>.

<sup>14</sup> Ibid.

<sup>15</sup> NARA provided this information in a comment to the IRM during the pre-publication review of this report. The IRM received the comment via e-mail on 30 April 2018.

<sup>16</sup> “CUI Registry: Change Log,” National Archives and Records Administration, *Controlled Unclassified Information (CUI)*, <https://www.archives.gov/cui/registry/registry-change-log>, consulted 4 May 2018.

<sup>17</sup> All of this information was provided in the comments submitted to the IRM mentioned in note 15 above.

<sup>18</sup> An archived version of the CUI Registry website from December 2017 (available here: <https://web.archive.org/web/20171212030450/https://www.archives.gov/cui/registry/category-list>) shows that the registry contained about 110 categories and subcategories.

## 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:** Office of Management and Budget

**Supporting institutions:** 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				Completion		Midterm End of Term		Did It Open Government?					
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding	
17. Overall		✓			Unclear						✓				✓		✓					

### Commitment Aim

This commitment evolved partly as a result of a 2015 hack of government personnel records that compromised more than 20 million people.<sup>1</sup> The commitment aimed to issue revised guidance on federal agencies' handling of personally identifiable information (PII).<sup>2</sup> The government expected the guidance to promote fair information practices and emphasize the importance of using privacy impact assessments to analyze agencies' handling of PII. The guidance also advised agencies to adopt a coordinated approach to privacy and information security, including the development of a continuous monitoring strategy.

### Status

#### Midterm: Substantial

At the midterm, the government had made substantial progress on this commitment. The Office of Management and Budget posted draft privacy guidance for public comment in October 2015. The guidance received 67 comments.<sup>3</sup>

## **End of term: Complete**

At the end of term, this commitment was complete. The Office of Management and Budget published a final revised guidance (Circular A-130) on 27 July 2016.<sup>4</sup> Prior to its issuance, the circular was last updated in November 2000.<sup>5</sup>

Regarding privacy concerns, Appendix I of Circular A-130 describes agencies' "Responsibilities for Management of Personally Identifiable Information [PII]." There, PII refers to information that can be used to identify specific individuals.<sup>6</sup> The appendix applies to both paper and electronic PII. As described in the appendix, specific responsibilities include determining which privacy controls and safeguards are relevant for a particular information system. Agencies should also assess the PII's sensitivity levels and the "potential risk to individual privacy from the collection, creation, use, dissemination, and maintenance of that PII." Regarding continuous monitoring, the appendix further notes that agencies must "begin to consider the effect on individual privacy during the earliest planning and development stages of any actions and policies." They also "must continue to account for privacy implications during each stage of the life cycle of PII."

Appendix I, Section 6 focuses on agencies' adoption of fair information practice principles (FIPPs) in the area of privacy and information security. FIPPs are described as principles that agencies should use when evaluating information systems and related processes and programs that are relevant for PII. Particularly relevant for this commitment, the FIPPs' core principles advise "Agencies should provide individuals with appropriate access to PII and appropriate opportunity to correct or amend PII." FIPPs also state that agencies "should involve the individual in the process of using PII and, to the extent practicable, seek individual consent for the creation, collection, use, processing, storage, maintenance, dissemination, or disclosure of PII."<sup>7</sup> Per Section 3 of the same appendix, agencies must also designate a senior agency official for privacy to be responsible for ensuring that privacy requirements are met and risks managed.<sup>8</sup>

Regarding privacy and information security, Circular A-130 notes that agencies shall "establish and maintain a comprehensive privacy program that ensures compliance with applicable privacy requirements, develops and evaluates privacy policy, and manages privacy risks."<sup>9</sup> In line with the commitment, the circular further notes that agencies shall "conduct privacy impact assessments when developing, procuring, or using IT, . . . and make the privacy impact assessments available to the public in accordance with OMB policy." The circular also instructs agencies to "maintain and post privacy policies on all agency websites, mobile applications, and other digital services."<sup>10</sup>

While the activities described in the commitment text are complete, the circular itself contains no implementation time frame. At the end of term, using publicly available information, the IRM researcher was unable to verify the circular's implementation status across federal agencies.

## **Did It Open Government?**

### **Access to Information: Did Not Change**

Although the commitment as written was not relevant to the OGP values of open government, Circular A-130's privacy elements are indeed relevant for the OGP value of access to information. This is true especially for those elements described in Appendix I and those related to the FIPPs in Appendix I, Section 6. This relevance stems from their stated aim of giving individuals access to their own personal identifiable information and giving them the ability to correct and amend it.

The circular nevertheless does not specify the means through which individuals may do so, nor the processes and timelines that agencies will employ and abide by in response to such requests. These issues are further compounded by the circular's unclear implementation status. Comments from the Electronic Privacy Information Center corroborate this assessment regarding privacy impact assessments. The center noted that "federal agencies continue to fail to create and publish Privacy Impact Assessments ("PIA") and other privacy and civil liberties assessments required by law."<sup>11</sup>

While the activities carried out under the commitment represent an important first step, the commitment has not yet resulted in greater or higher-quality information available to the public.

## Carried Forward?

At the time of writing, the US government had not yet published its fourth national action plan. Nonetheless, this commitment as written is complete and should not be carried forward. In the future, it will be important for government agencies to follow through with the implementation of the new circular.

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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> For an overview of PII, see US General Services Administration, "Rules and Policies - Protecting PII - Privacy Act," <https://www.gsa.gov/reference/gsa-privacy-program/rules-and-policies-protecting-pii-privacy-act>, last Updated 13 August 2017, consulted 4 October 2017.

<sup>3</sup> "Circular A-130: Archived Commenting Website," Office of Management and Budget, <https://a130.cio.gov/>, consulted 12 September 2011.

<sup>4</sup> Tony Scott, "Managing Federal Information as a Strategic Resource," The White House blog, 27 July 2016, <https://obamawhitehouse.archives.gov/blog/2016/07/26/managing-federal-information-strategic-resource>, consulted 11 September 2012. The circular itself is available at

<https://obamawhitehouse.archives.gov/sites/default/files/omb/assets/OMB/circulars/a130/a130revised.pdf>, consulted 12 September 2011.

<sup>5</sup> "Circular No. A-130 Revised Transmittal Memorandum No. 4 (28 November 2000)," The White House, 28 November 2000, [https://obamawhitehouse.archives.gov/omb/circulars\\_a130\\_a130trans4](https://obamawhitehouse.archives.gov/omb/circulars_a130_a130trans4), consulted 12 September 2011.

<sup>6</sup> *Ibid.*, Appendix II-1.

<sup>7</sup> *Ibid.*, Appendix II-2, II-3.

<sup>8</sup> *Ibid.*, Appendix II-3.

<sup>9</sup> *Circular A-130*, 14, <https://obamawhitehouse.archives.gov/sites/default/files/omb/assets/OMB/circulars/a130/a130revised.pdf>, consulted 12 September 2011.

<sup>10</sup> *Ibid.*, 17.

<sup>11</sup> Written comments provided to the IRM researcher, 30 October 2017. The commenter wished to remain anonymous.

## 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 institutions:** Department of Homeland Security and Department of Justice

**Supporting institutions:** 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				Completion		Midterm End of Term		Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
18. Overall		✓			✓					✓				✓				✓			

### Commitment Aim

The government drafted this commitment in response to concerns about the growing use of unmanned aircraft systems (UAS) by the government.<sup>1</sup> This commitment aimed to have law enforcement agencies develop and publicly disclose privacy analyses for advanced surveillance technologies—specifically UAS—and undertake privacy reviews related to their use.

### Status

#### Midterm: Limited

At the midterm, the government had made limited progress on this commitment. Policy guidance issued by the Department of Justice (DOJ) in May 2015<sup>2</sup> pursuant to a White House memorandum from February 2015<sup>3</sup> called for privacy reviews on the use of unmanned aircraft systems (UAS), but the guidance did not mention the issue of public disclosure. The guidance further stated that the DOJ itself would provide summaries of its UAS use on the DOJ website. However, no such summaries were available at the midterm.

The Department of Homeland Security (DHS), on the other hand, published best practices for protecting privacy, civil rights, and civil liberties in UAS programs in December 2015.<sup>4</sup> DHS also published a policy on the use of cell-site simulators—law enforcement tools that mimic cell towers and are used to connect to nearby mobile phones and other devices that use cellular data.<sup>5</sup>



## **End of term: Substantial**

By the end of term, DHS had in place a system of periodic privacy review and disclosure of privacy analyses regarding the use of UAS, as required by the commitment text. Specifically, as noted in the 2017 annual report of the DHS Privacy Office, DHS Components must first complete a Privacy Threshold Analysis (PTA) when considering “the acquisition, development, or deployment of UAS.”<sup>6</sup> According to the report, most of the PTAs regarding UAS received by the Privacy Office relate to system testing or demonstrations. The Privacy Office then works with the Component(s) to determine if the testing or demonstration could affect the privacy of anyone outside of DHS.

If there is “even a remote possibility” that the use of UAS (or counter-UAS technology) could result in DHS acquiring personally identifiable information (PII), the Privacy Office requires a privacy impact assessment (PIA). According to DHS, PIAs help “the public understand what PII the Department is collecting, why it is being collected, and how it will be used, shared, accessed, secured and stored.”<sup>7</sup> PIAs are then published online if they do not contain classified information.<sup>8</sup> For example, during the period of the action plan, DHS published a PIA that covers the use of cell-site simulators by the Secret Service.<sup>9</sup>

Despite the progress made by DHS in developing and publishing privacy reviews regarding the use of investigative technologies, the DOJ made less progress. The DOJ’s 2016 *Annual Privacy Report* briefly mentions UAS privacy-related issues. The report, published by the chief privacy and civil liberties officer (CPCL) and the Office of Privacy and Civil Liberties (OPCL), covers October 2013 through 30 September 2016. The report noted, “The CPCL and OPCL are working to publish additional documentation that addresses the concerns of transparency and accountability in the Department’s domestic use and operation of UAS, and is designed to help ensure that Department personnel continue to respect individuals’ privacy, civil rights, and civil liberties.”<sup>10</sup> However, no such documentation was publicly available by the close of the end-of-term reporting period.

According to the Department of Justice, its components are required to report annually to the Deputy Attorney General on completed privacy reviews. In addition, components must report the number of deployments of UAS, including a brief description of types or categories of missions, and the number of each type of mission. The Department is then expected to publish a summary of its UAS operations. At the time of writing, the Department informed that this summary would be posted “in the near future,” following a careful and time-intensive review of this information, some of which is potentially sensitive.<sup>11</sup>

Despite the progress made by DHS in developing and publishing privacy reviews, the absence of any publicly available DOJ privacy analyses regarding the use of UAS means that this commitment is substantially—rather than fully—complete.

## **Did It Open Government?**

### **Access to Information: Did Not Change**

The commitment did not open government with respect to access to information during the action plan period. As mentioned above, the DOJ did not publish any new information regarding privacy analyses surrounding the use of UAS or other investigative technologies. While DHS maintained a system of periodic privacy reviews, there is little evidence of a change to government practice as it relates to the public disclosure of PIAs. Specifically, DHS has been publishing PIAs since before the start of the action plan. According to the 2017 annual report of the DHS Privacy Office cited above, the Privacy Office has published three PIAs to date surrounding the use of UAS.<sup>12</sup> Two of the PIAs were published well before the start of the action plan (in 2012 and 2013); the other was published after the close of the action plan (in August 2017).<sup>13</sup> Moreover, while DHS did publish a PIA regarding the use of cell-site simulators by the Secret Service in May 2017, this was an update to an earlier existing PIA published in October 2013.<sup>14</sup> Given the lack of new PIAs disclosed during the action plan period, the IRM considers that this commitment did not contribute to greater levels of public access to information.

## Carried Forward?

At the time of writing, the US government had not published its fourth national action plan, so it is unclear if this commitment will be carried forward. Privacy issues related to unmanned aircraft systems (UAS) are clearly important. However, the lack of specificity surrounding this commitment's actions implies a limited potential impact and suggests that limited resources may be better spent elsewhere. If this topic is included in a future action plan, it is important to modify the commitment. The revised version should reflect a concrete deliverable and a greater emphasis on making more information on the use of UAS regularly available to the public.

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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> Department of Justice, *Department of Justice Policy Guidance: Domestic Use of Unmanned Aircraft Systems*, May 2015, <https://www.justice.gov/file/441266/download>, consulted 4 October 2017.

<sup>3</sup> "Presidential Memorandum: Promoting Economic Competitiveness while Safeguarding Privacy, Civil Rights, and Civil Liberties in Domestic Use of Unmanned Aircraft Systems," The White House, 15 February 2015, <https://obamawhitehouse.archives.gov/the-press-office/2015/02/15/presidential-memorandum-promoting-economic-competitiveness-while-safegua>, consulted 4 October 2017.

<sup>4</sup> "Best Practices for Protecting Privacy, Civil Rights & Civil Liberties In Unmanned Aircraft Systems Programs," US Department of Homeland Security, 18 December 2015, <https://www.dhs.gov/sites/default/files/publications/UAS%20Best%20Practices.pdf>, consulted 9 May 2018.

<sup>5</sup> "Policy Directive 047-02," Department of Homeland Security, 19 October 2015, <https://www.dhs.gov/sites/default/files/publications/Department%20Policy%20Regarding%20the%20Use%20of%20Cell-Site%20Simulator%20Technology.pdf>, consulted 9 May 2018.

<sup>6</sup> "2017 Privacy Office Annual Report to Congress," Department of Homeland Security, Privacy Office, 31 October 2017, <https://www.dhs.gov/sites/default/files/publications/dhsprivacyoffice2017annualreport-FINAL-10312017.pdf>, consulted 9 May 2018.

<sup>7</sup> "Privacy Compliance," Department of Homeland Security, 30 March 2017, <https://www.dhs.gov/compliance>, consulted 4 May 2018.

<sup>8</sup> "Privacy Impact Assessments," Department of Homeland Security, <https://www.dhs.gov/privacy-impact-assessments>, consulted 4 May 2018.

<sup>9</sup> "Privacy Impact Assessment for the Field Support System (FSS)," Department of Homeland Security, 8 May 2017, <https://www.dhs.gov/sites/default/files/publications/privacy-pia-uss-014%28a%29-fss-may2017.pdf>, consulted 4 May 2018.

<sup>10</sup> Department of Justice, *2016 Annual Privacy Report: 1 October 2013 – 30 September 2016*, 18–19, [https://www.justice.gov/CPCLO\\_OPCL\\_AR13-16\\_FINAL/download](https://www.justice.gov/CPCLO_OPCL_AR13-16_FINAL/download), consulted 14 September 2017.

<sup>11</sup> The IRM received this information in a comment from the Department of Justice during the pre-publication review of this report. The comment was received via e-mail on 30 April 2018.

<sup>12</sup> "2017 Privacy Office Annual Report to Congress," Department of Homeland Security, Privacy Office, 31 October 2017, <https://www.dhs.gov/sites/default/files/publications/dhsprivacyoffice2017annualreport-FINAL-10312017.pdf>, consulted 9 May 2018.

<sup>13</sup> Ibid.

<sup>14</sup> "DHS/USSS/PIA-014 Field Support System," Department of Homeland Security, <https://www.dhs.gov/publication/dhsussspia-014-field-support-system>, consulted 9 May 2018.



## 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 as the primary portal for the intelligence community's public information. 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:** Office of the Director of National Intelligence (ODNI)

**Supporting Institutions:** Intelligence community agencies

**Start Date:** Not Specified

**End Date:** Not Specified

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Midterm End of Term		Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
19. Overall				✓	✓	✓	✓	✓			✓			✓					✓		
19.1. Open Government Plan for the Intelligence Community				✓	✓						✓			✓							
19.2. Access to Information on Intelligence Community				✓	✓		✓				✓			✓							
19.3. Structure for Civil Society Engagement			✓			✓				✓				✓							
19.4. Principle of Raising Concerns			✓				✓			✓				✓		✓					

### Commitment Aim

Following a string of high-level leaks by government employees and contractors,<sup>1</sup> this commitment aimed to increase transparency of the intelligence community (IC) by:

- Publishing an open government plan for the IC that would describe agencies’ governance frameworks, develop a framework to identify and release information to the public about the community’s activities, and establish a transparency council to coordinate agencies’ transparency efforts;
- Positioning Intelligence.gov as the IC’s main public-facing website for information on intelligence community activities;
- Developing a structure for regular IC engagement with civil society; and
- Ensuring that individuals working in the IC understand how to submit concerns about workforce misconduct.

### Status

#### Midterm: Limited

At the midterm, the government had made limited progress on this commitment:

- The Office of the Director of National Intelligence (ODNI) formed the Transparency Council mentioned in the commitment text.<sup>2</sup> However, the open government plan for the IC was not yet developed or published, resulting in limited completion for Milestone 19.1.
- Per the government’s midterm self-assessment report, ODNI began to develop content for [Intelligence.gov](https://www.intelligence.gov),<sup>3</sup> with a January 2017 launch date. Thus, Milestone 19.2 has limited completion.
- Per the report, ODNI engaged with civil society stakeholders on intelligence issues, with the goal of developing more institutionalized channels of engagement. The [OpenTheGovernment.org](https://www.openthegovernment.org) civil society coalition previously confirmed that a new structure of engagement was underway. However, given that no channels for civil society engagement were institutionalized at the midterm, progress for Milestone 19.3 was limited.
- Per the government’s report, ODNI began developing a National Intelligence Professional Awards program. The program would recognize intelligence community members who report wrongdoing through appropriate channels or exhibit professional integrity. However, as the program remained in a developmental phase, progress for Milestone 19.4 was limited.

**End of term: Limited**

Progress for this commitment remains limited at the end of term.

Based on publicly available information, the IRM researcher was unable to verify the publication—or any progress being made on the development of—an open government plan for the intelligence community (IC), resulting in limited completion for Milestone 19.1. According to ODNI, the IC Transparency Implementation Plan published in October 2015 will now be serving as the de-facto joint open government plan for the IC.<sup>4</sup> However, given that the IC Transparency Implementation Plan 1) was published on the same day as the OGP action plan and 2) included a commitment to develop an “IC-wide plan for Open Government,” it is clearly not the open government plan that this commitment envisioned. There is therefore no change in the level of completion at the end of term.

ODNI carried out several initiatives during the action plan period to improve public access to information about the IC (Milestone 19.2). For example, in June 2016, ODNI released—for the first time—its report on IC workforce demographics.<sup>5</sup> In April 2017, ODNI launched a redesigned version of [dni.gov](https://www.dni.gov)<sup>6</sup> that received recognition from the Information Technology & Innovation Foundation as one of the top five most improved government websites in 2017.<sup>7</sup> After the close of the action plan period, ODNI continued to publish information online on foreign surveillance, such as an illustrated overview of Section 702 of the Foreign Intelligence Surveillance Act (FISA),<sup>8</sup> real-world examples of its use,<sup>9</sup> as well as information on how U.S. person identities are protected when disseminating information collected under FISA authorities.<sup>10</sup> The [Intelligence.gov](https://www.intelligence.gov) platform mentioned in the milestone text was also launched after the close of the action plan period in November 2017.<sup>11</sup> At the close of the end-of-term reporting period, the URL “[Intelligence.gov](https://www.intelligence.gov)” still redirected visitors to [Intelligencecareers.gov](https://www.intelligencecareers.gov), a careers website for the IC. The launch of this website was the only concrete activity listed in the text of the milestone. Completion for Milestone 19.2 therefore remained limited at the end of term.

Based on publicly available information, the IRM researcher was unable to document any progress made on the development of institutionalized structures for engaging with civil society (Milestone 19.3). According to ODNI, the government held regular meetings with civil society in 2017 to discuss issues related to the reauthorization of Section 702 of FISA.<sup>12</sup> In addition, ODNI noted that it used the Transparency Council (cited in Milestone 19.1) to receive inputs from civil society.<sup>13</sup> However, there was no apparent progress on a structure of engagement during the action plan period—as required by the milestone.

Still, it is important to note progress on this front after the close of the action plan period. For example, on 28 February 2018, the Director of National Intelligence issued a directive that, among other things, states that ODNI’s Office of Civil Liberties, Privacy, and Transparency shall “conduct regular outreach to external stakeholder groups concerned with civil liberties, privacy, and

transparency matters in order to enable substantive dialogue and understanding of diverse perspectives on issues of mutual interest.”<sup>14</sup> In addition, according to ODNI, the inaugural Civil Liberties, Privacy, and Transparency Summit in January 2018 featured the participation of civil society members.<sup>15</sup>

As for the other element of Milestone 19.3—the identification and updating of social media guidelines for the IC—ODNI pointed to several achievements. For example, in February 2016, ODNI held the first ever Tumblr Answer Time (Q&A) event with a US Cabinet Official (former Director of National Intelligence James Clapper).<sup>16</sup> The ODNI National Intelligence Council also solicited feedback from the public to feed into its Global Trends Report<sup>17</sup> for the first time through a Tumblr blog.<sup>18</sup> In addition, ODNI noted that it leads a social media community of practice, which supports best practices across the 17 member offices and agencies of the IC.<sup>19</sup> According to ODNI, it also contributed to the Public Participation Playbook<sup>20</sup> and to a GSA project to establish a model Social Media policy.<sup>21</sup> While these are all positive developments, the IRM could not find evidence of updates to social media guidelines, as specified in the text of the milestone. Relatedly, all IC social media channels are notably now consolidated on the new intelligence.gov,<sup>22</sup> but this took place after the close of the action plan.

Ultimately, in the absence of new structures for civil engagement and updated social media guidelines during the action plan period, Milestone 19.3 remained with limited completion at the end of term.

In terms of reinforcing the principle that IC employees can and should raise concerns through the appropriate channels (Milestone 19.4), on 18 November 2016, ODNI announced the release of the Protecting Whistleblowers training curriculum,<sup>23</sup> which is available online.<sup>24</sup> As described in an ODNI fact sheet,<sup>25</sup> the curriculum has four modules: (1) general information on whistleblowing and the process for making a protected disclosure; (2) processes for addressing adverse, retaliatory actions affecting a security clearance; (3) processes for addressing adverse, retaliatory personnel actions; and (4) best practices for managers and supervisors—complemented by the inclusion of key terms and references. More information on this curriculum is available under the analysis of *Commitment 29. Strengthen Whistleblower Protections for Government Employees*, for which this is a specific milestone (Milestone 29.1).

In addition to the training curriculum, ODNI noted that the National Intelligence Award program was updated—as required by the milestone—in June 2017.<sup>26</sup> According to ODNI, there is now a new Intelligence Community Directive (ICD 655-16) that created the following awards:

- The Civil Liberties and Privacy Official of the Year Award;
- The Transparency Official of the Year Award; and
- The Civil Liberties, Privacy, and Transparency Public Trust Award

According to ODNI, each IC element or agency may submit annual nominations for each award to an interagency board that reviews nominations.<sup>27</sup> The ODNI Civil Liberties, Privacy, and Transparency Chief then makes the final determinations. According to ODNI, these awards were first awarded in January 2018 at an interagency summit hosted by ODNI.<sup>28</sup>

Despite the information provided by ODNI, the IRM is unable to verify the existence of the new award program based on publicly available information. For example, the new Intelligence Community Directive cited by the agency is not available online. In fact, the ODNI webpage that lists all of the Intelligence Community Directives does not include a revised ICD 655.<sup>29</sup> Instead, it links only to an ICD 655 that was last revised in February 2012, which does not reference the new awards. Therefore, while the new whistleblower training curriculum represents positive progress towards raising awareness of whistleblowing protections, this milestone is considered substantially—rather than fully—complete in light of the IRM’s inability to verify the existence of the awards program.

Lastly, it is worth mentioning that the IC Inspector General launched a new website that provides important whistleblowing information, including how to submit a complaint, the information that

should be reported, and an overview of whistleblower protections.<sup>30</sup> However, the government launched this website after the close of the action plan period in June 2017.

## Did It Open Government?

### **Access to Information: Did Not Change** **Civic Participation: Did Not Change** **Public Accountability: Marginal**

This commitment did not open government with respect to access to information or civic participation because none of the deliverables related to these values and explicitly listed in the commitment—an IC open government plan, a new structure for civil society engagement, updated social media guidelines, and [intelligence.gov](https://www.intelligence.gov)—were completed by the close of the end-of-term reporting period. While ODNI carried out other means of public engagement during the action plan period, these either do not constitute changes to existing government practices (e.g., the regular meetings with civil society) or are not directly linked to this commitment (e.g., the release of the IC workforce demographics report and the launch of the new [dni.gov](https://www.dni.gov)).

The commitment did nonetheless contribute to greater public accountability through the release of the whistleblowing training curriculum, which serves to raise awareness among IC employees of how to navigate the whistleblowing process and hold government officials accountable for their actions. While the training curriculum on its own is a marginal improvement, recent whistleblowing legislation has complemented this initiative and led to significant improvements in whistleblowing processes. For more information about this, please see *Commitment 29. Strengthen Whistleblower Protections*.

## Carried Forward?

At the time of writing, the US government had not published its fourth national action plan, so it is unclear if this commitment will be carried forward. Many of the activities could be incorporated in an open government plan for the intelligence community (IC). Progress could be monitored and reported on by civil society, government actors, and other interested stakeholders. Establishing a formal plan could serve to hold the IC accountable for its open government commitments.

Going forward, the government could focus its efforts on developing such a plan. As noted by Steven Aftergood of the Federation of American Scientists, “continued progress in this area will depend not only on the availability of needed resources but also, more importantly, on the quality of intelligence agency leadership. If senior officials see value in greater transparency and are willing to prioritize it, there is much progress that can still be made. But if not, previous advances could grind to a halt.”<sup>31</sup>

It is worth noting that the February 2018 directive issued by the Director of National Intelligence (referenced earlier) is a positive step forward on this front. It reaffirms the ODNI’s commitment to transparency and seeks to formalize existing transparency practices.<sup>32</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, *The Intelligence Transparency Council*, <https://fas.org/sgp/othergov/intel/dni-itc.pdf>.

<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, 21, [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 4 October 2017.

<sup>4</sup> The IRM received this information in a comment that ODNI submitted during the pre-publication review of this report. The comment was received via e-mail on 30 April 2018.

<sup>5</sup> “Annual Demographic Report: Hiring and Retention of Minorities, Women, and Persons with Disabilities in the United States Intelligence Community Fiscal Year 2015,” Office of the Director of National Intelligence, June 2016, <https://www.dni.gov/files/documents/FY%202015%20Annual%20Report.pdf>, consulted 3 May 2018.

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- <sup>6</sup> “ODNI Launches New DNI.Gov, Integrating Websites from NCTC, NCSC,” Office of the Director of National Intelligence, 25 April 2017, <https://www.dni.gov/index.php/newsroom/press-releases/item/1748-odni-launches-new-dni-gov-integrating-websites-from-nctc-ncsc>, consulted 3 May 2018.
- <sup>7</sup> Daniel Castro et al, “Benchmarking U.S. Government Websites,” Information Technology & Innovation Foundation, November 2017, <http://www2.itif.org/2017-benchmarking-us-government-websites.pdf>, consulted 3 May 2018.
- <sup>8</sup> “Section 702 Overview,” Office of the Director of National Intelligence, <https://www.dni.gov/files/icotr/Section702-Basics-Infographic.pdf>, consulted 3 May 2018.
- <sup>9</sup> “Guide to Section 702 Value Examples,” Office of the Director of National Intelligence, October 2017, <https://www.dni.gov/files/icotr/Guide-to-Section-702-Value-Examples.pdf>, consulted 3 May 2018.
- <sup>10</sup> “Protecting U.S. Person Identities in Disseminations under the Foreign Intelligence Surveillance Act,” Office of the Director of National Intelligence, Office of Civil Liberties, Privacy, and Transparency, November 2017, <https://www.dni.gov/files/documents/icotr/CLPT-USP-Dissemination-Paper---FINAL-clean-11.17.17.pdf>, consulted 3 May 2018.
- <sup>11</sup> “Intelligence.gov Re-Launch Marks New Era for IC Transparency,” Office of the Director of National Intelligence, 13 November 2017, <http://bit.ly/2yAZKNW>.
- <sup>12</sup> The IRM received this information in a comment that ODNI submitted during the pre-publication review of this report. The comment was received via e-mail on 30 April 2018.
- <sup>13</sup> Ibid.
- <sup>14</sup> “Civil Liberties, Privacy, and Transparency,” Intelligence Community Directive 107, Office of the Director of National Intelligence, 28 February 2018, <https://www.dni.gov/files/documents/ICD/ICD-107.pdf>, consulted 4 May 2018.
- <sup>15</sup> The IRM received this information in a comment that ODNI submitted during the pre-publication review of this report. The comment was received via e-mail on 30 April 2018.
- <sup>16</sup> “Tumblr #AnswerTime with James Clapper, Director of National Intelligence for the United States of America,” Office of the Director of National Intelligence, IC on the Record, 17 February 2017, <https://icontherecord.tumblr.com/post/139429449043/dniclapperanswertime>, consulted 4 May 2018.
- <sup>17</sup> “Global Trends,” Office of the Director of National Intelligence, 9 January 2017, <https://www.dni.gov/index.php/global-trends-home>, consulted 4 May 2018.
- <sup>18</sup> “Global Trends,” National Intelligence Council, <https://nicglobaltrends.tumblr.com/>, consulted 4 May 2018.
- <sup>19</sup> The IRM received this information in a comment that ODNI submitted during the pre-publication review of this report. The comment was received via e-mail on 30 April 2018.
- <sup>20</sup> “US Public Participation Playbook,” <https://participation.usa.gov/>, consulted 4 May 2018.
- <sup>21</sup> The IRM received this information in a comment that ODNI submitted during the pre-publication review of this report. The comment was received via e-mail on 30 April 2018.
- <sup>22</sup> “The Public’s Daily Brief,” Intel.gov, <https://www.intel.gov/publics-daily-brief>, consulted 4 May 2018.
- <sup>23</sup> Director of National Intelligence. “Memorandum ES 2016-00692.” 18 November 2016. [https://www.dni.gov/files/documents/icotr/Memo\\_Whistleblower.PDF](https://www.dni.gov/files/documents/icotr/Memo_Whistleblower.PDF). Consulted 21 September 2016.
- <sup>24</sup> Director of National Intelligence. “Protecting Whistleblowers with Access to Classified Information Training Curriculum.” <https://www.dni.gov/files/documents/icotr/VWhistleblower.PDF>. Consulted September 21 2017.
- <sup>25</sup> Office of the Director of National Intelligence. “Whistleblower Training Factsheet.” [https://www.dni.gov/files/documents/icotr/VWhistleblower%20Training\\_Fact%20Sheet.pdf](https://www.dni.gov/files/documents/icotr/VWhistleblower%20Training_Fact%20Sheet.pdf). Consulted 21 September 2017.
- <sup>26</sup> The IRM received this information in a comment that ODNI submitted during the pre-publication review of this report. The comment was received via e-mail on 30 April 2018.
- <sup>27</sup> Ibid.
- <sup>28</sup> Ibid.
- <sup>29</sup> “Intelligence Community Directives,” Office of the Director of National Intelligence, <https://www.dni.gov/index.php/what-we-do/ic-related-menus/ic-related-links/intelligence-community-directives>, consulted 7 May 2018.
- <sup>30</sup> “Introducing IC Whistleblowing,” Office of the Director of National Intelligence, <https://www.dni.gov/ICIG-Whistleblower/>, consulted 4 May 2018.
- <sup>31</sup> Written comments provided by Steven Aftergood, 28 October 2017.
- <sup>32</sup> “Civil Liberties, Privacy, and Transparency,” Intelligence Community Directive 107, Office of the Director of National Intelligence, 28 February 2018, <https://www.dni.gov/files/documents/ICD/ICD-107.pdf>, consulted 4 May 2018.

## ★ 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:** Office of Science and Technology Policy

**Supporting Institutions:** Federal science agencies

**Start Date:** Not Specified

**End Date:** Not Specified



Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Midterm End of Term		Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
20. Overall				✓	✓	✓	✓				✓				✓						✓
20.1. Access to Results of Federally Funded Scientific Research				✓	✓		✓				✓				✓						
20.2. Increased Public Participation in Open Science			✓			✓	✓			✓			✓								

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

### Commitment Aim

This commitment aimed to advance open science by broadening public access to federally funded science research and data by:

- Ensuring that federal agencies develop and implement plans to make federally funded research and data accessible to interested parties, with an emphasis on agencies that spend more than \$100 million annually on research and development; and
- Launching an interagency dialogue focused on best practices related to the development of low-cost scientific instrumentation (e.g., hardware and software) and outreach practices to facilitate citizen-based and crowdsourced science initiatives.

### Status

#### Midterm: Substantial

At the midterm, the government had made substantial progress on this commitment:

- Per the government’s midterm self-assessment report, by the close of the midterm reporting period, 16 agencies had produced public access plans for expanding public access to federally funded scientific research. The 16 agencies are collectively responsible for 98 percent of all federal research and development expenditures.<sup>1</sup> Ten of these agencies had released their plans publicly.<sup>2</sup> As of late July 2016, 14 agencies had begun implementing their public access plans. Each of these plans included a requirement to proactively publish federally funded research. Seven agencies had begun to implement complementary data management plans.<sup>3</sup> Also by July 2016, the government established digital repositories<sup>4</sup> to house federally funded research, with repositories operational for all agencies that had public access plans in place.



Collectively, these activities resulted in substantial completion for Milestone 20.1 at the midterm.

- By contrast, per the government's report, the government had made less progress on Milestone 20.2. Progress was limited to early consultations with stakeholders to survey the existing citizen science instrument landscape. The Office of Science and Technology Policy organized the consultations.<sup>5</sup>

### **End of Term: Substantial**

At the end of term, progress on this commitment remained substantial.

As of December 2016, all 16 agencies had released their public access plans to the public. Eleven of the 16 agencies had developed and begun implementing a complementary data management plan covering some or all of the federally funded research they support. (This reflects an increase of four agencies since the midterm.)<sup>6</sup> As stipulated in the commitment text, all 16 agencies will proactively publish the research they fund, per their public access plans.<sup>7</sup> Some agencies will additionally provide access to several years of federally funded research on a retroactive basis, dating back to 2008. However, the majority of agencies have limited their retroactive publication window to 2015–2016.

To better inform researchers about these plans, the Scholarly Publishing and Academic Resources Coalition produced detailed agency-by-agency assessments of data-sharing requirements. The coalition is a global, member-based civil society organization comprised largely of academics and libraries.<sup>8</sup> Its assessments contain information on agencies' underlying research principles and information-sharing approaches, exclusions and limitations, and the conditions under which data must be publicly shared. They also include information on how data will be shared, metadata and attribution requirements, and a host of other information.<sup>9</sup>

Collectively, these activities effectively resulted in the completion of Milestone 20.1. As a complement to these activities, on 27 October 2016, the National Science and Technology Council established the Interagency Working Group on Open Science (IWGOS) to "facilitate interagency coordination and cooperation on topics of common interest" and "identify additional steps agencies can take to improve the preservation, discoverability, accessibility, and usability of the full range of outputs of, and data supporting, Federally-funded scientific research."<sup>10</sup> In addition, IWGOS will work to "identify opportunities for international communication and collaboration to advance open science."<sup>11</sup> The working group's charter<sup>12</sup> situates its activities directly in the context of the open access initiatives that comprise the focus of this milestone. All 16 agencies have representatives on the IWGOS, in addition to the Office of Management and Budget (OMB) and the Office of Science and Technology Policy (OSTP). Representatives from these two offices serve as the working group's co-chairs.<sup>13</sup> Per its charter, IWGOS was initially established with a termination date of 31 July 2017, unless it is renewed by the OMB and the OSTP.<sup>14</sup> As of the time of writing, the IRM researcher was unable to determine whether the IWGOS was renewed.

Another complementary activity took place in Congress on 26 July 2017, slightly outside the end-of-term reporting period. The congressional representatives Mike Doyle (Democrat-Pennsylvania), Zoe Lofgren (Democrat-California), and Kevin Yoder (Republican-Kansas) reintroduced the Fair Access to Science and Technology Research Act (FASTR)<sup>15</sup> for consideration by the House of Representatives.<sup>16</sup> The act would largely codify the provisions of the OSTP's 2013 directive, which required agencies with annual research and development expenditures greater than \$100 million to develop and implement the open access plans referenced under this milestone.<sup>17</sup> FASTR was previously introduced in 2013 and 2015. At the time of writing, a version of the act has been presented in both the House of Representatives and the Senate. The primary difference between the two chambers' versions concerned the post-publication embargo period (six versus 12 months, respectively).<sup>18</sup>

Civil society has largely come out in favor of FASTR. Michael Eisen, a professor at the University of California, Berkeley, and co-founder of the Public Library of Science, has argued that "the passage of the bill would be a step forward," while nevertheless stating a preference for no embargo period.<sup>19</sup> The Electronic Frontier Foundation,<sup>20</sup> the American Library Association,<sup>21</sup> and the American

Association of Law Libraries<sup>22</sup> have similarly expressed support for the act. Passage of the act remained outstanding at the end of term.

As for increased public participation in open science (Milestone 20.2), the IRM researcher could not find evidence of further progress since the midterm. Activities related to citizen science were carried out as part of Commitment 26 (Open Innovation). However, these actions were not explicitly focused on developing low-cost scientific instrumentation, as stipulated by this milestone. Despite repeated attempts to set up interviews with the officials responsible for implementing the activity, government stakeholders did not provide the necessary contact information to conduct interviews.<sup>23</sup> The completion of this milestone at the end of term, therefore, remains limited.

## Did It Open Government?

### **Access to Information: Outstanding Civic Participation: Did Not Change**

This commitment opened government in outstanding fashion with respect to access to information, due to the completion of Milestone 20.1.

As of late 2016, a variety of results were already visible regarding improved access to scientific research through implementation of agencies' open access plans. A White House blog post from 28 October 2016 highlights key advances in the availability of federally funded scientific research:

- The NSF created the NSF Public Access Repository (NSF-PAR) in early 2016.<sup>24</sup> According to the agency's public access plan, the repository involves articles and papers produced as part of NSF-funded research from proposals submitted or due as of 26 January 2016. This information must be posted on the site (with a 12-month embargo).<sup>25</sup> By early 2018, the NSF-PAR contained nearly 27,000 full texts available for public access.<sup>26</sup>
- In early 2016, the government also launched PubDefense. This is an online repository for scientific research funded by the DoD, Office of the Director of National Intelligence (ODNI), and Intelligence Advanced Research Projects Activity (IARPA).<sup>27</sup> By early 2018, the repository contained more than 5,500 full texts (though only five were from ODNI and IARPA).<sup>28</sup>
- In August 2016, the National Aeronautics and Space Administration (NASA) launched a research results portal, PubSpace.<sup>29</sup> The portal provides "one-stop shopping for research articles and data resulting from NASA-funded research."<sup>30</sup> As of early 2018, there were just under 1,500 papers available on the site.<sup>31</sup>
- The Environmental Protection Agency began publishing its federally funded research in 2017.<sup>32</sup> As of early 2018, there were about 2,000 full texts available on its website.<sup>33</sup>

While other agencies' repositories for federally funded scientific research grew in size during the action plan period, most were already available prior to the action plan period.<sup>34</sup> Another concrete commitment outcome involved the disclosure of data underpinning federally funded research. For example, the Department of Transportation released more than 800 transportation-related datasets linked to descriptions of research projects via the USDOT Research Hub.

## Carried Forward?

At the time of writing, the US government had not published its fourth national action plan, so it is unclear if this commitment will be carried forward. The government should nevertheless build upon the momentum generated by the activities completed under Milestone 20.1 to continue supporting open science on an ongoing basis.

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<sup>1</sup> United States of America, *Midterm Self-Assessment Report for the Open Government Partnership: Third Open Government National Action Plan, 2015-2017*, September 2016, 21–22,

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[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 2 October 2017.

<sup>2</sup> “Implementation of Public Access Programs in Federal Agencies,” Federal STI Managers Group, [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>3</sup> John P. Holdren, Letter 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>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, 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), consulted 2 October 2017.

<sup>5</sup> Ibid.

<sup>6</sup> For links to each agency’s plan and the dates when they were made publicly available, see “Implementation of Public Access Programs in Federal Agencies,” CENDI Federal STI Managers Group, [https://cendi.gov/projects/Public\\_Access\\_Plans\\_US\\_Fed\\_Agencies.html](https://cendi.gov/projects/Public_Access_Plans_US_Fed_Agencies.html), consulted 1 October 2017.

<sup>7</sup> For a list of research repositories, see Jerry Sheehan, “Federally Funded Research Results Are Becoming More Open and Accessible,” The White House blog, 28 October 2016, <https://obamawhitehouse.archives.gov/blog/2016/10/28/federally-funded-research-results-are-becoming-more-open-and-accessible>, consulted 1 October 2017.

<sup>8</sup> “Who We Are,” Scholarly Publishing and Academic Resources Coalition, <https://sparcopen.org/who-we-are/>, consulted 1 October 2017.

<sup>9</sup> For data-sharing requirements, see “Data Sharing Requirements,” Scholarly Publishing and Academic Resources Coalition, <http://datasharing.sparcopen.org/data>, consulted 1 October 2017.

<sup>10</sup> Jerry Sheehan, “Federally Funded Research Results Are Becoming More Open and Accessible,” The White House blog, 28 October 2016, <https://obamawhitehouse.archives.gov/blog/2016/10/28/federally-funded-research-results-are-becoming-more-open-and-accessible>, consulted 1 October 2017. For the working group’s date of establishment, see “Charter,” Interagency Working Group on Open Science, 27 October 2016, <https://obamawhitehouse.archives.gov/sites/default/files/microsites/ostp/NSTC/cos-iwgos-charter-1016-signed.pdf>, consulted 1 October 2017. The date of establishment is assumed to be the latest date among the government signatures appearing on the charter.

<sup>11</sup> Jerry Sheehan, “Federally Funded Research Results Are Becoming More Open and Accessible,” The White House blog, 28 October 2016, <https://obamawhitehouse.archives.gov/blog/2016/10/28/federally-funded-research-results-are-becoming-more-open-and-accessible>, consulted 1 October 2017.

<sup>12</sup> “Charter,” Interagency Working Group on Open Science, 27 October 2016, <https://obamawhitehouse.archives.gov/sites/default/files/microsites/ostp/NSTC/cos-iwgos-charter-1016-signed.pdf>, consulted 1 October 2017.

<sup>13</sup> Ibid.

<sup>14</sup> Ibid.

<sup>15</sup> For the text of the act, see “H.R. 3427 - Fair Access to Science and Technology Research Act of 2017,” Congress.gov, 26 July 2017, <https://www.congress.gov/bill/115th-congress/house-bill/3427/text>, consulted 1 October 2017.

<sup>16</sup> “U.S. Representatives Introduce Bill Expanding Access to Federally Funded Research,” Office of US Congressman Mike Doyle, 26 July 2017, <https://doyle.house.gov/press-release/us-representatives-introduce-bill-expanding-access-federally-funded-research-0>, consulted 1 October 2017.

<sup>17</sup> For commentary, see Gavin Baker, “New Legislation Would Protect Your Right to Research,” American Library Association, 27 July 2017, <http://www.districtdispatch.org/2017/07/new-legislation-protect-right-research/>, consulted 1 October 2017. For the 2013 directive, see John P. Holdren, “Memorandum for the Heads of Executive Departments and Agencies: Increasing Access to the Results of Federally Funded Scientific Research,” Executive Office of the President: Office of Science and Technology Policy, 22 February 2013, [https://obamawhitehouse.archives.gov/sites/default/files/microsites/ostp/ostp\\_public\\_access\\_memo\\_2013.pdf](https://obamawhitehouse.archives.gov/sites/default/files/microsites/ostp/ostp_public_access_memo_2013.pdf), consulted 1 October 2017.

<sup>18</sup> Robert Harington, “Science, Publishing and Government Bills: Fair Access to Science and Technology Research Act (FASTR),” *The Scholarly Kitchen*, 20 September 2017, <https://scholarlykitchen.sspnet.org/2017/09/20/50250/>, consulted 1 October 2017. For further discussion of the embargo period debate and a similar viewpoint, see Elliot Harmon, “Open Access Can’t Wait. Pass FASTR Now,” Electronic Frontier Foundation, 11 August 2017, <https://www.eff.org/deeplinks/2017/08/open-access-cant-wait-pass-fastr-now>, consulted 1 October 2017.

<sup>19</sup> As quoted in Emily Conover, “Getting up to Speed on FASTR,” American Physical Society, <https://www.aps.org/publications/apsnews/201508/fastr.cfm>, consulted 1 October 2017.

<sup>20</sup> Elliot Harmon, “Open Access Can’t Wait. Pass FASTR Now,” Electronic Frontier Foundation, 11 August 2017, <https://www.eff.org/deeplinks/2017/08/open-access-cant-wait-pass-fastr-now>, consulted 1 October 2017.

<sup>21</sup> Gavin Baker, “New Legislation Would Protect Your Right to Research,” American Library Association, 27 July 2017, <http://www.districtdispatch.org/2017/07/new-legislation-protect-right-research/>, consulted 1 October 2017.

<sup>22</sup> “Formal Statement in Support of the Fair Access to Science and Technology Research (FASTR) Act, H.R. 3427: Letter to Members of the House,” American Association of Law Libraries, 18 September 2017, <https://www.aallnet.org/Documents/Government-Relations/Formal-Statements/2017/lt091817House.pdf>, consulted 1 October 2017. See also, “Formal Statement in Support of the Fair Access to Science and Technology Research (FASTR) Act, S. 1701: Letter to Members of the Senate,” American Association of Law Libraries, 18 September 2017, <https://www.aallnet.org/Documents/Government-Relations/Formal-Statements/2017/lt091817House.pdf>, consulted 1 October 2017.

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<sup>23</sup> The IRM researcher attempted to obtain a list of potential interviewees from the government's OGP point of contact (POC) on several distinct occasions during the drafting of this report, beginning in September 2017. In emails sent on 10 October and 24 October 2017, the IRM researcher explicitly requested that the POC make available a list of potential government interviewees. The researcher would speak to these interviewees regarding progress made on various commitments contained in the action plan. On 9 November 2017, the IRM researcher spoke via phone with the government POC and re-iterated the earlier request for access to a list of potential interviewees. The IRM researcher followed up with an email to the government POC on that same day reiterating the request for a list of interviewees. The POC had been receptive during the preceding phone call. The IRM researcher received no subsequent response from the government POC.

<sup>24</sup> NSF Public Access Repository, National Science Foundation, <https://par.nsf.gov/>.

<sup>25</sup> Public Access to Results of NSF-Funded Research, National Science Foundation, [https://www.nsf.gov/news/special\\_reports/public\\_access/index.jsp](https://www.nsf.gov/news/special_reports/public_access/index.jsp).

<sup>26</sup> NSF Public Access Repository, National Science Foundation, accessed 22 February 2018, <https://par.nsf.gov/search>.

<sup>27</sup> PubDefense, [https://publicaccess.dtic.mil/padf\\_public/#/home](https://publicaccess.dtic.mil/padf_public/#/home).

<sup>28</sup> Simple Search, PubDefense, accessed 22 February 2018, [https://publicaccess.dtic.mil/padf\\_public/#/simpleSearch](https://publicaccess.dtic.mil/padf_public/#/simpleSearch).

<sup>29</sup> PubSpace, National Aeronautics and Space Administration, <https://www.ncbi.nlm.nih.gov/pmc/funder/nasa/>.

<sup>30</sup> Jerry Sheehan, "Federally-Funded Research Results Are Becoming More Open and Accessible," Office of Science and Technology Policy, 28 October 2016, <https://obamawhitehouse.archives.gov/blog/2016/10/28/federally-funded-research-results-are-becoming-more-open-and-accessible>, consulted 1 October 2017.

<sup>31</sup> PubSpace, National Aeronautics and Space Administration, <https://www.ncbi.nlm.nih.gov/pmc/funder/nasa/>, accessed 22 February 2018.

<sup>32</sup> "PMC Role Continues to Expand as a Repository for Federally and Privately-Funded Research," National Library of Medicine, Technical Bulletin, 29 August 2017, <http://bit.ly/2opB5bx>.

<sup>33</sup> EPA Pub Central, Environmental Protection Agency, <https://www.ncbi.nlm.nih.gov/pmc/funder/epa/>, accessed 22 February 2018.

<sup>34</sup> For example, PubMed Central, which contains research funded by several agencies, including the NIH, grew from 3.6 million articles at the start of the action plan (see a web archive of the site from 1 October 2015 at <http://bit.ly/2CcCoUz>) to 4.7 million articles as of 22 February 2018. PubMed Central is available at <https://www.ncbi.nlm.nih.gov/pmc/>.

## 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 Institutions:** General Services Administration, Office of Management and Budget, and Office of Science and Technology Policy

**Supporting Institution:** Center for Open Data Enterprise

**Start Date:** Not Specified

**End Date:** Not Specified

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Midterm End of Term		Did It Open Government?					
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Innovation	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding	
21. Overall			✓		✓	✓		✓			✓			✓				✓				
21.1. National Open Data Guidelines			✓		✓	✓					✓			✓								
21.2. Public Feedback Tools	✓				✓	✓		✓		✓				✓								

### Commitment Aim

This commitment aimed to open data to the public by developing national open data guidelines for federally held data. It would also promote “consistent, customer-friendly feedback mechanisms” to

better engage with the public on questions surrounding which datasets to open and improvements to existing datasets.

## Status

### Midterm: Limited

At the midterm, the government had made limited progress on this commitment. In 2016, the Office of Science and Technology Policy and the Center for Open Data Enterprise co-hosted a roundtable series on several core open data topics. The attendees synthesized the findings into several thematic reports and a best practices document, as confirmed by both the government's midterm self-assessment report<sup>1</sup> and Joel Gurin, president of the Center for Open Data Enterprise.<sup>2</sup> However, no actual national open data guidelines emerged from these activities. Regarding public feedback tools on federal datasets, the government set up a new feature via the Data.gov Help Desk allowing users to submit stories describing how they have used federal data.<sup>3</sup> Beyond this, the government made no discernible progress. The Help Desk itself was launched prior to the start of the evaluation period for the government's third national action plan and is therefore not evaluated here.

### End of term: Limited

Progress on this commitment remains limited at the end of term. Using publicly available information, the IRM researcher was unable to document any additional progress on the development of national open data guidelines post-midterm. The research also could not verify any progress on the development of the public feedback tools described in the commitment text.

## Did It Open Government?

### Access to Information: Did Not Change Civic Participation: Did Not Change

This commitment did not open government with respect to access to information or civic participation, due to its limited completion.

## Carried Forward?

At the time of writing, the US government had not published its fourth national action plan, so it is unclear if this commitment will be carried forward. The government should nevertheless continue to aim to facilitate greater access to government-held information based on targeted engagement with civil society stakeholders.

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<sup>1</sup> United States of America, *Midterm Self-Assessment Report for the Open Government Partnership: Third Open Government National Action Plan, 2015-2017*, September 2016, 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), consulted 4 October 2017. See also, The Center for Open Data Enterprise, *The 2016 U.S. Open Data Roundtables: Recommendations from Data Providers and Users*, September 2016, 5, <http://reports.opendataenterprise.org/2016opendataroundtables.pdf>, consulted 4 October 2017.

<sup>2</sup> Written comments provided to the IRM researcher by Joel Gurin, 1 November 2017.

<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, 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), consulted 4 October 2017. The IRM researcher confirmed that the Help Desk was active at midterm at "Data Requests," Data.gov, <https://www.data.gov/requests/>, consulted 30 June 2017 via the Wayback Machine.

## Commitment 22. Increase Transparency of Trade Policy 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:** Office of the U.S. Trade Representative

**Supporting Institutions:** Civil society stakeholders

**Start Date:** Not Specified

**End Date:** Not Specified

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Midterm		Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Innovation	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
22. Overall	✓				✓	✓			✓						✓				✓		

### Commitment Aim

This commitment aimed to increase public access to information on US trade policy and negotiations by promoting public access to trade disputes under the World Trade Organization and regional agreements. It also called for encouraging the public posting of videos of trade dispute hearings.

### Status

#### Midterm: Substantial

At the midterm, the government had made substantial progress on this commitment. In October 2015, the US Trade Representative (USTR) published guidelines<sup>1</sup> that stipulate how the government will provide information on trade policy negotiations to the public. The mediums included press releases, reports, actual text of trade agreements prior to their signature by the president, and a summary of trade policy negotiation objectives in advance of trade agreement negotiations. The guidelines further stipulate that the USTR will aim to engage the public on trade agreements by soliciting comments through the *Federal Register*. The USTR will also hold hearings and briefings, and



share additional information online and through other channels. The guidelines are nevertheless silent on the issue of trade disputes, representing an area in which additional progress could be made.

### **End of Term: Substantial**

At the end of term, progress on this commitment remained substantial. The US Trade Representative (USTR) continues to take actions in line with the aforementioned guidelines (see discussion below). However, the IRM researcher was unable to document actions taken by the government to further public access to trade disputes under the World Trade Organizations and/or regional agreements. This access constituted the core activity with no progress at the midterm.

The government's call for public feedback on existing US trade agreements and its renegotiation of the North America Free Trade Agreement (NAFTA) are particularly noteworthy. On 29 June 2017, the USTR formally invited the public to submit written comments to support a performance review of all US international trade and investment agreements. The USTR made the announcement via a press release posted on its website,<sup>2</sup> pursuant to Executive Order 13796 of 29 April 2017.<sup>3</sup> The USTR solicited public comments via the *Federal Register* over a roughly one-month period ending 31 July 2017. Comments were accepted via Regulations.gov and other channels.<sup>4</sup> A total of 103 public comments were received through Regulations.gov.<sup>5</sup>

On 23 May 2017, the USTR similarly posted a request for public feedback via the *Federal Register* "to inform development of U.S. negotiating positions" for the modernization of NAFTA. Written comments were initially due by 12 June 2017.<sup>6</sup> The USTR subsequently extended the deadline to 14 June 2017.<sup>7</sup> The USTR held a related public hearing at the US International Trade Commission during 27–29 June 2017, announced via a press release on its website.<sup>8</sup> It made transcripts from the hearing available via the *Federal Register*.<sup>9</sup> Collectively, these efforts followed US Trade Representative Robert Lighthizer's notification to Congress of President Trump's intention to renegotiate the agreement on 18 May 2017. This was also described in a press release on the USTR's website.<sup>10</sup>

Following the solicitation of public feedback, the USTR publicly released an 18-page summary of its NAFTA negotiation objectives on 17 July 2017. It noted the government's receipt of over 12,000 comments during the earlier comment period and the testimony of more than 140 witnesses during the aforementioned hearing.<sup>11</sup> Videos from several panels held during the hearings were subsequently made available on the USTR's YouTube channel.<sup>12</sup> The latter activities fall beyond the end-of-term evaluation period. However, they speak to the government's ongoing adherence to the USTR guidelines and are therefore noted here.

The government has acted similarly in less high-profile cases during the end-of-term evaluation period. For example, on 17 April 2017, the Department of Commerce and the USTR announced a public hearing on US trade deficits on 18 May 2017 at the Department of Commerce. Representatives from a variety of federal agencies participated. The Department of Commerce's International Trade Administration, along with the Executive Office of the President and the USTR, also announced a request for public comments via the *Federal Register*. The deadline for written comments was 10 May 2017.<sup>13</sup> The comments are intended to support the Department of Commerce's and the USTR's production of the *Omnibus Report on Significant Trade Deficits*, pursuant to Executive Order 13786 of 31 March 2017.<sup>14</sup> Separately, on 21 August 2017, the USTR also submitted a request for public comments on government procurement provisions in US trade agreements. Those comments were accepted via the *Federal Register* for a roughly one-month period ending 18 September 2017.<sup>15</sup> The *Federal Register* provides no information on the number of comments received.<sup>16</sup>

### **Did It Open Government?**

#### **Access to Information: Marginal Civic Participation: Marginal**

This commitment has marginally opened government with respect to both access to information and civic participation.



The government called for public feedback on existing US trade agreements and on its renegotiation of the North America Free Trade Agreement (NAFTA). It also publicly released its NAFTA negotiating positions—all directly in line with the USTR guidelines. These stood as clear examples of open government processes during the end-of-term evaluation period. As described above, the government has similarly held public hearings and requested public comments in somewhat less high-profile cases. Nonetheless, the soliciting of public comments on negotiation aims and the hosting of public hearings on this subject are not new actions. These processes date back to before the launch of this action plan.<sup>17</sup>

Moreover, there is still significant room for improved transparency in trade policy negotiations, according to civil society. One important challenge is the lack of public access to negotiating documents. As noted by a research professor at George Washington University, “Public engagement in the trade policy process in the U.S. is sporadic and limited. The public can formally comment before negotiations begin but once initiated, the public cannot directly influence the course of negotiations” because “the actual negotiating documents remain secret.”<sup>18</sup> According to the Electronic Frontier Foundation, it is essential for the US government to “publish consolidated texts after each round of ongoing negotiations.” The foundation noted that government should also open up these texts “to a notice and comment and public hearing process.”<sup>19</sup> Creative Commons and OpenTheGovernment.org similarly agree that this remains an important limitation of the current trade negotiation process.<sup>20</sup> The Association of Research Libraries noted, “Descriptions about negotiating texts and engagement with stakeholders are no substitutes for the ability to view and comment on the actual texts.”<sup>21</sup>

There have also been concerns about transparency related to the US government’s ongoing trade negotiations. Civil society groups have openly criticized the lack of transparency during the renegotiation of NAFTA.<sup>22</sup> More recently, Congress has criticized the Trump administration for its failure to release the required formal notice of negotiations and objectives amid the start of trade talks with South Korea.<sup>23</sup> Civil society organizations have also specifically called for reform to the structure of advisory committees. According to these organizations, advisory committees are more intimately involved in negotiations, but currently do not include a diversity of views beyond business and labor.<sup>24</sup>

Ultimately, while the US government engaged the public through various channels during the action plan period, it is clear that significant challenges remain. To have a major improvement in the transparency of trade negotiations, greater public access to negotiating documents and a more diverse base of participants directly involved in the negotiating process are necessary.

### **Carried Forward?**

At the time of writing, the US government had not yet published its fourth national action plan, so it is unclear if this commitment will be carried forward. The US Trade Representative (USTR) should nevertheless continue its efforts to make information on trade disputes and negotiations available to the public. The Electronic Frontier Foundation and OpenTheGovernment.org issued five key recommendations on this subject:

- Publish US textual proposals on rules in ongoing international trade negotiations.
- Publish consolidated texts after each round of ongoing negotiations.
- Appoint a “transparency officer” [at USTR] who does not have structural conflicts of interest in promoting transparency at the agency.
- Open up textual proposals to a notice and comment, and public hearing process.
- Make trade advisory committees more broadly inclusive.<sup>25</sup>

- <sup>1</sup> Office of the United States Trade Representative, *Guidelines for Consultation and Engagement*, 27 October 2015, <https://ustr.gov/sites/default/files/USTR%20Guidelines%20for%20Consultation%20and%20Engagement.pdf>, consulted 4 October 2017.
- <sup>2</sup> “The Trump Administration Invites Public Comment for Review of Existing Trade Agreements,” United States Trade Representative, 29 June 2017, <https://ustr.gov/about-us/policy-offices/press-office/press-releases/2017/june/trump-administration-invites-public>, consulted 16 September 2017.
- <sup>3</sup> “Executive Order 13796: Addressing Trade Agreement Violations and Abuses,” Executive Office of the President, <https://www.federalregister.gov/documents/2017/05/04/2017-09156/addressing-trade-agreement-violations-and-abuses>, consulted 16 September 2017.
- <sup>4</sup> “Request for Comments Regarding the Administration's Reviews and Report to the President on Trade Agreement Violations and Abuses,” *Federal Register*. Docket Number USTR-2017-0010, 29 June 2017, <https://www.federalregister.gov/documents/2017/06/29/2017-13610/request-for-comments-regarding-the-administrations-reviews-and-report-to-the-president-on-trade>, consulted 16 September 2017.
- <sup>5</sup> “Public Comments Regarding the Administration's Reviews and Report to the President on Trade Agreement Violations and Abuses,” Regulations.gov, <http://bit.ly/2CfvkXI>.
- <sup>6</sup> “Request for Comments on Negotiating Objectives Regarding Modernization of the North American Free Trade Agreement with Canada and Mexico,” *Federal Register*. Docket Number USTR-2017-0006, 23 May 2017, <https://www.federalregister.gov/documents/2017/05/23/2017-10603/request-for-comments-on-negotiating-objectives-regarding-modernization-of-the-north-american-free-trade-agreement>?utm\_campaign=subscription%20mailing%20list&utm\_source=federalregister.gov&utm\_medium=email, consulted 16 September 2017. See also “Public Hearings on the Renegotiation of NAFTA,” United States Trade Representative, 14 June 2017, <https://ustr.gov/about-us/policy-offices/press-office/press-releases/2017/june/public-hearing-nafta-renegotiation>, consulted 16 September 2017.
- <sup>7</sup> “USTR Extends Public Comment Period For NAFTA Renegotiation Objectives,” United States Trade Representative, June 2017, <https://ustr.gov/about-us/policy-offices/press-office/press-releases/2017/june/ustr-extends-public-comment-period>, consulted 17 September 2017.
- <sup>8</sup> “Public Hearings on the Renegotiation of NAFTA,” United States Trade Representative, 14 June 2017, <https://ustr.gov/about-us/policy-offices/press-office/press-releases/2017/june/public-hearing-nafta-renegotiation>, consulted 16 September 2017.
- <sup>9</sup> “Request for Comments on Negotiating Objectives Regarding Modernization of the North American Free Trade Agreement with Canada and Mexico,” *Federal Register*. Docket Number USTR-2017-0006, 23 May 2017, <https://www.federalregister.gov/documents/2017/05/23/2017-10603/request-for-comments-on-negotiating-objectives-regarding-modernization-of-the-north-american-free-trade-agreement>?utm\_campaign=subscription%20mailing%20list&utm\_source=federalregister.gov&utm\_medium=email.
- <sup>10</sup> “USTR: Trump Administration Announces Intent to Renegotiate the North American Free Trade Agreement,” United States Trade Representative, 18 May 2017, <https://ustr.gov/about-us/policy-offices/press-office/press-releases/2017/may/ustr-trump-administration-announces>, consulted 16 September 2017. Per this same source, President Trump first announced his intention to initiate NAFTA renegotiations on 2 February 2017. The text of Lighthizer's notification to Congress is available at <https://ustr.gov/sites/default/files/files/Press/Releases/NAFTA%20Notification.pdf>, consulted 16 September 2017.
- <sup>11</sup> “Summary of Objectives for the NAFTA Renegotiation,” United States Trade Representative and Executive Office of the President, 17 July 2017, <https://ustr.gov/sites/default/files/files/Press/Releases/NAFTAObjectives.pdf>, consulted 16 September 2017. For figures cited here, see page 2.
- <sup>12</sup> “Public Hearings on the Renegotiation of NAFTA,” United States Trade Representative, 14 June 2017, <https://ustr.gov/about-us/policy-offices/press-office/press-releases/2017/june/public-hearing-nafta-renegotiation>, consulted 16 September 2017.
- <sup>13</sup> “Public Comments and Hearing Regarding Administration Report on Significant Trade Deficits,” International Trade Administration, 17 April 2017, <https://www.federalregister.gov/documents/2017/04/17/2017-07827/public-comments-and-hearing-regarding-administration-report-on-significant-trade-deficits>, consulted 16 September 2017.
- <sup>14</sup> *Ibid.* For the text of the executive order, see “Executive Order 13786: Omnibus Report on Significant Trade Deficits,” Executive Office of the President, 31 March 2017, <https://www.federalregister.gov/documents/2017/04/05/2017-06968/omnibus-report-on-significant-trade-deficits>, consulted 16 September 2017.
- <sup>15</sup> “Request for Comment on the Costs and Benefits to U.S. Industry of U.S. International Government Procurement Obligations for Report to the President on ‘Buy American and Hire American,’” International Trade Administration, Executive Office of the President, and the United States Trade Representative, 21 August 2017, <https://www.federalregister.gov/documents/2017/08/21/2017-17553/request-for-comment-on-the-costs-and-benefits-to-us-industry-of-us-international-government>, consulted 16 September 2017.
- <sup>16</sup> *Ibid.*
- <sup>17</sup> “Fact Sheet: Transparency and the Obama Trade Agenda,” Office of the United States Trade Representative, January 2015, <https://ustr.gov/about-us/policy-offices/press-office/fact-sheets/2015/january/fact-sheet-transparency-and-obama>.
- <sup>18</sup> Dr. Susan Ariel Aaronson, *How Can US Trade Policy Be Made More Transparent and Accountable*, [https://www2.gwu.edu/~iiep/signatureinitiatives/governance/Trade\\_Trust\\_Transparency\\_Accountability/open\\_government\\_partnership\\_recommendations.pdf](https://www2.gwu.edu/~iiep/signatureinitiatives/governance/Trade_Trust_Transparency_Accountability/open_government_partnership_recommendations.pdf).
- <sup>19</sup> Electronic Frontier Foundation, letter to USTR, 18 May 2017, [https://www.eff.org/files/2017/05/18/letter\\_to\\_ustr.pdf](https://www.eff.org/files/2017/05/18/letter_to_ustr.pdf).
- <sup>20</sup> Timothy Vollmer, “Is Re-negotiating NAFTA Opening a Pandora's Box?” Creative Commons, 14 June 2017, <https://creativecommons.org/2017/06/14/re-negotiating-nafta-opening-pandoras-box/>.

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- <sup>21</sup> Krista Cox, "Meaningful Transparency Is Needed in Trade Negotiations," Association of Research Libraries, 22 January 2016, <http://policynotes.arl.org/?p=1269>.
- <sup>22</sup> Sharon Anglin Treat, "It's time for Members of Congress to use their clout on NAFTA," Institute for Agriculture and Trade Policy, <https://www.iatp.org/blog/2017/1/its-time-members-congress-use-their-clout-nafta>; and "Little Transparency after Three Rounds of NAFTA Renegotiations," Center for International Environmental Law, <http://www.ciel.org/little-transparency-three-rounds-nafta-renegotiations/>.
- <sup>23</sup> Vicki Needham, "Senate Finance Dems Want More Transparency on Trade from Trump," *The Hill*, 12 January 2018, <http://thehill.com/policy/finance/368815-senate-finance-dems-want-more-transparency-on-trade-from-trump-administration>.
- <sup>24</sup> See the recommendations made by the Electronic Frontier Foundation (available here: [https://www.eff.org/files/2017/05/18/letter\\_to\\_ustr.pdf](https://www.eff.org/files/2017/05/18/letter_to_ustr.pdf)), as well as the comments by Dr. Susan Ariel Aaronson, professor at George Washington University, available at [https://www2.gwu.edu/~iiip/signatureinitiatives/governance/Trade\\_Trust\\_Transparency\\_Accountability/open\\_government\\_partnership\\_recommendations.pdf](https://www2.gwu.edu/~iiip/signatureinitiatives/governance/Trade_Trust_Transparency_Accountability/open_government_partnership_recommendations.pdf).
- <sup>25</sup> Electronic Frontier Foundation, letter to USTR, 18 May 2017, [https://www.eff.org/files/2017/05/18/letter\\_to\\_ustr.pdf](https://www.eff.org/files/2017/05/18/letter_to_ustr.pdf).

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

### Commitment Text:

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 Institutions:** General Services Administration, National Archives and Records Administration

**Supporting Institutions:** 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				Completion		Midterm End of Term		Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & ...	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
23. Overall				✓	✓			✓			✓		✓					✓			

### Commitment Aim

This commitment aimed to develop a machine-readable government organizational chart. The chart would describe agencies' organizational directories (including their office names, organizational structures, and contact information) in a standardized manner across the entire federal government. The commitment also aimed to publish documentation so that other government agencies (such as local governments) can develop similar charts based on existing federal standards.

### Status

#### Midterm: Limited

The government had made limited progress on this commitment at the midterm. In its self-assessment report, the government noted that it was "gathering existing directory data and merging it into a consolidated dataset of directory information."<sup>1</sup> The IRM researcher was nevertheless unable to corroborate this progress using publicly available information.

### **End of term: Limited**

Based on publicly available information, there is no evidence that the government has made progress on this commitment from July 2016 onward. Completion for this commitment, therefore, remains limited.

### **Did It Open Government?**

#### **Access to Information: Did Not Change**

This commitment did not open government with respect to access to information, due to its limited completion at the end of term.

### **Carried Forward?**

At the time of writing, the US government had not published its fourth national action plan, so it is unclear if this commitment will be carried forward. The government should nevertheless aim to produce the machine-readable organizational chart specified in the commitment. As part of these efforts, the government could specify the means through which the public can directly contact government agencies, to help create more opportunities for public engagement.

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<sup>1</sup> United States of America, *Midterm Self-Assessment Report for the Open Government Partnership: Third Open Government National Action Plan, 2015-2017*, September 2016, 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), consulted 1 October 2017.

## 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 Institutions:** The White House, General Services Administration, Office of Management and Budget, Office of Science and Technology Policy, and Federal agencies

**Supporting Institutions:** Civil society organizations

**Start Date:** Not Specified

**End Date:** Not Specified

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Midterm		Did It Open Government?					
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding	
24. Overall				✓	✓	✓	✓	✓			✓			✓			✓					
24.1. Improve We the People				✓	✓	✓	✓	✓			✓				✓							
24.2. U.S. Public Participation Playbook				✓	✓	✓		✓		✓			✓									
24.3. Civil Society Participation in Open Government		✓				✓				✓			✓									
24.4. Public Participation in Policymaking			✓			✓				✓			✓									

### Commitment Aim

This commitment aimed to further public participation in government by:

- Responding to We the People<sup>1</sup> petitions within 60 days for petitions that meet the required signature threshold, and opening the platform’s software code so that third parties can adapt it for their own use;
- Updating the *Public Participation Playbook*<sup>2</sup> based on feedback received, and publicly share how its features are being implemented;
- Expanding opportunities for government to engage with civil society in the development of new commitments for national action plans and throughout their implementation; and
- Having the Office of Management and Budget share with other federal agencies its approach to soliciting public feedback on proposed policies, and offer advice to those agencies on implementing such an approach.

### Status

#### Midterm: Limited

At the midterm, the government had made limited progress on this commitment:

- In July 2015, the 60-day petition response time frame was announced for We the People. From then on, petitions meeting the prescribed signature threshold received a response within 45 days on average. This response time dropped to 34 days from January to July 2016.<sup>3</sup> However, the IRM researcher observed no progress on government efforts to



encourage reuse of the platform's software code by third parties. Completion for Milestone 24.1 was, therefore, substantial.

- Per the government's midterm self-assessment report,<sup>4</sup> the playbook's interagency team was "developing and reviewing case studies" from agencies that used the playbook. However, no further progress was noted, resulting in limited completion for Milestone 24.2.
- There was little evidence of an expansion of opportunities for civil society to engage with government in the context of the national action plan. Because of this, there was limited completion for Milestone 24.3.
- Per the government's report,<sup>5</sup> the Office of Management and Budget began working with the General Services Administration and the Office of Science and Technology Policy "to identify existing approaches to participatory policymaking" and engage interested agencies in piloting those approaches. However, no further or more concrete progress was made, resulting in limited completion for Milestone 24.4.

### **End of term: Limited**

Progress on this commitment remained limited at the end of term. Specifically, the IRM researcher did not observe any evidence of progress.

Regarding Milestone 24.1, from January through June 2017, nine petitions on We the People passed the required threshold of 100,000 signatures within 30 days.<sup>6</sup> (June 2017 was the close of the end-of-term reporting period.) At the time of writing, the White House had not responded to any of those petitions within the prescribed 60-day window. At the end of term, the platform's GitHub page<sup>7</sup> indicated that source code for We the People was available for reuse. However, the government went from meeting the 60-day time frame in 2016 to not responding at all in 2017. Thus, completion for this commitment has been downgraded to limited.

The IRM researcher did not observe any evidence of progress on the other three activities listed under the commitment (Milestones 24.2, 24.3, and 24.4). Completion, therefore, remains limited for these milestones.

### **Did It Open Government?**

#### **Access to Information: Did Not Change**

#### **Civic Participation: Worsened**

#### **Public Accountability: Worsened**

This commitment did not open government with respect to access to information and contributed to less government openness with respect to civic participation and public accountability.

The last three activities (Milestones 24.2–24.4) did not open government with respect to any OGP values, due to limited progress.

Milestone 24.1, on the other hand, did change the status quo. During 2016, the government's substantial progress opened government with respect to both civic participation and public accountability. This is particularly true regarding the drastic improvement in response times to We the People petitions, which opened government by facilitating public participation in policymaking and providing responses to public petitions in a timely manner. However, the government's progress in this area was reversed beginning in January 2017, when the White House stopped responding to petitions meeting the required signature threshold. The White House's lack of responsiveness to We the People petitions garnered substantial media attention in early 2017. Some journalists raised concern over the issue of White House responsiveness.<sup>8</sup> Others documented the potential presence of technical glitches resulting in undercounting or delayed counting of signatures.<sup>9</sup> This publicly documented backsliding effectively represents a worsening of government policy.



## Carried Forward?

At the time of writing, the US government had not yet published its fourth national action plan, so it is unclear if this commitment will be carried forward. The government should nevertheless make efforts to carry out the activities under the commitment. In particular, it should restore petition responsiveness for We the People and expand opportunities for civil society to participate in open government efforts. The latter is a principle that undergirds governments' participation in the Open Government Partnership more broadly.

A study by the Pew Research Center notes the We the People platform's potential importance in the eyes of the public. The center found that during the platform's first five years of operation (22 September 2011 to 3 July 2016), 227 petitions met the prescribed signature threshold to receive a response from the White House, and did in fact receive a response.<sup>10</sup> More generally, the Pew Research Center report further notes that the site "is one of the most prominent legacies of the open government initiative."<sup>11</sup> The center pointed this out specifically with respect to the Obama administration. The executive director of the Sunlight Foundation agreed that the tool "did make a valuable contribution" even if it was imperfect.<sup>12</sup>

Interviews with civil society stakeholders indicate that "public participation is one of the most often cited deficiencies by civil society in the open government agenda to date." Government actions to incorporate civil society actors more fully into the open government process on a regular and ongoing basis would be a welcome addition going forward.

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<sup>1</sup> We the People, <https://petitions.whitehouse.gov/>, consulted 4 October 2017.

<sup>2</sup> U.S. Public Participation Playbook, <https://participation.usa.gov/>, consulted 4 October 2017.

<sup>3</sup> "We the People": Five Years of Online Petitions," Pew Research Center, 28 December 2016, <http://pewrsr.ch/2ieb9fx>, consulted 4 October 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, 26, [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 2 October 2017.

<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, 26, [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 2 October 2017.

<sup>6</sup> For the nine petitions, see archived version of We the People via the WayBack Machine, as of 1 July 2017, <https://web.archive.org/web/20170701053229/https://petitions.whitehouse.gov/>.

<sup>7</sup> We the People, GitHub, <https://github.com/WhiteHouse/petitions>, consulted 29 September 2017.

<sup>8</sup> Adi Robertson, "Will Donald Trump Keep the White House Petition Site Alive?" *The Verge*, 22 March 2017, <https://www.theverge.com/2017/3/22/15022050/donald-trump-white-house-petition-we-the-people-update>, consulted 29 September 2017; and Steven Steven, "White House Considers Dumping Petition Site," *U.S. News and World Report*, 18 April 2017, <https://www.usnews.com/news/articles/2017-04-18/white-house-considers-dumping-petition-site>, consulted 29 September 2017.

<sup>9</sup> Janko Roetgers, "White House Petition Site Broken since Inauguration Weekend," *Variety*, 3 February 2017, <http://variety.com/2017/digital/news/white-house-petition-site-broken-1201977541/>, consulted 29 September 2017; and Hayley Tsukayama, "No, the White House Is Not Freezing Anti-Trump Petitions," *The Washington Post*, 4 February 2017, [https://www.washingtonpost.com/news/the-switch/wp/2017/02/04/no-the-white-house-is-not-freezing-anti-trump-petitions/?utm\\_term=.0090810b1767](https://www.washingtonpost.com/news/the-switch/wp/2017/02/04/no-the-white-house-is-not-freezing-anti-trump-petitions/?utm_term=.0090810b1767), consulted 29 September 2017.

<sup>10</sup> Paul Hitlin, "'We the People': Five Years of Online Petitions," Pew Research Center, 28 December 2016, <http://www.pewinternet.org/2016/12/28/we-the-people-five-years-of-online-petitions/>, consulted 29 September 2017.

<sup>11</sup> Ibid.

<sup>12</sup> Eli Rosenberg, "The White House Has Finally Restored a Petitions Site That Is Critical of President Trump," *The Washington Post*, 1 February 2018, <http://wapo.st/2omi0aQ>.

## 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 Institutions:** Consumer Financial Protection Bureau (CFPB), Environmental Protection Agency (EPA), General Services Administration (GSA), National Archives and Records Administration (NARA), and Office of Management and Budget (OMB)

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

**Start Date:** Not Specified

**End Date:** Not Specified

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Midterm End of Term		Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
	25. Overall			✓		✓	✓	✓			✓			✓						✓	

### Commitment Aim

This commitment aimed to enhance opportunities for the public to participate in federal rulemaking. It would develop and pilot new ways for the public to comment on proposed regulations and promote such commenting opportunities. The commitment aimed to expand the “eRegulations” pilot developed by the Consumer Financial Protection Bureau.<sup>1</sup> The pilot would be an open source regulatory repository intended to make government regulations easier to access.

### Status

#### Midterm: Limited

At the midterm, the government had made limited progress on this commitment. The eRegulations pilot platform<sup>2</sup>—referred to as an “application” on its GitHub page<sup>3</sup>—was in use by the Consumer Financial Protection Bureau, the Federal Election Commission, and the Bureau of Alcohol, Tobacco,

Firearms, and Explosives. Thus, it left most regulation beyond its purview. Moreover, agencies run their own versions of eRegulations<sup>4</sup> as there is no centralized repository of regulation.

### **End of term: Limited**

At the end of term, the same three agencies mentioned above used the eRegulations application. No further use of the application was noted by the end of term.

In July 2016, the General Services Administration's I&F division launched a related eRegulations pilot project. This was done in conjunction with the Environmental Protection Agency's e-Manifest team. This project would allow users to submit comments on paragraphs of specific proposed rulemakings, as opposed to submitting comments for rulemakings as a whole.<sup>5</sup> However, by the close of the end-of-term reporting period, the pilot does not appear to have been expanded. Also, the IRM researcher was unable to locate a report summarizing the pilot's results.

### **Did It Open Government?**

#### **Access to Information: Marginal Civic Participation: Marginal**

This commitment marginally opened government with respect to access to information and civic participation. By developing the eRegulations application, the government devised a tool that makes it easier for the public to access and comment on proposed regulation. Specifically, the tool provides in-line interpretations and definitions, a feature for viewing and comparing revisions, and an easy-to-use design and clear typography that works on phones and tablets. However, the tool's potential remains hampered by the relatively small number of federal agencies that utilize the application (three), and its current "pilot" status.

### **Carried Forward?**

At the time of writing, the US government had not published its fourth national action plan, so it is unclear if this commitment will be carried forward. To open government more significantly, the eRegulations application could be expanded more widely across the federal government. Also, I&F could release a report summarizing the findings of its paragraph-level commenting pilot.

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<sup>1</sup> "Title XII Banks and Banking," eRegulations, <https://www.consumerfinance.gov/eregulations/>, consulted 5 October 2017.

<sup>2</sup> Ibid.

<sup>3</sup> eRegulations, GitHub, <https://github.com/cfpb/eRegulations>, consulted 5 October 2017.

<sup>4</sup> See, for example, "Regulations," Federal Election Commission, <https://www.fec.gov/regulations/>; "Title XII Banks and Banking," eRegulations, <https://www.consumerfinance.gov/eregulations/>; and "ATF Title 27 Regulations," ATF eRegulations, <https://atf-eregs.app.cloud.gov/>. All consulted 17 September 2017.

<sup>5</sup> "Notice and Comment," eRegulations, GitHub, <https://eregs.github.io/features/notice-and-comment/>, consulted 17 September 2017. The pilot is available at <https://epa-notice.usa.gov/>, consulted 17 September 2017.

## 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 Institutions:** Environmental Protection Agency, General Services Administration (GSA), Health and Human Services (HHS), National Archives and Records Administration (NARA), National Aeronautics and Space Administration (NASA), Office of Science and Technology Policy (OSTP), U.S. Geological Survey (USGS), National Park Service (NPS) in the Department of Interior, and U.S. Department of Agriculture (USDA)

**Supporting Institutions:** 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		Completion		Midterm End of Term		Did It Open Government?						
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
26. Overall				✓	✓	✓	✓			✓					✓					✓	
26.1. Open Innovation Activities				✓		✓	✓			✓					✓						
26.2. Redesign Challenge.gov				✓	✓	✓	✓		✓			✓	✓								
26.3. Open Innovation Across Government				✓	✓		✓		✓					✓							

### Commitment Aim

This commitment aimed to leverage open innovation methods to improve government efficiency and effectiveness by:

- Expanding several pre-existing open innovation programs run by federal agencies and developing new ones;
- Redesigning Challenge.gov<sup>1</sup> to make it more user friendly, and releasing an open source version of the platform for use by other countries' governments; and
- Cataloging all federal agencies' current open innovation challenges and prizes on Challenge.gov, developing a new government-wide database of citizen science and crowdsourcing projects, and contributing open innovation case studies to the Open Innovation Toolkit.

### Status

#### Midterm: Substantial

At the midterm, the government had made substantial progress on this commitment:

- With respect to Milestone 26.1, various federal agencies made substantial progress on expanding pre-existing open innovation efforts. These agencies include the National Institute of Environmental Health Sciences' (NIEHS) Climate Change and Environmental Exposures Challenge<sup>2</sup> (completed in February 2016).<sup>3</sup> Others include the Environmental Protection Agency's (EPA) CyanoScope initiative<sup>4</sup> to facilitate crowdsourced water testing (launched during the midterm evaluation period). As noted in the government's midterm self-assessment report,<sup>5</sup> the National Archives citizen scanning initiative was also underway. More than 65,000 pages of records had been scanned and uploaded at the midterm. Progress on two new initiatives took place after the close of the midterm reporting period. These included the EPA's HiveScience and the US Geological Survey's ScienceCache.<sup>6</sup> Progress on those two initiatives is therefore evaluated in the End of Term section below.
- With respect to Milestone 26.2, the government launched the PrizeWire blog.<sup>7</sup> The blog serves as a platform to highlight the impact of Challenge.gov initiatives and share stories, news, and updates. However, this constituted limited progress toward "a new version of Challenge.gov" as stipulated in the action plan. By the close of the midterm reporting period, the government had also not yet released an open source version of Challenge.gov.
- Regarding Milestone 26.3, approximately 25 federal agencies joined Challenge.gov during the midterm reporting period, bringing the total to more than 100 agencies.<sup>8</sup> In April 2016, the government also launched an online catalog of existing open innovation initiatives called Citizenscience.gov. At the time of writing, the website catalogued projects from roughly 25 federal agencies. Collectively, these activities resulted in substantial completion for this milestone at the midterm. The Open Innovation Toolkit was not publicly available at the midterm, and its content could not be evaluated.

### **End of term: Substantial**

This commitment remained substantially complete at the end of term, with the majority of progress on this commitment occurring during the midterm reporting period.

In line with efforts to expand open innovation efforts, on 29 March 2017, the Environmental Protection Agency (EPA) launched HiveScience. This citizen science, mobile app-based program allows beekeepers to submit hive health reports and send honey samples to the EPA.<sup>9</sup> Through these data collection efforts, the EPA aims to better understand the declining health of honeybees nationwide. In a separate effort, the US Geological Survey launched ScienceCache. This geocaching mobile application framework facilitates crowdsourced, place-based data collection in national parks.<sup>10</sup> The agency developed the application during the end-of-term reporting period.<sup>11</sup> It officially launched the application via the Apple App Store on 7 July 2017, just outside of the end-of-term reporting period.

Beyond the improvements to Challenge.gov documented at the midterm, the IRM researcher did not observe any additional changes to the website. Also, the government did not release an open source version of the platform. Thus, completion for Milestone 26.2 remained unchanged at the end of term. According to the General Services Administration (GSA), the Challenge.gov Program Management Office worked with web developers, security, and other technical staff in Fiscal Year 2016 to explore options for an open-source version of Challenge.gov. However, the Office determined that the proposal was cost-prohibitive. In Fiscal Year 2017, the Office interviewed stakeholders and conducted usability testing for the new Challenge.gov platform. Inputs were compiled at the end of the fiscal year and integrated into a request-for-information (RFI) issued for software-as-a-service solutions. The new platform is expected to relaunch in 2018.<sup>12</sup>

Regarding Milestone 26.3, at the end of term, the Citizenscience.gov catalogue included listings for 409 projects across 26 government agencies. The number of agencies participating in Challenge.gov

remained unchanged at the end of term.<sup>13</sup> In addition, the proposed Open Innovation Toolkit was not completed. Completion for Milestone 26.3 therefore remains substantial at the end of term. According to GSA, the Challenge.gov Program Management Office nonetheless worked closely with the White House Office of Science and Technology Policy and Office of American Innovation in Fiscal Year 2017 to build a coalition of agencies that could evaluate open innovation approaches in the areas of water research and technology, including the water-energy nexus.<sup>14</sup> According to GSA, this work helped lay the foundation for later events that took place after the close of the action plan. For example, the White House held a roundtable in March 2018 on challenges and prizes.<sup>15</sup> At this event, the Department of Energy announced a request-for-information (RFI) to formally request public input on how prizes and challenges can address water issues.<sup>16</sup> Later, in April 2018, the Challenge.gov Program Management Office convened multiple federal and state agencies that are working to leverage challenges and prizes for opioid abuse prevention, treatment, and law enforcement.<sup>17</sup>

## Did It Open Government?

### **Access to Information: Major** **Civic Participation: Major**

This commitment significantly opened government with respect to both access to information and civic participation.

The improvement in government practices related to access to information stems primarily from the launch of CitizenScience.gov. That launch represents a key advance in centralizing information on government-supported citizen science projects. The public's access to information has also been enhanced by the user-centered enhancements and addition of 25 agencies to Challenge.gov. Such involvement further expanded the scope of public access to information on government challenges and makes it easier for individuals to track relevant challenges and their submissions. Lastly, by February 2018, there were 7,100 records with citizen-contributed images as part of the National Archives citizen scanning initiative.<sup>18</sup> These new documents are available online at the Innovation Hub<sup>19</sup> and can also be searched on the National Archives Catalog.<sup>20</sup>

The expanded upon or launched open innovation projects by various federal agencies have led to greatly expanded opportunities for engagement with and interaction between government and the public, and there is potential for strong continued engagement going forward. At the end of term, the Citizenscience.gov catalog included 409 projects spread across 26 agencies,<sup>21</sup> highlighting the magnitude of these opportunities. Moreover, the efforts of expanded citizen-government engagement and collaboration on open innovation projects is already becoming apparent. In one notable example,<sup>22</sup> tools that visualize climate change effects—developed by the winners of the National Institute of Environmental Health Sciences' Climate Change and Environmental Exposures Challenge—were subsequently incorporated into the US Climate Resilience Toolkit. The tools are intended to “help people manage their climate-related risks and opportunities, and improve their resilience to extreme events.”<sup>23</sup> Examples such as this demonstrate increasing civic engagement, as well as the promise of ongoing innovation in the US through these initiatives.

## Carried Forward?

At the time of writing, the US government had not published its fourth national action plan, so it is unclear if this commitment will be carried forward. However, the activities described under this commitment are substantially complete, with mechanisms in place to facilitate their continuation. They, therefore, do not need to be carried forward to the next national action plan.



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- <sup>1</sup> Challenge.gov., <https://www.challenge.gov/list/>, consulted 5 October 2017.
- <sup>2</sup> “The NIEHS Climate Change and Environmental Exposures Challenge,” National Institute of Environmental Health Sciences, [https://www.niehs.nih.gov/funding/challenges/climate\\_change/index.cfm](https://www.niehs.nih.gov/funding/challenges/climate_change/index.cfm), consulted 5 October 2017.
- <sup>3</sup> Ibid.
- <sup>4</sup> CyanoScope, <https://cyanos.org/cyanoscope/>, consulted 5 October 2017.
- <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, 28, [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 5 October 2017.
- <sup>6</sup> Ibid.
- <sup>7</sup> PrizeWire, Challenge.gov, <https://www.challenge.gov/prizewire/>, consulted 5 October 2017.
- <sup>8</sup> According to a web archive of the site on 19 September 2015 (<https://web.archive.org/web/20150919003759/challenge.gov/about>), 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 (<https://www.challenge.gov/about/>). For the self-assessment report, see United States of America, *Midterm Self-Assessment Report for the Open Government Partnership: Third Open Government National Action Plan, 2015-2017*, September 2016, 28–29, [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 5 October 2017.
- <sup>9</sup> “HiveScience,” Environmental Protection Agency, <https://www.epa.gov/citizen-science/hivescience>, consulted 20 September 2017.
- <sup>10</sup> “ScienceCache,” Environmental Protection Agency, [https://www.usgs.gov/centers/norock/science-cache?qt-science\\_center\\_objects=0#qt-science\\_center\\_objects](https://www.usgs.gov/centers/norock/science-cache?qt-science_center_objects=0#qt-science_center_objects), consulted 20 September 2017.
- <sup>11</sup> “Release Page,” ScienceCache, Environmental Protection Agency, <https://www.usgs.gov/software/sciencecache>, consulted 20 September 2017.
- <sup>12</sup> The IRM received this information in a comment submitted by the General Services Administration during the pre-publication review of this report. The comment was received via e-mail on 30 April 2018.
- <sup>13</sup> “About,” Challenge.gov, <https://www.challenge.gov/about/>, consulted 20 September 2017.
- <sup>14</sup> The IRM received this information in a comment submitted by the General Services Administration during the pre-publication review of this report. The comment was received via e-mail on 30 April 2018.
- <sup>15</sup> Matt Lira and Guillermo Mendoza, “The Trump Administration Supports Fostering Innovation by Leveraging Prizes and Challenges,” White House, 20 March 2018, <https://www.whitehouse.gov/articles/trump-administration-supports-fostering-innovation-leveraging-prizes-challenges/>, consulted 4 May 2018.
- <sup>16</sup> “DE-FOA-0001899: Critical Water Issues Prize Competition RFI,” US Department of Energy, EERE Funding Opportunity Exchange, 12 March 2018, <https://eere-exchange.energy.gov/default.aspx#Foald45c72943-674f-484c-8592-1b95b0906387>, consulted 4 May 2018.
- <sup>17</sup> The IRM received this information in a comment submitted by the General Services Administration during the pre-publication review of this report. The comment was received via e-mail on 30 April 2018.
- <sup>18</sup> “Innovation Hub – Recently-Scanned Documents,” National Archives, <https://www.archives.gov/innovation-hub/recentlyscanned>, consulted 28 February 2018.
- <sup>19</sup> Ibid.
- <sup>20</sup> “Citizen Contributor,” National Archives Catalog, <http://bit.ly/2IBGI4R>.
- <sup>21</sup> “Catalog,” Citizenscience.gov, <https://ccsinventory.wilsoncenter.org/>, consulted 29 September 2017.
- <sup>22</sup> “The NIEHS Climate Change and Environmental Exposures Challenge,” National Institute of Environmental Health Services, [https://www.niehs.nih.gov/funding/challenges/climate\\_change/index.cfm](https://www.niehs.nih.gov/funding/challenges/climate_change/index.cfm), consulted 29 September 2017.
- <sup>23</sup> “About the Climate Resilience Toolkit,” US Climate Resilience Toolkit, <https://toolkit.climate.gov/content/about-climate-resilience-toolkit>, last updated 29 June 2016, consulted 29 September 2017.



## 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 Institutions:** Peace Corps, Department of State, U.S. Agency for International Development, United States Geological Survey (USGS)

**Supporting Institutions:** 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				Completion		Midterm		Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
27. Overall				✓	✓	✓	✓			✓					✓			✓			

### Commitment Aim

This commitment aimed to have the government undertake a variety of activities to promote the development and use of open mapping data, with the goal of facilitating improvements in public service delivery.

## Status

### Midterm: Complete

At the midterm, progress on this commitment was complete, with various government agencies carrying out activities related to open mapping:

- The US State Department expanded activities falling under its MapGive program,<sup>1</sup> such as hiring 30 virtual interns to work with OpenStreetMap data and holding a three-day mapathon.<sup>2</sup>
- The US Agency for International Development continued to provide high-resolution commercial satellite imagery to respond to humanitarian disasters,<sup>3</sup> and trained staff to use geospatial data to promote international development.<sup>4</sup>
- The Peace Corps held a series of mapathons using OpenStreetMap,<sup>5</sup> and, per the government's midterm self-assessment report,<sup>6</sup> continued to train its volunteers to better utilize open mapping data, with an eye toward furthering their work in host communities.
- The US Department of the Interior, through NPMMap,<sup>7</sup> continues to work with the public to update map data for National Parks, and released a beta version of Park Tiles 3, a new platform for visualizing park maps.<sup>8</sup>
- The US Geological Survey has continued its efforts to crowdsource structural data for maps through its National Map Corps.<sup>9</sup>

## Did It Open Government?

### Access to Information: Marginal

### Civic Participation: Marginal

This commitment marginally opened government with respect to access to information and civic participation by contributing to the creation of additional open mapping data and facilitating volunteers' ability to contribute to and utilize such data. The early results produced by the activities carried out under this commitment—which include adding 50,000 data points to MapGive, mapping existing infrastructure in several countries, and engaging a combined total of roughly 50 interns and volunteers in open mapping efforts, among others—are described further in the progress report, and illustrate the potential benefits of open mapping data with respect to improving public service delivery.<sup>10</sup>

In response to a request for comment by the IRM researcher, Mikel Maron, Board Member of the OpenStreetMap Foundation, affirmed the progress made on this commitment, noting that he has “seen very good progress over the past two years since this commitment was made, particularly at [the Department of] State and USAID,” and noting further that “other governments have been influenced by this commitment—most recently Canada, [which] has begun an interagency and community initiative to map all buildings in Canada openly by 2020.”<sup>11</sup> However, as described in the progress report, the majority of these activities built upon existing work, as opposed to representing entirely new initiatives, and therefore constitute only a marginal opening of government relative to the status quo. To facilitate greater government openness, new open mapping initiatives or significant expansions of existing ones would be required.

## Carried Forward?

At the time of writing, the US government had not published its fourth national action plan, so it is unclear if this commitment will be carried forward. The government should nevertheless continue to support open mapping initiatives that are geared towards developing and using open mapping data, with

a particular emphasis on the creation of new initiatives and the expansion of successful existing ones. In this regard, Mikel Maron of OpenStreetMap Foundation similarly highlights the potential for a greater “advocacy role of the value of open mapping within other countries” as part of US open mapping initiatives.<sup>12</sup>

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<sup>1</sup> Gertin, Thomas and Rory Nealon. “The Reality is Virtual: US College Students Assist MapGive and USAID.” State of the Map US <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>2</sup> For details on the Mapathon, see “AAG Mapathon.” 30 March – 1 April 2016. <http://2016.aagmapathon.org/>. Consulted 24 June 2017.

<sup>3</sup> “Imagery to the Crowd.” *MapGive*. <https://mapgive.state.gov/ittc/>. Consulted 24 June 2017.

<sup>4</sup> Sinton, Diana S. “The USAID GeoCenter: Innovation Through Professional Development and Community Partnerships.” 9 March 2016. *Directions Magazine*. <http://www.directionsmag.com/entry/usaaid-geocenter/464615>. Consulted 24 June 2017.

<sup>5</sup> Maron, Mikel. “See You at the Peace Corps Mapathon.” 9 March 2016. MapBox Blog on Medium.com. <https://www.mapbox.com/blog/peace-corps-mapathon/>. Consulted 24 June 2017. See the details for the various mapathons here: <https://www.eventbrite.com/e/peace-corps-mapathon-tickets-25867652846>; <https://www.eventbrite.com/e/innovating-with-open-geographic-data-an-openstreetmap-mapathon-tickets-25329067924>; and <https://www.eventbrite.com/e/innovating-with-open-geographic-data-a-peace-corps-mapathon-tickets-25951036248>.

<sup>6</sup> Open Government Partnership. “United States of America Midterm Self-Assessment Report for the Open Government Partnership: Third Open Government National Action Plan, 2015–2017.” pp.29-30. September 2016. [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 5 October 2017.

<sup>7</sup> “NPMMap.” *National Park Service*. <https://www.nps.gov/npmap/>. Consulted 24 June 2017.

<sup>8</sup> “New Styles for Park Tiles 3.” *NPMMap Blog*. 21 March 2016. <https://www.nps.gov/npmap/blog/>. Consulted 5 October 2017.

<sup>9</sup> US Geological Survey National Map Corps. <https://nationalmap.gov/TheNationalMapCorps/>. Consulted 24 June 2017. For additional discussion, see US Geological Survey. “The National Map Corps: Newsletters.”

<https://nationalmap.gov/TheNationalMapCorps/newsletters.html>. Consulted 24 June 2017; and US Geological Survey. “The National Map Corps: Past Mapping Challenges.”

<https://my.usgs.gov/confluence/display/nationalmapcorps/Past+Mapping+Challenges>. Consulted 24 June 2017.

<sup>10</sup> Independent Reporting Mechanism. “IRM United States Progress Report 2015–2016.” <http://bit.ly/2FhSe18>.

<sup>11</sup> Written comments provided to the IRM researcher by Mikel Maron. 17 October 2017.

<sup>12</sup> *Ibid.*

## 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 Institutions:** Office of Management and Budget, the Office of Science and Technology Policy

**Supporting Institutions:** Civil society organizations

**Start Date:** Not Specified

**End Date:** Not Specified

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Midterm		Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
28. Overall				✓	✓	✓			✓				✓		✓				✓		

#### Commitment Aim

This commitment aimed to leverage an interagency open government group to develop guidelines for agencies working on agency-specific Open Government Plans in 2016, specifically by requiring agencies to update their open government webpages and publishing progress reports annually.

#### Status

##### Midterm: Limited

At the midterm, the government had made limited progress on this commitment, as the government did not issue the Guidelines referenced under the commitment until July 2016.<sup>1</sup>

##### End of term: Complete

This commitment is complete at the end of term.

On 14 July 2016, the government issued “Memorandum for the Heads of Executive Departments and Agencies” (hereafter M-16-16).<sup>2</sup> The memorandum comprises the guidelines described in the commitment text, and requires federal agencies to update their open government webpages to include their open government plans no later than 16 September 2016. The memorandum also

requires that agencies “publish progress reports... at least annually,” with agencies soliciting “public input and feedback” on their open government plans. The memorandum applies to all federal agencies subject to the Chief Financial Officers Act of 1990, which includes 15 federal cabinet agencies and nine federal non-cabinet agencies.<sup>3</sup> As far as civic engagement, a request for comments on the guidance was sent out previously to civil society organizations via the US Open Government Google Group in January 2016.<sup>4</sup>

## Did It Open Government?

### **Access to Information: Did Not Change Civic Participation: Marginal**

At the agency-level, compliance with the new guidelines has been inconsistent. With respect to the online publication of agencies’ open government plans, a Sunlight Foundation study<sup>5</sup> found that eight out of 15 federal cabinet agencies had not published them as of 16 September 2016, as required under the 2009 Open Government Directive and the 2016 Memorandum. By the end of 2016, an updated study by the Sunlight Foundation found that plans were available for 13 of out of 15 agencies, with plans outstanding for the Department of Veteran Affairs and the Department of the Interior.<sup>6</sup> At the close of the end-of-term evaluation period, neither department had posted its open government plan online.<sup>7</sup> Per this same study, all nine non-cabinet agencies had published their 2016 open government plans online by the end of 2016.<sup>8</sup> However, given that these plans represent an updating of agencies’ intentions and practices with respect to open government on a bi-annual basis—a requirement that agencies have largely compiled with in the past—the progress in publishing the plans does not constitute a change in government practice as it relates to access to information.

Progress reports documenting implementation progress for federal agencies’ 2016 open government plans, as required under M-16-16, were not publicly available for any federal cabinet agencies at the end of term. However, as all agencies’ current plans date from September or October 2016,<sup>9</sup> any such reports are not required to be released until after the close of the end-of-term reporting period. The improved tracking of the implementation of open government plans—the main intended outcome of this commitment—will therefore take place after the period of this action plan.

With respect to civic participation, this commitment marginally opened government with respect to civic participation. As noted in the US Open Government Google Group, four government agencies—the Department of State, the Environmental Protection Agency, the National Archives, and NASA—all solicited inputs for potential inclusion in their open government plans via online fora,<sup>10</sup> representing an opportunity for civil society to engage with government. Relatedly, during an Open Government Consultation Session held on 23 August 2016, the government provided civil society organizations with an opportunity to provide recommendations pertaining to federal agencies open government plans through a series of “lighting talks.”<sup>11</sup>

However, the IRM researcher did not observe evidence of any further engagement with civil society beyond the aforementioned calls for comments and lightning talks, with the former covering a small number of agencies and the latter perceived as rushed and insufficiently interactive<sup>12</sup> by at least one civil society participant. Moreover, a related study by the Sunlight Foundation indicated that only three out of 15 federal cabinet agencies (the Departments of State, Health and Human Services, and Transportation) actually provided a draft plan for public comment,<sup>13</sup> further highlighting the limited magnitude of civic participation under this commitment.

## Carried Forward?

At the time of writing, the US government had not published its fourth national action plan, so it is unclear if this commitment will be carried forward. Federal agencies should nevertheless make attempts to comply with the M-16-16 in order to offer the public a fuller view of agencies’ open government activities. In light of the limited opportunities for civil society to engage with government agencies on the development of their open government plans, the federal government should further

aim to broaden opportunities for inputs by members of civil society (both in-person and online), and develop a public-facing online platform that contains a centralized listing of all opportunities for public commenting on agencies' open government plans. Further advancements could also include real-time reporting on agencies' implementation of their open government plans, representing an improvement in access to information regarding agencies' progress on this front.

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<sup>1</sup> For government confirmation, see Open Government Partnership. "United States of America Midterm Self-Assessment Report for the Open Government Partnership: Third Open Government National Action Plan, 2015–2017." p.30. September 2016. [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 2 October 2017.

<sup>2</sup> Scott, Tony and Megan Smith. Executive Office of the President; Office of Management and Budget. 14 July 2016. "Memorandum for the Heads of Executive Departments and Agencies." M-16-16.

<https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/memoranda/2016/m-16-16.pdf>. . Consulted 17 September 2017.

<sup>3</sup> For a discussion of this act in the context of agencies' requirements to publish open government plans, see Howard, Alex. "Federal Agencies Subject to CFO Act Near Full Compliance with Open Government Directive." Sunlight Foundation. 4 January 2017. <https://sunlightfoundation.com/2017/01/04/federal-agencies-subject-to-cfo-act-near-full-compliance-with-open-government-directive/>. Consulted 17 September 2017. For the text of the act, see "Chief Financial Officers Act of 1990." HR5697. <https://www.congress.gov/bill/101st-congress/house-bill/5687>. Consulted 17 September 2017.

<sup>4</sup> US Open Government Google Group, 8 January 2016, [https://groups.google.com/forum/#!topic/us-open-government/7hy0hN4gR\\_M](https://groups.google.com/forum/#!topic/us-open-government/7hy0hN4gR_M).

<sup>5</sup> Howard, Alex. "Half of US Cabinet agencies fail to comply with Open Government Directive." Sunlight Foundation. 16 September 2016. <https://sunlightfoundation.com/2016/09/16/half-of-u-s-cabinet-agencies-fail-to-comply-with-open-government-directive/>. Consulted 17 September 2017.

<sup>6</sup> Howard, Alex. "Federal Agencies Subject to CFO Act Near Full Compliance with Open Government Directive." Sunlight Foundation. 4 January 2017. <https://sunlightfoundation.com/2017/01/04/federal-agencies-subject-to-cfo-act-near-full-compliance-with-open-government-directive/>. Consulted 17 September 2017.

<sup>7</sup> The most recent available plan for the Department of Veteran Affairs dates from 2010. See US Department of Veteran Affairs "Open Government." <https://www.va.gov/open/>. Consulted 17 September 2017. The most recent plan for the Department of Veteran Affairs dates from June 2014. See US Department of the Interior "Open Government Initiative." <https://www.doi.gov/open>. Consulted 27 September 2017.

<sup>8</sup> These agencies include the Agency for International Development, the Environmental Protection Agency, the General Services Administration, the National Aeronautics and Space Administration, the National Science Foundation, the Nuclear Regulatory Commission, the Office of Personnel Management, the Small Business Administration, and the Social Security Administration. For the complete list and plan tabulation, see Howard, Alex. "Federal Agencies Subject to CFO Act Near Full Compliance with Open Government Directive." Sunlight Foundation. 4 January 2017. <https://sunlightfoundation.com/2017/01/04/federal-agencies-subject-to-cfo-act-near-full-compliance-with-open-government-directive/>. Consulted 17 September 2017.

<sup>9</sup> The months indicated here derive from the IRM Researcher's review of agencies' 2016 open government plans on an agency-by-agency basis.

<sup>10</sup> US Open Government Google Group. "Public Participation Regarding Open Government Plan Updates: Which Agencies are Consulting?" 22 August 2016. [https://groups.google.com/forum/#!topic/us-open-government/\\_zTju6CB1sc](https://groups.google.com/forum/#!topic/us-open-government/_zTju6CB1sc). Consulted 17 March 2018.

<sup>11</sup> US Open Government Google Group. "RE: Open Gov Plan Consultation Session." 24 August 2016. <https://groups.google.com/forum/#!topic/us-open-government/q9GAPmEyUQY>. Consulted 17 March 2018.

<sup>12</sup> Ibid.

<sup>13</sup> Howard, Alex. "Federal Agencies Subject to CFO Act Near Full Compliance with Open Government Directive." Sunlight Foundation. 4 January 2017. <https://sunlightfoundation.com/2017/01/04/federal-agencies-subject-to-cfo-act-near-full-compliance-with-open-government-directive/>. Consulted 17 September 2017.

## Commitment 29. Strengthen Whistleblower Protections

### 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 Institutions:** Federal Bureau of Investigation (FBI) within the Department of Justice, Office of the Director of National Intelligence, and Inspector General of the Intelligence Community

**Supporting Institutions:** Intelligence community agencies

**Start date:** Not specified .....

**End date:** Not specified

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Comple tion		Midterm End of Term		Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
29. Overall			✓		✓	✓				✓			✓							✓	
			✓		✓	✓				✓				✓							



29.1. Common Training Program.													✓	
29.2. Improve Adjudication Process.			✓				✓				✓			✓
29.3 Compliance with Presidential Directive on Whistleblowers.		✓					✓				✓			
										✓				

**Commitment Aim**

Amid a perceived lack of effective whistleblower protections by civil society,<sup>1</sup> this commitment aimed to enhance protection for federal whistleblowers by:

- Developing a government-wide whistleblower training program covering such issues as disclosure procedures and protection against retaliation, with input solicited from civil society and compliance to be monitored by agencies’ inspectors general;
- Proposing revisions to the whistleblower protection regulations of the Department of Justice (DOJ)—specifically the adjudication process for reprisal claims—as applicable to employees of the Federal Bureau of Investigation (FBI), as well as evaluating and updating its mandatory training program; and
- Creating a centralized peer review process for reprisal reviews under Presidential Policy Directive 199 (PPD-19).<sup>2</sup> The review process would be coordinated under the Inspector General for the Intelligence Community and made applicable to members of the Intelligence Community (IC).

**Status**

**Midterm: Limited**

At the midterm, the government had made limited progress on this commitment:

- As of June 2016, the Office of the Director of National Intelligence reported that it had developed a common whistleblower training curriculum incorporating inputs from civil society, resulting in substantial completion for Milestone 29.1. The program is known as the “Protecting Whistleblowers with Access to Classified Information Training Curriculum.”<sup>3</sup> However, the curriculum itself was not publicly available by the end of the midterm reporting period, impeding the milestone’s completion.
- In June 2016, the DOJ, in conjunction with its Office of Inspector General Whistleblower Ombudsperson Program, expanded and made mandatory a whistleblower training program for all FBI employees.<sup>4</sup> However, by the end of the midterm reporting period, the DOJ had not yet proposed revisions to the adjudication process for reprisal claims, resulting in limited completion for Milestone 29.2.
- The Inspector General for the Intelligence Community began “training inspector general personnel” on reprisal investigation procedures as a first step toward developing peer review criteria.<sup>5</sup> However, the development of the actual peer review process under PPD-19 remained pending at the midterm, resulting in limited completion for Milestone 29.3.

**End of term: Substantial**

Progress on this commitment was substantial at the end of term in light of advances made on Milestones 29.1 and 29.2, despite limited ongoing completion for Milestone 29.3:



- On 18 November 2016, the Office of the Director of National Intelligence (ODNI) publicly announced the release of the Protecting Whistleblowers training curriculum<sup>6</sup>; the curriculum itself is unclassified and publicly available online.<sup>7</sup> The curriculum is comprised of four separate modules—(1) general information on whistleblowing and the process for making a protected disclosure; (2) processes for addressing adverse, retaliatory actions affecting a security clearance; (3) processes for addressing adverse, retaliatory personnel actions; and (4) best practices for managers and supervisors—and is complemented by the inclusion of key terms and references.<sup>8</sup> Collectively, the modules apply to all executive branch agency employees and contractors who are eligible for access to classified information (Modules 1 and 2), all employees of IC elements (Module 3), and executive branch agency employees in supervisory positions with access to classified information (Module 4).<sup>9</sup> With the curriculum’s publication, Milestone 29.1 is considered complete. More information is available on an ODNI fact sheet about the curriculum.<sup>10</sup>
- On 10 December 2016, the US Congress passed the Federal Bureau of Investigation Whistleblower Protection Enhancement Act of 2016.<sup>11</sup> As described in a blog post on The Whistleblower Blog,<sup>12</sup> the act allows FBI employees to make protected disclosures<sup>13</sup> to their direct supervisors, affording them legal protection in case of reprisals, whereas previously, “Justice Department regulations require[d] disclosures to be made to a limited group of senior officials,” and disclosures made to direct supervisors were not legally protected.<sup>14</sup> With reference to this act, a press release posted on the website of US Senator Patrick Leahy (D-Vermont) on 20 September 2017 reproduces the content of a letter co-written by Senator Leahy and the Chairman of the Senate Judiciary Committee Chuck Grassley (R-Iowa) that was transmitted to US Attorney General Jeff Sessions, which notes that “according to DOJ, the agency has finally updated its training as of August 2017 to reflect the changes in the law that now explicitly protects disclosures to supervisors as well as to the OSC [(Office of Special Counsel)] and Congress.” Progress on Milestone 29.2 is therefore considered complete.
- At the end of term, the IRM researcher was unable to document any further progress on Milestone 29.3; completion therefore remains limited.

## Did It Open Government?

### **Civic Participation: Marginal Public Accountability: Major**

This commitment marginally opened government with respect to civic participation, and did so more substantially with respect to public accountability. The former stems from the government’s consultation with civil society as part of the development process for the whistleblower training curriculum. The latter stems from progress made on Milestones 29.1 and 29.2, which may collectively serve to better inform federal employees of rights and procedures related to protected disclosures, particularly with respect to disclosures made to direct supervisors. As referenced in the progress report, a January 2015 report produced by the Government Accountability Office (GAO) noted that “DOJ and FBI guidance is not always clear that FBI employees reporting alleged wrongdoing to a supervisor or someone in their chain of command may not be a protected disclosure. Ensuring that guidance always clearly explains to whom an FBI employee can report wrongdoing will help FBI whistleblowers ensure that they are fully protected from retaliation.”<sup>15</sup>

In recent years, the Department of Justice has terminated a substantial number of whistleblower retaliation complaints, at least partially on the grounds that disclosures were made to a direct supervisor and therefore not protected. In particular, the GAO’s January 2015 report notes that from 2009-2013, the Department of Justice closed a total of 64 whistleblower retaliation complaints, of which 54 were sufficiently well-documented to establish the reason for complaint closure. Among those 54 complaints, 31.5% (i.e. 17 complaints) were closed “because a disclosure was made to someone in the employee’s chain of command or management, such as a supervisor, who was not

one of the nine high-level FBI or DOJ entities designated under DOJ regulations to receive such disclosures,” leaving them without protection from retaliation. “By dismissing potentially legitimate complaints in this way,” the report assesses that “DOJ could deny some whistleblowers access to recourse, permit retaliatory activity to go uninvestigated, and create a chilling effect for future whistleblowers,” highlighting the potentially substantial impact on whistleblowing that could be occasioned by leaving the issue of protected disclosures to direct supervisors unaddressed, both with respect to federal whistleblower training programs and related legislation.

In the context of this commitment, the Office of the Director of National Intelligence’s (ODNI’s) training curriculum responds directly to the issue, while the Whistleblower Protection Enhancement Act of 2016 provides the complementary legal foundation for federal employees and contractors to make protected disclosures to direct supervisors. Elements of civil society have expressed largely positive feedback on the latter, with the Project on Open Government Oversight (POGO) noting that “the vast majority of whistleblower complaints are made to direct supervisors,” so this is a major improvement, while nevertheless cautioning that “further legislation is necessary to sufficiently protect FBI whistleblowers from retaliation.”<sup>16</sup> The Executive Director of the National Whistleblower Protection Center similarly noted that “this is an important step to protect whistleblowers and increase accountability at the FBI—one of the largest law enforcement agencies in the world,” while also noting that further reforms are needed.<sup>17</sup> The IRM researcher assesses the opening of government cause by these changes to be major in light of the relatively high percentage of whistleblower retaliation complaints that the DOJ closed (at least in part). These complaints were closed because they were made to direct supervisors, in line with civil society’s general interpretation of the activities described above.

### Carried Forward?

At the time of writing, the US government had not published its fourth national action plan, so it is unclear if this commitment will be carried forward. Going forward, the government should aim to finalize the anticipated peer review process under PPD-19 and develop a system to track and ensure compliance with the directive.

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<sup>1</sup> Bermel, Colby Bermel. “Whistleblowers: VA’s Watchdog Office is Failing us.” *Government Executive*. 31 July 2015, <http://bit.ly/2uCU8UC>.

<sup>2</sup> The White House. “Presidential Policy Directive 19.” 10 October 2012. [https://www.va.gov/about\\_va/docs/president-policy-directive-ppd-19.pdf](https://www.va.gov/about_va/docs/president-policy-directive-ppd-19.pdf). Consulted 9 October 2017.

<sup>3</sup> Open Government Partnership. “United States of America Midterm Self-Assessment Report for the Open Government Partnership: Third Open Government National Action Plan, 2015–2017.” p.31. September 2016. [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 2 October 2017.

<sup>4</sup> Ogrysko, Nicole. “In Celebration of Whistleblowers, Oversight Community Says ‘We’re Listening.’” *Federal News Radio*. 1 August 2016. <https://federalnewsradio.com/workforce-rights/governance/2016/08/celebration-whistleblowers-oversight-community-says-listening/>. Consulted 9 October 2016.

<sup>5</sup> Open Government Partnership. “United States of America Midterm Self-Assessment Report for the Open Government Partnership: Third Open Government National Action Plan, 2015–2017.” p.31. September 2016. [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 2 October 2017.

<sup>6</sup> Director of National Intelligence. “Memorandum ES 2016-00692.” 18 November 2016. [https://www.dni.gov/files/documents/icotr/Memo\\_Whistleblower.PDF](https://www.dni.gov/files/documents/icotr/Memo_Whistleblower.PDF). Consulted 21 September 2016.

<sup>7</sup> Director of National Intelligence. “Protecting Whistleblowers with Access to Classified Information Training Curriculum.” <https://www.dni.gov/files/documents/icotr/Whistleblower.PDF>. Consulted September 21 2017.

<sup>8</sup> Office of the Director of National Intelligence. “Whistleblower Training Factsheet.” [https://www.dni.gov/files/documents/icotr/Whistleblower%20Training\\_Fact%20Sheet.pdf](https://www.dni.gov/files/documents/icotr/Whistleblower%20Training_Fact%20Sheet.pdf). Consulted 21 September 2017.

<sup>9</sup> Ibid.

<sup>10</sup> Ibid.

<sup>11</sup> US Congress. H.R.5790. “Federal Bureau of Investigation Whistleblower Protection Enhancement Act of 2016.” <https://www.congress.gov/bill/114th-congress/house-bill/5790/text>. Consulted 21 September 2017.

<sup>12</sup> Wilmoth, Mary Jane. “Senate Passes Three Important Whistleblower Bills” *The Whistleblower Blog*. <http://www.whistleblowersblog.com/2016/12/senate-passes-three-important-whistleblower-bills/>. Consulted 21 September 2017.

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<sup>13</sup> Per the text of the curriculum, a protected disclosure is defined as “information than an employee or contractor reasonably believes evidences a violation of law, rule, or regulation; or gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, that the employee or contractor provides to a person or entity authorized to receive such disclosure.....” See Director of National Intelligence. “Protecting Whistleblowers with Access to Classified Information Training Curriculum.” p.9.

<https://www.dni.gov/files/documents/icotr/Whistleblower.PDF>. Consulted September 21 2017.

<sup>14</sup> Protected disclosures made to direct supervisors are also covered by the Protecting Whistleblowers Training Curriculum. See Director of National Intelligence. “Protecting Whistleblowers with Access to Classified Information Training Curriculum.” p.4. <https://www.dni.gov/files/documents/icotr/Whistleblower.PDF>. Consulted September 21 2017).

<sup>15</sup> US 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>. Consulted 29 September 2017.

<sup>16</sup> Project on Open Government Oversight. “POGO Applauds Senate Passage of FBI Whistleblower Protection Enhancement Act.” 12 December 2016. <https://bit.ly/2F7yetO>. Consulted 18 March 2018.

<sup>17</sup> Lyons, Paul. 12 December 2016. “Congress Unanimously Closes One Loophole in FBI Whistleblower Protections.” *Whistleblowers Protection Blog*. <https://bit.ly/2jf9xhD> . Consulted 18 March 2018.

## Commitment 30. Beneficial Ownership

### 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 Institutions:** The White House, Department of Treasury

**Supporting Institution:** Congress

**Start Date:** Not Specified

**End Date:** Not Specified

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact		Completion		Midterm End of Term		Did It Open Government?							
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & ...	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding	
30. Overall	✓				Unclear						✓				✓		✓					

### Commitment Aim

This commitment aimed to build bipartisan political support for mandatory disclosure of beneficial ownership information, and to finalize a rule clarifying customer due diligence requirements for US financial institutions.

### Status

#### Midterm: Substantial

At the midterm, the government had made substantial progress on this commitment. The Treasury Department finalized a "customer due diligence" rule<sup>1</sup> requiring financial institutions to identify the beneficial owners of companies that hold accounts with them in May 2016, to be implemented by 18 May 2018. The rule defines beneficial owners as "the individuals who own or control their legal entity customers."<sup>2</sup> Despite progress in this area, congressional legislation requiring the disclosure of beneficial ownership information for all US-owned companies remained pending.

#### End of term: Complete

On 28 June 2017, Representative Carolyn B. Maloney (D-New York), along with two additional Democratic and Republican Representatives, co-sponsored the introduction of Bill H.R.3089—the "Corporate Transparency Act of 2017"—requiring the disclosure of beneficial ownership information at the time of company formation. Specifically, the bill aims "to ensure that persons who form corporations or limited liability companies in the United States disclose the beneficial owners of those corporations or limited liability companies, in order to prevent wrongdoers from exploiting

United States corporations and limited liability companies for criminal gain, to assist law enforcement in detecting, preventing, and punishing terrorism, money laundering, and other misconduct involving United States corporations and limited liability companies, and for other purposes.” The section of the bill covering “Transparent Incorporation Practices” specifically requires companies (both new and existing) to disclose the names and addresses of beneficial owners.<sup>3</sup> Subject to certain exceptions, the bill defines beneficial owners as “a natural person who, directly or indirectly--(i) exercises substantial control over a corporation or limited liability company; or (ii) has a substantial interest in or receives substantial economic benefits from the assets of a corporation or limited liability company.”<sup>4</sup>

On 2 August 2017, Senators Ron Wyden (D-Oregon) and Marco Rubio (R-Florida) co-sponsored the introduction of a bill with an identical name (S.1717) into the US Senate that was referred to the Committee on Banking, Housing, and Urban Affairs.<sup>5</sup>

At the end of term, neither bill had been passed into law, and the latter was not introduced until after the close of the end-of-term evaluation period. However, for the purposes of evaluating this commitment, the IRM researcher assesses that the introduction of both bills effectively demonstrates bipartisan support for legislation requiring the disclosure of beneficial ownership. Progress on this commitment as written is therefore complete,<sup>6</sup> though it is worth reiterating that no bill requiring the disclosure of beneficial ownership had been passed into law at the time of writing.

### Did It Open Government?

**Access to Information: Did Not Change**  
**Civic Participation: Did Not Change**  
**Public Accountability: Did Not Change**

This commitment did not open government due to its unclear relevance for the OGP values of open government. While greater reporting of beneficial ownership information could improve government oversight of financial entities, this information must be actively disclosed for there to be changes in the level of government openness.

### Carried Forward?

At the time of writing, the US government had not published its fourth national action plan, so it is unclear if the commitment will be carried forward. This commitment should not be carried forward as written due to its unclear relevance to OGP values. Instead, the government could commit to creating a public register of beneficial ownership information gleaned from financial and other institutions. The disclosure of beneficial ownership information as a means to combat illicit finance remains an important issue in light of the roughly two million corporations and limited liability companies formed in the United States each year, as described in the text of both bills. The government should also continue efforts to examine how beneficial ownership disclosures may help to prevent such financial flows going forward.

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<sup>1</sup> Somanader, Tanya. “President Obama’s Efforts on Financial Transparency and Anti-Corruption: What You Need to Know.” *The White House Blog*. 6 May 2016. <http://bit.ly/2vNNij3>. Consulted 25 June 2017. See also US Department of the Treasury Press Center. “Treasury Announces Key Regulations and Legislation to Counter Money Laundering and Corruption, Combat Tax Evasion.” Press Release from 5 May 2016. <https://www.treasury.gov/press-center/press-releases/Pages/jl0451.aspx>. Consulted 25 June 2017.

<sup>2</sup> US Department of Treasury Financial Crimes Enforcement Network. “Customer Due Diligence Requirements for Financial Institutions.” <https://www.federalregister.gov/documents/2016/05/11/2016-10567/customer-due-diligence-requirements-for-financial-institutions>. Consulted 29 September 2017. More formally, Section 1010.230(d) of the rule defines beneficial owners with reference to two core prongs, as follows: “each individual, if any, who directly or indirectly owned 25 percent of the equity interests of a legal entity customer (the ownership prong); and a single individual with significant responsibility to control, manage, or direct a legal entity customer, including an executive officer or senior manager or any other individual who regularly performs similar functions (the control prong).”

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<sup>3</sup> H.R. 3089. “Corporate Transparency Act of 2017.” <https://www.congress.gov/bill/115th-congress/house-bill/3089/text?format=txt>. Consulted 22 September 2017. The original co-sponsors include Peter King (Republican), Gwen Moore (Democrat), Edward Royce (Republican), and Maxine Waters (Democrat).

<sup>4</sup> See Ibid. Section 3. “Definitions.” Consulted 29 September 2017.

<sup>5</sup> S.1717. “Corporate Transparency Act of 2017.” <https://www.congress.gov/bill/115th-congress/senate-bill/1717/text>. Consulted 22 September 2017. For a brief analysis of both bills, see <https://www.gtlaw.com/en/insights/2017/8/new-bill-introduced-in-the-us-senate-to-require-the-disclosure-of-ultimate-beneficial>. Consulted 22 September 2017.

<sup>6</sup> FACTCOALITION: Finance Accountability and Corporate Transparency. “FACT sheet: Differences in Beneficial Ownership Legislation.” 3 August 2017. [https://thefactcoalition.org/fact-sheet-differences-in-beneficial-ownership-legislation?utm\\_medium=policy-analysis/fact-sheets](https://thefactcoalition.org/fact-sheet-differences-in-beneficial-ownership-legislation?utm_medium=policy-analysis/fact-sheets). Consulted 22 September 2017.

## 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.<sup>1</sup> 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 Institutions:** Department of Interior, Department of State

**Supporting Institution:** EITI Multi-Stakeholder Group (MSG)

**Start Date:** Not Specified

**End Date:** Not Specified

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Midterm		Did It Open Government?					
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding	
31. Overall				✓	✓							✓		✓			✓					
31.1. Tiers of Subnational Engagement				✓	✓							✓			✓							
31.2. Stakeholder Outreach and Assessment of Disclosure of Forestry Revenues			✓		✓						✓			✓								
31.3. Satisfy the Beneficial Ownership Requirements				✓	✓							✓		✓								



## Commitment Aim

This commitment aimed to implement the Extractive Industries Transparency Initiative<sup>2</sup> (EITI) in the United States by:

- Defining tiers of subnational engagement, including nominating state and tribal officials as members of the EITI Multi-Stakeholder Group (MSG)<sup>3</sup> and encouraging reporting of state and tribal information as part of US EITI reporting practices;
- Creating and implementing a stakeholder outreach and assessment process for the disclosure of forestry revenues; and
- Implementing project-level and beneficial ownership reporting under the EITI Standard.<sup>4</sup>

It is worth noting that in September 2016, the US government released a new commitment related to EITI that focused on supporting capacity-building for extractives transparency. For more details about that commitment, please see the analysis under *Commitment 51. Support Capacity Building for Extractives Transparency*.

## Status

### Midterm: Limited

As described in the progress report, the government had made limited overall progress on this commitment by the midterm.

Regarding subnational EITI engagement, in June 2016 the US Extractive Industries Transparency Initiatives (USEITI)<sup>5</sup> submitted a plan on subnational engagement with the MSG to the EITI's International Secretariat stipulating an opt-in reporting process for subnational disclosure of extractive sector revenues,<sup>6</sup> resulting in substantial completion for Milestone 31.1. Three out of 33 resource-producing states had opted in to the reporting process by the end of the midterm reporting period.<sup>7</sup>

To bring forestry revenues under the EITI initiative, the USEITI held an initial meeting to discuss a stakeholder outreach and issue assessment process focused on this issue in March 2016.<sup>8</sup> However, the USEITI had not designed or implemented a formalized process by the close of the midterm reporting period, resulting in limited completion for Milestone 31.2.

As for reporting on project-level disclosures and beneficial ownership under the EITI Standard, the USEITI MSG committed to including company-level information in its 2016 EITI Report,<sup>9</sup> with the report's publication pending at the midterm. Relatedly, the US Securities and Exchange Commission (SEC) adopted a revised version of Section 1504 of The Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010 (124 Stat. 1376 or "Dodd Frank 1504") mandating project-level disclosure of extractive sector companies' payments to governments on 27 June 2016.<sup>10</sup> However, the IRM researcher observed no progress with respect to requirements surrounding the disclosure of beneficial ownership information under the USEITI. Moreover, while company-level disclosures brought the USEITI closer to reporting at the project-level, each company could have multiple "projects," such that company-level reporting was not sufficient to satisfy that aspect of the milestone. Nonetheless, it is important to mention that the rule requiring beneficial ownership disclosure applied only to fiscal years ending on or after 30 September 2018.

### End of term: Limited

Despite the government's substantial completion of Milestone 31.1, this commitment has a limited completion at the end of term due to the limited progress made on Milestones 31.2 and 31.3.

No additional states were observed to opt-in to the subnational reporting process by the close of the end-of-term reporting period (Milestone 31.1).

The IRM researcher observed no additional progress on creating a process for disclosing forestry revenues (Milestone 31.2). The USEITI's 2017 Work Plan, published in November 2016, states that

one of the USEITI's goals for 2017 was to "discuss a process for the inclusion of forestry or other commodity in future USEITI reports," implying that the USEITI had not formalized a process for doing so by late 2016.<sup>11</sup> No additional action was taken by the close of the end-of-term reporting period. Completion for this milestone therefore remains limited.

With respect to Milestone 31.3, on 16 November 2016, the Department of the Interior officially announced the release of the USEITI's second annual report.<sup>12</sup> As agreed by the MSG at its December 2016 meeting, the report is comprised of an extensive Executive Summary of the Report,<sup>13</sup> as well as information on the Online Data Portal. The MSG endorsed the 2016 USEITI report—including the online report, executive summary, and appendix—at its November 2016 meeting.<sup>14</sup>

On the issue of project-level reporting, the Executive Summary notes, with reference to Dodd-Frank Section 1504, that "USEITI reporting will satisfy disclosure requirements under the rule for applicable companies."<sup>15</sup> However, as Dodd-Frank 1504 did not require companies to begin disclosing payments to governments until 150 days after the conclusion of their respective fiscal year 2018,<sup>16</sup> no such reporting occurred under the USEITI's second annual report. This is confirmed by the available sections of the report (specifically the Executive Summary and the Data sections<sup>17</sup> of the USEITI website), which report data on company-level payments but not project-level payments.<sup>18</sup>

Separately, on 14 February 2017, President Trump signed House Joint Resolution 41, which effectively revoked the SEC rule on project-level disclosures implementing Dodd-Frank 1504,<sup>19</sup> and therefore eliminated the requirement that extractive companies disclose project-level information on payments to governments.<sup>20</sup> The removal of this requirement effectively undid the limited progress made on this aspect of Milestone 31.3 at the midterm.

However, while the available sections of the USEITI's second annual report do not include beneficial ownership disclosures, they do note that "the new [EITI] Standard requires that implementing countries produce a roadmap for disclosing beneficial ownership by 2017, with full compliance by 2020."<sup>21</sup> In line with this requirement, the USEITI publicly released the aforementioned roadmap in November 2016. The roadmap outlines the steps required to begin reporting on beneficial ownership, and references a customer due diligence rule issued by the US Treasury Department in May 2016 that requires ownership disclosures for account-holders at certain US financial institutions at the time of account creation (the subject of Commitment 30) as helping to facilitate this process.<sup>22</sup> The IRM researcher considers the roadmap's publication as resulting in limited completion for this milestone, despite the reversal in progress on satisfying project-level reporting requirements.

## Did It Open Government?

### Access to Information: Worsened

In March 2017, the Department of the Interior (DOI) confirmed that it had halted efforts to seek validation under the EITI standard.<sup>23</sup> DOI later published a formal letter on 2 November 2017 withdrawing the United States as an EITI-implementing country,<sup>24</sup> noting somewhat vaguely that "the domestic implementation of EITI does not fully account for the US legal framework." Though there were not many details in the letter, the US Annual EITI Progress Report for 2016 highlighted several potential legal obstacles to EITI implementation, such as provisions of the Trade Secrets Act and the Internal Revenue Code that limit the information the government can legally disclose.<sup>25</sup> The withdrawal letter goes on to affirm that the United States will continue to engage with EITI as a Supporting Country, indicating that it will support good extractive sector governance more generally.<sup>26</sup> Its withdrawal as an Implementing Country effectively eliminates the government's commitment to publish EITI reports and seek validation against the EITI Standard.<sup>27</sup>

The EITI Chair noted in the aftermath of the US withdrawal, "this is a disappointing, backwards step. The EITI is making important gains in global efforts to address corruption and illicit financial flows. Our work supports efforts to combat transnational crime and terrorist financing. It's important that resource-rich countries like the United States lead by example. This decision sends the wrong signal."<sup>28</sup> The Natural Resource Governance Institute (NRGI), a leading think tank in the resource

governance space, has similarly noted that “US withdrawal from EITI represents further backsliding by the US government in its once-pioneering commitment to transparency and accountability in the extractive sector, both nationally and globally.”<sup>29</sup> Thus, while the government did make progress during the assessment period by formalizing the subnational reporting opt-in process under Milestone 3I.1, this progress is outweighed by the US withdrawal from EITI as an Implementing Country.

It is nonetheless important to note that there has been no loss of public information on extractives to date. The Department of the Interior pointed out that it has committed to institutionalize the principles of EITI and has continued to both maintain and update the extractives data available on its Natural Resources Revenue Data portal.<sup>30</sup> The list of updates to this portal confirm that DOI continues to actively update the site with the latest revenue payments by commodity, revenue stream and company.<sup>31</sup>

While the public will continue to have access to updated extractives data, the US withdrawal from EITI nonetheless constitutes backsliding. In particular, one of the essential features of EITI is its multi-stakeholder governance. The loss of the MSG—which includes representatives from government, civil society, and the private sector—is a notable regression. In response to a request for comment by the IRM researcher, a Senior Governance Officer at NRGi noted that since the US withdrawal, meetings of the MSG have been “postponed indefinitely” and the “US-EITI working groups are not meeting,” contributing to “bad faith” on the part of industry and the US government toward EITI,<sup>32</sup> with a member of a civil society organization whose work pertains to extractive sector governance adding that “the work of the MSG has unfortunately been wasted.”<sup>33</sup>

Moreover, there will no longer be an independent reconciliation and validation against the EITI standard. While DOI notes that this process is largely redundant to the mature audit and verification processes in the United States,<sup>34</sup> the third-party audit lends further credibility to the information disclosed and, more importantly, establishes a strong mechanism for accountability. For these reasons, and despite the public’s ongoing access to US extractives data, the IRM considers that DOI halting efforts to seek validation under the EITI standard during the action plan period constitutes a worsening of the status quo.

### **Carried Forward?**

At the time of writing, the US government had not published its fourth national action plan, but given the Trump Administration’s decision to no longer implement the EITI standard, this commitment will most likely not be carried forward. The USEITI should nevertheless explore opportunities to support the disclosure of project-level reporting in the absence of Dodd-Frank 1504, and more importantly, explore opportunities to report unilaterally on extractive sector revenues beyond the EITI, such as by maintaining and updating the Department of the Interior’s existing resource revenue data portal.<sup>35</sup> Collectively, these two issues remain areas of particular concern for civil society stakeholders whose work concerns the extractive sector, with such organizations as the EITI,<sup>36</sup> the Natural Resource Governance Institute,<sup>37</sup> Oxfam America,<sup>38</sup> and Publish What You Pay<sup>39</sup> strongly expressing their concerns about the SEC rule’s repeal, as well as broader concerns over the US withdrawal as an EITI Implementing Country.

Collectively, the comments from civil society organizations on the US withdrawal from the EITI initiative speak to the importance of this commitment in the eyes of civil society and demonstrate a clear demand for the United States to consider returning to the EITI as an Implementing Country.

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<sup>1</sup> During the pre-publication review of this report, the Department of the Interior (DOI) noted that the EITI Board actually scheduled the validation of the United States for April 2018, not 2017. Given that the commitment text is taken directly from the action plan, it cannot be revised. However, it is important to clarify how the validation process works. To achieve validation, a Board-appointed Independent Validator assesses the initial validation review of the International Secretariat and submits a report to the Board assessing the country’s compliance with each aspect of the Standard. Afterward, the Board’s Validation Committee makes a recommendation on the country’s compliance to the Board, which makes the ultimate

determination on validation and provides recommendations for corrective actions. This final determination is therefore not a pass/fail decision, but rather a determination of the degree of progress in achieving compliance. DOI sent this information to the IRM via a comment during the pre-publication review of this report. The comment was submitted via e-mail on 30 April 2018.

<sup>2</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>3</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>4</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>5</sup> The USEITI is a US government body responsible for all aspects of EITI membership in the United States.

<sup>6</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-cleandrft.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 Open Government Partnership. "United States of America Midterm Self-Assessment Report for the Open Government Partnership: Third Open Government National Action Plan, 2015–2017." p.33. September 2016. 2015–2017

<sup>7</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. "Update to the International Secretariat: Subnational Payments." p.33. 6 May 2015. Available at: <https://www.doi.gov/sites/doi.gov/files/migrated/eiti/FACA/upload/USEITI-Subnational-Opt-In-Position-Piece-5-6-15-cleandrft.pdf>. Consulted 25 June 2017.

<sup>8</sup> Open Government Partnership. "United States of America Midterm Self-Assessment Report for the Open Government Partnership: Third Open Government National Action Plan, 2015–2017." p.33. September 2016. [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). See also United States Extractive Industries Transparency Initiative Multi-Stakeholder Group Advisory Committee Meeting: "Summary of Proceedings: US Department of the Interior Prepared. March 2016." 8–9 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>9</sup> Open Government Partnership. "United States of America Midterm Self-Assessment Report for the Open Government Partnership: Third Open Government National Action Plan, 2015–2017." p.33. September 2016. [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>10</sup> See U.S. Securities and Exchange Commission. "Press Release: SEC Adopts Rules for Resource Extraction Issuers under Dodd-Frank Act." 27 June 2016. <https://www.sec.gov/news/pressrelease/2016-132.html>. Consulted 26 June 2017. See also related discussion in USEITI. "2016 Executive Summary." pp.26-27. 18 November 2016.

[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>11</sup> USEITI. "2017 Work Plan." p.7. 16-17 November 2016.

[https://www.doi.gov/sites/doi.gov/files/uploads/useiti\\_2017\\_work\\_plan\\_narrative\\_final\\_msg\\_approved.pdf](https://www.doi.gov/sites/doi.gov/files/uploads/useiti_2017_work_plan_narrative_final_msg_approved.pdf). Consulted 22 September 2017.

<sup>12</sup> U.S. Department of the Interior. "Interior Department Releases Second Annual Report of the US Extractive Industries Transparency Initiative." 16 November 2016. <https://www.doi.gov/pressreleases/interior-department-releases-second-annual-report-us-extractive-industries>. Consulted 22 September 2017.

<sup>13</sup> USEITI. "Executive Summary for the Report." Available at [https://revenue.data.doi.gov/downloads/USEITI\\_executive-summary\\_2016-11-18.pdf](https://revenue.data.doi.gov/downloads/USEITI_executive-summary_2016-11-18.pdf). Consulted 22 September 2017.

<sup>14</sup> The IRM received this information from the Department of Interior during the pre-publication review of this report. The comment was received via e-mail on 30 April 2018.

<sup>15</sup> Ibid. p.24. With respect to project-level reporting, Section 1504 states the following: "not later than 270 days after the date of enactment of the Dodd-Frank Wall Street Reform and Consumer Protection Act, the Commission shall issue final rules that require each resource extraction issuer to include in an annual report of the resource extraction issuer information relating to any payment made by the resource extraction issuer, a subsidiary of the resource extraction issuer, or an entity under the control of the resource extraction issuer to a foreign government or the Federal Government for the purpose of the commercial development of oil, natural gas, or minerals, including (i) the type and total amount of such payments made for each project of the resource extraction issuer relating to the commercial development of oil, natural gas, or minerals; and (ii) the type and total amount of such payments made to each government" (emphasis added). See "H.R. 4173 (111th): Dodd-Frank Wall Street Reform and Consumer Protection Act."

<https://www.govtrack.us/congress/bills/111/hr4173/text>. Consulted 1 October 2017.

<sup>16</sup> Ibid. p.27.

<sup>17</sup> USEITI. "Explore Data." <https://useiti.doi.gov/explore/>. Consulted 22 September 2017.

<sup>18</sup> Ponsford, Victor James. "Project-Level Reporting: Let's Get Granular." Extractive Industries Transparency Initiative. 17 August 2017. <https://eiti.org/blog/project-level-reporting-lets-get-granular>. Consulted 22 September 2017.

<sup>19</sup> For the text of the Joint Resolution, see "H.J.Res. 41: Providing for Congressional Disapproval under Chapter 8 of Title 5, United States Code, of a Rule Submitted by the Securities and Exchange Commission Relating to 'Disclosure of Payments by Resource Extraction Issuers.'" <https://www.govtrack.us/congress/votes/115-2017/s51>. Consulted 1 October 2017. For

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the text of the rule referred to herein, see “Securities and Exchange Commission 17 CFR, Parts 240 and 249b, Release No. 34-78167; File No. S7-25-15, RIN 3235-AL53. Disclosure of Payments by Resource Extraction Issuers.”

<https://www.sec.gov/rules/final/2016/34-78167.pdf>. Consulted 1 October 2017. The text of the Rule defines “projects” as “operational activities that are governed by a single contract, license, lease, concession, or similar legal agreement, which form the basis for payment liabilities with a government.” See *Ibid.* p.72.

<sup>20</sup> See O’Leary, Michael G. and Scott L. Olson. “Dodd-Frank Rollback Begins – Congress Overturns SEC’s Resource Extraction Issuer Payment Disclosure Rule.” <https://www.andrewskurth.com/insights-1471.html>. Consulted 1 October 2017. See also, Yu, Roger. “Trump Signs Legislation to Scrap Dodd-Frank Rule on Oil Extraction.” *USA Today*. 14 February 2017. <https://www.usatoday.com/story/money/2017/02/14/trump-scrap-dodd-frank-rule-resource-extraction-disclosure/97912600/>. Consulted 1 October 2017.

<sup>21</sup> *Ibid.* p.7

<sup>22</sup> USEITI. “Beneficial Ownership Roadmap.” 16-17 November 2016. [https://eiti.org/sites/default/files/documents/us\\_bo\\_roadmap.pdf](https://eiti.org/sites/default/files/documents/us_bo_roadmap.pdf). Consulted 22 September 2017. See p.3 for the latter.

<sup>23</sup> Mia Steinle, “Administration Sounds Death Knell for Transparency Initiative,” Project on Government Oversight, 17 March 2017, <http://www.pogo.org/about/press-room/releases/2017/administration-ends-eiti-transparency-initiative.html>, consulted 10 May 2018.

<sup>24</sup> U.S. Department of the Interior Office of Natural Resources Revenue. “Letter to the Chair of the Extractive Industries Transparency Initiative Board.” 2 November 2017. [https://www.doi.gov/sites/doi.gov/files/uploads/eiti\\_withdraw.pdf](https://www.doi.gov/sites/doi.gov/files/uploads/eiti_withdraw.pdf). Consulted 18 March 2018.

<sup>25</sup> USEITI. “United States EITI Annual Progress Report 2016.” pp.10-13. [https://www.doi.gov/sites/doi.gov/files/uploads/useiti\\_annual\\_activity\\_report\\_2016\\_final\\_6-27-17.pdf](https://www.doi.gov/sites/doi.gov/files/uploads/useiti_annual_activity_report_2016_final_6-27-17.pdf). Consulted 18 March 2018.

<sup>26</sup> EITI Secretariat. “EITI Chair Statement on United States withdrawal from the EITI.” 2 November 2017. <https://eiti.org/news/eiti-chair-statement-on-united-states-withdrawal-from-eiti>. Consulted 18 March 2018.

<sup>27</sup> The US withdrawal as an EITI-Implementing Country follows on the heels of an earlier statement, made via phone call on 9 March 2017 to the Project on Government Oversight, that the US would withdraw its efforts to be validated under the EITI Standard. See Mia Steinle. “Administration Sounds Death Knell for Transparency Initiative.” Project on Government Oversight. 17 March 2017. <http://www.pogo.org/about/press-room/releases/2017/administration-ends-eiti-transparency-initiative.html?referrer=https://www.facebook.com/>. Consulted 18 March 2018.

<sup>28</sup> EITI. “EITI Chair Statement on US Withdrawal from the EITI.” 2 November 2017. <https://eiti.org/news/eiti-chair-statement-on-united-states-withdrawal-from-eiti> .

<sup>29</sup> National Resource Governance Institute. “Statement on US Government Withdrawal from EITI.” 3 November 2017. <https://resourcegovernance.org/news/statement-us-government-withdrawal-eiti>.

<sup>30</sup> Natural Resources Revenue Data, US Department of the Interior, <https://revenue.data.doi.gov/>, consulted 10 May 2018.

<sup>31</sup> “Releases,” 18F / doi-extractives-data, <https://github.com/18F/doi-extractives-data/releases>, consulted 10 May 2018.

<sup>32</sup> Written comments provided to the IRM Researcher by a Senior Governance Officer at the Natural Resource Governance Institute. 25 October 2017.

<sup>33</sup> Written comments provided to the IRM Researcher by a representative of a civil society organization whose work pertains to extractive section governance. The commenter wished to remain anonymous. 17 November 2017.

<sup>34</sup> The IRM received this comment from the Department of Interior during the pre-publication review of this report. The comment was received via e-mail on 30 April 2018.

<sup>35</sup> US Department of the Interior. “Natural Resources Revenue Data.” <https://revenue.data.doi.gov/>. Consulted 18 March 2018.

<sup>36</sup> Reinfeldt, Fredrik. “Statement from EITI Chair on Repeal of SEC’s ‘Resource Extraction’ Rule.” Extractive Industries Transparency Initiative. 31 January 2017. <https://eiti.org/news/statement-from-eiti-chair-on-repeal-of-secs-resource-extraction-rule>. Consulted 1 October 2017.

<sup>37</sup> Natural Resource Governance Institute. “Proposed Repeal of US Extractives Transparency Rule Would Increase Corruption and Poverty.” 26 January 2017. <https://resourcegovernance.org/news/proposed-repeal-us-extractives-transparency-rule-would-increase-corruption-and-poverty>. Consulted 1 October 2017.

<sup>38</sup> Munilla, Isabel. “Oxfam Condemns Senate’s Shameful Gutting of Bipartisan Anti-Corruption Rule, Section 1504.” *Oxfam America*. 3 February 2017. <https://www.oxfamamerica.org/press/oxfam-condemns-senates-shameful-gutting-of-bipartisan-anti-corruption-rule-section-1504/>. Consulted 1 October 2017.

<sup>39</sup> Publish What You Pay. “News: US Congress Votes Down Anti-Corruption Rule.” <http://www.publishwhatyoupay.org/pwyp-news/us-congress-votes-for-corruption/>. 3 February 2017. Consulted 1 October 2017.



## 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 Institutions:** Office of Management and Budget, Department of Treasury, and General Services Administration

**Supporting Institutions:** All Federal agencies, civil society organizations

**Start Date:** Not Specified

**End Date:** Not Specified

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Midterm End of Term		Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
32. Overall				✓	✓	✓	✓			✓			✓							✓	
32.1. Improve Federal Spending Data.				✓	✓	✓	✓			✓					✓						
32.2. Improve Public Procurement and Grants Systems.			✓		✓	✓	✓			✓			✓								
32.3 Centralize Integrity and Ownership Information of Contractors.				✓	✓		✓			✓			✓								

### Commitment Aim

This commitment aimed to increase transparency of federal spending by:

- Re-designing USA Spending.gov with input from stakeholders to make it more searchable and user-friendly, expanding the site’s data to include account-level expenditures in a structured industry format, and regularly updating the data;
- Improving the effectiveness of the public procurement and grant system based on stakeholder feedback, with the particular goals of “modernizing the online environment” for contract and grant opportunities, and establishing a transparent process for alternative means of identifying federal awardees; and
- Centralizing the availability of integrity information for federal contractors and grantees, such as information on labor violations, parent/subsidiary structures, and corporate performance.

### Status

#### Midterm: Limited

At the midterm, the government had made limited progress on this commitment:

- With respect to Milestone 32.1, in November 2015 the government launched a beta version of USA Spending.gov<sup>1</sup> and, per the government’s midterm self-assessment report, held in-person consultations with stakeholders.<sup>2</sup> The government also launched a new beta version of USA Spending.gov that allowed the public to comment on proposed features.<sup>3</sup> However, at the close of the midterm reporting period, account-level expenditures were not available on USA Spending.gov, resulting in substantial completion for this milestone.



- With respect to Milestone 32.2, in November 2015, the government proposed a rule<sup>4</sup> to replace references in regulations to proprietary unique identifiers currently used to designate federal contract and grant recipients with generic terminology. The current system is based on the Data Universal Numbering System (DUNS), which is managed by a private company. Given that the DUNS standard is proprietary, much of the contracting data is not public or reusable. The proposed rule represents an initial step toward creating a regulatory environment that facilitates the public disclosure of more information on contractors and grant recipients. Given the preliminary state of the rule, completion for this milestone was limited.
- With respect to Milestone 32.3, on 7 March 2016, the Department of Defense, the General Services Administration (GSA), and the National Aeronautics and Space Association (NASA) issued a final rule concerning “Information on Corporate Contractor Performance and Integrity” to amend the Federal Acquisition Regulation by requiring that the Federal Awardee Performance and Integrity Information System (FAPIS)<sup>5</sup> identify immediate owners, subsidiaries, and predecessors for federal contractors and grantees having received federal awards over the past three years.<sup>6</sup> At the midterm, however, the FAPIS website did not include this information, and no progress was apparent with respect to publishing other integrity information described in the milestone text. As such, completion for this milestone is limited.

### **End of term: Limited**

Progress on this commitment remains limited at the end of term:

- At the close of the end-of-term reporting period, the redesigned USAspending.gov website remained in beta and account-level expenditures were still not available on USAspending.gov. While the beta version of the website launched in May 2017,<sup>7</sup> at the time of writing, a message on the USAspending.gov homepage indicated that the government would release a new (presumably non-beta) version of the website in fall 2017. Progress on Milestone 32.1 therefore remained substantial (as opposed to complete) at the end of term.
- On 31 October 2016, the proposed rule to replace proprietary-unique identifiers for federal contract and grant recipients became effective,<sup>8</sup> and GSA began to search for alternatives to DUNS.<sup>9</sup> However, during the evaluation period, GSA also indicated that it does not intend to move away from its use of DUNS in the short-term,<sup>10</sup> highlighting the potentially long-term nature of the government’s search for an alternative system. Progress on this milestone therefore remains limited.
- By the end of term, information on owners, subsidiaries, and predecessors for federal contractors and grantees was still not available via the FAPIS website. In 2016, the US System for Award Management (SAM)<sup>11</sup>—where all organizations seeking federal contracts and grants must register in order to do business with the US government—was updated to require registrants to submit information on their parents, subsidiaries, and predecessors. This appears to be a preliminary step necessary for the government to obtain the required ownership information for subsequent incorporation into FAPIS. However, integrity information remains unavailable on a centralized platform, resulting in limited completion for Milestone 32.3 at the end of term.

### **Did It Open Government?**

**Access to Information: Major**  
**Civic Participation: Marginal**

This commitment significantly opened government with respect to access to information and civic participation. With respect to access to information, the updated SAM.gov registration requirements implemented under Milestone 32.3 can be viewed as an early step toward facilitating greater public access to integrity information for contractors and grantees. However, the integrity information

collected thus far has a limited scope (i.e. only ownership information) and, more importantly, no new information has been published yet.

More substantial progress has been made with respect to revisions to USAspending.gov under Milestone 32.1 via the launch of a revised beta platform. In particular, relative to the version of USAspending.gov that existed at the start of the action plan, the beta website now includes a spending explorer to filter funding by agency, class, and function, as well as a more user-friendly agency profile tab and award search. Moreover, as described in press reporting on the beta site, the revised site comprises a centralized repository of data spanning 100 federal agencies in machine-readable and open source format, with its features and data receiving praise in the media. While the data made available during the beta site's initial launch covered only fiscal year 2017, historical data is envisioned to be added at a later date.<sup>12</sup> There is also already evidence of usage of the new data to track spending by government officials.<sup>13</sup> In light of the substantial improvement in access to information occasioned by the launch of the beta version of USAspending.gov, the IRM researcher assesses this commitment as having caused major movement toward greater access to information.

With respect to civic participation, the government's engagement with stakeholders in the context of Milestones 32.2, namely through requesting public comments on a proposed rule, was limited in scope and represented a one-off instance of engagement as opposed to an ongoing engagement process, inhibiting a more substantial opening of government. Moreover, while the government engaged substantially with civil society on the redesign of USAspending.gov over a three-year period via an online platform soliciting public inputs,<sup>14</sup> this process occurred largely in the context of the previous national action plan. The actions taken under this commitment are therefore limited to a marginal opening of government relative to the status quo.

### Carried Forward?

At the time of writing, the US government had not published its fourth national action plan, so it is unclear if this commitment will be carried forward. The government should nevertheless aim to continue to improve the USAspending.gov site, publish account-level expenditures, modernize the online environment for contractor opportunities and grant programs, and centralize and expand the contractor integrity information on the FAPIIS website. As described further in the progress report, the beta version of USAspending.gov was particularly well received by civil society stakeholders, and represents a particularly promising means of furthering open government in the UNITED STATES.

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<sup>1</sup> USAspending.gov. "Open Beta Site." <https://openbeta.usaspending.gov/index.html>. Consulted 27 June 2017.

<sup>2</sup> Open Government Partnership. "United States of America Midterm Self-Assessment Report for the Open Government Partnership: Third Open Government National Action Plan, 2015–2017." p.34. September 2016. [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 2 October 2017.

<sup>3</sup> Open Beta Site. <https://openbeta.usaspending.gov/index.html>. USAspending.gov.

<sup>4</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>. Consulted 9 October 2017.

<sup>5</sup> Federal Awardee Performance and Integrity Information System. "Help." <https://www.fapiis.gov/fapiis/help.action>. Consulted 9 October 2017.

<sup>6</sup> Federal Register. "Federal Acquisition Regulation: Information on Corporate Contractor Performance and Integrity." 7 March 2016. <https://bit.ly/2uj23O7>. Consulted 9 October 2017.

<sup>7</sup> U.S. Department of the Treasury Press Center. "Treasury Unveils New Website to Track Federal Spending." 9 May 2017. <https://www.treasury.gov/press-center/press-releases/Pages/sm0076.aspx>. consulted 17 March 2018.

<sup>8</sup> Federal Register. "Federal Acquisition Regulation; Unique Identification of Entities Receiving Federal Awards." 30 September 2016. <https://bit.ly/2K838Gw>

<sup>9</sup> Goldman, Ken. "GSA Issues Request for Information for Entity Identification and Validation Services." *GSA Interact*. 13 February 2017. <https://interact.gsa.gov/blog/gsa-issues-request-information-entity-identification-and-validation-services>

<sup>10</sup> fsd.gov. "Do I need to get a new unique entity identifier because of FAR Case 2015-022, Unique Identification of Identification of Entities Receiving Federal Awards?" <https://bit.ly/2vxmEsM>.

<sup>11</sup> General Services Administration. "System for Awards Management." <https://www.sam.gov/portal/SAM/###11>. Consulted 22 September 2017.

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- <sup>12</sup> Lawder, David. "US Treasury upgrades website to better track federal spending data." *Reuters*. 9 May 2017. <https://reut.rs/2jiBtRX> . Consulted 17 March 2018. See also Fed Manager. "USASpending.Gov Rollout Is A Model Of Government Done Well." 11 July 2017. <https://www.fedmanager.com/columns/from-the-hill/2788-usaspending-gov-rollout-is-a-model-of-government-done-well> Consulted 17 March 2018.
- <sup>13</sup> Quaintance, Zack. "What's New in Civic Tech: Data from USASpending.gov Contributed to Reporting that Led to Cabinet Secretary's Resignation," *Government Technology*, 5 October 2017, <http://bit.ly/2DDtThx>.
- <sup>14</sup> OpenBeta.USASpending.gov. "Concepts." . Consulted 17 March 2018. For a history of government engagement on the beta site, see also Independent Reporting Mechanism. "United States End-of-Term Report: 2014-2015." <http://bit.ly/2sEBDv0>.. Consulted 17 March 2018.

### **Commitment 33. Improve the Quality and Use of US 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](https://www.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 Institutions:** Millennium Challenge Corporation (MCC), Department of State, United States Agency for International Development (USAID)

**Supporting Institutions:** 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				Completion		Midterm		Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
33. Overall				✓	✓		✓			✓			✓		✓				✓		
33.1. Improve Foreign Assistance Data.				✓	✓		✓			✓			✓		✓						
33.2. Build Capacity to Use Data.		✓			✓					✓					✓						

### Commitment Aim

This commitment aimed to improve the quality of US Foreign Assistance Information and enhance the accessibility and usage of that information by:

- Improving the quality and comprehensiveness of foreign aid data reporting by federal agencies administering foreign assistance, with reported data using the Busan common standard; and
- Supporting capacity-development programs in partner countries to enhance partners' ability to use US foreign aid data.

The ultimate goal of the commitment is to promote effective and sustainable development, empower citizens to hold governments accountable for the use of assistance, and support evidence-based, data-driven approaches to foreign aid. However, the commitment activities focus, at least in the short term, on improving the quality, dissemination, and usage of information.

### Status

#### Midterm: Limited

At the midterm, the government had made limited progress on this commitment:

- With respect to data quality and comprehensiveness, and as described in the government's midterm self-assessment report, in November 2016 the US State Department released an onboarding toolkit and coaching sessions directed at agencies that had not yet begun to report their aid data on ForeignAssistance.gov, resulting in the onboarding of several additional federal agencies by mid-2016.<sup>1</sup> However, by the close of the midterm reporting period (June 2016), no additional agencies had begun reporting data on ForeignAssistance.gov relative to the start of the evaluation period (October 2015).<sup>2</sup> Completion on Milestone 33.1 was therefore limited at the midterm.

- With respect to capacity-building program to facilitate aid data usage in partner countries, the US State Department, alongside the US Agency for International Development (USAID) and the Millennium Challenge Corporation, engaged in a variety of public-facing activities to raise awareness and usage of aid data (including through the use of ForeignAssistance.gov), such as through blog posts,<sup>3</sup> hackathons organized as part of the National Day for Civic Hacking,<sup>4</sup> and working with university-level students through the State Department's Diplomacy Lab Program.<sup>5</sup> The government also launched an Application Programming Interface (API) for ForeignAssistance.gov.<sup>6</sup> In light of these activities, Milestone 33.2 was assessed as substantially complete at the midterm. The milestone was not complete because there was no evidence of capacity-building programs in partner countries, as stipulated in the commitment text.

### **End of term: Substantial**

At the end of term, the government had made substantial progress on this commitment.

With the exception of the Department of Commerce, all other agencies that completed the onboarding process at the midterm (the Departments of Energy, Labor, Transportation, and the Overseas Private Investment Corporation) had begun reporting data to ForeignAssistance.gov by the close of the end-of-term evaluation period, for a total of 18 reporting agencies (Milestone 33.1).<sup>7</sup> Overall, this represents a substantial increase relative to the close of the midterm evaluation period (June 2016), when only 10 agencies reported data to the site.<sup>8</sup> The other federal agencies that are engaged in foreign assistance but that do not yet report data to ForeignAssistance.gov are the Environmental Protection Agency, the Federal Trade Commission, and the US Trade Development Agency.<sup>9</sup>

At the end of term, the government had made less progress in enhancing the quality and comprehensiveness of the aid data available on the site. In particular, for fiscal year 2016—the most recently completed year covered by the evaluation period—the 18 agencies reporting aid data were each responsible for reporting data on four types of financial information (planned data, obligations, disbursements, and individual transactions), for a total of 72 data points.<sup>10</sup> However, at the time of writing, complete data was only available for 29 of 72 data points across all reporting agencies for 2016, covering only 40% of the requested data. Agencies reported partial data for 24 of 72 data points, covering roughly 33.5% of the requested data, and reported no data for 19 of 72 data points, indicating that data was lacking for roughly 26.5% of the requested data.<sup>11</sup> Through the first three quarters of 2017, data was fully available for 28 of 72 data points (39%), partially available for 17 of 72 data points (23.5%), and unavailable for 27 of 72 data points (37.5%).<sup>12</sup> These figures should be interpreted cautiously relative to 2016, as several months of data reporting remained in 2017 as of the time of writing.

In addition, the State Department has made an effort to improve the quality and availability of foreign assistance information through the Foreign Assistance Data Review (FADR). In December 2015, an interagency FADR working group proposed recommendations to improve the State Department's ability to monitor and report on foreign assistance activities.<sup>13</sup> In 2016, the working group also announced a new Data Element Index.<sup>14</sup> According to the State Department, the agency has been implementing a new solution for reporting and maintaining foreign assistance data in accordance with FADR recommendations.<sup>15</sup> Nonetheless, according to a June 2017 report by the Office of Inspector General, the working group “had made limited progress in meeting its goal of developing a comprehensive plan to improve the Department's foreign assistance data tracking and reporting” and “lacked executive guidance and support.”<sup>16</sup>

Relatedly, on 15 July 2016, President Obama signed into law the Foreign Aid Transparency and Accountability Act of 2016.<sup>17</sup> Under Section 4 of the act, federal agencies that administer covered US federal assistance must provide the Secretary of State with “comprehensive information” on their foreign assistance programs, to be subsequently published on ForeignAssistance.gov. Agencies are required to begin reporting this information on a quarterly basis no later than two years after the act's enactment (i.e. by 15 July 2018).<sup>18</sup> In this regard, the act's passage reinforces the data reporting efforts being carried out under this commitment. In light of the increased number of agencies

reporting data to ForeignAssistance.gov, the IRM researcher assesses that Milestone 33.1 is substantially complete.

With respect to capacity-building programs involving partner countries (Milestone 33.2), the State Department informed the IRM that the ForeignAssistance.gov team traveled to Indonesia, Thailand, and Malawi to raise awareness of foreign assistance data and encourage data use.<sup>19</sup> A State Department blog post provides additional details on the Malawi trip.<sup>20</sup> For example, the one-week-long trip focused on understanding the demand for and use of foreign assistance data, as well as raising awareness of the data. The State Department further noted that the ForeignAssistance.gov team discussed with Malawi's Ministry of Finance how data from ForeignAssistance.gov could be incorporated into Malawi's Aid Management System.<sup>21</sup>

While these visits represent concrete efforts to promote data usage, the text of Milestone 33.2 is too vague for the IRM to determine that these visits fulfill the milestone completely. For instance, the milestone does not specify how many "capacity-development efforts in partner countries" the US government will undertake, nor if these "efforts" constitute trips like that to Malawi, or something else entirely. In light of this ambiguity, the IRM considers that Milestone 33.2 remained substantially complete at the end of term.

Nonetheless, the trips aimed at raising awareness of foreign assistance data are important initiatives. According to Oxfam America, it "and others in the advocacy community urged the US to incorporate this data use commitment with a specific focus on efforts to promote awareness and use of data about US foreign aid programs in the countries where those programs take place... this local use of the information is part of the point of aid transparency."<sup>22</sup>

## Did It Open Government?

### Access to Information: Marginal

This commitment has marginally opened government with respect to access to information. While the number of federal agencies reporting data to ForeignAssistance.gov has roughly doubled over the course of the evaluation period, there are ongoing gaps in data availability at the end of term, as described above.

In addition, there are still issues of data quality and standardization. For example, a November 2017 analysis by Publish What You Fund highlighted major inconsistencies between foreign assistance data platforms, such as USAID's Foreign Aid Explorer and ForeignAssistance.gov.<sup>23</sup> While the author noted the usefulness of being able to download the latest planned data from the latter site, she also pointed out that "having such vast differences in the data seriously undermines credibility and discourages use."<sup>24</sup> A September 2016 report from the Government Accountability Office similarly noted that the data on ForeignAssistance.gov was incomplete and lacked verified annual data.<sup>25</sup> While the government also launched the ForeignAssistance.gov API and carried out capacity-building efforts as part of this commitment, more significant improvements to data availability and quality are needed to achieve a major change in the level of public access to foreign assistance information.

## Carried Forward?

At the time of writing, the US government had not published its fourth national action plan, so it is unclear if this commitment will be carried forward. The government should nevertheless continue to improve the scope and quality of foreign assistance data reported to ForeignAssistance.gov, with the goal of having all federal agencies engaged in covered foreign assistance report full data to the platform by mid-July 2018.

The Foreign Aid Accountability and Transparency Act of 2016 has the potential to reinforce and invigorate agencies' reporting efforts substantially over the next two years, including by streamlining different platforms, and is a necessary regulatory complement to ForeignAssistance.gov in light of agencies' partially-incomplete reporting efforts thus far.



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- <sup>1</sup> Open Government Partnership. “United States of America Midterm Self-Assessment Report for the Open Government Partnership: Third Open Government National Action Plan, 2015–2017.” p. 35 September 2016. [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 9 October 2017.
- <sup>2</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>3</sup> Vega, Dennis.. “Call to Action: Drive Demand For Open Foreign Assistance Information.” *InterAction*. 26 May 2016 <https://www.interaction.org/newsroom/blog/call-action-drive-demand-open-foreign-assistance-information>. Consulted 9 October 2017.
- <sup>4</sup> Code for America. “National Day of Civic Hacking, Challenge: Open Foreign Assistance.” 4 June 2016. <https://www.codeforamerica.org/events/national-day-2016/challenge-open-foreign-assistance>. Consulted 9 October 2017.
- <sup>5</sup> International Development in Practice. “Assessing and Developing Usability For Foreign Aid Data Diplomacy Lab.” 2 January 2016. <http://intdev.squarespace.com/dat-projects/2016/1/2/assessing-and-developing-usability-for-foreign-aid-data-diplomacy-lab-fall-2015>. Consulted 9 October 2017.
- <sup>6</sup> ForeignAssistance.gov. “For Developers.” <http://www.foreignassistance.gov/developers>. Consulted 9 October 2017.
- <sup>7</sup> ForeignAssistance.gov. “Homepage.” <https://foreignassistance.gov/>. Consulted 24 September 2017.
- <sup>8</sup> Assessed using the Wayback Machine to assess the number of reporting agencies as of 1 July 2016 as indicated on the ForeignAssistance.gov homepage from that date. For the Wayback Machine, see <https://web.archive.org/>. Consulted 24 September 2017.
- <sup>9</sup> This assessment was carried out by comparing the list of reporting agencies appearing on the homepage of ForeignAssistance.gov to a list of US government agencies managing foreign assistance funds and programs on the “About ForeignAssistance.gov” page of that website. See ForeignAssistance.gov. “Homepage.” <https://foreignassistance.gov/>. Consulted 24 September 2017. See also ForeignAssistance.gov. “About ForeignAssistance.gov.” <https://foreignassistance.gov/>. Consulted 24 September 2017.
- <sup>10</sup> As indicated on ForeignAssistance.gov, the 18 agencies reporting aid data were each responsible for reporting data on four different types of financial information: planned data, obligations, disbursements, and individual transactions. See ForeignAssistance.gov. “Understanding the Data.” <https://foreignassistance.gov/learn/understanding-the-data>. Consulted 24 September 2017.
- <sup>11</sup> Ibid.
- <sup>12</sup> Ibid.
- <sup>13</sup> “Findings Report,” US Department of State, Foreign Assistance Data Review, December 2015, <https://www.state.gov/documents/organization/250931.pdf>, consulted 7 May 2018.
- <sup>14</sup> “Phase Two – Data Element Index,” US State Department, Foreign Assistance Data Review, Winter 2016, <https://www.state.gov/documents/organization/267146.pdf>, consulted 7 May 2018.
- <sup>15</sup> The IRM received this information from the State Department in a comment submitted as part of the pre-publication review of this report. The comment was received via e-mail on 30 April 2018.
- <sup>16</sup> “Compliance Follow-up Review: Department of State is Still Unable to Accurately Track and Report on Foreign Assistance Funds,” US Department of State, Office of Inspector General, June 2017, <https://oig.state.gov/system/files/isp-c-17-27.pdf>, consulted 7 May 2018, 1-3.
- <sup>17</sup> Congress.gov. “H.R.3766 - Foreign Aid Transparency and Accountability Act of 2016.” <https://www.congress.gov/bill/114th-congress/house-bill/3766/text>. Consulted 24 September 2017.
- <sup>18</sup> Ibid. Section 4.
- <sup>19</sup> The State Department submitted this information to the IRM in a comment during the pre-publication review of this report. The IRM received the comment via e-mail on 30 April 2018.
- <sup>20</sup> Dennis Vega, “Dispatches from the Field: Exploring Aid Transparency in Malawi,” 13 January 2017, <http://2007-2017-blogs.state.gov/stories/2017/01/13/dispatches-field-exploring-aid-transparency-malawi.html>, consulted 7 May 2018.
- <sup>21</sup> The State Department submitted this information to the IRM in a comment during the pre-publication review of this report. The IRM received the comment via e-mail on 30 April 2018.
- <sup>22</sup> Comments submitted to the IRM researcher during the drafting of the report.
- <sup>23</sup> Paxton, Sally. “US Data on Foreign Assistance: What to know and what to use,” *Publish What You Fund*, 13 November 2017, <http://www.publishwhatyoufund.org/us-data-foreign-assistance/>
- <sup>24</sup> Ibid.
- <sup>25</sup> Government Accountability Office, “Actions Needed to Improve Transparency and Quality of Data on ForeignAssistance.gov.” 7 September 2016, <https://www.gao.gov/products/GAO-16-768>

## 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 Institutions:** Department of Housing and Urban Development (HUD) and Office of Science and Technology Policy (OSTP)

**Supporting Institution:** NA

**Start Date:** Not Specified

**End Date:** Not Specified

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Midterm End of Term		Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
34. Overall			✓		✓				✓						✓			✓			

### Commitment Aim

This commitment aimed to hold a participatory budgeting (PB) workshop in 2015 to develop commitments to employ PB in the context of certain publicly-funded projects.

### Status

#### Midterm: Complete

At the midterm, progress on this commitment was complete. The US Office of Science and Technology Policy and Harvard University's Ash Center for Democratic Governance and Innovation co-hosted a two-day workshop in February 2016 that was attended by 75 participants from government and civil society, with an emphasis on expanding and strengthening PB in the UNITED STATES.<sup>1</sup>

### Did It Open Government?

#### Civic Participation: Marginal

This commitment marginally opened government with respect to civic participation by providing an opportunity for members of the public and civil society to engage with government on potential opportunities to incorporate PB into publicly-funded projects. While the workshop can be seen as

laying the groundwork for future discussions, the IRM researcher did not find evidence suggesting that the workshop itself contributed to the incorporation of PB into such projects in practice. Moreover, as a one-off event with no evident follow-up activities organized by the government, the commitment cannot be said to have opened government more substantially.

### **Carried Forward?**

This commitment is complete and should not be carried forward in its current form. The government should nevertheless strive to incorporate PB into publicly-funded projects and expand such opportunities within the United States, drawing upon discussion from the February 2016 PB workshop. At the time of writing, the US government had not published its fourth national action plan, so it is unclear if this theme will be carried forward to the next action plan.

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<sup>1</sup> Ash Center for Democratic Innovation and Governance. "Ash Brings Focus on Participatory Budgeting to Policymakers in Washington." 8 March 2016. <https://ash.harvard.edu/news/ash-bring-focus-participatory-budgeting-policymakers-washington>. Consulted 25 June 2017.

## 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 Institutions:** White House Domestic Policy Council (DPC), Department of Justice (DOJ)

**Supporting Institutions:** 21 Federal partners that make up the White House Legal Aid Interagency Roundtable (WH-LAIR)

**Start Date:** Not Specified

**End Date:** Not Specified

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Midterm End of Term		Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
35. Overall		✓				✓				✓					✓	✓			✓		

#### Commitment Aim

This commitment aimed to institutionalize the White House Legal Aid Interagency Roundtable<sup>1</sup> and expand the number of participating agencies. It further aimed for the roundtable to seek civil society input and report annually on its progress.

#### Status

##### Midterm: Substantial

At the midterm, the government had made substantial progress on this commitment. In February 2016, the roundtable held its initial meeting and engaged with civil society via a series of

presentations; 22 agencies participated in the roundtable as of March 2016.<sup>2</sup> An initial annual report remained outstanding at the close of the midterm reporting period.

### **End of term: Complete**

Progress on this commitment is complete at the end of term. On 30 November 2016, the roundtable (via the Department of Justice) released its inaugural annual report titled “Expanding Access to Justice, Strengthening Federal Programs.”<sup>3</sup> The report describes how legal aid can be used to advance a variety of federal priorities, such as keeping children in school and families at work. Appendix B of the report briefly describes the roundtable’s history of engagement with civil society. From June 2016 through the close of the end-of-term reporting period, this included a Civil Society Consultation on Access to Justice Indicators and Data Collection event organized in September 2016 in conjunction with Columbia University, Fordham University, and the Open Society Foundation.<sup>4</sup> The report notes that the event was attended by dozens of organizations. A list of event presentations<sup>5</sup> obtained separately corroborates this statement, indicating that various universities and civil society organizations working on legal aid (e.g. the National Legal Aid & Defender Association, National Employment Law Project, Center for Court Innovation, etc.) attended the workshop. Collectively, these activities represent a substantial advancement in progress relative to the midterm, resulting in the completion of this commitment.

### **Did It Open Government?**

#### **Civic Participation: Marginal**

This commitment marginally opened government with respect to civic participation by giving civil society a new opportunity to engage with the roundtable on issues pertinent to legal aid on several separate occasions. However, as the roundtable’s engagement with civil society over the course of the reporting period constituted a series of one-off engagements as opposed to the development of a more institutionalized consultation mechanism,<sup>6</sup> the commitment cannot be said to have opened government more substantially.

### **Carried Forward?**

At the time of writing, the US government had not published its fourth national action plan, so it is unclear if this commitment will be carried forward. The roundtable should nevertheless continue to engage meaningfully with civil society and ideally institutionalize a mechanism to facilitate more routine engagement with civil society stakeholders going forward.

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<sup>1</sup> WhiteHouse Legal Aid Interagency Roundtable. “Homepage.” <https://www.justice.gov/lair>. Consulted 26 June 2017.

<sup>2</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. <https://bit.ly/2vVew18>. See also Open Government Partnership. “United States of America Midterm Self-Assessment Report for the Open Government Partnership: Third Open Government National Action Plan, 2015–2017.” p.37. September 2016. [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 2 October 2017.

<sup>3</sup> White House Legal Aid Interagency Roundtable. “Annual Report: Expanding Access to Justice, Strengthening Federal Programs.” November 2016 . <https://www.justice.gov/atj/page/file/913981/download>. Consulted 22 September 2017. For discussion of the report, see Department of Justice Office of Public Affairs. “White House Legal Aid Interagency Roundtable Issues First Annual Report to the President.” 30 November 2016. <https://www.justice.gov/opa/pr/white-house-legal-aid-interagency-roundtable-issues-first-annual-report-president>. Consulted 22 September 2017.

<sup>4</sup> Ibid. Appendix B.

<sup>5</sup> Columbia Law School Human Rights Institute and the National Center for Access to Justice at Fordham Law School. “Recommended Access to Justice Indicators for Implementation of Goal 16 of the UN 2030 Sustainable Development Agenda in the United States Developed for the ‘Civil Society Consultation with White House Legal Aid Interagency Roundtable on Goal 16 Access to Justice Indicators and Data.’” 15 September 2016. <http://ncforaj.org/wp-content/uploads/2016/12/NCAJ-CHRI-9-15-16-Recommended-Atj-National-Indicators-12-1-16-final.pdf>. Consulted 22 September 2016.

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<sup>6</sup> At the time of writing, the roundtable's website does not provide any indication of ongoing engagements involving civil society stakeholders, informing the assessment here. See White House Legal Aid Interagency Roundtable. "Homepage." <https://www.justice.gov/lair>. Consulted 29 September 2017.

★ **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 Institutions:** Domestic Policy Council (DPC), Office of Management and Budget (OMB), Office of Science and Technology Policy (OSTP)

**Supporting Institutions:** 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				Completion		Midterm		Did It Open Government?					
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Innovation	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding	
36. Overall			✓		✓	✓		✓				✓			✓						✓	

**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.

**Commitment Aim**

As a response to declining public trust in the police<sup>1</sup> and calls for greater transparency of policing activities,<sup>2</sup> this commitment aimed for the Office of Science and Technology Policy and the Domestic Policy Council to expand the Police Data Initiative<sup>3</sup>—a community of law enforcement agencies, technologists, and researchers who publish data sets on policing activities—to include additional jurisdictions, explore possibilities to collaborate more closely with state partners, and develop resources to help jurisdictions extract and publish data. In doing so, the commitment aimed to



improve trust in the police, leverage data to improve policing efforts, enhance public safety, and reduce bias and the unnecessary use of force.

## Status

### **Midterm: Substantial**

At the midterm, the government had made substantial progress on this commitment. By June 2016 (slightly more than one year after the Police Data Initiative was launched), the initiative had expanded to include 57 total participating jurisdictions,<sup>4</sup> covering approximately 40 million people,<sup>5</sup> and had published 136 datasets<sup>6</sup> relevant for policing. In addition, the Police Data Initiative Leadership Team hosted 180 people from law enforcement and civil society to discuss lessons learned in the context of police data disclosure efforts.<sup>7</sup> Concrete evidence of efforts to develop resources to facilitate the extraction and publication of police data remained outstanding at the midterm.

### **End of term: Substantial**

By the end of term, progress on this commitment remained substantial. While the initiative expanded to include additional jurisdictions and datasets, limited progress was made on developing data extraction and publication resources. More specifically, by September 2017, the Police Data Initiative had expanded to include 135 total participating jurisdictions, and had released 295 datasets, representing more than a 100 percent increase on both accounts.<sup>8</sup> The initiative has also begun linking to various technological resources to facilitate extraction, publication, and analysis of police data via the Resources section of its website.<sup>9</sup> One such tool, the Open Refine Data Cleaning Tool, can be used to explore and clean data, and link that data with various web services. However, the majority of resources profiled on the site pertain to data analysis, as opposed to the extraction or publication of data, and therefore are less relevant in the context of this commitment given its emphasis on the latter.

## Did It Open Government?

### **Access to Information: Major Civic Participation: Marginal**

This commitment significantly opened government with respect to access to information, and opened government more marginally with respect to civic participation.

As described above, the Police Data Initiative's release of 295 policing datasets across 135 jurisdictions represents an unprecedented effort to collect and publish police data in a centralized repository relative to the status quo that prevailed at the start of the reporting period (which roughly coincides with the Police Data Initiative's launch). The publication of several data sets on the use of police force and officer-involved shootings is particularly noteworthy. The availability of this type of information is very limited in the United States,<sup>10</sup> despite public demands for greater disclosures.<sup>11</sup> In response to a request for comment on this commitment, a representative for the Police Data Initiative highlighted the importance of these datasets as a "starting point" for discussions surrounding national policing, with the goal of bringing transparency and data to those discussions.<sup>12</sup>

The quality of the data to which the public now has access nevertheless remains a prominent concern, particularly with respect to ensuring consistency in policing data terminology and the temporal and substantive coverage of policing data across different jurisdictions. With respect to the former, Seth Stoughton—a professor at the University of South Carolina Law School who conducts research on policing—noted during a National Public Radio (NPR) interview that touches on the Police Data Initiative that "police are all over the map with their stats. For instance, some of them count drawing their guns as a use of force while others don't. And if they're reporting whatever they consider to be a use of force, it can make it all but impossible to actually get a meaningful comparison" across policing datasets.<sup>13</sup>

With respect to data coverage, Jeff Asher, a crime analysis and journalist for FiveThirtyEight, highlights a related set of issues in his analysis of the availability of data on crime incidents reported by four Police Data Initiative cities (Charlotte, North Carolina; Indianapolis, Indiana; Newark, New Jersey; and Orlando, Florida), noting that some “have not yet begun placing current incident data online, are providing only historical data, or are posting information on only certain types of incidents,” impeding stakeholders’ ability to carry out more rigorous analyses.<sup>14</sup>

The Police Data Initiative’s public release of policing data also raises privacy concerns to the extent that individuals’ identities can be learned from the data. As described by Chief Technologist of the Federal Trade Commission Lorrie Cranor, during a panel discussion organized as part of a White House event Opportunities & Challenges: Open Police Data and Ensuring the Safety and Security of Victims of Intimate Partner Violence and Sexual Assault, “of particular concern is the possibility that people who access open police data may be able to identify crime victims or reveal their locations. For victims of domestic violence and sexual assault, this could put their safety and security at risk,” highlighting the need for the Police Data Initiative to develop guidelines that participating jurisdictions can use to “de-identify” data.<sup>15</sup> Together, these issues, which the Police Data Initiative has yet to develop plans to explicitly address,<sup>16</sup> mitigate against a coding of “outstanding” for this aspect of the commitment.

With regard to civic participation, the progress report highlights several instances in which the Police Data Initiative has begun to collaborate with the public on related initiatives, such as a youth-oriented coding event in New Orleans intended to engage youth in app-building efforts using Police Data Initiative data,<sup>17</sup> and an event organized by the Orlando Police Department and attended by representatives of the Police Data Initiatives and sexual assault and domestic violence victim advocates to begin discussing which “data can and should be made public.”<sup>18</sup> These engagements, while promising, are one-off activities. While the frequency of these activities is likely to expand over time, a more institutionalized engagement mechanism would be required to facilitate a further opening of government with respect to civic participation.

## Carried Forward?

At the time of writing, the US government had not published its fourth national action plan, so it is unclear if this commitment will be carried forward. The government should nevertheless continue efforts to expand the number of jurisdictions participating in the Police Data Initiative and the public release of policing datasets, while making more concerted efforts to improve data quality and address relevant privacy concerns. The Police Data Initiative should also work to develop tools that facilitate the extraction and publication of data, complementary to the development of tools that facilitate data analysis.

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<sup>1</sup> Jones, M. Jeffrey. “In US, Confidence in Police Lowest in 22 Years.” *Gallup*. See <http://www.gallup.com/poll/183704/confidence-police-lowest-years.aspx>. Consulted 27 June 2017.

<sup>2</sup> McKesson, DeRay. “Opinion: Washington Needs to Tell the Truth about Police Violence.” *Washington Post*. 16 June 2015, <http://wapo.st/2vjn3xV>.

<sup>3</sup> Police Data Initiative. “Homepage.” <https://www.policedatainitiative.org/>. Consulted 9 October 2017.

<sup>4</sup> See an archived version of the Police Data Initiative website from June 2016, available here: <https://web.archive.org/web/20160617230746/http://publicsafetydataportal.org/participating-agencies/>.

<sup>5</sup> Wardell, Clarence and Denise Ross. “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.” *Medium*. <https://bit.ly/2HpjiZ>. Consulted 27 June 2017.

<sup>6</sup> See an archived version of the Police Data Initiative website from June 2016, available here: <https://web.archive.org/web/20160617230746/http://publicsafetydataportal.org/participating-agencies/>.

<sup>7</sup> Doom, Alyssa and Damian Ortellado. “Lessons learned from a year of opening police data,” *Sunlight Foundation*. 4 May 2016. <https://sunlightfoundation.com/2016/05/04/lessons-learned-from-a-year-of-opening-police-data/> Consulted 28 June 2017.

<sup>8</sup> Police Data Initiative. “Datasets.” <https://www.policedatainitiative.org/datasets/>. Consulted 24 September 2017.

<sup>9</sup> Police Data Initiative. “Resources.” <https://www.policedatainitiative.org/resources/>. Consulted 24 September 2017. See specifically the “Tools” sub-section.

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- <sup>10</sup> Caplan, Robyn 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>11</sup> Grothaus, Michael. "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>12</sup> Written comments provided to the IRM researcher, 27 October 2017.
- <sup>13</sup> Kaste, Martin. "Data Initiative Aims To Help With Police Force Transparency." *National Public Radio*. 28 April 2016. <http://www.npr.org/2016/04/28/475985461/data-initiative-aims-to-help-with-police-force-transparency>. Consulted 30 September 2017.
- <sup>14</sup> Asher, Jeff. "Which Cities Share the Most Crime Data." *FiveThirtyEight*. 28 December 2015. <https://fivethirtyeight.com/features/which-cities-share-the-most-crime-data/>. Consulted 30 September 2017.
- <sup>15</sup> See discussion in Cranor, Lorrie. "Open Police Data Re-identification Risks." *DigitalGov*. 17 May 2016. <https://www.digitalgov.gov/2016/05/17/open-police-data-re-identification-risks/>. Consulted 30 September 2017.
- <sup>16</sup> With respect to privacy concerns, Technology First, an initiative managed by the Safety Net Project at the National Network to End Domestic Violence whose mission is "exploring technology in the context of intimate partner violence, sexual assault, and violence against women," released a set of resources on 15 June 2017 to help address privacy concerns in the context of open police data; the resources include background materials, guidance on incorporating privacy concerns into police data initiatives, and a webinar supplement on related issues. Articles announcing the resources reference the PDI, but the development of these resources does not appear to be a PDI initiative. See Technology Safety. 15 June 2017. "UPDATED: Preserving Victim Privacy While Increasing Law Enforcement Transparency: Finding the balance with Open Police Data Initiatives." <https://www.techsafety.org/blog/2017/6/15/updated-preserving-victim-privacy-while-increasing-law-enforcement-transparency-finding-the-balance-with-open-police-data-initiatives>. Consulted 30 September 2017. See also Technology First. "The Police Data Initiative, Open Data, and Victim Privacy." <https://www.techsafety.org/police-data-initiative-victim-privacy>. Consulted 30 September 2017.
- <sup>17</sup> Ross, Denice. "Does Open Data Build Trust? A Story of Demond, Police Data, and His Grandmother's Recycling Bin." *Medium*. 22 July 2015. <https://medium.com/@ObamaWhiteHouse/does-open-data-build-trust-49ee4d400ba>. Consulted 30 September 2017.
- <sup>18</sup> City of Orlando. "City of Orlando Organizes Domestic Violence and Sexual Assault Data Preview Event." 28 January 2016. <http://www.cityoforlando.net/news/2016/01/city-of-orlando-organizes-domestic-violence-and-sexual-assault-data-preview-event/>. Consulted 30 September 2017.

## 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 Institutions:** 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 Health and Human Services (HHS), Department of Housing and Urban Development (HUD), Office of Management and Budget (OMB), Department of Agriculture (USDA), and United States Geological Survey (USGS)

**Supporting Institutions:** 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				Completion		Midterm		End of Term		Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Innovation	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding		
37. Overall			✓		✓			✓			✓			✓			✓						

#### Commitment Aim

This commitment aimed to update an online map repository of open data derived from community-based initiatives that receive federal funding, with the goal of helping the public to identify and monitor progress on these initiatives via a single platform.

## Status

### **Midterm: Limited**

At the midterm, the government had not yet updated the map of open datasets from community-based initiatives to include additional datasets.<sup>1</sup>

### **End of term: Limited**

On the basis of publicly available information, there is no evidence that the government has made progress on this commitment post-midterm. The map repository is now only available via an archived version of President Obama's White House website, which is no longer being updated.<sup>2</sup> Completion for this commitment therefore remains limited.

## Did It Open Government?

### **Access to Information: Did Not Change**

This commitment did not open government with respect to access to information due to its limited completion at the end of term.

## Carried Forward?

At the time of writing, the US government had not published its fourth national action plan, so it is unclear if this theme will be carried forward. The government should nevertheless direct efforts to activities that more directly leverage open data to facilitate better outcomes in local communities, such as those described under Commitments 38 and 40.

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<sup>1</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 datasets available on the website has not changed.

<sup>2</sup> The White House. "Map of Administration Community-based Initiatives."  
<https://obamawhitehouse.archives.gov/omb/place>

## 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:** General Services Administration

**Supporting Institutions:** 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				Completion		Midterm End of Term		Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
38. Overall				✓	✓	✓	✓		✓						✓				✓		

### Commitment Aim

This commitment aimed to establish a Municipal Data Network that would identify ways to share and scale successful data initiatives, such as those related to open data, analytics, and data standards, among others. The network itself further aimed to identify opportunities for partnerships among cities, as well as with philanthropic, private sector, and government actors.

### Status

#### Midterm: Substantial

At the midterm, the government had made substantial progress on this commitment. The Municipal Data Network—now known as the Civic Analytics Network—was established in early 2016 as a network of municipal Chief Data Officers.<sup>1</sup> Members of the network held an in-person meeting in April 2016, with the network also holding monthly teleconferences.<sup>2</sup> By the close of the midterm reporting period, the General Services Administration was also working to link the network with

similar initiatives under the umbrella of the US Data Federation (a coordinating mechanism of data.gov).<sup>3</sup>

### **End of term: Substantial**

Progress on this commitment remains substantial at the end of term. Through the close of the end-of-term reporting period (June 2017), the Civic Analytics Network identified and shared a variety of scalable data success stories via blog posts on its website. One such post explores how the city of Boston leveraged data to identify parking meter prices that would reduce traffic congestion and increase parking availability.<sup>4</sup> Another post explores user-friendly features implemented on the city of Chicago's revamped data portal.<sup>5</sup> While these posts help to share information, they nevertheless do not fulfill the commitment's aim of clearly identifying methods of scaling the solutions they describe (i.e. facilitating their implementation in other contexts) in a sustainable manner.

On 7-8 November 2017 (several months after the close of the end-of-term reporting period), the Civic Analytics Network was expected to host the inaugural Harvard Summit on Data-Smart Government, comprised of trainings and workshops on "how to transform city services and government through the use of data,"<sup>6</sup> providing a potential forum for the network to identify opportunities for cross-city and cross-sector partnerships (i.e. partnerships involving civil society, philanthropic, private sector, and government actors). However, as this summit lies beyond the close of the reporting period, progress in this area remains nascent at the end of term. Moreover, while the Civic Analytics Network's website lists a variety of key activities involving civil society and government at the time of writing—including the development of "use cases" in partnership with the University of Chicago's Center for Data Science and Public Policy, leveraging the Harvard University Ash Center as a central advisory source for network members, and connecting the network's members to other "data-driven government efforts" like What Works Cities and the Living Cities Accelerator—the IRM researcher was unable to identify concrete progress on these initiatives.

### **Did It Open Government?**

#### **Access to Information: Marginal Civic Participation: Marginal**

This commitment marginally opened government with respect to access to information and civic participation.

Concerning access to information, the Civic Analytics Network's success-story blog posts serve to facilitate greater access to information on data successes among Network participants, interested members of civic society, and the public at large. These posts, while noteworthy, constitute a minor improvement relative to the status quo, as numerous other organizations—such as What Works Cities, International Business Machine's (IBM's) Smarter Cities Program, and the Citi Foundation's joint City Accelerator initiative—are directly engaged in similar efforts. The lack of concrete efforts to identify methods to sustainably scale successes (as described above) mitigates against a more substantial opening of government in this area.

Concerning civic participation, while the government's midterm self-assessment report makes note of the network's attempts to engage with philanthropic organizations and the private sector in the context of Network activities, more concrete efforts had yet to materialize by the end of term, preventing a more substantial opening of government. The November 2017 Summit on Data Smart Government represents an initial concrete step in that direction.

### **Carried Forward?**

At the time of writing, the US government had not published its fourth national action plan, so it is unclear if this commitment will be carried forward. The Civic Analytics Network should nevertheless take more concrete actions to begin developing ties with philanthropic and private sector actors to



maximize the network's potential impact on the cities it serves, while engaging in efforts to scale and implement data successes in a sustainable manner.

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<sup>1</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. "About the Civic analytics Network: A Network of Leading Chief Data Officers." *Harvard Kennedy School Ash Center for Democratic Governance and Innovation*. 4 May 2016. <http://datasmart.ash.harvard.edu/news/article/about-the-civic-analytics-network-826> Consulted 1 July 2017 See also, Civic Analytics Network "Data-Smart City Solutions: About the Civic Analytics Network." 4 May 2016. <http://datasmart.ash.harvard.edu/news/article/about-the-civic-analytics-network-826>. Consulted 28 June 2017.

<sup>2</sup> Data-Smart City Solutions. "About the Civic analytics Network: A Network of Leading Chief Data Officers." 4 May 2016. *Harvard Kennedy School Ash Center for Democratic Governacne and Innovation*. <http://datasmart.ash.harvard.edu/news/article/about-the-civic-analytics-network-826>. Consulted 1 July 2017.

<sup>3</sup> Open Government Partnership. "United States of America Midterm Self-Assessment Report for the Open Government Partnership: Third Open Government National Action Plan, 2015–2017." p.39. September 2016. [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 2 October 2017.

<sup>4</sup> Cmar, Wyatt. "Using Data to Find the True Price of Parking in Boston." *Civic Analytics Network*. 17 May 2017. <http://datasmart.ash.harvard.edu/news/article/using-data-to-find-the-true-price-of-parking-in-boston-1045>. Consulted 22 September 2017.

<sup>5</sup> Thornton, Sean. "User-Friendliness Defines Chicago's New Data Portal." *Civic Analytics Network*. 20 April 2017. <http://datasmart.ash.harvard.edu/news/article/user-friendliness-defines-chicagos-new-data-portal-1026>. Consulted 22 September 2017.

<sup>6</sup> Civic Analytics Network. "Harvard Summit on Data-Smart Government: Overview." <http://datasmart.ash.harvard.edu/news/article/harvard-summit-on-data-smart-government-1118>. Consulted 22 September 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 Institutions:** Office of Management and Budget, Census Bureau in the Department of Commerce

**Supporting Institutions:** 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				Completion		Midterm		Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
39. Overall		✓			✓			✓				✓				✓					

### Commitment Aim

This commitment aimed to hold an inaugural Open Data Impact Summit to recognize innovative solutions to civic problems and create new opportunities to address them through technology and data.

### Status

#### Midterm: Not Started

At the midterm, the government had not yet held the Open Data Impact Summit.

#### End of term: Complete

At the end of term, this commitment is complete. The White House, in conjunction with the US Small Business Administration, the General Services Administration, and the Data Foundation, organized a one-day summit—the White House Open Data Innovation Summit and Solutions Showcase—on 28 September 2016 to profile innovative “uses of government open data to promote government efficiency and effectiveness, drive innovation, economic opportunity, and improve the health and welfare of the American public.”<sup>1</sup> The summit webpage and presentation agenda make no

explicit mention of leveraging technology and data to facilitate solutions to local problems. The Open Data Innovation Summit nevertheless appears to be the only such summit hosted by the White House during the reporting period, and has therefore been assessed by the IRM researcher as completing this commitment.

### **Did It Open Government?**

#### **Access to Information: Marginal**

This commitment marginally opened government with respect to access to information by profiling innovative uses of open government data that could be used to facilitate solutions to local-level (i.e. municipal) problems. However, as the summit itself did not explicitly touch on local-level issues and represents a one-off event with no apparent follow-up activities, the commitment did not lead to a more substantial opening of government.

### **Carried Forward?**

At the time of writing, the US government had not published its fourth national action plan, so it is unclear if this commitment will be carried forward. The government should nevertheless continue to explore opportunities to leverage technology and data to develop solutions to local problems in line with the commitment text. Any future commitments on this topic, however, should go beyond hosting a single event to specify concrete changes in government practice that would bridge the data gaps across different levels of government.

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<sup>1</sup> Data.gov. "The White House Open Data Innovation Summit and Solutions Showcase." 28 September 2016. <https://www.data.gov/event/white-house-open-data-innovation-summit/>. Consulted 22 September 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:** Office of Management and Budget

**Supporting Institutions:** 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				Completion		Midterm		Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
40. Overall		✓			✓			✓		✓			✓	✓					✓		

### Commitment Aim

This commitment aimed to leverage technology and open data to fill gaps in the federal government’s work with local communities, specifically by increasing access to collaboration tools, building local capacity and partnerships between federal agencies and local innovators, and tailoring impactful data and related visualization tools to serve local communities.

### Status

#### Midterm: Limited

At the midterm, the government had made limited progress on this commitment. Per the government’s midterm self-assessment report, in May 2016, the federal government launched a Community of Practice for Community Solutions,<sup>1</sup> which is comprised of a group of federal experts who work with local communities, and hosts bi-weekly “Innovation Exchange” webinars on local challenges.<sup>2</sup> The Community of Practice for Community Solutions—which was the initiative most directly in line with the commitment text during the reporting period—did not appear to engage in

any concrete activities aside from the Innovation Exchanges by the close of the midterm reporting period (June 2016).

From May-June 2016, the Community of Practice for Community Solutions held a series of multi-day trainings on “Delivering Outcomes for Communities”<sup>3</sup> at the office of the Partnership for Public Service in Washington, DC. The training focused on three main issues:

- navigating local government, with an eye toward using “high-value resources” and creating partnerships across agencies;
- navigating local communities, with an eye toward understanding how local governments and their partners operate, and how they can be utilized to improve local outcomes;
- and partnering effectively with community stakeholders.

The training included a series of presentations on the aforementioned topics, as well as a resource fair for participants to engage with representatives from federal agencies and immersive case study workshops. The training was attended by local government officials, federal government officials, and civil society organizations that operate in local communities, and it included over 40 speakers.<sup>4</sup>

Separately, the US General Services Administration’s I8F unit launched efforts to enhance digital service delivery in states and “localities,” and announced consulting services for federally-funded local government projects in February 2016, with a particular focus on Information Technology (IT) projects.<sup>5</sup>

In conjunction with the San Francisco mayor’s office, the US Department of Commerce, and the Data Innovate Lab, I8F also helped launch the SuperPublic Innovation Lab, with an emphasis on addressing urban problems.<sup>6</sup> These initiatives, while promising, are limited in scope and speak less directly to the commitment text than the activities related to the Community of Practice for Community Solutions.

#### **End of term: Limited**

At the end of term, progress on this commitment remains limited. The IRM researcher was unable to verify if the Community of Practice for Community Solutions mentioned above carried out any activities post-midterm. In February 2018, the group’s website was taken down and is no longer accessible.<sup>7</sup>

While the Community of Practice did carry out trainings in the first year of the action plan that lay the groundwork for future partnerships across federal and local government, the training itself—the main activity carried out by the Community of Practice during the reporting period—does not directly serve to increase access to collaboration tools, fill data gaps, tailor data and visualization tools, or build local capacity. For this reason, completion on this commitment remains limited at the end of term.

#### **Did It Open Government?**

##### **Access to Information: Marginal**

This commitment marginally opened government with respect to access to information by facilitating an exchange of information across federal and local government actors and civil society organizations, specifically through the trainings organized by the Community of Practice for Community Solutions in May-June 2016. However, the one-off nature of the trainings and the lack of clear follow-up activities—such as plans for subsequent trainings that would respond more directly to the activities described in the commitment text—mitigate a more substantial opening of government.

#### **Carried Forward?**

At the time of writing, the US government had not published its fourth national action plan, so it is unclear if this commitment will be carried forward. The Community of Practice for Community Solutions should nevertheless aim to implement more routine training programs and engage in

activities that respond more directly to the goals envisioned under this commitment going forward. In addition, if this theme is included in a future action plan, it is important that the government outline measurable and ambitious changes in government practice envisioned as part of the commitment.

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<sup>1</sup> Open Government Partnership. "United States of America Midterm Self-Assessment Report for the Open Government Partnership: Third Open Government National Action Plan, 2015–2017." pp.40-41. September 2016. [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 2 October 2017.

<sup>2</sup> Community of Practice for Community Solutions Website. "Innovation Exchange." <https://communitysolutions.sites.usa.gov/category/innovation-exchange/>. Consulted 1 October 2017.

<sup>3</sup> Community of Practice for Community Solutions. "Delivering Outcomes for Communities Training." 23 June 2016. <https://communitysolutions.sites.usa.gov/category/training/>. Consulted 22 September 2017. Note that these trainings were not assessed at the midterm and are therefore being assessed here.

<sup>4</sup> Community of Practice for Community Solutions. "Delivering Outcomes for Communities Training: Agenda." 23 June 2016. <https://s3.amazonaws.com/sitesusa/wp-content/uploads/sites/1061/2016/06/Delivering-Outcomes-for-Communities-Speakers-Agenda-All-Sessions.pdf>. Consulted 22 September 2017. See also Community of Practice for Community Solutions. "Delivering Outcomes for Communities Training: Agenda: Speaker Contact List." 23 June 2016. <https://s3.amazonaws.com/sitesusa/wp-content/uploads/sites/1061/2016/06/Speaker-Contact-List.pdf>. Consulted 22 September 2017.

<sup>5</sup> 18F. "About Us." <https://18f.gsa.gov/about/>. Consulted 1 July 2017. See also Shueh, Jason. "Feds Extend 18F's Silicon Valley Expertise to Cities, States." *GovTech*. <https://web.archive.org/web/20170519061303/http://www.govtech.com/federal/Feds-Extend-18Fs-Silicon-Valley-Expertise-to-Cities-States.html>. Consulted 1 July 2017.

<sup>6</sup> U.S. Department of Commerce. "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." Press Release. 10 May 2016. <https://www.commerce.gov/news/press-releases/2016/05/san-francisco-mayor-ed-lee-us-department-commerce-gsa-administrator>. Consulted 1 July 2017.

<sup>7</sup> Please see the Community Solutions webpage. <https://communitysolutions.sites.usa.gov/>

## 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 Institutions:** Office of Management and Budget (OMB), General Services Administration (GSA), Millennium Challenge Corporation (MCC), Department of State, United States Agency for International Development (USAID)

**Supporting Institutions:** 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				Completion		Midterm		Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
41. Overall			✓		✓	✓		✓		✓					✓				✓		

#### Commitment Aim

This commitment aimed for the US government to support next steps for the Global Partnership for Sustainable Development Data,<sup>1</sup> an initiative that looks to leverage data to help meet the Sustainable



Development Goals (SDGs).<sup>2</sup> The United States also sought to inventory existing datasets that are relevant for the SDGs in conjunction with inputs from interagency stakeholders and civil society, and propose a strategy to track progress toward their achievement in the UNITED STATES.

## Status

### Midterm: Substantial

At the midterm, the government had made substantial progress on this commitment. The United States became a founding member of the Global Partnership for Sustainable Development Data in September 2015,<sup>3</sup> with the US State Department and the Millennium Challenge Corporation working to support several related initiatives under the Global Partnership's umbrella, specifically in Tanzania.<sup>4</sup> With respect to taking inventory of US SDG-relevant data, the US Office of Management and Budget (OMB) solicited input from federal agencies as a first step toward completing this activity, with subsequent plans to confer with civil society groups and store SDG-relevant data in an open source, public-facing national SDG reporting platform, anticipated to launch in fall 2016.<sup>5</sup>

### End of term: Substantial

At the end of term, progress on this commitment remains substantial. In September 2016, The US Office of Management and Budget's Office of Information and Regulatory Affairs, the US Department of State's Office of International Organizations, the US General Services Administration, and the US Office of Science and Technology Policy launched an online national SDG-reporting platform, referred to as the "US National Statistics for the UN Sustainable Development Goals."<sup>6</sup> The platform's homepage contains a clickable list of SDG indicators, which in turn link to available data for the selected indicator.

The data available on the platform at the time of writing was sparse with respect to indicator and temporal coverage. For example, data is lacking entirely for various indicators, while temporal coverage for many indicators is not continuous. A note on the platform's webpage suggests this is because the US government's efforts to inventory SDG-relevant data remain incomplete. Specifically, the webpage notes that by spring 2017, the platform "will provide a dashboard summarizing the US status of data discovery, statistical production, and national reporting of statistics for the Sustainable Development Goals' global indicators." However, by the close of the end-of-term reporting period, the dashboard was not yet publicly available on the platform.

Progress on the platform will likely remain ongoing for a substantial period of time in light of the challenges the government faces in obtaining data on the SDG's 169 indicators spread across 17 goals. As described in a January 2017 Roundtable Report by the Center for Open Data Enterprise and the Global Partnership for Sustainable Development Data, as of May 2016, exploratory efforts by the Office of Management and Budget's Office of the Chief Statistician assessed that the United States lacked data for roughly half of the SDG indicators.<sup>7</sup> Beyond these data challenges, the US government has also not publicly released an explicit strategy for tracking progress toward meeting the SDGs. Thus, while the government made substantial progress by the close of the end-of-term reporting period, several aspects of the commitment remain incomplete.

As for engagement with civil society, the government met with civil society stakeholders to propose recommendations for better data tracking. Specifically, on 14 December 2016, the Center for Open Data Enterprise and the Global Partnership for Sustainable Development Data convened a roundtable that included more than 40 stakeholders from the government, civil society, and the business sector.<sup>8</sup> The goal of the meeting was to strengthen the US SDG-reporting platform, use data for action, and support global efforts to achieve the SDGs. While this meeting took place more explicitly under the framework of Commitment 48. Harness the Data Revolution for Sustainable Development, there are many similarities between the two commitments, which both focus on improving the reporting of progress on SDGs and engaging with civil society stakeholders. For more details about this engagement, please see this report's analysis of Commitment 48.

## Did It Open Government?

### **Access to Information: Marginal Civic Participation: Marginal**

This commitment marginally opened government with respect to access to information and civic participation. While the national SDG-reporting platform offers a forward-looking tool to tracking progress on SDGs, a more substantial opening of government is mitigated by limited data availability and the lack of a live-data dashboard at the time of writing, as explained in the section above. Specifically, by the end of term, the lack of data for many indicators and non-continuous data coverage are barriers to greater data usage. As for civic participation, the roundtable convened by the Center for Open Data Enterprise and the Global Partnership for Sustainable Development Data represented a clear effort to include civil society in the development of an SDG-data strategy. However, a more institutionalized and regular channel of engagement would be needed to achieve a major improvement on this front.

## Carried Forward?

At the time of writing, the US government had not published its fourth national action plan, so it is unclear if this commitment will be carried forward. The United States should nevertheless continue its efforts to inventory data that is relevant for tracking US progress on the SDGs, with data posted to the national reporting platform as it becomes available. The government should also release an explicit strategy for tracking progress toward meeting the SDG goals in the United States in order to maximize usage of the platform's data on an ongoing basis.

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<sup>1</sup> Global Partnership for Sustainable Development Data. "Homepage." <http://www.data4sdgs.org/>. Consulted 9 October 2017.

<sup>2</sup> United Nations. "Sustainable Development Goals." <http://www.un.org/sustainabledevelopment/sustainable-development-goals/>. Consulted 2 July 2017.

<sup>3</sup> U.S. State Department Office of the Spokesperson. "Press Release: Harnessing the Data Revolution for Sustainable Development: US Government Commitments and Collaboration with the Global Partnership for Sustainable Development Data." Press Release 22 September 2015. <https://2009-2017.state.gov/r/pa/prs/ps/2015/09/247419.htm>. Consulted 2 July 2017.

<sup>4</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-collabratives/>. Consulted 2 July 2017.

<sup>5</sup> Open Government Partnership. "United States of America Midterm Self-Assessment Report for the Open Government Partnership: Third Open Government National Action Plan, 2015–2017," pp.41–42. September 2016. The IRM researcher was unable to document OMB's solicitation of stakeholder inputs for these activities on the basis of publicly available information.

<sup>6</sup> The platform is available at <https://sdg.data.gov/>. Consulted 22 September 2017. The launch date comes from Center for Open Data Enterprise and Global Partnership for Sustainable Development Data. "US SDG Sustainable Data Revolution Roadmap: Roundtable Report." p.9. <http://reports.opendataenterprise.org/us-sdg-report.pdf>. Consulted 22 September 2017.

<sup>7</sup> Ibid. p.8.

<sup>8</sup> Center for Open Data Enterprise and Global Partnership for Sustainable Development Data. "US SDG Data Revolution Roadmap, Roundtable Report," January 2017, <http://reports.opendataenterprise.org/us-sdg-report.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 Institutions:** Office of Science and Technology Policy (OSTP), National Oceanic and Atmosphere Administration (NOAA) within Commerce, the National Geospatial Intelligence Agency (NGA) within Department of Defense, the Centers for Disease Control and Prevention (CDC) within Health and Human Services (HHS), and United States Agency for International Development (USAID)

**Supporting Institutions:** 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				Completion		Midterm		Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
42. Overall			✓		✓	✓		✓			✓		✓		✓					✓	
42.1. Arctic Data as a Strategic Asset			✓		✓		✓		✓				✓								
42.2. Stimulate Partnerships and Innovation		✓			Unclear					✓				✓							
42.3. Fill Data Gaps			✓		✓		✓				✓		✓		✓						
42.4. National Heat Health Information System			✓		✓	✓	✓			✓			✓								

**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.

**Commitment Aim**

This commitment aimed for the US government to expand the global availability and accessibility of climate-relevant data and promote the development of tools to help solve problems that arise in the context of a “changing climate” by:

- Encouraging Arctic Council-member countries<sup>1</sup> and members of the global community to take inventory of climate-relevant government data and publish a list of datasets that are or will be made publicly available;
- Fostering private sector initiatives that leverage climate-relevant data to further national climate-change preparedness, in conjunction with other countries;
- Filling critical gaps in climate-relevant data, with the creation of a Digital Elevation Model (DEM) for the Arctic serving as a pilot; and
- Developing a National Integrated Heat Health Information System (NIHHIS), a public health decision-support system to improve resilience to extreme heat events, based on pilot projects to be developed in conjunction with industry stakeholders and other countries.

## Status

### Midterm: Limited

At the midterm, the government had made limited overall progress on this commitment:

- The US government made efforts to publish US-held climate-relevant data through the Climate Data Initiative ([climate.data.gov](http://climate.data.gov)) and the Climate Resilience Toolkit ([toolkit.climate.gov](http://toolkit.climate.gov)).<sup>2</sup> However, the IRM researcher was unable to find evidence that the United States explicitly encouraged other Arctic Council-member states to inventory or prepare a list of publicly available climate-relevant data. Progress on Milestone 42.1 was therefore limited at the midterm.
- The government continued an ongoing collaboration with partner countries through the Climate Services for Resilient Development Partnership, but did not engage in additional activities relevant for this milestone.<sup>3</sup> Progress on Milestone 42.2 was therefore limited at the midterm.
- By the close of the midterm reporting period, the government had come close to completing DEMs for Alaska, with the development of DEMs for other areas of the Arctic underway. However, as no DEM data was released prior to September 2016,<sup>4</sup> progress on Milestone 42.3 was limited at the midterm.
- The government began working on several pilot projects, such as a regional pilot for the northeast United States, based in New York City. However, no pilot projects had officially launched by the midterm.<sup>5</sup> The NIHHS's web portal launched on 23 May 2016,<sup>6</sup> providing several heat-related resources, and the National Oceanic and Atmosphere Administration and the White House each hosted a webinar on the subject of extreme heat in April and May 2016,<sup>7</sup> respectively.

### End of term: Substantial

By the end of term, the government had made substantial overall progress on this commitment.

The IRM researcher was unable to document further progress on Milestone 42.1 using publicly available information. Section 29 of the Arctic Council's Fairbanks Declaration of 2017, signed on 11 May 2017, touches indirectly on member-states sharing of climate-relevant data, stating that Arctic Council-member countries "reiterate the importance of climate science to our understanding of the changing Arctic region and our activities in the Arctic environment, welcome the work towards a regional digital elevation model, and encourage continued efforts to coordinate the management and sharing of data that serve as indicators and predictors of climate change, based, inter alia, on the World Climate Research Program of the World Meteorological Organization."<sup>8</sup> However, the IRM researcher does not consider this to be sufficient evidence that the US government has actively worked to encourage other member countries to inventory and make available climate-relevant data as described in the commitment text. Progress on this milestone therefore remains limited at the end of term.

As it relates to stimulating partnerships for leveraging open climate data for climate resilience (Milestone 42.2), on 22 September 2016, the White House announced the launch of the Partnership for Resilience and Preparedness (PREP). According to the corresponding press release, "the partnership will identify priority-information needs, reduce barriers to data access and usability, and develop an open-source platform to enable sharing and learning on the availability and use of data and information for climate resilience."<sup>9</sup> Structurally, PREP is a public-private partnership that brings together government agencies, civil society organizations, non-governmental organizations, and private sector actors to help meet these goals, and emerged directly from the Climate Data Initiative to facilitate greater global access to climate-relevant data.

On the same date, the White House also released the "Joint Declaration on Harnessing the Data Revolution for Climate Resilience." In conjunction with 13 partner governments and various private

sector companies and civil society organizations, the declaration “calls for concrete actions in order to increase international climate resilience through improving accessibility and usability of data.”<sup>10</sup> As described in the text of the declaration, signatories commit to mobilizing public and private sector actors to leverage data for climate resilience, share climate-relevant data openly, support public and private sector work to encourage open-source climate-relevant data platform, increase collaboration to fill data gaps, utilize common data and technical standards, and encourage and support complementary climate resilience initiatives.<sup>11</sup> Collectively, these actions are complementary to PREP’s three main activities, which include engaging communities of data producers and users to help support climate resilience, reducing barriers to data access and use data to further climate resilience, and developing an open-source platform to facilitate access to and usability of climate-relevant data.<sup>12</sup>

With respect to the open-source platform in particular, PREP launched a beta open-source platform for climate-relevant data—Partnership for Resilience & Preparedness Beta Platform—on the day of the announcement, inaugurating a one-year pilot phase for the platform.<sup>13</sup> At the close of the end-of-term reporting period, the platform remained in beta mode and there was very little data available. With respect to both PREP and the Joint Declaration, the White House specifically situated them in the context of this milestone, noting that “PREP and the Joint Declaration respond to the commitments the Administration made as part of its Third Open Government National Action Plan to work to expand the availability and accessibility of climate-relevant data worldwide, leverage open data to stimulate innovation and private-sector entrepreneurship in the application of climate-relevant data, and seek international opportunities to help meet critical data needs.” In light of these activities, the IRM researcher concludes that Milestone 42.2 is complete.

In terms of filling climate data gaps (Milestone 42.3), on 1 September 2016, the US National Geospatial Intelligence Agency and the National Science Foundation (NSF) jointly announced the release of the DEM for Alaska.<sup>14</sup> The Digital Elevation Mode was made available on an unclassified, open Arctic data portal called “NGA Arctic Support 2017.”<sup>15</sup> Per a corresponding Medium post announcing the Alaska DEM’s release, the open data portal contains a variety of different information such as “map viewers, DEM exploratory tools, nautical charts, sailing directions, infographics, and a downloadable Pan-Arctic map with mission-specific data layers.”<sup>16</sup>

DEMs for the Arctic were extended beyond Alaska and made publicly available in a series of subsequent releases throughout the latter half of 2016 and into 2017.<sup>17</sup> The latest release falling within the end-of-term reporting period—ArcticDEM Release 5—was made available on 2 June 2017, and brought total DEM coverage of the Arctic region up to 65%. The NGA and the NSF announced ArcticDEM Release 6 on 6 September 2017, several months after the close of the end-of-term reporting period, bringing total DEM coverage for the Arctic to 97.4%.<sup>18</sup> The final ArcticDEM release is scheduled for mid-2018.<sup>19</sup> The IRM researcher assesses Milestone 42.3 to be substantially complete, given the government’s progress on developing and releasing the Arctic DEMs, a process which was inching closer to completion several months after the end of term.

As for creating a National Integrated Heat Health Information System (NIHHIS) as part of Milestone 14.4, the government has begun to make more substantial progress on a series of NIHHIS North American pilot projects, each of which is region-specific and anchored by a regional focal city (with the exception of the Southwest Regional Pilot, which has three). On 13 July 2016, the NIHHIS—in partnership with a group of universities and local and federal government agencies—officially launched the NIHHIS Southwest Regional Pilot during a workshop in El Paso called “Developing an Integrated Heat Health Information System for Long-Term Resilience to Climate and Weather Extremes in the El Paso-Juárez-Las Cruces Region.”<sup>20</sup> Per the Workshop’s Executive Summary Report, “The NIHHIS pilot is designed to facilitate ongoing engagement with people in the region to understand climatic, institutional, social, and other aspects of extreme heat health risk and to create a long-term approach to improving resilience to extremes.” Follow-up activities related to the workshop include having volunteers from five workstreams organized via the workshop (equivalent to working groups) meet regularly to work toward a series of recommendations surrounding heat health resilience, with the workshop’s organizing committee additionally suggesting taking inventory of data, initiatives, and other resources to help develop a “state-of-knowledge assessment for



extreme heat and public health in the region,” supported by the El Paso Office of Resilience and Sustainability.<sup>21</sup>

The Southwest Pilot Projects workstreams reconvened in Tucson, Arizona on 18 January 2017 for a series of follow-up meetings to the initial workshop, with the goal of facilitating ongoing communication and planning for the heat season.<sup>22</sup> Related, the US-Mexico “Border Heat-Health Partnership emerged directly from the El Paso workshop, and aims to ‘reduce heat-related illness and deaths in the region by developing the capacity to prepare for and respond to extreme heat events.’”<sup>23</sup> The partnership hosted an initial heat health workshop in Mexico on 17-18 May 2017.<sup>24</sup> At the close of the end-of-term reporting period, two additional NIHHS pilots were also reported to be underway by the NIHHS: the Northeast Pilot (with New York City as its focal point) and the Midwest/Great Lakes Pilot (with Chicago as its focal point).<sup>25</sup> However, the IRM researcher was unable to obtain any information on those pilots’ status at the time of writing. An additional Western Pilot (with Reno as its focal point) was scheduled to launch in 2017, with other pilots of paired domestic and international cities to follow in 2018.<sup>26</sup> However, given that only the Southwest Pilot appears to have formally launched by the close of the end-of-term reporting period, the IRM researcher assesses that progress on Milestone 42.4 remains limited at the end of term.

### **Did It Open Government?**

#### **Access to Information: Major Civic Participation: Major**

This commitment significantly opened government with respect to both access to information and civic participation.

Concerning access to information, the activities carried out under this commitment resulted in the release of substantial amounts of new information relative to the status quo—such as the PREP data platform (Milestone 42.2) and the Arctic DEMs (Milestone 42.3)—while also developing infrastructure to facilitate greater access to information in the future, both through these initiatives and through the NIHHS’s North American Pilot Projects (Milestone 42.4). As described above, each of these activities represents an entirely new project, as opposed to an extension of an existing project, highlighting their substantial importance for the open government agenda. Moreover, the government has clearly articulated specific follow-up activities—such as populating the PREP platform with additional data, releasing the final Arctic DEM, and launching the remaining NIHHS pilots—that will serve to further increase access to information going forward.

The new data offered on the PREP platform and Arctic DEM portal are particularly noteworthy. The former allows users to visualize important climate trends over time and across the globe.<sup>27</sup> With a map-based display and several data filters, the website is easy to use. By early 2018, the website included visualizations for more than 100 datasets ranging from measures of exposure to changes in climate indicators such as temperature, precipitation, and extreme events.

As for the Arctic DEM, the newly-disclosed elevation data for the Arctic is a major improvement over the low-quality data that was previously available. Given the challenges of flying planes over the Arctic to capture topographical information, Mars and the moon were better mapped than Alaska and other areas in the Arctic prior to the action plan.<sup>28</sup> While previous data had a horizontal resolution of several hundred feet, the new data<sup>29</sup>—built in partnership with researchers and commercial satellite technology—has a horizontal resolution that ranges between seven to 17 feet.<sup>30</sup> This new high-quality data can in turn be used to more closely study the effects of climate change, such as coastal erosion, forest loss, and shrinking glaciers. Moreover, there is already evidence of academic researchers using the new data to study changes in the Earth’s surface.<sup>31</sup>

With respect to civic participation, the NIHHS Southwest Pilot carried out under Milestone 42.4 (the only milestone relevant for this OGP value) has begun to facilitate the development of new partnerships between federal and local government and universities with a particular focus on risks related to extreme heat. As demonstrated by the NIHHS’s anticipated launch of subsequent regional pilots and the Border Heat-Health Partnership that has already emerged from the Southwest Pilot,



these collaborations are ongoing in nature and represent a substantial and new opportunity for civic participation relative to the status quo. PREP, which is supported by a combination of 13 government, private sector, and civil society partners, represents another bright spot in this area by nature of its efforts to enlist civil society to help fill gaps in climate-relevant data. The development of the Arctic DEM is also a noteworthy example of collaboration between government, the academic sector, and companies to achieve greater data disclosures.

### Carried Forward?

At the time of writing, the US government had not published its fourth national action plan, so it is unclear if this commitment will be carried forward. The government should nevertheless work to complete the activities under this commitment that remain outstanding at the end of term, specifically encouraging Arctic Council members to inventory and document climate-relevant data, improving the availability of climate-relevant data via PREP, releasing the remaining Arctic DEMs, and proceeding with the remaining NIHIS pilots.

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<sup>1</sup> Arctic Council. "Member States." 6 July 2015. <https://www.arctic-council.org/index.php/en/about-us/member-states>. Consulted 9 October 2017.

<sup>2</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: <https://web.archive.org/web/20150905063233/http://toolkit.climate.gov/topics/arctic>. As for the Climate Data Initiative, there were 270 Arctic-related datasets online as of September 2015 (see archived version here: <https://bit.ly/2vmvfgl>), compared to 251 in May 2016 (see archived version here: <https://bit.ly/2hrklyY>).

<sup>3</sup> Open Government Partnership. "United States of America Midterm Self-Assessment Report for the Open Government Partnership: Third Open Government National Action Plan, 2015–2017," pp.43-44. September 2016. [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 2 October 2017.

<sup>4</sup> Ibid. See also, NGA Arctic Support 2017 (<https://bit.ly/2ctAZv3>) which specifies that the five major releases of data began in September 2016. Furthermore, third party sources (available here: <https://bit.ly/2vmMFtz>) indicate that progress was limited as of mid-2016.

<sup>5</sup> Trtanj, Juli. "Building Resilience to Extreme Heat: The National Integrated Heat Health Information System." *Commission for Environmental Cooperation*. [http://www.cec.org/sites/default/files/documents/agenda/Mar-13-jun-2017/juli\\_trtanj.pdf](http://www.cec.org/sites/default/files/documents/agenda/Mar-13-jun-2017/juli_trtanj.pdf). Consulted 9 October 2017. See also, 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. <https://bit.ly/2wsFzQN>. Consulted 9 October 2017.

<sup>6</sup> Climate Program Office. "National Integrated Heat Health Information System (NIHIS) Web Launch: May 23, 2016," 10 July 2017. <http://cpo.noaa.gov/News/News-Article/PID/6226/mcat/6355/ev/1/ArtDate/10-7-2017>. Consulted 9 October 2017.

<sup>7</sup> NOAA Climate Program Office. "MAPP Webinar Series," 26 April 2016 <https://bit.ly/2vwVyQG>. NOAA Climate Program Office, Consulted 9 October 2017, and "NOAA Climate Program Office. White House Webinar." 26 May 2016. <https://bit.ly/2ubkl8d>. Consulted 9 October 2017.

<sup>8</sup> U.S. Department of State. "Fairbanks Declaration 2017: On the Occasion of the Tenth Ministerial Meeting of the Arctic Council." <https://www.state.gov/e/oes/rls/other/2017/270802.htm>. Consulted 24 September 2017.

<sup>9</sup> White House Office of the Press Secretary. "FACT SHEET: Launching New Public-Private Partnership and Announcing Joint Declaration on Leveraging Open Data for Climate Resilience." 22 September 2016. <https://obamawhitehouse.archives.gov/the-press-office/2016/09/22/fact-sheet-launching-new-public-private-partnership-and-announcing-joint>. Consulted 24 September 2017.

<sup>10</sup> Ibid. For the text of the Declaration, see "Joint Declaration on Harnessing the Data Revolution for Climate Resilience." 22 September 2016. <https://2009-2017.state.gov/globalgoals/releases/262189.htm>. Consulted 24 September 2017.

<sup>11</sup> Ibid.

<sup>12</sup> White House Office of the Press Secretary. "FACT SHEET: Launching New Public-Private Partnership and Announcing Joint Declaration on Leveraging Open Data for Climate Resilience." 22 September 2016. <https://bit.ly/2r2NKCB>. Consulted 24 September 2017.

<sup>13</sup> Ibid. The platform is available at <http://www.prepdata.org/>. Consulted 24 September 2017.

<sup>14</sup> National Geospatial Intelligence Agency. "NGA, NSF release 3-D elevation models of Alaska for White House Arctic initiative." 1 September 2016. <https://www.nga.mil/MediaRoom/PressReleases/Pages/Arctic3DAlaska.aspx>. Consulted 24 September 2017.

<sup>15</sup> National Geospatial Intelligence Agency. "NGA Arctic Support 2017: The Arctic." <https://bit.ly/2ctAZv3>. Consulted 24 September 2017.

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- <sup>16</sup> The Obama White House. "New Elevation Map Details Alaska Like Never Before." 1 September 2016. *Medium*. <https://medium.com/@ObamaWhiteHouse/new-elevation-map-details-alaska-like-never-before-b7a659f02a3a>. Consulted 24 September 2017.
- <sup>17</sup> For details on the second release from 1 October 2016, see University of Minnesota. "ArcticDEM Release 2" <https://www.pgc.umn.edu/projects/arcticdem-release-2/>; for details on the third release from 14 February 2017, see University of Minnesota. "ArcticDEM Release 3." <https://www.pgc.umn.edu/news/arcticdem-release-4-updates-and-new-regions/> For details on the fifth release from 2 June 2017, see University of Minnesota. "ArcticDEM Release 5." <https://www.pgc.umn.edu/news/arcticdem-release-5/>. All consulted 24 September 2017.
- <sup>18</sup> University of Minnesota. "ArcticDEM Release 6." 6 September 2017. <https://www.pgc.umn.edu/news/arcticdem-release-6/> Consulted 24 September 2017.
- <sup>19</sup> Ibid.
- <sup>20</sup> Garfin, Gregg 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: Executive Summary from the Workshop Held in El Paso, TX, July 13, 2016." *University of Arizona Institute to the Environment*. 13 July 2016. <https://bit.ly/2FhEpfa>. Consulted 24 September 2017. The pilot is sometimes alternatively referred to as the Rio Grande/Bravo Pilot. See Climate Program Office. "Rio Grande-Rio Bravo (RGB) Regional Pilot Area." <http://cpo.noaa.gov/Our-Work/International/Rio-Grande-Rio-Bravo-Regional-Pilot-Area>. Consulted 24 September 2017.
- <sup>21</sup> Ibid. p.3.
- <sup>22</sup> Garfin, Gregg and Sarah LeRoy. "NIHHIS Southwest Regional Pilot: 2017 Winter Work Streams Meeting Summary." *Climate Assessment for the Southwest*. 2017. <http://www.climas.arizona.edu/publication/report/nihhis-southwest-regional-pilot-2017-winter-work-streams-meeting-summary>. Consulted 24 September 2017. See also LeRoy et al. "NIHHIS Southwest Regional Pilot: 2017 Winter Work Streams Meeting Summary." *Climate Assessment for the Southwest*. January 2017. <http://www.climas.arizona.edu/sites/default/files/pdfnihhis-2017-winter-meeting-summary.pdf>. Consulted 24 September 2017.
- <sup>23</sup> "Border Heat-Health Partnership. "About the Project." <http://www.borderheat-healthpartnership.org/about>. Consulted 24 September 2017. ....
- <sup>24</sup> Climate Program Office. "NIHHIS Partners host heat-health workshop in Hermosillo, Mexico." 19 May 2017. <https://bit.ly/2r7lpe7>. Consulted 24 September 2017.
- <sup>25</sup> Trtanj, Juli. "Building Resilience to Extreme Heat: The National Integrated Heat Health Information System." p.63. *One Health and National Oceanic and Atmospheric Association Climate Program Office*. [http://www.cec.org/sites/default/files/documents/agenda/jeu-7-sept.-2017/juli\\_trantj.pdf](http://www.cec.org/sites/default/files/documents/agenda/jeu-7-sept.-2017/juli_trantj.pdf). Consulted 24 September 2017.
- <sup>26</sup> Ibid.
- <sup>27</sup> Partnership for Resilience & Preparedness, "Explore." <https://prepdata.org/explore>
- <sup>28</sup> Bourne, Jr., Joel K. "Alaska Has Finally Been Mapped as Precisely as Mars." *National Geographic*. 1 September 2016, <https://news.nationalgeographic.com/2016/09/alaska-has-finally-been-mapped-as-precisely-as-mars/>
- <sup>29</sup> National Geospatial-Intelligence Agency. "NGA Arctic Support 2017: The Arctic." <https://bit.ly/2ctAZv3>
- <sup>30</sup> Bourne, Jr., Joel K. "Alaska Has Finally Been Mapped as Precisely as Mars." *National Geographic*. 1 September 2016.
- <sup>31</sup> Dai, Chunli and Ian M. Howat. "Measuring Lava Flows With Arctic DEM: Application to the 2012-2013 Eruption of Tolbachik, Kamchatka." *Geophysical Research Letters* 44, 12, 133-12, 140, December 2017, <https://agupubs.onlinelibrary.wiley.com/doi/pdf/10.1002/2017GL075920>. See <https://bit.ly/2pKHLSc> also for other studies.

## 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 Institutions:** Department of State, Environmental Protection Agency (EPA)

**Supporting Institutions:** City government leaders

**Start Date:** Not specified.....

**End Date:** Not specified

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Midterm End of Term		Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
43. Overall				✓	✓		✓			✓					✓	✓			✓		

### Commitment Aim

This commitment aimed to expand the availability of air quality data by adding data for 20 global cities to the Department of State's AirNow platform,<sup>1</sup> an online platform that stores and tracks air quality data.

### Status

#### Midterm: Substantial

At the midterm, this commitment was substantially completed. Per the 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, with data collected via air quality monitors at US embassies and consulates.<sup>2</sup>

#### End of term: Complete

This commitment is complete. Data for 25 global cities was available on the AirNow website by the end of term, exceeding the commitment's target of 20 cities.<sup>3</sup> The cities (as listed in order on the AirNow website) include: New Delhi, Chennai, Kolkata, Mumbai, and Hyderabad (India); Jakarta South and Jakarta Central (Indonesia); Ulaanbaatar (Mongolia); Ho Chi Minh City and Hanoi (Vietnam); Bogota (Colombia); Lima (Peru); Addis Ababa Central, Addis Ababa International School

(Ethiopia); Kampala (Uganda); Beijing, Guangzhou, Chengdu, Shenyang (China); Dhaka (Bangladesh); Abu Dhabi, Dubai (United Arab Emirates); Pristina (Kosovo); Kuwait City (Kuwait); Manama (Bahrain), Kathmandu Embassy, Phora Durbar Kathmandu (Nepal); and Colombo (Sri Lanka).

At the end of term, the government has begun to leverage the newly available AirNow data in a variety of ways. For example, through the AirNow-International Initiative (AirNow-I), the US Environmental Protection Agency offers analytical tools to help monitor and manage air quality data, specifically by allowing users to collect, aggregate, summarize, and visualize AirNow data in a variety of ways.<sup>4</sup> In addition to hosting several AirNow-I webinars in 2016,<sup>5</sup> the US Environmental Protection Agency actively maintains the “AirNow-I Community,” a global network of agencies and international organizations that “collect, collaborate, and share knowledge” on air quality data and management in the form of community-driven technical support, networking platforms, and webinars.<sup>6</sup>

Similarly, as part of Air Quality Awareness Week from 1–5 May 2017, the Environmental Protection Agency also undertook efforts to publicize AirNow’s global data both online<sup>7</sup> and through country-specific events, such as presentations on air quality for university and high school students in Indonesia, a blog post on Embassy-led air quality engagements in Ethiopia, an air quality event at the American Center Korea in South Korea, a panel discussion and roundtable in Vietnam, and an “Air Fair” day in China.<sup>8</sup> Separately, on 14 March 2017, the US Embassy in Nepal and the Ministry of Population and Environment held a joint ribbon-cutting ceremony to inaugurate a new Nepalese government’s Air Quality Monitoring (AQM) station alongside the US Embassy’s own AQM system, calling attention to air quality issues in Nepal.

Events such as these speak to the demand for better air quality data, and highlight ways in which the newly released AirNow data may eventually be used to improve global air quality.

## Did It Open Government?

### Access to Information: Marginal

This commitment marginally opened government with respect to access in the cities where US AQM stations are now installed.

On a macro-level, with respect to the government’s efforts to improve the availability of air quality information worldwide (which comprises the commitment’s core aim), the World Air Quality Index Project—a non-profit initiative providing real-time air quality measurements—noted that as of February 2017, there were roughly 9,000 air quality monitoring stations spread across 800 cities and 70 countries worldwide.<sup>9</sup> In the aggregate, the EPA’s AirNow platform coverage constitutes a relatively minor improvement in information availability when viewed against this backdrop (comprising roughly .25% of monitoring stations worldwide and 2.5% of all cities with air monitoring stations). On a micro-level, data from the World Air Quality Index Project indicates that within those cities covered by the AirNow platform, 22 out of 59 total active Air Quality Monitoring stations (roughly 37%) are US stations linked to AirNow, indicating a more substantial scope of coverage among those cities appearing on the AirNow platform.<sup>10</sup> Moreover, in 10 cities covered by the AirNow platform, the US government’s AQM stations are the only active stations providing real-time air quality measurements.<sup>11</sup>

The most relevant level of analysis for this commitment is the 25 cities covered by the AirNow platform, which aligns most closely with the intended expansion of city-level coverage described in the commitment text. Given that US air monitoring stations reporting data on the AirNow platform comprise a minority of all active reporting stations in the 25 cities they cover, the commitment cannot be said to have opened government more substantially. Still, the disclosure of air quality information, particularly in cities that lacked real-time monitors previously, is a positive development not only for the US citizens and embassy personnel stationed abroad, but also for local residents, who can likewise use the information for health preparedness.

## Carried Forward?

At the time of writing, the United States had not published its fourth national action plan, so it is unclear if this commitment will be carried forward. The government should nevertheless continue efforts to expand the number of air quality monitoring stations in the 25 global cities where it currently operates, as well as in additional cities on an ongoing basis.

Moreover, while the government completed this commitment as specified, there is little concrete evidence of US-led attempts to utilize AirNow data to effect global improvements in air quality (either directly or indirectly). One clear example came earlier from Beijing in 2008–2013, where the US embassy's installation of air quality monitors contributed to the Chinese government's decision to install its own AQM system and implement pollution reduction targets.<sup>12</sup> In the future, the US government should consider engaging in more active efforts (either direct or indirect) to effect air quality improvements using AirNow's global data, similar to what occurred in China.

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<sup>1</sup> AirNow. "Homepage." [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>2</sup> Open Government Partnership. "United States of America Midterm Self-Assessment Report for the Open Government Partnership: Third Open Government National Action Plan, 2015–2017." pp.44-45. September 2016. [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 2 October 2017.

<sup>3</sup> Airnow "AirNow Department of State." web archive from 11 July 2017, available at: <https://bit.ly/2GvrU4I>.

<sup>4</sup> AirNow-I. "Basics." Last updated 10 April 2015. <https://www.airnow.gov/index.cfm?action=ani.basics>. Consulted 4 September 2017.

<sup>5</sup> AirNow-I. "News." Last updated 27 April 2016. <https://www.airnow.gov/index.cfm?action=ani.morenews>. Consulted 4 September 2017.

<sup>6</sup> AirNow-I. "Community." Last updated 22 March 2017. <https://www.airnow.gov/index.cfm?action=ani.whatcommunity>. Consulted 4 September 2017.

<sup>7</sup> U.S. Environmental Protection Agency. "Air Quality Around the World." 4 May 2017. <https://www3.epa.gov/airnow/airaware/world.html>. Consulted 4 September 2017.

<sup>8</sup> Ibid.

<sup>9</sup> World Air Quality Index. "Worldwide Air Quality Monitoring Data Coverage." <https://aqicn.org/sources/>. Consulted 26 September 2017.

<sup>10</sup> This analysis was performed by counting the total number of active air quality monitoring stations per city as indicated by the World Air Quality Index. All AirNow stations are included in the Index. See World Air Quality Index. "Homepage." <https://aqicn.org/home/>. Consulted 26 September 2017.

<sup>11</sup> These cities include Addis Ababa, Bogota, Colombo, Dhaka, Hanoi, Ho Chi Minh City, Kampala, Lima, Manama, and Pristina. Ibid.

<sup>12</sup> Roberts, David. "How the US Embassy Tweeted to Clear Beijing's Air." *Wired Magazine*. 6 March 2015. <https://www.wired.com/2015/03/opinion-us-embassy-beijing-tweeted-clear-air/>. Consulted 4 September 2017.

## 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 Institutions:** Department of State, Department of Agriculture (USDA), United States Agency for International Development (USAID)

**Supporting Institutions:** Global Open Data for Agriculture and Nutrition (GODAN) stakeholders

**Start Date:** Not Specified

**End Date:** Not Specified

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Midterm		Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	End of Term		Worsened	Did Not Change	Marginal	Major	Outstanding
															Substantial	Completed					
44. Overall			✓		✓	✓			✓					✓		✓			✓		

### Commitment Aim

This commitment aimed to have the United States host a summit of the Global Open Data for Agriculture and Nutrition Initiative (GODAN),<sup>1</sup> co-chair a working group with the goal of filling gaps in global nutrition data, and promote the creation of another working group on data availability for, and the adoption of, precision agriculture.

### Status

#### Midterm: Limited

At the midterm, the government had made limited progress on this commitment. Per the government's midterm self-assessment report, in June 2016<sup>2</sup> the US Department of Agriculture established a GODAN working group focused on precision agriculture.<sup>3</sup> The GODAN summit and co-hosting of a nutrition data working group remained pending.

#### End of term: Complete

Progress on this commitment was complete at the end of term.



From 15-16 September 2016, the United States co-hosted the 2016 GODAN Summit in New York City with a thematic focus on agriculture and global nutrition data; co-hosts included the governments of the United Kingdom and Kenya, as well as the One Campaign and Presidents United to Solve Hunger (PUSH), a coalition of 90 universities.<sup>4</sup> The summit was held parallel to the 2016 meetings of the UN General Assembly and was both open to the public and live-streamed online to facilitate remote participation. Nearly 800 people attended the summit, including government officials, researchers, students, and civil society organizations, making the summit the “largest event ever planned for open data in agriculture and nutrition.”<sup>5</sup> In addition to 34 presentations by high-level speakers and 12 breakout sessions, the summit also included an “exhibitors’ showcase” to highlight applications of open agricultural and nutrition data, as well as a 24-hour Open Data Makers’ Hackathon focused on using open data to improve food systems; the showcase included over 40 exhibitors, while 34 people participated in the Hackathon.<sup>6</sup> Video recordings of the summit’s plenary and breakout sessions are available on GODAN’s YouTube page.<sup>7</sup>

As part of the summit, GODAN and Global Citizen co-sponsored an online petition calling upon governments, the private sector and civil society, “to provide open data on agriculture and nutrition as a major tool to end world hunger”; the petition received over 20,000 signatures by the end of the summit.<sup>8</sup> GODAN also released four reports during the summit, covering various topics at the intersection of data, agriculture, and nutrition, and announced the creation of several new working groups.<sup>9</sup>

According to the Department of Agriculture (USDA), the working groups on precision agriculture and nutrition (described in the commitment text) were established prior to the summit to facilitate sessions on their respective topics during the summit. During these sessions, presenters announced various open data deliverables based on the work of the working groups.<sup>10</sup> According to the USDA,<sup>11</sup> the deliverables announced included the launch of a new online USDA database with nutrition details for more than 80,000 foods and an update to the Global Agricultural Concept Scheme (a thesaurus of more than 350,000 terms in 28 languages with common terminology for agriculture and nutrition data).<sup>12</sup> As noted in the summit’s *Executive Report*, both working groups officially concluded their work at the summit.<sup>13</sup>

## Did It Open Government?

### **Access to Information: Marginal**

### **Civic Participation: Marginal**

The commitment marginally opened government with respect to access to information and civic participation. On the one hand, the summit organized under this commitment facilitated greater access to information on global agriculture and nutrition data, and was attended by a large number of individuals from government and civil society, providing meaningful opportunities for civic engagement on this topic. According to the Department of Agriculture (USDA), the participants included world leaders, researchers, farmers, students, and international media, among others, highlighting the diversity of stakeholders who attended.

On the other hand, the commitment revolved around the hosting of a single event, as opposed to the development of a new, ongoing, and institutionalized channel of sharing information and engaging with the public. While the GODAN summit was designed to catalyze policy actions during years 3-5 of the GODAN initiative,<sup>14</sup> the commitment text was limited to the summit itself.

Despite the limited scope of the commitment, the summit did have notable follow-up activities. For one, a GODAN conference held in Nairobi in June 2017 was the direct result of a commitment made by Kenya’s Cabinet Secretary for Agriculture at the 2016 summit. The June 2017 conference also led to further commitments to open agriculture and nutrition data, and led to the creation of an African Intergovernmental Network on Open Data for Agriculture and Nutrition.<sup>15</sup> In addition, the USDA pointed to GODAN’s newly formed partnerships since the summit, such as that with the Global Research Alliance on Agricultural Greenhouse Gases (GRA),<sup>16</sup> as well as the co-sponsorship of a G20 Workshop on Linked Open Data for Agriculture with other partners.<sup>17</sup> Still, these



outcomes are not directly tied to the 2016 summit and go well beyond the scope of the commitment text.

In written comments provided to the IRM researcher, Senior Program Officer Stanley Wood at the Bill and Melinda Gates Foundation described at least one concrete follow-up initiative that arose from the GODAN Summit, specifically a joint agreement by USAID, the UK Department for International Development (DFID) and the Bill and Melinda Gates Foundation to “commission a joint GODAN/ODI [(Overseas Development Institute)] study to formally review and compare the Open Data policies of the three donors, as well as undertake a ‘deep dive’ into documenting the actual open data practices of five initiatives that are jointly funded by at least two of the three [donor organizations].”<sup>18</sup> The study was formally launched at a meeting held at the Food and Agriculture Organization of the United Nations in October 2017, after the close of the action plan.<sup>19</sup> While Wood’s comments suggest that additional follow-up initiatives were underway, the lack of more substantial progress during the evaluation period mitigates against a further opening of government.

### Carried Forward?

At the time of writing, the US government had not published its fourth national action plan, so it is unclear if this commitment will be carried forward. The United States should nevertheless continue to support GODAN’s work by contributing to its working groups and supporting any subsequent summits. Building on past contributions to GODAN<sup>20</sup> and leveraging its role as a member of the GODAN Donor Steering Committee, the US government could better institutionalize the disclosure of agriculture and nutrition data to go beyond the planned five years of the GODAN initiative. If this topic is indeed included as part of a future OGP commitment, it is important to specify clear expected changes in government practice relating to nutritional and agricultural data that go further than the hosting of an event and the establishment of working groups.

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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> Open Government Partnership. “United States of America Midterm Self-Assessment Report for the Open Government Partnership: Third Open Government National Action Plan, 2015–2017,” pp.45-46. September 2016. [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 2 October 2017.

<sup>3</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>4</sup> 2016 GODAN Summit. “Homepage.” <http://www.godan.info/pages/godan-summit-2016>. Consulted 24 September 2017. For the number of attendants, see 2016 GODAN Summit. “Press Release.”

<http://www.godan.info/sites/default/files/old/2016/09/GODAN-Summit-2016-Event-Release-.pdf>. Consulted 24 September 2017. For the list of co-hosts, see 2016 Godan Summit. “Executive Report.” [http://www.godan.info/sites/default/files/files/GODAN\\_Summit\\_2016\\_Executive\\_Report\\_04\\_lowres.pdf](http://www.godan.info/sites/default/files/files/GODAN_Summit_2016_Executive_Report_04_lowres.pdf). Consulted 24 September 2017.

<sup>5</sup> 2016 GODAN Summit Website. “Homepage.” <http://www.godan.info/pages/godan-summit-2016>. Consulted 24 September 2017. See also Godan Summit. “Executive Report.”

[http://www.godan.info/sites/default/files/files/GODAN\\_Summit\\_2016\\_Executive\\_Report\\_04\\_lowres.pdf](http://www.godan.info/sites/default/files/files/GODAN_Summit_2016_Executive_Report_04_lowres.pdf). Consulted 24 September 2017.

<sup>6</sup> 2016 GODAN Summit Website. “Homepage.” <http://www.godan.info/pages/godan-summit-2016>. Consulted 24 September 2017. For the number of presentations and breakout sessions, see Godan Summit. “Executive Report.”

[http://www.godan.info/sites/default/files/files/GODAN\\_Summit\\_2016\\_Executive\\_Report\\_04\\_lowres.pdf](http://www.godan.info/sites/default/files/files/GODAN_Summit_2016_Executive_Report_04_lowres.pdf). Consulted 24 September 2017. Per this same source, breakout sessions focused on the following topics: data rights, funding mechanisms, precision agriculture, SDG2, the agricultural package of the open data charter, nutrition, open data in Africa, and a research symposium. For the number of exhibitors, see 2016 GODAN Summit. “Press Release.”

<http://www.godan.info/sites/default/files/old/2016/09/GODAN-Summit-2016-Event-Release-.pdf>. Consulted 24 September 2017.

<sup>7</sup> Global Open Data for Agriculture and Nutrition “GODAN Secretariat”. YouTube Page.

<https://www.youtube.com/channel/UCscOzc843ZSJSBCiTHAMIZg/search?query=summit>. Consulted 24 September 2017.

<sup>8</sup> Godan Summit. “Executive Report.”

[http://www.godan.info/sites/default/files/files/GODAN\\_Summit\\_2016\\_Executive\\_Report\\_04\\_lowres.pdf](http://www.godan.info/sites/default/files/files/GODAN_Summit_2016_Executive_Report_04_lowres.pdf). Consulted 24 September 2017.

<sup>9</sup> Ibid.

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- <sup>10</sup> Godan Secretariat YouTube Channel, <https://www.youtube.com/channel/UCscOzc843ZSJ5BCiTHAMIZg/search?query=summit>, consulted 7 May 2018.
- <sup>11</sup> The IRM received this information from the Department of Agriculture in a comment during the pre-publication review of this report. The comment was received via e-mail on 30 April 2018.
- <sup>12</sup> “USDA Announces New Open Data Partnership for Public Health,” US Department of Agriculture, 16 September 2016, <https://www.usda.gov/media/press-releases/2016/09/16/usda-announces-new-open-data-partnership-public-health>, consulted 7 May 2018.
- <sup>13</sup> Godan Summit. “Executive Report.” [http://www.godan.info/sites/default/files/files/GODAN\\_Summit\\_2016\\_Executive\\_Report\\_04\\_lowres.pdf](http://www.godan.info/sites/default/files/files/GODAN_Summit_2016_Executive_Report_04_lowres.pdf). Consulted 24 September 2017.
- <sup>14</sup> “Inception Report,” GODAN, July-October 2015, [http://www.godan.info/sites/default/files/old/2016/01/0.0-Core-inception-report\\_revised-US.pdf](http://www.godan.info/sites/default/files/old/2016/01/0.0-Core-inception-report_revised-US.pdf), consulted 7 May 2018.
- <sup>15</sup> Suchith Anand, “Statement of the Ministers for Agriculture at the Global Open Data for Agriculture and Nutrition Data (GODAN) Conference and the 4th Agritec Africa Exhibition,” 30 June 2017, <https://opensourcegeospatial.icaci.org/2017/06/statement-of-the-ministers-for-agriculture-at-the-global-open-data-for-agriculture-and-nutrition-data-godan-conference-and-the-4th-agritec-africa-exhibition/>, consulted 7 May 2018.
- <sup>16</sup> “Welcoming Our New Partner – Godan,” Global Research Alliance on Agricultural Greenhouse Gases, 11 November 2016, <https://globalresearchalliance.org/n/new-partners-for-the-gra-2/>, consulted 7 May 2018.
- <sup>17</sup> “Linked Open Data in Agriculture,” German Federal Ministry for Food and Agriculture, 27-28 September 2017, [https://www.macsg20.org/fileadmin/macsg20/Annual\\_Meetings/2017\\_Germany/Linked\\_Open\\_Data\\_in\\_Agriculture\\_Announcement.pdf](https://www.macsg20.org/fileadmin/macsg20/Annual_Meetings/2017_Germany/Linked_Open_Data_in_Agriculture_Announcement.pdf), consulted 7 May 2018.
- <sup>18</sup> Written comments provided to the IRM Researcher by Stanley Wood. 24 October 2017.
- <sup>19</sup> “Donor Open Data Policy and Practice: An Analysis of Five Agricultural Programmes,” Global Open Data for Agriculture & Nutrition (GODAN), August 2017, [http://www.godan.info/sites/default/files/documents/GODAN\\_Donor\\_Open\\_Data\\_Report\\_lowres\\_16OCT2017.pdf](http://www.godan.info/sites/default/files/documents/GODAN_Donor_Open_Data_Report_lowres_16OCT2017.pdf), consulted 7 May 2018.
- <sup>20</sup> Catherine Woteki, “Financing for Development Conference Boosts Support for Open Data,” US Department of Agriculture, 15 July 2015, <https://www.usda.gov/media/blog/2015/07/15/financing-development-conference-boosts-support-open-data#sthash.RCoDAGYX.dpuf>, consulted 7 May 2018.

## 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 Institutions:** Center for Disease Control (CDC) within Health and Human Services (HHS), Department of Agriculture (USDA), Department of State, United States Agency for International Development (USAID)

**Supporting Institutions:** 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				Completion		Midterm		Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
45. Overall				✓	✓						✓				✓	✓			✓		

### Commitment Aim

Following a recent series of unprecedented epidemic crises, such as the 2014–2016 Ebola outbreak in West Africa<sup>1</sup> and the Zika virus outbreak,<sup>2</sup> this commitment aimed for the United States to carry out a Global Health Security Agenda (GHSa) assessment<sup>3</sup> to evaluate its capacity to prevent, detect, and respond to epidemic threats, and subsequently release a public report summarizing its findings. The United States also committed to provide technical and implementation assistance to other countries conducting GHSa assessments on an ongoing basis.

### Status

#### Midterm: Substantial

The United States carried out its GHSa assessment from 23-27 May 2016 in conjunction with the World Health Organization (WHO) and a global team of experts, with the US government affirming

its intention to assist other countries in carrying out GHSA assessments of epidemic threat preparedness in their own countries.<sup>4</sup> The report summarizing the findings of the US assessment remained outstanding at the midterm, resulting in substantial (as opposed to full) completion.

### **End of term: Complete**

The GHSA and the WHO released a report summarizing the findings of the US GHSA assessment.<sup>5</sup> The report, which is titled *Mission Report June 2016*, was not publicly available as of that month, which is why it counts toward the commitment's completion at the end of term.

With respect to key findings, the report notes that the decentralization of the US public health system may pose challenges for coordinating threat preparedness activities across federal, state, and local levels of government, while nevertheless noting that “the US has extensive systems to reduce the risks and impacts of major public health emergencies.” The report also finds that the United States laboratory system could benefit from improved geographic coverage, with a particular emphasis on surveillance for antimicrobial resistance, food contamination, and dangerous pathogens within the food production and importation system. Other key findings address safe laboratory handling of dangerous pathogens, recruitment and retention challenges for senior-level experts, and government preparedness for large-scale nuclear catastrophe.<sup>6</sup>

With respect to lending technical support to other countries, the United States remained a member of the GHSA's Steering Committee as of 23 June 2017,<sup>7</sup> and actively participated in various external country assessments throughout the reporting period by contributing technical experts to the peer review process, including the assessments for Albania (carried out in September 2016), Bangladesh (May 2016), Namibia (November–December 2016), and Saudi Arabia (March 2017), among others.<sup>8</sup>

### **Did It Open Government?**

#### **Access to Information: Marginal**

The commitment marginally opened government with respect to access to information. While the publication of the US assessment revealed important information about the country's preparedness for academic threats, the report is a one-off assessment with no follow-up activities, mitigating against a more significant opening of government. The same can be said of other countries' assessments that were carried out with US support. Moreover, the US evaluation is an assessment of the US government, rather than a disclosure of information held by the US government.

### **Carried Forward?**

At the time of writing, the US government had not published its fourth national action plan, so it is unclear if this commitment will be carried forward. The United States should nevertheless continue to support GHSA assessments in other countries on an ongoing basis, and make efforts to implement the recommendations from its own assessment in order to better prepare the United States for potential epidemic threats. If this theme is included in a future OGP commitment, it is important that the commitment be more closely linked to the values of open government, such as by disclosing data on epidemics and health preparedness, or by including members of the public in the implementation of the GHSA recommendations.

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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> Global Health Security Agenda. “Assessments.” <https://www.ghsagenda.org/assessments>. Consulted 9 October 2017.

<sup>4</sup> Open Government Partnership. “United States of America Midterm Self-Assessment Report for the Open Government Partnership: Third Open Government National Action Plan, 2015–2017.” pp.45-46. September 2016.

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[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 2 October 2017.

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>5</sup> 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 24 September 2017.

<sup>6</sup> Ibid. pp.2-4.

<sup>7</sup> Global Health Security Agenda. "Membership." Last updated 23 June 2017. <https://www.ghsagenda.org/members>. Consulted 24 September 2017.

<sup>8</sup> For a full list of country assessments, see Global Health Security Agenda. "Assessments & JEE." <https://www.ghsagenda.org/assessments> . Consulted 24 September 2017. Confirmation of US participation in each assessment mission can be found on the Acknowledgements page of the Mission Reports for each of the countries listed here; reports are accessible directly via the above link. For assessment mission dates, see the "Executive Summary" page of each country report, with the exception of Saudi Arabia (see Annex I).

## New Commitments Announced in September 2016

### Commitment 46. Promote Global Interconnectivity

#### Commitment Text:

#### Champion Internet Connectivity through Global Connect

The United States Government, in coordination with other countries, multilateral institutions, and stakeholders, will work to actively promote global interconnectivity. Specifically, the Global Connect initiative will focus on encouraging foreign countries to promote Internet connectivity in development plans; to work in cooperation with multilateral development institutions in order to support connectivity and digital technologies; and finally, to harness the knowledge, skills and resources of the tech community itself to implement solutions for high-speed, affordable broadband access. As part of Global Connect, the United States will champion Internet policies, including openness, transparency, and rule of law, that can encourage investment and create a strong enabling environment for digital growth to ensure these new connections bear fruit.

**Responsible Institution:** Not specified

**Supporting Institution:** Not specified

**Start Date:** Not Specified

**End Date:** Not Specified

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Midterm End of Term		Did It Open Government?					
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding	
46. Overall	✓				Unclear				✓				Not Assessed				✓					

**Editorial Note:** Completion at the midterm is not assessed for this commitment because it was submitted to OGP in September 2016 following the close of the midterm reporting period; progress for this commitment is therefore assessed from September 2016 onwards in the sections below.

#### Commitment Aim

This commitment aimed for the United States to promote global interconnectivity, specifically by having the Global Connect Initiative<sup>1</sup> encourage foreign governments to include efforts to promote internet connectivity in their development plans, working with major international development institutions to support internet connectivity and digital technologies, and working with the private sector to promote high-speed, affordable internet access. Through Global Connect, the US government committed to further work to establish a stronger enabling environment for digital growth by championing a range of “internet policies,” defined to include openness, transparency, and rule of law.

This commitment took place in the context of growing US emphasis on promoting internet freedom abroad, with the US Congress allocating more than \$145 million to the US Department of State and the US Agency for International Development for activities that advance internet freedom.<sup>2</sup>

According to a report published by the Brookings Institution, the “starting point” for the State Department’s focus on internet freedom “is that America’s traditionally strong advocacy for civil liberties should apply fully and without exception to the online world. Thus, if a government seeks to restrict these freedoms online, the US government will oppose it both rhetorically and in practice including by directly funding the development and rollout of tools that will subvert restrictive internet policies.”<sup>3</sup>

The Global Connect Initiative, launched by the US State Department on 27 September 2015 to support the implementation of the United Nations’ Sustainable Development Goals (SDGs), aims to provide internet access to 1.5 billion additional people by 2020.<sup>4</sup> In contrast to the State Department’s broader activities in this area, the Global Connect Initiative is more directly focused on the potential social and economic benefits afforded by high-speed internet connectivity, with the White House noting that “access to affordable high-speed Internet can unleash the human potential and vastly expand the social and economic opportunities that exist in the digital age. It can change lives by connecting schools to the web, bringing telemedicine to rural health centers, lowering the barriers to political participation, and supplying up-to-date market information to businesses and entrepreneurs.”<sup>5</sup> The initiative’s goal of bringing 1.5 billion people online is ambitious in light of the fact that four billion people (60% of the global population) lacked internet access as of 2016.<sup>6</sup>

While the commitment aimed to broaden internet access, the government did not clearly commit to a disclosure of government-held information or improved opportunities for civic engagement. Instead, the goal of the commitment was to achieve broader social and economic benefits through internet access. In this sense, the commitment is not clearly relevant to the OGP values of open government. Moreover, it is unclear what kind of effect this commitment could have on US government practices, given the emphasis of the commitment text on supporting connectivity in other countries.

As written, the commitment has low specificity because it lacks clarity surrounding the range of foreign governments that will be targeted via Global Connect, the range of partner institutions that will support these efforts (e.g. multilateral development institutions and private sector actors), the scope of digital technologies that will be supported, and what exactly is meant by “internet policies.” Due to the lack of specificity surrounding these issues, it is not possible to anticipate a major impact.

## Status

### End of term: Substantial

Progress on this commitment was substantial at the end of term, owing largely to the Global Connect Initiative’s participation in various events (co-)organized or attended by multilateral development institutions.

By the close of the end of term reporting period, the IRM researcher was unable to document concrete actions taken by the government to promote internet connectivity in foreign countries’ development plans.

By contrast, with respect to supporting connectivity and digital technologies in cooperation with multilateral development institutions, on 15 September 2016, the US Ambassador to India Richard R. Verma delivered a speech on the Global Connect Initiative at an event titled *Internet Inclusion: Advancing Solutions (IIAS)* organized by the Indian Institution of Industrial Engineering (IIIE) in Delhi. Participants included government officials, representatives of development banks, the private sector, the technical community, and civil society “for a day of collaboration on bringing affordable, universal Internet access to the almost 60 percent of the world’s population that remains unconnected today.”<sup>7</sup>

In addition, on 18 September 2016, the US Under Secretary of State for Economic Growth, Energy and the Environment and the United Nations Broadband Commission for Sustainable Development co-organized an annual meeting in New York to discuss means of promoting broadband internet access abroad to help meet development goals. Per a blog post on the Global Connect Initiative’s



website, “many Broadband Commissioners expressed support for the key objectives of the Global Connect Initiative and, in particular, were keen on finding ways to accelerate major infrastructure projects among international development finance institutions.”<sup>8</sup>

Separately, on 5-6 October 2016, representatives of the Global Connect Initiative participated in the second annual Global Connect Stakeholders Conference on “Advancing Solutions” organized by the Institute of Electrical and Electronics Engineers (IEEE), the World Bank, Internet Society, and People Centered Internet. Per a blog post discussing the event, participants included “175 top connectivity network engineers,” as well as regulatory experts and representatives from government to “discuss approaches aimed at advancing solutions to challenges to increasing connectivity and achieving Global Connect’s ambitious goals.” Several specific topics discussed at the event include running cables along the coast of West Africa, financing for connectivity and ICT projects, and leveraging connectivity to further human rights.<sup>9</sup>

## Did It Open Government?

**Access to Information: Did Not Change**  
**Civic Participation: Did Not Change**  
**Public Accountability: Did Not Change**

While the commitment is substantially complete, the activities undertaken by the government did not raise levels of openness, given their lack of clear relevance to the OGP values of open government. Moreover, while the events in which the government participated via the Global Connect Initiative may be seen as laying the groundwork for improvements in connectivity, they did not contribute to measurable changes in the level of openness domestically, the expected goal of an OGP national action plan, and the target of this evaluation.

## Carried Forward?

At the time of writing, the US government had not published its fourth national action plan, so it is unclear if this commitment will be carried forward. The government should nevertheless continue with efforts to promote internet connectivity abroad in light of the large percentage of the global population that continues to lack internet access, and should attempt to take more concrete steps in this direction relative to the activities that were completed under this commitment thus far. However, if this topic is included in a future OGP action plan, it is important that the activities be more closely linked to making the US government more open, such as by including the public in the development of new internet policies.

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<sup>1</sup> U.S. Department of State. “Global Connect Initiative.” <https://share.america.gov/globalconnect/>. Consulted 9 October 2017.

<sup>2</sup> US Department of State. “Internet Freedom.” <https://www.state.gov/j/drl/internetfreedom/index.htm>. Consulted 8 October 2017.

<sup>3</sup> The Brookings Institution. “Internet Freedom: The Role of the US State Department.” 25 October 2012. <https://www.brookings.edu/research/internet-freedom-the-role-of-the-u-s-state-department/>. Consulted 8 October 2017.

<sup>4</sup> ShareAmerica. “Global Connect Initiative.” <https://share.america.gov/globalconnect>. Consulted 8 October 2017.

<sup>5</sup> The Obama White House. “The Global Connect Initiative: Catalyzing Internet Access Worldwide.” 7 October 2016. <https://obamawhitehouse.archives.gov/blog/2016/10/07/global-connect-initiative-catalyzing-internet-access-world-wide>. Consulted 8 October 2017.

<sup>6</sup> *Ibid.* Consulted 8 October 2017.

<sup>7</sup> Global Connect Initiative. “Internet Inclusion: Advancing Solutions - Delhi, India, September 15, 2016.” <https://share.america.gov/globalconnect/>. Consulted 9 October 2017.

<sup>8</sup> Global Connect Initiative. “Annual Meeting of the United Nations Broadband Commission for Sustainable Development, New York, September 18, 2016.” <https://share.america.gov/globalconnect/>. Consulted 9 October 2017.

<sup>9</sup> Global Connect Initiative. “Internet Inclusion: Global Connect Stakeholders Advancing Solutions — Washington, D.C., October 5-6, 2016.” <https://share.america.gov/globalconnect/>. Consulted 9 October 2017.

## Commitment 47. Open Contracting

### Commitment Text:

#### Support Open Contracting

The United States Government is the world's largest buyer of goods and services. Ensuring public access to information about government procurement not only promotes transparency and accountability but also allows for more efficient and effective contracting practices across Federal agencies. In 2016, Vice President Biden committed the United States to promoting the Open Contracting Data Standard that enables disclosure of data and documents at all stages of the contracting process by defining a common data model. In support of open contracting, the United States will:

- Harness the Expertise of Contracting Professionals to Improve Contracting Data:** The Administration will convene contracting officers from across government agencies to hear about their experiences with contracting data including data quality, accessing existing data, and engaging with users of that data to inform updates to USAspending.gov. Additionally, the Interagency Open Data Working Group will form an Open Contracting Data subgroup to explore, among other things, better ways to link pre-award information with post-award spending data.
- Make Government Contracting More Approachable for Small Businesses:** To ensure that small businesses can access and use the contracting data they need, the Small Business Administration and Department of Treasury will reach out to small business owners to better understand what types of contracting data are most useful to them. The Small Business Administration will also update its existing Government Contracting Classroom website with additional training to help small businesses navigate the various steps of the contracting world including training and certification.

**Responsible Institution:** Not Specified

**Supporting Institution:** Not Specified

**Start Date:** Not Specified

**End Date:** Not Specified

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion				Midterm				Did It Open Government?			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Innovation	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding			
47. Overall			✓		✓	✓		✓		✓			Not Assessed						✓					
47.1. Engage Contracting Professionals			✓		✓	✓		✓		✓			Not Assessed											
47.2. Better Contracting for Small Businesses			✓		✓	✓		✓		✓			Not Assessed											

**Editorial Note:** Completion at the midterm is not assessed for this commitment because it was submitted to OGP in September 2016 following the close of the midterm reporting period; progress for this commitment is therefore assessed from September 2016 onwards in the sections below.

### Commitment Aim

This commitment aimed for the US government to broaden public access to information on federal procurement, with the goal of promoting more efficient and effective contracting processes across federal agencies. The commitment envisioned two main sets of activities:

- The US government expected to convene an interagency group of contracting officials to solicit information about their experiences with the quality and accessibility of contracting data, and to use that information to inform USAspending.gov platform updates. The US government also committed to establish an Open Contracting Data Subgroup and to be housed under the Interagency Open Data Working Group, with the goal of exploring how to better link pre-award information with post-award spending data.
- The Department of Treasury's Small Business Administration proposed engaging with small business owners to better understand the usefulness of contracting data from the perspective of small business, with the goal of facilitating greater access to and use of relevant contracting data. Relatedly, the US Small Business Administration committed to update its Government Contracting Classroom Website to include additional training that helps small businesses navigate contracting processes, including training and certification.

The commitment's two milestones have clear relevance for the OGP values of access to information—due to the emphasis on improving information on contract awards and spending and updating the Government Contracting Classroom website—as well as civic participation, in light of the government's intended outreach to contracting data users and small business owners under each milestone. The two milestones are also relevant for the OGP value of technology and innovation due to the intended updating of USAspending.gov and the Government Contracting Classroom. Both milestones have medium specificity: while each outlines a relatively clear and measurable set of activities, they leave undefined the scope of engagements with data users and the specific types of contracting data to be examined, as well as the scope of updates that are envisioned for the Government Contracting Classroom.

The magnitude of federal contracting opportunities is substantial: in fiscal year 2015, the most recent year for which data was available at the time of writing, the US Government Accountability Office found that federal agencies obligated over \$430 billion through contracting opportunities for both products and services.<sup>1</sup> In this context, greater transparency of contracting data is an important objective, especially as civil society has called for greater disclosure of contracting documents, such as proposals and actual contracts, as well as greater links between solicitation information and post-award data.<sup>2</sup>

Still, if fully implemented, the milestones as written, as well as the overall commitment, are expected to have a minor impact, because they focus mostly on preliminary consultations, rather than on improving the quality or accessibility of contracting data. While the commitment does incorporate activities explicitly recommended by civil society—such as engaging the public on open contracting<sup>3</sup> and focusing on the needs of small businesses<sup>4</sup>—the commitment does not feature other more transformative proposals made by civil society. For example, the commitment does not include specific mechanisms by which the US government will implement the Open Contracting Data Standard (OCDS), a key open data standard for linking contracting data that was heavily recommended by civil society.<sup>5</sup> In the absence of specific activities to pilot the OCDS at an agency or other clear steps to improve the transparency of contracting information, the commitment as written cannot be expected to make federal contracting significantly more efficient and effective.

## Status

### End of term: Limited

With respect to Milestone 47.1, there is no visible evidence that the Interagency Open Data Working Group formed an Open Contracting Data subgroup to convene contracting officers across government to discuss contracting data, as stipulated by the milestone. At the close of the end of term, the Interagency Open Data Working Group website did not list any information about subgroups.<sup>6</sup> There was also no information about this subgroup in either the general US Open Government Google Group<sup>7</sup> or the Open Government and Technology Google Group that is used to distribute updates about the Working Group and send invitations for its quarterly open meetings.<sup>8</sup> Moreover, at the quarterly open meeting of the Open Government Interagency Working Group held on 30 May 2017, the government representatives present were not aware of a contracting subgroup.<sup>9</sup>

The government did consult data users as part of the revamp of USAspending.gov. However, this took place mostly under the framework of Commitment 32. Increase Transparency in Spending. For more details on this engagement, please consult this report's analysis of that commitment. Given the absence of evidence to confirm the bulk of the activities—the creation of the Open Contracting Data subgroup and convening of contracting officers across government—Milestone 47.1 is considered to have limited progress.

As for making government contracting more approachable for small businesses (Milestone 47.2), there was limited progress by the end of term. First, there is no visible evidence of greater engagement with small businesses to understand their contracting data needs. The Open Government page<sup>10</sup> of the US Small Business Administration (SBA) does not make any reference to progress on this engagement, nor does the SBA 2016 Open Government Report.<sup>11</sup>

Second, there was little progress on the update to the SBA's Government Contracting Classroom website by the end of term. Between the start of this commitment in September 2016 and the close of the action plan in July 2017, there was only one new 30-minute course added to the virtual classroom on the SBA's All Small Mentor-Protégé Program, increasing the total number of virtual courses from 23 to 24.<sup>12</sup> A more significant revamp of the website took place in March 2018, which led to the addition of nearly 40 courses and a more user-friendly interface.<sup>13</sup> However, this took place well after the end of the action plan, and so it does not count for completion as part of this commitment.

## Did It Open Government?

### Access to Information: Marginal Civic Participation: Marginal

Given the absence of substantial progress on this commitment, the US government did not achieve a major change in its level of openness. In terms of access to information, the only improvement during the reporting period was an additional course for small businesses on the SBA website. As for civic participation, the government consulted data users through the beta version of USAspending.gov, which included opportunities to chat with government officials, propose features, and discuss recent changes. However, as explained above, this took place mostly under the framework of Commitment 32. Increase Transparency in Spending. For more information about this engagement, please see the corresponding section in this report.

## Carried Forward?

At the time of writing, the US government had not published its fourth national action plan, so it is unclear if this commitment will be carried forward. The government should nevertheless continue its efforts to make the US contracting system more transparent for businesses of all sizes to promote

the more effective and efficient allocation of government resources. Specifically, in line with civil society recommendations, the US government could propose specific steps to implement the Open Contracting Data Standard, such as piloting the approach at a federal agency and expanding open contracting to the state and local levels.

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<sup>1</sup> US Government Accountability Office. "Contracting Data Analysis: Assessment of Government-Wide Trends." March 2017. <http://www.gao.gov/assets/690/683273.pdf>. Consulted 8 October 2017.

<sup>2</sup> Hayman, Gavin. "How the US government's spending transparency tools can better serve users." *Open Contracting Partnership*. 6 June 2016. <https://www.open-contracting.org/2016/06/06/u-s-governments-spending-transparency-tools-can-better-serve-users/>

<sup>3</sup> Macdonald, Ruairi. "US OGP National Action Plan 3.1: Next steps to open US government contracting." *Open Contracting Partnership*. 29 October 2015. [https://www.open-contracting.org/2015/10/29/next\\_steps\\_to\\_open\\_us\\_government\\_contracting/](https://www.open-contracting.org/2015/10/29/next_steps_to_open_us_government_contracting/)

<sup>4</sup> Hayman, Gavin. "How the US government's spending transparency tools can better serve users." *Open Contracting Partnership*. 6 June 2016. <https://www.open-contracting.org/2016/06/06/u-s-governments-spending-transparency-tools-can-better-serve-users/>

<sup>5</sup> Open Government Partnership "Civil Society Model Commitments for the Third US National Action Plan." September 2015. <https://bit.ly/2pLSPPz>

<sup>6</sup> Project Open Data, "Join the Interagency Open Data Working Group," <https://project-open-data.cio.gov/working-group/>

<sup>7</sup> US Open Government Google Group, <https://groups.google.com/forum/#!forum/us-open-government>

<sup>8</sup> Open Government and Technology Google Group, <https://groups.google.com/forum/#!forum/opengovtech>

<sup>9</sup> US Open Government Google Group. "Notes from the 5/30 OpenGov Interagency Working Group Meeting." <https://groups.google.com/forum/#!topic/us-open-government/7HpRMkK5AOY>

<sup>10</sup> U.S. Small Business Administration. "About the SBA: Open Government." <https://www.sba.gov/about-sba/sba-performance/open-government>

<sup>11</sup> U.S. Small Business Administration. "Open Government Report 2016." [https://www.sba.gov/sites/default/files/aboutsbaarticle/SBA\\_Open\\_Government\\_Report\\_2016.pdf](https://www.sba.gov/sites/default/files/aboutsbaarticle/SBA_Open_Government_Report_2016.pdf)

<sup>12</sup> This information was verified by comparing an archived version of the Government Contracting Classroom website from 23 September 2016 (available here: <https://bit.ly/2GAUaTI>) and one from 5 July 2017 (available here: <https://bit.ly/2GE0NUE>).

<sup>13</sup> U.S. Small Business Administration, "Learning Center." <https://www.sba.gov/learning-center>

## Commitment 48. Data for Sustainable Development

### Commitment Text:

#### **Harness the Data Revolution for Sustainable Development**

The 2030 Agenda for Sustainable Development and the Sustainable Development Goals (SDGs) therein create a framework for advancing on social, economic, and environmental challenges, and emphasize the critical importance of transparent, participatory, and accountable government to achieving sustainable development. Data that are open, accessible, and developed with engagement of the public are critical to ensuring transparent, participatory, and accountable progress toward sustainable development. The United States will:

- Engage in public consultations in taking stock of available data and identifying data gaps for achieving and measuring progress on the SDGs. Using this information, prepare and begin reporting statistics for global SDG indicators, including associated metadata, in a manner that is accessible to the public.
- Develop an open SDG National Reporting Platform to ensure ongoing public access to relevant metadata and statistics on implementation of the SDGs. This will be developed using open source software and utilizing international common data formats to the greatest extent possible so as to facilitate interoperability and comparison of statistics.
- Develop an SDG Data Revolution Roadmap for the U.S. Government through an open and inclusive process that engages the full range of citizen, non-governmental, and private sector stakeholders and charts the future course of efforts to fill data gaps and build capacity to use data for decision-making and innovation to advance sustainable development.
- Collaborate with other countries (including Mexico, Poland, and the United Kingdom) and regional organizations such as the United Nations Economic Commission Latin America and the Caribbean and the U.N. Economic Commission for Europe in promoting development, sharing best practices and lessons learned, and ensuring interoperability of SDG Open Data and National Reporting Platforms.
- Continue to support the efforts of the Global Partnership for Sustainable Development Data to promote inclusive and participatory development of SDG Data Revolution Roadmaps at the national and subnational level in key partner countries.
- Convene a working group as part of the White House Legal Aid Interagency Roundtable to discuss data collection on access to justice and legal aid, including its impact on Federal programs that advance efforts to promote access to health and housing, education and employment, family stability, and public safety. The working group will assist the U.S. Government in identifying and developing national-level indicators to track achieving Goal 16, the SDG to promote the rule of law and ensure equal access to justice for all.

**Responsible Institution:** Not specified

**Supporting Institution:** Not specified

**Start Date:** Not Specified

**End Date:** Not Specified

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Comple tion		Midterm		Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
48. Overall			✓		✓	✓		✓				Not Assessed						✓			
48.1. Inventory SDG-Relevant Data			✓		✓	✓		✓				Not Assessed									
48.2. Develop SDG National Reporting Platform			✓		✓			✓			Not Assessed										
48.3. Develop SDG US Data Revolution Roadmap			✓		✓	✓		✓			Not Assessed										
48.4. Collaborate on SDG Data Platform Interoperability			✓		✓			✓			Not Assessed										
48.5. Promote Data Revolution Roadmaps in Partner Countries			✓		✓	✓		✓			Not Assessed										
48.6. Convene WHLAIR Working Group on Goal 16				✓	✓			✓			Not Assessed										

**Editorial Note:** Completion at the midterm is not assessed for this commitment because it was submitted to OGP in September 2016 following the close of the midterm reporting period; progress for this commitment is therefore assessed from September 2016 onwards in the sections below.

### Commitment Aim

Entering into force on 1 January 2016, The Sustainable Development Goals<sup>1</sup> (SDGs) are the successor goals to the Millennium Development Goals<sup>2</sup>; they aim to end poverty in all its forms, with each SDG including a series of specific development targets with a target achievement year of 2030.<sup>3</sup> The Global Partnership for Sustainable Development Data<sup>4</sup> (referenced under Milestone 48.5) is a multi-stakeholder network of governments, businesses, and non-governmental organizations that aim to leverage data achieve the SDGs.<sup>5</sup>



This commitment aimed for the US government to carry out six activities to support the achievement of the SDGs and the work of the Global Partnership:

- Inventory available SDG-relevant data with the support of stakeholders via public consultations, and use this information to report data on global SDG indicators, including metadata, on a publicly accessible platform;
- Develop an open source SDG National Reporting (the platform referenced above) using interoperable common data formats;
- Develop a US SDG Data Revolution Roadmap that draws upon inputs from relevant stakeholders to monitor ongoing efforts to fill data gaps and build capacity to use data to further sustainable development;
- Engage in cross-country and regional collaborations to share best practices and lessons learned, and facilitate interoperability of SDG reporting platforms;
- Support the Global Partnership’s work to promote the development of national and sub-national SDG Data Revolution Roadmaps in other countries via inclusive and participatory consultations; and
- Convene a working group of the White House Legal Aid Interagency Roundtable (WHLAIR) focused on the collection of data surrounding access to justice and legal aid in order to identify and develop national-level data to track progress toward Goal 16, which aimed to promote the rule of law and ensure equal access to justice.

The commitment’s six milestones are relevant to the OGP value of access to information, as they all aim to further the availability of information on SDG data via various channels, such as the establishment of national SDG reporting platforms (Milestones 48.1 and 48.2), Data Revolution Roadmaps (Milestones 48.4 and 48.5), and taking stock of national-level SDG indicators (Milestones 48.1, 48.2, and 48.6). Several aspects of the commitment (specifically Milestones 48.1, 48.3, and 48.5) are also relevant for the OGP value of civic participation by nature of their intention to engage stakeholders through public consultations and other channels on SDG-relevant data and monitoring initiatives. All of the milestones are relevant for the OGP value of technology and innovation due to their emphasis on leveraging data and data platforms to facilitate achievement of the SDGs.

With the exception of Milestone 48.6, the commitment’s milestones have medium specificity. While they each describe a clear and measurable deliverable, they leave certain details unspecified. These details include the range and method of stakeholder consultation (Milestones 48.1, 48.3, and 48.5), technical details surrounding data formats and platform interoperability—as well as the scope of interoperability (Milestones 48.2 and 48.4)—and details surrounding the means by which the United States will work with the Global Partnership to promote the development of SDG Data Revolution Roadmaps in other countries—as well as the scope of those activities (Milestone 48.5). By contrast, Milestone 48.6 is highly specific because it specifies a clear and measurable deliverable (a meeting of the Legal Aid Roundtable) with a clearly defined scope of work (taking inventory of national-level indicators related to Goal 16).

If fully implemented, most of this commitment’s milestones are anticipated to have a minor impact. For example, the link between taking inventory of SDG-relevant data (and related data gaps) and achieving the SDGs is unclear (Milestone 48.1). Other activities, such as collaborating with other countries (Milestone 48.4) and continuing to support the Global Partnership for Sustainable Development Data (Milestone 48.5), do not propose specific changes in government practice that could lead to greater openness, particularly as it relates to open government domestically. Nonetheless, greater availability of SDG-relevant data, particularly on a national reporting platform (Milestone 48.2), could facilitate monitoring of progress toward achieving the SDGs, which is an important (albeit partial) step toward facilitating their achievement. According to a policy analyst at the Center for Data Innovation, the platform would “go a long way” toward better data governance, adding that an “openly standardized way of sharing information, allowing organizations to act on other countries’ data, would be a huge boon to the international development space.”<sup>6</sup>

It is worth noting that the activities proposed under Milestones 48.1 and 48.2 are largely identical to those proposed under Commitment 41. Open and Accountable Implementation of the SDGs, which aims for the “United States [to] convene interagency stakeholders and consult with civil society to take stock of existing US 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.”

## Status

### End of term: Substantial

At the end of term, the government had made substantial progress on this commitment.

In September 2016, the US government launched an online national SDG reporting platform, referred to as the “US National Statistics for the UN Sustainable Development Goals.”<sup>7</sup> However, the data available on the platform by the end of the action plan period had notable gaps, and the platform’s webpage acknowledged that the government’s efforts to inventory SDG-relevant data, as required by Milestone 48.1, was incomplete. As mentioned above, there is significant overlap between Milestones 48.1 and 48.2 and Commitment 41. For more detailed information about the platform, interested readers should consult the section of this report corresponding to Commitment 41.

In January 2017, the Center for Open Data Enterprise and the Global Partnership for Sustainable Development released the “US SDG Data Revolution Roadmap: Roundtable Report.”<sup>8</sup> The report itself is *not* the roadmap referenced under Milestone 48.3. Rather, the report summarizes discussion and feedback received during a roundtable co-hosted by the Center for Open Data Enterprise and the Global Partnership on 14 December 2016 at the Microsoft Innovation and Policy Center in Washington, DC,<sup>9</sup> with the goal of “develop[ing] recommended priorities for the US government’s SDG Data Revolution Roadmap.”<sup>10</sup>

The roundtable discussion revolved around three themes: (1) Strengthening the US SDG National Reporting Platform, (2) Data for Action in the US, and (3) Supporting Global Efforts to Achieve the SDGs through Data-Driven Initiatives.<sup>11</sup> Per the report, the roundtable “convened experts from business, civil society, and the US government to share learnings from current initiatives and make commitments for future work.”<sup>12</sup> Annex I of the report provides a full list of roundtable participants; among others, these included representatives from eight private sector organizations (e.g. Accenture, KPMG, Microsoft), 16 civil society organizations (e.g. AidData, Center for Global Development, Stanford University, World Resources Institute), and seven government agencies (e.g. the US Department of State, General Services Administration, US Agency for International Development, Millennium Challenge Corporation).<sup>13</sup> The roundtable itself represents an important preliminary step toward development of the US government’s SDG Data Revolution Roadmap. However, the roadmap itself—for which the government set an initial release deadline of June 2017<sup>14</sup>—was not yet available at the end of term in final or draft form. Completion for Milestone 48.3 therefore remains limited.

In terms of collaborating with other countries to share best practices and improve the interoperability of SDG national reporting platforms (Milestone 48.4), the US government is actively collaborating with the UK government—which used the code underlying the US platform for its own reporting website—“to develop future enhancements,” according to the US SDG National Reporting Platform website.<sup>15</sup> In addition, as the US government shared at a Joint Meeting of the Permanent Council of the OAS on 24 February 2017, other partners have included Europe’s Committee of European Statisticians, the Mexican government, and the Canadian government.<sup>16</sup>

There were also other meetings focused on cross-country collaboration on data interoperability, such as the meeting Advancing SDG Data Interoperability at the inaugural UN World Data Forum in Cape Town, South Africa on 17 January 2017, hosted by the Global Partnership for Sustainable Development Data and the United Nations Statistics Division (UNSD)<sup>17</sup> and a follow-up multi-stakeholder meeting organized around this same theme held on 5 March 2017 in New York City with the goal of “discuss[ing] how to promote the use (and re-use) of available SDG-related data sets

and how to make them more widely available and accessible across data ecosystems.” Participants included representatives from national statistical offices, international organizations, the private sector, and civil society,<sup>18</sup> but the IRM researcher was unable to verify that the US government attended these meetings.<sup>19</sup> Still, in light of the other methods of collaboration mentioned in the previous paragraph, the IRM researcher considers Milestone 48.4 to be complete.

As it relates to supporting the work of the Global Partnership for Sustainable Development Data to promote SDG Data Revolution Roadmaps in other countries (Milestone 48.5), on 15 August 2016,<sup>20</sup> the Global Partnership launched the Data4SDGs Toolbox Initiative,<sup>21</sup> intended to “help countries to address challenges and seize new opportunities in the collection and use of real-time, dynamic, disaggregated data to achieve and monitor the SDGs and their own sustainable development priorities.” As described by the Global Partnership, the “Toolbox is being developed using an iterative, multi-stakeholder approach that is informed by an ongoing series of consultations and national workshops—at national and subnational levels—in countries around the world,”<sup>22</sup> collectively responding to the emphasis on participatory and inclusive development at these levels of government, as described in the commitment text.

The initiative itself is designed around a set of four core modules—Getting Started with Data Roadmaps for Sustainable Development, Data for Action, Official Statistics for SDGs, and Institutional, Financial, and Capacity Foundations—each containing a series of sub-modules that offer guidance on a more specific set of topics, such as “Making Use of Citizen Generated Data,” “Open Mapping for the SDGs,” and “Minimum Essential Data Package,” among others.<sup>23</sup> Each sub-module offers an overview of the topic, as well as a detailed guide to a specific data-related topic that is intended to help countries leverage data to meet the SDGs. At the time of writing, the initiative contains a listing of 24 modules, of which 11 have already been developed. Three additional models are currently “in development,” with 10 remaining modules still planned.<sup>24</sup> An additional “Gender” sub-module was made available in March 2017, but does not currently appear in the initiative among the 24 sub-modules listed above.<sup>25</sup>

According to a recent posting on the Global Partnership’s website,<sup>26</sup> the partnership has also supported the development of country-led Data Roadmaps in Colombia,<sup>27</sup> Kenya,<sup>28</sup> Philippines,<sup>29</sup> Senegal,<sup>30</sup> Sierra Leone,<sup>31</sup> and Tanzania,<sup>32</sup> with Ghana most recently starting the process of developing a roadmap in April 2017.<sup>33</sup> While the role of the US government in these activities is unclear, the IRM researcher considers progress on Milestone 48.5 to be complete at the end of term, given that the implemented activities fulfill the milestone objective.

With respect to the final milestone of convening a working group to discuss data collection on access to justice and legal aid as a way of tracking progress toward Goal 16 of the SDGs (Milestone 48.6), on 24 September 2015, the White House issued a Presidential Memorandum on the “Establishment of the White House Legal Interagency Roundtable.” As set out under Section 4 of the memorandum governing the roundtable’s “Mission and Functions,” one of the WHLAIR’s missions is to “assist the United States with the implementation of Goal 16 of the United Nations’ 2030 Agenda for Sustainable Development.”<sup>34</sup> As described in the WHLAIR’s inaugural annual report released on 16 November 2016,<sup>35</sup> the “DOJ [Department of Justice] chairs WH-LAIR’s Working Group on Access to Justice Indicators and Data Collection, which works to identify national indicators to track the United States’ progress in achieving access to justice consistent with Goal 16 of the 2030 Agenda for Sustainable Development.”<sup>36</sup>

The Working Group was established in the summer of 2016, and focused its work on identifying indicators to measure Goal 16.3,<sup>37</sup> which aimed to “promote the rule of law at the national and international levels and ensure equal access to justice for all.”<sup>38</sup> To support this work, on 15 September 2016, WHLAIR organized a Civil Society Consultation on Access to Justice Indicators and Data Collection in conjunction with Columbia University School of Law’s Human Rights Institute and Fordham Law School’s National Center for Access to Justice, with the consultation hosted by the Open Society Foundations and attended by “dozens of organizations.”<sup>39</sup> As described in a blog post on the website of Fordham’s National Center for Access to Justice,<sup>40</sup> the consultation was attended by 30 representatives from 15 WHLAIR agencies, as well as 30 experts on access to justice from civil society (including academic institutions and non-profit organizations), with the goal of offering

suggestions for potential “access to justice indicators” that could be used to measure and track progress toward achieving Goal 16. Per the same blog post, this consultation built upon an earlier meeting by the Expert Working Group on Access to Justice Indicators on 12 January 2016<sup>41</sup> that was convened by the same organizations.

The core output to emerge from the September 2016 meeting was a list of recommended indicators for Goal 16; the list was divided into two broad groups of indicators—criminal justice indicators and civil justice indicators—and further divided into 16 categories of indicators falling therein.<sup>42</sup> The full list of recommended indicators was published online as part of the September consultation.<sup>43</sup> At the end of term, the IRM researcher was unable to confirm whether or not the WHLAIR Working Group had prepared a final list of access to justice indicators. Milestone 48.6 is nevertheless complete as written.

In light of the progress made on each of the above milestones, the IRM researcher assesses progress for the overall commitment to be substantial.

### **Did It Open Government?**

#### **Access to Information: Marginal Civic Participation: Marginal**

This commitment marginally opened government with respect to access to information and civic participation due to the data quality limitations of the information made available to the public and the absence of new institutionalized mechanisms to promote ongoing engagement with civil society.

Concerning access to information, the main outcome was the launch of the US SDG national reporting platform. According to the Roundtable Report that was released in January 2017 by the Center for Open Data Enterprise and the Global Partnership for Sustainable Development, a strength of the platform is its “streamlined navigation and intuitive organization,” as well as its “metadata that makes the data source and other critical information about each dataset transparent.”<sup>44</sup> At the same time, the report noted that the platform was still “at an early stage of development,” with limited connection with users and insufficient resources.<sup>45</sup> Furthermore, while the platform has provided insights for SDG data monitoring at the local level,<sup>46</sup> the national platform had significant gaps in data coverage at the end of the action plan period. For more details about these limitations, please see the analysis of Commitment 41, which covers this topic.

Many of the other activities carried out under this commitment, such as the US government’s work on its own Data Revolution Roadmap (Milestone 48.3) and the WHLAIR’s work on developing access to justice indicators (Milestone 48.6), are preliminary steps for greater sharing of and access to SDG-related data. Other activities, such as supporting the development of roadmaps in partner countries in conjunction with the Global Partnership for Sustainable Development Data (Milestone 48.5) are mostly oriented towards other countries. Therefore, the extent of information that will ultimately be shared and released domestically via these initiatives relative to the status quo remains unclear.

Concerning civic participation, the government’s efforts to engage with civil society were broad in scope, resulting in collaborative engagements with representatives from non-profit and non-governmental organizations, inter-governmental organizations, and the private sector. For example, as noted by the Columbia Human Rights Initiative and National Center for Access to Justice, the September 2016 consultation on access to justice indicators “was notable not only for its value in illuminating access to justice indicators and data sets for consideration by the WH-LAIR officials, but also for its deep engagement of civil society leaders in the task of determining how government should best develop and track data to expand access to justice within their own respective areas of expertise.”<sup>47</sup> These efforts, however, while laudatory, were limited to a series of individual engagements. The government has not undertaken efforts to adopt more institutionalized and routine channels of engagement.

## Carried Forward?

At the time of writing, the US government had not published its fourth action plan, so it is unclear if this commitment will be carried forward. The government should nevertheless continue with efforts to inventory SDG data, monitor progress on that work, and assist partner countries in developing data roadmaps through the Global Partnership for Sustainable Development Data, but should do so with more explicit attention to the means by which the United States and other actors will leverage that data to achieve the SDGs.

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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. "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. Ibid.

<sup>6</sup> Ehlinger, Samantha. "White House expanding open data initiatives." *FedScoop*. 21 September 2016. <https://www.fedscoop.com/white-house-expanding-open-data-commitments/>

<sup>7</sup> The platform is available at <https://sdg.data.gov/>. Consulted 22 September 2017. The launch date comes from Center for Open Data Enterprise and Global Partnership for Sustainable Development Data. "US SDG Sustainable Data Revolution Roadmap: Roundtable Report". p.9. <http://reports.opendataenterprise.org/us-sdg-report.pdf>. Consulted 22 September 2017.

<sup>8</sup> US SDG Data Revolution Roadmap. "Roundtable Report." January 2017. <http://reports.opendataenterprise.org/us-sdg-report.pdf>

<sup>9</sup> Ibid. p.7.

<sup>10</sup> Ibid. p.5.

<sup>11</sup> Ibid. p.5.

<sup>12</sup> Ibid. p.7.

<sup>13</sup> Ibid. Annex I.

<sup>14</sup> Ibid. p.5.

<sup>15</sup> National Reporting Platform. "NRP Frequently Asked Questions." 28 June 2017, <https://bit.ly/2r4klbW>.

<sup>16</sup> OAS Videos – Events. "Joint Meeting of the Permanent Council and CIDI." Filmed February 2017. Youtube Video, 4:02:37. <https://www.youtube.com/watch?v=-cY4Y4rayeA>

<sup>17</sup> United Nations World Data Forum. "Concept Note: Multi-stakeholder Meeting on Data Interoperability for the SDGs." 5 March 2017. <https://undataforum.org/WorldDataForum/wp-content/uploads/2017/04/Concept-note-Data-Interoperability-Meeting-UN48SC.pdf>. Consulted 6 October 2017. The concept note defines "data interoperability" as "the ability to access and process data assets from multiple sources and in multiple formats, and to integrate them into coherent information products or services (e.g. for mapping, visualisation or other forms of analysis).

<sup>18</sup> United Nations World Data Forum. "Multi-stakeholder Meeting on Data Interoperability for the SDGs." 5 March 2017. <https://undataforum.org/WorldDataForum/wp-content/uploads/2017/04/Multi-stakeholder-Meeting-on-Data-Interoperability.pdf>. Consulted 7 October 2017. Note that despite having similar titles, this reference is distinct from that appearing immediately above.

<sup>19</sup> As a founding member of the Global Partnership, it is likely that representatives from the US government were in attendance.

<sup>20</sup> For confirmation of the Toolbox's launch date, see Global Partnership for Sustainable Development Data. "Data4SDGs Toolbox launch & #DataRevolution talk at HLPF 2016 (Event Livestream 2/2)." 15 August 2016. YouTube. <https://www.youtube.com/watch?v=wixGqaDBZCE>. Consulted 6 October 2017.

<sup>21</sup> Global Partnership for Sustainable Development Data. "Data4SDGs Toolbox." <http://www.data4sdgs.org/toolbox>. Consulted 6 October 2017.

<sup>22</sup> Ibid.

<sup>23</sup> Ibid.

<sup>24</sup> Ibid.

<sup>25</sup> Ibid.

<sup>26</sup> Global Partnership for Sustainable Development Data. "Global Partnership for Sustainable Development Data Announces New Board, United Nations Deputy Secretary-General is Honorary Chair." 29 June 2017. <http://www.data4sdgs.org/master-blog/2017/6/29/gpsdd-announces-board>. Consulted 6 October 2017.

<sup>27</sup> For brief discussion of Colombia, see Global Partnership for Sustainable Development Data. "Colombia Welcomes Global Partnership to Discuss #DataRevolution Roadmaps." 29 April 2016. <http://www.data4sdgs.org/master-blog/2016/4/29/colombia-welcomes-global-partnership-to-discuss-datarevolution-roadmaps>. Consulted 6 October 2017.

<sup>28</sup> For brief discussion of Kenya, see Global Partnership for Sustainable Development Data. "Kenya Roadmap to 2030." 14 September 2015. <http://www.data4sdgs.org/master-blog/2015/9/14/roadmap-to-2030>. Consulted 6 October 2017.

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- <sup>29</sup> For brief discussion of the Philippines, see Philippine Statistics Authority. "PSA Conducts the Country Workshop on the Philippine Data Revolution Roadmap for the Sustainable Development Goals." 8 December 2016. <https://psa.gov.ph/content/psa-conducts-country-workshop-philippine-data-revolution-roadmap-sustainable-development-0>. Consulted 6 October 2017.
- <sup>30</sup> For brief discussion of Senegal, see Global Partnership for Sustainable Development Data. "Sustainable Development Goals (SDG): What Agenda for Senegal." 12–13 October 2016. [http://southernvoice.org/wp-content/uploads/2017/01/English-Version-of-the-Final-Report-SDGs-Dakar\\_29-Nov-2016.pdf](http://southernvoice.org/wp-content/uploads/2017/01/English-Version-of-the-Final-Report-SDGs-Dakar_29-Nov-2016.pdf). Consulted 6 October 2017.
- <sup>31</sup> For brief discussion of Sierra Leone, see Paris21. "Shaping the SDG Data Revolution Roadmap in Sierra Leone." 27 June 2016. <http://www.paris21.org/news-center/news/shaping-sdg-data-revolution-roadmap-sierra-leone>. Consulted 6 October 2017.
- <sup>32</sup> For brief discussion of Tanzania, see DataShift Blog. "Tanzania Data Roadmap for Sustainable Development National Workshop, 12-13 August 2016." 12 August 2016. <http://civicus.org/thedatashift/news/tanzania-data-roadmap-for-sustainable-development-national-workshop-12-13-august-2016/>. Consulted 6 October 2017.
- <sup>33</sup> Global Partnership for Sustainable Development Data. "Ghana Paves the Way to a Data Revolution for Sustainable Development." 18 April 2017. <http://www.data4sdgs.org/master-blog/2017/4/17/ghana-paves-the-way-to-a-data-revolution-for-sustainable-development>. Consulted 6 October 2017.
- <sup>34</sup> The White House. "Presidential Memorandum -- Establishment of the White House Legal Aid Interagency Roundtable." 24 September 2015. <https://obamawhitehouse.archives.gov/the-press-office/2015/09/24/presidential-memorandum-establishment-white-house-legal-aid-interagency>. Consulted 6 October 2017.
- <sup>35</sup> White House Legal Aid Interagency Roundtable. "Expanding Access to Justice, Strengthening Federal Programs: First Annual Report of the White House Legal Aid Interagency Roundtable." November 2016. <https://www.justice.gov/atj/page/file/913981/download>. Consulted 6 October 2017.
- <sup>36</sup> Ibid. p.3.
- <sup>37</sup> Ibid. p.16.
- <sup>38</sup> United Nations Sustainable Development Knowledge Platform. "Sustainable Development Goal 16." <https://sustainabledevelopment.un.org/sdg16>. Consulted 6 October 2017.
- <sup>39</sup> White House Legal Aid Interagency Roundtable. "Expanding Access to Justice, Strengthening Federal Programs: First Annual Report of the White House Legal Aid Interagency Roundtable." p.57. November 2016. <https://www.justice.gov/atj/page/file/913981/download>. Consulted 6 October 2017.
- <sup>40</sup> Kaufman, Risa and David Udell. "Access to Justice Indicators, Recommended by Experts to US Government Officials, New Resource, Now On-Line." Fordham University National Center for Access to Justice. 2 December 2016. <http://ncforaj.org/2016/12/02/access-to-justice-indicators-recommended-by-experts-to-us-government-officials-new-resource-now-on-line/>. Consulted 6 October 2017.
- <sup>41</sup> For a meeting agenda, see Columbia Law School Human Rights Institute and Fordham Law School National Center for Access to Justice. "Agenda: Expert Working Group Recommending National Indicators for Global Goal 16's Call for Access to Justice in the United States." 12 January 2016. <http://ncforaj.org/wp-content/uploads/2016/01/Agenda-Guidance-Memo-for-Jan.-12-2016-Meeting-of-Expert-Working-Group.pdf>. Consulted 6 October 2017.
- <sup>42</sup> See *ibid.* for the complete list.
- <sup>43</sup> Columbia Law School Human Rights Institute and Fordham Law School National Center for Access to Justice. "Recommended Access to Justice Indicators for Implementation of Goal 16 of the UN 2030 Sustainable Development Agenda in the United States." 1 December 2016. <http://ncforaj.org/wp-content/uploads/2016/12/Written-Submissions-Rev.-12.1.16-final-correct.pdf>. Consulted 6 October 2017.
- <sup>44</sup> US SDG Data Revolution Roadmap. "Roundtable Report." January 2017. <http://reports.opendataenterprise.org/us-sdg-report.pdf>
- <sup>45</sup> Ibid. p.9.
- <sup>46</sup> Iyer, Seema D. "Building a Local SDG Data Monitoring System for Baltimore: Insights from the US National Reporting Platform and New York City," <http://unsdsn.org/wp-content/uploads/2017/12/180123-trends-brief-baltimore-data-monitoring.pdf>
- <sup>47</sup> Kaufman, Risa and David Udell. "Access to Justice Indicators, Recommended by Experts to US Government Officials, New Resource, Now On-Line." Fordham University National Center for Access to Justice. 2 December 2016. <http://ncforaj.org/2016/12/02/access-to-justice-indicators-recommended-by-experts-to-us-government-officials-new-resource-now-on-line/>. Consulted 6 October 2017.



## Commitment 49. Improve Transparency of U.S. Security Sector Assistance

### Commitment Text:

#### **Improve Transparency of U.S. Security Sector Assistance**

Greater transparency in the planning and delivery of foreign assistance enhances the ability of the U.S. Government to achieve national security objectives by promoting accountability and effectiveness, empowering foreign governments to make informed strategic decisions, and helping to identify what works and what does not. Yet, while security sector assistance plays a uniquely important role because of its impact on the ability of the United States to prevent, deter, and respond to conflict, security sector assistance has also faced challenges in promoting transparency. To build momentum behind efforts to improve the transparency of U.S. security sector assistance, the United States will:

- **Improve Transparency in the Defense Sector:** Transparent and accountable defense institutions under democratic control are fundamental to global security and stability, and the U.S. Department of Defense (DoD) has been a world leader in this regard. As a demonstration of its commitment to transparency, the Department of Defense will undertake participation in NATO's Building Integrity Programme Self-Assessment and Peer Review process. In addition, to increase transparency and accessibility in relation to its security sector assistance activities, DoD will develop a unified annual budget for its security sector assistance activities, including available details on allocation and program plans. Further, DoD will continue to expand its contributions to ForeignAssistance.gov, including by increasing the number of programs for which it provides data and improving the quality and comprehensiveness of data.
- **Transparently Assess, Monitor, and Evaluate Security Sector Assistance:** In accordance with Presidential Policy Directive 23, the United States will enact an interagency assessment, monitoring, and evaluation framework that will set forth best practices and expectations to guide individual department and agency efforts. The United States will ensure, moreover, that leading implementers of security sector assistance have robust agency-specific policies on assessment, monitoring, and evaluation of security sector assistance, beginning with the establishment of the first-ever department-wide policy governing DoD security sector assistance activities.
- **Enhance Delivery of Security Sector Assistance to Prevent Corruption:** Careful attention is required to ensure that U.S. security sector assistance does not facilitate corruption or empower corrupt actors and, where possible, that it helps to prevent or combat corruption. To that end, the United States will examine opportunities to build additional anti-corruption safeguards into security assistance. DoD will review relevant training curricula to identify and implement additional opportunities for specific anti-corruption training elements. The United States will also support greater assessment and mitigation of corruption risk, alongside other risks, within security sector assistance. The Department of State will build on the recent identification of anti-corruption points of contact in every U.S. embassy to deepen U.S. support for local open governance efforts. The United States will seek to ensure that security sector assistance supports, wherever relevant, improvements in security governance, to complement the provision of equipment and tactical training. The United States is particularly committed to addressing corruption in places where it is fueling or facilitating violent extremism as part of broader U.S. counterterrorism and countering violent extremism programming.

**Responsible Institution:** Not Specified

**Supporting Institution:** Not Specified

**Start Date:** Not Specified

**End Date:** Not Specified



Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Midterm End of Term		Did It Open Government?					
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding	
49. Overall			✓		✓			✓					Not Assessed						✓			
49.1. Improve Transparency in the Defense Sector			✓		✓			✓				Not Assessed										
49.2. Assess, Monitor, and Evaluate Security Sector Assistance			✓		✓			✓			Not Assessed											
49.3. Enhance Delivery of Security Sector Assistance to Prevent Corruption		✓			Unclear					✓		Not Assessed										
												✓										

**Editorial Note:** Completion at the midterm is not assessed for this commitment because it was submitted to OGP in September 2016 following the close of the midterm reporting period; progress for this commitment is therefore assessed from September 2016 onwards in the sections below.

### Commitment Aim

This commitment aimed to make US security sector assistance more transparent by undertaking three specific sets of activities:

- The Department of Defense (DoD) committed to participate in the North Atlantic Treaty Organization’s (NATO’s) Building Integrity Programme Self-Assessment and Peer Review process, develop a detailed unified annual budget for security sector assistance that includes allocations and program plan information, as well as improve the coverage and quality of data reported on ForeignAssistance.gov;
- The US government committed to implement an “an interagency assessment, monitoring, and evaluation framework” to guide departments and agencies in accordance with Presidential Policy Directive 23 (PPD-23),<sup>1</sup> and work to ensure leading agency providers of security sector assistance have agency-specific policies in place governing the assessment, monitoring, and evaluation of security sector assistance, beginning with the establishment of an inaugural policy for the DoD.
- To help prevent corruption opportunities related to security sector assistance, the DoD committed to reviewing its training curricula to identify opportunities to incorporate anti-corruption elements into its trainings. In addition, the US State Department committed to leverage anti-corruption points of contact in every US embassy to “deepen US support for local open governance efforts,” specifically by working to ensure that security sector

assistance supports improvement in security governance and complements equipment provision and tactical training (and in the context of US counterterrorism efforts) in locations where corruption is facilitating or driving violent extremism.

As described in a White House fact sheet, security sector assistance “refers to the policies, programs, and activities the United States uses to: engage with foreign partners and help shape their policies and actions in the security sector; help foreign partners build and sustain the capacity and effectiveness of legitimate institutions to provide security, safety, and justice for their people; and enable foreign partners to contribute to efforts that address common security challenges.”<sup>2</sup> The security sector, in turn, “is composed of those institutions—[defined] to include partner governments and international organizations—that have the authority to use force to protect both the state and its citizens at home or abroad, to maintain international peace and security, and to enforce the law and provide oversight of those organizations and forces.”<sup>3</sup>

As noted in the commitment text, security sector assistance can help to “prevent, deter, and respond to conflict,” but has historically faced challenges with respect to transparency. Each of the three milestones included under this commitment addressed a different type of challenge inherent in the security assistance sector.

With respect to increased transparency in the defense sector (Milestone 49.1), a recent Open Society Foundations report on reforming American security sector assistance notes that “it is difficult, if not impossible, to systematically track the totality of what is spent on SSA [(security sector assistance)], where it is being spent, for what purpose, and to determine whether the investments were worthwhile.”<sup>4</sup> A recent report by *Politico* echoes these concerns, noting, “The Pentagon is the only government agency providing foreign assistance that is not required to submit an annual budget justification to Congress, so the public does not know how much the DoD is spending in a given country and why. Without this baseline data, it’s difficult to evaluate whether these programs are succeeding, much less whether they are an efficient use of resources.”

The activities envisioned under this milestone—specifically the DoD’s establishment of a unified annual budget and improved data reporting via ForeignAssistance.gov, an online assistance reporting platform for federal agencies engaged in foreign assistance—represent an initial step in this direction. NATO’s Building Integrity Programme Self-Assessment and Peer Review process is complementary to these activities. As described on the website, the programme “provides [NATO] Allies and partner countries with tailored support to reduce the risk of corruption in the defence and related security sector and to embed good governance principles and practices in their defence establishments.” The programme does so by providing interested countries with access to a voluntary self-assessment questionnaire that enables relevant ministries to obtain a snapshot of their procedures and practices in various areas (e.g. national anti-corruption laws, planning and budgeting, and operations) that are relevant for security sector assistance.<sup>5</sup>

With respect to increased monitoring and evaluation of security assistance (Milestone 49.2), Presidential Policy Directive 23 “outlines a new inclusive, deliberate approach to SSA activities and resources within national security processes.”<sup>6</sup> As described in a fact sheet accompanying the directive and relevant for the activities envisioned under this milestone, the White House has noted that “to maximize the impact of limited resources for security sector assistance, the United States Government will be strategic and focused on investments aligned with national security priorities and in countries where the conditions are right for sustained progress.”<sup>7</sup> The fact sheet further notes, with respect to monitoring and evaluation of U.S security sector assistance, that “the United States Government will introduce common standards and expectations for assessing security sector assistance requirements, in addition to investing in monitoring and evaluation of security sector assistance programs. Such standards will be aided by a requirement for measurable security sector assistance objectives, appropriate data collection of the impacts and results of security sector assistance programs, and improved efforts to inform decision-making processes with data on what works and what does not work through impact evaluations when permissible.”<sup>8</sup>

Civil society actors have echoed the government’s concern over monitoring and evaluation. The Open Society Foundation, for example, noted in a recent report that “beyond the difficulty of

tracking what is planned and spent in the security sector, the current system does not require agencies or programs to articulate the goals of US engagement in a foreign nation's security sector at a sufficiently specific or measurable level. Because security sector assistance responsibility is spread so diffusely through the US government, sector-wide strategies and objectives are not common. That means it is difficult to determine if a program or fund achieved a goal or was a worthy investment, particularly at an outcome level."<sup>9</sup> This milestone's activities respond directly to these challenges by facilitating the development of interagency and agency-specific monitoring and evaluation programs, beginning with the DoD.

With respect to building anti-corruption safeguards into security assistance (Milestone 49.3), a recent report by the Carnegie Endowment for International Peace argues that "policymakers... often pay insufficient attention to corruption when deciding what foreign and defense policies to pursue or where to invest," with corruption understood "not as a failure or distortion of government but as a functioning system in which ruling networks use selected levers of power to capture specific revenue streams." Security sector assistance, like other types of assistance, may be subject to capture by actors in governments where such aid is distributed. In the security sector, the Carnegie Endowment goes on to argue that the impact of corruption can be particularly acute in that "it contributes to other international security threats, such as symbiotic relationships between states and transnational organized crime networks, [and] facilitation for terrorist organizations...."<sup>10</sup>

A joint report issued by the US Agency for International Development, the DoD, and the Department of Defense reinforce this viewpoint, specifically with respect to the provision of security equipment and training, noting that "forces enhanced through traditional security assistance comprised of equipment and training can better carry out their responsibilities if the institutional and governance frameworks necessary to sustain them are equally well-developed."<sup>11</sup> Leveraging security sector assistance to promote enhanced "security governance"—defined as "the transparent, accountable, and legitimate management and oversight of security policy and practice"<sup>12</sup>—is therefore important.

With respect to corruption, the government has further noted that programs to reform security sector assistance "should include accountability and oversight mechanisms... to prevent abuses of power and corruption" and must "incorporate an explicit focus on security sector governance."<sup>13</sup> According to the US Institute for Peace, the prospects for corruption are particularly high in the security sector due to the lucrative nature of sectoral contracting and procurement opportunities and the government's overextension of rules surrounding secrecy and confidentiality in the sector to justify a lack of transparency.<sup>14</sup> Lower-level security sector corruption, such as bribe-taking by police forces, can also work to erode the public's confidence in government security forces.<sup>15</sup> The government's commitment to security governance, as described in the milestone text, can be seen as a potential response to these types of challenges.

As written, two of the three commitment milestones are relevant for the OGP value of access to information due to their emphasis on disclosing budgetary data surrounding US security sector assistance (Milestone 49.1) and implementing related monitoring and evaluation programs in a "transparent" manner (Milestone 49.2). Milestone 49.3, which calls for working to assess and mitigate corruption risks in the security sector, on the other hand, does not explicitly list any activities that are public-facing. For that reason, it is not clearly relevant to the OGP values of open government. Lastly, Milestone 49.1 is also relevant for the OGP value of technology and innovation due to the intended publication of DoD security sector assistance data on [ForeignAssistance.gov](http://ForeignAssistance.gov).

With respect to specificity, there is variation across the commitment's three milestones. Milestone 49.1 has a medium level of specificity: although the milestone contains clear and measurable deliverables, particularly with respect to the NATO Building Integrity Assessment and the publication of a unified budget for the DoD, there is less clarity surrounding the scope of the data to be reported on [ForeignAssistance.gov](http://ForeignAssistance.gov), falling short of high specificity. The same is true of Milestone 49.2, which contains a clear deliverable—implementing interagency and agency-specific monitoring and evaluation frameworks—but is less clear on the scope of agencies that will be subject to these evaluations, and the scope of the evaluations themselves in terms of which particular aspects of security sector assistance will be covered. Milestone 49.3 is the least specific, resulting in a coding of

low specificity; broadly speaking, the milestone is vague when it comes to describing how exactly the government will leverage security sector assistance to improve security governance, and does not contain details on how exactly government training programs will be enhanced. Specificity for the overall commitment is medium.

As described above, greater transparency of security sector assistance is an important objective. However, if fully implemented, the commitment as written cannot be expected to have a major impact, largely due to a lack of clarity surrounding the scope of the planned activities. Without a clearer understanding of what information will be contained in the DoD's budget and reported to ForeignAssistance.gov, the scope of government monitoring and evaluation efforts, and how exactly the government will leverage security sector assistance to promote security governance, a higher potential impact cannot be envisioned.

## Status

### End of term: Substantial

The US government made progress in implementing this commitment during the second year of the action plan, particularly regarding the monitoring and evaluation of SSA (Milestone 49.2).

As it relates to greater transparency in the defense sector (Milestone 49.1), the United States does not appear to have completed or be currently engaged in the Building Integrity Assessment process, per a map on NATO's Building Integrity website that indicates the countries involved in the assessment process, but does not include the US<sup>16</sup> Secondary sources provide no additional evidence to suggest that the United States has begun the assessment process.

With respect to the DoD's security sector assistance budget, Section 1249 of the National Defense Authorization Act for Fiscal Year (FY) 2017 (titled "Consolidated Annual Budget For Security Cooperation Programs And Activities Of The Department Of Defense")<sup>17</sup> was passed into law on 23 December 2016 and touches directly on the issue of a consolidated security sector budget for the DoD. Specifically, Section 1249 notes that "the Budget of the President... shall set forth by budget function and as a separate item the amounts requested for the Department of Defense for such fiscal year for all security cooperation programs and activities of the Department of Defense, including the military departments, to be conducted in such fiscal year, including the specific country or region and the applicable authority, to the extent practicable."<sup>18</sup> The act nevertheless stipulates that its consolidated budget provisions will not apply until after FY18,<sup>19</sup> and the IRM researcher was unable to locate any evidence that the DoD had released a consolidated budget containing information on allocation and program plans by the close of the end-of-term reporting period.

Concerning the DoD's reporting on ForeignAssistance.gov, as of 16 February 2017, the DoD was actively reporting data for 11 different programs with data available prior to FY16.<sup>20</sup> Beginning in FY16, the DoD also began reporting data for an additional 13 programs, with data for those programs available from FY16 onwards, resulting in a total of 24 DoD programs reported on ForeignAssistance.gov.<sup>21</sup> The government's progress on Milestone 49.1 is nevertheless mitigated by the lack of apparent progress on the NATO Building Integrity Assessment and the production of a consolidated DoD budget, resulting in limited overall completion for this milestone.

As for improved monitoring and evaluation of security assistance (Milestone 49.2), Section 383 of the National Defense Authorization Act for Fiscal Year 2017 on "Assessment, Monitoring, and Evaluation of Programs and Activities" requires the Secretary of Defense to "maintain a program of assessment, monitoring, and evaluation [(AM&E)] in support of the security cooperation programs and activities of the Department of Defense."<sup>22</sup> As described further under that section of the Act, the DoD's AM&E program will comprise a variety of different elements, including assessments of partner capability requirements, programmatic risks, and baseline indicators and information; monitoring of program progress and achievement of desired outcomes; evaluations of program efficiency and effectiveness with respect to achieving those outcomes; and identification of lessons learned, with an eye toward improving future DoD programs.<sup>23</sup> Per this same section, the DoD is required to report

to Congress annually on the programs covered by the AM&E assessment, as well as an evaluation of lessons learned and best practices.<sup>24</sup>

Relevant to the OGP value of access to information, Section 383 of the act further notes that “the Secretary [of Defense] shall make available to the public, on an Internet website of the Department of Defense available to the public, a summary of each evaluation conducted...,” subject to certain redactions and omissions to “protect the interest of the United States or the foreign country or countries covered by such evaluation.”<sup>25</sup>

Pursuant to the act, on 13 January 2017, the DoD publicly released “Instruction 5132.14: Assessment, Monitoring, And Evaluation Policy For The Security Cooperation Enterprise,”<sup>26</sup> which “establishes policy and assigns responsibilities for conducting assessment, monitoring, and evaluation (AM&E) of security cooperation plans, programs...” and echoes the text of Section 383 of the National Defense Authorization Act for Fiscal Year 2017 in terms of its scope and goals.<sup>27</sup> Section 3 of the Instructions provide details on the AM&E framework. The text contained in this section notes that “AM&E is required for all significant security cooperation initiatives,” as well as pilot programs.<sup>28</sup> Importantly, neither the National Defense Authorization Act nor the DoD instructions articulate a definitive implementation timeframe for the DoD’s AM&E activities. A DoD reporting guide for ForeignAssistance.gov notes that “it will take time for DoD to stand-up an AM&E structure and train its personnel. Therefore AM&E reporting to ForeignAssistance.gov should not be expected earlier than 2018.”<sup>29</sup> Despite the lag in implementation, Instruction 5132.14 establishes the policy and therefore fulfills this aspect of the milestone. According to the State Department, the DoD is currently developing guidance to implement the new SSA AM&E directive with specific consideration of counter-corruption efforts in the initial assessment progress.<sup>30</sup>

As for the core activity specified under Milestone 49.2 (an interagency AM&E framework), the State Department published an interagency performance management framework for SSA on 2 November 2016.<sup>31</sup> This framework includes “overarching... [SSA] guidance across U.S. government Departments and Agencies.”<sup>32</sup> Specifically, it “provides SSA policymakers, planners, program managers, and implementers the information and evidence necessary to make effective decisions, maximize program outcomes, increase program accountability, and report program achievements.”<sup>33</sup> The State Department also developed a Program Design and Performance Management Toolkit, which provides more detailed guidance and worksheets to “help bureaus, offices, and posts design their activities in a way that effectively advances broader strategic goals, utilizes useful monitoring and evaluation, and enables learning to occur that can inform future decisions.”<sup>34</sup> Given the establishment of the DoD AM&E policy and the development of an interagency performance management framework, overall this milestone has been assessed as complete.

With respect to enhancing SSA to prevent corruption (Milestone 49.3), the government made clear progress on some of the deliverables mentioned in the milestone text. For example, in 2016, the DoD created a new Special Area of Emphasis for Joint Professional Military Education on Counter/Anti-Corruption (CAC).<sup>35</sup> This new Area of Emphasis is aimed to help students “recognize and understand corruption,” integrate CAC considerations in planning and assessments, translate lessons from past efforts to the present and future, and think through the impact of corruption and CAC efforts through a military lens.<sup>36</sup> In addition, the Air War College is now offering a new course entitled “Contending with Corruption: Perspectives on Corruption and Anti-Corruption Initiatives.”<sup>37</sup>

Separately, the National Defense Authorization Act for Fiscal Year 2017, which Congress passed on 13 December 2016, requires institutional capacity-building as part of all SSA packages.<sup>38</sup> This fulfills the milestone’s promise to ensure that SSA supports improvements in security governance alongside other efforts.

The State Department also continued ongoing efforts to support local open governance efforts. For instance, the State Department currently supports the Sahel Program run by the United Nations Office on Drugs and Crime.<sup>39</sup> This program focuses on supporting criminal justice systems in the region to better combat “drug trafficking, illicit trafficking, organized crime, terrorism, and corruption...”<sup>40</sup> The US government—led by the State Department—is also supporting local open

governance in Africa through the Security Governance Initiative, which aims to “enable countries to develop policies, institutional structures, and systems that allow them to more efficiently, effectively, and responsibly deliver security and justice to their citizens.”<sup>41</sup> While these two programs represent concrete efforts to support local open governance, they both predate the action plan. As a result, it is difficult to conclude that they fulfill the US government’s promise in the milestone text to “deepen” support for local open governance.

Nonetheless, the core activity of this milestone was the addition of anti-corruption safeguards into SSA. According to the State Department, it mainstreamed additional anti-corruption safeguards into a new Framework for Policy Review and Risk Analysis of Proposed Security Sector Assistance Activities, which was later sent out to all embassies and piloted in priority countries.<sup>42</sup> However, the IRM was unable to verify this information because it did not have access to the new framework. The completion of the milestone text—which includes promises to “build additional anti-corruption safeguards into security assistance” and “support greater assessment and mitigation of corruption risk, alongside other risks, within security sector assistance”—relies on the specific wording of this new framework. Given the lack of documentation for this core aspect of the milestone, the IRM considers Milestone 49.3 to have a limited level of implementation by the end of term.

Nonetheless, given the completion of Milestone 49.2 and the visible progress toward achieving the other two milestones, the commitment is considered to have a substantial level of completion at the end of term.

## Did It Open Government?

### Access to Information: Marginal

This commitment led to incremental improvements in access to information. Several expected disclosures of information were pending at the end of term (e.g. the DoD unified annual budget and the DoD AM&E assessment). The only clear disclosure of information during the reporting period was the publication of foreign assistance data for 13 DoD programs on ForeignAssistance.gov. Among others, these programs include the Defense Institution Building Program, the Global Security Contingency Fund, and training/equipment initiatives in Eastern Europe, Southeast Asia, Iraq, and Afghanistan.<sup>43</sup> While this release of information is a positive step forward, it is incremental given both the pre-existing DoD data published on ForeignAssistance.gov, as well as the pending disclosures of DoD budgetary information and AM&E assessments.

### Carried Forward?

At the time of writing, the US government had not published its fourth action plan, so it is unclear if this commitment will be carried forward. The government should nevertheless continue with efforts to improve the transparency of security sector assistance, owing to the potential benefits these activities may yield, notably, more efficient and targeted use of security sector assistance to achieve US national security goals and broader public understanding of the government’s funding, monitoring, and evaluation of security sector activities.

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<sup>1</sup> See below for a more detailed discussion of PPD-23.

<sup>2</sup> The Obama White House. “Fact Sheet: US Security Sector Assistance Policy.” 5 April 2013. <https://obamawhitehouse.archives.gov/the-press-office/2013/04/05/fact-sheet-us-security-sector-assistance-policy>. Consulted 8 October 2017.

<sup>3</sup> Ibid.

<sup>4</sup> Jackson, Rose. “Untangling the Web: A Blueprint for Reforming American Security Sector Assistance.” Open Society Foundations. p.15. January 2017. <https://www.opensocietyfoundations.org/sites/default/files/untangling-the-web-20170109.pdf>. Consulted 8 October 2017.

<sup>5</sup> North Atlantic Treaty Organization. “Building Integrity.” 27 September 2017. [http://www.nato.int/cps/en/natohq/topics\\_68368.htm](http://www.nato.int/cps/en/natohq/topics_68368.htm). Consulted 8 October 2017. The questionnaire itself is available at North Atlantic Treaty Organization. “Building Integrity Self-Assessment Questionnaire and Peer Review Process.” February 2015. [http://www.nato.int/nato\\_static\\_fl2014/assets/pdf/pdf\\_2015\\_03/20150309\\_150309-bi-saq-en.pdf](http://www.nato.int/nato_static_fl2014/assets/pdf/pdf_2015_03/20150309_150309-bi-saq-en.pdf). Consulted 8

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October 2017. For the stand-alone Building Integrity website, see North Atlantic Treaty Organization. "Homepage." Building Integrity. <https://buildingintegrity.hq.nato.int/>. Consulted 8 October 2017.

<sup>6</sup> US Department of State. "Plans and Policy Division." <https://www.state.gov/t/pm/gpi/ppd/index.htm>. Consulted 8 October 2017. The text of the Directive itself was not publicly available at the time of writing.

<sup>7</sup> The Obama White House. "Fact Sheet: US Security Sector Assistance Policy." 5 April 2013. <https://obamawhitehouse.archives.gov/the-press-office/2013/04/05/fact-sheet-us-security-sector-assistance-policy>. Consulted 8 October 2017.

<sup>8</sup> Ibid.

<sup>9</sup> Jackson, Rose. "Untangling the Web: A Blueprint for Reforming American Security Sector Assistance." *Open Society Foundations*. p.16. January 2017. <https://www.opensocietyfoundations.org/sites/default/files/untangling-the-web-20170109.pdf>. Consulted 8 October 2017.

<sup>10</sup> Carnegie Endowment for International Peace: Working Group on Corruption and Security. "Corruption: The Unrecognized Threat to International Security." p.1. June 2014. [http://carnegieendowment.org/files/corruption\\_and\\_security.pdf](http://carnegieendowment.org/files/corruption_and_security.pdf). Consulted 8 October 2017.

<sup>11</sup> US Agency for International Development, US Department of Defense, and US Department of State. "Security Sector Reform." [http://pdf.usaid.gov/pdf\\_docs/Pnadm788.pdf](http://pdf.usaid.gov/pdf_docs/Pnadm788.pdf). Consulted 8 October 2017.

<sup>12</sup> Ibid. p.8.

<sup>13</sup> Ibid. p.10.

<sup>14</sup> Perito, Robert and Kristoff, Madeline. "Peace Brief No.32: Fighting Corruption in Security Sector Reform." p.1. United States Institute of Peace. 20 May 2010. <https://www.usip.org/sites/default/files/PB%2032%20Fighting%20Corruption%20in%20SSR.pdf>. Consulted 8 October 2017.

<sup>15</sup> Ibid. p.2.

<sup>16</sup> North Atlantic Treaty Organization. "The Building Integrity Programme." <https://buildingintegrity.hq.nato.int/BI.aspx>. Consulted 8 October 2017.

<sup>17</sup> US Congress. "S.2943 - National Defense Authorization Act for Fiscal Year 2017." 23 December 2016. <https://www.congress.gov/bills/114th-congress/senate-bill/2943/text>. Consulted 8 October 2017.

<sup>18</sup> Ibid. For discussion of the act, see also Schaus, John and Mielissa Dalton., "Implementing Security Cooperation Reform to Maximize US Competitiveness Abroad." *Defense360*. 11 January 2017. <https://defense360.csis.org/implementing-security-cooperation-reform-maximize-u-s-competitiveness-abroad/#note1>. Consulted 8 October 2017.

<sup>19</sup> US Congress. "S.2943 - National Defense Authorization Act for Fiscal Year 2017." 23 December 2016. <https://www.congress.gov/bills/114th-congress/senate-bill/2943/text>. Consulted 8 October 2017.

<sup>20</sup> ForeignAssistance.gov. "Foreign Assistance Data Reporting Guide for ForeignAssistance.gov Users: US Department of Defense." 16 February 2017. <https://foreignassistance.gov/assets/Notes/FA.gov%20-%20DoD%20-%20Agency%20Notes.pdf>. Consulted 8 October 2017.

<sup>21</sup> Ibid.

<sup>22</sup> US Congress. "S.2943 - National Defense Authorization Act for Fiscal Year 2017." 23 December 2016. <https://www.congress.gov/bills/114th-congress/senate-bill/2943/text>. Consulted 8 October 2017.

<sup>23</sup> Ibid.

<sup>24</sup> Ibid.

<sup>25</sup> Ibid.

<sup>26</sup> Department of Defense. "DOD Instruction 5132.14: Assessment, Monitoring, And Evaluation Policy For The Security Cooperation Enterprise." 17 January 2017. [http://open.defense.gov/portals/23/Documents/foreignasst/DoDI\\_513214\\_on\\_AM&E.pdf](http://open.defense.gov/portals/23/Documents/foreignasst/DoDI_513214_on_AM&E.pdf). Consulted 8 October 2017.

<sup>27</sup> For the latter, see Ibid. Section I.

<sup>28</sup> Ibid. p.12.

<sup>29</sup> ForeignAssistance.gov. "Foreign Assistance Data Reporting Guide for ForeignAssistance.gov Users: US Department of Defense." p.9. 16 February 2017. <https://foreignassistance.gov/assets/Notes/FA.gov%20-%20DoD%20-%20Agency%20Notes.pdf>. Consulted 8 October 2017.

<sup>30</sup> The IRM received this information in a comment from the State Department during the pre-publication review of this report. The comment was received via e-mail on 30 April 2018.

<sup>31</sup> "Performance Management Framework for Security Sector Assistance," 2 November 2016, [http://open.defense.gov/portals/23/Documents/foreignasst/SAA\\_PPD\\_Performance\\_Management\\_Framework.pdf](http://open.defense.gov/portals/23/Documents/foreignasst/SAA_PPD_Performance_Management_Framework.pdf), consulted 8 May 2018.

<sup>32</sup> Ibid., 3.

<sup>33</sup> Ibid., 3-4.

<sup>34</sup> "Performance Design and Performance Management Toolkit," US State Department, <https://www.state.gov/documents/organization/268816.pdf>, consulted 8 May 2018.

<sup>35</sup> "Memorandum for Military Education Coordination Council," The Joint Staff, 2016, [http://www.arcic.army.mil/app\\_Documents/2016-Approved-SAEs.pdf](http://www.arcic.army.mil/app_Documents/2016-Approved-SAEs.pdf), consulted 8 May 2018.

<sup>36</sup> Ibid., 4.

<sup>37</sup> "2017 Annual Report," Air Force Culture and Language Center, [http://culture.af.mil/assets/afclc\\_annual\\_report\\_2017.pdf](http://culture.af.mil/assets/afclc_annual_report_2017.pdf), consulted 8 May 2018.

<sup>38</sup> National Defense Authorization Act for Fiscal Year 2017, S. 2943, 114<sup>th</sup> Cong. (2016), <https://www.govtrack.us/congress/bills/114/s2943/text>, consulted 8 May 2018.

<sup>39</sup> "The Sahel Programme," United Nations Office on Drugs and Crime, <https://www.unodc.org/westandcentralafrica/en/newrosenwebsite/sahel-programme/sahel-programme.html>, consulted 8 May 2018.



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<sup>40</sup> “Results and Activities,” United Nations Office on Drugs and Crime, Sahel Programme, Progress Report June 2017, [https://www.unodc.org/documents/westandcentralafrica//UNODC\\_Sahel\\_Programme\\_Results\\_and\\_Activities\\_-\\_June\\_2017.pdf](https://www.unodc.org/documents/westandcentralafrica//UNODC_Sahel_Programme_Results_and_Activities_-_June_2017.pdf), consulted 8 May 2018.

<sup>41</sup> Julie E. Chalfin and Linda Thomas-Greenfield, “The Security Governance Initiative,” *The Journal of Complex Operations*, 20 November 2017, <http://cco.ndu.edu/News/Article/1375901/10-the-security-governance-initiative/>, consulted 8 May 2018.

<sup>42</sup> The IRM received this information in a comment from the State Department during the pre-publication review of this report. The comment was received via e-mail on 30 April 2018.

<sup>43</sup> ForeignAssistance.gov. “Foreign Assistance Data Reporting Guide for ForeignAssistance.gov Users: US Department of Defense.” p.9. 16 February 2017. <https://foreignassistance.gov/assets/Notes/FA.gov%20-%20DoD%20-%20Agency%20Notes.pdf>. Consulted 8 October 2017.

## Commitment 50. Open Collaboration on the Arctic

### Commitment Text:

#### Increase Open Scientific Collaboration on the Arctic

Understanding the rapid changes that are affecting the Arctic—as well as the impacts of these changes on the rest of the world—requires a cooperative, global approach based on open intergovernmental partnerships and research collaboration involving participants from Arctic and non-Arctic nations. On September 28, 2016, the U.S. Government will host the first ever White House Arctic Science Ministerial to bring together ministers of science, chief science advisors, and other high-level officials from countries around the world, as well as representatives from indigenous groups, to expand joint, inclusive collaborations focused on Arctic science, research, observations, monitoring, and data-sharing. The goals of the event are to advance promising science initiatives and create a context for increased international and open scientific collaboration on the Arctic over the longer term.

**Responsible Institution:** Not Specified

**Supporting Institution:** Not Specified

**Start Date:** Not Specified

**End Date:** Not Specified

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Midterm		Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
50. Overall			✓		✓	✓			✓				Not Assessed					✓			

**Editorial Note:** Completion at the midterm is not assessed for this commitment because it was submitted to OGP in September 2016 following the close of the midterm reporting period; progress for this commitment is therefore assessed from September 2016 onwards in the sections below.

### Commitment Aim

This commitment aimed for the White House to host an inaugural White House Arctic Science Ministerial on 28 September 2016. The ministerial was expected to provide an opportunity for a variety of government officials from other countries—including but not limited to ministers of science and chief science advisors—and representatives from indigenous groups to expand “joint, inclusive collaborations focused on Arctic science.” In doing so, the White House aimed to further Arctic-related science initiatives and provide a forum for long-term global scientific cooperation on the Arctic.

As described in the press release announcing the ministerial,<sup>1</sup> the Arctic is undergoing rapid environmental change, in turn compounding challenges for Arctic peoples; addressing these changes requires concerted, collaborative scientific efforts to understand environmental changes and further climate change resilience among Arctic people. The magnitude and pace of these changes is severe, with potential consequences for other regions. As noted in a recent Cable News Network (CNN) article, “the Arctic is heating up twice as fast as the rest of the world,” with the Arctic’s average air

temperature in 2016 reaching a new high since recordkeeping began in 1900.<sup>2</sup> Speaking to the potential for spillover effects into other regions, Director of NOAA's Arctic Research Program Jeremy Mathis further noted that "rarely have we seen the Arctic show a clearer, stronger or more pronounced signal of persistent warming and its cascading effects on the environment than this year [2016]," highlighting the magnitude of the potential threat posed by these changes, such as rising sea levels.<sup>3</sup> The Arctic Ministerial proposed in this commitment represents a new forum through which to further discussions surrounding scientific initiatives linked to these issues.

The ministerial proposed in the commitment is well-defined with a clear delineation of the issues it will address and its intended participants. However, the scope of engagement with indigenous groups is not well-specified, nor is the structure or format of the ministerial itself. As such, specificity for this commitment is medium.

The commitment is relevant for the OGP values of access to information and civic participation, as the proposed ministerial will further access to information on government-related scientific activities in the Arctic, while providing opportunities for members of civil society to engage with government on issues related to these activities. However, if fully implemented, the commitment is anticipated to have a minor potential impact due to the one-off nature of the ministerial and the difficulty in predicting the nature of initiatives that could result from the gathering.

## Status

### End of term: Complete

On 28 September 2016, the White House hosted the White House Arctic Science Ministerial described in the commitment text. The White House first announced the ministerial several months earlier in a White House blog post on 13 May 2016.<sup>4</sup> As described in a summary report for the ministerial prepared by the United States Arctic Research Commission,<sup>5</sup> the ministerial was attended by ministers of science (or their representatives) from 24 countries<sup>6</sup> and the European Union, with the US delegation led by John P. Holdren, President Obama's Science Advisor and Director of the White House Office of Science and Technology Policy. The ministerial itself revolved around four themes: (1) Arctic science challenges and their regional and global implications; strengthening and integrating arctic observations and data sharing; applying expanded scientific understanding of the Arctic to build regional resilience and shape global responses; and Arctic science as a vehicle for STEM education and citizen empowerment.<sup>7</sup> Structurally, the ministerial entailed four main sessions lasting 1.25 hours, each of which focused on one of the four themes described above, as well as an opening session, post-session plenary discussion, and closing remarks.<sup>8</sup>

One day prior to the ministerial, the White House hosted more than 30 Alaska-Native leaders, as well as representatives of five international indigenous organizations to "share their concerns and priorities" with over 40 US government officials from the White House and federal agencies in attendance.<sup>9</sup>

As described in the report, the ministerial "capstone" output was the signing of a joint statement that "recognizes that international collaboration and the inclusion of Arctic Indigenous peoples in science and decision-making are essential to advancing research in the Arctic."<sup>10</sup> The report offers a forward-looking interpretation of the statement's goals, noting that "The Joint Statement and the ASM help chart a new collective approach in Arctic science that will inform national policies concerning climate-change mitigation and resilience, Arctic development, stewardship, and the needs of the region's Indigenous peoples."<sup>11</sup> The statement itself touches on each of the four themes that informed the ministerial's structure, and serves as a sort of "action plan" for specific activities to be carried out under each of these themes.

During the ministerial, the United States also released the first digital elevation model for the Arctic. These digital elevation models are the focus of Milestone 42.3, and are therefore evaluated more fully under Commitment 42. Participating governments also profiled several additional initiatives during the ministerial, such as the European Union's development of the Integrated Arctic Observing System

(INTAROS) and the US Office of Naval Research's Arctic Mobile Observing System (AMOS), among other initiatives.<sup>12</sup>

According to the summary report, op-eds for the ministerial appeared in both the *Washington Post* and the *Alaska Dispatch*, with media coverage appearing in the *Washington Post*, on MSNBC's *Morning Joe*, and others, with coverage via 27 total print and digital outlets.<sup>13</sup> With respect to attendance, participants included government officials from numerous countries, as well as individuals from major global academic institutions (e.g. National University of Singapore and University of Cambridge) and civil society organizations (e.g. the Aleut International Association, the Inuit Circumpolar Council, the Saami Council, and the United States Arctic Research Commission). However, as indicated by the ministerial's participant list, government officials comprised the majority of attendants.<sup>14</sup>

## Did It Open Government?

### **Access to Information: Marginal Civic Participation: Marginal**

This commitment marginally opened government with respect to access to information and civic participation.

With respect to access the information, the ministerial's summary report offers a cohesive inventory of scientific initiatives in the Arctic, both new and existing. However, as the ministerial itself was a one-day event and did not clearly articulate follow-up reporting activities (such as reporting on the progress of the initiatives profiled at the ministerial), the commitment cannot be said to have opened government more substantially.

With respect to civic participation, the ministerial provided an opportunity for members of civil society to engage with government officials on initiatives in the Arctic. While media reports noted that the meeting was "much broader and more inclusive than the high-level dialogues typically convened by the Arctic Council"<sup>15</sup> and was "first-of-its-kind,"<sup>16</sup> the executive director of the Aleut International Association expressed disappointment that Arctic indigenous peoples were not involved in the planning of the event.<sup>17</sup> Moreover, while the ministerial's outreach to and engagement with representatives of indigenous groups is noteworthy, the ministerial itself was a one-off event that did not provide a clear or institutionalized pathway for follow-on engagement. In light of this, the commitment cannot be said to have opened government more substantially in this area.

## Carried Forward?

At the time of writing, the US government had not published its fourth national action plan, so it is unclear if this theme will be carried forward. While the commitment is complete, the government should nevertheless continue to support the various scientific initiatives profiled at the Ministerial.

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<sup>1</sup> Holdren, John P. "White House Arctic Science Ministerial: September 28, 2016." *The White House Blog*. 13 May 2016. <https://obamawhitehouse.archives.gov/blog/2016/05/13/white-house-arctic-science-ministerial-september-28-2016>. Consulted 3 October 2017. Much of the commitment text was taken verbatim from this press release.

<sup>2</sup> Cuevas, Mayra and Max Blau. "Arctic Heating Up Twice as Fast as Rest of Globe." CNN Press Release 14 December 2016. <http://www.cnn.com/2016/12/14/world/arctic-report-card/index.html>. Consulted 3 October 2017.

<sup>3</sup> Quoted in *Ibid*. For additional discussion of potential spillover effects and the changing Arctic environment, see Kahn, Brian. "Climate Change Altering the Arctic Faster Than Expected." *Climate Central*. 25 April 2017. <http://www.climatecentral.org/news/rapid-climate-change-arctic-21389>. Consulted 3 October 2017.

<sup>4</sup> Holdren, John P. "White House Arctic Science Ministerial: September 28, 2016." *The White House Blog*. 13 May 2016. <https://obamawhitehouse.archives.gov/blog/2016/05/13/white-house-arctic-science-ministerial-september-28-2016>. Consulted 3 October 2017. Much of the commitment text was taken verbatim from this press release.

<sup>5</sup> United States Arctic Research Commission. "Supporting Arctic Science: A Summary of the White House Arctic Science Ministerial Meeting." November 2016. [https://www.arctic.gov/publications/other/supporting\\_arctic\\_science.html](https://www.arctic.gov/publications/other/supporting_arctic_science.html). Consulted 3 October 2017. Per its website, the United States Arctic Research Commission is "an independent agency that advises the President and Congress on domestic and international Arctic research through recommendations and reports." The report

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itself is available directly at [https://storage.googleapis.com/arcticgov-static/publications/other/Supporting\\_Arctic\\_Science\\_1.pdf](https://storage.googleapis.com/arcticgov-static/publications/other/Supporting_Arctic_Science_1.pdf). Consulted 3 October 2017.

<sup>6</sup> These governments included Canada, the People's Republic of China, the Kingdom of Denmark, the Faroe Islands, Finland, France, Germany, Greenland, Iceland, India, Italy, Japan, the Republic of Korea, the Netherlands, New Zealand, Norway, Poland, the Russian Federation, Singapore, Spain, Sweden, Switzerland, the United Kingdom, and the United States of America. See *Ibid.* p.5.

<sup>7</sup> *Ibid.* p.1.

<sup>8</sup> *Ibid.* p.3.

<sup>9</sup> *Ibid.* p.1.

<sup>10</sup> *Ibid.* p.4. For the text of the Joint Statement itself, see pp.10-19 of the report. Consulted 3 October 2017.

<sup>11</sup> *Ibid.* p.4.

<sup>12</sup> *Ibid.* p.4.

<sup>13</sup> *Ibid.* pp. 20-21.

<sup>14</sup> *Ibid.* pp.22-25.

<sup>15</sup> Hoag, Hannah. "Top Arctic Science Officials to Meet at White House." *Arctic Deeply*. 27 September

2016. <https://www.newsdeeply.com/arctic/articles/2016/09/27/top-arctic-science-officials-to-meet-at-white-house>

<sup>16</sup> Martinson, Erica. "Alaska Natives, international officials gather for White House meeting on Arctic research." *Anchorage Daily News*. 28 September 2016. <https://www.adn.com/arctic/2016/09/28/alaska-natives-international-officials-gather-for-white-house-arctic-meeting/>

<sup>17</sup> Hoag, Hannah. "Top Arctic Science Officials to Meet at White House." *Arctic Deeply*. 27 September

2016. <https://www.newsdeeply.com/arctic/articles/2016/09/27/top-arctic-science-officials-to-meet-at-white-house>

## Commitment 51. Support Capacity Building for Extractives Transparency

### Commitment Text:

#### Support Capacity Building for Extractives Transparency

Building on U.S. leadership with the Extractive Industries Transparency Initiative (EITI), the U.S. EITI team will launch activities to share best practices with other EITI implementing countries and improve the capacity of the EITI implementing country constituency to more effectively participate in EITI Board proceedings that directly impact in-country implementation of the EITI Standard, as well as improve capacity at the local level for more effective collaboration within each country's EITI multi-stakeholder groups. Specifically, the U.S. EITI team will:

- Develop implementing country sub-constituency guidelines for enhanced decision-making and advocacy at the EITI Board level.
- Facilitate capacity building and training for implementing country board members and national coordinators.
- Initiate peer-to-peer best practice exchanges between U.S. EITI team members and EITI implementing countries through regional and in-country training.
- Use technology to increase transparency and public accessibility of natural resource revenue and related data through user-centered data portal design and development.
- Select and deploy an improved communication platform for virtual meetings.

**Responsible Institution:** Not Specified

**Supporting Institution:** Not Specified

**Start Date:** Not Specified

**End Date:** Not Specified

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Midterm		Did It Open Government?						
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	End of Term	Worsened	Did Not Change	Marginal	Major	Outstanding	
51. Overall		✓			✓			✓		✓			Not Assessed					✓					

**Editorial Note:** Completion at the midterm is not assessed for this commitment because it was submitted to OGP in September 2016 following the close of the midterm reporting period; progress for this commitment is therefore assessed from September 2016 onwards in the sections below.

### Commitment Aim

This commitment aimed for the US Extractive Industries Transparency Initiative (EITI) to launch a series of complementary activities to “share best practices” with other countries implementing the EITI, build their capacity to actively participate in EITI Board proceedings related to their implementation of the EITI Standard, and build local-level capacity with participating countries’ EITI multi-stakeholder groups. The more specific activities envisioned under this commitment include: developing country sub-constituency guidelines; facilitating capacity-building and training for EITI

member-country board members and national coordinators; initiating peer-to-peer exchanges to share best practices through regional and in-country trainings; increasing the transparency and accessibility of resource revenue data and other related data through “user-centered data portal design and development”; and identifying and implementing an improved virtual communication meeting platform.

By looking to support other countries in the implementation of EITI, this commitment is complementary to the activities outlined under Commitment 3I, which focuses on implementing the EITI standard domestically. It is important to note, however, that while international collaboration and peer exchange are core features of OGP, the national action plans are meant to focus on domestic open government initiatives, rather than on supporting the open government initiatives of other countries. Some elements of this commitment could contribute to greater access to information in the United States, such as using “technology to increase transparency and public accessibility of natural resource revenue and related data” or “peer-to-peer best practice exchanges between US EITI team members” and their counterparts in other countries. However, given the vague language of the commitment text (e.g. what the exchanges, trainings, and sub-constituency guidelines will look like), and the unclear possible effect of the activities on openness in the United States, the commitment has a low level of specificity and a minor potential impact.

## Status

### End of term: Limited

By the end of term, most of the commitment milestones were not started. As a result, the overall completion of the commitment was limited. With respect to each proposed activity:

- The IRM researcher found no evidence that the US EITI had begun to develop sub-constituency guidelines for enhanced decision-making and advocacy. EITI Implementing Country Sub-Constituency Guidelines for Internal Coordination and Information-Sharing were endorsed in February 2016,<sup>1</sup> prior to the development of this commitment. These guidelines are therefore not considered to be the guidelines referenced in the commitment text.
- The IRM researcher did not observe any activities by the US EITI intended to facilitate the capacity-building and training of implementing country board members, nor of national coordinators. The US government provided a grant in October 2016 to assist the government of Guyana in its EITI candidacy, but this grant focuses on supporting the development of candidacy documents required by the EITI Secretariat, and is administered by the Carter Center, rather than the US EITI team, as stipulated in the commitment text.<sup>2</sup>
- In terms of peer exchanges, the USEITI team participated in the EITI Data Storytellers Bootcamp held on 23 February 2017 in Lima, Peru.<sup>3</sup> The goal of the bootcamp was to share experiences and work together to put EITI data to use.<sup>4</sup> According to the Department of the Interior, the USEITI team also actively engaged with Mexico in Mexico City to discuss open source code, the technology behind the USEITI open data portal, the Natural Resources Revenue Data portal, and the USEITI process of user-centered design and usability testing.<sup>5</sup>
- It is unclear what kind of user-centered data portal design and development was envisioned by the commitment. The Department of the Interior pointed to the development of the US EITI data portal and the Natural Resources Revenue Data Portal, but these do not seem to fall under this commitment’s overall objective of improving capacity building abroad. Still, it is worth noting that the USEITI team presented on user-centered design and usability testing at the EITI bootcamp described above.<sup>6</sup>
- The IRM researcher was unable to verify whether or not the US EITI had selected and deployed a new platform for virtual communications, leaving this milestone not started.



## Did It Open Government?

### Access to Information: Did Not Change

Given the little evidence of implementation, the IRM researcher was unable to observe any clear changes in government practice as a result of this commitment. Moreover, as explained above, this commitment was weakly relevant to open government in the United States to begin with. It is worth mentioning that the US government officially withdrew as an EITI Implementing Country in November 2017.<sup>7</sup> While this represents a clear regression as it relates to the implementation of the EITI standard domestically, it is unclear if it will affect the kind of foreign support featured in this commitment. In the official withdrawal letter, the US government affirmed that it would continue to serve as an EITI Supporting Country that would promote good governance and support country-level EITI implementation.<sup>8</sup> For more details about this development, please see the analysis in this report corresponding to Commitment 3I. Transparency of Extractive Industries.

### Carried Forward?

At the time of writing, the US government had not published its fourth national action plan, so it is unclear if this commitment will be carried forward. In the future, the government should draft a more precise series of milestones with clear and measurable activities before moving forward with any of the activities specified in the commitment text.

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<sup>1</sup> EITI Implementing Country Sub-Constituency. "Guidelines for Internal Coordination and Information-Sharing." February 2016, [https://eiti.org/sites/default/files/documents/document/2016\\_03\\_en\\_final\\_implementing\\_country\\_sub-constituency\\_guidelines.pdf](https://eiti.org/sites/default/files/documents/document/2016_03_en_final_implementing_country_sub-constituency_guidelines.pdf)

<sup>2</sup> Stabroek News. "\$62.3M US gov't grant to aid Guyana's EITI candidacy." 8 October 2016, <https://www.stabroeknews.com/2016/news/stories/10/08/62-3m-us-govt-grant-aid-guyanas-eiti-candidacy/>

<sup>3</sup> "EITI Data Storytelling Bootcamp," EITI, 23 February 2016, <https://eiti.org/event/eiti-data-storytelling-bootcamp>, consulted 8 May 2018.

<sup>4</sup> Ibid.

<sup>5</sup> The IRM received this information in a comment submitted by the Department of the Interior during the pre-publication review of this report. The comment was received via e-mail on 30 April 2018.

<sup>6</sup> "Meeting Summary," USEITI Implementation Subcommittee, 10 February 2016, [https://www.doi.gov/sites/doi.gov/files/uploads/Implementation%20Subcommittee%20Meeting%20Summary\\_02-10-16.pdf](https://www.doi.gov/sites/doi.gov/files/uploads/Implementation%20Subcommittee%20Meeting%20Summary_02-10-16.pdf), consulted 8 May 2018.

<sup>7</sup> US Department of the Interior Office of Natural Resources Revenue. "Letter to the Chair of the Extractive Industries Transparency Initiative Board." 2 November 2017. [https://www.doi.gov/sites/doi.gov/files/uploads/eiti\\_withdraw.pdf](https://www.doi.gov/sites/doi.gov/files/uploads/eiti_withdraw.pdf). Consulted 18 March 2018.

<sup>8</sup> Ibid.

## Commitment 52. Support Responsible Investment and Business Practices for Companies

### Commitment Text:

#### Consult with the Public on the Responsible Business Conduct National Action Plan

In September 2014, President Obama committed to work with the private sector and other stakeholders to develop a National Action Plan to promote and expand responsible business conduct. This effort marks the first time the U.S. Government has undertaken a whole-of-government process to focus, improve, and expand its efforts to promote responsible business conduct. Following robust consultation with stakeholders, the Administration expects to publish a Responsible Business Conduct National Action Plan by the end of 2016.

**Responsible Institution:** Not Specified

**Supporting Institution:** Not Specified

**Start Date:** Not Specified

**End Date:** Not Specified

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Midterm		Did It Open Government?						
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	End of Term	Worsened	Did Not Change	Marginal	Major	Outstanding	
52. Overall			✓		✓				✓			Not Assessed				✓							

**Editorial Note:** Completion at the midterm is not assessed for this commitment because it was submitted to OGP in September 2016 following the close of the midterm reporting period; progress for this commitment is therefore assessed from September 2016 onwards in the sections below.

### Commitment Aim

This commitment aimed for the White House to work with the private sector and other stakeholders to develop a Responsible Business Conduct (RBC) national action plan (NAP), with the overall goal of promoting responsible business conduct. Per a speech delivered by President Obama announcing the plan's development on 24 September 2014 at a meeting of the Open Government Partnership,<sup>1</sup> the plan is explicitly focused on promoting "responsible and transparent business conduct overseas." As noted in an article appearing in *Corporate Social Responsibility and the Law* on 27 September 2014, "the United States had been under considerable pressure from civil society organizations and others to develop such a plan."<sup>2</sup> This pressure is reflected in the stakeholder recommendations received from roughly 40 stakeholders, including academic institutions, civil society organizations, and individuals, that were collectively received as part of a public consultation process (see discussion in Completion section below) and posted independently on a plan-related website hosted by the International Corporate Accountability Roundtable (ICAR).<sup>3</sup>

The magnitude of interest in the proposed plan is reflective of growing interest in RBC more broadly among relevant stakeholders, in turn motivating the government's development of the plan. As described in a web post by the US State Department, "the Administration has been focused for some time on a host of issues related to corporate conduct abroad.... In the course of this work, we have registered an uptick in interest and engagement on these issues by American businesses, non-

governmental organizations, academics, faith groups, the media, and the public at large.” The post goes on to say that “The NAP is also an opportunity for the US government to explain what we expect of ourselves and reflect how US businesses inform our work globally with other governments, international organizations, and various stakeholder groups.”<sup>4</sup> The development of the proposed plan described in the commitment text takes place against this backdrop.

While the commitment has a well-defined deliverable, the scope of the issues to be addressed in the proposed national action plan, as well as the scope and methods of stakeholder consultation that will inform its development, are not described in the commitment. Collectively, these issues result in a coding of medium specificity for the commitment. Without knowing the expected content of the RBC national action plan or the proposed mechanisms for stakeholder consultation, it is not possible to anticipate that the commitment will have a major impact on open government if fully implemented. The commitment is relevant for the OGP value of civic participation given that the plan’s stakeholder consultation process is expected to provide opportunities for interested stakeholders to contribute to the plan’s development.

## Status

### End of term: Complete

At the end of term, progress on this commitment is complete. On 16 December 2016, the Department of State released the US national action plan on Responsible Business Conduct.<sup>5</sup> The plan is similar in structure and content to the US government’s overall third national action plan (the evaluation of which comprises the focus of this report).

As described in the plan’s introduction, the “NAP is designed to reinforce and strengthen the US government’s role in advancing RBC through effective intra-governmental coordination and policymaking, promoting high standards globally, facilitating current and future RBC efforts through enhanced collaboration, and highlighting and supporting US industry leadership.” The plan defines “responsible business conduct” as “a broad concept based on the idea that business can perform well while doing good and that governments should set and facilitate the conditions for RBC to take place,” with particular emphasis on (1) the “positive contributions that businesses can make to economic, environmental, and social progress” and (2) “avoiding possible adverse impacts of business conduct... [and] addressing them when they occur.”<sup>6</sup>

Structurally, the plan is divided into five main sections that describe the US government’s existing and future commitments to enhance RBC. These sections include: (1) leading by example; (2) collaborating with stakeholders; (3) facilitating RBC by companies; (4) recognizing positive performance; and (5) providing access to remedy.<sup>7</sup> Each section of the NAP contains a general discussion of the US government’s goals with respect to the section’s overall theme, followed by a series of more specific commitments it aims to achieve, comprised of both new and existing commitments. Across the five sections, the plan proposes 27 new commitments, and describes 43 existing commitments. While the plan specifies an implementing department or agency for each commitment, the plan largely does not specify corresponding implementation deadlines, leaving open the question of exactly when the United States intends to meet these commitments.

With respect to civic participation, Annex I of the plan provides a detailed accounting of the plan’s development and strong evidence of civil society involvement. In particular, following President Obama’s announcement that the government would begin working to develop such a plan in late 2014, the White House National Security Council (NSC)—the federal agency leading the plan’s development—convened an interagency group to “map out the development of the NAP.” As described in the Annex, more than a dozen federal agencies participated in the drafting of the plan. On 20 November 2014, the White House announced a series of public events for interested stakeholders to provide input into the plan via a posting on the White House Blog, with events to be hosted by various independent organizations. Four such events took place as follows: an event in New York City on 15 December 2014 co-hosted by New York University’s Stern Center for Business and Human Rights and the United States Council for International Business; an event in

Berkeley California on 6 February 2015<sup>8</sup> hosted by the Center for Responsible Business at the University of California-Berkeley's Haas School of Business; an event in Norman, Oklahoma on 2 April 2015 hosted by the Oklahoma College of Law<sup>9</sup>; and an event in Washington, DC on 16 April 2016<sup>10</sup> co-hosted by the International Corporate Accountability Roundtable, the Global Business Initiative on Human Rights, and the Harrison Institute for Public Law at Georgetown University Law Center.<sup>11</sup> As described in the plan's Annex, "Each open dialogue featured a wide range of stakeholder groups, and the diverse locations allowed each to focus on certain RBC issues of particular relevance to stakeholders in that location, including but not limited to: the financial sector, the technology sector, extractive industries, the impact of business on indigenous groups, transparency and reporting, and government purchasing practices."<sup>12</sup>

As part of the blog post, the White House also noted that it would accept written comments on the plan by email, with an initial deadline of 15 January 2015,<sup>13</sup> and with the plan's Annex further noting that US government officials additionally met with a variety of different stakeholders to solicit inputs into the plan, including non-governmental organizations (NGO's), academic institutions, foreign government officials, labor unions, business, indigenous peoples, and industry associations.<sup>14</sup> As noted above, the government received inputs from at least 40 stakeholders, including many academic institutions and civil society organizations.<sup>15</sup> With respect to the substantive focus of inputs received, the plan notes that key themes included protecting human rights, human health, and the environment; improving the performance of the US National Contact Point for the Organisation for Economic Co-operation and Development (OECD) guidelines on Multinational Enterprises;<sup>16</sup> leveraging US procurement to promote RBC; and conducting a baselines assessment of RBC-relevant laws in the United States. The IRM researcher was unable to gauge the extent to which the inputs that stakeholders provided on these and other topics were ultimately incorporated into the plan.

## Did It Open Government?

### **Civic Participation: Did Not Change**

This commitment did not change the status quo of open government in the United States by the end of the action plan period.

The government afforded interested stakeholders multiple opportunities to provide inputs to the plan's development over a period of months and via multiple channels, including in-person events and by email. The geographic distribution of the events was noteworthy, covering both coasts as well as the middle of the country. That said, an RBC plan assessment prepared by ICAR—which also co-hosted one of the RBC plan's public consultation events—notes that "the U.S government did not release any information or summary documents regarding its deliberation over the content of the NAP, making it difficult to discern the extent to which the government took stakeholder recommendations into consideration... While a timeline for initial consultation and terms of reference were provided through the government's online portal early in the drafting process; beyond that, the US government did not publish a timeline in relation to the rest of the NAP process, such as the drafting, review, or publication dates."<sup>17</sup> The report also notes that "the US government did not consult around or release a draft NAP, missing a key opportunity to gather stakeholder opinions during a critical phase of the drafting process,"<sup>18</sup> highlighting a lack of transparency on the back-end of the consultation process.

More importantly for the purpose of the evaluation, while the plan itself was published in December 2016, the major components of the government's engagement with civil society—notably, the four public consultation events and the written comment solicitation period—took place prior to the start of the evaluation period. For this reason, the commitment is not considered to have improved levels of civic participation.

## Carried Forward?

At the time of writing, the US government had not published its fourth national action plan, so it is unclear if this commitment will be carried forward. While the implementation of the RBC

commitments could lead to improvements related to access to information, civic participation, and public accountability, neither the plan itself nor government discussion surrounding the plan provide a clear indication of how progress on the government's RBC commitments will be monitored, and whether information on that progress will be tracked centrally and made publicly available. Prior to the plan's publication, the US State Department noted that "We do not view the creation and publishing of a NAP as an end unto itself, but rather part of our ongoing efforts to clarify and address these important issues. As with other US government national action plans, we will treat this as an iterative and evolving process."<sup>19</sup> Going forward, the government should aim to complete the new commitments described in the plan, establish mechanisms for monitoring progress on the commitments, and continue making progress on existing RBC-related initiatives.

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<sup>1</sup> For the text of the speech, see The White House. "Remarks by President Obama at Open Government Partnership Meeting." 24 September 2014. <https://obamawhitehouse.archives.gov/the-press-office/2014/09/24/remarks-president-obama-open-government-partnership-meeting>. Consulted 2 October 2017.

<sup>2</sup> Altschuller, Sara A. "United States to Develop National Action Plan on Responsible Business Conduct." 27 September 2014. *Corporate Social Responsibility and the Law*. <https://bit.ly/1ytxfOR>. Consulted 2 October 2017.

<sup>3</sup> International Corporate Accountability Roundtable: National Action Plan US "Stakeholder Recommendations." <http://nationalactionplan.us/other-recommendations/>. Consulted 2 October 2017.

<sup>4</sup> US Department of State. "USG National Action Plan on Responsible Business Conduct: Frequently Asked Questions." Humanrights.gov. 12 February 2015. <https://web.archive.org/web/20170428124214/https://www.humanrights.gov/dyn/2015/usg-national-action-plan-on-responsible-business-conduct/>. Consulted 2 October 2017.

<sup>5</sup> US Department of State. "US National Action Plan on Responsible Business Conduct." 16 December 2016. <https://www.state.gov/e/eb/eppd/csr/naprbc/index.htm>. Consulted 2 October 2017. For the text of the Plan, see US Department of State. "Responsible Business Conduct: First National Action Plan of the United States of America." 16 December 2016. <https://www.state.gov/documents/organization/265918.pdf>. Consulted 2 October 2017.

<sup>6</sup> Ibid. p.4. As described in a preamble written by former Secretary of State John F. Kerry, the plan's two main aspirational goals are to promote human rights and fight corruption abroad "by encouraging companies to adopt high standards of responsible business conduct."<sup>6</sup> At a more micro-level, the plan aims to "enhance coordination within our government, push for higher standards and a more level playing field globally, and strengthen public-private coordination to help US companies attain their responsible conduct goals in a variety of environments around the world." Ibid. Preamble.

<sup>7</sup> Ibid. p6.

<sup>8</sup> For confirmation of the event's date (which was not included in the White House's initial blog post), see Counts, Laura. "White House Enlists Haas on Responsible Global Business." University of California Berkeley Haas School of Business: Haas News. 20 January 2015. <http://newsroom.haas.berkeley.edu/white-house-enlists-haas-responsible-global-business/>. Consulted 2 October 2017.

<sup>9</sup> For confirmation of the event's date (which was not included in the White House's initial blog post) and a summary of the event, see Oklahoma College of Law. "National Action Plan for Responsible Business Conduct Dialogue at the University of Oklahoma College of Law, Norman, Oklahoma." 2 April 2015. [http://www.law.ou.edu/sites/default/files/content/april\\_2\\_nap\\_summary\\_final.pdf](http://www.law.ou.edu/sites/default/files/content/april_2_nap_summary_final.pdf). Consulted 2 April 2017.

<sup>10</sup> For confirmation of the event's date and Georgetown University's participation (which was not included in the White House's initial blog post), as well as a summary report on the event, see Georgetown University Law Center. "Summary Report: Consultation on the US National Action Plan for Responsible Business Conduct." 16 April 2015. <https://bit.ly/2jzK7vr>. Consulted 2 October 2017.

<sup>11</sup> For the full list of events, see Smart, Christopher. "Announcement of Opportunity to Provide Input into the US National Action Plan on Responsible Business Conduct." *The Obama White House Blog*. 20 November 2014. <https://obamawhitehouse.archives.gov/blog/2014/11/20/announcement-opportunity-provide-input-us-national-action-plan-responsible-business->. Consulted 1 October 2017.

<sup>12</sup> US Department of State. "Responsible Business Conduct: First National Action Plan of the United States of America." p.24. 16 December 2016. <https://www.state.gov/documents/organization/265918.pdf>. Consulted 2 October 2017.

<sup>13</sup> For the full list of events, see Smart, Christopher. "Announcement of Opportunity to Provide Input into the US National Action Plan on Responsible Business Conduct." *The Obama White House Blog*. 20 November 2014. <https://obamawhitehouse.archives.gov/blog/2014/11/20/announcement-opportunity-provide-input-us-national-action-plan-responsible-business->. Consulted 1 October 2017.

<sup>14</sup> US Department of State. "Responsible Business Conduct: First National Action Plan of the United States of America." p.24. 16 December 2016. <https://www.state.gov/documents/organization/265918.pdf>. Consulted 2 October 2017.

<sup>15</sup> International Corporate Accountability Roundtable: National Action Plan US "Stakeholder Recommendations." <http://nationalactionplan.us/other-recommendations/>. Consulted 2 October 2017.

<sup>16</sup> For more information on the Guidelines, see Organisation for Economic Co-Operation and Development. "Guidelines for Multinational Enterprises." <http://mneguidelines.oecd.org/guidelines/>. Consulted 2 October 2017. Per their website, the Guidelines "are recommendations addressed by governments to multinational enterprises operating in or from adhering

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countries. They provide non-binding principles and standards for responsible business conduct in a global context consistent with applicable laws and internationally recognised standards.”

<sup>17</sup> International Corporate Accountability Roundtable. March 2017. “Assessment of the United States National Action Plan (NAP) on Responsible Business Conduct.” p.1. <https://bit.ly/2KjKLOE>. Consulted 2 October 2017.

<sup>18</sup> Ibid. p.2.

<sup>19</sup> US Department of State. “USG National Action Plan on Responsible Business Conduct: Frequently Asked Questions.” Humanrights.gov. 12 February 2015.

<https://web.archive.org/web/20170428124214/https://www.humanrights.gov/dyn/2015/usg-national-action-plan-on-responsible-business-conduct/>. Consulted 2 October 2017.



## Methodological Note

The end-of-term report is based on desk research and interviews with stakeholders, who are cited in the sections above. The IRM report builds on the findings of other assessments of progress put out by civil society, the private sector, or international organizations; as well as the previous IRM progress report. To facilitate the incorporation of a broad range of perspectives into the commitment assessment process, the IRM researcher attempted to solicit inputs from representatives of the US government and civil society organizations during the production of this report.

With respect to communication with the government, the IRM researcher attempted to obtain a list of potential interviewees from the government's OGP point-of-contact (POC) on several occasions during the drafting of this report, beginning in September 2017. In emails sent on 10 October and 24 October 2017, the IRM researcher explicitly requested that the POC make available a list of potential government interviewees to whom the researcher could speak regarding progress made on various commitments contained in the action plan. On 9 November 2017, the IRM researcher spoke via phone with the government POC and re-iterated the earlier request for access to a list of potential interviewees. The IRM researcher followed up with an email to the government POC on that same day reiterating the request for a list of interviewees, to which the POC had been receptive during the preceding phone call. The IRM researcher received no subsequent response from the government POC. Moreover, by the close of the assessment period, the government had not released its end-of-term self-assessment report for the current action plan. The IRM researcher was therefore unable to incorporate government inputs into the production of this report beyond what was accessible via publicly available sources (e.g. press releases, information provided on government websites, etc.).

With respect to communication with civil society organizations, the IRM researcher invited representatives of 96 different civil society organizations to provide written comments on commitments contained in the action plan by responding to two inter-related questionnaires. The first questionnaire assessed whether (and in what capacity) responding organizations were involved in the development of the current national action plan, and their degree of satisfaction surrounding opportunities to engage with the government surrounding the drafting process for the action plan. The second questionnaire solicited open-ended feedback on commitments contained in the action plan. Interview requests were sent via email over a period of several weeks beginning in mid-October 2017, with the IRM researcher attempting to contact each organization at least twice. Organizations were contacted based on the degree of overlap between their respective areas of work and the substantive focus of commitments contained in the action plan. In total, the IRM researcher sent interview requests covering 51 out of 52 commitments contained in the action plan. By the close of the interview period (mid-November 2017), the IRM researcher received written comments from 16 different civil society organizations covering 15 distinct commitments. A full list of organizations contacted during the interview process and a copy of the questionnaires they received is available upon request.

The information obtained via the above channels was supplemented with extensive desk research from September 2017 through March 2018 to facilitate a comprehensive assessment of progress made on the commitments contained in the action plan.

008



#008

Posted by **Stephen Buckley** on **05/25/2018** at **6:22pm**

*Agree: 0, Disagree: 0*

How does one make that request?  
(To what email-address?)

I hereby request the list of individuals and their affiliations (if any) who were consulted by the IRM researcher.

Because I checked my email, including those posted on the the email-group of U.S. OpenGov initiative, and I can not find anything from "McMann" asking for my thoughts (or others), as the attending rep to these OpenGov meetings for the U.S. Chapter of the International Association for Public Participation (est. 1990) -- <http://www.IAP2usa.org>

Guess how many other "public participation" orgs have been (attempting to) participate in the U.S. OpenGov effort?

None! The IAP2-USA is the only organization who middle name, literally, is Public Participation.

And what are we to think about OGP's attempts at evaluating "Public Participation" ... when it does not contact and consult the world's premier organization on that subject!

Jason I. McMann, PhD is an independent consultant based in New York City. He obtained his doctorate from Princeton University's Politics Department in 2016 and is an expert in regulatory benchmarking, with a technical emphasis on metrics and methodology design for index-based policy assessments.

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.

