

May 18, 2009

Dr. Beth Noveck
Office of Science and Technology Policy
Executive Office of the President
725 17th Street Room 5228
Washington, DC 20502

Dear Dr. Noveck,

On behalf of the undersigned organizations concerned with government transparency, we write to request you announce a formal process for public input on developing recommendations to make government transparent, collaborative, and participatory. Additionally, given President Obama's determination to create "an unprecedented level of openness in Government," we ask you make publicly available comments received from agencies, agency employees, or the public related to the development of an Open Government Directive.

As advocates for government openness, we are heartened by President Obama's commitment to make the federal government transparent. We are especially pleased that on his first day in office, President Obama issued his "Memorandum on Transparency and Open Government." We are deeply concerned, however, that of the 120 days given to develop recommendations in President Obama's "Memorandum on Transparency and Open Government," almost 90 percent of the allotted time has passed with no structured process for public input. We understand that the process for gathering public input on the Open Government Directive was delayed until President Obama named a new Chief Technology Officer (CTO). Now that Mr. Aneesh Chopra has been named to the position, we believe it is crucial that you announce a structured process as soon as possible. We also ask that you consider requesting the President to extend the deadline, to give the wider stakeholder community time to engage and allow further public participation.

It has been reported the White House intends to disclose recommendations on the Open Government Directive to the public for comment using social media technologies. While we appreciate and support the administration's innovative use of technological venues to increase participation, we urge you to also undertake a formal 60-day notice and comment process, as used during both the regulatory review and scientific integrity processes. The formal 60-day process using the *Federal Register* is the typical comment process; publishing the recommendation in the *Federal Register* will also increase participation among members of the public who are not comfortable with social media technologies.

We understand some agency employees collaborated and shared ideas about specific issues regarding the Open Government Directive using the Office of Management and Budget's MAX system. Agencies may also have provided formal input on the development of the Directive. In the interest of transparency and collaboration, we urge you to make the comments from agencies and agency employees public, along with any other suggestions you have received so far. We believe the release of these comments to the public would be helpful in understanding the positions held within and outside the government, and better identify problems and

solutions in a collaborative fashion. We also note that the administration's new Freedom of Information Act (FOIA) guidance encourages such records to be affirmatively disclosed on a discretionary basis. Such action would demonstrate a commitment to the principles set forth on open government by the administration.

We appreciate your attention to these issues, and we look forward to working with you on developing recommendations to make the federal government transparent, collaborative, and participatory. Representatives of our organizations would be happy to meet with you or your staff to discuss our requests in more detail.

Sincerely,

Patrice McDermott
OpenTheGovernment.org

Anne Weismann
Citizens for Responsibility and Ethics in Washington

Gary Bass
OMB Watch

Michael Surrusco
Common Cause

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