Civil Society Evaluation
of the

Implementation
of the

US Government
Open Government Partnership
National Action Plan

20 September 2011 - 31 December 2012

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The Plan

Timeline

11 December 2012 - Each of the 19 civil society teams that have been working with the responsible officials inside government on the 26 commitments in the National Action Plan will fill out an evaluation form (example attached).

These evaluation forms will be shared with the responsible officials inside government to allow them to respond to our evaluation, as well as inform us of any additional (by 31 December 2012) accomplishments of which we were unaware.

10 January 2013 - Government responses due back.

By 29 January 2013 - OpenTheGovernment.org will use the information submitted on these forms to create and release a complete report.

Overview

The evaluation is composed of two sections, each focused on answering a specific question: "What was accomplished?" and "Was it done in a meaningful and sustainable manner?" The first question is answered by first considering the literal accomplishment of the original goal set by the government, and then considering a more in-depth set of recommendations that were created by members of civil society, but with input from the government.

The second question allows for much more leeway and subjective response and serves several purposes. Primarily, it encourages government to think beyond "checking the box" and to be concerned about the longevity of its accomplishments. Beyond that, it allows civil society to share constructive criticism of the government's action even when they have technically accomplished the goal they set while also allowing them to give credit to the government should any of their goals prove to be more difficult or challenging than they initially expected but pressed on in good faith nonetheless.

How the Evaluation is Structured:

The First Part of the evaluation looks directly at the government's Commitment in the National Action Plan and is a simple Yes/No question: "Did the government meet this commitment as it was written" Teams will be able to add explanatory comments for their answer.

The Second Part of the evaluation references the Civil Society Recommendations and delves into a) how collaborative the government was in their implementation, as well as b) to what degree their accomplishments met with the recommendations put forward by civil society. The recommendations, while written by civil society, are intended to be realistic and in keeping with the capabilities of the government to accomplish.

Part 2 is composed of both 5–1 rating responses to several questions and essays.

Question 1: For every Commitment, the civil society teams will rate "How collaborative was the government in working with civil society on this commitment?"

Question 2: Each team will also rate (and have the option for relevant comments and explanations) the extent (5–1) of the government's completion of a selected set of recommendations (from those put forward to the government previously) that are distinct to the specific Commitment.

Question 3: To answer the final question in Part 2, "Was it done in a meaningful and sustainable manner?" each team will first provide a 5–1 rating (5 is best) to the statement "The government made a concerted effort to implement this commitment in a meaningful and sustainable way.

Essays: Each civil society team will be asked to write essays to address the following:

– Provide additional context for your answer and provide specific examples. If appropriate, answer the following questions within your response:

     What did the government do particularly well?

     What else should they have done?

     What did they do that was unexpected?

     Did the Administration sufficiently support the efforts at an agency level?

     Did the agency do everything in their power to accomplish the commitment?

– What are the next steps the government should take to ensure the sustainability of this initiative?

The Grading Team

The Grading Team will have the responsibility of reviewing the evaluation forms and ensuring consistency across the evaluation.

The ratings in Questions 1 and 2 in Part 2 will be used to determine an answer to the question, "Did government accomplish the civil society recommendations for this commitment?" and will result in a Yes, Somewhat, or No response as determined by the Grading Team based on the following procedure:

1. These ratings will be summed and divided by the total number of possible points for that commitment to determine a percentage.

2. These percentages will be evaluated to determine a yes, somewhat, or no answer to the question.

A group of 5-10 civil society experts will convene to assign a grade of 1-5 to each commitment based on the information on the evaluation form. This final grade will represent the Administration's concerted effort to accomplish the commitment in a meaningful and sustainable manner.

This method will ensure consistent grading across all 26 commitments. This team will be composed of team leads, academics, and members of the OpenTheGovernment.org staff responsible for writing the report.

Final Report

Based on the evaluations submitted by the teams, a report will be written and released. The contents of the report will primarily be the qualitative assessments provided by the teams as well as the binary and ordinal assessments, all wrapped within appropriate context to make it easy to read for those not intimately familiar with the Open Government Partnership or the US National Action Plan.

The final report will also include the government response to the raw evaluations provided by each team. The teams are ***not*** necessarily expected to alter their evaluations in response to the government's notes. Allowing a government response relieves the teams of the responsibility of uncovering every action done by the government so their evaluations are more informed and fair, and communication between civil society and government teams is encouraged.

The Evaluation Form

The goal of this form is to evaluate the US federal government's accomplishments towards meeting its commitments in the US National Action Plan for the Open Government Partnership. Please note that there are two parts to this evaluation, each intended to answer a specific question. The first focuses on what was tangibly accomplished towards the goal, e.g., data sets released, website stood up, legislation passed. The second focuses on how the government accomplished towards the goal, e.g., did they lay the foundation for a sustainable effort or simply meet the letter of the commitment?

What was accomplished?

Assessing the extent to which the US federal government has technically met its commitments within the National Action Plan.

Government Commitment

Yes - No	Did the government meet this commitment as it was written?

Civil Society Recommendations

5 (very) - 1 (not at all)	How collaborative was the government in working with civil society on this commitment?
5 (yes) - 1 (no) for each rec.	Did government accomplish the civil society recommendations for this commitment?

[Answering this question will entail responding to each of the recommendations for the given commitment. The recommendations are included below.]

Was it done in a meaningful and sustainable manner?

Assessing the extent to which the US federal government made a concerted effort to implement its commitments in a meaningful and sustainable way. If appropriate for your commitment, please differentiate between efforts made by the Administration (the White House including EOP, OMB, OIRA, OSTP, etc.) and the responsible officials inside a federal agency.

Example: for 3.1 Expand Public Participation in Development of Regulations, a differentiation should be made between effort put forward by the Administration and that put forward by the responsible officials in the eRulemaking program at EPA.

5 (yes) - 1 (no)	The government made a concerted effort to implement this commitment in a meaningful and sustainable way.

Essay: Please provide additional context for your answer and provide specific examples. If appropriate, answer the following questions within your response:

What did the government do particularly well?
What else should they have done?
What did they do that was unexpected?
Did the Administration sufficiently support the efforts at an agency level?
Did the agency do everything in their power to accomplish the commitment?

Essay: What are the next steps the government should take to ensure the sustainability of this initiative?

The Evaluation Recommendations

There are 26 set of recommendations, one for each commitment in the National Action Plan. Each section contains the original text from the National Action Plan and the Civil Society Recommendations that were developed to ensure successful completion of the commitment.

Open Government to Increase Public Integrity

1.1 Promote Public Participation in Government

Launch the "We the People" Petition Platform

National Action Plan Text

Building on President Obama's desire to hear directly from the American people, the White House has announced that it will launch "We the People" to give Americans a direct line to voice their concerns to the Administration via online petitions. This is a tool to enable the public to create and sign petitions on a range of issues. If a petition meets a public signature threshold, it will be reviewed by White House policymakers, who will consult relevant Administration officials and provide an official and public response.
More information can be found at http://www.WhiteHouse.gov/WeThePeople.

Civil Society Recommendations

Utilize the full weight and promotional capacity of the White House and its online presence to attract millions of people to participate in creating and signing petitions in the site's first year.

Offer an open and transparent mechanism that would allow users to provide direction on the site and its features, purpose, and process. This could take the form of a modified version of http://wethepeople.uservoice.com, jointly managed by government and civil society, or it could be a similarly transparent forum managed directly by the White House. Currently only private submission of comments is permitted.

Introduce more engagement-enhancing elements into the site, like the ability for citizens to comment on and discuss petitions or responses, or the ability for organizers to contact petition signers.

Make the site's value clearer by publishing meaningful aggregate information and metrics about the tool itself to illustrate citizens' actual impact and potential for impact, and by including case study narratives of successful petitions on the site. The information that should be published would include the numbers of petitions, hurdle-clearing petitions, responses to successful

petitions, responses to unsuccessful petitions, and the number of signers by petition and in total. Links to all archived petitions should remain publicly accessible. Case studies should describe the instances in petitions have had an impact on policy through case studies posted directly on the site and promoted more broadly in the media.

Offer APIs, tools, and integration mechanisms that would enable signatures to be gathered through third party e-petition, social media, and advocacy platforms like Facebook and Change.org to drastically enhance the reach, relevance, and impact of the site.

Open Source "We The People"

National Action Plan Text

The White House plans to publish the source code of "We the People" so that it is available to any government around the world that seeks to solicit and respond to the concerns of the public.

Civil Society Recommendations

Foster the creation of a community of open source software developers outside the federal government that works to improve the We The People platform. Form an open and collaborative relationship with these developers to ensure that they produce relevant features that are likely to be incorporated into the platform.

Publish documentation of the code explaining how other governments domestically and abroad can easily launch a similar platform to promote meaningful interaction with citizens.

Develop Best Practices and Metrics for Public Participation

National Action Plan Text

We will identify best practices for public participation in government and suggest metrics that will allow agencies to assess progress toward the goal of becoming more participatory. This effort will highlight those agencies that have incorporated the most useful and robust forms of public participation in order to encourage other agencies to learn from their examples.

Civil Society Recommendations

Convene a workshop of experts in the field, including academics, practitioners, and federal government employees to establish a foundation upon which to develop the official best practices and metrics.

Utilize the guidance about what constitutes high-quality public participation developed by institutions in the public participation field, including the National Coalition for Dialogue & Deliberation, the International Association for Public Participation, and the Organisation for Economic Cooperation and Development

Publish and regularly update key standards and metrics developed internally so that the public and federal employees can use them to evaluate the quality and impact of public participation efforts.

Evaluate agencies based on these standards and metrics. Each agency's score should be included on its open government page and assembled and aggregated at the level of the entire federal government in a participation "dashboard."

1.2 Modernize Management of Government Records

Reform Records Management Policies and
Practices Across the Executive Branch

National Action Plan Text

We will launch an initiative that will recommend reforms and require reporting on current policies and practices. The initiative will consider changes to existing laws and ask how technology can be leveraged to improve records management while making it cost-effective. The initiative will seek a reformed, digital-era, governmentwide records management framework that promotes accountability and performance.

Civil Society Recommendations

Include a substantive role for outside stakeholders in the development of the Directive.

Encourage research and develop policy on appropriate ways to electronically manage information, some of which may be required to be withheld or safeguarded for periods of time, to maximize sharing and public dissemination.

Direct the Chief Information Officer (CIO) Council and Federal Records Council (FRC), under the leadership of NARA and OMB, to identify uniform electronic records management requirements and develop open source software that meets those requirements at a basic level at minimum.

Authorize and enable NARA detailees to be placed in each agency to help make sure agencies are properly managing and preserving electronic records.

Work with relevant Congressional committees to revise and update the Federal Records Act so that the law's requirements are better suited to an increasingly digital work environment.

1.3 Continue to Improve Freedom of Information Act Administration

Professionalize FOIA Administration.

National Action Plan Text

We will continue work on a new civil service personnel category (or job series) for officials who specialize in administering FOIA and other information programs. It is important to recognize the professional nature of the work done by those administering FOIA.

Civil Society Recommendations

Promote professionalization, rather than focus on management tasks.

Include FOIA compliance and assistance as a factor in overall job performance review for all employees with information management responsibilities, regardless of whether they specialize in administering FOIA and other information programs.

Harness the Power of Technology

National Action Plan Text

We will expand our use of technology to achieve greater efficiencies in FOIA administration, including utilization of technology to assist in searching for and processing records. Moreover, as agencies increasingly post information on their websites, we will work to ensure that the information is searchable and readily usable by the public.

Civil Society Recommendations

Expand efforts to manage records from birth, to maximize public access. Agencies should seek out systems that provide as much automatic management and disclosure as possible.

Encourage research and develop policy on appropriate ways to electronically manage information, some of which may be required to be withheld or safeguarded for periods of time, to maximize sharing and public dissemination.

Support the FOIA Module. The public should be able to submit and track FOIA requests online, and to receive responses electronically on the agency website. Encourage all agencies to join the shared service FOIA module underdevelopment by the Environmental Protection Agency (EPA) as soon as practicable.

1.4 Declassify National Security Information

Lead a Multi-Agency Effort

National Action Plan Text

This multi-agency effort will work to declassify historically valuable classified records in which more than one agency has an interest, and work to address the backlog of 400 million pages previously accessioned to the National Archives. The Center will also oversee the development of standard declassification processes and training to improve and align declassification reviews across agencies. The Center will consider public input when developing its prioritization plan, as well as report on its progress, provide opportunities for public comment in a variety of media, and host at least one public forum to update the public and answer questions.

Civil Society Recommendations

Create a self-canceling classification process that would provide for true automatic declassification. All classified information that is operational or based on a specific date or event should be automatically declassified when that operation or event passes without the option for additional review or exemption. This type of information should be marked "No Review" at the time of creation, and this procedure should be implemented to create an actual automatic declassification process. There should be an actual automatic sunset process to enhance the efficiency of the declassification process and facilitate release of information to the public.

Establish pilot programs designed to reduce over-classification and streamline declassification. This should include developing measures to promote accountability, such as requiring classifiers to provide more information about their decisions, conducting spot audits of classifiers' product, and ensuring that meaningful administrative consequences are in place for cases of egregious or routine over-classification.

Seek ways to reduce the effect of the Kyl-Lott Amendment as an obstacle to efficient declassification. This should include converting appropriate historical FRD information to the national security information category in order to promote public access to historical information. After limited categories of information, like nuclear design information, are converted from FRD to RD, the rest of FRD, like deployment locations, should be moved into the national security information category and treated as regular classified material no longer subject to Kyl-Lott reviews. In addition, change Kyl-Lott from page-by-page review to group designation. These Kyl-Lott mandated reviews are the single biggest contributor to the backlogs because

agencies have refused the administration's directions to designate whole groups of records as unlikely to contain Restricted Data (RD).

Expedite the appointment of members to the PIDB.

Reverse the downward trend in rate of declassification of pages under automatic declassification review, and commit to publicly releasing at least 60% of all pages reviewed for release. The rate of declassification of pages under automatic declassification review has fallen off significantly since hitting a peak in 2007, when 62% of pages reviewed were declassified.

1.5 Support and Improve Agency Implementation of Open Government   Plans

Monitor Agency Implementation of Plans

National Action Plan Text

Taking account of the views and perspectives of outside stakeholders, the White House will carefully monitor agency implementation of the plans. As a result, agencies will improve their efforts to disclose information to the public and to make such disclosure useful, identify new opportunities for public participation in agency decision-making, and solicit collaboration with those outside government.

Civil Society Recommendations

> Direct agencies to fill out the self-assessment template created by OpenTheGovernment.org and others, or a template that is made publicly available.

> Add results of evaluations of agency implementation, and links to the underlying evaluations and other supporting documents, to the Administration's Open Government Dashboard (http://www.whitehouse.gov/open/around).

> Encourage agencies to publicly update their plans annually or well in advance of the two year reporting deadline and to have the plan open for comment for at least 30 days before the plans are final. The release should indicate clearly the version of the plan and the major changes made to the plan by the latest version. Previous plans should be linkable from the agency's Open page.

> Update the Administration's guidance, or issue a new memo clarifying agencies' open government responsibilities.

1.6 Strengthen and Expand Whistleblower Protections for Government Personnel

Advocate for Legislation to Reform and Expand Whistleblower Protections

National Action Plan Text

Recently, Congress nearly enacted legislation that would eliminate loopholes in existing protections, provide protections for employees in the intelligence community, and create pilot programs to explore potential structural reforms in the remedial process. The Administration will continue to work with Congress to enact this legislation.

Civil Society Recommendations

Enactment of a version of the Whistleblower Protection Enhancement Act (WPEA, S. 743/H.R. 3289) supported by our community;

Implementation and enforcement of the WPEA by the executive branch that fully honors the intent of Congress and adequately applies best practice whistleblower protections, particularly in establishing the due process rights, remedies, and independent investigations and review of retaliatory security clearance revocations and national security/intelligence community claims of retaliation for whistleblowing.

Explore Utilization of Executive Branch Authority to Implement Reforms if Congress is Unwilling to Act

National Action Plan Text

Statutory reform is preferable, but if Congress remains deadlocked, the Administration will explore options for utilizing executive branch authority to strengthen and expand whistleblower protections.

Civil Society Recommendations

Issuance of an Executive Directive or Order that adequately implements the policies in the WPEA—fully utilizing executive branch authority—in accordance with best practice principles and extends other best practice whistleblower protections to establish adequate due process rights, remedies, independent investigations and review of retaliatory security clearance revocations and national security/intelligence community claims of retaliation for whistleblowing.

1.7 Enhance Enforcement of Regulations through Further Disclosure of Compliance Information

Provide Enforcement and Compliance Data Online

National Action Plan Text

Agencies will continue to develop plans for providing greater transparency about their regulatory compliance and enforcement activities, and look for new ways to make that information accessible to the public.

Civil Society Recommendations

Develop a process for continuous improvement of compliance data disclosure. Each agency should set out a process by which the agency will continuously improve compliance data disclosure and accessibility, complete with timetables and benchmarks.

Release regulatory compliance plans. OMB should release the plans agencies were required to develop by the President's January 18, 2011 Memo on Regulatory Compliance. Each plan should be available online.

Facilitate reuse. Agencies should facilitate reuse of their compliance information. Data should be downloadable in a variety of formats, including bulk downloads in open, machine-readable formats.

Solicit input from users. The data provided through agency websites should be responsive to the public's concerns. Agencies should have a clear process for accepting and responding to public suggestions or concerns about agency data.

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

Advocate for Legislation Requiring Meaningful Disclosure

National Action Plan Text

As a critical element of a broader strategy to safeguard the international financial system from such abuse of legal entities, the Administration will advocate for legislation that will require the disclosure of meaningful beneficial ownership information for corporations at the time of company formation.

Civil Society Recommendations

Was a point person in the White House named to liaise with the outside community?

To our knowledge, did the White House advocate for legislation that will require the disclosure of meaningful beneficial ownership information for corporations at the time of company formation?

To our knowledge, did any USG agency advocate for legislation that will require the disclosure of meaningful beneficial ownership information for corporations at the time of company formation?

Did the White House and USG agencies develop an advocacy plan, preferably with civil society participation, that if implemented, could result in passage of the legislation?

Did the White House or USG agencies share a government plan for implementing this commitment with civil society?

Did the White House follow through on the plan?

Did the relevant agencies follow through on the plan?

Did the White House activate any constituencies, such as the private sector, law enforcement or the defense community, to advocate for the legislation?

Did the lead agency (or any agency) activate any constituencies, such as the private sector, law enforcement or the defense community, to advocate for the legislation?

Did the White House reach out to state-level actors, such as Secretaries of State, Attorneys General, Mayors, Governors or Police about the issue and the bill?

Did the lead agency (or any agency) reach out to state-level actors, such as Secretaries of State, Attorneys General, Mayors, Governors or Police about the issue and the bill?

Did the White House meet with Congressional offices (leadership and relevant committees in both chambers) about the importance of the legislation?

Did the lead agency (or any agency) meet with Congressional offices (leadership and relevant committees in both chambers) about the importance of the legislation?

Did the President or other high-level officials speak out (in public statements, testimony, etc.) on the importance of this policy recommendation and why it is needed?

Open Government to Manage Public Resources More Effectively

2.1 Implement Extractive Industries Transparency Initiative

Committing to Implement the EITI to Ensure that Taxpayers Are Receiving Every Dollar Due for Extraction of our Natural Resources

National Action Plan Text

The U.S. is a major developer of natural resources. The U.S. collects approximately $10 billion in annual revenues from the development of oil, gas, and minerals on Federal lands and offshore, and disburses the bulk of these revenues to the U.S. Treasury, with smaller portions disbursed to five Federal agencies, 35 States, 41 American Indian tribes, and approximately 30,000 individual Indian mineral owners. By signing onto the global standard that EITI sets, the U.S. Government can help ensure that American taxpayers are receiving every dollar due for the extraction of these valuable public resources.

Civil Society Recommendations

Commit to Taking a Full Inventory of Existing and Evolving EITI Reporting Practices and Standards. EITI reports can contain any information related to extractive industries that is deemed relevant by stakeholders. EITI implementing countries have significant room for innovation in establishing national EITI processes and standards. Countries new to EITI, such as Indonesia, evidence the extent to which evolving transparency norms and new baselines continue to move the targets for EITI reporting. The U.S. implementing agency should take stock of this progress and consider especially the applicability of the following:

The inclusion of revenue streams that cover the full 'value chain' of extractive activity, to cover: (i) payments related to exploration, extraction, processing, export and transportation activities, and (ii) payments such as: taxes, royalties, fees (including license fees), production entitlements, and bonuses and other sums payable.

Data that is disaggregated by: (i) company, (ii) project and (iii) commodity (e.g. oil, gas, coal, copper, gold – not just 'petroleum' and 'mining')

The centralization of data on extractive activities on federal lands in an electronic/interactive database, to include lease documents, related permits, notices of non-compliance or lease suspension, as well as EITI reporting, and to be searchable by company, lease, and other relevant reporting categories.

**Work in Partnership with Industry and Citizens
to Build on Recent Progress**

National Action Plan Text

The Federal Government will work with industry and citizens to develop a sensible plan over the next two years for disclosing relevant information and enhancing the accountability and transparency of our revenue collection efforts.

Civil Society Recommendation

> Enable Informed Participation in EITI Consultations and the Multistakeholder Group (MSG). Multistakeholder participation from government, companies and civil society is a cornerstone of the EITI. To function effectively, all consultations and multistakeholder engagements should be informed by and equipped with basic information on the shape, size and value of all extractive industry sectors operating on U.S. public lands that might feasibly be included in EITI reporting through the authority of the MSG. This might include requiring that the implementing agency:

> Provide comprehensive, disaggregated information on the composition, size, value and distribution of extractive activities on U.S. federal lands

> Proffer a complete list of the extractive industry companies doing business on U.S. public lands, and an analysis of their total investments, profits earned and payments made to date.

> Perform a thorough analysis of the data to be reported under Section 1504 of the U.S. Dodd-Frank Act, and offer a suggested roadmap for consideration of how this data can complement payment reporting through U.S. EITI.

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

Provide Strategic Direction to Increase Transparency

National Action Plan Text

On June 13, 2011, the President furthered his commitment to Federal spending transparency in Executive Order 13576, which establishes the new Government Accountability & Transparency Board (GATB). Within six months of its establishment, the GATB will provide a report to the President recommending concrete steps that can be taken to achieve the goals of the Executive Order. The report will focus on integrating systems that collect and display spending data, ensuring the reliability of those data, and broadening the deployment of cutting-edge technologies that can identify and prevent fraud.

Civil Society Recommendations

Progress in implementing the commitment for the GATB to prepare a report with recommendations within six months of its establishment. Prior to the publication of the National Action Plan, President Obama established the GATB through E.O. 13576. The GATB held its first meeting on July 28, 2011. It issued its report and recommendations to the president in Dec. 2011, within the six month timeframe, and made three main recommendations to strengthen federal spending transparency and accountability. They are:

- Implement a government-wide accountability framework
- Implement a data collection and data display phased integration
- Implement a universal award ID

Progress in implementing spending transparency beyond the GATB's specific recommendations but that are in response to the three lessons learned from Recovery Act that apply to transparency. The GATB's report included a set of lessons learned from Recovery.gov: Two were on preventing waste, fraud, and abuse, and three were about spending transparency. To meet the spirit of this objective and transfer the lessons learned from the Recovery Act to all of federal spending, the government should:

- Make the outlay data from the Department of Treasury, the nation's checkbook, available online and compare it with recipient reports to improve the quality of federal spending and disbursement information. Data on the actual payments, or checks, that are handed to recipients is the most accurate source of federal spending. There is no higher data quality than that appears on the "Pay to the Order of" and "Amount" lines of Treasury payments. In addition, because Treasury payment

data is the authoritative source on spending information, it can be used to check the accuracy of recipient- and agency-reported data.

– Establish a comprehensive, universal unique corporate identification system. This is essential for being able to track recipients across time and across databases. This unique ID must include, at a minimum, parent company, headquarters, and facility.

– Work with state and local governments to develop a uniform reporting system that all parties can use and that would result in overall burden reduction for recipients. Because the majority of federal grant money goes to state and local governments, the federal government should assist with reporting on the use of those funds. This assistance should include technical guidance, financial assistance, and an open communication stream between federal and state and local governments.

2.3 Increase Transparency of Foreign Assistance

Release and Implement Government-wide Reporting Requirements for Foreign Aid

National Action Plan Text

These requirements will direct all Federal agencies that administer foreign assistance to provide timely and detailed information on budgets, disbursements, and project implementation. Agencies will be responsible for providing a set of common data fields that are internationally comparable. The information collected through the above initiative will be released in an open format and made available on a central portal – the Foreign Assistance Dashboard (ForeignAssistance.gov) – that will be updated quarterly.

Civil Society Recommendations

Begin publication of timely and comprehensive aid information directly to the IATI Registry

– Some agencies already collect and make publicly available portions of their aid information. Encourage these agencies to begin publication as soon as possible. This will improve U.S. implementation of IATI, serve as a pilot from which other agencies can learn and create healthy inter-agency competition

Use the information published to the Registry to supply the Dashboard with timely and comprehensive aid information

Publicly release an IATI implementation schedule by December 2012 and aim for full implementation by December 2015

Make automated public XML feeds the default position for agencies sharing information with the Dashboard team

Issue guidance on Aid Transparency

– OMB should produce and publicly release guidance on the publication of foreign assistance information, including encouraging agencies to publish directly to IATI and making XML feeds the default method for sharing information

2.4 Create a More Effective and Responsive Government – Performance.gov

Improve Government Performance and Accountability

National Action Plan Text

We will continue to improve the website, including adding data on other government-wide management initiatives. In particular, the site will be updated to meet the requirements of the recently enacted Government Performance and Results Modernization Act, which requires regular progress updates on the top agency-specific performance goals.

Civil Society Recommendations

The Performance.Gov website will be evaluated according to 12 recommendations grouped into the following four categories:

Compliance: To what extent does the Performance.gov website meet the technical commitments in the National Action Plan?
- Did it add new data regarding "other government-wide management initiatives" since the publication of the National Action Plan in September 2011?
- Does it reflect the statutory requirements in the GPRA Modernization Act, including:

Transparency: How easily can a layperson find and understand the status of management initiatives, cross-cutting priority goals, and agency-level priority goals on the website?
- Accessibility: Is the web site easily found by looking at agency or White House sites? Can a layperson find the web site through common search terms regarding federal government performance and activities?
- Readability: Is the material on the site presented clearly and with language and graphics that a layperson can understand?
- Verification and Validation: Is there adequate explanation of data so that it is clear that the performance data are valid, verifiable, and timely?
- Baseline and Trend Data: Are baseline and trend data provided to put the reported performance and measures in context?
- Public Feedback: does the site provide mechanisms to allow users to provide specific feedback on the functionality of the site, such as a user forum or blog?

<u>Public Benefits</u>: How well does the site document the outcomes that OMB and
    agencies produce for the public and compare them with costs?
  – Outcome Goals: Are the cross-agency and agency-level priority goals
      and objectives stated as outcomes?
  – Outcome Measures: Are the performance measures and associated
      targets relevant and credible indicators of the government's impact
      on the reported outcome goals?
  – The Government's Effect on Outcomes: Do OMB (for cross-cutting
      priority goals and management initiatives) and/or the agencies
      provide a clear and sufficient explanation to demonstrate that their
      actions have made a significant contribution toward the stated goals?
<u>Leadership</u>: How well does the site demonstrate that agency managers use
    performance information to make decisions?
  – Explain Challenges and Impediments: Do OMB and/or the agencies
      clearly explain the barriers to achieving their goals?
  – Data-Informed Management: Do OMB and/or the agencies describe
      how the data have been used to inform decision making, and day-to-
      day program management. Do OMB and agencies provide a clear link
      between decisions made and improved public services?

Open Government to Improve Public Services

3.1 Expand Public Participation in the Development of Regulations

Overhaul the Public Participation Interface on Regulations.gov

National Action Plan Text

The U.S. will continue its vital efforts in this area by overhauling the public participation interface on Regulations.gov. We will revamp public commenting mechanisms, search functions, user interfaces, and other major features to help the public find, follow, and participate in Federal rulemakings. In this way, we will ensure what the President has called "an open exchange of information and perspectives."

Civil Society Recommendations

Improve commenting capability to be more in line with the current state of commenting across the broader Internet. Some examples of how to do this include:

– Public evidence of a new comment and quick posting.

– Experimentation with voting or rating mechanisms on comments to discover whether these are useful in order to (1) minimize duplicative comments; (2) induce more robust and meaningful participation; and (3) help identify issues with significant public support. These systems should act as a way to order comments visually and not as the primary recommendation to rule out or otherwise select from among them.

– Targeted commenting functionality that enables commenters to link their comment to a specific paragraph or section of the notice of proposed rulemaking (NPRM) as appropriate.

Create an API and embeddable widgets. This would allow agencies to utilize the public comment functionality without sending visitors to Regulations.gov and also enable third party eRulemaking sites to collect comments that will automatically be added to the Regulations.gov database.

Work with agencies to improve their knowledge of the platform and how to leverage it to acquire maximum benefit from the public commenting functionality. Examples of how to do this include:

– Working with the group at PlainLanguage.gov to devise formats for NPRMs that facilitate targeted commenting.

– Creating best practices for interfacing with and linking to Regulations.gov.

- Work with the Federal Register and agencies in developing ways to facilitate hyperlinking within NPRMs and other rulemaking documents to primary source materials (statutes, regs, cases) as well as studies and other data on which the agency relies.

Improve commenters' understanding of both their potential and actual impact. Examples of how to do this include:
- Providing case study examples of previous rules that highlight the ways in which comments have impacted rulemaking.
- Allowing commenters to request to be informed of generic information about the progress of the rule via email.

Provide educational resources for citizens about rulemaking. The rulemaking process is confusing to citizens and Regulations.gov is a logical place to provide educational resources about how to interact with it in a useful and meaningful way. Examples of how to do this include:

- A resource center explaining in simple language how the rulemaking process works and ways in which citizens can participate;
- Information and tools to help citizens engage with the rulemaking process, including how to read the Federal Register, comment on a proposed rule, file a petition for rulemaking, and more;
- The integration of RegInfo.gov, the online home of the Unified Agenda, with other e-rulemaking systems within agencies, and including Regulations.gov.

3.2 Use Data.gov as a Platform to Spur Innovation

Contribute Data.gov as a Platform

National Action Plan Text

Through the U.S.-India Open Government Dialogue, the two countries have partnered to release "Data.gov-in-a-Box," an open source version of the United States' "Data.gov" data portal and India's "India.gov.in" document portal. It will be available for implementation by countries globally, encouraging governments around the world to stand up open data sites that promote transparency, improve citizen engagement, and engage application developers in continuously improving these efforts.

Civil Society Recommendations

Release full source code under an open source license that allows full modification and reuse of the software.

Provide sufficient documentation for installation and use of the software.

Establish the foundations for a community that will help to improve and maintain the software. This may include providing sufficient infrastructure for sharing of improved code, finding other governments that will install and use (and therefore see value in improving and maintaining) the software, building a community of civic-minded hackers that are interested in supporting this project, or other things that will meet this goal.

Work with two other countries to establish live implementations of "Data.gov-in-a-box". This will provide proof of concept, ensure that the software can be installed in a more generic environment, and illuminate difficulties that would not be obvious otherwise.

Foster Communities on Data.gov

National Action Plan Text

We will work toward expanding the number of Data.gov "communities" that connect data related to particular subject matters with users and producers of that data. With communities focused on health, energy, and law already launched, we will work to launch new communities in education, research and development, and public safety in the next year.

Civil Society Recommendations

Add functionality to the Data.gov communities that will interaction between the government producers of the data, developers that use the data, and other parties that have an interest in the data. This functionality may include user profiles, discussion functionality, and public feedback mechanisms.

3.3 Encourage Communication between Government Officials and Citizen-Experts

Launch ExpertNet

National Action Plan Text

This platform will enable government officials to better communicate with citizens who have expertise on a pertinent topic. It will give members of the public an opportunity to participate in a public consultation relevant to their areas of interest and knowledge, and allow officials to pose questions to and interact with the public in order to receive useful information.

Civil Society Recommendations

Enable the participation and open government communities to influence the platform before it is created.

Build a community within government around the ExpertNet process and provide clear documentation and best practices to enable the maximal utility of the platform.

Maintain a centralized, publicly facing website that aggregates information about the ExpertNet process and platform, including links to currently open questions wherever they are accessible.

3.4 Reform Government Websites

Begin an Online National Dialogue With the American Public

National Action Plan Text

We will solicit the American public's input on how best to improve Federal agency use of the internet and online tools.

Civil Society Recommendations

Provide sufficient time for public participation.

Provide participants a clear purpose and instructions for engagement. The dialogues should provide clear information about the overall process and its goals.

Interact with participants to provide feedback and guidance.

Provide tools to organize and structure the conversation.

Update Government-wide Policies for Websites

National Action Plan Text

We will reform the seven-year-old policy that governs the management, look and feel, and structure of Federal Government websites to make them more useful and beneficial for the public.

Civil Society Recommendations

Replace the current policy, OMB Memorandum M-05-04, with a comprehensive and forward-looking policy to strengthen transparency and better serve the American people.

- Commit to review and update the web policy at least every 5 years. The policy should be updated if needed to stay current with technological changes.
- Direct agencies to take steps to make more information available to the public online.
- Update the list of information agencies must post on their websites and expand the list to include data related to agency accountability such as spending, contracts, calendars of top official and other items detailed in the Openness Floor.
- Direct agencies to establish processes to routinely identify and disclose information the public wants.
- Direct agencies to improve measurement of website performance and customer satisfaction.

- Make analytical statistics about government websites publicly available.
- Direct agencies to solicit feedback from users, including surveying visitors, analyzing usage data, analyzing search position, surveying agency constituents about their awareness of agency websites, and conducting focus groups with current or potential user communities.
- Direct agencies to conduct regular reviews of website performance and utilize the feedback received from the public. This should include review of how well the agency is maximizing proactive disclosure, maximizing usability and outreach, and supporting the FOIA system. The reviews should examine existing information and services as well as identify potential gaps.
- Direct agencies to expand and modernize access to government websites and web services to ensure that key data are accessible from mobile devices and available to third party developers through APIs (Application Programming Interfaces).
- Direct agencies to review and, if needed, reform governance of digital services.
- Direct agencies to ensure proper preservation of online information. The taskforce charged with updating the policy should consult with the National Archives and Records Administration (NARA) to ensure agencies understand their responsibility to preserve government information regardless of venue (including social media).

3.5 Publish Data to Help Consumers and Scientists

Promote Smart Disclosure

National Action Plan Text

The government already discloses data to inform decision-making in many areas by, for example, providing access to comprehensive tools to facilitate the search for insurance options best suited to an individual's specific needs. To build on this work, OMB recently issued guidance to Federal agencies on "smart disclosure." We have also established a task force dedicated to promoting better disclosure policies. In response to this guidance, agencies and departments will work over the next year to ensure the timely release of complex information in standardized, machine-readable formats that enable consumers to make informed decisions in numerous domains.

Civil Society Recommendations

None.

Publish Guidelines on Scientific Data

National Action Plan Text

We will develop Federal guidelines to promote the preservation, accessibility, and interoperability of scientific digital data produced through unclassified research supported wholly or in part by funding from the Federal science agencies.

Civil Society Recommendation

I. Agency Scientific Integrity Policies and the Media

Assist federal agencies with improving and implementing media policies that enable scientists to communicate freely with the media and the public and give scientists the right to review agency documents that rely on their research for accuracy.

Clarify the role of the OMB in the regulatory process, restricting it from interfering in the scientific work of federal agencies, and terminate inappropriate interagency review of scientific information. Based on the authorizing legislation for each agency, clarify which agencies have primary authority in various areas of scientific expertise, and limit other agencies' review of that information to advice and comment.

Require agencies to publish a summary statement of the scientific basis for any regulatory decision informed by science. The statement should be available in a timely fashion and include the scientific basis for the decision, including all scientific documents and data considered in making it; a minority report voicing any significant dissenting scientific evidence or opinions, complete

with an explanation of how the agency resolved such differences of opinion; and the identification of each employee or advisor who participated in the decision.

Require federal agencies to publicly post a complete record of all meetings with outside entities, including for-profit and not-for-profit organizations, other agencies, and individuals (except for meetings related to national security).

Institutionalize whistleblower rights and protections and work with Congress to ensure that whistleblower protections against retaliation apply to federal employees who report efforts to alter or suppress scientific research and technical information. Make clear to agency and department heads that the administration will have zero tolerance for retaliations against whistle-blowers.

3.6 Promote Innovation Through International Collaboration

Launch International Space Apps Competition

National Action Plan Text

The National Aeronautics and Space Administration and key space agencies around the world will gather with scientists and concerned citizens to use publicly- released data (e.g., Earth science and planetary observations) so as to create solutions for global challenges such as weather impacts on the global economy and depletion of ocean resources. An international collaboration website will be created to facilitate citizen participation.

Civil Society Recommendations

Engage with as many space agencies as possible and ensure the active participation of all partners in the competition.

Leverage the Space Apps Competition to build a community and establish an ongoing momentum of innovation for developing solutions to global challenges.