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# THE OPEN GOVERNMENT PARTNERSHIP

## NATIONAL ACTION PLAN FOR THE UNITED STATES OF AMERICA

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SEPTEMBER 20, 2011

## INTRODUCTION

Since the first day of his Administration, President Barack Obama has made Open Government a high priority. The Memorandum on Transparency and Open Government was the first executive action to bear the President's signature, and the President has pledged his Administration to work toward "an unprecedented level of openness in Government."

Over the past two and a half years, Federal agencies have done a great deal to make government more transparent and more accessible, to provide people with information that they can use in their daily lives, to solicit public participation in government decision-making, and to collaborate with all sectors of the economy on new and innovative solutions. These Open Government efforts are now entering a new phase, as we collaborate with other countries in the global Open Government Partnership (OGP).

### **President Obama has emphasized three independent reasons to support Open Government:**

- Open Government promotes accountability, which can improve performance. In the words of Supreme Court Justice Louis Brandeis: "Sunlight is said to be the best of disinfectants."
- Transparency enables people to find information that they "can readily find and use." For this reason, the President has asked agencies to "harness new technologies" and "solicit public feedback to identify information of greatest use to the public."
- In many domains, government should develop policies, rules, and plans with close reference to the knowledge, expertise, and perspectives of diverse members of the public. As the President has said, "[k]nowledge is widely dispersed in society, and public officials benefit from having access to that dispersed knowledge" and hence to "collective expertise and wisdom."

As it developed a U.S. National Action Plan ("National Plan"), the Federal Government engaged in extensive consultations with external stakeholders, including a broad range of civil society groups and members of the private sector. It solicited input from the Administration's own Open Government Working Group, comprised of senior-level representatives from executive branch departments and agencies. White House policymakers also engaged the public via a series of blog posts, requesting ideas about how to focus Open Government efforts on increasing public integrity, more effectively managing public resources, and improving public services. Responsive submissions were posted online.

This National Plan builds on, but does not replace, the Open Government Initiative inaugurated by the President's Memorandum on Transparency and Open Government. The National Plan will briefly highlight what has been accomplished thus far and lay out some of our goals and plans for the future.

The process of opening government is a continuing work-in-progress. This National Plan is but one step in an initiative that has produced significant results over the last two and a half years and that will continue, under the President's leadership, in many forms in the future. Just as we will continue to generate and implement Open Government policies and reforms, so, too, we will continue to seek input from outside groups and citizens about how to create a more Open Government.

## U.S. OPEN GOVERNMENT EFFORTS TO DATE

Over the last two and a half years, the Administration has taken numerous specific steps to make the Federal Government more transparent, participatory, and collaborative. The Administration's Open Government efforts to date are outlined in great detail in "The Obama Administration's Commitment to Open Government: A Status Report." That Status Report outlines the Administration's major Open Government initiatives, summarizes the progress made on those initiatives, and explains how the Administration will continue to implement them over the next months and years. A more complete picture of current Open Government efforts and accomplishments to date can also be found on agency Open Government web pages, available at [www.\[agency domain\].gov/open](http://www.[agency domain].gov/open).

**While agency Open Government Plans continue to evolve and improve with the help of public participation, the Administration has numerous accomplishments to date. Examples include:**

- 1. Open Government Directive and Agency Plans.** The OMB Open Government Directive required agencies both to take immediate specific steps and to establish long-term goals to achieve greater openness and transparency. In addition, numerous agencies created Open Government Plans, which lay out in detail how they will increase transparency and integrate public participation and collaboration into their core activities.
- 2. Data Availability.** As agencies developed their Open Government Plans, they made unprecedented amounts of information available and easily accessible to the public, in part through a centralized government platform, Data.gov. This platform, designed in large part to provide people with information that they can readily find and use, now gives the public access to over 390,000 high value agency data sets on such diverse subjects as auto safety, air travel, air quality, workplace safety, drug safety, nutrition, crime, obesity, employment, and health care.
- 3. Disclosure to Increase Accountability and to Promote Informed Consumer Choice.** The Administration has taken numerous steps to inform consumers in areas such as health, education, nutrition, energy efficiency, fuel economy, environmental protection, and financial services. Building on governmentwide guidance issued by OMB on June 18, 2010, the Administration is promoting, in many areas, the use of disclosure as a low-cost, high-impact regulatory tool to ensure informed decisions.
- 4. Data Communities to Spark Breakthroughs for National Priorities.** The President released the Strategy for American Innovation as a blueprint for sparking innovative solutions to well-defined problems of national importance. The Administration has played a role in harnessing American ingenuity by launching Data.gov communities to simplify access to high value data and inform innovators and the private sector about a growing array of agency prizes, challenges, and competitions.
- 5. Enforcement and Compliance Data.** The President issued a memorandum on January 18, 2011 requiring Federal enforcement agencies to make publicly-available compliance information easily accessible, downloadable, and searchable online.
- 6. Reviewing Existing Agency Rules.** In Executive Order 13563, "Improving Regulation and Regulatory Review," the President required Federal agencies and departments to undertake an unprecedentedly open process for reviewing their existing rules. The process invited extensive public comment and has resulted in the creation of plans that will eliminate millions of hours in annual reporting burdens and billions of dollars in annual regulatory costs.
- 7. Government Transparency.** The White House has established a clear presumption in favor of openness by posting visitor records, staff financial disclosures, salaries, and ethics waivers on the White House website for the first time

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and by reversing prior limits on access to presidential records. We are also posting online records concerning the Emergency Economic Stabilization Act, Troubled Assets Relief Program, and economic stimulus lobbying.

**8. Freedom of Information.** The President's Memorandum on the Freedom of Information Act (FOIA), issued on January 21, 2009, instructed agencies to adopt a presumption of disclosure and to take proactive steps to make information available to the public. In response, agencies have increasingly provided information to the public affirmatively, rather than in response to incoming FOIA requests, and have developed better ways for processing FOIA requests. The Department of Justice's new FOIA dashboard will enable users to assess FOIA compliance for the nearly 100 agencies subject to FOIA.

## U.S. NATIONAL ACTION PLAN – NEW INITIATIVES

Creating a more Open Government requires a sustained commitment by public officials and employees at all levels of government; it also requires an informed and active citizenry. The initiatives we launch today aim to increase public integrity by tackling corruption and by enhancing citizen access to information. They will improve the management of public resources in the U.S. They attempt to improve public services and to spur private sector innovation. Because the American people deserve a 21st Century government, this National Plan embraces the role of technology and innovation in tackling the key challenges that the U.S. and other governments face around the world. In further testament to the value of opening government, many of the ideas presented below were themselves suggested during consultations with the public and non-governmental groups.

### **Open Government to Increase Public Integrity**

#### **1. Promote Public Participation in Government**

In the United States, we have a government of the people, by the people, and for the people, and the wisdom, energy, and creativity of the American public is the nation's greatest asset. The U.S. is committed to expanding opportunities for public participation in government, and will:

- **Launch the "We the People" Petition Platform.** 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>.
- **Open Source "We the People."** 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.
- **Develop Best Practices and Metrics for Public Participation.** 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.

#### **2. Modernize Management of Government Records**

The backbone of a transparent and accountable government is strong records management that documents the

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decisions and actions of the Federal Government. The transition to digital information creates new opportunities for records management, but much of government still relies on outdated systems and policies designed during a paper-based world. To meet current challenges, the U.S. will:

- **Reform Records Management Policies and Practices Across the Executive Branch.** 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.

### **3. Continue to Improve Freedom of Information Act Administration**

The Freedom of Information Act (FOIA) guarantees public access to executive branch agency records that are not exempted from disclosure. The Administration's reforms to date have increased transparency, reduced backlogs, and encouraged disclosure of government information before a FOIA request is made. To improve the administration of FOIA, the U.S. will:

- **Professionalize FOIA Administration.** 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.
- **Harness the Power of Technology.** 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.

### **4. Declassify National Security Information**

In many cases, information that at one time was not made public for reasons of national security can eventually be made available through the declassification process. In Executive Order 13526, "Classified National Security Information," the President established a National Declassification Center to strengthen Open Government by improving coordination among agencies and streamlining the declassification process throughout the Federal Government. In the next year, the Center will:

- **Lead a Multi-Agency Effort.** 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.

### **5. Support and Improve Agency Implementation of Open Government Plans**

The OMB Open Government Directive, mentioned above, required agencies both to take immediate steps and to establish long-term goals to achieve greater openness and transparency. Over the next year, the U.S. will:

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- **Monitor Agency Implementation of Plans.** 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.

## 6. Strengthen and Expand Whistleblower Protections for Government Personnel

Employees with the courage to report wrongdoing are a government's best defense against waste, fraud, and abuse. Federal law clearly prohibits retaliation against most government employees who blow the whistle, but some employees have diminished protections, and judicially-created loopholes have left others without an adequate remedy. To address these problems, we will:

- **Advocate for Legislation to Reform and Expand Whistleblower Protections.** 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.
- **Explore Utilization of Executive Branch Authority to Implement Reforms if Congress is Unwilling to Act.** 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.

## 7. Enhance Enforcement of Regulations Through Further Disclosure of Compliance Information

From highway safety and clean air to workers' safety and toxic chemicals, smart regulations cannot work without effective enforcement. Disclosure of regulatory compliance information helps to foster fair and consistent enforcement of important regulatory obligations. The President issued a memorandum requiring Federal enforcement agencies to make publicly available compliance information easily accessible, downloadable, and searchable online. In the next year, Federal agencies will:

- **Provide Enforcement and Compliance Data Online.** 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.

## 8. Increase Transparency of Legal Entities Formed in the U.S.

Legal entities can provide access to the international financial system for illicit actors and may frustrate financial investigations. To increase transparency over the next year, we will:

- **Advocate for Legislation Requiring Meaningful Disclosure.** 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.

## Open Government to Manage Public Resources More Effectively

### 1. Implement Extractive Industries Transparency Initiative

The Extractive Industries Transparency Initiative (EITI) has developed a voluntary framework under which governments publicly disclose their revenues from oil, gas, and mining assets, and companies make parallel disclosures regarding payments that they are making to obtain access to publicly owned resources. These voluntary disclosures are designed to foster integrity and accountability when it comes to development of the world's natural resources. This Administration:

- **Is Hereby Committing to Implement the EITI to Ensure that Taxpayers Are Receiving Every Dollar Due for Extraction of our Natural Resources.** 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.
- **Will Work in Partnership with Industry and Citizens to Build on Recent Progress.** The Administration has already made important strides in reforming the management of our natural resources to ensure that there are no conflicts of interest between the production and the collection of revenues from these resources. Signing onto the EITI initiative will further these objectives by creating additional "sunshine" for the process of collecting revenues from natural resource extraction. Industry already provides the Federal Government with this data. We should share it with all of our citizens. Toward that end, 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.

### 2. Increase Transparency in Spending By Applying Lessons from the Recovery Act to All Federal Spending

The Administration has provided the public detailed information about stimulus spending (Recovery.gov), Federal procurement and financial assistance spending, down to the sub-award level for grants and contracts (USAspending.gov), the accuracy of payments to non-Federal recipients to reduce fraud, waste, and abuse (Paymentaccuracy.gov), and Federal information-technology spending (it.usaspending.gov). In the coming year, the U.S. will:

- **Provide Strategic Direction to Increase Transparency.** 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.

### 3. Increase Transparency of Foreign Assistance

Greater foreign aid transparency promotes effective development by helping recipient governments manage their aid flows and by empowering citizens to hold governments accountable for the use of assistance. Increased transparency also supports evidence-based, data-driven approaches to foreign aid (assisted, where appropriate and feasible, by the



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use of randomized controlled experiments). Building on these commitments, the U.S. will:

- **Release and Implement Governmentwide Reporting Requirements for Foreign Aid.** 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.

## **4. Create a More Effective and Responsive Government – Performance.gov**

Responding to the President’s challenge to cut waste, save money, and better serve the American people, Performance.gov provides a window on the Administration’s approach to improving performance and accountability. The site gives the government and the public a view of the progress underway in cutting waste, streamlining government, and improving performance. Over the next year, the U.S. will:

- **Improve Government Performance and Accountability.** We will continue to improve the website, including adding data on other governmentwide 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.

## **Open Government to Improve Public Services**

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

For two and a half years, the Administration has promoted public participation in rulemaking, which covers such diverse subjects as energy, education, homeland security, agriculture, food safety, environmental protection, health care, and airline and automobile safety. In January 2010, the President issued Executive Order 13563, “Improving Regulation and Regulatory Review,” which requires timely consultation with affected stakeholders and the use of Regulations.gov, an online portal to view and comment on pending regulations “in an open format that can be easily searched and downloaded.” In the next year, the U.S. will:

- **Overhaul the Public Participation Interface on Regulations.gov.** 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.”

### **2. Use Data.gov as a Platform to Spur Innovation**

The U.S. champions the publication of machine-readable data and the use of challenges, prizes, and competitions to catalyze breakthroughs in national priorities. The Data.gov site supplies the public with large amounts of useful, machine-readable government data that can be used by innovators without intellectual property constraint. To accelerate this movement, the U.S. will:

- **Contribute Data.gov as a Platform.** 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’



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“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.

- **Foster Communities on Data.gov.** 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.

### 3. Encourage Communication between Government Officials and Citizen-Experts

In many cases, those who work in government turn to those outside for advice and support. But too often, officials know only a subset of relevant experts or need to find experts in a new area. To overcome these hurdles, the U.S. will:

- **Launch ExpertNet.** 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.

### 4. Reform Government Websites

More citizens seek government information through the internet than any other source. In addition to continuing to be accessible, government websites should be easy to find, use, and navigate. On April 27, 2011, the President issued Executive Order 13571, “Streaming Service Delivery and Improving Customer Service,” to begin sweeping reform of government websites. As part of this ongoing initiative, the U.S. will:

- **Begin an Online National Dialogue With the American Public.** We will solicit the American public’s input on how best to improve Federal agency use of the internet and online tools.
- **Update Governmentwide Policies for Websites.** 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.

### 5. Publish Data to Help Consumers and Scientists

In many cases, the government has information that can be leveraged to help consumers make better decisions and to aid scientific research. To unlock the potential of this data, the U.S. will:

- **Promote Smart Disclosure.** 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.

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- **Publish Guidelines on Scientific Data.** 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.

## 6. Promote Innovation Through International Collaboration

The U.S has used prizes and competition to foster a culture of innovation in both the public and private sectors. In this spirit, the United States will:

- **Launch International Space Apps Competition.** 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.

## CONCLUSION

Last year, President Obama said at the United Nations General Assembly:

*“In all parts of the world, we see the promise of innovation to make government more open and accountable. Now, we must build on that progress. And when we gather back here next year, we should bring specific commitments to promote transparency; to fight corruption; to energize civic engagement; and to leverage new technologies so that we strengthen the foundation of freedom in our own countries, while living up to ideals that can light the world.”*

The Open Government efforts of the U.S. Government have been undertaken with close reference to the President’s goals: fostering public and private accountability; providing people with information that they can readily find and use, often in their daily lives; and benefiting from the dispersed knowledge of the American people. The new initiatives described here are designed to promote all of these goals.

While much work remains, the U.S. is strongly committed to Open Government and to completing the initiatives described in this National Plan.



This Plan is developed as part of the United States’ participation in the OGP.