

**Morning Keynote Remarks
January 17, 2013
Collaboration on Government Secrecy
Transparency in the Obama Administration
American University, Washington College of Law**

**Lisa Ellman – Chief Counselor for the
Open Government Partnership, The White House**

Thank you, Dan. And thank you, colleagues and friends. It is great to be back here – thank you for having me.

INTRODUCTION

I am here today to talk about the continuing importance of Open Government to President Obama, and to this Administration. I will review where we are, and how far we have come, over the first four years of the Obama Administration. And now that we (happily) have four more years to do this good work, I'll talk just briefly about next steps in our work together. Most importantly, I am here to re-assert the Administration's commitment to open government, and to ask for your partnership in this endeavor moving forward.

As Dan noted in his gracious introduction, and just to give you some background on me, and where I fit in -- I am Chief Counselor for the Open Government Partnership at the White House, within the Executive Office of the President. Specifically, this means that I coordinated the drafting of our

National Action Plan on Open Government, which I will talk about in a few moments, and I am now managing the implementation of that set of 26 commitments – initiatives that the President launched in order to increase public integrity, promote public participation, manage public resources more effectively, and improve public services. I will focus here today on the U.S. leadership that has been displayed with regard to our commitments pursuant to the Open Government Partnership, since that’s what I know most about.

BACKGROUND OF COMMITMENT TO OPEN GOVERNMENT GENERALLY

First, I will give a brief overview of the Obama Administration’s demonstrated commitment to open government generally over the first few years. President Obama understands our government’s obligation to serve the American people to the best of our ability. He has made clear that citizens deserve accountability, and the opportunity to participate in their government – and that this will make our government better. I have been working for the President for 6 years now – and before then, he was my constitutional law professor and mentor at the University of Chicago Law School. So I know have known his work in many contexts – and, I have seen firsthand his steadfast commitment to these issues over time.

Indeed, the Obama Administration understands that when the rules of a society are transparent – when there’s a clear and advertised set of laws and regulations regarding how to start a business, what it takes to own property, how to go about getting a loan – that these are the things that make a society function well. When the public has access to information on government budgets and processes, this is what allows citizens to engage and to improve how their governments function. When officials are held accountable to their actions and citizens feel confident in the public system, this is what makes a nation prosper and grow.

FIRST TERM ACCOMPLISHMENTS

The work done over the span of the Obama Administration’s first term reflects the strength of this commitment. In the midst of all the many various crises facing the Administration when the President took office in 2009, and that list was long, the President also focused on open government. In his *Memorandum on Transparency and Open Government*, released that day, the President stated that “Openness will strengthen our democracy, and promote efficiency and effectiveness in Government,” and called for new measures to promote transparency, participation, and collaboration. That same day, he called for a "presumption in favor of disclosure" under the Freedom of Information Act.

And the work done by the Administration over the course of our first term establishes a strong foundation as we look toward the future. The guiding principles here have included transparency, participation, and collaboration. President Obama directed agency heads to harness new technology, and to engage the public, by disclosing information quickly, and giving citizens a voice in how decisions are made. His Office of Management and Budget required agencies to take immediate specific steps, as well as establish long-term goals, to achieve greater openness and transparency. Agencies developed their own Open Government Plans, and made unprecedented amounts of information available and easily accessible. The Administration shined a light on federal spending. Agencies took important steps to provide more disclosure of sensitive government information. For the first time in history, the White House posted visitor logs, salaries, and ethics waivers online.

The list goes on – and I will talk more about our domestic accomplishments in a moment. But first, for those in the room unfamiliar with the Open Government Partnership, I'd like to say a few words about this international initiative, since it offers a broader context through which to view the domestic open government work we are doing.

BACKGROUND – OPEN GOVERNMENT PARTNERSHIP

It was the desire and commitment to improve governance and increase citizen participation that I've described, which prompted President Obama and the leaders of seven other governments to launch the global Open Government Partnership on the margins of the United Nations in New York in September 2011. This work began in 2010, when President Obama challenged countries around the world, including the U.S., to come back a year later with specific commitments to strengthen the foundations of freedom in our countries – to develop country action plans that promote transparency, fight corruption, energize civil society, and leverage new technologies. This was to be done in true partnership with civil society.

A year later, the President, with President Rousseff of Brazil and other heads of state, launched the Open Government Partnership in New York. In just over a year, the Administration, in concert with our international partners, has made significant strides in launching this international initiative, with significant outcomes for people around the world in participating countries. Under the leadership of White House senior national security official Samantha Power, Secretary Clinton and Under Secretary of State Maria Otero, the U.S. co-chaired the OGP in its first year, and it has grown from eight governmental partners to 58, representing more than 2

billion people worldwide – meaning around 29 percent of the world’s population that is living in a country that is participating in the Open Government Partnership. This is a truly exciting development.

NATIONAL ACTION PLAN

In addition to being a part of the creation of the Open Government Partnership, the United States is also a member and as such, we have launched our own domestic National Action Plan on open government, building on the strong open government work done by the Administration in the first two years. Our National Action Plan consists of 26 concrete and tangible open government initiatives – initiatives designed to increase public integrity, promote public participation, manage public resources more effectively, and improve public services. The Plan has been enthusiastically praised by civil society organizations and the public. We consider the depth and breadth of our Plan a great example of what we can do as a country when government and civil society work together – and we look forward to continuing this.

NATIONAL ACTION PLAN DEVELOPMENT PROCESS

Indeed, in crafting the National Action Plan, we met with open government civil society organizations several times to gather ideas, and

many of the best initiatives in our Plan – including, for example, implementing the Extractive Industries Transparency Initiative – we heard initially from the civil society groups. And now, as we are working to implement the initiatives in the Plan, we are doing so in collaboration with civil society. We held individual meetings to talk about implementation of each individual initiative, where civil society wished to do so. We have offered feedback to civil society groups on their evaluation of our progress thus far, and we look forward to consulting with them as we draft a self-assessment document over the next two months, due to the OGP at the end of March. From the government side we are grateful to be experiencing a true partnership and productive working relationship with the public in this area, and we are very appreciative of the work of Open the Government and other organizations represented here today.

SUBSTANCE OF NATIONAL ACTION PLAN – PROGRESS

Last year, I went through many of our National Action Plan accomplishments in great detail, and you can find more information about our plan on the Open Government Partnership’s website. Today, I would like to talk about a few of the highlights.

Whistleblower Protection.

The Administration has consistently worked to strengthen whistleblower laws to protect federal workers who expose waste, fraud, and abuse of authority in government, and in our National Action Plan we committed to use executive action if Congress failed to act in this area. We were thrilled that on November 27, 2012 – after four years of work with advocates and Congress to reach a compromise – the President signed the Whistleblower Protection Enhancement Act of 2012—vindicating our longstanding efforts to promote commonsense legislative protections--which closes many loopholes and upgrades protections for federal workers who blow the whistle on waste, fraud, abuse and illegality. In particular, it improves whistleblower protections for Federal employees by clarifying the scope of protected disclosures; expanding judicial review; expanding the penalties imposed for violating whistleblower protections; creating new protections for Transportation Security Officers and scientists; creating whistleblower ombudsmen; and strengthening the authority of the Office of Special Counsel to assist whistleblowers.

Moreover, when it was clear that Congress would not provide protections for intelligence community whistleblowers, the President took executive action, issuing a landmark directive that extended whistleblower protections to the intelligence and national security communities for the first

time. We are grateful to the civil society representatives in this room who devoted their time and energy to this important issue over the last few years (and longer than that), and we are thrilled with the progress that has been made. We look forward to civil society's views on whistleblower issues going forward.

We the People

Second, the “We the People” initiative. “We the People” is an online tool I discussed here last year, that allows Americans to directly petition the WH on a range of issues, ranging from civil rights and liberties, to the economy and immigration, to transportation and education, to criminal justice and regulatory reform – as well as others which you may have heard discussed in the news lately – such as should we fund the creation of a Death Star? Thoughts on this, anyone? Last week, we published a response to this petition, and it very quickly became one of the most popular pieces of content ever published on WhiteHouse.gov. No Death Star, for those who are curious, but there is lots of other cool stuff happening at NASA these days.

Now, back in September of 2011 when we launched this petitions platform, to be honest we really weren't sure what to expect – this kind of online engagement was brand new for the U.S. government. But it quickly

became clear that there were thousands of Americans across the country who were eager to tell the Obama Administration about the issues they care about the most. Since we launched this platform, more than 142,000 petitions have been created and 9.2 million petition signatures have been logged from more than 5.8 million users. So far, 229 petitions have crossed the signature threshold to receive a response from the WH, and we have responded to 167 of those petitions – the rest are in the works.

In many cases, petitions posted on WTP have helped spur discussions of important policy issues at the WH and across the Administration, and we've used the platform to announce changes in policy or continue a dialogue with people who have an interest in this issue. I'll share just a few examples with you today:

- ◆ **Puppy Mills.** In response to a petition from a group of animal rights activists asking for stronger oversight of commercial breeders who sell puppies online, the U.S. Department of Agriculture announced they were developing a proposed rule that would cover internet breeders under the Animal Welfare Act. Once the rule was open for public comment, petition signers were invited to comment.
- ◆ **Reducing Gun Violence.** In the wake of the tragedy in Newtown, CT, more than 30 petitions on gun violence and mental health issues were

published and very quickly crossed the signature threshold. These petitions showcased a range of opinions - some calling for stricter gun control laws, some calling for fewer restrictions on guns, and some calling for better access to mental health care. President Obama recorded a video response to these petitions and encouraged people to get involved in the policy process that Vice President Biden is running on this issue.

We then held a conference call with some of the people who signed petitions on all sides of this issue and the VP's Chief of Staff, Bruce Reed, to answer questions and further discuss the issue.

These are just a few examples of the many ways this platform has contributed to policy discussions that have taken place throughout the Administration, and we are looking forward to many more to come.

Extractive Industries Transparency Initiative

Next I'll update you all on our work on implementing the global Extractive Industries Transparency Initiative, as we pledged to do in our National Action Plan in order to more effectively manage public resources. The Extractive Industries Transparency Initiative, commonly referred to as EITI, is an international initiative that forges a new partnership between government, civil society and industry to achieve greater transparency and accountability in our domestic extractive revenues to help ensure that

taxpayers receive every dollar they are due from the extraction of our natural resources. Since the Administration's announcement in September 2011 of the U.S. commitment to implement EITI, we have reached some significant milestones on the path to becoming only the second OECD country to become EITI compliant. Charged by the President to oversee implementation, in July 2012 the U.S. Department of the Interior announced the formation of the USEITI Multi-Stakeholder Group (MSG), a body composed of government, industry, and civil society stakeholders, and represents the central component of the EITI process responsible for overseeing implementation. And this past December, after extensive collaboration with all stakeholders, the Interior Department announced the members of the first USEITI MSG, a major step toward fulfilling the requirements to achieve EITI compliant status, as we committed to do.

FOIA

The next initiative I want to talk about is the President's commitment to continue to improve FOIA administration – a statute that will get a lot of discussion here at your conference today, which is great. This statute is a vital part of our democracy. In addition to presumptive disclosure, and encouraging agencies to take proactive steps to make information available

to the public, DOJ's new FOIA dashboard now enables users to assess FOIA compliance for the nearly 100 agencies subject to FOIA.

In our National Action Plan we pledged to continue to improve FOIA administration by professionalizing FOIA administration and harnessing the power of technology, and we have made good progress in this regard. Modifications have been made to the General Services Administration's contract schedules, to afford U.S. government agencies the ability to respond in a timely fashion. Moreover, in 2012 the U.S. Office of Personnel Management established a new job series, Government Information Management, 0306, encompassing work in the administration of FOIA and the Privacy Act, in order to elevate the importance of the work performed by those in the Federal Government who are responsible for realizing President Obama's vision of an open and transparent government. To enhance the public's ability to locate all the material that is being made available, the U.S. Department of Justice has added a search tool to FOIA.Gov that surveys information across government websites so that requesters can search and find information before making a FOIA request.

Records Management

Last August, the Administration released the Managing Government Records Directive to reform and modernize records management practices

for the 21st Century. Since the issuance of that Directive, agencies across the Government have, for the first time ever, designated a Senior Agency Official responsible for records management. In November, the Archivist of the United States and his staff hosted the first meeting of these Senior Agency Officials to emphasize the need for the highest levels of the agency to fully support records management. And as we speak today, the Archives is now working on a myriad of projects designed to support agencies as they undertake the transition to a largely electronic government by the end of the decade, where Federal records are managed appropriately.

E-Rulemaking

One area where civil society has been a particularly helpful partner, and we are appreciative, is e-rulemaking. To expand public participation in the development of regulations, Regulations.gov recently launched a major redesign, including innovative new search tools, social media connections, and better access to regulatory data. The result is a significantly improved website that will help members of the public to engage with agencies and ultimately improve the content of rules.

Foreign Assistance

I'd now like to talk about foreign assistance transparency. Transparency of foreign aid is essential for the efficient and effective use of

resources. In September 2012, OMB published government-wide reporting requirements for foreign aid transparency, as called for in our National Action Plan. The new guidance directs all agencies that administer foreign assistance to provide timely, detailed, and standardized data to foreignassistance.gov, a one-stop dashboard that anyone can use to see how American foreign aid dollars are being spent. The Foreign Assistance Dashboard currently includes data from State, USAID, and MCC, with a number of agencies including DOD, Treasury, and USDA actively preparing on deck.

To further advance our aid transparency goals, Secretary Clinton announced in November 2011 that the U.S. government would join the International Aid Transparency Initiative (IATI), committing to publish our foreign assistance data in a common, international standard by 2015. December marked an important milestone for the U.S. commitment to IATI, as we published not only our IATI Implementation Schedule, but also the first set of IATI-formatted foreign assistance data. Going forward, all new data added to foreignassistance.gov will be immediately available in the IATI format, thereby promoting effective development by enhancing the ability of recipient governments to manage the aid they receive.

Data, Innovation, and Smart Disclosure

In the past few years, technology has redefined not only how we live our lives as Americans and run our businesses, but it is changing expectations of how we interact with our government – what government is, and how it should work for them. Government data is a tool that impacts our daily lives – whether we are talking your health and safety, education, energy, or just making some travel plans. Data.gov now gives the public access to almost 400,000 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.

Because information is power, in our National Action Plan, we committed to expanding the number of Data.gov “communities” that connect data related to particular subject matters with users and producers of that data.

We launched Ethics.gov, fulfilling a promise to create a centralized database of lobbying reports, ethics records, and campaign finance filings in a searchable, sortable, and downloadable format.

And we are continuing to roll out new open data initiatives in the energy, education, public safety, finance, global development, and nonprofit sectors. These efforts involve both government releasing general data resources in computer-readable form and also private sector organizations

voluntarily giving consumers access to their own data (so for example, utilities allowing consumers to download electronic copies of their own electricity usage data) in a manner that rigorously protects privacy. The goal is to stimulate a rising tide of entrepreneurship that utilizes these data to create tools that help Americans find the right health care provider for them, identify the college that provides the best value for their money, save money on their electricity bills through smarter shopping for the right rate plan, keep their families safe by knowing which products have been recalled, and much more – a rising tide of innovation that will open government, and at the same time contribute to economic growth and create jobs.

And that is why we committed to open source Data.gov, so it could be available globally. To meet this objective, with the government of India, we created the Open Government Platform – which is now available for countries, states, and cities around the world so that they can easily stand up their own open data websites.

There is a longer story of the progress we have made on our domestic commitments to be told, but I know my time with you this morning is brief. I'd ask you to be on the lookout for more information and details on all this from the Administration early this year.

REITERATION OF COMMITMENT

Now before talking about the tangible next step we will take together, I just want to comment that I and others throughout the Administration did notice the fairly negative tenor of this agenda, and the focus on all that has NOT yet been done. Perhaps this is a glass half empty / half full problem. But let me assure you, I share your enthusiasm for continuing to improve. Like you, my colleagues and I wish we could snap our fingers and change would happen overnight. As the President has acknowledged countless times, change is hard. Not everything is perfect, and we want to get better. But, I would ask you as well, as partners in this effort, to please try not to lose sight of the tremendous progress that we have made together in the first term as we look forward to what's next.

Please keep in mind the significance of the fact that these accomplishments, including those I have just referenced, require lots of hard work, and preparation, and fine-tuning, and so on. I know this first hand; I work on these issues every day. Please keep in mind the significance of the U.S. leadership in launching the global Open Government Partnership, and our leadership domestically initiating the commitments we have made in our own National Action Plan. Please keep in mind that a productive working relationship goes both ways. We know that more work can always be done. We will need your support and your partnership as we move forward in this

important work together, over the next four years, and we very much look forward to that.

NEXT STEPS

Now, with regard to next steps, I have talked a bit today about the strong progress we have made. We will be outlining this progress in great detail at the end of March, in our self-assessment report, which is due to the Open Government Partnership at that time. We will be reaching out to you shortly to begin consultations on this commitment.

In addition, in December, I traveled to London for the Open Government Partnership steering committee meeting with Under Secretary of State Otero, where we publicly pledged to update or refresh our National Action Plan, as part of our ongoing OGP participation. We are having extensive discussions now as we evaluate our progress to date about what that will entail and what the process will be, but regardless, we look forward to working with civil society and the public on this every step of the way.

CONCLUSION

When President Obama launched the Open Government Partnership in September 2011, he stated: “We pledge to be more transparent at every level -- because more information on government activity should be open, timely, and freely available to the people. We pledge to engage more of our

citizens in decision-making -- because it makes government more effective and responsive. We pledge to implement the highest standards of integrity -- because those in power must serve the people, not themselves. And we pledge to increase access to technology -- because in this digital century, access to information is a right that is universal.”

We can all appreciate that when the rules of a society are transparent, a society functions. When citizens can collaborate and participate, government works better. Ultimately, it is that confidence which makes a nation prosper and grow. Political will is crucial here -- and I am here to assure you that the Obama Administration is working hard on the issues you care about, and we share your passion for open government.

Quick fixes are not always readily available for the issues that our open government movement seeks to address. But we view a second term as yet another moment of opportunity, during which we will continue in our march together, to chart a new course for open and responsive governance. And we look forward to working together on this journey.

Thank you.