

**Lunchtime Remarks
January 20, 2012
Collaboration on Government Secrecy
Transparency in the Obama Administration: A Third-Year Assessment
American University, Washington College of Law**

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Thank you, Dan. And thank you, open government friends and colleagues. It is great to be here – thank you for having me. As I know you've talked about much of the morning, progress is never easy. It comes slowly. But we have made great strides, and we will continue to do so, working together.

I am here to talk today about the importance of Open Government to President Obama, and to this Administration. After highlighting the open government principles that guide the Administration, I will give a brief overview of a few of the Administration's efforts towards forging a more open relationship between citizens and government over the last few years, and then talk about the Open Government Partnership and our United States National Action Plan. As Dan noted in his kind introduction, and just to give you some background on where I fit in -- I work at OMB and am specifically in charge of implementing our National Action Plan on Open Government, and so that's what I will focus on here today, since that's what

I know most about. I will close by asking for your help as we move forward.

Guiding Principles – Transparency, Participation, Collaboration

From Day One of this Administration, President Obama has worked to create an unprecedented level of openness in Government. The cause of open government is a priority for the Administration. I have been working for the President for the last 5 years – and before then, he was my constitutional law professor and mentor at the University of Chicago. So I know his work in Illinois, and as Senator, and now – and, I have seen firsthand his steadfast commitment to these issues over the years.

Indeed, when we think of the monumental tasks that the President faced on his first day in office, the fact that Open Government played a key role in the early days is a testament of its importance to this Administration. On Day #1, in his *Memorandum on Transparency and Open Government*, the President stated: “Openness will strengthen our democracy, and promote efficiency and effectiveness in Government.”

There are two keys here: strengthening our democracy and promoting efficiency and effectiveness in Government, and these are pretty big aspirations. The vehicles for fulfilling these goals include greater transparency, participation, and collaboration. My colleague Steve Croley

laid out these Open Government principles when he spoke to you this time last year, so I will not tread on old territory.

But, these are the questions that my colleagues and I ask ourselves, each other, and you, every day: How do we turn those words into reality? How do we implement our plans and turn them into results? How, in practice, do we create a stronger democracy, and a more efficient and effective government? Solving these questions motivate Cass Sunstein, Chris Vein, Steve Croley, myself, and our colleagues to come into the office every morning.

Now, President Obama has not promoted open government simply as an abstract proposition; he has required his Administration to set goals, and to achieve real results. I am going to focus on what we did over the last year, but first I will start by doing a quick overview of some of our key open government accomplishments over the first two years.

Background – First Two Years

On his first full day in office, the President issued a memorandum calling for a "presumption in favor of disclosure" under the Freedom of Information Act. On the very same day, he issued a memorandum on openness in general, calling for new measures to promote transparency, participation, and collaboration. He directed agency heads to harness new

technology, and to engage the public, by disclosing information rapidly, and giving citizens a voice in how decisions are made. The Office of Management and Budget, through issuing the Open Government Directive, required agencies both to take immediate specific steps -- and establish long-term goals -- to achieve greater openness and transparency. Agencies developed Open Government Plans of their own, and made unprecedented amounts of information available and easily accessible.

In the first two years, the White House established a clear presumption in favor of transparency. The Administration has shined light on federal spending. Agencies have taken important steps to provide more disclosure of sensitive government information. And for the first time in history, the White House now posts visitor logs, salaries, and ethics waivers online – issues that I know you will be discussing later today.

And the Administration took a number of additional steps, from putting into place sweeping ethics standards to making new data available online. Because information is power, 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. We are informing consumers

in many of these areas, too, by promoting the use of disclosure as a low-cost, high-impact regulatory tool to ensure informed decisions.

Since I am speaking at an event called “Transparency in the Obama Administration,” my remarks on the National Action Plan, and open government generally, will focus on our efforts to bring greater transparency to government. But it is important to note that we hold all three values – transparency, participation, and collaboration – as equal and important goals, and this is reflected in the overall work that we do.

Background: Open Government Partnership

I am now going to talk about our work of the last year. Building on the progress of the first two and a half years, the United States Open Government National Action Plan, launched as part of the Open Government Partnership, utilizes the tools of transparency, participation, and collaboration, and further embraces technology and innovation to tackle several key challenges facing our country today.

Many of you in this room may have witnessed the historic launch of the Open Government Partnership (OGP) last year in New York. It began in 2010, when President Obama challenged countries around the world, including ours, to come back in 2011 with specific commitments to strengthen the foundations of freedom in our countries – to develop plans of

action to promote transparency, fight corruption, energize civil society, and leverage new technologies.

And one year later, the Open Government Partnership, a group of governments and civil society organizations spanning the globe, is already transforming how governments around the world serve their citizens in the 21st century. On the margins of the 2011 United Nations General Assembly, the President stood with President Rousseff of Brazil to launch the Partnership, as well as our own National Action Plan on Open Government, in front of heads of state and senior officials from 46 other countries. While the Action Plan itself consists of concrete, tangible commitments, the President spoke broadly in his remarks about the importance of open government and the “essence of democracy,” stating that “Our countries are stronger when we engage citizens beyond the halls of government.”

The National Action Plan commitments are organized within the Plan according to the key challenge they are designed to address, but all of them include elements of transparency, participation, and collaboration.

Before talking about the substance of the Plan, I’d like to note that the depth and breadth of this Plan, which was widely and enthusiastically praised by civil society organizations and the public alike, is a perfect example of what we can do as a country when we – the people in this room –

work together. It resulted from the hard work not just of the Administration, but of people in this room and citizens around the country who submitted the ideas and suggestions. In other words, the Plan reflects YOUR commitment to these issues, just as much as it reflects ours. You joined us not as spectators, but as equal partners.

As many of you recall, we met several times to get ideas from a broad range of civil society groups, academics, and members of the private sector. We engaged the public via a series of blog posts, and we solicited input from the Administration's own Open Government Interagency Working Group. The National Action Plan is a symbol of what can happen when we work together productively, a success story of the collaboration that we want to continue to have, which can lead to real and important change. All in this room should feel proud that our National Action Plan is being used as a model for nearly 40 other nations who are now developing their own commitments, which they will launch at the next annual Open Government Partnership meeting in Brasilia in April.

Summary of U.S. National Action Plan

Before highlighting the progress we've made on a few important initiatives, and asking for your continued help moving forward, I will provide a very brief overview of what's in the Plan.

First, to promote public participation in government, the White House launched a “We the People” petition platform, as well as its plans to publish its source code to make it available to any government around the world that seeks to solicit and respond to the concerns of the public. I’ll talk more about the success of this initiative in a moment. The Plan also includes a commitment to identify best practices and metrics for public participation, so we can assess progress toward the President’s stated goal of becoming more participatory in how decisions are made.

To increase public integrity, we committed to modernizing records management policies and practices across the executive branch, because strong records management is the backbone of a transparent and accountable government. We announced our intention to build on the last two years of progress by continuing to improve FOIA administration, as well as declassification and enforcement and compliance data transparency efforts, and to monitor and improve implementation of agency open government plans. We vowed to work to strengthen and expand whistleblower protections, because employees with the courage to report wrongdoing are a government’s best defense against waste, fraud, and abuse. And we committed to work to increase the transparency of legal entities formed in

the U.S., as part of a broader strategy to safeguard the international financial system from abuse.

To more effectively manage public resources, the President announced the United States' intent to join the Extractive Industries Transparency Initiative (EITI) as an implementing country – forging a new partnership between government, civil society and industry to ensure that taxpayers receive every dollar they are due from the extraction of our natural resources. We committed to increase transparency in spending, to release and implement governmentwide reporting requirements for foreign aid, and to improve government performance and accountability by improving Performance.gov.

Finally, in an effort to improve public services, the United States pledged to expand public participation in the development of regulations by overhauling the public participation interface on Regulations.gov, contribute Data.gov as a platform to other countries, foster communities on Data.gov, encourage communication between government officials and citizen-experts, reform government websites, promote smart disclosure by publishing data to help consumers and scientists, and promote innovation through international collaboration.

Highlights – Progress Made on Specific Commitments

Now, there is a lot here. And we are going to need your help in implementing these 26 commitments. But before talking about next steps, I'd like to give an overview of a few commitments where we have already made good progress – specifically with regard to “We the People,” records management, FOIA, EITI, and foreign assistance transparency.

“We the People”

I mentioned “We The People” a few minutes ago. Throughout our history, Americans have used petitions as a way to join together around issues they care about. “We The People” is our attempt to bring that uniquely American tradition into the 21st century. It is a new online tool that allows Americans to directly petition the White House and ask the Administration to take action on a range of issues. And where signature thresholds have been met, the Administration has a responsibility to answer the petition.

In just over 3 months, we've had strong participation in “We The People,” 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. More than 1.25 million people have created WhiteHouse.gov accounts in order to participate in the platform. More than 23,000 petitions have been created, 1.8 million petition signatures have been

logged, and 86 petitions have crossed the signature threshold to receive a response. As of this week, 52 petitions have received an official response from the Administration, and 34 petition responses are in the works.

Here's an example that relates directly to our work together on open government. Just today, the White House is responding to two "We the People" petitions inquiring about the "Yes We Scan" movement and promoting a national effort to digitize all public records. We are posting a response from the Archivist of the United States stating the Administration's support for this idea today, and the need for a national strategy to figure out how to make this a reality. The response contains a host of questions for the drafters of the petition, and for the public, asking for input on how to proceed on this important open government deliverable. Now, I'll talk more about our progress on records management in a moment. But this is a great example of how the We The People petition platform is giving the public an opportunity to collaborate with the White House on the issues that matter to them, including important open government issues – in this case, records management.

We remain committed to continuing to improve the platform, and in response to civil society implementation recommendations, I am committing here that we will post an annual report describing what happened to each of

the petitions that were publicly searchable on the We the People platform (meaning, they got at least 150 signatures in 30 days). We also plan to publish a six month progress report on the White House blog that summarizes our progress to date, including key lessons learned.

Records Management

Another presidential priority highlighted in the Plan, and one in which we have made great progress, is records management. Records document evidence of agency action and decisions; strong records management is key to promote the legitimacy of government, and to enable citizens to hold government officials accountable for their actions.

On November 28, 2011, the President took the most significant steps since the Truman Administration to improve the management of federal records. He signed and issued a presidential memorandum that directs agencies to move to a digital-based records keeping system, a move that will save taxpayer dollars, promote accountability, and increase government transparency. The process will help move the federal records system into the digital age so that the American people have access to clear and accurate information about the decisions taken by the Federal Government. And in a key provision, the President required his Administration to consult with

those inside and outside the government, including public stakeholders interested in improving records management and open government.

FOIA

The next initiative I want to talk about is the President's commitment to continue to improve FOIA administration. 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. First, to afford agencies the ability to respond in a timely fashion, modifications have been made to the GSA contract schedules. Those schedules now include a "soup to nuts" menu of services and personnel to aid agencies in any type of document production, including FOIA.

And, to enhance the public's ability to locate all the material that is being made available, DOJ recently added a search tool to FOIA.Gov. This tool searches across all federal government websites, and reaches not just those documents that have been released in response to previous FOIA

requests, but also all the proactive disclosures that agencies are making throughout their websites. This search tool will make the search for information easier, by helping requestors know exactly what is online and what is not. They may find that there is no need to even make a FOIA request, given the material that is already readily available. And if there is still a need to make a request, this tool will make it so that requestors can draft a more precise FOIA request.

EITI

Another significant commitment the Administration made in the National Action Plan was to continue our leadership of the global effort against corruption, by committing to join the Extractive Industries Transparency Initiative, an initiative bringing together industry, government and civil society to work together for greater transparency. EITI has developed a voluntary framework under which companies publish what they pay to obtain access to publicly owned resources, and governments disclose what they receive from oil, gas, and mining assets.

We all know that the United States is a major developer of natural resources. 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. These

voluntary disclosures are designed to foster integrity and accountability when it comes to development of the world's natural resources.

We continue to make good progress on this commitment. In October, the White House announced that Department of Interior Secretary Ken Salazar would be the Senior Administration official responsible for oversight of implementation of EITI. Our next step is formation of the Multi-Stakeholder Group, which we are working with civil society and industry to do. And civil society organizations have recommended that we commit the U.S. government to conducting a full inventory of existing and evolving EITI reporting practices and standards internationally, and I can commit to doing that here.

Foreign Assistance – IATI

Now, the President made clear in the National Action Plan that it is but one more step in our open government work – it is not the end of the story. And as evidence of this, one area in which we have gone significantly farther than we pledged to go in the National Action Plan is in the area of foreign assistance transparency.

Transparency of foreign aid is essential for the efficient and effective use of resources. In our National Action Plan, we pledged to release and implement governmentwide reporting requirements for foreign aid, directing

agencies that administer foreign assistance to provide detailed information on budgets, disbursements, and project implementation. And because this information is held in hundreds of different places, the White House created foreignassistance.gov, a one-stop dashboard that anyone can use to see how American foreign aid dollars are being spent.

To further support the international aid transparency effort, and to promote effective development by helping recipient governments manage the aid they receive, Secretary Clinton recently announced that the U.S. government would join the International Aid Transparency Initiative (IATI), publishing our data in an open, up-to-date and internationally compatible format.

USAID Administrator Raj Shah spoke about this at the Transparency Conference this week at Brookings. We're currently in the process of piloting geo-tagging of our USAID projects in selected countries, and our vision is that anyone with an internet connection would be able to pull up a Google map to find out exactly what schools their tax dollars help build, and what wells their money helped dig.

In the foreign aid context, we can see that the Administration is going beyond the transparency commitments that we made in the National Action Plan.

Summary – Progress on Additional Initiatives

We've made great progress on other initiatives, as well. The development process for identifying best practices and metrics for public participation is underway. To combat government secrecy, the National Declassification Center is working hard toward its goal of declassification processing of the 400 million page back log identified two years ago. Related to this, we've also been moving forward on the Controlled Unclassified Information effort, and you can hear more about that from the NARA representative who is participating on the next panel. The National Dialogue on Improving Federal Websites was conducted late last year.

We've also made good progress on the Smart Disclosure initiative, giving consumers access to interactive decision tools that help them make wiser choices. For example, the Department of Veterans Affairs gave a boost to job-seekers by giving them access to their military records online, in a format that highlighted skills related to civilian jobs, and the IRS recently announced that it will develop an application to enable a taxpayer to securely send a verified digital copy of prior year tax information to an authorized third party, through IRS.gov.

On innovation, we committed in the National Action Plan to contribute data.gov as a platform through the U.S.-India Open Government

Dialogue, to encourage 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. The U.S. team has since deposited the open source code for the Open Government Platform – and this is an important benchmark. We also committed to expand the number of Data.gov “communities” that connect data related to particular subject matters with users and producers of that data. Just yesterday, education.data.gov was launched – serving as a central guide for education data resources, including applications for the classroom. Not to be outdone, communities for public safety and research and development are in the works.

And I could go on. But the important thing to note is that it is apparent that open government – transparency, participation, and collaboration – remains a serious Administration commitment, and we are working hard to achieve our shared goals, every day. We stand with you, we appreciate you, and we are looking forward to continuing to working with you.

Moving Forward: Continuing Stakeholder Engagement

Civil society organizations have submitted recommendations with ideas on how best to implement the National Action Plan; we are taking

these ideas seriously, and we are meeting with interested groups on individual initiatives. Just this week, we met with civil society groups to discuss implementation of the beneficial ownership initiative, and foreign assistance transparency.

We will continue to meet with civil society, and to engage with the public, as we work to implement the initiatives in our National Action Plan. We have committed to hold general National Action Plan implementation meetings once per quarter, as well as individual meetings with those responsible for particular initiatives on an ad hoc basis. We look forward to working with you, and thank you for your willingness to be our partner in this endeavor.

Conclusion

Now, we all know that the process of opening government is a continuing work-in-progress. As Steve noted when he was here last year, there is no “open” button that can be pushed to render the federal government more open overnight. Creating a more open government instead requires sustained commitment – a commitment that I have described here today, which has been demonstrated by the President, as well as employees at all levels of government.

The Open Government National Action Plan is but one more step in a process that has produced significant results over the last three years and that will continue, under the President's leadership, in many forms in the future. The collective progress made in the Administration's first three years underscores its commitment to a transparent, accountable government. As exemplified by our continuing progress on foreign assistance transparency, the recent efforts are hardly the end of the Administration's open-government efforts; they are ongoing.

Each new set of information made public in easy-to-read formats, and each removal of arcane barriers to citizen participation, is helping to restore the confidence of the American people in their government – and also to improve its operation.

A more democratic and effective government is one that truly improves the well-being of those whom government is supposed to serve. For, in the words of the President, openness will strengthen our democracy, and promote efficiency and effectiveness in Government.

By making open government a high priority, the Administration is working to improve the everyday lives of the American people – more

inclusively, more effectively, and more economically. We are all committed to meeting this challenge together.

Thank you.