

## **Recommended Transparency Measures** (listed in prioritized order)

1. “Restore the presumption of disclosure across the executive branch.”
2. “The new President should issue an executive order to strengthen federal employee whistleblower protections, including strict administrative, civil, and criminal penalties for officials who retaliate against whistleblowers.”
3. “Ensure that necessary steps are taken as quickly as possible to achieve comprehensive TARP/bailout/financial stimulus transparency.”
4. “Administer the FOIA in a new spirit of responsiveness and openness, through very aggressive and comprehensive governmentwide implementation of the replacement to the Ashcroft FOIA Memorandum.”
5. “Ensure that all agencies maximize the making of ‘affirmative’ information disclosure, including as appropriate for FOIA purposes.”
6. “Review and reform governmentwide records-management practices.”
7. “All agencies should be required to receive (and wherever feasible) respond to FOIA requests electronically.”
8. “Agencies should no longer be allowed to hide behind secret law on matters of great public importance. For example, OLC legal opinions on such things, even if dealing with classified matters, should be made public as quickly and completely as possible.”
9. “Take steps to reduce or eliminate overclassification, including through a new national security classification executive order.”
10. “The President should immediately implement and fund the congressionally mandated database of information regarding the integrity and performance of contractors, entities, and persons awarded federal contracts and grants. The database should detail the instances in which contractors and grant recipients have defrauded the government, violated laws and regulations, had poor work performance, or had their contracts or grants terminated for default. This database should be made publicly available.”
11. “Rescind and replace the Ashcroft FOIA Memorandum.”
12. “Harmonize privacy rules in a pro-privacy direction, including data protection.”

13. "The executive branch should protect only legitimate national security and privacy concerns, and it should penalize agencies that violate these standards."
14. "Reform the current 'pseudosecrecy' regime (i.e., SBU/CUI) with a rational administrative fix or a legislative one."
15. "Harness advanced technology for purposes of electronic information dissemination."
16. "It is time for the Privacy Act to be updated and perhaps even revised to the point of being combined with the FOIA."
17. "Reform the use of the state secrets privilege."
18. "There has to be a greater infusion of resources to the FOIA and information-policy development."
19. "The processes of FOIA administration should include maximum use of 2.0 technology."
20. "Clarify the lines of jurisdictional authority on openness-in-government issues among the Department of Justice, the Office of Management and Budget, and the National Archives and Records Administration."
21. "Take steps to utilize new technology to promote interactive citizen involvement in federal government decisionmaking."
22. "Return the FOIA ombudsman back to NARA from Justice and fund it."
23. "Ensure proper e-mail maintenance for necessary record disclosure."
24. "Agencies should make greater use of the 'frequently requester records' affirmative disclosure mechanism."
25. "The White House should rescind and replace the 2001 Bush Administration executive order on employee whistleblower reporting of waste, fraud, and abuse."
26. "There ought to be greater attention to mandatory declassification, including full use of the National Declassification Center."
27. "The new President should reconsider the executive branch's use of advisory committees. If such committees are to be continued, they should include, but not

- unduly rely on, private interests. Further, the President should ensure that all unclassified portions of advisory committee meeting minutes are disclosed and made available on the Internet.”
28. “Agencies should take steps to improve the volume and quality of publicly available government contract information.”
  29. “Employee workplans should include a FOIA element, as with EEO, so that they are graded on promoting both the spirit and the letter of the Act.”
  30. “Ban agencies from proposing or endorsing unnecessary new statutory exemptions from disclosure. Any new statutory exemption proposed and supported by the Administration should be limited in scope and duration and include oversight.”
  31. “Support further FOIA reform legislation, including provisions that would regulate the Exemption 3 statute enactment process and further aid backlog reduction.”
  32. “There ought to be less Glomarization (i.e., ‘neither confirm nor deny’ responses).”
  33. “More information taken down from agency Web sites since 9/11 should be restored.”
  34. “Review and reform, on a governmentwide basis, the process by which departing federal officials take ‘extra’ copies of federal records (or even ‘non-federal’ records) with them when they leave.”
  35. “The Justice Department and White House should consider revising Executive Order 12,600 on business information procedures.”
  36. “Create an independent, online ombudsman to help citizens access their government.”\*

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\* Note: This is an item that during the conference was explained by its organizational author as actually having been intended to be the same as the more specific ombudsman-related measure that appears as the 22nd-ranked one above.