Open Government Federal Advisory Committee

Public Meeting #2

December 11, 2024

U.S. OPEN GOVERNMENT SECRETARIAT
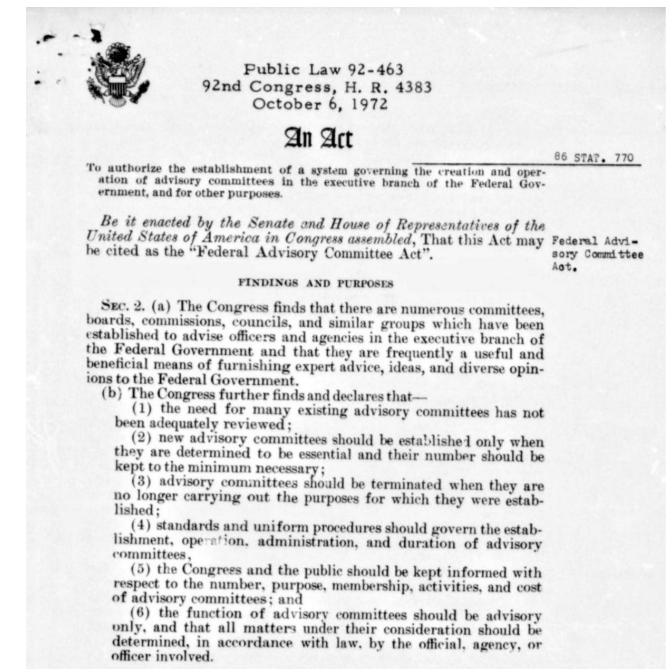
92nd Congress, Federal Advisory Committee Act - Public Law 92-463, NAID: 280987408

Call to Order and Welcome

Arthur Brunson
Designated Federal Officer, OG FAC

General Announcement

This event will be open to the public and is being recorded. A copy of who attended the event, the agenda, meeting minutes, and the recording of the meeting will all be posted publicly to the gsa.gov website.

Meeting Recording Disclaimers

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Open Government Website

https://www.gsa.gov/usopengov

Attendance and Agenda

Arthur Brunson
Designated Federal Officer, OG FAC

Attendance

Members	
Dr. Joyce Ajayi	Janice Luong
Charles Cutshall	Ade Odutola
John Dierking	Dr. Suzanne Piotrowski
Amy Holmes	Daniel Schuman
Dr. Kristen Honey	Joshua Tauberer
Kiril Jakimovski	Corinna Turbes
Ronald Keefover	Bobak Talebian
Dr. Steven Kull	

Agenda

Time	Item	Speaker(s)
1:00 - 1:05	Call to Order and Welcome	Arthur Brunson
1:05 - 1:07	Committee Chair Opening Remarks	Daniel Schuman
1:07 - 2:30	Report Back from Preparatory Meetings	Amy Holmes Kiril Jakimovski Daniel Schuman
2:30 - 2:40	Break	
2:40 - 2:55	NAP 6 Timeline Overview	Alexis Masterson Daniel York
2:55 - 3:05	High Level Overview of NAP RFI	Alexis Masterson Yvette Gibson

Agenda continued on next slide

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Agenda Continued

Time	Item	Speaker(s)
3:05 - 3:20	Future Presentations	Daniel Schuman
3:20 - 3:30	Use of Google Document	Daniel Schuman
3:30 - 3:45	Public Oral Comments	Arthur Brunson
3:45 - 4:00	Closing Remarks and Adjourn	Daniel Schuman Arthur Brunson

Chair Remarks

Daniel Schuman
OG FAC Chair

Preparatory Meetings Members

Committee Structure

- Amy Holmes
- Charlie Cutshall
- Ron Keefover
- Steven Kull
- Daniel Schuman

Committee Evaluation

- Kiril Jakimovski
- Suzanne Piotrowski
- Bobby Talebian
- Josh Tauberer
- Corinna Turbes
- Daniel Schuman

Committee Engagement

- John Dierking
- Joyce Ajayi
- Kirsten Honey
- Janice Luong
- Ade Odutola

OG FAC Preparatory Meeting on Committee Structure

Amy Holmes
Executive Director, Bloomberg Center
for Government Excellence

Purpose

The purpose of the committee structure preparatory meeting(s) are to gather information and conduct research on how to best structure the committee — in particular, its subcommittees — to meet the duties of the committee.

Questions for Discussion

1. Should the OG FAC have subcommittees?
2. What subcommittees should there be?
3. How often should they meet?
4. Are there good examples from other federal advisory committees on how they establish subcommittees to handle particular functions?

Discussion Topics

- Discussed other FAC subcommittee structures
- Benefits of thematic, functional and large topic structures
- Areas of priority were AI, public service delivery modernization and rethinking public participation and citizen assembly
- Measuring impact

Discussion Summary

- Create three subcommittees
- Structure discussed:
  - Subcommittee on Retrospective Review of Past NAP impact
  - Subcommittee on New NAP recommendations
  - Subcommittee on Emerging Open Government Issues

Committee Discussion

OG FAC Preparatory Meeting on Committee Evaluation

Kiril Jakimovski
U.S. Department of State,
Bureau of Democracy, Human Rights, and Labor

Motivating Questions

How do we determine what policy ideas are relevant to 'open gov'?

What characteristics do successful open gov efforts share?

Preparatory Meeting Agenda

First half: presentation and Q&A from the OGP Support Unit

Second half: member discussion

What Does OGP Look For?

Think about NAPs as a cohesive package of reforms

OGP uses 3 core criteria in judging commitments:

- VERIFIABILITY

- RELEVANCE

- POTENTIAL FOR RESULTS

"Strategic" Commitments

What kind of commitments are successful?

- Well articulated, results-oriented
- Consider feasibility and ambition
- Prioritize "game changing" commitments that generate binding, institutionalized change

Other factors:

- Issues of significant importance to the country
- involving the right people
- being clear about expected results

Other Lessons Learned

- Broad, flexible categories for weighing commitment elements

- 5-15 commitments are norm; 3-10 milestones in each

- Gov. and civil society agreement on broad priorities is critical

- Ambitious commitments can lead to modest results – and that's OK

- Pragmatic recommendations go a long way

- Collaboration is critical!

Thematic Areas

Open Gov Challenge

- Access to info.
- Anti-Corruption
- Civic Space
- Climate & Environment
- Digital Governance

- Fiscal Openness
- Gender & Inclusion
- Justice
- Media Freedom
- Public Participation

Other OGP Resources

Open Gov Guide   Seize the Moment report (2021)

Committee Discussion

Toward An Evaluation Framework

- Transparent process for explaining decisions
- Rubric for selection that allows for aggregation of FAC members' opinions
- Evaluation using a quadrant mechanism could be useful.
  - For example, plotting an idea's level of effort vs. ambition or impact

Possible Dimensions

- Level of effort

- Ambition

- Potential impact

- Federal-wide vs. GSA specific

- Level of risk

- Specific vs. broad

- Implementation timeframe

- Ease of institutionalization

- Service delivery innovation vs. public accountability

- Coherent NAP theme vs. diversity of ideas

Questions for Consideration

Should FAC recommendations be impacted by agencies' engagement?

Should ALL ideas be crafted through an "open gov lens"?

How do we resolve gaps in submitted recommendations? Should we?

Are we interested in ideas related to subnational commitments?

Should we establish an accountability practice?

What can we do with ideas that don't fit neatly in a NAP?

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Key Takeaways

- Focusing on defining the problem and how the recommendation would make things different

- It's OK to set modest goals and expectations

- Transparent, defendable inclusion criteria

- Effort vs. impact useful analytical framework, but plenty of other variables!

OG FAC Preparatory Meeting on Committee Engagement

Daniel Schuman
OG FAC Chair

Summary of Topics Addressed

- How can our community members access Committee activities and feel able to contribute to them?

  ○ How much time in meetings should be devoted to public comment?

  ○ How can the Committee better listen to and respond to comments? Should other forums or channels be opened up for public comments?

  ○ Will the committee respond to written comments? If so, how?

  ○ How will the Committee ensure that the public is informed about opportunities to provide comments?

Summary of Solutions Explored

- Prioritize new commenters over previous commenters (at chair's discretion)

- Review OIRA's new guidance on Paperwork Reduction Act and how it could be used in the public commenting process

- Consider adding 10 minutes to in-meeting public comments for the Committee to respond to comments, or host separate listening sessions / town halls

- Leverage Listservs, Federal Register, OG LinkedIn and GSA LinkedIn to inform the public about opportunities to comment

- Consider holding meetings focused on responding to written comments

Future Topics for Consideration

- Should the Committee allow comments in live chat / social media / YouTube during / after Committee meetings?

- How should the Committee engage with and gather recommendations from stakeholders?

- How can other public forums supplement the public hearing process?

- How can the Committee ensure the fullest participation and opportunity for expression?

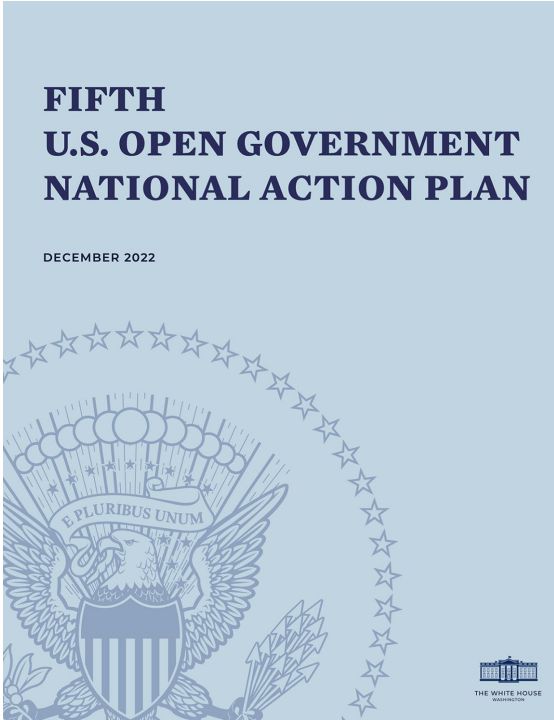# Committee Discussion

Break (10 minutes)

National Action Plan (NAP) Process

Option 2

Action plan delivery window

30 June — 28 Feb

31 Dec → 2 years → 31 Dec

31 Dec → 4 years → 31 Dec

Refresh period
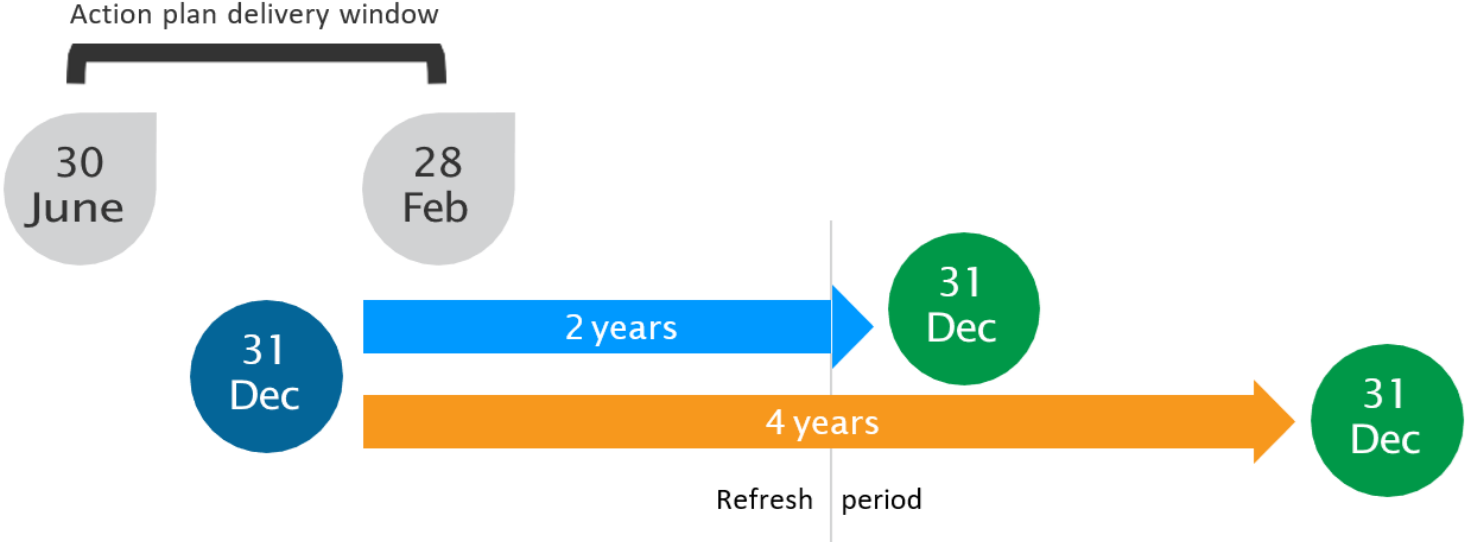
Open Government Partnership action plan delivery windows used by the U.S.

FIFTH
U.S. OPEN GOVERNMENT
NATIONAL ACTION PLAN

DECEMBER 2022

ANALYZING INPUTS

IDENTIFYING SOLUTIONS

REASONED RESPONSE

DEFINING THE PROBLEM

DRAFTING COMMITMENTS

FINALIZATION

2024 2025

Aug.	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	Jun.	Jul.	Aug.	Sept.	Oct.	Nov.	Dec.
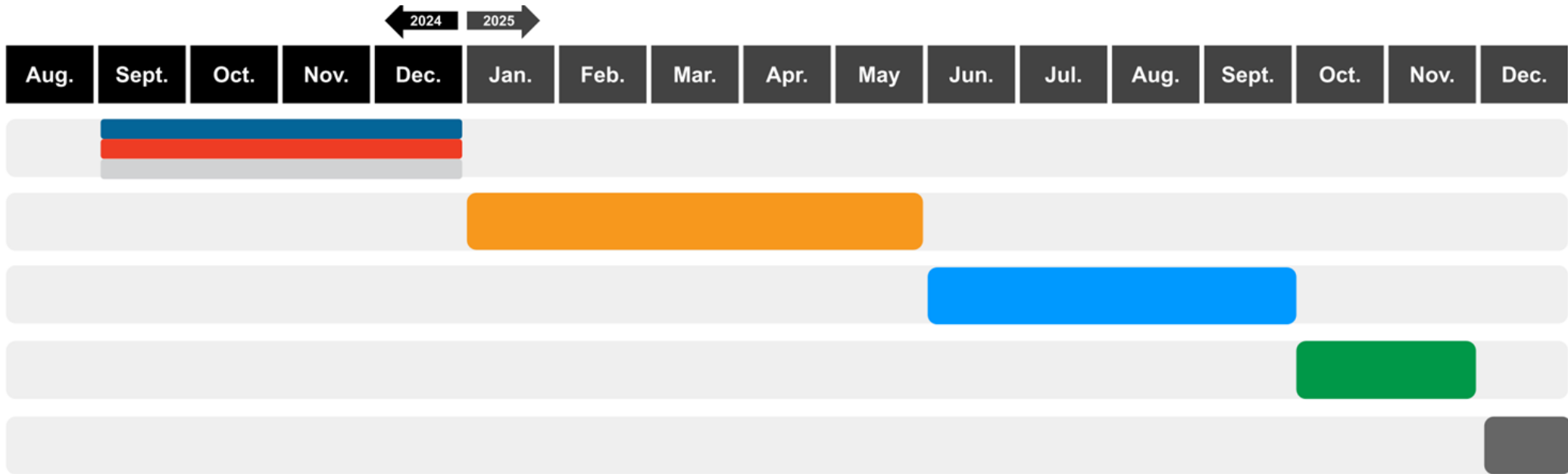
- ● NAP 6 RFI
- ● Co-Creation Kick-Off and Listening Sessions
- ● FAC Kick-Off
- ● Commitment Language Drafted
- ● Draft NAP 6
- ● RFI for NAP 6 Draft and Listening Sessions
- ● Final Draft
- ● Communications & Approval Processes
- ● NAP 6 Submitted to OGP

37

Committee Q & A

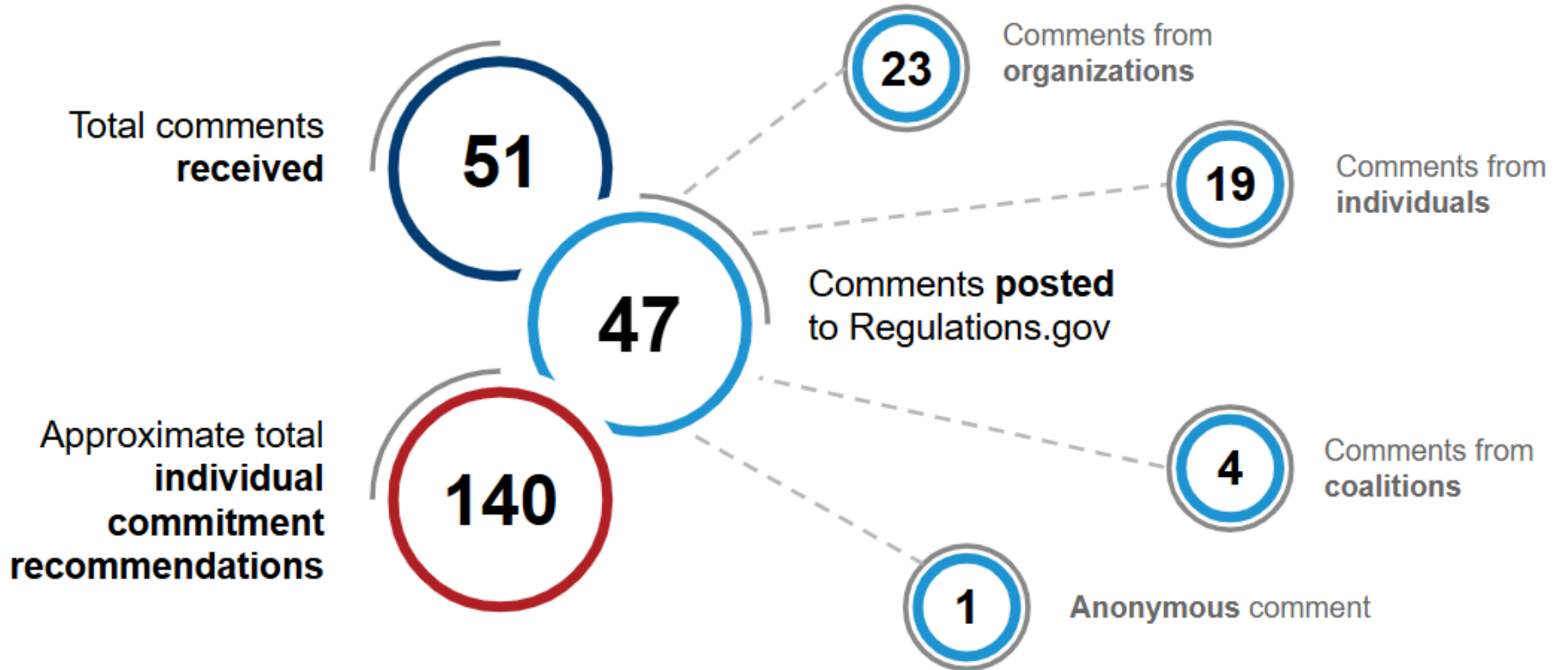# High Level Overview of NAP 6 RFI

December 11, 2024

RFI Background

- **Purpose**: Solicit public input to shape the 6th U.S. Open Government National Action Plan
- **Comment Period**: September 12 through November 12 (61 days)
- **Link**: https://www.federalregister.gov/d/2024-20702

GUIDING TOPICS
Problem Identification
Existing Work
Innovative Approaches
Resources and Recommendations

THEMES	
Access To Information	Anti-Corruption
Civic Space	Climate and Environment
Digital Governance	Fiscal Openness
Equity and Inclusion*	Justice
Media Freedom	Public Participation

Overview of Responses

Total comments **received**
51

Approximate total **individual commitment recommendations**
140

47 — Comments **posted** to Regulations.gov

23 — Comments from **organizations**

19 — Comments from **individuals**

4 — Comments from **coalitions**

1 — **Anonymous** comment

RFI Responses: Most Represented Themes

Access to Information	**25**	53%
Digital Governance	**20**	43%
Public Participation	**13**	28%
Anti-Corruption	**12**	26%
Fiscal Openness	**11**	23%

Count and percentages based on 47 posted RFI comments

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RFI Responses: Least Represented Themes

Theme	Count	Percent
Justice	**8**	17%
Equity and Inclusion	**5**	11%
Climate and Environment	**3**	6%
Civic Space	**2**	4%
Media Freedom	**1**	2%

Count and percentages based on 47 posted RFI comments

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Access to Information

- **Proactive Disclosure**: Develop frameworks to proactively publish government data, including legal opinions, performance reports, visitor logs, and federal contractor information.

- **FOIA Modernization**: Allocate sufficient resources for FOIA processing, automate repetitive processes, and address inefficiencies through oversight and modernization of outdated systems.

- **Centralized, Standardized, and Open Formats**: Centralize information in accessible platforms like dashboards or e-file systems, ensure data is machine-readable, and implement open data standards.

- **Leveraging Technology**: Use digital tools like AI to manage FOIA backlogs, create APIs for public data access, and develop compliance visualization dashboards.

Civic Space

- **Public Spaces**: Launch a federal prize competition to incentivize the development of a centralized, user-friendly online platform for public engagement.

Climate and Environment

- **Data Quality and Accessibility**: Create standardized, high-quality, timely, and accessible environmental data, with attention to data privacy and interoperability between public and private sources.

- **Open Data and Tools**: Use user-friendly tools, APIs, and platforms to improve access to environmental information and facilitate public engagement.

- **Modernization and Integration**: Modernize data systems, create centralized National Environmental Policy Act (NEPA) platforms, and scale innovative projects to streamline environmental permitting and decision-making processes.

- **Community Engagement and Collaboration**: Integrate community-generated data, address community needs, and support community capacities for meeting environmental data standards.

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Digital Governance

- **Transparency and Open Data**: Require standardized, machine-readable formats for data and reports to enhance accessibility, usability, and public trust.

- **Modernization of Tools and Systems**: Develop or modernize databases, user-friendly dashboards, and mobile apps, and leverage technologies like AI and blockchain for streamlined processes and increased efficiency.

- **Public Engagement**: Use real-time, collaborative platforms, public feedback tools, and user-centered design to foster trust and meaningful civic participation.

- **Interagency Collaboration**: Integrating systems, harmonizing standards, and improving cross-agency efforts for seamless governance.

Fiscal Openness

- **Beneficial Ownership Transparency**: Strengthen registries to identify and disclose company owners, improve public accessibility, and ensure compliance with laws like the Corporate Transparency Act.

- **Data Quality and Accessibility**: Upgrade platforms like USAspending.gov and financial databases for greater usability and accuracy.

- **Technology Integration**: Use blockchain for tracking public contracts and AI for policy feedback management.

- **Federal Reporting and Compliance**: Centralize report publication, standardize financial statements, and use dashboards to monitor agency compliance.

- **Expanded Disclosures**: Proactively share legal opinions, advisory records, and corporate crime data.

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Equity and Inclusion

- **Inclusive Cost-Benefit Analysis**: Agencies should consider health, safety, and well-being when analyzing rules, moving beyond strictly economic measures.

- **Voting Access**: Strengthen agency compliance with the Voting Access EO to empower historically excluded communities.

- **Data Equity**: Implement OMB's updated race and ethnicity standards, prioritize disaggregated data by sex and gender, and ensure granular, transparent reporting.

- **Public Engagement**: Enhance access for underserved groups (e.g., language support, disability accommodations), and foster inclusive stakeholder participation.

- **Community-Specific Outreach**: Tailor agency materials and outreach strategies to meet diverse language and cultural needs regionally.

Justice

- **Transparency in Legal Opinions**: DOJ should publish a comprehensive index and release OLC opinions, with exceptions for national security or statutory exemptions.

- **Strengthening Whistleblower Protections**: Update policies, ensure agency cooperation with investigations, and prohibit non disclosure agreements that conflict with whistleblower laws.

- **Justice System Accessibility**: Fund modernization of PACER for free access to court records and create open databases for police accountability and corporate violations.

- **Improved Whistleblower Databases**: Modernize OSHA's Whistleblower Protection Program for accuracy and accessibility.

Media Freedom

- **Reporter Protections**: Advocate for Congress to pass a federal shield law to protect the press and media freedom.

Public Participation

- **Open Access**: Encourage open meetings at agencies like the CDC and FDA, with accessible formats and equal representation of diverse views.

- **Digital Engagement**: Build centralized platforms for real-time interaction, feedback tracking, and collaborative policymaking.

- **Improved Accessibility**: Enhance language resources, distribute user-friendly materials, and consider regional language needs.

- **Modernization**: Adopt collaborative tools, upgrade data systems, and publicize engagement opportunities widely, including through innovative media strategies.

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Committee Q & A

Future Presentations

Daniel Schuman
OG FAC Chair

Use of Google Document

Daniel Schuman
OG FAC Chair

Public Oral Comments

Arthur Brunson
Designated Federal Officer, OG FAC

Public Comment Guidelines

- We have a total of 4 volunteers who registered to provide oral comments

- **3 minutes** per speaker limit

- We kindly request that all individuals providing public oral comments remain respectful and adhere to the commenting policy.- See commenting policy

Public Oral Comment Participants

1. Tanisha Brown
2. Johny Castelli
3. Colin McNamara
4. Stephen Buckley

Closing Remarks & Adjourn

Daniel Schuman, OG FAC Chair
Arthur Brunson, DFO, OG FAC