



**Office of the
United States Trade Representative
Open Government Plan
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Version 1.1**

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I. Introduction

The Office of the U.S. Trade Representative (USTR) is responsible for developing and coordinating U.S. international trade, commodity, and direct investment policy, and overseeing negotiations with other countries. The head of USTR is the U.S. Trade Representative, a Cabinet member who serves as the President's principal trade advisor, negotiator, and spokesperson on trade issues.

USTR provides trade policy leadership and negotiating expertise promoting the Administration's trade policy to open markets throughout the world to create new opportunities and higher living standards for families, farmers, manufacturers, workers, consumers, and businesses. The nature of this mission and our trade advisory, negotiating, monitoring and enforcement and dispute litigation responsibilities requires us to work effectively with a diverse group of stakeholders. *To fully achieve our mission requires the participation of all our stakeholders – the public, non-governmental organizations, states, businesses, other government agencies, and Congress.*

President Obama has charted a course for economic recovery that will restore growth and promote broad-based prosperity. It will emphasize improvements in the living standards of American families while reorienting our economy to meet today's challenges – energy, the environment, and global competitiveness.

Pressing economic conditions require USTR to respond to immediate trade problems while staying true to our long-term goals. The President's approach is to promote adherence to the rules-based international trading system in order to promote economic stability, while introducing new concepts – *including increasing transparency and promoting broader participation in the debate* – to help revitalize economic growth and promote higher living standards at home and abroad.

The clear implication of these global challenges is that simply lowering and eliminating tariffs will not produce a successful trade policy. Managing our nation's trade policy and engagement in the world economy has become an ever more complex challenge. We must bring the same vigor and innovation to making trade policies *more transparent and accountable* that we are now applying to the process of developing and implementing our domestic economic policies.

This plan focuses on expanding the conversation between all of our stakeholders. USTR's goal is to integrate two-way communications to enable more effective trade policies and agreements.

A. Purpose of the Plan

The Office of Management and Budget (OMB) issued the Open Government Directive (OGD) on December 9, 2009. This directive requires all federal agencies to produce an Open Government Plan describing how they will address transparency, participation, and collaboration in their activities.

This document is the first open government plan of USTR. This plan has been developed in accordance with OMB memo M-10-06, Open Government Directive:

“To create an unprecedented and sustained level of openness and accountability in every agency, senior leaders should strive to incorporate the values of transparency, participation, and collaboration into the ongoing work of their agency. Achieving a more open government will require the various professional disciplines within the Government – such as policy, legal, procurement, finance, and technology operations – to work together to define and to develop open government solutions. Integration of various disciplines facilitates organization-wide and lasting change in the way that Government works.”

Assistant United States Trade Representatives (AUSTRs) and other senior USTR officials collaborated in developing the plan as members of USTR’s Open Government Steering Committee.

The plan addresses how: (1) USTR is improving transparency; (2) USTR is improving participation; (3) USTR is improving collaboration; (4) the Open Government Flagship Initiative is incorporating transparency, participation, and collaboration; and (5) USTR is using public and employee involvement to contribute to the plan.

B. Ambassador’s Commitment to Open Government Principles

In a March 3, 2010 press release, United States Trade Representative Ambassador Ron Kirk commented on USTR holding hearings on intellectual property protection and enforcement:

“President Obama has committed to opening up this Administration’s policy efforts to public input. USTR continues to work hard to be inclusive, and to be attentive to the public’s views.”

At USTR’s senior staff meetings, Ambassador Kirk has described the importance of embracing the Open Government initiative at all levels at USTR. He emphasizes doing business with transparency, participation, and collaboration. He noted that from day one of this Administration USTR has developed and implemented a number of new “open government” initiatives. The agency-wide announcement of this initiative stressed the importance of formally creating and institutionalizing a culture of open government:

“Success in open government requires USTR leadership, governance, and culture change to drive transparency, participation (from the public and every employee in USTR), and collaboration.”

In that spirit, USTR established a cross-USTR Open Government Steering Committee. Core membership includes USTR’s Offices of Administration, Intergovernmental Affairs and Public Engagement, Public and Media Affairs, Policy Coordination, FOIA, and General Counsel.

C. Goals and Priorities

USTR is committed to President Obama’s Open Government Initiative, helping to create a government that is transparent, participatory, and collaborative with the American people. As USTR works to create trade policy that benefits American workers and families, the Open Government initiative is a vital tool in maintaining an open dialogue with the American people.

The following are the USTR annual performance goals and metrics that reflect commitment to open government:

Ensure the effective ongoing functioning of existing U.S. free trade agreements, as a means of enhancing U.S. trade and investment objectives and expanding trade and investment between the U.S. and partner countries.

- Establish FTA working groups on small and medium-sized enterprises (SMEs) to facilitate expanded SME trade opportunities under the FTA; invite SMEs from U.S. and FTA partner countries to provide input on the benefits and challenges to SME trade under the FTA.
- Reach out to U.S. stakeholders in the private sector and NGO community for their views on how to improve the export potential of our existing agreements.

Lead and coordinate the interagency process with 21 other Federal agencies at the Trade Policy Staff Committee (TPSC) level and at the Trade Policy Review Group (TPRG) senior policy level. Participate actively in interagency decision-making processes led by other agencies.

- Work with Federal agencies providing assistance to SMEs (including the Small Business Administration, Export-Import Bank of the U.S., Overseas Private Investment Corporation (OPIC)) to more effectively link their work to trade policy and trade promotion goals.
- Work to make 75 percent of decisions on trade policy matters at the TPSC (AUSTR/Assistant Secretary) level to ensure that only the most sensitive and/or important decisions are sent to the Deputies (Undersecretaries) at the TPRG level.
- Work with the State Department through the circular 175 process to ensure coordination and consistency of negotiations and agreements that other agencies conduct with implications for U.S. trade policy objectives.
- Work with State, USAID, and NSC, through the Development Policy Coordination Committee, to ensure collaboration and coordination on trade-related development policy and assistance programs.

Achieve a new level of Congressional access, contact, and consultation.

- Conduct and expand Congressional consultations with a focus on the Committees of Jurisdiction, but with additional contact to include active caucuses, Members, and other committees interested in trade issues.
- Respond to Congressional inquiries in a timely manner and solicit viewpoints as issues arise.
- Conduct regular calls and/or meetings with interested staff to update them on the work of the USTR.
- Regularly consult with Congressional Leadership and Committees of Jurisdiction lead staff for the upcoming week.
- Consult with Small Business Committees on initiatives aimed at increasing exports by small and medium-sized firms in the United States.

Seek Congressional support for USTRs trade agenda and efforts.

- Present arguments effectively to Members and staff for actions we need Congress to take including funding the agency, authorizing necessary programs, approving trade agreements, and supporting initiatives that encourage export promotion.
- Develop and implement a broad consultative process to help ensure support for the Trans-Pacific Partnership by our Committees of Jurisdiction, as well as other committees interested in trade.
- Actively engage Congress to support approval of legislation, if necessary, of programs for Afghanistan and the border areas of Pakistan, with the aim of combating the unemployment and economic underdevelopment that is fueling the insurgency. Ensure a coordinated message from critical Administration stakeholders, working with the Departments of Defense and State, and other agencies.

Build broad coalitions with labor, business, environmental, small businesses, faith-based groups, local activists, consumer, state and local government interests to inform the public of, and build support for, the U. S. trade agenda and to secure Congressional approval of trade agreements and passage of other trade legislation. Continue to develop a robust advisory committee system through appointment and consultation with a diverse and experienced group of advisors.

- Implement USTR’s expanded definition of “outreach.” Take the new USTR message(s) and ensure that our invitation reaches out to every group. Educate the public on how trade works for their families and communities every day.
- Rebrand the image of USTR to ensure that it reflects our open door message and that trade benefits for working Americans are explained.
- Create new opportunities for interested parties to participate and provide a variety of viewpoints on trade in light of the changing global market and current administration’s goals of transparency
- Enhance our Advisory Committee system to make it more reflective of a diversity of opinions and expertise. Increase transparency and increase public access to our experts, while ensuring the ability of USTR to negotiate effectively.

Create a USTR-wide proactive communications strategy to explain the benefits of trade to domestic constituencies and interest groups.

- Use USTR’s website as a communication tool to share information about USTR accomplishments, and as an outreach tool to serve the needs of the public (industry, small business, consumer groups, etc). Use “USTR Main Street,” to inform them of USTR actions/accomplishments, showing how these activities can work for them. Encourage the public to share news with “USTR Main Street.”
- Enhance state and local government outreach and education efforts on the benefits of trade.
- Build a database that is inclusive of all stakeholders. Use this database to share news, accomplishments, and updates from USTR.

Build support for U.S. trade policies and initiatives with a strong domestic and international press strategy that conveys the benefits of a robust, rules-based global trading system for American farmers, ranchers, manufacturers, and service providers, and for our trading partners around the world. In particular, increase use of stateside press to emphasize domestic benefits of trade.

- Focus domestic trade communications on the potential for increased American exports to contribute to job growth and overall domestic economic recovery.
- Communicate USTR’s ongoing mission to fulfill the President’s Trade Policy Agenda to the American people through proactive press engagement and direct interaction with media and the public by Ambassador Kirk, the three Deputy USTRs and a wide variety of

USTR staff. Seek opportunities to amplify USTR's domestic message by establishing or strengthening press partnerships with states, localities, and nongovernmental organizations.

- Communicate U.S. trade policies and positions to our trading partners and to international audiences through relationship-building with foreign media, and by maximizing press opportunities as Ambassador Kirk and other USTR staff travel abroad.
- Communicate successes of a rules-based, robust, and progressive global trading system to both domestic and international audiences.
- Continue the review of all USTR practices to ensure greater transparency.

Work in partnership with the White House and with interagency partners to coordinate an Administration-wide message on trade.

- Coordinate across the Administration, with particular focus on those agencies whose missions intersect most with USTR (including the Department of State, Department of Commerce, Department of Agriculture, and the National Security Council) to accurately describe trade policy and to reflect the President's Trade Policy Agenda, emphasizing together how smart trade policy translates into better lives and better jobs for American families.
- Create connections with these interagency trade communications partners to examine trade messaging and opportunities for coordination.
- Coordinate with export promotion agencies working with SMEs (including the Commerce Department, the Export-Import Bank, and the Small Business Administration) to integrate trade policy and trade promotion efforts in order to identify new opportunities for expanding SME trade.

USTR, particularly the Congressional Affairs and the Intergovernmental Affairs/Public Liaison (IAPL) offices, will work to increase transparency and communication with Congress and with trade stakeholders.

- Ensure that the website is a strong tool for planned outreach efforts such as the USTR Main Street Project; work with IAPL to highlight stories of American families, small businesses, and local economies that benefit from a smart and progressive trade policy.
- Reinforce the website as a portal for input on trade policy from stakeholders and from the public at large.
- Publish a weekly newsletter updating USTR actions, policies, and plans.
- Work cooperatively and in a bipartisan fashion with members of Congress whenever possible to promote shared trade goals in the press.

Increase USTR's use of technology to increase transparency and to communicate the potential benefits of trade.

- Continually improve USTR’s redesigned website to make USTR’s mission and activities more accessible to the public; add additional features to ensure maximum use by members of the media, the public, and stakeholders.
- Continue using new media tools, consistent with White House efforts, to provide supplemental outreach and interaction with the public to the extent possible given budget and staffing constraints. Specifically, utilize web logs, video streams, and interactive graphics as additional avenues of dialogue regarding USTR’s mission to make trade work for American families.

D. Stakeholder Engagement and Plan Development

USTR stakeholders are a broad and diverse cross-section of organizations and individuals, including the general public, non-governmental organizations, businesses, states, Congress, and other federal agencies. To supplement many of our face-to-face meetings with this large and varied group, to solicit input for greater transparency, participation, and collaboration, USTR has been relying on its new website since launch in early 2009. The Office of Public and Media Affairs manages USTR.gov, an interactive website that allows USTR to create and maintain an open dialogue on trade policy. Key features on USTR.gov include an “Ask the Ambassador” section, a blog, social media (Facebook, Twitter), weekly stakeholder newsletter, and an interactive travel map. The Ambassador’s media event schedule is routinely provided weekly to our press contacts. We are posting this for the public too. These initiatives let people know about key USTR events.

Using a new Open Government Feedback Form, the public is encouraged to share their ideas for how USTR’s Open Government Plan can increase transparency, participation, and collaboration. They are asked to tell USTR what information we should prioritize for publication and their thoughts on the quality of our published information. Comments received are provided to all members of the Open Government Steering Committee for discussion and further open government action planning. During the building of this plan, recommendations from the public centered around two issues: the Anti-Counterfeiting Trade Agreement (ACTA) negotiations and all other trade-related meetings. There was a desire to make all advisory committee, negotiating, and policy development meetings, and texts available to the public in “real time.”

USTR will gain experience while executing this Open Government Plan and will apply resulting best practices and lessons learned to existing and future activities. USTR plans to share our experiences with other agencies and to solicit feedback on their successes and challenges. USTR’s Open Government Plan will be a living document, and we expect to provide updates on a periodic basis. Notifications of any planned revisions and revised documents will be available

on the Agency's open government website. USTR is seeking resources to bring on board a new media specialist to manage the initiative.

The public is welcome to submit ideas and feedback on ongoing efforts described in the plan, and USTR will explain how the Agency considered the input. USTR will also share how the public can follow our progress and identify opportunities for participation.

E. Organization and Governance

Leadership commitment is essential for success. In response to the Open Government Directive, USTR established an open government governance structure to guide and conduct immediate activities, to evaluate the need for changes to administrative policies, and to look for ways to institutionalize open government within the organizational structure. Deputy USTR and Assistant U.S. Trade Representative (AUSTR) leadership was tasked to provide staff resources and ideas to implement outreach initiatives.

Ambassador Kirk charged RADM Fred Ames, USCG (Ret.), Assistant U.S. Trade Representative (AUSTR) for Administration, with leading the Open Government initiative. Mr. Ames supervises USTR's Director of Information Technology and Director of Finance and as such his office manages the lifecycle of information and resources that supports USTR's mission. The Office of Administration responsibilities cut across the Agency, and the Office also supports many of the functions necessary to execute, monitor, and report progress in meeting open government principles.

USTR established a cross-agency Open Government Steering Committee made up of Senior Executive Service employees from key responsible offices within the Agency. This group is charged with setting open government policy and direction while meeting legal and intergovernmental deliberation requirements. The group also works to secure resources in support of USTR's plan and associated projects. Core membership includes the Office of Administration; Office of the General Counsel; Office of Public and Media Affairs; Office of Economic Affairs; Office of Intergovernmental Affairs and Public Engagement; Office of Small Business, Market Access and Industrial Competitiveness; Office of Policy Coordination and Information; Office of Congressional Affairs; Office of Southeast Asia and the Pacific; and the Office of Intellectual Property and Innovation.

The Open Government Steering Committee regularly reports out to the Chief of Staff and Deputy USTR's. The Committee is supported by two teams:

- Open Government Media Team: Staff from the Office of Public and Media Affairs and the Office of Intergovernmental Affairs and Public Liaison. This team is responsible for direct interaction with the public and key stakeholders.
- Open Government Data Team: Staff from the Office of Administration and the Office of Policy Coordination and Information. This team is responsible for posting data, monitoring plan progress, and coordinating revisions to the plan.

F. Changing the Culture

In the March 2010, the President's Trade Agenda: Making Trade Work for American Families was released. In this new agenda, an explicit change in culture was embraced:

“U.S. trade policy development needs to become more transparent. Many stakeholders are frustrated with the lack of consultation involved in the development and implementation of trade policy, but we can and should expand public participation in advising U.S. trade negotiators. The methods for doing so will have to evolve but improved websites for the trade policy agencies and more public consultation venues outside the established advisory groups are important steps toward this goal.”

From the beginning of the new Administration, USTR's leadership and staff have embraced openness in a variety of ways. USTR rebranded its image to ensure that it reflects an open door message and that trade benefits for the average American are well understood. USTR began leveraging technology with the launch of a new website in early 2009 to help us meet the principles of open government—transparency, participation, and collaboration.

USTR is taking unprecedented steps towards openness in negotiations.

- The President's 2010 Trade Policy Agenda, http://www.ustr.gov/webfm_send/1673, explicitly discusses commitment to greater transparency in the crafting of trade policy and pledging to engage fully with diverse stakeholders in America in developing trade agreement negotiating objectives. USTR has undertaken a review of the transparency policies for trade negotiations and has listened to the public's call for more disclosure.
- Anti-Counterfeiting Trade Agreement (ACTA) negotiations. The most recent evidence of this new transparency is the release of the draft text of the Anti-Counterfeiting Trade Agreement (ACTA) on April 21st. USTR intensively consulting internally, with the White House, and with other agencies since last year to develop a strategy for enhancing transparency of the ACTA negotiations. As a result of that process, USTR decided to support and work with our trading partners to release bracketed text showing the current state of the

negotiations. The ACTA participants announced their unanimous agreement to release the text on April 16, 2010, following the 8th round of the ACTA negotiations in Wellington, New Zealand. The text is available on the USTR website: www.ustr.gov/acta.

- USTR's Flagship Initiative will focus on the new Trans-Pacific Partnership (TPP) free trade agreement negotiations. The Administration is developing its negotiating objectives for the TPP Agreement consistent with its pledge to engage fully with diverse stakeholders in America. To that end, this Administration has embarked upon an unprecedented scale and scope of consultative outreach related to TPP involving all 50 states and Congressional Committees of Jurisdiction and other interested committees. As the TPP negotiations proceed, USTR will continue active outreach to industry, NGOs, and other stakeholders, including outreach in an effort to ensure that stakeholders around the country understand the goals of this negotiation and can contribute to the development of a new 21st-century trade agreement that reflect U.S. priorities and values. For example, USTR formally invited interested stakeholders (unprecedented) to the second round of negotiations in San Francisco, June 2010. A room was provided to enable the stakeholders to meet with negotiators and discuss their issues and priorities. Daily briefings on developments in the negotiations from the preceding day and the agenda for the current day were provided.

USTR will continue using new media tools, consistent with White House efforts, to provide supplemental outreach and interaction with the public. Web logs, video streams, Facebook, Twitter, e-newsletter, events and speeches around the country serve as avenues of dialogue regarding USTR's mission to make trade work for American families.

USTR's OpenGov website allows for the American public to ask USTR questions, review Annual Freedom of Information Act (FOIA) reports, and contact USTR officials. As USTR works to create trade policy that benefits American workers and families, the Open Government initiative is a vital tool in maintaining an open dialogue with the American people.

To further create and institutionalize a culture of open government at USTR, we solicited interested employees throughout the Agency to represent their regional and functional offices on the Open Government Steering Committee. We have opened lines of communication to all employees for their ideas on this initiative. We shared the draft Open Government Plan with all employees and incorporated their ideas for improvement. As a result, we made substantive improvements to the plan and both internal processes and our website along the way.

These actions and others under consideration not only open USTR to the public, they give USTR staff at all levels of the organization insight into their senior leadership, mission progress, and a new way of doing business in the sunlight.

USTR's Open Government Steering Committee is actively investigating other means to continue expanding the conversation at USTR, including incentives/recognition, financial awards, training and a communication plan.

Our Open Government Plan continues to foster USTR's commitment to openness with a mission-focused framework for engaging our stakeholders, especially the public.

G. Measuring the Success of Open Government

USTR anticipates a progression over time in how we measure the success of Open Government.

Some of that measurement will be qualitative (i.e., how well we execute on this plan and our performance goals and objectives). We will report progress with respect to execution of the plan to the public on our Open Government website (www.ustr.gov/open) on a quarterly basis in the "Evaluating Our Progress" area.

In development are the quantitative metrics for the success of Open Government at USTR. Our current metrics are:

Transparency:

Number of high-value data sets published.

Freedom of Information Act (FOIA) backlog, time to respond, and total requests processed.

Participation and Collaboration:

Number of opportunities for the public to provide input into the work of the Agency.

Number of USTR public collaboration activities.

These metrics will need to be refined and others added via cross-USTR dialogue as our work progresses. USTR will look to the public to help us define relevant measures. USTR will develop standard metrics for measuring the success of efforts to engage the public. These metrics will go beyond volume of participation (e.g., number of comments received) to the impact of participation (e.g., number of ideas from the public that are adopted and what impact they have on results delivered by the Agency). Target date for developing standard metrics is September 30, 2010.

The ultimate measure of the success of Open Government at USTR is its impact on achieving our mission, which requires the participation of all our stakeholders—the public, non-governmental organizations, states, businesses, other government agencies, and Congress. The central objective of Open Government is to enable USTR to deliver better on its mission of opening markets throughout the world to create new opportunities and higher living standards for families, farmers, manufacturers, workers, consumers, and businesses. In our reports on our Open Government execution, we will describe the qualitative and quantitative impact that Open Government is having on USTR’s mission performance as part of an ongoing evaluation of the effectiveness of our Open Government programs and policies.

II. Transparency

A. High-Value Data Sets

1. *High-Value Information Inventory*

As the trade policy agency within the Executive Office of the President (EOP), USTR does not produce original data sets. USTR uses trade-related data produced by other Federal government trade-related agencies and international organizations, such as the U.S Agency for International Development (USAID), the U.S. International Trade Commission (USITC), and the World Trade Organization (WTO). USTR's content-rich website contains trade policy information and links to important trade data. For example, under the "Trade Toolbox," links to the USITC and WTO provides valuable trade data collected and maintained by those organizations. Access is also available to applicable U.S. Trade Laws and other related trade links. All trade agreements between the U.S. and other countries are also posted, along with the associated Advisory Committee Reports and the final texts of the agreements. All trade dispute settlement matters are available in their entirety. In total there are more than 20,000 documents posted. A link to "USTR Archives" on the front page of the website provides access to previous Administration trade documents.

USTR consulted via our Open Government Steering Committee and reached out to all employees for their ideas on making available high-value data sets. To meet the initial OMB Open Government Directive requirement for posting three high-value data sets, USTR posted its Freedom of Information Act (FOIA) logs and its trade data set from the Annual Trade Report on its Open Government website, www.USTR.gov/open.

USTR completed a review of the 20,000 documents and found approximately 12,000 in html format such as blog entries, press releases, fact sheets, and landing pages. The remainder are primarily .pdf format converted directly from Microsoft Word or Excel spreadsheets (as opposed to scan of an image) and as such are machine readable to the extent necessary (e.g., the contents are indexed by automated search engines and therefore readily discovered). USTR identified 23 of those .pdf(s) (tariff schedules) that are appropriate for posting on data.gov. These will be converted to a raw format which allows adding machine readable metadata, so they are readily "mashable" with other data. See "Proposed New Data Sets" below.

During the collaboration process, new ideas were suggested to make trade information readily accessible and useable by business and the public. For example, USTR discovered that the “Trade Capacity Building Database,” maintained by the U.S Agency for International Development (USAID) was not clearly linked from our Trade Capacity Building (TCB) webpage. In response, we changed the landing text to expand the hyperlink to “database maintained by USAID” and added a second hyperlink titled “Database of US Govt. Trade Capacity Building” to the right call out box of “TCB Resources.” Another suggestion implemented was to insert hyperlinks into the overview of dispute settlement matters documents: Dispute Settlement Update and Snapshot of WTO Cases Involving the United States at: <http://www.ustr.gov/trade-topics/enforcement/overview-dispute-settlement-matters>. This makes it easier to locate the individual disputes for further information.

2. Proposed New Data Sets

USTR identified high-value information not previously available and established target dates for posting.

a. Trade Agreements in Plain English and Tariff Schedules

All free trade agreements (FTAs) are posted in their entirety. As these are written as legal documents, they do not readily lend themselves to use by the general public, especially businesses seeking information as to how particular agreements affects the products and services they would like to sell to the partner countries. Therefore, USTR is working on a pilot project to post “plain English” summaries of the agreements in an open government format along with the associated country tariff schedules as datasets. The latter are especially high value as USTR receives numerous calls for information that would now be readily available and downloadable. There are 23 FTA tariff schedules of almost 30,000 lines of data each.

USTR has established a target date of December 31, 2011 for posting the FTA tariff schedules. This initiative will take a significant amount of coordination across every office of USTR to locate and perhaps create/recreate the necessary documents. As a result, the data sets will significantly aid companies and the public in understanding our trade agreements and obtaining the information they may need. The process to collect and post the data is as follows for the Australia FTA pilot:

- Extracting the long and short summaries that explain the FTA,
- Locating the chapter by chapter summary of the FTA as well as the Department of Commerce’s explanation of the commercial benefits of the FTA (both part of the FTA package sent to Congress),

- Obtaining the excel version of the FTA tariff schedule so it can be converted into an open government format, and
- Developing the mock-up of this new US-Australia FTA landing page on the USTR website for further consideration among policy offices (since it would then be replicated for all other implemented FTAs).

Proceeding through each individual FTA, some portion of this information may not be available or complete which will require drafting new language.

b. Freedom of Information Act Requests and Responses

USTR will begin publishing each incoming Freedom of Information Act (FOIA) request and its response. USTR will work on publishing the past FOIAs and associated responses of likely greatest interest to the public for 2007 to the present. Target date for completion is February 1, 2011.

B. Transparency Initiatives

1. *Complying with Transparency Initiative Guidance*

USTR has reviewed existing US Government transparency initiative guidance including eRulemaking, IT Dashboard, Recovery.gov, and USAspending.gov. Of these initiatives, only eRulemaking (www.regulations.gov) currently applies to USTR. USTR implemented eRulemaking in October 2008. Since then, over 3,200 public comments have been received in response to public notices posted by USTR. Public submissions to regulations.gov are posted back out for public review within two days. eRulemaking provides optimum consistency, transparency, and records management for USTR's comment solicitation process with the public.

2. *Informing Public of Significant Actions and Business of USTR*

The following actions are being taken to inform the public through a varied set of forums and initiatives.

a. Trade Negotiations

USTR undertook a review of the transparency policies for trade negotiations. Confidentiality remains an essential tool of diplomacy; but, timely public debate and review of major agreements is also essential. In the case of significant agreements that do not require Senate

advice and consent or Congressional approval, USTR introduced other means during FY 2010 to assist meaningful public comment. Some of these initiatives are outlined as follows.

USTR's Flagship Initiative is the new [Trans-Pacific Partnership \(TPP\) Free Trade Agreement](#) negotiations. This new initiative presented an excellent opportunity to engage more robustly and in new ways with the American public to gain input as the Administration crafts its trade policy. Public outreach and participation actions are described in Part V. These actions are being implemented during the first three rounds of the negotiations which are taking place from March 2010 through September 2010.

b. Anti-Counterfeiting Trade Agreement (ACTA)

The [draft text](#) of the Anti-Counterfeiting Trade Agreement (ACTA) was released on April 21, 2010. The text is available on the USTR website: www.ustr.gov/acta.

USTR has laid out the policy premises for the ACTA negotiation and the details of the negotiating process more fully than in the past. USTR sought advice from a broad group of experts, including representatives of intellectual property rights holders, Internet intermediaries, non-governmental organizations (NGOs), and others, about prospective U.S. positions on IPR enforcement in the digital environment. USTR won an endorsement from the countries in the negotiation of the importance of providing for meaningful public input to the negotiating process before its conclusion. USTR has been consulting intensively internally, with the White House, and with other agencies since last year to develop a strategy for further enhancing transparency of the ACTA negotiations. As a result of that process, USTR decided to support and work with our trading partners for agreement to release bracketed text showing the current state of the negotiations. The ACTA participants announced their unanimous agreement to release the text on April 16, 2010, following the 8th round of the ACTA negotiations in Wellington, New Zealand.

c. First-Ever Reports on Agricultural, Technical Barriers to U.S. Exports

In March 2010 USTR transmitted to Congress the [2010 National Trade Estimate \(NTE\)](#), which describes significant barriers to U.S. trade and investment faced in the last year as well as the actions being taken by USTR to address those barriers. In addition, USTR delivered two new, related reports focusing specifically on sanitary and phytosanitary barriers and technical barriers to trade that harm the ability of America's agricultural producers and manufacturers to export around the world. In announcing the release, Ambassador Kirk noted:

“The Obama Administration is following through on its commitment to call out and break down barriers to American exports worldwide. This year, we’ve gone beyond obligatory reporting to focus on some of the toughest hurdles America’s farmers, ranchers, and manufacturers face when they try to sell overseas. USTR will take the information in these new reports, as well as in the National Trade Estimate itself, and use all the tools that we have to get these markets open to American products.”

d. Special 301

USTR held a first ever public hearing as a part of the Special 301 review, a process that culminates in the release of the annual [Special 301 Report](#) evaluating trading partners’ intellectual property rights (IPR) protections and enforcement. The hearing opened the floor to more than two dozen individuals representing foreign governments, non-governmental organizations, and industry groups. Those individuals offered testimony to the interagency Special 301 subcommittee regarding a range of intellectual property matters, including pharmaceutical patents and digital copyright infringement. Full audio from the hearing was posted on www.ustr.gov. This Special 301 hearing is a prime example of USTR’s direct engagement with members of the public and stakeholders.

e. Federal Trade Advisory Committee Process

USTR’s Office of Intergovernmental Affairs and Public Engagement (IAPE) administers the federal trade advisory committee system and provides outreach to, and facilitates dialogue with, state and local governments, the business and agricultural communities, labor, environmental, consumer, and other domestic groups on trade policy issues. The advisory committee system, established by the U.S. Congress in 1974, was created to ensure that U.S. trade policy and trade negotiating objectives adequately reflect U.S. public and private sector interests. The advisory committee system consists of 28 advisory committees, with a total membership of approximately 700 advisors.

USTR is committed to ensuring the public has notice of the date and schedule of all advisory committee meetings. For the committees which USTR has sole jurisdiction: Advisory Committee for Trade Policy and Negotiations (ACTPN), Trade and Environment Policy Advisory Committee (TEPAC), Intergovernmental Policy Advisory Committee (IGPAC), and Trade Advisory Committee on Africa (TACA), and upon approval by our co-administrators for those committees which are jointly administered with other agencies: Labor Advisory Committee (LAC), Industry Trade Advisory Committees (ITACs), Agricultural Advisory Committee (APAC), and Agricultural Technical Advisory Committee for Trade (ATAC), meeting schedules began posting in May 2010 on the USTR website under “[Calendar of Events](#).”

Future meeting dates are posted at the same time as meeting notices are sent to the members. Posting of the committee schedules will increase the public's awareness of the issues and allow for greater consultation with all stakeholders. See <http://www.ustr.gov/about-us/intergovernmental-affairs/advisory-committees> for further information on the advisory committee system, functions and membership.

f. State Coordination

The Office of Intergovernmental Affairs and Public Engagement (IAPE) is designated the North American Free Trade Agreement (NAFTA) and World Trade Organization (WTO) State Coordinator. As such, the office serves as the liaison to state points of contact and state and local government officials and associations on trade issues of interest. IAPE coordinates USTR's outreach through facilitating USTR briefings; participating in public speaking engagements; notification of USTR notices in the Federal Register soliciting written comments from the public; publicizing Trade Policy Staff Committee (TPSC) public hearings; and meeting with a broad spectrum of groups at their request. A "[States Specific Benefits](#)" interactive map webpage allows the public to click on their state to see how trade benefits where they live. All of these initiatives are implemented.

g. New Media Website and Social Media Tools

The Office of Public and Media Affairs manages [USTR.gov](http://ustr.gov), an interactive website that allows USTR to create and maintain an open dialogue on trade policy. Key features on [USTR.gov](http://ustr.gov) include an "[Ask the Ambassador](#)" section, a blog, a "[Weekly Trade Spotlight](#)," and an interactive travel map. The website's blog is used to inform the public of upcoming events, as well as current events at USTR. The public can sign up for the USTR "[Trade Talk Email Newsletter](#)." This email newsletter contains news and information regarding United States trade policy and is delivered electronically to subscribers who have requested to receive correspondence from USTR. USTR is using the following social media tools: Twitter, Youtube, Vimeo, Flickr, Facebook. On a monthly basis the metrics that indicate the level of interest (e.g., number visits, posts, "fans") is tracked as available from the tool. These initiatives are all implemented. In addition, USTR will offer users of [USTR.gov](http://ustr.gov) the opportunity to register to receive alerts via email when sections of the website are updated. Target completion is November 1, 2010.

3. **Records Management**

USTR is responsible for creating and preserving records that adequately and properly document the organization, functions, policies, decisions, procedures, and essential transactions of USTR. USTR's records management policy establishes specific requirements under which USTR records are effectively and efficiently managed throughout their lifecycle to facilitate the accomplishment of USTR's programmatic and administrative missions; to preserve official USTR records in accordance with applicable statutory and regulatory requirements; and to promote access to information by USTR staff, USTR partners, and the public, as appropriate. This responsibility is delegated to the Assistant U.S. Trade Representative (AUSTR) for Administration.

The AUSTR for Administration is responsible for leadership, planning, overall policy, guidance, and general oversight of records management in the Agency, and its incorporation into the broader information resources management framework. The Office of General Counsel assists in determining what records are needed to provide adequate and proper documentation of USTR activities and in specifying appropriate disposition for USTR records. The Office of General Counsel also assists in determining the retention of Agency records that may be needed for internal investigation and audit purposes.

The vital records program is one element of the Agency's emergency management and disaster preparedness and records management functions. USTR must identify and protect those mission essential records that specify how USTR will operate in case of an emergency, disaster, or threat of disruption, and those records essential to the continued operations of the Agency. Supporting documents include USTR's Continuity of Operations Plan (COOP). The Executive Office of the President's central file servers and email system are designed to remain available in case of an emergency, disaster, or threat of disruption. All USTR vital records are stored on these systems.

Further information on USTR's record management system and vital records can be found at: <http://www.ustr.gov/about-us/reading-room/freedom-information-act-foia/electronic-reading-room>.

4. **Freedom of Information Act**

The Freedom of Information Act (FOIA) Program at the Office of the U.S. Trade Representative (USTR) is located in the Office of Policy Coordination and operates under the authority of the Assistant USTR for Policy Coordination, who is the Chief FOIA Officer for the Agency. The FOIA Program is managed by the Chief FOIA officer with a FOIA specialist and a FOIA Attorney. Together they provide guidance to the Agency's 240 employees on FOIA policy,

including the new presumption of openness outlined in the Attorney General's FOIA guidelines, dated March 19, 2009.

On receipt of a FOIA request, the FOIA specialist transmits the request by e-mail to the action Assistant USTR(s) who has 48 hours to name the person on his/her staff that will be responsible for the FOIA. The FOIA specialist adds the FOIA to the FOIA log, and transmits the due date to the action officer. At a weekly FOIA meeting of the Chief FOIA Officer, the specialist and the attorney, the status of all FOIAs is reviewed and the action offices are contacted to ascertain if they are on course to complete the FOIA.

In the new Administration, several changes have been made to the FOIA program to make it more responsive to the public. The President's FOIA Memorandum and the Attorney General's FOIA guidelines have been discussed in Senior Staff meetings to ensure that all managers understand the presumption of openness. The USTR and the General Counsel have underscored the importance of transparency throughout the Agency, and particularly in the FOIA program. To be sure that the Attorney General's guidelines were well understood, USTR contacted the Justice Department to arrange for a training session by two of their attorneys. Each USTR unit designated at least one individual to attend the training and to brief their office mates.

To respond to FOIA requests with more accurate information and in a timelier manner, the USTR FOIA Staff instituted a process of contacting requestors with the relevant USTR staff present to achieve a precise understanding of the scope of the request. If the request is overly broad, USTR will seek to narrow it to match the requestor's interest, and, therefore respond with more accurate information. In addition, USTR has instituted a policy of having a FOIA staff member personally review and challenge every individual exemption for openness with the responding office in every FOIA request.

In order to fully automate the FOIA program and cut down on processing time for FOIA requests, USTR recently subscribed to Public Records Tracker, a web-based document management service. Two FOIA staff members have attended a web training session for the program. In addition, all outstanding FOIAs were entered into the tracking system of the Executive Secretary of the Agency. The tracked documents are circulated weekly to the Senior Staff. This system ensures that FOIAs are given the highest visibility within the Agency and that follow-up on late FOIAs takes place in a timely fashion. The adoption of these two systems will enhance USTR's ability to establish and monitor metrics regarding timely processing.

USTR receives about 50 FOIA requests per year. They generally fall into one of four categories: trade agreement negotiating documents, correspondence with members of Congress, correspondence with interest groups, and disputes documents.

USTR is pledged to reduce its backlog by 10 percent a year, as called for by this Administration, which will bring its backlog to 17 by September 30, 2010. USTR will monitor this goal on a monthly basis to ensure that it is met. In 2008, USTR undertook a three-year backlog reduction plan, which is available at <http://www.ustr.gov/sites/default/files/FOIA-Backlog-Goals.pdf>. The Obama Administration's goal exceeds this earlier benchmark.

During the month of June 2010, FOIA response training was provided to all USTR employees. This mandatory training explained the FOIA program requirements and the fundamental commitment of the Administration to open government as underscored by the Attorney General's memorandum of March 19, 2009: presumption of openness, FOIA is everyone's responsibility, and working proactively and promptly.

As part of this Open Government initiative, USTR will begin publishing each incoming FOIA request and its response. Additionally, USTR will publish past FOIAs and associated responses, beginning with those of likely greatest interest to the public.

The following web site link further details on USTR's FOIA process: <http://www.ustr.gov/about-us/reading-room/freedom-information-act-foia>. USTR Annual FOIA Reports (in both PDF and XML formats) are available at: <http://www.ustr.gov/about-us/reading-room/freedom-information-act-foia/annual-foia-reports>.

5. *Congressional Requests for Information.*

The Office of Congressional Affairs plays a pivotal role in the development of U.S. trade policy through communication with the U.S. Congress. The Office manages relations with Congress for the U.S. Trade Representative. The Office of Congressional Affairs acts as a point of contact for staff and members of Congress to ensure that our trade policy is responsive to their needs and interests.

The Office of Congressional Affairs provides briefings to Congress and interested third party stakeholders, responds to Congressional inquiries, provides advice to Congressional constituents, and coordinates with other USTR offices to help negotiate trade agreements and resolve trade disputes. Transcripts of all past hearings and notices of upcoming hearings are posted on the USTR website.

The Office is staffed with an Assistant U.S. Trade Representative for Congressional Affairs, a Deputy Assistant U.S. Trade Representative for Congressional Affairs, and normally two or three Congressional Affairs Assistants.

a. Responding to Congressional Requests for Information

The Office of Congressional Affairs also oversees all Congressional correspondence. When a Congressional letter or request for information is received by the USTR, it is entered into our tracking system, and tasked out to the appropriate staff for response. USTR's Correspondence Analyst follows up and works with USTR offices, as appropriate, to ensure items are responded to in a timely manner.

Along with the Executive Office of the President (EOP), USTR is implementing a new Customer Relationship Management (CRM) system. USTR plans to migrate to the new system by July 2010. The new CRM system gives the USTR several new capabilities that provides for more efficient management of correspondence. The system will allow our small staff to respond to a large number of customers, quickly and efficiently.

USTR's process provides high-level visibility of all Congressional correspondence. Our goal is to guarantee that all Senators, Congressmen, and in particular Committee leadership have been afforded the benefit of written USTR responses before the Ambassador is scheduled to meet with them.

Further information is available at: <http://www.ustr.gov/about-us/congressional-affairs>.

6. Declassification Program

USTR annually reports to the Information Security Oversight Office (ISOO) all material which was originally classified by USTR Original Classification Authority (OCA) during the fiscal year, as well as all material derivatively classified as part of USTR's operations. As part of the annual review/report, all newly classified material is independently reviewed by the Director of Security for possible declassification consideration. Throughout the year, the USTR conducts coordination with the CIA Declassification Center to review for declassification all USTR classified material and equities that have reached the 25-year mark for declassification. To expedite the process and ensure public availability of government information that no longer requires classification after 25 years, the CIA has arranged with USTR to automatically declassify USTR documents unless USTR instructs it otherwise. USTR declassification program can be found at: <http://www.ustr.gov/about-us/reading-room/public-handbook-gaining-access-ustr-information>.

III. Participation

A. Web Links

The following is a description of and links to appropriate websites where the public and advisors can engage in existing participatory processes of USTR.

www.regulations.gov. The public may provide / review comments regarding USTR's proposed rulemaking and non-rulemaking trade initiatives.

<http://www.ustr.gov/about-us/press-office/ask-ambassador>. The public may ask the USTR Ambassador questions. A variety of questions on popular or current topics are chosen to be answered on the USTR.gov blog. Those not answered on the blog are logged and routed for response through electronic correspondence in the Executive Secretary's office.

<http://www.ustr.gov/about-us/contact-us/your-comment>. The public may send questions, comments, or concerns about trade issues to the Office of the U.S. Trade Representative.

"Advisors.gov." USTR cleared advisors serving in the statutory advisory committee system may access confidential documents online via a password-protected secure encrypted website, and provide input to trade negotiators.

B. USTR Redesigned Website

As USTR develops and maintains its Open Government Plan, we seek the public's input on the information we currently provide on our content-rich website, www.ustr.gov. USTR's website underwent an extensive redesign effort completed in June 2009. The redesign addressed a number of issues including compliance with Section 508 (accessibility for visually impaired). The new design enables flexible site growth and expansion, effectively communicates USTR's brand, and is inviting to user interaction. The website enables Americans to follow trade policy news and updates, as well as to share their questions and their trade stories with USTR. USTR also launched social media outreach including Facebook and Twitter feeds, where Americans across the country and people around the globe can get the most up-to-date information about USTR's actions.

USTR seeks to continually improve the redesigned website to make USTR's mission and activities more accessible to the public and adding additional features such as livestreams, interactive videos and more to ensure maximum use by members of the media, the public, and stakeholders. In keeping with this continuous improvement initiative, in June 2010 we re-launched a new front page for the website with increased accessibility and enhanced features.

C. Public Comment and Hearings

USTR extended the expansion of comment and advice into the Special 301 process that pinpoints key challenges for U.S. intellectual property-based businesses affected by piracy, counterfeiting, and other forms of IPR theft. In 2010, USTR introduced a more far-ranging public hearing to assure that Special 301 decisions are based on a robust understanding of complicated issues involving intellectual property. USTR's commitment to public engagement will contribute to the development and implementation of sound, well-balanced trade policies to ensure the protection and enforcement of intellectual property rights.

D. Trade Advisory Groups Membership Review

Membership on official trade advisory groups was reviewed to increase the diversity of perspectives from citizens with expertise on the issues. New membership rosters were announced as committees came up for re-chartering, beginning in the first quarter of this year. In keeping with the President's goal of reducing the influence of special interests on U.S. policy, the Administration also has announced that registered lobbyists will not be appointed (or reappointed) to these committees in the future.

E. Outreach to New Stakeholders

USTR will continue to expand our definition of "outreach" with new USTR messages and ensuring that our invitation reaches out to every group by expanding outreach events around the country to include new stakeholders, especially small businesses, and utilizing electronic communications tools such as the e-newsletter and web and video to reach new stakeholders. This is an on-going initiative and will expand as resources permit.

F. Open Door Message

USTR rebranded its image to ensure that it reflects our open door message and that trade benefits for the average American are well understood. USTR will continue using new media tools, consistent with White House efforts, to provide supplemental outreach and interaction with the public to the extent possible given budget and staffing constraints. Specifically, USTR will seek to utilize web logs, video streams, and interactive graphics as additional avenues of dialogue regarding USTR’s mission to make trade work for American families. This is an on-going initiative and will expand as resources permit.

G. Benefits of Trade and Trade Toolbox

USTR uses the website as a communication tool to share information about USTR accomplishments and as an outreach tool to serve the needs of the public (industry, small business, consumer groups, etc). In June 2010, USTR re- developed the “Benefits of Trade and Trade Tool Box.” USTR wanted to hear directly from the real people behind the trade data: the workers, farmers, ranchers, manufacturers, and service providers who make our economy go and grow. This feature engages the public with trade information and stories showing how these activities work for others and thereby can work for them. The public is encouraged to share their individual stories. This tool reflects real peoples’ stories and allows direct and personal communication.

H. Media Engagement

USTR will continue to communicate to the American people USTR’s ongoing mission to fulfill the President’s Trade Policy Agenda, through proactive press engagement and direct interaction with media and the public by Ambassador Kirk and a wide variety of USTR staff. Opportunities will be sought to amplify USTR’s domestic message by establishing or strengthening press partnerships with states, localities, and non-governmental organizations. This is an on-going initiative expanding as resources permit.

IV. Collaboration

USTR's new process of collaboration for trade policy development is described within this link to the [President's Trade Policy Agenda](#) and is further expanded in this plan.

A. Open Government Webpage

USTR launched its [Open Government Webpage](#) on February 5, 2010. USTR is committed to President Obama's Open Government Initiative, helping to create a government that is transparent, participatory, and collaborative with the American people. USTR's Webpage page allows for the American public to ask USTR questions, review Annual Freedom of Information Act (FOIA) reports, and contact USTR officials. As USTR works to create trade policy that benefits American workers and families, our Open Government initiative is a vital tool in maintaining an open dialogue with the American people.

B. Interagency Collaboration

USTR has primary responsibility, with the advice of the interagency trade policy organization, for developing and coordinating the implementation of U.S. trade policy. Under the Trade Expansion Act of 1962, Congress established an interagency trade policy mechanism to assist with the implementation of these responsibilities. The mechanism has three tiers: the National Economic Council located in the White House, the Trade Policy Review Group (TPRG) and the Trade Policy Staff Committee (TPSC) - both chaired by USTR.

The Office of Policy Coordination is responsible for convening the twenty agencies that make up the Trade Policy Review Group and the Trade Policy Staff Committee to review policy papers and negotiating documents. The Office advises the USTR on how to resolve policy differences among the agencies, since all decisions require consensus. On average, the office negotiates agreement on 285 policy papers and negotiating documents annually, and chairs 54 TPSC and TPRG meetings. The Office is also responsible for eliciting advice from the public on policy decisions and negotiations through public hearings and Federal Register notices.

C. Small and Medium-Sized Enterprises

USTR is working to enhance its efforts to address key small business challenges and priorities in our policy initiatives. In January, Ambassador Kirk designated an AUSTR responsible for small

business to help coordinate and better reflect small business priorities in our trade policy activities. To better understand SME performance and to help guide U.S. trade policy activities, USTR requested the U.S. International Trade Commission to prepare a series of reports on U.S. SMEs in international trade.

USTR is establishing, as appropriate, working groups on small and medium-sized enterprises (SMEs) under Free Trade Agreements (FTAs) and other trade initiatives, to facilitate expanded SME trade opportunities. SMEs will be invited to provide input on the benefits and challenges to SMEs in accessing markets abroad in the context of the Trans-Pacific Partnership Agreement (TPP), free trade agreements and other initiatives.

USTR is coordinating with export promotion agencies working with SMEs (including the Commerce Department, the Export-Import Bank, and the Small Business Administration) to integrate trade policy and trade promotion efforts in order to identify new opportunities for expanding SME trade. USTR and other agencies are working to expand SME exports as a priority under the Administration's National Export Initiative. USTR also participates in the interagency Trade Promotion Coordinating Committee (TPCC) working group on SMEs.

USTR is conducting outreach events with other agencies, including some focused on expanding SME trade. For example, USTR convened an SME conference in Washington in January to hear directly from SMEs around the country, "Jobs on Main Street, Customers around the World," with Ambassador Kirk, SBA Administrator Mills, Commerce Undersecretary Hightower and other senior Administration officials. Ambassador Kirk, Export-Import Bank Chairman and President Hochberg and Commerce Secretary Locke also participated in an SME forum in Illinois with Senator Durbin. Ambassador Kirk has met with SMEs around the country to discuss the U.S. trade agenda. USTR is highlighting SME export success stories on its website blog, www.ustr.gov.

D. Interactive Events

USTR is creating new opportunities through events with the USTR and USTR staff, for interested parties to participate and provide a variety of viewpoints on trade in light of the changing global market and the Administration's goals of transparency. As an example, USTR initiated TPP "webchats," involving a comment form specifically for TPP at <http://www.ustr.gov/tpp/comment>. This form is used in conjunction with the blog to provide a near real-time chat for interaction with public comments.

E. Increased Access to Experts

USTR is increasing transparency and public access to our experts, while ensuring the ability of USTR to negotiate effectively by enhancing the Advisory Committee system to make it more reflective of a diversity of opinions and expertise. As described in above, membership on official trade advisory groups was reviewed to increase the diversity of perspectives from citizens with expertise on the issues. New membership rosters will be announced as committees come up for re-chartering. For the committees which USTR has sole jurisdiction, this process is complete. For those committees which are jointly administered with other agencies, this process is partially complete; Federal Register notices have been posted.

F. Intragovernmental Coordination

USTR will coordinate across the Administration, with particular focus on those agencies whose missions intersect most with USTR (including the Department of State, Department of Commerce, Department of Agriculture, and the National Security Council) to accurately describe trade policy and to reflect the President's Trade Policy Agenda, emphasizing together how smart trade policy translates into better lives and better jobs for American families. In particular, USTR is a member of the Open Government Jobs Working Group. The Group was established to document the Administration's commitment to economic recovery and job growth. The Group will operate with an unprecedented level of openness and accountability and harness new processes, methodologies, and technologies to disseminate trusted information rapidly and in a form the public can readily use. The Group's specific actions - within the principles of transparency, participation, and collaboration - will identify existing programs, jobs data, and strategic drivers in a way that demands collaboration and robust participation by the public. As one of its first objectives, the Group is creating a database of ongoing programs that identify market opportunities. USTR developed a comprehensive list of recent initiatives targeted at opening markets and promoting job creation through barrier reductions and new negotiations to increase American exports.

G. Connections with Trade Communications Partners

USTR is creating connections with trade communications partners to examine trade messaging and opportunities for coordination. In particular, the Office of Public and Media Affairs will continue to participate actively in the Trade Promotion Coordinating Committee (TPCC) in the service of the President's National Export Initiative and will continue to coordinate with international trade communications partners individually and through multilateral forums such as

the Trade Communicators group at the Organization for Economic Cooperation and Development. This is an on-going initiative.

H. Trade Education

USTR will plan joint “trade education” events with other agencies, including some focused on expanding SME trade with particular regions. For example, a proposal by one of our advisors to the Trade Advisory Committee on Africa (TACA) aligns with a paper prepared jointly with the Department of Commerce to hold a series of Africa trade and investment seminars around the country. This initiative is in the planning stages and will be implemented as funding becomes available in FY 2011.

I. Dispute Settlement Proceedings

USTR will consult interagency, with Congress, and with outside stakeholders when considering initiation of a WTO or FTA dispute settlement proceeding. This is an on-going initiative.

J. New Technology Platforms

A technology platform under consideration to improve collaboration among people within and outside USTR includes taking advantage of planned enhancements to the [Federal Docket Management System](#) (FDMS). FDMS is the “backend” component to eRulemaking. These enhancements include a document management capability to allow staff, across all government agencies, to collaborate on review of public comments and supporting documentation. Another technology platform under consideration is [OMB’s MAX Federal Community](#), which is currently used by OMB and Federal agencies to share information and collaborate. MAX began use in May 2010 for the TPP negotiations coordinating both across the U.S. delegation and partner countries.

V. Flagship Initiative -- Trans-Pacific Partnership

A. Overview

USTR's Flagship Initiative will focus on the new Trans-Pacific Partnership (TPP) Free Trade Agreement negotiations. In December 2009, President Obama announced his intention to enter into negotiations of a regional, Asia-Pacific trade agreement, known as the TPP Agreement, with the objective of shaping a high-standard, broad-based regional pact. The initiative is focused on expanding trade with the fastest-growing region in the world and is intended to expand American exports and retain and creating good jobs in the United States. The first round of negotiations was held in mid-March 2010 following vigorous consultations with Congress and stakeholders. The second round was just completed in June 2010. This new initiative presents an excellent opportunity to engage more robustly and in new ways with the American public to gain input as the Administration crafts its trade policy. It is appropriate that this high-quality, broad-based 21st Century free trade agreement be developed using the latest technology tools. Therefore, USTR is offering a collaborative online environment based on Wiki technology to coordinate the myriad of documents associated with these talks.

B. Engaging the Public and Maintaining the Dialogue

The Administration is developing its negotiating objectives for the TPP Agreement consistent with its pledge to engage fully with diverse stakeholders in America. To that end, this Administration has embarked upon an unprecedented scale and scope of consultative outreach related to TPP involving all 50 states and Congressional Committees of Jurisdiction and other interested committees. USTR is seeking advice not only on issues that have been covered in recent U.S. FTAs, but on cross-cutting issues, including how to use the agreement to support regional integration, encourage regulatory coherence across the parties to the agreement, promote competitiveness of new and emerging industries and technologies, build supply chains that retain jobs in the United States, enhance the ability of small- and medium-sized businesses to export their products and services, increase transparency, and promote development. This effort will also demonstrate that a properly designed process of expanded consultation with stakeholders and Congress does not have to slow down trade negotiations, but can in fact energize talks.

USTR is undertaking a 50-state outreach strategy to encourage broad input and constructive dialogue on U.S. objectives in the TPP negotiations. USTR also has expanded and updated its TPP webpage (ustr.gov/tpp) and will use social media tools to widen outreach on this initiative even beyond face-to-face events. Budget permitting, this effort will include live streaming of as many TPP field hearings as possible on [USTR.gov](http://ustr.gov), as well as webinars, live blogs and interactive chat sessions.

www.ustr.gov/tpp. The Trans-Pacific Partnership is currently housed under the Free Trade Agreements section of [USTR.gov](http://ustr.gov). It holds a right-side callout for the following information: calendar of events, FAQs, relevant websites, ask a question or provide comments on TPP, and links to relevant information (remarks, blogs, pictures, video, etc.). As with other pages on [USTR.gov](http://ustr.gov), we keep the text on the page updated often. For example, there is a specific page for round 2: <http://www.ustr.gov/tpp-san-francisco>.

We have expanded our message and reach through online outreach. By using other outlets, our goal is to lead people to [USTR.gov/tpp](http://ustr.gov/tpp) for more information. USTR initiated TPP “webchats,” involving a comment form specifically for TPP at <http://www.ustr.gov/tpp/comment>. This form is used in conjunction with the blog to provide a near real-time chat for interaction with public comments. We are periodically using other blogs and websites to explain the TPP initiative. These blogs include America.gov, Whitehouse.gov, and constituent blogs (Chamber, AFL-CIO, etc.).

Along with using other blogs, and [USTR.gov](http://ustr.gov), the Office of Public and Media Affairs is using USTR’s Facebook and Twitter pages to give the most current updates on the TPP negotiations, as well as Deputy USTR travels.

C. External Partners

As the TPP negotiations proceed, USTR will continue active outreach to industry, NGOs, and other stakeholders, including outreach in all 50 states in an effort to ensure that stakeholders around the country understand the goals of this negotiation and can contribute to the development of a new 21st-century trade agreement that reflect U.S. priorities and values. For example, USTR formally invited interested stakeholders (unprecedented) to the second round of negotiations in San Francisco, June 2010. During the week of June 14th, Americans with interests ranging from labor rights to agriculture to environmental protection and other issues joined USTR in San Francisco for the negotiations. USTR was pleased to have the participation of more than twenty-five organizations. USTR staff briefed participating stakeholders daily and

held individual and group meetings as requested on a variety of areas of interest. Various groups gave on-site presentations to trade negotiators from the eight participating TPP economies. They gave USTR a daily chance to talk to people who are really interested in both the early shaping and the outcomes of this agreement. The stakeholders' presence was a daily reality check not only for the U.S. delegation but also for our trading partner delegations that had the chance to hear the views of these groups.

D. Metrics

USTR.gov currently employs Google Analytics for website metrics, and these are also used to track TPP-related elements. USTR will track progress on the 50-state outreach strategy (states visited, meetings held, list of participants). USTR will track the number of individual contributions to the initiative via the following collaborative and participatory venues:

USTR established a shared virtual online library space (wiki) for collaboration on TPP. This is a first for a free trade agreement negotiation. There are three separate sub-groups for collaboration: (1) U.S. government (USG) agencies only, (2) USG agencies and the eight partner countries, and (3) private sector advisors. The wiki provides a comprehensive collaboration, information sharing, document management, and knowledge management capability. It provides simplicity, structure, authentication, backup, history, knowledge management, and document management. It enables USTR to collaborate and share TPP information inter-agency, intra-agency, and inter-country. Negotiating documents and public comments are readily shared to the appropriate communities.

Collaboration across Agencies for TPP: In addition to implementing a shared virtual online library space for the eight TPP partner nations, USTR has also implemented a US Government-only space. This space is for coordinating the logistical and substantive aspects of these negotiations. Eight Agencies already have joined.

Stakeholder voice in TPP negotiations: USTR is consulting regularly with cleared advisers as well as industry, NGO, and academics, and other stakeholders and will continue do so throughout the negotiations. Private sector advisors are provided access to their virtual online library space (Wiki). As noted, USTR formally invited interested stakeholders (unprecedented) to the second round of negotiations in San Francisco, California June 2010. A room was provided to enable the stakeholders to meet with negotiators and discuss their issues and priorities. Daily briefings on developments in the negotiations from the preceding day and the agenda for the current day were provided.

Public voice in TPP negotiations: USTR solicited for public comments on the TPP negotiations via a federal register notice and www.regulations.gov. The 264 comments were then grouped into topics (e.g., Labor, Environment) and then uploaded into the shared virtual online library space (Wiki) being used by TPP partners to carry out the negotiations. As such, the public's unfiltered comments are brought directly to the negotiation table.

USTR is following up with stakeholders who responded to our initial Federal Register Notice seeking input on the initiative and we plan to issue additional Federal Register Notices as appropriate to solicit ideas on specific issues. As noted, stakeholders were invited and more than twenty-five attended the 2nd round of negotiations June 2010 in San Francisco. USTR continues to solicit further ideas and questions via the TPP webpage.

E. How Initiative Will Be Sustained

This is the Administration's highest priority, jobs creation, and this is the first new free trade agreement being pursued since 2008. Top down focus from the Ambassador is driving the initiative. As negotiations proceed, USTR will review "lessons learned" at the conclusion of each round of negotiations and each state outreach event. USTR will evaluate what worked well and what did not work well to ensure continued improvement in public and stakeholder involvement. Initiatives that provided constructive dialog will be continued and adjusted as necessary. Initiatives that did not result in meaningful contributions will be substantively revised or replaced.

VI. Public and Agency Contribution to the Plan

A. Public

1. *New Media Tools to Reach the Public*

USTR is using new media tools to involve the public and provide supplemental outreach and interaction on TPP and other initiatives to the extent possible given budget and staffing constraints. Web logs, video streams, Facebook, Twitter, e-newsletter, events and speeches around the country serve as avenues of dialogue regarding USTR's mission to make trade work for American families. This is an on-going initiative.

2. *Responding to Public Feedback*

The public is encouraged to share their ideas for how USTR's Open Government Plan can increase transparency, participation, and collaboration. They are asked to tell USTR what information should be prioritized for publication. They are asked for their thoughts on the quality of USTR's published information. As comments are received, they are forwarded to the Open Government Coordinator on a weekly basis and placed on a shared drive accessible to all USTR staff. The Coordinator and the Open Government Steering Committee reviews the comments and incorporates into USTR's plan updates, where appropriate. A summary of the comments will be included in quarterly updates to the plan.

Along with the Executive Office of the President (EOP), USTR is implementing a new Customer Relationship Management (CRM) system. USTR plans to migrate to the new system by July 2010. The new CRM system gives the USTR several new capabilities that provides for more efficient management of correspondence. The system will enable routing of individual Open Government Plan comments to the appropriate action office and receiving feedback. Once the system is implemented, this will permit USTR to respond back to individual comments with a goal of 30 days.

B. Employees

1. *Open Government Steering Committee*

Employees will continue to be extensively engaged internally, with Assistant U.S. Trade Representative (AUSTR) leadership, to provide staff resources and ideas to implement specific outreach initiatives using new media tools. We established a cross-USTR OpenGov Steering Committee. Core membership includes the Office of Administration, Office of the General Counsel, Office of Public and Media Affairs, Office of Economic Affairs, Office of Intergovernmental Affairs and Public Engagement, Office of Market Access and Industrial Competitiveness, Office of Policy Coordination and Information, Office of Congressional Affairs, Office of Southeast Asia and the Pacific, and the Office of Intellectual Property and Innovation.

2. *Further Employee Involvement*

To ensure we are open to any ideas employees may have on this initiative, we formally asked for further representation from other regional and functional offices, as well as any interested employees. Employees from the Office of Agricultural Affairs, Office of Environment and Natural Resources, Office of the World Trade Organization (WTO) and Multilateral Affairs, and the Office of the Americans all volunteered to be part of this initiative. We have opened lines of communication to all employees for their ideas on this initiative. We shared the draft Open Government Plan with all employees and incorporated their ideas for improvement. As a result, we made substantive improvements to the plan and both internal processes and our website along the way.

VII. The Way Ahead

USTR intends to learn from the activities identified in this plan and will capture the benefits and lessons learned. USTR, through the Open Government Steering Committee will describe how lessons are being considered to make lasting improvements in how the Agency conducts its efforts. Those changes will be incorporated into subsequent revisions of this plan.

USTR will leverage the governance structure to monitor activities as they progress. Various levels of staff within USTR will engage at decision points and during the review and update of the Agency's plan.

The AUSTR for Administration will maintain the lead role in coordinating many of the routine reporting activities, including updates to Data.gov and flagship project. USTR's Office of Public and Media Affairs will continue to be responsible for providing guidance in maintaining the ustr.gov/open site as the primary resource to stay informed on all of USTR's open government activities.

USTR is determining how to improve the use of public suggestions for dialogue. USTR will track suggestions from the site and will prepare and make available to the public an analysis of the suggestions.