



THE WHITE HOUSE
WASHINGTON

Broadening Public Participation
in the Federal Government
Open Government National Action Plan Update

Office of Management and Budget
Executive Office of the President

Broadening Public Participation in the Federal Government

Agenda

- Welcome and Introduction (Sam Berger)
- Overview of Guidance on Public Participation in the Regulatory Process (Alex Hertel-Fernandez and Varun Jain)
- Discussion on Guidance on Public Participation in the Regulatory Process
- Federal Framework(s) for Participation and Engagement (Shaibya Dalal)
- Discussion on Participation and Engagement Framework(s)
- Closing

Logistics

- Use the “raise hand” icon to enter the waiting list to speak or email your question to publicparticipation@omb.eop.gov
- Please keep your question or comment brief to ensure we can hear from all interested participants
- Please wait until we’ve gone through the list to speak before raising your hand again
- Visit open.usa.gov/ for more information





THE WHITE HOUSE
WASHINGTON

Increasing Public Participation and Community Engagement in the Regulatory Process

Open Government Commitment US0121

Office of Information and Regulatory Affairs
Office of Management and Budget
Executive Office of the President

The possibility

Regulations are an important way that federal agencies implement their missions—from improving access to safe, effective, and affordable hearing aids to ensuring people are safe at work. **When developing certain regulations, federal agencies must invite comments from the public—and then respond to significant issues or questions raised by public comments.**

“The commenting power given to ordinary individuals [in rulemaking] is rather extraordinary.” (Kochan, 2018) **vs.**

“Most rules still garner relatively few overall comments and even fewer comments from individual citizens.” (Coglianese, 2006)

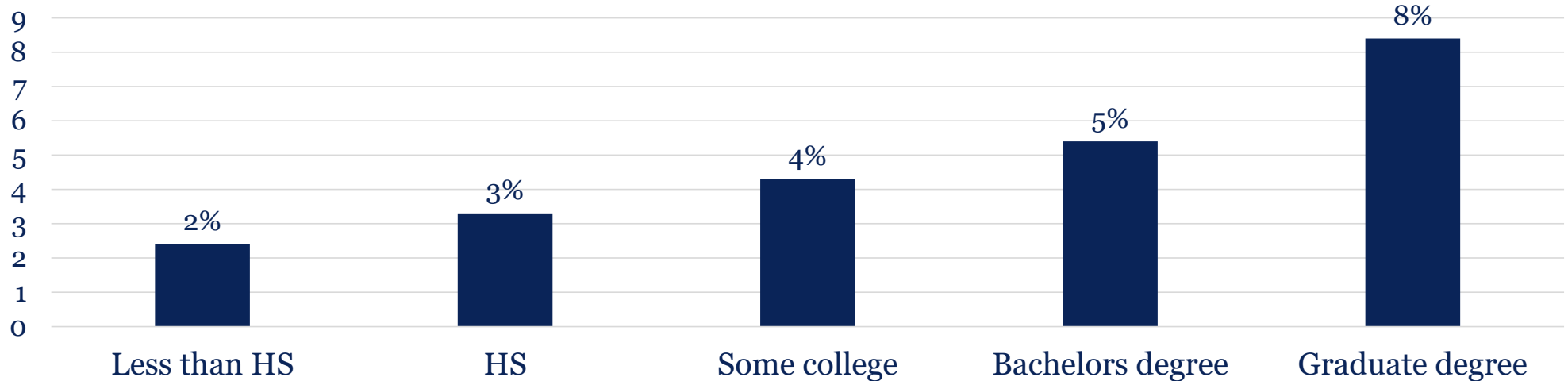
“Typically less present...are smaller regulated entities...unaffiliated experts; citizens with practical knowledge of the regulatory issues; and members of the general public.” (ACUS, 2018)



Important equity gaps in federal agency engagement

According to the 2020 American National Election Study, there are significant disparities in who contacts federal agencies, including by formal educational attainment.

Percent Contacted Non-Elected Federal Official in Past Year, 2020



2020 American National Election Study



Calls to action

FEBRUARY 16, 2023

Executive Order on Further Advancing Racial Equity and Support for Underserved Communities Through The Federal Government

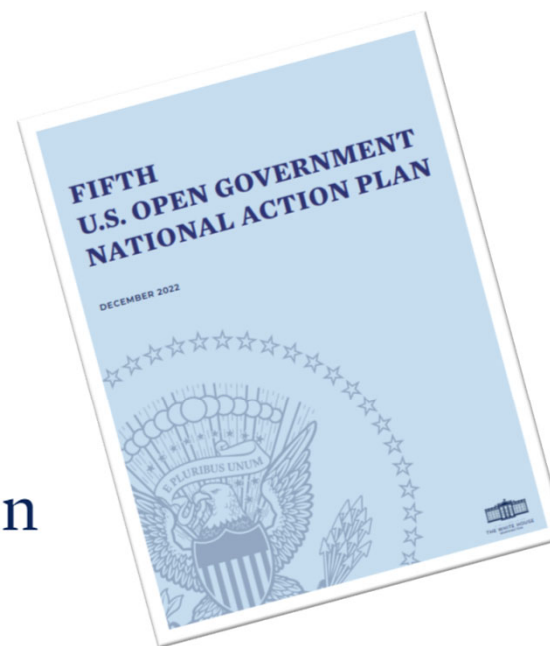


APRIL 06, 2023

Executive Order on Modernizing Regulatory Review



▶ [BRIEFING ROOM](#) ▶ [PRESIDENTIAL ACTIONS](#)



The promise: more effective and equitable regulations and bolstered civic capacity



Better understanding of the relevant problems and needs to be addressed through regulations, and how agencies should prioritize regulations



Better weighing and design of regulatory alternatives that reflect relevant economic, social, and civic contexts experienced by affected communities



Better information about the impacts of regulations, including costs and benefits that might be difficult to quantify or monetize, such as equity, dignity, and fairness as well as understanding groups relevant for distributional assessments



Increased trust and legitimacy in government and increased compliance



More durable, two-way lines of communication between affected communities and government agencies



Our process: modeling public engagement practices to develop new government-wide guidance



*Throughout **fall and winter 2022**, OIRA held three listening sessions and invited public comments on how federal agencies could broaden public participation in the regulatory process as part of the 5th Open Government National Action Plan process.*

*In **February 2023**, OIRA published draft recommendations on broadening participation for public feedback.*

*In **March 2023**, OIRA held a follow-up listening session and invited public comment on the draft recommendations.*

*OIRA published guidance to agencies in **July 2023**.*



Select lessons from public feedback



Provide plain language descriptions of regulatory material, including clear summaries of information agencies are looking for from the public



Share regulatory outreach materials and engagement opportunities through multiple channels (e.g. social media; local media)



Provide background on the regulatory process, including descriptions of key steps and how to write comments



Consider opportunities for translation of regulatory outreach materials



Ensure engagement accessibility



Use trusted intermediaries to reach out to communities about potential engagement opportunities



Report back to members of the public how public feedback is used



New guidance

- ✓ Describes **why public engagement is important** for regulatory development
- ✓ Reviews **considerations for Federal agencies** when designing engagement
- ✓ Directs Federal agencies to use submissions to the *Regulatory Agenda* to **describe how past engagement shaped regulatory priorities and forecast future engagement**
- ✓ Encourages agencies to **review their policies on communication** during regulatory development to facilitate more proactive and equitable engagement
- ✓ Details **leading practices** agencies should consider for deepening public engagement, including with underserved communities.



What's next

For members of the public:

- Stay tuned for agencies to provide additional engagement opportunities and participate in them
- Stay tuned for the publication of the Fall *Regulatory Agenda* to explore how engagement shaped agency priorities and opportunities for additional engagement
- Share your experience with us when we hold our follow-up listening session in summer 2024

For Federal agencies:

- Explore launching additional engagement opportunities for regulatory proposals and programs, including piloting new approaches
- Describe engagement practices in *Regulatory Agenda* submissions
- Share lessons and best practices with other agencies
- Assess impact of additional engagement opportunities



The potential in using the *Regulatory Agenda* as a platform for public engagement



- Offers a comprehensive look at regulations that agencies are either currently working on or plan to work on in the coming months
- Helps agencies align their work with Administration priorities
- Is posted publicly and available for members of the public
- Submissions from agencies already required on a regular basis





THE WHITE HOUSE
WASHINGTON

Federal Framework(s) for Public Participation and Community Engagement

Open Government Commitment US0122

Office of Management and Budget
Executive Office of the President

Public participation and community engagement is already advancing Administration priorities...

DOL is engaging workers to understand how to deliver unemployment benefits using plain language.

The UI Lexicon Project: defining commonly used UI terms in plain language

By: Kevin Parker - February 8, 2023

Since the onset of the COVID-19 pandemic, over 100 million initial claims for unemployment insurance (UI) have been filed in the U.S. At the start of the pandemic in April 2020, more than 6 million applications were filed in a single week. More than 46 million individuals – roughly one in five Americans – have received at least one week of UI benefits ([source](#)). The Federal Reserve Bank recently found that a greater number of individuals are receiving economic stimulus measure ([source](#)). This has made it more difficult for reaching government programs and put it under end-to-end review for accuracy, efficiency, and fairness.



DOE is conducting interactive public workshops across the United States to consult local communities on clean energy demonstration projects.

The Office of Clean Energy Demonstrations (OCED) was established in December 2021 as part of the [Bipartisan Infrastructure Law](#) to accelerate clean energy technologies from the lab to market and fill a critical innovation gap on the path to achieving our nation's climate goals of net zero emissions by 2050.

OCED's mission is to deliver clean energy demonstration projects at scale in partnership with the private sector to accelerate deployment, market adoption, and the equitable transition to a decarbonized energy system.

About the Office of Clean Energy Demonstrations

Read more about the mission of OCED



OIRA engaged the public to develop guidance on broadening public participation and community engagement in rulemaking.

BROADENING PUBLIC ENGAGEMENT IN THE FEDERAL REGULATORY PROCESS



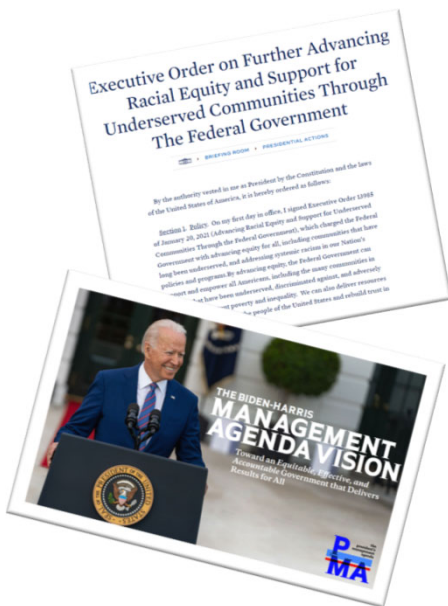
OMB

INFORMATION AND REGULATORY AFFAIRS



...and is embedded across Administration policy directives, including...

- **Executive Orders**
 - Racial Equity and Support for Underserved Communities (13985 & 14091)
 - Environmental Justice (14096)
 - Modernizing Regulatory Review (14094)
 - Federal Customer Experience and Service Delivery (14058)
- **Recent OMB M-Memos**
 - Burden Reduction (M-22-10)
 - ARP Implementation (M-21-20)
 - BIL Implementation (M-22-12)
 - Justice40 Implementation (M-21-28)
- **Other Commitments**
 - President's Management Agenda (PMA)
 - Open Government National Action Plan



...but we lack a government-wide definition and framework for participation and engagement activities.

- Currently, there is **no consistent definition** of public participation or community engagement across initiatives and policy documents, **nor is there an authoritative framework** for agencies to apply to help them understand what forms of outreach or engagement make sense for specific activities and goals.
- **Agencies have repeatedly shared with us that they want a single reference** to help them apply the many requirements for participation and engagement to their work and help **mature participation and engagement practices** within their teams and across components.
- **Members of civil society / community organizations have also called on OMB** to provide a framework that can help build more consistency in how agencies are approaching and making asks of their groups and networks.




OMB is interested in framework(s) and tools that would:

- 1. Provide direction, a common framework, and leading practices** for Federal agencies to embed participation and engagement within different agency functions and across a variety of maturity levels.
- 2. Link participation and engagement activities** across statutory requirements, multiple Administration priorities, and multiple Executive Orders.
- 3. Amplify agency efforts** to improve public awareness and involvement, in support of the Administration goal of strengthening a government that is inclusive, transparent, accountable, and responsible to the American people.



Sample: IAP2 Spectrum of Public Participation

INCREASING IMPACT ON THE DECISION 

	INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
PUBLIC PARTICIPATION GOAL	To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions.	To obtain public feedback on analysis, alternatives and/or decisions.	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	To place final decision making in the hands of the public.
PROMISE TO THE PUBLIC	We will keep you informed.	We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision.	We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.	We will look to you for advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.	We will implement what you decide.

Source: International Association for Public Participation (IAP2)



Sample process for co-developing a framework

Months 1 and 2

- Clarify framework concept
- Explore key questions to inform development of outline
- Identify leading domestic and international frameworks in civil society (e.g., via listening sessions, polls, etc.)
- Confer with democracy / equity subject matter experts (e.g., via interviews, briefings)

Month 3

- Gather input on draft outline (e.g., via in-person and virtual community listening sessions, crowdsourcing, virtual public town hall, etc.)
- Explore engagement frameworks and methods used by State, Local, Tribal, and Territorial governments (e.g., via focus groups, RFI, intergovernmental summit, etc.)
- Adapt outline into first draft

Month 4

- Share first draft for input, along with findings to date (e.g., via focus groups, piloting new forms of digital engagement, etc.)
- Research examples of tools to support agency engagement activities (e.g., via RFI, online surveys, etc.)

Months 4 and 5

- Refine first draft
- Share second draft for input, along with summary of changes (e.g., via presentations to civic groups, co-hosting workshops with government agencies and external organizations, public comment, etc.)
- Conduct user testing of sample tools with agencies (via existing / planned engagement activities)



Discussion

Concept



- Does the need for a Federal framework for participation and engagement **resonate** with you?
- Beyond summarizing statutory / EO requirements for engagement and highlighting leading practices, **what else** might such a framework include?

Process



- How would you design an **ideal process** to develop such a framework?
- Which **points** in the process (e.g., sharing outline, sharing first draft, sharing final draft, other) are most important for public engagement?

Approach



- What engagement formats or activities (e.g., listening sessions, civic tech, surveys, etc.) have you found to be **effective** for developing Federal frameworks?
- What might OMB do to make it **easier (or more likely)** for people to participate?



Stay in touch

- Reach out to us at publicparticipation@omb.eop.gov with feedback and ideas.



Upcoming Open Government Update Webinars

- **Visit open.usa.gov/ for more information**
- **July 27, 2pm-3pm EST** – Community Discussion: Open forum on re-designing the U.S. Open Government website and input on how we track progress on the U.S. National Action Plan
- **August 16, 1pm-2pm EST** – Improving Access to Government Data, Research, and Information

