



U.S. Office of Management and Budget Office of Information and Regulatory Affairs

eRulemaking: Promoting Transparency and Participation in the U.S.

Regulatory Policy at the Crossroads: Towards a New Policy Agenda OECD

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Any views expressed here are solely those of the presenter, and do not necessarily reflect the position of the Office of Management and Budget or the Executive Office of the President.



January 21, 2009: President's Memorandum on “Transparency and Open Government”

- ❖ “Knowledge is **widely dispersed** in society....My Administration will take appropriate action, consistent with law and policy, to disclose information rapidly in forms that the public can **readily find and use.**”
 - January 21, 2009, Memorandum

- ❖ President Obama: “...sunlight is the best **disinfectant.**”
 - January 28, 2009

- ❖ Three core principles - Transparency, Participation, and Collaboration.



OMB Open Government Directive

- ❖ The December 8, 2009, Directive seeks to advance the goals of transparency, participation, and collaboration by calling for:
 - ❖ the dissemination of government information to the public online, using open, searchable formats;
 - ❖ improving the quality of information available to the public;
 - ❖ instilling the values of transparency, participation, and collaboration into the culture of every agency by requiring every agency to formulate an Open Government Plan and website; and
 - ❖ the review government-wide information policies that may need updating or clarifying.



Key Directive Milestones

- ❖ January 22nd:
 - ❖ Identify and publish online at least three new, high-value data sets at Data.gov. – Completed
 - ❖ Establish interagency working group to oversee Open Government implementation. – Completed
 - ❖ Designate agency senior accountable officials to ensure the quality of Federal spending information. – Completed
- ❖ February 6th: Agencies create open government webpages to serve as gateways activities related to the Directive. – Completed
- ❖ April 7th: Publish Open Government Plans describing steps to improve transparency and ensure public participation and collaboration. – Completed



The Open Government Initiative and Regulation

- ❖ Many of the topics discussed have touched on important OMB responsibilities, including oversight of the Federal regulatory process.
- ❖ One posting described the Federal government's eRulemaking Program, and how Regulations.gov is considering the use of Web 2.0 technologies to facilitate the public comment process.
- ❖ With the Open Government Initiative and the [Regulations.gov Exchange](#) — where we suggested possible enhancements to Regulations.gov and asked for public feedback — we looked for new ways to utilize Web 2.0 tools.



Regulations 1.0

- ❖ The Administrative Procedure Act of 1946 law requires that agencies go through a notice and comment process open to all members of the affected public, both U.S. and foreign.
- ❖ Before agencies can issue a final regulation, they must respond to the public comments, make sure that the final regulation is a logical out-growth of the proposal and the public record, and is not arbitrary or capricious.
- ❖ The public record is used by the courts in settling any challenge to the regulations brought by the affected public.



Regulations 2.0

- ❖ Goal: Provide more convenient, public-centered ways of obtaining input on regulatory proposals.
- ❖ Improve and modernize well-established legal and administrative procedures so that it is easier for members of the public to participate in the development of regulations.
- ❖ Web 2.0 tools can be useful even before an agency issues a proposal.

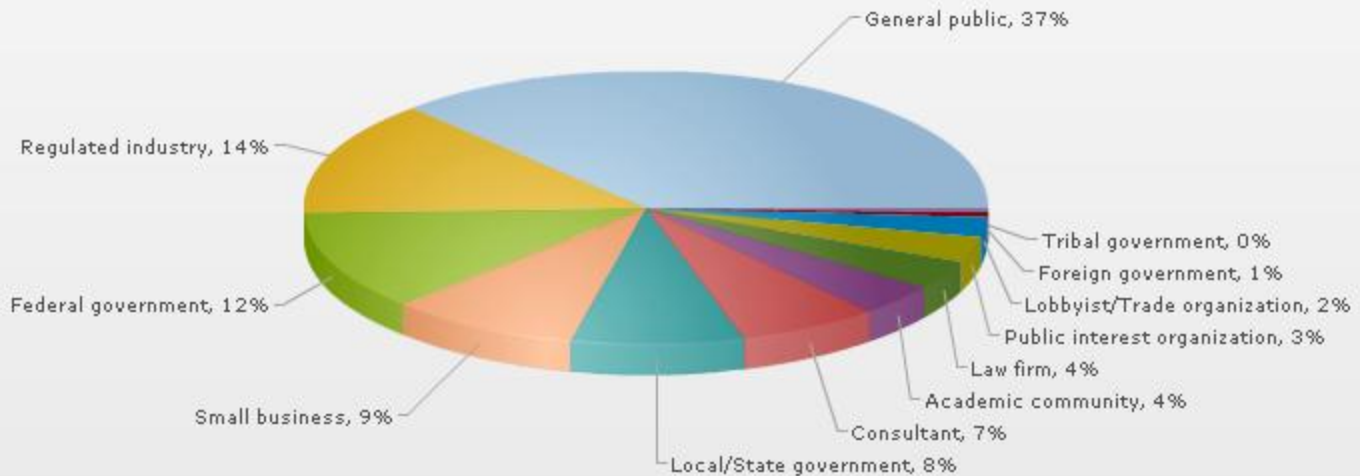


Regulations.gov

- ❖ Regulations.gov - The program uses the Internet to make the Federal rulemaking process more accessible, participatory, and comprehensible.
 - ❖ Direct data feed from the *Federal Register*, the daily U.S. publication that publishes all regulatory actions.
 - ❖ Over 2 million documents available to the public; including public comments and supporting materials.
 - ❖ Improve navigation, search, and layout
 - ❖ Upgrade underlying technology to enable rapid and dramatic changes to user interface at lower cost
 - ❖ Web 2.0 tools (e.g. expanded RSS feeds, social bookmarking, video contest)



Regulations.gov Audience



- Who comes to Regulations.gov?
 - 40% General Public
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 - 21% Government
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Document Type

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Comment Period

- Open
- Closed

Docket Type

- Rulemaking
- Non-Rulemaking

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3 results for keyword "energy"

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Title	Document Type	Summary	Agency	Document ID Docket ID	Actions
Energy Conservation Program for Certain Industrial Equipment: Publication of the Petition for Waiver From Daiken AC (Americas) Inc. and Granting of the Application of Interim Waiver From the Department of Energy Commercial Package Water Source Air Conditioner and Heat Pump Test Procedures	Proposed Rules	Summary would go here and would have a character limit with an ellipse at the end for anything that would not fit. A pop up box would appear with full summary..	EPA	APHIS-2009-0008	Submit a Comment Open Docket Folder Sign up for Email Alert
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	Final Rules	Summary would go here and would have a character limit with an ellipse at the end for anything that would not fit. A pop up box would appear with full summary..	CMS	CMS-2008-0148-0001	Submit a Comment Open Docket Folder
			DOJ	DOJ-CIV-2008-0024	Submit a Comment Open Docket Folder
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Modifications to the Health Insurance Portability and Accountability Act (HIPAA) Electronic Transaction Standards			HHS	HHS_FRDOC_0001	Submit a Comment Open Docket Folder Sign up for Email Alert
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Federal Register 2.0

- ❖ The *Federal Register* is the daily newspaper of the U.S. government.
- ❖ A new online version of the *Federal Register* was launched on July 26, 2010, the 75th Anniversary of the Federal Register Act.
- ❖ By the end of September, the “FR 2.0” pages had been viewed 514,893 times by more than 221,000 unique visitors (about 82 percent were new customers discovering the site for the first time).
- ❖ Other Key Features:
 - ❖ Hard-to-read PDFs replaced with graphical information searchable by topic or location.
 - ❖ Every entry can be exported to social media for easy discussion.
 - ❖ Cited regulations and statutes are linked from within the text.



Recent OMB Guidance to Agencies

- ❖ **Regulation Identifier Numbers.** To promote transparency and to help aggregate information, OIRA issued a memorandum directing agencies to use the Regulation Identifier Number on all relevant documents throughout the entire “lifecycle” of a rule.
- ❖ **Improving Electronic Dockets.** To promote greater openness in the regulatory process, this guidance memorandum will help agencies compile and maintain comprehensive electronic regulatory dockets on Regulations.gov.
- ❖ **“Cookies.”** This memorandum allows agencies to use web measurement and customization technologies to improve the Federal government’s services online while safeguarding the privacy of the American public visiting government websites.



Next Steps

- ❖ OIRA and regulatory agencies are exploring a number of ideas to enhance online rulemaking:
 - ❖ Videos to explain rules and the rulemaking process.
 - ❖ A taxonomy of regulatory terms.
 - ❖ Creating virtual versions of paper regulatory dockets.
 - ❖ Enable visitors to customize review of regulatory information (My Regulations).



References

- ❖ Regulatory Information: www.whitehouse.gov/omb/inforeg_regmatters/
 - ❖ www.RegInfo.gov
 - ❖ www.Regulations.gov
- ❖ Administrative Procedure Act: www.archives.gov/federal-register/laws/administrative-procedure/
- ❖ Federal Register: <http://www.federalregister.gov/>
- ❖ January 21, 2009: President's Memo "Transparency and Open Government":
http://www.whitehouse.gov/the_press_office/Transparency_and_Open_Government/
- ❖ Open Government Initiative: <http://www.whitehouse.gov/open/>
- ❖ OIRA Open Government Guidance
 - ❖ RINs: http://www.whitehouse.gov/omb/assets/inforeg/IncreasingOpenness_04072010.pdf
 - ❖ Electronic Dockets:
http://www.whitehouse.gov/sites/default/files/omb/assets/inforeg/edocket_final_5-28-2010.pdf
 - ❖ "Cookies": http://www.whitehouse.gov/sites/default/files/omb/assets/memoranda_2010/m10-22.pdf
- ❖ White House Press Release: Obama Administration Marks Major Open Government Milestone:
<http://www.whitehouse.gov/the-press-office/obama-administration-marks-major-open-government-milestone>