Hi!

Thank you to everyone who shared what their agencies are doing during the [listening session](https://www.whitehouse.gov/omb/information-regulatory-affairs/broadening-public-engagement-in-the-federal-regulatory-process/) this week and your commitment to engaging the American public business.

I edited the draft comments I offered during the forum and include them below. Please feel free to follow up directly on any aspect of these strategies and tactics.

Best regards,

Alex Howard

Director, Digital Democracy Project

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It's important to note this session is part of fulfilling a commitment to the 5th U.S. National Action Plan for Open Government for the Open Government Partnership, which the public can find at [open.usa.gov](http://open.usa.gov). Please begin tracking progress on past and present commitments at a [dashboard](https://web.archive.org/web/20140628052749/whitehouse.gov/open/around) at [WhiteHouse.gov/open](http://WhiteHouse.gov/open).

There is widespread distrust of government and truth decay across the USA.  People don’t know there’s an opportunity to comment, and those that know are skeptical. There’s also widespread concern of regulatory capture by industry. More participatory governance that *show* people that their participation in town halls, hearings, and rulemakings leads to more effective, equitable, and elegant rules and regulations will help rebuild trust in government over time, mitigate capture, and elevate public understanding of the ways that regulations ensure and enhance public safety.

To achieve that impact, however, federal agencies must show their work, not tell it, and then follow up to demonstrate when participation matters – including holding itself accountable. On that count, we are still waiting for the [database of law enforcement misconduct](https://www.opengovpartnership.org/members/united-states/commitments/US0147/) that President Biden directed the Department of Justice to launch by January 20.

Following are concrete recommendations in response to your solicitation for feedback.

**Promote the Federal Register & ways to subscribe to it;** promote as part of higher education and college curricula. Many Americans don’t know it exists! Use the USG’s many assets to remind us, starting with the President's bully pulpit at the White House, from town halls to social media.

**Mobile first! Ensure all public-facing assets are responsive websites that use HTML, not PDFs, .DOC, or PPTs**.  Better websites are required by law under the 21st Century Integrated Digital Experience Act (IDEA) Act: drive positive change through implementation.

<https://digital.gov/resources/21st-century-integrated-digital-experience-act/>

**Encourage agencies to make the abstracts and summaries at the top of RFIs, RFCs, & draft rules clear and engaging**, under the Plain Language Act. Cultivate external stakeholders to improve these summaries and improve them iteratively

**Capitalize on swells of public interest to leverage great public attention for great public benefit**, as with new rail safety rules, and to raise awareness of the Federal Register and Regulations.gov. Use tech more to help inform, engage, participate, and follow up. Let people know when and if participation happened using email.

**Look around the corner: Prepare for dockets to be poisoned by fake or fraudulent comments** as automated tools and generative AI evolves, for social media to be clouded with botnets and trolls farms, and for regulatory systems to experience “distributed denials of democracy.” Design for resilience and redundancy.

**Use U.S. government communication more effectively to promote opportunities and complete feedback loops, as described in the listening session**. Surprise and delight people! Build more capacity to assist with rule making across agencies, with a center of excellent and cross-agency priority goal to get more participation.

**Ask administrators and directors of agencies to hold a press conference for each rule**, then **use text messaging, radio, & social media ads to alert geographic communities about opportunities to comment on rule makings** that affect them. Encourage media outlets to include the ways the public can comment into every article covering proposed rules. Look at the lessons from participatory budgeting for rebuilding trust over time and apply them.  
  
**Consider how a Regulations.gov API could act as a platform** for engagement and disclosure. Engage media and tech companies about using this API to enable people to follow issues they care about on relevant dockets and Federal Register notices.

**Update the U.S. Public Participation Playbook** with best practices and strategies developed in pandemic response.Develop guidance for the use of social media to engage the public about rulemaking to ensure there’s no legal ambiguity or holdbacks to going all in online.

**Apply the plays as part of a refreshed** [**Open Government Directive**](https://obamawhitehouse.archives.gov/blog/2016/07/14/agencies-continue-deliver-day-one-commitment-open-government) that defines metrics for high quality public engagement around rulemakings and makes doing so a core part of the mission of agency communications staff.

<https://digital.gov/guides/public-participation/>  
  
**Charter a new President’s Council for Open Government**, modeled on the [President’s Council of Advisors for Science and Technology (PCAST](https://www.whitehouse.gov/pcast/)), who will works with cross-agency working groups dedicated to improving transparency, accountability, participation and collaboration across all three branches of U.S. government, from citizen science to prizes and challenges to open access to open knowledge, leveraging best-in-class civic technologies.