

EXECUTIVE OFFICE OF THE PRESIDENT OFFICE OF MANAGEMENT AND BUDGET WASHINGTON, D.C. 20503

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MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

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SUBJECT: Broadening Public Participation and Community Engagement with the Federal Government

This memorandum provides guidance to Federal agencies on why and how agencies should broaden their public participation and community engagement ('participation and engagement') with the public.

Every day, Federal agencies work on policies and programs that touch millions of lives—whether by helping people become homeowners, delivering benefits for veterans, or investing in infrastructure. Hearing from the individuals and communities most or uniquely affected by a particular issue can help agencies better understand how to address that issue, leading to more responsive and efficient policies and programs; greater trust in government and democratic accountability; and increased public awareness of the government's connection to their daily lives.

Effective and meaningful public engagement is foundational to a responsive government and informed government decision-making. Multiple Federal statutes provide for public participation across everyday Federal agency functions—from strategic planning to implementation and evaluation. Consistent with these laws, a range of Executive directives also encourage, authorize, and, in many cases, require agencies to improve how they receive direct feedback from the public (see <u>Appendix 1</u> for an illustrative list). Federal agencies are committed to making it easier for the American people to share their knowledge, needs, ideas, and lived experiences¹ to improve how government works for and with them.

Guidance Structure

This memorandum begins by laying out next steps for agencies and OMB and then:

- provides **definitions** of public participation and community engagement (<u>section I</u>);
- describes the **benefits of effective engagement** for agencies and the public (section II);
- offers guiding principles to inform and support meaningful engagement (section III);
- outlines **actions for agencies** (<u>section IV</u>) and for **interagency councils** (<u>section V</u>) to take to strengthen participation and engagement efforts;

¹ Lived experience means knowledge based on someone's perspective, personal identities, and history, beyond their professional or educational experience. *See* Dep't of Health & Human Servs., *What is Lived Experience?* (Jan. 25, 2023).

- presents **specific considerations for agencies** to bear in mind when planning and implementing participation and engagement activities (section VI); and
- discusses **flexibilities** in the Paperwork Reduction Act of 1995 (PRA)² that may be relevant for agencies when conducting participation and engagement (<u>section VII</u>).

The Appendices include a list of illustrative Federal **statutes and directives** providing for engagement opportunities (<u>Appendix 1</u>), leading practices to help **apply the guiding principles** (<u>Appendix 2</u>), and initial **tools and resources** to help agencies begin implementing this memorandum (<u>Appendix 3</u>).

Next Steps for Agencies

Public involvement is important to decision-making and service delivery across all agency activities and requires coordination across agency components. For those reasons, it is essential that all agency staff know what makes participation and engagement meaningful, have access to participation and engagement tools and resources, and have support to use them effectively. As a first step, agencies should share this guidance with all agency components and members of an agency's workforce, including the following:

- Agency Front Office Components that may set direction for participation and engagement activities or direct engagement with the public—for example, Agency Head or Deputy; Senior Advisors; External Affairs, Public Affairs, Engagement, or Partnerships; Communications; Intergovernmental Affairs; and Policy Planning/Development.
- **Mission-Focused Components** that may have regular and direct contact with the public, beneficiaries, and program or service providers, such as to decide program priorities, implement programs, conduct research or data collection, or provide services—for example, Program/Functional Components and related Field/Regional Components.
- Mission Support Components that may involve or support contact with the public—for example, Customer Experience; Small and Disadvantaged Business Utilization; Human Resources; Procurement and Acquisition; Civil Rights; Performance; Budget; Data/ Research/Evaluation; Information Technology; and Open Government.

Within <u>180 days</u> of the date of this memorandum, agencies should identify a senior official from the agency's front office to coordinate with OMB on the initial implementation of this guidance and to help the agency designate one or more senior official(s) for implementation (section IV(a)).

Within <u>one year</u> of the date of this memorandum, the agency should submit a high-level progress report to OMB including the contact information of the designated senior official(s) for implementation, the approaches or activities that the agency will implement to support greater participation and engagement, and a proposed timeline for implementation (section IV(b)).

All Chief Financial Officer (CFO) Act agencies, as defined in 31 U.S.C. § 901(b), should follow these timelines. Non-CFO Act agencies are encouraged to consult with OMB on any flexibilities, if needed, to help meet the intent of this guidance.

A note on implementation: While many agencies are already taking steps to implement many of the practices offered in this memorandum, some practices suggested will be new. It will take time to adapt and scale these practices across agencies and programs, and the timing, nature, and extent of implementation will depend on various considerations for each agency. Agencies may consider, and consult with OMB on, easier ways to manage implementation. For example, agencies could select one

² See 44 U.S.C. §§ 3501–3521; 5 C.F.R. §§ 1320.1–.18.

or a few individual agency components (*e.g.*, headquarters, regional or field offices) or program areas (*e.g.*, customer experience, rulemaking, permitting) to implement this memorandum more fully, with other components, programs, and teams following in the future as practicable and appropriate.

Next Steps for OMB

OMB is developing a **U.S. Federal Public Participation and Community Engagement Toolkit** (**Toolkit**) that builds on prior Federal efforts, such as the <u>U.S. Public Participation Playbook</u> (Feb. 3, 2015). This Toolkit would iteratively centralize and update materials (*e.g.*, Federal guidance, tools, templates, trainings, leading practices, and agency examples and case studies) to help agencies more meaningfully plan, implement, and assess participation and engagement efforts.

OMB engaged extensively with the public and Federal agencies while developing this guidance and the Toolkit.³ This helped OMB to understand how the public takes part in Federal engagement activities; identify barriers to participation faced by the public, including underserved communities; receive ideas and tools to help agencies better connect with the public and consider their perspectives; and iterate on draft guidance and other materials to support agencies. OMB plans to organize future activities to hear from the public and agencies about implementation and opportunities for improvement.

OMB will continue to build and share knowledge and tools to support agencies, including consulting with agencies as they consider adoption of the practices offered in this memorandum. OMB will also assist interagency councils in taking steps to support agencies to engage in efficient, meaningful engagement.

The public participation and community engagement described in this memorandum are in addition to, not substitutes for, government-to-government consultation, including under Executive Order 13175, <u>Consultation and Coordination With Indian Tribal Governments</u> (Nov. 6, 2000). Agencies should continue following applicable agency policies and Federal requirements for Tribal consultations, including as specified in Presidential Memorandum, <u>Uniform Standards for Tribal Consultations</u> (Nov. 30, 2022).

I. <u>Definitions</u>

For the purposes of this memorandum, the following definitions are applicable:

Public participation is any process that engages the public in government decision-making, such as to help shape policies, regulations, research, or program design, or to solicit new ideas and innovations. Public participation seeks to both inform and obtain input from those interested in or affected by agency action, including individuals and communities; state, local, Tribal, and territorial governments; non-profit organizations; educational institutions; and businesses and associations.

³ From March to May 2024, OMB held seven listening sessions and also invited public and agency comments on building a Federal framework for stronger public engagement. In October 2024, OMB published draft guidance and other materials based on this previous engagement. OMB held seven follow-up listening sessions throughout November 2024 and opened a second comment period for public and agency feedback on the draft materials. Over the course of this effort, hundreds of participants joined OMB's listening sessions, and OMB received nearly 300 written comments from the public, in addition to written input from agencies. This document builds on and responds to feedback received through this process. For more details, see www.performance.gov/participation.

Community engagement refers to building relationships with communities. Such relationship-building should be consistent, informed by the history that communities have with the agency, and transparent about the opportunities and limitations of the agency's engagement. Effective community engagement builds trust and enables dialogue between agencies and communities interested in or affected by agency action.

Communities refers to groups of individuals connected by social ties, identity, geographic location, affinity, or experience, and includes underserved communities⁴ that have been historically left out of government decision-making.

Public participation and community engagement activities include regulatory notice and comment processes, requests for information, consultations, interviews, focus groups, listening sessions, surveys, user research (including usability testing),⁵ crowdsourcing,⁶ participatory science (including citizen science),⁷ and challenges and prize competitions.⁸

II. Importance of broadening and improving participation and engagement

Federal agencies do not always hear or learn from the public for a variety of reasons, including a lack of notice or communication through familiar channels or trusted community organizations; inaccessible or poorly timed messaging and outreach; overly lengthy or technical materials; one-size-fits-all engagement formats; or a lack of organizational capacity (time, funding, knowledge of relevant communities for outreach and engagement, appropriate technology, cultural or linguistic competencies, or accessibility services for people with disabilities).

Members of the public might not participate because they lack notice; time; awareness of the opportunities, processes, or points of contact for engagement; language or communications access;⁹ physical access (*e.g.*, transportation, distance, or venue accessibility); internet access;¹⁰ digital

⁴ *Underserved communities* refers to those populations as well as geographic communities that have been systematically denied the opportunity to participate fully in aspects of economic, social, and civic life.

⁵ User research focuses on understanding user behaviors, needs, and motivations through observation, interviews, collaborative design methods, and other feedback methodologies (such as focus groups). Usability testing is a type of user research in which researchers observe how real-world users interact with and use paper/digital forms, websites, or other services, in order to identify and address issues. See OIRA guidance on <u>Supporting Usability</u> <u>Testing Through Paperwork Reduction Act</u> (Nov. 21, 2024).

⁶ *Crowdsourcing* is obtaining services, ideas, or content by asking for voluntary contributions from a large group of people, especially from an online community. *See* Crowdsourcing and Citizen Science Act, 15 U.S.C. § 3724. ⁷ *Participatory science* engages the public in efforts to advance scientific knowledge by formulating research

⁷ *Participatory science* engages the public in efforts to advance scientific knowledge by formulating research questions, collecting data, and interpreting results. *See* U.S. Envtl. Prot. Agency, *Using Participatory Science at EPA: Vision and Principles* (Jun. 23, 2022).

⁸ *Challenges and prize competitions* are projects that allow the public to solve challenges presented by Federal agencies and receive awards for the best solutions. *See* U.S. Gen. Serv. Admin., <u>Challenge.Gov</u>.

⁹ Over 27 million individuals, or nearly nine percent of individuals five years and older, speak English less than "very well," meeting the definition of limited English language proficiency. U.S. Census Bureau, "Language Spoken at Home," American Community Survey 1-Year Estimates, <u>Table DP02</u>, 2023, accessed on Dec. 30, 2024. Agencies are required under Executive Order 13166, <u>Improving Access to Services for Persons with Limited English</u>

<u>Proficiency</u> (Aug. 11, 2000), to ensure meaningful access to their programs and activities by individuals with limited English proficiency. Agencies are also required under the <u>Plain Writing Act of 2010</u>, Pub. L. No. 111-274 (5 U.S.C. § 301 note), to use clear government communication that the public can understand and use.

¹⁰ As of 2024, an estimated 21% of American adults report not having access to broadband internet service at home. Pew Research Center, *Internet, Broadband Fact Sheet* (Nov. 13, 2024).

accessibility;¹¹ clarity on what experiences, data, or information may be most helpful to agencies; confidence that agencies will take their input seriously; or trust in government.

A growing body of research indicates that meaningful engagement leads to better governance and better outcomes for the public.

Benefits for Federal agencies include:

- improved legitimacy and accountability of agency decisions, and increased public support for agency actions;¹²
- greater insight into the lived experiences and perspectives of communities, resulting in more effective and innovative policies, programs, and services;¹³
- ongoing public input on existing policies, programs, and services, to improve design and delivery in more timely, efficient, and cost-effective ways; and
- stronger relationships with communities through shared learning and better communication.

Benefits for the public include:

- policies, programs, and services that are informed by and more responsive to the needs, interests, and priorities of communities;
- increased awareness and understanding of new and existing policies, programs, and services;
- greater trust and confidence in Federal agencies;¹⁴ and
- increased capacity to keep government accountable and transparent.

III. <u>Guiding principles for meaningful participation and engagement</u>

Broadening participation and engagement requires intentional efforts to build trust, promote transparency and accountability, acknowledge perceived and actual past harms from agency actions, and maximize access to engagement opportunities, including for people with disabilities. The following five guiding principles are meant to help agencies design more meaningful engagement (see <u>Appendix 2</u> for examples of leading practices to help implement these principles).

1. **Purposeful:** Plan for and prepare timely engagement activities by defining the why (purpose), who (audience), what (type of outcome), when (timing), and how (format). Prioritize early planning and early outreach, which includes understanding the history of engagement between the agency and communities, and potential obstacles to participation. Tailor engagement strategies to serve agency goals and the needs of the participants.

¹¹ Agencies should consider their obligations under Section 508 of the Rehabilitation Act, regarding implementation of digital accessibility. For more details on Section 508 compliance, see: <u>www.section508.gov</u>.

¹² See Admin. Conference of the U.S., *Public Engagement with Agency Rulemaking* (Nov. 19, 2018).

¹³ *Id. See also* U.S. Dep't of Health & Human Servs., <u>Methods and Emerging Strategies to Engage People with</u> <u>Lived Experience</u> (Dec. 20, 2021).

¹⁴ A national survey found that while 40% of Americans trusted the Federal Government, only 27% believed that Government listened to the public and only 23% believed that Government is transparent. About one-third of all respondents said that being more responsive to the public was a key priority for Government improvement. Paul Hitlin & Nadzeya Shutava, P'ship for Pub. Serv., *Trust in Government* (Mar. 23, 2022). Similarly, a survey conducted across 30 countries found that 69% of those who feel they have a say in government actions trust government, compared to only 22% among those who feel they do not have a say. Org. for Econ. Co-op. and Dev. (OECD), *Survey on Drivers of Trust in Public Institutions* (July 10, 2024).

- 2. **Respectful and Mutually Beneficial:** Recognize, respect, and value the knowledge and insights of participants. Approach all groups with humility and anticipate learning about the unique priorities of each community. Address participation burdens on the public to reduce engagement fatigue.¹⁵
- 3. **Transparent and Accountable:** Set clear expectations with participants about the purpose and scope of the engagement, how and to what extent input may be used and addressed, the decision-making process timeline, and how and when the agency will share relevant updates and the results of the engagement.
- 4. Welcoming and Accessible: Seek out, encourage, and support engagement from all individuals, communities, and organizations interested in or affected by proposed agency actions. Facilitate participation by removing or reducing barriers (*e.g.*, physical, technological, financial, informational, cultural, linguistic, psychological).
- 5. **Learning-Focused and Iterative:** Continuously assess engagement activities to identify gaps and opportunities for improvement. Engage the public in establishing outcomes and metrics to regularly track progress, and adjust strategies as needed for continuous improvement. When possible, use a formal evaluation to assess participation and engagement activities.

Agencies should review their participation, outreach, and engagement policies for consistency with these principles. Where existing policies are inconsistent with these principles, OMB encourages agencies to revise them, as consistent with applicable law. Agencies should make sure that all staff are aware of relevant policies and these guiding principles (for instance, via training or other outreach).

Importantly, there is no one-size-fits-all approach to meaningful participation. Sometimes the opportunity for public influence can be quite small, while at other times the public can have a great deal of influence. Agencies should recognize that engagement strategies will vary, based on goals, timeline, interested and affected communities, proposed agency action, point in the decision-making process, budget, and legal requirements.

Lastly, a participation and engagement framework can help agencies decide how and when to effectively engage the public, including underserved communities, in the work of government. There are many frameworks available on public participation. OMB encourages agencies to draw from various concepts and frameworks that work best for their needs, as practicable and consistent with applicable law, and to share learnings within and across agencies (see <u>Appendix 3</u> for sample frameworks).

IV. <u>Actions for agencies</u>

Successfully broadening participation depends on several factors, such as direction and commitment from leadership, funding, staff capabilities and experience, and the tools and technologies available to the agency and the public. Meaningful engagement is a process, not a single event, that requires dedicated focus and coordination. Agencies should build a strong foundation to support and sustain engagement, consistent with leading practices and applicable law. To do this, agencies should take two key actions:

¹⁵ Engagement fatigue may occur when people or groups are invited, often separately, by different agencies or different staff within the same agency, to participate in similar engagement activities; where many engagement activities have taken place in the past, without tangible outcomes for communities; or when people or groups feel overwhelmed by engagement opportunities. Engagement fatigue may reduce willingness to join and result in disengagement, limited participation, or less useful feedback.

a. Within <u>180 days</u> from the date of this memorandum, agencies should identify a senior official from the agency's front office to coordinate with OMB on the initial implementation of this guidance and to help the agency designate one or more senior official(s) for implementation. Agencies should submit the name, email address, office, and title of their senior official for coordination to OMB at <u>agencyengagement@omb.eop.gov</u>. After the 180 days, OMB will host an orientation for all coordination officials to provide a detailed overview of next steps.

The **senior official for coordination** should serve as an initial liaison to OMB and help the agency plan for and begin implementation of this guidance. This official should:

- Communicate and distribute this memorandum to agency leadership.
- Coordinate with senior leaders across the agency to identify and designate one or more senior official(s) for implementation to carry out the longer-term implementation of this guidance; this coordination should, at minimum, include senior leaders in the Office of Public Affairs, as appropriate, and in components that direct or regularly conduct engagement activities. Agencies should carefully consider where to place the implementation role(s), particularly if agencies lack existing centralized public engagement functions or are highly federated.
- b. Within <u>one year</u> from the date of this memorandum, agencies should submit a high-level progress report to OMB. This progress report should include the name(s), email address(es), office(s), and title(s) for the senior official(s) for implementation, the approaches or activities that the agency will implement to support greater participation and engagement (drawing from the options below), and a proposed timeline for implementation. Agencies should submit the progress report to OMB at agencyengagement@omb.eop.gov. During the year, OMB will facilitate brief consultations with implementation officials and provide templates to help agencies choose from and plan completion of the steps below on their own implementation timelines. As agencies begin implementation, OMB will coordinate a community of practice for all implementation officials to support peer learning and continued implementation of this guidance.

The **senior official for implementation** should serve as an internal resource and convener with the capabilities to coordinate across agency components and with OMB, and lead the longer-term implementation of this memorandum. **Given the wide range of participation and engagement efforts, agencies may designate multiple officials for implementation.** Agencies should also set up a dedicated email address to receive questions and requests regarding public engagement from agency staff; all staff should be made aware of this email address.

The senior official(s) for implementation should:

- Communicate key concepts from this memorandum to agency staff.
- Lead implementation of this guidance, including by coordinating an implementation plan that is feasible and appropriate for the agency.
- Collaborate with complementary roles across the agency (*e.g.*, existing points of contact for public affairs or intergovernmental relations), to identify and mitigate risks.
- Identify, consolidate, and share engagement-related guidance, tools, trainings, and leading practices across agency components.
- Coordinate the review and development of agency outreach and engagement policies.
- Identify and elevate agency needs for staff, funding, training, tools, and technologies to successfully broaden engagement.

- Support the development and maintenance of any agency-level engagement plans, including the agency's Open Government Plan.¹⁶
- Support agency-wide, longer-term strategic planning related to engagement.
- Help connect and align engagement activities across agency components and with other Federal agencies.
- Respond to and appropriately route engagement-related inquiries from staff.
- Serve as the longer-term liaison(s) to OMB on engagement-related matters.

The senior official(s) for implementation should coordinate across agency components to prioritize approaches or activities from the options below.

1) Take a preliminary inventory of engagement resources and activities to support future improvement. Agencies could take stock of ongoing engagement activities within components and consult with the staff involved to gather and share resources for engagement across components and identify any knowledge gaps and duplication of efforts.

Resources may include agency guidance (*e.g.*, on participant compensation, language access, plain writing) and tools (*e.g.*, collaborative software, data, communication accessibility services, communication channels, trainings). Agencies can, for example, identify staff who have more experience with participation and engagement work and are willing to serve as a resource or trainer for those less experienced or to participate in agency-wide planning. Additionally, agencies could reflect on past engagement activities and community response and lessons learned. Agencies are encouraged to document successes and challenges for continuous improvement as they conduct public engagement, particularly those related to inclusion, transparency, and accountability. Agencies could also work with their evaluation staff on an evidence review to build on successes and to inform future selection of appropriate and effective engagement methods.

- 2) Use a public participation and community engagement capacity checklist. A capacity checklist can help agency components determine their readiness to carry out timely, consistent, and meaningful engagement activities. It can also inform decisions to target resources by producing an understanding of strengths and needs in areas such as:
 - infrastructure (*e.g.*, staffing, expertise/experience/lived experience, funding, enabling policies and processes, leadership support and prioritization);
 - coverage (*e.g.*, where engagement activities occur/could occur/should occur within the component or within an agency, communication and collaboration across teams on engagement-related matters);
 - networks (*e.g.*, the different relationships or reach that agency components may have with communities);
 - website development and maintenance (*e.g.*, Section 508 compliance, digital accessibility); or
 - alignment of engagement practices with the agency's longer-term strategic, performance, and evidence-building goals.

¹⁶ See OMB Memoranda M-10-06, <u>Open Government Directive</u> (Dec. 8, 2009), and M-16-16, <u>2016 Agency Open</u> <u>Government Plans</u> (July 14, 2016). Agencies must develop and publish an Open Government Plan that describes how they will improve transparency and integrate public participation and collaboration into their activities; each agency's Open Government Plan is updated every two years.

- 3) Apply participation and engagement methods or tools based on the capacity checklist or inventory. Agencies could build on existing opportunities, help close gaps, or address needs identified through the capacity checklist or inventory. For example, agencies could:
 - collaborate within the agency or with another agency, a state, local, Tribal, or territorial government, or a community organization to conduct outreach;
 - develop an agency-wide policy on meaningful engagement;¹⁷
 - designate centralized or activity-specific points of contact for the public (with a publicly listed email address and phone number) to answer or route general questions about engagement opportunities, and help maintain lists of people and groups interested in updates in related areas;
 - use engagement materials from other agency components to train staff;
 - try a new or rarely used outreach method or engagement activity to reach communities whose perspectives have historically been left out;
 - assess how and why lived experience might help inform a particular question or challenge, and identify a strategy to incorporate lived experience (*e.g.*, engaging consultants, contractors, or employees with lived experience);
 - test and measure the effectiveness of a tool, practice, or training from the Toolkit; or
 - consult agency counsel on potential options to provide compensation for lived experience to facilitate participation. (See <u>Appendix 3</u> for examples of agency guidance on compensation for participation and engagement activities.)
- **4) Develop an engagement plan for a specific component, program, or project.** A thoughtful engagement plan can help determine how and when to efficiently allocate limited resources and capacity toward engagement, and help projects enhanced by participation and engagement stay on track. Not every agency action warrants public involvement, and the amount and depth of engagement will vary.

An agency's engagement plan could include the following:

- how the agency will identify potentially affected communities and trusted community organizations when planning engagement for the program or project;
- how the agency will assess who has been left out of previous engagements or who may be at risk of experiencing engagement fatigue;
- how the agency will decide on timely, meaningful forms of outreach and engagement that support agency goals and help participants feel listened to and heard;
- how the agency will ensure effective outreach and access for individuals who may have special needs (*e.g.*, people with disabilities, people with limited English proficiency);
- how members of the public can reach an agency point of contact to learn more about the program or project;
- how and when the agency will share the feedback received and how the public input was considered in the decision-making process; and
- how the agency will assess and evaluate the effectiveness of engagement strategies to improve future public participation efforts.

OMB recommends that agencies engage in a priority-setting process (with early communication from leadership on the importance of participation and engagement) to

¹⁷ For example, see U.S. Envtl. Prot. Agency, <u>Achieving Health and Environmental Protection Through EPA's</u> <u>Meaningful Engagement Policy (Meaningful Engagement Policy)</u> (Sep. 5, 2024).

inform the development of any engagement plans. Where feasible, agencies should consult the public on the engagement plan, providing an opportunity for feedback as it evolves. Once an engagement plan is developed, it should be maintained and updated on a regular basis.¹⁸ Unless there is reason not to, agencies should publish engagement plans on their websites and describe the cadence and methods for reporting progress to agency leadership and to the public (*e.g.*, through a participation and engagement dashboard).

5) Create and maintain a centralized webpage to promote and explain engagement activities. Many people, including underserved communities, are unaware of opportunities to engage with agencies. They may not know where to find such opportunities, how to prioritize their time and involvement, or if and how their participation can make a difference.

Agencies can make it easier for the public to find opportunities for engagement by creating a central webpage (*e.g.*, www.agency.gov/engage) for available engagement opportunities (*e.g.*, listening sessions, user research, proposed rules open for comment, engagement trainings for the public) across the agency or an agency component.¹⁹ Agencies could link to this page from the homepage and "Contact Us" page of their primary/component websites, and their Open Government Webpages. A consolidated webpage could, for instance:

- describe the agency's engagement policies;
- help people search, filter, and register for open or upcoming engagement activities (while directing them to relevant websites like the <u>Federal Register</u>, <u>Regulations.gov</u>, or <u>usa.gov/user-research</u>);
- list the relevant participation and engagement point(s) of contact and their contact information for the public;
- clarify participation methods and any compensation or participant support;
- share outcomes and final documents related to previous engagements;
- provide examples of how public input has shaped the agency's decision-making; and
- offer a sign-up link to learn about future opportunities for engagement.

Agencies are encouraged to be creative and consider how to support the design or delivery of a program or service, make efficient use of agency resources, or broaden the agency's reach. Not all agencies may need to conduct entirely new approaches and activities. Some agencies could, for example, build on ongoing participation efforts and share public updates on how the feedback is being used, close the loop on feedback that is already provided and available to the agency, review and update existing agency policies on engagement, or scale the use of an existing engagement tool or training.

V. <u>Actions for Interagency Councils</u>

OMB is committed to working collaboratively across the Federal Government to broaden participation and engagement. As such, OMB will assist interagency councils in taking steps to support agencies to engage in efficient, meaningful engagement.²⁰ Proactive actions to enhance participation include:

¹⁹ For example, the Minnesota Department of Transportation's <u>Let's Talk Transportation</u> site features opportunities to share feedback on the Department's plans, projects, and programs. The City of New Orleans maintains a <u>public calendar</u> with information on in-person and virtual engagement activities held by the local government.

²⁰ Interagency councils, such as the <u>Chief Acquisition Officers Council</u>, <u>Evaluation Officer Council</u>, <u>Chief Human</u> <u>Capital Officers Council</u>, and <u>Chief Data Officers Council</u> coordinate policy development and implementation across the Federal Government.

¹⁸ Agencies may consider developing engagement plans as part of their broader Open Government Plan.

- Centralizing topic-specific requirements and resources (*e.g.*, trainings, guidance) for public engagement in one location for agencies.
- Sharing topic-specific leading practices for participation and engagement, and contributing subject matter expertise to the Toolkit.
- Creating topic-specific subcommittees or working groups on public engagement (*e.g.*, participation in Federal grants management, the Federal permitting process, Federal research). These bodies could coordinate communities of practice for Federal agencies as well as learning sessions with state, local, Tribal, and territorial counterparts.
- Supporting interagency collaboration and knowledge-sharing through new tools, technologies, platforms, and approaches. For example, the <u>Council on Federal Financial</u> <u>Assistance</u> could pilot a forum to facilitate collaboration across Federal agencies to request feedback and ideas from recipients of Federal financial assistance (*e.g.*, to identify and address challenges with common administrative issues related to grants, like notices of funding opportunities and reporting requirements).
- Developing shared agency capacity to provide accessibility accommodations by default (instead of by request) for Federal engagement opportunities.
- Exploring the benefits and risks of, and developing appropriate guidance for, the use of artificial intelligence tools to improve and scale engagement activities (*e.g.*, organize and summarize public comments, analyze public sentiment, translate text and speech).
- Finding ways to make it easier for members of the public to access and use existing platforms for engagement with Federal agencies (*e.g.*, *Federal Register*, Regulations.gov).
- Offering technical assistance to agencies to identify funding opportunities to support work around participation and engagement.
- Communicating the stories and impacts of agency engagement efforts to Federal audiences and the broader public.

VI. <u>Important considerations when building engagement into agency functions and</u> <u>activities</u>

Agencies should think early and often about which of their programs and activities would benefit most from greater public participation. Since engagement is context-specific and dependent on agency resources and legal authorities (including across different agency components), OMB encourages agencies to consider the following when planning and implementing participation activities:

- Collaborate **within and across agencies** to share ideas and coordinate participation and engagement activities, particularly when trying to reach similar segments of the public, address similar challenges, or meet similar goals. Where possible, use existing events, communications, resources, and relationships with the public, and reduce burden and engagement fatigue on agencies and participants.
- Coordinate across **internal agency components** (*e.g.*, consider functions and geographic areas, involve regional and field offices, share public feedback received so that it reaches across teams to all who may be able to use or respond to it). Agency Offices of Public Engagement, which typically handle relationships with external audiences, should have early conversations with agency policy teams and agency counsel to align on the agency's planned approach to participation and engagement.
- Build sufficient *organizational* capacity for participation and engagement (*e.g.*, staffing, training, travel budget, accessibility and language access resources, communities of practice, open-source standards, strategic communications, research and analytical capabilities).

Agencies are encouraged to include goals and activities related to public participation in longterm strategic and performance planning documents to better support agency staff in identifying and committing the resources needed for effective, sustained engagement efforts.

- Build sufficient *public* capacity for participation and engagement (*e.g.*, technical assistance activities, trainings, capacity building grants, partnerships with state, local, Tribal, and territorial governments and community intermediaries and organizations).
- Weigh **trade-offs** when assessing the need for and extent of potential engagement (*e.g.*, resources, capacity, timing, level of priority, scale or reach of agency action under consideration, nature and complexity of issues, expected benefits of engagement for the agency and the public, ability to compensate participants, legal and policy requirements like the PRA or the Federal Advisory Committee Act (FACA)²¹ and related clearances, need for collaboration within the Federal Government or across levels of government). As appropriate, consider how to communicate those trade-offs to the public.
- Consult early and frequently with **agency counsel and other relevant offices**. Examples of important questions that may arise include statutory, regulatory, or other legal constraints; endorsement and ethics considerations; proposed uses of Federal funds, staff time, and other resources; pre-decisional discussion of Federal proposals; potential considerations around competition in contracting and grantmaking; potential future access, bias, or fairness questions based on invitations or barriers to participate; free speech and other First Amendment considerations; any potential use, reproduction, representation, or release of data, photos, recordings, or similar information from the engagements themselves; information collection; transparency; timing and process for engagement; and advisory committee considerations. Additionally, agencies should be clear with the public if they intend to publicize submissions or input, and consult their Senior Agency Official for Privacy and counsel on relevant privacy or confidentiality implications.

VII. Engagement and the Paperwork Reduction Act (PRA)

The PRA sets out processes to ensure that the value and burden of information collected from the public are considered carefully.²² When designing engagement, agencies should consider what activities fall within the scope of the PRA (see <u>Appendix 3</u> for relevant guidance to help navigate the PRA).

Certain activities that may be relevant for engagement fall outside the scope of the PRA, including:²³

- Holding *public meetings that seek public feedback*, such as open listening sessions, including through online, interactive communications or using interactive meeting tools (*e.g.*, public conference calls, webinars, discussion boards and forums, chat sessions, or other digital equivalents of in-person public meetings).
- Publishing *blog posts, fact sheets, or social media posts* to summarize information in multiple formats.

²¹ See 5 U.S.C. Chapter 10. For an overview of the FACA, visit <u>www.gsa.gov/policy-regulations/policy/federal-advisory-committee-management</u> (last updated Dec. 30, 2024).

²² See 44 U.S.C. §§ 3501–3521; 5 C.F.R. §§ 1320.1–.18. For a primer on the PRA, visit <u>pra.digital.gov</u>.

²³ Other important laws, regulations, and policies may apply, however, and nothing in this memorandum alters agency obligations under other existing laws, including FACA, the Administrative Procedure Act, the Privacy Act, the Freedom of Information Act, and the Federal Records Act.

- Publishing and circulating online invitations to participate in events (e.g., listening sessions, webinars) through email, websites, or social media.
- *Directly observing* individuals interacting with new or existing Federal paper or digital forms, websites, or services, or asking structured, semi-structured, or open-ended questions *as part of usability testing*.
- Collecting *information* through activities, such as interviews, focus groups, or surveys, that collectively involve *fewer than ten people or groups in total within a 12-month period*.
- Gathering *public input through requests for information or other published solicitations*, so long as the solicitation is general and does not require people to provide specific personal information, other than that necessary for self-identification.

Agencies should engage early on with their counsel (and their desk officer at OMB's Office of Information and Regulatory Affairs (OIRA), as needed) about whether their engagement plans require PRA approval, and if so, how to proceed. When participation activities require PRA review, flexibilities may be available to simplify and expedite the PRA review process. For example, engagement activities that overlap with user research for a Federal service or product may use the *OMB Circular A-11 Section 280 Umbrella Clearance* process to apply for fast-track PRA clearance.²⁴

Public participation and community engagement activities provide vital opportunities to shape the priorities and decisions of agencies and improve service delivery and trust. This memorandum lays out important steps that agencies should take to broaden public engagement, a critical part of the democratic process. OMB looks forward to working with agencies and the public to ensure that all people's voices are heard.

²⁴ See <u>OMB Circular No. A-11</u>, Section 280.8.

APPENDICES

1. <u>Illustrative list of Federal statutes, Executive actions, and other policy directives</u> <u>encouraging, authorizing, or requiring opportunities for participation and</u> <u>engagement</u>

Federal statutes

- <u>Administrative Procedure Act</u> (5 U.S.C. §§ 551 et seq.)
- Freedom of Information Act (5 U.S.C. § 552)
- National Environmental Policy Act (42 U.S.C. §§ 4321 et seq.)
- Paperwork Reduction Act (44 U.S.C. §§ 3501-20)
- Plain Writing Act of 2010 (Pub. L. No. 111-274; 5 U.S.C. § 301 note)
- <u>GPRA Modernization Act of 2010</u> (Pub. L. No. 111-352)
- America COMPETES Reauthorization Act of 2010 (Pub. L. No. 111-358)
- Crowdsourcing and Citizen Science Act (15 U.S.C. § 3724)
- Foundations for Evidence-Based Policymaking Act of 2018 (Pub. L. No. 115-435)

Executive actions

- <u>Executive Order 12898</u> (Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations) (Feb. 11, 1994)
- <u>Executive Order 13166</u> (Improving Access to Services for Persons With Limited English *Proficiency*) (Aug. 11, 2000)
- <u>Executive Order 13199</u> (Establishment of White House Office of Faith-Based and Community Initiatives) (Jan. 29, 2001) (amended by <u>Executive Order 13498</u>, Amendments to Executive Order 13199 and Establishment of the President's Advisory Council for Faith-Based and Neighborhood Partnerships (Feb. 5, 2009))
- Presidential Memorandum, *Transparency and Open Government* (Jan. 21, 2009)
- <u>Executive Order 13790</u> (*Promoting Agriculture and Rural Prosperity in America*) (Apr. 25, 2017)
- <u>Executive Order 13985</u> (Advancing Racial Equity and Support for Underserved Communities Through the Federal Government) (Jan. 20, 2021)
- Executive Order 14008 (Tackling the Climate Crisis at Home and Abroad) (Jan. 27, 2021)
- Presidential Memorandum, <u>Restoring Trust in Government Through Scientific Integrity and</u> <u>Evidence-Based Policymaking</u> (Jan. 27, 2021)
- <u>Executive Order 14015</u> (Establishment of the White House Office of Faith-Based and Neighborhood Partnerships) (Feb. 14, 2021)
- <u>Executive Order 14058</u> (*Transforming Federal Customer Experience and Service Delivery to Rebuild Trust in Government*) (Dec. 13, 2021)
- <u>Executive Order 14091</u> (Further Advancing Racial Equity and Support for Underserved Communities Through the Federal Government) (Feb. 16, 2023)
- Executive Order 14094 (Modernizing Regulatory Review) (Apr. 6, 2023)
- <u>Executive Order 14096</u> (*Revitalizing Our Nation's Commitment to Environmental Justice for All*) (Apr. 21, 2023)

OMB memoranda and other guidance

- <u>M-10-06</u> (*Open Government Directive*) (Dec. 8, 2009)
- <u>M-11-15</u> (*Final Guidance on Implementing the Plain Writing Act of 2010*) (Apr. 13, 2011)
- <u>M-16-16</u> (2016 Agency Open Government Plans) (July 14, 2016)

- <u>M-19-23</u> (*Phase 1 Implementation of the Foundations for Evidence-Based Policymaking Act of 2018: Learning Agendas, Personnel, and Planning Guidance*) (July 10, 2019)
- <u>M-20-12</u> (*Phase 4 Implementation of the Foundations for Evidence-Based Policymaking Act of 2018: Program Evaluation Standards and Practices*) (Mar. 10, 2020)
- <u>M-21-20</u> (*Promoting Public Trust in the Federal Government through Effective Implementation of the American Rescue Plan Act and Stewardship of the Taxpayer Resources*) (Mar. 19, 2021)
- <u>M-21-27</u> (Evidence-Based Policymaking: Learning Agendas and Annual Evaluation Plans) (June 30, 2021)
- <u>M-21-28</u> (Interim Implementation Guidance for the Justice40 Initiative) (July 20, 2021)
- <u>M-22-10</u> (Improving Access to Public Benefits Programs Through the Paperwork Reduction Act) (Apr. 13, 2022)
- <u>M-22-12</u> (Advancing Effective Stewardship of Taxpayer Resources and Outcomes in the Implementation of the Infrastructure Investment and Jobs Act) (Apr. 29, 2022)
- <u>M-23-09</u> (Addendum to the Interim Implementation Guidance for the Justice40 Initiative, M-21-28, on using the Climate and Economic Justice Screening Tool (CEJST)) (Jan. 27, 2023)
- <u>M-23-14</u> (Implementation Guidance for the Biden-Harris Permitting Action Plan) (Mar. 6, 2023)
- Memorandum from the Administrator, Office of Information and Regulatory Affairs, Implementation of Modernizing Regulatory Review Executive Order (Apr. 6, 2023)
- Memorandum from the Administrator, Office of Information and Regulatory Affairs, <u>Broadening Public Participation and Community Engagement in the Regulatory Process</u> (July 19, 2023)
- <u>M-23-22</u> (*Delivering a Digital-First Public Experience*) (Sep. 22, 2023)
- <u>M-24-08</u> (*Strengthening Digital Accessibility and the Management of Section 508 of the Rehabilitation Act*) (Dec. 21, 2023)
- <u>OMB Circular No. A-11</u> (*Preparation, Submission, and Execution of the Budget*) (July 25, 2024)

Other policy commitments and documents

- <u>2011 Open Government Declaration</u>, <u>endorsed by</u> the United States, a founding member of the Open Government Partnership (OGP) and current member of the OGP Steering Committee (Sep. 2011)
- Office of Science and Technology Policy Memorandum, <u>Addressing Societal and Scientific</u> <u>Challenges through Citizen Science and Crowdsourcing</u> (Sep. 2015)
- Fourth Open Government National Action Plan for the United States of America (Feb. 2019)
- Office of Science and Technology Policy Memorandum, <u>Ensuring Free, Immediate, and</u> <u>Equitable Access to Federally Funded Research (Aug. 25, 2022)</u>
- President's Management Agenda (PMA) (Nov. 2022)
- Fifth U.S. Open Government National Action Plan (Dec. 2022)
- President's Council of Advisors on Science and Technology, <u>Letter to the President:</u> <u>Advancing Public Engagement with the Sciences (Aug. 29, 2023)</u>
- Council on Environmental Quality, <u>Strategic Planning to Advance Environmental Justice</u> <u>Template</u> (Oct. 2023)
- National Science and Technology Council, <u>Environmental Justice Science</u>, <u>Data</u>, and <u>Research Plan</u> (Jul. 18, 2024)

2. <u>Examples of leading practices to support the five guiding principles, with sample resources linked²⁵</u>

1. PURPOSEFUL: Examples

- Prepare an <u>engagement plan</u> that clearly lays out the goal(s), interested and affected individuals and communities, <u>engagement activities</u>, milestones, and <u>metrics for assessment</u>. As appropriate, review and incorporate previously collected feedback, and lessons learned from prior engagements.
- <u>Collaborate</u> with state and local governments and organizations that have trusted relationships with communities to identify who to engage and how to communicate, <u>community-specific history and</u> <u>context</u>, and potential community liaisons.
- Develop <u>communication and dissemination plans</u> to proactively and effectively reach the public, including underserved and hard-to-reach communities.
- Begin engagement early in the agency's decision-making process, especially with affected communities, so that staff and communities have a shared understanding of the topic(s) on which the agency is seeking engagement and problems the agency may be facing, and can contribute to the development of solutions. Incorporate community concerns and insights from the beginning, rather than trying to address them later when it may be harder to implement changes.
- Seek to <u>build trust</u> with the communities that the agency plans to engage, and identify ways to continue to develop and maintain that trust during and after the specific engagement event(s).

2. RESPECTFUL AND MUTUALLY BENEFICIAL: Examples

- Provide notice of engagement opportunities as early as feasible to facilitate the public's planning and preparation. Offer sufficient time for the public to provide meaningful input, as that may require members of the public to consult with others and develop detailed responses. When feasible, provide at least 60 days for public comment periods. For context, summarize outreach conducted to date.
- Help the public build capacity to understand and navigate the processes for public engagement with Federal agencies (*e.g.*, through <u>how-to videos</u>, <u>tips</u> and <u>templates</u> for <u>writing public comments</u>, guides to navigating Federal websites, workshops, leadership training).
- Provide training and guidance to ensure that relevant staff have the knowledge, skills, and support to apply <u>trauma-informed</u> and <u>culturally competent</u> approaches to community engagement.
- Limit gathering feedback on items that the agency does not plan to address as part of the given engagement effort, and acknowledge when input may be outside the scope of the engagement.
- When possible, share feedback within or across agency components and with other relevant agencies (*e.g.*, via <u>government-wide communities of practice</u>) so that it reaches the appropriate decision-makers. Also share information that can be used to inform other engagement efforts, such as leading practices, community points of contact, and any tools and methods that were used successfully to exchange information and ideas with the public.
- Explicitly communicate to participants that their input is welcomed and valued by the agency (*e.g.*, "Your knowledge and ideas matter. We want to consider your perspectives and experiences in the agency's actions moving forward. We hope this conversation is a meaningful use of your time.")

3. TRANSPARENT AND ACCOUNTABLE: Examples

- Publish relevant meeting materials in advance (*e.g.*, background, agenda, discussion questions, key dates) and after meetings (*e.g.*, recordings, transcripts, summaries, future events).
- Provide examples and real-world stories of how the agency takes feedback into account in agency decision-making and planning, to show that agencies take public input seriously.

²⁵ All sample resources in this memorandum are for informational purposes only. OMB has not undertaken an empirical assessment of the effectiveness of these materials. Inclusion of materials developed by individuals and organizations external to Federal Government does not imply endorsement by the Federal Government.

- Clearly <u>articulate</u> the specific information sought, the decisions or products to be informed, scope of the activity, and agency authority, so that members of the public can understand the impact their participation may have. Avoid overpromising.
- After the engagement has concluded, <u>explain how the input received was considered</u> in a particular decision or product. Along with communicating this information publicly, communicate it directly to those who participated in the process.
- Gather feedback from the public on their past and present experiences engaging with the agency and share this feedback with the public, as well as how the agency will use it to shape future engagement efforts. <u>Acknowledge past experiences</u> that may have caused harm to individuals and communities, and that may <u>hinder them</u> from participating in current engagement efforts.

4. WELCOMING AND ACCESSIBLE: Examples

- Use <u>plain language</u> summaries, <u>infographics</u>, short videos, and other <u>easily understandable</u> communications to inform the public about engagement opportunities and topics. Use various <u>methods</u>, such as television, radio, fliers, and social media, to share information. Collaborate with local governments and organizations to identify how communities prefer to receive information.
- Provide information in <u>multiple languages</u>, and in accessible and understandable <u>formats</u>.
- For live events, schedule sessions at different times to accommodate time zones and work and care schedules, and provide virtual options to participate.
- Offer multiple ways to provide feedback (*e.g.*, through written comments, listening sessions, office hours, pre-recorded audio comments). Where feasible, gather written input through <u>approved online platforms</u> that may support easy-to-use forms for people to respond to questions. Consider accepting feedback in languages other than English and in which respondents may be more fluent.
- Consider when asynchronous engagement (where participants can engage on their own schedules, such as by posting in discussion forums, watching recorded presentations) may also be effective and may work better for those across time zones or with less robust internet connections.
- Provide training and guidance to ensure that staff know how to plan and deliver welcoming and accessible participation and engagement, such as for participants with disabilities. Training should include how to offer, arrange, prepare for, and announce the availability of communication accessibility services for participants (*e.g.*, sign language interpretation, translation, live captioning) in a timely manner. Additionally, staff should be aware of considerations when using virtual tools, which may address mobility, time, or cost barriers, but can potentially exclude older adults, people with limited English proficiency, and those with limited access to technology.
- Meet and provide information to people where they may already have trusted relationships or already spend time (*e.g.*, community centers, libraries, schools, houses of worship, online forums).
- Consult with agency counsel to identify potential strategies for <u>providing support</u> to participants (*e.g.*, compensation, travel assistance, child or elder care, meals).

5. LEARNING-FOCUSED AND ITERATIVE: Examples

- Choose and implement evidence-based engagement strategies when possible.
- Work with agency evaluation experts to design <u>evaluation activities</u> that go beyond performance measurement to assess the overall <u>effectiveness</u> of engagement efforts.
- Use clear and concrete <u>measures</u> to help assess the effectiveness of participation and engagement. While different engagement efforts may need tailored metrics and indicators, work with agency evaluation offices and evaluation staff to develop a menu of standard measures (*e.g.*, reach, extent of engagement, inclusiveness and accessibility, transparency) for agency staff to draw from.
- Have participants complete a short, post-engagement <u>survey</u> to gauge how well the engagement met their expectations (*e.g.*, breadth or depth of engagement, relevance of discussion topics, discussion dynamics, participant satisfaction).

- Consider how to include the assessment of engagement activities as part of agency <u>Learning</u> <u>Agendas and Annual Evaluation Plans</u>.
- Develop a <u>logic model</u> when introducing new, untested approaches and plan for activities to evaluate the new approaches.
- Make course corrections and pivot in real-time if necessary and feasible.

3. <u>Sample resources for agencies to support implementation of this memorandum</u>

A. Examples of participation and engagement frameworks

One of the most widely used and adapted approaches to participation and engagement by governments around the world is the <u>International Association for Public Participation (IAP2) Spectrum of Public</u> <u>Participation</u> (IAP2 Spectrum). The IAP2 Spectrum describes five levels of public participation, tied to the levels of potential public influence on the decision or action being considered.

- The U.S. Environmental Protection Agency utilizes a <u>spectrum of public involvement</u> (last updated July 3, 2024) that parallels the IAP2 Spectrum, but is tailored to the specific needs of a regulatory agency.
- The Council on Environmental Quality recommends the "<u>Spectrum of Engagement in</u> <u>National Environmental Policy Act (NEPA) Decision-Making</u>" (Oct. 2007), which adapts the IAP2 Spectrum for collaboration in the context of NEPA.

Other public participation and community engagement frameworks:

- The Institute for Local Government's <u>T.I.E.R.S. Public Engagement Framework</u> includes five pillars for successful community engagement (Think, Initiate, Engage, Review, and Shift) and was developed in response to feedback from local government staff across California.
- The National Coalition for Dialogue and Deliberation's <u>Engagement Streams Framework</u>. This framework classifies dialogue and deliberation into four streams based on the organizer's primary intention or purpose and provides information on the most well-known and well-tested methods that have proven effective in each stream.
- The Organisation for Economic Co-operation and Development's (OECD) <u>Guidelines for</u> <u>Citizen Participation Processes</u>. These guidelines describe ten steps for designing, planning, implementing and evaluating a participation process, and discuss eight different methods for involving the public, including open meetings, public consultations, and open innovation.

B. Examples of existing agency guidance and approaches for compensating or otherwise supporting participants for their time, knowledge, and lived experience

- Engaging Families and Early Educators with Direct Experience in Child Care and Early Childhood Systems, Administration for Children and Families (Oct. 17, 2024): This guidance clarifies that Child Care and Development Fund (CCDF) and Preschool Development Grant Birth through Five (PDG B-5) funds can be used to engage and compensate individuals with direct experience in child care and early childhood systems.
- <u>EPA Guidance on Participant Support Costs</u>, U.S. Environmental Protection Agency (Oct. 1, 2024): This guidance provides an overview of allowable participant support costs (*e.g.*, direct expenses for stipends, travel assistance, and other related activity costs) under the agency's assistance agreements, aligning with OMB's Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 CFR Part 200).
- <u>Use of DOT Funds for Public Involvement</u>, U.S. Department of Transportation (last updated Jun. 24, 2024): This guidance emphasizes the importance and requirement of meaningful public involvement for recipients of the agency's funding, aligning with legal requirements.

The guidance covers frequently asked questions, and information and promising practices to support grantees undertaking public involvement activities in transportation planning.

- <u>Compensating User Research Participants</u>, U.S. General Services Administration Technology Transformation Services (last updated Apr. 17, 2024): These guidelines address compensation for user research participants, emphasizing that offering compensation is critical to reaching people most in need of government services.
- <u>Leading in Partnership with Youth and Young Adults with Lived Experience</u>, Administration for Children and Families (Feb. 28, 2024): This guidance addresses how agency grantees may compensate youth and young adults with lived experience for participation.
- <u>Allowability of Prepaid and Gift Cards</u>, National Endowment for the Humanities (Jun. 23, 2023): This guidance covers the limited circumstances under which the agency's funds may be used to acquire gift and prepaid cards.

Some U.S. state government agencies have also established their own policies for compensation:

- <u>Colorado Department of Human Services</u>: This guidance addresses compensation through stipends for meeting participation, reimbursement for expenses such as transportation and childcare, and professional development opportunities.
- <u>Washington Office of Equity</u>: These community compensation guidelines provide agencies with directives on compensating individuals from marginalized communities for their participation in boards, commissions, task forces, committees, and workgroups.

C. Relevant OMB guidance for navigating the Paperwork Reduction Act (PRA)

A full list of White House documents related to the PRA, including guidance and clarifications of policy, is <u>available here on OMB's website</u>. The Digital.gov <u>guide to the PRA</u> is a helpful resource. Many agencies also maintain their own PRA guides, covering compliance responsibilities, approval processes, and related templates.

- Guidance from OMB's Office of Information and Regulatory Affairs (OIRA) on <u>Supporting</u> <u>Usability Testing Through Paperwork Reduction Act Flexibilities</u> (Nov. 21, 2024) clarifies when agencies can conduct usability testing on paper or digital forms and websites without undergoing the full PRA approval process.
- A blog post by OMB's U.S. Digital Service on <u>User Research and the Paperwork Reduction</u> <u>Act</u> (Aug. 20. 2024) shares case studies and details on research methods that could help agencies create more effective and user-friendly services while complying with the PRA.
- OIRA guidance on <u>appropriate PRA flexibilities</u> (Jul. 22, 2016) outlines administrative flexibilities, including generic and fast-track clearances, under the PRA to help agencies streamline information collection processes and comply with their statutory obligations.
- An OIRA memorandum, *Web-based Interactive Technologies: Data Search Tools, Calculators, and the Paperwork Reduction Act* (Sep. 5, 2014), includes an appendix listing <u>exclusions to the regulatory definition of "information" under the Paperwork Reduction Act</u>. The appendix outlines specific categories of data and activities that are excluded from the definition of the term "information" as used in PRA regulations and describes how those categories may apply in connection with social media and other web-based technologies.
- OIRA's list of frequently asked <u>PRA questions related to challenges and prizes</u> (Mar. 1, 2012) addresses common questions about compliance, including exemptions, definitions, and the process for obtaining OMB approval for prize-related information collections.
- OIRA guidance on *Social Media, Web-Based Interactive Technologies, and the Paperwork* <u>*Reduction Act*</u> (Apr. 7, 2010) addresses the use of social media and web-based interactive technologies in terms of compliance with the PRA.