# Request for Feedback on Draft Memorandum:
## *Broadening Public Participation and Community Engagement with the Federal Government*

## SUMMARY:

The Office of Management and Budget (OMB) seeks public input on a draft memorandum titled *Broadening Public Participation and Community Engagement with the Federal Government.* **The proposed memorandum would provide guidance from OMB to Federal agencies on how to conduct more effective and meaningful public participation and community engagement (participation and engagement).**

In drafting this proposed guidance, OMB considered feedback received from the public and Federal agencies through OMB's Request for Information on Methods and Leading Practices for Advancing Public Participation and Community Engagement With the Federal Government, 89 Fed. Reg. 19,885 (Mar. 20, 2024), and related listening sessions. This memorandum would also complement guidance from OMB's Office of Information and Regulatory Affairs on *Broadening Public Participation and Community Engagement in the Regulatory Process* (July 10, 2023), which focuses on how agencies can better engage the public when developing regulations.

*Participation and engagement activities* in government include regulatory notice and comment processes, requests for information, consultations, listening sessions, surveys, user research, crowdsourcing, participatory science, and other activities carried out by Federal agencies to engage with the public to inform regulations, policies, program and service design, research and innovation, and other actions.

OMB is also preparing the **first iteration of a U.S. Federal Public Participation and Community Engagement Toolkit (Toolkit)** that builds on prior Federal efforts, such as the *U.S. Public Participation Playbook* (Feb. 3, 2015). See Appendix 2 of this draft Memorandum for a preview of the potential sections of the Toolkit.

## DATES:

Feedback must be provided on or before **November 29, 2024.**

## RESPONSES:

Please submit feedback through a simple, open-ended form at www.performance.gov/participation. Instructions for submitting feedback and options to register for live events hosted by OMB to hear from the public are provided on the site.

**OMB also welcomes feedback through November 29, 2024 on the proposed outline of the Toolkit for Federal agencies.**

## INSTRUCTIONS:

Please use concise, plain language in submitting feedback. You may provide overall feedback on the proposed memorandum, feedback on any of the specific sections in the memorandum, and additional feedback on any topic that may affect the content or implementation of the memorandum. **When**

**commenting on a specific section, please respond to the question corresponding to that section in the form.** Any links to online materials must be publicly accessible.

Please share this request with colleagues or others for feedback, including those with experience in outreach to underserved communities.

**As you read this document, consider the following:**

- **What are your overall thoughts or reactions?**
- **What might you add or remove?**
- **Is there anything unclear or confusing in this draft memorandum? Do you have any suggestions to improve it?**
- **How can OMB assist agencies in implementing this guidance?**

***Privacy Act Statement:*** *Response to this request is voluntary. OMB will use your feedback to inform sound decision-making on topics related to this memorandum. All responses received may be publicly disclosed, including any personal and business confidential information provided. Please do not include in your responses any information of a confidential nature, such as sensitive personal information or proprietary information, or any information that you would not like to be made publicly available. The OMB System of Records Notice, OMB Public Input System of Records, OMB/INPUT/01, 88 Fed. Reg. 20,913 (Apr. 7, 2023), available at www.federalregister.gov/d/2023-07452, includes a list of routine uses associated with the collection of this information.*

*Individuals and organizations who respond to this request may be contacted for clarification, related discussions, events, or surveys.*

## CONTACT:

For questions, please email publicparticipation@omb.eop.gov with "Participation and Engagement Memorandum" in the subject line, or call Vanessa Sloane at (202) 881-8309.

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

**THE DIRECTOR**

**DRAFT FOR PUBLIC FEEDBACK**

MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

FROM:         Shalanda D. Young
SUBJECT:    Broadening Public Participation and Community Engagement with the Federal
              Government

       Inclusive, effective, and meaningful public engagement is a foundational principle of open government and of government decision-making. Multiple Federal statutes provide for public participation and community engagement across everyday Federal agency functions—from strategic planning to rulemaking and evaluation. Consistent with these laws, a range of Executive directives also encourage, authorize, and, in many cases, require agencies to develop better mechanisms to receive direct feedback from and engage with the American public **(see Appendix 1 for an illustrative list)**. Federal agencies are committed to making it easier for the American people to share their knowledge, needs, and lived experiences[1] to improve how their government works for them and with them.

       This Memorandum provides guidance from the Office of Management and Budget (OMB) to Federal agencies on how to broaden their public participation and community engagement (participation and engagement) with all members of the public, including underserved communities.

       **To that end, all agencies should take the following actions as appropriate and consistent with applicable law:**

1. **Designate agency-wide public participation and community engagement points of contact within 90 days from the date of this Memorandum (section V(a)).**
2. **Identify at least two additional actions to support greater participation and engagement within 180 days from the date of this Memorandum (section V(b)).**

This Memorandum also:

- offers **definitions** (section I), **principles** (section III), and an **illustrative framework and measures** (section IV) to help guide meaningful participation and engagement across agencies;

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[1] According to the U.S. Department of Health and Human Services, people with lived experience are those directly affected by social, health, public health, or other issues and the strategies that aim to address those issues. This gives them insights that can inform and improve systems, research, policies, practices, and programs. Lived experience means knowledge based on someone's perspective, personal identities, and history, beyond their professional or educational experience. *See* Grace Guerrero Ramirez et al., U.S. Dep't of Health & Hum. Servs., Assistant Sec'y for Planning & Eval., *What is Lived Experience* (Jan. 25, 2023), *available at* aspe.hhs.gov/reports/what-lived-experience.

- discusses the **benefits of effective engagement** for agencies and the public (section II);
- outlines actions for the **Federal Executive Councils** to help advance agency engagement efforts (section VI);
- provides **specific considerations for agencies** to bear in mind when planning and implementing participation and engagement efforts (section VII); and
- discusses **flexibilities** available to agencies under the Paperwork Reduction Act of 1995[2] to facilitate public engagement (section VIII).

This guidance complements guidance from OMB's Office of Information and Regulatory Affairs (OIRA) on *Broadening Public Participation and Community Engagement in the Regulatory Process* (July 10, 2023), which focuses on how agencies can better engage the public when developing regulations.

In developing this Memorandum, OMB drew on extensive engagement with the public and Federal agencies. This helped OMB understand how the public engages with government; identify barriers to participation faced by the public, including underserved communities; receive suggestions for how agencies can better reach members of the public and consider their perspectives in decision-making processes; and gather feedback on draft guidance and resources for engagement. OMB will organize follow-up activities approximately twelve months from the issuance of this guidance to hear from the public and agencies about implementation of this guidance and opportunities for improvement.

This guidance should be shared with all agency components and members of an agency's workforce, including the following:

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

Public involvement is important to decision-making across all agency functions and activities and requires coordination across multiple components. Therefore, it is essential that every member of an agency's workforce know what public participation and community engagement mean, understand how they can benefit the public and government, and have access to tools and resources to engage the public effectively.

**With this Memorandum, OMB is also launching the first iteration of a U.S. Federal Public Participation and Community Engagement Toolkit (Toolkit) that builds on prior Federal efforts, such as the *U.S. Public Participation Playbook* (Feb. 3, 2015). The Toolkit centralizes materials that**

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

**can help agencies better prepare for, design, implement, and assess participation and engagement efforts; address common agency questions about engagement, such as those related to the Paperwork Reduction Act; and share leading practices and case studies sourced from agencies and the public (see Appendix 2 for more information).**

*Note:* OMB is providing this guidance to help agencies broaden their participation and engagement. Although many agencies are already taking steps to implement many of the practices offered in this Memorandum and the Toolkit, some practices will be new. OMB recognizes that it will take time to adapt and scale these practices across diverse agencies and programs and that the timing, nature, and extent of implementation will depend on a range of considerations for each agency.

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## I.      <u>Definitions</u>

*Public participation* in government is any process that creates opportunities to involve members of the public in government decision-making. It seeks and facilitates the involvement of those affected by, or interested in, a government decision, including individuals; state, local, Tribal, and territorial governments; non-profit organizations; educational institutions; businesses; and other entities.

*Community engagement* in government is a more specific concept within public participation that involves agency actions to build trust-based,[3] long-term, and two-way[4] relationships with all communities, including underserved communities[5] that have been historically left out of government decision-making.[6] *Communities* refers to a group of individuals living in geographic proximity to one

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[3] A *trust-based* relationship with communities recognizes their context and history with the agency, focuses on processes that enable listening, and clearly shares the opportunities and limitations of the agency's engagement.
[4] A *two-way* interaction is designed to facilitate an exchange of ideas between the agency and participants, and, when possible, integrate input from communities into the decision-making process.
[5] Executive Order 14094, *Modernizing Regulatory Review* § 2(a) (Apr. 6, 2023). As defined in Executive Orders 13985, 14020, and 14091, the term *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 civil life, and may include Black, Latino, Indigenous and Native American, Asian American, Native Hawaiian, and Pacific Islander persons and other persons of color; members of religious minorities; women and girls; LGBTQI+ persons; persons with disabilities; persons who live in rural areas; persons who live in United States Territories; persons otherwise adversely affected by persistent poverty or inequality; and individuals who belong to multiple such communities. While not mentioned explicitly in these Executive Orders, underserved communities also include individuals with limited proficiency in English, whether they use spoken language, sign language, or other methods to communicate. Vulnerabilities are often heightened by geographic location; linguistic isolation; or lack of access to affordable housing, transportation, health care, and energy.
[6] On the definitions of *public participation* and *community engagement*, see OIRA Memorandum, *Broadening Public Participation and Community Engagement in the Regulatory Process* (July 19, 2023), *available at* www.whitehouse.gov/wp-content/uploads/2023/07/Broadening-Public-Participation-and-Community-Engagement-in-the-Regulatory-Process.pdf. For more on *meaningful involvement* and *meaningful engagement*, see Executive Order 14096, *Revitalizing Our Nation's Commitment to Environmental Justice for All* (Apr. 21, 2023), and *Methods and Emerging Strategies to Engage People with Lived Experience,* U.S. Department of Health and Human Services, aspe.hhs.gov/sites/default/files/documents/62e7a64c60e10c47484b763aa9868f99/lived-experience-brief.pdf (Dec. 20, 2021).

another, or a geographically dispersed set of individuals (such as agricultural workers), where either type of group experiences common conditions.[7]

*Public participation and community engagement activities* in government include regulatory notice and comment processes, requests for information, consultations, listening sessions, surveys, user research, crowdsourcing, participatory science, and other activities carried out by Federal agencies to engage with the public to inform regulations, policies, program and service design, research and innovation, and other actions.

## II.     Importance of broadening and improving public participation and community engagement for Federal agencies and the public

OMB recognizes that Federal agencies have been working for a long time to better reach and serve the American public, but there is more work to do. Participation and engagement efforts that may not reach the communities interested in or affected by proposed actions may leave the public feeling that agencies are inaccessible or disconnected from their needs, interests, and priorities. Federal agencies do not always hear or learn from affected communities for a variety of reasons, including: a lack of notice or communication through trusted or familiar channels; inaccessible or poorly timed messaging and outreach; overly technical materials; one-size-fits all engagement formats; or a lack of agency organizational capacity (time, funding, knowledge of relevant affected communities, cultural or linguistic competencies). Members of the public might not participate because they lack: notice; information access; time; knowledge of the subject matter or opportunities for engagement; digital literacy; physical, language, or internet[8] access; or trust in government.[9] Such obstacles impede meaningful public involvement.

There is a growing body of evidence indicating that participation and engagement matter in creating and implementing responsive government policies, programs, products, and services, and for improving public trust in government. For instance, according to the Organisation for Economic Co-operation and Development (OECD), the largest trust gaps in public institutions are seen when people feel

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[7] On this definition, see OMB M-21-28, *Interim Implementation Guidance for the Justice40 Initiative* (July 20, 2021), *available at* www.whitehouse.gov/wp-content/uploads/2021/07/M-21-28.pdf, and OMB M-23-09, *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), *available at* www.whitehouse.gov/wp-content/uploads/2023/01/M-23-09_Signed_CEQ_CPO.pdf. Also, 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, *Consultation and Coordination With Indian Tribal Governments* (Nov. 6, 2000). Agencies should follow applicable agency policies and Federal requirements for Tribal consultations, including as specified in Presidential Memorandum, *Uniform Standards for Tribal Consultations* (Nov. 30, 2022), *available at* www.federalregister.gov/d/2022-26555.

[8] On differences across the population in Internet access, see *Internet, Broadband Fact Sheet*, Pew Research Center (Jan. 31, 2024), www.pewresearch.org/internet/fact-sheet/internet-broadband. As of 2021, an estimated 23% of American adults report not having access to broadband and separately 30% of households say they often or sometimes have problems connecting to the Internet at home. Agencies should consider their obligations under Section 508 of the Rehabilitation Act. For more details on Section 508 compliance, see Gen. Servs. Admin., Section508.gov, www.section508.gov (last visited Oct. 7, 2024).

[9] For more details on the obstacles faced by Federal agencies and the public when it comes to engagement, see OIRA Memorandum, *Broadening Public Participation and Community Engagement in the Regulatory Process* (July 19, 2023), *available at* www.whitehouse.gov/wp-content/uploads/2023/07/Broadening-Public-Participation-and-Community-Engagement-in-the-Regulatory-Process.pdf.

they have too little a say in government actions; the OECD *2024 Survey on Drivers of Trust in Public Institutions* across 30 countries found that 69% of those who feel they have a say in government actions trust government, while only 22% trust government among those who feel they do not have a say.[10] The same survey also found that people are skeptical about the government being responsive to public feedback—less than 40% of people believe that the government would improve a program, policy, or service "if many people complained that it was working badly." Meanwhile, a national Partnership for Public Service (PPS) survey on *Trust in Government* found that while 40% of Americans trusted government, only 27% believed that government listened to the public and only 23% believed that government is transparent.[11] About one-third of all respondents, and many people in PPS-led focus groups, said that being more responsive to the public was a key priority for government improvement. These figures indicate that greater participation and engagement can help improve the public's perceptions of government decision-making as responsive and trustworthy.

In addition to building trust, public engagement can also support Federal agencies in developing policies and programs that are better tailored to local needs and context. For example, research by the U.S. Department of Health and Human Services found that hearing from people about their lived experiences helped Federal staff better understand the needs of the people they serve, which improved various Federal systems, programs, and initiatives, and resulted in better program impacts, and benefits for participants.[12]

When done in a meaningful way, participation and engagement can lead to better outcomes and better governance. Benefits for agencies and the public include:

- Improved agency understanding of the public's needs and concerns, which helps agencies better prioritize their efforts and design more responsive solutions;
- More effective and equitable Federal policy, program, and product design, which improves customer experience and service delivery;
- Regular channels for public input on existing policies, programs, products, and processes, which enable agencies to track and modify service delivery in more timely ways;
- Stronger relationships between agencies and members of the public, including affected and underserved communities, which helps to foster trust in government;
- Greater inclusion of diverse perspectives and experiences, which leads to the creation of more reliable, human-centered, and innovative solutions;
- Greater public understanding of the policy issues and choices that impact people's lives, which improves transparency and builds public capacity to engage with government; and

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[10] Org. for Econ. Co-operation & Dev., *OECD Survey on Drivers of Trust in Public Institutions – 2024 Results: Building Trust in a Complex Policy Environment* (July 10, 2024), *available at* www.oecd.org/en/publications/2024/07/oecd-survey-on-drivers-of-trust-in-public-institutions-2024-results_eeb36452.html.

[11] Partnership for Public Service, *Trust in Government: A Close Look at Public Perceptions of the Federal Government and Its Employees* (Mar. 23, 2022), *available at* ourpublicservice.org/publications/trust-in-government. See also Partnership for Public Service, *Let's Talk: Rebuilding Young Adults' Trust in Government through Authentic Communications* (Oct. 10, 2024), *available at* ourpublicservice.org/publications/lets-talk-rebuilding-young-adults-trust-in-government-through-authentic-communications.

[12] Syreeta Skelton-Wilson et al., U.S. Dep't of Health & Hum. Servs., Assistant Sec'y for Planning & Evaluation, Methods and Emerging Strategies to Engage People with Lived Experience (Dec. 20, 2021), *available at* aspe.hhs.gov/sites/default/files/documents/62e7a64c60e10c47484b763aa9868f99/lived-experience-brief.pdf.

- Increased public awareness of and engagement with Federal programs and initiatives, which deepens the reach and impact of government services.

### III.   Guiding principles for meaningful participation and engagement

Broadening public participation and community engagement requires intentional efforts to involve the public in ways that can build relationships and trust, promote transparency and accessibility, and repair past harms. The following table identifies five guiding principles for meaningful engagement and provides examples of how they may be applied, as practicable and consistent with applicable law and available resources.

**Agencies should review their policies for outreach and engagement to ensure that they are consistent with these principles. Where existing policies are not consistent with these principles, OMB encourages agencies to revise them, consistent with applicable law. In all cases, OMB encourages agencies to ensure that all members of an agency's workforce are aware of relevant policies and these guiding principles.**

| GUIDING PRINCIPLES | PUTTING PRINCIPLES INTO ACTION |
|---|---|
| 1. **Purposeful:** Plan for and prepare timely participation and engagement activities by defining the why (purpose), who (audience), what (type of outcome), when (timing), and how (format). Prioritize early planning, which includes understanding the history of engagement between the agency and communities, and potential obstacles to participation. | • Prepare a comprehensive engagement plan that clearly lays out the purpose, agency and community stakeholders, engagement activities, milestones, and metrics for assessment. <br> • Collaborate with community organizations, and other public and private sector partners that have trusted relationships with communities to identify who to engage, effective ways to communicate, and community-specific history and context. <br> • Where appropriate, develop plans to maintain established relationships with communities. |
| 2. **Inclusive, Welcoming, and Accessible:** 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, cultural, linguistic, technological, financial, informational, psychological, time). | • Use plain language summaries, infographics, or short videos to raise awareness of opportunities and topics for engagement. Provide materials in multiple languages[13] and accessible formats. <br> • Ensure that staff know 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. |

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[13] According to the 2021 American Community Survey, 26 million individuals, or over 8% of individuals 5 years and older, speak English less than "very well," meeting the definition of limited English language proficiency. See data.census.gov/table?q=DP02&t=Language+Spoken+at+Home. Agencies are required under Executive Order 13166, *Improving Access to Services for Persons with Limited English Proficiency* (Aug. 11, 2000), to ensure the full participation by individuals with limited English proficiency in the Federal Government.

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|  | • Offer multiple ways for participants to provide feedback (*e.g.*, by email, listening sessions, pre-recorded audio comments). For live events, schedule sessions at different times to accommodate time zones, and work and care schedules.<br>• Consider providing participant support (*e.g.*, compensation, travel assistance, child or elder care, meals), particularly for those who may face financial hardship.[14] |
| 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 timeline, and how the agency will share the results or outcomes of the engagement. | • Publish relevant meeting materials in advance (*e.g.*, background and context, agenda, discussion questions, key dates) and after meetings (*e.g.*, recordings, transcripts, summaries, future events).<br>• Explain the scope of the activity and agency authority, so that members of the public can understand the impact their participation may have.<br>• Explain how public input has been incorporated into the final product or why it cannot be incorporated.<br>• Provide examples and real-world stories of how the agency took feedback into account in agency decision-making, to show that agencies take public input seriously. |
| 4. **Respectful and Mutually Beneficial:** Recognize, respect, and value the knowledge and insights of participants. Address participation burdens on the public and communities to reduce "engagement fatigue."[15] | • Provide notice of engagement opportunities as early as practicable, to facilitate the public's planning and preparation.<br>• Acknowledge and explain how the agency will improve on any past engagement efforts that were unsuccessful or perceived negatively by participants.<br>• Share public input that may be outside the scope of a given engagement within or across relevant agencies to ensure that it reaches the appropriate decision-makers.<br>• Collaborate within and across Federal agencies, and with state, local, Tribal, and territorial governments, to share lessons learned and explore opportunities to combine participation and engagement efforts. |

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[14] Agencies should consult their agency counsels to determine relevant authorities. Also, see Section 6 of the Toolkit for examples of existing agency guidance and other materials on this topic.

[15] Engagement fatigue may occur when individuals, organizations, or governments are approached, often separately, through different agencies or components of a Federal agency and asked to take part in outreach or engagement activities which may have overlapping aims, with no clear goal or end benefit to themselves; where many engagement initiatives have taken place in the past, especially in circumstances where they did not lead to tangible outcomes for communities; or when members of the public, organizations, or governments began to feel overloaded with engagement activities. Engagement fatigue may negatively affect willingness to participate and result in disengagement, limited engagement, or lower quality of input.

| 5. **Evidence-Based and Iterative:** 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 process to assess participation and engagement activities. | • Continuously assess engagement activities (*e.g.*, reach, robustness of feedback, transparency) to identify gaps and opportunities for improvement. <br> • Choose and implement evidence-based engagement strategies when possible. <br> • Develop a logic model when introducing new, untested approaches and plan for appropriate evaluation activities.[16] <br> • Make course corrections and pivot in real-time if necessary. |
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## IV. <u>Sample framework and measures for meaningful public participation and community engagement</u>

A participation and engagement framework can help agencies decide how and when to effectively and meaningfully involve the public, including underserved communities, in government decision-making. The framework presented below illustrates just one potential way of thinking about a continuum of public involvement **(see Section 3 of the Toolkit for examples of other engagement frameworks)**. Agencies are encouraged to adapt or draw from various participation and engagement frameworks and concepts that work best for their needs, as practicable and consistent with applicable law.[17]

Agencies may consider using the *International Association for Public Participation (IAP2) Spectrum of Public Participation* (IAP2 Spectrum), which is one of the most widely used and adapted approaches to participation and engagement by governments around the world.[18] 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 IAP2 Spectrum discusses *potential* influence because agencies generally cannot guarantee the exact or ultimate influence of public input. The levels also do not represent a hierarchy; no one level is "better" than another.**

Key to this framework's use is to match the **purpose** of an engagement level (Inform, Consult, Involve, Collaborate, Empower) with the agency's **goal** of engagement, **promise** to the public regarding their potential influence on decision-making, and engagement **activity**, while considering how to involve those often left out of public engagement processes. Each engagement activity may involve different participant burden and reach, and most activities can be adapted for use at any level of the spectrum.

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[16] For example, see AmeriCorps' presentation on *How to Develop a Program Logic Model*, *available at* americorps.gov/sites/default/files/document/2014_10_23_LogicModelSlides_ORE.pdf.

[17] In all cases, agencies are reminded to consider specific guidelines for participation in the regulatory process, including in accordance with OIRA Memorandum, *Broadening Public Participation and Community Engagement in the Regulatory Process* (July 19, 2023), *available at* www.whitehouse.gov/wp-content/uploads/2023/07/Broadening-Public-Participation-and-Community-Engagement-in-the-Regulatory-Process.pdf.

[18] For example, the U.S. Environmental Protection Agency utilizes a spectrum of public involvement that parallels the IAP2 Spectrum, but is tailored to the specific needs of a regulatory agency. See *Spectrum of Public Involvement,* U.S. Environmental Protection Agency, www.epa.gov/international-cooperation/spectrum-public-involvement (last updated July 3, 2024). Researchers have used the i2S Stakeholder Engagement Options Framework, which adapts the IAP2 Spectrum for research needs, and is available at i2s.anu.edu.au/what-i2s/faq/stakeholder-engagement-options.

If the *purpose* is to **Inform** (no influence on agency decision-making):
- The goal is to tell the public about a policy, program, or decision.
- The promise is to keep the public informed and provide accurate and transparent communications from the agency. No public feedback is sought by the agency.
- Activities might include fact sheets, social media or website posts, webinars, newsletters, flyers, press releases, and videos.

If the *purpose* is to **Consult**[19]:
- The goal is to ask for information or advice from the public on options or proposals.
- The promise is to solicit and consider public feedback, make decisions, and share how the public input influenced decisions. Agencies may ask for input at set points in the process.
- Activities might include surveys, listening sessions, interviews, focus groups, Requests for Information and other digital platform submissions, crowdsourcing, public town halls and forums, and website comment boxes.

If the *purpose* is to **Involve**:
- The goal is to invite input and ideas from the public to help develop options or proposals.
- The promise is to solicit public feedback earlier in the decision-making process to inform the development of options or proposals, make decisions, and share how the public input was taken into account. Agencies may offer multiple if not ongoing opportunities for input as decision-making progresses.
- Activities might include workshops, listening sessions, brainstorming sessions, Requests for Information and other digital platform submissions, open-source projects, and citizen science.

If the *purpose* is to **Collaborate**:
- The goal is to work with the public throughout the decision-making process, including identifying problems and potential solutions.
- The promise is to collaborate with the public to define the scope of the decision to be made, develop options or proposals, assess those options or proposals against agreed criteria, make decisions, and share how the public input was taken into account. In some cases, agencies may attempt to reach a degree of consensus with the public.
- Activities might include advisory boards and similar groups, cooperative agreements, and formal partnerships (*e.g.*, a Memorandum of Understanding).

If the *purpose* is to **Empower** (total influence on agency decision-making):
- The goal is to defer to the decisions made by the public.
- The promise is to help enable and implement what communities decide within legal and resource constraints.

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[19] In this context, the word *consult* refers to its dictionary definition, *i.e.*, seek information or advice from someone. The word *consult* here is not intended to refer to government-to-government consultation, including under Executive Order 13175, *Consultation and Coordination With Indian Tribal Governments* (Nov. 6, 2000).

- Activities might include community benefits plans,[20] community-led task forces,[21] participatory budgeting,[22] and citizen juries.[23]

**It is important to note that Federal agencies generally cannot conduct participation and engagement at the Empower level, and creating a fair, legitimate, and inclusive process for empowerment is complex and challenging.**

Meaningful public involvement does not have a one-size-fits-all format, and there is no simple way to determine the perfect level of participation or engagement activity. Agencies may include multiple levels of participation and various engagement activities, both at different stages of the decision-making process and because different stakeholders may choose to engage at different levels. In all cases, agencies should be mindful of context, timeline, budget, legal requirements, and other relevant considerations.

A set of clear, relevant, and concise measures is necessary for an agency to assess its effectiveness in implementing participation and engagement. While agencies may need tailored metrics and indicators for different engagement efforts, they could, in consultation with their evaluation offices, develop a menu of standard measures for agency staff to draw from; these measures could be informed by feedback from agency staff and the public. The following table presents sample measures that agencies might use **(see Section 3 of the Toolkit for more resources on assessment and evaluation)**.

| MEASURE | | QUESTIONS TO CONSIDER |
|---|---|---|
| *Reach* | Number of participants, participation rates, demographics of participants (*e.g.*, race, ethnicity, Tribal affiliation, gender identity, disability status, income level, age, veteran status, rural / urban location), geographic spread, social media engagement | • How widely did the agency disseminate information? <br> • How comprehensive were the agency's outreach efforts? <br> • To what degree did the agency engage interested and affected communities? <br> • How did the participants compare to the population(s) most likely to be affected by the decision? |
| *Extent of engagement* | Type of engagement offered by the agency (*e.g.*, flyer, blog post, survey, focus group, listening session, advisory committee, community-led taskforce) | • To what degree did the agency engage participants (*e.g.*, provided notice, held community informational meetings, sought input from the public, engaged in discussion with participants, pursued a co-design process)? <br> • When in the process (*e.g.*, problem identification, user testing, evaluation) did the agency engage the public? |

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[20] See, for instance, the U.S. Department of Energy's description of community benefits plans at www.energy.gov/infrastructure/about-community-benefits-plans.
[21] See, for instance, the U.S. Department of Health and Human Service's Community Preventive Services Task Force at www.thecommunityguide.org/pages/about-community-preventive-services-task-force.html.
[22] See, for instance, the U.S. Department of Housing and Urban Development's information on participatory budgeting at www.hudexchange.info/programs/participatory-budgeting.
[23] See, for instance, the U.S. Environmental Protection Agency's description of citizen juries at www.epa.gov/international-cooperation/public-participation-guide-citizen-juries.

| *Inclusiveness and accessibility* | Location of physical and virtual events, timing of engagement activities, integration of communication accessibility services, number of languages used, reading level of materials, types of compensation | • How available was the engagement to all members of the public (*e.g.*, people with disabilities, individuals with limited English proficiency, workers, low-income communities, parents and caregivers)? |
|---|---|---|
| *Robustness of feedback* | Volume, relevance, level of detail, uniqueness, usability for further discussions or decision-making | • How well did the engagement activity meet the purpose of the engagement?<br>• To what degree did the engagement help the agency to identify new issues to explore, consider alternative solutions, take new actions on an ongoing issue, or pause any actions because of community concerns? |
| *Transparency* | Notification time, types of background materials, designated point of contact, post-engagement reporting, communication of contribution to decision-making | • How well did the agency set expectations and inform the public, before and after the engagement? |

## V.  <u>Actions for agencies</u>

Successfully broadening participation and engagement is dependent on several key factors, such as sufficient funding, staff capabilities and experience, and the tools and technologies available to the agency and public. Meaningful public participation and community engagement is a process, not a single event, that requires dedicated agency focus and coordination. Because it involves activities and actions by the agency over the full lifespan of projects to engage the public, agencies should set a solid foundation to support continued participation and engagement, consistent with applicable law.

### a.  **Agencies should designate agency-wide public participation and community engagement points of contact.**

The centralized point(s) of contact should serve as an internal resource to help staff engage with members of the public and as a resource to help members of the public learn more about agency engagement opportunities. Given the wide range of participation and engagement efforts, agencies may designate separate and multiple points of contact for agency staff and for the public. Agencies should also consider establishing dedicated email addresses to receive participation and engagement questions from agency staff and the public, and making that information public on their websites.[24]

For agency staff, a public participation and community engagement point of contact should:

• respond to or route engagement-related inquiries from agency staff;

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[24] For example, OMB maintains publicparticipation@omb.eop.gov for engagement-related questions from the public.

- communicate key concepts from this Memorandum to agency staff and coordinate the implementation of this guidance;
- identify, consolidate, and share participation and engagement guidance, tools, and other materials across agency components;
- coordinate component or agency-wide participation and engagement capacity assessments;
- assist in developing and maintaining engagement plans, including the agency's Open Government Plan;[25]
- coordinate with potentially overlapping roles across the agency (*e.g.*, Chief Public Engagement Officer for Environmental Review,[26] component points of contact for participation and engagement);
- help to connect and coordinate engagement activities across agency components and with other Federal agencies;
- identify and elevate agency needs for new tools and technologies to broaden public participation and community engagement; and
- serve as the liaison to OMB on matters related to participation and engagement.

For members of the public, including state, local, Tribal, and territorial governments, a public participation and community engagement point of contact should:

- share information and answer questions about opportunities to engage with the agency;
- accept general feedback on the agency's engagement activities and policies; and
- route individual inquiries to the appropriate person(s) to speak with about their issue.

> ***Within 90 days from the date of this Memorandum,*** *agencies should submit the names and contact information for their public participation and community engagement points of contact and, if established, any dedicated email addresses for participation and engagement questions, to OMB at* [*agencyengagement@omb.eop.gov*](mailto:agencyengagement@omb.eop.gov)*. OMB will share additional information with and facilitate peer learning for agency points of contact.*

b. **Agencies should identify <u>at least two</u> actions for implementation from the following options to further improve the quality, frequency, and accessibility of their engagement efforts.**

   OMB encourages agencies to select an individual agency component to implement these actions while they adapt incrementally across components, as practicable and appropriate, to develop further capacity and experience with participation and engagement.

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[25] For more information, see OMB M-10-06, *Open Government Directive* (Dec. 8, 2009), *available at* [obamawhitehouse.archives.gov/sites/default/files/omb/assets/memoranda_2010/m10-06.pdf](http://obamawhitehouse.archives.gov/sites/default/files/omb/assets/memoranda_2010/m10-06.pdf), and OMB M-16-16, *2016 Agency Open Government Plans* (July 14, 2016), *available at* [www.whitehouse.gov/wp-content/uploads/legacy_drupal_files/omb/memoranda/2016/m-16-16.pdf](http://www.whitehouse.gov/wp-content/uploads/legacy_drupal_files/omb/memoranda/2016/m-16-16.pdf). Agencies are required to 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. Agencies are also required to maintain an Open Government Webpage to provide information related to the Open Government Directive and host the agency's Open Government Plan.

[26] *See* Council on Environmental Quality Memorandum, *Implementation of Updated National Environmental Policy Act Regulations* (June 28, 2024), *available at* [ceq.doe.gov/docs/ceq-regulations-and-guidance/Memorandum_on_Implementation_of_Updated_NEPA_Regulations_06-28-24.pdf](http://ceq.doe.gov/docs/ceq-regulations-and-guidance/Memorandum_on_Implementation_of_Updated_NEPA_Regulations_06-28-24.pdf); 40 C.F.R. § 1507.2(a).

1) **Conduct an initial public participation and community engagement capacity assessment.** Conducting a capacity assessment can help agencies 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 agency strengths and needs in areas such as the following:

- staffing (*e.g.*, expertise, experience, representation of lived experience);
- coverage (*e.g.*, where engagement activities occur within an agency, communication and collaboration across agency components on engagement-related matters);
- networks (*e.g.*, the different relationships or reach that agency components may have with communities and other external stakeholders);
- website development and maintenance (*e.g.*, Section 508 compliance, digital accessibility); and
- alignment of engagement approaches with the five guiding principles for meaningful participation and engagement (see section III of this Memorandum).

While an initial capacity self-assessment is a strong start, agency needs should be continually assessed and addressed, especially as part of any evaluations conducted to assess the effectiveness of public participation and community engagement activities.

2) **Take inventory of agency engagement resources and experiences.** Agencies could take stock of ongoing engagement activities and consult with the staff involved to gather and share resources for participation and engagement within the agency, and identify any knowledge gaps and duplication of efforts.

Resources may include agency guidance (*e.g.*, on participant support costs, language access, plain writing) and tools (*e.g.*, collaborative software, data, communication accessibility services, relevant trainings). Agencies could also use this opportunity to identify staff who are more seasoned with participation and engagement work and are willing to serve as a resource or trainer for those less experienced. Additionally, agencies could reflect on past engagement efforts and community response. Agencies are encouraged to document successes and challenges for continuous improvement as they conduct public engagement, particularly those related to inclusion, feedback loops, transparency, and accountability. Agencies may also consider an evidence review to build on successes and to inform selection of appropriate and effective engagement methods, given the purpose and audience.

3) **Implement at least one new participation and engagement approach or tool based on the information in the capacity assessment or inventory.** Agencies could build on existing opportunities, help close gaps, or address challenges identified through the capacity assessment or inventory. Agencies are encouraged to be creative, and adopt an approach or tool that will make the best use of existing resources and broaden their reach. For instance, agencies could:

- collaborate with another agency component or Federal agency, a state, local, Tribal, or territorial government, or a community organization to conduct outreach;

- develop an agency-wide policy on meaningful engagement;[27]
- 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 are often left out;
- test a tool, leading practice, or training from the Toolkit; and
- consult agency counsel on potential options for providing compensation for lived experience to facilitate participation.

4) **Develop an agency engagement plan.** Intentional planning around participation and engagement is essential to balance limited agency and community time and resources, ensure meaningful engagement, and surface areas of overlap for potential coordination on engagement efforts within and across Federal agencies. An agency engagement plan, informed by relevant frameworks and the guiding principles, can help determine how and when to allocate resources and capacity toward engagement, and ensure that projects stay on track while being enhanced by participation and engagement. Not every agency action warrants public involvement, and the amount and depth of engagement will vary **(see Section 3 of the Toolkit for engagement plan templates)**.

An agency's engagement plan could include some or all of these descriptions:

- how the agency will identify potentially affected communities and trusted community partners when planning engagement;
- how the agency will assess who has been left out of previous engagements or who may experience "engagement fatigue" from too many or duplicative requests for engagement;
- how the agency will determine timely and equitable forms of engagement that support agency goals and facilitate participation, including from underserved communities;
- how the agency will ensure effective outreach and meaningful access for individuals who may have special needs in engagement activities (*e.g.*, people with disabilities, communities with limited English proficiency);
- how members of the public can reach a designated and centralized agency point of contact to learn more about the agency's engagement efforts;
- how and when the agency will share the feedback received, and the influence of the feedback on final decisions; and
- how the agency will assess and evaluate the effectiveness of engagement strategies, including specific measures that the agency will use.[28]

OMB recommends that agencies engage in a priority setting process (ideally accompanied by early communication from leadership signaling the importance of

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[27] For example, see the U.S. Environmental Protection Agency's *Meaningful Engagement Policy* (Sep. 5, 2024), *available at* www.epa.gov/environmentaljustice/epas-meaningful-engagement-policy, and the Minnesota Department of Transportation's *Public Engagement Policy* (Mar. 10, 2023), *available at* www.dot.state.mn.us/policy/operations/oe008.html.

[28] OMB encourages agencies to consider how they will assess the effectiveness of engagement strategies and modify engagement strategies accordingly, including as part of agency Learning Agendas and Annual Evaluation Plans, as specified by the Foundations for Evidence-Based Policymaking Act of 2018 (Pub. L. No. 115-435) and OMB M-21-27, *Evidence-Based Policymaking: Learning Agendas and Annual Evaluation Plans* (June 30, 2021), *available at* www.whitehouse.gov/wp-content/uploads/2021/06/M-21-27.pdf.

participation and engagement) to inform the development of the engagement plan. Where feasible, agencies could consult the public on the final draft engagement plan, providing an opportunity for feedback before finalizing. Once an engagement plan is developed, it should be maintained, reassessed, and updated on a regular basis.[29] Agencies could also publish a public engagement plan on their websites to promote transparency, and consider a cadence and methods to report on implementation progress to agency leadership and to the public (*e.g.*, through a participation and engagement dashboard).

5) **Create and maintain a centralized webpage for agency engagement activities.** Many individuals, including members of underserved communities, are unaware of opportunities to engage with Federal agencies. They may not understand where to find engagement opportunities, how to prioritize their time and involvement, or how their participation can make a difference.[30] As OMB heard from the public, navigating dispersed engagement opportunities on and across agency websites can discourage meaningful participation. Some agencies may also struggle to identify and connect with interested and affected members of the public.

Agencies could make it easier for members of the public to find opportunities for engagement by establishing a central webpage (*e.g.,* www.agency.gov/engage) for all available engagement opportunities across their components (*e.g.*, proposed rules open for comment, Requests for Information, listening sessions, user research).[31] Agencies could link to this page from the homepage and 'Contact Us' page of their primary websites, and their Open Government Webpages. A consolidated webpage for agency engagements could

- 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 Federal Register, Regulations.gov, or usa.gov/user-research);
- clarify participation methods and any compensation or participant support;
- list the agency's designated participation and engagement point(s) of contact;
- 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.

***Within 180 days from the date of this Memorandum, agencies should submit their selected actions to OMB at agencyengagement@omb.eop.gov. OMB will provide an orientation***

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[29] Agencies could consider developing engagement plans as part of their broader Open Government Plan.

[30] According to the 2020 American National Election Study, just five percent of American adults reported that they had contacted a Federal agency in the past 12 months, which likely overstates contacts related to participation and engagement activities since these contacts could include non-participation and engagement matters. In addition, individuals with a professional degree are five times more likely to have reported contacting agencies as compared to individuals with less than a high school degree. Survey item V202036: "And what about a non-elected official in a federal government agency? Have you contacted such a person in the past twelve months?" Survey weight V200010a applied. See electionstudies.org/wp-content/uploads/2021/07/anes_timeseries_2020_userguidecodebook_20210719.pdf.

[31] Agency websites and other communication channels should also highlight general ways for the public to connect with the agency or share feedback outside of formal engagement activities (*e.g.*, via email, online comment forms).

*to support agencies with selection. OMB will also provide additional information, including on the content of the capacity assessment, an inventory template, and suggestions for identifying individual agency components for this exercise.*

## VI. Actions for the Federal Executive Councils

OMB is committed to working collaboratively across the Federal Government to broaden public participation and community engagement. As appropriate and consistent with applicable law, OMB will assist the Federal Executive Councils in taking steps to further support agencies in conducting meaningful public engagement.[32] Proactive actions to enhance participation include:

- Centralizing existing topic-specific requirements, guidance, and resources (*e.g.*, communication accessibility services, trainings) for participation and engagement in one location for agencies.
- Developing topic-specific guidance and leading practices for participation and engagement, and contributing subject matter expertise to the Toolkit. **The OIRA guidance on *[Broadening Public Participation and Community Engagement in the Regulatory Process]* and its ongoing implementation[33] should serve as an example for how complementary guidance and tools can help agencies continue to apply meaningful participation and engagement practices to a range of activities (*e.g.*, grantmaking, procurement, research)**.
- Creating topic-specific interagency communities of practice on public participation and community engagement (*e.g.*, participation and engagement in Federal procurement, participation and engagement in the Federal permitting process, public engagement in science). These bodies could serve as a collaborating and learning space for Federal agencies and also coordinate learning sessions with state, local, Tribal, and territorial counterparts.
- Identifying and implementing approaches to promote agency collaboration on engagement. For example, the Council on Federal Financial Assistance could pilot a forum to facilitate collaboration across Federal agencies to receive feedback from recipients related to Federal financial assistance (*e.g.*, identifying and addressing challenges with common grants-related administrative issues, such as notices of funding opportunities and reporting requirements).
- Exploring the feasibility of providing accessibility accommodations by default (instead of by request) for Federal participation and engagement opportunities.
- Developing and implementing recommendations 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 government grant or philanthropic investment opportunities to support work around participation and engagement.

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[32] The 12 Federal Executive Councils, such as the Chief Acquisition Officers Council, Chief Artificial Intelligence Officers Council, and Evaluation Officer Council, coordinate policy development across the Federal ecosystem. Their interagency initiatives bridge the gap between policymaking and implementation to improve outcomes. For more details, see www.gsa.gov/governmentwide-initiatives/shared-solutions-and-performance-improvement.

[33] For more information, see OIRA report, *With the People, For the People: Strengthening Public Participation in the Regulatory Process* (Aug. 14, 2024), *available at* www.whitehouse.gov/wp-content/uploads/2024/08/OIRA-2024-Public-Participation-Report.pdf.

### VII.  Important considerations when building engagement into agency functions and activities

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

- Collaborate **within agencies and with other Federal 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, make use of existing events and 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). In particular, agency Offices of Public Engagement, which typically handle relationships with external stakeholders, 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).
    - The Council on Environmental Quality's National Environmental Policy Act (NEPA) Implementing Regulations (May 1, 2024) require agencies to identify a Chief Public Engagement Officer responsible for facilitating community engagement in environmental reviews. **OMB encourages agencies to consider, as practicable and appropriate, applying this approach more broadly by identifying an officer or office responsible for all engagement activities within an agency.**
- 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 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 Paperwork Reduction Act or Federal Advisory Committee Act (FACA)[34] and related clearances, need for collaboration within the Federal Government or across levels of government). As practicable and 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 legal 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

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[34] For an overview of the FACA, visit www.gsa.gov/policy-regulations/policy/federal-advisory-committee-management.

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.

- o Agencies should always 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, whether or not those implications fall within the scope of the Privacy Act.[35]

## VIII. Engagement and the Paperwork Reduction Act

When designing public engagement, agencies should consider what activities fall within the scope of the Paperwork Reduction Act (PRA).[36] The PRA requires certain information collection activities to be reviewed by OIRA and made available for public comment, to ensure that the information being collected is useful and to minimize the burden imposed on the public.

Certain activities that may be relevant for participation and engagement fall outside the scope of the PRA, including[37]:

- holding *public meetings that seek feedback* from members of the public, such as meetings with open back-and-forth discussions, webinars, or listening sessions;
- publishing *blog posts, fact sheets, or social media posts* to summarize information in multiple formats;
- publishing and circulating *online invitations to participate in events through email, websites, or social media,* for instance, to participate in meetings with open back-and-forth discussions, webinars, or listening sessions;
- collecting *information* through such activities as interviews, focus groups, or product testing involving *fewer than ten members of the public in total*; and

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[35] The Privacy Act, 5 U.S.C. 552a, governs the collection, maintenance, use, and dissemination of information about individuals that is maintained in systems of records by Federal agencies. Note that the Privacy Act can apply to participation and engagement activities even if the Paperwork Reduction Act does not (and vice versa). In addition to complying with the Privacy Act, agencies should carefully consider how personally identifiable information (PII) may be used in any participation and engagement efforts and to have proper protocols in place for storing and handling such information. PII is anything that could be used to distinguish or trace an individual's identity, either alone or when combined with other information that is linked or linkable to a specific individual, such as an individual's name, address, telephone number, social security number, or other identifier. Protecting PII is crucial for maintaining people's privacy and respecting their rights. In particular, PII should only be collected to the extent necessary to accomplish a purpose required by law.

[36] *See* 44 U.S.C. §§ 3501–3521; 5 C.F.R. §§ 1320.1–.18. For a primer on the PRA, visit pra.digital.gov.

[37] *See also* OIRA Memorandum, *Social Media, Web-Based Interactive Technologies, and the Paperwork Reduction Act* (Apr. 7, 2010), *available at* www.whitehouse.gov/wp-content/uploads/legacy_drupal_files/omb/assets/inforeg/SocialMediaGuidance_04072010.pdf, U.S. Digital Service blog post, *User Research and the Paperwork Reduction Act* (Aug. 20. 2024), *available at* www.usds.gov/news-and-blog/user-research-and-the-paperwork-reduction-act, and OMB Circular No. A-11 Section 280.8, *available at* www.whitehouse.gov/wp-content/uploads/2018/06/a11.pdf.

- gathering *public input through requests for information or other published solicitations*, so long as the solicitation is general and does not require people to supply specific information pertaining to them, other than that necessary for self-identification.

Agencies should engage early on with their counsel (and OIRA desk officer, as needed) about whether their participation and engagement plans require PRA approval, and if so, how to proceed while following all provisions and guidelines. Even when public engagement activities involve PRA review, flexibilities may be available to simplify and expedite the PRA review process.[38] OMB also encourages agencies to consult with their OIRA desk officers to understand the full range of relevant exclusions and flexibilities to the PRA.[39]

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Public participation and community engagement activities provide members of the public vital opportunities to help shape the priorities and decisions of agencies. This Memorandum lays out important steps that agencies could take to broaden participation and engagement, which is a critical part of the democratic process. OMB is ready to work closely with agencies to ensure that all people's voices are heard.

*Note:* This Memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

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[38] OIRA has published guidance on appropriate PRA flexibilities, including generic and fast-track clearances. See obamawhitehouse.archives.gov/sites/default/files/omb/inforeg/pra_flexibilities_memo_7_22_16_finalI.pdf. Where PRA clearance is required, OIRA will work with agencies to find an appropriate resolution.

[39] 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.

# APPENDICES

1. **Illustrative list of Federal statutes, Executive actions, regulations, and other policy directives encouraging, authorizing, or requiring opportunities for participation and engagement**

   - **Federal statutes**
     - Administrative Procedure Act (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 of 1995 (44 U.S.C. 3501–3520)
     - Plain Writing Act of 2010 (Pub. L. No. 111-274)
     - Government Performance and Results Act Modernization Act of 2010 (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 *et seq.*)
     - Foundations for Evidence-Based Policymaking Act of 2018 (Pub. L. No. 115-435)

   - **Executive actions**
     - Executive Order 12898 (*Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*)
     - Executive Order 13166 (*Improving Access to Services for Persons With Limited English Proficiency*)
     - Executive Order 13985 (*Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*)
     - Executive Order 14008 (*Tackling the Climate Crisis at Home and Abroad*)
     - Presidential Memorandum, *Restoring Trust in Government Through Scientific Integrity and Evidence-Based Policymaking*
     - Executive Order 14058 (*Transforming Federal Customer Experience and Service Delivery to Rebuild Trust in Government*)
     - Executive Order 14091 (*Further Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*)
     - Executive Order 14094 (*Modernizing Regulatory Review*)
     - Executive Order 14096 (*Revitalizing Our Nation's Commitment to Environmental Justice for All*)

   - **Regulations**
     - Council on Environmental Quality, National Environmental Policy Act (NEPA) Implementing Regulations

   - **OMB guidance**
     - Transparency and Open Government
     - M-10-06 (Open Government Directive)
     - M-11-15 (Final Guidance on Implementing the Plain Writing Act of 2010)
     - M-13-13 (Open Data Policy-Managing Information as an Asset)

- o [M-16-16](#) (2016 Agency Open Government Plans)
- o [M-20-12](#) (Phase 4 Implementation of the Foundations for Evidence-Based Policymaking Act of 2018: Program Evaluation Standards and Practices)
- o [M-21-20](#) (Promoting Public Trust in the Federal Government through Effective Implementation of the American Rescue Plan Act and Stewardship of the Taxpayer Resources)
- o [M-21-27](#) (Evidence-Based Policymaking: Learning Agendas and Annual Evaluation Plans)
- o [M-21-28](#) (Interim Implementation Guidance for the Justice40 Initiative)
- o [M-22-10](#) (Improving Access to Public Benefits Programs Through the Paperwork Reduction Act)
- o [M-22-12](#) (Advancing Effective Stewardship of Taxpayer Resources and Outcomes in the Implementation of the Infrastructure Investment and Jobs Act)
- o [M-23-14](#) (Implementation Guidance for the Biden-Harris Permitting Action Plan)
- o [Implementation of Modernizing Regulatory Review Executive Order](#)
- o [Broadening Public Participation and Community Engagement in the Regulatory Process](#)
- o [OMB Circular No. A-11](#) (Preparation, Submission, and Execution of the Budget)

- **Other policy commitments and documents**
  - o [2011 Open Government Declaration](#), endorsed by the U.S., as a founding member of the Open Government Partnership (OGP) and current member of the OGP Steering Committee
  - o [President's Management Agenda (PMA)](#)
  - o [Summit for Democracy](#)
  - o [Fifth U.S. Open Government National Action Plan](#)
  - o Office of Science and Technology Policy Memorandum, [Addressing Societal and Scientific Challenges through Citizen Science and Crowdsourcing](#)
  - o Office of Science and Technology Policy Memorandum, [Ensuring Free, Immediate, and Equitable Access to Federally Funded Research](#)
  - o President's Council of Advisors on Science and Technology, [Letter to the President: Advancing Public Engagement with the Sciences](#)
  - o Council on Environmental Quality, [Strategic Planning to Advance Environmental Justice Template](#)
  - o National Science and Technology Council, [Environmental Justice Science, Data, and Research Plan](#)

## 2. Outline of Public Participation and Community Engagement Toolkit

1. **About the Toolkit**

2. **Guiding Principles for Meaningful Public Participation and Community Engagement** (descriptions, examples of how the principles may be applied)

3. **Preparing for, Designing, Implementing, and Assessing Participation and Engagement** (existing Federal guidance, tools, templates, leading practices, checklists, trainings, and case studies)

4. **Communicating Effectively with the Public**

5. **Navigating the Legal and Policy Environment**
    o Paperwork Reduction Act of 1995 (PRA)
    o Federal Advisory Committee Act (FACA)
    o Privacy Act of 1974
    o Americans with Disabilities Act (ADA) and Rehabilitation Act of 1973, as amended

6. **Providing Compensation and Support for Participation**

7. **Special Considerations for Public Participation and Community Engagement**
    o Involving and consulting with State, Local, Tribal, and Territorial governments
    o Ensuring access for persons with disabilities
    o Fostering public engagement in science and research
    o Using open-source code
    o Leveraging artificial intelligence design and implementation

8. **Public Participation and Community Engagement Across Agency Functions and Activities** (existing Federal guidance and agency examples)
    o Policy and program design and direction
    o Strategic and performance planning
    o Grantmaking
    o Procurement
    o Rulemaking
    o Evaluation
    o Enforcement and civil rights
    o Science and research
    o Service delivery and customer experience

9. **Building the Public's Capacity to Engage** (tools, templates, leading practices, and trainings)

10. **Additional Resources for Agencies**
    o Glossary of terms, acronyms, and definitions
    o Participation and engagement tools and guides produced by U.S. government agencies and organizations
    o Participation and engagement tools and guides produced by foreign government agencies and international organizations
    o Sample position descriptions for participation and engagement roles at government agencies
    o Examples of collaborative platforms and technologies to facilitate feedback collection and analysis