

**STATEMENT OF DOMINIC MANCINI
CO-CHAIR, EXECUTIVE STEERING COMMITTEE, eRULEMAKING PROGRAM**

**BEFORE THE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS AND THE
SUBCOMMITTEE ON REGULATORY AFFAIRS AND FEDERAL MANAGEMENT,
SENATE HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS COMMITTEE**

October 24, 2019

Good morning Chairman Portman, Chairman Lankford, Ranking Member Carper, Ranking Member Sinema, and the other Members of the Subcommittees. My name is Dominic Mancini; I am the career Deputy Administrator of the Office of Information and Regulatory Affairs (OIRA) in the Office of Management and Budget (OMB), and in that capacity I also serve as the Co-Chair of the eRulemaking Executive Steering Committee.

Thank you for the opportunity to speak before the Subcommittees in my role as Co-Chair of the eRulemaking Program's Executive Steering Committee. The eRulemaking Program is a cornerstone of the Federal regulatory system, as it provides all Americans and interested stakeholders a meaningful opportunity to participate in the rulemaking process. The website allows the public to find, read, and comment on proposed regulations and related documents published in the Federal Register.

Since enactment of the 2002 E-Government Act, the Executive Steering Committee has worked to support the eRulemaking Program to increase transparency, improve regulatory policy decisions, decrease administrative costs, and increase regulatory compliance. In addition to the public-facing website Regulations.gov, the eRulemaking Program includes the back-end Federal Docket Management System (FDMS), which provides a platform for agencies to organize their rulemakings and other dockets and make their proposed rulemakings available for public comment.

Since the establishment of the eRulemaking Program in 2003, the Executive Steering Committee sets long-term strategies, goals, and technologies that support the vision and mission of the Program. The Executive Steering Committee is committed to working with the General Services Administration (GSA), our new managing partner, to modernize the Federal rulemaking landscape while maintaining current services, leveraging common technology, and reducing duplication to the extent possible. Specifically, we endeavor to make the eRulemaking Program more responsive to partner agencies and public stakeholders by adopting emerging technologies to continuously improve the way the Federal government implements the E-Government Act, the Administrative Procedure Act and numerous other laws and Federal regulatory policies.

Since 2003, the eRulemaking Program has grown to be the most prominent way in which most Federal agencies comply with their obligations under the E-government Act. The eRulemaking program is provided as a shared service and is funded by the partner agencies, with a budget of about \$8 million per year and a consensus funding mechanism approximating each

agency's usage of the system. In addition to the Steering Committee, much of the work is done one step down in the Advisory Board, and most major decisions, including budget levels and allocations, and major projects, are subject to a majority vote in both the Board and the Committee.

To give you a sense of the scope of the system, in Fiscal Year 2019, the agencies opened over 330,000 dockets for regulations and related policies and collected about one million public comments. The usage of the system generally goes up each year; however, the number of total comments is usually driven by a few large rulemakings. For example, a few months ago we did a brief review that suggested that about 80 percent of proposed rules receive 10 or fewer comments.

One recent development I am excited about is the new "front page" of Regulations.gov, currently available in beta. Among the enhancements are significantly improved search capability (including separating searches by document type), and more intuitive ways for the public to submit comments. I believe the team has received good feedback on the beta, and hope to continue to refine and eventually launch that as the permanent front door to Regulations.gov in the future.

As mentioned briefly above, GSA recently became the managing partner of eRulemaking. Consistent with the President's Management Agenda¹ and the goals of Executive Order 13781, "Comprehensive Plan for Reorganizing the Executive Branch," OMB announced that the eRulemaking Program would move from the EPA to GSA in fiscal year 2020. The transition has been successful, and I look forward to working closely with our new managing partner on the opportunity and challenges ahead. As the Steering Committee considers how to improve eRulemaking, GSA leadership, as the Program Management Office and Co-Chair, gives me great confidence because of the technology expertise and mission support functions that GSA has already demonstrated. For example, GSA's Regulatory Information Service Center (RISC) manages RegInfo.gov, the website that discloses to the public information about OIRA reviews of significant regulations under Executive Order 12866, "Regulatory Planning and Review," and information collections under the Paperwork Reduction Act. RISC is also responsible for working with agencies to publish summary information regarding significant regulations in the semiannual Unified Agenda of Federal Regulatory and Deregulatory Actions and the annual Regulatory Plan. Similar to FDMS, the back-end database that supports Reginfo.gov is the RISC OIRA Consolidated Information System (ROCIS).

GSA and OIRA are both very interested in looking for other ways to improve the eRulemaking process, including increasing the functionality of commenting, and improving interaction among the various systems relating to rulemaking. To that end, GSA has engaged in a study of opportunities for modernization. This includes taking a good look at issues such as technologies and policies associated with the attribution of comments, and other modern challenges to the eRulemaking process.

¹ OMB Memorandum M-19-16, *Centralized Mission Support Capabilities for the Federal Government*.

Regarding commenting in general, the Executive Steering Committee and all agency members of the Advisory Board are looking at ways to improve the usability, security, and integrity of the platform for receiving comments from the public, and eRulemaking already provides what I believe are relatively effective tools in this area. We know that modern technologies both provide an opportunity for the public to participate in the regulatory process in a much more accessible way, and lower the cost of engaging in mass mailing and related activities that have challenged the agencies. I am looking forward to working with the agencies, GSA, the public, and others on opportunities to improve eRulemaking.

Thank you again, Chairman Portman, Chairman Lankford, Ranking Member Carper, Ranking Member Sinema, and the other Members of the Subcommittees, for inviting me here today. I look forward to your questions.