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*Online Rulemaking and Other Tools for Strengthening Our Civil Infrastructure*

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Abstract by Heather Sidwell

Many federal agencies have recognized that the Internet has the potential to improve dramatically public participation in federal policymaking. As a result, a number of agencies have taken rudimentary steps to incorporate the use of the Internet in rulemaking, including publishing proposed and final rules simultaneously in the print and online versions of the *Federal Register*, posting additional explanatory policy materials on agency web sites, and inviting the public to submit comments via e-mail. In addition, the Bush Administration has outlined an ambitious E-Government Strategy that would deploy online electronic docket systems in all rulemaking agencies, and Congress has pushed legislation that would provide for the phased installation of electronic dockets in all rulemaking agencies.

This article examines the initial steps taken by the government and suggests improvements to the first-generation docket systems currently in use. The authors contend that increased use of electronic docket rooms and online policy dialogues build a more open and transparent environment that encourages public participation in federal policymaking processes. Other online tools, such as list servers and online permitting systems, are also discussed as measures that could be deployed to foster even more public participation in earlier stages of the administrative process. Specifically, the authors draw from the Environmental Protection Agency's (EPA) use of a National Dialogue on Public Involvement in EPA Decisions, a two-week online discussion that complemented a formal notice and comment process on the agency's draft Public Involvement Policy, and the Nuclear Regulatory Commission's experiment with an online forum that included both agency and public participants during its "RuleNet" initiative, to illustrate the merits of online dialogues. Finally, this article contemplates several legal and practical implementation issues that must be surmounted before the federal government can build a fully electronic infrastructure for its rulemaking and policy development processes.