

**OFFICE OF MANAGEMENT AND BUDGET**

Office of Information and Regulatory Affairs

Supporting Statement- Information Collection Request

OMB Control 0348-0065

Information Collection Request Title:

Information on Meetings with Outside Parties Pursuant to Executive Order 12866

- 1. What are the circumstances that make this collection of information necessary, and what legal or administrative requirements necessitate the collection?*

Executive Order 12866, "Regulatory Planning and Review," issued by President Clinton on September 30, 1993, as amended, establishes and governs the process under which OIRA reviews agency draft and proposed final regulatory actions. Consistent with the disclosure provisions of Executive Order 12866, OIRA provides information about its work related to regulatory reviews on Reginfo.gov at [www.Reginfo.gov](http://www.Reginfo.gov) and on OIRA's website at <https://www.whitehouse.gov/omb/oira>. OIRA makes public all substantive communications with any party outside the Executive Branch concerning regulatory actions under review. If OIRA officials meet with outside parties during a review, the subject, date, and participants of the meeting are disclosed on the Reginfo.gov website, as well as any materials distributed at such meetings.

These meetings (E.O. 12866 meetings) occur at the initiative and request of an outside party. Any member of the public may request an E.O. 12866 meeting about a regulatory action under OIRA review, and may invite other outside parties to attend. OIRA's role in these meetings is limited to listening to feedback on the regulation under review. OIRA always invites representatives from the agency or agencies issuing the regulatory action. OIRA and agency staff may ask clarifying questions, but do not take minutes. OIRA does, however, post on RegInfo.gov any written materials provided by outside parties, including the initial meeting request.

To ensure transparency associated with E.O. 12866 meetings, OIRA proposes to collect the following information to request a meeting with OIRA to present their views on a regulatory action currently under review:

- Narrative descriptions accompanying meeting requests. An optional narrative description, provided by the requester, that states the purpose of the meeting and a brief, informal summary of the views they anticipate presenting. This information, which would be posted publicly, can help OIRA and action agencies invite the appropriate government officials, particularly when regulatory actions may address many subjects and have many separate provisions.
- Meeting requesters and represented interests. Individual or organizational meeting requesters often request meetings on behalf of themselves. Sometimes, however, a meeting requester does so on behalf of another individual or organization with interests in the regulatory action. For example, a law firm or government affairs firm may request an E.O. 12866 meeting on behalf of a client who has a stake in the regulatory action. In other cases, a congressional office may facilitate a meeting request for an individual

constituent concerned about a rulemaking. OIRA thus proposes to collect in mandatory fields, and then publicly disclose, information on the (1) name of the individual requesting the meeting; (2) the meeting requester's organization, if any; (3) the name of the individual or organization whose interests are being represented; and (4) if the previous field names an individual, the individual's organizational affiliation, if any.

This information would facilitate transparency about who requests E.O. 12866 meetings, the interests represented, and the types of organizations involved. In addition, OIRA will also continue to take meeting attendance and, when feasible, update this information for the public record in cases where participant information is not initially provided.

- Previous request or participation in an E.O. 12866 meeting. OIRA proposes to require meeting requesters (the individual participants rather than their representatives) to note whether they have previously requested or participated in an E.O. 12866 meeting on any regulatory action within the last three years. This information, which would also be disclosed, will allow OIRA to track participation of members of the public that have not historically requested meetings. In addition, OIRA would ask and disclose whether a requester has previously requested or participated in an E.O. 12866 meeting associated with the specific regulatory action (at the same stage of the regulatory process).
- Request for accommodations. OIRA also welcomes meeting requesters to specify whether any accommodations are requested, information that will not be publicly disclosed.

This effort extends the current information collection that streamlined the process for outside parties when requesting a meeting and will ensure transparency and accuracy of the docket that OIRA keeps in accordance with the disclosure provisions of Executive Order 12866. OIRA

welcomes any and all public comments on the proposed collection of information such as the accuracy of OIRA's burden estimate, the practical utility of collecting this information, and whether there are additional pieces of information that should be collected from meeting requesters to further the disclosure provisions of Executive Order 12866.

*2. How, by whom, and for what purpose is this information used?*

The information collected will be used to schedule Executive Order 12866 meetings, populate the meeting calendar on [reginfo.gov](http://reginfo.gov), and be published on OIRA's docket of Executive Order 12866 meetings on [reginfo.gov](http://reginfo.gov) in accordance with the disclosure provisions of Executive Order 12866.

*3. To what extent does this collection of information involve the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology? What consideration is given to use information technology to reduce burden?*

This is an electronic collection, accessible through [RegInfo.gov](http://RegInfo.gov).

*4. What efforts are used to identify duplication? Can similar information already available be used or modified for use for the purposes described in Item 2 above?*

The information in this collection does not exist anywhere else, nor does information that would serve the same purpose. OIRA is the only Federal party that keeps a docket of E.O. 12866 meetings with outside parties.

5. *If this collection of information impacts small businesses or other small entities, what methods are used to minimize burden?*

This collection will not uniquely impact small businesses or other small entities.

6. *What consequences to Federal program or policy activities and what, if any, technical or legal obstacles to reducing burden will occur if this collection is not conducted or is conducted less frequently?*

This collection is conducted before and during each E.O. 12866 meeting to ensure the accuracy and transparency of the docket that OIRA keeps in accordance with the disclosure provisions of Executive Order 12866. Less frequent collection of this or similar information would impact OIRA's ability to comply with those provisions.

7. *Are there any special circumstances associated with this information collection that would require it to be conducted in a manner inconsistent with OMB guidelines?*

There are no special circumstances associated with this information collection.

8. *What effort was made to notify the general public about this collection of information? Summarize the public comments that were received and describe the action taken by the agency in response to those comments.*

To notify the general public about this collection, OIRA posted a 60-day comment request notice for this information collection in the Federal Register on March 9, 2023. OIRA did not receive any comments on this information collection.

*9. Was any payment or gift given to respondents, other than remuneration of contractors or grantees? If so, why?*

No payment or gift is associated with this collection.

*10. What assurance of confidentiality was provided to respondents, and what was the basis for the assurance in statute, regulations, or agency policy?*

No assurance of confidentiality will be provided to respondents. All information, except for information provided when requesting accommodations, will be posted publicly in accordance with the disclosure provisions of Executive Order 12866.

*11. What is the justification for questions of a sensitive nature? If personally identifiable information (PII) is being collected in an electronic system, identify the Privacy Impact Assessment (PIA) that has been conducted for the information collected under this request and/or the Privacy Act System of Records notice (SORN) issued for the electronic system in which the PII is being stored.*

This information collection contains no questions of a sensitive nature. Further, respondents are informed that all data will be posted publicly, except for information collected as part of an accommodations request. OMB System of Records Notice, OMB Public Input System

of Records, OMB/INPUT/01, 88 FR 20913, includes a list of routine uses associated with the collection of this information.

12. *What is the estimated hour burden of this collection of information?*

**Expected average annual number of respondents: 350**

**Average annual number of responses per respondent: 2**

**Total number of responses annually: 700**

**Burden per response: 20 minutes**

**Total average annual burden: 233.33 hours.**

OIRA solicited but did not receive public feedback on the estimated hour burdens. The numbers above are OIRA's preliminary estimates, and are subject to some uncertainty. The number of responses will vary slightly based on the number of E.O 12866 meeting requests OIRA receives, and the 20-minute burden per response may vary dependent on the number of persons expected to attend and the amount of documents submitted.

13. *What is the estimated annual cost burden to respondents or record keepers resulting from this information collection request (excluding the value of the hour burden in Question 12 above)?*

There is no cost burden to respondents or record keepers associated with this collection beyond the hour burden listed in Question 12.

14. *What is the annualized cost to the Federal Government?*

The majority of costs will be due to the processing of meeting requests by Senior Administrative Staff. Using a representative wage rate of \$35 per hour at 15 minutes per meeting, it is estimated it will cost the Federal Government  $\$35 \times .25$  (1/4 an hour)  $\times 600$  meetings a year, which equals \$5250 annually.

*15. What is the reason for any program changes or adjustments reported?*

Burden numbers have been updated to reflect more recent and accurate figures. In April 2023, OIRA released draft guidance to implement Section 2(e) of E.O. 14094 (Modernizing Regulatory Review) concerning E.O. 12866 meetings. After a period of public comment, OIRA released finalized guidance, which specified the information collections discussed here.

*16. Outline plans for tabulation and publication for collections of information whose results will be published.*

The information collected populates OIRA's docket of E.O. 12866 meetings and calendar of prospective meetings. The docket and calendar are publicly posted at RegInfo.gov pursuant to Executive Order 12866 disclosure requirements.

*17. If seeking approval to not display the expiration date for OMB approval of this information collection, what are the reasons that the display would be inappropriate?*

OIRA will display the expiration date for OMB approval of this information collection.

*18. What are the exceptions to the certification statement?*

There are no exceptions to the certification statement.

**B. Collections of Information Employing Statistical Methods.**

This collection does not employ statistical methods.