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MEMORANDUM FOR HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

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SUBJECT: Improving Access to Public Benefits Programs Through the Paperwork Reduction Act

This Memorandum provides guidance about how the Office of Information and Regulatory Affairs (OIRA) in the Office of Management and Budget (OMB) expects Federal agencies and departments (hereinafter referred to collectively as “agencies”) to: (1) more completely and transparently articulate burdens and associated costs experienced by the public when accessing essential public benefits programs, and (2) use that analysis to “minimize the Federal information collection burden, with particular emphasis on those individuals and entities most adversely affected,”<sup>1</sup> consistent with the Paperwork Reduction Act of 1995 (PRA).<sup>2</sup>

Consideration of burden on individuals and groups most affected by information collections related to accessing and maintaining eligibility for public benefits programs is also consistent with and supports agency implementation of Executive Order 14058 on *Transforming Federal Customer Experience and Service Delivery to Rebuild Trust in Government*,<sup>3</sup> EO 13985 on *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*,<sup>4</sup> and EO 14020 on *Establishment of the White House Gender Policy Council*.<sup>5</sup> EO 14058, for example, sets forth as policy that, “Agencies should continually improve their understanding of their customers, reduce

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<sup>1</sup> 44 U.S.C. § 3504(c)(3).

<sup>2</sup> Pub. L. No. 104-13 (1995) (codified at 44 U.S.C. §§ 3501–3520); *see also* 5 C.F.R. Part 1320. OIRA has released numerous documents over the years, including memoranda, frequently asked questions, guidance to agencies, and similar products, clarifying and streamlining the application of the PRA. For a complete collection of OIRA memos, see <https://www.whitehouse.gov/omb/information-regulatory-affairs/federal-collection-information/>.

<sup>3</sup> 86 Fed. Reg. 71,357 (Dec. 16, 2021)

<sup>4</sup> 86 Fed. Reg. 7009 (Jan. 25, 2021)

<sup>5</sup> 86 Fed. Reg. 13797 (March 11, 2021)

administrative hurdles and paperwork burdens to minimize “time taxes,” [to] more directly meet the needs of the people of the United States.” EO 13985 further asks agencies to consider “potential barriers that underserved communities and individuals may face in enrollment in and access to benefits and services in Federal programs.” This guidance advances these goals, in addition to the statutory requirements of the PRA.

## **Executive Summary**

The guidance that follows is intended to help Federal agencies identify and reduce burdens associated with applying for and maintaining eligibility for public benefits programs,<sup>6</sup> with a particular focus on members of underserved and marginalized communities.

The first section of this Memorandum provides guidance on how agencies can increase the transparency and completeness of their burden analyses in information collection requests (ICRs) associated with application and eligibility maintenance processes for public benefit programs. Specifically, agencies should, as appropriate,

- ensure that their narrative descriptions of the public’s beginning-to-end experience with the information collection activity accurately reflect its complexity and note, as necessary, burdens such as time spent gathering records and documentation needed to prove eligibility, travel time associated with developing and submitting the collection, or even time waiting to speak with agency personnel (subsection 1.1);
- proactively consult with individuals whom the program is meant to serve, as well as advocacy groups, subject-matter experts, and front-line personnel, to improve the accuracy of time estimates, gain their perspectives on challenges in the information collection process, solicit solutions for reducing burden, and inform more robust burden estimates (subsection 1.2);
- describe and discuss sources of psychological costs that certain information collections impose on individuals, such as the cognitive load, discomfort, stress, or anxiety a respondent may experience as a result of attempting to comply with a specific aspect of an information collection (subsection 1.3);
- more fully account for learning costs, which include the time and effort expended by a respondent to discover and determine the applicability of an information collection to their particular circumstances, as well as any research necessary for the respondent to understand how to comply with any program participation requirements beyond reading a form’s instructions (subsection 1.4); and

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<sup>6</sup> As discussed in this Memorandum, “public benefits programs” should be construed widely to include social welfare programs; social insurance programs; tax credits; and other cash, loan, or in-kind assistance programs, particularly those intended to support in-need individuals or communities. Additionally, while this Memorandum specifically provides guidance to agencies on assessing and minimizing burden within information collections associated with public benefits programs, other information collections associated with the provision of public services may benefit from using this framework.

- ensure that, even when Federally sponsored information collections are implemented by state, territorial, tribal, or local governments, the burden is reliably documented and accurately estimated (subsection 1.5).

The second section of this Memorandum outlines OMB’s expectation that agencies use their analysis of burden to take concrete actions to reduce burden on the public. Although all ICRs associated with application and eligibility maintenance processes for public benefits programs would benefit from renewed attention to burden reduction, given time and resource constraints, agencies should, in coordination with OIRA, identify ICRs related to larger programs for prioritization.<sup>7</sup>

In assessing burden-reducing steps for identified priority ICRs, OMB will consider how well agencies—

- simplify the request for information, while ensuring the continued utility of the information they do collect (subsection 2.1);
- enhance communication, navigation, and outreach tools and processes to reduce learning costs to the public (subsection 2.2);
- improve information collection and submission processes to mitigate challenges that underserved and marginalized communities may disproportionately experience (subsection 2.3); and
- use leading design practices to assess, evaluate, and then improve forms and information collection experiences (subsection 2.4).

### **Section 1: Assessing the Burden of an Information Collection Request**

The PRA requires an explanation of and justification for the time that the collection will take. This includes providing a “functional description”<sup>8</sup> of the collection, an “evaluation of the need,”<sup>9</sup> for the collection, and “a specific, objectively supported estimate of the burden”<sup>10</sup> that accounts for the time and financial costs for the public to comply with a request for information.<sup>11</sup> Estimates of burden hours for all ICRs need to

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<sup>7</sup> Minimizing paperwork burdens on the public, in balance with the utility of the information collection, remains a core goal of the PRA for all information collections. This Memorandum focuses on leading practices and OMB expectations with regards to ICRs associated with application and eligibility maintenance processes for public benefits programs, although guidance here may apply to other ICRs beyond this limited scope.

<sup>8</sup> 44 U.S.C. § 3506(c)(1)(a)(ii).

<sup>9</sup> *Id.* § 3506(c)(1)(a)(i).

<sup>10</sup> *Id.* § 3506(c)(1)(a)(iv).

<sup>11</sup> OIRA’s regulations implementing the PRA define “burden” as

the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to or for a Federal agency, including:

- (i) Reviewing instructions;

include the number of respondents, the frequency of response, and the hours per response. When the information collection involves multiple steps, response time estimates should be broken down by each information collection activity.

Particularly in the context of applying for and maintaining continued eligibility for a public benefits program, the beginning-to-end experience of complying with an information collection is often a complex, multi-step process. Given that fact, Section 1 of this Memorandum outlines certain high-level analytical considerations that agencies should incorporate into their supporting statements for ICRs associated with application and eligibility maintenance processes for public benefit programs.<sup>12</sup>

### 1.1 Analyzing the Beginning-to-End Burden of Responding to an Information Collection

Agencies must ensure that both the quantitative burden estimates and the narrative description in the ICR's supporting statement reflect the beginning-to-end experience of completing the information collection activity, including discussion of how an individual respondent's circumstances might affect that experience.<sup>13</sup> This experience can include learning about program rules; receiving a notice in the mail; reading and understanding instructions; tracking down records and documents needed to prove eligibility; filling out any required forms; scheduling and responding to any required phone call, email, or in-person meeting; consulting with any third parties to help navigate program requirements; traveling to any in-person office visits; and waiting to speak with caseworkers or front-line service providers. Every step in the process represents a burden that could result in individuals or entities justifiably becoming too discouraged to complete the process and thus not receiving public benefits for which they are legally eligible.<sup>14</sup>

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- (ii) Developing, acquiring, installing and utilizing technology and systems for the purpose of collecting, validating and verifying information;
  - (iii) Developing, acquiring, installing and utilizing technology and systems for the purpose of processing and maintaining information;
  - (iv) Developing, acquiring, installing and utilizing technology and systems for the purpose of disclosing and providing information;
  - (v) Adjusting the existing ways to comply with any previously applicable instructions and requirements;
  - (vi) Searching data sources;
  - (vii) Completing and reviewing the collection of information; and
  - (viii) Transmitting, or otherwise disclosing the information.

5 C.F.R. § 1320.3(b)(1).

<sup>12</sup> *Supporting Statement A* is a document in which agencies respond to a standard set of 18 questions established by OMB to provide a rationale for the information collection. A copy of *Supporting Statement A* can be found at <https://pra.digital.gov/uploads/supporting-statement-a-instructions.pdf>.

<sup>13</sup> Question 2 of *Supporting Statement A* is the principal location for agencies to qualitatively describe the information collection. This qualitative discussion should also inform the quantitative analysis in Question 12.

<sup>14</sup> For an overview of how paperwork or administrative burdens can affect access to and use of public benefits programs, see Office of Mgmt. & Budget, Exec. Office of the President, *Study to Identify Methods to Assess Equity: Report to the President* 21–29 (July 20, 2021) [hereinafter *Study to Identify Methods to*

To support agencies in identifying burden drivers associated with the information collection experience, *Appendix A* incorporates an updated version of the “Tackling Administrative Burdens” table originally published in Finding #2 of OMB’s *Study to Identify Methods to Assess Equity: Report to the President*.<sup>15</sup> The table describes different types of burdens faced by individuals when trying to access and maintain enrollment in public benefits programs and how agencies can reduce those burdens. OMB may ask agencies to provide specific justifications for why each element or process within an information collection is necessary or to provide analysis within the supporting statement justifying why the agency’s approach appropriately minimizes burden.<sup>16</sup> This qualitative description of burden, coupled with a robust quantification of burden, can also facilitate more effective engagement with affected parties.

## 1.2 Enhanced Internal and External Engagement

OMB’s implementing regulations for the PRA ask agencies to consult with members of the public to “evaluate the accuracy of the agency’s estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used.”<sup>17</sup> Consulting program applicants and participants about their experiences applying for and maintaining enrollment in public benefits programs will help agencies to ensure that all of the steps in an information collection are reflected in the information collection narratives and that the quantitative estimates accurately reflect the public’s experience.<sup>18</sup>

OMB has previously stated an expectation that agencies go beyond the required publication of notices in the Federal Register.<sup>19</sup> Accordingly, agencies should take affirmative steps to consult with individuals and groups both internal and external to the Federal Government, and document the results of those consultations, including any corresponding updates to information collection narratives and quantitative estimates, as

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*Assess Equity*], available at [https://www.whitehouse.gov/wp-content/uploads/2021/08/OMB-Report-on-E013985-Implementation\\_508-Compliant-Secure-v1.1.pdf](https://www.whitehouse.gov/wp-content/uploads/2021/08/OMB-Report-on-E013985-Implementation_508-Compliant-Secure-v1.1.pdf).

<sup>15</sup> *Study to Identify Methods to Assess Equity* 25–29.

<sup>16</sup> Question 1 of *Supporting Statement A* is the principal location for identification of any legal or administrative requirements that necessitate specific information collection or submission requirements in the collection.

<sup>17</sup> 5 C.F.R. § 1320.8(d)(1)(ii).

<sup>18</sup> Question 8 of *Supporting Statement A* is the principal location for agencies to describe public consultation. Agencies may also wish to explicitly reference feedback from public consultation in other sections of the supporting statement, such as Question 2 or Question 12, if the feedback helped inform the analysis or assumptions in those sections.

<sup>19</sup> For example, Question 8 of *Supporting Statement A* already asks agencies to “describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and . . . reporting format . . . and on the data elements to be . . . reported” and that “consultation with representatives of those from whom information is to be obtained . . . should occur at least once every 3 years.”

part of the supporting statement. Internal individuals and groups to engage with could include front-line personnel and leaders from agencies' regional offices, sub-agencies and programs with relevant expertise, and agencies that will use the administrative data for statistical purposes.<sup>20</sup> External individuals and groups to engage with could include program applicants and participants (prior, current, or potential), individuals with lived experience relevant to the information collection, front-line staff employed by state, territorial, tribal, and local governments, subject-matter experts, and advocacy groups. Such engagement and consultation can help the agency improve the accuracy of time estimates, gain additional perspectives on any challenges in the information collection process, and solicit solutions for streamlining information collections. It is important for agencies to include a wide variety of individuals, communities, viewpoints, and interests across different demographic groups and geographic areas to ensure that a diverse set of perspectives and experiences are considered.

Agencies may be cautious about engaging the public to better understand the experience of applying for and maintaining eligibility for public benefits programs if this engagement would itself be subject to the PRA. However, agencies can learn a great deal about burden through forms of engagement that generally are not subject to PRA. For example, listening sessions with interested parties; asking non-standardized questions on a particular process, theme, or issue (without any specification of the information being sought); directly observing the experiences of program applicants and participants; and consulting with, in total, fewer than 10 persons are all forms of engagement with the public that would generally not be subject to the PRA.<sup>21</sup> Agencies could also consider ways to gather more varied input through an ICR's formal public comment period, such as by offering trainings or webinars explaining proposed changes to forms and how to submit a public comment in response to a Federal Register Notice. These forms of engagement can be useful for assessing information collections and generally do not require additional OMB approval.

Additionally, in situations where an agency does wish to solicit the same information from 10 or more individuals, there are a number of flexibilities under the PRA that can facilitate expediently engaging with the public. Specifically, previous OIRA guidance has established a "generic clearance" process that can enable the agency to conduct certain types of information collections without requiring individual 60- and 30-day public notices.<sup>22</sup> While there are certain constraints as to what types of

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<sup>20</sup> For detailed discussion of the use of administrative data for statistical purposes, see Office of Mgmt. & Budget, Exec. Office of the President, OMB M-14-06, *Guidance for Providing and Using Administrative Data for Statistical Purposes* (Feb. 14, 2014), available at [https://www.whitehouse.gov/wp-content/uploads/legacy\\_drupal\\_files/omb/memoranda/2014/m-14-06.pdf](https://www.whitehouse.gov/wp-content/uploads/legacy_drupal_files/omb/memoranda/2014/m-14-06.pdf).

<sup>21</sup> For a list of types of "information" that generally do not require OMB approval to collect, see 5 CFR § 1320.3(h). For further information, see [https://www.whitehouse.gov/wp-content/uploads/legacy\\_drupal\\_files/omb/inforeg/inforeg/memos/2014/appendix-data-search-tools-calculators.pdf](https://www.whitehouse.gov/wp-content/uploads/legacy_drupal_files/omb/inforeg/inforeg/memos/2014/appendix-data-search-tools-calculators.pdf).

<sup>22</sup> As noted in *Flexibilities under the Paperwork Reduction Act for Compliance with Information Collection Requirements* (July 22, 2016),

information can be collected under a generic clearance and how that information can be used and disseminated, generic clearances help facilitate a variety of timely forms of engagement, including but not limited to customer service surveys, focus groups, semi-structured interviews, and pre-testing alternative versions of forms. For example, generic clearances have been used to gather feedback on training and technical assistance materials developed for front-line service providers who implement public assistance programs, conduct cognitive testing for specific questions on forms across different groups or on the usability of paper or web forms more generally, and solicit expert opinions on whether tools and forms are evidence-based. Agencies may find it useful to develop at least one generic clearance to cover some of these activities if they have not already.<sup>23</sup>

Certain programs may find value in developing more robust tools for estimating the burden associated with key information collections, such as using a representative survey of program participants to measure public burden. For example, the Internal Revenue Service conducts the Individual Taxpayer Burden Survey to improve estimates of the time and money that taxpayers spend to follow Federal tax rules and provide required information.<sup>24</sup> To the extent that the same populations participate in programs across different agencies, agencies could consider co-sponsoring surveys or studies to examine opportunities to reduce cumulative burdens of applying to multiple programs.

OMB recognizes that agencies are conscientious about how increases in a burden estimate may appear in OMB’s annual report to Congress on the Information Collection Budget. OMB emphasizes that increases in estimated burden that stem from improved

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A “generic clearance” is an OIRA approval of a plan for conducting more than one information collection using very similar methods. . . . The initial plan would need to go through the standard notice and comment process, but the agency would not need to seek further public comment on each specific information collection that falls within the plan. Instead, for such specific information collections, the agencies would only obtain OMB approval, subject to the terms of the generic clearance developed during prior OMB review.

For further information, see [https://www.whitehouse.gov/wp-content/uploads/legacy\\_drupal\\_files/omb/inforeg/inforeg/prs\\_flexibilities\\_memo\\_7\\_22\\_16\\_final.pdf](https://www.whitehouse.gov/wp-content/uploads/legacy_drupal_files/omb/inforeg/inforeg/prs_flexibilities_memo_7_22_16_final.pdf).

<sup>23</sup> For example, at the time of this Memorandum’s publication, 20 of the 24 CFO Act Agencies currently maintain an “A-11 Section 280” generic clearance that specifically outlines a range of qualitative customer research, customer feedback survey, and user testing activities that receive “fast-track” review. See <https://www.performance.gov/cx/projects> for Information Collection Request examples specifically using the “A-11 Section 280” generic clearance. Other types of “generic clearance” have also been described in previous OMB Memoranda. See, e.g., Office of Mgmt. & Budget, Exec. Office of the President, OMB M-11-26, *New Fast-Track Process for Collecting Service Delivery Feedback Under the Paperwork Reduction Act* (June 15, 2011), available at [https://www.whitehouse.gov/wp-content/uploads/legacy\\_drupal\\_files/omb/memoranda/2011/m11-26.pdf](https://www.whitehouse.gov/wp-content/uploads/legacy_drupal_files/omb/memoranda/2011/m11-26.pdf). Agencies should consult with their OIRA desk officer in advance if interested in developing a generic clearance proposal.

<sup>24</sup> This survey collects information about the various activities involved in preparing and submitting tax returns and thus provides a beginning-to-end view of compliance burden from the perspective of members of the public. For further information on the IRS methodology see Internal Revenue Serv., Dep’t of Treasury, *Tax Compliance Burden* (July 2018), available at <https://www.irs.gov/pub/irs-soi/d13315.pdf>.

analysis will be highlighted as successful examples of agencies improving the transparency, analytical rigor, and practical utility of their information collection requests.

### 1.3 Considering Psychological Costs

The PRA defines “burden” to include the “effort . . . expended by persons to generate, maintain, or provide information to or for a Federal agency, including the resources expended for . . . completing and reviewing the collection of information.”<sup>25</sup> Consistent with this broad definition, OMB expects agencies to consider the psychological costs<sup>26</sup> that information collections could impose on individuals.<sup>27</sup> Psychological costs can include the cognitive load, discomfort, stress, anxiety, increased institutional distrust, or loss of sense of autonomy a respondent may experience as a result of attempting to comply with an information collection.

Psychological costs are important to consider insofar as they impose barriers or delays to completing an information collection that exceed those that can be measured by exclusively examining the time or financial cost experienced by the respondent.<sup>28</sup> Such costs, if not understood and addressed, in certain circumstances can create a barrier to gaining access to a benefit that respondents are legally eligible to receive. To make this assessment, agencies should consider whether there is a distinctive aspect of an information collection, ranging from the questions asked to the method of submission, that might create a burden for certain respondents due to psychological costs.

In cases when a distinct psychological cost is identified, OMB asks agencies to include in the supporting statement qualitative discussion of potential sources of psychological costs and the burden that individuals may experience from complying with the information collection. Psychological costs will be specific to the collection and

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<sup>25</sup> 44 U.S.C. § 3502(2).

<sup>26</sup> Throughout this Memorandum, the term “cost” is typically used to describe subcomponents of the overall experience of burden.

<sup>27</sup> Question 2 of *Supporting Statement A* is the principal location to discuss sources of psychological costs in an information collection. For any particular points of distinct psychological cost for a specific information collection, the agency should describe why that particular aspect of the information collection is necessary and any efforts to minimize that element of the burden.

<sup>28</sup> OMB notes that agencies already document some of the psychological costs of an information collection when they are required to justify inclusion of any sensitive questions. In OMB’s instructions to agencies on developing the supporting statements for preparing an information collection, OMB asks agencies to:

Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

*Supporting Statement A*, Question 11. These instructions acknowledge that not all questions impose equal burden on individuals, even if they require the same amount of time to respond.



discussion is not required in ICRs for which they are not applicable. As one example, if an agency frequently asks a beneficiary to re-supply documentation supporting information already on file, the beneficiary might perceive that they are distrusted by the agency. As another example, an application process that asks an individual to provide highly personal information about themselves or other household members without a clear explanation for how and whether this information is necessary to determine program eligibility may be perceived as unduly invasive. These factors, among others, can lead to individuals choosing to delay or abandon completing a form instead of gaining access to a benefit they are legally eligible to receive.<sup>29</sup> Public consultation and engagement may also facilitate identifying meaningful psychological costs.

#### 1.4 Addressing Learning Costs

The PRA defines “burden” to include the “time [and] effort . . . expended . . . reviewing instructions,” “adjusting the existing ways to comply with any previously applicable instructions and requirements,” and “searching data sources.”<sup>30</sup> While agencies should already be estimating the amount of time that it may take an individual to read instructions provided along with an application or form for a public benefits program, instructions on the form itself are only one aspect of understanding an information collection’s requirements. Activities like comprehending a notice received from the agency or searching an agency’s website to understand whether or not a prospective respondent is eligible to apply for a benefit are key aspects of the overall experience of burden when responding to (or choosing to respond to) an information collection. Like the time expended completing a form, these types of learning costs vary substantially depending on the information collection, and there are a variety of programmatic and policy actions agencies can adopt to help minimize burden on the public.

In the supporting statement, OMB asks agencies to more fully discuss the time and effort expended by a respondent to discover and determine the applicability of an information collection to their particular circumstances, as well as any additional research to understand how to comply with any program participation requirements.<sup>31</sup> To more fully assess the burdens associated with learning costs, agencies should additionally discuss notices that are used during the information collection experience; whether anything can be done to make agency websites more easily navigable and understandable (including use of plain language and translations into languages appropriate for the program’s participant pool); whether the agency provides navigators to help individuals understand program requirements and find best-fit benefits; and whether it is common for certain respondents to need to consult with third party legal counsel, advocacy groups, or

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<sup>29</sup> See, e.g., Julian Christensen et al., *Human Capital and Administrative Burden: The Role of Cognitive Resources in Citizen-State Interactions*, 80 Pub. Admin. Rev. 127 (2020), available at <https://doi.org/10.1111/puar.13134>.

<sup>30</sup> 44 U.S.C. § 3502(2).

<sup>31</sup> Question 2 of *Supporting Statement A* is the principal location for incorporating discussion of the learning costs associated with navigating an information collection.

other support networks to understand program requirements (as this is often a reliable indicator of significant learning costs).

### 1.5 Enhancing Consideration of Burdens in Federally Sponsored Information Collections Implemented by State, Territorial, Tribal, and Local Agencies

When Federally sponsored information collections are designed and implemented by state, territorial, tribal, or local governments, there are likely to be significant differences in the length and complexity of application forms, in-person wait times, and the design of websites, among other factors. State, territorial, tribal, and local governments may also take different policy approaches to the administration of public benefits programs, such as co-locating multiple services in the same office and allowing for categorical eligibility across programs. Such practices affect the burdens that individuals across different parts of the country face.

Submitting separate burden estimates for every variation in state, territorial, Tribal, and local implementation would be impractical. Federal agencies should, however, have awareness of the range of burden residents of different jurisdictions face, and burden estimates under the PRA should reflect the agency's best assessment of the burden caused by Federal requirements.<sup>32</sup> Federal programs can additionally provide the public with significantly more transparency over the variations in burdens across state, territorial, tribal, and local implementation by providing, for example, a list of the URLs for state, territorial, tribal, and local application processes or other reference to state, territorial, tribal, and local instruments in *Federal Register* notices and requests for comment. Compiling such instruments in a single location may provide added benefits by highlighting leading information collection practices, well-designed instruments, or unduly burdensome questions or processes that others have streamlined effectively.

## **Section 2: Minimizing Burden Where Possible**

OMB expects agencies to use the ICR process as a routine opportunity to identify both short-term and long-term initiatives to minimize burden on the public while ensuring the integrity and usefulness of the information collection. To facilitate initial targeting of high-burden information collections, agencies that operate public benefits programs are encouraged to consult with their OIRA desk officer following the issuance of this Memorandum to identify specific information collections that should receive priority for burden minimization planning.<sup>33</sup> Agencies should also ensure their PRA offices are

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<sup>32</sup> 5 C.F.R. § 1320.3(d).

<sup>33</sup> Additional areas OMB encourages agencies to prioritize include information collections that support designated services by High Impact Service Providers, *see* <https://www.performance.gov/cx/assets/files/HISP-listing-2021.pdf>; Exec. Order No. 14058, *Transforming Federal Customer Experience and Service Delivery To Rebuild Trust in Government*, 86 Fed. Reg. 71,357 (Dec. 16, 2021), and services digitized consistent with the 21<sup>st</sup> Century Integrated Digital Experience Act, Pub. L. No. 115-336, 132 Stat. 5025 (2018), available at <https://digital.gov/resources/21st-century-integrated-digital-experience-act/>.

empowered to work across offices within the agency to identify and advocate for burden reduction opportunities. This includes, for example, PRA offices coordinating with the agency's Chief Risk Officer or other officials within the agency that oversee the agency's Enterprise Risk Management (ERM) efforts and process.<sup>34</sup>

Efforts to minimize burden in a specific information collection should be weighed with the other goals of the PRA, including the utility and quality of information and considerations for privacy protections. For example, the emphasis in this Memorandum on burden minimization in information collections related to public benefits programs should not discourage agencies from affirmatively collecting additional information for the purposes of developing better insights into program participation or impact.

This Section is divided into four key areas where opportunities exist to minimize burden within information collections related to applications and eligibility maintenance for public benefits programs: (1) simplifying submission requirements; (2) enhancing outreach, navigation, and communication tools to reduce learning costs; (3) improving submission processes, especially where specific groups may experience disproportionate barriers to access; and (4) employing leading design practices. *Appendix A* offers specific suggestions for reducing burden that agencies can reference.

## 2.1 Simplifying Collection and Submission Requirements

Agencies should engage their general counsel to determine if every burden identified in the ICR is strictly necessary under the controlling statute or regulation. In many cases, agencies will find it is possible to simplify the information they gather and to streamline the associated procedural requirements under existing law. Consistent with the suggestions in *Appendix A*, agencies should place an emphasis on initiatives that offer substantive, sustained, and systematic burden reduction.

As one example, many agency information collections require the respondent to find and submit supplemental documentation in original or physical formats rather than as an electronic copy, which can make both collecting the requisite documents and submitting the documents to the agency substantially more burdensome. There may also be instances where self-attestation to a particular requirement may be legally sufficient in place of requiring extensive supplementary documentation. Similarly, asking respondents to comply with a signature request by printing, signing, and scanning a document—which both takes time and requires access to multiple technological devices—may not be legally required.

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<sup>34</sup> ERM policies outlined in OMB Circular A-123 provide an existing management routine at the agency where ICR burden considerations may be addressed through a risk-informed framework across the agency's strategic, operational, reporting, and compliance objectives, and appropriately influenced by the agency's approaches to risk appetite and risk tolerance. Office of Mgmt. & Budget, Exec. Office of the President, Circular A-123 Appendix C as revised by M-21-19 *Transmittal of Appendix C to OMB Circular A-123, Requirements for Payment Integrity Improvement*, (March 5 2021), available at <https://www.whitehouse.gov/wp-content/uploads/2021/03/M-21-19.pdf>.

As a broader example, agencies should consider the cumulative burden respondents experience when navigating multiple agencies' similar application processes and then, to the extent permitted by law, consider any statutory discretion they have to reduce duplicative information requests or otherwise improve coordination across Federal agencies to facilitate burden reduction. Consistent with applicable statutes and regulations, agencies should strive to ensure that their information collections allow for the operation of efficient, cohesive, and modernized public benefits application and eligibility maintenance processes.

It may not be possible to address certain administrative burdens in the context of an ICR. In cases where new subregulatory guidance, regulatory reform, or statutory changes may be necessary to reduce burden, agencies should use feedback from public engagement and enhanced analysis of burdens to develop proposals for updated guidance, additions to the Unified Agenda of Regulatory and Deregulatory Actions, or legislative action.

## 2.2 Enhancing Communication, Navigational, and Outreach Tools to Reduce Learning Costs

Individuals may be unaware of a particular public benefit program, whether they qualify for the program, what documentation they might need in order to complete an information collection, and the amount of the benefit for which they qualify, among other factors (see Section 1.4). Agencies can minimize burden on the public by developing enhanced communication, navigational, and outreach tools. For example, agencies can consider opportunities to notify individuals that they may be eligible to apply for a particular program based on their qualification for other programs or other administrative data-matching that may suggest eligibility. These types of activities help prospective respondents understand eligibility requirements or other elements of the information collection's instructions, which can reduce the overall burden of completing and submitting the information.

Agencies should develop ways to ensure that notices regarding program compliance or recertification requirements mitigate or accommodate known challenges to vulnerable populations, such as frequently changed addresses. In many circumstances, agencies should work toward ensuring that notices associated with critical information collections go beyond minimum regulatory requirements, such as by providing multiple rounds of notice, using the respondent's preferred communication modalities (*e.g.*, email, phone, text message, or letter), and communicating in the respondent's preferred language. As described in the first section of this Memorandum, these efforts should be documented in the supporting statement.

Agencies should consider that many policy tools that help streamline information collection requirements, such as automatic enrollment and cross-enrollment, can also help reduce learning costs to respondents. Similarly, many programmatic initiatives that help reduce learning costs generally, such as expanding the availability of navigators outside of normal work hours or supporting applicants in acquiring documentation from third-

party sources, can help reduce specific external barriers certain groups of applicants might face when seeking access to benefits.

### 2.3 Improving Information Collection and Submission Processes to Mitigate Disproportionate Barriers to Participation

The suggestions articulated above might aid *any* individual or entity in avoiding needless administrative burden. Many individuals or entities might, however, experience disproportionate burdens. Some of the same suggestions might help alleviate that disproportionate impact, but other steps might be necessary as well. Agencies should therefore evaluate and address information collections where subgroups of respondents systematically experience higher burdens. While higher burden may be unavoidable when a respondent's situation is more complex than most, agencies should make efforts to mitigate disproportionately higher barriers to access. Such barriers might include, for instance, housing insecurity, disability, lack of ready access to a computer, mobile phone, or internet connection, transportation challenges, or limited English proficiency.

Concrete steps can be taken to tackle disproportionate barriers. Agencies might, for example, develop specialized notices and communication procedures for certain respondent groups, offer options for in-person interview requirements to be conducted instead by phone or video to alleviate the need for travel, or proactively maintain accurate contact information for beneficiaries who are known to experience frequent changes in contact information. Ideally, agencies should provide translations when relevant.

Ensuring multiple submission options helps reduce information collection burden overall while accommodating distinct respondent groups' preferences. When applicable, agencies should offer both digital and non-digital means of submitting the necessary information (*e.g.*, phone-assisted applications, in-person or video-based interviews, or paper-based processes) and ensure that there is parity between submission options. Whereas many respondents prefer to use fast, secure, and mobile-accessible web applications, other individuals lack access to or feel uncomfortable with digital submission channels. In situations in which an agency does not provide a digital means of submitting the necessary information, the agency is expected to document in the supporting statement the office responsible for receiving the information collection, the reasons the information collection cannot be submitted digitally, and the technological, procedural, regulatory, or legislative changes that would be necessary to allow for a means of digital submission.<sup>35</sup>

*Appendix A* provides additional suggestions for minimizing disproportionate burdens.

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<sup>35</sup> Question 3 of *Supporting Statement A* is the principal location for detailing both digital submission instruments as well as the justification for why a form does not have a digital submission option. The requirements outlined in this paragraph align with Section 4(D) of the *21st Century Integrated Digital Experience Act*.

## 2.4 Employing Leading Design Practices

Agencies may need to rethink or consider improvements to existing web applications, forms, and associated notices including those that have been in use for many years. Applying principles of user-centered design to forms could lead to navigation, formatting, and content changes that help with readability and data quality. Providing respondents with clear information up front about what they need to prepare before starting on an application or other information collection and how long it might take could increase completion rates and the accuracy of the information provided while reducing frustration. Agencies can use A/B testing<sup>36</sup> or other methods of user experience research to assess the least burdensome way to ask particular questions and apply those design principles across similar forms.<sup>37</sup>

Form design should include sensitivity to phrasing, language, and visual cues. Pre-testing forms, notices, questions, and data collection methods can help identify and minimize barriers to participation and response by revealing cultural, linguistic, and experiential differences in how questions are interpreted.<sup>38</sup> Pretesting may include focus groups, usability testing, cognitive interviews, and pilot tests. Thoughtful design can maximize the ability of small projects to identify barriers. For example, focus groups and cognitive interview subjects should be diverse, if not statistically representative of program participants. Failure to account for a broad spectrum of literacy skills and cognitive abilities can result in unintended barriers and exclusion. Some individuals may require special assistance for reading and understanding questions, and individuals with disabilities may require assistive technologies to complete surveys or forms.

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In conclusion, employing the PRA to improve access to public benefits programs while complying with Federal regulations is consistent with the statute's foundational goals. OMB encourages agencies to ensure that burdens are fully accounted for in ICRs and to minimize those burdens wherever possible. OIRA desk officers stand ready to provide individualized feedback and to work closely with agencies to achieve these goals.

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<sup>36</sup> A/B testing is a process of showing two or more versions of a question or design element to different individuals at random to compare which variant yields higher response rates, more engagement, and/or more accurate responses. For more information, see <https://digital.gov/topics/a-b-testing/>.

<sup>37</sup> For some best practices on form design, see <https://18f.gsa.gov/2015/09/28/web-design-standards/>. Design standards can evolve over time as more user research and testing is conducted, and agencies are encouraged to seek out updated resources from the General Services Administration (GSA) and the United States Digital Service, as applicable.

<sup>38</sup> Additional discussion of advanced testing can be found at <https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/inforeg/inforeg/memos/testing-and-simplifying-federal-forms.pdf>. OIRA encourages agencies to continuously test usability, including post-deployment.

**Appendix A: Tackling Administrative Burdens**

This table is re-printed with minor revisions from pages 25–29 of the *Study to Identify Methods to Assess Equity: Report to the President*, which can be accessed at [https://www.whitehouse.gov/wp-content/uploads/2021/08/OMB-Report-on-E013985-Implementation\\_508-Compliant-Secure-v1.1.pdf](https://www.whitehouse.gov/wp-content/uploads/2021/08/OMB-Report-on-E013985-Implementation_508-Compliant-Secure-v1.1.pdf).

Opportunity Area to Improve Program Access	Known Burden Drivers	Potential Solutions
Reducing form complexity and improving comprehensibility	<ul style="list-style-type: none"> <li>• Lengthy or complicated forms, instructions, or guidance</li> <li>• Questions that cannot be answered based purely on an applicant’s own memory or knowledge about themselves</li> <li>• Multiple or supplemental forms during a single application experience</li> <li>• Eligibility requirements that are overly complex and not well-known or understood</li> <li>• Questions that ask for information substantially similar to information the respondent has likely provided to the agency previously, or to another agency previously</li> </ul>	<ul style="list-style-type: none"> <li>• Ensure that all instructions and notices are written in plain language and translated into multiple languages</li> <li>• Adopt principles of human-centered design (e.g., early and routine user interviews and usability testing to continually refine design and language)</li> <li>• Provide step-by-step examples of process involved in claiming benefits, accessing protections, or navigating a service</li> <li>• Conduct pipeline analysis to identify drop-off points of various channels (Web, phone, paper/in-person) and submission processes</li> <li>• Provide navigators or field staff who can support the applicant across the experience of applying for the program</li> <li>• Systematically and routinely use screeners or data-matching to notify individuals of benefits they are likely entitled to</li> <li>• Provide calculators to estimate benefits (if applicable)</li> <li>• Develop program defaults to opt-in beneficiaries to automatic enrollment</li> <li>• Systematically and routinely use data-matching to prefill applications or administratively verify information for prospective beneficiaries</li> <li>• Employ categorical eligibility or cross-enrollment tools where appropriate to enable minimally burdensome enrollment for individuals who have already demonstrated eligibility for other benefits programs with similar requirements</li> </ul>

Opportunity Area to Improve Program Access	Known Burden Drivers	Potential Solutions
Minimizing costly documentation requirements	<ul style="list-style-type: none"> <li>• Requirements for third-party documentation</li> <li>• Questions requiring responses from, or coordination with, third parties</li> <li>• Questions that cannot reasonably be answered while relying only on documents readily accessible in the respondent’s home</li> <li>• Documentation requirements involving fees or other financial impositions to access</li> <li>• Identify proofing requirements that are challenging to meet for certain communities</li> <li>• Process known to involve a meaningful subset of applicants seeking support from third-parties, such as advocacy organizations or legal counsel</li> </ul>	<ul style="list-style-type: none"> <li>• Allow for respondent self-attestation or self-allegation in areas that currently require evidence or documentation</li> <li>• Provide the option of shifting the burden involved in developing evidence or external documentation necessary to support an information collection from the applicant to agency personnel</li> <li>• Allow for streamlined enrollment coupled with post-enrollment verification of eligibility</li> <li>• Provide navigators who can support the applicant across the experience of applying for the program, to include support with developing the necessary identity proofing</li> </ul>
Streamlining processes	<ul style="list-style-type: none"> <li>• Processes requiring travel as an element of applying for this program</li> <li>• Processes where applicants need to take off work or locate childcare to complete transaction requirements</li> <li>• Programs where the applicants may need immediate access to benefits or may be navigating a moment of crisis</li> <li>• Processes that involve the applicant transacting with or moving between multiple offices or agencies (either Federal, State, or local)</li> <li>• Substantial differences or inconsistencies in how difference States or localities administer the program</li> </ul>	<ul style="list-style-type: none"> <li>• Shift in-person interview requirements to telephone or video-teleconference</li> <li>• Ensure at least two equally accessible means of applying for the program (one of which should be a mobile-responsive web-based application)</li> <li>• Ensure consistent wait times (and callback option for greater than 5-minute wait times on the phone) for applicants when they call the agency or visit in-person</li> <li>• Provide live agents who are available to support applicants outside of normal business hours</li> <li>• Allow for retroactive enrollment or point-of-need enrollment (e.g., health care enrollment at the hospital)</li> <li>• Structure business processes so that applicants can receive “no wrong door” support regardless of the office with which they conduct transactions</li> </ul>



Opportunity Area to Improve Program Access	Known Burden Drivers	Potential Solutions
	<ul style="list-style-type: none"> <li>• Idiosyncratic submission requirements, such as requiring ink-based signatures or original records when copies would suffice</li> <li>• Frequent recertification</li> </ul>	<ul style="list-style-type: none"> <li>• For state and locally administered or adjudicated programs, develop consistent minimum standards for questions, designs, and processes</li> <li>• Eliminate ink signature requirements where not required by statute and allow for copies (digital or physical) of documentation absent a demonstrated adjudicative need for original records</li> <li>• Prefill recertification forms with known information (<i>e.g.</i>, administrative data) about the beneficiaries (particularly those fields unlikely to have experienced significant changes) to facilitate simpler recertification processes</li> <li>• Highlight deadlines and consider framing effects (<i>e.g.</i>, expressing deadlines in hours instead of days or salaries as hourly instead of annual)</li> <li>• Give people ample time and opportunities to respond, reviewing recertification timelines and opportunities to extend</li> <li>• Help people make an action plan using action language and planning prompts</li> <li>• Lengthen time between recertifications</li> <li>• Develop model or template form or web applications for implementing states and localities</li> </ul>
Improving communication	<ul style="list-style-type: none"> <li>• Lengthy notices or notices that are written in languages that target audiences do not use or understand</li> <li>• Sending only a single notice before taking action</li> <li>• Sending notices exclusively by mail</li> </ul>	<ul style="list-style-type: none"> <li>• Ensure notices are written in plain language and are designed with human-centered design best practices (such as prioritizing key information in headings, text boxes, and bold text; avoiding over-including information not relevant to the immediate task at hand)</li> <li>• Deliver communications through a trusted source, and utilize outreach campaigns and partnerships with trusted community organizations</li> <li>• Develop improved communication strategies, to</li> </ul>

Opportunity Area to Improve Program Access	Known Burden Drivers	Potential Solutions
		<p>include systematically and automatically tracking and following up with unresponsive applicants or beneficiaries</p> <ul style="list-style-type: none"> <li>• Proactively work to maintain accurate contact information for program participants</li> <li>• Systematically and routinely send communications and notices via multiple modalities (<i>e.g.</i>, mail, email, text messages, phone calls)</li> <li>• Allow applicants the ability to select preferred methods of communication</li> <li>• Provide timely reminders considering season, day of week, timing of day that is most relevant for the target audience</li> <li>• Conduct specialized, proactive outreach to individuals who may be unlikely to respond to typical notices, such as individuals who do not speak English as their native language, individuals with vulnerable housing situations, or individuals with certain cognitive impairments</li> <li>• Tailor notices to specific needs of different customer segments, provide personalized information, and offer individualized feedback and peer comparisons when relevant</li> <li>• Ensure beneficiaries have on-demand, self-service access to their account, including applications or other records that may be relevant to future interactions with the agency</li> </ul>

## **NRCExecSec Resource**

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**From:** OMB Correspondence to Agencies <OMB-AGENCY-CORRESPONDENCE@LISTSERV.OMB.GOV> on behalf of White, Arnette C. EOP/OMB <Arnette\_C.\_White@OMB.EOP.GOV>  
**Sent:** Wednesday, April 13, 2022 1:18 PM  
**To:** OMB-AGENCY-CORRESPONDENCE@LISTSERV.OMB.GOV  
**Subject:** [External\_Sender] FW: M-22-10 Improving Access to Public Benefits Programs Through the Paperwork Reduction Act

This Memorandum provides guidance about how the Office of Management and Budget’s (OMB’s) Office of Information and Regulatory Affairs (OIRA) expects Federal agencies and departments (hereinafter referred to collectively as “agencies”) to (1) more completely and transparently articulate burdens and associated costs experienced by the public when accessing essential public benefits programs and (2) use that analysis to “minimize the Federal information collection burden, with particular emphasis on those individuals and entities most adversely affected,”<sup>[1]</sup> consistent with the Paperwork Reduction Act of 1995 (PRA).

To view this memo, please click <https://www.whitehouse.gov/wp-content/uploads/2022/04/M-22-10.pdf>

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This email list is maintained by Arnette White at the Office of Management and Budget (OMB). If you should be removed or need someone added, please send a request to [awhite@omb.eop.gov](mailto:awhite@omb.eop.gov).

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<sup>[1]</sup> 44 U.S.C. § 3504(c)(3).