

Comment from Public Member Bernard Bell on *Identifying and Reducing Burdens in Administrative Processes*
November 5, 2023

Regarding the “Care Experience Team” I have two quick observations which might perhaps help the group reach closure.

First, the trigger for this obligation might be an expectation of receiving communications from individual members of the public to which the agency will respond on an individualized basis. Thus many benefits agencies will expect such communications as will the IRS. EPA probably expects some individualized communications from members of the public both complaints and inquiries about whether EPA views wetlands on their property as being part of “waters of the United States,” for example. But law enforcement and regulatory agencies may also expect to get such communications from individuals to which they would respond on an individualized basis, including the FCC (complaints about broadcasters), the FBI (information about potential criminal activity or investigatory leads), or any regulatory agency that considers whether to act on complaints of illegality brought to their attention by members of the public.

Secondly, perhaps we should **not** look at the test as applying on an agency-wide basis (i.e., not attempt to categorize the agency as a whole). Instead of considering whether it is appropriate for the agency as a whole to have a customer experience team, we should have agencies consider *whether they have particular programs or functions that involve communications from individual members of the public to which they will respond on an individualized basis*. My suspicion is that almost every agency, no matter how little focused on “direct service” to the public, has aspects of their operations with respect to which they expect and even seek input from the public. Thus, if some aspects of the agency are ones for which it is appropriate to have a customer experience team, it should not matter that there are many other aspects of the agency’s functioning for which a customer experience team is irrelevant.

I hope this helps move the discussion forward.

Regards,
Bernie Bell