ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Identifying and Reducing Burdens in Administrative Processes

Committee on Administration and Management

Draft Recommendation for Committee | October 17, 2023

1   [Preamble to come.]

RECOMMENDATION

Burden Identification and Reduction Principles

2   1. Federal agencies should seek to identify and reduce administrative burdens the public
3   faces when interacting with government programs.
4   2. Agencies' efforts to identify and reduce burdens should focus on improving benefits and
5   services based on the experiences and perspectives of the individuals who interact with
6   government programs.
7   3. Because individuals often interact with multiple government agencies and programs
8   during key life experiences (such as starting a business or experiencing a disaster),
9   agency and program officials should collaborate to identify and reduce burdens that
10   would predictably arise during those key experiences.
11   4. When undertaking efforts to identify and reduce burdens, agencies should ensure such
12   efforts do not compromise the integrity of their programs, particularly those that provide
13   benefits and services to the public.

Burden Identification Strategies

14   5. Agencies should institutionalize procedures for consulting with individuals who interact
15   with government programs, particularly with historically underserved communities or
16   individuals for whom English is not their primary language, to better understand the

17   burdens in those programs. Agencies should employ multiple consultation techniques,

18   including:

19   a. Client surveys;

20   b. Requests for public comment;

21   c. Complaint portals available on agency websites;

22   d. Consultation with agency staff who work with the public; and

23   e. Consultation with members of the private sector who assist individuals, such

24   as representatives, navigators, and social workers.

25   6. To help identify burdens, agencies should use the information obtained through such

26   consultation to map the journeys of individuals who engage with their programs, so that

27   agency personnel can identify the procedures individuals face, and resulting burdens, at

28   each step in the process.

29   7. Agencies should trace the legal or operational source of identified burdens in order to

30   determine whether they are imposed by statute or by administrative regulation, guidance,

31   or practice.

32   8. Agencies should measure administrative burdens associated with their programs by

33   estimating and quantifying, to the extent feasible, the learning, compliance, and

34   psychological costs of their programs (for example, by converting time to financial costs

35   by using the average value of wages as estimated by the Bureau of Labor Statistics).

Burden Reduction Strategies

36   9. Agencies should review their administrative processes to identify ways to simplify them.

37   Opportunities for simplification may include:

38   a. Limiting the number of steps in processes;

39   b. Reducing the length of required forms;

40   c. Limiting documentation requirements; and

41   d. Expanding language access.

DRAFT October 11, 2023

10. Agencies should allow the public to interact with government programs using online processes while still retaining in-person processes where necessary to ensure access to benefits and services. In particular, agencies should:

    a. Create alternatives for requirements for "wet" signatures, such as digital or telephonic signatures;

    b. Allow individuals to use Login.gov or other universal logins used by government agencies; and

    c. Allow individuals to conduct interactions with agencies by telephone or video conference rather than requiring in-person appointments.

11. Agencies should reduce steps individuals must take to receive benefits or services by using existing information to determine program eligibility or to pre-populate enrollment forms, where permitted by law, or by automatically selecting the most beneficial program options for individuals unless they decide to opt out.

12. Agencies should make information about their programs easier to find and understand, proactively provide information to the public about their eligibility for benefits and services, and allow individuals to access their own personal information where necessary to seek and obtain benefits and services.

13. Agencies should provide information in plain language and, where appropriate and feasible, in multiple languages to ensure individuals can understand and use the information.

14. Agencies should increase the availability of assistance for individuals interacting with their programs. Such efforts could include:

    a. Working with legal aid organizations to increase availability of representation;

    b. Establish rules to accredit nonlawyer representatives who may practice before the agency;

    c. Allowing individuals to obtain assistance from other individuals, such as family or friends; and

    d. Providing internal support through ombuds, public advocates, and navigator programs.

71   15. Agencies should compile lists of identified burdens that are traceable to statute and

72   provide them to the Office of Management and Budget (OMB) in their annual

73   performance reports for review and potential submission to Congress.

Agency Organization

74   16. Agency leaders should prioritize burden reduction efforts and use their leadership

75   positions to articulate burden reduction goals for agency staff and outline commitments

76   for achieving them, particularly when such commitments require collaboration between

77   agency departments. Agencies should connect their burden reduction goals with their

78   strategic planning and reporting goals under the Government Performance and Results

79   Act.

80   17. Agencies should have a team devoted to improving the customer experiences that

81   individuals have when interacting with the agency. Customer experience teams should

82   have thorough knowledge of relevant agency programs. Senior career staff should partner

83   with one or more political appointees to provide customer experience teams with

84   sufficient authority within the agency to accomplish its goals.

85   18. Agencies should incorporate their General Counsels and other legal officers into burden

86   reduction efforts as early as possible in order to ensure that agencies understand the full

87   range of legal options available to maximize burden reduction and that such efforts are

88   consistent with legal authorities.

Agency Collaboration

89   19. Federal agencies should expand efforts to collaborate with other entities to maximize

90   burden reduction, incorporating, as necessary, these efforts in their Cross-Agency Priority

91   Goals. In particular, agencies' program and legal staff should collaborate to seek ways to

92   share data across federal agencies and between federal and state agencies. Data sharing

93   can reduce burdens by:

94   a.   Increasing outreach to individuals who may be eligible for administrative

95   programs;

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96   b.   Reducing requirements for forms and documentation; and

97   c.   Under certain conditions, providing for automatic enrollment.

98   20. Agencies that establish data-sharing programs should measure and document the effects

99   of those programs.

100 21. Agencies should establish cross-agency working groups to share information about best

101   practices for reducing burden and using data-sharing agreements.

Guidance on Conducting Customer Experience Research

102 22. The Office of Management and Budget (OMB) should develop, standardize, and

103   disseminate to agencies methods for measuring burden. Among other potential methods,

104   OMB should consider encouraging agencies to measure the estimated value of time saved

105   by members of the public through burden-reduction efforts by converting time to

106   financial costs by using the average value of wages as estimated by the Bureau of Labor

107   Statistics.

108 23. OMB should identify and disseminate to agencies positive models that support the use of

109   data-sharing under current statutory authority. Specifically, OMB should update its

110   guidance on interpreting the Privacy Act to include additional positive initiatives and

111   benefits obtained through burden reduction.

112 24. OMB should update and clarify specific elements that agencies can address in cost-

113   benefit analyses when required for computer matching agreements under the Privacy Act.

114 25. OMB should issue updated guidance that further expands upon flexibilities agencies can

115   use under the Paperwork Reduction Act (PRA) to conduct customer experience research.

116 26. Congress should amend the PRA to exempt customer experience research from

117   information collection requirements if the agencies undertake the research for the purpose

118   of reducing administrative burdens.

119 27. When developing new legislation that establishes or affects administrative programs,

120   Congress should provide express statutory authority for agencies to share data where

121   beneficial for achieving the goals of the legislation.

DRAFT October 11, 2023