

Comment from Public Member Bernard Bell on *Identifying and Reducing Burdens in Administrative Processes*  
October 26, 2023

### **First Comment — Revised Recommendation 5**

Lines 12-15 now appear to read as follows:

*“Agencies should institutionalize procedures for consulting with individuals who interact with government programs, particularly those who face disproportionate burdens in accessing agency programs to better understand the burdens in those programs.”[underline added]*

Groups “who face disproportionate burdens” seems a bit too vague to me without reference to particular groups who frequently suffer such disproportionate burdens, such as “historically underserved communities,” those who speak English as a second language, and those with disabilities. Moreover, the groups who face disproportionate burdens may vary from program to program and it makes sense for the particular agency to identify the groups facing disproportionate burdens, and then take steps to consult the groups it identifies. I’d delete the underlined part of the sentence quoted above and add the following after that sentence:

**In seeking to do so, agencies should identify groups facing disproportionate burdens in accessing agency benefits, and pay particular attention to including such groups in their consultation efforts.**

Specification of particular groups that might fit this category (“historically underserved communities,” speakers of English as a second language, the “disabled”) could easily be added to this additional sentence.

### **Second Comment — Recommendation 12 and Related Matters — Comment on Earlier Comment**

I have a comment regarding the comment made with regard to line 54. The comment reads in part:

*The recommendation in a number of places uses a relative standard rather than an objective one. For example, paragraph 12 (line 55) says agencies should make information about their programs “easier” to find and understand; paragraph 14 (line 62) says agencies should “increase” the availability of assistance; paragraph 19 (line 89) says agencies should “expand” efforts. . . .*

In context, the use of such relative terms rather than objective terms is not a significant problem. Remember, Recommendations 9-15 come after the provisions specifying that agencies should *identify* burdens on accessibility — Recommendations 5-8. Recommendations 9-15 deal with strategies for addressing the burdens *already identified*. When burdens have

been identified, it makes sense to urge agencies to reduce the identified burdens in relative terms by making programs “easier” to understand, or by “increasing” the availability of assistance. To the extent that the agency has NOT found burdens on accessibility (or to the extent the information about programs is already “easy” to find or adequate assistance is already available), then the agency need not make information about their programs “easier” to find or “increase” the availability of assistance. Indeed from its very first lines the Draft Recommendation pairs “reduc[ing]” burdens with “identify[ing]” burdens — as in “identify and reduce.”