September 15, 2015

MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES,
AND OF THE INDEPENDENT REGULATORY AGENCIES

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SUBJECT: Behavioral Science Insights and Federal Forms

On September 15, 2015, President Obama issued an Executive Order entitled "Using Behavioral
Science Insights to Better Serve the American People." Section 1 directs agencies to "identify
opportunities to help qualifying individuals, families, communities, and businesses access public
programs and benefits by, as appropriate, streamlining processes that may otherwise limit or
delay participation—for example, removing administrative hurdles, shortening wait times, and
simplifying forms." This Memorandum advises agencies on how to use behavioral science
insights to improve Federal forms and informs them of resources and administrative flexibilities
to assist with implementation of the Executive Order.

Behavioral science insights are research findings from fields such as behavioral economics and
psychology about how people make decisions and act on them. These findings can provide
insight into small, low-cost changes that can improve the effectiveness of government programs.
For example, the Department of Defense and Social and Behavioral Sciences Team worked
together to modify the Thrift Savings Plan (TSP) enrollment process by adding a prompted
choice to enrollment forms and materials, asking Servicemembers to make a "Yes" or "No"
choice about whether to contribute to TSP during orientation at a new military base. During the
pilot period, over 8.7 percent of transferring Servicemembers newly enrolled in TSP, compared
to 4.3 percent in comparison periods. This behavioral science insight is drawn from research
showing that a prompted or active choice can increase the likelihood of enrollment and uptake.[1]

As noted in prior guidance, designing questions in ways that provide useful information for
agencies can be more difficult than it seems.[2] This is, in part, why the Federal government has
long used scientific methods to inform the ways in which it collects information. For example,

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[1] For additional examples of behavioral science insights applied to Federal programs, please see the Social and
Behavioral Sciences Team Annual Report (Sept. 15, 2015), available at sbst.gov.
[2] Questions and Answers When Designing Surveys for Information Collections, p.18 (Jan. 20, 2006), available at
https://www.whitehouse.gov/sites/default/files/omb/inforeg/pmc_survey_guidance_2006.pdf.

the principal statistical agencies field surveys and studies that draw heavily upon decades of scientific research to identify best practices for improving response rates and accuracy, among other methodological concerns. Such routine testing of new and revised questions includes the consideration of methods informed by behavioral and social sciences.

Applying Behavioral Science Insights to Federal Forms

Agencies frequently direct the public to use forms to apply for benefits, comply with Federal regulations (e.g., file income taxes), and communicate their choices and decisions about Federal programs. Therefore, agencies have an interest in making sure that the forms they use are effective. The Executive Order, implemented in concert with the Paperwork Reduction Act of 1995 (PRA), as described below, presents a promising opportunity to improve Federal forms using insights from decades of research in the social and behavioral sciences.

Most, if not all, Federal forms would likely benefit from the application of behavioral science insights; for the sake of efficiency, this Memorandum encourages Federal agencies to prioritize their review of existing forms consistent with their impact on the public and the agency. For example, an agency might consider focusing on those forms that affect the greatest number of respondents, take the longest for respondents to fill out, or are key components to accessing government services. Agencies could also choose to prioritize those forms that present operational concerns, such as high error rates or frequently incomplete responses that require agency resources to follow up, or those that require the most processing time. In addition, agencies could call for nominations from the public for forms that would benefit from improvement.

As agencies identify their priorities regarding forms that could benefit from review, there are several resources that agencies can leverage for assistance.

Social and Behavioral Sciences Team (SBST)

SBST, established in 2014 by the White House Office of Science and Technology Policy (OSTP), is a cross-agency group of experts in applied behavioral science that translates findings and methods from the social and behavioral sciences into improvements in Federal policies and programs for the benefit of the American people.

Agencies interested in learning more about behavioral science insights, or in partnering with SBST to improve Federal forms, can find additional information at sbst.gov. Agency staff can sign up at this website for an appointment to discuss a particular challenge and connect with SBST's team of experts. Additionally, sbst.gov includes examples of past projects that may be relevant to agency work and provides additional resource materials. Agency staff can also email sbst@gsa.gov to reach the team.

Office of Information and Regulatory Affairs

From time to time, the Office of Information and Regulatory Affairs (OIRA) issues standards and guidance on the collection of information by the Federal government. For example, the "Standards and Guidelines for Statistical Surveys" indicate that agencies must pre-test new

survey components, including survey questions, using cognitive and behavioral methods such as focus groups and cognitive interviews.[3] OIRA also issues guidance on more technical aspects of the PRA, such as how to use generic clearances[4] and the intersection of social media and the PRA.[5] Consistent with this approach, OIRA intends to issue guidance on topics related to the use of cognitive and behavioral science methods for improving the quality of Federal information collections, working in collaboration with SBST and others who work on related issues, such as the Federal Committee on Statistical Methodology (FCSM).

In addition, agencies are encouraged to contact their OIRA desk officers to discuss ways to amend their forms while remaining in compliance with the PRA, as discussed below.

Implementing Changes to Forms

Agencies might find it helpful to consider behavioral science insights in the course of their ongoing review of information collections. The PRA sets out Federal agencies' responsibilities when collecting information from the public (e.g., using a form); it requires agencies to ensure that the information they collect will have practical utility, while also reducing burden on those asked to provide information. The statute allows OIRA to provide approvals of up to three years for all information collections, including forms. Prior to the expiration date, if the agency plans to continue using a form, the agency solicits public comment on the form, indicates whether it has been changed or not, and resubmits it, with revisions if applicable, along with supplemental documentation to OIRA for review. As agencies prepare to renew existing forms, they could consider whether they would benefit from behavioral science insights, and refer to the resources above for assistance. Agencies are encouraged to share proposed changes to forms during the statutory public comment periods. In this way, agencies can use the opportunity provided by the public comment periods to gather information about the forms' functionality and usage.

Agencies are encouraged to use existing administrative flexibilities to facilitate changes, where appropriate. For example, certain types of changes to forms, known as *de minimis* changes, do not require OMB approval under the PRA. *De minimis* changes to a collection are those changes that affect the look and feel of a collection, but do not change the nature or type of information (e.g., data elements) collected. In addition, *de minimis* changes do not increase the burden of a collection, though they might reduce its burden. An example of a *de minimis* change is one that is exclusively cosmetic in nature (e.g., changing colors, visual layouts, field sizes). For other

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[3] Standards and Guidelines for Statistical Surveys § 1.4 (Sept. 2006), available at https://www.whitehouse.gov/sites/default/files/omb/inforeg/statpolicy/standards_stat_surveys.pdf. OIRA has also directed agencies to "engage in advance testing of information collections, including Federal forms, in order (1) to ensure that they are not unnecessarily complex, burdensome, or confusing, (2) to obtain the best available information about the likely burdens on members of the public (including small businesses), and (3) to identify ways to reduce burdens and to increase simplification and ease of comprehension." OIRA Memorandum on Testing and Simplifying Federal Forms (Aug. 9, 2012), available at https://www.whitehouse.gov/sites/default/files/omb/inforeg/memos/testing-and-simplifying-federal-forms.pdf.
[4] OIRA Memorandum on Paperwork Reduction Act – Generic Clearances (May 28, 2010), available at https://www.whitehouse.gov/sites/default/files/omb/assets/inforeg/PRA_Gen_ICRs_5-28-2010.pdf.
[5] OIRA Memorandum on Social Media, Web-Based Technologies, and the Paperwork Reduction Act (Apr. 7, 2010), available at https://www.whitehouse.gov/sites/default/files/omb/assets/inforeg/SocialMediaGuidance_04072010.pdf.

changes, agencies are encouraged to discuss with their OIRA desk officers whether proposed changes to a form can be approved as a non-substantive change request. In other cases, PRA renewals can be written to include pre-testing, if needed, with plans to amend the relevant OMB Control Number using a non-substantive change request when testing is complete. Additionally, structured consultations with the public, such as focus groups, can often be approved using generic clearances.[6]

In addition, agencies may use efforts to apply behavioral science insights to Federal forms as initiatives that are responsive to both OMB's annual Information Collection Budget (ICB) data call requesting paperwork reduction initiatives under the PRA, and OMB's semi-annual call for agencies to report on updates and new initiatives to look back at their existing regulations under Executive Order 13563 and Executive Order 13610. In general, for forms with a regulatory component or a significant mandatory burden imposed on the public, agencies are encouraged to combine this initiative with their ongoing review of existing significant regulations to identify and reduce regulatory burdens. OMB is currently in the process of gathering data for this year's ICB, with data due to OMB by September 25, 2015. The next round of agencies' retrospective review reports will be due in January 2016.

In sum, agencies are encouraged to leverage their ongoing work under the Paperwork Reduction Act to apply behavioral science insights in an effort to improve Federal forms toward achieving the objectives of the Executive Order entitled "Using Behavioral Science Insights to Better Serve the American People."

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[6] Agencies are encouraged to review their portfolio of generic clearances to determine whether they are sufficient for the public interaction and testing they plan to undertake. OIRA desk officers are available to provide further clarity on these issues, and to work with agencies to create or amend existing generic clearances as needed to facilitate smooth and timely testing of forms consistent with the principles in this Memorandum.