

AHS-33B(L)  
(04-08-2019)



**UNITED STATES DEPARTMENT OF COMMERCE**  
**Economics and Statistics Administration**  
**U.S. Census Bureau**  
Washington, DC 20233-0001

Thank you in advance for your participation in this survey.

Dear Community Member,

You recently received a letter from us about your participation in the American Housing Survey (AHS). Soon, a **Census field representative will contact you** to participate in the survey. What you need to know about the AHS:

- **You are representing your community.** You are one of a select number of households chosen to represent thousands of others.
- **The results are important.** Policymakers, community leaders, nonprofit organizations, businesses, and others use the results of the AHS for planning and programming in communities across the United States—including yours. For example, the AHS helps improve housing programs for the elderly and for first-time home buyers.
- **Answering the survey is easy, safe, and secure.** We will work with your schedule to make answering the survey as easy as possible. The Census field representative will show you their badge when they arrive to confirm their identity as a Census employee, and all responses are confidential.

If you have other questions or want to learn more about the survey, please go to [www.census.gov/programs-surveys/ahs/about/respondent-information.html](http://www.census.gov/programs-surveys/ahs/about/respondent-information.html). Thank you in advance for your help with this important survey.

With gratitude,

The U.S. Census Bureau

Voltear para Español.

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EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

July 22, 2016

ADMINISTRATOR  
OFFICE OF  
INFORMATION AND  
REGULATORY AFFAIRS

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

FROM: Howard Shelanski *H.S.*  
Administrator, Office of Information and Regulatory Affairs

SUBJECT: Flexibilities under the Paperwork Reduction Act for Compliance with  
Information Collection Requirements

Federal departments and agencies must comply with the Paperwork Reduction Act of 1995 (PRA)<sup>1</sup> when they seek to collect information from the public. The PRA sets out processes designed to ensure that both the value of collecting the information and the public burden of providing that information are considered carefully.<sup>2</sup>

At the same time, the PRA is not a one-size-fits-all statute. Over the years, the Office of Information and Regulatory Affairs (OIRA) has clarified and streamlined the required PRA processes in order to adapt to emerging technologies and new approaches to engaging with the public.<sup>3</sup> Agencies, however, have varied in their use of the flexibilities that the PRA allows. This Memorandum provides an overview of the administrative flexibilities available to assist agencies in complying with their statutory obligations under the PRA.

The discussion that follows is intended to help Federal agencies understand where and how they can use more streamlined processes to satisfy their public notice requirements through an initial plan for future information collections; how they can make certain minor changes to information collections without lengthy review; and how they can receive expedited clearance for information collections in certain situations. The discussion also addresses how agencies can

<sup>1</sup> 44 U.S.C. chapter 35, available at <https://www.gpo.gov/fdsys/pkg/USCODE-2011-title44/pdf/USCODE-2011-title44-chap35.pdf>; 5 C.F.R. Part 1320, available at <http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=454df3e4dfcaaa0af817c4e0c858cef&mc=true&n=pt5.3.1320&r=PART&ty=HTML>. Note that, in addition to the flexibilities discussed in this Memorandum, PRA regulations also contemplate exclusions to the definition of what constitutes "information" under the PRA. See <https://www.whitehouse.gov/sites/default/files/omb/inforeg/memos/2014/appendix-data-search-tools-calculators.pdf>

<sup>2</sup> For more information on the standard PRA process, please consult OIRA's PRA Primer, available at [https://www.whitehouse.gov/sites/default/files/omb/assets/inforeg/PRAPrimer\\_04072010.pdf](https://www.whitehouse.gov/sites/default/files/omb/assets/inforeg/PRAPrimer_04072010.pdf).

<sup>3</sup> Section 4 of the Office of Management and Budget (OMB) Open Government Directive instructed the Administrator of OIRA to "review existing OMB policies, such as Paperwork Reduction Act guidance[,] . . . to identify impediments to open government and to the use of new technologies and, where necessary, issue clarifying guidance and/or propose revisions to such policies, to promote greater openness in government." <https://www.whitehouse.gov/sites/default/files/omb/assets/memoranda/2010/m10-06.pdf>. Since 2010, OIRA has released numerous documents, including memoranda, frequently asked questions, guidance to agencies, and similar products, clarifying the application of the PRA, many in response to the Open Government Directives. The goal of this memorandum is to summarize this body of work into an accessible, summary format.



The fast-track process for customer feedback is designed to collect more frequent and real-time information that focuses on the awareness, understanding, attitudes, preferences, or experiences of customers or other stakeholders relating to existing or future services, products, or communication materials.

Many, but not all, eligible agencies are making effective use of the fast-track process. For example, the Department of Commerce currently has nearly 100 different specific collections cleared through the fast track process, including numerous usability testing, website feedback, and customer satisfaction type information collections.<sup>5</sup> OIRA's Fast-Track Service Delivery Feedback FAQ provides further answers to agencies on commonly asked questions on the fast-track process for customer feedback.<sup>6</sup>

That process is available to agencies that joined the initial government-wide *Federal Register* notice published in December 2010, and to agencies that later went through the PRA process on their own to get an approved generic clearance for customer feedback.<sup>7</sup> If an agency did not opt to join that initial *Federal Register* notice, and has not yet proceeded with its own generic clearance, OIRA encourages the agency's PRA official to contact the agency's OIRA desk officer to learn more about setting up a generic clearance for customer feedback that would permit use of the fast-track process.

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<sup>5</sup> Later in this document, we clarify that not all types of activities related to testing the usability of forms or website feedback would be covered by the PRA; however, for those types of activities that are covered, the fast track process provides a quick and efficient way to comply.

<sup>6</sup> <http://www.whitehouse.gov/sites/default/files/omb/assets/inforeg/pra-faqs.pdf>

<sup>7</sup> <https://www.federalregister.gov/articles/2010/12/22/2010-32084/agency-information-collection-activities-proposed-collection-comment-request-generic-clearance-for>. The agencies that joined the original *Federal Register* notice are: Department of Agriculture, Department of Commerce, Department of Defense, Department of Education, Department of Energy, Department of Health and Human Services, Department of Homeland Security, Department of Housing and Urban Development, Department of the Interior, Department of Justice, Department of Labor, Department of State, Department of Transportation, Department of the Treasury, Department of Veterans Affairs, Environmental Protection Agency, National Aeronautics and Space Administration, Social Security Administration, Administrative Conference of the United States, Consumer Product Safety Commission, Corporation for National and Community Service, Equal Employment Opportunity Commission, Export-Import Bank of the United States, Federal Communications Commission, Federal Deposit Insurance Corporation, Federal Energy Regulatory Commission, Federal Trade Commission, Institute of Museum and Library Services, Merit Systems Protection Board, National Credit Union Administration, National Endowment for the Arts, National Endowment for the Humanities, Office of the Comptroller of the Currency, Overseas Private Investment Corporation, Peace Corps, Pension Benefit Guaranty Corporation, Railroad Retirement Board, Securities and Exchange Commission, Surface Transportation Board, Tennessee Valley Authority, U.S. Election Assistance Commission, U.S. International Trade Commission, and U.S. Access Board.



question in an already approved collection would result in more accurate and complete responses. These changes may be considered non-substantive, as long as they do not introduce new concepts or measures that have not received public comment. Non-substantive changes may also be used to facilitate and finalize larger changes to a particular collection, as long as the public is provided with some opportunity to comment on possible options or changes, as well as the circumstances that will trigger those options, as part of the original approval.

#### *Example of Use of Non-Substantive Changes for Certain Web-based or Similar Applications*

In addition, a recent, active area of agency activity for many information collections is the development of interactive, web-based or similar applications<sup>11</sup> to help facilitate responses. Such tools can improve responsiveness and accuracy, and lower the burden, of any particular information collection. For new collections for which agencies plan to develop these tools, the agency should summarize its plans, and make available for public comment draft interactive instructions as part of the normal information collection approval materials. Many existing, already approved forms may also greatly benefit from the development of such assistance materials. As long as the underlying, approved form is not altered and the interactive materials essentially collect the same information, then OIRA considers these applications a non-substantive change to an already approved collection, and would encourage their development.

#### **Emergency Review**

Under certain circumstances, an agency head or designee may request expedited OIRA review of an information collection request (ICR)—also known as “emergency” review. OIRA may grant expedited review if the collection is essential to the mission of the agency, clearance is needed sooner than the normal timeframe, and the agency cannot reasonably comply with the PRA’s normal clearance procedures because: “(i) public harm is reasonably likely to result if normal clearance procedures are followed; (ii) an unanticipated event has occurred; or (iii) the use of normal clearance procedures is reasonably likely to prevent or disrupt the collection of information or is reasonably likely to cause a statutory or court ordered deadline to be missed.”<sup>12</sup> When OIRA expedites review, OIRA acts promptly to review the ICR through a suitably streamlined process, consistent with the purposes of the PRA. For example, OIRA may modify—or, if necessary, waive—the public comment requirements.<sup>13</sup> Emergency clearance may be granted for a maximum of six months.

As relevant situations arise, agencies should consult with their OIRA desk officers to select an approach that permits them to comply with the PRA while responding to the emergency circumstances.

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<sup>11</sup> These types of applications are also sometimes referred to as online “wizards”.

<sup>12</sup> 44 U.S.C. § 3507(j), available at <https://www.gpo.gov/fdsys/pkg/USCODE-2013-title44/html/USCODE-2013-title44-chap35-subchap1-sec3507.htm>; 5 C.F.R. 1320.13(a)(2), available at <http://www.ecfr.gov/cgi-bin/text-idx?SID=454df3e4dfcaaf0af817c4e0c858cef&mc=true&node=se5.3.1320.113&rgn=div8>.

<sup>13</sup> See 44 U.S.C. § 3507(a)(1)(D), available at <https://www.gpo.gov/fdsys/pkg/USCODE-2013-title44/html/USCODE-2013-title44-chap35-subchap1-sec3507.htm>.

the PRA.<sup>18</sup> In addition to consulting this document if an agency has questions regarding whether a challenge is subject to the PRA, OIRA recommends that the agency consult with its PRA office or, if necessary, its OIRA desk officer.

#### **Applicability of PRA to Direct Observations of Users Interacting with Digital Services Tools and Products**

In some cases when agencies obtain information on user interactions with digital services tools or products, including prototypes of those tools or products, they may not be subject to the PRA. In particular, under its regulations OMB does not generally consider facts or opinions obtained through direct observation by an employee or agent of the sponsoring agency or through nonstandardized oral communications in connection with such direct observations to be information under the PRA. *See* 5 C.F.R. 1320.3(h)(3). Thus, when the sponsoring agency merely observes a user interacting with a digital services tool or product and at most engages in nonstandardized oral communications with the user, the facts or opinions the sponsoring agency obtains are not subject to the PRA. Any direct observation should respect the observed parties' privacy and require their voluntary consent. In practice, many agencies, such as statistical agencies developing large scale surveys, couple direct observation with recruitment, screening, debriefing, and other data collection activities; for example, those necessary to remunerate participants. Many of these types of activities are covered by the PRA, but can still be facilitated through the generic clearance process.

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In conclusion, there are many administrative flexibilities available to assist agencies in complying with their statutory obligations under the PRA, and we encourage agencies to avail themselves of these opportunities. OIRA stands ready to provide further detail on these tools and to work closely with agencies to continue to develop streamlined approaches that balance achieving Federal missions in an efficient manner with the public's interest in having an opportunity to engage with Federal agencies prior to agency action.

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<sup>18</sup> <https://www.whitehouse.gov/sites/default/files/omb/assets/inforeg/challenge-and-prizes-faqs.pdf>





September 15, 2015

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

FROM: Howard Shelanski *H.S.*  
Administrator, Office of Information and Regulatory Affairs

John P. Holdren *John P. Holdren*  
Director, Office of Science and Technology Policy

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.<sup>1</sup>

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

<sup>1</sup> 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](http://sbst.gov).

<sup>2</sup> Questions and Answers When Designing Surveys for Information Collections, p.18 (Jan. 20, 2006), available at [https://www.whitehouse.gov/sites/default/files/omb/infocoreg/pmc\\_survey\\_guidance\\_2006.pdf](https://www.whitehouse.gov/sites/default/files/omb/infocoreg/pmc_survey_guidance_2006.pdf).



survey components, including survey questions, using cognitive and behavioral methods such as focus groups and cognitive interviews.<sup>3</sup> OIRA also issues guidance on more technical aspects of the PRA, such as how to use generic clearances<sup>4</sup> and the intersection of social media and the PRA.<sup>5</sup> 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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<sup>3</sup> 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](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>.

<sup>4</sup> 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](https://www.whitehouse.gov/sites/default/files/omb/assets/inforeg/PRA_Gen_ICRs_5-28-2010.pdf).

<sup>5</sup> 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](https://www.whitehouse.gov/sites/default/files/omb/assets/inforeg/SocialMediaGuidance_04072010.pdf).