

A. Justification

1. Circumstances Making the Collection of Information Necessary:

This statement supports the request for a revision of a currently approved information collection related to Form FNS-209, Status of Claims Against Households. The Food and Nutrition Act of 2008 and regulations require an appropriate procedure for accounting for the collection of Supplemental Nutrition Assistance Program (SNAP) overpayments. Sections 11, 13 and 16 of the Food and Nutrition Act of 2008 (the Act), and appropriate SNAP regulations are the basis for the information collected on the FNS-209. Section 13 of the Act and the regulations at 7 CFR 273.18 require State agencies to establish, collect and manage overpayments against households. Section 16 of the Act provides for State agencies to retain a portion based on a pre-determined percentage of what is collected for certain types of claims. Finally, Section 11 of the Act requires State agencies to submit reports and other information that is necessary to determine program compliance. The regulations at 7 CFR 273.18 (m)(5) require that the FNS-209 report serve this purpose for SNAP recipient claims. The report is also the means for State agencies to determine the appropriate retention amount as well as return net collection amounts to the Food and Nutrition Service (FNS).

2. Purpose and Use of the Information:

This information will be used by:

- State agencies to ascertain aggregate claim balance and collections for determining overall performance, the collection amounts to return to FNS and claim retention amounts.
- FNS to receive collections and report collection activity to Treasury.

SNAP regulations at 7 CFR 273.18 require that State agencies establish, collect and efficiently manage SNAP recipient claims. Paragraph 7 CFR 273.18 (m)(5) requires State agencies to submit at the end of every quarter the completed Form FNS-209, Status of Claims Against Households. The information required for the FNS-209 report is obtained from a State accounting system responsible for establishing claims, sending demand letters, collecting claims, and managing other claim activity. In general, State agencies reports the following totals on the FNS-209: the current outstanding aggregate claim balance; claims established; collections; any balance and collection adjustments; and the amount to be retained for collecting non-agency error claims. The burden associated with establishing claims (demand letters) and the Treasury Offset Program, both which are also used to complete the FNS-209, are already approved under OMB burden numbers 0584-0492, Expiration date 7/31/2011 and 0584-0446 Expiration date 12/31/2009, respectively.

3. Use of Information Technology and Burden Reduction:

FNS is required to comply with the E-Government Act 2002. State agencies have the authority to use information technology that best suits the needs of their individual and possibly unique systems of operations to comply with this information collection. Virtually every State agency employs an automated system to tabulate and maintain claims activity. State agencies have the option to enter this data directly into the FNS Food Programs Reporting System (FPRS) without submitting a paper copy. In the 4th quarter of FY 2008, ninety-four percent (94 %) of the respondents submits the FNS-209 electronically to FPRS at <https://fprs.fns.usda.gov> for reporting.

4. Efforts to Identify Duplication and Use of Similar Information:

There are no similar data collection efforts available.

5. Impacts Small Businesses or Other Small Entities:

The information collected is limited to data necessary to comply with statutory requirements and to protect Program integrity. There is no unnecessary burden imposed on respondents.

6. Consequences of Collecting the Information Less Frequently:

If this data is collected less often than quarterly, it would delay the Federal collection of the Federal share of the State agency's collections. FNS would not be able to effectively monitor the collection and recovery of program funds or protect the integrity of the program.

One of the primary purposes of this report is to return amounts collected from claims for overissuances to the Federal Government. While FNS pays for the benefits issued to households, State agencies establish and collect the claims for overissuances for FNS. State agencies are allowed to retain 35 percent of the dollar amount of fraud intentional program violation (IPV) and 20 percent of the inadvertent household error (IHE) of the collections from households as a reward for their collection activity but return the bulk of the collections to the Federal Government. State agencies report on the FNS-209 the total amount collected and the dollar amount they are allowed to keep as a reward. The report allows FNS to determine its share of the collections and to recover that amount from the State agency.

7. Special Circumstances Relating to the Guideline of 5 CFR 1320.5:

There are no special circumstances that require information collection inconsistent with 5 CFR 1320.5.

8. Comments in Response to the Federal Register Notice and Efforts to Consult Outside Agency

The 60-day Federal Register Notice was published on November 21, 2008 (73 FR 70614).

We received no comment on the proposed information collection.

Over the years periodic and ongoing informal discussion with State agencies have indicated that they support the use and format of the current FNS-209 report.

9. Explanation of Any Payment or Gift to Respondents:

No payments or gifts to respondents are provided under this information collection.

10. Assurance of Confidentiality Provided to Respondents:

Section 11 (e)(8) of the Act and implementing regulations at 7 CFR 272.1 limit the use or disclosure of information obtained from applicant households to persons directly connected with either the administration or safeguarding the integrity of SNAP. Information reported on the FNS-209 does not identify recipients by name and therefore ensures confidentiality.

11. Justification for Sensitive Questions:

This information collection does not ask any questions of a sensitive nature.

12. Estimates of Hour Burden Including Annualized Hourly Costs:

The estimated administrative and clerical staff time necessary for the accumulation and tabulation of the number and dollar value of claims established against households are based on the national average. The burden is also based on national claims collection activity. The estimated quarterly burden for each of the 53 State agencies totals 140 minutes or 2.33 hours to accumulate and total the data; and an additional 40 minutes (.67 hours) for consolidation, computation and submission of the report to FNS. This results in a total estimated burden of 180 minutes (3 hours) per quarter for each State agency.

Table A. 12.1 Estimates of Hour Burden Reporting

Type of Respondents	Forms	Number of Respondents	Number of Responses per Respondent	Total Annual Responses	Est. Total Hours per Response	Est. Total Burden Hours
State Agencies						
Accumulation and Tabulation	FNS -209	53	4	212	2.33	494
Consolidation and Submission	FNS -209	53	4	212	0.67	142
Total Reporting Burden Estimates		53	4	212	3.00	636

Table A. 12.2 Recordkeeping Burden: Recordkeeping

State agencies retain the records that support the FNS-209 data for 3 years; because this reflects three year routine business practice no additional recordkeeping hours are included in this package. When the 60-day Federal Register Notice was published on November 21,

2008, FNS indicated that there was 106 burden hours associated with recordkeeping after clarification of OMB guidelines these burden hours have been removed because State agencies maintain these records for three year as routine business practices.

Table A. 12.3 Estimates of Annualized Cost to Respondents.

Type of Respondents	Number of Respondents	Frequency of Responses	Average Time Per Response	Hourly Wage Rate	Total Respondent Cost
State Agencies (Clerical Staff)	53	4	3.0	\$7.61	\$4,840

The cost to the public is based on \$15.21 per hour. The rate to State agencies after 50 percent reimbursement by FNS is \$7.61. Based on these figures the total cost to respondents after FNS reimbursement is \$ 4,840. The total previous cost to respondents was \$3,710. The costs in this submission have been updated from the previous submission because of reevaluation and modifications in the hourly rate of Bureau of Labor Statistics data.

To estimate public cost, FNS consulted with the U.S. Department of Labor’s May 2007 Occupational and Wage statistics – 43-30111 Bill and Account Collectors (<http://www.bls.gov/oes/current/oes433011.htm>).

13. Estimates of Other Total Annual Cost Burden to Respondents or Record Keepers:

There are no capital, start-up and/or annualized maintenance cost associated with this burden.

14. Annualized Cost to the Federal Government:

The annual cost to the Federal Government to collect and use the data for the FNS-209 is estimated at \$194,942. This cost includes (1) the cost of printing reporting forms; (2) reviewing and approving the data, data entry and retrieval, and monitoring the data; (3) automated system costs; and (4) the Federal share of State agencies' burden costs to report the data. These costs are operational costs only. (See Federal Cost Estimate Table which breaks the costs down by the above referenced categories.) Previous submissions only included the costs of printing the forms and the Federal share of State agencies' burden costs to report the data. __

15. Explain of Program Changes or Adjustments:

This is a revision of a currently approved information collection; FNS has removed 106 recordkeeping burden hours. State agencies maintain the FNS-209 for three years due to routine business practices. FNS has not imposed any additional recordkeeping burden.

16. Plans for Tabulation and Publication and Project Time Schedule:

This data is included in the annual SNAP State Activity Report that is produced for and used by FNS for analysis and evaluation purposes. The report also published on the USDA FNS

website at <http://www.fns.usda.gov/pd/snapmain.htm>. The report is usually published in the first quarter of the calendar year.

17. Reason(s) Display of OMB Expiration Date is Inappropriate:

FNS is seeking approval to continue the current practice of not displaying the OMB expiration date on the FNS-209. If required to include an expiration date the FNS -209 would require modification and would render the existing paper supply an economic loss each time the information collection burden was renewed. At that time each form would have to be revised and a new supply printed. While nearly 94 percent of the respondents in this submission chose to report their responses electronically, there are still State agencies that submit paper reports and require printed forms to be available

18. Exceptions to the Certification for Paperwork Reduction Act Submission:

This information collection conforms to the requirements of 5 CFR 1320.9. There are no exceptions to the certification statement.