

SUPPORTING STATEMENT

**Supplemental Nutrition Assistance Program: Waivers under Section 6(o) of the
Food and Nutrition Act of 2008**

OMB No: 0584-0479

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Attachment A: Food and Nutrition Act (2008), Section 6(o) - Work Requirements for Able-bodied Adults Without Dependents

Attachment B: 7 CFR 273.24(f) - Waivers of the ABAWD Work Requirement

Attachment C: Federal Register 60-day Notice Soliciting Comments

OMB 83-I Form

A. Justification

- 1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.**

This collection is a revision of a currently-approved collection, Supplemental Nutrition Assistance Program (SNAP): Waivers under Section 6(o) of the Food and Nutrition Act of 2008 (the Act),.Section 824 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L.104-193 (PRWORA) establishes a time limit for the receipt of SNAP benefits for certain able-bodied adults without dependents (ABAWDS) who are not working. The provision authorizes the Secretary of Agriculture, upon a State agency’s request, to waive the provision for any group of individuals if the Secretary determines “that the area in which the individuals reside has an unemployment rate of over 10 percent, or does not have a sufficient number of jobs to provide employment for the individuals.” 7 CFR Part 273.24 that set forth both the work requirements mandated by Section 6(o) of the Act and procedures required of State agencies seeking waivers of such requirements. As required in the statute, in order to receive a waiver the State agency must submit sufficient supporting information so that FNS can make the required determination as to the area’s unemployment rate or sufficiency of available jobs. This collection of information is therefore necessary in order to obtain waivers of the SNAP time limit. A copy of the applicable regulatory provision (7 CFR 273.24(f)) regarding waivers of the work requirement is attached for reference (see Attachment B).

- 2. Indicate how, by whom, how frequently, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.**

FNS will use the information provided by State agencies to evaluate whether the statutory requirements for a waiver of the SNAP time limit have been met, specifically whether the designated area's unemployment rate is over 10 percent or whether there is a lack of sufficient jobs available.

- 3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also, describe any consideration of using information technology to reduce burden.**

FNS has made every effort to provide for electronic submission as an alternative to paper submission in compliance with the E-Government (E-Gov) Act, 2002. FNS provides funding to support the development of electronic systems through Federal matching of States' administrative costs. State agencies have the authority to use information technology that best suits the needs of their individual or unique systems of operation to comply with the information collection and reporting requirements contained in this submission. We expect States that rely on case records to use automated systems to identify the appropriate cases and obtain the necessary information. State agencies have the authority to use the information technology that best suits the needs of their individual or unique systems of operation to comply with the information collection and reporting requirements contained in this submission. All State agencies (100%) have automated their SNAP eligibility systems. States send aggregate level

data on participation, benefits issued, and other basic program information to FNS using the Food Programs Reporting System (FPRS) via this website: <https://fprs.fns.usda.gov>. FNS does not receive client-specific data, such as applications or individual case records.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purpose described in item 2 above.

There is no report or publication that meets the needs of FNS to evaluate a State agency's request for a waiver of the provisions of 7 CFR 273.24. Although the Department of Labor (DOL) and the Bureau of Labor Statistics (BLS) publish unemployment rates county by county and some other sub-state areas, unemployment rate data may not be available for all areas for which State agencies are seeking waivers. In addition, the State agency must still identify with specificity the areas for which waivers are sought, and the basis and supporting data for a waiver based on lack of available jobs.

5. Impacts Small Businesses or Other Small Entities.

State agencies are involved in the administration of SNAP at the state level and the data collection for this effort. All State agencies deliver the same program benefits and perform the same function regardless of population size. Thus, they maintain the same kinds of information on file. Of the 53 potential respondents, none are small entities.

6. Consequences of Collecting the Information Less Frequently

If the information collection was not conducted, State agencies could not obtain waivers of the time limits contained in 7 CFR 273.24. The information required to be reported is the minimum amount of

information needed to support the waiver request, and must be submitted when an initial request or a request for an extension is made. The only way to reduce the frequency of collection would be to increase the length of the waivers, which would reduce the extent to which the approved waiver actually reflected current labor market conditions. Waivers will be approved for as long a period as is both practicable and consistent with the underlying data. The overwhelming majority of waivers are approved for a period of 1 year. FNS will approve waivers for 2 years if the State agency provides data indicating that the area has a long history of high unemployment.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner that is inconsistent with 5 CFR 1320.5.

There are no special circumstances that cause this information collection to be conducted in a manner that is inconsistent with 5 CFR 1320.5.

8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d).

The agency notice soliciting comments regarding this information collection was published on September 20, 2011, in the Federal Register at 76 FR 58238 (included with this submission).

The Department received no comments on this information collection. FNS regional offices monitor and communicate with individual State agencies on a regular basis about State operation of the program. FNS also participates in regional and national meetings with State SNAP administrators, affording State agencies the opportunity to discuss policy issues including waivers of the work requirements for ABAWDs.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

There was no decision to provide payments or gifts to respondents.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

The Department will comply with the Privacy Act of 1974. Section 11(e)(8) of the Act and 7 CFR 272.1(c) of the SNAP regulations limit the use or disclosure of information obtained from applicant households or contained in the casefiles of participating households to persons directly connected with the administration of SNAP; other Federal or federally assisted means-tested programs; persons directly connected with the verification of immigration status of aliens; the Office of the Comptroller General of the U.S. for audit and examination authorized by other provisions of law; and to Local, State or Federal law enforcement officials for the purpose of investigating an alleged violation of the Food and Nutrition Act or regulations.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior or attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

No private or sensitive questions will be asked.

12. Estimates of Hour Burden Including Annualized Hourly Costs. Provide estimates of the hour burden of the collection of information. The statement should:

- **Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in Item 13 of OMB Form 83-I.**
- **Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories.**

The estimated reporting burden for each individual component of this information collection, including the number of respondents, frequency of response, average time to respond and annual hour burden is shown in Table 1(below) and described in more detail following the table.

OMB # 0584-0479	Requirement	Estimated # Respon- dents	Response annu- ally per respon- dent	Total An- nual Re- sponses	Hours Per Re- sponse	Annual Burden Hours
Affected Pub- lic						
State Agencies						
Reporting Burden	Submission of waiver request based on labor market data	36	1	36	35	1,260
	Submission of waiver request based on Labor Surplus Area designation	1	1	1	4	4
	Submission of waiver request based on DOL trigger notices	11	1	4	4	44
	Reporting To- tals	48		48		1308
Recordkeep- ing Burden	Recordkeeping	0	0	0	0	0
	Recordkeep- ing Totals	0	0	0	0	0

	Total Record-keeping and Reporting Burden	48		48		1308

Reporting burden: FNS projects that on an annual basis 48 State agencies will submit requests for waivers of the time limit for ABAWD recipients based on an insufficiency of jobs. This estimate is based on the waiver activity of calendar year 2008, rather than the more recent 3-year period of 2009-2011 when the time limits on ABAWD participation in SNAP were suspended by the American Recovery and Reinvestment Act (Pub. L. 111-5). During the period from April 1, 2009 through September 30, 2010, there was no need for State agencies to submit the waiver requests included in this information collection. After September 30, 2010, most waivers were based on State eligibility for extended unemployment compensation (EUC) under trigger notices issued by the U.S Department of Labor Employment and Training Administration (DOLETA). Depending on their statutory basis, DOL issues trigger notices if a State’s total unemployment rate exceeds 6 percent or if its insured unemployment rate exceeds 4 percent. In addition, using unemployment projections from the Congressional Budget Office through 2014, FNS estimates that labor market conditions during the period from the last quarter of 2008 through the first quarter of 2009 will be more representative of the U.S. labor market in the next 3 years than were labor market conditions during the 3-year period ending December 31, 2008. The CBO projection is available on its website <http://www.cbo.gov/doc.cfm?index=12039> .

Of the 48 anticipated State waiver requests, FNS projects that 36 waiver requests will be based on labor market data for clients in specific geographic areas within States that have an unemployment rate greater than 20 percent above the national average in that area. A typical

State waiver includes several geographic areas where each geographic area may include multiple political jurisdictions. FNS projects that one waiver request will be based solely on the designation of areas as Labor Surplus Areas (LSAs) by the DOLETA and that 11 will be statewide waivers based on entitlement to EUC based on trigger notices issued by the DOL.

For the **36 estimated waivers** based on the unemployment rate of specified geographic areas within a State, FNS continues to estimate a response time of 35 hours for each waiver request. The 35 hour time estimate per response, which FNS used in the previous information collection burden estimate for these type of waiver, reflects preparation of waiver request by the State agency, which requires detailed analysis of labor markets within the State. These waivers frequently cover multiple timeframes and multi-county labor market areas. **FNS projects a total burden of 1,260 hours for the 36 waivers covering specific geographic areas based on unemployment rate greater than 20 percent above the national average.**

For the waiver based solely on LSA designation and the **11 estimated waivers** based on trigger notices, FNS estimates a burden of **48 hours** or four hours per waiver since the data supporting these waivers is readily available from the DOL website. The specific internet addresses are http://workforcesecurity.doleta.gov/unemploy/claims_arch.asp for trigger notices and <http://www.doleta.gov/programs/lisa.cfm> for the list of designated LSAs. **FNS projects a total burden of 1,308 hours for this information collection, a reduction of 372 hours from the prior approved information collection burden of 1,680 hours.** There is no specific recordkeeping requirement directly associated with this information collection.

- a. Record keeping burden only: There is no separate recordkeeping directly associated with this

information collection.

- b. Number of responses: FNS projects 48 annual responses from this information collection

12c. Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. Do not include the cost of contracting out or paying outside parties for information collection activities here, these costs should be included in item 14.

SNAP information collection requirements described herein are imposed on State welfare agency clerks and eligibility workers. Standard wage rate categories used in determining burden costs to these public were based on the Bureau of Labor and Statistics (BLS) Occupational Employment Statistics site, <http://www.bls.gov/bls/wages.htm>, which indicates the pay rate of approximately \$26.41 per hour for State and local government workers. However, 50 percent of the administrative costs incurred by State agencies are reimbursed by FNS.

State agency cost per hour (\$26.41 x 50% Federal Share = \$13.21)	Hours	Cost (US\$)
Preparation and submission of ABAWD waiver requests	1,308	\$17,279
Total State Agency Cost		\$17,279
Federal Cost		
Review of State agency waiver requests	384	\$15,111
Federal share of State agency cost		\$17,279
Total Federal cost		\$32,390
Total State and Federal Cost		\$49,669

13. Provide estimates of the total annual cost burden to respondents or record keepers resulting from the collection of information, (do not include the cost of any hour burden shown in items 12 and 14). The cost estimates should be split into two components: (a) a total capital and start-up cost component annualized over its expected useful life; and (b) a total operation and maintenance and purchase of services component.

There are no capital/start-up or ongoing operation or maintenance costs associated with this information collection.

14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost and any other expense that would not have been incurred without this collection of information.

Fifty percent of the administrative costs incurred by State welfare agencies are reimbursed by FNS. Thus, the estimated wage rates for State agency staffs noted above have been reduced by 50 percent to reflect cost sharing (\$13.21). FNS staff evaluate, review and issue responses to State agency requests for ABAWD waivers. We estimate the following Federal staff costs, based on 7 hours review and analysis by a program analyst followed by a one hour review by an Assistant Branch Chief.

	Hours	Hourly Wage*	Total
GS-12/3 Program Analyst	336	\$38.27	\$12,859
GS-13/4 Assistant Branch Chief	48	\$46.93	\$2,253

Federal workers total cost:		\$15,111
	Federal share of annualized costs @ 50%	= \$17,272
	Federal workers cost	= \$15,111
Total Federal Cost:		\$32,390

* OPM website for Washington-Baltimore area:

<http://www.opm.gov/oca/11tables/indexGS.asp>

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-1.

This is a revision of a currently approved collection. The burden has been reduced by 372 hours. The reduction is the result of an adjustment attributable to more waivers requested based on DOL Trigger Notices which require less State agency preparation and analysis than geographically based waivers. Geographically based waivers require analysis of labor market data within the State, in some cases involving a significant number of counties. Information on States subject to Trigger Notices is available directly from the DOL website http://workforcesecurity.doleta.gov/unemploy/claims_arch.asp and requires no additional analysis from State agency staff.

Current OMB inventory: **1680 hours**

Total annual hours requested: **1308 hours**

16. For collections of information whose results are planned to be published, outline plans for tabulation and publication.

There are no plans to publish statistical analyses.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

The agency plans to display the expiration date for OMB approval of the information collection on all instruments.

18. Explain each exception to the certification statement identified in Item 19 "Certification for Paperwork Reduction Act."

There are no exceptions to the certification statement.