

SUPPORTING STATEMENT

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

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OMB 83-I Form

A. Justification

1. Circumstances Making the Collection of Information Necessary.

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 is a revision of a currently approved information collection for 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 at least 20 hours per week. This time limit applies only to adults between 18 and 50 years of age that do not have children or adult dependents in their SNAP household. ABAWD recipient eligibility is limited to three months within a 36 month period, unless the individual is working, or participating in a designated employment and training activity, for 20 hours per week.

Federal regulations at 7 CFR 273.24 set forth the work requirements as well as the circumstances under which State agencies can request waivers to the normal time limit for ABAWD recipients to receive SNAP benefits. 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". To obtain a waiver, the State agency must submit sufficient supporting evidence, labor data, or other information so that the United States Department of Agriculture (USDA), Food and Nutrition Service (FNS) can make the required determination as to the area's unemployment rate or sufficiency of available jobs. This collection of information is necessary so that FNS can obtain and verify the data that supports waivers of the ABAWD time limit.

2. Purpose and Use of the Information.

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.

State agencies that base an ABAWD time limit waiver request on high unemployment must submit a waiver request to FNS for approval. These waiver requests must contain acceptable forms of supporting evidence, labor market data, or other information that justifies the State agency's claim. The collection of this information is necessary for FNS to approve these requests and allow ABAWD recipients to continue to obtain SNAP benefits. This information will be collected when State agencies submit the ABAWD time limit waiver requests to FNS for approval. State agencies may submit their completed waiver requests and accompanying information by either mail or e-mail to their respective FNS Regional Office, which will in turn submit the waiver request to the FNS National Office for approval. State agencies will need to submit waiver requests and supporting information once per year if they wish to continue these types of waivers. The employment data and labor market information that State agencies collect in order to submit these waiver requests are readily available to the public through other federal agencies. Regardless, FNS only shares the final approval letters for these waivers, which do not contain the requested information, on its secure stakeholder intranet, PartnerWeb. The process for collecting this information has remained relatively unchanged since the implementation of 7 CFR 273.24 on September 3, 1999.

3. Use of Information Technology and Burden Reduction.

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.

Although FNS is committed to complying with the E-Government (E-Gov) Act, 2002, FNS currently does not use any electronic systems or web-based forms to collect the waivers from the State agencies. 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. Currently, FNS collects ABAWD time limit waiver requests and accompanying information via e-mail. State agencies e-mail waiver requests directly to their respective FNS Regional Office, which

in turn transmits the waiver requests to the FNS National Office, providing more time for the FNS National Office to review and approve the waiver request. FNS also transmits approval of waiver requests via e-mail to designated State agency contacts, which allows the State agency more time to implement the approved waiver. At this time, FNS does not have any plans to develop an electronic system or a web-based form that will allow the State agencies to submit their waiver requests electronically. If FNS does develop an electronic system or web-based form in the future, the electronic submission will be submitted to OMB for review.

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

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

FNS has reviewed other government agencies' websites. There is no comprehensive report or publication that can be used to evaluate a State agency's request for a waiver of the regulations at 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 on Small Businesses or Other Small Entities.

If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-I), describe any methods used to minimize burden.

State agencies are involved in the administration of SNAP at the state level. All State agencies deliver the same program benefits and perform the same function regardless of population size. This information collection does not have a direct impact on any small entities. Out of 53 State agencies, 0 are considered small entities.

6. Consequences of Collecting the Information Less Frequently

Describe the consequence to Federal program or policy activities if the collection is not

conducted, or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

If the information collection was not conducted, State agencies could not obtain waivers of the time limit specified in 7 CFR 273.24. The State agency information is required to support waiver requests and must be submitted when requesting an initial waiver or an extension. To reduce the frequency of the information collection, waiver approval periods would need to be lengthened, which would reduce the extent to which the waivers accurately reflect 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 one year. FNS will approve waivers for two years if the State agency provides data indicating that the area has a long history of high unemployment.

7. Special circumstances relating to the Guidelines of 5 CFR 1320.5.

Explain any special circumstances that would cause an information collection to be conducted in a manner:

- **Requiring respondents to report information to the agency more often than quarterly;**
- **Requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
- **Requiring respondents to submit more than an original and two copies of any document;**
- **Requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years**
- **In connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;**
- **Requiring the use of a statistical data classification that has not been reviewed and approved by OMB**
- **That includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or**
- **Requiring respondents to submit proprietary trade secret, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

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. Comments in Response to the Federal Register Notice and efforts for consultation.

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), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years even if the collection of information activity is the same as in prior years. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

The agency notice soliciting comments regarding this information collection was published on September 30, 2014, in the Federal Register at 79 FR 58725 (see Appendix A). The Department received four comments that were not relevant to the collection of this information (see Appendix B). 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 ABAWD time limit.

9. Explain any decisions to provide any payment or gift to respondents.

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

No payment or gift will be provided to respondents.

10. Assurances of confidentiality provided to respondents.

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

Section 11(e)(8) of the Food and Nutrition Act and section 272.1(c) of the SNAP regulations limit the use or disclosure of information obtained from applicant households or contained in the case

files of participating households to persons directly connected with the administration or enforcement of the provisions of the Act or regulations, other Federal or federally assisted means-tested programs; persons directly connected with the administration or enforcement of programs required to participate in the State income and eligibility verification system; persons directly connected with the verification of immigration status of aliens; persons directly connected with the administration of the Child Support Program; employees of the Office of the Comptroller General of the U.S. for audit and examination authorized by other provisions of law; Local, State, or Federal law enforcement officials investigating an alleged violation of the Act or regulations and law enforcement officers if the household member is a fleeing felon or a parole violator. FNS published the Privacy Act: System of Records Notice (SORN) on March 31, 2000, in the Federal Register (65 FR 17251) entitled “USDA/FNS-10 Entitled Persons Doing Business with the Food and Nutrition Service” to specify the uses of the information that is collected.

11. Justification for Sensitive Questions.

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. Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated.

A. 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.

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 and described below:

Table A.12.A.1 - Estimates of Hour Burden Including Annualized Hourly Costs

Respondent Category	Type of Respondents	Instruments	Form	Number of respondents	Frequency of Response	Total Annual Responses	Hours per response	Annual burden (hours)
State Agency	State Program Managers and Program Staff	ABAWD Waiver Request Based on Labor Market Data	N/A	33	1	33	35	1,155
State Agency	State Program Managers and Program Staff	ABAWD Waiver Request Based on Labor Surplus Area Designation	N/A	8	1	8	4	32
State Agency	State Program Managers and Program Staff	ABAWD Waiver Request Based on DOL trigger notice	N/A	2	1	2	4	8
	TOTAL			43	1.00	43	27.79	1,195

Reporting Burden

Estimates of burden: FNS projects that, on an annual basis, 43 State agencies will submit requests for waivers of the time limit for ABAWD recipients based on a high unemployment rate or an insufficient number of jobs. This estimate is based on FNS ABAWD waiver activity for calendar year 2014. In addition, using unemployment projections from the Congressional Budget Office (CBO) through 2024¹, FNS estimates that labor market conditions in 2014 will

¹ <http://www.cbo.gov/publication/45010>

be more representative of the U.S. labor market over the next three years than would the preceding three years.

A typical State waiver request includes several geographic areas and each geographic area may include multiple cities or counties. Of the 43 anticipated State waiver requests, FNS projects that 33 waiver requests will be based on labor market data, eight will be based on a Labor Surplus Area (LSA), and two will be based on a Department of Labor (DOL) extended unemployment benefit trigger notice. FNS estimates a burden of 35 hours per respondent for each waiver based on detailed analysis of labor market data (34 hours of preparation and analysis by State agency staff, followed by one hour of review by State agency managers).

FNS projects a total burden of 1,155 hours for the 33 waivers based on labor market data.

FNS estimates a burden of 4 hours per respondent for each waiver based on either LSA designation², or a DOL trigger notice³, as the data required to support these waivers is readily available from the DOL website and requires minimal preparation by State agencies (3 hours of preparation and analysis by State agency staff, followed by one hour of review by State benefits officials). **FNS projects a total burden of 40 hours (32 +8) for the 10 waivers based on either LSA designation or DOL trigger notice.**

FNS projects a total burden of 1,195 hours for this information collection, a reduction of 113 hours from the prior approved information collection burden of 1,308 hours.

Record Keeping or Public Disclosure Burden Only

² <http://www.doleta.gov/programs/lisa.cfm>

³ http://workforcesecurity.doleta.gov/unemploy/claims_arch.asp

There is no separate recordkeeping or public disclosure burden directly associated with this information collection.

B. 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.

Annualized Costs to Respondents

SNAP information collection requirements described herein are imposed on State agency staff and State officials. The wage rates used in determining these public burden costs were based on the Bureau of Labor and Statistics (BLS) Occupational Employment Statistics estimates, which indicate a mean hourly wage of approximately \$23.10 per hour for State and local government workers⁴ and a mean hourly wage of \$32.37 for State social and community service managers (State managers)⁵. However, 50 percent of the administrative costs incurred by State agencies are reimbursed by FNS. The estimated cost to respondents for each individual component of this information collection, including the number of respondents and annual hour burden is shown and described below:

Table A.12.B.1 - Annualized Cost to Respondents

⁴ http://www.bls.gov/oes/current/naics4_999300.htm#43-0000

⁵ <http://www.bls.gov/oes/current/oes119151.htm>

Requirement	Annual Responses	Hours	Total Annual Burden Hours	Hourly Wage Rate	Cost (US\$) (approx.)	Total Cost (Manager and Staff)
ABAWD Waiver Request Based on Labor Market Data – State Managers State Staff	33	1 34	33 1,122	\$32.37 \$23.10	\$1,068 \$25,918	\$26,986
ABAWD Waiver Request Based on Labor Surplus Area Designation – State Managers State Staff	8	1 3	8 24	\$32.37 \$23.10	\$259 \$554	\$813
ABAWD Waiver Request Based on DOL Trigger Notice – State Managers State Staff	2	1 3	2 6	\$32.37 \$23.10	\$65 \$139	\$204
State Agency Cost Subtotal						\$28,003
Total State Agency Cost (State Cost Subtotal minus 50% Federal Share)					(\$28,003 x 0.5) =	\$14,001.50

13. Estimates of other total annual cost burden.

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.

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 staff noted above have been reduced by 50 percent to reflect cost sharing (\$14,001.50). FNS staff evaluate, review and issue responses to State agency requests for ABAWD waivers. We estimate the following Federal staff costs, based on five hours

review and analysis by a program analyst followed by a one hour review by a Team Leader. The calculations for this cost are described in the table below:

Table A.14.1

Burden – Review of State agency waiver requests	# of Respondents	Hours	Est. Total Annual Burden Hours	Estimated Hourly Wage Rate* ⁶	Cost (US\$) (approx.)
Review of State agency waiver requests – Program Analyst (GS-11/1)	43	5	215	\$30.53	\$6,564
Review of State agency waiver requests – Team Leader (GS-13/1)	43	1	43	\$43.52	\$1,871
	Federal workers cost				\$8,435
	50% Federal Share of State Cost (See Table A.12.B.1)				\$14,001.50
	Total Federal cost (Federal workers cost + 50% State Cost)				\$22,436.50
	Total State and Federal Cost				\$36,438

15. Explanation of program changes or adjustments.

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 113 hours. This reduction is primarily due to an adjustment attributable to less geographically based waiver requests. Geographically based waivers require analysis of labor market data within the State, in some cases involving a significant number of counties. The burden hour reduction is also due in part to an estimated decrease in the number of responses for this collection from 48 to 43 responses per year. The previous average of 48 annual responses was based on the experience of FNS resulting from multiple State agency waiver requests based on different criteria rather than single requests from each of the 53 SNAP State agencies. Also, in previous statements regarding this collection, FNS had inadvertently left out the annual cost of State managers reviewing ABAWD waiver requests. This statement remedies that omission by including Standard wage rate categories for State managers as part of the annual respondent cost calculations in Section 12.

Current OMB inventory: **1,308 hours**

⁶ Federal General Schedule Salary Table 2015-DCB: http://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2015/DCB_h.pdf

Total annual hours requested: **1,195 hours**

16. Plans for tabulation, and publication and project time schedule.

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. Displaying the OMB Approval Expiration Date.

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. Exceptions to the certification statement identified in Item 19.

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

There are no exceptions to the certification statement.