

**SUPPORTING STATEMENT - PART A for**

**OMB Control Number 0584-NEW:**

**Supplemental Nutrition Assistance Program Requirement for National Directory of New  
Hires Employment Verification and Annual Program Activity Reporting**

**Interim Final Rule: SNAP Requirement for National Directory of New Hires Employment  
Verification and Program Activity Reporting (RIN 0584-AE36)**

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**7 CFR Part 272**

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- A. Program Activity Statement (FNS 366 B)

**A1. 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 new collection. This information collection package consists of two major components: (1) the National Directory of New Hires and (2) the Program Activity Statement.

National Directory of New Hires

In an interim final rule, FNS will amend the SNAP regulations at 7 CFR 272 to require State agencies to access employment data through the National Directory of New Hires (NDNH) at the time of certification, including recertification, to determine eligibility status and appropriate benefit amount for SNAP applicants. This requirement codifies Section 4013 of the Agricultural Act of 2014 (P.L. 113-79). The legislation was effective on February 7, 2014, and FNS implemented the mandated requirements by directive to all SNAP State agencies on March 21, 2014. The NDNH is a repository of employment, unemployment insurance, and quarterly wage data maintained by the U.S. Department of Health and Human Services (HHS) Office of Child Support Enforcement (OCSE). The data in the NDNH include W-4 (new hire) records from the State Directory of New Hires, quarterly wage and unemployment insurance data from the State workforce agencies, and new hire and quarterly wage data from Federal agencies.

This rule provides the requirement that each State agency must establish a system to compare identifiable information about each adult household member against data from the NDNH. Section 4013 of the Agricultural Act of 2014 mandates that States use NDNH to verify applicant employment data and enter into a computer matching agreement with HHS pursuant to the

authority in 42 U.S.C. 653(j)(10). State agencies are responsible for entering into a computer matching agreement with HHS in order to access the NDNH. The required system should be used to verify that the employment status of adult household members is accurately reported on the SNAP application. Because the NDNH does not include employment data on individuals under the age of 18, this verification requirement is limited to adult household members. State agencies have the option to match against the NDNH quarterly wage and unemployment insurance data at their own discretion. Because the timeliness of quarterly wage and quarterly unemployment insurance data may not provide a true benefit to the State agency in determining eligibility and benefit levels, this rule only requires that States match against NDNH new hire data at minimum. If the State agency receives verification of information obtained through the NDNH match indicating the household is ineligible or was approved for the incorrect benefit amount, the State should deny, reduce or terminate benefits as applicable and establish a claim to collect any benefits that were overpaid in accordance with regulations at 7 CFR 273.18. Information collection associated with the NDNH portion of this rule will be merged with the Supplemental Nutrition Assistance Program (SNAP) Forms: Applications, Periodic Reporting, Notices, OMB Control Number #0584-0064, expiration date 4/30/2016, which is currently under revision.

#### Program Activity Statement

Section 16(a) of the Food and Nutrition Act of 2008 authorizes 50 percent Federal reimbursement for State agency costs to administer SNAP. SNAP regulations at 7 CFR 272.2(a) require that State agencies plan and budget program operations and establish objectives for the next year. The basic components of the State Plan of Operation are the Federal/State Agreement,

the Budget Projection Statement and the Program Activity Statement (7 CFR 272.2(a)(2)). Under current regulations at 7 CFR 272.2(c), the State agency is required to submit to FNS for approval a Budget Projection Statement (which projects total Federal administrative costs for the upcoming fiscal year) and a Program Activity Statement (which provides program activity data for the preceding fiscal year). Current regulations at 7 CFR 272.2(e) require State agencies to submit the Program Activity Statement to FNS no later than 45 days after the end of the State agency's fiscal year, which is typically August 15 for most States. The Program Activity Statement is intended to substantiate the costs the State agency expects to incur during the next fiscal year. It currently provides data on the number of SNAP applications the State agency processed, the number of fair hearings the State agency conducted, and the fraud control activities the State agency completed. FNS uses the data to monitor State agency activity levels and performance. Information collection associated with the Program Activity Statement is currently approved as part of the burden for the FNS Food Programs Reporting System (FPRS), OMB Control Number #0584-0594, expiration date 6/30/2016. Because #0584-0594 is currently undergoing revision at the time of this interim final rule, FNS is requesting the collection associated with this rule be created as a new collection and be merged with #0584-0594 after approval.

While originally intended only to support the States' annual SNAP budget request by providing a summary of State SNAP activities in the previous State fiscal year, the data reported on the Program Activity Statement has become a vital tool for assessing State operations related to application processing, fair hearings, and fraud prevention activities. The data reported on the Program Activity Statement enables FNS to identify areas that may need improvement and to

provide more effective technical assistance to State agencies. An increase in reporting frequency will allow for greater access to timely program data. It will help States, FNS, and other stakeholders identify trends, inconsistencies and inefficiencies earlier in each fiscal year. A 2014 U.S. General Accountability Office (GAO) performance audit of FNS (GAO-14-641, Enhanced Detection Tools and Reporting Could Improve Efforts to Combat Recipient Fraud) concluded State-reported data on anti-fraud activities are not reliable for ensuring program integrity and assessing States' performance. Additionally, the study warned that data inconsistencies could limit FNS's ability to identify more effective and efficient practices for State anti-fraud efforts. With more current data, States and other interested parties will be able to identify gaps and areas in need of greater attention, and allow States to respond more quickly to those gaps. FNS also intends to align the new quarterly requirement to the Federal fiscal year, since regulations currently require the Program Activity Statement to be submitted 45 days after the end of the State Fiscal year. As most SNAP data is reported monthly, quarterly, or annually based on the Federal fiscal year, this change will improve FNS' ability to conduct data analysis by using data collected over consistent periods of time.

## **A2. Purpose and Use of the Information.**

**Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate how the agency has actually used the information received from the current collection.**

National Directory of New Hires: State agencies are required to use compare identifiable information about each household member against data from the NDNH at the time of certification and recertification. This comparison will be used to determine the eligibility status of the household and determine the correct benefit amount the household should receive.

Program Activity Statement: State agencies are required to submit to FNS a Program Activity Statement providing a summary of program activity for the State agency's operations during its preceding fiscal year. The Program Activity Statement provides data on the number of applications processed, number of fair hearings, and fraud control activity. FNS uses the data to monitor State agency activity levels and performance and to target technical assistance to State agencies in need of performance improvements.

### **A3. 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.**

FNS makes every effort to comply with E-Government Act, 2002 (E-Gov) and to provide for alternative submission of information collections.

National Directory of New Hires: 100% of State agencies will access the NDNH data via interface between the State agency eligibility system and the NDNH system; thus, all transmission of data will be conducted electronically. State agencies generally use an automated system of generating notices to those households requiring contact.

Program Activity Statement: States submit electronic Program Activity Statement reports via the Food Programs Reporting System (FPRS) at <https://fprs.fns.usda.gov/Home/Reminder.aspx>. In fiscal year (FY) 2014, 100% of these responses were reported electronically.

**A4. Efforts to identify duplication.**

**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.**

Every effort has been made to avoid duplication. FNS has reviewed USDA reporting requirements, State administrative agency reporting requirements, and special studies by other government and private agencies. FNS monitors State performance to ensure that the Program is being efficiently and economically operated.

**A5. 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.**

Information being requested or required has been held to the minimum required for the intended use. Although two smaller State, Local, or Tribal Government Agencies are involved in this data collection effort, they deliver the same Program benefits and perform the same function as any other State Agency. Circumstances limit the flexibility in modifying the reporting requirements to comply with statutory requirements and to protect Program integrity.

**A6. 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.**

National Directory of New Hires - The Agricultural Act of 2014 mandates the verification of employment via NDNH at certification, including recertification; thus, conducting the match less frequently would be non-compliant with Federal statute.

Program Activity Statement - The Program Activity Statement is currently collected annually and FNS has determined this frequency is not timely enough to effectively monitor State activity levels and performance. By continuing to collect the Program Activity Statement on an annual basis instead of increasing the frequency to quarterly, FNS will be unable to identify trends, inconsistencies and inefficiencies earlier in each fiscal year.

#### **A7. 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. The collection of information is conducted in a manner

consistent with the guidelines in 5 CFR 1320.5.

**A8. Comments 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.**

FNS interim rule will describe its information data collection requirements and also provide a 60-day comment period. During this time, interested members of the public will have the opportunity to provide FNS with their input concerning the usefulness, legitimacy, and merit of the information collection activities FNS is seeking.

National Directory of New Hires – FNS has had multiple opportunities to consult with our State agencies and national association partners on this new requirement.

- FNS hosted two joint informational calls with HHS April 10, 2014, and April 16, 2014, to provide an overview to State agencies of the requirements and field questions from States on implementation. Representatives from all 53 State agencies participated in both calls.
- FNS participates in monthly calls with the American Public Human Services Association (APHSA), and NDNH was an agenda item on the following dates:

- o July 24, 2014
- o September 25, 2014
- o January 22, 2015
- o April 23, 2015, and
- o May 28, 2015

Program Activity Statement (FNS 366 B) - FNS published a Request for Information (RFI) in the Federal Register on October 16, 2014, seeking State agency feedback on potential revisions to the Program Activity Statement, including an increase in frequency. FNS received responses from 17 State agencies and 1 national organization, and the feedback was generally positive. Fifteen (15) State agencies responded that completing the Program Activity Statement more frequently would have either no impact (7 States) or a minor impact (8 States) on level of effort and resources dedicated to the form. One (1) State and one (1) national organization did not respond to the specific question regarding frequency change. One (1) State agency expressed strong disagreement with the potential change to quarterly reporting because the data currently collected on the annual report is not useful or accurate. They suggested first changing the quality of data collected before changing the frequency. FNS is currently in the process of revising the data collected on the FNS-366B to improve data quality and accuracy and will submit the revised form for OMB approval in 2016.

**A9. 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.**

FNS has no plans to provide payments or gifts to respondents.

**A10. 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.**

Agency complies with the Privacy Act of 1974.

**A11. Justification for any questions of a sensitive nature.**

**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.**

There are no sensitive questions included in this submission.

**A12. Estimates of the hour burden of the collection of information.**

**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.**

Fifty three State Agency respondents followed by 1,386,112 household respondents are stated in the narrative and separated out in the tables below.

State Agencies' reporting burden is estimated at 210,849.28 hours and 10,891,092 total annual responses. The household 41,583.36 burden hours and 1,386,112 total annual responses are stated in the narrative and separated out in the tables below. There is no new recordkeeping burden for this collection.

## **STATE AGENCIES REPORTING BURDEN:**

272.2 - Program Activity Statement: The Program Activity Statement (FNS 366 B) provides data on the number of applications processed, number of fair hearings and fraud control activity. The annual burden for the Program Activity Statement is 3,180 hours. This estimated burden is based on the assumption that it takes the State agency an average of 15 hours to complete the Program Activity Statement, and each State agency would submit 4 quarterly Program Activity Statements per year which is an increase from the current once a year submission.

### 272.15 - National Directory of New Hires:

The State agency annual burden for the National Directory of New Hires is 207,669.28 hours and is comprised of three parts: (1) Applicant and recipient screening, (2) Verification of a match (including Request for Contact), and (3) the Notice of Adverse Action or Notice of Denial. The following burden hours are based on the assumption that State agencies will conduct matches on roughly 52 percent of their participants per year. This calculation assumes the rate of participants over 18 years of age is 56 percent (thus excluding 44 percent of participants from the match) and the rate of participants not receiving a Temporary Assistance for Needy Families (TANF) supplement is 93 percent (thus excluding 7 percent of participants from the match). The rates of participation for children and TANF recipients were based on fiscal year 2013 data provided in the FNS report, *Characteristics of Supplemental Nutrition Assistance Program Households: Fiscal Year 2013*. Based on the Federal fiscal year 2013 participation rate of 47.6 million participants, 52 percent would equal roughly 24,752,000 cases per year.

- *Applicant and Recipient Screening:* The State agency must compare identifiable

information about each adult household member against information from the NDNH. States must make the comparison of matched data at the time of application and recertification. It is estimated that approximately 37 percent of records submitted to NDNH have matching records returned, and that it will take the State agency approximately 1 minute per case to review the status of the match and determine if additional verification is needed. Thus, assuming 9,158,240 cases are returned, the total number of burden hours for screening the status of returned matches is 155,690.08 hours.

- *Verification of Match:* The State agency must independently verify the information prior to taking any adverse action against an individual. Should the State agency receive employment information via the NDNH that was previously unreported by the household, the State agency may issue a Request for Contact (RFC) to the household to verify the information or contact the employer directly, depending upon applicable simplified reporting requirements as defined at 7 CFR 273.12(a). It is estimated that approximately 5 percent of eligible cases submitted to NDNH result in an unduplicated employment match requiring independent verification, or 1,237,600 cases annually. It will take the State agency approximately 2 minutes to initiate contact with the employer or, in States that act on all changes, issue an RFC to the household. Thus, the State agency burden for reporting is 37,128 hours.
- *Notice of Adverse Action or Denial:* The Notice of Adverse Action or Notice of Denial is issued by State agencies to participating households whose benefits will be reduced or terminated as the result of a change in household circumstances. It is estimated that approximately 40 percent of cases with an unduplicated employment match result in either a closed case, reduced benefits, or denial of eligibility. Based on estimates referenced in

previous sections, this equals roughly 495,040 cases. It will take the State agency approximately 2 minutes to issue a Notice of Adverse Action (NoAA) or Notice of Denial (NoD). It will take the household approximately 2 minutes to read the NoAA or NoD. Thus, the State agency reporting burden for issuing a NoAA or NoD is 14,851.20 hours.

**Table A12.1 Reporting Burden for State Agencies**

CFR	Action	Number of Respondents	Total Annual Responses	Burden Hours Per Response	Total Burden Hours	Previous Submission Total Hours	Difference Due to Program Changes	Difference Due to Adjustments
272.2	Program Activity Statement (FNS 366B)	53	212	15	3,180	950.29	2,229.71	0
272.15	NDNH -Applicant/Recipient Screening	53	9,158,240	0.017	155,690.08	0	155,690.08	0
272.15	NDNH - Verification of Match	53	1,237,600	0.03	37,128	0	37,128.00	0
272.15	NDNH - Notice of Adverse Action or Notice of Denial	53	495,040	0.03	14,851.20	0	14,851.20	0
<b>Total</b>		<b>53</b>	<b>10,891,092</b>	<b>0.019359792</b>	<b>210,849.28</b>	950.29	<b>209,898.99</b>	0

**INDIVIDUAL/HOUSEHOLD REPORTING BURDEN:**

272.15 - National Directory of New Hires:

- Request for Contact:* The State agency must independently verify the information prior to taking any adverse action against an individual. Should the State agency receive employment information via the NDNH that was previously unreported by the household, the State agency may issue a Request for Contact (RFC) to the household to verify the information or contact the employer directly, depending upon applicable simplified reporting requirements as defined at 7 CFR 273.12(a). Thirty eight (38) State agencies (or 72 percent of the total) act on all changes and require an RFC to verify information with the household. It is estimated that 891,072 households with unduplicated employment matches

would receive an RFC, and it will take each household approximately 2 minutes to read and respond to the RFC. Thus, the household burden for the RFC is 26,732.16 hours.

- *Notice of Adverse Action or Denial:* The Notice of Adverse Action or Notice of Denial is issued by State agencies to participating households whose benefits will be reduced or terminated as the result of a change in household circumstances. It is estimated that approximately 40 percent of cases with an unduplicated employment match result in either a closed case, reduced benefits, or denial of eligibility. Based on estimates referenced in previous sections, this equals roughly 495,040 cases. It will take the household approximately 2 minutes to read the NoAA or NoD. Thus, the household reporting burden for reading a NoAA or NoD is 14,851.2 hours.

**Table A12.2 Reporting Burden for Households**

CFR	Action	Number of Respondents	Total Annual Responses	Burden Hours Per Response	Total Burden Hours
272.15	NDNH - Request for Contact	891,072	891,072	.03	26,732.16
272.15	NDNH - Notice of Adverse Action or Notice of Denial	495,040	495,040	.03	14,851.2
<b>Total</b>		<b>891,072</b>	<b>1,386,112</b>	<b>.03</b>	<b>41,583.36</b>

**B. Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories.**

Based on the Bureau of Labor Statistics’ May 2014 Occupational and Wage Statistics – 43-4061 (<http://www.bls.gov/oes/current/oes434061.htm>), hourly mean wage for Eligibility Interviewers, Government Programs functions performed by State and local agency staff are valued at \$20.41 per staff hour. Based on the total estimated burden for State agency reporting and recordkeeping of 210,849.28 hours, the total cost is \$4,303,433.80. The State share is 50% of the total cost, or



\$2,151,716.90.

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1.	State and local government cost @ \$20.41/per staff hour	\$4,303,433.80
2.	Less Federal reimbursement	\$2,151,716.90
3.	Net cost to State and local government	\$2,151,716.90
4.	Respondent Cost (SA) = \$2,151,716.90	

According to the Bureau of Labor Statistics, the Federal minimum wage rate is \$7.25 an hour.

Based on the total estimated burden hours for household reporting of 41,583.36, the total cost to households is \$301,479.36.

**A13. Estimates of other total annual cost burden.**

**Provide estimates of the total annual cost burden to respondents or recordkeepers resulting from the collection of information, (do not include the cost of any hour burden shown in questions 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 and/or annualized maintenance costs associated with this burden.

**A14. Provide estimates of annualized cost to the Federal government.**

**Provide estimates of annualized cost to the Federal government. 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.**

Annualized costs for the Federal government include 50% of total cost to State agencies and their issuance agents. Based on the total estimated burden for State agency reporting of

252,432.64 hours, the total cost is \$4,303,433.80. The Federal share is 50% of the total cost, or \$2,151,716.90.

Federal costs for this burden also include an estimated 12 hours of work to collect and review data by a Program Analyst (GS-12, Step 1) at \$35.88 an hour, and 4 hours of work by a Branch Chief (GS-14, Step 1) at \$50.41 an hour, totaling \$632.20. Adding in the Federal share of State costs, the total annualized cost to the Federal government is \$2,152,349.10 (\$2,151,716.90+ \$632.20 = \$2,152,349.10).

**A15. 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-I.**

This is a new collection.

**A16. 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.**

FNS publishes on an annual basis a State Activity Report which includes tables of State activity data. These tables include participation and issuance by State agencies compiled from the Program Activity Statement. This report is normally published in June and is distributed internally within FNS and to State agencies; and is available on the FNS public webpage.

**A17. 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.**

FNS is not seeking approval to omit the expiration date of OMB approval on the Program Activity Statement.

**A18. Exceptions to the certification statement identified in Item 19.**

**Explain each exception to the certification statement identified in Item 19 of the OMB 83-I" Certification for Paperwork Reduction Act."**

There are no exceptions to the certification statement.