

**SUPPORTING STATEMENT - for**  
**OMB Control Number 0584-0479:**  
**Supplemental Nutrition Assistance Program (SNAP):**  
**Waivers under Section 6(o) of the Food and Nutrition Act**

Eliot DeLaCruz Kriviski, Project Officer  
Supplemental Nutrition Assistance Program  
Program Development Division, Certification Policy Branch  
Food and Nutrition Service, USDA  
3101 Park Center Drive, Room 812  
Alexandria, VA 22302  
Phone: 703-305-2352  
Eliot.DeLaCruz.Kriviski@fns.usda.gov

**Table of Contents**

**A1. CIRCUMSTANCES THAT MAKE THE COLLECTION OF INFORMATION NECESSARY.....4**  
**A2. PURPOSE AND USE OF THE INFORMATION.....5**  
**A3. USE OF INFORMATION TECHNOLOGY AND BURDEN REDUCTION.....5**  
**A4. EFFORTS TO IDENTIFY DUPLICATION.....6**  
**A5. IMPACTS ON SMALL BUSINESSES OR OTHER SMALL ENTITIES.....7**  
**A6. CONSEQUENCES OF COLLECTING THE INFORMATION LESS FREQUENTLY.....7**  
**A7. SPECIAL CIRCUMSTANCES RELATING TO THE GUIDELINES OF 5 CFR 1320.5.....7**  
**A8. COMMENTS TO THE FEDERAL REGISTER NOTICE AND EFFORTS FOR CONSULTATION.....8**  
**A9. EXPLAIN ANY DECISIONS TO PROVIDE ANY PAYMENT OR GIFT TO RESPONDENTS.....9**  
**A10. ASSURANCES OF CONFIDENTIALITY PROVIDED TO RESPONDENTS.....9**  
**A11. JUSTIFICATION FOR ANY QUESTIONS OF A SENSITIVE NATURE.....9**  
**A12. ESTIMATES OF THE HOUR BURDEN OF THE COLLECTION OF INFORMATION.....9**  
**A13. ESTIMATES OF OTHER TOTAL ANNUAL COST BURDEN.....12**  
**A14. PROVIDE ESTIMATES OF ANNUALIZED COST TO THE FEDERAL GOVERNMENT.....12**  
**A15. EXPLANATION OF PROGRAM CHANGES OR ADJUSTMENTS.....13**  
**A16. PLANS FOR TABULATION, AND PUBLICATION AND PROJECT TIME SCHEDULE.....13**  
**A17. DISPLAYING THE OMB APPROVAL EXPIRATION DATE.....13**  
**A18. EXCEPTIONS TO THE CERTIFICATION STATEMENT IDENTIFIED IN ITEM 19.....13**

**Appendices**

- Appendix A1: Section 6(o) of the Food and Nutrition Act of 2008
- Appendix A2: 7 CFR 273.24(f)
- Appendix B1: Comment - Birdwell
- Appendix B2: Comment - Anonymous
- Appendix B3: Comment - Harris
- Appendix B4: Comment – Hernandez
- Appendix B5: Comment – Renee
- Appendix B 6: Comment - Orgodowski
- Appendix B7: Comment - Wilson
- Appendix B8: Comment - Meyer
- Appendix B9: Comment - Mohapatra
- Appendix B10: Comment - Postula
- Appendix B11: Comment - Shoemaker
- Appendix B12: Comment - Jamieson
- Appendix B13: Comment - Howard
- Appendix B14: Comment - Kushner
- Appendix B15: Comment - Umetsu
- Appendix B16: Comment - Slice

AppendixB17: Comment – Newell-Ching  
AppendixB18: Comment – Dean  
Appendix C: Burden Hour Estimate

**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 revision of a currently approved information collection. Section 6 (o) of the Food and Nutrition Act of 2008, (the Act, as amended through P.L. 113-128), limits the amount of time an able-bodied adult without dependents (ABAWD) can receive Supplemental Nutrition Assistance Program (SNAP) benefits to 3 months in a 36-month period, unless the individual is working and/or participating in a work program half-time or more, or participating in workfare. The Act exempts individuals from the time limit for several reasons, including age, unfitness for work, or having a dependent child. The ABAWD time limit and work requirement apply to people ages 18 through 49, unless they are already exempt from the general work requirements, medically certified as physically or mentally unfit for employment, responsible for a child under 18, or pregnant. ABAWDs are also work registrants and must meet the general work requirements. In addition, ABAWDs subject to the time limit must work and/or participate in a work program 80 hours per month or more, or participate in and comply with workfare in order to receive SNAP for more than 3 months in a 36-month period. Participation in SNAP E&T, which is a type of work program, is one way a person can meet the 80 hour per month ABAWD work requirement, but other work programs are acceptable as well.

The Act also provides State agencies with flexibility to request a waiver of this time limit if unemployment is high or the area does not have a sufficient number of jobs to provide employment. State agencies can request to waive the ABAWD time limit if an area has an unemployment rate of over 10 percent or the State can meet one of the regulatory options to

show it does not have a sufficient number of jobs to provide employment. If the time limit is waived, individuals are not required to meet the ABAWD work requirement in order to receive SNAP for more than 3 months in a 36-month period. However, even if the time limit is waived, ABAWDs remain subject to the general work requirements, as ABAWDs are work registrants, and the general work requirements cannot be waived. This collection of information is necessary in order for FNS to perform its statutory obligation to review waivers of the SNAP ABAWD time limit.

## **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.**

State agencies must submit a formal waiver request of the ABAWD time limit 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. 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 that wish to continue these waivers will need to submit waiver requests and supporting information once per year. The majority of employment data and labor market information that accompany these waiver requests are readily available through other federal agencies.

## **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.**

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. There are no current plans for an electronic system or a web-based form that will allow the State agencies to submit their waiver requests 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.**

Although State agencies frequently submit ABAWD time limit waiver requests with accompanying data from the Department of Labor (DOL) and the Bureau of Labor Statistics (BLS), States may provide other data sources to justify their waiver requests.

**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.**

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, none are considered small entities.

**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.**

This is an ongoing information collection request. If this collection is not conducted, FNS will be unable to perform its statutory duty under Section 6(o) of the Act to review State agency waivers requests of the ABAWD time limit. As required by 7 CFR 273.24, State agencies must generally submit ABAWD waiver requests with supporting data once a year, which limits the ability to collect this information less frequently.

**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 that cause this information collection to be conducted in a manner that is inconsistent with 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.**

The agency notice soliciting comments regarding this information collection was published on January 24, 2018, in the Federal Register at 83 FR 3295. The Department received 18 comments, 17 of which were not germane to the information collection; one comment supported the information collection, but did not specifically address the cost or hour burden on respondents (see Appendix B18).

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.

**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.**

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

**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.**

FNS does not offer any assurance of confidentiality to the respondents.

**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.**

No private or sensitive questions will be asked.

**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.**

The estimated reporting burden for each individual component of this information collection, including number of respondents, frequency of response, average time to respond and annual burden hours is described here and shown below.

**Reporting Burden**

Based on the experience of the Food and Nutrition Service (FNS) during calendar year 2016, FNS projects that 36 out of 53 State agencies will submit 1 request for a waiver of the time limit for ABAWD recipients based on a high unemployment rate or an insufficient number of jobs. A typical State waiver request includes several geographic areas and each geographic area may include multiple cities or counties. FNS projects that of the 36 requests each year, 34 will be based on labor market data and 2 will be based on a Labor Surplus Area (LSA) designation by the Department of Labor (DOL). FNS estimates a response time of 35 hours for each waiver request based on labor market data, which require detailed analysis of labor markets within the State. FNS estimates a burden of 4 hours per respondent for waivers based on an LSA designation, as the data required to support these waivers is readily available from the DOL Web site and requires minimal preparation by State agencies. FNS projects a total of 1,198 hours.

There are no recordkeeping or public disclosure burdens for this information collection request.

OMB # 0584-0479	Requirement and Citation	Estimated # Respondents	Response annually per respondent	Total Annual Responses	Hours Per Response	Annual Burden Hours
Affected Public: <b>State Agencies</b>						
<b>Reporting Burden</b>	7 CFR 273.24(f) - Submission of waiver request based on labor market data	34	1	34	35	1,190
	7 CFR 273.24 (f) -	2	1	2	4	8

	Submission of waiver request based on Labor Surplus Area designation					
<b>Reporting Totals</b>		<b>36</b>	<b>1</b>	<b>36</b>	<b>39</b>	<b>1,198</b>
<b>Total Reporting Burden</b>						<b>1,198</b>

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

The information collection requirements described are imposed on State agencies. 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 \$23.56 per hour for Miscellaneous Community and Social Services Specialists<sup>1</sup> (State staff) and a mean hourly wage of \$34.07 for Social and Community Service Managers<sup>2</sup> (State Managers). 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:

<b>Requirement</b>	<b>Hourly Wage Rate</b>	<b>Annual Burden Hours</b>	<b>Cost (US\$) (approx.)</b>
Submission of waiver request based on labor market data by State staff	\$23.56	1,156	** Expression is faulty **
Submission of waiver request based on Labor Surplus Areas (LSA) designation by State staff	\$23.56	6	** Expression is faulty **
Review of waiver requests by State managers	\$34.07	36	** Expression

<sup>1</sup> [https://www.bls.gov/oes/current/naics4\\_999200.htm#13-0000](https://www.bls.gov/oes/current/naics4_999200.htm#13-0000)

<sup>2</sup> <https://www.bls.gov/oes/current/oes119151.htm>

Requirement	Hourly Wage Rate	Annual Burden Hours	Cost (US\$) (approx.)
Submission of waiver request based on labor market data by State staff	\$23.56	1,156	** Expression is faulty **
			is faulty **
<b>State Agency Cost, (minus 50% Federal reimbursement)</b>			0

**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 or ongoing operation or maintenance costs associated with this information collection.

**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.**

FNS estimates the following Federal costs at \$22,177 annually, based on five hours review and analysis by a Program Analyst (GS-13/1), one hour review by a Branch Chief (GS-14/1)<sup>3</sup>, and reimbursement of 50% of State Administrative costs. The calculations for this cost are described in the table below:

Review of State ABAWD Waiver Requests	Annual Responses	Hours	Hourly Wage Rate	Cost (US\$) (approx.)
Program Analyst (GS-13/1)	36	5	\$36.24	** Expression

<sup>3</sup> [https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/18Tables/html/GS\\_h.aspx](https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/18Tables/html/GS_h.aspx)

Review of State ABAWD Waiver Requests	Annual Responses	Hours	Hourly Wage Rate	Cost (US\$) (approx.)
				is faulty **
Branch Chief (GS-14/1)	36	1	\$42.82	** Expression is faulty **
<b>Federal Share of State Administrative Costs</b>				<b>\$14,112</b>
<b>Total Annualized Federal Cost</b>				<b>0</b>

**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 revision of a currently approved collection. The current OMB burden inventory is 1,195 and 43 total annual responses. FNS is requesting 1,198 total burden annual hours and 36 total annual response.

This adjustment is an increase of 3 hours since the last extension of this collection. At that time, FNS estimated 43 States would submit waiver requests; now FNS anticipates approximately 36 States will submit waiver requests, which is a decrease of 7 annual responses.

**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.**

There are no plans to publish statistical analyses.

**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.**

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

**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.