

Attachment G: Burden Narrative

**Estimate of the Information Collection Burden Associated with the Final Rule --
Supplemental Nutrition Assistance Program (SNAP): 2008 Farm Bill Provisions on
Clarification of Split Issuance; Accrual of Benefits and Definition Changes
(RIN 0584-AE02)**

This document explains the burden calculations for the Food and Nutrition Service (FNS) Supplemental Nutrition Assistance Program (SNAP) to include the benefit off-line and expungement notification and benefit reinstatement requirements contained in the final rule, “Supplemental Nutrition Assistance Program: 2008 Farm Bill Provisions on Clarification of Split Issuance; Accrual of Benefits and Definition Changes,” (85 FR 52025) published August 24, 2020, and the subsequent interim final rule, titled “Supplemental Nutrition Assistance Program (SNAP): 2008 Farm Bill Provisions on Clarification of Split Issuance; Accrual of Benefits and Definition Changes: Delay of Implementation Date for Certain Provisions,” (86 FR 40763) published July 29, 2021. This is an existing information collection request in use without a valid OMB control number. Although the agency has been collecting this information, we were unaware that collecting this information is in violation of the Paperwork Reduction Act. A proposed rule was published on September 29, 2016, (81 FR 66866). The final rule amends SNAP regulation at 7 CFR 274.2 to implement provisions of the Food, Conservation and Energy Act of 2008, Public Law 110-234 (2008 Farm Bill) and the Agricultural Improvement Act of 2018, Public Law 115-334, (2018 Farm Bill). Both Farm Bills amend the Food and Nutrition Act of 2008 (the Act), which includes benefit issuance, storage, and expiration requirements for administering the program. State agencies are responsible for issuing benefits to those households entitled to benefits under the Act.

The first 60-Day Notice (85 FR 7716) for this collection, “Agency Information Collection Activities: Supplemental Nutrition Assistance Program: 2008 Farm Bill Provisions on Clarification of Split Issuance; Accrual of Benefits and Definition Changes”, was published on February 11, 2020. The most recent 60-Day Notice (86 FR 59977), titled “Agency Information Collection Activities: Supplemental Nutrition Assistance Program (SNAP) Benefit Expungement and Off-Line Storage”, was published on October 29, 2021.

The average burden per response and the annual burden hours for this information collection are explained in the following sections. The burden hours under this collection will be included in a new Office of Management and Budget (OMB) collection submitted with this request, SNAP Benefit Storage and Expungement: Notices and Off-line Benefit Reinstatement.

OMB No. 0584-XXXX

AFFECTED PUBLIC: STATE AGENCIES

STATE AGENCY REPORTING BURDEN DUE TO RULEMAKING

1. Notices

Off-line Notice – Upon the effective date of this rule, section 274.2(h)(3) of the SNAP regulations will apply to off-line notices. State agencies that choose to exercise the option to take benefits off-line after a household’s SNAP Electronic Benefit Transfer (EBT) account has been inactive for three months will be required to send a notice to the household informing them that benefits will be or have been taken off-line. State agencies must send the notification up to 10 days prior to or concurrent with the action to store benefits off-line. At a minimum, the notice shall include information on the steps necessary to bring the benefits back on-line and the State agency’s permanent expungement policy. Currently, out of 53 State agencies, six (6) State agencies are opting to take benefits off-line prior to permanent expungements.

State agency burden: Sending out the notice is an automated process triggered by account activity parameters programmed into the State's EBT processing system. It is estimated that the activity of sending out individual household notices is 30 seconds or 0.0083 hours. This yields a total burden of 4,489 hours for six (6) State agencies. Six (6) State agencies will send out approximately 90,136 off-line notices to SNAP households which is a total annual responses of 540,818 notices. These are existing burden hours in use without OMB approval.

Expungement Notice - Upon the effective date of this rule, section 274.2(i)(2) of the SNAP regulations will apply to expungement notices. State agencies will be required to expunge benefits that have not been accessed by a household after a period of nine months, or upon verification that all members of the household are deceased. In addition, State agencies must notify each household not later than 30 days before benefits are to be expunged due to account inactivity. The notice must include the date upon which benefits are scheduled to be expunged and the steps necessary to prevent the expungement, including an opportunity to request that any benefits stored off-line be restored to the household.

State agency burden: Sending out the notice is expected to be an automated process triggered by account activity parameters programmed into the State's EBT processing system. It is estimated that the activity of sending out individual household notices is 30 seconds or 0.0083 hours. This yields a total burden of 24,583 hours for 53 State agencies. Fifty-three (53) State agencies will send out approximately 55,883 expungement notices to SNAP households which is a total annual responses of 2,961,834 notices. This is a new requirement in the final rule and has not previously been in use without OMB approval.

2. Off-Line Benefit Reinstatement

Upon the effective date of this rule, section 274.2(h)(4) of the SNAP regulations will apply to

off-line benefit reinstatement. Section 7(h)(12)(B) of the Act requires State agencies to reinstate benefits that have been taken off-line back to the household within 48 hours after a request by the household. In order to be able to reinstate the benefits, State agencies that take benefits off of the Account Management Agent (AMA) must track benefits that are stored off-line for each household and reissue them to the household. If the State agency does not remove the benefits from AMA and instead locks the household's EBT account to prevent a household's ability to access the benefits, the State agency only needs to unlock the account to make the benefits available to the household again.

State agency burden: State agencies will only reinstate off-line benefits if the SNAP recipient requests them or makes a general request for assistance by contacting their local SNAP office, or at the time of future recertification/recertification by making the households SNAP account accessible again or reissuing the benefits. It is estimated that the activity of reinstating off-line benefits is 3 minutes or 0.0501 hours. This yields a total burden of 1,666 hours for 6 State agencies. Six (6) State agencies will reinstate approximately 5,543 SNAP households' benefits which is a total annual responses of 33,260 reinstatements. These are existing burden hours in use without OMB approval.

OMB No. 0584-XXXX

AFFECTED PUBLIC: HOUSEHOLDS

HOUSEHOLD REPORTING BURDEN DUE TO RULEMAKING

1. Notices

Off-line Storage Notice – Upon the effective date of this rule, section 274.2(h)(3) of the SNAP regulations will apply to expungement notices. Off-line notices are to be issued by State agencies to households that have not had SNAP EBT account activity (i.e., SNAP purchases or returns) for at

least three months. State agencies may provide the notice up to 10 days prior to taking benefits off-line or concurrent with taking benefits off-line. If the household conducts a purchase or return transaction before benefits are taken off-line, then the household does not need to do anything further. After the benefits have been taken off-line, the household will need to contact the State agency within six months before the benefits get permanently expunged to get the benefits reinstated.

Household burden: FNS estimates approximately 540,818 SNAP individuals/household will receive and read 1 notice annually for a total annual response of 540,818 notices. The burden time per notice is 3.5 minutes or .0583 hours for a household to read this notice. This yields a total burden of 31,530 hours (540,818 notices x .0583 hours = 31,529.69 hours).

Expungement Notice - Upon the effective date of this rule, section 274.2(i)(2) of the SNAP regulations will apply to expungement notices. Expungement notices are to be issued by State agencies to households that have not had any SNAP EBT account activity (i.e., SNAP purchases or returns) for nine months or have not spent all benefits within nine months of date the benefits were issued, depending on the expungement method chosen by the State agency. The notices must be sent no later than 30 days prior to the date of the first allotment's expungement. The household must either conduct a purchase or return transaction or spend the benefit prior to the nine-month expungement timeframe to avoid having the benefits permanently removed from their EBT account.

Household burden: FNS estimates approximately 2,961,834 SNAP individuals/household will receive and read 1 notice annually for a total annual response of 2,961,834 notices. The burden time per notice is 2 minutes or .0334 hours for a household to read this notice. This yields a total burden of 98,925 hours (2,961,834 notices x .0334 hours = 98,925 hours). This is a new requirement in the final rule and has not previously been in use without OMB approval.

2. Off-line Benefit Reinstatement

Upon the effective date of this rule, section 274.2(h)(4) of the SNAP regulations will apply to off-line benefit reinstatement. In order for a household to have benefits reinstated after they have been taken off-line due to account inactivity, households must contact the State agency. This final rule clarifies that a general request for assistance should be sufficient for the State to reinstate benefits stored off-line. In addition, off-line benefits should automatically be reinstated upon a household's recertification or re-application.

Household burden: FNS estimates approximately 33,260 SNAP individuals/household will request that their off-line benefits be reinstated once annually for a total annual response of 33,260 notices. The burden time per notice is 5 minutes or .0835 hours for a household to take the steps necessary to get benefits reinstated. This yields a total burden of 2,777 hours (33,260 household reinstatements x .0835 hours = 2,777 hours). There is no change to the burden estimate.

RECORDKEEPING BURDEN ESTIMATES:

There is no recordkeeping burden for this rulemaking activity.

THIRD-PARTY REPORTING BURDEN ESTIMATES:

There is no third-party burden for this rulemaking activity.