

**SUPPORTING STATEMENT for**

**OMB Control Number 0584-NEW**

**Supplemental Nutrition Assistance Program (SNAP) Forms: Applications, Periodic  
Reporting, and Notices**

Final Rulemaking: Supplemental Nutrition Assistance Program: 2008 Farm Bill Provisions on  
Clarification of Split Issuance; Accrual of Benefits and Definition Changes

(RIN 0584-AE02)

**7 CFR Parts 274**

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Attachment D1: Agency Information Collection Activities: Supplemental Nutrition Assistance Program: 2008 Farm Bill Provisions on Clarification of Split Issuance; Accrual of Benefits and Definition Changes

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**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 an existing burden requirement in use without OMB approval. FNS is seeking a new OMB control number for this request, and following OMB approval FNS will maintain the data in the newly assigned OMB control number. This submission explains the burden calculations for the Food and Nutrition Service (FNS) Supplemental Nutrition Assistance Program (SNAP) to include the benefit off-line storage and expungement activities 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 (Attachment C), which implements benefit issuance provisions of the Food, Conservation and Energy Act of 2008, Public Law 110-234 (2008 Farm Bill) (Attachment A) and the Agricultural Improvement Act of 2018, Public Law 115-334, (2018 Farm Bill) (Attachment B). Both Farm Bills amended 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. A detailed explanation of revisions to these activities required by the accompanying final rule is included in the attached Burden Narrative (Attachment G).

A 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” (Attachment D), published July 29, 2021 (86 FR 40763), delayed from September 24, 2021, until September 24, 2022, the implementation date of certain provisions of the final rule. This included the provisions in 7 CFR

274.2(h) and 274.2(i)(1)-(3) (Attachment E) regarding storage of benefits off-line and permanent expungement of unused benefits. This delay primarily arose from the burden on State agency resources caused by the COVID-19 pandemic.

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 (Attachment D1). 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 (Attachment D2).

## **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.**

SNAP regulations at 7 CFR 274.2 (Attachment E), require State agencies to send notices via mail to SNAP participants to inform them if their benefits are being moved off-line and if their benefits are about to be expunged. Notices are sent to the home address of SNAP individuals/households via United States Postal Service. Off-line storage notices are sent up to 10 days prior to or concurrent with benefits moving off-line, and expungement notices must be sent, at a minimum, 30 days prior to benefits being expunged. If a household contacts the State agency after the off-line notice has been sent or reapplies for SNAP benefits, the State agency must reinstate those benefits and make them available within 48 hours. The specific process for reinstating off-line benefits can vary by State. But off-line benefits can be reactivated in the Electronic Benefits Transfer (EBT) System immediately via an automated process, manually by

staff, or automatically via a nightly batch system update. Similarly, if a household follows the guidance in their expungement notice prior to the benefits being expunged, they can prevent expungement. If the household does not respond to the off-line storage or expungement notices, the benefits will be moved off-line or expunged from their account.

Notices are developed by each State agency and no template is provided by FNS. However, each notice is required to include specific information as outlined in SNAP Regulation 7 CFR 274.2(h)-(i) (Attachment E). Off-line storage notices must include the steps necessary to bring the benefits back on-line and the State agency's permanent expungement policy. Expungement notices must be written in easily understandable plain language and include the date that benefit expungement will begin, the action needed to prevent the expungement, and the household's right to request a fair hearing.

### **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.**

In compliance with E-Government Act of 2002 (E-Gov), State agencies may choose to either: (1) remove off-line benefits from the Account Management Agent (AMA) system and, therefore, the EBT system, and track the benefits separately on State systems, or (2) instead make the benefit inaccessible to the household while leaving the benefits on the EBT system where the tracking of benefit issuance and account activity is already automated. However, SNAP individuals/households receive their notification via United States Postal mail. As each of the 53 State SNAP agencies differ in their individual capabilities to communicate electronically with SNAP participants, FNS does not currently have a process or plans to require State agencies to

provide notices to individuals/households 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.**

There is no similar data collection available. Every effort has been made to avoid duplication. State agencies report on a monthly basis the aggregate amount of benefits returned (de-obligated) on the FNS-46, Issuance Reconciliation Report (Attachment I-1, I-2). The burden for State Reporting on the FNS-46 is currently covered under the OMB Control Number 0584-0594, Food Programs Reporting System (expiration July 31, 2023). As the FNS-46 reporting is entirely separate from this information collection, this is solely referenced for OMB's awareness; no burden for the form is included in this information collection. FNS has reviewed USDA reporting requirements, state administrative agency reporting requirements and special studies by other government and private agencies and has found no other duplication.

States are required to limit any collection of information to only what is necessary to comply with statutory SNAP requirements and to protect program integrity without imposing undue burden on respondents. Because of the numerous Federal or State means-tested programs with variations in eligibility rules and benefit criteria, duplication of information collection and reporting may result for both States and households. However, SNAP regulations permit State agencies to use multi-program forms and notices.

#### **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.**

There will be no small entities involved with this information collection. Although smaller State

agencies are involved in this data collection effort, they deliver the same program benefits and perform the same function as any other State agency.

**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, mandatory information collection request. Changing the frequency of the notice and benefit reinstatement requirements would contradict the intent of benefit expungement and off-line benefit storage requirements set forth in the Act, and hinder the duty of State agencies to ensure that these actions are taken in a timely manner. Furthermore, without these actions, the time period during which participating households' have access to benefits may result in households accessing more benefits than they are entitled to or having benefits prematurely reduced. Lastly, FNS would not be able to ensure program integrity if this information was conducted 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. 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.**

A 60-Day Notice was published in the Federal Register on October 29, 2021 (86 FR 59977). No comments were received. A 60-Day Notice for this collection was also previously published in the Federal Register on February 11, 2020 (85 FR 7716). Three comments were received (Attachments K-1, K-2, K-3) and two of them, Public Comment 1 and 2, were germane to the content of the notice (Attachments K-1, K-2). FNS provided a response to Public Commenter 1 (Attachment F). However, Public Commenter 2 did not provide contact information. The two comments were concerned with increased State agency cost and household burden due to the 30-day notification requirement and change in expungement timeframe. However, neither

commenter recommended specific changes to address these concerns. FNS believes the 30-day notification is essential to keeping households informed of their EBT account status. In addition to these two notices, a 60-Day Notice was embedded in the final rule and published in the Federal Register on August 24, 2020 (85 FR 52025). No comments were received.

There was no feedback provided on burden time, practical utility, cost and need of data collection or its' instruments for the interim final rule published July 29, 2021 (Attachment D).

The FNS National Office staff consulted with five State SNAP agencies to obtain the burden estimates provided in the notice:

- California (Stephanie Potts, stephanie.potts@osi.ca.gov)
- Louisiana (Kim Matherne, kim.matherne.dcms@la.gov; Michael Morris, michael.morris.dcms@la.gov)
- Virgin Islands (Shelet Greenidge, shelet.greenidge@dhs.vi.gov)
- Georgia (Tamara Hall, tamara.hall@dhs.ga.gov)
- Missouri (Kathy Smith, kathy.k.smith@dss.mo.gov)

State SNAP agencies provided average expungement and off-line storage data, approximate time it would take households to read expungement and off-line storage notices, the amount of time it would take for the State to process expungements, and the amount of time it would take the State to move benefits off-line and reinstate those benefits if needed. The FNS burden estimates were based on the feedback received by the States.

**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 payment or gift will be provided 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.**

FNS certifies that the information collection complies with the Privacy Act of 1974. The State agency maintains the name, home address, Social Security Number (SSN), and date of birth (DOB) of all SNAP participants. This information is collected during the process for applying to receive benefits, which is covered under 0584-0064, expiration February 29, 2024. The application for benefits contains personal identifying information on individuals doing business with FNS. Therefore, FNS published a Privacy Act Notice System of Records Notice (SORN) on March 31, 2000, entitled “USDA/FNS-10: Persons Doing Business with the Food and Nutrition Service”, in the Federal Register (65 FR 17251) to specify the uses to be made of the information collected. FNS does not have access to SNAP participant PII, except as otherwise required by law.

This information collection request was reviewed and cleared by FNS Privacy Officer, Michael Bjorkman, on February 16, 2022.

**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.**

The PII for SNAP participants under this request for OMB approval of a new information collection is used to identify the households for benefit expungement or online storage and to provide notice to those households. This information is collected during the process for applying to receive benefits, which is covered under OMB Control Number 0584-0064, expiration

February 29, 2024.

**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 details of estimated reporting burdens for this collection are outlined in the Burden Narrative (Attachment G). Due to program changes associated with rulemaking, a summary of the burden estimate for reporting requirements appear below and in the Burden Table (Attachment H).

## Reporting Burden

Respondent	CFR Citation	Activity	Estimated Annual # Respondent	Responses annually per Respondent	Total Annual Responses	Estimated Avg. # of Hours Per Response Annually	Estimated Annual Total Hours	Hourly Wage Rate	Fully Loaded Wage Rate (x 33%)	Total Cost
Individuals or Households SNAP Recipients	274.2(i)(2)	Expungement Notice	2,961,834.00	1.00	2,961,834.00	0.0334	98,925.26	\$7.25	N/A	\$717,208.10
	274.2(h)(3)	Off-line Storage Notice	540,818.00	1.00	540,818.00	0.0583	31,529.69	\$7.25	N/A	\$228,590.25
	274.2(h)(4)	Off-line Benefit Reinstatement	33,260.00	1.00	33,260.00	0.0835	2,777.21	\$7.25	N/A	\$20,134.77
<b>Sub-total of Individual/Households SNAP Recipients</b>			<b>2,961,834.00</b>	<b>1.00</b>	<b>3,535,912.00</b>	<b>0.1752</b>	<b>133,232.16</b>	<b>\$7.25</b>	<b>N/A</b>	<b>\$965,933.12</b>
State Agencies	274.2(i)(2)	Expungement Notice	53.00	55,883.66	2,961,834.00	0.0083	24,583.22	\$21.46	\$28.54	\$701,605.10
	274.2(h)(3)	Off-line Storage Notice	6.00	90,136.33	540,818.00	0.0083	4,488.79	\$21.46	\$28.54	\$128,110.07
	274.2(h)(4)	Off-line Benefit Reinstatement	6.00	5,543.33	33,260.00	0.0501	1,666.33	\$21.46	\$28.54	\$47,559.94
<b>Sub-total of State Agencies</b>			<b>53.00</b>	<b>66,715.32</b>	<b>3,535,912.00</b>	<b>0.0667</b>	<b>30,738.34</b>	<b>\$21.46</b>	<b>\$28.54</b>	<b>\$877,275.11</b>
<b>Grand Total Reporting Burden with both Affect Public</b>			<b>2,961,887.00</b>	<b>2.38760763</b>	<b>7,071,824.00</b>	<b>0.02318645</b>	<b>163,970.49</b>			<b>\$1,843,208.23</b>

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

SNAP information collection requirements described herein are imposed primarily on State agency eligibility workers. Standard wage rate categories used in determining annualized burden costs were based on the most recent Bureau of Labor Statistics (BLS) Occupational Employment and Wages Statistics data from May 2020, using the corresponding occupation code 43-4061, Eligibility Interviewers, State Government Programs.<sup>1</sup> According to the most recent BLS data, workers in this occupation earn a median wage rate of \$21.46 per hour. When fully loaded for fringe benefits (wage + 33%) States would incur an annualized administrative cost of \$28.54 per hour burden in the information collection. However, fifty percent of administrative costs incurred by State agencies are reimbursed by FNS, which results in a reimbursement value of \$14.27 per burden hour. The Federal minimum wage rate of \$7.25 per hour is used to calculate annualized costs for households applying for SNAP benefits.<sup>2</sup> Household wages are not fully loaded.

The estimated total annual cost to respondent with fully-loaded wages is \$1,848,259.21 (see table in A12.A. for calculations).

A summary of annualized costs for the collection is shown in the table below. A detailed calculation is included in the Burden Table (Attachment H).

<b>Respondent</b>	<b>Fully-Loaded Cost*</b>
State Agencies and Local Offices	<b>\$965,933.12</b>
Households	<b>\$882,326.08</b>
<b>Fully loaded Total</b>	<b>\$1,848,259.21</b>

<sup>1</sup> <http://www.bls.gov/oes/current/oes434061.htm>;

<sup>2</sup> <http://www.dol.gov/whd/minimumwage.htm>

**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/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.**

The estimated Federal cost for this information collection with fully loaded wages is **\$932,359.68** (the total cost includes: **\$924,129.61** reimbursement cost to States+ **\$6,668.40** fully-loaded Program Analyst hours + **\$1,561.67 fully-loaded** Branch Chief hours. It is estimated that within FNS there is an average of about 140 hours of labor required to process an application package for this data collection. This labor estimate includes time spent by GS 12 Step 1 Program Analyst (120 staff hours to draft this information collection and rule x \$455.57 fully-loaded hourly wage rate and the GS 14 Step 1 Branch Chief (20 hours to review this information for consistency) at \$78.08 fully-loaded hourly wage rate. See Cost to the Federal Government chart below:

	<b>Hours</b>	<b>Fully Loaded Hourly Wage Rate*</b>	<b>Total**</b>
GS-12-1 Program Analyst	120	\$55.57	\$6,668.4
GS-14-1 Branch Chief	20	\$78.08	\$1,561.67

<b>Cost of Federal workers</b>	\$8,230.07
<b>50% Federal Share of State Cost</b>	\$924,129.61
<b>Total Federal Cost</b>	<b>\$932,359.68</b>

\*Wage rates determined in accordance with the Office of Personnel Management salaries and wages information ([https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2021/DCB\\_h.pdf](https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2021/DCB_h.pdf) ).

**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 an existing burden requirement in use without OMB approval. FNS is seeking a new OMB control number for this request, and following OMB approval FNS will maintain the data in the newly assigned OMB control number. With this information collection, FNS will add 163,970 burden hours, 2,961,887 annual respondents, and 7,071,824 total annual responses to the OMB inventory. This increase is a direct result of program changes associated with final rulemaking for Supplemental Nutrition Assistance Program: 2008 Farm Bill Provisions on Clarification of Split Issuance; Accrual of Benefits and Definition Changes (RIN 0584-AE02).

**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.