

## Appendix E- Burden Narrative

This is a request to revise an information collection due to interim final rulemaking. FNS plans to publish a interim final rule titled, *AE64- Supplemental Nutrition Assistance Program: Non-Discretionary Quality Control provisions of Title IV of Public Law 115-334*, in the Federal Register and is seeking public comments only on the Paperwork Reduction Action section for the burden activities and estimates involved with this data collection.

### OMB 0584-0303, FNS 275 Regulations

#### **Reporting Burden**

**§275.11(a)(1)-(a)(2) Sampling Plan:** All 53 State agencies are required to select a QC sample of households from two universes:

- (a) The active universe of households that are participating in SNAP; and
- (b) The negative universe of households, whose participation was denied, suspended or terminated.

Each State agency is responsible for the design and selection of the QC samples, subject to the regulations at 7 CFR 275.11 and FNS approval. Each State agency must submit a QC sampling plan and subsequent modifications of sample design, frame, or procedures to FNS. States presently send their sampling plans mostly through email, though a handful still send their plans using the postal service. The sampling plan must include a complete description of the frame, the method of sample selection, and methods for estimating characteristics of the population and sampling errors. In addition, the sampling plan must include a description of its relationship, if any, to other federally mandated programs. All sampling procedures used by the State agency, including frame composition and construction, must be fully documented and available for review by FNS.

**Ongoing burden hours:** FNS estimates that 53 State agencies will submit 1 sampling plan at a rate of approximately 20 hours per response, resulting in an estimated total of 1060 ongoing annual burden hours.

**§275.2(c)(1)(i)-Notification of intent to hire:** The State must notify FNS in writing of its intent to hire a contractor at least 30 days prior to entering into a contract. The notification must include a copy of the selected contractor's complete proposal, which must receive FNS approval before the State may proceed with procuring the contract.

**Ongoing burden hours:** FNS estimates that 3 State agencies will submit 1 notification of intent to hire at a rate of approximately 0.25 hours per response, resulting in an estimated total of 0.75 ongoing annual burden hours.

§275.2(c)(1)(ii)-Submission of signed contract and tasks: Once the contract is procured, the State must submit to FNS a copy of the signed contract and supporting documentation that outlines all tasks and deliverables to be performed by the contractor.\_

**Ongoing burden hours:** FNS estimates that 3 State agencies will submit 1 signed contract and task list at a rate of approximately 0.5 hours per response, resulting in an estimated total of 1.5 ongoing annual burden hours.

§275.2(c)(1)(iii)-Submission of completed deliverables: The State must submit to FNS a copy of all deliverables, including any training materials, provided by the contractor.\_

**Ongoing burden hours:** FNS estimates that 3 State agencies will submit 1 copy of a contractor's deliverables and training materials at a rate of approximately 0.5 hours per response, resulting in an estimated total of 1.5 ongoing annual burden hours.

§275.2(c)(1)(iv)-Notification of training sessions: The State must notify FNS of the date, time, and location of any training sessions led by the contractor at least 10 days in advance of the training. FNS shall be allowed to attend any such training session with or without providing prior notice to the State agency or the contractor.

**Ongoing burden hours:** FNS estimates that 3 State agencies will submit 1 notification of training to FNS at a rate of approximately 0.08 hours per response, resulting in an estimated total of 0.24 ongoing annual burden hours.

§275.2(c)(4) Arbitration Process: The arbitration process at 7 CFR 275.3 (c)(4) provides a process for State agencies to dispute individual case findings when the State disagrees with Federal findings. State agencies may request arbitration for individual QC cases by filing this request within 20 calendar days of the date of receipt by the State agency of regional office findings. State agencies are required to submit all required documentation to the FNS National Arbitrator. Arbitration requests may be made over the phone, but there is no standard format required to submit the documentation and therefore may be sent via fax, email or US Postal Mail. The arbitration process provides due process protection for the State agency for individual QC cases that are selected for Federal review. If the National Arbitrator rules that the findings in the individual case should be changed, this change may have an impact on the calculation for the State agency's payment and case and procedural error rate and on the national average payment or case and procedural error rate.

**Ongoing burden hours:** FNS estimates that 12 State agencies will submit 3 arbitrations at a rate of approximately 34 hours per response, resulting in an estimated total of 1,224 ongoing annual burden hours.

§ 275.23(f) Good Cause process: A State agency may seek relief from a QC liability claim on the basis that the State agency had good cause for not achieving a payment error rate below tolerance. A State agency desiring such relief must file an appeal with the USDA's

Administrative Law Judge in accordance with the procedures under Part 283. This process provides due process protection to the State agency for the QC liability. The outcome of this request could affect the validity and amount of a QC liability.

**Ongoing burden hours:** FNS estimates that 1 State agency will submit 1 good cause claim at a rate of approximately 160 hours per response, resulting in an estimated total of 160 ongoing annual burden hours.

§275.23(h) QC New Investments Plans: States with QC related liability settlement agreements must invest fifty percent of their own State money into SNAP administrative activities intended to reduce the State's SNAP error rates. Form 74A, QC-Related New Investment Plan serves as the State's new investment plan submission. The documented challenges, successes, and outcomes of these plans to reduce errors will help FNS in creating a repository of practices that have assisted states in reducing errors.

**Ongoing burden hours:** FNS estimates that 9 State agencies will submit 1 new investment plan at a rate of approximately 32 hours per response, resulting in an estimated total of 288 ongoing annual burden hours.

§275.23(h)(4) QC New Investments Progress Reports: QC New Investment Progress Reports are used to ensure States are complying with the conditions of their approved new investment plans. Form 74B is used to assist FNS in ensuring the State is fulfilling the error reduction plan they submitted using form 74A and for States to provide status on the plan's progress and outcomes upon completion.

**Ongoing burden hours:** FNS estimates that 9 State agencies will submit 2 new investment progress reports at a rate of approximately 5 hours per response, resulting in an estimated total of 90 ongoing annual burden hours.

### **Recordkeeping Burden**

#### 275.4 Record Retention FNS 235

The State agency shall maintain Performance Reporting System records to permit ready access to, and use of, these records. Performance Reporting System records include information used in data analysis and evaluation, corrective action plans, corrective action monitoring records in addition to ME review records and QC review records. This includes sampling plans, arbitrations, good cause claims, new investment plans and progress reports

**Sampling plans ongoing burden hours:** FNS estimates that 53 State agencies will each keep records for 1 sampling plan at a rate of approximately 0.0236 hour per case, resulting in an estimated total of 1.2508 annual burden hours.

**Arbitration process ongoing burden hours:** FNS estimates that 12 State agencies will keep records for 3 arbitration cases each at a rate of approximately 0.0236 hour per case, resulting in an estimated total of 0.8496 annual burden hours.

**Good Cause process ongoing burden hours:** FNS estimates that 1 State agencies will keep records for 1 good cause claim at a rate of approximately 0.0236 hour per case, resulting in an estimated total of 0.0236 annual burden hours.

**New Investment plan ongoing burden hours:** FNS estimates that 9 State agencies will keep records for 1 new investment plan at a rate of approximately 0.0236 hour per case, resulting in an estimated total of 0.2124 annual burden hours.

**New Investment Progress report ongoing burden hours:** FNS estimates that 9 State agencies will keep records for 2 progress reports each at a rate of approximately 0.0236 hour per case, resulting in an estimated total of 0.4248 annual burden hours.

#### **Third-Party Disclosure:**

There is no third-party disclosure for this information collection request.