



## **DEPARTMENT OF AGRICULTURE**

### **Food and Nutrition Service**

#### **Agency Information Collection Activities: Federal Claims Collection Methods for Supplemental Nutrition Assistance Program Recipient Claims**

**AGENCY:** Food and Nutrition Service, USDA.

**ACTION:** Notice.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, this notice invites the general public and other public agencies to comment on this proposed information collection. This collection is a reinstatement with revision of a currently expired information collection. This information collection announces the intent of the Food and Nutrition Service (FNS) to revise the burden hours and continue the requirements associated with initiating and conducting federal collection actions against debtors with delinquent Supplemental Nutrition Assistance Program (SNAP) recipient debts.

**DATES:** Written comments must be submitted on or before **[INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]** to be considered.

**ADDRESSES:** Comments may be sent to Maribelle Balbes, Food and Nutrition Service, U.S. Department of Agriculture, 1320 Braddock Place, 5<sup>th</sup> Floor, Alexandria, VA 22314 or (703) 605-4272. Comments may also be submitted via email to [snapsab@usda.gov](mailto:snapsab@usda.gov). Comments will also be accepted through the Federal eRulemaking Portal. Go to <http://www.regulations.gov> and follow the online instructions for submitting comments electronically.

All responses to this notice will be summarized and included in the request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of this information collection should be directed to Dr. Casey Lowe at (703) 659-7361 or [snapsab@usda.gov](mailto:snapsab@usda.gov).

**SUPPLEMENTARY INFORMATION:** Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate, automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

*Title:* Federal Claims Collection Methods for Supplemental Nutrition Assistance Program Recipient Claims

*Form Number:* N/A

*OMB Number:* 0584-0446

*Expiration Date:* 09/30/2025

*Type of Request:* Reinstatement of an expired information collection

*Abstract:* Section 13(b) of the Food and Nutrition Act of 2008 (the Act)<sup>1</sup>, as amended (7 U.S.C. 2022(b)), and SNAP regulations at 7 CFR 273.18<sup>2</sup> require State agencies to refer delinquent SNAP debts to the U.S. Department of the Treasury (Treasury) for collection and notify debtors. The Debt Collection Improvement Act of 1996<sup>3</sup> (P.L. 104-134) (DCIA), as amended by the Digital Accountability and Transparency Act of 2014<sup>4</sup> (P.L. 113-101), requires these debts be referred to Treasury for collection when they are 120 days or more delinquent. While SNAP regulations at 7 CFR 273.18(n) still reflect the older standard of 180 days, States must follow the 120-day timeframe required by DCIA as amended by P.L. 113-101. The Treasury Offset Program (TOP), 31 CFR Part 285<sup>5</sup>, intercepts and offsets eligible federal payments, such as federal income tax refunds and federal salaries, to pay these delinquent SNAP debts. The requirement to use TOP to collect delinquent debts places a reporting, recordkeeping, and public disclosure burden on State agencies, debtors, or third-party support solutions. The State agency notifies debtors of their impending referral to TOP, submits the debts into TOP to initiate interception of federal payments, and conducts Automated Data Processing (ADP) or third-party support solutions. The debtor reads the notice, makes formal, informal, and phone inquiries to the State agency, and in some cases, submits an appeal.

For the burden estimates included in this information collection, FNS is using the TOP referral data from calendar years 2018-2020, which was also used in the previous ICR for this form. The 2018-2020 data were prior to the COVID-19 Public Health Emergency

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<sup>1</sup> <https://www.govinfo.gov/content/pkg/COMPS-10331/pdf/COMPS-10331.pdf>

<sup>2</sup> <https://www.ecfr.gov/current/title-7/subtitle-B/chapter-II/subchapter-C/part-273/subpart-F/section-273.18>

<sup>3</sup> <https://www.govinfo.gov/content/pkg/FR-1996-10-21/pdf/96-26495.pdf>

<sup>4</sup> <https://www.congress.gov/113/plaws/publ101/PLAW-113publ101.pdf>

<sup>5</sup> <https://www.ecfr.gov/current/title-31/subtitle-B/chapter-II/subchapter-A/part-285>

(PHE) and were not impacted by the flexibilities offered to States to suspend claims and TOP collections during the PHE. Specifically, during the PHE, State agencies were provided the flexibility to suspend collection of active recoupments of SNAP overpayments, delay collection on newly established overpayments, not consider any payments delayed due to this suspension to be delinquent and suspend TOP collections.

While FNS used the TOP referral data from the prior submission, the updated time estimates for individual activities are based on consultations with State agencies. The burden associated with the information collection involves both debtors and State agencies. The total inquiry and response burden for the TOP notices between State agencies and debtors is 547,650 responses (272,161 debtor responses + 275,489 State agency responses) per year resulting in an annual reporting burden of 46,490 hours. Since the data from the last submission is being used, there is no change in the number of responses for this ICR. The burden hours stayed the same, with the exception of the ADP reporting burden hours, which decreased based on updated estimates received from stakeholder consultations. Please see the section titled Automated Data Processing (ADP) or Third-Party Support Solutions for more information.

### **Individual/Household Reporting**

The TOP notice notifies the debtors of the proposed referral to TOP and provides the right for review and appeal. The debtors receive and read the TOP notice and may make a phone inquiry or informally appeal the impending action. Based on an average of the number of records for claims for calendar years 2018, 2019, and 2020, FNS estimates that debtors will read 249,953 TOP notices. FNS estimates that the debtors will submit about 17,497 informal inquiries. Debtors will file an estimated 1,499 formal appeals.

An additional 2,458 TOP notices will be sent directly from FNS to federal employees concerning the potential offset of their federal salary. These debtors will make about 738 phone inquiries and informal appeals, as well as 16 formal appeals in response to the FNS letter.

The total number of household responses for the TOP notices, including all inquiries and appeals, is an estimated 272,161 responses per year, resulting in an estimated total annual burden of 26,392 hours. Since previous years' data is being used, there is no change in the number of records or burden hours for the individual/household reporting portion of this ICR.

*Individual/Household Reporting*

<i>Affected Public:</i>	Debtors  (respondent type – Debtors)
<i>Estimated Number of Respondents:</i>	272,161
<i>Estimated Number of Responses per Respondent:</i>	1
<i>Estimated Total Number of Annual Responses:</i>	272,161
<i>Estimated Hours per Response:</i>	0.097
<i>Estimated Total Annual Burden:</i>	26,392

*State Agency Reporting*

The State agency prepares and mails the TOP notices to debtors and responds to all inquiries and appeals. Based on an average number of records for claims the States sent to TOP for calendar years 2018, 2019, and 2020, FNS estimates that State agencies will

produce and send 249,953 TOP notices. FNS estimates that State agencies will respond to about 17,497 informal inquiries. State agencies will respond to an estimated 1,499 formal appeals. State agencies will receive an estimated 738 phone inquiries and informal appeals, as well as 16 formal appeals in response to the FNS notice to federal employees concerning potential offset to their federal salaries. The total number of responses for the TOP notice, including all inquiries and appeals, is an estimated 275,489 State agency responses per year, resulting in an estimated total annual burden of 20,097 hours. Previous years' data is being used and stakeholder consultations did not result in any changes to the estimated time per task; therefore, there is no change in the number of records or burden hours for the State agency reporting portion of this ICR.

State agencies must submit an annual certification letter to FNS stating that all debts submitted in the past and all debts to be submitted in the upcoming calendar year by the State agency to TOP are valid and legally enforceable in the amount stated. FNS estimates that it will take State agencies a total of 26.5 hours per year for these State submissions. This burden has not changed with this revision. The burden requirements associated with establishing claims (demand letters) and for reporting activity with the FNS-209 (648 burden hours and 212 total annual responses) are already approved under the information collections for SNAP Repayment Demand and Program Disqualification (OMB burden numbers 0584-0492, expiration date 08/31/2027, and 0584-0594, expiration date 09/30/2026, respectively) and therefore not duplicated in this request.

#### State Agency Reporting

*Affected Public:*

State, Local or Tribal government

<i>Estimated Number of Respondents:</i>	53
<i>Estimated Number of Responses per Respondent:</i>	5,197
<i>Estimated Total Number of Annual Responses:</i>	275,489
<i>Estimated Hours per Response:</i>	0.073
<i>Estimated Total Annual Burden:</i>	20,097

**Automated Data Processing (ADP) or Third-Party Support Solutions**

The burden for ADP or third-party support solutions includes weekly file processing, monthly address requests and system maintenance. Weekly and monthly file processing includes requesting debtor addresses to mail TOP notices, adding and maintaining debts in TOP, correcting errors on unprocessable records, and posting weekly collection files. Much of this activity is completed using automation and involves an estimated 1.4 million records annually. FNS estimates that the system compatibility file will take 549.88 hours. The address file is estimated to take 578.76 hours, and the collections file is estimated to take a total of 2,239.23 hours. The State agency profile is estimated at 13.25 hours, and State agencies are estimated to spend 35 hours per year testing new systems. Weekly files account for a total of 3,368.38 burden hours and weekly files, posting TOP data is a total of 3,980.77 hours per year. FNS estimates that the total annual reporting burden for ADP or third-party support solution activities is 10,765.27 hours. Since previous years' data is being used, there is no change in the number of records for this information collection, however, the amount of time per task has decreased slightly based on feedback from stakeholder consultations. The FY23 ADP total burden hours were 12,374.82 hours, which is a decrease of 1,609.56 hours (12,374.82 hours – 10,765.26 hours = 1,609.56 hours).

ADP or Third-Party Support Solutions

<i>Affected Public:</i>	State, Local or Tribal government
<i>Estimated Number of Respondents:</i>	53
<i>Estimated Number of Responses per Respondent:</i>	122
<i>Estimated Total Number of Annual Responses:</i>	6,471
<i>Estimated Hours per Response:</i>	1.6636
<i>Estimated Total Annual Burden:</i>	10,765.26

**Recordkeeping**

Per 7 CFR 272.1(f), State agencies are required to retain all records associated with the administration of SNAP for no less than 3 years. The burden for the retention of weekly TOP files is estimated to take each of the 53 State agencies approximately 0.25 hours per week, or 689 recordkeeping burden hours. These burden estimates have not changed with this revision.

Recordkeeping

<i>Affected Public:</i>	State, Local or Tribal government
<i>Estimated Number of Respondents:</i>	53
<i>Estimated Number of Responses per Respondent:</i>	52
<i>Estimated Total Number of Annual Responses:</i>	2,756
<i>Estimated Hours per Response:</i>	0.25
<i>Estimated Total Annual Burden:</i>	689

The total annual burden for this information collection is 47,179 hours (46,490 total reporting hours + 689 total recordkeeping hours = 47,179 total burden hours).

## Reporting and Recordkeeping Burden Estimates

The burden chart below depicts the burden estimates for this information collection.

SECTION OF REG	DESCRIPTION	NO. OF RESPONDENTS	NO. OF RESPONSES PER RESPONDENT	TOTAL ANNUAL RESPONSES	HOURS PER RESPONSE	TOTAL ANNUAL BURDEN HOURS
<b>Debtors</b>						
<b>A. Due-Process Notice Requirements</b>						
273.18(n)(2)	Reading TOP Notice	249,953	1.00	249,953	0.0835	20,871.10
	Informal inquiries to State Agency	17,497	1.00	17,497	0.2500	4,374.19
	Formal appeals to State Agency	1,499	1.00	1,499	0.5000	749.29
	Reading FNS issued letter to federal employees	2,458	1.00	2,458	0.0835	205.28
	Phone inquiries and informal appeals in response to the FNS issued letter	738	1.00	738	0.2500	184.38
	Formal appeals to FNS in response to the FNS issued letter	16	1.00	16	0.5000	8.19
<b>Totals</b>		<b>272,161</b>	<b>1.00</b>	<b>272,161</b>	<b>0.0970</b>	<b>26,392.43</b>
<b>State Agencies</b>						
<b>A. Due-Process Notice Requirements</b>						
273.18(n)(2)	TOP Notice production	53	4,716.10	249,953	0.0167	4,174.22
	Responding to phone/informal inquiries	53	330.13	17,497	0.2500	4,374.19

	Responding to formal appeals	53	28.28	1,499	0.5000	749.29
	Providing formal appeal documents to FNS	53	0.31	16	0.5000	8.19
<b>B. State Agency Reporting</b>						
273.18(n)(1)(i)	Certification letter	53	1.00	53	0.5000	26.50
<b>State Agency Total</b>		<b>53</b>	<b>5,075.81</b>	<b>269,018</b>	<b>0.03</b>	<b>9,332.39</b>
<b>C. TOP Automated Data Processing</b>						
273.18(n)(1) 273.18(n)(4)	System compatibility file	53	1.00	53	10.3750	549.88
	Address file	53	8.00	424	1.3650	578.76
	Collections file	53	8.00	424	5.2812	2,239.23
	State Agency profile	53	1.00	53	0.2500	13.25
	Testing new system	5	1.00	5	7.0000	35.00
	Weekly files	53	52.00	2,756	1.2222	3,368.38
	Weekly files - post TOP data	53	52.00	2,756	1.4444	3,980.77
<b>Total Automated Data Processing</b>		<b>53</b>	<b>122</b>	<b>6,471</b>	<b>1.6636</b>	<b>10,765.26</b>
<b>Totals</b>		<b>53</b>	<b>5,197.91</b>	<b>275,489</b>	<b>0.0730</b>	<b>20,097.66</b>
<b>Overall Totals</b>						
<b>Overall Totals</b>		<b>272,214</b>	<b>2.01</b>	<b>547,650</b>	<b>0.0849</b>	<b>46,490.09</b>

RECORDKEEPING							
NO. OF RECORDEES	NO. OF RECORDS ANNUALLY PER RECORDER	TOTAL OF ALL RECORDS ANNUALLY	HOURS PER RECORD	TOTAL RECORD KEEPING HOURS	BASE HOURLY WAGE RATE	FULLY LOADED WAGE RATE	TOTAL ANNUALIZED COST OF RESPONDENT BURDEN
53	52	2,756	0.25	689.00	\$ 12.98	\$ 17.26	\$ 11,894.48

**Patrick A. Penn,**  
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*U.S. Department of Agriculture.*

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