



DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Agency Information Collection Activities: Proposed Collection; Comment

Request – Supplemental Nutrition Assistance Program (SNAP), Part 275 – Quality Control

AGENCY: Food and Nutrition Service (FNS), 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 change, of a previously approved collection for which approval has expired.

DATES: Written comments must be received on or before [INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER],

ADDRESSES: Comments may be sent to: John McCleskey, Food and Nutrition Service, U.S. Department of Agriculture, 1320 Braddock Place, 5th Floor, Alexandria, VA 22314. Comments may also be submitted via to SM.FN.SNAPQCRules-ICR@usda.gov or may 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 approval. All comments will be a matter of public record.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of this information collection should be directed to John McCleskey at 703-457-7747.

SUPPLEMENTARY INFORMATION: This Quality Control (QC) information collection

covering (1) the sampling plan; (2-5) use of third-party contractors; (6) the arbitration process; (7) the good cause process; and (8-9) QC-related new investments, is designed to include the reporting and recordkeeping burden for State agencies to create a QC sampling plan; report to FNS when engaging with third-party contractors; participate in the arbitration process, when States deem necessary; appeal a QC-related liability claim using the good cause process; and, when settling with FNS, creating a new investment plan and following up with the new investment progress report process.

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 shall 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 that were 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 respondents, including use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Title: Supplemental Nutrition Assistance Program (SNAP), Part 275 - Quality Control

Form Number: FNS-74A and FNS-74B

OMB Number: This is a reinstatement and revision of 0584-0303

Expiration Date: July 31, 2025

Type of Request: Reinstatement and revision request of an expired information collection.

Abstract: Section 16 of the Food and Nutrition Act of 2008, as amended (the Act), provides the legislative basis for the operation of the SNAP QC system. SNAP regulations at Part 275, Subpart C, Quality Control (QC) Reviews, implements the

legislative mandates found in Section 16 of the Act. This information collection includes nine QC components required by Part 275: (1) the sampling plan; (2-5) requirements associated with using third-party contractors for QC; (6) the arbitration process; (7) the good cause process; and (8-9) QC-related new Investments.

FNS is requesting to reinstate OMB Control Number 0584–0303, which expired on 07/31/2025. FNS has a continued need to collect this information under this OMB Control Number. Upon reinstatement and approval of OMB Control Number 0584–0303, FNS is requesting to revise the burden hours that were previously approved to capture program changes and program adjustments.

Each State agency is required to develop a QC sampling plan that demonstrates the integrity of its case selection process. Per Section 11(d) and (e) of the Act and 7 CFR 275.11(a)(4), State agencies are required to submit the QC sampling plan as part of the State's plan of operations. The QC system is designed to measure each State agency's payment error rate and case and procedural error rate based on a statistically valid sample of SNAP cases. A State agency's payment error rate represents the proportion of SNAP benefits that were overissued and underissued to households. A State agency's case and procedural error rate represents the proportion of cases in which the State agency improperly denied an application; or suspended or terminated the benefits of a participating household. The case and procedural error rate also measures the accuracy of a State's compliance with Federal procedural requirements for those actions, which include the timeliness of the action and adherence to notice requirements.

The Act requires FNS oversight of State agencies that hire third-party contractors for QC training or other work. SNAP regulations codified the Act's requirements at 7 CFR 275.2(c) where the associated burden requires that State agencies notify FNS of a State's intent to hire third-party contractors; submit to FNS the signed contracts, tasks,

and deliverables of the contractors; and 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; and allow the attendance of FNS at these training sessions.

The QC arbitration process codified at 7 CFR 275.3(d)(4) includes procedures for resolving differences in review findings between State agencies and FNS. As part of the QC system, States review a sample of SNAP cases each month to determine payment accuracy and assess other measures of program performance. FNS then reviews a sub-sample of each State's cases to validate the results. If a State agency and FNS disagree on the finding or disposition of an individual QC case, the State agency can request arbitration. As part of the arbitration process, the State agency must submit a written explanation of its disagreement with the FNS finding and/or disposition of a case to the arbitrator for a decision.

Section 16(c)(1)(C) of the Act states that a State agency is assessed a financial liability after two consecutive years of meeting the threshold for an excessive payment error rate. An administrative law judge will assess a State agency's appeal of the financial liability for good cause per Section 16(c)(8)(H) of the Ac. Good cause procedures are codified at 7 CFR 275.23(f).

Section 16(c)(1)(D) of the Act authorizes FNS to settle with State agencies that are assessed a financial liability. State agencies may settle by investing 50 percent of their total QC liability in new activities to improve the Program's administration. The new investment portion of the settlement, codified at 7 CFR 275.23(h), requires the State agency to use new State funds to target the root causes of their QC errors through submission of a new investment plan using the FNS Form 74A. After approval of the new investment plan, the State agency must submit new investment progress reports using the FNS Form 74B, biannually or until the plan is complete.

As part of this ICR update, the Program is revising new investment plan form FNS 74A as follows: (1) in Section 1, revise the signature statement to be clearer; (2) in Section B, revise the plan description to include more information on what is needed; (3) revise the affidavit of assurance to include additional details specifying the plan does not represent a reallocation of ongoing SNAP resources, does not replace any expenditures already earmarked for existing efforts, and that no part of the plan is also a part of any other settlement agreement with FNS; and (4) revise instructions to include a statement that activities must not adversely impact clients.

The Program is also revising new investment progress report form FNS 74B as follows: (1) revise Section 1 to add an initial submission date, revision submission date, and reporting month to help track records; (2) revise Section 2 item headings and add fill-in boxes for financial details to ensure all submissions contain adequate information on the status of each activity; (3) add instructions to the overall activities summary to provide clearer expectations to respondents; (4) add a signature block, which will be required to submit the progress report; and (5) update the instructions for clarity.

The burden for the QC system in 7 CFR 275 includes five categories for reporting and recordkeeping, however there are a total of nine areas of burden among those categories for State agencies to: (1) create a QC sampling plan; (2-5) engage with third-party contractors; (6) participate in the arbitration process; (7) participate in the good cause process; (8-9) and when settling with FNS, create a new investment plan and follow up with progress reports.

The estimated annual reporting burdens for the requested revisions of each component are as follows: (1) 1,060 hours for creating sampling plans, which is unchanged from its previous burden; (2) 0.25 hours associated with the use of 3rd party contractors and the notification of intent to hire, which is a decrease of 0.50 hours due to fewer State agencies hiring 3rd party contractors; (3) 0.5 hours associated with the use of 3rd party

contractors and the submission of a signed contract and tasks, which is a decrease of one hour due to fewer State agencies hiring 3rd party contractors; (4) 0.5 hours associated with the use of 3rd party contractors and the submission of completed deliverables, which is a decrease of one hour due to fewer State agencies hiring 3rd party contractors; (5) 0.4 hours associated with the use of 3rd party contractors and the notification of training sessions, which is an increase of 0.16 hours due to an increase in frequency of notification; (6) 646 hours associated with arbitration, which is a decrease of 578 hours from the current collection due to fewer arbitration requests; (7) 320 hours associated with the good cause process, which is an increase of 160 hours from the current collection due to more State agencies requesting good cause; (8) 352 hours associated with the new investment plan, which is an increase of 64 hours from the current collection due to more State agencies required to do new investment; and (9) 150 hours associated with the new investment progress report, which is an increase of 60 hours from the current collection due to more State agencies required to do progress reports.

The requested total estimated reporting burden for this collection is 2,529.65 hours, a decrease of 296.34 hours.

The estimated annual recordkeeping burdens for the requested revisions of each component are as follows: 1) 1.25 hours per year to create the QC sampling plan, which is unchanged from the previous burden. The revised annual recordkeeping burden associated with arbitration has decreased from 0.8496 hours to 0.4484 hours, and the good cause process burden increased from 0.0236 hours to 0.0472 hours due to less States requesting arbitration and more appealing liability determinations for good cause. The estimated recordkeeping burden for the QC-related new investment plan increased from 0.2124 hours to 0.2596 hours and the estimated recordkeeping burden for the QC-related new investment progress report increased from 0.4248 hours to

0.7080 hours due to more States submitting new investment plans and progress reports since the collection's last approval. The total burden for recordkeeping has decreased from 2.76 hours to 2.71 hours.

As a result, the overall annual reporting and recordkeeping burden for this information collection, as proposed by this notice, decreased from 2,828.75 hours to 2532.36 hours, which is a decrease of 296.39 hours. A summary of the revised reporting and recordkeeping estimates are below, along with a revision of the burden table.

Reporting

Affected Public: State, Local and Tribal Government.

Estimated Number of Respondents: 53 State Agencies.

Estimated Number of Responses per Respondent: 2.3 responses per respondent.

Estimated Total Annual Responses: 123 responses.

Estimated Time per Response: 20.57 hours.

Estimated Total Annual Burden on Respondents: 2,529.65 hours.

Recordkeeping

Affected Public: State, Local and Tribal Government.

Estimated Number of Respondents: 53 State Agencies.

Estimated Number of Responses per Respondent: 2.2 responses per respondent.

Estimated Total Annual Responses: 115 responses.

Estimated Time per Response: 0.0236 hour.

Estimated Total Annual Burden on Respondents: 2.71 hours.

Grand Total Estimated Reporting and Recordkeeping Annual Burden: 2,532 hours.

275 Regs Reporting OMB 0584-0303

Reg. Section	Affected Public	Description of Activity	Estimated Number of Respondents	Estimated responses per respondent	REVISED Total Annual responses	Number of Burden Hours Per Response	REVISED Estimated Total Burden Hours	Previous Submission Total Hours	Difference Due to Program Changes	Difference Due to Adjustments
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275.11(a)(1)-(a)(2)	State Agencies	Sampling Plan	53	1	53	20	1060	1060	0	0
275.2(c)(1)(i)	State Agencies	Use of 3rd Party Contractors-Notification of intent to hire	1	1	1	0.25	0.25	0.75	0	-0.5
275.2(c)(1)(ii)	State Agencies	Use of 3rd Party Contractors-Submission of signed contract and tasks	1	1	1	0.5	0.5	1.5	0	-1
275.2(c)(1)(iii)	State Agencies	Use of 3rd Party Contractors-Submission of completed deliverables	1	1	1	0.5	0.5	1.5	0	-1
275.2(c)(1)(iv)	State Agencies	Use of 3rd Party Contractors-Notification of training sessions	1	5	5	0.08	0.4	0.24	0	0.16
275.2(d)(4)	State Agencies	Arbitration Process	11	1.8	19	34	646	1224	0	-578
273.23(f)	State Agencies	Good Cause Process	2	1	2	160	320	160	0	160
275.23(h)	State Agencies	New Investment Plan Template Form FNS 74 A	11	1	11	32	352	288	0	64
275.23(h)(4)	State Agencies	New Investment Progress Report Template Form FNS 74 B	11	2.7	30	5	150	90	0	60
SUB-TOTAL REPORTING BURDEN			53	2.320754717	123	20.56626016	2529.65	2825.99	0	-296.34

275 Recordkeeping OMB 0584-0303

Reg. Section	Affected Public	Description of Activity	Estimated Number of Respondents	Estimated responses per respondent	REVISED Total Annual responses	REVISED Number of Burden Hours Per Response	REVISED Estimated Total Burden Hours	Previous Submission Total Hours	Difference Due to Program Changes	Difference Due to Adjustments
275.4	State Agencies	Sampling Plan Record Retention	53	1	53	0.0236	1.2508	1.2508	0	0
275.4	State Agencies	Arbitration Process Record Retention	11	5	19	0.0236	0.4484	0.8496	0	-0.4012
275.4	State Agencies	Good Cause Process Record Retention	2	1	2	0.0236	0.0472	0.0236	0	0.0236

275.4	State Agencies	New Investment Plan Template Form FNS 74 A Record Retention	11	0	11	0.0236	0.2596	0.2124	0	0.0472
275.4	State Agencies	New Investment Progress Report Template Form FNS 74 B Record Retention	11	3	30	0.0236	0.708	0.4248	0	0.2832
Grand Total RECORDKEEPING			53	2.2	115	0.0236	2.714	2.7612	0	-0.0472

			Estimated Number of Respondents	Estimated responses per respondent	REVISED Total Annual responses	Number of Burden Hours Per Response	REVISED Estimated Total Burden Hours	Previous Submission Total Hours	Difference Due to Program Changes	Difference Due to Adjustments
Grand Total Reporting and Recordkeeping			53	4.49	238	20.59	2532.36	2828.75		-296.39

Patrick A. Penn,
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Food, Nutrition, and Consumer Services.

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