



DEPARTMENT OF AGRICULTURE

Food and Nutrition Administration

Agency Information Collection Activities: Proposed Collection; Comment Request—

Supplemental Nutrition Assistance Program (SNAP): Operating Guidelines, Forms, Waivers, and Annual State Report on Verification of SNAP Participation

AGENCY: Food and Nutrition Administration (FNA), 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 information collection. This is a revision of a currently approved collection. This information collection consists of several components of State agency reporting and/or recordkeeping: State Plan of Operations, Puerto Rico Plan of Operations, Territory Memoranda of Understanding (MOUs), budget projection statement, program activity report, waiver requests submitted via the Waiver Information Management System (WIMS), and other plans and submissions such as advance planning documents (APD) for information systems and for electronic benefit transfer systems. Also included in this collection are the activities related to the Annual State Report on Verification of SNAP Participation¹, which ensures that no person who is deceased, or who has been permanently disqualified from SNAP, improperly received SNAP benefits for the Federal fiscal year (FY) preceding the report submission. Each State agency emails their FNA Regional Office annually to confirm compliance with this requirement.

¹ <https://fns-prod.azureedge.us/sites/default/files/snap/Farm%20Bill%20Implementation%20Memo.pdf>

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 Maribelle Balbes, Food and Nutrition Administration, U.S. Department of Agriculture, 1320 Braddock Place, 5th Floor, Alexandria, VA 22314 or (703) 605-4272. Comments may also be submitted via email to sm.fn.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 Jennifer Ragan at (703) 457-6786 or sm.fn.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 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 those who are to respond, including use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Title: Operating Guidelines, Forms, Waivers, and Annual State Report
on Verification of SNAP Participation

Form Number: FNS-366A; FNS-366B; FNS-388; FNS-388A; SF-425/FNS-778*
(*recordkeeping only)

OMB Control Number: 0584-0083

Expiration Date: 09/30/2026

Type of Request: Revision of a currently approved collection

Abstract:

Section 16(a) of the Food and Nutrition Act of 2008² (the Act) authorizes 50 percent Federal reimbursement for State agency costs to administer the program. 7 CFR 272.2(a)³ of SNAP regulations states that State agencies shall periodically plan budget program operations and establish objectives for the next year. This collection is required by Section 4032 of the Agricultural Act of 2014⁴.

The basic components of the State Plan of Operation are the Federal/State Agreement, the Budget Projection Statement (FNS-366A), and the Program Activity Statement (FNS-366B) (7 CFR 272.2(a)(2)).

The Budget Projection Statement (FNS-366A) includes the State agency's projections for each quarter of the next FY and a narrative to show how these projections were calculated. Per 7

² <https://www.govinfo.gov/content/pkg/COMPS-10331/pdf/COMPS-10331.pdf>

³ [https://www.ecfr.gov/current/title-7/part-272/section-272.2#p-272.2\(a\)](https://www.ecfr.gov/current/title-7/part-272/section-272.2#p-272.2(a))

⁴ <https://www.govinfo.gov/content/pkg/COMPS-10872/pdf/COMPS-10872.pdf>

CFR 272.2(c), the State agency submits the FNS-366A quarterly to FNA for approval. The State Program Activity Statement (FNS-366B) includes a summary of Program activity for the State agency's operations during the preceding quarter. This statement is submitted quarterly by the State agency to FNA.

State agencies and territories will submit a monthly report of benefit issuance and participation data (FNS-388), and a semi-annual report of benefit and participation data by project area (FNS-388A).

The FNS-366A, the FNS-366B, FNS-388 and FNS-388A are submitted via the Food Programs Reporting System, OMB Control Number 0584-0594⁵, expiration date 09/30/2026.

State agencies must also annually submit a State plan to FNA via the FNA PartnerWeb at [https:// partnerweb.usda.gov/](https://partnerweb.usda.gov/). Attachments to the plan are to be submitted, as applicable.

State agencies must provide FNA with changes to these attachments as they occur.

Consequently, these attachments are considered State plan updates. Puerto Rico submits a State Plan of Operations while American Samoa and Commonwealth of Northern Mariana Islands (CNMI) submit an MOU that functions as a State Plan of Operations. Each of these documents are submitted via email.

Under Section 11(o) of the Act, each State agency is required to develop and submit plans via email for the use of automated data processing (ADP) and information retrieval systems to administer SNAP. State agencies and territories are also required to submit a transmittal letter

⁵ <https://www.govinfo.gov/content/pkg/FR-2022-01-04/pdf/2021-28398.pdf>

along with the ADP to verify the accuracy of information provided to FNA. Section 16(a) of the Act authorizes partial Federal reimbursement of State costs for State ADP systems that the Secretary determines will assist meeting the requirements of the Act, meets conditions prescribed by the Secretary, are likely to provide more efficient and effective administration of the program, and are compatible with certain other Federally funded systems.

Under 7 CFR 277.18(c)(1)⁶, State agencies must obtain prior written approval from FNA when planning to enhance, replace, or acquire information system equipment with a total acquisition cost of \$6 million or more in Federal and State funds. The State agency must submit an APD via email prior to acquiring planning services and an Implementation APD prior to acquiring ADP equipment or services. Additionally, State agencies administering SNAP may submit a request through WIMS to obtain approval from FNA to deviate from a specific program rule or regulation. Current procedures require that for FNA to approve a SNAP waiver request, the State agency must submit the SNAP waiver request to FNA via WIMS.

SNAP regulations at 7 CFR 273.16⁷ require that State agencies disqualify an individual who has committed an intentional program violation (IPV). Federal regulations at 7 CFR 273.16(e)(8) require that these individuals “be disqualified in accordance with the disqualification periods and procedures in paragraph (b) of this Section” (7 CFR 273.16(b)). Paragraph 7 CFR 273.16(i) requires State agencies to report information concerning each individual disqualified for an IPV to the disqualified recipient database, the electronic Disqualified Recipient System (eDRS), and to use eDRS data to determine the eligibility of individual applicants prior to certification. Activities associated with the reporting of this data are covered under Federal Collection

⁶ [https://www.ecfr.gov/current/title-7/part-277/section-277.18#p-277.18\(c\)\(1\)](https://www.ecfr.gov/current/title-7/part-277/section-277.18#p-277.18(c)(1))

⁷ <https://www.ecfr.gov/current/title-7/section-273.16>

Methods for SNAP Recipient Claims, OMB Control Number 0584–0446, a collection that is requesting reinstatement and a new expiration date by OMB, SNAP regulations at 7 CFR 272.14⁸ also require that each State agency establish a system to verify and ensure that benefits are not issued to individuals who are deceased. That data source is the Social Security Administration’s (SSA) Death Master File. The information required for the Annual State Report on Verification of SNAP Participation is obtained by validating that the State had the appropriate systems in place and followed procedures currently mandated at 7 CFR 272.14 and 7 CFR 273.16 for the preceding FY. The burdens associated with establishing a system to verify and ensure that benefits are not issued to deceased individuals or those permanently disqualified from SNAP using both the SSA Death Master File and eDRS are already approved under SNAP Forms: Applications Periodic Reporting, Notices, OMB burden number 0584-0064⁹, expiration date 06/30/2027. In order to meet the reporting requirements specified in Section 4032 of the Act, States are required to confirm via email to their FNA Regional SNAP Director that in the immediately preceding FY they had the appropriate systems in place to meet the requirements of 7 CFR 272.14 and 273.16(i)(4) and that they conducted the matches required by these regulations. States are required to submit their Section 4032 reports to the FNA Regional SNAP Director by March 31 each year for the preceding FY.

Burden Estimates: The burden within this collection consists of reporting burden for the State Plan of Operation and Territory MOU, APD Plans or Updates, and SNAP waiver requests via WIMS. The recordkeeping burden for this collection includes forms FNS-366A, FNS-366B, FNS-388, and FNS-388A, Plan of Operations Updates, Territory MOU Updates, SF-425, other APD Plans or Updates, and the maintenance of the confirmation of match records. The currently

⁸ <https://www.ecfr.gov/current/title-7/section-272.14>

⁹ <https://www.govinfo.gov/content/pkg/FR-2023-09-12/pdf/2023-19633.pdf>

approved collection also includes the submission of card skimming reports to FNA via WIMS. With this revision, the burden for card skimming reports has been removed, as these reports are no longer required. FNA also adjusted the number of respondents for both reporting and recordkeeping, as we previously overestimated the amount of respondents. The previously reported burden for this information collection was 1,231.56 burden hours. The requested burden for this revision is 952.39 hours (873.10 reporting burden hours and 79.29 recordkeeping hours), resulting in a decrease of 279.17 burden hours

Reporting

<u>Affected Public:</u>	State, Territory, local and Tribal Government agencies.
<u>Estimated Number of Respondents:</u>	56
<u>Estimated Number of Responses per Respondent:</u>	10.32
<u>Estimated Total Annual Responses:</u>	578
<u>Estimated Time per Response:</u>	1.51 hours
<u>Estimated Total Annual Burden on Respondents:</u>	873.10 hours

*7 CFR 272.2 and 7 CFR 285.3*¹⁰—*State Plan of Operations*: 53 State agencies submit 1 response annually for a total of 53 annual responses. The reporting burden for submission of updates to State Plans of Operation is 6.58 hours per respondent, resulting in an estimated 348.98 burden hours.

*7 U.S.C. 2028*¹¹ and *7 CFR 272.2*—*Territory Memoranda of Understanding and Puerto Rico Plan*

¹⁰ <https://www.ecfr.gov/current/title-7/section-285.3>

¹¹ <https://www.govinfo.gov/content/pkg/USCODE-2023-title7/pdf/USCODE-2023-title7-chap51-sec2028.pdf>

of Operations: 3 Territories (CNMI, American Samoa, and Puerto Rico) submit 1 response annually for a total of 3 annual responses. The reporting burden for submission of Territory MOUs and Puerto Rico Plan of Operations is 6.58 hours per respondent resulting in an estimated 19.75 burden hours.

7 CFR 277.18—State Systems Advance Planning Document (APD) process. FNA estimates that up to 56 State agencies and territories submit 1 APD, plan, or update submissions for a total of 56 annual responses at an average estimate of 2.5 hours per respondent. The estimated reporting burden for submission of other APD Plans or Updates is 140 hours.

7 CFR 277.18—Report ADP to FNA via email: FNA estimates that 56 State agencies and territories will submit 1 APD via email to FNA once a year for a total of 56 responses. FNA estimates it will take approximately 0.5 hours to compile this information and email it to FNA for a total of 28 hours.

7 CFR 277.18—FNA Transmittal Letter for APD: FNA estimates that 56 State agencies and territories may submit 1 transmittal letter in conjunction with the APD to verify the accuracy of the information they are submitting once per year for a total of 56 annual responses. FNA estimates it will take 0.17 hours for a State agency to draft and submit the transmittal letter for an estimated burden of 9.35 hours.

7 CFR 277.18—Other APD Plan or Update: FNA estimates that approximately 12 State agencies or territories will update their APD once a year for a total of 12 annual responses. FNA estimates it will take 2.5 hours to update and submit the APD plan for a total burden of 30 hours.

*7 CFR 272.3(c)*¹²—*SNAP Waiver Requests (WIMS)*: FNA estimates that 45 of 53 State agencies will submit 4 waivers annually for a total number of 180 waivers annually. Completion and submission of these waivers take approximately 1 hour for a total burden of 180 hours annually.

*7 CFR 272.13*¹³ and *7 CFR 273.16*—*Annual Email Reminder from FNA Regional Offices*: FNA estimates that 53 State agencies and Puerto Rico will receive an annual reminder to confirm use of matches related to eDRS and/or Deceased Matching System for an estimated total annual response of 54. FNA estimates it will take 0.17 hours to delegate this task for a total burden of 9.02 hours.

7 CFR 272.14 and *7 CFR 273.16*—*Compile Information to Confirm Proper Systems are in Place for Matches*: FNA estimates that 53 State agencies and Puerto Rico will compile information to confirm their systems are in place for eDRS and Deceased Matching Systems for an estimated total annual response of 54. FNA estimates it will take approximately 1 hour to compile this information for a total burden of 54 hours.

7 CFR 272.13 and *7 CFR 273.16*—*Report Information to FNA via Email*: FNA estimates that 53 State agencies and Puerto Rico will report the compiled information to FNA once for a total of 54 annual responses. FNA estimates it will take approximately 1 hour to report this information to FNA for a total burden of 54 hours.

¹² [https://www.ecfr.gov/current/title-7/part-272/section-272.3#p-272.3\(c\)](https://www.ecfr.gov/current/title-7/part-272/section-272.3#p-272.3(c))

¹³ <https://www.ecfr.gov/current/title-7/section-272.13>

Regulation	Respondent Type	Burden Activity	Estimated Number of Respondents	Estimated Responses per Respondent	Estimated Total Annual Responses	Estimated Hours per Response	Estimated Total Annual Hours
REPORTING							
State Agency Burden							
7CFR 272.2, 7CFR 285.3	State Government Management Analyst	State Plan of Operations	53	1	53	6.58	348.98
7CFR 272.2	State Government Management Analyst	Territory Memorandum of Understanding (MOU) and Puerto Rico Plan of Operations	3	1	3	6.58	19.75
7CFR 277.18	State Government Management Analyst	State Systems Advance Planning Document (APD)	56	1	56	2.50	140.00
7CFR 277.18	State Government Management Analyst	Report APD to Food and Nutrition Administration (FNA) via email	56	1	56	0.50	28.00
7CFR 277.18	State Government Management Analyst	FNA Transmittal Letter for APD	56	1	56	0.17	9.35
7CFR 277.18	State Government Management Analyst	Other APD Plan or Update*	12	1	12	2.50	30.00
7CFR 272.3(c)	State Government Management Analyst	SNAP Waiver Requests (WIMS)	45	4	180	1.00	180.00

7CFR 272.14, 7CFR 273.16	Administrati ve Manager	Annual Email Reminder from FNA Regional Offices (0605)*	54	1	54	0.17	9.02
7CFR 272.14, 7CFR 273.16	Eligibility Interviewer	Compile Information to Confirm Proper Systems are in Place for Matches (0605)	54	1	54	1.00	54.00
7CFR 272.14, 7CFR 273.16	Administrati ve Manager	Report Information to FNA via email (0605)*	54	1	54	1.00	54.00
State Agency Reporting Total Burden Estimates			56	27	578	1.51	873.10

Recordkeeping

<u>Affected Public:</u>	State, Local and Tribal Government
<u>Estimated Number of Respondents:</u>	56
<u>Estimated Number of Responses per Respondent:</u>	27
<u>Estimated Total Annual Responses:</u>	1,512
<u>Estimated Time per Response:</u>	0.05 hours
<u>Estimated Total Annual Burden on Respondents:</u>	79.29 hours

FNS-366A—State agencies are required to submit to FNA for approval a Budget Projection Statement, Form FNS-366A, which includes projections of the total Federal costs for major

areas of program operations. There is a total of 54 recordkeepers for each activity. Each State agency submits 1 response annually for a total of 54 annual responses. A copy is maintained for 3 years. It takes approximately 0.05 hours to maintain each record. The total recordkeeping burden for the FNS-366A is estimated at 2.71 hours.

FNS-366B—State agencies are required to submit to FNA a Program Activity Statement, Form FNS-366B, providing a summary of program activity for the State agency's operations during its preceding FY. There is a total of 55 recordkeepers for each activity. Each State agency submits 4 responses annually for a total of 212 responses; each record takes approximately 0.05 hours to maintain. The total recordkeeping burden for the FNS-366B is estimated at 11.02 hours.

FNS-388—State agencies are required to submit the FNS-388 on the 19th of each month. This form is used to report an estimate for issuance and number of participating households for the current and previous months and actual amounts for the second preceding month. A total of 56 State agencies will send one response per month for a total of 672 responses annually; each response takes approximately 0.05 hours to complete. The total recordkeeping burden for the FNS-388 is estimated at 33.67 hours.

FNS-388A—State agencies are required to submit the FNS-388A semi-annually, on March 19 and September 19 of each year. This form is used to report actual amounts for issuance and number of participating households for January and July of each year. There are 54 State agencies that will submit the form 2 times per year; each response takes approximately 0.05 hours to complete. The total recordkeeping burden for the FNS-388A is estimated at 5.41 hours.

State Plan of Operation Updates—Each State agency submits 1 response annually for a total of 53 responses; each record takes approximately 0.07 hours to maintain. The total recordkeeping burden for updates to State Plans of Operation as attachments to the FNS-366B is 3.54 hours.

Territory MOU and Puerto Rico Plan of Operation Updates—Territories and Puerto Rico submit 1 response annually for a total of 3 responses; each record takes approximately 0.07 hours to maintain. The total recordkeeping burden for updates to Territory MOU and Puerto Rico Plans of Operation as attachments to the FNS-366B is 0.20 hours.

Other APD Plans and Updates. FNA estimates that up to 56 State agencies may submit an average of four APD, Plan, or Update submissions annually, for a total of approximately 224 records. Each record takes an average estimate of 0.05 hours per recordkeeper for an estimated burden of 11.22 recordkeeping hours.

SF-425 and FNS-778. All 56 State agencies submit 4 responses annually for a total of 224 annual responses; each record takes approximately 0.05 hours to maintain. The total annual recordkeeping burden for the FNS-366B is estimated at 11.02 hours.

Advance Planning Document. Each of the 56 State agencies will submit 1 response annually. Each response will take approximately 0.05 hours. The total annual burden is 2.81 hours.

Transmittal Letter for APD. Each of the 56 State agencies will submit 1 response annually. Each response will take approximately 0.05 hours. The total annual burden is 2.81 hours.

Maintain Confirmation of Match Records. 54 State agencies will respond 1 time annually. Each

response will take approximately 0.08 hours, for a total of 4.51 burden hours annually.

Regulation	Respondent Type	Burden Activity	Estimated Number of Respondents	Estimated Responses per Respondent	Estimated Total Annual Responses	Estimated Hours per Response	Estimated Total Annual Hours
RECORDKEEPING							
State Agency Recordkeeping							
7 CFR 272.1(f)	State Government Management Analyst	FNS - 366A	54.00	1.00	54.00	0.05	2.71
	State Government Management Analyst	FNS - 366B	55.00	4.00	220.00	0.05	11.02
	State Government Management Analyst	FNS - 388	56.00	12.00	672.00	0.05	33.67
	State Government Management Analyst	FNS - 388A	54.00	2.00	108.00	0.05	5.41
	State Government Management Analyst	Plan of Operations Updates	53.00	1.00	53.00	0.07	3.54
	State Government Management Analyst	Territory MOU and Puerto Rico Plan of Operations Updates	3.00	1.00	3.00	0.07	0.20
	State Government Management Analyst	SF-425/FNS-778	56.00	4.00	224.00	0.05	11.22

	State Government Management Analyst	Advance Planning Document (APD)	56.00	1.00	56.00	0.05	2.81
	State Government Management Analyst	Transmittal Letter for APD	56.00	1.00	56.00	0.05	2.81
	State Government Management Analyst	Other APD Plan or Update	12.00	1.00	12.00	0.12	1.40
	Eligibility Interviewer	Maintain Confirmation of Match Records (0605)	54.00	1.00	54.00	0.08	4.51
State Agency Recordkeeping Total Estimates			56	27	1512.00	0.05	79.29

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U.S. Department of Agriculture

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