DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Agency Information Collection Activities: Proposed Collection; Comment Request—Supplemental Nutrition Assistance Program Repayment Demand and Program Disqualification

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 proposed information collections. This collection is a revision of currently approved information collection requirements associated with initiating collection actions against households who have received an overissuance in the Supplemental Nutrition Assistance Program (SNAP).

Type of Request: Revision of a currently approved collection.

Abstract: Section 13(b) of the Food and Nutrition Act of 2008, as amended (7 U.S.C. 2022(b)), and Supplemental Nutrition Assistance Program (SNAP) regulations at 7 CFR 273.18 require State agencies to initiate collection action against households that have been overissued benefits. To initiate collection action, State agencies must provide an affected household with written notification informing the household of the claim and demanding repayment. This process is automated in most State agencies. For initiating collection action on an overissuance, we are increasing the estimated annual reporting and recordkeeping burden for State agencies and households from 111,200 hours to 137,584 hours. The reason for the increase is to reflect the higher number of claims that were established in fiscal year (FY) 2009.

Note that for recipient claims, this Federal Register notice only covers the reporting and recordkeeping burden for initiating collection action. The burden associated with reporting collections and other claims management information on the FNS–209 report is covered under currently approved OMB number 0584–0069 expiration date 8/31/2012. The burden associated with referring delinquent claims and receiving collections through the Treasury Offset Program is covered under currently approved OMB number 0584–0446 expiration date 2/28/2013.

SNAP regulations at 7 CFR 273.16 require State agencies to investigate any case of suspected fraud and, where applicable, make an intentional Program violation (IPV) determination either administratively or judicially. Examples of notifications and activity involved in the IPV process include:

- The State agency providing written notification informing an individual suspected of committing an IPV of an impending administrative disqualification hearing or court action;
- An individual opting to accept the disqualification and waiving the right to an administrative disqualification hearing or court action by signing either a waiver to an administrative disqualification hearing or a disqualification consent agreement in cases of deferred adjudication; and
- Once a determination is made regarding an IPV, the State agency sends notification to the affected individual of the action taken on the administrative disqualification hearing or court decision.

Despite an increase in SNAP participation, IPV activity has only increased slightly. We are increasing the
household annual reporting burden for the activities related to IPV disqualifications from 2,348 hours to 2,710 hours.

The States’ annual reporting burden for the activities related to IPV disqualifications and hearing notices has increased from 13,340 hours to 15,381 hours. The States’ annual recordkeeping burden for the IPV related activities increased from 2,942 hours to 3,396 hours. These increases are due to Program changes as a result of an increased number of SNAP households that States have reported as disqualified.

One of the factors used by a State agency to determine the appropriate disqualification penalty to assign to an individual is whether or not the individual was found to have committed any prior IPVs. The way that State agencies determine this is by accessing and checking the Electronic Disqualified Recipient System (eDRS), which is an automated system developed by FNS that contains records of disqualifications in every State. State agencies are responsible for updating the system and checking it to determine the appropriate length of each disqualification. An estimate of the annual burden associated with the eDRS process reflects an increase from 5,563 hours to 7,967 hours per year.

Summary of Estimated Burden

The net aggregate change from the currently approved burden of 135,393 hours to the proposed annual burden for this collection of 167,036 hours is an increase of 31,645 hours. For initiating collection action on an overissuance, we are increasing the estimated annual burden for State agencies and households from 111,200 hours to 137,584 hours to reflect the higher number of claims established in FY 2009. The IPV-related State agency and household annual reporting and recordkeeping burden has increased from 18,630 hours to 21,487 hours to reflect the higher number of disqualifications. An estimate of the annual burden associated with the eDRS process reflects a total increase from 5,563 hours to 7,967 hours per year.

SA Reporting Burden

Estimated Number of Respondents: 53.
Estimated Total Number of Responses per Respondent: 17,015.77.
Estimated Total Annual Responses: 901,836.
Estimated Time per Response: 0.12760.
Estimated Total Annual Reporting Burden: 115,071.418.

SA Recordkeeping Burden

Estimated Number of Recordkeepers: 53.
Estimated Total Records per Recordkeeper: 14,902.77.
Annual Records: 789,794 + 53
Recordkeepers = 789,847.
Estimated Average # of Hours per Response: 0.03333.
Estimated Total Recordkeeping Hours: 26,326.20.

I/H Reporting Burden

Estimated Number of Respondents: 687,922.
Estimated Number of Responses per Respondent: 1.19333.
Total Number of Annual Responses: 820,917.96.
Estimated Time per Response: 0.03123.
Estimated Total Annual Reporting Burden: 25,640.36.

Dated: March 18, 2011.
Julia Paradis,
Administrator, Food and Nutrition Service.

DEPARTMENT OF AGRICULTURE
Food and Nutrition Service
Special Supplemental Nutrition Program for Women, Infants and Children (WIC): Income Eligibility Guidelines

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice.

SUMMARY: The Department announces adjusted income eligibility guidelines to be used by State agencies in determining the income eligibility of persons applying to participate in the Special Supplemental Nutrition Program for Women, Infants, and Children Program (WIC). These income eligibility guidelines are to be used in conjunction with the WIC Regulations.

DATES: Effective Date: July 1, 2011.

FOR FURTHER INFORMATION CONTACT: Anne Bartholomew, Branch Chief, Policy Branch, Special Supplemental Food Programs Division, FNS, USDA, 3101 Park Center Drive, Alexandria, Virginia 22302. (703) 305–2746.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

This notice is exempt from review by the Office of Management and Budget under Executive Order 12866.

Regulatory Flexibility Act

This action is not a rule as defined by the Regulatory Flexibility Act (5 U.S.C. 601–612) and thus is exempt from the provisions of this Act.

Paperwork Reduction Act of 1995

This notice does not contain reporting or recordkeeping requirements subject to approval by the Office of Management and Budget in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3507).

Executive Order 12372

This program is listed in the Catalog of Federal Domestic Assistance Programs under No. 10.557, and is subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials (7 CFR part 3015, Subpart V, 48 FR 29114, June 24, 1983, and 49 FR 22676, May 31, 1984).

Description

Section 17(d)(2)(A) of the Child Nutrition Act of 1966, as amended (42 U.S.C. 1786(d)(2)(A)) requires the Secretary of Agriculture to establish income criteria to be used with nutritional risk criteria in determining a person’s eligibility for participation in the WIC Program. The law provides that persons will be income eligible for the WIC Program only if they are members of families that satisfy the income standard prescribed for reduced-price school meals under section 9(b) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758[b]). Under section 9(b), the income limit for reduced-price school meals is 185 percent of the Federal poverty guidelines, as adjusted.

Section 9(b) also requires that these guidelines be revised annually to reflect changes in the Consumer Price Index. The annual revision for 2011/2012 was published by the Department of Health and Human Services (HHS) at 76 FR 3637, January 20, 2011. The guidelines published by HHS are referred to as the poverty guidelines. Section 246.7(d)(1) of the WIC regulations (Title 7, Code of Federal Regulations) specifies that State agencies may prescribe income guidelines either equaling the income