

must anticipate prospectively which month the household will be ineligible and suspend the household's participation for that month. Many State agencies have received waivers that allow them to suspend the household for the issuance month corresponding to the budget month in which the household receives the extra check. This is the method used for suspension in the AFDC program. In an effort to achieve consistency between the AFDC and Food Stamp Programs, we are proposing to amend 7 CFR 273.21(n) to allow State agencies the option of prospective or retrospective suspension. The option to suspend and the method of suspending must be applied Statewide.

Implementation

The Department is proposing that the provisions of this rulemaking must be implemented no later than 180 days after publication of the final rule. The Department also proposes to allow variances resulting from implementation of the provisions of the final rule to be excluded from error analysis for 90 days from the required implementation date, in accordance with 7 CFR 275.12(d)(2)(vii).

List of Subjects

7 CFR Part 273

Administrative practice and procedure, Aliens, Claims, Food Stamps, Fraud, Grant programs—social programs, Penalties, Records, Reporting and recordkeeping requirements, Social Security.

7 CFR Part 274

Administrative practice and procedure, Food Stamps, Fraud, Grant programs—social programs, Reporting and recordkeeping requirements, State liabilities.

Accordingly, 7 CFR parts 273 and 274 are proposed to be amended as follows:

1. The authority citation of parts 273 and 274 continues to read as follows:

Authority: 7 U.S.C. 2011–2032.

PART 273—CERTIFICATION OF ELIGIBLE HOUSEHOLDS

2. In § 273.2:

- a. A new paragraph (c)(2)(iii) is added.
- b. A new sentence is added to the end of paragraph (f)(1)(v).
- c. The last sentence of paragraph (f)(8)(i)(A) is amended by removing the words “incomplete, inaccurate, inconsistent, or outdated” and adding in their place the word “questionable”.
- d. The second sentence of paragraph (f)(8)(i)(C) is amended by removing the

words “incomplete, inaccurate, inconsistent, or outdated” and adding in their place the word “questionable”.

- e. Paragraph (f)(8)(ii) is amended by removing the words “incomplete, inaccurate, inconsistent, or outdated” and adding in their place the word “questionable”.
- f. Paragraphs (i)(4)(iii)(A), (i)(4)(iii)(B), and (i)(4)(iii)(C) are revised.
- g. New paragraphs (i)(4)(iii)(D), (i)(4)(iii)(E), and (i)(4)(iii)(F) are added.
- h. A new sentence is added at the end of paragraph (i)(4)(iv).

The additions and revisions read as follows:

§ 273.2. Application processing.

* * * * *

- (c) *Filing an application.* * * *
- (2) *Contacting the food stamp office.*

* * *
(iii) In State agencies that elect to have Statewide residency, as provided in § 273.3, the application processing timeframes begin when the application is filed in any food stamp office in the State.

* * * * *

- (f) *Verification.* * * *
- (1) *Mandatory verification.* * * *
- (v) *Social security numbers.* * * * A

completed SSA Form 2853 shall be considered proof of application for an SSN for a newborn infant.

* * * * *

- (i) *Expedited Service.* * * *
- (4) *Special procedures for expediting service.* * * *
- (iii) * * *

(A) For households applying on or before the 15th of the month, the State agency may assign a one-month certification period or assign a normal certification period. Satisfaction of the verification requirements may be postponed until the second month of participation. If a one-month certification period is assigned, the notice of eligibility may be combined with the notice of expiration or a separate notice may be sent. The notice of eligibility must explain that the household has to satisfy any verification requirements that were postponed. For subsequent months, the household must reapply and satisfy any verification requirements which were postponed or be certified under normal processing standards. During the interview, the State agency should give the household a recertification form and schedule an appointment for a recertification interview. If the household does not satisfy the postponed verification requirements and does not appear for the interview, the State agency does not need to contact the household again.

(B) For households applying after the 15th of the month, the State agency may assign a 2-month certification period or a normal certification period of no more than 12 months. Verification may be postponed until the third month of participation, if necessary, to meet the expedited timeframe. If a two-month certification period is assigned, the notice of eligibility may be combined with the notice of expiration or a separate notice may be sent. The notice of eligibility must explain that the household is obligated to satisfy the verification requirements that were postponed. For subsequent months, the household must reapply and satisfy the verification requirements which were postponed or be certified under normal processing standards. During the interview, the State agency should give the household a recertification form and schedule an appointment for a recertification interview. If the household does not satisfy the postponed verification requirements and does not attend the interview, the State agency does not need to contact the household again. When a certification period of longer than 2 months is assigned and verification is postponed, households must be sent a notice of eligibility advising that no benefits for the third month will be issued until the postponed verification requirements are satisfied. The notice must also advise the household that if the verification process results in changes in the household's eligibility or level of benefits, the State agency will act on those changes without advance notice of adverse action. If the State agency chooses to exercise the option to require a second application in accordance with the introductory text of paragraph (i)(4)(iii) of this section, it shall act on that application starting with the first month after the current certification period expires. If the household is eligible, the State agency shall issue benefits within five working days of the receipt of the necessary verification. When the postponed verification requirements are not completed within 30 days after the end of the household's last certification period, the State agency shall terminate the household's participation and shall issue no further benefits.

(C) Households which apply for initial month benefits (as described in § 273.10(a)) after the 15th of the month, are processed under standard processing timeframes, have completed the application and have satisfied all verification requirements within 30 days of the date of application, and have been determined eligible to receive