



**United States
Department of
Agriculture**

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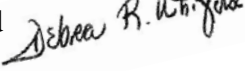
Food and
Nutrition
Service

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SUBJECT: Justification for a Change to Add Legislatively-Mandated Language –
OMB# 0584-0332 Federal-State Agreement, FNS-339

This justification requests a revision to a currently approved collection form, the Federal-State Agreement, FNS-339. The Healthy, Hunger-Free Kids Act (HHFKA) of 2010 (the Act) requires the Secretary of Agriculture to revise the Federal-State Agreement to include language for the full use of Federal funding.

The Act requires the Secretary of Agriculture to add a provision to the form requiring State agencies receiving Federal funds to administer the Special Supplemental Nutrition Program for Women, Infants and Children (WIC) and Farmers' Market Nutrition Program (FMNP) to agree to support the full use of Federal funds. Specifically, the State agencies must agree to exclude Federal funds for WIC and FMNP from State budget restrictions or limitations including, at a minimum, hiring freezes, work furloughs and travel restrictions.

The signed agreements for fiscal year 2012 are due to USDA Food and Nutrition Service (FNS) regional offices by August 15, 2011. Therefore, the change to add the legislatively-mandated language is required as soon as possible. The Federal-State agreement is the contract between USDA and each State agency that administers WIC, the Farmers' Market Nutrition Program (FMNP) and Senior Farmers' Nutrition Program (SFMNP). Each State agency must have its Chief State agency official sign the agreement prior to USDA releasing funds to it for fiscal year 2012. While adding the legislatively-mandated language, FNS must

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also make additional technical amendments to the FNS-339, which are as follows: 1) the title is changed to include FMNP and SFMNP; 2) coverage by statutes as well as regulations is added; 3) reference to FMNP and SFMNP are added as necessary and appropriate; and 4) several typographical errors are corrected.

Revisions to the FNS-339 do not increase the burden per response. However, the number of respondents (agencies administering WIC, FMNP and SFMNP) has increased from 140 to 142 thus increasing the total annual burden from 35 to 35.5 hours.

Concurrent with this change request, we are processing this request under the routine process including a 60-day Federal Register notice. The currently approved collection form expires November 30, 2012.