

**JUSTIFICATION FOR APPROVAL OF INFORMATION COLLECTION
FEDERAL - STATE SPECIAL SUPPLEMENTAL NUTRITION PROGRAMS**

AGREEMENT

FNS – 339

OMB CLEARANCE NUMBER: 0584-0332

Tony Hardy, Program Analyst

Food and Nutrition Service (FNS), USDA

Supplemental Food Programs Division

Funding, Reporting, Analysis and Monitoring Branch

3101 Park Center Drive

Alexandria, VA 22302

PH: 703-305-2715

Tony.Hardy@fns.usda.gov

Table of Contents

Part A	Justification.....	3
A.1	Explanation of Circumstances That Make Collection of Data Necessary.....	3
A.2	How the Information Will Be Used, By Whom, and For What Purpose.....	4
A.3	Use of Improved Information Technology to Reduce Burden.....	5
A.4	Efforts to Identify and Avoid Duplication.....	5
A.5	Efforts to Minimize Burden on Small Businesses or Other Entities.....	6
A.6	Consequences of Less Frequent Data Collection.....	6
A.7	Special Circumstances Requiring Collection of Information in a Manner Inconsistent with Section 1320.5(d)(2) of the Code of Federal Regulations.....	6
A.8	Federal Register Comments and Efforts to Consult with Persons Outside the Agency....	7
A.9	Payments to Respondents.....	7
A.10	Assurance of Confidentiality.....	8
A.11	Questions of a Sensitive Nature.....	8
A.12	Estimates of Respondent Burden Including Costs.....	8
A.13	Estimates of Other Annual Costs to Respondents.....	10
A.14	Estimates of Annualized Government Costs.....	10
A.15	Changes in Hour Burden.....	11
A.16	Time Schedule, Publication, and Analysis Plans.....	12
A.17	Display of Expiration Date for OMB Approval.....	12
A.18	Exceptions to Certification Statement.....	12

2012 SUPPORTING STATEMENT

Federal-State Supplemental Nutrition Programs Agreement OMB # 0584-0332

A. Justification

1. **Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.**

This is a revision of a currently approved collection. The Federal-State Special Supplemental Nutrition Programs Agreement (FNS-339) is approved under OMB# 0584-0332; Expiration date: November 30, 2012. The data collection via FNS-339 is used by the Special Supplemental Nutrition Program for Women, Infants and Children (WIC), the WIC Farmers' Market Nutrition Program (FMNP), and the Senior Farmers' Market Nutrition Program (SFMNP). At the Federal level, the Food and Nutrition Service (FNS), U.S. Department of Agriculture (USDA) administers the WIC Program and the FMNP under Section 17 of the Child Nutrition Act (CNA) of 1966, as amended, and the SFMNP under 7 U.S.C. 3007. The Federal-State Agreement is the annual contract between USDA and each State agency seeking to operate one or more of the following programs: 1) WIC, 2) FMNP, and 3) SFMNP. A signed contract is required before FNS can release Program funds. See 7 CFR 246.3(c), 7 CFR 248.3(c) and 7 CFR 249.3(c).

2. **Indicate how, by whom, how frequently, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.**

The FNS- 339 is signed by Chief State agency and USDA officials each year to serve as annual contracts between USDA and State agencies. The signed agreement states that USDA agrees to make funds available to the State agency for the administration of WIC, FMNP and/or SFMNP in accordance with all applicable regulations outlined in 7 CFR parts 246, 248 and/or 249. The State agency agrees to accept Federal funds for expenditure in accordance with applicable statutes and regulations and to comply with all provisions of such statutes and regulations.

The State agency specifically agrees to comply with all Civil Rights laws, directives and guidelines, provide for equal employment opportunities, maintain a drug-free workplace, and provide a lobbying certification. In August 2011, OMB approved adding language to the agreement required by the Healthy, Hunger-Free Kids Act of 2010 to require State agencies to support the full use of Federal funds for WIC and FMNP.

The agreement is effective for one year from the date signed and may be terminated at any time by USDA or the WIC State agency with a 30-day written notice to terminate. The agreement also states that upon termination or expiration of the contract, the State agency shall make no further disbursement of funds paid to the State agency in accordance with the agreement. The agreement may be renewed each year provided the Congress makes Federal funds available for the programs.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological

collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also, describe any consideration of using information technology to reduce burden.

FNS makes every effort to comply with the E-Government Act, 2002 by providing electronic submissions where feasible. Since FNS requires a signature on this document, the Chief State agency official signs and submits the application to FNS. An electronic signature solution for this process is not available at State agencies. Therefore, none of the 142 responses will be submitted or collected electronically. Fortunately, a State agency can complete the application very quickly. Other than a signature, the form requires minimal information to identify the State agency, the programs the State agency is seeking to operate and the effective date. FNS makes the application available via the internet at <http://www.fns.usda.gov/fns/forms.htm>. Should an electronic signature solution become available to State agencies, FNS will implement complete electronic submission of this application as an alternative to paper submission.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purpose described in item 2 above.

There is no duplication of this information request. FNS is the sole government agency that administers the WIC, WIC FMNP and SFMNP.

5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.

Information being requested or required has been held to the minimum required for the intended use. Although smaller State agencies are involved in this data collection effort, they deliver the same program benefits and perform the same function as any other State agency. Thus, they are required to sign an annual contract. FNS estimates that 17 percent of our respondents are small entities, approximately 24 out of 142 respondents.

6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

Annual Federal funding cannot be provided to the State agency without the signed agreement. Therefore, if this information collection is not conducted, FNS would be unable to deliver program benefits.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

- **requiring respondents to report information to the agency more often than quarterly;**
- **requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
- **requiring respondents to submit more than an original and two copies of any document;**
- **requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;**
- **in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;**
- **requiring the use of a statistical data classification that has not been reviewed and approved by OMB;**
- **that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by dis-**

closure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or

- **requiring respondents to submit proprietary trade secret, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

There are no special circumstances. The collection of information is conducted in a manner consistent with the guidelines in 5 CFR 1320.5.

- 8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments.**

A 60-day Federal Register notice announcing FNS' intention to extend the use of form FNS-339 and the full use of funds provision required by the Healthy, Hunger-Free Kids Act of 2010 was published in the Federal Register on June 24, 2011, Volume 76, Number 122, page 37059. The final day to submit comments regarding this notice was August 24, 2011. No comments were received in response to this notice.

- 9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.**

No payment or gifts are provided to respondents.

- 10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.**

The Department will comply with Privacy Act of 1974.

- 11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior or attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.**

There are no questions of a sensitive nature included in this clearance.

- 12. Provide estimates of the hour burden of the collection of information. The statement should:**

- **Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in Item 13 of OMB Form 83-1.**

Table A.12.1 estimates the annual hour burden for the Federal-State Special Supplemental Nutrition Programs Agreement (FNS-339). There are 142 State agencies respondents (WIC - 90; SFMNP - 35; FMNP - 17), which is the affected public, reporting 1 time per year. It takes respondents approximately 7.5 minutes (.125 hours) to read and sign the required form. Additionally, respondents spend another 7.5 minutes (.125 hours) making photocopies and filing each year. Therefore, the number of hours spent per each of the 142 reports per year is 0.25 hours totaling the burden hours requested at 35.5 hours.

Table A.12.1 Reporting & Recordkeeping Burden

Affected Public	Form	Estimated Number of Respondents	Number of Responses per Respondent	Total Annual Responses	Estimated total Hours per Response	Estimated Total Burden Hours
State, Territorial, and Tribal Governments	FNS-339	142	1	142	.25	35.5

Total Burden		142	1	142	.25	35.5
---------------------	--	------------	----------	------------	------------	-------------

- **Provide estimates of annualized cost to respondents for the hour burden for collections of information, identifying and using appropriated wage rate categories.**

Table A.12.2 reports the respondent costs associated with the Federal-State Special Supplemental Nutrition Programs Agreement (FNS-339). The total annual cost is estimated at \$1,866.95.

The median hourly wage for the Chief State agency official is estimated at the median wage for a physician of \$88.78* per hour because about 60 percent (90 out of 142) of the respondents signing the agreement form are physicians serving as the State Health Commissioner. FNS estimates the remaining State agency officials are comparable to the State Health Commissioner in status and pay. The median hourly wage for the individual responsible for photocopying and filing is estimated at the median wage for an Administrative Assistant of \$16.40* per hour.

Table A.12.2 Estimated Annualized Cost to Respondents

Affected Public	Forms	Est. No. of Respondents	No. of Responses per Respondent	Total Annual Responses	Est. Total Hours per Response	Total Burden Hours per SA	Hourly Wage	Total Cost to Respondent
Chief State Agency Official	339	142	1	142	0.125	17.75	\$88.78	\$1575.85
Administrative Support	339	142	1	142	0.125	17.75	\$16.40	\$291.10
Total Burden Estimates		142	2	284	.125	35.5		\$1866.95

*These salary estimates are the median wage estimates for physicians and administrative assistant staff for May 2011 obtained from the U.S. Department of Labor, Bureau of Labor Statistics (BLS) in the Occupational Outlook Handbook for each occupation. As of the date of this submission, the 2011 data is the latest data available from BLS.

- 13. Provide estimates of the total annual cost burden to respondents or record keepers resulting from the collection of information (do not include the cost of any hour burden shown in items 12 and 14). The cost estimates should be split into two components: (a) a total capital and start-up cost component annualized over its expected useful life; and (b) a total operation and maintenance and purchase of services component.**

There are no capital/start-up or ongoing operation/maintenance costs associated with this information collection.

- 14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost and any other expense that would not have been incurred without this collection of information.**

The annual cost to the Federal government is the cost for FNS Regional Office staff to sign, photocopy, file and send a photocopy to 142 respondents. Respondents send the FNS-339 signed by the applicable State agency official to the FNS Regional Office where the Regional Administrator also signs the agreement. Each original copy is then filed at the FNS Regional office and a copy is mailed to the State agency for its files.

Senior Executive Service, median pay = \$149,627

Salary per hour ($\$149,627/2080$) = \$71.94

Hours spent per report (signing forms) (0.125 hour) X number of reports submitted to regions (142) = 17.75 total hours/year

Total hours (17.75) X salary per hour (\$71.94) = \$1,276.94 regional cost to sign forms

GS-7, step 1, regional administrative assistant = \$33,979*

Salary per hour (\$33,979/2080) = \$16.34

Hours spent per report (copy/file/mail) (0.125) X number of reports submitted to regions (142) = 17.75

Total hours (17.75) X salary per hour (\$16.34) = \$290.04 regional cost to copy/file/mail forms

The total annual cost is estimated at \$1,566.98.

These salaries are the Annual and Hourly Rates obtained from the Office of Personnel Management Salary Table 2012-General and Senior Executive Service Schedules, Effective January 2012.

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-1.

This is a revision of a currently approved collection. The currently approved collection has 142 respondents, per the Change Justification memo submitted on 7/26/11. However, the number of respondents in ROCIS was erroneously entered as 143 instead of 142. The respondents and responses for this ICR have been updated to 142. The burden inventory for this collection is 36 hours, which remains unchanged.

- 16. For collections of information whose results are planned to be published, outline plans for tabulation and publication.**

There are no plans to tabulate or publish any reports in connection with this information collection.

- 17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.**

The expiration date will be displayed.

- 18. Explain each exception to the certification statement identified in Item 19 "Certification for Paperwork Reduction Act."**

There are no exceptions to the certification statement on OMB Form 83-1.