

**U.S. Department of Agriculture
Farm Service Agency
Supporting Statement
OMB Number 0560-0183**

**Assignments of Payments and Joint Payment Authorizations, 7 CFR PART 1404 and Request
for Waiver**

FSA is requesting a revision and an extension of a currently approved information collection request.

1. Explain the circumstances that make the information collection necessary.

The regulations at 7 CFR Part 1404 implement this authority by providing for the assignment of cash payments made by FSA, NRCS, or CCC by execution of Form CCC-36 or Forms CCC-251 and CCC-252. These regulations allow any person who is the recipient of a cash payment from FSA or CCC to assign that payment to a third party.

If a recipient of an FSA, NRCS, or CCC payment chooses to assign a payment to another party, a CCC-36 or CCC-251 and CCC-252 must be completed in order to identify the assignee and be signed by the assignee to ensure that the assignee is willing to accept the assignment.

CCC-36-Assignment of Payments: The Soil Conservation and Domestic Allotment Act (16 USC 590h(g)) authorizes producers to assign, in writing, FSA conservation program payments. The statute requires that any such assignment be signed and witnessed. The Agricultural Act of 1949, as amended, extends that authority to CCC programs, including rice, feed grains, cotton, and wheat.

CCC-37-Joint Payment Authorization: There are no regulations governing joint payments, but this service is offered as a result of public request for this type of payment option. In order to make program payments payable to a producer and a third party, CCC requires CCC-37 to be signed by the producer entitled to payment to identify the third party, and by the third party to ensure that the third party is willing to accept the joint payment.

FPAC-FMD-12 (formerly CCC-40)-Electronic Funds Transfer (EFT) Hardship Waiver Request -this form falls under the U.S. Treasury regulations 31 CFR 208 regulation was amended and it requires all federal nontax payments must be made by EFT, unless a waiver applies which requires certain criteria to be granted. Individuals receiving type of payments that is not eligible for Direct Deposit are waived from the EFT requirement. New benefit payments must receive payments by Direct Deposit in accordance DCIA Act 1996. The Financial Management Division moved to FPAC prompted the new form numbers. And FSA will include the MB control number and Public Burden Statement upon OMB approval.

FSA-251-Notice of Assignment: This form allows any person who is the recipient of a cash payment from FSA or CCC to assign that payment to a third party.

FSA-252-Instrument of Assignment: Agricultural commodity vendors or export vendors must complete CCC-252 along with the CCC-251, Notice of Assignment, to certify that payments for contract of the Commodity Credit Corporation (CCC) or the United States Department of Agriculture (USDA) be assigned to a third party, an assignee.

2. Indicate how, by whom, and for what purpose the information is to be used.

The information on the CCC-36, CCC-251, and CCC-252 is used by FSA and NRCS employees in order to record the payment or contract being assigned, the amount of the assignment, the date of the assignment, and the name and address of the assignee and the assignor. This will enable FSA employees to pay the proper party when payment becomes due.

Form CCC-36 is used to assign payments made under programs administered by a county FSA committee. Forms CCC-251 and CCC-252 are used to assign payments under all other CCC or FSA programs and contracts. Also, NRCS participation will be using the form.

Form CCC-37 is used by the county FSA office to document authorization to issue program payments jointly at the request of the producer. It is also used to terminate joint payments at the request of both the producer and joint payee. This payment option is strictly for the convenience of the producer and is not contained in regulations.

FPAC-FMD-12 is used for waiver may apply when payment by EFT would impose a hardship on the beneficiary due to the individual's inability to manage an account at a financial institution account, if 1 of the following conditions exists:

- Payment by EFT would impose a hardship because of mental disability
- The individual faces a geographic barrier to receiving payment by EFT

Customers who are 90 years of age or older, born before May 1, 1921, and receiving payment by check on March 1, 2013, may receive their payment by check if they choose to receive their payment by check.

The number of respondents is based on an estimated count of the number of flags set in the county office name and address file.

3. Use of information technology.

Information collection by electronic filing is available if the producer has registered with the USDA for a user ID and password, and the producer has been authenticated to the ID. The producer entered data is validated and updated in the system to be used when payments are made. For producers that do not have a registered user ID and password, the CCC-36 and CCC-37 are available on the FSA website as fillable forms, with instructions also provided. Forms are available in the county FSA office for producers that do not have internet access, or prefer that the forms be provided to them. The data collected on CCC-36 and CCC-37 is entered in the computer and automatically applied when payments are generated. This reduces the government's burden because it is not necessary to maintain the data manually.

The CCC-251 and CCC-252 processes are manual. The FPAC-FMD-12 will be process manually and keep in the producer file for record in the county office.

4. Describe efforts to identify duplication.

There is no duplication of data requested on the information collections contained in this clearance.

5. Describe efforts to minimize burden on small businesses or other small entities.

Information collections forms in this clearance package do not have an economic impact on small businesses or other small entities. There are 2,000 small businesses or entities.

6. Consequence if collection were less frequent.

Forms CCC-36, CCC-251, CCC-252, and CCC-37 are only completed when a recipient requests that payment be directed to someone other than the recipient. If the forms were collected less frequently, payment would be disbursed directly to the recipient. This strictly provides an added benefit to the recipient. FPAC-FMD-12 are only completed when a recipient request to receive his payment benefits by paper checks.

7. Special circumstances.

The information collections are consistent with the guidelines in 5 CFR Part 1320.6.

8. Federal Register notice, summarization of comments and consultation with persons outside the agency.

The “Information Collection Request, Assignments of Payment and Joint Payment Authorization” 60-day notice was published in the Federal Register on June 1, 2021. Comments were to be received on or before August 2, 2021. No comments were received under the docket ID number: FSA–2021–0006.

The three names were provided in the following who gave inputs on the forms, and they have no comments on the collection.

The following are the 3 names are requested none provided phone numbers.

- Michael Howard
3222 Hutchings College Rd
Sparta, TN 38583

- Sammy Jones
6814 E. 700S
Star City, IN 46985

- Michael Johnson
Runnermike2608@icloud.com

9. Explain any decision to provide any payment or gift to respondents.

No payment or gifts are provided for any respondent.

10. Confidentiality provided to respondents.

Information collected is handled according to established FSA procedures implementing the Privacy Act, Freedom of Information Act, and OMB Circular 130, "Responsibilities for the Maintenance of Records About Individuals by Federal Agencies".

11. Questions of a sensitive nature.

No information of a sensitive nature is requested.

12. Estimates of burden.

The breakout for the burden is in the Reporting and Recordkeeping Requirements spreadsheet.

Total annual cost to respondents = \$6,247,259.

Total annual burden hours = 116,687 hours.

The number of respondents is based on an estimated count of the number of flags set in the county office name and address file.

Respondent cost per hour was derived by using U.S. Bureau of Labor Statistics Occupational Employment and Wages, May 2020, 11-9013 Farmers, Ranchers, and Other Agricultural Managers. The U.S. mean household income, as measured by the Bureau of Labor, is \$41.35. Fringe benefits for all private industry workers are an additional 29.9 percent,¹ or \$12.36, resulting in a total of \$53.71 per hour. The estimated respondent cost is \$6,267,259 (\$53.71 x 116,697).

13. Total annual cost burden to respondents or recordkeepers.

Total capital and start-up costs and total operation and maintenance and purchase of services component are negligible.

14. Provide estimates of annualized cost to the Federal government.

The cost of form development, printing and distribution is minimal because the forms are computer generated. County employee cost per response is equal 10 minutes multiplied by

¹ U.S. Bureau of Labor Statistics. "Employer Costs for Employee Compensation." News release. March 19, 2020. <https://www.bls.gov/news.release/ecec.htm>.

\$28.26 (estimated county employee average hourly wage; based 2021 General Schedule, Grade 7, Step 6). Fringe benefits for all government workers are an additional 31 percent, or \$8.43, resulting in a total of \$35.64 per hour. The total annualized cost to the Federal Government is \$24,967,499 (\$35.64 x 700,491 responses).

15. Reasons for changes in burden.

The adjustments are the number of respondents increased by 573,949, and the burden hours also increased by 95,604 due to increased producers or farmers participating in several programs such as Coronavirus Food Assistance Program (CFAP), Wildfires and Hurricanes Indemnity Program and other FSA programs.

16. Tabulation, analysis and publication plans.

No publication of these individuals is planned.

17. Reasons display of expiration date of OMB approval is inappropriate.

FSA displayed OMB expiration date on the forms.

18. Explain each exception statement to the certification statement identified for PRA submissions.

FSA certified that the collection of information encompassed by this request complies with 5 CFR 1320.9 and the related provisions of 5 CFR 1320.8(b)(3)