

SUPPORTING STATEMENT - PART A for
OMB Control Number 0584-0332:
Federal-State Supplemental Nutrition Programs Agreement (Form FNS-339)
Reporting and Recordkeeping Burden

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Table of Contents

A1. CIRCUMSTANCES THAT MAKE THE COLLECTION OF INFORMATION NECESSARY.....3
A2. PURPOSE AND USE OF THE INFORMATION.....3
A3. USE OF INFORMATION TECHNOLOGY AND BURDEN REDUCTION.....4
A4. EFFORTS TO IDENTIFY DUPLICATION.....4
A5. IMPACTS ON SMALL BUSINESSES OR OTHER SMALL ENTITIES.....5
A6. CONSEQUENCES OF COLLECTING THE INFORMATION LESS FREQUENTLY.....5
A7. SPECIAL CIRCUMSTANCES RELATING TO THE GUIDELINES OF 5 CFR 1320.5.....5
A8. COMMENTS TO THE FEDERAL REGISTER NOTICE AND EFFORTS FOR CONSULTATION.....6
A9. EXPLAIN ANY DECISIONS TO PROVIDE ANY PAYMENT OR GIFT TO RESPONDENTS.....7
A10. ASSURANCES OF CONFIDENTIALITY PROVIDED TO RESPONDENTS.....7
A11. JUSTIFICATION FOR ANY QUESTIONS OF A SENSITIVE NATURE.....7
A12. ESTIMATES OF THE HOUR BURDEN OF THE COLLECTION OF INFORMATION.....8
A13. ESTIMATES OF OTHER TOTAL ANNUAL COST BURDEN.....10
A14. PROVIDE ESTIMATES OF ANNUALIZED COST TO THE FEDERAL GOVERNMENT.....10
A15. EXPLANATION OF PROGRAM CHANGES OR ADJUSTMENTS.....12
A16. PLANS FOR TABULATION, AND PUBLICATION AND PROJECT TIME SCHEDULE.....12
A17. DISPLAYING THE OMB APPROVAL EXPIRATION DATE.....12
A18. EXCEPTIONS TO THE CERTIFICATION STATEMENT IDENTIFIED IN ITEM 19.....12

Appendices

Federal-State Supplemental Nutrition Programs Agreement (Form FNS-339)	Appendix A
FNS-339 Burden Narrative	Appendix B
FNS-339 Burden Table	Appendix C
Invitation to Comment on Revised FNS-339 Form Burden Estimates	Appendix D

A1. 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 submission is a revision of a currently approved collection which covers the reporting and recordkeeping of the Federal-State Supplemental Nutrition Programs Agreement (Form FNS-339), OMB #0584-0332; expiration date April 30, 2022. The title of this information collection has been changed to Federal-State Supplemental Nutrition Programs Agreement to reflect the current title of form FNS-339. The FNS-339 is an annual contract between the U.S. Department of Agriculture (USDA) and each State, Territory, and Indian Tribal Government agency seeking to operate one or more of the following programs: the Special Supplemental Nutrition Program for Women, Infants and Children (WIC), the WIC Farmers' Market Nutrition Program (FMNP), and the Seniors Farmers' Market Nutrition Program (SFMNP). The Food and Nutrition Service (FNS), of the USDA, is authorized to administer the WIC and the FMNP programs under the following authority: Section 17 of the Child Nutrition Act (CNA) of 1966, as amended, and the SFMNP under Section 4402 of the Farm Security and Rural Investment Act (P.L. 107-171), as amended. Federal regulations at 7 Code of Federal Regulations (CFR) 246.3(c), 248.3(c), and 249.3(c) require that each State agency desiring to administer the WIC, FMNP, and/or SFMNP programs must enter into a written agreement (using FNS-339) with the Department for administration of the program(s) in the jurisdiction of the State agency. Likewise, a signed FNS-339 between the Department and the State agency is a prerequisite to State agencies receiving federal funds in the administration of one or more programs.

A2. Purpose and Use of the Information.

Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate how the agency has actually used the information received from the

current collection.

FNS uses the signed FNS-339 (Appendix A) to effectuate the use of federal funds for the administration of the WIC, FMNP, and SFMNP programs. The Department agrees to make funds available to the State agency for the administration of the WIC, FMNP, and/or SFMNP in accordance with federal regulations (7 CFR Parts 246, 248, and 249) and any amendments thereto. The State agency agrees to accept federal funds for expenditure in accordance with the applicable statutes and federal regulations, and any amendment thereto, and to comply with all the provisions of such statutes and regulations, and amendments thereto. Likewise, by signing the FNS-339, the State agency agrees that it will comply with applicable laws, regulations and policies governing civil rights, discrimination, disability, equal employment, and a drug-free workplace.

A3. Use of information technology and burden reduction.

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 of 2002. FNS has created a fillable, electronic FNS-339 form that States are able to complete and sign digitally. States can access, electronically sign, and submit their FNS-339 to the FNS Regional Office (RO) through PartnerWeb (a web-based application that allows users to share and access information, <https://partnerweb.usda.gov>, used by approximately 75% of State agencies). State agencies may also email a signed copy of the FNS-339 to the FNS RO. The majority of State agencies choose to submit information to FNS via email or PartnerWeb; rarely do State agencies choose to submit via mail or fax.

A4. Efforts to identify duplication.

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

There are no similar information collection efforts. The FNS-339 is the sole agreement between the Department and the State agency to administer one or more programs (WIC, FMNP, SFMNP).

A5. Impacts on small businesses or other small entities.

If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-I), describe any methods used to minimize burden.

FNS has determined that the requirements for this information collection do not adversely impact small businesses or other small entities. There is no information collected from small businesses and/or small entities that pertains to or is required in the submission of the FNS-339.

A6. Consequences of collecting the information less frequently.

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.

This is a mandatory, ongoing information collection and a requirement to receive federal funds.

If this information were not collected, State agencies would not receive funding for the administration of these programs. Federal funding in the administration of these programs cannot be provided to State agencies without a signed agreement with the Department.

A7. Special circumstances relating to the Guidelines of 5 CFR 1320.5.

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 disclosure 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.

A8. Comments to the Federal Register Notice and efforts for consultation.

If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8 (d), 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. Specifically address comments received on cost and hour burden.

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years even if the collection of information activity is the same as in prior years. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

The invitation for comments was set forth in a 60-Day Notice on page 62773 of the Federal Register (Vol. 86, No. 216) on Friday, November 12, 2021. The public comment period ended on January 11, 2022. There were no comments received in response to the 60-Day Notice.

The FNS National Office consults with the (7) FNS Regional Offices regarding any proposed

changes to information being collected from the FNS-339 as the result of legislative, regulatory, or policy changes. In addition, the Regional Offices are consulted when managing and filing FNS-339 agreements, and to ensure accessibility by State agencies to agreements through PartnerWeb.

FNS Regional Offices communicate regularly with WIC, FMNP, and SFMNP State agencies on FNS processes and information collections that may impact them as a result of legislative, regulatory, or policy changes. Aside from the 60-Day Notice, stakeholder feedback that is received from State agencies regarding the frequency of information collected, the clarity of instructions and recordkeeping, reporting format, etc. is reported through the FNS Regional Office to the FNS National Office. The FNS National Office considers feedback from State agencies when revising the FNS-339 form and/or updating the format of information collected.

The individuals/organizations listed below (see Appendix D Invitation to Comment on Revised Form FNS-339 Burden Estimates) have been consulted about burden estimates and/or other characteristics associated with this data collection. No comments were received by these individuals/organizations.

1. Phil Blalock, Executive Director

National Association for Farmers Market Nutrition Programs

Email: phil@triangleassociatesinc.com

2. Sharon Parrott, President

Center on Budget and Policy Priorities

Email: parrott@cbpp.org

3. Rev. Douglas Greenaway, President & CEO

National WIC Association

Email: douglasg@nwica.org

A9. Explain any decisions to provide any payment or gift to respondents.

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.

A10. Assurances of confidentiality provided to respondents.

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

FNS does not collect any confidential information from respondents in association with this burden.

The Department complies with the Privacy Act of 1974. This information collection does not request any personally identifiable information. The FNS Privacy Officer, Michael Bjorkman, reviewed this ICR and approved it with no recommended changes to the Supporting Statement on March 2nd, 2022.

A11. Justification for any questions of a sensitive nature.

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.

The FNS-339 does not ask any questions of a sensitive nature. The FNS Privacy Officer, Michael Bjorkman, reviewed this ICR and approved it with no recommended changes to the Supporting Statement on March 2nd, 2022.

A12. Estimates of the hour burden of the collection of information.

Provide estimates of the hour burden of the collection of information. Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated.

A. 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-I.

The total estimated number of respondents is 127. This includes an unduplicated count of respondents that are responsible for the operation of 89 WIC Programs, 50 FMNP Programs, and 55 SFMNP Programs: 3 State agencies solely operate the FMNP program; 20 State agencies solely operate the SFMNP program; 15 State agencies operate both the FMNP and SFMNP programs; 54 State agencies solely operate the WIC program; 15 State agencies operate both the WIC and FMNP programs; 3 State agencies operate both the WIC and SFMNP programs; and 17 State agencies operate the WIC, FMNP, and SFMNP programs ($3+20+15+54+15+3+17 = 127$ respondents or State agencies).

The FNS-339 allows State agencies to select one or more of the program(s) which they administer (WIC, FMNP, SFMNP). There is one response per agency for the completion of the FNS-339 and one response per agency to photocopy and maintain a record of the FNS-339. The estimated total for annual responses is 254 (127 respondents x 2 responses). The estimated time per response for the reporting and recordkeeping requirements in this collection is .125 hours (approximately 7.5 minutes). It takes respondents approximately 7.5 minutes (0.125 hours) to read and sign the required form. Additionally, respondents spend another 7.5 minutes (0.125 hours) making photocopies and filing each year. These calculations are further explained in the Burden Narrative (Appendix B)

The total estimated annual burden for reporting is 15.875 hours (127 respondents x .125 burden hours) and the total estimated annual burden for recordkeeping is 15.875 (127 respondents x .125 burden hours) for a grand total estimate of 31.75 hours. See the table below for the estimated total annual burden for each type of respondent and activity. This information is also contained in the Burden Table (Appendix C).

Respondents	Form	Estimated Number of Respondents	Responses Annually Per Respondent	Total Annual Responses	Estimated Average Number of Hours Per Response	Estimated Total Annual Burden Hours
Reporting Burden						
State, Territory, and Indian Tribal Government Agencies (Respondent types: WIC - 89; FMNP - 50; SFMNP - 55)	FNS-339	127	1	127	0.125	15.875
Recordkeeping Burden						
State, Territory, and Indian Tribal Government Agencies (Respondent types: WIC - 89; FMNP - 50; SFMNP - 55)	FNS-339	127	1	127	0.125	15.875
Total Reporting and Recordkeeping Burden		127*	2	254	0.125	31.75

* This includes an unduplicated count of respondents that are responsible for the operation of 89 WIC Programs, 50 FMNP Programs, and 55 SFMNP Programs: 3 State agencies solely operate the FMNP program; 20 State agencies solely operate the SFMNP program; 15 State agencies operate both the FMNP and SFMNP programs; 54 State agencies solely operate the WIC program; 15 State agencies operate both the WIC and FMNP programs; 3 State agencies operate both the WIC and SFMNP programs; and 17 State agencies operate the WIC, FMNP, and

SFMNP programs.

B. Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories.

The total annual cost to respondents including fringe benefits is \$1,971.61 (includes \$1,482.41 total annual cost x 0.33 fringe benefits = \$489.20) as recorded in The Burden Table (Appendix C). The annualized cost to respondents associated with this information collection is based on the total annual burden hour estimate and utilizes the U.S. Department of Labor, Bureau of Labor Statistics, May 2021 National Industry-Specific Occupational Employment and Wage Estimates (<https://www.bls.gov/oes/current/oesrci.htm>), the latest year for which data is available.

The average hourly rate for State agency staff is \$46.69, which is the mean of ‘management occupations’ in State government, excluding schools and hospitals (https://www.bls.gov/oes/current/naics4_999200.htm).

Type of Respondent	Estimated Total Annual Burden Hours	Estimated Average Income per Hour	Estimated Total Annual Respondent Cost (base annual cost + 33%)
State, Territory, and Indian Tribal Government Agencies (Respondent types: WIC - 89; FMNP - 50; SFMNP - 55)	31.75	\$46.69	\$1,971.61
Totals	31.75		\$1,971.61

A13. Estimates of other total annual cost burden.

Provide estimates of the total annual cost burden to respondents or recordkeepers resulting from the collection of information, (do not include the cost of any hour burden shown in questions 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.

A14. Provide estimates of annualized cost to the Federal government.

Provide estimates of annualized cost to the Federal government. 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 total annualized cost to the federal government including fringe benefits is \$121.24 (\$91.16 annual cost to the federal government + \$30.08 fringe benefits ($\91.16×0.33)).

State agencies submit the original FNS-339 agreement, signed by a State agency official, to the FNS Regional Office, and the FNS Regional Administrator signs the agreement. An FNS Regional Office staff scans and files a copy of the FNS-339, which is made available to State agencies through PartnerWeb. The annual cost to the Federal government includes the cost for both the signing of and filing of the signed FNS-339. It is estimated that the same number of hours associated with State agency reporting and recordkeeping can be applied to the signing of and recordkeeping of the FNS-339 at the FNS Regional Office (7.5 minutes (.125 hours) for reporting and 7.5 minutes (.125 hours) for recordkeeping).

The estimated average income per hour for an FNS Regional Office Administrator was calculated using the U.S. Office of Personnel Management Salary Table - Senior Executive Service 2022, and estimating annual income for each FNS Regional Office Administrator (RA) using the lowest pay band: \$135,468

(<https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2022/ES.pdf>). $\$135,468/26$ pay periods = \$5,210.31 income/pay period. $\$5,210.31/80 = \65.13

income/hour. 7 RAs x .125 burden hours = .875 total burden hours. .875 total burden hours x \$65.13 income/hour = \$56.99 estimated total cost to FNS Regional Office Administrators.

The estimated average income per hour for an FNS Regional Office staff was calculated using the U.S. Office of Personnel Management Salary Table – General Schedule, and estimating annual income for each FNS Regional Office Staff using a GS 13, Step 1: \$81,216

(<https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2022/GS.pdf>). \$81,216/26 pay periods = \$3,123.69 income/pay period. \$3,123.69/80 =

\$39.05 pay/hour. 7 Regional Office staff x .125 burden hours = .875 total burden hours. .875 total burden hours x \$39.05 income/hour = \$34.17 estimated total cost to FNS Regional Office Staff.

Type of Respondent	Estimated Total Number of Respondents	Estimated Total Annual Burden Hours	Estimated Average Income per Hour	Estimated Total Cost to Respondents
FNS Regional Office Administrator	7	.125	\$65.13	\$56.99
FNS Regional Office Staff	7	.125	\$39.05	\$34.17
Totals	14	.25		\$91.16

A15. Explanation of program changes or adjustments.

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

This is a revision of a currently approved information collection. This information collection is currently approved with 32.25 burden hours and 258 responses. With this revision, FNS is requesting 31.75 burden hours and 254 total annual responses. The number of respondents

(agencies administering the WIC, FMNP and/or SFMNP Programs) has decreased from 129 to 127. This adjustment decreases the number of responses for this collection from 258 to 254 responses. There is no change in the burden hours for this collection (although the adjustment decreases the total annual burden from 32.35 hours to 31.75 hours, the reported burden hours for this revision will be rounded to 32 hours so the burden hours will not change from the 32 hours currently reported).

This revision includes updates to the burden that reflect changes in the number of WIC, FMNP, and SFMNP State agencies. The number of State agencies decreased from 129 to 127. There are fewer State agencies that administer WIC, FMNP, and/or SFMNP compared to the last time we completed this ICR. This number fluctuates due to agencies deciding to no longer run a program or because a program is transferred to an agency/department that already runs one of the programs listed above and therefore they do not need to fill out a separate FNS-339, i.e. State agencies/departments only need to fill out one FNS-339 regardless of how many of the three programs they administer.

A16. Plans for tabulation, and publication and project time schedule.

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

The information covered by this collection is not for publication.

A17. Displaying the OMB Approval Expiration Date.

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

This submission is not seeking OMB approval to not display the expiration date.

A18. Exceptions to the certification statement identified in Item 19.

Explain each exception to the certification statement identified in Item 19 of the OMB 83-I" Certification for Paperwork Reduction Act."

The agency is able to certify compliance with all provisions under Item 19 of OMB Form 83-I.