

**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**

**1. 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.**

FSA is requesting an approval on an extension with a change of a currently approved information collection.

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. 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.**

FSA is requesting an approval on an extension with a change of a currently approved information collection.

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; or
- 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 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.**

FSA makes every effort to comply with the E-Government Act, 2002 (E-Gov) and to provide for alternative submission of information collections for the respondents. At this time, the respondents are not able to electronically submit the information to a IT system.

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 electronic form versions are available in the USDA eForms website:  
<https://forms.sc.egov.usda.gov/eForms/welcomeAction.do?Home>.

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. 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 is no similar data collection available. Every effort has been made to avoid duplication. FSA has reviewed USDA reporting requirements, state administrative agency reporting requirements, and special studies by other government and private agencies.

**5. 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.**

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

**6. 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.**

The collection is voluntary and ongoing information collection request. 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 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;**

None.

- **Requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**

None.

- **Requiring respondents to submit more than an original and two copies of any document;**

None.

- **Requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;**

None.

- **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;**

None.

- **Requiring the use of a statistical data classification that has not been reviewed and approved by OMB;**

None.

- **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**

None.

- **Requiring respondents to submit proprietary trade secret, 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.**

None.

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

**8. 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 titled "Information Collection Request, Assignments of Payment and Joint Payment Authorization" in the 60-day notice was published in the Federal Register on May 31, 2024 (89 FR 47126. Comments were to be received on or before July 30, 2024. No comments were received under the docket ID number: FSA-2024-0006.

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.

1. C. DeBruycker, 406 417-3567
2. A. Capdeville, 406 558-3151
3. B. Featherston, 406 417-3865

**9. 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 other payment, gift or incentive will be provided through this information collection request.

**10. 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.**

The information collection is subject to the Food, Conservation and Energy Act of 2008, 7 U.S.C. 8791 (section 1619). Section 1619 prohibits disclosure of information provided by an agriculture producer or owner of agricultural land concerning the agricultural operation, farming or conservation practices, or the land itself, in order to participate in USDA programs; or geospatial information otherwise maintained by the Secretary about agricultural land or operations for which information was provided.

Additionally, System of Records Notices (SORN) USDA/FSA-2 and USDA/NRCS-1 govern the authorized access to the personal identifiable information collection (PII). Request for and disclosure of PII from this information collection is subject to the provisions of the Privacy Act of 1974, as amended, 5 U.S.C. 552a, and the routine uses of the SORNS mentioned in this paragraph.

This package was reviewed and approved by FPAC Senior Government Information Specialist, Samantha Jones, on September 9, 2024.

**11. 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.**

No questions of a sensitive or personal nature are included in the application.

**12. 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. 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.**

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

Total annual cost to respondents = \$3,918,779.

Total annual burden hours = 7 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.

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

Respondent cost per hour was derived by using U.S. Bureau of Labor Statistics Occupational Employment and Wages, May 2023, 11-9013 Farmers, Ranchers, and Other Agricultural Managers. The U.S. mean household income, as measured by the Bureau of Labor, is \$43.35. Fringe benefits for all private industry workers are an additional \$14.41, resulting in a total of \$57.76 per hour. The estimated respondent cost is \$4,215,798 ( $\$57.76 \times 72,962$ ).

**13. 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.**

This information collection and reporting burden does not impose any burden cost on respondents for capital, start-up, operation, maintenance, or the purchase of services.

**14. 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 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 \$65.88 (estimated county employee average hourly wage; based 2024 General Schedule, Grade 8, Step 7). Fringe benefits for all government workers are an additional \$13.03, resulting in a total of \$78.91 per hour. The total annualized cost to the Federal Government is \$34,628,390 ( $\$78.91 \times 438,384$  responses).

**15. 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.**

FSA is making adjustments in this request. The adjustments are the number of respondents decreased by 262,107, and the burden hours also increased by 43,725 due to decrease producers or farmers participating in several programs such as Coronavirus Food Assistance Program (CFAP), Wildfires and Hurricanes Indemnity Program and other FSA programs.

**16. 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.**

No publication of these individuals is planned.

**17. 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.**

FSA is displaying the OMB expiration date on the forms.

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

FSA is able to certify compliance with all provisions in the certification statement.