

Supporting Statement for Paperwork Reduction Act Submission
**Food and Nutrition Service Data Collection Regarding Participation of Faith-
Based and Community Organizations in the Special Supplemental Nutrition
Program for Women, Infants and Children, and National School Lunch,
School Breakfast, Summer Food Service, Child and Adult Care Food,
Commodity Supplemental Food and The Emergency Food Assistance
Programs**

OMB CLEARANCE NUMBER: 0584-0540

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Attachments

- Attachment 1: USDA final rule, *Equal Opportunity for Religious Organizations*, 69 FR 41375 (July 9, 2004)
- Attachment 2: Proposed rule *Data Collection Related to Institutions and Organizations*, 71 FR 10914, March 3, 2006

Miscellaneous Citations

Notice Agency Information Collection Activities: *Proposed Collection; Comment Request—Data Collection Related to Institutions and Organizations*, 74 FR 34295, July 15, 2009

Executive Order 13279, *Equal Protection of the Laws for Faith-Based and Community Organizations*, and Executive Order 13280, *Responsibilities of the Department of Agriculture and the Agency for International Development With Respect to Faith-Based and Community Initiatives* (December 16, 2002)

JUSTIFICATION

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

This statement is provided to support our request for approval of information collection OMB #0584-0540 for extension of this ongoing information collection. The Department of Agriculture, FNS issued a 60 day notice entitled “Data Collection Related to Institutions and Organizations,” as part of the Department’s effort to fulfill its responsibilities under Executive Orders 13279 “Equal Protection of the Laws for Faith-Based and Community Organizations,” and Executive Order 13280, “Responsibilities of the Department of Agriculture and the Agency for International Development With Respect to Faith-Based and Community Initiatives,” both issued on December 16, 2002, as well as the USDA final rule, “Equal Opportunity for Religious Organizations,” 69 FR 41375, July 9, 2004. EO 13279 charges the Department to give equal treatment to faith-based and community organizations (FBOs/COs) that apply to participate in the Department’s programs. Additionally, EO 13280 charges the Department to identify and eliminate regulatory, contracting, and other obstacles that prevent the full participation of FBOs/COs in the Department’s programs. The USDA final rule, “Equal Opportunity for Religious Organizations,” 69 FR 41375, published July 9, 2004, mandated equal treatment for faith-based organizations regarding participation in all USDA programs. The final rule, “Data Collection Related to Institutions and Organizations,” pertains to seven programs administered by FNS: 1) National School Lunch Program (NSLP), OMB# 0584-0006, expiration date 05/2012; 2) School Breakfast Program (SBP), OMB# 0584-0012, expiration date 05/2012 ; 3)

Summer Food Service Program (SFSP), OMB# 0584-0280, 01/2010; 4) Child and Adult Care Food Program (CACFP), OMB# 0584-0549, expiration date 07/2011; 5) Special Supplemental Nutrition Program for Women, Infants and Children (WIC), OMB# 0584-0043, expiration date 02/2012; 6) Commodity Supplemental Food Program (CSFP); and 7) The Emergency Food Assistance Program (TEFAP), OMB# 0584-0293, expiration date 11/2009. This rule consists of two provisions for each program, as set forth in the chart under #12(a) below. The first provision requires the collection of the following data elements: 1) the name of each organization that actually participates in the program; 2) the city/county in which the participating organization is located within the state; 3) the amount of funds provided to the participating organization, whether awarded, granted, contracted, or reimbursed; and, 4) the type of participating organization, e.g. government agency, educational institution, for-profit organization, non-profit organization/secular, non-profit organization/faith-based, and "other."

The second provision requires the reporting of this information to FNS on or before August 31 of each year showing the data for the preceding fiscal year. This would only apply for fiscal years 2006 – 2009, with report due dates of August 31, 2007 – 2010. The data collected will enable FNS to identify the faith-based and community organizations participating in Federal nutrition assistance programs, determine the level of their participation, ensure that FNS' programs are open to all eligible organizations, and evaluate the effectiveness of its technical assistance and outreach efforts.

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

This information is used by FNS to help determine whether faith-based and community organizations are being treated equally with secular organizations in the local agency application and selection processes of State agencies.

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

FNS is committed to complying with the E-Government Act 2002, by providing electronic submissions of information in lieu of paper whenever possible. FNS encourages its State agency partners to offer electronic submission to local agencies whenever it is feasible. This data collection involves the use of automated, electronic, mechanical, or other technological collection techniques to the extent chosen by the State agencies collecting the information. FNS estimates that 100% of the State agencies will respond electronically to this data collection.

4.) Describe efforts to identify duplication.

There is no similar data collection available. Every effort has been made to avoid duplication. FNS has reviewed USDA reporting requirements, state administrative agency reporting requirements, and special studies by other government and private agencies. FNS solely administers the school meal programs. The information required for *collection* is reported to State Agencies on a regular basis in a standardized form and should make it unnecessary for State agencies to contact organizations for this data.

5.) Impact on small business or other small entities.

An impact is not expected for small businesses or other small entities. Although some of the local agencies, sponsors, institutions and eligible recipient agencies may be small entities; this information collection is not expected to impact them because State agencies may collect this information from existing State agency records. FNS estimates that zero State agencies are considered small entities.

6.) Consequence if the collection is not conducted or is conducted less frequently.

If this data collection is not continued, FNS will be hampered in its efforts to fully meet the requirements established by the aforementioned executive orders and regulations.

Discontinuation of this data collection would jeopardize the reliability of the information and would compromise the ability of FNS to accurately ascertain whether FBOs/COs are being treated in an equal manner in the programs. This would undermine the aforementioned executive orders and regulations which mandate equal treatment for such organizations.

7.) Circumstance that cause information collection to be conducted in a manner inconsistent with 5 CFR 1320.5.

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

8.) Provide a copy and identify the date and page number of publication in the Federal Register of the Agency's notice, required by CFR 1320.8(d).

A 60day Notice was published in the *Federal Register* on July 15, 2009; at 74 FR 34295. No comments were received. FNS holds quarterly meetings with FNS regions to obtain feedback on requirements. FNS continues to make updates to address State agencies needs or concerns regarding the programs' standardized forms.

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

No payment or gift will be offered to respondents.

10.) Assurance of confidentiality provided to respondents.

The Department will comply with the Privacy Act of 1974. The data will be collected in aggregate form and respondents will not be identified individually.

11.) Justification for any questions of a sensitive nature.

No sensitive questions will be asked in this data collection.

12.) Estimates of the hour burden of the collection of information.

The burden hour calculation of 115, 421 hours reflects the fact that SBP and NSLP respondents overlap. In other words, most School Food Authorities that participate in the SBP also participate in the NSLP. And, since data is being collected for both programs, three of the four data elements being collected will be the same.

The requested burden hours associated with this collection and the cost to respondents, are shown in the chart below. Time estimates include the time needed to look up data or copy recorded information and submit it to FNS. There is no recordkeeping burden associated with data collection.

Table A12.1 – Annual Burden Estimates and Annualized Cost to Respondents

Programs	Number of Respondents	No. Responses Per Respondent	Annual Responses per Respondent	Hours Per Response	Annual Burden Hours	Total Respondent Costs*
National School Lunch Program						
§ 210.23(d)(1)	57	364	20,748	2	41,496	\$922,041.12
§ 210.23(d)(2)	57	1	57	0.5	29	\$644.38
School Breakfast Program						
§ 220.13(l)(1)	57	290	16,530	1	16,530	\$367,296.60
§ 220.13(l)(2)	57	1	57	0.25	14	\$311.08
Summer Food Service Program						
§ 225.18(i)(1)	53	71	3,763	2	7,526	\$167,227.72
§ 225.18(i)(2)	53	1	53	0.5	27	\$599.94
Child and Adult Care Food Program						
§ 226.25(g)(1)	55	386	21,230	2	42,460	\$943,461.20
§ 226.25(g)(2)	55	1	55	0.5	28	\$622.16
Special Supplemental Nutrition Program for Women, Infants and Children						
§ 246.26(h)(1)	53	35	1,855	2	3,710	\$82,436.20
§ 246.26(h)(2)	53	1	53	0.5	27	\$599.94
Commodity Supplemental Food Program						
§ 247.29(d)(1)	35	4	140	2	280	\$6,221.60
§ 247.29(d)(2)	35	1	35	0.5	18	\$399.96
The Emergency Food Assistance Program						
§ 251.10(i)(1)	56	29	1,624	2	3,248	\$72,170.56
§ 251.10(i)(2)	56	1	56	0.5	28	\$622.16

Total No. of Respondents: 57
 Total Annual Responses: 66,256
 Average Hours Per Response: 1.99
 Total Annual Burden: 115,421

* At \$22.22 per burden hour, including overhead costs, office supplies, etc. This rate was obtained from the U.S. Department of Labor, Bureau of Labor Statistics, National Compensation Survey: Occupational Wages in the United States.

13.) Provide an estimate of the total annual cost burden to respondents

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

14.) Estimates of annualized costs to the Federal government.

FNS staff developed the information collection instructions for the State agencies. FNS staff will compile the resulting data. Estimated costs are provided in Table A14.1.

Table A14.1 – Estimated Annualized Cost to the Federal Government

Activity	Hours	Cost Estimate (hourly rate)
Preparation of OMB information collection package	20	\$794.00 (\$39.70) ¹
Send Instructions to Regions and State Agencies	5	\$198.50 (\$39.70) ¹
Compile Data	40	\$1888.40 (\$47.21) ²
Total Cost		\$2,880.90

¹Hourly rate for GS-12/Step5 staff; ²Hourly rate for GS-13/Step 5 staff

15.) Explain the reasons for any program changes or adjustments.

This is an extension of a currently approved data collection.

16.) Collection of information whose results will be published.

There are no plans to publish a compilation of the results from this information collection. The results will only be used to assess compliance by each State agency.

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.

FNS is not seeking approval to not display the OMB approval number and the expiration date on this information collection.

18.) Explain each exception to the certification statement identified in Item 19.

There are no exceptions to the certification statement.

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