



February 23, 2021

United States
Department of
Agriculture

Food and
Nutrition
Service

1320 Braddock
Alexandria, VA
22314

MEMORANDUM

TO: Jordan Cohen
Desk Officer
Office of Information and Regulatory Affairs, OMB

THRU: Maureen Lydon
Chief of the Planning and Regulatory Affairs Office (PRAO)
Food and Nutrition Service

Ruth Brown
Office of the Chief Information Officer
United States Department of Agriculture

FROM: Cindy Long
Acting Administrator
Food and Nutrition Service

SUBJECT: Emergency Approval of New Information Collection for Implementation of the Child Nutrition Emergency Operational Costs Reimbursement Programs

The Food and Nutrition Service (FNS) of the United States Department of Agriculture (USDA) is requesting emergency approval under the Paperwork Reduction Act (PRA) to collect information associated with implementation of the Child Nutrition Emergency Operational Costs Reimbursement Programs outlined in Sec. 722 of the Consolidated Appropriations Act, 2021 (the Act). The Act authorizes FNS to offer additional funds to State agencies administering the National School Lunch Program (NSLP), School Breakfast Program (SBP), and the Child and Adult Care Food Program (CACFP) to provide local operators of those programs with additional reimbursements for emergency operating costs they incurred during the COVID-19 public health emergency. To participate in these reimbursement programs, State agencies must opt-in by submitting an application and implementation plan to FNS. The Act requires State agencies to opt into the reimbursement programs within 30 days of FNS's publication of guidance, or February 25, 2021.

OMB has established regulations for the emergency processing of information collection requests (ICR) at 5 CFR 1320.13^[1]. OMB can authorize Emergency Clearance for an information collection, for up to 6 months.

^[1] 5 CFR 1320.13(f) states that OMB will issue clearance for a maximum of 90 days. However, this provision was revised by P.L. 104-106, Sec. 5605, in 1996. The revision increased the maximum clearance to 180 days or 6 months.

FNS is requesting emergency Clearance for an information collection related to the Child Nutrition Emergency Operational Costs Reimbursement Programs. The information is required by statute and is needed to distribute funds to State agencies so they are able to provide emergency funds to local Child Nutrition Program operators. FNS can attest that the collection of information is:

- Needed sooner than OMB clearance can be granted under normal procedures;
- Essential to the mission of the agency; and

The agency cannot reasonably comply with normal clearance procedures because:

- Using normal clearance procedures is reasonably likely to cause FNS to miss a statutory-ordered deadline.

Emergency funding for local operators is needed immediately due to financial losses associated with the public health emergency. Waiting for the normal clearance process to take place would put emergency funding at risk for thousands of local Child Nutrition Program operators.

Maureen Lydon, Chief
Planning and Regulatory Affairs Office
Office of Policy Support, FNS/USDA

Cindy Long, Acting Administrator
Food and Nutrition Service
United States Department of Agriculture