

TO: Dominic Mancini
Deputy Director
Office of Management and Budget

THROUGH: Levi S. Harrell
Departmental Clearance Officer
Office of the Chief Information
Officer

FROM: Erin Morris
Associate Administrator
Agricultural Marketing Service

SUBJECT: Request for Emergency Approval of New Information Collection under a
New Program for Dairy Donations

The Agricultural Marketing Service (AMS) is requesting emergency clearance and review through 5 CFR 1320.13 for a new information collection for the Dairy Donation Program. This information collection is a result of the Consolidated Appropriations Act of 2021, Section 762 (Public Law 116-260), which directs the U.S. Department of Agriculture (USDA) to establish a program to reimburse dairy organizations for donated dairy products to non-profit organizations for distribution to recipient individuals and families. The Interim Final Rule outlines the provisions of the new Dairy Donation Program (DDP), codified at 7 CFR part 1147, including the process entities must undergo to participate and receive reimbursement. Program provisions are intended to encourage the donation of dairy products and to prevent and minimize food waste.

AMS will publish an Interim Final Rule (IFR) in August 2021. The Rule will be effective one-day following publication and there is a 60-day comment period on the information collection portion. The Program was part of a package of programs authorized in COVID relief legislation and Congress instructed the Program be implemented within 60 days of enactment of the bill, December 27, 2020. Multiple industry stakeholders and lawmakers have urged AMS to begin approving Plans and issuing reimbursements for donated dairy products to address widespread waste of U.S. milk due to the ongoing COVID-19 pandemic and the excess milk supply that typically occurs during spring flush season. Approving Plans and issuing reimbursements are crucial to incentivizing excess milk to be processed into dairy products for donation rather than being dumped. Eligible dairy organizations can submit Plans to AMS to be approved or disapproved within 15 business days of receipt. Any time after Plan approval, entities can submit Claim Forms to receive reimbursement for donated products.

There are forms associated with this IFR to be approved by the Office of Management and Budget. The collection of information through these forms submitted by eligible dairy organizations will enable AMS to calculate the appropriate reimbursement value, as well as perform its compliance and oversight responsibilities.

AMS will comply with information collection and recordkeeping requirements by submitting this action to OMB for emergency review and approval while the forms receive OMB's approval for a six-month period. AMS believes this emergency clearance request should be granted since

the agency will not be able to reasonably comply with the normal clearance procedures under the PRA because the use of normal clearance procedures is reasonably likely to prevent or disrupt the collection of information that is necessary to administer the DDP. If the emergency clearance is not granted, it is reasonably likely that excess milk will not be processed into donated dairy products and that reimbursement for eligible dairy organizations will be delayed.

In compliance with OMB regulations (6 CFR 1320), which implemented the Paperwork Reduction Act of 1995 (Pub. L. 104-13), AMS will submit a 60-day notice on this information collection to the Federal Register for publication and public comment.

Attached are the OMB-83-I, the Supporting Statement, and AMS-71.

Attachments