

CHILD AND ADULT CARE FOOD PROGRAM

OMB CLEARANCE NUMBER 0584-0055

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1. Circumstances making the collection of information necessary.

This is a revision of a currently approved collection. FNS plans to merge with OMB# 0584-0055, Child and Adult Care Food Program (CACFP), the burden hours associated with OMB# 0584-0078, FNS-44, Report of the Child and Adult Care Food Program, expiration date 8/31/2012, and will discontinue OMB# 0584-0078 once these burden hours have been approved by OMB.

Section 17 of the National School Lunch Act, as amended (42 U.S.C. 1766), authorizes the CACFP. Under this program, the Secretary of Agriculture is authorized to provide cash reimbursement and commodity assistance, on a per meal basis, for food service to children in nonresidential child care centers and family or group day care homes, and to eligible adults in nonresidential adult day care centers. The U.S. Department of Agriculture, through the Food and Nutrition Service (FNS), has established application, monitoring, recordkeeping, and reporting requirements to manage the Program effectively, and ensure that the legislative intent of this mandate is responsibly implemented.

The information collected is necessary to enable institutions wishing to participate in the CACFP to submit applications to the administering agencies, execute agreements with those agencies, and claim the reimbursement to which they are entitled by law. The information collected also ensures that institutions accept, as mandated by Congress, their responsibilities and liabilities in connection with the CACFP, and provide the legal basis for their participation. Some information collected is essential to conduct reviews which determine whether or not institutions are observing the

requirements of the Program established by regulations and statute. It is also necessary for administering agencies to monitor these operations to ensure compliance with legislative and regulatory requirements.

The Food and Nutrition Service (FNS) published a final rule on April 1, 2010 (75 CFR 16325) to amend CACFP regulations to implement provisions from the Agricultural Risk Protection Act of 2000. The final rule aligned CACFP regulations to statutory provisions that provide an additional meal for at-risk children through age 18 who are participating in afterschool programs in eligible States. There is no new burden as a result of this final rule. The effective date of this final rule is May 3, 2010.

2. Purpose and use of the information.

The purpose is to obtain approval to continue the information collection. States and service institutions participating in the CACFP will submit to FNS account and record information reflecting their efforts to comply with statutory and regulatory Program requirements. Part 226 sets forth policies and procedures for use by State agencies and local level organizations administering the CACFP to ensure that institutions meet the standards for participation under Section 17 of the National School Lunch Act. The information collected is used by FNS and State agencies administering the Program to determine eligibility of institutions to participate in the CACFP, ensure acceptance of responsibility in managing an effective food service, implement systems for appropriating Program funds, and ensure compliance with all statutory and regulatory requirements. Serious legal and accountability questions would be raised if the collection of information for the

CACFP were not conducted. Each State Agency (SA) reports the number of meals served in connection with the CACFP via the Form FNS-44 and submits quarterly SF-425 Financial Status Report, formerly FNS-269, on the use of program funds. The SF-425 captures administrative costs; however, it is our understanding that the burden for SF-425 is included under OMB# 0348-0061 expiration 10/31/2011. We estimate that FNS burden for CACFP is 220 hours.

3. Use of information technology and burden reduction.

Although FNS is committed to compliance with the E-Government Act the recipient organization may use their information technologies to collect this information where feasible, family day care home providers, and some sponsored day care centers, submit information to sponsoring organizations and sponsoring organizations submit information to their respective State agencies. FNS has no authority to regulate automation at the local level. To the extent possible, agencies within the recipient organization are encouraged to use their information technologies to collect this information where feasible.

The information is collected for use in administering an ongoing food assistance program. Each SA and institution must be prepared to establish, through appropriate records, that it has complied with Program policies and regulations. Since each State agency and institution's performance (i.e. number of meals or supplements served) determines the amount of Federal funds it will receive, each respondent's performance must be determined individually. Thus, the information described in this supporting statement pertains to transactions between the Food and Nutrition Service (FNS) and the primary recipient organization, and between the primary recipient and its sub-recipients. It

is not collected to identify the characteristics of the universe of potential respondents. All 55 State agencies participating in the CACFP transfer their completed FNS-44 and SF-425 forms to FNS electronically via the Food Programs Reporting System (FPRS) at <https://www.FPRS.fns.usda.gov>. Approximately one percent of this data collection is submitted electronically.

4. Efforts to identify duplication and use of similar information.

Each organization administering or operating the CACFP is requested to report information on its program results. No State or local organization collects this same information for other Federal agencies, as applications, agreements, review forms and claims for other programs are not applicable to the CACFP. Applying for participation in the CACFP and executing an agreement to operate it does not involve a duplication of effort.

Similar data is not available to fulfill these requirements. Applications, agreements, review forms, records, and reports used in the administration and operation of other child nutrition programs authorized under the National School Lunch Act and the Child Nutrition Act of 1966 are not applicable to the CACFP.

5. Impacts on small businesses or other small entities.

Information being requested or required has been held to the minimum required for the intended use. Although smaller CACFP entities are involved in this data collection effort, they delivered the same program benefits and perform the same function as any other CACFP entity. Thus, they maintain the same kinds of information on file. FNS estimates that 8 percent of our respondents are

small entities, approximately 183,120 respondents.

6. Consequences of collecting the information less frequently.

The information is collected for the purpose of administering an ongoing program. Collecting data less frequently would not allow FNS to properly monitor program funding, statutory & regulatory compliance and program trends.

7. Special circumstance relating to guidelines in 5 CFR 1320.5.

Part 226, Section 226.7(d) requires States to submit the FNS-44, Report of the Child and Adult Care Food Program, no later than 90 days following the last day of the month covered by the report. States are reimbursed on a monthly basis for participating in the CACFP. Therefore, quarterly collections are not adequate.

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

8. Comments in response to the Federal Register Notice and efforts to consult outside agency.

A 60-day notice was published in the Federal Register 75 FR 2475, Vol. 75, No. 10 on January 15, 2010. No comments were received related to this revision of a currently approved burden collection.

FNS consults with Regional Offices regarding any proposed changes as the result of legislative, regulatory or administrative changes. Regional offices are in constant contact with State agencies and provided feedback on FNS processes and procedures for this information collection.

9. Explanation of any payment or gift to respondents.

No payment or gift was provided to respondents.

10. Assurance of confidentiality provided to respondents.

The Department will comply with the Privacy Act of 1974.

11. Justification for sensitive questions.

There are no questions of a sensitive nature included in this clearance package.

12. Estimates of the hour burden including annualized hourly cost.

To estimate reporting and recordkeeping burdens for this submission, we analyzed each provision involving information collection to identify tasks necessary for compliance. We then identified the frequency with which a “typical” State or Local agency, sponsoring organization/Institution Level, Facility Level or Individual/Household Level performs each task or requirement and estimated the amount of time doing so.

In this instance, we recognize that no “typical” SA, sponsoring organization, etc., exists.

Therefore, our estimates must fairly represent the aggregate work generated by 55 different State

level, and approximately 21,000 different local level program management systems. For example, each SA carries out the process of approving claims and reimbursing institutions for meals served. We have attempted to make reasonable generalizations about the entire universe on the basis of the information available.

In making this analysis, we considered information about State and local operations drawn from our files and past experiences. The results of our analysis are presented in the attached worksheets.

REPORTING/RECORDKEEPING BURDEN HOURS

Currently 5,902,995 burden hours are approved for #0584-0055. FNS is requesting 7,032,870 burden hours (6,298,462 for reporting and 734,408 for recordkeeping) which is an increase of 1,129,875 hours.

• Reporting Burden Hours:	6,298,462
• <u>Recordkeeping Burden Hours:</u>	<u>734,408</u>
Total Burden Hours Requested	7,032,870

PUBLIC COST

To estimate public cost, we used hourly rate data for various levels of food service staff, as published by the U.S. Department of Labor, Bureau of Labor Statistics, 2008 and the U.S. Census Bureau, Statistical Abstract of the United States: 2008. The following shows the estimate of burden for reporting and recordkeeping:

Reporting

SA Level	=	263,556.950 hours	x \$20.40	\$ 5,376,562
Sponsor Level	=	3,489,041.536 hours	x \$14.73	\$ 51,393,582
Facility	=	2,378,457 hours	x \$13.29	\$ 31,609,694
Household	=	167,406.518 hours	x \$16.83	\$ 2,817,452
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TOTAL				\$91,197,290

Recordkeeping

SA Level	=	715 hours	x \$20.40	\$ 14,586
Sponsor Level	=	243,244.178 hours	x \$14.73	\$ 3,582,987
Facility	=	490,449 hours	x \$13.29	\$ 6,518,067
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TOTAL	=			\$ 10,115,640

Total Cost to Public: \$101,312,930.00

13. Estimate of other total annual cost burden to respondents or record keepers.

There is no start-up or annual maintenance costs for this collection of information.

14. Annualized cost to the Federal government.

We identified functions performed by FNSRO and Headquarters staff related to the CACFP and

obtained estimates of the number of staff hours spent performing these functions.

For FNSRO staff, we obtained data on the total staff time (for all programs) spent on each function.

We then allocated an appropriate portion of each of these functional burdens to CACFP. The estimated percentage of time spent performing duties involving CACFP matters are presented below.

FEDERAL COSTS OF CACFP - PERSONNEL				
(1)	(2)	(3)	(4)	(5)
Function	Done by	Total Staff Hours	CACFP Allocation Percentage	Portion to CACFP (3x4)
Professional Assistance to State Agencies	FNSRO	216,842	.33	71,558 hours
Drafting/Clearing Regulations	HQ	8,320	.70	5,824 hours
Policy Development Guidance	HQ	14,976	.45	6,739 hours
TOTAL				84,121 hours

Using the 2009 Federal Wage Salary Tables, we estimated the salary rate is \$29.00 per hour (the average hourly salary for a GS 11/12 which is the grade level of staff who performs these functions). Our computations are:

Salaries (84,121 hours x \$29.00/hour)	\$2,439,509.0
10 % for Administrative overhead (10% x \$2,439,509)	\$ 243,950.9

Total Federal Cost

\$2,683,459.90

15. Explanation of program changes or adjustments.

This is a revision of a currently approved information collection. The current burden inventory is 5,902,995. We are requesting 7,032,870 which is an increase of 1,129,875 hours. The increase in burden hours is the result of regulatory provisions included in the information collection that were not included in previous renewals and there were also adjustments made in the frequency of reporting and recordkeeping requirements. In addition, FNS plans to merge OMB #0584-0078, Report of the Child and Adult Care Food Program, FNS-44 form into this collection. There are 1,980 burden hours in this inventory; of which, 1,320 we plan to merge into this data collection. This is a decrease in 660 burden hours due to previous miscalculations for FNS-44.

16. Plans for tabulation and publication and project time schedule.

There are no plans to publish the results of this collection of information for statistical use. The collection does not employ statistical methods.

17. Reasons that display of OMB expiration date is inappropriate.

We are not seeking approval concerning the display of the expiration date.

18. Exceptions to certification for Paperwork Reduction Act submissions.

There are no exceptions to the certification statement.