

CHILD AND ADULT CARE FOOD PROGRAM

OMB CLEARANCE NUMBER 0584-0055

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1. Explain the 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.

This is a revision of currently approved collection. Section 17 of the National School Lunch Act, as amended (42 U.S.C. 1766), authorizes the Child and Adult Care Program (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.

2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current 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 (SA) 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 SAs 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. The purpose and respondent type for each instrument is detailed in the attached Burden Narrative. All 56 SAs participating in the CACFP transfer their completed FNS-44 and SF-425 forms to FNS electronically via the Food Programs Reporting System (FPRS).

3. 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.

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 SAs. 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 SA 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 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 56 SAs participating in the CACFP transfer their completed FNS-44 and SF-425 forms to FNS electronically via the Food Programs Reporting System (FPRS). Approximately 100% of this data collection is submitted electronically.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purpose described in item 2 above.

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. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.

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 70% of sponsors or 14,278 sponsors, and 100% of facilities, approximately 166,585 facilities, are considered small entities. An estimated 176,784 of the respondents are small entities.

6. 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 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. Explain any special circumstances that would cause an information collection to be conducted in a manner that is inconsistent with 5 CFR 1320.5:

- **requiring respondents to report information to the agency more often than quarterly;**

The following sections of the CFR require respondents to report information to the agency more often than quarterly. States are reimbursed on a monthly basis for participating in the CACFP.

Therefore, quarterly collections alone are not adequate.

Section of Regulation / Form	Title	Annual Reporting (Required or Average received per respondent)
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STATE AGENCY LEVEL		
226.6(b)	Notify institution of approval or disapproval of application within 30 days of receipt of a complete application	15
	Notice of serious deficiency to participating institutions	10
	Submit copies of serious deficiency notices to FNSRO	10
226.6(c)(8)(C)(ii)	Provide FNSRO the required information of each day care home provider terminated for cause	12
226.6(d)(3)(vii)(D)	Provide day care home sponsors a listing of State-funded programs, participation in which by a parent or child will qualify a meal served to a child in a tier II home for the tier I rate of reimbursement.	16
226.6(f)(1)(vii)	Provide day home sponsoring organizations a list of elementary schools in which at least one-half of the children enrolled receive free/reduced price meals	16
226.6(f)(1)(vii)(D)	Provide day care home sponsoring organizations a listing of State-funded programs that qualify participants in Tier II homes for Tier I reimbursement	16
226.6(f)(3)(iii)	Provide census data to day care home sponsoring organizations	15
226.6(f)(1)(viii)(A)	SAs administering CACFP provide listing of eligible schools to sponsoring organizations	15
226.6(k)(4)(i)	Annually submit admin review (appeal) procedures to all institutions	356
226.6(n)	Report findings of irregularities investigations	21
226.7(d)(FormFNS-44)	Submit CACFP Report to FNS 30 and 90 days following the month being reported	24
226.7(k)	Claims processing	12
226.10(e)	Final Claim for Reimbursement postmarked and/or submitted to the State agency not later than 60 days following the last day of the full month covered by the claim.	12
226.14	Notify institution of disallowed claim and demand repayment	35
SPONSOR/INSTITUTION LEVEL		
226.6(f)(1)(iii)	Submit current eligibility information on enrolled participants to be used to calculate reimbursement rate	12
226.10 and 226.15(i)	Report to SA number of meals claimed for reimbursement	12
FACILITY LEVEL		

226.11(c); 226.17(b)(9) and 226.17a(p)	Submit daily meal count records to sponsoring organizations monthly	12
226.13 (d)(1) thru (3) & 226.18 (e)	Day care home providers submit daily meal counts to sponsors monthly	12

- **requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
- **requiring respondents to submit more than an original and two copies of any document;**
- **requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;**
- **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;**
- **requiring the use of a statistical data classification that has not been reviewed and approved by OMB;**
- **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**

- **requiring respondents to submit proprietary trade secret, or 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.**

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. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, 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.

A 60-day notice was published in the Federal Register FR Vol. 78, No. 100, p 30846 on May 23, 2013. No comments were received related to this revision of a currently approved burden collection.

- **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 form, and on the data elements to be recorded, disclosed, or reported.**

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 SAs and provided feedback on FNS processes and procedures for this information collection.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

No payment or gifts are provided to respondents.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

The Department complies with the Privacy Act of 1974. No confidential information is associated with the burden related to the analysis, implementation, record maintenance and reporting by the State agency to FNS.

11. 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.

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

12. Provide estimates of the hour burden of the information collection. The statement should include:

- **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 in Item 13 of OMB Form 83-I.**

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 56 different State Agency 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 Burden Table and summarized below.

Burden Summary (Reporting and Recordkeeping):

Estimated Number of Respondents: 2,365,104

Estimated Number of Responses per Respondent: 2.307355

Estimated Total Annual Responses: 5,456,969

Estimate Time per Response: 0.409539 hrs

Estimated Total Annual Burden: 2,234,840 hrs

Current OMB Inventory for Part 226: 7,032,960 hrs

Difference (change in burden with this renewal): - 4,798,120 hrs

	Estimated # Respondents	Responses Per Respondent	Total Annual Responses (Col. DxE)	Estimated Avg. # of Hours Per Response	Estimated Total Hours (Col. FxG)	Previously Approved	Due to Adjustment	Due to Program Change	Total Difference
Total Reporting Burden	2,365,104	2.01	4,755,764	0.35	1,670,085	6,298,552	-4,628,817	350	-4,628,467
Total Recordkeeping Burden	187,039	3.75	701,205	0.81	564,755	734,408	-169,653	0	-169,653
TOTAL BURDEN FOR #0584-0055	2,365,104	2.31	5,456,969	0.41	2,234,840	7,032,960	-4,798,470	350	-4,798,120

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

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

((<http://www.bls.gov/bls/wages.htm>), 2012 and the U.S. Census Bureau, Statistical Abstract of

the United States: 2012. The following shows the estimate of burden for reporting and recordkeeping:

Reporting

SA Level	=	7, 749 hours	x \$24.62	\$ 190,790.55
Sponsor Level	=	597,870 hours	x \$14.73	\$ 8,806,629.16
Facility	=	883,686 hours	x \$13.29	\$ 11,744,186.94
Household	=	180,779 hours	x \$16.83	\$ 3,042,51
TOTAL				\$23,784,123.87

Recordkeeping

SA Level	=	308 hours	x \$24.62	\$ 7,582.96
Sponsor Level	=	64,692 hours	x \$14.73	\$ 952,913.16
Facility	=	499,755 hours	x \$13.29	\$ 6,641,743.95
TOTAL	=			\$ 7,602,240.07
Total Cost to Public:				\$31,386,363.94

13. Provide estimates of the total annual cost burden to respondents or record keepers resulting from the collection of information, (do not include the cost of any hour burden shown in items 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.**

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

14. Provide estimates of annualized cost to the Federal government. Also, 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.

We identified functions performed by FNS Regional Office (FNSRO) and Headquarters (HQ) 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	HQ	8,320	.70	5,824 hours

Regulations				
Policy Development Guidance	HQ	14,976	.45	6,739 hours
TOTAL				84,121 hours

Using the 2012 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. Explain the reasons for any program changes or adjustments reported in item 13 or 14 of the OMB 83-I.

This is a revision of a currently approved collection. This revision made many adjustments to reporting and record keeping burden hours. These adjustments included: recalculation of time required to complete existing program tasks in light of advanced State agency technology and process simplification (e.g., State agency application and renewal processes now computerized and completed online; State agency claims processing now electronic; memos and regulatory updates posted on State agency websites, etc.); and corrections to certain burden tasks since last renewal (previous burden included administrative burden or other incorrect totals by error). Additionally, the number of respondents for each of the respondent types have changed due to

changes in participation in the CACFP program. These adjustments resulted in a burden decrease of -4,798,470 hours and an increase of 543,183 responses. Two program changes were included for burden previously omitted from the ICR. The program changes resulted in a burden increase of 350 hours and increase of 9,198 responses.

Current OMB inventory for this collection is 7,032,960 hours. As a result of adjustments and program changes, burden was significantly reduced by 4,798,120 hours and annual responses increased by 552,381 since the last renewal.

16. For collections of information whose results are planned to be published, outline plans for tabulation and publication.

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

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.

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

18. Explain each exception to the certification statement identified in Item 19 "Certification for Paperwork Reduction Act."

There are no exceptions to the certification statement.