

**CHILD NUTRITION PROGRAM INTEGRITY**

**OMB CLEARANCE NUMBER 0584-New**

**RIN 0584-AE08**

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### **Attachments**

- A. Burden Chart for 0584-New Child Nutrition Program Integrity Rule
- B. Estimate of the Information Collection Burden for the Child Nutrition Program Integrity Rule

## **A. JUSTIFICATIONS**

### **A1. 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 new collection, though once OMB approval is complete the Food and Nutrition Service (FNS) will merge the burden hours with OMB control number 0584-0055 titled, “7 CFR Part 226 Child and Adult Care Food Program” expiration date September 30 , 2016; with OMB control number 0584-0280 titled, “7 CFR Summer Food Service Program” expiration date March 31, 2016; and with OMB control number 0584-0006 titled, “7 CFR Part 210 National School Lunch Program” expiration date March 31, 2016. The Healthy, Hunger-Free Kids Act of 2010 (HHFKA) , made significant changes for improving the management of the Child Nutrition Programs, including, the National School Lunch Program (NSLP), the Special Milk Program for Children, the School Breakfast Program, and the Summer Food Service Program (SFSP), the Child and Adult Care Food Program (CACFP) and State Administrative Expense Funds. The Department is proposing to establish criteria for imposing assessments against State agencies and program operators who jeopardize the integrity of any Child Nutrition Program; establish procedures for termination and disqualification of entities in the SFSP; modify State agency site review requirements in the CACFP; establish State liability for reimbursements incurred as a result of a State’s failure to conduct timely hearings in the CACFP; establish criteria for increased State audit funding for CACFP; establish procedures to prohibit the participation of entities or individuals terminated from any of the Child Nutrition Programs; and establish serious deficiency and termination procedures for unaffiliated sponsored centers in the CACFP. In

addition, this rule would make several operational changes to improve oversight of an institution's financial management and would also include several technical corrections to the regulations. The proposed rule is intended to improve the integrity of all Child Nutrition Programs.

The information collection and reporting burden included in this rule is necessary to ensure State agency compliance with legislative and regulatory requirements contained in HHFKA.

These programs are administered by the Food and Nutrition Service as mandated by the Richard B. Russell National School Lunch Act (NSLA), as amended (42 U.S.C. 1751, et seq.), and the Child Nutrition Act of 1966, as amended (42 U.S.C. 1771, et seq.).

## **A2. Purpose and Use of the Information**

**Indicate how, by whom, and for what purpose the information is to be used. Except for new collection, indicate the actual use the agency has made of the information received from the current collection.**

The purpose of this data collection associated with the proposed rulemaking is to comply with the requirements of the HHFKA Public Law 111-296. 53 SFSP State agencies establish procedures for termination and disqualification of entities in the SFSP; 54 CACFP State agencies modify site review requirements in the CACFP; establish State liability for reimbursements incurred as a result of a State's failure to conduct timely hearings in the CACFP; establish criteria for increased State audit funding for CACFP; establish procedures to prohibit the participation of entities or individuals terminated from any of the Child Nutrition Programs; establish serious deficiency and termination procedures for unaffiliated sponsored

centers in the CACFP; and establish requirements for 56 State agency and 19,822 School Food Authority staff in the NSLP to maintain records documenting their compliance with procurement training requirements.

### **A3. Use of the Information Technology and Burden Reduction**

**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.**

FNS is committed to complying with the E-Government Act, 2002 to promote the use of the Internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes. All 53 SFSP State agencies, 54 CACFP State agencies and United States territories, and 56 NSLP State agencies that administer these programs, one hundred percent (100%), submit required information electronically to FNS.

### **A4. Efforts to Identify Duplication.**

**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.**

There is no similar data collection available. Every effort has been made to avoid duplication. FNS has reviewed USDA reporting requirements and state administrative agency requirements. FNS solely administers and monitors the Child Nutrition Programs.

**A5. Impacts on Small Business or Other Small Entities.**

**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 State agencies are involved in this data collection effort, they deliver the same program benefits and perform the same function as any other State agency. Thus, they maintain the same kinds of information on file. FNS estimates that 1-3 percent of the respondents are considered small entities.

**A6. Consequences of Collecting the Information Less Frequently.**

**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.**

Collecting information less frequently may result in the delayed allocation of Federal funds. If the information collection is not conducted or is conducted less frequently, FNS would not be able to ensure compliance, nor allocate and reimburse claims in a timely manner.

**A7. Special Circumstances Relating to the Guidelines of 5 CFR 1320.5**

**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;**
- **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.

**A8. Comments to the Federal Register: Notice and Efforts for Consultation.**

**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 Federal Register Notice is embedded in the Proposed Rule, Child Nutrition Program Integrity published in the Federal Register. Comments will be addressed in the final rule.

**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 State agencies which provide feedback on FNS processes and procedures that may impact them.

**A9. Explain Any Decision to Provide Any Payment of Gift to Respondents  
Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.**

No payment or gift will be provided to respondents.



#### **A10. Assurances of Confidentiality Provided to Respondents**

**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 this information collection.

#### **A11. Justification for Any Questions of Sensitive Nature**

**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 information collection.

#### **A12. Estimates of the Hour Burden of the Collection of Information**

**Provide estimates of the hour burden of the collection of information. 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.**

The estimated average number of respondents for this rule is 54 CACFP, 53 SFSP State agencies, 56 NSLP State agencies and 19,822 SFAs. The following tables reflect burden

associated with the information collection requirements. FNS estimated the burden hours for reporting and recordkeeping for implementation of State agency disqualification procedures for SFSP sponsors and CACFP unaffiliated sponsors in addition to State agency plans for additional audit funds. FNS also estimated the burden hours for recordkeeping to establish procurement training requirements for State agency and School Food Authority staff in the NSLP.

**Estimated Annual Burden for 0584-New, Child Nutrition Programs Integrity**

**CACFP – 7 CFR Part 226**

Affected Public: State Agencies

Estimated Number of Respondents: 54

Estimated Number of Responses per Respondent: 39.29

Estimated Total Annual Responses: 2,122

Estimate Time Per Response: 2.4345

Estimated Total Annual Burden: 5,166

<b>CACFP Reporting</b>						
	Section	Estimated Number of Respondents	Frequency of Response	Average Annual Responses	Average Burden per response	Annual Burden Hours
State agencies submit plan to FNS for additional audit funding	226.4(j)	8	1	8	4	32
Notices of serious deficiency to unaffiliated	226.6(m)(3)(ix)	54	4	216	8	1,728

centers and RPIs and copy to FNS						
Submit notices of disqualification to unaffiliated centers and RPIs and copy to FNS	226.6(c)(8)(ii)	54	2	108	8	864
Provide FNS the required information of each service site/sponsor terminated for cause	226.6(i)(C)(ii)	54	2	108	2	216
Submit a written request for an administrative review to the appropriate FNS regional office within 10 days of receipt of request.	226.6(k)(5)(ii)	54	5	270	.25	67.5

**CACFP Recordkeeping**

	Section	Estimated Number of Respondents	Frequency of Response	Average Annual Responses	Average Burden per Response	Annual Burden Hours
State Agencies are required to maintain a list that includes a synopsis of information concerning seriously deficient unaffiliated centers, institutions and providers terminated for cause in that State	226.6(m)	54	1	54	.5	27
State agencies are required to maintain		54	20	1080	2	2160

records for reviewing Sponsoring organizations exceeding 100 facilities and conduct activities other than the CACFP, or are at risk of having serious management problems every two years	226.6(l)(6)(ii)					
State agencies are required to maintain a plan for additional audit funds	226.4(j)	8	1	8	.5	4
State agencies are required to maintain a written request for an administrative review	226.6(k)(5)(ii)	54	5	270	.25	67.5
<b>Total of Reporting and Recordkeeping CACFP</b>						
		<b>Est. No. of Respondents</b>	<b>No. of Responses per Respondent</b>	<b>Total Annual Responses</b>	<b>Est. Total Hours per Response</b>	<b>Est. Total Burden</b>
	Reporting	54	13	710	4.095	2907.5
	Recordkeeping	54	27	1,412	1.60	2258.5
	<b>Total</b>	<b>54</b>	<b>39.296</b>	<b>2,122</b>	<b>2.435</b>	<b>5,166</b>

**With OMB approval, 0584-NEW CACFP burden will be merged to OMB Control Number 0584-0055.**

**SFSP – 7 CFR Part 225**

Affected Public: State Agencies

Estimated Number of Respondents: 53

Estimated Number of Responses per Respondent: 21

Estimated Total Annual Responses: 1,113

Estimate Time Per Response: 6.214

Estimated Total Annual Burden: 6,916.5

<b>SFSP Reporting</b>						
	<b>Section</b>	<b>Estimated Number of Respondents</b>	<b>Frequency of Response</b>	<b>Average Annual Responses</b>	<b>Average Burden per Response</b>	<b>Annual Burden Hours</b>
Notices of serious deficiency to institution and RPIs and copy to FNS	7 CFR 225.11(d)	53	10	530	8	4,240
Submit notices of disqualification to institution and RPIs and copy to FNS	225.11(h)	53	5	265	8	2,120
Provide FNS the required information of each service site/sponsor terminated for cause	225.11(h)	53	5	265	2	530

<b>SFSP Recordkeeping</b>						
	<b>Section</b>	<b>Estimated Number of Respondents</b>	<b>Frequency of Response</b>	<b>Average Annual Responses</b>	<b>Average Burden per Response</b>	<b>Annual Burden Hours</b>
Maintain a State	7 CFR	53	1	53	.5	26.5

<b>SFSP Recordkeeping</b>						
	Section	Estimated Number of Respondents	Frequency of Response	Average Annual Responses	Average Burden per Response	Annual Burden Hours
agency list that includes a synopsis of information concerning seriously deficient institutions and RPIs terminated for cause in that State	225.11(i)					
<b>Total of Recordkeeping and Reporting SFSP</b>						
		Est. No. of Respondents	No. of Responses per Respondent	Total Annual Responses	Est. Total Hours per Response	Est. Total Burden
Reporting		53	20	1060	6.5	6890
Recordkeeping		53	1	53	.5	26.5
<b>Total</b>		<b>53</b>	<b>21</b>	<b>1,113</b>	<b>6.214</b>	<b>6916.5</b>

**With OMB approval, 0584-NEW SFSP burden will be merged to OMB Control Number 0584-0280.**

### **NSLP-7 CFR Part 210**

Affected Public: State Agencies and School Food Authorities

Estimated Number of Respondents: 19,878

Estimated Number of Responses per Respondent: 1.0000

Estimated Total Annual Responses: 19,878

Estimate Time Per Response: .20

Estimated Total Annual Burden: 3,978

	Section	Est. No. of Respondents	No. of Responses per Respondent	Total Annual Responses	Est. Total Hours per Response	Est. Total Burden
<b>NSLP Reporting</b>						
State Agencies		0	0	0	0	0
<b>NSLP Recordkeeping</b>						
	Section	Est. No. of Respondents	No. of Responses per Respondent	Total Annual Responses	Est. Total Hours per Response	Est. Total Burden
State agencies must maintain records to document compliance with the procurement training requirements	210.15(b)(8)	56	1	56	.25	14
School food authorities must maintain document compliance with the procurement training requirements	210.21(h)	19,822	1	19,822	.2	3964.4
<b>Total of Reporting and Recordkeeping NSLP</b>						
		Est. No. of Respondents	No. of Responses per Respondent	Total Annual Responses	Est. Total Hours per Response	Est. Total Burden

					<b>se</b>	
Reporting*		0	0	0	0	0
Record keeping		19,878	1	19,878	.20	3,978.4
<b>Total</b>		<b>19,878</b>	<b>1.0</b>	<b>19,878</b>	<b>.20</b>	<b>3,978</b>

\* There is no reporting burden associated with procurement training requirements for State agency and SFA staff in the NSLP.

**With OMB approval, 0584-NEW NSLP burden will be merged to OMB Control Number 0584-0006.**

<b>ICR #0584-XXXX CN Integrity Rule - Grand Total</b>					
	<b>Estimated # Respondents</b>	<b>Responses Per Respondent</b>	<b>Total Annual Responses (Col. BxC)</b>	<b>Estimated Avg. # of Hours Per Response</b>	<b>Estimated Total Hours (Col. Dx E)</b>
<b>Reporting</b>					
State Agency Level	54	33	1,770	5.535	9,797.5
<b>Reporting Total</b>	<b>54</b>	<b>33</b>	<b>1,770</b>	<b>5.535</b>	<b>9,797.5</b>
<b>Recordkeeping</b>					
State Agency Level	56	27	1,521	1.512	2,299.0
School Food Authority Level	19,822	1	19,822	0.20	3,964.4
<b>Recordkeeping Total</b>	<b>19,878</b>	<b>1.074</b>	<b>21,343</b>	<b>0.293</b>	<b>6,263.4</b>
<b>TOTAL BURDEN</b>	<b>19,878</b>	<b>1.163</b>	<b>23,113</b>	<b>0.69</b>	<b>16,061</b>

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

The estimate of respondent cost is based on the burden estimates and utilizes the U.S.

Department of Labor, Bureau of Labor Statistics, May 2014 National Occupational and Wage

Estimates Statistics, Occupational Group 25-0000 (<http://www.bls.gov/bls/wages.htm>). The

hourly mean wage (for education-related occupations) for functions performed by State agency



staff is estimated at \$25.10 per staff hour.

TOTAL COST TO THE PUBLIC = 16,061 hours X \$25.10 per hour = \$ 403,131.10.

**A13. Estimates of Other Total Annual Cost Burden**

**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 is no start-up, operating or annual maintenance costs associated with this information collection.

**A14. Provide Estimates of Annualized Cost to the Federal Government**

**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.**

It is estimated that federal employees receiving an average General Schedule (GS) grade 12 step 6 wage based on the Washington DC-Northern Virginia locality area (2016 Federal Wage Salary Tables) will take approximately 80 hours to analyze data received from State agencies:

\$43.32 x 80 hrs = \$3,465.60 (estimated annualized cost to the Federal Government)

**A15. Explanation of Program changes or Adjustments**

**Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB 83-I.**

This is a new collection. As a result of program changes associated with this proposed rulemaking, the information collection will add: 2,907.5 reporting burden hours and 2,258.5 recordkeeping hours for a total of 5,166 burden hours for the CACFP; 6,890 reporting burden hours and 26.5 recordkeeping burden hours for a total of 6,916.5 burden hours for the SFSP and; 3978.4 recordkeeping burden hours in the NSLP. The total burden for this ICR submission is 16,061 hours and 23,113 annual responses.

**A16. Plans for Tabulation, and Publication and Project Time Schedule.**

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

This collection does not employ statistical methods and there are no plans to publish the results of this collection for statistical analyses.

**A17. Displaying the OMB Approval Expiration Date**

**If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.**

The agency plans to display the expiration date for OMB approval of the information collection on all instruments. We are not seeking approval concerning the display of the expiration date.

**A18. Exception to the certification statement identified in Item 19**

**Explain each exception to the certification statement identified in Item 19**

**"Certification for Paperwork Reduction Act."**

There are no exceptions to the certification statement.