

7 CFR PART 215 - SPECIAL MILK PROGRAM FOR CHILDREN

OMB CLEARANCE NUMBER 0584-0005

REVISION OF A CURRENTLY APPROVED COLLECTION

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Table of Contents

A1. Circumstances that make the collection of information necessary 3

A2. Purpose and Use of the Information 3

A3. Use of information technology and burden reduction5

A4. Efforts to identify duplication 5

A5. Impacts on small businesses or other small entities 6

A6. Consequences of collecting the information less frequently 6

A7. Special circumstances relating to the Guidelines of 5 CFR 1320.5 7

A8. Comments to the Federal Register Notice and efforts for consultation8

A9. Explain any decisions to provide any payment or gift to respondents 9

A10. Assurances of confidentiality provided to respondents 9

A11. Justification for any questions of a sensitive nature 9

A12. Estimates of the hour burden of the collection of information9

A13. Estimates of other total annual cost burden 13

A14. Provide estimates of annualized cost to the Federal government 13

A15. Explanation of program changes or adjustments 14

A16. Plans for tabulation, and publication and project time schedule15

A17. Displaying the OMB Approval Expiration Date15

A18. Exceptions to the certification statement identified in Item 19 16

Attachments

- A. Screen Prints for Form FNS-66B Special Milk Program Application, Agreement Policy Statement and Special Milk Program Site Data from the ROAP system.
- B. Excel Burden Chart for 0584-0005 Special Milk Program for Children

C. Burden Narrative for 0584-0005 Special Milk Program for Children

A. JUSTIFICATION

- 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 information collection is a revision of a currently approved collection for the Special Milk Program for Children (SMP). This program is administered by the Food and Nutrition Service. Section 3 of the Child Nutrition Act (CNA) of 1966 (P.L. 89-642, as amended; 42 U.S.C. 1772) authorizes the Special Milk Program for Children. It provides for appropriation of such sums as may be necessary to enable the Secretary of Agriculture, under such rules and regulations as the Secretary may deem in the public interest, to encourage consumption of fluid milk by children in the United States in (1) nonprofit schools of high school grade and under, and (2) nonprofit nursery schools, child care centers, settlement houses, summer camps, and similar nonprofit institutions devoted to the care and training of children, which do not participate in a food service program authorized under the CNA or the National School Lunch Act (NSLA). Section 10 of the CNA requires the Secretary of Agriculture to “prescribe such regulations as the Secretary may deem necessary to carry out this Act and the Richard B. Russell National School Lunch Act”. Pursuant to that provision, the Secretary has issued 7 CFR Part 215, which sets forth policies and procedures for the administration and operation of the SMP. State and local operators are required to meet Federal reporting and accountability 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.

This information collection is required to administer and operate this program in accordance with the NSLA. The Special Milk Program (SMP) is administered at the State, school food authority (SFA), and child care institution levels; and the operations include the submission of applications and agreements, submission and payment of claims, and maintenance of records.

The FNS-66B form was previously used by a Regional Office Administered Program (ROAP) to collect application data for institutions to participate in the Special Milk Program in States that do not administer the Program. The ROAP uses a web-based electronic system which replaces the use of this form. The ROAP system is covered under OMB control # 0584-0284 (expiration date 04/30/2016). FNS is removing the outdated form from this information collection. However, the information requirement that was previously collected via this paper form and is now collected electronically through the ROAP system (the application and agreements under 7 CFR 215.7(d)) remains in this collection and its associated reporting and recordkeeping burden are included in the burden for this collection. Screen prints from the ROAP system are included in Attachment A. Additionally, State agencies are required to report program data using forms FNS-10 and FNS-777. The reporting burden associated with these reports is associated with the information collection for the Food Programs Reporting System (FPRS), OMB control #0584-0594, expiration date 6/30/2017 and is no longer associated with this information collection. The recordkeeping burden is still maintained in this collection.

- 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.**

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 54 State agencies and United States territories that administer this program submit some program and financial data electronically to FNS through the Food Program Reporting System (FPRS) at <https://fprs.fns.usda.gov/>. The burden for the data reported in FPRS on the FNS-10 and FNS-777 is included in the information collection for the Food Programs Reporting System (FPRS), OMB control #0584-0594, expiration date 6/30/2017, and is not associated with this collection to avoid duplicate burden. State agencies collect participation and meal count information from School Food Authorities via their own electronic systems. As noted above in Section A.2, ROAP uses a web-based electronic system to collect application data for institutions participating in the Special Milk Program in some States. FNS estimates that all of the information submitted in this collection is collected electronically (whether via FPRs, State agency systems, or ROAP).

- 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.**

There is no similar information collection. Every effort has been made to avoid duplication. FNS has reviewed USDA reporting requirements and state agency requirements. FNS solely administers and monitors the SMP.

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 SFAs record fewer financial transactions involving the SMP, they deliver the same program benefits and perform the same function as any other SFA. Thus, they maintain the same kinds of information on file. FNS estimates that 98% of 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. Applications can be accepted and agreements executed at any time, although SFAs generally execute agreements at or shortly before the beginning of each school year. SFAs submit claims for reimbursement for every month they operate the SMP because funds for SMP are budgeted on a fiscal year basis. If the data is collected less frequently, FNS would not be able to properly reimburse schools and institutions in a timely manner to allow them to properly administer the program. In addition, data reporting would be delayed and the timely monitoring of program funding and program trends would be affected.

7. 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;**

SFAs and child care institutions submit claims for reimbursement for every month they operate the SMP because funds for SMP are budgeted on a fiscal year basis.

- **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 on April 29, 2015, Vol. 80, No. 82, pages 23765-23766. The comment period ended June 29, 2015 and no comments were received.

- **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 provides feedback on FNS processes and procedures for the information collection.

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

No payment or gift was 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 this information.

- 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 information collection.

- 12. 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 number of respondents for this information collection is 3,933 (54 State agencies and 3,879 school food authorities and non-profit child care institutions).

The reporting burden for State agencies (SAs) includes requesting funds from the USDA to reimburse Program claims from the SFAs and childcare institutions. It also includes the submission of a monthly claim for reimbursement; however, the burden for this report is included in the information collection for the Food Program Reporting System (FPRS), OMB Control #0584-0594. The reporting burden for SFAs and child care institutions includes the submission of an application and agreement to operate the Program.

The recordkeeping burden for SAs includes: maintaining documentation to support payment of Program claims for reimbursement, maintaining applications and agreements with SFAs and child care institutions, maintaining documentation related to compliance reviews and Program assistance, and maintaining records of actions taken on disallowed claims. The recordkeeping burden for SFAs includes: maintaining Program records to support claims for reimbursement and compliance with procurement requirements.

The estimated total annual burden for this information collection is 14,914 hours. FNS is requesting a decrease in the burden hours for reporting and recordkeeping resulting from adjustments and corrections in the number of institutions and the amount of burden per response. The following tables and Attachment B reflect the estimated burden associated with the information collection for each type of respondent.

ESTIMATED ANNUAL BURDEN FOR 0584-0005,
SPECIAL MILK PROGRAM FOR CHILDREN 7 CFR PART 215

Reporting						
Reporting Burden	Citation	Estimated Number of Respondents	Frequency of Response	Average Annual Responses	Average Burden per Response	Annual Burden Hours
SAs submit requests to FNS for funds to reimburse SFAs and childcare institutions	7 CFR 215.5(a)	54	24	1,296	0.25	324
SFAs and institutions submit an application and agreement to SA	7 CFR 215.7(d)	3,879	1	3,879	0.25	970
Total Reporting Burden 0584-0005, Part 215		3,933	---	5,175	---	1,294

Recordkeeping						
Recordkeeping Burden	Citation	Estimated Number of Respondents	Frequency of Response	Average Annual Responses	Average Burden per Response	Annual Burden Hours
SAs maintain applications and agreements submitted by SFAs and institutions	7 CFR 215.7	54	71.83	3,879	0.10	388
SAs maintain records of compliance reviews and Program assistance	7 CFR 215.11(b)	54	5	270	0.20	54
SAs maintain records to support reimbursement payments and	7 CFR 215.11(c)	54 54	24 862	1,296 46,548	0.10 0.10	130 4,655

reports submitted to FNS.						
SAs maintain records of action taken on disallowed claims	7 CFR 215.12	54	2	108	0.33	36
SAs maintain records of audits and Management Evaluations	7 CFR 215.13(a)	54	1	54	0.26	14
SFAs maintain Program records to support monthly claims for reimbursement	7 CFR 215.7	3,879	10	38,790	0.20	7,758
SFAs maintain procurement records	7 CFR 215.14(a)	2,931	1	2,931	0.20	586
Total Recordkeeping Burden 0584-0005, Part 215		3,933	---	93,876	---	13,620
TOTAL REPORTING AND RECORDKEEPING BURDEN		3,933		99,051		14,914

SUMMARY OF BURDEN (OMB #0584-0005) 7 CFR PART 215	
TOTAL NO. RESPONDENTS	3,933
AVERAGE NO. RESPONSES PER RESPONDENT	25.1845
TOTAL ANNUAL RESPONSES	99,051
AVERAGE HOURS PER RESPONSE	0.1506
TOTAL BURDEN REQUESTED	14,914
CURRENT OMB INVENTORY	21,246
DIFFERENCE (CHANGE IN BURDEN WITH THIS RENEWAL)	(6,332)

# Respondents	# Responses Per Respondent	Total Annual Responses	Hours Per Response	Total Annual Burden
3,933	25.1845	99,051	0.1506	14,914

- **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 Employment and Wage Statistics, Occupational Group (25-0000) (http://www.bls.gov/oes/current/oes_nat.htm). The hourly mean wage (for education-related occupations) for functions performed by State agency and local education agency staff are estimated at \$25.10 per staff hour.

TOTAL COST TO THE PUBLIC = 14,914 hours X \$25.10 = \$374,341.40

- 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 is no start-up, operating, or annual 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.**

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 take approximately 54 hours to analyze data received from State agencies:

$\$42.70 \times 54 \text{ hours} = \$ 2,305.80$ (estimated annualized cost to the Federal government).

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

This is a revision of a currently approved data collection. The currently approved burden inventory for this collection is 21,246 hours. Due to corrections to the estimates to more accurately reflect updated numbers of respondents, records, and burden time per response, the estimated annual burden is 14,914, a reduction of 6,332 hours. The estimated total number of annual responses has increased due to restoring the previous removal of recordkeeping burden for the FNS-10 which must remain with this information collection as well a correction for previously not including all respondents for submitting applications. The current total number of responses is 85,751. FNS estimates the new total number of responses as 99,051, which is an increase of 13,300 responses.

As previously noted, burden has also been adjusted to reflect the following changes in the reporting burden: reduction of 104 hours due to an adjustment in the estimated time to request funds for claims, removal of 311 hours of duplicate burden that was transferred to the Food Program Reporting System (FPRS), removal of 156 hours of reporting burden due to an overestimated frequency of occurrence of suspended or terminated programs requiring a grant close-out (which rarely occur), an increase of 955 hours of reporting burden to account for all schools and institutions participating, and removal of 5,569 hours

of reporting burden for audits that rarely occur. Changes to the recordkeeping burden include the following: removal of 2,814 hours of recordkeeping burden due to a reduction in the number of SFAs and CCIs from 5,569 to 3,879, removal of 687 hours of recordkeeping burden due to correct the number of compliance reviews performed annually, removal of 420 hours of recordkeeping burden to correct the number of annual claims, removal of 4,983 hours of recordkeeping burden to correct the number of SFAs and the amount of time for procurement of milk, and reinstating 7,758 hours of recordkeeping burden removed in the previous renewal when transferring the FNS-10, however, recordkeeping burden must remain with this information collection.

These changes are also summarized in the burden narrative (Attachment C).

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

There are no plans to tabulate or publish any information in connection with this information collection.

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.

The agency will display the expiration date for OMB approval of the information collection as required.

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.