

SUPPORTING STATEMENT - PART A for

OMB Control Number 0584-NEW:

Child Nutrition Emergency Operating Costs Reimbursement Programs

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A1. 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.

Pursuant to Section 722 of P.L. 116-260, the Consolidated Appropriations Act, 2021, Title VII, Chapter 3 (the Act), the Food and Nutrition Service (FNS) is offering additional funds to State agencies administering the National School Lunch Program (NSLP), School Breakfast Program (SBP), and the Child and Adult Care Food Program (CACFP) to provide local operators of those programs with additional reimbursements for emergency operating costs they incurred during the COVID-19 pandemic. To participate in these reimbursement programs, State agencies must opt-in by submitting an application and implementation plan to FNS. The Act requires State agencies to opt into the reimbursement programs within 30 days of FNS's publication of guidance, or February 25, 2021.

This submission seeks emergency OMB approval of activities associated with administering the Child Nutrition Emergency Operational Costs Reimbursement Programs. The Food and Nutrition Service (FNS) cannot reasonably comply with the normal clearance procedures under the PRA because complying would delay the agency's ability to provide emergency funds to local child nutrition operators and would put FNS out of compliance with statutory deadlines. As such, we request expedited approval of this information collection.

A2. Purpose and Use of the Information.

Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate how the agency has actually used the information received from the current collection.

This is a request for a new OMB control number. The information collection is necessary to ensure that FNS complies with statutory deadlines and that Child Nutrition local operators financially impacted by COVID-19 receive emergency funding.

Child Nutrition Emergency Operational Costs Reimbursement Programs

Pursuant to Section 722 of P.L. 116-260, the Consolidated Appropriations Act, 2021, Title VII, Chapter 3 (the Act), the Food and Nutrition Service (FNS) is offering additional funds to State agencies administering the National School Lunch Program (NSLP), School Breakfast Program (SBP), and the Child and Adult Care Food Program (CACFP) to provide local operators of those programs with additional reimbursements for emergency operating costs they incurred during the COVID-19 pandemic. These additional funds will be provided by way of two temporary reimbursement programs, the *School Programs Emergency Operational Costs Reimbursement Program* and *Child and Adult Care Food Program Emergency Operational Costs Reimbursement Program*.

These reimbursement options provide additional funding for local Child Nutrition Program operators whose revenues declined or were temporarily interrupted during the early months of the pandemic due to COVID-19 related restrictions and closures. Throughout this exceptionally challenging time, program operators experienced widespread and significant gaps in funding, and in many cases were forced to expend their savings, draw funds from other sources, and cut or even suspend operations. The relief provided by these reimbursements is intended to help address such shortfalls and ensure that program

operators are in the best position to rebuild while continuing to serve their communities.

State agencies choosing to participate in these reimbursement programs shall provide local level operators administering the school meal programs and/or CACFP reimbursements for emergency operating costs incurred during the months of March – June 2020. The amount of funding provided to each program operator will be determined using a statutory formula established under the Act and described in FNS guidance (Appendix C). States that choose to participate must implement the program statewide, with equal access for all eligible program operators.

Upon receipt of reimbursement funds, State agencies will disburse formula-calculated payments to eligible program operators based on an implementation plan submitted by the State agency, which is subject to approval by FNS. Funding allocations will remain available to State agencies until September 30, 2021; after this date, no additional obligations may be incurred by the State. However, State agencies may continue to distribute reimbursement funds that they received from FNS prior to this deadline to their program operators. Liquidation of State level obligations must occur by January 31, 2022 consistent with Government-wide grant rules. No later than March 31, 2022, any remaining unexpended funds must be recovered by the State agency and returned to FNS. FNS does not anticipate recoveries from program operators, as funds provided to such entities will be considered expended upon receipt.

To receive funding under either of these reimbursement programs, State agencies must

submit an application (Appendix D) to FNS no later than February 25, 2021, which, at a minimum, establishes their intent to participate in one or both programs, and contains a narrative plan for how they will calculate and disburse funding to program operators. Subsequently, the State will be required to complete an implementation plan for one or both programs (Appendices E and F) by providing FNS with supplemental information no later than April 26, 2021, which includes:

- 1) An estimate of the number of program operators eligible for payments, organized by recipient type (i.e., school food authority, day care home sponsoring organizations, etc.);
- 2) An estimate of total funding amount needed by the State agency in order to effect such payments, organized by reimbursement month;
- 3) Any substantive updates to the process by which payments are calculated and disbursed to program operators, if applicable;
- 4) A projected timeline for disbursement of payments to program operators;
- 5) A narrative description of how the State agency will accomplish the following:
 - Ensure the accuracy of payment calculations;
 - Notify program operators of payments; and
 - Collect and document summary information on the use of these funds by the State and each program operator.
- 6) Assurance statements for standard program monitoring and recordkeeping requirements

Once FNS has approved a State's implementation plan(s), FNS will disburse funds to the State agencies to allocate to the appropriate local operators.

A3. Use of 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.

In compliance with E-Government Act of 2002 (E-Gov), State agencies have the authority to use the technology that best suits the needs of their individual or unique systems of operation to comply with the reporting requirements contained in this submission. FNS has made every effort to provide for electronic submission as an alternative to paper submission in compliance with the E-Gov and these responses will be collected 100 percent electronically.

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 purposes described in Question 2.

The Child Nutrition Emergency Operational Costs Reimbursement Programs are new programs authorized through Section 722 of P.L. 116-260, the Consolidated Appropriations Act, 2021, Title VII, Chapter 3. The information requested from State agencies as required by the Act is for the sole purpose of implementation and distribution of these one time programs and funds.

Because the statutory formula to calculate funds distribution is unique to these new programs, State agencies are not able to use already existing information but may use data they currently have to make the calculations for emergency funding amounts.

A5. Impacts on small businesses or other small entities.

If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-I), describe any methods used to minimize burden.

This collection does not have a direct impact on small businesses or other small entities. State agencies administer Child Nutrition Programs at the State level and collect the necessary data to ensure correct administration of the programs at the local level. Of the 69 Child Nutrition State agency respondents, none are 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.

FNS would be unable to comply with statutory requirements set forth in Section 722 of P.L. 116-260, the Consolidated Appropriations Act, 2021, Title VII, Chapter 3 if this collection is not conducted. Additionally, local Child Nutrition operators would not receive the emergency funds provided to them in the Act.

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

Explain any special circumstances that would cause an information collection to be conducted in a manner:

- **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, required by 5 CFR 1320.8 (d), 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. Specifically address comments received on cost and hour burden.

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 format (if any), and on the data elements to be recorded, disclosed, or reported.

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years even if the collection of information activity is the same as in prior years. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

Because this is an emergency clearance request and all State partners are operating at maximum capacity on COVID-19 related matters, FNS has not consulted on this information collection or associated burden estimates. Should an ongoing information collection be needed following the expiration of this emergency IC, FNS commits to consulting on those prior to submitting the full information collection.

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

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

No payments or gifts are provided to respondents under this collection.

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 and has no confidentiality or privacy concerns with this information collection. FNS is collecting information on how the State agency will distribute emergency funding to local Child Nutrition operators and is not collecting confidential information in this information collection.

A11. Justification for any questions of a 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.

No private or sensitive questions will be asked.

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

Provide estimates of the hour burden of the collection of information. Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated.

A. 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.

FNS expect 69 State agencies will choose to participate in the Child Nutrition Emergency Operational Costs Reimbursement Programs. To do so, State agencies will need to create and submit 1) an opt-in application 2) a CACFP implementation plan and/or 3) a School Programs implementation plan which includes the process they will use to calculate and distribute

emergency funds to local Child Nutrition operators. The table below demonstrates the estimated frequency and burden associated with activities associated with submitting information associated with the Child Nutrition Emergency Operating Costs Reimbursement Program to FNS.

The total requested burden hours for this collection is 1,234 See table below for calculations.

Respondent Category	Instruments	Form	Number of respondents	Frequency of response	Total Annual responses	Hours per response	Annual burden (hours)
State Agencies	State Agency Opt-In Application		69	1	69	1.5	103.5
	State Agency Implementation Plan - CACFP		69	1	57	10	570
	State Agency Implementation Plan - School Programs		69	1	56	10	560
Grand Total			69	1	182	7.167	1,234

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

Child Nutrition information collection requirements described herein are imposed primarily on State agency staff. Standard wage rate categories used in determining annualized burden costs were based on the most recent Bureau of Labor Statistics (BLS) Occupational Employment and Wages Statistics data from May 2019, using the corresponding occupation code 11-9151, Social and Community Services Managers¹. According to the most recent BLS data, workers in this occupation earn a mean wage rate of \$35.92 per hour. When this wage is fully loaded (wage +

¹ <https://www.bls.gov/oes/current/oes119151.htm>

wage*.33) States would incur an annualized administrative cost of \$47.77 per hour burden in the information collection. $\$47.77 * 1,234$ burden hours equals \$58,924.30 cost to respondent.

A summary of annualized costs for the collection is shown in the table below. A detailed calculation is included in the Burden Table (Appendix A).

Respondent	Cost
State Agencies	\$58,924.30
Total	\$58,924.30

A13. Estimates of other total annual cost burden.

Provide estimates of the total annual cost burden to respondents or recordkeepers resulting from the collection of information, (do not include the cost of any hour burden shown in questions 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.

FNS does not expect any additional annual cost burden to respondents or recordkeepers.

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

Provide estimates of annualized cost to the Federal government. 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.

The Federal cost assumes it will take Regional or National Office staff (GS-13 Step 1) approximately 5 hours to review and approve each State agency opt-in application and implementation plan .

This includes Federal worker time at FNS for the following:

	Hours	Hourly Wage Rate*	Total
GS-13/1 Program Analyst	1,475	\$49.19	\$72,555.25

+ 33% for Staff Fringe Benefits	\$23,943.23
Total Federal Cost	\$96,498.48

*Wage rates determined in accordance with the Office of Personnel Management salaries and wages information (https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/20Tables/html/DCB_h.aspx)

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 Form 83-I.

This submission is a new information collection request as a result of a program change required by statute. These one-time funds and the application process associated with them are new to Child Nutrition Programs and will add 1,234 hours of burden to OMB’s inventory.

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.

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

Explain each exception to the certification statement identified in Item 19 of the OMB 83-I" Certification for Paperwork Reduction Act."

FNS does not have any exceptions to the certification statement.