SUPPORTING STATEMENT FOR

OMB CONTROL NUMBER 0584-0584

CHILD AND ADULT CARE FOOD PROGRAM (CACFP)

NATIONAL DISQUALIFIED LIST

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A- FNS-843 Report of Disqualification from Participation – Institution and Responsible Principals/Individuals

B- FNS-844 Report of Disqualification from Participation – Individually Disqualified Responsible Principal/Individual or Day Care Home Provider

C- 7 CFR 226.6(c)(7)(i)

D- Authorizing Statute: National School Lunch Act (42 U.S.C. 1766 (d)(5)(E)(i) and (ii))

E-Comment and Response #1 NCA

F-Comment and Response #2- Betsy Hovis

G-Burden Chart

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 collection collects the information necessary to maintain the National Disqualified List (NDL) of institutions, day care home providers, and individuals that have been terminated or otherwise disqualified from participation in the Child and Adult Care Food Program (CACFP). These federal requirements affect eligibility under the CACFP. State agencies will be required to enter data as institutions and individuals become disqualified from participating in the CACFP. This collection is the result of a Food and Nutrition Administration(FNA) web-based system constructed to update and maintain the list of disqualified institutions and individuals so that no State agency or sponsoring organization may approve any entity on the NDL to ensure the integrity of the Program.

Section 243(c) of Public Law 106-224, the Agricultural Risk Protection Act of 2000, amended section (42 U.S.C. 1766 (d)(5)(E)(i) and (ii)) (Attachment D) of the Richard B. Russell National School Lunch Act (NSLA) by requiring the Department of Agriculture to

maintain a list of institutions, day care home providers, and individuals that have been terminated or otherwise disqualified from Child and Adult Care Food Program participation. The law also requires the Department to make the list available to State agencies for their use in reviewing applications to participate and to sponsoring organizations to ensure that they do not employ as principals any persons who are disqualified from the program. This statutory mandate has been incorporated into §226.6(c)(7)(i) of the Program regulations (Attachment C).

2. 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 collection is a reinstatement, without change, of the currently approved collection. The purpose of this collection is to comply with Section 243(c) of Public Law 106-224, the Agricultural Risk Protection Act of 2000, that amended section 17(d)(5) of the NSLA (42 U.S.C. 1766 (d)(5)(E)(i) and (ii)) by requiring the Department of Agriculture to maintain a list of institutions, day care home providers, and individuals that have been terminated or otherwise disqualified from Child and Adult Care Food Program participation. The law also requires the Department to make the list available to State agencies for their use in reviewing applications to participate and to sponsoring organizations to ensure that they do not employ as principals any persons who are disqualified from the program. It is mandatory for the state agencies to provide the information necessary to maintain the

National Disqualified List.

Forms FNS-843 Report of Disqualification from Participation – Institution and Responsible Principals/Individuals and FNS-844 Report of Disqualification from Participation – Individually Disqualified Responsible Principal/Individual or Day Care Home Provider are used to collect and maintain this data (Attachments A and B). The state agencies use these forms to report the disqualification information, such as name, address, contact information, and the reason for the disqualification on all individuals and institutions that have been disqualified and are therefore ineligible to participate in CACFP. The information is collected from state agencies as the disqualifications occur so that the list is kept current. By maintaining this web-based system, the Department ensures program integrity by making the NDL data available to sponsoring organizations and State agencies so that no one disqualified can participate in CACFP.

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.

FNA is complying with the E-Government Act of 2002. The NDL is a web-based system which allows the 56 State agencies administering the CACFP to enter the disqualification

information into the system which notifies the FNA Regional Office staff that will approve or deny the submission. Sponsoring organizations are able to search the system to ensure that new applicants have not been disqualified from the Program. Out of the total 1,568 responses for this collection, FNA estimates that 100% of the disqualification reports will be filed electronically.

Burden Reduction Efforts

There is no burden reduction with this collection.

4. 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.

There is no similar information collection. There is no other system that captures and maintains a nationwide list of people and institutions disqualified from participating in CACFP. There is no burden reduction.

5. 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.

Information being requested has been held to the minimum required for the intended use. State agencies are not considered small entities as state populations exceed the 50,000

threshold for a small government jurisdiction; therefore, they do not meet the definition of ''small entity'' in the Regulatory Flexibility Act. None 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.

This is an ongoing mandatory information collection that is required under the statute. The information is collected at the national level to ensure State agencies and sponsoring organizations have access to a nationwide list of individuals and institutions that have been disqualified and terminated from participation and are no longer eligible to be approved to participate in CACFP to ensure program integrity. This information is for the purpose of administering an ongoing program and is collected from the state agencies as the disqualifications occur. If the information is not collected or is collected less frequently, State agencies would not be able to prevent individuals and institutions disqualified in other States from being approved to participate in the Child Nutrition Programs.

7. 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;**

The NSLA requires that a list of individuals and organizations be made available to State

agencies and sponsoring organizations to ensure that no institution, individual or day care home provider previously disqualified participates in the Program. Submissions are made in "real time" when disqualifications occur rather than a required monthly or quarterly report to ensure that the NDL is kept current.

- **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. As 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.

A notice was published in the Federal Register on June 16, 2026, 91 FR 36108 on page 36108. The comment period closed on August 17, 2026. Three comments were received (Attachments E and F).

1. The National CACFP Association (NCA) commented that they approve of the continuation of the NDL but suggests changes to the current regulatory serious deficiency process. No specific comments regarding cost or burden.
2. A resident of Indiana commented that she supports the collection of information on the NDL to maintain integrity. She suggested that rather than analyzing the number of minutes to complete the NDL forms we include time allotted for verifying records and resolving inconsistencies. This burden is already captured in the Federal Register Notice for Agency Information Collection Activities: Child and Adult Care Food Program (89-FR 68577) (CACFP OMB Control Number 0584-0055), expiration date 10/31/2027.
3. An anonymous commenter suggested changes to the functionality in the NDL and Program requirements for state agencies though did not comment on the burden or cost. The commenter also requested that additional information be allowed to be uploaded into the NDL.

- **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 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.**

FNS recently reached out to stakeholders to obtain feedback on FNS processes and procedures for this information collection. We received opinions from State agency staff from three regions. All State agency staff reported the system was very effective in ensuring program integrity by identifying those who have been disqualified from participating in the CACFP. Most reported that the NDL was easy to use and that they received effective training to use the system. One user reported that the State agency list should be combined with the NDL and that the NDL include the Summer Food Service Program. Another user reported that although the system is effective is its purpose, that older records occasionally presented a problem because it did not contain all the information, like whether or not a debt was owed.

Included as part of the survey was 1.) Meghan Tshida (Meghan.tschida@ode.oregon.gov), Manager, Community Nutrition Programs, Oregon Department of Education 2.) Lisa

Smith, (Lisa.Smith@nebraska.gov), Director - Child and Adult Care Food Program Nutrition Services, Nebraska Department of Education and 3.) Tashae Williams (Tashae.Williams@LA.GOV), Administrative Program Specialist, Louisiana Department of Education.

9. 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.

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. E-authentication level 2 clearance is required prior to granting access to the NDL (additional information can be found in the SORN, USDA/OCIO-2 eAuthentication Service, which was published in the Federal Register on March 14, 2012 (77 FR 15024)). Data/Information/entries are stripped of Personally Identifiable Information data prior to sponsoring organizations viewing the data. Access to the records is limited to those individuals who process the applications. Access to the electronic files is restricted to those who have authorized access to the network and have the necessary password to access the information.

The SORN for this system, which is USDA/FNS-11: Information on Persons Identified as Responsible for Serious Deficiencies, Proposed for Disqualification, or Disqualified to Participate as Principals or Family Day Care Home Operators in the Child and Adult Care Food Program (CACFP), was published in the Federal Register on February 12, 2004 (69 FR 6933). It states that FNS will disclose information from this system of records on individuals who have been disqualified from participation in the CACFP to every agency, whether State or FNS that administers the CACFP directly in the States or at the Federal level, and to every sponsoring organization participating in the program. The information will be available to the State agency directors and staff members, who make decisions about application approval or termination from participation in the program or, in the case of sponsoring organizations, make hiring decisions or submit applications for approval of family day care home operators to the State agency. As indicated on the corresponding 83-I, this ICR request any personally identifiable information. That information is limited to name, date of birth and address for eAuthentication level two users. In addition, this ICR includes forms that require a Privacy Act Statement as required by 5 U.S.C. §552a(e)(3). The USDA Privacy Officer, Deea Coleman, reviewed the ICR package on 03/05/2026, and recommended approval of the request.

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 data collection.

The USDA Privacy Officer, Deea Coleman, reviewed the ICR package on 03/05/2026, and recommended approval of the request.

12. 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.

- **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.**

This information collection has 56 respondents, 1,568 responses, and 784 burden hours (Attachment G). The respondents are all of the State agencies that administer CACFP. Based on an annual average, a State agency will place approximately 6 institutions and 22 individuals on the NDL for a total of 1,568 total responses. It is estimated that each response will take 30 minutes (0.50 hours) to complete. Estimated total reporting burden hours totals 784 hours. The recordkeeping burden associated with maintaining documentation related to institutions and providers terminated for cause at the State agency level is captured under

the Information Collection for 7 CFR Part 226, Child and Adult Care Food Program (OMB Control Number 0584-0055), expiration date 10/31/2027. Therefore, the recordkeeping burden is not included in this collection to avoid double-counting that burden. The burden table below reflects the estimated burden associated with this information collection.

ESTIMATED ANNUAL BURDEN FOR CACFP National Disqualified List Forms FNS-843, FNS-844 (OMB #0584-0584)

Respondent Type	Burden Activities	Section	Forms	Estimated Number of Respondents	Frequency of Response	Average Annual Responses	Average Burden per Response	Annual Burden Hours
State Agency	The State agency creates, updates, and maintains a list of institutions, family day care home providers and individuals who have been terminated or otherwise disqualified from CACFP participation.	226.6(c)(8)	FNS-843	56	6	336	0.50	168
			FNS-844	56	22	1,232	0.50	616
State agency Level Reporting Totals				**56**	**28**	**1,568**	**0.50**	**784**

SUMMARY OF BURDEN (OMB #0584-0584)	
TOTAL NO. RESPONDENTS	56
AVERAGE NO. RESPONSES PER RESPONDENT	28
TOTAL ANNUAL RESPONSES	1,568
AVERAGE HOURS PER RESPONSE	0.50
TOTAL BURDEN HOURS	784

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

The respondent cost estimate is based on burden estimates utilizing the U.S. Department of Labor, Bureau of Labor Statistics May 2025 Occupational Employment and Wages

(Occupational Group 25-0000) (https://www.bls.gov/oes/current/oes250000.htm). The hourly mean wage (education-related occupation) for functions performed by State agency staff are estimated at $31.15 per staff hour. The estimated base annual cost to respondents is $24,422 (784 hours X $ $31.15 per hour). To account for fully loaded wages, an additional 33% of the estimated base cost is added ($24,422 x .33) or $8,059. Therefore, the total cost to respondents is $32,481.

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 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.

There are no capital/start-up or annual operation/maintenance costs for this collection of information.

14. 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.

It is estimated that federal employees receiving an average General Schedule (GS) grade 12 step 6 wage based on the 2026 Washington, DC-Baltimore, MD-Arlington, VA locality area

hourly wage rates spend approximately 160 hours with NDL inquiries received from State agencies. The estimated base annualized cost is $9190 ($57.44 x 160 hours = $9190). To account for a fully-loaded wage rate, an additional 33% of the base annualized cost must be added ($9,190 x .33), which equals $3,033). Therefore, the estimated annualized cost to the Federal government is $12,223.

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

This is a reinstatement, without change, for a currently approved data collection. The burden for this collection remains unchanged at 56 respondents, 784 burden hours, and 1,568 responses.

16. 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 use.

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 plans to display the expiration date for OMB approval of the information collection on all instruments.

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

There are no exceptions to the certification statement.