

Notices

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This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Food and Consumer Service

Special Supplemental Nutrition Program for Women, Infants and Children (WIC): Poverty Income Guidelines

AGENCY: Food and Consumer Service, USDA.

ACTION: Notice.

SUMMARY: The Department announces adjusted poverty income guidelines to be used by State agencies in determining the income eligibility of persons applying to participate in the Special Supplemental Nutrition Program for Women, Infants and Children (WIC Program). These poverty income guidelines are to be used in conjunction with the WIC Regulations.

EFFECTIVE DATE: July 1, 1996.

FOR FURTHER INFORMATION CONTACT: Barbara Hallman, Branch Chief, Policy and Program Development Branch, Supplemental Food Programs Division, FCS, USDA, 3101 Park Center Drive, Alexandria, Virginia 22302, (703) 305-2730.

SUPPLEMENTARY INFORMATION:

Regulatory Flexibility Act

This action is not a rule as defined by the Regulatory Flexibility Act (5 U.S.C. 601-612) and thus is exempt from the provisions of this Act.

Paperwork Reduction Act

This notice does not contain reporting or recordkeeping requirements subject to approval by the Office of Management and Budget in accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3507).

Executive Order 12372

This program is listed in the Catalog of Federal Domestic Assistance Programs under No. 10.557 and is subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials (7 CFR Part 3015, Subpart V, 48 FR 29112).

Description

Section 17(d)(2)(A) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(d)(2)(A)) requires the Secretary of Agriculture to establish income criteria to be used with nutritional risk criteria in determining a person's eligibility for participation in the WIC Program. The law provides that persons will be eligible for the WIC Program only if they are members of families that satisfy the income standard prescribed for reduced price school meals under section 9(b) of the National School Lunch Act (42 U.S.C. 1758(b)). Under section 9(b), the income limit for reduced price school meals is 185 percent of the Federal Poverty Income Guidelines, as adjusted.

Section 9(b) also requires that these guidelines be revised annually to reflect changes in the Consumer Price Index. The annual revision for 1996 was published by the Department of Health and Human Services (DHHS) in the Federal Register on March 4, 1996 at 61 FR 8286. The guidelines published by DHHS are referred to as the poverty income guidelines.

Section 246.7(d)(1) of the WIC regulations specifies that State agencies may prescribe income guidelines either equaling the income guidelines

established under section 9(b) of the National School Lunch Act for reduced price school meals or identical to State or local guidelines for free or reduced price health care. However, in conforming WIC income guidelines to State or local health care guidelines, the State cannot establish WIC guidelines which exceed the guidelines established under section 9(b) of the National School Lunch Act for reduced price school meals, or which are less than 100 percent of the Federal poverty income guidelines. Consistent with the method used to compute eligibility guidelines for reduced price meals under the National School Lunch Program, the poverty income guidelines were multiplied by 1.85 and the results rounded upward to the next whole dollar.

At this time the Department is publishing the maximum and minimum WIC poverty income limits by household size for the period July 1, 1996 through June 30, 1997. Consistent with Section 17(f)(18) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(f)(18)), a State agency may implement the revised WIC income eligibility guidelines concurrently with the implementation of income eligibility guidelines under the Medicaid program established under title XIX of the Social Security Act (42 U.S.C. 1396 *et seq.*). State agencies that do not coordinate implementation with the revised Medicaid guidelines must implement the WIC income eligibility guidelines July 1, 1996. The first table of this notice contains the income limits by household size for the 48 contiguous States, the District of Columbia and all Territories, including Guam. Because the poverty income guidelines for Alaska and Hawaii are higher than for the 48 contiguous States, separate tables for Alaska and Hawaii have been included for the convenience of the State agencies.

EFFECTIVE JULY 1, 1996—JUNE 30, 1997

Family size	Annual poverty income guidelines (PIG)	Annual FCS income guidelines for reduced-price lunches (185% of PIG)
48 States, District of Columbia, Puerto Rico, Virgin Islands, and Territories, including Guam:		
1	7,740	14,319
2	10,360	19,166

EFFECTIVE JULY 1, 1996—JUNE 30, 1997—Continued

Family size	Annual poverty income guidelines (PIG)	Annual FCS income guidelines for reduced-price lunches (185% of PIG)
3	12,980	24,013
4	15,600	28,860
5	18,220	33,707
6	20,840	38,554
7	23,460	43,401
8	26,080	48,248
For each additional family member add	2,620	4,847
Alaska:		
1	9,660	17,871
2	12,940	23,939
3	16,220	30,007
4	19,500	36,075
5	22,780	42,143
6	26,060	48,211
7	29,340	54,279
8	32,620	60,347
For each additional family member add	3,280	6,068
Hawaii:		
1	8,910	16,484
2	11,920	22,052
3	14,930	27,621
4	17,940	33,189
5	20,950	38,758
6	23,960	44,326
7	26,970	49,895
8	29,980	55,463
For each additional family member add	3,010	5,569

Dated: March 12, 1996.
 William E. Ludwig,
 Administrator.

INCOME ELIGIBILITY GUIDELINES
 [Effective from July 1, 1996 to June 30, 1997]

Household size	Federal poverty guidelines			Reduced price meals—185%		
	Annual	Month	Week	Annual	Month	Week
48 Contiguous United States, District of Columbia, Guam and Territories						
1	7,740	645	149	14,319	1,194	276
2	10,360	864	200	19,166	1,598	369
3	12,980	1,082	250	24,013	2,002	462
4	15,600	1,300	300	28,860	2,405	555
5	18,220	1,519	351	33,707	2,809	649
6	20,840	1,737	401	38,554	3,213	742
7	23,460	1,955	452	43,401	3,617	835
8	26,080	2,174	502	48,248	4,021	928
For each add'l family member add	+2,620	+219	+51	+4,847	+404	+94
Alaska						
1	9,660	805	186	17,871	1,490	344
2	12,940	1,079	249	23,939	1,995	461
3	16,220	1,352	312	30,007	2,501	578
4	19,500	1,625	375	36,075	3,007	694
5	22,780	1,899	439	42,143	3,512	811
6	26,060	2,172	502	48,211	4,018	928
7	29,340	2,445	565	54,279	4,524	1,044
8	32,620	2,719	628	60,347	5,029	1,161
For each add'l family member add	+3,280	+274	+64	+6,068	+506	+117

INCOME ELIGIBILITY GUIDELINES—Continued

[Effective from July 1, 1996 to June 30, 1997]

Household size	Federal poverty guidelines			Reduced price meals—185%		
	Annual	Month	Week	Annual	Month	Week
Hawaii						
1	8,910	743	172	16,484	1,374	317
2	11,920	994	230	22,052	1,838	425
3	14,930	1,245	288	27,621	2,302	532
4	17,940	1,495	345	33,189	2,766	639
5	20,950	1,746	403	38,758	3,230	746
6	23,960	1,997	461	44,326	3,694	853
7	26,970	2,248	519	49,895	4,158	960
8	29,980	2,499	577	55,463	4,622	1,067
For each add'l family member add	+3,010	+251	+58	+5,569	+465	+108

[FR Doc 96-6428 Filed 3-15-96; 8:45 am]

BILLING CODE 3410-30-P

**Nutrition Program for the Elderly;
Adjusted Level of Assistance From
October 1, 1994 to September 30, 1995
and Initial Level of Assistance From
October 1, 1995 to September 30, 1996**

AGENCY: Food and Consumer Service,
USDA.

ACTION: Notice.

SUMMARY: This notice announces both the final level of per-meal assistance for the Nutrition Program for the Elderly (NPE) for Fiscal Year 1995 and the initial level of per-meal assistance for Fiscal Year 1996. The Fiscal Year 1995 current level of assistance of \$.5838 is adjusted to \$.5969 for all eligible meals served during the fiscal year in accordance with section 311(c)(2)(A) of the Older Americans Act of 1965, as amended by section 310 of the Older Americans Act Amendments of 1992. The Fiscal Year 1996 initial level of assistance is set at \$.5864 for each eligible meal in accordance with section 311(a)(4) of the Older Americans Act of 1965, as amended by section 310 of the Older Americans Act Amendments of 1992 and preempted by the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1996.

EFFECTIVE DATE: Fiscal Year 1995 Adjusted Level of Assistance: October 1, 1994. Fiscal Year 1996 Initial Level of Assistance: October 1, 1995.

FOR FURTHER INFORMATION CONTACT: Ellen Henigan, Chief, Schools and Institutions Branch, Food Distribution Division, Food and Consumer Service, U.S. Department of Agriculture, 3101 Park Center Drive, Alexandria, Virginia 22302-1594 or telephone (703) 305-2644.

SUPPLEMENTARY INFORMATION:**Executive Order 12866**

This action is exempted from review by the Office of Management and Budget under Executive Order 12866.

Executive Order 12372

This program is listed in the Catalog of Federal Domestic Assistance under Nos. 10.550 and 10.570 and is subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials (7 CFR Part 3015, Subpart V, and final rule-related notices published at 48 FR 29114, June 24, 1983 and 49 FR 22676, May 31, 1984.)

**Paperwork Reduction Act and
Regulatory Flexibility Act**

This notice imposes no new reporting or recordkeeping provisions that are subject to Office of Management and Budget review in accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3507). This action is not a rule as defined by the Regulatory Flexibility Act (5 U.S.C. 601-612) and thus is exempt from the provisions of that Act.

Legislative Background

Section 310 of Public Law (Pub. L.) 102-375, the Older Americans Act Amendments of 1992, amended section 311(a)(4) of the Older Americans Act of 1965, 42 U.S.C. 3030a(a)(4), to require the Secretary of Agriculture to maintain an annually programmed level of assistance equal to the greater of: (1) The current appropriation divided by the number of meals served in the preceding fiscal year; or (2) 61 cents per meal adjusted annually beginning with Fiscal Year 1993 to reflect changes in the Consumer Price Index. Section 311(c)(2) of the Act (42 U.S.C. 3030a(c)(2)) was amended to provide that the final reimbursement claims

must be adjusted so as to utilize the entire program appropriation for the fiscal year for per-meal support.

Notwithstanding the initial rates established by the Older Americans Act, the Department is required to comply with the spending clause of the U.S. Constitution and 31 U.S.C. 1341(a)(1)(A) (known as the Antideficiency Act), which prohibit the obligation or expenditure of funds in excess of the available appropriation. Thus the Department is required to establish (and if necessary, adjust) rates in such a manner as to not exceed the program appropriation.

**Fiscal Year 1995 Adjusted Level of
Assistance**

Based on its projection of the number of meals to be claimed during the fiscal year, and in light of constitutional and statutory prohibitions on obligating or spending funds in excess of the available appropriation, the Department announced an initial per-meal reimbursement rate of \$.60, the highest rate which it believed could be sustained throughout the fiscal year. This initial level of per-meal assistance was announced in the February 3, 1995 Federal Register (60 FR 6691).

The Department's meal service projection for Fiscal Year 1995 assumed the same rate of growth, slightly over 1 percent, as was experienced in Fiscal Year 1994. This growth rate was the highest increase in the program since 1989. The Department believed that by projecting continued significant program growth, a retroactive rate reduction in Fiscal Year 1995 could be avoided.

However, data for the first two quarters of Fiscal Year 1995 revealed that the program had experienced a slightly more than 3-percent meal service increase over the number of meals served in the first two quarters in Fiscal Year 1994. This increase was