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 of 1995 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 1995 (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 Older Americans 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. However, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act of 1996 (Pub. L. 104–37) imposed, for Fiscal Year 1996 and succeeding years, the same NPE rate management requirements as applied to Fiscal Year 1994. That is, Title IV, Domestic Food Programs, of the Appropriations Act provides that ''. . . hereafter notwithstanding any other provision of law, for meals provided pursuant to the Older Americans Act of 1965, a maximum rate of reimbursement to States will be established by the Secretary, subject to reduction if obligations would exceed the amount of available funds, with any unobligated funds to remain available only for obligation in the fiscal year beginning October 1, 1996.''

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 1996 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 $.5864 for Fiscal Year 1996, the highest rate which it believed could be sustained throughout the fiscal year. This initial level of per-meal assistance was announced in the March 18, 1996 **Federal Register** (61 FR 10983).

The Department's meal service projection for Fiscal Year 1996 assumed a slightly higher rate of growth than occurred in the preceding fiscal year. This initial per-meal support level of $.5864 was sustained throughout Fiscal Year 1996, and thus no adjustment was necessary to keep expenditures within the limit of the $150 million NPE appropriation established by Pub. L. 104–37. Funds in the amount of $5.5 million were not paid out for Fiscal Year 1996 and will, in accordance with the legislative mandate in Pub. L. 104–37, be carried over into Fiscal Year 1997 and expended in per-meal reimbursement for that year.

Fiscal Year 1997 Initial Level of Assistance

It is the Department's goal to establish the highest rate that can be sustained throughout the fiscal year so as to maximize the flow of program funds to States during the fiscal year. However, the Department wants also to minimize the possibility of a rate reduction and the hardship it causes to program operators. In order to guard against the need for a reduction, the Department, once again, has projected a slightly higher rate of growth in meal service than occurred in the preceding fiscal year. Based on its projections, the Department announces an initial per-meal support level of $.5857, which will not be increased, and which will be decreased only if necessary to keep expenditures within the limit of the $140 million NPE Fiscal Year 1997 appropriation established by Pub. L. 104–180 and the $5.5 million available from Fiscal Year 1996. Any of these funds not paid out for Fiscal Year 1997 reimbursement will, in accordance with Pub. L. 104–180, remain available through Fiscal Year 1998. In the unlikely event that the rate needs to be decreased, States will be notified directly.

Dated: March 27, 1997.

William E. Ludwig,

Administrator, Food and Consumer Service.

[FR Doc. 97–8913 Filed 4–7–97; 8:45 am]

BILLING CODE 3410–30–U

BROADCASTING BOARD OF GOVERNORS

Sunshine Act Meeting

DATE AND TIME: April 15, 1997; 9:00 a.m.

PLACE: Cohen Building, Room 3321, 330 Independence Ave., SW., Washington, DC 20547.

CLOSED MEETING: The members of the Broadcasting Board of Governors (BBG) will meet in closed session to review and discuss a number of issues relating to U.S. Government-funded nonmilitary international broadcasting. They will address internal procedural, budgetary, and personnel issues, as well as sensitive foreign policy issues relating to potential options in the U.S. international broadcasting field. This meeting is closed because if open it likely would either disclose matters that would be properly classified to be kept secret in the interest of foreign policy under the appropriate executive order (5 U.S.C. 552b.(c)(1)) or would disclose information the premature disclosure of which would be likely to significantly frustrate implementation of a proposed agency action. (5 U.S.C. 552b.(c)(9)(B)). In addition, part of the discussion will relate solely to the internal personnel issues of the BBG or the International Broadcasting Bureau. (5 U.S.C. 552b.(c)(2) and (6)).

CONTACT PERSON FOR MORE INFORMATION: Persons interested in obtaining more information should contact Brenda Thomas at (202) 401–3736.

Dated: April 4, 1997.

David W. Burke,

Chairman.

[FR Doc. 97–9105 Filed 4–4–97; 2:14 pm]

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