

OMB Number: 0584-0006.

Expiration Date: May 31, 2004.

Type of Request: Revision of a currently approved collection.

Abstract: The National School Lunch Act of 1946 (NSLA), as amended, authorizes the National School Lunch Program (NSLP). The Department of Agriculture provides States with general and special cash assistance and donations of foods to assist schools in serving nutritious lunches to children each school day. Participating schools must serve lunches that are nutritionally adequate and to the extent practicable ensure that participating children gain a full understanding of the relationship between proper eating and good health.

The Department of Agriculture prescribes the nutritional requirements of the lunches in accordance with Section 9(a) of the NSLA (42 U.S.C. 1758). That provision requires that "Lunches served by schools participating in the school lunch program under this Act shall meet minimum nutritional requirements prescribed by the Secretary on the basis of tested nutritional Research * * *"

No new reporting and recordkeeping burden are requested under this information collection. However, numbers of the reporting and recordkeeping burdens are reduced due to the number of the State agencies administering the program dropping from 58 to 57, and also the elimination of 7 CFR 210.28(d), 64 FR 50735, 50741 (Sept. 20, 1999), which contained the requirements for the State Food Distribution Advisory Council.

The purpose of this Notice is to allow the public 60 days to comment on all reporting and recordkeeping burdens as indicated under the *Estimated Total Annual Burden on Respondents* below. The information being requested is required to administer and operate this program in accordance with the NSLA. The Program is administered at the State and school food authority levels and the operations include the submission and approval of applications, execution of agreements, submission of claims, payment of claims, providing monitoring and technical assistance. All of the reporting and recordkeeping requirements associated with the NSLP are currently approved by the Office of Management and Budget and in force.

Estimated Number Respondents: 57 State agencies, 20,144 school food authorities and 97,767 schools, Total: 118,224.

Reporting:

Total Annual Responses: 2,200,706.

Total Annual Burden: 1,126,021.

Average Time per Response: .51 hour.

Recordkeeping:

Total Annual Responses: 30,472,990.

Total Annual Burden: 8,335,490.

Average Time per Response: .27 hour.

Estimated Total Annual Burden:

Reporting burden: 1,126,021.

Recordkeeping burden: 8,335,490.

Total annual burden hours: 9,461,511.

Dated: March 22, 2004.

Roberto Salazar,

Administrator.

[FR Doc. 04-6917 Filed 3-26-04; 8:45 am]

BILLING CODE 3410-30-P

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Child Nutrition Programs—Income Eligibility Guidelines

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice.

SUMMARY: This Notice announces the Department's annual adjustments to the Income Eligibility Guidelines to be used in determining eligibility for free and reduced price meals or free milk for the period from July 1, 2004 through June 30, 2005. These guidelines are used by schools, institutions, and facilities participating in the National School Lunch Program (and Commodity School Program), School Breakfast Program, Special Milk Program for Children, Child and Adult Care Food Program and Summer Food Service Program. The annual adjustments are required by section 9 of the Richard B. Russell National School Lunch Act. The guidelines are intended to direct benefits to those children most in need and are revised annually to account for changes in the Consumer Price Index.

EFFECTIVE DATE: July 1, 2004.

FOR FURTHER INFORMATION CONTACT: Mr. Robert M. Eadie, Chief, Policy and Program Development Branch, Child Nutrition Division, FNS, USDA, Alexandria, Virginia 22302, or by phone at (703) 305-2590.

SUPPLEMENTARY INFORMATION: 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.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), no new recordkeeping or reporting requirements have been included that are subject to approval from the Office of Management and Budget.

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

These programs are listed in the Catalog of Federal Domestic Assistance under No. 10.553, No. 10.555, No. 10.556, No. 10.558 and No. 10.559 and are subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V, and the final rule related notice published at 48 FR 29114, June 24, 1983.)

Background

Pursuant to sections 9(b)(1) and 17(c)(4) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)(1) and 42 U.S.C. 1766(c)(4)), and sections 3(a)(6) and 4(e)(1)(A) of the Child Nutrition Act of 1966 (42 U.S.C. 1772(a)(6) and 1773(e)(1)(A)), the Department annually issues the Income Eligibility Guidelines for free and reduced price meals for the National School Lunch Program (7 CFR part 210), the Commodity School Program (7 CFR part 210), School Breakfast Program (7 CFR part 220), Summer Food Service Program (7 CFR part 225) and Child and Adult Care Food Program (7 CFR part 226) and the guidelines for free milk in the Special Milk Program for Children (7 CFR part 215). These eligibility guidelines are based on the Federal income poverty guidelines and are stated by household size. The guidelines are used to determine eligibility for free and reduced price meals and free milk in accordance with applicable program rules.

Definition of Income

In accordance with the Department's policy as provided in the Food and Nutrition Service publication *Eligibility Guidance for School Meals Manual*, "income," as the term is used in this Notice, means income before any deductions such as income taxes, Social Security taxes, insurance premiums, charitable contributions and bonds. It includes the following: (1) Monetary compensation for services, including wages, salary, commissions or fees; (2) net income from nonfarm self-employment; (3) net income from farm self-employment; (4) Social Security; (5) dividends or interest on savings or bonds or income from estates or trusts; (6) net rental income; (7) public assistance or welfare payments; (8) unemployment compensation; (9) government civilian employee or military retirement, or pensions or veterans payments; (10) private pensions or annuities; (11) alimony or child support payments; (12) regular

contributions from persons not living in the household; (13) net royalties; and (14) other cash income. Other cash income would include cash amounts received or withdrawn from any source including savings, investments, trust accounts and other resources that would be available to pay the price of a child's meal.

"Income," as the term is used in this Notice, does not include any income or benefits received under any Federal programs that are excluded from consideration as income by any legislative prohibition. Furthermore, the value of meals or milk to children shall not be considered as income to their households for other benefit programs in accordance with the prohibitions in section 12(e) of the Richard B. Russell National School Lunch Act and section 11(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1760(e) and 1780(b)).

The Income Eligibility Guidelines

The following are the Income Eligibility Guidelines to be effective from July 1, 2004 through June 30, 2005. The Department's guidelines for free meals and milk and reduced price meals were obtained by multiplying the year

2004 Federal income poverty guidelines by 1.30 and 1.85, respectively, and by rounding the result upward to the next whole dollar.

The income eligibility chart for School Year 2004–2005 contains a few minor changes from previous years. Prior to this Notice, the Department displayed the monthly and weekly amounts for the Federal poverty guidelines in addition to the annual figures as issued by the Department of Health and Human Services. This Notice, however, only displays the annual figures because the monthly and weekly Federal poverty guidelines were not used to determine the Income Eligibility Guidelines. As detailed below, all calculations are based on the annual figures.

An additional change is that the chart which details the free and reduced price eligibility criteria now includes columns for income received twice monthly as well as income received every two weeks. To differentiate: A person paid every two weeks is paid 26 times per year, whereas a person paid twice monthly is paid 24 times per year. Furthermore, the addition of columns

for income received twice per month as well as income received every two weeks conforms to the format currently being used by the Special Supplemental Nutrition Program for Women, Infants and Children (WIC) (42 U.S.C. 1786; 7 CFR part 248).

Income calculations are made based on the following formulas: Monthly income is calculated by dividing the annual income by 12; twice monthly income is computed by dividing annual income by 24; income received every two weeks is calculated by dividing annual income by 26; and weekly income is computed by dividing annual income by 52. All numbers are rounded upward to the next whole dollar. The numbers reflected in this notice for a family of four in the 48 contiguous states, the District of Columbia, Guam and the territories represent an increase of 2.45% over the July 2003 numbers for a family of the same size.

Authority: (42 U.S.C. 1758(b)(1)).

Dated: March 23, 2004.

Roberto Salazar,
Administrator.

BILLING CODE 3410–30–P

		INCOME ELIGIBILITY GUIDELINES												
		Effective from						to						
		July 1, 2004						June 30, 2005						
HOUSEHOLD SIZE	FEDERAL POVERTY GUIDELINES ANNUAL	REDUCED PRICE MEALS - 185 %			FREE MEALS - 130 %									
		ANNUAL	MONTHLY	TWICE PER MONTH	WEEKLY	ANNUAL	MONTHLY	TWICE PER MONTH	EVERY TWO WEEKS	WEEKLY				
48 CONTIGUOUS STATES, DISTRICT OF COLUMBIA, GUAM, AND TERRITORIES														
1	9,310	17,224	1,436	718	663	332	12,103	1,009	505	466	233	1,009	505	466
2	12,490	23,107	1,926	963	889	445	16,237	1,354	677	625	313	1,354	677	625
3	15,670	28,990	2,416	1,208	1,115	558	20,371	1,698	849	784	392	1,698	849	784
4	18,850	34,873	2,907	1,454	1,342	671	24,505	2,043	1,022	943	472	2,043	1,022	943
5	22,030	40,756	3,397	1,699	1,568	784	28,639	2,387	1,194	1,102	551	2,387	1,194	1,102
6	25,210	46,639	3,887	1,944	1,794	897	32,773	2,732	1,366	1,261	631	2,732	1,366	1,261
7	28,390	52,522	4,377	2,189	2,021	1,011	36,907	3,076	1,538	1,420	710	3,076	1,538	1,420
8	31,570	58,405	4,868	2,434	2,247	1,124	41,041	3,421	1,711	1,579	790	3,421	1,711	1,579
For each add'l family member, add	3,180	5,883	491	246	227	114	4,134	345	173	159	80	345	173	159
ALASKA														
1	11,630	21,516	1,793	897	828	414	15,119	1,260	630	582	291	1,260	630	582
2	15,610	28,879	2,407	1,204	1,111	556	20,293	1,692	846	781	391	1,692	846	781
3	19,590	36,242	3,021	1,511	1,394	697	25,467	2,123	1,062	980	490	2,123	1,062	980
4	23,570	43,605	3,634	1,817	1,678	839	30,641	2,554	1,277	1,179	590	2,554	1,277	1,179
5	27,550	50,968	4,248	2,124	1,961	981	35,815	2,985	1,493	1,378	689	2,985	1,493	1,378
6	31,530	58,331	4,861	2,431	2,244	1,122	40,989	3,416	1,708	1,577	789	3,416	1,708	1,577
7	35,510	65,694	5,475	2,738	2,527	1,264	46,163	3,847	1,924	1,776	888	3,847	1,924	1,776
8	39,490	73,057	6,089	3,045	2,810	1,405	51,337	4,279	2,140	1,975	988	4,279	2,140	1,975
For each add'l family member, add	3,980	7,363	614	307	284	142	5,174	432	216	199	100	432	216	199
HAWAII														
1	10,700	19,795	1,650	825	762	381	13,910	1,160	580	535	268	1,160	580	535
2	14,360	26,566	2,214	1,107	1,022	511	18,668	1,556	778	718	359	1,556	778	718
3	18,020	33,337	2,779	1,390	1,283	642	23,426	1,953	977	901	451	1,953	977	901
4	21,680	40,108	3,343	1,672	1,543	772	28,184	2,349	1,175	1,084	542	2,349	1,175	1,084
5	25,340	46,879	3,907	1,954	1,804	902	32,942	2,746	1,373	1,267	634	2,746	1,373	1,267
6	29,000	53,650	4,471	2,236	2,064	1,032	37,700	3,142	1,571	1,450	725	3,142	1,571	1,450
7	32,660	60,421	5,036	2,518	2,324	1,162	42,458	3,539	1,770	1,633	817	3,539	1,770	1,633
8	36,320	67,192	5,600	2,800	2,585	1,293	47,216	3,935	1,968	1,816	908	3,935	1,968	1,816
For each add'l family member, add	3,660	6,771	565	283	261	131	4,758	397	199	183	92	397	199	183

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BILLING CODE 3410-30-C

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

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

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice.

SUMMARY: The Department announces adjusted income eligibility 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 income eligibility guidelines are to be used in conjunction with the WIC Regulations. **EFFECTIVE DATE:** July 1, 2004.

FOR FURTHER INFORMATION CONTACT: Debra Whitford, Branch Chief, Policy and Program Development Branch, Supplemental Food Programs Division, FNS, USDA, 3101 Park Center Drive, Alexandria, Virginia 22302, (703) 305-2746.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

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

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 of 1995

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 1995 (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, June 24, 1983, and 49 FR 22676, May 31, 1984).

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 income 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 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 2004 was published by the Department of Health and Human Services (HHS) at 69 FR 7336, February 13, 2004. The guidelines published by HHS are referred to as the poverty guidelines.

Section 246.7(d)(1) of the WIC regulations (title 7, Code of Federal Regulations) specifies that State agencies may prescribe income guidelines either equaling the income guidelines established under section 9 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 for reduced-price school meals, or which are less than 100 percent of the Federal poverty guidelines. Consistent with the method used to compute income eligibility guidelines for reduced-price meals under the National School Lunch Program, the poverty 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 income eligibility guidelines by household size for the period July 1, 2004, through June 30, 2005. Consistent with section 17(f)(17) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(f)(17)), 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 may coordinate implementation with the revised Medicaid guidelines, but in no case may implementation take place later than July 1, 2004. State agencies that do not coordinate implementation with the revised Medicaid guidelines must implement the WIC income eligibility guidelines on July 1, 2004. 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 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.

BILLING CODE 3410-30-P