

in the groups that they serve, the differences (especially in CSFP service to the elderly) are sufficient to justify the existence of both programs in the same area. However, under the proposed § 247.6, State agencies are encouraged to coordinate with the WIC State agency in formulating plans to serve women, infants, and children in common areas of service.

*Individuals Applying To Participate in CSFP, Section 247.8*

Currently, the process of applying for program benefits, determination of eligibility, and participant rights and responsibilities are included under § 247.7, entitled "Certification". We propose to split up these related topics into several sections for the sake of clarity. In this proposed § 247.8, we propose to include the specific information applicants must provide on the application to allow the local agency to make a determination of eligibility. This information is currently listed under § 247.7(d). Present regulations require that information be recorded on a "certification form", which we refer to as the application. The information must include, at a minimum, the applicant's name and address and other information necessary to make a determination of eligibility. Although "other information" must necessarily include data necessary to determine household income eligibility, and the applicant's age, or pregnancy, as applicable, we propose to specifically list the required information for the sake of clarity. We also propose to include in this section the requirement that each applicant present some form of identification, which is currently required under § 247.7(j)(4).

We propose to retain the requirement that the applicant, or adult parent or guardian of the applicant, sign the application form beneath a pre-printed statement attesting to the truthfulness of the information provided, and the applicant's liability to federal prosecution for deliberate misrepresentation. Presently, the statement must be read by, or to, the applicant (or adult parent or guardian) before signing. However, we propose to include in this statement the notification that information provided may be shared with other organizations to prevent dual participation. With the consent of the participant, this information may also be shared with other organizations to assist in outreach or in eligibility determination for other public assistance programs. This sharing of information would help to ensure that program applicants are aware of the benefits provided by other public

assistance programs. These proposed changes have been included in § 247.36.

*Eligibility Requirements, Section 247.9*

Currently, the eligibility requirements for CSFP, including the eligible population categories in the program, are listed under § 247.7(a). We propose to include the eligibility requirements and eligible population groups in this proposed § 247.9. In paragraph (a), we propose to include the current eligible population groups, with changes only to improve clarity. For example, we propose to list each population group in a numbered format, and to describe each group fully, as in the definitions listed under the proposed § 247.1. This avoids the need for the reader to refer to the definitions to see that, under CSFP, children means persons who are at least one year of age, but have not reached their sixth birthday.

In paragraph (b), we propose to include the income eligibility requirements for women, infants, and children. Currently, in order to be eligible for CSFP, women, infants, and children must have income eligibility for local benefits under existing Federal, State, or local food, health, or welfare programs for low-income persons. Although current regulations contain no parameters with regard to women, infants, and children, State agencies have established 185 percent of the Federal Poverty Income Guidelines as the income eligibility standard for this group, as this conforms to the upper limit used in the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC). For the purpose of clarification, we propose to require, in paragraph (b)(1) of this proposed section, that the State agency establish household income guidelines for women, infants, and children that are at or below 185 percent of the Federal Poverty Income Guidelines, but not below 100 percent of these guidelines. However, in conformance with the WIC Program, we propose to require that the State agency accept as income-eligible, regardless of actual income, any applicant who is: (1) Certified as eligible to receive food stamps under the Food Stamp Act of 1977, Temporary Assistance for Needy Families (TANF) under Part A of Title IV of the Social Security Act, or Medical Assistance (*i.e.*, Medicaid) under Title XIX of the Social Security Act; or, (2) a member of a family that is certified eligible to receive assistance under TANF, or a member of a family in which a pregnant woman or an infant is certified eligible to receive assistance under Medicaid. We also propose, in paragraph (b)(2), to allow the State agency to consider women,

infants, and children participating in another Federal, State, or local food, health, or welfare program as automatically eligible for CSFP if the income eligibility guidelines for the program are equal to or lower than the established CSFP guidelines.

We also propose, in paragraph (b)(3), to require that, for a pregnant woman, each embryo or fetus in utero be counted as a household member in determining if the household meets the income eligibility standards for the program. If, for example, a pregnant woman with a 3-year old child applied for CSFP benefits for herself and her child, the local agency would consider them a household of three members, and not two, in determining their eligibility. This provision is already included as part of eligibility criteria in the WIC Program, and CSFP State agencies have been authorized to implement it by policy memorandum.

Currently, elderly persons must have household income at or below 130 percent of the Federal Poverty Income Guidelines published annually by the Department of Health and Human Services. However, elderly persons certified before September 17, 1986, are subject to the eligibility criteria in effect at the time of their certification. On the date referenced, FNS published an interim rule in the **Federal Register** at 51 FR 32895 to implement legislation allowing low-income elderly persons at all CSFP sites to be served, if resources remained after providing benefits to all eligible women, infants, and children at the sites. The rule also established the current income eligibility guidelines to ensure that the neediest elderly persons received benefits. Before that date, elderly persons were served only at three pilot sites in New Orleans, Louisiana, Detroit, Michigan, and Des Moines, Iowa. Elderly participants in the pilots were subject to the same income eligibility criteria used for women, infants, and children. We propose to include the income eligibility requirements for elderly persons in paragraph (c) of this proposed section, without change from the current requirements.

Each year, usually in February, the Department of Health and Human Services publishes the adjusted Federal Poverty Income Guidelines in the **Federal Register**. Currently, FNS publishes notification in the **Federal Register** each year of the adjusted income guidelines by household size, including adjustments for 185 percent and 130 percent of the poverty level, as applicable for specific FNS programs. Although CSFP regulations do not make any reference to it, CSFP State and local