

becomes available. Applicants must be notified of their placement on a waiting list within 20 days of their request for benefits.

As described in the proposed § 247.15, we propose to require that applicants be notified of their placement on a waiting list, or their ineligibility or eligibility for benefits, within 10 days from the date of application. The shorter time period is more reasonable for applicants seeking food assistance. We also propose to remove the current provision that protects the original elderly pilot caseload from the designated priority structure. The continued participation of the original elderly pilot participants, who are now few in number, is no longer threatened by limited caseload, since the administering local agencies have a much larger caseload assignment than they did 15 years ago.

Rights and Responsibilities, Section 247.12

Currently, under § 247.7, the local agency must inform the applicant of certain rights and responsibilities in CSFP. We propose to include the most basic of these rights and responsibilities, listed below, in this proposed § 247.12. In paragraph (a), which includes applicant rights, we propose to expand the right to receive benefits without discrimination to include age, disability, and sex, as well as race, color, and national origin, in accordance with current laws. The rights listed include:

(1) Program standards will be applied without discrimination by race, color, national origin, age, disability, or sex.

(2) The local agency will provide notification of a decision to deny or terminate CSFP benefits, and of an individual's right to appeal this decision by requesting a fair hearing.

(3) The local agency will make nutrition education available to all adult participants, and to parents or guardians of infant and child participants, and will encourage them to participate.

(4) The local agency will provide information on other nutrition, health, or assistance programs, and make referrals as appropriate.

In paragraph (b), which includes applicant responsibilities, we propose to expand the information that must be provided to applicants to include the prohibition on dual participation, and the possibility of a claim against an individual who receives benefits improperly as a result of dual participation or other program violation, in accordance with provisions under the proposed § 247.30, which addresses claims. We also propose to add that the applicant must be informed that any

changes in household income or composition must be reported within 10 days after the change becomes known to the household. We believe that this will aid in deterring dual participation and submission of fraudulent information. The information that must be provided includes:

(1) Dual participation is not permitted.

(2) Improper receipt of CSFP benefits as a result of dual participation or other program violations may lead to a claim against the individual to recover the value of the benefits, and disqualification from CSFP.

(3) Participants must report changes in income or household composition within 10 days after the change becomes known to the household.

We propose to include other applicant or participant rights currently listed under § 247.7 in separate sections under notification requirements, provisions for non-English speakers, and other public assistance programs. The breakout of these provisions into separate sections is done simply to increase clarity.

Provisions for Non-English or Limited English Speakers, Section 247.13

Currently, under §§ 247.7(e) and 247.19(b), if a significant proportion of the population in an area is composed of non-English or limited English speaking persons with a common language, State and local agencies are required to inform such persons of their rights in the program, and to ensure that other program information, except application forms, is provided, in an appropriate language. Additionally, the State agency must ensure that bilingual staff members or interpreters are available to serve these persons. We propose to consolidate these two related provisions of current regulations in this proposed § 247.13. We also propose to clarify that State and local agencies must inform such persons of their responsibilities, as well as their rights in the program, as listed in the proposed § 247.12, in an appropriate language.

Other Public Assistance Programs, Section 247.14

Currently, under § 247.7(f), the local agency is required to advise participants of the importance of receiving health care, the types of health services available, and their location. Additionally, section 1771(e) of the Food, Agriculture, Conservation, and Trade Act of 1990, Public Law 101-624, amended the Agriculture and Consumer Protection Act of 1973 (Pub. L. 93-86) to mandate that local agencies provide participating pregnant women, women with infants and children, and elderly

persons with written information on specific programs that may affect their health, nutrition, or general welfare. This statutory provision has been implemented by policy memorandum but has not been included in the regulations. We propose to combine these regulatory and legislative requirements in this proposed § 247.14.

Under paragraph (a), we propose to include the specific programs contained in the law that apply to women, infants and children. For these applicants, the local agency must provide written information about Medicaid (42 U.S.C. 1396 *et seq.*), the Food Stamp Program (7 U.S.C. 2011 *et seq.*), the Temporary Assistance for Needy Families (TANF) program under part A of Title IV of the Social Security Act (42 U.S.C. 601 *et seq.*)(SSA), and the child support enforcement program established under part D of Title IV of the SSA (42 U.S.C. 651 *et seq.*). As required by the law, the State agency must provide local agencies with materials showing the income standards utilized in the Medicaid Program (42 U.S.C. 1396 *et seq.*). In addition to these programs, we propose to require also that the local agency provide information on the WIC Program, to allow individuals eligible for both CSFP and WIC to choose the program in which they wish to participate. The local agency must also make clear that an individual may not participate in both CSFP and WIC simultaneously. Local agencies must also make referrals to these programs, as appropriate.

In paragraph (b), we propose to include the programs referred to in the law that apply to the elderly. For these applicants, the local agency must provide written information on the Food Stamp Program, and supplemental security income and medical benefits provided under Title XVI (42 U.S.C. 1381 *et seq.*) and Title XIX (42 U.S.C. 1396 *et seq.*) (including medical assistance provided to a qualified medicare beneficiary—as defined in section 1905(p) (42 U.S.C. 1396d(5)) of the SSA. Local agencies must also make referrals to these programs, as appropriate.

Currently, § 247.23(a) states that the value of CSFP benefits may not be considered as income or resources in other public assistance programs, or for any purpose under Federal, State or local laws. We propose to include this statement, substantially unchanged, in paragraph (c) of this proposed § 247.14.