

any other community agency or facility for any purpose whatsoever, unless such agency has entered into a signed written agreement with the State or local agency to provide nutrition education services under the Program.

(Approved by the Office of Management and Budget under control number 0584-0063)

[46 FR 6341, Jan. 21, 1981, as amended at 47 FR 746, Jan. 7, 1982]

§ 247.9 Financial management systems.

(a) *Disclosure of expenditures.* The State agency shall maintain a financial management system which provides accurate, current and complete disclosure of the financial status of the Program. This shall include an accounting for all property and other assets and all Program funds received and expended each fiscal year.

(b) *Reports.* The State agency shall maintain its financial and donated food accounts in a manner sufficient to permit the preparation of the reports required in § 247.13.

(c) *Record of expenditures.* The State agency shall maintain records which adequately identify the source and use of funds expended for Program activities. These records shall contain, but are not limited to, information pertaining to authorization, receipt of funds, obligations, unobligated balances, assets, liabilities, outlays and income.

(d) *Payment of costs.* The State agency shall implement procedures which ensure prompt and accurate payment of allowable costs, and ensure the allowability and allocation of costs in accordance with the cost principles and standard provisions of this part, and FMC 74-4.

(e) *Identification of obligated funds.* The State agency shall implement procedures which accurately identify obligated Program funds at the time obligations are made.

(f) *Resolutions of audit findings.* The State agency shall implement procedures which ensure timely and appropriate resolution of claims and other matters resulting from audit findings and recommendations.

(g) *Letters of Credit.* All administrative funds made available under this section shall be provided to participating State agencies by means of issu-

ance of Letters of Credit unless other funding arrangements are made with FCS. If at the end of the fiscal year, funds authorized by a Letter of Credit issued to any State agency exceed obligations, FCS shall reduce the amount of the Letter of Credit by the unobligated portion.

(h) *Payments.* Letters of Credit shall be issued to the appropriate Regional Disbursing Office in favor of the State agency. The State agency shall obtain funds needed through presentation by designated officials of a payment voucher on the Letter of Credit in accordance with procedures prescribed by FCS and consistent with the U.S. Treasury Department Circular 1075.

(i) *Transfer of cash.* The State agency shall have controls to minimize the time elapsing between receipt of Federal funds from the U.S. Department of Treasury and the disbursement of these funds for Program costs. In the Letter of Credit system, the State agency shall make drawdowns from the U.S. Department of Treasury's Regional Disbursing Office as close as possible to the time of the actual disbursement of funds. Advances made by the State agency to local agencies shall also conform to these same standards.

(j) *Local agency financial management.* The State agency shall ensure that all local agencies develop and implement a financial management system consistent with the requirements prescribed by the State agency pursuant to the requirements of this section.

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[46 FR 6341, Jan. 21, 1981, as amended at 47 FR 746, Jan. 7, 1982]

§ 247.10 Caseload assignment and administrative funding.

(a) *State agency caseload assignment.*

(1) FCS shall assign caseload to State agencies on December 1 of each year or within 30 days after enactment of appropriations legislation covering the full fiscal year, whichever comes later. In the event appropriations legislation for the year is not enacted by December 1, caseload assignments for the previous caseload cycle shall remain in effect, subject to the availability of sufficient funding, until assignments are made for the current caseload cycle.

Any caseload assigned for a period beyond the end of the current fiscal year shall be available only to the extent that program funds are appropriated for the next fiscal year.

(2) Except as provided by § 247.24 for the first caseload cycle to begin after December 1, 1987, and to the extent that funds are available, FCS shall assign caseload to State agencies in the following order. (i) State agencies for the three elderly feeding projects in Detroit, New Orleans, and Des Moines shall be assigned caseload equal to the level of participation for each project in December 1985.

(ii) Currently participating State agencies, except those entering their second cycle of program service to women, infants and children or to the elderly, shall receive caseload in amounts equal to the greatest of their participation of, first, women, infants, children, and then elderly persons (except for caseload equal to the December 1985 level of participation at the three original elderly feeding projects) during September, or average monthly participation for the period July through September or for the prior fiscal year: provided, however, that, beginning with the caseload cycle which commences on or after December 1, 1988, a State agency shall not receive caseload under this paragraph in excess of the total caseload assigned to the State agency for the preceding caseload cycle for women, infants and children, on the one hand, or for the elderly, on the other. State agencies entering their second caseload cycle of program service to women, infants and children or to the elderly shall receive caseload equal to the caseload level assigned for their first cycle of program service to the subgroup of participants to whom they are providing their second cycle of service.

(iii) Requests from currently participating State agencies to expand service to women, infants, and children shall be addressed in the following manner.

(A) States shall be eligible to receive expansion caseload only if, during the preceding September, the period July through September, or the prior fiscal year, their average monthly participation equaled at least 90 percent of their as-

signed caseload level for women, infants, and children, minus any portion of such caseload approved for conversion to serve the elderly, for the preceding caseload cycle.

(B) States with timely approved State Plans incorporating such requests shall be ranked based on the extent of their capacity to serve through WIC and the CSFP, as established by the Federal program resources available to them, their categorically eligible populations of women, infants, and children under 5 years of age who meet the income guidelines for reduced-price meals under the National School Lunch Program. The State with the lowest potential penetration shall be ranked first.

(C) In the first round of allocations under this paragraph, the State with the lowest potential penetration shall be allocated the lesser of sufficient caseload to achieve the same level of penetration as the second-lowest-penetration State, or the level of caseload approved by FCS. This process shall be repeated, each round of allocation including the next-lowest-penetration State, as funds permit until all States' approved levels have been assigned. If funds are not sufficient to assign the lesser of approved caseload level and sufficient caseload to achieve the penetration potential of the next-ranked State to all applicant State agencies, State agencies participating in the final round of allocations shall receive assignments enabling them all to achieve the lesser of the same level of penetration or their approved levels.

(iv) Requests from currently participating State agencies to initiate or expand service to elderly persons shall be addressed in the following manner.

(A) States shall be eligible to receive expansion caseload only if, during the preceding September, the period July through September, or the prior fiscal year, their average monthly participation equaled at least 90 percent of the caseload available for service to the elderly, including conversion slots, for the preceding caseload cycle.

(B) Each State agency with a timely approved State Plan incorporating a request to initiate or expand service to the elderly shall be assigned the lesser of an equal share of available caseload

or the amount of expansion caseload FCS has determined that the State agency needs and can effectively manage.

(C) If any States' shares exceed their approved requests, the excess caseload shall be divided equally among States whose approved requests exceed their shares.

(v) Requests from State agencies to initiate program services for women, infants, and children shall be addressed in the following manner.

(A) States with timely approved State Plans incorporating requests for program initiation shall be ranked based on the extent of their capacity to serve through WIC, as established by the Federal WIC resources available to them, their potentially eligible populations of women, infants, and children under 5 years of age who meet the income guidelines for reduced-price meals under the National School Lunch Program. The State with the lowest potential penetration shall be ranked first.

(B) In the first round of allocation under this paragraph, the State with the lowest potential penetration shall be allocated the lesser of sufficient caseload to achieve the same level of penetration as the second-lowest-penetration State, or the level of caseload approved by FCS. This process shall be repeated, each round of allocation including the next-lowest-penetration State, as funds permit until all States' approved levels have been assigned. If funds are not sufficient to assign the lesser of approved caseload level and sufficient caseload to achieve the penetration potential of the next-ranked State to all applicant States, States participating in the final round of allocations shall receive assignments enabling them all to achieve the lesser of the same level of penetration or their approved level.

(3) State agencies may request permission from FCS to convert specific numbers of excess caseload slots allocated under paragraph (a)(2)(ii) of this section to the service of elderly persons, subject to the time frames specified in §247.5(a).

(4) State agencies which have received caseload under paragraph (a)(2)(v) of this section shall not be eli-

gible during their first 12 months of operation to convert caseload to the service of elderly persons under paragraph (a)(3) of this section.

(5) Caseload made available to elderly persons under paragraphs (a)(2)(i) (except caseload equal to the level of participation of elderly persons in December 1985), (a)(2)(ii), (a)(2)(iv), and (a)(3) of this section may not be reserved exclusively for elderly persons, but shall be made equally available to women, infants, children, and elderly persons until all caseload available to the local agency, except caseload equal to December 1985 participation as referenced in paragraph (a)(2)(i) of this section, has been filled. At that time, the priority system under §247.7(b)(2) shall be applied.

(b) *Administrative funding.* This subsection provides the policies and procedures for payment by FCS of funds for administrative costs to participating State agencies and disbursement by State agencies to local agencies. Funds shall be paid to State agencies as specified in §247.9, Financial Management Systems. As a prerequisite to the receipt of such funds each fiscal year, the State agency shall have executed a written agreement with the Department and shall have received FCS approval of its State Plan.

(1) Funds for total State administrative costs for each fiscal year shall be allocated by FCS based on 15 percent of the sum of the annual appropriation for the program and the value of commodities provided without charge or credit by the Department to States and distributed by local agencies as part of, and in addition to, the food package.

(2) From the portion of program funds equal to 15 percent of the annual appropriation, each State shall receive an administrative grant proportionate to its share of the total caseload assigned. Each State agency shall receive its share of this funding on a quarterly basis.

(3) In addition to the funding provided under paragraph (b)(2) of this section, States shall receive administrative funding to support distribution of commodities provided without charge or credit by the Department to States and distributed as part of, and in addition to, the program food package.

Prior to the beginning of each fiscal year, FCS shall estimate the value of such commodities expected to be distributed to participants by local agencies in each State during the fiscal year. Fifteen percent of this estimated amount shall be provided to each State agency. Funds provided under this paragraph shall be identified and accounted for by FCS separately from funds provided under paragraph (b)(2) of this section. After the end of the fiscal year, FCS shall compute the actual value of such commodities reported as distributed to participants by local agencies in each State. Unit values of such commodities shall be provided by the Agricultural Stabilization and Conservation Service. FCS shall make whatever adjustments are necessary to ensure that each State agency has received administrative funding equal to 15 percent of the value of such commodities reported as distributed to participants by its local agencies during the fiscal year.

(4) To ensure that State agencies can properly budget for program operations, FCS guarantees that 75 percent of the administrative funding provided to each State under paragraph (b)(2) of this section will be protected from recoveries during the current fiscal year.

(5) The State agency may retain a percentage of administrative funding for State level use, based on the following formula: 15 percent of the first \$50,000; plus 10 percent of the next \$100,000; plus 5 percent of the next \$250,000. The State may retain a maximum amount of \$30,000 annually for its administrative expenditures. However, if the State agency provides warehousing services, FCS approval may be requested at the beginning of the applicable fiscal year for funds greater than those allowed under the formula, provided that the State agency can document the need and ensure that the increase will not impose undue hardship on local agencies. The remaining funds and any unused funds at the State level shall be distributed to the local agencies.

(6) The State agency, in providing administrative funds to local agencies, shall apportion such funds among the local agencies on the basis of their respective needs so as to ensure that

those local agencies evidencing higher administrative costs, while demonstrating prudent management and fiscal controls, receive a greater portion of the administrative funds.

(c) *Reallocation.* FCS reserves the right to periodically recover and redistribute unused caseload slots and unspent administrative funds (subject to the limitation in paragraph (b)(4) of this section). In the event that caseload slots are recovered, they shall be allocated in accordance with the order of funding established in § 247.10(a)(2).

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§ 247.11 Administrative costs.

(a) *General.* Funds provided to State and local agencies may be used to cover administrative costs identified under FMC 74-4 which State agencies determine to be necessary to carry out the Program within their jurisdiction.

(b) *Allowable costs.* The following costs are specifically identified as illustrative of costs allowable under the Program:

(1) The cost of certification procedures including: (i) Laboratory fees incurred for tests conducted to determine the eligibility of persons to participate in the Program; (ii) expendable medical supplies necessary to determine the eligibility of persons to participate in the Program; and (iii) centrifuges, measuring boards, skin fold calipers, spectrophotometers, hematofluorimeters, hemoglobinometers, and scales used for determining the eligibility of persons, provided that expenditure limits will be set by FCS for each piece of equipment and expenditures which exceed the limits shall receive prior approval by the FCS Regional Office.

(2) The cost of nutrition education services provided to participants and parents and guardians of participants, and used for training local agency staff members;

(3) The cost of transporting food and of administering the food distribution system;

(4) The cost of interpreters and translators for Program materials;

(5) The cost of outreach services;

(6) The cost of audits and fair hearings;