(A) The program must have income and resource standards which may be separate from or included in the benefit computation and which do not exceed the limits for income and resources of the food stamp, AFDC, or SSI programs. The rules of the GA program apply in determining countable income and resources.

(B) The program must provide GA benefits as defined in § 271.2 of this part.

(C) The program must provide ongoing benefits which are not limited to emergency assistance.

(ii) *Verification requirements.* In determining whether a household is categorically eligible, the State agency shall verify that each member receives PA benefits, SSI, or GA from a program that meets the criteria in paragraph (j)(4)(i) section or that has been certified by FNS as an appropriate program and that it includes no individuals who have been disqualified as provided in paragraph (j)(4)(iv) or (j)(2)(v) of this section. The State agency shall also verify household composition if it is questionable, in accordance with § 273.2(f), in order to determine that the household meets the definition of a household in § 273.1(a).

(iii) *Deemed eligibility factors.* When determining eligibility for a categorically eligible household, all Food Stamp Program requirements apply except the following:

(A) Resources. None of the provisions of § 273.8 apply to categorically eligible households except the second sentence of § 273.8(a) pertaining to categorical eligibility and § 273.8(i) concerning transfer of resources. The provision on § 273.10(b) regarding resources available the time of the interview does not apply to categorically eligible households.

(B) Gross and net income limits. None of the provisions in § 273.9(a) relating to income eligibility standards apply to categorically eligible households, except the fourth sentence pertaining to categorical eligibility. The provisions in §§ 273.10(a)(1)(i) and 273.10(c) relating to the income eligibility determining also do not apply to categorically eligible households.

(C) Zero benefit households. The provision of § 273.10(e)(2)(iii)(A) which allows a State agency to deny the application of a household with three or more members entitled to no benefits because its net income exceeds the level at which benefits are issued does not apply to categorically eligible households. All eligible households of one or two persons must be provided the minimum benefit, as required by § 273.10(e)(2)(ii)(C).

(D) Residency.

(E) Sponsored alien information.

(iv) *Ineligible household members.* No person shall be included as a member of an otherwise categorically eligible household if that person is:

(A) An eligible alien, as defined in § 273.4;

(B) An ineligible student, as defined in § 273.5;

(C) Disqualified for failure to provide or apply for an SSN, as required by § 273.6;

(D) A household member, not the head of household, disqualified for failure to comply with a work requirement of § 273.7;

(E) Disqualified for intentional program violation, as required by § 273.16;

(F) An SSI recipient in a cash-out State, as defined in § 273.20; or

(G) An individual who is institutionalized in a nonexempt facility, as defined in § 273.1(e).

(v) *Ineligible households.* A household shall not be considered categorically eligible if:

(A) It refuses to cooperate in providing information to the State agency that is necessary for making a determination of its eligibility or for completing any subsequent review of its eligibility, as described in § 273.2(d) and § 273.21(m)(1)(ii);

(B) The household is disqualified because the head of household fails to comply with a work requirement of § 273.7;

(C) The household is ineligible under the striker provisions of § 273.1(g); or

(D) The household is ineligible because it knowingly transferred resources for the purpose of qualifying or attempting to qualify for the Program, as provided in § 273.8(i).

(vi) *Combination households.* Households consisting entirely of recipients of PA, SSI and/or GA from a program that meets the requirements of § 273.2(j)(4)(i) shall be categorically eligible in accordance with the provisions for paragraphs (j)(2)(iii) and (j)(2)(v) of this section for members receiving PA and SSI or provisions of paragraphs (j)(4) (iv) and (v) of this section for members receiving GA.

* * * * *

§ 273.8 [Amended]

4. In § 273.8, the second sentence of paragraph (a) is amended by adding the words "or 273.2(j)(4)" after the regulatory citation "§ 273.2(j)(2)".

§ 273.9 [Amended]

5. In § 273.9, the fourth sentence of the introductory text of paragraph (a) is amended by adding the words "or 273.2(j)(4)" after the regulatory citation "§ 273.2(j)(2)".

§ 273.10 [Amended]

6. In § 273.10, the third sentence of paragraph (g)(1)(ii) is amended by removing the words "NPA food stamps are" and adding in their place the words "food stamp application is" and by adding the words "or benefits from a State or local GA program" after the words "PA and/or SSI benefits."

§ 273.12 [Amended]

7. In § 273.12, the last sentence of (f)(1) is amended by removing the reference to "§ 273.2(j)(2)" and adding a reference to "§ 273.2(j)(3)" in its place.

§ 273.18 [Amended]

6. In § 273.18:

a. Paragraph (a)(2) is amended by adding the words "or general assistance" after the words "public assistance."

b. Paragraph (b)(1)(iv) is amended by adding ", or GA" after "PA"; and

c. Paragraph (b)(2)(vi) is amended by adding the words "or GA" after "PA."

Dated: November 27, 1991.

Betty Jo Nelsen,

Administrator.

[FR Doc. 91-29014 Filed 12-2-91; 10:33 am]

BILLING CODE 3410-30-M

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7 CFR Parts 272, 273, 274, and 280

[Amendment No. 338]

Food Stamp Program; Deduction and Disaster Provisions From the Mickey Leland Memorial Domestic Hunger Relief Act

AGENCY: Food and Nutrition Service, USDA.

ACTION: Final rule.

SUMMARY: The Department published a proposed rulemaking at 56 FR 40164, on August 13, 1991, which proposed amendments to the Food Stamp Program regulations to implement three Program provisions contained in the Mickey Leland Memorial Domestic Hunger Relief Act (title XVII, Pub. L. 101-624, 104 Stat. 3783, November 28, 1990). This action makes final only two of the provisions of the Leland Act: (1) Using a standard shelter expense estimate in lieu of verification for homeless households with shelter costs and (2) providing for issuance of food stamp benefits in disasters. The third provision of the Leland Act regarding simplifying resource and eligibility determinations by more specifically defining criteria by which a resource can be considered

inaccessible will be reproposed in a future rulemaking. The Department has decided that it is necessary to seek additional comments on a revised version of this provision because of confusion concerning the original proposal.

EFFECTIVE DATE: The provisions of this rule are effective and must be implemented on February 1, 1992.

FOR FURTHER INFORMATION CONTACT: Judith M. Seymour, Eligibility and Certification Regulation Section, Certification Policy Branch, Program Development Division, Food Stamp Program, Food and Nutrition Service, USDA, 3101 Park Center Drive, Alexandria, Virginia 22302.

SUPPLEMENTARY INFORMATION:

Classification

Executive Order 12291/Secretary's Memorandum 1521-1

This final rule has been reviewed under Executive Order 12291 and the Secretary of Agriculture Memorandum No. 1521-1. The Department has classified this rule as nonmajor. The rule will not have an annual effect on the economy of $100 million or more. The rule will have little or no effect on costs or prices for consumers, individual industries, Federal, State or local government agencies or geographic regions. Further, the rule will not have significant adverse effects on competition, employment, investment, productivity, innovation or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Executive Order 12372

The Food Stamp Program is listed in the Catalog of Federal Domestic Assistance under No. 10.551. For the reasons set forth in the final rule and related notice(s) to 7 CFR 3015, subpart V (48 FR 29115, June 24, 1983), this Program is excluded from the scope of Executive Order 12372 which requires intergovernmental consultation with State and local officials.

Regulatory Flexibility Act

This action has been reviewed with regard to the requirements of the Regulatory Flexibility Act of 1980 (5 U.S.C. 601-612). Betty Jo Nelsen, Administrator of the Food and Nutrition Service (FNS), has certified that this action will not have a significant economic impact on a substantial number of small entities. State and local agencies that administer the Program will be the most affected. The rule increases benefits for certain households that incur shelter expenses or lose food in a disaster.

Paperwork Reduction Act

The provision in § 273.9(d)(5)(i) of this final action which establishes a special shelter deduction for homeless households will result in a change to form FNS-387, Application Worksheet. The "Shelter Deduction" section of Form FNS-387 will need to be revised to reflect that there are now two methods of computing a shelter deduction. Current burden estimates of form FNS-387 are based on an average national caseload and assume that all households will be entitled to a shelter deduction. Although the new procedures for computing a shelter deduction for homeless households will result in a decrease in burden for such households, the procedure does not alter the methodologies used for determining overall burden associated with FNS-387 and therefore, the procedure does not result in a change to the burden estimates currently approved. Separating the "Shelter Deduction" portion of the form in this manner does not significantly alter the current burden estimates for form FNS-387 as approved under OMB No. 0584-0064. The remaining provision of this final action does not contain reporting or recordkeeping requirements subject to approval by the OMB under the Paperwork Reduction Act of 1990 (44 U.S.C. 3507).

Background

On August 13, 1991 at 56 FR 40164, the Department published a proposed rulemaking which would amend the Food Stamp Program regulations to reflect several sections of the Mickey Leland Memorial Domestic Hunger Relief Act (hereafter called the Leland Act). The proposed rule affected FNS regulations at 7 CFR 273.8, 273.9, and 280.1. A minor amendment was proposed for 7 CFR 274.6. The Department accepted comments on the proposed rule through September 12, 1991. A total of twenty comments were received. Fifteen comment letters were received from State agencies; one letter was received from a County agency, and four letters were received from advocate groups. All comments were reviewed and given full consideration for inclusion in this final rulemaking. Comments which suggested legislative changes or were unclear or not pertinent to this rulemaking are not addressed in this preamble. For a full understanding of the provisions of this final rule, the reader should refer to the preamble of the proposed rule. Because of confusion concerning the proposed rule affecting 7 CFR 273.8 (setting forth criteria for determining when a resource is inaccessible), the Department is separating this provision from the final rulemaking. The Department intends to re-propose an amendment to 7 CFR 273.8 to implement this Leland Act provision in a separate rulemaking.

Estimates in Lieu of Verification for Homeless Households With Shelter Costs—7 CFR 273.9

In the August 13th rulemaking, the Department proposed to implement Section 1737 of the Leland Act by amending 7 CFR 273.9(d) to require State agencies to use a standard estimate of the shelter expenses that may reasonably be expected to be incurred by households in which all members are homeless but that are not receiving free shelter throughout the month. The proposed rule also provided that State agencies may opt to develop the estimate provided the estimate is consistent with costs incurred by homeless people for shelter. If the State agency does not develop their own standard estimate, the Department proposed that the standard estimate amount be equal to 50 percent of the Food Stamp Program's FY 1991 maximum shelter cap for non-elderly/non-disabled households ($93). Households which receive free housing and utilities throughout the month would *not* be eligible for the standard estimate. Moreover, homeless households with shelter costs higher than the standard estimate would be able to claim these higher costs if they can be reasonably verified. If there is no such verification, the standard estimate would be used. Finally, the proposal provided that homeless households with extremely low shelter costs would also be allowed to claim the standard estimate.

The Department received several comments on this provision. Two commenters included in their correspondence an example of a situation experienced by certain homeless households and explained how section 1737 of the Leland Act was written to address this type of situation. The commenters suggested the example be included in the preamble of the final rule so State agencies could understand the intent of the provision. The Department agrees and is including the example as follows: In some parts of the country, homeless individuals receive general assistance (GA) benefits and use these benefits for part of the month to rent a room on a daily or weekly basis. Part of the way through the month, the GA payment is likely to be used up and the individual is then back on the street or in a homeless shelter. Since the individual has no lease and does not rent a room on an ongoing basis, the individual often cannot document ongoing shelter costs that he/she has paid for shelter for part of the month.

Several comments received by the Department discussed the problems homeless households face in providing verification for shelter expenses. As the previously discussed example shows, homeless individuals can move around during a month and there is a possibility that needed verification could never be obtained. The question that is raised is how can homeless households verify shelter costs under circumstances cited in the above example. Current regulations at 7 CFR 273.2(f) provide information on verification requirements and must be used when appropriate. The Department believes that the need for a specific type of verification for shelter costs can be evaluated on a case-by-case basis and that a caseworker's judgment is important in these cases. For example, if a homeless individual claims to have incurred shelter costs for several nights and the costs are comparable to costs incurred by homeless people for shelter, the State agency may decide to accept this information as adequate verification and not require further verification. If the shelter costs reported seem questionable and there is no other documentation to support the household's shelter costs, collateral contacts (such as a landlord, relative, etc.) can be used. In order to emphasize that caseworkers should use their own judgment in verifying shelter costs for homeless households, the Department is including such a provision in the final rule. Several commenters asked whether a homeless household can be eligible for a standard utility allowance (SUA). A homeless household which uses the special standard estimate is not entitled to the SUA since average utility costs are included in the estimate. Depending on their circumstances, other homeless households may be entitled to the SUA, as provided in 7 CFR 273.9(d)(6).

Another issue raised by commenters was the ability of homeless households to predict if they will have shelter expenses in future months. Several commenters were of the opinion that it is unreasonable to expect homeless households to know whether they will have shelter expenses at some future time. One commenter asked about a homeless household that does not have any shelter expenses in the 30 days prior to the food stamp certification interview but expects to have some shelter costs in the future. The Department wishes to point out that homeless households must be prospectively budgeted; thus, the household's shelter expenses must be projected over the length of the certification period and appropriate benefits issued. If a homeless household cannot predict with any certainty what future shelter costs will be, 7 CFR 273.10(f) requires that households be assigned the longest certification periods based on the predictability of the household's circumstances. The State agency has the right to certify the household for three months and can continue to do so until some kind of pattern regarding shelter costs can be observed. Once there is a noticeable pattern to a homeless household's shelter costs, the certification period can be adjusted accordingly. Moreover, homeless households are still required to report changes in their circumstances, including shelter costs, in accordance with 7 CFR 273.12(a)(iii) and State agencies must act upon reported changes within the timeframes of 7 CFR 273.12(c).

Based on the above discussion, the Department believes current regulations adequately address the issue of predicting future shelter expenses for homeless households. Section 1737 of the Leland Act also requires State agencies to use shelter expenses "* * * that may reasonably be expected to be incurred * * *" by homeless households when they develop their own shelter estimate. The Department is revising the proposed rule to state that homeless households that incur or reasonably expect to incur shelter costs throughout the month shall be eligible for the estimate. This change will more closely align the final rule to the Leland Act.

Several commenters questioned the adequacy of $93 as the standard estimate for homeless households, particularly in those states where the cost of housing varies by geographic areas of the state. Further, limiting the shelter estimate to $93 does not allow the amount to increase in the future as shelter costs rise.

The Department has considered the commenters' concerns and has reexamined the entire provision. In developing an alternate standard estimate for the final rule, the Department analyzed the full quality control data base for Fiscal Year (FY) 1989 for all non-elderly one-person households with an identifiable shelter expense. To derive a figure for FY 1992, the Department then updated this expense by using the same increase in the shelter, fuel, and utilities component of the Consumer Price Index (CPI) that were used in adjusting the standard shelter deduction between FY 1989 and FY 1992. For non-elderly one-person households, the adjusted national average monthly shelter expense is $255.12 per month. Since the standard shelter estimate is intended for homeless households which do not incur shelter expenses for the whole month, the Department is using half of the national average shelter expenses for non-elderly one-person households, which is $127.56, rounded up to $128.00 per month. This figure will be updated annually when the shelter cap is adjusted using the same method that is used in indexing the shelter cap. State agencies will be notified by memorandum.The Department would emphasize that homeless households who can show that they incur expenses greater than the shelter estimate will be able to claim the actual shelter expenses in calculating the shelter deduction.

The Department is also keeping the option from the proposed rule that State agencies may develop their own shelter estimates for homeless households who have some shelter costs during the month while not incurring expenses for the entire month. While keeping the option, the Department is further revising the option by adding a provision that any methodology or database developed by a State agency in calculating its shelter estimate shall be submitted to FNS for approval. Since this is a new area, the Department wants to ensure consistency in the development of the estimates.

One commenter suggested changes in the proposed rule to help States in developing their own standard estimate by having State agencies use the average costs for housing purchased by the day or week in their jurisdiction. Another commenter suggested States use the Aid to Families with Dependent Children (AFDC) shelter component as a guideline in developing a standard estimate; another suggested using the Department of Housing and Urban Development (HUD) fair market rent. The Department believes that all these suggestions can be used by State agencies in developing their own estimates as long as the State agency shows the correlation between the estimates and local data on homeless people's shelter costs. In particular, the final rule makes clear that State agencies may develop estimates based on geographic areas and approval by the Department would mean that there could be several estimates in a State. Overall, though, the Department does not wish to limit State agencies to a particular method of developing their own estimate and data. The Department believes that State agencies need the greatest flexibility possible in order to develop an estimate that meets their needs. Therefore, the final rule does not contain any further changes regarding estimate methodology.

If a State agency submits data that show shelter costs higher than the FNS shelter estimate for homeless households, the State agency may use its higher shelter estimate amount since the $128 estimate provided by the Department is not a cap. Likewise, if the State agency shelter estimate is lower than the FNS estimate, then the State estimate may be used at the State's option. The Department does not anticipate that any State will choose such an option; however, it is permitted by law and therefore must be allowed as a contingency.

Because use of a standard shelter estimate for the homeless is new, the Department intends to review data received from State agencies relating to homeless shelter estimates. If warranted, the Department may propose future rulemaking.

In its proposed rulemaking, the Department proposed to add the new provision to the end of 7 CFR 273.9(d)(5). The Department now believes it would be more effective if the final provision appears at the beginning of 7 CFR 273.9(d)(5) and has changed the final rule accordingly.

Disaster Provision of the Leland Act

Section 1720 of the Leland Act and the subsequent August 13th rule proposed to amend 7 CFR 280.1 to allow the Secretary to issue emergency allotments to eligible households to replace food destroyed in a disaster. The emergency allotments would be equal to the value of food actually lost in a disaster but not greater than the applicable maximum monthly allotment for the household size. Proposed conforming language was added to 7 CFR 274.6(b)(3).

The Department received only three comments regarding this proposed regulation. A commenter felt the Department failed to adjust reporting and other requirements in the proposed rule in order to carry out Congressional intent to provide emergency assistance to disaster victims. The Department wishes to point out that the proposed rule addressed that part of section 1720 of the Leland Act which amended section 5(h)(3)(A) of the Food Stamp Act. Section 5(h)(3)(A) is concerned solely with the issue of replacing food destroyed in a disaster. Other issues involved in disasters, such as reporting requirements and verification procedures, will be addressed in a forthcoming comprehensive rule on disasters. Therefore, the proposed rule is adopted without change.

The Department would point out that the Leland Act amendment to section 5(h)(3)(B) of the Food Stamp Act reflects current practice. Any time there is a request from a State agency for a disaster declaration, the Department carefully considers each request and approves the use of special disaster certification procedures if warranted. Factors involved in the determination process include such things as accessibility of grocery stores, as well as power interruptions. In fact, in the past two to three years, special disaster procedures have been used following a variety of natural disasters. These disasters included such instances as the destruction caused by Hurricane Hugo in 1989; the Lomo Prieta earthquake in California, also in 1989; and devastation to some small communities in Kansas in 1990 caused by a tornado. Each disaster approval is handled individually and procedures are adjusted to meet the needs of the specific disaster. In all instances the Food Stamp application process, including reporting requirements, is greatly streamlined.

Another commenter disagreed with the provision that requires replacement food stamp allotments to "equal to the value of food actually lost". The commenter felt it would be impossible for a household affected by a disaster to accurately estimate the value of food lost in the disaster and suggested the rule be modified to define the value of the emergency allotment as equal to, but not greater than, the applicable maximum monthly food stamp allotment for the household size. The Department reviewed the suggestion and believes the language of the proposed rule clearly reflects the language of section 1720 of the Leland Act. Therefore, the proposed language is adopted without change.

Implementation

Section 1781 of the Leland Act requires that the provisions of this final rulemaking be effective and implemented the first day of the month beginning 120 days after publication of implementing regulations or from October 1, 1991, whichever is earlier. (The Leland Act mandates October 1, 1991 as the required publication date of these regulations.) Thus, the provisions are effective and must be implemented on February 1, 1992. Variances resulting from implementation of the provisions of this rule shall be excluded from error analysis for 90 days from the required implementation date, in accordance with 7 CFR 275.12(d)(2)(vii). These provisions must be implemented for all households that newly apply on or after February 1, 1992. The current caseload must be converted to the new provision at recertification, at household request, or when the case is next reviewed, whichever occurs first. If, for any reason, a State agency fails to implement on the required implementation date, restored benefits must be provided back to the required implementation date or the date of the food stamp application, whichever is later. The Department is amending 7 CFR 272.1(g) to finalize the implementation requirements provided in the Leland Act.

List of Subjects

7 CFR Part 272

Alaska, Civil Rights, Food Stamps, Grant programs-social programs, Reporting and recordkeeping requirements.

7 CFR Part 273

Administrative practice and procedure, Aliens, Claims, Food stamps, Fraud, Grant programs-social programs, Penalties, Records, Reporting and recordkeeping requirements, Social security, Students.

7 CFR Part 274

Administrative practice and procedure, Food stamps, Fraud, Grant program-social programs, Reporting and recordkeeping requirements.

7 CFR Part 280

Disaster assistance, Food stamps, Grant programs-social programs, Indians.

Accordingly, 7 CFR parts 272, 273, 274, and 280 are amended as follows:

1. The authority citation for parts 272, 273, 274, and 280 continues to read as follows:

Authority: 7 U.S.C. 2011–2031.

PART 272—REQUIREMENTS FOR PARTICIPATING STATE AGENCIES

2. In § 272.1, a new paragraph (g)(123) is added to read as follows:

§ 272.1 General terms and conditions.

* * * * *

(g) *Implementation.* * * *

(123) *Amendment No. 338.* The provisions of *Amendment No. 338* are effective and must be implemented on February 1, 1992. The provisions must be implemented for all households that newly apply for Program benefits on or after the required implementation date of February 1, 1992. The current caseload shall be converted to these

provisions at household request, at the time of recertification, or when the case is next reviewed, whichever occurs first. If, for any reason, a State agency fails to implement by the required implementation date, restored benefits shall be provided, if appropriate, back to the required implementation date or the date of the food stamp application, whichever is later. Any variances resulting from implementation of the provisions of this amendment shall be excluded from error analysis for 90 days from this required implementation date in accordance with 7 CFR 275.12(d)(2)(vii).

PART 273—CERTIFICATION OF ELIGIBLE HOUSEHOLDS

3. In § 273.9, paragraph (d)(5) introductory text and paragraphs (d)(5)(i)–(v) are redesignated as (d)(5)(ii) introductory text and paragraphs (d)(5)(ii)(A)–(E); a new paragraph (d)(5)(i) is added; and a heading is added to newly redesignated paragraph (d)(5)(ii).

The additions read as follows:

§ 273.9 Income and deductions.

* * * * *

(d) *Income deductions.* * * *

(5) *Shelter costs.*

(i) *Homeless households.* State agencies shall use a standard estimate of the shelter expenses for households in which all members are homeless and are not receiving free shelter throughout the calendar month. If State agencies opt to develop their own estimate, the estimate must be consistent with costs incurred by homeless people for shelter and the methodology and database used in developing the State estimate shall be submitted to FNS for approval. If a State agency finds that area shelter costs differ by geographic areas, the State agency may develop specific estimates by geographic areas. If a State agency submits data that show shelter costs for most homeless households are higher than the FNS shelter estimate, the higher shelter estimate shall be used. If State agencies do not wish to develop their own estimate, then the State agency shall use the estimate provided by the Department. The Department's shelter estimate for FY 92 is $128. The Department will update this figure annually when the shelter cap is adjusted using the same method as is used in indexing the shelter cap. All homeless households which incur or reasonably expect to incur shelter costs during a month shall be eligible for the estimate unless higher shelter costs are verified at which point, the household may use actual shelter costs rather than the estimate. If a homeless household has difficulty in obtaining traditional types of verification of shelter costs, the caseworker shall use prudent judgment in determining if verification obtained is adequate. For example, if a homeless individual claims to have incurred shelter costs for several nights and the costs are comparable to costs incurred by homeless people for shelter, the caseworker may decide to accept this information as adequate verification and not require further verification. Homeless households which incur no shelter costs during the month shall *not* be eligible for the standard estimate.

(ii) *Other households.* * * *

* * * * *

PART 274—ISSUANCE AND USE OF COUPONS

§ 274.6 [Amended]

5. In § 274.6, paragraph (b)(3) is amended by adding the words "Except for households certified under 7 CFR part 280," to the beginning of the first sentence and lower-casing the word "Replacement."

PART 280—EMERGENCY FOOD ASSISTANCE FOR VICTIMS OF DISASTERS

6. Section 280.1 is amended by adding two new sentences to the end of the section to read as follows:

§ 280.1 Interim disaster procedures.

* * * In addition to establishing temporary emergency standards of eligibility, the Secretary shall provide for emergency allotments to eligible households to replace food destroyed in a disaster. Such emergency allotments would be equal to the value of the food actually lost in such disaster but not greater than the applicable maximum monthly allotment for the household size.

Dated: November 27, 1991.

Betty Jo Nelsen,

Administrator.

[FR Doc. 91-29015 Filed 12-2-91; 10:34 am]

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federal register

Wednesday
December 4, 1991

Part VII

The President

Proclamation 6386—National Pearl Harbor Remembrance Day, 1991

Federal Register
Vol. 56, No. 233
Wednesday, December 4, 1991

Presidential Documents

Title 3—

The President

Proclamation 6386 of November 29, 1991

National Pearl Harbor Remembrance Day, 1991

By the President of the United States of America

A Proclamation

At 7:55 a.m. on December 7, 1941, air and naval forces of Imperial Japan launched a surprise attack against United States military installations at Pearl Harbor, Hawaii. More than 2,400 Americans were dead or missing after the attack, including 68 civilians. Another 1,178 people lay wounded. Two U.S. battleships were destroyed; another six were severely damaged. On the same day, attacks against U.S. installations in Guam, the Philippines, and elsewhere in the Pacific left a similar trail of death and destruction. Less than 24 hours later, after an impassioned address by President Franklin D. Roosevelt, the Congress declared that a state of war existed between the United States and the Empire of Japan. Thus, America became engaged in World War II, a conflict that would change the course of history, ending forever America's isolation from world events.

Across the United States, people rallied to the cry of "Remember Pearl Harbor!" While millions of brave and selfless Americans took up arms in the struggle for freedom, countless others labored and sacrificed on the home front. On our Nation's farms and in its factories, millions of workers rushed to increase production. In homes, schools, and churches, citizens of every age and every walk of life prayed for victory while making every contribution they could to the war effort. Yet this tremendous display of patriotism and resolve was more than a response to the outrage of Pearl Harbor. As President Roosevelt said:

> When we resort to force, as we now must, we are determined that this force shall be directed toward ultimate good, as well as against immediate evil . . . . We are now in the midst of a war, not for conquest, not for vengeance, but for a world in which this Nation, and all that this Nation represents, will be safe for our children.

Six years after World War II began, and four years after the attack on Pearl Harbor, the United States and its Allies secured the unconditional surrender of Nazi Germany and Imperial Japan. By the end of the war, there had been more than 1,000,000 American casualties. Some 400,000 Americans had died so that others might live in freedom. Our Nation will always be grateful for their courage and sacrifices.

When we remember those who served our country during World War II, we also recall President Truman's observation that the Allied victory was "a victory of more than arms alone." Indeed, while our farms, factories, mines, and shipyards produced tons of raw materials and finished goods that were essential to the war effort, as President Truman said, "back of it all were the will and spirit and determination of a free people—who know what freedom is and who know that it is worth whatever price they had to pay to preserve it."

On this occasion, we reaffirm the solemn commitment that President Truman made when he declared, "We shall not forget Pearl Harbor." During the past five decades, that commitment has gone hand in hand with the unending task that President Roosevelt had earlier described as winning the peace. America's determination to remember the lessons of World War II and our continuing vigilance and resolve in the defense of freedom have helped to bring about the triumph of democratic ideals around the globe. Today Japan stands second to none as our ally and friend.

As we mark the 50th anniversary of the attack on Pearl Harbor, let us remember in prayer all those who died on that day and throughout World War II. Let us also honor all those World War II veterans who are still living, especially the infirm and the hospitalized. Finally, let us give thanks for the great blessings of freedom our World War II veterans helped to secure.

The Congress, by Public Law 102–68, has designated December 7, 1991, as "National Pearl Harbor Remembrance Day."

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim December 7, 1991, as National Pearl Harbor Remembrance Day. I call upon all Americans to observe this day with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of November, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and sixteenth.

George Bush

[FR Doc. 91–29258
Filed 12–3–91; 10:59 am]
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