



DEPARTMENT OF HEALTH & HUMAN SERVICES

Office of the Secretary

Washington, D C 20201

January 22, 2017

Mr. Oliver Potts
Director
Office of the Federal Register
800 North Capitol Street, NW
Suite 700
Washington, DC 20002

Dear Mr. Potts,

This letter is to request that the enclosed list of items submitted to the Federal Register on January 3, 2017 through January 19, 2017 for public inspection on and after January 23, 2017 and publication on and after January 24, 2017 be withdrawn. These items are being withdrawn for further policy review and approval.

Please do not hesitate to contact me if I can provide any additional information to facilitate this request.

Sincerely,

Dr. Wilma Robinson
Deputy Executive Secretary
202-690-5627

HHS List of Pending Actions at the Office of the Federal Register to be Withdrawn Immediately

Items Publishing on or after 1/24

1. **HHS Poverty Guidelines – Notice (ASPE)**
Publishes 1/24
Summary: Establishes the federal guidelines for eligibility criteria.
FR Document 2017-01586
2. **Delegation of Authority – Notice (ONC)**
Displays 1/23; Publishes 1/24
Summary: Delegates to ONC authority under Title IV of the 21st Century Cures Act, as specified in Section 4001(b) and Section 4002(a): to require, through notice and comment rulemaking, conditions of certification and maintenance of certification for health IT developers or entities, and to encourage compliance with the conditions of certification and take action to discourage noncompliance, as appropriate; Section 4002(c): to convene stakeholders to develop reporting criteria for the purposes of the Electronic Health Record (EHR) Reporting Program, to award grants, contracts, or agreements to independent entities on a competitive basis to support the convening of stakeholders to collect the required information related to the reporting criteria and develop and implement a process to include confidential feedback under the EHR Reporting Program, and to widely distribute and publish the reporting criteria developed and summary and detailed reports on the ONC website; Section 4003(b), 4003(d); and 4003(e): to provide for an orderly and timely transition of the new Health Information Technology (HIT) Advisory Committee, to publish the first and annual schedules in the Federal Register for the HIT Advisory Committee's assessment of policy recommendations under this section, and to review the target priority areas described in the HIT Advisory Committee's annual report and determine if significant advancements were achieved.
FR Document 2017-01476
4. **Content and Format of Substantial Equivalence Applications; Food and Drug Administration Actions on Substantial Equivalence Reports; Proposed Rule (FDA)**
Displays 1/23; Publishes 1/24
FR Document 2017-6030
5. **New Animal Drugs; Withdrawal of Approval of a New Animal Drug Applications; Notice (FDA)**
Displays 1/23; Publishes 1/24
FR Document 2017-644
6. **New Animal Drugs for Use in Animal Feed; Approval of New Animal Drug Applications; Withdrawal of Approval of New Animal Drug Applications; Final rule (FDA)**
Displays 1/23; Publishes 1/24
FR Document 2017-645
7. **Submission of Petitions: Food Additive, Color Additive (Including Labeling), Generally Recognized as Safe Affirmation, and Electronic Submission Using Food and Drug Administration Form 3503; Notice (FDA)**
Displays 1/23; Publishes 1/24
FR Document 2017-1474

8. Agency Information Collection Activities; Proposed Collection; Comment Request; Medical Devices; Reports of Corrections and Removals (FDA)
Displays 1/23; Publishes 1/24
FR Document 2017-1473
9. Submission Period for ONC Approved Accreditor—Notice (ONC)
Displayed 1/18; Publishes 1/24.
Summary: This Notice is for authorizing bodies to request official designation, which is part of ONC's established certification program. The ONC-AA is appointed through a competitive process, by which an organization is chosen to serve a three year period. The current term for the ONC-AA is set to expire in June 2017. The National Coordinator must publish a notice to the Federal Register to announce the 30-day period during which requests for ONC-AA status for the next term may be submitted.
FR Document 2017-1468

Items awaiting display/publication dates at OFR (they have not notified us of a date)

1. Delegation of Authority - Notices (NIH)
Delivered to the Federal Register the morning of 1/19
Summary: (2 Delegations) Delegates authority under Section 2054 and Section 2041 of the 21st Century Cures Act to establish a task force required by the Act as well as take some action to refine the clinical trials data registry.
2. Prep Act Notification – Notice (ASPR)
Delivered to the Federal Register 1/17
Summary: PREP Act Declarations for Zika to help ensure Zika virus vaccine can continue development and provide liability immunity to relevant manufacturers.
3. Implementation of the 2017 Annual Adjustment: Civil Monetary Penalties - Interim Final Rule (ASFR)
Delivered to the Federal Register 1/17
Summary: Implements the 2017 annual adjustment pursuant to the Federal Civil Penalties Adjustment Act Improvement Act of 2015 in accordance with the guidelines provided in the Office of Management and Budget's (OMB) Memo M-17-11 dated December 16, 2016.



Washington DC 20201

January 18, 2017

Mr. Oliver Potts
Director
Office of the Federal Register
800 North Capitol Street, N.W.
Suite 700
Washington, D.C. 20001

SUBJECT: Annual Update of the HHS Poverty Guidelines

Dear Mr. Potts:

Attached are the original and two certified copies of the above-referenced final rule, along with a CD-ROM disk with the corresponding Word file.

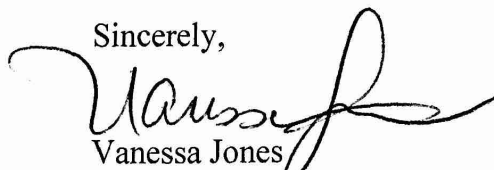
This is a request for SPECIAL HANDLING:

“We are requesting to display January 18, 2017, at 4:15 p.m., to address several programs across Federal Government use the poverty guidelines for eligibility criteria. Multiple programs in CMS rely on the 2017 guidelines for eligibility determinations at the start of the year. A delay in the issuance of the guidelines will cause an increased waiting period for program-eligible potential recipients of Medicaid, CHIP, Medicare Part D coverage and Marketplace tax credits/cost-sharing reductions.”

This is to certify that the CD is a true copy of the original signed document and should be used by GPO in preparing the document for publication.

Thank you for your assistance.

Sincerely,



Vanessa Jones
Deputy Director
(202) 690-6392

Attachment

BILLING CODE: 4150-05

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Annual Update of the HHS Poverty Guidelines

AGENCY: Department of Health and Human Services

ACTION: Notice

SUMMARY: This notice provides an update of the Department of Health and Human Services (HHS) poverty guidelines to account for last calendar year's increase in prices as measured by the Consumer Price Index.

DATES: *Effective Date:* January 19, 2017 unless an office administering a program using the guidelines specifies a different effective date for that particular program.

ADDRESSES: Office of the Assistant Secretary for Planning and Evaluation, Room 404E, Humphrey Building, Department of Health and Human Services, Washington, D.C. 20201.

FOR FURTHER INFORMATION CONTACT: For information about how the guidelines are used or how income is defined in a particular program, contact the Federal, state, or local office that is responsible for that program. For information about poverty figures for immigration forms, the Hill-Burton Uncompensated Services Program, and the number of people in poverty, use the specific telephone numbers and addresses given below.

For general questions about the poverty guidelines themselves, contact Suzanne Macartney, Office of the Assistant Secretary for Planning and Evaluation, Room 422F.3, Humphrey Building, Department of Health and Human Services, Washington, D.C. 20201 - telephone: (202) 690-6143 - or visit <http://aspe.hhs.gov/poverty/>.

For information about the percentage multiple of the poverty guidelines to be used on immigration forms such as USCIS Form I-864, Affidavit of Support, contact U.S. Citizenship and Immigration Services at 1-800-375-5283.

For information about the Hill-Burton Uncompensated Services Program (free or reduced-fee health care services at certain hospitals and other facilities for persons meeting eligibility criteria involving the poverty guidelines), contact the Health Resources and Services Administration Information Center at 1-800-275-4772. You also may visit <http://www.hrsa.gov/getthehealthcare/affordable/hillburton/>.

For information about the number of people in poverty, visit the Poverty section of the Census Bureau's web site at <http://www.census.gov/hhes/www/poverty/poverty.html> or contact the Census Bureau's Customer Service Center at 1-800-923-8282 (toll-free) or visit <https://ask.census.gov> for further information.

SUPPLEMENTARY INFORMATION:

Background

Section 673(2) of the Omnibus Budget Reconciliation Act (OBRA) of 1981 (42 U.S.C. 9902(2)) requires the Secretary of the Department of Health and Human Services to update the poverty guidelines at least annually, adjusting them on the basis of the Consumer Price Index for All Urban Consumers (CPI-U). The poverty guidelines are used as an eligibility criterion by the Community Services Block Grant program and a number of other Federal programs. The *poverty guidelines* issued here are a simplified version of the *poverty thresholds* that the Census Bureau uses to prepare its estimates of the number of individuals and families in poverty.

As required by law, this update is accomplished by increasing the latest published Census Bureau poverty thresholds by the relevant percentage change in the Consumer Price Index for

All Urban Consumers (CPI-U). The guidelines in this 2017 notice reflect the 1.3 percent price increase between calendar years 2015 and 2016. After this inflation adjustment, the guidelines are rounded and adjusted to standardize the differences between family sizes. In rare circumstances, the rounding and standardizing adjustments in the formula result in small decreases in the poverty guidelines for some household sizes even when the inflation factor is not negative. In cases where the year-to-year change in inflation is not negative and the rounding and standardizing adjustments in the formula result in reductions to the guidelines from the previous year for some household sizes, the guidelines for the affected household sizes are fixed at the prior year's guidelines. As in prior years, these 2017 guidelines are roughly equal to the poverty thresholds for calendar year 2016 which the Census Bureau expects to publish in final form in September 2017.

The poverty guidelines continue to be derived from the Census Bureau's current official poverty thresholds; they are not derived from the Census Bureau's Supplemental Poverty Measure (SPM).

The following guideline figures represent annual income.

2017 POVERTY GUIDELINES FOR THE 48 CONTIGUOUS STATES
AND THE DISTRICT OF COLUMBIA

| <u>Persons in family/household</u> | <u>Poverty guideline</u> |
|------------------------------------|--------------------------|
| 1 | \$12,060 |
| 2 | \$16,240 |
| 3 | \$20,420 |

| | |
|---|----------|
| 4 | \$24,600 |
| 5 | \$28,780 |
| 6 | \$32,960 |
| 7 | \$37,140 |
| 8 | \$41,320 |

For families/households with more than 8 persons add \$4,180 for each additional person.

2017 POVERTY GUIDELINES FOR ALASKA

| <u>Persons in family/household</u> | <u>Poverty guideline</u> |
|------------------------------------|--------------------------|
| 1 | \$15,060 |
| 2 | \$20,290 |
| 3 | \$25,520 |
| 4 | \$30,750 |
| 5 | \$35,980 |
| 6 | \$41,210 |
| 7 | \$46,440 |
| 8 | \$51,670 |

For families/households with more than 8 persons, add \$5,230 for each additional person.

2017 POVERTY GUIDELINES FOR HAWAII

| <u>Persons in family/household</u> | <u>Poverty guideline</u> |
|------------------------------------|--------------------------|
| 1 | \$13,860 |
| 2 | \$18,670 |
| 3 | \$23,480 |
| 4 | \$28,290 |
| 5 | \$33,100 |
| 6 | \$37,910 |
| 7 | \$42,720 |
| 8 | \$47,530 |

For families/households with more than 8 persons, add \$4,810 for each additional person.

Separate poverty guideline figures for Alaska and Hawaii reflect Office of Economic Opportunity administrative practice beginning in the 1966-1970 period. (Note that the Census Bureau poverty thresholds – the version of the poverty measure used for statistical purposes – have never had separate figures for Alaska and Hawaii.) The poverty guidelines are not defined for Puerto Rico or other outlying jurisdictions. In cases in which a Federal program using the poverty guidelines serves any of those jurisdictions, the Federal office that administers the program is generally responsible for deciding whether to use the contiguous-states-and-D.C. guidelines for those jurisdictions or to follow some other procedure.

Due to confusing legislative language dating back to 1972, the poverty guidelines sometimes have been mistakenly referred to as the "OMB" (Office of Management and Budget) poverty guidelines or poverty line. In fact, OMB has never issued the guidelines; the guidelines are issued each year by the Department of Health and Human Services. The poverty guidelines may be formally referenced as "the poverty guidelines updated periodically in the **Federal Register** by the U.S. Department of Health and Human Services under the authority of 42 U.S.C. 9902(2)."

Some federal programs use a percentage multiple of the guidelines (for example, 125 percent or 185 percent of the guidelines), as noted in relevant authorizing legislation or program regulations. Non-Federal organizations that use the poverty guidelines under their own authority in non-Federally-funded activities also may choose to use a percentage multiple of the guidelines.

The poverty guidelines do not make a distinction between farm and non-farm families, or between aged and non-aged units. (Only the Census Bureau poverty thresholds have separate figures for aged and non-aged one-person and two-person units.)

Note that this notice does not provide definitions of such terms as "income" or "family," because there is considerable variation in defining these terms among the different programs that use the guidelines. These variations are traceable to the different laws and regulations that govern the various programs. This means that questions such as "Is income counted before or after taxes?", "Should a particular type of income be counted?", and "Should a particular person be counted as a member of the family/household?" are actually questions about how a specific program applies the poverty guidelines. All such questions about how a specific program applies the guidelines should be directed to the entity that administers or funds the program, since that

entity has the responsibility for defining such terms as "income" or "family," to the extent that these terms are not already defined for the program in legislation or regulations.

Dated: **JAN 18 2017**

A handwritten signature in black ink, reading "Sylvia M. Burwell", is written over a horizontal line.

Sylvia M. Burwell,

Secretary of Health and Human Services.