

OGE's Web site at <http://www.usoge.gov>. A paper copy may also be obtained, without charge, by contacting Mr. Ledvina.

#### SUPPLEMENTARY INFORMATION:

*Title:* Request to Inspect or Receive Copies of SF 278 Executive Branch Personnel Public Financial Disclosure Reports or Other Covered Records.

*Agency Form Number:* OGE Form 201.

*OMB Control Number:* 3209-0002.

*Type of Information Collection:* Extension without change of a currently approved collection.

*Type of Review Request:* Regular.

*Respondents:* Individuals requesting access to executive branch public financial disclosure reports and other covered records.

*Estimated Annual Number of Respondents:* 450.

*Estimated Time per Response:* 10 minutes.

*Estimated Total Annual Burden:* 75 hours.

*Abstract:* The OGE Form 201 collects information from, and provides certain information to, persons who seek access to SF 278 Public Financial Disclosure Reports and other covered records. The form reflects the requirements of the Ethics Act and OGE's implementing regulations that must be met by a person before access can be granted. These requirements relate to information collected about the identity of the requester, as well as any other person on whose behalf a record is sought, and notification of prohibited uses of SF 278 reports. See section 105 (b) and (c) of the Ethics Act, 5 U.S.C. appendix § 105 (b) and (c), and 5 CFR 2634.603 (c) and (f) of OGE's executive branchwide regulations. Executive branch departments and agencies are encouraged to utilize the OGE Form 201. OGE permits departments and agencies to use or develop their own forms as long as the forms collect and provide all of the required information. *Request for Comments:* OGE published a first round notice of its intent to request paperwork clearance for the proposed unmodified OGE Form 201 Ethics Act Access Form. See 74 FR 59185-59186. OGE received no responses to that notice. Agency and public comment is again invited specifically on the need for and practical utility of this information collection, the accuracy of OGE's burden estimate, the enhancement of quality, utility and clarity of the information collected, and the minimization of burden (including the use of information technology). Comments received in response to this

notice will be summarized for, and may be included with, the OGE request for extension of OMB paperwork approval. The comments will also become a matter of public record.

Approved: January 27, 2010.

**Robert I. Cusick,**

*Director, Office of Government Ethics.*

[FR Doc. 2010-2172 Filed 2-1-10; 8:45 am]

**BILLING CODE 6345-03-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Implementation of Section 5001 of the American Recovery and Reinvestment Act of 2009 for Adjustments to the First Quarter of Fiscal Year 2010 Federal Medical Assistance Percentage Rates for Federal Matching Shares for Medicaid and Title IV-E Foster Care, Adoption Assistance and Guardianship Assistance Programs

**AGENCY:** Office of the Secretary, DHHS.

**ACTION:** Notice.

**SUMMARY:** This notice provides the adjusted Federal Medical Assistance Percentage (FMAP) rates for the first quarter of Fiscal Year 2010 (FY10) as required under Section 5001 of the American Recovery and Reinvestment Act of 2009 (ARRA). Section 5001 of the ARRA provides for temporary increases in the FMAP rates to provide fiscal relief to states and to protect and maintain state Medicaid and certain other assistance programs in a period of economic downturn. The increased FMAP rates apply during a recession adjustment period that is defined in ARRA as the period beginning October 1, 2008 and ending December 31, 2010. **DATES Effective Date:** These percentages are effective for the quarter beginning October 1, 2009 through December 31, 2009.

#### A. Background

The FMAP is used to determine the amount of federal matching for specified state expenditures for assistance payments under programs under the Social Security Act. Sections 1905(b) and 1101(a)(8)(B) of the Social Security Act ("the Act") require the Secretary of Health and Human Services to publish the FMAP rates each year. The Secretary calculates the percentages using formulas set forth in sections 1905(b) and 1101(a)(8)(B), and from the Department of Commerce's statistics of average income per person in each state and for the nation as a whole. The percentages must be within the upper and lower limits given in section

1905(b) of the Act. The percentages to be applied to the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands are specified separately in the Act, and thus are not based on the statutory formula that determines the percentages for the 50 states.

*Section 1905(b) of the Act specifies the formula for calculating the FMAP as follows:*

The FMAP for any State shall be 100 per centum less the State percentage; and the State percentage shall be that percentage which bears the same ratio to 45 per centum as the square of the per capita income of such State bears to the square of the per capita income of the continental United States (including Alaska) and Hawaii; except that (1) the FMAP shall in no case be less than 50 per centum or more than 83 per centum, and (2) the FMAP for Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa shall be 50 per centum.

Section 4725 of the Balanced Budget Act of 1997 amended section 1905(b) to provide that the FMAP for the District of Columbia for purposes of titles XIX (Medicaid) and XXI (CHIP) shall be 70 percent. The Medicare Improvements for Patients and Providers Act of 2008 (MIPPA) (Pub. L. 110-275) amended the FMAP applied to the District of Columbia for maintenance payments under title IV-E programs to make it consistent with the 70 percent Medicaid match rate.

Section 5001 of Division B of the ARRA provides for a temporary increase in FMAP rates for Medicaid and title IV-E Foster Care, Adoption Assistance and Guardianship Assistance programs. The purpose of the increases to the FMAP rates is to provide fiscal relief to states and to protect and maintain State Medicaid and certain other assistance programs in a period of economic downturn, referred to as the "recession adjustment period." The recession adjustment period is defined as the period beginning October 1, 2008 and ending December 31, 2010.

#### B. Calculation of the Increased FMAP Rates Under ARRA

Section 5001 of the ARRA specifies that the FMAP rates shall be temporarily increased for the following: (1) Maintenance of FMAP rates for FY09, FY10, and first quarter of FY11, so that the FMAP rate will not decrease from the prior year, determined by using as the FMAP rate for the current year the greater of any prior fiscal year FMAP rates between 2008-2010 or the rate calculated for the current fiscal year; (2) in addition to any maintenance increase, the application of an increase in each state's FMAP of 6.2 percentage

points; and (3) an additional percentage point increase based on the state's increase in unemployment during the recession adjustment period. The resulting increased FMAP cannot exceed 100 percent. Each state's FMAP will be recalculated each fiscal quarter beginning October 2008. Availability of certain components of the increased FMAP is conditioned on states meeting statutory programmatic requirements, such as the maintenance of effort requirement, which are not part of the calculation process.

Expenditures for which the increased FMAP is not available under title XIX include expenditures for disproportionate share hospital payments, certain eligibility expansions, services received through an IHS or tribal facility (which are already paid at a rate of 100 percent and therefore not subject to increase), and expenditures that are paid at an enhanced FMAP rate. The increased FMAP is available for expenditures under part E of title IV (including Foster Care, Adoption Assistance and Guardianship Assistance programs) only to the extent of a maintenance increase (hold harmless), if any, and the 6.2 percentage point increase. The increased FMAP does not apply to other parts of title IV, including part D (Child Support Enforcement Program).

For title XIX purposes only, for each qualifying state with an unemployment rate that has increased at a rate above the statutory threshold percentage, ARRA provides additional relief above the general 6.2 percentage point increase in FMAP through application of a separate increase calculation. For those states, the FMAP for each qualifying state is increased by the number of percentage points equal to the product of the state matching percentage (as calculated under section 1905(b) and adjusted if necessary for the maintenance of FMAP without reduction from the prior year, and after

applying half of the 6.2 percentage point general increase in the federal percentage) and the applicable percent determined from the state unemployment increase percentage for the quarter.

The unemployment increase percentage for a calendar quarter is equal to the number of percentage points (if any) by which the average monthly unemployment rate for the state in the most recent previous 3-consecutive-month period for which data are available exceeds the lowest average monthly unemployment rate for the state for any 3-consecutive-month period beginning on or after January 1, 2006. A state qualifies for additional relief based on an increase in unemployment if that state's unemployment increase percentage is at least 1.5 percentage points.

*The applicable percent is:* (1) 5.5 percent if the state unemployment increase percentage is at least 1.5 percentage points but less than 2.5 percentage points; (2) 8.5 percent if the state unemployment increase percentage is at least 2.5 percentage points but less than 3.5 percentage points; and (3) 11.5 percent if the state unemployment increase percentage is at least 3.5 percentage points.

If the state's applicable percent is less than the applicable percent for the preceding quarter, then the higher applicable percent shall continue in effect for any calendar quarter beginning on January 1, 2009 and ending before July 1, 2010.

Puerto Rico, the Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, and America Samoa made a one-time election between (1) a 30 percent increase in their cap on Medicaid payments (as determined under subsections (f) and (g) of section 1108 of the Social Security Act), or (2) applying the increase of 6.2 percentage points in the FMAP plus a 15 percent increase in the cap on Medicaid

payments. There is no quarterly unemployment adjustment for Territories. All territories and the Commonwealth of the Northern Mariana Islands elected the 30 percent increase in their spending cap on Medicaid payments; therefore there is no recalculation of their FMAP rate.

### C. Adjusted FMAPs for the First Quarter of 2010

ARRA adjustments to FMAPs are shown by state in the accompanying table. The hold harmless FY10 FMAP is the higher of the original FY08, FY09, or FY10 FMAP. The 6.2 percentage point increase is added to the hold harmless FY10 FMAP. The unemployment tier is determined by comparing the average unemployment rate for the three consecutive months preceding the start of each fiscal quarter to the lowest consecutive 3-month average unemployment rate beginning January 1, 2006. The unemployment adjustment is calculated according to the unemployment tier and added to the hold harmless FY10 FMAP with the 6.2 percentage point increase.

#### FOR FURTHER INFORMATION CONTACT:

Carrie Shelton or Thomas Musco, Office of Health Policy, Office of the Assistant Secretary for Planning and Evaluation, Room 447D—Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, DC 20201, (202) 690-6870.

(Catalog of Federal Domestic Assistance Program Nos. 93.558: TANF Contingency Funds; 93.563: Child Support Enforcement; 93-596: Child Care Mandatory and Matching Funds of the Child Care and Development Fund; 93.658: Foster Care; 93.659: Adoption Assistance; 93.090: Guardianship Assistance; 93.769: Ticket-to-Work and Work Incentives Improvement Act)

Dated: December 22, 2009.

**Kathleen Sebelius,**

*Secretary of Health and Human Services.*

## ARRA ADJUSTMENTS TO FMAP Q1 FY10

State	FY08 original FMAP	FY09 original FMAP	FY10 original FMAP	Hold harmless FY10	Hold harmless FY10 FMAP with 6.2% point increase	3-month average unemployment ending Sept 2009	Minimum unemployment	Unemployment difference	Unemployment tier	Unemployment adjustment Q1 FY10	1st Quarter FY10 FMAP unemployment adjustment	1st Quarter FY10 FMAP unemployment hold harmless
Alabama	67.62	67.98	68.01	68.01	74.21	10.4	3.3	7.1	11.5	3.32	77.53	77.53
Alaska	52.48	50.53	51.43	52.48	58.68	8.2	6.0	2.2	5.5	2.44	61.12	61.12
Arizona	66.20	65.77	65.75	66.20	72.40	9.1	3.6	5.5	11.5	3.53	75.93	75.93
Arkansas	72.94	72.81	72.78	72.94	79.14	7.2	4.8	2.4	5.5	1.32	80.46	80.46
California	50.00	50.00	50.00	50.00	56.20	12.2	4.8	7.4	11.5	5.39	61.59	61.59
Colorado	50.00	50.00	50.00	50.00	56.20	7.4	3.6	3.8	11.5	5.39	61.59	61.59
Connecticut	50.00	50.00	50.00	50.00	56.20	8.1	4.3	3.8	11.5	5.39	61.59	61.59
Delaware	50.00	50.00	50.21	50.21	56.41	8.1	3.3	4.8	11.5	5.37	61.78	61.78
District of Columbia	70.00	70.00	70.00	70.00	76.20	11.0	5.4	5.6	11.5	3.09	79.29	79.29
Florida	56.83	55.40	54.98	56.83	63.03	10.9	3.3	7.6	11.5	4.61	67.64	67.64
Georgia	63.10	64.49	65.10	65.10	71.30	10.1	4.3	5.8	11.5	3.66	74.96	74.96
Hawaii	56.50	55.11	54.24	56.50	62.70	7.1	2.2	4.9	11.5	4.65	67.35	67.35
Idaho	69.87	69.77	69.40	69.87	76.07	8.8	2.8	6.0	11.5	3.11	79.18	79.18
Illinois	50.00	50.32	50.17	50.32	56.52	10.3	4.4	5.9	11.5	5.36	61.88	61.88
Indiana	62.69	64.26	65.93	65.93	72.13	10.0	4.4	5.6	11.5	3.56	75.69	75.69
Iowa	61.73	62.62	63.51	63.51	69.71	6.6	3.7	2.9	8.5	2.84	72.55	72.55
Kansas	59.43	60.08	60.38	60.38	66.58	7.2	3.0	3.2	8.5	3.10	69.68	69.68
Kentucky	69.78	70.13	70.96	70.96	77.16	11.0	5.4	5.6	11.5	2.98	80.14	80.14
Louisiana	72.47	71.31	67.61	72.47	78.67	7.5	3.5	4.0	11.5	2.81	81.48	81.48
Maine	63.31	64.41	64.99	64.99	71.19	8.5	4.4	4.1	11.5	3.67	74.86	74.86
Maryland	50.00	50.00	50.00	50.00	56.20	7.2	3.4	3.8	11.5	5.39	61.59	61.59
Massachusetts	50.00	50.00	50.00	50.00	56.20	9.0	4.4	4.6	11.5	5.39	61.59	61.59
Michigan	58.10	60.27	63.19	63.19	69.39	15.2	6.7	8.5	11.5	3.88	73.27	73.27
Minnesota	50.00	50.00	50.00	50.00	56.20	7.8	3.9	3.9	11.5	5.39	61.59	61.59
Mississippi	76.29	75.84	75.67	76.29	82.49	9.6	6.0	3.6	11.5	2.37	84.86	84.86
Missouri	62.42	63.19	64.51	64.51	70.71	9.4	4.7	4.7	11.5	3.72	74.43	74.43
Montana	68.53	68.04	67.42	68.53	74.73	6.7	3.2	3.5	11.5	3.26	77.99	77.99
Nebraska	58.02	59.54	60.56	60.56	66.76	5.0	2.8	2.2	5.5	2.00	68.76	68.76
Nevada	52.64	50.00	50.16	52.64	58.84	13.0	4.2	8.8	11.5	5.09	63.93	63.93
New Hampshire	50.00	50.00	50.00	50.00	56.20	7.0	3.4	3.6	11.5	5.39	61.59	61.59
New Jersey	50.00	50.00	50.00	50.00	56.20	9.6	4.2	5.4	11.5	5.39	61.59	61.59
New Mexico	71.04	70.88	71.35	71.35	77.55	7.4	3.5	3.9	11.5	2.94	80.49	80.49
New York	50.00	50.00	50.00	50.00	56.20	8.8	4.3	4.5	11.5	5.39	61.59	61.59
North Carolina	64.05	64.60	65.13	65.13	71.33	10.9	4.5	6.4	11.5	3.65	74.98	74.98
North Dakota	63.75	63.15	63.01	63.75	69.95	4.2	3.0	1.2	0	0.00	69.95	69.95
Ohio	60.79	62.14	63.42	63.42	69.62	10.7	5.3	5.4	11.5	3.85	73.47	73.47
Oklahoma	67.10	65.90	64.43	67.10	73.30	6.7	3.3	3.4	8.5	2.53	75.83	75.83
Oregon	60.86	62.45	62.74	62.74	68.94	11.7	5.0	6.7	11.5	3.93	72.87	72.87
Pennsylvania	54.08	54.52	54.81	54.81	61.01	8.6	4.3	4.3	11.5	4.84	65.85	65.85
Rhode Island	52.51	52.59	52.63	52.63	58.83	12.8	4.8	8.0	11.5	5.09	63.92	63.92
South Carolina	69.79	70.07	70.32	70.32	76.52	11.6	5.5	6.1	11.5	3.06	79.58	79.58
South Dakota	60.03	62.55	62.72	62.72	68.92	4.9	2.7	2.2	5.5	1.88	70.80	70.80
Tennessee	63.71	64.28	65.57	65.57	71.77	10.7	4.5	6.2	11.5	3.60	75.37	75.37
Texas	60.56	59.44	58.73	60.56	66.76	8.0	4.4	3.6	11.5	4.18	70.94	70.94
Utah	71.63	70.71	71.68	71.68	77.88	6.1	2.5	3.6	11.5	2.90	80.78	80.78
Vermont	59.03	59.45	58.73	59.45	65.65	6.8	3.5	3.3	8.5	3.18	68.83	68.83
Virginia	50.00	50.00	50.00	50.00	56.20	6.7	2.8	3.9	11.5	5.39	61.59	61.59
Washington	51.52	50.94	50.12	51.52	57.72	9.0	4.4	4.6	11.5	5.22	62.94	62.94
West Virginia	73.73	74.25	74.04	74.25	80.45	8.9	4.2	4.7	11.5	2.60	83.05	83.05
Wisconsin	57.62	59.38	60.21	60.21	66.41	8.7	4.4	4.3	11.5	4.22	70.63	70.63
Wyoming	50.00	50.00	50.00	50.00	56.20	6.6	2.8	3.8	11.5	5.39	61.59	61.59

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**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

[Document Identifier: OS-0990-0339]

**Agency Information Collection Request; 60-Day Public Comment Request****AGENCY:** Office of the Secretary, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, is publishing the following summary of a proposed information collection request for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the

proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, e-mail your request, including your address, phone number, OMB number, and OS document identifier, to [Sherette.funncoleman@hhs.gov](mailto:Sherette.funncoleman@hhs.gov), or call the Reports Clearance Office on (202) 690-6162. Written comments and recommendations for the proposed information collections must be directed to the OS Paperwork Clearance Officer at the above email address within 60-days.

**Proposed Project:** State Health Information Exchange Cooperative Agreement Program—OMB No. 0990-0339—Extension—Office of the National Coordinator for Health Information Technology.

**Abstract:** The purpose of the State Health Information Exchange Cooperative Agreement Program, as authorized by Section 3013 of the American Recovery and Reinvestment Act is to provide grants to States and Qualified State Designated Entities for planning and implementation of interoperable health information technology. As part of that project, States and Qualified State Designated Entities are required to provide quarterly program reports and also complete a project evaluation annually. This request is for those two data gathering requirements and is to last four years which is the duration of the project.

**ESTIMATED ANNUALIZED BURDEN TABLE**

Forms (If necessary)	Type of respondent	Number of respondents	Number of re- sponses per respondent	Average bur- den hours per response	Total burden hours
Project Report .....	State government or a Qualified State Designated Entity.	56	4	4	896
Project Evaluation .....	State government or a Qualified State Designated Entity.	56	1	100	5,600
Total .....	.....	.....	.....	.....	6,496

**Seleda Perryman,***Office of the Secretary, Paperwork Reduction Act Reports Clearance Officer.*

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**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

[Document Identifier: OS-0990-0340]

**Agency Information Collection Request; 60-Day Public Comment Request****AGENCY:** Office of the Secretary, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, is publishing the following summary of a proposed information collection request for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information,

including any of the following subjects:

(1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, e-mail your request, including your address, phone number, OMB number, and OS document identifier, to [Sherette.funncoleman@hhs.gov](mailto:Sherette.funncoleman@hhs.gov), or call the Reports Clearance Office on (202) 690-6162. Written comments and recommendations for the proposed information collections must be directed to the OS Paperwork Clearance Officer at the above e-mail address within 60-days.

**Proposed Project:** ARRA Section 3012 Health Information Technology Extension Program: Regional Centers Cooperative Agreement Program OMB # 0990-0340—Extension—Office of the National Coordinator for Health Information Technology.

**Abstract:** The first set of regional extension center awards will be made in February 2010. At this point each regional extension center (REC) will be provided with a customer relationship management (CRM) software tool, which they will use to help manage the work associated with the cooperative agreement. This tool will also assist the program to generate quarterly reports which will be submitted to project officers for review. In addition to tracking the key milestones identified in the FOA, the tool will also assist programs to provide information that is required for their ARRA reporting. The REC program is in the process of selecting a CRM vendor. Once this is completed it will submit the specific reports for clearance.