Office of Justice Programs

[OJP (OJJDP) No. 1107]

ZRIN 1121–ZA54

Notice of the Fiscal Year 1996 Missing and Exploited Children's Program Final Program Plan and Announcement of Discretionary Competitive Assistance Grant; Correction; Deadline Extension

AGENCY: Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, Justice.

ACTION: The notice extends the due date for applications until 5:00 p.m. March 14, 1997 and corrects the address for obtaining the Application Kit.

SUMMARY: This is a correction and revision to 61 FR 65436, December 12, 1996.

DATES: The due date for submission of applications is extended to March 14, 1997. All applications must be received by mail or delivered to Office of Juvenile Justice and Delinquency Prevention, Missing and Exploited Children's Program by 5 p.m. e.s.t., March 14, 1997. Applications received after the deadline date will not be considered.

ADDRESSES: Applications must be mailed or delivered to Office of Juvenile Justice and Delinquency Prevention, Missing and Exploited Children's Program, 633 Indiana Avenue, N.W., Room 550, Washington D.C. 20531. Applications Kits can be obtained by contacting the Juvenile Justice Clearinghouse, P.O. Box 6000, Rockville, Maryland 20849–6000 or at 1–800–638–8736.

FOR FURTHER INFORMATION CONTACT: Shay Bilchik, Administrator, Office of Juvenile Justice and Delinquency Prevention, 633 Indiana Avenue, N.W., 7th Floor, Washington, D.C., 20531. For copies of the original solicitation for applications, refer to Federal Register, Vol. 61, No. 240, December 12, 1996. An application kit and supplemental information relevant to the program, can be obtained by calling the Juvenile Justice Clearinghouse, toll free, 24 hours a day, (800) 638–8736.

Dated: January 10, 1997.

Shay Bilchik,

Administrator, Office of Juvenile Justice and Delinquency Prevention.

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BILLING CODE 4410–18–P

DEPARTMENT OF LABOR

Employment and Training Administration

Job Training Partnership Act: Migrant and Seasonal Farmworker Programs; Proposed Allocation Formula

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice of a proposed updated allocation formula described herein, and request for comments.

SUMMARY: The Employment and Training Administration is publishing a notice of a description of and rationale for a new allocation formula for the Job Training Partnership Section 402 migrant and seasonal farmworker programs, and a presentation of preliminary State planning estimates derived therefrom for Program Year (PY) 1997 (July 1, 1997 through June 30, 1998). Public comment is requested.

DATES: Written comments on this notice are invited and must be received on or before March 3, 1997.

ADDRESSES: Written comments shall be submitted to Director, Office of Special Targeted Programs, Employment and Training Administration, U.S. Department of Labor, Room N–4641, 200 Constitution Avenue, NW., Washington, DC 20210.

FOR FURTHER INFORMATION CONTACT: Mr. Charles C. Kane, Chief, Division of Seasonal Farmworker Programs. Telephone: (202) 219–5500 (this is not a toll-free number) or e-mail: <kanec@doleta.gov>.

I. Introduction, Scope and Purpose of Notice

This notice is published pursuant to Section 162(d) of the Act, which states:

Whenever the Secretary utilizes a formula to allot or allocate funds made available for distribution at the Secretary's discretion under this Act, the Secretary shall, not later than 30 days prior to such allotment or allocation, publish such formula in the Federal Register for comments along with the rationale for the formula and the proposed amounts to be distributed to each State and area. After consideration of any comments received, the Secretary shall publish final allotments and allocations in the Federal Register.

Thus, this notice represents the first part of a two-stage process. Upon receipt of comments from the public regarding this notice, modifications to the proposed formula and preliminary planning estimates will be considered. In the second stage, the final formula

and planning estimates will be published in the Federal Register.

The formula is developed for the purpose of distributing funds geographically by State service areas, on the basis of each State service area's relative share of persons eligible for the program. Beginning with PY 1997, a revised allocation formula is proposed which will update the allocation of funds among the States by using more current data on the distribution of the farmworker population. The revised formula is the result of work done by an Interagency Task Force on Farmworker Population Data (Task Force). The Task Force was convened by ETA in an effort to refine the allocation formula used since 1986.

Part II of this notice provides a discussion for public comment of the issues associated with farmworker population data, including: a description of available farmworker population data sources; a discussion of the factors affecting formula construction; and the rationale for the proposed formula.

Part III describes a hold-harmless provision which is proposed to be put into place for three years following the implementation of the revised allocation formula. The hold-harmless provision is designed to provide a staged transition from old to new funding levels for State service areas.

Part IV describes the proposed application of the formula and the hold-harmless provision using the PY 97 appropriation. These results are presented in a Table appended to this notice.

II. Description of Proposed Allocation Formula

A. Interagency Task Force on Farmworker Population Data

In April 1994, a special task force was convened to explore options for revising the existing formula and its data bases. The Interagency Task Force on Farmworker Population Data consisted of specialists in the fields of demography, economics, sociology, survey research, statistics; an employment and training programs specialist; and a representative of JTPA Section 402 grantees. Staff from ETA, the Bureau of Labor Statistics, the Economic Research Service of the U.S. Department of Agriculture, and the Bureau of the Census of the U.S. Department of Commerce were represented in this group. The Task Force was fortunate to include three members of the 1986 Interagency Task Force that developed the original allocation formula, which the proposed

formula in this notice revises and updates.

The Task Force examined a wide variety of issues in considering those most important to developing a funding formula. The formula proposed in this notice is intended to be responsive to the many concerns about and interest in farmworker population data. It represents the Task Force's best effort at crafting a funding methodology which meets the following statutory and administrative requirements:

(1) The need to use the most current data available on the farmworker population distribution among States and counties;

(2) The need to employ detailed data which enumerate the farmworker population at the State level, to correlate with the State-by-State geographical level at which funds are allocated; and

(3) The need to use data which are descriptive and relevant—that is, which address the socio-economic conditions, particularly the occupations and incomes, experienced by the farmworker population served by the JTPA Section 402 program.

B. Discussion of Data Sources

The following eight data bases were evaluated for possible use in the formula distribution of JTPA Section 402 funds: Census of Population, Census of Agriculture, National Agricultural Workers Survey, Current Population Survey, Farm Labor Survey, Farm Costs and Returns Survey, Bureau of Economic Analysis data, and Migrant Enumeration Project data. Each is discussed separately below. Three measures were applied to each of the data bases. A measure of currency determined whether the data bases were composed of more recent or more obsolete data. A measure of detail determined whether data bases offered descriptions of the farmworker population at national, State and county levels. A measure of relevance determined whether data bases contain meaningful data on the socio-economic conditions experienced by the population. These measures were applied to each data source separately, and in combination with others to determine which one or ones would be suitable for a revised formula.

1. Census of Population

Presently, the Decennial Census of Population (COP) is the only source of data on the farmworker population that provides information on their socio-economic characteristics which is equally available at national, State, and county levels. This is perhaps its greatest strength. The COP, among other

things, counts individuals by occupation, industry, income level, and provides the number of family members for respondents. All of these are factors associated with participant eligibility in the JTPA Section 402 program. Finally, the COP has been used, in whole or in part, for the past decade to allocate JTPA Section 402 funds. The funding levels to the grant programs which now comprise the JTPA Section 402 system have been relatively stable as a result.

The COP also has a number of recognized weaknesses with regard to counting the farmworker population. These have been described elsewhere, by numerous, knowledgeable critics and this notice contains only a brief recapitulation of these problems. The 1990 COP was conducted during one reference week period, generally the last week in March or the first week in April. The enumeration in early Spring occurred at a time during which agricultural activity across the country was limited. Occupational questions on the Census form concerned the chief job activity during the survey week. Consequently, those farmworkers who were unemployed due to the seasonal nature of agricultural, or who were employed for a majority of hours in a nonfarm occupation, would not be counted as farmworkers by Census enumerators.

Migrant and seasonal farmworkers as a group, are characterized by many members who: have no fixed address; are highly migratory; have limited English-speaking abilities; have low educational levels; work intermittently in various agricultural and non-agricultural occupations during a single year; have only casual employer-employee links; live in rural, often remote, areas; and are unfamiliar with or actively distrustful of government agencies and agents, such as Census enumerators. The consequent non-identification of such individuals as farmworkers tended to exacerbate the problem of under-counting this population.

The COP's weaknesses as a measuring instrument also include the fact that it occurs decennially and there are no intercensal surveys of equivalent breadth. Additionally, measures of the farmworker (or any *occupationally-*defined) population, are the result of projections made from a sample (in that case 17 percent of households), not the universe of respondents. However, it should be noted that virtually all farmworker data sources suffer this weakness. As a mitigating factor, the COP is based on a much larger sample of households than any other data set.

2. Census of Agriculture

The Census of Agriculture (COA) conducted every five years, measures total hired and contract labor expenses incurred in the operation of farms during an entire year. Additionally, there is a periodic enumeration of the number of hired (but not contract) workers on farms. The COA combined tallies of labor expenditures and number of workers, capture virtually all farmworkers who worked for wages. The COA also offers the most complete geographic coverage of hired and contract farm labor, as measured by labor expenses.

The weakness of the COA include the fact that no measures of individual worker earnings are available. Therefore, it is not possible to determine, without additional refinement of these data, the number and distribution of the economically disadvantaged farmworkers who are the target population for JTPA Section 402 services. Neither does the COA record data based on discrete occupations within agriculture, or the number of farmworker dependents. The COA expenditure data include farm owners/managers, secretaries, clerks and others who are not eligible for program services based on their occupation. In the tally of hired farmworkers, there is a potential for a duplicate count given the high level of turnover in this industry. Finally, there is a potential problem of using expenditure data as a proxy for the number of farmworkers in the States, since areas with substantial agribusiness may have higher unit costs, and higher expenditures do not necessarily equate with larger numbers of workers.

3. National Agricultural Worker Survey

The National Agricultural Workers Survey (NAWS), published by the Department, is conducted three times annually at peak and slack agricultural seasons (January, May and September) and surveys a random sample of agricultural workers. The NAWS is rich in demographic and socio-economic detail, and includes income and family member data.

The principal weakness of the NAWS is that it does not provide an estimate of either the size or the distribution of the farmworker population among the States. A secondary weakness is that its description of the farmworker population is based on a relatively small sample of between 2,000 and 2,700 respondents located in 72 predominantly agricultural counties in 25 States. Additionally, the surveyed respondents work only in perishable

commodities and the NAWS does not survey farmworkers in livestock production; thus, it excludes those livestock workers who may be eligible for JTPA Section 402 program services.

4. Current Population Survey

The Current Population Survey (CPS), published by the Bureau of Labor Statistics, is a monthly probability survey based on a random sample of about 57,000 households. Earnings questions are directed to a subset of the sample households. Although this is the most timely of the data sources considered, with regard to the farmworker population, the extremely small sample size limits its applicability to the whole farmworker population. Furthermore, because of low statistical reliability, DOL does not publish State estimates directly from the CPS for most States.

5. Farm Labor Survey

The Farm Labor Survey (FLS), published by the National Agricultural Statistics Service, is a quarterly count (for California, Florida, and the full United States) of all wage and salary workers on the farm, including clerical and maintenance workers, but excluding contract workers. The FLS is a probability survey based on a sample of roughly 15,000 farms. It projects from this sample the average number of persons engaged in agriculture in 16 States and 15 regions comprised of two or more States. No income information is available from FLS data. However, the FLS reports annual average hourly wages for all hired, field, field and livestock, and hourly workers. Agricultural service workers and contract workers are excluded. The hourly wage rates are available for all States except Alaska. The District of Columbia and the Commonwealth of Puerto Rico also are excluded. These annual wage rates are averages of the wage rates for each survey week, weighted by the number of hours worked during the week. The annual average is based on data collected for January, April, July and October.

6. Farm Costs and Returns Survey

The annual Farm Costs and Returns Survey (FCRS) data reflect total hired and contract labor expenses incurred in the operation of farms during the entire year, including expenses for secretaries and maintenance workers. No individual income data are available from the FCRS, nor are State estimates of the farmworker population derived directly from the FCRS. The FCRS data are used to calculate a national estimate which is then distributed to the States,

primarily by using data from the Census of Agriculture.

7. Bureau of Economic Analysis

Bureau of Economic Analysis (BEA) data consist of annual estimates of all wage and salary workers, including farmworkers and others working on a farm, such as clerical and maintenance workers, but excluding contract workers. The BEA estimates are based on data from the Farm Labor Survey, the Farm Costs and Returns Survey, the Census of Agriculture discussed above, and Unemployment Insurance Program data.

8. Migrant Enumeration Project

The Migrant Enumeration Project (MEP) data on the number of farmworkers are developed from a Demand for Labor study sponsored by the Office of Migrant Health of the Department of Health and Human Services in 1991–92. The formula used in the study is constructed from information on crop acreage, hours needed to perform a specific operation (e.g. harvest) on one acre of the crop, work hours per farmworker per day, and season length for peak work activity. This information was collected in counties with a migrant presence. Inter- and intra-State duplicate counts are likely with this methodology. The number of dependents found by the MEP was calculated based on NAWS data. No farmworker income information is available from the MEP.

C. Data Correlation

To test the cohesion of the various data bases, the Task Force made a comparison of relative distributions for those data bases able to provide estimates on a State-by-State level. The NAWS was excluded because it does not provide estimates of the distribution of farmworkers. Analysis revealed a surprising degree of correlation (ranging from 0.8 to 0.99) among the data bases as to the relative distribution of farmworkers, despite their differing methodologies, timing, definitions of farmworkers and scope. The degree of correlation deteriorates when data on the large agricultural States of California, Florida and Texas are excluded. In particular, with these States excluded, MEP and CPS data correlate very poorly with other data sets. Even so, the data sets which are proposed for the formula—the COP, the FLS and the COA—range in correlation from 0.86 to 0.91 with all States included and from 0.64 to 0.80 with California, Florida and Texas excluded.

D. Proposed Allocation Formula

Based on evaluation of the data bases, the Department proposes that the data for the allocation of JTPA Section 402 funds among the States in PY 1997 will come from the 1990 Census of Population, the 1992 Census of Agriculture, and the 1992 Farm Labor Survey. These three data bases, while limited in the aspects discussed in this notice, nevertheless meet the tests of currency, detail, and relevance. The Department's decision to continue to use 1990 COP data is, in part, based on Section 162(a) of the Act which provides:

All allotments and allocations under this Act shall be based on the latest available data and estimates satisfactory to the Secretary. All data relating to economically disadvantaged and low-income persons shall be based on 1980 Census or later data.

One set of data obtained from the 1990 COP and proposed for use in the formula, is the number of workers in certain occupational and industrial codes associated with agriculture, who reported on the Census questionnaire that they earned an income at or below 70 percent of the Lower Living Standard Income Level (LLSIL) set by the Bureau of Labor Statistics.

A second component of the formula is labor expenditure from the Census of Agriculture 1992. Labor expenditure data are a function of wages times hours worked. Since wage rates vary widely by geographic area, the proposed formula converts expenditures from an absolute to a relative measure by dividing State expenditures by the annual average hired farmworker's wage rate in each State to derive an hours-worked figure. The wage rate data are from the 1992 Farm Labor Survey. Because the FLS does not report on Puerto Rico annual average wages, data for on-the-job training hourly wages in agriculture, from the JTPA Section 402 grantee for the Commonwealth of Puerto Rico, were used as a substitute. Although the COA/FLS data set does not directly measure the number of farmworkers, it does provide a measure of total work supplied farmworkers, and the Department believes it will serve as an effective proxy.

Of the amounts available for allocation by formula for each program year and which will not be set aside for use in technical assistance or special projects pursuant to 20 CFR 633.105(b)(2)—

(1) Fifty percent of the funds would be allocated on a State-by-State basis using 1990 Census data on the relative share distribution of farmworkers

among the States who: (a) performed eligible farmwork, and (b) were economically disadvantaged, defined as family income at or below 70 percent of the Lower Living Standard Income Level; and

(2) Fifty percent of the funds would be allocated on a State-by-State basis according to the relative share distribution of an estimate of the total number of hours of farmwork in each State, determined by using Census of Agriculture data on the total labor expenditures in each State, adjusted by the average annual hourly wage in agriculture, derived from the FLS.

This two-part formula is intended to provide an equitable distribution of the funds available for PY 1997 and beyond.

E. Special Tabulation of COP Data

The State data from the 1992 Census of Agriculture and the Farm Labor Survey portions of the formula were taken from published reports with no further refinement of data.

To collect data for the COP portion of the proposed formula, several steps were taken. The Department requested a special tabulation of 1990 COP data from the Bureau of the Census in the form of a selection of Standard Occupational Classification (SOC) and Standard Industrial Classification (SIC) codes which contain information somewhat different from that used in the current formula.

F. SOC and SIC Codes

COP equivalents were used to capture individuals in the following Standard Occupational Classification codes:

473—farmers, except horticultural
474—horticultural specialty farmers
475—managers, farms except horticultural
476—managers, horticultural specialty farms
477—supervisors, farm workers
479—farm workers
483—marine life cultivation workers
484—nursery workers
485—supervisors, related agricultural occupations
488—graders and sorters, agricultural products
489—inspectors, agricultural products
494—supervisors, forestry and logging workers
495—forestry workers, except logging
496—timber cutting and logging occupations
497—captains and other officers, fishing vessels
498—fishers

COP equivalents were used to capture individuals in the following Standard Industrial Classification codes:

001—agricultural production, crops
002—agricultural production, livestock
007—agricultural services
008—forestry
009—fishing, hunting and trapping
241—logging
515—farm products, raw materials

The Department attempted to examine the widest possible range of workers in agricultural activities in designing its special tabulation. Some of the SOC and SIC categories that were considered are new, e.g., SOC codes 494–498 and SIC codes 008, 009, 241 and 515. The following SOC and SIC codes were deleted as not being representative of the population served by the JTPA Section 402 program: SOC 496—timber cutting and logging occupations; SOC 497—captains and other officers, fishing vessels; SIC 241—logging; and SIC 515—farm products, raw materials. One result of the codes selected for the proposed formula is that funds would be allocated for Alaska. This is almost solely due to a significant number of low income individuals in fishing occupations. Under the current formula, Alaska does not receive JTPA Section 402 funds because of the minimal level of farmwork activity. The Department specifically requests comment on which of the above SOC and SIC codes are appropriate to be retained for the farmworker population database.

The special tabulation was built around a number of tables which provide discrete information on the farmworker population. Data are available on:

(1) The whole count of farmworkers;
(2) The count of farmworkers falling below the Poverty Index;
(3) The count of farmworkers falling below 70 percent of the LLSIL;
(4) The count of individuals who did any farmwork in 1989; this table attempts to capture individuals who, at the time of the Census in April 1990 were farmworkers, but who were unemployed and whose last chief job was in farmwork;
(5) The count of farmworker families falling below the Poverty Index;
(6) The count of farmworker families falling below 70 percent of the LLSIL;
(7) The count of farmworker family members falling below the Poverty Index; this table is a proxy for farmworker dependents who are potentially eligible for JTPA Section 402 program services; and
(8) The count of farmworker family members falling below 70 percent of the LLSIL; this table is a proxy for farmworker dependents who are potentially eligible for JTPA Section 402 program services.

G. Other Formula Design Issues

Following are some of the ancillary issues which surfaced or were revisited (from the 1986 formula deliberations) during the preparation of the proposed new formula.

1. LLSIL v. Poverty Index

The special tabulation from the COP provides counts of farmworkers falling under the Poverty Index and farmworkers falling under 70 percent of the LLSIL. In 1986, the Department decided to change from the Poverty Index to the LLSIL. The Rationale at the time was that this change was consistent with program regulations and the practice of programs funded through other Titles of the JTPA. That rationale continues to be applicable to the proposed formula. As well, the LLSIL count captures a larger absolute number of farmworkers in all States with the exception of Connecticut, Maine, Massachusetts, and Rhode Island. These States experience a large reduction in their relative share under the LLSIL count. Rhode Island has not received any funding under the JTPA Section 402 program, because, under the formula currently in place and under the proposed new formula, its share of program funds has not been deemed sufficient to effectively operate a program. The Department proposes to continue to use the LLSIL as a factor in the farmworker count but specifically invites comment on the effect of using the LLSIL count with regard to Connecticut, Maine, and Massachusetts.

2. SOC v. SIC

In 1986, the Department opted to use SOC codes to define agricultural occupations. The rationale was to exclude those persons working in clerical, administrative and technical positions on a farm. These latter persons are captured in the SIC codes. The special tabulation of 1990 Census data on the farmworker population took a different approach to this issue and did a cross-tabulation of farmworkers against both the SOC and SIC codes. This process is intended to identify all farmworkers, by occupation and by industry, and still exclude clerical, administrative and technical workers.

3. Farmworkers v. Family Member (Dependent) Distribution

The special tabulation of COP data provided a count of farmworker family members. Because family members who are dependents of farmworkers are eligible for JTPA Section 402 seervices, an argument can be made for using the family member distribution, as a proxy for dependents, as the basis for

allocating funds. An analysis of the relationship between the farmworker and the family member LLSIL distributions indicates that these two distributions track each other very closely. Nineteen States would increase their relative shares only slightly under a family member distribution from the COP. For these States, the collective increase in relative share is less than six percent. Therefore, since there are only small differences in the distribution pattern, and because it is not possible to separate actual dependents from the COP family member count, the Department proposes to use the farmworker distribution from the COP in the Section 402 allocation formula.

H. Rationale for Formula Methodology

The Department proposes to use data from the COP, in part, to create a new funding formula because the level of detail, particularly for occupation and income, of COP data at the national, State and local level is not matched by other data bases. It is the Department's position that the strong probability of undercounts and non-identification inherent in the COP design is remediated by the more periodic information collected by the COA and FLS. While use of labor expenditure data as a proxy for the number of hired and contract farmworkers is less than ideal, no other data are available which reach this group. Finally, the COA offers the most complete geographic coverage of hired and contract labor use, as measured by labor expenditures. The proposed weights of 50 percent for the COP data and 50 percent for COA/FLS data are suggested as a balanced approach for equitably measuring the distribution of the farmworker population.

The Department's proposed formula is intended to be responsive to the statutory and administrative design requirements of currency, detail and relevance. In testing the new formula, certain allocation differences emerge from the allocation process presently in place. The Table appended to the notice compares the States' relative shares for the PY 1996 allocation under the current formula and the relative shares under the proposed formula. This Table shows some shifts in funds, including counter-intuitive shifts of funds from large agricultural States to States with a lower presumed presence of farmworkers.

A significant source of differences between funding under the old and proposed formulas is the adjustment that was made to the old formula as the result of the Immigration Reform and Control Act of 1986 (IRCA). Following

the enactment of IRCA, Congress appropriated additional sums each year for the JTPA Section 402 program above the statutory levels. Conference language each year also directed the Department to use some of these additional funds to serve those newly legalized individuals admitted under the Special Agricultural Worker (SAW) provisions of IRCA. In response, the Department modified the purely Census-driven allocation formula to incorporate Immigration and Naturalization Service data on SAW applications in the States. The States of California, Texas, and Florida, among others, received additional sums much above the amount they would have received using a straight application of 1980 Census data. SAW data are not proposed for use in the new formula because these data are no longer current and no longer collected.

The hold-harmless provision described in Part III of this notice is intended to act as a staged transition from old to new funding levels which result from the application of the proposed formula.

III. Description of the Hold-Harmless Provision

For Program Years 1997, 1998, and 1999, the Department intends to apply a hold-harmless provision to the allocation formula in order to allow a staged transition from the application of the old formula to the new one. The staged transition of the hold-harmless provision is proposed specifically as follows:

(1) In PY 1997, each State service area will receive an amount equal to at least 90 percent of its relative share of the PY 1996 allotments as applied to the PY 1997 formula funds available;

(2) In PY 1998, each State service area will receive an amount equal to at least 80 percent of its relative share of the PY 1997 allotments as applied to the PY 1998 formula funds available; and

(3) In PY 1999, each State service area will receive an amount equal to at least 70 percent of its relative share of the PY 1998 allotments as applied to the PY 1999 formula funds available.

Thereafter, allocations to each State service area would be for the amount resulting from a direct application of the proposed funding formula without adjustment.

A State area which would receive less than $60,000 by application of the formula will receive no allocation because this amount is deemed insufficient for sustaining an independently administered program. Although the Department has the authority under 20 CFR 633.105(b)(2)

not to allocate any funds for use in a State jurisdiction whose allocation is less than $120,000, it is proposed that any State jurisdictions which would receive more than $60,000 but less than $120,000 under the proposed formula will be awarded a minimum allocation of $120,000 both during and after the hold-harmless period.

The Department specifically invites comments on the above application of the funding floors provided for at 20 CFR 633.105(b)(2).

IV. Program Year 1997 Preliminary State Planning Estimates

The allocations set forth in the Table appended to this Notice reflect the allocation formula described above. For PY 1996, $69,285,000 were appropriated for Section 402 migrant and seasonal farmworker programs, of which $65,486,767 were allocated on the basis of the old formula. The remaining $3,798,233 of the PY 1996 Section 402 appropriation retained in the Section 402 national account to fund the housing program ($2,400,409), the Hope, Arkansas, Migrant Rest Center ($266,524), and other training and technical assistance projects ($1,131,300). The figures in the first numerical column show the actual PY 1996 formula allocations to State service areas. The next column shows the percentage of each allocation.

The amount appropriated for PY 1997 is the same as it was for PY 1996 and the amount available for formula allocation remains at $65,486,767. For the purpose of illustrating the effects of the proposed formula, the third column of the Table shows the allocations based on the proposed formula without the application of the hold-harmless or funding minimum provisions, with the percentages reported in column 4. The State service area allocations with the application of the first-year (90%) hold-harmless and funding minimum provisions, followed by the percentages, are shown in columns 5 and 6.

A. Proposed Formula Allocations (Without Hold-Harmless Provision)

The $65,486,767 formula total is proposed for allocation in the following manner:

(1) $32,743,383 (fifth percent of the formula total) would be allocated on a State-by-State basis using 1990 Census data on the relative share distribution of farmworkers among the States who: (a) performed eligible farmwork; and (b) were economically disadvantaged, defined as family income at or below 70 percent of the Lower Living Standard Income Level; and

(2) $32,743,383 (fifty percent of the formula total) would be allocated on a State-by-State basis according to the relative share distribution of an estimate of the total number of hours of farmwork in each State, determined by using 1992 Census of Agriculture data on the total wages paid to hired and contract farmworkers in each State, adjusted by the average annual hourly wage in agriculture, taken from the 1992 Farm Labor Survey.

B. Allocations With Hold-Harmless Provision

To transition State service areas from the current formula to the revised formula funding levels, a graduated hold-harmless provision would be applied the first three years: at 90 percent the first year, at 80 percent the second year, and at 70 percent the third. For PY 1997, the State service areas will receive at least 90 percent of their relative share of the PY 1996 formula, as applied to the PY 1997 formula total. Since the PY 1996 formula total and the PY 1997 formula total are actually the same, the proposed PY 1997 revised formula funding of State service areas will result in no less than 90% of the PY 1996 funding that was actually allocated under the current formula.

For the purpose of comparisons, please refer to the table.

Signed at Washington, DC, this 31st day of December, 1996.

Timothy M. Barnicle,

Assistant Secretary of Labor.

BILLING CODE 4510–30–M

U. S. Department of Labor
Employment and Training Administration

Migrant and Seasonal Farmworkers
Impact of Proposed PY 1997 Formula Allotments To States

State	PY 1996 Allotments (1)	% Share (2)	Proposed PY 1997 Without 90% Hold-Harmless or Minimum $ (3)	% Share (4)	Proposed PY 1997 With 90% Hold-Harmless and Minimum $ (5)	% Share (6)
Total	$65,486,767	100.00%	$65,486,767	100.00%	$65,486,767	100.00%
Alabama	772,523	1.18%	686,255	1.05%	695,271	1.06%
Alaska	0	0.00%	97,974	0.15%	120,000	0.18%
Arizona	1,482,583	2.26%	1,201,004	1.83%	1,334,325	2.04%
Arkansas	1,138,938	1.74%	1,172,731	1.79%	1,071,740	1.64%
California	14,235,281	21.74%	13,200,395	20.16%	12,811,753	19.56%
Colorado	785,877	1.20%	1,006,699	1.54%	922,142	1.41%
Connecticut	200,999	0.31%	150,106	0.23%	180,899	0.28%
Delaware	115,448	0.18%	91,586	0.14%	120,000	0.18%
District of Columbia	0	0.00%	4,848	0.01%	0	0.00%
Florida	4,518,461	6.90%	4,238,489	6.47%	4,066,615	6.21%
Georgia	1,669,871	2.55%	1,230,495	1.88%	1,502,884	2.29%
Hawaii	245,471	0.37%	388,475	0.59%	360,980	0.55%
Idaho	856,039	1.31%	1,179,110	1.80%	1,081,718	1.65%
Illinois	1,391,035	2.12%	1,345,159	2.05%	1,251,932	1.91%
Indiana	762,553	1.16%	934,160	1.43%	852,826	1.30%
Iowa	1,282,338	1.96%	1,513,103	2.31%	1,365,776	2.09%
Kansas	680,820	1.04%	1,010,217	1.54%	924,759	1.41%
Kentucky	1,319,625	2.02%	1,562,470	2.39%	1,407,657	2.15%
Louisiana	776,618	1.19%	1,002,048	1.53%	907,163	1.39%
Maine	319,412	0.49%	175,125	0.27%	287,471	0.44%
Maryland	298,821	0.46%	308,026	0.47%	283,308	0.43%
Massachusetts	342,466	0.52%	159,596	0.24%	308,219	0.47%
Michigan	857,212	1.31%	1,299,948	1.99%	1,191,946	1.82%
Minnesota	1,243,685	1.90%	1,436,346	2.19%	1,297,243	1.98%
Mississippi	1,413,704	2.16%	1,013,801	1.55%	1,272,334	1.94%
Missouri	1,067,830	1.63%	1,211,588	1.85%	1,093,183	1.67%
Montana	650,917	0.99%	752,584	1.15%	679,527	1.04%
Nebraska	755,986	1.15%	1,198,633	1.83%	1,094,310	1.67%
Nevada	195,898	0.30%	134,481	0.21%	176,308	0.27%
New Hampshire	109,854	0.17%	75,230	0.11%	120,000	0.18%
New Jersey	390,282	0.60%	363,452	0.56%	351,254	0.54%
New Mexico	584,118	0.89%	697,778	1.07%	635,714	0.97%
New York	1,805,532	2.76%	1,522,274	2.32%	1,624,979	2.48%
North Carolina	2,932,691	4.48%	1,961,833	3.00%	2,639,422	4.03%
North Dakota	456,939	0.70%	697,929	1.07%	625,486	0.96%
Ohio	882,881	1.35%	1,200,305	1.83%	1,095,712	1.67%
Oklahoma	593,313	0.91%	903,985	1.38%	820,214	1.25%
Oregon	1,061,170	1.62%	1,523,303	2.33%	1,393,923	2.13%
Pennsylvania	1,191,652	1.82%	1,662,171	2.54%	1,516,234	2.32%
Puerto Rico	2,867,153	4.38%	1,625,905	2.48%	2,580,438	3.94%
Rhode Island	0	0.00%	23,991	0.04%	0	0.00%
South Carolina	1,053,764	1.61%	679,587	1.04%	948,388	1.45%
South Dakota	675,971	1.03%	715,459	1.09%	643,012	0.98%
Tennessee	934,440	1.43%	900,113	1.37%	840,996	1.28%
Texas	5,833,961	8.91%	5,077,712	7.75%	5,250,565	8.02%
Utah	239,370	0.37%	348,245	0.53%	317,391	0.48%
Vermont	207,936	0.32%	177,166	0.27%	187,142	0.29%
Virginia	1,011,164	1.54%	909,304	1.39%	910,048	1.39%
Washington	1,663,979	2.54%	2,315,795	3.54%	2,122,047	3.24%
West Virginia	213,976	0.33%	201,045	0.31%	192,578	0.29%
Wisconsin	1,199,223	1.83%	1,888,917	2.88%	1,724,904	2.63%
Wyoming	196,987	0.30%	309,816	0.47%	284,031	0.43%

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BILLING CODE 4510–30–C

Mine Safety and Health Administration

Proposed Information Collection Request Submitted for Public Comment and Recommendations; Product Testing by Applicant or Third Party

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed.

Currently, the Mine Safety and Health Administration (MSHA) is soliciting comments concerning the proposed extension of the information collection related to ''Product Testing by Applicant or Third Party.'' MSHA is particularly interested in comments which:

• Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

• Evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

• Enhance the quality, utility, and clarity of the information to be collected; and

• Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

A copy of the proposed information collection request can be obtained by contacting the person listed in the contact section of this notice.

DATES: Submit comments on or before March 17, 1997.

ADDRESSES: Written comments shall be mailed to Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, U.S. Department of Labor, Mine Safety and Health Administration, Office of Standards, Regulations, and Variances, 4015 Wilson Boulevard, Arlington, VA 22203–1984. Commenters are encouraged to send their comments on a computer disk, or via E-mail to psilvey@msha.gov, along with an original printed copy. Ms. Silvey can be reached at (703) 235–1910 (voice) or (703) 235–5551 (facsimile).

FOR FURTHER INFORMATION CONTACT: George M. Fesak, Director, Office of Program Evaluation and Information Resources, U.S. Department of Labor, Mine Safety and Health Administration, Room 715, 4015 Wilson Boulevard, Arlington, VA 22203–1984. Mr. Fesak can be reached at gfesak@msha.gov (Internet E-mail), (703) 235–8378 (voice), or (703) 235–1563 (facsimile).

SUPPLEMENTARY INFORMATION:

I. Background

Section 318 of the Federal Mine Safety and Health Act of 1977, 30 U.S.C. 878, defines ''permissible'' equipment as that which has been approved according to specifications which are prescribed by the Secretary of Labor. This approval indicates that the Mine Safety and Health Administration's specifications and tests, designed to ensure that a product will not present a fire, explosion, or other specific safety hazard related to use, have been met. Additionally, 30 CFR Part 7 provides procedures whereby products may be tested and certified by the applicant or a third party.

II. Current Actions

MSHA is seeking to continue the requirements for approving certain products and equipment for use in underground mines.

Type of Review: Reinstatement.
Agency: Mine Safety and Health Administration.
Title: Product Testing by Applicant or Third Party.
OMB Number: 1219–0100.
Recordkeeping: 30 CFR 7.4(a) requires respondents to maintain records of test results and procedures for a period of at least 3 years. Section 7.6(c) requires respondents to maintain records of the initial sale of each unit having an approval marking for at least the expected shelf life of and service life of the product.
Affected Public: Businesses or other for-profit.
Total Respondents: 392.
Frequency: On occasion.

Total Responses: 403 responses.
Average Time per Response: 0.54 hours.
Estimated Total Burden Hours: 219 hours.
Estimated Total Burden Cost: $52,547.
Comments submitted in response to this notice will be summarized and included in the request for Office of Management and Budget approval of the information collection request. They will also become a matter of public record.

Dated: January 9, 1997.

George M. Fesak,
Director, Program Evaluation and Information Resources.
[FR Doc. 97–1100 Filed 1–15–97; 8:45 am]
BILLING CODE 4510–43–M

LEGAL SERVICES CORPORATION

Sunshine Act Meeting of the Presidential Search Committee of the Board of Directors

TIME AND DATE: The Presidential Search Committee of the Legal Services Corporation Board of Directors will meet by teleconference on January 22, 1997, from 10:00 a.m. until approximately 11:30 a.m.

STATUS OF MEETING: Open, except that a portion of the meeting may be closed pursuant to a unanimous vote of the Board of Directors to hold an executive session. At the executive session, the Committee will hear a status report by representatives of the independent search firm assisting the Committee to identify and recruit candidates for the position of President of the Legal Services Corporation and will provide direction to the search firm. The closing is authorized by the relevant provisions of the Government in the Sunshine Act [5 U.S.C. §552b(c)(2) & (6)] and the corresponding regulation of the Legal Services Corporation [45 C.F.R. §1622.5(a) & (e)]. A copy of the General Counsel's Certification that the closing is authorized by law will be posted for public inspection at Corporation headquarters, 750 First Street NE., Washington, DC 20002, in its 11th floor reception area, and will also be available upon request.

LOCATION: Members of the Committee and directors wishing to participate, as well as members of the Corporation's staff and the public, will be able to hear and participate in the meeting by means of telephonic conferencing equipment set up for this purpose in the Corporation's Conference Room, on the 11th floor of 750 First Street, NE., Washington, DC 20002.