

*Name of SEP:* Clinical Sciences.

*Date:* July 28–29, 1997.

*Time:* 2:00 p.m.

*Place:* Holiday Inn, Chevy Chase, MD.

*Contact Person:* Dr. Shirley Hilden, Scientific Review Administrator, 6701 Rockledge Drive, Room 4218, Bethesda, Maryland 20892, (301) 435-1198.

*Name of SEP:* Clinical Sciences.

*Date:* July 29–30, 1997.

*Time:* 8:00 a.m.

*Place:* Doubletree Hotel, Rockville, MD.

*Contact Person:* Dr. Gertrude McFarland, Scientific Review Administrator, 6701 Rockledge Drive, Room 4110, Bethesda, Maryland 20892, (301) 435-1784.

The meetings will be closed in accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Program Nos. 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: June 4, 1997.

**LaVerne Y. Stringfield,**

*Committee Management Officer, NIH.*

[FR Doc. 97-15143 Filed 6-5-97; 2:00 pm]

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Administration for Children and Families

#### Refugee Resettlement Program; Final Notice of Availability of Formula Allocation Funding for FY 1997 Targeted Assistance Grants for Services to Refugees in Local Areas of High Need

**AGENCY:** Office of Refugee Resettlement (ORR), ACF, HHS.

**ACTION:** Final notice of availability of formula allocation funding for FY 1997 targeted assistance grants to States for services to refugees<sup>1</sup> in local areas of high need.

<sup>1</sup> In addition to persons who meet all requirements of 45 CFR 400.43, "Requirements for documentation of refugee status," eligibility for targeted assistance includes Cuban and Haitian entrants, certain Amerasians from Vietnam who are admitted to the U.S. as immigrants, and certain Amerasians from Vietnam who are U.S. citizens. (See section II of this notice on "Authorization.") The term "refugee," used in this notice for convenience, is intended to encompass such additional persons who are eligible to participate in refugee program services, including the targeted assistance program.

Refugees admitted to the U.S. under admissions numbers set aside for private-sector-initiative

**SUMMARY:** This notice announces the availability of funds and award procedures for FY 1997 targeted assistance grants for services to refugees under the Refugee Resettlement Program (RRP). These grants are for service provision in localities with large refugee populations, high refugee concentrations, and high use of public assistance, and where specific needs exist for supplementation of currently available resources.

This final notice also announces the inclusion of 8 additional qualified counties for targeted assistance formula allocation funding, bringing the total of qualified targeted assistance counties from 39 counties to 47 counties for FY 1997.

The final notice reflects an adjustment in final allocations to States as a result of additional arrival data.

A notice of proposed allocation of targeted assistance funds was published for public comment in the **Federal Register** on April 1, 1997 (62 FR 15520).

**FOR FURTHER INFORMATION CONTACT:** Toyo Biddle, Director, Division of Refugee Self-Sufficiency, (202) 401-9250.

**APPLICATION DEADLINE:** The closing date for submission of applications is July 24, 1997. Applications postmarked after the closing date will be classified as late.

Mailed applications shall be considered as meeting an announced deadline if they are either received on or before the deadline date or sent on or before the deadline date to: U.S. Department of Health and Human Services, Administration for Children and Families, Office of Refugee Resettlement, Division of Refugee Self-Sufficiency, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attention: Application for Targeted Assistance Formula Program.

Applicants are cautioned to request a legibly dated U.S. Postal Service postmark or to obtain a legibly dated receipt from a commercial carrier or the U.S. Postal Service. Private metered postmarks shall not be acceptable as proof of timely mailing.

Applications handcarried by applicants, applicant couriers, or by overnight/express mail couriers shall be considered as meeting an announced deadline if they are received on or before the deadline date, between the

admissions are not eligible to be served under the targeted assistance program (or under other programs supported by Federal refugee funds) during their period of coverage under their sponsoring agency's agreement with the Department of State—usually two years from their date of arrival, or until they obtain permanent resident alien status, whichever comes first.

hours of 8:00 a.m. and 4:30 p.m., at the U.S. Department of Health and Human Services, Administration for Children and Families, Office of Refugee Resettlement, Division of Refugee Self-Sufficiency, ACF Mailroom, 2nd Floor Loading Dock, Aerospace Center, 901 D Street, SW., Washington, DC 20024, between Monday and Friday (excluding Federal holidays). (Applicants are cautioned that express/overnight mail services do not always deliver as agreed.)

ACF cannot accommodate transmission of applications by fax or through other electronic media. Therefore, applications transmitted to ACF electronically will not be accepted regardless of date or time of submission and time of receipt.

To be considered complete, an application package must include a signed original and two copies of Standard Form 424, 424A, and 424B, dated April 1988. (We will provide copies of these materials to all targeted assistance States.)

**CATALOG OF FEDERAL DOMESTIC ASSISTANCE (CFDA) NUMBER:** 93.584.

**FOR FURTHER INFORMATION ON APPLICATION PROCEDURES:** States should contact their State Analyst in ORR.

#### SUPPLEMENTARY INFORMATION:

##### I. Purpose and Scope

This notice announces the availability of funds for grants for targeted assistance for services to refugees in counties where, because of factors such as unusually large refugee populations, high refugee concentrations, and high use of public assistance, there exists and can be demonstrated a specific need for supplementation of resources for services to this population.

The Office of Refugee Resettlement (ORR) has available \$49,857,000 in FY 1997 funds for the targeted assistance program (TAP) as part of the FY 1997 appropriation for the Department of Health and Human Services (Pub. L. No. 104-208).

The Director of the Office of Refugee Resettlement (ORR) will use the \$49,857,000 appropriated for FY 1997 targeted assistance as follows:

- \$35,371,300 will be allocated under the 5-year population formula to 47 qualified counties, as set forth in this notice.

- \$9,500,000 will be awarded under a discretionary grant announcement to States to provide supportive services to elderly refugees, particularly those who will soon lose SSI eligibility due to the alien eligibility restrictions in the welfare reform law. A grant

announcement will be issued separately which sets forth application requirements and evaluation criteria.

- \$4,985,700 (10% of the total) will be used to fund continuation grants under a discretionary grant announcement that was issued in FY 1996.

In addition, the Office of Refugee Resettlement will have available an additional \$5,000,000 in FY 1997 funds for the targeted assistance discretionary program through the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997 (Pub. L. No. 104-208). These funds will augment the 10-percent of the targeted assistance program which is set-aside for grants to localities most heavily impacted by the influx of refugees such as Laotian Hmong, Cambodians and Soviet Pentecostals, including secondary migrants who entered the United States after October 1, 1979.

The Director originally designated \$19 million in targeted assistance funds for supportive services to elderly refugees out of concern for the refugee elderly who are about to lose their SSI eligibility due to the recent welfare reform law. In light of the immigrant eligibility provisions regarding SSI and Medicaid proposed in the recent FY 1998 budget agreement between the Administration and Congress, the Director has decided to decrease the amount of discretionary funding for services to elderly refugees at risk of losing SSI from the \$19,000,000 proposed for this purpose in the April 1 notice to \$9,500,000. We believe the proposed changes in the budget agreement will prevent the termination of SSI benefits to the majority of refugee SSI recipients. The bipartisan budget agreement allows immigrants who entered the U.S. prior to August 23, 1996, and who are or become disabled to be eligible for SSI and Medicaid. While this provision will not protect all refugees currently on SSI, it is estimated that approximately 70%-80% of current refugee elderly SSI recipients will be determined disabled and, as a consequence, will not lose their SSI benefits. In addition, the Administration and Congress have agreed to extend the SSI and Medicaid eligibility period for refugees and asylees from 5 years after entry, (the limit in the welfare reform law), to 7 years after entry. This budget resolution is currently being considered by the House and Senate budget committees and we expect legislation to follow shortly. The Director has decided to allocate \$9.5 million to a discretionary program to assist the approximately 20%-30% of elderly SSI

recipients who are not likely to be determined disabled and thus lose their SSI benefits beginning in August 1997 as a result.

The Director has decided to allocate the remaining \$9.5 million to the regular formula allocation program to enable additional impacted counties to benefit from targeted assistance funding.

The purpose of targeted assistance grants is to provide, through a process of local planning and implementation, direct services intended to result in the economic self-sufficiency and reduced welfare dependency of refugees through job placements.

The targeted assistance program reflects the requirements of section 412(c)(2)(B) of the Immigration and Nationality Act (INA), which provides that targeted assistance grants shall be made available "(i) primarily for the purpose of facilitating refugee employment and achievement of self-sufficiency, (ii) in a manner that does not supplant other refugee program funds and that assures that not less than 95 percent of the amount of the grant award is made available to the county or other local entity."

## II. Authorization

Targeted assistance projects are funded under the authority of section 412(c)(2) of the Immigration and Nationality Act (INA), as amended by the Refugee Assistance Extension Act of 1986 (Pub. L. No. 99-605), 8 U.S.C. 1522(c); section 501(a) of the Refugee Education Assistance Act of 1980 (Pub. L. No. 96-422), 8 U.S.C. 1522 note, insofar as it incorporates by reference with respect to Cuban and Haitian entrants the authorities pertaining to assistance for refugees established by section 412(c)(2) of the INA, as cited above; section 584(c) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988, as included in the FY 1988 Continuing Resolution (Pub. L. No. 100-202), insofar as it incorporates by reference with respect to certain Amerasians from Vietnam the authorities pertaining to assistance for refugees established by section 412(c)(2) of the INA, as cited above, including certain Amerasians from Vietnam who are U.S. citizens, as provided under title II of the Foreign Operations, Export Financing, and Related Programs Appropriations Acts, 1989 (Pub. L. No. 100-461), 1990 (Pub. L. No. 101-167), and 1991 (Pub. L. No. 101-513).

## III. Client and Service Priorities

Targeted assistance funding must be used to assist refugee families to achieve economic independence. To this end,

States and counties are required to ensure that a coherent family self-sufficiency plan is developed for each eligible family that addresses the family's needs from time of arrival until attainment of economic independence. (See 45 CFR 400.79 and 400.156(g).) Each family self-sufficiency plan should address a family's needs for both employment-related services and other needed social services. The family self-sufficiency plan must include: (1) a determination of the income level a family would have to earn to exceed its cash grant and move into self-support without suffering a monetary penalty; (2) a strategy and timetable for obtaining that level of family income through the placement in employment of sufficient numbers of employable family members at sufficient wage levels; and (3) employability plans for every employable member of the family. In local jurisdictions that have both targeted assistance and refugee social services programs, one family self-sufficiency plan may be developed for a family that incorporates both targeted assistance and refugee social services.

Services funded through the targeted assistance program are required to focus primarily on those refugees who, either because of their protracted use of public assistance or difficulty in securing employment, continue to need services beyond the initial years of resettlement. States may not provide services funded under this notice, except for referral and interpreter services, to refugees who have been in the United States for more than 60 months (5 years).

In accordance with 45 CFR 400.314, States are required to provide targeted assistance services to refugees in the following order of priority, except in certain individual extreme circumstances: (a) Refugees who are cash assistance recipients, particularly long-term recipients; (b) unemployed refugees who are not receiving cash assistance; and (c) employed refugees in need of services to retain employment or to attain economic independence.

In addition to the statutory requirement that TAP funds be used "primarily for the purpose of facilitating refugee employment" (section 412(c)(2)(B)(i)), funds awarded under this program are intended to help fulfill the Congressional intent that "employable refugees should be placed on jobs as soon as possible after their arrival in the United States" (section 412(a)(1)(B)(i) of the INA). Therefore, in accordance with 45 CFR 400.313, targeted assistance funds must be used primarily for employability services designed to enable refugees to obtain jobs with less than one year's

participation in the targeted assistance program in order to achieve economic self-sufficiency as soon as possible. Targeted assistance services may continue to be provided after a refugee has entered a job to help the refugee retain employment or move to a better job. Targeted assistance funds may not be used for long-term training programs such as vocational training that last for more than a year or educational programs that are not intended to lead to employment within a year.

In accordance with § 400.317, if targeted assistance funds are used for the provision of English language training, such training must be provided in a concurrent, rather than sequential, time period with employment or with other employment-related activities.

A portion of a local area's allocation may be used for services which are not directed toward the achievement of a specific employment objective in less than one year but which are essential to the adjustment of refugees in the community, provided such needs are clearly demonstrated and such use is approved by the State. Allowable services include those listed under § 400.316.

Reflecting section 412(a)(1)(A)(iv) of the INA, States must "insure that women have the same opportunities as men to participate in training and instruction." In addition, in accordance with § 400.317, services must be provided to the maximum extent feasible in a manner that includes the use of bilingual/bicultural women on service agency staffs to ensure adequate service access by refugee women. The Director also strongly encourages the inclusion of refugee women in management and board positions in agencies that serve refugees. In order to facilitate refugee self-support, the Director also expects States to implement strategies which address simultaneously the employment potential of both male and female wage earners in a family unit. States and counties are expected to make every effort to assure availability of day care services for children in order to allow women with children the opportunity to participate in employment services or to accept or retain employment. To accomplish this, day care may be treated as a priority employment-related service under the targeted assistance program. Refugees who are participating in TAP-funded or social services-funded employment services or have accepted employment are eligible for day care services for children. For an employed refugee, TAP-funded day care should be limited to one year after the refugee becomes employed. States and counties,

however, are expected to use day care funding from other publicly funded mainstream programs as a prior resource and are encouraged to work with service providers to assure maximum access to other publicly funded resources for day care.

In accordance with § 400.317, targeted assistance services must be provided in a manner that is culturally and linguistically compatible with a refugee's language and cultural background, to the maximum extent feasible. In light of the increasingly diverse population of refugees who are resettling in this country, refugee service agencies will need to develop practical ways of providing culturally and linguistically appropriate services to a changing ethnic population. Services funded under this notice must be refugee-specific services which are designed specifically to meet refugee needs and are in keeping with the rules and objectives of the refugee program. Vocational or job-skills training, on-the-job training, or English language training, however, need not be refugee-specific.

When planning targeted assistance services, States must take into account the reception and placement (R & P) services provided by local resettlement agencies in order to utilize these resources in the overall program design and to ensure the provision of seamless, coordinated services to refugees that are not duplicative. See § 400.156(b).

ORR strongly encourages States and counties when contracting for targeted assistance services, including employment services, to give consideration to the special strengths of mutual assistance associations (MAAs), whenever contract bidders are otherwise equally qualified, provided that the MAA has the capability to deliver services in a manner that is culturally and linguistically compatible with the background of the target population to be served. ORR also strongly encourages MAAs to ensure that their management and board composition reflect the major target populations to be served.

ORR defines MAAs as organizations with the following qualifications:

- a. The organization is legally incorporated as a nonprofit organization; and
- b. Not less than 51% of the composition of the Board of Directors or governing board of the mutual assistance association is comprised of refugees or former refugees, including both refugee men and women.

Finally, in order to provide culturally and linguistically compatible services in as cost-efficient a manner as possible in a time of limited resources, ORR

strongly encourages States and counties to promote and give special consideration to the provision of services through coalitions of refugee service organizations, such as coalitions of MAAs, voluntary resettlement agencies, or a variety of service providers. ORR believes it is essential for refugee-serving organizations to form close partnerships in the provision of services to refugees in order to be able to respond adequately to a changing refugee picture. Coalition-building and consolidation of providers is particularly important in communities with multiple service providers in order to ensure better coordination of services and maximum use of funding for services by minimizing the funds used for multiple administrative overhead costs.

The award of funds to States under this notice will be contingent upon the completeness of a State's application as described in section IX, below.

#### IV. Discussion of Comments Received

Thirteen letters of comment were received in response to the notice of proposed availability of FY 1997 funds for targeted assistance. The comments are summarized below and are followed in each case by the Department's response.

*Comment:* Ten commenters expressed support for the proposed use of \$19 million for services to the elderly, particularly those elderly who are about to lose their SSI eligibility. One commenter was opposed to the proposed \$19 million discretionary program for elderly services and questioned ORR's legal authority to use these funds in a discretionary manner as opposed to including these funds in the formula allocation program. The commenter recommended that ORR allocate all available TAP funds by formula. One commenter, while supporting the use of the \$19 million for the elderly, objected to the awarding of these funds through a discretionary grant program and recommended a block grant instead. Another commenter urged ORR to make the discretionary application process as simple as possible and base awards on the number of SSI refugees in the U.S. over 5 years. Six commenters recommended that the funding be allocated only to States and counties with high concentrations of refugees, not all States. Six commenters felt that ORR should not allocate these funds on the basis of elderly refugee arrivals and should base funding on current place of residence, not initial place of resettlement. Eight commenters strongly recommended that funding be based on the number of elderly refugees

in each area who received SSA notices in February and March 1997, indicating they are likely to be ineligible for SSI. Five commenters felt that local areas should be given the discretion to decide what kinds of services to provide to elderly refugees. One commenter recommended the inclusion of disabled as well as elderly refugees as eligible recipients.

*Response:* To clarify the question of ORR's legal authority to award \$19 million in targeted assistance funds through a discretionary program, there is no prohibition in the statute that precludes the use of TAP funds for discretionary activities. Furthermore, nothing in ORR regulations for the TAP formula program administratively establishes any particular percentage of funds to be spent on the formula program. The commenter will note, however, that the Director has added \$9.5 million to the formula allocation amount.

Regarding inclusion of the disabled, in light of the budget agreement between the Congress and the Administration to allow full eligibility for SSI and Medicaid for disabled immigrants, including refugees, who were residing in the U.S. prior to enactment of the welfare reform law, ORR's elderly discretionary grant program will focus only on the elderly. Under the elderly discretionary program, ORR intends to fund only those States with counties that have large concentrations of refugees age 65 and over, which is the population most at-risk of losing SSI. Regarding the suggestion to base funding on the number of refugee SSI recipients who received SSA notices in February and March, 1997, to our knowledge, SSI recipient data that separately identifies refugee recipients are not available from the Social Security Administration. ORR intends to use a formula that focuses on counties heavily impacted by older refugees. ORR utilized data covering FY 1983 through FY 1996 for older refugees age 65 or older or who will reach age 65 or older by October 1, 1999. From these data, ORR developed a list of counties that had a minimum threshold of 500 or more refugees aged 65 or over. Additionally, other States and counties may apply for these funds if they can demonstrate an older refugee population that meets the minimum county threshold of 500 or more older refugees.

Regarding the recommendation that services to the elderly should be developed locally, the announcement to assist elderly refugees makes clear that services should be developed and administered at local levels. In addition, ORR encourages local service providers

to work closely with community-based Area Agencies on Aging to collaborate and coordinate services to older refugees.

Finally, regarding the request to keep the application process as simple as possible, ORR shares the commenter's interest and will make every effort to keep the process simple.

*Comment:* Eight commenters from one State felt that States and counties should have the flexibility to serve refugees in the U.S. over 5 years with targeted assistance formula funds. Several of these commenters stated that there are large numbers of post-5-year refugees in the State who are in need of services, have difficulty accessing mainstream services, and will soon lose their eligibility for assistance. One commenter recommended that ORR allow States to use TAP funds to serve post-5-year refugees provided that existing priority groups are fully served and sufficient TAP funds are available for this purpose.

*Response:* We continue to believe that targeted assistance formula funds should be used for refugees during their first 5 years in the U.S. in order to concentrate adequate resources on helping refugees to become self-sufficient as soon as possible without becoming long-term welfare recipients. Of particular concern are the large numbers of refugees in the U.S. less than 5 years, who reside in high welfare States and have been on welfare since their arrival. These are the refugees who require top priority from the refugee program. Also of top priority is to make sure that future refugee arrivals never get to the point of being on welfare for most of their first 5 years in the U.S. For these reasons we do not agree with the commenters that the 5-year limitation on targeted assistance formula funds should be changed; the focus on services during the first 5 years is the right focus.

Regarding the comment that many of the post-5-year refugees will soon lose their eligibility for public assistance, it is important to note that most States have decided to allow refugees who were residing in the U.S. prior to August 22, 1996, to continue to be eligible for TANF assistance on the same basis as U.S. citizens.

Finally, we wish to remind States that ORR discretionary funds may be used to serve post-5-year refugees. This year, a substantial amount, approximately \$42,685,000, will be available in discretionary funds to serve refugees, including refugees who have been in the U.S. over 5 years.

*Comment:* Three commenters expressed concern regarding ORR's

requirement for family self-sufficiency plans. One commenter questioned whether services should be provided to take refugees to self-sufficiency thereby using resources that would otherwise be available to help some refugees find employment. The commenter felt that the requirement implied that services should be provided to a full-time employed refugee until the family is off aid. Two commenters stated that the family self-sufficiency plan is redundant with individual employability plans. One commenter asked if one plan could be developed in lieu of both plans. Another commenter recommended that ORR eliminate the family self-sufficiency plan requirement and issue waivers to States in the interim.

*Response:* As stated in several previous notices, the family self-sufficiency plan is a tool that assists both the refugee family and the employment counselor to focus more clearly on what steps need to be taken to achieve self-sufficiency. In many cases, it requires more than one wage-earner to go to work in order for a family to become self-sufficient. The development of a family self-sufficiency plan puts the proper focus on the family as the client unit. The employment plan, in contrast, focuses on one person's employment without addressing what is needed of other adults in the family to get the family unit self-sufficient. We do not view self-sufficiency plans and individual employment plans to be redundant; individual employment plans are part of a family self-sufficiency plan, not a separate entity.

ORR does not insist that employment service providers work with all refugee families until they are self-sufficient at the expense of other clients, but we encourage States and providers to design programs that efficiently use resources to help refugee families become self-sufficient to the maximum extent feasible. By developing a family self-sufficiency plan, at least a refugee family will be able to understand what it takes to not only get a job, but to get off welfare. Experience in a number of States shows that the use of family self-sufficiency plans results ultimately in earlier family self-sufficiency through the attainment of jobs for one or more wage earners at self-supporting wages. We would be happy to connect any State and county that does not understand how to use family self-sufficiency plans to good effect with States and providers experienced in using family self-sufficiency plans effectively.

*Comment:* One commenter questioned the meaningfulness of requiring targeted

assistance grantees to propose TAP outcome goals aimed at continuous improvement from one year to the next in light of factors such as reduced TAP allocations, inability to serve refugees who have been in the U.S. more than 60 months, and economic factors including recession and high unemployment rates. Another commenter felt that since ORR requires outcomes, less emphasis should be placed on how outcomes are achieved and more local flexibility should be allowed in providing services.

*Response:* We understand that funding levels and other variables must be taken into account when setting and meeting outcome goals. For this reason, we ask States and counties to set goals in terms of percentages and real numbers. For example, a decrease in funding will likely result in a smaller caseload to be served, but need not necessarily result in a smaller percentage of the caseload entering employment. States and counties also have the opportunity to attach a narrative with the goal plan which explains local factors that affect performance outcomes.

Regarding more local flexibility, we believe States and counties already have a great deal of flexibility in designing services and service delivery.

*Comment:* Two commenters raised concerns regarding the methodology by which ORR allocates targeted assistance funds and qualifies counties for targeted assistance funds. One commenter recommended that the allocation formula be based on all refugee arrivals to the county with no limitation regarding when the refugees first arrived in the county. The same commenter also recommended that qualification for targeted assistance funds should be based solely on refugee arrivals and not on refugee concentration. One county requested that the TAP funding level for the county remain equal to the county's FY 1996 allocation because of the continued demand for TAP services in the county.

*Response:* In regard to the suggestion that the TAP allocation formula be based on all refugee arrivals to the county regardless of when the refugees arrived, the targeted assistance allocation formula must be consistent with § 400.315(b) of ORR's regulations which limits the provision of targeted assistance formula services to refugees who have been in the U.S. 5 years or less. In regard to using population as the only qualifying criterion, ORR is required to use all the factors that are outlined in the statute for which data are available. Section 412(c)(2)(A) of the Immigration and Nationality Act identifies large refugee populations,

high refugee concentrations, and high use of public assistance by refugees as three factors to take into account for targeted assistance eligibility. While we do not have available welfare dependency data, data are available on refugee population and refugee concentration. Therefore ORR is required to use both factors in determining county qualification.

In regard to a county's request for the same amount of funds as it received in FY 1996, the amount of funds a qualified county receives each year is based on the county's most recent five-year population. By definition, allocations in a formula program must be determined on the basis of a formula that is applied consistently across all grantees in order to ensure equity. Special exceptions and deviations, therefore, cannot be made in a formula allocation program.

#### **V. Eligible Grantees**

Eligible grantees are those agencies of State governments that are responsible for the refugee program under 45 CFR 400.5 in States containing counties which qualify for FY 1997 targeted assistance awards.

The use of targeted assistance funds for services to Cuban and Haitian entrants is limited to States which have an approved State plan under the Cuban/Haitian Entrant Program (CHEP).

The State agency will submit a single application on behalf of all county governments of the qualified counties in that State. Subsequent to the approval of the State's application by ORR, local targeted assistance plans will be developed by the county government or other designated entity and submitted to the State.

A State with more than one qualified county is permitted, but not required, to determine the allocation amount for each qualified county within the State. However, if a State chooses to determine county allocations differently from those set forth in this notice, in accordance with § 400.319, the FY 1997 allocations proposed by the State must be based on the State's population of refugees who arrived in the U.S. during the most recent 5-year period. A State may use welfare data as an additional factor in the allocation of its targeted assistance funds if it so chooses; however, a State may not assign a greater weight to welfare data than it has assigned to population data in its allocation formula. In addition, if a State chooses to allocate its FY 1997 targeted assistance funds in a manner different from the formula set forth in this notice, the FY 1997 allocations and methodology proposed by the State

must be included in the State's application for ORR review and approval.

Applications submitted in response to the final notice are not subject to review by State and areawide clearinghouses under Executive Order 12372, "Intergovernmental Review of Federal Programs."

#### **VI. Qualification and Allocation**

##### **A. Qualified Counties**

In the FY 1996 targeted assistance final notice (61 FR 36739 (July 12, 1996)), the ORR Director indicated her intention to determine the qualification of counties for targeted assistance funds once every three years, beginning in FY 1996. Therefore, it is ORR's intent that the 39 counties listed as qualified for TAP funding in FY 1996 will remain qualified for TAP funding for FY 1997. We have decided, however, to make 8 additional qualified counties eligible for FY 1997 targeted assistance formula funding and have increased the total amount available for formula allocation funding from \$25,871,300 to \$35,371,300 to enable an increase in eligible counties. The increase in the total amount available for formula allocations has also resulted in higher allocations for the original 39 counties than appeared in the April 1 notice.

The 8 additional counties deemed to be eligible for targeted assistance funding were the next 8 counties, beyond the original 39 counties listed as qualified in FY 1996, that had the highest ranking based on the sum of a county's rank on refugee arrivals during the 5-year period from FY 1992—FY 1996 and its rank on concentration. Using the same methodology as in FY 1996, each county was ranked on the basis of its most recent 5-year arrival population and its concentration of refugees, with a relative weighting of 2 to 1 respectively. Each county was then ranked in terms of the sum of a county's rank on refugee arrivals and its rank on concentration. The following 8 counties had the highest rank and are listed in order of ranking:

Jefferson County, KY  
Hudson County, NJ  
Ingham County, MI  
Cuyahoga County, OH  
Cass County, ND  
Broward County, FL  
Pierce County, WA  
Maricopa County, AZ

The addition of these 8 counties increases the list of qualified targeted assistance counties from the 39 listed in the April 1 notice to 47 counties and increases the number of States to receive targeted assistance funding in FY 1997

from 21 States to 26 States. It is our intent that the 47 counties listed in this notice as qualified to apply for FY 1997 TAP funding will remain qualified for TAP funding through FY 1998. This, of course, is subject to the availability of appropriations.

Since the Commonwealth of Kentucky no longer participates in the refugee program, the Wilson/Fish grantee which has been operating the refugee program since the State dropped out will be the eligible grantee for the Jefferson County allocation.

#### B. Allocation Formula

Of the funds available for FY 1997 for targeted assistance, \$35,371,300 is allocated by formula to States for qualified counties based on the initial placements of refugees, Amerasians, and

entrants in these counties during the 5-year period from FY 1992 through FY 1996 (October 1, 1991—September 30, 1996).

With regard to Havana parolees, we are crediting 6,910 Havana parolees who arrived in FY 1996 to qualified counties in Florida based on data the State submitted during the public comment period. We have credited FY 1996 Havana parolees to the remaining qualified targeted assistance counties based on the counties' proportion of the 5-year (FY 1992—FY 1996) entrant arrival population. For FY 1995, Florida's Havana parolees for each qualified county are based on data submitted by the State last year, while Havana parolees credited to counties in other States were prorated based on the

counties' proportion of the 5-year (FY 1991—FY 1995) entrant population in the U.S. The allocations in this notice reflect these additional parolee numbers.

#### VII. Allocations

Table 1 lists the qualified counties, the number of refugee/entrant arrivals in those counties during the 5-year period from October 1, 1991—September 30, 1996, the prorated number of Havana parolees credited to each county based on the county's proportion of the 5-year entrant population in the U.S., the sum of the first three columns, and the amount of each county's allocation based on its 5-year total population.

Table 2 provides State totals for targeted assistance allocations.

TABLE 1.—TARGETED ASSISTANCE ALLOCATIONS BY COUNTY: FY 1997

County	State	Refugees	Entrants	Havana parolees <sup>1</sup>	Total arrivals FY 1992–1996	\$35,371,300 total FY 1997 allocation
Maricopa County .....	Arizona .....	5,262	600	169	6,031	\$465,107
Alameda County .....	California .....	4,944	21	6	4,971	383,361
Fresno County .....	California .....	5,841	2	0	5,843	450,609
Los Angeles County .....	California .....	25,794	689	216	26,699	2,059,012
Merced County .....	California .....	1,541	0	0	1,541	118,841
Orange County .....	California .....	22,500	38	12	22,550	1,739,044
Sacramento County .....	California .....	12,288	5	2	12,295	948,184
San Diego County .....	California .....	12,457	516	147	13,120	1,011,807
SAN FRANCISCO AREA .....	California .....	11,076	195	64	11,335	874,149
San Joaquin County .....	California .....	2,434	7	2	2,443	188,403
Santa Clara County .....	California .....	16,297	50	9	16,356	1,261,366
Denver County .....	Colorado .....	3,478	3	1	3,482	268,530
District of Columbia .....	District of Col. ....	4,001	17	5	4,023	310,252
Broward County .....	Florida .....	1,219	2,541	401	4,161	320,894
Dade County .....	Florida .....	10,618	40,023	14,038	64,679	4,988,009
Duval County .....	Florida .....	3,059	44	20	3,123	240,844
Palm Beach County .....	Florida .....	768	2,991	306	4,065	313,491
DeKalb County .....	Georgia .....	5,815	23	7	5,845	450,763
Fulton County .....	Georgia .....	6,298	238	66	6,602	509,143
CHICAGO AREA .....	Illinois .....	18,056	502	136	18,694	1,441,671
Polk County .....	Iowa .....	2,939	1	0	2,940	226,731
Jefferson County <sup>2</sup> .....	Kentucky .....	2,975	455	97	3,527	272,000
Baltimore County .....	Maryland .....	3,384	3	0	3,387	261,204
Suffolk County .....	Massachusetts .....	5,790	289	95	6,174	476,135
Ingham County .....	Michigan .....	1,788	266	66	2,120	163,493
Oakland County .....	Michigan .....	3,995	8	3	4,006	308,941
Hennepin County .....	Minnesota .....	5,794	3	0	5,797	447,061
Ramsey County .....	Minnesota .....	4,538	10	3	4,551	350,971
St. Louis County .....	Missouri .....	5,891	2	0	5,893	454,465
Lancaster County .....	Nebraska .....	2,431	34	6	2,471	190,562
Hudson County .....	New Jersey .....	2,032	892	271	3,195	246,397
Bernalillo County .....	New Mexico .....	1,574	1,300	379	3,253	250,870
Broome County .....	New York .....	1,718	28	9	1,755	135,345
Monroe County .....	New York .....	3,025	516	152	3,693	284,802
NEW YORK CITY AREA .....	New York .....	84,374	1,218	373	85,965	6,629,573
Oneida County .....	New York .....	2,633	1	0	2,634	203,133
Cass County .....	North Dakota .....	1,597	3	1	1,601	123,468
Cuyahoga County .....	Ohio .....	4,625	6	1	4,632	357,217
PORTLAND OREGON AREA .....	Oregon .....	11,034	581	148	11,763	907,156
Philadelphia County .....	Pennsylvania .....	8,100	78	24	8,202	632,534
Davidson County .....	Tennessee .....	3,188	54	8	3,250	250,638
DALLAS AREA .....	Texas .....	12,114	612	175	12,901	994,918
Harris County .....	Texas .....	10,559	176	45	10,780	831,348
FAIRFAX AREA .....	Virginia .....	4,657	8	2	4,667	359,916
Richmond City .....	Virginia .....	1,913	109	31	2,053	158,326
Pierce County .....	Washington .....	2,867	10	2	2,879	222,027

TABLE 1.—TARGETED ASSISTANCE ALLOCATIONS BY COUNTY: FY 1997—Continued

County	State	Refugees	Entrants	Havana parolees <sup>1</sup>	Total arrivals FY 1992–1996	\$35,371,300 total FY 1997 allocation
Seattle Area .....	Washington .....	16,562	48	9	16,709	1,288,589
Total .....	.....	385,933	55,216	17,507	458,656	35,317,300

<sup>1</sup> Includes Havana Parolees (HP's) for FY 1995 and FY 1996. For FY 1995, HP arrivals to the qualifying Florida counties (7855) were based on actual data while HP's in the non-Florida qualifying counties (1327) were prorated based on the counties' proportion of the five year (FY 1991–1995) entrant population in the U.S. For FY 1996, HP arrivals to the qualifying Florida counties (6910) were based on actual data while HP's in the non-Florida qualifying counties (1415) were prorated based on the counties' proportion of the five year (FY 1992–1996) entrant population in the U.S.

<sup>2</sup> The allocation for Jefferson, KY will be awarded to the Kentucky Fish-Wilson project.

TABLE 2.—TARGETED ASSISTANCE ALLOCATIONS BY STATE: FY 1997

State	\$35,371,300 total FY 1997 allocation
Arizona .....	\$465,107
California .....	9,034,776
Colorado .....	268,530
District of Columbia .....	310,252
Florida .....	5,863,238
Georgia .....	959,906
Illinois .....	1,441,671
Iowa .....	226,731
Kentucky .....	272,000
Maryland .....	261,204
Massachusetts .....	476,135
Michigan .....	472,434
Minnesota .....	798,032
Missouri .....	454,465
Nebraska .....	190,562
New Jersey .....	246,397
New Mexico .....	250,870
New York .....	7,252,853
North Dakota .....	123,468
Ohio .....	357,217
Oregon .....	907,156
Pennsylvania .....	632,534
Tennessee .....	250,638
Texas .....	1,826,266
Virginia .....	518,242
Washington .....	1,510,616
Total .....	35,371,300

## VIII. Application and Implementation Process

Under the FY 1997 targeted assistance program, States may apply for and receive grant awards on behalf of qualified counties in the State. A single allocation will be made to each State by ORR on the basis of an approved State application. The State agency will, in turn, receive, review, and determine the acceptability of individual county targeted assistance plans.

Pursuant to § 400.210(b), FY 1997 targeted assistance funds must be obligated by the State agency no later than one year after the end of the Federal fiscal year in which the Department awarded the grant. Funds must be liquidated within two years after the end of the Federal fiscal year

in which the Department awarded the grant. A State's final financial report on targeted assistance expenditures must be received no later than two years after the end of the Federal fiscal year in which the Department awarded the grant. If final reports are not received on time, the Department will deobligate any unexpended funds, including any unliquidated obligations, on the basis of a State's last filed report.

The requirements regarding the discretionary portions of the targeted assistance program will be addressed separately in the grant announcements for those funds. Applications for these funds are therefore not subject to provisions contained in this notice but to other requirements which will be conveyed separately.

Application for targeted assistance formula funds by the Wilson/Fish grantee in Kentucky for services to refugees in Jefferson County are not subject to the application requirements contained in this notice but to Wilson/Fish requirements that will be conveyed separately.

## IX. Application Requirements

### A. For States in Their Second Year of Targeted Assistance Funding

The State application requirements for grants for the FY 1997 targeted assistance formula allocation are as follows:

States that are currently operating under approved management plans for their FY 1996 targeted assistance program and wish to continue to do so for their FY 1997 grants may provide the following in lieu of resubmitting the full currently approved plan:

The State's application for FY 1997 funding shall provide:

1. Assurance that the State's current management plan for the administration of the targeted assistance program, as approved by ORR, will continue to be in full force and effect for the FY 1997 targeted assistance program, subject to any additional assurances or revisions required by this notice which are not

reflected in the current plan. Any proposed modifications to the approved plan will be identified in the application and are subject to ORR review and approval. Any proposed changes must address and reference all appropriate portions of the FY 1996 application content requirements to ensure complete incorporation in the State's management plan.

2. Assurance that targeted assistance funds will be used in accordance with the requirements in 45 CFR Part 400.

3. Assurance that targeted assistance funds will be used primarily for the provision of services which are designed to enable refugees to obtain jobs with less than one year's participation in the targeted assistance program. States must indicate what percentage of FY 1997 targeted assistance formula allocation funds that are used for services will be allocated for employment services.

4. Assurance that targeted assistance funds will not be used to offset funding otherwise available to counties or local jurisdictions from the State agency in its administration of other programs, e.g. social services, cash and medical assistance, etc.

5. The amount of funds to be awarded to the targeted county or counties. If a State with more than one qualifying targeted assistance county chooses to allocate its targeted assistance funds differently from the formula allocation for counties presented in the ORR targeted assistance notice in a fiscal year, its allocations must be based on the State's population of refugees who arrived in the U.S. during the most recent 5-year period. A State may use welfare data as an additional factor in the allocation of targeted assistance funds if it so chooses; however, a State may not assign a greater weight to welfare data than it has assigned to population data in its allocation formula. The application must provide a description of, and supporting data for, the State's proposed allocation plan,

the data to be used, and the proposed allocation for each county.

6. Assurance that local administrative budgets will not exceed 15% of the local allocation. Targeted assistance grants are cost-based awards. Neither a State nor a county is entitled to a certain amount for administrative costs. Rather, administrative cost requests should be based on projections of actual needs. States and counties are strongly encouraged to limit administrative costs to the extent possible to maximize available funding for services to clients.

7. All applicants must establish targeted assistance proposed performance goals for each of the 6 ORR performance outcome measures for each targeted assistance county's proposed service contract(s) or sub-grants for the next contracting cycle. Proposed performance goals must be included in the application for each performance measure. The 6 ORR performance measures are: entered employments, cash assistance reductions due to employment, cash assistance terminations due to employment, 90-day employment retentions, average wage at placement, and job placements with available health benefits. Targeted assistance program activity and progress achieved toward meeting performance outcome goals are to be reported quarterly on the ORR-6, the "Quarterly Performance Report."

States which are currently grantees for targeted assistance funds should base projected annual outcome goals on the past year's performance. Proposed targeted assistance outcome goals should reflect improvement over past performance and strive for continuous improvement during the project period from one year to another.

8. A line item budget and justification for State administrative costs limited to a maximum of 5% of the total award to the State. Each total budget period funding amount requested must be necessary, reasonable, and allocable to the project. States that administer the program locally in lieu of the county, through a mutual agreement with the qualifying county, may add up to, but not exceed, 10% of the county's TAP allocation to the State's administrative budget.

*States administering the program locally:* States that have administered the program locally or provide direct service to the refugee population (with the concurrence of the county) must submit a program summary to ORR for prior review and approval. The summary must include a description of the proposed services; a justification for the projected allocation for each component including relationship of

funds allocated to numbers of clients served, characteristics of clients, duration of training and services, and cost per placement. In addition, the program component summary must describe any ancillary services or subcomponents such as day care, transportation, or language training.

#### *B. For New States and States With New Counties*

In applying for targeted assistance funds, a State agency is required to provide the following:

1. Assurance that targeted assistance funds will be used in accordance with the requirements in 45 CFR Part 400.

2. Assurance that targeted assistance funds will be used primarily for the provision of services which are designed to enable refugees to obtain jobs with less than one year's participation in the targeted assistance program. States must indicate what percentage of FY 1997 targeted assistance formula allocation funds that are used for services will be allocated for employment services.

3. Assurance that targeted assistance funds will not be used to offset funding otherwise available to counties or local jurisdictions from the State agency in its administration of other programs, e.g. social services, cash and medical assistance, etc.

4. Identification of the local administering agency.

5. The amount of funds to be awarded to the targeted county or counties. If a State with more than one qualifying targeted assistance county chooses to allocate its targeted assistance funds differently from the formula allocation for counties presented in the ORR targeted assistance notice in a fiscal year, its allocations must be based on the State's population of refugees who arrived in the U.S. during the most recent 5-year period. A State may use welfare data as an additional factor in the allocation of targeted assistance funds if it so chooses; however, a State may not assign a greater weight to welfare data than it has assigned to population data in its allocation formula. The application must provide a description of, and supporting data for, the State's proposed allocation plan, the data to be used, and the proposed allocation for each county.

In instances where a State receives targeted assistance funding for impacted counties contained in a standard metropolitan statistical area (SMSA) which includes a county or counties located in a neighboring State, the State receiving those funds must provide a description of coordination and planning activities undertaken with the

State Refugee Coordinator of the neighboring State in which the impacted county or counties are located. These planning and coordination activities should result in a proposed allocation plan for the equitable distribution of targeted assistance funds by county based on the distribution of the eligible population by county within the SMSA. The proposed allocation plan must be included in the State's application to ORR.

6. A description of the State's guidelines for the required content of county targeted assistance plans and a description of the State's review/approval process for such county plans. Acceptable county plans must minimally include the following:

a. Assurance that targeted assistance funds will be used in accordance with the requirements in 45 CFR Part 400.

b. Procedures for carrying out a local planning process for determining targeted assistance priorities and service strategies. All local targeted assistance plans will be developed through a planning process that involves, in addition to the State Refugee Coordinator, representatives of the private sector (for example, private employers, private industry council, Chamber of Commerce, etc.), leaders of refugee/entrant community-based organizations, voluntary resettlement agencies, refugees from the impacted communities, and other public officials associated with social services and employment agencies that serve refugees. Counties are encouraged to foster coalition-building among these participating organizations.

c. Identification of refugee/entrant populations to be served by targeted assistance projects, including approximate numbers of clients to be served, and a description of characteristics and needs of targeted populations. (As per § 400.314)

d. Description of specific strategies and services to meet the needs of targeted populations. These should be justified where possible through analysis of strategies and outcomes from projects previously implemented under the targeted assistance programs, the regular social service programs, and any other services available to the refugee population.

e. The relationship of targeted assistance services to other services available to refugees/entrants in the county including State-allocated ORR social services.

f. Analysis of available employment opportunities in the local community. Examples of acceptable analyses of employment opportunities might include surveys of employers or

potential employers of refugee clients, surveys of presently effective employment service providers, review of studies on employment opportunities/forecasts which would be appropriate to the refugee populations.

g. Description of the monitoring and oversight responsibilities to be carried out by the county or qualifying local jurisdiction.

h. Assurance that the local administrative budget will not exceed 15% of the local allocation. Targeted assistance grants are cost-based awards. Neither a State nor a county is entitled to a certain amount for administrative costs. Rather, administrative cost requests should be based on projections of actual needs. States and counties are strongly encouraged to limit administrative costs to the extent possible to maximize available funding for services to clients.

i. For any State that administers the program directly or otherwise provides direct service to the refugee/entrant population (with the concurrence of the county), the State must provide ORR with the same information required above for review and prior approval.

7. All applicants must establish targeted assistance proposed performance goals for each of the 6 ORR performance outcome measures for each impacted county's proposed service contract(s) or sub-grants for the next contracting cycle. Proposed performance goals must be included in the application for each performance measure. The 6 ORR performance measures are: entered employments, cash assistance reductions due to employment, cash assistance terminations due to employment, 90-day employment retentions, average wage at placement, and job placements with available health benefits. Targeted assistance program activity and progress achieved toward meeting performance outcome goals are to be reported quarterly on the ORR-6, the "Quarterly Performance Report."

States are required to set proposed outcome goals for each of the 6 ORR performance outcome measures. New grantees may use baseline data, as available, and current data as reported on the ORR-6 for social services program activity to assist them in the goal-setting process.

Proposed targeted assistance outcome goals should reflect improvement over past performance and strive for continuous improvement during the project period from one year to another.

8. An identification of the contracting cycle dates for targeted assistance service contracts in each county. States with more than one qualified county are

encouraged to ensure that all counties participating in TAP in the State use the same contracting cycle dates.

9. A description of the State's plan for conducting fiscal and programmatic monitoring and evaluations of the targeted assistance program, including frequency of on-site monitoring.

10. Assurance that the State will make available to the county or designated local entity not less than 95% of the amount of its formula allocation for purposes of implementing the activities proposed in its plan, except in the case of a State that administers the program locally as described in item 6i above.

11. A line item budget and justification for State administrative costs limited to a maximum of 5% of the total award to the State. Each total budget period funding amount requested must be necessary, reasonable, and allocable to the project. States that administer the program locally in lieu of the county, through a mutual agreement with the qualifying county, may add up to, but not exceed, 10% of the county's TAP allocation to the State's administrative budget.

12. Assurance that the State will follow or mandate that its sub-recipients will follow appropriate State procurement and contract requirements in the acquisition, administration, and management of targeted assistance service contracts.

## X. Reporting Requirements

States are required to submit quarterly reports on the outcomes of the targeted assistance program, using Schedule A and Schedule C of the new ORR-6 Quarterly Performance Report form.

Dated: June 2, 1997.

**Lavinia Limon,**

*Director, Office of Refugee Resettlement.*

[FR Doc. 97-14899 Filed 6-6-97; 8:45 am]

BILLING CODE 4184-01-P

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### Endangered and Threatened Species Permit Application

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of receipt of application.

The following applicant has applied for a permit to conduct certain activities with endangered species. This notice is provided pursuant to section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, *et seq.*).

PRT-830273

*Applicant:* William D. Hendricks, Benton, Kentucky.

The applicant requests a permit to take (capture and release) Indiana bats (*Myotis sodalis*) and Gray bats (*Myotis grisescens*) throughout the States of Ohio, Indiana, Illinois, Missouri, Kentucky, and Tennessee for the purpose of survival and enhancement of the species in the wild.

Written data or comments should be submitted to the Regional Director, U.S. Fish and Wildlife Service, Ecological Services Operations, 1 Federal Drive, Fort Snelling, Minnesota 55111-4056, and must be received within 30 days of the date of this publication.

Documents and other information submitted with this application are available for review by any party who submits a written request for a copy of such documents to the following office within 30 days of the date of publication of this notice: U.S. Fish and Wildlife Service, Ecological Services Operations, 1 Federal Drive, Fort Snelling, Minnesota 55111-4056. Telephone: (612/725-3536 x250); FAX: (612/725-3526).

Dated: June 2, 1997.

**John A. Blankenship,**

*Assistant Regional Director, IL, IN, MO (Ecological Services), Region 3, Fort Snelling, Minnesota.*

[FR Doc. 97-14918 Filed 6-6-97; 8:45 am]

BILLING CODE 4310-55-P

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### Availability of a Habitat Conservation Plan and Receipt of an Application for an Incidental Take Permit for Raley's Landing Project, Yolo County, California

**AGENCY:** Fish and Wildlife Service

**ACTION:** Notice of receipt.

**SUMMARY:** This notice advises the public that Raley's has applied to the U.S. Fish and Wildlife Service (Service) for an incidental take permit pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended. The application has been assigned permit number PRT-829945. The proposed permit would authorize the incidental take of the valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*), federally listed as threatened, and/or modification or degradation of its habitat during the development of a commercial center in Yolo County, California. The permit would be in effect for 5 years.