day of the pay period following the one in which there was no family member.

(e) *Open season.* (1) During the open season as provided by § 890.301(f), an enrollee (except for a former spouse who is eligible for continued coverage under § 890.1103(3)) may change the enrollment from self only to self and family, from one plan or option to another, or make any combination of these changes. A former spouse who is eligible for continued coverage under § 890.1103(3) may change from one plan or option to another, but may not change from self only to self and family unless the individual to be covered under the family enrollment qualifies as a family member under § 890.1106(a)(2).

(2) An open season change of enrollment takes effect on the first day of the first pay period that begins in January of the next following year.

(3) When a belated open season change of enrollment is accepted by the employing office under paragraph (b) of this section, it takes effect as required by paragraph (e)(2) of this section.

(f) *Change in family status.* (1) Except for a former spouse, an enrollee may change the enrollment from self only to self and family, from one plan or option to another, or make any combination of these changes when the enrollee's family status changes, including a change in marital status or any other change in family status. The enrollee must change the enrollment within the period beginning 31 days before the date of the change in family status, and ending 60 days after the date of the change in family status.

(2) A former spouse who is covered under this section may change the enrollment from self alone to self and family, from one plan or option to another, or make any combination of these changes within the period beginning 31 days before and ending 60 days after the birth or acquisition of a child who qualifies as a covered family member under § 890.1106(a)(2).

(3) A change of enrollment made in conjunction with the birth of a child, or the addition of a child as a new family member in some other manner, takes effect on the first day of the pay period in which the child is born or becomes an eligible family member.

(g) *Reenrollment of individuals who lose other coverage under this part.* An individual whose continued coverage under this section terminates because of the provisions of § 890.1110(a)(3) (termination due to other coverage under another provision of this part) may reenroll if the coverage that terminated the enrollment under this part ends, but not later than the expiration of the period described in § 890.1107. Coverage does not extend beyond the expiration of the period described in § 890.1107. The effective date of the reenrollment is the day following the termination of the coverage described in § 890.1110(a)(3).

(h) *Loss of coverage under this part or under another group insurance plan.* An enrollee may change the enrollment from self only to self and family, from one plan or option to another, or make any combination of these changes when the enrollee loses coverage under this part or a qualified family member of the enrollee loses coverage under this part or under another group health benefits plan. Except as otherwise provided, an enrollee must change the enrollment within the period beginning 31 days before the date of loss of coverage and ending 60 days after the date of loss of coverage. Losses of coverage include, but are not limited to—

(1) Loss of coverage under another FEHB enrollment due to the termination, cancellation, or change to self only, of the covering enrollment.

(2) Loss of coverage under another federally-sponsored health benefits program.

(3) Loss of coverage or loss of access to health services because the enrollee or a covered family member in a comprehensive medical plan moves or becomes employed outside the enrollment or service area, or, if already outside the enrollment or service area, moves or becomes employed further from the enrollment or service area. The enrollee may change the enrollment upon notifying the employing office of the move or change of place of employment. The change of enrollment takes effect on the first day of the pay period that begins after the employing office receives an appropriate request.

(4) Loss of coverage due to the termination of membership in an employee organization sponsoring or underwriting an FEHB plan.

(5) Loss of coverage due to the discontinuance of an FEHB plan, in whole or in part. For an enrollee who loses coverage under this paragraph (h)(5)—

(i) If the discontinuance is at the end of a contract year, the enrollee must change the enrollment during the open season, unless OPM establishes a different time. If the discontinuance is at a time other than the end of the contract year, OPM must establish a time and effective date for the enrollee to change the enrollment.

(ii) If the whole plan is discontinued, an enrollee who does not change the enrollment within the time set is considered to have cancelled the plan in which enrolled;

(iii) If a plan has two options, and one option of the plan is discontinued, an enrollee who does not change the enrollment is considered to be enrolled in the remaining option of the plan.

(6) Loss of coverage under the Medicaid Program (State program of medical assistance for the needy).

(7) Loss of coverage under a non-Federal health plan.

(i) *On becoming eligible for Medicare.* An enrollee may change the enrollment from one plan or option to another at any time beginning on the 30th day before becoming eligible for coverage under title XVIII of the Social Security Act (Medicare). A change of enrollment based on becoming eligible for Medicare may be made only once.

[FR Doc. 96–17248 Filed 7–8–96; 8:45 am]
BILLING CODE 6325–01–M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1280

[Docket Number LS–96–006]

Sheep Promotion, Research, and Information Program

AGENCY: Agricultural Marketing Service; USDA.

ACTION: Notice of Referendum; Referendum Order.

SUMMARY: The Agricultural Marketing Service (AMS) is announcing that a second referendum will be conducted among eligible sheep producers, sheep feeders, and importers of sheep and sheep products to determine whether the Sheep and Wool Promotion, Research, Education, and Information Order (Order) will become effective as authorized under the Sheep Promotion, Research, and Information Act of 1994 (Act). This action is a result of a review conducted by the Department of Agriculture (Department) that revealed that the referendum rules were applied inconsistently at the official polling places during the February 6, 1996, nationwide referendum. Consequently, the results of the February 6, 1996, nationwide referendum were voided.

DATES: Referendum Dates: In-person voting in the referendum will be conducted on October 1, 1996, by county Cooperative Extension Service (CES) offices. Absentee ballots will be available at county CES offices from August 26, 1996, through September 17, 1996. The representative period to establish voter eligibility will be the period from January 1, 1994, through December 31, 1994.

FOR FURTHER INFORMATION CONTACT: Ralph L. Tapp, Chief, Marketing Programs Branch, Livestock and Seed Division, AMS, USDA, Room 2606–S; P.O. Box 96456; Washington, D.C. 20090–6456. Telephone number 202/720–1115.

SUPPLEMENTARY INFORMATION: The Act (7 U.S.C. 7101–7111), enacted October 22, 1994, provides for the establishment of a national sheep and wool promotion, research, education, and information program, designed to strengthen the sheep industry's position in the marketplace, maintain and expand existing markets, and develop new markets and uses for sheep and sheep products.

The program will be funded by a mandatory assessment on domestic sheep producers, sheep feeders, and exporters of live sheep and greasy wool of 1 cent per pound on live sheep sold and 2 cents per pound on greasy wool sold. Importers will be assessed 1 cent per pound on live sheep imported and the equivalent of 1 cent per pound of live sheep for sheep products imported and 2 cents per pound of degreased wool or the equivalent of degreased wool for wool and wool products imported. Imported raw wool will be exempt from assessments. Each person who processes or causes to be processed sheep or sheep products of that person's own production, and who markets the processed products, will be assessed the equivalent of 1 cent per pound of live sheep sold and 2 cents per pound of greasy wool sold. All assessment rates may be adjusted in accordance with applicable provisions of the Act.

The Act requires that a referendum be conducted after an Order is issued to determine whether the Order will go into effect. An Order was published in the Federal Register on December 5, 1995 (60 FR 62298). The referendum is to be conducted among persons who were sheep producers, sheep feeders, or importers of sheep and sheep products during a representative period specified by the Secretary. Importers who import only raw wool are not eligible to participate in the referendum because raw wool is exempt from assessments under the Act. The Order would become operational only if it is approved by a majority of the producers, feeders, and importers voting in the referendum, or by producers, feeders, and importers voting in the referendum who account for at least two-thirds of the production represented by persons voting in the referendum. If the Order is not approved by persons voting in the referendum, the program will not become operational.

To vote in the referendum, eligible persons will complete the registration and certification form, mark their ballots and, if they want to vote according to their volume of production, record that number on the ballot. Producers, feeders, and importers who vote their volume of production must determine that number before they register and vote in the referendum. For producers and feeders, the volume of production is the largest number of head of domestic sheep owned for any single, consecutive, 30-day period during the representative period. For importers, the volume of production is the number of live sheep or live sheep equivalents imported during the representative period. The final referendum rules published in the Federal Register on December 15, 1995 (60 FR 64297), provide guidance for calculating import volume of production in sheep equivalents.

As required by the Act, the Department conducted an up-front referendum among eligible domestic sheep producers and sheep feeders, as well as importers of sheep and sheep products, to determine if the Order would become operational. To become effective, the Order had to be approved either by a majority of producers, feeders, and importers voting in the referendum or by voters who accounted for at least two-thirds of the production represented by all persons voting in the referendum. Of the 19,801 valid ballots cast in the February 6, 1996, referendum, 10,707 (54 percent) favored implementation of the Order and 9,094 (46 percent) opposed implementation of the Order.

AMS published the final Order (61 FR 19514) on May 2, 1996, to implement a national sheep and wool, promotion, research, education, and information program, designed to strengthen the position of sheep and sheep products in the marketplace, as provided for under the Act. The effective date of the Order was May 3, 1996, except that the collection and remittance sections of the Order—§ 1280.224–§ 1280.228—were scheduled to become effective on July 1, 1996. The final Rules and Regulations (61 FR 21053), which set forth the collection and remittance procedures to be used beginning July 1, 1996, and the Certification and Nomination procedures (61 FR 21049), which outline eligibility criteria and the nomination process used to obtain nominations for appointment to the National Sheep Promotion, Research, and Information Board which would administer the program, were both published on May 9, 1996.

After the referendum was held, however, the Department received voter complaints of alleged inconsistencies in the application of the referendum rules in conducting the referendum. The Department initiated a review of these allegations. Based on findings of the review which revealed that the referendum rules were applied inconsistently, the Department voided the results of the February 6, 1996, referendum, suspended the Order and the Certification and Nomination Regulations and postponed indefinitely the announced July 1, 1996, effective date of (1) the implementing Rules and Regulations, (2) the collection of assessments, and (3) the collection and remittance sections of the Order—§ 1280.224–§ 1280.228. The second referendum will be conducted under the final referendum rules published December 15, 1995 (60 FR 64297), in the Federal Register.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Office of Management and Budget (OMB) has approved the information collection requirements concerning the conduct of a referendum including ballots and other voting materials. The control number assigned to the information collection requirements by OMB is OMB 0581–0093. It is estimated that it will take an average of 6.5 minutes for each of the approximately 87,350 domestic sheep producers and sheep feeders and the approximately 9,000 importers of sheep and sheep products to cast a ballot.

Referendum Order

It is hereby directed that a referendum be conducted among eligible sheep producers, sheep feeders, and importers of sheep and sheep products to determine whether an Order will become effective if approved by those eligible persons voting in the referendum. In-person voting in the referendum will be conducted on October 1, 1996, by the county CES offices. Absentee ballots will be available at the county CES offices from August 26, 1996, through September 17, 1996. The representative period to establish voter eligibility will be the period from January 1, 1994, through December 31, 1994.

List of Subjects in 7 CFR Part 1280

Administrative practice and procedure, Advertising, Agricultural research, Marketing agreements, Sheep and sheep products, Reporting and recordkeeping requirements.

Authority: 7 U.S.C. 7101–7111.

Dated: July 3, 1996.
Lon Hatamiya,
Administrator.
[FR Doc. 96–17478 Filed 7–3–96; 3:48 pm]
BILLING CODE 3410–02–P

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Parts 207 and 208

[INS No. 1639–93]

RIN 1115–AD59

Procedures for Filing a Derivative Petition (Form I–730) for a Spouse and Unmarried Children of a Refugee/Asylee

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Proposed rule.

SUMMARY: This rule proposes to amend the Immigration and Naturalization Service (Service) regulations by providing procedures which must be followed by a refugee to bring his/her spouse and unmarried, minor child(ren) (derivatives) into the United States. This proposed rule is intended to respond to the family reunification needs of refugees by establishing an equitable and consistent following-to-join policy for refugees which parallels the current following-to-join procedures for asylees. This rule also proposes to amend asylum regulations by removing from the definition of qualifying relationship child(ren) born to or legally adopted by the principal alien and spouse after approval of the principal alien's asylum application.

DATES: Written comments must be submitted on or before September 9, 1996.

ADDRESSES: Please submit written comments, in triplicate, to the Policy Directives and Instructions Branch, Immigration and Naturalization Service, 425 I Street, NW., Room 5307, Washington, DC 20536, Attention: Public Comment Clerk. To ensure proper handling, please reference INS No. 1639–93 on your correspondence. Comments will be available for public inspection at this location by calling (202) 514–3048 to arrange an appointment.

FOR FURTHER INFORMATION CONTACT: Ramonia Law-Hill, Senior Adjudications Officer, Adjudications Division, Immigration and Naturalization Service, 425 I Street, NW., Room 3214, Washington, DC 20536, telephone (202) 514–5014.

SUPPLEMENTARY INFORMATION:

A. Background

The United States refugee program places strong emphasis on family reunification and assigns priority for interviews to those refugee applicants who have immediate family members already in the United States. This emphasis on reunifying families also extends to those refugees who have been resettled in the United States, but who remain separated from their spouse and/or child(ren). In such cases, refugees may file to have their spouse and/or child(ren) ''follow-to-join'' them in the United States. The following-to-join provisions for refugees is found in section 207(c)(2) of the Immigration and Nationality Act (Act).

To apply for such benefits, refugees file Form I–730, Refugee/Asylee Relative Petition, with the designated Service office. Such designation will be through separate action in the Federal Register. Spouses and unmarried, minor children (derivatives) who follow-to-join a refugee already in this country are admitted as refugees.

B. Need for Procedural Review and Revised Regulation

Over the past year, it has become apparent that existing Service procedures regarding following-to-join benefits for refugees is inadequate and has resulted in confusion for the general public. Regulations are necessary to clarify procedures and to establish an equitable and consistent following-to-join policy for refugees which parallels that found in the current following-to-join regulations for asylees, who are also eligible to file Form I–730.

In recent months the Service has received numerous telephone inquiries from members of Congress, the general public, voluntary agencies, and attorneys representing clients concerning the application of the following-to-join provisions found in section 207(c)(2) of the Act. Of primary concern has been the Service's requirement that the refugee's relationship to the spouse and/or child predates the date on which the refugee was granted refugee status. A Service memorandum issued on January 8, 1987, defined this date as the date of tentative approval, which has been interpreted by some as being the day of the refugee's interview. That interpretation, however, has not received Servicewide acceptance.

The Service's recent initiative to combine the Form I–730 with the revised Form I–130 (Petition for Alien Relative), revealed differing practices for processing following-to-join petitions filed by refugees and those filed by aslyees. It was, therefore, determined that rather than consolidate the forms, the Service needed to review and, if necessary, revise existing policies relating to refugees and asylees.

C. Following-to-Join Issue

In the absence of a time limit on the following-to-join regulations, individuals who entered the United States as conditional entrants in the late 1970s and refugees in the early 1980s are filing Form I–730 petitions for a spouse and/or child(ren). Following-to-join benefits are available to help refugees make the difficult transition to a new life with the support of their immediate family members. Forms I–730 filed ten or more years after admission no longer serve the purpose for which they were originally intended. Instead, they deplete limited refugee admission numbers and refugee resettlement monies needed for emerging refugee populations. The proposed regulations are intended to respond more fully to the family reunification needs of refugees, while establishing specific guidelines on the following-to-join process.

Current interpretations of the following-to-join benefits for refugees have created confusion for Service officers, attorneys, refugees, and the general public. While some interpret following-to-join eligibility based on the refugee's date of admission, current practice requires the relationship to exist prior to the tentative approval date of the principal's application for refugee status. The Service determined that the current interpretation of following-to-join for refugees is too restrictive since it requires a refugee to meet a heavier burden for establishing a relationship with his/her spouse and unmarried, minor child(ren), than is required by regulation for a spouse and unmarried minor child(ren) of a citizen or lawful permanent resident of the United States. To resolve this disparity, the Service is adopting a more generous interpretation of the point at which a qualifying relationship exists for following-to-join benefits. This rule proposes that the refugee's date of admission be used to determine following-to-join eligibility. A refugee will then be able to file a separate Form I–730 for his/her spouse and/or each individual child if the relationship predates the refugee's date of admission to the United States, rather than the date of interview. The Service believes this proposal reflects the intent of Congress to reunite refugees with their families. Further, it alleviates inconsistencies in determining eligibility as is currently encountered