

Total Annualized Capital/startup Costs: \$0.

Total Annual (operating/maintaining): \$0.

Description: The Current Employment Statistics program provides estimates of current monthly employment, hours, and earnings, by industry, State and MSA. Data provided are fundamental

inputs in the economic decision process at all levels of government, private enterprise, and organized labor. The estimates are vital to the calculation of the Personal Income Accounts and the Federal Reserve Board's Index of Industrial Production.

Agency: Employment Standards Administration.

Title: Office of Federal Contract Compliance Programs (OFCCP) Recordkeeping and Reporting Requirements: Supply and Service.
OMB Number: 1215-0072 (revision).
Frequency: Business or other for-profit; not-for-profit institutions; State, Local or Tribal Government.
Number of Respondents: 89,807.

Requirement	Average time per response	Frequency	No. respondents	Hours
Recordkeeping:				
Initial Development of AAP	179.46	Once	89,807	161,153
Update of AAP	74.889	Annually	88,909	6,658,288
Maintenance of AAP	74.889	Annually	89,807	6,725,543
Uniform Guidelines on Employees Selection Procedures*	*	*	*	482,804
Reporting:				
Standard Form 100	3.7	Annually	51,603	191,265

*The Uniform Guidelines are used by four agencies other than OFCCP, and have been approved by the Office of Management and Budget under an information collection submitted by the Equal Employment Opportunity Commission. The OFCCP has been apportioned a part of this burden. The EEOC estimate for OFCCP is 482,804 burden hours, or slightly less than a third of the 1.6 million burden hours in the EEOC inventory.

Total Recordkeeping Hours: 14,027,790.

Total Reporting Hours: 191,265.

Total Hours, Reporting and Recordkeeping: 14,219,055.

Total Annualize Capital/startup Costs: 0.

Total Annual Cost (operation/maintenance): \$12,375.70.

Description: The Office of Federal Contract Compliance Programs (OFCCP) is responsible for the administration of equal employment opportunity programs which prohibit employment discrimination and require affirmative action. These programs are Executive Order 11246, as amended, Section 503 of the Rehabilitation Act of 1973, as amended, and the Vietnam Era Veterans' Readjustment Assistant Act of 1974 (VEVRAA), as amended, (38 USC 4212). This information collection contains all recordkeeping and reporting requirements and forms which are derived from the implementing regulations found in Title 41 of the Code of Federal Regulations, Chapter 60, for supply and service contractors. The Department of Labor (DOL) is seeking an extension of this information collection in order to substantiate compliance with nondiscrimination and affirmative action requirements monitored by OFCCP. The Department has determined that compliance evaluation fall within the exemption under PRA95. Therefore, these hours have been excluded from this request.

Todd R. Owen,

Departmental Clearance Officer.

[FR Doc. 98-33823 Filed 12-21-98; 8:45 am]

BILLING CODE 4510-24-M

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 (ETA) is publishing a notice of a description of and rationale for a new allocation formula for the Job Training Partnership Act (JTPA), Section 402 and the Workforce Investment Act (WIA), Section 167, adult migrant and seasonal farmworker programs, and a presentation of preliminary State planning estimates derived therefrom for Program Year (PY) 1999 (July 1, 1999 through June 30, 2000). Public comment is requested.

DATES: Written comments on this notice are invited and must be received on or before February 5, 1999.

ADDRESSES: Written comments shall be submitted to Ms. Anna Goddard, Director, Office of National Programs, Employment and Training Administration, U.S. Department of Labor, Room N-4641, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

FOR FURTHER INFORMATION CONTACT: Mr. Ross S. Shearer, Jr. on (202) 219-8216, Ext. 102 (this is not a toll-free number) or via e-mail at <rshearer@doleta.gov> or Mr. Michael S. Jones on (202) 219-

8216, Ext. 103 (this is not a toll-free number) or via e-mail at <mjones@doleta.gov>.

I. Introduction, Scope and Purpose of Notice

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

Whenever the Secretary utilizes a formula to allot or allocate funds made available for distribution at the Secretary's discretion under the Act, the Secretary shall, not less than 30 days prior to allotment or allocation, publish such formula in the **Federal Register** for comment along with the rationale for the formula and the proposed amount 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 stage 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 area, on the basis of each State service area's relative share of persons eligible for the program. Beginning with PY 1999, a revised allocation formula is proposed which will improve and update the methodology for allocating funds among the States by using more relevant and 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) and the Department's response to public comments received in response to a January 16, 1997 **Federal Register** notice of a proposed updated allocation formula for the JTPA Section 402 program.

Part II of this notice provides a discussion for public comment of the issues associated with farmworker population data, including: the Interagency Task Force on Farmworker Population Data, a description of available farmworker data sources; a discussion of the background of the allocation formula development; an overview of the peer review report; a detailed description of the proposed allocation formula; and a discussion of factors affecting formula development.

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 proposed minimum funding provisions to address State service areas which would receive less than \$60,000 and State service areas which would receive from between \$60,000 and \$119,999 as a result of the implementation of the allocation formula.

Part V describes the proposed application of the formula and the hold-harmless provision using the PY 1999 appropriation for the JTPA, Section 402 program.

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 program representative 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 formulated 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 to the high degree of interest in farmworker population data. It represents the Task Force's best efforts 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;
- (2) The need to employ detailed data which enumerates the farmworker population at the State level, to correlate such detailed data with the State-by-State geographical level at which funds are allocated;
- (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 and WIA, Section 167 programs.

Moreover, the allocation formula described herein is also informed by the results of public comment received in response to an earlier notice describing an allocation formula proposal. As a result of those comments and the feedback from the Task Force, the Department chose not to proceed with the formula proposed at that time, and instead reconvened the Task Force, developed an approach for a revised, updated JTPA, Section 402 allocation formula responsive to the comments received, consulted with an expert in the field of labor and agricultural economics, and conducted an extensive dialogue and consultation with its JTPA, Section 402 grantee partners.

B. Discussion of Data Sources

In developing both the initial and this proposed allocation formula, eight data bases were evaluated and considered for possible use in a formula distribution of JTPA, Section 402 funds. In evaluating the appropriateness of using any of the eight data bases, three measures of suitability were applied to each one. First, a measure of currency determined whether the data bases were composed of more recent or more obsolete data. Second, a measure of detail determined whether the data bases offered descriptions of the farmworker population at national, State and county levels. Third, a measure of relevance determined whether the data bases

contained 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.

What follows is a discussion of each of the eight data bases considered.

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. Geographic breadth is perhaps its greatest strength for the purpose at hand. 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 and WIA Section 167 programs. Finally, the COP has been used, in whole or in part, for the past decade to allocate JTPA, Section 402 funds. The relative 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 discussed at length 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 during 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 agriculture, or who were employed for a majority of hours in a nonfarm occupation, would not be counted as farmworkers by Census enumerators.

Exacerbating the nonidentification of individuals as farmworkers was the problem of undercounting this elusive population. 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. Therefore, the results are biased against this population.

The COP's weaknesses as a measuring instrument also include the fact that it occurs decennially, and there are no intervening surveys of equivalent breadth. Additionally, measures of the farmworker (or any *occupationally-defined*) population, are the result of projections made from a smaller (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 by the U.S. Department of Commerce, Bureau of the Census,¹ measures total hired and contract labor expenses incurred in the operation of farms during the entire year. The COA combined tallies of labor expenditures capture nearly all farmworkers who worked for wages. The COA also offers the most complete geographic coverage of hired and contract farm labor in its measure of labor expenses.

The weaknesses of the COA include the fact that no measures of individual worker earnings nor demographic data are available. Therefore, it is not possible to determine, with these data alone, the number and distribution of the economically disadvantaged farmworkers who are the target population for JTPA, Section 402 and WIA Section 167 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 managers, secretaries, clerks and others who are not eligible for program services based on their occupation. In the COA's tally of hired farmworkers, there is a duplicate count given the high level of turnover in this industry. (The count is not used in the proposed formula.) 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 different unit costs, and different expenditure levels which may not necessarily yield equivalent numbers of workers.

¹ For 1992 and before, the U.S. Department of Commerce, Bureau of the Census was responsible for the COA. For the 1997 COA and beyond, that responsibility has been transferred to the U.S. Department of Agriculture, National Agricultural Statistical Service.

3. National Agricultural Worker Survey

The National Agricultural Workers Survey (NAWS), published by the Department of Labor, is conducted three times annually at peak and slack agricultural seasons (January, May and September) and surveys a random sample of agricultural crop 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 is not designed to estimate 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 annual sample of between 2,000 and 2,700 respondents located in 288 predominantly agricultural counties in 25 States. Additionally, the surveyed respondents work only in crop agriculture thus the NAWS does not survey farmworkers engaged in livestock production 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. But very few of these have farmworkers. Annual summaries of the monthly CPS yield less than 1,300 farmworkers. Earnings questions are asked of 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 entire 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 U.S. Department of Agriculture, National Agricultural Statistics Service, is a quarterly estimate (for California, Florida, and the entire United States) of the employment level of all hired labor on the farm, including clerical, maintenance workers, etc. Agricultural service workers and contract workers are reported separately. 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 17 regions, two of which are States. No income or demographic information is available

from FLS data. However, the FLS reports separately annual average hourly wages for all field, livestock, and hourly workers. The hourly wage rates are available for all States except Alaska. The District of Columbia and the Commonwealth of Puerto Rico are also 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 one week each in January, April, July and October.

6. Farm Costs and Returns Survey

The U.S. Department of Agriculture, National Agricultural Statistical Service's annual Farm Costs and Returns Survey (FCRS)², data reflect total hired and contract labor expenses incurred in the operation of the farm during the entire year, including expenses for secretaries, and maintenance workers. No individual income or demographic data are available from the FCRS, nor are State estimates of the farmworker population derived directly from the FCRS. Instead, the FCRS data are used to calculate a national estimate which is then distributed among the States primarily by using data from the Census of Agriculture.

7. Bureau of Economic Analysis

U.S. Department of Commerce, 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 NAWS, and 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-

² This report is now called the Agricultural Resource Management Study.

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. Background of Allocation Formula Development

The formula used in allocating funds for the current 1998 Program Year is based on the 1980 COP, adjusted by the Special Agricultural Workers administrative data that accounted for the amnesty provisions of the Immigration Reform and Control Act. Continued application of this formula is questionable in terms of its poor relevancy and aging data; consequently, its continued use has grown less defensible with each passing year.

The COP is an unsatisfactory methodology for counting economically disadvantaged migrant and seasonal farmworkers. Consequently, the obstacle to be overcome has been that of choosing and developing the best demographic sources for accurately measuring the farmworker population within each State and Puerto Rico and adjusting the results for the JTPA, Section 402 eligible farmworker population.

One problem with using the COP for counting farmworkers is derived from the fact that it takes a single "snap-shot" in April that misses many farmworkers due to factors such as migration and to the low farmwork labor demand at that time of year. Other important contributors to the inaccurate count of farmworkers by the COP, relate to language, cultural barriers and non-traditional housing arrangements. The inability of the COP design to estimate the distribution of migrant and seasonal farmworkers is forcefully acknowledged in an October 25, 1994 letter from the Under Secretary for Economic Affairs and Statistical Services, U.S. Department of Commerce.

The ETA, Division of Seasonal Farmworker Programs assembled a Task Force that included social scientists specializing in farm labor, to advise on how to achieve the funds allocation objective. This Task Force, the Interagency Task Force on Farmworker Population Data, reviewed available data sources and recommended a formula to ETA. The formula was published in the January 16, 1997, issue of the **Federal Register**. The proposed formula based 50 percent of the allocation on the COP's farmworker count, adjusted for poverty, and 50 percent of the allocation on a ratio of the total State farmwork labor expenses taken from the COA divided by the

average farmwork wage rate in each State, taken from the FLS. The COA/FLS ratio actually computes the total number of farmworker labor hours worked in each State. There was no adjustment of the COA/FLS labor hours for poverty or for other JTPA, Section 402 eligibility criteria because at that time no means for doing so had been recognized for incorporation into the formula.

Although the COA/FLS ratio is a proxy measure, the social scientists on the Task Force contend that the application is an accurate measure and that the inherent deficiencies, such as unreported wages, occur consistently across the United States. The COA data provide the cost of agricultural labor in each State. These figures are derived from tax reports on wages paid by farmers, and the data are accepted within the social science research community as being accurate measures of agricultural activity. When the figures are divided by each State's average agricultural wage rate, the results are indices representing the relative measures of agricultural labor activity in each State. The State average farm labor wage rates for hired workers are published quarterly by the National Agricultural Statistics Service, USDA as part of the Farm Labor Survey (FLS).

The public comments on the January 1997 **Federal Register** Notice were primarily critical of the published formula for the biases inherent in its reliance on the COP. The criticism is largely based on the recognized deficiencies of the COP in counting seasonal farmworkers; and the primary conclusion of the critics, that there are inherent geographical biases underlying the deficiencies of the COP, is convincing. Additionally, many of those that provided comments critical of the COP also advocated using the NAWS to refine the COA data for JTPA, Section 402 eligibility (of crop workers). Following the comment period, the Task Force was convened on May 15, 1997 to evaluate the public responses.

Pursuant to the thrust of the public comments, the Task Force discussion explored the feasibility of reducing reliance on COP and on a methodology for applying NAWS to refine the COA data. As discussion progressed, a strategy was proposed for an integrated application of the COA, NAWS, FLS and COP data sources. The design would refine the COA/FLS proxy, which is available separately for crop and livestock workers, to account for JTPA, Section 402 eligibility factors by applying the NAWS data to adjust the crop workers proxy and applying COP data to adjust the livestock workers proxy. This design would serve as the

primary measures of JTPA, Section 402 eligible farmworkers. The COP would be retained as a general feature and for refining the measure of livestock workers. The Task Force approved the proposal for development.

It should be emphasized that the underlying distributive criterion is the relative size of the crop and livestock labor bills across the States. Thus, the underlying relative weight of a State starts with the number of farmwork hours performed in that State. This relative distribution is used as a baseline, to which certain adjustments are made, as explained below.

Over the course of the ensuing months, details of the formula were resolved by ETA, and the results were presented to the Task Force on February 19, 1998 for its review. The formula was approved for its general approach—specifically, its selection of data sources and its design for applying those sources as a tool for gauging the relative geographic demand for JTPA, Section 402 services. However, the Task Force withheld its final approval, pending implementation of three concerns raised during the discussion and summarized immediately below:

(1) The Task Force recommended expanding the number of years used to offset possible effects of the size of the NAWS sample. It was agreed to expand the sample size by using the four years 1992–1995.

(2) NAWS data are organized by "Farm Labor Areas" published in the Guide to Farm Jobs. One Farm Labor Area is comprised of the two States of Texas and Oklahoma. Because NAWS profiles only crop workers, the Task Force recommended separation of Oklahoma and Texas, making Texas a single-State Farm Labor Area (Florida and California are the two others) and combining Oklahoma with the "Delta South-East" Farm Labor Area that includes Arkansas, where there is greater similarity with the crops grown in Oklahoma than in Texas.

(3) The number resulting from the computation of the COA's total agricultural labor costs divided by the wage rate is the total number of agricultural hours worked annually. The result of the refinements by NAWS is the estimated number for each State of agricultural hours worked in crops by JTPA, Section 402 eligible workers. These aggregate figures could be converted into annual units for each State, but such units do not translate directly into the number of farmworkers. This is due to regional variations in the seasonal, short-term nature of these jobs and the likelihood of farmworkers holding many farmwork

jobs in an agricultural season. For example, during any given year, a number of workers in a State are represented in a gross unit of hours, such as 10,000, but it is not the same number of workers for every region and State.

These three required changes, upon which Task Force approval of the formula was conditioned, have been accomplished.

D. Peer Review and Report

The Division of Seasonal Farmworker Programs (DSFP) contracted for and received a Peer Review of the proposed allocation formula and its methodology from Dr. Philip Martin—an expert in the fields of labor and agricultural economics. Dr. Martin, a Professor of Agricultural and Resource Economics at the University of California at Davis, has published extensively on labor migration, economic development, and immigration policy issues, and has testified before Congress and State and local agencies numerous times on these issues.

In evaluating the proposed allocation formula and its methodology, Dr. Martin was asked to: (1) Determine whether or not a single reliable source of data exists from which a count or distribution among grantee jurisdictions within the United States of migrant and seasonal farmworkers approximating the JTPA, Section 402 eligibility criteria could be derived; and, (2) determine the adequacy of the proposed allocation formula for the distribution of JTPA, Section 402 funds among grantee jurisdictions in a manner which approximates the distribution of farmworkers within the United States who meet the JTPA, Section 402 eligibility criteria. Dr. Martin was also asked to provide recommendations, as applicable, for methods by which the allocation formula might be enhanced.

As a result of his review, Dr. Martin reached the following conclusions:

(1) The population of eligible [migrant and seasonal farmworkers (MSFWs)] can be thought of as a room of unknown size and shape. Each source of data on MSFWs can be considered a window that permits a look inside the room. Since no data source or window provides a clear view of the number or distribution JTPA, Section 402-eligible persons across States, data from several sources should be combined to obtain the best allocation formula [for] eligible MSFWs.

(2) The proposed JTPA, Section 402-allocation formula (1) is better than the current formula and (2) represents the best combination of available data sources. It satisfies the major

requirements for allocation formulae: accuracy, transparency (it is understandable), and it is based mostly on published data, and thus can be updated efficiently.

(3) There is no better allocation formula available. As unemployment insurance coverage is extended to more farm workers, DOL may want to consider using UI data on wages paid rather than [Census of Agriculture] data, and thus avoid issues related to payments made to family members and fringe benefits.

Dr. Martin's report describes two broad approaches to allocating funds among geographic areas. He describes them as top-down—"according to the eligible population present in the area" and bottoms-up—"according to eligible persons identified or served in the area." Dr. Martin notes that in a 1988 book, he reviewed the top-down and bottoms-up approaches for determining the number and distribution of farmworkers who satisfied various criteria. He was critical of the bottoms-up approach because it tends to compound errors. Further, bottoms-up based allocation methodologies reward recruitment and not the provision of service and they are not sensitive to migration. Dr. Martin notes that most bottoms-up approaches have been abandoned.

Dr. Martin states that he had developed a top-down approach conceptually similar to the proposed JTPA, Section 402 allocation formula. He noted that "[t]he proposed [JTPA, Section] 402 allocation formula improves on [his] top-down formula. Its base is the same COA labor expense divided by the average hourly earnings. However, the proposed [JTPA, Section] 402 formula is able to use the NAWS to more closely determine that State's shares of [JTPA, Section] 402-eligible workers."

E. Proposed Allocation Formula Overview

The proposed JTPA, Section 402-allocation formula can be summarized in five calculations:

(1) *Standardized or adjusted hours of farm work by State*—COA farm labor expenses for directly hired and contract labor are separated into crop and livestock components and divided, respectively, by average hourly earnings for crop and livestock workers in the State/region reported in U.S. Department of Agriculture's (USDA) FLS. The result is each State's share of adjusted or standardized hours of work on (a) crop and (b) livestock farms.

(2) *Crop hours adjustments*—First, each State's share of standardized crop

hours is adjusted to reflect that State's or region's share of JTPA, Section 402/WIA, Section 167-eligible hours of work, i.e., the share of hours of crop work done in the State or region by JTPA, Section 402/WIA, Section 167-eligible workers. JTPA, Section 402 eligibility criteria are set forth at 20 CFR 633.107. Regulations for WIA Section 167 are forthcoming. Four JTPA, Section 402-/WIA, Section 167 eligibility criteria from the NAWS are used to determine how many standardized hours were contributed in each of the 12 regions: (a) At least 50 percent of earnings must be from farmwork,³ (b) workers eligible for JTPA, Section 402/WIA, Section 167 services must have done at least 25 days of farm work in the previous 12 months or had farm earnings of \$400 or more in the previous 24 months,⁴ (c) family income must be below the Lower Living Standard Income Level (LLSIL) level,⁵ and (d) workers must be legally present in the U.S.⁶

Second, the NAWS obtains individual data on how time was spent during the preceding 12 months, so that each worker's time spent doing farm work, nonfarm work, unemployment, and time out of the US can be determined. Eligible farm and nonfarm hours (including unemployment) are divided by eligible farm hours to determine the extent to which a State/region includes JTPA, Section 402/WIA, Section 167-eligible workers who are not doing farm work. This nonfarm adjustment is

³ NAWS obtains employment and earnings histories from the workers interviewed. The 50 percent of earnings from farm work criterion is approximated by ensuring that the ratio of the mid-point of farm to total earnings categories exceeds 0.5. For example, if farm earnings are self-reported to be in the \$7,500 to \$9,999 category, and total earnings in the \$10,000 to \$12,499, dividing the midpoints of these categories: \$8,750/\$11,250 yields 0.78.

⁴ NAWS obtains detailed employment histories from workers for the preceding 12 months; for months 13 through 24 prior to the interview, respondents report whether they did farm work in any month. The JTPA, Section 402/WIA Section 167-eligible population was estimated using NAWS data on workers interviewed who satisfied at least one of three criteria: the interviewed worker (1) was employed in farm work 25 days or more in the 12 months prior to the interview; or (2) worked two months during the 13 through 24 month period prior to the interview; or (3) earned \$500 or more from farm work in the 12 months prior to the interview.

⁵ NAWS obtains earnings and income data in categories rather than as continuous variables, and interviewed workers reporting family incomes of less than \$20,000 for a family of four were considered JTPA, Section 402/WIA, Section 167-eligible.

⁶ If male and over 18, workers receiving JTPA, Section 402/WIA, Section 167 services must be registered with the Selective Service. However, data on the number or percent of farmworkers failing to register for the draft is not available.

always greater than one, with greater ratios reflecting more nonfarm time spent in the area.

Third, NAWS data are used to determine the ratio of eligible workers to eligible work days by region "a turnover ratio." To account for these variations by State and region, the Task Force recommended use of an adjustment for differences in the length of employment (turnover rate) in crop jobs. The specific adjustment is the ratio of the number of eligible workers in the region divided by the number of eligible days. To be consistent with adjustment 2, the number of eligible days is the sum of days worked in farmwork, days worked in non-farmwork and days not worked. The resulting calculation adjusts the data so that States with a relatively larger number of workers represented by a given amount of eligible farmworker time are favored over States with a smaller number of workers needed to make up the same amount of eligible time in the State. Consequently, high turnover States (with more people per day of eligible farmworker presence) are favored by this adjustment.

(3) *Livestock adjustments*—Each State's share of standardized livestock hours of work is adjusted with Census of Population (COP) data to reflect the percentage of livestock workers in the COP in 1990 who were economically disadvantaged, i.e., those with family incomes below the LLSIL. There were 286,555 livestock workers in the 1990 COP, and 18 percent were deemed

JTPA, Section 402/WIA, Section 167 eligible. The relative State JTPA, Section 402/WIA, Section 167-eligibility rates ranged from 34 percent in New Mexico to 1 percent in Connecticut.

Each State's share of standardized livestock hours was multiplied by the percent of livestock workers deemed eligible in that State (i.e., the State JTPA, Section 402/WIA, Section 167 eligibility rate), and the resulting total was distributed across States, giving each State its percentage share of the national total of JTPA, Section 402/WIA, Section 167-eligible livestock hours.

(4) *Forestry/Fishery*—The forestry and fishery category comprises each State's share of eligible workers employed in Standard Industrial Classification codes 08 (forestry) and 09 (fishing, hunting, trapping). Eligible workers are those employed in these SICs as reported in the COP with family incomes below the LLSIL.

(5) *Combining the State distributions of the farm occupations*—COP data on farmworkers who had incomes below the LLSIL are used to determine the weights assigned to the three occupational classes of farm labor to provide a rational basis for making the combined final distribution of state distributions: the crop distribution receives a weight of 77 percent, livestock (19 percent), and other (5 percent).

F. Proposed Allocation Formula—Detailed Description

A detailed description of the proposed JTPA, Section 402/WIA,

Section 167 allocation formula is as follows:

1. Standardized or Adjusted Hours of Farmwork by State

The standardized or adjusted hours of farmwork by State involves determining the relative number of hours worked by Crop Workers and by Livestock Workers in each State.

(a) Establish The Total Wage Bill for Each State for Crop and Livestock Work

Data from the 1992 Census of Agriculture provide the total agricultural labor wages (SICs 01 and 02) by State, and the total crop labor (SIC 01) wages, by State. The livestock labor (SIC 02) wages are calculated by subtracting the crop labor wages from the total labor wages.⁷

(b) Calculate the Hours Worked in Crop Work and in Livestock Work for Each State

The Farm Labor Survey (FLS) as reported in USDA's *Farm Labor* provides information by region on the average hourly wage, separately, for crop workers and livestock workers. To calculate an approximate number of hours worked by crop workers and livestock workers, the total of labor wages for each State is divided by the hourly wage for that State's region. These calculations were made for both crop workers and livestock workers. This calculation was done for all States except for Alaska and Hawaii.⁸

$$\text{State crop labor hours} = \frac{\text{State total crop payroll}}{\text{average hourly State}^9 \text{ wage rate}}$$

$$\text{State livestock labor hours} = \frac{\text{State total livestock payroll}}{\text{average hourly State wage rate}}$$

(c) Determination of the Relative Share of Labor Hours for Each State

The percentage of labor hours (for crop work, and for livestock work) that each State contributes to the United States' total was calculated. This is done by dividing each State's total for crop labor bill by the State's average for crop wages and each State's total for

livestock labor bill by the State's average for livestock wages. The percentage for crop and livestock hours of each State is calculated by dividing the State's hours for each into the total for all States for each.

2. Crop Hours Adjustments

The crop hours adjustment involves determining the number of hours spent by JTPA-eligible crop workers in each State adjusted for "turnover" variation. The result is expressed as the percentages of total national eligible hours for each jurisdiction corrected for "turnover" variation by each

⁷This reported data includes hired and contract labor and the contract labor data includes contractor's management expenses.

⁸Certain pieces of information on two States were unavailable in the QALS for 1991, and substitutions were made.

• Hawaii does not have hourly wage information for livestock workers in the QALS for 1991. Hourly wage information was available for crop workers and for crop and livestock workers combined. The hourly wage for the workers combined was used as a substitute for the livestock hourly wage.

• Alaska does not have hourly wage information either for crop or for livestock workers in the QALS

for 1991. The hourly wage information for the United States was substituted: the U.S. hourly wage for crop workers was used for Alaska crop workers, and the U.S. hourly wage for livestock workers was used for Alaska livestock workers.

⁹Data organized under the U.S. Department of Agriculture Regions.

jurisdiction's ratio of eligible workers to eligible days.

(a) Adjustment 1—Eligibility for JTPA, Section 402/WIA, Section 167 Program

Adjustment 1 applies JTPA, Section 402/WIA, Section 167 eligibility criteria to the NAWS information for the purpose of adjusting the crop worker figures for JTPA, Section 402/WIA, Section 167 eligibility.

(1) 50 Percent of Income Derived From Crop Farmwork

Eligibility for the JTPA, Section 402/WIA, Section 167 program requires that at least 50 percent of a farmworker's income be derived from agricultural employment.

The NAWS collects information from all respondents regarding their total personal income, including their income derived exclusively from agricultural employment. In lieu of specifying an exact dollar amount, the NAWS respondents are asked to choose from among a number of stated ranges within which he or she believes his/her total family income falls (most ranges cover a span of \$2,500).

To determine the percentage of a farmworker's income that is derived from agricultural employment, reported agricultural income was divided by total earned income. A result of 50 percent or greater indicates that half or more of the farmworker's income came from agricultural employment.

In order to formulate a number that could be used in such an equation, the midpoint of the income range was assigned as the dollar value of the farmworker's income. For example, a respondent indicates that his total income for the previous year fell in the range of \$10,000 to \$12,499, and his income from agricultural employment fell within the \$7,500 to \$9,999 range. The dollar value assigned as the respondent's total income would be the midpoint of \$10,000 to \$12,499, or \$11,250, and the dollar value assigned as the respondent's agricultural income would be the midpoint of the \$7,500 to \$9,999 range, or \$8,750. The percentage of total income that came from agricultural income would be calculated using the two mid-point figures by dividing the agricultural income figure of \$8,750 by the total income figure of \$11,250. The result in this example being 78 percent, would qualify the hypothetical farmworker as meeting this eligibility criterion.

The LLSIL poverty criteria values used are the highest national (except Alaska, Hawaii and Puerto Rico) non-

metro limit for each family size. The calculation uses the higher of the HHS or LLSIL values. For example, for family sizes of 1 to 6, the values applied, are as follows: \$7,360, \$10,520, \$14,440, \$17,820, \$21,030, and \$24,600.

(2) 25 Days or \$400 of Crop Farmwork in Previous 24 Months

To be eligible for the JTPA, Section 402/WIA, Section 167 program a farmworker must be employed at least 25 days in farmwork for any consecutive 12-month period within the 24 months preceding application for enrollment, or have earned \$400 in farmwork and have been primarily employed in farmwork on a seasonal basis.

The NAWS collects information on farmworkers' periods of employment and non-employment for the twelve months prior to the interview. From this information, one is able to construct the number of days during these twelve months that the NAWS respondent worked in farmwork.

For months 13 through 24 prior to the interview, the respondent is asked to estimate the number of months in which he or she worked in farmwork; one day or more worked per month equals one month. A NAWS respondent who stated that he/she had worked for two or more months in farmwork during the 13 through 24 month period is considered to have worked 25 days in agricultural employment.

As mentioned previously, the NAWS collects information on farmworkers' income from agricultural employment from the previous year. As the responses to this question are categorical (as discussed above), NAWS does not have exact amounts earned by farmworkers. The lowest category is "under \$500." Thus, \$500 is used as the minimum amount earned from farmwork (rather than \$400). Income information is available only for the one year period preceding the NAWS interview.

To satisfy this criterion for eligibility for the JTPA, Section 402/WIA, Section 167 program, a farmworker must fulfill one of the three standards elaborated above: either he/she worked 25 days or more in the 12 months prior to the interview; or he/she worked two months during the 13 through 24 month period prior to the interview; or he/she earned \$500 or more from farmwork in the past year.

(3) Below the LLSIL Poverty Line

Eligibility for the JTPA, Section 402/WIA, Section 167 program requires that a crop farmworker and his/her family fall below the LLSIL poverty line.

Because the NAWS collects information on the number of members in a farmworker's household as well as the farmworker's total family income, NAWS is able to estimate whether the income of the farmworker's family places the family below the LLSIL poverty line. A family was determined to fall within the LLSIL poverty line when the family income fell within an income category below the one in which the LLSIL poverty line fell. For example, the LLSIL poverty line for a family of 4 individuals was \$18,740. This amount falls in the income range of \$17,500 to \$19,999. Thus, a family of 4 individuals whose family income falls below this range was considered to satisfy the criterion of falling below the LLSIL poverty line.¹⁰

(4) Legal or Pending Status

The NAWS collects information on crop farmworkers' citizenship and work authorization status. A farmworker was considered to satisfy the criterion of legal status for the JTPA, Section 402/WIA, Section 167 program if he/she was determined to be a citizen or a legal permanent resident, or if he/she held a valid form of work authorization. A farmworker who was determined to be undocumented was not considered to fulfill this eligibility criterion.

Individuals who met all four of the criteria stated above were coded as eligible for the JTPA, Section 402/WIA, Section 167 program.

In summary, adjustment 1 (the JTPA, Section 402/WIA, Section 167-eligibility ratio) is a ratio which adjusts total crop hours worked to account for hours worked by JTPA, Section 402/WIA, Section 167-eligible farmworkers. This ratio is the total number of farmwork days worked by JTPA, Section 402/WIA, Section 167-eligible crop workers divided by the total number of farmwork days worked by all crop workers. This ratio is always less than one, and it is multiplied by the hours worked by all crop workers to produce the estimated hours worked by JTPA, Section 402/WIA, Section 167 eligible farmworkers.

¹⁰ The LLSIL consists of differing metropolitan and rural levels reflective of varying costs-of-living among differing metropolitan and rural regions. However, to facilitate the application of the NAWS data to this formula, and since many farmworkers earn income in more than one State, a single national standard is applied for each family size that is the highest rural level for each family size except that the OMB poverty level for a family size of one is used, as it is higher than the LLSIL.

$$\text{JTPA, Section 402-/WIA, Section 167} = \frac{\text{eligible crop hours}}{\text{total crop hours}}$$

eligibility ratio

(b) Adjustment 2—Time and Location of Activities

For all NAWS respondents, the following data are collected separately by geographic location:

The number of days that respondents spent doing crop farmwork and doing the other activities reported under NAWS, consisting of non-farmwork, not working, or living abroad.

These data permit adjusting for State-to-State movements of crop workers

during a 12 month period. For each of these items except living abroad, the days were accumulated under the regions¹¹ in which the respondents indicated they occurred. These regions are the regions used for the wages in the previous step.

Adjustment 2 (time and location of activity) accounts for the time spent by crop workers in non-agricultural employment and time not employed to provide a percentage of JTPA, Section

402-/WIA, Section 167 eligible non-crop work time in each region. This is a ratio always greater than 1 that is calculated for each USDA region by dividing the sum of the number of days JTPA, Section 402-/WIA, Section 167-eligible respondents reported working as crop workers, not working and working in nonagricultural work by the total number of days reported working as crop workers.

$$\text{nonfarm adjustment ratio} = \frac{\text{eligible farm and nonfarm hours in the region}}{\text{eligible farm hours in the region}}$$

To compute the total time that crop workers spent in each State, the number of hours worked by JTPA, Section 402-/WIA, Section 167-eligible crop workers (the result of applying adjustment (1) is multiplied by Adjustment 2 to provide the time spent in each State by eligible crop workers.

Time and location computation =
(adjustment 1 * adjustment 2)

(c) Adjustment 3—Annual Crop Employment

To this point, the figures are aggregations that could be converted into annual units of eligible hours for each State, but such units do not translate directly into the numbers of jobs or of farmworkers. This is due to regional variations in the seasonal, short-term nature of farmwork employment and the high probability of farmworkers holding multiple farmwork jobs during each agricultural season. The number of workers needed to make up the eligible worker hours in an annualized unit (e.g., 2,000 hrs.) varies from region to region. Although a number of workers are represented in an annualized unit (i.e., a year's worth of hours), due to the regional differences in crop agriculture, there are fractional differences in every 1,000 hours of eligible crop work represented for each region and State. As already stated, the NAWS records have the total number of eligible farmworkers in each region and the total number of days worked annually (in agriculture and non-agricultural employment) and the total number of days present but not working by the eligible farmworkers. These data

provide the total sum of time eligible crop workers are present in each region/State. The ratio of the total number of these farmworkers to the total number of days present in each region/State jurisdiction is an expression of the annual average number of days worked per farmworker in crop work. Differences among the regions that are due to the geographic differences in employment and residency/presence in the jurisdiction, are accounted for by the application of this ratio.

Adjustment 3 (annual crop employment) accounts for relative differences in the length of time engaged in crop employment and other eligible activities by eligible workers annually. This is the ratio of the number of eligible workers divided by the number of eligible days. The longer the annual number of days worked in crops, the lower the ratio and the fewer the number of workers represented by every time unit, such as 10,000 hours or an estimated annualized unit. (The reciprocal produces an estimated annual number of days worked in crops per eligible farm worker.) Adjustment 3 converts the final COA/FLS numbers into a people denominated index.

3. Livestock Adjustments

Livestock adjustments involve determining the State relative share of livestock workers expressed as percentages.

The State relative share of livestock hours from the Standardized or Adjusted Hours of Farmwork, described above, is adjusted by the COP data for economically disadvantaged criteria.

The number of economically disadvantaged livestock workers in each State is divided by the total number falling below the LLSIL (both of these figures are available from the COP) to calculate the portion of livestock workers in each State (expressed as a percentage) that are members of families falling within the LLSIL. This JTPA, Section 402-/WIA, Section 167-eligibility rate for livestock workers in each State is multiplied by the State's percentage share of livestock worker hours. This product expresses the share of livestock worker hours performed by those living below the LLSIL. The products of these calculations for each State are adjusted to sum to 100 so that they express the percentage each State's JTPA, Section 402-/WIA, Section 167-eligible livestock workers comprise of the national total.

4. Forestry/Fishery

This step involves a determination of the State percentages of other categories of JTPA, Section 402-/WIA, Section 167-eligible farmworkers.

Other seasonal farmworker consists of occupations in the Standard Industrial Classification codes 008 (forestry) and 009 (fishing, hunting, trapping). The Census of Agriculture does not include these SICs. Since the occupations are relatively nonmigratory, it is believed the COP is a reliable source and that any deficiency within the COP occurs consistently from State-to-State. (Arguing the merits of using the COP data sources for measuring the other categories of farmworkers is not useful since there is no other data source to consider.) The data are those workers

¹¹ The Regions were used because there were some States with few or no observations. Alaska

and Hawaii, each single State regions, were not included in this calculation.

whose family income falls below the LLSIL required for JTPA, Section 402/WIA, Section 167 eligibility.

5. Combining the State Distributions of the Farm Occupations

The formula computes the ratio of JTPA, Section 402/WIA, Section 167-eligible crop workers to livestock workers to other workers. Because differing approaches are used for determining each State's relative shares of crop workers, livestock workers and other farmworkers, it is necessary to weight the relative relationship of the three groups of data. The COP is the only available source that counts all three groups of workers, thus it is used to determine the relative distribution of the three, as follows. Using COP data on farmworkers meeting the LLSIL criteria, the formula computes the percentage that the U.S. total of economically disadvantaged (LLSIL) crop workers (216,704) comprise of total (LLSIL) farmworkers (282,625). Similarly, the percentage that LLSIL livestock workers comprise of total LLSIL farmworkers and that the other LLSIL farmworkers comprise of total LLSIL farmworkers is computed. The sum of the State percentages is the relative weight of each group, expressed as the percentage the group represents of the total. The sum of the three national percentages equals 100 percent ($71.29662 + 25.60457 + 3.09881 = 100$).

G. Alaska, Hawaii and Puerto Rico

FLS (QALS) data on Alaska, Hawaii and Puerto Rico are either incomplete or nonexistent. The COA is not taken in Puerto Rico and the NAWS data are not available for Alaska, Hawaii, and Puerto Rico, where Census data must be relied on for measuring the populations of crop and livestock workers as well as other farmworkers. The basic objection to the Census, its failure to adequately locate and count migratory farmworkers, would not appear to be as significant an issue for the two island jurisdictions where, relative to conditions found on the mainland, the farmworker population tend to live at fixed addresses. However, there is a potential bias of Census under-count that remains for those areas, but at present we have no data set to address this deficiency. Consequently, the necessity of relying on Census data for determining the numbers of combined crop and livestock workers in these two jurisdictions is considered to be the best alternative to complement the approach in the conterminous 48 States.

H. Special Tabulation of COP Data

To collect data for the COP portion of the proposed formula the Department used 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 for farmworkers falling below 70 percent of the LLSIL poverty guidelines.

I. SOC and SIC Codes

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

- 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
- 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

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. Of these, 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 were discarded as not being representative of the population served by the JTPA, Section 402/WIA, Section 167 program. 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.

J. Future Revisions to Allocation Formula-Based Allotments

One of the principal advantages associated with the use of the proposed formula, over the formula currently in place, is the capability to revise the allotment more frequently as the data

bases used in the formula are updated. In doing so, the currency and continued relevance of the allocation formula and resulting allotment to the JTPA, Section 402/WIA, Section 167-eligible population is maintained.

Therefore, to maintain the currency and relevance of the allotments resulting from this proposed allocation formula, the Department plans to update the JTPA, Section 402/WIA Section 167 allotments as any of the data bases which comprise the proposed allocation formula are changed. Similarly, the Department plans to revise the allotments as significant refinements to the data bases which comprise the allocation formula allow for greater precision.

III. Description of the Hold-Harmless Provision

For Program Years 1999, 2000 and 2001, 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 1999, each State service area will receive an amount equal to at least 90 percent of their PY 1998 allotments, as applied to the PY 1999 formula funds available. In the event the total amount available for PY 1999 allotments is less than the total amount available for PY 1998 allotments, each State will receive an amount equal to at least 90 percent of what they would have received had the PY 1998 allotment been equal to the PY 1999 allotment.

(2) In PY 2000, each State service area will receive an amount equal to at least 70 percent of their PY 1998 allotments, as applied to the PY 2000 formula funds available. In the event the total amount available for PY 2000 allotments is less than the total amount available for PY 1998 allotments, each State will receive an amount equal to at least 70 percent of what they would have received had the PY 1998 allotment been equal to the PY 2000 allotment.

(3) In PY 2001, each State service area will receive an amount equal to at least 50 percent of their PY 1998 allotments as applied to the PY 2001 formula funds available. In the event the total amount available for PY 2001 allotments is less than the total amount available for PY 1998 allotments, each State will receive an amount equal to at least 50 percent of what they would have received had the PY 1998 allotment been equal to the PY 2001 allotment.

Thereafter, allocations to each State service area would be for an amount

resulting from a direct allocation of the proposed funding formula without adjustment.

IV. Minimum Funding Provisions

Current regulations, at 20 CFR 633.105(b)(2)(i), allow the Department, at its option, not to allocate funds to any jurisdiction whose allocation is less than \$120,000. The Department has used its discretion to provide \$120,000 in funding to any jurisdictions whose allocation would fall between \$60,000 and \$120,000.

Through this issuance, the Department is proposing a change to the current application of the minimum funding provision. This proposed change is designed to promote equity in terms of the per capita distribution of funds among jurisdictions. Under the revised proposal, a State area which would receive less than \$60,000 by application of the formula will, at the option of the Department, receive no allocation or, if practical, be combined with another adjacent State area. Funding below \$60,000 is deemed insufficient for sustaining an independently administered program. However, if practical, State jurisdictions which would receive less than \$60,000 would be combined with another adjacent State area.

Although the Department has the authority under 20 CFR 633.105(b)(2) not to allocate any funds for use in State jurisdictions whose State allocation is less than \$120,000, it is proposed that any State jurisdiction which would receive more than \$60,000 but less than \$120,000 under the proposed formula would be combined with another adjacent State area. In doing so, program

services would continue to be available to farmworkers in State service areas with relatively small funding allocations while maintaining an equitable basis for the allocation of funds among each of the State service areas.

V. Program Year 1999 Preliminary State Planning Estimates

The state allotments set forth in the Table appended to this notice reflect the distribution resulting from the allocation formula described above. For PY 1998, \$71,017,000 was appropriated for JTPA, Section 402 migrant and seasonal farmworker programs, of which \$67,123,818 was allocated on the basis of the old formula. The remaining \$3,893,182 of the PY 1998 JTPA, Section 402 appropriation was retained in the JTPA, Section 402 national account to fund the farmworker housing program; the Hope, Arkansas Migrant Rest Center; Training and Technical Assistance Mini-Grants; and other training and technical assistance projects and initiatives. The figures in the first numerical column show the actual PY 1998 formula allocations to State service areas. The next column shows the percentage of each allocation.

For PY 1999, \$71,571,000 was appropriated for the JTPA, Section 402 migrant and seasonal farmworker program, of which \$67,596,408 will be allocated. The remaining \$3,974,592 will be retained in the National account for farmworker housing (\$3,000,000) and other training and technical assistance projects and initiatives (\$974,592). For purposes of illustrating the effects of the proposed allocation formula, the third column of the Table shows the allocations based on the

proposed formula without the application of the hold-harmless or minimum funding provisions. The percentages are reported in column 4. The State service area allocations with the application of the first-year (90%) hold-harmless and minimum funding provisions, followed by the percentages, are shown in columns 5 and 6.

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

The \$71,571,000 formula total is proposed for allocation in the manner described in Part II, Section E of this notice and set forth in Column 3 of the Table appended to this notice.

B. Proposed Formula Allocation (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 to the first three years: at 90 percent the first year, at 70 percent the second year, and at 50 percent the third. For PY 1999, the State service areas will receive at least 90 percent of their relative share of the PY 1998 formula, as applied to the 1999 formula total. Since the PY 1998 and PY 1999 formula total are actually the same, the proposed PY 1999 revised formula funding of State service areas will result in no less than 90 percent of the actual PY 1998 funding that was actually allocated under the current formula.

Signed at Washington, D.C., this 15th day of December, 1998.

Raymond Bramucci,
Assistant Secretary of Labor.

U.S. DEPARTMENT OF LABOR EMPLOYMENT AND TRAINING ADMINISTRATION MIGRANT AND SEASONAL FARMWORKER PROGRAM—IMPACT OF PROPOSED PY 1999 FORMULA ALLOTMENTS TO STATES

	PY 1988		Proposed PY 1999			
	Allotment	Percentage share	With hold harmless		Without hold harmless	
			Allocation	Percentage share	Allocation	Percentage share
	(1)	(2)	(3)	(4)	(5)	(6)
Alabama	\$791,835	1.23853	\$712,652	1.10880	\$600,334	0.93405
Arizona	1,519,645	2.37692	1,633,011	2.54078	1,639,376	2.55068
Arkansas	1,167,409	1.82598	1,050,668	1.63472	811,923	1.26326
California	14,591,138	22.82241	15,878,912	24.70576	18,622,408	28.97432
Colorado	805,523	1.25994	848,731	1.32053	848,731	1.32053
Connecticut	206,024	0.32225	224,903	0.34992	273,009	0.42477
Delaware	118,334	0.18509	121,415	0.18891	121,415	0.18891
District of Columbia	0	0.00000	0	0.00000	0	0.00000
Florida	4,631,415	7.24413	4,168,274	6.48535	3,039,926	4.72977
Georgia	1,711,615	2.67719	1,540,454	2.39677	865,528	1.34666
Idaho	877,438	1.37243	956,821	1.48870	1,147,954	1.78608
Illinois	1,425,808	2.23015	1,459,797	2.27128	1,459,798	2.27128
Indiana	781,615	1.22255	847,127	1.31803	947,361	1.47398
Iowa	1,314,394	2.05588	1,182,955	1.84054	1,125,745	1.75153
Kansas	697,839	1.09151	762,841	1.18689	939,990	1.46252

**U.S. DEPARTMENT OF LABOR EMPLOYMENT AND TRAINING ADMINISTRATION MIGRANT AND SEASONAL FARMWORKER
PROGRAM—IMPACT OF PROPOSED PY 1999 FORMULA ALLOTMENTS TO STATES—Continued**

	PY 1988		Proposed PY 1999			
	Allotment	Percentage share	With hold harmless		Without hold harmless	
			Allocation	Percentage share	Allocation	Percentage share
	(1)	(2)	(3)	(4)	(5)	(6)
Kentucky	1,352,613	2.11566	1,217,352	1.89406	1,023,974	1.59319
Louisiana	796,032	1.24510	860,171	1.33833	927,503	1.44309
Maine	327,397	0.51209	294,657	0.45845	210,646	0.32774
Maryland	306,291	0.47908	334,922	0.52110	414,039	0.64420
Massachusetts	351,027	0.54905	320,632	0.49887	320,632	0.49887
Michigan	878,641	1.37431	955,539	1.48671	1,112,009	1.73016
Minnesota	1,274,775	1.99391	1,147,298	1.78506	865,373	1.34642
Mississippi	1,449,044	2.26649	1,304,140	2.02909	742,463	1.15519
Missouri	1,094,524	1.71198	985,072	1.53266	919,414	1.43050
Montana	667,189	1.04357	600,470	0.93426	516,002	0.80284
Nebraska	774,884	1.21202	844,183	1.31345	1,002,129	1.55920
Nevada	200,795	0.31407	180,716	0.28117	115,538	0.17976
New Hampshire	112,600	0.17612	101,340	0.15767	79,764	0.12410
New Jersey	400,038	0.62571	446,639	0.69492	673,899	1.04851
New Mexico	598,720	0.93647	660,467	1.02761	892,928	1.38929
New York	1,850,667	2.89468	1,665,600	2.59148	1,307,027	2.03358
North Carolina	3,006,003	4.70177	2,705,403	4.20930	1,833,494	2.85271
North Dakota	468,362	0.73258	510,194	0.79380	604,929	0.94120
Ohio	904,951	1.41546	989,242	1.53915	1,218,930	1.89651
Oklahoma	608,145	0.95122	547,331	0.85158	518,624	0.80692
Oregon	1,087,697	1.70130	1,191,616	1.85402	1,502,764	2.33813
Pennsylvania	1,221,441	1.91049	1,333,176	2.07427	1,615,794	2.51399
Rhode Island	0	0.00000	3,481	0.00542	50,339	0.07832
South Carolina	1,080,106	1.68942	972,095	1.51247	434,082	0.67538
South Dakota	692,869	1.08374	623,582	0.97022	434,085	0.67539
Tennessee	957,799	1.49812	862,019	1.34120	716,714	1.11512
Texas	5,979,800	9.35317	6,444,689	10.02719	6,722,732	10.45980
Utah	245,354	0.38377	264,204	0.41107	272,596	0.42413
Vermont	213,134	0.33337	191,821	0.29845	112,229	0.17462
Virginia	1,036,441	1.62113	932,797	1.45132	853,339	1.32770
Washington	1,705,576	2.66774	1,870,742	2.91066	2,388,466	3.71618
West Virginia	219,325	0.34305	197,393	0.30712	121,869	0.18961
Wisconsin	1,229,201	1.92263	1,106,281	1.72125	1,067,498	1.66090
Wyoming	201,911	0.31581	218,285	0.33963	236,788	0.36841
Continental U.S.	63,933,384	100.00000	64,272,110	100.00000	64,272,110	100.00000
Alaska	0	0.00000	264,479	7.95594	264,479	7.95594
Hawaii	251,607	7.88629	277,897	8.35957	277,897	8.35957
Puerto Rico	2,938,827	92.11371	2,781,922	83.68450	2,781,922	83.68450
Non-Continental U.S.	3,190,434	100.00000	3,324,298	100.00000	3,324,298	100.00000
Total	67,123,818	67,596,408	67,596,408

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**NATIONAL FOUNDATION ON THE
ARTS AND THE HUMANITIES****National Endowment for the Arts;
Combined Arts Advisory Panel**

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Combined Arts Panel, Media Arts Section A (Education & Access and Heritage &

Preservation categories) to the National Council on the Arts will be held on January 7-8, 1999. The panel will meet from 8:45 a.m. to 6:30 p.m. on January 7 and from 9:00 a.m. to 5:00 p.m. on January 8, in Room 716 at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506. A portion of this meeting, from 2:00 p.m. to 3:30 p.m. on January 8, will be open to the public for a policy discussion.

The remaining portions of this meeting, meet from 8:45 a.m. to 6:30 p.m. on January 7th, and from 9:00 a.m. to 2:00 p.m. and 3:30 p.m. to 5:00 p.m.

on January 8th, are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman of May 14, 1998, these sessions will be closed to the public pursuant to (c)(4)(6) and (9)(B) of section 552b of Title 5, United States Code.