

part of an employability plan, may continue to receive those services through September 30, 1996, or until the services are completed, whichever occurs first, regardless of their length of residence in the U.S. As of the effective date of this requirement, the time-limitation on services will apply regardless of which fiscal year of funding is used to provide the services.

Section 400.316 establishes that a State may provide the same scope of services under targeted assistance as may be provided under refugee social services under §§ 400.154 and 400.155, with the exception of § 400.155(h). Since the purpose of the targeted assistance program is to direct resources to localities that have large refugee populations and high use of public assistance by refugees, our intent is to focus the use of targeted assistance funds on employability services aimed at economic self-sufficiency, while providing States and counties some flexibility to use the funds for non-employment-related services. Thus, we have included the non-employment-related services that are allowable under § 400.155, but have not included the new category of services that has been added under § 400.155(h), which includes services to strengthen family and community.

Section 400.317 establishes that a State must adhere to the same limitations and restrictions in the provision of targeted assistance services as are applied to the provision of refugee social services under § 400.156.

Section 400.318 establishes that eligible grantees under the targeted assistance program are those agencies of State governments which are responsible for the refugee program under § 400.5 in States containing counties which qualify for targeted assistance awards. Section 400.318 also establishes that the use of targeted assistance funds for services to Cuban and Haitian entrants is limited to States which have an approved State plan under the Cuban/Haitian Entrant Program (CHEP).

Section 400.319 establishes that a State with more than one qualifying targeted assistance county may allocate its targeted assistance funds differently from the formula allocations for counties presented in the ORR targeted assistance notice in a fiscal year, only on the basis of its population of refugees who arrived in the U.S. during the most recent 5-year period. A State may use welfare data as an additional factor in the allocation of targeted assistance funds if it so chooses; however, a State may not assign a greater weight to welfare data than it has assigned to

population data in its allocation formula. Section 400.319 also establishes that a State must assure that not less than 95 percent of the total award to the State is made available to the qualified county or counties, except in those cases where the qualified county or counties have agreed to let the State administer the targeted assistance program in the county's stead.

Discussion of Comments Received

Fifty-two letters of comments were received in response to the notice of proposed rulemaking published in the **Federal Register** on August 12, 1994. The commenters included State and local governments, national and local voluntary agencies, refugee mutual assistance associations, and refugee service providers. These comments were taken into consideration in the development of this final rule.

The comments are summarized below and are followed in each case by the Department's response.

Effective Date

Comment: Six commenters expressed concern over the effective date for the regulation of October 1, 1994, which appeared in the NPRM. Two of the commenters suggested that the rule should be effective no sooner than 90 days after the issuance of the final regulation. Another commenter suggested an effective date that would allow sufficient time for careful consideration of the comments.

Response: The inclusion in the NPRM of an October 1, 1994, effective date for a final rule was an error. We want to assure the commenters that ORR had no intention of imposing an October 1, 1994, effective date. The effective date for this final rule will be October 1, 1995.

Comments on Subpart A

§ 400.2: *Comment:* Eight commenters expressed opposition to limiting the definition of case management to the referral and tracking of refugee participation in employability services. One commenter supported the proposed elimination of case management for non-employment-related purposes. Commenters expressed concern that the narrowed definition would remove the ability to case manage a wide range of services needed to fully assist refugee families to overcome barriers to self-sufficiency. Several commenters were concerned that the proposed change in definition would preclude coordinating services for the entire family, regardless of employability status. One commenter pointed out that the proposed change

runs counter to ORR's emphasis on strengthening families.

Response: After considering these comments, we have decided to drop the change in definition and allow case management to continue to be used to refer and track refugee participation in non-employment-related services, as well as employment-related services. However, we feel strongly that case management should be provided in combination with a package of services leading to employment and self-sufficiency.

Comments on Subpart B

§ 400.4(b): *Comment:* One commenter objected to the requirement that a State must certify no later than 30 days after the beginning of each fiscal year that the approved State plan is current and continues in effect. The commenter recommended that States be given 90 days to provide certification.

Response: If a State requires more time to prepare the certification, since the due date will remain the same each year and thus will be known, a State can allow itself the time it needs by simply starting the preparation as early as needed before the due date.

§ 400.5(h): *Comment:* We received 5 comments on this provision. One commenter objected to the inclusion of local community service agencies in quarterly meetings as impractical and unwieldy. Another commenter, while agreeing with this provision, recommended giving States the flexibility to request meeting less frequently or using telephone conference calls to better use State resources to meet the needs of local communities in the most appropriate manner. A third commenter also called for flexibility, suggesting that meetings should be scheduled in a manner that accommodates State and local resources and activities. One commenter expressed concern that administrative costs would be greatly increased in carrying out these meetings when the numbers of refugees being placed in the State are expected to diminish. Another commenter felt that ORR should clarify the State's role and responsibilities in this effort. The commenter pointed out that the State can facilitate planning efforts and can act in an oversight capacity regarding resettlement within the State, but it cannot enforce coordination efforts.

Response: We believe the benefit of including local community service agencies in quarterly meetings to enable all agencies that serve refugees to be informed and prepared for anticipated arrivals more than offsets any logistical difficulties a State may experience in