Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on Notes allotted to institutional investors and to others whose tenders are accompanied by a guarantee as provided in § 3.5. must be made or completed on or before Monday, July 17, 1989. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Thursday, July 13, 1989. In addition, Treasury Tax and Loan Note Option Depositaries may make payment for the Notes allotted for their own accounts and for accounts of customers by credit to their Treasury Tax and Loan Note Accounts on or before Monday, July 17, 1989. When payment has been submitted with the tender and the purchase price of the Notes allotted is over par, settlement for the premium must be completed timely, as specified above. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the par amount of Notes allotted shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered definitive securities tendered in payment for the Notes allotted and to be held in TREASURY DIRECT are not required to be assigned if the inscription on the registered definitive security is identical to the registration of the note being purchased. In any such case, the tender form used to place the Notes allotted in TREASURY DIRECT must be completed to show all the information required thereon, or the TREASURY DIRECT account number previously obtained.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized, as directed by the Secretary of the Treasury, to receive tenders, to make allotments, to issue such notices as may be necessary, to receive payment for, and to issue, maintain, service, and make payment on the Notes.

6.2. The Secretary of the Treasury may, at any time, supplement or amend provisions of this circular if such supplements or amendments do not adversely affect existing rights of holders of the Notes. Public announcement of such changes will be promptly provided.

6.3. The Notes issued under this circular shall be obligations of the United States, and, therefore, the faith of the United States Government is pledged to pay, in legal tender, principal and interest on the Notes.

Marcus W. Page,

Acting Fiscal Assistant Secretary.

[FR Doc. 89-16365 Filed 7-7-89; 3:03 pm]

BILLING CODE 4810-40-M

Sunshine Act Meetings

Federal Register
Vol. 54, No. 132
Wednesday, July 12, 1989

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

UNITED STATES INSTITUTE OF PEACE

Meeting

TIME AND DATE: 4:00–7:00 p.m. Monday, July 24, 1989.

PLACE: First Floor Conference Room, 1550 M Street, NW., Washington, DC.

STATUS: Open.

PURPOSE AND AGENDA: The ninth of a monthly series of Public Workshops scheduled by the United States Institute of Peace, this event will focus on the Summer 1989 *National Interest* article by Deputy Assistant Secretary of State for Policy Planning Francis Fukuyama entitled "The End of History?" In his essay Fukuyama claims that the passing of Marxism-Leninism as an ideological force implies the victory of liberal democracy as an idea and "the growing 'Common Marketization' of international relations." While he does not suggest that this means the end of conflict in the world, Fukuyama believes that large-scale conflicts, that is, those involving states driven by "the grip of history" (i.e., by ideology), will become things of the past. We will ask a distinguished group of scholars and policymakers to comment upon and discuss Fukuyama's views. Public observance is welcomed.

CONTACT: Ms. Kimber Schraub, Telephone 202–457–1700.

Dated: July 10, 1989.

Charles Duryea Smith,

General Counsel.

[FR Doc. 89–16469 Filed 7–10–89; 2:38 pm]

BILLING CODE 3155-01-M

federal register

Wednesday
July 12, 1989

Part II

Department of Justice

Immigration and Naturalization Service

8 CFR Part 100 et al.

Temporary Disqualification From Financial Assistance, Applicant Processing for Legalization Program, and Temporary/ Permanent Residence Status Adjustment for Aliens; Final Rules and Notice

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 245A

[INS No. 1038-89]

RIN 1115-AA55

Temporary Disqualification of Certain Newly Legalized Aliens From Receiving Benefits From Federal Programs of Financial Assistance

AGENCY: Immigration and Naturalization Service, Department of Justice.

ACTION: Final rule.

SUMMARY: This final rule implements section 245A(h) of the Immigration and Nationality Act ("Act"), as amended by section 201 of the Immigration Reform and Control Act of 1986, Pub. L. 99-603 ("IRCA"). Section 245A(h) provides that, with certain exceptions, aliens granted lawful temporary resident status pursuant to 245A(a) ("legalization") are not eligible for a period of five years after such grant to receive benefits from programs of financial assistance furnished under Federal law on the basis of financial need. The Attorney General is required by section 245A(h)(1)(A)(i) of the Act, to identify such programs after consultation with other appropriate heads of the various departments and agencies of government. The intended effect is to lessen the impact of legalization on benefit programs.

EFFECTIVE DATE: July 12, 1989. The compliance date of the rule will be determined by each of the administering Federal agencies for its programs, but in no event later than October 1, 1989.

FOR FURTHER INFORMATION CONTACT: Paul W. Virtue, Deputy General Counsel, Immigration and Naturalization Service, Room 7048, 425 I Street, NW., Washington, DC 20536, (202) 633-3195.

SUPPLEMENTARY INFORMATION:

Section 245A(a) of the Immigration and Nationality Act as amended by Pub. L. 99-603, 100 Stat. 3359, provides for the legalization of status of certain individuals who have been residing illegally in the United States since before January 1, 1982. Section 245A(h) of the Act provides that, with certain exceptions, aliens legalized under section 245A will be ineligible for five years for "any program of financial assistance furnished under Federal law (whether through grant, loan, guarantee, or otherwise) on the basis of financial need, as such programs are identified by the Attorney General in consultation with other appropriate heads of the various departments and agencies of Government (but in any event including the program of aid to families with dependent children under part A of Title IV of the Social Security Act)." Section 245A(h)(2) of the Act provides that such temporary ineligibility does not apply (A) to a Cuban or Haitian entrant (as defined in paragraph (1) or (2)(A) of section 510(e) of Pub. L. 96-422, 94 Stat. 1799, as in effect on April 1, 1983), or (B) in the case of assistance (other than aid to families with dependent children) which is furnished to an alien who is an aged, blind, or disabled individual (as defined in section 1614(a)(1) of the Social Security Act, Pub. L. 74-271, 49 Stat. 620). The five-year period of eligibility begins on the date an alien is granted lawful temporary resident status under section 245A(a) of the Act.

Section 245A(h) of the Act also provides that, subject to the same exceptions, aliens legalized under section 245A of the Act will be temporarily ineligible for medical assistance under a State plan approved under Title XIX of the Social Security Act (Medicaid), Pub. L. 74-271, 49 Stat. 620 (except certain emergency services and services to pregnant women or aliens who are under 18 years of age) and for benefits financed by the Food Stamp Act of 1977, as amended by Pub. L. 95-400, 92 Stat. 856 (which includes, but is not limited to, section 19 therein, the Puerto Rico Block Grant).

It is also noted that a different provision, section 210(f) of the Act, provides that, with certain exceptions, aliens granted lawful temporary resident status under section 210 of the Act (Lawful Residence for Certain Special Agricultural Workers) are temporarily ineligible for aid under a State plan approved under part A of Title IV of the Social Security Act (aid to families with dependent children), Pub. L. 74-271, 49 Stat. 620, or for Medicaid. It is further noted that section 210A(d)(6) of the Act provides in effect that an alien granted lawful temporary resident status under section 210A of the Act (Determinations of Agricultural Labor Shortages and Admission of Additional Special Agricultural Workers) shall be subject to the same ineligibility rules as aliens legalized under section 245A of the Act except that the provision in section 245A(h) relating to assistance under the Food Stamp Act of 1977, Pub. L. 95-400, 92 Stat. 856, shall not apply, and assistance furnished under the Legal Services Corporation Act, Pub. L. 88-452, 78 Stat. 508, or Title V of the Housing Act of 1949, 63 Stat. 413, shall not be construed to be financial assistance for which such additional special agricultural workers are temporarily ineligible.

No such temporary ineligibility is in effect for: (1) aliens granted the status of an alien lawfully admitted for permanent residence pursuant to section 249 of the Act (Record of Admission for Permanent Residence in the Case of Certain Aliens who Entered the United States Prior to July 1, 1924 or January 1, 1972); (2) a Cuban and Haitian entrant (as defined in paragraph (1) or (2)(A) of section 501(e) of Pub. L. 96-422, as in effect on April 1, 1983); or (3) assistance (other than aid to families with dependent children) which is furnished to an alien who is aged, blind, or disabled (as defined in section 1614(a)(1) of the Social Security Act).

In addition, State and local governments may, at their discretion, provide that aliens legalized under section 245A or 210A of the Act are ineligible for certain other programs. Section 245A(h)(1)(B) of the Act states that a State or political subdivision therein may, to the extent consistent with sections 245A(h) (1)(A), (2), and (3) of the Act, provide that such legalized aliens are ineligible for a period of five years, for the programs of financial assistance or for certain medical assistance which are furnished under the law of that State or political subdivision therein.

Criteria Used To Identify Programs

The Department of Justice, after consulting with representatives of various appropriate departments and agencies of the Federal Government has developed a list of programs of financial assistance furnished under Federal law on the basis of financial need for which newly legalized aliens are ineligible for a period of five years.

The criteria used by the Department of Justice to identify programs of financial assistance furnished under Federal law are as follows:

1. Federal financial assistance is furnished for the benefit of individuals in financial need.

(A) Financial assistance in the form of grants, wages, loans, loan guarantees, or otherwise, is furnished by the Federal Government directly, or indirectly through a State or local government or a private entity, to eligible individuals or to private suppliers of goods or services to such individuals, or is furnished to a State or local government that provides to such individuals goods or services of a kind that is offered by private suppliers.

(B) Benefits under the program are targeted to individuals in financial need. Either (i) in order to be eligible,

individuals must establish that their income or wealth is below some maximum level, or, with respect to certain loan or loan guarantee programs, that they are unable to obtain financing from alternative sources, or at prevailing interest rates, or at rates that would permit the achievement of program goals, or (ii) distribution of assistance is directed, geographically or otherwise, in a way that is intended to primarily benefit persons in financial need, as evidenced by references to such intent in the authorizing legislation.

2. The financial assistance is not furnished under a Federal disaster relief program.

3. Eligibility does not require United States citizenship.

4. Assistance under the program is not expressly precluded from being construed as financial assistance by section 245A(h)(4) of the Act. This paragraph provides that assistance furnished under the following provisions of law shall not be construed to be such financial assistance:

(A) The National School Lunch Act, 60 Stat. 230.

(B) The Child Nutrition Act of 1966, Pub. L. 89–642, 88 Stat. 885.

(C) The Vocational Education Act of 1963, Pub. L. 88–210, 77 Stat. 403.

(D) Chapter 1 of the Education Consolidation and Improvement Act of 1981, Pub. L. 97–35, 95 Stat. 358.

(E) The Headstart-Follow Through Act, Pub. L. 88–452, 78 Stat. 508.

(F) The Job Training Partnership Act, Pub. L. 97–300, 96 Stat. 1322.

(G) Title IV of the Higher Education Act of 1965, Pub. L. 89–329, 79 Stat. 1219.

(H) The Public Health Service Act, 37 Stat. 309.

(I) Titles V, XVI, and XX, and parts B, D, and E of Title IV, of the Social Security Act, 49 Stat. 620 (and Titles I, X, XIV, and XVI of such Act as in effect without regard to the amendment made by section 301 of the Social Security Amendments of 1972).

Some of the programs that are listed in § 245a.5(c) of this final rule provide for Federal financial assistance to intermediate State or local government agencies or private entities. In several programs of this kind, the intermediate government agency or private entity uses the funds for many different programs of its own. Only some of these private or State or local government programs provide benefits for which aliens legalized under section 245A or 210A of the Act are, with certain exceptions, temporarily ineligible, specifically those programs having both of the following characteristics: (A) The distribution of financial assistance directly or indirectly (through intermediate public or private entities) to eligible individuals or to private suppliers of goods or services to such individuals, or the distribution to such individuals of goods or services of a kind that is offered by private suppliers, and (B) targeting to individuals in financial need.

Analysis of Comments

A Proposed Rule was published on August 24, 1987 (52 FR 31784–31786) adding 8 CFR 245a.4, which sets forth a proposed list of programs of Federal financial assistance identified by the Attorney General. Interested persons were given the opportunity to submit written comments on the Proposed Rule on or before September 23, 1987. Forty-six comments were received within that period.

Most of the commenters stated their belief that the list in the Proposed Rule was overbroad in that it included programs that were not furnished "on the basis of financial need" or were not programs of "financial assistance furnished under Federal law." Other issues raised by the comments related to the application of the ineligibility provisions to families where not all members are newly legalized aliens (the "family issue"), and whether to "grandfather in" newly legalized aliens who are currently receiving benefits under a program on the ineligible list. These concerns will be addressed in turn.

A. Financial Assistance Furnished on the Basis of Financial Need

Many commenters objected to a portion of the criterion included in the Proposed Rule for use in determining whether Federal assistance programs involve "financial assistance furnished * * * on the basis of financial need." In particular such commenters disagreed that programs should be included if benefits under the program are "targeted to individuals in financial need" in the sense that "distribution of assistance is directed, geographically or otherwise, in a way that is intended to primarily benefit persons in financial need, as evidenced by references to such intent in the authorizing legislation."

These commenters believe that only programs applying an individual means test should be covered. They believe that section 245A(h) does not contemplate disqualification of persons from programs of Federal financial assistance aimed at the development or rehabilitation of property in low-income neighborhoods. The programs at issue include the Urban Development Action Grants, Operating Assistance for Troubled Multifamily Housing Projects (Flexible Subsidy Program), and Rental Housing Rehabilitation administered by HUD.

The Department of Justice remains of the opinion that these programs are appropriately listed. The statutory language directs the Attorney General to designate programs of financial assistance furnished on the basis of financial need. Each of the three programs at issue requires the applicant (State or local government, or property owner) to show that the Federal funds will be used to benefit economically depressed areas. To the extent such funds are used to provide housing to low-income individuals, they constitute Federal financial assistance furnished on the basis of financial need. Nothing in the statutory language or the legislative history suggests that only programs using an individual means test can be programs of financial assistance furnished on the basis of financial need must use.

Our review of the legislative history of this section indicates that Congress intended to minimize two potential adverse impacts of legalization: (a) The financial burden of newly legalized aliens on U.S. taxpayers, and (b) the reduction of benefits to disadvantaged citizens and lawful permanent residents ("LPRs") under Federally funded programs because of the participation of newly legalized aliens.

The effect of making legalized aliens eligible to receive benefits under an entitlement program, i.e., an assistance program not subject to a fixed annual spending limit, would be higher program cost and hence a heavier burden on the taxpayers of this country (unless the funding for one or more other programs, which might well be more in the national interest, were reduced or eliminated). With respect to a non-entitlement program, the effect of making legalized aliens eligible would depend on whether the program's annual spending limit is reached. If not, then the effect would be the same. If, however, there is excess demand for the benefits of a non-entitlement program; if, that is, the program's annual spending limit would be exceeded should all persons meeting the minimum eligibility requirements receive the benefits for which they would be eligible if such spending limit were not in effect, then permitting legalized aliens to receive benefits would force American taxpayers and their elected representatives to choose one or a combination of three possibilities: (a) Letting some citizens and LPRs be deprived of the benefits of the program, or increasing the annual cost of the

program through (b) increasing the burden on taxpayers, or (c) reducing or eliminating one or more other, possibly more beneficial, Federal programs.

It is true that a certain portion of funds for Urban Development Action Grants is expended for projects which benefit the public at large, e.g., sewers, roads, sidewalks, parks. However, a significant percentage of the funds is directed toward providing housing for low and moderate income persons. It is this portion of the assistance which is intended to be covered by the rule. Accordingly, in the final rule the Urban Development Action Grant Program is marked with an asterisk (*) to clarify the extent to which financial assistance provided under that program is covered by the rule.

B. Program of Financial Assistance Furnished Under Federal Law

A majority of the comments were directed at the Proposed Rule's interpretation of the statutory term "program of financial assistance furnished under Federal law." The most frequent objection raised concerned the inclusion of the Legal Services Corporation on the ineligible list because, these commenters believe, legal advice and assistance received from the Legal Services Corporation cannot reasonably be classified as "financial assistance furnished under Federal law." Many of these same commenters also pointed out that, by its own enabling legislation, the Legal Services Corporation is not an agency or instrumentality of the Federal Government, as they believe the statute requires. Finally, many commenters stated their belief that to make newly legalized aliens ineligible for services provided by the Legal Services Corporation would be to effectively deny access to the courts for many low income newly legalized aliens.

The Department of Justice believes that it is irrelevant that legal services are not financial assistance. The statute provides that legalized aliens are not eligible for certain kinds of programs, namely, those involving "financial assistance furnished on the basis of Federal law * * * on the basis of financial need." Legal services provided to individuals by the Legal Services Corporation do constitute benefits from such a program. Indeed, the language of section 210A(d)(6) of the Act specifically provides that the provisions of section 245A(h), making newly legalized aliens ineligible for financial assistance furnished under Federal law, apply to an alien legalized under section 210A—

> In the same manner as they apply to an alien granted lawful temporary residence under section 245A; except that, for purposes of this paragraph, assistance furnished under the Legal Services Corporation Act (42 U.S.C. 2996 *et seq.*) or under title V of the Housing Act of 1949 (42 U.S.C. 1471 *et seq.*) shall not be construed to be financial assistance described in section 245A(h)(1)(A)(i).

Applying standard rules of statutory construction, this language implies the Congress believed that assistance furnished by the Legal Services Corporation is a benefit of a "program of financial assistance furnished under Federal law" within the meaning of section 245A(h). Otherwise this language would be mere surplusage. There is no reason to believe that such benefits were regarded differently from benefits under the housing programs that this same section also excepts from the ineligibility rule and that the legislative history clearly shows were understood by the Congress to be covered by section 245A(h).

Neither is the Department of Justice persuaded by the objection that the Legal Services Corporation is not technically an agency or instrumentality of the Federal Government. Many of the recipients of Federal monies are State and local government agencies, quasi-governmental, charitable or private entities which use such funds to finance benefits to individuals in financial need. It is the Department's view that the focus of the inquiry as to whether a benefit comes from a "program of financial assistance furnished under Federal law * * * on the basis of financial need" should not be either (a) the public or private legal status of the entity that distributes the benefit to the ultimate recipient, or (b) the form the benefit to the ultimate recipient takes, whether a cash grant (or loan, loan guarantee, etc.) or goods or services, but rather that the benefit is financed with Federal funds that are targeted to those in financial need.

The Department also notes that although Legal Services Corporation is a private organization, it is described as a "quasi-official agency" in The United States Government Manual, the "official handbook of the Federal Government" (see the preface of such manual, at iii), published by the Office of the Federal Register. It is so described because it is required by statute to publish in the **Federal Register** certain information about its programs and activities.

The comment that inclusion of Legal Services Corporation on the list of programs will effectively deny access to the courts by newly legalized aliens is unfounded. Pro bono and low cost programs, not supported by Federal funds under the Legal Services Corporation, are available through local bar associations nationwide. Furthermore, although newly legalized aliens would undoubtedly benefit if they were eligible for such program during the ineligibility period, the same is true with respect to the other programs from which Congress believed it necessary to exclude them temporarily. Finally, regardless of the policy issues involved, the Department does not have the discretion to exempt legalized aliens from section 245A(h) with respect to any program covered by the statutory language unless an explicit exception is provided.

Another frequent objection to the Proposed Rule's application of "financial assistance furnished under Federal law" was the inclusion on the proposed list of employment and job training programs administered by the Department of Labor (Senior Community Service Employment Program) and the Office of Personnel Management Federal Employment for Disadvantaged Youth—Part-time (Stay-in-School) and Summer (Summer Aides) programs. The issue raised was whether wages paid for services rendered could legitimately be considered "financial assistance furnished under Federal law" since consideration was exchanged for payment. It is the position of the Department of Justice that the employment opportunities are made available through Federal funds and are filled on the basis of financial need. The inclusion of these programs on the list is consistent with the Congressional intent of preventing the displacement of citizens and lawful permanent residents from Federal programs by newly legalized aliens.

In addition, the Department of Energy has pointed out that one of the programs included on the proposed list, the Minority Honors Vocational Training Program, is limited to United States citizens. Accordingly, the program has been removed from the list.

C. The Family Issue

Another frequently expressed concern was how to administer the ineligibility provisions of the Proposed Rule to prevent the receipt of assistance by newly legalized aliens without applying the ineligibility to other members of the same family who may not be ineligible; that is, family members who are U.S. citizens or lawful permanent resident aliens. This situation is most likely to arise in the case of assistance which benefits, and is based upon, the income of all members of a household (e.g., fuel assistance payments under the Low-

income Home Energy Assistance program administered by the Department of Health and Human Services).

The Department of Justice understands the concerns raised by these comments. However, Congress did not statutorily exempt those newly legalized aliens who are members of "mixed" families from the ineligibility provisions of section 245A(h). Nor did it give the Department any authority to do so by regulation. It should also be noted that the Attorney General's statutory obligation under section 245A(h)(1)(A)(i) is only to "identify" the programs of Federal financial assistance from which newly legalized aliens are ineligible to receive benefits. The programs are actually administered by various other Federal agencies, which must comply not only with this statute and regulation, but with the programs' authorizing statutes, and the agencies' own regulations and responsibility to administer programs efficiently. Consequently, the Department suggests that these concerns be expressed to the appropriate administering agency.

D. Grandfathering Benefits

The Department has no authority to "grandfather in" newly legalized aliens who are currently receiving benefits under a program listed in this rule. Although it is possible that efficient administration of certain programs may require a limited amount of "grandfathering," this would be a decision for the agency administering such programs.

The Housing Act of 1987

Following publication of the Proposed Rule and prior to publication of this Final Rule, Congress amended section 214 of the Housing and Community Development Act of 1980, to provide:

Sec. 214(a) Notwithstanding any other provision of law, the Secretary of Housing and Urban Development may not make financial assistance available for the benefit of any alien unless that alien is a resident of the United States and is

* * * * *

(6) an alien lawfully admitted for temporary or permanent residence under section 245A of the Immigration and Nationality Act.

(b) For purposes of this section the term "financial assistance" means financial assistance made available pursuant to the United States Housing Act of 1937, section 235 or 236 of the National Housing Act, or section 101 of the Housing and Urban Development Act of 1965.

Housing and Community Development Act of 1987, Pub. L. 100–242 section 164 (1988) (codified as amended at 42 U.S.C. 1436a). The programs referred to in section 214(b) and administered by the Secretary of Housing and Urban Development have been eliminated from the list included in § 245a.5(c) of this Final Rule.

Pub. L. 100–242 also amended Title V of the Housing Act of 1949 (Farm Housing), 42 U.S.C. 1471–1490o, to provide eligibility for lawful temporary residents for certain programs administered by the Secretary of Agriculture. Section 302 provides, in pertinent part, as follows:

(a) Resident Aliens.—Section 501 of the Housing Act of 1949 is amended by adding at the end the following new subsection:

(h)(1) The Secretary may not restrict the availability of assistance under this title for any alien for whom assistance may not be restricted by the Secretary of Housing and Urban Development under section 214 of the Housing and Community Development Act of 1980.

The Title V programs which were included in the list in the Proposed Rule have been eliminated from the Final Rule.

In accordance with 5 U.S.C. 605(b), the Commissioner certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities.

This is not a "major rule" within the meaning of section 1(b) of Executive Order 12291, nor does this rule have federalism implications warranting the preparation of a Federal Assessment in accordance with E.O. 12612.

List of Subjects in 8 CFR Part 245a

Aliens, Temporary resident status and permanent resident status.

Accordingly, Chapter I of Title 8, Code of Federal Regulations, is amended as follows:

PART 245a—[AMENDED]

1. The authority for Part 245a continues to read as follows:

Authority: Pub. L. 99–603, 100 Stat. 3359; 8 U.S.C. 1101 note.

2. Part 245a is amended by adding the following section:

§ 245a.5 Temporary disqualification of certain newly legalized aliens from receiving benefits from programs of financial assistance furnished under federal law.

(a) Except as provided in § 245a.5(b), any alien who has obtained the status of an alien lawfully admitted for temporary residence pursuant to section 245A of the Act (Adjustment of Status of Certain Entrants Before January 1, 1982, to that of Person Admitted for Lawful Residence) or 210A of the Act (Determinations of Agricultural Labor Shortages and Admission of Additional Special Agricultural Workers) is ineligible, for a period of five years from the date such status was obtained, for benefits financed directly or indirectly, in whole or in part, through the programs identified in § 245a.5(c) of this chapter.

(b)(1) Section 245a.5(a) shall not apply to a Cuban or Haitian entrant (as defined in paragraph (1) or (2)(A) of section 501(e) of Pub. L. 96–422, as in effect on April 1, 1983), or in the case of assistance (other than aid to families with dependent children) which is furnished to an alien who is an aged, blind, or disabled individual (as defined in section 1614(a)(1) of the Social Security Act).

(2) With respect to any alien who has obtained the status of an alien lawfully admitted for temporary residence pursuant to section 210A of the Act only, assistance furnished under the Legal Services Corporation Act (42 U.S.C. 2996, et seq.) or Title V of the Housing Act of 1949 (42 U.S.C. 1471 et seq.) shall not be construed to be financial assistance referred to in § 245a.5(a).

(3) Section 245a.5(a) shall not apply to benefits financed through the programs identified in § 245a.5(c), which are marked with an asterisk (*), except to the extent that such benefits:

(i) Consist of, or are financed by, financial assistance in the form of grants, wages, loan, loan guarantees, or otherwise, which is furnished by the Federal Government directly, or indirectly through a State or local government or a private entity, to eligible individuals or to private suppliers of goods or services to such individuals, or is furnished to a State or local government that provides to such individuals goods or services of a kind that is offered by private suppliers, and

(ii) Are targeted to individuals in financial need; either (A) in order to be eligible, individuals must establish that their income or wealth is below some maximum level, or, with respect to certain loan or loan guarantee programs, that they are unable to obtain financing from alternative sources, or at prevailing interest rates, or at rates that would permit the achievement of program goals, or (B) distribution of assistance is directed, geographically or otherwise, in a way that is intended to primarily benefit persons in financial need, as evidenced by references to such intent in the authorizing legislation.

(c) The programs of Federal financial assistance referred to in § 245a.5(a) are those identified in the list set forth below. The General Services Administration (GSA) Program Numbers

set forth in the right column of the program list refer to the program identification numbers used in the Catalog of Federal Domestic Assistance, published by the United States General Services Administration, as updated through December, 1986.

	GSA Program Numbers
Department of Agriculture:	
Farm Operating Loans	10.406
Farm Ownership Loans	10.407
Department of Health and Human Services:	
Assistance Payments—Maintenance Assistance (Maintenance Assistance; Emergency Assistance; State Aid; Aid to Families with Dependent Children)	13.780
Low-Income Home Energy Assistance	13.789
*Community Services Block Grant	13.792
*Community Services Block Grant—Discretionary Awards	13.793
Department of Housing and Urban Development:	
Mortgage Insurance—Housing in Older, Declining Areas (223(e))	14.123
Mortgage Insurance—Special Credit Risks (237)	14.140
Operating Assistance for Troubled Multifamily Housing Projects (Troubled Projects (Flexible Subsidy) Program)	14.164
*Community Development Block Grants/Entitlement Grants	14.218
*Community Development Block Grants/Small Cities Program (Small Cities)	14.219
Section 312 Rehabilitation Loans (312)	14.220
*Urban development action grants	14.221
*Community Development Block Grants/State's Program	14.228
Section 221(d)(3) Mortgage Insurance for Multifamily Rental Housing for Low and Moderate Income Families (Below Market Interest Rate)	14.136
Department of Labor:	
Senior Community Service Employment Program (SCSEP)	17.235
Office of Personnel Management:	
Federal Employment for Disadvantaged Youth—Part-Time (Stay-in-School Program)	27.003
Federal Employment for Disadvantaged Youth—Summer (Summer Aides)	27.004
Small Business Administration:	
Small Business Loans (7(a) Loans)	59.012
Department of Energy:	
Weatherization Assistance for Low-Income Persons	81.042
Department of Education:	
Patricia Roberts Harris Fellowships (Graduate and Professional Study; Graduate and Professional Study Opportunity Fellowships; Public Service Education Fellowships)	84.094
Legal Training for the Disadvantaged (The American Bar Association Fund for Public Education)	84.136
Allen J. Ellender Fellowship Program (Ellender Fellowship)	84.148
Legal Services Corporation:	
Payments to Legal Services Corporation	

Dated: June 21, 1989.

Alan C. Nelson,

Commissioner, Immigration and Naturalization Service.

[FR Doc. 89-15789 Filed 7-11-89; 8:45 am]

BILLING CODE 4410-10-M

8 CFR Parts 100, 103, 242, 264, and 299

[INS No. 1020R-89]

RIN 1115-AA39

Applicant Processing for the Legalization Program; Conforming Amendments

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This rule amends certain regulations to conform to regulation changes published elsewhere in this issue. These provisions relate to the processing of applicants for permanent residence under the Legalization Program as authorized by the Immigration Reform and Control Act of 1986 (IRCA). The purpose of this rule is to make final the provisions set forth in the interim rule concerning changes to the regulations brought about by the Service's processing of applications for adjustment of temporary resident aliens for lawful permanent residence status.

EFFECTIVE DATE: July 12, 1989.

FOR FURTHER INFORMATION CONTACT: Terrance M. O'Reilly, Assistant Commissioner, Legalization, (202) 786-3658.

SUPPLEMENTARY INFORMATION: The Immigration Reform and Control Act of 1986 (IRCA), Pub. L. 99-603, enacted on November 6, 1986, provided for the legalization program. Under the first phase of the program, eligible aliens were afforded temporary resident status. This rule finalizes the interim rule that described the permanent resident application process of the legalization program, which was published at 53 FR 43984 on October 31, 1988, with request for comments. Forty-eight responses representing 71 individuals and interested organizations, were received. The Service wishes to thank the many interested parties for their useful comments regarding the October 31, 1988 regulations. All comments were reviewed and, as a result, several changes were incorporated into this final rule.

This rule changes the list of legalization offices; deletes the reference to the appellate authority concerning the application (I-695) for replacement of Form I-688 (Temporary Resident Card); makes editorial changes; and provides the display control numbers and edition dates for Form I-698, Application to Adjust Status from Temporary to Permanent Resident, Form I-699, Certificate of Satisfactory Pursuit; and Form I-803, Petition for Attorney General Recognition to Provide Course of Study for Legalization: Phase II.

Summary of the Final Rule

Section 100.4(f) is amended to provide a list of legalization offices which will accommodate applicants for permanent residence. The Service wishes to assure interested parties that it will continue to carefully consider decisions to close legalization offices. The Service will continue to strive to keep the maximum number of legalization offices open within funding constraints.

In addition to the legalization offices listed in § 100.4(f) the following Service offices will conduct interviews for permanent residence.

Eastern Region

District offices—Baltimore, MD; Boston, MA; Buffalo, NY; Philadelphia, PA; Portland, ME; and San Juan, PR; Sub-offices—Albany, NY; Charlotte Amalie, VI; Christiansted, VI; Camden, NJ; Hartford, CT; Norfolk, VA; Pittsburgh, PA; St. Albans, VT; and Syracuse, NY.

Northern Region

District offices—Anchorage, AK; Cleveland, OH; Detroit, MI; Helena, MT; Kansas City, MO; Omaha, NB; Portland, OR; Seattle, WA; and Saint Paul, MN; Sub-offices—Boise, ID; Cincinnati, OH; Indianapolis, IN; Milwaukee, WI; Salt Lake City, UT; St. Louis, MO; and Yakima, WA.

Southern Region

District offices—Atlanta, GA; and New Orleans, LA; Sub-offices—Charlotte, NC; Jacksonville, FL; Louisville, KY; Memphis, TN; Oklahoma City, OK; and Tampa, FL.

Western Region

District offices—Honolulu, HI; Sub-offices—Agana, GU; Reno, NV; and Tucson, AZ.