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Mr. Mark Freedman  
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Via e-mail to: [mfreedman@lsc.gov](mailto:mfreedman@lsc.gov)

Re: Comments on Agricultural Worker Population Data for Basic Field-Migrant Grants

Dear Mr. Freedman,

The American Bar Association, through its Standing Committee on Legal Aid and Indigent Defendants (SCLAID), submits these comments regarding LSC's proposed use of new data to determine the grants for legal services provided to migrant and seasonal farmworkers, the phasing-in of the use of new data, and the updating of data every three years, as requested in 80 Fed. Reg. 5791 (February 3, 2015)<sup>1</sup>.

LSC has provided special funding for migrant and seasonal farmworkers since its inception in 1974. Pursuant to the 1977 reauthorization of the LSC Act, Congress required that LSC conduct a study of the special legal needs of various subpopulations, including migrant and seasonal farmworkers. That study identified significant barriers to access to legal services faced by that population, which provided the rationale to earmark special funding for them. These barriers included: physical barriers (such as lack of transportation and hours of work); limited time in the service areas; limited English proficiency; reluctance to discuss their working and living conditions; and reluctance to seek legal assistance.

Congress, too, has recognized the special needs of this population by establishing and continuing to fund a range of federal programs that earmark dollars to serve their special needs. Some of these programs include:

- The Migrant and Seasonal Farmworkers Program, administered by the Department of Education
- The Migrant Health Center Program, administered by the Department of Health and Human Services

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<sup>1</sup> Neither these comments nor the decision to file them should be interpreted to reflect the views of any judicial member of the American Bar Association. No judicial member has participated in the adoption of or endorsement of the positions set forth in these comments.

- The Migrant and Seasonal Head Start Program, administered by the Department of Health and Human Services
- The National Farmworker Jobs Program, administered by the Department of Labor, Employment and Training Administration
- The Migrant and Seasonal Farmworkers Monitor Advocacy System, administered by the Department of Labor, Employment and Training Administration

The American Bar Association supports LSC's approach of serving this vulnerable population through special grants and commends it for obtaining more current data from the Department of Labor regarding migrant and seasonal farmworkers. This was necessary particularly since the data had not been updated in over twenty years. We support the use of the best available data that can be obtained to determine future grants, as well as the plan to phase in funding changes necessitated by updated data.

This phase-in will be essential, given the impact that the use of the new data will have on the LSC grants in a number of states. For example, based upon LSC's own estimates, Iowa has seen a 750.1% increase in the migrant and seasonal farmworker population, Nebraska a 419.2% increase, Louisiana a 327.1% increase, and Massachusetts, a 277.7% increase since data were last collected. On the other hand, Puerto Rico has seen an 83% decrease in this population, Delaware a 58.6% decrease, Texas a 57.9% decrease, and Maryland a 56% decrease. These states and many others will need time to adjust to the changes in funding and resulting changes in LSC recipient staffing that may be required. Phasing in the funding changes and providing recipients with flexibility to incorporate these changes into their operations are not only reasonable, but necessary.

The Association also supports LSC's proposal to update the data in the future every three years on the same cycle as it updates poverty population data for the distribution of LSC's Basic Field grants. Given the impact that waiting over 20 years to update the data will have on its recipients as discussed above, updating that data on a more regular basis should cause less disruption for recipients in the future. It will also assure that this special funding is being distributed in a manner that more accurately reflects where eligible migrant and seasonal workers are located.

The ABA appreciates the opportunity to present these comments.

Sincerely,



Lisa C. Wood

cc: William C. Hubbard, ABA President