

Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for "sixty days" until June 27, 2005. This process is conducted in accordance with 5 CFR 1320.10.

If you have comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact MaryBeth Keller, General Counsel, Executive Office for Immigration Review, U.S. Department of Justice, Suite 2600, 5107 Leesburg Pike, Falls Church, Virginia 22041; telephone: (703) 305-0470.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.* permitting electronic submission of responses.

*Overview of this information collection:*

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* Alien's Change of Address Form: 33/BIA Board of Immigration Appeals, 33/IC Immigration Court.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: Form EOIR 33/BIA, 33/IC. Executive Office for Immigration Review, United States Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: An individual appearing before the Immigration Court or the Board of Immigration Appeals.

Other: None. Abstract: The information on the change of address form is used by the Immigration Courts and the Board of Immigration Appeals to determine where to send notices of the next administrative action or of any decisions in an alien's case.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that 15,000 respondents will complete the form annually with an average of 3 minutes per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 750 total burden hours associated with this collection annually.

*If additional information is required contact:* Brenda E. Dyer, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Patrick Henry Building, Suite 1600, 601 D. Street, NW, Washington, DC 20530.

Dated: April 21, 2005.

**Brenda E. Dyer,**

*Department Clearance Officer, Department of Justice.*

[FR Doc. 05-8365 Filed 4-26-05; 8:45 am]

**BILLING CODE 4410-30-P**

## DEPARTMENT OF LABOR

### Employment and Training Administration

#### Workforce Investment Act (WIA) Section 167; The National Farmworker Jobs Program (NFJP)

**AGENCY:** Employment and Training Administration (ETA), Labor.

**ACTION:** Notice of formula allocations for the Program Year (PY) 2005 NFJP, request for comments.

**SUMMARY:** Under Section 182(d) of the WIA of 1998, ETA is publishing the PY 2005 allocations for the NFJP, authorized under Section 167 of the WIA. The allocations are distributed to the states by a formula that estimates, by state, the relative demand for NFJP services. The allocations in this notice apply to the PY beginning July 1, 2005.

**DATES:** Comments must be submitted on or before May 31, 2005.

**ADDRESSES:** Comments should be sent to Alina M. Walker, Chief, Division of Seasonal Farmworker Programs, Room S-4206, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210, e-mail address: [walker.alina@dol.gov](mailto:walker.alina@dol.gov).

#### FOR FURTHER INFORMATION CONTACT:

Alina M. Walker, Chief, Division of Seasonal Farmworker Programs, Room S-4206, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210, telephone: (202) 693-2706 (this is not a toll-free number).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

On May 19, 1999, ETA published a notice establishing new factors for the formula that allocates funds available for the NFJP in the **Federal Register** at 64 FR 27390. This **Federal Register** notice is available at the following Internet address: <http://www.doleta.gov/MSFW/pdf/allocationtable.pdf>.

The May 19, 1999, **Federal Register** may also be obtained by submitting a mail, e-mail or telephone request to Alina M. Walker, Chief, Division of Seasonal Farmworker Programs, Room S-4206, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210, e-mail address: [walker.alina@dol.gov](mailto:walker.alina@dol.gov), telephone number (202) 693-2706 (this is not a toll-free number).

The May 19, 1999, notice explained the purpose of the formula, *i.e.*, distributing funds geographically by state service area on the basis of each area's relative share of farmworkers who are eligible for enrollment in the NFJP. The data used to run the formula is comprised of a combination of data sets that were selected to yield the relative share distribution across states of eligible farmworkers. The combined-data set driven formula is substantially more relevant to the purpose of aligning the allocations with the eligible population than the allocations determined by the prior formula.

For PY 2005, the data factors used in the formula remain unchanged since they were first developed in 1999. However, the PY 2005 data sets used for determining each state's relative share of eligible farmworkers have been updated with more recent data available from the 2000 Census, the 2003 National Agricultural Workers Survey (NAWS), and the 2002 Census of Agriculture.

##### II. Limitations on Uses of Section 167 Funds

In appropriating the funds for PY 2005, Congress provided in the Consolidated Appropriations Act, 2005 (P.L. 108-447) \$76,370,000 for carrying out Section 167 of the Workforce Investment Act of 1998, including \$71,787,000 for state service area grants,

\$4,583,000 for migrant and seasonal farmworker housing grants, and \$504,000 for Section 167 training, technical assistance and related activities. Funds for migrant rest center activities are included in the \$504,000 available for technical assistance and training.

Public Law 108-447 also includes a 0.80 percent government-wide across-the-board rescission. A total of \$71,690,318 for formula grants is available for allocation as a result of applying this rescission.

### III. PY 2005 Allocation Formula

The formula distribution for the \$71,690,318 available for allocation in PY 2005 reflects the state-by-state relative share of eligible farmworkers as determined by the updated combined data sets described in the May 19, 1999, **Federal Register** notice. Additional "hold-harmless" and "stop-loss"/"stop-gain" adjustments to the formula were applied for the PY 2005 NFJP fund allocation. The "hold-harmless" adjustment provides that states would receive no less than 85 percent of their comparable 1998 allocation levels. This "hold-harmless" adjustment has been applied to the formula allocations in the last three years. The "stop-loss"/"stop-gain" adjustment is used for the first time this year and provides that states would receive no less than 75 percent or no more than 150 percent of their relative share of the total PY 2004 formula allocations to all States. Of the two minimums, states would receive the higher of the "hold-harmless" or the "stop-loss" amount (limited by the "stop-gain" if necessary).

To make these adjustments, each state's PY 2005 formula allocation calculation was first compared to a minimum amount equal to the higher of

85 percent of its PY 1998 dollar allocation or 90 percent of its relative share in PY 2004 multiplied by the PY 2005 total formula amount. For each state, if its minimum level allocation was higher than the amount indicated by the unadjusted formula allocation, the minimum level was assigned to that state. All such states' assigned minimum level allocations were added and these states, along with their assigned amounts, were removed from the remaining calculations.

For the remaining states whose unadjusted formula amounts were higher than their respective minimum levels, their formula amounts were added and the total was compared to the total amount of remaining funds. Because there were less funds remaining available, each remaining state's formula amount was reduced by the same proportion that the total remaining funds bore to the total remaining states' formula amounts. This reduced allocation amount for each state was again tested against its minimum comparison level and the above process was repeated until there were no remaining states being assigned their minimum level.

For the remaining states that were not assigned a minimum level, each state's reduced formula amount was then compared to a maximum amount equal to 150 percent of its relative share in PY 2004 multiplied by the PY 2005 total formula amount. For each state, if the maximum level allocation was lower than their adjusted formula allocation amount, the maximum level was assigned to that state. All such states' assigned maximum level allocations were added and these states, along with their assigned amounts, were removed from the remaining calculations.

For the remaining states, their adjusted formula amounts were added and the total was compared to the total amount of remaining funds. Because there were additional funds available for the remaining states, each remaining state's formula amount was increased by the same proportion that the total remaining funds bore to the total remaining states' formula amounts. This adjusted allocation amount for each state was again tested against its maximum comparison level and the above process was repeated until there were no remaining states being assigned their maximum level.

Each state's final allocation was either the assigned minimum or maximum level or the final proportionally adjusted formula amount.

### IV. State Combinations

We anticipate a single plan of service for operating the PY 2005 NFJP in the jurisdiction comprised of Delaware and Maryland and the jurisdiction comprised of Rhode Island and Connecticut.

### V. PY 2005 Allocations

The "Allocation Table" provides the allocations for the NFJP in PY 2005. NFJP grantees and other interested organizations should use these figures in preparing proposals in response to the PY 2005 Solicitation for Grant Applications (SGA) for the National Farmworker Jobs Program (NFJP).

Signed at Washington, DC, this 22nd day of April 2005.

**Emily Stover DeRocco,**

*Assistant Secretary, Employment and Training Administration.*

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U. S. Department of Labor  
Employment and Training Administration  
**National Farmworker Jobs Program**  
**PY 2005 Allocations to States**

State	PY 2005
<b>Total</b> .....	<b>\$71,212,704</b>
Alabama .....	762,568
Alaska .....	0
Arizona .....	2,053,518
Arkansas.....	1,102,412
California .....	18,378,633
Colorado.....	962,915
Connecticut .....	339,347
Delaware.....	100,584
District of Columbia .....	0
Florida .....	3,936,703
Georgia .....	1,454,873
Hawaii.....	318,233
Idaho.....	966,734
Illinois.....	1,211,937
Indiana .....	813,679
Iowa .....	1,117,235
Kansas .....	842,526
Kentucky .....	1,149,721
Louisiana.....	877,016
Maine.....	278,287
Maryland.....	278,526
Massachusetts .....	310,093
Michigan.....	1,347,398
Minnesota.....	1,188,297
Mississippi.....	1,231,687
Missouri.....	930,345
Montana .....	567,111
Nebraska .....	925,482
Nevada.....	170,676
New Hampshire .....	95,710
New Jersey .....	498,300
New Mexico.....	911,635
New York .....	1,573,067
North Carolina.....	2,555,103
North Dakota .....	434,778
Ohio .....	1,006,422
Oklahoma.....	910,857
Oregon.....	1,898,820
Pennsylvania .....	1,105,665
Puerto Rico.....	2,944,978
Rhode Island.....	29,688
South Carolina.....	918,090
South Dakota .....	588,939
Tennessee .....	814,129
Texas.....	5,431,487
Utah .....	278,493
Vermont .....	181,164
Virginia.....	880,975
Washington .....	2,975,532
West Virginia .....	186,426
Wisconsin .....	1,204,286
Wyoming .....	171,624

[FR Doc. 05-8410 Filed 4-26-05; 8:45 am]  
BILLING CODE 4510-30-C

## DEPARTMENT OF LABOR

### Employment and Training Administration

#### Workforce Investment Act of 1998 (WIA); Notice of Incentive Funding Availability for Program Year (PY) 2003 Performance

**AGENCY:** Employment and Training  
Administration (ETA), Labor.

**ACTION:** Notice.

**SUMMARY:** The Department of Labor, in collaboration with the Department of Education, announces that 19 states are eligible to apply for Workforce Investment Act (WIA) (Pub. L. 105-220, 29 U.S.C. 2801 *et seq.*) incentive awards under the WIA Regulations.

**DATES:** The 19 eligible states must submit their applications for incentive funding to the Department of Labor by June 13, 2005.

**ADDRESSES:** Submit applications to the Employment and Training Administration, Office of Performance and Technology, 200 Constitution Avenue NW., Room S-5206, Washington, DC 20210, Attention: Esther R. Johnson, 202-693-3031 (phone), 202-693-3490 (fax), e-mail: [johnson.esther@dol.gov](mailto:johnson.esther@dol.gov). Please be advised that mail delivery in the Washington, DC area has been inconsistent because of concerns about anthrax contamination. States are encouraged to submit applications via e-mail.

**FOR FURTHER INFORMATION CONTACT:** The Office of Performance and Technology, Karen Staha (phone: 202-693-3031 or e-mail: [staha.karen@dol.gov](mailto:staha.karen@dol.gov)). (This is not a toll-free number.) Information may also be found at the Web site: <http://www.doleta.gov/performance>.

**SUPPLEMENTARY INFORMATION:** 19 states (see list below) have qualified to receive a share of the \$16.6 million available for incentive grant awards under WIA section 503. These funds, which were contributed by the Department of Education from appropriations for the Adult Education and Family Literacy Act and the Carl D. Perkins Vocational and Technical Education Act, are available to the states through June 30, 2007, to support innovative workforce

development and education activities that are authorized under title I (Workforce Investment Systems) or title II (the Adult Education and Family Literacy Act (AEFLA)) of WIA, or under the Perkins Act (Pub. L. 105-332, 20 U.S.C. 2301 *et seq.*). In order to qualify for a grant award, a state must have exceeded performance levels, agreed to by the Secretaries, Governor, and State Education Officer, for outcomes in WIA title I, adult education (AEFLA), and vocational education (Perkins Act) programs. The goals included placement after training, retention in employment, and improvement in literacy levels, among other measures. After review of the performance data submitted by states to the Department of Labor and to the Department of Education, each Department determined which states would qualify for incentives for its program(s). (See below for a list of the states that qualified under all three Acts.) These lists of eligible states were compared, and states that qualified under all three programs are eligible to receive an incentive grant award. The amount that each state is eligible to receive was determined by the Department of Labor and the Department of Education and is based on WIA section 503(c) (20 U.S.C. 9273(c)), and is proportional to the total funding received by these states for the three Acts.

The states eligible to apply for incentive grant awards, and the amounts they are eligible to receive, are listed below:

State	Amount of award
1. Alabama .....	\$912,153
2. Colorado .....	825,020
3. Delaware .....	776,272
4. Georgia .....	944,675
5. Iowa .....	803,173
6. Indiana .....	879,629
7. Louisiana .....	966,800
8. Maryland .....	870,909
9. Michigan .....	1,024,160
10. Minnesota .....	852,449
11. Missouri .....	891,441
12. North Dakota .....	772,770
13. Nebraska .....	783,830
14. Nevada .....	797,987
15. Oregon .....	874,471
16. Pennsylvania .....	1,076,445
17. South Carolina .....	867,055
18. South Dakota .....	773,309
19. Tennessee .....	912,500

These eligible states must submit their applications for incentive funding to the Department of Labor by June 13, 2005. As set forth in the provisions of WIA section 503(b)(2) (20 U.S.C. 9273(b)(2)), 20 CFR 666.220(b) and Training and Employment Guidance Letter (TEGL) No. 20-01, Change 3, Application Process for Workforce Investment Act (WIA) Section 503 Incentive Grants, Program Year 2003 Performance, which is available at <http://www.doleta.gov/performance>, the application must include assurances that:

A. The legislature of the state was consulted with respect to the development of the application.

B. The application was approved by the Governor, the eligible agency for adult education (as defined in section 203(4) of WIA (20 U.S.C. 9202(4))), and the state agency responsible for vocational and technical education programs (as defined in section 3(9) of Perkins III (20 U.S.C. 2302(9))).

C. The state and the eligible agency, as appropriate, exceeded the state adjusted levels of performance for WIA title I, the state adjusted levels of performance for the AEFLA, and the performance levels established for Perkins Act programs.

In addition, states are requested to provide a description of the planned use of incentive grants as part of the application process, to ensure that the state's planned activities are innovative and are otherwise authorized under the WIA title I, the AEFLA, and/or the Perkins Act as amended, as required by WIA section 503(a). TEGL No. 20-01, Change 3 provides the specific application process that states must follow to apply for these funds.

The applications may take the form of a letter from the Governor, or designee, to the Assistant Secretary of Labor, Emily Stover DeRocco, Attention: Esther R. Johnson, 200 Constitution Avenue NW., Room S-5206, Washington, DC 20210. In order to expedite the application process, states are encouraged to submit their applications electronically to Karen Staha at [staha.karen@dol.gov](mailto:staha.karen@dol.gov).

The states will receive their incentive awards by June 30, 2005.

Signed at Washington, DC, this 21st day of April, 2005.

**Emily Stover DeRocco,**

*Assistant Secretary for Employment and Training.*