

and prevailing working conditions, such as hours of work; and

4. The job opportunity contains requirements or conditions which preclude consideration of U.S. workers or which otherwise prevent their effective recruitment, such as:

a. The job opportunity is vacant because the former occupant is on strike or locked out in the course of a labor dispute involving a work stoppage or the job is at issue in a labor dispute involving a work stoppage;

b. The job opportunity's terms, conditions, and/or occupational environment are contrary to Federal, state, or local law;

c. The employer has no location within the U.S. to which domestic workers can be referred and hired for employment;

d. The employer will not pay a wage or salary for the job to be performed;

e. The job's requirements are unduly restrictive or represent a combination of duties not normal to the occupation; or

f. The employer has not recruited U.S. workers according to DOL policies and procedures.

B. If the NPC Certifying Officer issues a notice that a certification is denied or cannot be made, the Final Determination letter shall:

1. Detail the reasons why certification cannot be made;

2. If applicable, address the availability of U.S. workers in the occupation as well as the prevailing wages and working conditions of similarly employed U.S. workers in the occupation;

3. Indicate the specific DOL policies the employer should have, but did not, follow; and

4. Advise the employer of the right to appeal by submit countervailing evidence directly to the USCIS.

C. If the NPC Certifying Officer issues a temporary labor certification, it shall be for the entire duration of the temporary employment opportunity identified on the ETA Form 750, Part A. If extraordinary circumstances establish a need that requires the non-agricultural services or labor for more than one year, a new application must be filed;

D. The date on the temporary labor certification shall be the beginning and ending dates of certified employment and the date certification was granted.

The beginning date of certified employment may not be earlier than the date certification was granted.

## VI. Document Transmittal

A. After making a temporary labor certification determination, the NPC Certifying Officer shall notify the employer, in writing, of the final determination;

B. If certification is granted, the NPC Certifying Officer shall send the certified application containing the official temporary labor certification stamp and a Final Determination letter to the employer or, if appropriate, the employer's agent or attorney. The Final Determination letter shall direct the employer to submit all documents together with the employer's petition to the appropriate USCIS Office;

C. If a notice is issued that certification has been denied or cannot be made, the NPC Certifying Officer shall return one copy of the Application for Alien Employment Certification, ETA Form 750, supporting documents, and the Final Determination letter to the employer, or, if appropriate, to the employer's agent or attorney.

## VII. Appeal of Notice That A Certification Cannot Be Made

A. The finding by the NPC Certifying Officer, that a certification cannot be made, is the final decision of the Secretary of Labor and is advisory to the USCIS. There is no provision for reconsideration or appeal of the decision within DOL;

B. In accordance with the USCIS regulations at 8 CFR Part 214.2(h)(6)(iv)(E), the employer may submit countervailing evidence directly to the USCIS that qualified persons in the U.S. are not available, that the employer's need for the duties to be performed is represented as temporary, that wages and working conditions of U.S. workers will not be adversely affected, and that the DOL's employment policies were observed.

## VIII. Validity of Temporary Labor Certifications

A temporary labor certification is valid only for the number of aliens, the occupation, the area of employment, the specific occupation and duties, the period of time, and the employer specified on the Application for Alien Employment Certification, ETA Form 750.

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## DEPARTMENT OF LABOR

### Employment and Training Administration

#### Request for Certification of Compliance—Rural Industrialization Loan and Grant Program

**AGENCY:** Employment and Training Administration, Labor.

**ACTION:** Notice.

**SUMMARY:** The Employment and Training Administration is issuing this notice to announce the receipt of a "Certification of Non-Relocation and Market and Capacity Information Report" (Form 4279-2) for the following:

*Applicant/Location:* Student Assistance Foundation/Helena, Montana.

*Principal Product:* The loan, guarantee, or grant application is to construct a new primary office facility, refinance an existing office facility, and refinance land already acquired. The NAICS industry code for this enterprise is: 522294 Secondary Market Financing.

**DATES:** All interested parties may submit comments in writing no later than May 4, 2007. Copies of adverse comments received will be forwarded to the applicant noted above.

**ADDRESSES:** Address all comments concerning this notice to Anthony D. Dais, U.S. Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW., Room S-4231, Washington, DC 20210; or e-mail [Dais.Anthony@dol.gov](mailto:Dais.Anthony@dol.gov); or transmit via fax 202-693-3015 (this is not a toll-free number).

**FOR FURTHER INFORMATION CONTACT:** Anthony D. Dais, at telephone number (202) 693-2784 (this is not a toll-free number).

**SUPPLEMENTARY INFORMATION:** Section 188 of the Consolidated Farm and Rural Development Act of 1972, as established under 29 CFR part 75, authorizes the United States Department of Agriculture (USDA) to make or guarantee loans or grants to finance industrial and business activities in rural areas. The Secretary of Labor must review the application for financial assistance for the purpose of certifying to the Secretary of Agriculture that the assistance is not calculated, or likely, to result in: (a) A transfer of any employment or business activity from one area to another by the loan applicant's business operation; or, (b) An increase in the production of goods, materials, services, or facilities in an area where there is not sufficient demand to employ the efficient capacity of existing competitive enterprises unless the financial assistance will not have an adverse impact on existing competitive enterprises in the area. The Employment and Training Administration (ETA) within the Department of Labor is responsible for the review and certification process. Comments should address the two bases for certification and, if possible, provide data to assist in the analysis of these issues.

Signed at Washington, DC, this 16th day of April, 2007.

**Gay M. Gilbert,**

*Administrator, Office of Workforce Investment, Employment and Training Administration.*

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## DEPARTMENT OF LABOR

### Employment and Training Administration

#### Employment and Training Administration Workforce Investment Act—Migrants and Seasonal Farmworkers Program—Solicitation for Grant Applications—National Farmworker Jobs Program, Housing Assistance for Program Year 2007

**AGENCY:** U.S. Department of Labor, Employment and Training Administration.

**ACTION:** New. Initial announcement of a grant competition for operating the Housing Assistance portion of the National Farmworker Jobs Program (NFJP), under section 167 of the Workforce Investment Act of 1998 (WIA), 29 U.S.C. 2912.

*Funding Opportunity Number: SGA/DFA-PY 06-05.*

*Catalog of Federal Domestic Assistance (CFDA) Number: 17.264.*

**SUMMARY:** The U.S. Department of Labor (the Department or DOL), Employment and Training Administration (ETA), Office of Workforce Investment (OWI), Division of Adult Services (DAS), announces a grant competition for operating the housing assistance portion of the National Farmworker Jobs Program (NFJP), under section 167 of the Workforce Investment Act of 1998 (WIA), 29 U.S.C. 2912. All applicants for grant funds should read this notice in its entirety.

Section 167, paragraph (a) of WIA requires the Secretary to award grants or contracts on a competitive basis to eligible entities for the purposes of carrying out the activities authorized under section 167. Although housing assistance is identified in WIA as one of the allowable activities under the NFJP, Congressional appropriations language directs the Department to make available a specific amount of the funds appropriated for the NFJP for migrant and seasonal farmworkers housing assistance grants, and that no less than 70 percent of the specified amount must be used for permanent housing activities. Therefore, under this solicitation, of the \$4,950,000 appropriated for NFJP Housing

assistance, approximately \$3,465,000 will be available for permanent housing assistance and approximately \$1,485,000 for temporary and/or emergency housing assistance.

**DATES: Key Dates:** The closing date for receipt of applications under this announcement is May 29, 2007. Applications must be received at the address below no later than 5 p.m. Eastern Time.

**ADDRESSES:** Applications must be directed to the U.S. Department of Labor, Employment and Training Administration, Division of Federal Assistance, Attention: James Stockton, Room N-4673, 200 Constitution Avenue, NW., Washington, DC 20210.

#### SUPPLEMENTARY INFORMATION:

##### Supplementary Information

##### *Funding Opportunity Description*

The U.S. Department of Labor, Employment and Training Administration, Office of Workforce Investment (OWI), Division of Adult Services (DAS), is requesting applications for grants to operate the housing assistance portion of the National Farmworker Jobs Program (NFJP) in accordance with Section 167 of WIA, 29 U.S.C. 9201. The NFJP serves economically disadvantaged persons who primarily depend on employment in agricultural labor performed within the United States, including Puerto Rico, and who experience chronic unemployment or underemployment. Housing assistance is a supportive service offered to assist migrant and seasonal farmworkers to retain employment or enter into or complete training. Funds for housing assistance activities are made available through the NFJP appropriation included in the FY 2007 Continuing Appropriations Resolution, Pub. L. 110-5.

Housing assistance under the NFJP became available three decades ago as a tool to improve economic outcomes for farmworkers and was included as one of a number of supportive services to assist farmworkers to retain employment or enter into and/or remain in training. The NFJP regulations consider housing assistance one of a number of related assistance and/or supportive services available to eligible farmworkers through the NFJP (20 CFR 669.430). Over time, however, a strong link between the provision of housing assistance and achievement of employment, training, and earnings has eroded.

To once again establish a strong link between housing assistance activities and improved economic outcomes for farmworkers, the Department engaged in

a dialogue with current and former housing assistance grantees to develop a set of principles and definitions of housing assistance that renewed the focus on employment and training objectives in future solicitations/competitions. The results of the dialogue are the Guiding Principles and Definitions that follow. Please note that a factor in scoring applications will be how well these Principles are applied to the proposed plan of services requested by this solicitation. The Definitions are intended to provide clarity for applicants as they develop their applications, and will also be factored into the scoring of the applications.

##### *Guiding Principles*

Housing Assistance Should Leverage Improved Economic Outcomes for Farmworkers

Housing assistance should enable migrant and seasonal farmworkers to retain employment, enter into, or complete job training activities, and improve their earnings. Housing is a service that supports the economic objectives of the NFJP.

Housing Assistance Services, and the Strategies Used To Deliver Them, Should Meet the Needs of All Farmworkers

Farmworkers seeking to improve their economic future have diverse housing needs. Moreover, these needs are not static but change over time. Strategies used to meet these diverse and dynamic housing assistance needs must be flexible and based on a mix of permanent and temporary housing and emergency assistance solutions tailored to regional and local needs.

Housing Developed With WIA 167 (NFJP) Funding Should Be Actively Marketed, and Broadly Accessible, to NFJP-Eligible Farmworkers

While occupancy of year-round and migrant rental units is not restricted to NFJP-eligible farmworkers, the strong link between housing assistance and the economic objectives of the NFJP should translate directly into broad access by NFJP farmworkers to housing assistance. Providing housing assistance to NFJP-eligible farmworkers should be a priority.

##### *Definitions*

*Permanent Housing* (and its corresponding housing assistance services) is defined as housing intended to be owner-occupied, or occupied on a permanent, year-round basis (notwithstanding ownership) as the farmworker's primary residence to which he/she typically returns at the