

<b>EMPLOYMENT AND TRAINING ADMINISTRATION ADVISORY SYSTEM U.S. DEPARTMENT OF LABOR Washington, D.C. 20210</b>	<b>CLASSIFICATION</b> Foreign Labor Certification
	<b>CORRESPONDENCE SYMBOL</b> OFLC
	<b>ISSUE DATE</b> December 18, 2007

**ADVISORY:** FOREIGN LABOR CERTIFICATION  
TRAINING AND EMPLOYMENT GUIDANCE LETTER NO. 14-07

**TO:** STATE WORKFORCE AGENCY ADMINISTRATORS

**FROM:** EMILY STOVER DeROCCO  
Assistant Secretary 

**SUBJECT:** Fiscal Year (FY) 2008 Alien Labor Certification Grants – State Workforce Agency Allocations Under Continuing Budget Resolution Effective Through December 21, 2007

1. **Purpose.** To advise State Workforce Agencies (SWAs) of their Alien Labor Certification (ALC) grant allocations under the FY 2008 Continuing Resolution (CR) in effect December 15, 2007, through December 21, 2007.

2. **References.**

- Immigration and Nationality Act (INA) Sections 101(a), 212(n) and (t), 214(c), and 218
- U.S. Citizenship and Immigration Services regulation at 8 CFR 214.2(h)
- Wagner-Peyser Act Section 7(d)
- 29 CFR Part 93
- OMB Circular A-87
- Employment and Training Administration (ETA) Handbook No. 385, Wage Finding Process, August 1981
- Guide for Employment Service Reimbursable Grant Activities
- ETA Handbook No. 398, H-2A Program Handbook, January 1988
- Prevailing Wage Determination Policy Guidance for Nonagricultural Immigration Programs, May 2005
- Training and Employment Guidance Letter No. 04-06  
**Subject:** Plans to Phase out Penalty Mail Costs for “Employment Security” Programs and Availability of Supplemental Budget Funds for Conversion to Commercial Mail Methods
- Other ETA instructions as noted

<b>RESCISSIONS</b>	<b>EXPIRATION DATE</b> December 21, 2007
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3. **Background.** Each fiscal year, upon the enactment of appropriations legislation for the Department of Labor, the Employment and Training Administration (ETA), through the Office of Foreign Labor Certification, advises SWAs on the ALC grant distribution for the fiscal year, subject to submission and approval of workplans and meeting other criteria for funding. ETA guidance is designed to assist SWAs in their financial planning and, assuming ETA approves their workplans, to outline each state's procedural and programmatic obligations under the grant.

In the absence of final FY 2008 appropriations action to date – including a final Appropriations Act for the Department of Labor – the Congress has authorized and the President has signed a CR to fund Government operations at the FY 2007 rate from December 15 through December 21, 2007. Two previous CRs, combined, funded programs from October 1 through December 14, 2007. With respect to the Department of Labor, the CR includes funding for state ALC activities under the Department's State Unemployment Insurance Employment Service Operations account. The attachment to this TEGL lists the grant allocation for each state under the current CR.

Based on longstanding practice, once the Department receives a final FY 2008 appropriation, it will issue detailed planning guidance to SWAs. For SWAs' planning to apply for FY 2008 ALC funding or that have, by that time, used ALC funding distributed under an FY 2008 CR, the issuance of the planning guidance triggers an obligation to immediately submit a workplan in order to demonstrate continuing eligibility under the annual grant.

As appropriate, prior to final FY 2008 appropriations action, ETA will, to the extent feasible, advise SWAs of the amounts they will receive under each CR. Following the issuance of this TEGL, SWAs will receive additional information from the ETA Office of Grants and Contracts Management as their respective allocations become available for their use.

4. **Effective Date.** This guidance is effective immediately.
5. **Action Required.** SWA Administrators are directed to provide SWA staff involved in foreign labor certification activities with a copy of these procedures.
6. **Inquiries.** Grant funding questions should be directed to Julie Cerruti at (202) 693-3010. Program-related questions should be directed to Brian Pasternak at (202) 693-3010.
7. **Attachment.**

**FY 2008 Foreign Labor Certification Grant Allocations**  
Under Continuing Budget Resolution in Effect December 15 - December 21, 2007

<b>State Workforce Agency</b>	<b>FY 2008 -- 3rd CR Distribution</b>
Alabama	1,181
Alaska	1,080
Arizona	4,044
Arkansas	1,248
California	36,871
Colorado	3,515
Connecticut	3,938
Delaware	1,498
Florida	8,893
Georgia	8,273
Guam	1,012
Hawaii	1,012
Idaho	3,215
Illinois	6,422
Indiana	1,080
Iowa	1,214
Kansas	1,817
Kentucky	4,971
Louisiana	2,468
Maine	4,420
Maryland	7,716
Massachusetts	11,702
Michigan	4,485
Minnesota	1,529
Mississippi	1,417
Missouri	1,887
Montana	1,147
Nebraska	1,591
Nevada	1,220
New Hampshire	1,322
New Jersey	9,151
New Mexico	1,248
New York	20,831
North Carolina	3,076
North Dakota	1,381
Ohio	3,098
Oklahoma	1,181
Oregon	1,313
Pennsylvania	8,517
Puerto Rico	1,012
Rhode Island	1,080
South Carolina	1,360
South Dakota	1,214
Tennessee	2,532
Texas	14,294
Utah	1,499
Vermont	1,543
Virgin Islands	1,012
Virginia	12,863
Washington	3,168
Washington DC	1,782
West Virginia	1,113
Wisconsin	1,937
Wyoming	1,113
<b>Total</b>	<b>229,508</b>