

National Commissioners pursuant to a reference under 28 CFR 2.27. These cases were originally heard by an examiner panel wherein inmates of Federal prisons have applied for parole and are contesting revocation of parole or mandatory release.

**AGENCY CONTACT:** Thomas W. Hutchison, Chief of Staff, United States Parole Commission, (301) 492-5990.

Dated: April 7, 2004.

**Rockne Chickinell,**

*General Counsel.*

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## 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) 2004 NFJP, request for comments.

**SUMMARY:** Under section 182(d) of the WIA of 1998, ETA is publishing the PY 2004 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, 2004.

**DATES:** Comments must be submitted on or before May 31, 2004.

**ADDRESSES:** Comments should be sent to Ms. 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:** Ms. 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, we published a notice of a new formula for allocating funds available for the NFJP in the **Federal Register** at 64 FR 27390. The notice explains how the formula achieves its purpose of 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 formula consists of a rational combination of multiple data sets that were selected to yield the relative share distribution of eligible farmworkers. The combined-data formula is substantially more relevant to the purpose of aligning the allocations with the eligible population than the allocations determined by the prior formula.

Under the notice of May 19, 1999, the implementation schedule for the allocation formula provided that, following PY 2002, the formula would be applied without adjustment for the hold-harmless provisions described in Section IV of that notice. However, House Report No. 108-188 related to the Consolidated Appropriations Act for PY 2004, requires that in PY 2004, no area receive less than 85 percent of its 1998 level. Section III explains the methodology used for PY 2004 to allocate funds under the formula and to satisfy the 85 percent requirement. This methodology produces a more equitable result than the one applied for each of the four years of the hold-harmless phase. The methodology under the hold-harmless phase (PYs 1999 through 2002) funded *all* states at their required minimum level before allocating the remaining funds in accordance with the formula.

**II. Limitations on Uses of Section 167 Funds.** In appropriating the funds for PY 2004, Congress provided in its Consolidated Appropriations Act 108-199 as follows: "That, notwithstanding any other provision of law or related regulation, \$77,330,000 shall be for carrying out discretionary purposes. \* \* \*" The Act includes a 0.59 percent across-the-board rescission requirement. A total of \$71,786,943 for formula grants is allocated as a result of applying this requirement.

**III. PY 2004 Allocation Formula.** The first step of the formula for PY 2004

distributes the total formula funds of \$71,786,943 on the basis of the relative share of eligible farmworkers as determined by the combined datasets of the formula described in the May 19, 1999, notice. Congress provided in House Report 108-188, which concerns the appropriations for PY 2004, that those states impacted by formula reductions would receive no less than 85 percent of their comparable 1998 allocation levels. Consequently, the amount for each state calculated in step one was compared to an amount equal to 85 percent of each state's PY 1998 allocation. If the 1998 comparison level was higher for a state, that amount was assigned to that state. All such states' assigned 1998 comparison levels were added and these states were removed from the remaining calculations. For the remaining states whose formula amounts were higher than their PY 1998 allocations, their formula amounts were added and the total was compared to the total amount of remaining funds. Since there were less funds remaining available, each remaining state's formula amount was reduced by the same proportion the total remaining available funds bore to the total remaining states' formula amounts. This reduced distribution was again tested against the 1998 comparison level and the above process was repeated until there were no remaining states being assigned the 1998 comparison level. Each state's final allocation was either the assigned 1998 comparison level or the final proportionally reduced formula amount.

**IV. State Combinations.** We anticipate a single plan of service for operating the PY 2004 NFJP in the jurisdiction comprised of Delaware and Maryland and the jurisdiction comprised of Rhode Island and Connecticut.

**PY 2004 Allocation:** The "Allocation Table" provides the allocations for the NFJP in PY 2004. NFJP grantees will use these figures in preparing in PY 2004 grant plans.

Signed at Washington, DC, this 29th day of March 2004.

**Emily Stover DeRocco,**

*Assistant Secretary for Employment and Training.*

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U. S. Department of Labor  
Employment and Training Administration  
**National Farmworker Jobs Program**  
**PY 2004 Allocations to States**

State	Allocation
<b>Total</b> .....	<b>\$71,786,943</b>
Alabama .....	673,060
Alaska .....	0
Arizona .....	1,648,433
Arkansas .....	992,298
California .....	19,240,521
Colorado .....	951,549
Connecticut .....	291,174
Delaware .....	120,711
Dist of Columbia .....	0
Florida .....	3,936,703
Georgia .....	1,454,873
Hawaii .....	213,866
Idaho .....	1,034,710
Illinois .....	1,366,190
Indiana .....	888,991
Iowa .....	1,117,235
Kansas .....	1,034,325
Kentucky .....	1,149,721
Louisiana .....	676,627
Maine .....	278,287
Maryland .....	348,797
Massachusetts .....	298,373
Michigan .....	905,509
Minnesota .....	1,083,559
Mississippi .....	1,231,687
Missouri .....	936,141
Montana .....	567,111
Nebraska .....	1,047,378
Nevada .....	170,676
New Hampshire .....	96,797
New Jersey .....	669,757
New Mexico .....	896,446
New York .....	1,573,067
North Carolina .....	2,555,103
North Dakota .....	584,378
Ohio .....	1,212,381
Oklahoma .....	1,224,269
Oregon .....	1,392,460
Pennsylvania .....	1,486,108
Puerto Rico .....	2,696,308
Rhode Island .....	37,232
South Carolina .....	918,090
South Dakota .....	588,939
Tennessee .....	814,129
Texas .....	6,421,730
Utah .....	276,233
Vermont .....	181,164
Virginia .....	880,975
Washington .....	2,168,988
West Virginia .....	186,426
Wisconsin .....	1,044,821
Wyoming .....	222,637