

purposes is not necessary for the proper and efficient administration of a state's UC law, the costs of collecting those taxes may not be charged to Title III grants.

Departmental regulations at 29 CFR 97.22(b) provide that, for purposes of determining allowable costs under a grant to a state (including the Title III grant), the Department will follow the cost principles in OMB Circular A-87. Section C.3 of Attachment A of the Circular provides that—

(a) A cost is allocable to a particular cost objective if the goods or services involved are chargeable or assignable to such cost objective in accordance with relative benefits received.

\* \* \*

(d) Where an accumulation of indirect costs will ultimately result in charges to a Federal award, a cost allocation plan will be required. \* \* \*

Applying these principles to Title III grants, a cost allocation plan must be developed whenever a state UC agency incurs costs for a "cost objective" unrelated to the administration of the UC program. Collection of a tax that is not used entirely for Title III (that is, UC) purposes is such a cost objective.

#### 5. Application.

a. *In general.* Whenever a state UC agency collects a tax that is not used entirely for UC purposes, the state must obtain the cognizant Federal agency's approval of its plan for allocating the costs of assessing, processing, and collecting the tax. The following indicates whether Title III grants may be used to collect a tax and whether collection of the particular tax requires a plan for allocating costs:

- Title III grants may be used to administer a tax when all revenues from the tax are (1) deposited in the state's unemployment fund to be used for the payment of compensation, (2) used to pay interest on advances under Title XII, SSA, or (3) used for the administration of the UC program. No cost allocation plan is required.

- Title III funds may not be used for any costs of collecting a tax that is used entirely for non-UC purposes, such as administering other workforce programs (including providing employment services to UC claimants), job training, economic development, temporary disability payments, health related benefits, or state income tax. A cost allocation plan is required.

- Title III grants may be used in proportion to the benefit received by the UC program if a portion of the revenues of a tax are used for UC purposes and a portion for non-UC purposes. A cost allocation plan is required.

Cost allocation plans addressing taxes will generally be included with the state's annual submission of its Indirect Cost Rate Proposal. However, in some cases (such as newly enacted taxes that are assessed immediately after enactment), it will be necessary to submit the tax plan as soon as possible to assure proper allocation of costs.

b. *Taxes which might be used for UC purposes.* Many state UC agencies collect taxes which permit (but do not require) the revenues, or a part thereof, to be used for UC purposes. As a result, there is no guarantee that the UC program will receive any benefit

from these taxes. For any year in which such taxes are collected, the state's cost allocation plan will need to address, to the extent possible and taking into account prior history regarding the tax's revenues, whether any of the revenues will be used for UC purposes.

c. *Penalty mail.* When a UC agency collects a tax that is not solely restricted to UC purposes, penalty mail, as defined in 39 U.S.C. 3201(1), must not be used for any mailing related to the tax, whether or not the mailing also includes UC material. When a state UC agency collects a tax (or taxes) for other than UC purposes, the allocation of postage costs between the programs supported by the tax (or taxes) must be addressed in the state's cost allocation plan.

d. *Use of non-UC grants and state financing.* Funds granted for administering the Wagner-Peyser Act and the Workforce Investment Act are restricted to activities in support of the specific purposes set forth in those Acts. Unlike Federal UC law, these Acts do not authorize the collection of taxes, even if tax revenues enhance program activities performed under either of these Acts. As a result, funds granted under these Acts may not under any circumstances be used to collect any tax revenues. Aside from any Federal limitations on the use of granted funds, states are otherwise free to determine how to finance the costs of collecting non-UC or mixed-use taxes. States may use state general revenues or deduct the costs of collection from the revenues generated by the non-UC or mixed-use tax.

e. *Identification of taxes for FUTA credit purposes.* States must assure that employers are aware that only contributions deposited in the state's unemployment fund may be used to obtain credit against the Federal unemployment tax. See UIPL 25-92. (This matter does not need to be addressed in the cost allocation plan.)

6. *Action required.* Administrators should distribute this advisory to appropriate staff.

7. *Inquiries.* Please direct questions to the appropriate Regional Office.

[FR Doc. E5-6387 Filed 11-17-05; 8:45 am]

BILLING CODE 4510-30-P

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## LEGAL SERVICES CORPORATION

### Sunshine Act Meeting of the Board of Directors

#### Amended Notice; Technical Correction to the Agenda

##### Notice

The Legal Services Corporation (LSC) is announcing a technical amendment to the notice of a meeting of the Board of Directors. The amendment is being made to reflect a technical correction to the meeting Agenda. There are no other changes.

Specifically, the following correction has been made to the agenda.

- The language at item 2 has been corrected to read: "Consider and act on Board of Directors' response to the LSC

Inspector General's Semiannual Report to Congress for the period of April 1, 2005 through September 30, 2005." [Emphasis added.]

**TIME AND DATE:** November 28, 2005 at 12 p.m. (e.s.t.).

**LOCATION:** The Legal Services Corporation, 3333 K Street, NW., Washington, DC, 3rd Floor.

**STATUS OF MEETING:** Open.

#### Amended Agenda

#### MATTERS TO BE CONSIDERED:

##### Open Session

1. Approval of the agenda.
2. Consider and act on Board of Directors' response to the LSC Inspector General's Semiannual Report to Congress for the period of April 1, 2005 through September 30, 2005.
3. Consider and act on other business.
4. Public comment.
5. Consider and act on adjournment of meeting.

#### FOR FURTHER INFORMATION CONTACT:

Patricia D. Batie, Manager of Board Operations, at (202) 295-1500.

*Special Needs:* Upon request, meeting notices will be made available in alternate formats to accommodate visual and hearing impairments. Individuals who have a disability and need an accommodation to attend the meeting may notify Patricia D. Batie, at (202) 295-1500.

Dated: November 16, 2005.

**Victor M. Fortunio,**

*Vice President for Legal Affairs, General Counsel & Corporate Secretary.*

[FR Doc. 05-23034 Filed 11-16-05; 3:13 pm]

BILLING CODE 7050-01-P

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## MILLENNIUM CHALLENGE CORPORATION

[MCC FR 05-19]

### Report on the Selection of Eligible Countries for Fiscal Year 2006

**AGENCY:** Millennium Challenge Corporation.

**SUMMARY:** Section 608(d) of the Millennium Challenge Act of 2003, Pub. L. 108-199 (Division D) requires the Millennium Challenge Corporation to publish a report that lists the countries determined by the Board of Directors of the Corporation to be eligible for assistance for Fiscal Year 2006. The report is set forth in full below.

## Report on the Selection of Eligible Countries for Fiscal Year 2006

### Summary

This report is provided in accordance with Section 608(d)(2) of the Millennium Challenge Act of 2003, Pub. L. 108–199, Division D, (the “Act”).

The Act authorizes the provision of Millennium Challenge Account (“MCA”) assistance under Section 605 of the Act to countries that enter into Compacts with the United States to support policies and programs that advance the progress of such countries in achieving lasting economic growth and poverty reduction and are in furtherance of the Act. The Act requires the Millennium Challenge Corporation (“MCC”) to take a number of steps to determine the countries that, based, to the maximum extent possible, on their demonstrated commitment to just and democratic governance, economic freedom and investing in their people, will be eligible to receive MCA assistance for a fiscal year. These steps include the submission of reports to appropriate congressional committees and the publication of notices in the **Federal Register** that identify, among other things:

1. The “candidate countries” for MCA assistance for a fiscal year and all countries that would be candidate countries if they met the requirement of Section 606(a)(1)(B) (Section 608(a) of the Act);
2. The eligibility criteria and methodology that the MCC Board of Directors (the “Board”) will use to select “eligible countries” from among the “candidate countries” (Section 608(b) of the Act); and
3. The countries determined by the Board to be “eligible countries” for a fiscal year, the countries on the list of eligible countries with which the Board will seek to enter into MCA “Compacts” and a justification for the decisions regarding eligibility and selection for negotiation (Section 608(d)(1) of the Act).

This is the third of the above-described reports by MCC. This report is for Fiscal Year 2006 (“FY06”). It identifies countries determined by the Board to be eligible under Section 607 of the Act for FY06 and those that the Board will seek to enter into MCA Compacts under Section 609 of the Act, and the justification for such decisions.

### Eligible Countries

The Board met on November 8, 2005, to select countries that will be eligible for MCA assistance under Section 607 of the Act for FY06. The Board determined the following countries as eligible for

such assistance for FY06: Armenia, Benin, Bolivia, Burkina Faso, Cape Verde, East Timor, El Salvador, The Gambia, Georgia, Ghana, Honduras, Lesotho, Madagascar, Mali, Mongolia, Morocco, Mozambique, Namibia, Nicaragua, Senegal, Sri Lanka, Tanzania, and Vanuatu.

In accordance with the Act and with the “Report on the Criteria and Methodology for Determining the Eligibility of Candidate Countries for Millennium Challenge Account Assistance in FY 2006” submitted to the Congress on September 6, 2005, selection was based primarily on a country’s overall performance in relation to three broad policy categories: Ruling Justly, Encouraging Economic Freedom, and Investing in People. The Board relied on sixteen publicly available indicators to assess policy performance and demonstrated commitment in these three areas, to the maximum extent possible, for determining which countries would be eligible for assistance. In determining eligibility, the Board considered if a country performed above the median in relation to its peers on at least half of the indicators in each of the three policy categories and above the median on corruption and, if the country performed substantially below the median on any indicator, whether it is taking appropriate action to address the shortcomings.

The Board also considered whether any adjustments should be made for data gaps, lags, trends, recent events since the indicators were published, and strengths or weaknesses in particular indicators. Where appropriate, the Board took into account additional quantitative and qualitative information, such as evidence of a country’s commitment to fighting corruption and promoting democratic governance, its economic policies to promote the sustainable management of natural resources, and the rights of people with disabilities. In addition, the Board considered the opportunity to reduce poverty, promote economic growth and have a transformational impact in a country in light of the overall context of the information available to it as well as the availability of appropriated funds.

Sixteen of the countries selected as eligible for MCA assistance for FY06 were in the low income category and were previously selected as eligible in FY04 and/or FY05: Armenia, Benin, Bolivia, Ghana, Georgia, Honduras, Lesotho, Madagascar, Mali, Mongolia, Morocco, Mozambique, Nicaragua, Senegal, Sri Lanka, and Vanuatu. On November 8, 2005, the Board re-selected these countries based on their continued

performance since their prior selection, most notably in the areas outlined in MCC’s Report on the Selection of MCA Eligible Countries for FY 2004 and FY 2005, previously submitted to Congress on May 7, 2004 and November 12, 2004, respectively. The Board also determined that no material change has occurred in the performance of these countries on the selection criteria since the FY05 selection that would justify not including them in the FY06 eligible country list.

Six new countries were selected for the first time in FY06, which included (i) Four in the “low income” category under Section 606(a) of the Act: Burkina Faso, East Timor, Tanzania and The Gambia and (ii) two in the “lower middle income” category under Section 606(b) of the Act: El Salvador and Namibia. Each of these countries (i) Performed above the median in relation to their peers on at least half of the indicators in each of the three policy categories, (ii) performed above the median on corruption and (iii) in cases where they performed substantially below the median on an indicator, there was either evidence that the data did not adequately reflect their policy performance or that the government was taking corrective action to address the problem. The Board also selected Cape Verde in the lower middle income category. Cape Verde was selected as a low income eligible country in FY04 but was not a candidate in FY05 because it exceeded the per capita income threshold for that year. Although Cape Verde “passes” only two of the six indicators in the “Economic Freedom” category, this was because the International Finance Corporation does not yet include Cape Verde in its Doing Business survey. As a result, there was no data for Cape Verde on two indicators: “Cost of a Business” and “Days to Start a Business.” Based on supplemental information available to MCC, we believe that, had this data been collected, Cape Verde would have “passed” this category and, indeed, have been one of the highest performing of the lower middle income countries. A number of countries that performed well on the quantitative elements of the selection criteria (*i.e.*, on the policy indicators) were not chosen as eligible countries for FY06. As discussed above, the Board considered a variety of factors in addition to the country’s performance on the policy indicators in determining whether they were appropriate candidates for assistance (*e.g.*, the country’s commitment to fighting corruption and promoting democratic governance; the availability of

appropriated funds; and in which countries MCC would likely have the best opportunity to reduce poverty, generate economic growth and have a transformational impact).

#### Selection for Compact Negotiation

The Board also authorized MCC to seek to negotiate an MCA Compact, as described in Section 609 of the Act, with each of the eligible countries identified above that develops a proposal that justifies beginning such negotiations. MCC will initiate the process by inviting newly eligible countries to submit program proposals to MCC (previously eligible countries will not be asked to submit another proposal for FY06 assistance). MCC has posted guidance on the MCC Web site ([www.mcc.gov](http://www.mcc.gov)) regarding the development and submission of MCA program proposals. Submission of a proposal is not a guarantee that MCC will finalize a Compact with an eligible country. Any MCA assistance provided under Section 605 of the Act will be contingent on the successful negotiation of a mutually agreeable Compact between the eligible country and MCC, approval of the Compact by the Board, and availability of funds.

Dated: November 14, 2005.

**Jon A. Dyck,**

*Vice President and General Counsel,  
Millennium Challenge Corporation.*

[FR Doc. 05-22840 Filed 11-17-05; 8:45 am]

BILLING CODE 9210-01-P

#### NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

##### Draft NARA Guidance for Implementing Section 207(e) of the E-Government Act of 2002; Request for Comment; Correction

**AGENCY:** National Archives and Records Administration (NARA).

**ACTION:** Notice of availability of document; request for comment; correction.

**SUMMARY:** NARA published a notice in the November 14, 2005, **Federal Register** [70 FR 69165] seeking public comment on the draft NARA Guidance for Implementing Section 207(e) of the E-Government Act of 2002. The **DATES** paragraph was incorrect. Comments are due no later than November 30, 2005.

**DATES:** Comments must be received by November 30, 2005.

#### FOR FURTHER INFORMATION CONTACT:

Nancy Allard at 301-837-1477 or via e-mail at [nancy.allard@nara.gov](mailto:nancy.allard@nara.gov).

**SUPPLEMENTARY INFORMATION:** In FR Doc. 05-22527 appearing in the third column on page 69165, the **DATES** paragraph is corrected to read:

Dates: Comments must be received by November 30, 2005.

Dated: November 15, 2005.

**Nancy Y. Allard,**

*Federal Register Liaison.*

[FR Doc. 05-22974 Filed 11-16-05; 11:05 am]

BILLING CODE 7515-01-P

#### RAILROAD RETIREMENT BOARD

##### Agency Forms Submitted for OMB Review

*Summary:* In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Railroad Retirement Board (RRB) has submitted the following proposal(s) for the collection of information to the Office of Management and Budget for review and approval.

##### Summary of Proposal(s)

- (1) *Collection title:* Evidence of Marital Relationship—Living with Requirements.
- (2) *Form(s) submitted:* G-124, G-124a, G-237, G-238, and G-238a.
- (3) *OMB Number:* 3220-0021.
- (4) *Expiration date of current OMB clearance:* January 31, 2006.
- (5) *Type of request:* Extension of a currently approved collection.
- (6) *Respondents:* Individuals or households.
- (7) *Estimated annual number of respondents:* 1,100.
- (8) *Total annual responses:* 1,100.
- (9) *Total annual reporting hours:* 196.
- (10) *Collection description:* Under the RRA, to obtain a benefit as a spouse of an employee annuitant or as the widow(er) of the deceased employee, applicants must submit information to be used in determining if they meet the marriage requirements for such benefits. The collection obtains information supporting claimed common-law marriage, termination of previous marriages and residency requirements.

*Additional Information or Comments:* Copies of the forms and supporting documents can be obtained from Charles Mierzwa, the agency clearance officer (312-751-3363) or [Charles.Mierzwa@rrb.gov](mailto:Charles.Mierzwa@rrb.gov). Comments regarding the information collection should be addressed to Ronald J. Hodapp, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois, 60611-2092 or [Ronald.Hodapp@rrb.gov](mailto:Ronald.Hodapp@rrb.gov) and to the

OMB Desk Officer for the RRB, at the Office of Management and Budget, Room 10230, New Executive Office Building, Washington, DC 20503.

**Charles Mierzwa,**

*Clearance Officer.*

[FR Doc. 05-22833 Filed 11-17-05; 8:45 am]

BILLING CODE 7905-01-P

#### RAILROAD RETIREMENT BOARD

##### Agency Forms Submitted for OMB Review

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Railroad Retirement Board (RRB) has submitted the following proposal(s) for the collection of information to the Office of Management and Budget for review and approval.

##### Summary of Proposal(s)

- (1) *Collection title:* Annual Earnings Questionnaire for Annuitants in Last Pre-Retirement Non-Railroad Employment.
- (2) *Form(s) submitted:* G-19L.
- (3) *OMB Number:* 3220-0179.
- (4) *Expiration date of current OMB clearance:* February 28, 2006.
- (5) *Type of request:* Revision of a currently approved collection.
- (6) *Respondents:* Individuals or households.
- (7) *Estimated annual number of respondents:* 300.
- (8) *Total annual responses:* 300.
- (9) *Total annual reporting hours:* 75.
- (10) *Collection description:* Under section 2(e)(3) of the Railroad Retirement Act, an annuity is not payable for any month in which the beneficiary works for a railroad or earns more than the prescribed amounts. The collection obtains earnings information needed by the Railroad Retirement Board to determine possible reductions in annuities because of earnings.

*Additional Information or Comments:* Copies of the forms and supporting documents can be obtained from Charles Mierzwa, the agency clearance officer (312-751-3363) or [Charles.Mierzwa@rrb.gov](mailto:Charles.Mierzwa@rrb.gov). Comments regarding the information collection should be addressed to Ronald J. Hodapp, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois, 60611-2092 or [Ronald.Hodapp@rrb.gov](mailto:Ronald.Hodapp@rrb.gov) and to the OMB Desk Officer for the RRB, at the Office of Management and Budget,

*Additional Information or Comments:* Copies of the forms and supporting documents can be obtained from Charles Mierzwa, the agency clearance officer (312-751-3363) or [Charles.Mierzwa@rrb.gov](mailto:Charles.Mierzwa@rrb.gov).

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