

for funds covered by this solicitation, and how grantees will be selected.

**DATES:** The grant policies and procedures described in these guidelines are effective immediately, and remain in effect until further notice. Funds are available for obligation by the Secretary of Labor (the Secretary) under 29 U.S.C. 2916. Applications for grant awards will be accepted immediately upon publication of this notice in the **Federal Register**. It is anticipated that review panels will begin to convene to evaluate applications 60 days after publication.

**ADDRESSES:** Applications must be mailed to the U.S. Department of Labor, Employment and Training Administration, Division of Federal Assistance, Attention: Ella Freeman, SGA/DFA 03-100, 200 Constitution Avenue, NW., Room S-4203, Washington, DC 20210. Telefacsimile (FAX) applications will not be accepted. Applicants are advised that mail delivery in the Washington area may be delayed due to mail decontamination procedures.

**FOR FURTHER INFORMATION CONTACT:** Ella Freeman, Grants Management Specialist, Division of Federal Assistance, Telephone (202) 693-3301. (This is not a toll free number.) You must specifically ask for Ella Freeman.

**SUPPLEMENTARY INFORMATION:** The Employment and Training Administration (ETA), U.S. Department of Labor (DOL), announces the availability of grant funds for technical skills training for employed and unemployed American workers. These grants are financed by a user fee paid by employers to bring foreign workers into the U.S. on a temporary basis to work in high skill or specialty occupations. As part of the H-1B non-immigrant visa program, this technical skills training program was established under the American Competitiveness and Workforce Improvement Act of 1998 (ACWIA 1998) as amended by the American Competitiveness in the Twentieth Century Act of 2000 (ACWIA 2000) and companion legislation. The grants are a long-term solution to domestic skill shortages in high skill and high technology occupations—raising the technical skill levels of American workers so they can take advantage of the new technology-related, high skills employment opportunities. This will, in turn, help businesses reduce their dependence on skilled foreign professionals permitted to work in the U.S. on a temporary basis under the H-1B visa program. H-1B technical skills grants are focused on

directly addressing the high skill technology shortages of American businesses; they are not intended to address labor shortages due to reasons other than technical skill shortages. Grant awards will be made only to the extent that funds are available.

The Act creates a two-part eligibility and funding system for the program. Seventy-five (75%) percent of the available grant funds will be awarded to Local Boards established under section 117 of the Workforce Investment Act (WIA) that will carry out such programs or projects through the One-Stop delivery systems established under section 121 of WIA, or regional consortia of Local Boards. Regional consortia of boards may be interstate. Each Local Board or consortium of boards receiving grant funds must represent a local or regional public-private partnership that is comprised of at least (i) One Local Board; (ii) one business or business-related non-profit organization such as a trade association; and (iii) one community-based organization or higher education institution or labor union. This notice governs the process for awarding the 75 percent funds.

The remaining 25 percent of the available funds will be awarded to business partnerships that consist of at least two businesses or a business-related nonprofit organization that represents more than one business. The partnership may also include any educational, labor, community organization, or Local Board. Applicants for the 25 percent funds must explain the barriers they faced in meeting the partnership eligibility criteria for the 75 percent funds—for example, the business partnerships may be on a national, multi-state, regional or rural area basis (such as rural telework programs). The Solicitation for Grant Applications (SGA) governing the competition for the first round of grants for the 25 percent funds was published in the **Federal Register** in December 2001.

Successful applicants under earlier H-1B training grant solicitations are eligible to apply for grants under this competition. Current awardees are encouraged to indicate how their new proposals can provide a different approach or scope to skills training given program improvements developed under the current award. Consideration will be given to grantees which use grant funds to significantly expand their training program or project through such means as training more workers or offering more courses, or to applicants whose training programs or projects expand as a result of increasing

collaborations—especially with more than one small business or with a labor-management training program or project.

ACWIA 2000 provides resources for skill training in high skill and high technology occupations that are in demand by U.S. businesses. One key measure of this demand is determined by the number of employer H-1B applications for foreign workers. For example, the occupation with the most current H-1B demand is information technology (IT). Appendix B to this solicitation provides information on the occupations approved under H-1B petitions by the Immigration and Naturalization Service (INS) for Fiscal Year 2001. Applicants should check the INS Web site ([www.ins.gov](http://www.ins.gov)) or the Department of Labor's Employment and Training Administration's Web site ([www.doleta.gov/h-1b/](http://www.doleta.gov/h-1b/)) for the latest INS information on occupations approved under H-1B petitions.

This announcement consists of four parts:

- Part I provides background, basic DOL policies and emphasis, principles of H-1B technical skills grants, and the legislative mandate for technical skills training grants under Section 286(s) of INA, Section 111 of ACWIA 2000, and Section 214(i) of INA.
- Part II describes specific program, administrative and reporting requirements that will apply to all grant awards.
- Part III describes the application process.
- Part IV describes the review process and rating criteria that will be used to evaluate applications for funding.

## **Part I—Background, DOL Policies and Emphases**

### *A. Background*

In response to demands from industries that were experiencing skill shortages in areas such as information technology, Congress enacted the Immigration Act of 1990. This act, implemented in 1992, established the H-1B visa category for non-immigrants who sought to work in high skill or specialty occupations, and set annual limits of 65,000 on the number of H-1B visas granted. In a subsequent effort to help employers access skilled foreign workers and compete internationally, Congress enacted the American Competitiveness and Workforce Improvement Act of 1998 (ACWIA 1998) Pub. L. 105-277 in October 1998. The provisions of ACWIA 1998 created technical skills training grants under the Department of Labor's Employment and Training Administration. ACWIA 1998