

Upper Sioux Reservation may begin after that date if no additional claimants come forward.

Dated: April 14, 1998.

**Francis P. McManamon,**

*Departmental Consulting Archeologist,  
Manager, Archeology and Ethnography  
Program.*

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## DEPARTMENT OF THE INTERIOR

### National Park Service

#### Notice of Inventory Completion for Native American Human Remains from Chugachik Island and Togiak, AK in the Possession of the Pratt Museum, Homer, AK

**AGENCY:** National Park Service

**ACTION:** Notice

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of the completion of an inventory of human remains in the possession of the Pratt Museum, Homer, AK.

A detailed assessment of the human remains was made by Pratt Museum, University of Alaska-Anchorage, and Alaska State Office of History and Archaeology professional staff in consultation with representatives of the Chugach Alaska Corporation, Nanwalek Village Council, Port Graham Village Council, Seldovia Village Tribe, Cook Inlet Region, Inc., Ninilchik Village Traditional Council, Kenaitze Indian Tribe, Salamatof Tribal Council, Bristol Bay Native Corporation, and the Traditional Council of Togiak.

Between 1966-1976, human remains representing three individuals were recovered from non-federal lands on Chugachik Island in Kachemak Bay, AK by N. Holt, A.C. Holt, and/or Sam Pratt and donated to the Pratt Museum by Sam Pratt. No known individuals were identified. No associated funerary objects are present.

Based on the apparent age of the remains (c. 300 BC to 300 AD), these individuals have been determined to be Alutiiq. Based on material culture and manner of interment, the site from which these remains were recovered has been identified as Kachemak Tradition. Based on continuities of material culture and technologies, the Kachemak Tradition has been identified as an antecedent of the modern Alutiiq peoples, including Chugach Alaska Corporation, Nanwalek Village Council, Port Graham Village Council, Seldovia

Village Tribe, Native Village of Tatitlek, Native Village of Chenega, and Eyak Native Village.

In 1981, human remains representing one individual were recovered from non-federal lands at Togiak, AK by Patrick and Dianne Audette who donated them to the Pratt Museum. No known individuals were identified. No associated funerary objects are present.

Based on statistical tests of cranial measurements, this individual has been determined to be Yup'ik. The location where the remains were reportedly recovered has been identified as an area of Yup'ik occupation dating back 2,500 years based on continuities of material culture.

Based on the above mentioned information, officials of the Pratt Museum have determined that, pursuant to 43 CFR 10.2 (d)(1), the human remains listed above represent the physical remains of four individuals of Native American ancestry. Officials of the Pratt Museum have also determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity which can be reasonably traced between these Native American human remains and the Chugach Alaska Corporation, Nanwalek Village Council, Port Graham Village Council, Seldovia Village Tribe, Native Village of Tatitlek, Native Village of Chenega, Eyak Native Village, Bristol Bay Native Corporation, and Traditional Council of Togiak.

This notice has been sent to officials of the Chugach Alaska Corporation, Nanwalek Village Council, Port Graham Village Council, Seldovia Village Tribe, Cook Inlet Region, Inc., Ninilchik Village Traditional Council, Kenaitze Indian Tribe, Salamatof Tribal Council, Bristol Bay Native Corporation, and the Traditional Council of Togiak. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains should contact Betsy Webb, Curator of Collections, Pratt Museum, 3779 Bartlett Street, Homer, AK 99603; telephone: (907) 235-8635, fax: (907) 235-2764; or email: pratt@alaska.net, before May 20, 1998. Repatriation of the human remains to the Chugach Alaska Corporation, Nanwalek Village Council, Port Graham Village Council, Seldovia Village Tribe, Native Village of Tatitlek, Native Village of Chenega, Eyak Native Village, Bristol Bay Native Corporation, and the Traditional Council of Togiak

may begin after that date if no additional claimants come forward.

Dated: April 13, 1998.

**Francis P. McManamon,**

*Departmental Consulting Archeologist,  
Manager, Archeology and Ethnography.*

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## DEPARTMENT OF JUSTICE

### Office of Special Counsel for Immigration Related Unfair Employment Practices

#### Immigration Related Employment Discrimination Public Education Grants

**AGENCY:** Office of Special Counsel for Immigration Related Unfair Employment Practices, Civil Rights Division, U.S. Department of Justice.

**ACTION:** Notice of availability of funds and solicitation for grant applications.

**SUMMARY:** The Office of Special Counsel for Immigration Related Unfair Employment Practices (OSC) announces the availability of funds for grants to conduct public education programs about the rights afforded potential victims of employment discrimination and the responsibilities of employers under the antidiscrimination provisions of the Immigration and Nationality Act (INA), 8 U.S.C. 1324b.

It is anticipated that a number of grants will be competitively awarded to applicants who can demonstrate a capacity to design and successfully implement public education campaigns to combat immigration-related employment discrimination. Grants will range in size from \$50,000 to \$150,000.

OSC will accept proposals from applicants who have access to potential victims of discrimination or whose experience qualifies them to educate employers about the antidiscrimination provisions of INA. OSC welcomes proposals from diverse nonprofit organizations such as local, regional or national ethnic and immigrants' rights advocacy organizations, trade associations, industry groups, professional organizations, or other nonprofit entities providing information services to potential victims of discrimination and/or employers, including state and local government agencies.

**APPLICATION DUE DATE:** 6. p.m., edt, June 4, 1998.

**FOR FURTHER INFORMATION CONTACT:** Patita McEvoy, Public Affairs Specialist, Office of Special Counsel for

Immigration Related Unfair Employment Practices, 1425 New York Ave., NW., Suite 9000, PO. Box 27728, Washington, DC 20038-7728. Tel. (202) 616-5594, or (202) 616-5525 (TDD for the hearing impaired).

**SUPPLEMENTARY INFORMATION:** The Office of Special Counsel for Immigration Related Unfair Employment Practices of the Civil Rights Division of the Department of Justice announces the availability of funds to conduct cost-effective public education programs concerning the antidiscrimination provisions of INA. Funds will be awarded to selected applicants who propose cost-effective ways of educating employers and/or members of the protected class, or to those who can fill a particular need not currently being met.

### Background

The Immigration Reform and Control Act of 1986 (IRCA), Public Law 99-603, 8 U.S.C. 1324b, *et seq.* and the Immigration Act (IMMACT 90) make hiring non-U.S. citizens without work authorization unlawful, and require employers to verify the identity and work authorization of all new employees. Employers who violate this law are subject to sanctions, including fines and possible criminal prosecution.

During the debate on IRCA, Congress foresaw the possibility that employers, fearful of sanctions, would refuse employment to individuals simply because they looked or sounded foreign. Consequently, Congress enacted Section 102 of IRCA, an antidiscrimination provision. Section 102 prohibits employers of four or more employees from discriminating on the basis of citizenship status or national origin in hiring, firing, recruitment or referral for a fee, and prohibits employers from engaging in document abuse in the employment eligibility verification process.

Citizens and certain classes of work authorized individuals are protected from citizenship status discrimination. Protected non-citizens include permanent residents who apply for naturalization within six months of being eligible to do so, temporary residents under the 1986 amnesty, the Special Agricultural Workers (SAWs) or the Replenishment Agricultural Workers (RAWs) programs, and refugees and asylees. Citizens and *all* work authorized individuals are protected from discrimination on the basis of national origin. However, this prohibition applies only to employers with four to fourteen employees. National origin discrimination complaints against employers with

fifteen or more employees remain under the jurisdiction of the Equal Employment Opportunity Commission pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e, *et seq.*

In addition, under the document abuse provision of the law, employers must accept all forms of work authorization and proof of identity allowed by the Immigration and Naturalization Service (INS) for completion of the Employment Eligibility Verification (I-9) Form. Employers may not prefer or require one form of documentation over another for hiring purposes. Requiring more or specific documents to prove identity and work authorization may constitute document abuse.

On October 1, 1996, Congress passed the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA). IIRIRA will expand the existing electronic employment eligibility pilot programs being carried out by the INS, and will reduce the number of documents that employers can accept to verify an individual's work eligibility. These changes are expected to take place by October 1, 1998.

OSC is responsible for receiving and investigating discrimination charges and, when appropriate, filing complaints with specially designated administrative law judges. OSC also initiates independent investigations of possible Section 102 violations.

While OSC has been established a record of vigorous enforcement, studies by the U.S. General Accounting Office and other sources have shown that there is an extensive lack of knowledge on the part of protected individuals and employers about the antidiscrimination provisions. Enforcement cannot be effective if potential victims of discrimination are not aware of their rights. Moreover, discrimination can never be eradicated so long as employers are not aware of their responsibilities.

### Purpose

OSC seeks to educate both workers and employers about their rights and responsibilities under the antidiscrimination provisions of INA. Because previous grantees have developed a wealth of materials (e.g., brochures, posters, booklets, information packets, and videos) to educate these groups, OSC has determined that the focus of the program should be on the actual delivery of these materials to educate further both potential victims and employers. More specifically, in keeping with the purpose of the grant program,

OSC seeks proposals that will use existing materials effectively to educate large numbers of workers or employers about exercising their rights or fulfilling their obligations under the antidiscrimination provisions.

### Program Description

The program is designed to develop and implement cost-effective approaches to educate potential victims of employment discrimination about their rights and to educate employers about their responsibilities under INA's antidiscrimination provisions. Applications may propose to educate potential victims only, employers only, or both in a single campaign. Program budgets must include the travel, lodging and other expenses necessary for at least one, but not more than two, program staff members to attend the mandatory OSC grantee training (2 days) held in Washington, DC at the beginning of the grant period (late Autumn). Proposals should outline the following key elements of the program:

#### Part I: Targeted Population

The educational efforts under the grant should be directed to (1) work-authorized non-citizens who are protected individuals, since this group is especially vulnerable to employment discrimination; (2) those citizens who are most likely to become victims of employment discrimination; and/or to (3) employers. The proposals should define the characteristics of the work authorized population or the employer group(s) targeted for the educational campaign, and the applicant's qualifications to reach credibly and effectively large segments of the campaign targets.

The proposals should also detail the reasons for targeting each group of protected individuals or employers by describing particular needs or other factors to support the selection. In defining the campaign targets and supporting the reasons for the selection, applicants may use studies, surveys, or any other sources of information of generally accepted reliability.

#### Part II: Campaign Strategy

We encourage applicants to devise effective and creative means of public education and information dissemination that are specifically designed to reach the widest possible targeted audience. Those applicants proposing educational campaigns addressing potential victims of discrimination should keep in mind that some of the traditional methods of public communication may be less than optimal for educating members of

national or linguistic groups that have limited community-based support and communication networks.

Some grantees who are conducting citizenship campaigns, have, in the past, combined those efforts and resources with the INA antidiscrimination education campaigns in order to maximize the scope and breadth of the project and to reach a larger number of individuals in the targeted population. If an applicant proposes to combine these efforts, please discuss how the programs will interact and how the budgets will be administered.

Proposals should discuss the components of the campaign strategy, detail the reasons supporting the choice of each component, and explain how each component will effectively contribute to the overall objective of cost-effective dissemination of useful and accurate information to a wide audience of protected individuals or employers. Discussions of the campaign strategies and supporting rationale should be clear, concise, and based on sound evidence and reasoning.

Since there presently exists a wealth of materials for use in educating the public, proposals should include in their budgets the costs for distribution of materials received from OSC or from current/past OSC grantees.

To the extent that applicants believe the development of original materials particularly suited to their campaign is necessary, their proposal should articulate in detail the circumstances requiring the development of such materials. All such materials must be approved by OSC to ensure legal accuracy and proper emphasis prior to production. It should be noted that proposed revisions/translations of OSC-approved materials must also be submitted for clearance. All information distributed should also include mention of the OSC as a source of assistance, information and action, and the correct address and telephone numbers of the OSC (including the toll-free and TDD toll-free numbers for the hearing impaired).

### Part III: Evaluation of the Strategy

One of the central goals of this program is determining what public education strategies are most effective and thus, should be included in future public education efforts. Therefore, it is crucial that the methods of evaluating the campaign strategy and public education materials and their results be carefully detailed. A full evaluation of a project's effectiveness is due within 60 days of the conclusion of a campaign. Interim evaluation/activity reports are due quarterly throughout the grant year.

### Selection Criteria

The final selection of grantees for award will be made by the Special

Counsel for Immigration Related Unfair Employment Practices.

A panel made up of OSC staff will review and rate the applications and make recommendations to the Special Counsel regarding funding. The panel's results are advisory in nature and not binding on the Special Counsel. Letters of support, endorsement, or recommendation are not part of the grant application process and will not be considered.

In determining which applications to fund, OSC will consider the following (based on a one-hundred point scale):

#### 1. Program Design (50 Points)

Sound program design and cost-effective strategies for educating the targeted population are imperative. Consequently, areas that will be closely examined include the following:

a. Evidence of in-depth knowledge of the goals and objectives of the project. (15 points)

b. Selection and definition of the target group(s) for the campaign, and the factors that support the selection, including special needs, and the applicant's qualifications to reach effectively the target. (10 points)

c. A cost-effective campaign strategy for educating targeted employers and/or members of the protected class, with a justification for the choice of strategy, including the degree to which the campaign has prevented immigration related unfair employment practices and has reached individuals with such claims. (15 points)

d. The evaluation methods proposed by the applicant to measure the effectiveness of the campaign and their precision in indicating to what degree the campaign is successful. (10 points)

#### 2. Administrative Capability (20 Points)

Proposals will be rated in terms of the capability of the applicant to implement the targeting, public education and evaluation components of the campaign:

a. Evidence of proven ability to provide high quality results. (10 points)

b. Evidence that the applicant can implement the campaign, and complete the evaluation component within the time lines provided.

**Note:** OSC's experience during previous grant cycles has shown that a number of applicants choose to apply as a consortium of individual entities; or, if applying individually, propose the use of sub-contractors to undertake certain limited functions. It is essential that these applicants demonstrate the proven management capability and experience to ensure that, as lead agency, they will be directly accountable for the successful implementation, completion, and evaluation of the project. (10 points)

#### 3. Staff Capability (10 Points)

Applications will be evaluated in terms of the degree to which:

a. The duties outlined for grant-funded positions appear appropriate to the work that will be conducted under the award. (5 points)

b. The qualifications of the grant-funded positions appear to match the requirements of these positions. (5 points)

**Note:** If the grant project manager or other member of the professional staff is to be hired later as part of the grant, or should there be any change in professional staff during the grant period, hiring is subject to review and approval by OSC at that time.

#### 4. Previous Experience (20 Points)

The proposals will be evaluated on the degree to which the applicant demonstrates that it has successfully carried out programs or work of a similar nature in the past.

### Eligible Applicants

This grant competition is open to nonprofit organizations and state and local government agencies.

### Grant Period and Award Amount

It is anticipated that several grants will be awarded and will range in size from \$50,000 to \$150,000.

Publication of this announcement does not require OSC to award any specific number of grants, or to obligate all or any part of available funds. The period of performance will be twelve months from the date of the grant award, in most cases beginning October 1, 1998.

### Application Deadline

All applications must be received by 6 pm, edt, June 4, 1998, at the Office of Special Counsel for Immigration Related Unfair Employment Practices, U.S. Department of Justice, 1425 New York Ave., NW., Suite 9000, P.O. Box 27728, Washington, D.C. 20038-7728. If sent by regular first-class mail, please use the P.O. Box; if using Federal Express or priority mail, use the street address. Applications may not be submitted via facsimile machine.

### Application Requirements

Applicants should submit an original and two (2) copies of their completed proposal by the deadline established above. All submissions must contain the following items in the order listed below:

1. A completed and signed Application for Federal Assistance (Standard Form 424) and Budget Information (Standard Form 424A).

2. OJP Form 4061/6 (Certification Regarding Lobbying; Debarment,

Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements).

3. A Standard Form LLL Disclosure Form to Report Lobbying).

4. An abstract of the full proposal, not to exceed one page.

5. A program narrative of not more than fifteen (15) double-spaced typed pages which includes the following:

a. A clear statement describing the approach and strategy to be utilized to complete the tasks identified in the program description;

b. A clear statement of the proposed goals and objectives, including a listing of the major events, activities, products and timetables for completion;

c. The proposed staffing plan (**Note:** If the grant project manager or other professional staff member is to be hired later as part of the grant, or should there be a change in professional staff during the grant period, hiring is subject to review and approval by OSC at that time); and

d. Description of how the project will be evaluated.

6. A proposed budget outlining all direct and indirect costs for personnel, fringe benefits, travel, equipment, supplies, subcontracts, and a short narrative justification of each budgeted line item cost. If an indirect cost rate is used in the budget, then a copy of a current fully executed agreement between the applicant and the cognizant Federal agency must accompany the budget.

**Note:** Program budgets must include the travel, lodging and other expenses necessary for not more than two program staff members to attend the mandatory OSC grantee training (2 days) held in Washington, D.C. at the beginning of the grant period (late Autumn).

7. OJP Form 7120/1 (Accounting System and Financial Capability Questionnaire).

8. Copies of resumes of the professional staff proposed in the budget.

9. Detailed technical materials that support or supplement the description of the proposed effort should be included in the appendix.

In order to facilitate handling, please do not use covers, binders or tabs.

Application forms may be obtained by writing or telephoning: Office of Special Counsel for Immigration Related Unfair Employment Practices, P.O. Box 27728, Washington, D.C. 20038-7728. Tel. (202) 616-5594, or (202) 616-5525 (TDD for the hearing impaired). This announcement will also appear on the World Wide Web at [www.usdoj.gov/crt/osc/](http://www.usdoj.gov/crt/osc/)

Dated: April 15, 1998.

**John D. Trasviña,**

*Special Counsel, Office of Special Counsel for Immigration, Related Unfair Employment Practices.*

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## DEPARTMENT OF LABOR

### Employment and Training Administration

#### Federal-State Unemployment Compensation Program: Unemployment Insurance Program Letters Interpreting Federal Unemployment Insurance Law

The Employment and Training Administration interprets Federal law requirements pertaining to unemployment compensation (UC) as part of its role in the administration of the Federal-State UC program. These interpretations are issued in Unemployment Insurance Program Letters (UIPLs) to the State Employment Security Agencies (SESAs). The UIPL described below is published in the **Federal Register** in order to inform the public.

#### UIPL 07-98

Section 1137(d), Social Security Act, directs that States require each applicant for UC as a condition of eligibility, to declare under penalty of perjury whether he/she is a citizen or national of the United States and, if not, whether he/she is in a satisfactory immigration status. This means an alien must be legally authorized to work at the time UC is claimed to meet available for work requirements. If a claimant is not a citizen or national, he/she must present alien registration documentation that the SESA can use to verify satisfactory immigration status through the Immigration and Naturalization Service (INS).

A detailed explanation and interpretation of eligibility of aliens for UC was presented in UIPL 1-86. Attachment III to UIPL 12-87 discussed provisions for determining and verifying alien status for entitlement to UC. UIPL 07-98 elaborates on the proper procedures where the INS's primary verification process does not establish satisfactory immigration status for aliens.

Dated: April 13, 1998.

**Raymond J. Uhalde,**

*Acting Assistant Secretary of Labor.*

#### U.S. Department of Labor

*Employment and Training Administration, Washington, D.C. 20210*

Directive: Unemployment Insurance Program Letter No. 7-98

To: All State Employment Security Agencies  
From: Grace A. Kilbane, Director,  
Unemployment Insurance Service  
Subject: Procedures for Verification of Alien Status

1. *Purpose.* To advise State Employment Security Agencies (SESAs) of a Departmental interpretation of Federal statutes relating to aliens' eligibility for unemployment compensation when satisfactory immigration status is not established through the primary verification process with the Immigration and Naturalization Service (INS).

2. *References.* UIPL 1-86; UIPL 12-87; Section 1137(d) of the Social Security Act (SSA).

3. *Background.* Section 1137(d), SSA, directs that States require each applicant for unemployment benefits, as a condition of eligibility, to declare under penalty of perjury whether he/she is a citizen or national of the United States and, if not, whether he/she is in a satisfactory immigration status. For UI purposes, this means an alien must be legally authorized to work at the time benefits are claimed to meet available for work requirements. A claimant who is not a citizen or national must present alien registration documentation that the SESA can use to verify satisfactory immigration status through the INS.

A detailed explanation and interpretation of eligibility of aliens for unemployment benefits was presented in UIPL 1-86. Attachment III to UIPL 12-87 discussed provisions for determining and verifying alien status for entitlement to unemployment benefits. This directive elaborates on the proper procedures where the INS's primary verification process does not establish satisfactory immigration status for aliens.

The INS does not make determinations of aliens' eligibility for benefits. SESAs make these determinations based upon information provided by the INS. The INS has established verification procedures through a process known as Systematic Alien Verification for Entitlements (SAVE). The SAVE system has both primary (automated) and secondary (manual) procedures for verification, as referenced in the SSA, Sections 1137(d)(3) and (4). The SESA initiates the primary procedure by accessing the INS's data base and entering the alien registration number (A-Number). This provides an immediate, automated response about the alien of record. If the data base can substantiate that the alien is authorized to work, the response will provide an employment eligibility statement and identify the alien's immigration classification. If legal status cannot be determined, the response from INS will instruct the SESA to "institute secondary verification" to obtain sufficient information to make a determination. Thus, the primary response will never indicate that the alien is