

24. Individual Irrigators, Dolores Project, Colorado: The United States proposes to lease up to 1,500 acre-feet of project water declared surplus under the authority of the Warren Act of 1911.

Contract actions completed:

1.(c) Dr. Henry Estess: Wayne N. Aspinall Unit, CRSP, Colorado: Contract for 30 acre-feet of M&I water from Blue Mesa Reservoir for augmentation to replace evaporative losses from a fishery/wildlife area on his property.

1.(d) Crested Butte South Metropolitan District: Aspinall Unit, CRSP, Colorado: Contract for 13 acre-feet for domestic, municipal, and irrigation (including irrigation of lawns and golf course).

17. Highland Conservation District, Provo River Project, Utah: Water transfer agreement between District and Highland City involving change of use from irrigation to M&I.

*Great Plains Region:* Bureau of Reclamation, P.O. Box 36900, Federal Building, 316 North 26th Street, Billings, Montana 59107-6900, telephone 406-247-7730.

New contract actions:

29. Angostura ID, Angostura Unit, P-SMBP, South Dakota: The District had a contract for water service which expired on December 31, 1995. An interim 3-year contract provides for a continuing water supply and the District to operate and maintain the dam and reservoir. The proposed long-term contract would provide a continued water supply for the District and the District's continued O&M of the facility.

30. Glendo Unit, P-SMBP, Wyoming: Initiate negotiations for renewal of long-term water service contracts with Burbank Ditch, New Grattan Ditch Company, Torrington ID, Lucerne Canal and Power Company, and Wright and Murphy Ditch Company. The current contracts expire in 1998.

31. Glendo Unit, P-SMBP, Nebraska: Initiate negotiations for renewal of long-term water service contracts with Bridgeport, Enterprise, and Mitchell IDs, and Central Nebraska Public Power and ID. The current contracts expire in 1998.

32. Belle Fourche Unit, P-SMBP, South Dakota: Basis of negotiation has been submitted requesting deferment of the Belle Fourche ID's 1997 construction payment and also reduction of the District's annual payment.

Contract actions modified:

12. Enders Dam, Frenchman-Cambridge Division, Frenchman Unit, Nebraska: Repayment contract for proposed SOD modifications to Enders Dam for repair of seeping drainage features. Estimated cost of the repairs is \$632,000. Approval has been obtained

to modify the repayment period of the SOD costs for up to 10 years. Repayment contracts for the SOD repairs have been signed.

17. Canyon Ferry Unit, P-SMBP, Montana: Water service contract with Montana Tunnels Mining, Inc., expires June 1997. Basis of negotiation completed for renewal of existing contract for an additional 10 years. A temporary contract has been issued pending negotiation of the long-term contract for water service.

18. P-SMBP, Kansas: Water service contracts with the Kirwin and Webster IDs in the Solomon River Basin in Kansas will be extended for a period of 4 years in accordance with Pub. L. 104-326 enacted October 19, 1996. Water service contracts will be renewed prior to expiration.

Dated: July 17, 1997.

**Wayne O. Deason,**

*Deputy Director, Program Analysis Office.*

[FR Doc. 97-19440 Filed 7-23-97; 8:45 am]

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## DEPARTMENT OF JUSTICE

[AG Order No. 2097-97]

### Determination of Situations That Demonstrate a Substantial Connection Between Battery or Extreme Cruelty and Need for Specific Public Benefits

**AGENCY:** Department of Justice.

**ACTION:** Notice of Determination with request for comments.

**SUMMARY:** The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 ("PRWORA"), as amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, provides that certain categories of aliens who have been subjected to battery or extreme cruelty in the United States are "qualified aliens" eligible for certain federal, state, and local public benefits. To be qualified under this provision an alien must demonstrate, among other things, that there is a substantial connection between the battery or extreme cruelty and the need for the public benefit sought. The PRWORA vests in the Attorney General the authority to determine under what circumstances there is a substantial connection between the battery or extreme cruelty suffered by an alien seeking federal, state, or local public benefits and the specific benefits sought by the alien. Through this notice, the Attorney General is declaring what circumstances demonstrate such a substantial connection.

**DATES:** This Determination is effective July 17, 1997.

**ADDRESSES:** Comments should be submitted to Diane Rosenfeld, Senior Counsel, The Violence Against Women Office, United States Department of Justice, 950 Pennsylvania Ave., Washington, DC 20530, (202) 616-8894.

**FOR FURTHER INFORMATION CONTACT:** Diane Rosenfeld, Senior Counsel, The Violence Against Women Office, 950 Pennsylvania Ave., Washington, DC 20530, (202) 616-8894.

**SUPPLEMENTARY INFORMATION:** Section 431(c) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 ("PRWORA"), Pub. L. 104-193, as added by the Illegal Immigration Reform and Immigrant, Responsibility Act of 1996, Pub. L. 104-208, provides that certain categories of aliens who have been subjected to battery or extreme cruelty in the United States are "qualified aliens" eligible for certain federal, state, and local public benefits. To be a qualified alien under this provision, an alien must demonstrate that: (1) The Immigration and Naturalization Service or the Executive Office for Immigration Review has granted a petition or application filed by or on behalf of the alien or the alien's child under one of several subsections of the Immigration and Nationality Act, or has found that a pending petition or application sets forth a prima facie case; (2) the alien or the alien's child has been battered or subjected to extreme cruelty in the U.S. by a spouse or parent of the alien, or by a member of the spouse's or parent's family residing in the same household as the alien, but only if the spouse or parent consents to or acquiesces in such battery or cruelty and, in the case of a battered child, the alien did not actively participate in the battery or cruelty; (3) there is a substantial connection between the battery or extreme cruelty and the need for the public benefit sought; and (4) the battered alien or child no longer resides in the same household as the abuser.

The Attorney General has the responsibility for determining the circumstances under which an alien has demonstrated a substantial connection between the battery or extreme cruelty and the alien's need for particular benefits. This Determination sets forth the circumstances that, in the Attorney General's opinion, demonstrate the requisite substantial connection. Under PRWORA, the Attorney General's opinion is not subject to review. When drafting this Determination, the Attorney General consulted with federal benefit-granting agencies that will be implementing section 431(c) of

PRWORA and with other interested parties.

Benefit providers and all other interested parties are requested to provide comments on this Determination. Should these comments indicate that further refinements to the Determination are necessary, it will be revised accordingly.

Delay in the effectiveness of this Determination would necessarily cause further delays in the availability of federal, state, and local public benefits to aliens for whom there is a substantial connection between the battery or extreme cruelty and the need for those public benefits. It would be unnecessary and contrary to the public interest to impose further delays on the availability of such public benefits in these circumstances. Accordingly, I find that there is good cause to exempt this Determination from prior public notice and comment and delay in effective date. This Determination is not a "significant regulatory action" under Executive Order 12866 and is not a "major rule" under 5 U.S.C. 804.

**Determination of Situations That Demonstrate a Substantial Connection Between Battery or Extreme Cruelty and Need for Specific Public Benefits**

By virtue of the authority vested in me as Attorney General by law, including section 431(c) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as amended, I hereby determine that an alien applying for federal, state, or local public benefits who (or whose child) has been battered or subjected to extreme cruelty demonstrates that there is a substantial connection between the battery or extreme cruelty suffered by the alien (or the alien's child) and the need for the public benefit(s) sought under any one or more of the following circumstances:

(1) Where the benefits are needed to enable the alien and/or the alien's child to become self-sufficient following separation from the abuser;

(2) Where the benefits are needed to enable the alien and/or the alien's child to escape the abuser and/or the community in which the abuser lives, or to ensure the safety of the alien and/or his or her child from the abuser;

(3) Where the benefits are needed due to a loss of financial support resulting from the alien's and/or his or her child's separation from the abuser;

(4) Where the benefits are needed because the battery or cruelty, separation from the abuser, or work absence or lower job performance resulting from the battery or extreme cruelty or from legal proceedings

relating thereto (including resulting child support or child custody disputes) cause the alien and/or the alien's child to lose his or her job or require the alien and/or the alien's child to leave his or her job for safety reasons;

(5) Where the benefits are needed because the alien or his or her child requires medical attention or mental health counseling, or has become disabled, as a result of the battery or cruelty;

(6) Where the benefits are needed because the loss of a dwelling or source of income or fear of the abuser following separation from the abuser jeopardizes the aliens' ability to care for his or her children (e.g., inability to house, feed, or clothe children or to put children into day care for fear of being found by the batterer);

(7) Where the benefits are needed to alleviate nutritional risk or need resulting from the abuse or following separation from the abuser;

(8) Where the benefits are needed to provide medical care during an unwanted pregnancy resulting from the abuser's sexual assault or abuse of, or relationship with, the alien or his or her child, and/or to care for any resulting children; or

(9) Where medical coverage and/or health care services are needed to replace medical coverage or health care services the applicant or child had when living with the abuser.

In the event that the facts presented by the alien are different from the situations described above, but the benefit provider or the applicant nevertheless believes that the applicant satisfies the substantial connection requirement, either the benefit provider or the applicant should obtain a determination from the Department of Justice as to whether, in the Attorney General's opinion, the applicant's need for the benefit is substantially connected to the battery or cruelty. Benefit providers or applicants requiring such a determination should contact the Violence Against Women Office, U.S. Department of Justice, the Director of which is hereby authorized to issue such determinations.

Dated: July 17, 1997.

**Janet Reno,**

*Attorney General.*

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**DEPARTMENT OF JUSTICE**

**Notice of Lodging of Consent Decree Pursuant to the Safe Drinking Water Act**

In accordance with Departmental policy, 28 CFR § 50.7, notice is hereby given that on June 23, 1997, a proposed Consent Decree in *United States v. Town of Cheshire*, Civil No. 97cv30141-MAP (D. Mass.), was lodged with the United States District Court for the District of Massachusetts resolving the matter. The proposed Consent Decree concerns violations by the Town of Cheshire, Massachusetts, of the Safe Drinking Water Act, 42 U.S.C. § 300f, *et seq.*, the National Primary Drinking Water Regulations, 40 CFR Part 141, and the provisions of the EPA Administrative Order issued to the Town on September 30, 1994. The violations alleged in the complaint include the failure by the Town to install filtration treatment (or to switch to use of a groundwater source not under the direct influence of surface water) within 18 months, i.e., by June 29, 1993, as required by the Surface Water Treatment Rule (the "SWTR"), Section 1412(b)(7), 42 U.S.C. § 300g-1(b)(7), and 40 CFR § 141.70-141.75; the failure to comply with the turbidity requirements of the SWTR, 40 CFR § 141.71(c)(2); the failure to comply with monitoring and reporting requirements at 40 CFR §§ 141.74, 141.75, and the failure to comply with public notification requirements at 40 CFR §§ 141.32(a)(1) (i) and (ii) and 141.31(d).

Under the terms of the Consent Decree, the defendant will pay a total civil penalty of \$18,500 for its past violations. In addition, the Consent Decree requires the Town to design and construct a new gravel-packed well to supply drinking water to the users of its public system and to comply with all applicable federal and state drinking water laws and regulations in accordance with an expeditious schedule.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States v. Town of Cheshire*, D.J. Ref. 90-5-1-1-4361.

The proposed Consent Decree may be examined at the Region 1 Office of the Environmental Protection Agency, One Congress Street, Boston, Massachusetts.