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. It 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/

Dated: April 15, 1998.

John D. Trasviña,

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

[FR Doc. 98–10353 Filed 4–17–98; 8:45 am]

BILLING CODE 4410–01–M

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

not authorized to work; this can only be accomplished through the secondary process.

The secondary procedure consists of a more extensive validation process, including manual paper searches, when questions arise during the primary procedure or when computerized records are not found in the SAVE data base. The secondary response from the INS indicates whether the alien's documentation ''appears valid'' or ''is not valid'' and what the alien's immigration status and work eligibility status are.

The SSA requires procedural safeguards to ensure that payments to eligible aliens are not delayed because of the verification process. Under Section 1137(d)(4)(A), SSA, aliens whose status has not been verified through primary verification must be provided a ''reasonable opportunity'' to submit evidence of satisfactory immigration status. The SESA ''may not delay, deny, reduce, or terminate an individual's eligibility for benefits'' because of immigration status until this reasonable opportunity has been provided. The SSA does not specify time limits for this reasonable opportunity. However, UIPL 12–87, Attachment III, I.E.2.a., provided that ''[t]ime periods under State law for providing information needed to determine eligibility for benefits will meet the requirement for 'reasonable opportunity' ''.

If, as a result of this reasonable opportunity, an alien whose status was not verified through primary verification submits what the SESA ''determines constitutes reasonable evidence'', then secondary verification must be initiated. (Section 1137(d)(4)(B), SSA.) During secondary verification, the SESA ''may not delay, deny, reduce, or terminate an individual's eligibility for benefits'' because of immigration status.

4. *Office of Inspector General (OIG) Study*. In 1996, the Department's OIG began studies in four States of UI benefits paid to claimants who had used unissued Social Security Numbers to establish claims. Preliminary findings revealed that SESAs had made many payments to illegal aliens, despite the INS's responses via the SAVE primary verification process that indicated mismatches between the claimants and the legal aliens registered with INS. The OIG discovered numerous cases where both the names and dates-of-birth were entirely disparate. In all such cases investigated by the OIG, the claims were found to be fraudulent.

5. *Procedures*. The findings from the OIG study indicate a need to clarify the procedural protections for verification of aliens' immigration status. A distinction needs to be recognized between material and non-material discrepancies with regard to the information provided by INS's response and that provided by the claimant. A material discrepancy exists when the claimant identity is not verified by the biographical data in the SAVE system.

A SAVE response via the primary procedure may suggest non-material discrepancies, e.g., transposition of numbers, incomplete surnames when the name includes multiple words, transposed versions of names, name change due to recent marriage, etc. At the discretion of the SESA, secondary verification may be initiated because of the questions that have arisen from the primary response. However, pending such verification, payments may not be delayed on the basis of immigration status.

Also, some SAVE primary requests will be returned without verification, i.e., neither biographical data nor status information will be provided, and the SESA will be instructed to ''institute secondary verification''. In such a situation, the SSA requires that a claimant be given a reasonable opportunity to submit evidence indicating satisfactory immigration status that the SESA can use to initiate the secondary SAVE verification process. If the SESA receives reasonable evidence of satisfactory immigration status, secondary verification must be initiated. Pending such verification, SESAs are prohibited from delaying payments.

However, when a SAVE response via the primary process indicates that the claimant is not the same person as the alien registered with INS, e.g., different name and date-of-birth, material discrepancies exist, and one of the following actions should be taken:

a. If the claimant acknowledges the accuracy of the SAVE response (i.e., the filing of a fraudulent claim), issue an immediate denial under the appropriate State provisions, e.g., monetary denial of base period wages, nonmonetary denial under the availability provision, and/or misrepresentation.

b. If the claimant disputes the accuracy of the SAVE response and submits ''reasonable evidence'' indicating satisfactory immigration status, initiate the secondary SAVE request, and do not delay payment of benefits.

c. If the claimant disputes the accuracy of the SAVE response but does not submit ''reasonable evidence'' indicating satisfactory immigration status, the SSA, Section 1137(d)(4)(A) requires that the claimant be provided ''reasonable opportunity'' to submit such evidence. The claimant must be instructed to provide the evidence within time limits established for claims filing under State law. The SESA may not delay or deny benefits until this reasonable opportunity has been provided; however, for practical purposes, this provision should have no effect on processing the claim because ''reasonable opportunity'' should, in most cases, transpire before the claimant certifies for the first week. One of the following actions should then be taken as appropriate:

- If reasonable evidence is provided, initiate the secondary SAVE request, and do not delay payment of benefits, or
- If reasonable evidence is not provided, issue a denial under the SESA provisions as in (a) above. (Reference the SSA, Section 1137(d)(5).)

On occasion, an alien applying for UI may present immigration documentation that appears to be counterfeit or altered. In such instances, the SESA should initiate the secondary verification process immediately, in lieu of the primary process, because the alien has not submitted the documentation described in the SSA, Section 1137(d)(2). Although the SESA must provide the claimant the opportunity to present satisfactory documentation as required by the SSA, Section 1137(d)(4)(A), the SESA should, if appropriate, issue an immediate denial under the State law provision for misrepresentation. This action does not fall within the protections of the SSA since the denial is for reasons related to fraud, not immigration status.

6. *Action Required*. SESA Administrators are requested to provide copies of this UIPL to appropriate staff and ensure that effective procedures are implemented to establish eligibility for benefits.

7. *Inquiries*. Questions should be directed to the appropriate Regional Office.

[FR Doc. 98–10288 Filed 4–17–98; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. ICR–98–19]

Agency Information Collection Activities; Proposed Collection; Comment Request; Commercial Diving Operations (29 CFR Part 1910, Subpart T)

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA–95) (44 U.S.C. 3506(c)(2)(A)). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and impact of collection requirements on respondents can be properly assessed. Currently, the Occupational Safety and Health Administration (OSHA) is soliciting comments concerning the proposed extension of the information collection requirements contained in the standard on Commercial Diving Operations (29 CFR part 1910, subpart T). The Agency is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;
- Evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information,