

were received by the Disability Rights Section.

The purpose of this notice is to allow an additional 30 days for public comment. Comments are encouraged and will be accepted until October 15, 1997.

Written comments and/or suggestions are requested from the public and affected agencies concerning the proposed collection of information. Your comments should address one or more of the following four points:

(1) Evaluate whether the collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agencies estimate of the burden of the collection of information;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology (e.g., permitting electronic submission of responses).

Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time should be directed to the Office of Management and Budget (OMB), Office of Regulatory Affairs, Attention: Department of Justice Desk Office, Washington, DC 20530. Additionally, comments may be submitted to OMB via facsimile to (202) 395-7285. Comments may also be submitted to the Department of Justice (DOJ), Justice Management Division, Information Management and Security Staff, Attention: Department Clearance Office, Suite 850, 1001 G Street, NW., Washington, DC 20530. Additionally, comments may be submitted to DOJ via facsimile to (202) 514-1534.

The information collection is listed below:

(1) Type of information collection. New Collection.

(2) The title of the form/collection. Title II of the Americans with Disabilities Act/Section 504 of the Rehabilitation Act of 1973 Discrimination Complaint Form.

(3) The agency form number and applicable component of the Department sponsoring the collection. No form number. Disability Rights Section, Civil Rights Division, U.S. Department of Justice.

(4) Affected public who will be asked to respond, as well as a brief abstract:

Primary: Individuals alleging discrimination by public entities based on disability. Under title II of the Americans with Disabilities Act, an individual who believes that he or she has been subjected to discrimination on the basis of disability by a public entity may, by himself or herself or by an authorized representative, file a complaint. Any Federal agency that receives a complaint of discrimination by public entity is required to review the complaint to determine whether it has jurisdiction under section 504. If the agency does not have jurisdiction, it must determine whether it is the designated agency responsible for complaints filed against that public entity. If the agency does not have jurisdiction under section 504 and is not the designated agency, it must refer the complaint to the Department of Justice. The Department of Justice then must refer the complaint to the appropriate agency.

(5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond: 5,000 respondents per year at 0.75 hours per complaint form.

(6) An estimate of the total public burden (in hours) associated with the collection: 3,750 hours annual burden.

If additional information is required contact: Mr. Robert B. Briggs, Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, Suite 850, Washington Center, 1001 G Street, NW., Washington, DC 20530.

Dated: September 9, 1997.

**Robert B. Briggs,**

*Department Clearance Officer.*

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## DEPARTMENT OF JUSTICE

[AG Order No. 2115-97]

### Request for Comments on the Attorney General's Specification of Community Programs Necessary for the Protection of Life or Safety Under the Welfare Reform Act

**AGENCY:** Department of Justice.

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

**SUMMARY:** The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 vests in the Attorney General the authority to specify non-means-tested, government-funded

community programs, services, or assistance that are necessary for the protection of life or safety and for which all aliens remain eligible. On August 23, 1996, the Attorney General issued an Order implementing that authority, and making a "provisional specification." Before the provisional specification is finalized, the Department is publishing this Notice to solicit the input of federal, state, and local agencies operating programs or providing services or assistance that may be covered by that Order.

**DATES:** Comments must be received by November 14, 1997.

**ADDRESSES:** Address all comments to Wendy L. Patten, Counsel, Office of Policy Development, Department of Justice, 950 Pennsylvania Avenue, NW., Washington, DC, 20530.

**FOR FURTHER INFORMATION CONTACT:** Wendy L. Patten, Counsel, Office of Policy Development, Department of Justice, 950 Pennsylvania Avenue, NW., Washington, DC, 20530, (202) 514-5482.

**SUPPLEMENTARY INFORMATION:** On August 22, 1996, the President signed the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (the Act), which vests in the Attorney General the authority to specify non-means-tested, government-funded community programs, services, or assistance that are necessary for the protection of life or safety and for which all aliens remain eligible. Pursuant to the Act, on August 23, 1996, the Attorney General issued an Order (AG Order No. 2049-96) (Order) implementing that authority, and making a "provisional specification" of such programs. This Order was published on August 30, 1996 at 61 FR 45985.

Under §§ 401 and 411 of the Act, aliens who are not "qualified aliens" (as defined in § 431 of the Act are ineligible for federal, state, and local public benefits.<sup>1</sup> However, there are a number of specified exceptions to these restrictions.<sup>2</sup> Included within this list of

<sup>1</sup> The term "federal public benefit" is defined to include "any grant, contract, loan, professional license, or commercial license provided by an agency of the United States or by appropriated funds of the United States." (Section 401(c)(1)(A)). The definition of state public benefit is identical to the federal benefit definition except that it refers to benefits provided by agencies of state or local governments or by appropriated funds of state or local governments. (Section 411(c)(1)(A)).

<sup>2</sup> In addition to the exception that is the subject of the Attorney General Order of August 23, 1996, there are a number of other categories of federal, state, and local public benefits that Congress expressly made available to other non-qualified aliens. These public benefits include specified types of emergency medical treatment and emergency disaster relief, along with other benefits

statutory exceptions is a provision authorizing the Attorney General to establish additional exceptions for certain types of programs, services, and assistance. The programs, services, and assistance that the Attorney General may specify are limited to those which (1) deliver in-kind services at the community level, including through public or private nonprofit agencies; (2) do not condition the provision of assistance, the amount of assistance provided, or the cost of assistance provided on the individual recipient's income or resources; and (3) are necessary for the protection of life or safety. (Sections 401(b)(1)(D) and 411(b)(4).

The Department intends to publish an Order finalizing the implementation of that authority. Before it does so, the Department is publishing this Notice to solicit the input of federal, state, and local agencies operating programs or providing services or assistance that may be covered by the final Order. Responses to this solicitation will assist the Department in reaching a final determination regarding the types of programs, services, or assistance that should be covered by that Order. After reviewing any comments and consulting with other agencies, the Attorney General then will issue a final specification of programs, services, and assistance for which all persons remain eligible, regardless of immigration status.

If you believe that any program or programs you administer have been or may be affected by the Attorney General Order, the Department would appreciate receiving your comments. In your comments, please give the citations of any applicable federal, state, or local statutes or regulations that govern the creation, operation, or scope of your affected programs. Please also give a brief description of the structure of the program(s), your agency's view of whether the program, service, or assistance falls within the purview of the Attorney General Order, and any arguments to support that interpretation.

Dated: September 9, 1997.

**Janet Reno,**

*Attorney General.*

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as set forth in § 401(b) and § 411(b) of the Act, as amended by the Balanced Budget Act of 1997, Pub. L. No. 105-33 (1997).

## DEPARTMENT OF JUSTICE

### Immigration and Naturalization Service

[INS No. 1872-97]

#### Pilot Programs for Employment Eligibility Confirmation

**AGENCY:** Immigration and Naturalization Service, Justice.

**ACTION:** Notice.

**SUMMARY:** This notice prescribes guidelines under which employers may elect to participate in one or more of three pilot programs for employment eligibility confirmation to be conducted by the Immigration and Naturalization Service (Service) with the involvement of the Social Security Administration (SSA). This notice also requests comments from employers and other interested parties on the pilots. The Commissioner of the Service invites employers in states where the three pilot programs for employment eligibility confirmation will be conducted to contact the Service to elect to participate in one or more of them. The pilot programs build on the experience of the Service and SSA over the last 5 years in developing and operating employment verification pilot programs with the goal of enabling participating employers to verify their newly hired employees' work eligibility quickly, easily, and accurately.

**DATES:** There is no deadline for submission of election forms to participate in an employment verification pilot program(s), but interested employers should send their completed election forms to the Service as soon as possible to maximize their opportunity to participate.

**ADDRESSES:** Please submit your election forms, requests for information and any comments you may have on the pilot programs to the Immigration and Naturalization Service, 425 I Street, NW., ULLICO Building, 4th Floor, Washington, DC 20536, Attention: SAVE Program Branch—Election Forms and/or Comments.

**FOR FURTHER INFORMATION CONTACT:**

John E. Nahan, Immigration and Naturalization Service, SAVE Program, 425 I Street, NW., ULLICO Building, 4th Floor, Washington, DC 20536, telephone (202) 514-2317.

**SUPPLEMENTARY INFORMATION:**

**I. Statutory Authority**

Title IV, Subtitle A of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), Pub. L. 104-208, 110 Stat. 3009, enacted on September 30, 1996, provides that all

United States employers, subject to eligibility for participation, geographical limitations, and limitations of available Service and SSA resources, may elect to participate in one or more of three employment verification pilot programs to be conducted by the Service. The three pilot programs are: (1) the Basic Pilot; (2) the Citizen Attestation Pilot; and (3) the Machine-Readable Document Pilot.

**II. Purpose**

The purpose of these pilot programs is to implement IIRIRA's mandate to test three methods of providing an effective, nondiscriminatory work eligibility verification procedure focusing on electronic verification. Through an automated confirmation system, employers will match information provided by employees on the Form I-9, Employment Eligibility Verification, against existing information contained in SSA's or the Service's databases to confirm that an individual is eligible to work.

**III. General Description of the Pilot Programs for Employment Eligibility Confirmation**

The IIRIRA requires the Service to conduct three distinct pilot programs, each of which can last no longer than 4 years, unless otherwise directed by Congress. The programs include: (1) the Basic Pilot; (2) the Citizen Attestation Pilot; and (3) the Machine-Readable Document Pilot. Participation in the pilots will be voluntary on the part of employers, except with regard to the executive and legislative branches of the Federal Government and certain employers found to be in violation of sections 274A(e)(4) or 274B(g) of the Immigration and Nationality Act (Act), 8 U.S.C. 1101 et seq., in states where the pilots are being conducted. Although the decision for an employer to participate is voluntary, verification may not be selective; all employees subject to verification under the terms of a pilot program must be verified by an employer participating in that pilot.

**A. Mandatory Elections**

**1. Federal Government Participation**

Certain Federal Government entities are required by Section 402(e) of IIRIRA to elect to participate in at least one of the three pilot programs. The Secretary of each department of the executive branch is required to make an election of one or more of the pilot programs, but may limit the election to hiring in those states or geographic areas covered by the pilot(s) selected, and to specified divisions within the department, as long