

Notice is hereby given under the Native American Graves Protection and Repatriation Act, 25 U.S.C. 3005 (a)(2), of the intent to repatriate cultural items in the possession of the Science Museum of Minnesota, St. Paul, MN which meet the definition of "sacred object" and "object of cultural patrimony" as defined in Section 2 of the Act.

Between 1963 and 1977, the Science Museum of Minnesota accessioned eight carved wooden masks and one cornhusk mask into its collections.

In 1963, the Science Museum purchased two masks from W.G. Spittal. One mask is a woven cornhusk mask. The second mask is black-painted basswood in an elongated oval shape, with a carved face, horsetail hair, and copper eye plates. The cornhusk mask was made by an Onondaga Nation member, and the basswood mask was made by a Cayuga Nation member. Both of these masks were made at the Six Nations Reserve, Ontario, Canada.

In 1977, the Science Museum purchased seven masks from W. Bailey. The first mask is dark brown-stained wood in an elongated oval shape, horsetail hair, carved face, and copper eye plates. Information with this mask indicates it was made by the Seneca. The second mask is red-painted wood in an elongated oval shape, carved face, horsetail hair, and white eye plates. The third mask is black-painted wood in an elongated oval shape, carved face, horsetail hair, and tin eye plates. The fourth mask is black-painted wood in a narrowed oval shape, carved face, horsetail hair, and copper eye plates. The fifth mask is red-painted wood in an elongated oval shape, carved face, horsetail hair, and white eye plates. The sixth mask is red painted wood in a narrowed oval shape, horsetail hair, and white eye plates. The seventh mask is black-painted wood in an oval shape, carved face, horsetail hair, and white eye plates.

Consultation was conducted with representatives of the Haudenosaunee Standing Committee on Burial Rules and Regulations representing the Cayuga Nation, the Mohawk Nation, the Onondaga Nation, the Seneca Nation of Indians, the Tonawanda Band of Seneca, and the Tuscarora Nation. Consultation was also conducted with representatives of the Oneida Nation of New York, the Oneida Tribe of Wisconsin, and the Seneca-Cayuga Tribe of Oklahoma.

Consultation evidence indicates these items are medicine or false face masks. Such masks represent the power of particular medicine beings. Representatives of the Haudenosaunee

Standing Committee on Burial Rules and Regulations affirm that these false face masks are needed by the traditional religious leaders of all the nations of the Iroquois Confederacy for the practice of traditional ceremonies by present-day adherents. Representatives of the Haudenosaunee Standing Committee on Burial Rules and Regulations have indicated that false face masks are owned collectively by the members of the False Face Society common to all nations of the Iroquois Confederacy and no individual had the right to sell or otherwise alienate the masks.

Consultation, anthropological literature, and ethnographic evidence all indicate these masks are used by a traditional religious society (the False Face Society) common to all nations of the Iroquois Confederacy. With the exception of the one mask known to be Cayuga, the one mask known to be Onondaga, and the mask noted as Seneca, these masks are common to all extant False Face Societies.

Based on the above-mentioned information, officials of the Science Museum of Minnesota have determined that, pursuant to 25 U.S.C. 3001(3)(C), the nine masks are specific ceremonial objects which are needed by traditional Native American religious leaders for the practice of traditional Native American religions by their present day adherents. Officials of the Science Museum of Minnesota have also determined that, pursuant to 25 U.S.C. 3001(3)(D), the nine masks have ongoing historical, traditional, and cultural importance central to the Native American group or culture itself, rather than property owned by an individual Native American, and which, therefore, could not be alienated, appropriated, or conveyed by any individual. Finally, officials of the Science Museum of Minnesota have determined that, pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity with can be reasonably traced between these items and the Cayuga Nation, the Mohawk Nation, the Onondaga Nation, the Seneca Nation of Indians, the Tonawanda Band of Seneca, and the Tuscarora Nation, the Oneida Nation of New York, the Oneida Tribe of Wisconsin, the Seneca-Cayuga Tribe of Oklahoma.

This notice has been sent to representatives of the Haudenosaunee Standing Committee on Burial Rules and Regulations, the Cayuga Nation, the Mohawk Nation, the Onondaga Nation, the Seneca Nation of Indians, the Tonawanda Band of Seneca, and the Tuscarora Nation, the Oneida Nation of New York, the Oneida Tribe of Wisconsin, the Seneca-Cayuga Tribe of

Oklahoma. Representatives of any other Indian tribe which believes itself to be culturally affiliated with these objects should contact Ms. Faith G. Bad Bear, NAGPRA Project Manager, Science Museum of Minnesota, 30 East 10th Street, St. Paul, MN 55101, telephone (612) 221-9432 before April 24, 1996. Repatriation of these objects to the Haudenosaunee Standing Committee on Burial Rules and Regulations, representing the interests of the Cayuga Nation, the Mohawk Nation, the Onondaga Nation, the Seneca Nation of Indians, the Tonawanda Band of Seneca, and the Tuscarora Nation may begin after that date if no additional claimants come forward.

Dated: March 19, 1996

Francis P. McManamon

*Departmental Consulting Archeologist  
Chief, Archeology and Ethnography Program*  
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## DEPARTMENT OF JUSTICE

### 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 up to \$1.3 million 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 experiences 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. Applications will not be accepted from individuals or public entities, including state and local government agencies, and public educational institutions.

**APPLICATION DUE DATE:** May 9, 1996.

**FOR FURTHER INFORMATION CONTACT:** Patita McEvoy, Public Affairs Specialist, Office of Special Counsel for Immigration Related Unfair Employment Practices, 1425 New York Avenue NW., Suite 9000, P.O. 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 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

On November 6, 1986, President Reagan signed into law the Immigration Reform and Control Act of 1986 (IRCA), Pub. L. No. 99-603, which amended the INA. Additional provisions were signed into law by President Bush in the Immigration Act (IMMACT 90) on November 29, 1990. IRCA and subsequently, IMPACT 90, makes hiring aliens without work authorization unlawful, and requires employers to verify the identify 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, temporary residents under this amnesty, the Special Agricultural Workers (SAWs) or the Replenishment Agricultural Workers (RAWs) programs, refugees and asylees who apply for naturalization within six months of being eligible to do so. Citizens and *all* work authorized individuals are protected from *discrimination on the basis of national origin*. However, this prohibition applies 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 under Title VII of the Civil Rights Act of 1964.

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 constitutes document abuse.

Congress created the OSC to enforce Section 102. OSC is responsible for receiving and investigating discrimination charges and, when appropriate, filing complaints with a specially designated administrative tribunal. OSC also initiates independent investigations of possible Section 102 violations.

While OSC has 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 potential victims of discrimination about their rights and employers about their 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 said education. 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 credibly and effectively reach 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 education members of national or linguistic groups that have limited community-based support and communication networks.

Some grantees who are implementing 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 printing from camera-ready 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.

#### **Selection Criteria**

The final selection of grantees for award will be made by the Special Counsel for Immigration Related Unfair Employment Practices.

Proposals will be submitted to a peer review panel. OSC anticipates seeking assistance from sources with specialized knowledge in the areas of employment and immigration law, as well as in evaluating proposals, including the agencies that are members of the Antidiscrimination Outreach Task Force: the Department of Labor, the Equal Employment Opportunity Commission, the Small Business Administration, and the Immigration and Naturalization Service. Each panelist will evaluate proposals for effectiveness and efficiency with emphasis on the various factors enumerated below. The panel's results are advisory in nature and not binding on the Special Counsel. Letters of support, endorsement, or recommendation will not be accepted or 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 effectively reach 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. (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 subcontractors 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 that serve potential victims of discrimination and/or employers. Applications will not be accepted from individuals or public entities, including state and local government agencies, and public educational institutions.

#### **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.

During evaluation, the panel will closely examine those proposals that guarantee maximum exposure and penetration in the employer or potential victims target populations. Thus, a campaign designed to reach a very large proportion of employers (or potential victims) in the state of Texas would take precedence over a campaign designed to reach a more limited number of

employers (or potential victims) nationwide.

Publication of this announcement does not require OSC to award any specific number of grants, to obligate the entire amount of funds available, or to obligate any part thereof. The period of performance will be twelve months from the date of the grant award. Those grantees who successfully achieve their goals may be considered for supplementary funding for a second year based on the availability of funds.

#### Application Deadline

All applications must be received by 6:00 p.m. EDT, May 9, 1996 at the Office of Special Counsel for Immigration Related Unfair Employment Practices, 1425 New York Ave., N.W., Suite 9000, P.O. Box 27728, Washington, DC 20038-7728. Applications submitted via facsimile machine will not be accepted or considered.

#### 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; Department, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements).
3. An abstract of the full proposal, not to exceed one page.
4. A program narrative of not more than fifteen (15) double-spaced typed pages which include 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.
5. 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 Federal cognizant agency must accompany the budget.

Note: 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, D.C. at the beginning of the grant period (late Autumn).

6. Copies of resumes for the professional staff proposed in the budget.

7. 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, 1425 New York Ave., N.W., Suite 9000, P.O. Box 27728, Washington, DC 20038-7728. Tel. (202) 616-5594, or (202) 616-5525 (TDD for the hearing impaired).

Approved: Dated: March 20, 1996.

James S. Angus,

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

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## DEPARTMENT OF LABOR

### Employment and Training Administration

#### Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance and NAFTA Transitional Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended, the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance for workers (TA-W) issued during the period of March, 1996.

In order for an affirmative determination to be made and a certification of eligibility to apply for worker adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number of proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) that sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) that increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

#### Negative Determinations for Worker Adjustment Assistance

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W31,901; *Anchor Glass Container, Cliffwood, NJ*

TA-W31,826; *Lantz Lenses, Inc., St. Cloud, MN*

TA-W31,957; *Textron, Inc., Textron Lycoming Div., Williamsport, PA*

TA-W32,021; *Spartan Printing Co., Sparta, IL*

In the following cases, the investigation revealed that the criteria for eligibility have not been met for the reasons specified.

TA-W31,898; *Tandy Electronics Design (TED), Ft Worth, TX*

TA-W31,894; *Inland Container Corp., Macon, GA*

Increased imports did not contribute importantly to worker separations at the firm.

TA-W31,760; *Windsor Textile*

*Processing, Inc., Newburgh, NY*

TA-W31,925; *Grow Group, Inc., New York, NY*

The workers firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA-W31,765; *EIS Brake Parts, Div. of Standard Motor Products, Inc., Rural Retreat, VA*

The investigations revealed that criterion (2) and (3) have not been met. Sales or production did not decline during the relevant period as required for certification. Increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have not contributed importantly to the separations or threat thereof, and the absolute decline in sales or production.

TA-W31,833; *Young Stuff Apparel Group, Inc., New York, NY*

The investigation revealed that criterion (1) & criterion (2) have not been met. A significant number or proportion of the workers did not become totally or partially separated as required for certification. Sales or