

license, it would be pointless to grant a Federal registration when Respondent lacked state authority. The administrative law judge then recommended that in those cases where an applicant for a DEA registration as a manufacturer of controlled substances has had a state license or registration denied, suspended, revoked, or restricted by a state regulatory agency with jurisdiction to take that action, DEA should not grant greater authority to handle controlled substances than has been granted by the state. Consequently, the administrative law judge granted Government's motion for summary disposition and recommended that Respondent's application for a DEA Certificate of Registration be denied. Neither party filed exceptions to the opinion and recommended decision. On November 2, 1994, the administrative law judge transmitted the record to the Deputy Administrator.

The Deputy Administrator has carefully considered the entire record in this matter and hereby adopts the administrative law judge's opinion and recommended decision. The Deputy Administrator, pursuant to 21 CFR 1316.67, hereby issues his final order in this matter based upon findings of fact and conclusions of law as hereinafter set forth. It is undisputed that Respondent is not authorized to manufacture controlled substances in the State of Illinois. Because 21 U.S.C. 824(a)(3) provides that denial or revocation of a state license or registration constitutes grounds to revoke a DEA registration, if Respondent were granted a registration, DEA would immediately have grounds to revoke it. It is well-settled that the agency need not grant a license on one day only to revoke it the next. Kuen H. Chen, 58 FR 65401 (1993) (quoting Serling Drug Co. and Detroit Prescription Wholesaler, Inc., 40 FR 1118, 11919 (1975)). Further, inasmuch as DEA must consider "compliance with applicable State and local law" when determining whether to grant a DEA registration to manufacture controlled substances, 21 U.S.C. 823(a)(2), DEA's grant of a registration to Respondent would put him in jeopardy of Illinois law. Finally, despite the lack of a state authority threshold for manufacturer registrations, the Deputy Administrator concludes that, inasmuch as Illinois had denied Respondent a state license, DEA cannot grant Respondent's application for a DEA Certificate of Registration. Cf. Nathaniel S. Lehrman, M.D., 59 FR 44780 (1994) (holding that DEA has consistently held that it cannot maintain the registration of a practitioner who is not authorized to handle controlled

substances in the state in which he practices); accord Franz A. Arakaky MD., 59 FR 42074 (1994); Elliott Monroe, M.D., 57 FR 23246 (1992).

The Deputy Administrator concurs with the administrative law judge's granting of the Government's motion for summary disposition. In the absence of a question of material fact, a plenary adversary administrative proceeding is not required. Philip E. Kirk, M.D., 48 FR 32887 (1983), *aff'd sub nom Kirk v. Mullen*, 749 F.2d 297 (6th Cir. 1984); *Alfred Tennyson Smurthwaite, N.D.*, 43 FR 11873 (1978); see also *NLRB v. International Association of Bridge, Structural and Ornamental Ironworkers, AFL-CIO*, 549 F.2d 634 (9th Cir. 1977); *U.S. v. Consolidated Mines and Smelting Co. Ltd.*, 44 F.2d 432, 453 (9th Cir. 1971).

Accordingly, the Deputy Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b) and 0.104, hereby orders that the application for a DEA Certificate of Registration submitted by Michael Schumacher, General Television, be, and it hereby is, denied. This order is effective April 10, 1995.

Dated: March 3, 1995.

**Stephen H. Greene,**

*Deputy Administrator.*

[FR Doc. 95-5833 Filed 3-9-95; 8:45 am]

BILLING CODE 4410-09-M

### **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, 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 \$1.5 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 provision 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 provision 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:** April 24, 1995.

**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 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, IMMACT 90, makes hiring aliens without work authorization unlawful, and requires 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. Citizens and certain classes of work authorized individuals are protected from citizenship status discrimination. Protected non-citizens include permanent residents, temporary residents under the 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.

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 provision 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, D.C. at the beginning of the grant period (late Autumn).* Proposals should outline the flowing key elements of the program:

#### *Part I: Targeted Population*

The educational efforts under the grant should directed to (1) work authorized non-citizens who are protected individuals, since this groups 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 educating members of

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

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 provides.

**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, April 24, 1995 at the Office of Special Counsel for Immigration Related Unfair Employment Practices, 1425 New York Ave. NW., Suite 9000, PO. 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 complete 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. 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. NW., Suite 9000 P.O. Box 27728, Washington, DC 20038-7728. (Tel. (202) 616-5594, or (202) 616-5525 (TDD for the hearing impaired).

Dated: March 6, 1995.

Approved:

**William Ho-Gonzalez,**

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

[FR Doc. 95-5960 Filed 3-9-95; 8:45 am]

BILLING CODE 4410-13-M

## DEPARTMENT OF LABOR

### Bureau of Labor Statistics

#### Business Research Advisory Council; Notice of Meetings and Agenda

The regular Spring meetings of the Business Research Advisory Council and its Committees will be held on March 29 and 30, 1995. All of the meetings will be held in the Conference Center of the Postal Square Building, 2 Massachusetts Avenue, NE., Washington, DC.

The Business Research Advisory Council and its committees advise the Bureau of Labor Statistics with respect to technical matters associated with the Bureau's programs. Membership consists of technical officers from American business and industry.

The schedule and agenda for the meetings are as follows:

*Wednesday, March 29, 1995*

*10:00-11:30 a.m.—Committee on Price Indexes*

1. Current CPI issues and plans
2. Other business

*1:30-3:00 p.m.—Committee on Productivity and Foreign Labor*

1. Proposed change in name of the committee
2. Review of recent developments in the Office of Productivity and Technology
3. New index number method for industry labor productivity data
4. New index number method for major sector labor productivity data
5. Chartbook on international labor statistics comparisons

*3:30-5:00 p.m.—Committee on Employment Projections*

1. Defense expenditures
2. Plans for further research on college graduates
3. Analysis of the implications of employment changes for the characteristics of jobs: the good jobs/bad jobs issue

*Thursday, March 30, 1995*

*8:30-10:00 a.m.—Committee on Employment and Unemployment Statistics*

1. The National Wage Record Database
2. America's Labor Market Information System (ALMIS)
3. Restart of the Mass Layoff Statistics (MLS) program
4. Plans for establishing a longitudinal database of ES-202 program establishments
5. American Statistical Association's recommendations for the improvement of the CES and ES-202 programs
6. Duration of unemployment
7. Elect Vice chairperson

*10:30-12:00 p.m.—Council Meeting*

1. Chairperson's opening remarks
2. Commissioner Abraham's address and discussion
3. Business session
4. Chairperson's closing remarks

*1:30-3:30 p.m.—Committee on Compensation and Working Conditions*

1. An initiative to redesign compensation statistics
2. Current and future changes to the Occupational Compensation Survey Program (OCSPP) job list
3. The recent Employee Benefits Survey bulletin: a general overview
4. Surveys of Employer-Provided Training: an update

The meetings are open to the public. persons with disabilities wishing to attend should contact Constance B. DiCesare, Liaison, Business Research Advisory Council, at (202) 606-5887, for appropriate accommodations.

Signed at Washington, DC the 3rd day of March 1995.

**Katharine G. Abraham,**  
*Commissioner.*

[FR Doc. 95-5917 Filed 3-9-95; 8:45 am]

BILLING CODE 4510-24-M

### Employment Standards Administration Wage and Hour Division

#### Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of

laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR Part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR Part 1, Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specific classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determinations, and modifications and supersede as decisions thereto, contain no expiration dates and are effective from their date of notice in the **Federal Register**, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts," shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest