

Dated: June 2, 2000.

**Morris L. Thigpen,**

*Director, National Institute of Corrections.*

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## DEPARTMENT OF LABOR

### Employment and Training Administration

### Proposed Collection; Comment Request

**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 (PRA95) [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 the impact of collection requirements on respondents can be properly assessed. Currently, the Employment and Training Administration is soliciting comments concerning the proposed revision/extension for collection of the ETA 227 Report, Overpayment Detection and Recovery Activities. A copy of the proposed information collection request (ICR) can be obtained by contacting the office listed below in the **ADDRESSES** section of this notice.

**DATES:** Written comments must be submitted to the office listed in the addressee's section below on or before August 8, 2000.

**ADDRESSES:** Submit written comments to the Employment and Training Administration, Office of Workforce Security, 200 Constitution Avenue NW, Room S4231, Washington, DC 20010, Attention: Bob Whiting. Telephone number: 202-219-5340, ext. 182 (this is not a toll-free number). Fax: 202-219-8506. E-mail: [rwhiting@doleta.gov](mailto:rwhiting@doleta.gov).

#### SUPPLEMENTARY INFORMATION:

#### I. Background

Section 303(a)(1) of the Social Security Act requires a State's Unemployment Insurance (UI) law to include provisions for:

"Such methods of administration \* \* \* as are found by the Secretary of Labor to be

reasonably calculated to insure full payment of unemployment compensation when due \* \* \*

Section 303(a)(5) of the Social Security Act further requires a State's UI law to include provisions for:

"Expenditure of all money withdrawn from an unemployment fund of such State, in the payment of unemployment compensation \* \* \*

Section 3304(a)(4) of the Internal Revenue Code of 1954 provides that:

"all money withdrawn from the unemployment fund of the State shall be used solely in the payment of unemployment compensation \* \* \*

The Secretary of Labor has interpreted the above sections of Federal law in Section 7511, Part V, ES Manual to further require a State's UI law to include provisions for such methods of administration as are, within reason, calculated (1) to detect benefits paid through error by the State Employment Security Agency (SESA) or through willful misrepresentation or error by the claimant or others, (2) to deter claimants from obtaining benefits through willful misrepresentation, and (3) to recover benefits overpaid. The ETA 227 is used to determine whether SESAs meet these requirements of the Secretary of Labor's interpretation of the Federal laws.

The ETA-227 contains data on the number and amounts of fraud and nonfraud overpayments established, the methods by which overpayments were detected, the amounts and methods by which overpayments were collected, the amounts of overpayments waived and written off, the accounts receivable for overpayments outstanding, and data on criminal/civil actions. These data are gathered by 53 SESAs and reported to the Department of Labor following the end of each calendar quarter. The overall effectiveness of SESAs' UI integrity efforts can be determined by examining and analyzing the data. These data are also used by SESAs as a management tool for effective UI program administration.

#### II. Review Focus

The Department of Labor 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, including the validity of the methodology and assumptions used;

- enhance the quality, utility, and clarity of the information to be collected; and

- 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 submissions of responses. III. Current Actions: The UI program pays approximately \$20 billion in benefits annually. Although the overpayment rate is relatively low (less than one percent), high amounts of money are involved, and it is in the national interest to maintain the program's integrity. Therefore, we are proposing to extend the authorization to continue collecting data to measure the effectiveness of benefit payment controls in the SESAs. Several modifications have been made to the report format to improve the effectiveness of the collection vehicle, including additions and deletions of data cells:

#### Additions

- Overpayments established involving multi-claimant fraud schemes.
- Totals for controllable and uncontrollable under Section B, "Overpayments Established—Methods of Detection".
- Overpayments detected through the "new hire" system.
- Overpayments detected by "special projects" (new methodologies).
- Overpayments Recovered—Total.
- Overpayments recovered by offset of state income tax refunds.
- Overpayments recovered by other states.
- Penalty and interest collected for Federal programs.
- Overpayments collected for other states.

#### Deletions

- All columns in the section titled "Reconciliation of Overpayment Activities" that pertain to the number of cases. (Only dollar amounts will be reported in the future.)
- The following under-utilized lines in the section titled "Detection Activities": verification of low earnings; verification of return to work; quality control.
- The following lines also in the "Detection" section because states cannot exercise control over their incidence, and gathering data is of less value than that of other activities which have been added: employer protest of charges; tips and leads; other noncontrollable activities.

- Cells identifying nonfraud fictitious employer schemes.

#### *Other Modifications*

- The order of sections B and C have been reversed so that "Overpayments Established—Methods of Detection" precedes "Recovery/Reconciliation".
- In Section A "Overpayments Established—Causes", the line for administrative penalty has been removed from under the subheading "Nonfraud" so that it stands alone.
- In Section B "Overpayments Established—Methods of Detection", the lines have been reordered so all controllable methods are grouped under the appropriate heading.
- In Section C "Recovery/Reconciliation", the line formerly identified as "Allowance for Doubtful Accounts" has been redefined, and data will be reported as "Receivables Removed at End of Report Period".

*Type of Review:* Revision.

*Agency:* Employment and Training Administration.

*Title:* Overpayment Detection and Recovery Activities.

*OMB Number:* 1205-0173.

*Agency Number:* ETA-227.

*Record keeping:* State agencies are required to maintain all documentation supporting the information reported on the ETA-227 for three years following the end of each report period.

*Affected Public:* State Government.

*Cite/Reference/Form/etc:* Form.

*Total Respondents:* 53 State agencies.

*Frequency:* Quarterly.

*Total Responses:* 212.

*Average Time per Response:* 14 hours.

*Estimated Total Burden Hours:* 2968.

*Total Burden Cost (operating/maintaining):* Estimated at \$76,396 which is allowable cost under the administrative grants awarded to States by the Federal government. Additionally, there will be a one time cost of reprogramming the State systems at the cost of \$20,758 (annualized).

Comments submitted in response to this comment request will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: June 5, 2000.

**Grace A. Kilbane,**

*Administrator, Office of Workforce Security.*

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## DEPARTMENT OF LABOR

### 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 specified 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 procedures 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 determination decisions, and modifications and supersedes decisions thereto, contain no expiration dates and are effective for 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 decisions, 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 in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue, NW, Room S-3014, Washington, DC 20210.

#### Modifications to General Wage Determination Decisions

The number of decisions listed in the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and related Acts" being modified are listed by Volume and State. Dates of publication in the **Federal Register** are in parentheses following the decisions being modified.

##### *Volume I*

None

##### *Volume II*

Maryland

MD000008 (Feb. 11, 2000)

MD000021 (Feb. 11, 2000)

MD000039 (Feb. 11, 2000)

MD000042 (Feb. 11, 2000)

Pennsylvania

PA000005 (Feb. 11, 2000)

PA000006 (Feb. 11, 2000)

PA000014 (Feb. 11, 2000)

PA000025 (Feb. 11, 2000)

PA000026 (Feb. 11, 2000)

Virginia

VA000014 (Feb. 11, 2000)

VA000044 (Feb. 11, 2000)

VA000059 (Feb. 11, 2000)

VA000067 (Feb. 11, 2000)

##### *Volume III*

None

##### *Volume IV*

None