

IMMIGRANTS—CONTINUED—Continued

Symbol	Class	Section of law
R51	Investor Pilot Program, Not in Targeted Area .....	203(b)(5) & Sec. 610 of the Departments of Commerce, Justice, and State, the Judiciary and Related Agencies Appropriations Act, 1993 (P.L. 102-395)

**Other Numerically Limited Categories  
Diversity Immigrants (Beginning in FY 1995)**

DV1	Diversity Immigrant .....	Section 203(c).
DV2	Spouse of DV1 .....	Section 203(c).
DV3	Child of DV1 .....	Section 203(c).

**Transition for Employees of Certain U.S. Businesses in Hong Kong (Fiscal Years 1991-1993)\***

HK1	Employee of U.S. Business in Hong Kong .....	Section 124 of the Immigration Act of 1990.
HK2	Spouse of HK1 .....	Section 124 of the Immigration Act of 1990.
HK3	Child of HK1 .....	Section 124 of the Immigration Act of 1990.

**Diversity Transition for Natives of Certain Adversely Affected Foreign States (Fiscal Years 1992-1995)**

AA1	Diversity Transition Immigration .....	Section 132 of the Immigration Act of 1990.
AA2	Spouse of AA1 .....	Section 132 of the Immigration Act of 1990.
AA3	Child of AA1 .....	Section 132 of the Immigration Act of 1990.

\* Although these visas may no longer be issued, some HK visas remain valid through January 1, 2002.

Mary A. Ryan,  
Assistant Secretary for Consular Affairs.  
[FR Doc. 95-4589 Filed 2-24-95; 8:45 am]  
BILLING CODE 4710-06-M

**DEPARTMENT OF VETERANS AFFAIRS**

**38 CFR Part 17  
RIN 2900-AG91**

**VA Homeless Providers Grant and Per Diem Program**

**AGENCY:** Department of Veterans Affairs.  
**ACTION:** Final rule.

**SUMMARY:** We are, with changes, adopting as a final rule the provisions of an interim final rule promulgated pursuant to The Homeless Veterans Comprehensive Service Programs Act of 1992. The Act authorizes the Department of Veterans Affairs to assist public or nonprofit private entities in establishing new programs to furnish supportive services and supportive housing for homeless veterans through grants. The Act also authorizes VA to provide per diem payments, or in-kind assistance in lieu of per diem payments, to eligible entities that established programs after November 10, 1992 that

provide supportive services or supportive housing for homeless veterans, or service centers providing supportive services. This rule contains criteria and requirements relating to the awarding of grants and relating to per diem payments. Accordingly, this rule is necessary so that grants can be awarded and per diem payments can be made.

**EFFECTIVE DATE:** February 27, 1995.  
**FOR FURTHER INFORMATION CONTACT:** Roger Casey, Program Manager, VA Homeless Providers Grant and Per Diem Program, Mental Health and Behavioral Sciences Service (111C), U.S. Department of Veterans Affairs, 810 Vermont Avenue, N.W., Washington, D.C. 20420; (202) 535-7311 (this is not a toll-free number).

**SUPPLEMENTARY INFORMATION:**  
Background

In a document published in the Federal Register on June 1, 1994 (59 FR 28264-28275), we established an interim final rule to implement provisions of the "Homeless Veterans Comprehensive Service Programs Act of 1992." We solicited comments concerning the interim final rule for 60 days ending August 1, 1994. We

received comments from three commenters: the Missouri Veterans Leadership Program, Vietnam Veterans Of America, Inc., and the State of New Jersey Department of Military and Veterans' Affairs. We have carefully considered all of the comments, and they are discussed below.

Based on the rationale set forth in the interim final rule and in this document, we are adopting the provisions of the interim final rule as a final rule, with changes as discussed in this document. This final rule also affirms the information contained in the interim final rule concerning Executive Order 12866 and the Regulatory Flexibility Act.

It was commented that VA "restore some of the original funding earmarked for technical assistance" in preparing grant applications. No changes are made based on this comment. The appropriation for the grant and per diem program did not earmark funding for technical assistance.

In addition, with respect to the two-phase application process for obtaining grants, it was commented that "any requirements for professional consultation or the need for expenditures be reserved for the second

phase when there is some hope that these costs will be reimbursed." No changes are made based on this comment. The rule does not require use of professional consultation or any large expenditures for the initial phase of the application process.

It was also suggested that VA make specific allocation of funds to the per diem and grant components of the program. No changes are made based on this comment. Instead of predetermining amounts, it is our view that the amounts should be allocated on an ad hoc basis based on need and availability of funds. Even so, we agree that funding should provide for both per diem and grant awards, and we will ensure that both receive portions of allocations.

The writer also commented that the rating criteria should award additional points to "veteran-run programs." No changes are made based on this comment. The grant and per diem program as authorized under Pub. L. 102-590 does not address this issue, and there does not appear to be a basis for giving preference to veteran-run programs.

Another comment stated that the point system used for rating grants should include points for targeting homeless veterans discharged from VA medical centers. No changes are made based on this comment, since the rule already includes this concept (see 38 CFR 17.711 (d)(2)).

This commenter also disagreed with the statement in the Preamble to the interim final rule that the "vast majority of homeless veterans are single". No changes are made based on this comment. We believe that such statement is correct. The statement is consistent with the Executive Summary of the 1990 Annual Report of the Interagency Council on the Homeless, which states that "Over three-quarters of homeless adults are unattached single men, (and) 8% are unattached single women" (page 24); and that the "characteristics of homeless veterans appear to roughly parallel those of other homeless persons of the same sex" (page 33).

It was also asserted that the grant program should not prohibit use of grant funding to construct, expand, remodel or acquire buildings located on VA owned property. Except as provided for in 38 U.S.C. 8122 or 40 U.S.C. 484, such VA property may not be purchased. In essence, applicants could only "acquire" these VA owned properties by lease, and lease payments are operational costs. Pub. L. 102-590 section 3(c) prohibits use of grant funds to support operational costs.

Furthermore, the interim final rule limited uses of grant funding to acquisition, expansion and rehabilitation of structures owned by the applicant, or held by the applicant under a capital lease, in order to ensure long-term use of such structures to benefit homeless veterans. However, we are amending § 17.700 by revising the last sentence of paragraph (a) to permit use of grant funding to construct, expand or remodel buildings located on VA medical center grounds. A corresponding change is made in § 17.731(a)(1) to allow such leases to be used to demonstrate site control. We believe that these changes are consistent with the Congressional intent. In this regard, Congress stated:

The Committee views the bill as a catalyst to spark linkages both between programs within VA as well as between VA and community-based programs. \* \* \* The bill not only seeks to encourage new partnerships between VA programs and those serving in the same communities, but to provide seed money to start up new programs which would work in concert with VA efforts. (138 Cong. Rec. House Report No. 102-721 (July 24, 1992) reprinted in 1992 U.S.C.C.A.N. 4318).

The amendment would provide a means to enhance VA partnerships with community-based programs, and would allow for better and more immediate access to health and other benefits at VA medical centers. Moreover, if a grant recipient whose program was funded on VA medical center grounds ceased to operate the program, VA could seek another community-based organization to occupy the site and conduct a program for homeless veterans that carries out the purposes of the Act.

It was also asserted that the per diem program should not be restricted to new programs established after November 10, 1992. No change to the rule is made based on this comment since this a requirement of Pub. L. No. 102-590 (see section 4(a)).

Two of the commenters asserted that recipients of grants should be able to obtain a grant by providing less than 35 percent of the total project costs. No changes are made based on this comment. VA has no choice in this matter, since Pub. L. 102-590 section 3(c) provides that the amount of a grant "may not exceed 65 percent of the estimated cost \* \* \*."

Three commenters asserted that grants should provide for operating costs. No changes are made based on these comments. VA has no choice in this matter since Pub. L. 102-590 section 3(c) states that a grant may not be used to support operational costs. However, it is noted that even though operational costs are not allowed under the grant

component, payments under the per diem component necessarily include operational costs.

Several comments were based on incorrect assumptions. It was commented incorrectly that the rule limits funding for remodeling or renovating VA foreclosures acquired under the McKinney Act. The rule does not contain such limitation on the use of funds for remodeling or renovating VA foreclosed properties, and the McKinney Act does not pertain to VA foreclosed properties. It was also incorrectly stated that grant funds were not available to make necessary and reasonable improvements to accommodate access for disabled veterans. The rule contains no such prohibition. In addition, it was incorrectly stated that the rule excludes applicants if they are not United Way member organizations. The rule does not require United Way membership as a condition of eligibility to apply for grants or per diem payments.

Changes are made in the final rule to more clearly set forth the Congressional intent with respect to the meaning of "new program/new component of existing program". In this regard Congress stated that:

The intent of the grant program is to assist in the establishment of new programs, or new components of existing programs, that will provide needed services to homeless veterans. In this regard both newly established organizations and existing organizations would be eligible for grant support for the furnishing of specified assistance that is needed in the area or community so long as, in the case of existing organizations, they are not already providing that kind of assistance in such area or community. (138 Cong. Rec. S. 17185 (Oct. 7, 1992) reprinted in 1992 U.S.C.C.A.N. 4335, 4336).

The final rule is amended to better reflect this Congressional intent. We are adding a definition of "area or community" because it is relevant for determining whether or not the proposed project constitutes a new program or new component of an existing program. In this regard, the "new program/new component of an existing program" must be both needed and not already provided by the applicant in the "area or community". Since it was intended that organizations be prohibited from receiving grants for the same kind of assistance they already have been providing in an area or community, it is necessary to specify at what point they would be in a different area or community and therefore eligible to receive a grant, assuming all other applicable conditions are met. To better reflect Congressional intent, the

term "area or community" is defined to mean "a political subdivision or contiguous political subdivisions (such as precinct, ward, borough, city, county, State, Congressional district, etc.) with a separately identifiable population of homeless veterans." Accordingly, changes are made to the rule to better reflect this Congressional intent.

Changes are made to the "rating criteria for applications" section of the rule (§ 17.711) to clarify that grants may be awarded only for new programs or new components of existing programs.

This final rule, which essentially affirms the provisions of the interim final rule, is made effective upon publication. The substantive changes made by this final rule relieve restrictions.

Executive Order 12866: This rule has been reviewed as a "significant regulatory action" under E.O. 12866 by the Office of Management and Budget.

List of Subjects in 38 CFR Part 17

Community action programs, Community development, Homeless veterans, Government contracts, Grant programs—Health, Grant programs—homeless veterans, Grant programs—housing and community development, Grant programs—social programs, Grant programs—transportation, Health, Health care, Health facilities, Housing, Intergovernmental relations, Low and moderate income housing, Manpower training programs, Mental health centers, Mental health programs, Motor carriers, Motor vehicles, Public housing, Rent subsidies, Supportive housing, Supportive services, Veterans, Vocational education, Vocational rehabilitation, Work Incentive Programs.

Approved: February 15, 1995.

Jesse Brown,

Secretary of Veterans Affairs.

For the reasons set forth in the preamble, the interim rule amending 38 CFR part 17 which was published at 59 FR 28625, June 1, 1994, is adopted as final with the following changes:

**PART 17—MEDICAL**

1. The authority citation for part 17 continues to read as follows:

Authority: 38 U.S.C. 501, 38 U.S.C. 7721 note, unless otherwise noted.

2. Section 17.700 is amended by revising the last sentence of paragraph (a) to read as follows:

**§ 17.700 Purpose and scope.**

(a) \* \* \* This program does not provide for funding to acquire buildings located on VA-owned property. The program does provide for grant funds to

be used to construct, expand or remodel buildings located on VA-owned property.

3. Section 17.701 is amended by adding the definition of "area or community", and by revising the definition of "new program/new component of an existing program" to read as follows:

**§ 17.701 Definitions.**

*Area or community* means a political subdivision or contiguous political subdivisions (such as precinct, ward, borough, city, county, State, Congressional district, etc.) with a separately identifiable population of homeless veterans.

*New program/new component of an existing program* means a proposed program of supportive services, or a proposed addition of supportive services to an existing program, which services are not currently being provided by the entity proposing it, and for which there is a demonstrated need in the area or community served by that entity.

4. Section 17.710 is amended by revising paragraph (a)(7) to read as follows:

**§ 17.710 Application requirements.**

(7) Documentation on site control and appropriate zoning, and on the boundaries of the area or community proposed to be served;

5. Section 17.711 is amended by revising paragraphs (b)(4) and the first sentence in (d)(4) to read as follows:

**§ 17.711 Rating criteria for applications.**

(4) *Eligible activities.* The activities for which assistance is requested must be eligible for funding under this part (e.g., new programs or new components of existing programs).

(4) *Need.* VA will award up to 150 points based on the applicant's demonstrated understanding of the needs of the specific homeless veteran population proposed to be served in the specified area or community.

6. Section 17.731 is amended by adding a new sentence at the end of paragraph (a)(1) to read as follows:

**§ 17.731 Site control.**

(1) \* \* \* A lease other than a capital lease does not demonstrate site control except for a VA lease as described in § 17.700(a) of this part.

[FR Doc. 95-4654 Filed 2-24-95; 8:45 am]  
BILLING CODE 8320-01-P

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[TN 110-1-6172a; FRL-5143-9]

**Approval and Promulgation of Implementation Plans Tennessee: Approval of Revisions to the Tennessee Chapter on Volatile Organic Compounds (VOC)**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Direct final rule.

**SUMMARY:** In this document, EPA is acting on revisions to the Tennessee State Implementation Plan (SIP) which were submitted on May 18, 1993, by Tennessee, through the Tennessee Department of Air Pollution Control (TDAPC), and contained revisions to chapter 1200-3-18 "Volatile Organic Compounds (VOC)." Due to the significance of the revisions, this revised chapter was submitted to replace the current chapter 1200-3-18. These revisions were made to satisfy the VOC Reasonably Available Control Technology (RACT) "Catch-Up" requirements contained in the amended Clean Air Act (CAA). EPA is granting conditional approval, full approval or disapproval of the revisions as explained in detail in the Supplementary Information section of this document.

**DATES:** This final rule will be effective April 28, 1995 unless adverse or critical comments are received by March 29, 1995. If the effective date is delayed, timely notice will be published in the Federal Register.

**ADDRESSES:** Written comments should be addressed to: William Denman Stationary Source Unit, Regulatory Planning and Development Section, Air Programs Branch, Air, Pesticides & Toxics Management Division, Region 4 Environmental Protection Agency, 345 Courtland Street, NE., Atlanta, Georgia 30365

Copies of the material submitted by the State of Tennessee may be examined during normal business hours at the following locations: