

Appendix F—Certification Regarding Environmental Tobacco Smoke

Public Law 103-227, Part C—Environmental Tobacco Smoke, also known as the Pro-Children Act of 1994 (Act), requires that smoking not be permitted in any portion of any indoor facility owned or leased or contracted for by an entity and used routinely or regularly for the provision of health, day care, education, or library services to children under the age of 18, if the services are funded by Federal programs either directly or through State or local governments, by Federal grant, contract, loan, or loan guarantee. The law does not apply to children's services provided in private residences, facilities funded solely by Medicare or Medicaid funds, and portions of facilities used for inpatient drug or alcohol treatment. Failure to comply with the provisions of the law may result in the imposition of a civil monetary penalty of up to \$1,000 per day and/or the imposition of an administrative compliance order on the responsible entity.

By signing and submitting this application the applicant/grantee certifies that it will comply with the requirements of the Act. The applicant/grantee further agrees that it will require the language of this certification be included in any subawards which contain provisions for children's services and that all subgrantees shall certify accordingly.

Appendix G—ORR State Letter

Number 95-01

Date: January 12, 1995.

To: State Refugee Coordinators

From: Lavinia Limon, Director, Office of Refugee Resettlement

Subject: Impact of Medicaid Waivers on Refugee Medical Assistance

Several States have received Medicaid waivers to expand health insurance for needy persons. These waivers have targeted needy individuals who are not categorically eligible for Medicaid, such as single persons, childless couples, and intact families without a connection to the work force. Many refugees now receiving refugee medical assistance (RMA) may become eligible under these new waiver programs. This letter is to provide policy clarification to States regarding how to handle eligibility in such situations and what ORR's policy regarding cost reimbursement will be for such cases.

ORR's policy is that refugees who become eligible for Medicaid through waiver provisions must be served under the Medicaid program, rather than under RMA.

Currently, 45 CFR 400.94 provides that a determination of eligibility for Medicaid must precede a determination of eligibility for RMA. In addition, § 400.100 restricts RMA coverage to refugees who are ineligible for Medicaid but who meet the financial eligibility requirements under § 400.101. The Health Care Financing Administration (HCFA) has informed us that the provisions of an approved Medicaid waiver replaces the applicable sections of the Medicaid State plan. Accordingly, under § 400.94, States must first determine refugee eligibility for the Medicaid waiver program. Only those refugees not eligible under the Medicaid

waiver program could be eligible for RMA. If all refugees in a State are eligible under the waiver, the RMA program would be supplanted in its entirety by the Medicaid waiver program.

Costs incurred for refugees in a waiver program will be treated in the following manner:

- ORR will reimburse States for the State share of costs for refugees who would otherwise be eligible for RMA but who become eligible for Medicaid through the approved waiver provisions. The reimbursable costs will include the State share of Medicaid costs for these refugees for the first eight months of U.S. residency (or for whatever period of eligibility is in effect for RMA), including the State share of administrative costs of providing Medicaid to these refugees.

- ORR will not reimburse States for costs incurred by refugees who would have been eligible for Medicaid without the waiver provisions, such as refugees receiving SSI and AFDC.

We wish to emphasize the following two principles which guide our policy considerations on health care reform:

(1) ORR is committed to allowing States to include refugees in health care reform programs whenever possible, whether initiated at the Federal or State level; and

(2) ORR is committed to holding States harmless by reimbursing States for the State share of costs for RMA-eligible refugees in State health care reform programs.

In the event that your State applies for a Medicaid waiver which might affect the refugee program, please contact your State liaison or the ORR Policy Division in order to assure common understanding regarding the waiver and its implications for RMA and for refugees. We want to work together to assure that there is no misunderstanding regarding the regulations or how the costs will be covered.

[FR Doc. 95-7506 Filed 3-27-95; 8:45 am]

BILLING CODE 4184-01-P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**Office of the Secretary**

[Docket No. D-95-1085; FR-3868-D-01]

Revocation in Part and Delegation of Authority for Indian Programs

AGENCY: Office of the Secretary, HUD.

ACTION: Notice of revocation in part and delegation of authority.

SUMMARY: This notice revokes authority from the Assistant Secretary for Community Planning and Development (CPD), in the case of Indian Tribes and Alaska Natives only, to administer the Emergency Shelter Grants Program (ESG) under Subtitle B of Part IV of the Stewart B. McKinney Homeless Assistance Act, as amended, 42 U.S.C. 11371 *et seq.* This notice delegates this

authority to administer the ESG Program pertaining to Indian Tribes and Alaska Natives to the Assistant Secretary for Public and Indian Housing (PIH).

EFFECTIVE DATE: March 15, 1995.

FOR FURTHER INFORMATION CONTACT: Elaine Dudley, Deputy Director for Headquarters Operations, Office of Native American Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, B-133, 451 7th Street, SW, telephone (202) 755-0066 or 755-0850 (voice/TDD). (These are not toll-free numbers).

SUPPLEMENTARY INFORMATION: By statute, Indian tribes receive a set aside of 1% of funds appropriated for the ESG Program for Indian and Alaskan Natives under Subtitle B of Title IV of the Stewart B. McKinney Homeless Assistance Act, as amended, 42 U.S.C. 11371 *et seq.* Originally this set aside of ESG funds for Indian tribes was administered by CPD field office staff working within Indian program offices located in six regional or field offices. CPD had complete responsibility for the set aside within its ESG Program.

Pursuant to Section 902 of the Housing and Community Development Act of 1992, 42 U.S.C. 3533, the Office of Native American Programs (ONAP) was created within the Office of Public and Indian Housing (PIH) in Headquarters. According to the statute, the office is to administer and coordinate all programs of the Department relating to Indian and Alaska Native housing and community development. In addition, ONAP is to direct, coordinate and assist in managing HUD field offices that administer Indian and Alaska Native programs.

In accordance with the statute, the Secretary has already delegated to the Assistant Secretary for PIH, and the Assistant Secretary for PIH has redelegated to the Director, the Deputy Director for Headquarters Operations, and the Deputy Director for Field Operations, Office of Native American Programs, the authority for the HOME and Community Development Block Grant (CDBG) Programs, in the case of Indian Tribes and Alaska Natives. This authority previously rested with the Assistant Secretary for CPD.

In furtherance of the goal of having one office of the Department administer all programs pertaining to Indian and Alaska Natives, the Secretary is revoking from the Assistant Secretary for CPD, and delegating to the Assistant Secretary for PIH, in the case of Indian Tribes and Alaska Natives only, the authority for the Emergency Shelter Grants Program under Subtitle B of Part

IV of the Stewart B. McKinney Homeless Assistance Act, as amended, 42 U.S.C. 11371 *et seq.* In addition, published elsewhere in today's Federal Register, the Assistant Secretary for PIH is re delegating this authority to the Director, the Deputy Director for Headquarters Operations, and the Deputy Director for Field Operations, Office of Native American Programs, within the Office of Public and Indian Housing.

Accordingly, the Secretary revokes in part and delegates authority as follows:

Section A. Authority Delegated

The Secretary of the Department of Housing and Urban Development delegates individually to the Assistant Secretary for PIH and to the General Deputy Assistant Secretary for PIH all power and authority with respect to the Emergency Shelter Grants Program, for Indian Tribes and Alaska Natives, pursuant to Subtitle B of Title IV of the Stewart B. McKinney Homeless Assistance Act, as amended, 42 U.S.C. 11371 *et seq.*, except as provided in Section B of this delegation of authority.

Section B. Authority Excepted

The authority delegated under Section A does not include the power to sue and be sued.

Section C. Authority Revoked

The Secretary of Housing and Urban Development revokes in part the Delegation of Authority published in the **Federal Register** on September 4, 1987, at 52 FR 33793: At Section A of that delegation, the Secretary revokes the authority of the Assistant Secretary and the General Deputy Assistant Secretary for Community Planning and Development, in the case of Indian Tribes and Alaska Natives only, to exercise the power and authority of the Secretary with respect to the Emergency Shelter Grants Program under Subtitle B of Title IV of the Stewart B. McKinney Homeless Assistance Act, 42 U.S.C. 11371 *et seq.*

Authority: Section 7(d), Department of Housing and Urban Development Act, 42 U.S.C. 3535 (d).

Dated: March 15, 1995.

Henry G. Cisneros,

Secretary of Housing and Urban Development.

[FR Doc. 95-7400 Filed 3-24-95; 8:45 am]

BILLING CODE 4210-32-M

Office of the Assistant Secretary for Public and Indian Housing

[Docket No. D-95-1086; FR-3869-D-01]

Redelegation of Authority for Indian Programs

AGENCY: Office of the Assistant Secretary for Public and Indian Housing (PIH), HUD.

ACTION: Notice of redelegation of authority.

SUMMARY: In this notice, the Assistant Secretary for PIH redelegates the authority for the Emergency Shelter Grants Program, for Indian Tribes and Alaska Natives, pursuant to Subtitle B of Part IV of the Stewart B. McKinney Homeless Assistance Act, as amended, 42 U.S.C. 11371 *et seq.*

EFFECTIVE DATE: March 15, 1995.

FOR FURTHER INFORMATION CONTACT: Elaine Dudley, Deputy Director for Headquarters Operations, Office of Native American Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, B-133, 451 7th Street, SW, telephone (202) 755-0066 or 755-0850 (voice/TDD). (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION: By statute, Indian tribes receive a set aside of 1% of funds appropriated for the ESG Program, for Indian and Alaskan Natives, under Subtitle B of Title IV of the Stewart B. McKinney Homeless Assistance Act, as amended, 42 U.S.C. 11371 *et seq.* Originally, this set aside of ESG funds for Indian tribes was administered by CPD field office staff working within Indian program offices located in six regional or field offices. CPD had complete responsibility for the set aside within its ESG program.

Pursuant to Section 902 of the Housing and Community Development Act of 1992, 42 U.S.C. 3533, the Office of Native American Programs (ONAP) was created within the Office of Public and Indian Housing (PIH) in Headquarters. According to the statute, the office is to administer and coordinate all programs of the Department relating to Indian and Alaska Native housing and community development. In addition, ONAP is to direct, coordinate and assist in managing HUD field offices that administer Indian and Alaska Native programs.

Consistent with the statute, the Secretary has elsewhere in today's **Federal Register** transferred to the Assistant Secretary for PIH, in the case of Indian Tribes and Alaska Natives only, the authority for the Emergency Shelter Grants Program under Subtitle B

of Part IV of the Stewart B. McKinney Homeless Assistance Act, as amended, 42 U.S.C. 11371 *et seq.* Also in accordance with Section 902, this redelegation of authority re delegates this authority pertaining to Indian Tribes and Alaska Natives to Officials in the Office of Native American Programs within PIH.

Accordingly, the Assistant Secretary for PIH redelegates authority as follows:

Section A. Authority Delegated

The Assistant Secretary for PIH redelegates individually to the Director, Office of Native American Programs, to the Deputy Director for Headquarters Operations, Office of Native American Programs, and to the Deputy Director for Field Operations, Office of Native American Programs, all power and authority with respect to the Emergency Shelter Grants Program, for Indian Tribes and Alaska Natives, pursuant to Subtitle B of Title IV of the Stewart B. McKinney Homeless Assistance Act, as amended, 42 U.S.C. 11371 *et seq.*, except as provided in Section B of this delegation of authority.

Section B. Authority Excepted

The authority redelegated under Section A does not include the power to sue and be sued.

Authority: Section 7(d), Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: March 15, 1995.

Joseph Shuldiner,

Assistant Secretary for Public and Indian Housing.

[FR Doc. 95-7399 Filed 3-24-95; 8:45 am]

BILLING CODE 4210-33-M

COMMISSION ON INTERGOVERNMENTAL RELATIONS

Advisory Commission on Intergovernmental Relations

Notice of Request for Suggested Criteria and Other Information for Evaluating Existing Mandates on State, Local, and Tribal Governments

March 20, 1995.

The Advisory Commission on Intergovernmental Relations (42 U.S.C. 4271) has been directed by the Unfunded Mandates Reform Act of 1995 enacted on March 22, 1995, to make recommendations to the President and Congress regarding:

(A) allowing flexibility for state, local, and tribal governments in complying with specific federal mandates for which terms of compliance are unnecessarily rigid or complex;