

must contain sufficient facts to merit an FDA investigation. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41-42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Comments and petitions should be submitted to the Dockets Management Branch (address above) in three copies (except that individuals may submit single copies) and identified with the docket number found in brackets in the heading of this document. Comments and petitions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: June 30, 1995.

Stuart L. Nightingale,

Associate Commissioner for Health Affairs.

[FR Doc. 95-17345 Filed 7-13-95; 8:45 am]

BILLING CODE 4160-01-F

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of a Closed Meeting

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following Heart, Lung, and Blood Special Emphasis Panel (SEP) meeting:

Name of SEP: HIV-Associated Pathogens of Lung: Life Cycle Regulation.

Date: July 31-August 1, 1995.

Time: 7:30 p.m.

Place: Gaithersburg Marriott Washingtonian Center, Gaithersburg, Maryland.

Contact Person: Jon Ranhand, Ph.D., Rockledge Building II, 6701 Rockledge Drive, Room 7093, Bethesda, Maryland 20892-7924, (301) 435-0280.

Purpose/Agenda: To review and evaluate grant applications.

The meeting will be closed in accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. (Catalog of Federal Domestic Assistance Programs Nos. 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; and 93.839, Blood Diseases and Resources Research, National Institutes of Health.)

Dated: July 5, 1995.

Margery G. Grubb,

Senior Committee Management Specialist, NIH.

[FR Doc. 95-17285 Filed 7-13-95; 8:45 am]

BILLING CODE 4140-01-M

National Institute of Mental Health; Notice of Closed Meetings

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings of the National Institute of Mental Health Special Emphasis Panel:

Agenda/Purpose: To review and evaluate grant applications.

Committee Name: National Institute of Mental Health Special Emphasis Panel.

Date: July 12, 1995.

Time: 1 p.m.

Place: Parklawn Building, Room 9C-18, 5600 Fishers Lane, Rockville, MD 20857.

Contact Person: Angela L. Redlingshafer, Parklawn Building, Room 9C-18, 5600 Fishers Lane, Rockville, MD 20857, Telephone: 301, 443-1367.

Committee Name: National Institute of Mental Health Special Emphasis Panel.

Date: July 24, 1995.

Time: 3 p.m.

Place: Parklawn Building, Room 9C-18, 5600 Fishers Lane, Rockville, MD 20857.

Contact Person: William H. Radcliffe, Parklawn Building, Room 9C-18, 5600 Fishers Lane, Rockville, MD 20857, Telephone: 301, 443-3936.

Committee Name: National Institute of Mental Health Special Emphasis Panel.

Date: July 26-July 28, 1995.

Time: 9 a.m.

Place: Bethesda Holiday Inn, 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Sheri L. Schwartzback, Parklawn Building, Room 9C-26, 5600 Fishers Lane, Rockville, MD 20857, Telephone: 301, 443-4843.

Committee Name: National Institute of Mental Health Special Emphasis Panel.

Date: July 31, 1995.

Time: 9 a.m.

Place: The Latham Hotel, 3000 M Street, N.W., Washington, DC 20007.

Contact Person: Lawrence E. Chaitkin, Parklawn Building, Room 9C-18, 5600 Fishers Lane, Rockville, MD 20857, Telephone: 301, 443-4843.

Committee Name: National Institute of Mental Health Special Emphasis Panel.

Date: August 7, 1995.

Time: 1 p.m.

Place: Parklawn Building, Room 9-101, 5600 Fishers Lane, Rockville, MD 20857.

Contact Person: Shirley H. Maltz, Parklawn Building, Room 9-101, 5600 Fishers Lane, Rockville, MD 20857, Telephone: 301, 443-3936.

The meetings will be closed in accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a

clearly unwarranted invasion of personal privacy.

This notice is being published less than fifteen days prior to the meetings due to the urgent need to meet timing limitations imposed by the grant review cycle.

(Catalog of Federal Domestic Assistance Program Numbers 93.242, Small Business Innovation Research; 93.242, Mental Health Research Grants; 93.121, Scientist Development Awards; 93.282, Mental Health Research Service Awards for Research Training.)

Dated: July 10, 1995.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 95-17384 Filed 7-12-95; 8:45 am]

BILLING CODE 4140-01-M

Office of Refugee Resettlement

Refugee Resettlement Program: Allocations to States of FY 1995 Funds for Refugee Social Services and for Refugees Who Are Former Political Prisoners From Vietnam

AGENCY: Office of Refugee Resettlement (ORR), ACF, HHS.

ACTION: Final notice of allocations to States of FY 1995 funds for refugee¹ social services and for refugees who are former political prisoners from Vietnam.

SUMMARY: This notice establishes the allocations to States of FY 1995 funds for social services under the Refugee Resettlement Program (RRP). In order to help meet the special needs of former political prisoners from Vietnam, the Director has added to the formula allocation \$2,000,000 in funds

¹ In addition to persons who meet all requirements of 45 CFR 400.43, "Requirements for documentation of refugee status," eligibility for refugee social services also includes: (1) Cuban and Haitian entrants, under section 501 of the Refugee Education Assistance Act of 1980 (Pub. L. 96-422); (2) certain Amerasians from Vietnam who are admitted to the U.S. as immigrants under section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988, as included in the FY 1988 Continuing Resolution (Pub. L. 100-202); and (3) certain Amerasians from Vietnam, including U.S. citizens, under title II of the Foreign Operations, Export Financing, and Related Programs Appropriations Acts, 1989 (Pub. L. 100-461), 1990 (Pub. L. 101-167), and 1991 (Pub. L. 101-513). For convenience, the term "refugee" is used in this notice to encompass all such eligible persons unless the specific context indicates otherwise.

Refugees admitted to the U.S. under admissions numbers set aside for private-sector-initiative admissions are not eligible to be served under the social service program (or under other programs supported by Federal refugee funds) during their period of coverage under their sponsoring agency's agreement with the Department of State—usually two years from their date of arrival or until they obtain permanent resident alien status, whichever comes first.

previously set aside for social services discretionary projects.

EFFECTIVE DATE: July 14, 1995.

ADDRESSES: Office of Refugee Resettlement, Administration for Children and Families, 370 L'Enfant Promenade SW., Washington, DC 20447.

FOR FURTHER INFORMATION CONTACT: Toyo Biddle (202) 401-9250.

SUPPLEMENTARY INFORMATION: Notice of the proposed social service allocations to States was published in the **Federal Register** on March 8, 1995 (60 FR 12775). The population estimates that were used in the proposed notice have been adjusted as a result of additional population information submitted by 10 States.

I. Amounts For Allocation

The Office of Refugee Resettlement (ORR) has available \$80,802,000 in FY 1995 refugee social service funds as part of the FY 1995 appropriation for the Department of Health and Human Services (Pub. L. 103-333).

Of the total of \$80,802,000, the Director of ORR is making available to States \$68,681,700 (85%) under the allocation formula set out in this notice. These funds are available for the purpose of providing social services to refugees. In addition, the Director of ORR is making available \$2,000,000 from discretionary social service funds to be allocated under the formula in this notice for additional services to former political prisoners from Vietnam. Although we had indicated in the FY 1994 social service allocations notice that FY 1994 would be the last year in which a special set-aside would be allocated for additional services for former political prisoners from Vietnam, we are continuing this special set-aside in FY 1995 due to continued arrivals of this population in FY 1995.

A. Discretionary Social Service Funds for Vietnamese Political Prisoners

In recognition of the special vulnerability of refugees who are former political prisoners from Vietnam, the Director of ORR is setting aside \$2,000,000 from discretionary social service funds to be allocated under the formula set forth in this announcement, based on the number of actual political prisoner arrivals in FY 1994. This formula allocation is shown separately in Table 1 (cols. 7 and 8). States are required to use this allocation to provide additional services, as described below, to recent arrivals from Vietnam who are former political prisoners (FPPs) and members of their families.

Allowable services for the above-cited funds for political prisoners include the following direct services: (1) Specialized orientation and adjustment services, including peer support activities and (2) specialized employment-related services, as needed. Funds may also be used for the costs of leadership development training, including the costs of travel to attend FPP conferences, for the purpose of facilitating the ability of former political prisoners to continue the FPP services that were begun under this program after the set-aside program ends. Adjustment services include any service listed under 45 CFR 400.155(c) of the ORR regulations. Under no circumstances may these funds be used for direct cash payments or stipends (other than for travel costs to conferences), for the purchase of advertising space or air time, or for services covered under the Department of State Reception and Placement Cooperative Agreements.

Allowable services under this allocation for Vietnamese political prisoners are intended to supplement, not to supplant, those services provided to refugees in general under the social service formula allocation, discussed below.

ORR intends to provide technical assistance to States and organizations that request it to assure effective program development and implementation.

Because these funds are to provide specifically for services for former political prisoners from Vietnam, States which allocate social service funds to other local administrative jurisdictions, such as counties, shall do so for these funds, using a formula which reflects arrivals of this target population during FY 1994.

ORR strongly encourages States and other contracting jurisdictions, in selecting service providers for the above, to award these funds, to the extent possible, to qualified refugee mutual assistance associations (MAAs) with experience serving the target population. All contractors receiving these funds should have Vietnamese language capacity and Vietnamese cultural understanding.

States are required to provide to ORR program performance information on the Vietnamese political prisoner program that meets the reporting requirements contained in 45 CFR 92.40, under the terms and conditions of the social services grant awards to States. The information to be contained in the narrative portion of State quarterly performance reports must include: (1) Names of service

contractors; (2) categories of activities provided; (3) numbers of persons served; and (4) outcomes, to the extent possible.

B. Refugee Social Service Funds

The population figures for the social service allocation include refugees, Cuban/Haitian entrants, and Amerasians from Vietnam since these populations may be served through funds addressed in this notice. (A State must, however, have an approved State plan for the Cuban/Haitian Entrant Program or indicate in its refugee program State plan that Cuban/Haitian entrants will be served in order to use funds on behalf of entrants as well as refugees.)

The Director is allocating \$68,681,700 to States on the basis of each State's proportion of the national population of refugees who had been in the U.S. 3 years or less as of October 1, 1994 (including a floor amount for States which have small refugee populations).

The use of the 3-year population base in the allocation formula is required by section 412(c)(1)(B) of the Immigration and Nationality Act (INA) which states that the "funds available for a fiscal year for grants and contracts [for social services] * * * shall be allocated among the States based on the total number of refugees (including children and adults) who arrived in the United States not more than 36 months before the beginning of such fiscal year and who are actually residing in each State (taking into account secondary migration) as of the beginning of the fiscal year."

As established in the FY 1991 social services notice published in the **Federal Register** of August 29, 1991, section I, "Allocation Amounts" (56 FR 42745), a variable floor amount for States which have small refugee populations is calculated as follows: If the application of the regular allocation formula yields less than \$100,000, then—

(1) A base amount of \$75,000 is provided for a State with a population of 50 or fewer refugees who have been in the U.S. 3 years or less; and

(2) For a State with more than 50 refugees who have been in the U.S. 3 years or less: (a) A floor has been calculated consisting of \$50,000 plus the regular per capita allocation for refugees above 50 up to a total of \$100,000 (in other words, the maximum under the floor formula is \$100,000); (b) if this calculation has yielded less than \$75,000, a base amount of \$75,000 is provided for the State.

ORR has consistently supported floors for small States in order to provide sufficient funds to carry out a minimum service program. Given the range in

numbers of refugees in the small States, we have concluded that a variable floor, as established in the FY 1991 notice, will be more reflective of needs than previous across-the-board floors.

The \$12,120,300 in remaining social service funds (15% of the total funds available) is expected to be used by ORR on a discretionary basis to provide funds for individual projects intended to contribute to the effectiveness and efficiency of the refugee resettlement program. Grant announcements on discretionary initiatives will be issued separately.

Population to be Served

Although the allocation formula is based on the 3-year refugee population, in accordance with the current requirements of 45 CFR part 400 subpart I—Refugee Social Services, States are not required to limit social service programs to refugees who have been in the U.S. only 3 years. In keeping with 45 CFR 400.147(a), a State must allocate an appropriate portion of its social service funds, based on population and service needs, as determined by the State, for services to newly arriving refugees who have been in the U.S. less than one year.

While 45 CFR 400.147(b) requires that in providing employability services, a State must give priority to a refugee who is receiving cash assistance, social service programs should not be limited exclusively to refugees who are cash assistance recipients. If a State intends to provide services to refugees who have been in the U.S. more than 3 years, 45 CFR 400.147(c) requires the State to specify and justify as part of its Annual Services Plan those funds that it proposes to use to provide services to those refugees.

However, effective October 1, 1995, the current requirements under § 400.147 will no longer be in effect and will be replaced by new provisions in accordance with the final rule published in the **Federal Register** on June 28, 1995, (60 FR 33584). Under the new provisions, States will be required to provide services to refugees in the following order of priority, except in certain individual extreme circumstances: (a) All newly arriving refugees during their first year in the U.S., who apply for services; (b) refugees who are receiving cash assistance; (c) unemployed refugees who are not receiving cash assistance; and (d) employed refugees in need of services to retain employment or to attain economic independence.

ORR expects States to ensure that refugee social services are made available to special populations such as

Amerasians and former political prisoners from Vietnam, in addition to special funding that ORR may designate to address the special needs of these populations.

ORR funds may not be used to provide services to United States citizens, since they are not covered under the authorizing legislation, with the following exceptions: (1) Under current regulations at 45 CFR 400.208, services may be provided to a U.S.-born minor child in a family in which both parents are refugees or, if only one parent is present, in which that parent is a refugee; and (2) under the FY 1989 Foreign Operations, Export Financing, and Related Programs Appropriations Act (Pub. L. No. 100-461), services may be provided to an Amerasian from Vietnam who is a U.S. citizen and who enters the U.S. after October 1, 1988.

Service Priorities

Refugee social service funding should be used to assist refugee families to achieve economic independence. To this end, ORR expects States to ensure that a coherent plan of services is developed for each eligible family that addresses the family's needs from time of arrival until attainment of economic independence. Each service plan should address a family's needs for both employment-related services and other needed social services.

Reflecting section 412(a)(1)(A)(iv) of the INA, the Director expects States to "insure that women have the same opportunities as men to participate in training and instruction." In addition, States are expected to make sure that services are provided in a manner that encourages the use of bilingual women on service agency staffs to ensure adequate service access by refugee women. In order to facilitate refugee self-support, the Director also expects States to implement strategies which address simultaneously the employment potential of both male and female wage earners in a family unit, particularly in the case of large families. States are expected to make every effort to assure the availability of day care services in order to allow women with children the opportunity to participate in employment services or to accept or retain employment. To accomplish this, day care may be treated as a priority employment-related service under the refugee social services program. Refugees who are participating in employment services or have accepted employment are eligible for day care services. For an employed refugee, day care funded by refugee social service dollars must be limited to one year after the refugee becomes employed. States

are expected to use day care funding from other publicly funded mainstream programs as a prior resource and are expected to work with service providers to assure maximum access to other publicly funded resources for day care.

In accordance with 45 CFR 400.146, if a State's cash assistance dependency rate for refugees (as defined in section 400.146(b)) is 55% or more, funds awarded under this notice (with the exception of the political prisoner set-aside) are subject to a requirement that at least 85% of the State's award be used for employability services as set forth in section 400.154. (Beginning October 1, 1995, States will no longer have to adhere to this requirement since the final rule eliminates this requirement.) ORR expects these funds to be used for services which directly enhance refugee employment potential, have specific employment objectives, and are designed to enable refugees to obtain jobs in less than one year as part of a plan to achieve self-sufficiency. This reflects the Congressional objective that "employable refugees should be placed on jobs as soon as possible after their arrival in the United States" and that social service funds be focused on "employment-related services, English-as-a-second-language training (in non-work hours where possible), and case-management services" (INA, section 412(a)(1)(B)). If refugee social service funds are used for the provision of English language training, such training should be provided concurrently, rather than sequentially, with employment or with other employment-related services, to the maximum extent possible. ORR also encourages the continued provision of services after a refugee has entered a job to help the refugee retain employment or move to a better job.

Since current welfare dependency data are not available, those States that historically have had dependency rates at 55% and above are invited to submit a request for a waiver of the 85% requirement if they can provide reliable documentation that demonstrates a lower dependency rate.

ORR will consider granting a waiver of the 85% provision if a State meets one of the following conditions:

1. The State demonstrates to the satisfaction of the Director of ORR that the dependency rate of refugees who have been in the U.S. 24 months or less is below 55% in the State.

2. The State demonstrates to the satisfaction of the Director that (a) less than 85% of the State's social service allocation is sufficient to meet all employment-related needs of the State's refugees and (b) there are non-employment-related service needs

which are so extreme as to justify an allowance above the basic 15%. Or

3. In accordance with section 412(c)(1)(C) of the INA, the State submits to the Director a plan (established by or in consultation with local governments) which the Director determines provides for the maximum appropriate provision of employment-related services for, and the maximum placement of, employable refugees consistent with performance standards established under section 106 of the Job Training Partnership Act.

Refugee social services should be provided in a manner that is culturally and linguistically compatible with a refugee's language and cultural background. In light of the increasingly diverse population of refugees who are resettling in this country, refugee service agencies will need to develop practical ways of providing culturally and linguistically appropriate services to a changing ethnic population. Refugee-specific social services should be provided which are specifically designed to meet refugee needs and are in keeping with the rules and objectives of the refugee program, particularly during a refugee's initial years of resettlement. When planning State refugee services, States are strongly encouraged to take into account the reception and placement (R & P) services provided by local resettlement agencies in order to utilize these resources in the overall program design and to ensure the provision of seamless services to refugees.

In order to provide culturally and linguistically compatible services in as cost-efficient a manner as possible in a time of limited resources, ORR encourages States and counties to promote and give special consideration to the provision of refugee social services through coalitions of refugee service organizations, such as coalitions of MAAs, voluntary resettlement agencies, or a variety of service providers. ORR believes it is essential for refugee-serving organizations to form close partnerships in the provision of services to refugees in order to be able to respond adequately to a changing refugee picture. Coalition-building and consolidation of providers is particularly important in communities with multiple service providers in order to ensure better coordination of services and maximum use of funding for services by minimizing the funds used for multiple administrative overhead costs.

States should also expect to use funds available under this notice to pay for social services which are provided to refugees who participate in alternative

projects. Section 412(e)(7)(A) of the INA provides that:

The Secretary [of HHS] shall develop and implement alternative projects for refugees who have been in the United States less than thirty-six months, under which refugees are provided interim support, medical services, support [social] services, and case management, as needed, in a manner that encourages self-sufficiency, reduces welfare dependency, and fosters greater coordination among the resettlement agencies and service providers.

This provision is generally known as the Wilson/Fish Amendment. The Department has already issued a separate notice in the **Federal Register** with respect to applications for such projects (50 FR 24583, June 11, 1985). The notice on alternative projects does not contain provisions for the allocation of additional social service funds beyond the amounts established in this notice. Therefore a State which may wish to consider carrying out such a project should take note of this in planning its use of social service funds being allocated under the present notice.

Funding to MAAs

ORR no longer provides set-aside funds to refugee mutual assistance associations as a separate component under the social service notice; instead we have folded these funds into the social service formula allocation to States. Elimination of the MAA set-aside, however, does not represent any reduction in ORR's commitment to MAAs as important participants in refugee resettlement. ORR believes that the continued and/or increased utilization of qualified refugee mutual assistance associations in the delivery of social services helps to ensure the provision of culturally and linguistically appropriate services as well as increasing the effectiveness of the overall service system. Therefore, ORR expects States to use MAAs as service providers to the maximum extent possible. ORR strongly encourages States when contracting for services, including employment services, to give consideration to the special strengths of MAAs, whenever contract bidders are otherwise equally qualified, provided that the MAA has the capability to deliver services in a manner that is culturally and linguistically compatible with the background of the target population to be served. ORR also expects States to continue to assist MAAs in seeking other public and/or private funds for the provision of services to refugee clients.

ORR defines MAAs as organizations with the following qualifications:

a. The organization is legally incorporated as a nonprofit organization; and

b. Not less than 51% of the composition of the Board of Directors or governing board of the mutual assistance association is comprised of refugees or former refugees, including both refugee men and women.

State Administration

States are reminded that under current regulations at 45 CFR 400.206 and 400.207, States have the flexibility to charge the following types of administrative costs against their refugee program social service grants, if they so choose: direct and indirect administrative costs incurred for the overall management and operation of the State refugee program, including its coordination, planning, policy and program development, oversight and monitoring, data collection and reporting, and travel. See also State Transmittal No. 88-40.

II. Discussion of Comments Received

We received 8 letters of comment in response to the notice of proposed FY 1995 allocations to States for refugee social services. The comments are summarized below and are followed in each case by the Department's response.

Comment: Six commenters made comments regarding requirements for the set-aside of discretionary funds for services to former political prisoners (FPP) from Vietnam. Four commenters suggested that funds from the set-aside be made available to provide leadership development training opportunities for former political prisoners (FPPs). One of these commenters recommended that training be provided to former political prisoners who arrived in the early 1990's to provide services to newly arrived FPPs in order to expand current programs and to prepare for the closing of funded services. Another commenter suggested training be provided to volunteers such as detainees, lawyers, doctors, and community leaders to form a detainee support group to help FPPs move from dependency to self-sufficiency. Two commenters suggested that funds be made available for the costs of travel to attend FPP conferences and meetings.

A fifth commenter recommended that the notice include an expectation by ORR that agencies receiving FPP awards should participate in a planning process that ensures that other service providers, such as voluntary agencies, have input in the design of proposed services and in a coordinated referral system once an award is made.

A sixth commenter recommended that counties which administer FPP programs be allowed 15 percent for administrative costs and that States be allowed no more than 5 percent for administrative costs.

Response: In consideration of the comments, we have included leadership development training as an allowable activity under the FPP set-aside, including the costs of travel and attendance of FPP leadership at FPP conferences and meetings. Leadership training should focus on enabling participants to continue the activities that were begun under this program after ORR funding ends.

Although we encourage coordination and collaboration between service providers with regard to both planning the design of services and coordinating referrals, we do not believe that the last year of the FPP set-aside is an appropriate time to introduce a new requirement.

Regarding the distribution of administrative costs between county and State, we have no specific guidance regarding this issue and believe this is an issue that needs to be resolved between the county and the State.

Comment: One commenter suggested that the notice be clarified to state that social service funds may be used to provide services to unemployed refugees who are not receiving cash assistance as long as refugees who are receiving cash assistance are given priority for services. The commenter suggested that States should be required to provide services to refugees not receiving cash assistance as a way to keep these refugees from needing to access welfare.

Response: We believe that the notice is clear that social service funds may be used to provide services to unemployed refugees who are not receiving cash assistance. The notice, under the section "Population to be Served," states that "[w]hile 45 CFR 400.147(b) requires that in providing employability services, a State must give priority to a refugee who is receiving cash assistance, social service programs should not be limited exclusively to refugees who are cash assistance recipients."

As the wording indicates, States may, and are encouraged to, provide services to unemployed refugees who are not receiving cash assistance. However, States are not required to provide services to such refugees. States are required only to give priority in providing services to refugees who are receiving cash assistance.

Effective October 1, 1995, however, in keeping with provisions in the final rule, States will be required to provide

services to refugees according to a specific order of priority. Under the new rule, unemployed refugees who are not receiving cash assistance will be the third priority group after new arrivals and cash assistance recipients.

Comment: One commenter suggested that the notice include, in addition to the provision for developing a service plan for refugees accessing ORR-funded services, a requirement that States ensure a case management system in which the service plan's objectives are closely monitored and coordinated within the service delivery community.

Response: We agree that case management services are important to coordinate and monitor the objectives of a client service plan. Therefore, we strongly encourage States to provide such services. However, we do not believe case management services should be imposed on States as a mandatory requirement; we believe instead that States should have the flexibility to make their own service choices, based on local circumstances.

Comment: One commenter observed that the notice included the requirement that States must have an approved State plan for the Cuban/Haitian Entrant program in order to use ORR funds to provide services to entrants. The commenter suggested that the distinction and the additional plan are no longer appropriate. With larger numbers of Cubans being admitted, the commenter indicated an expectation that Cubans will be placed in more States than was previously the case; some of these States will have little or no tradition of receiving this population. The commenter suggested that access to services for Cubans and Haitians should be facilitated regardless of whether the State in which they are placed does or does not have an approved plan.

Response: In order to provide services to Cuban and Haitian entrants, a State must either have a separate Cuban/Haitian entrant program State plan or indicate in its refugee program State plan that Cuban and Haitian entrants will be served. According to our records, 34 States now have approved State plans to provide services to Cuban and Haitian entrants. An additional three States, which are not participating in the refugee program, have privately administered refugee program projects which can serve Cuban and Haitian entrants.

The requirement for a plan helps to ensure both that States are prepared to provide appropriate services to entrants and that they are prepared for increased numbers of entrants. We believe, therefore, that the fact that larger

numbers of Cubans are being admitted makes it more important and appropriate, not less appropriate, that States have plans for serving this population. Finally, because 34 States have already met the requirement for having approved State plans, we do not believe the requirement for a State plan impedes this population's access to services. For these reasons, we do not intend to abolish the requirement for an approved State plan for this population.

Comment: One commenter recommended that the formula for allocating social service funds should be more flexible in order to accommodate unanticipated arrivals that represent an impact on the current year's funding allocation. The commenter suggested that there should be an automatic, formulated adjustment made to States' allocations when arrivals in the current year greatly exceed the pattern of the previous three years.

Response: As the notice states, the allocation formula used for social service funds is required by the Immigration and Nationality Act (INA). Section 412(c)(1)(B) of the INA states that social service funds "* * * shall be allocated among the States based on the total number of refugees (including children and adults) who arrived in the United States not more than 36 months before the beginning of such fiscal year and who are actually residing in each State (taking into account secondary migration) as of the beginning of the fiscal year." No change, therefore, can be made to the formula for allocating social service funds without a statutory change.

It should also be noted that, when arrivals in a State greatly exceed the pattern of the previous three years, the higher number of arrivals is incorporated in the next year's formula. A State with high numbers of unanticipated arrivals receives an allocation in the next year that is proportionately higher than it would otherwise have been. The formula does, therefore, accommodate, as quickly as possible within statutory limitations, the impact of unanticipated arrivals.

Furthermore, ORR makes available discretionary grants to States to fund social services for large numbers of unanticipated arrivals for whom the existing social service system cannot respond adequately because available ORR funding is already committed. This program is intended to provide a bridge between the increased need for services that results from increases in arrivals and the time when a State will have incorporated services for these new arrivals into their existing social service funded network. This program, by

providing funding for the types of activities generally funded by States under their social services formula allocation, mitigates against any adverse effect on States that the statutorily mandated social service allocation formula might otherwise have when States experience unanticipated arrivals or increases in arrivals to communities where adequate services may not exist.

Comment: Two commenters addressed the issue of ORR's use of 15 percent of social service funds for discretionary grants. One commenter expressed opposition to the use of 15% discretionary funds to non-impacted counties and States and recommended that these funds be distributed by formula to impacted areas. One commenter recommended that States should have a role in the development and selection of projects to be funded using discretionary funds. The commenter also suggested that there should be greater lead time allowed for the development of proposals, that the criteria by which proposals are evaluated should be meaningful, and that the criteria should incorporate input from the States involved.

Response: We continue to believe that it is necessary to maintain a portion of social service funds for discretionary use in order to carry out national initiatives and special projects that respond to changing needs and circumstances in the refugee program. Regarding more State involvement in discretionary funding, since States are frequently competitors for ORR discretionary funds, along with other applicants, it is not possible to involve States in funding decisions without creating a conflict of interest, a violation of Federal grant rules. We fully agree that sufficient lead time is necessary to allow refugee community groups adequate time to develop proposals. We are committed to improving the process each year to allow as much lead time as possible for potential applicants. We also agree that the use of meaningful evaluation criteria is essential for the review of grant applications. While we believe such evaluation criteria are already included in our grant announcements, we would welcome specific suggestions for evaluation criteria that States and other interested parties may have for use in the future.

Comment: One commenter suggested that ORR reiterate in the notice its expectation that States consider the views of local providers, including voluntary agencies, in formulating State social service plans.

Response: We concur with the commenter that States should consider the views of local providers, including

voluntary agencies, in formulating State social service plans. The final rule that was published on June 28, 1995, contains a provision that would require States to develop annual service plans on the basis of a local consultative process, effective October 1, 1995.

Comment: Two commenters made comments regarding State administrative costs. One commenter objected to unlimited State administrative costs for social services. The commenter recommended capping administrative costs at 5 percent for any State receiving more than \$12 million in social service funds and allowing counties a maximum of 15 percent for administrative costs. Another commenter recommended that ORR consider ways to eliminate unnecessary administrative costs and suggested that one approach might be to limit the amount a State can charge for the administration of the refugee program.

Response: Since the statute does not specify a limitation on the amount of social service funds that can be used for administrative costs, we have not imposed a limit on States, choosing instead to allow States to make that determination. In regard to the percentage of funds that counties may use for administrative costs, this is an issue that needs to be resolved between county and State, not ORR. All costs must meet Federal grant requirements. Regarding the suggestion that ORR consider limiting the amount a State may charge for the administration of the refugee program in general, States are reimbursed 100%, under current regulations, for reasonable and necessary identifiable administrative costs of providing assistance and services in the refugee program. Under the final rule published on June 28, 1995, ORR will review the issue of what constitutes reasonable and allowable administrative costs in the refugee program and, if needed, develop guidelines defining reasonable and allowable costs in consultation with States. We do not intend, however, to impose a cap on what a State may charge in administrative costs.

Comment: One commenter objected to the allotment of a floor amount of social service funds to States with small refugee populations. In particular, the commenter suggested that States with less than 1,000 refugees should not be included in the allocation.

Response: We do not concur with the commenter's suggestion that States with less than 1,000 refugees should not receive a funding allocation. If we implemented this suggestion, 15 States would not receive social service funding. Such a policy would run

counter to the Federal commitment to provide a program of assistance and services to refugees throughout the country.

Comment: One commenter requested that the population floor for States receiving allocations from the discretionary funds set-aside for services to former political prisoners be lowered from 320 FPP arrivals to 300 FPP arrivals.

Response: In response to this comment, we have decided to lower the population floor to 300 former political prisoners. In the notice of proposed allocations we stated that we did not intend to make FPP allocations to States with fewer than 320 FPPs because we believed the resulting level of funding would be insignificant. In reducing the floor in response to this comment, however, we have taken into consideration that the only State requesting a change in the floor received an allocation for an FPP program in previous years. We also took into consideration that, in a small State receiving a relatively small social service allocation, 300 or more FPPs might have a more significant impact on services than would be the case in a larger State with a larger social services allocation.

III. Allocation Formula

Of the funds available for FY 1995 for social services, \$68,681,700 is allocated to States in accordance with the formula specified below. A State's allowable allocation is calculated as follows:

1. The total amount of funds determined by the Director to be available for this purpose; divided by—
2. The total number of refugees and Cuban/Haitian entrants who arrived in the United States not more than 3 years prior to the beginning of the fiscal year for which the funds are appropriated and the number of Amerasians from Vietnam eligible for refugee social services, as shown by the ORR Refugee Data System. The resulting per capita amount will be multiplied by—
3. The number of persons in item 2, above, in the State as of October 1, 1994, adjusted for estimated secondary migration.

The calculation above yields the formula allocation for each State. Minimum allocations for small States are taken into account.

Allocations for political prisoners are based on FY 1994 arrival numbers for this group in each State from the Refugee Data Center and are limited to States with 300 or more political prisoner arrivals. We have limited the population base to FY 1994 political prisoner arrival numbers because these

funds are intended to serve recent arrivals. We have not included States with fewer than 300 former political prisoners in the political prisoner allocations formula in order to ensure that the resulting level of funding for each State receiving funds is sufficient to provide effective employment-oriented programs to assist FPPs. In States with fewer than 300 FPPs, we believe the small number of political prisoners could be adequately served under the State's refugee social services program.

IV. Basis of Population Estimates

The population estimates for the allocation of funds in FY 1995 are based on data on refugee arrivals from the ORR Refugee Data System, adjusted as of October 1, 1994, for estimated secondary migration. The data base includes refugees of all nationalities, Amerasians from Vietnam, and Cuban and Haitian entrants.

For fiscal year 1995, ORR's formula allocations for the States for social services are based on the numbers of refugees and Amerasians who arrived,

and on the numbers of entrants who arrived or were resettled, during the preceding three fiscal years: 1992, 1993, and 1994, based on final arrival data by State. Therefore, estimates have been developed of the numbers of refugees and entrants with arrival or resettlement dates between October 1, 1991, and September 30, 1994, who are thought to be living in each State as of October 1, 1994. Refugees admitted under the Federal Government's private-sector initiative are not included, since their assistance and services are to be provided by the private sponsoring organizations under an agreement with the Department of State.

The estimates of secondary migration were based on data submitted by all participating States on Form ORR-11 on secondary migrants who have resided in the U.S. for 36 months or less, as of September 30, 1994. The total migration reported by each State was summed, yielding in- and out-migration figures and a net migration figure for each State. The net migration figure was applied to the State's total arrival figure, resulting in a revised population estimate.

Estimates were developed separately for refugees and entrants and then combined into a total estimated 3-year refugee/entrant population for each State. Eligible Amerasians are included in the refugee figures.

Table 1, below, shows the estimated 3-year populations, as of October 1, 1994, of refugees (col. 1), entrants (col. 2), and total refugees and entrants (col. 3); the formula amounts which the population estimates yield (col. 4); and the allocation amounts after allowing for the minimum amounts (col. 5). Table 1 also shows the number of former political prisoner arrivals in FY 1994 (col. 6); and the allocation amounts for services to this population (col. 7).

V. Allocation Amounts

Funding subsequent to the publication of this notice will be contingent upon the submittal and approval of a State annual services plan, as required by 45 CFR 400.11(b)(2). The following amounts are allocated for refugee social services in FY 1995:

TABLE 1.—ESTIMATED 3-YEAR REFUGEE/ENTRANT POPULATIONS OF STATES PARTICIPATING IN THE REFUGEE PROGRAM AND SOCIAL SERVICE FORMULA AMOUNTS AND ALLOCATIONS FOR FY 1995; AND FORMER POLITICAL PRISONER ARRIVALS AND ALLOCATIONS FOR FY 1995.

State	Refugees	Entrants	Total population	Formula amount	Allocation	Former political prisoner arrivals from Vietnam in FY 1994	Former political prisoner allocation
	(1)	(2)	(3)	(4)	(5)	(6)	(7)
Alabama	746	22	768	\$133,380	\$133,380	18	\$0
Alaska ^a	143	1	144	25,009	75,000	23	0
Arizona	3,692	158	3,850	668,638	668,638	292	0
Arkansas	303	1	304	52,796	94,113	84	0
California ^b	89,172	692	89,864	15,606,873	15,606,873	11,760	871,014
Colorado	3,874	3	3,877	673,327	673,327	360	26,664
Connecticut	3,348	131	3,479	604,205	604,205	158	0
Delaware	132	12	144	25,009	75,000	5	0
Dist. of Columbia	1,874	3	1,877	325,983	325,983	274	0
Florida	12,686	26,102	38,788	6,736,395	6,736,395	651	48,217
Georgia	9,366	85	9,451	1,641,375	1,641,375	1,768	130,948
Hawaii	956	0	956	166,031	166,031	175	0
Idaho	998	4	1,002	174,019	174,019	87	0
Illinois	13,534	141	13,675	2,374,967	2,374,967	522	38,662
Indiana	1,137	12	1,149	199,549	199,549	55	0
Iowa	3,120	2	3,122	542,204	542,204	315	23,331
Kansas	2,240	4	2,244	389,720	389,720	355	26,293
Kentucky ^c	1,890	28	1,918	333,103	333,103	202	0
Louisiana	2,276	110	2,386	414,382	414,382	451	33,404
Maine	574	0	574	99,688	100,000	0	0
Maryland	7,988	81	8,069	1,401,361	1,401,361	347	25,701
Massachusetts	11,413	357	11,770	2,044,121	2,044,121	780	57,771
Michigan	7,766	39	7,805	1,355,511	1,355,511	332	24,590
Minnesota	9,490	2	9,492	1,648,496	1,648,496	464	34,367
Mississippi	128	8	136	23,619	75,000	38	0
Missouri	5,278	18	5,296	919,768	919,768	371	27,478
Montana	154	0	154	26,746	75,000	3	0
Nebraska	1,880	0	1,880	326,504	326,504	354	26,219
Nevada ^c	703	470	1,173	203,717	203,717	9	0
New Hampshire	579	0	579	100,556	100,556	197	0
New Jersey	7,357	761	8,118	1,409,870	1,409,870	266	0

TABLE 1.—ESTIMATED 3-YEAR REFUGEE/ENTRANT POPULATIONS OF STATES PARTICIPATING IN THE REFUGEE PROGRAM AND SOCIAL SERVICE FORMULA AMOUNTS AND ALLOCATIONS FOR FY 1995; AND FORMER POLITICAL PRISONER ARRIVALS AND ALLOCATIONS FOR FY 1995.—Continued

State	Refugees (1)	Entrants (2)	Total population (3)	Formula amount (4)	Allocation (5)	Former political prisoner arrivals from Vietnam in FY 1994 (6)	Former political prisoner allocation (7)
New Mexico	1,143	604	1,747	303,405	303,405	95	0
New York	70,088	1,010	71,098	12,347,742	12,347,742	534	39,551
North Carolina	3,051	23	3,074	533,868	533,868	314	23,257
North Dakota	1,150	0	1,150	199,723	199,723	26	0
Ohio	6,035	46	6,081	1,056,100	1,056,100	179	0
Oklahoma	1,379	3	1,382	240,015	240,015	348	25,775
Oregon	5,831	91	5,922	1,028,486	1,028,486	783	57,994
Pennsylvania	11,016	100	11,116	1,930,540	1,930,540	360	26,664
Rhode Island	934	11	945	164,120	164,120	12	0
South Carolina	488	2	490	85,099	100,000	113	0
South Dakota	765	0	765	132,859	132,859	8	0
Tennessee	3,395	32	3,427	595,174	595,174	262	0
Texas	17,519	523	18,042	3,133,393	3,133,393	3,248	240,566
Utah	1,609	0	1,609	279,438	279,438	220	0
Vermont	733	0	733	127,302	127,302	73	0
Virginia	6,056	32	6,088	1,057,316	1,057,316	676	50,068
Washington	19,424	1	19,425	3,373,581	3,373,581	1,910	141,466
West Virginia	63	0	63	10,941	75,000	0	0
Wisconsin	5,986	5	5,991	1,040,470	1,040,470	20	0
Wyoming	6	0	6	1,042	75,000	0	0
Total	361,468	31,730	393,198	\$68,287,536	\$68,681,700	29,897	\$2,000,000

^a The Alaska allocation has been awarded for a Wilson/Fish demonstration project.

^b A portion of the California allocation is expected to be awarded to continue a Wilson/Fish project in San Diego.

^c The allocation for Kentucky and Nevada is expected to be awarded to continue a Wilson/Fish project.

VI. Paperwork Reduction Act

This notice does not create any reporting or recordkeeping requirements requiring OMB clearance.

[Catalog of Federal Domestic Assistance No. 93.566 Refugee Assistance—State Administered Programs]

Dated: July 5, 1995.

Lavinia Limon,

Director, Office of Refugee Resettlement.

[FR Doc. 95-17338 Filed 7-13-95; 8:45 am]

BILLING CODE 4184-01-P

Public Health Service

National Institutes of Health; Statement of Organization, Functions, and Delegations of Authority

Part H, Chapter HN (National Institutes of Health) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health and Human Services (40 FR 22859, May 27, 1975, as amended most recently at 60 FR 8410, February 14, 1995) is amended to reflect the revision of the functional statement of the Office of AIDS Research (OAR) within the Office of the Director, National Institutes of Health (NIH). This

revision will reflect OAR's broadened responsibilities as mandated by the NIH Revitalization Act of 1993 (Pub. L. 103-43).

Section HN-B, Organization and Functions, is amended as follows: Under the heading *Office of the Director, NIH(HNA)*, *Office of AIDS Research (HNA5)*, delete the functional statement in its entirety and insert the following:

Office of AIDS Research (HNA5). (1) Develops a comprehensive strategic plan that identifies and establishes objectives, priorities, and policy statements governing the conduct and support of all NIH AIDS research activities; (2) develops and presents to OMB and the President an annual scientifically justified budget estimate for NIH AIDS-related research activities; (3) submits an alternate AIDS budget to the Secretary, DHHS, and the Director, NIH, in accordance with the strategic plan; (4) receives and disburses all appropriated funds for NIH AIDS research activities to the NIH Institutes, Centers, and Divisions (ICDs) in accordance with the strategic plan; (5) directs the planning, coordination, and integration of all AIDS research activities across and throughout the NIH

ICDs; (6) evaluates NIH HIV/AIDS research programs developed for the strategic plan and carried out by the ICDs; (7) administers a discretionary fund for the support, through the ICDs, of AIDS research; (8) advises the NIH Director and senior staff on the development of NIH-wide policy issues related to AIDS research, and serves as principal liaison with other agencies of the PHS, DHHS, Federal Government, and the Office for National AIDS Policy; (9) represents the NIH Director on all outside AIDS-related committees requiring NIH participation; (10) provide staff support to the OAR Advisory Council, NIH AIDS Executive Committee, and the Coordinating Committees for each AIDS research discipline at NIH; (11) develops policy on laboratory safety for AIDS researchers and monitors the AIDS surveillance program; (12) develops and maintains an information data base on intramural/extramural AIDS activities and prepares special or recurring reports as needed; (13) develops information strategies to assure that the public is informed of NIH AIDS research activities; (14) recommends solutions to issues arising from NIH intramural/extramural AIDS research; (15)