

a Metropolitan Statistical Area and has fewer than 50 beds.

This notice would have little direct effect on payments to rural hospitals since this rule would recommend coverage changes that would affect primarily ophthalmologists, ASCs, and hospital outpatient surgery departments. Very few small rural hospitals would have an outpatient surgery department.

We are not preparing an analysis for section 1102(b) of the Act since we have determined, and the Secretary certifies, that this notice would not result in a significant impact on the operations of a substantial number of small rural hospitals.

In accordance with the provisions of Executive Order 12866, this notice was reviewed by the Office of Management and Budget.

(Sections 1861 and 1862 of the Social Security Act (42 U.S.C. 1395x and 1395y))
(Catalog of Federal Domestic Assistance Program No. 93.774, Medicare Supplementary Medical Insurance)

Dated: May 7, 1995.

Bruce C. Vladeck,
Administrator, Health Care Financing Administration.

Dated: June 30, 1995.

Donna E. Shalala,
Secretary.

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BILLING CODE 4120-01-P

Office of the Secretary

Assistant Secretary for Management and Budget; Statement of Organization, Functions, and Delegations of Authority

Part A (Office of the Secretary) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health and Human Services (DHHS), Chapter AH "Office of the Assistant Secretary for Personnel Administration," as last amended at 57 FR 7391; and Chapter AM "Office of the Assistant Secretary for Management and Budget," as last amended at 57 FR 8334 is being amended. The reorganization will abolish the Office of the Assistant Secretary for Personnel Administration and transfer the remaining functions to the HHS Office of Management and Budget. It will also establish the Departmental Appeals Board as a component within the Office of the Secretary. The Specific amendments to Part A are:

I. Make the following changes to Chapter AA "Office of the Secretary," paragraph AA.10 Organization: Delete the Office of the Assistant Secretary for

Personnel Administration and insert the Departmental Appeals Board.

II. Under Chapter AH, beginning with paragraph Section AH.00 Mission delete the remaining functions within the Office of the Assistant Secretary for Personnel Administration in its entirety.

III. Make the following changes to Chapter AM:

A. Section AM.00 Mission. Delete in its entirety and replace with the following:

AM.00 Mission. The mission of the HHS Management and Budget Office is to provide advice and guidance to the Secretary on administrative, budget, financial management, equal employment opportunity, and personnel, and to provide for the direction and coordination of these activities throughout the Department.

B. Section AM.10 Organization. Delete in its entirety and replace with the following:

AM.10 Organization. The HHS Management and Budget Office is headed by the Assistant Secretary for Management and Budget (ASMB). The ASMB is the Departmental Chief Financial Officer (CFO), and reports to the Secretary. The ASMB also serves as the Director for Equal Employment Opportunity for the Department. The office consists of the following organizations:

Immediate Office (AM)
Office of Grants and Acquisition Management (AMG)
Office of Budget (AML)
Office of Information Resources Management (AMM)
Office of Finance (AMN)
Administrative Services Center (AMQ)
Office of Human Resources (AMP)

C. Section AM.20 Functions is amended to add paragraph G, Office of Human Resources.

G. Office of Human Resources (AMP) advises and supports the Secretary and the Assistant Secretary for Management and Budget/CFO in the development and assessment of human resource programs and personnel policies. In coordination with the Operating Divisions (OPDIVs), formulates HHS policies pertaining to employment, compensation, position classification, employee benefits, performance management, employee development, and employee and labor relations. On behalf of the Department's Director of Equal Employment Opportunity (EEO), adjudicates complaints of discrimination. Serves as Departmental liaison to central management agencies exercising jurisdiction over personnel and EEO matters.

D. Establish a new Chapter AMP. The Office of Human Resources.

AMP.00 Mission. The Office of Human Resources (OHR) Provides leadership in the planning and development of personnel policies and human resource programs that support and enhance the Department's mission. Provides technical assistance to the Operating Divisions (OPDIVs) in building the capacity to evaluate the effectiveness of their human resource programs and policies. Serves as the Departmental liaison to central management agencies on topics relating to EEO and personnel matters.

AMP.10 Organization. The Office of Human Resources (OHR), headed by a Deputy Assistant Secretary for Human Resources who reports to the Assistant Secretary for Management and Budget, consists of the following components: Immediate Office (AMP)

Policy Coordination Staff (AMP-1)
Personnel Programs Group (AMP-2)
Equal Employment Opportunity

Programs Group (AMP-3)
AMP.20 Function. 1. The Immediate Office of Human Resources (OHR), provides leadership to the development and assessment of the Department's human resources programs and policies. In coordination with the Operating Divisions, designs human resource programs that support and enhance the HHS missions. Provides technical assistance to the OPDIVs in building the capacity to evaluate the effectiveness of their human resource programs and policies, including the development of performance standards. On behalf of the Department's Director of Equal Employment Opportunity, adjudicates complaints of discrimination. Serves as Departmental liaison to central management agencies exercising jurisdiction over personnel and EEO matters.

2. Policy Coordination Staff. Provides a variety of program support services to the components of the Office of Human Resources and to the OPDIVs. Coordinates the design of the evaluation capabilities and systems for use by the OPDIVs in determining the effectiveness of their personnel and EEO programs. Analyzes workforce data and trends to support program evaluation and strategic planning efforts, both at the departmental and OPDIV levels. Coordinates the development, approval, and dissemination of Departmental human resource policies.

3. Personnel Programs Group. Provides leadership to the planning and development of personnel policies and programs that support and enhance the Department's mission. In coordination with the OPDIVs, formulates HHS policies pertaining to employment, compensation, position classification,

employee benefits, performance management, employee development, and employee and labor relations. Provides technical assistance to the OPDIVs in the proper application of Federal personnel laws, regulations, and policies. Provides strategic advice to the Deputy Assistant Secretary for Human Resources, the Assistant Secretary for Management and Budget, and the Secretary on those initiatives having major workforce implications. Promotes and supports OPDIV capacity building efforts, including innovative approaches to personnel program management. Serves as the Department's focal point for liaison on personnel and labor relations issues with the Office of Personnel Management, the General Accounting Office, the Merit Systems Protection Board, and the Federal Labor Relations Authority.

4. EEO Programs Group. Provides leadership to the planning and development of affirmative employment policies and programs that recognize and value the diversity of the Department's workforce and promote a workplace free of discrimination. Provides technical assistance and enabling tools to the OPDIVs in the design of innovative, effective affirmative employment programs. Keeps top HHS officials apprised of workforce demographics and recommends positive interventions as needed. Prepares, for the Director of Equal Employment Opportunity, final Departmental decisions on the merits of complaints of discrimination, and prepares proposed dispositions of complaints presenting conflicts of interest for OPDIV and STAFFDIV officials. Serves as the Department's focal point for liaison with the Office of Personnel Management, the Equal Employment Opportunity Commission, and the General Accounting Office on issues pertaining to affirmative employment and discrimination complaints.

IV. Retitle Chapter AH, as the "Departmental Appeals Board," to read as follows:

A. Section AH.00 Mission. The Departmental Appeals Board is an independent office established pursuant to provisions of law, regulations, and Secretarial delegations to provide conflict resolution services through the U.S. Department of Health and Human Services. These services are basically of two types: (a) Adjudicatory hearings, appellate review of decisions of administrative law judges, arbitration, and similarly structured formal and informal reviews of contested decisions; and (b) alternative dispute resolution (ADR), including mediation and other

consensual processes, and training related to ADR and conflict management.

B. Section AH.10 Organization. The Departmental Appeals Board, under the leadership of the Chair, who is supervised by the Deputy Secretary of the Department, includes:

A. The Immediate Office of the Departmental Appeals Board, which includes:

- (1) The Chair;
- (2) The Deputy Chair;
- (3) The Director of Administration;
- (4) The Director of Mediation Services;
- (5) Board Members;
- (6) Administrative Law Judges; and
- (7) Administrative Appeals Judges.

B. The Appellate Division.

C. The Civil Remedies Division.

D. The Alternative Dispute Resolution Division.

E. The Medicare Operations Division.

C. Section AH.20 Functions. A. The Immediate Office of the Departmental Appeals Board assists the Chair in providing adjudicative and administrative services. The Chair is also a Board Member and provides leadership to the organizational components of the Board. The Chair is the appointed alternative dispute resolution specialist for the Department. The Deputy Chair acts for the Chair when absent and provides day to day management services. The Director of Administration assists the Chair in administrative matters and provides logistical support to the other organizational components of the Board. The Director of Mediation Services coordinates the Board's mediation and other alternative dispute resolution services. The Board Members hear and decide grant disputes and appeals, appeals from civil remedies cases, and other cases as assigned. The Administrative Law Judges hear and decide civil remedies cases, and other cases as assigned. The Administrative Appeals Judges hear and decide disputes relating to reimbursement for Medicare services, and other cases as assigned.

B. The Appellate Division provides attorney and other staff support to assist in the Board's administrative review of disallowances of federal grant funds under Title I, IV, X, XIV, XIX and XX of the Social Security Act; determinations by the Administrative Law Judges in civil remedies cases; disapprovals of state plans and state plan amendments under section 1116(a)(2) of the Social Security Act; disputes involving direct discretionary grants, cost allocation plans and indirect cost rates; disputes regarding allegations

of scientific misconduct by the Office of Research Integrity, National Institutes of Health; disputes regarding quality control in the Aid to Families with Dependent Children program; and disputes involving civil rights reviews. The Division is headed by a supervisory attorney who manages the Division's resources and advises Board Members. Attorneys in the Division research legal issues, review and evaluate case files, briefs and transcripts; conduct pre-hearing proceedings; draft decisions; provide advice and assistance to Board Members on the conduct of cases and decisions; and participate in hearings.

C. The Civil Remedies Division provides attorney and other staff support to assist in the hearing and disposition of civil remedies cases. The civil remedies cases include (1) Sanctions by the Food and Drug Administration, the Health Care Financing Administration, and the Inspector General against persons and entities associated with participation as a provider in federally funded health care programs or as any employee, contractor, or other fiscal relationship with the Department; (2) contract declinations and other adverse actions by the Indian Health Service; and (3) termination of federal funding by the Office for Civil Rights. The Division is headed by a supervisory attorney who also assigns cases to the Administrative Law Judges. Attorneys and Paralegal Specialists in the Division research legal issues; review and evaluate case files, briefs and transcripts; assist in pre-hearing proceedings; draft decisions; provide advice and assistance to Administrative Law Judges on the conduct of cases and decisions; and assist at hearings.

D. The Alternative Dispute Resolution Division provides alternative dispute resolution (ADR) services, including: mediation, early neutral evaluation, arbitration, regulatory negotiation, and facilitation. The Division also provides assistance in ADR systems design and training in a variety of substantive areas, including: conflict management, negotiations, interest-based bargaining, mediation, arbitration, and regulatory negotiation. The Division is headed by a Director of Mediation Services who provides overall substantive and resource management. Professional staff consist of attorneys and dispute resolution specialists who conduct ADR interventions and training.

E. The Medicare Operations Division provides attorney, paralegal and other staff support to assist in review of administrative law judge decisions regarding entitlement to coverage, health maintenance organizations,

inactions and claims filed by health care providers or Medicare beneficiaries for medical-related items or services provided or received for which payment or reimbursement is sought under title XVIII of the Social Security Act. The Division is headed by a chief who assigns cases and oversees the Division's operations. Paralegal specialists and other professional staff research and review claims, draft decisions, and provide advice and assistance to the Administrative Appeals Judges.

V. Delegation of Authority.

All delegations and redelegations of authority to officers and employees of the components which are affected by this reorganization, and which were in effect immediately prior to this reorganization will be continued in effect in them or their successors, pending further delegation, provided they are consistent with this reorganization.

Dated: September 29, 1995.

Donald E. Shalala,
Secretary.

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DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Community Planning and Development

[Docket No. FR-3778-N-57]

Federal Property Suitable as Facilities to Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

FOR FURTHER INFORMATION CONTACT: Mark Johnston, room 7256, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410; telephone (202) 708-1226; TDD number for the hearing-and speech-impaired (202) 708-2565 (these telephone numbers are not toll-free), or call the toll-free Title V information line at 1-800-927-7588.

SUPPLEMENTARY INFORMATION: In accordance with 56 FR 23789 (May 24, 1991) and section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended, HUD is

publishing this Notice to identify Federal buildings and other real property that HUD has reviewed for suitability for use to assist the homeless. The properties were reviewed using information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus Federal property. This Notice is also published in order to comply with the December 12, 1988 Court Order in *National Coalition for the Homeless v. Veterans Administration*, No. 88-2503-OG (D.D.C.).

Properties reviewed are listed in this Notice according to the following categories: Suitable/available, suitable/unavailable, suitable/to be excess, and unsuitable. The properties listed in the three suitable categories have been reviewed by the landholding agencies, and each agency has transmitted to HUD: (1) Its intention to make the property available for use to assist the homeless, (2) its intention to declare the property excess to the agency's needs, or (3) a statement of the reasons that the property cannot be declared excess or made available for use as facilities to assist the homeless.

Properties listed as suitable/available will be available exclusively for homeless use for a period of 60 days from the date of this Notice. Homeless assistance providers interested in any such property should send a written expression of interest to HHS, addressed to Brian Rooney, Division of Health Facilities Planning, U.S. Public Health Service, HHS, room 17A-10, 5600 Fishers Lane, Rockville, MD 20857; (301) 443-2265. (This is not a toll-free number.) HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit their written expressions of interest as soon as possible. For complete details concerning the processing of applications, the reader is encouraged to refer to the interim rule governing this program, 56 FR 23789 (May 24, 1991).

For properties listed as suitable/to be excess, that property may, if subsequently accepted as excess by GSA, be made available for use by the homeless in accordance with applicable law, subject to screening for other Federal use. At the appropriate time, HUD will publish the property in a Notice showing it as either suitable/available or suitable/unavailable.

For properties listed as suitable/unavailable, the landholding agency has decided that the property cannot be declared excess or made available for use to assist the homeless, and the property will not be available.

Properties listed as unsuitable will not be made available for any other purpose for 20 days from the date of this Notice. Homeless assistance providers interested in a review by HUD of the determination of unsuitability should call the toll free information line at 1-800-927-7588 for detailed instructions or write a letter to Mark Johnston at the address listed at the beginning of this Notice. Included in the request for review should be the property address (including zip code), the date of publication in the Federal Register, the landholding agency, and the property number.

For more information regarding particular properties identified in this Notice (*i.e.*, acreage, floor plan, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following addresses: U.S. Navy: John J. Kane, Deputy Division Director, Dept. of Navy, Real Estate Operations, Naval Facilities Engineering Command, 200 Stovall Street, Alexandria, VA 22332-2300; (703) 325-0474; Dept. of Veterans Affairs: Steve Koenig, Management Analyst, Dept. of Veterans Affairs, room 414 Lafayette Bldg., 811 Vermont Ave. NW., Washington, DC 20420; (202) 565-5424; U.S. Air Force: Carol Xander, Air Force Real Estate Agency (Area/MI), Bolling AFB, 172 Luke Avenue, Suite 104, Building 5683, Washington, DC 20332-5113; (202) 767-4034; (These are not toll-free numbers).

Dated: September 29, 1995.

Jacquie M. Lawing,

Deputy Assistant Secretary for Economic Development.

TITLE V, FEDERAL SURPLUS PROPERTY PROGRAM, FEDERAL REGISTER REPORT FOR 10/06/95

Suitable/Available Properties

Buildings (by State)

Alabama

Bldg. 19, VA Medical Center
Tuskegee Co: Macon AL 36083-
Landholding Agency: VA
Property Number: 979220006
Status: Underutilized
Comment: Portion of a 5320 sq. ft. 4-story structure

California

Bldg. 20, VA Medical Center
Wilshire & Sawtelle Blvds.
Los Angeles Co: Los Angeles CA 90073-
Landholding Agency: VA
Property Number: 979210003