objections are to be identified with the docket number found in brackets in the heading of this document and may be accompanied by a supporting memorandum or brief. The agency has determined that comments or objections should be submitted within 30 days because this proposal has no effect on currently marketed products.

List of Subjects in 21 CFR Part 328

Drugs, Labeling, Alcohol.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, it is proposed that 21 CFR part 328 be amended as follows:

PART 328—OVER-THE-COUNTER DRUG PRODUCTS INTENDED FOR ORAL INGESTION THAT CONTAIN ALCOHOL

1. The authority citation for 21 CFR part 328 continues to read as follows:

Authority: Secs. 201, 301, 501, 502, 503, 505, 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 331, 351, 352, 353, 355, 371).

2. Section 328.10 is amended by redesignating paragraph (f) as paragraph (g) and by adding new paragraph (f) to read as follows:

§ 328.10 Alcohol.

* * * * *

(f) Ipecac syrup is exempt from the provisions of paragraph (d) of this section.

* * * * *

Dated: May 1, 1996.

William K. Hubbard,

Associate Commissioner for Policy Coordination.

[FR Doc. 96–11640 Filed 5–9–96; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Part 3500

[Docket No. FR–3780–N–07]

RIN 2502–AG40

Office of the Assistant Secretary for Housing—Federal Housing Commissioner; Mortgage Broker Fee Disclosure Rule: Notice of Meeting of Negotiated Rulemaking Advisory Committee

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Notice of committee meeting.

SUMMARY: The Department has established a Negotiated Rulemaking Advisory Committee to address certain issues concerning indirect payments to mortgage brokers and certain other mortgage originators (retail lenders) and volume-based compensation. The committee, which consists of representatives with a definable stake in the outcome of a proposed rule, has convened on 5 prior occasions in the past 5 months. This notice announces the time and place for the next meeting. This meeting is open to the public.

DATES: The sixth meeting of the committee will be held on May 20–21, 1996. On Monday, May 20, the meeting will start at 9:00 a.m. and will end at 5:00 p.m., and on Tuesday, May 21, the meeting will start at 9:00 a.m. and run until approximately 4:00 p.m.

ADDRESSES: The next meeting of the committee will be held in the Headquarters of the American Association of Retired Persons, 601 ''E'' Street, NW., Room 120, Floor 2–B, Washington, DC.

FOR FURTHER INFORMATION CONTACT: David R. Williamson, Director, Office of Consumer and Regulatory Affairs, Department of Housing and Urban Development, 451 7th Street, SW., Room 5241, Washington, DC 20410–8000); telephone number: (202) 708–4560 (this is not a toll-free number); e-mail through Internet at david—r.—williamson@hud.gov. For hearing- and speech-impaired persons, this number may be accessed via TDD by calling the Federal Information Relay Service at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: On December 8, 1995 (60 FR 63008), HUD published a notice announcing the establishment and first meeting of the Negotiated Rulemaking Advisory Committee on Mortgage Broker Disclosures, to discuss and negotiate a proposed rule on the treatment under RESPA, including disclosure requirements, of payments to retail lenders and of volume-based compensation to mortgage brokers. The committee convened in Washington, DC, on December 13–14, 1995; January 18–19, 1996; February 22–23, 1996; March 18–19, 1996; and April 8–9, 1996. The committee expects that the upcoming meeting on May 20–21 will be the last meeting for this rulemaking effort.

This meeting is open to the public, with limited seating available on a first-come, first-served basis.

Authority: 42 U.S.C. 1437g, 3535(d).

Dated: May 3, 1996.

James E. Schoenberger,

Associate General Deputy Assistant Secretary for Housing Federal Housing Commissioner.

[FR Doc. 96–11648 Filed 5–9–96; 8:45 am]

BILLING CODE 4210–27–U

DEPARTMENT OF THE INTERIOR

National Indian Gaming Commission

25 CFR Part 525

RIN 1076–AD67

Request for Comments on Establishing Departmental Procedures To Authorize Class III Gaming on Indian Lands When a State Raises an Eleventh Amendment Defense To Suit Under the Indian Gaming Regulatory Act

AGENCY: National Indian Gaming Commission, Interior.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Department of the Interior seeks comments on its authority under the Indian Gaming Regulatory Act (IGRA), 25 U.S.C. Section 2710, to promulgate ''procedures'' to authorize Class III gaming on Indian lands when a State raises an Eleventh Amendment defense to an action brought against it pursuant to Section ll of the Act, 25 U.S.C. Section 2710(d)(7), and on other related matters. This advance notice is the result of the Supreme Court decision in *Seminole Tribe of Florida* v. *State of Florida*, 116 S.Ct. 1114 (1996).

DATES: Written public comment is invited and will be considered in the development of a proposed rule. Comments on this advance notice of proposed rulemaking must be received no later than July 1, 1996, to be considered.

ADDRESSES: Any comments concerning this notice, including sections regarding conformance with statutory and regulatory authorities, may be sent to: George Skibine, Director, Indian Gaming Management Staff, 1849 C Street, N.W., MS–2070 MIB, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: George Skibine, Director, Indian Gaming Management Staff, (202) 219–4066.

SUPPLEMENTARY INFORMATION:

Background

Congress enacted IGRA to provide a statutory basis for the operation and regulation of Indian gaming and to protect Indian gaming as a means of generating revenue for tribal governments. 25 U.S.C. Section 2702;

Seminole, at 1119. Since its passage in 1988, more than 140 compacts in more than 20 States have been successfully negotiated, entered into by States and Tribes and approved by the Secretary. Today, Indian gaming is a successful industry generating significant governmental revenue for Indian tribes, which provides funding for essential government services such as roads, schools, and hospitals. Prior to enactment of IGRA, States generally were precluded from any regulation of gaming on Indian reservations. See *California* v. *Cabazon Band of Mission Indians,* 480 U.S. 202 (1987). IGRA, by offering States an opportunity to participate with Indian tribes in developing regulations for Indian gaming, ''extends to States a power withheld from them by the Constitution.'' *Seminole,* at 1124.

IGRA requires an Indian Tribe that wants to conduct casino type (''Class III'') gaming on its Indian lands to negotiate a ''compact'' of terms and conditions for such gaming with the State in which the Indian lands are located. IGRA also provides that if the State fails to bargain, or to do so in good faith, the Tribe may sue the State in Federal court to enforce the remedial provisions provided by the statute. Under these provisions, if a court found a State not to be bargaining in good faith, it would ''order the State and the Indian Tribe to conclude such a compact within a 60-day period.'' 25 U.S.C. Section 2710(d)(7)(B)(iii). If thereafter a State and Tribe fail to conclude a compact within this 60-day period, they ''shall each submit to a mediator appointed by the court a proposed compact that represents their last best offer for a compact.'' *Id.* Section 2710(d)(7)(B)(iv). The mediator shall then ''select from the two proposed compacts the one which best comports with the terms of this Act and any other applicable Federal law and with the findings and order of the court,'' id., and submit his or her selection to the State and Tribe, *id.* Section 2710(d)(7)(B)(v). If, within 60 days from the mediator's submission of his or her selection, the State consents to a proposed compact, such a compact authorizes Indian gaming pursuant to IGRA. *Id.*

Section 2710(d)(7)(B)(vi). If the State does not consent to a compact within 60 days of the mediator's submission, the Secretary of the Interior shall:

> prescribe, in consultation with the Indian tribe, procedures—
>
> (I) which are consistent with the proposed compact selected by the mediator under [25 U.S.C. Section 2710(d)(7)(B)(iv)], the provisions of [the Act] and the relevant provisions of the laws of the State, and
>
> (II) under which class III gaming may be conducted on the Indian lands over which the Indian tribe has jurisdiction.

25 U.S.C. Section 2710(d)(7)(B)(vii). In practice, only a handful of cases have required resort to IGRA's judicial enforcement mechanism.

In *Seminole Tribe of Florida* v. *Florida,* the Supreme Court affirmed a decision by the Eleventh Circuit Court of Appeals holding that Congress may not abrogate State Eleventh Amendment immunity under the Indian Commerce Clause. The decision raises questions about the process now to be followed by Tribes who cannot secure State cooperation in the compacting process.

The Supreme Court's *Seminole* decision does not affect the validity of existing class III gaming compacts, but it does require the United States to consider the effect of a State's refusal to engage in remedial litigation designed to oversee the compacting process. In its decision below, the Eleventh Circuit suggested that the compacting process could proceed as prescribed by IGRA (including litigation) so long as a State did not assert its Eleventh Amendment immunity. In light of IGRA's severability clause, the Eleventh Circuit further expressed the view that if a State pleads an Eleventh Amendment defense and the suit is dismissed, the Tribe may then notify the Secretary and the Secretary may prescribe the terms of the particular compact. The Supreme Court expressly declined to consider the validity of this part of the Eleventh Circuit's opinion, and Florida's cross-petition for review of this issue was denied by the Supreme Court. By contrast, the Ninth Circuit, in its pre-*Seminole* decision rejecting an Eleventh Amendment challenge, *Spokane Tribe of Indians* v. *Washington,* 28 F.3d 991 (9th Cir. 1994), expressed disagreement with the Eleventh Circuit's views on that issue. *Id.* at 997.

In these circumstances, and because of the importance of the issues to the Tribes, the States, and the general public, the Department seeks comments regarding the manner in which the compacting provisions of IGRA may operate following the Supreme Court's *Seminole Tribe* decision.

Subject Matter of Potential Rulemaking

The Department seeks comments on the following specific issues, and on other issues directly related to the subject matter of this notice.

(1) The effect of the Supreme Court's decision in *Seminole Tribe* on the operation of other provisions in 25 U.S.C. Section 2710(d)(7) when a State does not waive its Eleventh Amendment immunity to suit;

(2) Whether, and under what circumstances, the Secretary of the Interior is empowered to prescribe ''procedures'' for the conduct of Class III gaming when a State interposes an Eleventh Amendment defense to an action pursuant to 25 U.S.C. Section 2710(d)(7)(B);

(3) What is an appropriate administrative process for the development of Secretarial procedures;

(4) What procedures should be followed if a State interposes an Eleventh Amendment defense to an action filed under 25 U.S.C. Section 2710(d)(7)(B);

(5) What procedures can be, and should be, utilized for determining legal issues that may be in dispute, such as the ''scope of gaming'' permitted under State law. The scope of gaming issue arises when a State takes the position that it is not required to bargain with a Tribe with respect to certain Class III games because IGRA does not authorize such games on the ground that such games are not permitted by the State ''for any purpose by any person,'' *see* 25 U.S.C. Section 2710(d)(1)(B)1; and

(6) How any procedures promulgated by the Secretary may, and should, provide for appropriate regulation of Indian gaming.

Public Review

Comments on this notice may be submitted in writing to the address identified at the beginning of this rulemaking by July 1, 1996. Comments received by that date will be considered in the development of any proposed rule.

Executive Order 12866

This advance notice of proposed rulemaking has been reviewed by the Office of Management and Budget under Executive Order 12866.

Drafting Information

This Notice was drafted by the Office of the Solicitor, 1849 C Street, N.W., Washington, D.C., 20240.

Dated: April 30, 1996.

Ada E. Deer,

Assistant Secretary, Indian Affairs.

[FR Doc. 96–11287 Filed 5–9–96; 8:45 am]

BILLING CODE 4210–02–P