

Comments are encouraged and will be accepted until May 27, 1997.

Request written comments and suggestions from the public and affected agencies concerning the proposed collection of information. Your comments should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to SSA Paul J. Gans, (phone number and address listed below). If you have additional comments, suggestions, or need a copy of the proposed information collection instrument with instructions, or additional information, please contact SSA Paul J. Gans, (304) 625-4830, Federal Bureau of Investigation, Criminal Justice Information Services, Statistical Unit, 1000 Custer Hollow Road, Clarksburg, West Virginia 26306.

Overview of this information collection:

(1) Type of information collection: Extension of a currently approved collection.

(2) The title of the form/collection: Hate Crime Incident Report and Quarterly Hate Crime Report.

(3) The agency form number, if any, and the applicable component of the Department sponsoring the collection. Form: 11-1 & 11-2. Federal Bureau of Investigation, United States Department of Justice.

(4) Affected public who will be asked or required to respond, as well as a brief abstract. Primary: State and Local Government. This collection will gather information necessary to collect bias motivation of selected criminal offenses. Resulting statistics are published annually.

(5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond: 40,000 respondents with an average 6.6 minutes per response.

(6) An estimate of the total public burden (in hours) associated with the collection: 6,000 annual burden hours.

If additional information is required contact: Mr. Robert B. Briggs, Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, Suite 850, Washington Center, 1001 G Street, NW., Washington, DC 20530.

Dated: March 20, 1997.

**Robert B. Briggs,**

*Department Clearance Officer, United States Department of Justice.*

[FR Doc. 97-7580 Filed 3-25-97; 8:45 am]

BILLING CODE 4410-02-M

#### **Agency Information Collection Activities: Proposed Collection; Comment Request**

**AGENCY:** Justice Management Division, DOJ.

**ACTION:** Notice of information collection under emergency review; U.S. Department of Justice and U.S. Department of Health and Human Services Application for Funds under the Health Care Fraud and Abuse Control Program.

The Department of Justice (DOJ), Justice Management Division has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the emergency review procedures of the paperwork Reduction Act of 1995. This notice serves the following two purposes:

A. Notification of the public on the requirement necessary to apply for Federal funding under the Health Care Fraud and Abuse Control Program.

B. Compliance with the requirements of the Paperwork Reduction Act of 1995.

#### **A. Notification to the Public on the Requirements Necessary To Apply for Federal Funding Under the Health Care Fraud and Abuse Control Program**

All proposals must be received on or before April 25, 1997. All proposals must be submitted to the Office of Inspector General, Attention: John E. Hartwig, Deputy Inspector General for Investigations, U.S. Department of Health and Human Services, Room 5250 Cohen Building, 330 Independence Avenue, SW., Washington, DC 20201.

#### **Background**

The Health Insurance Portability and Accountability Act of 1996 added Section 1128C to the Social Security Act, which directs the Attorney General and the Secretary of HHS, acting through the HHS Inspector General, to establish a National Health Care Fraud and Abuse Control Program to achieve the goals of: (1) Coordinating Federal, State and local law enforcement program to control fraud and abuse with respect to health plans; (2) conducting investigations, audits, evaluations and inspections relating to the delivery of and payment for health care in the United States; (3) facilitating enforcement of civil, criminal and administrative statutes applicable to health care fraud and abuse; (4) providing industry guidance relating to fraudulent health care practices; and (5) establishing a national data bank to receive and report final adverse actions against health care providers. In accordance with the statute, the Attorney General and the Secretary developed Guidelines for Implementation of the Health Care Fraud and Abuse Control Program.

To fund the coordinating anti-fraud effort, the statute directs that an amount equalling recoveries derived from health care cases—including civil monetary penalties, fines, forfeitures, and damages assessed in criminal, civil or administrative health care cases, but excluding restitution due to the victim, funds awarded to a relator, or as otherwise authorized by law—be transferred to the Federal Hospital Insurance Trust Fund. Monies are appropriated from the Trust Fund to a newly created expenditure account, called the Health Care Fraud and Abuse Control Account in amounts that the Secretary and Attorney General annually certify are necessary to finance the administration and operation of the Fraud and Abuse Control Program.

The purpose of this Notice is to solicit proposals from those Federal, State and local agencies that are currently involved in health care fraud and abuse control (other than the Departments of Justice and Health and Human Services) for projects or activities that promote the objectives of the Fraud and Abuse Control Program to be supported with these funds. This action is authorized under 42 U.S.C. 1320 a-7 and 42 U.S.C. 1395 b-1.

#### **Availability of Funds**

Approximately \$3.5 million will be available in Fiscal Year 1997 to support approved proposals. Funds may be used to cover costs (including equipment,

salaries and benefits, travel and training) that directly further the Health Care Fraud and Abuse Control Program, including the costs of investigating and prosecuting health care matters (through civil, criminal and administrative proceedings), conducting audits, and inspections and evaluations relating to health care, and provider and consumer education.

If a proposal is selected for funding, the Departments of Justice and HHS have no obligation to provide any additional future funding beyond the first budget period. Because the overall amount of available funds may fluctuate widely from year to year, there is no presumption of continued funding in succeeding years. Invitations to submit proposals for this money will be announced in the **Federal Register** each year that such funds are available, and all interested recipients must reapply.

Funds may be allocated only to (1) supplement, and not supplant, current levels of effort of fraud and abuse control related activities, or (2) undertake a new fraud or abuse control related activity. Funds may not be used to replace existing funding for a fraud and abuse function. Additionally, funds may not be included as cost sharing or matching contributions for any federally-assisted project or program.

#### *Proposal Submission Process and Contents*

Proposals will be accepted from Federal, State and local government entities engaged in health care fraud and abuse control in the United States. *All proposals must be received on or before April 25, 1997.* All proposals must be submitted to the Office of Inspector General, Attention: John E. Hartwig, Deputy Inspector General for Investigations, U.S. Department of Health and Human Services, Room 5250 Cohen Building, 330 Independence Avenue, S.W., Washington, D.C. 20201.

Proposals must be submitted by the head of the entity, or the head of the law enforcement unit within the entity. For example, applications will be accepted from officials such as the Secretary or Inspector General of a Federal agency, and the Governor, Auditor General or Attorney General of a State.

Submissions must include sufficient information to determine that the proposed activity meets the requirements described in this Notice, as supplemented by the Health Insurance Portability and Accountability Act of 1996 and implementing Guidelines.

Proposals must address the following:

1. A description of the activities proposed for funding, including a

timeline for implementation of the proposed activities. The narrative must describe in detail how the proposed activity is consistent with and will promote the Fraud and Abuse Control Program, such as how the program will prevent or reduce health care fraud and abuse in the country, or will assist in recovering health care funds that have been improperly expended due to fraud and abuse.

2. A comprehensive spending plan that links costs to projected tasks and time frames.

3. A description of the entity's history and experience in conducting activities relating to the prevention, detection, investigation and prosecution (civil, criminal and administrative) of health care fraud and abuse.

4. A description of how the entity intends to coordinate its funded activities with HHS and the Department of Justice.

5. A description of the evaluation procedures to be used by the entity for monitoring progress of the proposed activities, and assessing their effectiveness in combating health care fraud and abuse.

6. A description of any innovative techniques to be utilized in addressing fraud and abuse in health care.

7. A statement that requested funds will supplement and not supplant existing funding for controlling health care fraud and abuse.

8. A statement as to the entity's legal authority to receive funds under this announcement and expend them on the requested activities.

#### *Review Process and Criteria*

All proposals submitted by the closing date and meeting the requirements of this Notice will be reviewed and evaluated by a panel of representatives from the Department of Justice and HHS. The panel will acknowledge receipt of all timely proposals. After review, the panel will make recommendations for funding to the Secretary and the Attorney General. All final funding decisions are at the discretion of the Attorney General and the Secretary who will jointly certify the award of funds in accordance with the Act. Awards are contingent on the availability of funds. Proposals will generally either be approved or disapproved at the requested funding level. Applicants may submit more than one proposal. Each proposal will be evaluated primarily on the basis of how well it will relate to and promote the overall Health Care Fraud and Abuse Program, and the above listed criteria. Other factors will include: the soundness of the objectives of the

proposed project; the reasonableness of cost in relation to the anticipated results, the entity's experience in the area of prevention and detection of health care fraud and abuse, the entity's institutional ability to achieve the stated goals, the entity's willingness to coordinate its activities closely with the Departments of Justice and HHS, the entity's ability to measure and report on the progress and achievement of the activities, the availability and adequacy of resources to conduct the proposed activities, and its relationship to other projects already completed or in progress.

#### *Funding Instrument*

The Attorney General and the Secretary of HHS expect to award funds via interagency transfer to any Federal entities whose proposals are approved for funding. With respect to other applicants, funds will be awarded via grant, cooperative agreement, or other authorized funding mechanism. The Secretary of HHS and the Attorney General reserve the right to use the form of funding agreement determined to be most appropriate.

Successful applicants will be required to report no less often than annually to the Departments of Justice and HHS evaluating the progress of the funded activities, and assessing their effectiveness in combating health care fraud and abuse. The HHS-OIG may also independently conduct a review of any activity funded hereunder.

**Note:** If you are applying for funding under the Health Care Fraud and Abuse Control Program complete only "Section A" above.

#### **B. Compliance With the Requirements of the Paperwork Reduction Act of 1995**

The proposed information collection is published to obtain comments from the public and affected agencies. Emergency review and approval of this collection has been requested from OMB by March 19, 1997. If granted, this emergency approval is only valid for 180 days. Comments should be directed to OMB, Ms. Victoria Wassmer, 202-395-5871, Office of Information and Regulatory Affairs, Attention: Department of Justice Desk Officer, Washington, D.C. 20503.

Public comments are encouraged and will be accepted until 60 days from the date published in the **Federal Register**. Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- (1) Evaluate whether the proposed collection of information is necessary for the

proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agencies' estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

#### Overview of This Information Collection

(1) *Type of Information Collection:* New collection.

(2) *Title of the Form/Collection:* U.S. Department of Justice and U.S. Department of Health and Human Services Health Care Fraud and Abuse Control Program.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form: None. Justice Management Division, United States Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Federal, State and local governments. See item "A" above.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 75 responses at 40 hours per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 3,000 annual burden hours.

If you have additional comments, suggestions, or need additional information, please contact the Office of Inspector General, Attention: John E. Hartwig, Deputy Inspector General for Investigations, U.S. Department of Health and Human Services, Room 5250 Cohen Building, 330 Independence Avenue, S.W., Washington, D.C. 20201.

If additional information is required, contact: Mr. Robert B. Briggs, Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division Suite 850, Washington Center, 1001 G Street NW, Washington, D.C. 20530.

Dated: March 20, 1997.

**Robert B. Briggs,**  
Department Clearance Officer, United States Department of Justice.

[FR Doc. 97-7581 Filed 3-25-97; 8:45 am]

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#### Notice of Lodging of Consent Decree Pursuant to the Clean Air Act

Notice is hereby given that a proposed Consent Decree in *United States v. AAR Manufacturing Group, Inc.*, Civil Action No. 1:96 CV-58 (W.D. Mich.), entered into by the United States and AAR Manufacturing Group, Inc. ("AAR"), was lodged on February 27, 1997, with the United States District Court for the Western District of Michigan. The proposed Consent Decree resolves certain claims of the United States under the Clean Air Act, 42 U.S.C. 7401, *et seq.*, with respect to AAR's Cadillac Manufacturing Facility, in Cadillac, Michigan. The Complaint alleges that AAR violated two of the conditions of its State issued permit by exceeding its emissions limits and duration of operation of its air cargo handling manufacturing equipment. Under the terms of the proposed Consent Decree the defendant shall pay the United States a total of \$210,000, and perform a Supplemental Environmental Project as specified in the Consent Decree, in return for the United States' covenant not to sue for claims alleged in the Complaint for violations of the Michigan State Implementation Plan. The SEP consists of the installation and operation of a greater capacity than required Regenerative Thermal Oxidizer to control the emissions of volatile organic compounds, resulting in substantial pollution reductions at the Cadillac Facility.

The Department of Justice will receive comments relating to the proposed Partial Consent Decrees for 30 days following publication of this Notice. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, United States Department of Justice, P.O. Box 7611, Ben Franklin Station, Washington, D.C. 20044-7611, and should refer to *United States v. AAR Manufacturing Group, Inc.*, D.J. Ref. No. 90-5-2-1-1954. The proposed Consent Decree may be examined at the Office of the United States Attorney for the Western District of Michigan, Grand Rapids, Michigan; the Region V Office of the United States Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604; and at the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005, telephone no. (202) 624-0892. A copy of the proposed Consent Decree may be obtained in person or by mail from the Consent Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005. In requesting a copy, please enclose a check (25 cents per page for reproduction costs) in the amount of

\$9.25 for the Decree, payable to the Consent Decree Library.

**Bruce S. Gelber,**

Deputy Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

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#### DEPARTMENT OF LABOR

##### Employment Standards Administration Wage and Hour Division, Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR Part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR Part 1, Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.