

**FEDERAL TRADE COMMISSION****[File No. 932-3143]****Progressive Mortgage Corporation; Sanford Cramer; Analysis to Aid Public Comment****AGENCY:** Federal Trade Commission.**ACTION:** Proposed consent agreement.

**SUMMARY:** In settlement of alleged violations of federal law prohibiting unfair or deceptive acts or practices and unfair methods of competition, this consent agreement, accepted subject to final Commission approval, would require, among other things, the Ohio-based mortgage banker, and its president, to provide full and accurate disclosure of finance charges, annual percentage rates, and other terms and conditions of financing, in compliance with the Truth in Lending Act (TILA). The agreement settles allegations that Progressive Mortgage provided false and misleading information about payment schedules and the cost of credit to mortgage applicants, in violation of the TILA.

**DATES:** Comments must be received on or before February 10, 1997.

**ADDRESSES:** Comments should be directed to: FTC/Office of the Secretary, Room 159, 6th St. and Pa. Ave., N.W., Washington, D.C. 20580.

**FOR FURTHER INFORMATION CONTACT:** John M. Mendenhall, Federal Trade Commission, Cleveland Regional Office, 668 Euclid Avenue, Suite 520-A, Cleveland, OH 44114. (216) 522-4210.

**SUPPLEMENTARY INFORMATION:** Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46, and Section 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the above-captioned consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. The following Analysis to Aid Public Comment describes the terms of the consent agreement, and the allegations in the accompanying complaint. An electronic copy of the full text of the consent agreement package can be obtained from the Commission Actions section of the FTC Home Page (for November 25, 1996), on the World Wide Web, at "http://www.ftc.gov/os/actions/htm." A paper copy can be obtained from the FTC Public Reference Room, Room H-130, Sixth Street and Pennsylvania Avenue, N.W., Washington, D.C. 20580, either in person or by calling (202) 326-3627.

Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with Section 4.9(b)(96)(ii) of the Commission's Rules of Practice (16 CFR 4.9(b)(6)(ii)).

**Analysis of Proposed Consent Order to Aid Public Comment**

The Federal Trade Commission has accepted an agreement to a proposed consent order from Progressive Mortgage Corporation, a mortgage banker and its president Sanford Cramer.

The proposed consent order has been placed on the public record for sixty (60) days for the reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

The Commission's complaint charges that proposed respondents failed to include premiums for mortgage insurance in calculating the finance charge and the annual percentage rate for mortgage loans. Respondents failed to accurately disclose to consumers the payment schedule and total of payments scheduled to repay the obligation in its Truth in Lending Act disclosures.

The Complaint also alleges that Sanford Cramer President provided false and misleading written disclosures relating to the Truth in Lending Act about consumer credit transactions.

The proposed Consent order contains provisions designed to remedy the violations charged and to prevent the proposed respondents from engaging in similar acts and practices in the future. Part I of the order prohibits Progressive from engaging in the alleged practices in the future. Part I also requires Progressive to calculate and make all disclosures required by the Truth in Lending Act and cease from misrepresenting any term or condition of financing for any consumer credit transaction.

Paragraph II of the Order addresses the specific practices at issue by prohibiting Cramer from misrepresenting the annual percentage rate, the finance charge, the monthly payment amount or the total of payments in any written disclosure. He is also prohibited from misrepresenting any term or condition of financing for any consumer credit transaction.

The remainder of the proposed order consists of a six year recordkeeping

provision and other standard compliance provisions.

The purpose of this analysis is to facilitate public comment on the proposed order, and is not intended to constitute an official interpretation of the agreement and proposed order, or to modify in any way their terms.

Donald S. Clark,

Secretary.

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**DEPARTMENT OF HEALTH AND HUMAN SERVICES****Program Support Center; Agency Information Collection Activities: Submission for OMB Review; Comment Request**

The Department of Health and Human Services, Program Support Center, publishes a list of information collections it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) and 5 CFR 1320.5. The following are those information collections recently submitted to OMB.

1. *HHS Payment Management System Forms (PMS-270 and PMS-272)—0937-0200—Extension.*

The PMS-270, Request for Advance or Reimbursement is used to make advances or reimbursement payments to grantees. It serves in place of the SF-270.

*Respondents:* State and local governments; profit and nonprofit businesses and organizations receiving grants from HHS; *Total Number of Respondents:* 25; *Frequency of Response:* monthly; *Average Burden per Response:* 15 minutes; *Estimated Annual Burden:* 75 hours.

The PMS-272, Federal Cash Transactions Report, is used to monitor Federal cash advances to grantees and obtain Federal cash disbursement data. It serves in place of the SF-272.

*Respondents:* State and local governments; profit and nonprofit businesses and institutions receiving grants from HHS; *Total Number of Respondents:* 11,050; *Frequency of Response:* quarterly; *Average Burden per Response:* 4 hours; *Estimated Annual Burden:* 176,800 hours.

*Total Burden:* 176,875 hours.

*OMB Desk Officer:* Allison Eydt.

Copies of the information collection packages listed above can be obtained by calling the PSC Reports Clearance Officer on (301) 443-2045. Written comments and recommendations for the proposed information collection should

be sent directly to the OMB desk officer designated above at the following address: Human Resources and Housing Branch, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street N.W., Washington, D.C. 20503.

Comments may also be sent to Douglas F. Mortl, PSC Reports Clearance Officer, Room 17A08, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857. Written comments should be received within 30 days of this notice.

Dated: December 14, 1996.

Lynnda M. Regan,

Director, Program Support Center.

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### **Health Resources and Services Administration; Statement of Organization, Functions and Delegations of Authority**

This notice amends Part R of the Statement of Organization Functions and Delegations of Authority of the Department of Health and Human Services (DHHS), Health Resources and Services Administration (60 FR 56605 as amended November 6, 1995; as last amended at 61 FR 24939-40). This notice reflects the reorganization of the Office of the Administrator and the establishment of two independent components in the Health Resources and Services Administration (HRSA). The changes are as follows:

I. Delete the Office of the Administrator in its entirety and replace with the following:

**Section RA-00 Mission.** The mission of the Immediate Office of the Administrator is to improve the health of the Nation by assuring quality health care to underserved, vulnerable and special-need populations and by promoting appropriate health professions work force capacity and practice, particularly in primary care and public health.

**Section RA-10 Organization.** The Office of the Administrator (OA) is headed by the Administrator, who reports directly to the Secretary. The OA includes the following components:

- (A) Office of the Administrator (R)
- (B) Aids Program Office (RAA)
- (C) Office of Equal Opportunity and Civil Rights (RA2)
- (D) Office of Policy and Information Coordination (RA3)
- (E) Office of Planning, Evaluation and Legislation (RA5)
- (F) Office of Communications (RA6)
- (G) Office of Public Health Affairs (RA8)
- (H) Office of Minority Health (RA9)

**Section RA-20 Functions.** A. **Immediate Office the Administrator (RA).** Leads and directs programs and activities of the Agency and advises the Office of the Secretary of Health and Human Services on policy matters concerning them.

B. **AIDS Program Office (RAA).** Coordinates all AIDS-related activities within the Agency; (2) advises the Administrator on policy, clinical, and educational issues pertaining to the administration of HRSA's AIDS program; (3) keeps the Administrator informed of any difficulties arising within or outside HRSA that might adversely affect the Agency's ability to carry out its AIDS responsibilities; (4) coordinates the formulation of an overall strategy and policy for the HRSA AIDS programs; (5) working with the Office of Planning, Evaluation and Legislation, coordinates the preparation of HRSA's AIDS-related programmatic, budgetary and legislative proposals; (6) monitors and analyzes AIDS-related policy and legislative developments for their impact on HRSA's AIDS activities; (7) reviews AIDS-related program activities to determine their consistency with established policies; (8) coordinates HRSA's comments on AIDS-related reports, position papers, legislative proposals including requests from other agencies; (9) represents the Agency and the Department at AIDS-related meetings, conferences, task forces etc; (10) plans and carries out special AIDS-related assignments for the Administrator.

C. **Office of Equal Opportunity and Civil Rights (RA2).** Directs, coordinates, develops, and administers the Agency's equal opportunity, civil rights, and ethics programs. Specifically: (1) provides advice, counsel and recommendations to Agency personnel, including the field offices, on equal opportunity, and civil rights, and represents HRSA in all EEO areas; (2) administers affirmative action programs to ensure equality of opportunity in employment; (3) manages the civil service complaints system and prepares final Agency decisions; (4) manages the complaints system for Commissioned Corps personnel under provisions of Public Health Service Personnel Instruction 6 and issues proposed dispositions; (5) develops and directs implementation of the requirements of Section 504 of the Rehabilitation Act of 1973, Title VI of the Civil Rights Act of 1964, the Age Discrimination Act of 1975 and the Americans With Disabilities Act, as they apply to recipients of HRSA funds; (6) provides technical assistance and guidance to the Agency on developing education and

training programs regarding equal opportunity and civil rights; (7) promotes the awarding of contracts under Section 8(a) of the Small Business Act which pertains to minorities and women; (8) approves settlement agreements and attorney fees; and (9) applies all applicable laws, guidelines, rules and regulations in accordance with those of the DHHS Office of Equal Employment Opportunity, and Civil Rights Staffs.

D. **Office of Policy and Information Coordination (RA3).** Advises the Administrator and other key Agency officials on program priorities and policy issues; (2) establishes and maintains review and tracking mechanisms and systems that provide agencywide coordination and clearance of policies, regulations and guidelines; (3) contributes to the analysis, development and implementation of agencywide programs and policies through coordination of information from relevant Agency program components and other related sources; (4) plans, organizes and directs the Agency's Executive Secretariat with primary responsibility for preparation and management of written policy and other routine communications to and from the Administrator; (5) coordinates the preparation of proposed rules and regulations relating to Agency programs and coordinates Agency review and comment on other DHHS regulations that may affect the Agency's programs; and (6) oversees and coordinates the Agency's committee management system.

E. **Office of Planning, Evaluation and Legislation (RA5).** Serves as the Administrator's primary staff element and principal source of advice on program planning, program evaluation and legislative affairs; (2) develops the Agency's long-range program plan; (3) develops the Agency's strategic plan encompassing its long-range goals, objectives and priorities; (4) directs all Agency efforts to analyze cost/benefit of Agency's programs; (5) develops and implements comprehensive Agency evaluation programs; (6) conducts policy analyses and develops policy positions in Agency programmatic areas; (7) directs Agency's legislative affairs to develop legislative proposals and an agencywide legislative program; (8) develops and coordinates the Agency's health services research plan; (9) directs performance measurement activities, including technical assistance and standards development and assessment; and (10) coordinates the program data activities across the Agency, including the design and