3. Corrective Actions

As previously stated, the DMEPOS supplier should take appropriate corrective action, including prompt identification of any overpayment to the affected payor and the imposition of proper disciplinary action. If potential fraud or violations of the False Claims Act are involved, any repayment of the overpayment should be made as part of the discussion with the Government following a report of the matter to law enforcement authorities. Otherwise, the overpayment should be promptly refunded to the affected payor. The OIG recommends that the overpayment refund include the information as outlined in section II.E. Failure to disclose overpayments within a reasonable period of time could be interpreted as an intentional or knowing attempt to conceal the overpayment from the Government, thereby establishing an independent basis for a criminal or civil violation with respect to the DMEPOS supplier, as well as any individuals who may have been involved. For this reason, DMEPOS supplier compliance programs should emphasize that overpayments obtained from Medicare or other Federal health care programs should be promptly disclosed and returned to the payor that made the erroneous payment.

The OIG believes all DMEPOS suppliers, regardless of size, should take appropriate corrective action to remedy the identified deficiency.

III. Conclusion

Through this document, the OIG has attempted to provide a foundation to the process necessary to develop an effective and cost-efficient DMEPOS supplier compliance program. As previously stated, however, each program must be tailored to fit the needs and resources of an individual DMEPOS supplier, depending upon its size; number of locations; type of equipment provided; or corporate structure. The Federal and State health care statutes, rules, and regulations and Federal, State and private payor health care program requirements, should be integrated into every DMEPOS supplier's compliance program.

The OIG recognizes that the health care industry in this country, which reaches millions of beneficiaries and expends about a trillion dollars annually, is constantly evolving. In particular, legislation has been passed that creates additional Medicare program participation requirements, such as requiring DMEPOS suppliers to purchase surety bonds and expanding the Medicare supplier standards.[182] As stated throughout this guidance, compliance is a dynamic process that helps to ensure that DMEPOS suppliers and other health care providers are better able to fulfill their commitment to ethical behavior, as well as meet the changes and challenges being imposed upon them by Congress and private insurers. Ultimately, it is OIG's hope that a voluntarily created compliance program will enable DMEPOS suppliers to meet their goals, improve the quality of service to patients, and substantially reduce fraud, waste, and abuse, as well as the cost of health care, to Federal State and private health insurers.

Dated: June 29, 1999.

June Gibbs Brown,

Inspector General.

[FR Doc. 99–16945 Filed 7–2–99; 8:45 am]

BILLING CODE 4150–04–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4401–N–02]

Change in Effective Date in 1999 Notice for Designation of Difficult Development Areas Under Section 42 of the Internal Revenue Code of 1986

AGENCY: Office of the Secretary, HUD.

ACTION: Notice.

SUMMARY: This document amends the Notice for the Designation of Difficult Development Areas, published December 9, 1998 (the 1999 Notice,) by extending 1998 eligibility for areas that were designated as 1998 Difficult Development Areas in the Notice published October 21, 1997 (the 1998 Notice) but were not designated as difficult development areas in the 1999 Notice. This amendment is limited to buildings described in section 42(h)(4)(B) of the Internal Revenue Code of 1986 (the Code) and located in a 1998 Difficult Development Area. The amendment is necessary because publication of the 1999 Notice three weeks prior to the effective date of the 1999 Notice did not provide adequate notice to affected entities. This Notice does not change the effective date in the 1999 Notice for (1) areas designated as Difficult Development Areas in the 1999 Notice that were not Difficult Development Areas in the 1998 Notice, or (2) that were Difficult Development Areas in both the 1998 Notice and the 1999 Notice.

FOR FURTHER INFORMATION CONTACT: With questions related narrowly to the issue of the effective date for areas that lost 1998 Difficult Development Area designations, Frederick J. Eggers, Deputy Assistant Secretary for Economic Affairs, Office of Policy Development and Research, 451 Seventh Street, SW, Washington, DC 20410, telephone (202) 708–3080, e-mail Frederick J.__Eggers@hud.gov. With questions on how areas are designated and on geographic definitions, Kurt G. Usowski, Economist, Division of Economic Development and Public Finance, Office of Policy Development and Research, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410, telephone (202) 708–0426, e-mail Kurt G.__Usowski@hud.gov. A text telephone is available for persons with hearing or speech impairments at (202) 708–9300. (These are not toll-free telephone numbers.) Additional copies of this notice are available through HUDUSER at (800) 245–2691 for a small fee to cover duplication and mailing costs.

Copies Available Electronically: This notice is available electronically on the Internet (World Wide Web) at http://www.huduser.org/ under the heading ''Data Available from HUDUser.''

SUPPLEMENTARY INFORMATION:

Background

On October 21, 1997 (62 FR 54732), HUD published in the **Federal Register** a Notice Designating Difficult Development Areas for calendar year 1998 (the 1998 Notice). The 1998 Notice provided that, in the case of a building described in section 42(h)(4)(B) of the Code, the list (of Difficult Development Areas) is effective if the bonds are issued and the building is placed in service after December 31, 1997.

On December 9, 1998 (64 FR 68116), HUD published in the **Federal Register** the Notice Designating Difficult Development Areas for calendar year 1999 (the 1999 Notice). The 1999 Notice provided that, in the case of a building described in section 42(h)(4)(B) of the Code, the list (of Difficult Development Areas) is effective if the bonds are issued and the building is placed in service after December 31, 1998.

Section 42(d)(5)(C) of the Code defines a Difficult Development Area as any area designated by the Secretary of HUD as an area that has high construction, land, and utility costs relative to the area gross median income. All designated Difficult Development Areas in metropolitan statistical areas or primary metropolitan statistical areas (MSAs/PMSAs) may not contain more than 20 percent of the aggregate population of all MSAs/PMSAs, and all designated areas not in

[182] *See* 63 FR 2926 (January 20, 1998).

metropolitan areas may not contain more than 20 percent of the aggregate population of all nonmetropolitan counties. In the case of buildings located in designated Difficult Development Areas, eligible basis can be increased by up to 130 percent of what it would otherwise be. This means that the available Low-Income Housing Tax Credit also can be increased by up to 30 percent.

HUD typically issues a Notice in the **Federal Register** early in the last quarter of a calendar year designating Difficult Development Areas for the forthcoming calendar year. HUD uses a ranking procedure to select Difficult Development Areas subject to the 20 percent population cap. Because income and housing cost conditions change, new areas are added to the list of designated Difficult Development Areas each year and some old areas are dropped from the list. The list published on December 9, 1998, dropped 9 metropolitan areas and 35 nonmetropolitan counties from the list of Difficult Development Areas and added 3 metropolitan areas and 40 nonmetropolitan counties to the list of Difficult Development Areas.

Determination

HUD recognizes that, with every new designation of Difficult Development Areas, some metropolitan areas and nonmetropolitan counties lose their designation and rental projects planned in these areas lose their eligibility for the extra credit. State agencies and rental project developers have adjusted to a system in which the future availability of the extra credits is uncertain. HUD attempts to publish the designation Notice early enough to allow State agencies and developers to make informed decisions for the forthcoming year. HUD did not publish the 1999 Notice until December 9, 1998, because the Department had to revise the list after section 508 of the Quality Housing and Work Responsibility Act of 1998 (Pub. L. 105–276, approved October 21, 1998), changed the rules for designating Difficult Development Areas as the rules apply to two counties. The late publication of the 1999 Notice impeded the effectiveness of the Difficult Development Area feature of the Low-Income Housing Tax Credit. Accordingly, HUD has decided to amend the effective date published in the 1999 Notice.

This amendment extends Difficult Development Area designations in the 1998 Notice through August 20, 1999 for any building described in section 42(h)(4)(B) of the Code that was located in a Difficult Development Area in the 1998 Notice, but not in the 1999 Notice if the bonds are issued or the building is placed in service before August 20, 1999. Therefore, for example, a building described in section 42(h)(4)(B) of the Code that was located in a Difficult Development Area designated in the 1998 Notice, but not located in a Difficult Development Area designated in the 1999 Notice, would be deemed to be located in a Difficult Development Area if either the bonds are issued or the building is placed in service from January 1, 1998 through August 20, 1999.

This Notice is consistent with section 42(d)(5)(C)(iii)(II) of the Code, which limits the cumulative population of metropolitan Difficult Development Areas to 20 percent of the cumulative population of all metropolitan areas and the cumulative population of nonmetropolitan Difficult Development Areas to 20 percent of the cumulative population of all nonmetropolitan counties. The 20 percent cap applies only to Difficult Development Area designations made by HUD for a particular year. The extension of time for the 1998 Difficult Development Areas does not reflect a determination by HUD that an aggregate population substantially in excess of 20 percent of the metropolitan or nonmetropolitan population should be treated as Difficult Development Areas for 1998. The notice is a ministerial administrative accommodation which may, for a limited period of time, result in an aggregate population slightly exceeding 20 percent of either the metropolitan or nonmetropolitan population being designated for that limited period of time. This temporary de minimis overlap of two separate Difficult Development Area designations, each of which complied with the 20 percent cap for the respective years in which those designations were made, is consistent with the statutory intent of the 20 percent limitation.

Moreover, HUD has consistently interpreted the 20 percent caps as permitting minimal overruns because it is impossible to determine whether the 20 percent cap has been exceeded, so long as the apparent excess is small, due to measurement error. *See* 62 FR 203. Despite the care and effort involved in a decennial census, the Census Bureau and users of census data recognize that the population counts for a given area are not precise. The actual extent of the measurement error is unknown. Thus, there can be errors in both the numerator and the denominator of the ratio of populations used in applying a 20 percent cap. In circumstances where a strict application of a 20 percent cap results in an anomalous situation, recognition of the unavoidable imprecision in the census data justifies accepting small variations above the 20 percent limit. Here, similarly, a strict application of the 20 percent cap would prevent the proposed accommodation and prevent the efficient administration of the statute.

Effective Date

This amendment is effective immediately.

A governmental unit continues to be obligated under § 42(m)(2) of the Code to ensure that the amount of credit attributable to a project affected by this Notice does not exceed the amount necessary for the financial feasibility of the project and its viability as a qualified low-income housing project throughout the credit period.

Other Matters

Environmental Impact

In accordance with 40 CFR 1508.4 of the CEQ regulations and 24 CFR 50.19(c)(6) of the HUD regulations, the policies and procedures contained in this notice provide for the establishment of fiscal requirements or procedures which do not constitute a development decision that affects the physical condition of specific project areas or building sites and therefore, are categorically excluded from the requirements of the National Environmental Policy Act, except for extraordinary circumstances, and a Finding of No Significant is not required.

Regulatory Flexibility Act

In accordance with 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the undersigned hereby certifies that this notice does not have a significant economic impact on a substantial number of small entities. The notice involves the designation of Difficult Development Areas as required by section 42 of the Code, as amended, for use by political subdivisions of the States in allocating the Low-Income Housing Tax Credit. This notice places no new requirements on the States, their political subdivisions, or the applicants for the credit.

Executive Order 12612, Federalism

The General Counsel, as the Designated Official under section 6(a) of Executive Order 12612, *Federalism*, has determined that the policies contained in this notice will not have any substantial direct effects on States or their political subdivisions, or the relationship between the Federal government and the States, or on the

distribution of power and responsibilities among the various levels of government. As a result, the notice is not subject to review under the order. The notice merely designates Difficult Development Areas as required under section 42 of the Code, as amended, for the use by political subdivisions of the States in allocating the Low-Income Housing Tax Credit. The notice also details the technical methodology used in making such designations.

Dated: July 1, 1999.

Andrew M. Cuomo,

Secretary.

[FR Doc. 99–17180 Filed 7–1–99; 2:55 pm]

BILLING CODE 4210–32–P

DEPARTMENT OF THE INTERIOR

Geological Survey

Acceptance of Contribution for Geologic Mapping

AGENCY: United States Geological Survey, Interior.

ACTION: Notice of acceptance of contributed funds.

SUMMARY: The U.S. Geological Survey (USGS) announces that it has accepted a contribution of $18,500 from the Yosemite Association towards the publication of a geologic map of the Tower Peak Quadrangle in Yosemite National Park. The USGS would be pleased to consider contributions from other sources for similar purposes.

FOR FURTHER INFORMATION CONTACT: Mr. Donald Gautier, Chief Scientist, USGS Western Geologic Mapping Team, 345 Middlefield Road, Mail Stop 975, Menlo Park, CA 94023, Phone (650) 329–4909.

SUPPLEMENTARY INFORMATION: None.

Dated: May 27, 1999.

P. Patrick Leahy,

Chief Geologist, U.S. Geological Survey.

[FR Doc. 99–17042 Filed 7–2–99; 8:45 am]

BILLING CODE 4310–Y7–M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Approval of Petition for Reassumption of Exclusive Jurisdiction by the Chevak Traditional Council of Chevak, Alaska Over Indian Child Custody Proceedings Involving Indian Children Who Are Enrolled or Eligible for Enrollment With the Chevak Traditional Council of Chevak, Alaska and Who Reside or are Domiciled within the Native Village of Chevak, State of Alaska

AGENCY: Bureau of Indian Affairs, Interior, DOI.

ACTION: Notice.

SUMMARY: The Chevak Traditional Council of Chevak, Alaska has filed a petition with the Department of the Interior to reassume exclusive jurisdiction over Indian child custody proceedings involving Indian children who are enrolled or eligible for enrollment with the the Chevak Traditional Council of Chevak, Alaska and who reside or are domiciled within the Native Village of Chevak, Alaska.

The Assistant Secretary—Indian Affairs has reviewed the petition and determined that tribal exercise of jurisdiction is feasible and that the tribe has a suitable plan for exercising such jurisdiction. This notice constitutes the official approval of the Chevak Traditional Council of Chevak's petition by the Department of the Interior.

EFFECTIVE DATE: The Chevak Traditional Council of Chevak reassumes exclusive jurisdiction September 7, 1999.

FOR FURTHER INFORMATION CONTACT: The principal author of this document is Larry Blair, Bureau of Indian Affairs, Division of Social Services, 1849 C Street, NW, room 4603 MIB, Washington, DC 20240, (202) 208–2479.

SUPPLEMENTARY INFORMATION: The authority for the Assistant Secretary—Indian Affairs to publish this notice is contained in 25 CFR 13.14 and 209 DM 8. Section 108 of the Indian Child Welfare Act of 1978, Pub. L. 95–608, 92 Stat. 3074, 25 U.S.C. 1918, authorizes Indian tribes that occupy a reservation as defined in 25 U.S.C. 1903(10) over which a state asserts jurisdiction over Indian child custody proceedings, pursuant to Federal statute, to reassume jurisdiction over such proceedings.

To reassume such jurisdiction, a tribe must first file a petition in the manner prescribed in 25 CFR Part 13. Notice of receipt of this petition was published in the **Federal Register**, Vol 62, No. 71, page 1478, on January 10, 1997. The petition is then reviewed by the Department of the Interior using criteria set out in 25 CFR 13.12. If the Department finds that the tribe has submitted a suitable plan and that tribal exercise of jurisdiction is feasible, the petition is approved by publication in the **Federal Register**.

The geographic area subject to the reassumption of exclusive jurisdiction by the Chevak Traditional Council of Chevak, Alaska is the Native Village of Chevak.

Dated: June 28, 1999.

Kevin Gover,

Assistant Secretary—Indian Affairs.

[FR Doc. 99–16994 Filed 7–2–99; 8:45 am]

BILLING CODE 4310–02–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Approval of Petition for Reassumption of Exclusive Jurisdiction by the Native Village of Barrow Over Indian Child Custody Proceedings Involving Indian Children who are Enrolled or Eligible for Enrollment With the Native Village of Barrow and who Reside or are Domiciled Within the Native Village of Barrow in the State of Alaska

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: The Native Village of Barrow, Alaska has filed a petition with the Department of the Interior to reassume exclusive jurisdiction over Indian child custody proceedings involving Indian children who are enrolled or eligible for enrollment with the Native Village of Barrow and who reside or are domiciled within the Native Village of Barrow in the State of Alaska.

The Assistant Secretary—Indian Affairs has reviewed the petition and determined that tribal exercise of jurisdiction is feasible and that the tribe has a suitable plan for exercising such jurisdiction. This notice constitutes the official approval of the Native Village of Barrow's petition by the Department of the Interior.

EFFECTIVE DATE: The Native Village of Barrow reassumes exclusive jurisdiction September 7, 1999.

FOR FURTHER INFORMATION CONTACT: The principal author of this document is Larry Blair, Bureau of Indian Affairs, Division of Social Services, 1849 C Street, N.W., room 4603 MIB, Washington, D.C. 20240. (202) 208–2479.

SUPPLEMENTARY INFORMATION: The authority for the Assistant Secretary—