

(g) Maintain no record describing how an individual exercises his or her First Amendment rights, unless it is expressly authorized by statute or by the individual about whom the record is maintained, or is pertinent to and within the scope of an authorized law enforcement activity;

(h) When required by the Act, maintain an accounting in the specified form of all disclosures of records by the Department to persons, organizations, or agencies;

(i) Maintain and use records with care to prevent the unauthorized or inadvertent disclosure of a record to anyone; and

(j) Notify the appropriate Department official of any record that contains information that the Privacy Act does not permit the Department to maintain.

#### **§ 16.55 Other rights and services.**

Nothing in this subpart shall be construed to entitle any person, as of right, to any service or to the disclosure of any record to which such person is not entitled under the Privacy Act.

4. Appendix I of part 16 is revised to read as follows:

#### **Appendix I to Part 16—Components of the Department of Justice**

Unless a separate address is listed below, the address for each component is: [component name], U.S. Department of Justice, 950 Pennsylvania Avenue, NW., Washington, DC 20530-0001. For all components marked by an asterisk, FOIA and Privacy Act requests should be sent to the Office of Information and Privacy, U.S. Department of Justice, Flag Bldg., Suite 570, Washington, DC 20530-0001. The components are:

A.  
Office of the Attorney General \*  
Office of the Deputy Attorney General \*  
Office of the Associate Attorney General \*  
Office of the Solicitor General

B.  
Office of Information and Privacy \*  
Office of the Inspector General  
Office of Intelligence Policy and Review  
Office of Investigative Agency Policies  
Office of Legal Counsel  
Office of Legislative Affairs \*  
Office of Policy Development \*  
Office of Professional Responsibility  
Office of Public Affairs \*

C.  
Antitrust Division, U.S. Department of Justice, LPB Bldg., Suite 200, Washington, DC 20530-0001  
Civil Division, U.S. Department of Justice, 901E Bldg., Room 808, Washington, DC 20530-0001  
Civil Rights Division, U.S. Department of Justice, NYAV Bldg., Room 8000B, Washington, DC 20530-0001  
Criminal Division, U.S. Department of Justice, WCTR Bldg., Suite 1075, Washington, DC 20530-0001

Environment and Natural Resources Division

Justice Management Division  
Tax Division, U.S. Department of Justice, JCB Bldg., Room 6823, Washington, DC 20530-0001

Bureau of Prisons, U.S. Department of Justice, HOLC Bldg., Room 714, 320 First Street, NW., Washington, DC 20534-0001

Community Relations Service, U.S. Department of Justice, BICN Bldg., Suite 2000, Washington, DC 20350-0001

Drug Enforcement Administration, U.S. Department of Justice, Washington, DC 20537-0001

Executive Office for Immigration Review, U.S. Department of Justice, Suite 2400, 5107 Leesburg Pike, Falls Church, VA 22041-0001

Executive Office for United States Attorneys, U.S. Department of Justice, BICN Bldg., Room 7100, Washington, DC 20350-0001

Executive Office for United States Trustees, U.S. Department of Justice, 901E Bldg., Room 780, Washington, DC 20530-0001

Federal Bureau of Investigation, U.S. Department of Justice, 935 Pennsylvania Avenue, NW., Washington, DC 20535-0001 (for field offices, consult your telephone book)

Foreign Claims Settlement Commission, U.S. Department of Justice, BICN Bldg., Room 6002, 600 E Street, NW., Washington, DC 20579-0001

Immigration and Naturalization Service, U.S. Department of Justice, CAB Bldg., 425 Eye Street, NW., Washington, DC 20536-0001 (for field offices, consult your telephone book)

INTERPOL-U.S. National Central Bureau, U.S. Department of Justice, BICN Bldg., Washington, DC 20350-0001

National Drug Intelligence Center, U.S. Department of Justice, Fifth Floor, 319 Washington Street, Johnstown, PA 15901-1622

Office of Community Oriented Policing Services, U.S. Department of Justice, VT1 Bldg., Room 1000, Washington, DC 20530-0001

Office of Justice Programs, U.S. Department of Justice, IND Bldg., Room 1245, 633 Indiana Avenue, NW., Washington, DC 20531-0001

Pardon Attorney, U.S. Department of Justice, FRST Bldg., Fourth Floor, Washington, DC 20530-0001

United States Marshals Service, U.S. Department of Justice, Lincoln Place, Room 1250, 600 Army Navy Drive, Arlington, VA 22202-4210

#### **PART 50—STATEMENTS OF POLICY**

5. The authority citation for part 50 continues to read as follows:

**Authority:** 5 U.S.C. 301; 28 U.S.C. 509, 510, and 42 U.S.C. 1921 *et seq.*, 1973c.

#### **§ 50.8 [Removed and reserved]**

6. Section 50.8 is removed and reserved.

Dated: August 13, 1997.

**Janet Reno,**

*Attorney General.*

[FR Doc. 97-22079 Filed 8-25-97; 8:45 am]

BILLING CODE 4410-BE-P

#### **DEPARTMENT OF DEFENSE**

#### **Office of the Secretary**

#### **32 CFR Part 199**

**RIN 0720-AA41**

#### **Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Exception to the CHAMPUS Dual Compensation/Conflict of Interest Provisions**

**AGENCY:** Office of the Secretary, DoD.

**ACTION:** Proposed Rule.

**SUMMARY:** This proposed rule provides an exception to the CHAMPUS dual compensation/conflict of interest provisions. This exception is for part-time physician employees of government agencies.

**DATES:** Comments must be submitted on or before October 27, 1997.

**ADDRESSES:** Forward comments to the Office of the Civilian Health and Medical Program of the Uniformed Services (OCHAMPUS), Program Development Branch, Aurora, CO 80045-6900.

**FOR FURTHER INFORMATION CONTACT:** Stephen E. Isaacson, Program Development Branch, OCHAMPUS, telephone (303) 361-1172.

**SUPPLEMENTARY INFORMATION:** This proposed rule provides for an exception to the CHAMPUS dual compensation/conflict of interest provisions. Currently, any individual who is a civilian employee of the United States government cannot be authorized by CHAMPUS as a provider of medical services. The justification for this prohibition is twofold. First, it is believed that such individuals should not receive additional government compensation above their normal pay and allowances for providing medical services to CHAMPUS beneficiaries. Second, payment for services provided to CHAMPUS beneficiaries poses potential or actual conflict of interest situations since there is a potential for personal gain by government employees by referring patients to their private (i.e., non-government) practice.

Clearly there could be situations where a government employee provides services to a CHAMPUS beneficiary without a conflict of interest. However, the number of claims processed by

CHAMPUS makes reviewing the status of the provider and circumstances of the services for each claim administratively unrealistic. Therefore, this prohibition has been applied universally to all providers.

We propose to provide an exception to this prohibition. There are situations where government agencies can meet their needs only by employing physicians on a part-time basis. For example, an agency may need the services of a physician in a certain specialty but cannot justify employing the physician on a full-time basis. These part-time employees maintain a private practice in which it is reasonable to expect that they will encounter CHAMPUS beneficiaries unrelated to their government employment. Therefore, we propose to permit these individuals to be authorized CHAMPUS providers if they meet three conditions. First, they must be employed by the government agency on a part-time basis—that is, less than twenty (20) hours per week. We have selected 20 hours as the limit, because we want to ensure that these physicians are truly part-time employees needed to fill a specific requirement. If the agency needs the services of an employee for twenty or more hours per week, we believe a full-time employee should be utilized. Second, the agency must certify that unique or special circumstances detrimental to the delivery of quality health care exist that can be overcome only by employing part-time, non-government, physicians. Third, the agency and the physician must certify that they understand and have taken appropriate measures to avoid violation of Standards of Conduct, dual compensation, and conflict of interest requirements including protection against referral of patients to the employee's private practice. Providers must certify on each CHAMPUS claim that he/she is not an employee of the government. In those cases where an exception to this prohibition has been granted, the provider will be required to certify on the CHAMPUS claim that an exception has been granted.

Exceptions can be granted only to physicians, and no exceptions will be granted retroactively. In addition, this exception provision applies to part-time physicians employed by all U.S. government agencies, such as those employed by the Department of Veterans Affairs which probably has the most frequent need for it.

It is our intention to delegate approval of all exceptions to the CHAMPUS fiscal intermediaries and managed care contractors. Therefore, requests for

exceptions, including the necessary certifications, must be sent to the appropriate CHAMPUS FI/Contractor.

#### Regulatory Procedures

The Regulatory Flexibility Act (RFA) requires that each federal agency prepare, and make available for public comment, a regulatory flexibility analysis when the agency issues a regulation which would have a significant impact on a substantial number of small entities.

This proposed rule is not a significant regulatory action under Executive Order 12866. The changes set forth in this proposed rule are minor revisions to the existing regulation. Since this proposed rule does not impose information collection requirements, it does not need to be reviewed by the Executive Office of Management and Budget under authority of the Paperwork Reduction Act of 1995 (44 U.S.C., Chapter 35).

#### List of Subjects in 32 CFR Part 199

Claims, Handicapped, Health Insurance, and Military personnel.

#### PART 199—[AMENDED]

Accordingly, 32 CFR Part 199 is amended as follows:

1. The authority citation for Part 199 continues to read as follows:

**Authority:** 5 U.S.C. 301; 10 U.S.C. chapter 55.

2. Section 199.6 is amended by revising paragraph (a)(3) to read as follows:

#### § 199.6 Authorized providers.

\* \* \* \* \*

(a) \* \* \*

(3) *Dual compensation/conflict of interest.* 5 U.S.C. 5536 prohibits medical personnel who are active duty Uniformed Service members or civilian employees of the Government from receiving additional Government compensation above their normal pay and allowances for medical care furnished. In addition, Uniformed Service members and civilian employees of the Government are generally prohibited by law and agency regulations and policies from participating in apparent or actual conflict of interest situations in which a potential for personal gain exists or in which there is an appearance of impropriety or incompatibility with the performance of their official duties or responsibilities. Active duty Uniformed Service members (including a reserve member while on active duty) and civilian employees of the United States Government shall not be authorized to be CHAMPUS providers except as

provided in this paragraph (a)(3). An exception to this policy may be made by the Director, OCHAMPUS, on a case-by-case basis only for a physician employed by the Government on a part-time basis (i.e., less than 20 hours per week) when the employing agency requests an exception based on unique or special circumstances detrimental to the delivery of quality health care, and the employing agency and the physician have certified that they understand and have taken appropriate measures to avoid violation of Standards of Conduct, dual compensation, and conflict of interest requirements including protection against referral of patients to the employee's civilian practice. A provider shall certify on each CHAMPUS claim that he/she is not an active duty Uniformed Service member or civilian employee of the Government. For those physicians who are part-time government employees and have been granted an exception, the provider shall certify on each CHAMPUS claim that an exception has been granted.

\* \* \* \* \*

Dated: August 20, 1997.

**L.M. Bynum,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

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BILLING CODE-5000-04-M

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

**33 CFR Parts 95, 100, 173, 174, 175, 177, 179, 181, and 183**

### 46 CFR Part 25

[CGD 97-029]

### Review of Regulations on Boating Safety

**AGENCY:** Coast Guard, DOT.

**ACTION:** Request for comments; reopening and extension of comment period.

**SUMMARY:** In a notice published on May 28, 1997, the Coast Guard announced that it will conduct a comprehensive review of currently effective boating safety regulations during and after the meeting of the National Boating Safety Advisory Council (NBSAC) in October 1997. The notice described the regulations to be reviewed and solicited comments from the boating community about which regulations should be changed. This Notice reopens and extends the comment period.

**DATES:** Comments must reach the Coast Guard on or before September 30, 1997.