

practice will only affect deposit account holders who use paper applications, because eService will not allow an application to be submitted without sufficient funds.

However, a deposit account holder whose account is closed because it has been overdrawn twice is not foreclosed from using a deposit account in the future. The deposit account holder may re-open the closed account on the condition that it is funded through the automatic replenishment option. This requirement is to protect the account holder from the risk of overdrawing again and to protect the Copyright Office from the expense of handling suspended applications in the future.

### 3. Voluntary Automatic Replenishment

The Copyright Office will offer a voluntary automatic replenishment program to all deposit account holders. Under this program, the deposit account holder may provide pre-authorization to the Copyright Office to replenish the account from the account holder's credit card or bank account. Replenishment will take place when the deposit account goes below its minimum balance, at which time the Office will immediately notify the account holder that the account has fallen below the minimal balance and that the account will be replenished in accordance with the automatic replenishment agreement. The account holder will determine the amount of replenishment at the time the account holder enters the program.

### Comments Received in Response to Question Regarding the Continued Availability of Deposit Accounts

In its July 15th, 2009 NPRM, the Copyright Office sought public comment on whether it should cease offering deposit accounts altogether. It noted that, in an era when paper applications and payment via check were the norm, a separate, simplified deposit account system presented attractive efficiencies to frequent applicants and to the Office. It also pointed out that in an era of electronic registration and payment via corporate or other credit cards, the administrative costs of maintaining a separate deposit account system are no longer clearly offset by its advantages; hence, the reason for the Office's inquiry concerning abolition of the deposit account system.

Three of the four commenters who addressed this question argued that eliminating deposit accounts would be harmful. Thus, the Copyright Office acknowledged in its October 8, 2010 notice that deposit accounts remain a useful and efficient option for copyright

owners who frequently use its services, including, but not limited to, registration, and announced that it will continue to offer deposit accounts for the foreseeable future, reserving its prerogative to revisit the question of their utility and cost to the Office at a later time.

At this time, the Office also notes that the change in policy for administering Deposit Accounts will increase the effectiveness and efficiency of the system for the Office and eliminate most of the problems that generated the initial questions. Hence, in light of the comments from the rights-holders and the new amendments announced today, the Office will continue to offer Deposit Accounts.

### List of Subjects in 37 CFR Part 201

Copyright, General provisions.

### Final Regulation

In consideration of the foregoing, the Copyright Office amends 37 CFR Ch. II as follows:

### PART 201—GENERAL PROVISIONS

■ 1. The authority citation for part 201 continues to read as follows:

**Authority:** 17 U.S.C. 702, 708(c).

■ 2. In § 201.6, revise paragraph (b) to read as follows:

#### § 201.6 Payment and refund of Copyright Office fees.

\* \* \* \* \*

(b) *Deposit accounts.* (1) Persons or firms having 12 or more transactions a year with the Copyright Office may prepay copyright expenses by establishing a Deposit Account. The Office and the Deposit Account holder will cooperatively determine an appropriate minimum balance for the Deposit Account which, in no case, can be less than \$450, and the Office will automatically notify the Deposit Account holder when the account goes below that balance.

(2) The Copyright Office will close a Deposit Account the second time the Deposit Account holder overdraws his or her account within any 12-month period. An account closed for this reason can be re-opened only if the holder elects to fund it through automatic replenishment.

(3) In order to ensure that a Deposit Account's funds are sufficiently maintained, a Deposit Account holder may authorize the Copyright Office to automatically replenish the account from the holder's bank account or credit card. The amount by which a Deposit Account will be replenished will be determined by the deposit account

holder. Automatic replenishment will be triggered when the Deposit Account goes below the minimum level of funding established pursuant to paragraph (b)(1) of this section, and Deposit Account holders will be automatically notified that their accounts will be replenished. Funding through automatic replenishment is required if a Deposit Account holder, who has had an account closed because it has been overdrawn twice within any 12 month period, wishes to re-open the account.

\* \* \* \* \*

Dated: February 7, 2011.

**Maria Pallante,**

*Acting Register of Copyrights.*

Approved by

**James H. Billington,**

*The Librarian of Congress.*

[FR Doc. 2011-3598 Filed 2-16-11; 8:45 am]

**BILLING CODE 1410-30-P**

## POSTAL SERVICE

### 39 CFR Part 111

### New Customs Declarations Label Requirements

**AGENCY:** Postal Service™.

**ACTION:** Final rule.

**SUMMARY:** The Postal Service is revising the *Mailing Standards of the United States Postal Service*, Domestic Mail Manual (DMM®) 608.2.4 to require all mailpieces containing goods that enter the Customs Territory of the United States (CTUS), from outside the CTUS, to bear a customs declaration label. Additionally, the Postal Service updates the standards for items weighing 16 ounces or more when sent to, from, or between, and in some circumstances, within certain U.S. territories, possessions, and Freely Associated States.

**DATES:** *Effective Date:* June 6, 2011.

**FOR FURTHER INFORMATION CONTACT:** Rick Klutts at 813-877-0372.

**SUPPLEMENTARY INFORMATION:** Consistent with the Code of Federal Regulations, Title 19, Part 145—U.S. Customs and Border Protection, Department of Homeland Security, the Postal Service will require that all mailpieces containing goods that enter the CTUS, from outside the CTUS, to bear a customs declaration label. In addition, to ensure compliance with safety and security requirements of the United States Postal Inspection Service®, we are updating our standards for items weighing 16 ounces or more (regardless

of contents) when sent to, from, between, and, in some circumstances, within American Samoa, Guam, Palau, the Federated States of Micronesia, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, and the U.S. Virgin Islands.

**Definitions and Requirements for Items Sent to the CTUS**

As defined in 19 CFR 101.1 and General Note 2 of the Harmonized Tariff Schedule of the United States, the CTUS includes only the 50 states, the District of Columbia, and Puerto Rico.

U.S. territories, possessions, and Freely Associated States under DMM 608.2.4 are considered “domestic” insofar as United States mail is sent to, from, or between these destinations; nonetheless, these destinations are outside the CTUS. As such, and consistent with 19 CFR 145.11, a clear and complete customs declaration label that describes the contents and value for the enclosed merchandise (that is, goods, or contents other than documents) must be secured to the mailpiece for each shipment when sent from a foreign post office. For the purpose of these new standards, “foreign post offices” include those in the following locations:

- American Samoa
- Commonwealth of the Northern Mariana Islands
- Federated States of Micronesia
- Guam
- Palau
- Republic of the Marshall Islands
- U.S. Virgin Islands

These revisions ensure compliance with regulations of U.S. Customs and Border Protection.

**Updated Standards for Items Weighing 16 Ounces or More**

Current DMM standards require a customs declaration label for Priority

Mail® items weighing 16 ounces or more when sent from the United States to American Samoa, Guam, Palau, the Federated States of Micronesia, the Commonwealth of the Northern Mariana Islands, and the Marshall Islands, and when such items are sent to the United States from those locations. We are updating these standards to encompass the Package Services and Periodicals mail classes and to extend this requirement when items are sent between, and in some circumstances, within certain U.S. territories, possessions, and Freely Associated States. This update also clarifies that the same customs declaration requirements are applicable for mail sent to these destinations from Puerto Rico and the U.S. Virgin Islands.

These revisions ensure compliance with safety and security requirements of the Postal Inspection Service and other federal agencies.

The Postal Service adopts the following changes to *Mailing Standards of the United States Postal Service, Domestic Mail Manual (DMM)*, which is incorporated by reference in the Code of Federal Regulations. See 39 CFR 111.1.

**List of Subjects in 39 CFR Part 111**

Administrative practice and procedure, Postal Service.

Accordingly, 39 CFR part 111 is amended as follows:

**PART 111—[AMENDED]**

■ 1. The authority citation for 39 CFR part 111 continues to read as follows:

**Authority:** 5 U.S.C. 552(a); 13 U.S.C. 301–307; 18 U.S.C. 1692–1737; 39 U.S.C. 101, 401, 403, 404, 414, 416, 3001–3011, 3201–3219, 3403–3406, 3621, 3622, 3626, 3632, 3633, and 5001.

■ 2. Revise the following sections of *Mailing Standards of the United States*

*Postal Service, Domestic Mail Manual (DMM)*, as follows:

\* \* \* \* \*

**600 Basic Standards for All Mailing Services**

\* \* \* \* \*

**608 Postal Information and Resources**

\* \* \* \* \*

*2.0 Domestic Mail*

\* \* \* \* \*

*2.4 Customs Forms Required*

[Revise the title and text of 2.4.1 as follows:]

**2.4.1 Items Weighing 16 Ounces or More**

Except for items sent via Express Mail, or Priority Mail combined with Registered Mail service, any mailpiece (regardless of contents) weighing 16 ounces or more must bear a properly completed PS Form 2976, *Customs Declaration CN 22*, or, if the customer prefers, a PS Form 2976–A, *Customs Declaration and Dispatch Note—CP 72*, when the item is:

a. Sent from the United States, Puerto Rico, or the U.S. Virgin Islands to the ZIP Code destinations listed in the table below.

b. Sent from the ZIP Code destinations listed in the table below to the United States, Puerto Rico, or the U.S. Virgin Islands.

c. Sent between two different destinations listed in the “Territory, Possession, or Freely Associated States” column in the table below.

d. Sent within American Samoa, the Federated States of Micronesia, the Commonwealth of the Northern Mariana Islands, or the Republic of the Marshall Islands. This standard does not apply to items sent within Guam or Palau.

ZIP code	Two-letter state abbreviation	City	Territory, possession, or freely associated state
96799 .....	AS	Pago Pago .....	American Samoa.
96910 .....	GU	Hagatna .....	Guam.
96912 .....	GU	Dededo .....	Guam.
96913 .....	GU	Barrigada .....	Guam.
96915 .....	GU	Santa Rita .....	Guam.
96916 .....	GU	Merizo .....	Guam.
96917 .....	GU	Inarajan .....	Guam.
96919 .....	GU	Agana Heights .....	Guam.
96921 .....	GU	Barrigada .....	Guam.
96923 .....	GU	Mangilao .....	Guam.
96928 .....	GU	Agat .....	Guam.
96929 .....	GU	Yigo .....	Guam.
96931 .....	GU	Tamuning .....	Guam.
96932 .....	GU	Hagatna .....	Guam.
96939 .....	PW	Palau .....	Palau.
96940 .....			
96941 .....	FM	Pohnpei .....	Federated States of Micronesia.

ZIP code	Two-letter state abbreviation	City	Territory, possession, or freely associated state
96942	FM	Chuuk	Federated States of Micronesia.
96943	FM	Yap	Federated States of Micronesia.
96944	FM	Kosrae	Federated States of Micronesia.
96950	MP	Saipan	Commonwealth of the Northern Mariana Islands.
96951	MP	Rota	Commonwealth of the Northern Mariana Islands.
96952	MP	Tinian	Commonwealth of the Northern Mariana Islands.
96960	MH	Majuro	Republic of the Marshall Islands.
96970	MH	Ebeye	Republic of the Marshall Islands.

[Renumber current items 2.4.2 through 2.4.4 as 2.4.5 through 2.4.7 and insert new 2.4.2 through 2.4.4 as follows:]

2.4.2 Items Containing Goods

Regardless of mail class or weight, items containing goods (i.e., contents other than documents; see IMM 123.63 for “document” eligibility) must bear a properly completed PS Form 2976, *Customs Declaration CN 22*, or, if the customer prefers, a PS Form 2976–A, *Customs Declaration and Dispatch Note—CP 72*, when the items are sent to the United States or Puerto Rico from the ZIP Code destinations listed in the table in 2.4.1, or from the U.S. Virgin Islands..

2.4.3 Improperly Prepared Items

Mailpieces deposited without a properly completed customs form under 2.4.1 and 2.4.2 will be returned to the sender.

2.4.4 Overseas Military Mail

For determining customs declarations’ required usage when mailing to or from APO, FPO, or DPO addresses, see 703.2.3.6 through 703.2.3.8.

\* \* \* \* \*

We will publish an appropriate amendment to 39 CFR part 111 to reflect these changes.

**Neva R. Watson,**

*Attorney, Legislative.*

[FR Doc. 2011–3446 Filed 2–16–11; 8:45 am]

**BILLING CODE 7710–12–P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Centers for Medicare & Medicaid Services**

**42 CFR Part 457**

[CMS–2291–F]

RIN 0938–AP53

**Children’s Health Insurance Program (CHIP); Allotment Methodology and States’ Fiscal Years 2009 Through 2015 CHIP Allotments**

**AGENCY:** Centers for Medicare & Medicaid Services (CMS), HHS.

**ACTION:** Final rule.

**SUMMARY:** This final rule describes the implementation of funding provisions under Title XXI of the Social Security Act (the Act), for the Children’s Health Insurance Program (CHIP), as amended by the Children’s Health Insurance Program Reauthorization Act of 2009 (CHIPRA), by the Medicare, Medicaid, and SCHIP Extension Act of 2007 (MMSEA), by other related CHIP legislation, and most recently by the Patient Protection and Affordable Care Act of 2010 (the Affordable Care Act). Specifically, this final rule addresses methodologies and procedures for determining States’ fiscal years 2009 through 2015 allotments and payments in accordance with sections 2104 and 2105 of the Act, as amended by CHIPRA and the Affordable Care Act.

**DATES: Effective Date:** These regulations are effective on April 18, 2011.

**FOR FURTHER INFORMATION CONTACT:** Richard Strauss, (410) 786–2019.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

*A. The Children’s Health Insurance Program*

Title XXI of the Social Security Act (the Act) sets forth CHIP to enable States, the District of Columbia, and

specified Commonwealths and Territories to initiate and expand health insurance coverage to uninsured, low-income children. The 50 States, the District of Columbia, and the Commonwealths and Territories may implement the CHIP through a separate child health program under title XXI of the Act, an expanded Medicaid program under title XIX of the Act, or a combination of both.

Federal funds appropriated for title XXI are limited, and the law specifies a formula and methodology to divide the total annual appropriation into individual allotments available for each State, the District of Columbia, and each U.S. Territory and Commonwealth with an approved child health plan.

*B. Funding of CHIP Allotments Before the Enactment of CHIPRA*

Section 4901 of the Balanced Budget Act of 1997 (Pub. L. 105–33, enacted on August 5, 1997) (BBA), which added Title XXI to the Social Security Act, appropriated funding for States’ CHIPs for each fiscal year over a 10 fiscal year (FY) period from 1998 through 2007. The funding for each FY varied from \$4.295 billion for FY 1998 up to \$5.0 billion for FY 2007. Under section 2104(c)(4) of the Act, additional appropriations were provided for each of FYs 1999 through 2007 to provide additional allotment amounts particularly for the Commonwealths and Territories.

Public Law 110–92 (enacted on September 29, 2007), contained provisions to extend funding under the CHIP through November 16, 2007. In particular, section 136(a) of Public Law 110–92 appropriated \$5 billion for the purposes of providing FY 2008 allotments to the 50 States, the District of Columbia, and the Commonwealths and Territories. In addition, \$40 million was appropriated by this section to provide additional allotments to the Commonwealths and Territories in FY 2008.