

**§ 23.46 Compliance procedure.**

(a) Treasury may enforce the Act and these regulations through:

(1) Termination of a recipient's federal financial assistance from Treasury under the program or activity involved where the recipient has violated the Act or these regulations. The determination of the recipient's violation may be made only after a recipient has had an opportunity for a hearing on the record before an administrative law judge.

(2) Any other means authorized by law, including but not limited to:

(i) Referral to the Department of Justice for proceedings to enforce any rights of the United States or obligations of the recipient created by the Act or these regulations.

(ii) Use of any requirement of or referral to any federal, state, or local government agency that will have the effect of correcting a violation of the Act or these regulations.

(b) Treasury will limit any termination under § 23.46(a)(1) to the particular recipient and particular program or activity or part of such program or activity Treasury finds in violation of these regulations. Treasury will not base any part of a termination on a finding with respect to any program or activity of the recipient that does not receive federal financial assistance from Treasury.

(c) Treasury will take no action under paragraph (a) of this section until:

(1) The Secretary has advised the recipient of its failure to comply with the Act and these regulations and has determined that voluntary compliance cannot be obtained.

(2) Thirty days have elapsed after the Secretary has sent a written report of the circumstances and grounds of the action to the committees of Congress having legislative jurisdiction over the federal program or activity involved. The Secretary will file a report whenever any action is taken under paragraph (a) of this section.

(d) Treasury also may defer granting new federal financial assistance to a recipient when a hearing under paragraph (a)(1) of this section is initiated.

(1) New federal financial assistance from Treasury includes all assistance for which Treasury requires an application or approval, including renewal or continuation of existing activities, or authorization of new activities, during the deferral period. New federal financial assistance from Treasury does not include increases in funding as a result of changed computation of formula awards or assistance approved

prior to the beginning of a hearing under paragraph (a)(1) of this section.

(2) Treasury will not begin a deferral until the recipient has received a notice of an opportunity for a hearing under paragraph (a)(1) of this section. Treasury will not continue a deferral for more than 60 days unless a hearing has begun within that time or the time for beginning the hearing has been extended by mutual consent of the recipient and the Secretary. Treasury will not continue a deferral for more than 30 days after the close of the hearing, unless the hearing results in a finding against the recipient.

(3) Treasury will limit any deferral to the particular recipient and particular program or activity or part of such program or activity Treasury finds in violation of these regulations. Treasury will not base any part of a deferral on a finding with respect to any program or activity of the recipient that does not, and would not in connection with the new funds, receive federal financial assistance from Treasury.

**§ 23.47 Hearings, decisions, post-termination proceedings.**

Treasury procedural provisions for hearings, decisions, and post-termination proceedings applicable to Title VI of the Civil Rights Act of 1964 (if and when such procedural regulations become published) shall apply to Treasury enforcement of these regulations. Such regulations will be published within title 31 of the Code of Federal Regulations.

**§ 23.48 Remedial action by recipient.**

Where Treasury finds a recipient has discriminated on the basis of age in violation of the Act or this part, the recipient shall take any remedial action that Treasury may require to overcome the effects of the discrimination.

**§ 23.49 Alternate funds disbursement procedure.**

(a) When Treasury withholds funds from a recipient under these regulations, the Secretary may disburse the withheld funds directly to an alternate recipient: Any public or non-profit private organization or agency, or state or political subdivision of the state.

(b) The Secretary will require any alternate recipient to demonstrate:

(1) The ability to comply with these regulations; and

(2) The ability to achieve the goals of the federal statute authorizing the federal financial assistance.

**§ 23.50 Exhaustion of administrative remedies.**

(a) A complainant may file a civil action following the exhaustion of

administrative remedies under the Act. Administrative remedies are exhausted if:

(1) 180 days have elapsed since the complainant filed the complaint and Treasury has made no finding with regard to the complainant; or

(2) Treasury issues any finding in favor of the recipient.

(b) If Treasury fails to make a finding within 180 days or issues a finding in favor of the recipient, Treasury shall:

(1) Promptly advise the complainant of this fact; and

(2) Advise the complainant of his or her right to bring a civil action for injunctive relief; and

(3) Inform the complainant:

(i) That the complainant may bring a civil action only in a United States district court for the district in which the recipient is found or transacts business;

(ii) That a complainant prevailing in a civil action has the right to be awarded the costs of the action, including reasonable attorney's fee, but that the complainant must demand these costs in the complaint.

(iii) That before commencing the action the complainant shall give 30 days notice by registered mail to the Secretary, the Secretary of HHS, the Attorney General of the United States, and the recipient.

(iv) That the notice must state: The alleged violation of the Act; the relief requested; the court in which the complainant is bringing the action; and whether or not attorney's fees are demanded in the event the complainant prevails; and

(v) That the complainant may not bring an action if the same alleged violation of the Act by the same recipient is the subject of a pending action in any court of the United States.

[FR Doc. 2015-19096 Filed 8-3-15; 8:45 am]

BILLING CODE 4810-25-P

**POSTAL REGULATORY COMMISSION****39 CFR Part 3050**

[Docket No. RM2015-15; Order No. 2624]

**Periodic Reporting**

**AGENCY:** Postal Regulatory Commission.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Commission is noticing a recent Postal Service filing requesting that the Commission initiate an informal rulemaking proceeding to consider a change to analytical principles relating to periodic reports (Proposal Six). This notice informs the public of the filing,

invites public comment, and takes other administrative steps.

**DATES:** *Comments are due:* September 2, 2015. *Reply Comments are due:* September 11, 2015.

**ADDRESSES:** Submit comments electronically via the Commission's Filing Online system at <http://www.prc.gov>. Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

**FOR FURTHER INFORMATION CONTACT:** David A. Trissell, General Counsel, at 202-789-6820.

**SUPPLEMENTARY INFORMATION:**

**Table of Contents**

- I. Introduction
- II. Summary of Proposal
- III. Initial Commission Action
- IV. Ordering Paragraphs

**I. Introduction**

On July 27, 2015, the Postal Service filed a petition pursuant to 39 CFR 3050.11 requesting that the Commission initiate an informal rulemaking proceeding in order to consider changes in analytical principles relating to periodic reports.<sup>1</sup> Proposal Six is attached to the Petition and identifies the proposed analytical method change as a change related to the methodology used for measuring the national totals of revenue, pieces, and weight in the Revenue, Pieces, and Weight (RPW) Report for Click-N-Ship (CNS) Priority Mail. The Postal Service concurrently filed a non-public library reference, along with an application for non-public treatment of materials.<sup>2</sup>

**II. Summary of Proposal**

The Postal Service explains that the current RPW methodology relies on two sources for CNS: (1) CNS system census data regarding transactions involving insured extra services; and (2) statistical estimates from the Origin Destination Information System (ODIS)-RPW probability sampling system for CNS Priority mail that are not associated

<sup>1</sup> Petition of the United States Postal Service Requesting Initiation of a Proceeding to Consider a Proposed Change in Analytical Principles (Proposal Six), July 27, 2015 (Petition).

<sup>2</sup> Notice of Filing of USPS-RM2015-15/NP1 and Application for Nonpublic Treatment, July 27, 2015 (Notice). The Library Reference is USPS-RM2015-15/NP1-Nonpublic Material Relating to Proposal Six (Click-N-Ship). The Notice incorporates by reference the Application for Non-Public Treatment of Materials contained in Attachment Two to the United States Postal Service Fiscal Year 2014 Annual Compliance Report, December 29, 2014. Notice at 1. See 39 CFR part 3007 for information on access to non-public material.

with insured transactions (including Priority Mail transactions where insurance is included). Petition, Proposal Six at 3. Under Proposal Six, ODIS-RPW statistical sampling estimates would be replaced with the remaining CNS system census transactional data. *Id.* All data for CNS would therefore be census derived from CNS system generated transactions, with the exception of flat-rate products.<sup>3</sup> In addition, CNS census activity would be adjusted to reflect refunds from the corresponding time period. *Id.* at 5.

As part of the public Excel spreadsheet filed with the Petition, the Postal Service provides an example of the kind of impact that a switch to census data would have on RPW Report data from the first quarter of Fiscal Year 2015. *Id.* at 7-8. Table A compares current ODIS-RPW report totals to RPW totals when incorporating new census sources. *Id.* at 8. The results show that the CNS portion of Priority Mail revenue, volume, and weight would have decreased, respectively, by 13.7, 14.3, and 4.4 percent, while extra service revenue would have increased by 18 percent. *Id.*

The Postal Service asserts that the proposed changes will provide "a complete source of transaction-level data for mail piece revenue and volume characteristics, and their associated extra services needed for RPW reporting." *Id.* at 7. The Postal Service also states that the proposed changes would provide a more accurate report of flat-rate product weights and would provide a process for adjusting revenue and transactions thereby aligning them with the accounting treatment of refund revenue. *Id.*

**III. Initial Commission Action**

The Commission establishes Docket No. RM2015-15 for consideration of matters raised by the Petition. Additional information concerning the Petition may be accessed via the Commission's Web site at <http://www.prc.gov>. Interested persons may submit comments on the Petition and Proposal Six no later than September 2, 2015. Reply comments are due no later than September 11, 2015. Pursuant to 39 U.S.C. 505, Lyudmila Y. Bzhilyanskaya is designated as an officer of the Commission (Public Representative) to represent the interests of the general public in this proceeding.

**IV. Ordering Paragraphs**

*It is ordered:*

<sup>3</sup> *Id.* As weight is not required for flat-rate products within the CNS system, ODIS-RPW estimated weight per piece would be used to estimate weight for flat-rate products. *Id.*

1. The Commission establishes Docket No. RM2015-15 for consideration of the matters raised by the Petition of the United States Postal Service Requesting Initiation of a Proceeding to Consider a Proposed Change in Analytical Principles (Proposal Six), filed July 27, 2015.

2. Comments are due no later than September 2, 2015. Reply comments are due no later than September 11, 2015.

3. Pursuant to 39 U.S.C. 505, the Commission appoints Lyudmila Y. Bzhilyanskaya to serve as an officer of the Commission (Public Representative) to represent the interests of the general public in this docket.

4. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission,  
**Shoshana M. Grove,**  
*Secretary.*

[FR Doc. 2015-19029 Filed 8-3-15; 8:45 am]

**BILLING CODE 7710-FW-P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Centers for Medicare & Medicaid Services**

**42 CFR Parts 409, 424, and 484**

**[CMS-1625-CN]**

**RIN 0938-AS46**

**Medicare and Medicaid Programs; CY 2016 Home Health Prospective Payment System Rate Update; Home Health Value-Based Purchasing Model; and Home Health Quality Reporting Requirements; Correction**

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

**ACTION:** Proposed rule; correction.

**SUMMARY:** This document corrects technical errors in the proposed rule that appeared in the July 10, 2015 **Federal Register** entitled "Medicare and Medicaid Programs; CY 2016 Home Health Prospective Payment System Rate Update; Home Health Value-Based Purchasing Model; and Home Health Quality Reporting Requirements."

**DATES:** Comments on the proposed rule published on July 10, 2015 (80 FR 39839), continue to be accepted until September 4, 2015.

**FOR FURTHER INFORMATION CONTACT:** Hillary Loeffler, (410) 786-0456.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

In FR Doc. 2015-16790, published in the **Federal Register** of July 10, 2015 (80