

**List of Subjects in 42 CFR Part 447**

Accounting, Administrative practice and procedure, Drugs, Grant programs—health, Health facilities, Health professions, Medicaid, Reporting and recordkeeping requirements, Rural areas.

For the reasons set forth in the preamble, the Centers for Medicare & Medicaid Services amends 42 CFR chapter IV as set forth below:

**PART 447—PAYMENTS FOR SERVICES**

- 1. The authority citation for part 447 continues to read as follows:

**Authority:** Sec. 1102 of the Social Security Act (42 U.S.C. 1302).

- 2. Section 447.299 is amended by revising paragraph (c)(10) to read as follows:

**§ 447.299 Reporting requirements.**

\* \* \* \* \*

(c) \* \* \*

(10) *Total Cost of Care for Medicaid IP/OP Services.* The total annual costs incurred by each hospital for furnishing inpatient hospital and outpatient hospital services to Medicaid eligible individuals. The total annual costs are determined on a hospital-specific basis, not a service-specific basis. For purposes of this section, costs—

(i) Are defined as costs net of third-party payments, including, but not limited to, payments by Medicare and private insurance.

(ii) Must capture the total burden on the hospital of treating Medicaid eligible patients prior to payment by Medicaid. Thus, costs must be determined in the aggregate and not by estimating the cost of individual patients. For example, if a hospital treats two Medicaid eligible patients at a cost of \$2,000 and receives a \$500 payment from a third party for each individual, the total cost to the hospital for purposes of this section is \$1,000, regardless of whether the third party payment received for one patient exceeds the cost of providing the service to that individual.

\* \* \* \* \*

Dated: March 24, 2017.

**Seema Verma,**

*Administrator, Centers for Medicare & Medicaid Services.*

Dated: March 28, 2017.

**Thomas E. Price,**

*Secretary, Department of Health and Human Services.*

[FR Doc. 2017-06538 Filed 3-30-17; 4:15 pm]

**BILLING CODE 4120-01-P**

**DEPARTMENT OF HOMELAND SECURITY****Federal Emergency Management Agency****44 CFR Part 64**

[Docket ID FEMA-2016-0002; Internal Agency Docket No. FEMA-8473]

**Suspension of Community Eligibility**

**AGENCY:** Federal Emergency Management Agency, DHS.

**ACTION:** Final rule.

**SUMMARY:** This rule identifies communities where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP) that are scheduled for suspension on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If the Federal Emergency Management Agency (FEMA) receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will not occur and a notice of this will be provided by publication in the **Federal Register** on a subsequent date. Also, information identifying the current participation status of a community can be obtained from FEMA's Community Status Book (CSB). The CSB is available at <https://www.fema.gov/national-flood-insurance-program-community-status-book>.

**DATES:** The effective date of each community's scheduled suspension is the third date ("Susp.") listed in the third column of the following tables.

**FOR FURTHER INFORMATION CONTACT:** If you want to determine whether a particular community was suspended on the suspension date or for further information, contact Patricia Suber, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 400 C Street SW., Washington, DC 20472, (202) 646-4149.

**SUPPLEMENTARY INFORMATION:** The NFIP enables property owners to purchase Federal flood insurance that is not otherwise generally available from private insurers. In return, communities agree to adopt and administer local floodplain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits the sale of NFIP flood insurance unless an appropriate public

body adopts adequate floodplain management measures with effective enforcement measures. The communities listed in this document no longer meet that statutory requirement for compliance with program regulations, 44 CFR part 59. Accordingly, the communities will be suspended on the effective date in the third column. As of that date, flood insurance will no longer be available in the community. We recognize that some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue to be eligible for the sale of NFIP flood insurance. A notice withdrawing the suspension of such communities will be published in the **Federal Register**.

In addition, FEMA publishes a Flood Insurance Rate Map (FIRM) that identifies the Special Flood Hazard Areas (SFHAs) in these communities. The date of the FIRM, if one has been published, is indicated in the fourth column of the table. No direct Federal financial assistance (except assistance pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act not in connection with a flood) may be provided for construction or acquisition of buildings in identified SFHAs for communities not participating in the NFIP and identified for more than a year on FEMA's initial FIRM for the community as having flood-prone areas (section 202(a) of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4106(a), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column. The Administrator finds that notice and public comment procedures under 5 U.S.C. 553(b), are impracticable and unnecessary because communities listed in this final rule have been adequately notified.

Each community receives 6-month, 90-day, and 30-day notification letters addressed to the Chief Executive Officer stating that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. Since these notifications were made, this final rule may take effect within less than 30 days.

*National Environmental Policy Act.* FEMA has determined that the community suspension(s) included in this rule is a non-discretionary action and therefore the National

Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) does not apply.

**Regulatory Flexibility Act.** The Administrator has determined that this rule is exempt from the requirements of the Regulatory Flexibility Act because the National Flood Insurance Act of 1968, as amended, Section 1315, 42 U.S.C. 4022, prohibits flood insurance coverage unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed no longer comply with the statutory requirements, and after the effective date, flood insurance will no longer be available in the communities unless remedial action takes place.

**Regulatory Classification.** This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

**Executive Order 13132, Federalism.** This rule involves no policies that have federalism implications under Executive Order 13132.

**Executive Order 12988, Civil Justice Reform.** This rule meets the applicable standards of Executive Order 12988.

**Paperwork Reduction Act.** This rule does not involve any collection of information for purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

#### List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.

Accordingly, 44 CFR part 64 is amended as follows:

#### PART 64—[AMENDED]

■ 1. The authority citation for part 64 continues to read as follows:

**Authority:** 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp.; p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp.; p. 376.

#### § 64.6 [Amended]

■ 2. The tables published under the authority of § 64.6 are amended as follows:

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
<b>Region IV</b>				
Tennessee:				
Belle Meade, City of, Davidson County	470408	N/A, Emerg; September 29, 2003, Reg; April 5, 2017, Susp.	April 5, 2017 .....	April 5, 2017.
Oak Hill, City of, Davidson County .....	470351	August 18, 1975, Emerg; April 1, 1980, Reg; April 5, 2017, Susp.	.....do .....	Do.
<b>Region VI</b>				
Texas:				
San Perlita, City of, Willacy County .....	480667	February 16, 1979, Emerg; May 5, 1981, Reg; April 5, 2017, Susp.	.....do .....	Do.
Willacy County, Unincorporated Areas	480664	July 25, 1975, Emerg; February 15, 1984, Reg; April 5, 2017, Susp.	.....do .....	Do.
<b>Region VII</b>				
Iowa:				
Bayard, City of, Guthrie County .....	190553	N/A, Emerg; October 15, 2015, Reg; April 5, 2017, Susp.	.....do .....	Do.
Fontanelle, City of, Adair County .....	190579	N/A, Emerg; November 25, 2015, Reg; April 5, 2017, Susp.	.....do .....	Do.
Guthrie County, Unincorporated Areas	190871	November 9, 1993, Emerg; September 1, 1996, Reg; April 5, 2017, Susp.	.....do .....	Do.
Jamaica, City of, Guthrie County .....	190744	June 24, 2008, Emerg; May 1, 2011, Reg; April 5, 2017, Susp.	.....do .....	Do.
Prescott, City of, Adams County .....	190004	October 12, 2005, Emerg; January 1, 2006, Reg; April 5, 2017, Susp.	.....do .....	Do.
<b>Region X</b>				
Oregon:				
Ashland, City of, Jackson County .....	410090	August 9, 1974, Emerg; June 1, 1981, Reg; April 5, 2017, Susp.	.....do .....	Do.
Jackson County, Unincorporated Areas	415589	December 31, 1970, Emerg; April 1, 1982, Reg; April 5, 2017, Susp.	.....do .....	Do.

-do- = Ditto.

Code for reading third column: Emerg.—Emergency; Reg.—Regular; Susp.—Suspension.

Dated: March 27, 2017.

**Michael M. Grimm,**

*Assistant Administrator for Mitigation,  
Federal Insurance and Mitigation  
Administration, Department of Homeland  
Security, Federal Emergency Management  
Agency.*

[FR Doc. 2017-06426 Filed 3-31-17; 8:45 am]

BILLING CODE 9110-12-P

## DEPARTMENT OF JUSTICE

### Foreign Claims Settlement Commission

#### 45 CFR Parts 500 and 510

[Docket No. FCSC 101]

#### Filing of Claims Under the Guam World War II Loyalty Recognition Act

**AGENCY:** Foreign Claims Settlement  
Commission of the United States,  
Department of Justice.

**ACTION:** Interim final rule with request  
for comments.

**SUMMARY:** The Guam World War II  
Loyalty Recognition Act authorizes the  
Foreign Claims Settlement Commission  
of the United States to adjudicate claims  
and determine the eligibility of  
individuals for payment for harms  
suffered by residents of Guam resulting  
from the occupation of Guam by  
Imperial Japanese military forces during  
World War II. This rule establishes  
procedures for the filing and  
adjudication of claims brought under  
the Guam Loyalty Recognition Act. The  
rule also provides definitions for the  
statutory terms “severe personal injury”  
and “personal injury,” and amends  
regulations concerning the payment of  
attorney’s fees.

**DATES:**

*Effective date:* This rule is effective  
April 3, 2017.

*Comment date:* Written comments  
must be submitted on or before June 2,  
2017. Comments received by mail will  
be considered timely if they are  
postmarked on or before that date. The  
electronic Federal Docket Management  
System (FDMS) will accept comments  
until midnight Eastern Time at the end  
of that day.

**ADDRESSES:** Please address all  
comments regarding this rule that are  
submitted by U.S. mail to Jeremy R.  
LaFrancois, Chief Administrative  
Counsel, Foreign Claims Settlement  
Commission, 600 E Street NW., Room  
6002, Washington, DC 20579. To ensure  
proper handling, please reference FCSC  
Docket No. 101 on your correspondence.  
Comments may also be submitted

electronically through [http://  
www.regulations.gov](http://www.regulations.gov) using the electronic  
comment form provided on that site. An  
electronic copy of this document is also  
available at the [http://  
www.regulations.gov](http://www.regulations.gov) Web site. The  
Commission will accept attachments to  
electronic comments in Microsoft Word,  
WordPerfect, or Adobe PDF formats  
only.

**FOR FURTHER INFORMATION CONTACT:**

Brian M. Simkin, Chief Counsel, Foreign  
Claims Settlement Commission, 600 E  
Street NW., Room 6002, Washington,  
DC 20579, Tel. (202) 616-6975, FAX  
(202) 616-6993.

**SUPPLEMENTARY INFORMATION:**

**Public Comments**

The Commission is publishing this  
interim final rule, effective April 3,  
2017, in light of the statutory  
requirements of the Act. The  
Commission is providing a 60-day  
period for public comment.

**Posting of Public Comments**

Please note that all comments  
received are considered part of the  
public record and made available for  
public inspection online at [http://  
www.regulations.gov](http://www.regulations.gov). Information made  
available for public inspection includes  
personal identifying information (such  
as your name, address, etc.) voluntarily  
submitted by the commenter.

If you wish to submit personal  
identifying information (such as your  
name, address, etc.) as part of your  
comment, but do not wish it to be  
posted online, you must include the  
phrase “PERSONAL IDENTIFYING  
INFORMATION” in the first paragraph  
of your comment. You must also locate  
all the personal identifying information  
that you do not want posted online in  
the first paragraph of your comment and  
identify what information you want the  
agency to redact. Personal identifying  
information identified and located as set  
forth above will be placed in the  
agency’s public docket file, but not  
posted online.

If you wish to submit confidential  
business information as part of your  
comment but do not wish it to be posted  
online, you must include the phrase  
“CONFIDENTIAL BUSINESS  
INFORMATION” in the first paragraph  
of your comment. You must also  
prominently identify confidential  
business information to be redacted  
within the comment. If a comment has  
so much confidential business  
information that it cannot be effectively  
redacted, the agency may choose not to  
post that comment (or to only partially  
post that comment) on [http://](http://www.regulations.gov)

[www.regulations.gov](http://www.regulations.gov). Confidential  
business information identified and  
located as set forth above will not be  
placed in the public docket file, nor will  
it be posted online. If you wish to  
inspect the agency’s public docket file  
in person by appointment, please see  
the **FOR FURTHER INFORMATION CONTACT**  
paragraph.

**Background**

Pursuant to the Guam War Claims  
Review Commission Act, Public Law  
107-333, 116 Stat. 2873 (2002), the  
Guam War Claims Review Commission  
(“GWCRC”) was established to evaluate  
the war claims compensation program  
conducted by the U.S. Navy on Guam  
during and after World War II, and to  
compare it with other compensation  
programs covering claims of U.S.  
nationals arising in other areas in the  
Pacific attacked by Japanese forces  
during the war. The GWCRC was  
required to submit a report of its  
findings and recommendations to the  
Secretary of the Interior and specified  
Congressional committees within nine  
months of its establishment. Public Law  
107-333, section 5(6).

In September 2003, the Secretary of  
the Interior requested the Foreign  
Claims Settlement Commission of the  
United States (Commission) to provide  
part-time technical assistance to  
GWCRC. Between 2003 and 2004,  
members of the Commission’s staff were  
detailed to the GWCRC, where they  
planned and organized GWCRC  
meetings and conducted research on the  
Guam claims program and the other  
compensation programs with which it  
was to be compared. The GWCRC held  
hearings on Guam in December 2003, at  
which it received testimony by  
numerous residents of Guam who had  
survived the 32-month Japanese  
occupation of the island. The hearings  
on Guam were followed by a legal  
experts’ conference convened in  
Washington, DC, in February 2004 to  
discuss the nature and extent of the  
United States Government’s legal  
responsibility for the various types of  
claims that arose out of World War II,  
and the treatment the Government  
accorded the claims of the people of  
Guam as compared with that given to  
the claims of United States nationals  
elsewhere in the Pacific Ocean area.

The GWCRC’s Final Report, issued on  
June 9, 2004, determined that, in some  
respects, there was a lack of parity of  
war claims paid to the residents of  
Guam compared with awards made to  
other similarly affected U.S. citizens or  
nationals in territory occupied by the  
Imperial Japanese military forces during  
World War II. Based on this