

carrier, as defined in 46 U.S.C. 40102(7) and (18).

Complainant is a corporation with a place of business in Gardena, California that operates as a licensed motor carrier.

Complainant identifies Respondent as a corporation organized under the laws of France with a corporate headquarters in Marseille, France who does business in the United States through CMA CGM (America) LLC, with its principal place of business in Norfolk, Virginia.

Complainant alleges that Respondent violated 46 U.S.C. 41102(c), 41104(a)(3) and 41104(a)(8). Complainant alleges these violations arose from acts or omissions of the Respondent that rendered Complainant unable to return empty containers within the allowable free time, including the imposition of dual transaction restrictions and return limits, and the unavailability of appointments. Complainant also alleges these violations caused various damages to the Complainant, including detention charges, chassis charges, storage costs, stop off charges, and re-delivery charges.

An answer to the complaint must be filed with the Commission within 25 days after the date of service.

The full text of the complaint can be found in the Commission's electronic Reading Room at <https://www2.fmc.gov/readingroom/proceeding/24-18/>. This proceeding has been assigned to the Office of Administrative Law Judges. The initial decision of the presiding judge shall be issued by April 28, 2025, and the final decision of the Commission shall be issued by November 11, 2025.

David Eng,
Secretary.

[FR Doc. 2024-09416 Filed 4-30-24; 8:45 am]

BILLING CODE 6730-02-P

GENERAL SERVICES ADMINISTRATION

[OMB Control No. 3090-XXXX]

Docket No. 2024-0001; Sequence No. 2] Submission for OMB Review; Actual Place of Residence Determination (GSA Form 5047)

AGENCY: Office of Human Resource Management, Division of Human Capital Policy and Programs, General Services Administration (GSA).

ACTION: Notice of request for comments regarding a request for a new OMB clearance.

SUMMARY: Under the provisions of the Paperwork Reduction Act, the Regulatory Secretariat Division will be

submitting to the Office of Management and Budget (OMB) a request to review and approve a new information collection requirement.

DATES: Submit comments on or before May 31, 2024.

ADDRESSES: Written comments and recommendations for this information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting "Currently under Review—Open for Public Comments" or by using the search function.

FOR FURTHER INFORMATION CONTACT: Colin C. Bennett, Human Resources Specialist, Office of Human Resources Management, Division of Human Capital Policy and Programs, at telephone 240-418-6822 or via email to colin.bennett@gsa.gov for clarification of content.

SUPPLEMENTARY INFORMATION:

A. Purpose

The General Services Administration (GSA) routinely hires, reassigns, promotes and transfers Federal employees to duty stations in foreign areas (*i.e.*, locations outside of the United States, its territories and possessions). For this staffing activity, GSA pays for the cost of relocation, known as "permanent change of station" relocation benefits (see further 5 U.S.C. 5722(a) and 5724(d)). Relocation benefits include the cost of travel and transportation, as well as the cost of shipment of household goods to a new post outside of the Continental United States. In addition, most overseas employees are eligible for "renewal agreement travel," a travel reimbursement authority that allows agency to leverage funds to pay for periodic travel back to the United States between overseas tours of duty for paid time off, known as "home leave" (see further, 5 U.S.C. 5728(a) and 5 U.S.C. 6305(a)).

For an agency to calculate the costs of relocation as well as renewal agreement travel, both federal travel laws require that the employee (or appointee) designate an "actual place of residence." When such residence cannot be easily determined by the job candidate, the agency must instead make an administrative residency determination on behalf of the employee. The new GSA Form 5047 will help agency representatives (*i.e.*, human resources specialists) make a determination of the actual place of residence based upon documents and input provided by the job candidates, considered members of the public.

Typically, agencies use the definition of "residence" from the Immigration and Naturalization Act of 1952, codified at 5 U.S.C. 1101(33), which defines "residence" as a "place of general abode" or the "principal, actual dwelling place in fact, without regard to intent." While for most employees (or appointees) the determination of an actual place of residence in the U.S. is typically straightforward, residency may be unclear if the appointee is already overseas and has been overseas for a long period of time. Long-term posts overseas are often characterized by the lease (or even sale) of the employee's primary U.S. dwelling, changes in the declared U.S. voting registration location, and/or changes in the state and local income or property tax jurisdictions.

To more effectively administer permanent change of station relocation as well as renewal agreement travel, the General Services Administration (GSA) has created a new agency form, GSA Form 5047, *Actual Place of Residence Determination*. This form will allow employees, job candidates, and the agency's human resources specialists, to more easily determine the actual place of residence by working through a series of guided questions on the form's worksheet. Following completion of the form's worksheet, the employee, candidate, and human resources specialist can summarize the determination on the form's front cover sheet.

The questions on the worksheet portion of the form are drawn from governing administrative law authorities, primary Comptroller General decisions such as: *Rafael Arroyo*, decision B-197205 (May 16, 1980), decision B-157548 (Sept. 13, 1965), 45 Comp. Gen. 136, and decision B-140748 (Oct. 29, 1959), 39 Comp. Gen. 337. Under these administrative law authorities, the place of actual residence is established at the time of appointment or transfer (see also decision B-136029, June 24, 1958, 37 Comp. Gen. 846). Use of this form is therefore recommended for all overseas appointments, transfers or reassignments and, in particular, those personnel selections of job candidates via agency transfer employed by a different U.S. Government agency and already present overseas.

Use of this form will allow GSA to comply with the Federal Travel Regulations, which require the administrative determination and documentation of the actual place of residence for all overseas appointments or placements (see further 41 CFR 302-3.509). In addition, this form will also

allow the agency to leverage the renewal agreement travel authority (*i.e.*, the Home Leave Act of 1954, 68 Stat. 1008) only when appropriate and not in the rare cases of local foreign hires who have severed all jurisdictional nexuses with the U.S.

Significantly, this residency determination form can also be used to determine eligibility for the following other overseas allowance and benefit authorities: (a) the 45-day annual leave accrual authority (5 U.S.C. 6304(b)), (b) home leave (5 U.S.C. 6305(a)) and (c) living quarters allowance (5 U.S.C. 5923(a)(2)). Under each of these authorities, local hires who currently live in foreign areas are excluded from benefits eligibility unless they can demonstrate that foreign residence is

temporary, is only pursuant to continuous employment overseas with the U.S. Government (or other U.S. interest), and finally, there exists a contractual transportation agreement that provides for the eventual return of the job candidate to a specifically-identified place of actual residence within the U.S.

B. Annual Reporting Burden

Respondents: 25 per year.

Responses per Respondent: 1.

Total Annual Responses: 25.

Hours per Response: 1.

Total Burden Hours: 25.

C. Public Comments

A 60-day notice was published in the **Federal Register** at 89 FR 13341 on

February 22, 2024. No comments were received.

Obtaining copies of proposals: We have provided a copy of the proposed draft GSA Form 5047 at the end of this notice below the signature block. A copy of the proposed draft form can alternatively be obtained through GSA's Regulatory Secretariat Division by calling (202) 501-4755 or emailing GSARegSec@gsa.gov. Please cite OMB Control No. 3090-XXXX, *Actual Place of Residency Determination (GSA Form 5047)*, in all correspondence.

Lois Mandell,

*Director, Regulatory Secretariat Division,
General Services Administration.*

BILLING CODE 6820-FM-P

GSA Form 5047

ACTUAL PLACE OF RESIDENCE DETERMINATION SECTION A - COVER SHEET	
Name of Candidate	
First	MI Last
BACKGROUND. An employee's "actual place of residence in the U.S.," as determined by an appointing agency, is a statutory requirement that determines eligibility for "permanent change of station" (PCS) relocation costs (5 U.S.C. §§ 5722 and 5724(d)) under the Administrative Expenses Act of 1946 and home leave travel cost reimbursement (also known as "renewal agreement travel," 5 U.S.C. § 5728) under the Home Leave Act of 1954. Note: This residency determination form can also be used to determine eligibility for: (a) the 45-day annual leave accrual authority (5 U.S.C. § 6304(b)), from the Annual and Sick Leave Act of 1951, (b) home leave (5 U.S.C. § 6305(a)) and (c) living quarters allowance (5 U.S.C. § 5923(a)(2)), both from the Overseas Allowances Act of 1960. Under GSA Order 5730.1, usually the "actual place of residence" is the principal, actual dwelling place in fact, without regard to intent, at the time of selection for appointment or transfer. (See 5 U.S.C. § 1101(a)(33)). This rule is used for candidates who are selected while residing within the U.S. For candidates residing in the U.S. at the time of appointment or transfer, the actual place of residence is [Worksheet Not Required]: City State (Postal Abbreviation)	
For Department of Defense candidates residing in a foreign area at the time of selection by transfer, the actual place of residence determination is made as follows: For employees selected from the Department of Defense, use the "Actual Residence at Time of Appointment," Line Item G, of DoD Form 1617, <i>Transfer of Civilian Employees Outside of CONUS</i>. Under GSA longstanding travel policy (i.e., former 41 C.F.R. § 302-1.12(c)(3)(iii), 1997 edition) this is considered a continuous designation unless this designation was in error or later circumstances entitle a different determination. The residence listed on the DoD Form 1617 is [Worksheet Not Required]: City State (Postal Abbreviation)	

When Worksheet Required:

For candidates from DoD residing in a foreign area at the time of selection by transfer, who do not have the DoD Form 1617 available, as well as candidates from other federal agencies (e.g., Commerce Department, State Department, USAID), GSA must make an administrative determination of the actual place of residence. Use this form's worksheet to determine the most appropriate actual place of residence.

The generally recognized test for the "actual place of residence" test within GSA and other agencies is based upon the Comptroller General Opinions, *Rafael Arroyo*, B-197205, May 16, 1980, B-157548, 45 Comp. Gen. 136 (1965), and B-140748, 39 Comp. Gen. 337 (1959). These administrative law decisions require the employing office, at the time of appointment or transfer, to determine (and then document) the "actual place of residence" by consideration of the following categories of evidence:

- (1) Physical residence (i.e., actual dwelling place of fact, regardless of intent, under 8 U.S.C. § 1101(a)(33)) discussed above) at the time of selection;
- (2) Residence provided in agency records;
- (3) Residence according to employment history;
- (4) Individual or family association with an area;
- (5) Exercising the privileges and duties of citizenship, such as: voting or paying state income or property taxes; and
- (6) Place of birth, education, and marriage.

Based on evaluation of all the above facts and documents available, and following completion of the worksheet below, the employee's "actual place of residence" is:

Country (U.S. or Foreign)

City

State (if U.S.)

Name of Human Resources Specialist

Signature (Human Resources Specialist)

Date

**SECTION B
ACTUAL PLACE OF RESIDENCE WORKSHEET**

Based on *Rafael Arroyo*, Comptroller General decision B-197205 (1980), and other administrative law sources. Consider the preponderance of the evidence (from below) if there are multiple possible places of residence.

Name of Candidate

First MI Last

Current Physical Residence at Time of Appointment or Transfer

August 24, 1955, B-124663, 35 Comp. Gen. 101; B-122796, November 4, 1955, 35 Comp. Gen. 270

Country (U.S. or Foreign)

City State (if U.S.)

Can this residence be considered temporary and only incident to the performance of Government duties? If Yes, disregard this factor (45 Comp. Gen. 136):

Yes ☐ No ☐

Note: If the current location is a foreign country, be aware that the appointee may not be eligible for foreign allowances and benefits. The 45-day annual leave accrual, home leave, renewal agreement travel, and living quarters allowance authorities all require current residents of foreign countries to have that foreign residence only temporarily, pursuant only to continuous U.S. Government employment, and supported by a documented transportation agreement (such as DoD Form 1617) that stipulates eventual return transportation to an annotated place of actual residence in the U.S. While B-122796, November 4, 1955, 35 Comp. Gen. 270 permits GSA to provide reciprocity to job candidates appointed by transfer from other agencies, in certain circumstances, such appointees are instead foreign "local" hires, meaning, they lack sufficient jurisdictional connections to the United States and are unable to satisfy the eligibility requirements of those authorities (i.e. continuous U.S. employment overseas pursuant to a documented transportation agreement). In situations where a documented transportation agreement was known to exist, and has been subsequently lost, or cannot be located, the job candidate's resume can be used instead to support continuous employment overseas by the U.S. Government and the transportation agreement requirement can be supported by obtaining a copy of the original relocation package used to send the job candidate overseas by the losing agency under the Administrative Expenses Act of 1946.

Residence Provided in Agency Records

(e.g., Mailing Address for W-2 and Leave and Earnings Statements)

B-125293, October 28, 1955, 35 Comp. Gen. 244

Country (U.S. or Foreign)

City

State (if U.S.)

Historical Residence While Employed

(i.e., residence during the prior 5 years)

B-125293, October 28, 1955, 35 Comp. Gen. 244

Country (U.S. or Foreign)

City

State (if U.S.)

Family Connections

B-140748, 39 Comp. Gen. 337 (1959); B-125293, October 28, 1955, 35 Comp. Gen. 244

Does your family (e.g., parents, siblings) live in a particular location where you maintain a historical or affinity connection? (For example, where you own a family burial plot and/or where you plan to retire at the conclusion of Federal service.)

Yes ☐ No ☐

If Yes: City

State (if U.S.)

Voting and Paying Taxes

January 15, 1947, 26 Comp. Gen. 488 and B-125293, October 28, 1955, 35 Comp. Gen. 244

1. Are you currently a registered U.S. voter?

Yes ☐ No ☐ I am not sure ☐

2. If you have voted in the past in U.S. elections, either in person, or by mail (e.g., absentee ballot), what historically has been your voting jurisdiction?

County

State

3. Do you currently pay U.S. income tax? Yes ☐ No ☐

4. Do you currently pay U.S. State and/or local Income tax? Yes ☐ No ☐

5. If you currently pay U.S. State tax and/or local tax, what state and/or local jurisdiction?

State

Local Jurisdiction (County, City, etc.)	
6. Do you pay income tax to a foreign country? Yes ☐ No ☐	
7. If you pay income tax to a foreign country, what country? 	
Long-standing connections through birth, where you spent your youth, education (i.e., secondary schooling and/or college), and/or marriage B-157548, 45 Comp. Gen. 136 (1965)	
Do you identify with a particular U.S. State or Territory due to a long-standing, historical connection, such as through birth, marriage and/or education?	
Yes ☐ No ☐	
If yes, what State or Territory:	
Local Jurisdiction (County, Township, etc.)	
Name of Human Resources Specialist	
Signature (Human Resources Specialist)	
Date	
PRIVACY ACT STATEMENT	
Information collected via this form is pursuant to federal law, in particular: 5 U.S.C. § 3301 [rules for admission to the Federal service] and 5 U.S.C. § 3302 [rules for the competitive service]. The information collected also facilitates the correct benefits determination decisions for the accumulation of annual leave (5 U.S.C. § 6304(b)), home leave and related renewal agreement travel (5 U.S.C. § 6305(a) and 5 U.S.C. § 5728(a)), and permanent change of station (5 U.S.C. §§ 5722, 2724a, and 5724(d)). Disclosure of information related to the candidate and position is mandatory under these authorities so that the correct pay and benefits can be provided upon appointment, transfer, or reassignment to a foreign area. Use of this information is governed by Civil Service regulations found within 5 U.S.C. Part 630 and the Federal Travel Regulations under 41 C.F.R. Part 302. The information collected via this form will only be used by the GSA Office of Human Resources Management and the employee's new supervisor under the provisions of 5 U.S.C. § 552a(b)(3) [routine use]. Such information is not releasable to the public due to 5 U.S.C. § 552(b)(6) and will be stored within the Office of Personnel Management's Electronic Personnel Folder (eOPF) application, under System of Record Notice (SORN) "OPM/GOVT-1" at 77 FR 73694 (December 11, 2012). An employee's failure to provide the information requested on this form may lead to the erroneous payment of compensation and benefits, or the non-payment of eligible compensation and benefits.	

Instructions for Human Resources Offices

1. Interview the candidate and collect the DoD Form 1617 (if applicable) and demographic information.
2. Complete the Section B Worksheet (if necessary).
3. Based upon the totality of the evidence collected and all available facts (B-157548, Sept. 13, 1965, 45 Comp. Gen. 136), document via the Worksheet and complete the Cover Sheet. The place constituting the actual place of residence must be determined upon the facts and circumstances of each individual case (B-124663, August 24, 1955, 35 Comp. Gen. 101 and September 21, 1955, B-124492).
4. Sign and date both the Section B Worksheet (if applicable) and the Section A Cover Sheet.
5. Submit to the Office of the Chief Financial Officer (OCFO), Travel and Relocation Office, for use in their determination and inclusion within GSA Forms 87A and 2255.

[FR Doc. 2024-09429 Filed 4-30-24; 8:45 am]

BILLING CODE 6820-FM-C

DEPARTMENT OF HEALTH AND HUMAN SERVICES**Centers for Medicare & Medicaid Services**

[CMS-3451-FN]

Medicare and Medicaid Programs: Application From the Joint Commission for Initial CMS-Approval of Its Rural Health Clinic (RHC) Accreditation Program**AGENCY:** Centers for Medicare & Medicaid Services (CMS), Department of Health and Human Services (HHS).**ACTION:** Final notice.**SUMMARY:** This final notice announces our decision to approve The Joint Commission (TJC) for initial recognition as a national accrediting organization (AO) for rural health clinics (RHCs) that wish to participate in the Medicare or Medicaid programs.**DATES:** The decision announced in this notice is applicable June 1, 2024, to June 1, 2028.**FOR FURTHER INFORMATION CONTACT:** Caecilia Andrews (410) 786-2190.**SUPPLEMENTARY INFORMATION:****I. Background**

Under the Medicare program, eligible beneficiaries may receive covered services in a rural health clinic (RHC) provided certain requirements are met by the RHC. Sections 1861(aa)(1) and (2) and 1905(l)(1) of the Social Security Act (the Act), establish distinct criteria for facilities seeking designation as an RHC. Regulations concerning provider agreements are at 42 CFR part 489 and those pertaining to activities relating to the survey and certification of facilities are at 42 CFR part 488, subpart A. The regulations at 42 CFR part 491, subpart A, specify the conditions that an RHC must meet to participate in the Medicare program. The scope of covered services and the conditions for Medicare payment for RHCs are set forth at 42 CFR part 405, subpart X.

Generally, to enter into an agreement, an RHC must first be certified by a State survey agency as complying with the conditions or requirements set forth in part 491 of CMS regulations. Thereafter, the RHC is subject to regular surveys by a State survey agency to determine whether it continues to meet these requirements.

However, there is an alternative to surveys by State survey agencies.

Section 1865(a)(1) of the Act provides that, if a provider entity demonstrates through accreditation by an approved national accrediting organization (AO) that all applicable Medicare conditions are met or exceeded, we will deem those provider entities as having met the requirements. Accreditation by an AO is voluntary and is not required for Medicare participation.

If an AO is recognized by the Secretary of Health and Human Services as having standards for accreditation that meet or exceed Medicare requirements, any provider entity accredited by the national accrediting body's approved program would be deemed to meet the Medicare conditions. A national AO applying for CMS approval of their accreditation program under 42 CFR part 488, subpart A must provide CMS with reasonable assurance that the AO requires the accredited provider entities to meet requirements that are at least as stringent as the Medicare conditions. Our regulations concerning the approval of AOs are set forth at § 488.5.

The Joint Commission (TJC) has requested initial approval by CMS for its RHC program. CMS has reviewed TJC's application as described later in this rule and is hereby announcing TJC's initial term of approval for a period of four years.

II. Approval of Deeming Organization

Section 1865(a)(2) of the Act and our regulations at § 488.5 require that our findings concerning review and approval of a national accrediting organization's requirements consider, among other factors, the applying accrediting organization's requirements for accreditation; survey procedures; resources for conducting required surveys; capacity to furnish information for use in enforcement activities; monitoring procedures for provider entities found not in compliance with the conditions or requirements; and ability to provide us with the necessary data for validation.

Section 1865(a)(3)(A) of the Act further requires that we publish, within 60 days of receipt of an organization's complete application, a notice identifying the national accrediting body making the request, describing the nature of the request, and providing at least a 30-day public comment period. We have 210 days from the receipt of a complete application to publish notice of approval or denial of the application.

III. Provisions of the Proposed Notice

On December 7, 2023, CMS published a proposed notice in the **Federal Register** (88 FR 85290), announcing

TJC's request for initial approval of its Medicare rural health clinic (RHC) accreditation program. In that proposed notice, we detailed our evaluation criteria.

Under section 1865(a)(2) of the Act and in our regulations at § 488.5 and § 488.8(h), we conducted a review of TJC's RHC application in accordance with the criteria specified by our regulations, which include, but are not limited to, the following:

- An administrative review of TJC's: (1) corporate policies; (2) financial and human resources available to accomplish the proposed surveys; (3) procedures for training, monitoring, and evaluation of its RHC surveyors; (4) ability to investigate and respond appropriately to complaints against accredited RHCs; and (5) survey review and decision-making process for accreditation.

- A review of TJC's survey processes to confirm that a provider or supplier, under TJC's RHC deeming accreditation program, would meet or exceed the Medicare program requirements.

- A documentation review of TJC's survey process to do the following:
 - ++ Determine the composition of the survey team, surveyor qualifications, and TJC's ability to provide continuing surveyor training.

- ++ Compare TJC's processes to those we require of State survey agencies (SA), including periodic resurvey and the ability to investigate and respond appropriately to complaints against TJC-accredited RHCs.

- ++ Evaluate TJC's procedures for monitoring an accredited RHC it has found to be out of compliance with TJC's program requirements. (This pertains only to monitoring procedures when TJC identifies non-compliance. If noncompliance is identified by a SA through a validation survey, the SA monitors corrections as specified at § 488.9(c)).

- ++ Assess TJC's ability to report deficiencies to the surveyed RHC and respond to the RHC's plan of correction in a timely manner.

- ++ Establish TJC's ability to provide CMS with electronic data and reports necessary for effective validation and assessment of the organization's survey process.

- ++ Determine the adequacy of TJC's staff and other resources.

- ++ Confirm TJC's ability to provide adequate funding for performing required surveys.

- ++ Confirm TJC's policies with respect to surveys being unannounced.

- ++ Confirm TJC's policies and procedures to avoid conflicts of interest, including the appearance of conflicts of