

standards for access, quality assessment and performance improvement, health services, or delegation of these activities;

(ii) All measures of the MCO's performance; and

(iii) The findings and results of all performance improvement projects pertaining to Medicare enrollees.

(2) *Information on accreditation surveys.* (i) If an exempted MCO has been reviewed by a private accreditation organization, the State must require the MCO to ensure that the State receives a copy of all findings pertaining to its most recent survey if the accreditation survey has been used for either of the following purposes:

(A) To fulfill certain requirements for Medicare external review under subpart D of part 422 of this chapter,

(B) To deem compliance with Medicare requirements, as provided in § 422.156.

(ii) These findings must include, but need not be limited to, accreditation survey results of evaluation of compliance with individual accreditation standards, noted deficiencies, corrective action plans, and summaries of unmet accreditation requirements.

§ 438.364 External quality review results.

(a) *Information that must be produced.* The State must ensure that the EQR produces at least the following information:

(1) A detailed technical report that describes the manner in which the data from all activities conducted in accordance with § 438.358 were aggregated, analyzed, and the conclusions were drawn as to the quality of the care furnished by the MCO. The report must also include the following for each activity conducted in accordance with § 438.358:

(i) Objectives;

(ii) Technical methods of data collection and analysis;

(iii) Data obtained; and

(iv) Conclusions drawn from the data.

(2) A detailed assessment of each MCO's strengths and weaknesses with respect to the timeliness, access, and quality of health care services furnished to Medicaid recipients.

(3) Recommendations for improving the quality of health care services furnished by each MCO.

(4) As the State determines methodologically appropriate, comparative information about all MCOs.

(5) An assessment of the degree to which each MCO has addressed effectively the recommendations for quality improvement, as made by the EQRO during the previous year's EQR.

(b) *Availability of information.* The State must provide copies of the information specified in paragraph (a) of this section, upon request, to interested parties such as participating health care providers, enrollees and potential enrollees of the MCO, recipient advocate groups, and members of the general public.

(c) *Safeguarding patient identity.* The information released under paragraph (b) of this section may not disclose the identity of any patient.

§ 438.370 Federal financial participation.

(a) FFP at the 75 percent rate is available in expenditures for EQR (including the production of EQR information), performed by EQROs and their subcontractors.

(b) FFP at the 50 percent rate is available in expenditures for EQR-related activities performed by any entity that does not qualify as an EQRO.

(Catalog of Federal Domestic Assistance Program No. 93.778, Medical Assistance)

Dated: August 2, 1999.

Michael M. Hash,

Deputy Administrator, Health Care Financing Administration.

Approved: September 9, 1999.

Donna E. Shalala,

Secretary.

[FR Doc. 99-31101 Filed 11-30-99; 8:45 am]

BILLING CODE 4120-01-P

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

45 CFR Parts 2522 and 2525

RIN 3045-AA09

AmeriCorps Education Awards

AGENCY: Corporation for National and Community Service.

ACTION: Proposed rule.

SUMMARY: We propose to amend several provisions relating to the AmeriCorps education award, including those governing the circumstances under which an AmeriCorps member may be determined eligible for a pro-rated education award and the ways in which participants may use the award.

DATES: The deadline for written comments is January 31, 2000.

ADDRESSES: Comments may be mailed or delivered to Gary Kowalczyk, Coordinator of National Service Programs, Corporation for National and Community Service, 1201 New York Avenue NW, Washington, D.C. 20525, sent by facsimile transmission to (202) 565-2784, or sent electronically to

gkowalcz@cns.gov. Copies of all communications received will be available for review at the Corporation by members of the public.

FOR FURTHER INFORMATION CONTACT: Gary Kowalczyk, Coordinator of National Service Programs, Corporation for National and Community Service, (202) 606-5000, ext. 340. T.D.D. (202) 565-2799. This proposed rule may be requested in an alternative format for persons with visual impairments.

SUPPLEMENTARY INFORMATION: Pursuant to the National and Community Service Act of 1990, as amended (42 U.S.C. 12501 *et seq.*), the Corporation for National and Community Service ("the Corporation"), through the National Service Trust, provides education awards and qualified student loan interest benefits to AmeriCorps participants who successfully complete a term of service in an approved national service position. The AmeriCorps education award may be used to pay for specified educational costs and to repay certain types of student loans. In addition, upon a participant's successful completion of a term of service, the National Service Trust will pay the interest that accrued during the term on certain types of student loans.

On July 12, 1999 (64 FR 37411), we published final rules governing the AmeriCorps education award and related interest benefits. This notice of proposed rulemaking proposes to clarify one provision regarding eligibility for a pro-rated education award and another provision concerning the use of the education award to pay current educational expenses.

Release for Compelling Personal Circumstances

A participant who demonstrates that compelling personal circumstances make completion of the term of service unreasonably difficult or impossible may be eligible for a pro-rated education award. In the final rule published on July 12, 1999, we listed examples of situations that could be properly classified as compelling personal circumstances. The proposed rule would eliminate one of the situations listed as an example of compelling personal circumstances. Specifically, we propose to rescind our previous determination that compelling personal circumstances are present when a participant, who is serving in a program that includes in its approved objectives the promotion of employment among participants, leaves a term of service to accept an employment opportunity. We believe that eliminating this category is

necessary to promote consistency in the provision of pro-rated education awards throughout AmeriCorps. Under the proposed rule, a participant who leaves service for employment is eligible for an education award only if the participant is a recipient of Temporary Assistance to Needy Families (TANF) making the transition from welfare to work.

Definition of Current Educational Expenses

The proposed rule expands the definition of "current" educational expenses to include expenses incurred after an individual enrolls as an AmeriCorps member. The final rule published on July 12, 1999, covered expenses incurred only after the completion of service. We believe that interpreting "current" educational expenses to include those incurred after an AmeriCorps member begins a term of service would avoid financial hardship for AmeriCorps members who serve while also attending an institution of higher education.

Executive Order 12866

We have determined that this regulatory action is not a "significant" rule within the meaning of Executive Order 12866 because it is not likely to result in: (1) An annual effect on the economy of \$100 million or more, or an adverse and material effect on a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal government or communities; (2) the creation of a serious inconsistency or interference with an action taken or planned by another agency; (3) a material alteration in the budgetary impacts of entitlement, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) the raising of novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in Executive Order 12866.

Regulatory Flexibility Act

We have determined that this regulatory action will not result in (1) an annual effect on the economy of \$100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets. Therefore, we have not performed the initial regulatory flexibility analysis that is

required under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) for major rules that are expected to have such results.

Other Impact Analyses

Because the proposed changes do not authorize any information collection activity outside the scope of existing regulations, this regulatory action is not subject to review and approval under the Paperwork Reduction Act of 1995 (44 U.S.C. 3500 *et seq.*). For purposes of Title II of the Unfunded Mandates Reform Act of 1995, 2 U.S.C. 1531–1538, as well as Executive Order 12875, this regulatory action does not contain any federal mandate that may result in increased expenditures in either Federal, State, local, or tribal governments in the aggregate, or impose an annual burden exceeding \$100 million on the private sector.

List of Subjects

45 CFR Part 2522

AmeriCorps, Grant programs—social programs, Reporting and recordkeeping requirements, Volunteers.

45 CFR Part 2525

Grant programs—social programs, Student aid, Volunteers.

For the reasons stated in the preamble, chapter XXV, title 45 of the Code of Federal Regulations is proposed to be amended as follows:

PART 2522—AMERICORPS PARTICIPANTS, PROGRAMS, AND APPLICANTS

1. The authority citation for part 2522 continues to read as follows:

Authority: 42 U.S.C. 12501 *et seq.*

2. Section 2522.230 is amended by revising paragraphs (a)(5) and (a)(6) to read as follows:

§ 2522.230 Under what circumstances may AmeriCorps participants be released from completing a term of service, and what are the consequences?

* * * * *

(a) * * *

(5) Compelling personal circumstances include:

(i) Those that are beyond the participant's control, such as, but not limited to:

(A) A participant's disability or serious illness;

(B) Disability, serious illness, or death of a participant's family member if this makes completing a term unreasonably difficult or impossible; or

(C) Conditions attributable to the program or otherwise unforeseeable and beyond the participant's control, such as

a natural disaster, a strike, relocation of a spouse, or the nonrenewal or premature closing of a project or program, that make completing a term unreasonably difficult or impossible;

(ii) Those that the Corporation, has for public policy reasons, determined as such, including:

(A) Military service obligations; or

(B) Acceptance by a participant of an opportunity to make the transition from welfare to work.

(6) Compelling personal circumstances do not include leaving a program:

(i) To enroll in school;

(ii) To obtain employment, other than in moving from welfare to work; or

(iii) Because of dissatisfaction with the program.

* * * * *

PART 2525—NATIONAL SERVICE TRUST: PURPOSE AND DEFINITIONS

1. The authority citation for part 2525 continues to read as follows:

Authority: 42 U.S.C. 12601–12604.

2. Section 2525.20 is amended by revising the definition of "Current educational expenses" to read as follows:

§ 2525.20 Definitions.

* * * * *

Current educational expenses. The term *current educational expenses* means the cost of attendance for a period of enrollment in an institution of higher education that begins after an individual enrolls in an approved national service position.

* * * * *

Dated: November 23, 1999.

Wendy Zenker,

Chief Operating Officer.

[FR Doc. 99–31009 Filed 11–30–99; 8:45 am]

BILLING CODE 6050–28–U

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 99–339; FCC 99–353]

Implementation of Video Description of Video Programming

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document proposes to adopt limited requirements for television video description. The Commission seeks comment on ways to increase the availability of video