

(f) *Content of orders.* The final decision may provide for suspension or termination of, or refusal to grant or continue Federal financial assistance, in whole or in part, to which this regulation applies, and may contain such terms, conditions and other provisions as are consistent with and will effectuate the purposes of the Act and this regulation, including provisions designed to assure that no Federal financial assistance to which this regulation applies will thereafter be extended under such law or laws to the applicant or recipient determined by such decision to be in default in its performance of an assurance given by it pursuant to this regulation, or to have otherwise failed to comply with this regulation unless and until it corrects its non-compliance and satisfies the responsible GSA official that it will fully comply with this regulation.

(g) *Post-termination proceedings.* (1) An applicant or recipient adversely affected by an order issued under paragraph (f) of this section shall be restored to full eligibility to receive Federal financial assistance if it satisfies the terms and conditions of that order for such eligibility or if it brings itself into compliance with this part and provides reasonable assurance that it will fully comply with this part.

(2) Any applicant or recipient adversely affected by an order entered pursuant to paragraph (f) of this section may at any time request the responsible GSA official to restore fully its eligibility to receive Federal financial assistance. Any such request shall be supported by information showing that the applicant or recipient has met the requirements of paragraph (g)(1) of this section. If the responsible GSA official determines that those requirements have been satisfied, he or she shall restore such eligibility.

(3) If the responsible GSA official denies any such request, the applicant or recipient may submit a request for a hearing in writing, specifying why it believes such official to have been in error. It shall thereupon be given an expeditious hearing, with a decision on the record, in accordance with rules of procedure issued by the responsible GSA official. The applicant or recipient will be restored to such eligibility

if it proves at such hearing that it satisfied the requirements of paragraph (g)(1) of this section. While proceedings under this paragraph are pending, the sanctions imposed by the order issued under paragraph (f) of this section shall remain in effect.

§ 101-8.723 Remedial action by recipient.

If GSA finds a recipient discriminated on the basis of age, the recipient must take any remedial action that GSA may require to overcome the effects of the discrimination. If another recipient exercises control over the recipient that discriminated, GSA may require both recipients to take remedial action.

§ 101-8.724 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 calendar days elapse after the complainant files the complaint and GSA makes no finding with regard to the complaint; or

(2) GSA Issues a finding in favor of the recipient.

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

(1) Promptly advise the complainant of this fact;

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

(3) Inform the complainant:

(i) That the complainant may bring civil action only in a United States district court for the district in which the recipient is located 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 fees, but that the complainant must demand these costs in the complaint;

(iii) That before commencing the action the complainant must give 30 calendar days notice by registered mail to the Secretary, HHS, The Administrator, the Attorney General of the United States, and the recipient;

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(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.

§ 101-8.725 Alternate funds disbursal.

If GSA withholds Federal financial assistance from a recipient under this regulation, the Administrator may disburse the assistance to an alternate recipient; any public or nonprofit private organization; or agency or State or political subdivision of the State. The Administrator requires any alternate recipient to demonstrate:

(a) The ability to comply with this regulation; and

(b) The ability to achieve the goals of the Federal Statutes authorizing the program or activity.

PART 101-9—FEDERAL MAIL MANAGEMENT

Sec. 101-9.000 Scope of part.

Subpart 101-9.1—General Provisions

- 101-9.101 Authority.
101-9.102 Objective.
101-9.103 Definitions.

Subpart 101-9.2—Program Implementation

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- 101-9.301 Agency mail manager information.
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Subpart 101-9.4—GSA Responsibilities and Services

Subpart 101-9.5—U.S. Postal Service Assistance

Subpart 101-9.49—Illustrations

- 101-9.4900 Scope of subpart.
101-9.4901 [Reserved]
101-9.4902 Format for mail profile data.

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AUTHORITY: Sec. 2, Pub. L. 94-575, as amended; 44 U.S.C. 2904; sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

SOURCE: 59 FR 62601, Dec. 6, 1994, unless otherwise noted.

§ 101-9.000 Scope of part.

This part sets forth policy for efficient, effective, and economical management by Federal agencies of incoming, internal, and outgoing mail.

Subpart 101-9.1—General Provisions

§ 101-9.101 Authority.

Section 2 of Public Law 94-575, the Federal Records Management Amendments of 1976 (FRMA), as amended, requires the Administrator of General Services to provide guidance and assistance to Federal agencies on records management, which includes the processing of mail by a Federal agency. GSA's responsibility extends to all Federal agencies.

§ 101-9.102 Objective.

The objective of mail management is to ensure rapid handling and accurate delivery of mail throughout the agency at minimum cost consistent with agency mission requirements.

§ 101-9.103 Definitions.

In part 101-9, the following definitions apply:

Addressing standards means the rules and regulations governing the addressing of mail, developed by the U.S. Postal Service, that enhance the processing and delivery of mail, reduce "undeliverable as addressed" mail, and provide cost reduction opportunities.

Class of mail means the classes of mail (First-Class, Second-Class, Third-Class, Fourth-Class, and Express Mail) established by the U.S. Postal Service for U.S. domestic mail.

Courier means a private delivery company or an individual that works for such a company.

Expedited mail is a generic term used to describe mail to be delivered faster than U.S. Postal Service delivery of First, Second, Third, and Fourth-Class mail.

Facility means any location where mail is processed for dispatch.