

(ii) In 2017 and 2018, more than 5 percent of unique patients seen by the EP during the EHR reporting period (or their authorized representatives) views, downloads or transmits their health information to a third party during the EHR reporting period.

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[FR Doc. 2022-21193 Filed 9-28-22; 8:45 am]

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DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

48 CFR Parts 203 and 252

[Docket DARS-2022-0001]

Defense Federal Acquisition Regulation Supplement; Technical Amendments

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Final rule; technical amendment.

SUMMARY: DoD is amending the Defense Federal Acquisition Regulation Supplement (DFARS) in order to make needed editorial changes.

DATES: Effective September 29, 2022.

FOR FURTHER INFORMATION CONTACT: Ms. Jennifer D. Johnson, Defense Acquisition Regulations System, telephone 703-717-8226.

SUPPLEMENTARY INFORMATION: This final rule amends the DFARS to make needed editorial changes to 48 CFR parts 203 and 252.

List of Subjects in 48 CFR Parts 203 and 252

Government procurement.

Jennifer D. Johnson,
Editor/Publisher, Defense Acquisition Regulations System.

Therefore, 48 CFR parts 203 and 252 are amended as follows:

PART 203—IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST

■ 1. The authority citation for 48 CFR part 203 is revised to read as follows:

Authority: 41 U.S.C. 1303 and 48 CFR chapter 1.

203.171-1 [Amended]

■ 2. Amend section 203.171-1 by removing “Section” and “Public Law” and adding “section” and “Pub. L.” in their places, respectively.

203.171-3 [Amended]

■ 3. Amend section 203.171-3 in paragraph (a) by removing “Section” and adding “section” in its place.

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 4. The authority citation for 48 CFR part 252 continues to read as follows:

Authority: 41 U.S.C. 1303 and 48 CFR chapter 1.

■ 5. Amend section 252.239-7010 by:

■ a. Revising the section heading and the clause date; and

■ b. Removing from paragraph (b)(2) “*http://iase.disa.mil/cloud_security/Pages/index.aspx unless notified by the Contracting Officer that this requirement has been waived by the DoD Chief Information Officer.*” and adding “*https://public.cyber.mil/dccs/dccs-documents/ unless notified by the Contracting Officer that this requirement has been waived by the DoD Chief Information Officer.*” in its place.

The revisions read as follows:

252.239-7010 Cloud Computing Services.

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Cloud Computing Services (Sep 2022)

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DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

48 CFR Part 252

[Docket DARS-2022-0022]

RIN 0750-AL52

Defense Federal Acquisition Regulation Supplement: Representation Relating to Compensation of Former DoD Officials (DFARS Case 2021-D030)

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: DoD is issuing a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to clarify the requirement for offerors to represent whether former DoD officials employed by the offeror are in compliance with post-employment restrictions.

DATES: Effective September 29, 2022.

FOR FURTHER INFORMATION CONTACT: Monica Wideman, telephone 703-717-3446.

SUPPLEMENTARY INFORMATION:

I. Background

DoD is issuing a final rule to implement a recommendation of the Government Accountability Office (GAO). Section 851 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2007 (Pub. L. 109-364) required GAO to report on recent employment of former DoD officials by major defense contractors. In May 2008, GAO issued a report titled “Defense Contracting: Post-Government Employment of Former DoD Officials Needs Greater Transparency (GAO-08-485).” GAO concluded that greater transparency was needed by DoD with respect to former senior and acquisition executives (i.e., DoD “covered officials”) to ensure compliance with applicable post-employment restrictions.

Subsequently, DoD issued a final rule in the **Federal Register** at 76 FR 71826, effective November 18, 2011, which implemented the GAO recommendation by adding a new representation for offerors to complete and provide as part of each proposal, including proposals for commercial items. The representation is required only one time rather than continuously throughout contract performance. The solicitation provision at DFARS 252.203-7005, Representation Relating to Compensation of Former DoD Officials, is a representation that all of the offeror’s employees who are former DoD officials are in compliance with all post-employment restrictions at 18 U.S.C. 207, 41 U.S.C. 2101-2107, and 5 CFR parts 2637 and 2641, as well as Federal Acquisition Regulation (FAR) 3.104-2.

A more recent GAO Report titled “GAO-21-104311, Post-Government Employment Restrictions-DoD Could Further Enhance Its Compliance Efforts Related to Former Employees Working for Defense Contractors,” dated September 9, 2021, states that in 2011 DoD modified its acquisition regulations to require that contractors, when submitting proposals in response to DoD solicitations, represent their employees’ compliance with several post-Government employment restrictions. Although GAO recognized that DoD has provided guidance on section 1045 of the NDAA for FY 2018 (Pub. L. 115-91), to include DoD Instruction 1000.32, “Prohibition of Lobbying Activity by Former DoD Senior Officials,” the GAO report pointed out that DoD has not added section 1045 of the NDAA for FY 2018 to the list of post-Government