

final action as they relate to hospitals receiving Medicare DSH payments. It is not clear what to compare an estimate of DSH payments under our final policy.

Therefore, consistent with the proposed rule, this table provides our estimate of the change in Medicare DSH payments to hospitals as a result of the policy

finalized in this action based on a range of potential expenditures. All expenditures are classified as transfers to Medicare providers.

TABLE 1—ACCOUNTING STATEMENT: CLASSIFICATION OF ESTIMATED MEDICARE DSH EXPENDITURES PRIOR TO FY 2014

Category	Transfers
Annualized Monetized Transfers ....	\$0–\$0.6 billion.
From Whom to Whom .....	Federal Government to Hospitals Receiving Medicare DSH Payments.

**F. Regulatory Flexibility Act (RFA)**

The RFA requires agencies to analyze options for regulatory relief of small entities, if a rule has a significant impact on a substantial number of small entities. For purposes of the RFA, small entities include small businesses, nonprofit organizations, and small governmental jurisdictions. We estimate that most hospitals and most other providers and suppliers are small entities as that term is used in the RFA. The great majority of hospitals and most other health care providers and suppliers are small entities, either because they are nonprofit organizations or because they meet the Small Business Administration (SBA) definition of a small business (having revenues of less than \$8.0 million to \$41.5 million in any 1 year). (For details on the latest standards for health care providers, we refer readers to page 38 of the Table of Small Business Size Standards for NAIC 622 found on the SBA website at [https://www.sba.gov/sites/default/files/files/Size\\_Standards\\_Table.pdf](https://www.sba.gov/sites/default/files/files/Size_Standards_Table.pdf).)

For purposes of the RFA, all hospitals and other providers and suppliers are considered to be small entities. We are not preparing an analysis for the RFA because we have determined, and the Secretary certifies, that with the adoption of this policy there will not be any additional costs or benefits relative to Medicare DSH payments that have already been made. Therefore, this final action will not have a significant economic impact on a substantial number of small entities.

In addition, section 1102(b) of the Act requires us to prepare an RIA if a rule may have a significant impact on the operations of a substantial number of small rural hospitals. This analysis must conform to the provisions of section 604 of the RFA. For purposes of section 1102(b) of the Act, we define a small rural hospital as a hospital that is located outside of a Metropolitan Statistical Area and has fewer than 100 beds. We are not preparing an analysis for section 1102(b) of the Act because we have determined, and the Secretary certifies, that with the adoption of this

policy there will not be any additional costs or benefits for small rural hospitals relative to Medicare DSH payments that have already been made to these hospitals. Therefore, this final action would not have a significant impact on the operations of a substantial number of small rural hospitals.

**G. Unfunded Mandates Reform Act (UMRA)**

Section 202 of the Unfunded Mandates Reform Act of 1995 also requires that agencies assess anticipated costs and benefits before issuing any rule whose mandates require spending in any 1 year of \$100 million in 1995 dollars, updated annually for inflation. In 2022, that threshold is approximately \$165 million. This final action will have no unfunded mandate effect on state, local, or tribal governments or on the private sector.

**H. Federalism**

Executive Order 13132 establishes certain requirements that an agency must meet when it promulgates a proposed rule (and subsequent final rule) that imposes substantial direct requirement costs on state and local governments, preempts state law, or otherwise has Federalism implications. Since this action does not impose any costs on state or local governments, the requirements of Executive Order 13132 are not applicable.

**I. Executive Order 12866**

In accordance with the provisions of Executive Order 12866, this final action was reviewed by the Office of Management and Budget.

Chiquita Brooks-LaSure, Administrator of the Centers for Medicare & Medicaid Services, approved this document on May 23, 2023.

**Xavier Becerra,**

Secretary, Department of Health and Human Services.

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**DEPARTMENT OF DEFENSE**

**Defense Acquisition Regulations System**

**48 CFR Parts 209, 217, and 224**

[Docket DARS–2023–0001]

**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 June 9, 2023.

**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 as follows:

- At 48 CFR part 209, updated the debarring and suspending official for the Defense Health Agency and reformatted the list at DFARS 209.403.
- At 48 CFR part 217, corrected a typographical error in the heading at subpart 217.1.
- At DFARS 224.103(b)(2), updated cross-references. Federal Acquisition Regulation 24.103(b)(2) requires agencies to make available regulations implementing the Privacy Act of 1974.

**List of Subjects in 48 CFR Parts 209, 217, and 224**

Government procurement.

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

Therefore, 48 CFR parts 209, 217, and 224 are amended as follows:

## PART 209—CONTRACTOR QUALIFICATIONS

■ 1. The authority citation for part 209 continues to read as follows:

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

■ 2. Amend section 209.403 in the definition of “Debarring and suspending official” by revising paragraph (1) to read as follows:

### 209.403 Definitions.

*Debarring and suspending official.* (1) For DoD, the designees are—

(i) Army—Director, Soldier & Family Legal Services.

(ii) Navy/Marine Corps—The Assistant General Counsel (Acquisition Integrity).

(iii) Air Force—Deputy General Counsel (Contractor Responsibility).

(iv) Defense Advanced Research Projects Agency—The Director.

(v) Defense Health Agency—The Principal Deputy General Counsel.

(vi) Defense Information Systems Agency—The General Counsel.

(vii) Defense Intelligence Agency—The Senior Procurement Executive.

(viii) Defense Logistics Agency—The Special Assistant for Contracting Integrity.

(ix) Defense Threat Reduction Agency—The Director.

(x) Missile Defense Agency—The General Counsel.

(xi) National Geospatial-Intelligence Agency—The General Counsel.

(xii) National Security Agency—The Senior Acquisition Executive.

(xiii) United States Cyber Command—The Staff Judge Advocate.

(xiv) Overseas installations—as designated by the agency head.

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## PART 217—SPECIAL CONTRACTING METHODS

■ 3. The authority citation for part 217 continues to read as follows:

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

■ 4. Revise the heading for subpart 217.1 to read as follows:

### Subpart 217.1—Multiyear Contracting

## PART 224—PROTECTION OF PRIVACY AND FREEDOM OF INFORMATION

■ 5. The authority citation for part 224 is revised to read as follows:

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

■ 6. Revise section 224.103 to read as follows:

### 224.103 Procedures.

(b)(2) DoD rules and regulations are contained in DoDI 5400.11, DoD Privacy and Civil Liberties Programs; DoD 5400.11–R, Department of Defense Privacy Program; and DoDM 5400.11, DoD Privacy and Civil Liberties Programs: Breach Preparedness and Response Plan.

[FR Doc. 2023–12021 Filed 6–8–23; 8:45 am]

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## DEPARTMENT OF DEFENSE

### Defense Acquisition Regulations System

#### 48 CFR Parts 212, 225, and 252

[Docket DARS–2023–0022]

RIN 0750–AL88

### Defense Federal Acquisition Regulation Supplement: Prohibition on Certain Procurements From the Xinjiang Uyghur Autonomous Region (DFARS Case 2023–D015)

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

**ACTION:** Interim rule.

**SUMMARY:** DoD is issuing an interim rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to implement a section of the National Defense Authorization Act for Fiscal Year 2023 that prohibits the use of funds to knowingly procure any products mined, produced, or manufactured wholly or in part by forced labor from the Xinjiang Uyghur Autonomous Region.

**DATES:** Effective June 9, 2023.

*Comment due date:* Comments on the interim rule should be submitted in writing to the address shown below on or before August 8, 2023, to be considered in the formation of a final rule.

**ADDRESSES:** Submit comments identified by DFARS Case 2023–D015 using any of the following methods:

○ *Federal eRulemaking Portal:* <https://www.regulations.gov>. Search for DFARS Case 2023–D015. Select “Comment” and follow the instructions to submit a comment. Please include your name, company name (if any), and “DFARS Case 2023–D015” on any attached documents.

○ *Email:* [osd.dfars@mail.mil](mailto:osd.dfars@mail.mil). Include DFARS Case 2023–D015 in the subject line of the message.

Comments received generally will be posted without change to <https://www.regulations.gov>, including any

personal information provided. To confirm receipt of your comment(s), please check <https://www.regulations.gov>, approximately two to three days after submission to verify posting.

**FOR FURTHER INFORMATION CONTACT:** Kimberly Bass, telephone 703–717–3446.

### SUPPLEMENTARY INFORMATION:

#### I. Background

DoD published an interim rule in the **Federal Register** at 87 FR 76980 on December 16, 2022, to implement section 848 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2022 (Pub. L. 117–81). This interim rule implements section 855 of the NDAA for FY 2023 (Pub. L. 117–263), which repeals section 848 of the NDAA for FY 2022, including the requirement for a certification from offerors for contracts with DoD stating the offeror has made a good faith effort to determine that forced labor from Xinjiang Uyghur Autonomous Region of the People’s Republic of China (XUAR) was not or will not be used in the performance of a contract.

Section 855 adds 10 U.S.C. 4661, which prohibits the use of DoD funds for any fiscal year to be obligated or expended to knowingly procure any products mined, produced, or manufactured wholly or in part by forced labor from XUAR. Section 855 also requires offerors or awardees of a DoD contract to make a good faith effort to determine that forced labor from XUAR will not be used in the performance of a DoD contract. This interim rule requires offerors to represent, by submission of an offer, that they have made, and requires contractors to make, a good faith effort to determine that forced labor from XUAR will not be used in the performance of a DoD contract. The term “forced labor” is revised and is defined, along with “XUAR” at 10 U.S.C. 2496 (see section 651 of the NDAA for FY 2023). The definition of “person” is removed in its entirety.

#### II. Discussion and Analysis

Two respondents submitted public comments in response to the interim rule published at 87 FR 76980 on December 16, 2022. DoD reviewed the public comments in the development of this interim rule. A discussion of those comments and the changes made to the rule as a result of those comments is provided as follows: