

credit and cost-sharing reductions. The standards established at subpart M enable HHS to carry out its responsibility of ensuring that Federal funds are used appropriately in the administration of State Exchange activities.

## II. Summary of Error

On page 65095, in the **Federal Register** of October 30, 2013, we added subpart M “Oversight and Program Integrity Standards for State Exchanges” to the regulations text at 45 CFR part 155. While it was clear from the preamble and regulations text that subpart M applies to all Exchanges, including small business health options program (SHOP) Exchanges, due to an oversight we inadvertently omitted cross-referencing new subpart M at § 155.705(a) of the regulations in part 155, subpart H—Exchange Functions: Small Business Health Options Program. Accordingly, we are revising § 155.705(a) so that the regulations in part 155 consistently reflect our policy that all Exchanges, including SHOP Exchanges, must carry out the required functions of an Exchange that are set forth at subpart M. We are correcting § 155.705(a) by adding a cross reference to subpart M, so that the provision reads, “Exchange functions that apply to SHOP”. The SHOP must carry out all the required functions of an Exchange described in this subpart and in subparts C, E, K, and M of this part, except: . . . .”

## III. Waiver of Proposed Rulemaking and Delay in Effective Date

We ordinarily publish a notice of proposed rulemaking in the **Federal Register** to provide a period for public comment before the provisions of a rule take effect, in accordance with section 553(b) and (c) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b) & (c)). However, we can waive notice and comment if the Secretary finds, for good cause, that notice and comment would be impracticable, unnecessary, or contrary to the public interest, and incorporates a statement of the finding and the reasons therefor in the notice.

Section 553(d) of the APA ordinarily requires a 30-day delay in the effective date of final rules after the date of their publication in the **Federal Register**. This 30-day delay in effective date can be waived, however, if the Secretary finds for good cause that the delay is impracticable, unnecessary, or contrary to the public interest, and incorporates a statement of the findings and the reasons therefor in the rule issued.

It was clear from both the preamble and the regulations text for 45 CFR part 155, subpart M, that subpart M applies to all Exchanges, including SHOP Exchanges. Both the preamble and the regulations text for part 155, subpart M use the term “Exchange” when describing the new requirements. The term “Exchange” is defined at § 155.20 as including SHOP Exchanges. In relevant part, the definition of “Exchange” in § 155.20 states: “Unless otherwise identified, this term includes an Exchange serving the individual market for qualified individuals and a SHOP serving the small group market for qualified employers . . . .” This conforming amendment merely corrects a technical nonconformity in the regulations text so that the regulations consistently reflect the policy adopted in the October 30, 2013 final rule. Therefore, we find that undertaking further notice and comment before this correction is incorporated into the final rule is unnecessary.

For the same reasons, we also find good cause to waive the 30-day delay in effective date.

## IV. Correction of Errors

On page 65095, in the third column, after the regulations text for § 155.420—Special enrollment periods, insert the following amendment to § 155.705—Functions of a SHOP to read as follows:

### § 155.705 [Corrected]

26a. Section 155.705 is amended by revising paragraph (a) introductory text to read as follows:

### § 155.705 Functions of a SHOP.

(a) *Exchange functions that apply to SHOP.* The SHOP must carry out all the required functions of an Exchange

described in this subpart and in subparts C, E, K, and M of this part, except:

\* \* \* \* \*

Dated: December 23, 2013.

**Oliver Potts,**

*Deputy Executive Secretary to the Department, Department of Health and Human Services.*

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## DEPARTMENT OF DEFENSE

### Defense Acquisitions Regulations System

### 48 CFR Parts 225 and 252

**RIN 0750-A117**

### Defense Federal Acquisition Regulation Supplement; Trade Agreements Thresholds (DFARS Case 2013-D032)

**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 incorporate increased thresholds for application of the World Trade Organization Government Procurement Agreement and the Free Trade Agreements, as determined by the United States Trade Representative.

**DATES:** *Effective:* January 1, 2014.

**FOR FURTHER INFORMATION CONTACT:** Ms. Annette Gray, (703) 602-6093.

### SUPPLEMENTARY INFORMATION:

#### I. Background

Every two years, the trade agreements thresholds are escalated according to a pre-determined formula set forth in the agreements. The United States Trade Representative has specified the following new thresholds in the **Federal Register** (78 FR 76700, December 18, 2013):

Trade agreement	Supply contract (equal to or exceeding)	Construction contract (equal to or exceeding)
WTO GPA .....	204,000	7,864,000
FTAs:		
Australia FTA .....	79,507	7,864,000
Bahrain FTA .....	204,000	10,335,931
CAFTA-DR (Costa Rica, Dominican Republic, El Salvador, Guatemala, Honduras, and Nicaragua)	79,507	7,864,000
Chile FTA .....	79,507	7,864,000
Colombia FTA .....	79,507	7,864,000
Korea FTA .....	100,000	7,864,000

Trade agreement	Supply contract (equal to or exceeding)	Construction contract (equal to or exceeding)
Morocco FTA .....	204,000	7,864,000
NAFTA:		
—Canada .....	25,000	10,335,931
—Mexico .....	79,507	10,335,931
Panama FTA .....	204,000	7,864,000
Peru FTA .....	204,000	7,864,000
Singapore FTA .....	79,507	7,864,000

## II. Publication of This Final Rule for Public Comment Is Not Required by Statute

Publication of proposed regulations, 41 U.S.C. 1707, is the statute which applies to the publication of the Federal Acquisition Regulation. Paragraph (a)(1) of the statute requires that a procurement policy, regulation, procedure or form (including an amendment or modification thereof) must be published for public comment if it relates to the expenditure of appropriated funds, and has either a significant effect beyond the internal operating procedures of the agency issuing the policy, regulation, procedure or form, or has a significant cost or administrative impact on contractors or offerors. This final rule is not required to be published for public comment, because it implements the new thresholds in the clause prescriptions at DFARS 225.1101, 225.7017–3, 225.7503 and in the clauses at 252.225–7017 and 252.225–7018. These requirements affect only the internal operating procedures of the Government.

## III. Executive Orders 12866 and 13563

Executive Orders (E.O.s) 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This is not a significant regulatory action and, therefore, was not subject to review under Section 6(b) of E.O. 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

## IV. Regulatory Flexibility Act

The Regulatory Flexibility Act does not apply to this rule because this final rule does not constitute a significant

FAR revision within the meaning of FAR 1.501–1, and 41 U.S.C. 1707 and does not require publication for public comment.

## V. Paperwork Reduction Act

The rule does not contain any information collection requirements that require the approval of the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. chapter 35).

## List of Subjects in 48 CFR Parts 225 and 252

Government procurement.

**Manuel Quinones,**

*Editor, Defense Acquisition Regulations System.*

Therefore, 48 CFR parts 225 and 252 are amended as follows:

■ 1. The authority citation for 48 CFR parts 225 and 252 continues to read as follows:

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

## PART 225—FOREIGN CONTRACTING

### 225.1101 [Amended]

■ 2. Section 225.1101 is amended—

■ a. In paragraph (10)(i) introductory text, by removing “\$202,000” and adding “\$204,000” in its place; and

■ b. In paragraphs (10)(i)(A), (10)(i)(B), and (10)(i)(C), by removing “\$77,494” and adding “\$79,507” in its place.

■ 3. Section 225.7017–3 is amended in paragraphs (b) and (c)(2), by removing “\$202,000” and adding “\$204,000” in its place.

■ 4. Section 225.7503 is amended—

■ a. In paragraphs (a)(1) and (b)(1), by removing “\$7,777,000” and adding “\$7,864,000” in its place;

■ b. In paragraph (b)(2), by removing “\$7,777,000” and adding “\$7,864,000” in its place, and by removing “\$10,074,262” and adding “\$10,335,931” in its place.

■ c. In paragraph (b)(3) by removing “\$10,074,262” and adding “\$10,335,931” in its place; and

■ d. In paragraph (b)(4) by removing “\$7,777,000” and adding “\$7,864,000”

in its place, and by removing “\$10,074,262” and adding “\$10,335,931” in its place.

## PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

### 252.225–7017 [Amended]

■ 5. Section 252.225–7017 is amended—

■ a. By removing clause date “(DEC 2013)” and adding “(JAN 2014)” in its place.

■ b. In paragraphs (c)(2) and (c)(3), by removing “\$77,494” and adding “\$79,507” in its place; and

■ c. In paragraphs (c)(4) and (c)(5), by removing “\$202,000” and adding “\$204,000” in its place.

### 252.225–7018 [Amended]

■ 6. Section 252.225–7018 is amended—

■ a. By removing clause date “(DEC 2013)” and adding “(JAN 2014)” in its place.

■ b. In paragraphs (b)(1) and (b)(2), by removing “\$202,000” and adding “\$204,000” in its place;

■ c. In paragraphs (d)(3) and (d)(4) introductory text, by removing “\$77,494” and adding “\$79,507” in its place; and

■ d. In paragraphs (d)(5) and (d)(6) introductory text, by removing “\$202,000” and adding “\$204,000” in its place.

[FR Doc. 2013–30792 Filed 12–30–13; 8:45 am]

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