

accordance with the provisions of E.O. 12866 and has determined that it does not meet the criteria for a significant regulatory action. As indicated above, the provisions contained in this final rulemaking set forth the inflation adjustments in compliance with the Debt Collection Improvement Act of 1996 for specific applicable CMPs. The great majority of individuals, organizations and entities addressed through these regulations do not engage in such prohibited conduct, and as a result, we believe that any aggregate economic impact of these revised regulations will be minimal, affecting only those limited few who may engage in prohibited conduct in violation of the statute. As such, this final rule and the inflation adjustment contained therein should have no effect on Federal or state expenditures.

#### V. Regulatory Flexibility Act

The Administrator of General Services certifies that this final rule will not have a significant economic impact on a substantial number of small business entities. While some penalties may have an impact on small business entities, it is the nature of the violation and not the size of the entity that will result in an action by the agency, and the aggregate economic impact of this rulemaking on small business entities should be minimal, affecting only those few who have engaged in prohibited conduct in violation of statutory intent.

#### VI. Paperwork Reduction Act

This final rule imposes no new reporting or recordkeeping requirements necessitating clearance by OMB.

#### List of Subject in 41 CFR Part 105–70

Administrative hearing, Claims, Program fraud.

Katy Kale,

*Acting Administrator.*

Accordingly, 41 CFR part 105–70 is amended as set forth below:

#### PART 105–70—IMPLEMENTATION OF THE PROGRAM FRAUD CIVIL REMEDIES ACT OF 1986

■ 1. The authority citation for part 105–70 continues to read as follows:

**Authority:** 40 U.S.C. 121(c); 31 U.S.C. 3809.

#### § 105–70.003 [Amended]

■ 2. Amend § 105–70.003 by—

■ a. Removing from paragraph (a)(1)(iv) the amount “11,282” and adding “11,400” in its place; and

■ b. Removing from paragraph (b)(1)(ii) the amount “11,282” and adding “11,400” in its place.

[FR Doc. 2021–08600 Filed 4–23–21; 8:45 am]

BILLING CODE 6820–81–P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Medicare & Medicaid Services

#### 42 CFR Part 414

[CMS–1687–RCN]

RIN 0938–AT21

#### Medicare Program; Durable Medical Equipment Fee Schedule Adjustments To Resume the Transitional 50/50 Blended Rates To Provide Relief in Rural Areas and Non-Contiguous Areas; Extension of Timeline for Final Rule Publication

**AGENCY:** Centers for Medicare & Medicaid Services (CMS), Department of Health and Human Services (HHS).

**ACTION:** Continuation of effectiveness and extension of timeline for publication of the final rule.

**SUMMARY:** This document announces the continuation of effectiveness of a Medicare interim final rule and the extension of the timeline for publication of the final rule. Section 1871(a)(3)(B) of the Social Security Act (the Act) specifies that a Medicare final rule must be published no later than 3 years after the publication date of the proposed or interim final rule, except under exceptional circumstances. In accordance with sections 1871(a)(3)(B) and 1871(a)(3)(C) of the Act, we are providing a notification of continuation for a Medicare interim final rule, announcing the different timeline on which we intend to publish the final rule, and explaining why we were unable to publish the final rule on the regular, required 3-year timeline.

**DATES:** As of April 23, 2021, the Medicare provisions adopted in the interim final rule published on May 11, 2018 (83 FR 21912) continue in effect and the regular timeline for publication of the final rule is extended for an additional year, until May 11, 2022.

**FOR FURTHER INFORMATION CONTACT:** Alexander Ullman, (410) 786–9671 or [DMEPOS@cms.hhs.gov](mailto:DMEPOS@cms.hhs.gov).

**SUPPLEMENTARY INFORMATION:** In the May 11, 2018 *Federal Register* (83 FR 21912), we published an interim final rule with comment period (IFC) titled “Medicare Program; Durable Medical

Equipment Fee Schedule Adjustments to Resume the Transitional 50/50 Blended Rates to Provide Relief in Rural Areas and Non-Contiguous Areas”. The May 2018 IFC made technical amendments to the regulation to reflect the extension of the transition period from June 30, 2016 to December 31, 2016 that was mandated by the 21st Century Cures Act for phasing in fee schedule adjustments for certain durable medical equipment (DME) and enteral nutrition furnished in areas not subject to the Durable Medical Equipment, Prosthetics, Orthotics, and Supplies (DMEPOS) Competitive Bidding Program (CBP) (83 FR 21915). In addition, in the May 2018 IFC, CMS—(1) amended 42 CFR 414.210(g) to resume the transition period’s blended fee schedule rates for items furnished in rural areas and non-contiguous areas (Alaska, Hawaii, and United States territories) not subject to the CBP from June 1, 2018 through December 31, 2018 (83 FR 21915); (2) made technical amendments to existing DMEPOS regulations to reflect the exclusion of infusion drugs used with DME from the DMEPOS CBP (83 FR 21919); and (3) stated that the fee schedule amounts for wheelchair accessories and back and seat cushions used in conjunction with group 3 power wheelchairs would continue to be based on the unadjusted fee schedule amounts updated by the covered item update specified in section 1834(a)(14) of the Act (83 FR 21919). We stated that the fee schedule amounts for all other accessories used with different types of base equipment would continue to be calculated in accordance with the adjustment methodology set forth in § 414.210(g)(5) of our regulations (83 FR 21919).

Section 1871(a)(3)(B) of the Act requires CMS to publish a Medicare final rule no later than 3 years after the publication of a proposed or interim final rule, except under exceptional circumstances. In such circumstances, section 1871(a)(3)(B) of the Act allows the Secretary to vary the final regulation publication timeline if the Secretary provides public notice of the different timeline on which it intends to publish the final regulation, and that notice includes a brief explanation of the justification for the variation. The notice must be published by no later than the timeline previously established with respect to the final rule publication date.

The May 2018 IFC was published on May 11, 2018. Therefore, in accordance with section 1871(a)(3)(B) of the Act, we must finalize the May 2018 IFC by May 11, 2021, except under exceptional

circumstances. We will not be able to finalize the May 2018 IFC within the required 3-year timeline for publication (by May 11, 2021) for the following reasons:

In the November 4, 2020 **Federal Register** (85 FR 70358), we published a proposed rule titled “Medicare Program; Durable Medical Equipment, Prosthetics, Orthotics, and Supplies (DMEPOS) Policy Issues and Level II of the Healthcare Common Procedure Coding System (HCPCS)” (hereinafter DMEPOS and HCPCS proposed rule). In the DMEPOS and HCPCS proposed rule (85 70373), we stated that we solicited comments on the 2018 Interim Final Rule, but because we have not yet responded to the comments we received, we are signaling our intent to do so in the final rule.

On January 20, 2021, the Assistant to the President and Chief of Staff issued a memorandum concerning “Regulatory Freeze Pending Review” (“Regulatory Freeze memorandum”).<sup>1</sup> The Office of Management and Budget (OMB) issued Memorandum M–21–14 on January 20, 2021, providing guidance on implementing the Regulatory Freeze memorandum.<sup>2</sup> The Regulatory Freeze memorandum seeks to ensure that the President’s appointees or designees have the opportunity to review any new or pending rules. Paragraph 1 of the Regulatory Freeze memorandum directs agencies, subject to any exceptions the Director of the OMB allows for emergency situations or other urgent circumstances relating to health, safety, environmental, financial, or national security matters, or otherwise, to propose or issue no rule in any manner—including by sending a rule to the Office of the Federal Register—until a department or agency head appointed or designated by the President after noon on January 20, 2021, reviews and approves the rule. Additionally, paragraph 3 of the Regulatory Freeze memorandum describes the agency option to temporarily postpone agency rules to permit review by an agency head appointed or designated by the President after noon on January 20, 2021.

In light of our efforts to comply with the Regulatory Freeze memorandum, and to allow policy officials in the new administration the opportunity to review the DMEPOS and HCPCS proposed rule and May 2018 IFC, we do not believe we will have sufficient time

to finalize the IFC, and relatedly the DMEPOS and HCPCS proposed rule, by the May 11, 2021 deadline. As a result of these exceptional circumstances, we are issuing this notification of continuation and extending the timeline for finalizing the May 2018 IFC by 1 year. This extension will grant policy officials the opportunity to review the DMEPOS and HCPCS proposed rule and the May 2018 IFC. In accordance with section 1871(a)(3)(C) of the Act, this notification of continuation also ensures that the May 2018 IFC continues in effect beyond May 11, 2021. As a result of the publication of this notification of continuation, the timeline for publication of the final rule will be treated as having been extended until May 11, 2022.

Dated: April 21, 2021.

**Wilma Robinson,**

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

[FR Doc. 2021–08661 Filed 4–23–21; 8:45 am]

**BILLING CODE 4120–01–P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

[Docket No. FWS–HQ–ES–2017–0047; FF09E22000 FXES11180900000 212]

RIN 1018–BC83

#### Endangered and Threatened Wildlife and Plants; Listing the Yangtze Sturgeon as an Endangered Species

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Final rule.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), determine endangered species status under the Endangered Species Act of 1973 (Act), as amended, for the Yangtze sturgeon (*Acipenser dabryanus*). Loss of individuals due to overharvesting on the Yangtze River is the main factor that contributed to the historical decline of the species. Despite conservation efforts, this species is still currently in decline, due primarily to the effects of dams and bycatch. This rule adds the Yangtze sturgeon to the List of Endangered and Threatened Wildlife.

**DATES:** This rule is effective May 26, 2021.

**ADDRESSES:** Comments and materials received, as well as supporting documentation used in the preparation of this rule, are available for public

inspection at <http://www.regulations.gov> under Docket No. FWS–HQ–ES–2017–0047.

**FOR FURTHER INFORMATION CONTACT:** Maricela Constantino, Acting Chief, Branch of Delisting and Foreign Species, Ecological Services Program, U.S. Fish and Wildlife Service, 5275 Leesburg Pike, MS: ES, Falls Church, VA 22041; telephone 703–358–2171. If you use a telecommunications device for the deaf (TDD), call the Federal Relay Service at 800–877–8339.

#### SUPPLEMENTARY INFORMATION:

##### Previous Federal Actions

On December 27, 2017, we published in the **Federal Register** (82 FR 61230) a 12-month finding and proposed rule to list the Yangtze sturgeon (*Acipenser dabryanus*) as an endangered species under the Act. A thorough review of the taxonomy, life history, ecology, and overall viability of the Yangtze sturgeon is also presented in the species status assessment (SSA) for the Yangtze sturgeon (Service 2017; available at <http://www.regulations.gov> at Docket No. FWS–HQ–ES–2017–0047), and a summary of this information, including the history of previous federal actions, a summary of the species’ description, taxonomy, biology, life history, habitat, distribution, and historical and current population, is provided in our December 27, 2017, proposed rule (82 FR 61230).

##### Summary of Changes From the Proposed Rule

We received one comment from a peer reviewer providing additional information regarding ongoing and new conservation efforts on the Yangtze River, which include lengthening fishing bans within the species’ range and the commencement of restocking efforts on reaches below Gezhouba Dam. We have incorporated this information into this rule and have updated our species status assessment (SSA) report.

##### Supporting Documents

A species status assessment team prepared an SSA report for the Yangtze sturgeon. The SSA team was composed of Service biologists, in consultation with other species experts. The SSA report represents a compilation of the best scientific and commercial data available concerning the status of the species, including the impacts of past, present, and future factors (both negative and beneficial) affecting the species.

In accordance with our joint policy on peer review published in the **Federal Register** on July 1, 1994 (59 FR 34270), and our August 22, 2016, memorandum

<sup>1</sup> <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/regulatory-freeze-pending-review/> (86 FR 7424, January 28, 2021).

<sup>2</sup> <https://www.whitehouse.gov/wp-content/uploads/2021/01/M-21-14-Regulatory-Review.pdf>.