

programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with FMCS's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

(j) To another Federal agency or Federal entity, when FMCS determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

#### **POLICIES AND PRACTICES FOR STORAGE OF RECORDS:**

Case records may be received in hardcopy form from FMCS clients. Hardcopy forms are then scanned and stored electronically on FMCS servers. Meetings and trainings that are recorded via *Zoom.gov* are stored in the Cloud on ZoomGov servers requiring a username and password. Meetings recorded in Microsoft Teams are stored on the FMCS employee's OneDrive which requires a username and password. Third-party recording of meetings or trainings on FMCS platforms is not permitted.

#### **POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:**

In order to retrieve records, FMCS personnel may search by the name of the representative or party, the assigned case number, the date, location, type of service provided, or FMCS personnel.

#### **POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:**

All case records are retained and disposed of in accordance with General Records Schedule 1.1 and 4.2, issued by the National Archives and Records Administration (NARA).

#### **ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:**

Case records and agreements are accessible to restricted FMCS personnel or contractors who require access. Access to these electronic records occurs through a web browser to the internet or on the agency's internal drives both requiring a username and password for login. FMCS buildings are guarded and monitored by security personnel, cameras, ID checks, and other physical security measures. The

case records management system will store records electronically using a commercial software application run on the Customer Relationship Management (CRM) platform, Microsoft Dynamics, which require a username and password. SharePoint is used to store the IAAs, which requires a username and password. Temporary paper files, notices received through mail, are destroyed once they are scanned into the agency's internal drives which also require a username and password.

#### **RECORD ACCESS PROCEDURES:**

Individuals must provide the following information for their records to be located and identified: (1) Full name, (2) Address, and (3) A reasonably identifying description of the record content requested. Requests can be submitted via *fmcs.gov/foia/*, via email to *privacy@fmcs.gov*, or via mail to the Privacy Office at FMCS 250 E Street SW, Washington, DC 20427. See 29 CFR 1410.3.

#### **CONTESTING RECORDS PROCEDURES:**

Requests for correction or amendment of records, on how to contest the content of any records. Privacy Act requests to amend or correct records may be submitted to the Privacy Office at *privacy@fmcs.gov* or via mail to the Privacy Office at FMCS 250 E Street SW, Washington, DC 20427. Also, see <https://www.fmcs.gov/privacy-policy/>. See 29 CFR 1410.6.

#### **NOTIFICATION PROCEDURES:**

See 29 CFR 1410.3(a), Individual access requests.

#### **EXEMPTIONS PROMULGATED FOR THE SYSTEM:**

None.

#### **HISTORY:**

This amended SORN deletes and supersedes the SORN published in the **Federal Register** on September 21, 2021, at 86 FR 52467.

Dated: March 11, 2022.

**Sarah Cudahy,**

*Senior Advisor, Federal Mediation and Conciliation Service.*

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**BILLING CODE 6732-01-P**

## **FEDERAL MEDIATION AND CONCILIATION SERVICE**

### **Notice of Stakeholder Surveys for Facilitation and Other Purposes**

**AGENCY:** Federal Mediation and Conciliation Service (FMCS).

**ACTION:** 60-Day notice and request for comments.

**SUMMARY:** FMCS invites the general public and other Federal Agencies to take this opportunity to comment on the surveys and other information FMCS will collect to inform the process and participants for its conflict prevention, management, and resolution services provided to Federal Agencies, particularly public policy mediations and facilitations that include participants external to the federal government.

**DATES:** Comments must be submitted on or before May 16, 2022.

**ADDRESSES:** You may submit comments through one of the following methods:

- *Email:* [register@fmcs.gov](mailto:register@fmcs.gov).
- *Mail:* Stakeholder Survey

Comments c/o Sarah Cudahy, One Independence Square, 250 E. St. SW, Washington, DC 20427. Please note that at this time, mail is sometimes delayed. Therefore, we encourage emailed comments.

#### **FOR FURTHER INFORMATION CONTACT:**

Sarah Cudahy, 202-606-8090, [register@fmcs.gov](mailto:register@fmcs.gov).

**SUPPLEMENTARY INFORMATION:** Copies of the proposed questions are available below. Paper copies are available by emailing [register@fmcs.gov](mailto:register@fmcs.gov). Please ask for the Stakeholder Survey.

#### **I. Information Collection Request**

*Agency:* Federal Mediation and Conciliation Service.

*Form Number:* Not yet assigned.

*Type of Request:* New collection; generic clearance.

*Affected Entities:* Private sector; state, local, and tribal governments; individuals or households; and federal government.

*Frequency:* These methods of engagement are utilized on an as-needed basis. Each engagement is completed once.

*Abstract:* Pursuant to the Administrative Dispute Resolution Acts of 1990 and 1996, 5 U.S.C. 561 *et seq.* and 571 *et seq.*, and 29 U.S.C. 173(f), the Federal Mediation and Conciliation Service provides conflict prevention, management, and resolution services, including, but not limited to, public policy facilitation and mediation services, to Federal agencies. As part of these services, sometimes FMCS employees need to survey or ask questions to determine the best process and participants to prevent, manage, or resolve the issue, particularly for public policy mediations, public policy or environmental facilitations, or negotiated rulemaking. To do so, FMCS has created a set of questions to ask various stakeholders about issues, concerns, engagement, and appropriate

stakeholders relevant to the issues. The survey format will differ depending on the project, but may be conducted in one or more of the following ways, both in-person and virtually: Individual or group interviews, individual or group discussions, or written surveys. The survey requests information such as stakeholder understanding of the particular issue, stakeholder interests in the particular issue, appropriate stakeholders, methods of engagement with the issue, and other similar information that will allow FMCS to best create a successful process. A link to the survey is found here: [https://tags.fmcs.gov/4DAction/FC/DoAsynchTop?Fedreg\\*UPPJ\\*919/10300](https://tags.fmcs.gov/4DAction/FC/DoAsynchTop?Fedreg*UPPJ*919/10300). To log in, go to: <https://tags.fmcs.gov/>, use user name "Fedreg" and password "UPPJ." The collection of such information is critical for ensuring the appropriate process, stakeholders, and stakeholder input in the process. No other collections are being conducted that would provide this information to FMCS.

**Burden:** The current total annual burden estimate is that FMCS will receive information from approximately 15,000 respondents per year. Interviews and discussions would be approximately thirty minutes in duration. Written surveys would take approximately ten minutes to complete. FMCS expects the total burden to not exceed 2,535 hours per year.

## II. Request for Comments

FMCS solicits comments to:

i. Evaluate whether the proposed collections of information are necessary for the proper performance of the functions of the agency, including whether the information will have practical utility.

ii. Enhance the accuracy of the agency's estimates of the burden of the proposed collection of information.

iii. Enhance the quality, utility, and clarity of the information to be collected.

iv. Minimize the burden of the collections of information on those who are to respond, including the use of appropriate automated, electronic collection technologies or other forms of information technology.

## III. The Official Record

The official records are electronic records.

## List of Subjects

Information Collection Requests.

Dated: March 11, 2022.

**Sarah Cudahy,**

*Senior Advisor, Federal Mediation and Conciliation Service.*

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**BILLING CODE 6732-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Medicare & Medicaid Services

[CMS-2436-N]

RIN 0938-ZB62

### Medicaid Program; Final FY 2018, Final FY 2019, Preliminary FY 2020, and Preliminary FY 2021 Disproportionate Share Hospital Allotments, and Final FY 2018, Final FY 2019, Preliminary FY 2020, and Preliminary FY 2021 Institutions for Mental Diseases Disproportionate Share Hospital Limits

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

**ACTION:** Notice.

**SUMMARY:** This notice announces the final Federal share (FS) disproportionate share hospital (DSH) allotments for Federal fiscal year (FY) 2018 and FY 2019, and the preliminary FS DSH allotments for FY 2020 and FY 2021.

This notice also announces the final FY 2018 and FY 2019 and the preliminary FY 2020 and FY 2021 limitations on aggregate DSH payments that States may make to institutions for mental disease and other mental health facilities. In addition, this notice includes background information describing the methodology for determining the amounts of States' FY DSH allotments.

**DATES:** The allotments announced in this notice are effective April 15, 2022. The final allotments and limitations set forth in this notice are applicable for the fiscal years specified.

**FOR FURTHER INFORMATION CONTACT:** Stuart Goldstein, (410) 786-0694 and Richard Cuno, (410) 786-1111.

#### SUPPLEMENTARY INFORMATION:

#### I. Background

##### A. Fiscal Year DSH Allotments

A State's Federal fiscal year (FY) disproportionate share hospital (DSH) allotment represents the aggregate limit on the Federal share (FS) amount of the State's DSH payments to DSH hospitals in the State for the FY. The amount of such allotment is determined in accordance with the provisions of section 1923(f) of the Social Security

Act (the Act), with some State-specific exceptions as specified in section 1923(f) of the Act. Under such provisions, in general, a State's FY DSH allotment is calculated by increasing the amount of its DSH allotment for the preceding FY by the percentage change in the Consumer Price Index for all Urban Consumers (CPI-U) for the previous FY.

The Patient Protection and Affordable Care Act of 2010 (Pub. L. 111-148), as amended by the Health Care and Education Reconciliation Act of 2010 (Pub. L. 111-152) (collectively, the Affordable Care Act), amended Medicaid DSH provisions, adding section 1923(f)(7) of the Act. Section 1923(f)(7) of the Act would have required reductions to States' FY DSH allotments from FY 2014 through FY 2020, the calculation of which was described in the Disproportionate Share Hospital Payment Reduction final rule published in the September 18, 2013 **Federal Register** (78 FR 57293).

Subsequent legislation, most recently the Consolidated Appropriations Act, 2021 (Pub. L. 116-260, enacted December 27, 2020), delayed the start of these reductions until FY 2024. The final rule delineating a revised methodology for the calculation of DSH allotment reductions beginning in 2020 (subsequently delayed by further statutory enactment) was published in the September 25, 2019 **Federal Register** (84 FR 50308).

Because there are no reductions to DSH allotments for FY 2018 through FY 2023 under section 1923(f)(7) of the Act, as amended, this notice contains only the State-specific final FY 2018 and FY 2019 DSH allotments and preliminary FY 2020 and FY 2021 DSH allotments, as calculated under the statute without application of the reductions that would have been imposed beginning as early as FY 2014 under prior versions of section 1923(f)(7) of the Act. This notice also provides information on the calculation of the FY DSH allotments, the calculation of the States' institution for mental diseases (IMD) DSH limits, and the amounts of States' final FY 2018 and FY 2019 IMD DSH limits and preliminary FY 2020 and FY 2021 IMD DSH limits.

##### B. Determination of Fiscal Year DSH Allotments

Generally, in accordance with the methodology specified under section 1923(f)(3) of the Act, a State's FY DSH allotment is calculated by increasing the amount of its DSH allotment for the preceding FY by the percentage change in the CPI-U for the previous FY. Also, in accordance with section 1923(f)(3) of