

Federal Register – December 2022

[ERISA Prudence and Loyalty in Selecting Plan Investments and Exercising Shareholder Rights, 87 Federal Register 73822, December 1, 2022](#)

FINAL RULE: The Department of Labor (Department) is adopting amendments to the Investment Duties regulation under Title I of the Employee Retirement Income Security Act of 1974, as amended (ERISA). The amendments clarify the application of ERISA's fiduciary duties of prudence and loyalty to selecting investments and investment courses of action, including selecting qualified default investment alternatives, exercising shareholder rights, such as proxy voting, and the use of written proxy voting policies and guidelines. The amendments reverse and modify certain amendments to the Investment Duties regulation adopted in 2020.

EFFECTIVE DATE: January 30, 2023

[HHS New Information Collection Request: 30-Day Public Comment Request, 87 Federal Register 76055, December 12, 2022](#)

NOTICE: The Office of the Assistant Secretary for Health, Office of Research Integrity is requesting a new approval from the Office of Management and Budget of the Data Management Standard Operating Procedures Survey. Information from respondents to the survey will be used to develop a Data Management Standard Operating Procedures toolkit that will be disseminated to researchers, research administrators, and research institutions to implement. In addition, other products will be developed to disseminate survey results and findings to include, social media posts, YouTube video, webinar, and summary report for the research community.

COMMENTS DUE: January 11, 2023

[Employment Authorization for Ethiopian F-1 Nonimmigrant Students Experiencing Severe Economic Hardship as a Direct Result of the Current Crisis in Ethiopia, 87 Federal Register 76068, December 12, 2022](#)

NOTICE: The Secretary is exercising authority under [8 CFR 214.2\(f\)\(9\)](#) to temporarily suspend the applicability of certain requirements governing on-campus and off-campus employment for F-1 nonimmigrant students whose country of citizenship is Ethiopia regardless of country of birth (or individuals having no nationality who last habitually resided in Ethiopia), who are present in the United States in lawful F-1 nonimmigrant student status on the date of publication of this notice, and who are experiencing severe economic hardship as a direct result of the current crisis in Ethiopia. Effective with this publication, suspension of the employment limitations is available through [DATE], 2024, for those who are in lawful F-1 nonimmigrant status on the date of publication of this notice. DHS will deem an F-1 nonimmigrant student granted employment authorization through this notice to be engaged in a "full course of study" for the duration of the employment authorization, if the student satisfies the minimum course load set forth in this notice. ¹ See [8 CFR 214.2\(f\)\(6\)\(i\)\(F\)](#).

EFFECTIVE DATE: December 12, 2022 – June 12, 2024

[Removal of Obsolete Procedures and Requirements Related to F, J, and M Nonimmigrants, 87 Federal Register 75891, December 12, 2022](#)

INTERIM FINAL RULE: The Department of Homeland Security (DHS) is amending its regulations to update information that is no longer accurate since the creation of the Student and Exchange Visitor Information System (SEVIS). DHS is updating obsolete or unnecessary information because SEVIS, a Web-

	<p>based system that DHS uses to collect and maintain current and ongoing information on Student and Exchange Visitor Program (SEVP)-certified schools, F-1 and M-1 nonimmigrant students, and J-1 Exchange Visitor Program participants and their sponsors, has replaced older paper-based processes. In addition, DHS is making technical changes to correct typographical errors, update references and citations, and make other needed changes to reflect the transfer of responsibilities to DHS from the Department of Justice (DOJ). Further, this rule removes language requiring original signatures on Form I-17, <i>Petition for Approval of School for Attendance by Nonimmigrant Student</i> or successor form, and clarifies language about the requirement of an original signature on Form I-20, <i>Certificate of Eligibility for Nonimmigrant Student Status</i> or successor form. This rulemaking introduces no substantive changes, does not raise existing costs; and places no additional burden on F, J, and M nonimmigrants, or on sponsoring academic institutions and programs.</p> <p>EFFECTIVE DATE: December 12, 2022</p>
<p>CPB Intent to Make Preemption Determination Under the Truth in Lending Act (Regulation Z), 87 Federal Register 76551, December 15, 2022</p>	<p>NOTIFICATION OF INTENT: The Consumer Financial Protection Bureau (CFPB) has received a written request to make a determination that the Truth in Lending Act (TILA) preempts a New York State commercial financing law with respect to certain provisions. The CFPB is publishing this notification of intent to make a preemption determination about that law and has made a preliminary conclusion that this law is not preempted by TILA. The CFPB is also providing notice that it is considering whether to make a preemption determination regarding State laws in California, Utah, and Virginia that are potentially similar to the New York law. The CFPB is soliciting public comment pursuant to Regulation Z.</p> <p>COMMENTS DUE: January 20, 2023</p>
<p>Information Reporting of Health Insurance Coverage and Other Issues Under Sections 5000A, 6055, and 6056, 87 Federal Register 76559, December 15, 2022</p>	<p>FINAL REGULATIONS: This document includes final regulations under the IRC that provide an automatic extension of time for providers of minimum essential coverage (including health insurance issuers, self-insured employers, and government agencies) to furnish individual statements regarding such coverage and an alternative method for furnishing individual statements when the individual shared responsibility payment amount is zero. These regulations also provide an automatic extension of time for “applicable large employers” (generally employers with 50 or more full-time employees, including full-time equivalent employees) to furnish statements relating to health insurance that the applicable large employers offer to their full-time employees. Additionally, these regulations provide that “minimum essential coverage,” as that term is used in health insurance-related tax laws, does not include Medicaid coverage limited to COVID-19 testing and diagnostic services provided under the Families First Coronavirus Response Act. These regulations affect some taxpayers who claim the premium tax credit; health insurance issuers, self-insured employers, gov’t agencies, and other persons that provide minimum essential coverage to individuals; and applicable large employers.</p> <p>EFFECTIVE DATE: December 15, 2022</p>

<p>Defense Federal Acquisition Regulation Supplement: Small Business Innovation Research Data Rights (DFARS Case 2019-D043), 87 Federal Register 77680, December 19, 2022</p>	<p>PROPOSED RULE: DoD is proposing to amend the Defense Federal Acquisition Regulation Supplement (DFARS) to implement the data-rights portions of the Small Business Innovation Research Program and Small Business Technology Transfer Program Policy Directives. DoD will hold a public meeting to hear the views of interested parties.</p> <p>COMMENTS DUE: February 17, 2023</p>
<p>Request for Information Regarding Higher Education Act (HEA) Pooled Evaluation, 87 Federal Register 77563, December 19, 2022</p>	<p>REQUEST FOR INFORMATION: The ED Office of Planning, Evaluation and Policy Development (OPEPD) solicits...comments to identify potential evaluation, data collection, and analysis activities that could be undertaken with these funds that would increase knowledge about, and improve administration of, programs authorized under the HEA, and build evidence of effective practices to improve student outcomes in these programs. To use and build evidence to support opportunities for students, the Department is particularly interested in evaluation, data collection, and analysis activities that can inform efforts to make higher education more inclusive and affordable and ensure pathways through higher education lead to successful careers. The Department is particularly interested in activities aligned to Administration priorities including but not limited to strengthening community college capacity; holistic student supports; promoting postsecondary retention and completion; and strengthening alignment across institutions of higher education, K-12, and the public workforce system.</p> <p>COMMENTS DUE: February 17, 2023</p>
<p>Extension of Period To Allow Submission of a PDF With a Patent Application Filed in DOCX Format, 87 Federal Register 77812, December 20, 2022</p>	<p>NOTICE: The United States Patent and Trademark Office (USPTO) is continuing to modernize and streamline its patent application systems to support robust and reliable patent rights, speed the issuance of patents, and reduce the costs and barriers of global patent protection. The submission of patent applications in DOCX format facilitates the USPTO's ongoing efforts. The USPTO recognizes that, during the transition, some applicants have been hesitant to file patent applications in DOCX format. On April 28, 2022, the USPTO announced that, for a temporary period, ending on December 31, 2022, it was providing patent applicants with the option to submit an applicant-generated PDF version of the application along with the DOCX file(s) when filing an application in Patent Center. Based on stakeholder requests, the USPTO is extending the temporary period during which patent applicants have the option to submit an applicant-generated PDF of the application along with the validated DOCX file(s) when filing an application in Patent Center through June 30, 2023. To encourage greater adoption of DOCX so that the USPTO can move forward with its other modernization and harmonization efforts, there is no change to the January 1, 2023, effective date of the non-DOCX filing surcharge fee.</p> <p>EFFECTIVE DATES: January 1, 2023 – June 30, 2023</p>
<p>Truth in Lending (Regulation Z) Annual Threshold Adjustments (Credit Cards, HOEPA, and Qualified Mortgages), 87 Federal Register 78831, December 23, 2022</p>	<p>FINAL RULE: The Consumer Financial Protection Bureau (Bureau) is issuing this final rule amending the regulation text and official interpretations for Regulation Z, which implements the Truth in Lending Act (TILA). The Bureau calculates the dollar</p>

	<p>amounts for several provisions in Regulation Z annually; this final rule revises, as applicable, the dollar amounts for provisions implementing TILA and amendments to TILA, including under the Home Ownership and Equity Protection Act of 1994 (HOEPA), and the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act). The Bureau is adjusting these amounts, where appropriate, based on the annual percentage change reflected in the Consumer Price Index (CPI) in effect on June 1, 2022.</p> <p>EFFECTIVE DATE: January 1, 2023</p>
<p>ED Information Collection Activities; Comment Request; Foreign Gifts and Contracts Disclosures, 87 Federal Register 79292, December 27, 2022</p>	<p>NOTICE: Federal Student Aid (FSA) is requesting a new information collection to collect the required information from institutions regarding foreign gifts and contracts as specified in the Higher Education Act of 1965 (HEA), as amended. Section 117 of the HEA, codified at 20 U.S.C. 1011f, provides that institutions of higher education must file a disclosure report with the Secretary of Education on January 31 or July 31, whichever is sooner, under certain circumstances.</p> <p>In June of 2020, the U.S. Department of Education (ED) established a collection of information, Foreign Gifts and Contracts Disclosures, 1801-0006, through ED's Partner Enterprise Business Collaboration (PEBC) system. That collection is under an OMB control number for ED's Office of the General Counsel (OGC), which has worked closely with FSA in recent years with respect to administration of Section 117.</p> <p>With this request for a new collection, the Department would be returning the collection of this information to FSA, which is the office with primary responsibility for the administration of Section 117 within the Department going forward. At present, the Department plans to continue to collect this data through its PEBC system. The specifics of this data collection will not change the current process or reporting.</p> <p>COMMENTS DUE: February 27, 2023</p>
<h2>Virginia Register – December 2022</h2>	
<p>18VAC50-22, Board for Contractors Regulations, Volume 39, Issue 9, Virginia Register of Regulations, December 19, 2022</p>	<p>NOTICE OF INTENDED REGULATORY ACTION: Notice is hereby given in accordance with § 2.2-4007.01 of the Code of Virginia that the Board for Contractors intends to consider amending 18VAC50-22, Board for Contractors Regulations. The purpose of the proposed action is to examine and consider amending the board's contractor license eligibility requirements, including experience, education, and companion licensure or certification. The amendments being considered may affect applicants for classes A, B, and C contractors licenses; residential building energy analyst firm licenses; classes A, B, and C temporary licenses; and qualification for licensure by reciprocity or substantial equivalency. The action is in response to and in accordance with Governor Youngkin's Executive Directive 1. The agency intends to hold a public hearing on the proposed action after publication in the Virginia Register.</p> <p>COMMENTS DUE: January 18, 2023</p>
<p>12VAC5-90. Regulations for Disease Reporting and Control (amending 12VAC5-90-80, 12VAC5-90-90),</p>	<p>FINAL REGULATION: The amendments add to the reporting requirements for physicians and directors of medical care</p>

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facilities for COVID-19 to (i) require physicians and directors of medical care facilities to report suspected or confirmed COVID-19 cases and COVID-19 hospitalizations and intensive care unit admissions to the Virginia Department of Health (VDH) through participation in the Emergency Department Care Coordination Program; (ii) require all suspected or confirmed COVID-19 case report forms be submitted electronically to VDH; (iii) clarify that the category "laboratory directors" includes pharmacies that hold Clinical Laboratory Improvement Amendments Certificates of Waiver so that pharmacies testing for COVID-19 are required to report to VDH; (iv) require laboratory directors report both positive and negative COVID-19 test results; (v) require patient telephone number, and ethnicity be included in the list of fields that are reported by physicians, laboratory directors, and directors of medical care facilities; and (vi) add "coronavirus, severe" to the list of infectious diseases that shall be reported to persons practicing funeral services.

Changes to the proposed regulation separate COVID-19 from the category "coronavirus, severe" on the reportable disease list and remove the requirement for COVID-19 to be rapidly reportable
EFFECTIVE DATE: January 18, 2023

[EXECUTIVE ORDER NUMBER 23 \(2022\), Volume 39, Issue 9, Virginia Register of Regulations, December 19, 2022](#)

EXECUTIVE ORDER: All state agencies shall report to the Secretary of Finance no later than January 15, 2023, all fines, fees, interest imposed, and all other disciplinary actions imposed on all individuals, businesses, and non-profits, including any withdrawal, suspension, or cancellation of an individual's license and/or certification resulting from violations of COVID-19 practices, guidelines, rules, or operating procedures and any state contracts that were not granted as a result of noncompliance with COVID-19 guidelines.

The Secretary of Finance or his designee shall review all such disciplinary actions and make recommendations to the Governor on what if any corrective action can be taken under the law.
EFFECTIVE DATE: December 6, 2022