

Federal Register – July 2023

[HHS Grants, Contracts, and Other Agreements: Fraud and Abuse; Information Blocking; Office of Inspector General's Civil Money Penalty Rules, 88 Federal Register 42820, July 3, 2023](#)

FINAL RULE: This final rule amends the civil money penalty (CMP) regulations of the Department of Health and Human Services (HHS) Office of Inspector General (OIG) to: incorporate new CMP authority for information blocking; incorporate new authorities for CMPs, assessments, and exclusions related to HHS grants, contracts, other agreements; and increase the maximum penalties for certain CMP violations.
EFFECTIVE DATE: August 2, 2023

[ED Negotiated Rulemaking Committee, 88 Federal Register 43069, July 6, 2023](#)

INTENT TO ESTABLISH NEGOTIATED RULEMAKING COMMITTEE: We announce our intention to establish a negotiated rulemaking committee to prepare proposed regulations for the Federal Student Aid programs authorized under title IV of the Higher Education Act of 1965, as amended (HEA). The committee will include representatives of organizations or groups with interests that are significantly affected by the subject matter of the proposed regulations. We also announce one public hearing at which interested parties may comment on the topic suggested by the Department and may suggest additional topics that we should consider for action by the negotiating committee. In addition, we announce that the Department will accept written comments on the topics suggested by the Department and suggestions for additional topics that we should consider for action by the negotiating committee.
COMMENTS DUE: July 20, 2023

[Improving Income Driven Repayment for the William D. Ford Federal Direct Loan Program and the Federal Family Education Loan \(FFEL\) Program, 88 Federal Register 43820, July 10, 2023](#)

FINAL REGULATIONS: ED issues final regulations governing income-contingent repayment plans by amending the Revised Pay as You Earn (REPAYE) repayment plan and restructuring and renaming the repayment plan regulations under the William D. Ford Federal Direct Loan (Direct Loan) Program, including combining the Income Contingent Repayment (ICR) and the Income-Based Repayment (IBR) plans under the umbrella term of “Income-Driven Repayment” (IDR) plans, and providing conforming edits to the FFEL Program.
EFFECTIVE DATE: July 1, 2024

[HEERF No Cost Extension Request Form, 88 Federal Register 43557, July 10, 2023](#)

NOTICE: The Higher Education Emergency Relief Fund (HEERF) authorizes the Secretary of Education to allocate formula grant funds to participating institutions of higher education (IHEs) to address impacts of COVID–19. To date, the Department has made over 18,000 awards to over 5,100 IHEs totaling \$76.3 billion. In both volume of grants and amount of funding, HEERF is one of the largest grant programs in agency history. On June 30, 2023, the project period for most HEERF grants will end and any remaining unliquidated grant funds will be returned to Treasury. Pursuant to 2 CFR 200.308(e)(2) and 34 CFR 75.261(a), grantees have the option to receive up to a twelve-month No-Cost Extension (NCE) of their grant project periods. The Department is requesting approval of an information collection to allow for HEERF grantees to request an extension beyond

	<p>June 30, 2023, and ensure that grantees have a thought-out plan for using their remaining HEERF grant funds to address the lingering effects and impacts related to COVID–19.</p> <p>COMMENTS DUE: August 9, 2023</p>
<p>IRS/EBSA/HHS Short-Term, Limited-Duration Insurance; Independent, Noncoordinated Excepted Benefits Coverage; Level-Funded Plan Arrangements; and Tax Treatment of Certain Accident and Health Insurance, 88 Federal Register 44596, July 12, 2023</p>	<p>PROPOSED RULES: This document sets forth proposed rules that would amend the definition of short-term, limited-duration insurance, which is excluded from the definition of individual health insurance coverage under the Public Health Service Act. This document also sets forth proposed amendments to the requirements for hospital indemnity or other fixed indemnity insurance to be considered an excepted benefit in the group and individual health insurance markets. This document further sets forth proposed amendments to clarify the tax treatment of certain benefit payments in fixed amounts received under employer-provided accident and health plans. Finally, this document solicits comments regarding coverage only for a specified disease or illness that qualifies as excepted benefits, and comments regarding level-funded plan arrangements.</p> <p>COMMENTS DUE: September 11, 2023</p>
<p>Update to the Department of Homeland Security STEM Designated Degree Program List, 88 Federal Register 44381, July 12, 2023</p>	<p>NOTICE: This notice announces that the Secretary of Homeland Security (Secretary) is amending the DHS STEM Designated Degree Program List by adding eight qualifying fields of study and a corresponding Department of Education Classification of Instructional Programs (CIP) code for each. No CIP codes from the existing list are being removed. The list is used to determine whether a degree obtained by certain F–1 nonimmigrant students following the completion of a program of study qualifies as a science, technology, engineering, or mathematics (STEM) degree as determined by DHS, as required for the F–1 student to be eligible to apply for a 24-month extension of their post-completion optional practical training (OPT).</p> <p>EFFECTIVE DATE: July 12, 2023</p>
<p>Identifying Burden Across Department of Education Information Collection Requests; Request for Public Input, 88 Federal Register 44786, July 13, 2023</p>	<p>REQUEST FOR PUBLIC INPUT: The U.S. Department of Education (Department) is seeking comments from the public on how it can reduce the burden associated with its information collection requests (ICRs) on State, local, territorial, and Tribal governments, educational institutions, nonprofits, and individuals, while maintaining data, information, and analyses critical to fulfill the Department's mission. This effort will help the Department identify improvements, redundancies in information collections, and inefficiencies in collections in order to improve the value and use of data.</p> <p>COMMENTS DUE: August 14, 2023</p>
<p>Health and Human Services Grants Regulation, 88 Federal Register 44750, July 13, 2023</p>	<p>NOTICE OF PROPOSED RULEMAKING: This is a notice of proposed rulemaking (NPRM) to repromulgate and revise certain regulatory provisions of the HHS, Uniform Administrative Rule Requirements, Cost Principles, and Audit Requirements for HHS Awards, previously set forth in a final rule published in the Federal Register.</p> <p>COMMENTS DUE: September 11, 2023</p>
<p>Authorizing Permissive Use of the “Next Generation” Broadcast Television Standard, 88 Federal Register 45347, July 17, 2023</p>	<p>FINAL RULE: The Federal Communications Commission (Commission) makes changes to its Next Gen TV rules designed to preserve over-the-air (OTA) television viewers' access to the</p>

	<p>widest possible range of programming while also supporting television broadcasters' transition to the next generation of broadcast television technology. In the first part of this Order, the Commission establishes a licensing regime for Next Gen TV stations' multicast streams that are aired on host stations during the transition period. In the second part of this Order, the Commission retains the substantially similar rule and the requirement to comply with the ATSC A/322 standard.</p> <p>EFFECTIVE DATE: August 16, 2023</p>
<p>Request for Comments on the Draft HHS Scientific Integrity Policy, 88 Federal Register 46802, July 20, 2023</p>	<p>NOTICE: HHS developed the draft Scientific Integrity Policy (the draft policy) based on the National Science and Technology Council Framework for Federal Scientific Integrity Policy and Practice.[2] The draft policy includes specific provisions prohibiting political interference, ensuring independent review of scientific activities, facilitating the free flow of scientific information, prohibiting suppression or delay of scientific findings for non-scientific reasons, forbidding censorship or alteration of scientific findings, and protecting against retaliation.</p> <p>COMMENTS DUE: September 1, 2023</p>
<p>Federal Preemption and Joint Federal-State Regulation and Oversight of the Department of Education's Federal Student Loan Programs and Federal Student Loan Servicers, 88 Federal Register 47370, July 24, 2023</p>	<p>FINAL INTERPRETATION: This interpretation revises and clarifies the Department's position on the legality of State laws and regulations that govern various aspects of the servicing of Federal student loans, such as preventing unfair or deceptive practices, correcting misapplied payments, or addressing refusals to communicate with borrowers. The Department concludes that these State laws are preempted by the Higher Education Act of 1965, as amended (HEA) and other applicable Federal laws only in limited and discrete respects, as further discussed in this interpretation. This interpretation will help facilitate close coordination between the Department and its State partners to further enhance both servicer accountability and borrower protections.</p> <p>EFFECTIVE DATE: July 24, 2023</p>
<p>Proposed Collection; Comment Request for U.S. Employment Tax Returns and Related Forms; CT-1, CT-1X, CT-2, SS-8, SS-8 (PR), W-2, W-2 AS, W-2 C, W-2 GU, W-2 VI, W-3, W-3 (PR), W-3 C, W-3 C (PR), W-3 SS, 940, 940 (PR), 940 SCH A, 940 SCH A (PR), 940 SCH R, 941, 941 (PR), 941 SCH B, 941 SCH B (PR), 941 SCH D, 941 SCH R, 941 SS, 941 X, 941 X (PR), 943, 943 (PR), 943 A, 943 A (PR), 943 SCH R, 943 X, 943 X (PR), 944, 944 X, 945, 945 A, 945 X, 2032, 2678, 8027, 8027 T, 8453 EMP, 8850, 8879 EMP, 8922, 8952, and 8974, 88 Federal Register 47555 July 24, 2023</p>	<p>NOTICE: The burden estimation methodology for employment tax is being transitioned from the legacy ADL model to the Taxpayer Burden Model. The changes discussed above result in a burden hour estimate of 456,000,000 hours, a decrease in total estimated time burden of 492,967,465 hours. The newly reported total out-of-pocket costs is \$18,910,000,000 and total monetized burden is \$33,540,000,000. The change related to the transition of the burden estimate from the legacy Arthur D. Little Model methodology to the RAAS Taxpayer Burden Model, is a one-time change. In addition, changes are being made to the form to be current with enacted legislation.</p> <p>COMMENTS DUE: September 22, 2023</p>
<p>Optional Alternative 1 to the Physical Document Examination Associated With Employment Eligibility Verification (Form I-9), 88 Federal Register 47749 July 25, 2023</p>	<p>AUTHORIZATION OF ALTERNATIVE PROCEDURE: Immigration and Customs Enforcement is announcing the authorization of an optional alternative procedure to the in-person physical examination of the documentation presented by individuals seeking to establish identity and employment authorization for the purpose of completing the Form I-9, Employment Eligibility Verification (Form I-9). The alternative procedure allows</p>

	<p>employers who are participants in good standing in E-Verify to proceed with an alternative process that does not require the physical examination of acceptable documents but instead includes additional requirements to offer at least an equivalent level of security.</p> <p>EFFECTIVE DATE OF ALTERNATIVE PROCEDURE: August 1, 2023</p>
<p>Optional Alternatives to the Physical Document Examination Associated With Employment Eligibility Verification (Form I-9), 88 Federal Register 47990, July 25, 2023</p>	<p>FINAL RULE: The Department of Homeland Security (DHS) is amending its regulations to create a framework under which the Secretary of Homeland Security (the Secretary) may, as an optional alternative to the in-person physical document examination method that employers have followed as part of the Form I-9 process set forth in current regulations, authorize alternative document examination procedures. The Secretary may authorize such alternative procedures with respect to some or all employers as part of a pilot program, upon the Secretary's determination that such procedures offer an equivalent level of security, or as a temporary measure to address a public health emergency declared by the Secretary of Health and Human Services pursuant to section 319 of the Public Health Service Act, or a national emergency declared by the President pursuant to sections 201 and 301 of the National Emergencies Act. In addition, in a separate document published in this edition of the Federal Register, DHS is announcing the authorization of an alternative document examination procedure and the conditions for participation.</p> <p>EFFECTIVE DATE: August 1, 2023</p>
<p>Introduction of a New Version of Employment Eligibility Verification Form, 88 Federal Register 47891, July 25, 2023</p>	<p>NOTICE: U.S. Citizenship and Immigration Services (USCIS) is announcing a new version of Form I-9, Employment Eligibility Verification. Employers must use Form I-9 to verify the identity and employment authorization of their employees. USCIS made significant changes to the form and its instructions, including a checkbox to indicate that an employee's Form I-9 documentation was examined using a DHS-authorized alternative procedure. This Notice contains the dates of both the prior version and the new version of Form I-9 that employers may use, as well as the date when the prior version will become obsolete.</p> <p>EFFECTIVE DATES: Form I-9, Employment Eligibility Verification, with a version date of "(Rev. 08/01/23)" is available for use beginning August 1, 2023. The prior version of Form I-9 (Rev. 10/21/19) continues to be effective through October 31, 2023.</p>
<p>Guides Concerning the Use of Endorsements and Testimonials in Advertising, 88 Federal Register 48092, July 26, 2023</p>	<p>FINAL RULE: The Federal Trade Commission ("FTC" or "Commission") is adopting revised Guides Concerning the Use of Endorsements and Testimonials in Advertising ("the Guides"). The revised Guides include additional changes not incorporated in the proposed revisions published for public comment on July 26, 2022.</p> <p>EFFECTIVE DATE: July 26, 2023</p>
<p>Introduction to the Unified Agenda of Federal Regulatory and Deregulatory Actions-Spring 2023, 88 Federal Register 48508, July 27, 2023</p>	<p>Publication of the Spring 2023 Unified Agenda of Federal Regulatory and Deregulatory Actions represents a key component of the regulatory planning mechanism prescribed in Executive Order ("E.O.") 12866, "Regulatory Planning and</p>

	<p>Review,” (58 FR 51735, as amended) and reaffirmed in E.O. 13563, “Improving Regulation and Regulatory Review,” (76 FR 3821) and E.O. 14094, “Modernizing Regulatory Review,” (88 FR 21879). The Regulatory Flexibility Act requires that agencies publish semiannual regulatory agendas in the Federal Register describing regulatory actions they are developing that may have a significant economic impact on a substantial number of small entities (5 U.S.C. 602). The Unified Agenda of Federal Regulatory and Deregulatory Actions (Unified Agenda), published in the fall and spring, helps agencies fulfill all of these requirements. All federal regulatory agencies have chosen to publish their regulatory agendas as part of this publication. The complete publication of the Spring 2023 Unified Agenda containing the regulatory agendas for 67 Federal agencies is available to the public at www.reginfo.gov.</p>
<p>ED Regulatory and Deregulatory Actions, 88 Federal Register 48540, July 27, 2023</p>	<ol style="list-style-type: none"> 1) The Secretary plans to propose to amend 34 CFR parts 668 and 600 on institution and program eligibility under the HEA, including regulations that determine whether postsecondary educational programs prepare students for gainful employment in recognized occupations, and the conditions under which institutions and programs remain eligible for student financial assistance programs under Title IV of the HEA, and 2) The Secretary plans to amend regulations in subpart L of 34 CFR part 668 on institution and program eligibility under the HEA, including regulations associated with the standards of financial responsibility an institution must maintain in order to be eligible to participate in programs under title IV of the HEA.
<p>ED Privacy Act of 1974; New System of Records, 88 Federal Register 42220, July 29, 2023</p>	<p>NOTICE: the U.S. Department of Education (Department) publishes this notice of a new system of records titled “FUTURE Act System (FAS)” (18–11–23). The Fostering Undergraduate Talent by Unlocking Resources for Education (FUTURE Act) amended the Internal Revenue Code (IRC) to authorize the U.S. Department of the Treasury, Internal Revenue Service (IRS), to disclose to the Department certain Federal tax information (FTI) of an individual, upon approval being provided by the individual to the Department, for the purpose of determining eligibility for, or repayment obligations under, Income-Driven Repayment (IDR) plans under title IV of the Higher Education Act of 1965, as amended (HEA), with respect to loans under part D of title IV of the HEA, and determining eligibility for, and amount of Federal student financial aid under, a program authorized under subpart 1 of part A, part C, or part D of title IV of the HEA. The Department and the IRS have entered into a computer matching agreement (CMA) pursuant to which the IRS will disclose FTI to the Department, to maintain and secure the FTI obtained in this system.</p> <p>COMMENTS DUE: July 31, 2023</p>
<h2 style="margin: 0;">Virginia Register – July 2023</h2>	
<p>Nothing relevant to Higher Ed in June.</p>	

