

Federal Register – June 2023

[Copyright Office Secure Tests, 88 Federal Register 35741, June 1, 2023](#)

INTERIM RULE: The U.S. Copyright Office is issuing an interim rule amending its regulations governing the registration of copyright claims in secure tests to continue the current rule that was adopted to address the national emergency caused by the COVID-19 pandemic. The Office has decided to continue allowing otherwise-eligible tests that were administered online during the national emergency to qualify as secure tests, provided the test administrator employs sufficient security measures. The Office is also continuing its procedure allowing examination of secure test claims via secure teleconference. Finally, the Office is requesting public comment whether the interim rule should be made permanent and whether it should restrict examinations of secure test claims to virtual examinations.

EFFECTIVE DATE: June 1, 2023

COMMENTS DUE: July 3, 2023

[Federal Acquisition Regulation \(DOD, GSA, NASA\); Federal Acquisition Circular 2023-04; Introduction, Prohibition on ByteDance Covered Application, 88 Federal Register 36430, June 2, 2023](#)

INTERIM RULE: This interim rule amends the Federal Acquisition Regulation to implement the prohibition on having or using the social networking service TikTok or any successor application or service developed or provided by ByteDance Limited or an entity owned by ByteDance Limited (“covered application”). The rule prohibits the presence or use of a covered application on information technology, including certain equipment used by Federal contractors. This prohibition applies to devices regardless of whether the device is owned by the Government, the contractor, or the contractor’s employees (e.g., employee-owned devices that are used as part of an employer bring your own device (BYOD) program). A personally-owned cell phone that is not used in the performance of the contract is not subject to the prohibition. This rule implements section 102 of Division R of the Consolidated Appropriations Act, 2023 (Pub. L. 117-328), the No TikTok on Government Devices Act, and its implementing guidance under Office of Management and Budget Memorandum M-23-13, “No TikTok on Government Devices” Implementation Guidance. This rule applies to all contracts, including contracts at or below the simplified acquisition threshold, contracts for commercial products (including commercially available off-the-shelf items), and for commercial services.

EFFECTIVE DATE: June 2, 2023. In solicitations issued before the effective date, provided award of the resulting contract(s) occurs on or after the effective date. The amendment of the solicitation must be accomplished by July 3, 2023

[FAA Clearance of New Approval of Information Collection: Certificates of Waivers, 88 Federal Register 36636, June 5, 2023](#)

NOTICE: Title 14, part 91 of the Code of Federal Regulations prescribes the rules governing the operation of aircraft within the United States. Included in this is the operation of unmanned aircraft systems (UAS), commonly known as drones, by both civil and public aircraft operators. 14 CFR 91.903 allows for operators

	<p>of aircraft to apply for a certificate of waiver authorizing the operator to deviate from the rules listed in § 91.905 if the proposed operation can be conducted safely. To process certificate of waiver requests, the FAA requires the name of the person or organization sponsoring the request, mailing address, information related to any pending or to prior waiver requests that were denied or rescinded, the regulation sought to deviate from, time and location of the proposed operation, the make and model of the aircraft, and the pilot's name, address, and certificate number and rating. The FAA proposes to use a web portal accessible from the FAA website to process certificate of waiver requests from the public. To initially access the web portal, the FAA requires respondents to complete an Access Request Form. This form requires the respondent to provide the date, the respondent's name, telephone number, and email address, to identify if the respondent is a civil or public operator, and to provide a general reason why operating a UAS.</p> <p>COMMENTS DUE: July 30, 2023</p>
<p>NIH Notice To Announce NIH Updated Policy Guidance for Subaward/Consortium Written Agreements, 88 Federal Register 36603, June 5, 2023</p>	<p>REQUEST FOR COMMENTS: 2 CFR 200.332(a)(5) at https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200/subpart-D/subject-group-ECFR031321e29ac5bbd/section-200.332 states that subaward agreements must include, “a requirement that the subrecipient permit the pass-through entity and auditors to have access to the subrecipient's records and financial statements as necessary for the pass-through entity to meet the requirements of this part.” In response to the Department of Health and Human Services (HHS), Office of Inspector General and Government Accountability Office audits, NIH has determined that to assure that this requirement is met, NIH finds it necessary to impose a requirement that foreign subrecipients turn over all records to the primary recipient at an agreed upon frequency (<i>e.g.</i>, once a quarter, once a month). If a subrecipient is unwilling to accept the requirements outlined in this section, by signing a written agreement, then an agreement cannot be issued.</p> <p>EFFECTIVE DATE: October 1, 2023</p> <p>COMMENTS DUE: July 5, 2023</p>
<p>Availability of Information and Records to the Public, 88 Federal Register 36980, June 6, 2023</p>	<p>NOTICE OF PROPOSED RULEMAKING: The Social Security Administration (SSA) is proposing revisions to our existing Freedom of Information Act (FOIA) regulations to conform with the requirements of the FOIA Improvement Act of 2016. The FOIA Improvement Act of 2016 requires Federal agencies to issue regulations on procedures for disclosure of records consistent with the amendments to the FOIA by such Act. We are also proposing the reorganization of our FOIA regulation to make our FOIA procedures easier for the public to understand and use.</p> <p>COMMENTS DUE: August 7, 2023</p>
<p>Interagency Guidance on Third-Party Relationships: Risk Management, 88 Federal Register 37920, June 9, 2023</p>	<p>FINAL INTERAGENCY GUIDANCE: The Board, FDIC, and OCC (collectively, the agencies) are issuing final guidance on managing risks associated with third-party relationships. The final guidance offers the agencies' views on sound risk management principles for banking organizations when</p>

	<p>developing and implementing risk management practices for all stages in the life cycle of third-party relationships. The final guidance states that sound third-party risk management takes into account the level of risk, complexity, and size of the banking organization and the nature of the third-party relationship. The agencies are issuing this joint guidance to promote consistency in supervisory approaches; it replaces each agency's existing general guidance on this topic and is directed to all banking organizations supervised by the agencies.</p> <p>EFFECTIVE DATE: June 6, 2023</p> <p>FYI: The Rule applies only to breaches of “unsecured” health information, which the Rule defines as health information that is not secured through technologies or methodologies specified by the Department of Health and Human Services (“HHS”) and it does not apply to businesses or organizations covered by HIPAA.[13] HIPAA-covered entities and their “business associates” must instead comply with HHS's breach notification rule.[14]</p>
<p>Federal Work Study (FWS) Wages for Student Aid Index, 88 Federal Register 38030, June 12, 2023</p>	<p>NOTICE: This new collection will be used to gather information available to participating institutions of higher education (IHE) which is required to fully calculate eligibility for title IV student financial aid for applicants under the Higher Education Act of 1965, as amended (HEA). The FAFSA Simplification Act (Pub. L. 116–260) introduced a change to the manner in which the Department of Education (ED) may obtain the amount of income an applicant has earned from work under the Federal Work Study (FWS) Program, for the purposes of calculating the applicant's student aid index (SAI) and determine their eligibility for certain title IV aid. Pursuant to section 483(a)(2)(F) of the FAFSA Simplification Act, ED is required to collect an applicant's income earned under the FWS program from the IHE participating in the FWS program and can no longer add additional questions to the FAFSA to obtain this information from the FAFSA applicant.</p> <p>COMMENTS DUE: July 12, 2023</p>
<p>Request for Information Regarding Data Brokers and Other Business Practices Involving the Collection and Sale of Consumer Information, 88 Federal Register 38499, June 13, 2023</p>	<p>REQUEST FOR INFORMATION: This request for information seeks comments from the public on data brokers. The submissions in response to this request for information will serve to assist the CFPB and policymakers in understanding the current state of business practices in exercising enforcement, supervision, regulatory, and other authorities. The CFPB welcomes stakeholders to submit data, analysis, research, and other information about data brokers. The CFPB also requests input from individuals who have interacted with or have been affected by data broker business practices.</p> <p>COMMENTS DUE: July 15, 2023</p>
<p>Federal Student Aid Programs (Student Assistance General Provisions, Federal Perkins Loan Program, Federal Family Education Loan Program, and William D. Ford Federal Direct Loan Program), 88 Federal Register 39360, June 16, 2023</p>	<p>RULE: The Secretary is issuing updated waivers and modifications of statutory and regulatory provisions governing the Federal student financial aid programs under the authority of the Higher Education Relief Opportunities for Students Act of 2003 (HEROES Act). The waivers and modifications in this document apply only to the national emergency declared in</p>

	<p>regard to the coronavirus disease 2019 (COVID–19) pandemic. With the termination of the COVID–19 national emergency, effective April 10, 2023, each waiver and modification identified in this document expires at the end of the award year that ends on June 30, 2023, unless otherwise noted in this document or unless it is otherwise extended by the Secretary in a document published in the Federal Register. HEROES Act waivers and modifications included in earlier documents sunset in accordance with the timeframes provided in those documents.</p> <p>EFFECTIVE DATE: June 16, 2023</p>
<p>Draft Guidance on Frequently Asked Questions: Limited Institutional Review Board Review and Related Exemptions, 88 Federal Register 39438, June 16, 2023</p>	<p>NOTICE: OHRP is announcing the availability of a draft guidance document for public comment titled “Frequently Asked Questions: Limited Institutional Review Board Review and Related Exemptions.” The draft guidance document applies to research activities involving human subjects that are conducted or supported by HHS. It is intended primarily to help entities implement the requirement for limited review of research by an IRB to meet the conditions of four exemptions found at 45 CFR 46.104(d) of the 2018 Requirements (the Common Rule). The draft guidance discusses the concept of limited IRB review, which appears in these exemptions, and provides information about how limited review may be conducted. When finalized, this will provide OHRP’s first formal guidance on this topic. This draft guidance was developed after taking into consideration input received from HHS and other Common Rule departments and agencies.</p> <p>COMMENTS DUE: August 15, 2023</p>
<p>Implementation of the NIH SBIR and STTR Foreign Disclosure Pre-Award and Post-Award Requirements, 88 Federal Register 39439, June 16, 2023</p>	<p>NOTICE: The National Institutes of Health (NIH) announces publication and serves as Notice for the extramural community on recent policy changes made for the Small Business Innovation Research Program (SBIR) and the Small Business Technology Transfer Program (STTR). This Notice implements additional disclosure requirements and post-award reporting requirements for small business concerns (SBCs) for covered relationships. In addition, this serves as notification of NIH’s due diligence program to assess security risks and denial of award when foreign relationships or commitments with countries of concern pose a significant risk as provided in the SBIR and STTR Extension Act of 2022 at https://www.congress.gov/117/plaws/publ183/PLAW-117publ183.pdf under these programs. This policy serves as an update to section 18. Grants to For Profit Organizations of the NIH Grants Policy Statement (GPS) at https://grants.nih.gov/grants/policy/nihgps/HTML5/section_18/18_grants_to_for-profit_organizations.htm and will be incorporated in the FY24 publication. In addition, the NIH Application Guide will be updated to reflect instructions for submission of required documentation.</p> <p>APPLICABILITY: This policy applies to all competing applications for funding under the NIH, CDC, and FDA SBIR and STTR programs submitted for due dates on or after September 5, 2023.</p>

<p>Agency Information Collection Activities; Comment Request; Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 88 Federal Register 40233, June 21, 2023</p>	<p>NOTICE: The U.S. Department of Education (the Department) published a Notice of Proposed Rulemaking for the Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance (title IX NPRM) to propose amendments to the Department's implementing regulations for title IX of the Education Amendments of 1972. The Department's proposed regulations would require a recipient to maintain various documents regarding its title IX activities for a period of at least seven years. These requirements are specified in proposed 34 CFR 106.8(f). Recipients impacted by the proposed regulations include local educational agencies, institutes of higher education and other entities that receive Federal grant funds from the Department. The information collected would allow recipients and the Department to assess on a longitudinal basis whether a recipient is complying with the Department's title IX regulations when it is has information about sex discrimination, the prevalence of sex discrimination affecting access to a recipient's education program or activity, and whether additional or different training is necessary for the recipient to fulfill its obligations under title IX.</p> <p>COMMENTS DUE: August 21, 2023</p>
<p>FCC Call Authentication Trust Anchor, 88 Federal Register 40096, June 21, 2023</p>	<p>FINAL RULE: The Federal Communications Commission (Commission) takes further steps to combat illegally spoofed robocalls by strengthening and expanding caller ID authentication and robocall mitigation obligations and creating new mechanisms to hold providers accountable for violations of the Commission's rules.</p> <p>EFFECTIVE DATE: August 21, 2023</p>
<p>Emergency Alert System; Wireless Emergency Alerts, 88 Federal Register 40606, June 21, 2023</p>	<p>PROPOSED RULE: In this document, the Federal Communications Commission (Commission) proposes requirements for commercial mobile service providers (CMS Providers) that have elected to participate in the Wireless Emergency Alert system (WEA) to make WEA more accessible, including to people who primarily speak a language other than English or Spanish and people with disabilities who cannot access messages displayed in conventional formats. Additionally, the document proposes to weave WEA more seamlessly into people's lives through increased flexibility in whether an attention signal or vibration is triggered when a WEA is triggered. The document also proposes performance measures for WEA to satisfy and greater transparency for alerting stakeholders regarding where and on what devices they offer WEA as well as information about WEA performance. These requirements would assist the millions of people who do not speak English or Spanish, as well as those with disabilities, understand and respond to WEA messages, and result in a more precise and tailored use of WEA through increased flexibility and options for consumers and alerting authorities.</p> <p>COMMENTS DUE: July 21, 2023</p> <p>EFFECTIVE DATE: August 21, 2023</p>

<p>Homeland Security Acquisition Regulation; Safeguarding of Controlled Unclassified Information, 88 Federal Register 40560, June 21, 2023</p>	<p>FINAL RULE: DHS is issuing a final rule to amend the Homeland Security Acquisition Regulation (HSAR) to modify a subpart, remove an existing clause and reserve the clause number, update an existing clause, and add two new contract clauses to address requirements for the safeguarding of Controlled Unclassified Information (CUI). This final rule implements security and privacy measures to safeguard CUI and facilitate improved incident reporting to DHS. These measures are necessary because of the urgent need to protect CUI and respond appropriately when DHS contractors experience incidents with DHS information.</p> <p>EFFECTIVE DATE: July 21, 2023</p>
<p>Pre-Filing Registration Requirements for Certain Tax Credit Elections, 88 Federal Register 40086, June 21, 2023</p>	<p>TEMPORARY REGULATIONS: This document contains temporary regulations setting forth mandatory information and registration requirements for taxpayers planning to make an elective payment election under the Inflation Reduction Act of 2022 and the CHIPS Act of 2022 to treat the amount of certain tax credits as a payment of Federal income tax, or in the case of a partnership or S corporation, to receive a payment in the amount of such credits. This document also contains temporary regulations setting forth mandatory information and registration requirements for taxpayers planning to make an election to transfer certain Federal income tax credits under the Inflation Reduction Act of 2022. These temporary regulations affect tax-exempt organizations, State and local governments, Indian tribal governments, Alaska Native Corporations, the Tennessee Valley Authority, rural electric cooperatives, and, in the case of three credits, certain taxpayers eligible to elect the elective payment of credit amounts in a taxable year under section 6417 of the Internal Revenue Code (Code). These temporary regulations also affect taxpayers eligible to make an elective payment election instead of claiming the advanced manufacturing investment credit under section 48D of the Code. These temporary regulations further affect taxpayers eligible to elect to transfer certain Federal income tax credits under section 6418 of the Code.</p> <p>EFFECTIVE DATE: June 21, 2023</p>
<p>2023-2024 Award Year Deadline Dates for Reports and Other Records Associated With the Free Application for Federal Student Aid (FAFSA), the Federal Supplemental Educational Opportunity Grant Program (FSEOG) Program, the Federal Work-Study (FWS) Program, the Federal Pell Grant (Pell Grant) Program, the William D. Ford Federal Direct Loan (Direct Loan) Program, the Teacher Education Assistance for College and Higher Education (TEACH) Grant Program, and the Iraq and Afghanistan Service Grant Program, 88 Federal Register 41092, June 23, 2023</p>	<p>NOTICE: The Secretary announces deadline dates for the receipt of documents and other information from applicants and institutions participating in certain Federal student aid programs authorized under title IV of the Higher Education Act of 1965, as amended (HEA), for the 2023–2024 award year. These programs, administered by the Department of Education (Department), provide financial assistance to students attending eligible postsecondary educational institutions to help them pay their educational costs.</p> <p><i>Deadline Dates for Enrollment Reporting by Institutions.</i></p> <p>In accordance with 34 CFR 674.19(f), 682.610(c), 685.309(b), and 690.83(b)(2), upon receipt of an enrollment report from the Secretary, institutions must update all information included in the report and return the report to the Secretary in a manner</p>

	<p>and format prescribed by the Secretary and within the timeframe prescribed by the Secretary. Consistent with the National Student Loan Data System (NSLDS) Enrollment Reporting Guide, the Secretary has determined that institutions must report at least every two months. Institutions may find the NSLDS Enrollment Reporting Guide in the “Knowledge Center” via Federal Student Aid's (FSA) Partner Connect website at: https://fsapartners.ed.gov/knowledge-center</p>
<p>Determination of Rates and Terms for Public Broadcasting (PB IV), 88 Federal Register 41827, June 28, 2023</p>	<p>FINAL RULE: The Copyright Royalty Judges publish final regulations that set rates and terms for use of certain works in connection with noncommercial broadcasting for the period from January 1, 2023, through December 31, 2027. EFFECTIVE DATE: June 28, 2023</p>
<p>Agency Information Collection Activities; New Collection: E-Verify NextGen, I-9NG, 88 Federal Register 42093, June 29, 2023</p>	<p>NOTICE: E-Verify NextGen, I-9NG, was developed as a demonstration project to further integrate the Form I-9, Employment Eligibility Verification, process with the E-Verify electronic employment eligibility confirmation process to create a more secure and less burdensome employment eligibility verification process overall for employees and employers. COMMENTS DUE: August 28, 2023</p>
<p>Information Collection; DOD,GSA, NASA Prohibition on Contracting With Entities Using Certain Telecommunications and Video Surveillance Services or Equipment, 88 Federal Register 42367, June 30, 2023</p>	<p>NOTICE: This clearance covers the information that offerors and contractors must submit to comply with the following FAR requirements listed in the order in which offerors and contractors provide the information: FAR 52.204–26, Covered Telecommunications Equipment or Services—Representation - This provision requires offerors to: 1) Review the list of excluded parties in SAM for entities excluded from receiving Federal awards for “covered telecommunications equipment or services” 2) Represent whether it does or does not provide covered telecommunications equipment or services as a part of its offered products or services to the Government in the performance of any contract, subcontract, or other contractual instrument., 3) Represents whether it does, or does not use covered telecommunications equipment or services, or any equipment, system, or service that uses covered telecommunications equipment or services. FAR 52.204–24, Representation Regarding Certain Telecommunications and Video Surveillance Services or Equipment. - This provision requires offerors to respond only if the offeror represented that it “does provide or use covered telecommunications equipment or services as a part of its offered products or services to the Government in the performance of any contract, subcontract, or other contractual instrument” in paragraphs (c)(1) or (c)(2) of the FAR provision at 52.204–26, or in paragraphs (v)(2)(i) or (ii) of the provision at 52.212–3. COMMENTS DUE: August 29, 2023</p>
<p>Virginia Register – June 2023</p>	

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