

# Federal Register – September 2023

[Sentencing Guidelines for the United States Courts, 88 Federal Register 60534, September 1, 2023](#)

**NOTICE:** The Sentencing Commission hereby gives notice of an amendment to the policy statement and commentary in the *Guidelines Manual* that provides for a reduction in a defendant's term of imprisonment as a result of an amended guideline range. The amendment includes Parts A and B, Subpart 1 of Amendment 821 (Amendment 8 of the amendments submitted to Congress on April 27, 2023) in the policy statement as an amendment that may be available for retroactive application. The amendment also provides a special instruction requiring that any order granting sentence reductions based on Part A or Part B, Subpart 1 of Amendment 821 shall not take effect until February 1, 2024, or later.

**EFFECTIVE DATE:** November 1, 2023

[Request for Information; Potential Changes to the Policies for Oversight of Dual Use Research of Concern \(DURC\) and the Potential Pandemic Pathogen Care and Oversight \(P3CO\) Policy Framework, 88 Federal Register 60513, September 1, 2023](#)

**REQUEST FOR INFORMATION:** Life sciences research is vital for improving health outcomes and protecting the Nation from infectious disease threats, but a small subset of this research could potentially pose risk of accidents or misuse that could harm human health. It is important to regularly evaluate and update biosafety and biosecurity oversight policies to keep pace with new technological developments and the evolving risk landscape. The Office of Science and Technology Policy (OSTP) invites comments on potential changes to the Policies for Federal and Institutional Oversight of Life Sciences Dual Use Research of Concern (DURC) and Recommended Policy Guidance for Departmental Development of Review Mechanisms for Potential Pandemic Pathogen Care and Oversight (P3CO). These policies establish frameworks for review and oversight requirements for certain categories of life sciences research, namely research with certain pathogens and toxins, including at institutions that accept Federal funding for such research. These requirements are intended to complement activities under existing Federal regulations or guidelines such as the Federal Select Agent Program. OSTP requests comments on how potential changes to these research oversight policies could mitigate risks associated with DURC and research with enhanced potential pandemic pathogens (ePPP) while minimizing undue burden on institutions. The public input provided through this Request for Information (RFI) will inform policy evaluations and issuance of a revised policy (Revised Policy).

**COMMENTS DUE:** October 16, 2023

[Department of Education Acquisition Regulation – Revision, 88 Federal Register 60540, September 1, 2023](#)

**FINAL REGULATIONS:** This modifies the ED Acquisition Regulation to revise aspects of those regulations that are out-of-date or redundant with other ED policies and procedures and to accurately implement the current Federal Acquisition Regulation (FAR) and Department policies.

**EFFECTIVE DATE:** October 1, 2023

[Employment Authorization for South Sudanese F-1 Nonimmigrant Students Experiencing Severe Economic](#)

**NOTICE:** This notice announces that the Secretary of Homeland Security (Secretary) is suspending certain regulatory

<p><a href="#">Hardship as a Direct Result of the Current Armed Conflict and Humanitarian Crisis in South Sudan, 88 Federal Register 60965, September 6, 2023</a></p>	<p>requirements for F–1 nonimmigrant students whose country of citizenship is South Sudan, regardless of country of birth (or individuals having no nationality who last habitually resided in South Sudan), and who are experiencing severe economic hardship as a direct result of the current armed conflict and humanitarian crisis in South Sudan. The Secretary is taking action to provide relief to these South Sudanese students who are in lawful F–1 nonimmigrant students status, so the students may request employment authorization, work an increased number of hours while school is in session, and reduce their course load while continuing to maintain their F–1 nonimmigrant student status. The U.S. Department of Homeland Security (DHS) will deem an F–1 nonimmigrant student granted employment authorization by means of this notice to be engaged in a “full course of study” for the duration of the employment authorization, if the nonimmigrant student satisfies the minimum course load requirement described in this notice.</p> <p><b>EFFECTIVE DATE:</b> November 4, 2023</p>
<p><a href="#">ED Matching Program, 88 Federal Register 62069, September 8, 2023</a></p>	<p><b>NOTICE:</b> Pursuant to the Privacy Act of 1974, as amended by the Computer Matching and Privacy Protection Act of 1988 and the Computer Matching and Privacy Protection Amendments of 1990 (Privacy Act) and Office of Management and Budget (OMB) guidance on the conduct of matching programs, notice is hereby given of the re-establishment of the matching program between the U.S. Department of Education (ED or Department), as the recipient agency, and the Social Security Administration (SSA), as the source agency, to assist the Department in meeting its obligations under title IV of the Higher Education Act of 1965, as amended (HEA), including to ensure that applicants for title IV, HEA program assistance satisfy eligibility requirements.</p> <p><b>EFFECTIVE DATE:</b> The period of this matching program is estimated to cover the 12-month period from October 11, 2023, through October 10, 2024. However, the computer matching agreement (CMA) will become applicable at the later of the following two dates: October 11, 2023, or 30 days after the publication of this notice, on September 8, 2023, unless comments have been received. The matching program will continue for 12 months after the applicable date and may be extended for up to an additional 12 months, if the respective agency Data Integrity Boards (DIBs) determine that the conditions specified in <a href="#">5 U.S.C. 552a(o)(2)(D)</a> have been met.</p>
<p><a href="#">Defining and Delimiting the Exemptions for Executive, Administrative, Professional, Outside Sales, and Computer Employees, 88 Federal Register 62152, September 8, 2023</a></p>	<p><b>NOTICE OF PROPOSED RULEMAKING:</b> In this proposal, the Department of Labor (Department) is updating and revising the regulations issued under the Fair Labor Standards Act implementing the exemptions from minimum wage and overtime pay requirements for executive, administrative, professional, outside sales, and computer employees. Significant proposed revisions include increasing the standard salary level to the 35th percentile of weekly earnings of full-time salaried workers in the lowest-wage Census Region (currently the South)—\$1,059 per week (\$55,068 annually for a full-year worker)—and increasing the highly compensated employee total annual compensation threshold to the annualized weekly</p>

	<p>earnings of the 85th percentile of full-time salaried workers nationally (\$143,988). The Department is also proposing to add to the regulations an automatic updating mechanism that would allow for the timely and efficient updating of all the earnings thresholds.</p> <p><b>COMMENTS DUE:</b> November 7, 2023</p>
<p><a href="#">Simplifying FEMA Preparedness Grants, 88 Federal Register 62098, September 8, 2023</a></p>	<p><b>NOTICE:</b> The Federal Emergency Management Agency (FEMA) aims to improve the management and administration of its preparedness grant programs to continue to assist the nation in building and sustaining capabilities to prevent, prepare for, protect against, and respond to terrorist attacks and other hazards. FEMA is issuing this Notice and Request for Information (RFI) to seek public input on simplifying and streamlining its preparedness grant process to improve the efficiency and accessibility of its suite of preparedness grant programs.</p> <p><b>COMMENTS DUE:</b> November 7, 2023</p>
<p><a href="#">Information Collection: Regulatory Issue Summary 2009-06, Revision 1, Importance of Giving the NRC Advance Notice of Intent To Pursue License Renewal, 88 Federal Register 62607, September 12, 2023</a></p>	<p><b>NOTICE:</b> The U.S. Nuclear Regulatory Commission (NRC) has recently submitted a proposed collection of information to the Office of Management and Budget (OMB) for review. The information collection is entitled, "Regulatory Issue Summary 2009-06, Revision 1, Importance of Giving the NRC Advance Notice of Intent to Pursue License Renewal."</p> <p><b>COMMENTS DUE:</b> October 12, 2023</p>
<p><a href="#">IRS Proposed Extension of Information Collection Request Submitted for Public Comment; Comment Request Concerning Information Reporting for Form 8824, 88 Federal Register 63199, September 14, 2023</a></p>	<p><b>NOTICE:</b> Form 8824 provides taxpayers with an easy method of determining whether a transaction qualifies for like-kind exchange treatment, the gain or loss, if any recognized because of the exchange, and the basis in the new property received in the exchange. Substantial changes are being made to the form and instructions, based on Regulations sections 1.1031(a)-1(a)(3) and 1.1031(a)-3 (and IRC 1031 as updated by Pub. L. 115-97 (TCJA), section 13303). These rules limit the property eligible for like-kind exchanges. Under these rules, only property meeting the definition of real property in IRC 1031 is like-kind property for purposes of like-kind exchanges.</p> <p><b>COMMENTS DUE:</b> November 13, 2023</p>
<p><a href="#">Enforcement Policy Regarding Operator Compliance Deadline for Remote Identification of Unmanned Aircraft, 88 Federal Register 63518, September 15, 2023</a></p>	<p><b>NOTIFICATION OF ENFORCEMENT POLICY:</b> For noncompliance with the remote identification operating requirements applicable to unmanned aircraft, which occurs on or before March 16, 2024, the FAA will consider all circumstances, in particular, unanticipated issues with the available supply and excessive cost of remote identification broadcast modules and unanticipated delay in the FAA's approval of FAA-recognized identification areas, when exercising its discretion in determining whether to take enforcement action.</p> <p><b>EFFECTIVE DATE:</b> September 15, 2023</p>
<p><a href="#">General Services Administration Acquisition Regulation; Updated Guidance for Non-Federal Entities Access to Federal Supply Schedules, 88 Federal Register 63892, September 18, 2023</a></p>	<p><b>PROPOSED RULE:</b> GSA is proposing to amend the General Services Administration Acquisition Regulation (GSAR) to update and clarify the requirements for use of Federal Supply Schedule (FSS) contracts by eligible non-Federal entities, such as State and local governments.</p> <p><b>COMMENTS DUE:</b> November 17, 2023</p>

<p><a href="#">Free Application for Federal Student Aid (FAFSA®) Information To Be Verified for the 2024-2025 Award Year, 88 Federal Register 64421, September 19, 2023</a></p>	<p><b>NOTICE:</b> For each award year, the Secretary publishes in the Federal Register a notice announcing the FAFSA information that an institution and an applicant may be required to verify, as well as the acceptable documentation for verifying FAFSA information. This is the notice for the 2024–2025 award year.</p>
<p><a href="#">Artificial Intelligence and Copyright, 88 Federal Register 65205, September 21, 2023</a></p>	<p><b>NOTICE:</b> On August 30, 2023, the U.S. Copyright Office issued a notice of inquiry seeking comments from the public on a number of questions about the copyright law and policy issues raised by AI systems. To ensure that members of the public have sufficient time to prepare responses to the Office's questions, and to ensure that the Office can proceed on a timely basis with its inquiry of the issues identified in its notice with the benefit of a complete record, the Office is extending the deadlines for comments.</p> <p><b>COMMENTS DUE:</b> October 30, 2023</p>
<p><a href="#">EDGAR Filer Access and Account Management, 88 Federal Register 65524, September 22, 2023</a></p>	<p><b>PROPOSED RULE:</b> The Securities and Exchange Commission (“Commission”) is proposing rule and form amendments concerning access to and management of accounts on the Commission's Electronic Data Gathering, Analysis, and Retrieval system (“EDGAR”) that are related to potential technical changes to EDGAR (collectively referred to as “EDGAR Next”). We propose to require that electronic filers (“filers”) authorize and maintain designated individuals as account administrators and that filers, through their account administrators, take certain actions to manage their accounts on a dashboard on EDGAR. Further, we propose that filers may only authorize individuals as account administrators or in the other roles described herein if those individuals first obtain individual account credentials in the manner to be specified in the EDGAR Filer Manual. As part of the EDGAR Next changes, the Commission would offer filers optional Application Programming Interfaces (“APIs”) for machine-to-machine communication with EDGAR, including submission of filings and retrieval of related information. If the proposed rule and form amendments are adopted, the Commission would make corresponding changes to the EDGAR Filer Manual and implement the potential technical changes.</p> <p><b>COMMENTS DUE:</b> November 21, 2023</p>
<p><a href="#">Employment Authorization for Afghan F-1 Nonimmigrant Students Experiencing Severe Economic Hardship as a Direct Result of the Current Armed Conflict and Current Humanitarian Crisis in Afghanistan, 88 Federal Register 65721, September 25, 2023</a></p>	<p><b>NOTICE:</b> This notice announces that the Secretary of Homeland Security (Secretary) is suspending certain regulatory requirements for F–1 nonimmigrant students whose country of citizenship is Afghanistan, regardless of country of birth (or individuals having no nationality who last habitually resided in Afghanistan), and who are experiencing severe economic hardship as a direct result of the current armed conflict and current humanitarian crisis in Afghanistan. The Secretary is taking action to provide relief to these Afghan students who are in lawful F–1 nonimmigrant students status, so the students may request employment authorization, work an increased number of hours while school is in session, and reduce their course load while continuing to maintain their F–1 nonimmigrant student status. The U.S. Department of Homeland Security (DHS) will deem an F–1 nonimmigrant student granted employment authorization by means of this notice to be engaged in a “full</p>

	<p>course of study” for the duration of the employment authorization, if the nonimmigrant student satisfies the minimum course load requirement described in this notice.</p> <p><b>EFFECTIVE DATE:</b> November 21, 2023 – May 20, 2025</p>
<p><a href="#">Proposed Collection; Requesting Comments on Tax-Exempt Organization Forms, 88 Federal Register 66131, September 26, 2023</a></p>	<p><b>NOTICE:</b> The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. The IRS is soliciting comments concerning forms used by tax-exempt organizations. See Appendix A for a list of forms, schedules, and related attachments.</p> <p><b>COMMENTS DUE:</b> November 27, 2023</p>
<p><a href="#">Minimum Wage for Federal Contracts Covered by Executive Order 13658, Notice of Rate Change in Effect as of January 1, 2024, 88 Federal Register 66903, September 28, 2023</a></p>	<p><b>NOTICE:</b> The Wage and Hour Division (WHD) of the U.S. Department of Labor (the Department) is issuing this notice to announce the applicable minimum wage rate for workers performing work on or in connection with federal contracts covered by Executive Order 13658, Establishing a Minimum Wage for Contractors (the Executive Order or the order), beginning January 1, 2024. Beginning on that date, the Executive Order 13658 minimum wage rate that generally must be paid to workers performing work on or in connection with covered contracts will increase to \$12.90 per hour, while the required minimum cash wage that generally must be paid to tipped employees performing work on or in connection with covered contracts will increase to \$9.05 per hour. Covered contracts that are entered into on or after January 30, 2022, or that are renewed or extended (pursuant to an option or otherwise) on or after January 30, 2022, are generally subject to a higher minimum wage rate established by Executive Order 14026 of April 27, 2021, Increasing the Minimum Wage for Federal Contractors.</p> <p><b>EFFECTIVE DATE:</b> January 1, 2024</p>
<p><a href="#">Defense Federal Acquisition Regulation Supplement: Limitation on Certain Institutes of Higher Education (DFARS Case 2021-D023), 88 Federal Register 67607, September 29, 2023</a></p>	<p><b>INTERIM RULE:</b> DoD is issuing an interim rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to implement a section of the National Defense Authorization Act for Fiscal Year 2021, that provides for the limitation of funds authorized to be appropriated or otherwise made available for any fiscal year for DoD, to be provided to an institution of higher education that hosts a Confucius Institute.</p> <p><b>EFFECTIVE DATE:</b> October 1, 2023</p>
<h2>Virginia Register – September 2023</h2>	
<p><a href="#">9VAC25-890. General VPDES Permit for Discharges of Stormwater from Small Municipal Separate Storm Sewer Systems (amending 9VAC25-890-1 through 9VAC25-890-40), Virginia Register of Regulations, Volume 40, Issue 3, September 25, 2023</a></p>	<p><b>REGULATION:</b> The amendments are necessary to reissue the existing general permit, which expires on October 31, 2023. The general permit governs local governments and state and federal agencies that discharge stormwater from municipally owned separate storm sewer systems (MS4s) located within the Census Urbanized Area as determined by the U.S. Census Bureau. See</p>

the Virginia Register entry for details on amendments and changes.

**EFFECTIVE DATE:** November 1, 2023