

Federal Register – October 2019

[IRS Proposed Collection; Comment Request for Form 8995, 84 Federal Register 52176, October 1, 2019](#)

NOTICE: In the legislative history of the 2017 the “Tax Cuts and Jobs Act”, Congress noted that the reduction in the corporate tax rate did not mitigate the high rates of tax imposed on businesses conducted by noncorporate taxpayers in pass-through form or through sole proprietorships. In order to lower rates, Congress introduced new 199A of the Internal Revenue Code, which provides an income tax benefit to investors in non-corporate businesses, i.e., sole proprietorships, partnerships, and S corporations. Individuals, trusts, and estates who invest in such businesses may be eligible to claim a deduction of up to 20% of the “qualified business income” earned by such non-corporate businesses. The IRS created new Form 8995 to allow eligible taxpayers to claim the deduction.

COMMENTS DUE: December 2, 2019

[Eliminating Unnecessary Regulations, 84 Federal Register 51977, October 1, 2019](#)

FINAL RULE: The United States Patent and Trademark Office (USPTO or Office) hereby amends the Rules of Practice in Patent Cases and Trial Practice Before the Patent Trial and Appeal Board (PTAB) by removing provisions in the Code of Federal Regulations that are no longer necessary. This final rule removes the rules governing reservation clauses, petitions from the refusal of a primary examiner to admit an amendment, the publication of amendments to the regulations, and limits that the Director can impose on the number of inter partes reviews and post-grant reviews heard by the PTAB. USPTO has evaluated existing regulations to identify those that should be repealed, replaced, or modified because they are outdated, unnecessary, ineffective, costly, or unduly burdensome to both government and private-sector operations. USPTO carried out this work, in part, through its participation in the Regulatory Reform Task Force (Task Force), which the Department of Commerce (Department of Commerce) established in accordance with Executive Order 13777, “Enforcing the Regulatory Reform Agenda.” Removal of the regulations identified in this final rule achieves the objective of making USPTO regulations more effective and more streamlined, while enabling the USPTO to fulfill its mission goals.

EFFECTIVE DATE: October 31, 2019

[Federal Acquisition Regulation: Increased Micro-Purchase and Simplified Acquisition Thresholds; 2018-004, 84 \(GSA, DOD, NASA\) Federal Register 52420, October 2, 2019](#)

PROPOSED RULE: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to implement a section of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2017 and several sections of the NDAA for FY 2018 that increase the micro-purchase threshold (MPT), increase the simplified acquisition threshold (SAT), and clarify certain procurement terms, as well as align some non-statutory thresholds with the MPT and SAT.

COMMENTS DUE: December 2, 2019

<p>Proposed Collection; 60-Day Comment Request; Generic Clearance To Collect Research or Educational Tools and Resources (Office of the Director), 84 Federal Register 53162, October 4, 2019</p>	<p>NOTICE: NIH plans to collect researcher and educational information, related administrative or operational information, and related project information in order to share widely with a range of audiences such as researchers, patients and advocates, and the general public. The primary purpose of information collections under this generic is to identify and ultimately promote interdisciplinary research, best practices, and collaboration among academia, industry, non-profit, and other public actors. The various types of information collected through this clearance may include soliciting names from the public, relevant communities of practice, or within NIH to recruit appropriate scientific expertise. Requests to the public may include requests to identify and/or describe extramural research, research tools, or existing resources. Requests for population characteristics within crowdsourcing mechanisms may include institutional affiliation and career level/stage. This will allow ICs to determine which functionalities are typically used, assess engagement and population characteristics of communities of practice, and prioritize investments and design future improvements for related tools and resources.</p> <p>COMMENTS DUE: Within 60 days of publication</p>
<p>Liabilities Recognized as Recourse Partnership Liabilities Under Section 752, 84 Federal Register 54014, October 9, 2019</p>	<p>FINAL REGULATIONS: This document contains final regulations addressing when certain obligations to restore a deficit balance in a partner's capital account are disregarded under section 704 of the Internal Revenue Code (Code), when partnership liabilities are treated as recourse liabilities under section 752, and how bottom dollar payment obligations are treated under section 752. These final regulations provide guidance necessary for a partnership to allocate its liabilities among its partners. These regulations affect partnerships and their partners.</p> <p>EFFECTIVE DATE: October 10, 2019</p>
<p>Minimum Standards for Driver's Licenses and Identification Cards Acceptable by Federal Agencies for Official Purposes; Deadline for No Longer Accepting Non-Compliant Driver's Licenses and Identification Cards for Official Purposes, 84 Federal Register 54014, October 9, 2019, 84 Federal Register 55017, October 15, 2019</p>	<p>FINAL RULE: This final rule amends the REAL ID regulation to clarify that the October 1, 2020, deadline by which Federal agencies may no longer accept non-compliant driver's licenses and identification cards for official purposes applies to all non-compliant cards, including state-issued driver's licenses and identification cards marked to indicate that they may not be used for official Federal purposes. This regulation is consistent with enforcement dates in previous DHS public statements, information posted on the DHS website, and communication with industry stakeholders.</p> <p>EFFECTIVE: October 15, 2019</p>
<p>Promoting the Rule of Law Through Improved Agency Guidance Documents (Executive Order 13891), 84 Federal Register 55235, October 15, 2019</p>	<p>EXECUTIVE ORDER 13891: By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to ensure that Americans are subject to only those binding rules imposed through duly enacted statutes or through regulations lawfully promulgated under them, and that Americans have fair notice of their obligations, it is hereby ordered as follows: it is the policy of the executive branch, to the extent consistent with applicable law, to require that agencies treat guidance documents as non-binding both in law and in practice, except as incorporated into a contract, take public input into account when appropriate in formulating</p>

	<p>guidance documents, and make guidance documents readily available to the public. Agencies may impose legally binding requirements on the public only through regulations and on parties on a case-by-case basis through adjudications, and only after appropriate process, except as authorized by law or as incorporated into a contract.</p>
<p>Promoting the Rule of Law Through Transparency and Fairness in Civil Administrative Enforcement and Adjudication (Executive Order 13892), 84 Federal Register 55239, October 15, 2019</p>	<p>EXECUTIVE ORDER 13892: By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows: Agencies shall act transparently and fairly with respect to all affected parties, as outlined in this order, when engaged in civil administrative enforcement or adjudication. No person should be subjected to a civil administrative enforcement action or adjudication absent prior public notice of both the enforcing agency's jurisdiction over particular conduct and the legal standards applicable to that conduct. Moreover, the Federal Government should, where feasible, foster greater private-sector cooperation in enforcement, promote information sharing with the private sector, and establish predictable outcomes for private conduct. Agencies shall afford regulated parties the safeguards described in this order, above and beyond those that the courts have interpreted the Due Process Clause of the Fifth Amendment to the Constitution to impose.</p>
<p>Agency Information Collection Activities; Comment Request; DCIA Aging and Compliance Data Requirements for Guaranty Agencies, 84 Federal Register 55567, October 17, 2019</p>	<p>NOTICE: The Department is required to report to the U.S. Department of the Treasury (Treasury) the status and condition of its non-tax debt portfolio in accordance with the requirements of the Debt Collection Improvement Act of 1996 (DCIA) and the Digital Accountability and Transparency Act of 2014 (DATA Act). The Department is unable to prepare an accurate and compliant Treasury Report based on the data it currently receives from its Guaranty Agencies (GAs). The new guidance will require the GAs to: Age debt according to DCIA; report the eligibility of DCIA-aged debt for referral to the Treasury Offset Program (TOP); and report compliance with Form 1099-C reporting.</p> <p>The new reporting requirements are titled DCIA Aging and Compliance Data Requirements for Guaranty Agencies (the Requirements). The Department plans to issue the Requirements to the GAs by April 1, 2020 for implementation by the first quarter of FY 2021.</p> <p>COMMENTS DUE: December 16, 2019</p>
<p>Medicare and State Healthcare Programs: Fraud and Abuse; Revisions To Safe Harbors Under the Anti-Kickback Statute, and Civil Monetary Penalty Rules Regarding Beneficiary Inducements, 84 Federal Register 55694, October 17, 2019</p>	<p>PROPOSED RULE: This proposed rule is being issued by the Office of Inspector General (OIG) in conjunction with the Department of Health and Human Services' Regulatory Sprint to Coordinated Care. It proposes to add, on a prospective basis only after a final rule is issued, safe harbor protections under the Federal anti-kickback statute for certain coordinated care and associated value-based arrangements between or among clinicians, providers, suppliers, and others that squarely meet all safe harbor conditions. It also would add protections under the anti-kickback statute and civil monetary penalty (CMP) law that prohibits inducements offered to patients for certain patient engagement and support arrangements to improve</p>

	<p>quality of care, health outcomes, and efficiency of care delivery that squarely meet all safe harbor conditions. The proposed rule would add a new safe harbor for donations of cybersecurity technology and amend the existing safe harbors for electronic health records (EHR) arrangements, warranties, local transportation, and personal services and management contracts. Further, the proposed rule would add a new safe harbor pursuant to a statutory change set forth in the Bipartisan Budget Act of 2018 (Budget Act of 2018) related to beneficiary incentives under the Medicare Shared Savings Program and a new CMP exception for certain telehealth technologies offered to patients receiving in-home dialysis, also pursuant to the Budget Act of 2018.</p> <p>COMMENTS DUE: December 31, 2019</p>
<p>FCC Filing of Applications; Modernization of Media Regulation Initiative; Revision of Requirements, 84 Federal Register 55881, October 18, 2019</p>	<p>PROPOSED RULE: In this document, the Commission adopted a Further Notice of Proposed Rulemaking, in which it sought comment on proposals to change the rules governing local public notice given by broadcast station applicants. These specific rule changes were proposed based on responses to the Notice of Proposed Rule Making in this proceeding.</p> <p>EFFECTIVE DATE: November 18, 2019</p>
<p>October 2019 Patent Eligibility Guidance Update, 84 Federal Register 55942, October 18, 2019</p>	<p>NOTICE: In view of the comments received in response to the 2019 Patent Eligibility Guidance, the USPTO has produced an update of its 2019 Patent Eligibility Guidance (the October 2019 Patent Eligibility Guidance Update), which is available to the public on the USPTO's website. The October 2019 Patent Eligibility Guidance Update includes a new set of examples as well as a discussion of various issues raised by the public comments. The Update is intended to assist Office personnel in applying the 2019 Patent Eligibility Guidance. The Office continues to welcome public feedback on an ongoing basis on the October 2019 Patent Eligibility Guidance Update or on any patent eligibility issue.</p>
<p>Rules of Practice To Allocate the Burden of Persuasion on Motions To Amend in Trial Proceedings Before the Patent Trial and Appeal Board, 84 Federal Register 56401, October 22, 2019</p>	<p>PROPOSED RULE: The United States Patent and Trademark Office (“USPTO” or “Office”) proposes changes to the rules of practice in inter partes review (“IPR”), post-grant review (“PGR”), and the transitional program for covered business method patents (“CBM”) (collectively “post-grant trial”) proceedings before the Patent Trial and Appeal Board (“PTAB” or “Board”) to allocate the burdens of persuasion in relation to motions to amend and the patentability of substitute claims proposed therein.</p> <p>COMMENTS DUE: December 23, 2019</p>
<p>Assessment and Collection of Regulatory Fees for Fiscal Year 2019, 84 Federal Register 56734, October 23, 2019</p>	<p>PROPOSED RULE: In this document, the Federal Communications Commission (Commission) adopted a notice of proposed rulemaking that seeks comment on several proposals that will impact FY 2020 regulatory fees.</p> <p>COMMENTS DUE: November 22, 2019</p>
<p>Updated Legal Framework for Patent Electronic System, 84 Federal Register 56734, October 23, 2019</p>	<p>NOTICE: The United States Patent and Trademark Office (USPTO or Office) published on its website an updated legal framework for its Patent Electronic System. The updated legal framework provides guidance on the background statutes, regulations and policies that support the USPTO's Patent</p>

	<p>Electronic System. The Patent Electronic System currently comprises EFS-Web, which is the USPTO's web-based patent application and document submission system; and the Patent Application Information Retrieval (PAIR) system, which is the USPTO's web-based means for electronically viewing the status of, and documents filed in or associated with, patent applications and proceedings. The updated legal framework also discusses the two-step authentication method now in place for accessing the Patent Electronic System. The updated legal framework serves as a reference for applicants, parties in reexamination proceedings, attorneys, and agents.</p> <p>EFFECTIVE DATE: October 23, 2019</p>
<p>DOJ Proposed eCollection eComments Requested; New Collection, 84 Federal Register 57055, October 23, 2019</p>	<p>NOTICE: The Procurement Collusion Strike Force (PCSF) complaint form facilitates reporting by the public of complaints, concerns, and tips regarding potential antitrust crimes affecting government procurement, grants, and program funding. Respondents will be able to complete and submit information electronically through the PCSF complaint form on the Antitrust Division's website.</p> <p>COMMENTS DUE: December 23, 2019</p>
<p>Defense Advanced Research Projects Agency, Privacy Act of 1974, 84 Federal Register 57326, October 25, 2019</p>	<p>FINAL RULE: This final rule removes DoD's regulation concerning the Defense Advanced Research Projects Agency (DARPA) Privacy Program. On April 11, 2019, the DoD published a revised DoD-level Privacy Program rule, which contains the necessary information for an agency-wide Privacy Program regulation under the Privacy Act and now serves as the single Privacy Program rule for the Department. That revised Privacy Program rule also includes all DoD component exemption rules. Therefore, this regulation is now unnecessary and may be removed from the CFR.</p> <p>EFFECTIVE DATE: October 23, 2019</p>
<p>Transforming the 2.5 GHz Band, 84 Federal Register 57343, October 25, 2019</p>	<p>FINAL RULE: In this document, the Federal Communications Commission (Commission or FCC) takes another step towards making more mid-band spectrum available for next generation wireless services benefitting all Americans. Specifically, the Commission transforms the regulatory framework governing the 2.5 GHz band (2496-2690 MHz), which is the single largest band of contiguous spectrum below 3 gigahertz.</p> <p>EFFECTIVE DATE: April 27, 2020</p>
<p>Administrative Simplification: Rescinding the Adoption of the Standard Unique Health Plan Identifier and Other Entity Identifier, 84 Federal Register 57621, October 27, 2019</p>	<p>FINAL RULE: This final rule rescinds the adopted standard unique health plan identifier (HPID) and the implementation specifications and requirements for its use and the other entity identifier (OEID) and implementation specifications for its use. This final rule also removes the definitions for the "Controlling health plan" (CHP) and "Subhealth plan" (SHP).</p> <p>EFFECTIVE DATE: December 27, 2020</p>
<p>Determination of Royalty Rates and Terms for Ephemeral Recording and Digital Performance of Sound Recordings (Web V), 84 Federal Register 57833, October 29, 2019</p>	<p>PROPOSED RULE: The Copyright Royalty Judges are publishing for comment proposed regulations governing the rates and terms for the digital performances of sound recordings by certain public radio stations and for the making of ephemeral recordings necessary to facilitate those transmissions for the</p>

	<p>period commencing January 1, 2021, and ending on December 31, 2025.</p> <p>COMMENTS DUE: November 19, 2019</p>
<p>Consumer Leasing (Regulation M), 84 Federal Register 58017, October 30, 2019</p> <p>Truth in Lending (Regulation Z), 84 Federal Register 58020, October 30, 2019</p>	<p>FINAL RULES: The Board and the Bureau are finalizing amendments to the official interpretations and commentary for the agencies' regulations that implement the Consumer Leasing Act (CLA). The Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act) amended the CLA by requiring that the dollar threshold for exempt consumer leases and consumer credit transactions be adjusted annually by the annual percentage increase in the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W). If there is no annual percentage increase in the CPI-W, the Board and the Bureau will not adjust this exemption threshold from the prior year. However, in years following a year in which the exemption threshold was not adjusted, the threshold is calculated by applying the annual percentage change in the CPI-W to the dollar amount that would have resulted, after rounding, if the decreases and any subsequent increases in the CPI-W had been taken into account. Based on the annual percentage increase in the CPI-W as of June 1, 2019, the exemption threshold will increase from \$57,200 to \$58,300 effective January 1, 2020.</p> <p>EFFECTIVE DATE: January 1, 2020</p>
<p>Determination of Rates and Terms for Digital Performance of Sound Recordings and Making of Ephemeral Copies to Facilitate Those Performances (Web V), 84 Federal Register 58095, October 30, 2019</p>	<p>PROPOSED RULE: The Copyright Royalty Judges are publishing for comment proposed regulations governing the rates and terms for the digital performance of sound recordings by noncommercial educational webcasters and for the making of ephemeral recordings necessary for the facilitation of such transmissions for the period commencing January 1, 2021, and ending on December 31, 2025.</p> <p>COMMENTS DUE: November 20, 2019</p>
<p>Request for Comments on Intellectual Property Protection for Artificial Intelligence Innovation, 84 Federal Register 58141, October 30, 2019</p>	<p>NOTICE: The United States Patent and Trademark Office (“USPTO”) is gathering information about the impact of artificial intelligence (“AI”) technologies on intellectual property law and policy. To assist in gathering this information, on August 27, 2019, the USPTO published questions related to the impact of artificial intelligence inventions on patent law and policy and asked the public for written comments. Those questions cover a variety of topics, including whether revisions to intellectual property protection are needed. The present notice extends this inquiry to copyright, trademark, and other intellectual property rights impacted by AI.</p> <p>COMMENTS DUE: December 16, 2019</p>
<h2>Virginia Register – October 2019</h2>	
<p>18VAC115-70. Regulations Governing the Registration of Peer Recovery Specialists (adding 18VAC115-70-10 through 18VAC115-70-90), Volume 36, Issue 4, Virginia Register of Regulations, October 14, 2019</p>	<p>FINAL REGULATION: The new regulation (i) establishes the fees required for registration and renewal of registration; (ii) specifies the qualification for registration, which is evidence of meeting the requirements set out in regulations of the Department of Behavioral Health and Developmental Services; (iii) requires that to maintain registration, a registrant complete eight hours of continuing education with a minimum of two</p>

<p>18VAC115-80. Regulations Governing the Registration of Qualified Mental Health Professionals (adding 18VAC115-80-10 through 18VAC115-80-110), Volume 36, Issue 4, Virginia Register of Regulations, October 14, 2019</p>	<p>hours devoted to ethics; (iv) sets standards of practice to include practicing within the specialist's competency area, practicing in a manner that does not endanger public health and safety, maintaining confidentiality, and avoiding dual relationships that would impair objectivity and increase risk of client exploitation; and (v) makes violations of standards of practice or of applicable law or regulation grounds for disciplinary action by the board.</p> <p>EFFECTIVE DATE: November 13, 2019</p>
<p>18VAC140-20. Regulations Governing the Practice of Social Work (amending 18VAC140-20-105), Volume 36, Issue 4, Virginia Register of Regulations, October 14, 2019</p>	<p>FINAL REGULATION: The amendments increase the continuing education hours required for license renewal pertaining to ethics or the standards of practice to a minimum of six hours every two years for licensed clinical social workers and a minimum of three hours every two years for licensed social workers. The only change to the proposed regulation is the update of required forms.</p> <p>EFFECTIVE DATE: November 13, 2019</p>
<p>EXECUTIVE ORDER #43 (2019): Expanding Access to Clean Energy and Growing the Clean Energy Jobs of the Future, Volume 36, Issue 4, Virginia Register of Regulations, October 14, 2019</p>	<p>EXECUTIVE ACTION: by virtue of the authority vested in me as Chief Executive by Article V of the Constitution of Virginia and under the laws of the Commonwealth, I hereby direct all executive branch agencies, authorities, departments, and all institutions of higher education, to every extent practicable, to operate in accordance with the following guidelines:</p> <p>A) The Director of Department of Mines, Minerals and Energy (DMME), in consultation with the Secretary of Commerce and Trade, the Secretary of Natural Resources, and the Director of the Department of Environmental Quality (DEQ), shall develop a plan of action to produce thirty percent of Virginia's electricity from renewable energy sources by 2030 and one hundred percent of Virginia's electricity from carbon-free sources by 2050,</p> <p>B) The Commonwealth shall procure at least 30 percent of the electricity under the statewide electric contract with Dominion Energy from renewable energy resources by 2022.</p> <p>C) The Commonwealth shall reduce electricity consumption across all of the Commonwealth's agencies and institutions through development and execution of a comprehensive Resource Conservation Management Plan (RCMP). DMME shall, in coordination with DGS and DEQ, develop a RCMP as the framework to achieve the state's portion of the goal of reducing retail electricity consumption by ten percent by 2022 using 2006 as a baseline. The RCMP should include recommendations on reducing energy usage through measurement and tracking, operations and maintenance, and capital investment.</p> <p>D) To ensure that the Commonwealth has the workforce in place to meet the growing needs and technological advancements of the clean energy sector, the Chief Workforce Advisor and the Secretary of Commerce and Trade shall work with stakeholders to develop an energy workforce plan.</p> <p>EFFECTIVE DATE: September 16, 2019</p>
