

Federal Register – December 2020

[IRS Guidance Clarifying Premium Tax Credit Unaffected by Suspension of Personal Exemption Deduction, 85 Federal Register 76976, December 1, 2020](#)

FINAL RULE: This document includes final regulations under sections 36B and 6011 of the Internal Revenue Code (Code) that clarify that the reduction of the personal exemption deduction to zero for taxable years beginning after December 31, 2017, and before January 1, 2026, does not affect an individual taxpayer's ability to claim the premium tax credit. These final regulations affect individuals who claim the premium tax credit.
EFFECTIVE DATE: December 1, 2020

[Unrelated Business Taxable Income Separately Computed for Each Trade or Business, 85 Federal Register 77952, December 2, 2020](#)

FINAL RULE: This document contains final regulations that provide guidance on how an exempt organization subject to the unrelated business income tax determines if it has more than one unrelated trade or business, and, if so, how the exempt organization calculates unrelated business taxable income. The final regulations also clarify that the definition of "unrelated trade or business" applies to individual retirement accounts. Additionally, the final regulations provide that inclusions of "subpart F income" and "global intangible low-taxed income" are treated in the same manner as dividends for purposes of determining unrelated business taxable income. The final regulations affect exempt organizations that are subject to the unrelated business income tax.
EFFECTIVE DATE: December 2, 2020

[ED Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Third Party Servicer Data Collection, 85 Federal Register 78129, December 3, 2020](#)

NOTICE: This form is used to validate the information reported to the Department by higher education institutions about the third party servicers that administer one or more aspects of the administration of the Title IV, HEA programs on an institution's behalf. This form also collects additional information required for effective oversight of these entities. There has been no change to the supporting regulatory language. We have reevaluated the usage of the form and there is a resulting decrease in the number of respondents and burden hours.
COMMENTS DUE: January 4, 2021

[Notice of a new Computer Matching Agreement \(CMA\) with the Department of Justice, 85 Federal Register 78127, December 3, 2020](#)

NOTICE: By matching the names, dates of birth, and SSNs in the DFB/DPFD database with ED's student financial aid records, ED is able to identify students who do not qualify for Federal student financial assistance pursuant to the provisions set forth in the Controlled Substances Act. DOJ's system of records also contains information concerning the specific program or programs for which benefits have been denied, as well as the duration of the period of ineligibility. DOJ will make available for the CMA the records of only those individuals who have been denied Federal benefits under one or more of the title IV, HEA programs. Thus, ED avoids the cost of disbursing student financial assistance funds to individuals who do not qualify for Federal student financial assistance, but who would otherwise receive aid had the CMA not existed.
COMMENTS DUE: January 4, 2021

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| <p>Clearance of a New Approval of Information Collection: Limited Recreational Unmanned Aircraft Operation Applications, 85 Federal Register 78160, December 3, 2020</p> | <p>NOTICE: The Federal Register Notice with a 60-day comment period soliciting comments on the following collection of information was published on March 13, 2020 (85 FR 14723). In 2018, Congress passed the FAA Reauthorization Act of 2018 (Pub. L. 115-254). Section 44809 of Public Law 115-254 allows a person to operate a small unmanned aircraft (UA) without specific certification or operating authority from the FAA if the operation adheres to certain limitations. These limitations require the FAA to recognize community-based organizations (CBOs), develop and administer an aeronautical knowledge and safety test, establish fixed flying sites, and approve standards and limitations for unmanned aircraft weighing more than 55 pounds. The information will be collected online. The information collected will be limited to only that necessary for the FAA to complete a review of an application under the following statutory requirements</p> <p>COMMENTS DUE: January 4, 2021</p> |
| <p>Patient Protection and Affordable Care Act; HHS Notice of Benefit and Payment Parameters for 2022 and Pharmacy Benefit Manager Standards; Updates To State Innovation Waiver (Section 1332 Waiver) Implementing Regulations, 85 Federal Register 78572, December 4, 2020</p> | <p>PROPOSED RULE: This proposed rule sets forth payment parameters and provisions related to the risk adjustment program; cost-sharing parameters and cost-sharing reductions; and user fees for Federally-facilitated Exchanges and State-based Exchanges on the Federal platform. It includes proposed changes related to special enrollment periods; Navigator program standards; direct enrollment entities; the administrative appeals processes with respect to health insurance issuers and non-federal governmental group health plans; the medical loss ratio program; acceptance of payments by issuers of individual market Qualified Health Plans; and other related topics. It proposes clarifications to the regulation imposing network adequacy standards with regard to Qualified Health Plans that do not use provider networks. It proposes changes to the regulation requiring the reporting of certain prescription drug information by qualified health plans or their pharmacy benefit managers. It also proposes a new direct enrollment option for Federally-facilitated Exchanges and State Exchanges. This proposed rule also proposes changes related to section 1332 State Innovation Waivers.</p> <p>COMMENTS DUE: December 30, 2020</p> |
| <p>DoD, GSA, NASA Federal Acquisition Regulation: Reverse Auction Guidance, 85 Federal Register 78815, December 7, 2020</p> | <p>PROPOSED RULE: The new subpart: Provides Government-wide policy on: When the use of reverse auctions may be appropriate, conducting reverse auctions, and utilizing reverse auction service providers, including the evaluation of fees;</p> <p>Identifies when reverse auctions shall not be used;</p> <p>Requires contracting officers to evaluate and document that the use of a reverse auction service provider is cost effective;</p> <p>Requires agency acquisitions for reverse auction services to be competed amongst commercial reverse auction service providers, and for the resulting contract or agreement to be</p> |

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| | <p>sufficiently documented and made available to agency contracting officers for future reference and verification needs;</p> <p>Clarifies requirements for contracting officers when conducting a reverse auction or utilizing the services of a reverse auction service provider;</p> <p>Requires the contracting officer's contact information to be available to offerors; and</p> <p>Provides guidance for situations in which only one offer is received in response to a reverse auction.</p> <p>COMMENTS DUE: February 5, 2021</p> |
| <p>Department of Defense Science and Technology Reinvention Laboratory Personnel Demonstration Project Program, 85 Federal Register 78829, December 7, 2020</p> | <p>NOTICE: This notice provides new authorities to all Science and Technology Reinvention Laboratory (STRL) Personnel Demonstration (Demo) Projects.</p> <p>IMPLEMENTATION DAY: No sooner than December 7, 2020</p> |
| <p>Department of Health and Human Services Good Guidance Practices, 85 Federal Register 78770, December 7, 2020</p> | <p>FINAL RULE: The Department of Health and Human Services finalizes its proposed regulations governing the agency's release and maintenance of guidance documents. These regulations will help to ensure that the public receives appropriate notice of new guidance and that the Department's guidance does not impose obligations on regulated parties that are not already reflected in duly enacted statutes or regulations lawfully promulgated under them.</p> <p>EFFECTIVE DATE: January 6, 2021</p> |
| <p>IRS Proposed Collection; Continuation Coverage Requirements Application to Group Health Plans, 85 Federal Register 78770, December 7, 2020</p> | <p>NOTICE: The regulations require group health plans to provide notices to individuals who are entitled to elect COBRA (The Consolidated Omnibus Budget Reconciliation Act of 1985) continuation coverage of their election rights. Individuals who wish to obtain the benefits provided under the statute are required to provide plans notices in the cases of divorce from the covered employee, a dependent child's ceasing to be dependent under the terms of the plan, and disability. Most plans will require that elections of COBRA continuation coverage be made in writing. In cases where qualified beneficiaries are short by an insignificant amount in a payment made to the plan, the regulations require the plan to notify the qualified beneficiary if the plan does not wish to treat the tendered payment as full payment. If a health care provider contacts a plan to confirm coverage of a qualified beneficiary, the regulations require that the plan disclose the qualified beneficiary's complete rights to coverage.</p> <p>COMMENTS DUE: February 5, 2021</p> |
| <p>IRS Submission for OMB Review; Comment Request; Employee Retirement Income Security Act Prohibited Transaction Class Exemption 1981-8, Investment of Plan Assets in Certain Types of Short-Term Investments, 85 Federal Register 78871, December 7, 2020</p> | <p>NOTICE: The Department of Labor (DOL) is submitting this Employee Benefits Security Administration (EBSA)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.</p> <p>EFFECTIVE DATE: January 6, 2021</p> |

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| <p>Implementation of the National Suicide Hotline Improvement Act of 2018, 85 Federal Register 79014, December 8, 2020</p> | <p>NOTICE: The National Suicide Hotline Designation Act of 2020 (Suicide Hotline Act) designates 988 as the universal telephone number within the United States for the purpose of the national suicide prevention and mental health crisis hotline system within one year after enactment of the Suicide Hotline Act. It also directs the Federal Communications Commission to submit a report on location identification.</p> <p>EFFECTIVE DATE: October 17, 2021</p> <p>COMMENTS DUE: December 21, 2020</p> |
| <p>Agency Information Collection Activities; Comment Request; Higher Education Act (HEA) Title II Report Cards on State Teacher Credentialing and Preparation, 85 Federal Register 79170, December 9, 2020</p> | <p>NOTICE: This request is a revision that includes COVID-19 guidance and to approve the state report card and institution and program report cards required by the Higher Education Act of 1965, as amended in 2008 by the Higher Education Opportunity Act (HEOA). States must report annually on criteria and assessments required for initial teacher credentials using a State Report Card (SRC), and institutions of higher education (IHEs) with teacher preparation programs (TPP), and TPPs outside of IHEs, must report on key program elements on an Institution and Program Report Card (IPRC). IHEs and TPPs outside of IHEs report annually to their states on program elements, including program numbers, type, enrollment figures, demographics, completion rates, goals and assurances to the state. States, in turn, must report on TPP elements to the Secretary of Education in addition to information on assessment pass rates, state standards, initial credential types and requirements, numbers of credentials issued, TPP classification as at-risk or low-performing. The Department plans to use the SRC and IPRC current instruments, unchanged, for the FY21 through FY23 data collections, in order to maintain continuity in the information available. There is no change in burden due to the addition of Institutions with Teacher Preparation Programs. The Department has included additional instruction to aid institutions in reporting data that may differ from usual data due to COVID restrictions.</p> <p>COMMENTS DUE: February 8, 2021</p> |
| <p>Implementing Legal Requirements Regarding the Equal Opportunity Clause's Religious Exemption, 85 Federal Register 79324, December 9, 2020</p> | <p>FINAL RULE: The U.S. Department of Labor's (DOL's) Office of Federal Contract Compliance Programs (OFCCP) publishes this final rule to clarify the scope and application of the religious exemption. These clarifications to the religious exemption will help organizations with federal government contracts and subcontracts and federally assisted construction contracts and subcontracts better understand their obligations. OFCCP anticipates three main groups that potentially will be impacted: Religious organizations that decide to become federal contractors because of this final rule's clarity on the scope and application of the religious exemption, religious organizations that are already federal contractors, and all current federal contractors. Current federal contractors may face additional competition as new potential competitors enter the market. Since the total amount of available government contracts is not anticipated to change, the increased competition may provide better prices for the government, but may also result in a reallocation of the contracts. Should this occur, it is possible that</p> |

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| | <p>revenues will be transferred between various government contractors or from current contractors to new entrants.</p> <p>EFFECTIVE DATE: January 8, 2021</p> |
| <p>Fourth Amendment to the Declaration Under the Public Readiness and Emergency Preparedness Act for Medical Countermeasures Against COVID-19 and Republication of the Declaration, 85 Federal Register 79190, December 9, 2020</p> | <p>NOTICE of AMENDMENT: The Secretary issues this amendment to amend his March 10, 2020 Declaration Under the Public Readiness and Emergency Preparedness Act for Medical Countermeasures Against COVID-19. The Public Readiness and Emergency Preparedness (PREP) authorizes the Secretary of Health and Human Services (the Secretary) to issue a declaration to provide liability protections to certain individuals and entities (Covered Persons) against any claim of loss caused by, arising out of, relating to, or resulting from, the manufacture, distribution, administration, or use of certain medical countermeasures (Covered Countermeasures), except for claims involving “willful misconduct,” as defined in the PREP Act. Such declarations are subject to amendment as circumstances warrant. Consult the Federal Register announcement for details.</p> <p>APPLICABLE DATE: February 20, 2020 unless otherwise noted</p> |
| <p>Truth in Lending (Regulation Z); Earned Wage Access Programs, 85 Federal Register 79404, December 10, 2020</p> | <p>ADVISORY OPINION: The Bureau of Consumer Financial Protection (Bureau) is issuing this advisory opinion to resolve regulatory uncertainty regarding the applicability of the definition of credit under Regulation Z, which implements the Truth in Lending Act (TILA), to certain earned wage access (EWA) programs that conform to the summary of material facts provided in part I.B of this advisory opinion. Regulation Z applies to any non-exempt [18] individual or business that offers or extends credit when certain conditions are met. It is unclear whether the term “credit” in section 1026.2(a)(14) of Regulation Z includes Covered EWA Transactions.[21] For the reasons set forth below, the Bureau concludes that Covered EWA Transactions are not “credit” for purposes of § 1026.2(a)(14). Consult the Federal Register entry for details.</p> <p>EFFECTIVE DATE: December 10, 2020</p> |
| <p>Truth in Lending (Regulation Z); Private Education Loans, 85 Federal Register 79400, December 10, 2020</p> | <p>ADVISORY OPINION: The Bureau of Consumer Financial Protection (Bureau) is issuing this advisory opinion to clarify that loan products that refinance or consolidate a consumer's pre-existing Federal, or Federal and private, education loans meet the definition of “private education loan” in the Truth in Lending Act and Regulation Z and are subject to the disclosure and consumer protection requirements in subpart F of Regulation Z.</p> <p>EFFECTIVE DATE: December 10, 2020</p> |
| <p>Truth in Lending (Regulation Z), 85 Federal Register 79394, December 10, 2020</p> | <p>FINAL RULES: The Board and the Bureau are publishing final rules amending the official interpretations and commentary for the agencies' regulations that implement the Truth in Lending Act (TILA). The Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act) amended TILA by requiring that the dollar threshold for exempt 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</p> |

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| | <p>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, 2020, the exemption threshold will remain at \$58,300 effective January 1, 2021.</p> <p>EFFECTIVE DATE: January 1, 2021</p> |
| <p>Federal Student Aid Programs (Student Assistance General Provisions, Federal Perkins Loan Program, William D. Ford Federal Direct Loan Program, and Federal-Work Study Programs), 85 Federal Register 79856, December 11, 2020</p> | <p>UPDATED WAIVERS AND MODIFICATIONS OF STATUTORY AND REGULATORY PROVISIONS: 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 or Act). The HEROES Act requires the Secretary to publish, in a document in the Federal Register, the waivers or modifications of statutory or regulatory provisions applicable to the student financial assistance programs under title IV of the Higher Education Act of 1965, as amended (HEA), to assist individuals who are performing qualifying military service, and individuals who are affected by a disaster, war, or other military operation or national emergency, as described in the SUPPLEMENTARY INFORMATION section of this document. On March 13, 2020, President Trump declared a national emergency based on the COVID-19 outbreak. (Proclamation on Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak, available at https://www.whitehouse.gov/presidential-actions/proclamation-declaring-national-emergency-concerning-novel-coronavirus-disease-covid-19-outbreak/). See FR entry for list of waiver and modifications.</p> <p>EFFECTIVE DATE: December 11, 2020</p> |
| <p>Confidentiality of Substance Use Disorder Patient Records, 85 Federal Register 80626, December 14, 2020</p> | <p>FINAL RULE: This final rule amends the Substance Abuse and Mental Health Services Administration's (SAMHSA) regulation governing the Confidentiality of Substance Use Disorder Patient Records, to clarify one of the conditions under which a court may authorize disclosure of confidential communications made by a patient to a part 2 program as defined in this regulation. This change to the regulation is intended to clarify that a court has the authority to permit disclosure of confidential communications when the disclosure is necessary in connection with investigation or prosecution of an extremely serious crime, such as one that directly threatens loss of life or serious bodily injury, where the extremely serious crime was allegedly committed by either a patient or an individual other than the patient.</p> <p>EFFECTIVE DATE: January 13, 2021</p> |
| <p>Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Student Assistance General Provision-Subpart I-Immigration Status Confirmation, 85 Federal Register 81190, December 15, 2020</p> | <p>NOTICE: This request is for approval of a revision of the reporting requirements currently in the Student Assistance General Provisions, 34 CFR 668, Subpart I. This subpart governs the Start Printed Page 81191Immigration-Status Confirmation, as authorized by section 484(g) of the Higher Education Act of 1965, as amended (HEA) (20 U.S.C. 1091). The regulations may be reviewed at 34 CFR 668, Subpart I. The regulations are</p> |

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| | <p>necessary to determine eligibility to receive program benefits and to prevent fraud and abuse of program funds. This collection updates the usage by individuals and schools. While the regulations refer to a secondary confirmation process and completion of the paper G-845 form these processes are no longer in use. DHS/USCIS replaced the paper secondary confirmation method with a fully electronic process, SAVE system and the use of the Third Step Verification Process. In April 2018, Federal Student Aid transitioned from the DHS-USCIS paper Form G-845 (for third step verification) to an electronic process via DHS' SAVE system.</p> <p>COMMENTS DUE: January 14, 2021</p> |
| <p>Grandfathered Group Health Plans and Grandfathered Group Health Insurance Coverage, 85 Federal Register 81097, December 15, 2020</p> | <p>FINAL RULE: This document includes final rules regarding grandfathered group health plans and grandfathered group health insurance coverage that amend current rules to provide greater flexibility for certain grandfathered health plans to make changes to certain types of fixed- amount cost-sharing requirements without causing a loss of grandfather status under the Patient Protection and Affordable Care Act.</p> <p>EFFECTIVE DATE: January 14, 2021</p> |
| <p>Solicitation of New Safe Harbors and Special Fraud Alerts, 85 Federal Register 81439, December 16, 2020</p> | <p>NOTIFICATION OF INTENT TO DEVELOP REGULATIONS: In accordance with section 205 of the Health Insurance Portability and Accountability Act of 1996 (HIPAA), this annual notification solicits proposals and recommendations for developing new, or modifying existing, safe harbor provisions under section 1128B(b) of the Social Security Act (the Act), the Federal anti-kickback statute, as well as developing new OIG Special Fraud Alerts.</p> <p>COMMENTS DUE: February 16, 2021</p> |
| <p>Equal Participation of Faith-Based Organizations in the Federal Agencies' Programs and Activities, 85 Federal Register 82037, December 17, 2020</p> | <p>FINAL RULE: This rule amends the regulations of the agencies listed above (“the Agencies”) to implement Executive Order 13831 of May 3, 2018 (Establishment of a White House Faith and Opportunity Initiative). This rule provides clarity about the rights and obligations of faith-based organizations participating in the Agencies' Federal financial assistance programs and activities. This rulemaking is intended to ensure that the Agencies' Federal financial assistance programs and activities are implemented in a manner consistent with the requirements of Federal law, including the First Amendment to the Constitution and the Religious Freedom Restoration Act.</p> <p>EFFECTIVE DATE: January 19, 2021</p> |
| <p>Medicaid Program; Patient Protection and Affordable Care Act; Reducing Provider and Patient Burden by Improving Prior Authorization Processes, and Promoting Patients' Electronic Access to Health Information for Medicaid Managed Care Plans, State Medicaid Agencies, CHIP Agencies and CHIP Managed Care Entities, and Issuers of Qualified Health Plans on the Federally-Facilitated Exchanges; Health Information Technology Standards and Implementation Specifications, 85 Federal Register 82586, December 18, 2020</p> | <p>PROPOSED RULE: This proposed rule would place new requirements on state Medicaid and CHIP fee-for-service (FFS) programs, Medicaid managed care plans, CHIP managed care entities, and Qualified Health Plan (QHP) issuers on the Federally-facilitated Exchanges (FFE) to improve the electronic exchange of health care data, and streamline processes related to prior authorization, while continuing CMS' drive toward interoperability, and reducing burden in the health care market. In addition, on behalf of the Department of Health and Human Service (HHS), the Office of the National Coordinator for Health Information Technology (ONC) is proposing the adoption of certain specified implementation guides (IGs) needed to support</p> |

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| | <p>the proposed Application Programming Interface (API) policies included in this rule. Each of these elements plays a key role in reducing overall payer and provider burden and improving patient access to health information.</p> <p>COMMENTS DUE: January 4, 2021</p> |
| <p>Prohibited Transaction Exemption 2020-02, Improving Investment Advice for Workers & Retirees, 85 Federal Register 82798, December 18, 2020</p> | <p>This document contains a class exemption from certain prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974, as amended (the Act). Title I of the Act codified a prohibited transaction provision in title 29 of the U.S. Code (referred to in this document as Title I). Title II of the Act codified a parallel provision now found in the Internal Revenue Code of 1986, as amended (the Code). These prohibited transaction provisions of Title I and the Code generally prohibit fiduciaries with respect to “plans,” including workplace retirement plans (Plans) and individual retirement accounts and annuities (IRAs), from engaging in self-dealing and receiving compensation from third parties in connection with transactions involving the Plans and IRAs. The provisions also prohibit purchasing and selling investments with the Plans and IRAs when the fiduciaries are acting on behalf of their own accounts (principal transactions). This exemption allows investment advice fiduciaries to plans under both Title I and the Code to receive compensation, including as a result of advice to roll over assets from a Plan to an IRA, and to engage in principal transactions, that would otherwise violate the prohibited transaction provisions of Title I and the Code. The exemption applies to Securities and Exchange Commission—and state-registered investment advisers, broker-dealers, banks, insurance companies, and their employees, agents, and representatives that are investment advice fiduciaries. The exemption includes protective conditions designed to safeguard the interests of Plans, participants and beneficiaries, and IRA owners. The class exemption affects participants and beneficiaries of Plans, IRA owners, and fiduciaries with respect to such Plans and IRAs. This notice also sets forth the Department's final interpretation of when advice to roll over Plan assets to an IRA will be considered fiduciary investment advice under Title I and the Code.</p> <p>EFFECTIVE DATE: February 16, 2021</p> |
| <p>ED Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Quarterly Budget and Expenditure Reporting Under CARES Act Sections 18004(a)(1) Institutional Portion, 18004(a)(2), and 18004(a)(3), 85 Federal Register 82798, December 21, 2020</p> | <p>NOTICE: Section 18004(a)(1) of the CARES Act, Public Law 116-136 (March 27, 2020), authorizes the Secretary of Education to allocate formula grant funds to participating institutions of higher education (IHEs). Section 18004(c) of the CARES Act allows the IHEs to use up to one-half of the total funds received to cover any costs associated with the significant changes to the delivery of instruction due to the coronavirus (with specific exceptions). Section 18004(a)(2) of the CARES Act authorizes the Secretary to make awards under parts A and B of title III, parts A and B of title V, and subpart 4 of part A of title VII of the Higher Education Act of 1965, as amended (“HEA”), to address needs directly related to the coronavirus. These awards are in addition to awards made in Section 18004(a)(1) of the CARES Act. Section 18004(a)(3) of the CARES Act, Pub. authorizes the Secretary to allocate funds for part B of Title VII of the HEA, for IHEs that the</p> |

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| | <p>Secretary determines have the greatest unmet needs related to coronavirus. This information collection request includes the quarterly budget and expenditure reporting form that will be used by grantees under these sections. This collection is currently approved under emergency processing; we are now requesting an extension of the approved collection under regular processing.</p> <p>COMMENTS DUE: January 20, 2021</p> |
| <p>Small Entity Government Use License Exception, 85 Federal Register 82798, December 21, 2020</p> | <p>FINAL RULE: The United States Patent and Trademark Office (USPTO or Office) is amending the rules of practice in patent cases to clarify and expand exceptions to the rule pertaining to government use licenses and their effect on small entity status for purposes of paying reduced patent fees. The rule change is designed to support independent inventors, small business concerns, and nonprofit organizations in filing patent applications and to encourage collaboration with the Federal Government by expanding the opportunities to qualify for the small entity patent fees discount for inventions made during the course of federally funded or federally supported research.</p> <p>EFFECTIVE DATE: January 20, 2021</p> |
| <p>Truth in Lending Act (Regulation Z) Adjustment to Asset-Size Exemption Threshold, 85 Federal Register 82917, December 22, 2020</p> | <p>FINAL RULE: The Bureau of Consumer Financial Protection (Bureau) is amending the official commentary that interprets the requirements of the Bureau's Regulation Z (Truth in Lending) to reflect a change in the asset-size threshold for certain creditors to qualify for an exemption to the requirement to establish an escrow account for a higher-priced mortgage loan. This amendment is based on the annual percentage change in the average of the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W). Based on the 1.3 percent increase in the average of the CPI-W for the 12-month period ending in November 2020, the exemption threshold is adjusted to \$2.230 billion from \$2.202 billion. Therefore, creditors with assets of less than \$2.230 billion (including assets of certain affiliates) as of December 31, 2020, are exempt, if other requirements of Regulation Z also are met, from establishing escrow accounts for higher-priced mortgage loans in 2021.</p> <p>EFFECTIVE DATE: January 1, 2021</p> |
| <p>Notice Reopening the Application Period for Certain Applicants Under the Higher Education Emergency Relief Fund (HEERF), Sections 18004(a)(1), 18004(a)(2), and 18004(a)(3); Coronavirus Aid, Relief, and Economic Security (CARES) Act, 85 Federal Register 83917, December 23, 2020</p> | <p>NOTICE: The Secretary is reopening the application period for certain institutions of higher education (IHEs) that previously applied for HEERF, CARES Act funds. The Secretary takes this action to specifically allow those eligible applicants that previously submitted timely applications but were denied funding due to technical errors with their submission, additional time to submit their Certifications and Agreements (applications), and associated data submissions for approved information collections under OMB control numbers 1801-0005, 1840-0842, and 1840-0843. This reopening also permits prior applicants that did not apply for the full amount of their allocation within a particular funding stream to resubmit their applications, in order to receive the full allocation amount they were eligible to receive. This reopening does not apply to any IHE that did not apply for HEERF, CARES Act funds during a</p> |

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| | <p>previous open period, or allow an IHE to apply to a new CARES Act funding stream.</p> <p>DEADLINE: January 11, 2021</p> |
| <p>Disclaimer Practice in Patents and Patent Applications, 85 Federal Register 86518, December 30, 2020</p> | <p>PROPOSED RULE: The United States Patent and Trademark Office (USPTO) proposes to amend the rules of practice to expand when certain types of patent applicants and patentees may, subject to other conditions, obtain or enforce a second patent for an invention that is similar (i.e., patentably indistinct) to a first patent. Ordinarily, in examination before the USPTO, any application for a second patent covering such similar invention would be rejected. The proposed rule change is limited to the situation where owners of the first and second patents or patent applications are different but have an agreement to conduct research together (i.e., a joint research agreement). For this limited situation, the proposed rule change would increase the ability to file a document, called a terminal disclaimer, that ties the rights of a second patent to the first patent. Specifically, a terminal disclaimer causes the second patent to limit its enforceable patent term to end no later than the first patent's term and limits when the second patent can be enforced. The proposed rule change would expand when a terminal disclaimer is permitted to be filed in the joint research agreement situation by eliminating the requirement that the second patent or patent application be filed later than the first patent or patent application. The USPTO also proposes to amend its rules of practice to explicitly state existing practices in the rules regarding when certain affidavits and declarations, as well as terminal disclaimers, may be filed.</p> <p>COMMENTS DUE: March 22, 2021</p> |
| <p>Uniform Administrative Requirements, Cost Principles, and Audit Requirements, 85 Federal Register 86793, December 31, 2020</p> | <p>GUIDANCE: This document announces the availability of the 2020 Compliance Supplement Addendum (2020 Addendum) for the Office of Management and Budget's uniform administrative requirements, cost principles, and audit requirements regulations. This document also offers interested parties an opportunity to comment on the 2020 Addendum. This Guidance applies to fiscal year audits beginning after June 30, 2019.</p> |
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| <h2>Virginia Register – December 2020</h2> | |
| <p>12VAC5-90. Regulations for Disease Reporting and Control (amending 12VAC5-90-80, 12VAC5-90-90), Volume 37, Issue 9, December 21, 2020</p> | <p>EMERGENCY REGULATION: The amendments add to the reporting requirements for physicians and directors of medical care 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</p> |

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| | <p>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, email address, 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.</p> <p>EFFECTIVE DATES: January 20, 2021 through July 19, 2022</p> |
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