

## Federal Register – July 2018

<p><a href="#">New Procedure for Non-Federal Public Safety Entities to License Federal Government Interoperability Channels, 83 Federal Register 30934, July 2, 2018</a></p>	<p><b>NOTICE:</b> New Section 90.25 adopted in Order DA 18-282, requires any non-federal public safety entity seeking to license mobile and portable units on the Federal Interoperability Channels to obtain written concurrence from its Statewide Interoperability Coordinator (SWIC) or a state appointed official and include such written concurrence with its application for license. A non-federal public safety entity may communicate on designated Federal Interoperability Channels for joint federal/non-federal operations, provided it first obtains a license from the Commission authorizing use of the channels. Statutory authority for these collections are contained in 47 U.S.C. 151, 154, 301, 303, and 332 of the Communications Act of 1934.</p> <p><b>COMMENTS DUE:</b> August 1, 2018</p>
<p><a href="#">Amendment of Parts 0, 1, 5, 73, and 74 of the Commission's Rules Regarding Posting of Station Licenses and Related Information, 83 Federal Register 30901, July 2, 2018</a></p>	<p><b>PROPOSED RULE:</b> FCC seeks comment on whether to streamline or eliminate provisions of our regulation which require the posting and maintenance of broadcast licenses and related information in specific locations. The Commission tentatively concludes that these licenses posting rules should be eliminated because they are redundant and obsolete now that licensing is readily accessible online through the Commission's databases.</p> <p><b>COMMENTS DUE:</b> August 1, 2018</p>
<p><a href="#">ED Program Integrity and Improvement, 83 Federal Register 31296, July 3, 2018</a></p>	<p><b>FINAL RULE- DELAY OF EFFECTIVE DATE:</b> The Secretary delays, until July 1, 2020, the effective date of selected provisions of the final regulations entitled Program Integrity and Improvement published in the Federal Register on December 19, 2016 (the 2016 final regulations). The Secretary is delaying the effective date of selected provisions of the 2016 final regulations based on concerns recently raised by regulated parties and to ensure that there is adequate time to conduct negotiated rulemaking to reconsider selected provisions of 2016 final regulations and, as necessary, develop revised regulations. The issues needing reconsideration include the definition of “residence” and guidance on student disclosure of residency.</p> <p><b>EFFECTIVE DATES:</b> June 29, 2018 is the effective date for the amendments to <a href="#">34 CFR 600.2</a>, 600.9(c), 668.2, and <b>the addition of <a href="#">34 CFR 668.50</a>, published December 19, 2016, at <a href="#">81 FR 92236</a>, is delayed until July 1, 2020.</b></p>

<p><a href="#">Streamlining the Administration of DART Royalty Accounts and Electronic Royalty Payment Processes, 83 Federal Register 32068, July 11, 2018</a></p>	<p><b>NOTICE OF PROPOSED RULEMAKING:</b> The Copyright Office is proposing to establish a regulation regarding its procedures for closing out royalty payments accounts under section 1005, and updating its regulations governing online payment procedures for cable, satellite, and digital audio recording technology (“DART”) statements of account to no longer require that payments be made in a single lump sum.  <b>COMMENTS DUE:</b> August 10, 2018</p>
<p><a href="#">Removal of Rules Governing Trademark Interferences, 83 Federal Register 33129, July 17, 2018</a></p>	<p><b>FINAL RULE:</b> The United States Patent and Trademark Office (USPTO or Office) amends the Rules of Practice in Trademark Cases to remove the rules governing trademark interferences. This rule arises out of the USPTO's work during FY 2017 to identify and propose regulations for removal, modification, and streamlining because they are outdated, unnecessary, ineffective, costly, or unduly burdensome on the agency or the private sector.  <b>EFFECTIVE DATE:</b> August 16, 2018</p>
<p><a href="#">Adjusting Program Fees for the Student and Exchange Visitor Program, 83 Federal Register 33762, July 17, 2018</a></p>	<p><b>NOTICE OF PROPOSED RULEMAKING:</b> The Department of Homeland Security (DHS) proposes to adjust fees charged by the Student and Exchange Visitor Program (SEVP) to individuals and organizations. DHS proposes to raise the fee for Student and Exchange Visitor Information System (SEVIS) Form I-901, Fee Remittance for Certain F, J, and M Nonimmigrants, for nonimmigrants seeking to become academic (F visa) or vocational (M visa) students from \$200 to \$350. For most categories of individuals seeking to become exchange (J visa) visitors, DHS proposes to increase the fee from \$180 to \$220. For those seeking admission as J exchange visitors in the au pair, camp counselor, and summer work or travel program participant categories, DHS proposes to maintain the fee at \$35. In addition to raising the student and exchange visitor fees, DHS proposes to increase the fee for submitting a school certification petition from \$1,700 to \$3,000. DHS proposes to maintain the fee for an initial school site visit at the current level of \$655, but clarify that, with the effective date of the rule, DHS would exercise its current regulatory authority to charge the site visit fee not only when a certified school changes its physical location, but also when it adds a new physical location or campus. DHS proposes to establish and clarify two new fees: a \$1,250 fee to submit a school recertification petition and a \$675 fee to submit an appeal or motion following a denial or withdrawal of a school petition. Adjusting fees would ensure fee levels are sufficient to</p>

	<p>recover the full cost of activities of the program and would establish a fairer balance of the recovery of SEVP operational costs between beneficiary classes.</p> <p><b>COMMENTS DUE:</b> September 17, 2018</p>
<p><a href="#">Student Assistance General Provisions, Federal Perkins Loan Program, Federal Family Education Loan Program, William D. Ford Federal Direct Loan Program, and Teacher Education Assistance for College and Higher Education Grant Program; Corrections, 83 Federal Register 34047, July 19, 2018</a></p>	<p><b>CORRECTION:</b> In the delay rule (<a href="#">83 FR 6458</a>), the list of regulations in the <b>DATES</b> section in the first column on page 6459, for which the effective date is delayed until July 1, 2019, inadvertently excluded § 685.300(b)(11), (b)(12), and (d) through (i). This notice corrects this omission.</p> <p><b>EFFECTIVE DATE:</b> This rule is effective July 19, 2018 except for amendatory instruction 3 which is effective July 1, 2019.</p>
<p><a href="#">Notice of New ED Matching Program for Student Loan Borrowers, 83 Federal Register 34126, July 19, 2018</a></p>	<p><b>NOTICE:</b> This provides notice of the re-establishment of the matching program between the U.S. Department of Education (Department) and the Social Security Administration (SSA). The purpose of the matching program is to assist the Department in facilitating borrowers who owe a balance on one or more student loans under title IV of the Higher Education Act of 1965, as amended (HEA), should they wish to do so, to more efficiently and effectively apply for a total and permanent disability (TPD) discharge of their student loans. The matching program also will assist the Department in allowing recipients of Teacher Education Assistance for College and Higher Education (TEACH) Grants under title IV of the HEA who are obligated to repay due to failure to complete their agreement to serve, should they wish to do so, to more efficiently and effectively apply for a TPD discharge of their agreement to serve.</p> <p><b>COMMENTS DUE:</b> August 20, 2018</p>
<p><a href="#">Definitions of Qualified Matching Contributions and Qualified Nonelective Contributions, 83 Federal Register 34469, July 20, 2018</a></p>	<p><b>FINAL REGLATIONS:</b> These regulations amend the definitions of qualified matching contributions (QMACs) and qualified nonelective contributions (QNECs) under regulations regarding certain qualified retirement plans that contain cash or deferred arrangements under section 401(k) or that provide for matching contributions or employee contributions under section 401(m). Under these regulations, an employer contribution to a plan may be a QMAC or QNEC if it satisfies applicable nonforfeitability requirements and distribution limitations at the time it is allocated to a participant's account, but need not meet these requirements or limitations when it is contributed to the plan. These regulations affect participants in, beneficiaries of, employers maintaining, and administrators of tax-qualified plans that contain cash or</p>

	<p>deferred arrangements or provide for matching contributions or employee contributions.  <b>EFFECTIVE DATE:</b> July 20, 2018</p>
<p><a href="#">HHS Guidance, 83 Federal Register 35278, July 25, 2018:</a></p> <ul style="list-style-type: none"> <li>- <a href="#">Scholarly and Journalistic Activities Deemed Not to be Research: 2018 Requirements</a></li> <li>- <a href="#">When Continuing Review is Not Required During 6-Month Delay Period of July 19, 2018 through January 20, 2019: 2018 Requirements</a></li> <li>- <a href="#">Elimination of Institutional Review Board Review of Research Applications and Proposals: 2018 Requirements</a></li> </ul>	<p><b>NOTICE:</b> The draft guidance documents, when finalized, will represent OHRP's current thinking on these topics. OHRP obtained input from HHS agencies and the Common Rule departments and agencies in developing the draft guidance documents.  <b>COMMENTS DUE:</b> August 24, 2018</p>
<p><a href="#">DoD Certificate Pertaining to Foreign Interest Form (SF 328), 83 Federal Register 35624, July 27, 2018</a></p>	<p><b>NOTICE:</b> Completion of the SF 328 (which will be designated as a Common Form allowing its use by other federal agencies) and submission of supporting documentation (e.g., company or entity charter documents, board meeting minutes, stock or securities information, descriptions of organizational structures, contracts, sales, leases and/or loan agreements and revenue documents, annual reports and income statements, etc.) is part of the eligibility determination for access to classified information and/or issuance of a Facility Clearance.  <b>COMMENTS DUE:</b> August 27, 2018</p>
<p><a href="#">Substantiation and Reporting Requirements for Cash and Noncash Charitable Contribution Deductions, 83 Federal Register 36417, July 30, 2018</a></p>	<p><b>FINAL REGULATIONS:</b> These final regulations provide guidance concerning substantiation and reporting requirements for cash and noncash charitable contributions. The final regulations reflect the enactment of provisions of the American Jobs Creation Act of 2004 and the Pension Protection Act of 2006.  <b>EFFECTIVE DATE:</b> July 30, 2018</p>
<p><a href="#">ED to Establish Negotiated Rulemaking Committee for Higher Ed Regulations, 83 Federal Register 36814, July 31, 2018</a></p>	<p><b>NOTICE:</b> ED intends to establish a negotiated rulemaking committee to prepare proposed regulations for the Federal Student Aid programs. The proposed topics for negotiation would include 1) Requirements for accrediting agencies in their oversight of member institutions, 2) Requirements for accrediting agencies to honor institutional mission, 3) Criteria used by the Secretary to recognize accrediting agencies, emphasizing criteria that focus on educational quality, 4) Developing a single definition for purposes of measuring and reporting job placement rates; and 5) Simplifying the Department's process for recognition and review of accrediting agencies.  In addition to developing proposed regulations on the core functions of accreditation, the committee would</p>

	<p>also develop proposed regulations in a number of areas to promote greater access for students to high-quality, innovative programs by revising a number of regulations.</p> <p>In addition, ED would convene 2 subcommittees to address proposed regulations for these issues: 1) direct assessment program/competency-based education programs and regulatory barriers to these programs, and 2) Revisions to the regulations regarding the eligibility of faith-based entities to participate in the title IV, HEA programs.</p> <p><b>COMMENTS DUE:</b> September 14, 2018</p> <p><b>PUBLIC HEARINGS WILL BE HELD</b> September 6th (Washington, DC), 11th (New Orleans, LA), and 13th (Sturtevant, WI), 2018</p>
<p><a href="#">Student Assistance General Provisions, Federal Perkins Loan Program, Federal Family Education Loan Program, and William D. Ford Federal Direct Loan Program – Institutional Accountability Regulations, 83 Federal Register 37242-37330, July 31, 2018</a></p>	<p><b>PROPOSED RULEMAKING:</b> The Secretary proposes to create Institutional Accountability regulations that would amend the regulations governing the William D. Ford Federal Direct Loan (Direct Loan) Program to establish a Federal standard for evaluating and a process for adjudicating borrower defenses to repayment for loans first disbursed on or after July 1, 2019, and provide for actions the Secretary may take to collect from schools financial losses due to successful borrower defense to repayment discharges. The Secretary also proposes to withdraw (i.e. rescind) certain amendments to the regulations already published but not yet effective.</p> <p>These proposed regulations are designed to:</p> <ul style="list-style-type: none"> <li>Provide students with a balanced, meaningful process that relies on a single, Federal standard rather than 50 State standards to ensure that borrower defense to repayment discharges are handled swiftly, carefully, and fairly;</li> <li>Encourage students to seek remedies from institutions that have committed acts or omissions that constitute misrepresentation and cause harm to the student;</li> <li>Ensure that institutions rather than taxpayers bear the burden of billions of dollars [1] in losses from approvals of borrower defense to repayment discharges;</li> <li>Enable institutions to respond to borrower defense to repayment claims and provide evidence to support their response;</li> <li>Discourage institutions from committing fraud or other acts or omissions that constitute misrepresentation or from closing precipitously;</li> </ul>

	<p>Enable the Department to properly evaluate institutional financial risk in order to protect students and taxpayers; Provide students with additional time to qualify for a closed school loan discharge; Address the concerns expressed by negotiators, as well as in a suit filed by an association against the Department, that large financial liabilities resulting from the unclear borrower defense standard in the 2016 final regulations could cripple or force the closure of colleges and universities, even as they produce positive outcomes for students and provide students with accurate and complete information relating to enrollment; Reduce uncertainty about the future of the Federal financial aid system itself due to the strain on the government of large numbers of borrower defense to repayment discharges; and Start Printed Page 37243</p> <p>Most of all, to ensure that millions of American students and borrowers are provided with accurate information to inform their enrollment decisions and to ensure that students are not subjected to narrowed educational options as a result of unwarranted school closures.</p> <p><b>COMMENTS DUE:</b> August 30, 2018</p>
<h2 style="background-color: #ffffcc; padding: 5px;">Virginia Register – July 2018</h2>	
<p><a href="#">8VAC20-22. Licensure Regulations for School Personnel (repealing 8VAC20-22-10 through 8VAC20-22-760); 8VAC20-23. Licensure Regulations for School Personnel (adding 8VAC20-23-10 through 8VAC20-23-800), VA Register of Regulations Volume 34, Issue 24, July 23, 2018</a></p>	<p><b>FINAL REGULATION:</b> Substantive elements of the regulations (i) revise selected definitions to conform with changes in the regulations; (ii) modify prescribed licensure requirements, including reducing the number of years of work experience required for a career switcher provisional license from five to three and extending the international educator license from three to five years; (iii) add new endorsement areas in mathematics, engineering, and special education; and (iv) increase rigor in the requirements for selected endorsement areas.</p> <p><b>EFFECTIVE DATE:</b> August 23, 2018</p>
<p><a href="#">8VAC20-542. Regulations Governing the Review and Approval of Education Programs in Virginia (repealing 8VAC20-542-10 through 8VAC20-542-600); 8VAC20-543. Regulations Governing the Review and Approval of Education Programs in Virginia (adding 8VAC20-543-10 through 8VAC20-543-640), VA Register of Regulations Volume 34, Issue 24, July 23, 2018</a></p>	<p><b>FINAL REGULATION:</b> The regulatory action repeals existing regulations (8VAC20-542) and adopts new regulations (8VAC20-543) regarding educational programs that prepare instructional personnel to be accredited and approved for licensure by the Board of Education.</p> <p>Substantive elements of the regulations focus on (i) revision of selected definitions to conform with changes in the regulations; (ii) modifications in administration of</p>

	<p>the regulations, including national accreditation for all approved Virginia professional education programs, increased rigor in biennial measures of accountability, and a new appeal process for programs falling below biennial standards to address areas of stipulation; (iii) addition of new educational program endorsement areas in mathematics, engineering, and special education; and (iv) increased rigor in professional studies requirements for selected education program endorsement areas.</p> <p><b>EFFECTIVE DATE:</b> August 23, 2018</p>
<p><a href="#">16VAC25-85. Recording and Reporting Occupational Injuries and Illnesses (amending 16VAC25-85-1904.0, 16VAC25-85-1904.4, 16VAC25-85-1904.29, 16VAC25-85-1904.32, 16VAC25-85-1904.33, 16VAC25-85-1904.34, 16VAC25-85-1904.35, 16VAC25-85-1904.40), VA Register of Regulations Volume 34, Issue 24, July 23, 2018</a></p>	<p><b>FINAL REGULATION:</b> In a final rule, federal Occupational Safety and Health Administration (OSHA) removed clarifying amendments to OSHA's recordkeeping regulations that (i) referenced an employer's continuing obligation to make and maintain an accurate record of each recordable injury and illness and (ii) gave OSHA the ability to issue citations to employers for failing to record work-related injuries and illnesses during the five-year retention period. These amendments became effective nationally on January 18, 2017, and in Virginia on May 15, 2017. Public Law 115-21 invalidated the amendments through a resolution of disapproval of OSHA's final rule entitled, "Clarification of Employer's Continuing Obligation to Make and Maintain an Accurate Record of Each Recordable Injury and Illness," informally referred to as the "Volks" rule. Removing the amendments restores the regulations to the preclarification rule, that is prior to the December 19, 2016, final rule.</p> <p><b>EFFECTIVE DATE:</b> September 15, 2018</p>
<p><a href="#">18VAC5-22. Board of Accountancy Regulations (amending 18VAC5-22-20), VA Register of Regulations Volume 34, Issue 24, July 23, 2018</a></p>	<p><b>FAST-TRACK REGULATION:</b> The board's rationale is to repeal regulations, or portions of regulations, that are unnecessary or no longer in use, and to make sure that the language of its regulations matches the language of its governing statutes. As the board is funded by the fees it collects, having an accurate and up-to-date fee schedule ensures that it can carry out its mission of protecting the welfare of citizens through a program of examination, licensure of individuals and CPA firms, consumer protection through enforcement action, continuing professional education, and peer review oversight.</p> <p><b>COMMENTS DUE:</b> August 22, 2018</p> <p><b>EFFECTIVE DATE:</b> September 6, 3018</p>
<p><a href="#">18VAC5-22. Board of Accountancy Regulations (amending 18VAC5-22-140), VA Register of Regulations Volume 34, Issue 24, July 23, 2018</a></p>	<p><b>FAST-TRACK REGULATION:</b> Chapter 287 of the 2015 Acts of Assembly amended § 54.1-4400 et seq. of the Code of Virginia to include "financial statement</p>

preparation services" as a level of service requiring a firm Certified Public Accountant (CPA) license. Consequently, the Board of Accountancy (Board) proposes to update continuing professional education (CPE) requirements so that CPAs who are releasing or authorizing the release of reports on all firm-level services annually complete 8 hours of CPE related to those services.

**COMMENTS DUE:** August 22, 2018

**EFFECTIVE DATE:** September 6, 2018