

## Federal Register – February 2020

[CFPB Statement of Policy Regarding Prohibition on Abusive Acts or Practices, 85 Federal Register 6733, February 6, 2020](#)

**POLICY STATEMENT:** Section 1031(a) of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act) provides that the Bureau of Consumer Financial Protection (Bureau) may use its supervisory and enforcement authority, among other things, to prevent a covered person or service provider from committing or engaging in an unfair, deceptive, or abusive act or practice under Federal law in connection with any transaction with a consumer for a consumer financial product or service, or the offering of a consumer financial product or service. Section 1031(d) of the Dodd-Frank Act sets forth general standards for when the Bureau may declare that an act or practice is abusive for purposes of the Dodd-Frank Act. Uncertainty remains as to the scope and meaning of abusiveness. This uncertainty creates challenges for covered persons in complying with the law. The Bureau wants to make sure that such uncertainty does not impede or deter the provision of otherwise lawful financial products or services that could be beneficial to consumers. To convey and foster greater certainty about the meaning of abusiveness, this general statement of policy (Policy Statement) provides a framework for the Bureau's exercise of its supervisory and enforcement authority to address abusive acts or practices.

**EFFECTIVE DATE:** January 24, 2020

[Patient Protection and Affordable Care Act; HHS Notice of Benefit and Payment Parameters for 2021; Notice Requirement for Non-Federal Governmental Plans, 85 Federal Register 7088, February 6, 2020](#)

**PROPOSED RULE:** This proposed rule sets forth payment parameters and provisions related to the risk adjustment and risk adjustment data validation programs; cost-sharing parameters and cost-sharing reductions; and user fees for federally-facilitated Exchanges and State-based Exchanges on the Federal platform. It also proposes changes related to essential health benefits and would provide states with additional flexibility in the operation and establishment of Exchanges. It includes proposed changes related to cost-sharing for prescription drugs; excepted benefit health reimbursement arrangements offered by non-Federal governmental plan sponsors; the medical loss ratio program; Exchange eligibility and enrollment; exemptions from the requirement to maintain coverage; quality rating information display standards for Exchanges; and other related topics. It also proposes to repeal regulations relating to the Early Retiree Reinsurance Program.

**COMMENTS DUE:** March 2, 2020

[Final National Occupational Research Agenda for Healthy Work Design and Well-Being, 85 Federal Register 6952, February 6, 2020](#)

**NOTICE OF AVAILABILITY:** NIOSH announces the availability of the final National Occupational Research Agenda for Healthy Work Design and Well-Being. The document may be obtained at the following link: <https://www.cdc.gov/nora/councils/hwd/research-agenda.html>.

[Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and](#)

**NOTICE:** In accordance with the Paperwork Reduction Act of 1995, ED is proposing a new information collection. Section 117 of the Higher Education Act of 1965 (HEA), as amended,

<p><a href="#">Approval; Comment Request; Foreign Gifts and Contracts Disclosures, 85 Federal Register 7540, February 10, 2020</a></p>	<p>provides that institutions of higher education must file a disclosure report with the Secretary of Education under the following circumstances: Whenever any institution is owned or controlled by a foreign source or receives a gift from or enters into a contract with a foreign source, the value of which is \$250,000 or more, considered alone or in combination with all other gifts from or contracts with that foreign source within a calendar year, the institution shall file a disclosure report with the Secretary on January 31 or July 31, whichever is sooner. (see <a href="https://www.govinfo.gov/content/pkg/USCODE-2017-title20/pdf/USCODE-2017-title20-chap28-subchapl-partB-sec1011e.pdf">https://www.govinfo.gov/content/pkg/USCODE-2017-title20/pdf/USCODE-2017-title20-chap28-subchapl-partB-sec1011e.pdf</a>).</p> <p>This collection of information is necessary to ensure that the Secretary receives sufficient information about gifts or contracts involving a foreign source, or about ownership or control of the institution by a foreign source, to be able to enforce 20 U.S.C. 1011f.</p> <p><b>COMMENTS DUE:</b> March 11, 2020</p>
<p><a href="#">Reexamination of the Comparative Standards and Procedures for Licensing Noncommercial Educational Broadcast Stations and Low Power FM Stations, 85 Federal Register 6952, February 12, 2020</a></p>	<p><b>FINAL RULE:</b> In this document, the Commission adopts changes to its rules and procedures to select and license competing applications for new noncommercial educational (NCE) broadcast stations and low power FM (LPFM) stations. The changes are designed to improve the comparative selection procedures, reduce confusion among future applicants, expedite the initiation of new service to the public, and eliminate unnecessary applicant burdens.</p> <p><b>EFFECTIVE DATE:</b> April 13, 2020</p>
<p><a href="#">Income Tax Withholding From Wages, 85 Federal Register 6952, February 13, 2020</a></p>	<p><b>NOTICE OF PROPOSED RULEMAKING:</b> This document sets forth proposed amendments to the Employment Tax Regulations (26 CFR part 31) under sections 3401 and 3402 of the Internal Revenue Code (Code). Generally, these proposed regulations update the regulations under sections 3401 and 3402 to conform to the changes to sections 3401 and 3402 made by the Tax Cuts and Jobs Act, Public Law 115-97, 131 Stat. 2054 (2017) (TCJA) and other legislation enacted since the regulations were last revised. In addition, these proposed regulations are designed to accommodate the redesigned 2020 Form W-4, "Employee's Withholding Certificate," and related wage withholding tables and computational procedures established by the IRS and reflected in Publication 15-T, "Federal Income Tax Withholding Methods."</p> <p><b>COMMENTS DUE:</b> April 13, 2020</p>
<p><a href="#">Copyright Office Fees, 85 Federal Register 9374, February 19, 2020</a></p>	<p><b>FINAL RULE:</b> The Copyright Office is publishing a final rule establishing adjusted fees for its services. The adjusted fees will recover a significant portion of the costs to the Office of registering copyright claims and provide greater cost recovery for certain other services provided by the Office. The new fee schedule reflects some increased and decreased fees, as well as some fees that the Office determined did not require adjustment. For example, under the new fee structure, the online Standard Application registration fee will increase from \$55 to \$65; the fee to register a group of published or unpublished photographs, however, will remain at \$55. In</p>

	<p>addition to fees for registration and recordation, this final rule establishes adjusted fees for special services and Licensing Division services.</p> <p><b>EFFECTIVE DATE:</b> March 20, 2020</p>
<p><a href="#">Request for Information: Public Access to Peer-Reviewed Scholarly Publications, Data and Code Resulting From Federally Funded Research, 85 Federal Register 9488, February 19, 2020</a></p>	<p><b>REQUEST FOR INFORMATION:</b> OSTP, and the National Science and Technology Council's (NSTC) Subcommittee on Open Science (SOS), are engaged in ongoing efforts to facilitate implementation and compliance with the 2013 memorandum Increasing Access to the Results of Federally Funded Scientific Research [1] and to address recommended actions made by the Government Accountability Office in a November 2019 report.[2] OSTP and the SOS continue to explore opportunities to increase access to unclassified published research, digital scientific data, and code supported by the U.S. Government. This RFI aims to provide all interested individuals and organizations with the opportunity to provide recommendations on approaches for ensuring broad public access to the peer-reviewed scholarly publications, data, and code that result from federally funded scientific research.</p> <p><b>COMMENTS DUE:</b> March 16, 2020</p>
<p><a href="#">Notice of EEOC Guidance Portal, 85 Federal Register 9765, February 20, 2020</a></p>	<p><b>NOTICE OF AVAILABILITY:</b> Pursuant to Executive Order 13891 and OMB Memorandum M-20-02, the Equal Employment Opportunity Commission (EEOC) is noticing the February 28, 2020 launch of a single, searchable, indexed database containing all EEOC guidance documents currently in effect.</p> <p><b>EFFECTIVE DATE:</b> February 28, 2020</p>
<p><a href="#">New Information Collection Being Reviewed by the Federal Communications Commission, 85 Federal Register 9769, February 20, 2020</a></p>	<p><b>NOTICE:</b> On December 12, 2018, the Commission adopted rules in FCC 18-177, Second Report and Order, published at 84 FR 11226, March 26, 2019, which contain new information collection requirements. Specifically, the Commission concluded that the obligation to provide permanent disconnect information will apply to all reporting carriers as defined in the Commission's numbering rules, which include wireless, wireline, and interconnected Voice over internet Protocol providers that obtain numbers from the North American Numbering Plan Administrator. As part of the Commission reporting requirements, reporting carriers must provide, among other things, the most recent date each North American Numbering Plan telephone number allocated or ported to the reporting carrier was permanently disconnected. The telephone number and date of permanent disconnection will allow voluntary users of the database to determine whether a number has been permanently disconnected prior to calling that number, thereby protecting against unwanted calls to consumers and potential Telephone Consumer Protection Act liability for callers. Reporting carriers and voluntary users of the reassigned numbers database may also need to provide contact information, including names, address, and telephone number, to enable the database administrator to contact the reporting carrier in case there are any issues with their submission</p> <p><b>COMMENTS DUE:</b> April 20, 2020</p>

<p><a href="#">Digital Performance Right in Sound Recordings and Ephemeral Recordings, 85 Federal Register 9663, February 20, 2020</a></p>	<p><b>FINAL RULE:</b> The Copyright Royalty Judges publish a final rule governing the rates and terms for the digital performances of sound recordings by new subscription services and for the making of ephemeral recordings necessary to facilitate those transmissions for the period commencing January 1, 2021, and ending on December 31, 2025.</p> <p><b>EFFECTIVE DATE:</b> January 1, 2021</p>
<p><a href="#">Agency Information Collection Activities: Comment Request; Grantee Reporting Requirements for NSF SBIR/STTR Program, 85 Federal Register 10196, February 21, 2020</a></p>	<p><b>NOTICE:</b> The National Science Foundation (NSF) is announcing plans to establish information collection titled “Evaluation of the Sustainability and Diffusion of the NSF ADVANCE Program.” The Phase II interim report will be required every six months for the life of the Phase II award. We will use this report to collect information on the technical progress of the funded NSF work, which will allow the managing Program Director to monitor the project and ensure that the award is in good standing. The report will also request a discussion of progress on other company aspects that would allow us to assess the broader and commercial impacts that are core to our review criteria. This report will also be used to ensure awardee compliance with both SBIR/STTR-wide and NSF-wide compliance requirements (such as lifecycle program certifications and requirements of our Phase II cooperative agreement instrument). Finally, it will be used to collect data that is required by the SBIR Policy Directive.</p> <p><b>COMMENTS DUE:</b> April 21, 2020</p>
<p><a href="#">Agency Information Collection Activities; Comment Request; ED Fiscal Operations Report for 2019-2020 and Application To Participate 2021-2022 (FISAP) and Reallocation Form, 85 Federal Register 10424, February 24, 2020</a></p>	<p><b>NOTICE:</b> The Higher Education Opportunity Act (HEOA) (Pub. L. 110-315) was enacted on August 14, 2008 and reauthorized the Higher Education Act of 1965, as amended, (HEA). It requires participating Title IV institutions to apply for funds and report expenditures for the Federal Perkins Loan (Perkins), the Federal Supplemental Educational Opportunity Grant (FSEOG) and the Federal Work-Study (FWS) Programs on an annual basis. The data submitted electronically in the Fiscal Operations Report and Application to Participate (FISAP) is used by the Department of Education to determine the institution's funding need for the award year and monitor program effectiveness and accountability of fund expenditures. The data is used in conjunction with institutional program reviews to assess the administrative capability and compliance of the applicant. There are no other resources for collecting this data. The HEA requires that if an institution anticipates not using all of its allocated funds for the FWS, and FSEOG programs by the end of an award year, it must specify the anticipated remaining unused amount to the Secretary, who reduces the institution's allocation accordingly. The changes to the version of the FISAP are to update the deadline and award year references, incorporate new data fields added to capture cumulative service cancellation reimbursement activity beginning in the 2019-20 award year under the Perkins Loan Program.</p> <p><b>COMMENTS DUE:</b> March 25, 2020</p>
<p><a href="#">ED Guidance Portal, 85 Federal Register 11056, February 26, 2020</a></p>	<p><b>NOTICE:</b> Through this notice, the Department announces the existence and location of its guidance portal. This guidance portal is meant to make it easy for the public and our</p>



<p><a href="#">13VAC5-63-520, 13VAC5-63-530, 13VAC5-63-540, 13VAC5-63-545; repealing 13VAC5-63-445), Volume 36, Issue 12, Virginia Register of Regulations, February 3, 2020</a></p>	<p>time, the Board of Housing and Community Development (BHCD) initiates a regulatory action to incorporate the newest editions of the model codes into the regulation as well as accepting proposals for changes to the regulation from affected client groups and the public. . See Register entry for proposed amendments.</p> <p><b>COMMENTS DUE:</b> April 6, 2020</p>
<p><a href="#">14VAC5-235. Rules Governing Health Insurance Balance Billing (adding 14VAC5-235-10, 14VAC5-235-20, 14VAC5-235-30), Volume 36, Issue 12, Virginia Register of Regulations, February 3, 2020</a></p>	<p><b>REPROPOSED REGULATION:</b> Pursuant to Chapter 432 of the 2019 Acts of Assembly, the action promulgates Rules Governing Health Insurance Balance Billing (14VAC5-235). The proposed provisions of the new chapter remove the burden of surprise balance billing from the covered person and allow the covered person to actively choose whether to receive health care services from an in-network or out-of-network provider at an in-network facility for nonemergency services. Changes in the repropoed regulation include (i) adding a definition of "balance bill" and clarifying the definition of "out-of-network provider" to include only provider groups, (ii) requiring that provider contracts include that the health carrier must notify a facility at least 30 days prior to the date any provider group at such facility will no longer be participating in the provider network in any one of the carrier's health benefit plans, (iii) adding a new provision that breach of a provider contract brought about by noncompliance with 14VAC5-235-20 A shall not constitute a material breach if the party at fault takes responsibility for the balance bill amount owed, and (iv) requiring that health carriers comply with 14VAC5-235-20 A as soon as practicable instead of within 90 days after the regulation becomes effective.</p> <p><b>COMMENTS DUE:</b> March 20, 2020</p>
<p><a href="#">18VAC115-20. Regulations Governing the Practice of Professional Counseling (amending 18VAC115-20-49).</a></p> <p><a href="#">18VAC115-50. Regulations Governing the Practice of Marriage and Family Therapy (amending 18VAC115-50-50).</a></p> <p><a href="#">18VAC115-60. Regulations Governing the Practice of Licensed Substance Abuse Treatment Practitioners (amending 18VAC115-60-60).</a></p>	<p><b>FINAL REGULATION:</b> The amendments provide a pathway for a foreign-trained graduate in counseling to obtain licensure as a professional counselor, a marriage and family therapist, or a substance abuse treatment practitioner in the Commonwealth. The amendments provide that graduates of programs that are not within the United States or Canada can qualify for licensure if the graduates can provide documentation from an acceptable credential evaluation service that allows the board to determine if the program meets the requirements set forth in the regulation.</p> <p><b>EFFECTIVE DATE:</b> March 4, 2020</p>