

Federal Register – May 2020

<p>Extension of Certain Timeframes for Employee Benefit Plans, Participants, and Beneficiaries Affected by the COVID-19 Outbreak, 85 Federal Register 26351, May 4, 2020</p> <p>Extension of Certain Timeframes for Employee Benefit Plans, Participants, and Beneficiaries Affected by the COVID-19 Outbreak</p>	<p>EXTENSION OF TIMEFRAMES: This document announces the extension of certain timeframes under the Employee Retirement Income Security Act and the Internal Revenue Code for group health plans, disability and other welfare plans, pension plans, and participants and beneficiaries of these plans during the COVID-19 National Emergency.</p> <p>EFFECTIVE DATE: May 4, 2020; consult FR document for specific deadlines.</p>
<p>Request for Comments on Revisions to Uniform Freedom of Information Act Fee Schedule and Guidelines, 85 Federal Register 26499, May 4, 2020</p>	<p>NOTICE: The Office of Management and Budget (OMB) is proposing revisions to sections of its Uniform Freedom of Information Act Fee Schedule and Guidelines (“Guidelines”) last published in 1987. This action is intended to provide Federal agencies with guidance on the appropriate and uniform application of FOIA processing fees. Among the revisions being proposed, OMB proposes to revise Section 8b. Educational and Non-commercial Scientific Institution Requesters to clarify that both teachers and students may be eligible for inclusion in this fee category</p> <p>COMMENTS DUE: June 3, 2020</p>
<p>Federal Acquisition Regulation: Applicability of Inflation Adjustments of Acquisition-Related Thresholds, 85 Federal Register 27088, May 6, 2020</p>	<p>FINAL RULE: DoD, GSA, and NASA are issuing a final rule amending the Federal Acquisition Regulation (FAR) to implement a section of the National Defense Authorization Act for Fiscal Year 2018 to make inflation adjustments of statutory acquisition-related thresholds applicable to existing contracts and subcontracts in effect on the date of the adjustment that contain the revised clauses in this rulemaking.</p> <p>EFFECTIVE DATE: June 5, 2020</p>
<p>Federal Acquisition Regulation; Federal Acquisition Circular 2020-06; Introduction, 85 Federal Register 27086, May 6, 2020</p> <p>Small Entity Compliance Guide</p>	<p>FINAL RULE: This document summarizes the Federal Acquisition Regulation (FAR) rules agreed to by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) in this Federal Acquisition Circular (FAC) 2020-06. A companion document, the Small Entity Compliance Guide (SECG), follows this FAC.</p>
<p>Copyright Office - Secure Tests, 85 Federal Register 27296, May 8, 2020</p>	<p>INTERIM RULE: The U.S. Copyright Office is issuing an interim rule amending its regulations governing the registration of copyright claims in secure tests in order to address a disruption caused by the COVID-19 pandemic. The Office has become aware that certain examinations that normally would qualify for registration as secure tests may be ineligible for this option because they currently are being administered remotely rather than at specified testing centers. The interim rule allows otherwise-eligible tests that are administered online during the national emergency to qualify as secure tests, provided the test administrator employs sufficient security measures. In addition, the Office is requesting public comment on the technological requirements needed for examination of secure test claims via secure teleconference. Finally, the Office is announcing its</p>

	<p>intention to issue guidelines according to which parties may request ex parte meetings with the Office in this proceeding.</p> <p>EFFECTIVE DATE: May 8, 2020</p> <p>COMMENTS DUE: June 8, 2020</p>
<p>Guidance Documents Related to Coronavirus Disease 2019 (COVID-19); Availability, 85 Federal Register 28010, May 12, 2020</p>	<p>NOTICE OF AVAILABILITY: The Food and Drug Administration (FDA or Agency) is announcing the availability of FDA guidance documents related to the Coronavirus Disease 2019 (COVID-19) public health emergency (PHE). This notice is pursuant to the process that FDA announced, in the Federal Register of March 25, 2020, for making available to the public COVID-19-related guidances. The guidances identified in this notice address issues related to the COVID-19 PHE and have been issued in accordance with the process announced in the March 25, 2020, document. The guidance documents have been implemented without prior comment, but they remain subject to comment in accordance with the Agency's good guidance practices.</p>
<p>IRS Denial of Deduction for Certain Fines, Penalties, and Other Amounts; Information With Respect to Certain Fines, Penalties, and Other Amounts, 85 Federal Register 28524, May 13, 2020</p>	<p>PROPOSED RULEMAKING: This document contains proposed regulations that provide guidance on section 162(f) of the Internal Revenue Code (Code), as amended by legislation enacted in 2017, concerning the deduction of certain fines, penalties, and other amounts. This document also contains proposed regulations that provide guidance relating to the information reporting requirements under new section 6050X of the Code with respect to those fines, penalties, and other amounts. The proposed regulations affect taxpayers that pay or incur amounts to, or at the direction of, governments, governmental entities or certain nongovernmental entities treated as governmental entities (nongovernmental entities) in relation to the violation of a law or investigations or inquiries by such governments, governmental entities, or nongovernmental entities into the potential violation of a law. The proposed regulations also affect governments, governmental entities, and nongovernmental entities subject to the related reporting requirement.</p> <p>COMMENTS DUE: July 13, 2020</p>
<p>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 29164, May 14, 2020</p>	<p>FINAL RULE: This final 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 finalizes changes related to essential health benefits and will provide states with additional flexibility in the operation and establishment of Exchanges. The rule includes changes related to cost sharing for prescription drugs; notice requirements for excepted benefit health reimbursement arrangements offered by non-Federal governmental plan sponsors; Exchange eligibility and enrollment; exemptions from the requirement to maintain coverage; quality rating information display standards for Exchanges; and other related topics. This final rule also repeals regulations relating to the Early Retiree Reinsurance Program.</p> <p>EFFECTIVE DATE: July 13, 2020</p>

<p>NSF Agency Information Collection Activities: Comment Request, 85 Federal Register 28987, May 14, 2020</p>	<p>NOTICE: NSF is seeking to collect additional information from NSF Emerging Frontiers in Research & Innovation Grantees about the outcomes of their research that goes above and beyond the standard reporting requirements used by the NSF and spans over a period of 5 years after the award. This data collection effort will enable program officers to longitudinally monitor outputs and outcomes given the unique goals and purpose of the program. This is very important to enable appropriate and accurate evidence-based management of the program and to determine whether or not the specific goals of the program are being met.</p> <p>COMMENTS: Within 30 days of publication</p>
<p>Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance – Response to Allegations of Sexual Harassment, 85 Federal Register 30026, May 19, 2020</p>	<p>FINAL RULE: The final regulations specify how recipients of Federal financial assistance covered by Title IX must respond to allegations of sexual harassment consistent with Title IX's prohibition against sex discrimination. The final regulations obligate recipients to respond promptly and supportively to persons alleged to be victimized by sexual harassment, resolve allegations of sexual harassment promptly and accurately under a predictable, fair grievance process that provides due process protections to alleged victims and alleged perpetrators of sexual harassment, and effectively implement remedies for victims. The final regulations also clarify and modify Title IX regulatory requirements regarding remedies the Department may impose on recipients for Title IX violations, the intersection between Title IX, Constitutional protections, and other laws, the designation by each recipient of a Title IX Coordinator to address sex discrimination including sexual harassment, the dissemination of a recipient's non-discrimination policy and contact information for a Title IX Coordinator, the adoption by recipients of grievance procedures and a grievance process, how a recipient may claim a religious exemption, and prohibition of retaliation for exercise of rights under Title IX.</p> <p>EFFECTIVE DATE: August 14, 2020</p>
<p>Amendment and Extension of Order Under Sections 362 and 365 of the Public Health Service Act; Order Suspending Introduction of Certain Persons From Countries Where a Communicable Disease Exists, 85 Federal Register 31503, May 26, 2020</p>	<p>NOTICE: The CDC announces the amendment of an Order issued on March 20, 2020 and extended on April 20, 2020 under Sections 362 and 365 of the Public Health Service Act, and associated implementing regulations, that temporarily suspends the introduction of certain aliens based on the Director's determination that introduction of aliens, regardless of their country of origin, migrating through Canada and Mexico into the United States creates a serious danger of the introduction of COVID-19 into the United States, and the danger is so increased by the introduction of such aliens that a temporary suspension is necessary to protect the public health. This amendment and extension was issued on May 20, 2020 and shall remain in effect until the CDC Director determines that the danger of further introduction of COVID-19 into the United States from covered aliens has ceased to be a serious danger to the public health, and the Order is no longer necessary to protect the public health.</p> <p>EFFECTIVE DATE: May 21, 2020</p>

<p>Agency Information Collection Activities; Comment Request; CARES Act, Recipient's Funding Certification and Agreement (Student Aid), 85 Federal Register 31753-4, May 27, 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 educations (IHEs). Section 18004(c) of the CARES Act requires the IHEs to use no less than fifty percent of the funds received to provide emergency financial aid grants to students for expenses related to the disruption of campus operations due to coronavirus (including eligible expenses under a student's cost of attendance such as food, housing, course materials, technology, health care, and child care). This information collection request includes the certification and agreement that must be submitted by an IHE in order to request student aid funds allocated under the CARES Act and outlines associated reporting requirements. The Department of Education is now requesting an extension of that emergency clearance under normal clearance procedures.</p> <p>COMMENTS DUE: July 27, 2020</p>
<p>Default Electronic Disclosure by Employee Pension Benefit Plans Under ERISA, 85 Federal Register 31884, May 27, 2020</p>	<p>FINAL RULE: The Department of Labor is adopting in this document a new, additional safe harbor for employee benefit plan administrators to use electronic media, as a default, to furnish information to participants and beneficiaries of plans subject to the Employee Retirement Income Security Act of 1974 (ERISA). The rule allows plan administrators who satisfy specified conditions to provide participants and beneficiaries with a notice that certain disclosures will be made available on a website, or to furnish disclosures via email. Individuals who prefer to receive disclosures on paper can request paper copies of disclosures and opt out of electronic delivery entirely. The Department expects the rule to enhance the effectiveness of ERISA disclosures and significantly reduce the costs and burden associated with furnishing many of the recurring and most costly disclosures. In addition to benefiting workers, this rule will immediately assist employers and the retirement plan industry as they face a number of economic challenges due to the COVID-19 emergency, including logistical and other impediments to compliance with ERISA's disclosure requirements.</p> <p>EFFECTIVE DATE: July 27, 2020</p>
<p>Income Tax Withholding on Certain Periodic Retirement and Annuity Payments Under Section 3405(a), 85 Federal Register 31714, May 27, 2020</p>	<p>NOTICE OF PROPOSED RULEMAKING: This document sets forth a proposed regulation that provides rules for Federal income tax withholding on certain periodic retirement and annuity payments to implement an amendment made by the Tax Cuts and Jobs Act. This proposed regulation would affect payors of certain periodic payments, plan administrators that are required to withhold on such payments, and payees who receive such payments.</p> <p>COMMENTS DUE: July 27, 2020</p>
<p>Guidance Under Section 6033 Regarding the Reporting Requirements of Exempt Organizations, 85 Federal Register 31959, May 28, 2020</p>	<p>FINAL RULE: This document contains final regulations updating information reporting regulations under section 6033 that are generally applicable to organizations exempt from tax under section 501(a) to reflect statutory amendments and certain grants of reporting relief for tax-exempt organizations required to file an annual Form 990 or 990-EZ information</p>

	<p>return that have been made since the previous regulations were adopted. The final regulations affect tax-exempt organizations.</p> <p>EFFECTIVE DATE: May 28, 2020</p>
<p>NSF New Information Collection; Improving Customer Experience (OMB Circular A-11, Section 280 Implementation), 85 Federal Register 32057, May 28, 2020</p>	<p>NOTICE: To support this, OMB Circular A-11 Section 280 established government-wide standards for mature customer experience organizations in government and measurement. To enable Federal Start Printed Page 32058 programs to deliver the experience taxpayers deserve, they must undertake three general categories of activities: Conduct ongoing customer research, gather and share customer feedback, and test services and digital products. These data collection efforts may be either qualitative or quantitative in nature or may consist of mixed methods. Additionally, data may be collected via a variety of means, including but not limited to electronic or social media, direct or indirect observation (i.e., in person, video and audio collections), interviews, questionnaires, surveys, and focus groups. DHS will limit its inquiries to data collections that solicit strictly voluntary opinions or responses. Steps will be taken to ensure anonymity of respondents in each activity covered by this request.</p> <p>COMMENTS DUE: July 27, 2020</p>
<p>Suspension of Entry as Immigrants and Nonimmigrants of Certain Additional Persons Who Pose a Risk of Transmitting 2019 Novel Coronavirus, 85 Federal Register 31933, May 28, 2020</p>	<p>PRESIDENTIAL PROCLAMATION: This proclamation includes the following provisions: The entry into the United States, as immigrants or nonimmigrants, of all aliens who were physically present within the Federative Republic of Brazil during the 14-day period preceding their entry or attempted entry into the United States is hereby suspended and limited (with some exceptions outlined).</p> <p>EFFECTIVE DATE: May 26, 2020</p>
<p>DOD Guidance Documents, 85 Federal Register 32296, May 29, 2020</p>	<p>FINAL RULE: This final rule codifies the Department's policies and procedures regarding guidance documents. The policies and procedures in this final rule apply to all non-exempt DoD guidance documents, which DoD defines in § 339.1. These procedures require all DoD guidance documents to receive appropriate coordination and review.</p> <p>EFFECTIVE DATE: May 29, 2020</p>
<h2 style="background-color: #ffff00; padding: 5px;">Virginia Register – May 2020</h2>	
<p>19VAC30-20. Motor Carrier Safety Regulations (amending 19VAC30-20-40, 19VAC30-20-70, 19VAC30-20-80, 19VAC30-20-130, 19VAC30-20-150, 19VAC30-20-220 through 19VAC30-20-250, 19VAC30-20-300; repealing 19VAC30-20-20, 19VAC30-20-30), Virginia Register of Regulations, Volume 36, Issue 20, May 25, 2020</p>	<p>FINAL REGULATION: The amendments align Virginia's Motor Carrier Safety Regulations, 19VAC30-20, with the Federal Motor Carrier Safety Regulations and include (i) clarifying an incorporation by reference and a valid (V) restriction on a commercial driving license, (ii) conforming acceptable notice delivery methods (electronic) to those accepted in federal regulation and in statute, (iii) adding intermodal equipment to vehicle requirements, and (iv) making minor changes to correct spelling and grammatical errors.</p> <p>EFFECTIVE DATE: July 1, 2020</p>

[16VAC25-60. Administrative Regulation for the Virginia Occupational Safety and Health Program \(amending 16VAC25-60-260, Virginia Register of Regulations, Volume 36, Issue 20, May 1, 2020\)](#)

FINAL REGULATION: The amendments conform the regulation to § 40.1-51.1 D of the Code of Virginia, which was amended pursuant to Chapter 336 of the 2016 Acts of Assembly to align with 29 CFR 1904.39(a)(2).

EFFECTIVE DATE: May 11, 2020