

Federal Register – September 2020

[Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Annual Performance Report for Titles III, V, and VII Grants, 85 Federal Register 54362, September 1, 2020](#)

NOTICE: Reinstatement with change of a previously existing information collection. Titles III, V, and VII of the Higher Education Act of 1965, as amended (HEA), provide discretionary and formula grant programs that make competitive awards to eligible institutions of higher education and organizations (Title III, Part E) to assist these institutions with expanding their capacity to serve minority and low-income students. Grantees annually submit a performance report to demonstrate that substantial progress is being made towards meeting the objectives of their project.

COMMENTS DUE: October 1, 2020

[EBSA -Registration Requirements for Pooled Plan Providers, 85 Federal Register 54288, September 1, 2020](#)

PROPOSED RULE: This proposed rule would establish the requirements for registering with the Department of Labor as a “pooled plan provider” for “pooled employer plans” under sections 3(43) and 3(44) of the Employee Retirement Income Security Act of 1974, as amended (ERISA). The Setting Every Community Up for Retirement Enhancement Act of 2019 (SECURE Act) provides that newly permitted “pooled plan providers” can begin offering “pooled employer plans” on January 1, 2021, but requires such persons to register with the Secretary of Labor before beginning operations. The proposed rule would also establish a new form—EBSA Form PR (Pooled Plan Provider Registration)—as the required filing format for pooled plan provider registrations. Filing the proposed Form PR with the Department of Labor would also satisfy the SECURE Act requirement to register with the Treasury Department. The proposed rule would affect persons wishing to serve as pooled plan providers, employee defined contribution pension benefit plans that are operated as pooled employer plans, employers participating in such plans, and participants and beneficiaries covered by such plans.

COMMENTS DUE: October 1, 2020

[Distance Education and Innovation, 85 Federal Register 54742, September 2, 2020](#)

FINAL REGULATIONS: The Secretary amends the general, establishing eligibility, maintaining eligibility, and losing eligibility sections of the Institutional Eligibility regulations issued under the Higher Education Act of 1965, as amended (HEA), related to distance education and innovation. In addition, the Secretary amends the Student Assistance General Provisions regulations issued under the HEA.

EFFECTIVE DATE: July 1, 2021

[IRS Comment Request for the Annual Return/Report of Employee Benefit Plan, 85 Federal Register 55077, September 3, 2020](#)

NOTICE: The Annual Return/Report of Employee Benefit Plan is an annual information return filed by employee benefit plans. IRS proposes changes to the 2021 Form 5500s and instructions per SECURE Act 201.

COMMENTS DUE: November 2, 2020

[Notice of Request for Information on STEM Education, 85 Federal Register 55323, September 4, 2020](#)

NOTICE: On behalf of the National Science and Technology Council's (NSTC's) Committee on STEM Education (CoSTEM) and in coordination with the White House Office of Science and

	<p>Technology Policy (OSTP), the National Science Foundation (NSF) requests input related to the implementation of the Federal STEM Education Strategic Plan, Charting a Course For Success: America's Strategy for STEM Education.</p> <p>COMMENTS DUE: October 19, 2020</p>
<p>Notice Reopening the Application Period; Applications for Funding under 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 55266, September 4, 2020</p>	<p>NOTICE: The Secretary is reopening the application period for institutions of higher education (IHEs) intending to apply for HEERF, CARES Act funds. The Secretary takes this action to allow eligible applicants 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.</p> <p>DEADLINE: September 30, 2020</p>
<p>ED Administrative Priority and Definitions for Discretionary Grant Programs, 85 Federal Register 55439, September 8, 2020</p>	<p>NOTICE: The Secretary of Education proposes to establish a priority and definitions for discretionary grant programs that would promote the use of the Department of Education's (the Department's) discretionary grants funds to support remote learning (as defined in this notice). This is not a solicitation for applications.</p> <p>COMMENTS DUE: October 8, 2020</p>
<p>FDA Guidance Documents Related to Coronavirus Disease 2019; Availability, 85 Federal Register 55678, September 9, 2020</p>	<p>NOTICE: 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, notice.</p>
<p>US Census; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Annual Capital Expenditures Survey – Revision, 85 Federal Register 55821, September 10, 2020</p>	<p>NOTICE: The U.S. Census Bureau plans to conduct the 2020 through 2022 Annual Capital Expenditures Survey (ACES). This survey collects data on fixed assets and depreciation, sales and receipts, capitalized computer software, capitalized robotic equipment and capital expenditures for new and used structures and equipment. The revisions will all content related to the coronavirus pandemic, integrating annual surveys, and robotic equipment expenditures.</p> <p>COMMENTS DUE: November 9, 2020</p>
<p>Advanced Methods To Target and Eliminate Unlawful Robocalls, 85 Federal Register 56504, September 14, 2020</p>	<p>FINAL RULE: The Commission adopts two safe harbors for voice service providers that block calls in certain situations, and adopts certain measures to ensure that erroneous blocking is quickly remedied. Specifically, the Commission adopts a safe harbor from liability under the Communications Act and the Commission's rules for terminating voice service providers that block calls on an opt-out basis based on reasonable analytics designed to identify unwanted calls, so long as those take into account information provided by caller ID authentication where available for a particular call. Second, the Commission adopts a safe harbor enabling voice service providers to block traffic from bad-actor upstream voice service providers that continue to allow unwanted calls to traverse their networks. Finally, the Commission requires that blocking providers furnish a single point of contact to resolve unintended or inadvertent blocking, and emphasizes that, when blocking, they should make all reasonable efforts to ensure that critical calls, such as those from Public Safety Answering Points (PSAPs), are not blocked and that they should never block calls to 911.</p> <p>EFFECTIVE DATE: October 14, 2020</p>

<p>Limitation on Deduction for Business Interest Expense, 85 Federal Register 56686, September 14, 2020</p>	<p>FINAL REGULATIONS: This document contains final regulations providing guidance about the limitation on the deduction for business interest expense after amendment of the Internal Revenue Code (Code) by the provisions commonly known as the Tax Cuts and Jobs Act, which was enacted on December 22, 2017, and the Coronavirus Aid, Relief, and Economic Security Act, which was enacted on March 27, 2020. The regulations provide guidance to taxpayers on how to calculate the limitation, what constitutes interest for purposes of the limitation, which taxpayers and trades or businesses are subject to the limitation, and how the limitation applies in consolidated group, partnership, international, and other contexts.</p> <p>EFFECTIVE DATE: November 13, 2020</p>
<p>Federal Acquisition Regulation: Maximizing Use of American-Made Goods, Products, and Materials, 85 Federal Register 56558, September 14, 2020</p>	<p>PROPOSED RULE: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to implement an Executive order (E.O.) addressing domestic preferences in Government procurement.</p> <p>COMMENTS DUE: November 13, 2020</p>
<p>NEH Processes and Procedures for Issuing Guidance Documents, 85 Federal Register 56504, September 14, 2020</p>	<p>FINAL RULE: This final rule sets forth the National Endowment for the Humanities' (NEH) internal policies and procedures governing the issuance of guidance documents as required by Executive Order 13891, "Promoting the Rule of Law Through Improved Agency Guidance Documents" (E.O. 13891).</p> <p>EFFECTIVE DATE: October 14, 2020</p>
<p>Notice for a Collaboration Between Universities and the FMCS, 85 Federal Register 56507, September 14, 2020</p>	<p>FINAL ACTION: As a policy initiative, FMCS is collaborating with colleges and universities to exchange alternative dispute resolution research and techniques. No comments were received during the comment period. To access and review all the documents related to the information collection listed in this notice, please use http://www.regulations.gov by searching the Docket ID number FMCS-2020-0003-0001.</p> <p>EFFECTIVE DATE: 30 days after publication</p>
<p>Agency Information Collection Activities: Requests for Comments; Clearance of New Approval of Information Collection: Survey of Unmanned-Aircraft-Systems Operators, 85 Federal Register 57287, September 15, 2020</p>	<p>NOTICE: Survey consists of a voluntary questionnaire administered online. Registrants within the FAA's UAS registry under Part 107 and Section 349 are invited to complete the online questionnaire via email. The email contains a personalized link to the questionnaire hosted by Survey Monkey. The questionnaire contains:</p> <p>6 questions on general flight behavior, 4 questions about the number and types of UAS operated, 6 questions for respondents who identify as commercial operators, and 7 questions for respondents who identify as operating for public safety agencies.</p> <p>The data obtained from the survey will be used to develop national forecasts of UAS activity. Summary data from the proposed survey will be included in the Aviation Forecast published annually by the FAA.</p> <p>COMMENTS DUE: October 12, 2020</p>

<p>Implementation of the National Suicide Hotline Improvement Act of 2018, 85 Federal Register 57767, September 16, 2020</p>	<p>FINAL RULE: The Federal Communications Commission designates 988 as a simple, easy-to-remember, 3-digit dialing code for a national suicide prevention and mental health crisis hotline. All covered providers are required to implement 988 in their networks by July 16, 2022.</p> <p>EFFECTIVE DATE: October 16, 2020</p>
<p>Music Modernization Act Notices of License, Notices of Nonblanket Activity, Data Collection and Delivery Efforts, and Reports of Usage and Payment, 85 Federal Register 58114, September 17, 2020</p>	<p>INTERIM RULE: The U.S. Copyright Office is issuing an interim rule regarding information to be provided by digital music providers pursuant to the new compulsory blanket license to make and deliver digital phonorecords of musical works established by title I of the Orrin G. Hatch-Bob Goodlatte Music Modernization Act. The law establishes a new blanket license, to be administered by a mechanical licensing collective, and to become available on the January 1, 2021 license availability date. Having solicited multiple rounds of public comments through a notification of inquiry and notice of proposed rulemaking, the Office is adopting interim regulations concerning notices of license, data collection and delivery efforts, and reports of usage and payment by digital music providers. The Office is also adopting interim regulations concerning notices of nonblanket activity and reports of usage by significant nonblanket licensees and data collection efforts by musical work copyright owners</p> <p>EFFECTIVE DATE: October 19, 2020</p>
<p>The Public Musical Works Database and Transparency of the Mechanical Licensing Collective, 85 Federal Register 58170, September 17, 2020</p>	<p>PROPOSED RULE: The U.S. Copyright Office is issuing a notice of proposed rulemaking regarding the Musical Works Modernization Act, title I of the Orrin G. Hatch-Bob Goodlatte Music Modernization Act. Title I establishes a blanket compulsory license, which digital music providers may obtain to make and deliver digital phonorecords of musical works. The law establishes a new blanket license to become available on the January 1, 2021 license availability date that will be administered by a mechanical licensing collective, which will make available a public musical works database as part of its statutory duties. Having solicited public comments through previous notifications of inquiry, through this notice the Office is proposing regulations concerning the new blanket licensing regime, including prescribing categories of information to be included in the public musical works database, as well as rules related to the usability, interoperability, and usage restrictions of the database. The Office is also proposing regulations in connection with its general regulatory authority related to ensuring appropriate transparency of the mechanical licensing collective itself.</p> <p>COMMENTS DUE: October 19, 2020</p>
<p>ED Information Collection - Third Party Servicer Data Collection, 85 Federal Register 58042, September 17, 2020</p>	<p>NOTICE: The Department of Education (the Department) is seeking a revision of the OMB approval of a Third Party Servicer Data Form. This form collects information from third party servicers. 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</p>

	<p>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.</p> <p>COMMENTS DUE: November 16, 2020</p>
<p>Deferred-Fee Provisional Patent Application Pilot Program and Collaboration Database To Encourage Inventions Related To COVID-19, 85 Federal Register 58038, September 17, 2020</p>	<p>NOTICE: Patents and published patent applications provide a key source of free-flowing technical information among the world's brightest minds, thus promoting further innovation. The United States Patent and Trademark Office (USPTO or Office) recognizes that its charge to issue high-quality patents to inventors goes hand-in-hand with dissemination of this important information. Such information flow is now more important than ever in view of the urgent challenges posed by COVID-19. Therefore, the USPTO is implementing a deferred-fee provisional patent application pilot program (the program) to promote the expedited exchange of information about inventions designed to combat COVID-19. Under this program, the USPTO will permit applicants to defer payment of the provisional application filing fee until the filing of a corresponding nonprovisional application. In turn, applicants must agree that the technical subject matter disclosed in their provisional applications will be made available to the public via a searchable collaboration database maintained on the USPTO's website. To qualify for the program, the subject matter disclosed in the provisional application must concern a product or process related to COVID-19, and such product or process must be subject to an applicable Food and Drug Administration (FDA) approval for COVID-19 use, whether such approval has been obtained, is pending, or will be sought prior to marketing the subject matter for COVID-19.</p> <p>COMMENTS DUE: November 16, 2020</p>
<p>Virginia Graeme Baker Pool and Spa Safety Act Drain Cover Standard, 85 Federal Register 58263, September 18, 2020</p>	<p>FINAL RULE: On May 24, 2019, the Consumer Product Safety Commission (Commission, or CPSC) issued a direct final rule incorporating sections of APSP-16 2017 as the successor drain cover standard under the Virginia Graeme Baker Pool and Spa Safety Act (VGBA, or Act). We are publishing this final rule to delay the effective date of the CPSC's mandatory standard for drain covers, due to the COVID-19 pandemic.</p> <p>DELAYED EFFECTIVE DATE: May 24, 2021</p>
<p>Type Certification of Certain Unmanned Aircraft Systems, 85 Federal Register 58251, September 18, 2020</p>	<p>NOTICE: The Federal Aviation Administration announces its policy for the type certification of certain unmanned aircraft systems as a special class of aircraft.</p> <p>EFFECTIVE DATE: September 18, 2020</p>
<p>Setting and Adjusting Patent Fees During Fiscal Year 2020; Correction, 85 Federal Register 58282, September 18, 2020</p>	<p>FINAL RULE: The United States Patent and Trademark Office (Office or USPTO) makes corrections to a final rule that set or adjusted patent fees that was published on August 3, 2020. This rule fixes typographical errors and makes other nonsubstantive changes to improve clarity in the regulations.</p> <p>EFFECTIVE DATE: October 2, 2020</p>
<p>Information Collection Requirement; Defense Federal Acquisition Regulation Supplement; Part 15 Negotiation, 85 Federal Register 59293, September 21, 2020</p>	<p>NOTICE: DFARS 215.403-5 provides contractors with guidance for the submittal of forward pricing rate proposals, and includes a checklist for contractors to use in preparing their proposals. The checklist is submitted to DoD with the forward pricing rate</p>

	<p>proposal. The purpose of this information collection is to improve the efficiency of the negotiations process by ensuring the submission of thorough, accurate, and complete forward pricing rate proposals. If the contracting officer determines that a forward pricing rate proposal should be obtained pursuant to Federal Acquisition Regulation 42.1701, then contractors following the contract cost principles for commercial organizations in FAR subpart 31.2 will be required to submit a forward pricing rate proposal that complies with Federal Acquisition Regulation 15.408, Table 15-2, and DFARS 215.403-5 and 215.407-5-70. The forward pricing rate proposal adequacy checklist at Table 215.403-1 is used by the contracting officer and the contractor to ensure the proposal is complete. The completed forward pricing rate proposal adequacy checklist will be submitted to DoD with the forward pricing rate proposal.</p> <p>COMMENTS DUE: November 20, 2020</p>
<p>Schools and Libraries Universal Service Support Mechanism, 85 Federal Register 59196, September 21, 2020</p>	<p>FINAL RULE: In this document, the Wireline Competition Bureau (Bureau) adopts, on an emergency basis, temporary rules to provide immediate relief to schools that participate in the E-Rate program as they continue to contend with the ongoing disruptions caused by the pandemic. These temporary rules make available additional E-Rate funding to schools in funding year 2020 to purchase additional bandwidth needed to meet the unanticipated and increased demand for on-campus connectivity resulting from the COVID-19 pandemic.</p> <p>EFFECTIVE DATE: September 21, 2020</p>
<p>Notice of Proposed Information Collection Requests: National Collections Assessment Program, 85 Federal Register 59333, September 21, 2020</p>	<p>NOTICE: The Institute of Museum and Library Services (IMLS), as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act. This pre-clearance consultation program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. The purpose of this notice is to solicit comments concerning a plan to offer a national collections assessment program to provide small and midsize museums with technical support to evaluate the condition of their collections and the environmental conditions in which they are housed. A copy of the proposed information collection request can be obtained by contacting the individual listed below in the ADDRESSES section of this notice.</p> <p>COMMENTS DUE: November 13, 2020</p>
<p>Agency Information Collection Activities; Submission for OMB Review; Comment Request; Paid Leave Under the Families First Coronavirus Response Act, 85 Federal Register 59330, September 21, 2020</p>	<p>NOTICE: The Department of Labor (DOL) is submitting this Wage and Hour Division (WHD)-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. DOL seeks PRA authorization for this</p>

	<p>information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.</p> <p>COMMENTS DUE: October 21, 2020</p>
<p>HHS Agency Information Collection Request. 60-Day Public Comment Request, 85 Federal Register 59537, September 22, 2020</p>	<p>NOTICE: The Office of the Assistant Secretary for Health, Office for Human Research Protections is requesting approval for three years of a new information collection on the OHRP Incident Report Form. This form will facilitate prompt reporting of specific human subject protection incidents to Start Printed Page 59538OHRP by organizations and institutions conducting or reviewing human subject research, and will provide a simplified standardized format for the reports. The information collected on the form will help OHRP to ensure the safety of human research subjects involved in non-exempt HHS-conducted or—supported research and to ensure that the research is conducted in accordance with the HHS Protection of Human Subjects regulations at 45 CFR part 46.</p> <p>COMMENTS DUE: November 23, 2020</p>
<p>Direct Grant Programs, State-Administered Formula Grant Programs, Non Discrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, Developing Hispanic-Serving Institutions Program, Strengthening Institutions Program, Strengthening Historically Black Colleges and Universities Program, and Strengthening Historically Black Graduate Institutions Program, 85 Federal Register 59537, September 23, 2020</p>	<p>FINAL RULE: In response to Executive Order 13864 (Improving Free Inquiry, Transparency, and Accountability at Colleges and Universities), the Department of Education revises its current regulations to encourage institutions of higher education to foster environments that promote open, intellectually engaging, and diverse debate, including through compliance with the First Amendment to the U.S. Constitution for public institutions and compliance with stated institutional policies regarding freedom of speech, including academic freedom, for private institutions. These regulations also require a public institution to not deny a religious student organization any of the rights, benefits, or privileges that are otherwise afforded to other student organizations. In response to recent decisions from United States Supreme Court's decisions, the Department revises its current regulations regarding grant programs authorized under titles III and V of the Higher Education Act of 1965, as amended (HEA), and the eligibility of students to obtain certain benefits under those programs. The Department also revises its current regulations to clarify how educational institutions may demonstrate that they are controlled by a religious organization to qualify for the exemption provided under Title IX, 20 U.S.C. 1681(a)(3), to the extent Title IX or its implementing regulations would not be consistent with the religious tenets of such organization.</p> <p>EFFECTIVE DATE: November 23, 2020</p>
<p>Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Longitudinal Employer-Household Dynamics (LEHD), 85 Federal Register 60418, September 25, 2020</p>	<p>NOTICE: The Department of Commerce, in accordance with the Paperwork Reduction Act of 1995 (PRA), invites the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. The purpose of this notice is to allow for 60 days of public comment on the proposed extension of the Longitudinal Employer-Household</p>

	<p>Dynamics data collection, prior to the submission of the information collection request (ICR) to OMB for approval. COMMENTS DUE: November 24, 2020</p>
<p>CARES Act Information Collection Activities - EXTENSION; Submission to the Office of Management and Budget for Review and Approval; Comment Request, 85 Federal Register 60447, September 25, 2020</p>	<p>NOTICE: Section 18004(a)(2) of the CARES Act, Public Law 116-136 (March 27, 2020), 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 institutions of higher education (IHEs) that the Secretary determines have the greatest unmet needs related to coronavirus. COMMENTS DUE: October 26, 2020</p>
<p>Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Recipient's Funding Certification and Agreement CARES Act, 85 Federal Register 60447, September 25, 2020</p>	<p>NOTICE: The Department of Education (the Department) is requesting clearance to allow for immediate outreach to institutions of higher educations (IHEs) to meet the requirements of the CARES Act. Section 18004(a)(1) of the CARES Act, Public Law 116-136 (March 27, 2020), authorizes the Secretary of Education (“Secretary”) 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). COMMENTS DUE: October 26, 2020</p>
<p>Establishing a Fixed Time Period of Admission and an Extension of Stay Procedure for Nonimmigrant Academic Students, Exchange Visitors, and Representatives of Foreign Information Media, 85 Federal Register 60526, September 25, 2020</p>	<p>PROPOSED RULE: DHS believes that the admission of F, J, and I nonimmigrants for D/S is no longer appropriate. With this notice of proposed rulemaking (NPRM), DHS proposes to replace the D/S framework for F, J, and I nonimmigrants with an admission period with a specific date upon which an authorized stay ends. Nonimmigrants who would like to stay in the United States beyond their fixed date of admission would need to apply directly with DHS for an extension of stay.[13] DHS anticipates that many F, J, and I nonimmigrants would be able to complete their activities within their period of admission. However, those who could not generally would be able to request an extension to their period of admission from an immigration officer. In addition, as proposed, certain categories of aliens would be eligible for shorter periods of admission based on national security, fraud, or overstay concerns but like all aliens with fixed admission periods, would have a specific date upon which they would be required to depart the United States or would need to apply to DHS to have their continued eligibility for F, J, or I status reviewed by immigration officers. DHS believes that this process would help to mitigate risks posed by foreign adversaries who seek to exploit these programs. COMMENTS DUE: October 26, 2020</p>

[Independent Contractor Status Under the Fair Labor Standards Act, 85 Federal Register 60600, September 25, 2020](#)

PROPOSED RULE: The Department proposes to introduce a new part to Title 29 of the Code of Federal Regulations setting forth its interpretation of the FLSA as relevant to the question whether workers are “employees” or are independent contractors under the Act. The proposed regulations would adopt general interpretations to which courts and the Department have long adhered. The proposed regulations would also explain that the inquiry into economic dependence is conducted through application of several factors, with no one factor being dispositive, and that actual practices are entitled to greater weight than what may be contractually or theoretically possible. The Department proposes to sharpen this inquiry into five distinct factors, instead of the five or more overlapping factors used by most courts and the Department previously. Moreover, consistent with the FLSA’s text, its purpose, and the Department’s experience administrating and enforcing it, the Department proposes that two of those factors—the nature and degree of the worker’s control over the work and the worker’s opportunity for profit or loss—should be more probative of the question of economic dependence or lack thereof, and thus are afforded greater weight in the analysis than any others.

COMMENTS DUE: October 26, 2020

[Paid Leave Under the Families First Coronavirus Response Act, 85 Federal Register 57677, September 16, 2020](#)

TEMPORARY RULE: The Secretary of Labor (“Secretary”) is promulgating revisions and clarifications to the temporary rule issued on April 1, 2020, implementing public health emergency leave under Title I of the Family and Medical Leave Act (FMLA) and emergency paid sick leave to assist working families facing public health emergencies arising out of the Coronavirus Disease 2019 (COVID-19) global pandemic, in response to an August 3, 2020 district court decision finding certain portions of that rule invalid. Both types of emergency paid leave were created by a time-limited statutory authority established under the Families First Coronavirus Response Act (FFCRA), and are set to expire on December 31, 2020. The FFCRA and its implementing regulations, including this temporary rule, do not affect the FMLA after December 31, 2020.

EFFECTIVE DATE: September 16, 2020

[Executive Order 13950: Combating Race and Sex Stereotyping, 85 Federal Register 60683, September 22, 2020](#)

EXECUTIVE ORDER: It shall be the policy of the United States not to promote race or sex stereotyping or scapegoating in the Federal workforce or in the Uniformed Services, and not to allow grant funds to be used for these purposes. In addition, Federal contractors will not be permitted to inculcate such views in their employees. The heads of all agencies shall review their respective grant programs and identify programs for which the agency may, as a condition of receiving such a grant, require the recipient to certify that it will not use Federal funds to promote the concepts that Start Printed Page 60687(a) one race or sex is inherently superior to another race or sex; (b) an individual, by virtue of his or her race or sex, is inherently racist, sexist, or oppressive, whether consciously or unconsciously; (c) an individual should be discriminated against or receive adverse treatment solely or partly because of his or

	<p>her race or sex; (d) members of one race or sex cannot and should not attempt to treat others without respect to race or sex; (e) an individual's moral character is necessarily determined by his or her race or sex; (f) an individual, by virtue of his or her race or sex, bears responsibility for actions committed in the past by other members of the same race or sex; (g) any individual should feel discomfort, guilt, anguish, or any other form of psychological distress on account of his or her race or sex; or (h) meritocracy or traits such as a hard work ethic are racist or sexist, or were created by a particular race to oppress another race.</p> <p>EFFECTIVE DATE: Immediately</p>
<p>DOD Administration and Support of Basic Research, 85 Federal Register 60910, September 29, 2020</p>	<p>FINAL RULE: The DoD rule at 32 CFR part 272, last updated on September 23, 2005 (70 FR 55726), is internal to the DoD and does not need to be codified in the CFR. Based on a recommendation from the DoD Regulatory Reform Task Force, this part is removed. It has been determined that publication of this CFR part removal for public comment is impracticable, unnecessary, and contrary to public interest since it is based on removing DoD internal policies and procedures that are publicly available on the Department's issuance website. DoD internal guidance concerning administration and support of basic research by the DoD will continue to be updated and maintained in DoD Instruction 3210.1, "Administration and Support of Basic Research by the Department of Defense," last updated on October 15, 2018 (available at http://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodi/321001p.pdf).</p> <p>EFFECTIVE DATE: September 29, 2020</p>
<p>Guidance Regarding Department of Education Grants and Executive Order 13798 (Promoting Free Speech and Religious Freedom), 85 Federal Register 61736, September 30, 2020</p>	<p>NOTICE: The Department publishes this guidance, dated August 7, 2020, pursuant to a memorandum from the Office of Management and Budget (OMB) directing all grant administering agencies to publish policies detailing how they will administer Federal Grants in compliance with Executive Order 13798, titled "Promoting Free Speech and Religious Liberty," the Attorney General's October 6, 2017 Memorandum on Federal Law Protections for Religious Liberty, and OMB's Memorandum.</p>
<h2>Virginia Register – September 2020</h2>	
<p>18VAC90-19, Regulations Governing the Practice of Nursing, Volume 37, Issue 1, August 31, 2020</p>	<p>NOTICE: Notice is hereby given in accordance with § 2.2-4007.01 of the Code of Virginia that the Board of Nursing intends to consider amending 18VAC90-19, Regulations Governing the Practice of Nursing. The purpose of the proposed action is to specify that the standard of practice prohibits a nurse from engaging in conversion therapy with a patient. The amendments will define conversion therapy and specify that it does not include counseling or therapy that provides assistance to a person undergoing gender transition or counseling or therapy that provides acceptance, support, and understanding. The goal is to align regulations of the board with the stated policies and ethics for the profession.</p> <p>COMMENTS DUE: September 30, 2020</p>

<p>8VAC40-31. Regulations Governing Certification of Certain Institutions to Confer Degrees, Diplomas and Certificates (amending 8VAC40-31-160), Volume 37, Issue 1, August 31, 2020</p>	<p>FINAL REGULATION: Pursuant to Chapter 1135 of the 2020 Acts of Assembly, the amendments prohibit conditioning the enrollment of a student on entering into an agreement that requires the student to (i) arbitrate any dispute between the student and the school, regardless of whether the agreement permits the student to opt out of the requirement to arbitrate any such dispute in the future or (ii) resolve a dispute on an individual basis and waive the right to class or group actions. EFFECTIVE DATE: September 30, 2020</p>
<p>18VAC30-21. Regulations Governing Audiology and Speech-Language Pathology (amending 18VAC30-21-40), Volume 37, Issue 1, August 31, 2020</p>	<p>FAST-TRACK REGULATION: All board regulations are being amended to delete the returned check fee of \$35 and replace it with a handling fee of \$50 for a returned check, dishonored credit card, or dishonored debit card. EFFECTIVE DATE: October 15, 2020 COMMENTS DUE: September 15, 2020</p>
<p>18VAC90-19. Regulations Governing the Practice of Nursing (amending 18VAC90-19-130), Volume 37, Issue 1, August 31, 2020</p>	<p>FAST-TRACK REGULATION: The board has amended 18VAC90-19-130 to allow an applicant who is a graduate of a foreign education program and is practicing nursing during a 90-day period following submission of an application to use the title "RN Applicant" on a nametag, rather than the designation of "Foreign graduate applicant." EFFECTIVE DATE: October 15, 2020 COMMENTS DUE: September 15, 2020</p>
<p>18VAC110-60. Regulations Governing Pharmaceutical Processors (amending 18VAC110-60-10 through 18VAC110-60-90, 18VAC110-60-110, 18VAC110-60-120, 18VAC110-60-130, 18VAC110-60-160 through 18VAC110-60-310, 18VAC110-60-330), Volume 37, Issue 1, August 31, 2020</p>	<p>FINAL REGULATION: To conform the regulation to Chapters 730 and 1278 of the 2020 Acts of Assembly, the amendments (i) change every reference of "cannabidiol oil or THC-A oil" to "cannabis oil," (ii) delete the requirement for an in-person examination by the prescriber certifying a patient to receive cannabis oil and allow for the use of telemedicine consistent with federal requirements, (iii) allow the pharmacist-in-charge to authorize certain employee access to secured areas without a pharmacist on the premises, (iv) allow a ratio of six pharmacy technicians per pharmacist working in the processor, and (v) allow a laboratory performing quality testing on products to determine a valid sample size to the testing with a minimum of sample size from each homogenized batch. EFFECTIVE DATE: September 30, 2020</p>
<p>18VAC112-20. Regulations Governing the Practice of Physical Therapy (amending 18VAC112-20-10, 18VAC112-20-27, 18VAC112-20-60, 18VAC112-20-65, 18VAC112-20-90, 18VAC112-20-130, 18VAC112-20-140, 18VAC112-20-200; adding 18VAC112-20-82), Volume 37, Issue 1, August 31, 2020</p>	<p>PROPOSED REGULATION: To comply with compact rules, all applicants for licensure are required to have criminal background checks, and holders of a compact privilege are required to adhere to the laws and regulations governing practice in the compact state in which they practice. A member state may set a fee that is charged to obtain and renew a compact privilege in that state. The amendments include setting the fee in Virginia at \$50, which is similar to the fee charged by other states. Regulations are amended to implement compact requirements in Virginia. COMMENTS DUE: October 30, 2020</p>
<p>18VAC115-20. Regulations Governing the Practice of Professional Counseling (amending 18VAC115-20-20 – 115-80-20), Volume 37, Issue 1, August 31, 2020</p>	<p>FAST-TRACK REGULATION: All board regulations are being amended to delete the returned check fee of \$35 and replace it with a handling fee of \$50 for a returned check, dishonored credit card or dishonored debit card. EFFECTIVE DATE: October 15, 2020</p>

	COMMENTS DUE: September 15, 2020
<p>18VAC115-20. Regulations Governing the Practice of Professional Counseling (amending 18VAC115-20-10, 18VAC115-20-130), 18VAC115-30. Regulations Governing the Certification of Substance Abuse Counselors and Substance Abuse Counseling Assistants (amending 18VAC115-30-10, 18VAC115-30-140), 18VAC115-50. Regulations Governing the Practice of Marriage and Family Therapy (amending 18VAC115-50-10, 18VAC115-50-110), 18VAC115-60. Regulations Governing the Practice of Licensed Substance Abuse Treatment Practitioners (amending 18VAC115-60-10, 18VAC115-60-130), Volume 37, Issue 1, August 31, 2020</p>	<p>PROPOSED REGULATION: The purpose of this regulatory action is to specify in regulations the interpretation of the board that conversion therapy has the potential for significant harm if practiced with persons younger than 18 years of age. The regulations define the term consistent with accepted usage within the profession and consistent with policy statements by state and national professional organizations.</p> <p>COMMENTS DUE: October 30, 2020</p>
<p>8VAC20-543. Regulations Governing the Review and Approval of Education Programs in Virginia (amending 8VAC20-543-10, 8VAC20-543-20, 8VAC20-543-70, 8VAC20-543-600), Virginia Register of Regulations, Volume 37, Issue 2, September 14, 2020</p>	<p>FINAL REGULATION: The amendments implement the requirements of legislation passed during the 2018 Session of the General Assembly, including (i) Chapters 282 and 588, which require each education preparation program offered by a public institution of higher education or private institution of higher education that leads to a degree, concentration, or certificate for reading specialists to include a program of coursework or other training in the identification of and the appropriate interventions, accommodations, and teaching techniques for students with dyslexia or a related disorder; and (ii) Chapters 748 and 749, which expand the definition of education preparation program to include four-year bachelor's degree programs in teacher education.</p> <p>EFFECTIVE DATE: October 14, 2020</p>
<p>8VAC40-31. Regulations Governing Certification of Certain Institutions to Confer Degrees, Diplomas and Certificates (amending 8VAC40-31-10, 8VAC40-31-160), Virginia Register of Regulations, Volume 37, Issue 2, September 14, 2020</p>	<p>PROPOSED REGULATION: Chapter 289 of the 2017 Acts of Assembly requires the council to create requirements for an enrollment agreement that will be used by institutions certified by the council to operate in Virginia. The new regulatory language benefits both regulated institutions and students enrolled in those schools. The institution will be protected by requiring students to acknowledge that the school has provided student protection disclosures prior to enrollment, and the student is protected by receiving these disclosures, in writing, prior to enrollment. The proposed amendments define "enrollment agreement" and establish the required elements of the enrollment agreement.</p> <p>COMMENTS DUE: November 14, 2020</p>
<p>13VAC5-63. Virginia Uniform Statewide Building Code (amending 13VAC5-63-210), Virginia Register of Regulations, Volume 37, Issue 2, September 14, 2020</p>	<p>PROPOSED REGULATION: The Uniform Statewide Building Code (USBC) is a regulation governing the construction, maintenance, and rehabilitation of new and existing building and structures. The USBC uses nationally recognized model building codes and standards produced by the International Code Council (ICC) and other standard-writing groups as the basis for the technical provisions of the regulation. Every three years, new editions of the model codes become available. At that 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. This proposed phase of the</p>

	<p>regulatory action only includes 13VAC5-63-210. The text of this section was published correctly in the Virginia Register of Regulations in Volume 36, Issue 12 on February 3, 2020. However, due to a technical error, certain information may not have been present on the Virginia Regulatory Town Hall website -- specifically, 13VAC5-63-210.</p> <p>COMMENTS DUE: November 13, 2020</p>
<p>18VAC110-20. Regulations Governing the Practice of Pharmacy (amending 18VAC110-20-20, 18VAC110-20-121).</p> <p>18VAC110-21. Regulations Governing the Licensure of Pharmacists and Registration of Pharmacy Technicians (amending 18VAC110-21-20).</p> <p>18VAC110-30. Regulations for Practitioners of the Healing Arts to Sell Controlled Substances (amending 18VAC110-30-15).</p> <p>18VAC110-50. Regulations Governing Wholesale Distributors, Manufacturers, Third-Party Logistics Providers, and Warehouseurs (amending 18VAC110-50-20), Volume 37, Issue 2, September 14, 2020</p>	<p>FINAL REGULATION: The amendments increase Board of Pharmacy fees to cover expenses for essential functions of reviewing applications, licensing, inspecting, investigating complaints against licensees, and adjudicating and monitoring disciplinary cases. The amendments include a 30% increase in all fees, with the exception of those functions that require an inspection, including an initial pharmacy permit and changes in location or remodeling, which are set at the actual charge to the board by the enforcement division of the Department of Health Professions.</p> <p>EFFECTIVE DATE: October 14, 2020</p>
<p>8VAC115-20. Regulations Governing the Practice of Professional Counseling (amending 18VAC115-20-10, 18VAC115-20-20, 18VAC115-20-40, 18VAC115-20-52, 18VAC115-20-70, 18VAC115-20-100), Volume 37, Issue 2, September 14, 2020</p> <p>18VAC115-50. Regulations Governing the Practice of Marriage and Family Therapy (amending 18VAC115-50-10, 18VAC115-50-20, 18VAC115-50-30, 18VAC115-50-60, 18VAC115-50-70, 18VAC115-50-90).</p> <p>18VAC115-60. Regulations Governing the Practice of Licensed Substance Abuse Treatment Practitioners (amending 18VAC115-60-10, 18VAC115-60-20, 18VAC115-60-40, 18VAC115-60-80, 18VAC115-60-90, 18VAC115-60-110), Volume 37, Issue 2, September 14, 2020</p>	<p>PROPOSED REGULATION: The proposed regulations implement the statutory mandate for issuance of a temporary license for a residency in counseling. The amendments set fees for initial and renewal of a resident license, qualifications for the issuance of a license and for its renewal, limitations on the number of times a resident may renew the temporary license, and a time limit for passage of the licensing examination.</p> <p>COMMENTS DUE: November 13, 2020</p>
<p>18VAC115-80. Regulations Governing the Registration of Qualified Mental Health Professionals (amending 18VAC115-80-10, 18VAC115-80-40, 18VAC115-80-50, 18VAC115-80-70, 18VAC115-80-110; adding 18VAC115-80-35) Volume 37, Issue 2, September 14, 2020,</p>	<p>FAST-TRACK REGULATION: The board has adopted regulations to implement registration of persons who are in training to become a qualified mental health professional-adult (QMHP-A) or qualified mental health professional-child (QMHP-C). Amendments for registration as a trainee specify the same education or licensure requirement required to register as a QMHP-A or a QMHP-C.</p> <p>COMMENTS DUE: October 14, 2020</p>
<p>1VAC45-20. Regulations Regarding the Virginia Human Rights Act (amending 1VAC45-20-20, 1VAC45-20-30, 1VAC45-20-50 through 1VAC45-20-90, 1VAC45-20-110, 1VAC45-20-120; adding 1VAC45-20-25, 1VAC45-20-55, 1VAC45-20-75, 1VAC45-20-82 through 1VAC45-20-87, 1VAC45-20-92 through 1VAC45-20-98; repealing 1VAC45-20-100, 1VAC45-20-130), Volume 37, Issue 3, September 28, 2020</p>	<p>FINAL REGULATION: The amendments (i) add new protected classes, (ii) expand prohibited actions, and (iii) codify the general processes by which the Department of Law, Division of Human Rights receives complaints, investigates and attempts to settle complaints, and issues final determinations regarding allegations of unlawful discriminatory practices.</p> <p>EFFECTIVE DATE: October 28, 2020</p>

[Board of Accountancy Enforcement Processes Guidance,
Volume 37, Issue 3, September 28, 2020](#)

GUIDANCE DOCUMENT: Board of Accountancy Enforcement Processes.

EFFECTIVE DATE: October 29 2020

COMMENTS DUE: October 28, 2020