

Federal Register – January 2021

<p>Pallone-Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence Act (TRACED Act), 86 Federal Register 44, January 4, 2021</p>	<p>PROPOSED RULE: In this document, the Commission proposes rules to implement the Pallone-Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence Act (TRACED Act) to streamline the process by which private entities may submit information to the Commission about violations of the Communications Act.</p> <p>COMMENTS DUE: February 3, 2021</p>
<p>Rights to Federally Funded Inventions and Licensing of Government Owned Inventions, 86 Federal Register 35, January 3, 2021</p>	<p>PROPOSED RULE: The National Institute of Standards and Technology (NIST) requests comments on proposed revisions to regulations that would further the Return on Investment (ROI) Initiative for Unleashing American Innovation. The proposed revisions to “Rights to Inventions Made by Nonprofit Organizations and Small Business Firms under Government Grants, Contracts, and Cooperative Agreements” and “Licensing of Government-Owned Inventions” make technical corrections; reorganize certain subsections; remove outdated and/or unnecessary sections; institute a reporting requirement on Federal agencies; and provide clarifications on definitions, communications, scope of march-in rights, filing of provisional patent applications, electronic filing, the purpose of royalties on government licenses, and the processes for granting exclusive, co-exclusive and partially exclusive licenses and for appeals. NIST intends to hold a webinar regarding the proposed changes and information on that webinar will be available to the public at https://www.nist.gov/tpo/bayh-dole.</p> <p>COMMENTS DUE: April 5, 2021</p>
<p>Information Collection Available for Public Comment; SBA Paycheck Protection Program, 86 Federal Register 172, January 4, 2021</p>	<p>NOTICE: The Small Business Administration (SBA) is publishing this notice to solicit additional public comments on the information collection described below, particularly SBA Form 3509 “Loan Necessity Questionnaire (For-Profit Borrowers)” and SBA Form 3510, “Loan Necessity Questionnaire (Non-Profit Borrowers).” Comments in response to this second public comment notice will be evaluated in conjunction with comments received in response to previous notices published on July 14, 2020, and October 26, 2020. After such evaluation, SBA will submit any resulting amendments to the information collection to the Office of Management and Budget (OMB) for approval.</p> <p>COMMENTS DUE: March 5, 2021</p>
<p>Guidance Documents Related to Coronavirus Disease 2019; Availability, 86 Federal Register 106, January 4, 2021</p>	<p>NOTICE: 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 of availability (NOA) 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, notice. The guidances have been implemented without</p>

	<p>prior comment, but they remain subject to comment in accordance with the Agency's good guidance practices.</p> <p>PUBLICATION DATE: January 4, 2021</p>
<p>Clarification on Reopening the Application Period for Certain Applicants Under the Higher Education Emergency Relief Fund (HEERF), Sections 18004(a)(1), 18004(a)(2), and 18004(a)(3); Coronavirus Aid, Relief, and Economic Security (CARES) Act, 86 Federal Register 531, January 6, 2021</p>	<p>NOTICE/CLARIFICATION: The Secretary is providing notice that the newly-enacted Consolidated Appropriations Act, 2021 (the 2021 Appropriations Act) supersedes the Department of Education's (Department's) notice published in the Federal Register on December 23, 2020, that reopened the HEERF grant program application period for certain limited applicants (Reopening Notice). The 2021 Appropriations Act prevents the Department from accepting or processing any applications for new awards under section 18004(a)(1) of the CARES Act (i.e., the "Student Aid Portion" program (Catalog of Federal Domestic Assistance Number (CFDA) 84.425E) and the "Institutional Portion" program (CFDA 84.425F)).</p>
<p>IRS Rollover Rules for Qualified Plan Loan Offset Amounts, 86 Federal Register 464, January 6, 2021</p>	<p>FINAL REGULATIONS: This document sets forth final regulations relating to amendments made to section 402(c) of the Internal Revenue Code (Code) by section 13613 of the Tax Cuts and Jobs Act (TCJA). Section 13613 of TCJA provides an extended rollover period for a qualified plan loan offset, which is a type of plan loan offset. These regulations affect participants, beneficiaries, sponsors, and administrators of qualified employer plans.</p> <p>EFFECTIVE DATE: January 6, 2021</p>
<p>IRS Taxable Year of Income Inclusion Under an Accrual Method of Accounting and Advance Payments for Goods, Services, and Other Items, 86 Federal Register 810, January 6, 2021</p>	<p>FINAL REGULATIONS: This document contains final regulations regarding the timing of income inclusion under an accrual method of accounting, including the treatment of advance payments for goods, services, and certain other items. The regulations reflect changes made by the Tax Cuts and Jobs Act and affect taxpayers that use an accrual method of accounting and have an applicable financial statement. These final regulations also affect taxpayers that use an accrual method of accounting and receive advance payments.</p> <p>EFFECTIVE DATE: December 30, 2021</p>
<p>Agency Information Collection Activities - Revision; Submission for OMB Review; Comment Request; Internal Revenue Service Request for the Annual Return/Report of Employee Benefit Plan, 86 Federal Register 704, January 6, 2021</p>	<p>NOTICE: The Annual Return/Report of Employee Benefit Plan is an annual information return filed by employee benefit plans. The IRS uses this information for a variety of matters, including ascertainment whether a qualified retirement plan appears to conform to requirements under the Internal Revenue Code or whether the plan should be audited for compliance. Form 5500-EZ (OMB Number: 1545- 0956) is an annual return filed by a one participant (owners/partners and their spouses) retirement plan or a foreign plan to satisfy certain annual reporting and filing requirements imposed by the Internal Revenue Code (Code). The IRS uses this data to determine if the plan appears to be operating properly as required under the Code or whether the plan should be audited. The revisions to the collection are: not releasing Form 5500-SUP; adding a checkbox to Form 5500, 5500-SF, and Form 5500-EZ for an initial plan retroactively adopted as permitted by SECURE Act section 201; and adding checkboxes for an extension of time to Form 5500-EZ.</p> <p>COMMENTS DUE: February 5, 2021</p>

<p>Independent Contractor Status Under the Fair Labor Standards Act, 86 Federal Register 1168, January 7, 2021</p>	<p>FINAL RULE: The U.S. Department of Labor (the Department) is revising its interpretation of independent contractor status under the Fair Labor Standards Act (FLSA or the Act) to promote certainty for stakeholders, reduce litigation, and encourage innovation in the economy.</p> <p>EFFECTIVE DATE: March 8, 2021</p>
<p>2021 Privately Owned Vehicle (POV) Mileage Reimbursement Rates; 2021 Standard Mileage Rate for Moving Purposes, 86 Federal Register 1501, January 8, 2021</p>	<p>NOTICE: GSA is updating the mileage reimbursement rate for privately owned automobiles (POA), airplanes, and motorcycles as required by statute. This information will be available in FTR Bulletin 21-03, which can be found on GSA's website at https://gsa.gov/ftrbulletins.</p> <p>EFFECTIVE DATE: January 1, 2021 through December 31, 2021</p>
<p>Secondary Trademark Infringement Liability in the E-Commerce Setting, 86 Federal Register 1951, January 11, 2021, 86 Federal Register 1951, January 11, 2021</p>	<p>NOTICE: The United States Patent and Trademark Office (USPTO or Office) published a request for comments in the Federal Register on November 13, 2020, seeking information from intellectual property rights holders, online third-party marketplaces and other third-party online intermediaries, and other private sector stakeholders on the application of the traditional doctrines of trademark infringement to the e-commerce setting. Through this notice, the USPTO is reopening the period for public comment until January 25, 2021.</p> <p>COMMENTS DUE: January 25, 2021</p>
<p>Agency Information Collection Activities; Submission for OMB Review; Comment Request; U.S. Business Income Tax Return Forms, 86 Federal Register 2035, January 11, 2021</p>	<p>NOTICE: The Department of the Treasury will submit the following information collection requests to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. The public is invited to submit comments on these requests.</p> <p>COMMENTS DUE: February 10, 2021</p>
<p>Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Quarterly Budget and Expenditure Reporting Under CARES Act Sections 18004(a)(1) Institutional Portion, 18004(a)(2), and 18004(a)(3) – date change, 86 Federal Register 2658, January 13, 2021</p>	<p>NOTICE: In notice document 2020-28000, appearing on page 83068 in the issue of Monday, December 21, 2020, make the following correction:</p> <p>On page 83068, in the second column, in the DATES section, change “January 20, 2021” to read “January 21, 2021.”</p>
<p>Compendium of U.S. Copyright Office Practices, 86 Federal Register 3205, January 14, 2021</p>	<p>UPDATE: The U.S. Copyright Office is releasing an update to its administrative manual, the Compendium of U.S. Copyright Office Practices, Third Edition. The Compendium is the administrative manual of the U.S. Copyright Office. It “explains many of the practices and procedures concerning the Office's mandate and statutory duties under title 17 of the United States Code.” 37 CFR 201.2(b)(7). “It is both a technical manual for the Copyright Office's staff, as well as a guidebook for authors, copyright licensees, practitioners, scholars, the courts, and members of the general public.” A complete list of all sections that have been added, amended, revised, or removed is available on the Office's website at https://www.copyright.gov/comp3/revisions.html, along with redlines that provide a direct comparison between the Final Version and the 2017 version of the Third Edition of the <i>Compendium</i>.</p>
<p>DOD, GSA, NASA Federal Acquisition Regulations, 86 Federal Register 3676, January 14, 2021</p>	<p>FINAL RULE: This document summarizes the Federal Acquisition Regulation (FAR) rules agreed to by the Civilian</p>

	<p>Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) in this Federal Acquisition Circular (FAC) 2021-03. A companion document, the Small Entity Compliance Guide (SECG), follows this FAC.</p> <p>EFFECTIVE DATES: Consult individual documents</p>
<p>Agency Information Collection Activities; Comment Request; Higher Education Emergency Relief Fund (HEERF) Improper Payments Information Form – New Information Collection, 86 Federal Register 3141, January 14, 2021</p>	<p>NOTICE: Under the CARES Act's Higher Education Emergency Relief Fund (HEERF), the Department has made over 12,000 awards to institutions of higher education (IHEs) to support emergency financial aid to students and institutional costs associated with significant changes to the delivery of instruction due to the coronavirus. This form will be used by institutions that have improperly drawn down funds from their award accounts to provide the Department with information regarding funds being returned to correct these improper payments.</p> <p>COMMENTS DUE: March 15, 2021</p>
<p>Business Loan Program Temporary Changes; Paycheck Protection Program Second Draw Loans, 86 Federal Register 3712, January 14, 2021</p>	<p>INTERIM FINAL RULE: This interim final rule announces the implementation of section 311 of the Economic Aid to Hard-Hit Small Businesses, Nonprofits, and Venues Act (the Economic Aid Act). The Economic Aid Act authorizes the U.S. Small Business Administration to guarantee additional loans under the temporary Paycheck Protection Program, which was originally established under the Coronavirus Aid, Relief, and Economic Security Act to provide economic relief to small businesses nationwide adversely impacted under the Coronavirus Disease 2019 (COVID-19) Emergency Declaration (COVID-19 Emergency Declaration) issued by President Trump on March 13, 2020. Section 311 of the Economic Aid Act adds a second temporary program to SBA's 7(a) Loan Program titled, "Paycheck Protection Program Second Draw Loans." This interim final rule implements the key provisions of section 311 of the Economic Aid Act and requests public comment.</p> <p>EFFECTIVE DATE: January 12, 2021</p>
<p>Notice Inviting Applications for Funds Under the Higher Education Emergency Relief Fund (HEERF), Section 314(a)(1); Coronavirus Response and Relief Supplemental Appropriations Act, 2021 (CRRSAA), 86 Federal Register 4029, January 15, 2021</p>	<p>NOTICE: The Secretary is announcing the availability of new HEERF grant funding under section 314(a)(1) of the CRRSAA and inviting applications from public and nonprofit institutions that did not previously receive funding under section 18004(a)(1) of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act). This notice relates to the approved information collections under OMB control numbers 1801-0005 and 1840-0842.</p> <p>DEADLINE: Applications accepted on a rolling basis until 4/15/2021</p>
<p>Operation of Small Unmanned Aircraft Systems Over People, 86 Federal Register 4314, January 15, 2021</p>	<p>FINAL RULE: This rule finalizes the February 13, 2019 notice of proposed rulemaking titled "Operation of Small Unmanned Aircraft Systems over People" (the NPRM). In June 2016, the FAA published remote pilot certification and operating rules for civil small unmanned aircraft weighing less than 55 pounds. Those rules did not permit small unmanned aircraft operations at night or over people without a waiver. The NPRM proposed to modify these regulations to permit routine operations of small unmanned aircraft over people and at night under certain conditions, in addition to changing the recurrent training framework, expanding the list of persons who may request the</p>

	<p>presentation of a remote pilot certificate, and making other minor changes.</p> <p>EFFECTIVE DATES: March 16, 2021 (however some amendments are effective March 1, 2021. See annnc't for details)</p>
<p>Remote Identification of Unmanned Aircraft, 86 Federal Register 4390, January 15, 2021</p>	<p>FINAL RULE: This action requires the remote identification of unmanned aircraft. The remote identification of unmanned aircraft in the airspace of the United States will address safety, national security, and law enforcement concerns regarding the further integration of these aircraft into the airspace of the United States, laying a foundation for enabling greater operational capabilities.</p> <p>EFFECTIVE DATE: March 16, 2021</p>
<p>Debt Collection Practices (Regulation F), 86 Federal Register 5766, January 19, 2021</p>	<p>FINAL RULE: The Bureau of Consumer Financial Protection (Bureau) is issuing this final rule to revise Regulation F, which implements the Fair Debt Collection Practices Act (FDCPA). The final rule governs certain activities by debt collectors, as that term is defined in the FDCPA. Among other things, the final rule clarifies the information that a debt collector must provide to a consumer at the outset of debt collection communications, prohibits debt collectors from bringing or threatening to bring a legal action against a consumer to collect a time-barred debt, and requires debt collectors to take certain actions before furnishing information about a consumer's debt to a consumer reporting agency.</p> <p>EFFECTIVE DATE: November 30, 2021</p>
<p>Federal Student Aid Programs (Student Assistance General Provisions, Federal Perkins Loan Program, William D. Ford Federal Direct Loan Program, and Federal-Work Study Programs), 86 Federal Register 5008, January 19, 2021</p>	<p>RULE-CORRECTION: On December 11, 2020, the Department of Education published in the Federal Register a notice updating waivers and modifications of statutory and regulatory provisions governing the Federal student financial aid programs under the authority of the Higher Education Relief Opportunities for Students Act of 2003 (HEROES Act). This document corrects the date through which certain waivers and modifications extend.</p> <p>EFFECTIVE DATE: January 19, 2021</p>
<p>Patient Protection and Affordable Care Act; HHS Notice of Benefit and Payment Parameters for 2022; Updates to State Innovation Waiver (Section 1332 Waiver) Implementing Regulations, 86 Federal Register 6138, January 19, 2021</p>	<p>FINAL RULE: This final rule sets forth provisions related to user fees for federally-facilitated Exchanges and State-based Exchanges on the Federal Platform. It includes changes related to acceptance of payments by issuers of individual market Qualified Health Plans and clarifies the regulation imposing network adequacy standards with regard to Qualified Health Plans that do not use provider networks. It also adds a new direct enrollment option for federally-facilitated Exchanges and State Exchanges and implements changes related to section 1332 State Innovation Waivers.</p> <p>EFFECTIVE DATE: March 15, 2021</p>
<p>Coronavirus Relief Fund for States, Tribal Governments, and Certain Eligible Local Governments, 86 Federal Register 4182, January 15, 2021</p>	<p>PROGRAM GUIDANCE: The Department of the Treasury (Treasury) is re-publishing in final form the guidance it previously made available on its website regarding the Coronavirus Relief Fund for States, tribal governments, and certain eligible local governments.</p>
<p>Proposed Modifications to the HIPAA Privacy Rule To Support, and Remove Barriers to, Coordinated Care and</p>	<p>PROPOSED RULE: The United States Department of Health and Human Services (HHS or "the Department") is issuing this Notice of Proposed Rulemaking (NPRM) to modify the Standards for the</p>

<p>Individual Engagement, 86 Federal Register 6446, January 21, 2021</p>	<p>Privacy of Individually Identifiable Health Information (Privacy Rule) under the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and the Health Information Technology for Economic and Clinical Health Act of 2009 (HITECH Act). These modifications address standards that may impede the transition to value-based health care by limiting or discouraging care coordination and case management communications among individuals and covered entities (including hospitals, physicians, and other health care providers, payors, and insurers) or posing other unnecessary burdens. The proposals in this NPRM address these burdens while continuing to protect the privacy and security of individuals' protected health information.</p> <p>COMMENTS DUE: March 22, 2021</p>
<p>Preserving and Fortifying Deferred Action for Childhood Arrivals (DACA), Executive Memorandum, 86 Federal Register 7053, January 25, 2021</p>	<p>PRESIDENTIAL MEMORANDUM: The Secretary of Homeland Security, in consultation with the Attorney General, shall take all actions he deems appropriate, consistent with applicable law, to preserve and fortify DACA. DACA and associated regulations permit eligible individuals who pass a background check to request temporary relief from removal and to apply for temporary work permits. DACA reflects a judgment that these immigrants should not be a priority for removal based on humanitarian concerns and other considerations, and that work authorization will enable them to support themselves and their families, and to contribute to our economy, while they remain.</p> <p>EFFECTIVE DATE: January 20, 2021</p>
<p>Clearance of a New Approval of Information Collection: Operation of Small Unmanned Aircraft Systems Over People, 86 Federal Register 7167, January 26, 2021</p>	<p>NOTICE: The FAA invites public comments about our intention to request Office of Management and Budget (OMB) approval for a new information collection. The collection involves operators and owners of small unmanned aircraft systems (UAS) issued an airworthiness certificate under Part 21, and mandates that these entities must retain records of all maintenance performed on their aircraft and records documenting the status of life-limited parts, compliance with airworthiness directives, and inspection status of the aircraft. These records are used to validate that aircraft are maintained in a manner that ensures the reliability associated with having an airworthiness certificate and that the operations-over-people privileges afforded to category 4 operations continue to be appropriate. The owner or operator may keep these records electronically or by paper.</p> <p>COMMENTS DUE: March 29, 2021</p>
<p>Requests for Comments; Clearance of a New Approval of Information Collection: Unmanned Aircraft Systems (UAS) Market Survey, 86 Federal Register 7165, January 26, 2021</p>	<p>NOTICE: FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval for a new information collection. The Federal Register Notice with a 60-day comment period soliciting comments on the following collection of information was published on November 17, 2020. The collection involves an electronic distribution of a survey to gather information on current practices for pilots of unmanned aircraft systems (UAS). The target information to be gathered is the common fatigue-related practices, and the minimum knowledge, skills, abilities (KSAs), testing, and staffing procedures required for operating UAS. The information to be collected will be used to inform future rulemaking and the development of supporting guidance. The information is</p>

	<p>necessary because the existing regulatory framework, to include the certification of airmen, was not designed with remote pilots in mind. To broadly integrate UAS and remote pilots into the National Airspace System, further rulemaking will be required to address remote pilot certification for air carrier operations and flight and duty time periods applicable to remote pilot air carrier operations.</p> <p>COMMENTS DUE: February 25, 2021</p>
<p>Executive Order 13994 - Ensuring a Data-Driven Response to COVID-19 and Future High-Consequence Public Health Threats, 86 Federal Register 7189, January 26, 2021</p>	<p>EXECUTIVE ORDER: It is the policy of my Administration to respond to the coronavirus disease 2019 (COVID-19) pandemic through effective approaches guided by the best available science and data, including by building back a better public health infrastructure...Consistent with this policy, the heads of all executive departments and agencies [including ED]) shall facilitate the gathering, sharing, and publication of COVID-19-related data, in coordination with the Coordinator of the COVID-19 Response and Counselor to the President (COVID-19 Response Coordinator), to the extent permitted by law, and with appropriate protections for confidentiality, privacy, law enforcement, and national security. ...Each agency shall designate a senior official to serve as their agency's lead to work on COVID-19- and pandemic-related data issues. The order goes on to have agencies review current data and advance innovations in public health data and analytics.</p>

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<p>20VAC5-360. Licensed Professional Engineer to Exercise Responsible Charge over Certain Natural Gas Engineering Projects (adding 20VAC5-360-10, 20VAC5-360-20, 20VAC5-360-30, 20VAC5-360-40, 20VAC5-360-50), Volume 37, Issue 10, Virginia Register of Regulations, January 4, 2021</p>	<p>PROPOSED RULE: he proposed regulatory action establishes a new chapter, 20VAC5-360, Licensed Professional Engineer to Exercise Responsible Charge over Certain Natural Gas Engineering Projects. The new regulation requires that licensed professional engineers exercise responsible charge over certain pipeline projects undertaken by natural gas companies jurisdictional to the State Corporation Commission where such projects, among other things, present a material risk to public safety.</p> <p>COMMENTS DUE: February 2, 2021</p>
<p>EXECUTIVE ORDER NUMBER SEVENTY-TWO (2020) – Certain Temporary Restrictions Due to Novel Coronavirus (COVID-19), Volume 37, Issue 10, Virginia Register of Regulations, January 4, 2021</p>	<p>EXECUTIVE ORDER: I. MODIFIED STAY AT HOME ORDER - All individuals in Virginia should remain at their place of residence between the hours of 12:00 a.m. and 5:00 a.m. Individuals may leave their residences for the purposes of:</p> <ul style="list-style-type: none"> a. Obtaining food, beverages, goods, or services as permitted in this Order; b. Seeking medical attention, essential social services, governmental services, assistance from law enforcement, or emergency services; c. Taking care of other individuals or animals; d. Traveling required by court order or to facilitate child custody, visitation, or child care; e. Engaging in exercise, provided individuals comply with social distancing requirements; f. Traveling to and from one's residence, place of worship, or work;

- g. Traveling to and from an educational institution;
- h Volunteering with organizations that provide charitable or social services; or
- i. Leaving one's residence due to a reasonable fear for health or safety, at the direction of law enforcement, or at the direction of another government agency.....

2. Institutions of Higher Education

Institutions of higher education shall comply with all applicable requirements under the Phased Guidance of Virginia Forward and the "Guidelines for All Business Sectors." Any postsecondary provider offering vocational training in a profession regulated by a Virginia state agency/board must also comply with any sector-specific guidelines relevant to that profession to the extent possible under the regulatory training requirements. Such professions may include, but are not necessarily limited to: aesthetician, barber, cosmetologist, massage therapist, nail technician, and practical nurse.....

Consult Order for more details.