

Federal Register – June 2021

[Proposed Collection; Requesting Comments on Form 8995 and Form 8995-A, 86 Federal Register 29360, June 1, 2021](#)

NOTICE: The Tax Cuts and Jobs Act section 11011 added new IRC section 199A, which allows eligible taxpayers to deduct a percentage of qualified business income (QBI) earned by non-corporate businesses. Taxpayers use Form 8995 and Form 8995-A to figure and report the QBI deduction. There are changes to the existing collection: (1) Form 8995-A and Schedules A, B, C, and D were added to calculate and report the deduction, (2) the estimated number of responses were updated, and (3) the burden for Form 8995 was revised.

COMMENTS DUE: August 2, 2021

[Agency Information Collection Activities: Requests for Comments; Clearance of a New Approval of Information Collection: Federal Aviation Administration \(FAA\) Unmanned Aircraft Systems \(UAS\) Support Center Case Management System \(CMS\), 86 Federal Register 30368, June 7, 2021](#)

NOTICE: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval for a new information collection. The Federal Aviation Administration (FAA) Unmanned Aircraft Systems (UAS) Support Center Case Management System (CMS) is being created to help streamline how stakeholders' questions are answered in a timely manner. Specifically, the Contact Customer Support form allows the public and other stakeholders to ask the FAA questions, as well as get the appropriate answer or information they need to operate their UAS or drone safely. The UAS Support Center has a publicly available form to submit inquiries. This form would be replacing the current web form to be used within the Salesforce solutions that allows UAS Integration Office additional technology to more efficient and streamline the UAS Support center business process. This form would allow the UAS Integration Office to collect the appropriate information about the stakeholder's name, preferred method of communications email address, phone number, zip code, type of flyer that would allow the Support Center Analysts to more efficiently answer the customer's specific question.

COMMENTS DUE: August 6, 2021

[Repeal of the William D. Ford Federal Direct Loan Program Subsidized Usage Limit Restriction, 86 Federal Register 31432, June 14, 2021](#)

FINAL REGULATIONS: The Secretary removes and amends regulations to conform with changes made by the Consolidated Appropriations Act, 2021. Specifically, the Secretary removes the subsidized usage loan limit restriction (SULA) for any borrower who receives a Federal Direct Stafford Subsidized Loan first disbursed on or after July 1, 2021, regardless of the award year associated with the loan. In addition, all subsidy benefits will be reinstated retroactively to the date on which the loss of subsidy was applied for all Federal Direct Stafford Subsidized Loans with an outstanding balance on July 1, 2021, and for all award years since the 2013-2014 award year. The Secretary also removes regulations related to the subsidized usage loan limit restriction and makes other technical changes.

[Early Implementation of the FAFSA Simplification Act's Removal of Requirements for Title IV Eligibility Related](#)

NOTICE: For the 2021-2022 award year, for which the FAFSA cycle has already begun, the Selective Service and drug conviction questions (as well as the option to register with the

[to Selective Service Registration and Drug-Related Convictions, 86 Federal Register 32252, June 17, 2021](#)

Selective Service via the FAFSA) will remain on the FAFSA. However, failing to register with the Selective Service or having a drug conviction while receiving federal Title IV aid will no longer impact a student's Title IV aid eligibility.

For the 2021-2022 award year, institutions will still see Comment Codes 30, 33, or 57 for Selective Service issues and Comment Codes 53, 54, 56, or 58 for drug convictions. Each Comment Code will still include messaging that a resolution is required to regain eligibility for federal student aid. For Institutional Student Informational Reports (ISIRs) received on or after the implementation date, institutions must ignore the Comment Codes and the messaging requiring resolution and proceed to award and disburse aid to students if they are otherwise eligible. However, while recommended, institutions are not required to go back and reprocess, package, or award aid for ISIRs they received for the 2021-2022 award year prior to the implementation date unless requested by the student.

Federal Student Aid will be proactively sending emails to students who are associated with 2021-2022 ISIRs received prior to the implementation date and who were determined to be ineligible based on their answers to Selective Service and drug conviction questions informing them about the change in the law and their potential eligibility for Title IV aid. Emails will direct students to contact their institution's financial aid office.

For details on implementation for 2022-24 award years please consult Federal Register entry.

EFFECTIVE DATE: June 17, 2021

[Technical Amendments Regarding the Copyright Office's Organizational Structure, 86 Federal Register 32640, June 22, 2021](#)

FINAL RULE: This final rule makes technical changes to the U.S. Copyright Office's regulations pertaining to its organizational structure in light of the agency's recent reorganization. It reflects recent structural changes, updates certain of the Office's division names, and adds a new section for the Copyright Claims Board established by the Copyright Alternative in Small-Claims Enforcement Act of 2020.

EFFECTIVE DATE: July 22, 2021

[Enforcement of Title IX of the Education Amendments of 1972 With Respect to Discrimination Based on Sexual Orientation and Gender Identity in Light of Bostock v. Clayton County, 86 Federal Register 32637, June 22, 2021](#)

INTERPRETATION: Consistent with the analysis above, OCR will fully enforce Title IX to prohibit discrimination based on sexual orientation and gender identity in education programs and activities that receive Federal financial assistance from the Department. As with all other Title IX complaints that OCR receives, any complaint alleging discrimination based on sexual orientation or gender identity also must meet jurisdictional requirements as defined in Title IX and the Department's Title IX regulations, other applicable legal requirements, as well as the standards set forth in OCR's Case Processing Manual, www.ed.gov/ocr/docs/ocrcpm.pdf. [2]

Where a complaint meets applicable requirements and standards as just described, OCR will open an investigation of allegations that an individual has been discriminated against because of their sexual orientation or gender identity in

| | |
|--|---|
| | <p>education programs or activities. This includes allegations of individuals being harassed, disciplined in a discriminatory manner, excluded from, denied equal access to, or subjected to sex stereotyping in academic or extracurricular opportunities and other education programs or activities, denied the benefits of such programs or activities, or otherwise treated differently because of their sexual orientation or gender identity. OCR carefully reviews allegations from anyone who files a complaint, including students who identify as male, female or nonbinary; transgender or cisgender; intersex; lesbian, gay, bisexual, queer, heterosexual, or in other ways.</p> <p>EFFECTIVE DATE: July 22, 2021</p> |
| <p>2021-2022 Award Year Deadline Dates for Reports and Other Records Associated With the Free Application for Federal Student Aid (FAFSA), the Federal Supplemental Educational Opportunity Grant Program (FSEOG) Program, the Federal Work-Study (FWS) Program, the Federal Pell Grant (Pell Grant) Program, the William D. Ford Federal Direct Loan (Direct Loan) Program, the Teacher Education Assistance for College and Higher Education (TEACH) Grant Program, and the Iraq and Afghanistan Service Grant Program, 86 Federal Register 33245, June 24, 2021</p> | <p>NOTICE: The Secretary announces deadline dates for the receipt of documents and other information from applicants and institutions participating in certain Federal student aid programs authorized under title IV of the Higher Education Act of 1965, as amended (HEA), for the 2021-2022 award year. These programs, administered by the Department of Education (Department), provide financial assistance to students attending eligible postsecondary educational institutions to help them pay their educational costs. The Federal student aid programs (title IV, HEA programs) covered by this deadline date notice are the Pell Grant, Direct Loan, TEACH Grant, Iraq and Afghanistan Service Grant, and campus-based (FSEOG and FWS) programs.</p> <p>DEADLINE DATES: Check Federal Register entry</p> |
| <p>Agency Information Collection Activities; Comment Request; Higher Education Emergency Relief Fund (HEERF) I, II and III Data Collection Form, 86 Federal Register 33243, June 24, 2021</p> | <p>NOTICE: This information collection requests approval for a revision to a previously approved collection that includes annual reporting requirements for the Higher Education Emergency Relief Fund (HEERF) program and obtains information on how the funds were used. Under the current unprecedented national health emergency, the legislative and executive branches of government have come together to offer relief to those individuals and industries affected by the COVID-19 virus under the Coronavirus Aid, Relief, and Economic Security (CARES) Act, the Coronavirus Response and Relief Supplemental Appropriations Act (CRRSAA), and the American Rescue Plan (ARP). Targeted relief to institutions of higher education (IHEs) has been made available under the HEERF program. HEERF, originally established by Section 18004(a) of the CARES Act, Public Law 116-136 (March 27, 2020) and expanded through CRRSAA and ARP, authorizes the Secretary of Education to allocate formula grant funds to participating IHEs to address impacts of the COVID-19 virus. This submission includes revisions to the HEERF data collection. In addition to reviewing the proposed revisions, ED requests institutions and other stakeholders respond to the directed questions found in Attachment A.</p> <p>COMMENTS DUE: August 23, 2021</p> |
| <p>Office of Post-Secondary Education – CFR Correction, 86 Federal Register 33518, June 25, 2021</p> | <p>RULE: In Title 34 of the Code of Federal Regulations, Education, Parts 400 to 679, revised as of July 1, 2020, on page 417, in section 668.41, paragraphs (h)(2)(i) through (iii) are reinstated to read as follows:</p> |

| | |
|---|---|
| | <p>§ 668.41 Reporting and disclosure of information. ***** (h) * * * (2) * * *</p> <p>(i) Class action means a lawsuit or an arbitration proceeding in which one or more parties seeks class treatment pursuant to Federal Rule of Civil Procedure 23 or any State process analogous to Federal Rule of Civil Procedure 23.</p> <p>(ii) Class action waiver means any agreement or part of an agreement, regardless of its form or structure, between a school, or a party acting on behalf of a school, and a student that relates to the making of a Direct Loan or the provision of educational services for which the student received title IV funding and prevents an individual from filing or participating in a class action that pertains to those services.</p> <p>(iii) Pre-dispute arbitration agreement means any agreement or part of an agreement, regardless of its form or structure, between a school, or a party acting on behalf of a school, and a student requiring arbitration of any future dispute between the parties relating to the making of a Direct Loan or provision of educational services for which the student received title IV funding.</p> <p>EFFECTIVE DATE: June 25, 2021</p> |
| <p>Modernizing the E-Rate Program for Schools and Libraries, 86 Federal Register 33549, June 25, 2021</p> | <p>FINAL RULE: The requirements contained herein are necessary to implement the Congressional mandate for universal service. It provides the Commission and USAC with the necessary information to administer the E-Rate program, determine the amount of support entities seeking funding are eligible to receive, to determine if entities are complying with the Commission's rules, and to prevent waste, fraud, and abuse. The information will also allow the Commission to evaluate the extent to which the E-Rate program is meeting the statutory objectives specified in section 254 of the 1996 Act, the Commission's own performance goals set in the 2014 First E-Rate Order, and to evaluate the need and feasibility for any future revisions to program rules.</p> <p>Further, the purpose of this information is to ensure that schools and libraries that are eligible to receive discounted internet Access services (Category One), and Broadband Internal Connections, Managed Internal Broadband Services, and Basic Maintenance of Broadband Internal Connections (Basic Maintenance) (known together as Category Two Services) have in place internet safety policies. Schools and libraries receiving these services must certify, by completing a FCC Form 486 (Receipt of Service Confirmation and Certification of Compliance with the Children's internet Protection Act), that respondents are enforcing a policy of internet safety and enforcing the operation of a technology prevention measure. Also,</p> |

| | |
|---|---|
| | <p>respondents who received a Funding Commitment Decision Letter indicating services eligible for universal service funding must file FCC Form 486 to indicate their service start date and to start the payment process. In addition, all members of a consortium must submit signed certifications to the Billed Entity of their consortium using a FCC Form 479; Certification by Administrative Authority to Billed Entity of Compliance with Children's internet Protection Act, in language consistent with the certifications adopted for the FCC Form 486.</p> <p>Consortia must, in turn, certify collection of the FCC Forms 479 on the FCC Form 486. FCC Form 500 is used by E-rate participants to make adjustments to previously filed forms, such as changing the contract expiration date filed with the FCC Form 471, changing the funding year service start date filed with the FCC Form 486, cancelling or reducing the amount of funding commitments, requesting extensions of the deadline for nonrecurring services, and notifying USAC of equipment transfers.</p> <p>EFFECTIVE DATE: June 25, 2021</p> |
| <p>NEH Implementation of the Program Fraud Civil Remedies Act of 1986, 86 Federal Register 33603, June 25, 2021</p> | <p>PROPOSED RULE: The National Endowment for the Humanities (NEH) is proposing to issue regulations to implement the Program Fraud Civil Remedies Act of 1986 (PFCRA). The PFCRA authorizes certain Federal agencies, including NEH, to impose civil penalties and assessments through administrative adjudication against any person who makes, submits, or presents a false, fictitious, or fraudulent claim or written statement to NEH. The proposed rule will establish the procedures that NEH will follow in implementing the PFCRA, as well as specify the hearing and appeal rights of persons subject to penalties and assessments under the PFCRA.</p> <p>COMMENTS DUE: July 26, 2021</p> |
| <p>FCC Determination of Rates and Terms for Public Broadcasting (PB IV), 86 Federal Register 34674, June 30, 2021</p> | <p>PROPOSED RULE: The Copyright Royalty Judges publish for comment proposed regulations that set rates and terms for the use of certain copyrighted works by certain public broadcasting entities for the period beginning January 1, 2023, and ending December 31, 2027.</p> <p>COMMENTS DUE: July 30, 2021</p> |
| <h2 style="background-color: #ffffcc; padding: 5px;">Virginia Register – June 2021</h2> | |
| <p>Executive Order 79, Virginia Register of Regulations, Volume 37, Issue 21, June 7, 2021</p> | <p>EXECUTIVE ORDER 79: Ending of Commonsense Public Health Restrictions Due to Novel Coronavirus (COVID-19)</p> <p>CONTINUED GUIDANCE ON MASK WEARING</p> <p>A. Masks – Indoors and Outdoors</p> <p>All individuals in the Commonwealth aged five and older should cover their mouth and nose with a mask in accordance with the Center for Disease Control and Protection guidance linked here. If there is a conflict between the sector-specific guidelines and this section, the sector-specific guidelines governs.</p> |

B. Masks – Enforcement

1. The Virginia Department of Health shall have authority to enforce this Order. The State Health Commissioner may also seek injunctive relief in circuit court for violation of this Order, pursuant to § 32.1-27 of the Code of Virginia.

2. The Virginia Department of Labor and Industry, pursuant to § 40.1-51.1 of the Code of Virginia, the Department of Professional and Occupational Regulation, pursuant to 18 Va. Admin. Code § 41-20-280, the Virginia Department of Agriculture and Consumer Services, pursuant to § 3.2-5106 of the Code of Virginia or any other law applicable to these agencies, shall have authority to enforce section I of this Order.

3. Medical-grade masks and personal protective equipment should be reserved for medical personnel. The use of cloth masks does not replace the need to maintain the appropriate physical distancing, clean and disinfect frequently touched surfaces routinely in all public settings, stay home when sick, and practice frequent handwashing.

C. Masks – Exceptions

1. Where required to wear a mask, the requirement does not apply to the following:

- a. While eating or drinking;
- b. Individuals exercising or using exercise equipment;
- c. Any person who is playing a musical instrument when wearing a mask would inhibit the playing of the instrument (e.g. wind or brass instrument) so long as at least ten feet of physical distance can be maintained from other persons, whether the rehearsal or performance is indoors or outdoors;
- d. Any person who has trouble breathing, or is unconscious, incapacitated, or otherwise unable to remove the mask without assistance;
- e. Any person seeking to communicate with people who are deaf or hard of hearing and for which the mouth needs to be visible;
- f. When temporary removal of the mask is necessary to secure government or medical services;
- g. When necessary to participate in a religious ritual; and
- h. Persons with health conditions or disabilities that prohibit wearing a mask. Nothing in this Order shall require the use of a mask by any person for whom doing so would be contrary to his or her health or safety because of a medical condition. Adaptations and alternatives for individuals with health conditions or disabilities should be considered whenever possible to increase the feasibility of wearing a mask to reduce the risk of COVID-19 spreading if it is not possible to wear one.

2. Any person who declines to wear a mask because of a medical condition shall not be required to produce or carry medical

documentation verifying the stated condition nor shall the person be required to identify the precise underlying medical condition.

E. Masks – Waiver

The waiver of § 18.2-422 of the Code of Virginia is continued, so as to allow the wearing of a medical mask, respirator, or any other protective face covering for the purpose of facilitating the protection of one’s personal health in response to the COVID-19 public health emergency declared by the State Health Commissioner on February 7, 2020, and reflected in Amended Executive Order 51 (2020) declaring a state of emergency in the Commonwealth. Amended Executive Order 51 (2020) remains so amended. This waiver is effective as of March 12, 2020 and will remain in effect until 11:59 p.m. on June 30, 2021, unless amended or rescinded by further executive order.

EFFECTIVE DATE: May 28, 2021