

# Federal Register – May 2021

[Patient Protection and Affordable Care Act; HHS Notice of Benefit and Payment Parameters for 2022 and Pharmacy Benefit Manager Standards, 86 Federal Register 24140, May 5, 2021](#)

**FINAL RULE:** This final rule sets forth payment parameters and provisions related to the risk adjustment program and cost-sharing parameters. It includes changes related to special enrollment periods; direct enrollment entities; the administrative appeals processes with respect to health insurance issuers and non-federal governmental group health plans; the medical loss ratio program; income verification by Exchanges; and other related topics. It also revises the regulation requiring the reporting of certain prescription drug information by qualified health plans or their pharmacy benefit managers.

**EFFECTIVE DATE:** July 6, 2021

[Notice of Networking and Information Technology Research and Development Science, Technology, Engineering, and Math \(STEM\) Portal, 86 Federal Register 24417, May 6, 2021](#)

**NOTICE:** The Networking and Information Technology Research and Development Program is announcing a Science, Technology, Engineering, and Math (STEM) Portal that provides a one-stop resource for Federal cyberlearning, computational literacy, and information technology training opportunities at all education levels to champion a diverse, inclusive, and well-trained workforce capable of future innovations. The resource provides details on programs targeting all levels of education and experience.

**EFFECTIVE DATE:** The guidance portal is accessible by the public on May 6, 2021.

[IRS Requesting Comments on Form 1099-R, 86 Federal Register 24692, May 7, 2021](#)

**NOTICE:** The IRS is soliciting comments concerning Form 1099-R, Distributions From Pensions, Annuities, Retirement or Profit-sharing Plans, IRAs, Insurance Contracts, etc. Form 1099-R is used to report distributions from pensions, annuities, profit-sharing or retirement plans, IRAs, and the surrender of insurance contracts. This information is used by the IRS to verify that income has been properly reported by the recipient. There are changes to the existing collection: (1) The existing FATCA and Date of payment boxes were given line numbers, and (2) the age for IRA required minimum distributions was changed to age 72 beginning in 2020 per the SECURE Act.

**COMMENTS DUE:** July 6, 2021

[Adoption of Updated EDGAR Filer Manual, Form ID Amendments, 86 Federal Register 25803, May 11, 2021](#)

**FINAL RULE:** The SEC is adopting amendments to Volumes I and II of the Electronic Data Gathering, Analysis, and Retrieval system (“EDGAR”) Filer Manual (“EDGAR Filer Manual” or “Filer Manual”), a related form, and related rules. The amendments result in a more uniform and secure process for EDGAR access by requiring certain applicants that already have an EDGAR Central Index Key (or CIK) account number, but do not have EDGAR access codes, to submit the related form and an authenticating document to obtain access to EDGAR. The related form has also been amended to update its instructions and cross-references to Volume I of the Filer Manual. The revisions to Volume II reflect additional updates to the EDGAR system.

**EFFECTIVE DATE:** May 11, 2021

<p><a href="#">ED Notice of Public Posting Requirement of Grant Information for Higher Education Emergency Relief Fund (HEERF) Grantees, 86 Federal Register 26213, May 13, 2021</a></p>	<p><b>NOTICE:</b> The U.S. Department of Education (Department) publishes an Information for Financial Aid Professionals (IFAP) Electronic Announcement (EA) that describes the public reporting requirements for Emergency Financial Aid Grants to Students under the Coronavirus Response and Relief Supplemental Appropriations Act, 2021 (CRRSAA) and American Rescue Plan Act, 2021 (ARP) section (a)(1) and (a)(4) programs. <b>PUBLICATION DATE:</b> May 13, 2021</p>
<p><a href="#">Notice Inviting Applications for Public and Private Nonprofit Institutions of Higher Education Under the Higher Education Emergency Relief Fund (HEERF), Section 2003 of the American Rescue Plan Act, 2021 (ARP), 86 Federal Register 26215, May 13, 2021</a></p>	<p><b>NOTICE:</b> The Secretary is announcing the availability of new ARP (a)(1) HEERF grant funding as authorized under section 2003(1) of the ARP and inviting applications under Assistance Listing Numbers (ALN) 84.425E and 84.425F from eligible public and private nonprofit institutions that did not previously receive funding under section 314(a)(1) of the Coronavirus Response and Relief Supplemental Appropriations Act, 2021 (CRRSAA). This notice relates to the approved information collections under OMB control numbers 1801-0005 and 1840-0842. <b>APPLICATIONS AVAILABLE:</b> May 13, 2021 - August 11, 2021</p>
<p><a href="#">Strengthening Wage Protections for the Temporary and Permanent Employment of Certain Immigrants and Non-Immigrants in the United States: Delay of Effective and Transition Dates, 86 Federal Register 26164, May 13, 2021</a></p>	<p><b>FINAL RULE/DELAY OF EFFECTIVE DATE:</b> On March 12, 2021, the Department of Labor (Department or DOL) published a final rule delaying the effective date of the January 14, 2021, rule entitled Strengthening Wage Protections for the Temporary and Permanent Employment of Certain Aliens in the United States (the rule or Final Rule), from March 15, 2021 until May 14, 2021. On March 22, 2021, the Department proposed to further delay the effective date of the rule by eighteen months from May 14, 2021 until November 14, 2022, along with corresponding proposed delays to the rule's transition dates. The Department proposed an additional delay to provide a sufficient amount of time to thoroughly consider the legal and policy issues raised in the rule, and offer the public, through the issuance of a Request for Information, an opportunity to provide information on the sources and methods for determining prevailing wage levels covering employment opportunities that United States (U.S.) employers seek to fill with foreign workers on a permanent or temporary basis through certain employment-based immigrant visas or through H-1B, H-1B1, or E-3 nonimmigrant visas. The Department also proposed the further delay to provide agency officials with a sufficient amount of time to compute and validate prevailing wage data covering specific occupations and geographic areas, complete and thoroughly test system modifications, train staff, and conduct public outreach to ensure an effective and orderly implementation of any revisions to the prevailing wage levels. <b>EFFECTIVE DATE:</b> November 14, 2022 <b>TRANSITION DATES:</b> January 1, 2023-2026</p>
<p><a href="#">ED Eligibility To Receive Emergency Financial Aid Grants to Students Under the Higher Education Emergency Relief Programs, 86 Federal Register 26608, May 14, 2021</a></p>	<p><b>FINAL REGULATIONS:</b> The Secretary amends the Department of Education regulations so that an institution of higher education (IHE) may appropriately determine which individuals currently or previously enrolled at an institution are eligible to receive emergency financial aid grants to students under the Higher Education Emergency Relief programs, as originally enacted</p>

	<p>under the Coronavirus Aid, Relief, and Economic Security (CARES) Act (March 27, 2020).</p> <p><b>EFFECTIVE DATE:</b> May 14, 2021</p>
<p><a href="#">Changes To Implement Provisions of the Trademark Modernization Act of 2020, 86 Federal Register 26862, May 18, 2021</a></p>	<p><b>NOTICE OF PROPOSED RULEMAKING:</b> The United States Patent and Trademark Office (USPTO or Office) proposes to amend the rules of practice in trademark cases to implement provisions of the Trademark Modernization Act of 2020. The proposed rule establishes ex parte expungement and reexamination proceedings for cancellation of a registration when the required use in commerce of the registered mark has not been made; provides for a new nonuse ground for cancellation before the Trademark Trial and Appeal Board; establishes flexible Office action response periods; and amends the existing letter-of-protest rule to indicate that letter-of-protest determinations are final and non-reviewable. The USPTO also proposes to set fees for petitions requesting institution of ex parte expungement and reexamination proceedings, and for requests to extend Office action response deadlines. Amendments are also proposed for the rules concerning the suspension of USPTO proceedings and the rules governing attorney recognition in trademark matters. Finally, a new rule is proposed to address procedures regarding court orders cancelling or affecting registrations.</p> <p><b>COMMENTS DUE:</b> July 19, 2021</p>
<p><a href="#">DOJ Information Collection Activities; Proposed Collection Comments Requested; Reinstatement, With Change, of a Previously Approved Collection for Which Approval Has Expired: 2021 Survey of Campus Law Enforcement Agencies (SCLEA), 86 Federal Register 26944, May 18, 2021</a></p>	<p><b>NOTICE:</b> An agency-level survey will be sent to approximately 1,860 campus LEA respondents. Respondents will be campus law enforcement agencies (LEAs) serving public and private 2- and 4-year postsecondary educational institutions with a full-time enrollment of 1,000 or more students. Periodically since 1995, BJS has collected information about the personnel, policies, and practices of campus law enforcement agencies via the Survey of Campus Law Enforcement Agencies (SCLEA). This survey has been used to produce nationally representative estimates on campus law enforcement personnel, duties, administration, technology, officer selection, officer training, equipment, and jurisdiction. The survey instrument was reviewed by practitioners and subject matter experts to update it from the 2011 form and ensure it covers current topics of interest to campus law enforcement while reducing respondent burden. BJS plans to publish the information collected in a report and archive the data for public use.</p> <p><b>COMMENTS DUE:</b> July 19, 2021</p>
<p><a href="#">Announcement of Public Hearing; Title IX of the Education Amendments of 1972, 86 Federal Register 27429, May 20, 2021</a></p>	<p><b>NOTICE:</b> The U.S. Department of Education's Office for Civil Rights (OCR) announces a virtual public hearing to gather information for the purpose of improving enforcement of Title IX of the Education Amendments of 1972 (Title IX). OCR seeks comments from the public at the hearing on steps the Department can take to ensure that schools are providing students with educational environments free from discrimination in the form of sexual harassment, which encompasses sexual assault and other forms of sexual violence; to ensure that schools have grievance procedures that provide for the fair, prompt, and equitable resolution of reports of sexual harassment and other sex discrimination, cognizant of the</p>

	<p>sensitive issues that are often involved; and to address discrimination based on sexual orientation and gender identity in educational environments. This notice provides information to members of the public regarding the hearing and OCR's request for live and written comments, and sets forth the dates and times, agenda, and instructions for attending this public hearing.</p> <p><b>COMMENTS DUE:</b> June 11, 2021</p> <p><b>RECORDED COMMENTS:</b> Check FR announcement for details</p>
<p><a href="#">Amendment to the Definition of Unmanned Aircraft Accident, 86 Federal Register 27550, May 21, 2021</a></p>	<p><b>NOTICE OF PROPOSED RULEMAKING:</b> The National Transportation Safety Board (NTSB) proposes amending the definition of "Unmanned aircraft accident" by removing the weight-based requirement and replacing it with an airworthiness certificate or airworthiness approval requirement. The weight threshold is no longer an appropriate criterion because unmanned aircraft systems (UAS) under 300 lbs. are operating in high-risk environments, such as beyond line-of-sight and over populated areas. The proposed definition will allow the NTSB to be notified of and quickly respond to UAS events with safety significance.</p> <p><b>COMMENTS DUE:</b> July 20, 2021</p>
<p><a href="#">Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Safer Schools and Campuses Best Practices Clearinghouse, 86 Federal Register 27837, May 24, 2021</a></p>	<p><b>NOTICE:</b> On January 21, 2021 the President issued Executive Order (E.O.) 14000 to assist members of the educational community in each State in safely reopening schools for face-to-face instruction and ensuring schools remain open. E.O. 14000 directs the Department to make widely available and easily accessible a variety of resources from the field and Federal agencies and technical assistance to support their dissemination and use. The hub for these resources will be the Clearinghouse described in E.O. 14000. The Department's Office of Elementary and Secondary Education (OESE) will lead development and implementation of the Clearinghouse in partnership with other ED offices and relevant Federal agencies. At the heart of the Clearinghouse will be the lessons learned and best practices collected from schools, districts, States, and institutions of higher education from across the country.</p> <p><b>COMMENTS DUE:</b> July 23, 2021</p>
<p><a href="#">DoD Voluntary Education Programs, 86 Federal Register 27974, May 25, 2021</a></p>	<p><b>FINAL RULE:</b> To ensure equity of student counseling options available to educational institutions, the DoD is amending its Voluntary Education Programs regulation to cite current law and to remove the requirement that an educational institution must have a DoD installation student population of at least 20 military students before it qualifies to be authorized access on a DoD installation that is not overseas.</p> <p><b>EFFECTIVE DATE:</b> June 24, 2021</p>
<p><a href="#">ED Agency Information Collection Activities; Comment Request; Statewide Longitudinal Data System (SLDS) Survey 2021-2023, 86 Federal Register 28090, May 25, 2021</a></p>	<p><b>NOTICE:</b> The National Center for Education Statistics (NCES), of the Institute of Education Sciences (IES) is requesting clearance to continue the Statewide Longitudinal Data System (SLDS) Survey collection, which is intended to provide insight on State and U.S. territory SLDS capacity for automated linking of K-12, teacher, postsecondary, workforce, career and technical education (CTE), adult education, and early childhood data. The SLDS Survey will continue to be collected annually from State Education Agencies (SEAs), and will help inform NCES ongoing</p>

	<p>evaluation and targeted technical assistance efforts to enhance the quality of the SLDS Program's support to States regarding systems development, enhancement, and use. The SLDS 2020-22 package included a new data collection tool, a Google Form developed for an electronic data collection. That tool was not as successful in the 2020 data collection as NCEs would like. This revised request is to conduct all activities related to SLDS 2021-23. It submits enhancements ...intended to bring consistency to questions across sectors, provide greater definition and clarity to terminology and questions used within the SLDS Survey, and address pandemic-related response across states. In addition, this request submits screenshots of the new Qualtrics information collection tool that will replace the Google Form introduced for SLDS 2020 and which will be used in the 2021 SLDS Data Collection (for proposed changes, see Appendix E) and is planned for use in subsequent collections. Finally, this request submits screenshots of the updated webinar, as the SLDS Program proposes the option to host one or two SLDS Survey webinars to familiarize respondents with the collection tool and completion process.</p> <p><b>COMMENTS DUE:</b> July 26, 2021</p>
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<p><a href="#">HHS Notification of Interpretation and Enforcement of Section 1557 of the Affordable Care Act and Title IX of the Education Amendments of 1972, 86 Federal Register 27984, May 25, 2021</a></p>	<p><b>NOTIFICATION OF INTERPRETATION &amp; ENFORCEMENT:</b> This Notification is to inform the public that, consistent with the Supreme Court's decision in Bostock and Title IX, beginning May 10, 2021, the Department of Health and Human Services (HHS) will interpret and enforce section 1557 of the Affordable Care Act prohibition on discrimination on the basis of sex to include: Discrimination on the basis of sexual orientation; and discrimination on the basis of gender identity. This interpretation will guide the Office for Civil Rights (OCR) in processing complaints and conducting investigations, but does not itself determine the outcome in any particular case or set of facts.</p> <p><b>EFFECTIVE DATE:</b> May 10, 2021</p>
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**Virginia Register – May 2021**

<p><a href="#">16VAC15-60 (adding 16VAC15-60-10), Regulation Governing On-The-Job Training Programs or Other Training Programs, Volume 37, Issue 19, May 10, 2021</a></p>	<p><b>EMERGENCY NOIRA:</b> Notice is hereby given in accordance with § 2.2-4007.01 of the Code of Virginia that the Department of Labor and Industry intends to consider promulgating 16VAC15-60, Regulation Governing On-The-Job Training Programs or Other Training Programs. The purpose of the proposed action is to provide the standards required for any employer on-the-job training program or other training program established in accordance with § 40.1-28.10 of the Code of Virginia. The proposed action promulgates a new regulation that sets forth the standards required for any on-the-job training or other training program that an employer must establish if the employer wishes to pay its employees the reduced rate for the duration of the 90-day training period, including the period for which the employee can be paid the training wage, what type of employee qualifies for the program, what type of program qualifies, and what type of skills an employee must learn in the training program. The agency does not intend to hold a public</p>
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hearing on the proposed action after publication in the Virginia Register.

**EFFECTIVE DATES:** May 1, 2021 – October 31, 2022