

## Federal Register – March 2022

[Amendments to Class Prohibited Transaction Exemptions To Remove Credit Ratings Pursuant to the Dodd-Frank Wall Street Reform and Consumer Protection Act, 87 Federal Register 12985, March 8, 2022](#)

**NOTICE:** This document amends six class exemptions from prohibited transaction rules set forth in the Employee Retirement Income Security Act of 1974 (ERISA or the Act) and the Internal Revenue Code (the Code). The amended exemptions are Prohibited Transaction Exemptions (PTEs) 75-1, 80-83, 81-8, 95-60, 97-41 and 2006-16. The amendments relate to the use of credit ratings as conditions in these class exemptions. Section 939A of the Dodd-Frank Wall Street Reform and Consumer Protection Act requires the Department to remove any references to or requirements of reliance on credit ratings from its class exemptions and to substitute standards of creditworthiness as the Department determines to be appropriate. The amendments affect participants and beneficiaries of employee benefit plans, owners of individual retirement accounts (IRAs), fiduciaries of employee benefit plans and IRAs, and the financial institutions that engage in transactions with, or provide services or products to, the plans and IRAs.

**EFFECTIVE DATE:** May 9, 2022

[Small Claims Procedures for Library and Archives Opt-Outs and Class Actions, 87 Federal Register 13171, March 9, 2022](#)

**FINAL RULE:** The U.S. Copyright Office is issuing a final rule regarding the procedures for libraries and archives to preemptively opt out of proceedings before the Copyright Claims Board (“CCB”) and the procedures for a party before the CCB with respect to a class action proceeding, under the Copyright Alternative in Small-Claims Enforcement Act of 2020.

**EFFECTIVE DATE:** April 8, 2022

[Procedures Governing the Filing and Processing of Prohibited Transaction Exemption Applications, 87 Federal Register 14722, March 15, 2022](#)

**NOTICE OF PROPOSED RULEMAKING:** This document gives notice of a proposed rule that, if adopted, would supersede the Department of Labor's (the Department) existing procedure governing the filing and processing of applications for administrative exemptions from the prohibited transaction provisions of the Employee Retirement Income Security Act of 1974 (ERISA), the Internal Revenue Code of 1986 (the Code), and the Federal Employees' Retirement System Act of 1986 (FERSA). The Secretary of Labor (the Secretary) is authorized to grant exemptions from the prohibited transaction provisions of ERISA, the Code, and FERSA and to establish an exemption procedure to provide for such relief. The proposed rule would update the Department's prohibited transaction exemption procedures.

**COMMENTS DUE:** April 14, 2022

[Agency Information Collection Activities; Submission for OMB Review; Comment Request; Patient Protection and Affordable Care Act Patient Protection Notice, 87 Federal Register 14578, March 15, 2022](#)

**NOTICE:** The Department of Labor (DOL) is submitting this Employee Benefits Security Administration (EBSA)-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.

**COMMENTS DUE:** April 14, 2022

<p><a href="#">Submission for OMB Review; 30-Day Comment Request NIH Electronic Application System for Certificates of Confidentiality, 87 Federal Register 14545, March 15, 2022</a></p>	<p><b>NOTICE:</b> The current CoC system sends system communications and the approved Certificate to the Principal Investigator and the Institutional Official. The optional data fields will allow the requester to identify another person that receives CoC system communications and the approved Certificate. This request system provides one electronic form to be used by all non-NIH funded research organizations that request a discretionary Certificates of Confidentiality (CoC) from NIH. CoCs are issued by the agencies of the Department of Health and Human Services (HHS), including NIH, to authorize researchers to protect the privacy of human research subjects by prohibiting them from releasing names and identifying characteristics of research participants to anyone not connected with the research, except in limited circumstances specified in the statute. Eligible requesting organizations that provide legally binding affirmations that they will abide by the terms of the CoC are issued a Certificate of Confidentiality.</p> <p><b>COMMENTS DUE:</b> Within 30 days of the date of publication</p>
<p><a href="#">Updating the Davis-Bacon and Related Acts Regulations, 87 Federal Register 15698, March 18, 2022</a></p>	<p><b>NOTICE OF PROPOSED RULEMAKING:</b> The Department of Labor (Department) proposes to amend regulations issued under the Davis-Bacon and Related Acts that set forth rules for the administration and enforcement of the Davis-Bacon labor standards that apply to Federal and federally assisted construction projects. As the first comprehensive regulatory review in nearly 40 years, the Department believes that revisions to these regulations are needed to provide greater clarity and enhance their usefulness in the modern economy.</p> <p><b>COMMENTS DUE:</b> May 17, 2022</p>
<p><a href="#">Agency Information Collection Activities; Comment Request; Public Service Loan Forgiveness Reconsideration Request, 87 Federal Register 15415, March 18, 2022</a></p>	<p><b>NOTICE:</b> The Department of Education (Department) is requesting an emergency clearance for a new information collection at the same time requesting a 60-day public comment period. This collection will be used to obtain information from federal student loan borrowers to determine eligibility for reconsideration of their Public Service Loan Forgiveness (PSLF) or Temporary Expanded Public Service Loan Forgiveness (TEPSLF) denial notification on the basis of payment counts or employer eligibility determinations pursuant to a settlement agreement between the Department and the American Federation of Teachers (ATF) which was signed on October 12, 2021. The settlement between the Department and the AFT requires that “as soon as practicable but no later than April 30, 2022, the Department will establish an interim reconsideration process that will be available to any borrower whose application for PSLF or TEPSLF has been or is denied”. In order to meet the requirements of this settlement, the Department must gather the information needed from the borrowers to reconsider their denial. This collection will allow for the collection and review of such reconsideration requests.</p> <p><b>COMMENTS DUE:</b> May 17, 2022</p>
<p><a href="#">Increase in Maximum Tuition and Fee Amounts Payable Under the Post-9/11 GI Bill, 87 Federal Register 16090, March 21, 2022</a></p>	<p><b>NOTICE:</b> The purpose of this notice is to inform the public of the increase in the Post-9/11 GI Bill maximum tuition and fee amounts payable and the increase in the amount used to determine an individual's entitlement charge for reimbursement</p>

	<p>of a licensing, certification, or national test for the 2022-2023 Academic Year (AY), effective August 1, 2022, through July 31, 2023.</p> <p><b>EFFECTIVE DATE:</b> August 1, 2022 through July 31, 2023</p>
<p><a href="#">DOD, GSA, NASA Indirect Cost Rate Proposals, Payments to Small Business Subcontractors, and Bankruptcy Notifications, 87 Federal Register 17292, March 28, 2022</a></p>	<p><b>NOTICE:</b> DoD, GSA, and NASA invite the public to comment on a revision and consolidation of FAR concerning indirect cost rate proposals, payments to small business subcontractors, and bankruptcy notifications.</p> <p><b>COMMENTS DUE:</b> May 27, 2022</p>
<p><a href="#">DOL Affordable Care Act Internal Claims and Appeals and External Review Procedures for ERISA Plans, 87 Federal Register 18820, March 31, 2022</a></p>	<p><b>NOTICE:</b> Under the Affordable Care Act, Congress added Public Health Service Act (the PHS Act) section 2719, which provides rules relating to internal claims and appeals and external review processes. The Departments of Labor (DOL), Health and Human Services (HHS), and the Treasury (collectively, the Departments) issued final implementing regulations on November 18, 2015 (80 FR 72191). With respect to internal claims and appeals processes for group health coverage, PHS Act section 2719 and paragraph (b)(2)(i) of the interim final regulations provide that group health plans and health insurance issuers offering group health insurance coverage must comply with the internal claims and appeals processes set forth in 29 CFR 2560.503-1 (the DOL claims procedure regulation) and update such processes in accordance with standards established by the Secretary of Labor in paragraph (b)(2)(ii) of the regulations. The No Surprises Act of 2020 extended the balance billing protections related to external reviews to grandfathered plans. This collection of information request includes the information collection and third-party notice and disclosure requirements that a plan must satisfy under the statutes and regulations.</p> <p><b>COMMENTS DUE:</b> May 2, 2022</p>

## Virginia Register – March 2022

<p><a href="#">24VAC35-20. Policy and Procedure Manual (repealing 24VAC35-20-10 through 24VAC35-20-500), Virginia Register of Regulations, Volume 38, Issue 15, March 14, 2022</a></p> <p><a href="#">24VAC35-30. VASAP Case Management Policy and Procedure Manual (repealing 24VAC35-30-10 through 24VAC35-30-160)</a></p> <p><a href="#">24VAC35-40. Certification Requirements Manual (repealing 24VAC35-40-10 through 24VAC35-40-70)</a></p>	<p><b>PROPOSED RULE:</b> The regulation under consideration was written many years ago to guide local Alcohol Safety Action Programs (ASAPs) in accomplishing this mission. Since that time much has changed. The regulation no longer reflects the correct organizational structure, best practices, or current policy and procedure. Repealing the existing regulation, using guidance documents instead, enables the Commission on VASAP to be flexible in a timely manner when implementing updated policy and procedures as new evidence based practices are recommended and the mandates of the courts change. New guidance documents enable VASAP to be more efficient and effective in guarding the public from the potential dangers presented by impaired motorists.</p> <p><b>COMMENTS DUE:</b> May 13, 2022</p>
<p><a href="#">Guidance for Employers to Mitigate the Risk of COVID-19 to Workers, Virginia Register of Regulations, Volume 38, Issue 16, March 28, 2022</a></p>	<p><b>GUIDANCE:</b> This guidance is designed to help employers provide appropriate information for workers to mitigate the risk of COVID-19 transmission in the workplace and to help establish a workplace framework for future organizational and individual expectations and responsibilities.</p> <p><b>COMMENTS DUE:</b> April 27, 2022</p> <p><b>EFFECTIVE DATE:</b> April 28, 2022</p>

