

Federal Register – October 2022

[Request for Comments on USPTO Initiatives To Ensure the Robustness and Reliability of Patent Rights, 87 Federal Register 60130, October 4, 2022](#)

REQUEST FOR COMMENTS: The United States Patent and Trademark Office (USPTO or Office) seeks initial public comments on proposed initiatives directed at bolstering the robustness and reliability of patents to incentivize and protect new and nonobvious inventions while facilitating the broader dissemination of public knowledge to promote innovation and competition. This request for comments (RFC) addresses a variety of topics, including prior art searching, support for claimed subject matter, request for continued examination (RCE) practice, and restriction practice, and certain initiatives related to these topics that are outlined in the USPTO's July 6, 2022, letter to the Food and Drug Administration (FDA). This RFC also seeks comments on the questions set forth in a June 8, 2022, letter to the USPTO from six United States Senators. The USPTO is studying additional topics and initiatives to bolster the robustness and reliability of U.S. patents and will seek public comments on those separately.

COMMENTS DUE: January 3, 2023

[Capabilities of Universities and Private-Sector Firms for Providing Technical Assistance to States, U.S. Territories, Indian Tribes, and Other Eligible Entities To Enhance the Resilience of Electricity Delivery Systems, 87 Federal Register 61008, October 7, 2022](#)

REQUEST FOR INFORMATION: The U.S Department of Energy (DOE) is seeking information from universities and private-sector firms, including non-profit organizations, on their capabilities for providing assistance to States, U.S. Territories, Indian Tribes, and other eligible entities to enhance their ability to plan and implement strategies for improving the resilience of systems that deliver electric power. Towards that aim, DOE requests that interested parties provide responses to the set of questions presented within this notice. DOE intends to use this information to ascertain the best available resources and approach for carrying out a technical assistance program under the Infrastructure Improvement and Jobs Act of 2021 (IIJA).

COMMENTS DUE: November 21, 2022

[Targeting and Eliminating Unlawful Text Messages, 87 Federal Register 61271, October 11, 2022](#)

PROPOSED RULE: In this document, the Federal Communications Commission (Commission) proposes to require mobile wireless providers to block texts, at the network level, that purport to be from invalid, unallocated, or unused numbers, and numbers on a Do-Not-Originate (DNO) list. The document also seeks comment on the extent to which spoofing is a problem with regard to text messaging and whether there are measures the Commission can take to encourage providers to identify and block texts that appear to come from spoofed numbers. In addition, the document seeks comment on applying caller ID authentication standards to text messaging.

COMMENTS DUE: November 10, 2022

[Federal Student Aid Programs \(Federal Perkins Loan Program, Federal Family Education Loan Program, and William D. Ford Federal Direct Loan Program\), 87 Federal Register 61512, October 12, 2022](#)

RULE: The Secretary of Education (Secretary) is issuing updated 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 or Act). The waivers and

	<p>modifications in this document apply only to the national emergency concerning the coronavirus disease 2019 (COVID-19 pandemic).</p> <p>EFFECTIVE DATE: October 12, 2022</p>
<p>Employee or Independent Contractor Classification Under the Fair Labor Standards Act, 87 Federal Register 62218, October 13, 2022</p>	<p>NOTICE OF PROPOSED RULEMAKING: The U.S. Department of Labor (the Department) is proposing to modify Wage and Hour Division regulations to revise its analysis for determining employee or independent contractor classification under the Fair Labor Standards Act (FLSA or Act) to be more consistent with judicial precedent and the Act's text and purpose.</p> <p>COMMENTS DUE: November 28, 2022</p>
<p>Submission to the Office of Management and Budget for Review and Approval; Comment Request; Application To Participate in Federal Student Financial Aid Programs (PEPS), 87 Federal Register 62086, October 13, 2022</p>	<p>NOTICE: The Department of Education (the Department) developed the Application for Approval to Participate in the Federal Student Financial Aid Programs to comply with statutory requirements of collecting necessary information under the Higher Education Act of 1965, as amended. This new collection is a request to continue use of the version of the application that was last approved in 2019 under 1845-0012. That information collection is undergoing clearance to reflect the revision of the information collection as the Department transitions to an electronic webform housed on the FSA Partner Connect system. The revision may not be ready for implementation by the current form expiration date of November 30, 2022. The Department is therefore requesting approval of the currently approved form/format in this new collection.</p>
<p>IRS Affordability of Employer Coverage for Family Members of Employees, 87 Federal Register 61979, October 13, 2022</p>	<p>FINAL REGULATIONS: This document contains final regulations under section 36B of the Internal Revenue Code (Code) that amend the regulations regarding eligibility for the premium tax credit (PTC) to provide that affordability of employer-sponsored minimum essential coverage (employer coverage) for family members of an employee is determined based on the employee's share of the cost of covering the employee and those family members, not the cost of covering only the employee. The final regulations also add a minimum value rule for family members of employees based on the benefits provided to the family members. The final regulations affect taxpayers who enroll, or enroll a family member, in individual health insurance coverage through a Health Insurance Exchange (Exchange) and who may be allowed a PTC for the coverage.</p> <p>EFFECTIVE DATE: December 12, 2022</p>
<p>New Information Collection: HHS Nondiscrimination in Health Programs and Activities, 87 Federal Register 62432, October 14, 2022</p>	<p>NOTICE: This Information Collection Request is for a new collection of information as proposed in the Department of Health and Human Services (HHS) Office for Civil Rights (OCR) Notice of Proposed Rulemaking (NPRM) entitled Nondiscrimination in Health Programs and Activities (RIN: 0945-AA17). The purpose of this information collection is to ensure covered entities (any health program or activity, any part of which is receiving federal financial assistance from the Department and any health program or activity conducted by the Department or Title I entity) adhere to the statutory requirements under Section 1557. The proposed information collection helps covered entities demonstrate compliance with</p>

	<p>federal civil rights laws and their awareness of their obligations under those laws and respective HHS implementing regulations. COMMENTS DUE: November 14, 2022</p>
<p>Department of Defense Science and Technology Reinvention Laboratory Personnel Demonstration Project Program, 87 Federal Register 62795, October 17, 2022</p>	<p>NOTICE: Science and Technology Reinvention Laboratories (STRL) may implement a direct hire authority for students and recent graduates for occupations which do not require expertise in science, technology, engineering, or mathematics (STEM). The Professional, Administrative, Assistant, Clerical and Technician Student Employment Program (PAACTSEP) is a student program which permits appointment and noncompetitive conversion to the competitive service for qualified candidates who are enrolled in a qualifying educational institution. COMMENTS DUE: November 16, 2022</p>
<p>Readability Changes for Special Requirements for Admission, Extension, and Maintenance of Nonimmigrant Status, 87 Federal Register 62721, October 17, 2022</p>	<p>FINAL RULE: The Department of Homeland Security (DHS) is adding technical reading aids to a section of the Code of Federal Regulations to make that section easier to navigate. DHS is making two sets of changes. First, DHS is adding a table of contents for § 214.2 as a whole. Second, DHS is inserting additional tables of contents corresponding to the second paragraph level within the following paragraphs of § 214.2: —(f) Students in colleges, universities, seminaries, conservatories, academic high schools, elementary schools, other academic institutions, and in language training programs. —(h) Temporary employees.[1] —(m) Students in established vocational or other recognized nonacademic institutions, other than in language training programs. —(w) CNMI-Only Transitional Worker (CW-1). EFFECTIVE DATE: October 17, 2022</p>
<p>Native American Graves Protection and Repatriation Act Systematic Process for Disposition and Repatriation of Native American Human Remains, Funerary Objects, Sacred Objects, and Objects of Cultural Patrimony, 87 Federal Register 63202, October 18, 2022</p>	<p>PROPOSED RULE: The Department of the Interior proposes to revise regulations to improve implementation of the Native American Graves Protection and Repatriation Act of 1990. These proposed regulations would clarify and improve upon the systematic process for the disposition and repatriation of Native American human remains, funerary objects, sacred objects, or objects of cultural patrimony. The proposed changes would provide a step-by-step roadmap for museums and Federal agencies to comply with requirements within specific timelines to facilitate the required disposition and repatriation. The proposed changes would describe the processes in accessible language with clear timelines and terms, reduce ambiguity, and improve efficiency in meeting the requirements. In addition, the proposed changes emphasize consultation in every step and defer to the customs, traditions, and Native American traditional knowledge of lineal descendants, Indian Tribes, and Native Hawaiian organizations. COMMENTS DUE: January 17, 2023</p>
<p>Truth in Lending (Regulation Z), 87 Federal Register 63671, October 19, 2022</p>	<p>FINAL RULE: The Board and the Bureau (collectively, the Agencies) are publishing final rules amending the official interpretations and commentary for the Agencies' regulations that implement the Truth in Lending Act (TILA). The Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act) amended TILA by requiring that the dollar threshold for</p>

	<p>exempt consumer credit transactions be adjusted annually by the annual percentage increase in the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W). Under regulations adopted by the Board and the Bureau, if there is no annual percentage increase in the CPI-W, the Board and the Bureau will not adjust this exemption threshold from the prior year. Additionally, in years following a year in which the exemption threshold was not adjusted because the CPI-W decreased, the threshold is calculated by applying the annual percentage change in the CPI-W to the dollar amount that would have resulted, after rounding, if the decreases and any subsequent increases in the CPI-W had been taken into account. Based on the annual percentage increase in the CPI-W as of June 1, 2022, the exemption threshold will increase from \$61,000 to \$66,400 effective January 1, 2023. Because the Dodd-Frank Act also requires similar adjustments in the Consumer Leasing Act's threshold for exempt consumer leases, the Agencies are making similar amendments to each of their respective regulations implementing the Consumer Leasing Act elsewhere in the Rules section of this issue of the Federal Register</p> <p>EFFECTIVE DATE: January 1, 2023</p>
<p>Student Assistance General Provisions, Federal Family Education Loan Program, and William D. Ford Federal Direct Loan Program; Student Assistance General Provisions, The Secretary's Recognition of Accrediting Agencies, The Secretary's Recognition Procedures for State Agencies; Distance Education and Innovation; Corrections, 87 Federal Register 63689, October 19, 2022</p>	<p>FINAL RULE: The Department of Education (Department or we) corrects the text in regulations issued under the Higher Education Act of 1965, as amended (HEA) and published in the Federal Register on September 23, 2019, for provisions relating to Borrower Defense to Repayment and Financial Responsibility; November 1, 2019, for provisions relating to Accreditation, State Authorization, and the Student Assistance General Provisions; and September 2, 2020, for provisions relating to Distance Education and Innovation, Institutional Eligibility, and the Student Assistance General Provisions.</p> <p>EFFECTIVE DATE: October 20, 2022</p>
<p>Consumer Leasing (Regulation M), 87 Federal Register 63666, October 19, 2022</p>	<p>FINAL RULE: The Board and the Bureau (collectively, the Agencies) are finalizing amendments to the official interpretations and commentary for the Agencies' regulations that implement the Consumer Leasing Act (CLA). The Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act) amended the CLA by requiring that the dollar threshold for exempt consumer leases be adjusted annually by the annual percentage increase in the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W). Under regulations adopted by the Agencies, if there is no annual percentage increase in the CPI-W, the Agencies will not adjust this exemption threshold from the prior year. Additionally, in years following a year in which the exemption threshold was not adjusted because the CPI-W decreased, the threshold is calculated by applying the annual percentage change in the CPI-W to the dollar amount that would have resulted, after rounding, if the decreases and any subsequent increases in the CPI-W had been taken into account. Based on the annual percentage increase in the CPI-W as of June 1, 2022, the exemption threshold will increase from \$61,000 to \$66,400 effective January 1, 2023. Because the Dodd-Frank Act also</p>

	<p>requires similar adjustments in the Truth in Lending Act's threshold for exempt consumer credit transactions, the Agencies are making similar amendments to each of their respective regulations implementing the Truth in Lending Act elsewhere in the Rules section of this issue of the Federal Register.</p> <p>EFFECTIVE DATE: January 1, 2023</p>
<p>Opportunity To Co-Sponsor Office of Research Integrity Events, 87 Federal Register 64067, October 21, 2022</p>	<p>NOTICE: The Office of Research Integrity (ORI) announces the opportunity for non-federal public and private sector entities to co-sponsor ORI conferences, workshops, symposia, meetings, roundtables, or other such events (collectively, "Events"). ORI co-sponsors a limited number of events with non-federal entities each year. Potential co-sponsors must have demonstrated interest and experience in the responsible conduct of research or handling allegations of research misconduct. Potential co-sponsors must be willing to participate substantively in the co-sponsored event.</p> <p>DEADLINE: Expressions of interest for co-sponsorship of an ORI Event may be submitted on an ongoing basis throughout the fiscal year (October 1, 2022-September 30, 2023) or beyond.</p>
<p>NSF Social Security Number Fraud Prevention Act of 2017 Implementation, 87 Federal Register 64167, October 24, 2022</p>	<p>FINAL RULE: NSF is adding a section to its Privacy Act regulations to implement restrictions on the use of Social Security numbers in documents mailed by NSF. These restrictions are required by the Social Security Number Fraud Prevention Act of 2017. The rule is intended to help reduce the potential risk of identity theft from fraudulent or other unauthorized acquisition of Social Security numbers from any NSF mailings.</p> <p>EFFECTIVE DATE: October 24, 2022</p>
<p>Pell Grants for Prison Education Programs; Determining the Amount of Federal Education Assistance Funds Received by Institutions of Higher Education (90/10); Change in Ownership and Change in Control, 87 Federal Register 65426, October 28, 2022</p>	<p>FINAL REGULATIONS: The Secretary amends regulations for the Federal Pell Grant program (Pell Grants or Pell), institutional eligibility, and student assistance general provisions. First, we amend the regulations for Federal Pell Grants for prison education programs (PEPs), to implement new statutory requirements to establish Pell Grant eligibility for a confined or incarcerated individual enrolled in a PEP to implement the statutory change in the Consolidated Appropriations Act, 2021. Second, we amend the Title IV Revenue and Non-Federal Education Assistance Funds regulations (referred to as "90/10" or the "90/10 Rule") to implement the statutory change in the American Rescue Plan Act of 2021 (ARP). We further amend which non-Federal funds can be counted when determining compliance with the 90/10 rule to align allowable non-Federal revenue more closely with statutory intent. Finally, we amend regulations to clarify the process for consideration of changes in ownership and control (CIO), to promote compliance with the Higher Education Act of 1965, as amended (HEA), and related regulations and reduce risk for students and taxpayers, as well as institutions contemplating or undergoing such a change.</p> <p>EFFECTIVE DATE: July 1, 2023</p>
<p>Virginia Register – October 2022</p>	
<p>Nothing of relevance to higher education</p>	