

## Federal Register – January 2024

[Employee or Independent Contractor Classification Under the Fair Labor Standards Act, 89 Federal Register 1638, January 10, 2024](#)

**FINAL RULE:** The U.S. Department of Labor (the Department) is modifying Wage and Hour Division regulations to replace its analysis for determining employee or independent contractor classification under the Fair Labor Standards Act (FLSA or Act) with an analysis that is more consistent with judicial precedent and the Act's text and purpose.... The Department believes that this final rule will provide more consistent guidance to employers as they determine whether workers are economically dependent on the employer for work or are in business for themselves, as well as useful guidance to workers on whether they are correctly classified as employees or independent contractors. Accordingly, the Department believes that the guidance provided in this final rule will help protect employees from misclassification.

**EFFECTIVE DATE:** March 11, 2024

[Education Department General Administrative Regulations and Related Regulatory Provisions, 89 Federal Register 1982, January 11, 2024](#)

**PROPOSED RULE:** The Secretary of Education proposes to amend the Education Department General Administrative Regulations (EDGAR) and associated regulatory provisions to update the regulations and better align them with other U.S. Department of Education (Department) regulations and procedures. A brief summary of the proposed rule is available on Regulations.gov in the docket for the rulemaking.

**COMMENTS DUE:** February 26, 2024

[FTC Children's Online Privacy Protection, 89 Federal Register 2034, January 11, 2024](#)

**PROPOSED RULE:** The Commission proposes to amend the Children's Online Privacy Protection Rule, consistent with the requirements of the Children's Online Privacy Protection Act. The proposed modifications are intended to respond to changes in technology and online practices, and where appropriate, to clarify and streamline the Rule. The proposed modifications, which are based on the FTC's review of public comments and its enforcement experience, are intended to clarify the scope of the Rule and/or strengthen its protection of personal information collected from children.

**COMMENTS DUE:** March 11, 2024

[Safeguarding the Rights of Conscience as Protected by Federal Statutes, 89 Federal Register 2078, January 11, 2024](#)

**FINAL RULE:** The Department of Health and Human Services (HHS or the Department) is issuing this final rule to partially rescind the May 21, 2019, final rule entitled, "Protecting Statutory Conscience Rights in Health Care; Delegations of Authority" ("2019 Final Rule"), while leaving in effect the framework created by the February 23, 2011, final rule entitled, "Regulation for the Enforcement of Federal Health Care Provider Conscience Protection Laws" ("2011 Final Rule"), which has been in effect continuously since March 25, 2011. Though the 2019 Final Rule never took effect, the Department also retains, with some modifications, certain provisions of the 2019 Final Rule regarding federal conscience protections, but eliminates others that are redundant or confusing, that undermine the clarity of the statutes Congress enacted to both safeguard conscience

	<p>rights and protect access to health care, or because significant questions have been raised as to their legality.</p> <p><b>EFFECTIVE DATE:</b> March 11, 2024</p>
<p><a href="#">85/15 Rule Calculations, Waiver Criteria, and Reports, 89 Federal Register 2493, January 16, 2024</a></p>	<p><b>FINAL RULE:</b> The Department of Veterans Affairs (VA) is amending its educational assistance regulations by eliminating the four 85/15 rule calculation exemptions for students in receipt of certain types of institutional aid. Currently, VA regulations provide exceptions that allow certain categories of students to be considered “non-supported” for purposes of the 85/15 rule notwithstanding their receipt of institutional aid. In this final rule, VA is eliminating these exceptions, thus clarifying the types of scholarships that educational institutions must include in their calculations of “supported” students. Also, VA is revising the criteria that shall be considered by the Director of Education Service when granting an 85/15 rule compliance waiver. Lastly, VA is amending the timeline for certain educational institutions' submission of 85/15 compliance reports.</p> <p><b>EFFECTIVE DATE:</b> February 15, 2024</p>
<p><a href="#">National Apprenticeship System Enhancements, 89 Federal Register 3118, January 16, 2024</a></p>	<p><b>PROPOSED RULE:</b> The Department of Labor (DOL or the Department) is proposing issuing this notice of proposed rulemaking (NPRM or proposed rule) to revise the regulations for registered apprenticeship by enhancing worker protections and equity, improving the quality of registered apprenticeship programs, revising the State governance provisions, and more clearly establishing critical pipelines to registered apprenticeship programs, such as registered career and technical education (CTE) apprenticeships. The proposed rule would improve the capacity of the National Apprenticeship System to respond to evolving employer needs, provide workers equitable pathways to good jobs, and increase the system's long-term resilience.</p> <p><b>COMMENTS DUE:</b> March 18, 2024</p>
<p><a href="#">Federal Acquisition Regulation: Limitations on Subcontracting Revisions, 89 Federal Register 2910, January 16, 2024</a></p>	<p><b>PROPOSED RULE:</b> DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to implement regulatory changes made by the Small Business Administration to update and clarify requirements associated with the limitations on subcontracting and the nonmanufacturer rule.</p> <p><b>COMMENTS DUE:</b> March 18, 2024</p>
<p><a href="#">Update to Minimum Present Value Requirements for Defined Benefit Plan Distributions, 89 Federal Register 3552, January 19, 2024</a></p>	<p><b>FINAL REGULATIONS:</b> This document sets forth final regulations providing guidance relating to the minimum present value requirements applicable to certain defined benefit pension plans. These regulations provide guidance on changes made by the Pension Protection Act of 2006 to the prescribed interest rate and mortality table and other guidance, including rules regarding the treatment of preretirement mortality discounts and Social Security level income options. These regulations affect participants, beneficiaries, sponsors, and administrators of defined benefit pension plans.</p> <p><b>EFFECTIVE DATE:</b> January 19, 2024</p>
<p><a href="#">Federal Perkins Loan, Federal Work-Study, and Federal Supplemental Educational Opportunity Grant Programs; 2024-25 Award Year Deadline Dates, 89 Federal Register 4284, January 23, 2024</a></p>	<p><b>NOTICE:</b> The Secretary announces the 2024–25 award year deadline dates for the submission of requests and documents from postsecondary institutions for the Federal Perkins Loan (Perkins Loan) Program, Federal Work-Study (FWS), and Federal</p>

	<p>Supplemental Educational Opportunity Grant (FSEOG) programs (collectively, the “Campus-Based programs”), Assistance Listing Numbers 84.038, 84.033, and 84.007.</p> <p><b>DEADLINE:</b> The deadline dates for each program are specified in the chart in the Deadline Dates section of this notice.</p>
<p><a href="#">IRS, EBSA Request for Information-SECURE 2.0 Section 319-Effectiveness of Reporting and Disclosure Requirements, 89 Federal Register 4215, January 23, 2024</a></p>	<p><b>REQUEST FOR INFORMATION:</b> The Department of the Treasury (Treasury Department), the Employee Benefits Security Administration (EBSA) of the U.S. Department of Labor (Labor Department), and the Pension Benefit Guaranty Corporation (PBGC) are publishing this Request for Information to develop a public record for purposes of the directive in the SECURE 2.0 Act of 2022 (SECURE 2.0). Specifically, this Request for Information addresses section 319 of SECURE 2.0, requiring that these agencies review the existing reporting and disclosure requirements for certain retirement plans under the Employee Retirement Income Security Act of 1974, as amended (ERISA) and the Internal Revenue Code (Code) that are applicable to each agency. Following this review, the agencies are to report to Congress, no later than December 29, 2025, concerning the effectiveness of the reporting and disclosure requirements. The report will include recommendations on consolidating, simplifying, standardizing, and improving such requirements with the dual goals of reducing compliance burdens and ensuring plan participants' and beneficiaries' timely receipt and better understanding of the information they need to monitor their plans, prepare for retirement, and get the benefits they have earned. The report will also consider how participants and beneficiaries are providing preferred contact information, the methods by which plan sponsors and plans are furnishing disclosures, and the rate at which participants and beneficiaries are receiving, accessing, understanding, and retaining disclosures. Consistent with the directive in section 319 of SECURE 2.0, this Request for Information focuses generally on the overall effectiveness of the reporting and disclosure frameworks in ERISA and the Code. Responses to this Request for Information will inform the agencies in preparation of the required report to Congress and in any future action taken by the agencies to enhance the effectiveness of existing requirements.</p> <p><b>COMMENTS DUE:</b> April 22, 2024</p>
<p><a href="#">Federal Student Aid Programs (Student Assistance General Provisions, Federal Perkins Loan Program, Federal Family Education Loan Program, and the Federal Direct Loan Program), 89 Federal Register 4553, January 24, 2024</a></p>	<p><b>UPDATED WAIVERS &amp; MODIFICATIONS OF STATUTORY &amp; REGULATORY REQUIREMENTS:</b> The Secretary is issuing updates of longstanding waivers and modifications of statutory and regulatory requirements governing the Federal student financial aid programs under the authority of the Higher Education Relief Opportunities for Students Act of 2003 (HEROES Act). The HEROES Act requires the Secretary to publish a document in the Federal Register providing notice of the waivers or modifications of statutory or regulatory requirements applicable to the student financial assistance programs under title IV of the Higher Education Act of 1965, as amended (HEA), to assist individuals who are performing qualifying military service, and individuals</p>

	<p>who are affected by a disaster, war or other military operation, or national emergency.</p> <p><b>EFFECTIVE DATE:</b> January 24, 2024</p>
<p><a href="#">Request for Information on Sexual Violence at Educational Institutions, 89 Federal Register 4598, January 24, 2024</a></p>	<p><b>REQUEST FOR INFORMATION:</b> This notice is a request for information in the form of written comments that include information, research, and suggestions regarding the prevention and response to sexual violence on campuses of educational institutions.</p> <p><b>COMMENTS DUE:</b> March 11, 2024</p>
<p><a href="#">EBSA Procedures Governing the Filing and Processing of Prohibited Transaction Exemption Applications, 89 Federal Register 4662, January 24, 2024</a></p>	<p><b>FINAL RULE:</b> The Department of Labor (the Department) is adopting amendments to its 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 Amendments). 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 Amendments update and supersede the Department's existing prohibited transaction exemption procedures.</p> <p><b>EFFECTIVE DATE:</b> April 8, 2024</p>
<p><a href="#">AI in Global Development Playbook, 89 Federal Register 5200, January 26, 2024</a></p>	<p><b>NOTICE:</b> The United States Agency for International Development and the U.S. Department of State, in coordination with the National Institute of Standards and Technology (NIST), seek information to assist in carrying out responsibilities under Executive Order 14110 on Safe, Secure, and Trustworthy Development and Use of Artificial Intelligence issued on October 30, 2023. Specifically, the E.O. directs USAID and the State Department to publish an AI in Global Development Playbook that incorporates NIST's AI Risk Management Framework's principles, guidelines, and best practices into the social, technical, economic, governance, human rights, and security conditions of contexts beyond United States borders.</p> <p><b>COMMENTS DUE:</b> March 1, 2024</p>
<p><a href="#">Request for Information Regarding Mental Health and Substance Use Disorder Needs in Higher Education, 89 Federal Register 5219, January 26, 2024</a></p>	<p><b>REQUEST FOR INFORMATION:</b> The U.S. Department of Education (Department) is requesting information in the form of written comments that may include information, research, and suggestions regarding supporting student mental health and/or substance use disorder (behavioral health) needs in higher education. The Office of Postsecondary Education solicits these comments: to identify examples of what has been effective in addressing college student mental health and substance use disorder needs; to learn how institutions of higher education (IHEs) have transformed their campus cultures and created campus-wide, inclusive strategies to provide support; to identify how State higher education agencies have supported college behavioral health; to better understand potential challenges institutions are facing in the design and implementation of solutions; and, ultimately, to inform future work from the Department.</p> <p><b>COMMENTS DUE:</b> February 25, 2024</p>

<p><a href="#">Taking Additional Steps To Address the National Emergency With Respect to Significant Malicious Cyber-Enabled Activities, 89 Federal Register 5698, January 29, 2024</a></p>	<p><b>PROPOSED RULE:</b> The Executive order of January 19, 2021, “Taking Additional Steps To Address the National Emergency With Respect to Significant Malicious Cyber-Enabled Activities,” directs the Secretary of Commerce (Secretary) to propose regulations requiring U.S. Infrastructure as a Service (IaaS) providers of IaaS products to verify the identity of their foreign customers, along with procedures for the Secretary to grant exemptions; and authorize special measures to deter foreign malicious cyber actors’ use of U.S. IaaS products. The Executive order of October 30, 2023, “Safe, Secure, and Trustworthy Development and Use of Artificial Intelligence,” further directs the Secretary to propose regulations that require providers of certain IaaS products to submit a report to the Secretary when a foreign person transacts with that provider or reseller to train a large Artificial Intelligence (AI) model with potential capabilities that could be used in malicious cyber-enabled activity. The Department of Commerce (Department) issues this notice of proposed rulemaking (NPRM) to solicit comment on proposed regulations to implement those Executive orders.</p> <p><b>COMMENTS DUE:</b> April 29, 2024</p>
<p><a href="#">EBSA Automatic Portability Transaction Regulations, 89 Federal Register 5624, January 29, 2024</a></p>	<p><b>PROPOSED RULE:</b> This document contains a proposed rule that would implement the statutory prohibited transaction exemption under section 4975 of the Internal Revenue Code (Code) for certain automatic portability transactions. Section 120 of the SECURE 2.0 Act of 2022 amended Code section 4975 to add a statutory exemption for the receipt of fees and compensation by an automatic portability provider for services provided in connection with an automatic portability transaction. Specifically, Code section 4975(d)(25) provides prohibited transaction relief if the conditions set forth in Code section 4975(f)(12) are met. The Department of Labor is proposing this regulation because, with certain exceptions not relevant here, section 102 of Reorganization Plan No. 4 of 1978 transfers the authority of the Secretary of the Treasury to issue certain regulations, rulings, opinions, and exemptions under Code section 4975 to the Secretary of Labor. Consistent with this transfer of authority, Congress authorized and directed the Department of Labor to issue regulations under Code section 4975 to implement provisions of section 120 of the SECURE 2.0 Act.</p> <p><b>COMMENTS DUE:</b> March 29, 2024</p>
<p><a href="#">Employment Authorization for Syrian F-1 Nonimmigrant Students Experiencing Severe Economic Hardship as a Direct Result of the Current Armed Conflict and Current Humanitarian Crisis in Syria, 89 Federal Register 5557, January 29, 2024</a></p>	<p><b>NOTICE:</b> This notice announces that the Secretary of Homeland Security (Secretary) is suspending certain regulatory requirements for F–1 nonimmigrant students whose country of citizenship is Syria, regardless of country of birth (or individuals having no nationality who last habitually resided in Syria), and who are experiencing severe economic hardship as a direct result of the current armed conflict and current humanitarian crisis in Syria. The Secretary is taking action to provide relief to these Syrian students who are in lawful F–1 nonimmigrant student status, so the students may request employment authorization, work an increased number of hours while school is in session, and reduce their course load while continuing to</p>



	<p>maintain their F–1 nonimmigrant student status. The U.S. Department of Homeland Security (DHS) will deem an F–1 nonimmigrant student granted employment authorization by means of this notice to be engaged in a “full course of study” for the duration of the employment authorization, if the nonimmigrant student satisfies the minimum course load requirement described in this notice.</p> <p><b>EFFECTIVE DATE:</b> April 1, 2024 – September 30, 2025</p>
<p><a href="#">Supplemental Guidance for Examination of Design Patent Applications Related to Computer-Generated Electronic Images, Including Computer-Generated Icons and Graphical User Interfaces, 89 Federal Register 5506, January 29, 2024</a></p>	<p><b>GUIDANCE:</b> The United States Patent and Trademark Office (USPTO) published in the Federal Register on November 17, 2023, supplemental guidance to be used by USPTO personnel in determining whether a design claim including a computer-generated electronic image is directed to statutory subject matter. This notice provides the deadline for written comments. Additionally, the USPTO has corrected Examples 2, 4, and 5 in Section (V) of the supplemental guidance published in the Federal Register to reflect certain formatting (i.e., underlining and strikethrough) necessary to understand the examples. The supplemental guidance, including the examples, will be incorporated into the Manual of Patent Examining Procedure in due course.</p> <p><b>COMMENTS DUE:</b> November 18, 2024</p>
<p><a href="#">Office of Federal Procurement Policy; Federal Acquisition Regulation: Pay Equity and Transparency in Federal Contracting, 89 Federal Register 5843, January 30, 2024</a></p>	<p><b>PROPOSED RULE:</b> DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to implement a proposed Governmentwide policy developed by the Administrator for Federal Procurement Policy (OFPP Administrator), pursuant to the Administrator's authority that would prohibit contractors and subcontractors from seeking and considering information about job applicants' compensation history when making employment decisions for certain positions. Under the proposed policy and the proposed regulatory amendments, contractors and subcontractors would also be required to disclose the compensation to be offered to the hired applicant in job announcements for certain positions.</p> <p><b>COMMENTS DUE:</b> April 1, 2024</p>
<p><a href="#">Request for Information: Privacy Impact Assessments, 89 Federal Register 5945, January 30, 2024</a></p>	<p><b>REQUEST FOR INFORMATION:</b> Pursuant to the Executive order on Safe, Secure, and Trustworthy Development and Use of Artificial Intelligence, the Office of Management and Budget (OMB) is requesting public input on how privacy impact assessments (PIAs) may be more effective at mitigating privacy risks, including those that are further exacerbated by artificial intelligence (AI) and other advances in technology and data capabilities.</p> <p><b>COMMENTS DUE:</b> April 1, 2024</p>
<p><a href="#">FAA Inspection Programs for Single-Engine Turbine-Powered Airplanes and Unmanned Aircraft; and Miscellaneous Maintenance-Related Updates, 89 Federal Register 6056, January 31, 2024</a></p>	<p><b>PROPOSED RULE:</b> This action would revise certain aircraft maintenance inspection rules for small, corporate-sized, and unmanned aircraft. The proposed changes include additional inspection program options for owners of single-engine turbine-powered airplanes and unmanned aircraft, relaxed mechanical reliability reporting requirements for certain aircraft, and several changes to clarify and simplify various maintenance-related regulations. These proposed amendments would relieve aircraft owners, operators, maintenance providers, and the FAA. The</p>

	<p>proposed amendments would provide greater flexibility for aircraft maintenance, standardized reporting requirements, and provide clarification of various maintenance-related regulations.  <b>COMMENTS DUE:</b> April 1, 2024</p>
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## Virginia Register – January 2024

<p><a href="#">18VAC110-21. Regulations Governing the Licensure of Pharmacists and Registration of Pharmacy Technicians (amending 18VAC110-21-46), Volume 40, Issue 11, Virginia Register of Regulations, January 15, 2024</a></p>	<p><b>NOTICE OF INTENDED REGULATORY ACTION:</b> Section 2.2-4011 B of the Code of Virginia states that agencies may adopt emergency regulations in situations in which Virginia statutory law or the appropriation act or federal law or federal regulation requires that a regulation be effective in 280 days or less from its enactment, and the regulation is not exempt under the provisions of § 2.2-4006 A 4 of the Code of Virginia. Pursuant to Chapters 171 and 172 of the 2023 Acts of Assembly, the amendments expand the conditions for which a pharmacist can initiate treatment. The amendments add group A streptococcus bacteria infections, influenza virus infections, COVID-19 virus infections, and urinary tract infections for which pharmacists can initiate treatment with controlled substances or devices for persons 18 years of age and older, as clinical decision-making for these four diseases and conditions can be guided by a clinical test that is classified as waived under the federal Clinical Laboratory Improvement Amendments of 1988 (42 USC § 263a).  <b>EFFECTIVE DATES:</b> December 26, 2023 – June 25, 2025</p>
<p><a href="#">3VAC10-20. Medical Cannabis Program Fees (adding 3VAC10-20-10 through 3VAC10-20-50), Volume 40, Issue 12, Virginia Register of Regulations, January 29, 2024</a></p>	<p><b>FINAL REGULATION:</b> This action establishes Virginia Medical Cannabis Program Fees (3VAC10-20), which provides registration fees for the Medical Cannabis Program required for (i) a qualifying patient, parent, legal guardian, or registered agent; (ii) a pharmaceutical processor permit; (iii) a cannabis dispensing permit; or (iv) a cannabis cultivation facility permit.  <b>EFFECTIVE DATE:</b> January 17, 2024</p>
<p><a href="#">8VAC20-23. Licensure Regulations for School Personnel (amending 8VAC20-23-360), Volume 40, Issue 12, Virginia Register of Regulations, January 29, 2024</a></p>	<p><b>FAST-TRACK REGULATION:</b> The regulatory action is essential to protect the health, safety, and welfare of citizens because accurate endorsement requirements ensure that properly qualified individuals will be able to teach American Sign Language (ASL) in public schools. The goals of the regulatory action is to maintain accurate requirements for an endorsement in foreign language preK-12 in ASL. The problem that the regulatory action is intended to solve is that the current requirements do not accurately reflect the industry-standard national certifications in ASL.  <b>COMMENTS DUE:</b> February 28, 2024</p>
<p><a href="#">VIRGINIA INFORMATION TECHNOLOGIES AGENCY, Guidance, Policy, Standard and Guideline Formulation Standards, Volume 40, Issue 12, Virginia Register of Regulations, January 29, 2024</a></p>	<p>New Guidance document available.  <b>COMMENTS DUE:</b> February 28, 2024  <b>EFFECTIVE DATE:</b> February 29, 2024</p>