

Federal Register – April 2024

[OSHA Worker Walkaround Representative Designation Process, 89 Federal Register 22558, April 1, 2024](#)

FINAL RULE: OSHA is amending its Representatives of Employers and Employees regulation to clarify that the representative(s) authorized by employees may be an employee of the employer or a third party; such third-party employee representative(s) may accompany the OSHA Compliance Safety and Health Officer (CSHO) when, in the judgment of the CSHO, good cause has been shown why they are reasonably necessary to aid in the inspection. In the final rule, OSHA also clarified that a third party may be reasonably necessary because of their relevant knowledge, skills, or experience with hazards or conditions in the workplace or similar workplaces, or language or communication skills. OSHA concluded that these clarifications aid OSHA's workplace inspections by better enabling employees to select representative(s) of their choice to accompany the CSHO during a physical workplace inspection. Employee representation during the inspection is critically important to ensuring OSHA obtains the necessary information about worksite conditions and hazards.

EFFECTIVE DATE: May 31, 2024

[Short-Term, Limited-Duration Insurance and Independent, Noncoordinated Excepted Benefits Coverage, 89 Federal Register 23338, April 3, 2024](#)

FINAL RULE: This document sets forth final rules that amend the definition of short-term, limited-duration insurance, which is excluded from the definition of individual health insurance coverage under the Public Health Service Act. This document also sets forth final rules that amend the regulations regarding the requirements for hospital indemnity or other fixed indemnity insurance to be considered an excepted benefit in the group and individual health insurance markets.

EFFECTIVE DATE: June 17, 2024

[Removal of Obsolete Procedures and Requirements Related to F, J, and M Nonimmigrants, 89 Federal Register 22903, April 3, 2024](#)

FINAL RULE: On December 12, 2022, the Department of Homeland Security (DHS) issued an interim final rule, which amended regulations to update information that was no longer accurate since the creation of the Student and Exchange Visitor Information System (SEVIS), the Web-based system DHS uses to collect and maintain current and ongoing information on Student and Exchange Visitor Program (SEVP)-certified schools, F-1 and M-1 nonimmigrant students, and J-1 Exchange Visitor Program participants and their sponsors. DHS is now issuing this final rule that introduces no substantive changes from the interim final rule.

EFFECTIVE DATE: May 3, 2024

[Accepted Means of Compliance for Small Unmanned Aircraft Category 2 and Category 3 Operations Over Human Beings; Aerial Vehicle Safety Solutions Inc. \(AVSS\), 89 Federal Register 23907, April 5, 2024](#)

NOTIFICATION OF AVAILABILITY: This document announces the acceptance of a means of compliance with FAA regulations for small unmanned aircraft (sUA) Category 2 and Category 3 operations over human beings. The Administrator finds that AVSS's means of compliance for small unmanned aircraft, revision 5.0, dated January 10, 2024, provides an acceptable means, but not the only means, of showing compliance with FAA regulations.

<p>Accepted Means of Compliance for Small Unmanned Aircraft Category 2 and Category 3 Operations Over Human Beings; Virginia Tech Mid-Atlantic Aviation Partnership (VT MAAP), 89 Federal Register 23907, April 5, 2024</p>	<p>EFFECTIVE DATE: April 5, 2024</p> <p>NOTIFICATION OF AVAILABILITY: This document announces the acceptance of a means of compliance with FAA regulations for small unmanned aircraft (sUA) Category 2 and Category 3 operations over human beings. The Administrator finds that VT MAAP's "Operation of Small Unmanned Aircraft Systems Over People," version 2.0, dated January 18, 2024, provides an acceptable means, but not the only means, of showing compliance with FAA regulations.</p> <p>EFFECTIVE DATE: April 5, 2024</p>
<p>Final Action Under the NIH Guidelines for Research Involving Recombinant or Synthetic Nucleic Acid Molecules (NIH Guidelines), 89 Federal Register 24016, April 5, 2024</p>	<p>NOTICE: This notice sets forth final changes to NIH Guidelines for Research Involving Recombinant or Synthetic Nucleic Acid Molecules (NIH Guidelines) as initially outlined in a notice issued on August 10, 2023. Following solicitation of public comments, the NIH is amending the NIH Guidelines to include specific considerations and requirements for conducting research involving gene drive modified organisms (GDMOs) in contained research settings. NIH is updating the NIH Guidelines to clarify minimum containment requirements, provide considerations for performing risk assessments, and define additional institutional responsibilities regarding Institutional Biosafety Committees (IBCs) and Biological Safety Officers (BSOs).</p> <p>EFFECTIVE DATE: September 30, 2024</p>
<p>Guidance on Use of Artificial Intelligence-Based Tools in Practice Before the United States Patent and Trademark Office, 89 Federal Register 25609, April 11, 2024</p>	<p>NOTICE: The United States Patent and Trademark Office (USPTO) issues this guidance to inform practitioners and the public of the important issues that patent and trademark professionals, innovators, and entrepreneurs must navigate while using Artificial Intelligence (AI) in matters before the USPTO. The USPTO recognizes the possibility that AI will be used to prepare and prosecute patent and trademark applications, as well as other filings before the Office including filings submitted to the Patent Trial and Appeal Board (PTAB) and Trademark Trial and Appeal Board (TTAB). While the USPTO is committed to maximizing AI's benefits and seeing them distributed broadly across society, the USPTO recognizes the need, through technical mitigations and human governance, to cabin the risks arising from the use of AI in practice before the USPTO. At this time, based on the USPTO's engagement with stakeholders through the USPTO's AI and Emerging Technologies (ET) Partnership (AI/ET Partnership) and a review of existing rules, the USPTO has determined that existing rules protect the USPTO's ecosystem against such potential perils. This guidance reminds individuals involved in proceedings before the USPTO of the pertinent rules and policies, helps inform those same individuals of the risks associated with the use of AI systems, and provides suggestions to mitigate those risks. The USPTO will continue to engage with the public, including through the AI/ET Partnership, as the use of AI advances and evolves.</p> <p>EFFECTIVE DATE: April 11, 2024</p>
<p>Patient Protection and Affordable Care Act, HHS Notice of Benefit and Payment Parameters for 2025; Updating Section 1332 Waiver Public Notice Procedures; Medicaid; Consumer Operated and Oriented Plan (CO-</p>	<p>FINAL RULE: This final rule includes payment parameters and provisions related to the HHS-operated risk adjustment program, as well as 2025 user fee rates for issuers offering qualified health plans (QHPs) through federally facilitated</p>

<p>OP) Program; and Basic Health Program, 89 Federal Register 26218, April 15, 2024</p>	<p>Exchanges (FFEs) and State-based Exchanges on the Federal platform (SBE-FPs). This final rule also includes requirements related to the auto re-enrollment hierarchy; essential health benefits; failure to file Federal income taxes to reconcile advance payments of the premium tax credit (APTC); non-standardized plan option limits in the FFEs and SBE-FPs and a related exceptions process; standardized plan options in the FFEs and SBE-FPs; special enrollment periods (SEPs); direct enrollment (DE) entities supporting Exchange applications and enrollments; the Insurance Affordability Program enrollment eligibility verification process; requirements for agents, brokers, web-brokers, and DE entities assisting Exchange consumers; network adequacy; public notice procedures for section 1332 waivers; prescription drug benefits; updates to the Consumer Operated and Oriented Plan (CO-OP) Program; and State flexibility on the effective date of coverage in the Basic Health Program (BHP).</p> <p>EFFECTIVE DATE: June 4, 2024</p>
<p>Employment Authorization for Certain Palestinian F-1 Nonimmigrant Students Experiencing Severe Economic Hardship as a Direct Result of the Current Humanitarian Crisis in the Palestinian Territories, 89 Federal Register 26156, April 15, 2024</p>	<p>NOTICE: The Department of Homeland Security (DHS) is suspending certain regulatory requirements for certain Palestinian F-1 nonimmigrant students who are experiencing severe economic hardship as a direct result of the current humanitarian crisis in the Palestinian Territories. The Secretary is providing relief to these students who are in lawful F-1 nonimmigrant 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 maintain their F-1 nonimmigrant status.</p> <p>EFFECTIVE DATE: February 14, 2024 – August 13, 2025</p>
<p>Employment Authorization for Ethiopian F-1 Nonimmigrant Students Experiencing Severe Economic Hardship as a Direct Result of the Current Armed Conflict and the Current Humanitarian Crisis in Ethiopia, 89 Federal Register 26161, April 15, 2024</p>	<p>NOTICE: The Department of Homeland Security is suspending certain regulatory requirements for F-1 nonimmigrant students from Ethiopia who are experiencing severe economic hardship as a direct result of the current armed conflict and the current humanitarian crisis in Ethiopia. The Secretary is providing relief to these students who are in lawful F-1 nonimmigrant 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 maintain their F-1 nonimmigrant status.</p> <p>EFFECTIVE DATE: June 13, 2024 – December 12, 2025</p>
<p>Program Originating FM Broadcast Booster Stations, 89 Federal Register 26786, April 16, 2024</p>	<p>FINAL RULE: In a Report and Order, the Federal Communications Commission (Commission) finds that allowing FM booster stations to originate content on a limited basis would serve the public interest. The Report and Order adopts rules to allow for the voluntary implementation of program originating FM booster stations, subject to future adoption of processing, licensing, and service rules proposed concurrently in a further notice of proposed rulemaking, published elsewhere in this issue of the Federal Register. The rule changes in this document are needed to expand the potential uses of FM booster stations, which currently may not originate programming. The intended effect is to allow radio broadcasters</p>

	<p>to provide more relevant localized programming and information to different zones within their service areas. EFFECTIVE DATE: May 16, 2024</p>
<p>Exchange Visitor Program MOC Between the US and Japan, 89 Federal Register 28839, April 19, 2024</p>	<p>NOTICE: In accordance with the requirements of the Exchange Visitor Program regulations, the Assistant Secretary for Educational and Cultural Affairs (ECA), U.S. Department of State, has waived a regulatory provision to establish an international exchange program to promote closer cooperation between the people of Japan and the people of the United States. The program authorizes an exception under the Specialist category regulations to permit Japanese language and culture specialists to stay up to 36 months in the United States on a J-1 visa. EFFECTIVE DATE: April 5, 2024</p>
<p>Guidance for Federal Financial Assistance, 89 Federal Register 30046, April 22, 2024</p>	<p>FINAL RULE: The Office of Management and Budget (OMB) is revising the OMB Guidance for Grants and Agreements, which is now called the OMB Guidance for Federal Financial Assistance. The final guidance reflects public comments received in response to the OMB Notification of Proposed Guidance published in October 2023 and comments received from Federal agencies. In response to comments, OMB is revising and updating the guidance to incorporate recent OMB policy priorities related to Federal financial assistance and to reduce agency and recipient burden. OMB is also incorporating certain statutory requirements and clarifying certain sections of the prior version of the guidance that recipients or agencies have interpreted in different ways. OMB is also making revisions to use plain language, improve flow, and address inconsistent use of terms within the guidance text. Finally, OMB is making revisions to improve Federal financial assistance management, transparency, and oversight through more accessible and readily comprehensible guidance. EFFECTIVE DATE: October 1, 2024</p>
<p>Exchange Visitor Program-General Provisions, 89 Federal Register 30268, April 23, 2024</p>	<p>FINAL RULE: On March 28, 2023, the U.S. Department of State (Department of State) published in the Federal Register an interim final rule with request for comment (2023 Interim Final Rule) for the Exchange Visitor Program regulations that apply to sponsors the Department of State designates to conduct international educational and cultural exchange programs. In this final rule, the Department of State responds to public comments submitted in response to the 2023 Interim Final Rule and makes minor revisions to the regulations. EFFECTIVE DATE: May 23, 2024</p>
<p>Nondiscrimination on the Basis of Disability; Accessibility of Web Information and Services of State and Local Government Entities, 89 Federal Register 31320, April 24, 2024</p>	<p>FINAL RULE: The Department of Justice (“Department”) issues its final rule revising the regulation implementing title II of the Americans with Disabilities Act (“ADA”) to establish specific requirements, including the adoption of specific technical standards, for making accessible the services, programs, and activities offered by State and local government entities to the public through the web and mobile applications (“apps”). EFFECTIVE DATE: June 24, 2024</p>

<p>ERISA Amendment to Prohibited Transaction Exemption 2020-02, 89 Federal Register 32260, April 25, 2024</p>	<p>RULE: This document contains a notice of amendment to class prohibited transaction exemption (PTE) 2020-02, which provides relief for investment advice fiduciaries to receive certain compensation that otherwise would be prohibited. The amendment affects participants and beneficiaries of employee benefit plans, individual retirement account (IRA) owners, and fiduciaries with respect to such plans and IRAs.</p> <p>EFFECTIVE DATE: September 23, 2024</p>
<p>ERISA Amendment to Prohibited Transaction Exemption 84-24, 89 Federal Register 32302, April 25, 2024</p>	<p>RULE: This document contains a notice of amendment to Prohibited Transaction Exemption (PTE) 84-24, an exemption from certain prohibited transaction provisions of the Employee Retirement Income Security Act of 1974 (ERISA) and the Internal Revenue Code of 1986 (the Code). The amendment affects participants and beneficiaries of plans, individual retirement account (IRA) owners, and certain fiduciaries of plans and IRAs.</p> <p>EFFECTIVE DATE: September 23, 2024</p>
<p>ERISA Amendment to Prohibited Transaction Exemption 5-1, 77-4, 80-83, 83-1, and 86-128, 89 Federal Register 32346, April 25, 2024</p>	<p>RULE: This document contains a notice of amendments to Prohibited Transaction Exemptions (PTEs) 75-1, 77-4, 80-83, 83-1, and 86-128, which are class exemptions from certain prohibited transaction provisions of the Employee Retirement Income Security Act of 1974 (ERISA) and the Internal Revenue Code of 1986 (the Code). The amendments (collectively, the Mass Amendment) affect participants and beneficiaries of plans, individual retirement account (IRA) owners, and certain fiduciaries of plans and IRAs.</p> <p>EFFECTIVE DATE: September 23, 2024</p>
<p>EBSA Retirement Security Rule: Definition of an Investment Advice Fiduciary, 89 Federal Register 32122, April 25, 2024</p>	<p>FINAL RULE: The Department of Labor (Department) is adopting a final rule defining when a person renders “investment advice for a fee or other compensation, direct or indirect” with respect to any moneys or other property of an employee benefit plan, for purposes of the definition of a “fiduciary” in the Employee Retirement Income Security Act of 1974 (Title I of ERISA or the Act). The final rule also applies for purposes of Title II of ERISA to the definition of a fiduciary of a plan defined in Internal Revenue Code (Code), including an individual retirement account or other plan identified in the Code.</p> <p>EFFECTIVE DATE: September 23, 2024</p>
<p>HIPAA Privacy Rule To Support Reproductive Health Care Privacy, 89 Federal Register 32976, April 26, 2024</p>	<p>FINAL RULE: The Department of Health and Human Services (HHS or “Department”) is issuing this final rule to modify the Standards for Privacy of Individually Identifiable Health Information (“Privacy Rule”) under the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and the Health Information Technology for Economic and Clinical Health Act of 2009 (HITECH Act). The Department is issuing this final rule after careful consideration of all public comments received in response to the notice of proposed rulemaking (NPRM) for the HIPAA Privacy Rule to Support Reproductive Health Care Privacy (“2023 Privacy Rule NPRM”) and public comments received on proposals to revise provisions of the HIPAA Privacy Rule in the NPRM for the Confidentiality of Substance Use Disorder (SUD) Patient Records (“2022 Part 2 NPRM”).</p> <p>EFFECTIVE DATE: June 25, 2024</p>

<p>Defining and Delimiting the Exemptions for Executive, Administrative, Professional, Outside Sales, and Computer Employees, 89 Federal Register 32842, April 26, 2024</p>	<p>FINAL RULE: The Department of Labor (Department) is updating and revising the regulations issued under the Fair Labor Standards Act implementing the exemptions from minimum wage and overtime pay requirements for executive, administrative, professional, outside sales, and computer employees. Significant revisions include increasing the standard salary level, increasing the highly compensated employee total annual compensation threshold, and adding to the regulations a mechanism that will allow for the timely and efficient updating of the salary and compensation thresholds, including an initial update on July 1, 2024, to reflect earnings growth. The Department is not finalizing in this rule its proposal to apply the standard salary level to the U.S. territories subject to the Federal minimum wage and to update the special salary levels for American Samoa and the motion picture industry.</p> <p>EFFECTIVE DATE: July 1, 2024</p>
<p>Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 89 Federal Register 33474, April 29, 2024</p>	<p>FINAL RULE: The U.S. Department of Education (Department) amends the regulations implementing Title IX of the Education Amendments of 1972 (Title IX). The purpose of these amendments is to better align the Title IX regulatory requirements with Title IX's nondiscrimination mandate. These amendments clarify the scope and application of Title IX and the obligations of recipients of Federal financial assistance from the Department, including elementary schools, secondary schools, postsecondary institutions, and other recipients (referred to below as “recipients” or “schools”) to provide an educational environment free from discrimination on the basis of sex, including through responding to incidents of sex discrimination. These final regulations will enable all recipients to meet their obligations to comply with Title IX while providing them with appropriate discretion and flexibility to account for variations in school size, student populations, and administrative structures.</p> <p>EFFECTIVE DATE: August 1, 2024</p>
<p>Modernizing and Expanding Access to the 70/80/90 GHz Bands; Report and Order, 89 Federal Register 33242, April 29, 2024</p>	<p>FINAL RULE: In this document, the Federal Communications Commission (Commission) continues to play a leading role in fostering innovation in the provisioning of broadband, including through novel technological solutions as well as fifth-generation wireless technology (5G). Meeting the non-stop growth in demand for wireless broadband connectivity is more important than ever due to the outsized impact the internet has on its work, education, health care, and personal connections. Recognizing this reality, and to help close the digital divide, the Report and Order adopts new rules and updates preexisting ones. The Commission also updates its rules to permit the use of smaller and lower-cost antennas to facilitate the provision of backhaul service and mandates a channelization plan . Finally, the Commission adopts changes to the link registration process in certain bands requiring certification of construction of registered links to promote more efficient use of this spectrum and improve the accuracy of the link registration database.</p> <p>EFFECTIVE DATE: May 29, 2024</p>
<p>EBSA Definition of “Employer”-Association Health Plans, 89 Federal Register 34106, April 30, 2024</p>	<p>FINAL RULE/RECISSION: This document rescinds the Department of Labor’s (Department or DOL) 2018 rule entitled</p>

	<p>“Definition of Employer Under Section 3(5) of ERISA— Association Health Plans” (2018 AHP Rule). The 2018 AHP Rule established an alternative set of criteria from those set forth in the Department's pre-2018 AHP Rule (pre-rule) guidance for determining when a group or association of employers is acting “indirectly in the interest of an employer” under section 3(5) of the Employee Retirement Income Security Act of 1974 (ERISA) for purposes of establishing an association health plan (AHP) as a multiple employer group health plan. The 2018 AHP Rule was a significant departure from the Department's longstanding pre-rule guidance on the definition of “employer” under ERISA. This departure substantially weakened the Department's traditional criteria in a manner that would have enabled the creation of commercial AHPs functioning effectively as health insurance issuers. The Department now believes that the core provisions of the 2018 AHP Rule are, at a minimum, not consistent with the best reading of ERISA's statutory requirements governing group health plans.</p> <p>EFFECTIVE DATE: July 1, 2024</p>
<p>Single Network Future: Supplemental Coverage From Space; Space Innovation, 89 Federal Register 34148, April 30, 2024</p>	<p>FINAL RULE: the Federal Communications Commission (FCC or Commission) adopts rules to facilitate the deployment of supplemental coverage from space (SCS) in an effort to serve several important public interest goals for the Nation and expand the reach of communications services, particularly emergency services, so that connectivity and assistance is available in more remote places. In this document, to allow satellite communications on spectrum previously allocated only to terrestrial services, the Commission modifies the United States Table of Frequency Allocations to authorize bi-directional, secondary mobile-satellite service operations in certain spectrum bands that have no primary, non-flexible-use legacy incumbents, Federal or non-Federal. For these bands, we authorize SCS only where one or more terrestrial licensees— together holding all licenses on the relevant channel throughout a defined geographically independent area— lease access to their spectrum rights to a participating satellite operator, whose license reflects these frequencies and the geographically independent area in which they will offer SCS. In recognition that this new offering has the potential to bring life-saving connectivity to remote areas, the Commission also applies interim 911 call and text routing requirements to ensure that help is available to those who need it today while we work toward enabling automatic location-based routing of all emergency communications whether or not there is a terrestrial connection available.</p> <p>EFFECTIVE DATE: May 30, 2024</p>
<p>Classification for Victims of Severe Forms of Trafficking in Persons; Eligibility for “T” Nonimmigrant Status, 89 Federal Register 34864, April 30, 2024</p>	<p>FINAL RULE: On December 19, 2016, the Department of Homeland Security (DHS) published an interim final rule (2016 interim rule) amending its regulations governing the requirements and procedures for victims of a severe form of trafficking in persons seeking T nonimmigrant status. The 2016 interim rule amended the regulations to conform with legislation enacted after the publication of the initial regulations and to</p>

codify discretionary changes based on DHS's experience implementing the T nonimmigrant status program since it was established in 2002. DHS is adopting the 2016 interim rule as final with several clarifying changes based on USCIS experience implementing the interim rule, in response to comments received, and due to an organizational change to move the regulations to a separate subpart as explained in the SUPPLEMENTARY INFORMATION section below. This final rule is intended to respond to public comments and clarify the eligibility and application requirements so that they conform to current law.

EFFECTIVE DATE: August 28, 2024

Virginia Register – April 2024

Nothing relevant to higher ed