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**Fall 2015 Semiannual Unified Regulatory Agenda – Summary of Health Promotion and Obesity Prevention Action**

Updated December 2015

Fall 2015 Regulatory Agenda Update by Emily Kujawa, MPH, RD and Tracy Fox, MPH, RD

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The Semiannual Unified Regulatory Agenda (URA), compiled by the Regulatory Information Service Center, Office of Management and Budget, describes regulatory actions that are under development or recently completed by each U.S. Government Agency. Below is a summary of 54 upcoming key regulations covering a host of issues including nutrition, obesity prevention, menu labeling, local wellness policies, transportation safety, fair housing, hospital community benefits, early childhood education, health care access, vulnerable populations, preventive services, and payment/health care reform based on a scan of the recently published (Fall 2015) Semiannual Regulatory Agenda. The pertinent regulatory actions are listed for the U.S. Department of Agriculture (USDA) first, followed by the U.S. Department of Health and Human Services (HHS), the U.S. Department of Transportation, the U.S. Department of Housing and Urban Development, and the Equal Employment Opportunity Commission. Within each government agency, the regulatory actions are listed first by administration (in alphabetical order), then by next anticipated date of action.

The list includes regulations that agencies expect to publish in the next six months, as well as those with recent action. It is important to note that the dates provided are subject to change and agencies rarely meet estimated deadlines. There is no “penalty” for not meeting estimated deadlines. On the other hand, agencies often choose a date that provides them cushion so some regulations may come out sooner than the date indicated.

A new table: Table 1, is now included at the end of this memo. This table lists rules that have been finalized and published in the Federal Register since the previous regulatory agenda was issued. Table 2 provides a list of Centers for Medicare and Medicaid Services rules related to very specific payment and Affordable Care Act elements.

Given the dynamic nature of the regulatory process, some actions may have already been taken since this memo was drafted so please check the source – the actual Federal Register, to check the status of any of the regs of interest: <https://www.federalregister.gov/>.

Link to the searchable regulatory agenda: <http://www.reginfo.gov/public/do/eAgendaMain>.

U.S. Department of Agriculture, Food Safety and Inspection Service

1.

**Title: Revision of the Nutrition Facts Panels for Meat and Poultry Products and Updating Certain Reference Amounts Customarily Consumed (0583-AD56)**

Proposed Rule Stage

**Summary:** Consistent with the recent changes that the Food and Drug Administration (FDA) proposed, the Food Safety and Inspection Service (FSIS) is proposing to amend the Federal meat and poultry products inspection regulations to update and revise the nutrition labeling requirements for meat and poultry products to reflect recent scientific research and dietary recommendations and to improve the presentation of nutrition information to assist consumers in maintaining healthy dietary practices. FSIS is proposing to (1) update the list of nutrients that are required or permitted to be declared; (2) provide updated Daily Reference Values (DRV) and Reference Daily Intake (RDI) values that are based on current dietary recommendations from consensus reports; and (3) amend the requirements for foods represented or purported to be specifically for children under the age of four years and pregnant and lactating women and establish nutrient reference values specifically for these population subgroups. FSIS is also proposing to revise the format and appearance of the Nutrition Facts Panel; amend the definition of a single-serving container; require dual-column labeling for certain containers; and update and modify several reference amounts customarily consumed (RACCs or reference amounts). FSIS also is proposing to consolidate the nutrition labeling regulations for meat and poultry products into a new Code of Federal Regulations (CFR) part.

**Costs:** Not listed in register.

**Dates:** NPRM 03/00/2016

**More Information:**

<http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201510&RIN=0583-AD56>

U.S. Department of Agriculture, Food and Nutrition Service

2.

**Title: Supplemental Nutrition Assistance Program: Nutrition Education and Obesity Prevention Grant (0584- AE07)**

Final Rule Stage

**Summary** This rule finalizes regulations to implement section 28 of the Food and Nutrition Act (FNA) of 2008, as added by section 241 of the Healthy, Hunger-Free Kids Act (HHFKA) of 2010. The rule provides State agencies with requirements for implementing section 28, including the grant award process and describes the process for allocating the 100 percent Federal grant funding authorized under the Act to carry out nutrition education and obesity prevention services each fiscal year. This final rule codifies section 4028 of the Agricultural Act of 2014, which authorizes physical activity as a nutrition education activity. This final rule also codifies a provision of the FNA as section 28(b) which adds physical activity choices to the healthy food choices consistent with the most recent Dietary Guidelines for Americans that are promoted through State nutrition education and obesity prevention programs.

**Costs:** Not listed in register.

**Dates:** Interim Final Rule 04/05/2013  
Interim Final Rule Comment Period End 06/04/2013  
Final Action 11/00/2015

**More Information:**

<http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201510&RIN=0584-AE07>

3.

**Title:** WIC: Electronic Benefit Transfer (EBT) Implementation (0584- AE21)

Final Rule Stage

**Summary** This rule will revise and expand regulations regarding WIC EBT at 7 CFR 246 and implement statutory provisions related to EBT as defined in the Healthy, Hunger-Free Kids Act of 2010, Public Law 11-296. The EBT requirements addressed in the rule will help standardize EBT operations, and establish implementation guidelines and timeframes.

**Costs:** Not listed in register.

**Dates:** NPRM 02/28/2013

NPRM Comment Period End 05/29/2013

Final Action 11/00/2015

**More Information:**

<http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201510&RIN=0584-AE21>

4.

**Title:** Review of Major Changes in Program Design and Management Evaluation Systems (0584-AD86)

Final Rule Stage

**Summary** The final rule will amend 7 CFR parts 271, 272, and 275 to codify section 4116 of the Food, Conservation, and Energy Act of 2008. This section, Review of Major Changes in Program Design, requires the Secretary to develop standards for identifying major changes in the operations of a State agency that administers SNAP. Once the Food and Nutrition Service (FNS) has determined that a State reported operational change is considered major, the State will be required to report to FNS, on a regular basis, information related to the impact of the change on program integrity and program access.

**Costs:** Not listed in register.

**Dates:** NPRM 05/03/2011

NPRM Comment Period End 07/05/2011

Final Action 11/00/2015

**More Information:**

<http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201510&RIN=0584-AD86>

5.

**Title:** Supplemental Nutrition Assistance Program Requirement for National Directory of New Hires Wage Verification and Periodic Program Activity Reporting (0584-AE36)

Final Rule Stage

**Summary:** Pursuant to changes in the Agricultural Act of 2014, Section 4013, States are required to verify applicant wage data through the National Directory of New Hires (NDNH) for the determination of eligibility and correct amount of benefits at the time of certification.

**Costs:** Not listed in register.

**Dates:** Interim Final Rule 11/00/2015

**More Information:**

<http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201510&RIN=0584-AE36>

6.

**Title:** Implementing Provisions From the Child Nutrition and WIC Reauthorization Act of 2004: Seamless Summer Option for Schools Participating in the National School Lunch Program (0584-AD70)

Final Rule Stage

**Summary** This interim final rule will amend 7 CFR parts 210 and 220 to codify section 116 of the Child Nutrition and WIC Reauthorization Act of 2004 (Pub. L. 108-265) amending section 13(a) of the Richard B. Russell National School Lunch Act (NSLA) to authorize a Seamless Summer Option for public or private nonprofit school food authorities to participate in the National School Lunch Program (NSLP) and School Breakfast Program (SBP).

**Costs:** Not listed in register.

**Dates:** Interim Final Rule 11/00/2015

**More Information:**

<http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201510&RIN=0584-AD70>

7.

**Title:** Supplemental Nutrition Assistance Program: 2008 Farm Bill Provisions on Clarification of Split Issuance; Accrual of Benefits; Interchange Fees and Definition Changes (0584-AE02)

Proposed Rule Stage

**Summary:** This rulemaking will propose to implement sections 4113 (Split Issuance), 4114 (Accrual of Benefits), and part of 4115 (Interchange Fees) of the 2008 Farm Bill, which pertain to Supplemental Nutrition Assistance Program (SNAP) benefit issuance and redemption. The provisions of section 4115 to de-obligate coupons and make Electronic Benefit Transfer cards the sole method of benefit delivery will be addressed in a separate rulemaking.

**Costs:** Not listed in register.

**Dates:** NPRM 11/00/2015

**More Information:**

<http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201510&RIN=0584-AE02>

8.

**Title:** SNAP: Restaurant Meal Program State Agency Annual Plan and Reporting Requirements, the Use of Benefits for Purchase of Community Supported Agriculture Shares (0584- AE32)

Proposed Rule Stage

**Summary:** This rule aims to address current information and accountability gaps, by requiring that State agencies submit to FNS annual Restaurant Meal Program (RMP) operations plans and reports. It is a goal of the legislation and FNS that State agency operators of the RMP regularly assess programs against need; determine if it is effective at meeting the needs of the elderly, disabled, and homeless; monitor the RMP for possible fraud and abuse; and justify the continued operation of the program. The proposed changes will help ensure the integrity of the program by requiring State operators to submit an annual plan which details concrete

need” criteria for approval of private restaurant meal providers to offer meals to the targeted populations. The proposed regulatory changes would require the implementing State agency to demonstrate how the recipient populations referenced in Sections 3(k)(3), (4) and (9) of the Food and Nutrition Act of 2008, are served by those providers it chooses to contract with to provide meals. There is also a statutory requirement for an annual report submission by State operators so that FNS can assess whether the RMP is meeting the needs of those it is designated to serve.

**Costs:** Not listed in register.

**Dates:** NPRM 11/00/2015

**More Information:**

<http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201510&RIN=0584-AE32>

9.

**Title: Supplemental Nutrition Assistance Program (SNAP): Student Eligibility, Convicted Felons, Lottery and Gambling, and State Immigration Verification Provisions of the Agricultural Act of 2014 (0584-AE41)**

Proposed Rule Stage

**Summary:** The proposed action will address sections 4007, 4008, 4009 and 4015 of the Agricultural Act of 2014. Section 4007, Eligibility Disqualifications, will address student eligibility for Supplemental Nutrition Assistance Program (SNAP) benefits. Section 4008, Eligibility Disqualifications for Certain Convicted Felons, will address SNAP eligibility of certain convicted felons who are not in compliance with the terms of their sentence. Section 4009, Lottery and Gambling Winners, will address ineligibility for SNAP beneficiaries with substantial gambling or lottery winnings. Section 4015, Mandating State Immigration Verification, will address the procedures States must have in place to verify immigration status.

**Costs:** Not listed in register.

**Dates:** NPRM 11/00/2015

**More Information:**

<http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201510&RIN=0584-AE41>

10.

**Title: Supplemental Nutrition Assistance Program (SNAP) Photo Electronic Benefit Transfer (EBT) Card Implementation Requirements (0584-AE45)**

Proposed Rule Stage

**Summary:** Under section 7(h)(9) of the Food and Nutrition Act of 2008 (the Act), as amended [7 U.S.C. 2016(h)(9)], States have the option to require that SNAP Electronic Benefit Transfer (EBT) card contain a photo of one or more household members. This rule would incorporate into regulation and provide additional clarity on the FNS guidance developed for State agencies wishing to implement the photo EBT card option.

**Costs:** The changes to be proposed are not expected to create serious inconsistencies or otherwise interfere with actions taken or planned by another agency or materially alter the budgetary impacts of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof. The requirements will not raise novel or legal policy issues. Budgetary impact on FNS is expected to be limited. Photo EBT card implementation in multiple States may require additional Federal staff for review and approval of implementation

plans and for on-going monitoring via management evaluations. As a result of this rule, States that exercise the option to implement photos on EBT cards would incur costs associated with development of an implementation plan, State staff training, client training, and retailer training. It is expected that providing guidance or oversight of these requirements would fall under the standard purview of these agencies and could be absorbed by existing staff. State Agencies are responsible for approximately 50% of SNAP administration costs, which would include the costs associated with implementing and maintaining photo EBT cards.

**Dates:** NPRM 11/00/2015

**More Information:**

<http://www.reginfo.gov/public/do/eAgendaViewRule?publd=201510&RIN=0584-AE45>

11.

**Title:** Direct Certification of Children in SNAP Households and Certification of Homeless, Migrant, and Runaway Children for Free Meals in the NSLP, SBP, and SMP (0584-AD60)

Final Rule Stage

**Summary** In response to Public Law 108-265, which amended the Richard B. Russell National School Lunch Act, 7 CFR part 245, Determining Eligibility for Free and Reduced Price Meals and Free Milk in Schools, is amended to establish categorical (automatic) eligibility for free meals and free milk upon documentation that a child is (1) homeless as defined by the McKinney-Vento Homeless Assistance Act; (2) a runaway served by grant programs under the Runaway and Homeless Youth Act; or (3) migratory as defined in section 1309(2) of the Elementary and Secondary Education Act. The rule also requires phase-in of mandatory direct certification for children who are members of households receiving benefits from the Supplemental Nutrition Assistance Program and continues discretionary direct certification for other categorically eligible children.

**Costs:** Not listed in register.

**Dates:** Interim Final Rule 04/25/2011

Interim Final Rule Effective 06/24/2011

Interim Final Rule Comment Period End 10/24/2011

Final Action 12/00/2015

**Note:** This RIN has been merged with 0584-AD62

**More Information:**

<http://www.reginfo.gov/public/do/eAgendaViewRule?publd=201510&RIN=0584-AD60>

12.

**Title:** Processing of Donated Foods for Use in the NSLP and Other Food Assistance Programs: Implementation of the Agricultural Act of 2014, and Further Revisions and Clarifications in Processing Requirements (0584-AE38)

Proposed Rule Stage

**Summary:** FNS proposes to implement provisions of the Agricultural Act of 2014 (Pub. L. 113-79, the Farm Bill) with regard to the processing of donated foods, and to amend current regulations further to provide more efficient and effective service to State distributing and recipient agencies, including School Food Authorities (SFA).

**Costs:** Not listed in register.

**Dates:** NPRM 12/00/2015

**More Information:**

<http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201510&RIN=0584-AE38>

13.

**Title: National School Lunch Program and School Breakfast Program: Eliminating Applications Through Community Eligibility as Required by the Healthy, Hunger-Free Kids Act of 2010**

(0584-AE16)

Final Rule Stage

**Summary:** The rule would codify section 104(a) of the Healthy, Hunger-Free Kids Act of 2010 (Pub. L. 111-296; the Act), which allows eligible local educational agencies (LEA) and schools to receive special assistance payments under procedures set forth in this section in lieu of the special assistance payments normally made available for free and reduced price meals if they serve all enrolled students free meals for four successive years in lieu of collecting applications.

**Costs:** Not listed in register.

**Dates:** NPRM 11/04/2013

NPRM Comment Period End 01/03/2014

Final Action 01/00/2016

**More Information:**

<http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201510&RIN=0584-AE16>

14.

**Title: Supplemental Nutrition Assistance Program: Definition of "Benefit" as it Pertains to Retail Owners (0584-AE46)**

Proposed Rule Stage

**Summary:** This rule proposes to define the word *benefit* as it pertains to retail owners as recommended by the Office of Inspector General (OIG) under Recommendation 8 of their July 2013, FNS: Controls for Authorizing Supplemental Nutrition Assistance Program Retailers (# 27601-0001-31) audit report. The definition would put the burden of proof on the retail owners to demonstrate that they did not benefit from any trafficking that occurred, and are therefore eligible for a civil money penalty in lieu of disqualification.

**Costs:** Not listed in register.

**Dates:** NPRM 01/00/2016

**More Information:**

<http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201510&RIN=0584-AE46>

15.

**Title: Supplemental Nutrition Assistance Program: National Crime Information Center Background Check Requirement for Retailer Authorization and Reauthorization (0584-AE47)**

Proposed Rule Stage

**Summary:** The proposed rule would revise program regulations related to the authorization or reauthorization of retailers seeking to participate, or to continue participating in the program, in order to implement Recommendation 3 from the July 2013 Office of Inspector General (OIG) audit report titled, FNS: Controls for Authorizing Supplemental Nutrition Assistance Program Retailers (# 27601-0001-31). The Recommendation requires a self-initiated National Crime Information Center (NCIC) background check as part of the application process for new retailer

applicants to the program, as well as retailers seeking reauthorization in the program who have not already completed the process, as deemed necessary by Food and Nutrition Service (FNS).

**Costs:** Not listed in register.

**Dates:** NPRM 01/00/2016

**More Information:**

<http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201510&RIN=0584-AE47>

16.

**Title: Simplified Cost Accounting and Other Actions to Reduce Paperwork in the Summer Food Service Program (0584-AD84)**

Final Rule Stage

**Summary** Section 738 of the Consolidated Appropriations Act, 2008, (Pub. L. 110-161) extends simplified cost accounting procedures to Summer Food Service Program (SFSP) sponsors in all States. Beginning on January 1, 2008, sponsors received the maximum rates of reimbursement for the eligible meals they served. This final rule will amend 7 CFR part 225 to eliminate the program assistance requirements that no longer apply and to implement a number of other actions that would further streamline SFSP administration.

**Costs:** Not listed in register.

**Dates:** NPRM 07/12/2013

NPRM Comment Period End 10/10/2013

Final Action 02/00/2016

**More Information:**

<http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201510&RIN=0584-AD84>

17.

**Title: Child and Adult Care Food Program: Amendments Related to the Healthy, Hunger-Free Kids Act of 2010 (0584-AE12)**

Final Rule Stage

**Summary:** This rule would codify several provisions of the Healthy, Hunger-Free Kids Act of 2010 (Pub. L. 111-296; the Act) that affect management of the Child and Adult Care Food Program (CACFP), including: (1) developing policies under which institutions submit an initial CACFP application to the State agency; (2) allowing day care homes to assist families in transmitting program forms which contain household income information to the sponsoring organization; (3) modifying the structure and formula for determining administrative payments to sponsoring organizations of family day care homes; and (4) allowing sponsoring organizations to carry over up to 10 percent of their administrative funding from the previous fiscal year into the next fiscal year.

**Costs:** Not listed in register.

**Dates:** NPRM 04/09/2012

NPRM Comment Period End 06/08/2012

Final Action 02/00/2016

**More Information:**

<http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201510&RIN=0584-AE12>

18.



**Title: Child and Adult Care Food Program: Meal Pattern Revisions Related to the Healthy, Hunger-Free Kids Act of 2010 (0584-AE18)**

Proposed rule stage

**Summary:** This proposal would implement section 221 of the Healthy, Hunger-Free Kids Act of 2010, requiring USDA to review and update, no less frequently than once every 10 years, requirements for meals served under the Child and Adult Care Food Program (CACFP) to ensure that meals are consistent with the most recent Dietary Guidelines for Americans and relevant nutrition science.

**Costs:** This rule will improve the nutritional quality of meals served and the overall health of children participating in the CACFP. Most CACFP meals are served to children from low-income households. As described in the Regulatory Impact Analysis, the baseline is the current cost of food to CACFP providers. The rule more closely aligns the meals served in CACFP with the *Dietary Guidelines* in an essentially cost-neutral manner. USDA estimates that the rule will result in a very small decrease in the cost for CACFP providers to prepare and serve meals to program participants, and may result in a small, temporary increase in labor and administrative costs to implement the rule. Therefore, it is projected that no meaningful net change in cost will occur as a result of this rule.

**Dates:** NPRM: 01/15/2014

NPRM Comment Period End: 04/15/2015

NPRM Comment Period Extended: 04/27/2015

NPRM Comment Period Extended End: 05/27/2015

Final Action: 03/00/2016

**More information:**

<http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201510&RIN=0584-AE18>

19.

**Title: Child Nutrition Programs: Local School Wellness Policy Implementation Under the Healthy, Hunger-Free Kids Act of 2010 (0584-AE25)**

Final rule stage

**Summary:** This final rule codifies a provision of the Healthy, Hunger-Free Kids Act (Pub. L. 111-296; the Act) under 7 CFR parts 210 and 220. Section 204 of the Act requires each local educational agency (LEA) to establish, for all schools under its jurisdiction, a local school wellness policy. The Act requires that the wellness policy include goals for nutrition, nutrition education, physical activity, and other school-based activities that promote student wellness. In addition, the Act requires that local educational agencies ensure stakeholder participation in development of their local school wellness policies, and periodically assess compliance with the policies, and disclose information about the policies to the public.

**Costs:** Not listed in Register

**Dates:** NPRM 02/26/2014

NPRM comment Period End 04/28/2014

Final Action 03/00/2016

**More Information:**

<http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201510&RIN=0584-AE25>

20.

**Title: National School Lunch and School Breakfast Programs: Nutrition Standards for All Foods Sold in School, as Required by the Healthy, Hunger-Free Kids Act of 2010 (0584- AE09)**

Final Rule Stage

**Summary:** This rule codifies the two provisions of the Healthy, Hunger-Free Kids Act (Pub. L. 111-296; the Act) under 7 CFR parts 210 and 220. Section 203 requires schools participating in the National School Lunch Program to make available to children free of charge, as nutritionally appropriate, potable water for consumption in the place where meals are served during meal service. Section 208 requires the Secretary to promulgate regulations to establish science-based nutrition standards for all foods sold in schools. The nutrition standards apply to all food sold outside the school meal programs, on the school campus, and at any time during the school day.

**Costs:** The Congressional Budget Office has determined that these provisions would incur no Federal costs. Although the complexity of factors that influence overall food consumption and obesity prevent us from defining a level of dietary change or disease or cost reduction that is attributable to the rule, there is evidence that standards like those in the rule will positively influence and perhaps directly improve food choices and consumption patterns that contribute to students' long-term health and well-being, and reduce their risk for obesity. Any rule-induced benefit of healthier eating by school children would be accompanied by costs, at least in the short term. Healthier food may be more expensive than unhealthy food either in raw materials, preparation, or both and this greater expense would be distributed among students, schools, and the food industry.

**Dates:** NPRM 02/08/2013

NPRM Comment Period End 04/09/2013

Interim Final Rule 06/28/2013

Interim Final Rule Effective 08/27/2013

Interim Final Rule Comment Period End 10/28/2013

Final Action 03/00/2016

**More Information:**

<http://www.reginfo.gov/public/do/eAgendaViewRule?publd=201510&RIN=0584-AE09>

21.

**Title: Supplemental Nutrition Assistance Program: Farm Bill of 2008 Retailer Sanctions\_(0584-AD88)**

Final Rule Stage

**Summary:** This final rule would implement provisions under section 4132 of the Food, Conservation, and Energy Act of 2008, giving the Department of Agriculture's Food and Nutrition Service (FNS) the authority to assess a civil penalty and to disqualify a retail or wholesale food store authorized to participate in SNAP.

**Costs:** Not listed in register.

**Dates:** NPRM 08/14/2012

NPRM Comment Period End 10/15/2012

Final action 03/00/2016

**Note:** This RIN replaces the previously issued RIN 0584-AD78

**More Information:**

<http://www.reginfo.gov/public/do/eAgendaViewRule?publd=201510&RIN=0584-AD88>

22.

**Title: Fresh Fruit and Vegetable Program (0584-AD96)**

Final Rule Stage

**Summary:** The Food, Conservation, and Energy Act of 2008 amended the National School Lunch Act (NSLA) to add section 19, the Fresh Fruit and Vegetable Program (FFVP). Section 19 establishes the FFVP as a permanent national program in a select number of schools in each State, the District of Columbia, Guam, Puerto Rico, and the Virgin Islands. Schools in all States must apply annually in order to receive FFVP funding. This rule would implement statutory requirements currently established through program policy and guidance for operators at the State and local level.

**Costs:** Not listed in register

**Dates:** NPRM 02/24/2012

NPRM Comment Period End 04/24/2012

Final Action 03/00/2016

**More Information:**

<http://www.reginfo.gov/public/do/eAgendaViewRule?publd=201510&RIN=0584-AD96>

23.

**Title: Supplemental Nutrition Assistance Program Provision Major System Failures (0584-AD98)**

Final Rule Stage

**Summary:** Title IV, part III: Program Operations, section 4133 (Major System Failures) provision allows USDA to prohibit State agencies from collecting claims from a household, and to assert a claim against a State in cases of major systemic error resulting in substantial overpayments of Supplemental Nutrition Assistance Program (SNAP) benefits. This rule will regulate what procedures and processes are to be followed if a State experiences such a failure. It will define what a major system failure is and explain under what circumstances a State agency will be held liable for an overpayment, rather than the client household.

**Costs:** Not listed in register

**Dates:** NPRM 08/18/2011

NPRM Comment Period End 10/17/2011

Final Action 03/00/2016

**More Information:**

<http://www.reginfo.gov/public/do/eAgendaViewRule?publd=201510&RIN=0584-AD98>

24.

**Title: Eligibility, Certification, and Employment and Training Provisions of the Food, Conservation, and Energy Act of 2008 (0584-AD87)**

Final Rule Stage

**Summary:** This final rule amends the regulations governing the Supplemental Nutrition Assistance Program (SNAP) to implement provisions from the Food, Conservation, and Energy Act of 2008 (Pub. L. 110-246) (FCEA) concerning the eligibility and certification of SNAP applicants and participants and SNAP employment and training.

**Costs:** Not listed in register.

**Dates:** NPRM 05/04/2011

NPRM Comment Period End 07/05/2011

Final action 03/00/2016

**More Information:**

<http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201510&RIN=0584-AD87>

25.

**Title: SNAP: Employment and Training Program Monitoring, Oversight and Reporting Measures (0584-AE33)**

Final Rule Stage

**Summary:** This rule implements the employment and training (E&T) provisions of section 4022 (a)(2) of the Agricultural Act of 2014. Section 4022 (a)(2) of the Agricultural Act of 2014 requires the Department to monitor and assess State agencies' E&T programs' effectiveness in preparing participants for employment and increase the number of participants who obtain and retain employment subsequent to participating in E&T programs. It also requires USDA to develop national reporting measures and for State agencies to report data on additional state-specific measures to the Department. Finally, State agencies are required to submit reports on the impact of certain E&T components and, in certain States, the E&T services provided to able-bodied adults without dependents.

**Costs:** Not listed in register.

**Dates:** Interim Final Rule 03/00/2016

**More Information:**

<http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201510&RIN=0584-AE33>

26.

**Title: Enhancing Retailer Eligibility Standards in SNAP (0584-AE27)**

Proposed Rule Stage

**Summary:** This rulemaking will address the criteria used to authorize redemption of SNAP benefits (especially by restaurant-type operations).

**Costs:** The proposed changes will allow FNS to improve access to healthy food choices for SNAP participants and to ensure that participating retailers effectuate the purposes of the Program. FNS anticipates that these provisions will have no significant costs to States.

**Dates:** NPRM 03/00/2016

**More Information:**

<http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201510&RIN=0584-AE27>

27.

**Title: Modernizing Supplemental Nutrition Assistance Program (SNAP) Benefit Redemption Systems (0584-AE37)**

Proposed Rule Stage

**Summary:** The Agricultural Act of 2014 (Pub. L. 113-79, the Farm Bill) amended the Food and Nutrition Act of 2008 (the FNA) to include new requirements regarding the acceptance and processing of SNAP client benefits by all non-exempt retailers participating in SNAP. Statutory changes will modernize EBT systems and ensure greater program integrity. The Food and Nutrition Service (FNS) also plans to revise certain SNAP regulations for which multiple State agencies have sought and received approval of waivers. The revisions will streamline program administration, offer greater flexibility to State agencies, and improve customer service.

**Costs:** Not listed in register.

**Dates:** NPRM 03/00/2016

**More Information:**

<http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201510&RIN=0584-AE37>

28.

**Title:** Supplemental Nutrition Assistance Program: Standard Utility Allowances Based on the Receipt of Energy Assistance Payments (0584-AE43)

Proposed Rule Stage

**Summary:** The proposed action would implement section 4006, Standard Utility Allowances Based on the Receipt of Energy Assistance Payments, of the Agricultural Act of 2014. Under section 4006, the Department of Agriculture, Food and Nutrition Service (FNS) is instructed to promulgate regulations establishing that those States electing to use a heating or cooling standard utility allowance (HCSUA) in Supplemental Nutrition Assistance Program (SNAP) eligibility determinations must make the HCSUA available to households that receive a Low-Income Home Energy Assistance Program (LIHEAP) or other similar energy assistance program payment greater than \$20 annually in the current month or in the immediately preceding 12 months.

**Costs:** Not listed in register.

**Dates:** NPRM 03/00/2016

**More Information:**

<http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201510&RIN=0584-AE43>

29.

**Title:** Supplemental Nutrition Assistance Program Promotion (0584-AE44)

Proposed Rule Stage

**Summary:** This rule proposes to implement section 4018 of the Agricultural Act of 2014. This section created new limitations on the use of Federal funds authorized in the Food and Nutrition Act for Supplemental Nutrition Assistance Program (SNAP) promotion and outreach activities. These changes will affect the type of outreach activities eligible for 50 percent Federal reimbursement conducted by State agencies and their community partners. This regulation will codify section 4018 of the Agricultural Act of 2014 which establishes new parameters regarding how funds authorized by the Food and Nutrition Act may be spent to promote SNAP. The Agricultural Act of 2014 makes these changes by amending sections 16(a)(4) and 18 of the Food and Nutrition Act.

**Costs:** Not listed in register.

**Dates:** NPRM 03/00/2016

**More Information:**

<http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201510&RIN=0584-AE44>

30.

**Title:** Administrative Reviews in the School Nutrition Programs (0584-AE30)

Final Rule Stage

**Summary:** This rule will amend National School Lunch Program and School Breakfast Program regulations to implement section 207 of the Healthy, Hunger-Free Kids Act of 2010 (Pub. L. 111-

296). Section 207 of the Act requires the Secretary to establish a unified system of reviews to ensure local school food authorities participating in the lunch and breakfast programs comply with program requirements. This rule will amend existing regulations found at 7 CFR parts 210 and 220 to revise, update, and streamline the administrative review requirements consistent with the provisions of section 207 of the Act.

**Costs:** Not listed in register.

**Dates:** NPRM 05/11/2015 (proposed rule published in the federal register here:

<https://www.gpo.gov/fdsys/pkg/FR-2015-05-11/pdf/2015-10613.pdf#page=1>)

NPRM Comment Period End 07/10/2015

NPRM 04/00/2016

**More Information:**

<http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201504&RIN=0584-AE30>

31.

**Title:** National School Lunch and School Breakfast Programs: School Food Service Account Revenue Amendments Related to the Healthy, Hunger-Free Kids Act of 2010 (0584- AE11)  
Final Rule Stage

**Summary:** This rule amends National School Lunch Program (NSLP) regulations to conform to requirements contained in the Healthy, Hunger-Free Kids Act of 2010 regarding equity in school lunch pricing and revenue from non-program foods sold in schools. This rule requires school food authorities (SFAs) participating in the NSLP to provide the same level of financial support for lunches served to students who are not eligible for free or reduced price lunches as is provided for lunches served to students eligible for free lunches. This rule also requires that all food sold in a school and purchased with funds from the nonprofit school food service account other than meals and supplements reimbursed by the Department of Agriculture must generate revenue at least proportionate to the cost of such foods.

**Costs:** Not listed in register.

**Dates:** Interim Final Rule 06/17/2011

Interim Final Rule Effective 07/01/2011

Interim Final Rule Comment Period End 09/15/2011

Final Action 05/00/2016

**More Information:**

<http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201510&RIN=0584-AE11>

32.

**Title:** Supplemental Nutrition Assistance Program (SNAP): Electronic Benefits Transfer Requirements for Scanning and Product-Lookup Technology (0584-AE39)  
Proposed Rule Stage

**Summary:** This rule will align program regulations with changes made by section 4002 of the Agricultural Act of 2014 (Pub. L. 113-79, the Farm Bill), which introduces new technical requirements for point-of-sale (POS) devices in the Electronic Benefits Transfer (EBT) system in section 7(h)(2)(C) of the Food and Nutrition Act of 2008 (the FNA). The Food and Nutrition Service (FNS) will propose to revise existing regulations both to codify these statutory requirements as well as to provide for their effective implementation and enforcement through the clarification of the technical specifications and capabilities required of this equipment and

by addressing methods for ensuring compliance. In addition, the Department will define what constitutes an area that has significantly limited access to food to determine who is exempt from this requirement.

**Costs:** Not listed in register.

**Dates:** NPRM 05/00/2016

**More Information:**

<http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201510&RIN=0584-AE39>

33.

**Title:** Supplemental Nutrition Assistance Program (SNAP): Implementation of the Agricultural Act of 2014 Purchasing and Delivery Services for the Elderly and Disabled (0584-AE40)

Final Rule Stage

**Summary:** This rule will revise program regulations to implement changes made by the Agricultural Act of 2014 (the 2014 Farm Bill”), which amends the definition of retail food store” in the Food and Nutrition Act of 2008 (the FNA) to include governmental or private nonprofit food purchasing and delivery services (P&D Services) that purchase and deliver food to households in which the head of household is an individual who is unable to shop for food, and who is 60 years of age or older, or physically or mentally handicapped or otherwise disabled. Expansion of the definition of retail food store” to allow P&D Services to become authorized Supplemental Nutrition Assistance Program (SNAP) retailers is expected to increase accessibility to the program for homebound elderly and disabled persons.

**Costs:** Not listed in register.

**Dates:** NPRM 07/15/2015

NPRM Comment Period End 09/14/2015

Final Action 09/00/2016

**More Information:**

<http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201510&RIN=0584-AE40>

U.S. Department of Health and Human Services, Administration for Children and Families

34.

**Title:** Temporary Assistance for Needy Families (TANF) Assistance and Electronic Benefits Transfer Actions (0970-AC56)

Final Rule Stage

**Summary:** This rule would implement provisions of the Middle Class Tax Relief and Job Creation Act of 2012 requiring States to prevent the use of Temporary Assistance for Needy Families (TANF) funds at ATMs and point-of-sales devices located at specified locations. Under the Act, States must, subject to penalty, implement policies that prevent the use of TANF funds in any electronic benefit transfer transaction in any liquor store; any casino, gambling casino, or gambling establishment; or any retail establishment which provides adult-oriented entertainment in which performers disrobe or perform in an unclothed state.

**Costs:** Not listed in register

**Date:** NPRM 02/06/2014

NPRM Comment Period End 05/07/2014

Final Action 11/00/2015

**More Information:**

<http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201510&RIN=0970-AC56>

35.

**Title: Family Violence Prevention and Services Program Regulation (0970-AC62)**

Proposed Rule Stage

**Summary:** This proposed rule would update regulations applying to Family Violence Prevention and Services Programs, except for the Domestic Violence Prevention Enhancement and Leadership Through Alliances Program (DELTA), which is administered by the Centers for Disease Control. The notice of proposed rulemaking would implement recent statutory changes to the Family Violence Prevention and Services Act, update procedures for soliciting and awarding grants, and increase clarity regarding statutory and regulatory standards. The proposed revisions would build on standards already used by the program in funding opportunity announcements and awards, technical assistance, reporting requirements, and sub-regulatory guidance.

**Costs:** Not listed in register

**Date:** NPRM 11/00/2015

**More Information:**

<http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201510&RIN=0970-AC62>

36.

**Title: Child Care and Development Block Grant Act Reauthorization Implementation (0970-AC67)**

Proposed Rule Stage

**Summary:** This rule will implement changes made to the Child Care and Development Fund (CCDF) by the Child Care and Development Block Act of 2014. The law makes important improvements to the child care program to better meet the needs of both children and their parents. These changes are designed to improve the safety and quality of child care, implement family-friendly subsidy policies to promote continuity of services, and give parents the information they need to make good choices.

**Costs:** Not listed in register

**Date:** NPRM 12/00/2015 (Note: the proposed rule was published in the Federal Register on 12/24/15, and is available here: <https://www.gpo.gov/fdsys/pkg/FR-2015-12-24/pdf/2015-31883.pdf>)

**More Information:**

<http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201510&RIN=0970-AC67>

37.

**Title: Implementation of the Unaccompanied Alien Children (UAC) Provisions of the Violence Against Women Reauthorization Act of 2013 (0970-AC61)**

Final Rule Stage

**Summary:** The rule will implement requirements of section 1101(c) of the Violence Against Women Reauthorization Act of 2013, Public Law 113-4. This law requires HHS to publish within 180 days of enactment a final rule adopting national standards for the detection, prevention,



reduction, and punishment of rape and sexual assault in facilities that maintain custody of unaccompanied alien children.

**Costs:** Not listed in register

**Date:** Final Action 02/00/2016

**More Information:**

<http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201510&RIN=0970-AC61>

38.

**Title:** **Head Start Performance Standards (0970-AC63)**

Final Rule Stage

**Summary:** This final rule would modify Head Start performance standards to implement provisions in the Improving Head Start for School Readiness Act of 2007. Head Start performance standards would be revised to take into account increased knowledge in the early childhood field since the standards were last updated more than 15 years ago. Changes would strengthen requirements on curriculum and assessment, supervision, health and safety, and governance. The final rule would also streamline existing regulations to eliminate unnecessary or duplicative requirements.

**Costs:** Not listed in register.

**Dates:** NPRM 06/19/2015

NPRM Comment Period End 08/18/2015

Final Action 06/00/2016

**More Information:**

<http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201510&RIN=0970-AC63>

39.

**Title:** **Child Care and Development Block Grant Act Reauthorization Implementation (0970-AC69)**

Final Rule Stage

**Summary:** This final rule will implement changes made to the Child Care and Development Fund (CCDF) by the Child Care and Development Block Grant Act of 2014. The law makes important improvements to the child care program to better meet the needs of both children and their parents. These changes are designed to improve the safety and quality of child care, implement family-friendly subsidy policies to promote continuity of services, and give parents the information they need to make good choices.

**Costs:** Not listed in register

**Date:** Final Action 08/00/2016

**More Information:**

<http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201510&RIN=0970-AC69>

40.

**Title:** **Family Violence Prevention and Services Program Regulation (0970-AC70)**

Final Rule Stage

**Summary:** This final rule would update regulations applying to Family Violence Prevention and Services Programs, except for the Domestic Violence Prevention Enhancement and Leadership Through Alliances Program (DELTA), which is administered by the Centers for Disease Control.

The notice of proposed rulemaking would implement recent statutory changes to the Family Violence Prevention and Services Act, update procedures for soliciting and awarding grants, and increase clarity regarding statutory and regulatory standards. The proposed revisions would build on standards already used by the program in funding opportunity announcements and awards, technical assistance, reporting requirements, and sub-regulatory guidance.

**Costs:** Not listed in register

**Date:** Final Action 08/00/2016

**More Information:**

<http://www.reginfo.gov/public/do/eAgendaViewRule?publd=201510&RIN=0970-AC70>

U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services  
*Note: Additional relevant CMS rules can be found in Table 2 at the end of this memo.*

41.

**Title:** Eligibility Notices, Fair Hearing and Appeal Processes for Medicaid and Other Provisions Related to Eligibility and Enrollment for Medicaid and CHIP (CMS-2334-F2) (0938-AS27)

Proposed Rule Stage

**Summary:** This final rule implements provisions of the Affordable Care Act that expand access to health coverage through improvements in Medicaid and coordination between Medicaid, CHIP, and Exchanges. This rule finalizes the remaining provisions from the Medicaid, Children's Health Insurance Programs, and Exchanges: Essential Health Benefits in Alternative Benefit Plans, Eligibility Notices, Fair Hearing and Appeal Processes for Medicaid and Exchange Eligibility Appeals and Other Provisions Related to Eligibility and Enrollment for Exchanges, Medicaid and CHIP, and Medicaid Premiums and Cost Sharing; Proposed Rule" that we published in the January 22, 2013 Federal Register. This final rule continues our efforts to provide guidance to assist States in implementing Medicaid and CHIP eligibility, appeals, and enrollment changes required by the Affordable Care Act.

**Costs:** Not listed in register

**Date:** NPRM 12/00/2015

**More Information:**

<http://www.reginfo.gov/public/do/eAgendaViewRule?publd=201510&RIN=0938-AS27>

42.

**Title:** Eligibility Notices, Fair Hearing and Appeal Processes for Medicaid and Other Provisions Related to Eligibility and Enrollment for Medicaid and CHIP (CMS-2334-P2) (0938-AS55)

Proposed Rule Stage

**Summary:** This proposed rule proposes to implement provisions of the Medicaid statute pertaining to Medicaid eligibility and appeals. This proposed rule continues our efforts to provide guidance to assist States in implementing Medicaid and CHIP eligibility, appeals, and enrollment changes required by the Affordable Care Act.

**Costs:** Not listed in register

**Date:** NPRM 12/00/2015

**More Information:**

<http://www.reginfo.gov/public/do/eAgendaViewRule?publd=201510&RIN=0938-AS55>

43.

**Title: Post-Eligibility Treatment of Income, Appeal Processes for Medicaid and Other Provisions Related to Eligibility and Enrollment for Medicaid and CHIP (CMS-2379-P) (0938-AS23)**

Proposed Rule Stage

**Summary:** This proposed rule would implement provisions of the statute pertaining to post-eligibility treatment of income for beneficiaries receiving long term services and support to incorporate provisions of law that have not been previously codified, including application of post-eligibility treatment of income rules to beneficiaries determined eligible on the basis of Modified Adjusted Gross Income (MAGI). The rule would also make technical changes to clarify certain provisions related to Medicaid eligibility, appeals, premiums and cost-sharing, premium assistance, and certain Children's Health Insurance Program Reauthorization Act of 2009 (CHIPRA) provisions. The rule also would update the regulations providing for Medicaid eligibility, to incorporate changes effective as a result of the Affordable Care Act and the CHIPRA. In addition, the rule proposes changes to provide states more flexibility to coordinate Medicaid and the Children's Health Insurance Program (CHIP) eligibility notices, appeals, and other related administrative procedures with similar procedures used by other health coverage programs authorized under the Affordable Care Act.

**Costs:** Not listed in register

**Date:** NPRM 01/00/2016

**More Information:**

<http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201510&RIN=0938-AS23>

44.

**Title: Medicaid Managed Care, CHIP Delivered in Managed Care, and Revisions Related to Third Party Liability (CMS-2390-P) (0938-AS25)**

Final Rule Stage

**Summary:** This proposed rule would modernize the Medicaid managed care regulations to reflect changes in the usage of managed care delivery systems. The proposed rule would align the rules governing Medicaid managed care with those of other major sources of coverage, including coverage through Qualified Health Plans and Medicare Advantage plans; implement statutory provisions; strengthen actuarial soundness payment provisions to promote the accountability of Medicaid managed care program rates; ensure appropriate beneficiary protections and enhance expectations for program integrity. This rule would also implement provisions of the Children's Health Insurance Program Reauthorization Act of 2009 (CHIPRA) and addresses third party liability for trauma codes.

**Anticipated Costs and Benefits:** The overall economic impact for this rule is estimated to be \$112 million in the first year of implementation. Additionally, non-quantifiable benefits include improved health outcomes, reduced unnecessary services, improved beneficiary experience, improved access, and improved program transparency which facilitates better decision making.

**Date:** NPRM 06/01/2015

NPRM Comment Period End 07/27/2015

Final Action 04/00/2016

**More Information:**

<http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201510&RIN=0938-AS25>

U.S. Department of Health and Human Services, Food and Drug Administration

45.

**Title: Clarification of When Products Made or Derived From Tobacco Are Regulated as Drugs or Devices (0910–AH19)**

Proposed Rule Stage

**Summary:** The rule will describe the circumstances in which a product made or derived from tobacco that is intended for human consumption will be subject to regulation as a drug, device, or a combination product. This action is intended to provide direction to regulated industry following recent litigation.

**Costs:** Not listed in register

**Date:** NPRM 09/25/2015

NPRM Comment Period End 11/24/2015

**More Information:**

<http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201510&RIN=0910-AH19>

46.

**Title: "Tobacco Products" Subject to the Federal Food, Drug, and Cosmetic Act, as Amended by the Family Smoking Prevention and Tobacco Control Act (0910–AG38)**

Final Rule Stage

**Summary:** The Family Smoking Prevention and Tobacco Control Act (Tobacco Control Act) provides the Food and Drug Administration (FDA) authority to regulate cigarettes, cigarette tobacco, roll-your-own tobacco, and smokeless tobacco. The Federal Food, Drug, and Cosmetic Act (FD&C Act), as amended by the Tobacco Control Act, permits FDA to issue regulations deeming other tobacco products to be subject to the FD&C Act. This rule would deem additional products meeting the statutory definition of "tobacco product" to be subject to the FD&C Act, and would specify additional restrictions.

**Anticipated Costs and Benefits:** The proposed rule consists of two co-proposals, option 1 and option 2. The proposed option 1 deems all products meeting the statutory definition of "tobacco product" except accessories of a proposed deemed tobacco product to be subject to chapter IX of the FD&C Act. Option 1 also proposes additional provisions that would apply to proposed deemed products as well as to certain other tobacco products. Option 2 is the same as option 1 except that it exempts premium cigars. We expect that asserting our authority over these tobacco products will enable us to take further regulatory action in the future as appropriate; those actions will have their own costs and benefits. The proposed rule would generate some direct benefits by providing information to consumers about the risks and characteristics of tobacco products which may result in consumers reducing their use of cigars and other tobacco products. Other potential benefits follow from premarket requirements which could prevent more harmful products from appearing on the market and worsening the health effects of tobacco product use. The proposed rule would impose costs in the form of

registration submission labeling and other requirements; other likely costs are not quantifiable based on current data.

**Date:** NPRM 04/25/2014

NPRM Comment Period End 07/09/2014

NPRM Comment Period Extended 06/24/2014

NPRM Comment Period End 08/08/2014

Final Action 11/00/2015

**More Information:**

<http://www.reginfo.gov/public/do/eAgendaViewRule?publd=201510&RIN=0910-AG38>

47.

**Title: Direct Food Substances Affirmed as Generally Recognized as Safe; Partially Hydrogenated Menhaden Oil and Rapeseed Oil (0910-AH28)**

Proposed Rule Stage

**Summary:** The proposed rule would amend two regulations regarding partially hydrogenated oils. We are taking this action in light of our recent determination that partially hydrogenated oils are no longer considered to be generally recognized as safe (GRAS).

**Costs:** Not listed in register

**Date:** NPRM 04/00/2016 (proposed rule not yet listed in the federal register)

**More Information:**

<http://www.reginfo.gov/public/do/eAgendaViewRule?publd=201510&RIN=0910-AH28>

48.

**Title: Food Labeling; Revision of the Nutrition and Supplement Facts Labels (0910-AF22)**

Final Rule Stage

**Summary:** FDA is amending the labeling regulations for conventional foods and dietary supplements to provide updated nutrition information on the label to assist consumers in maintaining healthy dietary practices. The rule would modernize the nutrition information found on the Nutrition Facts label, as well as the format and appearance of the label. On July 27, 2015, FDA issued a supplemental notice of proposed rulemaking accepting comments on limited additional provisions until October 13, 2015. Also on July 27, 2015, FDA reopened the comment period on the proposed rule as to specific documents until September 25, 2015.

**Anticipated Costs and Benefits:** This rule will affect all foods that are currently required to bear nutrition labeling. It will have a significant cost to industry because all food labels will have to be updated. Much of the information currently provided on the Nutrition Facts and Supplement Facts labels is based on old reference values and scientific information. The changes would provide more current information to assist consumers in constructing a healthful diet. The potential economic benefit from the final rule stems from the improvement in diet among the U.S. population. Diet is a significant factor in the reduction in risk of chronic diseases such as coronary heart disease, certain types of cancer, stroke, diabetes, and obesity.

**Date:** ANPRM 07/11/2003

ANPRM Comment Period End 10/09/2003

Second ANPRM 04/04/2005

Second ANPRM Comment Period End 06/20/2005

Third ANPRM 11/02/2007

Third ANPRM Comment Period End 01/31/2008  
NPRM 03/03/2014  
NPRM Comment Period End 06/02/2014  
Reopening of Comment Period as to Specific Documents 07/27/2015  
NPRM Comment Period End as to Specific Documents 09/25/2015  
Supplemental NPRM to Solicit Comment on Limited Additional Provisions 07/27/2015  
Supplemental NPRM to Solicit Comment on Limited Additional Provisions Comment  
Period End 10/13/2015  
Administrative Docket Update; Extension of Comment Period 09/10/2015  
Administrative Docket Update; Comment Period End 10/13/2015  
NPRM Reopening of Comment Period for Certain Documents 10/20/2015  
NPRM Reopening of Comment Period for Certain Documents Comment Period End  
10/23/2015  
Final Action 03/00/2016

**More Information:**

<http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201510&RIN=0910-AF22>

49.

**Title:** Food Labeling: Serving Sizes of Foods That Can Reasonably Be Consumed At One-Eating Occasion; Dual-Column Labeling; Updating, Modifying, and Establishing Certain RACCs (0910-AF23)

Final Rule Stage

**Summary:** FDA is amending its labeling regulations for foods to provide updated Reference Amounts Customarily Consumed (RACCs) for certain food categories. This rule would provide consumers with nutrition information based on the amount of food that is customarily consumed, which would assist consumers in maintaining healthy dietary practices. In addition to updating certain RACCs, FDA is also amending the definition of single-serving containers; amending the label serving size for breath mints; and providing for dual-column labeling, which would provide nutrition information per serving and per container or unit, as applicable, under certain circumstances.

**Anticipated Costs and Benefits:** This rule will affect most foods that are currently required to bear nutrition labeling. It will have a significant cost to industry because food labels on all affected foods will have to be updated. These changes would provide more current information to assist consumers in constructing a healthful diet.

**Date:** ANPRM 04/04/2005  
ANPRM Comment Period End 06/20/2005  
NPRM 03/03/2014  
NPRM Comment Period End 06/02/2014  
NPRM Comment Period Extended 05/27/2014  
NPRM Comment Period End 08/01/2014  
Final Action 03/00/2016

**More Information:**

<http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201510&RIN=0910-AF23>

50.

**Title: Requirements for the Testing and Reporting of Tobacco Product Constituents, Ingredients, and Additives (0910-AG59)**

Proposed Rule Stage

**Summary:** The Federal Food, Drug, and Cosmetic Act, as amended by the Family Smoking Prevention and Tobacco Control Act, requires the Food and Drug Administration to promulgate regulations that require the testing and reporting of tobacco product constituents, ingredients, and additives, including smoke constituents, that the Agency determines should be tested to protect the public health.

**Costs:** Not listed in register

**Date:** NPRM 07/00/2016

**More Information:**

<http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201510&RIN=0910-AG59>

U.S. Department of Health and Human Services, Health Resources and Services Administration

51.

**Title: Designation of Medically Underserved Populations and Health Professional Shortage Areas (0906-AA44)**

Final Rule Stage

**Summary:** The Affordable Care Act required the Secretary to establish a rulemaking committee to draft an interim final rule for designation of Medically Underserved Populations (MUPs) and Primary Care Health Professions Shortage Areas (HPSAs). The rulemaking committee was unable to reach the consensus required to produce an interim final rule for the Secretary's review and approval. However, the Affordable Care Act still requires the Secretary to issue an interim final rule.

**Costs:** Not listed in register

**Date:** NPRM 09/01/1998

NPRM Comment Period End 11/02/1998

Second NPRM 02/29/2008

Second NPRM Comment Period Extended 04/21/2008

Second NPRM Initial Comment Period End 04/29/2008

Second NPRM Extended Comment Period End 05/29/2008

Second NPRM Second Comment Period Extended 06/02/2008

Second NPRM Second Extension of Comment Period End 06/30/2008

NPRM Status 07/23/2008

Interim Final Rule 08/00/2016

**More Information:**

<http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201510&RIN=0906-AA44>

U.S. Department of Health and Human Services, Office of the Secretary

52.

**Title:** Medicare Program: Changes to the Medicare Claim, Organization Determination, and Coverage Determination Appeals Procedures (0991-AC02)

Proposed Rule Stage

**Summary:** This proposed rule would make changes to procedures for Medicare fee-for-service claim appeals, managed care organization determination appeals, and prescription drug plan coverage determination appeals to increase administrative efficiencies and set forth procedures that will help position the administrative appeals process to address the increasing number of appeal in a manner that is responsive to appellants' needs for timely determinations on Medicare coverage and payment while maximizing the efficiencies in administering the appeals programs.

**Costs:** Not listed in register

**Date:** NPRM 11/00/2005

NPRM Comment Period End 01/00/2016

Final Action 03/00/2016

Final Action Effective 08/00/2016

**More Information:**

<http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201510&RIN=0991-AC02>

U.S. Department of Transportation

53.

**Title:** National Goals and Performance Management Measures (MAP-21) (2125-AF54)

Proposed Rule Stage

**Summary:** This rulemaking would create national performance management measures and standards to be used by the States to meet the national transportation goals identified in section 1203 of MAP-21. This rulemaking would also establish the process to be used by States to set performance targets that reflect their performance measures. The FHWA anticipates issuing up to three rulemakings in this area. This rulemaking covers Congestion Mitigation and Air Quality (CMAQ) and freight issues.

**Costs:** Not yet determined.

**Dates:** NPRM 12/00/2015

**More Information:**

<http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201510&RIN=2125-AF54>.

54.

**Title:** National Goals and Performance Management Measures (MAP-21) (2125-AF49)

Final Rule Stage

**Summary:** This rulemaking would create national performance management measures and standards to be used by the States to meet the national transportation goals identified in section 1203 of MAP-21. This rulemaking would also establish the process to be used by States



to set performance targets that reflect their performance measures. The FHWA anticipates publishing up to three separate rulemakings to address the different areas covered by this section. This rulemaking, the first, will cover safety.

**Anticipated Costs and Benefits:** Preliminary estimates show that the total costs for a 10 year period is \$66,695,260 (undiscounted), \$53,873,609 (7% discount rate), and \$60,504,205 (3% discount rate). The DOT performed a break-even analysis that estimates the number of fatalities and incapacitating injuries the rule would need to prevent for the benefits of the rule to justify the costs. Preliminary estimates show that the proposed rule would need to prevent approximately 7 fatalities over 10 years, or less than one avoided fatality per year nationwide, to outweigh the anticipated costs of the proposed rule. When the break-even analysis uses incapacitating injuries as the reduction metric, preliminary estimates show that the proposed rule must be responsible for reducing approximately 153 incapacitating injuries over 10 years, or approximately 15 per year, to outweigh the anticipated costs of the proposed rule. In other words, the proposed rule must result in approximately 7 fewer fatalities, which is equivalent to approximately 153 fewer incapacitating injuries, over 10 years, for the proposed rule to be cost-beneficial. Note: These are preliminary agency estimates only. They have not been reviewed by others outside of DOT. The estimates could change after interagency review.

**Dates:** NPRM 03/11/2014

NPRM Comment Period End 06/09/2014

NPRM Comment Period Extended 06/30/2014

Final Rule 02/00/2016

**More Information:**

<http://www.reginfo.gov/public/do/eAgendaViewRule?publd=201510&RIN=2125-AF49>

### U.S. Department of Housing and Urban Development

55.

**Title:** Violence Against Women Reauthorization Act of 2013: Implementation in HUD Housing Programs (2501-AD71)

Final Rule Stage

**Summary:** This rule would amend HUD's regulations to fully implement the requirements of the Violence Against Women Act (VAWA) as reauthorized in 2013 under the Violence Against Women Reauthorization Act of 2013 (VAWA 2013). VAWA 2013 provides enhanced statutory protections for victims of domestic violence, dating violence, sexual assault, and stalking. VAWA 2013 also expands VAWA protections to HUD programs beyond HUD's public housing and the Section 8 programs which were covered by the reauthorization of VAWA in 2005 (VAWA 2005). In addition to regulatory amendments to fully implement VAWA 2013, HUD is also publishing two documents concerning tenant protections required by VAWA 2013 – a notice of occupancy rights and an emergency transfer plan. Although VAWA refers to women in its title, the statute makes clear that the protections are for all victims of domestic violence, dating violence, sexual assault, and stalking, regardless of sex, gender identity, sexual orientation, or age.

**Costs:** Not listed in register.

**Dates:** NPRM 04/01/2015

Public Comment Deadline 06/01/2015

Final Action 03/00/2016

**More Information:**

<http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201510&RIN=2501-AD71>

Equal Employment Opportunity Commission

56.

**Title: Amendments to Regulations Under the Americans With Disabilities Act (3046-AB01)**

Final Rule Stage

**Summary:** This proposed rule would amend the regulations to implement the equal employment provisions of the Americans with Disabilities Act (ADA) to address the interaction between title I of the ADA and financial inducements and/or penalties as part of wellness programs offered through health plans. EEOC also plans to address other aspects of wellness programs that may be subject to the ADA's nondiscrimination provisions in this Notice of Proposed Rulemaking.

**Anticipated Costs and Benefits:** Based on the information currently available, the Commission does not anticipate that the rule will impose additional costs on employers, beyond minimal costs to train human resource professionals. The regulation does not impose any new employer reporting or recordkeeping obligations. We anticipate that the changes will benefit entities covered by title I of the ADA by generally promoting consistency between the ADA and HIPAA, as amended by the ACA, and result in greater predictability and ease of administration.

**Dates:** NPRM 04/20/2015

NPRM Comment Period End 06/19/2015

Final Action 02/00/2016

**More Information:**

<http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201510&RIN=3046-AB01>

Table 1: Finalized Rules

*The rules below have been finalized and published in the Federal Register since the Spring 2015 regulatory agenda was issued.*

Title	RIN	Publication Date	Link to Final Rule
Coverage of Certain Preventive Services; Eligible Organizations (CMS-9940-F)	0938-AS50	Vol. 80, No. 134, July 14, 2015	<a href="http://webapps.dol.gov/FederalRegister/PdfDisplay.aspx?DocId=28364">http://webapps.dol.gov/FederalRegister/PdfDisplay.aspx?DocId=28364</a>
Coverage of Certain Preventive Services Under the Affordable Care Act	1545-BM37 and 1545-39	Vol. 80, No. 134, July 14, 2015	<a href="http://webapps.dol.gov/FederalRegister/PdfDisplay.aspx?DocId=28364">http://webapps.dol.gov/FederalRegister/PdfDisplay.aspx?DocId=28364</a>
Affirmatively Furthering Fair Housing	2501-AD33	Vol. 80, No. 136, July 16,	<a href="https://www.gpo.gov/fdsys/pkg/FR-2015-07-16/pdf/">https://www.gpo.gov/fdsys/pkg/FR-2015-07-16/pdf/</a>

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Table 2: Additional CMS Rules

*The following CMS rules relate to very specific payment and Affordable Care Act elements.*

<b>Title</b>	<b>RIN</b>	<b>Link to More Information</b>
Mental Health Parity and Addiction Equity Act of 2008; Application of Mental Health Parity Requirements to Medicaid Managed Care Organizations, CHIP, and Alternative Benefit Plans (CMS-2333-P)	0938-AS24	<a href="http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201510&amp;RIN=0938-AS24">http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201510&amp;RIN=0938-AS24</a>
Medicaid State Payment Adjustment (CMS-2393-P)	0938-AS61	<a href="http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201510&amp;RIN=0938-AS61">http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201510&amp;RIN=0938-AS61</a>
Medicaid Disproportionate Share Hospital (DSH) Allotment Reductions (CMS-2394-P)	0938-AS63	<a href="http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201510&amp;RIN=0938-AS63">http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201510&amp;RIN=0938-AS63</a>
Requirements for Surety Bonds for Certain Medicare Providers and Suppliers (CMS-6067-P)	0938-AS65	<a href="http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201510&amp;RIN=0938-AS65">http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201510&amp;RIN=0938-AS65</a>
Expansion of the CMS Qualified Entity Program (CMS-5061-P)	0938-AS66	<a href="http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201510&amp;RIN=0938-AS66">http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201510&amp;RIN=0938-AS66</a>
Medicare Shared Savings Program; Accountable Care Organizations--Revised Benchmarking Methodology (CMS-1644-P)	0938-AS67	<a href="http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201510&amp;RIN=0938-AS67">http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201510&amp;RIN=0938-AS67</a>
Merit-Based Incentive Payment System (MIPS) and Alternative Payment Models (APMs) in Medicare Fee-for-Service (CMS-5517-P)	0938-AS69	<a href="http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201510&amp;RIN=0938-AS69">http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201510&amp;RIN=0938-AS69</a>
Revisions to the Medicaid Eligibility Quality Control and Payment Error Rate Measurement (PERM) Programs (CMS-6068-P)	0938-AS74	<a href="http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201510&amp;RIN=0938-AS74">http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201510&amp;RIN=0938-AS74</a>
Hospital Inpatient Prospective Payment System for Acute Care Hospitals and the Long-Term Care Hospital Prospective Payment System and FY 2017 Rates (CMS-1655-P)	0938-AS77	<a href="http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201510&amp;RIN=0938-AS77">http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201510&amp;RIN=0938-AS77</a>
CY 2017 Home Health Prospective Payment System Refinements and Rate Update (CMS-1648-P)	0938-AS80	<a href="http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201510&amp;RIN=0938-AS80">http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201510&amp;RIN=0938-AS80</a>

CY 2017 Revisions to Payment Policies Under the Physician Fee Schedule and Other Revisions to Medicare Part B (CMS-1654-P)	0938-AS81	<a href="http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201510&amp;RIN=0938-AS81">http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201510&amp;RIN=0938-AS81</a>
Reform of Requirements for Long-Term Care Facilities (CMS-3260-P) (Rulemaking Resulting From a Section 610 Review)	0938-AR61	<a href="http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201510&amp;RIN=0938-AR61">http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201510&amp;RIN=0938-AR61</a>

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