

the timeframes specified in paragraphs (k)(4) and (8) of this section.

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Dated: May 18, 2022.

**Shira Perlmutter,**

*Register of Copyrights and Director of the U.S. Copyright Office.*

Approved by:

**Carla D. Hayden,**

*Librarian of Congress.*

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## DEPARTMENT OF VETERANS AFFAIRS

### 38 CFR Part 21

#### Clarification Regarding Self-Employment in the Context of “Employment” for VET TEC Training Programs

**AGENCY:** Department of Veterans Affairs.

**ACTION:** Notification of interpretation.

**SUMMARY:** The Department of Veterans Affairs (VA) provides notice of a policy advisory released on January 19, 2022, by VA’s Education Service. The policy advisory clarifies VA’s previous regulatory interpretation of “employment” and also explains when “self-employment” will be considered “employment” for the purpose of paying training providers participating in the Veterans Employment Through Technology Education Courses (VET TEC) training program.

**DATES:** May 24, 2022.

#### FOR FURTHER INFORMATION CONTACT:

Cheryl Amitay, Chief of Policy and Regulations Team, Education Service (225), Veterans Benefits Administration, Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420, at 202–461–9800. This is not a toll-free number.

**SUPPLEMENTARY INFORMATION:** On August 16, 2017, Public Law 115–48, the Harry W. Colmery Veterans Educational Assistance Act of 2017, was signed into law. Section 116 of this Act, codified at 38 U.S.C. 3001 note, requires the Secretary of Veterans Affairs to carry out a pilot program (commonly known as VET TEC) for 5 years to provide eligible Veterans who are entitled to educational assistance under 38 U.S.C. chapter 30, 32, 33, 34, or 35, or 10 U.S.C. chapter 1606 or 1607, with the opportunity to enroll in high technology programs of education intended to provide training and skills sought by employers in a relevant field or industry. Under section 116(c)(2)(C) of Public Law 115–48, VA

must pay 50% of the cost of providing a high technology program of education to qualified providers upon “employment” of a Veteran in a certain field of study. Also, under section 116(c)(5)(B), VA is required to give preference to a qualified provider that offers tuition reimbursement for students who do not find full-time “meaningful employment” in their field of study within 180 days after completing their program.

Based on a review of employment information since the initial roll-out of VET TEC, VA issued a policy advisory on January 19, 2022, titled Clarification Regarding Self-Employment in the Context of “Employment” for VET TEC Training Programs Established under section 116 of Public Law 115–48, to clarify how self-employment satisfies the meaning of “employment” for the purposes of determining whether VA must pay qualified providers for training provided to Veterans and selecting qualified providers. The advisory establishes objective standards for determining under what circumstances VA will consider self-employment to be employment and is intended to maximize economic outcomes for VET TEC participants. The advisory states generally that VA considers a person to be “employed” if that person performs services for another individual and is compensated for such services. It further states that the nature of the relationship may be that of an employee/employer or contractor/client. More specifically, the advisory states that “employment” includes the following:

- Establishing a new employee/employer relationship in a career supported by the completed program of study; or,
- Promotion in the Veteran’s current employee/employer relationship in a career supported by the completed program of study; or,
- Self-employment in a career supported by the completed program of study.

With regard to clarifying the job certification requirements surrounding what is deemed as acceptable and reasonable for the reporting of employment, including self-employment (*i.e.*, the minimum standards for declaring a Veteran has obtained employment), the advisory provides as follows:

The following documentation is required for payment of employment certifications that claim any form of employment (both “employment” under section 116(c)(2)(C) and “meaningful employment” under section 116(c)(5)(B)):

- Contract Jobs. Reports of Contract Jobs must be *at least* 6 months in length.
- Salary or hourly wages.
- Hours worked per week.

Employment must be full-time. There is a minimum 30 hours per week requirement for all employment claims.

- Promotion in current job. Must be a monetary promotion. A promotion is NOT simply a job title change without an increase in salary.

- Offer letter and/or first pay stub. Documentation must be official and display the official company letterhead.

#### “Self-Employment” Criteria and Verification Regarding Self-Employment

VA supports self-employment and other entrepreneurial endeavors as viable paths to achieving meaningful employment. However, training providers should encourage students to explore all possible employment prospects and opportunities, and should not direct students towards self-employment as the primary option for employment. To ensure that individuals electing to pursue employment through self-employment are adequately equipped for success, the following documentation is required for payment of employment certifications that claim any form of self-employment:

- Proof of ownership of the business. These can include a Federal Tax ID Number; Articles of Organization, or Articles of Incorporation; copy of personal tax return with schedule C; a copy of the Doing Business As declarations, etc. It may also include a state tax ID Number or state business registration information.
- Copies of any valid personal licenses or certifications required for business operations.
- A bill and payment from a client to show proof of legitimate business transactions for the type of services being provided and/or products sold; and

- Other documents: VA may request additional documentation to support the claim if existing evidence provided is insufficient to make a determination.

To avoid a conflict of interest, neither the training provider, its subsidiaries, nor a parent company may become the client of the self-employed VET TEC student.

Implementation of the new policy began on February 1, 2022, and it is applicable to both VET TEC students and training providers, regardless of when the student began or graduated from their program. Compliance with the requirements specified in the new policy is part of the annual approval or

reapproval process for training providers.

#### Signing Authority

Denis McDonough, Secretary of Veterans Affairs, approved this document on May 11, 2022, and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs.

**Luvenia Potts,**

*Regulations Development Coordinator, Office of Regulation Policy & Management, Office of General Counsel, Department of Veterans Affairs.*

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA–R10–OAR–2021–0950; FRL–9395–02–R10]

#### Air Plan Approval; ID; Incorporation by Reference Updates

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is approving a revision to the Idaho State Implementation Plan (SIP) submitted on October 12, 2021. The submission updates the incorporation by reference of the national ambient air quality standards (NAAQS) and other Federal provisions into the Idaho SIP as of July 1, 2020. Idaho undertakes regular updates to ensure State air rules and the SIP remain consistent with Federal air program requirements.

**DATES:** This final rule is effective June 23, 2022.

**ADDRESSES:** The EPA has established a docket for this action under Docket ID No. EPA–R10–OAR–2021–0950. All documents in the docket are listed on the <https://www.regulations.gov> website. Although listed in the index, some information is not publicly available, *e.g.*, Confidential Business Information or other information the disclosure of which is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available at <https://www.regulations.gov>, or please contact the person listed in the **FOR FURTHER**

**INFORMATION CONTACT** section for additional availability information.

#### FOR FURTHER INFORMATION CONTACT:

Kristin Hall (15–H13), EPA Region 10, 1200 Sixth Avenue (Suite 155), Seattle, WA 98101, (206) 553–6357, [hall.kristin@epa.gov](mailto:hall.kristin@epa.gov).

#### SUPPLEMENTARY INFORMATION:

Throughout this document wherever “we” or “our” is used, it refers to the EPA.

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#### I. Background

On October 12, 2021, Idaho submitted updates to the SIP to incorporate the NAAQS and other Federal regulations by reference as of July 1, 2020. The SIP revision, State effective June 17, 2021, includes specific air quality regulations codified in the Idaho Rules for the Control of Air Pollution (IDAPA 58.01.01).

On March 22, 2022, the EPA proposed to approve the submitted SIP revision (87 FR 16131). The reasons for our proposed approval are included in the proposal and will not be restated here. The public comment period closed on April 21, 2022. We received no public comments. Therefore, we are finalizing the action as proposed.

#### II. Final Action

The EPA is approving and incorporating by reference updates to the Idaho SIP submitted on October 12, 2021. Upon the effective date of this action, the Idaho SIP will include IDAPA 58.01.01.107.03, paragraphs a through e, State effective June 17, 2021.

#### III. Incorporation by Reference

In this document, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, we are finalizing the incorporation by reference of Idaho regulatory provisions described in Section II of this preamble and set forth below in the amendments to 40 CFR part 52. The EPA has made, and will continue to make, these materials generally available through <https://www.regulations.gov> and at the EPA Region 10 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information). Therefore, these materials have been approved by the EPA for inclusion in the SIP, have been incorporated by reference by the EPA into that plan, are

fully federally enforceable under sections 110 and 113 of the Clean Air Act as of the effective date of the final rule of the EPA’s approval, and will be incorporated by reference in the next update to the SIP compilation.<sup>1</sup>

#### IV. Statutory and Executive Order Reviews

Under the Clean Air Act (CAA), the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA’s role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves State law as meeting Federal requirements and does not impose additional requirements beyond those imposed by State law. For that reason, this action:

- Is not a “significant regulatory action” subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide the EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible

<sup>1</sup> 62 FR 27968 (May 22, 1997).