proceedings to persons financially unable to afford such assistance.” 42 U.S.C. 2996b(a). LSC performs this function primarily through distributing funds appropriated by Congress to independent civil legal aid programs providing legal services to low-income persons throughout the United States and its possessions and territories. 42 U.S.C. 2996e(a)(1)(A). LSC designates geographic service areas and structures grants to support services to the entire eligible population in a service area or to a specified subpopulation of eligible clients. 45 CFR 1634.2(c) & (d). LSC makes these grants through a competitive process. 45 CFR part 1634. Congress has mandated that LSC “insure that the grants and contracts are made so as to provide the most economical and effective delivery of legal assistance to persons in both urban and rural areas.” 42 U.S.C. 2996f(a)(3).

Throughout the United States and U.S. territories, LSC provides Basic Field—General grants to support legal services for eligible clients. LSC provides funding for those grants on a per-capita basis using the poverty population as determined by the U.S. Census Bureau every three years. Public Law 104–134, tit. V, 501(a), 110 Stat. 1321, 1321–50 (1996), as amended by Public Law 113–6, div. B, tit. IV, 127 Stat. 198, 268 (2013) (LSC funding formula adopted in 1996, incorporated by reference in LSC’s appropriations thereafter, and amended in 2013). Since its establishment in 1974, LSC has also provided subpopulation grants to support legal services for the needs of agricultural workers through Basic Field—Agricultural Worker grants under the authority of the LSC Act to structure grants for the most economic and effective delivery of legal assistance. 42 U.S.C. 2996f(a)(3).

LSC provides funding for Basic Field—Agricultural Worker grants on a per-capita basis by determining the size of the agricultural worker poverty population and separating that population from the overall poverty population for the applicable geographic area or areas. LSC expects programs receiving these grants to serve the legal needs of a broad range of eligible agricultural workers and their dependents who have specialized legal needs that are most effectively and efficiently served through a dedicated grant program.

The United States Department of Labor, Employment and Training Administration (ETA) collects data regarding agricultural workers for federal agencies serving the needs of the American agricultural worker population. The U.S. Census Bureau does not maintain data regarding agricultural workers. In 2016 LSC contracted with ETA for these data, including state-by-state breakdowns. A description of those data and their development is available at: https://www.lsc.gov/grants/basic-field-grant/lsc-service-areas/agricultural-worker-population-estimates-2016-update.

In 2020 and 2021, LSC began the process of updating this data. LSC sought and obtained input from legal aid programs serving these eligible clients and from the National Legal Aid and Defender Association. More information about that process is available at: https://www.lsc.gov/grants/basic-field-grant/lsc-service-areas/agricultural-worker-population-estimate-2021-update.

With consideration of the input provided, LSC contracted with ETA to provide more current data regarding agricultural worker population for grants beginning January 1, 2022. ETA has provided updated estimates based on an estimation methodology designed to improve the accuracy and validity of the estimates. The changes in data will result in changes in funding levels for these grants. LSC will begin using these estimates for grant allocations starting January 1, 2022.

The updated estimates, the estimation methodology and additional materials are available at: https://www.lsc.gov/grants/basic-field-grant/lsc-service-areas/agricultural-worker-population-estimate-2021-update.

LSC invites public comment on this issue. Interested parties may submit comments to LSC before the deadline stated above.

Dated: December 7, 2021.

Mark Freedman,
Senior Associate General Counsel.

[FR Doc. 2021–26722 Filed 12–9–21; 8:45 am]

BILLING CODE 7050–01–P

LIBRARY OF CONGRESS

Copyright Office

[DOCKET NO. 2021–7]

Deferred Registration Examination Study: Notice and Request for Public Comment

AGENCY: U.S. Copyright Office, Library of Congress.

ACTION: Notice of inquiry.

SUMMARY: The U.S. Copyright Office is undertaking a public study to evaluate the merits of providing an option to defer examination of copyright registration application materials until a later request by the applicant. To aid in this effort, the Office is soliciting input from interested members of the public.

DATES: Written comments must be received no later than 11:59 p.m. Eastern Time on January 24, 2022.

ADDRESSES: For reasons of government efficiency, the Copyright Office is using the regulations.gov system for the submission and posting of public comments in this proceeding. All comments are therefore to be submitted electronically through regulations.gov. Specific instructions for submitting comments are available on the Copyright Office website at https://www.copyright.gov/policy/deferred-examination. If electronic submission of comments is not feasible due to lack of access to a computer and/or the internet, please contact the Office using the contact information below for special instructions.

FOR FURTHER INFORMATION CONTACT: Megan Efthimiadis, Assistant to the General Counsel, by email at meft@copyright.gov or telephone at (202) 707–8350.

SUPPLEMENTARY INFORMATION: On May 24, 2021, Senator Thom Tillis sent a letter seeking the Copyright Office’s “expertise and guidance regarding adjusted copyright examination and registration requirements.”1 He requested that the Office complete “a study regarding the feasibility, benefits, and costs of creating an option for deferring examination of an application.”2 The letter further provides:

The study should focus on adding an option for registering a work in which the registrant can obtain an effective date of registration upon submission of an application and deposit, while choosing to defer the examination of the submitted work until the registrant subsequently requests such an examination. It should also consider and address what, if any, statutory changes would be necessary to enable applicants who are given such an effective date of registration to be able to commence a civil lawsuit in light of Fourth Estate Pub. Ben. Corp. v. Wall-Street.com, LLC, 139 S. Ct. 881 (2019). . . . [T]his study must also take particular account of the needs of the Library to maintain and grow its collections.3

2 Id.
3 Id. at 1–2.
information in the deposit or elsewhere in the materials submitted. After examination, if the Office determines that the work constitutes copyrightable subject matter and that the other requirements have been met, it will register the claim and issue a certificate of registration. The Office will also create an official public record of the registration in its searchable online records catalog and will make the deposit copies available for public inspection. This public record includes key facts relating to the authorship and ownership of the claimed work, as well as other information, including the title, year of creation, date of publication, and the type of authorship. If the Office determines that a work is not copyrightable or that the claim is invalid for any other reason, the Office will refuse registration and will not issue a certificate or create an entry in the public catalog.

While the Office offers several registration options, there is currently no option to delay or defer examination of the submitted application materials. The Office does, however, offer an option to preregister certain classes of works, without the more comprehensive review undertaken as part of the full registration process. Preregistration enables rightsholders to sue in court prior to full registration, if followed later with an application package for full registration within the statutorily allotted time. Instead of submitting a deposit copy of the work for examination, preregistration applicants only need to provide a short description of the work, and the Office conducts only a limited review of the application to ascertain whether the work is in a class for which the preregistration option is available. In connection with broader efforts to modernize its technological infrastructure, the Office has solicited public input in prior proceedings concerning the registration process. In some of these proceedings, commenters discussed proposals concerning a deferred examination registration option (which they also sometimes referred to as delayed examination or provisional registration). To help inform public comment in the present proceeding, these previous proposals are briefly summarized below.

While commenters varied in their proposed approaches, they generally envisioned a deferred examination option with the following components: (1) An applicant could submit the application materials for full registration at a discounted fee; (2) the Office

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4 17 U.S.C. 102(a) (“Copyright protection subsists . . . in original works of authorship fixed in any tangible medium of expression.”); see id. 302(a) (“Copyright in a work created on or after January 1, 1978, subsists from its creation.”).
5 Id. 408(a) (“Such registration is not a condition of copyright protection.”).
6 Id. 410(c).
7 Id. 412. Section 410(d) states that the EDR “is the day on which an application, deposit, and fee, which are later determined by the Register of Copyrights on behalf of a court of competent jurisdiction to be acceptable for registration, have all been received in the Copyright Office.”
8 Id. 411(a); see also Fourth Estate Pub. Ben. Corp. v. Wall-Street.com, LLC, 139 S. Ct. 881 (2019).
11 Compendium (Third) secs. 206, 602.4.
12 17 U.S.C. 410(b).
13 17 U.S.C. 408(f), 411(a).
would not immediately examine any of the materials; 24 (3) the Office would still ingest information about the unregistered work into the public catalog, retain the deposit, and make it available for the Library’s collections; 25 (4) if later requested, for an additional fee, the Office would examine the application materials and decide whether or not to register the work;  26 and (5) if the Office registered the work, then the statutory benefits of registration would attach, with an EDR reflecting the date when the original deferred examination application materials were received. 27 Commenters generally seemed to contemplate that examination and full registration would primarily be sought in connection with an infringement suit. 28 No commenter proposed eliminating the current registration process for those who prefer immediate examination. 29 Commenters offered different proposals regarding eligibility for deferred examination. Some recommended that the option only be available for “high-volume registrations” 30 or specific classes of works like photographs, 31 while others suggested it be available for all works. 32 With respect to who should be eligible to request later examination of a deferred examination claim, the Copyright Alliance suggested that the party should be the “rights holder,” 33 while CVA proposed that “a party other than the copyright holder” who is seeking “a declaration of non-infringement or other legal proceeding” should also “be permitted to pay the fee and have the Copyright Office undertake a final review of the [deferred examination application] materials.” 34

Commenters also expressed different opinions regarding the appropriate time limit, if any, 35 for examination to be requested. Some commenters suggested that the examination request should be made within a specific time period; if not, the applicant would lose the benefit of having filed the deferred examination application. 36 Some proposed that this period be as short as one year, while others proposed that it be as long as the full term of the copyright. 37

Commenters also disagreed with respect to how the deferred examination option would impact the registration prerequisite for instituting a civil action for infringement. While most commenters suggested maintaining the existing registration rule, 38 CVA asked the Office to consider whether a request to examine the deferred examination application materials should be sufficient for filing a lawsuit, or should be moved to the “front of the line” for immediate processing. 39

Commenters encouraged the Office to explore how best to administer a deferred examination option, taking into account its budget and resources. 40

23 See, e.g., Copyright Alliance Registration Modernization 2018 NOI Comments at 11–12; PPA Office Fees Initial Comments at 22; Digital Public Library of America (“DPLA”) Visual Works Study Initial Comments at 7.

24 See, e.g., Copyright Alliance Registration Modernization 2018 NOI Comments at 19 (“If a copyright holder subsequently wanted to bring an infringement suit, they would simply pay the Copyright Office a separate fee for the ‘provisional registration’ examined for originality and other formalities and converted to a regular registration.”); Copyright Alliance Registration Modernization 2018 NOI Comments at 11–12 (“If a rights holder wants to bring an infringement case, the rights holder would have to convert the Delayed Examination Registration to an examined registration, which would necessitate paying the Office examining the Delayed Examination and approving its conversion into an examined registration, and . . . paying a conversion fee.”); ImagesRights Registration Modernization 2018 NOI Comments at 4; Shaftel & Schmelzer Registration Modernization 2018 NOI Comments at 34; Shaftel & Schmelzer Office Fees Initial Comments at 27–28; CVA Group Registration of Photographs Comments at 58.

25 Available for the Library’s collections; 25 (3) the Office would still ingest information about the unregistered work into the public catalog, retain the deposit, and make it available for the Library’s collections; 25 (4) if later requested, for an additional fee, the Office would examine the application materials and decide whether or not to register the work;  26 and (5) if the Office registered the work, then the statutory benefits of registration would attach, with an EDR reflecting the date when the original deferred examination application materials were received. 27 Commenters generally seemed to contemplate that examination and full registration would primarily be sought in connection with an infringement suit. 28 No commenter proposed eliminating the current registration process for those who prefer immediate examination. 29 Commenters offered different proposals regarding eligibility for deferred examination. Some recommended that the option only be available for “high-volume registrations” 30 or specific classes of works like photographs, 31 while others suggested it be available for all works. 32 With respect to who should be eligible to request later examination of a deferred examination claim, the Copyright Alliance suggested that the party should be the “rights holder,” 33 while CVA proposed that “a party other than the copyright holder” who is seeking “a declaration of non-infringement or other legal proceeding” should also “be permitted to pay the fee and have the Copyright Office undertake a final review of the [deferred examination application] materials.” 34

26 See, e.g., Copyright Alliance Registration Modernization 2018 NOI Comments at 11 (“If a rights holder wants to bring an infringement case, the rights holder would have to convert the Delayed Examination Registration to an examined registration, which would necessitate paying the Office examining the Delayed Examination and approving its conversion into an examined registration, and . . . paying a conversion fee.”); ImagesRights Registration Modernization 2018 NOI Comments at 4; Shaftel & Schmelzer Registration Modernization 2018 NOI Comments at 34; Shaftel & Schmelzer Office Fees Initial Comments at 27–28; CVA Group Registration of Photographs Comments at 58.

27 See, e.g., GA Guild Registration Modernization 2018 NOI Comments 4–5 (“[O]nce the registration is converted to a regular registration, the copyright owner would then have all the statutory benefits of a regular registration, with the effective date of registration being the date the Copyright Office received the provisional registration.”); Copyright Alliance Registration Modernization 2018 NOI Comments at 18–19 (“The EDR for determining benefits under copyright law . . . would be the date the Copyright Office received the application along with the required deposit copy and fee payment.”); Copyright Alliance Registration Modernization 2018 NOI Comments at 12; PPA Registration Modernization 2018 NOI Comments at 13 ("Provisional registration could be paired with a self-certification of ownership which creators could create their own database of works, which would be open to the Copyright Office and others for interactive searching."); Copyright Alliance Office Fees Initial Comments at 21–22; Digital Public Library of America (“DPLA”) Visual Works Study Initial Comments at 5.

28 See, e.g., Copyright Alliance Registration Modernization 2018 NOI Comments at 19 (“If a copyright holder subsequently wanted to bring an infringement suit, they would simply pay the Copyright Office a separate fee for the ‘provisional registration’ examined for originality and other formalities and converted to a regular registration.”); Copyright Alliance Registration Modernization 2018 NOI Comments at 11–12 (“If a rights holder wants to bring an infringement case, the rights holder would have to convert the Delayed Examination Registration to an examined registration, which would necessitate paying the Office examining the Delayed Examination and approving its conversion into an examined registration, and . . . paying a conversion fee.”); ImagesRights Registration Modernization 2018 NOI Comments at 4; Shaftel & Schmelzer Registration Modernization 2018 NOI Comments at 34; Shaftel & Schmelzer Office Fees Initial Comments at 27–28; CVA Group Registration of Photographs Comments at 58.
Commenters also identified a number of potential benefits of offering a deferred examination option, including increasing the number of registrations, improving the Office’s efficiency by removing the examination step, lowering the Office’s expenses, and increasing the number of deposits available for the Library’s collections.47

II. Subjects of Inquiry

The Office invites written comments on the subjects below. A party choosing to respond to this Notice of Inquiry need not address every subject, but the Office requests that responding parties clearly identify and separately address each subject for which a response is submitted. The Office also requests that commenters explain their interest in the study and, with respect to each answer, the basis for their knowledge.

A. Purpose of Deferred Examination Option

1. What specific perceived deficiencies in the current registration regime could a deferred examination option address?

2. What are the potential benefits and drawbacks to offering a deferred examination option? Responses should consider the positive and negative effects on both copyright owners and users, as well as on the registration system itself, and should include any empirical data or other evidence relevant to your assertions. Responses should also consider whether, or to what extent, a deferred examination option might either further or impede the purposes of registration.48

B. Procedural Issues

3. If you are advocating for a deferred examination option, describe the specific legal or regulatory framework you envision. Would any statutory amendments be necessary?

4. Should a deferred examination option have any work-based, applicant-based, or other eligibility restrictions? For example, should the availability of the option depend on whether the work belongs to a specific class of works (e.g., photographs), is published or unpublished, and/or is deposited in physical or electronic form?

5. How should deferred examination operate in connection with an application to register multiple works?

6. How should the filing fees be determined for a deferred examination option, including both for the initial submission and later examination, and how should they compare with fees where examination is not deferred?

7. Should applications for deferred examination undergo any kind of initial review (e.g., to verify the accuracy of the filing fee, that the application is complete, that the deposit is in the correct form, etc.)?

8. Who should be permitted to request examination of a deferred examination application package? For example, should such a request be limited to an applicant or copyright owner, or should other interested parties also be permitted to request examination?

9. Should there be a time limit for requesting examination (e.g., one year)? If so, what should be the ramifications of failing to request examination within the prescribed period? Responses should consider the implications for the Office’s administration of the registration system, including the retention and storage of deposits and other application materials, as well as the governing principles that should apply to an eventual examination?

10. How, if at all, should a deferred examination option account for any changes in the required application information that occur between submission and examination (e.g., a change in ownership or publication status)?

11. How, if at all, should any deficiencies in the application materials discovered during examination be addressed with respect to the EDR and the current requirements of section 410?

C. Impact

12. How, if at all, would a deferred examination option affect the public records maintained by the Office? For example, should information about a work submitted for registration using a deferred examination option be indexed into the public catalog prior to the claim being examined and registered? What are the potential benefits and drawbacks to such an approach? For example, how, if at all, may it affect the integrity and reliability of the public record?

13. How, if at all, might a deferred examination option affect the ability of the Library of Congress to maintain and grow its collections?50 For example, ...
should a work submitted for registration using a deferred examination option when the claim has not yet been examined and registered be eligible for selection for the Library’s collections? What are the potential benefits and drawbacks to such an approach?

14. How, if at all, might a deferred examination option affect the ability to bring suit in light of the Supreme Court’s decision in Fourth Estate Public Benefit Corp. v. Wall-Street.com, LLC? For example, should a later request for examination be sufficient to bring suit? What are the potential benefits and drawbacks to such an approach?

15. Could a deferred examination option be used for improper purposes, such as to obtain an official record for material that is non-copyrightable in an effort to harass or defraud others? If so, how might such abuses be prevented?

16. How, if at all, might a deferred examination option affect enforcement of a copyright by the U.S. Customs and Border Protection?

D. Alternative Approaches

17. Could the same goals that a deferred examination option is meant to achieve be accomplished through alternative means, such as by amending the preregistration regime or the eligibility for statutory damages, or by reducing filing fees or adding new or expanded group registration options? Responses should discuss the potential benefits and drawbacks of any alternatives and why they may or may not be preferable.

E. Other Issues

18. Please identify any pertinent issues not referenced above that the Office should consider in conducting its study.

unpublished works, the Library is entitled, under regulations that the Register of Copyrights shall prescribe, to select any deposits for its collections.

51 See CVA Registration Modernization 2018 NOI Comments at 19 ("The Copyright Office should consider whether an application to finalize a provisional registration should be sufficient for filing a lawsuit.").

52 U.S. Customs and Border Protection ("CBP") has the authority to detain, seize, forfeit, and ultimately destroy merchandise seeking entry into the United States if it bears an infringing copyright that has been registered with the Office, and has subsequently been recorded with CBP. U.S. Customs & Border Protection, Intellectual Property Rights e-Recordation, https://ipr.cbp.gov/ (last visited Dec. 6, 2021). Congress has further required the CBP to implement a process by which it will "enforce a copyright for which the owner has submitted an application for registration under title 17 with the United States Copyright Office, to the same extent and in the same manner as if the copyright were registered with the Copyright Office." 19 U.S.C. 4043 (emphasis added).

Dated: December 6, 2021.

Shira Perlmutter,
Register of Copyrights and Director of the U.S. Copyright Office.

[FR Doc. 2021–26710 Filed 12–9–21; 8:45 am]
BILLING CODE 1410–30–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

Arts Advisory Panel Meetings

AGENCY: National Endowment for the Arts, National Foundation on the Arts and the Humanities.

ACTION: Notice of meetings.

SUMMARY: Pursuant to the Federal Advisory Committee Act, as amended, notice is hereby given that meetings of the Arts Advisory Panel to the National Council on the Arts will be held by teleconference or videoconference.

DATES: See the SUPPLEMENTARY INFORMATION section for individual meeting times and dates. All meetings are Eastern time and ending times are approximate:

ADDRESS: National Endowment for the Arts, Constitution Center, 400 7th St. SW, Washington, DC 20506.

FOR FURTHER INFORMATION CONTACT: Further information with reference to these meetings can be obtained from Ms. Sherry Hale, Office of Guidelines & Panel Operations, National Endowment for the Arts, Washington, DC 20506; hales@arts.gov, or call 202/682–5696.

SUPPLEMENTARY INFORMATION: The closed portions of meetings are for the purpose of Panel review, discussion, evaluation, and recommendations on financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency. In accordance with the determination of the Chairman of September 10, 2019, these sessions will be closed to the public pursuant to subsection (c)(6) of section 552b of title 5, United States Code.

The upcoming meetings are:

Our Town (review of applications): This meeting will be closed.

Date and time: January 13, 2022; 11:00 a.m. to 1:00 p.m.

Jazz Masters Tribute Concert (review of applications): This meeting will be closed.

Date and time: February 3, 2022; 12:00 p.m. to 2:00 p.m.

Jazz Masters Fellowships (review of applications): This meeting will be closed.

Date and time: February 10, 2022; 2:00 p.m. to 3:00 p.m.

Jazz Masters Fellowships (review of applications): This meeting will be closed.

Date and time: February 10, 2022; 3:00 p.m. to 4:00 p.m.

Dated: December 7, 2021.

Sherry P. Hale,
Staff Assistant, National Endowment for the Arts.

[FR Doc. 2021–26742 Filed 12–9–21; 8:45 am]
BILLING CODE 7537–01–P

NATIONAL SCIENCE FOUNDATION

Agency Information Collection Activities: Comment Request; Antarctic Emergency Response Plan and Environmental Protection Information

AGENCY: National Science Foundation.

ACTION: Notice.

SUMMARY: The National Science Foundation (NSF) is announcing plans to renew this collection. In accordance with the requirements of the Paperwork Reduction Act of 1995, we are providing opportunity for public comment on this action. After obtaining and considering public comment, NSF will prepare the submission requesting Office of Management and Budget (OMB) clearance of this collection for no longer than 3 years.

DATES: Written comments on this notice must be received by February 8, 2022 to be assured consideration. Comments received after that date will be considered to the extent practicable. Send comments to address below.

FOR FURTHER INFORMATION CONTACT: Suzanne H. Plimpton, Reports Clearance Officer, National Science Foundation, 2415 Eisenhower Avenue, Suite W18200, Alexandria, Virginia 22314; telephone (703) 292–7556; or send email to splimpt0@nsf.gov. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339, which is accessible 24 hours a day, 7 days a week, 365 days a year (including Federal holidays).