

# Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF HOMELAND SECURITY

### U.S. Citizenship and Immigration Services

RIN 1615-AC33

## DEPARTMENT OF LABOR

### Employment and Training Administration

20 CFR Part 655

RIN 1205-AB91

[Docket No. ETA-2018-0003]

### Modernizing Recruitment Requirements for the Temporary Employment of H-2B Foreign Workers in the United States; Extension of Comment Period

**AGENCIES:** U.S. Citizenship and Immigration Services, Department of Homeland Security; and Employment and Training Administration, Department of Labor.

**ACTION:** Notice of proposed rulemaking; extension of comment period.

**SUMMARY:** This document extends the period for submitting written comments on the Notice of Proposed Rulemaking (NPRM) entitled *Modernizing Recruitment Requirements for the Temporary Employment of H-2B Foreign Workers in the United States*. The comment period was initially scheduled to end on December 10, 2018. The Department of Homeland Security and the Department of Labor (collectively, the Departments) are taking this action to provide interested parties additional time to submit comments in response to requests for an extension of the commenting period.

**DATES:** The comment period for the proposed rule published on November 9, 2018, at 83 FR 55977, is extended. Comments must be received on or before December 28, 2018.

**ADDRESSES:** You may send comments, identified by the agencies' names and

the Department of Labor (DOL)'s Docket No. ETA-2018-0003 or Regulatory Information Number (RIN) 1205-AB91, by any of the following methods:

—*Federal e-Rulemaking Portal:* <http://www.regulations.gov>. Follow the website instructions for submitting comments (under "Help" > "How to use Regulations.gov").

—*Mail and Hand Delivery/Courier:* Submit written comments and any additional material to Adele Gagliardi, Administrator, Office of Policy Development and Research, U.S. Department of Labor, 200 Constitution Avenue NW, Room N-5641, Washington, DC 20210.

*Instructions:* All submissions must include the agencies' names and the DOL RIN 1205-AB91. Please submit your comments by only one method. Please be advised that DOL will post all comments received that relate to the notice of proposed rulemaking (NPRM) on <http://www.regulations.gov> without making any change to the comments or redacting any information.

The <http://www.regulations.gov> website is the Federal e-rulemaking portal, and all comments posted there are available and accessible to the public. Therefore, DOL recommends that commenters remove personal information (either about themselves or others) such as Social Security Numbers, personal addresses, telephone numbers, and email addresses included in their comments, as such information may become easily available to the public via the <http://www.regulations.gov> website. It is the responsibility of the commenter to safeguard personal information.

Also, please note that, due to security concerns, postal mail delivery in Washington, DC may be delayed. Therefore, DOL encourages the public to submit comments on <http://www.regulations.gov>. Docket: To read or download comments or other material in the electronic docket, go to <http://www.regulations.gov> website (search using RIN 1205-AB91 or Docket No. ETA-2018-0003). DOL also will make all the comments it receives available for public inspection by appointment during normal business hours at the above address. If you need assistance to review the comments, DOL will provide appropriate aids, such as readers or print magnifiers. DOL will make copies of the proposed rule available, upon

request, in large print and electronic file on computer disk. To schedule an appointment to review the comments and/or obtain the proposed rule in an alternative format, contact the Office of Policy Development and Research at (202) 693-3700 (this is not a toll-free number). You may also contact Adele Gagliardi, Administrator, Office of Policy Development and Research, U.S. Department of Labor, 200 Constitution Avenue NW, Room N-5641, Washington, DC 20210.

Comments under the Paperwork Reduction Act (PRA): In addition to filing comments with ETA, persons wishing to comment on the information collection (IC) aspects of the proposed rule may send comments to: Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL-ETA, Office of Management and Budget, Room 10235, 725 17th Street NW, Washington, DC 20503, Fax: (202) 395-6881 (this is not a toll-free number), email: [OIRA\\_submission@omb.eop.gov](mailto:OIRA_submission@omb.eop.gov). See Paperwork Reduction Act section of the proposed rule for particular areas of interest.

#### FOR FURTHER INFORMATION CONTACT:

Regarding the Department of Labor: Thomas M. Dowd, Deputy Assistant Secretary, Employment and Training Administration, Department of Labor, Box #12-200, 200 Constitution Ave. NW, Washington, DC 20210, telephone (202) 513-7350 (this is not a toll-free number). Regarding the Department of Homeland Security: Kevin J. Cummings, Chief, Business and Foreign Workers Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security, 20 Massachusetts Ave. NW, Suite 1100, Washington, DC 20529-2120, telephone (202) 272-8377 (not a toll-free call). Individuals with hearing or speech impairments may access the telephone numbers above via TTY by calling the toll-free Federal Information Relay Service at 1-877-889-5627 (TTY/TDD).

**SUPPLEMENTARY INFORMATION:** On November 9, 2018, the Departments published an NPRM in the **Federal Register** at 83 FR 55977, proposing regulatory revisions that would modernize the recruitment an employer seeking H-2B nonimmigrant workers must conduct when applying for a temporary labor certification. In particular, the Departments are

proposing to replace the print newspaper advertisements that their regulations currently require with electronic advertisements posted on the internet, which the Departments believe will be a more effective and efficient means of disseminating information about job openings to U.S. workers.

The NPRM requested public comments on the proposed changes on or before December 10, 2018. The Departments have received a request to extend the comment period to allow the public to provide further input on the proposed changes. In light of the request, the Departments have extended the period for submitting public comment to December 28, 2018.

**Molly E. Conway,**

*Acting Assistant Secretary for Employment and Training Administration, Department of Labor.*

**L. Francis Cissna,**

*Director, United States Citizenship and Immigration Services.*

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## FEDERAL RESERVE SYSTEM

### 12 CFR Part 229

[Regulation CC; Docket No. R-1637]

RIN 7100-AF 28

## BUREAU OF CONSUMER FINANCIAL PROTECTION

### 12 CFR Part 1030

[Docket No. CFPB-2018-0035]

RIN 3170-AA31

## Availability of Funds and Collection of Checks (Regulation CC)

**AGENCY:** Board of Governors of the Federal Reserve System (Board) and Bureau of Consumer Financial Protection (Bureau).

**ACTION:** Proposed rule and reopening of comment period for existing proposed rule.

**SUMMARY:** The Board and the Bureau (Agencies) are proposing amendments to Regulation CC, which implements the Expedited Funds Availability Act (EFA Act) (2018 Proposal), and are also providing an additional opportunity for public comment on certain amendments to Regulation CC that the Board proposed in 2011 (2011 Funds Availability Proposal). In the 2018 Proposal, the Agencies are proposing a calculation methodology for implementing a statutory requirement to

adjust the dollar amounts in the EFA Act every five years by the aggregate annual percentage increase in the Consumer Price Index for Wage Earners and Clerical Workers (CPI-W) rounded to the nearest multiple of \$25. The 2018 Proposal would also implement the Economic Growth, Regulatory Relief, and Consumer Protection Act (EGRRCPA) amendments to the EFA Act, which include extending coverage to American Samoa, the Commonwealth of the Northern Mariana Islands, and Guam, and would make certain other technical amendments.

With regard to reopening comments on the 2011 Funds Availability Proposal, the Board published proposed amendments to Regulation CC in the **Federal Register** on March 25, 2011. As discussed in **SUPPLEMENTARY INFORMATION**, the Board and the Bureau now have joint rulemaking authority with respect to part of Regulation CC, related definitions, and appendices of the amendments that the Board proposed on that date. The Board and the Bureau are reopening the comment period for the 2011 Funds Availability Proposal.

**DATES:** Comments on the 2018 Proposal and the 2011 Funds Availability Proposal must be received on or before February 8, 2019.

**ADDRESSES:** Comments should be directed to:

*Board:* You may submit comments, identified by Docket No. R-1637; RIN 7100 AF-28, by any of the following methods:

- *Agency website:* <http://www.federalreserve.gov>. Follow the instructions for submitting comments at <http://www.federalreserve.gov/generalinfo/foia/ProposedRegs.cfm>.

- *Email:* [regs.comments@federalreserve.gov](mailto:regs.comments@federalreserve.gov). Include the docket number and RIN in the subject line of the message.

- *Fax:* (202) 452-3819 or (202) 452-3102.

- *Mail:* Ann E. Misback, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW, Washington, DC 20551.

All public comments will be made available on the Board's website at <http://www.federalreserve.gov/generalinfo/foia/ProposedRegs.cfm> as submitted, unless modified for technical reasons or to remove personally identifiable information at the commenter's request. Accordingly, comments will not be edited to remove any identifying or contact information. Public comments may also be viewed electronically or in paper in Room 3515,

1801 K Street NW (between 18th and 19th Streets NW), between 9:00 a.m. and 5:00 p.m. on weekdays.

*Bureau:* You may submit comments, identified by Docket No. CFPB-2018-0035 or RIN 3170-AA31, by any of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

- *Email:* [FederalRegisterComments@cfpb.gov](mailto:FederalRegisterComments@cfpb.gov). Include Docket No. CFPB-2018-0035 or RIN 3170-AA31 in the subject line of the email.

- *Mail/Hand Delivery/Courier:* Comment Intake, Bureau of Consumer Financial Protection, 1700 G Street, NW, Washington, DC 20552.

*Instructions:* All submissions should include the agency name and docket number or Regulatory Information Number (RIN) for this rulemaking. Because paper mail in the Washington, DC area and at the Bureau is subject to delay, commenters are encouraged to submit comments electronically. In general, all comments received will be posted without change to <http://www.regulations.gov>. In addition, comments will be available for public inspection and copying at 1700 G Street NW, Washington, DC 20552, on official business days between the hours of 10 a.m. and 5 p.m. Eastern Time. You can make an appointment to inspect the documents by telephoning (202) 435-7275.

All comments, including attachments and other supporting materials, will become part of the public record and subject to public disclosure. Sensitive personal information, such as account numbers or Social Security numbers, should not be included. Comments will not be edited to remove any identifying or contact information.

### FOR FURTHER INFORMATION CONTACT:

*Board:* Gavin L. Smith, Senior Counsel (202) 452-3474, Legal Division, or Ian C.B. Spear, Manager (202) 452-3959, Division of Reserve Bank Operations and Payment Systems; for users of Telecommunications Device for the Deaf (TDD) only, contact (202) 263-4869.

*Bureau:* Joseph Baressi and Marta Tanenhaus, Senior Counsels, Office of Regulations, at (202) 435-7700. If you require this document in an alternative electronic format, please contact [CFPB\\_accessibility@cfpb.gov](mailto:CFPB_accessibility@cfpb.gov).

### SUPPLEMENTARY INFORMATION:

#### I. 2018 Proposal

##### A. Background

Regulation CC (12 CFR part 229) implements the Expedited Funds Availability Act (EFA Act) and the Check Clearing for the 21st Century Act