undue and unnecessary administrative burdens as they expend time trying to find ways to implement these standards without support from local and State law enforcement agencies and without QRIS systems that can accommodate Head Start programs. A period for public comment would only extend programs' concerns as they attempt to meet these standards by the compliance dates. Head Start programs are still required to comply with statutory background check requirements in the Improving Head Start for School Readiness Act of 2007, Public Law 110–134, until they can develop systems that will enable them to conduct complete background checks with fingerprints. Therefore, if we delay compliance dates, we will pose no harm or burden to programs or the public. Moreover, programs that already have systems in place to meet background check standards at 45 CFR 1302.90(b) and to participate in their States' QRIS at 45 CFR 1302.53(b)(2) may voluntarily come into compliance by the current compliance date. However, programs that do not have systems in place will have until September 30, 2021, the new compliance date, to comply.

Dated: October 8, 2019.

Lynn A. Johnson,

Assistant Secretary for Children and Families.

Approved: November 19, 2019.

Alex M. Azar II,

Secretary.

[FR Doc. 2019–25634 Filed 11–25–19; 8:45 am]

BILLING CODE 4184–40–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 61

[WC Docket Nos. 18–276, 17–308; FCC No. 19–107; FR ID 16252]

Reform of Certain Tariff Rules

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission amends its tariff publication rules to allow carriers to cross-reference their own tariffs and the tariffs of their affiliates, and to eliminate the short form tariff review plan filed by price cap incumbent local exchange carriers 90 days before the effective date of their annual access tariff filings. These changes will bring the Commission's tariff publication rules in line with the reality of the increased ease of access to tariff filings, and will reduce the regulatory burdens on filers and the Commission's own tariff review staff.

DATES: The amendments set forth in this Report and Order will become effective December 26, 2019.

ADDRESSES: Federal Communications Commission, 445 12th Street SW, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Robin Cohn, Wireline Competition Bureau, Pricing Policy Division at 202–418–1540 or via email at *Robin.Cohn@fcc.gov*.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order released October 30, 2019. A full-text copy can be obtained at the following internet Address: *https://docs.fcc.gov/public/attachments/FCC-19-107A1.pdf*.

Background

1. Many of the Commission's rules governing tariff filings were adopted when paper tariffs were filed at the Commission and interested parties had to visit the Commission to review physical copies of those filings. Not surprisingly, technological advances that allow carriers and interested parties to submit and view information electronically have obviated the need for certain longstanding tariff rules that were predicated on the need for paper filings and protracted review periods. Last year, the Commission proposed to amend two such sets of rules—those that prohibit a carrier from cross-referencing its tariffs and those of its affiliates, and the rule that requires price cap local exchange carriers (LECs) to file short form tariff review plans well in advance of their annual tariff filings.

2. *Cross-referencing.* When the Commission's cross-referencing rules were adopted more than 75 years ago, tariffs were often quite voluminous and were filed in hard copy, making it cumbersome to obtain and follow a cross-reference from one tariff to another tariff. To ensure that someone reviewing a paper copy of a tariff would have ready access to all of the terms of the tariff, the Commission adopted § 61.74, which, with certain exceptions, prohibits one tariff from cross-referencing another tariff, and § 61.54, which also has been interpreted as prohibiting cross-referencing between tariffs.

3. Today, by contrast, carriers are required to file tariffs electronically using the Electronic Tariff Filing System (ETFS), and it only takes ''a few seconds and a few clicks'' to find a cross-referenced tariff. As a result, interested parties can now access tariffs through the ETFS via an internet connection anywhere and electronically review and search the tariffs they are looking for.

4. The Commission's current rules allow carriers to seek special permission to cross-reference their own tariffs and those of their affiliates, and carriers do so when, for example, they offer discount plans that cross different operating territories. The Wireline Competition Bureau (Bureau) has routinely granted requests for special permission to allow a carrier to cross-reference its own tariffs and those of its affiliates. In the notice of proposed rulemaking (*NPRM*) (83 FR 58510, Nov. 20, 2018), the Commission proposed to amend the rules to allow a carrier's tariffs to refer to its own tariffs and those of its affiliates, and provided an interim waiver of § 61.74(a) to all carriers to allow carriers' tariffs to reference their other tariffs, and those of their affiliates, pending resolution of the issues addressed in the *NPRM*.

5. *Short form tariff review plans.* Prior to 1997, annual interstate access tariffs were filed 90 days before the effective date of such tariffs, thereby allowing a significant amount of time for the Commission and interested parties to review the filings and associated cost support. In 1997, when the Commission modified its rules to permit price cap carriers to file tariffs on either 7 days' notice (for rate reductions) or 15 days' notice (for rate increases), it also adopted a requirement that price cap carriers submit supporting information, without rate data, 90 days prior to the annual access tariff filing effective date. This filing, known as the ''short form tariff review plan,'' consists of a standardized spreadsheet showing data regarding exogenous cost adjustments that price cap carriers seek to make to their price cap indices. Exogenous cost adjustments are made, for example, to the following cost input categories: (1) Regulatory fees; (2) Telecommunications Relay Services (TRS) expenses; (3) excess deferred taxes; and (4) North American Numbering Plan Administration (NANPA) expenses.

6. In the years following adoption of the short form tariff review plan filing requirement, the Bureau often granted waivers of the filing deadline and of the requirement to provide certain data in advance of the annual access tariff filing. In 2014, at USTelecom's request, the Bureau granted a waiver that reduced the 90-day filing deadline for the short form tariff review plan to approximately 45 days before the annual access tariff effective date.

7. In 2017, the Bureau waived the short form tariff review plan filing requirement in its entirety, finding that

the ''factors needed to calculate three of the most common exogenous cost adjustments—regulatory fees, TRS fees, and NANPA expenses—will not be available prior to the short form filing deadline,'' so the short form tariff review plan would be of little value to the Commission. The Bureau found multiple reasons to waive the short form tariff review plan requirement again in 2018 and 2019, including that: (1) It was unlikely that the necessary information would be available by the required filing date; and (2) exogenous cost data contained in the short form tariff review plan would be included with the information filed directly prior to the annual filing effective date (assuming the availability of such data), at which time the information could be reviewed by the Commission and interested parties.

8. In the *NPRM,* the Commission recognized that the value of the short form tariff review plan has declined because the complexity and number of interstate access tariff filings has decreased over the last decade as the scope of services subject to price cap regulation has narrowed. In light of the Commission's experience that waiving the short form tariff review plan requirement had not negatively affected the ability of interested parties and staff to review tariffs in a timely fashion, the Commission proposed to eliminate it as unnecessary and unduly burdensome.

I. Discussion

9. The Commission received no opposition to the proposals set forth in the *NPRM.* Instead, commenters all agree that, in their experience, the ease of making and reviewing electronic tariff filings obviates the need for the prohibition on carriers' cross-referencing their own or their affiliates' tariffs and the need for the short form tariff review plan. The Commission therefore amends its rules to reduce unnecessary filing burdens and to allow stakeholders to benefit from current technology. (AT&T filed a Motion for Acceptance of Late-Filed Comments. The Commission treats AT&T's filing as *Ex Parte* Comments, and dismisses AT&T's Motion as moot.)

A. Updating and Amending Tariff Cross-Referencing Rules

10. First, the Commission amends its tariffing rules to allow carriers to cross-reference their own and their affiliates' tariffs. Comments in the record unanimously support amending § 61.74 of the Commission's rules to permit carriers to cross-reference their own and their affiliates' tariff filings. The Commission agrees with the commenters that this modification is justified because the prohibition on a carrier's tariff cross-referencing that carrier's tariffs and those of its affiliates no longer serves a functional purpose, in light of the ease with which the public can now access and search tariffs.

11. Moreover, as commenters explain, the current obligation to seek and receive special permission to cross-reference a carrier's own tariffs imposes unnecessary costs on the carriers that file those requests and on the Commission staff that consider and act on those requests. The need to request special permission also harms competition by ''impinging the carriers' ability to quickly respond to customers' demands,'' and by forcing carriers to ''telegraph a planned tariff filing.'' Furthermore, there is no record of any negative consequences arising from previous grants of special permission.

12. The Commission therefore amends § 61.74 as proposed in the *NPRM* to expressly allow a carrier to reference other tariffs issued by the carrier or any of its affiliates. The new § 61.74(b) states: ''Tariff publications filed by a carrier may reference other tariff publications filed by that carrier or its affiliates.'' To further effectuate the Commission's decision to allow carriers to cross-reference their own and their affiliates' tariffs, the Commission also amends § 61.54 of its rules, which applies to the composition of tariffs, and has been interpreted as prohibiting a carrier's tariff from referring to rates in other tariffs. To effectuate this decision to allow carriers to cross-reference their own and their affiliates' tariffs, the Commission also amends § 61.54, which applies to the composition of tariffs and has been interpreted as prohibiting a carrier's tariff from referring to rates in other tariffs. Paragraph (k) is added, which specifies that ''[n]otwithstanding any other provisions in [that] section, tariff publications filed by a carrier may reference other tariff publications filed by that carrier or its affiliates.''

13. The rationale for amending § 61.54 is identical to the rationale for amending § 61.74: There are clear benefits, and no drawbacks, to allowing a carrier's tariff to refer to other tariffs filed by that carrier and its affiliates. The Commission's amendment to § 61.54 is necessary to ensure consistency between the rules that govern tariff filings. Given that all parties to this proceeding that commented on the cross-referencing issue support the Commission's decision to allow carriers to cross-reference their own and their affiliates' tariffs, it follows that the record supports the Commission's decision to amend § 61.54 to achieve the desired result.

B. Eliminating Advanced Filing of Materials That Support Interstate Access Tariffs for Price Cap LECs

14. As proposed in the *NPRM,* and supported by the record, the Commission also eliminates the requirement that price cap LECs file short form tariff review plans 90 days before their annual interstate access tariff filings are effective. Consistent with the view of all parties that commented on this issue, the Commission finds that the filing of short form tariff review plans is no longer necessary and is unduly burdensome.

15. As Verizon explains, the decreased complexity of the annual filings obviates the need for early notice of the information contained in the short form tariff review plan. AT&T also points out that, even when the required data are available by the filing deadline, some of the information may later change, forcing carriers to redo their calculations before they submit their annual access tariff filings. Both AT&T and Frontier argue that the lack of data and/or use of temporary or preliminary factors render the short form tariff review plan of little practical value.

16. Notably, commenters agree that there have been no adverse consequences from the suspension of the requirement in recent years to prepare and file a short form tariff review plan. As Verizon, for example, explains, the waivers of the entire filing requirement ''did not impede parties' ability to review the annual filings.'' Frontier agrees that there is no evidence that the Bureau's previous waivers of the filing requirement caused any harm.

17. Although the short form tariff review plan filing serves little, if any, useful purpose, it requires effort from the filing carriers. Parties estimate that the time required to prepare and file the short form tariff review plan can range from 40 to 160 hours. Also, as CenturyLink explains, the timing of the short form tariff review plan is inconvenient, requiring that carriers and the Commission expend resources completing and reviewing the short form tariff review plan at a time ''when the larger [a]nnual [f]iling needs the greater attention.'' Thus, the current rule requiring price cap carriers to file short form tariff review plans is burdensome and provides little benefit, if any, especially given that the remaining annual filing notice requirements ''will provide adequate time for the Commission and the industry to review carrier tariff filings.'' As Frontier aptly

explains, eliminating the short form tariff review plan ''will free up valuable carrier resources with no discernable downside for Commission staff.''

C. Effective Date and Sunsetting of Interim Waiver of the Prohibition on Referencing Other Tariffs

18. Because both the prohibition on a carrier cross-referencing its own tariffs and those of its affiliates and the short form tariff review plan requirement no longer serve any useful purpose, the Commission sees no reason to delay the effective date of the rule changes. In the *NPRM,* the Commission proposed that the rule changes would take effect 30 days after **Federal Register** publication of a summary of this Report and Order. No commenters opposed this proposal, which the Commission now adopts.

19. Finally, the interim waiver the Commission granted to all carriers of the prohibition on cross-referencing their own tariffs and those of their affiliates will end 30 days after **Federal Register** publication of a summary of this Report and Order, when the revised rules become effective.

II. Procedural Issues

20. *Paperwork Reduction Act.* This document eliminates certain information collection requirements but does not contain any new or modified information collection requirements within the meaning of the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13. In addition, therefore, it does not contain any new or modified information collection burden for small business concerns with fewer than 25 employees, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198.

21. *Final Regulatory Flexibility Certification.* The Regulatory Flexibility Act of 1980, as amended (RFA), requires that a regulatory flexibility analysis be prepared for notice-and-comment rulemaking proceedings, unless the agency certifies that ''the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities.'' The RFA generally defines the term ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.'' In addition, the term ''small business'' has the same meaning as the term ''small business concern'' under the Small Business Act. A ''small business concern'' is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration (SBA).

22. The Commission included an Initial Regulatory Flexibility Certification in the NPRM, and received no comments addressing this issue.

23. In this Report and Order, the Commission amends two of the its tariff rules by adding §§ 61.54(k) and 61.74(b), and eliminates one tariff rule, § 61.49(k), to minimize burdens associated with filing tariffs, as part of the Commission's efforts to reduce unnecessary regulations that no longer serve the public interest. The addition of §§ 61.54(k) and 61.74(b) is procedural in nature, and the impact is minor. These revisions impact large and small telephone companies. The elimination of § 61.49(k) impacts only price cap LECs for services that continue to be subject to price cap regulation, and any impact of this rule change is minor. Price cap LECs are some of the largest telephone companies. Therefore, the Commission certifies that the rule amendments will not have a significant economic impact on a substantial number of small entities.

24. The Commission will send a copy of the Report and Order, including a copy of this Final Regulatory Flexibility Certification, in a report to Congress pursuant to the Congressional Review Act. In addition, the Report and Order and this final certification will be sent to the Chief Counsel for Advocacy of the SBA, and will be published in the **Federal Register**.

25. *Congressional Review Act.* The Commission has determined, and the Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget, concurs that these rules are ''non-major'' under the Congressional Review Act, 5 U.S.C. 804(2). The Commission will send a copy of this Report and Order to Congress and the Government Accountability Office pursuant to 5 U.S.C. 801(a)(1)(A).

III. Ordering Clauses

26. Accordingly, *it is ordered* that, pursuant to the authority contained in sections 1, 2, 4(i)–(j), and 201–203 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 152, 154(i)–(j), 201–203, this *Report and Order is adopted.*

27. *It is further ordered* that this Report and Order *shall be effective* thirty (30) days after publication of a summary in the **Federal Register**.

28. *It is further ordered* that part 61 of the Commission's rules, 47 CFR part 61, *is amended* as set forth in the Final Rules, and such rule amendments *shall be effective* thirty (30) days after publication of a summary of the *Report and Order* in the **Federal Register**.

29. *It is further ordered* that the interim waiver of the prohibition on a carrier's tariff referencing the carrier's other tariff publications and tariffs of its affiliates, as adopted in the *NPRM, will end* thirty (30) days after a summary of this *Report and Order* is published in the **Federal Register**.

30. *It is further ordered* that the Motion for Acceptance of Late-Filed Comments filed by AT&T *is dismissed as moot.*

31. *It is further ordered* that the Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, *shall send* a copy of this *Report and Order,* including the Final Regulatory Flexibility Certification, to the Chief Counsel for Advocacy of the Small Business Administration.

Federal Communications Commission.

Marlene Dortch,

Secretary.

List of Subjects in 47 CFR Part 61

Communications common carriers, Reporting and recordkeeping requirements, Telephones.

Final Rules

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 61 as follows:

PART 61—TARIFFS

■ 1. The authority citation for part 61 continues to read as follows:

Authority: 47 U.S.C. 151, 154(i), 154(j), 201–205, 403, unless otherwise noted.

§ 61.49 [Amended]

■ 2. Amend § 61.49 by removing and reserving paragraph (k).

■ 3. Amend § 61.54 by adding paragraph (k) to read as follows:

§ 61.54 Composition of tariffs.

* * * * *

(k) *References to other tariffs.* Notwithstanding any other provisions in this section, tariff publications filed by a carrier may reference other tariff publications filed by that carrier or its affiliates.

■ 4. Amend § 61.74 by redesignating paragraphs (b) through (e) as paragraphs (c) through (f) and adding new paragraph (b) to read as follows:

§ 61.74 References to other instruments.

* * * * *

(b) Tariff publications filed by a carrier may reference other tariff

publications filed by that carrier or its affiliates.

* * * * *

[FR Doc. 2019–25570 Filed 11–25–19; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 580

[Docket No. NHTSA–2019–0127]

RIN 2127–AL39

Odometer Disclosure Requirements

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation DOT.

ACTION: Final rule; response to petitions for reconsideration.

SUMMARY: This document responds to petitions for reconsideration regarding NHTSA's October 2, 2019, final rule amending NHTSA's odometer disclosure requirements to allow States to adopt electronic odometer disclosure systems and changing the time when vehicles become exempt from federal odometer disclosure requirements from ten years to twenty years. NHTSA received petitions for reconsideration from the America Association of Motor Vehicle Administrators (AAMVA) and the State of Delaware Department of Transportation requesting that the agency delay the effective date of the changes to the exemption from odometer disclosure requirements for one year. After consideration of the petitions, NHTSA has decided to grant the petition. The change to the exemption from the odometer disclosure requirements will take effect on January 1, 2021 and will apply to model year 2011 and newer vehicles. The amendments in the October 2, 2019, final rule allowing States to adopt electronic odometer disclosure systems will still take effect as scheduled on December 31, 2019.

DATES: Effective December 31, 2019.

Petitions for reconsideration of this final action must be received not later than January 10, 2020.

ADDRESSES: Correspondence related to this rule including petitions for reconsideration and comments should refer to the docket number in the heading of this document and be submitted to: Administrator, National Highway Traffic Safety Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT:

For policy and technical issues: Mr. David Sparks, Director, Office of Odometer Fraud, National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590. Telephone: (202) 366–5953. Email: *David.Sparks@dot.gov*.

For legal issues: Mr. Thomas Healy, Office of the Chief Counsel, National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590. Telephone: (202) 366–7161. Email *Thomas.Healy@dot.gov*.

SUPPLEMENTARY INFORMATION: On October 2, 2019, NHTSA issued a final rule amending 49 CFR part 580 to allow States to adopt electronic odometer disclosure without prior approval from NHTSA. The final rule also amended the exemption in § 580.17 exempting vehicles greater than ten model years old at the time of transfer from odometer disclosure. Under the final rule, starting with the 2010 model year, a vehicle does not become exempt until it is twenty model years old at the time of transfer. The amendments to the exemption period in the October 2, 2019 final rule were scheduled to go in to effect on December 31, 2019 and would have applied to model year 2010 vehicles (which would otherwise be exempt from odometer disclosure beginning January 1, 2020).

On November 8, 2019, AAMVA submitted a petition for reconsideration requesting that NHTSA delay the changes to the exemption period in section 580.17 for one year. AAMVA stated that the 90-day lead time in the final rule was insufficient for member State departments of motor vehicles to implement the changes in information technology systems, order forms and coordinate legislative changes necessary to implement the change to the exemption period. AAMVA stated that, in addition to States, motor vehicle dealers and motor vehicle auctions may need to change their business processes in response to the change to the exemption period. AAMVA further stated that State departments of motor vehicles will require time to train staff on the new exemption period and educate motor vehicle dealers and other effected entities. AAMVA requested a delay of one year to give all parties effected by the changes to the exemption period the time necessary to successfully implement the change to the exemption period.

The State of Delaware Department of Transportation submitted a petition for reconsideration on November 15, 2019 also requesting a one year delay to the changes to the exemption period in § 580.17. Delaware stated that legislative changes were necessary to accomplish the change to the exemption period and that its Legislature did not begin its legislative session until January 2020.

After reviewing the arguments in the petition for reconsideration submitted by AAMVA and Delaware, NHTSA has tentatively decided to delay the effective date of the changes to the exemption period in § 580.17 for one year, and apply the twenty-year exemption beginning with the 2011 model year, to ensure that the change to the exemption period is implemented with minimal disruption. The increase in the exemption period to twenty years will now come into effect on January 1, 2021 and will apply to model year 2011 and later vehicles. As is the case prior to implementation of the rule, model year 2010 vehicles will become exempt from odometer disclosure on January 1, 2020.

Response to Petitions for Reconsideration

Pursuant to the process established under 49 CFR 553.37, after carefully considering all aspects of the petition, NHTSA has decided to grant the petitions discussed above without further proceedings.

Rulemaking Analyses and Notices

Executive Order 12866, Executive Order 13563, and DOT Regulatory Policies and Procedures

Executive Order 12866, Executive Order 13563, and the Department of Transportation's regulatory policies require this agency to make determinations as to whether a regulatory action is ''significant'' and therefore subject to OMB review and the requirements of the aforementioned Executive Orders. The Executive Order 12866 defines a ''significant regulatory action'' as one that is likely to result in a rule that may:

(1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or Tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.