The Department has reviewed this rule in accordance with E.O. 12988, Civil Justice Reform, and will not unduly burden the Federal court system. The regulation has been written to minimize litigation and provide a clear legal standard for affected conduct, and has been reviewed carefully to eliminate drafting errors and ambiguities.

K. Executive Order 13211

This rule is not subject to E.O. 13211 regarding Energy Supply. It will not have a significant adverse effect on the supply, distribution, or use of energy.

L. Paperwork Reduction Act

This rule contains no new information collection requirements for purposes of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.).

List of Subjects in 20 CFR Part 655

Administrative practice and procedure, Foreign workers, Employment, Employment and training, Enforcement, Forest and forest products, Fraud, Health professions, Franchise, Labor, Longshore and harbor work, Migrant workers, Nonimmigrant workers, Passports and visas, Penalties, Reporting and recordkeeping requirements, Unemployment, Wages, Working conditions.

Accordingly, for the reasons stated herein, the Department hereby amends 20 CFR part 655 as follows:

PART 655—TEMPORARY EMPLOYMENT OF FOREIGN WORKERS IN THE UNITED STATES

§ 655.0 Authority.


Subpart J—[Removed and Reserved]

§ 655.1000 Authority:

2. Remove and reserve subpart J, consisting of §§ 655.900 through 655.950.

Subpart K—[Removed and Reserved]

§ 655.900 Authority:

3. Remove and reserve subpart K, consisting of §§ 655.1000 through 655.1060.

Signed in Washington, DC, this 17th day of October 2013.

Eric M. Seleznow, Acting Assistant Secretary, Employment and Training Administration.

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BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

20 CFR Part 655

RIN 1205–AB67

Removal of Attestation Process for Facilities Using H–1A Registered Nurses

AGENCY: Employment and Training Administration, Department of Labor, in concurrence with the Wage and Hour Division, Department of Labor.
ACTION: Final rule; rescission of regulations.

SUMMARY: This final rule rescinds the regulations found which provided rules governing health care facilities using nonimmigrant foreign workers as registered nurses under the H–1A visa program. These subparts became obsolete after the authorizing statute and all extensions expired. Accordingly, the Department of Labor (the Department) is taking this action to remove regulations that no longer have force and effect.

DATES: Effective November 20, 2013.


SUPPLEMENTARY INFORMATION:

Effective November 20, 2013.

The H–1A nonimmigrant classification was created by Congress in 1989 to temporarily permit employers to hire foreign nurses after a five-year pilot program to hire foreign nurses after the expiration of the original H–1A program through regulations at 20 CFR part 655 Subparts D and E. See 55 FR 50500 (Dec. 6, 1990), as amended by 59 FR 874 (Jan. 6, 1994). Because of the expiration of the enabling legislation, these regulations are without force and effect, and must be rescinded.

The Department has determined that it is unnecessary to publish the rescission of these regulations as a proposed rule, as generally required by the Administrative Procedure Act (“APA”), 5 U.S.C. 553(b). Notice to the public and provision of a public comment period for this rule is unnecessary because the enabling statute has expired, and, consequently, these regulations are now without force or effect. 5 U.S.C. 553(d)(B). Good cause exists for dispensing with the notice and comment requirements of the APA. 5 U.S.C. 553(d)(B). The Department has determined that this rule is not a “significant regulatory action” under Executive Order 12866, section 3(f), Regulatory Planning and Review. The Department has also determined that this rule is not “economically significant” as defined in section 3(f)(1) of Executive Order 12866. Therefore, the information enumerated in section 6(a)(3)(C) of the order is not required.

B. Regulatory Flexibility Act

This rescission is not a “rule” as defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601(2), nor is it a “final rule” following a notice of proposed rulemaking as defined in the RFA, 5 U.S.C. 604(a). Therefore, the RFA does not apply and the Department is not required to either certify that the rule would not have a significant economic impact on a substantial number of small entities or conduct a regulatory flexibility analysis.

C. Unfunded Mandates Reform Act of 1995

This rule will not include any Federal mandate that may result in increased expenditures by State, local, and tribal governments, in the aggregate, of $100 million or more, or in increased expenditures by the private sector of $100 million or more.

D. Small Business Regulatory Enforcement Fairness Act of 1996

This rule is not a major rule as defined by section 804 of the Small Business Regulatory Enforcement Fairness Act of 1996. This rule will not result in an annual effect on the economy of $100,000,000 or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States-based companies in domestic and export markets.

E. Executive Order 13132

The Department has reviewed this rule in accordance with E.O. 13132 regarding federalism and has determined that it does not have federalism implications. The rule does not have substantial direct effects on States, on the relationship between the States, or on the distribution of power and responsibilities among the various

Administrative Information

A. Executive Order 12866

This final rule has been drafted and reviewed in accordance with Executive Order 12866, section 1(b), Principles of Regulation. The Department has determined that this rule is not a “significant regulatory action” under Executive Order 12866, section 3(f), Regulatory Planning and Review. The Department has also determined that this rule is not “economically significant” as defined in section 3(f)(1) of Executive Order 12866. Therefore, the information enumerated in section 6(a)(3)(C) of the order is not required.

The H–1A nonimmigrant classification originally expired on September 1, 1995. However, on October 11, 1996, Congress enacted Public Law 104–302, 110 Stat. 3656, which extended the authorized period of stay within the United States for certain nurses in certain geographic locations in the United States.
levels of Government as described by E.O. 13132. Therefore, the Department has determined that this rule will not have a sufficient federalism implication to warrant the preparation of a summary impact statement.

F. Executive Order 13175

This rule was reviewed under the terms of E.O. 13175 and determined not to have Tribal implications. The rule does not have substantial direct effects on one or more Indian Tribes, on the relationship between the Federal Government and Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes. As a result, no Tribal summary impact statement has been prepared.

G. Assessment of Federal Regulations and Policies on Families

Section 654 of the Treasury and General Government Appropriations Act, enacted as part of the Omnibus Consolidated and Emergency Supplemental Appropriations Act of 1999 (Pub. L. 105–277, 112 Stat. 2681) requires the Department to assess the impact of this rule on family well-being. A rule that is determined to have a negative effect on families must be supported with an adequate rationale. The Department has assessed this rule and determines that it will not have a negative effect on families.

H. Executive Order 12630

This rule is not subject to E.O. 12630, Governmental Actions and Interference with Constituionally Protected Property Rights, because it does not involve implementation of a policy with takings implications.

I. Executive Order 12988

This regulation has been drafted and reviewed in accordance with E.O. 12988, Civil Justice Reform, and will not unduly burden the Federal court system. The regulation has been written to minimize litigation and provide a clear legal standard for affected conduct, and has been reviewed carefully to eliminate drafting errors and ambiguities.

J. Plain Language

The Department drafted this rule in plain language.

K. Executive Order 13211

This rule is not subject to E.O. 13211. It will not have a significant adverse effect on the supply, distribution, or use of energy.

L. Paperwork Reduction Act

This rule contains no new information collection requirements for purposes of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.).

List of Subjects in 20 CFR Part 655

Administrative practice and procedure, Foreign workers, Employment, Employment and training, Enforcement, Forest and forest products, Fraud, Health professions, Immigration, Labor, Longshore and harbor work, Migrant workers, Nonimmigrant workers, Passports and visas, Penalties, Reporting and recordkeeping requirements, Unemployment, Wages, Working conditions.

Accordingly, for the reasons stated herein, the Department hereby amends 20 CFR part 655 as follows:

PART 655—TEMPORARY EMPLOYMENT OF FOREIGN WORKERS IN THE UNITED STATES

Sec. 655.0 Authority.


* * * * *


Subpart D—[Removed and Reserved]

Sec. 655.350 Authorization.

Sec. 655.340 Definitions.

Sec. 655.330 Requirements.

Sec. 655.320 Application.

Sec. 655.310 Certification.

Sec. 655.300 Administration.

Sec. 655.200 Violation.

Sec. 655.100 General.

Sec. 655.050 Notice.

Sec. 655.040 Interpretation.

Sec. 655.030 Purpose.

Sec. 655.020 Authority.

Sec. 655.010 Scope.

Sec. 655.000 Issuance.

Subpart E—[Removed and Reserved]

Sec. 655.350 Authorization.

Sec. 655.340 Definitions.

Sec. 655.330 Requirements.

Sec. 655.320 Application.

Sec. 655.310 Certification.

Sec. 655.300 Administration.

Sec. 655.200 Violation.

Sec. 655.100 General.

Sec. 655.050 Notice.

Sec. 655.040 Interpretation.

Sec. 655.030 Purpose.

Sec. 655.020 Authority.

Sec. 655.010 Scope.

Sec. 655.000 Issuance.

DEPARTMENT OF LABOR

Employment and Training Administration

20 CFR Part 655

RIN 1205–AB65

Labor Certification Process for Logging Employment and Non-H–2A Agricultural Employment

AGENCY: Employment and Training Administration, Department of Labor.

ACTION: Final rule; rescission of regulations.

SUMMARY: This final rule rescinds the regulations for employers in the logging industry utilizing foreign workers. The regulations became obsolete after a rulemaking in 2010 reassigned them elsewhere in the Code of Federal Regulations. The Department of Labor (“Department”) is issuing this final rule to remove the obsolete regulations.

DATES: Effective November 20, 2013.


SUPPLEMENTARY INFORMATION: Subpart C, Labor Certification for Logging Employment and Non-H–2A Agriculture Employment, was made obsolete by the inclusion of “logging employment” within the definition of “agricultural labor or services” in the Department of Labor’s final rule, Temporary Agricultural Employment of H–2A Aliens in the United States, 75 FR 6884 (Feb. 12, 2010). The effect of including “logging employment” within the definition of “agricultural labor or services,” 20 CFR 655.103(c)(4), was to include within the program requirements for temporary employment of foreign workers in agriculture (H–2A) employers seeking to temporarily employ foreign workers in logging occupations. The Department proposed the inclusion of logging employment in the H–2A program in its notice of proposed rulemaking (NPRM). 74 FR 45906 (Sept. 4, 2009). After considering comments from the public on the subject, the inclusion of logging in the