

information that you do not wish to make public. Proprietary, classified, confidential, or sensitive information should not be included in your response. The information received in response to this RFI will inform and be considered by the Department as it reviews the final rule published in the **Federal Register** on January 14, 2021, 86 FR 3608, which may result in the development of a future notice of proposed rulemaking to revise the computation of prevailing wage levels in a manner that is consistent with the INA and more effectively ensures the employment of certain immigrant and nonimmigrant workers does not adversely affect the wages of U.S. workers similarly employed. Accordingly, the Department invites the public to answer one or more of the following questions in their submissions:

1. What sources of data and methods are available that can be used alone, or in conjunction with other sources and methods, to approximate the wage level within an occupational wage distribution based on the OES wage survey and takes into account education, experience, and level of supervision for U.S. workers similarly employed across industries for specific occupation(s) and geographic area(s)?

2. Besides the OES wage survey, what other sources of data and methods are available that can be used alone, or in conjunction with other sources and methods, to approximate wage levels, by occupation and geographic area, specifically for U.S. workers similarly employed at institutions of higher education, nonprofit entities related to or affiliated with such institutions, nonprofit research organizations and Governmental research organizations?

3. Should the Department continue to set wage levels at the same point within the OES distribution for all occupations and geographic areas or, alternatively, set wage levels at different points within the OES distribution for different groups of occupations and/or geographic areas? If the latter, what sources of data and methods are available that can be used alone, or in conjunction with other sources and methods, to approximate different wage levels for different groups of occupations, taking into account education, experience, and level of supervision for U.S. workers similarly employed across industries and geographic areas?

4. Other than computation of an arithmetic mean or specific percentile within an occupational wage distribution based on the OES wage survey, are there any other statistical approaches or estimation techniques the Department should consider when computing the wage level(s) for occupation(s) and geographic area(s)?

#### IV. Conclusion

The Department invites interested parties to submit comments, information, data, and supporting

materials based on the questions provided in this RFI. The Department has provided the list of questions above as a framework for the scope of this RFI and invites any submission that addresses those questions and provides useful information for the Department's consideration from all interested stakeholders, including members of the public, worker advocacy organizations and labor unions, employers, trade associations, public advocacy organizations, and others, including universities and research institutions, familiar with or interested in the prevailing wage determination methodology used in the PERM, H-1B, H-1B1, and E-3 programs.

**Suzan G. LeVine,**

*Principal Deputy Assistant Secretary for Employment and Training, Labor.*

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## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

### 24 CFR Part 5

[Docket No. FR-6124-N-02]

RIN 2501-AD89

### Housing and Community Development Act of 1980: Verification of Eligible Status; Withdrawal; Regulatory Review

**AGENCY:** Office of the General Counsel, Department of Housing and Urban Development (HUD).

**ACTION:** Withdrawal of proposed rule.

**SUMMARY:** In accordance with the Presidential directive as expressed in the memorandum of January 20, 2021 from the Assistant to the President and Chief of Staff, entitled "Regulatory Freeze Pending Review," HUD is reviewing all its pending proposed rules to determine which should move forward. HUD has identified a proposed rule, "Housing and Community Development of Act 1980: Verification of Eligible Status" that is inconsistent with the Executive order entitled "Advancing Racial Equity and Support for Underserved Communities Through the Federal Government" and the Executive order entitled "Restoring Faith in Our Legal Immigration Systems and Strengthening Integration and Inclusion Efforts for New Americans." This document informs the public that HUD has determined not to pursue this proposed rule previously published in the **Federal Register**. HUD will proceed to formally withdraw the rule from HUD's upcoming Spring 2021 Unified

Agenda of Regulatory and Deregulatory Actions.

**DATES:** The proposed rule published at 84 FR 20589, May 10, 2019, is withdrawn as of April 2, 2021.

**ADDRESSES:** Department of Housing and Urban Development, 451 7th Street SW, Room 10282, Washington, DC 20410.

**FOR FURTHER INFORMATION CONTACT:** Aaron Santa Anna, Associate General Counsel for Legislation and Regulations, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street SW, Room 10282, Washington, DC 20410; telephone number 202-402-5138 (this is not a toll-free number). Persons with hearing or speech impairments may access this number through TTY by calling the Federal Relay Service at 800-877-8339 (this is a toll-free number).

**SUPPLEMENTARY INFORMATION:** In a memorandum dated January 20, 2021 and published in the **Federal Register** on January 28, 2021, the Assistant to the President and Chief of Staff, on behalf of the President, directed the heads of Executive Departments and Agencies to review "rules<sup>1</sup> that have been published in the **Federal Register**, or rules that have been issued in any manner, but have not taken effect . . . for the purpose of reviewing any questions of fact, law, and policy the rules may raise." 86 FR 7424. On January 20, 2021, President Biden also issued Executive Order 13985, Advancing Racial Equity and Support for Underserved Communities Through the Federal Government, which provides "that the Federal Government should pursue a comprehensive approach to advancing equity for all, including people of color and others who have been historically underserved, marginalized, and adversely affected by persistent poverty and inequality." 86 FR 7009. Executive Order 13985 specifically defines "equity" to mean "consistent and systematic fair, just, and impartial treatment of all individuals, including individuals who belong to underserved communities that have been denied such treatment, such as Black, Latino, and Indigenous and Native American persons, Asian Americans and Pacific Islanders and other persons of color; members of religious minorities; lesbian, gay, bisexual, transgender, and queer (LGBTQ+) persons; persons with disabilities; persons who live in rural

<sup>1</sup> Rule has the definition set forth in 5 U.S.C. 551(4), to include any substantive action by an agency (normally published in the **Federal Register**) that promulgates or is expected to lead to the promulgation of a final rule or regulation, including notices of inquiry, advance notices of proposed rulemaking, and notices of proposed rulemaking.

areas; and persons otherwise adversely affected by persistent poverty or inequality.”

On February 2, 2021, President Biden issued Executive Order 14012, Restoring Faith in Our Legal Immigration Systems and Strengthening Integration and Inclusion Efforts for New Americans. 86 FR 8277. In part, Executive Order 14012 requires that “the Federal Government eliminate[] sources of fear and other barriers that prevent immigrants from accessing government services available to them . . . [and] develop welcoming strategies that promote integration, inclusion, and citizenship . . .”

In accordance with the Regulatory Freeze Memorandum, HUD is reviewing its proposed rules and has identified a proposed rule that is inconsistent with Executive Order 13985 and Executive Order 14012: Housing and Community Development of Act 1980: Verification of Eligible Status (84 FR 20589, May 10, 2019). This document informs the public that HUD has determined not to pursue this proposed rule previously published in the **Federal Register**.

#### HUD's Withdrawal of Proposed Rule

Accordingly, HUD will proceed to formally withdraw the following proposed rule from its Spring 2021 Unified Agenda of Regulatory and Deregulatory Actions: Housing and Community Development Act of 1980: Verification of Eligible Status (84 FR 20589, May 10, 2019) (RIN 2501–AD89).

HUD's Unified Agenda of Regulatory and Deregulatory Actions is available on *Reginfo.gov* and can be accessed at <https://www.reginfo.gov/public/do/eAgendaMain>.

**Sasha Samberg-Champion,**

*Deputy General Counsel, Office of Deputy General Counsel for Enforcement and Fair Housing.*

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## POSTAL REGULATORY COMMISSION

### 39 CFR Part 3030

[Docket No. RM2021–5; Order No. 5854]

#### Application for Waiver of Workshare Discount

**AGENCY:** Postal Regulatory Commission.

**ACTION:** Application for waiver; comment request.

**SUMMARY:** The Commission is recognizing a Postal Service application for waiver pursuant to Commission regulations as it relates to a workshare discount. This notice informs the public

of the filing, invites public comment, and takes other administrative steps.

**DATES:** *Comments are due:* April 6, 2021.

**ADDRESSES:** Submit comments electronically via the Commission's Filing Online system at <http://www.prc.gov>. Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

**FOR FURTHER INFORMATION CONTACT:** David A. Trissell, General Counsel, at 202–789–6820.

#### SUPPLEMENTARY INFORMATION:

#### Table of Contents

- I. Introduction
- II. Background
- III. Application for Waiver
- IV. Notice and Comment
- V. Ordering Paragraphs

#### I. Introduction

On March 26, 2021, the Postal Service filed an application for waiver pursuant to 39 CFR 3030.286 requesting that the Commission waive the applicability of 39 CFR 3030.284 as it relates to the First-Class Mail Letters 5-Digit Automation workshare discount in the next rate adjustment filing.<sup>1</sup>

#### II. Background

Pursuant to 39 CFR 3030.284, a workshare discount proposed by the Postal Service in any rate adjustment filing that is below avoided costs must either be associated with a new postal service, a change to an existing postal service, or a new workshare initiative; be at least a 20 percent increase from the existing workshare discount, or have a passthrough of at least 85 percent.<sup>2</sup> See 39 CFR 3030.284.

If the proposed workshare discount does not comply with the limitations of 39 CFR 3030.284, the Postal Service must file an application for waiver pursuant to 39 CFR 3030.286. See 39 CFR 3030.284(d); 39 CFR 3030.286. The Postal Service's waiver application must be supported by a preponderance of the evidence and demonstrate that a waiver from the limitations imposed by 39 CFR

3030.284 should be granted. See 39 CFR 3030.286(b). The Postal Service must include the grounds for a waiver, including all relevant supporting analysis; the length of time the waiver will be necessary; for each subsequent rate adjustment filing planned to occur during the length of time for which a waiver is sought, a representation of the proposed minimum amount of the change to the workshare discount; and any other relevant information. See also 39 CFR 3030.286(c)(1) through (3) and (8). Grounds for waiver for a below avoided cost workshare discount and the required accompanying information are set forth in 39 CFR 3030.286(c)(5) and (7).<sup>3</sup>

#### III. Application for Waiver

The Postal Service requests a waiver of 39 CFR 3030.284 for First-Class Mail that is sorted to the 5-Digit level for any rate adjustment proceeding occurring in Fiscal Year (FY) 2021. Application, Supporting Statement at 1. The Postal Service states that “increasing the workshare discount for 5-Digit presort First-Class Mail by 0.5 cents in a single year could decrease the efficiency of its processing operations.” *Id.*; see 39 CFR 3030.286(c)(5). It notes that the current discount of 3.0 cents results in a passthrough of 73 percent, which is below the 85 percent threshold. *Id.* To be in compliance with 39 CFR 3030.284, the Postal Service states that it would be required to increase the discount by 0.5 cents to 3.5 cents absent a waiver. *Id.* at 1–2. It maintains that “[s]uch an increase (which would be nearly 17 [percent] higher than the same discount in FY 2020) represents a dramatic change following years of relative pricing stability.” *Id.* at 2. The Postal Service states that the required change “could lead to unpredictable changes among the relative proportions of mail volumes sorted to 5-Digit, Auto AADC, and Mixed AADC.” *Id.*

For these reasons, the Postal Service seeks to maintain the 5-Digit First-Class Mail Automation workshare discount at 3.0 cents for the next rate adjustment filing. *Id.*

#### IV. Notice and Comment

The Commission establishes Docket No. RM2021–5 for consideration of matters raised by the Application. More information on the Application may be accessed via the Commission's website at <http://www.prc.gov>. Interested persons may submit comments on the Application no later than April 6, 2021.

<sup>1</sup> United States Postal Service Application for Waiver Under 39 CFR 3030.286, March 26, 2021 (Application). The Postal Service's Application is accompanied by a Statement in Support of Waiver Application (Supporting Statement).

<sup>2</sup> The relationship between workshare discounts and avoided costs is usually expressed as a percentage called a passthrough, which is calculated by dividing the discount by the avoided cost. Workshare discounts with passthroughs below 100 percent are considered below avoided cost workshare discounts.

<sup>3</sup> Grounds for waiver for a below avoided cost workshare discount relate to the impediment of efficient postal operations and non-compensatory products. See 39 CFR 3030.286(c)(5) and (7).