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Semiannual Regulatory Agenda

**DEPARTMENT OF THE TREASURY**  
**31 CFR Subtitles A and B**

**Semiannual Agenda and Regulatory Plan**

**AGENCY:** Department of the Treasury.  
**ACTION:** Semiannual regulatory agenda and annual regulatory plan.

**SUMMARY:** This notice is given pursuant to the requirements of the Regulatory Flexibility Act and Executive Order (E.O.) 12866 (“Regulatory Planning and Review”), which require the publication by the Department of a semiannual agenda of regulations. E.O. 12866 also requires the publication by the Department of a regulatory plan for the upcoming fiscal year. The purpose of the agenda is to provide advance information about pending regulatory activities and encourage public participation in the regulatory process.

**FOR FURTHER INFORMATION CONTACT:** The Agency contact identified in the item relating to that regulation.

**SUPPLEMENTARY INFORMATION:** The semiannual regulatory agenda includes regulations that the Department has issued or expects to issue and rules currently in effect that are under departmental or bureau review. For this edition of the regulatory agenda, the most important significant regulatory actions and a Statement of Regulatory

Priorities are included in the Regulatory Plan, which appears in both the online Unified Agenda and in part II of the **Federal Register** publication that includes the Unified Agenda.

The complete Unified Agenda will be available online at [www.reginfo.gov](http://www.reginfo.gov) and [www.regulations.gov](http://www.regulations.gov) in a format that offers users an enhanced ability to obtain information from the Agenda database. Because publication in the **Federal Register** is mandated for the regulatory flexibility agenda required by the Regulatory Flexibility Act (5 U.S.C. 602), Treasury’s printed agenda entries include only:

(1) Rules that are in the regulatory flexibility agenda, in accordance with the Regulatory Flexibility Act, because they are likely to have a significant economic impact on a substantial number of small entities; and

(2) Rules that have been identified for periodic review under section 610 of the Regulatory Flexibility Act.

Printing of these entries is limited to fields that contain information required by the Regulatory Flexibility Act’s Agenda requirements. Additional information on these entries is available in the Unified Agenda published on the internet. In addition, for fall editions of the Agenda, the entire Regulatory Plan will continue to be printed in the **Federal Register**, as in past years.

The Department has listed in this agenda all regulations and regulatory

reviews pending at the time of publication, except for technical, minor, and routine actions. On occasion, a regulatory matter may be inadvertently left off of the agenda or an emergency may arise that requires the Department to initiate a regulatory action not yet on the agenda. There is no legal significance to the omission of an item from this agenda. For most entries, Treasury includes a projected date for the next rulemaking action; however, the date is an estimate and is not a commitment to publish on the projected date. In addition, some agenda entries are marked as “withdrawn” when there has been no publication activity. Withdrawal of a rule from the agenda does not necessarily mean that a rule will not be included in a future agenda but may mean that further consideration is warranted and that the regulatory action is unlikely in the next 12 months.

Public participation in the rulemaking process is the foundation of effective regulations. For this reason, the Department invites comments on all regulatory and deregulatory items included in the agenda and invites input on items that should be included in the semiannual agenda.

Name: Michael Briskin,  
 Deputy Assistant General Counsel for General Law and Regulation.

**CUSTOMS REVENUE FUNCTION—PROPOSED RULE STAGE**

Sequence No.	Title	Regulation Identifier No.
324 .....	Enforcement of Copyrights and the Digital Millennium Copyright Act .....	1515-AE26

**INTERNAL REVENUE SERVICE—PROPOSED RULE STAGE**

Sequence No.	Title	Regulation Identifier No.
325 .....	Section 42 Average Income Test .....	1545-BO92
326 .....	MEPs and the Unified Plan Rule .....	1545-BO97

**DEPARTMENT OF THE TREASURY (TREAS)**

*Customs Revenue Function (CUSTOMS)*

Proposed Rule Stage

**324. Enforcement of Copyrights and the Digital Millennium Copyright Act**

*E.O. 13771 Designation:* Not subject to, not significant.

*Legal Authority:* Not Yet Determined

*Abstract:* This rule amends the U.S. Customs and Border Protection (CBP) regulations pertaining to importations of merchandise that violate or are

suspected of violating the copyright laws in accordance with title III of the Trade Facilitation and Trade Enforcement Act of 2015 (TFTEA) and certain provisions of the Digital Millennium Copyright Act (DMCA).

*Timetable:*

Action	Date	FR Cite
NPRM .....	11/00/19	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Charles Steuart, Chief, Intellectual Property Rights

Branch, Department of the Treasury, Customs Revenue Function, Regulations and Rulings, Office of International Trade, U.S. Customs and Border Protection, 90 K Street NE, 10th Floor, Washington, DC 20229-1177, *Phone:* 202 325-0093, *Fax:* 202 325-0120, *Email:* [charles.r.steuart@cbp.dhs.gov](mailto:charles.r.steuart@cbp.dhs.gov).

*RIN:* 1515-AE26

**BILLING CODE 9111-14-P**

**DEPARTMENT OF THE TREASURY (TREAS)**

*Internal Revenue Service (IRS)*

Proposed Rule Stage

**325. Section 42 Average Income Test**

*E.O. 13771 Designation:* Not subject to, not significant.

*Legal Authority:* 26 U.S.C. 7805; 26 U.S.C. 42

*Abstract:* The Consolidated Appropriations Act of 2018 added a new applicable minimum set-aside test under section 42(g) of the Internal Revenue Code known as the average income test. This proposed regulation will implement requirements related to the average income test.

*Timetable:*

Action	Date	FR Cite
NPRM .....	07/00/20	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Dillon J. Taylor, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Room 5107, Washington, DC 20224, *Phone:* 202 317-4137, *Fax:* 855 591-7867, *Email:* [dillon.j.taylor@irscounsel.treas.gov](mailto:dillon.j.taylor@irscounsel.treas.gov)  
*RIN:* 1545-BO92

**326. MEPS and the Unified Plan Rule**

*E.O. 13771 Designation:* Regulatory.  
*Legal Authority:* 26 U.S.C. 7805; 26 U.S.C. 413

*Abstract:* These are final regulations relating to the tax qualification of plans maintained by more than one employer pursuant to section 413(c) of the Internal Revenue Code, often referred to as multiple employer plans or MEPS. The regulations provide limited relief to a defined contribution MEP in the event of a failure by one employer maintaining the plan to satisfy an applicable qualification requirement or to provide information needed to ensure compliance with a qualification

requirement. The regulations affect participants in MEPS, MEP sponsors and administrators, and employers maintaining MEPS.

*Timetable:*

Action	Date	FR Cite
NPRM .....	07/03/19	84 FR 31777
NPRM Comment Period End.	10/01/19	
Final Action .....	06/00/20	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Jamie Dvoretzky, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224, *Phone:* 202 317-4102, *Fax:* 855 604-6087, *Email:* [jamie.l.dvoretzky@irscounsel.treas.gov](mailto:jamie.l.dvoretzky@irscounsel.treas.gov).

*RIN:* 1545-BO97

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