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FEDERAL LABOR RELATIONS AUTHORITY

5 CFR Chapter XIV

New Addresses

AGENCY: Federal Labor Relations Authority.

ACTION: Final rule; correction.

SUMMARY: On March 9, 2005 (70 FR 11535), a final rule was published announcing the relocation of the Boston Regional Office of the Federal Labor Relations Authority effective March 21, 2005. However, the moving date of the Boston Regional Office has been delayed and the relocation will be effective April 25, 2005.

DATES: *Effective Date:* March 9, 2005.

FOR FURTHER INFORMATION CONTACT: Yvonne Thomas, Director, Administrative Services Division, Federal Labor Relations Authority, 1400 K Street, NW., Washington, DC 20424-0001; (202) 218-7750.

Dated: March 10, 2005.

Yvonne Thomas,

Director, Administrative Services Division.
[FR Doc. 05-5053 Filed 3-10-05; 12:59 pm]

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FARM CREDIT ADMINISTRATION

12 CFR Part 622

RIN 3052-AC28

Rules of Practice and Procedure; Adjusting Civil Money Penalties for Inflation

AGENCY: Farm Credit Administration.
ACTION: Final rule.

SUMMARY: This regulation implements cost-of-living adjustments to civil money penalties (CMPs) that the Farm Credit Administration (FCA) may

impose under the Farm Credit Act of 1971, as amended (Farm Credit Act), and under the National Flood Insurance Reform Act of 1994 (Reform Act). The Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Debt Collection Improvement Act of 1996, requires all Federal agencies with the authority to impose CMPs to evaluate those CMPs periodically to ensure that they continue to maintain their deterrent value.

EFFECTIVE DATE: The regulation will become effective on March 16, 2005.

FOR FURTHER INFORMATION CONTACT:

Mark L. Johansen, Senior Policy Analyst, Office of Policy and Analysis, Farm Credit Administration, McLean, VA 22102-5090, (703) 883-4498, TTY (703) 883-4434; or Wendy R. Laguarda, Senior Counsel, or Rebecca S. Orlich, Senior Attorney, Office of General Counsel, Farm Credit Administration, McLean, VA 22102-5090, (703) 883-4020, TTY (703) 883-4020.

SUPPLEMENTARY INFORMATION:

I. Background

A. Federal Civil Penalties Inflation Adjustment Act of 1990, as Amended

The Federal Civil Penalties Inflation Adjustment Act of 1990 (FCPIA Act),¹ as amended by the Debt Collection Improvement Act of 1996 (DCIA),² requires every Federal agency with authority to issue CMPs³ to enact regulations that adjust its CMPs pursuant to the inflation adjustment formula in section 5(b) of the FCPIA Act. Each Federal agency was required to issue these regulations by October 23, 1996, and adjust when necessary at least once every 4 years thereafter. Section 6 of the amended FCPIA Act specifies that inflation-adjusted CMPs will apply only to violations that occur after the effective date of the adjustment. The inflation adjustment is based on the percentage increase in the Consumer

¹ Pub. L. 101-410, 104 Stat. 890 (October 5, 1990), codified at 28 U.S.C. 2461 note.

² Pub. L. 104-134, title III, section 31001(s), 110 Stat. 1321-373 (April 26, 1996), codified at 28 U.S.C. 2461 note.

³ Section 3(2) of the amended FCPIA Act defines a CMP as any penalty, fine, or other sanction that: (1) Either is for a specific monetary amount as provided by Federal law or has a maximum amount provided for by Federal law; (2) is assessed or enforced by an agency pursuant to Federal law; and (3) is assessed or enforced pursuant to an administrative proceeding or a civil action in the Federal courts.

Price Index (CPI).⁴ Specifically, section 5(b) of the FCPIA Act defines the term “cost-of-living adjustment” as “the percentage (if any) for each civil monetary penalty by which (1) the Consumer Price Index for the month of June of the calendar year preceding the adjustment, exceeds (2) the Consumer Price Index for the month of June of the calendar year in which the amount of such civil monetary penalty was last set or adjusted pursuant to law.” Furthermore, the increase for each CMP that is adjusted for inflation must be rounded using a method prescribed by section 5(a) of the FCPIA Act. We made our last adjustments to CMPs issued under the Farm Credit Act in October 1996.⁵

B. CMPs Issued Under the Farm Credit Act

The adjustment requirement affects two provisions of section 5.32(a) of the Farm Credit Act, which authorizes the FCA to impose CMPs on Farm Credit System (FCS or System) institutions and their related parties. Section 5.32(a) provides that any FCS institution or any officer, director, employee, agent, or other person participating in the conduct of the affairs of an FCS institution who violates the terms of a final order issued under section 5.25 or 5.26 of the Farm Credit Act must pay up to \$1,000 per day for each day during which such violation continues. Orders issued under section 5.25 or 5.26 of the Farm Credit Act include temporary and permanent cease-and-desist orders. In addition, section 5.32(h) provides for the FCA to treat a directive issued under sections 4.3(b)(2), 4.3A(e), or 4.14A(i) of the Farm Credit Act as a final order issued under section 5.25 for purposes of assessing a CMP. Section 5.32(a) also states that “[a]ny such institution or person who violates any provision of the [Farm Credit] Act or any regulation issued under this Act shall forfeit and pay a civil penalty of not more than \$500 per day for each day during which such violation continues.” The maximum

⁴ The CPI is published by the Department of Labor, Bureau of Statistics, and is available at its Web site: <http://ftp.bls.gov/pub/special.requests/cpi/cpi.txt>.

⁵ We made CMP adjustments in 2000 and rescinded them in 2002 pursuant to instructions from the General Accounting Office (now the Government Accountability Office). See 65 FR 46087 (July 27, 2000) and 67 FR 68931 (Nov. 14, 2002).