

to maintain a workplace that is free from discrimination and that values all employees. FCA, under the appropriate laws and regulations, will:

- Ensure equal employment opportunity based on merit and qualification, without discrimination because of race, color, religion, sex, age, national origin, disability, sexual orientation, status as a parent, genetic information, or participation in discrimination or harassment complaint proceedings;
- Provide for the prompt and fair consideration of complaints of discrimination;
- Make reasonable accommodations for qualified applicants for employment and employees with physical or mental disabilities under law;
- Provide an environment free from harassment to all employees;
- Create and maintain an organizational culture that recognizes, values, and supports employee and public diversity and inclusion;
- Develop objectives within the Agency's operation and strategic planning process to meet the goals of EEO and this policy;
- Implement affirmative programs to carry out this policy within the Agency; and
- To the extent practicable, seek to encourage the Farm Credit System to continue its efforts to promote and increase diversity.

#### *Diversity and Inclusion*

The FCA intends to be a model employer. That is, as far as possible, FCA will build and maintain a workforce that reflects the rich diversity of individual differences evident throughout this Nation. The Board views individual differences as complementary and believes these differences enrich our organization. When individual differences are respected, recognized, and valued, diversity becomes a powerful force that can contribute to achieving superior results. Therefore, we will create, maintain, and continuously improve on an organizational culture that fully recognizes, values, and supports employee diversity. The Board is committed to promoting and supporting an inclusive environment that provides to all employees, individually and collectively, the chance to work to their full potential in the pursuit of the Agency's mission. We will provide everyone the opportunity to develop to his or her fullest potential. When a barrier to someone achieving this goal exists, we will strive to remove this barrier.

#### *Affirmative Employment*

The Board reaffirms its commitment to ensuring FCA conducts all of its employment practices in a nondiscriminatory manner. The Board expects full cooperation and support from everyone associated with recruitment, selection, development, and promotion to ensure such actions are free of discrimination. All employees will be evaluated on their EEO achievements as part of their overall job performance. Though staff commitment is important, the role of supervisors is paramount to success. Agency supervisors must be coaches and are responsible for helping all employees develop their talents and give their best efforts in contributing to the mission of the FCA.

#### *Workplace Harassment*

It is the policy of the FCA to provide a work environment free from unlawful discrimination in any form, and to protect all employees from any form of harassment, either physical or verbal. The FCA will not tolerate harassment in the workplace for any reason. The FCA also will not tolerate retaliation against any employee for reporting harassment or for aiding in any inquiry about reporting harassment.

#### *Disabled Veterans Affirmative Action Program (DVAAP)*

A disabled veteran is defined as someone who is entitled to compensation under the laws administered by the Veterans Administration or someone who was discharged or released from active duty because of a service-connected disability.

The FCA is committed to increasing the representation of disabled veterans within its organization. Our Nation owes a debt to those veterans who served their country, especially those who were disabled because of service. To honor these disabled veterans, the FCA shall place emphasis on making vacancies known to and providing opportunities for employing disabled veterans.

Dated This 17th Day of September, 2012.

By Order of the Board.

**Dale L. Aultman,**

*Secretary, Farm Credit Administration Board.*

Dated: October 19, 2012.

**Mary Alice Donner,**

*Acting Secretary, Farm Credit Administration Board.*

[FR Doc. 2012-26255 Filed 10-24-12; 8:45 am]

**BILLING CODE 6705-01-P**

## **NATIONAL AERONAUTICS AND SPACE ADMINISTRATION**

### **14 CFR Part 1204**

[Docket No. NASA-2012-0004]

RIN 2700-AD78

#### **Use of the Centennial of Flight Commission Name; Correction**

**AGENCY:** National Aeronautics and Space Administration.

**ACTION:** Direct final rule; correction.

**SUMMARY:** This document corrects a direct final rule that made nonsubstantive changes by removing a regulation that is obsolete and no longer used. The revisions to the direct final rule are part of NASA's retrospective plan under Executive Order (EO) 13563 completed in August 2011. NASA's full plan can be accessed on the Agency's open government Web site at <http://www.nasa.gov/open/>.

**DATES:** This correction is effective on December 3, 2012.

**FOR FURTHER INFORMATION CONTACT:** Nanette Jennings, 202-358-0819.

**SUPPLEMENTARY INFORMATION:** NASA published FR Doc. 2012-23649 in the **Federal Register** of October 4, 2012 (77 FR 60619) removing regulations that are obsolete and no longer in use. In the rule under the heading "Part 1204—Administrative Authority and Policy" an incorrect amendatory instruction is being corrected.

### **Part 1204**

#### **Subpart 5—[Corrected]**

■ On page 60620, in the first column, correct amendatory instruction 1 to read as follows:

"1. The authority citation for part 1204 subpart 5 is revised to read as follows:"

**Cheryl E. Parker,**

*Federal Register Liaison.*

[FR Doc. 2012-26273 Filed 10-24-12; 8:45 am]

**BILLING CODE 7510-13-P**

## **FEDERAL TRADE COMMISSION**

### **16 CFR Parts 2 and 4**

#### **Rules of Practice**

**AGENCY:** Federal Trade Commission.

**ACTION:** Final rule; correction.

**SUMMARY:** The Federal Trade Commission published a document in the **Federal Register** of September 27, 2012, adopting revisions to the

Commission's Rules of Practice. A footnote in the document contained an incorrect citation to the Commodity Futures Trading Commission. This notice corrects this error.

**DATES:** Effective November 9, 2012.

**FOR FURTHER INFORMATION CONTACT:**

Kenny A. Wright (202-326-2907), FTC, Office of the General Counsel, 600 Pennsylvania Avenue NW., Washington, DC 20580.

**SUPPLEMENTARY INFORMATION:**

*Correction*

In the **Federal Register** of September 27, 2012, in FR Doc. 2012-23691, on page 59303, the second column, remove "8 CFR 1003.104" from the fourth line of footnote 74 (continued) and add "17 CFR 14.8" in its place.

**Donald S. Clark,**  
*Secretary.*

[FR Doc. 2012-26170 Filed 10-24-12; 8:45 am]

**BILLING CODE 6750-01-P**

**COMMODITY FUTURES TRADING  
COMMISSION**

**17 CFR Part 143**

**RIN 3038-AD76**

**Adjustment of Civil Monetary Penalties  
for Inflation**

**AGENCY:** Commodity Futures Trading Commission

**ACTION:** Final rule.

**SUMMARY:** The Commodity Futures Trading Commission (Commission) is amending its rule that governs the maximum amount of civil monetary penalties, to adjust for inflation. This rule sets forth the maximum, inflation-adjusted dollar amount for civil monetary penalties (CMPs) assessable for violations of the Commodity Exchange Act (CEA) and Commission rules, regulations and orders thereunder. The rule, as amended, implements the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Debt Collection Improvement Act of 1996.

**DATES:** *Effective Date:* This final rule will become effective October 25, 2012.

**FOR FURTHER INFORMATION CONTACT:**

Edward J. Riccobene, Associate Chief Counsel, Division of Enforcement, at (202) 418-5327 or [ericcobene@cftc.gov](mailto:ericcobene@cftc.gov), Commodity Futures Trading Commission, 1155 21st Street NW., Washington, DC 20581.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

The Federal Civil Penalties Inflation Adjustment Act of 1990 (FCPIAA), as amended by the Debt Collection Improvement Act of 1996 (DCIA),<sup>1</sup> requires the head of each Federal agency to adjust by regulation, at least once every four years, the maximum amount of CMPs provided by law within the jurisdiction of that agency by the cost of living adjustment defined in the FCPIAA, as amended.<sup>2</sup> Because one of the purposes of the inflation adjustments includes maintaining the deterrent effect of CMPs and promoting compliance with the law, the Commission monitors the impact of inflation on its CMP maximums and adjusts them as needed to implement the requirements and purposes of the FCPIAA.<sup>3</sup>

On July 21, 2010, President Obama signed the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act) into law.<sup>4</sup> Section 753 of the Dodd-Frank Act set maximum CMPs for Sections 6(c) and 6(d) of the CEA, 7 U.S.C. 9, 13b. Section 753 of the Dodd-Frank Act is effective August 15, 2011, the effective date for the Commission's rules implementing this section.<sup>5</sup>

**II. Commodity Exchange Act Civil Monetary Penalties**

The inflation adjustment requirement applies to any penalty, fine or other sanction that is for a specific monetary amount as provided by Federal law; or has a maximum amount provided for by Federal law; and is assessed or enforced by an agency pursuant to Federal law;

<sup>1</sup> The FCPIAA, Public Law 101-410 (1990), and the relevant amendments to the FCPIAA contained in the DCIA, Public Law 104-134 (1996), is codified at 28 U.S.C. 2461 note.

<sup>2</sup> The DCIA also requires that the range of minimum and maximum CMPs be adjusted, if applicable. For the relevant CMPs within the Commission's jurisdiction, the Act provides only for maximum amounts that can be assessed for each violation of the Act or the rules, regulations and orders promulgated thereunder; the Act does not set forth any minimum penalties. Therefore, the remainder of this release will refer only to CMP maximums.

<sup>3</sup> Specifically, the FCPIAA states that the purpose of the FCPIAA is to establish a mechanism that shall allow for regular adjustment for inflation of civil monetary penalties; maintain the deterrent effect of civil monetary penalties and promote compliance with the law; and improve the collection by the Federal Government of civil monetary penalties.

<sup>4</sup> See Dodd-Frank Act, Public Law 111-203, 124 Stat. 1376 (2010). The text of the Dodd-Frank Act may be accessed at <http://www.cftc.gov/LawRegulation/OTCDERIVATIVES/index.htm>.

<sup>5</sup> Prohibition of Employment, or Attempted Employment, of Manipulative and Deceptive Devices and Prohibition on Price Manipulation, 76 FR 41398 (July 14, 2011) (implementing Section 753 of the CEA; effective August 15, 2011).

and is assessed or enforced pursuant to an administrative proceeding or a civil action in the Federal courts. [28 U.S.C. 2461 note.] The CEA provides for CMPs that meet the above definition and are, therefore, subject to the inflation adjustment in the following instances: Sections 6(c), 6(d), 6b, and 6c of the CEA.<sup>6</sup>

Section 6(c) of the CEA, as amended by Section 753(a) of the Dodd-Frank Act, sets the maximum CMP that may be imposed by the Commission in an administrative proceeding on "any person (other than a registered entity)" for: (1) Each violation of Section 6(c) of the CEA "or any other provisions of [the] Act or of the rules, regulations, or orders of the Commission thereunder" to the greater of \$140,000 or triple the monetary gain to the violator; and (2) any "manipulation or attempted manipulation in violation of" Section 6(c) or 9(a)(2) of the CEA to the greater of \$1,000,000 or triple the monetary gain to the violator.<sup>7</sup>

Section 6(d) of the CEA, as amended by Section 753(b) of the Dodd-Frank Act, sets the maximum CMP that may be imposed by the Commission in an administrative proceeding on "any person (other than a registered entity<sup>8</sup>)" for violations of the CEA "or any other provisions of [the CEA] or of the rules, regulations, or orders of the Commission thereunder" to "the greater of \$140,000 or triple the monetary gain" to the violator.<sup>9</sup>

Section 6b of the CEA provides that the Commission in an administrative proceeding may impose a CMP on: (1) any registered entity for not enforcing or has not enforced its rules of government made a condition of its designation or registration" as set forth in the CEA, or (2) "any registered entity, or any director, officer, agent, or employee of any registered entity," for violations of the CEA "or any rules, regulations, or orders of the Commission thereunder."<sup>10</sup> For each violation for which a CMP is assessed pursuant to

<sup>6</sup> 7 U.S.C. 9, 13a, 13a-1, 13b.

<sup>7</sup> 7 U.S.C. 9.

<sup>8</sup> The term "registered entity" is a defined term under the CEA. Section 1a(40) provides that the term "registered entity" means a board of trade designated as a contract market under section 7 of the CEA; a derivatives clearing organization registered under section 7a-1 of the CEA; a board of trade designated as a contract market under section 7b-1 of the CEA; a swap execution facility registered under section 7b-3 of the CEA; a swap data repository registered under section 24a of the CEA; and with respect to a contract that the Commission determines is a significant price discovery contract, any electronic trading facility on which the contract is executed or traded. 7 U.S.C. 1a(40).

<sup>9</sup> 7 U.S.C. 13b.

<sup>10</sup> 7 U.S.C. 13a.