DEPARTMENT OF AGRICULTURE

National Institute of Food and Agriculture

7 CFR Part 3434

RIN 0524-AA39

Hispanic-Serving Agricultural Colleges and Universities (HSACU)

AGENCIES: National Institute of Food and Agriculture, USDA.

ACTION: Final rule.

SUMMARY: This rule updates our regulations to show a list of institutions that are granted HSACU certification by the Secretary and are eligible for HSACU programs for the period starting October 1, 2012 and ending September 30, 2013.

DATES: This rule is effective November 16, 2012 and applicable October 1, 2012.

FOR FURTHER INFORMATION CONTACT: Matthew Lockhart; Senior Policy Specialist; National Institute of Food and Agriculture; U.S. Department of Agriculture; STOP 2299; 1400 Independence Avenue SW.; Washington, DC 20250–2299; Voice: 202–559–5088; Fax: 202–401–7752; Email: mlockhart@nifa.usda.gov.

SUPPLEMENTARY INFORMATION:

HSACU Institutions for Fiscal Year 2013

This rule makes changes to the existing list of institutions in Appendix B of 7 CFR part 3434. The list of institutions is amended to reflect the institutions that are granted HSACU certification by the Secretary and are eligible for HSACU programs for the period starting October 1, 2012, and ending September 30, 2013.

Certification Process

As stated in 7 CFR part 3434, an institution must meet the following criteria to receive HSACU certification: (1) Be a Hispanic-Serving Institution (HSI), (2) offer agriculture-related degrees, and (3) award at least 15% of agriculture-related degrees to Hispanic students over the two most recent academic years.

NIFA obtained the latest report from the U.S. Department of Education’s National Center for Education Statistics that lists all HSIs and the degrees conferred by these institutions (completions data) during the 2010–11 academic year. NIFA used this report to identify HSIs that conferred a degree in an instructional program that appears in Appendix A of 7 CFR part 3434 and to confirm that over the 2009–10 and 2010–11 academic years at least 15% of the degrees in agriculture-related fields were awarded to Hispanic students.

The updated list of HSACUs is based on (1) completions data from 2009–10 and 2010–11, and (2) enrollment data from Fall 2011. NIFA identified 80 institutions that will meet the eligibility criteria and receive HSACU certification for FY 2013 (October 1, 2012 to September 30, 2013).

Appeal Process

NIFA will permit HSIs that are not granted HSACU certification to submit an appeal within 30 days of the publication of this notice. The appellant must submit a request for review to the NIFA official specified in this notice with details on the nature of the disagreement and include supporting documents.

Classification

This rule relates to internal agency management. Accordingly, pursuant to 5 U.S.C. 553, notice of proposed rulemaking and opportunity for comment are not required, and this rule may be made effective less than 30 days after publication in the Federal Register. This rule also is exempt from the provisions of Executive Order 12866. This action is not a rule as defined by the Regulatory Flexibility Act, as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, 5 U.S.C. 553 et seq., or the Congressional Review Act, 5 U.S.C. 801 et seq., and thus is exempt from the provisions of those Acts. This rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.).
Done in Washington, DC, this 26th day of October, 2012.

Sonny Ramaswamy,
Director, National Institute of Food and Agriculture.

BILLY R. PACE, Acting Chairman

FEDERAL RESERVE SYSTEM
12 CFR Part 263
[Docket No. R–1451]
Rules of Practice for Hearings

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: The Board of Governors of the Federal Reserve System (the Board) is amending its rules of practice and procedure to adjust the amount of each civil money penalty (CMP) provided by law within its jurisdiction to account for inflation. This action is required under the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Debt Collection Improvement Act of 1996.

DATES: This rule is effective November 16, 2012.

FOR FURTHER INFORMATION CONTACT: Katherine H. Wheatley, Associate General Counsel (202) 452–3779, or Telecommunication Device for the Deaf (TDD) only, contact (202) 263–4869.

SUPPLEMENTARY INFORMATION:
Federal Civil Penalties Inflation Adjustment Act

The Federal Civil Penalties Inflation Adjustment Act of 1990, 28 U.S.C. 2461 note (“FCPIA Act” or the “Act”), as amended by the Debt Collection Improvement Act of 1996, requires Federal agencies to adjust, by regulation, the CMPs within their jurisdiction by a prescribed inflation adjustment at least once every four years. The Board made its last adjustment to its CMPs on October 6, 2008, see 73 FR 58,032, and on September 13, 2011, it incorporated into its regulation the penalties applicable to savings and loan holding companies over which it obtained supervisory authority pursuant to section 312 of the Dodd-Frank Wall Street Reform and Consumer Protection Act, see 76 FR 56,604. The Board is issuing this final rule pursuant to the FCPIA Act to set forth the newly-adjusted CMPs which will apply to violations that occur after the rule’s effective date.

The FCPIA Act defines the inflation adjustment as a cost-of-living adjustment based on the percentage change in the Consumer Price Index between June of the calendar year in which the particular CMP was last set or adjusted and June of the calendar year preceding the current adjustment (in this case, June 2011). The Act specifies the use of the Consumer Price Index for All Urban Consumers (CPI-U) published by the Department of Labor. Accordingly, to obtain the percent inflation adjustment for each CMP within the Board’s jurisdiction, we calculated the percent change in the CPI-U between June of the year in which the CMP was last adjusted and June 2011. Then, using the relevant percent inflation adjustment, we calculated the inflation increase for each CMP. The Act requires the rounding of any calculated increase pursuant to the method prescribed in Section 5(a) of the Act. In the case of the majority of the Board’s CMPs, the calculated increase was rounded down to zero, resulting in no adjustment to the CMP. These unadjusted penalties include the penalty for certain late, false or misleading reports under 12 U.S.C. 324, the first and second tier penalties under 12 U.S.C. 504, 505, 1817(j)(16), 1818(i)(2), and 1972(2)(F), the penalties under 12 U.S.C. 1820(k)(6)(A)(ii), 1832(c), 1847(b), 3110(a), 334, 374a, 3909(d), 1467a(1)(2), 1467a(1)(3), and 1467a(1)(4), the second tier penalties under 12 U.S.C. 1847(d) and 3110(c), the penalties under 15 U.S.C.

1 This resulted in a 3.2 percent inflation adjustment for penalties that were last adjusted in 2008, a 19 percent inflation adjustment for penalties that were last adjusted in 2004, a 30.9 percent inflation adjustment for penalties that were last adjusted in 2000, and a 44 percent inflation adjustment for penalties that were last adjusted in 1996.

2 Because the Biggert-Waters Flood Insurance Reform Act of 2012, Public Law 112–141, 126 Stat. 405, amended 42 U.S.C. 4012a(1)(E) by increasing the CMP for each violation under 42 U.S.C. 4012a(1) to $2,000, the Board did not calculate an inflation adjustment for this CMP. It should also be noted that the amendment to 42 U.S.C. 4012a(1)(E) removed the $100,000 calendar-year limit on penalties assessed against any regulated lending institution or enterprise.

3 Section 5(a) of the Act requires that any calculated increase be rounded to the nearest multiple of: $10 in the case of penalties less than or equal to $100; $100 in the case of penalties greater than $100 but less than $1,000; $1,000 in the case of penalties greater than $1,000 but less than or equal to $10,000; $10,000 in the case of penalties greater than $10,000 but less than or equal to $100,000; $100,000 in the case of penalties greater than $100,000 but less than or equal to $200,000; and $25,000 in the case of penalties greater than $200,000. 28 U.S.C. 2461 note, Sec. 5(a).