II. Commodity Exchange Act Civil Monetary Penalties

The CEA provides for CMPs that meet the FCPIAA definition and these CMPs are, therefore, subject to the inflation adjustment in the following instances: Sections 6(c), 6(d), 6b, and 6c of the CEA.7 Section 6(c) of the CEA,8 as adjusted by the FCPIAA,9 currently sets the maximum CMP that may be imposed by the Commission, in a proceeding initiated on or after August 1, 2016, on “any person (other than a registered entity)”10 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 $1,098,190 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 $1,098,190 or triple the monetary gain to the violator.

Section 6(d) of the CEA,10 as adjusted by the FCPIAA,11 currently sets the maximum CMP that may be imposed by the Commission, in a proceeding initiated on or after August 1, 2016, on “any person (other than a registered entity)”12 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 $152,243 or triple the monetary gain to the violator.

III. Annual Inflation Adjustment for Commodity Exchange Act Civil Monetary Penalties

A. Methodology

The annual inflation adjustment under the FCPIAA, in the context of the CFTC’s CMPs, is determined by increasing the maximum penalty by a "cost-of-living adjustment," rounded to
the nearest multiple of one dollar.\textsuperscript{17} Annual inflation adjustments are based on the percent change between the October Consumer Price Index for all Urban Consumers (CPI–U) preceding the date of the adjustment, and the prior year’s October CPI–U.\textsuperscript{18} In this case, October 2016 CPI–U (241.729)/October 2015 CPI–U (237.838) = 1.01636.\textsuperscript{19} In order to complete the 2017 annual adjustment, the CFTC must multiply each of its most recent CMP amounts by the multiplier, 1.01636, and round to the nearest dollar.

\textbf{B. Civil Monetary Penalty Adjustments}

Applying the FCPIAA annual inflation adjustment methodology results in the following amended CMPs:

<table>
<thead>
<tr>
<th>Citation</th>
<th>Description</th>
<th>Current inflation adjusted CMP amount</th>
<th>2017 Annual inflation adjusted CMP amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 6(c) of the CEA, 7 U.S.C. 9</td>
<td>Prohibition Regarding Manipulation and False Information [Other Violation (Non-Manipulation)]. Prohibition Regarding Manipulation and False Information [Manipulation or Attempted Manipulation].</td>
<td>$152,243</td>
<td>$154,734</td>
</tr>
<tr>
<td>Section 6(c) of the CEA, 7 U.S.C. 9</td>
<td>Manipulations or Other Violations; Cease and Desist Orders Against Persons Other Than Registered Entities; Punishment; Misdemeanor or Felony; Separate Offenses.</td>
<td>1,098,190</td>
<td>1,116,156</td>
</tr>
<tr>
<td>Section 6(d) of the CEA, 7 U.S.C. 13b.</td>
<td>Nonenforcement of Rules of Government or Other Violations; Cease and Desist Orders; Fines and Penalties; Imprisonment; Misdemeanor; Separate Offenses [Other Violation (Non-Manipulation)].</td>
<td>152,243</td>
<td>154,734</td>
</tr>
<tr>
<td>Section 6b of the CEA, 7 U.S.C. 13a.</td>
<td>Nonenforcement of Rules of Government or Other Violations; Cease and Desist Orders; Fines and Penalties; Imprisonment; Misdemeanor; Separate Offenses [Manipulation or Attempted Manipulation].</td>
<td>838,640</td>
<td>852,360</td>
</tr>
<tr>
<td>Section 6b of the CEA, 7 U.S.C. 13a.</td>
<td>Enjoining or Restraining Violations [Other Violation (Non-Manipulation)].</td>
<td>1,098,190</td>
<td>1,116,156</td>
</tr>
<tr>
<td>Section 6c of the CEA, 7 U.S.C. 13a–1.</td>
<td>Enjoining or Restraining Violations [Manipulation or Attempted Manipulation].</td>
<td>167,728</td>
<td>170,472</td>
</tr>
<tr>
<td>Section 6c of the CEA, 7 U.S.C. 13a–1.</td>
<td>Enjoining or Restraining Violations [Other Violation (Non-Manipulation)].</td>
<td>1,098,190</td>
<td>1,116,156</td>
</tr>
</tbody>
</table>

The FCPIAA provides that any increase under [the FCPIAA] in a civil monetary penalty shall apply only to civil monetary penalties, including those whose associated violation predated such increase, which are assessed after the date the increase takes effect.\textsuperscript{20} Thus, the new CMP amounts established by this rulemaking may be applied only in Commission administrative or civil injunctive enforcement proceedings that are initiated on or after the effective date of this amendment, January 15, 2017.

\section*{IV. Administrative Compliance}

\textbf{A. Notice Requirement}

The notice and comment procedures of 5 U.S.C. 553 do not apply to this rulemaking because the Commission is acting herein pursuant to statutory language which mandates that the Commission act in a nondiscretionary manner. \textit{Lake Carriers’ Ass’n v. E.P.A.}, 652 F.3d 1, 10 (D.C. Cir. 2011).\textsuperscript{21}

\textbf{B. Regulatory Flexibility Act}

The Regulatory Flexibility Act\textsuperscript{22} requires agencies with rulemaking authority to consider the impact of certain of their rules on small businesses. A regulatory flexibility analysis is only required for rules for which the agency publishes a general notice of proposed rulemaking pursuant to section 553(b) or any other law. Because the Commission is not obligated by section 553(b) or any other law to publish a general notice of proposed rulemaking with respect to the revisions being made to regulation 143.8, the Commission additionally is not obligated to conduct a regulatory flexibility analysis.

\textbf{C. Paperwork Reduction Act}

The Paperwork Reduction Act of 1995 (PRA),\textsuperscript{23} which imposes certain requirements on Federal agencies, including the Commission, in connection with their conducting or sponsoring any collection of information as defined by the PRA, does not apply to this rule. This rule amendment does not contain information collection requirements that require the approval of the Office of Management and Budget.

\textbf{D. Consideration of Costs and Benefits}

Section 15(a) of the CEA\textsuperscript{24} requires the Commission to consider the costs and benefits of its action before issuing a new regulation. Section 15(a) further specifies that costs and benefits shall be evaluated in light of five broad areas of market and public concern: (1) Protection of market participants and the public; (2) efficiency, competitiveness, and financial integrity of futures markets; (3) price discovery; (4) sound risk management practices; and (5) other public interest considerations.

The Commission believes that benefits of this rulemaking greatly outweigh the costs, if any. As the Commission understands, the statutory provisions by which it is making cost-of-living adjustments to the CMPs in regulation 143.8 were enacted to ensure that CMPs do not lose their deterrence value because of inflation. An analysis of the costs and benefits of these adjustments were made before enactment of the statutory provisions under which the Commission is operating, and limit the discretion of the Commission to the extent that there are opportunities for public participation, but excludes rules of agency practice, such as those found in part 143 of the Commission’s regulations, and in particular rule 143.8 being revised herein.

\begin{table} [h]
\centering
\begin{tabular}{|c|c|c|}
\hline
\textbf{Citation} & \textbf{Description} & \textbf{Current inflation adjusted CMP amount} & \textbf{2017 Annual inflation adjusted CMP amount} \\
\hline
Section 6(c) of the CEA, 7 U.S.C. 9 | Prohibition Regarding Manipulation and False Information [Other Violation (Non-Manipulation)]. Prohibition Regarding Manipulation and False Information [Manipulation or Attempted Manipulation]. | $152,243 | $154,734 |
\hline
Section 6(c) of the CEA, 7 U.S.C. 9 | Manipulations or Other Violations; Cease and Desist Orders Against Persons Other Than Registered Entities; Punishment; Misdemeanor or Felony; Separate Offenses. | 1,098,190 | 1,116,156 |
\hline
Section 6(d) of the CEA, 7 U.S.C. 13b. | Nonenforcement of Rules of Government or Other Violations; Cease and Desist Orders; Fines and Penalties; Imprisonment; Misdemeanor; Separate Offenses [Other Violation (Non-Manipulation)]. | 152,243 | 154,734 |
\hline
Section 6b of the CEA, 7 U.S.C. 13a. | Nonenforcement of Rules of Government or Other Violations; Cease and Desist Orders; Fines and Penalties; Imprisonment; Misdemeanor; Separate Offenses [Manipulation or Attempted Manipulation]. | 838,640 | 852,360 |
\hline
Section 6b of the CEA, 7 U.S.C. 13a. | Enjoining or Restraining Violations [Other Violation (Non-Manipulation)]. | 1,098,190 | 1,116,156 |
\hline
Section 6c of the CEA, 7 U.S.C. 13a–1. | Enjoining or Restraining Violations [Manipulation or Attempted Manipulation]. | 167,728 | 170,472 |
\hline
Section 6c of the CEA, 7 U.S.C. 13a–1. | Enjoining or Restraining Violations [Other Violation (Non-Manipulation)]. | 1,098,190 | 1,116,156 |
\hline
\end{tabular}
\caption{FCPIAA Annual Inflation Adjustment Summary}
\end{table}

\textsuperscript{17} FCPIAA Sections 4 and 5.
\textsuperscript{18} FCPIAA Section 5(b)(1).
\textsuperscript{19} The CPI–U is published by the Department of Labor. Interested parties may find the relevant Consumer Price Index on the Internet. To access this information, go to the Consumer Price Index Home Page at: http://www.bls.gov/cpi/. Under the “CPI Databases” heading, select “All Urban Consumers (Current Series)” “Top Picks.” Then check the box for “U.S. All items, 1982–84 = 100 – CUUR0000SA0”, and click the “Retrieve data” button.
\textsuperscript{20} FCPIAA Section 6.
\textsuperscript{21} The Commission has determined that the amendment to rule 143.8 is exempt from the provisions of the Administrative Procedure Act, 5 U.S.C. 553, which generally require notice of proposed rulemaking and provide other
no regulatory choices the Commission could make that would supersede the pre-enactment analysis with respect to the five factors enumerated in section 15(a), or any other factors.

List of Subjects in 17 CFR Part 143

Civil monetary penalties, Claims.

For the reasons stated in the preamble, the Commodity Futures Trading Commission amends part 17 CFR part 143 as follows:

PART 143—COLLECTION OF CLAIMS OWED THE UNITED STATES ARISING FROM ACTIVITIES UNDER THE COMMISSION’S JURISDICTION

■ 1. The authority citation for part 143 continues to read as follows:


■ 2. Amend §143.8 as follows:

a. Revise paragraphs (a)(1)(ii) introductory text, (a)(3)(ii) introductory text, and (a)(4)(ii) introductory text; and

b. Add paragraphs (a)(1)(iii), (a)(2)(iii), (a)(3)(iii), and (a)(4)(iii).

The revisions and additions read as follows:

§143.8 Inflation-adjusted civil monetary penalties.

(a) * * *

(1) * * *

(ii) In an administrative proceeding before the Commission or a civil action in Federal court initiated on or after August 1, 2016 through January 14, 2017:

* * * * *

(iii) In an administrative proceeding before the Commission or a civil action in Federal court initiated on or after January 15, 2017:

(A) For manipulation or attempted manipulation violations, not more than the greater of $1,116,156 or triple the monetary gain to such person for each such violation; and

(B) For all other violations, not more than the greater of $852,360 or triple the monetary gain to such person for each such violation.

(B) For all other violations, not more than the greater of $852,360 or triple the monetary gain to such person for each such violation.

(4) * * *

(ii) In an administrative proceeding before the Commission or a civil action in Federal court initiated on August 1, 2016 through January 14, 2017:

* * * * *

(iii) In an administrative proceeding before the Commission or a civil action in Federal court initiated on or after January 15, 2017:

(A) For manipulation or attempted manipulation violations, not more than the greater of $1,116,156 or triple the monetary gain to such person for each such violation; and

(B) For all other violations, not more than the greater of $125,243 or triple the monetary gain to such person for each such violation.

(2) * * *

(ii) In an administrative proceeding before the Commission or a civil action in Federal court initiated on or after January 15, 2017, not more than the greater of $125,243 or triple the monetary gain to such person for each such violation.

(iii) In an administrative proceeding before the Commission or a civil action in Federal court initiated on or after January 15, 2017, not more than the greater of $154,734 or triple the monetary gain to such person for each such violation; and

(3) * * *

(ii) In an administrative proceeding before the Commission or a civil action in Federal court initiated on August 1, 2016 through January 14, 2017:

* * * * *

(iii) In an administrative proceeding before the Commission or a civil action in Federal court initiated on or after January 15, 2017:

(A) For manipulation or attempted manipulation violations, not more than the greater of $1,116,156 or triple the monetary gain to such person for each such violation; and

(B) For all other violations, not more than the greater of $852,360 or triple the monetary gain to such person for each such violation.

* * * * *

Issued in Washington, DC, on January 6, 2017, by the Commission.

Robert N. Sidman,
Deputy Secretary of the Commission.

Note: The following appendix will not appear in the Code of Federal Regulations.

Appendix to Adjustment of Civil Monetary Penalties for Inflation—2017—Commission Voting Summary

On this matter, Chairman Massad and Commissioners Bowen and Giancarlo voted in the affirmative. No Commissioner voted in the affirmative. No Commissioner voted in the affirmative. No Commissioner voted in the affirmative.

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 232

[Release Nos. 33–10265; 34–79519; 39–2513; IC–32837]

Adoption of Updated EDGAR Filer Manual

AGENCY: Securities and Exchange Commission.

ACTION: Final rule.

SUMMARY: The Securities and Exchange Commission (the Commission) is adopting revisions to the Electronic Data Gathering, Analysis, and Retrieval System (EDGAR) Filer Manual and related rules to reflect updates to the EDGAR system. The updates are being made primarily to support the submission of Municipal Advisor submission form types. The EDGAR system is scheduled to be upgraded to support the other functionalities on December 12, 2016.


FOR FURTHER INFORMATION CONTACT: In the Division of Corporation Finance, for questions concerning Form ABS–EE and Regulation A submission form types, contact Vik Sheth at (202) 551–3818; in the Division of Trading and Markets, for questions concerning Form MA and Form 17–H, contact Kathy Bateman at (202) 551–4345; and in the Division of Economic and Risk Analysis, for questions concerning eXtensible Business Reporting Language (XBRL) submissions; contact Walter Hamscher at (202) 551–5397.

SUPPLEMENTARY INFORMATION: We are adopting an updated EDGAR Filer Manual, Volume I and Volume II. The Filer Manual describes the technical formatting requirements for the preparation and submission of electronic filings through the EDGAR system. It also describes the requirements for filing using EDGARLink Online and the Online Forms/XML Web site.

The revisions to the Filer Manual reflect changes within Volume I entitled EDGAR Filer Manual, Volume I: “General Information,” Version 25 (December 2016), and Volume II entitled...